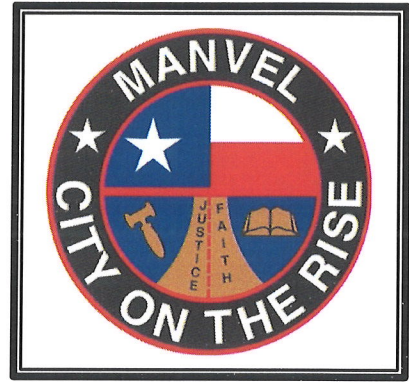


May 5, 2025 CITY COUNCIL MEETING AGENDA

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 May 5, 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

Discuss amendment to Zoning Ordinance items.

Discussion on any topic as listed on the current agenda.

Regular Session

Call To Order

Invocation

Inspirational Reading - Councilmember Bonner

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

National Police Week - May 11-17, 2025

National Public Works Week - May 18-24, 2025

Recognitions

Sergeant Nathan Peters - Manvel Police Department Officer of the Year.

Manvel Rocketry Club Students advance to Nationals in Washington DC.

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.

Consent Agenda

1. Acceptance of the meeting minutes to date.
2. Update/notice on the CPI Rate Adjustment (Authorized under the Franchise Agreement)
3. Acceptance of infrastructure improvements for Detention Basin, Lake Amenity, and Storm Sewer to serve Foxtail Palms for Brazoria County Municipal Utility District 29 and City of Manvel, Texas to begin the Two-Year Maintenance Period.
4. Acceptance of infrastructure improvements for "Water Distribution and Wastewater Collection to serve GC Manvel East for Brazoria County Municipal Utility District 57, Brazoria County, Texas" to begin the Two-Year Maintenance Period.
5. Acceptance of infrastructure improvements for Water, Sanitary Sewer and Drainage Facilities and Paving and Appurtenances to serve Pomona Section 18 for Brazoria County Municipal Utility District 39, Brazoria County, Texas to begin the Two-Year Maintenance Period.
6. Acceptance of infrastructure improvements for Water, Sanitary Sewer and Drainage Facilities and Paving and Appurtenances to serve Pomona Section 23 for Brazoria County Municipal Utility District 39, Brazoria County, Texas to begin the Two-Year Maintenance Period.
7. Acceptance of infrastructure improvements for Lake "H" to serve Valencia for Brazoria County Municipal Utility District 83, Brazoria County, Texas to begin the Two-Year Maintenance Period.
8. Acceptance of infrastructure improvements for Water, Sanitary Sewer and Drainage Facilities and Paving and Appurtenances to serve Valencia Section 10 for Brazoria County Municipal Utility District 83 and City of Manvel, Texas to begin the Two-Year Maintenance Period.
9. Final acceptance of infrastructure improvements for "Water, Sanitary Sewer and Drainage Facilities and Paving and Appurtenances to serve Pomona Section 18 for Brazoria County Municipal Utility District 39, Brazoria County, Texas" and release the associated maintenance bond.
10. Final acceptance of infrastructure improvements for "Water, Sanitary Sewer and Drainage Facilities and Paving and Appurtenances to serve Pomona Section 23 for Brazoria County Municipal Utility District 39, Brazoria County, Texas" and release the associated maintenance bond.

Items Removed from Consent Agenda

Staff Presentations

Development update by Director of Development Services.

Valencia PUD annual report.

Regular Agenda

1. Consideration and possible action to award Akery Lake - Phase 1 Excavation to Sprint Sand and Clay and authorize the City Manager to execute the contract.
2. Consideration and possible action to approve design-related input and recommendation from the Parks and Recreation Board regarding City Hall Park. (*Recommendation by Parks and Recreation Board forwarded on 4/24/2025*)
3. Consideration and possible action to approve recommendation from the Parks and Recreation Board regarding the proposed Deloris Martin Park Facilities Plan. (*Recommendation by Parks and Recreation Board forwarded on 4/24/2025*)
4. Consideration and possible action to approve a Design Modification Request to allow a crushed asphalt driveway for new home construction at 7619 Scott Avenue, Manvel, Texas; and authorize the Mayor to execute the associated Development Agreement. (*Forwarded with favorable recommendation by PD&Z on 4/28/2025*)
5. Consideration and possible action to approve a subdivision variance request for an approximate 2-acre tract of land located at 9411 Quaker Court, Rosharon, TX 77583 (PID: 197902), seeking to vary Chapter 62, Section 62-108.- Lots. (a)(5) which requires a minimum one-acre lot area for residential lots not served by the public sewer system, to create two single-family residential lots; and authorize the Mayor to execute the associated Development Agreement.
6. Consideration and possible action to approve the first of two readings of Ordinance 2025-O-14; AN ORDINANCE AMENDING CHAPTER 77 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, SAME BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ARTICLE I. "IN GENERAL," SECTION 77-3.-- DEFINITIONS PERTAINING TO DEFINITIONS; BY AMENDING ARTICLE II. "DISTRICT REGULATIONS," SECTION. 77-44. - TREES, LANDSCAPING, FENCING, AND SCREENING PERTAINING TO TREE PRESERVATION; 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. (*Favorable recommendation forwarded by Parks and Recreation on 4/24/2025 and a Final Report recommending approval forwarded by PD&Z on 4/28/2025*)
7. Consideration and possible action to approve the first of two readings of Ordinance 2025-O-15; AN ORDINANCE AMENDING CHAPTER 77 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, SAME BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ARTICLE II. "DISTRICT REGULATIONS," SECTION 77-50 "USES REQUIRING SPECIFIC USE PERMIT (SUP)" TO AMEND CERTAIN CONDITIONS REQUIRED FOR HOSPITALS AND OTHER HEALTH CARE USES TO BE CONSISTENT WITH STATE LAW; 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. (*Final report recommending approval forwarded by PD&Z on 4/28/2025*)

8. Consideration and possible action to approve the first of two readings Ordinance 2025- O-16; AN ORDINANCE AMENDING CHAPTER 77 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, SAME BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ARTICLE II. “DISTRICT REGULATIONS,” SECTION 77-26 PERMITTED USES, BY ADOPTING THE 2022 VERSION OF THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODES THAT DETERMINE PERMITTED USES; 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. *(Final report recommending approval forwarded by PD&Z on 4/28/2025)*
9. Consideration and possible action to approve on first and final reading, Ordinance 2025- O-17; AN ORDINANCE AMENDING ORDINANCE NO. 2024-O-38 AMENDING THE CITY FISCAL YEAR 2024 BUDGET ENDING SEPTEMBER 30, 2025, BY AMENDING THE CAPITAL PROJECTS FUND TO RECOGNIZE THE ADDITIONAL INTEREST REVENUE AND CREATE THE EXPENSE ACCOUNT FOR THE CAPITAL PROJECT CONSTRUCTION/DESIGN CROIX PARK PARKING LOT AND DIRECTING THE BUDGET OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET WITH THE CITY SECRETARY AND WITH THE OFFICE OF THE BRAZORIA COUNTY CLERK AND PROVIDING THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.
10. Consideration and possible action to approve Infrastructure Improvements at Croix Park to include Parking Lot Expansion, Engineering, and Utilities at a cost not to exceed \$500,000.00, and authorize the City Manager to make the expenditure.
11. Consideration and possible action on the Manvel Fall Festival, approve the proposal from YNMFA, and authorize the City Manager to negotiate the terms and execute the final contract.
12. Consideration and possible action to approve a Special Called City Council Meeting on May 13, 2025, for the Canvass of the May 3, 2025, General Election.

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.

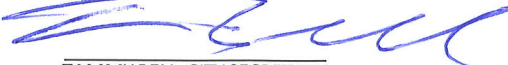
Items of community interest include:

- 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 May 2, 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.


TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

Proclamation

OFFICE OF THE MAYOR CITY OF MANVEL

Whereas, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Manvel Police Department; and

Whereas, since the first recorded death in 1786, there are currently more than 24,000 law enforcement officers in the United States who have made the ultimate sacrifice and been killed in the line of duty; and

Whereas, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington; and

Whereas, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 37th Candlelight Vigil, on the evening of May 13, 2025; and

Whereas, the Candlelight Vigil is part of National Police Week, which will be observed this year on May 11th-17th; and

Whereas, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

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 11 – 17, 2025, as



“National Police Week”

in the City of Manvel, Texas, and publicly salute the service of law enforcement officers in our community and in communities across the nation.

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

Dan Davis, Mayor
May 5, 2025

Proclamation

OFFICE OF THE MAYOR CITY OF MANVEL

Whereas, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to public health, high quality of life, and well-being of the people of Manvel; and

Whereas, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

Whereas, it is in the public interest for the citizens, civic leaders, and children in Manvel to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and

Whereas, the year 2025 marks the 65th annual National Public Works Week sponsored by the American Public Works Association; and

Whereas, this year's theme, "People, Purpose, Presence," highlights three cornerstone ideals that motivate public works professionals to serve in their communities every day. Meeting the needs of people is what gives public works its sense of purpose; and

Whereas, many times, public works professionals will never meet those whose lives have been impacted as they work in the background to advance the quality of life for all;

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 18 – 24, 2025, as



"National Public Works Week"

in the City of Manvel, and I urge all citizens to join representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and recognize the substantial contributions they make to protecting our national health and safety and advancing the quality of life for all.

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

Dan Davis, Mayor
May 5, 2025



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

Lifts Per Week

SIZE	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:

TOPIC: Acceptance of infrastructure improvements for Detention Basin, Lake Amenity, and Storm Sewer to serve Foxtail Palms for Brazoria County Municipal Utility District 29 and City of Manvel, 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



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: May 5, 2025

TOPIC: Acceptance of infrastructure improvements for "Water Distribution and Wastewater Collection to serve GC Manvel East for Brazoria County Municipal Utility District 57, 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



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: May 5, 2025

TOPIC: Acceptance of infrastructure improvements for Water, Sanitary Sewer and Drainage Facilities and Paving and Appurtenances to serve Pomona Section 18 for Brazoria County Municipal Utility District 39, 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



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: May 5, 2025

TOPIC: Acceptance of infrastructure improvements for Water, Sanitary Sewer and Drainage Facilities and Paving and Appurtenances to serve Pomona Section 23 for Brazoria County Municipal Utility District 39, 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



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE:

TOPIC: Acceptance of infrastructure improvements for Lake "H" to serve Valencia for Brazoria County Municipal Utility District 83, 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



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE:

TOPIC: Acceptance of infrastructure improvements for Water, Sanitary Sewer and Drainage Facilities and Paving and Appurtenances to serve Valencia Section 10 for Brazoria County Municipal Utility District 83 and City of Manvel, 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



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: May 5, 2025

TOPIC: Final acceptance of infrastructure improvements for “Water, Sanitary Sewer and Drainage Facilities and Paving and Appurtenances to serve Pomona Section 18 for Brazoria County Municipal Utility District 39, Brazoria County, Texas” and release the associated maintenance bond.

BACKGROUND: City Staff has conducted a final acceptance walk-through for “Water, Sanitary Sewer and Drainage Facilities and Paving and Appurtenances to serve Pomona Section 18 for Brazoria County Municipal Utility District 39, Brazoria County, Texas”. All punch list items have been addressed.

STAFF RECOMMENDATION: Staff recommends City Council accept the infrastructure improvements for this project and release the associated maintenance bonds.

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



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: May 5, 2025

TOPIC: Final acceptance of infrastructure improvements for “Water, Sanitary Sewer and Drainage Facilities and Paving and Appurtenances to serve Pomona Section 23 for Brazoria County Municipal Utility District 39, Brazoria County, Texas” and release the associated maintenance bond.

BACKGROUND: City Staff has conducted a final acceptance walk-through for “Water, Sanitary Sewer and Drainage Facilities and Paving and Appurtenances to serve Pomona Section 23 for Brazoria County Municipal Utility District 39, Brazoria County, Texas”. All punch list items have been addressed.

STAFF RECOMMENDATION: Staff recommends City Council accept the infrastructure improvements for this project and release the associated maintenance bonds.

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



DEVELOPMENT SERVICES DEPARTMENT

20025 Highway 6, Manvel, TX 77578 | Ph: 281-489-0630

DEVELOPMENT UPDATES TO THE PLANNING AND ZONING COMMISSION

March 20, 2025 – April 28, 2025

The following table provides an overview of Development Services Department activities from March 20, 2025 through April 28, 2025

PRE-DEVELOPMENT MEETINGS		
LOCATION	LAND USE	DESCRIPTION
7217 Tankersley Road (HMU district)	Wedding Venue	The applicant discussed using an existing shop for a Wedding Venue.
6731 Masters Road (HMU district)	Multi-Family (Apartments)	- The Applicant is in the preliminary feasibility phase and due diligence phase - Re-zoning Application required
17230 Highway 6 (LC/SH6 district)	Wellby Bank Branch	The Applicant is in the preliminary feasibility phase and due diligence phase.
7311 Wilson Road (LC/SH6 district)	Commercial Buildings/Residential	The Applicant is in the preliminary feasibility phase and due diligence phase.
7302 Cemetery Road (LC/SH6 district)	Retail Building w/ 3,000sf Restaurant	The Applicant is in the preliminary feasibility phase and due diligence phase.
Highway 6 (PID 167704) (LC/SH6 district)	Retail Development	- The Applicant is in the preliminary feasibility phase and due diligence phase - Applicant has approach MEDC
Highway 6 (PID 167704) (LC/SH6 district)	Whitewater Carwash	- The Applicant is in the preliminary feasibility phase and due diligence phase - Applicant is working concurrently with Retail Development on same location.
19200 Highway 6 (LC/SH6 district)	Manvel Medical Clinic	- The Applicant is in the preliminary feasibility phase and due diligence phase - SUP Application required
8935 Masters Road (Open-Single Family)	Master Plan Subdivision	The Applicant is in the preliminary feasibility phase and due diligence phase

CERTIFICATE OF OCCUPANCY APPROVALS		
LOCATION	DATE ISSUED	BUSINESS NAME
7355 McCoy Road	3/21/2025	Disciples Christian Fellowship Church
20102 Highway 6	3/21/2025	First Liberty Bank
19804 Morris Avenue, Suite 150	4/02/2025	UPS Store



DEVELOPMENT SERVICES DEPARTMENT

20025 Highway 6, Manvel, TX 77578 | Ph: 281-489-0630

20228 Highway 6	4/09/2025	East Texas Gulf Coast Regional Trauma Advisory Council
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COMMERCIAL CONSTRUCTION APPROVALS

No new Commercial ground-up construction plans were approved.

OTHER UPDATES

- An interactive GIS map that tracks development in Manvel has been made available on the City’s website.
- A proposed amendment to the Manvel Town Center PUD, which was discussed at the January 13, 2025 PD&Z meeting and tabled has been withdrawn by the applicant. The applicant has indicated that they need additional time to resolve ownership issue on one of the parcels.



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: May 5, 2025

TOPIC: Valencia PUD Annual Progress Report

This is not an action item. Presentation only.

BACKGROUND: The PUD manual adopted by Council requires submitting an annual progress report to the City until the PUD is completely developed. The report is required to include the following information:

- Percentage of completion
- Location of areas completed, under construction, and future development.
- Expected completion dates.

Hillwood Communities have provided regular updates to staff since the approval of the PUD. With all the ongoing progress on the development, the developer has submitted the attached progress report to be presented to the Planning, Development, and Zoning Commission and the City Council.

This update was presented to PD&Z Commission on April 28, 2025.

RECOMMENDATION: Presentation only

ATTACHMENTS: Progress report

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 _____

Annual Progress Update



VALENCIA

BY HILLWOOD  COMMUNITIES

April 17, 2025

Community Overview:

Valencia by Hillwood Communities is a 457-acre community that features 84 acres of lakes, 8+ miles of walking trails, an amenity center with infinity edge pool, pickleball courts, and 2 parks. Valencia is anticipated to have approximately 948 homes at buildout and offer 20 acres of future neighborhood retail and commercial development. The community is home to 4 award winning builders, Perry Homes, Coventry Homes, Beazer, and Pulte Homes. Each builder brings a unique product offering across our mix of 45', 50', 60', and 70' lots. This diverse product offering lineup allows us to reach buyers between the \$400,000 to \$850,000 range. At buildout, Valencia is expected to provide over **\$575,000,000** in taxable value to the city of Manvel. Valencia will also provide an increase in sales tax revenues as our homebuyers begin to shop within the city. The Valencia Planned Unit Development Agreement was originally approved on August 16th, 2021 and later amended on April 15th, 2024.

Home Sales and Construction:

As of April 16, 2025, Valencia is home to 75 residents. Since our first model home opened in March 2024, the community has achieved 119 homes sales at an average sales price of \$512K. There are currently 511 platted lots within Valencia. Approximately 144 homes have been completed with 42 under construction.

The demographic data that we have collected is encouraging for the growth of Manvel. Our buyers are predominantly from the Houston area (75%); however, we have seen 25% come from either a different city in Texas or from out of state. Additionally, about 50% of our buyers are between the ages of 31-40 years old, 40% are first time homebuyers, and 50% have children. Unsurprisingly, many of our home buyers work in the Medical Center and our marketing strategy is certainly aimed at targeting those customers. We believe that it is encouraging to see young families moving to our community.

<u>Section</u>	Vacant Developed Lots	Under Construction	Completed Homes	<u>Total Lots</u>
Valencia Section 1 - 50' Perry	0	2	36	38
Valencia Section 2 - 50' Coventry	29	5	12	46
Valencia Section 3 - 60' Perry	48	1	26	75
Valencia Section 4 - 60' Coventry	48	2	18	68
Valencia Section 5 - 45'/50' Pulte	63	6	21	90
Valencia Section 6 - 45' Pulte	18	2	7	27
Valencia Section 7 - 45' Perry	20	6	23	49
Valencia Section 8 - 70' Coventry	46	10	0	56
Valencia Section 9 - 70' Perry	53	8	1	62
Valencia Totals	325	42	144	511

Infrastructure Status:

Please reference Exhibits for project locations.

Phase 1 of Valencia is considered complete. This milestone includes the completion of Sections 1 through 9, the eastern lanes of Pollard Boulevard, the extension of Del Bello Boulevard, and portions of both Dogwood Avenue and Charlotte Street. The Valencia regional lift station is nearly operational with a final inspection expected to occur over the next few weeks. Our phase 1 detention, which includes Lakes A, B, C, D, E, and F totaling 64 acres, is now complete.

Phase 2 of Valencia is underway. Phase 2 detention ponds, Lakes G, H, and I, have been inspected by the city and will be considered fully complete in May 2025. A pre-construction meeting has been held for the construction of the western lanes of Pollard Boulevard. All 4 lanes of Pollard Boulevard are expected to be open in Fall 2025, which will significantly improve mobility, safety, and overall feel of our community. Construction of Dogwood Avenue to Cooper Ditch (western boundary of Valencia) is underway and is expected to be completed this summer. The western portion of Charlotte Street to Cooper Ditch has been completed and is anticipated to enter the two-year warranty period in May 2025. Construction of Dogwood Avenue from Pollard Boulevard to the C-12 Ditch (eastern boundary of Valencia), is expected to begin later this year and reach completion in 2Q26. Similarly, construction of Charlotte Street from Pollard Boulevard to the plat boundary of Section 9 is expected to begin later this year and reach completion in 2Q26. Our initial Phase 2 residential sections, Section 16 and Section 10, are expected to be on the city council agenda for acceptance on April 21st and May 5th, respectively. Engineering plans for Sections 11, 13, 14, 15, and 16 are approved by the city and construction is expected to be complete by the end of the year. Section 12 engineering plans are also approved, with construction expected to be complete in 1Q26.

Project	Status	Completion
Lake A	Complete, 2-year warranty period	10/21/24
Lake B	Complete, 2-year warranty period	10/7/24
Lake C	Complete, 2-year warranty period	1/16/24
Lake D	Complete, 2-year warranty period	2/20/24
Lake E & F	Complete, 2-year warranty period	9/18/23
Lake G	Complete, 2-year warranty period	3/17/25
Lake H	Addressing punch list	May 2025
Lake I	Addressing punch list	May 2025
Commercial Lake	Complete, 2-year warranty period	10/7/24
Pollard Segment C & Charlotte Segment A	Complete, 2-year warranty period	11/20/23
Pollard Segment B	Complete, 2-year warranty period	5/13/24
Pollard Segment A and Del Bello Segment A	Complete, 2-year warranty period	11/4/24

Pollard Segment D	Contractor mobilizing on site in April 2025	September 2025
Dogwood Segment A	Complete, 2-year warranty period	2/3/25
Dogwood Segment B	Under construction	August 2025
Dogwood Segment C	Engineering design, construction to begin in 4Q25	April 2026
Charlotte Segment B & C	Addressing punch list	May 2025
Charlotte Segment D	Engineering design, construction to begin in 4Q25	April 2026
Del Bello Segment B	Waiting to plat commercial land	March 2027
Del Bello Segment C	Waiting to plat commercial land	March 2027
Lift Station and Force Main	Addressing punch list	May 2025
Section 1	Complete, 2-year warranty period	10/16/23
Section 2	Complete, 2-year warranty period	3/18/24
Section 3	Complete, 2-year warranty period	3/18/24
Section 4	Complete, 2-year warranty period	5/6/24
Section 5	Complete, 2-year warranty period	11/6/23
Section 6	Complete, 2-year warranty period	10/23/23
Section 7	Complete, 2-year warranty period	3/4/24
Section 8	Complete, 2-year warranty period	11/18/24
Section 9	Complete, 2-year warranty period	11/18/24
Section 10	Pending city council acceptance	5/5/25
Section 11	Plans approved, awarding to contractor	September 2025
Section 12	Plans approved, waiting to advertise	March 2026
Section 13	Under construction	September 2025
Section 14	Contractor mobilizing on site in May	October 2025
Section 15	Contractor mobilizing on site in June	November 2025
Section 16	Pending city council acceptance	4/21/25
Orchard House and Entry Monuments	Under construction	December 2025
Trail System	4 of 8+ miles of sidewalk installed	January 2027
Section 2 Park	Architecture design, construction to begin in 4Q25	June 2026
Section 5 Park	Architecture design, construction to begin in 2Q26	January 2027

Valencia Highlights and Articles:

- May 17, 2022 - [Valencia Ground Breaking Ceremony](#)

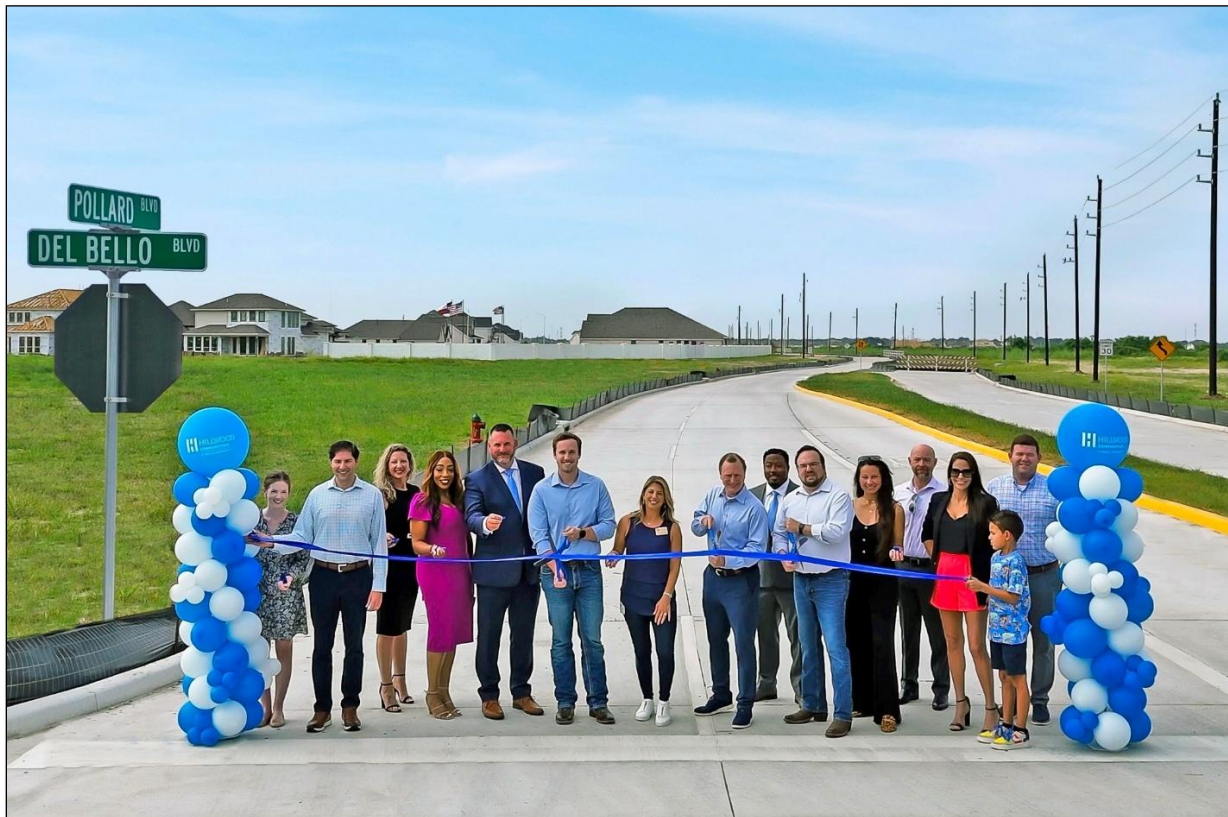


- December 2023 – Valencia sells 15-acres to Alvin Independent School District for the construction of a future elementary school. [Alvin ISD’s \\$380.1M bond passes in November 2024 election](#). While we have not received an official start date, we are optimistic that the elementary school will be open in fall of 2028.

- March 2024 – First Model Home Opens for Valencia



- August 23, 2024 – [Hwy. 6 to SH-288 Connection Opened Through Pollard Boulevard and Del Bello Boulevard.](#)



- October 26, 2024 – Valencia in Manvel Celebrates Grand Opening with Family Event



- January 7, 2025 - Construction on Orchard House begins. Orchard House is situated in the heart of the community on a 2.6-acres overlooking the lake. The amenity center will feature an infinity edge pool, indoor lounge area, shaded picnic area, a turf field for events, food truck parking area, and pickle ball courts. Orchard House is expected to complete construction and be open for residents in December 2025.





(Orchard House Aerial View)



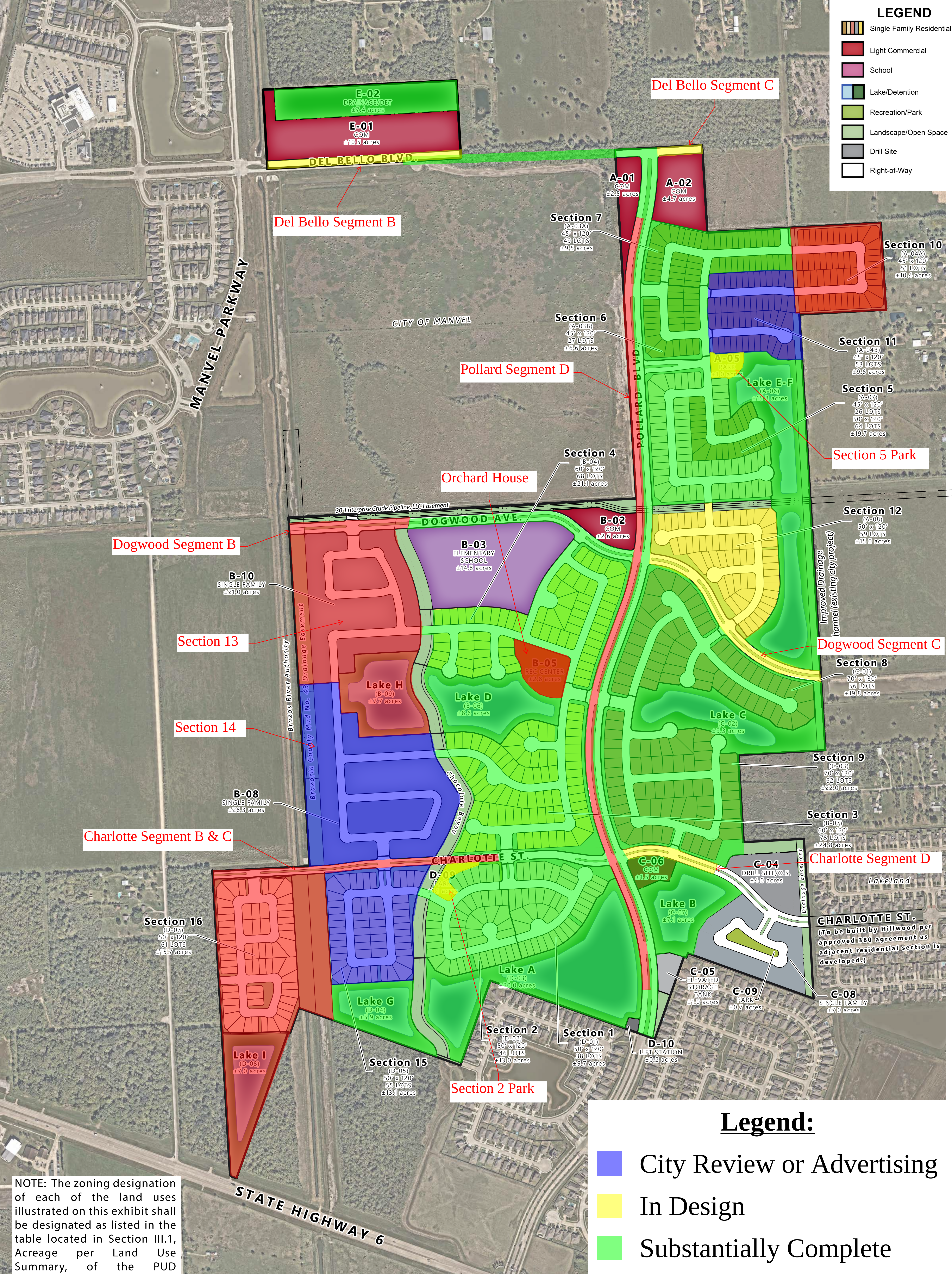
(Orchard House - Infinity Edge Pool Overlooking the Lake)



(Orchard House - Shaded Picnic Area)



(South Entry Monument as you enter the community from Hwy. 6)



LEGEND

- Single Family Residential
- Light Commercial
- School
- Lake/Detention
- Recreation/Park
- Landscape/Open Space
- Drill Site
- Right-of-Way

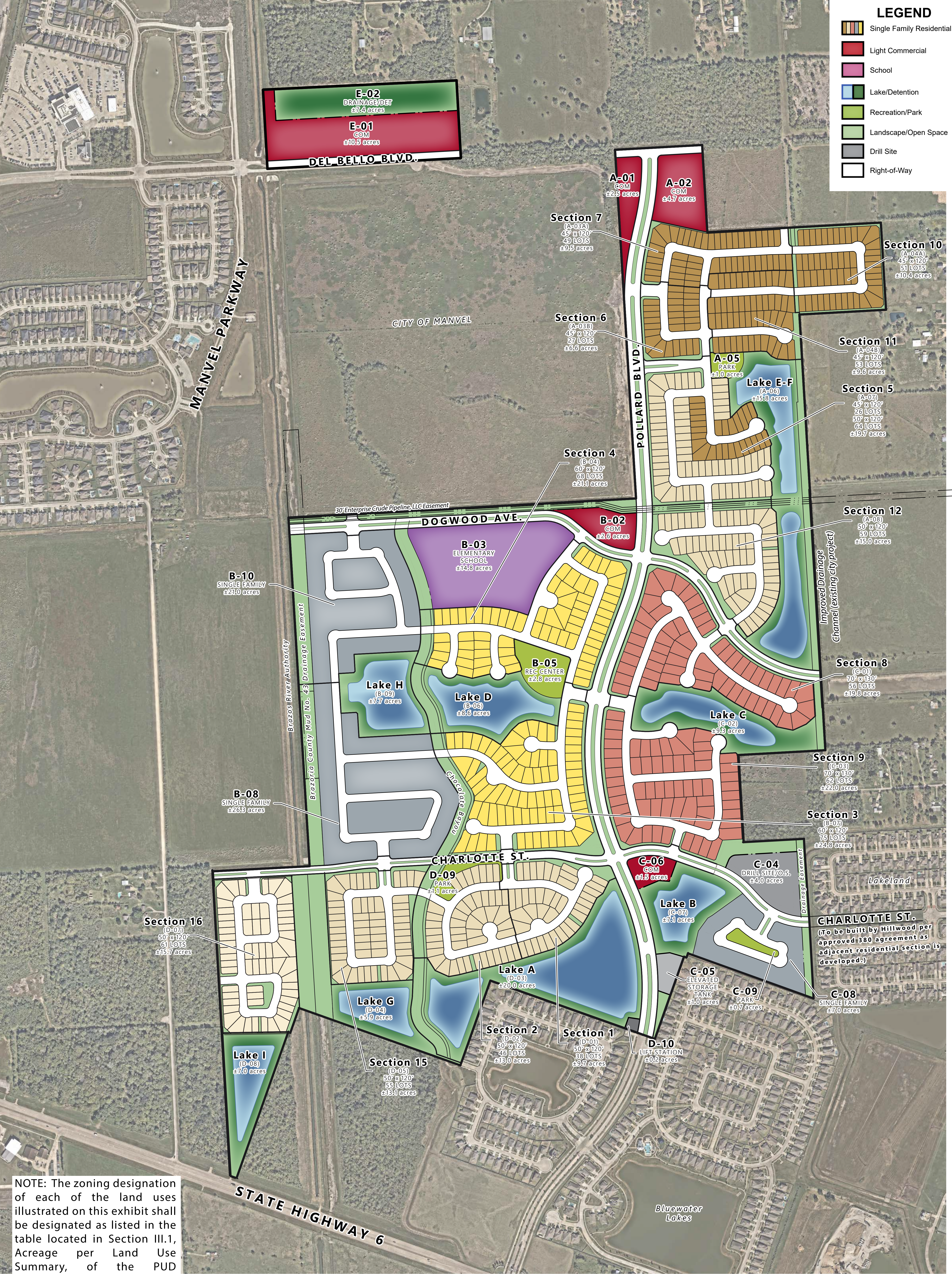
Legend:

- City Review or Advertising
- In Design
- Substantially Complete
- Under Construction

NOTE: The zoning designation of each of the land uses illustrated on this exhibit shall be designated as listed in the table located in Section III.1, Acreage per Land Use Summary, of the PUD document.

Prepared for
**HILLWOOD
RESIDENTIAL**

EXHIBIT E
Planned Unit Development
Conceptual Land Use Exhibit
VALENCIA
±457.0 Acres of Land
Manvel, Texas



Prepared for
**HILLWOOD
RESIDENTIAL**

EXHIBIT E
Planned Unit Development
Conceptual Land Use Exhibit
VALENCIA
±457.0 Acres of Land
Manvel, Texas

Reference Date: 02.27.2024

Valencia March 2022





North Towards Downtown Houston







CITY COUNCIL DATA SHEET

MEETING DATE: May 5, 2025

Regular Agenda

TOPIC: Akery Lake, Phase 1 Excavation Award to Sprint Sand & Clay

BACKGROUND: A Request for Proposals to excavate the 117-acre Akery Lake Drainage Basin was advertised on March 16th and March 23rd. A Mandatory Prebid Meeting was conducted on April 2nd, followed immediately by a Site Visit. Nine firms were represented at the Prebid Meeting, but only one firm submitted a proposal on April 23rd. That firm, Sprint Sand & Clay, is very well known in the area, and has experience with these types of projects.

In short, the deal points are:

- \$5,000 per month to the City, for up to 10 years [\$600,000]
- \$1 per cubic yard for any material excavated and hauled offsite [\$5,000,000]
- So, potentially \$5,600,000 paid to the City over the next 10 years in monthly installments.

RECOMMENDATION:

Staff's recommendation is to award the contract to Sprint Sand & Clay

ATTACHMENTS: Addendum No. 1 Akery Lake RFP, Sprint RFP Proposal, City of Manvel Drainage Pond plans

FUNDING ISSUES

- ☐ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☒ Funds to be transferred: Monthly Revenue to the General Fund
Additional Revenue to the Capital Improvement Fund

SUBMITTING STAFF MEMBER
Robbie Hall

FINANCE DIRECTOR APPROVAL ☒

CITY MANAGER APPROVAL: ☒



Sprint Sand & Clay, LLC

RFP #FY2025-01

Akery Lake, Phase 1 Excavation

April 23, 2025

ADDENDA ACKNOWLEDGEMENT

ADDENDA NUMBER	ADDENDA DATE	DATE RECEIVED	BIDDERS INITIALED
1	4/7/25	4/7/25	MMS
2			
3			
4			
5			



City of Manvel
20025 Highway 6
Manvel, TX 77578

April 23, 2025

Attn: Wale Taiwo
Capital Projects Manager
Adewale.taiwo@cityofmanvel.com

Re: RFP #FY2025-01 Akery Lake, Phase 1: Excavation

Dear City of Manvel,

Sprint Sand & Clay, LLC appreciates the opportunity to submit our proposal for Akery Lake, Phase 1 Excavation. Our company has been in business for over 42 years and has grown to be the largest supplier of fill dirt and bank sand products to the Greater Houston Area. Additionally, Sprint Sand & Clay serves as a heavy civil contractor performing large mass excavation and soil disposal projects for local entities and developers. The City of Manvel-Akery Lake project requires someone with a high level of experience in both facets. The enclosed proposal outlines our ability to successfully perform the project both financially and operationally.

Should you have any further questions or need any clarifications, our team will be on standby for a follow-up interview as necessary.

As company officials with the authority to commit company resources and execute construction work we authorize this proposal and acknowledge receipt of all addenda on the project.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Kyle Cain', written over a horizontal line.

Kyle Cain, President
kcain@thesprintcompanies.com
832-449-7600

A handwritten signature in blue ink, appearing to read 'Matt Strickland', written over a horizontal line.

Matt Strickland, Vice President
mstrickland@thesprintcompanies.com
713-545-9424

Contents

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Company Profile

Summary

Sprint Sand & Clay has operated continuously since its founding in 1982. Our company serves as both a materials supplier and heavy civil contractor in the Greater Houston Area. In the past 40+ years of business, we have grown and now own and operate over 35 sandpit locations with 180 employees providing fill dirt and bank sand materials to local construction projects. Additionally, we have a robust fleet of company owned heavy equipment and trucks and a network of over 350 individually contracted owner/operator dump trucks and end dump trailers. Synergy allows our sand pit and trucking operations to complement our mass excavation contracting operations. Our primary focus is on projects with large quantities of excess soil that must be transported via public roadway to properly permitted soil disposal locations.

Organizational Background

Year Founded: 1982 (2007 changed from LP, to LLC)-Operating as a Partnership

Ownership: Joe Swinbank Family, LP (Member)
Poarch Family, LP (Member)
Poarch Swinbank Management, Inc. (Member)

DUNS #: 128274870
Federal Tax ID: 76-0555041
State Tax ID: 3-20332-3239-1
SOS Filing: 800836457 (Texas)
TCEQ: CN603251257
US DOT: 1975801

Construction Contract Claims/Litigation/Damages/Delays/Bankruptcy

Sprint Sand & Clay, LLC has no current or past history of construction contract claims or litigation.
Sprint Sand & Clay, LLC has never failed to complete a project on time nor been charged for liquidated damages/economic disincentives on any projects.
Sprint Sand & Clay, LLC has never declared bankruptcy or reorganized for financial purposes.

Types of Work Typically Self Performed

Demolition, Clearing, Site Work, Excavation, Grading, Trucking, Soil Disposal, Rip Rap and Aggregates Placement, Soil Import/Export, Clay Liner, Short Run/Shallow Underground Utilities, Dump Trucking, Survey/GPS/Construction Stake Out, Surface/Open Sump Dewatering.

Types of Work Typically Subcontracted

Concrete Placement/Paving, Long Run/Deep Underground Utilities, Boring/Tunneling, Well Pointing,

Banking

Woodforest National Bank/Michael Reyes

Office: 713495-8034

MReyes1@woodforest.com

Key Personnel

Kyle Cain-President, 30 years: Kyle joined the company in 1994 when Sprint operated just two locations. During his 30-year tenure Kyle has been responsible for managing the company with the help of the current staff and continuing to grow the business to its 30 plus locations throughout the Greater Houston area. Kyle has extensive experience in project management and soil testing using ASTM Standards. In 1990, Kyle graduated with a Bachelor of Science from Texas A & M University and holds an Associate's Degree from Western Texas College. In addition, Kyle holds a Class A, B, and C Solid Waste license. Kyle currently is a member of the Houston Contractors Association where he has served in years past on the Board of Directors and the Greater Houston Builders Association.

Matt Strickland-Vice President, 20 years: Matt joined Sprint Sand & Clay in 2003 after graduating from Texas A&M University. In his 20 years working at Sprint Sand & Clay, Matt has worked in various positions including Special Projects Manager, Area Operations Manager and General Manager. In his current role as Vice President, Matt works closely with the overall management team in helping oversee the day to day operations of the company.

Jacob Phillips-Vice President Operations, 19 years: Jacob Phillips started his career at an early age working for his family's business, Phillips Landfill Services, which performed large excavation, grading, liner, and drainage projects for landfills around the United States. In 2004, Jacob joined Sprint Sand & Clay as a heavy equipment operator and quickly worked his way into his current role of Vice President of Operations. In this position, Jacob performs many different functions from quality control, production management, excavation and grading project management and estimating, and procurement of necessary materials and equipment for the company. OSHA 30 certified

Fletcher Dunson-Vice President Sales, Business Development, 14 years: Fletcher joined the company in 2010 after working for Mass Mutual as a Financial Advisor. He also spent time in the Oil and Gas Industry as the lead Project Manager for Corrosion Resistant Alloys. Fletcher graduated from Texas Tech University in 2006 with a Degree in Business Communications. In his current role, Fletcher works closely with the Sales Department and overall management team in helping to oversee the day to day operations of the company.

Sandra Tondre-CFO, 10 years: Sandra joined Sprint Sand and Clay as Controller in November 2013. She has 20 years of accounting management experience including 15 years in the sand and gravel industry and 5 years in mechanical and general contracting. She earned a Bachelor of Business Administration degree in Accounting from Texas State University, is a Certified Public Accountant and a member of the Texas Society of Certified Public Accountants.

Superintendents:

Keith Olinick (Project Manager/Heavy Civil Superintendent)- 15 years experience: Extensive knowledge in mass excavation and grading operations and overseeing concrete and utility subcontractors. Experience with project management, submittals, scheduling, inspector communication, and overall quality control/safety. OSHA 30 certified.

Aaron Pavlicek (Area Manager)- 10 years experience: Extensive knowledge in Sand Pit operations and excavation/grading activities and overall day to day field management. OSHA 30 certified

Jonathan Acosta (Area Manager)- 10 years experience: Extensive knowledge in Sand Pit operations and excavation/grading activities and overall day to day field management. OSHA 30 certified

Tyler Cain (Senior Project Manager/Heavy Civil Superintendent)- 10 years experience: Extensive knowledge in Sand Pit operations and excavation/grading activities and overall day to day field management. OSHA 30 certified

Other Personnel (Company Employees):

Total Head Count: ≈180 employees

(Safety, Trucking Coordinators, Dispatch Supervisors/Dispatchers, Operations Managers, Heavy Equipment Operators , CDL Drivers, Mechanics/Fleet Management, Main Office/Accounting)

Contract/Outside Personnel:

≈350 Owner Operator Dump Trucks/Dump Trailer: Individual Contracts with each owner operator with verified insurance, DOT, and MVR's checked regularly.

Safety

No history of OSHA violations/warnings/citations/fines

2023 Workers Compensation EMR: 0.71

2024 Workers Compensation EMR: 0.61

2 safety managers on staff, all site superintendents OSHA 30 certified, labor OSHA 10 certified

In house Safety Committee with bimonthly company wide TEAMS safety meetings, in addition to weekly site safety meetings and toolbox talks/JSA's, preemployment, post accident, reasonable suspicion drug testing, company handbook/safety manual, in house and outsourced training, excavation competent person training.

-Outside vendors entering our sites are required to have proof of insurance on file and check in at field dispatch office before entering the site.

*Additional Safety Program details available on request

Surety

Liberty Mutual Insurance Company

NAIC: 23043

FEIN: 041543470

Authorized to do business and issue bonds in Texas

Max Underwriting Capacity: \$1.7 Billion

Rating: A (Excellent)

Financial Size: XV (\$2 Billion or greater)

Surety Agent

Bowen Miclette Britt Insurance Agency, LLC

2800 North Loop West, Suite 1100

Houston, TX 77092

Contact: Lacey Hitchcock

713-867-5339

lhitchcock@bmbinc.com

Bonding Capacity, Sprint Sand & Clay, LLC

\$100 million +

Recently Completed Mass Excavation Projects (Last 5 years)

*Full List Available Upon Request

*Sprint Sand & Clay served as Prime Contractor on the below projects, self performing (on average) 70% of the contract dollar amount.

Job Name: Excavation of the Genoa Red Bluff Stormwater Detention Basin Phase 1-Precint 2

Job No: 21/0115-B509-03-00-E002

Owner: Harris County Flood Control

Contract Amount: \$2,111,794

Engineer: Harris County Flood Control Engineering Department

Contact: Joseph Reza-956-873-0330

Completion Date: 10/12/2022

Scope: 218,000 CY of excavation, grading and offsite disposal, outfall structure

Job Name: Construction of the Southbelt (Phase 3) and Dagg Stormwater Detention Basins

Job No: 19/0360-B509-03-00-E002

Owner: Harris County Flood Control

Contract Amount: \$16,900,000

Engineer: Dannenbaum and Midtown Engineering

Contact: Gene Rushing-832-541-7721

Completion Date: 11/7/2022

Scope: 1.1 million CY of excavation, grading and offsite disposal, demolition, storm drainage/structures, paving, mass dewatering, mass backfill of former sand pit to create detention pond

Job Name: Construction of the Aldine Westfield Stormwater Detention Basin Phase II

Job No: 21/0146-P500-04-00-E005

Owner: Harris County Flood Control

Contract Amount: \$11,400,000

Engineer: IDCUS

Contact: Joseph Reza-956-873-0330

Completion Date: 4/20/23

Scope: 800,000 CY of Excavation, Grading and Offsite Disposal, Bore and Jack RCB's, paving and storm drain, crushed limestone access rd.

Job Name: Improvements at the Cutten Stormwater Detention Basin

Job No: 20/0064-P500-02-00-E013

Owner: Harris County Flood Control

Contract Amount: \$14,200,000

Engineer: HR Green

Contact: Scott Cunningham-713-338-8041

Completion Date: 5/5/2023

Scope: 1.2 million CY of Excavation, Grading and Offsite Disposal, Paving/Structures, Storm Underground

Job Name: League City Dove Meadows Drainage Improvements

Job No: 3190449

Owner: City of League City

Contract Amount: \$2,800,000

Engineer: Dannenbaum Engineering

Contact: Amy Dziuk-713-520-9570

Completion Date: 6/13/2023

Scope: 130,000 CY Excavation, Grading and Offsite Disposal, Paving/Structures/Storm Underground

Work on Hand/In Progress

Job Name: Spellman Detention Basin

Owner: City of Houston

Contract Amount: \$14,783,697.54

Contact: Loi Ma 832-395-3086 Loi.ma@houstontx.gov

Scope: 290,000 CY of Excavation, Grading and Offsite Disposal, Select Fill Liner, Concrete Structures (Weir, pilot channels, headwalls, backslope interceptors), rip rap, access road, contaminated soil disposal, flap gate and Stormwater Utilities/outfall.

Estimated Completion Date: 5/1/2025

Job Name: Wortham Estates Drainage Improvements

Owner: Harris County

Contract Amount: \$4,300,000

Contact: Mark Davidian 713-274-4773 mark.davidian@harriscountytexas.gov

Scope: 175,000 CY of Excavation, Grading and Offsite Disposal, pipeline crossing, Concrete Structures (weir, pilot channels, headwalls, backslope interceptors), rip rap, access road, stormwater utilities/outfall.

Similar Projects to Akery Lake-City of Manvel

We have participated in multiple Excavation and Removal Agreements with Harris County Flood Control where we removed sand/fill dirt from future detention basins at no cost. Most notably, TC Jester Basin, Dinner Creek Basin, Kingwood Basin, John Paul's Landing, and Schiel Rd. (Little Cypress Creek Basin). We have also performed no cost or lease/royalty excavation for many developers in a similar format including Howard Hughes (Bridgelands/Greenhouse Basin), MHI (Grand Mission), Caldwell Communities (Town Lake/Highlands), Forestar Development (Harrington Trails), Silvestri Investments (Sweetgrass Village) and IDV Industrial Development among others.

Current Mining Locations-Dispatch-Sales-Quality Control

In addition to our heavy civil/mass excavation projects, Sprint Sand & Clay currently operates 35 sand mining facilities/clean soil disposal sites in the Greater Houston area. 30 of those properties are owned by Sprint Sand & Clay and 5 properties are owned by other owners/developers or municipalities. In many cases, the end goal of the sand mining operations is to convert the depleted sand pits into storm water detention ponds or backfill for development. Each site is staffed with a temporary office (with bathroom), power/computer/printer where all trucks are electronically ticketed by the field dispatcher through our Apex/Command Alkon ticketing software. Equipment is staffed according to workload and

will typically include (1-3) 30-40 ton excavators, 1 D5-D6 sized bulldozer, 1 tractor and drag for haul road maintenance, 1 street sweeper, and 1 water truck. Off Road Dump Trucks are staffed as needed to move material or overburden on site. All equipment is late model/low hour brand name equipment supported by our fleet management/maintenance department. We also run two haul trucks so that equipment can be moved in and out of the site on short notice as needed.

We have 3 admin/office locations with two of those locations having large mechanic shops and laydown/equipment and truck parking facilities. Our main office in Richmond, TX also has a call center (Central Dispatch) staffed with 6-7 call agents who field 300-400 phone calls daily from customers placing orders for sand and fill dirt products. We constantly track and analyze our backlog to be able to provide customers with immediate feedback on delivery times. We strive to provide same day or next day service to our customer base. Once an order is placed, it is sent to the field dispatcher who coordinates final delivery.

In addition to Central Dispatch, we also have 1 inside and 7 outside sales representatives managing a large customer base with credit accounts along with a large cash sale customer base.

All sales and operations staff are trained and knowledgeable in material quality control, understanding job by job specifications and providing consistent support to minimize project delays or lost customers due to quality control issues. We feel our quality control and customer support is what keeps Sprint Sand & Clay as the preferred bank sand and fill dirt supplier in the greater Houston area.

Equipment List (Company Owned)

*Detailed List Available Upon Request

20 Bulldozers, 46 Excavators, 8-Off Road Trucks (40 ton), 23 street sweepers, 15 water trucks, 21 tractors w/box blades, 2 front end loaders, 2 skid steers, 4 haul trucks, 12 dump trucks, 3 maintainers, 56 water pumps, 100 end dump trailers, GPS/Survey Equipment/Machine Control, plus miscellaneous support equipment and vehicles.

General References

Alan Black, P.E.

ablack@quiddity.com

281-315-9425

Gene Rushing, P.E.

gene.rushing@hcfcd.hctx.net

346-286-4080

Alan Johansen

Alan.Johansen@hcfcd.hctx.net

346-286-4017

Credit References

Mustang CAT

WPI

Heidelberg Materials

Arcosa

Gulf Coast Limestone

Bay Oil Company

**See additional reference letters attached

Phasing Plan (Akery Lake-City of Manvel Pond)

Phase 1: Pre Mining/Mobilization (Estimated 1 week for necessary excavation related permits to begin work-assuming approved City Plans)

Upon receipt of NTP from the city of Manvel, Sprint Sand & Clay would immediately begin work on the following.

Texas 811/Utility Location: No work will be performed until the proper utility locates are performed and documented.

Permits:

- a) TCEQ-Because this site will be operated primarily as a sand/clay mining facility we will secure a TCEQ Storm Water Permit under the TPDES Multi Sector General Permit TXR050000-Sector J. We would also register this site with a TCEQ APO (Aggregate Production Operation).-Further Details outlined in Environmental Impact Assessment.
- b) City-because this site is owned by the City of Manvel we will coordinate any necessary city permits with City of Manvel assuming plans are already approved.
- c) County-We do not anticipate a county development permit will be needed if the City has jurisdiction. However, we will secure any county permits as necessary.
- d) Brazoria County Heavy Load Permit- Sprint Sand & Clay already has a Brazoria County Heavy Load Permit and Bond covering all roads necessary and approved for delivery. This is updated every 90 days.
- e) Based on the Environmental Reports provided, Sprint Sand & Clay is not anticipating or factoring in any wetland permitting or mitigation.

Phase 2: Mobilization and Site Prep (Ready to excavate /sell dirt +/- 4-5 weeks from NTP)

- 1) Mobilize necessary heavy equipment for site prep (1-2 days)
- 2) Install initial/critical SWPPP-silt fence and stabilized construction access-install necessary project signage (permit posting/project signage as required) (5 days)
- 3) Begin necessary work for surface drainage-routed through interim SWPPP BMP's.
- 4) Begin necessary light clearing in initial excavation area (proposed initial excavation would be +/- 5 acres on the southern end of the pond near the main outfall). Light

clearing debris will be neatly staged outside of the initial excavation to be combined with future clearing debris as time goes on and additional clearing is needed. Final clearing

debris would most likely be ground and legally disposed of or put to beneficial use. We would explore an option to burn with Sprint owned TCEQ permitted Air Curtain Incinerator should proper approvals by all entities be obtained including TCEQ and local fire marshal. This is a possible option but we would ultimately legally dispose of clearing debris as agreed upon by all stakeholders.

5) Install settling ditch outfall and construct initial settling ditch per SWPPP Plan to prepare for pumped water from the excavation area.

6) Begin excavation of any initially unsellable overburden in Phase 1 area. To be stockpiled in a proper manner for reuse (clay liner, berms, etc) or sold at a later date.

7) Once the necessary overburden is removed from the phase 1 area, we can begin selling the upper sandy fill dirt and begin uncovering sand for additional sales.

8) Setting of 6" dewatering pump in initial sump area for dewatering will occur once a certain depth encounters ground water/and or in conjunction with first rain event)

Our pumps are controlled by a dual float switch system to maintain and constantly dewater the site as needed.

(1st sellable loads going out of the gate approximately 4-5 weeks from NTP)

Phase 3: Ongoing Excavation/Sand Mining and Option to install stabilized sand pugmill (9 years total from NTP)

Total Excavation Volume to excavate the wet pond to grade is estimated at 3.6 million tight CY.

Based on historical excavation of our pits in the area, we believe the average yearly volume will range from 300,000 to 500,000 tight CY per year. If you average at 400,000 CY per year that would put the total excavation timeline for the pond at 9 years.

During the estimated 9 years (or until full depletion of sand reserves), Sprint would continuously operate and occupy the Akery Lake location except for cases of extreme weather, acts of God, etc.

The pit would be excavated in an orderly fashion to maintain positive drainage of ground water/rain water to always be directed to the pump. Dewatering is key to the success of the operation and Sprint prides itself on aggressive/responsible dewatering to maintain productivity at the pit. We have become experts in mine dewatering practices.

Sprint understands that the end goal for this project is to create an amenity lake/stormwater detention so we would follow a "finish as you go" phasing and excavation plan to ensure a final product is delivered in a good and workman like

manner. Sprint would be happy to allow City of Manvel staff to tour our existing operations and projects to help fully understand our processes and procedures. We have developed a hand book for our operations managers to follow that promotes orderly pit excavation, dewatering, and grading that synergizes safety with productivity.

Having worked for many landowners, Sprint understands the importance of being a responsible operator that does not leave the landowner with a situation that requires them to spend all of the royalty related income on cleaning up the mess that a substandard operator may leave behind.

Phase 4: Project Close out (Final year, Final Completion 10 years from NTP)

Sprint is estimating a one year time frame to coordinate final excavation and grading activities while selling the remaining sand reserves. We believe this will give enough time for Sprint and the City of Manvel to ensure the project is left in a final condition to serve its intended purpose.

It was unsure at the time of this proposal if certain items were to be included or not: As of now, the following items are excluded from our financial model. However, Sprint would be happy to discuss if incorporating these items into the final proposal is needed.

- a) Realignment of C-12 ditch
- b) Excavation of dry bottom detention pond with concrete pilot channel and outfall.
- c) Final Turf Establishment.
- d) Any other permanent structures or features.

****Remainder of Page Intentionally Left Blank**

Environmental Impact Assessment

Stormwater

As discussed in Phase 1/Phasing Plan, Sprint Sand & Clay will secure the necessary TCEQ Storm Water Permit under the TPDES Multi Sector General Permit as well as obtaining our TCEQ APO (Aggregate Production Operation).-We are very familiar with this process in addition to having a contract with Storm Water Solutions to serve as our consultant. Storm Water Solutions will provide Sprint with a professional SWPPP plan that incorporates the SWPPP items from the Lentz Engineering plan set, while also ensuring the SWPPP plan covers all necessary TCEQ regulations and BMP's (including annual training, quarterly site visits, stormwater benchmark monitoring and visual samples, and annual comprehensive site evaluations). All benchmark sampling/discharge monitoring results are submitted through the NET DMR Central Data Exchange.

Sprint Sand & Clay continuously monitors site conditions before and after rains or dewatering discharges to timely address any issues and adjust BMP's as necessary to mitigate and prevent any storm water discharge related issues. Updates to the plan are redlined as needed on the SWPPP permit.

Dust Control

Sprint Sand & Clay understands that dust control is extremely important for the safety, health and well-being of its employees and the surrounding communities. Sprint Sand & Clay utilizes company owned water trucks/water wagons supplied by water from the dewatering activities to control dust as needed. We also have properly trained staff and consultants to address any citizen driven complaints or inquiries in a professional and timely manner. We keep a daily log of watering activities and weather patterns to aid in documenting compliance.

Street Sweeping

Similar to dust control, street sweeping is another important concern that must be managed at all times. Sprint invests in company owned Broce Broom street sweepers to ensure our sites are always ready to address any tracking onto the public roadway. We also pride ourselves on the proper maintenance of haul roads and construction access to limit/prevent these issues before they occur. Additionally, Sprint watches weather patterns closely to ensure we are not running trucks during adverse/wet conditions.

Spill Prevention

Sprint Sand & Clay implements Spill Prevention Plans and Safety Measures as required by TCEQ and other authorities as well as any additional measures needed based on site conditions or potential sources of contaminants being brought to the site. All lubricants and add oils are stored in a weatherproof shipping container with proper containment where needed. We also utilize double walled diesel fuel storage tanks with properly sized secondary containment pans for heavy equipment refueling activities. All fuel vendors bringing fuel to the site are required to an emergency action plan in addition to having proof of insurance filed with Sprint Sand & Clay.-All fuel tanks are registered under TCEQ's above ground storage tank program.

Furthermore, Sprint Sand & Clay keeps a spill containment and clean up kit on site that is checked and restocked as needed. Any minor spills are handled promptly and disposed of legally. And in the event a major spill occurs Sprint Sand & Clay would immediately contact emergency clean up response and follow proper TCEQ reporting requirements.

Sprint Sand & Clay also maintains pollution legal liability insurance coverage.

Trash/Housekeeping/Sanitation

Sprint Sand & Clay prides itself on keeping its sites maintained in a clean and orderly fashion. We will contract with a trash/dumpster company to provide regular pick up and proper temporary storage of any waste.

Sprint will provide a nice mobile office for its dispatcher and employees on site. The dispatch office will contain a bathroom for Sprint Employees along with a sanitary sewer holding tank that is pumped regularly by a licensed company in addition to portacans supplied for truck drivers our outside vendors related to the sand mining activities.

Overall, after 40 years in business Sprint Sand & Clay has acquired vast knowledge in overall environmental compliance and has the capability and financial stability to do things "the right way". Our reputation is as important to us as it is for the City of Manvel to provide peace of mind that you have partnered with an environmentally responsible company.

****Remainder of Page Intentionally Left Blank**

Safety Protocols

Sprint Sand & Clay has developed a safety program that is holistic to the entire company's operations and individual departments (Sand Pit Operations, Trucking/DOT, Dispatch, Shop/Maintenance, Office). This includes an employee handbook, safety awareness manual and multiple individual policies and procedures. Safety is priority one for Sprint Sand & Clay and we preach that safety and productivity go hand in hand.

A detailed presentation of our overall safety program can be made available at your request. The below outlines more site-specific safety protocols related to the Akery Lake Excavation Project:

High Priorities for the safety of the surrounding community:

- a) Perimeter berms-perimeter berms and or fencing will be utilized to limit unauthorized entry from trespassers to the best of our ability. Perimeter berms will also be utilized to prevent uncontrolled stormwater from entering the pit to prevent mass erosion events during floods or heavy rain events. Outside stormwater will be rerouted as necessary to prevent blocking drainage from any surrounding property owners.
- b) Dust control-see details in environmental impact assessment.
- c) Street cleaning/sweeping-See details in environmental impact assessment.
- d) Although this site will not be regulated by MSHA-Sprint will follow certain best practices seen at MSHA sites including proper temporary sloping and safety berms to limit dangers around steep drop offs or temporary highwalls.
- e) Entrance gates/locks-all main points of entry and exit will be gated and locked when not in use (with city personnel always having authorized access as needed)
- f) Signage/Postings: Proper signage will be posted at entry and exit points with emergency contacts for Sprint Sand & Clay and any necessary rules or warnings. All vendors/outside visitors are directed to check in at the dispatch office before proceeding to the working areas. -Any phone calls or inquiries from surrounding residents will be addressed in a timely and professional manner.

g) Trucking within surrounding communities-Sprint has a team of truck coordinators who hold regular safety meetings with contract drivers. Additionally, all drivers sign agreements and provide ongoing proof of insurance with MVR's regularly checked. Sprint also holds a heavy load permit and bond as required by Brazoria County.

Additional Safety Measures for Onsite Workers and Activities

In addition to our comprehensive safety program. The following site-specific safety protocols are implemented.

- All Sprint Employees OSHA 10 certified/Management OSHA 30 certified.
(on boarding includes safety orientation, pre-employment drug test, initial training)
 - Lock out/Tagout protocols for maintenance/repair of high electrical energy sources or equipment.
 - Internal Pit speed limit postings and warnings as necessary.
 - Overhead Utility warnings where needed.
 - Proper sloping/benching and temporary safety berms near drop offs
 - Weekly safety meetings are held by management-including bimonthly companywide TEAMS safety meetings. Daily JSA's or Toolbox talks as needed.
 - Excavation Competent person training for lead staff members.
 - SDS filing and availability to employees handling any potentially hazardous chemicals.
 - Yearly required training for SWPPP industrial stormwater permit BMP's.
 - On going training and hazard recognition related to working around water or unstable ground
 - Fire Extinguishers-inspected as required and of proper size and location
(near Fuel Tank, office area, etc)
 - Proper PPE provided to all employees and enforced by management (minimum of hard hat, safety vest - gloves, safety glasses, and earplugs as required by task)
 - Emergency Contact List and protocols in place.
 - We provide workers comp, LTD, health insurance, and other benefits including paid vacation, 401K to all company employees.
 - Pre employment, reasonable suspicion and post accident drug screenings along with background checks.
 - No firearms or weapons allowed on premises.
 - Heat Stroke safety awareness and water cooler provided to employees.
 - First Aid Kit kept on site
- **Further details on safety program available upon request.

Financial Proposal

Base Monthly Lease Amount: \$5,000 per month

Additional Lease Amount for Sand: \$1.00 per loose cubic yard**

Additional Lease Amount for Overburden: \$1.00 per loose cubic yard**

**Sprint electronically tickets each truck through our Apex Dispatch software. All tickets are time/date stamped along with product/ truck details/ customer and delivery details. Consolidated custom reports can be created as needed.

**All products are sold “by the load” which is common for this industry.

Sprint is proposing to measure the loose cubic yard payments by vehicle type as follows:

Standard Tandem Dump Truck (3 axles): 10 loose cubic yards/\$10 per load

Tri-Axle Dump Trucks: 12 loose cubic yards/\$12 per load

Round Bottom/Steel Trailers: 18 loose cubic yards/\$18 per load

Sprint Owned Aluminum End Dump Trailers: 20 loose cubic yards/\$20 per load

Pugmill: 1 ton of finished product= 0.8 loose cubic yards/\$0.80 per ton

Payment Schedule: Payment to be made on the 20th of each month for the prior month’s activities (ACH to City account or mutually acceptable payment form)-monthly summary detail of yardage by truck size will be provided along with city maintaining the right to audit our report data as needed.

Total Projected payments to City of Manvel:

Base Monthly Lease: \$5000 per month * 120 months=\$600,000

Additional Lease Amount for Products: 5,040,000 loose yards * \$1.00=\$5,040,000

(3.6 million tight yards * 0.40% swell factor**=5,040,000 loose yards)

**Swell factor can vary with material type...these are estimates only, total payments based on actual quantities.

Project Timeline

Time Proposed for Substantial Completion: 108 months

Time Proposed for Final Completion: 120 months

*We are using an estimate of 400,000 tight yards or 560,000 loose yards on an annual basis. This is based on historical averages and ongoing operations in the area.

Exhibits and Additional Information

Potential Follow Up Interview Discussions

- Clarifications of Measurements
- Common pitfalls of landowners working with irresponsible operators
- Potential Value Engineering from Sprint Sand & Clay perspective.
- Meet our team of key members/tour of Sprint sites if needed
- Overview of our ticketing software to provide clarity and reporting capabilities
- Any other questions the City of Manvel may have

Exhibits to Follow

- *Referral letters
- *Confidential Consolidated Balance Sheet
- *Examples of load scans- for loose yardage explanation
- *Copy of Brazoria County Heavy Load Permit and Bond
- *Copy of Certificate of Insurance



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/17/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Bowen, Miclette & Britt Insurance Agency, LLC 2800 North Loop W. 1100 Houston TX 77092	CONTACT NAME: Marissa Cargal PHONE (A/C, No, Ext): 713-880-7100 E-MAIL ADDRESS: mcargal@bmbinc.com	FAX (A/C, No): 713-880-7166
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A : National Union Fire Ins Co of Pittsburg		19445
INSURER B : Endurance American Specialty Ins Co		41718
INSURER C : New Hampshire Ins Co		23841
INSURER D :		
INSURER E :		
INSURER F :		

COVERAGES

CERTIFICATE NUMBER: 906290344

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☒ LOC OTHER:	Y	Y	4611539	3/1/2025	3/1/2026	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 25,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	☒ AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS	Y	Y	7093495	3/1/2025	3/1/2026	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	☐ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$	Y	Y	EXT30016492903	3/1/2025	3/1/2026	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	Y	014122648	3/1/2025	3/1/2026	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 2,000,000 E.L. DISEASE - EA EMPLOYEE \$ 2,000,000 E.L. DISEASE - POLICY LIMIT \$ 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The following policy provisions and/or endorsements form part of the policies of insurance represented by this certificate of insurance. The terms contained in the policies and/or endorsements supersede the representations made herein. Electronic copies of the policy provisions and/or endorsements listed below are available by emailing the Contact Person as shown above.

General Liability:

Blanket additional insured Ongoing Operations per form #CG 20 10 12 19
Blanket additional insured Completed Operations per form #CG 20 37 12 19
Blanket waiver of subrogation per form #CG 24 04 12 19
See Attached...

CERTIFICATE HOLDER**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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**ADDITIONAL REMARKS SCHEDULE**Page 1 of 1

AGENCY Bowen, Miclette & Britt Insurance Agency, LLC		NAMED INSURED Sprint Sand and Clay, LLC P.O. Box 1865 Richmond TX 77406
POLICY NUMBER		
CARRIER	NAIC CODE	EFFECTIVE DATE:

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: 25 **FORM TITLE:** CERTIFICATE OF LIABILITY INSURANCE

Blanket primary/non-contributory per form #CG 20 01 12 19

Automobile:

Blanket additional insured per form #87950 (9/14)
Blanket waiver of subrogation per form #62897 (06/95)
Blanket primary/non-contributory per form #74445 (10/99)

Worker's Compensation:

Blanket waiver of subrogation per form #WC 42 03 04 B

Umbrella:

Blanket additional insured per form #EXL 0203 0813
Blanket waiver of subrogation per form #EXL 6092 0813
Blanket primary/non-contributory per form #EXL 1351 0817

Policy Number: 4611539
Effective Date: 03/01/2025 - 03/01/2026

COMMERCIAL GENERAL LIABILITY
CG 20 10 12 19

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED - OWNERS, LESSEES OR
CONTRACTORS - SCHEDULED PERSON OR
ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)	Location(s) Of Covered Operations
ANY PERSON OR ORGANIZATION WHOM YOU BECOME OBLIGATED TO INCLUDE AS AN ADDITIONAL INSURED AS A RESULT OF ANY CONTRACT OR AGREEMENT YOU HAVE ENTERED INTO.	PER THE CONTRACT OR AGREEMENT.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service,

maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or

2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

C. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
 2. Available under the applicable limits of insurance;
- whichever is less.

This endorsement shall not increase the applicable limits of insurance.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - OWNERS, LESSEES OR CONTRACTORS - COMPLETED OPERATIONS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)	Location And Description Of Completed Operations
ANY PERSON OR ORGANIZATION WHOM YOU BECOME OBLIGATED TO INCLUDE AS AN ADDITIONAL INSURED AS A RESULT OF ANY CONTRACT OR AGREEMENT YOU HAVE ENTERED INTO.	PER THE CONTRACT OR AGREEMENT.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by "your work" at the location designated and described in the Schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance**:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable limits of insurance;

whichever is less.

This endorsement shall not increase the applicable limits of insurance.

**BRAZORIA COUNTY
HEAVY LOAD PERMIT**

HL 25-015

STATE OF TEXAS }
COUNTY OF BRAZORIA }

Granted On this the **7th day of April, A.D. 2025**, came to be heard the application of **Sprint Sand & Clay, L.P.** and is hereby granted a temporary revocable permit to use Brazoria County roads to and from a location approximately as follows:

ROUTE: CR 81, CR 48, CR 56, CR 383, CR 57, CR 101G, CR 102K, CR 101P, CR 58, CR 59, CR 111, CR 101, CR 101F, CR 121, CR 172, CR 122, CR 395, CR 546, CR 464, CR 464A, CR 185, CR 44, CR 171, CR 424, CR 180, CR 574, CR 185 CR 172 CR 191 CR 203 CR 210 CR 89, CR 90, CR 100, CR 181, CR 146

VEHICLES: The attached Load Sheets identify the vehicles that are subject to and covered by this permit.

NOTE: NOT TO USE BRIDGE ON CR 180

**NOTE: NO BRIDGES IN BRAZORIA COUNTY ARE TO BE CROSSED WITH LOADS OVER THE POSTED WEIGHT OF THE BRIDGE.
THIS PERMIT DOES NOT AUTHORIZE HEAVY LOADS TO TRAVEL THROUGH DESIGNATED COUNTY ROADS AS "NO THRU TRUCKS".
THIS PERMIT DOES NOT COVER ANY STATE HIGHWAYS, FM ROADS, OR ROADS WITHIN CITY LIMITS.**

PERMIT TO EXPIRE: July 5, 2025

This permit shall be in effect for a period of 90 days from the date of issuance, unless sooner revoked by the Brazoria County Engineer or the Commissioners' Court of Brazoria County.

This temporary permit is granted upon the condition that the Applicant has agreed to pay all damages to Brazoria County caused by the use of said roads, by applicant and applicant's employees, agents and sub-contractors including damages to bridges and other structures on said roads.

Payment of damages shall in no way limit, discharge or diminish the obligation of Applicant to pay for any future damages caused to County Roads by Applicant, his employees, agents or subcontractors, nor shall payment of any such damage limit the right of Brazoria County to revoke this permit in its sole discretion.

It is a further condition of this permit that Applicant, applicant's employee agents, and subcontractors shall limit all loads transported under this permit to the maximum load per axle, overall gross weight, and dimensions shall be in accordance with the provisions of Transportation Code - Chapter 621.

It is further condition of this permit that Applicant shall indemnify and hold harmless the County for any damages caused to the person or property of third parties arising out of the operations of Applicant, his employees, subcontractors or agents, under this permit.

This permit is further granted upon the condition that Applicant will comply with the laws of the State of Texas Governing his operation and upon his representation that he has complied with the Safety Responsibility Act of the State of Texas. That he meets all other requirements of law, and further agrees to all rules and regulations of Brazoria County governing such roads and load limits as authorized by the laws of the State of Texas.

This permit is a revocable permit. Brazoria County reserves the right to revoke this permit at any time, in the sole discretion of Brazoria County, for interests of public health, safety or welfare, or for failure to pay road damages upon demand, or for any other reason deemed sufficient by Brazoria County.

The County Engineer further retains the right to revoke this Permit by verbal notification to the Applicant and/or his company.

Signed and granted this the 1st day of April, A.D. 2025.

Stephanie Lucas
STEPHANIE LUCAS, PERMITS COORDINATOR
FOR MATT HANKS, J.D., P.E., COUNTY ENGINEER

(A copy of this permit must be carried in all trucks operating under this permit)



From: [Alan R. Black, P.E.](#)
To: [Matt Strickland](#)
Subject: Referral for Sprint Sand & Clay
Date: Friday, April 18, 2025 2:57:04 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

Caution: This is an external email. Please take care when clicking links or opening attachments.

To Whom it May Concern,

During my 14 years at Harris County Flood Control, where I served as Engineering Director, Operations Director, and Interim Directory for the entire District, I had the pleasure of working with Sprint Sand & Clay on multiple Excavation and Removal Contracts which became the foundation for an exceptional partnership, leveraging public with private interests in the furtherance of common goals. These projects included mass excavation and legal soil disposal from HCFCD's TC Jester, Woodridge, Little Cypress Creek, John Paul's Landing, Dinner Creek, Cypress Park, and Goforth Park stormwater detention basins. Sprint moved well over 1 million cubic yards in total from these basins at no cost to HCFCD in additional stormwater detention capacity for the tax payers.

Sprint always proved themselves as a reliable partner in many ways. Not only in their capacity to move large volumes of dirt quickly, but also in their prompt response and communication, attention to detail, compliance with environmental regulations, and being good stewards to public land and the surrounding communities. Furthermore, Sprint also served as an excellent contractor on large excavation projects that were bid in the more traditional low bid format.

That partnership and strong foundation for public service has led me, now as Vice President at Quiddity Engineering, to explore ways to partner with Sprint on similar opportunities for other owners and agencies in the region.

I would highly recommend Sprint Sand & Clay as a trusted partner in business. Please do not hesitate to call or e-mail me should you have any questions or wish to discuss further.

Sincerely,

Alan R. Black, P.E.
Vice President



✉ ablack@quiddity.com

☎ (281) 315-9425

📍 2322 W Grand Parkway North, Suite 150, Katy, Texas, 77449, United States

www.quiddity.com



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To Whom it May Concern,

Our company, Silvestri Investments, has partnered with Sprint Sand & Clay on multiple sand mining royalty agreements at our residential developments. It has been a pleasure working with Sprint and the relationship has been mutually beneficial to all parties. Sprint is an honest, trustworthy company who has always made their royalty payments on time while also fulfilling all other obligations related to our agreements.

As the landowner, we have peace of mind knowing Sprint will always do things the right way, address issues promptly, and fully handle the projects from beginning to end leaving us with a final product that benefits our future residents in many ways from amenity lakes to stormwater detention ponds.

Sprint is a partner that can be trusted and I would highly recommend them for excavation or sand mining related projects.

Sincerely,

A handwritten signature in blue ink that reads "Dan Silvestri". The signature is fluid and cursive, with the first name "Dan" and last name "Silvestri" clearly distinguishable.

Dan Silvestri
1215 Gessner Drive
Houston, Texas 77055
Phone: 713-785-6272
Fax: 713-785-1301
Email: dan@silvestriusa.com



To Whom it May Concern,

Our company has partnered with Sprint Sand & Clay on multiple sand mining agreements for our residential developments. It has been a pleasure working with Sprint and the relationship has been mutually beneficial to all parties. Sprint is an honest, trustworthy company who has always fulfilled all obligations related to our agreements.

As the landowner, we have peace of mind knowing Sprint will always do things the right way, address issues promptly, and fully handle the projects from beginning to end leaving us with a final product that benefits our future residents in many ways from amenity lakes to stormwater detention ponds.

Sprint is a partner that can be trusted, and I would highly recommend them for excavation or sand mining related projects.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Duane Iselt', written in a cursive style.

Duane Iselt
J. Alan Kent Development
Phone: 281-850-4282
Email: duane@jalankent.com



To Whom it May Concern,

Frankel Design Build has partnered with Sprint Sand & Clay on multiple sand mining agreements at our residential developments. It has been a pleasure working with Sprint and the relationship has been mutually beneficial to all parties. Sprint is an honest and trustworthy company which always fulfills its obligations related to our agreements.

As the landowner, we have peace of mind knowing Sprint will always do things the right way, address issues promptly, and fully handle the projects from beginning to end leaving us with a final product that benefits our future residents in many ways from amenity lakes to stormwater detention ponds and excess spoils removal.

Sprint is a partner that can be trusted, and I would highly recommend them for any excavation or sand mining related projects.

Sincerely,

A handwritten signature in black ink that reads "Brian Adams". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brian Adams
Chief Operating Officer
Frankel Design Build
Phone: 713.785.1336

Email: ba@frankelhomes.com



To Whom it May Concern,

Coventry Homes has partnered with Sprint Sand & Clay on multiple sand mining royalty agreements at our residential and commercial developments. It has been a pleasure working with Sprint and the relationship has been mutually beneficial to all parties. Sprint is an honest and trustworthy company who has always made their royalty payments on time while also fulfilling all other obligations related to our agreements.

As the landowner, we have peace of mind knowing Sprint will always do things the right way, address issues promptly, and fully handle the projects from beginning to end leaving us with a final product that benefits our future residents in many ways from amenity lakes to stormwater detention ponds.

Sprint is a partner that can be trusted, and I would highly recommend them for any excavation or sand mining related projects.

Sincerely,

Keith Faseler

Vice President - Land Development

Coventry Homes

Phone: 713-917-9728 713.252.4452 ext 11

Email: kfaseler@coventryhomes.com

To Whom it May Concern,

Read King has partnered with Sprint Sand & Clay on multiple sand mining agreements at our residential and commercial developments. It has been a pleasure working with Sprint and the relationship has been mutually beneficial to all parties. Sprint is an honest and trustworthy company which always fulfills its obligations related to our agreements.

As the landowner, we have peace of mind knowing Sprint will always do things the right way, address issues promptly, and fully handle the projects from beginning to end leaving us with a final product that benefits our future residents in many ways from amenity lakes to stormwater detention ponds and excess spoils removal.

Sprint is a partner that can be trusted, and I would highly recommend them for any excavation or sand mining related projects.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Guillo Machado'.

Guillo Machado, P.E.
Vice President of Development
Read King
Phone: 713.400.2120
Email: gmachado@read-king.com
www.read-king.com



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: May 5, 2025

TOPIC: Consideration and possible action to approve design related input and recommendation from Parks and Recreation Board regarding City Hall Park.

BACKGROUND: The proposed City Hall Park is in the design phase. At the April 24, 2025, Parks Board meeting, Jeff Gerber with PGAL and Michael Mowers with M2L (Consultant) provided a presentation on the City Hall Park Facilities with a focus on individual park elements: *Pavilion, Gazebo, Play equipment, and Dog Park/ Detention*. The consultant indicated that bids will be obtained for each item separately, which allows the park to be completed in stages. The goal of the meeting was to get recommendations on the design aspects for City Council's consideration. This would allow the consultant to finalize the design proposal and cost analysis.

PARKS & RECREATION BOARD RECOMMENDATION: Parks & Rec Board is recommending the following:

- Pavillion - *Designing the pavilion to look like a train station depot as an ode to Manvel's beginning. Using metal but elevate it to look more classic instead of "beachy".*
- Gazebo - *Design the gazebo to match the pavilion*
- Play Equipment - *Considering train-themed playgrounds. Including swings and ramps for accessibility. Using predominantly earth tone colors. Adding a climber.*
- Dog Park/Detention – *Designing separate entrance and exit, water stations with water bottle filler, dog waste trash cans, benches.*

ATTACHMENTS: Consultant presentation on Park Site amenities.

FUNDING ISSUES

- ☒ X 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 _____



MANVEL CITY PARK

Site Amenities Options

Prepared for:
City of Manvel, Texas

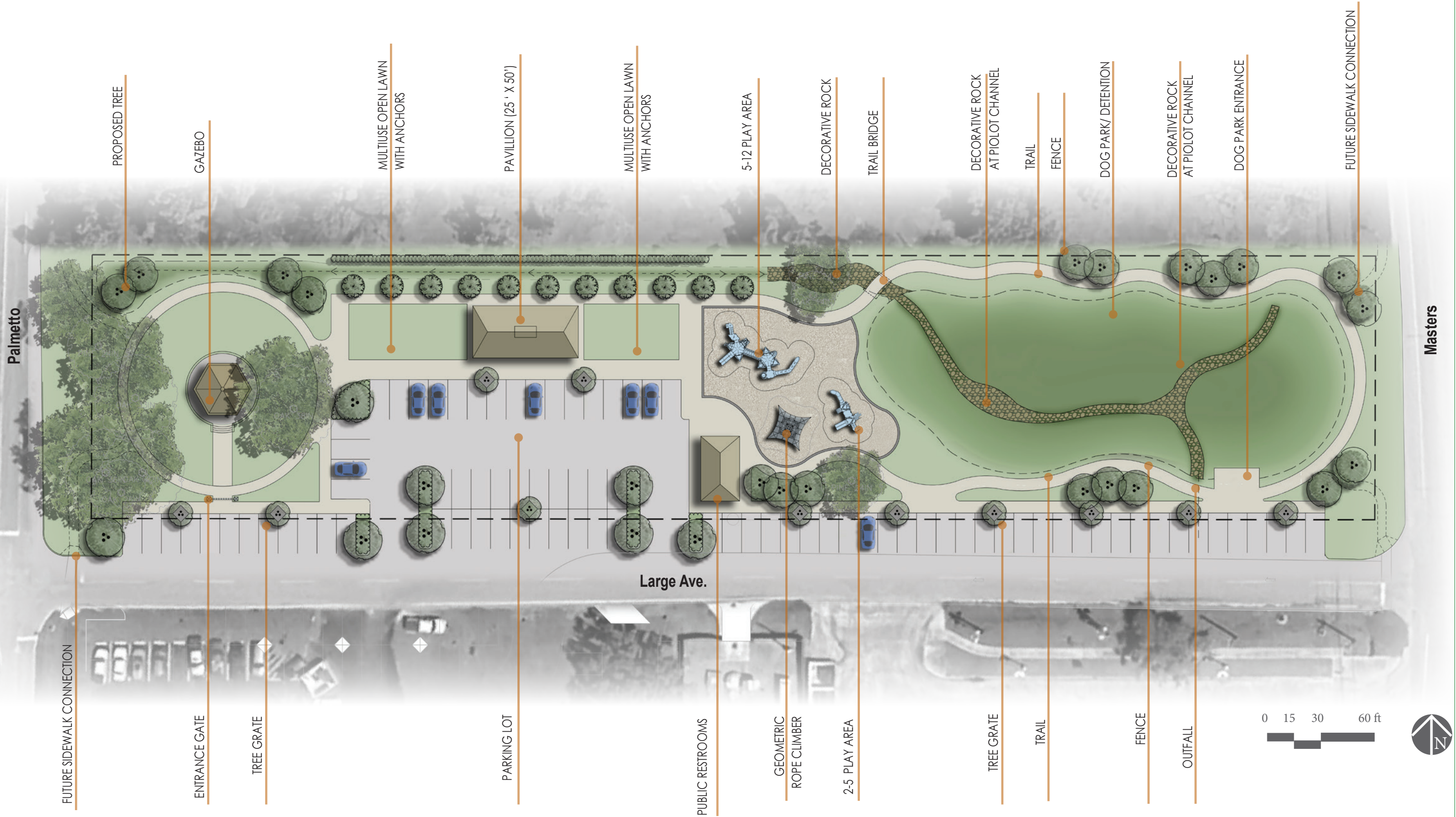


February 27, 2025

An aerial, grayscale photograph of a park. In the upper right, there is a large, light-colored building with a flat roof, possibly a pavilion or restroom building. To its left, a small, circular pond is visible. The surrounding area is filled with dense, dark vegetation and trees. The overall tone is somber and naturalistic.

PARK PROGRAM

- PAVILION
- GAZEBO
- RESTROOM BUILDING
- PLAYGROUND
- DOG PARK





MANUFACTURER: POLIGON

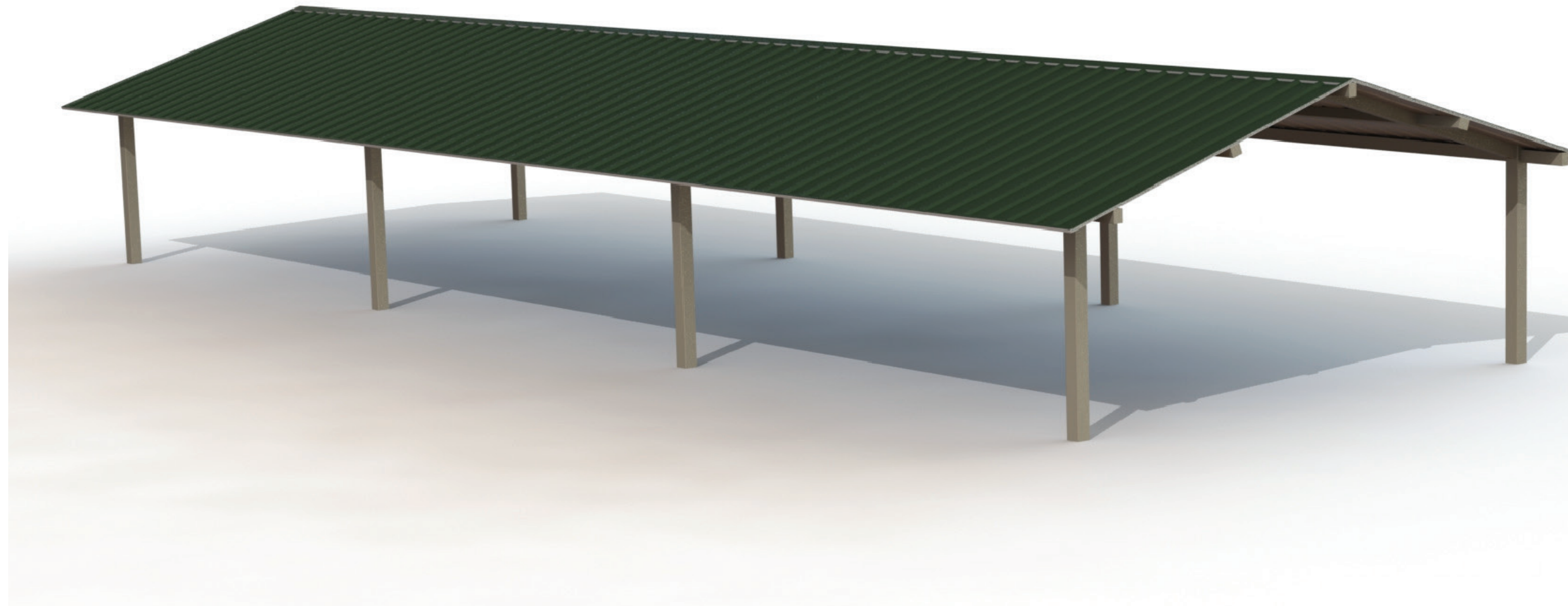
Model: REK- Gable Roof Rectangle

Size: 25' x 55'

Material: Metal frame with 6" square posts and R-panel roof

Warranty: 10-Year Pro Rated warranty

Cost: \$160,000 (installed)



MANUFACTURER: CLASSIC RECREATION SYSTEMS

Model: REK- Gable Roof Rectangle

Size: 25' x 55'

Material: Metal frame with 8" square posts, wood underdeck,
Asphalt shingles

Warranty: 10-Year Pro Rated warranty

Cost: \$250,000 (installed)



MANUFACTURER: CLASSIC RECREATION SYSTEMS

Model: Orlando Series

Size: 25' x 55'

Material: Metal frame 8" Square posts and R-Panel Roof

Warranty: 10-Year Pro Rated warranty

Cost: \$150,000 (installed)





MANUFACTURER: AMERICAN LANDSCAPE STRUCTURES

Name: Octagon Vinyl Clad Gazebo

Size: 25' x 25'

Material: Vinyl

Warranties: Limited Warranty

Cost: \$90,000 (installed)

Website: www.americanlandscapestructures.com



MANUFACTURER: CUSTOM

Name: Custom
Size: 20' x 20'
Material: Wood
Warranties: Limited Warranty
Cost: \$30,000 (installed)
Website: www.americanlandscapestructures.com



MANUFACTURE: CLASSIC RECREATION SYSTEMS

Name: Dallas Hexagon Gazebo

Size: 20' x 20'

Material: Metal with R-Panel

Warranties: Limited Warranty

Cost: \$80,000 (installed)

Website: www.classicrecreation.com



2-5 Playground

MANUFACTURER: Landscape Structures

Name: Nature Inspired Play

Size: 5-12 Area: 62' x 41'

2-5 Area: 36' x 33'

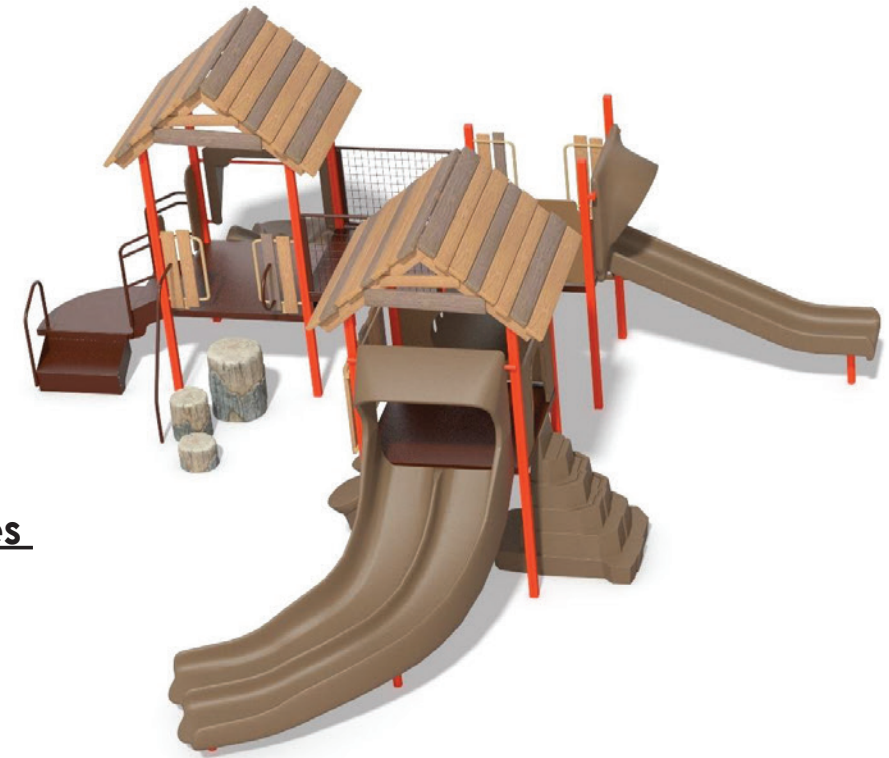
Number of kids: 5-12: 20-35

2-5: 15-20

Warranties: 3-15 year warranties

Cost: 5-12: \$215,000 (installed)

2-5: \$65,000 (installed)



5-12 Playground





2-5 Playground



5-12 Playground



MANUFACTURER: Landscape Structures

Name: Theme Inspired

Size: 5-12 Area: 54' x 51'

2-5 Area: 26' x 34'

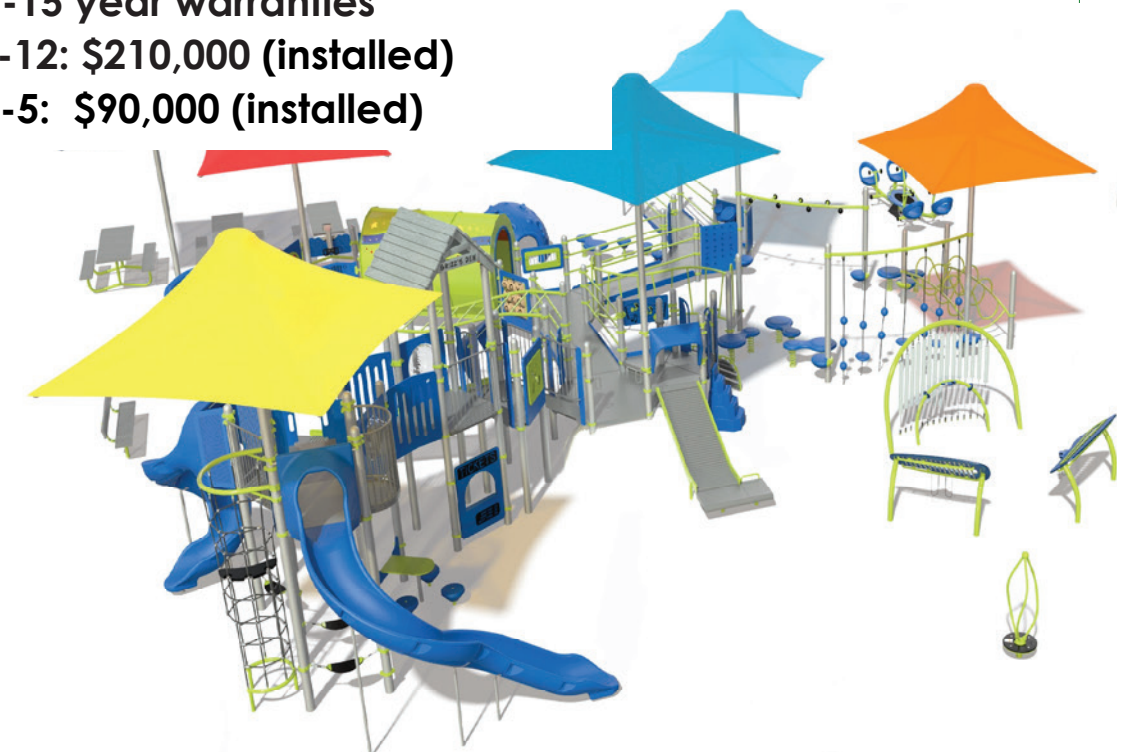
Number of kids: 5-12: 20-35

2-5: 15-20

Warranties: 3-15 year warranties

Cost: 5-12: \$210,000 (installed)

2-5: \$90,000 (installed)





2-5 Playground



5-12 Playground



MANUFACTURER: Burke

Name: Synergy w/ 360

Size: 5-12 Area: 36' x 47'

2-5 Area: 40' x 30'

Number of kids: 5-12: 25-30

2-5: 15-20

Warranties: 1-25 year warranties

Cost: 5-12: \$188,000 (installed)

2-5: \$35,000 (installed)





2-5 Playground



5-12 Playground



MANUFACTURE: Gametime

Name: Modern City

Size: 5-12 Area: 49' x 37'

2-5 Area: 30' x 36'

Number of kids: 5-12: 25-30

2-5: 10-25

Warranties: 1-20 year warranties

Cost: 5-12: \$140,000 (installed)

2-5: \$40,000 (installed)





Option 1

Landscape Structures

Name: Lunar Burst
Size: 54' x 51'
Warranty: 3-15 year warranties
Cost: \$50,000



Option 2

Gametime

Name: Modern City M
Size: 54' x 51'
Warranty: 1-20 year warranties
Cost: \$51,000



Option 3

Berliner

Name: IKO L
Size: 31' x 29'
Warranty: 3-15 year warranties
Cost: \$28,000



Option 4

Landscape Structures

Name: Eclipse
Size: 54' x 51'
Warranty: 3-15 year warranties
Cost: \$50,000



Option 5

Gametime

Name: GT Wave
Size: 43' x 35'
Warranty: 1-25 Warranty
Cost: \$77,500



Option 6

Burke Play Structures

Name: Level X
Size: 37' x 49'
Warranty: 1-25 year warranties
Cost: \$66,000



GATED ENTRY FOR LARGE AND SMALL DOGS

OPTIONAL DOG INTERACTIVE FEATURES

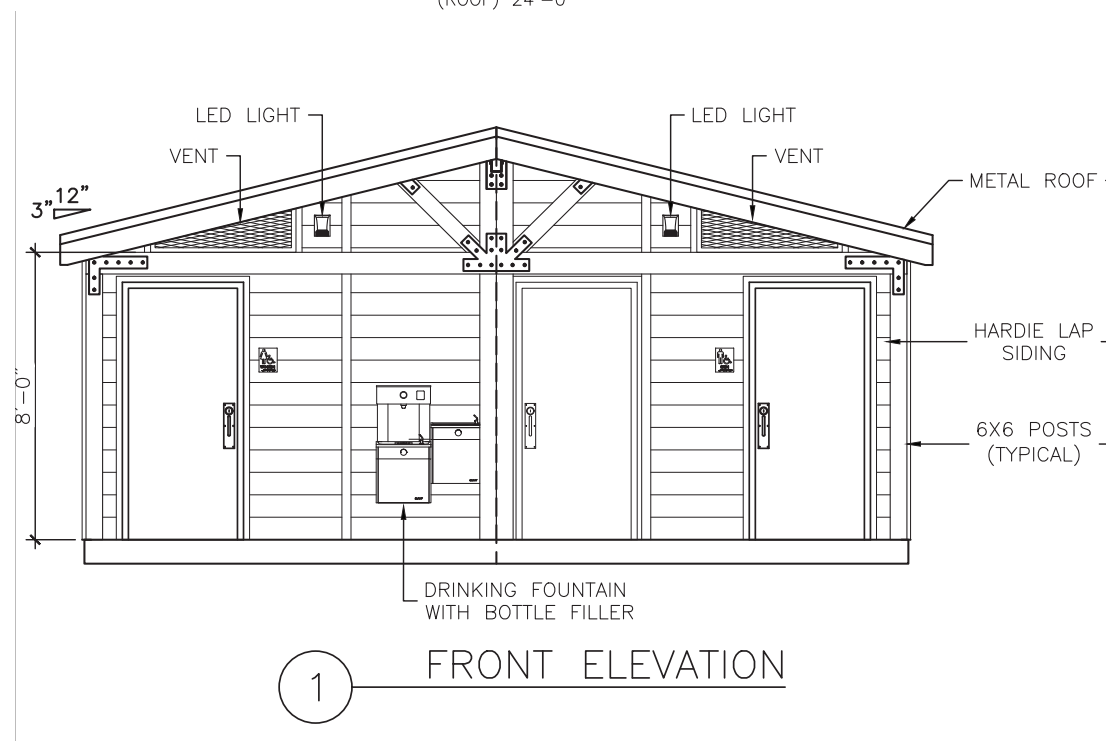


DRINKING FOUNTAINS (Humans and Dogs)



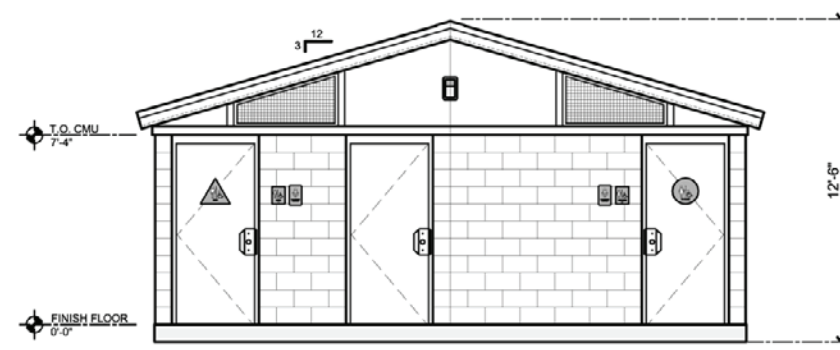
DOG WASTE STATION





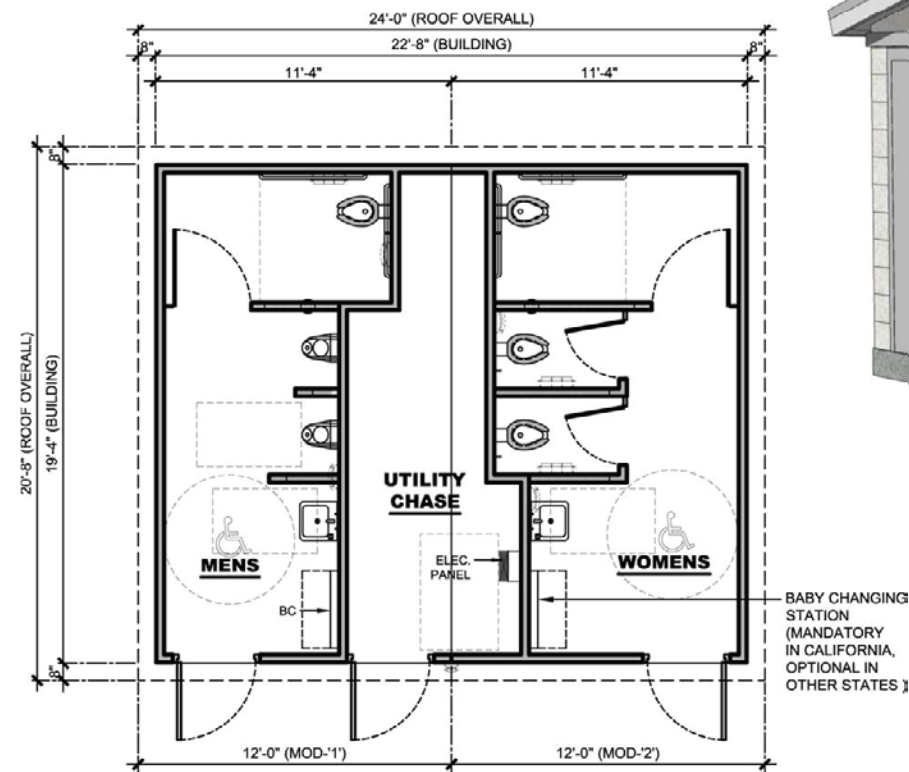
Name:	W202CEDF
Size:	21' x 13'
Warranty:	5 Year
Cost:	\$344,000 (installed)





ELEVATION

SCALE: 1/8"=1'0"



FLOOR PLAN

SCALE: 1/8"=1'0"

NOTE: STAINLESS FIXTURES



Public Restroom Company

Name: SS-242
Size: 20' x 28'
Warranty: 20 Year Structural
Cost: \$400,000 (installed)

NOTE:
 DOOR PICTOGRAM
 (MANDATORY IN CALIFORNIA)
 OPTIONAL IN OTHER STATES



PERSPECTIVE

(FINISHES SUBJECT TO CHANGE)

RESTROOM BUILDING
SS-242
 STADIUM SERIES

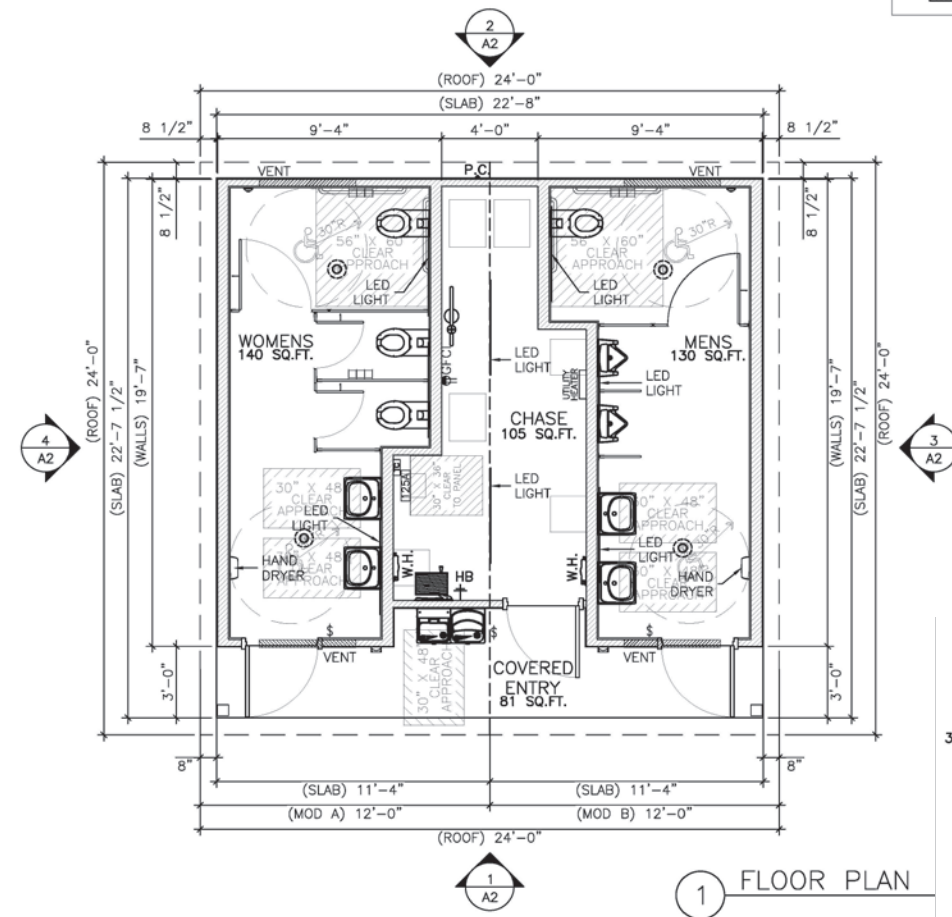
270 USERS/HR.



www.PublicRestroomCompany.com

2587 BUSINESS PARKWAY
 MINDEN NEVADA 89423
 P: 888-888-2060 F: 888-888-1448

BUYBOARD 2019



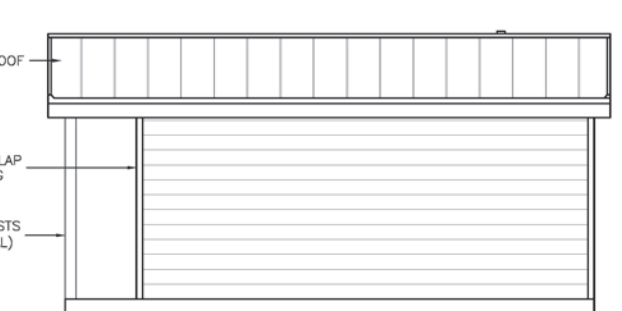
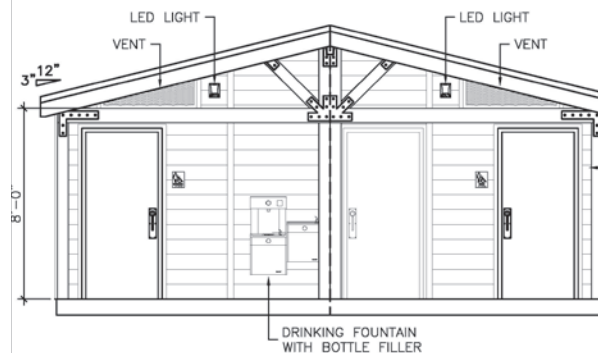
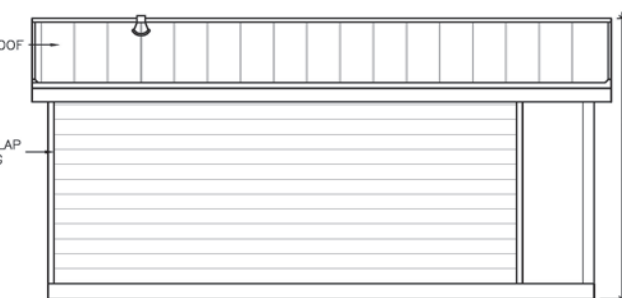
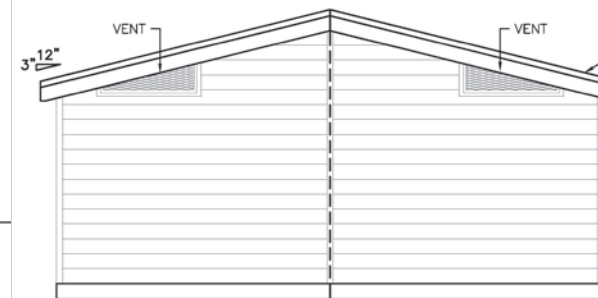
CorWorth Restroom Facilities

Name: W424CEDF

Size: 24' x 24'

Warranty: 5 Year

Cost: \$425,000 (installed)





MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: May 5, 2025

TOPIC: Consideration and possible action to approve recommendation from Parks and Recreation Board regarding Delores Martin Park.

BACKGROUND: At the April 24, 2025, Parks Board meeting, staff discussed the possibility of developing Deloris Martin Park as a joint venture with Brazoria County. Staff explained that before formally and extensively discussing this possibility, staff was seeking a recommendation from the Board for City Council's consideration. Brian Frasier with Brazoria County Parks was present to discuss this possibility. He shared that the first hurdle is development cost, and the second hurdle is operational costs. He explained that the decision on whether the park will be a County Park in Manvel or a City Park, and who will maintain and staff the park is critical. He indicated that the current development cost is in the 6-million-dollar range, which would include trails, piers, boat ramp, restroom, parking lot, playground, and access point. Staff requested the board's recommendation on proceeding with Delores Martin Park Facilities Plan and considering a joint venture with Brazoria County.

PARKS & RECREATION BOARD RECOMMENDATION: Parks & Rec Board is recommending to proceed with Delores Martin Park Facilities Plan and considering a joint venture with Brazoria County.

ATTACHMENTS: Sketch and potential budget, Delores Martin Park Early Budget estimates.

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 _____

DELORES MARTIN PARK

Estimated Project Cost: \$3M
(Adjusted for 2025)

Additional Considerations:
Pedestrian Bridge



Estimated Annual Maintenance and
Operation Costs (both properties):
Mowing - \$20,000/yr
Landscape and Irrigation - \$1,000/yr
Restrooms, Trash- \$5,000/yr
Total Annual Maintenance Costs - \$26,000

Concept drawing of improvements to the recently acquired Almost Heaven Park and Sand Quarry properties. These projects could be developed independently, or as a single effort. Also for consideration is the need for a pedestrian bridge connecting the two parcels, and additional parking may be needed for the Almost Heaven Park property.

Delores Martin Park

The former site of the Almost Heaven RV Resort has been conveyed as park property to the City of Manvel. This addition to the park system offers amenities to provide for recreation for residents in the new neighborhoods being constructed nearby. The property has a large, beautiful lake that is a true asset to the parks system.

Sand Quarry

Adjacent property on the south side of Mustang Bayou has also been acquired by the City. The property is the site of a former sand quarry and is in the process of being converted from its former use and is being filled with rainwater and natural spring water from below. The site will have a large lake that comprises the majority of the land.

An additional 107 combined acres will be available for recreation with the development of the Almost Heaven site and the adjacent sand quarry site. A pedestrian bridge would be necessary to link the two properties together.



City of Manvel - Almost Heaven Park 2016 Estimate

Qty.	Unit	Description	Unit Cost	Subtotal
18,200	sf	Parking Lot	\$7.00	\$127,400
3,500	lf	Decomposed Granite Trails	\$20.00	\$70,000
1	Allow	Landscape Improvements	\$25,000	\$25,000
1	Allow	Site Furniture	\$15,000	\$15,000
1	Allow	Site Lighting	\$30,000	\$30,000
1	Allow	Utilities Extension	\$10,000	\$10,000
Subtotal				\$277,400
5% Contingency				\$13,870
Subtotal				\$291,270
15% GC markup				\$43,691
Total Construction Cost				\$334,961
8% Professional Design and Management Fee				\$26,797
PROBABLE COST				\$430,000

Estimate

City of Manvel - Sand Quarry Park 2017 Estimate

Qty.	Unit	Description	Unit Cost	Subtotal
1	Allow	Restrooms	\$360,000	\$360,000
2	Allow	Group Picnic Pavilion	\$120,000	\$240,000
6	Allow	Picnic Pavilion	\$12,000	\$72,000
18,200	sf	Parking Lot	\$7.00	\$127,400
8,900	lf	Decomposed Granite Trails	\$20.00	\$178,000
3,500	sf	Concrete Walks	\$5.00	\$17,500
1	Allow	Playgrounds	\$150,000	\$150,000
2	Allow	Sand Volleyball	\$8,000	\$16,000
1	Allow	Landscape Improvements	\$25,000	\$25,000
1	Allow	Site Furniture	\$40,000	\$40,000
1	Allow	Site Lighting	\$30,000	\$30,000
1	Allow	Utilities Extension	\$10,000	\$10,000
Subtotal				\$1,265,900
5% Contingency				\$63,295
Subtotal				\$1,329,195
15% GC markup				\$199,379
Total Construction Cost				\$1,528,574
8% Professional Design and Management Fee				\$122,286
PROBABLE COST				\$1,980,000

Estimate



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: May 5, 2025

TOPIC: The applicant is appealing the City of Manvel City Engineer's decision on a design modification request to allow gravel/ crushed asphalt driveway for a new home construction at 7619 Scott Avenue, Manvel, Texas.

BACKGROUND:

- The applicant and homeowner, Mr. Oscar Carranza, submitted a design modification request for the allowance of a gravel/crushed asphalt driveway beginning at the ROW line and continuing within the owner's property.
- The property is located at 7619 Scott Avenue.
- A New Home permit is currently in the system with a few final inspections remaining.
- Residential Driveways are required to be either concrete or asphalt based on the City's Design Criteria Manual.
- The applicant has indicated that the gravel/ crushed asphalt driveway will be temporary and that he plans to construct a concrete drive within a year.
- On April 15, 2025, a design modification request was denied by the City Engineer.

- Driveway Criteria is laid out in Chapter 6 of the City's Engineering Design Criteria Manual under Site Development.
- The following guidelines are specifically laid out in Chapter 6 Section A Item 7 r&s of the Manual and are in relation to residential driveways.
 1. On concrete streets, Residential Driveways shall be concrete, installed according to the City of Manvel Construction Details.
 2. On asphalt streets, Residential Driveways shall be concrete or asphalt, installed according to the City of Manvel Construction Details.
- The applicant has proposed the following in lieu of a complete concrete or hot mix asphalt driveway;
 1. The driveway approach beginning at the connection to the street up to the property line will be constructed of concrete.
 2. From the property line and within the owner's private property, the concrete will then be constructed of gravel/crushed asphalt material.

STAFF RECOMMENDATION: Not Applicable. This is an appeal to a request denied by the City Engineer.

PD&Z RECOMMENDATION: PD&Z is forwarding a recommendation of approval subject to a development agreement between the applicant and the City of Manvel.

ATTACHMENTS: Vicinity Map, Design Criteria Manual Variance Form, Approved Driveway Plan, Propose Driveway Variance Plan, Proposed Crushed Asphalt Examples, Proposed Development Agreement.

FUNDING ISSUES

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

SUBMITTING STAFF MEMBER

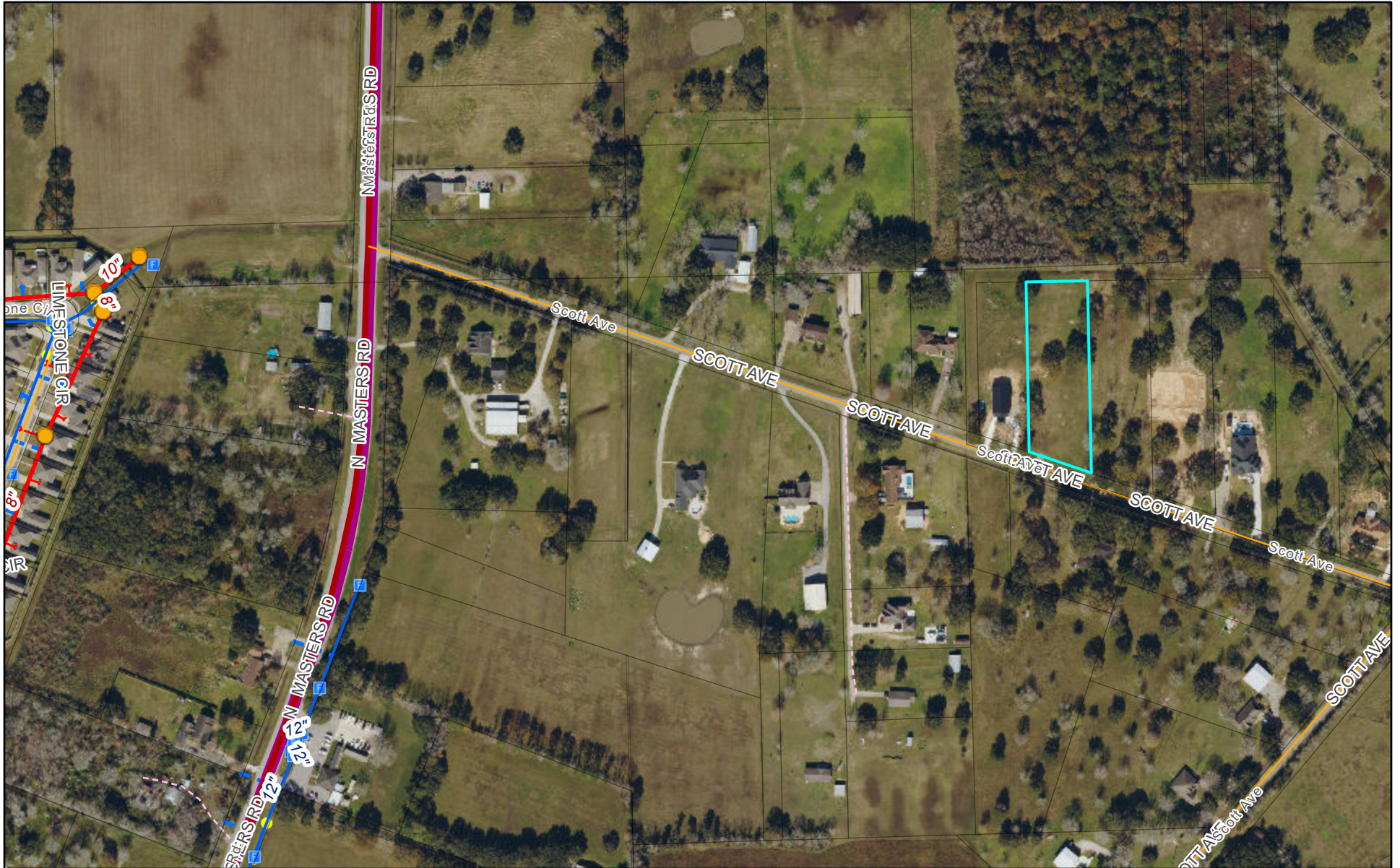
Matt De La Rosa,
Assistant City Engineer

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____



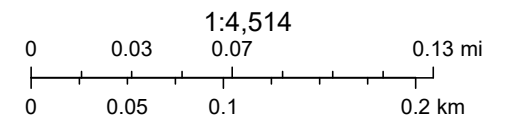
City of Manvel GIS Map



4/24/2025, 3:55:45 PM

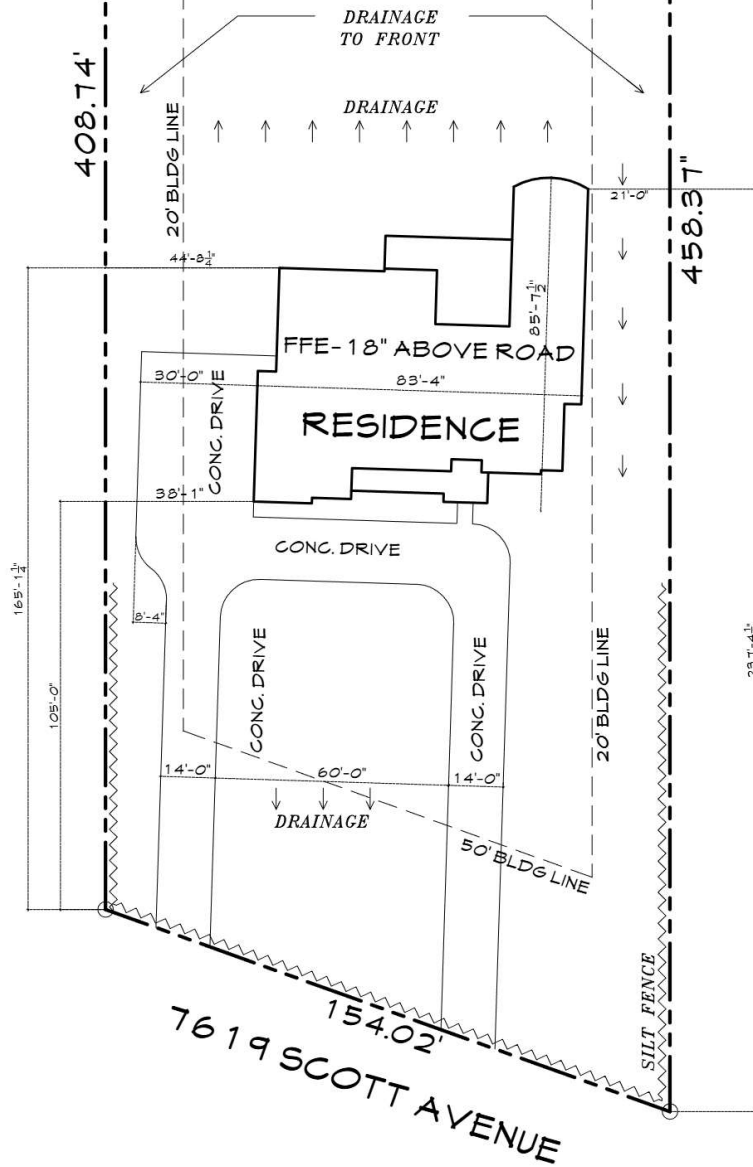
- | | | |
|----------------|--|---|
| Parcels | Major Thoroughfare - 2021 Major Thoroughfares | Water Distribution System - Fitting |
| Streets | Parkway (120' ROW) | Water Distribution System - Water Main |
| TXDOT | Sanitary Sewer Collection System - Sanitary Manhole | Water Distribution System - Gate Valves |
| City of Manvel | Sanitary Sewer Collection System - Sanitary Gravity Main | Gate |
| Private | Sanitary Sewer Collection System - Sanitary Lateral | Water Distribution System - FH Lateral |
| | | City of Manvel_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.



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Sources: Esri, Maxar, Airbus DS,

City of Manvel



PLOT PLAN **CARRANZA RESIDENCE**

LOT 2, BLOCK 1, THE SCOTT AVENUE ESTATE MINOR

JOB #: 20234518

LOT	1.44 ACRES
HOUSE	5243 SQ.FT.
FLAT WORK	6200 SQ.FT.

Moonlight House



Plans

979-482-1967

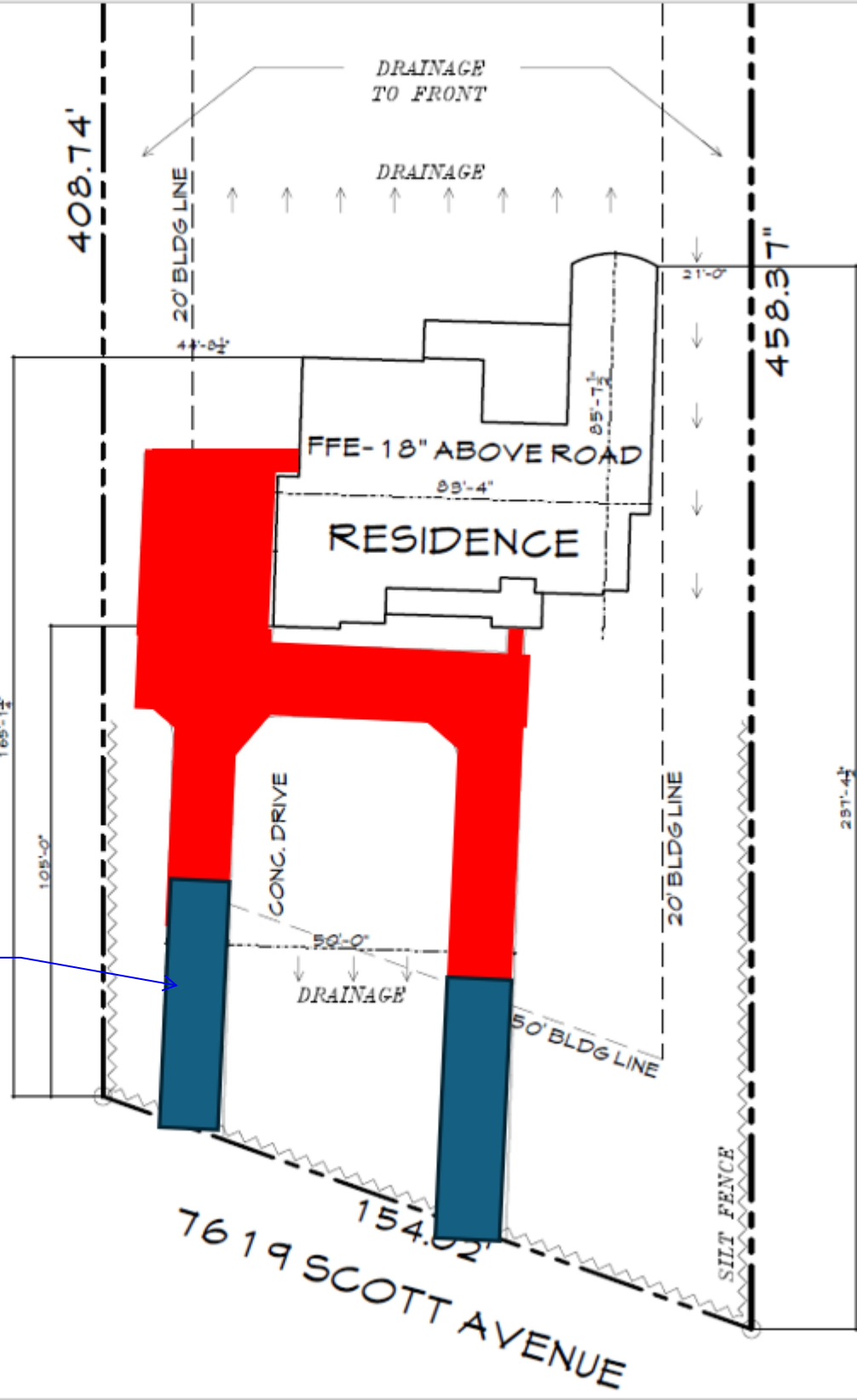


1/32" = 1'-0"

10-30-23

PP

EXHIBIT PROVIDED BY THE APPLICANT.



- Concrete
- Gravel

This is not accurate. This portion shown as concrete is within the property.

The applicant has indicated that concrete portion will be from the existing asphalt road to the property line.

EXHIBIT BY STAFF



**CITY OF MANVEL
DESIGN CRITERIA MANUAL
SECTION 7 - MODIFICATION FORM**

Variations to technical standards identified in the Design Criteria Manual may be permitted by the City of Manvel City Engineer. The modification proposal must be submitted by a registered Professional Engineer following generally accepted engineering standards for traffic, sidewalk and other infrastructure as applicable, and such proposal contains the following information and substantiates the findings in paragraph four (4) below. If an appeal to the City of Manvel City Engineer decision is requested, the Planning Development & Zoning (PD&Z) will review that appeal and make a recommendation to City Council. City Council will have final authority on the approval or denial of the Appeal.

PROJECT NAME: 7619 Scott Avenue, Manvel, Texas Residence

This entire form must be completed in its entirety. If form is submitted incomplete, it will be administratively rejected.

PROJECT ENGINEER: Carlos Balderrama

SUBMITTAL DATE: 01/07/2025

SUBDIVISION NAME: _____

MODIFICATION

LOCATION:

Driveway

1. Set forth the proposed deviation to the technical standard.

SPECIFIC PROPOSED DEVIATION FROM TECHNICAL STANDARD:

Construct a concrete driveway from the city street
to the property line, and an all weather gravel/asphalt
driveway from the property line to the residence.

2. Set forth the impact such deviation has on speed differential and street capacity, the likelihood of accidents, the long term maintenance and operation effect, the degree of functionality and efficiency, the technological advancements involved, and other relevant matters.

IMPACT OF DEVIATION:

No foreseen impacts. No drainage pattern or flow impacts.

3. Show a comparison of the technical standard to the proposed deviation with respect to overall safety and quality, speed differential, street capacity, existing and projected accidents, long-term maintenance and operation, degree of functionality, degree of efficiency, technological advancements, and other relevant matters.

COMPARISON OF TECHNICAL STANDARD TO PROPOSED DEVIATION:

Deviation to an all weather surface driveway past the property
line will not impact overall safety/quality, maintenance,
drainage, or other items listed above. City of Manvel
standards and details will be followed for construction.

4. Describe all mitigating improvements that reduce the negative impact of the proposed deviation on overall safety and quality, speed differential, street capacity, accident occurrences, long-term maintenance and operation, degree of functionality, degree of efficiency and demonstrating the degree to which the proposed deviation detrimentally affects the foregoing. Other relevant factors, including technological advances, should be explained by describing how they will affect the proposed development. Mitigating improvements can include but are not limited to, traffic control devices, pavement improvements, added acceleration or deceleration lanes or reservoirs, and other on-site improvements.

MITIGATING IMPROVEMENTS THAT REDUCE NEGATIVE IMPACT:

No mitigating improvements are required as part of the deviation. Concrete driveway will be constructed per standard and will not deviate/change conditions at the ROW. Drainage patterns/flows will not be changed.

SUMMARY & CONCLUSION/RECOMMENDATION FOR MODIFICATION:

I recommend the driveway material be allowed to be changed to a gravel/asphalt material past the property line as it will not have any negative impacts to operations, safety, drainage, or maintenance of the elements in the ROW.

List of Supporting Documentation Attached?

Yes X

No

Seal of Professional Engineer:



City of Manvel Use ONLY

1. Modification Request:

Approved

Denied

D. J. Johnson
City Engineer

4/15/2025
Date

2. Planning Development & Zoning:

Recommended

Not Recommended

Chair

Date

3. City Council:

Approved

Denied

Mayor

Date





DEVELOPMENT AGREEMENT
(FOR DESIGN CRITERIA MANUAL MODIFICATION)

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

This Development Agreement executed as of the 5th day of May, 2025, is by and between the City of Manvel, Texas, (“City”) and Oscar Carranza, property owner of certain hereinafter described property located within the City, (together known as “Property Owner”), all collectively referred to as the “Parties.” This Agreement is in regard to the driveway of a new residential structure located at 7619 Scott Avenue, Manvel TX.

WHEREAS, the City’s driveway criteria are laid out in Chapter 6 of the City’s Engineering Design Criteria Manual under Site Development; and,

WHEREAS, the following guidelines are specifically laid out in Chapter 6 Section A Item 7 r&s of the Manual and are in relation to residential driveways:

1. On concrete streets, Residential Driveways shall be concrete, installed according to the City of Manvel Construction Details.
2. On asphalt streets, Residential Driveways shall be concrete or asphalt, installed according to the City of Manvel Construction Details; and

WHEREAS, a new home permit is currently in the system with a few final inspections remaining, with the driveway remaining an issue for the homeowner; and

WHEREAS, applicant and homeowner, Mr. Oscar Carranza, submitted a design modification request for the allowance of a gravel/crushed asphalt driveway beginning at the ROW line and continuing within the owner’s property, for a period of up to one year; and

WHEREAS, the subject property is located at 7619 Scott Avenue; and

WHEREAS, on April 15, 2025, the design modification request was denied by the City Engineer; and

WHEREAS, on April 29, 2025, the design modification request was recommended for approval by PD&Z with the condition that it be subject to a development agreement with a mechanism in place with an adequate remedy for non-compliance; and

WHEREAS, on May 5, 2025 the design modification request was approved by the City Council with the condition that it be subject to a development agreement with a mechanism in place with and adequate remedy for non-compliance;

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

1. PROJECT

1.01 Location. The property that is the subject of this agreement is 7619 Scott Avenue (the "Property"). The Property is more fully described and depicted in the map attached as Exhibit "A", attached hereto.

1.02 Project Description. This Agreement is in regard to the construction of driveway of a new residential structure located at 7619 Scott Avenue, Manvel TX.

1.03 Construction of the driveway will require compliance with the City's Design Criteria Manual. Chapter 6 Section A Item 7 r&s of the Manual and are in relation to residential driveways. Residential Driveways are required to be either concrete or asphalt based on these requirements. The Property Owner has applied for a design modification request for the allowance of a gravel/crushed asphalt driveway beginning at the ROW line and continuing within the owner's property, for a period of up to one year

2. CITY APPROVAL

2.01 Approval of design modification request. Pursuant to its authority under the Design Criteria Manual, the City agrees to allow the Property Owner to vary the requirements of Chapter 6 Section A Item 7 r&s of the Manual, and allow the following in lieu of a complete concrete or hot mix asphalt driveway:

1. The driveway approach beginning at the connection to the street up to the property line will be constructed of concrete.
2. From the property line and within the owner's private property, the driveway will then be constructed of gravel/crushed asphalt material.
3. The alternative driveway will be allowed for a period of one year from the date of certificate of occupancy.

2.02 City shall record this agreement with the Brazoria County Clerk and evidence the agreement on a "plat note" on any future plat or replat of said Property, if applicable. Property Owner shall be responsible for the cost of recordation.

3. PROPERTY OWNER COVENANTS

3.01 Property Owner agrees to pay the cost of recordation of this Agreement within thirty (30) days of invoice by the city.

3.02 The alternative driveway will be allowed for a period of one year from the date of certificate of occupancy.

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. Property Owner 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 facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above.

The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City: City of Manvel
20031 Morris Avenue
Manvel, Texas 77578
ATTN: City Manager

If to Property Owner: Oscar Carranza
14238 Papadosa St,
Houston, Texas 77053

4.10 Remedies. In addition to any remedy provided by law, including but not limited to breach of contract and specific performance, the Property Owner stipulates and agrees that, upon default by Property Owner, City may revoke/withhold issuance of a certificate of occupancy for the Property, and Property Owner agrees to hold City harmless for any liability from said revocation/fail to issue.

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument.

Executed on this the _____ day of _____, 2025.

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 _____, 2025,
by DAN DAVIS, as Mayor of the City of Manvel, Texas, on behalf of said City of Manvel.

Notary, State of Texas

Property Owner:

By: _____
Name: Oscar Carranza

By: _____
Spouse (if applicable)

THE STATE OF TEXAS §

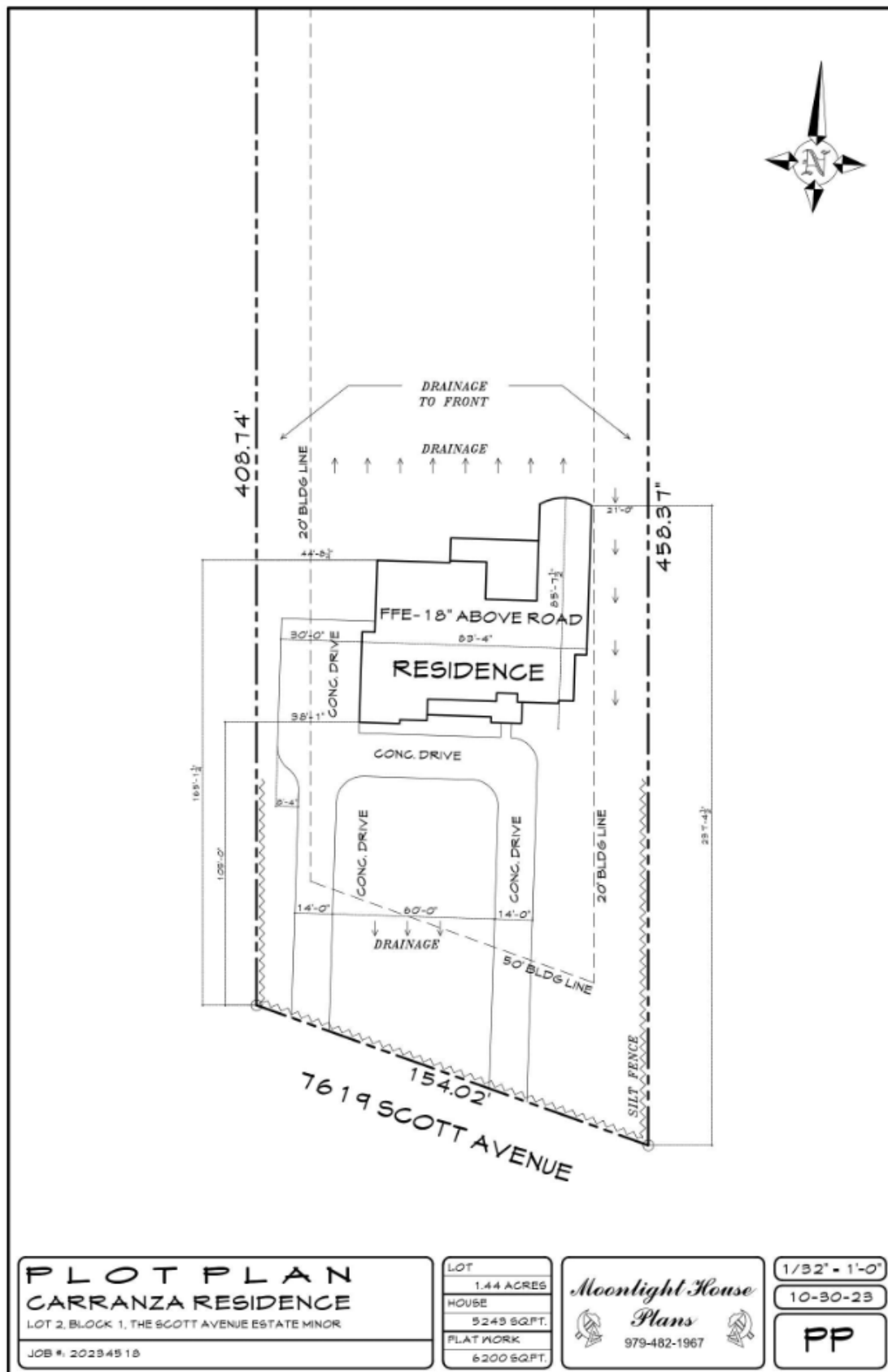
COUNTY OF BRAZORIA §

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

Notary, State of Texas

(NOTARY SEAL)

Exhibit A





MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: May 5, 2025

TOPIC: Subdivision variance request for an approximate 2-acre tract of land located at 9411 Quaker Court, Rosharon, Texas, seeking to vary the requirements of Chapter 62, Section 108 (a) (5), *Residential lots not served by a public sewer system shall be not less than 120 feet in width at the building setback line and shall have an area of not less than one acre or 43,560 square feet.*

BACKGROUND: The subject site, approximately 2 acres tract of land, is located within the City of Manvel's Extraterritorial Jurisdiction (ETJ), along the east side of Quaker Court. The subject site currently contains a vacant residential building and a metal accessory structure, both of which the owner intends to demolish. The applicant TyRisha Chambers, who is representing the property owner, Chelvis Kennerson is proposing to subdivide the subject site into two single-family residential lot. Based on Brazoria County Appraisal District (BCAD) records, it appears that the subject site was already subdivided without a plat approval. Platting in accordance with city requirements is required prior to developing the subject site for two residential homes.

Platting of the subject site requires Right-of-Way (ROW) dedication and will result in two lots that are less than one acre. Per the City's Subdivision Ordinance, Chapter 62, Section 108 (a)(5), residential lots not served by a public sewer system shall have an area of not less than one acre (43,560 square feet). To seek relief from this requirement, the applicant, 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:** There are special circumstances affecting the subject site based on its location. The subject site is located within the ETJ (Vicinity Map attached). State legislature limits the ability of Cities to control land-use and density in the ETJ. The minimum one-acre requirement for residential lots not served by a public sewer system allows better management of well and septic systems where public utility system is not available. This requirement is better managed within the City Limits since the city does not issue well and septic permits in the ETJ.
- **Strict Enforcement:** The current acreage of the subject site is 2 acres. Since the applicant intends to subdivide the property into two lots, after the required dedication of ROW, the acreage of each lot will be approximately 0.1 acres less than the minimum required 1 acre. While strict enforcement of the minimum lot size requirement would not deprive the applicant of property rights, it would prevent the proposed subdivision. Please note that within Open single family residential zoning district, lots with reduced lot area of 0.85 acres due to ROW dedication is allowed. Additionally, please note that the subject site is located within a larger unplatted subdivision with similar lot sizes and without formal ROW dedication.
- **Impact on Public Welfare:** Since the reduction in lot area is minimal, granting a variance will not be materially detrimental or injurious to other properties in the area. It will not impair an adequate supply of light or air to adjacent property, will not substantially increase the congestion, fire danger, endanger the public health, safety and well-being of the neighborhood. Also, granting of the variance will not impact the permitting process with Brazoria County based on communication from County staff.

RECOMMENDATION: Staff recommends approval of the variance request to *Chapter 62, Section 108 (a)(5)*, with the following condition as specified in the development agreement:

1. The subdivision variance will expire upon a change of residential use of the property; or
2. The subdivision variance will expire upon further subdivision or replatting of the subject site to create more than two lots / reserves.

ATTACHMENTS: Application Form, Survey, Vicinity Aerial Map, Vicinity Zoning Map, 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): TyRisha Chambers
Phone: 816-665-4958 e-mail: tychambers@thelgrouprealestate.com
Owner: _____
Owner Address: _____ City _____ State _____ Zip _____
Phone: _____ e-mail: _____

Property Information

Site Address: 9411 Quaker Court Rosharon TX 77583
Legal description (from deed): Colony West Sec 1-2-3-4 (A0286 H T& B R R) Lot 55-56 Acres
(Property must be legally subdivided or be lot of record)
Brazoria County Identification Number: 197902

Description of Subdivision Variance Request

Section 62-108 (a) (5)

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?

Approval for .9 acres. Due to the dedication of 30ft right of way,
the replat of 2 lots will fall short of 1 acre each. The .9 will cover well
and septic. The dedication of right of way is the reason why its less than 1 acre

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

By allowing the variance, the property owner can make reasonable use of their land. It aligns

with the properties intended function and ensures that the property owner is not unfairly deprived

of the rights that other similarly situated property owners enjoy.

- 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.

The property will indeed be on its own septic, no harm will be done to the surrounding neighbors

because their property will not be transitioned or altered in this matter.

- 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.

It will not impede the orderly subdivision of surrounding land, as it remains consistent with the

intent and provisions of the subdivision ordinance. The variance applies specifically to the

owners property and does not create a precedent that would disrupt the uniformity of 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.

TyRisha Chambers
Applicant Signature



4/1/25

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

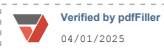
SUBMITTAL CHECKLIST

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)	X
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)	X
Two (2) Copies of Proposed Plat	
Letter of Authorization (if applicable)	X
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.

TyRisha Chambers  4/1/25
Applicant Signature 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.

Chelvis Kennerson

Owner Name

9411 Quaker Court

Owner Address

Rosharon Tx

77853

Owner City, State

Zip

3/31/25

Date

Development Services Department
20025 Highway 6
Manvel, TX 77578

Dear City of Manvel Development Services,

I, Chelvis Kennerson, certify that I am the owner of the project property located at 9411 Quaker Court Rosharon TX 77583 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 TyRisha Chambers with the company _____ (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 281-222-6234 ckennerson@edenmanagementco.com if you have any questions.

Sincerely,

Owner Name Chelvis Kennerson

Owner Signature

SCALE 1"=30'

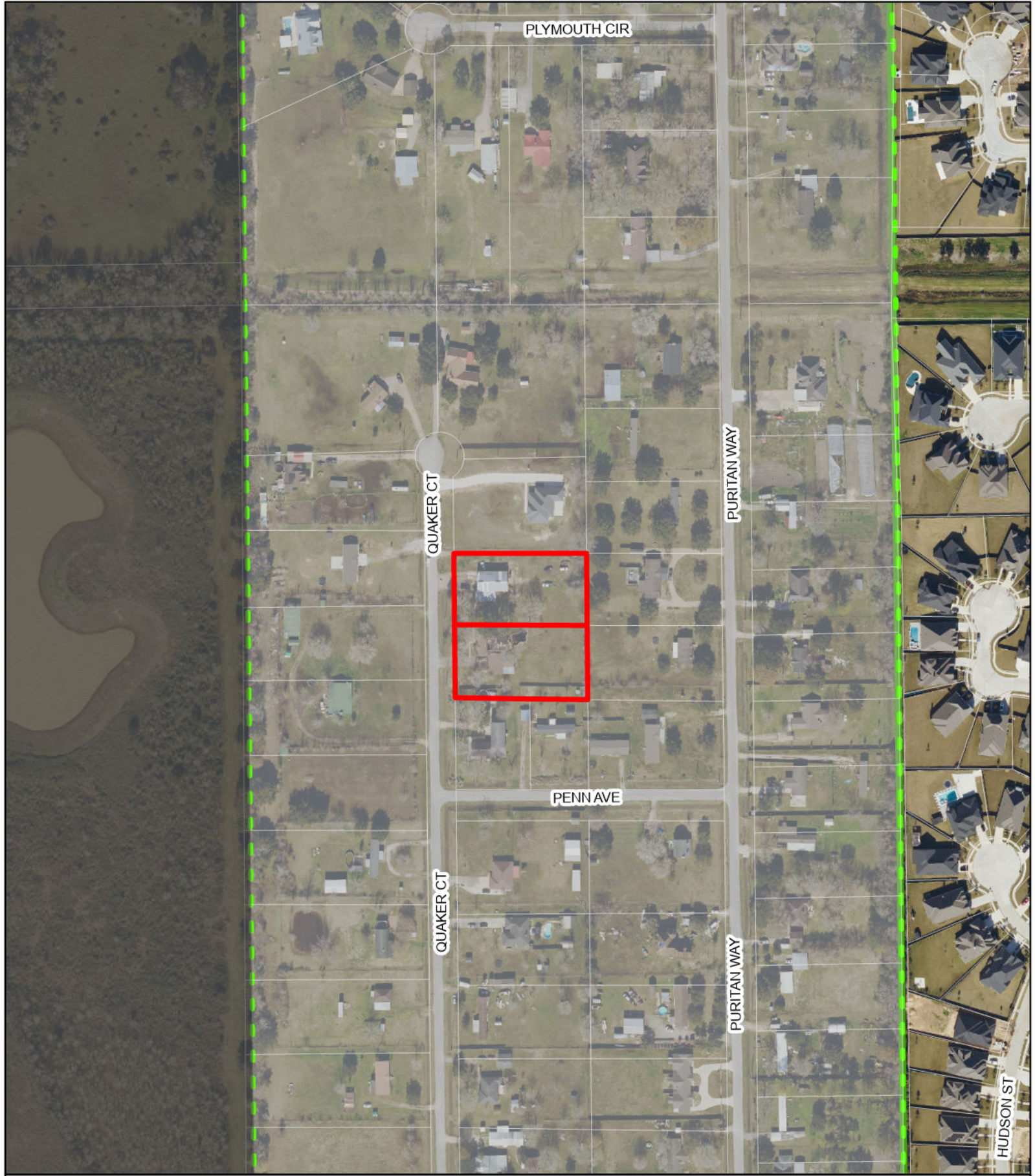


 CONCRETE
 COVERED AREA
 GRAVEL
 ASPHALT

 POWER POLE
 WIRING LEAD
 WATER WELL
 OVERHEAD UTILITY LINES

 FLANGE
 CHAIN LINK
 WIRE
 WOOD

[illegible]



9411 Quaker PID: 197902



Parcels

City of Manvel ETJ

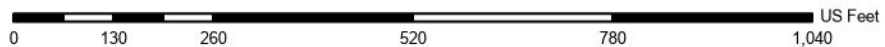


City of Manvel City Limits

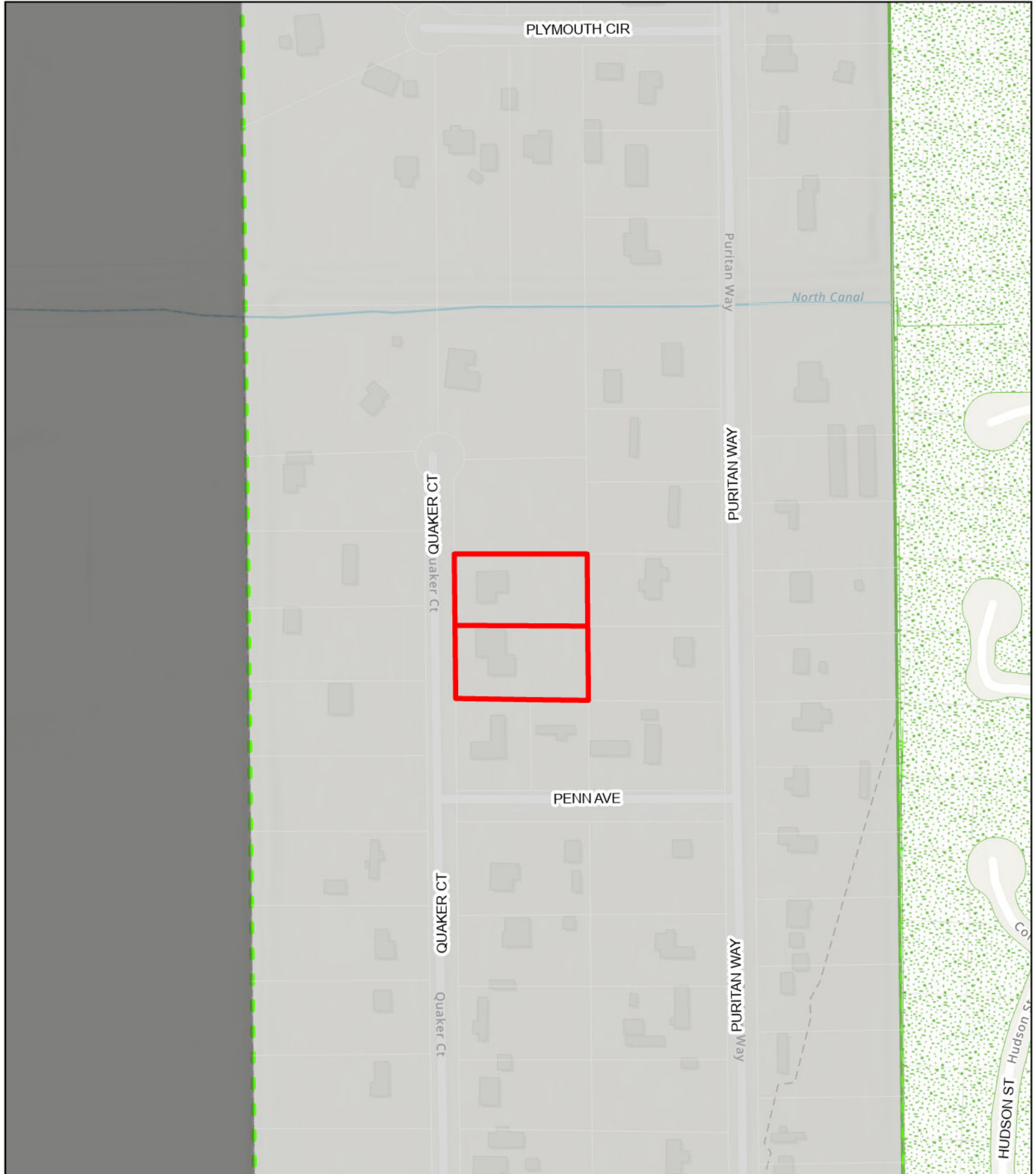
PID197902



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



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.



9411 Quaker PID: 197902



Parcels
City of Manvel ETJ



City of Manvel City Limits
Planned Unit Development

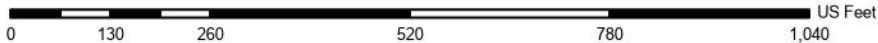


PID197902



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

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.



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 Chelvis Kennerson, property owner of certain hereinafter described property located within the City of Manvel Extra-Territorial Jurisdiction (ETJ), (together known as “Developer”), all collectively referred to as the “Parties. This Agreement is in regard to the platting and subdivision of an approximate 2-acre tract of land located at 9411 Quaker Court, Rosharon, TX 77583 (PID: 197902), situated in the H T & B R R Company Survey No. 55, Abstract 286, Brazoria County, Texas, for the purpose of subdividing into 2 lots that each lot will be approximately 0.9 acres after dedication of Right of Way (ROW),

WHEREAS, The Developer/Owner wishes to subdivide the 2-acre tract of land to create two lots that each lot will be less than 1 acre after dedication of ROW. The attached survey indicates that ROW dedication would be required, and following the ROW dedication, the size of each lot will be less than one acre. The two lots are located within the City of Manvel Extra-Territorial Jurisdiction (ETJ) and is more fully described and depicted in Exhibit “A”, attached hereto; and,

WHEREAS, The subdividing of land will require approval of a plat and compliance with the City’s subdivision ordinance; and

WHEREAS, Section 62-108(a)(5) of the city code requires residential lots not served by a public sewer system shall have an area of not less than one acre or 43,560 square feet; and

WHEREAS, pursuant to Section 62-5 of The City Code, the Developer has applied for a variance to this minimum lot area 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 2-acre tract of land located at 9411 Quaker Court, contains two, 1 acre lots, known as Tract 55 and 56 of Colony West Sec III, an unrecorded subdivision, being a part of the H T & B R R Company Survey No. 55, Abstract 286, Brazoria County, Texas. The Property is more fully described and depicted in the survey attached as Exhibit “A”, attached hereto.

1.02 Project Description. This Agreement is in regard to subdivision of land to create a two-lot single-family subdivision on the Property, owned by Developer.

1.03 The Property has never been platted. Improving land to create a two-lot single-family subdivision on the Property will require approval of a plat and compliance with the City’s subdivision ordinance. Section 62-108(a)(5) of the city code requires residential lots not served

by a public sewer system shall have an area of not less than one acre or 43,560 square feet. 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 62-108(a)(5) 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 residential use of the property; or
- (ii) The subdivision variance will expire upon further subdivision or replatting of the subject site to create more than two 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 begin construction of single-family structures, 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 constructing two single-family structures. Failure of the Developer to begin to construct single-family structures, 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 facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above.

The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City:	City of Manvel 20031 Morris Avenue Manvel, Texas 77578 ATTN:City Manager
-------------	---

If to Developer:

Chelvis Kennerson
9411 Quaker Court
Rosharon, TX 77853

4.10 Remedies. In addition to any remedy provided by law, including but not limited to breach of contract, the Developer stipulates and agrees that, upon default by Developer, City may revoke/withhold issuance of a certificate of occupancy for the Property, and Developer agrees to hold City harmless for any liability from said revocation/fail to issue.

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument.

Executed on this the _____ day of _____, 20__.

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

Chelvis Kennerson:

By: _____

Name: Chelvis Kennerson

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 2-acre tract of land located at 9411 Quaker Court, contains two, 1 acre lots, known as Tract 55 and 56 of Colony West Sec III, an unrecorded subdivision, being a part of the H T & B R R Company Survey No. 55, Abstract 286, Brazoria County, Texas.

Sign Here:

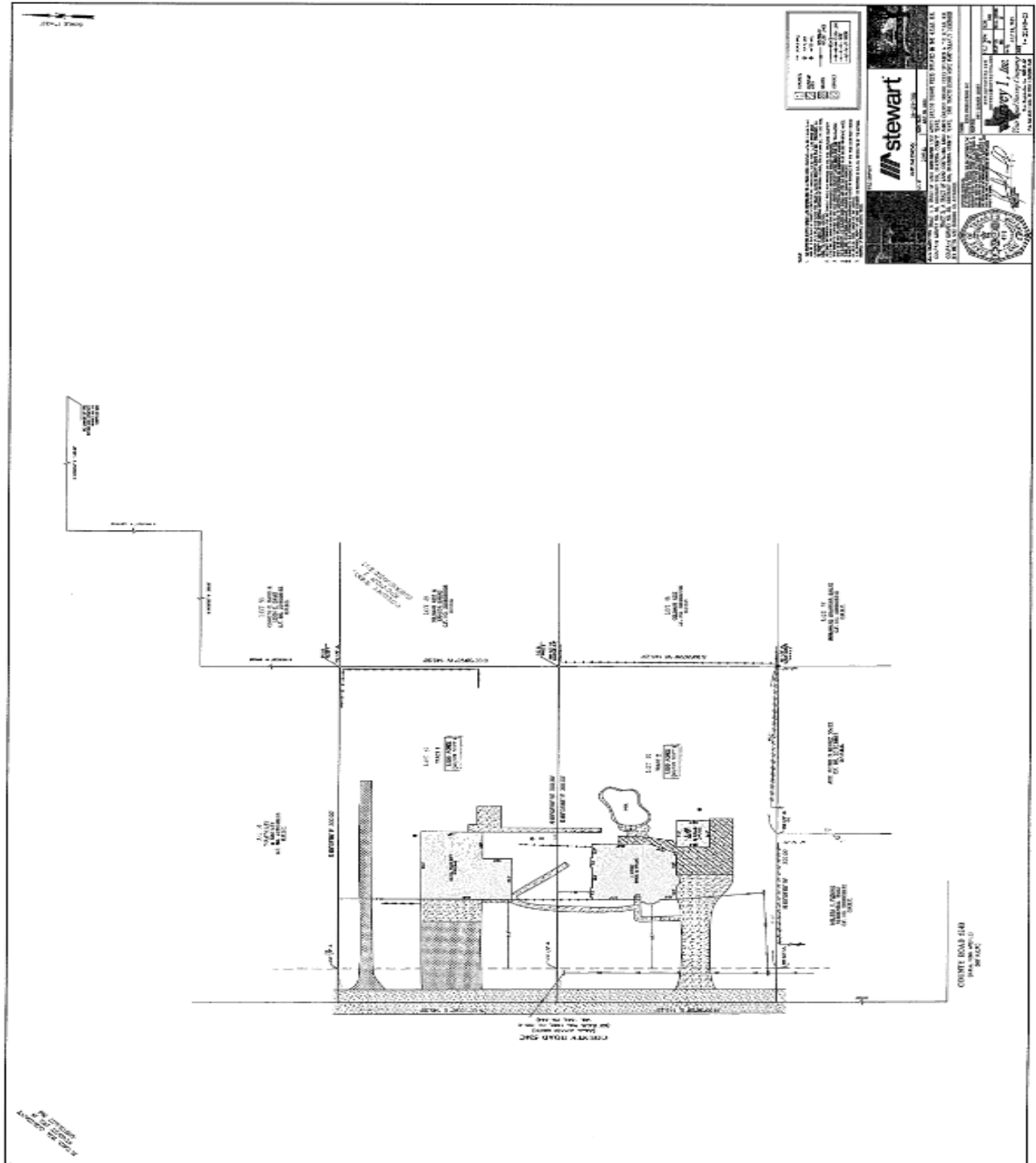



Exhibit B

**COMMITMENT FOR TITLE INSURANCE
EXHIBIT "A"
LEGAL DESCRIPTION**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

File No.: 2007122

Tract I:

SURFACE ONLY: 1.00 acre of land, known as Tract 55 of Colony West, Section III, an unrecorded Subdivision, being a part of the HT&B RR Company Survey No. 55, Abstract 286, Brazoria County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod marking the northeast corner of the herein described tract, said point being located North 89 deg. 08 min. 58 sec. West-1652.24 feet South 00 deg. 30 min. 26 sec. West-2669.02 feet; North 89 deg. 08 min. 58 sec. West-300.0 feet and South 00 deg. 30 min. 26 sec. West-508.2 feet from the northeast corner of the aforementioned HT&B RR Company Survey;

THENCE South 00 deg. 30 min. 26 sec. West a distance of 145.2 feet to an iron rod marking the southeast corner of the herein described tract;

THENCE North 89 deg. 08 min. 58 sec. West at 270.0 feet pass an iron rod set for reference corner, and continue for a total distance of 300.0 feet to a point for corner in the centerline of a 60.0 foot road;

THENCE North 00 deg. 30 min. 26 sec. East, along said centerline, a distance of 145.2 feet to the northwest corner of the herein described tract;

THENCE South 89 deg. 08 min. 58 sec. East, at 30.0 feet pass an iron rod set for reference corner and continue for a total distance of 300.0 feet to the PLACE OF BEGINNING and containing 1.00 acre of land.

Tract II:

SURFACE ONLY: 1.00 acre of land, known as Tract 56 of Colony West, Section III, an unrecorded Subdivision, being a part of the HT&B RR Company Survey No. 55, Abstract 286, Brazoria County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod marking the northeast corner of the herein described tract, said point being located North 84 deg. 08 min. 58 sec West-1652.24 feet; South 00 deg. 30 min. 26 sec. West-2669.02 feet; North 89 deg. 08 min. 58 sec. West-300.0 feet and South 00 deg. 30 min. 26 sec. West 653.4 feet from the northeast corner of the aforementioned HT&B RR Company Survey;

THENCE South 00 deg. 30 min. 26 sec. West a distance of 145.2 feet to an iron rod marking the southeast corner of the herein described tract;

THENCE North 89 deg. 08 min. 58 sec. West, at 270.0 feet pass an iron rod set for reference corner, and continue for a total distance of 300.0 feet to a point for corner in the centerline of a 60.0 foot road;

THENCE North 00 deg. 30 min. 26 sec. East, along the centerline of said road, a distance of 145.2 feet to the northwest corner of the herein described tract;

THENCE South 89 deg. 08 min. 58 sec. East, at 30.0 feet pass an iron rod set for reference corner, and continue for a total distance of 300.0 feet to the PLACE OF BEGINNING and containing 1.00 acre of land.

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): TyRisha Chambers
Phone: 816-665-4958 e-mail: tychambers@theljgrouprealestate.com
Owner: _____
Owner Address: _____ City _____ State _____ Zip _____
Phone: _____ e-mail: _____

Property Information

Site Address: 9411 Quaker Court Rosharon TX 77583
Legal description (from deed): Colony West Sec 1-2-3-4 (A0286 H T & B R R) Lot 55-56 Acres
(Property must be legally subdivided or be lot of record)
Brazoria County Identification Number: 197902

Description of Subdivision Variance Request

Section 62-108 (a) (5)

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?

Approval for .9 acres. Due to the dedication of 30ft right of way,
the replat of 2 lots will fall short of 1 acre each. The .9 will cover well
and septic. The dedication of right of way is the reason why its less than 1 acre

Exhibit B

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

By allowing the variance, the property owner can make reasonable use of their land. It aligns with the properties intended function and ensures that the property owner is not unfairly deprived of the rights that other similarly situated property owners enjoy.

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.

The property will indeed be on its own septic, no harm will be done to the surrounding neighbors because their property will not be transitioned or altered in this matter.

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.

It will not impede the orderly subdivision of surrounding land, as it remains consistent with the intent and provisions of the subdivision ordinance. The variance applies specifically to the owners property and does not create a precedent that would disrupt the uniformity of 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.

TyRisha Chambers
Applicant Signature



4/1/25

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)	X
One (1) paper copy of site/plot plan and/or site plan (including vicinity map), measuring 8 1/2" 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)	X
Two (2) Copies of Proposed Plat	
Letter of Authorization (if applicable)	X
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.

TyRisha Chambers
Applicant Signature



4/1/25

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.

Chelvis Kennerson

Owner Name

9411 Quaker Court

Owner Address

Rosharon Tx

77853

Owner City, State

Zip

3/31/25

Date

Development Services Department
20025 Highway 6
Manvel, TX 77578

Dear City of Manvel Development Services,

I, Chelvis Kennerson, certify that I am the owner of the project property located at 9411 Quaker Court Rosharon TX 77583 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 TyRisha Chambers with the company _____ (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 281-222-6234 ckennerson@edenmanagementco.com if you have any questions.

Sincerely,

Owner Name Chelvis Kennerson

Owner Signature



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: May 5, 2025

TOPIC: Text amendment to the *Manvel Code of Ordinances*, Chapter 77, *Zoning* (The Zoning Ordinance) to amend and include several requirements and provisions pertaining to landscaping and tree preservation. First of two readings of Ordinance No. 2025-O-14

BACKGROUND: Staff is presenting amendments to the zoning ordinance to amend and include several requirements and provisions pertaining to landscaping and tree preservation; conditions of SUP approval for medical and other personal care service uses; North American Industry Classification system (NAICS) code version update. This agenda item is to consider the amendment pertaining to landscaping and tree preservation.

Currently, the zoning ordinance does not include strong requirements for tree preservation. There is great interest amongst citizens and Council members in considering adoption of standards and requirements pertaining to Tree Preservation. Staff is also proposing some changes to the existing landscaping-related standards for new development. The proposed changes are based on research by staff and input from City Council members. The proposed changes include addition of definitions; prohibition on clear-cutting; preservation requirement for certain protected trees; tree removal permit requirement; criteria for tree removal, tree replacement requirements; tree preservation credits; removal of requirement to plant trees in the right-of-way; exemptions to tree preservation requirements; new tree planting requirements along street frontage, changes to parking lot planting requirements, and transitional buffer yard requirement between residential and non-residential uses.

The public hearing notice requirement for this proposed zoning amendment was met through the provisions of Section 211.007(d) of the Texas Local Government Code, which allowed a joint public hearing by Planning, Development, and Zoning Commission (PDZ) and the City Council in lieu of sending notices to each property owner within 200 feet, as mandated by the City of Austin V Acuna case.

At the 04.24.2025 Parks Board meeting, the Board recommended approval of the proposed amendment with a suggestion to include Pine trees as a protected species.

STAFF RECOMMENDATION: Staff is recommending approval of the proposed text amendment to the *Manvel Code of Ordinances*, Chapter 77, *Zoning* (The Zoning Ordinance) to amend and include several requirements and provisions pertaining to landscaping and tree preservation.

PD&Z RECOMMENDATION: PD&Z is forwarding a final report recommending approval of the proposed text amendment to the *Manvel Code of Ordinances*, Chapter 77, *Zoning* (The Zoning Ordinance) to amend and include several requirements and provisions pertaining to landscaping and tree preservation.

ATTACHMENTS: Redline version of the proposed amendment, Ordinance No. 2025-O-14 and Staff Report

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 _____





FINAL REPORT TO CITY COUNCIL

Zoning Text Amendment

Agenda of:	April 28, 2025	Initiated By:	Jose Abraham Director, Development Services
Subject:	Zoning Text Amendment (Sec. 77-3.- Definitions & Sec. 77-44. - Trees, landscaping, fencing and screening)	Presented By:	Jose Abraham Director, Development Services
Recommended Action:	Consideration and possible action to approve this proposed Zoning Text Amendment. (<u>First of two readings of Ordinance No. 2025-0-14</u>).		

SUMMARY

Currently, the zoning ordinance does not include strong requirements for tree preservation. There is great level of interest amongst citizens and Council members in considering adoption of standards and requirements pertaining to Tree Preservation. Staff is also proposing some changes to the existing landscaping-related standards for new development. The proposed changes are based on research by staff and input from City Council members. The proposed changes include addition of definitions; prohibition on clear-cutting; preservation requirement for certain protected trees; tree removal permit requirement; criteria for tree removal, tree replacement requirements; tree preservation credits; removal of requirement to plant trees in the right-of-way; exemptions to tree preservation requirements; new tree planting requirements along street frontage, changes to parking lot planting requirements, and transitional buffer yard requirement between residential and non-residential uses.

Staff Recommendation: APPROVAL

Parks & Recreation Board Recommendation: APPROVAL with inclusion of Pine Trees as a protected Species

PD&Z Recommendation: APPROVAL

EXHIBITS/ ATTACHMENTS

Redline version of Sec. 77-3.- *Definitions* & Sec. 77-44. - *Trees, landscaping, fencing and screening*, Ordinance No. 2025-0-14, and Public Hearing Notice.

PROPOSED AMENDMENT

Section 77-44 of the zoning ordinance provides requirements for development landscaping. Currently, the primary focus of this section is landscaping requirements for new development projects in the city. Tree preservation requirements are minimal and focus on trees located in the right-of-way (ROW). Retention of existing trees on sites proposed for development is mentioned more as a recommendation than a requirement. Seeing a great level of interest amongst citizens and city council for tree preservation, staff researched tree preservation ordinances adopted by other communities and worked closely with an informal City Council subcommittee to propose inclusion of tree preservation requirements to the zoning ordinance.

The proposed amendment includes the following important changes to Sec. 77-3.- *Definitions* & Sec. 77-44. - *Trees, landscaping, fencing and screening*:



1. *Definitions*: The definition section is amended to include definitions of new terminologies included in the amended section such as protected tree, non-protected trees, critical root zone, diameter at breast height, tree, tree survey, etc.
2. *Intent and applicability*: The section is amended to clearly indicate the overarching intent of the section and indicates that the tree preservation requirements only apply to City of Manvel City limits.
3. *Exemptions to Tree Preservation Requirements*: Exemptions to tree preservation requirements are clearly stated. Several exemptions are included to enable reasonable enforcement of the requirements. Please note that residential dwellings properties larger than 20 acres and properties for which a master plan, construction plan, or final plat has been approved is exempted. Other proposed exemptions pertain to non-protected trees and situations where removal of a protected tree is inevitable.
4. *Protected and Non-protected Trees*: The goal of the tree preservation requirement is not to preserve every single tree. Large mature trees of certain species and trees required by development standards, ROW trees, and existing trees that provide screening between residential and non-residential uses are considered protected.
5. *Tree Removal Permit*: The proposed amendment will establish prohibition of clear-cutting of trees for development and permitting requirement for tree removal. Permitting requirement includes submitting tree survey and preservation plan, tree protection standards for development projects, and a list of tree removal criteria for permit approval. The permitting process also allows for an appeal to City Council in situations where a proposed tree removal is denied.
6. *Tree Replacement Standards and Preservation Credits*: The proposed amendment includes requirements for tree replacement when a protected tree is removed. Additionally, provision for tree preservation credits to count towards development projects is included.
7. *Development Landscaping Requirements*: Current development landscaping standards require planting of trees in the ROW. The proposed amendment removes that requirement and prohibits the planting of trees in the ROW. Instead, the requirement is replaced by planting requirement on the property proposed for development along street frontage. The amendment also includes parking lots trees to be planted every 10 parking spaces instead of 5 spaces to ensure healthy growth of trees. The amendment also requires a minimum 9 feet X 18 feet planting island area for parking lot trees. Additional requirements are proposed to ensure that new development projects include a transitional landscape buffer between residential and non-residential land uses.

STAFF RECOMMENDATION

Staff is recommending approval of the proposed amendment to Sec. 77-3.- *Definitions* Sec. 77-44. - *Trees, landscaping, fencing and screening*, by adopting Ordinance No. 2025-0-14.

PARKS BOARD RECOMMENDATION

At the 04.24.2025 Parks Board meeting, the Board recommended approval of the proposed amendment with the inclusion of Pine trees as a protected species.



PD&Z DISCUSSION AND RECOMMENDATION

PD&Z Commission discussed this proposed text amendment at the April 28, 2025, meeting. PD&Z Commission is forwarding this final report recommending approval of the proposed amendment to Sec. 77-3.- *Definitions* & Sec. 77-44. - *Trees, landscaping, fencing and screening*, by adopting Ordinance No. 2025-O-14.

PUBLIC HEARING

The Notice of Public Hearing was published in the newspaper of general circulation. The public hearing notice requirement for this proposed zoning amendment was met through the provisions of Section 211.007(d) of the Texas Local Government Code, which allowed a joint public hearing by Planning, Development, and Zoning Commission (PDZ) and the City Council in lieu of sending notices to each property owner within 200 feet, as mandated by the City of Austin V Acuna case.

A PUBLIC HEARING WILL BE HELD JOINTLY BY MANVEL CITY COUNCIL AND THE MANVEL PLANNING, DEVELOPMENT & ZONING COMMISSION AT MANVEL CITY HALL, 20031 HIGHWAY 6, MANVEL, TEXAS, 77578 AT 6:00 P.M. ON MONDAY, APRIL 28, 2025, TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING CHAPTER 77 "ZONING", TO AMEND AND INCLUDE SEVERAL REQUIREMENTS AND PROVISIONS PERTAINING TO LANDSCAPING AND TREE PRESERVATION; CONDITIONS OF APPROVAL OF SUP FOR MEDICAL AND OTHER PERSONAL CARE SERVICES RELATED USES; POSSIBLE ADOPTION OF REVISED NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODE; THE PROCESS FOR REZONING; AND POSSIBLE RECTIFICATION OF EXISTING TYPOGRAPHIC ERRORS. /S/ TAMMY BELL, CITY SECRETARY.

Sec. 77-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "building" shall include the meaning of the word "structure"; the word "lot" shall include the meaning of the word "plot"; and the term "used for" shall include the meaning of the terms "designed for" or "intended for."

Accessory use means a use of a building or land which serves an incidental function to the principal use of a building, structure, or land.

Administratively complete application means any application containing all the required documents listed on any application in the appropriate format, the correct number of copies, paid fees, and any required signatures when submitted to the city, in a final form to be deemed complete for processing.

Adult day care means a group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Adult entertainment business shall have the same meaning as "sexually oriented business" as that term is defined in V.T.C.A., Local Government Code § 243.001 et seq., and shall include, but not be limited to, an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult tanning salon, adult theater, escort agency, nude modeling studio, sexual encounter center, or any other commercial enterprise, the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer. Such uses shall be allowed only as specifically authorized under the terms of this article. The determination of what constitutes an adult entertainment business shall be made by the police chief or his designee, and such determination shall be appealable to the zoning board of adjustment.

Alley means minor ways that are used primarily for vehicle service access to the back or the side of properties otherwise abutting a street.

Americans with Disabilities Act means a law enacted in 1990, which is intended to make American society more accessible to persons with disabilities.

Apartments means a structure containing three or more dwelling units with common walls, including units that are located one over the other.

Applicant means any developer that submits an administratively complete application.

Automobile/vehicle sales and rentals means a business which provides for the sale or rental of new or used automobiles and other vehicles, including automobiles, trailers, recreational vehicles, travel trailers, water craft and other similar land or water-form vehicles, but shall not include auto or motor vehicle repair work, except minor reconditioning of automobiles or motor vehicles to be displayed, sold or rented on the premises; provided, however, such term shall not include the sale or rental of salvaged parts, nor shall it include the storage of either new or used automobiles or motor vehicles that are not on display or for sale or rent.

Bar/lounge means a place of business whose revenues from mixed drink liquor service are more than 20 percent and whose revenues from food service are less than 80 percent of the total gross revenues of the establishment.

Building, accessory or structure means a structure detached from a principal building and located on the same lot and incidental and subordinate to the principal building or use.

City means the City of Manvel, Texas.

Community fence means a fence located at the perimeter of a residential neighborhood, visible to the public and maintained by a home owners association or municipal utility district. Residential fences owned and maintained by an individual are not considered community fence.

Council means the city council of the city.

Corner lot side yard setback means the open space extending from the front yard to the rear yard and lying between the side lot line adjacent to the public right of way or easement and the closest point of the building or structure on a lot at the junction of and abutting two or more intersecting streets.

Critical Root Zone means the area around a tree's trunk where the most vital roots are located, generally measured 5 feet beyond the outer base of the branching system, requiring protection from disturbance during construction or development.

Developer means any person or entity that develops land within the city. This term shall be synonymous with the term "subdivider" in cases where the subdivision of land is involved.

Development plat means a plan for a development project that is not part of and does not require the subdivision of property.

Diameter at Breast Height (DBH) means the diameter of the tree trunk at 4.5 feet above ground.

Family means two or more persons related by blood, marriage, adoption, or guardianship living together as a single housekeeping unit with a single kitchen facility. The term "single kitchen facility" shall not exclude one outdoor kitchen facility per single housekeeping unit with one kitchen.

Fence means a constructed vertical structure, barrier or partition of any material or combination of materials erected to enclose, screen, or separate outdoor areas, and which has no roof or overhead covering. A masonry wall with a foundation serving the purpose of enclosing, screening, or separating outdoor areas is considered a fence.

Front of building means the part of side which contains the principal entrance of the side adjacent to a public roadway.

Game-room means a business or commercial establishment or building or location wherein machines or apparatus may be played or operated by the insertion of a coin or slug and on which games or tests of skill, chance or ability are played, including pinball machines, and any machine initiating games of sport, shooting or guiding objects, or any machine designed for amusement or relaxation, but not including machines for vending food, drink and tobacco products, music playing or recording or apparatus commonly known as kiddie rides.

Garage means an accessory building or a part of a main building comprised of a minimum of 200 square feet, enclosed on all sides, with an overhead door, and capable of enclosing one or more vehicles.

Garage sales, also referred to by such names as "back yard sale," "yard sale," or "porch sale," shall mean a sale or an offer for sale of miscellaneous items to the general public, upon residential property not otherwise being used for commercial purposes (see section 77-33(c)).

Gross square feet means the entire floor area of a building, including uninhabitable space such as bathrooms, closets, halls, and similar areas.

Guest quarters means an attached or detached building or secondary living area of residential use that provides living quarters for guest of the occupants of the principal residence, and:

- (1) Contains no kitchen or cooking facility;
- (2) Is clearly subordinate and incidental to the principal residence on the same building site; and
- (3) Is not rented or leased, whether compensation be direct or indirect.

Home business means a business operation that takes place in a home.

HUD-Code manufactured home means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on-site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.

Legal nonconforming land use means a land use that lawfully existed immediately prior to the effective date of these regulations and not listed as a permitted use in the zoning district in which it is located.

Legal nonconforming structure means a structure that was lawfully existing prior to the effective date of these regulations, but as of the effective date of these regulations, the site of the use, the structure in which the use is situated, does not comply with these regulations.

Lot means a physically undivided tract or parcel of land having frontage on a public or private street, which is, or in the future may be offered for sale, conveyance, transfer or improvement, and which is designated as a separate and distinct tract and identified by numerical or letter identification on a duly and properly recorded subdivision plat.

Lot, tract, or parcel means a designated area of land established by a properly recorded subdivision plat or otherwise permitted by law to be separately owned, used, developed, or built upon.

Lot line means the boundary of a lot separating it from an abutting lot.

Mobile home or manufactured home means a structure constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on-site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.

Non-Protected Tree means any tree that is not established as a protected tree or is exempt from the provisions of Section 77-44 (B) of the city of Manvel Zoning Ordinance.

Off-street parking means a concrete parking surface other than a street or alley accessible from an approved driveway approach and upon which vehicles may be parked.

Open-planned unit development plan means a development plan for a project located within the open-planned unit development district.

Parking aisle means the area of a parking lot or off-street parking area which provides vehicular access to parking spaces (stalls). The term "parking aisle" does not include the words "driveway" or "access point".

Parking space means an area designated for the parking of motor vehicles, and connected to an approved driveway approach, street, parking aisle, access easement, or other accessway.

Patio home/zero lot line home means a single-family home built on a separate lot with building setbacks on the front, rear and one side.

Planned unit development plan means a development plan for a project located within the planned unit development district.

Planning commission means a commission appointed by the council that is responsible for certain planning and zoning items, as provided in the zoning ordinance and applicable state law.

Plat means an instrument prepared by a registered professional land surveyor in conformity with the provisions of chapter 62, Subdivisions, used to describe subdivided land, with ties to permanent landmarks or monuments, approved by the city or a governmental entity with jurisdiction of the land in accordance with V.T.C.A., Local Government Code § 212.023, and recorded in the Brazoria County Property Records.

Protected Tree means any tree that is established as a protected tree within Section 77-44 of the City of Manvel Zoning Ordinance.

Principal building or use means the primary use and chief purpose of a premises or building.

Restaurant means a place of business whose revenues from food sales are 80 percent or more and whose revenues for mixed drink liquor service are 20 percent or less.

Rot board means a horizontal board installed along the bottom of the fence panel which runs along the base of the entire fence panel for a finished look and added protection. Rot boards are also commonly known as base-boards and kick-boards.

Setback means a minimum distance that is required from a lot line to a building or structure.

Single-family residence means a residence that is to be occupied by only one family.

Sight distance triangle means the triangle formed on any corner lot measured from the point of intersection of the front and exterior side lot lines a distance of 25 feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersections. Except for single-family residential accessways, a sight triangle at the intersection of a public street and a private access way shall have sides of 15 feet along the accessway and 25 feet along the public street. In order to minimize sight obstructions, no parking, wall, fence, sign, structure or any plant growth other than grasses shall be placed or maintained within the sight distance triangle so as not to impede vision between a height of two feet six inches, and ten feet above the center line grades of the intersecting streets and/or drives.

State means the State of Texas.

Structure means anything constructed or erected with a fixed location upon, under, or above the ground or attached to something having a fixed location on the ground.

Tavern means a place of business, which includes the sale of beer and wine beverages, but does not provide mixed drink liquor sales.

Telecommunications means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the content of the information as sent and received.

Top cap is a horizontal element of a wood fence included to cover the top end of pickets and posts. A privacy fence with a top cap is commonly referred to as a cap and trim fence.

Tower or tower structure means a fixed, freestanding or guyed, uninhabitable structure, not designed as a shelter or to be occupied for any use. This definition includes, but is not limited to, any such structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum of radio waves. The following are by way of example but not limitation, towers or tower structures: guyed or freestanding monopole structures, lattice or open framed structures, antennae sports, water towers, and other similar self-supporting, trussed, or open framed structures.

Tree means any woody perineal plant with a single stem or trunk, typically supporting branches and leaves.

Tree Survey means an on-the-ground survey drawing containing the location of the trees, their circumference, type (species) and critical root zone limits.

Tree Preservation Plan means a plan that identifies trees being preserved on a site proposed for development and shows details of tree protection and preservation measures being taken during construction activity.

Zoning board of adjustment means a board appointed by the council that is responsible for certain zoning items, as provided in the zoning regulations and applicable state law.

Zoning official means the person appointed by council to administer and enforce the zoning regulations of the city.

(Ord. No. 2020-O-15, § 2, 10-19-2020; Ord. No. 2023-O-40, § 2, 12-4-2023)

Sec. 77-44. Trees **Preservation, landscaping, fencing and screening.**

(A) *Intent and Purpose:* Certain species of mature trees greatly contribute to the image, aesthetics, and identity of the City of Manvel. Development will invariably result in the removal of trees, however, uncontrolled and indiscriminate destruction of trees would detrimentally impact the aesthetic value and enjoyment of the natural environment. Protection and preservation of mature trees along with planting requirements for new development will benefit citizens by maintaining a positive image of the city as a place to live and locate a business. These standards and regulations are intended to:

1. Prohibit the indiscriminate clearing of property and promoting responsible design decisions that will preserve as many protected trees as possible;
2. Protect the natural ecological environmental and aesthetic qualities of the city;
3. Establish permitting process and standards required to preserve protected trees during construction; and
4. Establish planting, screening, and buffering requirements for new development.

(B) *Tree Preservation:* Any tree that qualifies as a protected tree as identified by this ordinance shall be preserved unless the removal is unavoidable based on the Tree removal criteria in Section 77-44 (B) 6.

1. *Applicability:* Tree preservation requirements only apply to City of Manvel city limits.
2. *Exemptions:* The following are exempt from tree preservation requirements:
 - a. Individual lots and lots of record that are less than twenty (20) acres in lot size that are existing as single-family detached or attached dwellings;
 - b. Non-protected trees;
 - c. Any tree damaged or dead by natural disasters or by disease/ rot and deemed to be a hazard by the Zoning Official;
 - d. Any tree that requires removal by Public works, Fire, Police, or other emergency services personnel actively engaged in fighting a fire or other emergency services response;
 - e. Any tree that requires removal or trimming by the Texas Department of Transportation or other state agency with authority, a railroad company, or any public or private utility company with a state or city franchise agreement, where the tree was trimmed or removed according to the entity's adopted tree trimming/removal policy or practices.
 - f. Any tree planted, grown and/or held for sale as part of a licensed nursery / greenhouse, retail or wholesale business;
 - g. Properties for which construction plans, Final plats have been approved prior to the adoption of this ordinance;
 - h. Properties identified on a Master Plan approved by City Council prior to the adoption of this ordinance;
3. *Protected Trees:*

-
- a. Any tree with a diameter at breast height (DBH – 4.5 feet) of 19 inches or a circumference of 60 inches, or more, identified in the list of protected tree species in Section 77-44 (B) 4.
 - b. Any tree shown on an approved landscape plan that is necessary to meet the development standards of the zoning ordinance (Chapter 77 of the Manvel, Code of Ordinances) or to meet a condition of approval of the development to which the landscape plan applies.
 - c. Any tree identified in the list of protected tree species located in the public right-of-way or a property owned by the city of Manvel.
 - d. A tree of any size or species that provides screening between commercial and residential uses or zoning districts.
4. *List of Protected Tree Species:*
- a. Oak (all variety);
 - b. Pecan
 - c. Magnolia
 - d. Elm
5. *Clear Cutting Prohibited:* Clear cutting of trees on undeveloped land is prohibited. Parcels proposed for development that include stands of trees shall not be clear cut in preparation for development. Development shall be designed to, completely, or partially preserve existing stands of trees unless:
- a. No reasonable alternative design at the same density and intensity could be approved.
 - b. Relocation of the protected trees to another location on-site or within the City is not practical or economically feasible as certified by an arborist or a landscape professional.
6. *Tree Removal Permit Required:*
- a. No person shall cut down, destroy, remove, move, or effectively destroy through damaging or encroaching into the critical root zone of any protected tree on any public or private property unless a valid tree removal permit has been issued based on the tree removal criteria provided in Section 77-44 (B) 9.
 - b. Before a permit can be issued, a tree survey shall be submitted as set out in Section 77-44 (B) 7.
 - c. The Zoning Official or designee may require an applicant to provide aerial photograph interpretation of the site and/or additional data for preliminary analysis of large-scale development projects involving tree removal.
 - d. For applications that do not meet the Tree Removal Criteria (below), the applicant shall have the right to appeal to the Manvel City Council. An appeal to the Manvel City Council must be filed within sixty (60) days after receiving notice of permit denial. A final decision on the application shall be made by City Council upon receiving a recommendation from City of Manvel Parks Board.
 - e. Where the dangerous condition of a protected tree requires its immediate removal to protect against a serious and immediate risk to health, safety or property, a property owner may remove a protected tree without first obtaining a permit. However, within fourteen (14) calendar days after removing the tree, the property owner must apply for a tree removal permit and file a written statement describing the protected tree by size, species, and location and explaining the emergency conditions that required its immediate removal.
 - f. A tree removal permit is not required for the removal of a non-protected tree.

7. *Tree Survey and Preservation Plan Required:*

- a. Generally, all applications for a tree removal permit must include information pertaining to specifications and location of all protected trees; identification of protected trees to be removed and preserved; reason for tree removal; details and specifications of proposed tree replacement; tree preservation plan showing tree protection measures during construction activities, and any other relevant details.
- b. For removal of one or more protected trees from a property proposed for construction, a property owner must submit a written application accompanied by a current tree survey and a tree preservation plan prepared by an arborist or a landscape professional.
- c. For removal of an individual protected tree from a property not proposed for construction, a property owner must file a written application accompanied by a survey, map, or plat of the property showing the location, species, and size of the protected tree that is to be removed and explaining the reason that removal is desired in lieu of a tree survey and preservation plan.
- d. The City may accept a partial tree survey in lieu of a full tree survey if the Zoning Official finds that protected trees only exist on a portion of the site.

8. *Tree Protection Requirement:* All existing trees intended to be made part of a proposed development shall be protected during construction activities. The following minimum standards apply to tree protection during construction activities:

- a. Barricades made of wood or fencing material, not less than 3 feet in height with horizontal and vertical structural members shall be installed at the critical root zone.
- b. In situations where a tree remains in the immediate area of intended development activity where tree protection fence is not feasible, the tree shall be protected by enclosing the entire circumference of the tree's trunk with fence pickets, at least six feet high, banded by wire or other means that does not damage the tree.
- c. Barricades shall be removed only to prepare the development site for final landscaping.
- d. Parking or storing vehicles, equipment or materials within critical root zone is prohibited.
- e. Protected trees shall be pruned only for clearance, dead, or hazard branches. Corrective pruning should occur after construction is complete.

9. *Tree Removal Criteria:* No individual protected tree shall be removed unless it meets one or more of the following criteria based on which a tree removal permit is issued:

- a. The tree is dead or infected with an epidemic insect or disease where a recommended control is not applicable, and removal is the recommended practice to prevent transmission.
- b. The tree poses an extreme public nuisance because of its species, size, location, or condition.
- c. The tree poses a severe safety hazard that cannot be corrected by pruning, transplanting, or other treatments.
- d. The tree severely interferes with the growth and development of a more protected desirable tree.
- e. The aesthetic value of the tree is so low or negative that the site is visually enhanced by the tree's removal.
- f. The tree is in, and within 10 feet of, an approved building footprint and results in a dangerous condition.

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- g. The tree is located within six feet of a utility easement, and the tree would interfere with the use of the easement.
 - h. On properties proposed for development, no reasonable alternative site design at the same density and intensity could be approved and relocation of the protected tree to another location on-site or within the City is not practical or feasible for the survival of the tree.
 - i. The tree has a negative impact on the aesthetics or visibility of an existing or proposed development in a manner that the intended purpose of the development cannot be achieved.

10. Tree Replacement Requirement and Standards:

- a. If a protected tree is removed in violation of this ordinance, it shall be replaced in accordance with the requirements of this section.
- b. If a protected tree is removed with a valid tree removal permit, it shall be replaced in accordance with the requirements of this section. Tree replacement requirement for removal of individual protected trees with a valid tree replacement permit may be modified or waived when a replacement tree can potentially result in hazardous and unsafe conditions due to existing development or insufficient area for healthy growth of existing or replacement trees, as determined by the City Council based on recommendation from the City of Manvel Parks Board.
- c. On properties proposed for development, replacement trees shall be counted towards the landscaping requirements of the zoning ordinance based on its location.
- d. Tree replacement shall be based on the following standards:
 - 0-10 inches DBH – One 3-inch or more
 - 10-15 inches DBH – One equivalent caliper or Two 3-inch caliper
 - 15–19 inches DBH - One equivalent caliper or Four 3-inch caliper
 - 19-inch DBH or more - One equivalent caliper or Six 3-inch caliper.
- e. On properties proposed for development, replacement trees shall be installed as part of site development.
- f. On properties not proposed for development, replacement trees shall be installed within 30 days of removal.

- 11. Tree Preservation Credits:** On a site proposed for development, preservation of protected trees specified in Section 77-44 (B) 3 (a) may qualify for tree preservation credits towards development landscaping requirement if the site development plans indicate compliance with tree protection standards of Section 77-44 (B) 8. Tree preservation credit shall not be used to substitute for tree planting requirement of Section 77-44 (C) 6. The tree preservation credit shall be based on the following standards:

Total Number of Trees Preserved	Tree Preservation Credit per tree
3 or less trees	Five (5) 2½ inch caliper per tree
4 or more trees	Eight (8) 2½ inch caliper

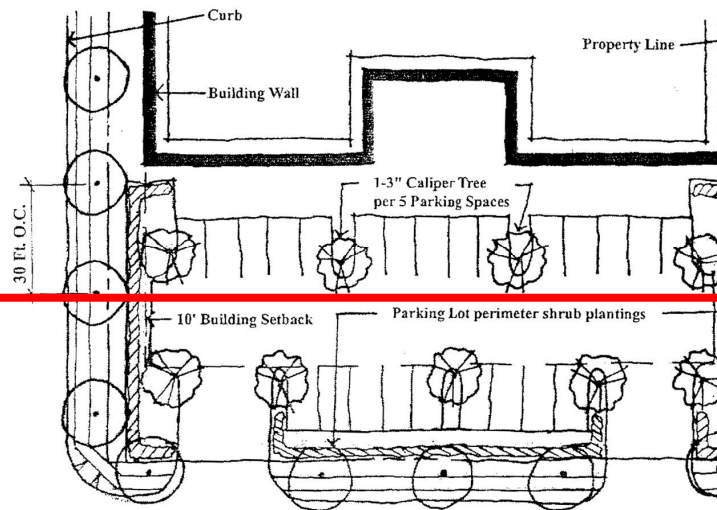
(C) Development Landscaping: The following regulations shall apply to all new land development projects, except new single- family residential:

~~(1) —Trees.~~

-
- ~~a. — *Preservation required of existing street trees.* Trees located in any public street right-of-way must be preserved and may not be removed without prior written approval of the zoning official.~~
 - ~~b. — *Retention of existing trees.* Where appropriate, new development should be located to take advantage of existing mature trees. The protection and retention of existing trees which are at least 1½ inches in caliper shall be credited to the tree planting requirements except for street tree planting requirements.~~
 - ~~c. — *Protection of existing trees.* Trees that are to be protected and retained shall be protected during construction. The tree protection area shall not be used for the parking or storage of any soil, vehicles, equipment, or materials. No waste or surplus products of any nature shall be disposed of within or near the tree preservation area. Grade changes around existing trees are limited to three inches.~~
 - ~~d. — *Planting of new street trees.* Street trees shall be reasonably regularly spaced with at least one tree for each 30 feet of street frontage for each street on which the property fronts.~~
 - ~~1. — *Street trees shall be planted within the right-of-way line with adjustments in spacing allowed for driveways, streetlights, visibility triangles, transit shelters, and utility or traffic control appurtenances. If sufficient street trees to meet the requirement already exist along the frontage of a site, no additional trees are required, provided they are protected and retained in accordance with these regulations.*~~
 - ~~2. — *The minimum planting size for street trees is 1½ inches in caliper measured at the base of the tree.*~~
 - 1. *Planting of new yard trees.*
 - a. New trees shall be planted at the rate of one (1) tree for each thirty (30) feet of street frontage along front and street side yards.
 - b. The minimum planting size for yard trees is 2½ inches in caliper measured at the base of the tree.
 - c. No new trees shall be planted in public rights-of-way, utility easements, or existing access easements.
 - d. For new development, if planting yard trees is not possible due to existing easements along the street frontage, additional parking lot trees at the rate of one (1) tree for each five (5) parking spaces shall be planted. Such trees shall be a minimum of 12½ inches in caliper measured at the base of the tree.
 - e. 2. *Planting of trees and shrubs for new parking lots.* Trees for new parking lots shall total at least one tree for each ~~five~~ ten parking spaces and at the end of each parking row. Trees and landscaping must be located within the parking area in ~~areas~~ 9 feet X 18 feet planting islands protected by a curb or other vehicle obstruction. Such trees shall be a minimum of ~~12~~½ inches in caliper measured at the base of the tree. Shrub plantings shall be placed along the perimeter of a parking lot in an amount to provide a visible screen for the parking lot. The shrubs must be maintained at a ~~maximum~~ height of 30 to 36 inches for safety and visibility purposes.

Example:

~~REQUIRED STREET AND PARKING LOT TREES AND SHRUBS~~



Scale: 1 inch = 30 feet

~~(2)~~ 3. *Maintenance of landscaping.* All landscaping must be perpetually maintained in good health by the property owner on which the landscaping lies or by the adjacent property owner. In the case of street trees planted within the right-of-way, the owner of the adjacent property shall have the responsibility for tree maintenance. Trees lost for any reason, with the exception of street or utility work, shall be replaced by the property owner within six months. Replacement trees must be a minimum of three-inch caliper. The responsibility for replacement of trees removed because of natural disaster, vehicular accident, or other similar circumstance, is that of the adjacent property owner regardless of whether that owner is reimbursed by the responsible party.

~~(3)~~ 4. *Planting areas.*

- Site areas.* All site areas not covered by buildings or paving shall be planted with trees, shrubs, grass, ground covers or other plant materials. Special ground covering materials are permissible in playgrounds or active sports areas or other areas as determined by the city zoning official.
- Landscape plans.* Landscape plans shall be submitted to the city zoning official at the time of submittal of all other construction plans for all new construction. In the open-planned unit development district landscape plans shall be submitted to the city zoning official prior to consideration of the plan by the planning commission.
- Irrigation.* All planting areas shall be irrigated. Irrigation plans must be submitted with the landscaping plans and all irrigation materials shall be installed prior to occupancy of the building.

~~(4)~~ 5. *Land uses requiring Required landscape screening and/or fencing.*

- Air conditioning and other mechanical equipment.* Ground mounted mechanical equipment of all types must be fenced or screened with shrub planting from pedestrian view. This requirement does not apply to traffic control equipment boxes, telecommunication housings (smaller than three feet by six feet) or similar public facilities.
- Utility facilities.* All utility facilities must be screened from pedestrian view subject to a screening and buffering plan approved by the zoning official.
- Parking lots.* All parking lots for nonresidential uses must be landscaped according to these regulations.

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- d. *Drive-through facilities.* Where drive-through lanes or stacking bays and/or service windows are within 50 feet of a side or rear property line that adjoins an existing residential use, a six foot high wooden fence must be constructed and retained adjacent to the property line.

6. Transitional buffer yard between residential and non-residential uses.

- a. Non-residential development shall provide a ten (10) foot-wide landscape buffer yard when abutting an existing residential development or undeveloped residential zoning district. The buffer yard shall include one (1) tree per thirty (30) linear feet. A screening fence in accordance with Section 77-43 is required when a fence is not already present on the abutting residential development or undeveloped residentially zoned land.
- b. New master-planned residential development shall provide a ten (10) foot-wide landscape buffer yard when abutting undeveloped properties zoned for non-residential uses. The buffer yard shall be maintained by the Homeowner's Association and shall include one (1) tree per thirty (30) linear feet. A screening fence in accordance with Section 77-43 is required when a fence is not already present on the abutting property zoned for non-residential uses.

(Ord. No. 2020-O-15, § 3, 10-19-2020; Ord. No. 2023-O-40, § 3, 12-4-2023)

ORDINANCE NO. 2025-O-14

AN ORDINANCE AMENDING CHAPTER 77 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, SAME BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ARTICLE I. “IN GENERAL,” SECTION 77-3.-- DEFINITIONS PERTAINING TO DEFINITIONS; BY AMENDING ARTICLE II. “DISTRICT REGULATIONS,” SECTION. 77-44. – TREES, LANDSCAPING, FENCING, AND SCREENING PERTAINING TO TREE PRESERVATION; 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, the City Council of the City of Manvel, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City of Manvel to amend the Zoning Ordinance; and

WHEREAS, the amendments generally include the addition of certain definitions and new provisions governing tree preservation; and

WHEREAS, the Planning Commission (PD&Z) has issued its report regarding the amendments to the Zoning Ordinance herein; and

WHEREAS, the Planning Commission (PD&Z) and City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on such amendment to the zoning ordinance and both entities find that the adoption of this ordinance is in the best interest of the citizens of Manvel; 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. Chapter 77 of the Code of Ordinances of the City of Manvel, and same also being the Zoning Ordinance of the City, is hereby amended by amending Article I. "In General," Section 77-3 to read and provide as follows:

"Chapter 77 - ZONING

ARTICLE I. IN GENERAL

...

Sec. 77-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "building" shall include the meaning of the word "structure"; the word "lot" shall include the meaning of the word "plot"; and the term "used for" shall include the meaning of the terms "designed for" or "intended for."

Accessory use means a use of a building or land which serves an incidental function to the principal use of a building, structure, or land.

Administratively complete application means any application containing all the required documents listed on any application in the appropriate format, the correct number of copies, paid fees, and any required signatures when submitted to the city, in a final form to be deemed complete for processing.

Adult day care means a group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Adult entertainment business shall have the same meaning as "sexually oriented business" as that term is defined in V.T.C.A., Local Government Code § 243.001 et seq., and shall include, but not be limited to, an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult tanning salon, adult theater, escort agency, nude modeling studio, sexual encounter center, or any other commercial enterprise, the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer. Such uses shall be allowed only as specifically authorized under the terms of this article. The determination of what constitutes an adult entertainment business shall be made by the police chief or his designee, and such determination shall be appealable to the zoning board of adjustment.

Alley means minor ways that are used primarily for vehicle service access to the back or the side of properties otherwise abutting a street.

Americans with Disabilities Act means a law enacted in 1990, which is intended to make American society more accessible to persons with disabilities.

Apartments means a structure containing three or more dwelling units with common walls, including units that are located one over the other.

Applicant means any developer that submits an administratively complete application.

Automobile/vehicle sales and rentals means a business which provides for the sale or rental of new or used automobiles and other vehicles, including automobiles, trailers, recreational vehicles, travel trailers, water craft and other similar land or water-form vehicles, but shall not include auto or motor vehicle repair work, except minor reconditioning of automobiles or motor vehicles to be displayed, sold or rented on the premises; provided, however, such term shall not include the sale or rental of salvaged parts, nor shall it include the storage of either new or used automobiles or motor vehicles that are not on display or for sale or rent.

Bar/lounge means a place of business whose revenues from mixed drink liquor service are more than 20 percent and whose revenues from food service are less than 80 percent of the total gross revenues of the establishment.

Building, accessory or structure means a structure detached from a principal building and located on the same lot and incidental and subordinate to the principal building or use.

City means the City of Manvel, Texas.

Community fence means a fence located at the perimeter of a residential neighborhood, visible to the public and maintained by a Home Owners Association or Municipal Utility District. Residential fences owned and maintained by an individual are not considered community fence.

Council means the city council of the city.

Corner lot side yard setback means the open space extending from the front yard to the rear yard and lying between the side lot line adjacent to the public right of way or easement and the closest point of the building or structure on a lot at the junction of and abutting two or more intersecting streets.

Critical Root Zone means the area around a tree's trunk where the most vital roots are located, generally measured five feet beyond the outer base of the branching system, requiring protection from disturbance during construction or development.

Developer means any person or entity that develops land within the city. This term shall be synonymous with the term "subdivider" in cases where the subdivision of land is involved.

Development plat means a plan for a development project that is not part of and does not require the subdivision of property.

Diameter at Breast Height (DBH) means the diameter of the tree trunk at 4.5 feet above ground.

Family means two or more persons related by blood, marriage, adoption, or guardianship living together as a single housekeeping unit with a single kitchen facility. The term "single kitchen facility" shall not exclude one outdoor kitchen facility per single housekeeping unit with one kitchen.

Fence means a constructed vertical structure, barrier or partition of any material or combination of materials erected to enclose, screen, or separate outdoor areas, and which has no roof or overhead covering. A masonry wall with a foundation serving the purpose of enclosing, screening, or separating outdoor areas is considered a fence.

Front of building means the part of side which contains the principal entrance of the side adjacent to a public roadway.

Game-room means a business or commercial establishment or building or location wherein machines or apparatus may be played or operated by the insertion of a coin or slug and on which games or tests of skill, chance or ability are played, including pinball machines, and any machine initiating games of sport, shooting or guiding objects, or any machine designed for amusement or relaxation, but not including machines for vending food, drink and tobacco products, music playing or recording or apparatus commonly known as kiddie rides.

Garage means an accessory building, or a part of a main building comprised of a minimum of 200 square feet, enclosed on all sides, with an overhead door, and capable of enclosing one or more vehicles.

Garage sales, also referred to by such names as "back yard sale," "yard sale," or "porch sale," shall mean a sale or an offer for sale of miscellaneous items to the general public, upon residential property not otherwise being used for commercial purposes (see [section 77-33\(c\)](#)).

Gross square feet means the entire floor area of a building, including uninhabitable space such as bathrooms, closets, halls, and similar areas.

Guest quarters means an attached or detached building or secondary living area of residential use that provides living quarters for guest of the occupants of the principal residence, and:

- (1) Contains no kitchen or cooking facility;
- (2) Is clearly subordinate and incidental to the principal residence on the same building site; and
- (3) Is not rented or leased, whether compensation be direct or indirect.

Home business means a business operation that takes place in a home.

HUD-Code manufactured home means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on-site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.

Legal nonconforming land use means a land use that lawfully existed immediately prior to the effective date of these regulations and not listed as a permitted use in the zoning district in which it is located.

Legal nonconforming structure means a structure that was lawfully existing prior to the effective date of these regulations, but as of the effective date of these regulations, the site of the use, the structure in which the use is situated, does not comply with these regulations.

Lot means a physically undivided tract or parcel of land having frontage on a public or private street, which is, or in the future may be offered for sale, conveyance, transfer or improvement, and which is designated as a separate and distinct tract and identified by numerical or letter identification on a duly and properly recorded subdivision plat.

Lot, tract, or parcel means a designated area of land established by a properly recorded subdivision plat or otherwise permitted by law to be separately owned, used, developed, or built upon.

Lot Line means the boundary of a lot separating it from an abutting lot.

Mobile home or manufactured home means a structure constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on-site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a single-family dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.

Non-Protected Tree means any tree that is not established as a protected tree or is exempt from the provisions of Section 77-44 (B) of the city of Manvel Zoning Ordinance.

Off-street parking means a concrete parking surface other than a street or alley accessible from an approved driveway approach and upon which vehicles may be parked.

Open-planned unit development plan means a development plan for a project located within the open-planned unit development district.

Parking aisle means the area of a parking lot or off-street parking area which provides vehicular access to parking spaces (stalls). The term "parking aisle" does not include the words "driveway" or "access point".

Parking space means an area designated for the parking of motor vehicles, and connected to an approved driveway approach, street, parking aisle, access easement, or other accessway.

Patio home/zero lot line home means a single-family home built on a separate lot with building setbacks on the front, rear and one side.

Planned unit development plan means a development plan for a project located within the planned unit development district.

Planning commission means a commission appointed by the council that is responsible for certain planning and zoning items, as provided in the zoning ordinance and applicable state law.

Plat means an instrument prepared by a registered professional land surveyor in conformity with the provisions of [Chapter 62](#), Subdivisions, used to describe subdivided land, with ties to permanent landmarks or monuments, approved by the city or a governmental entity with jurisdiction of the land in accordance with V.T.C.A., Local Government Code § 212.023, and recorded in the Brazoria County Property Records.

Principal building or use means the primary use and chief purpose of a premises or building.

Protected Tree means any tree that is established as a protected tree within Section 77-44 of the City of Manvel Zoning Ordinance.

Restaurant means a place of business whose revenues from food sales are 80 percent or more and whose revenues for mixed drink liquor service are 20 percent or less.

Rot board means a horizontal board installed along the bottom of the fence panel which runs along the base of the entire fence panel for a finished look and added protection. Rot Boards are also commonly known as baseboards and kickboards.

Setback means a minimum distance that is required from a lot line to a building or structure.

Single-family residence means a residence that is to be occupied by only one family.

Sight distance triangle means the triangle formed on any corner lot measured from the point of intersection of the front and exterior side lot lines a distance of 25 feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersections. Except for single-family residential accessways, a sight triangle at the intersection of a public street and a private access way shall have sides of 15 feet along the accessway and 25 feet along the public street. In order to minimize sight obstructions, no parking, wall, fence, sign, structure or any plant growth other than grasses shall be placed or maintained within the sight distance triangle so as not to impede vision between a height of two feet six inches, and ten feet above the center line grades of the intersecting streets and/or drives.

State means the State of Texas.

Structure means anything constructed or erected with a fixed location upon, under, or above the ground or attached to something having a fixed location on the ground.

Tavern means a place of business, which includes the sale of beer and wine beverages, but does not provide mixed drink liquor sales.

Telecommunications means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the content of the information as sent and received.

Top Cap is a horizontal element of a wood fence covering the top end of pickets and posts. A privacy fence with a top cap is commonly referred to as a cap and trim fence.

Tower or tower structure means a fixed, freestanding or guyed, uninhabitable structure, not designed as a shelter or to be occupied for any use. This definition includes, but is not limited to, any such structure supporting antennae that transmits or receives any portion of the electromagnetic spectrum of radio waves. The following are by way of example but not limitation, towers or tower structures: guyed or freestanding monopole structures, lattice or open framed structures, antennae sports, water towers, and other similar self-supporting, trussed, or open framed structures.

Tree means any woody perineal plant with a single stem or trunk, typically supporting branches and leaves.

Tree Survey means an on-the-ground survey drawing containing the location of the trees, their circumference, type (species) and protected root zone limits.

Tree Preservation Plan means a plan that identifies trees being preserved on a site proposed for development and shows details of tree protection and preservation measures being taken during construction activity.

Zoning board of adjustment means a board appointed by the council that is responsible for certain zoning items, as provided in the zoning regulations and applicable state law.

Zoning official means the person appointed by council to administer and enforce the zoning regulations of the city.

Secs. 77-4—77-24. Reserved.”

Section 3. Chapter 77 of the Code of Ordinances of the City of Manvel, and same also being the Zoning Ordinance of the City, is hereby amended by amending Article II. “District Regulations,” *Section 77-44. Trees, landscaping, fencing, and screening* to read and provide as follows:

“Chapter 77 - ZONING

...

ARTICLE II. DISTRICT REGULATIONS

...

Sec. 77-44. – Tree[s] preservation, landscaping, fencing and screening.

(A) Intent and Purpose. Certain species of mature trees greatly contribute to the image, aesthetics, and identity of the City of Manvel. Development will invariably result in the removal of trees, however, uncontrolled and indiscriminate destruction of trees would detrimentally impact the aesthetic value and enjoyment of the natural environment. Protection and preservation of mature trees along with planting requirements for new development will benefit citizens by maintaining a positive image of the city as a place to live and locate a business. These standards and regulations are intended to:

1. Prohibit the indiscriminate clearing of property and promoting responsible design decisions that will preserve as many protected trees as possible;
2. Protect the natural ecological environmental and aesthetic qualities of the city;
3. Establish the permitting process and standards required to preserve protected trees during construction; and
4. Establish planting, screening, and buffering requirements for new development.

(B) Tree Preservation. Any tree that qualifies as a protected tree as identified by this ordinance shall be preserved unless the removal is unavoidable based on the Tree removal criteria in Section 77-44 (B) 6.

1. Applicability: Tree preservation requirements only apply to City of Manvel city limits.
2. Exemptions: The following are exempt from tree preservation requirements:
 - a. Individual lots and lots of record that are less than twenty (20) acres in lot size that are existing as single-family detached or attached dwellings;
 - b. Non-protected trees;
 - c. Any tree damaged by natural disasters or by disease/ rot and deemed to be a hazard by the Zoning Official;
 - d. Any tree that requires removal by Public works, Fire, Police, or other emergency services personnel actively engaged in fighting a fire or other emergency services response;
 - e. Any tree that requires removal or trimming by the Texas Department of Transportation or other state agency with authority, a railroad company, or any public or private utility company with a state or city franchise agreement, where the tree was trimmed or removed according to the entity's adopted tree trimming/removal policy or practices.
 - f. Any tree planted, grown and/or held for sale as part of a licensed nursery / greenhouse, retail or wholesale business;

- g. Properties for which construction plans or Final plats have been approved prior to the adoption of this ordinance;
- h. Properties identified on a Master Plan approved by City Council prior to the adoption of this ordinance.

3. Protected Trees:

- a. Any tree with a diameter at breast height (DBH – 4.5 feet) of 19 inches or a circumference of 60 inches, or more, identified in the list of protected tree species in Section 77-44 (B) 4.
- b. Any tree shown on an approved landscape plan that is necessary to meet the development standards of the zoning ordinance (Chapter 77 of the Manvel, Code of Ordinances) or to meet a condition of approval of the development to which the landscape plan applies.
- c. Any tree identified in the list of protected tree species located in the public right-of-way or a property owned by the city of Manvel.
- d. A tree of any size that serves as a screening between commercial and residential uses and zoning district.

4. List of Protected Tree Species:

- a. Oak (all variety);
- b. Pecan
- c. Magnolia
- d. Elm
- e. Pine

5. Clear Cutting and Burning Prohibited: Clear cutting and burning of trees on undeveloped land is prohibited. Parcels proposed for development that include stands of trees shall not be removed in preparation for development. Development shall be designed to, completely, or partially preserve existing stands of trees unless:

- a. No reasonable alternative design at the same density and intensity could be approved.
- b. Relocation of the protected trees to another location on-site or within the City is not practical or economically feasible as certified by an arborist or a landscape professional.

6. Tree Removal Permit Required:

- a. No person shall cut down, burn, destroy, remove, move, or effectively destroy through damaging or encroach into the protected root zone of any protected tree on any public or private property unless a valid tree removal permit has been issued based on the tree removal criteria provided in Section 77-44 (B) 9.
- b. Before a permit can be issued, a tree survey shall be submitted as set out in Section 77-44 (B) 7.

- c. The Zoning Official or designee may require an applicant to provide aerial photograph interpretation of the site and/or additional data for preliminary analysis of large-scale development projects involving tree removal.
 - d. For applications that do not meet the Tree Removal Criteria (below), the applicant shall have the right to appeal to the Manvel City Council. An appeal to the Manvel City Council must be filed within sixty (60) days after receiving notice of permit denial. A final decision on the application shall be made by City Council upon receiving a recommendation from the City of Manvel Parks Board.
 - e. Where the dangerous condition of a protected tree requires its immediate removal to protect against a serious and immediate risk to health, safety or property, a property owner may remove a protected tree without first obtaining a permit. However, within fourteen (14) calendar days after removing the tree, the property owner must apply for a tree removal permit and file a written statement describing the protected tree by size, species, and location and explaining the emergency conditions that required its immediate removal.
 - f. A tree removal permit is not required for the removal of a non-protected tree.
7. Tree Survey and Preservation Plan Required:
- a. Generally, all applications for a tree removal permit must include information pertaining to specifications and location of all protected trees; identification of protected trees to be removed and preserved; reason for tree removal; details and specifications of proposed tree replacement; Tree Preservation Plan showing tree protection measures during construction activities, and any other relevant details.
 - b. For removal of one or more protected trees from a property proposed for construction, a property owner must submit a written application accompanied by a current tree survey and a Tree Preservation Plan prepared by an arborist or a landscape professional.
 - c. For removal of an individual protected tree from a property not proposed for construction, a property owner must file a written application that may accompany a survey, map, or plat of the property showing the location, species, and size of the protected tree that is to be removed and explaining the reason that removal is desired in lieu of a tree survey and preservation plan.
 - d. The City may accept a partial tree survey in lieu of a full tree survey if the Zoning Official finds that protected trees only exist on a portion of the site.
8. Tree Protection Requirement: All existing trees intended to be made part of a proposed development shall be protected during construction activities. The following minimum standards apply to tree protection during construction activities:
- a. Barricades made of wood or fencing material, not less than 3 feet in height with horizontal and vertical structural members shall be installed at the critical root zone.
 - b. In situations where a tree remains in the immediate area of intended development activity where tree protection fence is not feasible, the tree shall be

protected by enclosing the entire circumference of the tree's trunk with fence pickets, at least six feet high, banded by wire or other means that does not damage the tree.

- c. Barricades shall be removed only to prepare development site for final landscaping.
- d. Parking or storing vehicles, equipment or materials within critical root zone is prohibited.
- e. Parking or storing vehicles, equipment or materials within critical root zone is prohibited.
- f. Protected trees shall be pruned only for clearance, dead, or hazard branches. Corrective pruning should occur after construction is complete.

9. *Tree Removal Criteria:* No individual protected tree shall be removed unless it meets one or more of the following criteria based on which a tree removal permit is issued:

- a. The tree is infected with an epidemic insect or disease where a recommended control is not applicable, and removal is the recommended practice to prevent transmission.
- b. The tree poses an extreme public nuisance because of its species, size, location, or condition.
- c. The tree poses a severe safety hazard that cannot be corrected by pruning, transplanting, or other treatments.
- d. The tree severely interferes with the growth and development of a more protected desirable tree.
- e. The aesthetic value of the tree is so low or negative that the site is visually enhanced by the tree's removal.
- f. The tree is in, and within 10 feet of, an approved building footprint and results in a dangerous condition.
- g. The tree is located within six feet of a utility easement, and the tree would interfere with the use of the easement.
- h. On properties proposed for development, no reasonable alternative site design at the same density and intensity could be approved and relocation of the protected tree to another location on-site or within the City is not practical or feasible for the survival of the tree.
- i. The tree has a negative impact on the aesthetics and visibility of an existing or proposed development in a manner that the intended purpose of the development cannot be achieved.

10. *Tree Replacement Requirement and Standards:*

- a. If a protected tree is removed in violation of this ordinance, it shall be replaced in accordance with the requirements of this section.
- b. If a protected tree is removed with a valid tree removal permit, it shall be replaced in accordance with the requirements of this section. Tree replacement

requirement for removal of individual protected trees with a valid tree replacement permit may be modified or waived when a replacement tree can potentially result in hazardous and unsafe conditions due to existing development or insufficient area for healthy growth of existing or replacement trees, as determined by the City Council based on recommendation from the City of Manvel Parks Board.

- c. On properties proposed for development, replacement trees shall be counted towards the landscaping requirements of the zoning ordinance based on its location.
- d. Tree replacement shall be based on the following standards:
 - 0-10 inches DBH – One 3-inch or more
 - 10-15 inches DBH – One equivalent caliper or Two 3-inch caliper
 - 15–19 inches DBH - One equivalent caliper or Four 3-inch caliper
 - 19-inch DBH or more - One equivalent caliper or Six 3-inch caliper.
- e. On properties proposed for development, replacement trees shall be installed as part of site development.
- f. On properties not proposed for development, replacement trees shall be installed within 30 days of removal.

11. Tree Preservation Credits: On a site proposed for development, preservation of protected trees specified in Section 77-44 (B) 3 (a) may qualify for tree preservation credits towards development landscaping requirement if the site development plans indicate compliance with tree protection standards of Section 77-44 (B) 8. Tree preservation credit shall not be used to substitute for tree planting requirement of Section 77-44 (C) 6. The tree preservation credit shall be based on the following standards:

<u>Total Number of Trees Preserved</u>	<u>Tree Preservation Credit per tree</u>
<u>3 or less trees</u>	<u>Five (5) 2½ inch caliper per tree</u>
<u>4 or more trees</u>	<u>Eight (8) 2½ inch caliper</u>

- (C) Development Landscaping. The following regulations shall apply to all new land development projects, except new single-family residential:

[(1) Trees.

- ~~a. Preservation required of existing street trees. Trees located in any public street right-of-way must be preserved and may not be removed without prior written approval of the zoning official.~~
- ~~b. Retention of existing trees. Where appropriate, new development should be located to take advantage of existing mature trees. The protection and retention of existing trees which~~

~~are at least 1½ inches in caliper shall be credited to the tree planting requirements except for street tree planting requirements.~~

~~e. Protection of existing trees. Trees that are to be protected and retained shall be protected during construction. The tree protection area shall not be used for the parking or storage of any soil, vehicles, equipment, or materials. No waste or surplus products of any nature shall be disposed of within or near the tree preservation area. Grade changes around existing trees are limited to three inches.~~

~~d. Planting of new street trees. Street trees shall be reasonably regularly spaced with at least one tree for each 30 feet of street frontage for each street on which the property fronts.~~

~~1. Street trees shall be planted within the right-of-way line with adjustments in spacing allowed for driveways, streetlights, visibility triangles, transit shelters, and utility or traffic control appurtenances. If sufficient street trees to meet the requirement already exist along the frontage of a site, no additional trees are required, provided they are protected and retained in accordance with these regulations.~~

~~2. The minimum planting size for street trees is 1½ inches in caliper measured at the base of the tree.]~~

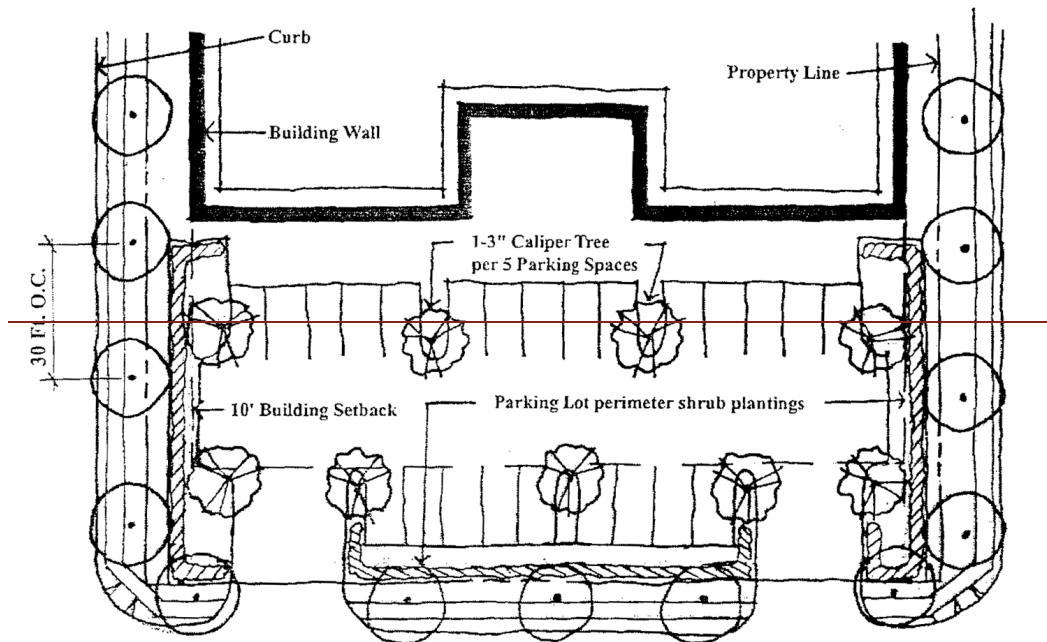
1. *Planting of new yard trees.*

- a. New trees shall be planted at the rate of one (1) tree for each thirty (30) feet of street frontage along front and street side yards.
- b. The minimum planting size for yard trees is 2½ inches in caliper measured at the base of the tree.
- c. No new trees shall be planted in public rights-of-way, utility easements, or existing access easements.
- d. For new development, if planting yard trees is not possible due to existing easements along the street frontage, additional parking lot trees at the rate of one (1) tree for each five (5) parking spaces shall be planted. Such trees shall be a minimum of 12½ inches in caliper measured at the base of the tree.

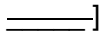
2. [e.] Planting of trees and shrubs for new parking lots. Trees for new parking lots shall total at least one tree for each [five] ten parking spaces and at the end of each parking row. Trees and landscaping must be located within the parking area in [areas] 9 feet x 18 feet planting islands protected by a curb or other vehicle obstruction. Such trees shall be a minimum of 1½ inches in caliper measured at the base of the tree. Shrub plantings shall be placed along the perimeter of a parking lot in an amount to provide a visible screen for the parking lot. The shrubs must be maintained at a [maximum] height of 30 to 36 inches for safety and visibility purposes.

[Example:

REQUIRED STREET AND PARKING LOT TREES AND SHRUBS



Scale: 1 inch = 30 feet



3. [(2)] Maintenance of landscaping. All landscaping must be perpetually maintained in good health by the property owner on which the landscaping lies or by the adjacent property owner. In the case of street trees planted within the right-of-way, the owner of the adjacent property shall have the responsibility for tree maintenance. Trees lost for any reason, with the exception of street or utility work, shall be replaced by the property owner within six months. Replacement trees must be a minimum of three-inch caliper. The responsibility for replacement of trees removed because of natural disaster, vehicular accident, or other similar circumstance, is that of the adjacent property owner regardless of whether that owner is reimbursed by the responsible party.

4. [(3)] Planting areas.

a. Site areas. All site areas not covered by buildings or paving shall be planted with trees, shrubs, grass, ground covers or other plant materials. Special ground covering materials are permissible in playgrounds or active sports areas or other areas as determined by the city zoning official.

b. Landscape plans. Landscape plans shall be submitted to the city zoning official at the time of submittal of all other construction plans for all new construction. In the open-planned unit development district landscape plans shall be submitted to the city zoning official prior to consideration of the plan by the planning commission.

c. Irrigation. All planting areas shall be irrigated. Irrigation plans must be submitted with the landscaping plans and all irrigation materials shall be installed prior to occupancy of the building.

5. [(4) Land uses requiring] Required landscape screening and/or fencing.

- a. Air conditioning and other mechanical equipment. Ground mounted mechanical equipment of all types must be fenced or screened with shrub planting from pedestrian view. This requirement does not apply to traffic control equipment boxes, telecommunication housings (smaller than three feet by six feet) or similar public facilities.
- b. Utility facilities. All utility facilities must be screened from pedestrian view subject to a screening and buffering plan approved by the zoning official.
- c. Parking lots. All parking lots for non-residential uses must be landscaped according to these regulations.
- d. Drive-through facilities. Where drive-through lanes or stacking bays and/or service windows are within 50 feet of a side or rear property line that adjoins an existing residential use, a six-foot-high wooden fence must be constructed and retained adjacent to the property line.

6. Transitional buffer yard between residential and non-residential uses.

- a. Non-residential development shall provide a ten (10) foot-wide landscape buffer yard when abutting an existing residential development or undeveloped residential zoning district. The buffer yard shall include one (1) tree per thirty (30) linear feet. A screening fence in accordance with Section 77-43 is required when a fence is not already present on the abutting residential development or undeveloped residentially zoned land.
- b. New master-planned residential development shall provide a ten (10) foot-wide landscape buffer yard when abutting undeveloped properties zoned for non-residential uses. The buffer yard shall be maintained by the Homeowner's Association and shall include one (1) tree per thirty (30) linear feet. A screening fence in accordance with Section 77-43 is required when a fence is not already present on the abutting property zoned for non-residential uses."

Section 3. 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 described above.

Section 4. 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 5. 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.

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



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: May 5, 2025

TOPIC: Text amendment to the *Manvel Code of Ordinances*, Chapter 77, *Zoning* (The Zoning Ordinance) to amend conditions of SUP approval for medical and other personal care service uses. First of two readings of Ordinance No. 2025-O-15

BACKGROUND: Staff is presenting amendments to the zoning ordinance to amend and include several requirements and provisions pertaining to landscaping and tree preservation; conditions of SUP approval for medical and other personal care service uses; North American Industry Classification system (NAICS) code version update. This agenda item is to consider the amendment pertaining conditions of SUP approval for medical and other personal care service uses.

Currently, the conditions of SUP approval for medical uses and other personal care uses include limited hours of operation from 8 am to 10 pm, unless approved by an SUP. During consideration of an SUP application for a freestanding Emergency Room (ER), staff was made aware that State legislature requires Emergency Room (ER) to have 24-hour operation. City Attorney has recommended that the ordinance be amended to include provision for 24-hour operation based on State requirement. This recommendation is to allow conformance with Texas Occupations Code which requires that a political subdivision may not adopt certain regulations for massage establishments that are more restrictive than for other health care professionals.

The public hearing notice requirement for this proposed zoning amendment was met through the provisions of Section 211.007(d) of the Texas Local Government Code, which allowed a joint public hearing by Planning, Development, and Zoning Commission (PDZ) and the City Council in lieu of sending notices to each property owner within 200 feet, as mandated by the City of Austin V Acuna case.

STAFF RECOMMENDATION: Staff is recommending approval of the proposed text amendment to the *Manvel Code of Ordinances*, Chapter 77, *Zoning* (The Zoning Ordinance) to amend conditions of SUP approval for medical and other personal care service uses.

PD&Z RECOMMENDATION: PD&Z is forwarding a final report recommending approval of the proposed text amendment to the *Manvel Code of Ordinances*, Chapter 77, *Zoning* (The Zoning Ordinance) to amend conditions of SUP approval for medical and other personal care service uses.

ATTACHMENTS: Redline version of the proposed amendment, Ordinance No. 2025-O-15,
and Staff Report

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 _____





FINAL REPORT TO CITY COUNCIL

Zoning Text Amendment

Agenda of:	May 5, 2025	Initiated By:	Jose Abraham Director, Development Services
Subject:	Zoning Text Amendment [Sec. 77-50.- Uses requiring specific use permit (SUP)]	Presented By:	Jose Abraham Director, Development Services
Agenda Action:	Consideration and possible action to forward a Final Report recommending approval to City Council for this proposed Zoning Text Amendment. (<u>First of two readings of Ordinance No. 2025-O-15</u>).		

SUMMARY

Currently, the conditions of SUP approval for medical uses and other personal care uses (as per NAICS) include limited hours of operation from 8 am to 10 pm, unless approved by an SUP. During consideration of an SUP application for a freestanding Emergency Room (ER), staff was made aware that State legislature requires Emergency Room (ER) to have 24-hour operation. City Attorney has recommended that the ordinance be amended to include provision for 24-hour operation based on State requirement. This recommendation is to allow conformance with Texas Occupations Code which requires that a political subdivision may not adopt certain regulations for massage establishments that are more restrictive than for other health care professionals.

Staff Recommendation: APPROVAL

PD&Z Recommendation: APPROVAL

EXHIBITS/ ATTACHMENTS

Sec. 77-50.- Uses requiring specific use permit (SUP), Ordinance No. 2025-O-15, and public hearing Notice.

PROPOSED AMENDMENT

Currently, the predetermined condition to SUP approval for medical uses and other personal care uses (based on NAICS) include limited hours of operation from 8 am to 10 pm, unless approved by an SUP. Following is the current text pertaining to Hours of operation related condition for Ambulatory health care services, Hospitals, Nursing and residential care facilities, and Other personal care services:

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;

To avoid potential violation of State Legislature requirements, staff is recommending the following amended language. Additionally, based on input from previous SUP applications, opening at 7:00 a.m. is very common for medical uses.

Unless otherwise required by state law or regulation, the facility is only permitted to operate during the hours of 7:00 a.m. to 10:00 p.m. each day.,



STAFF RECOMMENDATION

Staff is recommending approval of the proposed amendment to Sec. 77-50.- *Uses requiring specific use permit (SUP)* by adopting Ordinance No. 2025-0-15.

PD&Z DISCUSSION AND RECOMMENDATION

PD&Z Commission discussed this proposed text amendment at the April 28, 2025, meeting. PD&Z Commission is forwarding this final report recommending approval of the proposed amendment to Sec. 77-50.- *Uses requiring specific use permit (SUP)* by adopting Ordinance No. 2025-0-15.

PUBLIC HEARING

The Notice of Public Hearing was published in the newspaper of general circulation. The public hearing notice requirement for this proposed zoning amendment was met through the provisions of Section 211.007(d) of the Texas Local Government Code, which allowed a joint public hearing by Planning, Development, and Zoning Commission (PDZ) and the City Council in lieu of sending notices to each property owner within 200 feet, as mandated by the City of Austin V Acuna case.

A PUBLIC HEARING WILL BE HELD JOINTLY BY MANVEL CITY COUNCIL AND THE MANVEL PLANNING, DEVELOPMENT & ZONING COMMISSION AT MANVEL CITY HALL, 20031 HIGHWAY 6, MANVEL, TEXAS, 77578 AT 6:00 P.M. ON MONDAY, APRIL 28, 2025, TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING CHAPTER 77 "ZONING", TO AMEND AND INCLUDE SEVERAL REQUIREMENTS AND PROVISIONS PERTAINING TO LANDSCAPING AND TREE PRESERVATION; CONDITIONS OF APPROVAL OF SUP FOR MEDICAL AND OTHER PERSONAL CARE SERVICES RELATED USES; POSSIBLE ADOPTION OF REVISED NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODE; THE PROCESS FOR REZONING; AND POSSIBLE RECTIFICATION OF EXISTING TYPOGRAPHIC ERRORS. /S/ TAMMY BELL, CITY SECRETARY.

Sec. 77-50. Uses requiring specific use permit (SUP).

- (a) 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 council and planning commission 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. Because, however, 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 commission judgment relative to the location and site plan of the proposed use are required.
- (b) The council, after receiving the recommendation of the planning 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.
- (c) Where provided for in section 77-26(f), permitted use table, a specific use permit shall be required before that specific use can be permitted within the district specified. A building permit or certificate of occupancy shall not be issued for any use to be located in a zoning district which permits that use, unless a specific use permit has been issued in accordance with the provisions of this section.
- (d) Application procedure. An application for a specific use permit shall be filed with the city. The application shall be accompanied by a conceptual site plan that, complete application, and fees that will become a part of the specific use permit, if approved. Verification of all information contained in the conceptual site plan shall be required to be certified by an engineer and/or surveyor, as applicable, as a condition for the granting of any specific use permit. The accompanying conceptual site plan shall provide the following information:
 - (1) Data describing all processes and activities involved with the proposed use.
 - (2) Boundaries of the area covered by the site plan.
 - (3) The location of existing and proposed building and structure in the area covered by the site plan and the number of stories, height, roofline, gross floor area and the location of building entrances and exits.
 - (4) The location of existing drainage ways, and significant natural features.
 - (5) Proposed landscaping and screening buffers.
 - (6) The location of all curb cuts, public and private streets, parking and loading areas, pedestrian walks, lighting facilities, and outside trash storage facilities.
 - (7) The location and type of each wall, fence, and other types of screening.
 - (8) The location, height and size of all proposed signs.
 - (9) Show all existing or proposed water, sewer and electrical.
 - (10) Show all dedicated easements.
- (e) Criteria for approval. In considering any application for a specific use permit, the planning commission and the council shall hold public hearings as with any amendment request and consider the following criteria:
 - (1) Conformance of the proposed use with the city's comprehensive plan and land use policies;

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- (2) The character of the neighborhood, the zoning and use of nearby properties, and the extent to which the proposed use would be compatible;
 - (3) The suitability of the property for the uses permitted by right;
 - (4) The extent to which the proposed use would detrimentally affect nearby property, including, but not limited to, sound, light, traffic, aesthetics, odor, dust, vibration, and dangerous or hazardous activity;
 - (5) The extent to which the proposed use would affect the capacity or safety of that portion of the street network, other public facilities or utilities, or present parking problems in the vicinity of the property;
 - (6) The extent to which approval of the use would harm the value of nearby properties;
 - (7) Whether the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
 - (8) The extent that adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
 - (9) Whether the design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
 - (10) The extent that directional lighting will be provided so as not to disturb or adversely affecting the general public or adjacent developments;
 - (11) Whether there is sufficient landscaping and screening to insure harmony and compatibility with adjacent property; and
 - (12) Any other any appropriate conditions and safeguards to protect property and property values, and in the interest of health, safety or welfare.
- (f) Use of property permitted by a specific use permit must commence within one year from the date of approval, unless extended by action of the council.
- (g) In addition to other conditions the council may impose, the following conditions shall apply to the land uses specified below:
- (1) *Accommodations.* The conditions for hotel (except casino hotels) and motels and all other traveler accommodation shall include:
 - a. Hotels (except casino hotels) and motels as defined by NAICS No. 721110 in section 77- 26, permitted uses, shall include the following conditions:
 1. All guest rooms are accessed via interior hallway;
 2. All interior hallways accessed from a central lobby;
 3. A minimum 1,000 square feet dedicated to meeting and event space;
 4. The use of a kitchenette is not permitted;
 5. Maintain a copy of guest registration information for a minimum 30 days which includes guest photographic identification, guest vehicle license plate number, guest permanent address, guest bill including method of payment, guest check-in and check-out dates and times, and number of persons staying in the room(s);
 6. Install and maintain security cameras in each interior hallway, lobby, parking lots, and exterior door;
 7. Require all guests to enter through a central lobby after 11:00 p.m.; and

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8. A hotel owner, operator, or manager must be present and accessible in person on a 24-hour basis.
 - b. All other traveler accommodation as defined by NAICS No. 721199 in section 77-26, permitted uses, shall include the following conditions:
 1. Maintain a copy of guest registration information for a minimum 30 days which includes guest photographic identification, guest vehicle license plate number, guest permanent address, guest bill including method of payment, guest check-in and check-out dates and times, and number of persons staying in the room(s);
 2. Install and maintain security cameras in the central lobby, parking lots, and exterior doors;
 3. A facility operator, owner, or manager must be present and accessible in person on a 24-hour basis; and
 4. Require all guests to enter through a central area after 11:00 p.m.
 - (2) *Adult entertainment business.* The conditions for an adult entertainment business shall include:
 - a. A business license; and
 - b. A minimum of 500 feet from any school, day care, place of worship, or residential neighborhood or other district.
 - (3) *All other general merchandise stores.* All other general merchandise store as defined by NAICS No. 452990, Permitted Uses, shall include the following conditions:
 - a. There shall be a minimum separation distance between "dollar/general store" uses of two miles. The distance shall be measured from the nearest dollar/general store property line to the nearest dollar/general store property line; and
 - b. A minimum 10 percent gross floor area shall be dedicated to fresh produce, meat, and dairy products.
 - (4) *Ambulatory health care services.* Ambulatory health care services as defined by NAICS No. 621, Permitted Uses, shall include the following conditions:
 - a. Unless otherwise required by state law or regulation, The the facility is only permitted to operate during the hours of 7:00 a.m. 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; and
 - c. All doors shall remained unlocked and accessible during normal business hours.
 - (5) *Convenience stores.* Convenience stores as defined by NAICS No. 445120, Permitted Uses, shall include the following condition:
 - a. A convenience store shall not be located within two miles of an existing convenience store and gasoline station. The distance shall be measured from property line to property line.
 - (6) *Game room.* The conditions for a game room shall include:
 - a. A business license;
 - b. A minimum of 300 feet from any place of worship, daycare, school, or hospital; and
 - c. All doors shall remain unlocked and accessible during normal business hours.
 - (7) *Gasoline stations.* Gasoline stations as defined by NAICS No. 447, Permitted Uses, shall include the following condition:

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- a. A gasoline station shall not be located within two miles of an existing gasoline station and convenience store. The distance shall be measured from property line to property line.
- (8) *Hospitals.* Hospitals as defined by NAICS No. 622 in section 77-26, permitted uses, shall include the following conditions:
- a. Unless otherwise required by state law or regulation, The the facility is only permitted to operate during the hours of 7:00 a.m. 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 remained unlocked and accessible during normal business hours.
- (9) *Nursing and residential care facilities.* Nursing and residential care facilities as defined by NAICS No. 623 in section 77-26, permitted uses, shall include the following conditions:
- a. Unless otherwise required by state law or regulation, The the facility is only permitted to operate during the hours of 7:00 a.m. 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 remained unlocked and accessible during normal business hours.
- (10) *Other personal care services.* Other personal care services as defined by NACIS No. 81219 in section 77-26, permitted uses, shall include the following conditions:
- a. Unless otherwise required by state law or regulation, The the facility is only permitted to operate during the hours of 7:00 a.m. 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; and
- c. All doors shall remained unlocked and accessible during normal business hours.
- (11) *Place of worship, private school, or governmental agency with an oversized sign.* The conditions include:
- a. A minimum of 2,000 feet when the main structure is located 200-feet from the State Highway 288 right-of-way;
- b. An approved site plan; and
- c. Approved sign permit application.
- (h) *Time limit.* A specific use permit issued under this section shall expire one year after its date of issuance if construction or use authorized there under is not substantially under way prior to the expiration of said one-year period. If prior to the expiration of such one-year period, the owner of property to which a specific use permit applies in writing, for an extension. The council after recommendation from the planning commission may grant such extension for one additional year.
- (i) *Revocation.* A specific use permit may be revoked or modified, 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.
- (j) *Amendments.* The procedure for amendment of a specific use permit shall be the same as for a new application provided however, that the city manager may approve minor variations from the original permit

which do not increase density, change in traffic patterns, or result in any increase in external impact on adjacent properties or neighborhoods.

- (k) *Application fee.* An application fee is required for the processing of each specific use permit request.
- (l) *Religious institutions, private school, or governmental agency signs.* Consistent with section 53- 17, where the main structure of a property of a religious institution, private school or governmental agency lies within 2,000 feet of the S.H. 288 right-of-way, a sign that exceeds the height and/or area requirements of the sign ordinance may be permitted by the council by approval of a specific use permit incorporating an approved site plan and sign drawings. The procedure and criteria for approval of this section shall apply to an application for this type of specific use permit.

(Ord. No. 2020-O-15, § 3, 10-19-2020; Ord. No. 2023-O-40, § 3, 12-4-2023)

ORDINANCE NO. 2025-O-15

AN ORDINANCE AMENDING CHAPTER 77 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, SAME BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ARTICLE II. “DISTRICT REGULATIONS,” SECTION 77-50 “*USES REQUIRING SPECIFIC USE PERMIT (SUP)*” TO AMEND CERTAIN CONDITIONS REQUIRED FOR HOSPITALS AND OTHER HEALTH CARE USES TO BE CONSISTENT WITH STATE LAW; 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 Health and Safety Code, Chapter 254, Subchapter B requires any freestanding emergency medical care facility to be open 24 hours a day, 7 days a week; and

WHEREAS, the City Council of the City of Manvel, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City of Manvel to amend the Section 77-50 of the Zoning Ordinance to reflect this state law, and for other changes; and

WHEREAS, the amendment(s) generally revise the Specific Use Permit (SUP) provisions requiring certain hours of operation as a condition for hospitals and other certain health care uses; and

WHEREAS, the Planning Commission (PD&Z) has issued its report regarding the proposed amendment(s) to the Zoning Ordinance herein; and

WHEREAS, the Planning Commission (PD&Z) and City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on such amendment to the zoning ordinance and both entities find that the adoption of this ordinance is in the best interest of the citizens of Manvel; 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. Chapter 77 of the Code of Ordinances of the City of Manvel, and same also being the Zoning Ordinance of the City, is hereby amended by amending Article II, Section 77-50 to read and provide as follows:

“Chapter 77 - ZONING

...

ARTICLE II. DISTRICT REGULATIONS

...

Sec. 77-50. - Uses requiring specific use permit (SUP).

...

(g) In addition to other conditions the council may impose, the following conditions shall apply to the land uses specified below:

...

(4) Ambulatory health care services. Ambulatory health care services as defined by NAICS No. 621, Permitted Uses, shall include the following conditions:

a. Unless otherwise required by state law or regulation, the [The] facility is only permitted to operate during the hours of 7:00 a.m. [~~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; and

c. All doors shall remained unlocked and accessible during normal business hours.

...

(8) Hospitals. Hospitals as defined by NAICS No. 622 in section 77-26, permitted uses, shall include the following conditions:

a. Unless otherwise required by state law or regulation, the [The] facility is only permitted to operate during the hours of 7:00 a.m. [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 remained unlocked and accessible during normal business hours.

(9) Nursing and residential care facilities. Nursing and residential care facilities as defined by NAICS No. 623 in [section 77-26](#), permitted uses, shall include the following conditions:

a. Unless otherwise required by state law or regulation, the [The] facility is only permitted to operate during the hours of 7:00 a.m. [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 remained unlocked and accessible during normal business hours.

(10) Other personal care services. Other personal care services as defined by NACIS No. 81219 in [section 77-26](#), permitted uses, shall include the following conditions:

a. Unless otherwise required by state law or regulation, the [The] facility is only permitted to operate during the hours of 7:00 a.m. [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; and

c. All doors shall remained unlocked and accessible during normal business hours.

...”

Section 4. 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 described above.

Section 5. 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 6. 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.

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



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: May 5, 2025

TOPIC: Text amendment to the *Manvel Code of Ordinances*, Chapter 77, *Zoning* (The Zoning Ordinance) to adopt 2022 North American Industry Classification system (NAICS) code version for determining landuse allowance. First of two readings of Ordinance No. 2025-O-16

BACKGROUND: Staff is presenting amendments to the zoning ordinance to amend and include several requirements and provisions pertaining to landscaping and tree preservation; conditions of SUP approval for medical and other personal care service uses; North American Industry Classification system (NAICS) code version update. This agenda item is to consider the amendment adopting 2022 North American Industry Classification system (NAICS) code version to determine landuse allowance.

Currently, the land use allowances of the zoning ordinance is based on 2007 version of the NAICS code. Staff has reviewed changes made on the most recent version of the code (2022 version), so that the most recent version can be adopted and associated amendments to the land use table can be made. The 2022 version of the code is not significantly different but includes few changes to the specific code numbers to certain uses. Additionally, certain landuse codes have been combined and some have been separated. The attached redline version identifies these changes.

The public hearing notice requirement for this proposed zoning amendment was met through the provisions of Section 211.007(d) of the Texas Local Government Code, which allowed a joint public hearing by Planning, Development, and Zoning Commission (PDZ) and the City Council in lieu of sending notices to each property owner within 200 feet, as mandated by the City of Austin V Acuna case.

STAFF RECOMMENDATION: Staff is recommending approval of the proposed text amendment to the *Manvel Code of Ordinances*, Chapter 77, *Zoning* (The Zoning Ordinance) to adopt 2022 North American Industry Classification system (NAICS) code version to determine land use allowance.

PD&Z RECOMMENDATION: PD&Z is forwarding a final report recommending approval of the proposed text amendment to the *Manvel Code of Ordinances*, Chapter 77, *Zoning* (The Zoning Ordinance) to adopt 2022 North American Industry Classification system (NAICS) code version to determine land use allowance.

ATTACHMENTS: Redline version of the proposed amendment, Ordinance No. 2025-O-16, and Final Report from PD&Z Commission.

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 _____





FINAL REPORT TO CITY COUNCIL

Zoning Text Amendment

Agenda of:	May 5, 2025	Initiated By:	Jose Abraham Director, Development Services
Subject:	Zoning Text Amendment (Sec. 77-26.- <i>Permitted Uses</i>)	Presented By:	Jose Abraham Director, Development Services
Agenda Action:	Consideration and possible action to approve this proposed Zoning Text Amendment. (<u>First of Two Readings of Ordinance No. 2025-O-16</u>)		

SUMMARY

Currently, the land use allowances of the zoning ordinance is based on 2007 version of the NAICS code. Staff has reviewed changes made on the most recent version of the code (2022 version), so that the most recent version can be adopted and associated amendments to the land use table can be made. The 2022 version of the code is not significantly different but includes few changes to the specific code numbers and descriptions of certain uses. Additionally, certain landuse codes have been combined and some have been separated. The attached redline version identifies these changes.

Staff Recommendation: APPROVAL

PD&Z Recommendation: APPROVAL

EXHIBITS/ ATTACHMENTS

Sec. 77-26.- *Permitted Uses* redline version, Ordinance No. 2025-O-16, and Public Hearing Notice.

PROPOSED AMENDMENT

The following table provides a comparison of changes between 2007 and 2022 versions of the NAICS code:

2007 NAICS	2022 NAICS	NOTES
333 Industrial machinery	333 Machinery manufacturing	<i>Name change</i>
442 Furniture and home furnishing stores	4491 Furniture and home furnishing retailers	<i>Name and Code change</i>
443 Electronics and appliance stores	4492 Electronics and appliance retailers	<i>Name and Code change</i>
445 Food and beverage stores	445 Food and beverage retailers	<i>Name change</i>
445120 Convenience stores	445131 Convenience retailers	<i>Name and Code change</i>
NA	445132 Vending Machine Operators	<i>New code (previously part of 454 Non-store retailers)</i>
447 Gasoline stations	457 Gasoline stations and fuel dealers	<i>Name and Code change</i>
448 Clothing and clothing accessories stores	458 Clothing, clothing accessories, shoe, and jewelry retailers	<i>Name and Code change</i>
451 Sporting Goods hobby, book and music stores	459 Sporting Goods, Hobby, Musical Instrument, Book, and Miscellaneous Retailers	<i>Name and Code change</i>
452 General merchandise stores	455 General merchandise retailers	<i>Name and Code change</i>



2007 NAICS	2022 NAICS	NOTES
452990 All other general merchandise stores	455219 All other general merchandise retailers	<i>Name and Code change</i>
453 Misc. store	-	<i>Covered under 459 Sporting Goods, Hobby, Musical Instrument, Book, and Miscellaneous Retailers</i>
45393 Manufactured (mobile) home dealers	459930 Manufactured (mobile) home dealers	<i>Code change</i>
453991 Tobacco stores	459991 Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers	<i>Name and Code change</i>
454 Non store retailers	-	<i>Covered under other codes</i>
48 Transportation and warehousing	48 – 49 Transportation and warehousing	<i>Typo</i>
522298 All other nondepository credit intermediation	522299 International, Secondary Market, and All Other Nondepository Credit Intermediation	<i>Name and Code change (includes additional specific uses)</i>
5321 Automotive equipment rental	5321 Automotive equipment rental and leasing	<i>Name and Code change</i>
532292 Recreational Goods Rental	532284 Recreational Goods Rental	<i>Code change</i>
5324 Commercial and industrial machinery and equipment rental	5324 Commercial and industrial machinery and equipment rental and Leasing	<i>Name change</i>
5412 Accounting, tax preparation, bookkeeping and payroll	5412 Accounting, tax preparation, bookkeeping and payroll services	<i>Name change</i>
8113 Commercial and industrial machinery and equipment (except automotive and electronic repair)	8113 Commercial and industrial machinery and equipment (except automotive and electronic repair) repair and maintenance	<i>Name change</i>

STAFF RECOMMENDATION

Staff is recommending approval of the proposed amendment to Sec. 77-26.- *Permitted Uses* by adopting Ordinance No. 2025-0-16.

PD&Z DISCUSSION AND RECOMMENDATION

PD&Z Commission discussed this proposed text amendment at the April 28, 2025, meeting. PD&Z Commission is forwarding this final report recommending approval of the proposed amendment to Sec. 77-26.- *Permitted Uses* by adopting Ordinance No. 2025-0-16.



PUBLIC HEARING

The Notice of Public Hearing was published in the newspaper of general circulation. The public hearing notice requirement for this proposed zoning amendment was met through the provisions of Section 211.007(d) of the Texas Local Government Code, which allowed a joint public hearing by Planning, Development, and Zoning Commission (PDZ) and the City Council in lieu of sending notices to each property owner within 200 feet, as mandated by the City of Austin V Acuna case.

A PUBLIC HEARING WILL BE HELD JOINTLY BY MANVEL CITY COUNCIL AND THE MANVEL PLANNING, DEVELOPMENT & ZONING COMMISSION AT MANVEL CITY HALL, 20031 HIGHWAY 6, MANVEL, TEXAS, 77578 AT 6:00 P.M. ON MONDAY, APRIL 28, 2025, TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING CHAPTER 77 "ZONING", TO AMEND AND INCLUDE SEVERAL REQUIREMENTS AND PROVISIONS PERTAINING TO LANDSCAPING AND TREE PRESERVATION; CONDITIONS OF APPROVAL OF SUP FOR MEDICAL AND OTHER PERSONAL CARE SERVICES RELATED USES; POSSIBLE ADOPTION OF REVISED NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODE; THE PROCESS FOR REZONING; AND POSSIBLE RECTIFICATION OF EXISTING TYPOGRAPHIC ERRORS. /S/ TAMMY BELL, CITY SECRETARY.

Sec. 77-26. Permitted uses.

- (a) *Use of land and building.* Buildings, structures, land, or premises shall be used only in accordance with the uses specifically permitted in the zoning district classification for the site subject to compliance with parking regulations, height, and area requirements, special conditions and other requirements of the zoning ordinance.
- (b) *Permitted use table.* The permitted uses in each specific zoning district are shown by means of symbols in the permitted use tables as follows.

The letter "P" in the zoning district column opposite the listed permitted use means the use is permitted as a use of right in that district. The letter "S" in the zoning district column opposite the listed use means the use is permitted in that zoning district only by obtaining a specific use permit as set forth in section 77-50. No primary use shall be permitted in any district unless the letter "P" or the letter "S" appears opposite the listed permitted use. The letter "O" in the zoning district column means that the permitted use is for office functions only.

Parking requirements are in section 77-45.

- (c) *Uses not listed.* Primary uses not listed in the permitted use table may be permitted by the zoning official in any district where similar uses are permitted. The function and location requirements of the unlisted use must be consistent with the purpose and description of the zoning district, compatible with the permitted uses in the district, and similar in traffic-generating capacity, noise, vibration, dust, odor, glare and heat producing circumstance.
- (d) *Accessory use.* A use which is customarily incidental to that of the primary existing use, which is located on the same lot or premises as the primary existing use and which has the same zoning district classification shall be permitted as an accessory use without being separately listed as a permitted use.
- (e) *North American Industry Classification System (NAICS) Codes.* The activity descriptions in the ~~(2007-2022)~~ NAICS Codes prepared by United States Executive Office of the president, office of management and budget, (~~www.census.gov/eos/www/naics/index.html~~ <https://www.census.gov/naics/>) shall be used to determine the primary establishment uses when reference is made to the tables to a designated standard industrial classification. Annually, staff shall determine if the manual has been revised. If the manual has been revised, such revisions and changes will be summarized in a written report and presented to the planning commission. The commission will make recommendations to the council regarding adoption of the revised changes to the zoning ordinance permitted uses.
- (f) *Permitted Use Table.*

Legend:

OSFR	Open-Single-Family Residential
SFR	Single-Family Residential
MF	Multi-family
LC	Light Commercial
HC	Heavy Commercial
HCMH	HUD-Code Manufactured Homes
HMU	Highway Mixed Use
P	Permitted use
S	Specific use permit required
O	Office function only

USE	OSFR	SFR	LC	HC	MF	HCMH	HMU
Adult entertainment business ¹				S			
Game room ¹				S			
111 Crop production	P						P
112 Animal production	P						P
115 Support activities for agriculture and forestry			O	P	O		O
21 Mining, quarrying and oil and gas extraction	S	S	S	S	S	S	S
22 Utilities			O	S	O		O
236 Construction of buildings			O	P	O		O
237 Heavy and civil engineering construction			O	P	O		S
237130 Power and communication line and related structures construction	S	S	S	S	S	S	S
238 Specialty trade contractors			O	P	S		O
311 Food manufacturing			O	P	O		O
311811 Retail bakeries			P	P	P		P
3121 Beverage manufacturing			S	P	S		S
313 Textile mills			O	P	O		O
314 Textile product mills			O	P	O		O
315 Apparel manufacturing			S	P	S		S

316 Leather and allied product manufacturing			S	P	S		S
321 Wood products manufacturing			O	P	O		O
321999 All other misc. wood			S	P	S		S
322 Paper manufacturing			O	P	O		O
323 Printing and related support activities			P	P	P		P
324 Petroleum and coal products manufacturing			O	S	O		O
325 Chemical manufacturing			O	S	O		O
326 Plastics and rubber products manufacturing			O	S	O		O
327 Nonmetallic mineral products manufacturing			O	S	O		O
331 Primary metal manufacturing			O	S	O		O
332 Fabricated metal product manufacturing			O	S	O		O
333 Industrial machinery <u>Machinery</u> manufacturing			O	S	O		O
334 Computer and electronic product manufacturing			O	P	O		O
335 Electrical equipment, appliance and component manufacturing			O	P	O		O

336 Transportation equipment manufacturing			O	S	O		O
337 Furniture and related product manufacturing			O	P	O		O
339 Miscellaneous manufacturing			O	P	O		O
42 Wholesale			O	P	O		O
441 Motor vehicle and parts			S	S	S		S
442-4491 Furniture and home furnishing stores <u>retailers</u>			P	P	P		P
443-4492 Electronics and appliance stores <u>retailers</u>			P	P	P		P
444 Building material, garden equipment and supplies dealers			P	P	P		P
445 Food and beverage stores <u>retailers</u>			P	P	P		P
445120-445131 Convenience stores <u>retailers</u> ¹			S	S	S		S
445132 Vending Machine Operators			<u>S</u>	<u>P</u>	<u>S</u>		<u>S</u>
446 Health and personal care stores			P	P	P		P
455219 All other <u>general merchandise</u> <u>retailers</u> ¹			<u>S</u>	<u>S</u>	<u>S</u>		<u>S</u>
455 General <u>merchandise</u> <u>retailers</u>			<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>

<u>456 Health and personal care retailers</u>			<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
<u>447-457 Gasoline stations and fuel dealers</u> ¹			S	S	S		S
<u>448-458 Clothing and clothing accessories, shoe, and jewelry retailers stores</u>			P	P	P		P
<u>451-459 Sporting Goods, Hobby, Musical Instrument, Book, and Miscellaneous Retailers Sporting goods, hobby, book and music stores</u>			P	P	P		P
<u>452 General merchandise stores</u>			<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
<u>452990 All other general merchandise stores</u> ¹			<u>S</u>	<u>S</u>	<u>S</u>		<u>S</u>
<u>453 Misc. store retailers</u>			<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
<u>45393-459930 Manufactured (mobile) home dealers</u>			S	S	S		S
<u>453991-459991 Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers Tobacco stores</u>			S	S	S		S
<u>454 Non-store retailers</u>			<u>S</u>	<u>P</u>	<u>S</u>		<u>S</u>

48-48 – 49 Transportation and warehousing			O	P	O		O
491 Postal Service			P	P	P		P
492 Couriers and messengers			S	P	S		S
493 Warehouse and Storage			S	P	S		S
51 Information			S	P	S		S
52 Finance and insurance			P	P	P		P
522291 Consumer lending				P			
522298-522299 <u>International, Secondary Market, and All Other Nondepository Credit Intermediation</u> All other nondepository credit intermediation				S			
531 Real estate			P	P	P		P
53112 Lessors of nonresidential buildings (except mini warehouses)			P	P	P		P
53113 Lessors of mini warehouses and self-storage units			S	P	S		S
5321 Automotive and equipment rental <u>and leasing</u>			S	P	S		S
5322 Consumer good rental			P	P	P		P
532292-532284 Recreational Goods Rental			S	P	S		S

5323 General rental centers			S	P	S		S
5324 Commercial and industrial machinery and equipment rental and Leasing			O	P	O		O
54 Professional, scientific, and technical services			P	P	P		P
5412 Accounting, tax preparation, bookkeeping and payroll services			P	P	P		P
54194 Veterinary services			P	P	P		P
55 Management of companies and enterprises			P	P	P		P
561 Administrative and support services			P	P	P		P
562 Waste management and remediation services			O	P	O		O
6111 Elementary and secondary schools	S	S	S	S	S	S	S
6112 Junior colleges	S	S	S	S	S	S	S
6113 Colleges, universities, and professional schools	S	S	S	S	S	S	S
6114 Business schools and computer and management training			S	S			S
6115 Technical and trade schools			S	S			S

6116 Other schools and instruction			S	S	S		S
6117 Educational support services			P	P	P		P
621 Ambulatory health care services ¹			S	S	S		S
622 Hospitals ¹			S	S	S		S
623 Nursing and residential care facilities ¹			S	S	S		S
623990 Other residential care facilities	S	S	S	S	S	S	S
624 Social assistance			P	P	P		S
6244 Child day care services			P	P	S		S
71 Arts, entertainment, and recreation			P	S	P		P
713 Amusement, gambling, recreation industries			S	S	S		S
713940 Fitness and Sports Centers			P	P	P		P
713990 All other amusement and recreational industries	S	S	S	S	S	S	S
721 Accommodations			S	S	S		S
7212 RV parks and recreational camps			S	S	S		S
721191 bed and breakfast	S	S	S	S	S	S	S
722 Food services and drinking places			P	P	P		P
72233 Mobile food services			S	S	S		S

7224 Drinking places (alcoholic beverages)			S	P	S		S
8111 Automotive repairs and maintenance			S	P	S		S
811122 Automotive glass replacement shop			P	P	P		P
8112 Electronic and precision equipment repair and maintenance			P	P	P		P
8113 Commercial and industrial machinery and equipment (except automotive and electronic repair) <u>repair and maintenance</u>				P			
8114 Personal and household goods repair and maintenance			S	P	S		S
812 Personal and laundry services			P	P	P		P
812113 Nail salons			S	S	S		S
81219 Other personal care services			S	S	S		S
812210 Funeral homes and funeral services			S	P	S		S
812220 Cemeteries and crematories	S	S	S	S	S		S
813110 Religious organizations	S	S	S	S	S	S	S
813410 Civil and social organizations	S	S	S	P	S		S

814 Private households	P	P			P* See § 77- 30	P* See § 77- 34	P
92 Public administration	P	P	P	P	P	P	P
¹ See Section 77-50. - Uses Requiring Specific Use Permit (SUP).							

For business descriptions visit the NAICS website.

<http://www.census.gov/eos/www/naics/>

~~2007 NAICS~~ <https://www.census.gov/naics/?58967?yearbck=2022>

(Ord. No. 2020-O-15, § 3, 10-19-2020; Ord. No. 2023-O-40, § 3, 12-4-2023)

ORDINANCE NO. 2025-O-16

AN ORDINANCE AMENDING CHAPTER 77 “ZONING” OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, SAME BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ARTICLE II. “DISTRICT REGULATIONS,” SECTION 77-26 *PERMITTED USES*, BY ADOPTING THE 2022 VERSION OF THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODES THAT DETERMINE PERMITTED USES; 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, the current zoning ordinance uses the activity descriptions in the 2007 *North American Industry Classification System (NAICS) Codes* prepared by United States Executive Office of the president, office of management and budget, (www.census.gov/eos/www/naics/index.html <https://www.census.gov/naics/>) to determine the primary establishment uses when reference is made to the tables to a designated standard industrial classification; and

WHEREAS, the City Council of the City of Manvel, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend the Zoning Ordinance to update to the 2022 *North American Industry Classification System (NAICS) Codes* that determine permitted uses; and

WHEREAS, the Planning, Development, and Zoning Commission has issued its report and approved the amendments to the Zoning Ordinance herein; and

WHEREAS, the Planning, Development, and Zoning Commission and City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on such amendment to the zoning ordinance and both entities find that the adoption of this ordinance is in the best interest of the citizens of Manvel; 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. Chapter 77 of the Code of Ordinances of the City of Manvel, and same also being the Zoning Ordinance of the City, is hereby amended by amending Article II. "District Regulations," Section 77-26 *Permitted uses* to read and provide as follows:

"Chapter 77 - ZONING

...

ARTICLE II. DISTRICT REGULATIONS

...

Sec. 77-26. Permitted uses.

(a) *Use of land and building.* Buildings, structures, land, or premises shall be used only in accordance with the uses specifically permitted in the zoning district classification for the site subject to compliance with parking regulations, height, and area requirements, special conditions and other requirements of the zoning ordinance.

(b) *Permitted use table.* The permitted uses in each specific zoning district are shown by means of symbols in the permitted use tables as follows.

The letter "P" in the zoning district column opposite the listed permitted use means the use is permitted as a use of right in that district. The letter "S" in the zoning district column opposite the listed use means the use is permitted in that zoning district only by obtaining a specific use permit as set forth in section 77-50. No primary use shall be permitted in any district unless the letter "P" or the letter "S" appears opposite the listed permitted use. The letter "O" in the zoning district column means that the permitted use is for office functions only.

Parking requirements are in section 77-45.

(c) *Uses not listed.* Primary uses not listed in the permitted use table may be permitted by the zoning official in any district where similar uses are permitted. The function and location requirements of the unlisted use must be consistent with the purpose and description of the zoning district, compatible with the permitted uses in

the district, and similar in traffic-generating capacity, noise, vibration, dust, odor, glare and heat producing circumstance.

(d) *Accessory use.* A use which is customarily incidental to that of the primary existing use, which is located on the same lot or premises as the primary existing use and which has the same zoning district classification shall be permitted as an accessory use without being separately listed as a permitted use.

(e) *North American Industry Classification System (NAICS) Codes.* The activity descriptions in the ([2007] 2022) NAICS Codes prepared by United States Executive Office of the President, Office of Management and Budget, (www.census.gov/eos/www/naics/index.html] <https://www.census.gov/naics/>) shall be used to determine the primary establishment uses when reference is made to the tables to a designated standard industrial classification. Annually, staff shall determine if the manual has been revised. If the manual has been revised, such revisions and changes will be summarized in a written report and presented to the planning commission. The commission will make recommendations to the council regarding adoption of the revised changes to the zoning ordinance permitted uses.

(f) *Permitted Use Table.*

Legend:

OSFR	Open-Single-Family Residential
SFR	Single-Family Residential
MF	Multi-family
LC	Light Commercial
HC	Heavy Commercial
HCMH	HUD-Code Manufactured Homes
HMU	Highway Mixed Use
P	Permitted use
S	Specific use permit required
O	Office function only

USE	OSFR	SFR	LC	HC	MF	HCMH	HMU
Adult entertainment business ¹				S			
Game room ¹				S			
111 Crop production	P						P
112 Animal production	P						P
115 Support activities for agriculture and forestry			O	P	O		O
21 Mining, quarrying and oil and gas extraction	S	S	S	S	S	S	S
22 Utilities			O	S	O		O
236 Construction of buildings			O	P	O		O
237 Heavy and civil engineering construction			O	P	O		S
237130 Power and communication line and related structures construction	S	S	S	S	S	S	S
238 Specialty trade contractors			O	P	S		O
311 Food manufacturing			O	P	O		O
311811 Retail bakeries			P	P	P		P
3121 Beverage manufacturing			S	P	S		S
313 Textile mills			O	P	O		O

USE	OSFR	SFR	LC	HC	MF	HCMH	HMU
314 Textile product mills			O	P	O		O
315 Apparel manufacturing			S	P	S		S
316 Leather and allied product manufacturing			S	P	S		S
321 Wood products manufacturing			O	P	O		O
321999 All other misc. wood			S	P	S		S
322 Paper manufacturing			O	P	O		O
323 Printing and related support activities			P	P	P		P
324 Petroleum and coal products manufacturing			O	S	O		O
325 Chemical manufacturing			O	S	O		O
326 Plastics and rubber products manufacturing			O	S	O		O
327 Nonmetallic mineral products manufacturing			O	S	O		O
331 Primary metal manufacturing			O	S	O		O
332 Fabricated metal product manufacturing			O	S	O		O

USE	OSFR	SFR	LC	HC	MF	HCMH	HMU
333 [Industrial machinery] <u>Machinery manufacturing</u>			O	S	O		O
334 Computer and electronic product manufacturing			O	P	O		O
335 Electrical equipment, appliance and component manufacturing			O	P	O		O
336 Transportation equipment manufacturing			O	S	O		O
337 Furniture and related product manufacturing			O	P	O		O
339 Miscellaneous manufacturing			O	P	O		O
42 Wholesale			O	P	O		O
441 Motor vehicle and parts			S	S	S		S
[442] <u>4491 Furniture and home furnishing [stores] retailers</u>			P	P	P		P
4492 Electronics and appliance retailers			P	P	P		P
444 Building material, garden equipment and supplies dealers			P	P	P		P

USE	OSFR	SFR	LC	HC	MF	HCMH	HMU
445 Food and beverage [stores] <u>retailers</u>			P	P	P		P
[445120] <u>445131</u> Convenience [stores] <u>retailers¹</u>			S	S	S		S
<u>445132 Vending Machine</u> <u>Operators</u>			<u>S</u>	<u>P</u>	<u>S</u>		<u>S</u>
[446 Health and person care stores			P	P	P		P]
<u>455219 All other general</u> <u>merchandise retailers¹</u>			<u>S</u>	<u>S</u>	<u>S</u>		<u>S</u>
<u>455 General</u> <u>merchandise retailers</u>			<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
<u>456 Health and personal</u> <u>care retailers</u>			<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
[447] <u>457 Gasoline</u> <u>stations and fuel dealers¹</u>			S	S	S		S
[448] <u>458 Clothing [and],</u> <u>clothing accessories,</u> <u>shoe, and jewelry</u> <u>retailers [stores]</u>			P	P	P		P
[451] <u>459 Sporting</u> <u>Goods, Hobby, Musical</u> <u>Instrument, Book, and</u> <u>Miscellaneous Retailers</u> [Sporting goods, hobby, book and music stores]			P	P	P		P

USE	OSFR	SFR	LC	HC	MF	HCMH	HMU
[452 General merchandise stores]			P	P	P		P
[452990 All other general merchandise stores			S	S	S		S]
[453 Misc. store retailers			P	P	P		P]
[45393] 459930 Manufactured (mobile) home dealers			S	S	S		S
[453991] 459991 <u>Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers</u> [Tobacco stores]			S	S	S		S
[454 Non-store retailers			S	P	S		S]
[48] 48 – 49 Transportation and warehousing			O	P	O		O
491 Postal Service			P	P	P		P
492 Couriers and messengers			S	P	S		S
493 Warehouse and Storage			S	P	S		S
51 Information			S	P	S		S
52 Finance and insurance			P	P	P		P
522291 Consumer lending				P			

USE	OSFR	SFR	LC	HC	MF	HCMH	HMU
[522298] <u>522299</u> <u>International, Secondary</u> <u>Market, and All Other</u> <u>Nondepository Credit</u> <u>Intermediation</u> [All other nondepository credit intermediation]				S			
531 Real estate			P	P	P		P
53112 Lessors of nonresidential buildings (except mini warehouses)			P	P	P		P
53113 Lessors of mini warehouses and self- storage units			S	P	S		S
5321 Automotive [and] equipment rental <u>and</u> <u>leasing</u>			S	P	S		S
5322 Consumer good rental			P	P	P		P
[532292] <u>532284</u> Recreational Goods Rental			S	P	S		S
5323 General rental centers			S	P	S		S
5324 Commercial and industrial machinery and equipment rental <u>and</u> <u>leasing</u>			O	P	O		O

USE	OSFR	SFR	LC	HC	MF	HCMH	HMU
54 Professional, scientific, and technical services			P	P	P		P
5412 Accounting, tax preparation, bookkeeping and payroll <u>services</u>			P	P	P		P
54194 Veterinary services			P	P	P		P
55 Management of companies and enterprises			P	P	P		P
561 Administrative and support services			P	P	P		P
562 Waste management and remediation services			O	P	O		O
6111 Elementary and secondary schools	S	S	S	S	S	S	S
6112 Junior colleges	S	S	S	S	S	S	S
6113 Colleges, universities, and professional schools	S	S	S	S	S	S	S
6114 Business schools and computer and management training			S	S			S
6115 Technical and trade schools			S	S			S

USE	OSFR	SFR	LC	HC	MF	HCMH	HMU
6116 Other schools and instruction			S	S	S		S
6117 Educational support services			P	P	P		P
621 Ambulatory health care services ¹			S	S	S		S
622 Hospitals ¹			S	S	S		S
623 Nursing and residential care facilities ¹			S	S	S		S
623990 Other residential care facilities	S	S	S	S	S	S	S
624 Social assistance			P	P	P		S
6244 Child day care services			P	P	S		S
71 Arts, entertainment, and recreation			P	S	P		P
713 Amusement, gambling, recreation industries			S	S	S		S
713940 Fitness and Sports Centers			P	P	P		P
713990 All other amusement and recreational industries	S	S	S	S	S	S	S
721 Accommodations			S	S	S		S

USE	OSFR	SFR	LC	HC	MF	HCMH	HMU
7212 RV parks and recreational camps			S	S	S		S
721191 bed and breakfast	S	S	S	S	S	S	S
722 Food services and drinking places			P	P	P		P
72233 Mobile food services			S	S	S		S
7224 Drinking places (alcoholic beverages)			S	P	S		S
8111 Automotive repairs and maintenance			S	P	S		S
811122 Automotive glass replacement shop			P	P	P		P
8112 Electronic and precision equipment repair and maintenance			P	P	P		P
8113 Commercial and industrial machinery and equipment (except automotive and electronic repair) <u>repair and maintenance</u>				P			
8114 Personal and household goods repair and maintenance			S	P	S		S
812 Personal and laundry services			P	P	P		P

USE	OSFR	SFR	LC	HC	MF	HCMH	HMU
812113 Nail salons			S	S	S		S
81219 Other personal care services			S	S	S		S
812210 Funeral homes and funeral services			S	P	S		S
812220 Cemeteries and crematories	S	S	S	S	S		S
813110 Religious organizations	S	S	S	S	S	S	S
813410 Civil and social organizations	S	S	S	P	S		S
814 Private households	P	P			P* See § 77- 30	P* See § 77- 34	P
92 Public administration	P	P	P	P	P	P	P
¹ See Section 77-50. - Uses Requiring Specific Use Permit (SUP).							

For business descriptions visit the NAICS website.

[<http://www.census.gov/eos/www/naics/>

2007 NAICS]

<https://www.census.gov/naics/?58967?yearbck=2022>

...”

Section 3. 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 described above.

Section 4. 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 5. 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.

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: May 5, 2025

Regular Agenda

TOPIC:

Budget Amendment is to recognize additional interest revenue and to create the capital project – Croix Park parking lot.

BACKGROUND:

We are projecting additional interest revenue for the Capital Project Fund for FY25, which allowing us to create a parking lot for Croix Park

Total additional revenue we are projecting is \$500,000.

RECOMMENDATION:

Staff recommends approval of the budget amendment.

ATTACHMENTS:

FUNDING ISSUES

- ☐ Not applicable
☒ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred

SUBMITTING STAFF MEMBER
Rosa Donaire

FINANCE DIRECTOR APPROVAL ☒

CITY MANAGER APPROVAL: ☒

ORDINANCE NO. 2025-O-17

AN ORDINANCE AMENDING ORDINANCE NO. 2024-O-38 AMENDING THE CITY FISCAL YEAR 2024 BUDGET ENDING SEPTEMBER 30, 2025, BY AMENDING THE CAPITAL PROJECTS FUND TO RECOGNIZE THE ADDITIONAL INTEREST REVENUE AND CREATE THE EXPENSE ACCOUNT FOR THE CAPITAL PROJECT CONSTRUCTION/DESIGN CROIX PARK PARKING LOT AND DIRECTING THE BUDGET OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET WITH THE CITY SECRETARY AND WITH THE OFFICE OF THE BRAZORIA COUNTY CLERK AND PROVIDING THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, by Ordinance No. 2024-O-38, the City Council of the City of Manvel, Texas, adopted its original budget for Fiscal Year ending September 2025; and

WHEREAS, by Ordinance 2025-O-08 AND 2025-O-09, the City Council of the City of Manvel, Texas, amended the budget for the Fiscal Year ending September 2025; and

WHEREAS, Texas Local Government Code §102.010 provides that a municipality may make changes in the budget for municipal purposes; and

WHEREAS, the Capital Fund budget amendment is to recognize additional interest revenue and create the expense account for Capital project – Construction/Design-Croix Park Parking Lot.

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

SECTION 1: That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct. The City Council deems the purpose for this budget amendment is a municipal purpose.

SECTION 2: That the budget for the Fiscal Year ending September 30, 2025, of the City of Manvel, Texas, is hereby amended as;

Line Item	Description	Current	Increase	Decrease	Amended
50.06.4600	Interest Income	\$2,000,000.00	\$500,000.00		\$2,500,000.00
50.91.7556	Construction–Croix Park Parking Lot	\$0.00	\$500,000.00		\$500,000.00

SECTION 3: That this Ordinance shall be finally passed and adopted on the date of its introduction and shall become effective from and after its passage and adoption.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2025.

Dan Davis, Mayor

ATTEST:

Tammy Bell, City Secretary



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE:

TOPIC: Approval of infrastructure improvements for Croix Park Parking Lot Expansion Engineering and Utilities

BACKGROUND:

In anticipation of the Manvel Music Festival, and as an ongoing need for more parking at Croix Park, staff has compiled estimates to Survey, Engineer, and install approximately 100 parking spaces of permeable pavement at Croix Park. With permeable pavement, no additional detention of mitigation is anticipated, thus saving costs and valuable park land.

\$285,000	Construction
\$110,000	Water and Sewer extensions for future restroom improvements
\$ 10,000	Surveying
\$ 25,550	Engineering
\$500,000	Estimated Total (with 15% contingency)

STAFF RECOMMENDATION: Staff recommends City Council approve the proposed Croix Park parking lot project.

ATTACHMENTS: N/A

FUNDING ISSUES

☐ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☒ Funds to be transferred from Fund Balance, which would drop our Reserves to 45%

SUBMITTING STAFF MEMBER
Robbie Hall

FINANCE DIRECTOR APPROVAL Yes

CITY MANAGER APPROVAL Yes



CITY COUNCIL DATA SHEET

MEETING DATE: May 5, 2025

Regular Agenda

TOPIC: Manvel Fall Festival Proposal

BACKGROUND: Councilmember Keith Bonner and David Lands are proposing the launch of our City's first annual Fall Festival on October 18, 2025 at Croix Park. This event is intended to bring the community together where families can enjoy an array of live music and family-friendly activities, such as:

- Live Music
- Food Vendors
- Farmers Market
- Fall themed events for kids: Hay rides, petting zoo, pumpkin patch, etc.
- Beer and Wine Garden

Due to the time frame, coordination efforts, and expertise required, staff has contacted Your Neighborhood Farmer's Market (YNFMA) for a turnkey solution. Their conceptual scope is attached, but will be formalized into a contract if Council decides to move forward with the event and approval.

RECOMMENDATION: Staff's recommendation is to approve the proposal from YNMFA to ensure a successful and professional event.

ATTACHMENTS: YNFMA Proposal

FUNDING ISSUES

- | | |
|---|----------------------------------|
| ☐ Not applicable | |
| ☒ Not budgeted ; <i>Funds available</i> | <i>Hotel Occupancy Tax Funds</i> |
| ☐ Full amount already budgeted | <i>60-10-5678</i> |
| ☐ Funds to be transferred: | <i>\$150,000</i> |

SUBMITTING STAFF MEMBER
Lissette Rubio
Executive Assistant

FINANCE DIRECTOR APPROVAL ☒

CITY MANAGER APPROVAL: ☒

CITY OF MANVEL FALL FESTIVAL 2025



PRELIMINARY PROPOSAL

Prepared For: The City of Manvel

Proposed Event Date: Saturday, October 18, 2025

Hours: 11:00 AM – 5:00 PM

Submitted By:

Your Neighborhood Farmers Market Association (YNFMA)



Festival Mission:

The City of Manvel's Fall Festival is designed to be an entertaining one-day, six-hour event filled with music, pumpkin patches, face painters, great food, a beer and wine garden, food trucks, seasonal artisans and a variety of award winning vendors all gathering together to honor the seasonal spirit we call Fall. Tradition tells us that Autumn is a time of gathering and harvesting, with many fruits and vegetables reaching peak ripeness, but it's also a time to celebrate community connection and engagement showcasing the vibrant culture that radiates from the Manvel community.



By creating an interactive celebration, we want to welcome the Manvel community and create lasting memories while stimulating the local economy, and highlight everything that makes Manvel the unique and thriving community it has become and a place where the residents are happy to call home. Your Neighborhood Farmers Market Association is honored to be a part of this inaugural celebration.

MANVEL FALL FESTIVAL



Festival Highlights:

Date: October 18, 2025 • **Time:** 11:00 AM - 5 PM

Estimated attendees: 2,000 - 3,000

Live Music & Entertainment

- 6 Hours of live performances with family-friendly music genres
- Full stage setup with lighting, sound, and production support

Beer and Wine Garden

- Based on working with the TABC and vendor requirements *(Details TBD)*

Pumpkin Patch & Kid Zone

- Photo-ready pumpkin patch with hay bales and fall-themed backdrops
- Inflatables, face painting, hay rides, crafts, and petting zoo

Vendor Market

- 40-60+ curated vendors including farmers, artisans, small businesses, and fall-themed booths

Food Truck Court

- 8-15 diverse food trucks with centralized tables and seating for guests

Interactive Elements

- Pumpkin painting, pie-eating competitions, and harvest games

Public Amenities

- Tables, area lighting (utility and decorative), portable restrooms, hand-washing sanitation stations, and accessible seating, trash receptacles
- Internet/Wi-Fi available for vendors and organizers

Event Logistics & Safety

City Department Coordination

- Pre-event walk-through with EMS, Police Department, Fire Marshal, and Code Enforcement
- Electrical panel review to ensure vendor and stage safety

Environmental & Safety Services

- Certified environmental cleanup services
- Event insurance and special event certifications
- ADA-compliant restrooms and sanitation
- Event Lighting (For event, walkways and parking lots)

Transportation Services

- Shuttle or golf cart service from overflow parking areas or nearby lots

MANVEL FALL FESTIVAL

PROPOSED BUDGET: \$150,000.00



YNFMA's extensive experience ensures that events are planned based on proven programs with positive track records that we developed by actively participating with community leaders, property management groups and local merchants. We have created and refined these programs that we have found exceed the community's expectations, values, and entertainment desires. Our dedicated team offers a turn-key process that simplifies your community engagement, making it easy for the community to interact with your property as well as local businesses creating a connection with the community. Plus, YNFMA is both fully licensed and Bonded ensuring a secure and professional festival environment.

Below is the Proposed outline for the Manvel Fall Festival:

Planning & Management Services:

- Event development, planning & production
- Vendor selection, merchant mix, screening & location management
- Live event site management
- Food Truck Court & Community Tables
- Security, Police, EMS, Code, Fire Coordination
- Event insurance & certification acquisition

Infrastructure:

- Vendors - (*Tents, Tables, Chairs Location maps*)
- Environmental Facilities (Restrooms, ADA)
- Certified Environmental Services (Cleanup)
- Customer Transportation & Shuttle Service
- Site Decor and event/parking lot lighting
- Parking/Shuttle services
- Security supplied by the City of Manvel

Entertainment

- Entertainment plan development
- Music/Band(s) Selection (*Working with Manvel representative*)
- Stage/ sound systems management Setup
- Lighting, Sound, Electrical, Internet

Attractions:

- Beer and Wine Garden (*Working with Manvel representative*)
- Vendor/Artisan sections
- Kid Zone Area
- Pumpkin Patch with /Social Media Photo ops
- Food Truck area (*Vendors selected with Manvel representative*)
- Other contests and attractions

Advertising & Marketing:

- Signage and directionals throughout event location
- Event map and Programs
- Social Media
- Documentary film and still photographers

MANVEL FALL FESTIVAL

CONCLUSION



Initial Next Steps:

- Secure city approval for proposed date, location, and event scope
- YNFMA will submit formal contract within 10 business days after Manvel Approval
- City will submit 25% non-refundable retainer within 10 days receipt of contract
- 25% payment due upon the event site plan and event plan approval
- Schedule site walk-through for layout, power needs, and safety evaluation
- Launch vendor, food truck, and music performer marketing search and application review
- Begin general marketing campaign and developing/distributing flyers and digital assets
- Coordinate with EMS, Code, PD, and other partners for final logistics
- Gather Festival licenses, contracts and permits

In conclusion:

YNFMA is commitment aligns with Manvel's values and philosophies to create a positive impact on people in the community and surrounding area. The 2025 City of Manvel Fall Festival will be a vibrant, inclusive, and family-friendly seasonal celebration with engaging activities, strategic community collaboration, and seamless logistics. This annual tradition will further establish the City of Manvel as a premier destination fall festivities. YNFMA is proud to produce and elevate this beloved community event.

Taking place on Saturday, October 18th, 2025 from 11:00 am until 5:00 pm, the festival will bring together festive energy and local charm in a dynamic afternoon and evening time slot. Guests can look forward to live music, a beer and wine garden, food trucks, a pumpkin patch, award winning vendors, fresh seasonal vegetables and a bustling fall market atmosphere - all designed to create a memorable and immersive family/community experience.

We are excited to work together with The City of Manvel to help create this signature event and look forward to delivering a safe, successful, and joyful celebration..