

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



MINUTES 8/9/2021

Regular Session

Call to Order PDZ Board Members

Alina Rogers called the meeting to order at 7:11 p.m. Those in attendance were;

Pos #1 Ryan Miller 3/2023 - Present
Pos #2 Kyle Marasckin 3/2023 - Present
Pos #3 Christine Diaz 3/2023 - Present
Pos #4 Alina Rogers 3/2023 - Present
Pos #5 Christy Kennard 3/2022 - Present
Pos #6 Dorothy Wynne 3/2022 - Present
Pos #7 Muhammed Alam 3/2022 - Present

Pledge

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

Citizen Comments: "Comment Card" Required

None

Public Hearing

TO HEAR INPUT FOR OR AGAINST A REPLAT OF MERIDIANA HIGHWAY 6 COMMERCIAL RESERVE NO. 1 BEING A SUBDIVISION OF 5.872 ACRES BEING OUT OF THE H.T. & B.R.R. CO. SURVEY, SECTION 62, A-484, THE H.T. & B.R.R. CO. SURVEY, SECTION 63, A-283, THE H.T. & B.R.R. CO. SURVEY, SECTION 64, A-483, AND THE J.M. O'DONNELL SURVEY, A-470, ALSO BEING OUT OF LOTS 139 AND 140 OF DR. A.A. LUTHER LANDS IN THE TOWN OF MANVEL, AS RECORDED UNDER VOL. 1, PG. 71-72, BRAZORIA COUNTY PLAT RECORDS, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.

REASON FOR THE REPLAT IS TO CREATE ONE (1) BLOCK AND THREE (3) RESERVES.

Public Hearing opened at 7:11 p.m.

1st call for comments - none

2nd call for comments - none

3rd call for comments - none

Public Hearing closed at 7:13 p.m.

THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF 1.114 ACRES OF LAND BOUNDED BY ROGERS ROAD (NORTH), LOUDEN LANE (WEST), WILSON ROAD (EAST), AND THE BURLINGTON NORTHERN SANTA FE RAILROAD (SOUTH), MANVEL, TEXAS FROM LIGHT COMMERCIAL (LC) DISTRICT TO SINGLE FAMILY RESIDENTIAL (SFR) DISTRICT PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Public Hearing opened at 7:14 p.m.

1st call for comments

Carl Taylor asked what the request is for.

2nd call for comments - none

3rd call for comments - none

Public Hearing closed at 7:16 p.m.

Consent PDZ

All Consent Agenda items listed are considered to be routine by the Planning Development and Zoning Commission and will be approved by one motion. There will be no separate discussion of these items unless a Planning Development and Zoning Member so requests, in which event the item will be removed from the Consent Agenda and considered in sequence on the Agenda.

- A. Consideration and possible action to forward a 30-day plat extension to City Council, Final Plat for Meridiana Highway 6 Commercial Reserve No. 1;
BEING A SUBDIVISION OF 5.872 ACRES BEING OUT OF THE H.T.&B.R.R. CO. SURVEY, SECTION 62, A-484, THE H.T. & B.R.R. CO. SURVEY, SECTION 63, A-283, THE H.T.& B.R.R. CO. SURVEY, SECTION 64, A-483, AND THE JIM O'DONNELL SURVEY, A-470, ALSO BEING OUT OF LOTS 139 AND 140 OF DR. A.A. LUTHER LANDS IN THE TOWN OF MANVEL, AS RECORDED UNDER VOL. 1, PG. 71-72, BRAZORIA COUNTY PLAT RECORDS, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.
- B. Consideration and possible action to forward a 30-day plat extension to City Council, Final Plat for Meridiana Pursley Boulevard Phase 4;
BEING A SUBDIVISION OF 1.941 ACRES OUT OF THE H.T. & B.R.R. CO. SURVEY, SECTION 55, A-286, AND THE H.T. & B.R.R. CO. SURVEY, SECTION 61, A-282, IN THE CITY OF MANVEL, IN BRAZORIA COUNTY, TEXAS.
- C. Consideration and possible action to forward a 30-day plat extension to City Council, Final Plat for Meridiana Pursley Boulevard Phase 5;
BEING A SUBDIVISION OF 0.5360 ACRES OUT OF THE H.T. & B.R.R. CO SURVEY, SECTION 61, ABSTRACT 282, IN THE CITY OF MANVEL, IN BRAZORIA COUNTY, TEXAS.

- D. Consideration and possible action to approve, Final Plat of Pomona Section 20;
BEING A SUBDIVISION OF 16.224 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. CO. SURVEY, SECTION 78 (A.K.A.) J.S. TALMAGE SURVEY, ABSTRACT 563 AND THE A.C.H. & B.R.R. CO. SURVEY, SECTION 89, ABSTRACT 417, BRAZORIA COUNTY, TEXAS, BEING A PORTION OF LOTS 53, 54 AND 55 OF SECTION 78 AND A PORTION OF LOTS 3, 4, AND 5 OF SECTION 89 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS, A SUBDIVISION OF RECORD IN VOLUME 2, PAGE 98, PLAT RECORDS OF BRAZORIA COUNTY, TEXAS.
- E. Acceptance of meeting minutes to date.

Kyle Marasckin made the motion to approve consent agenda items A, B, C, D, and E. Christine Diaz seconded the motion.

The motion carried with a vote:

Vote: 6-0

Yes: Kyle Marasckin, Alina Rogers, Christy Kennard, Muhammed Alam, Ryan Miller, Christine Diaz

No: None

Absent: None

Abstained: Dorothy Wynne (Abstention Affidavit on file)

Regular Agenda

- A. Consideration and possible action to approve and forward with recommendation to City Council, Ordinance 2021-O-21;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF A TRACT OF LAND 1.114 ACRES LOCATED ON ROGERS ROAD, LOUDEN LANE, AND WILSON ROAD, GENERALLY BOUNDED BY THE BURLINGTON NORTHERN SANTA FE RAILROAD (SOUTH), SITUATED IN THE J.M. O'DONNELL SURVEY, ABSTRACT 470, BRAZORIA COUNTY, TEXAS; AND A RESIDUE OF LOTS 9 AND 10 AND ALL OF LOT 11 OF THE SUNSET GARDENS SUBDIVISION, AS PER PLAT RECORDED UNDER VOLUME 13, PAGE 47 OF THE BRAZORIA COUNTY PLAT RECORDS, BRAZORIA COUNTY, TEXAS, FROM LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO SINGLE FAMILY RESIDENTIAL DISTRICT (SFR); PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Jessica Rodriguez - This is for 1.114 acres of land. Zoned Light Commercial with a state highway overlay district. Request for Single Family Residential so property owner can construct a modular home. The modular home will be

used so a resident is established in Brazoria County MUD 57. Once resident is in MUD 57 BOD will be able to hold an election to continue development in Meridiana. These homes are typically called "voter trailers" or "voter homes". Resident will be living in modular home for a minimum of 3 months. South, east, and west is all light commercial. North across street is building PUD with overlay which is also owned by developer and being prepped for development. According to the 2015 comprehensive plan, residents desired two commercial districts. 1st 1128 and 2nd SH288. A proposed SF would prohibit any future neighborhood commercial development that's allowed by the current zoning and then further reiterated through the comprehensive plan. Rezoning to single family residential would allow the single family residence to be constructed in close proximity to non-residentially used and zoned areas. Church of Harvest is nearby and they have plans to extend their campus. Further, the rezoning could result in noise and nuisance complaints from the residential neighbors about the commercial development that is allowed nearby. A rezoning to single family residential from light commercial would encroach upon existing and future non-residentially developed properties. All residents within 200ft were notified, as well as advertising in paper. One inquiry from property owner on Lowden. Questions about rezoning process. Staff not aware of any support or opposition to request. Property has never been developed. Property owner stated that single family residential use is not meant to be permanent. Once zoning is changed by Council, it is changed until otherwise petitioned by property owner for something else and then only approved after consideration for valid reasons. Lastly, a new SF home would encroach on the existing commercially developed zoned properties in the area.

Brad Sweitzer - In an ideal world we would do something conditional like an SUP but the city's code doesn't allow for that. It is temporary.

Jessica - Nothing in this to allow for a specific use permit. Reminds commission that rezoning is permanent. PDZ member - So what's the way forward?

Jessica - The way forward is to put this voter home on another piece of property that's zoned for single family.

Brad Sweitzer - This location is unique in that it is not in the PUD district but is inside MUD 57. Not held up by GDP issues. The property also has an existing road and utilities. There is no other area with utilities and power. Trying to get this done to be on the ballot in May. Back in 2008 when MUD 57 was established - since then, inflation has happened a lot, especially for building materials, so the district doesn't have the capacity to support all of that infrastructure for the future. Trying to plan for the future and make sure that the district can actually pay for the utilities.

Alina - Who dropped the ball? Since you are not able to do this on other owned acreage, this should have been planned for.

Brad Sweitzer - Project should have begun in '08. The bond capacity was there. After recession hit, development stopped, and when the recession lifted, we worked our way in Iowa Colony first. We weren't going to develop in Manvel any time soon, but as we've been going through the process with the general development plans, if we would have been able to agree with staff and you guys on what was the appropriate way to move forward with the GDP we would have done it, but we haven't. The GDP has been approved, but we're trying to make sure that the MUD can function in its governmental capacity to raise the funds needed to support the infrastructure.

Alina Rogers - So this property is light commercial right now and they're wanting to rezone to SF which would be permanent, and they're wanting to develop on a concrete slab, which is permanent'ish.

Brad - It will be built to a standard that will look permanent and could function as a permanent residence forever, but that is not the developer's intention

Member - Does this fall under spot zoning?

Bobby - The key question is whether it's compatible with the surrounding land use.

Jessica - It would be spot zoning. The rezone request is for a temporary fix but zoning is not for temporary

situations. Zoning is very difficult to undo. It's a public process. Even if this wasn't for a temporary situation, staff still wouldn't be recommending this to go to single family residential.

Brad - It's going to be more expensive to provide utility services elsewhere. And a delay, because it's something we can't do right now. Then we run the risk of not being able to have an election in May.

Alina; - Is there another option?

Brad - One other option - Haddock property but zoned Heavy Commercial so it would also have to be rezoned and does not have power or utilities. If there was a way to attach commissions on the rezone request to an SUP, they would be happy to do that, but that's not possible. After the election, Meridiana would plan to remove the voter trailer and request the property be rezoned. The developer has told me that they would prefer to keep it as commercial and have that single family specialty use.

Kyle - This is a tool that developers use to be able to issue debt. As Jessica said, unfortunately for city's, zoning is permanent. That's the hesitation we're talking about. Understandable why the developer wants this, but the zoning is an issue as it is not a temporary status.

Ryan Miller made the motion to approve. Kyle Marasckin seconded the motion.

The motion FAILED with a vote:

Vote: 1-5

Yes: Ryan Miller

No: Kyle Marasckin, Alina Rogers, Christy Kennard, Muhammed Alam, Christine Diaz

Absent: None

Abstained: Dorothy Wynne (Abstention Affidavit on file)

- B. Consideration and possible action to approve and forward with recommendation to City Council, Final Plat or Meridiana Section 28B,
BEING A SUBDIVISION OF 14.35 ACRES OUT OF THE OLIVER HALL SURVEY, ABSTRACT 203; ALSO BEING A PARTIAL REPLAT OF A PORTION OF LOTS 5 AND 6, BLOCK 1, OF LULLING STONE SECTION THREE, AS RECORDED IN VOL. 22, PG. 231-234, BRAZORIA COUNTY PLAT RECORDS, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.

Jessica - Staff is not recommending approval of this final plat since it's not in conformance with the most recently adopted Meridiana gdp as the lift station is not shown as an institutional use but rather is a single family use on the GDP. There is currently another location of the GDP amendment #17 where an illustration is shown of institution of the lift station. So, in order to be consistent with recommendations, staff is not recommending approval.

Brad - We went back and made the changes to have it comply with the single family standards. It's still a lift station within single family but it is a technicality. It is technically allowed within single family land use as institutional land use.

Dan Johnson - Was the size revised?

Brad - It was. We made it a minimum of 6,000, but I think it's bigger than that. Also increased the building line to 25ft.

Jessica - That was a discussion that was had, and once it was brought back, the decision was made to not approve it based on the consistency with their GDP and showing those lift stations as institutional use.

Dan Johnson - I think it was under major utilities instead of minor utilities. Major utilities is where lift stations are. The only one we could find where major utilities were allowed were institutional. So that ultimately was a land use issue more than anything.

Brad - You guys already approved the preliminary. We have construction plans for everything. We're very far down the road now to consider relocating this. It's not a simple or a cheap thing to change at the final plat stage. We're ready to start hopefully building it.

Dan - Do you foresee a GDP 20 with these nuances?

Brad - If we just needed to change one thing and that was approvable, we would do it, but I think we're at the stage where that's not going to be supported. I would like to say yes, but that's just not where we are.

I know where we've gotten to where everything needs to comply 100%, but when this was originally contemplated it was not possible really to think about all the different nuances. This kind of stuff just happens across the development. When GDP 17 was approved a year ago, it wasn't contemplated that we'd have a lift station there.

You have to get into these different areas of the development before you realize what's needed. It was not meant to have so many iterations and to be followed so closely. I get that's where we are now, but it makes it very difficult to have everything comply 100%.

Christine Diaz made the motion to approve. Ryan Miller seconded the motion.

The motion FAILED with a vote:

Vote: 0-6

Yes: None

No: Kyle Marasckin, Alina Rogers, Christy Kennard, Muhammed Alam, Ryan Miller, Christine Diaz

Absent: None

Abstained: Dorothy Wynne (Abstention Affidavit on file)

- C. Consideration and possible action to approve and forward with recommendation to City Council, Final Plat or Meridiana Detention Reserve T Phase 1,
BEING A SUBDIVISION OF 14.11 ACRES OUT OF THE H.T. & B.R.R. CO.
SURVEY, SECTION 61, A-282, AND THE OLIVER HALL SURVEY, A-203;
CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.

Jessica - This final plat is also not in conformance with the Meridiana GDP #17. The plat isn't in configuration with what's identified on the plat as the detention. Staff has reached out asking questions because there's a carve out of a piece of property that's identified as detention. We haven't gotten a response. If Brad can add anything to that on what's going to happen with that structure that's out there, that would be (inaudible).

Brad - That is one of the developers that lives out there. We were trying to not have to tear down that house until necessary, so we platted around it. There is a plat for detention reserve T phase 2 that is going to be submitted, so that will make it look exactly like it should on the GDP.

Jessica - Would you be open to some sort of plat note on there that says this will go away? Brad - Stated that they would add a plat note. It will be submitted before city council meeting. Jessica - We want some sort of time period, 6 months, a year.

Brad - Construction starting beginning of year Dan - General timeline is 2 years

Jessica - Would that be 2 years from a final plat approval for phase two?

Brad - Deal

Jessica - I think if we have a note that's added on there that Detention Reserve T Phase 2 within two years that the final plat is approved.

Kyle - You have residential use in a detention - on the GDP you have residential use in the middle of it. That's the concern.

Jessica - We need some sort of motion to act on.

Kyle - Residence removed by December 31, 2021 and construction started by the end of 2022.

Alina Rogers made the motion to approve with the condition that a plat note be added stating that the residence be removed by December 31, 2021 and begin construction on Detention Reserve T phase 2 by December 2022. Ryan Miller seconded the motion.

The motion carried with a vote:

Vote: 6-0

Yes: Kyle Marasckin, Alina Rogers, Christy Kennard, Muhammed Alam, Ryan Miller, Christine Diaz

No: None

Absent: None

Abstained: Dorothy Wynne (Abstention Affidavit on file)

Adjourn

Meeting adjourned at 8:42 p.m.

CERTIFICATION



TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS