

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

LARRY AKERY, COUNCIL PLACE 1
LORRAINE HEHN, COUNCIL PLACE 2
NICCOLE TYSON, COUNCIL PLACE 3
ED PERRY, COUNCIL PLACE 4
JASON ALBERT, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6



DEBRA DAVISON, MAYOR
KYLE JUNG, CITY MANAGER
TAMMY BELL, CITY SECRETARY

**NOTICE OF A CITY COUNCIL MEETING
OF THE CITY OF MANVEL
January 3, 2023**

**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.

Workshop Session - 5:00 p.m.

Discussion/update by Joe Morrow on financing options for city infrastructure.

Discussion on any subject listed on the agenda dated January 3, 2023.

Regular Session

Call To Order

Inspirational Reading - Council Member Tyson

Pledge

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

Executive Session

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

Pending Litigation – Rise Communities, LLC and GR-M1, LTD. VS. Manvel Planning Development and Zoning Commission, and Jose Abraham, City Planner.

Public Hearing

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 5.7420 ACRE TRACT LOCATED AT 2951 COUNTY ROAD 58, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT (LC) TO LIGHT COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT (LC-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE CODE 447110 "GASOLINE STATIONS WITH CONVENIENCE STORES"; 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.

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF AN APPROXIMATE 13.82 ACRE TRACT OF LAND LOCATED AT 11700 MAGNOLIA PARKWAY, MANVEL, TEXAS FROM OPEN-SINGLE FAMILY RESIDENTIAL (O-SFR) DISTRICT TO LIGHT COMMERCIAL (LC) 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 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

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

1. Acceptance of the meeting minutes to date.
2. Acceptance of the infrastructure improvements for Manvel Town Center Public Utilities Phase 1B to begin the One-Year Maintenance Period.

3. Consideration and possible action to approve Resolution 2022-R-21;
A RESOLUTION AMENDING RESOLUTION 2022-R-20 TO REFLECT THE CORRECT ACREAGE IN CONSENTING TO THE ADDITION OF LAND INTO BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 40.

Regular Agenda

1. Consideration and possible action to approve the first of two readings of Ordinance 2022-O-31;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 5.742 ACRES LOCATED AT 2951 COUNTY ROAD 58/ CROIX RD, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT (LC) TO LIGHT COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT (LC/ SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE EXISTING USE OF PROPERTY FOR 447110 "GASOLINE STATIONS WITH CONVENIENCE STORES"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.
(Forwarded with favorable recommendation by PD&Z)
2. Consideration and possible action to approve the first of two readings of Ordinance 2022-O-32;
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 13.82 ACRES LOCATED AT 11700 MAGNOLIA PARKWAY, CONTAINING 13.82 ACRES, OR 602,164 SQUARE FEET OF LAND SITUATED IN THE H.T. & B. R.R. CO. SURVEY, ABSTRACT NO. 298, BRAZORIA COUNTY, TEXAS, ALSO BEING A RESIDUE OF A CALLED 16.0231 ACRE TRACT DESCRIBED IN DEED TO ARAMCO INVESTMENT GROUP, AS RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE (B.C.C.F. NO. 2010005107), FROM OPEN-SINGLE FAMILY RESIDENTIAL DISTRICT (O-SFR) TO LIGHT COMMERCIAL DISTRICT (LC); PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.
(Forwarded with favorable recommendation by PD&Z)
3. Consideration and possible action to approve, Manvel Palms Master Plan;
Being a subdivision of 125.58 acres out of the H.T.&B.R.R. Co. Survey, Section 75, A- 299, City of Manvel, Brazoria County, Texas.
(Motion to forward with recommendation by PD&Z FAILED with a 0-5 Vote)
4. Consideration and possible action to direct staff to provide Applicants written statements of the conditions for any conditional approvals, and the reasons for disapproval of any plans or plats that were not approved, per Texas Local Government Code §212.0091.

5. Consideration and possible action to approve a request for a Subdivision Variance for property located at 8080 Bailey Rd, Pearland, Tx, seeking to vary Chapter 62, Section 62-113, *Sidewalks.*, to allow development of the subject site without the construction of sidewalks.
6. Discussion on creating a position to hire a Community Events Coordinator. (Requested by Council Member Hehn and Council Member Akery).

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 December 30, 2022, 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



THE STATE OF TEXAS §
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LARRY AKERY, COUNCIL PLACE 1
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DEBRA DAVISON, MAYOR
KYLE JUNG, CITY MANAGER
TAMMY BELL, CITY SECRETARY

MINUTES 12/5/2022

Workshop Session

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

Those in attendance were:

Present: Mayor Debra Davison
City Council Member Place 1 Larry Akery
City Council Member Place 2 Lorraine Hehn
City Council Member Place 3 Niccole Tyson
City Council Member Place 4 Ed Perry
City Council Member Place 5 Jason Albert
City Council Member Place 6 Jerome Hudson

Absent: None

Also Present: Kyle Jung, City Manager
Daniel Johnson, Assistant City Manager/City Engineer
Robert Gervais, City Attorney
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Chris Thomas, Director of Finance
Jessica Rodriguez, Director of Development Services
Joe Murray, Fire Marshal
Brooke Cyphers, Public Information Officer

Presentation / Update by PGAL on the City Center Complex.

Jeff Gerber and Sports Facilities Companies gave a presentation and update on the City Center Complex.

Council Member Albert - extremely pleased with the sporting complex but also with the educational aspects.

Would like to consider having the courts department left at the current city location.

Discussion on any topic as listed on the agenda dated 12/5/2022

No discussion on agenda items during the workshop.

Mayor Davison adjourned the Workshop at 5:55 p.m.

Regular Session

Call To Order

Mayor Davison called the meeting of the Manvel City Council to order at 6:10 p.m.

Those in attendance were:

Present: Mayor Debra Davison
City Council Member Place 1 Larry Akery
City Council Member Place 2 Lorraine Hehn
City Council Member Place 3 Niccole Tyson
City Council Member Place 4 Ed Perry
City Council Member Place 5 Jason Albert
City Council Member Place 6 Jerome Hudson

Absent: None

Also Present: Kyle Jung, City Manager
Daniel Johnson, Assistant City Manager/City Engineer
Robert Gervais, City Attorney
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Chris Thomas, Director of Finance
Jessica Rodriguez, Director of Development Services
Joe Murray, Fire Marshal
Brooke Cyphers, Public Information Officer

Inspirational Reading - Council Member Hehn

Pledge

Public Comments: "Comment Card" Required

None.

City Manager Update

Covid numbers

15 confirmed, up 6 from last council meeting

2 probable, down 2 from last council meeting

7,513 recovered cases, up 12 from last council meeting

1 additional death, total of 53

Croix Park Botanical Garden bids - no submissions. In the process of rebidding. Bids are due January 6th. Increasing where it's being advertised.

Manvel Detention Pond on South Masters. C&R3 has completed part of the expansion of the C12 ditch and will continue in January.

Consent Agenda

1. Acceptance of the meeting minutes to date.
2. Final acceptance of infrastructure improvements for **Bluewater Lakes Section 6** and release of associated Maintenance Bonds.
3. Acceptance of infrastructure improvements for **Pomona Pedestrian Crosswalks** to begin the Two (2) Year Maintenance Period.

Council Member Jason Albert made the motion to add Regular Agenda items #1 and #2 to the Consent Agenda. Council Member Larry Akery seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

Council Member Jason Albert made the motion to approve the consent agenda as updated. Council Member Jerome Hudson seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

Regular Agenda

1. Consideration and possible action to approve a subdivision variance request seeking to vary Chapter 62, Section 62-111, Additional Street Requirements and Section 62-113, Sidewalks, for 23.3559 acres of land located at 5901 Oilfield Road (AKA CR 98) and authorize the Mayor to execute the Development Agreement.

This agenda item was moved to the Consent Agenda.

2. Consideration and possible action to approve a subdivision variance request seeking to vary Chapter 62, Section 62-111, Additional Street Requirements and Section 62-113, Sidewalks, for 1 acre of land located at 8815 Crestview and authorize the Mayor to execute the Development Agreement.

This agenda item was moved to the Consent Agenda.

3. Consideration and possible action on the 2023/2024 TCAP Board of Directors Ballot.

Mayor Davison made the motion to approve the City Manager's suggested slate of Carey Neal, Clifford Howard, Gilbert Reyna, Chris Steubing, William Linn, Clayton Fulton,

MINUTES MANVEL CITY COUNCIL MEETING December 5, 2022

Mark Dempsey, Michael Marrero. Council Member Lorraine Hehn seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

4. Updates by staff on the following;
 - *Special Events Policy
 - *Food and Food Handlers Ordinance
 - *Mobile Food Vendors

Joe Murray, Fire Marshal gave an update on the Special Events Ordinance

Lorraine Hehn wants to make sure we are advertising the process so people know what it is. She wants it to be clear and for us to feel welcoming.

Mayor and Council Comments

Jason Albert talked about Shop with a Cop through the Manvel Police Association. They are still looking for kids.

Tammy Bell, City Secretary, shared the following upcoming events:

Council lunch with staff on the 12th

Chamber Networking Breakfast will be the morning of December 15th

Cookies and Cocoa Event Friday, December 16th

Next Council meeting, January 3rd

Adjourn

Council Member Lorraine Hehn made the motion to adjourn the meeting at 6:30 p.m. Council Member Jerome Hudson seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Ed Perry, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

CERTIFICATION

DEBRA DAVISON, MAYOR
CITY OF MANVEL, TEXAS

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

From: [Dan Johnson](#)
To: [Kyle Jung](#); [Tammy Bell](#)
Cc: [Gilbert Salas](#); [Jessica Rodriguez](#)
Subject: 01/03/2023 Consent Agenda - Manvel Town Center Public Utilities Phase 1B
Date: Tuesday, December 27, 2022 3:38:13 PM
Attachments: [image002.png](#)

Kyle and Tammy,

In order to begin the one-year maintenance period, a final inspection walk-through has been conducted for:

Manvel Town Center Public Utilities Phase 1B

The Maintenance Bonds have been submitted to the City Secretary's Office, and the As-Built Construction Plans have been submitted to the Development Coordinator's Office.

In short, we recommend that City Council accept the infrastructure improvements for this project to begin the Maintenance Period.

Please let me know if you need any further information.

~Dan

Daniel S. Johnson, P.E., CFM

Assistant City Manager

City Engineer

20025 Highway 6

Manvel, Texas 77578

(832) 336-4049

www.cityofmanvel.com



RESOLUTION AMENDING RESOLUTION 2022-R-20 TO REFLECT THE CORRECT ACREAGE IN CONSENTING TO THE ADDITION OF LAND INTO BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 40

WHEREAS, the Manvel City Council Approved Resolution 2022-R-20 on November 7, 2022, consenting to the inclusion of land into Brazoria County Municipal Utility District No. 40 encompassing approximately 38.21 acres; and

WHEREAS, an amendment is needed to Resolution 2022-R-20 to reflect the correct acreage consenting to the inclusion of land into Brazoria County Municipal Utility District No. 40 encompassing approximately 38.228 acres; and

WHEREAS, Section 54.016 of the Texas Water Code provides that land within a city or within the extraterritorial jurisdiction of a city may not be included within a municipal utility district without such city's consent; **NOW, THEREFORE**,

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

Section 1. The City Council of the City hereby grants its written consent to the petition for inclusion of the land described in **Exhibit A** into **BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 40**, subject to the terms and conditions contained in **Exhibit B**.

Section 2. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 3. This Resolution shall take effect immediately upon its first and final reading and the passage and approval.

PASSED AND ADOPTED the _____ day of _____, 2023.

Mayor

ATTEST:

City Secretary

Exhibit A
The Land

EXHIBIT B CONSENT CONDITIONS

(a) The District may issue bonds, including refunding bonds, only for the purpose of purchasing, refinancing, designing and constructing, or otherwise acquiring waterworks systems, sanitary sewer systems, storm sewer systems, drainage facilities, parks and recreational facilities, and streets and thoroughfares, or parts of such systems or facilities, and to make any and all necessary purchases, constructions, improvements, extensions, additions, and repairs thereto, and to purchase or acquire all necessary land, right-of-way, easements, sites, equipment, buildings, plants, structures, and facilities therefor, and to operate and maintain same, and to sell water, sanitary sewer, and other services within or without the boundaries of the District. No bonds will be issued with a final maturity date more than 30 years from the date of issuance, and the first principal maturity must occur within three years of the date of issuance. Such bonds must provide that the District reserves the right to redeem said bonds on any date subsequent to the 10th anniversary of the date of issuance (or any earlier date at the discretion of the District) without premium, and none of such bonds, other than refunding bonds, will be sold for less than 97 percent of par; provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, will not exceed two percent above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period next preceding the date of advertisement for the sale of such bonds. Following the issuance of any series of bonds, the average annual debt service requirement on the outstanding indebtedness of the District during the last five years of such indebtedness may not exceed the average annual debt service payment on the District's indebtedness during the period preceding the final five years of indebtedness by more than 25 percent. After the District has issued bonds to finance all the District's water, wastewater, drainage, road and recreational facilities, no bonds of the District may be issued without specific City consent.

(b) Any refunding bonds of the District must provide for a minimum of three percent present value savings, and no maturity beyond the latest maturity of the refunded bonds, unless approved by the City in writing prior to the sale thereof.

(c) Before the commencement of any construction within the District, its directors, officers, or developers and landowners will submit to the City, or to its designated representative, all plans and specifications for the construction of water, sanitary sewer and drainage, road and recreational facilities to serve the District and obtain the approval of such plans and specifications. All District infrastructure, including water wells, water meters, flushing valves, valves, pipes, water service lines and sewer service lines, lift stations, and elevated storage and appurtenances thereto, installed or used within the District, will conform to the standard specifications of the

City as amended from time to time; and during the progress of the construction and installation of such facilities, the City may make periodic on-the-ground inspections.

(d) The District, its board of directors, officers, developers, and/or landowners will not permit the construction, or commit to any development within, the District that will result in a wastewater flow to the serving treatment facility which exceeds that facility's legally permitted average daily flow limitations or the District's allocated capacity therein.

(e) Prior to the sale of any lot or parcel of land, the owner or the developer of the land included within the limits of the District will obtain the approval by the City of a plat which will be duly recorded in the Official Records of Brazoria County, Texas, and otherwise comply with the applicable rules and regulations of the City.



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: January 3, 2023

TOPIC: Public hearing regarding amending the zoning ordinance by changing the zoning classification of 5.742-acre of lot area located at 2951 County Road 58, Manvel, Texas, from Light Commercial District to Light Commercial District with Specific Use Permit (LC/SUP) authorizing and existing NAICS use 447110 “Gas Station with Convenience Store” and allowing addition of five (5) gas dispensers.

BACKGROUND: The subject site is the Manvel Express gas station and convenience store located at 2951 County Road 58 (north side of CR 58/ Croix Road across from Rodeo palms residential neighborhood). The subject site was part an approximate 302.14-acre area annexed on July 7, 2014 (Ordinance No. 2014-O-13). Upon annexation the subject site was zoned LC, Light Commercial district on July 28, 2014 (Ordinance No. 2014-O-27). The subject site is situated at the northeast corner of Croix Road's intersection with the extension of Kirby Drive proposed in the City's Major Thoroughfare plan. Both Croix Rd and Kirby Dr are classified as Parkway with minimum right-of-way width of 120 feet. The subject site was annexed into the Manvel City limits and subsequently zoned LC, Light Commercial in July 2014. The immediate vicinity of the subject site is predominantly residential in nature, with Rodeo Palms and Newport Lake Estates to the south across from Croix Rd and abutting large acreage residential lots to the north, east, and west.

The subject site was developed as a gas station with convenience store prior to annexation and hence, the use was established without a Specific Use Permit (SUP). Currently, Section 77-50 of the zoning ordinance requires a Specific Use Permit for NAICS use 447110 “Gas Station with Convenience Store.” The applicant is requesting the SUP to allow addition of five (5) fuel dispensers to the existing gas station which currently has four (4) dispensers.

At the December 12, 2022, Planning, Development and Zoning Commission meeting, the discussion focused on the issue of lighting overspill. In response to Commission's question regarding controlling lighting overspill on to abutting residential uses, staff explained that as a condition of approval lighting overspill shall be limited to 0.3-foot candles. The Commission also discussed platting of the property and staff clarified that the platting of the property is a recommended condition for approval.

PD&Z RECOMMENDATION: The Planning, Development and Zoning Commission recommended approval of Ordinance No. 2022-O-31 to the City Council with a vote of five yeas to zero nays at their December 12, 2022, meeting.

ATTACHMENTS: Staff Report and Ordinance No. 2022-O-31

RECOMMENDATION: City staff recommends approval with nine conditions as proposed by staff and listed in the Staff Report.

FUNDING ISSUES

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

SUBMITTING STAFF MEMBER
Jose Abraham

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____





City Council Specific Use Permit Request

Agenda of:	January 3, 2023	Initiated By:	Jose Abraham City Planner
Department:	Development Services	Presented By:	Jessica Rodriguez Dir. Development Services

Subject/Proceeding

Specific Use Permit (SUP) request to establish the existing gas station with a convenience store use, and allow addition of five (5) fuel dispensers on an approximate 5.742-acre tract located at 2951 County Road 58 in the Light Commercial District (LC).

Exhibits

Zoning Vicinity Map, Aerial Vicinity & Surrounding Land Uses Map, Major Thoroughfare Plan Map, Property Survey, Proposed Concept Plat, Applicant Letter, Application, and Public Hearing Notice.

Recommended Action

A Public Hearing following by Consideration and Action from the City Council

Executive Summary

The subject site is the Manvel Express gas station and convenience store located at 2951 County Road 58 (north side of CR 58/ Croix Road across from Rodeo Palms residential neighborhood). The subject site was part an approximate 302.14-acre area annexed on July 7, 2014 (Ordinance No. 2014-O-13). Upon annexation the subject site was zoned LC, Light Commercial district on July 28, 2014 (Ordinance No. 2014-O-27). The subject site was developed as a gas station with convenience store prior to annexation and hence, the use was established without a Specific Use Permit (SUP). Currently, Section 77-50 of the zoning ordinance requires a Specific Use Permit with location related restrictions for NAICS use 447110 "Gas Station with Convenience Store." The applicant is requesting the SUP to allow addition of five (5) fuel dispensers to the existing gas station which currently has four (4) dispensers.

Staff overview of the proposed SUP is contained in the attached Staff Report section.

Zoning Vicinity Map



Staff Report

Zoning Ordinance Provisions for Specific Use Permits

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

In Section 77-50 (b) of the Zoning Ordinance it further states, “the city council, after receiving the recommendation of the planning, development and zoning commission, may by ordinance, grant a specific use permit 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.”

General Site Information

The following is a summary of general site information.

Surrounding Property Zoning	North: Open- Single Family Residential (O-SFR) South: Open-Planned Unit Development (O-PUD) East: Open- Single Family Residential (O-SFR) West: Open- Single Family Residential (O-SFR)
Surrounding Land Use	North: Vacant/Undeveloped South: Single-Family Residential (Rodeo Palms) East: Vacant/Undeveloped West: Single-Family Residential

Overview

The subject site is an approximate 5.742 acres of land developed as a gas station with convenience store, located at 2951 County Road 58 AKA Croix Road (along north side of Croix Road across from Rodeo Palms residential neighborhood). The subject site is situated at the northeast corner of Croix Road’s intersection with the extension of Kirby Drive proposed in the City’s Major Thoroughfare plan. Both Croix Rd and Kirby Dr are classified as Parkway with minimum right-of-way width of 120 feet. The subject site was annexed into the Manvel City limits and subsequently zoned LC, Light Commercial in July 2014. The immediate vicinity of the subject site is predominantly residential in nature, with Rodeo Palms and Newport Lake Estates to the south across from Croix Rd and abutting

large acreage residential lots to the north, east, and west. The subject site was developed prior to annexation into City of Manvel city limits, therefore, was established without the approval of a SUP.

The applicant intends to add (5) fuel dispensers to the existing gas station which currently has four (4) dispensers. The proposed addition and associated site improvement (conceptual site plan attached) triggers the requirement of a SUP approval. Section 77-50 (e) of the Zone Ordinance provides the criteria for SUP approval which is discussed in the following sections.

The vision statement in the 2015 Comprehensive Plan seeks City of Manvel to maintain its rural character and small-town values while managing its growth by, "Benefiting from our strategic location by encouraging well planned quality retail, commercial and residential development that reflects and enhances our small-town quality of life". The gas station and convenience store land use exist on the subject site, therefore, granting of the requested SUP is not establishing a new use at this location. The purpose of the requested SUP is to allow additional fuel dispensers and associated site improvement possibly including parking, canopy structure, outdoor lighting, and signage. Additionally, subject site's location at the intersection of an existing and a proposed major thoroughfare further supports the Comprehensive Plan goal of strategically locating commercial uses. The applicant has not provided a Traffic Impact analysis based on the proposed addition. Since the existing convenience store is not proposed to be expanded, significant increase in trip generation is not anticipated. The surrounding properties are residentially zoned and used, therefore, screening and buffering related provisions will be necessary to avoid detrimental impact related to sound, light, and aesthetics.

Section 77-50 (g) (5) & (7) of the zoning ordinance provide the following predetermined conditions for gasoline station and convenience store uses.

- A convenience store 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.
- 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.

Since the subject site is already developed as a gas station and convenience store, these conditions may be only applicable if the gas station and convenience store uses are abandoned and the SUP is amended.

Staff Recommendation

Based on the above discussion, staff recommends approval of this SUP request for property located at 2951 County Road 58 to allow NAICS Use No. 447110, "Gasoline Stations with Convenience Store" with the following conditions:

1. A plat shall be prepared and approved in conformance with Chapter 62 – Subdivisions, prior to the proposed addition of five (5) gas dispensers on the subject site;
2. The proposed addition of five (5) gas dispensers on the subject site shall be in conformance with Section 77-31, *Light-commercial (LC) district* requirements;
3. Design, location and arrangement of all driveways and parking spaces shall be provided for the safe and convenient movement of vehicular and pedestrian traffic without adversely

affecting the general public or adjacent developments as required by Section 77-50 (e)(9) and City of Manvel Design Criteria Manual as amended.

4. With the proposed addition of five (5) gas dispensers on the subject site, parking spaces required for the entire site to meet the current standards of Section 77-45, *Parking*, shall be provided.
5. Outdoor lighting shall be shielded and shall conform with the Illuminating Engineering Society of North America ("IES") criteria for full cut-off fixtures, which is 100 percent of light output below 90 degrees, and 90 percent of light output below 80 degrees from a vertical line through the fixture.
6. Outdoor lighting shall be deflected, shaded, and focused away from abutting properties and shall not be a nuisance to abutting properties, and shall be designed so that any overspill of lighting onto abutting properties shall not exceed three-tenths foot-candles, measured vertically and horizontally.
7. Opaque privacy fence shall be provided for screening along the side and rear property lines adjoining an existing residential use or zoning, using a minimum of eight-foot-high wooden or masonry fence must be constructed and retained adjacent to the property line.
8. Proposed expansion area must comply with all landscaping requirements of Section 77-44.
9. One evergreen tree that is 1½ inches in caliper measured at the base of the tree shall be planted every 35 feet at the perimeter of the subject site along the proposed expansion area to provide adequate buffer to abutting residentially used or zoned property.

Planning, Development and Zoning Commission Public Hearing

The Notice of Public Hearing was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. No one spoke in favor or opposition of the proposed SUP at the Public Hearing held on December 12, 2022 at the Planning, Development and Zoning Commission regular meeting.

Planning, Development and Zoning Commission Discussion

At the December 12, 2022, Planning, Development and Zoning Commission meeting, the discussion focused on the issue of lighting overspill. In response to Commission's question regarding controlling lighting overspill on to abutting residential uses, staff explained that as a condition of approval lighting overspill shall be limited to 0.3-foot candles. The Commission also discussed platting of the property and staff clarified that the platting of the property is a recommended condition for approval.

Planning, Development and Zoning Commission Recommendation

The Planning, Development and Zoning Commission voted five (5) "Yeas" to zero (0) "Nays" in favor of the staff recommendations as proposed in Ordinance No. 2022-O-31.

City Council Public Hearing

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

Site Photographs



View of the existing Gas station and convenience store from south-eastern corner.



View of the existing Gas station and convenience store looking west along Croix Road.

Site Photographs



View of the adjoining residential property to the west.



View of the adjoining vacant property to the east.

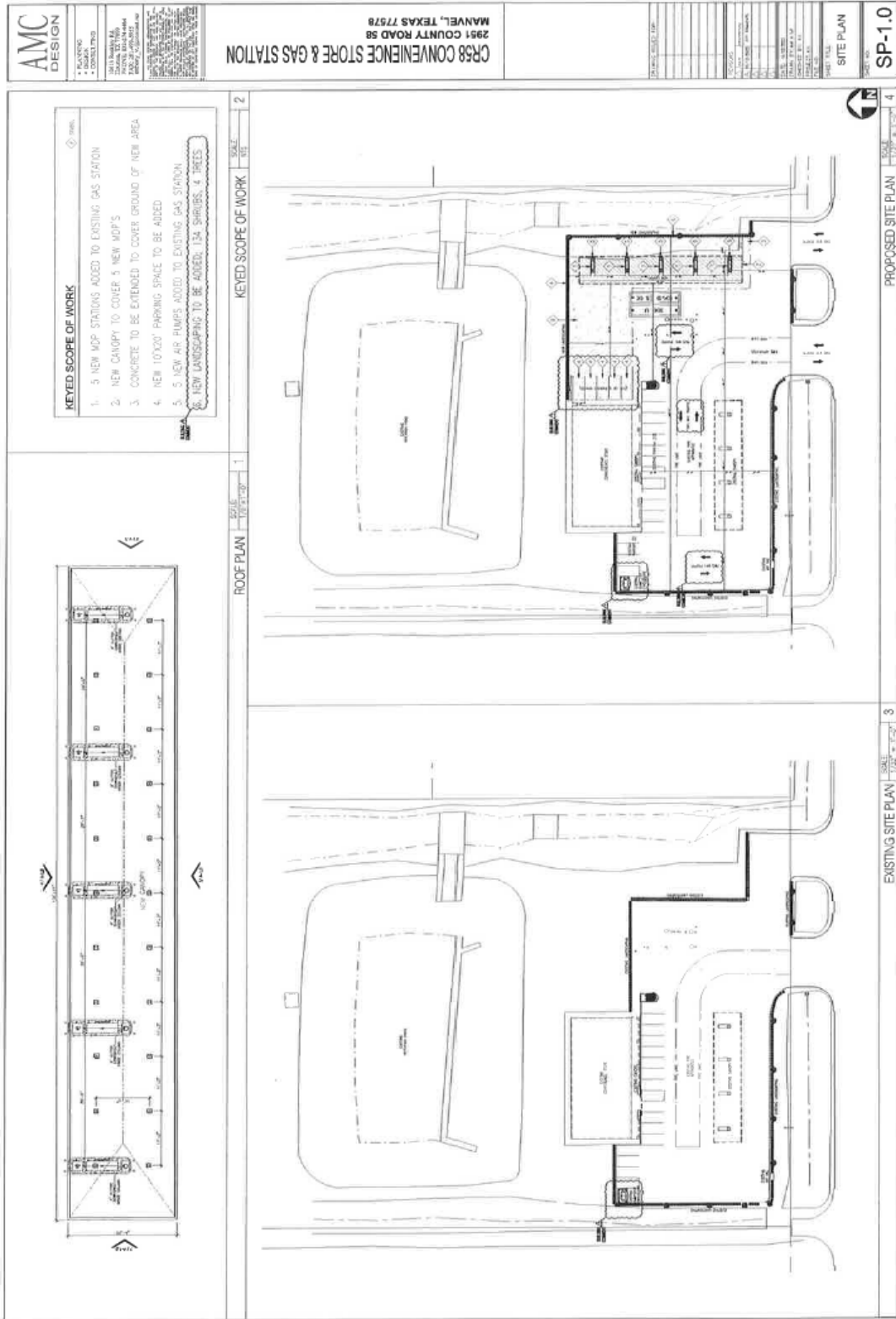
Aerial Vicinity & Surrounding Land Uses Map

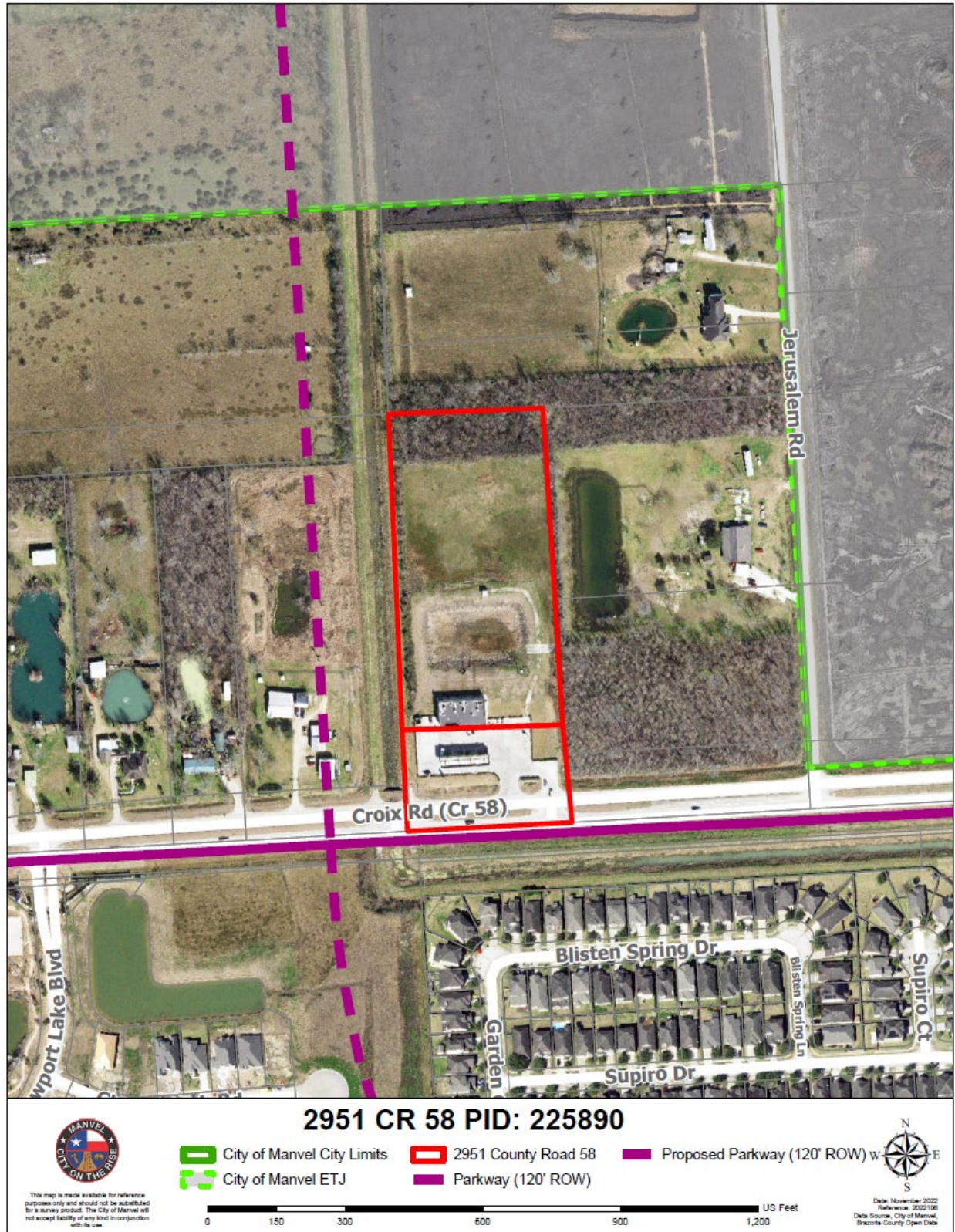
2951 CR 58 | PID 652887



Proposed Site Plan

Major Thoroughfare Plan Map





Property Survey



Barkatali Momin

2951 County Rd 58, Manvel, TX 77578

832-755-9250

Manvel Express

October 19, 2022

Dear City Planner Mr. Abraham,

My name is Barkatali Momin, and my business is located at 2951 County Rd 58, Manvel, TX 77578. It is a gas station with a convenience store. This location was built while we were in Brazoria County about 10 years ago. When I built this location, I built only 4 fuel dispensers. At the time this many fuel dispensers were enough to support the residents nearby. However, over the years, the City of Manvel and the surrounding area of my store have experienced tremendous growth. It would be extremely helpful to have additional fuel dispensers at my site to support my neighbors in making their shopping experience a pleasant one. I am requesting a specific use permit to add an additional 5 fuel dispensers on my site. Your support is greatly appreciated in this regard.

Kind Regards,



Barkatali Momin

**DEVELOPMENT SERVICES**

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

SPECIFIC USE PERMIT APPLICATION**PROJECT INFORMATION**

Project Name: _____
Project Location/Address: 2951 COONH ROAD SE, MANVEL, TX, 77578
Legal Description: A0563 HT & BRR TRACT 40 ACRES 5.742
Current Zoning: LC Proposed Land Use: GAS STATION NAICS No.: 44710
Parcel/Tax ID# (s): 652887 Total Acreage: 5.742

APPLICANT INFORMATION

Applicant Name: BARAKATI MOMIN
Company Name: MANVEL EXPRESS
Address: 11507 KINCRAIG PATH City: RICHMOND State: TX Zip: 77407
Phone #: 832 755 9250 Email: SUNESARA.US@GMAIL.COM

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

10/18/2022

Applicant Signature (REQUIRED)

Date

PROPERTY OWNER INFORMATION

Owner(s) Name: BARAKATI MOMIN
Address: 11507 KINCRAIG PATH City: RICHMOND State: TX Zip: 77407
Phone #: 832 755 9250 Email: SUNESARA.US@GMAIL.COM

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

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

10/18/2022

Owner's Signature (REQUIRED)

Date

**DEVELOPMENT SERVICES**

20025 HIGHWAY 6

MANVEL, TX 77578

P: 281-489-0630

F: 281-489-0634

SUBMITTAL CHECKLIST

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

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

APPLICANT CERTIFICATION

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


Applicant Signature
Date

Public Hearing Notice to run on Sunday 11/27/2022

A PUBLIC HEARING WILL BE HELD AT MANVEL CITY HALL, 20031 HWY 6, MANVEL, TX, 77578 AT 6:00 P.M. ON MONDAY, DECEMBER 12, 2022, BEFORE THE MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION AND AT 6:00 P.M. ON MONDAY, JANUARY 2, 2023, BEFORE THE MANVEL CITY COUNCIL TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 5.7420 ACRE TRACT LOCATED AT 2951 COUNTY ROAD 58, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT (LC) TO LIGHT COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT (LC-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE CODE 447110 "GASOLINE STATIONS WITH CONVENIENCE STORES"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. /S/ TAMMY BELL, CITY SECRETARY.

CORRECTED – Notice of Public Hearing

A PUBLIC HEARING WILL BE HELD AT MANVEL CITY HALL, 20031 HWY 6, MANVEL, TX 77578 AT 6:00 P.M. ON ~~MONDAY, JANUARY 2~~, TUESDAY, JANUARY 3, 2023, BEFORE THE MANVEL CITY COUNCIL TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 5.7420 ACRE TRACT LOCATED AT 2951 COUNTY ROAD 58, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT (LC) TO LIGHT COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT (LC-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE CODE 447110 "GASOLINE STATIONS WITH CONVENIENCE STORES"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. /S/ TAMMY BELL, CITY SECRETARY.

ORDINANCE NO. 2022-O-31

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 5.742 ACRES LOCATED AT 2951 COUNTY ROAD 58/ CROIX RD, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT (LC) TO LIGHT COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT (LC/ SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE EXISTING USE OF PROPERTY FOR 447110 “GASOLINE STATIONS WITH CONVENIENCE STORES”; PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

* * * * *

WHEREAS, Mr. Barkatali Momin, is the owner (the “Owner”) of a certain 5.742-acre tract of land located at 2951 County Road 58, Manvel, Texas, such tract being out of Lot 40, Allison -Richey Gulf Coast Home Company Subdivision, Section 78, Abstract No. 563 H.T. & B.R.R. CO. Survey, Brazoria County, Texas, a map and description of which is attached hereto as Exhibit “A”; and

WHEREAS, the 5.742-acre tract is currently zoned Light Commercial District; and

WHEREAS, the Owner has filed an application to change the zoning classification of the 5.742-acre tract to Light Commercial District, with a Specific Use Permit (LC/SUP) allowing the existing use of the property for NAICS use 447110 “Gas Station with Convenience Store”; and

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

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

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

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

Section 2. The zoning classification of a certain 5.742-acre tract of land located at 2951 County Road 58, Manvel, Texas, such tract being out of Lot 40, Allison -Richey Gulf Coast Home Company Subdivision, Section 78, Abstract No. 563 H.T. & B.R.R. CO. Survey, Brazoria County, Texas, as more particularly described in Exhibit “A” attached hereto, shall be changed from Light Commercial District (LC) to Light Commercial District with Specific Use Permit (LC/SUP), for uses as permitted within such zone classification, subject to the regulations, regulations, and conditions hereinafter set forth:

1. Gasoline Station with Convenience Store - (NAICS 447110)

Section 3. The request meets the criteria set forth in Section 77-50 of the City of Manvel Zoning Ordinance for a Specific Use Permit. The City of Manvel Zoning

Ordinance is hereby further amended by granting a Specific Use Permit authorizing use of the Property for the NAICS use listed in Section 2, above.

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

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

Section 6. The Zoning District Map of the City of Manvel shall be revised and amended to show the designation of said tract, as described and as provided in Section 2, above, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 7. The City Council hereby finds and determines that said rezoning comports to the City’s Comprehensive Land Use Plan. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City

of Manvel, save and except the change in zoning classification of said tract(s) as described above.

Section 8. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 9. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

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

- (1) The Specific Use Permit was obtained or extended by misrepresentation, fraud or deception: or
- (2) That one of more of the conditions imposed by the permit has not been met or has been violated.

PASSED AND APPROVED on first reading this _____ day of _____, 2023.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day of _____, 2023.

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

Exhibit A

Being out of Lot 40, Allison -Richey Gulf Coast Home Company Subdivision, Section 78, Abstract No. 563 H.T. & B.R.R. CO. Survey, Brazoria County, Texas.

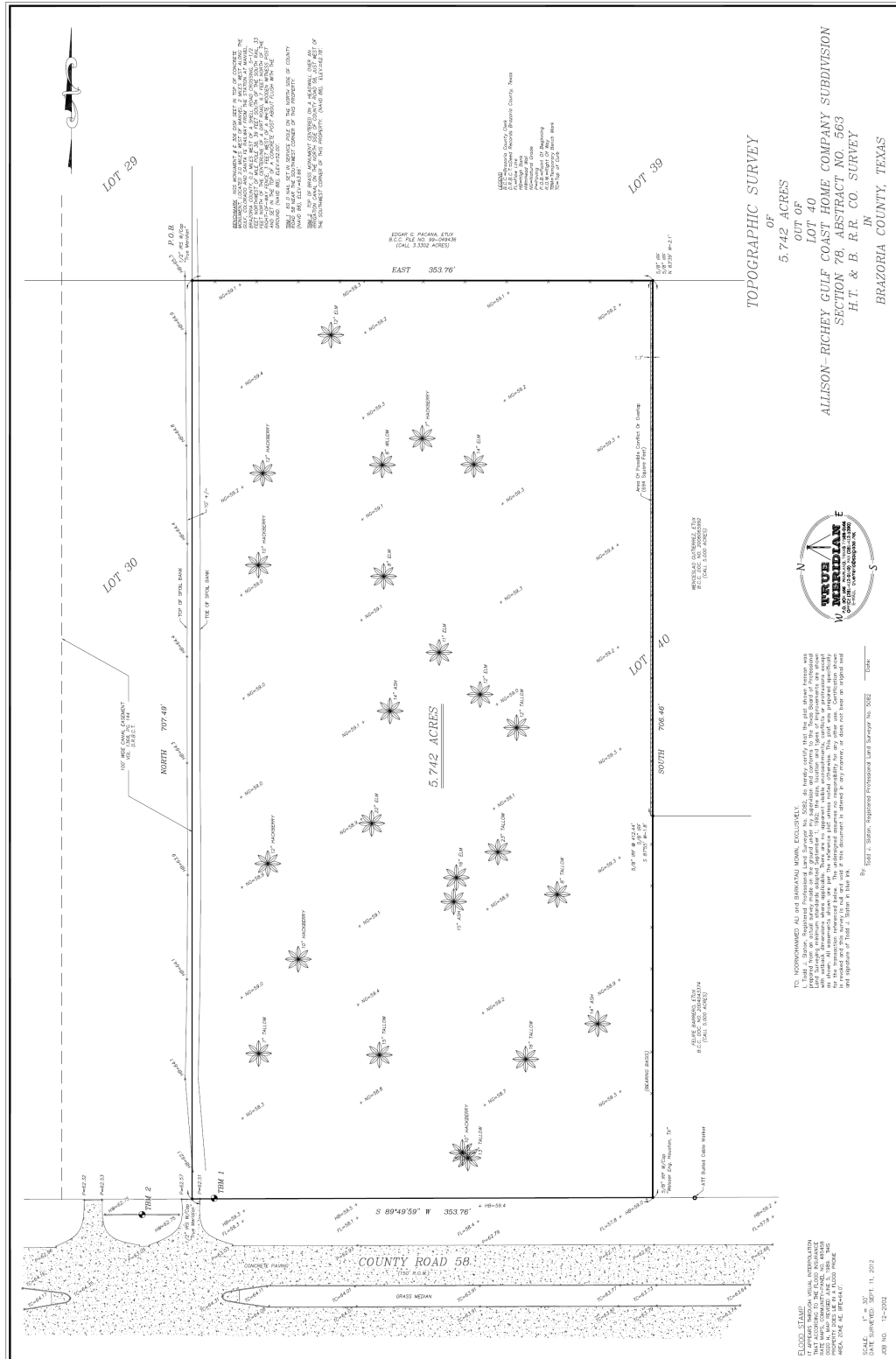


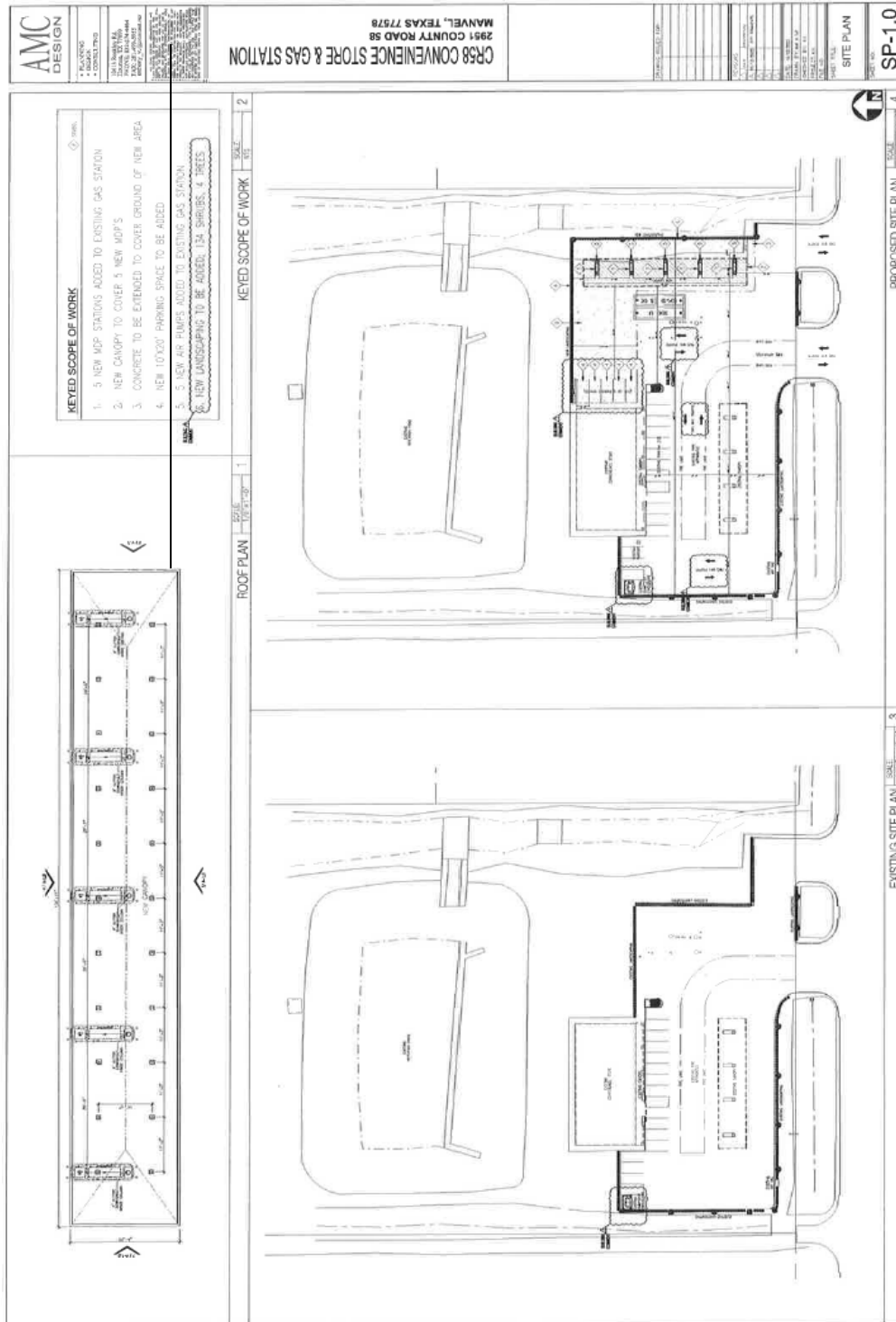
Exhibit B

CONDITIONS FOR 2951 CR 58 (GASOLINE STATION WITH CONVENIENCE
STORE)

1. A plat shall be prepared and approved in conformance with Chapter 62 – Subdivisions, prior to the proposed addition of five (5) gas dispensers on the subject site;
2. The proposed addition of five (5) gas dispensers on the subject site shall be in conformance with Section 77-31, *Light-commercial (LC) district* requirements;
3. Design, location and arrangement of all driveways and parking spaces shall be provided for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments as required by Section 77-50 (e)(9) and City of Manvel Design Criteria Manual as amended.
4. With the proposed addition of five (5) gas dispensers on the subject site, parking spaces required for the entire site to meet the current standards of Section 77-45, *Parking*, shall be provided.
5. Outdoor lighting shall be shielded and shall conform with the Illuminating Engineering Society of North America ("IES") criteria for full cut-off fixtures, which is 100 percent of light output below 90 degrees, and 90 percent of light output below 80 degrees from a vertical line through the fixture.
6. Outdoor lighting shall be deflected, shaded, and focused away from abutting properties and shall not be a nuisance to abutting properties, and shall be designed so that any overspill of lighting onto abutting properties shall not exceed three-tenths foot-candles, measured vertically and horizontally.
7. Opaque privacy fence shall be provided for screening along the side and rear property lines adjoining an existing residential use or zoning, using a minimum of eight-foot-high wooden or masonry fence must be constructed and retained adjacent to the property line.
8. Proposed expansion area must comply with all landscaping requirements of Section 77-44.
9. One evergreen tree that is 1½ inches in caliper measured at the base of the tree shall be planted every 35 feet at the perimeter of the subject site along the proposed expansion area to provided adequate buffer to abutting residentially used or zoned property.

Exhibit C

2951 CR 58 SITE PLAN





MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: January 3, 2023

TOPIC: A Public Hearing regarding amending the zoning ordinance by changing the zoning classification of 13.82 acres located at 11700 Magnolia Parkway, from Open-Single Family Residential District (O-SFR) to Light Commercial District (LC).

BACKGROUND: Identity Architects, on behalf of the property owner, Aramco Investment Group Inc, has requested to rezone the property from Open-Single Family Residential District (O-SFR) to Light Commercial District (LC). The property is 13.82 acres of land located at 11700 Magnolia Parkway. The property currently includes an unoccupied Single-Family residential building. The property owner is requesting to rezone the property to LC zoning district in order to subdivide and redevelop the property for retail and commercial uses. The applicant has indicated that the existing building will be demolished to develop the entire property as a new commercial retail center with pad sites (see conceptual plan in Staff Report). The uses of the proposed spaces are classified as NAICS use numbers 52 "Finance and insurance", 6244 "Child Day care services", and 722 "Food services and drinking places" which are permitted in the LC zoning district. These uses are permitted in the LC zoning district.

The subject site is located at the northern extent of the City of Manvel City limits. Properties to the north are in City of Pearland; properties to the east and south are within City of Manvel's Extra Territorial Jurisdiction (ETJ), and properties to the west are within Manvel City Limits. The subject site is located at the intersection of two major thoroughfares (Kirby Drive and Magnolia Parkway) with three corners of the intersection developed for retail/ commercial land use. The residential use in the general area is predominantly planned residential neighborhoods (Southfork residential development) and not rural acreage. The abutting property to the west is zoned LC zoning district with a Specific Use Permit to allow religious organization and school use. The aforementioned property is already developed and is proposed to be used for non-residential uses. Based on general planning principles and existing development character of the area, the subject site is an appropriate location for the proposed LC zoning district designation. The Manvel 2015 Comprehensive Plan focuses on maintaining its rural character and small-town values while managing its growth by, "Benefiting from our strategic location by encouraging well planned quality retail, commercial and residential development that reflects and enhances our small-town quality of life". The LC zoning district corresponds to the recommendations made in the Comprehensive Plan.

A public hearing to receive input from the public was held at the Planning, Development, and Zoning Commission regular meeting on December 12, 2022. Ms. Gwendolynn Burgess, residing at 3523 Ellies Gate Lane, Manvel, TX 77578, expressed her objection to the proposed rezoning. She indicated that the area already includes several commercial uses and that addition of more commercial could result in empty buildings. Based on her preference for a residential use at the subject site, she requested denial of the proposed rezoning. The Commission generally discussed the staff report and asked about the zoning designation and

current use of the property on the west side of the subject site. Staff confirmed that the abutting property was rezoned to LC district with a SUP to allow a church and that the project is close to completion and will soon be open and occupied. The Commission highlighted that the proposed rezoning fits in the realm of what is existing in the area.

PD&Z RECOMMENDATION: The Planning, Development, and Zoning Commission recommends reclassifying subject property from Open-Single Family Residential District (O-SFR) to Light Commercial (LC) District to the City Council. The vote was five (5) "Yeas" to zero (0) "Nays" to recommend Light Commercial (LC) District.

STAFF RECOMMENDATION: City staff recommends reclassifying subject property from Open-Single Family Residential District (O-SFR) to Light Commercial District (LC).

ATTACHMENTS: Staff Report and Ordinance No. 2022-O-32

FUNDING ISSUES

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

SUBMITTING STAFF MEMBER
Jose Abraham

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____



City Council Rezoning Request

Agenda of:	January 3, 2023	Initiated By:	Jose Abraham City Planner
Department:	Development Services	Presented By:	Jessica Rodriguez Dir. Development Services

Subject/Proceeding

A rezoning from Open-Single Family Residential District (O-SFR) to Light Commercial District (LC) for 13.82 acres located at 11700 Magnolia Parkway.

Exhibits

Zoning Vicinity Map, Staff Report, Site Photographs, Aerial Vicinity Map, Major Thoroughfare Plan Map, Survey, Land Description, Applicant Letter, Application, Letter of Authorization, Concept Site Plan, and Public Hearing Notice

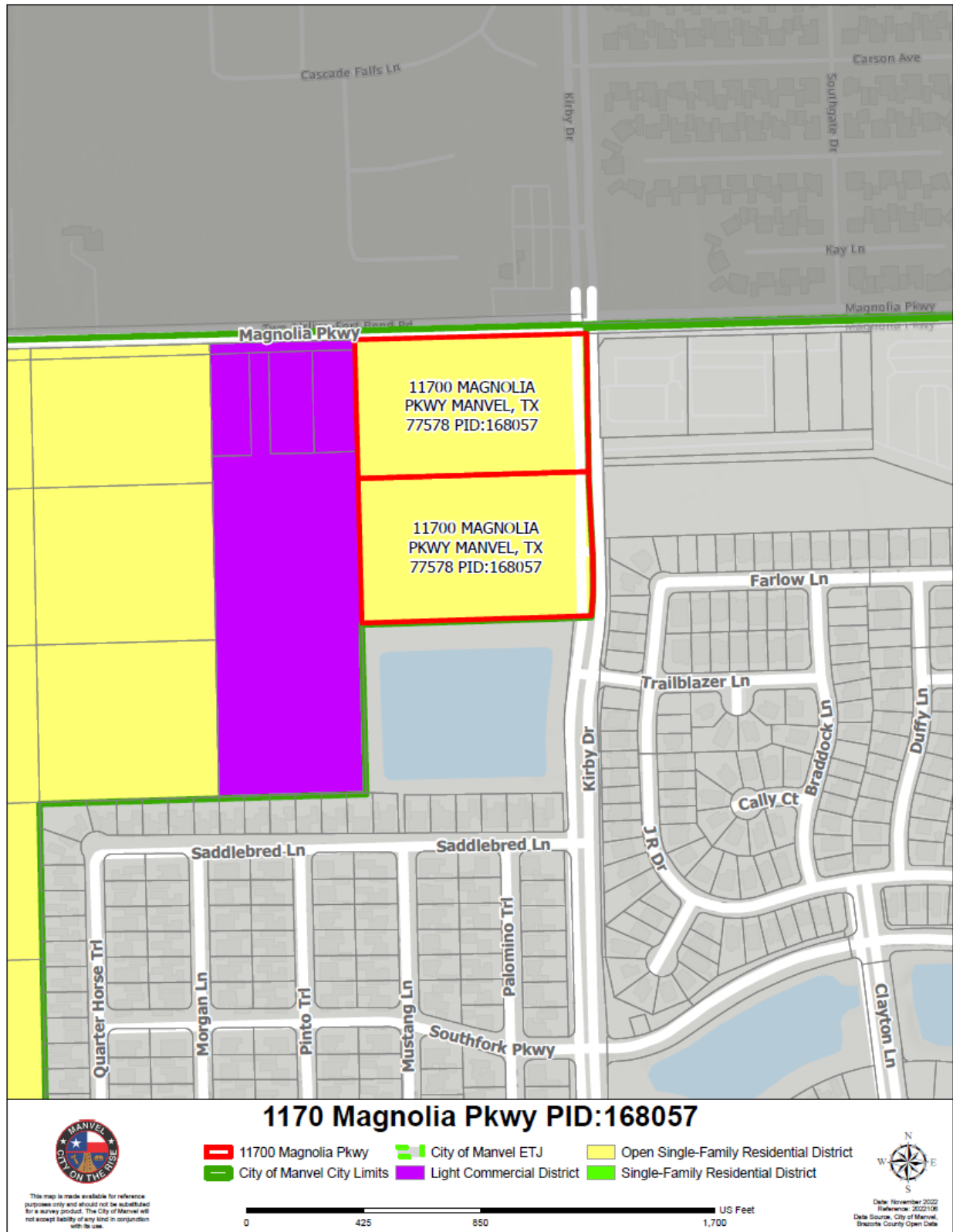
Recommended Action

A Public Hearing following by Consideration and Action from the City Council

Executive Summary

The proposed rezoning is for 13.82 acres of land located at 11700 Magnolia Parkway. The property is zoned Open-Single Family Residential District (O-SFR). The property currently has a vacant Single-Family residential building which is proposed to be demolished. The applicant, Identity Architects, on behalf of the property owner, Aramco Investment Group Inc, is requesting to rezone the property to Light Commercial District (LC) in order to subdivide and develop the subject site for uses such as daycare, financial/insurance offices, and restaurants. The proposed commercial uses are not permitted in the O-SFR zoning district so the applicant has filed for a rezoning of the subject site to LC whereby the proposed uses are classified as NAICS use numbers 52 "Finance and insurance;" 6244 "Child Day care services;" and 722 "Food services and drinking places;" which are permitted in the LC zoning district. Staff overview of the proposed rezoning is contained in the Staff Report Section of this document.

Zoning Vicinity Map



Staff Report

Overview

Identity Architects, on behalf of the property owner, Aramco Investment Group Inc, has requested to rezone the property from Open-Single Family Residential District (O-SFR) to Light Commercial District (LC). The property is 13.82 acres of land located at 11700 Magnolia Parkway. The property currently includes an unoccupied Single-Family residential building. The property owner is requesting to rezone the property to LC zoning district in order to subdivide and redevelop the property for retail and commercial uses. The applicant has indicated that the existing building will be demolished to develop the entire property as a new commercial retail center with pad sites (conceptual plan attached). The uses of the proposed spaces are classified as NAICS use numbers 52 "Finance and insurance", 6244 "Child Day care services", and 722 "Food services and drinking places" which are permitted in the LC zoning district. These uses are permitted in the LC zoning district.

The subject site is located at the northern extent of the City of Manvel City limits. Properties to the north are in City of Pearland; properties to the east and south are within City of Manvel's Extra Territorial Jurisdiction (ETJ), and properties to the west are within Manvel City Limits. The subject site is located at the intersection of two major thoroughfares (Kirby Drive and Magnolia Parkway) with three corners of the intersection developed for retail/ commercial land use. The residential use in the general area is predominantly planned residential neighborhoods (Southfork residential development) and not rural acreage. The abutting property to the west was zoned LC zoning district by Ordinance No. 2017-O-13 (dated June 12, 2017) and permitted a Specific Use Permit to allow religious organization and school use by Ordinance No. 2018-O-45 (dated January 7, 2019). The aforementioned property is already developed and is proposed to be used for non-residential uses. Based on general planning principles and existing development character of the area, the subject site is an appropriate location for the proposed LC zoning district designation.

Rezoning the property to LC zoning district would also allow uses included in Section 77-26., *Permitted Uses*, and listed below:

1. retail bakeries;
2. printing and related support activities;
3. furniture and home furnishing stores;
4. electronics and appliance stores;
5. building material, garden equipment and supplies dealers;
6. food and beverage stores;
7. health and personal care stores;
8. clothing and clothing accessory stores;
9. sporting goods, hobby, book and music stores;
10. miscellaneous store retailers;
11. postal service;
12. finance and insurance;
13. real estate;
14. consumer good rental;
15. professional, scientific, and technical services;
16. accounting, tax preparation, bookkeeping and payroll;
17. veterinary services;

18. management of companies and enterprises;
19. administrative and support services;
20. educational support services;
21. social assistance;
22. child day care services;
23. arts, entertainment, and recreation;
24. fitness and sports centers;
25. food services and drinking places;
26. automotive glass replacement shop;
27. electronic and precision equipment repair and maintenance;
28. personal and laundry services; and
29. public administration.

General Site Information

Surrounding Property Zoning	North: City of Pearland South: Extra Territorial Jurisdiction (ETJ) East: Extra Territorial Jurisdiction (ETJ) West: Light Commercial with SUP allowing Religious Organizations and School and O-SFR
Surrounding Land Use	North: Retail strip center and Residential neighborhood. South: Single Family Residential (Southfork) East: Gas station with convenience store West: Church and private school

Public Hearing

The Notice of Public Hearing was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. At the time of writing this report, staff has received two informational inquiries prior to the Public Hearing held at the December 12, 2022 Planning, Development, and Zoning Commission meeting. Staff has received no inquiries or statement of support/opposition since the Planning, Development, and Zoning Commission meeting.

Staff Recommendation

City Staff recommends reclassifying subject property from Open-Single Family Residential District (O-SFR) to Light Commercial (LC) District to the Planning, Development, and Zoning Commission. The proposed rezoning is compatible with the *Manvel 2015 Comprehensive Plan*.

Planning, Development, and Zoning Commission Public Hearing and Discussion

A public hearing to receive input from the public on this requested rezoning was held at the Planning, Development, and Zoning Commission regular meeting on December 12, 2022. Ms. Gwendolynn Burgess, residing at 3523 Ellies Gate Lane, Manvel, TX 77578, expressed her objection to the proposed rezoning. She indicated that the area already includes several commercial uses and that addition of more commercial could result in empty buildings. She also stated her preference for a residential use at the subject site and requested denial of the proposed rezoning. The Commission generally discussed the staff report and asked about the zoning designation and current use of the

property on the west side of the subject site. Staff confirmed that the abutting property was rezoned to LC district with a SUP to allow a church and that the project is close to completion and will soon be open and occupied. The Commission highlighted that the proposed rezoning fits in the realm of what is existing in the area.

Planning, Development, and Zoning Commission Recommendation

The Planning, Development, and Zoning Commission recommends reclassifying subject property from Open-Single Family Residential District (O-SFR) to Light Commercial (LC) District to the City Council. The vote was five (5) “Yeas” to zero (0) “Nays” to recommend Light Commercial (LC) District.

Points for Consideration

- The *Manvel 2015 Comprehensive Plan* focuses on maintaining its rural character and small-town values while managing its growth by, “Benefiting from our strategic location by encouraging well planned quality retail, commercial and residential development that reflects and enhances our small-town quality of life”. The LC zoning district corresponds to the recommendations made in the Comprehensive Plan.
- The subject site is located at the intersection of two major thoroughfares and abuts a property currently zoned LC zoning district. Properties at the other corners of the intersection are developed for commercial and retail uses, hence, are compatible with the proposed rezoning.
- Existing residential areas in the vicinity are planned single-family residential neighborhoods and not large-acreage rural residential lots. Therefore, the proposed rezoning is not anticipated to present a stark contrast to the existing development pattern in the general area or encroach upon existing rural residential area.
- Based on the nature of existing development in close vicinity to the subject site, and the range of uses allowed within the proposed LC zoning district designation, the proposed rezoning is not anticipated to cause detrimental impact in terms of public health, safety, or quality of life.

Site Photographs



View of Subject site from Magnolia Parkway



View of Commercial Property and Residential neighborhood across from Magnolia Parkway to the North.

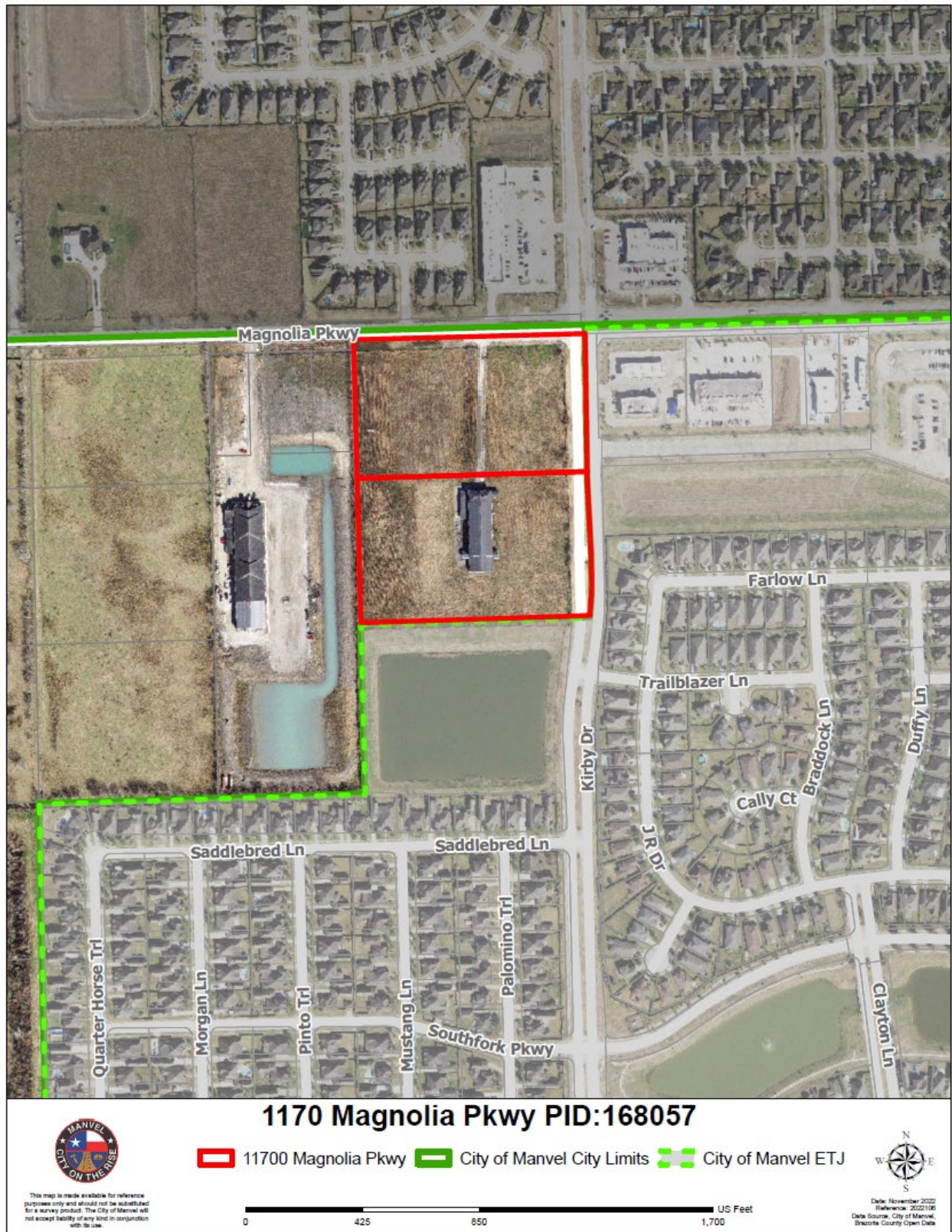


View of Commercial Property at the northeast corner of Kirby Dr and Magnolia Pkwy intersection

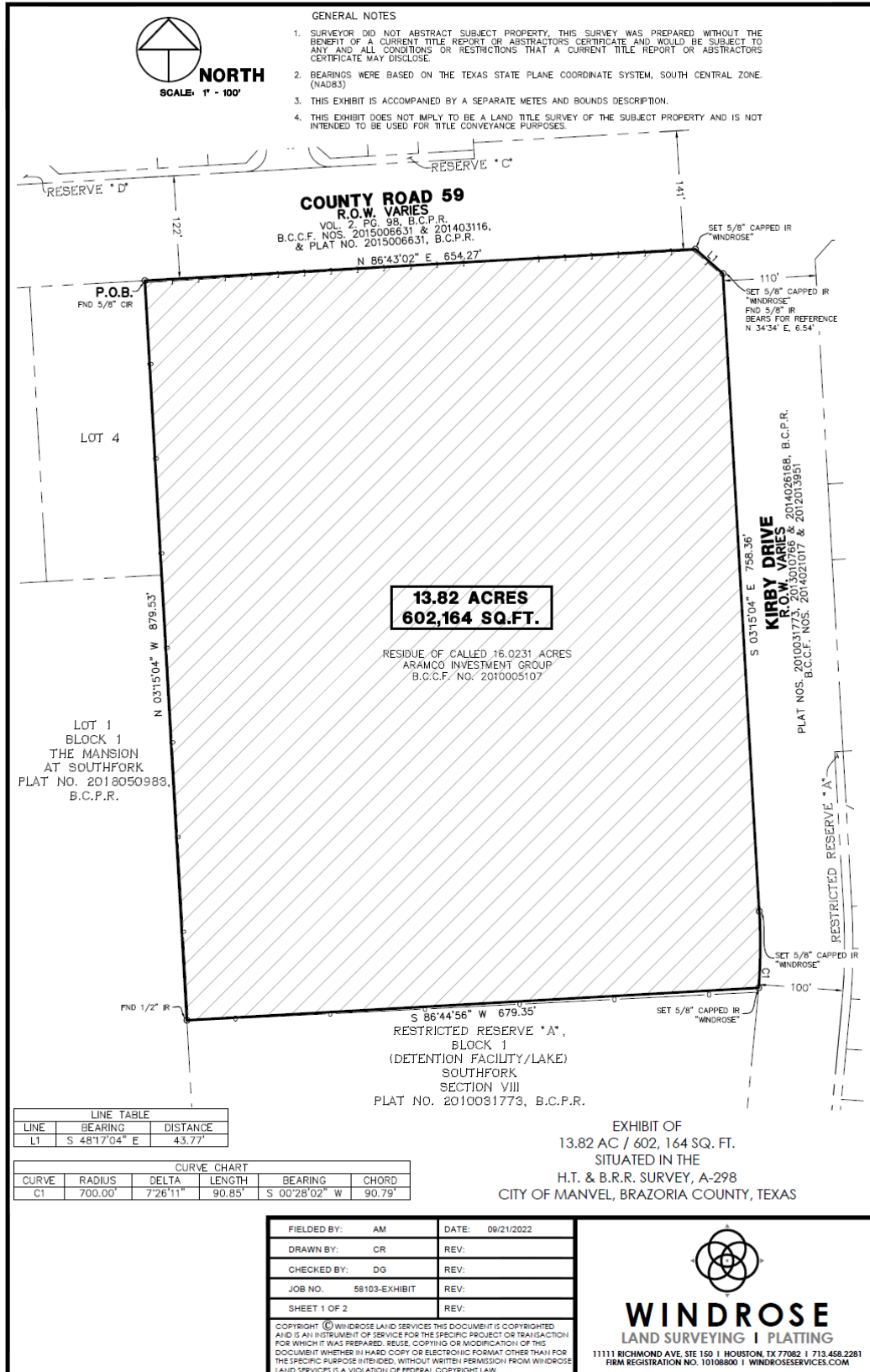


View of Commercial Property at the southeast corner of Kirby Dr and Magnolia Pkwy intersection

Aerial Vicinity Map



Survey



Land Description



DESCRIPTION OF 13.82 ACRES OR 602,164 SQ. FT.

A TRACT OR PARCEL CONTAINING 13.82 ACRES, OR 602,164 SQUARE FEET OF LAND SITUATED IN THE H.T. & B., R.R. CO. SURVEY, ABSTRACT NO. 298, BRAZORIA COUNTY, TEXAS, BEING A RESIDUE OF A CALLED 16.0231 ACRE TRACT DESCRIBED IN DEED TO ARAMCO INVESTMENT GROUP, AS RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NO. 2010005107, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, WITH ALL BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (NAD83):

BEGINNING AT A CAPPED 5/8 INCH IRON ROD FOUND ON THE SOUTH RIGHT-OF-WAY (R.O.W.) LINE OF COUNTY ROAD 59 (R.O.W. VARIES) RECORDED UNDER VOL. 2, PG. 98, BRAZORIA COUNTY PLAT RECORDS (B.C.P.R.) AND BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NOS. 2015006631 & 201403116, AND PLAT NO. 2015006631, B.C.P.R., MARKING THE NORTHEAST CORNER OF LOT 4, THE MANSION AT SOUTHFORK, MAP OR PLAT THEREOF RECORDED UNDER PLAT NO. 2018050983, B.C.P.R., AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 86 DEG. 43 MIN. 02 SEC. EAST, WITH THE SOUTH R.O.W. LINE OF SAID COUNTY ROAD 59, A DISTANCE OF 654.27 FEET, TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE NORTHWEST END OF A CUTBACK CORNER AT THE INTERSECTION OF THE SOUTH R.O.W. LINE OF SAID COUNTY ROAD 59, AND THE WEST R.O.W. LINE OF KIRBY DRIVE (R.O.W. VARIES) RECORDED UNDER PLAT NOS. 2010031773, 2013010766, AND 2014026168, B.C.P.R., AND B.C.C.F. NOS. 2014021017 AND 2012013951, AND THE MOST NORTHERLY NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

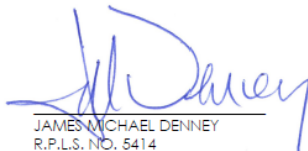
THENCE, SOUTH 48 DEG. 17 MIN. 04 SEC. EAST, WITH SAID CUTBACK LINE, A DISTANCE OF 43.77 FEET, TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE SOUTHEAST END OF SAID CUTBACK CORNER AND THE MOST EASTERLY NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; FROM WHICH A 5/8 INCH IRON ROD FOUND BEARS FOR REFERENCE NORTH 34 DEG. 34 MIN EAST - 6.54 FEET.

THENCE, SOUTH 03 DEG. 15 MIN. 04 SEC. EAST, WITH THE WEST R.O.W. LINE OF SAID KIRBY DRIVE, A DISTANCE OF 758.36 FEET, TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

THENCE, WITH THE WEST R.O.W. LINE OF SAID KIRBY DRIVE AND SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 700.00 FEET, A CENTRAL ANGLE OF 07 DEG. 26 MIN. 11 SEC., AN ARC LENGTH OF 90.85 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 00 DEG. 28 MIN. 02 SEC. WEST - 90.79 FEET, TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE NORTHEAST CORNER OF RESTRICTED RESERVE "A", BLOCK 1, SOUTHFORK SECTION VIII, MAP OR PLAT THEREOF RECORDED UNDER PLAT NO. 2010031773, B.C.P.R., AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, SOUTH 86 DEG. 44 MIN. 56 SEC. WEST, WITH THE NORTH LINE OF SAID RESTRICTED RESERVE "A", A DISTANCE OF 679.35 FEET, TO A 1/2 INCH IRON ROD FOUND ON THE EAST LINE OF LOT 1, BLOCK 1 OF SAID THE MANSION AT SOUTHFORK, MARKING THE NORTHWEST CORNER OF SAID RESTRICTED RESERVE "A" AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 03 DEG. 15 MIN. 04 SEC. EAST, WITH THE EAST LINE OF LOTS 1 AND 4 OF SAID THE MANSION AT SOUTHFORK, A DISTANCE OF 879.53 TO THE **POINT OF BEGINNING** AND CONTAINING 13.82 ACRES OR 602,164 SQUARE FEET OF LAND, AS SHOWN ON JOB NO. 58103, PREPARED BY WINDROSE LAND SERVICES.


JAMES MICHAEL DENNEY
R.P.L.S. NO. 5414
STATE OF TEXAS
FIRM REGISTRATION NO. 10108800



09/21/2022
DATE:

Applicant Letter



Date: 10/21/2022

LETTER OF REQUEST

Identity Architects on behalf of Aramco Investment Group Inc requests a rezoning of the approximately 13.82 acres located at 11700 Magnolia Parkway in Manvel, Tx 77578 (Parcel identification Number 168057) from the O-SFR Open Single-Family Residential District to the LC Light Commercial District.

The project area shown has an existing, unoccupied, Single-Family residence that would be removed. We are proposing the development of a tract containing 62,500 SF of retail and detention as well as 4 pad sites with uses ranging from daycare to financial and restaurants. With the recent rezoning of the neighboring property to the West from O-SFR to LC as well as the CR 59 & Kirby Commercial Subdivision across the street, we feel that this development will be a good fit for this site and a positive addition to the surrounding neighborhood.

www.identityarchitects.com
Voice: 713.595.2150 Email: info@identityarchitects.com
111 Travis Street Houston, Texas 77002

Application



DEVELOPMENT SERVICES DEPARTMENT

20025 HIGHWAY 6

MANVEL, TX 77578

P: 281-489-0630

F: 281-489-0634

REZONING APPLICATION

PROJECT INFORMATION

Project Name: SWC Magnolia and Kirby

Project Location/Address: 11700 MAGNOLIA PKWY, MANVEL, TX 77578

Legal Description: PID : 168057

Current Zoning: O-SFR Proposed Zoning: Light Commercial

Parcel/Tax ID# (s): 168057 Total Acreage: 13.82 AC Proposed Land Use: Mixed Use

APPLICANT INFORMATION

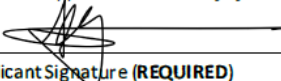
Applicant Name: Stephanie Yachnin

Company Name: Identity Architects

Address: 111 Travis St. City: Houston State: TX Zip: 77002

Phone #: 713-595-2150 Email: syachnin@identityarchitects.com

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

 10/19/2022
Applicant Signature (REQUIRED) Date

PROPERTY OWNER INFORMATION

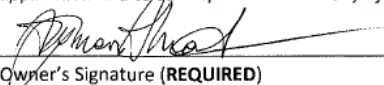
Owner(s) Name: Aramco Investment Group Inc, manager Aliman Ahmad

Address: 2910 Holmes Rd City: Houston State: TX Zip: 77051

Phone #: 713-417-2682 Email: ggg@usa.com

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

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

 08/15/2022
Owner's Signature (REQUIRED) Date

Application



DEVELOPMENT SERVICES DEPARTMENT

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

SUBMITTAL CHECKLIST

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

REZONING SUBMITTAL CHECKLIST ITEMS	REQUIRED (PLEASE CHECK)
Completed Rezoning Application (with all signatures)	X
One (1) Legal Description of Property (metes & bounds description if not platted)	X
One (1) Copy of Recorded Plat (if platted)	X
One (1) Applicant Letter of Request	X
Traffic Impact Analysis, if applicable	
Paid Application Fee	X

APPLICANT CERTIFICATION

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

Applicant Signature

08/15/2022

Date

Letter of Authorization



DEVELOPMENT SERVICES DEPARTMENT

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

LETTER OF AUTHORIZATION

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

Aramco Investment Group Inc

Owner Name

2910 Holmes Rd

Owner Address

Houston, TX 77051

Owner City, State

Zip

08/15/2022

Date

Development Services
20025 Highway 6
Manvel, TX 77578

Dear City of Manvel Development Services,

I, Ayman Ahmad, certify that I am the owner of the project property located at 11700 Magnolia Pkwy, Manvel, TX 77578 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 Stephanie Yachnin with the company Identity Architects (if applicable) to act as my representative for this project. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and /or failure to remit payment for services can lead to delays in this project – up to and including rejecting the project and forfeiting any fees paid.

Please contact me directly at 713-417-2682 if you have any questions.

Sincerely,

Owner Name Aramco Investment Group Inc, manager Ayman Ahmad

Owner Signature Ayman Ahmad

identityARCHITECTS
111 Travis Street, Houston, Texas 77002
www.identityarchitects.com 713.586.2150

Scale: 1" = 60'-0"



DATA TABLE	SITE	13.9 AC	MANUEL TEXAS	12.07 COMMERCIAL - REQUIRES REMEDIATION
JURISDICTION	STATE			
PLANNING SCENARIOS	PAO 1: DAVICORE (@ 2.9 FS / 1k) **	5F 10.7k SF	PS REED 27	PS PROVIDED 28 (@ 2.6 FS / 1k)
PAO 2: RESTAURANT (@ 4 FS / 1k)	5.6k SF	23	99 (@ 4.8 FS / 1k)	
PAO 3: RESTAURANT (@ 4 FS / 1k)	2.5k SF	10	34 (@ 3.6 FS / 1k)	
PAO 4: BUNK (@ 1.5 FS / 1k)	5.5k SF	22	25 (@ 1.9 FS / 1k)	
THREAT: ALL (@ 1.5 FS / 1k)	62.3k SF	250	155 (@ 6.5 FS / 1k)	

NOTES:

- PLANNING DATA REQUIREMENTS TO BE REVIEWED
- DESIGN CRITERIA MAXIMUM DEPTH SHALL BE LESS THAN 20% PER PER DEVELOPMENT MEETING AND SHALL NOT EXCEED 9'
- DAVICORE PLANNING HAVO TO BE COMBINED WITH THE CITY
- ** DAVICORE PLANNING HAVO TO BE COMBINED WITH THE CITY

October 24, 2022

COMMERCIAL DEVELOPMENT

COUNTRY ROAD 59 @ KIRBY DR
MANVEL, TX 77654

Public Hearing Notice

Public Hearing Notice to run on Sunday 11/27/2022

A PUBLIC HEARING WILL BE HELD AT MANVEL CITY HALL, 20031 HWY 6, MANVEL, TX 77578 AT 6:00 P.M. ON MONDAY, DECEMBER 12, 2022, BEFORE THE MANVEL PLANNING, DEVELOPMENT AND ZONING COMMISSION AND AT 6:00 P.M. ON MONDAY, JANUARY 2, 2023, BEFORE THE MANVEL CITY COUNCIL TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF AN APPROXIMATE 13.82 ACRE TRACT OF LAND LOCATED AT 11700 MGNOLIA PARKWAY, MANVEL, TEXAS FROM OPEN-SINGLE FAMILY RESIDENTIAL (O-SFR) DISTRICT TO LIGHT COMMERCIAL (LC) 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. /S/ TAMMY BELL, CITY SECRETARY.

CORRECTED – Notice of Public Hearing

A PUBLIC HEARING WILL BE HELD AT MANVEL CITY HALL, 20031 HWY 6, MANVEL, TX 77578 AT 6:00 P.M. ON ~~MONDAY, JANUARY 2,~~ TUESDAY, JANUARY 3, 2023, BEFORE THE MANVEL CITY COUNCIL TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF AN APPROXIMATE 13.82 ACRE TRACT OF LAND LOCATED AT 11700 MAGNOLIA PARKWAY, MANVEL, TEXAS FROM OPEN-SINGLE FAMILY RESIDENTIAL (O-SFR) DISTRICT TO LIGHT COMMERCIAL (LC) 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. /S/ TAMMY BELL, CITY SECRETARY.

ORDINANCE NO. 2022-O-32

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 13.82 ACRES LOCATED AT 11700 MAGNOLIA PARKWAY, CONTAINING 13.82 ACRES, OR 602,164 SQUARE FEET OF LAND SITUATED IN THE H.T. & B. R.R. CO. SURVEY, ABSTRACT NO. 298, BRAZORIA COUNTY, TEXAS, ALSO BEING A RESIDUE OF A CALLED 16.0231 ACRE TRACT DESCRIBED IN DEED TO ARAMCO INVESTMENT GROUP, AS RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE (B.C.C.F. NO. 2010005107), FROM OPEN-SINGLE FAMILY RESIDENTIAL DISTRICT (O-SFR) TO LIGHT COMMERCIAL DISTRICT (LC); PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

* * * * *

WHEREAS, Aramco Investment Group Inc is the owner (the "Owner") of a certain tract of land 13.82 acres located at 11700 Magnolia Parkway, being a tract or parcel containing 13.82 acres, or 602,164 square feet of land situated in the H.T. & B. R.R. CO. Survey, Abstract No. 298, Brazoria County, Texas, being a residue of a called 16.0231 acre tract described in deed to Aramco Investment Group, as recorded under Brazoria County Clerk's File (B.C.C.F.) No. 2010005107, as shown on said map and description of which is attached hereto as Exhibit "A"; and

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

WHEREAS, the Planning, Development, and Zoning Commission recommended approval of such request, and, the City Council deems it appropriate to approve said rezoning; now, therefore,

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

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

Section 2. The zoning classification of the certain tract of land 13.82 acres located at 11700 Magnolia Parkway, being a tract or parcel containing 13.82 acres, or 602,164 square feet of land situated in the H.T. & B. R.R. CO. Survey, Abstract No. 298, Brazoria County, Texas, being a residue of a called 16.0231 acre tract described in deed to Aramco Investment Group, as recorded under Brazoria County Clerk's File (B.C.C.F.) No. 2010005107, as shown on a map and description of which is attached hereto as Exhibit "A" attached hereto and for all things made a part hereof, shall be changed

from the Open-Single Family Residential District (O-SFR) to Light Commercial District (LC) to for uses as permitted within such zone classification.

Section 3. The Zoning District Map of the City of Manvel shall be revised and amended to show the designation of said tracts, as described and as provided in Section 2 above, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 4. The City Council hereby finds and determines that said rezoning comports to the City's Comprehensive Land Use Plan. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change in zoning classification of said tract(s) as described above.

Section 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 _____, 2023.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day of _____, 2023.

Debra Davison, Mayor

ATTEST:

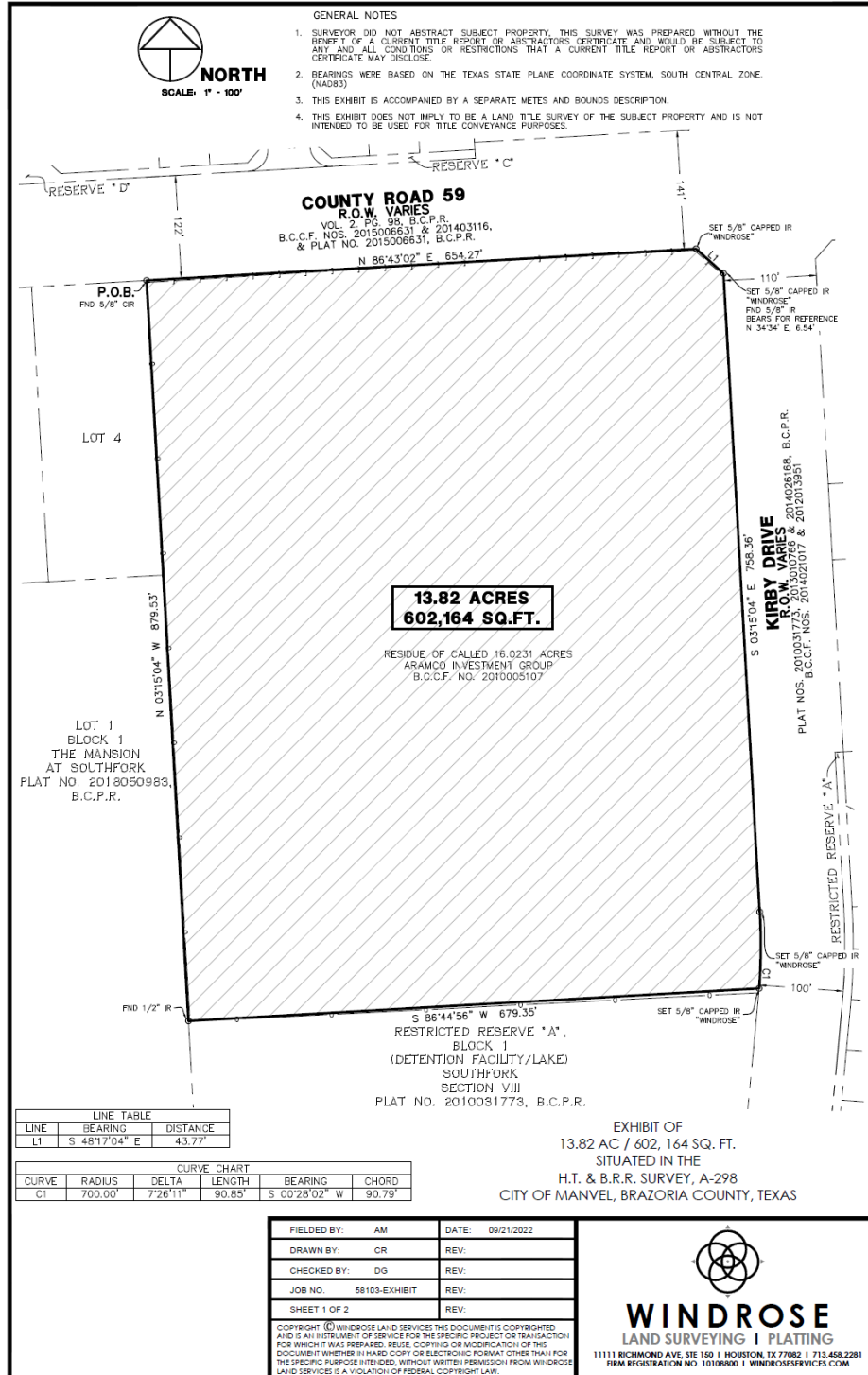
Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

EXHIBIT A

A TRACT OR PARCEL CONTAINING 13.82 ACRES, OR 602,164 SQUARE FEET OF LAND SITUATED IN THE H.T. & B. R.R. CO. SURVEY, ABSTRACT NO. 298, BRAZORIA COUNTY, TEXAS, BEING A RESIDUE OF A CALLED 16.0231 ACRE TRACT DESCRIBED IN DEED TO ARAMCO INVESTMENT GROUP, AS RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE (B.C.C.F.) NO. 2010005107





City of Manvel

P. O. Box 187
20025 HWY 6
Manvel, Texas 77578

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

AGENDA REQUEST

REQUEST MUST BE MADE ACCORDING TO THE SUBMITTAL SCHEDULE

Meeting Requested: (Please check applicable meeting)

Planning, Development & Zoning	☐	City Council	☐	Both	☒
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Date of Request: December 12, 2022 PDZ and December 19, 2022 City Council

YOUR REQUEST WILL BE PLACED ON THE NEXT AVAILABLE MEETING DATE. MEETINGS ARE SECOND AND FOURTH MONDAYS FOR PLANNING, DEVELOPMENT & ZONING AND FIRST AND THIRD MONDAYS FOR CITY COUNCIL. THE AGENDAS ARE POSTED TO THE GENERAL PUBLIC AT MANVEL CITY HALL AND ON OUR WEBSITE AT www.cityofmanvel.com. THE AGENDA IS POSTED AND WILL REMAIN POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF THE MEETING. PLEASE CHECK THE BOARD FOR YOUR MEETING SCHEDULE. WE STRONGLY ENCOURAGE YOU TO ATTEND THE MEETING FOR QUESTIONS AND ANSWERS. IF YOU ARE UNABLE TO ATTEND ACTION MAY BE TABLED UNTIL THE FOLLOWING MEETING.

Person to Speak: Brad Sweitzer

Daytime Phone: 713-784-4500 Fax Number: N/A

E-mail Address: bsweitzer@ehrainc.com

Description of Request and Physical Address:

Consideration and possible action to approve Manvel Palms Master Plan, being a
subdivision of 125.58 acres out of the H. T. & B. R.R. Co. Survey, Section 75 A-299,
City of Manvel, Brazoria County, Texas.

Plats:

Preliminary X
Final _____

ALL DOCUMENTATION AND FEES ASSOCIATED WITH THIS AGENDA REQUEST MUST BE SUBMITTED ACCORDING TO THE MEETING SUBMITTAL SCHEDULE WHICH CAN BE FOUND ON OUR WEBSITE. BY SIGNING THIS AGENDA REQUEST FORM I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS AGENDA REQUEST FORM.

Brad Sweitzer

SIGNATURE

12/7/22

DATE



DEVELOPMENT SERVICES DEPARTMENT

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

FINAL REPORT TO CITY COUNCIL **PLAT APPLICATION**

Plat Name:	Manvel Palms – Master Plan
Applicant:	Brad Sweitzer - EHRA Engineering
PD&Z Meeting Date:	January 3, 2023
Submitted By:	Jose Abraham, City Planner
Report Approved by:	Dan Johnson, Assistant City Manager/ City Engineer Jessica Rodriquez, Director of Development Services
Recommendation:	<u>Denial</u>

BACKGROUND/ REVIEW NOTES

- *This proposed plat is a Master Plan for Manvel Palms, formerly known as Yanni Palms, which is located near the intersection of County Road 48 and Rodeo Palms Parkway, abutting Rodeo Palms Subdivision to the east.*
- *A Development Agreement (DA) for Manvel Palms was approved in by City Council in November 2022.*
- *The Yanni Palms – Master Preliminary Plat was previously submitted in 2019 and Yanni Palms Section 1 Final Plat was previously submitted and denied in 2021. Previously approved master preliminary plat and final plat are expired. As well as previously approved construction plans have expired.*
- *This Master Plan of Manvel Palms also serves as the Preliminary Plat as specified in the DA.*
- *The subject master plan subdivides an approximate 125.58 acres tract into 362 residential lots, 9 Blocks, and 20 reserves.*
- *Reserve acreage are used for landscaping, open space, utility purposes, cell tower, lift station, and detention.*
- *The proposed master plan also includes Kirby Drive and Rodeo Palms Parkway extension.*
- *At the PD&Z Commission meeting, the applicant explained that the Traffic Study is underway and that a plan for parkland dedication is being worked upon and requested conditional approval. In response, the Commission discussed the importance of Traffic study and clarity on parkland dedication for the proposed Master Plan.*

PLANNING, DEVELOPMENT, AND ZONING COMMISSION RECOMMENDATION

The Planning, Development and Zoning Commission voted zero (0) “Yeas” to five (5) “Nay” to recommend approval of the *Manvel Palms – Master Plan*, therefore, the Commission is forwarding a recommendation to deny the *Manvel Palms – Master Plan* to the City Council.

continued on next page



DEVELOPMENT SERVICES DEPARTMENT

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

STAFF RECOMMENDATION

The City staff recommends denial of this proposed plat - *Manvel Palms – Master Plan*.

This plat submittal does not address following deficiencies pertaining to Chapter 62, *Subdivision Ordinance*, *Design Criteria Manual*, and associated *Development Agreement*:

1. Provide a traffic study to the city where development is located along a major thoroughfare (Manvel Code of Ordinances Section 62-38 (a)(13)).
2. Revise Master Plan to indicate how parkland dedication requirement will be met as required by Section 47-6.- *Parkland and Trail dedication requirements.*, of the Manvel Code of Ordinances (Manvel Code of Ordinances Section 47-6 and Section 62-39).

Page 5 of 5

GENERAL NOTES:

- Bearing orientation is based on the Texas State Plane Coordinate System of 1983, South Central Zone as determined by GPS measurements.
- The Coordinates shown hereon are Texas South Central Zone No. 4204 state plane grid coordinates (NAD 83) and may be brought to surface by applying the following scale factor: 1.0.
- According to the Federal Emergency Management Agency Flood Insurance Rate Map, Brazoria County, Texas, Community Panel No.480390110K, dated December 30, 2020, the property lies within Zone "X".

This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. The location of the flood zone was determined by scaling from said FEMA map. The actual location, as determined by elevation contours, may differ. Edminster, Hinchaw, Russ & Associates, Inc. d/b/a EHRA, assumes no liability as to the accuracy of the location of the flood zone limits. This flood statement shall not create liability on the part of Edminster, Hinchaw, Russ & Associates, Inc. d/b/a EHRA.

- B.C.C.F. indicates Brazoria County Clerk's File.
B.C.P.R. indicates Brazoria County Public Records.
O.P.R.O.P. indicates Official Public Records of Real Property.
D.E. indicates Drainage Easement.
M.H. indicates Manhole.
P.G. indicates Page.
P.A.E. indicates Permanent Access Easement.
P.O.B. indicates Point of Beginning.
P.U.E. indicates Public Utility Easement.
P.V.T. indicates Private.
R indicates Radius.
R.O.W. indicates Right-Of-Way.
S.S.E. indicates Sanitary Sewer Easement.
STM S.E. indicates Storm Sewer Easement.
U.E. indicates Utility Easement.
VOL. indicates Volume.
W.L.E. indicates Water Line Easement.
X indicates change in street name.

- The property subdivided in the foregoing plat lies in Brazoria County, the City of Manvel, Brazoria County M.U.D. No. 29 Alvin Independent School District, and Brazoria County Drainage District #4.
- Property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences buildings, plantings, and other obstructions.
- Contour lines shown hereon are based on the NGS Benchmark E 306 being noted hereon.
- Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document. Approval of the master plan shall expire three years after council approval, unless within the three-year period, the subdivider has commenced construction of the improvements in the construction plans approved by the city per sec 62-39 of the Manvel Code of Ordinances.
- Approval of the preliminary plat does not constitute acceptance of the subdivision, but is merely an authorization to proceed with the preparation of the final plat. Approval of the preliminary plat shall expire three years after council approval, unless within the three year period, the subdivider has commenced construction of the improvements in the final construction plans approved by the city per sec 62-39 of the Manvel Code of Ordinances. Upon written request of the subdivider, an extension of time may be given, at the discretion of the council, for a single extension period of six months, provided the subdivider has shown good faith in proceeding to complete the work necessary prior to filing the final plat.
- This tract is subject to blanket easements (as recorded at B.C.C.F. No. 2020077785 and B.C.C.F. No. 2020059841) which have been dedicated for the following purposes: to CenterPoint electric, an easement for electric distribution and related facilities, to CenterPoint gas an easement for natural gas and related communication facilities, to AT&T and to Comcast, an easement for telephone, fiber and / or cable communication facilities within the easement area.
- One foot reserve dedicated to the public in fee as a buffer separation between the side ends of streets where such streets abut adjacent property, the condition of such dedication being that when the adjacent property is subdivided or re-subdivided in a record plat the one foot reserve shall hereupon become vested in the public for right-of-way purposes and the fee title there shall revert to and re-vest in the dedicators, his heirs, assigns, or successors.

13. This Master Plan of Manvel Palms also serves as the preliminary plat

BRAZORIA COUNTY DRAINAGE DISTRICT NO. 4 NOTES:

- Any governmental body for purposes of drainage work may use drainage easements and fee strips provided the DISTRICT is properly notified.
- Permanent structures, including fences and permanent landscaping, shall not be erected in a drainage easement, access easement, or fee strip.
- Maintenance of detention facilities is the sole responsibility of the owner of the property. The DISTRICT will provide maintenance of regional facilities owned and constructed by the DISTRICT, or sub regional facilities constructed by developer(s) for which ownership has been transferred to the DISTRICT with the DISTRICT'S approval. The DISTRICT is responsible only for the maintenance of facilities owned by the DISTRICT unless the DISTRICT specifically contracts or agrees to maintain other facilities.
- Contractor shall notify the DISTRICT'S inspector at least forty-eight (48) hours before beginning work and twenty-four (24) hours before placing any concrete.
- The DISTRICT'S personnel shall have the right to enter upon the property for inspection at any time during construction or as may be warranted to ensure the detention facility and drainage system are operating properly.
- Appropriate cover for the side slopes, bottom, and maintenance term shall be established prior to acceptance of the construction by the DISTRICT. At least 95% germination of the grass must be established prior to acceptance of construction by the DISTRICT.
- No building permit shall be issued for any lot within this development until the detention facility has been constructed and approved by the DISTRICT.
- The DISTRICT'S approval of the Final Drainage Plan (and Final Plat if required) does not affect the property rights of third parties. The developer is responsible for obtaining and maintaining any and all easements, fee strips, and/or any other rights-of-way across third parties' properties for purposes of moving excess runoff to the DISTRICT'S drainage facilities as contemplated by the Final Drainage Plan and Final Plat.
- Drainage Easements shall be used only for the purposes of constructing, operating, maintaining, repairing, replacing, and reconstructing of a drainage facility, and any and all related equipment and facilities together with any and all necessary incidentals and appurtenances thereto in, upon, over, across, and through the Easement Area. The DISTRICT'S successors, assigns, agents, employees, workmen, and representatives shall at all present and future times, have the right and privilege of ingress and egress in, upon, over, across, and through the Easement Area.
- Access Easements shall be used for ingress and egress to the DISTRICT'S drainage facilities and shall be kept clear of any and all obstructions.
- An As-Built Certificate and As-Built Survey are required to be submitted to the DISTRICT before a Certificate of Compliance can be issued. Contract the DISTRICT'S inspector for further clarification.
- All drainage plans and plats shall be in conformance with the DISTRICT'S Rules, Regulations & Guidelines. Board approval of a drainage plan or plat does not constitute permission to deviate. Deviation from the DISTRICT'S Rules, Regulations & Guidelines is only authorized and allowed by a separate Request for Variance which was approved by the board. Any Board approved variance shall be referenced in the plan cover page and on the appropriate sheet where applicable. The use of the term "Guidelines" herein does not affect the mandatory nature of these Rules, Regulations & Guidelines.

OWNER # 1 CONTACT INFORMATION
RIC Yanni LLC
162 Cumberland Street, Suite 300
Toronto, Ontario M5R 3N5
Phone: 713-784-4500

OWNER # 2 CONTACT INFORMATION
Brazoria MUD No. 29
3200 Southwest Freeway Suite 2600, 77027
Houston, TX.
Phone: 832-490-3139

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, HAS APPROVED THIS PLAT OF MANVEL PALMS MASTER PLAN IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS DAY OF _____, 2022.

CITY COUNCIL _____

THIS IS TO CERTIFY THAT THE PLANNING, DEVELOPMENT AND ZONING COMMISSION OF THE CITY OF MANVEL, TEXAS, HAS RECOMMENDED APPROVAL FOR THE PLAT OF MANVEL PALMS MASTER PLAN IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS DAY OF _____, 2022.

CITY COUNCIL _____

BENCHMARK(S):

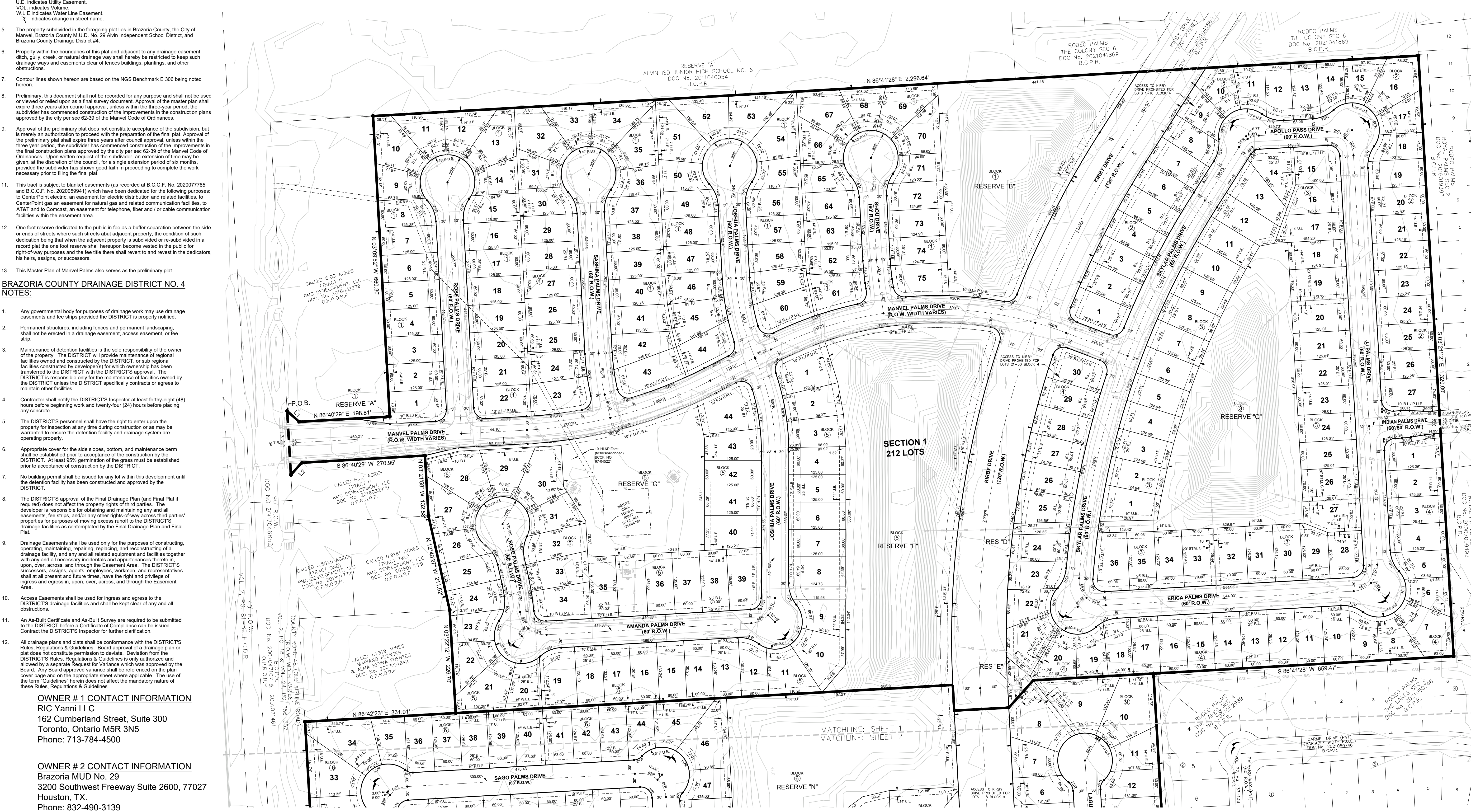
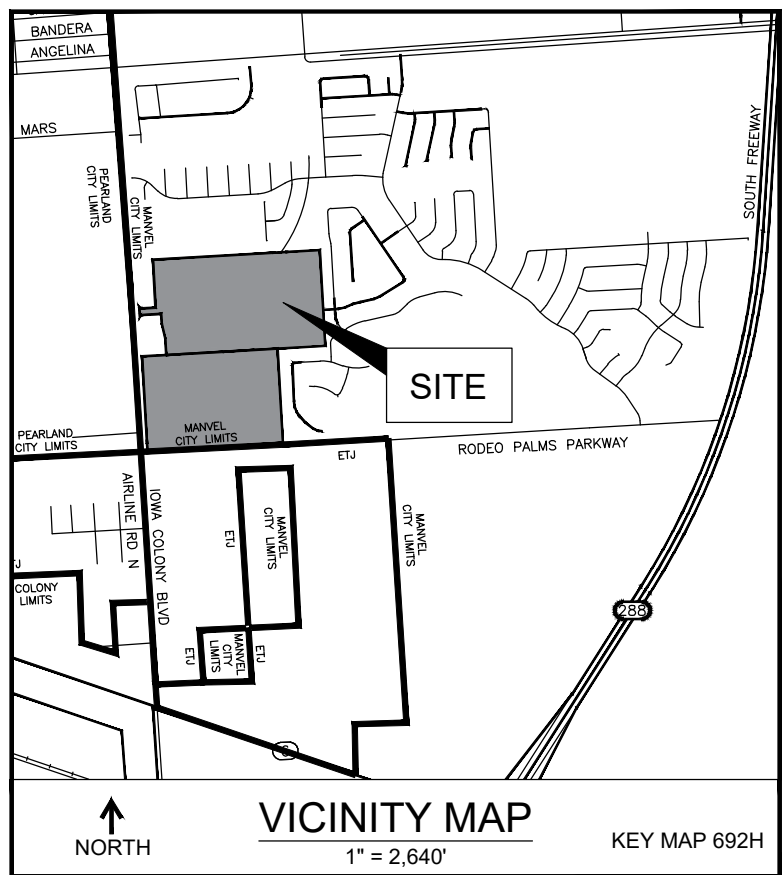
NGS MONUMENT # E 306 DISK SET IN TOP OF CONCRETE MONUMENT, LOCATED 2.0 MILES WEST OF MANVEL, 2 MILES WEST ALONG THE GULF, COLORADO AND SANTA FE RAILWAY FROM THE STATION AT MANVEL, BRAZORIA COUNTY, 0.2 MILE WEST OF A SHELL-ROAD CROSSING, 5-1/2 FEET NORTHWEST OF MILE POLE 38, 39 FEET SOUTH OF THE SOUTH RAIL, 33 FEET NORTH OF THE CENTERLINE OF A DIRT ROAD, 6.7 FEET NORTH OF THE RIGHT-OF-WAY FENCE, 3 FEET WEST OF A WHITE WOODEN WITNESS POST AND SET IN THE TOP OF A CONCRETE POST ABOUT FLUSH WITH THE GROUND.
ELEV: -52.00 (NAVD '88) 1991 ADJUSTMENT

RESERVE TABLE				
RESERVE	RESTRICTIONS	SQ. FT.	ACREAGE	MAINTENANCE
A	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	634.26'	0.01	B.C.M.U.D. NO. 29
B	DETENTION, LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	134,296.85'	3.08	B.C.M.U.D. NO. 29
C	DETENTION, LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	137,535.10'	3.16	B.C.M.U.D. NO. 29
D	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	3,161.54'	0.07	B.C.M.U.D. NO. 29
E	LIFT STATION	3,279.46'	0.08	B.C.M.U.D. NO. 29
F	DETENTION, LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	219,971.35'	5.05	B.C.M.U.D. NO. 29
G	CELL TOWER LANDSCAPE, OPEN SPACE, RECREATION, & UTILITY PURPOSES	93,493.03'	2.15	B.C.M.U.D. NO. 29
H	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	1,102.25'	0.03	B.C.M.U.D. NO. 29
I	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	1,106.56'	0.03	B.C.M.U.D. NO. 29
J	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	1,648.53'	0.04	B.C.M.U.D. NO. 29
K	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	1,668.43'	0.04	B.C.M.U.D. NO. 29

RESERVE TABLE				
RESERVE	RESTRICTIONS	SQ. FT.	ACREAGE	MAINTENANCE
L	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	1,029.56'	0.02	B.C.M.U.D. NO. 29
M	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	1,029.56'	0.02	B.C.M.U.D. NO. 29
N	DETENTION, LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	177,007.12'	4.06	B.C.M.U.D. NO. 29
O	DETENTION, LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	291,638.60'	6.70	B.C.M.U.D. NO. 29
P	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	5,862.71'	0.13	B.C.M.U.D. NO. 29
Q	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	2,504.17'	0.06	B.C.M.U.D. NO. 29
R	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	5,063.00'	0.12	B.C.M.U.D. NO. 29
S	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	1,919.17'	0.04	B.C.M.U.D. NO. 29
T	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	59,325.68'	1.40	B.C.M.U.D. NO. 29
TOTAL		1,143,267.10'	26.29	B.C.M.U.D. NO. 29

LINE TABLE		
LINE	ANGLE	DISTANCE
L1	S 48°19'51"E	35.36'
L2	S 41°40'09"W	35.35'
L3	N 03°20'28"W	140.00'

0' 50' 100' 200'
SCALE: 1"=100' NORTH



Manvel Palms, Master Plan A Subdivision of 125.58 acres out of the H.T. & B. R.R.

CO. Survey, Section 75, A-299, City of Manvel, Brazoria County, Texas.

362 Lots, 9 Blocks and 20 Reserves

Owner: RIC Yanni LLC and Brazoria County Municipal Utility District No. 29

December 2, 2022



EHRA JOB NO. 211-057-00

10011 MEADOWGLEN LANE
HOUSTON, TEXAS 77042
WWW.EHRAINC.COM
713.784.4500
TBR No. F-726
TBR/L No. 10072800

No warranty or representation of intended use, design or of facilities are subject to change without notice.

GENERAL NOTES:

1. Bearing orientation is based on the Texas State Plane Coordinate System of 1983, South Central Zone as determined by GPS measurements.
2. The Coordinates shown hereon are Texas South Central Zone No. 4204 state plane grid coordinates (NAD 83) and may be brought to surface by applying the following scale factor: 1.0.
3. According to the Federal Emergency Management Agency Flood Insurance Rate Map, Brazoria County, Texas, Community Panel No.48039C0110K, dated December 30, 2020, the property lies within Zone X.

This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. The location of the flood zone was determined by scaling from said FEMA map. The actual location, as determined by elevation contours, may differ. Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA, assumes no liability as to the accuracy of the location of the flood zone limits. This flood statement shall not create liability on the part of Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA.

4. B.C.C.F. indicates Brazoria County Clerk's File.
B.C.P.R. indicates Brazoria County Public Records.
O.P.R.O.R.P. indicates Official Public Records of Real Property.
B.L. indicates Building Line.
D.E. indicates Drainage Easement.
M.H. indicates Manhole.
P.C. indicates Page.
P.A.E. indicates Permanent Access Easement.
P.O.B. indicates Point of Beginning.
P.U.E. indicates Public Utility Easement.
P.V.T. indicates Private.
R indicates Radius.
R.O.W. indicates Right-Of-Way.
S.S.E. indicates Sanitary Sewer Easement.
STM S.E. indicates Storm Sewer Easement.
U.E. indicates Utility Easement.
VOL. indicates Volume.
W.L.E. indicates Water Line Easement.

5. The property subdivided in the foregoing plat lies in Brazoria County, the City of Manvel, Brazoria County M.U.D. No. 29 Alvin Independent School District, and Brazoria County Drainage District #4.
6. Property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences buildings, plantings, and other obstructions.
7. Contour lines shown hereon are based on the NGS Benchmark E 306 being noted hereon.
8. Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document. Approval of the master plan shall expire three years after council approval, unless within the three-year period, the subdivider has commenced construction of the improvements in the construction plans approved by the city per sec 62-39 of the Manvel Code of Ordinances.
9. Approval of the preliminary plat does not constitute acceptance of the subdivision, but is merely an authorization to proceed with the preparation of the final plat. Approval of the preliminary plat shall expire three years after council approval, unless within the three year period, the subdivider has commenced construction of the improvements in the final construction plans approved by the city per sec 62-39 of the Manvel Code of Ordinances. Upon written request of the subdivider, an extension of time may be given, at the discretion of the council, for a single extension period of six months, provided the subdivider has shown good faith in proceeding to complete the work necessary prior to filing the final plat.
11. This tract is subject to blanket easements (as recorded at B.C.C.F. No. 2020077785 and B.C.C.F. No. 2020059941) which have been dedicated for the following purposes: to CenterPoint electric, an easement for electric distribution and related facilities, to CenterPoint gas an easement for natural gas and related communication facilities, to AT&T and to Comcast, an easement for telephone, fiber and / or cable communication facilities within the easement area.
12. One foot reserve dedicated to the public in fee as a buffer separation between the side or ends of streets where such streets abut adjacent property, the condition of such dedication being that when the adjacent property is subdivided or re-subdivided in a record plat the one foot reserve shall hereupon become vested in the public for right-of-way purposes and the fee title there shall revert to and revest in the dedicators, his heirs, assigns, or successors.

This Master Plan of Manvel Palms also serves as the preliminary plat

BRAZORIA COUNTY DRAINAGE DISTRICT NO. 4 NOTES:

1. Any governmental body for purposes of drainage work may use drainage easements and fee strips provided the DISTRICT is properly notified.
2. Permanent structures, including fences and permanent landscaping, shall not be erected in a drainage easement, access easement, or fee strip.
3. Maintenance of detention facilities is the sole responsibility of the owner of the property. The DISTRICT will provide maintenance of regional facilities owned and constructed by the DISTRICT, or sub regional facilities constructed by developer(s) for which ownership has been transferred to the DISTRICT with the DISTRICT'S approval. The DISTRICT is responsible only for the maintenance of facilities owned by the DISTRICT unless the DISTRICT specifically contracts or agrees to maintain other facilities.
4. Contractor shall notify the DISTRICT'S Inspector at least forty-eight (48) hours before beginning work and twenty-four (24) hours before placing any concrete.
5. The DISTRICT'S personnel shall have the right to enter upon the property for inspection at any time during construction or as may be warranted to ensure the detention facility and drainage system are operating properly.
6. Appropriate cover for the side slopes, bottom, and maintenance berm shall be established prior to acceptance of the construction by the DISTRICT. At least 95% germination of the grass must be established prior to acceptance of construction by the DISTRICT.
7. No building permit shall be issued for any lot within this development until the detention facility has been constructed and approved by the DISTRICT.
8. The DISTRICT'S approval of the Final Drainage Plan (and Final Plat if required) does not affect the property rights of third parties. The developer is responsible for obtaining and maintaining any and all easements, fee strips, and/or any other rights-of-way across third parties' properties for purposes of moving access runoff to the DISTRICT'S drainage facilities as contemplated by the Final Drainage Plan and Final Plat.
9. Drainage Easements shall be used only for the purposes of constructing, operating, maintaining, repairing, replacing, and reconstructing of a drainage facility, and any and all related equipment and facilities together with any and all necessary incidentals and appurtenances thereto in, upon, over, across, and through the Easement Area. The DISTRICT'S successors, assigns, agents, employees, workmen, and representatives shall at all present and future times, have the right and privilege of ingress and egress in, upon, over, across, and through the Easement Area.
10. Access Easements shall be used for ingress and egress to the DISTRICT'S drainage facilities and shall be kept clear of any and all obstructions.
11. An As-Built Certificate and As-Built Survey are required to be submitted to the DISTRICT before a Certificate of Compliance can be issued. Contract the DISTRICT'S Inspector for further clarification.
12. All drainage plans and plats shall be conformance with the DISTRICT'S Rules, Regulations & Guidelines. Board approval of a drainage plan or plat does not constitute permission to deviate. Deviation from the DISTRICT'S Rules, Regulations & Guidelines is only authorized and allowed by a separate Request for Variance which was approved by the Board. Any Board approved variance shall be referenced on the plan cover page and on the appropriate sheet where applicable. The use of the term "Guidelines" herein does not affect the mandatory nature of these Rules, Regulations & Guidelines.

OWNER # 1 CONTACT INFORMATION
RIC Yanni LLC
162 Cumberland Street, Suite 300
Toronto, Ontario M5R 3N5
Phone: 713-784-4500

OWNER # 2 CONTACT INFORMATION
Brazoria MUD No. 29
3200 Southwest Freeway Suite 2600, 77027
Houston, TX.
Phone: 832-490-3139

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CITY COUNCIL

THIS IS TO CERTIFY THAT THE PLANNING, DEVELOPMENT AND ZONING COMMISSION OF THE CITY OF MANVEL, TEXAS, HAS RECOMMENDED APPROVAL FOR THE PLAT OF MANVEL PALMS MASTER PLAN IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS DAY OF _____, 2022.

CITY COUNCIL

BENCHMARK(S):

NGS MONUMENT # E 306 DISK SET IN TOP OF CONCRETE MONUMENT, LOCATED 2.0 MILES WEST OF MANVEL, 2 MILES WEST ALONG THE GULF, COLORADO AND SANTA FE RAILWAY FROM THE STATION AT MANVEL, BRAZORIA COUNTY, 0.2 MILE WEST OF A SHELL-ROAD CROSSING, 5-1/2 FEET NORTHWEST OF MILE POLE 38, 39 FEET SOUTH OF THE SOUTH RAIL, 33 FEET NORTH OF THE CENTERLINE OF A DIRT ROAD, 6.7 FEET NORTH OF THE RIGHT-OF-WAY FENCE, 3 FEET WEST OF A WHITE WOODEN WITNESS POST AND SET IN THE TOP OF A CONCRETE POST ABOUT FLUSH WITH THE GROUND.
ELEV. -52.00 (NAVD '88) 1991 ADJUSTMENT

RESERVE TABLE

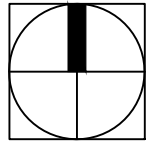
RESERVE	RESTRICTIONS	SQ. FT.	ACREAGE	MAINTENANCE
A	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	634.26'	0.01	B.C.M.U.D. NO. 29
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C	DETENTION, LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	137,535.10'	3.16	B.C.M.U.D. NO. 29
D	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	3,161.54'	0.07	B.C.M.U.D. NO. 29
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RESERVE TABLE

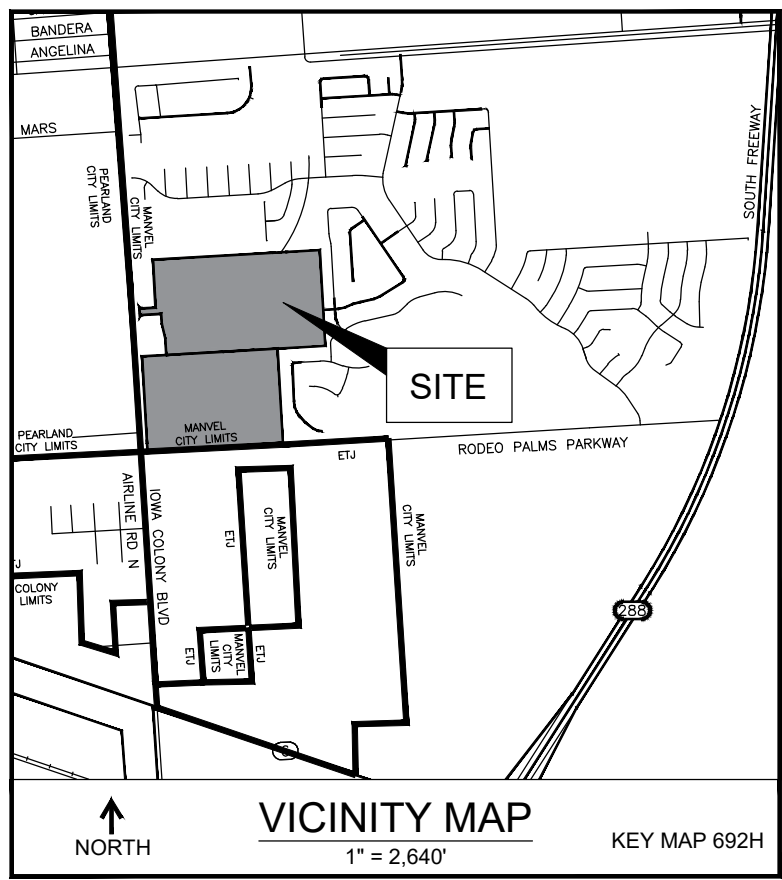
RESERVE	RESTRICTIONS	SQ. FT.	ACREAGE	MAINTENANCE
L	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	1,029.56'	0.02	B.C.M.U.D. NO. 29
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N	DETENTION, LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	177,007.12'	4.06	B.C.M.U.D. NO. 29
O	DETENTION, LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	291,638.60'	6.70	B.C.M.U.D. NO. 29
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R	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	5,053.00'	0.12	B.C.M.U.D. NO. 29
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	TOTAL	1,143,267.10'	26.29	B.C.M.U.D. NO. 29

LINE TABLE

LINE	ANGLE	DISTANCE
L1	S 48°19'51"E	35.30'
L2	S 41°40'00"W	35.30'
L3	N 03°20'28"W	140.00'



SCALE: 1"=100' NORTH



Manvel Palms, Master Plan A Subdivision of 125.58 acres out of the H.T. & B. R.R.

CO. Survey, Section 75, A-299, City of Manvel, Brazoria County, Texas.

362 Lots, 9 Blocks and 20 Reserves

Owner: RIC Yanni LLC and Brazoria County Municipal Utility District No. 29

December 2, 2022



EHRA JOB NO. 211-057-00

No warranty or representation of intended use, design or construction is made by EHRA. The user of this drawing or any facilities are subject to change without notice.

1. Bearing origin is based on the Texas State Plane Coordinate System of 1983, South Central Zone as determined by GPS measurements.
2. The Coordinates shown hereon are Texas South Central Zone No. 4204 state plane grid coordinates (NAD 83) and may be brought to surface by applying the following scale factor: 1.0.
3. According to the Federal Emergency Management Agency Flood Insurance Rate Map, Brazoria County, Texas, Community Panel No.48030C0110K, dated December 30, 2020, the property lies within Zone X.

This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. The location of the flood zone was determined by scaling from said FEMA map. The actual location, as determined by elevation contours, may differ. Edminster, Hinchshaw, Russ & Associates, Inc. d/b/a EHRA, assumes no liability as to the accuracy of the location of the flood zone limits. This flood statement shall not create liability on the part of Edminster, Hinchshaw, Russ & Associates, Inc. d/b/a EHRA.

4. B.C.C.F. indicates Brazoria County Clerk's File.
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11. This tract is subject to blanket easements (as recorded at B.C.C.F. No. 2020077785 and B.C.C.F. No. 2020059941) which have been dedicated for the following purposes: to CenterPoint electric, an easement for electric distribution and related facilities, to CenterPoint gas an easement for natural gas and related communication facilities, to AT&T and to Comcast, an easement for telephone, fiber and / or cable communication facilities within the easement area.

12. One foot reserve dedicated to the public in fee as a buffer separation between the side or ends of streets where such streets abut adjacent property, the condition of such dedication being that when the adjacent property is subdivided or re-subdivided in a record plat the one foot reserve shall hereupon become vested in the public for right-of-way purposes and the fee title there shall revert to and revest in the dedicators, his heirs, assigns, or successors.

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1. Any governmental body for purposes of drainage work may use drainage easements and fee strips provided the DISTRICT is properly notified.
2. Permanent structures, including fences and permanent landscaping, shall not be erected in a drainage easement, access easement, or fee strip.

3. Maintenance of detention facilities is the sole responsibility of the owner of the property. The DISTRICT will provide maintenance of regional facilities owned and constructed by the DISTRICT, or sub regional facilities constructed by developer(s) for which ownership has been transferred to the DISTRICT with the DISTRICT'S approval. The DISTRICT is responsible only for the maintenance of facilities owned by the DISTRICT unless the DISTRICT specifically contracts or agrees to maintain other facilities.

4. Contractor shall notify the DISTRICT'S Inspector at least forty-eight (48) hours before beginning work and twenty-four (24) hours before placing any concrete.

5. The DISTRICT'S personnel shall have the right to enter upon the property for inspection at any time during construction or as may be warranted to ensure the detention facility and drainage system are operating properly.

6. Appropriate cover for the side slopes, bottom, and maintenance berm shall be established prior to acceptance of the construction by the DISTRICT. At least 95% germination of the grass must be established prior to acceptance of construction by the DISTRICT.

7. No building permit shall be issued for any lot within this development until the detention facility has been constructed and approved by the DISTRICT.

8. The DISTRICT'S approval of the Final Drainage Plan (and Final Plat if required) does not affect the property rights of third parties. The developer is responsible for obtaining and maintaining any and all easements, fee strips, and/or any other rights-of-way across third parties' properties for purposes of moving excess runoff to the DISTRICT'S drainage facilities as contemplated by the Final Drainage Plan and Final Plat.

9. Drainage Easements shall be used only for the purposes of constructing, operating, maintaining, repairing, replacing, and reconstructing of a drainage facility, and any and all related equipment and facilities together with any and all necessary incidentals and appurtenances thereto in, upon, over, across, and through the Easement Area. The DISTRICT'S successors, assigns, agents, employees, workmen, and representatives shall at all present and future times, have the right and privilege of ingress and egress in, upon, over, across, and through the Easement Area.

10. Access Easements shall be used for ingress and egress to the DISTRICT'S drainage facilities and shall be kept clear of any and all obstructions.

11. An As-Built Certificate and As-Built Survey are required to be submitted to the DISTRICT before a Certificate of Compliance can be issued. Contract the DISTRICT'S Inspector for further clarification.

12. All drainage plans and plats shall be in conformance with the DISTRICT'S Rules, Regulations & Guidelines. Board approval of a drainage plan or plat does not constitute permission to deviate. Deviation from the DISTRICT'S Rules, Regulations & Guidelines is only authorized and allowed by a separate Request for Variance which was approved by the Board. Any Board approved variance shall be referenced on the plan cover page and on the appropriate sheet where applicable. The use of the term "Guidelines" herein does not affect the mandatory nature of these Rules, Regulations & Guidelines.

RIC Yanni LLC
162 Cumberland Street, Suite 300
Toronto, Ontario M5R 3N5
Phone: 713-784-4500

Brazoria MUD No. 29
3200 Southwest Freeway Suite 2600, 77027
Houston, TX.
Phone: 832-490-3139

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, HAS APPROVED THIS PLAT OF MANVEL PALMS MASTER PLAN IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2022.

CITY COUNCIL

MONUMENT # 5 366 DISKET SET IN TOP OF CONCRETE MONUMENT, LOCATED 2.0 MILES
 F MANVEL, 2.1 MILES WEST ALONG THE GULF, COLORADO AND SANTA FE RAILWAY
 E- STATION AT MANVEL, BRAZORIA COUNTY, 0.2 MILE WEST OF A SHELL-RO-
 NG, 5.12 FEET NORTHWEST OF MILE POLE 38, 39 FEET SOUTH OF THE SOUTH RAIL-
 NORTH OF THE CENTERLINE OF A DIRT ROAD, 6.7 FEET NORTH OF THE
 F-WAY FENCE, 3 FEET WEST OF A WHITE WOODEN WITNESS POST AND SET IN THE
 A CONCRETE POST ABOUT FLUSH WITH THE GROUND.
 2.00 (NAVD '88) 1991 ADJUSTMENT

BLOCK NO.	LOT NO.	LOT AREA (SQ. FT.)	*LOT WIDTH (FT.)
1	2	6,830.60	60.15
	3	7,500.00	60.00
	4	7,500.00	60.00
	5	7,500.00	60.00
	6	7,500.00	60.00
	8	7,155.50	64.44
	9	6,462.55	60.29
	10	9,920.34	60.04
	11	7,841.95	60.73
	12	7,901.35	60.73
	13	9,926.19	60.04
	14	6,464.59	60.64
	15	7,159.94	60.17
	16	7,500.00	60.00
	17	7,500.00	60.00
	18	7,500.00	60.00
	19	7,500.00	60.00
	20	7,500.00	60.00
	21	7,500.00	60.00
	22	8,622.49	60.02
	23	9,324.98	61.41
	24	7,939.16	60.12
	25	7,500.00	60.00
	26	7,500.00	60.00
	27	7,500.00	60.00
	28	7,500.00	60.00
	29	7,500.00	60.00
	30	6,987.75	65.20
	31	6,752.34	60.47
	32	10,275.26	60.10
	33	7,724.46	60.72
	34	9,785.00	60.72
	35	6,385.61	60.63
	36	6,335.41	63.65
	37	7,434.53	60.91
	38	7,500.00	60.00
	39	7,500.00	60.00
	40	7,552.70	60.00
	41	7,821.36	60.00
	42	7,817.24	70.09
	43	10,648.02	61.88
	44	8,716.91	60.99
	45	9,090.40	60.25
	46	7,838.88	60.18
	47	7,500.00	60.00
	48	7,500.00	60.00
	49	7,392.05	61.75
50	6,499.13	62.93	
51	11,006.76	61.09	
52	8,920.76	60.31	
53	9,595.16	60.10	
54	10,272.36	60.24	
55	6,581.80	65.20	
56	7,437.89	60.94	
57	7,500.00	60.00	
58	7,132.83	60.97	
59	7,304.62	65.60	
60	8,812.20	63.30	
61	9,416.47	60.34	
62	7,502.41	60.01	
63	7,500.84	60.00	
64	7,482.59	60.00	
65	6,559.39	65.78	
66	7,675.83	60.48	
67	10,205.35	60.13	
68	8,603.28	60.03	
69	9,915.81	60.02	
70	8,625.94	60.66	
71	6,317.78	64.20	
72	7,457.44	60.46	
73	7,499.66	60.00	
74	7,486.77	60.00	
75	8,549.18	60.00	
2	1	8,707.20	60.01
	2	7,652.18	60.01
	3	7,652.18	60.01
	4	7,652.18	60.01
	5	7,652.18	60.01
	6	7,637.64	60.01
	7	7,500.00	60.00
	8	7,072.66	60.92
	9	6,370.51	60.67
	10	7,062.79	60.01
	11	6,300.01	60.13
	12	7,054.66	60.11
	13	7,359.56	60.22
	14	6,295.97	62.18
	15	6,793.99	60.07
	16	10,033.27	60.00
	17	6,636.92	60.05
	18	6,312.84	62.99
	19	7,469.11	60.04
	20	7,507.18	60.00
3	21	7,508.64	60.00
	22	7,510.11	60.00
	23	7,511.58	60.00
	24	7,513.04	60.00
	25	7,514.51	60.00
	26	7,515.97	60.00
	27	8,863.35	60.00
	1	8,529.81	76.37
	2	7,674.84	62.71
	3	7,673.92	62.71
	4	7,674.94	62.71
	5	7,677.80	62.71
	6	7,622.69	62.46
	7	7,701.99	62.79

* Lot width measured at the front building setback line.

* Lot width measured at the front building setback line.

THIS IS TO CERTIFY THAT THE PLANNING, DEVELOPMENT AND ZONING COMMISSION OF THE CITY OF MANVEL, TEXAS HAS RECOMMENDED APPROVAL FOR THE PLAT OF MANVEL PALMS MASTER PLAN IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2022.

CITY COUNCIL

LOCK NO.	LOT NO.	LOT AREA (SQ. FT.)	*LOT WIDTH (FT.)
3	8	7,702.74	62.80
	9	7,702.85	62.80
	10	7,702.34	62.79
	11	7,701.19	62.79
	12	8,544.05	61.14
	13	8,688.84	78.79
	14	8,373.61	93.23
	15	8,008.14	71.38
	16	7,583.31	66.37
	17	8,483.45	60.00
	18	7,500.36	60.00
	19	8,750.43	70.00
	20	8,750.43	70.00
	21	7,500.36	60.00
	22	7,500.36	60.00
	23	7,500.36	60.00
	24	7,500.36	60.00
	25	7,500.36	60.00
	26	8,750.43	70.00
	27	8,173.76	70.00
	28	7,518.69	65.00
	29	6,924.65	60.00
	30	7,505.29	60.00
	31	7,513.24	60.00
	32	8,775.50	70.00
	33	8,786.32	70.00
	34	8,589.75	60.00
	35	7,588.92	65.64
	36	9,336.62	89.93
4	1	8,893.08	60.00
	2	7,522.33	60.00
	3	7,523.80	60.00
	4	7,524.89	60.00
	5	6,865.78	65.99
	6	6,528.60	60.30
	7	10,432.62	60.00
	8	9,653.67	60.01
	9	6,530.68	65.64
	10	7,501.85	60.08
	11	7,516.10	60.00
	12	7,519.20	60.00
	13	7,522.25	60.00
	14	7,525.30	60.00
	15	7,528.35	60.00
	16	7,531.39	60.00
	17	7,553.47	60.00
	18	7,167.52	60.70
	19	6,676.58	65.36
	20	7,936.75	61.56
	21	9,405.18	60.33
	22	6,678.47	63.28
	23	7,309.75	66.25
	24	7,563.44	60.53
	25	8,163.75	60.00
	26	7,631.44	60.01
	27	7,631.44	60.01
	28	7,631.44	60.01
	29	7,631.44	60.01
	30	8,757.34	60.27
5	1	10,494.71	68.89
	2	7,961.61	60.06
	3	7,961.61	60.06
	4	7,579.51	60.00
	5	7,500.00	60.00
	6	7,500.00	60.00
	7	7,500.00	60.00
	8	8,048.29	64.39
	9	7,319.75	68.87
	10	10,259.61	69.00
	11	8,900.73	66.17
	12	7,240.16	65.77
	13	7,818.30	60.00
	14	7,816.74	60.00
	15	7,816.42	60.00
	16	7,814.83	60.00
	17	7,813.66	60.00
	18	7,812.50	60.00
	19	8,873.53	81.00
	20	6,988.29	60.10
	21	10,328.10	60.00
	22	7,709.45	60.07
	23	6,565.29	69.63
	24	7,453.38	63.87
	25	7,426.49	60.00
	26	7,148.97	67.64
	27	9,984.66	60.78
	28	12,172.70	60.84
	29	8,878.53	60.84
	30	10,731.35	60.78
	31	7,219.79	60.15
	32	8,386.49	63.56
	33	8,502.28	61.41
6	34	9,195.83	60.00
	35	8,100.01	60.00
	36	8,100.00	60.00
	37	8,100.00	60.00

* Lot width measured at the front building setback line.

Block No.	Lot No.	Lot Area (sq. ft.)	*Lot Width (ft.)
6	7	7,200.06'	60.00'
	8	7,200.04'	60.00'
	9	8,265.28'	60.00'
	10	8,266.50'	60.00'
	11	7,199.99'	60.00'
	12	7,199.97'	60.00'
	13	7,199.99'	60.00'
	14	7,199.07'	60.00'
	15	7,029.94'	63.71'
	16	6,667.40'	60.00'
	17	11,720.21'	60.00'
	18	10,525.72'	60.00'
	19	10,427.06'	60.43'
	20	9,220.50'	60.00'
	21	6,820.20'	67.54'
	22	7,722.26'	60.01'
	23	7,733.29'	60.00'
	24	7,744.31'	60.00'
	25	7,755.32'	60.00'
	26	7,766.34'	60.00'
	27	7,777.35'	60.00'
	28	7,788.37'	60.00'
	29	7,799.39'	60.00'
	30	7,810.40'	60.00'
	31	7,821.42'	60.00'
	32	7,832.44'	62.72'
	33	7,843.45'	62.73'
	34	12,655.79'	60.00'
	35	6,990.25'	61.05'
	36	4,484.02'	60.66'
	37	7,498.79'	60.00'
	38	7,499.92'	60.00'
	39	7,499.79'	60.00'
	40	8,874.64'	63.00'
	41	8,874.50'	63.00'
42	7,499.40'	60.00'	
43	7,499.27'	60.00'	
44	6,921.05'	64.80'	
45	9,759.11'	62.27'	
46	12,093.81'	72.91'	
47	6,471.88'	72.04'	
48	6,899.99'	60.01'	
49	7,368.88'	60.00'	
50	8,120.10'	62.12'	
51	11,036.30'	62.69'	
52	9,978.02'	62.73'	
53	7,463.48'	61.94'	
54	6,366.62'	61.55'	
55	8,198.39'	60.00'	
56	9,429.77'	60.00'	
57	12,650.03'	60.15'	
58	10,523.69'	60.00'	
59	6,354.18'	61.49'	
60	7,480.74'	62.12'	
7	61	7,452.19'	60.00'
	62	7,974.89'	60.00'
	1	7,200.00'	60.00'
	3	7,200.00'	60.00'
	4	7,200.00'	60.00'
	5	7,200.00'	60.00'
	6	7,200.00'	60.00'
	7	7,200.00'	60.00'
	8	7,200.00'	60.00'
	9	7,067.78'	60.00'
	10	6,172.79'	61.20'
	11	8,521.69'	66.25'
	12	8,049.44'	66.25'
	13	7,680.00'	66.25'
	14	7,680.00'	66.25'
	15	7,680.00'	66.25'
	16	7,680.00'	66.25'
	17	8,162.39'	60.38'
	18	8,230.01'	60.00'
	8	1	8,428.75'
2		7,831.68'	60.00'
3		7,500.00'	60.00'
4		7,500.00'	60.00'
5		7,500.00'	60.00'
6		7,500.00'	60.00'
7		7,500.00'	60.00'
8		7,500.00'	60.00'
9		7,500.00'	60.00'
10		8,825.03'	62.34'
11		8,995.16'	60.00'
12		7,500.00'	60.00'
13		7,500.00'	60.00'
14		7,500.00'	60.00'
15		7,500.00'	60.00'
16		8,926.85'	62.00'
17		8,328.63'	60.00'
18		7,779.71'	61.49'
19		6,405.51'	61.96'
20		7,357.52'	75.29'
21	7,304.23'	74.61'	
22	6,557.78'	63.26'	
23	7,919.87'	60.80'	
24	7,832.87'	60.00'	
25	7,623.29'	62.50'	
26	8,274.71'	60.00'	
27	12,068.92'	60.77'	
28	7,910.66'	60.00'	
29	7,274.41'	62.71'	
30	7,500.00'	60.00'	
31	7,500.00'	60.00'	
32	7,500.00'	60.00'	
33	7,500.00'	60.00'	
34	7,500.00'	60.00'	
35	7,452.19'	60.00'	
9	1	7,884.16'	60.00'
	2	7,917.63'	60.00'

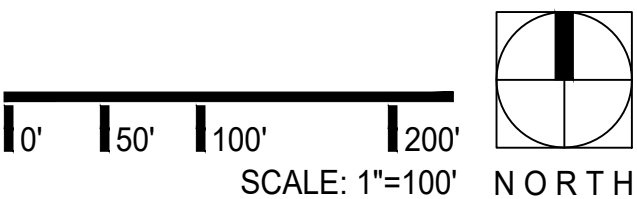
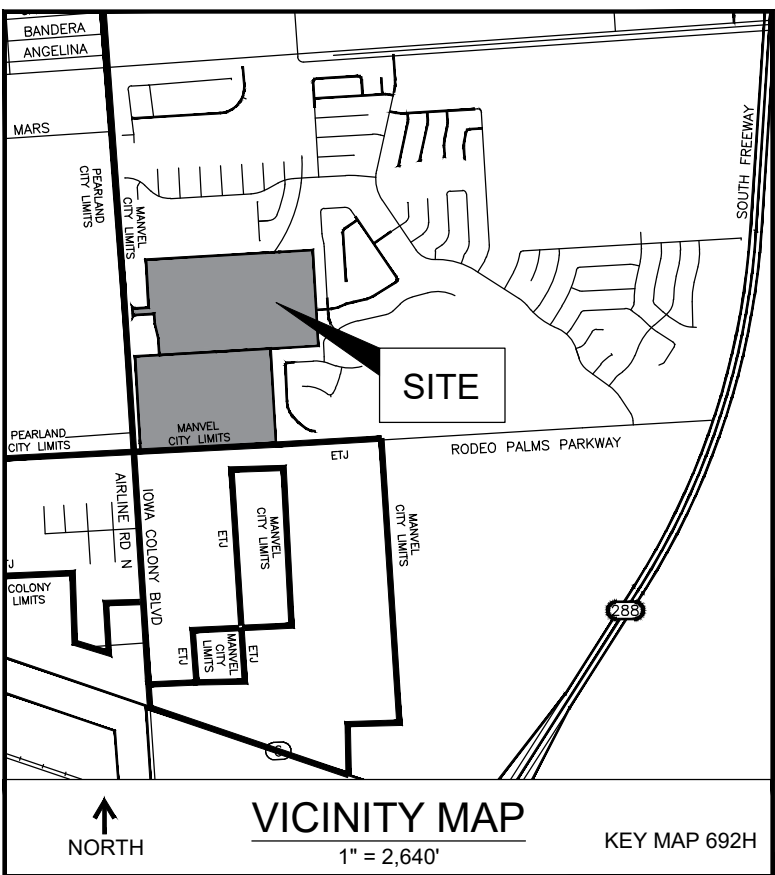
* Lot width measured at the front building setback line.

* Lot width measured at the front building setback line

BLOCK NO.	LOT NO.	LOT AREA (SQ. FT.)	*LOT WIDTH (FT.)
9	3	7,902.82	60.00
	4	7,888.02	60.00
	5	7,873.21	60.00
	6	7,544.27	64.99
	7	7,334.25	60.00
	8	13,009.55	67.77
	9	14,744.24	69.21
	10	14,486.75	60.00
	11	7,106.63	60.00
	12	7,489.94	65.09
	13	7,860.07	60.00
	14	7,860.07	60.00
	15	7,860.07	60.00
	16	7,860.07	60.00
	17	7,860.07	60.00
	18	7,860.07	60.00
	19	7,860.07	60.00
	20	7,860.07	60.00
	21	7,860.07	60.00
	22	7,860.07	60.00
	23	7,860.07	60.00
	24	7,860.07	60.00
	25	7,568.48	64.84
	26	7,308.73	60.00
	27	14,306.15	60.01
	28	11,543.43	60.00
	29	13,443.23	60.00
	30	9,501.15	60.00
	31	7,172.98	66.79
	32	8,041.01	60.00
	33	8,020.21	60.00
	34	8,011.40	60.00
	35	7,996.59	60.00
	36	7,981.79	60.00
	37	7,919.63	60.00

* Lot width measured at the front building setback line.

* Lot width measured at the front building setback line.



Manvel Palms, Master Plan A Subdivision of 125.58 acres out of the H.T. & B. R.R.

CO. Survey, Section 75, A-299, City of Marvel, Brazoria County, Texas.

362 Lots, 9 Blocks and 20 Reserves

Owner: RIC Yanni LLC and Brazoria County Municipal Utility District No. 29



EHRA
ENGINEERING THE FUTURE

EHRA JOB NO
211-057-00

December 2, 2022



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: January 3, 2023

TOPIC: Subdivision variance request for property located at 8080 Bailey Rd, Pearland, TX, seeking to vary Chapter 62, Section 62-113, *Sidewalks*, to allow development of the subject site without construction of sidewalks.

BACKGROUND: The subject site is located within the City of Manvel's Extraterritorial Jurisdiction (ETJ), at the southeastern corner of Bailey Road AKA C.R.101 and Old Chocolate Bayou Road AKA C.R.89 intersection. The subject site is an approximate 2.190-acre tract of land. The property owner Franklin Business INC is currently developing the subject site as a Gas Station with convention Store. The site improvement and construction began without required plan review and approval from the City of Manvel. A minor plat application for the subject site was submitted in October 2019 but did not conform to the minimum requirements of the subdivision ordinance, and was denied.

According to Section 62-113 of the subdivision ordinance, "*Sidewalks shall be constructed at a minimum of four feet wide or as determined by the city's thoroughfare plan and in accordance with the city's design criteria profile. Sidewalks shall be installed in accordance with the city's design criteria manual.*" The subject site is located at the intersection of two major thoroughfares; hence, construction of a sidewalk is required. The applicant "MRA Architects" on behalf of the property owner is requesting a variance to allow platting and developing the subject site without constructing a sidewalk along abutting streets, as required by the referenced section of the subdivision ordinance. The applicant has indicated the following reasons/ basis for the request is (1) installation impracticality of the multi-purpose pathway required by the current thoroughfare plan; (2) Brazoria County does not require sidewalks; (3) special circumstance of existing open ditch; and (4) existing sidewalk on the north side of Bailey Rd is sufficient.

With respect to the criteria provided in Section 62-5, Variance, Staff finds the following:

- The applicant has indicated that the existing open drainage ditch is a special circumstance affecting the subject site. Open drainage ditches can reduce the effective right-of-way (ROW) width available to consider sidewalks and other improvements. The street cross-section and sidewalk recommendations provided in the Major Thoroughfare Plan are based on curb and gutter streets. The applicant also indicated that Brazoria County not requiring a sidewalk is special circumstance affecting the property. Brazoria County amended their sidewalk requirement in February 2021 to state the following: "*Sidewalks will be allowed matching current specifications but will not be required.*" The standard clearly states that sidewalks that match current specifications will be allowed. Staff received a letter from Brazoria County Engineering in this regard (attached), but it does not clearly explain County's objection to the sidewalk based on their current standards. It is not very clear whether the County will not allow construction of the sidewalk within the ROW.
- Generally, the strict enforcement of the requirement will not deprive the applicant of a substantial property right. The applicant is in the process of the developing the subject site.

The applicant is currently requesting to not construct sidewalks along both adjoining streets siting practicability reasons; however, the project engineer has previously submitted civil site plans with 5-foot sidewalks along Bailey Road and Old Chocolate Bayou Road. The applicant is not requesting the minimum variance needed to address applicable unique circumstance.

- Granting of the variance will have a detrimental impact on public welfare in terms of pedestrian safety. The location of the subject site being at the intersection of two major throughfares makes pedestrian safety and provision of sidewalks crucial. Sidewalk landing pads exist at the intersection, and construction of sidewalk in compliance with the subdivision ordinance requirement and Major Thoroughfare Plan will be beneficial for the area.

RECOMMENDATION: The staff recommends denial of this variance request to Chapter 62, Section 62-113.

ATTACHMENTS: Application, Survey, Letter from Brazoria County Engineering, and Vicinity Aerial Map, Site Pictures.

FUNDING ISSUES

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



SUBMITTING STAFF MEMBER
Jose Abraham, City 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): MRA Architects

Phone: (832) 722-7091 e-mail: m.arif@mraarchitects.com

Owner: Franklin Business INC

Owner Address: 9301 Southwest Freeway, Ste.255 City Houston State TX Zip 77074

Phone: (281) 630-1343 e-mail: KKaredia@aol.com

Property Information

Site Address: 8080 Bailey Rd., Pearland, TX 77584

Legal description (from deed): A0290 H T & B R R TRACT 1C ACRES 2.3257
(Property must be legally subdivided or be lot of record)

Brazoria County Identification Number: 167581

Description of Subdivision Variance Request

Ordinance 62-113. Installation impracticality of multi-purpose pathway required by current
throughfare plan due to existing open ditch & unnecessary per Brazoria County

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?

Existing open ditch & unneeded by Brazoria County

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

Moving forward with completion of the proposed development
per construction deadline

- 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.

An existing side-walk has already been installed on North side of the R.O.W.
and no new side-walk is required any longer on south side by Brazoria County

- 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.

Proposed variance request does not impose any effect of
preventing the orderly subdivision of other land in the area

Applicant Authorization

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

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


Applicant Signature

11/09/2022

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.

- | | | | | | | | |
|-----|--------------------------|---------|--------------------------|-----|---------------------------------|----------|------------------|
| BO | BOLLARD | PP | POWER POLE | JCS | UNDERGROUND CABLE SIGN | FND | FOUND |
| CH | HANDICAP | PP/T | POWER POLE W/TRANSFORMER | CTL | CATHODIC TEST LEAD | B.C.C.F. | BAZORIA COUNTY |
| GM | GAS METER | PP/LT | POWER POLE W/LIGHT | MW | MONITORING WELL | B.C.D.R. | BAZORIA COUNTY |
| GV | GAS VALVE | PP/CT | POWER POLE W/CONDUIT | P | PIN FLAG/PAINT MARK | B.C.M.R. | BAZORIA COUNTY |
| PH | FIRE HYDRANT | MP | METER POLE | T | TOP OF CURB | IP | IRON PIPE |
| WM | WATER METER | SP | SERVICE POLE | G | GUTTER | IR | IRON ROD |
| WV | WATER VALVE | GAC | GUY ANCHOR | TG | TOP OF GRATE | NO | NUMBER |
| ICV | IRRIGATION CONTROL VALVE | P | OVERHEAD POWER LINE | FL | FLOW LINE | PG | PAGE |
| IN | GRATE INLET | X | BARBED WIRE FENCE | HB | HIGHBANK | R.O.W. | RIGHT-OF-WAY |
| GI | GRATE INLET | ← | WROUGHT IRON FENCE | SAN | SANITARY SEWER | SQ. FT. | SQUARE FEET |
| M | MANHOLE | W | WOOD FENCE | STM | STORM SEWER | VOL. | VOLUME |
| CO | CLEANOUT | C | CHAINLINK FENCE | CMP | CORRUGATED METAL PIPE | F.C. | FILM CODE |
| TP | TELEPHONE PEDESTAL | P | GATE POST | CCP | CORRUGATED PLASTIC PIPE | B.L. | BUILDING LINE |
| EP | ELECTRIC BOX | (P) | PER PLANS | RCP | REINFORCED CONCRETE PIPE | U.E. | UTILITY EASEMENT |
| TSB | TRAFFIC SIGNAL BOX | APPROX. | APPROXIMATE | TEL | TELEPHONE | | TREE/SHRUB |
| LP | LIGHT POLE | — | HIGHBANK | SWT | SOUTHWESTERN BELL TELEPHONE CO. | | |
| TL | TRAFFIC LIGHT POLE | ↓ | SIGN | WR | WATER | | |
| GL | GROUND/SPOT LIGHT | PLM | PIPELINE MARKER | UG | UNDERGROUND | | |

Matt Hanks, P.E., CFM
COUNTY ENGINEER



Karen McKinnon, P.E.
ASST. COUNTY ENGINEER

Wael Tabara, P.E., CFM
ASST. COUNTY ENGINEER

(979) 864-1265
ANGLETON

(979) 388-1265
CLUTE

(281) 756-1265
HOUSTON

(979) 864-1270
FAX

BRAZORIA COUNTY ENGINEERING

451 N VELASCO, SUITE 230
ANGLETON, TEXAS 77515

December 2, 2022

Mushfiquar R. Arif
MRA Architects, Inc.
800 Bonaventure Way, Suite 101
Sugar Land, Texas 77479

RE: Gas Station - CR 89 & CR 101 - Chocolate Bayou Commercial Tract - Brazoria County, Texas.

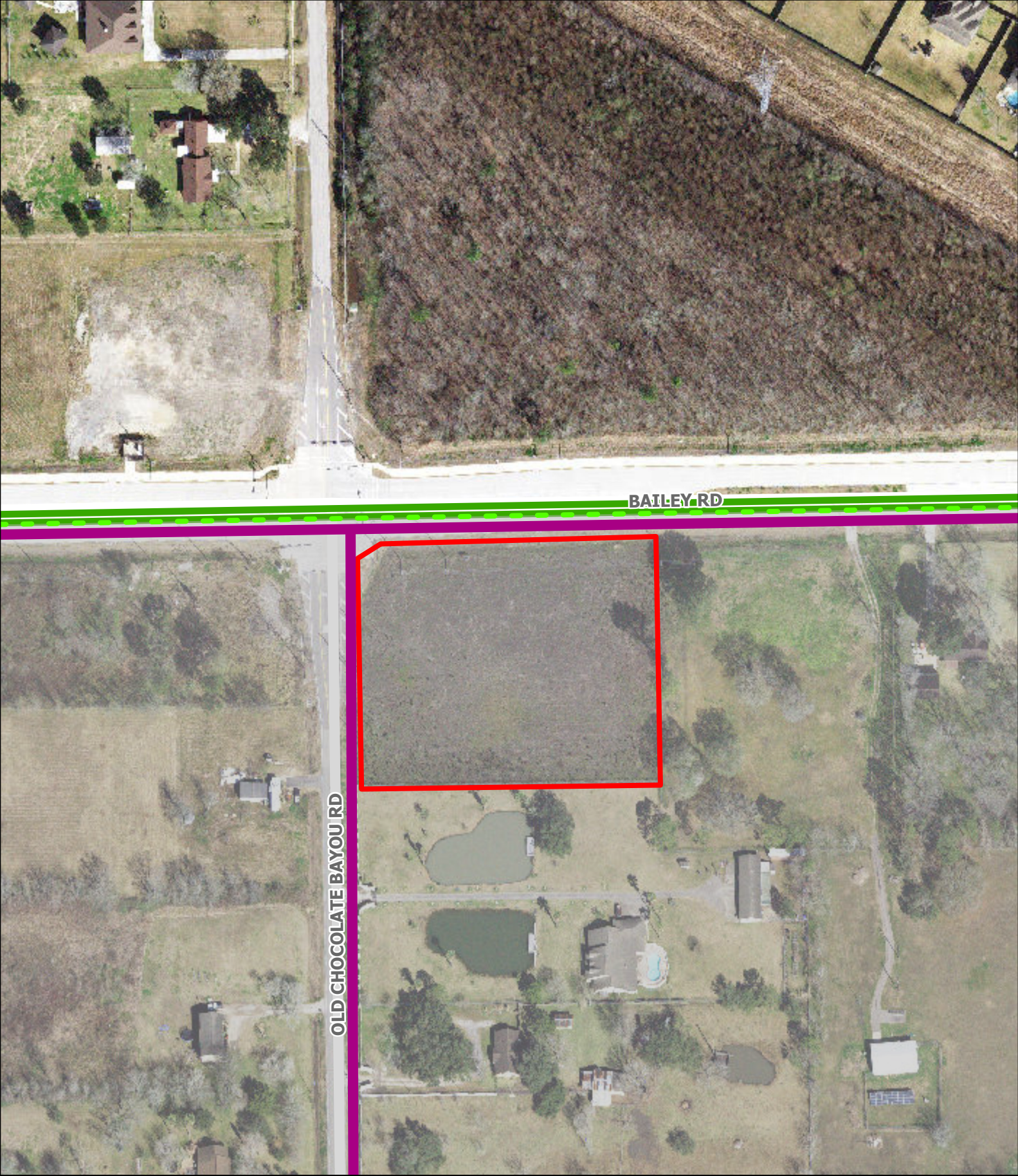
Dear Arif:

The County will not impose on the owner and/or developer to construct a sidewalk that go against or deviate from our regulations.

Best Regards,

A handwritten signature in blue ink, appearing to read "Jorge Reyna", is written over the typed name.

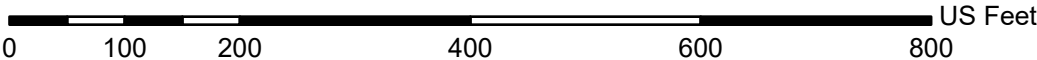
Jorge Reyna
Development Coordinator



8080 Bailey Rd PID: 167581



- 8080 BAILEY RD PID: 167581
- City of Manvel ETJ
- Proposed Parkway (120' ROW)
- City of Manvel City Limits
- Parkway (120' ROW)



Date: November 2022
Reference: 2022109
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.

SITE PICTURES (SUBDIVISION VARIANCE – 8080 Bailey Rd)



View of Bailey Rd from Subject Site.



Open drainage ditch along Bailey Rd.



Existing Sidewalk landing pads at intersection abutting subject site



View of subject site from the Bailey Road and Old Chocolate Bayou Rd intersection