

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 17, 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

Discussion/update by Tim Austin on legislation regarding the creation of a Special District and funding for the Manvel Municipal Complex.

Discussion on any subject listed on the agenda dated January 17, 2023.

Regular Session

Call To Order

Inspirational Reading - Mayor Davison

Pledge

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

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.

Presentation

Proclamation - National Human Trafficking Month, January 2023

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. Approve the second and final reading 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)
2. Approve the second and final reading of Ordinance ~~2022-O-31~~ 2022-O-33;
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)
3. Acceptance of infrastructure improvements for Manvel Town Center Water Line Interconnect to begin the one-year Maintenance Period.

4. Acceptance of infrastructure improvements for **Manvel Town Center Water Plant** to begin the one-year Maintenance Period.
5. Acceptance of infrastructure improvements for **Meridiana Detention Basin T Phase 3, Detention Basin V Phase 2, Detention Basin M-2, and Detention Basin N-2** to begin the one-year maintenance period.
6. Approve a Special Warranty Deed from Brazoria County conveying a 60-foot wide road easement in Block 54, Suburban Gardens Subdivision, Division E, being in the H.N. Little Survey, Abstract 319, Brazoria County, Texas and being more particularly described in Deed Recorded in the Brazoria County Clerk Deed Records in Volume 1135, Page 466.
(Carpenter Road)

Regular Agenda

1. Consideration and possible action to approve Resolution 2023-R-01;
A RESOLUTION UPDATING THE SIGNATURE CARDS DESIGNATING CITY OFFICIALS AS SIGNATORIES AT FIRST STATE BANK FOR THE CITY'S BANK ACCOUNTS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.
2. Consideration and possible action to approve Resolution 2023-R-02;
A RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO INTRODUCE LEGISLATION REGARDING THE CREATION OF A SPECIAL DISTRICT; WAIVING NOTICE OF SUCH INTRODUCTION; AUTHORIZING THE ENGAGEMENT OF SPECIAL LEGAL COUNSEL; AND MAKING CERTAIN FINDINGS.
3. Consideration and possible action to approve Resolution 2023-R-03;
A RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION.
4. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-01;
AN ORDINANCE AMENDING CHAPTER 35 "LICENSES AND SPECIAL BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY ADOPTING A NEW ARTICLE XII "SPECIAL EVENTS" TO REGULATE SPECIAL EVENTS WITHIN THE CITY; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

5. Consideration and possible action to approve the first of two readings of Ordinance 2023-O-02;
AN ORDINANCE AMENDING CHAPTER 35 "LICENSES AND SPECIAL BUSINESS REGULATIONS" OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING ARTICLE X "MOBILE FOOD VENDORS" TO REGULATE MOBILE AND TEMPORARY FOOD VENDORS; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.
6. Discussion on Code of Ordinances Chapter 17 Buildings and Building Regulations, Article III Technical Codes - proposed update to the 2021 International Building Code (IBC).
7. Consideration and possible action to direct staff on a City Monument Sign. (Requested by Mayor Davison)
8. Submission of the Certificate of Sufficiency by the City Secretary for the Initiative Petition received on Saturday, December 31, 2022, with the following description;
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 62, BY ADDING A SECTION EXEMPTING CERTAIN DEVELOPERS (THOSE INTENDING TO BUILD A SINGLE-FAMILY RESIDENCE FOR THEMSELVES) FROM SEVERAL CODIFIED PROVISIONS THEREIN AND PROVIDING A MAXIMUM FEE OF \$10.00 FOR CERTAIN RELATED FEES.

Executive Session

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

Kyle J. Jung, City Manager and Robert Gervais, City Attorney

Regular Agenda

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 January 13, 2023 in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551.001 et.seq). Said notice remained posted for at least 72 hours preceding the scheduled time of the meeting.



TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS



Proclamation

OFFICE OF THE MAYOR CITY OF MANVEL

Whereas, human trafficking is a public health issue and crime that affects individuals, families, and communities across generations, exploiting the most vulnerable among us and weakening our collective well-being;

Whereas, human trafficking, as defined by the Trafficking Victims Protection Act, is a commercial sex act induced by force, fraud, or coercion or when a person induced to perform such an act is not yet 18 years old; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery;

Whereas, an estimated 27.6 million people are subjected to human trafficking globally, including cases of human trafficking reported in every state and territory across the United States;

Whereas, human trafficking can happen to anyone, but certain populations are disproportionately at risk, including people affected by prior abuse or sexual violence, poverty, and unstable living situations or homelessness, as well as those systemically marginalized and underserved;

Whereas, in 2017, sex trafficking hit home as a sex trafficking ring was discovered to be running out of Manvel High School;

Whereas, people can be trafficked in person and online; in industries such as restaurants, cleaning services, construction, and factories; and by strangers or someone they know, including partners, parents, and other family members;

Whereas, human trafficking is preventable by building individual, community, and societal understanding and resilience, reducing social inequities, and addressing social determinants of health;

Whereas, during National Human Trafficking Prevention Month, The City of Manvel encourages everyone to visit the Texas Health and Human Services Trafficking Resource Center website online to learn more about human trafficking and ways they can help.

Whereas, National Human Trafficking Prevention Month is an opportunity to raise awareness and educate everyone on how they can prevent and respond to human trafficking;

Now, Therefore, I, Debra Davison, by virtue of the authority vested in me as Mayor of the City of Manvel, Texas, do hereby proclaim the month of January, 2023 as:



“National Human Trafficking Prevention Month”

reaffirming my commitment to support efforts to address human trafficking, make resources available to assist individuals and communities that have experienced human trafficking, and build public-private partnerships to increase capacity to support a comprehensive and strategic response to human trafficking.

In witness thereof, on January 17, 2023 I have hereunto set my hand and caused the seal of the City of Manvel to be affixed.

Debra Davison, Mayor



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

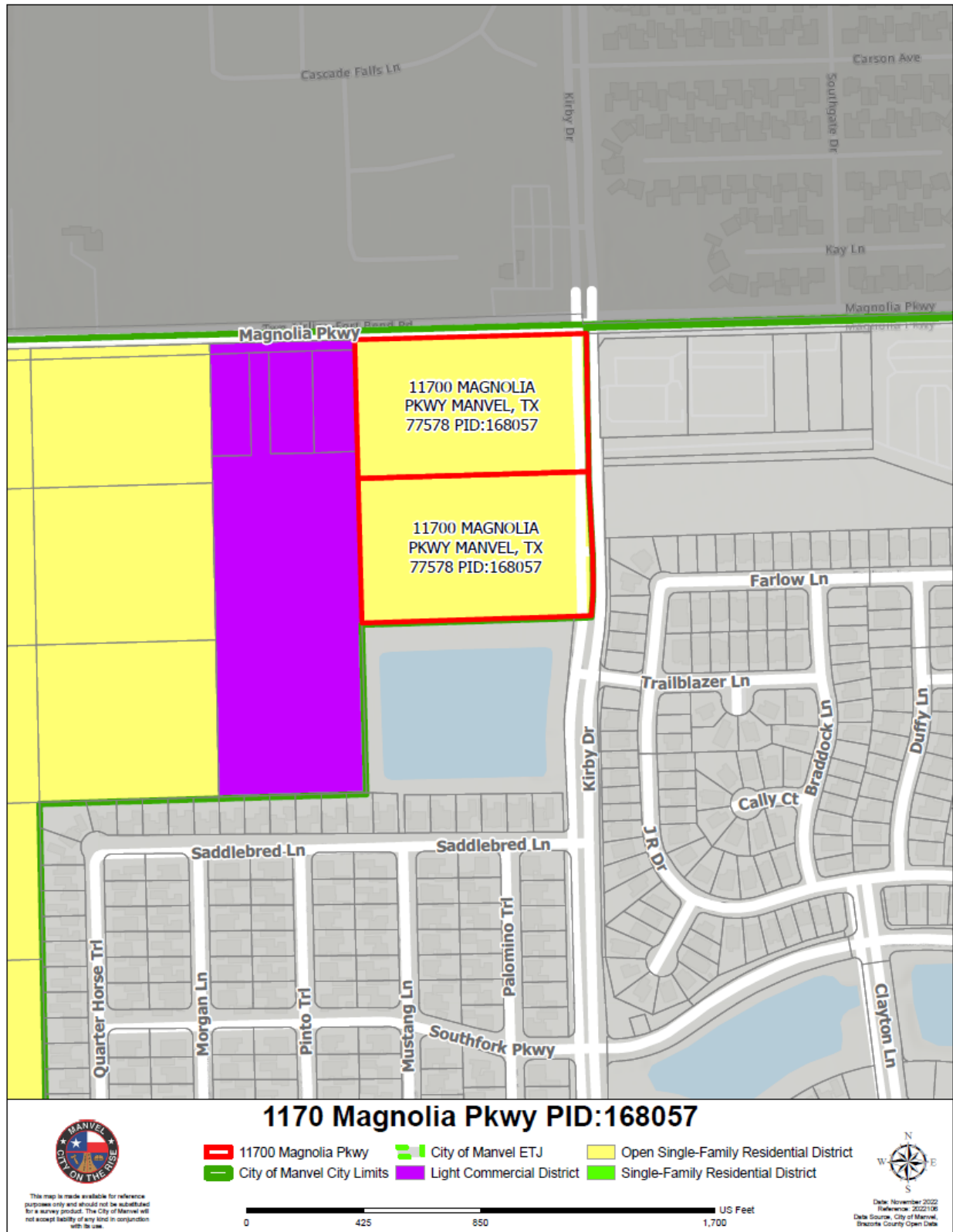
Recommended Action

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.

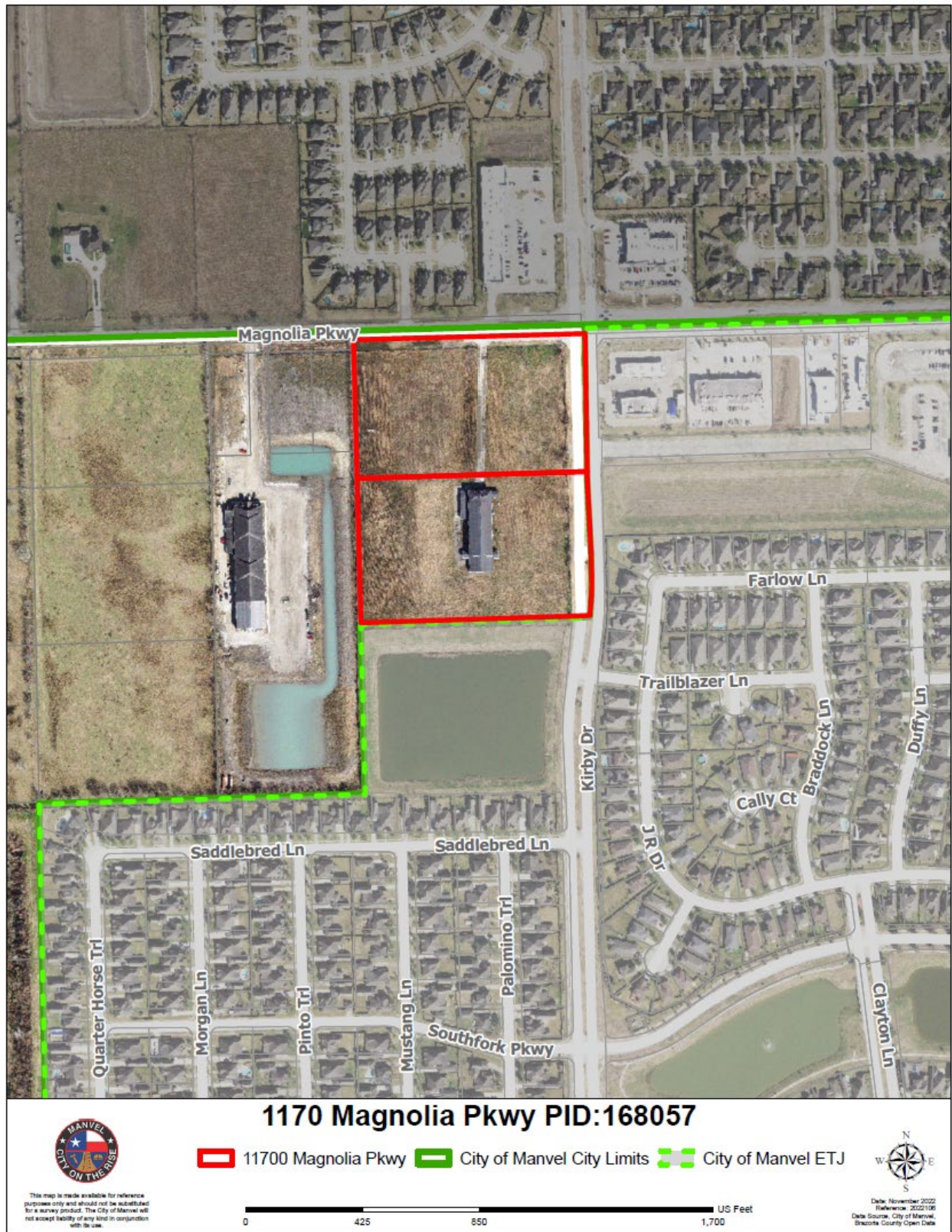


View of Commercial Property at the northeast corner of Kirby Dr and Magnolia Pkwy intersection

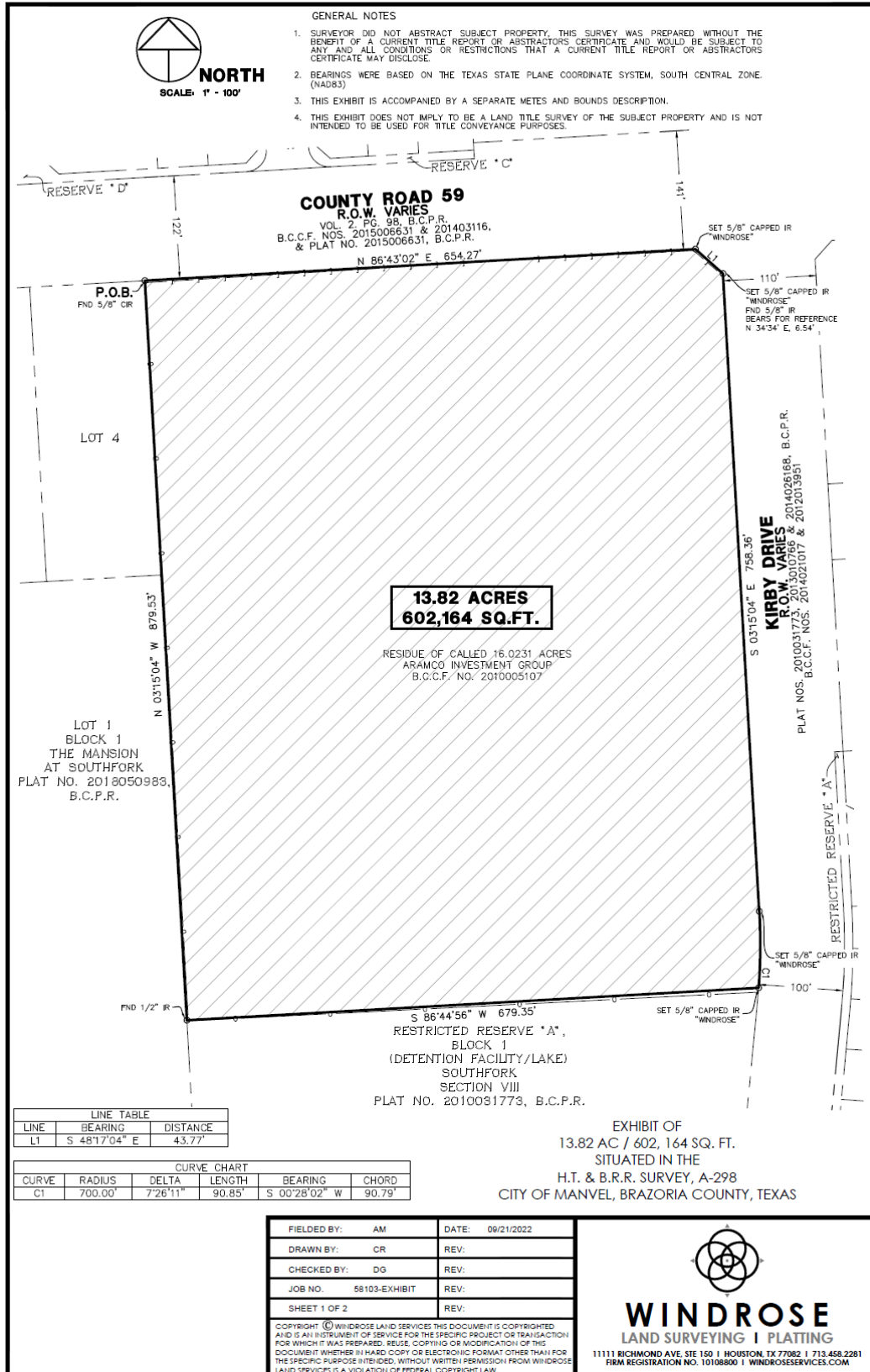


View of Commercial Property at the southeast corner of Kirby Dr and Magnolia Pkwy intersection

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;

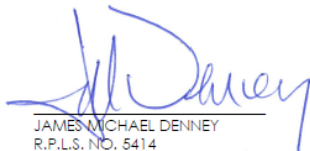
THENCE, SOUTH 48 DEG. 17 MIN. 04 SEC. EAST, WITH SAID CUTBACK LINE, A DISTANCE OF 43.77 FEET, TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE SOUTHEAST END OF SAID CUTBACK CORNER AND THE MOST EASTERLY NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; FROM WHICH A 5/8 INCH IRON ROD FOUND BEARS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

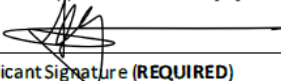
Applicant Name: Stephanie Yachnin

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

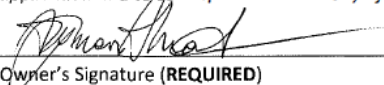
Owner(s) Name: Aramco Investment Group Inc, manager Aliman Ahmad

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				
JURISDICTION	MAYNELL, TEXAS				
ZONING	LC - LOW COMMERCIAL - REQUIRES REVIEWING				
PARKING SPACINGS	5'F				
PAD 1: DRIVEWAY	10.7% SF		PS RECD		
PS 1: DRIVEWAY	27		PS PROVIDED		
PAD 2: RESTAURANT	5.6% SF		26 @ (2.0 FS / 1%)		
PS 2: DRIVEWAY	23		99 @ (7.8 FS / 1%)		
PAD 3: RESTAURANT	2.9% SF		10 @ (3.0 FS / 1%)		
PS 3: DRIVEWAY	10		34 @ (3.8 FS / 1%)		
PAD 4: BANK	5.5% SF		25 @ (3.0 FS / 1%)		
PS 4: DRIVEWAY	22		35 @ (3.9 FS / 1%)		
PAD 5: BANK	62.3% SF		250 @ (5.9 FS / 1%)		
PS 5: DRIVEWAY	250		355 @ (5.9 FS / 1%)		
NOTES:					
1. PARKING AND REQUIREMENTS TO BE DESIGNED					
2. DESIGNER TO PROVIDE LESS THAN 5% PER PER DEVELOPMENT MEETING AND					
3. DETERMINE CRITERIA MANUAL, SECTION 5, CHAIRMAN C. 1, A CONCERT PARKING LOT MAY					
4. BE USED FOR OTHER PURPOSES, BUT NOT EXCEED 5% OF THE TOTAL LOT AREA.					
5. WATER OVER THE INLET DOES NOT EXCEED 9" AND THE MAX DEPTH IN THE PARKING					
6. STALL DOES NOT EXCEED 6' 6" COVARED					
7. ** DRIVEWAY PARKING RAMP TO BE CONPIRED WITH THE CITY					

October 24, 2022

COMMERCIAL DEVELOPMENT

COUNTRY ROAD 59 @ KIRBY DR
MANVEL, TX 77028

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:

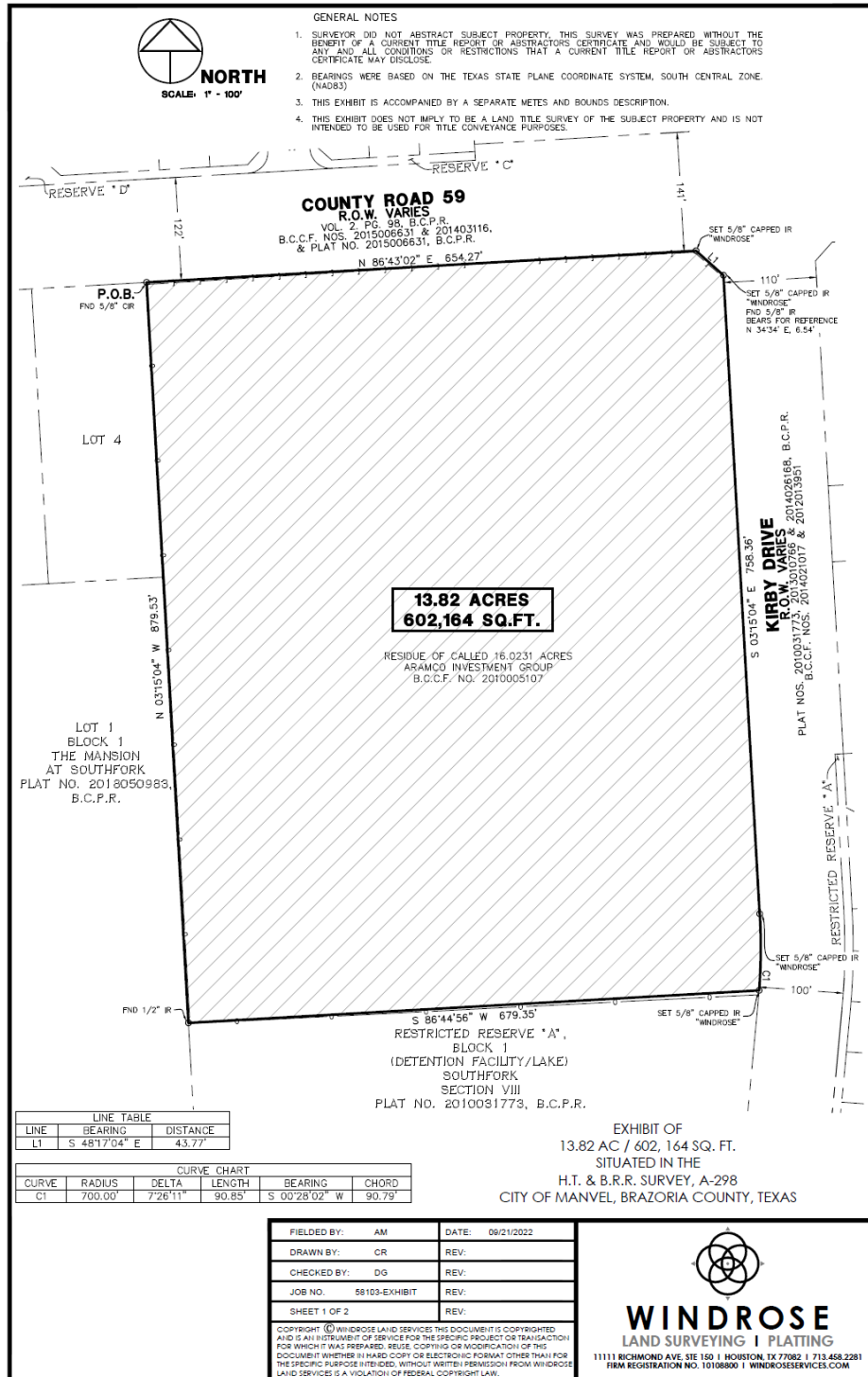
Tammy Bell, City Secretary

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





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.

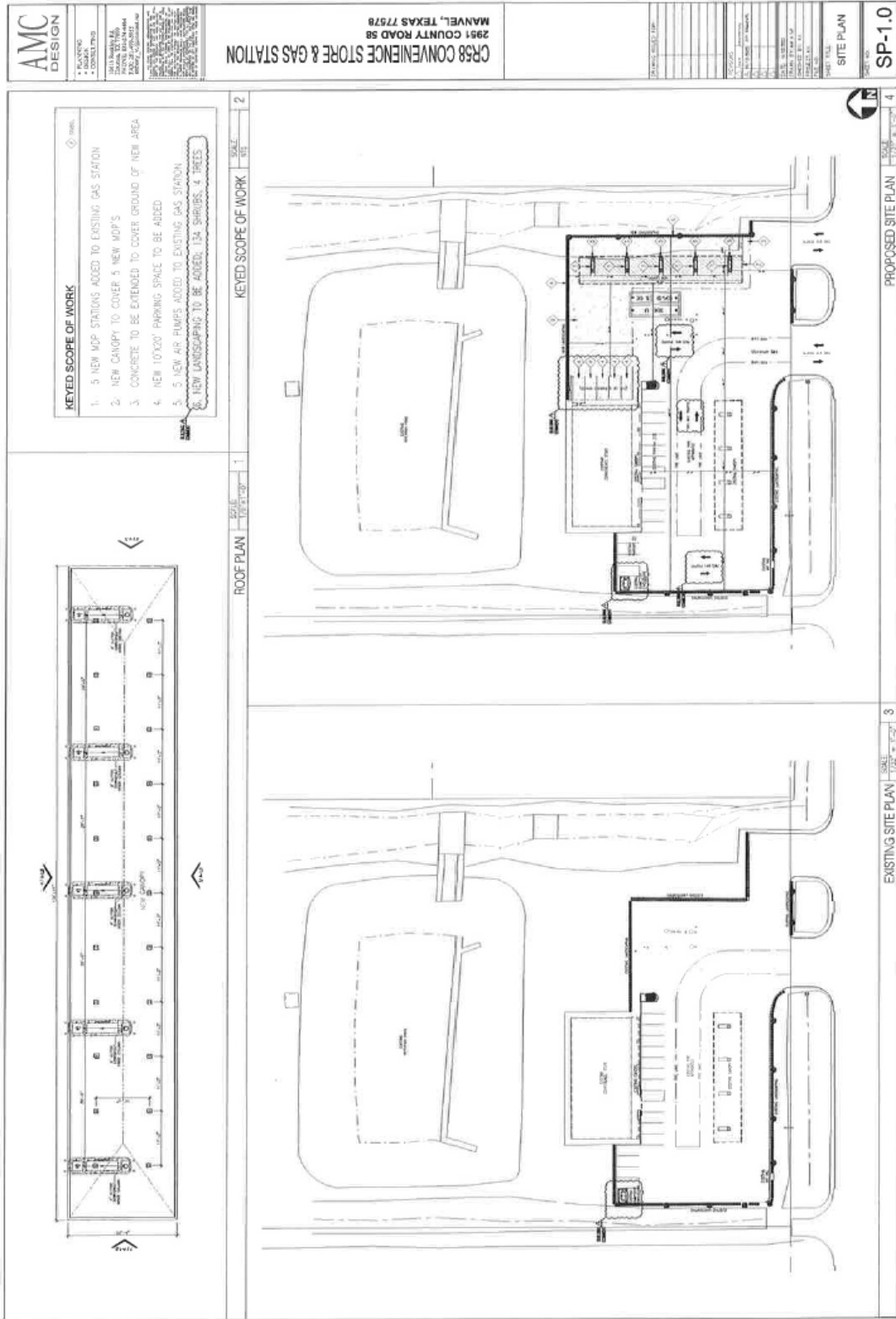
Aerial Vicinity & Surrounding Land Uses Map

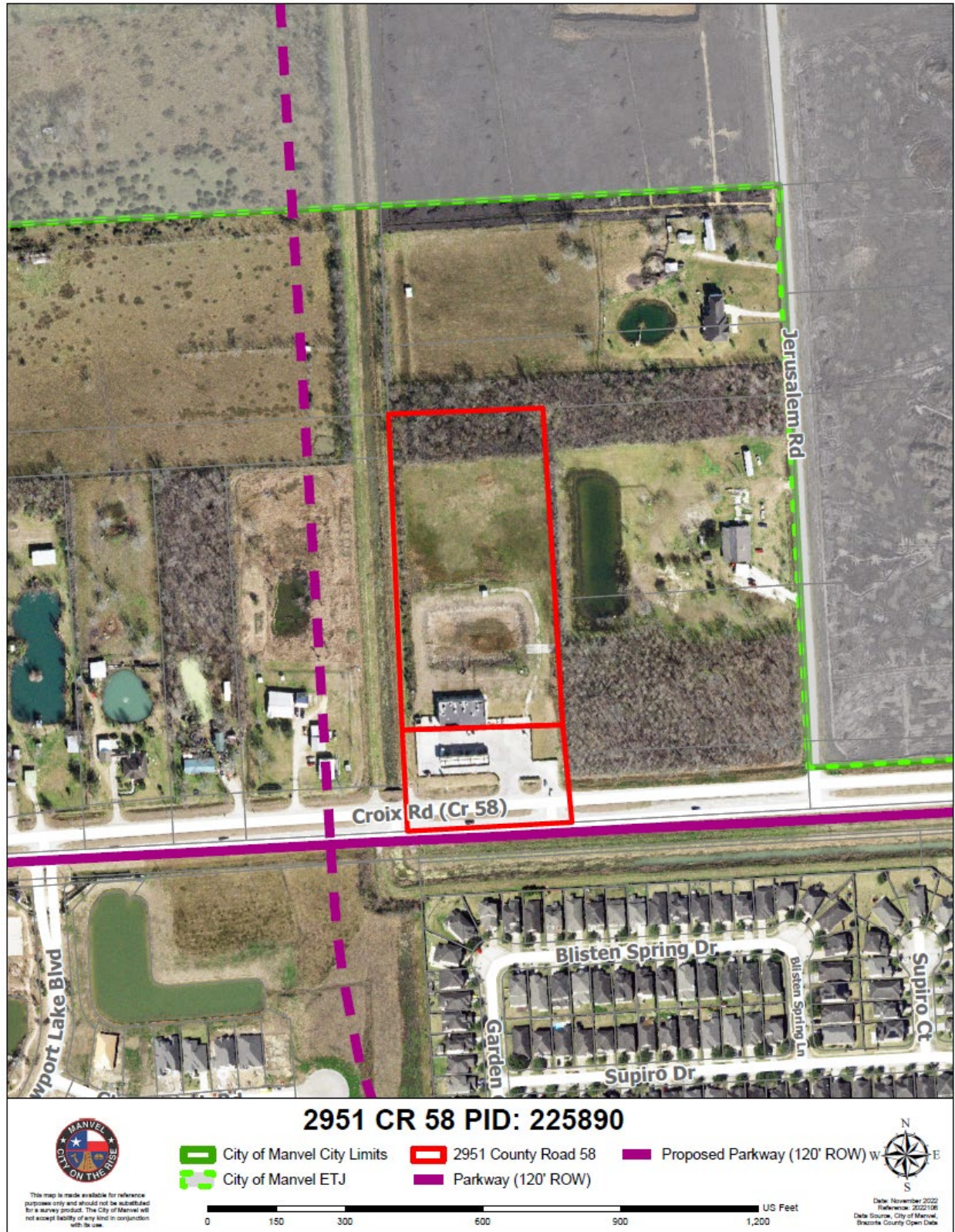
2951 CR 58 | PID 652887



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: BARAKATU 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: BARAKATU 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~~ 2022-O-33
(Ordinance number updated @ 2nd reading)

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

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.



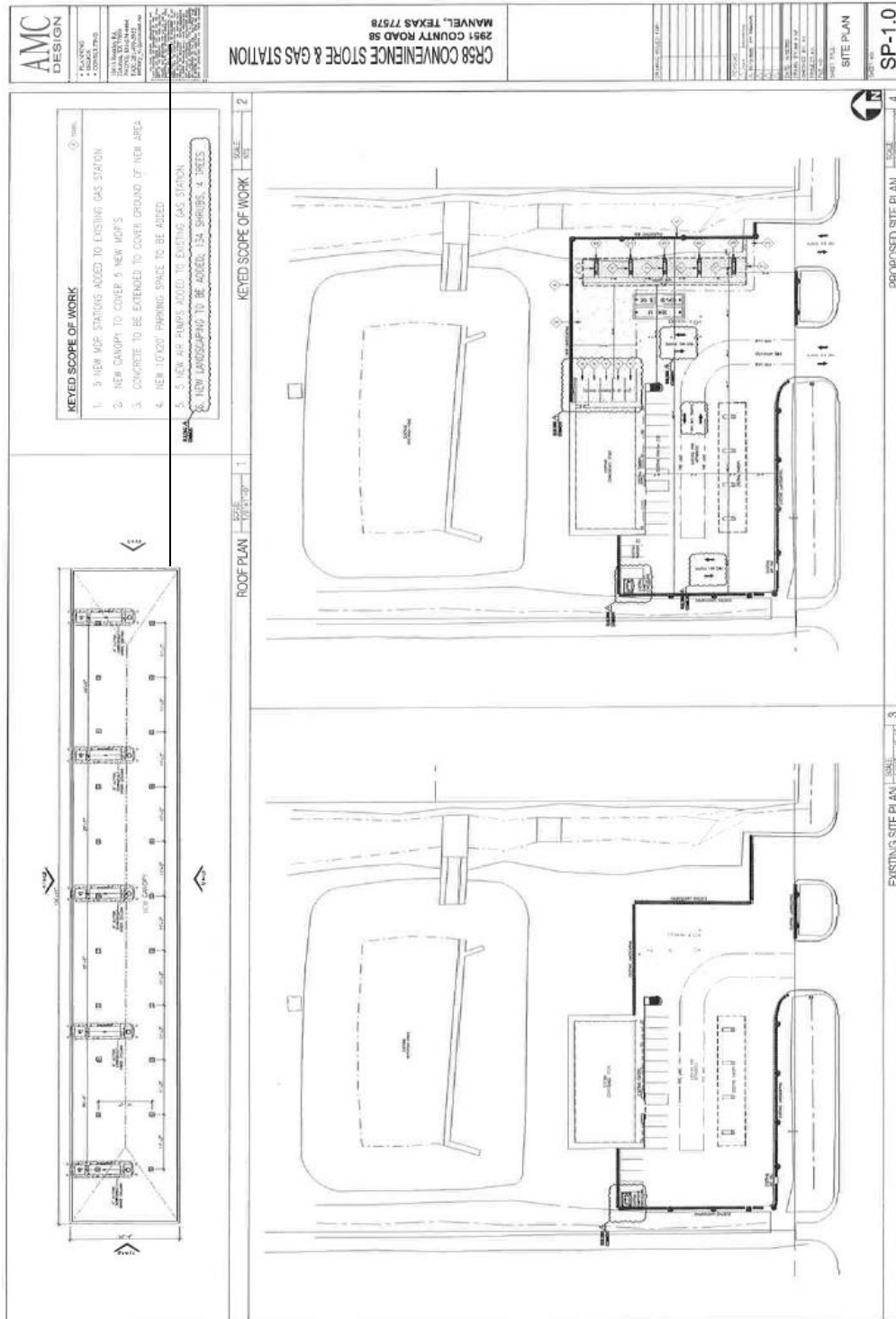
Exhibit B

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



From: [Dan Johnson](#)
To: [Kyle Jung](#); [Tammy Bell](#)
Cc: [Gilbert Salas](#); [Jessica Rodriguez](#)
Subject: 01/17/2023 Consent Agenda - Manvel Town Center Water Line Interconnect
Date: Wednesday, January 11, 2023 11:28:29 AM
Attachments: [image001.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 Water Line Interconnect

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



From: [Dan Johnson](#)
To: [Kyle Jung](#); [Tammy Bell](#)
Cc: [Gilbert Salas](#); [Jessica Rodriguez](#)
Subject: 01/17/2023 Consent Agenda - Manvel Town Center Water Plant
Date: Wednesday, January 11, 2023 11:27:05 AM
Attachments: [image001.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 Water Plant

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



SPECIAL WARRANTY DEED

THE STATE OF TEXAS § KNOW ALL PERSONS BY THESE PRESENTS:
 §
COUNTY OF BRAZORIA §

THAT **BRAZORIA COUNTY, TEXAS**, a political subdivision of the State of Texas, hereinafter called "**Grantor**," acting by and through its undersigned County Judge, hereunto duly authorized by appropriate Order of the Commissioners Court of Brazoria County, Texas, a certified copy of which is herewith filed, for and in consideration of the general welfare and benefit of the public, has this day GRANTED AND CONVEYED, and by these presents does Grant and Convey unto **Grantee, CITY OF MANVEL, TEXAS**, a Municipal Corporation, a certain right-of-way, over, upon, under and across the following described property in the County of Brazoria, State of Texas, which was conveyed to Brazoria County through the Deed Records of the Brazoria County Clerk under Volume 1135, Page 466 for the purpose of opening, constructing, and maintaining a permanent road or State highway. Said tract of land is described as follows, to wit:

A 60 foot wide road easement in Block 54, Suburban Gardens Subdivision, Division E, being in the H. N. Little Survey, Abstract 319, Brazoria County, Texas and being more particularly described in Deed recorded in the Brazoria County Clerk Deed Records in Volume 1135, Page 466.

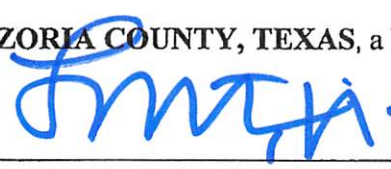
TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, its successors and assigns, and Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the Property unto the said Grantee, its successors and assigns, subject to the aforementioned exceptions, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor but not otherwise.

EXECUTED as of the 10th day of January, 2023.

GRANTOR:

BRAZORIA COUNTY, TEXAS, a body politic

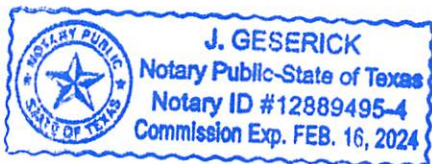
By: _____


L. M. "Matt" SEBESTA, JR.
BRAZORIA COUNTY JUDGE

THE STATE OF TEXAS
COUNTY OF BRAZORIA

§
§
§

This instrument was acknowledged before me on this 10th day of January, 2023, by L. M. "Matt" SEBESTA, JR, County Judge of Brazoria County, Texas, a body politic on behalf of said County.



[Signature]
Notary Public in and for the State of Texas

GRANTEE'S ACCEPTANCE OF DEED

City of Manvel, Grantee, accepts the attached deed and consents to its form and substance. Grantee acknowledges that the terms of the deed conform with Grantee's intent.

GRANTEE:

CITY OF MANVEL, a body politic

By: _____
PRINT NAME: _____
ITS: _____

RETURN TO (GRANTEE):

RESOLUTION NO. 2023-R-01

A RESOLUTION UPDATING THE SIGNATURE CARDS DESIGNATING CITY OFFICIALS AS SIGNATORIES AT FIRST STATE BANK FOR THE CITY'S BANK ACCOUNTS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Manvel, Texas, needs to update the City's signature cards designating city officials to be signatories at First State Bank for the City's Bank accounts; and,

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

SECTION 1: That the City Council hereby approves the following changes to the signature cards designating city officials as authorized signatories at First State Bank for the City of Manvel bank accounts.

1. Debra Davison, Mayor
2. Kyle Joseph Jung, City Manager
3. Daniel Johnson, Assistant City Manager

SECTION 2: That the City Council hereby authorizes the execution of any documentation necessary to implement said authorized changes of signatories on the City's bank accounts at First State Bank.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this _____ day of January, 2023.

Debra Davison, Mayor
City of Manvel, Texas

ATTEST:

APPROVED AS TO FORM:

Tammy Bell
City Secretary

Robert Gervais
City Attorney

RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO INTRODUCE LEGISLATION REGARDING THE CREATION OF A SPECIAL DISTRICT; WAIVING NOTICE OF SUCH INTRODUCTION; AUTHORIZING THE ENGAGEMENT OF SPECIAL LEGAL COUNSEL; AND MAKING CERTAIN FINDINGS

WHEREAS, the City Council of Manvel, Texas (the "City"), deems it advisable to seek the introduction of legislation for consideration by the Texas Legislature regarding the creation of a special district to participate in the planning, development, construction and financing of an approximately 159.639-acre tract of land wholly owned by the City; and

WHEREAS, Chapter 313, Texas Government Code ("Chapter 313"), requires that notice of the intent to introduce legislation regarding the creation of a special district be provided by publication in accordance with the terms thereof; and

WHEREAS, the City Council wishes to engage special legal counsel to assist in the drafting, passage, and implementation of such legislation;

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

Section 1. The facts recited in the preamble of this Resolution are hereby found and declared to be true and correct.

Section 2. The City Secretary is hereby authorized and directed to cause to be published in the manner required by law a notice of intention to introduce legislation in substantially the form attached hereto as **Exhibit A** and made a part hereof.

Section 3. The notice set forth in **Exhibit A** to this Resolution shall be published once in a newspaper of general circulation in the City and Brazoria County, the date of the first publication to be at least 30 days prior to the date of introduction of such legislation for consideration by the Texas Legislature.

Section 4. The City hereby waives any notice required to be provided to a landowner or other person pursuant to Chapter 313.

Section 5. The City Council hereby approves and authorizes the engagement of the Firm of Allen Boone Humphries Robinson LLP as special legal counsel in connection with the creation of the special district, as more fully provided in the engagement agreement attached hereto as **Exhibit B**.

Section 6. The City Council, the Mayor, the City Manager, and the City Secretary, and other officers of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this Resolution. The Mayor may approve such changes in the attached notice, its publication, or this Resolution as are consistent with the intent of the City Council.

Section 7. This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED _____, 2023.

CITY OF MANVEL, TEXAS

Mayor

ATTEST:

City Secretary

Exhibit A

NOTICE OF INTENTION TO INTRODUCE A BILL
IN THE LEGISLATURE OF TEXAS

Notice is hereby given of the intention to introduce in the Regular Session of the 88th Legislature of Texas a bill creating and establishing a special district in the corporate limits of the City of Manvel, Brazoria County, under the provisions of Article XVI, Section 59 of the Constitution of Texas and pursuant to the inherent power of the Legislature to create special governmental agencies and districts, with powers including those given to districts operating pursuant to Chapters 49 and 54, Texas Water Code, and Chapter 375, Texas Local Government Code, and with road powers pursuant to Article III, Section 52 of the Constitution of Texas. The bill will provide for the district's administration, powers, name, duties, operation, and financing. The proposed boundaries of the district will include all or part of the following approximately 159.636-acre tract of land situated in Brazoria County, Texas:

[insert attached]

This publication was paid for by the City of Manvel.

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

I, the undersigned officer of the City Council of the City of Manvel, Texas (the "City"), hereby certify as follows:

1. The City Council of the City, convened in special session on _____, 2023, at the regular meeting place of the City, at which all council members were present except _____. Whereupon, among other business, the following was transacted at the meeting: a written

**RESOLUTION AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO
INTRODUCE LEGISLATION REGARDING THE CREATION OF A SPECIAL
DISTRICT; WAIVING NOTICE OF SUCH INTRODUCTION; AUTHORIZING
THE ENGAGEMENT OF SPECIAL LEGAL COUNSEL; AND MAKING CERTAIN
FINDINGS**

was introduced for the consideration of the City Council. It was then duly moved and seconded that the Resolution be adopted; and, after due discussion, the motion, carrying with it the adoption of the Resolution, prevailed, and carried by a vote of ____ "ayes" and ____ "nays."

2. A true, full and correct copy of the aforesaid Resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; the Resolution has been duly recorded in the City Council's minutes of the meeting; that each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid meeting, and that the Resolution would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; the meeting was open to the public and public notice of the time, place and subject of the meeting was given as required by the Chapter 551, Texas Government Code.

SIGNED AND SEALED _____, 2023.

(SEAL)

City Secretary

ORDINANCE NO. 2023-O-01

AN ORDINANCE AMENDING CHAPTER 35 “LICENSES AND SPECIAL BUSINESS REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY ADOPTING A NEW ARTICLE XII “SPECIAL EVENTS” TO REGULATE SPECIAL EVENTS WITHIN THE CITY; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Manvel, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend Chapter 35 of the City Code by adopting a new Article XII to regulate special events; and

WHEREAS, the City Council finds that the adoption of this ordinance is in the best interest of the citizens of Manvel; now, therefore,

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

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

Section 2. Chapter 35 of the Code of Ordinances of the City of Manvel is hereby amended by adopting a new Article XII “Special Events” to read and provide as follows:

“Chapter 35 - LICENSES AND SPECIAL BUSINESS REGULATIONS

...

ARTICLE XII. – SPECIAL EVENTS.

Sec. 35-338. - Purpose.

The purpose of this Article shall be to provide rules, regulations, requirements, and standards for the development of special events in the City of Manvel, Texas, ensuring that public health, safety,

and general welfare are protected; that orderly growth with the conservation of pre-existing food establishments are insured; the development provisions are upheld to prevent an urban blight adverse to the maintenance and continuing development of the municipality; and that the City of Manvel is given appropriate control over the location of events and mobile food units.

Sec. 35-339. - Definitions.

Applicant. Applicant shall mean the person, or other entity applying for the special event permit. Application shall include, but not be limited to, the event's sponsor, organizer, or promoter.

“Special Event” means an event, approved by the City of Manvel, which includes but is not limited to, the following:

- (1) Special Event Type A: Any event that is large in nature (more than 1,000 participants) that impacts city streets or adjacent facilities, involves off-premises alcohol sales, food sales (temporary food establishments and/or mobile food units) and/or is expected to have:
 - (a) Circus, carnival or fair;
 - (b) Convention or exhibit;
 - (c) Temporary outdoor concert, jazz, or music festival;
 - (d) Outdoor cooking contest or public exhibition;
 - (e) Parades or processions;
 - (f) Community events or celebrations
 - (g) Outdoor public festivals
 - (h) Street dances; and
 - (i) Fun runs or other events in which City streets are closed.
- (2) Special Event Type B: Any event that is small in nature (fewer than 1,000 participants), or any event that requires the use of public or private facility or property. Special Event Type B events shall include, but are not limited to the following:
 - (a) Team sports clinic;
 - (b) Social group gathering; and
 - (c) Farmer’s market.
- (3) Special Event Type C (Recurring Activity): Any event that is small in nature (fewer than 500 participants), will have a temporary fixture outside, does not involve onsite special event staff, and takes place on private or public property (such as a parking lot) that can recur periodically throughout a six-month period. A Special Event Type C (recurring activity) events shall include, but are not limited to the following:
 - (a) Mobile Food Units (Food Trucks) with current valid Mobile Food Unit Health License from the City of Manvel
 - (b) Pop-up tents; and
 - (c) Portable displays.

Sec. 35-340 - Permit required.

It shall be unlawful for any person, or other entity, to conduct, hold or sponsor a special event on private property or public property owned, managed, or controlled by the city, including city rights-of-way without having first obtained from the city a special event permit pursuant to the provisions of this Article and the Special Event Permit Application provisions. These provisions shall apply to both profit and nonprofit events or organizations.

Sec. 35-341 - Requirements for Type C Special Event.

(1) General Requirements. The following are requirements for properties that want to obtain a Type C recurring Special Event permit:

- (a) The location must be at least 100 yards distance separating from the nearest licensed food establishment;
- (b) The location must have ample parking and traffic control with enough designated spaces to meet or exceed the expected number of participants;
- (c) The location must have ample sanitation serves, including but not limited to trash services and hygiene facilities, to meet or exceed expected number of participants; and
- (d) The event times must be started after sunrise and concluded before sunset.

Alternate hours shall be considered, if approved on Type C Special Event permit.

(2) Mobile Food Units. In addition to the requirements listed in the Subsection above, mobile food units shall comply with Chapter 35, Licenses and Special Business Regulations, Article X. Mobile and Temporary Food Vendors, for a Type C Special Event Permit.

Sec. 35-342. – Reserved.

Sec. 35-343. - Application.

- (1) Each applicant must complete in full the City of Manvel “Special Event Permit Application.” The applicant shall submit the completed written application and permit fee to the Permits Department.
- (2) Special Event Permit Applications shall be due no later than the following:
 - (a) Special Event Type A: minimum 60 calendar days prior to the event.
 - (b) Special Event Type B: minimum 15-30 calendar days prior to the event.
 - (c) Special Event Type C: minimum seven-10 calendar days prior to the event.
 - (d) Special Event Permit Applications may be due earlier than the prescribed time periods mentioned above if determined by the City Manager.
- (3) Failure to submit completed applications within the required time may result in denial of the applicant's request.
- (4) In addition to the information furnished on the application form, the

applicant shall:

(a) Submit authorized proof that the applicant has full authority from the property owner to use or occupy the premises for the purpose stated in the application.

(b) Submit a statement signed by the sponsor of the event, if any, that such sponsor has engaged the applicant to conduct the event.

(5) Details of the event are required as stated in the Special Event Permit Application. Requests for dates or times that conflict with previously approved events will not be considered; however, the organizer may revise the request to apply for a different date or time.

Sec. 35-344. - Conditions for granting application; approval or denial of application.

(1) Public interest. The city shall not grant the permit required in this Article if the city finds that granting the permit will be contrary to the public interest. The city reserves the right to deny any application that may be inconsistent with the city's goals of promoting family activities.

(2) Payment of all required city services and all permit fees are due and payable at the time application is submitted.

(3) The city reserves the right to approve or disapprove one or more elements of the proposed special event.

(4) The city's decision is final and not appealable.

Sec. 35-345 to 35-346. - Reserved.

Sec. 35-347. - Miscellaneous provisions.

(1) Cleaning. All costs for clean-up during and after the special event are the responsibility of the applicant. If the applicant fails to clean, the City shall invoice the applicant the cost incurred by the City to clean and remove any debris as a result of the special event.

(2) Sanitation. The applicant is responsible for sanitation for the event as provided for in the application.

(3) Other fees and permits.

(a) Applicants' organizers must secure and maintain at their cost, all licenses, permits or other authorizations necessary to conduct the special event and the city must be provided a copy of all such required licenses, permits or authorizations no later than fifteen (15) days prior to the beginning of the special event. Additional fees may include, but not be limited to, temporary licenses to use city right-of ways; payment of parking meter fees, or costs of bagging parking meters; payment for delivery or set-up of traffic barricades.

(b) Any use of the city rights-of-way will require a city-approved traffic control plan. Any costs involved in the development of this plan are the responsibility of the applicant.

(c) An applicant applying for a seller's permit to sell food or beverages must indicate Manvel as the origin of sales.

(d) The sale or furnishing of alcoholic beverages will require an additional permit from the Texas Alcohol and Beverage Commission, and is allowed only in areas where consumption is permitted by the City Code.

- (4) The provisions of this Section shall apply regardless of whether the applicant or the event is a profit or nonprofit organization.
- (5) Insurance and indemnification.
- (a) Organizers must obtain and maintain at their own expense, insurance policies for an amount and coverage as established by the city and as provided for in the permit application.
 - (b) Such policies must name the city as an "additional insured." Any other entities that might be impacted by this event shall also be named as an additional insured.
 - (c) Applicant must provide the city with proof of the required insurance no less than ten (10) days before the first day of the event. All policies will require a waiver of subrogation. Such proof of policy must be in a form acceptable to the city's risk manager.
 - (d) Applicant must specifically agree to indemnify, defend and hold the city, its officers, directors, agents, representatives, and employees harmless from and against any and all claims, expenses, damages or other liabilities, including reasonable attorney's fees and court costs, arising out of bodily injury or property damages arising out of or in connection with the event.
 - (e) The provisions of this Section shall apply regardless of whether the applicant or the event is a profit or nonprofit organization."

Section 3. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change described above.

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

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

ORDINANCE NO. 2023-O-02

AN ORDINANCE AMENDING CHAPTER 35 “LICENSES AND SPECIAL BUSINESS REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING ARTICLE X “MOBILE FOOD VENDORS” TO REGULATE MOBILE AND TEMPORARY FOOD VENDORS; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Manvel, Texas, determines it in the best interest of the health, safety, and welfare of the citizens of the City to amend Chapter 35, *Licenses and Special Business Regulations* of the City Code by amending Article X regulating mobile food vendors; and

WHEREAS, the City Council finds that the adoption of this ordinance is in the best interest of the citizens of Manvel; now, therefore,

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

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

Section 2. Chapter 35. *Licenses and Special Business Regulations* of the Code of Ordinances of the City of Manvel is hereby amended by amending Article X. *Mobile and Temporary Food Vendors* to read and provide as follows:

“Chapter 35 - LICENSES AND SPECIAL BUSINESS REGULATIONS

....

ARTICLE X. – MOBILE AND TEMPORARY FOOD VENDORS

Sec. 35-310. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Food hand cart means a food or drink vending station operating from a non-mechanical, movable cart that is pushed or pulled from one location to the next by hand (e.g. hot dog cart).

Mobile food unit (~~[mobile]~~ *food truck, MFU*) means a food or drink vending station operating from a mechanical vehicle or pulled trailer that drives continuously, intermittently stopping for sales (e.g. ice cream truck).

~~[Mobile food unit (stationary) means a food or drink vending station operating from a mechanical vehicle or pulled trailer at a fixed location (e.g. food truck or taco truck).]~~

Mobile food vendor means any person or entity engaged in selling or serving food or drink from a vehicle, booth or cart, including, but not limited to, operating any of the following:

- (1) Sidewalk stand; or
- (2) Food hand cart; ~~[or]~~
- ~~[(3) Food truck (stationary); or]~~
- ~~[(4) Food truck (mobile)]~~

Private event means any event that is on private property, where admission is closed to the general public and where access and view to the general public is limited, including, but not limited to, a wedding or family event.

Sidewalk stand means a drink vending station operating from a non-mechanical booth or stand on or near the sidewalk or in the city right-of-way operated by a person under the age of 18, who only offers lemonade (e.g. lemonade stand).

Temporary food establishment means a food establishment that operates for a period of no more than ten consecutive days in conjunction with a single event or celebration. This may include a stand or a booth.

Sec. 35-311. General prohibition.

Except where specifically authorized by this article, mobile food vendors of any type are expressly prohibited.

Sec. 35-312. Sidewalk stand.

Sidewalk stands are prohibited. There shall be an exception for temporary lemonade sidewalk stands operated by juveniles, which may be operated without a permit for a single period of up to eight hours, limited to one period within one calendar month.

Sec. 35-313. Food hand cart.

Food hand carts are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved or sponsored events; and
- (3) Private events (where admission is not open to the general public) on private property.

Sec. 35-314. Mobile food unit (~~[stationary]~~ food truck).

(a) ~~[Food trucks (stationary)]~~ Mobile Food Units (food trucks) are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved ~~[or sponsored]~~ special events; and
- (3) Private events (where admission is not open to the general public) on private property ~~[;]~~ ; and
- (4) City approved Type C Recurring Special Event.

(b) *The following requirements shall apply to all stationary mobile food units that are specifically permitted under this article:*

(1) Mobile Food Units must have a current, valid health license and inspections with the city.

(2) ~~[(1)]~~ *MFUs must be equipped with the following:*

- a. ~~[Portable fire extinguishers selected and installed in accordance with NFPA 10 with a minimum 2A:10BC rating. An approved Class K fire extinguisher must be provided for protection of grease cooking fires.]~~ Portable fire extinguishers shall be selected and installed in accordance with NFPA 10, International Fire Code (IFC) Section 906, and as adopted and amended by the City of Manvel, as amended from time to time. A minimum of one Class ABC fire extinguisher shall be provided for all mobile food preparation vehicles in as well as a Class K extinguisher that is sized as per IFC Section 906.4 when cooking equipment involves solid fuels or vegetable/animal oils or fats. All fire extinguishers must have a current inspection/service tag from a licensed fire extinguishing company.
- b. A Type 1 hood installed where cooking appliances produce ~~[grease]~~ grease-laden vapors, ~~[or]~~ smoke residue, or involve combustible cooking media (vegetable or animal oils and fats). ~~[as a result of the cooking process.]~~ Type I hood and automatic fire-extinguishing system shall be selected and installed in accordance

with NFPA 17/17A, IFC Section 609, IFC Section 904 and as adopted and amended by the City of Manvel, as amended from time to time.

~~[c. Beginning on October 1, 2019, an automatic fire extinguishing system installed to protect cooking equipment.]~~

(3) [(2)] *Inspection of mobile food units.* At the time of the inspection, the mobile food unit shall be completely operable and in full working order.

(4) [(3)] *Miscellaneous offenses.* In addition to the regulations contained above, the following actions are prohibited by mobile food unit operators:

- a. Operating without a valid servicing record or commissary receipt which must be kept within the mobile food unit at all times;
- b. Selling or offering for sale non-food items from the mobile food unit;
- c. Storing or preparing food outside of the mobile food unit (except in a licensed central preparation facility);
- d. Displaying, selling, or serving food outside of the mobile food unit;
- e. Altering the mobile food unit in such a manner that would prevent or otherwise reduce ready mobility;
- f. Blocking public right-of-way, a dedicated fire lane, or a public sidewalk;
- g. Creating/operating a drive-thru in conjunction with the mobile food unit;
- h. Allowing items such as brooms, hoses, equipment, containers or boxes to be located adjacent to or beneath the mobile food unit;
- i. Providing or allowing signs or banners not attached to and solely supported by the mobile food unit to be set up at the serving area;
- j. Allowing trash or debris at the site of the mobile food unit during operation, and leaving the site with trash or debris following operation;
- k. Allowing any audio speakers or amplification devices to be heard outside of the mobile food unit; or
- l. Allowing outside furniture such as tables or chairs, to be set up adjacent to the mobile food unit.

[Sec. 35-315. Mobile food unit (mobile).]

~~Food trucks (mobile) are prohibited.~~

~~(1) There shall be an exception for temporary operation for the following:~~

- ~~a. Pre-packaged non-TCS food vendors; and~~
- ~~b. Ice cream trucks.~~

~~(2) Food trucks (mobile) shall not stand for more than 15 minutes at any one location and may not prepare or cook food or drink items on the vehicle (pre-packaged only).~~

~~(3) Food trucks with music or a public address system shall not exceed 65 decibels.~~

- ~~(4) Food trucks may only operate from dawn until dusk, except for events with extended hours as may be expressly authorized by the city manager or designee.~~
- ~~(5) Food trucks may not vend from the second lane of traffic, and may not double park or impede traffic.]~~

Sec. 35-315. Mobile food unit operating at a Type C Recurring Special Event.

In addition to the regulations contained within this Article, the following actions are conditions and regulations of a Mobile Food Unit operating at a Type C Recurring Special Event, as regulated by Chapter 35, Article XII, Special Events.

- (1) Mobile Food Units must have a current health license and inspections issued through the City. Only Mobile Food Units that have a current City inspection and current City medallion will be permitted to operate for a Type C Recurring Special Event.
- (2) Mobile Food Units must be readily moveable at all times. Altering the mobile food unit in such a manner that would prevent or otherwise reduce ready mobility is prohibited.
- (3) Mobile Food Units may only operate from sunrise until sunset, except for events with extended hours approved by the city with a special event permit.
- (4) Mobile Food Trucks may not vend from the second lane of traffic, and may not double park or impede traffic.
- (5) No water, wastewater, electricity, or utility connection/hookups permitted. Mobile Food Units must have self-contained operations.
- (6) There shall be no overnight parking or operation.
- (7) Mobile Food Units shall only operate on approved surfaces (concrete, asphalt, or crushed gravel). Food vendors may not operate on grass.
- (8) Temporary Food Establishments may not be permitted with a Type C Recurring Special Event.

Sec. 35-316. Temporary food establishment.

- (a) *Temporary food establishments are prohibited.* There shall be an exception for the following:
 - (1) City events;
 - (2) City approved or sponsored events; and
 - (3) Private events (where admission is not open to the general public) on private property.
- (b) The following requirements shall apply to a temporary food establishment vendor that are specifically permitted under this article:

- (1) Every temporary food establishment vendor must have a current valid health permit. Permits are nontransferable. Multiple vendors may not operate under one health permit.
- (2) Except where only prepackage food is offered, every temporary food establishment must have a handwashing station with warm water, soap, drying device, and a waste water retention basin in used before food preparation begins.
- (3) Except where only prepackaged food is offered, every temporary food establishment must have a three-compartment warewashing station, labeled (wash, rinse, sanitize), with basins large enough to accommodate the largest utensil.
- (4) Every temporary food establishment utilizing electricity and/or any type of fire element must have appropriate fire extinguisher. Vendors are not allowed to share.

Sec. 35-317. Basic requirements.

The following requirements shall apply to the mobile food unit vendors and temporary food establishment vendors that are specifically permitted under this article:

- (1) Permitted mobile food unit vendors shall operate only on a temporary basis. Temporary shall mean for eight hours or as long as the city event or city-approved event is ongoing.
- (2) There shall be no water, wastewater or electric hookups to the adjacent property.
- (3) There shall be no overnight parking or operation.
- (4) Vehicles and booths must be marked with the vendor's name. No detachable signage shall be permitted for mobile food units, except for one removable sandwich-board sign displaying product and/or pricing information.
- (5) All stationary mobile food unit vendors and temporary food establishment vendors must set out a trash can for patrons while present and must remove all trash from the premises upon departure. Vendor must not allow trash to spill over and must change out trash bags when trash can is full.
- (6) Vendors may not set up within 300 yards of a restaurant, except with express written consent of the restaurant owner. Vendors must have at least ten feet clearance from any building, structure, vehicle, and any combustible materials. Vendors must not block fire lanes or fire access roads.
- (7) Only employees shall be allowed in food preparation areas. Nonessential persons shall not be within any food service, food preparations, or warewashing areas, including by not limited to children under the age of 18.
- (8) All food preparation, processing, and service shall be located in/on an approved surface (concrete, asphalt, or crushed gravel). Food vendors may not operate on grass.
- (9) All vendors must meet minimum food safety standards, including

- a. A supervisory person, who has a current valid food manager certificate, must be onsite at all times.
 - b. All food ingredients must be from an approved source, in sound condition, and must be properly stored six inches off the ground.
 - c. A small diameter probe metal thermometer must be provided and all food must be stored at property temperatures.
 - 1. Cold food holding shall not exceed 41 degrees Fahrenheit.
 - 2. Hot food holding shall not be less than 135 degrees Fahrenheit.
 - d. All employees must wear hand protection and hair restraints when in food preparation/serving areas.
 - e. Only single use articles may be provided for use by the consumer.
 - f. All vendors in service for longer than two hours must have access to a toilet facility.
- (10) The city manager is authorized to sponsor and approve events on behalf of the city. In considering approval or sponsorship for the event, the city manager shall consider the following:
- a. The nature of the event, which must be open to the general public;
 - b. Whether the organizers are in compliance with all city, county and state laws and regulations;
 - c. Whether the organizers have the means, personnel, volunteers, and resources to have a successful event;
 - d. Past history of events by the requesting organization, or similar events by other organizations, and whether there were any health, safety, or sanitation issues; and
 - e. Such other characteristics of the event, including time of year, that may place a burden on city or local law enforcement or first responders.

Sec. 35-318. Permits and health requirements.

The following requirements shall apply to the mobile food vendors that are specifically allowed under this article:

(1) *Health permit.*

- a. All mobile food units, mobile and stationary, must obtain a permit from the city. Each permit will be issued unit-by-unit only after an inspection reveals satisfactory compliance with state law and this article, as applicable. Mobile food unit permits are non-transferable. A change of ownership of a MFU, including a change of legal form of the entity, shall require submission of a new application for a mobile food unit health permit and inspections. A mobile food unit health permit shall become void upon the closing of the sale of the MFU for which a

permit was issued. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.

- b. All temporary food establishment vendors, must obtain a permit from the city. Each permit will be issued vendor-by-vendor and may serve only after an inspection reveals satisfactory compliance with state law and this article, as applicable. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.
 - c. No person shall operate or cause to be operated any mobile food unit (mobile or stationary) or temporary food establishment which does not possess a valid health permit issued by the city. Any person, firm, or establishment who is found to have operated or caused operation without a valid health permit shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.
 - c. Such permit shall be posted in a conspicuous place where it can be viewed by patrons and shall not be removed or defaced. A health permit issued to a mobile food unit shall be affixed to the truck by the code enforcement officer/health officer. A permit shall set forth the business name, license plate number, mobile food unit license number, and expiration date for said license.
 - d. Every food truck must be readily identifiable by its business name and phone number that are printed, permanently affixed, and prominently displayed on the back of the unit and on the side of the unit from which food is served, in letters not less than three inches in height.
 - e. Sidewalk stands, where allowed by this article, are exempt from permit requirements.
- (2) *Health regulations.* All vendors must obey and be in compliance with all state, county and city health laws and regulations. Compliance with these laws shall be a part of the city permit process.
- (3) *Food preparation.* No food may be stored or prepared at any location except on the MFU or at the temporary food establishment, in a licensed commissary, or permitted central processing facility as listed on the application submitted for the health permit. Food preparation may not be conducted on MFU while vehicle is in motion.
- (4) *Fire Marshal's Office and Vehicle inspections.* ~~[All mobile food unit vendors must pass a vehicle inspection from the fire marshal's office as part of the city's permit process. All vendors must obey and be in compliance with the fire code and all other city codes.]~~
- a. All mobile vendors must have a City of Manvel Fire Marshal's Office current, passed fire inspection that complies with CODE OF ORDINANCES CITY OF MANVEL, TEXAS, Chapter 17 – BUILDINGS AND BUILDING REGULATIONS, DIVISION 8. – FIRE CODE, Sec. 17-243. – Mobile food units, of the adopted Code, as amended from time to time.

b. All mobile vendors must pass a vehicle inspection from the Fire Marshal's Office as part of the city permit process. All vendors must obey and be in compliance with fire code and all other city codes.

- (5) *Administrative rules.* The city manager or designee shall promulgate rules and regulations to administer the provisions of this article. Such rules and regulations shall not conflict with any applicable provisions of this Code. All rules and regulations so promulgated shall be kept on file for public inspection at the office of the city secretary. A copy of the rules and regulations shall be provided to any person upon payment of the fees prescribed by law.
- (6) *Violation.* Anyone who intentionally, willfully, recklessly, or with criminal negligence violates this article shall, upon conviction, be guilty of a misdemeanor and shall be assessed fines or other punishment as provided by this Code.
- (7) *Revocation of health permit.* In addition to the imposition of a criminal penalty, the failure to comply with any of the provisions of this article, or any of the promulgated rules or regulations established thereunder, shall be grounds for the revocation or suspension of the permit, or the refusal to issue or renew any permit required under this Code. If requested by the permittee in writing within seven business days of notice of revocation, the city manager or designee shall hear the cause for revocation/suspension/non-renewal and determine whether the grounds for such action are justified. The city manager's (or designee's) decision shall be final. The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty, and the imposition of a criminal penalty shall not prevent the revocation or suspension of a license under this article.

Secs. 35-319—35-329. Reserved.”

Section 3. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change described above.

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

Section 5. **Severability.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect,

impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

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

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

Debra Davison, Mayor

Attest:

Tammy Bell, City Secretary

Approved as to Form:

Robert Gervais, City Attorney

Manvel City Council Agenda Item Data Sheet

MEETING DATE 9/3/2019

TOPIC:
Submission of Certified Initiative Petition

BACKGROUND:

Sec. 7.01. - Initiative, referendum and recall.

- (a) The power of initiative. The qualified voters of the city shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election; provided, however, such power shall not extend to the budget or a capital program or any ordinance relating to appropriation of money, levy of taxes, issuance of bonds and notes, borrowing of money, salaries of city officers or employees, or matters related to administration of municipal employees, annexation or municipal boundary adjustments, or in any instance where a court of proper jurisdiction determines that the initiated ordinance has been removed from the field of initiative. With respect to zoning, the city will follow state law. Such initiative power may be used to enact a new ordinance or to repeal or to amend sections of any existing ordinances.

Sec. 7.02. - Commencement of proceedings for initiative and referendum; of petitioners' committee; affidavit.

- (a) Any fifteen (15) qualified voters may commence initiative or referendum proceedings by filing with the city secretary an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses, specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

- (b) Promptly after the affidavit of the petitioners' committee is filed, the city secretary shall verify that the applicants are qualified voters and, if they are, shall issue the appropriate petition blanks to the petitioners' committee.

Sec. 7.03. - Petitions for initiative and referendum.

- (a) Number of signatures. Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least fifty-one (51) percent of the total number of votes cast in the last regular city election.
- (b) Form and content. All papers of a petition shall be uniform in size and style and shall be

ACTIONS TAKEN

MOTION SECOND APPROVAL ____YES ____NO VOTE	READINGS PASSED ____ 1 st ____ 2 nd	OTHER
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assembled as one instrument for filing. Each signature shall be executed in blue ink and shall be followed by the signer's printed name, the signer's date of birth or voter registration number, the signer's residence address, and date of signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

(c) Affidavit of circulator. Each paper of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that he/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his/her presence, that he/she believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

(d) Time for filing petitions. Referendum petitions must be filed within one hundred twenty (120) days after adoption by the council of the ordinance sought to be reconsidered. Initiative petitions must be filed within one hundred twenty (120) days after issuance of the appropriate petition blanks to the petitioners' committee; additional time, as specified in [section] 7.04, shall be allowed for supplemental petitions. All petitions shall be filed with the city secretary.

Sec. 7.04. - Procedure after filing petition for initiative or referendum.

(a) Review by city secretary and city attorney. Upon the filing of a petition, the city secretary shall review the petition to determine the existence of the requisite number of signatures of qualified voters and whether the form of the petition complies with the provisions of this Charter. The city secretary shall also review the petition to determine the genuineness of the signatures. The city attorney shall review the petition for legal sufficiency. The council may provide, by ordinance, the punishment and penalties for contempt for failure or refusal to obey any subpoena or request for production of evidence issued by the city secretary or city attorney.

(b) Certificate of city secretary. Within fifteen (15) business days after the petition is filed, the city secretary, with advice from the city attorney, shall complete a certificate as to its sufficiency or, if insufficient, shall set forth the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail, return receipt requested.

(c) Supplemental petition. A petition certified insufficient for lack of the required number of valid signatures, or due to inadequate form or content of the affidavit of certification, may not be supplemented, modified, or amended on or after the date it is received, except where expressly authorized by law.

(d) Submission to city council. If a petition or supplemental petition is certified sufficient, or if a petition or supplemental petition is certified insufficient and the petitioners' committee does not elect to supplement as provided in subsection (c) above within the time required, the city secretary shall present this certificate to the council at the next scheduled city council meeting and the certificate shall then be a final determination as to the sufficiency of the petition.

ACTIONS TAKEN

MOTION SECOND APPROVAL ____YES ____NO VOTE	READINGS PASSED ____ 1 st ____ 2 nd	OTHER
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Sec. 7.07. - Consideration by council and submission to electors.

When the council receives an authorized initiative petition certified by the city secretary to be sufficient, the council shall either:

- (a) Pass the initiated ordinance without amendment within sixty (60) days after the date of the certification to the council;
- (b) Submit said initiated ordinance without amendment to a vote of the qualified voters of the city at a regular or special election to be held on the next authorized uniform election date; or
- (c) At such election, submit to a vote of the qualified voters of the city such initiated ordinance without amendment, and an alternative ordinance proposed by the council on the same subject.

RECOMMENDATION

ATTACHMENTS

FUNDING ISSUES ___ Not applicable
 ___ Not budgeted
 ___ Full amount already budgeted
 ___ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER

CITY MANAGER APPROVAL

ACTIONS TAKEN

MOTION SECOND APPROVAL ___YES ___NO VOTE	READINGS PASSED ___ 1 st ___ 2 nd	OTHER
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CITY OF MANVEL

<http://www.cityofmanvel.com>

PO Box 187
Manvel, Texas 77578

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

CERTIFICATE OF SUFFICIENCY

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

I, Tammy Bell, City Secretary for the City of Manvel, Texas, received a petition by email on Saturday, December 31, 2022, with the following description:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL. TEXAS, CHAPTER 62, BY ADDING A SECTION EXEMPTING CERTAIN DEVELOPERS (THOSE INTENDING TO BUILD A SINGLE-FAMILY RESIDENCE FOR THEMSELVES) FROM SEVERAL CODIFIED PROVISIONS THEREIN AND PROVIDING A MAXIMUM FEE OF \$10.00 FOR CERTAIN RELATED FEES.

After completing my examination of the petition in accordance with Article VII, Section 7.04 and of the City Charter, and Section 277.002 of the Texas Election Code, I hereby certify that the petition is sufficient, as it contains at least 335 valid signatures. Such petition including the proposed initiative ordinance and the affidavits of the circulators are on file in the City Secretary's Office and are incorporated herein by this reference for all intents and purposes.

Furthermore, I certify that:

- The Petitioner's Committee Affidavit was filed with the City Secretary on August 23, 2022. All 15 signers were verified to be qualified voters (Article VII, Section 7.02), and petition blanks were issued on September 2, 2022;
- The petition contains the full text of the proposed ordinance;
- Each separate petition contains a circulator's affidavit with a statement that he/she personally circulated the petition paper that it bears a stated number of signatures, that all signatures were made in his/her presence, and that he/she believes them to be the genuine signatures of the persons whose names they purport to be;
- Each signer signed in blue ink and indicated his/her place of residence by street and number;
- The petition papers are assembled and filed as one instrument;
- The petition papers are signed by a sufficient number of qualified electors;

- The petition contains the signers' printed names;
- The petition contains the signers' date of birth or voter registration number; and
- The petition contains the date of signing for each signer (a petition signature is invalid if the signer signed the petition earlier than the 180th day before the date the petition is filed.).
- The petition was filed within 120 days after the issuance of the appropriate petition blanks.

WITNESS MY HAND AND SEAL of the City on this 12 day of January, 2023.




TAMMY BELL, CITY SECRETARY

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, CHAPTER 62, BY ADDING A SECTION EXEMPTING CERTAIN DEVELOPERS (THOSE INTENDING TO BUILD A SINGLE-FAMILY RESIDENCE FOR THEMSELVES) FROM SEVERAL CODIFIED PROVISIONS THEREIN AND PROVIDING A MAXIMUM FEE OF \$10 FOR CERTAIN RELATED FEES.

"Sec. 62-120. – Exceptions for certain developers

- (a) Notwithstanding section 62-103, the following sections do not apply to a developer seeking construction of a single-family residential structure that the developer intends to occupy as his/her residence: 62-104, 62-105, 62-111, 62-113, 62-114, and 62-115.
- (b) For purposes of this section, a developer seeking construction of a residential accessory building that is an accessory to a residential structure described by subsection (a) is entitled to the same exceptions as a residential structure described by subsection (a).
- (c) Notwithstanding Section 62-4, the maximum fee for a developer described by this section shall not exceed \$10 if the fee is to request a variance to this chapter, appeal to the Zoning Board of Adjustments, or submit any plats requiring review or approval. A fee, rate, deposit, or other charge inconsistent with this section that was adopted by resolution prior to the effective date of this section is hereby repealed.
- (d) The city shall establish a fee schedule that clearly distinguishes the fees established by subsection (c) from the fees applicable to all other developers not covered under this section."

8/23/2022 