

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



MANVEL PLANNING DEVELOPMENT AND ZONING COMMISSION
December 12, 2022

NOTICE IS HEREBY GIVEN
6:00 P.M.

MINUTES 12/12/2022

Regular Session

Call to Order

PDZ Member Dorothy Wynne called the meeting of the PDZ to order at 6:00 p.m.

Those in attendance were:

Present: Kyle Marasckin
Alina Rogers
Christy Kennard
Dorothy Wynne
Ryan Miller

Absent: Muhammed Alam
Christine Diaz

Also Present: Kyle Jung, City Manager
Daniel Johnson, Assistant City Manager/City Engineer
Robert Gervais, City Attorney
Tammy Bell, City Secretary
Jessica Rodriguez, Director of Development Services
Jose Abraham, City Planner
Brooke Cyphers, Public Information Officer

Pledge

Public Comments: "Comment Card" Required

Public Hearing

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATE 5.7420 ACRE TRACT LOCATED AT 2951 COUNTY ROAD 58, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT (LC) TO LIGHT

COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT (LC-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE CODE 447110 "GASOLINE STATIONS WITH CONVENIENCE STORES"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Public Hearing opened at 6:02 p.m.

1st call for comments - none

2nd call for comments - none

3rd call for comments - none

Public Hearing closed at 6:03 p.m.

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY, BY CHANGING THE ZONING CLASSIFICATION OF AN APPROXIMATE 13.82 ACRE TRACT OF LAND LOCATED AT 11700 MAGNOLIA PARKWAY, MANVEL, TEXAS FROM OPEN-SINGLE FAMILY RESIDENTIAL (O-SFR) DISTRICT TO LIGHT COMMERCIAL (LC) DISTRICT PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF

Public Hearing opened at 6:04 p.m.

1st call for comments - none

2nd call for comments - none

3rd call for comments - none

Public Hearing closed at 6:05 p.m.

Consent PDZ

- A. Approve the meeting minutes to date.

PDZ Member Ryan Miller made the motion to approve the Consent Agenda. PDZ Member Alina Rogers seconded the motion.

The motion carried with a vote: 5/0

Yes: Kyle Marasckin, Alina Rogers, Christy Kennard, Dorothy Wynne, Ryan Miller

No: None

Absent: Muhammed Alam, Christine Diaz

Abstained: None

Executive Session

- A. ~~City Council~~ PD&Z will convene into Executive Session pursuant to Texas Government Code, Section 551.071: "Consultation with Attorney" to discuss the following:

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

Cancelled.

Regular Agenda

- A Consideration and possible action to forward with recommendation to City Council, Manvel

Palms Master Plan:

Being a subdivision of 125.58 acres out of the H.T.&B.R.R. Co. Survey, Section 75, A-299, City of Manvel, Brazoria County, Texas.

Jessica Rodriguez - Formally Yanni Palms but anything previously approved has expired. Staff does not recommend approval at this time due to items needing to be addressed.

Spokesperson is on board with staff comments and asks that PDZ give conditional approval, rather than denial.

PDZ Member Christy Kennard made the motion to approve. PDZ Member Ryan Miller seconded the motion.

The motion **FAILED** with a vote: 0/5

Yes: None

No: Kyle Marasckin, Alina Rogers, Christy Kennard, Dorothy Wynne, Ryan Miller

Absent: Muhammed Alam, Christine Diaz

Abstained: None

- B. Consideration and possible action to approve, **Final Plat for Pomona Section 27:**
BEING A SUBDIVISION OF 85.449 ACRES OF LAND LOCATED IN THE H.T. & B.R.R. CO. SURVEY, SEC 78 (AKA) J.S. TALMAGE SURVEY, ABSTRACT 563, BRAZORIA COUNTY, TEXAS, BEING A PORTION OF LOTS 1-6, 11-16 AND 22-26 OF SEC 78 OF THE ALLISON RICHEY GULF COAST HOME COMPANY PART OF SUBURBAN GARDENS, A SUBDIVISION OF RECORD IN VOL. 2, PG. 98, PLAT RECORDS OF BRAZORIA COUNTY, TEXAS.

PDZ Member Ryan Miller made the motion to approve with the following condition: Revise to include City limit and/or ETJ boundary lines on the face of the plat and accurately reflect the same on the vicinity map (Section 62-41 (b)(18)). PDZ Member Christy Kennard seconded the motion.

The motion carried with a vote: 5/0

Yes: Kyle Marasckin, Alina Rogers, Christy Kennard, Dorothy Wynne, Ryan Miller

No: None

Absent: Muhammed Alam, Christine Diaz

Abstained: None

- C. Consideration and possible action to approve and forward with recommendation to City Council, Ordinance 2022-O-31;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 5.742 ACRES LOCATED AT 2951 COUNTY ROAD 58/ CROIX RD, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT (LC) TO LIGHT COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT (LC/ SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE EXISTING USE OF PROPERTY FOR 447110 "GASOLINE STATIONS WITH CONVENIENCE STORES"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Jose Abraham, City Planner, gave an overview. Staff recommends approval with conditions. Existing gas station that wants to add additional pumps.

PDZ Member Christy Kennard made the motion to approve 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 provided adequate buffer to abutting residentially used or zoned property.

PDZ Member Alina Rogers seconded the motion.

The motion carried with a vote: 5/0

Yes: Kyle Marasckin, Alina Rogers, Christy Kennard, Dorothy Wynne, Ryan Miller

No: None

Absent: Muhammed Alam, Christine Diaz

Abstained: None

- D. Consideration and possible action to approve and forward with recommendation to City Council, 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;

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PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Jose Abraham, City Planner, gave an overview. Applicant proposing to demolish the existing home, subdivide the property, and develop it as a retail center. Abutting land use supports the rezoning. Staff recommends approval.

Gwendoline Burgess, 3523 Ellis Lane, spoke against the rezone.

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

The motion carried with a vote: 5/0

Yes: Kyle Marasckin, Alina Rogers, Christy Kennard, Dorothy Wynne, Ryan Miller
No: None
Absent: Muhammed Alam, Christine Diaz
Abstained: None

- E. Consideration and possible action to direct staff to provide Applicants written statements of the conditions for any conditional approvals, and the reasons for disapproval of any plans or plats that were not approved, per Texas Local Government Code §212.0091.

PDZ Member Ryan Miller made the motion to approve. PDZ Member Christy Kennard seconded the motion.

The motion carried with a vote: 5/0

Yes: Kyle Marasckin, Alina Rogers, Christy Kennard, Dorothy Wynne, Ryan Miller
No: None
Absent: Muhammed Alam, Christine Diaz
Abstained: None

- F. Consideration and possible action to approve excused committee member absences.

PDZ Member Christy Kennard made the motion to approve. PDZ Member Ryan Miller seconded the motion. The motion carried with a vote: 5/0

Yes: Kyle Marasckin, Alina Rogers, Christy Kennard, Dorothy Wynne, Ryan Miller
No: None
Absent: Muhammed Alam, Christine Diaz
Abstained: None

Adjourn

PDZ Member Christy Kennard made the motion to adjourn the meeting at 6:40 p.m. PDZ Member Alina Rogers seconded the motion. The motion carried with a vote: 5/0

Yes: Kyle Marasckin, Alina Rogers, Christy Kennard, Dorothy Wynne, Ryan Miller
No: None
Absent: Muhammed Alam, Christine Diaz
Abstained: None

CERTIFICATION



TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS