

## PLANNING AND ZONING COMMISSION REGULAR SESSION MINUTES JUNE 12, 2024

This meeting was live streamed on Manor's YouTube Channel at: https://www.youtube.com/@cityofmanorsocial/streams

## PRESENT:

## **COMMISSIONERS:**

Felix Paiz, Chair, Place 4
Prince Chavis, Vice Chair, Place 2
Julie Leonard, Place 1
Cresandra Hardeman, Place 3 (Absent)
Celestine Sermo, Place 5 (Absent)
Cecil Meyer, Place 6 (Absent)
Jim Terry, Place 7
Gabriel Nila, Alternate No. 1
Gabrielle Orion, Alternate No. 2 (Absent)

### **CITY STAFF:**

Scott Dunlop, Development Services Director Pauline Gray, City Engineer Michael Burrell, Planning Coordinator Mandy Miller, Development Services Supervisor

## **REGULAR SESSION: 6:30 P.M.**

## CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

With a quorum present, the Regular Session of the Manor Planning and Zoning (P&Z) Commission was called to order by Chair Paiz at 6:41 p.m. on Wednesday, June 12, 2024, in the Council Chambers of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

Chair Paiz requested Alternate Commissioner Nila join the Commissioners on the dais in position of Place 6.

### **PUBLIC COMMENTS**

Robert Battaile, 502 E. Eggleston Street, Manor, Texas, submitted a speaker card to speak during public comments regarding his concerns. Mr. Battaile criticized the Commission, the businesses hired by the city, the Master Park Plan, and the Comprehensive Plan. He recommended that the city quit using the dashboards that were created for the Comprehensive Plan.

Mr. Battaile submitted a speaker card to express his concerns, support and/or opposition to Agenda Items No. 1, 2, 3, 4, 5, 9, 10, 11, and 12; however, he was escorted out of the meeting due to misconduct and did not return.

Crista Swier, 15226 N. FM 973 Road, Manor, Texas, submitted a speaker card to speak during public comments regarding KB Homes in Mustang Valley Subdivision. Ms. Swier gave a summary of her experience of living near the KB Homes development including the predevelopment phases. She expressed her issues with increased flooding that she feels is related to the Mustang Valley Subdivision Development. She encouraged the city to be more forceful in holding the developers responsible for what they are designing and how it is affecting the community as a whole.

## **PUBLIC HEARING**

1. Conduct a public hearing on a Rezoning Application for one () lot on 4.475 acres, more or less, and being located at 16011 E US Hwy 290, Manor, TX from (A) Agricultural to (C-3) Heavy Commercial. Applicant: Phantastic Endeavor LLC. Owner: Kimley-Horn.

City Staff recommended that the P&Z Commission conduct the public hearing.

Chair Paiz opened the public hearing.

Carlos Alfonso with Alliant Partners Development, 2000 E 11th Ave 1st Floor, Tampa, Florida, submitted a speaker card in support of this item.

Jeremy Rogers with Kimey- Horn, 10814 Jollyville Road, Suite 200, Austin, Texas, submitted a speaker card in support of this item. Mr. Rogers did not wish to speak; however, he was available for any questions.

Director Dunlop gave a summary of the location, zoning and the future land use for this area of Manor.

Jonathan Sosebee with Kimey- Horn, 10814 Jollyville Road, Suite 200, Austin, Texas, submitted a speaker card to speak in support of this item. Mr. Sosebee gave a presentation on this item. See attached.

Mr. Sosebee answered questions about the storage of potentially hazardous materials. He addressed the thought process behind choosing the C-3 Heavy Commercial zoning instead of a lesser zoning.

Discussion was held regarding the change of zoning requests. Director Dunlop explained the circumstances that would require starting over on the hearing notifications. Director Dunlop answered questions regarding the options of different zoning and the removal of uses within zoning designations.

**MOTION:** Upon a motion made by Vice Chair Chavis and seconded by Commissioner Terry to close the public hearing.

There was no further discussion.

## Motion to Close carried 5-0.

2. Conduct a hearing on the submission of a Specific Use Permit to permit up to 3,860 square feet of medical office and medical clinic in Manor Crossing Block A, Lot 7, being one (1) acre, more or less, and located at the northwest intersection of FM 973 and US HWY 290, Manor, TX. Applicant: Development Collaborative LLC. Owner: Endeavor Real Estate Group, Inc.

City Staff recommended that the P&Z Commission conduct the public hearing.

Chair Paiz opened the public hearing.

Director Dunlop gave background information for this item. He explained the location within the Manor Crossing project and how it is related to the overall development. He gave the percentage totals for the proposed designated medical use. He stated the percentages would be within the allowable range in this type of development, therefore would be consistent with the comprehensive plan.

Buck Cody with Endeavor Real Estate Group, 500 W. 5<sup>th</sup> Street, Suite 700, Austin, Texas, submitted a speaker card in support of this item. Mr. Cody answered questions regarding the medical uses intended for the lot. He explained that it would be a single building with 2 tenants, Chipotle and a dental office.

**MOTION:** Upon a motion made by Commissioner Leonard and seconded by Commissioner Terry to close the public hearing.

There was no further discussion.

### Motion to Close carried 5-0.

3. Conduct a public hearing on a Subdivision Construction Variance for the New Haven Subdivision from Manor Code of Ordinances, Chapter 10, Exhibit A, Article III, Section 42(b)(1) to permit a modified street pavement detail and being located at the northwest intersection of FM 973 and Gregg Ln, Manor, TX. Applicant: Quiddity. Owner: Gregg Lane Dev. LLC.

City Staff recommended that the P&Z Commission conduct the public hearing.

Chair Paiz opened the public hearing.

John Alvarez with Quiddity Engineering, 3100 Alvin Devane Blvd., Suite 150, Austin, Texas, submitted a speaker card in support of this item. Mr. Alvarez did not wish to speak; however, he was available for any questions.

Brad Carebajal with Quiddity Engineering, 3100 Alvin Devane Blvd., Suite 150, Austin, Texas, submitted a speaker card in support of this item. Mr. Carebajal did not wish to speak; however, he was available for any questions.

Director Dunlop explained the necessity for the variance for this item. He stated construction plan approvals are usually administrative however, the modifications being purposed would require city approval. He gave details regarding the modifications.

Engineer Gray stated that the City of Manor follows City of Austin standards. She stated that the developer was having issues meeting the requirements due to the unique soil conditions in this area of development. There were 2 options presented for review as alternatives. After reviewing the different proposals, GBA would recommend the city allow the second option. They felt the road that would be constructed would be sturdier and would last longer.

Travis Janik with Ashton Gray Development, 101 Parkland Blvd, Sugar Land, Texas submitted a speaker card in support of this item. Mr. Janik addressed the concerns regarding the variance. He stated the variance would allow for a more stable road while being more economically feasible for the developer.

Discussion was held regarding the construction of the roads that would be affected by the variance. Engineer Gray explained the development of roads inside the city, the acceptance process and the maintenance responsibilities of the parties involved.

Yvonne Garcia Thomas, 8100 Cameron Road, Suite B-150, Austin, Texas, submitted a speaker card in support of this item. Ms. Garcia Thomas stated she was a soil engineer. She gave a brief history of the requirements set by the City of Austin. She explained the parameters were set for the inner-city roadways but were not fully applicable to the soil conditions in the outskirt areas. She stated these types of roads have been built and were successful in areas outside of the City of Austin.

Concerns were raised about the necessity of the variance. Concerns were expressed about the maintenance of a road that is not designed like the other roads. Discussion was held regarding the risks of allowing the variance.

Director Dunlop answered questions regarding the roadway equipment owned by the city. He explained the city's maintenance program and how repairs and upkeep are determined.

Ms. Thomas explained the differences between the standard road structure required and the proposal.

Discussion was held regarding the potential cost difference on maintenance or repairs between the regular roads versus the one being purposed.

Director Dunlop gave details on the required bonds that have to be placed as part of the development. Consideration was given to changing or lengthening the time frame for the bonds.

Questions were raised regarding the success of this type of road. Commissioners wanted to know where they had been constructed and how long they have been in operation. Engineer Gray addressed concerns surrounding Geogrid's effectiveness in roads. Engineer Gray confirmed that a road had not been constructed like this in Manor.

**MOTION:** Upon a motion made by Vice Chair Chavis and seconded by Commissioner Leonard to close the public hearing.

There was no further discussion.

## Motion to Close carried 5-0.

4. Conduct a public hearing on a Subdivision Concept Plan for the Okra Subdivision for three hundred twenty-five (325) lots on 113.415 acres, more or less, and being located at located at the intersection of N. FM 973 and Old Manor Taylor Rd, Manor, TX.

Applicant: Jamison Civil Engineering LLC. Owner: Okra Land Incorporated.

City Staff recommended that the P&Z Commission conduct the public hearing.

Chair Paiz opened the public hearing.

Anand Jayanti, 14032 Heartland Drive, Manor, Texas, sent an email comment. See attached.

Marianne Stewart, 14300 Heartland Drive, Manor, Texas submitted a speaker card to speak in opposition of this item. Ms. Stewart stated she had questions regarding who the builder of the 325 units would be, will there be an HOA or be incorporated into the Shadowglen HOA, and how would they receive water.

Larry Stewart, 14300 Heartland Drive, Manor, Texas submitted a speaker card to speak in opposition of this item. Mr. Stewart complained about the attentiveness of the Commissioners at the beginning of the meeting. He expressed his concerns with water quality and availability. He questioned why the city was allowing this type of development when they were having issues with supplying resources to the already established residents.

Rachel Shanks with Okra Land Incorporated, 9505 Johnny Morris Road, Austin, Texas, submitted a speaker card to speak in support of this item. Ms. Shanks addressed the concerns previously raised. She stated the water supplier would be the City of Manor. She clarified that Shadowglen Subdivision had their own supplier through their MUD district. Ms. Shanks stated Okra would have their own HOA and the home builder was Perry Homes. Ms. Shanks detailed the different types of lots which would include 309 Residential Lots, 1 Commercial Lot, and 15 Lots for Landscaping and Parks that would make up the 325-lot development.

Ms. Shanks gave a presentation. *See attached*. Ms. Shanks answered questions about the presentation and the development timelines.

Director Dunlop addressed water availability and quality. He stated that there were several suppliers for Manor which included Epcor, Manville, Aqua, and the City of Manor. He explained some of the reasons why water could be discolored. He detailed ways the city was working to increase water supply and improve water quality.

Ms. Shanks answered questions regarding the connector roads connecting and routing through Shadowglen. She detailed the roadway improvements being done as part of this development. She stated most improvements would be to FM 973 with hopes that it would encourage most of the traffic to use that route instead of traveling through Shadowglen.

**MOTION:** Upon a motion made by Commissioner Leonard and seconded by Vice Chair Chavis to close the public hearing.

There was no further discussion.

Motion to Close carried 5-0.

5. Conduct a public hearing on a Subdivision Preliminary Plat for the Okra Subdivision for three hundred twenty-five (325) lots on 113.415 acres, more or less, and being located at located at the intersection of N. FM 973 and Old Manor Taylor Rd, Manor, TX. Applicant: Jamison Civil Engineering LLC. Owner: Okra Land Incorporated.

City Staff recommended that the P&Z Commission conduct the public hearing.

Chair Paiz opened the public hearing.

Larry Stewart, 14300 Heartland Drive, Manor, Texas submitted a speaker card in opposition of this item.

Marianne Stewart, 14300 Heartland Drive, Manor, Texas submitted a speaker card in opposition of this item.

Rachel Shanks with Okra Land Incorporated, 9505 Johnny Morris Road, Austin, Texas, submitted a speaker card in support of this item. Ms. Shanks did not wish to speak, however, was available for any questions.

Director Dunlop gave an overview of this item. He explained why Okra Subdivision had multiple items on the agenda for this meeting. He detailed the differences between the concept plan and preliminary plat.

**MOTION:** Upon a motion made by Commissioner Terry and seconded by Vice Chair Chavis to close the public hearing.

There was no further discussion.

Motion to Close carried 5-0.

Commissioner Terry left the dais at 8:26 p.m.

## **CONSENT AGENDA**

6. Consideration, discussion, and possible action to approve the minutes for the May 8, 2024, Planning and Zoning Commission Regular Session.

**MOTION:** Upon a motion made by Commissioner Leonard and seconded by Vice Chair Chavis to approve the consent agenda.

There was no further discussion.

Motion to Approve carried 4-0.

Commissioner Terry returned to the dais at 8:26 p.m.

### **REGULAR AGENDA**

7. Consideration, discussion, and possible action on a Rezoning Application for one (1) lot on 4.475 acres, more or less, and being located at 16011 E US Hwy 290, Manor, TX from (A) Agricultural to (C-3) Heavy Commercial. Applicant: Phantastic Endeavor LLC. Owner: Kimley-Horn.

Carlos Alfonso with Alliant Partners Development, 2000 E 11th Ave 1st Floor, Tampa, Florida, submitted a speaker card in support of this item. Mr. Alfonso did not wish to speak; however, he was available for any questions.

Jeremy Rogers with Kimey- Horn, 10814 Jollyville Road, Suite 200, Austin, Texas, submitted a speaker card in support of this item. Mr. Rogers did not wish to speak; however, he was available for any questions.

Jonathan Sosebee with Kimey- Horn, 10814 Jollyville Road, Suite 200, Austin, Texas, submitted a speaker card to speak in support of this item. Mr. Sosebee did not wish to speak; however, he was available for any questions.

City Staff recommended the P&Z Commission approve the Rezoning Application for one (1) for lot on 4.475 acres, more or less, and being located at 16011 E US Hwy 290, Manor, TX from (A) Agricultural to (C-3) Heavy Commercial with certain permitted uses removed.

Discussion was held regarding the removal of certain permitted uses in the C-3 Heavy Commercial zoning category.

Mr. Sosebee asked for clarification regarding the removal of the vehicle storage facility use. Director Dunlop explained the definition of vehicle storage facility and what that type of business would entail.

MOTION: Upon a motion made by Commissioner Leonard and seconded by Commissioner Terry to approve the Rezoning Application for one (1) lot on 4.475 acres, more or less, and being located at 16011 E US Hwy 290, Manor, TX from (A) Agricultural to (C-3) Heavy Commercial with the removal of the following allowable uses: (1) Adult Oriented Business; (2) Alcoholic Beverage Establishment; (3) Brewery, micro; (4) Brewery, regional; (5) Brewpub; (6) Data Center; (7) Distillery, micro; (8) Distillery, regional; (9) Gasoline Station (Limited); (10) Gasoline Station Full Service; (11) Industrial Use, light; (12) Liquor Store; (13) Offices, Warehouse; (14) Product Development Services; (15) Research Services (General); (16) Truck Stop or Travel Center; and (17) Vehicle Storage Facility.

There was no further discussion.

Motion to Approve carried 5-0.

8. Consideration, discussion, and possible action on the submission of a Specific Use Permit to permit up to 3,860 square feet of medical office and medical clinic in Manor Crossing Block A, Lot 7, being one (1) acre, more or less, and located at the northwest intersection of FM 973 and US HWY 290, Manor, TX. Applicant: Development Collaborative LLC. Owner: Endeavor Real Estate Group, Inc.

Buck Cody with Endeavor Real Estate Group, 500 W. 5<sup>th</sup> Street, Suite 700, Austin, Texas, submitted a speaker card in support of this item.

City Staff recommended the P&Z Commission approve the Specific Use Permit to permit up to 3,860 square feet of medical office and medical clinic in Manor Crossing Block A, Lot 7, being one (1) acre, more or less, and located at the northwest intersection of FM 973 and US HWY 290, Manor, TX.

**MOTION:** Upon a motion made by Commissioner Terry and seconded by Commissioner Nila to approve the Specific Use Permit to permit up to 3,860 square feet of medical office and medical clinic in Manor Crossing Block A, Lot 7, being one (1) acre, more or less, and located at the northwest intersection of FM 973 and US HWY 290, Manor, TX.

There was no further discussion.

Motion to Approve carried 5-0.

8. Consideration, discussion, and possible action on a Subdivision Construction Variance for the New Haven Subdivision from Manor Code of Ordinances, Chapter 10, Exhibit A, Article III, Section 42(b)(1) to permit a modified street pavement detail and being located at the northwest intersection of FM 973 and Gregg Ln, Manor, TX. Applicant: Quiddity. Owner: Gregg Lane Dev. LLC.

City Staff recommended the P&Z Commission approve with city engineer recommendations the Subdivision Construction Variance for the New Haven Subdivision from Manor Code of Ordinances, Chapter 10, Exhibit A, Article III, Section 42(b)(1) to permit a modified street pavement detail and being located at the northwest intersection of FM 973 and Gregg Ln, Manor, TX.

Director Dunlop gave a brief overview of this item.

Discussion was held regarding extending the 100% coverage for multiple years. The possibility to postpone was considered.

Mr. Janik stated they were willing to agree to extending the 100% coverage for a 2-year period of time today if needed for approval. He addressed questions regarding the build out of the foundation, driveway, and sidewalks within the subdivision. He stated that would be considered separately from this item

MOTION: Upon a motion made by Vice Chair Chavis and seconded by Commissioner Leonard to postpone the Subdivision Construction Variance for the New Haven Subdivision from Manor Code of Ordinances, Chapter 10, Exhibit A, Article III, Section 42(b)(1) to permit a modified street pavement detail and being located at the northwest intersection of FM 973 and Gregg Ln, Manor, TX, until the July P&Z Commission Regular Session.

The Commissioners recommended postponement to allow time for both developer and city staff gather additional information on the feasibility and legality of the additional maintenance periods and present P&Z Commission with an updated recommendation.

## Motion to Postpone carried 4-1. Opposed by Commissioner Nila

At the request of Vice Chair Chavis, Commissioner Nila voiced his reasons for the opposed vote. Commissioner Nila stated that he understood the science behind the recommended changes combined with the willingness of the applicant to extend the 100% maintenance period, he did not feel postponement was necessary.

10. Consideration, discussion, and possible action Subdivision Concept Plan for the Okra Subdivision for three hundred twenty-five (325) lots on 113.415 acres, more or less, and being located at located at the intersection of N. FM 973 and Old Manor Taylor Rd, Manor, TX. Applicant: Jamison Civil Engineering LLC. Owner: Okra Land Incorporated.

City Staff recommended the P&Z Commission approve the Subdivision Concept Plan for the Okra Subdivision for three hundred twenty-five (325) lots on 113.415 acres, more or less, and being located at the intersection of N. FM 973 and Old Manor Taylor Rd, Manor, TX.

Director Dunlop gave a recap of this item.

**MOTION:** Upon a motion made by Commissioner Leonard and seconded by Vice Chair Chavis to approve the Subdivision Concept Plan for the Okra Subdivision for three hundred twenty-five (325) lots on 113.415 acres, more or less, and being located at located at the intersection of N. FM 973 and Old Manor Taylor Rd, Manor, TX.

There was no further discussion.

Motion to Approve carried 5-0.

11. Consideration, discussion, and possible action on a Subdivision Preliminary Plat for the Okra Subdivision for three hundred twenty-five (325) lots on 113.415 acres, more or less, and being located at located at the intersection of N. FM 973 and Old Manor Taylor Rd, Manor, TX. Applicant: Jamison Civil Engineering LLC. Owner: Okra Land Incorporated.

City Staff recommended the P&Z Commission approve the Subdivision Preliminary Plat for the Okra Subdivision for three hundred twenty-five (325) lots on 113.415 acres, more or less, and being located at the intersection of N. FM 973 and Old Manor Taylor Rd, Manor, TX.

**MOTION:** Upon a motion made by Commissioner Terry and seconded by Commissioner Nila to approve the Subdivision Preliminary Plat for the Okra Subdivision for three hundred twenty-five (325) lots on 113.415 acres, more or less, and being located at located at the intersection of N. FM 973 and Old Manor Taylor Rd, Manor, TX.

There was no further discussion.

Motion to Approve carried 5-0.

12. Consideration, discussion, and possible action an Amended Coordinated Sign Plan for Manor Commons Phase 1 and 2. Applicant: Facility Solutions Group. Owner: Greenview Manor Commons SW LP.

City Staff recommended the P&Z Commission approve the Amended Coordinated Sign Plan for Manor Commons Phase 1 and 2.

Director Dunlop gave an overview of the Manor Commons Phase 1 and 2 Coordinated Sign Plan. He explained the reasons for the needed amendment. He clarified the amendment would only affect the ability of the 3 additional lots to have pylon signage which is the same as the other businesses within these phases.

**MOTION:** Upon a motion made by Commissioner Terry and seconded by Commissioner Leonard to approve the Amended Coordinated Sign Plan for Manor Commons Phase 1 and 2.

There was no further discussion.

Motion to Approve carried 5-0.

### ADJOURNMENT

**MOTION:** Upon a motion made by Vice Chair Chavis and seconded by Commissioner Leonard to adjourn the Regular Session of the Manor P&Z Commission at 9:01 p.m. on Wednesday, June 12, 2024.

There was no further discussion.

Motion to Adjourn carried 5-0.

These minutes were approved by the Planning and Zoning Commission on the 10th day of July 2024.

5

Felix Paiz Chairperson

Mandy Miller

Development Services Supervisor





## Location

## Zoning

## Existing:

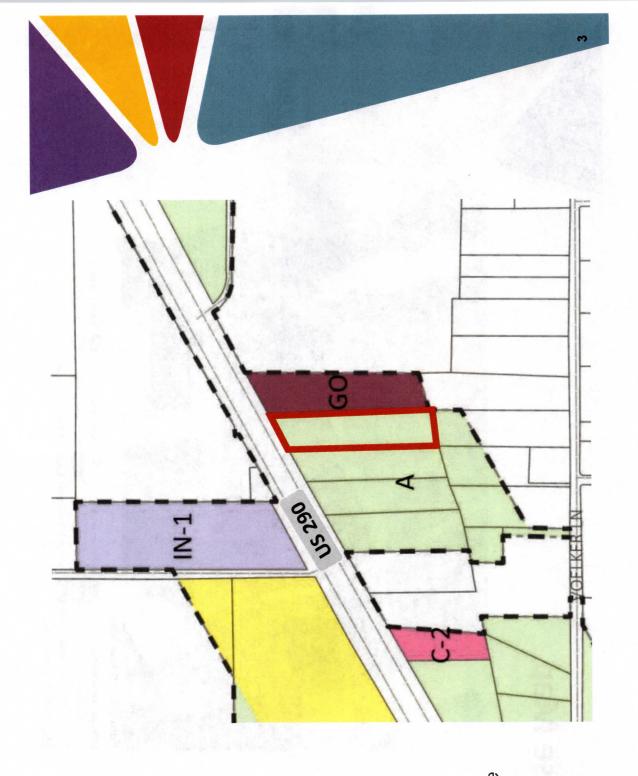
Agricultural (A)

## Requesting:

Heavy Commercial (C-3)

"Heavy commercial uses should have direct frontage along major highways."

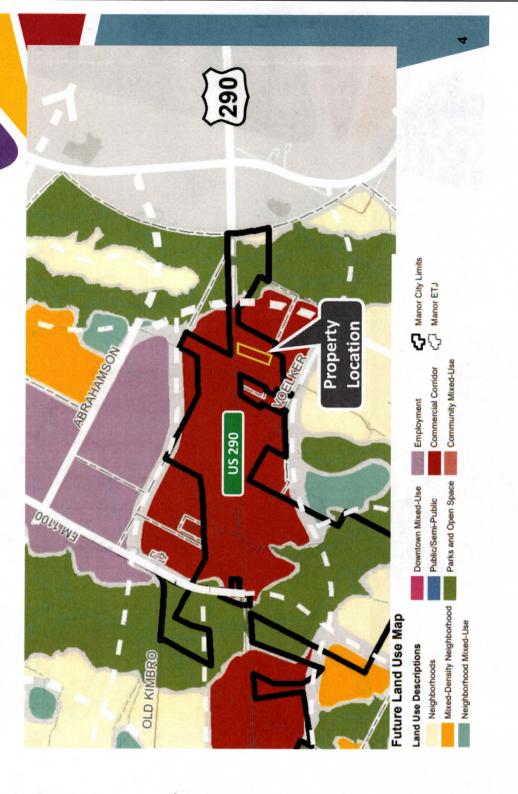
§ 14.02.015(a) Manor Code of Ordinances



# **Future Land Use Map**

## **Commercial Corridor**

"This category consists of nonresidential land uses that meet the needs of both local and regional residents"



### 2

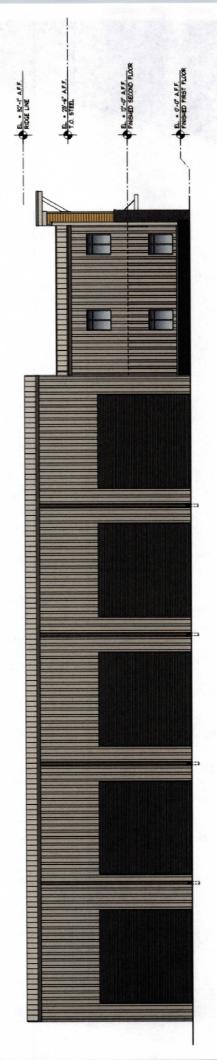
- 30 years of industry experience in equipment National Equipment Dealers (NED) has over sales, rentals, and customer support
- Approximately 20-30 employees at this site
- Offers a variety of services including equipment rental, sales, sales of equipment parts, and customer support.



# **NED Business Operations**



# **Example Building Rendering**



**Example Building Rendering** 

## Thank you

Jonathan Sosebee, AICP Jonathan.Sosebee@kimley-horn.com 512-375-2028

Kimley » Horn

From: Anand Jayanti

Sent: Thursday, May 30, 2024 10:15 PM

To: Michael Burrell <a href="mailto:mburrell@manortx.gov">mburrell@manortx.gov</a>

Subject: Okra Tract Concept Plan

Hello Mr. Burrell,

Thank you for inviting public comment on construction in the Okra Tract area. My name is Anand Jayanti and I am a physician working in Austin. I live with my wife Kritika Jain at 14032 Heartland Drive, and have enjoyed this community for nearly 2 years. We are grateful to call this place home.

I spoke to neighbors on the topic of construction in the Okra Tract area last year, when this proposal was first mailed to us. This year, it seems even more clear that building homes in this area would meaningfully decrease the quality of life for members of our community, and as such I wish to reiterate my views and the views of my neighbors on Heartland Dr. Most pressingly, developing homes on this land would increase traffic on the main artery out of Manor and into Greater Austin. There is already a great deal of congestion at these junctions, and jams like the kind that occurred earlier this week can triple a half hour commute. This jam was discussed on several Shadowglen Community pages. Bringing development to this area without expanding the infrastructure out of the city would make the commute into Austin very difficult, and would therefore affect many of our community members. Additionally, further development would bring noise and dust pollution, pest intrusion (which many of our homes have just overcome, caused by recent construction in other directions), as well as reduce the natural beauty of the land as it currently is.

My wife and I are proud residents of our burgeoning community, and hope to raise children here one day soon. There are many others here in Shadowglen who are slowly building up lives, families, and careers, and turning their new houses into homes. Please consider our request to hold off on construction in the proposed plot.

Thank you, Anand

Anand Jayanti, MD
Child & Adolescent Psychiatry
UT Dell Child & Adolescent Psychiatry Fellowship, Austin, 2024
UT Health Science Center Residency Program, Tyler, 2022
Texas A&M College of Medicine, 2018
The University of Texas at Austin, 2012











# **REGIONAL CONTEXT / PROPERTY LOCATION**





## PARK LAND DEDICATION

8' CONCRETE TRAILS 4,733 L.F

## 2.5 ACRE PARK

- Age 5-12
   Playground with
   shade structure
- Age 2-5 Playground with shade structure
- 20'x30' Pavilion
- Basketball Court













## 1.0 ACRE DOG PARK

- Minimum 10,000 sf fenced in dog park for large and small dogs
- An 8' concrete trail providing pedestrian / bicycle access



















## QUESTIONS PLANNED LINIT DEVELOPMENT







