

MEMORANDUM

Date: October 31, 2024
To: Mayor & Councilmembers
Planning and Zoning
From: Dinh V. Ho, P.E.
RE: Dyanna Nicholson
Application for Specific Use Permit – Two Story Pool House and Pool
Staff's Summary and Recommendations
CC: Natasha Brooks, Kayleen Rosser

Dyanna Nicholson is proposing development of a swim school located on a +/-1.956-acre tract of land out of an 80.0 ac tract being the south one-half of the southeast one-fourth of Section 53, recorded in volume 358, Page 495, situated in the H.T. & B.R.R. Co Survey, Abstract 287, 4903 Davenport Pkwy, Iowa Colony, PID No. 167464.

The request is to allow for a specific use permit for a swim school that includes a two-story pool house and pool.

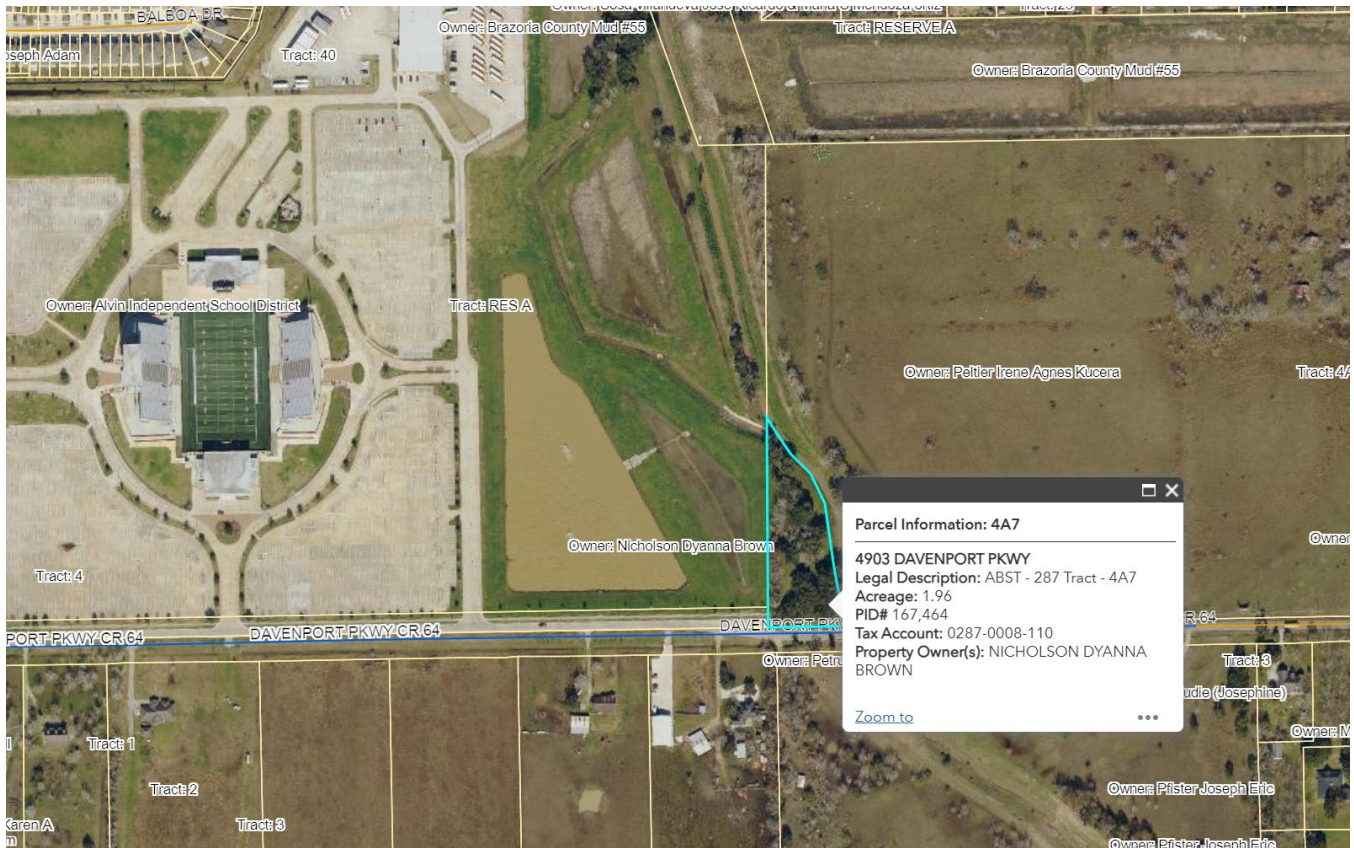
Staff Review:

- The site was previously rezoned to Business Retail District.
- The proposed use "Swim School" is not a listed use within the BR District.
- The swim school is not noxious or offensive due to of emission of odors, soot, dust, gas, fumes, vibrations, electrical or magnetic emissions, noise, or other emissions onto the land of another person.

Recommendations:

Staff recommends approval for the Specific Use Permit for the proposed Swim School located at 4903 Davenport Parkway subject to the following conditions:

1. The facility operates only as a swim instruction and aquatic training center.
2. Hours of operation shall be limited to 6:00 AM to 8:00 PM.



CITY OF IOWA COLONY

"Where We Make It Happen"

APPLICATION FOR SPECIFIC USE PERMIT FORM 'B'

APPLICATION DATE: 3/15/25

NAME OF APPLICANT: DYANNA NICHOLSON

THE LEGAL DESCRIPTION AND THE ADDRESS OF THE PROPERTY THAT IS SUBJECT OF THE APPLICATION FOR SPECIFIC USE:

TRACT BEING THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 53

A DETAILED DESCRIPTION OF THE SPECIFIC USE PERMIT THAT IS PROPOSED: _____

THE PROPOSED PROJECT IS A SWIM SCHOOL - THAT WILL INCLUDE A 2 STORY POOL HOUSE AND A POOL - THE OWNER IS AN INSTRUCTOR THAT WILL TEACH HER CLIENTS TO SWIM

THE ZONING DISTRICT IN WHICH THE SUBJECT PROPERTY IS LOCATED. CIRCLE ONE: (MU) (SFR) (MH) (BR)


THE SIGNED CONSENT OF THE OWNER OR OWNERS OF THE SUBJECT PROPERTY, IF THE APPLICANT IS NOT THE OWNER OF THE PROPERTY: 4903 DAVENPORT PKWY ROSHARON TX 77583

THE APPLICANT'S INTEREST IN THE SUBJECT PRROPERTY IF THE APPLICANT IS NOT AN OWNER OF ALL OR PART OF THE PROPERTY. CONTRACTOR

SUCH OTHER INFORMATION OR DOCUMENTATION AS THE CITY COUNCIL OR ZONING ADMINISTRATOR MAY DEEM NECESSARY.
SURVEY, DEED, SITE PLAN, AND APPLICATION

EACH APPLICATION FOR SPECIFIC USE PERMIT MUST BE ACCOMPANIE DBY A NON-REFUNDABLE FEE OF \$1,000.00 TO DEFRAY THE COST OF NOTIFICATION, ATTORNEY'S FEES OR PROCESSING TH APPLICATION.

NOTE: THIS APPLICATION EXPIRES IN 180 DAYS IF NOT SUBMITTED. I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS AND/ OR ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT.

SIGNATURE REQUIRED: 

DATED: 03-29-2023
REVISION:
DRAWN BY: I.A.
APPROVED BY: M.M.
JOB NO: 23 - 0101

FLOOD INFORMATION

THIS TRACT OR LOT IS IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE AE FLOODWAY AS LOCATED BY FEDERAL INSURANCE ADMINISTRATION DESIGNATED FLOOD HAZARD AREA BY PANEL NO. 48039C0120K - DATED 12-30-2020.

*THIS INFORMATION IS BASED ON GRAPHICAL PLOTTING ONLY WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.



[Signature]

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT IT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY. THERE WERE NO ENCROACHMENTS APPARENT ON THE GROUND EXCEPT AS SHOWN HEREON.

LEGEND

B.L. = BUILDING LINE
C.C.F. = COUNTY CLERK FILE
C.I.R. = CAPPED IRON ROD
CM = CONTROLLING MONUMENT
P.C. = POINT OF CURVATURE
PP = POWER POLE
R.O.W. = RIGHT-OF-WAY
WM = WATER METER

TOPOGRAPHIC LAND SURVEY OF A CALLED 1.956 AC. TRACT OF LAND OUT OF A 80.0 AC. TRACT BEING THE SOUTH $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 53 RECORDED UNDER VOL. 358, PG. 495 RECORDED IN VOLUME 358, PAGE 495 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS SITUATED IN THE H.T. & B.R.R. Co. SURVEY - ABSTRACT NO. 287

IRENE AGNES KUCERA PELTIER
(B.C.C.F. NO. 1998045067)

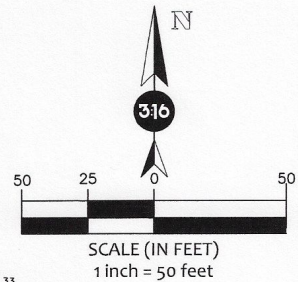
NOTES:

1) ALL BEARINGS SHOWN ARE REFERENCED PER SUBJECT DEED B.C.C.F. NO. 2022055588.

2) THIS SURVEY WAS PREPARED WITHOUT A TITLE COMMITMENT. SURVEYOR HAS NOT ABSTRACTED FOR OTHER EASEMENTS, BUILDING LINES OR OTHER MATTERS OF RECORD THAT MAY AFFECT THIS TRACT.

3) ALL THE ELEVATIONS SHOWN HEREON ARE IN NAVD 1988 DATUM, 2001 ADJUSTMENT, AND ARE BASED ON BRAZORIA DRAINAGE DISTRICT No. 4 REFERENCE MARK CB-2, ELEVATION: 56.51'.

4) THIS TOPOGRAPHIC SURVEY DOES NOT COMPLY WITH THE CURRENT STANDARDS OF A BOUNDARY SURVEY AS REGULATED BY THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS, AND SHOULD NOT BE USED FOR ANY LAND TRANSACTION OR RECORDED AS SUCH. ADDITIONAL RESEARCH AND FIELD DATA WILL BE NEEDED FOR A BOUNDARY SURVEY.



- = ASPHALT
- = CONCRETE
- = BRIDGE OVERHANG
- = WIRE FENCE

ADDRESS: 4903 DAVENPORT PARKWAY
ROSHARON, TEXAS 77583

DAVENPORT PARKWAY
(R.O.W. VARIES)
(COUNTY ROAD 64)

316 LAND SURVEYING
1880 S. DAIRY ASHFORD RD.
SUITE # 109
HOUSTON, TEXAS 77077

316 LAND SURVEYING

OFFICE: 713-291-0766
FIRM # 10194769
info@316landsurveys.com
www.316landsurveys.com

GF#

2502010

GENERAL WARRANTY DEED WITH VENDOR'S LIEN

NOTICE OF CONFIDENTIALITY RIGHTS: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: Your Social Security Number or your Driver's License Number

THAT Amber Ferrell Steele and spouse, Bruce King Steele, hereinafter called "Grantor", for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by Dyanna Brown Nicholson, hereinafter called "Grantee", whose mailing address is 4903 Davenport Pkwy, Rosharon, TX 77583, the receipt and sufficiency of which is hereby acknowledged, and the further consideration of the execution and delivery by said Grantee of one certain Promissory Note in the principal sum of **One Hundred Three Thousand Three Hundred Seventy-One and 96/100 Dollars (\$103,371.96)**, of even date herewith, payable to the order of Amber Ferrell Steele and Bruce King Steele, hereinafter called "Mortgagee", bearing interest at the rate therein provided; said Note containing attorney's fee clause and various acceleration of maturity clauses in case of default, and being secured by Vendor's Lien and Superior Title retained herein in favor of said Mortgagee, and also being secured by Deed of Trust of even date herewith from Grantee to Scott L. Luna, Trustee, Grantor has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY, unto said Grantee, the following described Property located in Brazoria County, Texas, to-wit:

See Exhibit "A" attached hereto and made a part hereof for all purposes

Together with Grantor's right, title and interest in all system memberships and/or ownership certificates in any non-municipal water and/or sewer systems serving said Property.

Mortgagee has, at the special instance and request of Grantee, paid to Grantor a portion of the purchase price of the Property hereinabove described, as evidenced by the above described Note, and thus said Vendor's Lien against said Property securing the payment of the Note, is hereby assigned, transferred and delivered to Mortgagee, Grantor hereby conveying to Mortgagee the Superior Title to the Property, subrogating said Mortgagee to all the rights and remedies of Grantor in the Property by virtue of said lien.

TO HAVE AND TO HOLD the above described Property, together with all and singular the rights and appurtenances thereunto in anywise belonging to said Grantee, Grantee's heirs and assigns, forever, AND Grantor does hereby bind Grantor, Grantor's successors and assigns, to WARRANT and FOREVER DEFEND all and singular the said Property unto said Grantee, Grantee's heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.


Grantee is taking the property in an arm's-length agreement between the parties. The consideration was bargained on the basis of an "as is, where is" transaction and reflects the agreement of the parties that there are no representations or express or implied warranties, except for the express warranty of title set forth herein. Grantee has not relied on any information other than grantee's inspection.

This conveyance is made subject to all and singular the restrictions, easements, exceptions, conditions and covenants, if any, applicable to and enforceable against the above-described Property as shown by the records of said County, as well as ad valorem taxes for current and subsequent years. But it is expressly agreed that the Vendor's Lien and Superior Title is retained in favor of the Payee of said Note against the above-described Property and improvements, until said Note and all interest thereon shall have been fully paid according to the terms thereof, when this Deed shall become absolute. When this Deed is executed by more than one person, or when the Grantee is more than one person, the instrument shall read as though pertinent verbs, nouns and pronouns were changed correspondingly, and when executed by or to a corporation, the words "heirs, executors and administrators" or "heirs and assigns" shall be construed to mean "successors and assigns".

Executed date:

January 28, 2025


Amber Ferrell Steele


Bruce King Steele

State of Texas
County of Harris

This instrument was acknowledged before me on [Date] January 28, 2025 by Amber Ferrell Steele, and Bruce King Steele



(Official Seal or Stamp)

AFTER RECORDING MAIL TO:
Dyanna Brown-Nicholson
4903 Davenport Pkwy
Rosharon, TX 77583


Notary Public (Signature of Notarial Officer)
(Signature is a tangible symbol)

(Printed Name of Notarial Officer)

My commission expires: _____

Prepared By:
Robertson Anschutz Vettors, LLC
10375 Richmond Avenue, Suite 200
Houston, TX 77042
Settlement Agent File Number: 2502010

Exhibit "A"

1.956 acres of land, out of 80.0 acres of land, being the south 1/2 of the southeast 1/4 of Section 53, H. T. & B. R R. Co. Survey, Abstract 287, Brazoria County, Texas, as recorded in Volume 358, Page 495, Deed Records, Brazoria County, Texas, said 1.956 acres being more particularly described by metes and bounds as follows BEGINNING at a point for the southeast corner of the herein described tract, being in the south line of Section 53, being located North 89 deg. 59 min. 54 sec. West - 2400.77 feet from the southeast corner of Section 53;

THENCE North 89 deg. 59 min. 54 sec. West along and with the south line of Section 53, and being in County Road 64, a distance of 239.21 feet to a point for the southwest corner of the south 1/2 of the southeast 1/4 of Section 53;

THENCE North along and with the west line of the south 1/2 of the southeast 1/4 of Section 53, at 26.0 feet pass an axle found for reference point, at 504.92 feet pass a 1/2 inch iron rod set for reference and continue for a total distance of 564.91 feet to a point for corner in the center of the West Fork of Chocolate Bayou;

THENCE in a southeasterly direction with the meanders of the centerline of the West Fork of Chocolate Bayou as follows; South 31 deg. 13 min. East a distance of 52.43 feet;

South 38 deg. 04 min. 07 sec. East a distance of 63.69 feet;

South 45 deg. 39 min. 53 sec. East a distance of 79.35 feet;

South 28 deg. 27 min. 20 sec. East a distance of 84.26 feet;

South 10 deg. 42 min. 48 sec. East a distance of 49.0 feet;

South 08 deg. 35 min. 29 sec. East a distance of 122.12 feet;

South 13 deg. 24 min. 37 sec. East a distance of 128.7 feet;

South 21 deg. 57 min. East a distance of 49.93 feet to the PLACE OF BEGINNING and containing 1.956 acres of land.

FILED and RECORDED

Instrument Number: 2025004163

Filing and Recording Date: 01/29/2025 02:28:12 PM Pages: 4 Recording Fee: \$38.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in black ink, appearing to read "Joyce Hudman".

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT DESTROY - Warning, this document is part of the Official Public Record.

cclerk-kaegan