



**PLANNING AND ZONING COMMISSION
REGULAR SESSION MINUTES
APRIL 13, 2022**

PRESENT:

COMMISSIONERS:

Julie Leonard, Chair, Place 1
Anthony Butler, Place 2
Cresandra Hardeman, Place 3
Prince John Chavis, Place 4
Jennifer Wissman, Place 5
Cecil Meyer, Place 6
Lakesha Small, Vice Chair, Place 7

CITY STAFF:

Scott Dunlop, Interim City Manager
Mandy Miller, Administrative Assistant

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

With a quorum of the Planning and Zoning (P&Z) Commission present, the regular session of the Manor P&Z Commission was called to order by Chair Leonard at 6:41 p.m. on Wednesday, April 13, 2022, in the Council Chambers of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

PUBLIC COMMENTS

Robert Battaile, 502 E. Eggleston, Unite A, Manor, Texas, submitted a speaker card to speak during public comments. Mr. Battaile requested for the audience to be informed at the beginning of each item if the item was discretionary or mandatory approval. Mr. Battaile presented the attached handouts and expressed his desire to see the parkland fees enforced by the city.

No one else appeared at this time.

PUBLIC HEARING

- 1. Conduct a public hearing on a Rezoning Application for 0.198 acres, more or less, Lot 5 and West ½ of Lot 4, Block 9, A.E. Lane Addition, and being located at 109 West Lane Avenue, Manor, TX from Single Family Suburban (SF-1) to Neighborhood Business (NB). Applicant: Wenkai Chen. Owner: Wenkai Chen.**

Interim City Manager Dunlop explained to the audience that at the action item section of the agenda any rezoning request would be considered discretionary. Subdivision request would be non-discretionary.

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

Chair Leonard opened the public hearing.

Interim City Manager Dunlop gave background information and location details for 109 West Lane Avenue.

Wenkai Chen, 109 W. Lane, Manor, Texas, submitted a speaker card in support of this item. Ms. Chen answered questions from the Commissioners about the intended business plans for this location, parking, and disability access.

MOTION: Upon a motion made by Commissioner Meyer and Seconded by Commissioner Butler to close the public hearing.

There was no further discussion.

Motion to close carried 7-0

- 2. Conduct a public hearing on a Rezoning Application for 10.945 acres, more or less, out of the AC Caldwell Survey No. 52, Abstract No. 154, and being located at 15001 US Hwy 290 E, Manor, TX from Agricultural (A) to Medium Commercial (C-2). Applicant: Duque States, LLC. Owner: Duque States, LLC.**

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

Chair Leonard opened the public hearing.

Robert Battaile, 502 E. Eggleston, Unite A, Manor, Texas, submitted a speaker card to speak in opposition of this item. Mr. Battaile expressed his disapproval on the commercial requirements as they relate to park land contributions.

Interim City Manager Dunlop gave background information about the property, the usable acreage and the prior businesses located at 15001 US Hwy 290 E. Mr. Dunlop informed the Commission the rezoning request is in line with the other zonings along the US 290 East corridor.

Discussion was held regarding the default zoning of Agriculture, the floodplain area of the property and the future business plans of the owner.

MOTION: Upon a motion made by Commissioner Small and Seconded by Commissioner Chavis to close the public hearing.

There was no further discussion.

Motion to close carried 7-0

- 3. Conduct a public hearing on a Rezoning Application for 6.533 acres, more or less, Town of Manor, Block 15, Lots 6-10, Block 17, Lots 1-10, Block 18, Lots 1-10, Block 19, Lots 1-10, Block 20, Lots 1-5, Block 74, Lots 1-5, and 0.397 acres out of the James Manor Survey No. 40, Abstract 546, and being located near the intersection of N. LaGrange Street and East Lane Avenue, Manor, TX from Manufactured Home (MH-1), Light Commercial (C-1), and Single Family Suburban (SF-1) to Townhome (TH). *Applicant: BGE, Inc. Owner: Lane Ave Development, LLC.***

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

Chair Leonard opened the public hearing.

Linda Williams, 800 N. Burnet Street, Manor, Texas, submitted a speaker card to speak in opposition of this item. Ms. Williams explained some of the recent changes in her neighborhood and expressed her concern for her privacy being eliminated if the multi-story townhomes were approved.

Robert Battaile, 502 E. Eggleston, Unite A, Manor, Texas, submitted a speaker card to speak in opposition of this item. Mr. Battaile stated his disapproval in the amount of parkland being set aside for this item. He also expressed this disappointment that the city was not collecting fees.

Mary Jane Phillips, 7330 San Pedro, Suite 202, San Antonio, Texas, submitted a speaker card in support of this item. Ms. Phillips addressed the concerns expressed by the residents by speaking on the current design and platting phase of the development and the current infrastructure in the area. She stated that the Developer is planning to meet parkland dedication requirements as well as meet with the local residents to discuss concerns prior to finalizing their plans.

MOTION: Upon a motion made by Commissioner Chavis and Seconded by Commissioner Butler to close the public hearing.

There was no further discussion.

Motion to close carried 7-0

4. **Conduct a public hearing on a Rezoning Application for 86.05 acres, more or less, out of the AC Caldwell Survey No. 52, Abstract 154, and being located at 13301 US Hwy 290 E, Manor, TX from Single Family Suburban (SF-1) to Medium Commercial (C-2), Multi-Family 25 (MF-2), and Townhome (TH). Applicant: SEC Planning, LLC. Owner: Manor 290 OZ Real Estate, LP.**

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

Chair Leonard opened the public hearing.

Gary Jueneman with SEC Planning, 4201 W. Parmer Lane, Austin, Texas, submitted a speaker card in support of this item. He did not wish to speak, however, was available to answer any questions posed by the P&Z Commission.

Robert Battaile, 502 E. Eggleston, Unite A, Manor, Texas, submitted a speaker card to speak in opposition of this item.

ADJOURNMENT

The meeting was suspended at 7:09 p.m. due to electrical failure.

Chair Leonard adjourned the Regular Session of the Manor Planning and Zoning Commission at 7:39 p.m. on April 13, 2022, with all remaining items to be postponed to the next regularly scheduled meeting.

These minutes approved by the P&Z Commission on the 11th day of May 2022. (*Audio Recording Archived*)

APPROVED:

Julie Leonard
Chairperson

ATTEST:

Scott Dunlop
Interim City Manager

Section 48. - Park Land Dedication.

- (a) *Dedication of Public Park Land Required.* It shall be required that a developer of any residential subdivision within the City's territorial jurisdiction set aside and dedicate to the public sufficient and suitable lands for the purpose of public park land or make an in-lieu financial contribution for the acquisition of such park land and/or improvements and amenities in accordance with the provisions of this Ordinance.
- (1) All plats receiving Final Plat approval based on this Ordinance shall conform to the requirements of this section as a condition of approval.
 - (2) The Council and developer may negotiate the combination of public park land dedication and/or payment of fees in lieu of required park land to satisfy the provisions of this Ordinance. The Council can further require payment in lieu of any proposed dedication.
 - (3) In the event the developer offers to dedicate land for a City Park classification that is defined in and/or located at a site established in the Master Plan, that meets the design standards of this Ordinance, and that is five or more acres in size, and that the Council finds is appropriate and suitable land for a regional city park, the City shall be obligated to accept the park land dedication; provided that the Council may waive such requirement, or may designate a different tract of parcel to be dedicated.
 - (4) Where the developer proposes to pay an in-lieu fee as provided for in this Section, the Council may accept such payment as satisfying the park land dedication requirements of this Ordinance, except that the City reserves the right to require the dedication of land for public park purposes.
 - (5) Notwithstanding any term or provision of this section, the City intends to develop its park and recreational system in a manner consistent with an overall parks plan for the City. The City Council will not be required to approve the dedication of any specific tract or parcel of land for park land purposes, and may require payment in-lieu as found appropriate by the City Council to serve the best interests of the residents of the proposed development in concert with the citizens at large, when considering all applicable factors including location, access, size, facilities, maintenance and operation.
- (b) *Formula for Calculating Area of Park Land.* The acreage of City Park land to be contributed prior to final approval by the Council of any residential subdivision shall be equal to one acre for each 66 new dwelling units projected to occupy the fully developed subdivision with a minimum of five acres or five percent of the total project area, whichever is greater.
- (c) *Fee Payment In Lieu of Park Land Dedication.* When the amount of land to be contributed for a City Park is less than five acres, the land proposed for dedication is not acceptable, the land is not at a location planned for a park, the proposed park will not be consistent with the City park plan, or other issues such as access, limited traffic, parking or urban infrastructure lessens the desirability of a park as such location are present, the Council may require the developer to pay a fee in lieu of park land dedication.
- (1) Where the payment of a fee-in-lieu of City Park land dedication is required or acceptable to the Council as provided for in this Ordinance, such fee shall be in the amount equal to \$550.00 per new dwelling unit projected to occupy the fully developed subdivision. When a combination of parkland dedication, three acres minimum, plus fee-in-lieu of dedication is acceptable to the Council, the Council shall

choose the higher of \$150.00 per each new dwelling unit projected to occupy the subdivision when fully developed, or multiplying the provided parkland acreage by 66, subtracting the total from the total dwelling units at projected full development, then paying \$550.00 for the remaining dwelling units.

Example: 300 dwelling unit subdivision, 4.55 parkland acres required

No parkland: 300 units x \$550 = \$165,000 fee-in-lieu

The higher of:

3 acres parkland: 300 units x \$150 = \$45,000 fee-in-lieu

3 acres x 66 = 198; 300 - 198 = 102 units x \$550 = \$56,100 fee-in-lieu

- (2) The developer shall tender and pay over to the City said fee prior to recordation of the Final Plat.
- (d) *Subdivision Changes.* In the event a developer obtains Commission approval to deviate from the approved Preliminary Plat thereby increasing the number of dwelling units projected, or where the use of property is changed from a nonresidential use to a residential use, the owner or developer shall be obligated to provide additional land or fee for the park land or amenities required for the additional dwellings prior to the City approving the Final Plat for recordation.
- (e) *Final Platting of a Portion of an Approved Preliminary Plat.* Whenever a developer applies for approval of a Final Plat which contains only a portion of the land encompassed in the approved Preliminary Plat, the developer's park land contribution shall be based on the ultimate number of dwelling units shown on the approved Preliminary Plat, and shall be satisfied prior to City approval of the first Final Plat.
- (f) *Design Standards for Park Land.* Any land to be dedicated as City Park land shall be reasonably located near the geographical boundary of a development, be adaptable for use as a public park and recreation facility as defined by the Master Plan and be designed and located so as to satisfy the following general requirements.
- (1) City Park dedicated land should form a single parcel of tract of land at least five acres in size unless it is determined that a smaller tract is in the public interest, and the smaller tract is to [sic] contiguous to land that will be reasonably available for dedication or for purchase by the City.
 - (2) Public access to public park land delineated on a Preliminary Plat shall be ensured by provision of at least 100 feet of street frontage, in a manner satisfactory to the City. Likewise, adequate space for public parking should also be considered.
 - (3) At the time the land abutting the delineated areas is developed, the developer of such abutting land shall construct streets along all abutting street frontage, and shall provide water and wastewater utilities to the boundary of one side of the delineated area to meet minimum requirements of this Ordinance.
 - (4) The land to be dedicated to meet the requirements of this Ordinance should be suitable for public parks and recreation activities. In that regard, 50 percent of the dedicated land area should not exceed five percent grade. The Master Plan for the City shall be considered when evaluating land proposals

for dedication.

- (5) Any disturbed park land shall be restored and the soil stabilized by vegetative cover by the developer.
 - (6) Areas within the 100-year floodplain may not be utilized to meet City Park land dedication requirements.
 - (7) The location of park land may be required at the edge of a subdivision so that additional land may be added at such time as adjacent land is subdivided or acquired for public use. Otherwise a centralized location is preferred.
 - (8) City staff shall make recommendations based upon the park land design standards and the provisions contained herein, concerning the amount and location of park land, credit for private park land and/or facilities, credit for land in the 100-year floodplain, and fees in lieu of park land dedication.
 - (9) All park areas and playground equipment shall be in accordance with the U.S. Consumer Products Safety Commission, Publication 325, as amended.
- (g) *Neighborhood Park Land Credit.* Where park areas and recreational facilities are to be provided in a proposed subdivision, and where such areas and facilities are to be privately owned and maintained by the future residents of the subdivision, these areas and facilities shall be considered to satisfy the requirements of park land dedication if the following standards are met:
- (1) That the private ownership and maintenance of such areas and facilities are adequately provided for by recorded written agreement, conveyance, or restrictions.
 - (2) That the use of such areas and facilities are restricted for park and recreational purposes by a recorded covenant, which runs with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the City Council.
 - (3) That such areas and facilities are reasonably similar to what would be required to meet public park and recreational needs, taking into consideration such factors as size, shape, topography, geology, access, and location.
 - (4) That such areas and facilities for which credit is given shall include improvements for the basic needs of a local park. These improvements shall include one or more of the following: children's play areas, picnic areas, game court areas, turf play fields, swimming pools, recreational buildings, trails (sidewalks, walkways or bike trails), and landscaped sitting areas.
 - (5) The land dedicated as a Neighborhood Park and the cost of the improvements required to be made to the park prior to Final Plat approval are equal to or exceed the park land and fee-in-lieu of requirements of this Ordinance.
- (h) *Park Fund Established.* A separate fund to be entitled "Park Fund" shall be and is hereby created and the money paid by developers at Final Plat approval in lieu of the dedication of land and interest thereon, shall be held in said fund in trust to be used solely and exclusively for the purpose of purchasing and/or equipping public park and recreational land. Such fund shall be invested or held in an interest-bearing account and all earnings and interest shall accrue to the Park Fund.
- (1) At such time as the City Council, based upon the recommendations of the Commission and/or City staff determines that there are sufficient funds derived from a certain area in the Park Fund to

purchase usable park land, the Council shall cause negotiations to be undertaken to purchase the site by mutual agreement or by condemnation proceedings. In making such determination for the purchase of said site, the conditions of this Ordinance shall be taken into consideration.

- (2) The principal and interest deposited and kept in the Park Fund shall be used solely for the purpose of purchasing and/or equipping or improving land for public park and recreation uses, and shall never be used for maintaining or operating public park facilities, or for any other purpose.
- (i) *Method of Dedication.* Land accepted for dedication under the requirements of this Ordinance shall be conveyed by either of the following methods:
 - (1) By dedication within the plat to be filed for record in Official County Records.
 - (2) By warranty deed transferring the property in fee simple to the City.
 - (3) In any event, land must be free and clear of any mortgages or liens at the time of such dedication or conveyance.

(Ordinance 263B adopted 11/7/12; Ordinance 263-C, sec. 9, adopted 6/1/16)