



**PLANNING AND ZONING COMMISSION
REGULAR SESSION MINUTES
DECEMBER 13, 2023**

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

PRESENT:

COMMISSIONERS:

LaKesha Small, Chair Place 7 (*Absent*)
Felix Paiz, Vice Chair, Place 4
Julie Leonard, Chair, Place 1
Prince John Chavis, Place 2
Cresandra Hardeman, Place 3 (*Arrived at 6:50 pm*)
Celestine Sermo, Place 5 (*Absent*)
Cecil Meyer, Place 6
Gabriel Nila, Alternate No. 1
Gabrielle Orion, Alternate No. 2

CITY STAFF:

Scott Dunlop, Development Services Director
Maria Amezcua, City Council Member, Place 3
Mandy Miller, Development Services Supervisor
Officer Stone

REGULAR SESSION: 6:30 P.M.

Vice Chair Paiz requested P&Z Commissioner Nila join the Commissioners on the dais in the position of Place 5.

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 Vice Chair Paiz at 6:38 p.m. on Wednesday, December 13, 2023, in the Council Chambers of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

PUBLIC COMMENTS

Kay Forsythe, 710 N. Lexington St., Manor, Texas, submitted a speaker card to speak during public comment regarding funeral home businesses. Ms. Forsythe presented the Commission with a hand-out which she read out loud. *See attached.*

Robert Battaile, 502 E. Eggleston St., Manor, Texas, submitted a speaker card to speak during public comment regarding his concerns. Mr. Battaile criticized the amended rules for the meeting regarding speaking on

an agenda item. Mr. Battaile spoke on graves being outside of the cemetery and requested investigation into the McVea property adjacent to the cemetery citing proof of it being a cemetery in public records. He voiced his complaint on the number of items on the agenda for tonight's meeting. He expressed his opposition of Item #19 regarding combining the lots in on Lexington.

PUBLIC HEARING

Commissioner Hardeman arrived at 6:50 pm and took her place on the dais.

- 1. Conduct a public hearing on a Preliminary Plat for the New Haven Subdivision, two-hundred ninety-three (293) on 90.3 acres, more or less, and being located at Gregg Lane and FM 973, Manor, TX. Applicant: Gregg Lane Dev. LLC. Owner: Quiddity.**

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

Vice Chair Paiz opened the public hearing.

John Alvarez with Quiddity Engineering, 3100 Alvin Devane Blvd., Suite 130, Austin, Texas submitted a speaker card. He did not wish to speak; however, was available for any questions.

Robert Battaile, 502 E. Eggleston St., Manor, Texas, submitted a speaker card to speak in opposition of this item. He expressed his grievance with the amount in parkland fees the developers are paying. He requested more information on the parkland fees this developer would pay, and details regarding the actual park being provided with this development. He requested to know what stage this development was in and how much longer before they could break ground. He also recommended for the Commission to postpone any item that did not have an owner, applicant, or developer representative present.

Travis Janik with Ashton Gray Development, 101 Parkland Blvd., Sugarland, Texas, submitted a speaker card to speak in favor of this item. He stated they were about halfway through the process. He addressed the park inquiry. He stated there would be a connecting walking trail, a small pocket park, and a bigger central park.

John Alvarez with Quiddity Engineering answered questions regarding the New Haven Subdivision. He stated he was the Engineer of Record for this project. He stated to the best of his knowledge the pocket park was around 0.7 acres and the central park was 2 ½ to 3 acres. In addition to the walking trail, there would be nature reserve area of 15 – 20 acres.

Mr. Janik stated they would also be paying parkland fees in the amount of approximately \$200 per lot.

Director Dunlop stated that city staff would be recommending conditional approval of this item when it gets to the action item under the regular agenda due to a needed wastewater easement that was still pending approval by the City Engineers.

Discussion was held regarding available renderings for this subdivision. The Commission recommended for the Engineer to bring renderings if this item was postponed to the next meeting.

Director Dunlop stated there were some renderings available in the New Haven PUD.

Mr. Janik stated that they were working with the developers of Monarch Ranch and Okra Subdivisions for the connecting trail system. He also informed the Commission there would be added amenities such as benches and exercise equipment along the trail.

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

There was no further discussion.

Motion to Close carried 6-0

- 2. Conduct a public hearing on a Subdivision Preliminary Plat for the Ginsel Tract, five (5) lots on 84.31 acres, more or less, and being located at 13301 East US HWY 290, Manor, TX. Applicant: Kimley-Horn. Owner: Manor Opportunity Fund, LLC.**

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

Vice Chair Paiz opened the public hearing.

A.C. Steadman with Kimley-Horn, 10814 Jollyville Rd, Suite 200, Austin, Texas, submitted a speaker card in support of this item. He did not wish to speak; however, was available for any questions.

Robert Battaile, 502 E. Eggleston St., Manor, Texas, submitted a speaker card to speak in opposition of this item. He voiced his complaints regarding the lack of a site map. He stated his questions regarding location of the parks, parkland fees, and what phase in the development we were in. He suggested putting together a manual for the new Commissioners.

Director Dunlop summarized the Ginsel Tract Preliminary Plat. He detailed the commercial and residential aspects of the subdivision. He spoke regarding the roadway improvements associated with the development. Mr. Dunlop stated that this type of development was required to set aside private open space, pay parkland in lieu fees, and pay into the park fund. The open space area is 1 acre per 150 dwelling units, the parkland fees are \$700 per dwelling unit, and the park development fee start at \$600, and decrease in amount down to zero based on the number of amenities provided on the property.

Discussion was held regarding the parkland fees that would be paid for this project. Director Dunlop stated the allocation of the park funds collected from this project would be determined by the Park Committee and City Council. He confirmed the funds would not be earmarked for any specific park or item.

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

There was no further discussion.

Motion to Close carried 6-0

- 3. Conduct a public hearing on a Subdivision Short Form Final Plat for the Junction Subdivision, one (1) lots on 9.2 acres, more or less, and being located at the intersection of La Grange St. and Murray Ave., Manor, TX. Applicant: BGE Inc. Owner: Junction Development, LLC.**

City Staff recommended that the P&Z Commission open the public hearing and postpone it until the January 10, 2024, P&Z Commission meeting.

Vice Chair Paiz opened the public hearing.

Robert Battaile, 502 E. Eggleston St., Manor, Texas, submitted a speaker card to speak in opposition of this item. He stated he did not want high density multi-use in Old Manor. He reiterated his request for

ground penetrating radar to determine if there were any burial sites there. He criticized the City Planners, City Council, the Parks Committee, the Police Department, and the Developer. Mr. Battaile requested to know about the park funds for this development and what phase of the development process they were at.

Director Dunlop stated that the developer has requested postponement. He addressed the questions presented. He confirmed the city did sell the alley and right of way to the developer. The Town Home (TH) zoning for this property was approved in June of 2022. This development would have the same requirements as other townhome developments, which include providing private open space, pay park development fees and parkland in lieu fees. He stated this project is expected to be approved as soon as January or February.

Discussion was held regarding the process when there are claims or evidence of gravesites. Director Dunlop stated the developer and title companies researched and found no evidence of graves being located on the property. There were no specific City Codes addressing this type of issue therefore it would be up to the developer or contractors working on the project to follow any county or state guidelines that may be applicable to this type of situation.

Discussion was held regarding historical societies in Manor. Director Dunlop stated Manor did have a Historical Society, but it was not affiliated with the City of Manor the municipality. Commissioners requested for someone to reach out to them to see if they would send a representative to the next meeting.

MOTION: Upon a motion made by Commissioner Meyer and seconded by Commissioner Leonard to keep the public hearing open and postpone further discussion until the January 10, 2024, P&Z Commission meeting.

There was no further discussion.

Motion to Postpone carried 6-0

- 4. Conduct a public hearing on a Subdivision Short Form Final Plat for Amavi Manor, two (2) lots on 62.81 acres, more or less, and being located at the southeast corner of US Hwy 290 and Old Kimbro Rd, Manor, TX. Applicant: Kimley-Horn. Owner: Jefferson Triangle Marine, LP.**

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

Vice Chair Paiz opened the public hearing.

Mr. Battaile stated there was a Manor Heritage Society, a recently formed non-profit in Manor. He stated he would reach out to them and the Texas Historic Commission to see if they could send a representative to the next meeting.

Robert Battaile, 502 E. Eggleston St., Manor, Texas, submitted a speaker card to speak in opposition of this item. Mr. Battaile voiced his complaint regarding the lack of information on the plat. He questioned the amount of commercial acreage. He stated he would like to know the actual amount to be paid in parkland fees.

Director Dunlop gave a summary of this item. He explained the purpose of a plat was to establish the lots and zoning for a specific parcel of land. He stated this development would be required to set aside 1 acre per 150 units of open space that is amenitized, pay into the park fund \$700 per dwelling unit, and a range of \$0 to \$600 for park development fee which would be based on the number of amenities they provide.

Director Dunlop stated this was 335 townhomes development but subject to change as they move through the design process. He informed the Commission that the parkland fees would be assessed and paid on the building permits for the property.

Director Dunlop answered questions regarding the current code, fee amounts associated with park land, and questions regarding this development. He confirmed a TIA had been completed for this project. He gave specific details regarding the improvements on Old Kimbro and the annexation of the portion of roadway in front of this property.

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

There was no further discussion.

Motion to Close carried 6-0

5. **Conduct a public hearing on a Subdivision Short Form Final Plat for Manor Commons SW, three (3) lots on 4.74 acres, more or less, and being located at the northwest corner of FM 973 and Ring Dr., Manor, TX. Applicant: ALM Engineering, Inc. Owner: Greenview Manor Commons SW LP.**

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

Vice Chair Paiz opened the public hearing.

Robert Battaile, 502 E. Eggleston St., Manor, Texas, submitted a speaker card to speak in opposition of this item. He stated that he would like to know what step they are on in the development process. He stated he would also like to know how many steps there are to the whole process. He criticized the process of voting in the park land fees. He gave his opinion on how he thought the roadway system should be laid out for this project. He requested additional information for this development.

Director Dunlop gave detailed information on the commercial subdivision. He explained this plat was to establish 2 new lots and a replat of another lot.

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

There was no further discussion.

Motion to Close carried 6-0

Vice Chair Paiz requested P&Z Commissioner Orion join the Commissioners on the dais in the position of Place 7. Vice Chair Paiz recessed the meeting at 7:38 p.m. Commissioner Hardeman left the meeting at this time.

Vice Chair Paiz called the meeting to order at 7:46 p.m.

CONSENT AGENDA

6. **Consideration, discussion, and possible action to approve the P&Z Commission minutes for:**
 - **October 11, 2023, P&Z Commission Regular Session; and**
 - **November 13, 2023, P&Z Commission Regular Session.**

City Staff recommended that the P&Z Commission approve the consent agenda.

MOTION: Upon a motion made by Commissioner Chavis and seconded by Commissioner Meyer to approve the consent agenda.

There was no further discussion.

Motion to Approve carried 6-0

REGULAR AGENDA

7. Consideration, discussion, and possible action on a Preliminary Plat for the New Haven Subdivision, two-hundred ninety-three (293) on 90.3 acres, more or less, and being located at Gregg Lane and FM 973, Manor, TX. Applicant: Gregg Lane Dev. LLC. Owner: Quiddity.

City Staff recommended that the P&Z Commission postpone action on the Preliminary Plat for the New Haven Subdivision, two-hundred ninety-three (293) on 90.3 acres, more or less, and being located at Gregg Lane and FM 973, Manor, TX.

Director Dunlop stated staff now recommended conditional approval subject to the final easement being approved by City Engineer. He also stated if the item was postponed, he would include the PUD information in the backup for the next meeting.

Discussion was held regarding the visual renderings for this item.

MOTION: Upon a motion made by Commissioner Leonard and seconded by Commissioner Chavis to postpone action on this item.

There was no further discussion.

Motion to Postpone carried 6-0

8. Consideration, discussion, and possible action on a Subdivision Preliminary Plat for the Ginsel Tract, five (5) lots on 84.31 acres, more or less, and being located at 13301 East US HWY 290, Manor, TX. Applicant: Kimley-Horn. Owner: Manor Opportunity Fund, LLC.

City Staff recommended that the P&Z Commission approve the Subdivision Preliminary Plat for the Ginsel Tract, five (5) lots on 84.31 acres, more or less, and being located at 13301 East US HWY 290, Manor, TX.

A.C. Steadman with Kimley-Horn, 10814 Jollyville Rd, Suite 200, Austin, Texas, submitted a speaker card in support of this item. Mr. Steadman answered questions regarding the TIA and the improvements to be done. He stated they were also paying Mitigation Fees to TXDOT. He confirmed the TIA has been approved by City of Manor and TXDOT.

Mr. Steadman gave a summary of the infrastructure improvements for this project. He stated there would be public streets built out. They would be extending off-site wastewater to serve the property as well as water. Easements for both are being created and improvements to the Highway 290 corridor. He addressed concerns regarding property access and future approval of the plans by Travis County ESD12.

Mr. Steadman answered questions regarding the roadway layout and the access points off Highway 290. He gave detailed explanation for the private and public streets shown in the maps.

MOTION: Upon a motion made by Commissioner Meyer and seconded by Commissioner Leonard to approve the Subdivision Preliminary Plat for the Ginsel Tract, five (5) lots on 84.31 acres, more or less, and being located at 13301 East US HWY 290, Manor, TX.

There was no further discussion.

Motion to Approve carried 6-0

9. Consideration, discussion, and possible action on a Subdivision Short Form Final Plat for the Junction Subdivision, one (1) lots on 9.2 acres, more or less, and being located at the intersection of La Grange St. and Murray Ave., Manor, TX. Applicant: BGE Inc. Owner: Junction Development, LLC.

City Staff recommended that the P&Z Commission postpone action on this item until the January 10, 2024, P&Z Commission meeting.

MOTION: Upon a motion made by Commissioner Chavis and seconded by Commissioner Meyer to postpone this item until the January 10, 2024, P&Z Commission.

There was no further discussion.

Motion to Approve carried 6-0

10. Consideration, discussion, and possible action on a Subdivision Short Form Final Plat for Amavi Manor, two (2) lots on 62.81 acres, more or less, and being located at the southeast corner of US Hwy 290 and Old Kimbro Rd, Manor, TX. Applicant: Kimley-Horn. Owner: Jefferson Triangle Marine, LP.

City Staff recommended that the P&Z Commission approve the Subdivision Short Form Final Plat for Amavi Manor, two (2) lots on 62.81 acres, more or less, and being located at the southeast corner of US Hwy 290 and Old Kimbro Rd, Manor, TX.

MOTION: Upon a motion made by Commissioner Meyer and seconded by Commissioner Nila to approve the Subdivision Short Form Final Plat for Amavi Manor, two (2) lots on 62.81 acres, more or less, and being located at the southeast corner of US Hwy 290 and Old Kimbro Rd, Manor, TX.

There was no further discussion.

Motion to Approve carried 4-2; Commissioner Leonard and Commissioner Chavis opposed.

11. Consideration, discussion, and possible action on a Subdivision Short Form Final Plat for Manor Commons SW, three (3) lots on 4.74 acres, more or less, and being located at the northwest corner of FM 973 and Ring Dr., Manor, TX. Applicant: ALM Engineering, Inc. Owner: Greenview Manor Commons SW LP.

City Staff recommended that the P&Z Commission approve the Subdivision Short Form Final Plat for Manor Commons SW, three (3) lots on 4.74 acres, more or less, and being located at the northwest corner of FM 973 and Ring Dr., Manor, TX.

MOTION: Upon a motion made by Commissioner Leonard and seconded by Commissioner Chavis to approve the Subdivision Short Form Final Plat for Manor Commons SW, three (3) lots on 4.74 acres, more or less, and being located at the northwest corner of FM 973 and Ring Dr., Manor, TX.

There was no further discussion.

Motion to Approve carried 6-0

12. Consideration, discussion, and possible action on a Final Plat for the Manor Heights Subdivision, Phase 4, Section A, two-hundred and five (205) lots on 93.503 acres, more or less, and being located near the intersection of Liberty Bell Blvd and Jordyn Sterling Street, Manor, TX. Applicant: Kimley-Horn & Associates. Owner: Forestar (USA) Real Estate Group.

City Staff recommended that the P&Z Commission approve the Final Plat for the Manor Heights Subdivision, Phase 4, Section A, two-hundred and five (205) lots on 93.503 acres, more or less, and being located near the intersection of Liberty Bell Blvd and Jordyn Sterling Street, Manor, TX.

Sarah Starkey with Kimley-Horn submitted a speaker card in support of this item. She did not wish to speak; however, was available for any questions.

Director Dunlop gave a summary of this item.

Ms. Starkey answered questions regarding the Final Plat. She confirmed there was a walking trail for this development which had already been installed. She gave a history recap for the previous three phases. She confirmed the pond area where the walking trail was located would be stocked and the dock area rebuilt.

Discussion was held regarding the lot sizes in this phase. Ms. Starkey stated that per the PUD, the lot minimum is 6,500 square feet with all of them meeting the lot mix requirements. She stated there was a good mix of 50-, 55-, and 60-foot lots. Director Dunlop confirmed that the lot sizes were comparable to the lot sizes in other subdivisions in Manor.

Discussion was held regarding the street/roadway improvements for Manor Heights Subdivision. Ms. Starkey recapped the various streets that have been built out in conjunction with this project.

MOTION: Upon a motion made by Commissioner Orion and seconded by Commissioner Meyer to approve the Final Plat for the Manor Heights Subdivision, Phase 4, Section A, two-hundred and five (205) lots on 93.503 acres, more or less, and being located near the intersection of Liberty Bell Blvd and Jordyn Sterling Street, Manor, TX.

There was no further discussion.

Motion to Approve carried 6-0

13. Consideration, discussion, and possible action a Final Plat for the Manor Heights Subdivision, Phase 4, Section B, sixty-six (66) lots on 17.31 acres, more or less, and being located near the intersection of Liberty Bell Blvd and Jordyn Sterling Street, Manor, TX. Applicant: Kimley-Horn & Associates. Owner: Forestar (USA) Real Estate Group.

City Staff recommended that the P&Z Commission approve the Final Plat for the Manor Heights Subdivision, Phase 4, Section B, sixty-six (66) lots on 17.31 acres, more or less, and being located near the intersection of Liberty Bell Blvd and Jordyn Sterling Street, Manor, TX.

Sarah Starkey with Kimley-Horn submitted a speaker card in support of this item. She did not wish to speak; however, was available for any questions.

Director Dunlop gave a brief description of this plat.

Ms. Starkey answered questions regarding this item. She stated she did not have significant information to make comments on the planned amenities for this portion of the project. She confirmed this phase had 3 acres of park land.

MOTION: Upon a motion made by Commissioner Leonard and seconded by Commissioner Chavis to approve the Final Plat for the Manor Heights Subdivision, Phase 4, Section B, sixty-six (66) lots on 17.31 acres, more or less, and being located near the intersection of Liberty Bell Blvd and Jordyn Sterling Street, Manor, TX.

There was no further discussion.

Motion to Approve carried 6-0

14. Consideration, discussion, and possible action on a Final Plat for the Manor Commons SE Commercial Subdivision, three (3) lots on 3.179 acres, more or less, and being located near the intersection of US Hwy 290 and N. FM 973, Manor, TX. Applicant: ALM Engineering. Owner: Greenview Development 973.

City Staff recommended that the P&Z Commission approve the Final Plat for the Manor Commons SE Commercial Subdivision, three (3) lots on 3.179 acres, more or less, and being located near the intersection of US Hwy 290 and N. FM 973, Manor, TX.

Director Dunlop gave a summary of this item. He brought to the attention of the Commission that this item was not the same as the Manor Commons SW Commercial Subdivision seen earlier in the meeting. He explained the location of this plat in relation to the other Manor Commons item.

Director Dunlop answered questions regarding the projects, business, and roadways in this area. He spoke regarding the future roadway improvements especially those on Highway 290 and FM 973.

MOTION: Upon a motion made by Commissioner Meyer and seconded by Commissioner Nila to approve the Final Plat for the Manor Commons SE Commercial Subdivision, three (3) lots on 3.179 acres, more or less, and being located near the intersection of US Hwy 290 and N. FM 973, Manor, TX.

There was no further discussion.

Motion to Approve carried 6-0

15. Consideration, discussion, and possible action on an amendment to the Shadowglen Medical Tower Coordinated Sign Plan.

City Staff recommended that the P&Z Commission approve the amendment to the Shadowglen Medical Tower Coordinated Sign Plan.

Director Dunlop explained coordinated sign plans and when they would be needed. He stated the Shadowglen Medical Tower Coordinated Sign Plan has been amended multiple times in the past.

MOTION: Upon a motion made by Commissioner Meyer and seconded by Commissioner Leonard to approve the amendment to the Shadowglen Medical Tower Coordinated Sign Plan.

There was no further discussion.

Motion to Approve carried 6-0

16. Consideration, discussion, and possible action on a 2024 Subdivision Calendar.

City Staff recommended that the P&Z Commission approve the 2024 Subdivision Calendar.

Director Dunlop explained the reason for this calendar, how it is used, who is affected by it, and when actions can occur.

Discussion was held. Date changes were discussed. It was suggested to have a separate calendar specifically for P&Z that included dates that applied only to the Commissioners. It was suggested to include quarterly meetings with City Council and potentially having meetings or workshops that included all Boards, Committees, Commissions and City Council periodically throughout the year.

MOTION: Upon a motion made by Commissioner Leonard and seconded by Commissioner Meyer to move the meeting on February 14, 2024, to February 13, 2024, and approve the 2024 Subdivision Calendar with a date change.

There was no further discussion.

Motion to Approve carried 6-0

17. Consideration, discussion, and possible action on a Food Court Establishment at 13538 N. FM 973.

City Staff recommended that the P&Z Commission approve the Food Court Establishment at 13538 N. FM 973.

Danny Burnett with Dwyer Realty Companies, 9900 Hwy 290 East, Manor, Texas, submitted a speaker card in support of this item. He did not wish to speak; however, was available for questions.

Jordan Dwyer with Dwyer Realty Companies, 9900 Hwy 290 East, Manor, Texas, submitted a speaker card in support of this item. He did not wish to speak; however, was available for questions.

Mr. Burnett answered questions regarding the commercial plans for this property. He stated this property is part of the Shadowglen Master Land Plan. He gave a brief history of the property including the temporary use of the property by Compass Rose Academy. He explained the plan to take advantage of the infrastructure that was there now by establishing the Food Court. It would remain there for approximately 5 years before developing it into an appropriate commercial use on that site.

Discussion was held regarding the site layout.

Concerns were raised about the increase in traffic because of this type of development. Concerns regarding the success of this development where it is located was also expressed. Mr. Burnett stated they've done research in the area and feel it would be successful, and TIAs have shown that food courts generate less of an impact regarding increasing traffic than what would occur if a regular commercial site was built out in this location.

Mr. Burnett addressed questions regarding access to the property. He confirmed there was only access off of Shadowglen Trace. He discussed timeline of set-up, connections to utility services, parking, and the ADA accessibility on the site.

Discussion was held regarding limiting the number of food vendors allowed on the property, the location of the vendors, and the use of porta potties. Director Dunlop explained the different items that would be acceptable to add into the motion for recommendation to City Council.

MOTION: Upon a motion made by Commissioner Meyer and seconded by Commissioner Chavis to approve the Food Court Establishment at 13538 N. FM 973 with the condition of a maximum number of 5 food trucks and a 6-month limit for the use of portable restrooms.

There was no further discussion.

Motion to Approve carried 6-0

18. Consideration, discussion, and possible action on a Setback Waiver for Lot 6, Block 34, locally known as 505 Jessie Street, to reduce the rear setback to 10' and the side setbacks to 5'.

City Staff recommended that the P&Z Commission approve the Setback Waiver for Lot 6, Block 34, locally known as 505 Jessie Street, to reduce the rear setback to 10' and the side setbacks to 5'.

Director Dunlop explained setback waivers and the reason they are requested.

Discussion was held regarding the setback waiver for this specific property.

MOTION: Upon a motion made by Commissioner Leonard and seconded by Commissioner Meyer to approve the Setback Waiver for Lot 6, Block 34, locally known as 505 Jessie Street, to reduce the rear setback to 10' and the side setbacks to 5'.

There was no further discussion.

Motion to Approve carried 6-0

19. Consideration, discussion, and possible action on a Joined Lot Affidavit for Lot 1-5, Block 12, Town of Manor, locally known as 800 N. Lexington Street, Manor, Texas. Applicant: Bobby Gosey. Owner: Bobby Gosey.

City Staff recommended that the P&Z Commission approve the Joined Lot Affidavit for Lot 1-5, Block 12, Town of Manor, locally known as 800 N. Lexington Street, Manor, Texas.

Director Dunlop explained lots for this property were currently separated causing interior setbacks between each of the lots. He stated for developments that qualify for this type of waiver, it would allow them to join the lots for free and avoid the cost of replotting the property. He did confirm this was the property that was spoke of during the public hearing. It is planned for a funeral home service, but nothing has been filed with the city in regard to site or building plans.

He answered questions regarding the location of the property. He confirmed the property was currently zoned as Downtown Business. It allows for residential and commercial uses with the commercial use being primary use and residential being the secondary use. He verified the property owner would not need special permission for this use. All permissions would be administrative in nature.

Commissioners requested to speak with the owner, applicant, or developer associated with this request. None were in attendance for this meeting. Concerns were expressed regarding the increase of people in the area and available parking for this type of business. Commissioners discussed the streets and the issues that would occur if parking queued on the sides of the road in this area of town.

Director Dunlop stated the number of parking spaces would be a minimum of 13 and a maximum of 19 for the 1850 square foot structure that is currently on the property. He verified a pre-development meeting has not taken place between the city and the property owner or developer.

MOTION: Upon a motion made by Commissioner Leonard and seconded by Commissioner Nila to postpone the Jointed Lot Affidavit for Lot 1-5, Block 12, Town of Manor, locally known as 800 N. Lexington Street, Manor, Texas, until the January 10, 2024, P&Z Commission meeting and request for the Owner or Developer attend the meeting.

There was no further discussion.

Motion to Approve carried 6-0

ADJOURNMENT

Vice Chair Paiz requested to have *Consideration, discussion, and possible action on the need of quarterly meetings with City Council* to the next meeting agenda.

MOTION: Upon a motion made by Commissioner Chavis and seconded by Commissioner Orion to adjourn the regularly scheduled P&Z Commission meeting at 9:08 p.m. on Wednesday, December 13, 2023.

There was no further discussion.

Motion to Adjourn carried 6-0

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

APPROVED:

Chairperson

ATTEST:

Mandy Miller
Development Services Supervisor

November 8, 2023

Planning and Zoning Commission

City of Manor

Manor, Texas

Re : Zoning Restrictions for Funeral Home Business Office located across from Residential Area

My name is Kay Forsythe, property owner and resident of the city of Manor for the past 77 years. I reside at 710 N Lexington St at the corner of Lexington and Lane. My property is directly across from a property that has been designated for Neighborhood Business.

I had been informed that the property owner has leased the property to a funeral home business office. The lessee confirmed this fact and stated that other options were being considered specific to the lease of property. I have since learned from the property manager that there will be visitation services at the location.

Living across from a potential funeral home is not only upsetting, it is downright intolerable. Even though death is a final outcome we all must face, I do not want to be reminded of this on a daily basis. I've canvassed my neighbors who live in close proximity to the proposed business and they are in agreement with me. Their contact information is listed at the end of this letter.

Moreover, this type of business would have a direct and immediate adverse impact because of the nature of the business. Specifically, 1) a constant reminder of death, 2) it would decrease the value of our property, 3) it will create an undue traffic burden for surrounding streets as well as parking problems due to very limited road space.

Lexington Street is already a heavily trafficked area and Lane Street, the

road that runs between the proposed business and my property, is very narrow and short. There really is no place to carry the type of traffic that a funeral home/visitation would attract.

I am requesting, on my behalf and that of my neighbors. that Chapter 14, Section 14.0216 be specific to exclude a funeral office or mortuary as an acceptable Neighborhood Business.

Respectfully Submitted, Kay Forsythe

Robert and Brenda Jones
Mania Portales

Linda Williams } 512-484-8492
Myrtle Williams

Jul Bandy

Christina Dover 512 845 8378

Gary Dover 512 845 8378

... From the case of *Street v. Marshall*, St. Louis, Mo., 291 S.W. 494, involving location in a residential section of a funeral home in which no embalming was done and where funerals averaged only one a month:

No amount of skill or tact can wholly eliminate from the undertaking business its constant reminders of death, the one thing from which the normal individual instinctively flees, whatever his religion or philosophy of life. To be compelled to live in a continuing atmosphere of death is intolerable. While the undertaking business is not only lawful but indispensable, there is no justification or excuse for its seeking out and establishing itself in localities devoted exclusively to homes, where it not only materially detracts from the comfort and happiness of those who dwell there, but ruinously depreciates the values of their real estate as well.
