



Rita G. Jonse, Mayor
Gene Kruppa, Place 1
Maria Amezcua, Place 2
Anne Weir, Mayor Pro Tem, Place 3
Zindia Pierson, Place 4
Deja Hill, Place 5
Todd Shaner, Place 6

CITY COUNCIL REGULAR MEETING AGENDA

Wednesday, August 1, 2018

7:00 p.m.

Manor City Hall – Council Chambers
105 E. Eggleston Street

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Comments will be taken from the audience on non-agenda related topics for a length of time, not to exceed three (3) minutes per person. Comments on specific agenda items must be made when the item comes before the Council. To address the City Council, please complete the white card and present it to the City Secretary prior to the meeting. **No Action May be Taken by the City Council During Public Comments**

CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless requested by the Mayor or a Council Member; in which event, the item will be removed from the consent agenda and considered separately.

1. Consideration, discussion, and possible action to approve the City Council Minutes of the July 18, 2018, Regular Meeting. Lluvia Tijerina, City Secretary
2. Consideration, discussion, and possible action to approve a Resolution calling the November 6, 2018, General Election; Authorization of an Election Calendar; and Authorization for the Mayor to sign the Notice of General Election. Lluvia Tijerina, City Secretary

3. Consideration, discussion and possible action on a second and final reading of a rezoning request for 477 acres, more or less, located at US Hwy 290 E and Old Kimbro Road, locally known as 13201, 13356, and 13400 Old Kimbro Road, Manor, Travis County, Texas; which includes Lot 2, J.F. Nagle Estates, portions of the A.C. Caldwell Sur. No. 52 Ab. No. 154, and Lemuel Kimbro Sur. No. 64 Ab. No. 456; from interim Agricultural (A) district zoning to Planned Unit Development (PUD) district zoning. Applicant: Kimley-Horn. Owner: Sky Village Kimbro Estates LLC. Scott Dunlop, Planning Coordinator
4. Consideration, discussion, and possible action on the second and final reading of an ordinance annexing 87.62 acres of land, more or less, adjacent and contiguous to the city limits and being located in the A.C. Caldwell Survey, Abstract 154, Travis County, Texas and approving a service plan for the annexed area. Scott Dunlop, Planning Coordinator
5. Consideration, discussion and possible action on the second and final reading of an ordinance rezoning Lot 1, Block 11 Lane A E Addition, locally known as 901 ½ North Burnet Street, from Single Family Residential (R-1) to Institutional (I). Applicant: City of Manor. Owner: City of Manor Scott Dunlop, Planning Coordinator
6. Consideration, discussion and possible action on the second and final reading of an ordinance rezoning Abstract 315 Survey 63 Gates G Acres 10.01, locally known as 14605 N. FM 973, from Interim Agricultural (A) to Light Commercial (C-1). Applicant: Shana Whiteley. Owner: Foxtrot Holdings, LLC Scott Dunlop, Planning Coordinator

REGULAR AGENDA

7. Consideration, discussion, and possible action on an agreement with Wilbarger Creek Municipal Utility District No. 2 Regarding Acquisition of Road Powers. Paige Saenz, City Attorney
8. Consideration, discussion, and possible action on an award of a construction contract for the 2017 Paving Improvements project. Pauline M. Gray, P.E., Staff Engineer
9. Consideration, discussion and possible action on a second reading of a conditional use request for Lot 5, Block B Wildhorse Creek Commercial, locally known as 12010 N. FM 973, to allow for a service station. Applicant: Professional StruCIVIL Engineers Inc. Owner: Harisa, LLC Scott Dunlop, Planning Coordinator
10. Consideration, discussion and possible action on a resolution commencing the annexation of 24.001 acres of land, more or less; being located in Travis County, Texas and adjacent and contiguous to the city limits; and providing for open meetings and other related matters. Scott Dunlop, Planning Coordinator

ADJOURNMENT

In addition to any executive session already listed above, the City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section §551.071 (Consultation with Attorney), §551.072 (Deliberations regarding Real Property), §551.073 (Deliberations regarding Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations regarding Security Devices) and §551.087 (Deliberations regarding Economic Development Negotiations).

POSTING CERTIFICATION

I, the undersigned authority do hereby certify that this Notice of Meeting was posted on the bulletin board, at the City Hall of the City of Manor, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: Friday, July 27, 2018, by 5:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

/Lluvia Tijerina/ TRMC
City Secretary for the City of Manor, Texas

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS:

The City of Manor is committed to compliance with the Americans with Disabilities Act. Manor City Hall and the Council Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary at 512.272.5555 or e-mail ltijerina@cityofmanor.org



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: August 1, 2018

PREPARED BY: Lluvia Tijerina, City Secretary

DEPARTMENT: Administration

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action to approve the City Council Minutes of the July 18, 2018, Regular Meeting.

BACKGROUND/SUMMARY:

PRESENTATION: YES NO

ATTACHMENTS: YES (IF YES, LIST IN ORDER TO BE PRESENTED) NO

July 18, 2018, Regular Meeting Minutes

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve the City Council Minutes for the July 18, 2018, Regular Meeting.

PLANNING & ZONING COMMISSION: RECOMMENDED APPROVAL DISAPPROVAL NONE



**CITY COUNCIL
REGULAR SESSION MINUTES
JULY 18, 2018**

PRESENT:

Rita G. Jonse, Mayor (Absent)

COUNCIL MEMBERS:

Gene Kruppa, Place 1
Maria Amezcua, Place 2
Anne R. Weir, Mayor Pro Tem, Place 3
Zindia Pierson, Place 4
Deja Hill, Place 5 (Absent)
Todd Shaner, Place 6

CITY STAFF:

Thomas Bolt, City Manager
Lluvia Tijerina, City Secretary
Scott Dunlop, Planning Coordinator
Lydia Collins, Director of Finance
Mike Tuley, Public Works Director
Denver Collins, Captain
Sarah Friberg, Court Clerk
Frank Phelan, City Engineer
Veronica Rivera, Legislative and General Counsel (The Knight Law Firm, LLP)

REGULAR SESSION – 7:00 P.M.

With a quorum of the Council Members present, the regular session of the Manor City Council was called to order by Mayor Pro Tem Anne R. Weir at 7:00 p.m. on Wednesday, July 18, 2018, in the Council Chambers of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

PLEDGE OF ALLEGIANCE

At the request of Mayor Pro Tem Weir, Captain Collins, led the Pledge of Allegiance.

PUBLIC COMMENTS

No one appeared to speak at this time.

CONSENT AGENDA

1. **Consideration, discussion, and possible action to approve the City Council Minutes of the June 27, 2018, Special Session.**
2. **Consideration, discussion, and possible action on acceptance of the June 2018 Departmental Reports:**
 - **Police – Ryan Phipps, Chief of Police**
 - **Development Services – Scott Dunlop, Planning Coordinator**
 - **Municipal Court – Sarah Friberg, Court Clerk**
 - **Public Works – Mike Tuley, Director of Public Works**
 - **Finance – Lydia Collins, Director of Finance**

MOTION: Upon a motion made by Council Member Pierson and seconded by Council Member Amezcua, the Council voted five (5) For and none (0) Against to approve and adopt all items on the consent agenda. The motion carried unanimously.

PUBLIC HEARING

3. **Conduct a public hearing regarding the creation of a Public Improvement District-EntradaGlen.**

Mayor Pro Tem Weir opened the public hearing.

At the request of City Manager Bolt, Pete Dwyer and Danny Burnett, 9900 Highway 290 East, Manor, Texas, both presented the attached PowerPoint Presentation.

Mr. Dwyer discussed the following:

- EntradaGlen PID Overall
- Preliminary Opinion of Probable Cost
- Fiscal Impact of Flood Plain Recovery and Grading Improvements
- Las Entradas Overall
- Las Entradas Regulating Plan

Mr. Burnett discussed the following:

- ShadowGlen Regulating Plan
- ShadowGlen Schematic Renderings
- Shadow View Lakeside Public and Commercial Lake Scene
- ShadowGlen Schematic Plan for Multi-Family
- ShadowGlen Possible Schematic Renderings for Multi-Family
- ShadowGlen Roadway and Miscellaneous
- ShadowGlen Schematic Street Scene for Hill Lane and Manor Downs

- ShadowGlen Pedestrian Linkages, Trails, Access Points, and R.O.W. Treatment
- ShadowGlen Water Plan
- ShadowGlen Wastewater Plan
- ShadowGlen Storm Drain Plan
- ShadowGlen Phasing Plan
- ShadowGlen Entry, Landscape, and Amenities Maintenance Plan
- Las Entradas Regulating Plan
- Las Entradas Overall Schematics
- Las Entradas Schematic Renderings
- Civic Benefits regarding the Bloor House
- Las Entradas Schematic Renderings of Grocery Store Configuration
- Las Entradas Roadway and Miscellaneous
- Las Entradas North
- Las Entradas Schematic Street Scene Gregg Manor South to Parsons
- Las Entradas Pedestrian Linkages, Trails, Access Points, and R.O.W. Treatment
- Las Entradas Schematic Gateway and Monumentation
- Las Entradas Water Plan
- Las Entradas Wastewater Plan
- Las Entradas Strom Drain Plan
- Las Entradas Phasing Plan
- Las Entradas Entry, Landscape, and Amenities

The discussion was held regarding the Performance and Project Management Fees.

Council Member Kruppa inquired about the long term full-time employment opportunities. Mr. Dwyer discussed Casa Garcia and the shopping center employment opportunities within a 10-year period.

Council Member Kruppa inquired about the effect of performance with the Lago Vista project.

Harrison Hudson, 2600 Via Fortuna, Suite 300, Austin, Texas, submitted a card in support of this item; however, he did not wish to speak but was available to address any questions posed by the City Council.

MOTION: Upon a motion made by Council Member Amezcua and seconded by Council Member Pierson, the Council voted five (5) For and none (0) Against to close the Public Hearing. The motion carried unanimously.

Mayor Pro Tem Weir adjourned the regular session of the Manor City Council into Executive Session at 7:55 p.m. Wednesday, July 18, 2018, in accordance with the requirements of the Open Meetings Law.

EXECUTIVE SESSION

The City Council convene into Executive Session pursuant to *Section 551.071 and Section 551.087, Texas Government Code, to deliberate an offer of financial or economic development incentive*, at 7:55 p.m., on Wednesday, July 18, 2018, City Council Conference Room of the Manor City Hall, 105 E. Eggleston St., Manor, Texas.

The Executive Session was adjourned at 9:09 p.m. on Wednesday, July 18, 2018.

OPEN SESSION

The City Council reconvened into Open Session pursuant to the provisions of Chapter 551 Texas Government Code at 9:09 p.m. on Wednesday, July 18, 2018, in the Council Chambers of the Manor City Hall.

Mayor Pro Tem Weir opened the floor for action to be taken on the items discussed in the Executive Session.

REGULAR AGENDA

4. A) Consideration, discussion, and possible action on a Resolution creating a Public Improvement District – EntradaGlen.

B) Consideration, discussion, and possible action on an Agreement Regarding the Dissolution of the EntradaGlen Public Improvement District.

Danny Burnett, 9900 Highway 290 East, Manor, Texas, submitted a card in support of this item; however, he did not wish to speak but was available to address any questions posed by the City Council.

Rick Rosenberg, 8140 North Mopac Expressway, Austin, Texas, submitted a card in support of this item; however, he did not wish to speak but was available to address any questions posed by the City Council.

Harrison Hudson, 2600 Via Fortuna, Suite 300, Austin, Texas, submitted a card in support of this item; however, he did not wish to speak but was available to address any questions posed by the City Council.

Council Member Shaner inquired about the home prices within the PID. Mr. Burnett stated the homes will start in the range of \$250,000.

The discussion was held regarding the exception for home prices within the PID exceeding other surrounding new home community pricing by \$30,000.

Council Member Shaner stated if PID was approved the exception on the Resolution would be removed.

Mayor Pro Tem Weir stated that the Council was only creating the PID at this time with an understanding that a development agreement will be presented on a later date.

MOTION: Upon a motion made by Council Member Pierson and seconded by Council Member Amezcua the Council voted five (5) For and none (0) Against to approve the Resolution as amended to create Public Improvement District – EntradaGlen, Amending Resolution by removing the exception for home prices within the PID exceeding other surrounding new home community pricing by \$30,000. The motion carried unanimously.

MOTION: Upon a motion made by Council Member Pierson and seconded by Council Member Amezcua the Council voted five (5) For and none (0) Against to approve the Agreement Regarding the Dissolution of the EntradaGlen Public Improvement District. The motion carried unanimously

At the request of Mayor Pro Tem Weir Item No.10 was conducted next.

10. Consideration, discussion and possible action on a first reading of an ordinance rezoning Lot 4 Bluebonnet Parkway Business Park Section 1, locally known as 15721 US Hwy 290 E, from Interim Agricultural (A) to Heavy Industrial (IN-2). Applicant: DuBois Bryant & Campbell. Owner: Lisa Nehring

Scott Dunlop, Planning Coordinator, was available to address any questions posed by the City Council.

City Manager Bolt discussed the rezoning ordinance for 15721 US Hwy 290 E.

Brent Wesley Amos, 15812 Voelker Lane, Elgin, Texas, submitted a card in opposition of this item. Mr. Amos discussed his concerns regarding the proposed propane company that would be close to his property and health hazards it might bring to the City. He asked for Council to reconsider and think about the quality of life issues in that neighborhood.

Toby Edwards, 15800 Voelker Lane, Elgin, Texas, submitted a card in opposition of this item. Mr. Edwards discussed his concerns regarding the development in his area. He stated the homes in that area would lose property value if the development is approved. Mr. Edwards discussed the potential safety hazards that would come with the propane development. He suggested for the developer to move his development to the district zoning of the city.

Henry Gilmore, 303 Colorado Street, Suite 2300, Austin, Texas, submitted a card in support of this item. Mr. Gilmore represents AmeriGas Propane, he discussed the overall propane services that would be provided. He discussed the operations of the business and regulations that would be met by AmeriGas. Mr. Gilmore discussed the safety concerns of the residents and stated there were no hazardous issues for that location.

James Mercer, 15710 Voelker Lane, Elgin, Texas, submitted a card in opposition of this item. He discussed his concerns regarding the propane development in his neighborhood. He discussed the flooding issues in that location. He expressed his concerns regarding the hazards for the animals, children and everyone that lives in the neighborhood. Mr. Mercer discussed the distance from the fire department to the neighborhood. He requested for Council to deny the development for the safety of the children and everyone in the neighborhood.

Melissa Pierce, 9751 Highway 290 East, Austin, Texas, submitted a card in support of this item. She discussed the safety of propane materials with AmeriGas Propane. She stated AmeriGas Propane has met all regulations with the Texas Railroad Commission.

Council Member Kruppa stated without seeing a certificate of approval by the State and Environmental Protection Standards, he would not vote for approval.

MOTION: Upon a motion made by Council Member Shaner and seconded by Council Member Amezcua, the Council voted five (5) For and none (0) Against to deny the first reading of an ordinance rezoning Lot 4 Bluebonnet Parkway Business Park Section 1, locally known as 15721 US Hwy 290 E, from Interim Agricultural (A) to Heavy Industrial (IN-2). The motion failed.

5. Consideration, discussion and possible action on a first reading of a rezoning request for 477 acres, more or less, located at US Hwy 290 E and Old Kimbro Road, locally known as 13201, 13356, and 13400 Old Kimbro Road, Manor, Travis County, Texas; which includes Lot 2, J.F. Nagle Estates, portions of the A.C. Caldwell Sur. No. 52 Ab. No. 154, and Lemuel Kimbro Sur. No. 64 Ab. No. 456; from interim Agricultural (A) district zoning to Planned Unit Development (PUD) district zoning. Applicant: Kimley-Horn. Owner: Sky Village Kimbro Estates LLC

The City staff's recommendation was that the City Council approve the first reading of a rezoning request for 477 acres, more or less, located at US Hwy 290 E and Old Kimbro Road, locally known as 13201, 13356, and 13400 Old Kimbro Road, Manor, Travis County, Texas; which includes Lot 2, J.F. Nagle Estates, portions of the A.C. Caldwell Sur. No. 52 Ab. No. 154, and Lemuel Kimbro Sur. No. 64 Ab. No. 456; from interim Agricultural (A) district zoning to Planned Unit Development (PUD) district zoning.

Scott Dunlop, Planning Coordinator, was available to address any questions posed by the City Council.

City Manager Bolt discussed the rezoning request for US Highway 290 E and Old Kimbro Road.

At the request of City Manager Bolt, Sean Compton, LEED AP, Principal, TBG Partners presented the attached PowerPoint Presentation.

Mr. Compton discussed the following:

- Community Characteristics:
 - Elements to Create Community
 - Street Enhancements
 - Design Guidelines
 - Parkland
- Developer Commitment:
 - Major Roadway Connections
 - Greenbelt Trails
 - Water Distribution to Allow City Service
 - Waste water Treatment Plan
- PUD Preliminary Site Plan
- City of Manor Thoroughfare Plan
- Enhanced Design Guidelines
- Creation of a Master Homeowners Association
- Architectural Review Committee

The discussion was held regarding the lot sizes of the PUD District.

MOTION: Upon a motion made by Council Member Kruppa and seconded by Council Member Shaner the Council voted five (5) For and none (0) Against to approve the first reading of a of a rezoning request for 477 acres, more or less, located at US Hwy 290 E and Old Kimbro Road, locally known as 13201, 13356, and 13400 Old Kimbro Road, Manor, Travis County, Texas; which includes Lot 2, J.F. Nagle Estates, portions of the A.C. Caldwell Sur. No. 52 Ab. No. 154, and Lemuel Kimbro Sur. No. 64 Ab. No. 456; from interim Agricultural (A) district zoning to Planned Unit Development (PUD) district zoning. The motion carried unanimously.

6. Consideration, discussion, and possible action on the first reading of an ordinance annexing 87.62 acres of land, more or less, adjacent and contiguous to the city limits and being located in the A.C. Caldwell Survey, Abstract 154, Travis County, Texas and approving a service plan for the annexed area.

The City staff's recommendation was that the City Council approve the first reading of an ordinance annexing 87.62 acres of land, more or less, adjacent and contiguous to the city limits and being located in the A.C. Caldwell Survey, Abstract 154, Travis County, Texas and approving a service plan for the annexed area.

Scott Dunlop, Planning Coordinator, was available to address any questions posed by the City Council.

City Manager Bolt discussed the annexation ordinance.

MOTION: Upon a motion made by Council Member Pierson and seconded by Council Member Amezcua the Council voted five (5) For and none (0) Against to approve the first reading of an ordinance annexing 87.62 acres of land, more or less, adjacent and contiguous to the city limits and being located in the A.C. Caldwell Survey, Abstract 154, Travis County, Texas and approving a service plan for the annexed area. The motion carried unanimously.

7. Consideration, discussion and possible action on a Concept Plan for Lagos Master Planned Community, 481 single-family homes on 173 acres, more or less, located near N FM 973 and Brenham Street. Applicant: Kimley-Horn. Owner: Dwyer Realty Companies

The City staff's recommendation was that the City Council approve a Concept Plan for Lagos Master Planned Community, 481 single-family homes on 173 acres, more or less, located near N FM 973 and Brenham Street.

Scott Dunlop, Planning Coordinator, was available to address any questions posed by the City Council.

City Manager Bolt discussed the Concept Plan for Lagos Master Planned Community.

MOTION: Upon a motion made by Council Member Pierson and seconded by Council Member Amezcua, the Council voted five (5) For and none (0) Against to approve a Concept Plan for Lagos Master Planned Community, 481 single-family homes on 173 acres, more or less, located near N. FM 973 and Brenham Street. The motion carried unanimously.

8. Consideration, discussion and possible action on a conditional use request for Lot 5, Block B Wildhorse Creek Commercial, locally known as 12010 N. FM 973, to allow for a service station. Applicant: Professional StruCIVIL Engineers Inc. Owner: Harisa, LLC

Scott Dunlop, Planning Coordinator, was available to address any questions posed by the City Council.

City Manager Bolt discussed the proposed conditional use permit for 12010 N. FM 973 to allow for a service station.

The discussion was held regarding traffic issues on FM 973.

Mirza Tahir Baig, P.E., 12710 Research Blvd., Suite 390, Austin, Texas, spoke before City Council regarding the proposed development site and products that would be available.

Council Member Kruppa expressed his concerns regarding having another gas station within a mile of the development.

The discussion was held regarding the concerns of not having deceleration lanes.

The discussion was held regarding the development for a deceleration lane per TXDOT standards and only having three (3) gas station pumps.

MOTION: Upon a motion made by Council Member Kruppa and seconded by Council Member Shaner, the Council voted four (4) For and one (1) Against to approve a conditional use request for Lot 5, Block B Wildhorse Creek Commercial, locally known as 12010 N. FM 973, to allow for a service station with a maximum of three (3) pumps and the form mentioned and described of deceleration lanes. Mayor Pro Tem Weir voted against. The motion carried.

9. Consideration, discussion and possible action on a first reading of an ordinance rezoning Lot 1, Block 11 Lane A E Addition, locally known as 901 ½ North Burnet Street, from Single Family Residential (R-1) to Institutional (I). Applicant: City of Manor. Owner: City of Manor

The City staff's recommendation was that the City Council approve an ordinance rezoning Lot 1, Block 11 Lane A E Addition, locally known as 901 ½ North Burnet Street, from Single Family Residential (R-1) to Institutional (I).

Scott Dunlop, Planning Coordinator, was available to address any questions posed by the City Council.

City Manager Bolt discussed the rezoning ordinance for the water tower on 901 ½ N. Burnet Street.

The discussion was held regarding the installation of telecommunications towers from providers.

MOTION: Upon a motion made by Council Member Shaner and seconded by Council Member Pierson, the Council voted five (5) For and none (0) Against to approve an ordinance rezoning Lot 1, Block 11 Lane A E Addition, locally known as 901 ½ North Burnet Street, from Single Family Residential (R-1) to Institutional (I). The motion carried unanimously.

11. Consideration, discussion and possible action on a first reading of an ordinance rezoning Abstract 315 Survey 63 Gates G Acres 10.01, locally known as 14605 N. FM 973, from Interim Agricultural (A) to Light Commercial (C-1). Applicant: Shana Whiteley. Owner: Foxtrot Holdings, LLC

The City staff's recommendation was that the City Council approve an ordinance rezoning Abstract 315 Survey 63 Gates G Acres 10.01, locally known as 14605 N. FM 973, from Interim Agricultural (A) to Light Commercial (C-1).

Scott Dunlop, Planning Coordinator, was available to address any questions posed by the City Council.

City Manager Bolt discussed the rezoning ordinance for 14605 North FM 973.

MOTION: Upon a motion made by Council Member Pierson and seconded by Council Member Amezcua, the Council voted five (5) For and none (0) Against to approve an ordinance rezoning Abstract 315 Survey 63 Gates G Acres 10.01, locally known as 14605 N. FM 973, from Interim Agricultural (A) to Light Commercial (C-1). The motion carried unanimously.

ADJOURNMENT

The Regular Session of the Manor City Council Adjourned at 10:12 p.m. on Wednesday, July 18, 2018.

These minutes approved by the Manor City Council on the 1st day of August 2018.

APPROVED:

Rita G. Jonse
Mayor

ATTEST:

Lluvia Tijerina, TRMC
City Secretary



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: August 1, 2018

PREPARED BY: Lluvia Tijerina, City Secretary

DEPARTMENT: Administration

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action to approve a Resolution calling the November 6, 2018, General Election; Authorization of an Election Calendar; and Authorization for the Mayor to sign the Notice of General Election.

BACKGROUND/SUMMARY:

The City of Manor will be holding a General Election on November 6, 2018, for the following positions on the City Council: Council Member, Place 2; Council Member, Place 4; and Council Member, Place 6. An election calendar has been prepared for the November 6, 2018, General Election, which will be included in the Candidates Packets. Notice of General Election will address polling locations for both early voting and Election Day to the registered voters of the City of Manor, Texas.

PRESENTATION: YES NO

ATTACHMENTS: YES (IF YES, LIST IN ORDER TO BE PRESENTED) NO

- Resolution No. 2018-07
- Election Calendar
- Notice of General Election (Draft)

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Resolution No. 2018-07 calling the November 6, 2018, General Election; approve the election calendar; and authorize the Mayor to sign the final Notice of General Election.

PLANNING & ZONING COMMISSION: RECOMMENDED APPROVAL DISAPPROVAL NONE

RESOLUTION NO. 2018-07

A RESOLUTION OF THE CITY OF MANOR, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, FOR THE PURPOSE OF ELECTING THREE (3) COUNCIL MEMBERS OF THE CITY COUNCIL (PLACE NOS. 2, 4, AND 6); MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTIONS; PROVIDING FOR OTHER MATTERS RELATING TO THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Manor wishes to order a general election for the purpose of electing three (3) council members, by the qualified voters of the City of Manor; and

WHEREAS, the City Council wishes to proceed with the ordering of an election to be held on November 6, 2018; and

WHEREAS, the Texas Election Code is applicable to said election, and in order to comply with said Code, a resolution should be passed calling the election and establishing the procedures to be followed in said election, and designating the voting place for said election; and

WHEREAS, the City Council wishes to designate certain officials to conduct various aspects of election services for the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS THAT:

Section 1. General Election Ordered. A general election is hereby ordered to be held on November 6, 2018, for the purpose of electing three (3) council members: Council Member, Place 2; Council Member Place 4; and Council Member, Place 6; of the City of Manor, Texas.

Section 2. Joint Election Administration Contract. The City Secretary is hereby authorized to contract with Travis County for joint election services. In the event of a conflict between this Resolution and the Agreement, the Agreement shall control.

Section 3. Election Precincts 105; 106; 120 and Election Day Polling Place. The entire city shall be the election precinct for said election. The polling locations for Precincts 105; 106; and 120 are hereby designated by Travis County Elections Division.

Section 4. Election Officers. The Travis County Election Officer is appointed to serve as the City's Election Officer and Early Voting Clerk and shall coordinate, supervise, and conduct all aspects of administering voting for the City's joint elections. The Travis County Election Officer assumes the responsibility for recruiting election personnel and training thereof.

The City Secretary of the City of Manor will perform those election duties listed (1) through (8) below and any other election duties that may not be delegated to another governmental entity:

- (1). Preparing, adopting, and publishing all required elections orders, ordinances, notices and other documents, including bilingual materials, evidencing action by the City of Manor necessary for the conduct of the election;
- (2). Administer the City's duties under state and local campaign finance laws including but not limited to compliance with hours of operation, preparing and providing candidate information and filing forms for perspective interested citizens; receive filings for office and conduct the City's drawing for places on the ballot;
- (3). Preparing the text for the City's official ballot in English and Spanish, as required by law;
- (4). Providing the Election Officer with a list of candidates showing the order and the exact manner in which the candidates' names are to appear on the official ballot;
- (5). Assist the County whenever possible when required;
- (6). Conduct the official canvass of the City of Manor election;
- (7). Serve as the custodian of the City's election records; and
- (8). Filing the Participating Entity's annual voting system report to the Secretary of State as required under Chapter 123 et seq. of the Texas Election Code.

Section 5. Early Voting. That early voting, in said election, shall be designated by Travis County Elections Division. Requests for applications for early voting ballots, by mail, should be mailed to Travis County Clerk Elections Division, P.O. Box 149325, Austin, Texas 78714-9325.

Section 6. Candidate Filing Period. In accordance with Section 143.007(c)(2) of the Texas Election Code, the filing period for an application for a place on the ballot, for this election, is declared to begin at 8:00 a.m. on Saturday, July 21, 2018, and will conclude at 5:00 p.m. on Monday, August 20, 2018. All candidates for the offices to be filled, in the election, to be held on November 6, 2018, shall file their application to become candidates, with the City Secretary at City Hall, 105 E. Eggleston Street, Manor, Texas, on any weekday that is not a City holiday between 8:00 a.m. and 5:00 p.m., and all of said applications shall be on a form as prescribed by the Election Code of the State of Texas.

Section 7. Drawing. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing conducted by the City Secretary, as provided by the Election Code. Such drawing will be held at 9:00 a.m. on Monday, August 27, 2018, at City Hall in the Council Chamber.

Section 8. Notice and Publication. This Resolution shall serve as the Order of Election (as required by Section 3.001 of the Code) for the General Election. A copy of the Resolution shall be posted on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before the election. Notice of General Election (as required by Section 4.001 of the Code) shall be published in the newspaper in accordance with state law. A copy of the Notice

of General Election shall be posted on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before the election.

Section 9. Governing Law. The election shall be held in accordance with the Constitution of the State of Texas and the Texas Election Code, and all resident, qualified voters of the City shall be eligible to vote at the election

Section 10. Necessary Actions. The Mayor and the City Secretary, in consultation with the City Attorney, are authorized and directed to take all actions necessary to comply with the provisions of the Texas Election Code, the City Charter, and the City Code in carrying out and conducting the election, whether nor not expressly authorized by this Order.

Section 11. Election Results. The Travis County Elections Administrator shall conduct an unofficial tabulation of results after the closing of the polls on November 6, 2018. The official canvass, tabulations and declaration of the results of the election shall be conducted by the City Council at a regular meeting held in accordance with provisions of the Texas Election Code.

Section 12. Effective Date. That this resolution shall be effective immediately upon adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, ON THIS THE 1st DAY OF AUGUST 2018.

CITY OF MANOR, TEXAS

Rita G. Jonse,
Mayor

ATTEST:

Lluvia Tijerina TRMC,
City Secretary

**CITY OF MANOR
GENERAL ELECTION, NOVEMBER 6, 2018
CANDIDATES CALENDAR**

<u>DATE</u>	<u>DAY</u>	<u>ACTION</u>
July 21, 2018	Saturday	First day for filing application for place on ballot; and First day for declaration of write-in candidacy
August 20, 2018	Monday	Last day to file for place on ballot (Must be received by 5:00 p.m.)
August 24, 2018	Friday	Last day for write-in candidate to declare candidacy (must be received by 5:00 p.m.)
August 27, 2018	Monday	Drawing for place on ballot (9:00 a.m. – City Council Chambers)
August 28, 2018	Tuesday	Last day for candidate to withdraw and have name removed from ballot; Last day for write-in candidate to withdraw and have name removed from ballot; and Last day to declare candidate ineligible (Must be received by 5:00 p.m.)
October 9, 2018	Tuesday	Due date for filing first report of campaign contributions and expenditures by opposed candidates – (Must be received by 5:00 p.m.)
October 9, 2018	Tuesday	Last day for submitting voter registration application in time to vote at the election
October 19, 2018	Friday	Last day to receive application in person for a ballot to be voted by mail (Must be received by 5:00 p.m.)
October 22, 2018	Monday	FIRST DAY FOR EARLY VOTING BY PERSONAL APPEARANCE.
October 26, 2018	Friday	Last day to receive application by mail for a ballot to be voted by mail (Must be received by 5:00 p.m.)
October 29, 2018	Monday	Due date to file second report of campaign contributions and expenditures – (Must be received by 5:00 p.m.)
November 2, 2018	Friday	LAST DAY OF EARLY VOTING BY PERSONAL APPEARANCE
November 6, 2018	Tuesday	ELECTION DAY (7:00 a.m. – 7:00 p.m.) UNOFFICIAL TABULATION OF RESULTS
November 20, 2018	Tuesday	Called-Special City Council Meeting to Canvass the Returns of Election; Issue Certificates of Election; Administer Oaths of Office
January 15, 2019	Tuesday	Filing Semi-Annual Report of Contributions and Expenditures for Candidates and Officeholders. (Must be received by 5:00 p.m.)
July 15, 2019	Monday	Filing Semi-Annual Report of Contributions and Expenditures for Candidates and Officeholders. (Must be received by 5:00 p.m.)



NOTICE OF GENERAL ELECTION

(AVISO DE ELECCIÓN GENERAL)

To the registered voters of the City of Manor, Texas:
(A los votantes registrados de la Ciudad de Manor, Tejas):

Notice is hereby given that the polling places listed on "Exhibit A" will be open from 7:00 a.m. to 7:00 p.m., on **Tuesday, November 6, 2018**, to the qualified voters of the City for the purpose of voting in a general election to elect Council Member - Place 2; Council Member – Place 4; and Council Member – Place 6.

*(Se da aviso por escrito que los lugares de votación que figuran en el "Exhibit A" estarán abiertos de 7:00 am a 7:00 pm, el **martes 6 de noviembre de 2018**, a los votantes calificados de la Ciudad con el propósito de votar en una elección general para elegir Consejal de la Ciudad – Puesto 2; Consejal de la Ciudad - Puesto 4; Y Consejal de la Ciudad – Puesto 6.)*

Early Voting by personal appearance shall be conducted jointly with other Travis County public entities beginning Monday, October 22 and ends Friday, November 2, 2018.

Early Voting Schedule

Date	Time
Monday through Saturday - October 22 - October 27, 2018	7:00 a.m. to 7:00 p.m.
Sunday - October 28, 2018	12:00 p.m. to 6:00 p.m.
Monday through Friday - October 29 - November 2, 2018	7:00 a.m. to 7:00 p.m.

(La votación anticipada por aparición personal se llevará a cabo conjuntamente con otras entidades públicas del condado de Travis a partir del lunes 22 de octubre y terminará el viernes 2 de noviembre de 2018.)

Horario de votación anticipada

Fecha	Hora
Lunes a Sábado – 22 de octubre – 27 de octubre de 2018	7:00 a.m. a 7:00 p.m.
Domingo - 28 de octubre de 2018	12:00 p.m. a 6:00 p.m.
De lunes a viernes - 29 de octubre - 2 de noviembre de 2018	7:00 a.m. a 7:00 p.m.

Please See "Exhibit B" for Travis County Early Polling Locations and "Exhibit C" for Travis County Early Mobile Voting Locations.

(Por favor vea el "Exhibit B" para las ubicaciones de votación temprana del Condado de Travis y el "Exhibit C" para las ubicaciones móvil de votación temprana del Condado de Travis.)

Applications for ballots by mail shall be mailed to:

(Las solicitudes para boletas de votación por correo se enviarán a:)

Elections Division
Travis County Clerk
P.O. Box 149325
Austin, TX 78714-9325

Applications for ballots by mail must be received no later than the close of business on October 26, 2018.
(Las solicitudes de boletas por correo deben ser recibidas a más tardar al cierre del día 26 de octubre de 2018.)

Issued this the 1st day of August 2018.

(Publicado el 1 de agosto de 2018)

Rita G. Jonse, Mayor



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: August 1, 2018

PREPARED BY: Scott Dunlop, Planning Coordinator

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion and possible action on a second and final reading of a rezoning request for 477 acres, more or less, located at US Hwy 290 E and Old Kimbro Road, locally known as 13201, 13356, and 13400 Old Kimbro Road, Manor, Travis County, Texas; which includes Lot 2, J.F. Nagle Estates, portions of the A.C. Caldwell Sur. No. 52 Ab. No. 154, and Lemuel Kimbro Sur. No. 64 Ab. No. 456; from interim Agricultural (A) district zoning to Planned Unit Development (PUD) district zoning. Applicant: Kimley-Horn. Owner: Sky Village Kimbro Estates LLC.

BACKGROUND/SUMMARY:

This is the 2nd and final reading of the preliminary PUD site plan. There will be a final PUD site plan after this that will also go through P&Z and 2 council readings. There are between 1,275 and 1,395 residential lots proposed, 23.7 acres of commercial, 30.9 acres of non-floodplain parkland and 121.2 acres of floodplain open space. Old Kimbro will be extended north as 114' ROW MAD4 (full buildout) as well as a 64' ROW east-west primary collector, both part of our master thoroughfare plan. The minimum home size living area is 1,500 sq. ft. and the medium density residential is a maximum of 9 units per acre. The single family residential is 70% 50' wide lots, 15% 55' wide and 15% 60' wide. There are 8' wide gravel or concrete trails proposed along the parkland and open space areas. The Planning Commission voted 5 - 0 to approve.

PRESENTATION: YES NO

ATTACHMENTS: YES (IF YES, LIST IN ORDER TO BE PRESENTED) NO

Manor Heights PUD Plans
Engineer Comments
Approval Letter
Notice Letter / Mailing List
Protest Letter

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve the second and final reading of a rezoning request for 477 acres, more or less, located at US Hwy 290 E and Old Kimbro Road, locally known as 13201, 13356, and 13400 Old Kimbro Road, Manor, Travis County, Texas; which includes Lot 2, J.F. Nagle Estates, portions of the A.C. Caldwell Sur. No. 52 Ab. No. 154, and Lemuel Kimbro Sur. No. 64 Ab. No. 456; from interim Agricultural (A) district zoning to Planned Unit Development (PUD) district zoning.

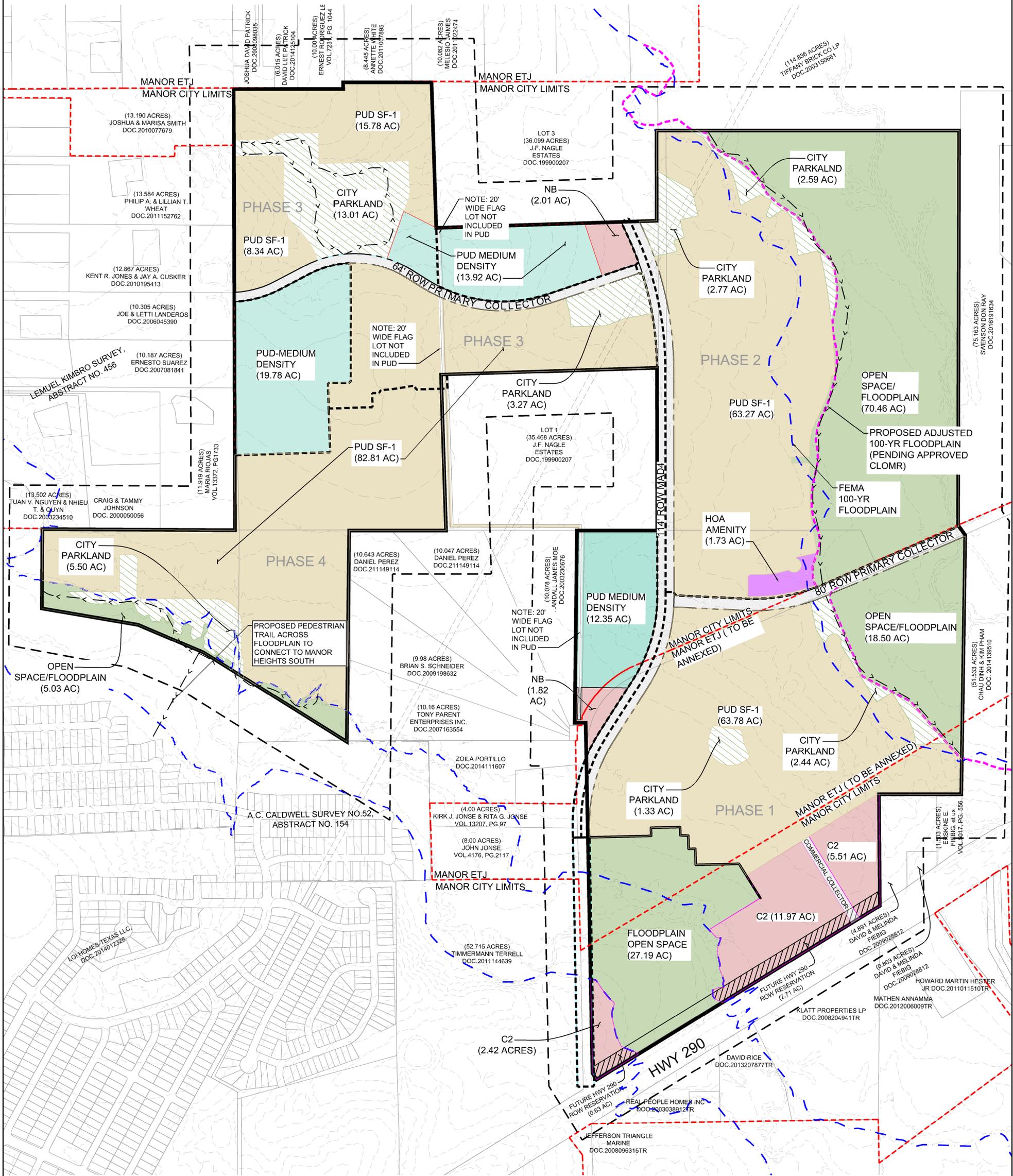
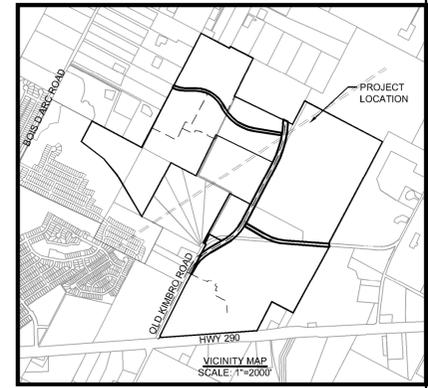
PLANNING & ZONING COMMISSION: RECOMMENDED APPROVAL DISAPPROVAL NONE

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

LEGEND

	PUD BOUNDARY		PUD-MEDIUM DENSITY
	TRAIL		C2/NB
	PHASE LINE		HOA AMENITY
	FEMA 100-YR FLOODPLAIN		OPEN SPACE/FLOODPLAIN
	PROPOSED FLOODPLAIN (PENDING APPROVED CLOMR/LOMR)		CITY PARKLAND
	PUD SF-1		
	MAJOR ROADWAYS		

1. NOTE: REFER TO ROADWAY CROSS SECTIONS SHOWN ON SHEET 2 FOR LOCATION OF SHARED USE PATH ALONG COLLECTOR AND MAD4 ROADWAYS



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PUD DATA TABLES

1. APPROVED LAND USES

THE LAND USES SHOWN ON THE PLAN SHALL BE PERMITTED. CHANGES TO THE LOCATION OF THE LAND USES SHOWN ON THE PLAN SHALL BE GRANTED BY THE PLANNING AND ZONING COMMISSION IF: (A) THE PROPOSED LAND USES ARE CONSISTENT WITH THE FOLLOWING TABLE, OR (B) THE CHANGE IN LOCATION OF LAND USES DOES NOT RESULT IN A HIGHER DENSITY USE THAN THE USE SHOWN ON THE PLAN. ANY APPLICATION FOR A CHANGE IN LOCATION OF LAND USES IS DEEMED APPROVED IF THE PLANNING AND ZONING COMMISSION DOES NOT DISAPPROVE IT WITHIN 30 DAYS AFTER THE DATE THE APPLICATION IS FILED WITH THE CITY SECRETARY. IF THE PLANNING AND ZONING COMMISSION DISAPPROVES AN APPLICATION FOR A CHANGE OF LAND USES, THEN THE APPLICANT MAY APPEAL THAT DISAPPROVAL TO THE CITY COUNCIL. THE CITY COUNCIL WILL ACT ON THE APPEAL WITHIN 30 DAYS OF THE DATE THE APPEAL IS FILED WITH THE CITY SECRETARY.

LAND USE	ACREAGE	PERCENTAGE OF TOTAL ACREAGE
SINGLE-FAMILY RESIDENTIAL (PUD SF-1)	234.0	48.98%
PUD MEDIUM DENSITY	46.6	9.74%
HIGHWAY COMMERCIAL (C-2)	19.8	4.14%
NEIGHBORHOOD BUSINESS (NB)	3.9	0.82%
HOA AMENITY	1.7	0.36%
CITY PARKLAND	30.9	6.47%
FLOODPLAIN OPEN SPACE	121.2	25.36%
MAJOR ROADWAYS	19.7	4.12%
TOTAL	477.8	100%

2. MINIMUM LOT SIZE, HEIGHT AND PLACEMENT REQUIREMENTS

LAND USE	FRONT YARD SETBACK (FT)	SIDE YARD SETBACK (FT)	STREET SIDE YARD SETBACK (FT)	REAR YARD SETBACK (FT)	MINIMUM LOT SIZE (SF)	MINIMUM LOT WIDTH (FT)	MAXIMUM HEIGHT LIMIT (FT)
PUD SF-1	20	5	15	10	6,250	50	35
PUD MEDIUM DENSITY	10	5	15	10	3,300	30	35
C-2 AND NB	25	7	15	15	7,500	50	60

3. LOT COVERAGE

LAND USE	MAIN BUILDINGS	MAIN AND ACCESSORY BUILDINGS
PUD SF-1	50%	60%
PUD MEDIUM DENSITY	55%	65%
C-2 AND NB	60%	70%
CITY PARKLAND	50%	60%

4. PARKING

OFF-STREET PARKING FOR MORE THAN FIVE VEHICLES AND LOADING AREAS SHALL BE EFFECTIVELY SCREENED BY A PRIVATE FENCE, HEDGE, PLANTING OR NATURAL VEGETATION OR TOPOGRAPHY ON EACH SIDE WHICH ADJOINS LAND DESIGNATED FOR A RESIDENTIAL USE OR A RESIDENTIAL USE.

5. LANDSCAPING

THE FOLLOWING PERCENTAGE OF THE NET AREA OF EACH LOT SHALL BE LANDSCAPED. THE NET LOT AREA SHALL EQUAL THE TOTAL LOT AREA LESS THE AREA TO BE LEFT UNIMPROVED BECAUSE OF THE EXISTENCE OF NATURAL FEATURES THAT ARE WORTHY OF PRESERVATION OR THAT WOULD MAKE IMPROVEMENTS IMPRACTICAL.

LAND USE	NET LOT AREA
PUD SF-1	SEE NOTE
PUD MEDIUM DENSITY	20%
C-2 AND NB	15%
PARKLAND	20%

NOTE: MINIMUM LANDSCAPE REQUIREMENTS FOR EACH LOT WITHIN A SINGLE-FAMILY, DWELLING, OR A MANUFACTURED HOME, SHALL BE A MINIMUM OF TWO (2) TWO-INCH TREES, SIX (6) TWO-GALLOON SHRUBS AND LAWN GRASS FROM ALL SIDES OF THE STRUCTURE, TO THE FRONT, REAR, AND SIDE PROPERTY LINES. RESIDENTIAL STRUCTURES ON REVERSE FRONTAGE LOTS SHALL ALSO BE REQUIRED TO SCREEN THE REAR OF THE STRUCTURE FROM THE ABUTTING HIGHWAY, ACCESS ROAD, OR OTHER PUBLIC RIGHT-OF-WAYS.

LANDSCAPING PLACED WITHIN PUBLIC RIGHT-OF-WAY SHALL NOT BE CREDITED TO THE MINIMUM LANDSCAPE REQUIREMENTS BY THIS SECTION UNLESS THE DEVELOPER AND THE CITY NEGOTIATE A LICENSE AGREEMENT BY WHICH THE DEVELOPER ASSUMES THE RESPONSIBILITY FOR THE MAINTENANCE, REPAIR AND REPLACEMENT FOR ALL LANDSCAPING LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY.

6. LOT MIX FOR SF-1 PUD AREAS

THE FOLLOWING PERCENTAGE OF THE MIX LOT SHALL BE MET WITHIN SF-1 PUD AREAS WITHIN +/- 5%.

LOT WIDTH	PERCENTAGE MIX
50' WIDE	70%
55' WIDE	15%
60' WIDE	15%

7. MAXIMUM DENSITY

LAND USE	MINIMUM DENSITY	MAXIMUM DENSITY
PUD SF-1	1500 SF (LIVING AREA)	-
PUD MEDIUM DENSITY	1 UNIT/ACRE	9 UNITS PER ACRE
C-2 AND NB	0.2 FAR	1.8 FAR

8. PARKLAND

PARKLAND	
LAND USE	AREA (AC)
TOTAL AREA OF DEVELOPMENT	477.75
REQUIRED PARKLAND (5% OF TOTAL AREA)	23.9
PROPOSED PARKLAND OUTSIDE FLOODPLAIN	30.9
*EXCESS OF REQUIRED PARKLAND	7.0

9. TRAFFIC

ESTIMATED LAND USE TABLE FOR PRELIMINARY TRAFFIC IMPACT

Land Uses			
Land Use Type	Square Feet or Units	% of Category	FAR
PUD SF-1	935-995	100%	-
Restaurant (Commercial)	20,735	10%	0.2
Retail (Commercial)	233,264	90%	0.25
PUD MEDIUM DENSITY	340-400	100%	-
CITY PARKLAND	N/A	100%	-

NOTE: THESE VALUES ARE INTENDED FOR PRELIMINARY TRIP GENERATION REPORTS ONLY AND MAY VARY FROM VALUES PROVIDED IN THE FINAL SITE DESIGN AND TRAFFIC IMPACT ANALYSIS.

10. WET UTILITIES

ESTIMATED LUE'S FOR PRELIMINARY ANALYSIS

SITE SUMMARY 477.8 ACRES			
LAND USE	ACRES	NO. LOTS	LUE'S
PUD SF-1	234.0	935-995	935-995
PUD MEDIUM DENSITY	46.6	340-400	238-280*
C-2 AND NB	23.7	N/A	244
HOA AMENITY	1.7	-	5
CITY PARKLAND	30.9	-	6
OPEN SPACE FLOODPLAIN	121.2	-	-
MAJOR ROADWAYS	19.7	-	-
TOTALS	477.8	-	1428-1530

* PUD MEDIUM DENSITY (9 UNITS/ACRE) (.7 LUE/UNIT)
 **COMMERCIAL: 10% RESTAURANT (200 SF/LUE), 90% RETAIL (1660 SF/LUE)
 ***CITY PARKLAND (6 LUE'S)

NOTE: THESE VALUES ARE INTENDED FOR PRELIMINARY ANALYSIS ONLY AND MAY VARY FROM VALUES PROVIDED IN THE FINAL SITE DESIGN.

PERMITTED NEIGHBORHOOD BUSINESS (NB)

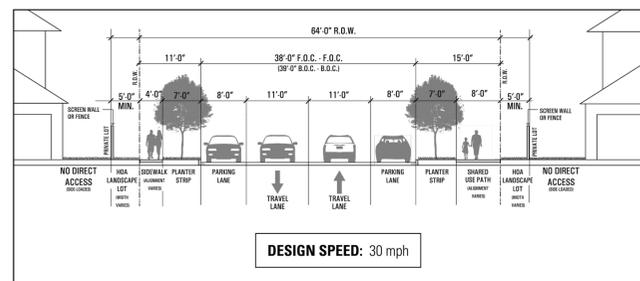
Administrative Offices P
 Administrative Services C
 Art Gallery P
 Art Workshop P
 Bed & Breakfast C
 Cocktail Lounge C
 Community Events C
 Community Recreation C
 Condominium Residential P*
 Consumer Convenience Services P
 Consumer Repair Services P
 Counseling Services P
 Day Care Services C
 Financial Services C
 Florist, no greenhouse P
 Food Preparation less than 5,000 sq. ft. GFA P
 Food Sales P
 General Retail Sales P
 Laundry Services P
 Liquor Sales C
 Medical Offices less than 5,000 sq. ft. GFA P
 Multifamily Residential P*
 Personal Improvement Services P
 Personal Services P
 Pet Services P
 Postal Facilities P
 Private Primary and Secondary Educational Facilities C
 Professional Office P
 Public Primary and Secondary Educational Facilities C
 Religious Assembly P
 Restaurant P
 Service Station C
 Transitional Housing C
 Veterinary Services C
 All Other Civic Uses P

PERMITTED MEDIUM COMMERCIAL (C2)

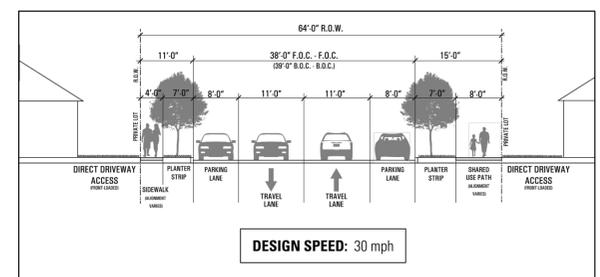
Art Gallery P
 Art Workshop P
 Automotive Rental P
 Automotive Repair Services P
 Automotive Sales P
 Automotive Washing P
 Aviation Services P
 Bail Bond Services P
 Building Maintenance Services P
 Business and Trade Schools P
 Camp P
 Campground P
 Carriage Stable P
 Cemetery P
 Club or Lodge P
 Cocktail Lounge P
 College or University Facilities P
 Commercial Blood Plasma Center C
 Commercial Off-Street Parking P
 Communication Service Facilities P
 Communication Services P
 Community Events P
 Community Recreation P
 Construction Sales and Services P
 Consumer Convenience Services P
 Consumer Repair Services P
 Convenience Storage P
 Counseling Services P
 Cultural Services P
 Day Care Services P
 Employee Recreation P
 Financial Services P
 Florist P
 Food Court Establishment C
 Food Preparation less than 5,000 sq. ft. GFA P
 Food Sales P
 Funeral Services P
 Game Rooms P
 General Retail Sales P
 Hotel & Motel P
 Indoor Entertainment P
 Indoor Sports and Recreation P
 Kennels P
 Laundry Services P
 Liquor Sales P
 Local Utility Services P
 Marina P
 Monument Retail Sales P
 Off-Site Accessory Parking P
 Outdoor Entertainment P
 Outdoor Sports and Recreation P
 Park and Recreation Facilities P
 Pawnshop Services C
 Personal Improvement Services P
 Personal Services P
 Pet Services P
 Plant Nursery P
 Postal Facilities P
 Printing and Publishing P
 Private Primary and Secondary Educational Facilities P
 Public Primary and Secondary Educational Facilities P
 Recreational Equipment Sales P
 Religious Assembly P
 Restaurant P Restaurant with Drive-Through P
 Safety Services P
 Service Station P
 Theater P
 Transportation Services P
 Veterinary Services P
 All Other Civic Uses P

PUD NOTES

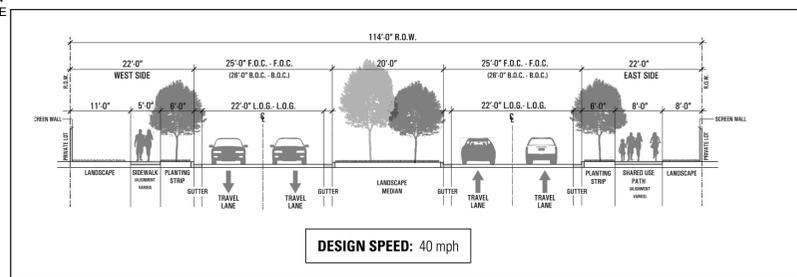
- AN AERIAL PHOTOGRAPH MAY BE SUBMITTED AT THE PRELIMINARY PLAT STAGE RATHER THAN A TREE SURVEY.
- AN INVENTORY OF SIGNIFICANT TREES THAT IDENTIFIES THE NUMBER OF SIGNIFICANT TREES BY CATEGORY (TREES 18 INCHES IN CALIPER OR LARGER AND TREES BETWEEN 8 AND 18 INCHES IN CALIPER) TO REMAIN DURING CONSTRUCTION AND THE NUMBER OF SIGNIFICANT TREES IN EACH CATEGORY DESIGNATED TO BE REMOVED DURING CONSTRUCTION SHALL BE PERMITTED WITH CONSTRUCTION PLANS.
- THE NUMBER OF REPLACEMENT TREES THAT WILL BE INSTALLED, WITHOUT THE IDENTIFICATION OF THE PARTICULAR LOCATION AT WHICH THE REPLACEMENT TREES SHALL BE INSTALLED, SHALL BE SUBMITTED WITH CONSTRUCTION PLANS.
- SIGNIFICANT COTTONWOOD, HACKBERRY OR MESQUITE TREES REMOVED SHALL BE REPLACED AT A RATE OF 50% PER CALIPER INCH WITH AN APPROVED HARDWOOD TREE. ALL OTHER SIGNIFICANT TREES MUST BE REPLACED AT THE RATIOS DEFINED IN THE CITY'S SUBDIVISION ORDINANCE.
- THE MINIMUM LOT AREA AND LOT WIDTH REQUIREMENTS (INCLUDING THE PERCENTAGE OF TOTAL LOTS WITHIN THE LAND PLAN THAT ARE PERMITTED TO BE OF SUCH MINIMUM LOT AREA AND LOT WIDTH CATEGORY), HEIGHT AND SETBACK REQUIREMENTS, LOT COVERAGE REQUIREMENTS, PARKING REQUIREMENTS, AND LANDSCAPING REQUIREMENTS FOR EACH LOT SHALL BE AS SET FORTH IN THE MINIMUM DEVELOPMENT STANDARDS FOR LOTS WITHIN THE LAND PLAN AND OUTSIDE THE CORPORATE BOUNDARIES OF THE CITY OR AS SET FORTH IN THE PUD VARIANCES FOR LOTS WITHIN THE PUD AND THE CORPORATE BOUNDARIES OF THE CITY.
- LOTS SHALL NOT BE REQUIRED TO FACE A SIMILAR LOT ACROSS THE STREET.
- SIDE LOT LINES SHALL NOT BE REQUIRED TO PROJECT AWAY FROM THE FRONT LOT LINE AT APPROXIMATELY RIGHT ANGLES TO STREET LINES AND RADIAL TO CURVED STREET LINES.
- THE CONSTRUCTION OF SIDEWALKS IN RESIDENTIAL AND COMMERCIAL AREAS NEED NOT BE COMPLETED PRIOR TO FINAL APPROVAL AND ACCEPTANCE OF A FINAL PLAT, BUT MUST BE COMPLETED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR WITHIN 2 YEARS FROM THE APPROVAL OF THE FINAL PLAT. A COST ESTIMATE FOR THE CONSTRUCTION OF ANY SIDEWALKS IN RESIDENTIAL AREAS NOT CONSTRUCTED PRIOR TO THE FINAL APPROVAL AND ACCEPTANCE OF THE FINAL PLAT SHALL BE PREPARED AND A BOND FOR 110% OF SUCH COSTS SHALL BE POSTED WITH THE CITY. EACH YEAR THE DEVELOPER AND CITY MAY AGREE TO THE ADDITIONAL SIDEWALKS IN RESIDENTIAL AREAS THAT WERE COMPLETED DURING THE PREVIOUS YEAR AND REDUCE THE AMOUNT OF THE BOND TO REFLECT THE CONSTRUCTION COSTS OF THE SIDEWALKS THAT HAVE BEEN COMPLETED. SIDEWALKS IN RESIDENTIAL AREAS NOT COMPLETED PRIOR TO THE END OF THE 2-YEAR PERIOD SHALL BE COMPLETED BY THE DEVELOPER OR BY THE CITY WITH THE BOND FUNDS. FAILURE TO PROVIDE SUFFICIENT BONDS OR COMPLETE THE SIDEWALKS IN RESIDENTIAL AREAS SHALL NOT OBLIGATE THE CITY TO BUILD SIDEWALKS. THE CONSTRUCTION OF SIDEWALKS IN NON-RESIDENTIAL AREAS SHALL BE COMPLETED DURING SUBDIVISION CONSTRUCTION.
- THE MINIMUM SINGLE-FAMILY RESIDENTIAL LOT SHALL BE 6,250 SQUARE FEET WITHIN PUD-SF-1, AND 3300 SQUARE FEET WITHIN PUD-MEDIUM DENSITY.
- LOT FRONTAGE WIDTHS OF PUD SF-1 SHALL BE AS FOLLOWS:
 - ALL LOTS EXCEPT THOSE IN CUL-DE-SACS OR ALONG A CURVED ROADWAY TO HAVE A MINIMUM FRONTAGE OF NO LESS THAN 50 FEET.
 - LOTS ALONG CUL-DE-SACS AND CURVED ROADWAY TO HAVE A MINIMUM FRONTAGE OF NO LESS THAN 30 FEET AT THE RIGHT OF WAY, AND 50' WIDE FRONTAGE MEASURED AT THE PROPERTY SETBACK LINE.
- SINGLE-FAMILY RESIDENTIAL LOTS HAVE A MINIMUM SIDE SET BACK OF FIVE (5) FEET FOR EACH LOT.
- SINGLE-FAMILY RESIDENTIAL LOTS HAVE A MINIMUM REAR SET BACK OF TEN (10) FEET FOR EACH LOT.
- OFF-STREET PARKING SPACES AND LOADING FACILITIES FOR THE COMMERCIAL TRACTS HAVE BEEN CONTEMPLATED AND WILL MEET CITY OF MANOR'S PARKING CALCULATION TABLES REQUIREMENTS.
- EXISTING SITE TOPOGRAPHY CONTAINS RELATIVELY FLAT SLOPES RANGING FROM 1% TO 5%. PROPOSED ROADWAY GRADES WILL BE SUITABLE FOR EMERGENCY ACCESS AND WILL MEET CITY OF AUSTIN TRANSPORTATION CRITERIA MANUAL AND EMERGENCY SERVICE DISTRICT 12 REQUIREMENTS.
- LANDSCAPING AND SCREENING WILL BE INTEGRATED INTO THE FINAL OVERALL SITE DESIGN AND WILL BE PROVIDED TO CREATE ADEQUATE BUFFERS TO SHIELD LIGHTS, NOISE, MOVEMENT OR ACTIVITIES FROM ADJACENT PROPERTIES.
- NO DUPLEXES ARE ALLOWED IN THIS PUD.
- THE DEVELOPMENT WILL BE IN ACCORDANCE WITH THE ENVIRONMENTAL ASSESSMENT FOR THE SITE.
- MINIMUM ON-SITE PARKING REQUIREMENTS FOR PUD MEDIUM DENSITIES SHALL BE TWO SPACES FOR EACH LIVING UNIT AND ONE-HALF SPACE FOR EACH ADDITIONAL BEDROOM ABOVE TWO PLUS 10% ADDITIONAL SPACES FOR VISITOR PARKING. TANDEM SPACES ARE ALLOWABLE. OFF-SITE PARKING TO MEET THIS PARKING REQUIREMENT IS SUBJECT TO APPROVAL BY THE CITY DEVELOPMENT SERVICES DEPARTMENT.
- ALL RESIDENTIAL HOMES WITHIN THIS PUD WILL FOLLOW THE DESIGN STANDARDS THAT ARE AGREED UPON BETWEEN THE DEVELOPER AND CITY OF MANOR.
- THERE WILL BE A (4) FOUR HOUR MAXIMUM TIME LIMIT FOR THE PARKING ON RESIDENTIAL STREETS.
- PUBLIC TRAILS SHOWN ALONG FLOODPLAIN, CITY PARKLAND, AND OPEN SPACE SHALL BE A MINIMUM OF 8' WIDE AND SHALL BE COMPOSED OF A COMBINATION OF DECOMPOSED GRANITE AND CONCRETE DEPENDING ON SITE CONDITIONS AT TRAIL LOCATIONS.
- THE MINIMUM FRONT FACADE MASONRY IS 30%, MASONRY MUST BE STONE, BRICK, OR STUCCO.
- HOUSE PLANS SUBMITTED TO THE CITY SHALL BE STAMPED OR INDICATED BY LETTER OF TRANSMITTAL (OR SIMILAR LANGUAGE) THAT THE ARCHITECTURAL REVIEW COMMITTEE (ARC) HAS REVIEWED AND APPROVED THE HOUSE PLANS AS COMPLYING WITH THE PUD ARCHITECTURAL DESIGN REQUIREMENTS FOR CITY REVIEW.



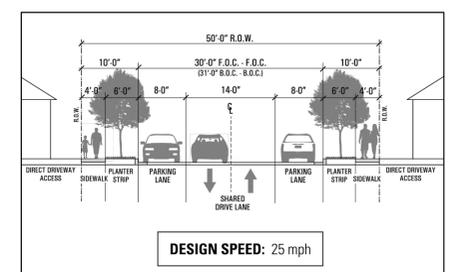
PRIMARY COLLECTOR (WITH NO SF-1 FRONTAGE)



PRIMARY COLLECTOR (WITH SF-1 FRONTAGE)



DESIGN SPEED: 40 mph



DESIGN SPEED: 25 mph

STANDARD RESIDENTIAL ROADWAY SECTION

APPROVAL AND AUTHORIZED FOR RECORD BY THE CITY COUNCIL FOR THE CITY OF MANOR, TEXAS.

DATED THIS ___ DAY OF ___, 20__

BY: HONORABLE MAYOR RITA G. JONSE
MAYOR OF THE CITY OF MANOR, TEXAS

THIS PLAN HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MANOR, TEXAS, AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE CITY OF COUNCIL.

DATED THIS ___ DAY OF ___, 20__

BY: WILLIAM MYERS, CHAIRPERSON

MAD 4 DESIGN



Front Facades are defined as residential elevations facing a street or park. Facades adjacent to a park with a wall or fence between the façade and park is not a front façade. Both street facing facades on corner lots are considered front facades and must be articulated; continue the siding material palette on both street-facing facades and incorporate architectural elements. The percentage of design elements, materials and detailing are not required to be consistent on both facades.

Streetscape Variety. The same elevation cannot be repeated no more than every fourth Lot. The same elevation cannot be placed on a Lot directly across the street or diagonal from any other plan with the same elevation. No elevations may be repeated on a cul-de-sac having less than six (6) Lots. No color palette may be repeated more than seven times on any block of more than 21 lots.

Variety of facade articulation. Front elevations shall have at least two different design features to break the wall plane. The following are examples of the types of design features that meet this requirement:

- Horizontal offsets, recesses or projections, breezeways, porte-cocheres, canopies, ornamental cornices, ornamental and bay windows, vertical "elevation" off-sets, peaked roof forms, arches, architectural details such as tile work or moldings integrated into the façade, integrated planters or wing walls, accent materials, varied roof heights, or similar design features

Front Facades should create visual interest through horizontal and vertical articulation of the building elevation. A variety of textured surfaces and natural materials may be used, particularly at the pedestrian eye-level, with windows and entrances that face the street. Blank walls should be minimized.



Front Facades

26 June 2018

Page 3



Garage doors flush with the street-facing façade require design features on the façade that de-emphasizes the visual impact of the garage. At least one of the following is required on a flush garage:

- Integrated trim or banding around the garage door that matches the residential building
- Garage door relief detailing; windows are a preferred element
- An overhead eave or porte-cochere extended above the face of the garage door in front of the garage door face
- Decorative hardware such as hinges, handles, etc.

Front-loaded Garage - Flush with Facade

26 June 2018

Page 7



On lots less than 55' in frontage, entries must be one-story scaled entries and either recessed or covered with a porch, canopy, or other shading device. A variety of front door types is required.

Articulated use of details and accent materials should be used at building entries to emphasize human-scale. Building entrances may be marked by porch elements, trellises, canopies, awnings or special roof treatments. Oversized and grandiose archways are discouraged.

Front Entries

26 June 2018

Page 4



Garages projecting in front of the street facing building façade may protrude in front of the building provided that design features are provided on all exposed garage facades to de-emphasize the visual impact of the garage. A projecting garage may be side loaded (garage doors perpendicular to the street). Some combination of the following is required on a projecting garage:

- Extend and integrate the building siding materials on the garage facades
- Integrated trim or banding around the garage door that matches the residential building
- Garage door windows
- Single garage doors
- An architectural roof above the garage, such as a gabled roof

Front-loaded Garage - Projecting

26 June 2018

Page 8



Materials. Exterior surface area (all stories) may consist of ledge stone, fieldstone, cast stone, cementitious-fiber planking and board and batten (not panels), painted or tinted stucco and brick. Solid wood planking, decorative cementitious-fiber panels, galvanized metal and other durable materials may be used for accent features. The minimum front facade masonry is 30%, masonry must be stone, brick or stucco.

Detailing. Design elements and detailing, including the presence of windows and window treatments, trim detailing and exterior wall materials should be continued around the primary building; the percentage of design elements, materials and detailing may vary from façade to façade to encourage architectural variety and are not required to be consistent.

Residential buildings that back up to a collector street or higher street category shall be limited to one-story height to minimize the visual impact of rear facades being prominently viewed by the public.

Exteriors of Residential Buildings

26 June 2018

Page 5



Stain or paint colors for garage doors shall be compatible with the color palette of the building façade siding or trim of the home to de-emphasize the garage door and emphasize the architectural building façade. Detailing and articulation of the garage doors is required.

General. Individual or two-car garage doors are permitted. The use of three garage doors is permitted provided at least one of the doors is offset two feet from the other doors. The driveway width at the curb line may be no wider than 17' or the width of a 2-door garage.

Garage Door Articulation

26 June 2018

Page 9



A garage door recessed from the face of the front façade that emphasizes the living area of the home from the street is a permitted garage type.

Front-loaded Garage - Living Area Forward

26 June 2018

Page 6



Simple roof lines are encouraged and can be achieved by including hips, gables, projections (e.g. dormers) and roof form changes in keeping with a selected architectural style. On buildings with pitched roofs, the minimum main roof pitch is 5:12. Lower roof pitches are acceptable on porch elements, awnings or architectural feature elements.

Pitched roofs shall be clad in 25-year minimum composition shingles or low reflectivity coated metal roofing materials. The materials and colors of canopies, awnings and trellises should be compatible with the roof materials and complement and harmonize with the exterior design of the building.

An overhead eave or porte-cochere may extend above the face of the garage door in front of the garage door face. The overhead eave or the porte-cochere may extend five feet into the building setback line.

Roofs and Overhead Structures

26 June 2018

Page 10



MEDIUM DENSITY RESIDENTIAL

All guidelines set forth in in these Design Guidelines apply to this housing type. In addition, the following apply to Medium Density Residential buildings and site design:

Architectural style

A variety of quality and durable residential buildings within a condominium lot or small lot site must include a variety of architectural features and colors to establish an appealing streetscape character.

Form and mass

A single, large building mass should be avoided. Building designs should incorporate visually heavier and more massive elements, details or colors at the building base, and visually lighter elements, details or colors above the base. Groups of buildings must have variety of colors. Four-flat and Mansion Home buildings are permitted.

Long walls and facades

Up to six attached dwellings may be attached in a single row as a group.

Windows and transparency

All walls and elevations on all floors of attached residential buildings must include windows or doors with glass, except as appropriate to assure privacy for adjacent residents.



Medium Density Residential

26 June 2018

Page 11



Building roofs

On buildings with pitched roofs, the minimum roof pitch is 6:12 on the main structure. On buildings where flat roofs are the predominant roof type, parapet walls should be provided.

Mechanical equipment screening

Rooftop mechanical equipment must be hidden or screened with architecturally integral elements at least as high as the equipment to be screened. Makeshift equipment screens, such as wooden or plastic fences, are prohibited. Ground mounted mechanical equipment must be hidden or screened with architecturally integral wing walls and/or landscaping. Mechanical equipment must be located where their acoustics will minimize disruption to abutting residential dwelling units.

Solar panels and rain collection devices are exempt from mechanical equipment screening standards.



Medium Density Residential

26 June 2018

Page 12

The PUD shall provide for a collection of privately owned, common open space lots set within the PUD and made available for residential use. Common open space will be designed to (i) serve the recreational needs of the residents (ii) provide places and opportunities for interaction within the community and (iii) provide opportunities for interaction with the natural environment.

A minimum of three acres of land located outside the 100-year floodplain shall be established and maintained as common open space at locations within or adjacent to residential areas.

All private open space and structures thereon shall be conveyed to and permanently owned and maintained by a Home Owner Association (HOA) or other responsible entity. The HOA may adopt rules and regulations regarding access, permitted uses, security (policing) and maintenance responsibilities for the open spaces.

Any lot designated as common open space shall consist of at least six thousand (6,000) square feet. The area of the common open space lot shall be measured and calculated to the property line of the lot.

Parking for common open space uses within the PUD may be provided with adjacent on-street parking. Off-street parking may also be provided within a common open space lot, at the option of the Developer.

Common Open Space

26 June 2018

Page 13

A Master Homeowner Association shall be created and maintained for the community, empowered to govern and establish design guidelines, review architectural and landscape designs and enforce regulations and design guidelines. These regulations and guidelines will provide practical design direction which will create a special residential community environment that is consistent with these architectural design guidelines.

Each new residential unit in Manor Heights will be subject to design criteria that will be detailed in design guidelines as referenced in the Declaration of Covenants, Conditions, and Restrictions (CCRs) to be established by Owner and enforced by the Architectural Review Committee (ARC) which will be created pursuant to the CCRs.

House plans submitted to The City shall be stamped or indicated by letter of transmittal (or similar language) that architectural review committee (ARC) has reviewed and approved the house plans as complying with the PUD Design Requirements for City Review.

Design Review and Enforcement

26 June 2018

Page 14



Date: Wednesday, January 10, 2018

Alex Granados
Kimley-Horn
10814 Jollyville Road
Austin TX 78759
alex.granados@kimley-horn.com

Permit Number 2018-P-1102-ZO
Job Address: , , TX.

Dear Alex Granados,

The first submittal of the Manor Heights (Sky Village) PUD zoning (*Zoning Request*) submitted by Kimley-Horn and received on June 29, 2018, have been reviewed for compliance with the City of Manor Site Development/Zoning Ordinance 185.

Engineer Review

The review of the submittal package has resulted in the following comments. Should you have any questions or require additional information regarding any of these comments, please contact Pauline Gray, P.E. by telephone at (512) 259-3882 or by email at pgray@jaeco.net.

A Preliminary Site Plan of the entire property should be submitted. City of Manor Code of Ordinances Chapter 14, Section 14.02.001 Exhibit A Zoning Ordinance 185 Section 49(e) requires that a Preliminary Site Plan of the entire property within the Planned Unit Development be submitted.

Refer to City of Manor Code of Ordinances Chapter 14, Section 14.02.001 Exhibit A Zoning Ordinance 185 Section 49(e)(iii) for submittal requirements.

Portions of the proposed PUD are not located within the City Limits, therefore these areas cannot be rezoned by the City until they are annexed by the City.

The City of Manor requests that the developer and developer's engineer set up a meeting with City Staff to discuss the proposed PUD.

1/10/2018 1:06:48 PM
Manor Heights (Sky Village) PUD zoning
2018-P-1102-ZO
Page 2

Please revise the project plans to address the comments noted above. Following revision, please upload one full set of the revised drawings in PDF format. Please include a comment response narrative indicating how comments have been addressed with your plan resubmittal. To access your project online, please go to www.mygovernmentonline.org and use the online portal to upload your drawings in PDF format.

Additional comments may be generated as requested information is provided. Review of this submittal does not constitute verification that all data, information and calculations supplied by the applicant are accurate, complete, or adequate for the intended purpose. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not City Engineers review the application for Ordinance compliance.

Thank you,

A handwritten signature in blue ink that reads "Pauline M. Gray". The signature is written in a cursive style.

Pauline Gray, P.E.
Staff Engineer
Jay Engineering Company, Inc.



May 14th, 2018

Pauline Gray, P.E.
Jay Engineering Company, Inc
P.O. Box 1220
Leander, Texas

via E-Mail

RE: 2018-P-1102-ZO
Manor Heights (Sky Village) PUD
1st Review

Dear Pauline Gray,

Please accept this Comment Response Letter in reply to the City of Manor's review, dated April 20, 2018. Original comments have been included below for reference. All Kimley-Horn responses are written in red.

Engineer Review

The following comments have been provided by Pauline Gray, P.E.. Should you have any questions or require additional information regarding any of these comments, please contact Pauline Gray, P.E. by telephone at (512) 259-3882 or by email at pgray@jaeco.net.

1. A Preliminary Site Plan of the entire property should be submitted. City of Manor Code of Ordinances Chapter 14, Section 14.02.001 Exhibit A Zoning Ordinance 185 Section 49(e) requires that a Preliminary Site Plan of the entire property within the Planned Unit Development be submitted.

Response: Original submitted "PUD EXHIBIT" has been relabeled "Preliminary Site Plan"

- ~~2. Refer to City of Manor Code of Ordinances Chapter 14, Section 14.02.001 Exhibit A Zoning Ordinance 185 Section 49(e)(iii) for submittal requirements.~~
3. Portions of the proposed PUD are not located within the City Limits, therefore these areas cannot be rezoned by the City until they are annexed by the City.

Response: Understood, we are currently working with Mr. Dunlop and the property owners on the annexation of the remaining portion within the PUD not yet annexed.

- ~~4. The City of Manor requests that the developer and developer's engineer set up a meeting with City Staff to discuss the proposed PUD.~~

5. The exhibit should be called Preliminary Site Plan.

Response: Exhibit title has been updated.

6. The permitted uses for C-1 and C-2 listed on the plan are incorrect. The permitted uses for C-1 and C-2 were updated by Ordinance 511 which was adopted on March 7, 2018. A copy of the ordinance will be provided.

Response: Permitted used have been updated to reflect that of the updated ordinance referenced.

7. Proposed phasing for the project should be provided.

Response: Preliminary proposed phasing has been added to the Preliminary Site Plan.

8. The Planning and Zoning Chairperson is William Myers.

Response: Label has been updated.

9. The Parkland Table should be verified. The excess of required parkland number appears to be incorrect.

Response: Parkland table has been verified, additional information has been added to table for clarification.

10. No minimum lot frontage for cul-de-sac lots is listed on the plans.

Response: Minimum lot frontage on cul-de-sac lots has been provided with the updated exhibit.

11. The City Parkland acreage listed under Note 1 is different than what is listed in the parkland table.

Response: Note 1 does not list parkland information.

12. City of Manor Code of Ordinances Chapter 14 Section 14.02 Exhibit A Zoning Ordinance 185 Section 49(e)(iii)(B) requires that information be submitted describing the environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhoods.

Response: A phase 1 ESA has been provided with the resubmittal.

13. Per Ordinance 263D, the required pavement width of a MAD 4 street is 66 feet. A copy of the ordinance will be provided.

Response: Per meeting held on 4/24 with city staff, and city engineer, we are proposing alternate street widths in order to move pedestrian traffic from roadway, and onto a shared use path. Per meeting, the speed limit for MAD4 has been updated to be 40 MPH, the proposed horizontal geometry meets those required by a 40 MPH design speed.

14. Information should be provided to demonstrate the adequacy of water, drainage, sewage facilities, garbage disposal and other utilities for essential services for residents as required by Section 49(e)(iii)(J) of Zoning Ordinance 185.

Response: Will serve letters for electric, cable, and phone have been provided. We are currently working with the City of Manor, and Manville Water Supply in order to perform a CCN swap and have City of Manor provide water, drainage, sewage, and garbage disposal.

15. Per Ordinance 263D the required pavement width of a primary collector street is 45'.

Response: Per meeting held on 4/24 with city staff, and city engineer, we are proposing alternate street widths.

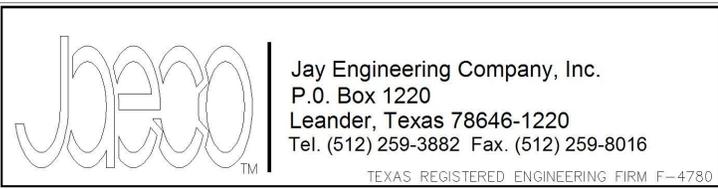
Please contact me at 512.782.0602 if additional information is required.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Brett Burke, Project Manager
Brett.Burke@kimley-horn.com



Date: Friday, April 20, 2018

Alex Granados
Kimley-Horn
10814 Jollyville Road
Austin TX 78759
alex.granados@kimley-horn.com

Permit Number 2018-P-1102-ZO
Job Address: ,

Dear Alex Granados,

The subsequent submittal of the Manor Heights (Sky Village) PUD zoning submitted by Kimley-Horn and received on June 29, 2018, have been reviewed for compliance with the City of Manor Site Development/Zoning Ordinance 185. We can offer the following comments based upon our review (satisfied comments stricken, new or outstanding comments in bold):

Engineer Review

The following comments have been provided by Pauline Gray, P.E.. Should you have any questions or require additional information regarding any of these comments, please contact Pauline Gray, P.E. by telephone at (512) 259-3882 or by email at pgray@jaeco.net.

- 1. A Preliminary Site Plan of the entire property should be submitted. City of Manor Code of Ordinances Chapter 14, Section 14.02.001 Exhibit A Zoning Ordinance 185 Section 49(e) requires that a Preliminary Site Plan of the entire property within the Planned Unit Development be submitted.**
- ~~2. Refer to City of Manor Code of Ordinances Chapter 14, Section 14.02.001 Exhibit A Zoning Ordinance 185 Section 49(e)(iii) for submittal requirements.~~
- 3. Portions of the proposed PUD are not located within the City Limits, therefore these areas cannot be rezoned by the City until they are annexed by the City.**
- ~~4. The City of Manor requests that the developer and developer's engineer set up a meeting with City Staff to discuss the proposed PUD.~~
- 5. The exhibit should be called Preliminary Site Plan.**
- 6. The permitted uses for C-1 and C-2 listed on the plan are incorrect. The permitted uses for C-1 and C-2 were updated by Ordinance 511 which was adopted on March 7, 2018. A copy of the ordinance will be provided.**
- 7. Proposed phasing for the project should be provided.**
- 8. The Planning and Zoning Chairperson is William Myers.**
- 9. The Parkland Table should be verified. The excess of required parkland number appears to be incorrect.**

10. No minimum lot frontage for cul-de-sac lots is listed on the plans.

11. The City Parkland acreage listed under Note 1 is different than what is listed in the parkland table.

12. City of Manor Code of Ordinances Chapter 14 Section 14.02 Exhibit A Zoning Ordinance 185 Section 49(e)(iii)(B) requires that information be submitted describing the environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhoods.

13. Per Ordinance 263D, the required pavement width of a MAD 4 street is 66 feet. A copy of the ordinance will be provided.

14. Information should be provided to demonstrate the adequacy of water, drainage, sewage facilities, garbage disposal and other utilities for essential services for residents as required by Section 49(e)(iii)(J) of Zoning Ordinance 185.

15. Per Ordinance 263D the required pavement width of a primary collector street is 45'.

Please revise the project plans to address the comments noted above. Following revision, please upload one full set of the revised drawings in PDF format. To access your project online, please go to www.mygovernmentonline.org and use the online portal to upload your drawings in PDF format.

Should you have questions regarding specific comments, please contact the staff member referenced under the section in which the comment occurs. Should you have questions or require additional information regarding the plan review process itself, please feel free to contact me directly. I can be reached by telephone at (512) 259-3882 ex. 307, or by e-mail at pgray@jaeco.net.

Review of this submittal does not constitute verification that all data, information and calculations supplied by the applicant are accurate, complete, or adequate for the intended purpose. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not City Engineers review the application for Ordinance compliance.

Thank you,



Pauline Gray, P.E.
Staff Engineer
Jay Engineering Company, Inc.



June 19th, 2018

Pauline Gray, P.E.
Jay Engineering Company, Inc
P.O. Box 1220
Leander, Texas

via E-Mail

RE: 2018-P-1102-ZO
Manor Heights (Sky Village) PUD
3rd Review

Dear Pauline Gray,

Please accept this Comment Response Letter in reply to the City of Manor's review, dated June 8, 2018. Original comments have been included below for reference. All Kimley-Horn responses are written in red.

Engineer Review

The following comments have been provided by Pauline Gray, P.E.. Should you have any questions or require additional information regarding any of these comments, please contact Pauline Gray, P.E. by telephone at (512) 259-3882 or by email at pgray@jaeco.net.

- ~~1. A Preliminary Site Plan of the entire property should be submitted. City of Manor Code of Ordinances Chapter 14, Section 14.02.001 Exhibit A Zoning Ordinance 185 Section 49(c) requires that a Preliminary Site Plan of the entire property within the Planned Unit Development be submitted.~~
- ~~2. Refer to City of Manor Code of Ordinances Chapter 14, Section 14.02.001 Exhibit A Zoning Ordinance 185 Section 49(c)(iii) for submittal requirements.~~
- ~~3. Portions of the proposed PUD are not located within the City Limits, therefore these areas cannot be rezoned by the City until they are annexed by the City. A letter should be provided from the Champion Tract Owner authorizing Mr. Reger/Kimley-Horn to file for rezoning of their property.~~

Response: Authorization letter has been provided and is attached to this resubmittal. Annexation petition has been submitted to the City.

- ~~4. The City of Manor requests that the developer and developer's engineer set up a meeting with City Staff to discuss the proposed PUD.~~
- ~~5. The exhibit should be called Preliminary Site Plan.~~
- ~~6. The permitted uses for C-1 and C-2 listed on the plan are incorrect. The permitted uses for C-1 and C-2 were updated by Ordinance 511 which was adopted on March 7, 2018. A copy of~~

- ~~the ordinance will be provided.~~
- ~~7. Proposed phasing for the project should be provided.~~
 - ~~8. The Planning and Zoning Chairperson is William Myers.~~
 - ~~9. The Parkland Table should be verified. The excess of required parkland number appears to be incorrect.~~
 - ~~10. No minimum lot frontage for cul-de-sac lots is listed on the plans.~~
 11. The City Parkland acreage listed under Note 1 is different than what is listed in the parkland table.

Response: City Parkland acreages have been updated to match in the separate tables.

- ~~12. City of Manor Code of Ordinances Chapter 14 Section 14.02 Exhibit A Zoning Ordinance 185 Section 49(e)(iii)(B) requires that information be submitted describing the environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhoods.~~
13. Per Ordinance 263D, the required pavement width of a MAD 4 street is 66 feet. A copy of the ordinance will be provided. The proposed pavement width for MAD4 roads in the PUD does not meet ordinance requirements, however there are proposed features that are above and beyond what is required by the ordinance. These features include screening walls/fences, landscape lots, shared use paths on one side and planter strips.

Response: Noted.

- ~~14. Information should be provided to demonstrate the adequacy of water, drainage, sewage facilities, garbage disposal and other utilities for essential services for residents as required by Section 49(e)(iii)(J) of Zoning Ordinance 185.~~
15. Per Ordinance 263D the required pavement width of a primary collector street is 45'. The proposed pavement width for MAD4 roads in the PUD does not meet ordinance requirements, however there are proposed features that are above and beyond what is required by the ordinance. These features include screening walls/fences, landscape lots, shared use paths on one side and planter strips.

Response: Noted.

16. PUD data table 7 was missing from the submittal.

Response: Table has been included with this resubmittal.

17. In the data tables #6 the lot mix for SF-1 should be revised to percentages of 70, 15 and 15.

Response: Lot mix table has been revised.

18. The landscaping note under data table #6 should be revised to lawn grass extending from all sides of the structure to the front, rear and side property lines which is the current City of Manor standard.

Response: Note has been revised.

19. A section or note should be added to the PUD stating that homes will follow design standards that are agreed to by the City of Manor and developer. The City Attorney's Office is researching to see if the design standards can be added to the development agreement or will need to be an attachment to the PUD.

Response: Note has been added to PUD, designs standards have also been added to the PUD exhibit as "Exhibit B".

20. Current City of Manor standards do not allow credit for parkland located in the floodplain. The Parkland table should be updated to reflect this and parkland calculations should be updated.

Response: Understood, we have updated the PUD exhibit to only show the City Parkland located outside of the 100-year floodplain.

21. The proposed sidewalks need to be clarified (design/location) and added to the Parkland section. This should also be added to the Parkland section of the development agreement.

Response: A note stating the following has been added to the PUD notes "Public trails shown along floodplain, city parkland, and open space shall be a minimum of 8' wide and shall be composed of either decomposed granite or concrete depending on the site conditions and trails locations.

22. There are some uses listed under C-1 which are conditional uses for C-1, but are permitted in C-2. This is a conflict that needs to be corrected.

Response: Understood, per coordinating with client and city, we have removed C-1 from the proposed uses.

23. Most of the proposed commercial development appears to front 290. The City of Manor only wants sales tax generating uses on 290, therefore no General Office uses will be allowed along 290.

Response: Understood, proposed commercial use has been updated to only propose C-2 and neighborhood business.

24. The City of Manor prefers that the commercial area on 290 be zoned C-2 only.

Response: Understood, commercial area located adjacent to Highway 290 has been updated to only propose C-2 use.

25. The City of Manor would like a couple of acres of Neighborhood Business around the northern intersection of the MAD 4 and Primary collector.

Response: +/- 2 acres of neighborhood business have been added per request.

26. PUD note 10.2 should state that cul-de-sac lot frontages are measured at the setback line.

Response: Note has been updated.

27. PUD note 13 should reference the City of Manor's parking calculation table.

Response: Note 13 has been updated to reference City of Manor's parking calculation table.

28. A PUD note needs to be added stating that there is a four (4) hour maximum time limit for parking on residential streets. This would also need to be included in HOA documents and be enforced by the HOA.

Response: PUD note has been added.

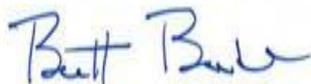
29. The PUD is currently being reviewed by the City Attorney's Office. Additional comments may be generated upon completion of the review.

Response: Understood.

Please contact me at 512.782.0602 if additional information is required.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Brett Burke, Project Manager
Brett.Burke@kimley-horn.com



Date: Friday, June 8, 2018

Alex Granados
Kimley-Horn
10814 Jollyville Road
Austin TX 78759
alex.granados@kimley-horn.com

Permit Number 2018-P-1102-ZO
Job Address: ,

Dear Alex Granados,

The subsequent submittal of the Manor Heights (Sky Village) PUD zoning submitted by Kimley-Horn and received on June 29, 2018, have been reviewed for compliance with the City of Manor Site Development/Zoning Ordinance 185. We can offer the following comments based upon our review (satisfied comments stricken, new or outstanding comments in bold):

Engineer Review

The following comments have been provided by Pauline Gray, P.E.. Should you have any questions or require additional information regarding any of these comments, please contact Pauline Gray, P.E. by telephone at (512) 259-3882 or by email at pgray@jaeco.net.

~~1. A Preliminary Site Plan of the entire property should be submitted. City of Manor Code of Ordinances Chapter 14, Section 14.02.001 Exhibit A Zoning Ordinance 185 Section 49(e) requires that a Preliminary Site Plan of the entire property within the Planned Unit Development be submitted.~~

~~2. Refer to City of Manor Code of Ordinances Chapter 14, Section 14.02.001 Exhibit A Zoning Ordinance 185 Section 49(e)(iii) for submittal requirements.~~

3. Portions of the proposed PUD are not located within the City Limits, therefore these areas cannot be rezoned by the City until they are annexed by the City. A letter should be provided from the Champion Tract Owner authorizing Mr. Reger/Kimley-Horn to file for rezoning of their property.

~~4. The City of Manor requests that the developer and developer's engineer set up a meeting with City Staff to discuss the proposed PUD.~~

~~5. The exhibit should be called Preliminary Site Plan.~~

6. The permitted uses for C-1 and C-2 listed on the plan are incorrect. The permitted uses for C-1 and C-2 were updated by Ordinance 511 which was adopted on March 7, 2018. A copy of the ordinance will be provided.

~~7. Proposed phasing for the project should be provided.~~

~~8. The Planning and Zoning Chairperson is William Myers.~~

9. The Parkland Table should be verified. The excess of required parkland number appears to be incorrect.

~~10. No minimum lot frontage for cul-de-sac lots is listed on the plans.~~

11. The City Parkland acreage listed under PUD Data Table 1 is different than what is listed in the parkland table.

~~12. City of Manor Code of Ordinances Chapter 14 Section 14.02 Exhibit A Zoning Ordinance 185 Section 49(e)(iii)(B) requires that information be submitted describing the environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhoods.~~

13. Per Ordinance 263D, the required pavement width of a MAD 4 street is 66 feet. A copy of the ordinance will be provided. The proposed pavement width for MAD4 roads in the PUD does not meet ordinance requirements, however there are proposed features that are above and beyond what is required by the ordinance. These features include screening walls/fences, landscape lots, shared use paths on one side and planter strips.

~~14. Information should be provided to demonstrate the adequacy of water, drainage, sewage facilities, garbage disposal and other utilities for essential services for residents as required by Section 49(e)(iii)(J) of Zoning Ordinance 185.~~

15. Per Ordinance 263D the required pavement width of a primary collector street is 45'. The proposed pavement width for primary collectors in the PUD does not meet ordinance requirements, however there are proposed features that are above and beyond what is required by the ordinance. These features include screening walls/fences, landscape lots, shared use paths on one side, planter strips and parking lanes.

16. PUD data table 7 was missing from the submittal.

17. In the data tables #6 the lot mix for SF-1 should be revised to percentages of 70, 15 and 15.

18. The landscaping note under data table #6 should be revised to lawn grass extending from all sides of the structure to the front, rear and side property lines which is the current City of Manor standard.

19. A section or note should be added to the PUD stating that homes will follow design standards that are agreed to by the City of Manor and developer. The City Attorney's Office is researching to see if the design standards can be added to the development agreement or will need to be an attachment to the PUD.

20. Current City of Manor standards do not allow credit for parkland located in the floodplain. The Parkland table should be updated to reflect this and parkland calculations should be updated.

21. The proposed sidewalks need to be clarified (design/location) and added to the Parkland section. This should also be added to the Parkland section of the development agreement.

22. There are some uses listed under C-1 which are conditional uses for C-1, but are permitted in C-2. This is a conflict that needs to be corrected.

23. Most of the proposed commercial development appears to front 290. The City of Manor only wants sales tax generating uses on 290, therefore no General Office uses will be allowed along 290.

24. The City of Manor prefers that the commercial area on 290 be zoned C-2 only.

25. The City of Manor would like a couple of acres of Neighborhood Business around the northern intersection of the MAD 4 and Primary collector.
26. PUD note 10.2 should state that cul-de-sac lot frontages are measured at the setback line.
27. PUD note 13 should reference the City of Manor's parking calculation table.
28. A PUD note needs to be added stating that there is a four (4) hour maximum time limit for parking on residential streets. This would also need to be included in HOA documents and be enforced by the HOA.
29. The PUD is currently being reviewed by the City Attorney's Office. Additional comments may be generated upon completion of the review.

Please revise the project plans to address the comments noted above. Following revision, please upload one full set of the revised drawings in PDF format. To access your project online, please go to www.mygovernmentonline.org and use the online portal to upload your drawings in PDF format.

Should you have questions regarding specific comments, please contact the staff member referenced under the section in which the comment occurs. Should you have questions or require additional information regarding the plan review process itself, please feel free to contact me directly. I can be reached by telephone at (512) 259-3882 ex. 307, or by e-mail at pgray@jaeco.net.

Review of this submittal does not constitute verification that all data, information and calculations supplied by the applicant are accurate, complete, or adequate for the intended purpose. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not City Engineers review the application for Ordinance compliance.

Thank you,



Pauline Gray, P.E.
Staff Engineer
Jay Engineering Company, Inc.

JAY ENGINEERING COMPANY, INC.
P.O. Box 1220 (512) 259-3882
Leander, TX 78646 Fax 259-8016

July 2, 2018

Mr. Tom Bolt
Director of Development Services/City Manager
City of Manor
P.O. Box 387
Manor, TX 78653

Re: Fourth Submittal of the
Manor Heights PUD Preliminary Site Plan
City of Manor, Texas

Dear Mr. Bolt:

The fourth submittal of the Manor Heights PUD Preliminary Site Plan prepared by Kimley-Horn and Associates and delivered to our office on June 29, 2018, has been reviewed for compliance with City of Manor Code of Ordinances Chapter 14 Section 14.02 Exhibit A Zoning Ordinance 185. The Plan appears to be in general compliance with City Ordinance requirements and we therefore take no exception to its approval as presented.

Review of this submittal does not constitute a verification of all data, information and calculations supplied by the applicant are accurate, complete, or adequate for the intended purpose. The engineer of record is solely responsible for the completeness, accuracy, and adequacy of his/her submittal, whether or not City Engineers review the application for Ordinance compliance. Please call if you have any questions or need additional information.

Please call if you have any questions or need additional information.

Sincerely,



Pauline M. Gray, P.E.
PMG/s

Copy: Alex Granados, P.E., Kimley-Horn and Associates
Scott Dunlop, City of Manor



June 21, 2018

RE: Manor Heights PUD Rezoning

Dear Property Owner:

The City of Manor Planning and Zoning Commission and City Council will be conducting a public hearing to consider a rezoning request for US Hwy 290 E and Old Kimbro Road and being more fully described in the attached map. You are being notified because you own property within 300 feet of the property for which this request is being made. The request will be posted on the agenda as follows:

Consideration, discussion and possible action upon a rezoning request for 477 acres, more or less, located at US Hwy 290 E and Old Kimbro Road, locally known as 13201, 13356, and 13400 Old Kimbro Road, Manor, Travis County, Texas; which includes Lot 2, J.F. Nagle Estates, portions of the A.C. Caldwell Sur. No. 52 Ab. No. 154, and Lemuel Kimbro Sur. No. 64 Ab. No. 456; from interim Agricultural (A) district zoning to Planned Unit Development (PUD) district zoning.

The Planning and Zoning Commission will convene at 6:30PM on July 11, 2018 at 105 E. Eggleston St. in the City Council Chambers.

The City Council will convene at 7:00PM on July 18, 2018 AND August 1, 2018 at 105 E. Eggleston St. in the City Council Chambers.

If you have no interest in the case there is no need for you to attend. You may address any comments to me at the address or phone number listed below. Any communications I receive will be made available to Commission and Council members during the discussion of this item. For your convenience, my email address is sdunlop@cityofmanor.org

Sincerely,

Scott Dunlop
Planning Coordinator
512-272-5555 ext. 5

FAY WALTER F
7405 CHISOS PASS
AUSTIN , TX 78724-3205

SCHAFFER DENNIS D
2616 BUTLER WAY
ROUND ROCK , TX 78665-3842

ROGERS BELINDA G & MICHELLE L
PAYNE
14831 BOIS D ARC LN 6
MANOR , TX 78653-4039

JAIMES MELESIO
12337 ZELLER LN
AUSTIN , TX 78753-7227

UGARTE JOSE V & EVA BENITEZ
14831 BOIS D ARC LN 2
MANOR , TX 78653-4039

RODRIGUEZ ERNEST LEE
238 BEVERLY DRIVE
SAN ANTONIO, TX 78228

LEAKE WILLIAM R & ERICA S
7401 NEZ PERCE TRCE
MANOR , TX 78653-9634

PATRICK DAVID LEE
14805 BOIS D ARC
MANOR , TX 78653-3626

PATRICK JOSHUA DAVID
14809 BOIS D ARC LN
MANOR , TX 78653-4097

ESPARZA JOSE RUIZ
14793 BOIS D ARC LN
MANOR , TX 78653

SMITH JOSHUA & MARISA
14515 BOIS D ARC LN
MANOR , TX 78653-3812

WHEAT PHILIP A & LILLIAN T
14425 BOIS D ARC LN
MANOR , TX 78653-3810

JONES KENT
14409 BOIS D ARC LN
MANOR , TX 78653-3810

LANDEROS JOE & LETTI
11605 PILLION PL
MANOR , TX 78653-3691

SUAREZ ERNESTO
14121 BOIS D ARC LN
MANOR , TX 78653-3815

RIOJAS MARIA
PO BOX 10
MANOR , TX 78653-0010

JOHNSON CRAIG & TAMMY
13034 PARTRIDGE BEND DR
AUSTIN , TX 78729-6459

DE LA LUZ EDUVIGES
14211 BOIS DARC LANE
MANOR , TX 78653-3814

NGUYEN TUAN V & NHIEU T & QUYN
124 SNOWFLAKE DR
ROUND ROCK , TX 78664-4063

PARENT TONY ENTERPRISES INC
13350 OLD KIMBRO RD BLDG A
MANOR , TX 78653

SCHNEIDER BRIAN S
PO BOX 1303
ELGIN , TX 78621-8303

PEREZ DANIEL
12200 JOHNSON RD
MANOR , TX 78653-4002

AVILES GABRIEL
2311 W HOWARD LN
AUSTIN, TX 78728

MOE RANDALL JAMES
1 COUNTY ROAD 473
THRALL , TX 76578-8797

LEAKE WILLIAM R & ERICA
7401 NEZ PERCE TRACE
MANOR , TX 78653

PORTILLO ZOILA
13342 OLD KIMBRO RD
MANOR , TX 78653-4511

GEBAUER JOHN JR
13330 OLD KIMBRO RD
MANOR , TX 78653-4511

JONSE KIRK J & CATHY W
13326 OLD KIMBRO RD
MANOR , TX 78653-4511

JONSE JOHN & RITA
PO BOX 21
MANOR , TX 78653-0021

TIMMERMANN TERRELL
PO BOX 4784
AUSTIN, TX 78765-4784

JEFFERSON TRIANGLE MARINE LP
9225 KATY FRWY STE 208
HOUSTON , TX 77024

REAL PEOPLE HOMES INC
PO BOX 125
LEAKEY , TX 78873-0125

RICE DAVID
14215 E HWY 290
MANOR , TX 78653-4512

KLATT PROPERTIES LP
2001 PICADILLY DR
ROUND ROCK , TX 78664-9511

MATHEN MATHEN & ANNAMMA
20108 PANTHER DR
PFLUGERVILLE , TX 78660-7513

HESTER HOWARD MARTIN JR
18965 KUYKENDAHL
SPRING , TX 77379-3459

FIEBIG DAVID & MELINDA
PO BOX 191
MANOR , TX 78653-0191

FIEBIG ERSKINE E & ALICE
PO BOX 326
MANOR , TX 78653-0326

DINH CHAU QUANG & ANH KIM PHAM
1201 PORTERFIELD DR
AUSTIN , TX 78753-1617

SWENSON DON RAY
8400 HIGH OAK DR
AUSTIN , TX 78759-8135

TIFFANY BRICK CO L P
300 E JOHN CARPENTER FWY STE 1645
IRVING , TX 75062-2727

July 10, 2018

Hon. Mayor and Members of the City Council, and
Chair and Members of the Planning and Zoning Commission
City of Manor
105 E. Eggleston St.
Manor, Texas 78653

Re: Proposed Manor Heights PUD Rezoning on the Planning and Zoning Commission
Agenda of July 11, 2018 and the City Council Agenda of July 18, 2018

Dear Councilmembers and Commissioners:

I am writing you on behalf of William and Erica Leake, a local couple who are the owners of two (2) residential lots which are adjacent to the proposed Manor Heights PUD. **A part of one of their lots has actually been included within the area of the proposed PUD and rezoning without their consent.**

William and Erica Leake own Lots 1 and 3 of J.F. Nagle Estates, according to the subdivision plat thereof recorded at Document No. 199900207 of the Official Public Records of Travis County, Texas. A copy of the recorded plat is attached as **Exhibit "A"** to this letter. As you will see from reviewing the subdivision plat, Lot 3 has a "flag" or "panhandle" portion which runs southward and provides the Lot's access to a public road. This portion of the Leakes' Lot 3 is within the area shown by the rezoning notice to be the subject of the PUD rezoning, even though they did not join in or consent to the application. The Leakes object to this and prior to the City Council meeting will file a formal protest against the rezoning of their land pursuant to Texas Local Government Code, Sec. 211.006(d).

It also appears from the plan depicted by the rezoning notice that the PUD developer intends to dedicate a portion of the Leakes' Lot 3 as a road, even though it is not owned by the developer.

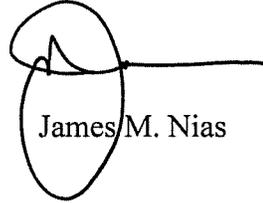
Finally, your attention is directed to the fact that the Lots in the J.F. Nagle Estates subdivision, including the Leakes' Lots 1 and 3, **as well as Lot 2 in between them which is included within the rezoning request**, are all restricted to one (1) single family residence per Lot and subject to various other restrictions. Please see the Declaration of Easements, Covenants, Conditions and Restrictions attached as **Exhibit "B"** to this letter. We respectfully request that you keep the restrictions in mind when considering the appropriateness of the proposed PUD and rezoning request as it relates to these Lots.

July 10, 2018

Page 2

Thank you all for your attention to these matters.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' and 'M' followed by a horizontal line extending to the right. The signature is enclosed in a hand-drawn oval.

James M. Nias

cc: Mr. Thomas Bolt
City Manager / Development Services Director
City of Manor

Mr. Scot Dunlop
Development Services Planner
City of Manor

William and Erica Leake

Plat Document # _____

Plat

Plat Records Index Sheet:

Subdivision Name: J.F. Nagle Estates

Owner's Name: GR Investments, Michael C. Rife

Resubdivision? (yes or no) No

Additional Restrictions or Comments:
1999058185

Return: COA
Hector Avila
P O Box 1088
Austin, Tx. 78767

Plat File Stamp

FILED AND RECORDED

Dana DeBeauvoir
06-30-1999 09:48 AM 199900207
GUERRAY \$56.00
Dana DeBeauvoir, COUNTY CLERK
TRAVIS COUNTY, TEXAS

EXHIBIT "A"

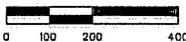
ARTHUR WITTIG
10.00 ACRES
VOL. 8350, PG. 126
TCRPR

LIMUEL HUNTER
10.00 ACRES
VOL. 8428, PG. 58
TCRPR

DENNIS D. SCHAFER
10.00 ACRES
VOL. 8564, PG. 473
TCRPR

VETERANS LAND BOARD
10.00 ACRES
VOL. 8429, PG. 965
TCRPR

SHEILA F. HOOTEN
114.836 ACRES
VOL. 12273, PG. 338
TCRPR



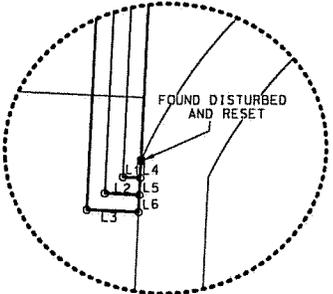
LEGEND

- = 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
- ▲ = METAL FENCE POST FOUND
- = 5/8" IRON ROD IN CONCRETE FOUND
- = 5/8" IRON ROD SET
- TCRPR = TRAVIS COUNTY REAL PROPERTY RECORDS
- ORTC = OFFICIAL RECORDS TRAVIS COUNTY

LINE	DIRECTION	DISTANCE
L1	N59°29'29"W	20.00
L2	N59°29'29"W	40.00
L3	N59°29'29"W	60.00
L4	S30°30'31"W	20.00
L5	S30°30'31"W	20.00
L6	S30°30'31"W	20.00
L7	S06°47'52"W	77.88

JOHN SABOL AND SPOUSE,
PRISCILLA BOHOT
126.528 ACRES
VOL. 13246, PG. 2462
TCRPR

DETAIL



JOHN T. STOKES & WIFE,
JANET S. CRAIG STOKES
31.492 ACRES
VOL. 12093, PG. 142

ROYCE L. ABRAHAMSON
96.75 ACRES
VOL. 9476, PG. 871
TCRPR

60' JOINT USE ACCESS AND PUBLIC UTILITY EASEMENT
DOC. NO. ORTC

ROYCE L. ABRAHAMSON
10.00 ACRES
VOL. 8952, PG. 924

CURVE	LENGTH	DELTA	RADIUS	DIRECTION	CHORD
C1	391.55	36°35'22"	613.14	N70°41'37"E	384.93
C2	176.00	107°10'01"	1407.07	S87°16'08"E	175.89

RAMSEY LAND SURVEYING, LLC.
8718 SOUTHWEST PARKWAY
P. O. BOX 92768
AUSTIN, TEXAS 78709-2768
PHONE (512) 301-9398
FAX (512) 301-9395
r1surveye@tdsnr.net

J.F. NAGLE ESTATES
FINAL PLAT

DRAWN BY	RHH/CAR
CHECKED	BR
DATE	02-12-1999
PROJECT NO	075-04
DRAWING NO	075-01
SHEET NO.	1 OF 2
FILENAME	075\GRIFFP1.DGN

602 006661

6/30/99 \$5600

herein, and expressly for the benefit of and to bind the Declarant, its successors and assigns, and in order to create and carry out a general and uniform plan for the use of the Lots within the Subdivision, the Declarant hereby declares that all of the Subdivision shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions

1 Scope of Restrictions The covenants, conditions, restrictions and easements herein set forth shall constitute COVENANTS RUNNING WITH THE LAND and shall be binding upon Declarant, its successors and assigns, and upon all persons or entities acquiring a Lot or all or any portion of the Subdivision, whether by purchase, descent, devise, gift or otherwise, and each such person or entity, by the acceptance of title to any of the Subdivision, shall thereby agree and covenant to abide by the covenants, conditions, easements and restrictions set forth herein and to perform the covenants hereby imposed on owners of the Lots within the Subdivision

2 Residential Use All Lots within the Subdivision are hereby restricted exclusively to single-family residential use No commercial business or activity may be conducted on any Lot No structures shall be erected, placed or maintained on any Lot other than a conventionally constructed single-family private residence Only one single-family private residence shall be constructed on each Lot together with each of the following optional accessory structures or buildings; one barn, one garage, one cabana, one guest house and/or servant's quarters, one covered or outdoor swimming pool, one tennis court, or other private sports facility, one children's playground, and one horse stable(s) for use by the residents of the respective Lot; provided however, that no accessory structure or building except a barn, may be constructed until the residence has been finally completed. A "conventionally constructed single-family private residence" shall mean any such structure built on a foundation permanently attached to the underlying land No mobile homes, house trailers, modular homes and move-on homes shall be permitted on any of the Lots at any time Recreational vehicles owned and used by the respective Lot owner may be kept on that owner's Lot after final completion of the residence on that respective Lot; provided, however, that such vehicles must be stored behind all set-back lines established by this Declaration and stored in a enclosed structure or in a screened area which prevents the view thereof from any Lots or dwellings and roads *

3 Construction of Residence(s) All residences erected in the Subdivision shall have a living area of at least 2200 square feet, net of any and all appurtenances including permitted structures listed above in Section 2 and any porches, patios, walkways, decks, or breezeways Each residence must have a roof of gable construction, flattop roofs being prohibited. No metal buildings of any kind will be allowed to be constructed, provided, however, that metal roofs will be permitted on any structure Construction of any residence shall be finally completed within 12 months of the date of commencement of construction which shall be the first day of concrete pouring in the slab or construction of the piers underlying the respective residence, as the case may be No person shall occupy or reside on any Lot until the residence thereon is finally completed

4 Set-Back Lines All structures, including appurtenances and accessory structures and buildings, shall be located at least one-hundred feet (100') from any Lot boundary

line, including easement boundary lines included on any Lot. There shall be at least a fifty foot (50') set back of all such structures and improvements from the petroleum pipeline easement recorded in Volume 848, Page 55 of the Travis County Real Property Records, and amended by instrument recorded in Document No. 1999022197, Official Public Records of Travis County, Texas, as shown on the plat attached hereto as Exhibit "A".

5 Rules and Regulations By acceptance of a deed to a Lot, or initiating construction of a residence or improvements to a Lot, each builder, owner and contractor assumes responsibility for complying with all certifications, permitting, reporting, construction, and procedures required under all applicable governmental rules, regulations, and permits.

6 Septic Tanks No outside toilets shall be used, constructed or permitted. No installation of any kind for disposal of sewage shall be constructed or maintained which would result in treated or untreated sewage or septic tank drainage being drained into or onto the surface of any part of the Subdivision or onto or into any body of water located in the Subdivision. No means of sewage disposal may be installed, used or maintained except a septic tank or a similar or improved means of sanitary sewage disposal, which meets the requirements of and is approved by all governmental authorities having jurisdiction thereof. No structure placed upon a Lot shall be used until sanitary sewage disposal facilities complying with this paragraph have been finally completed.

7 Access and Public Utility Easement Declarant, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, reserves from the Lots and GRANTS, SELLS, AND CONVEYS to all Lot owners in the Subdivision, their successors and assigns, a non-exclusive sixty foot (60') wide access and public utility easement as more fully described in Declaration of Access and Public Utility Easement recorded in Document No. 199900207, Official Public Records of Travis County, Texas for the purposes and subject to the terms and conditions as set out therein.

8 Appearance Lot owners shall keep their Lots, buildings, improvements and appurtenances in a safe, clean, neat, wholesome condition and each owner will remove at their own expense any rubbish of any character which may accumulate on that owner's Lot. Owners shall also comply in all respects with All State and County government health and policy requirements. Declarant shall have the right, until such time as all Lots are sold to other owners, through its agents and employees, to enter upon any Lot and to repair, maintain, and restore the Lot, all at the expense of the owner after first having given owner of such Lots at least thirty (30) days from time of written notice to correct the failure of maintenance. Non non-operated cars or vehicles shall be kept on the Lots unless parked inside a garage. Non-operated means unable to operate for thirty (30) consecutive days or for a vehicle not permanently licensed.

9 Nuisances: No noxious, offensive, undesirable or unlawful activity shall be conducted on any Lot, nor shall anything be done or be permitted to be done thereon.

which becomes a nuisance or annoyance to the owners of adjacent Lots or to the Subdivision as a whole. Any determination by the Declarant that an activity is noxious, offensive, undesirable or immoral shall be final and binding upon all parties.

10. Garbage and Trash Disposal No trash, garbage, construction debris, rubbish, abandoned or junk cars or other refuse may be dumped, disposed of or maintained on any Lot, vacant or otherwise. Any temporary trash, garbage and other waste shall be kept in a clean, sanitary and sightly condition. No refuse shall be burned on any Lot during construction of improvements, or at any other times, except in a safe incinerator, and unless so burned, all refuse shall be removed by the Lot owner. All incinerators or other equipment for the temporary storage and disposal of such material shall be kept in a clean and sanitary condition.

11. Storage of Building Materials: No building materials of any kind shall be placed or stored upon any Lot except during construction of improvements thereon. During construction, such storage shall only be permitted within the boundary lines of each Lot. All building and construction materials must be removed from the Lot or placed inside a structure within ninety (90) days of occupancy of the improvements.

12. Animals Livestock and normal household pets may be kept on a Lot, with the exception of swine. This exclusion of swine, however, does not apply to "Vietnamese Pot Belly Pigs" which are kept by the Lot owner strictly as pets. However, no animals may be kept on a Lot unless they are restricted to the Lot of their owners by fences or other enclosures or restraints and not allowed to run at large, nor may they be kept if they become offensive or a nuisance by virtue of their numbers, sight, odor or noise. No commercial operation in regards to swine, turkeys, chickens, or cattle feed-lot operation may be conducted on any Lot. It is specifically understood and agreed that the owners of any livestock, or pets kept on any Lot, shall be strictly liable for any damages done to the property or person of any third party by such livestock or pets which may occur outside the Lot's fence lines.

13. Fences Lot owners may, at their expense, fence any Lot except for areas in the Access and Public Utility Easements provided that their fence or fences are built and constructed in a workmanlike manner in accordance with ranching practices in Central Texas. Fences may be constructed out of wood, lumber, split rails, rock, and/or barbed wire. Lot owners shall be responsible for maintenance on any fence erected.

14. Oil, Gas, and Mineral Development: No oil or gas drilling, exploration or development operations, oil or gas refining or treatment, quarrying or mining operations of any kind shall be permitted on the surface of any Lot. No derrick or other structure designed for use in boring for oil, natural gas or other materials shall be erected, maintained or permitted on the surface of any Lot.

15. Excavation and Storage: No quarrying, blasting, gravel pits, or excavation shall be permitted on any portion of the Subdivision. Stock ponds are permissible. No

manufacturing or storage of dangerous chemicals, explosives and/or radioactive materials may be held on any portion of the Subdivision

16. Enforcements These regulations shall be binding upon all Lot owners, their successors and assigns and all parties claiming ownership or possession by, through, or under the Lot owners and all subsequent owners of the Subdivision, each of whom shall be obligated and bound to observe the terms of this Declaration. The violation of any term or provision of this Declaration shall not operate to invalidate any mortgage, deed of trust or other lien acquired and held in good faith against the Subdivision or any part thereof. The owner of any Lot in the Subdivision, and any Travis County or State authority governing the same shall have the right to enforce observance or performance of the provisions of this Declaration. If any person violates or attempts to violate any term or provision of the Declaration, it shall be lawful for any person or authority with standing to prosecute proceedings at law or in equity against the person violating or attempting to violate any term or provision of this Declaration in order to accomplish any one or more of the following: to prevent the respective Lot owner or their tenants, invitees or representatives from so doing, to correct such violations, to recover damages or maintenance fees, or, to obtain such other relief for such violation as then may be legally available. In the event of a conflict between this Declaration and the applicable laws, rules, or regulations of any governmental authority, or any other restrictive covenants of records, or this Declaration shall govern and control.

17. Adjustments, Waiver of Variances Adjustments, amendments, waivers or variances to these covenants and restrictions may be granted in writing by the Declarant or by the unanimous consent of the other Lot owners for the purposes of eliminating any hardships and assisting in the orderly Subdivision and use of the Lots.

18. Partial Invalidity Invalidation of any of these covenants, conditions, easements or restrictions (by court judgement or otherwise) shall not affect, in any way, the validity of all other covenants, conditions, easements, and restrictions contained herein.

19. Laws and Regulations All owners of any Lots within the Subdivision shall at all times comply with all applicable laws, regulations and ordinances of municipal, county, state federal or other governmental authorities. Venue for any suit arising out of this declaration shall be in Travis County, Texas.

20. Duration These covenants, conditions, easements and restrictions shall run with the land and shall be binding upon and against the Subdivision for a period of fifty (50) years from the date of recordation, after which time said covenants, shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the owners of sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the Subdivision at that time has been recorded, agreeing to change said covenants in whole or in part. No such agreement to change shall be effective unless made and recorded within three (3) months immediately prior to the date the covenants otherwise would be automatically extended.

21 Notices Any notice required to be given to any Lot owner shall be complete three (3) days after the notice is deposited in the United States Mail, postage prepaid, and addressed to the Lot owner at the address of the Lot

22 Governing Law Venue: The laws of the State of Texas shall govern the validity, enforcement, and interpretation of this document. The obligations of the parties are performable and venue for any legal action arising out of this Declaration shall lie in Travis County, Texas

23 Attorney's Fees If it shall be necessary for any party to employ an attorney to enforce its rights pursuant to this Declaration because of the default of the other party, the defaulting party shall reimburse the non-defaulting party for reasonable attorney's fees and court costs

24 Invalid Provisions If any one or more of the provisions herein, or the applicability of any such provision to a specific situation, shall be held invalid or unenforceable, such provision shall be modified to the minimum extent necessary to make it or its application valid and enforceable, and the validity and enforceability of all other provisions herein and all other applications of any such provisions shall not be affected hereby

IN WITNESS WHEREOF the undersigned has executed this instrument on the 17
day of June, 1999

GR INVESTMENTS

By Michael C. Rife
Michael C Rife, Partner

By Curtis J. Griffin
Curtis Griffin, Partner

STATE OF TEXAS

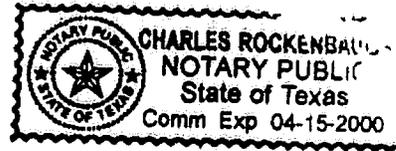
§
§
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 17th day of JUNE, 1999, by Michael C Rife, Partner in GR Investments, a Texas general partnership, on behalf of said partnership.



Notary Public, State of Texas



STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

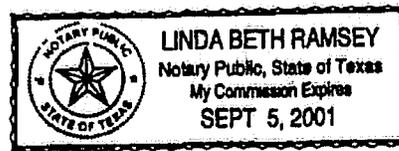
This instrument was acknowledged before me on the 17th day of JUNE, 1999, by Curtis Griffin, Partner in GR Investments, a Texas general partnership, on behalf of said partnership



Notary Public, State of Texas

AFTER RECORDING RETURN TO

GR Investments
P O Box 27252
Austin, Texas 78755-2252



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

06-30-1999 09:48 AM 1999058185
GUERRAY \$25.00
Dana DeBeauvoir, COUNTY CLERK
TRAVIS COUNTY, TEXAS

RECORDERS MEMORANDUM-At the time of
recording this instrument was found to be inadequate
for the best photographic reproduction, because of
illegibility, carbon or photocopy, discolored paper, etc
All blockouts, additions and changes were present at
the time the instrument was filed and recorded

INDEXED



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: August 1, 2018

PREPARED BY: Scott Dunlop, Planning Coordinator

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on the second and final reading of an ordinance annexing 87.62 acres of land, more or less, adjacent and contiguous to the city limits and being located in the A.C. Caldwell Survey, Abstract 154, Travis County, Texas and approving a service plan for the annexed area.

BACKGROUND/SUMMARY:

This area is the remaining portion of Manor Heights that is outside the city limits. They requested annexation to provide consistent taxes and development regulations throughout the entire development. Also per State law we have to annex the adjacent county ROW so the ordinance has been updated to include the abutting streets, roads and rights-of-way.

PRESENTATION: YES NO

ATTACHMENTS: YES (IF YES, LIST IN ORDER TO BE PRESENTED) NO

Ordinance 521
Exhibits A & B
Map

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Ordinance No. 521 annexing 87.62 acres of land, more or less, and abutting streets, roads and rights-of-way that is adjacent and contiguous to the city limits and being located in the A.C. Caldwell Survey, Abstract 154, Travis County, Texas and approving a service plan for the annexed area.

PLANNING & ZONING COMMISSION: RECOMMENDED APPROVAL DISAPPROVAL NONE

ORDINANCE NO. 521

AN ORDINANCE OF THE CITY OF MANOR, TEXAS ANNEXING 87.622 ACRES OF LAND, MORE OR LESS, AND ABUTTING STREETS, ROADS AND RIGHTS-OF-WAY THAT IS ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS; the City of Manor, Texas (“the City”) is home rule municipality authorized by State law to annex territory lying adjacent and contiguous to the City;

WHEREAS; the owner of the property, as hereinafter described, made written request for the City to annex such property in compliance with the *Tex. Loc. Gov’t Code*;

WHEREAS; the property is adjacent to the present city limits and contiguous with the city limits;

WHEREAS; the City Council has heard and has decided to grant the request;

WHEREAS; two separate public hearings were conducted prior to consideration of this Ordinance in accordance with § 43.063 of the *Tex. Loc. Gov’t. Code*;

WHEREAS; notice of the public hearing was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than (10) days prior to the public hearings;

WHEREAS; the City intends to provide services to the property to be annexed according to the Service Plan attached hereto as Exhibit “B”

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

Section 1. All of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied herein in their entirety.

Section 2. That the following described property (hereinafter referred to as the “Annexed Property”) is hereby annexed into the corporate limits of the City of Manor:

Being a 87.622 acres of land, including abutting streets, roadways and rights-of-way, located in the A.C. Caldwell Survey, Abstract 154, Travis County, Texas: containing a portion of that certain 180.83 acre tract of land described in instrument to Alma Juanita Meier in Volume 11376, Page 676 of the Deed Records of Travis County; also containing a portion of that certain 90.0886 acre tract of land described in instrument to RHOF, LLC in Document No. 2005154974 of the Official Public Records of Travis County, being more particularly described in Exhibit “A” attached hereto and incorporated herein for all purposes.

Section 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit “B”.

Section 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit “B”, and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

Section 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Manor.

Section 6. That the Annex Property shall be temporarily zoned District “A” as provided in the City Zoning Ordinance, until permanent zoning is established therefore.

Section 7. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 8. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov’t. Code*.

Section 9. That it is hereby officially found and determined that the meeting at which this Ordinance is passes was open to the public as required and that public notice of the time, place, and purpose of said meeting was given required by the Opens Meeting Act, *Chapt. 551, Tex. Gov’t Code*.

PASSED AND APPROVED FIRST READING on this the 18th day of July 2018.

PASSED AND APPROVED SECOND AND FINAL READING on this the 1st day of August 2018.

THE CITY OF MANOR, TEXAS

Rita G. Jonse,
Mayor

ATTEST:

Lluvia Tijerina TRMC,
City Secretary

EXHIBIT "A"

Property description: +/- 87.622 acres

EXHIBIT “B”

Approved municipal Service Plan

**A METES AND BOUNDS
DESCRIPTION OF A
87.622 ACRE TRACT OF LAND**

BEING a 87.622 acres (3,816,832 square feet) of land located in the A.C. Caldwell Survey, Abstract Number 154, Travis County, Texas: containing a portion of that certain 180.83 acre tract of land described in instrument to Alma Juanita Meier in Volume 11376, Page 676 of the Deed Records of Travis County; also containing a portion of that certain 90.0886 acre tract of land described in instrument to RHOF, LLC in Document No. 2005154974 of the Official Public Records of Travis County; and being more particularly described as follows:

COMMENCING, at a found 1/2-inch iron rod marking the easterly southeast corner of said 90.0886 acre tract, same being the northeast corner of that certain 1.503 acre tract described in instrument to Erskine E. Fiebig in Volume 5017, Page 556 of the Deed Records of Travis County, on the westerly line of that certain 51.533 acre tract of land described in instrument to Chau Dinh and Kim Pham in Document No. 2014439510 of the Official Public Records of Travis County;

THENCE, North 28°30'46" East, 489.05 feet along the northwesterly line of said 51.533 acre tract to a 1/2-inch iron rod with KHA cap set for the **POINT OF BEGINNING** of herein described tract;

THENCE, South 86° 47' 58" West, 2,966.43 feet, to a 1/2-inch iron rod with KHA cap set on the easterly right-of-way line of Old Kimbro Road;

THENCE, along the easterly and southerly right-of-way lines of said Old Kimbro Road, the following three (3) courses and distances;

1. North 26° 31' 49" East, at 1,239.90 feet, passing a concrete monument, for a total distance of 1,326.94 feet, to a 1/2-inch iron rod with "KHA" cap set for corner;
2. Northerly, along the arc of a curve to the right having a radius of 533.10 feet, a central angle of 67°52'18", a chord bearing and distance of North 60°18'54" East, 595.22 feet, and a total arc length of 631.50 feet and to a 1/2-inch iron rod with KHA cap set for corner;
3. South 85° 48' 57" East, at 87.08 feet, passing a concrete monument, for a total distance of 2,475.57 feet to set 1/2 inch iron rod with "KHA" cap marking the northwesterly corner of aforesaid 51.533 acre tract;

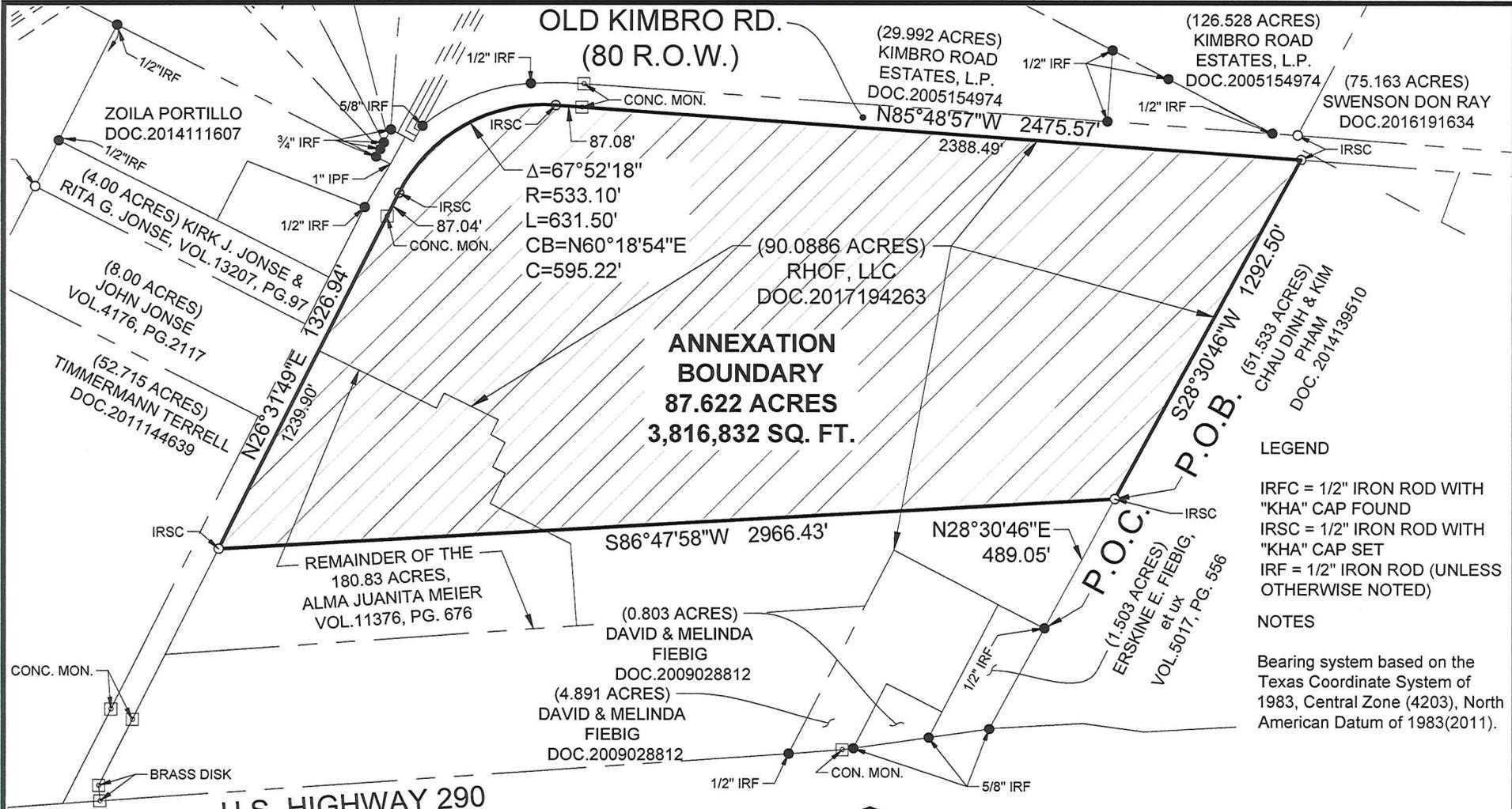
THENCE, South 28° 30' 46" West, 1,292.50 feet leaving the right of way line of Old Kimbro Road and along the northwesterly line of said 51.533 acre tract to the **POINT OF BEGINNING**, containing 87.622 acres of land in Travis County, Texas, as shown in the document save in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

JGM
3/19/2018

JOHN G. MOSIER
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6330
601 NW LOOP 410, SUITE 350
SAN ANTONIO, TEXAS 78216
PH. 210-541-9166
greg.mosier@kimley-horn.com

**87.622 ACRES
ANNEXATION BOUNDARY**
A.C. Caldwell Survey, Abstract Number 154,
Travis County, Texas.

Kimley»Horn					
601 NW Loop 410, Suite 350 San Antonio, Texas 78216		FIRM # 10193973		Tel. No. (210) 541-9166 www.kimley-horn.com	
<u>Scale</u>	<u>Drawn by</u>	<u>Checked by</u>	<u>Date</u>	<u>Project No.</u>	<u>Sheet No.</u>
1" = 500'	MAV	JGM	MAR. 2018	069255700	1 OF 2



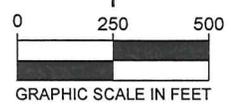
**ANNEXATION
BOUNDARY
87.622 ACRES
3,816,832 SQ. FT.**

LEGEND

- IRFC = 1/2" IRON ROD WITH "KHA" CAP FOUND
- IRSC = 1/2" IRON ROD WITH "KHA" CAP SET
- IRF = 1/2" IRON ROD (UNLESS OTHERWISE NOTED)

NOTES

Bearing system based on the Texas Coordinate System of 1983, Central Zone (4203), North American Datum of 1983(2011).



**U.S. HIGHWAY 290
(VARIABLE R.O.W.)**

JOHN G. MOSIER
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6330
601 NW LOOP 410, SUITE 350
SAN ANTONIO, TEXAS 78216
PH. 210-541-9166
greg.mosier@kimley-horn.com



John G. Mosier
3/19/2018

**87.622 ACRES
ANNEXATION BOUNDARY**
A.C. Caldwell Survey, Abstract Number 154,
Travis County, Texas.

Kimley»Horn

601 NW Loop 410, Suite 350 San Antonio, Texas 78216 FIRM # 10193973 Tel. No. (210) 541-9166 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 500'	MAV	JGM	MAR. 2018	069255700	1 OF 2

EXHIBIT “B”

MUNICIPAL SERVICES PLAN FOR PROPERTY TO BE ANNEXED INTO THE CITY OF MANOR

WHEREAS, the City of Manor, Texas (the “City”) intends to institute annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the “subject property”);

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;

WHEREAS, infrastructure provided for herein and that existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits and no capital improvements are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City;

WHEREAS, the owner(s) of the subject property agree they will benefit from the City’s development restrictions and zoning requirements, as well as other municipal services provided by the City, which are good and valuable consideration for this service plan; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject property into the City;

NOW, THEREFORE, the following services will be provided for the subject property on the effective date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the owner and this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by agreement between the City and the ESD’s present personnel and equipment of the ESD fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present contract personnel and equipment of the ESD.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory and zoning jurisdiction of the City shall be extended to include the annexed area, and the use of all property therein shall be grandfathered; and shall be temporarily zoned "A" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowner(s) or authorized city staff.

(2) **Scheduled Municipal Services.** Due to the size and vacancy of the subject property, the plans and schedule for the development of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as provided in this Plan:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject property or portions thereof (the "CCN holder") and, as applicable, the utility providing wholesale or retail water service to said CCN holder. Absent a water CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, is located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject property owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject property as required in City ordinances. Upon acceptance of the water lines within the subject property and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly

situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) (a) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subject property, or applicable portions thereof, by the utility holding a wastewater CCN for the subject property, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, is located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject property owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required by City ordinances. Upon acceptance of the wastewater lines within the subject property and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance of streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on existing public streets within the subject property and other streets that are hereafter constructed and finally accepted by the City. The maintenance of the streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.; and

(B) Routine maintenance as presently performed by the City.

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

(A) As provided in C(i)(A)&(B) above;

(B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

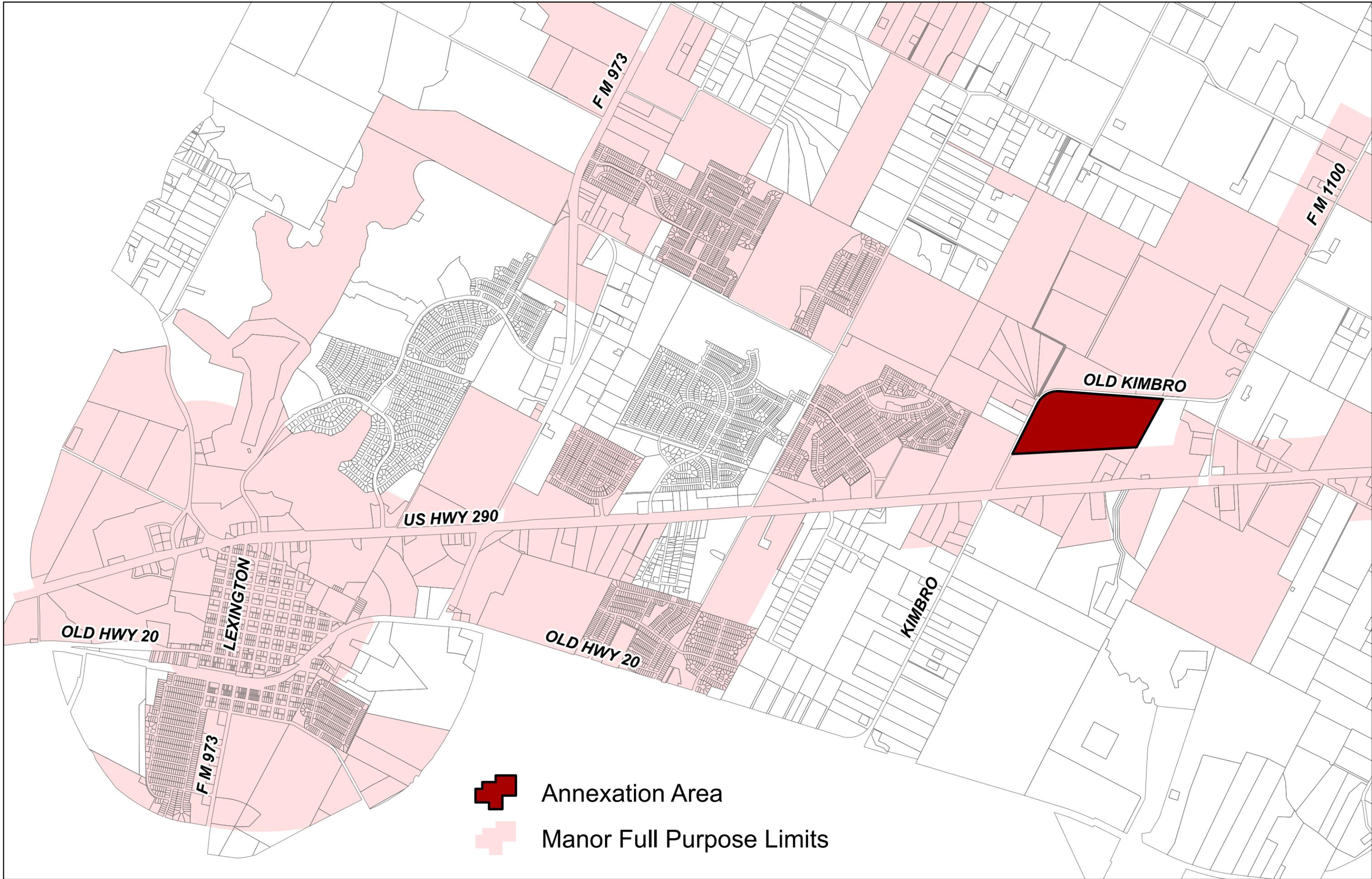
(D) Installation and maintenance of street lighting in accordance with established policies of the City;

(iii) The outer boundaries of the subject property abut existing roadways. The property owner agrees that no improvements are required on such roadways to service the property.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property or redevelopment, the landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal description of the subject property is as set forth in the Annexation Ordinance and exhibits attached to the Annexation Ordinance to which this Service Plan is attached.



Annexation Area



Manor Full Purpose Limits



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: August 1, 2018

PREPARED BY: Scott Dunlop, Planning Coordinator

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion and possible action on the second and final reading of an ordinance rezoning Lot 1, Block 11 Lane A E Addition, locally known as 901 ½ North Burnet Street, from Single Family Residential (R-1) to Institutional (I). Applicant: City of Manor. Owner: City of Manor

BACKGROUND/SUMMARY:

This is the city water tower behind Sonic. Verizon inquired about locating a new tower in the vicinity of 290 and Lexington to meet increased demand. The city proposed collocating their facility on our water tower so a new cell tower isn't constructed. Telecommunication towers require a conditional use permit in most zoning categories. If Verizon finds the water tower a suitable location to collocate facilities and their conditional use is approved, we wanted that approval to be on land zoned Institutional and not Single-Family R-1 so a precedent isn't set for approving these facilities on residential properties. Institutional zoning is also consistent with the current use of the property as a city facility.

The Planning Commission voted 4 - 1 to approve.

PRESENTATION: YES NO

ATTACHMENTS: YES (IF YES, LIST IN ORDER TO BE PRESENTED) NO

Ordinance 522

Exhibit A

Map

Notice Letter and Mailing List

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Ordinance No. 522 rezoning Lot 1, Block 11 Lane A E Addition, locally known as 901 ½ North Burnet Street, from Single Family Residential (R-1) to Institutional (I).

PLANNING & ZONING COMMISSION: RECOMMENDED APPROVAL DISAPPROVAL NONE

ORDINANCE NO. 522

**AN ORDINANCE OF THE CITY OF MANOR, TEXAS,
AMENDING THE ZONING ORDINANCE BY REZONING A
PARCEL OF LAND FROM SINGLE FAMILY RESIDENTIAL (R-
1) TO INSTITUTIONAL (I); MAKING FINDINGS OF FACT;
AND PROVIDING FOR RELATED MATTERS.**

Whereas, the owner of the property described hereinafter (the "Property") has requested that the Property be rezoned;

Whereas, after giving ten days written notice to the owners of land within three hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

Whereas, after publishing notice of the public at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Ordinance. City of Manor Code of Ordinances Chapter 14 Exhibit A Zoning Ordinance ("Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

Section 3. Rezoned Property. The Zoning Ordinance is hereby amended by changing the zoning district for the land and parcel of property described in Exhibit "A" (the "Property"), from the current zoning district Single Family Residential (R-1) to zoning district Institutional (I). The Property is accordingly hereby rezoned to Institutional (I).

Section 4. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

PASSED AND APPROVED FIRST READING on this the 18th day of July 2018.

PASSED AND APPROVED SECOND AND FINAL READING on this the 1st day of August 2018.

THE CITY OF MANOR, TEXAS

Rita G. Jonse,
Mayor

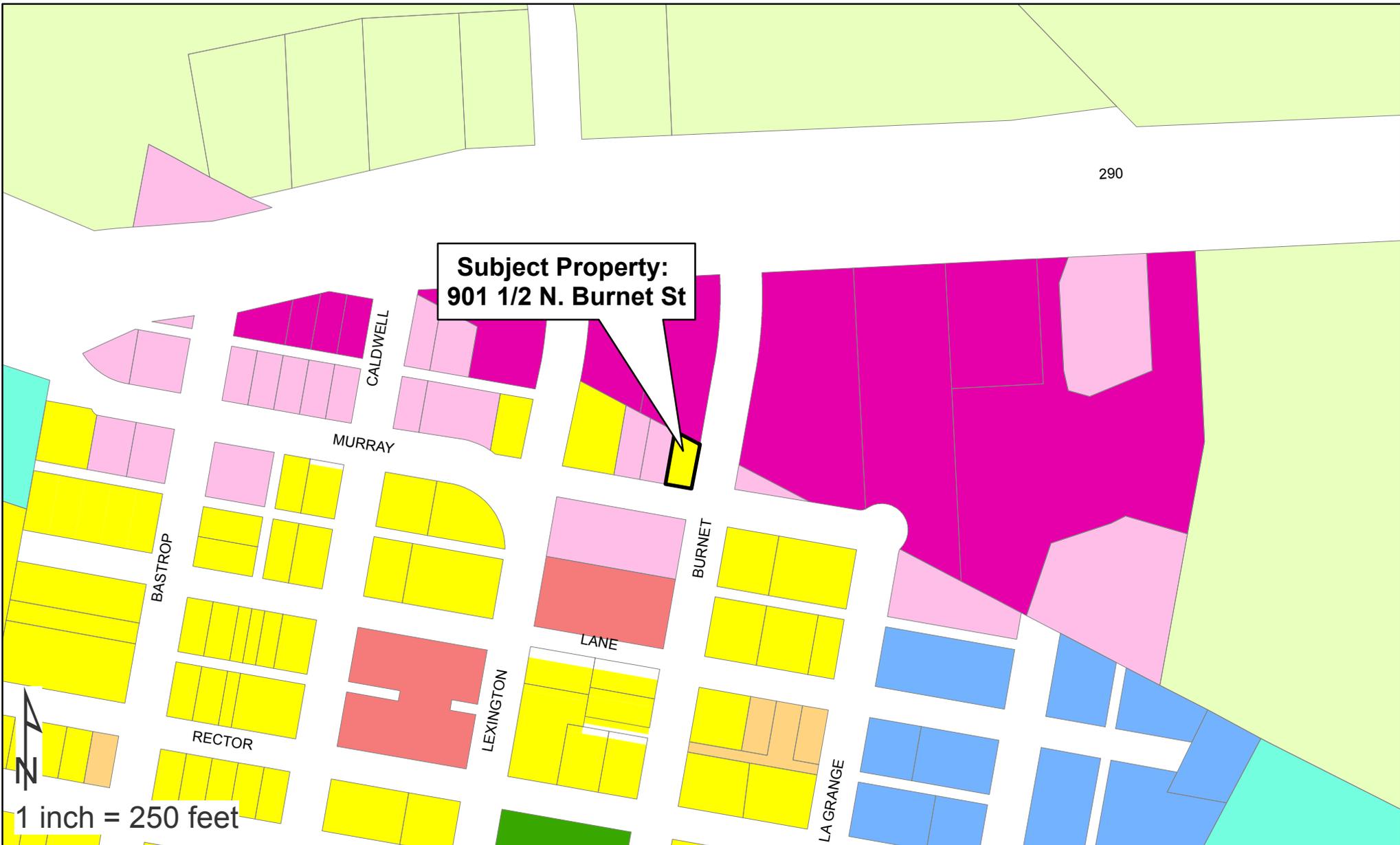
ATTEST:

Lluvia Tijerina TRMC,
City Secretary

EXHIBIT "A"

Property Legal Description:
Lot 1, Block 11 Lane A E Addition

Property Address:
901 ½ North Burnet Street



Proposed Zoning: I - Institutional

*Current Zoning District:
Single Family Residential (R-1)*

Zone	
■	R-1 - Single Family
■	R-2 - Single Family
■	R-3 - Multi Family
■	R-4 - Multi Family Special
■	M-1 - Manufactured Housing
■	M-2 - Manufactured Housing Park
■	C-1 - Light Commercial
■	C-2 - Medium Commercial
■	DB - Downtown Business District
■	NB - Neighborhood Business
■	IN-1 - Light Industrial
■	IN-2 - Heavy Industrial
■	I - Institutional
■	PUD - Planned Unit Development
■	A - Agricultural
■	Manor ETJ



June 21, 2018

RE: 901 ½ North Burnet Street Rezoning

Dear Property Owner:

The City of Manor Planning and Zoning Commission and City Council will be conducting a public hearing to consider a rezoning request for 901 ½ North Burnet Street. You are being notified because you own property within 300 feet of the property for which this request is being made. The request will be posted on the agenda as follows:

Consideration, discussion and possible action on a rezoning request for Lot 1, Block 11 Lane A E Addition, locally known as 901 ½ North Burnet Street, from Single Family Residential (R-1) to Institutional (I).

The Planning and Zoning Commission will convene at 6:30PM on July 11, 2018 at 105 E. Eggleston St. in the City Council Chambers.

The City Council will convene at 7:00PM on July 18, 2018 AND August 1, 2018 at 105 E. Eggleston St. in the City Council Chambers.

If you have no interest in the case there is no need for you to attend. You may address any comments to me at the address or phone number listed below. Any communications I receive will be made available to Commission and Council members during the discussion of this item. For your convenience, my email address is sdunlop@cityofmanor.org

Sincerely,

A handwritten signature in blue ink, appearing to be 'Scott Dunlop', written over a white background.

Scott Dunlop
Planning Coordinator
512-272-5555 ext. 5

SMA RETAIL COMPANY INC
PARK PLACE FOODS
11209 US HIGHWAY 290 E
MANOR, TX 78653-9703

COUPLAND STATE BANK
PO BOX 616
MCKINNEY, TX 75070-8141

CASTILLO FIDENSIO & REBECCA RAMOS
CASTILLO
16508 FM 973 N
MANOR, TX 78653-3592

ANDERSON E G ESTATE &
HOWARD C ANDERSON &
5702 KILLINGSWORTH LN
PFLUGERVILLE, TX 78660-8700

MKR PROPERTIES LLC SERIES 11211 US
HWY 290
5905 YORK BRIDGE CIR
AUSTIN, TX 78749-2211

SALMELA PATRICIA
101 W MURRAY ST
MANOR, TX 78653-4141

BLUEBONNET ELECTRIC COOPERATIVE
P O BOX 729
BASTROP, TX 78602-0729

WILLIAMS GARY M
P O BOX 480
MANOR, TX 78653

SONIC DEVELOPMENT OF CENTRAL TEXAS
% AUSTIN SONIC
PO BOX 17788
AUSTIN, TX 78760-7788

GLASS RETHANN
17500B GLASS RD
MANOR, TX 78653-5049

GOSEY BOBBY & SHELDON
7300 GILBERT RD
MANOR, TX 78653-5083

TUMLINSON RANDALL C &
FRANCES ANN TUMLINSON
PO BOX 414
MANOR, TX 78653-0414



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: August 1, 2018

PREPARED BY: Scott Dunlop, Planning Coordinator

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion and possible action on the second and final reading of an ordinance rezoning Abstract 315 Survey 63 Gates G Acres 10.01, locally known as 14605 N. FM 973, from Interim Agricultural (A) to Light Commercial (C-1). Applicant: Shana Whiteley. Owner: Foxtrot Holdings, LLC

BACKGROUND/SUMMARY:

This is where the Good Luck Grill is located. The property was annexed into the city in November 2017. They are looking to expand their restaurant and as part of the process are required to have appropriate zoning.

The Planning Commission voted 5 - 0 to approve.

PRESENTATION: YES NO

ATTACHMENTS: YES (IF YES, LIST IN ORDER TO BE PRESENTED) NO

Ordinance 523 and Exhibit A
Letter of Intent
Development Plan
Map
Notice Letter, Mailing List

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Ordinance No. 523 rezoning Abstract 315 Survey 63 Gates G Acres 10.01, locally known as 14605 N. FM 973, from Interim Agricultural (A) to Light Commercial (C-1).

PLANNING & ZONING COMMISSION: RECOMMENDED APPROVAL DISAPPROVAL NONE

ORDINANCE NO. 523

**AN ORDINANCE OF THE CITY OF MANOR, TEXAS,
AMENDING THE ZONING ORDINANCE BY REZONING A
PARCEL OF LAND FROM INTERIM AGRICULTURAL (A) TO
LIGHT COMMERCIAL (C-1); MAKING FINDINGS OF FACT;
AND PROVIDING FOR RELATED MATTERS.**

Whereas, the owner of the property described hereinafter (the "Property") has requested that the Property be rezoned;

Whereas, after giving ten days written notice to the owners of land within three hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

Whereas, after publishing notice of the public at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Ordinance. City of Manor Code of Ordinances Chapter 14 Exhibit A Zoning Ordinance ("Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

Section 3. Rezoned Property. The Zoning Ordinance is hereby amended by changing the zoning district for the land and parcel of property described in Exhibit "A" (the "Property"), from the current zoning district Interim Agricultural (A) to zoning district Light Commercial (C-1). The Property is accordingly hereby rezoned to Light Commercial (C-1).

Section 4. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

PASSED AND APPROVED FIRST READING on this the 18th day of July 2018.

PASSED AND APPROVED SECOND AND FINAL READING on this the 1st day of August 2018.

THE CITY OF MANOR, TEXAS

Rita G. Jonse,
Mayor

ATTEST:

Lluvia Tijerina TRMC,
City Secretary

EXHIBIT "A"

Property Legal Description:
Abstract 315, Survey 63 Gate G 10.01 Acres

Property Address:
14605 N. FM 973, Manor, Texas

14605 N. FM 973
Manor, TX 78757
512-272-8777

June 7, 2018

ReZoning Request

Rezone from Agriculture to C-1 Light Commercial

Manor City Council
City Hall
105 Eggleston Street
PO Box 387
Manor, TX 78653

Dear Planning and Zoning Commission:

REZONE REQUEST: Foxtrot Holdings, LLC is requesting a zoning change to C-1 Light Commercial.

Foxtrot Holdings (FTH), the land owner for the property commonly known as, Good Luck Grill (GLG), is currently in the design phase to expand the existing structure. Good Luck Grill, FTH's sole tenant, is located at 14605 N FM 973, Manor, TX 78653 and was annexed by the City of Manor in late 2017. Currently the property is zoned as Agriculture.

ABOUT THE BUSINESS: During its ten plus year history, GLG has strived to put its better foot forward by providing quality food in a clean comfortable environment. It was the vision of GLG owner, Shana Whiteley, to create a restaurant where people felt like they were having a meal at a friend's house with country eclectic charm and atmosphere. Ten plus years later, Good Luck Grill has grown into a successful community focused business that continues to provide quality meals at reasonable prices. Increasing the square footage will allow Good Luck Grill to serve the growing Manor community better and continue to support the surrounding area through various philanthropic efforts.

SCOPE OF WORK: The expansion will include 1400-1600sf to include additional dining room space, ADA accessible bathroom, entry vestibule and private party room.

AREA CHARACTER: C-1 Light Commercial appears to be a good fit for the FM 973 corridor. Foxtrot Holdings is bordered by the Stonewater Development to the south and farm/ranch land to the east, west and north.

Other area entities include

Name	Approximate Distance from Good Luck Grill
ESD #12 Fire station	.25 miles
Manor ISD Athletic Stadium	.25 miles
Manor ISD Senior High	.25 miles
Rosendin Electric	.25 miles
Stonewater Residential Housing Development	.1 miles
Voelker Custom Homes	.25 miles

Thank you for your consideration of this rezoning application.

Sincerely,

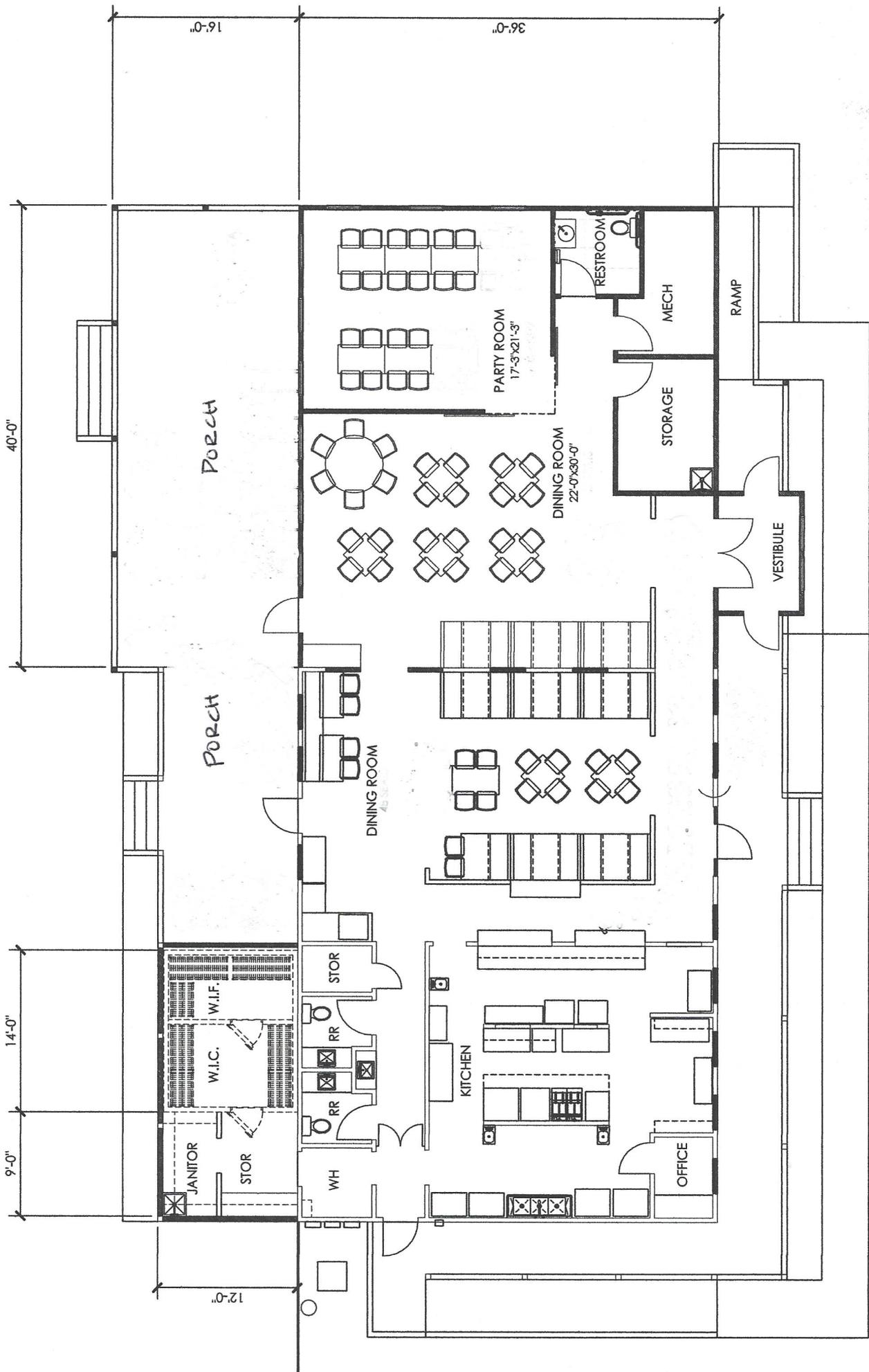
Shana Whitley

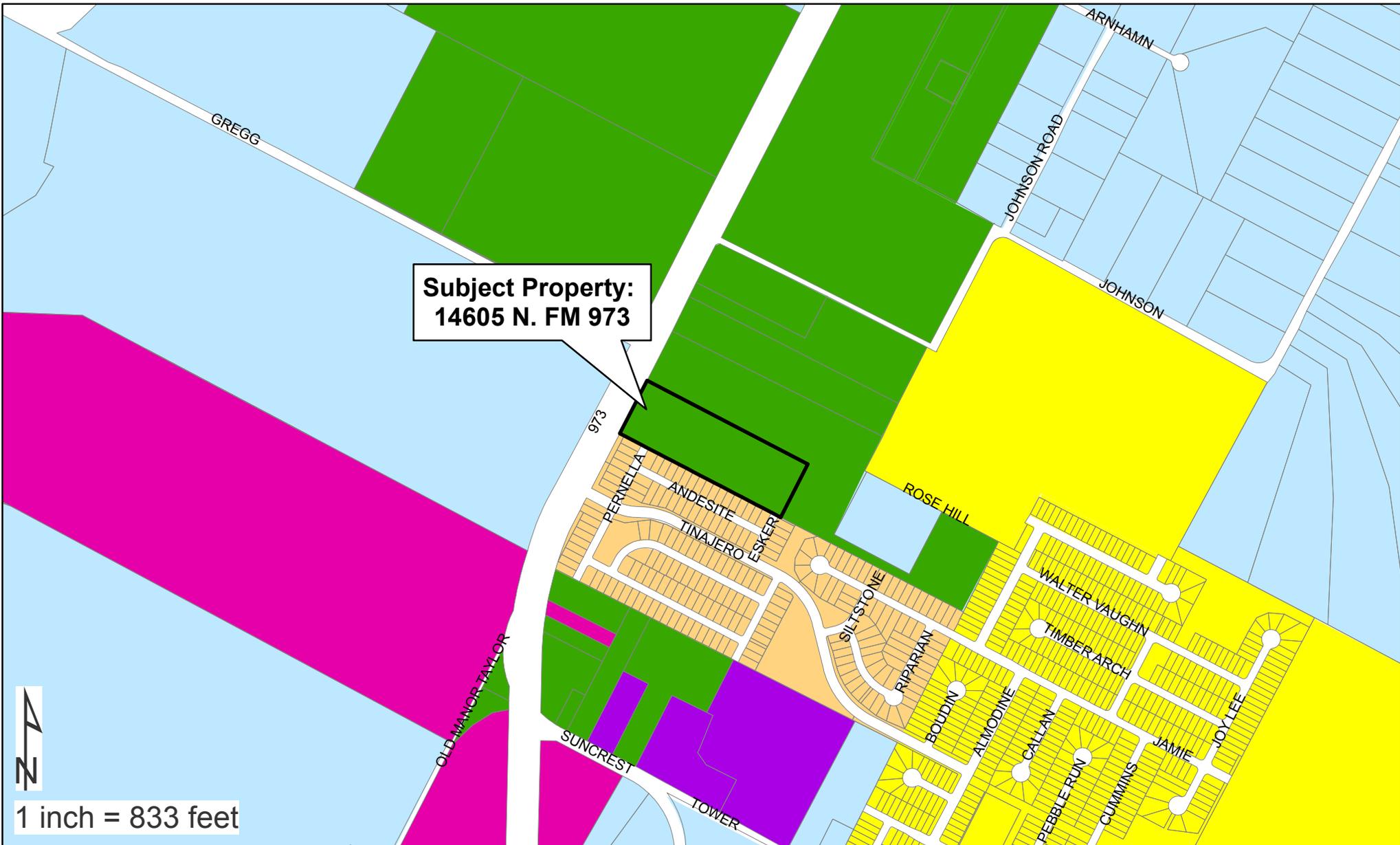
Shana Whiteley

Partner, Foxtrot Holdings, LLC

Owner, Good Luck Grill, Inc.







1 inch = 833 feet



Proposed Zoning: Light Commercial C-1

*Current Zoning District:
Interim Agricultural (A)*

Zone	
	R-1 - Single Family
	R-2 - Single Family
	R-3 - Multi Family
	R-4 - Multi Family Special
	M-1 - Manufactured Housing
	M-2 - Manufactured Housing Park
	C-1 - Light Commercial
	C-2 - Medium Commercial
	DB - Downtown Business District
	NB - Neighborhood Business
	IN-1 - Light Industrial
	IN-2 - Heavy Industrial
	I - Institutional
	PUD - Planned Unit Development
	A - Agricultural
	Manor ETJ



June 21, 2018

RE: 14605 N. FM 973 Rezoning

Dear Property Owner:

The City of Manor Planning and Zoning Commission and City Council will be conducting a public hearing to consider a rezoning request for 14605 N. FM 973. You are being notified because you own property within 300 feet of the property for which this request is being made. The request will be posted on the agenda as follows:

Consideration, discussion and possible action on a rezoning request for Abstract 315 Survey 63 Gates G Acres 10.01, locally known as 14605 N. FM 973, from Interim Agricultural (A) to Light Commercial (C-1).

The Planning and Zoning Commission will convene at 6:30PM on July 11, 2018 at 105 E. Eggleston St. in the City Council Chambers.

The City Council will convene at 7:00PM on July 18, 2018 AND August 1, 2018 at 105 E. Eggleston St. in the City Council Chambers.

If you have no interest in the case there is no need for you to attend. You may address any comments to me at the address or phone number listed below. Any communications I receive will be made available to Commission and Council members during the discussion of this item. For your convenience, my email address is sdunlop@cityofmanor.org

Sincerely,

Scott Dunlop
Planning Coordinator
512-272-5555 ext. 5

WILSON MARY REVOCABLE TRUST
1417 SHELTYE LN
ROUND ROCK , TX 78664-3410

PAYNE JOHN THURMAN ET AL
% RUSSELL T THURMAN
2303 CAMINO ALTO
AUSTIN , TX 78746-2404

SW HOMEOWNERS ASSOCIATION INC
PO BOX 702348
DALLAS, TX 75370-2348

CONTINENTAL HOMES OF TEXAS LP
SUITE 400
10700 PECAN PARK BLVD
AUSTIN , TX 78750-1227

VELAZQUEZ ALMA CRISTINA B
11621 ANDESITE RD
MANOR, TX 78653

GANTT DANIELL D & TAMYRA M
11701 ANDESITE RD
MANOR, TX 78653-2060

JOHNSON SHON L
11705 ANDESITE RD
MANOR, TX 78653-2060

JOHNSON ASHLEY
11709 ANDESITE RD
MANOR, TX 78653-2060

HERNANDEZ LEYRALIZ &
MIGUEL A TORRES
11713 ANDESITE RD
MANOR, TX 78653-2060

MCRAE WILLIAM JAMES
11717 ANDESITE RD
MANOR, TX 78653-2060

JOHNSON ANE M
11721 ANDESITE RD
MANOR, TX 78653-2060

BATISTA ANDREW
11725 ANDESITE RD
MANOR, TX 78653-2060

WALKER ANDREW EDWIN
11729 ANDESITE RD
MANOR, TX 78653-2060

LLANA OLIVIA & LORENZO
11733 ANDESITE RD
MANOR, TX 78653-2060

VANWINKLE JENNIFER LOUISE &
ETHAN EMRYS WISSMAN
14517 ESKER RD
MANOR, TX 78653-2063

CARR JAMES & CECILIA G
14513 ESKER RD
MANOR, TX 78653-2063

CHANA KANWALJIT S
14509 ESKER RD
MANOR, TX 78653-2063

WALLACE LARIMEN T II & JAMILAH M
14505 ESKER RD
MANOR, TX 78653-2063

STRONG VIRGEL
14501 ESKER RD
MANOR, TX 78653-2063

PEREZ IGNACIO MORALES &
MARLA E MORALES
11804 JAMIE DR
MANOR, TX 78653-2050

LEWIS GREGORY LAMONT & TUNISIA
11800 JAMIE DR
MANOR, TX 78653-2050

PAGAN MARCO ANTONIO & ADRIANA
ORTEGA
11801 JAMIE DR
MANOR, TX 78653-2050

FERNANDO SAMANTHA & SAYANKA
11700 ANDESITE RD
MANOR, TX 78653-2060

ELLIS KENNETH WINSLOW
11704 ANDESITE RD
MANOR, TX 78653-2060

OSAIDE AZUBUIKE & RITA
11708 ANDESITE
MANOR, TX 78653-2060

LITTLE RAYMOND J &
NICOLE C NEJTEK
11712 ANDESITE RD
MANOR, TX 78653-2060

DEBRA LANGFELDT-WOOLUMS &
ALLAN S WOOLUMS
11716 ANDESITE RD
MANOR, TX 78653-2060

ADAMU KENNETH & INES P
INES P MEWA N EPSE ADAMU
11720 ANDESITE RD
MANOR, TX 78653-2060

VILLEGAS MANUEL & EMMA LOZA
11724 ANDESITE RD
MANOR, TX 78653-2060

KETNER CYLYNDA MICHELLE
11732 ANDESITE RD
MANOR, TX 78653-2060



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: July 18, 2018

PREPARED BY: Paige Saenz

DEPARTMENT: City Attorney

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an agreement with Wilbarger Creek Municipal Utility District No. 2 Regarding Acquisition of Road Powers.

BACKGROUND/SUMMARY:

The ShadowGlen project, which comprises three MUDs, is generally bisected north to south by Wilbarger Creek. Development is on-going to the east of the creek in Travis County MUD No. 2 and Wilbarger Creek MUD No. 1, and the developer has initiated preliminary design work for development to the west of the creek in Wilbarger Creek MUD No. 2. As development progresses, the developer will eventually be required to construct a concrete bridge structure across the creek that connects the east and west portions of the project. The Agreement Regarding Acquisition of Road Powers on today's agenda would authorize Wilbarger Creek MUD No. 2 to apply to the Texas Commission on Environmental Quality to obtain "road powers" that will enable Wilbarger Creek MUD No. 2 to finance the construction of such bridge and related collector roads through the issuance of bonds. Appropriate provisions have been included to protect the City's interests, including (i) maximum maturity and redemption dates for the road bonds; (ii) limits on the purposes for which road bonds may be issued; (iii) a requirement that the bridge and related collector roads must be constructed and financed before Wilbarger Creek MUD No. 2 can issue bonds to reimburse the developer for internal utility facilities; (iv) feasibility limits for road bonds based on Wilbarger Creek MUD No. 2's total tax rate ; and (iv) cooperation regarding seeking an interlocal agreement with Travis County regarding maintenance of the bridge.

PRESENTATION: YES NO

ATTACHMENTS: YES (IF YES, LIST IN ORDER TO BE PRESENTED) NO

Agreement

STAFF RECOMMENDATION:

Staff recommends approval of the Wilbarger Creek Municipal Utility District No. 2 Acquisition of Road Powers.

PLANNING & ZONING COMMISSION: RECOMMENDED APPROVAL DISAPPROVAL NONE

AGREEMENT REGARDING ACQUISITION OF ROAD POWERS

This **AGREEMENT REGARDING ACQUISITION OF ROAD POWERS** (this "*Agreement*") is entered into effective _____, 2018 (the "*Effective Date*") between the **CITY OF MANOR, TEXAS**, a Texas home-rule municipal corporation located in Travis County, Texas (the "*City*"), and **WILBARGER CREEK MUNICIPAL UTILITY DISTRICT NO. 2**, a municipal utility district operating under Chapters 49 and 54 of the Texas Water Code and located entirely within the City's extraterritorial jurisdiction (the "*District*"). The District and the City are sometimes referred to in this Agreement individually as a "*Party*" and collectively as the "*Parties*".

RECITALS

WHEREAS, Cottonwood Holdings, Ltd., 2010 ShadowGlen, LLC, Travis County Municipal Utility District No. 2, Wilbarger Creek Municipal Utility District No. 1, the District, and the City previously entered into a Development Agreement for the ShadowGlen Subdivision dated effective as of August 24, 2012 (the "*Development Agreement*"), pursuant to which the City, among other things, ratified and confirmed its consent to the creation of the District and authorized the District to issue bonds for any purpose authorized by Article XVI, Section 59 of the Texas Constitution, which generally covers conservation and development of natural resources and the development of parks and recreational facilities;

WHEREAS, 2010 ShadowGlen, LLC subsequently transferred its interest in the Development Agreement to SG Land Holdings LLC pursuant to an Assignment and Assumption of Development Agreement dated December 21, 2012;

WHEREAS, the District desires to petition the Texas Commission on Environmental Quality (the "*TCEQ*") to acquire the power to design, acquire, construct, finance, issue bonds for, and convey to the appropriate governmental jurisdiction for operation and maintenance, certain thoroughfare, arterial, or collector roads under Section 54.234 of the Texas Water Code and Article III, Section 52 of the Texas Constitution ("*Road Powers*");

WHEREAS, as part of the application to acquire Road Powers, Section 293.202 of the TCEQ's rules will require the District to provide evidence that the City has consented to the District having Road Powers;

WHEREAS, because the authority to issue road bonds under Section 54.234 of the Texas Water Code and Article III, Section 52 of the Texas Constitution was not expressly included within the scope of the District's original bonding authority under the Development Agreement, the District has requested that the City separately consent to the District's acquisition of Road Powers, including the issuance of road bonds in connection with the exercise of such Road Powers ("*Road Bonds*"); and

WHEREAS, the City will benefit from the orderly extension of road improvements designed, acquired, constructed, and financed by the District through the District's exercise of Road Powers and the issuance of Road Bonds;

NOW, THEREFORE, for and in consideration of the premises, and the mutual agreements and obligations of the Parties set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Road Powers. The City hereby consents to the District's acquisition of Road Powers under Section 54.234 of the Texas Water Code and Article III, Section 52 of the Texas Constitution and agrees that the District's bonding authority under the Development Agreement will include the issuance of Road Bonds and bonds issued to refund Road Bonds, subject to the following:

(a) Each series of Road Bonds issued by the District must comply with the following requirements: (i) the maximum maturity of the Road Bonds must not exceed 25 years from the date of issuance; and (ii) the Road Bonds must expressly provide that the District reserves the right to redeem the Road Bonds at any time beginning not later than the tenth anniversary date of issuance, without premium. No variable rate Road Bonds may be issued by the District.

(b) The Parties acknowledge that, under current law, the District will not, after initially acquiring Road Powers, be required to submit applications to the TCEQ for approval of the issuance of Road Bonds. If applicable law changes, then, at the time the District submits any application to the TCEQ for approval of the issuance of Road Bonds for which TCEQ approval is required, the District will submit a copy of such application to the City.

(c) The District agrees that Road Bonds will be issued solely for the purpose of the design, acquisition, construction, and financing of (i) a concrete bridge structure crossing Wilbarger Creek and connecting the District on the west to Wilbarger Creek Municipal Utility District No. 1 and Travis County Municipal Utility District No. 2 on the east (the "Bridge") and related costs and improvements in aid thereof; (ii) one or more collector roads located within the District boundaries connecting the Bridge to Fuchs Grove Road and/or Rector Loop along a route or routes reasonably approved by the City (the "Collector Road(s)") and related costs and improvements in aid thereof; and (iii) related financing costs, including developer interest, capitalized interest, and the costs of issuing the Road Bonds. **Exhibit "A"** attached hereto and incorporated herein for all purposes shows the general location of the Bridge and the Collector Road(s) for illustrative purposes, with the final location(s) to be approved by the City during the construction plan process.

(d) The Bridge and Collector Roads will be constructed in accordance with construction plans approved by the City, applicable local, state, and federal law, and good engineering practices.

(e) With respect to each series of Road Bonds issued by the District, the District will (i) notify the City in writing at least 30 days prior the date that the District anticipates closing the sale of such series of Road Bonds; and (ii) will provide a copy of the final official statement for such series of Road Bonds, if applicable, to the City within 30 days after the District closes the sale of such series of Road Bonds.

(f) The District shall not issue bonds to reimburse a developer for internal water, wastewater, drainage, or park improvements of the District until (i) the Bridge and at least one Collector Road (collectively, the "Required Road and Bridge Infrastructure") and the segment of roadway connecting the current terminus of Misty Grove Boulevard (at the intersection with Shelby's Way (*aka* Silent Falls Way)) to the Bridge as generally shown on **Exhibit "A"** have been constructed in accordance with construction plans approved by the City, applicable local, state, and federal law, and good engineering practices and accepted by the applicable governmental entities and (ii) the District has issued Road Bonds in one or more series to finance the design and

construction of the Required Road and Bridge Infrastructure. To the extent that applicable law regarding the issuance of Road Bonds conflicts with this subsection, applicable law will control and the Parties shall meet and confer in good faith to revise this subsection to meet the intent of the Parties that bonds to finance the design and construction of the Required Road and Bridge Infrastructure be issued before bonds to reimburse a developer for internal water, wastewater, drainage, and park improvements of the District are issued.

(g) No Road Bonds will be issued if doing so will cause the District's total tax rate to exceed \$0.95 per \$100 of assessed valuation.

(h) For the avoidance of doubt, (i) this Agreement does not and will not limit or affect the District's ability or authority to issue bonds under the Amended and Restated Contract for Financing and Operation of Regional Waste Collection, Treatment and Disposal Facilities; Regional Water Supply and Delivery Facilities; and Regional Drainage, Including Water Quality, Facilities dated March 6, 2003 (the "Master District Contract") pursuant to which Wilbarger Creek Municipal Utility District No. 2 acts as the "Master District" for purposes of coordinating the design, construction, ownership, operation, and maintenance of certain regional water, wastewater, and storm drainage, including water quality, facilities to serve development within the District, Cottonwood Creek Municipal Utility District No. 1, Travis County Municipal Utility District No. 2, and Wilbarger Creek Municipal Utility District No. 1; and (ii) any Road Bonds issued by the District will be issued by the District in its individual capacity and not as the "Master District" under the Master District Contract.

(i) Unless the City dissolves the District and assumes the assets and liabilities of the District as provided for by law, Road Bonds issued by the District will never become an obligation of the City.

(j) No further consent will be required on the part of the City to evidence the City's consent to the District's acquisition of Road Powers or the District's issuance of Road Bonds, but the City agrees to provide a resolution confirming its consent if requested by the District.

2. Interlocal Agreement. The Parties will cooperate in good faith to work with Travis County (the "County") regarding the City and the County entering into an interlocal agreement to provide for the County to maintain the Bridge until such time that the City annexes the District, or on other terms and conditions acceptable to the City.

3. Term. The term of this Agreement will commence on the Effective Date and continue until November 26, 2032, which is the "Term" of the Development Agreement as specified in Section 1.06 thereof.

4. Miscellaneous.

(a) Entire Agreement. This Agreement contains the entire agreement of the Parties regarding the subject matter hereof and will inure to the benefit of and be binding upon the successors and permitted assigns of each of the Parties. This Agreement can be amended only by written agreement signed by both of the Parties.

(b) Notice. Any notice or other communication ("Notice") given under this Agreement must be in writing and will be deemed effective when deposited in the United States Mail, postage paid, certified, and addressed to the party to be notified with return

receipt requested. For the purposes of Notice, the addresses of the Parties will, until changed as provided herein, be as set forth adjacent to the signature of the Party on the applicable counterpart signature page to this Agreement. Each of the Parties may change its respective address for purposes of notice by giving at least five days' written notice of the new address to the other Party.

(c) Severability. If any provision of this Agreement is illegal, invalid, or unenforceable under present or future laws, it is the intention of the Parties that the remainder of this Agreement not be affected and that, in lieu of each provision of this Agreement that is illegal, invalid, or unenforceable, there be added a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible, and is legal, valid, and enforceable.

(d) Default. If any Party defaults in the performance of its obligations hereunder for any reason, the other Party will be entitled to pursue all remedies available at law or in equity. In the event of any lawsuit based on this Agreement, the prevailing Party will be entitled to recover reasonable attorney's fees and costs related to the default or enforcing its rights hereunder.

(e) Waiver. Any failure by a Party to insist, or any election by a Party not to insist, upon strict performance by another Party of any of the terms of this Agreement will not be deemed to be a waiver of the term in question, or of any other term of this Agreement, and a Party will have the right at any time or times thereafter to insist upon strict performance of all of the terms of this Agreement.

(f) Applicable Law and Venue. The construction of this Agreement will be governed by the laws of the State of Texas. Venue will be in a court of appropriate jurisdiction in Travis County, Texas.

(g) Construction. The paragraph headings contained in this Agreement are for convenience only and will in no way enlarge or limit the scope or meaning of paragraphs. Wherever appropriate, the masculine gender may include the feminine or neuter, and the singular may include the plural, and vice versa. All Parties have participated in the negotiation and drafting of this Agreement; therefore, in the event of any ambiguity, the provisions of this Agreement will not be construed for or against an Party.

(h) Counterparts. This Agreement may be executed simultaneously in multiple counterparts, each of which will be deemed an original, and all of which will constitute one and the same instrument. Signature transmitted by facsimile or email will be deemed to have the same effect as an original signature.

(i) Authority. Each Party represents and warrants that it has the full right, power, and authority to execute this Agreement and all related documents. Each person executing this instrument on behalf of a Party represents that he or she is an authorized representative of and has the authority to sign this document on behalf of the respective Party.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement in multiple copies, each of equal dignity, to be effective as of the date first written above.

[signature pages follow]

**COUNTERPART SIGNATURE PAGE TO
AGREEMENT REGARDING ACQUISITION OF ROAD POWERS**

DISTRICT:

**WILBARGER CREEK MUNICIPAL UTILITY
DISTRICT NO. 2**

By: _____
James Baker, President
Board of Directors

Address:

c/o Armbrust & Brown, PLLC
Attn: John Bartram
100 Congress Avenue, Suite 1300
Austin, Texas 78701

**COUNTERPART SIGNATURE PAGE TO
AGREEMENT REGARDING ACQUISITION OF ROAD POWERS**

CITY:

CITY OF MANOR

By: _____

Name: _____

Title: _____

Address:

City of Manor

Attn: City Secretary

P.O. Box 387

Manor, Texas 78653

with a copy to:

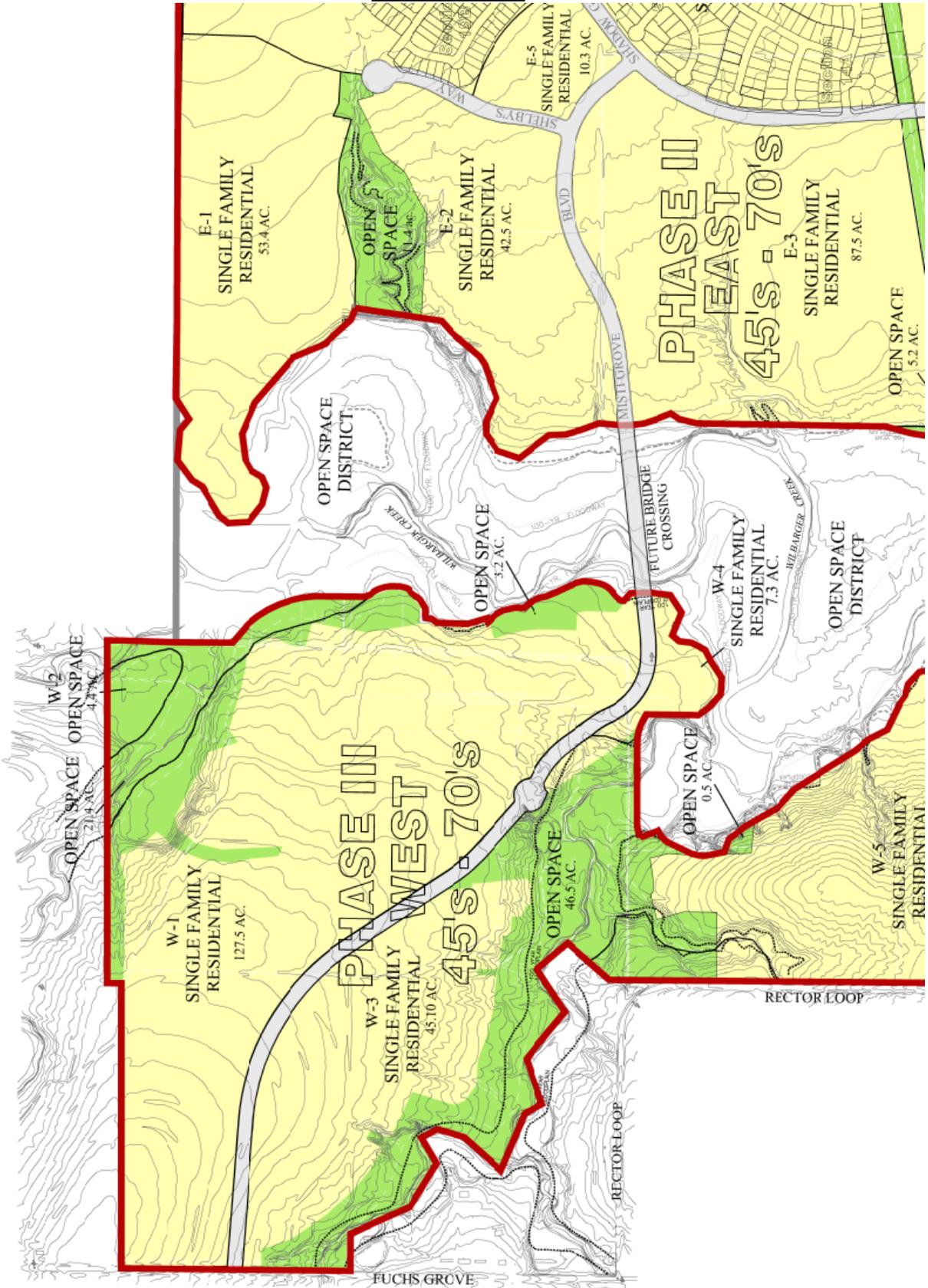
Paige Saenz

Executive Office Terrace

223 W. Anderson Lane, Suite A105

Austin, Texas 78752

EXHIBIT "A"





AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: August 1, 2018

PREPARED BY: Pauline M. Gray, P.E.

DEPARTMENT: City Engineer

AGENDA ITEM DESCRIPTION:

Consideration, discussion, and possible action on an award of a construction contract for the 2017 Paving Improvements project.

BACKGROUND/SUMMARY:

Street resurfacing including: Excavation, Subgrade and Flex Base in selected areas, Crack Sealing in selected areas, and Level-UP, Paving Fabric and HMA in selected areas.

PRESENTATION: YES NO

ATTACHMENTS: YES (IF YES, LIST IN ORDER TO BE PRESENTED) NO

Letter of award recommendation
bid tabulation

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council award a construction contract to Smith Paving, Inc. in the amount of \$174,067.75 for all BASE BID work.

PLANNING & ZONING COMMISSION: RECOMMENDED APPROVAL DISAPPROVAL NONE

JAY ENGINEERING COMPANY, INC.
P.O. Box 1220 (512) 259-3882
Leander, TX 78646 Fax 259-8016

Texas Registered Engineering Firm F-4780

July 20, 2018

Honorable Rita G. Jonse, Mayor
City of Manor
P.O. Box 387
Manor, TX 78653

Re: 2017 Paving Improvements
Letter of Award Recommendation

Dear Mayor Jonse:

Bids were publicly opened and read on July 17, 2018 for the above-referenced project. As reflected on the attached Bid Tabulation three (3) bids were submitted for the project. The lowest, responsive, responsible bidder is Smith Paving, Inc. We have contacted this bidder and confirmed he wants the contract at the amount bid.

The low bid for All Base Bid and Alternate A work items was 13.4% above the project budget. Following consultation with City Staff, the Base Bid portion of the project was determined to be within a fundable range.

Our office has initiated an evaluation and verification of contractor references, however due to the short turnaround time between the bid opening and the City Council meeting our evaluation has not been completed. We recommend the City award a construction contract to Smith Paving, Inc. in the amount of \$174,067.75 for all BASE BID work, with final amounts dependent on the actual installed quantities contingent upon a satisfactory qualification evaluation.

We have prepared a Notice of Award and Agreement for execution by you in the event the City Council votes to follow this recommendation. Once the Contractor signs the Agreement and all bond and insurance requirements have been satisfied, a Notice to Proceed will be issued. Under the General Conditions of the Agreement, the Contractor shall begin construction within ten (10) days of the Notice to Proceed and substantially complete the project within ninety (90) calendar days excluding any justified delays. Please call if you should have any questions in this regard.

Sincerely,



Pauline M. Gray, P.E.

PMG/s

Enclosure

PN: 100-075-20

BID TABULATION
 Bid Date: June 16, 2018

Project: 2017 Paving Improvement
 Owner: City of Manor, Texas

Engineer: Jay Engineering Company Inc.
 Checked By: Pauline M. Gray, P.E.

Bid Item	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Description	Seal all cracks in roadway, complete and in place per Linear Foot.	12" Single White Stop Sign Bars, as shown on plans, Type 1 (Thermo)	4" In-Situ Processing of Recycle Material, complete and in place	12" Blended Flex Base, including.	6" Subgrade Prep, including scarification, moisture treatment and compaction	1-1/2" HMAC Type D, PG 64-16 Pavement Overlay as shown on the plans, including prep work and prime/tack coat	2" HMAC Type C, PG 64-16 Pavement Overlay, as shown on the plans, including prep work and prime/tack coat	Raised Pavement Marker, Class B, Type II-B-B	Traffic Control Plan and controls	Project sign including posts, installation.	HMAC Level Up for HMAC paving	Geotextile paving fabric, including asphalt binder	Pavement transition taper to side street	Pavement transition taper to concrete driveway	Pavement transition taper to asphalt driveway
Quantity	3,500	3	1,797	1797	1,797	3,307	144	1	1	2	115	3451	2	1	1
Bidder	Unit	LF	EA	SY	SY	SY	SY	EA	LS	EA	TON	SY	EA	EA	EA
Smith Paving Inc. P.O. Box 1055 Manchaca, Texas 78652	Unit Price	\$1.50	\$900.00	\$8.50	\$18.75	\$9.50	\$11.50	\$55.00	\$150.00	\$7,000.00	\$1,800.00	\$150.00	\$2.50	\$3,500.00	\$3,500.00
Alpha Paving Industries LLC P.O. Box 6565 Round Rock, Texas 78683	Item Cost	\$5,250.00	\$2,700.00	\$15,274.50	\$33,693.75	\$17,071.50	\$38,030.50	\$7,920.00	\$150.00	\$7,000.00	\$3,600.00	\$17,250.00	\$8,627.50	\$7,000.00	\$3,500.00
Lone Star Paving 11675 Jollyville Rd, Ste 150 Austin, Texas 78759	Unit Price	\$1.00	\$500.00	\$30.00	\$85.00	\$5.00	\$12.00	\$20.00	\$10.00	\$1,000.00	\$1,500.00	\$120.00	\$4.00	\$4,500.00	\$3,000.00
	Item Cost	\$3,500.00	\$1,500.00	\$53,910.00	\$152,745.00	\$8,985.00	\$39,684.00	\$2,880.00	\$10.00	\$3,000.00	\$3,800.00	\$13,804.00	\$9,000.00	\$3,000.00	\$2,000.00
	Unit Price	\$2.00	\$600.00	\$12.00	\$30.00	\$18.00	\$17.00	\$54.00	\$60.00	\$9,000.00	\$780.00	\$198.00	\$4.00	\$1,800.00	\$1,800.00
	Item Cost	\$7,000.00	\$1,800.00	\$21,564.00	\$53,910.00	\$32,346.00	\$56,219.00	\$7,776.00	\$60.00	\$9,000.00	\$1,560.00	\$22,770.00	\$13,804.00	\$3,600.00	\$1,800.00

BID TABULATION
 Bid Date: June 16, 2018

Project: 2017 Paving Improvement
 Owner: City of Manor, Texas

Engineer: Jay Engineering Company Inc.
 Checked By: Pauline M. Gray, P.E.

Bid Item	16	1-A	2-A	3-A	4-A	5-A			
Description	Pavement transition taper to gravel	Total of Bid Items	HMAC Level Up for HMAC paving	Geotextile paving fabric, including Asphalt binder	1-1/2" HMAC Type D Pavement Overlay as shown on the plans, including prep work and primotack coat	Raised Pavement Marker, Class B, Type II-B-B	12" Single White Stop Sign Bars, as shown on plans, Type 1 (Thermo)	Total of Alternate Bid A Items	Total of Base Bid & Alternate Bid "A" Amounts
Quantity	1		195	2111	2111	1	1		
Unit	EA		TON	SY	SY	EA	EA		
Bidder									
Smith Paving Inc. P.O. Box 1055 Manchaca, Texas 78652	Unit Price \$3,500.00 Item Cost \$3,500.00	\$174,067.75	\$150.00 \$29,250.00	\$2.50 \$5,277.50	\$14.25 \$30,081.75	\$150.00 \$150.00	\$900.00 \$900.00	\$65,659.25	\$239,727.00
Alpha Paving Industries LLC P.O. Box 6565 Round Rock, Texas 78683	Unit Price \$2,000.00 Item Cost \$2,000.00	\$310,818.00	\$12.00 \$2,340.00	\$4.00 \$8,444.00	\$12.00 \$25,332.00	\$10.00 \$10.00	\$500.00 \$500.00	\$36,626.00	\$347,444.00
Lone Star Paving 11675 Jollyville Rd, Ste 150 Austin, Texas 78759	Unit Price \$1,800.00 Item Cost \$1,800.00	\$236,809.00	\$180.00 \$35,100.00	\$4.00 \$8,444.00	\$11.00 \$23,221.00	\$60.00 \$60.00	\$600.00 \$600.00	\$67,425.00	\$304,234.00



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: August 1, 2018

PREPARED BY: Scott Dunlop, Planning Coordinator

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion and possible action on a second reading of a conditional use request for Lot 5, Block B Wildhorse Creek Commercial, locally known as 12010 N. FM 973, to allow for a service station. Applicant: Professional StruCIVIL Engineers Inc. Owner: Harisa, LLC

BACKGROUND/SUMMARY:

The owner is proposing to develop 3 lots on 973 in the Wildhorse Commercial subdivision; next to Dollar General and across from Lagos. The properties are zoned C-1. Two of the lots are proposed to be retail tenant lease spaces with the corner lot at Lapoyner Street and 973 being proposed as a convenience store and gas station. Service Stations are a condition use in C-1.

The Planning Commission voted 4 - 1 to approve with 3 gas station islands
At first reading, Council approved the conditional use with 3 fuel islands a deceleration turn lane.

PRESENTATION: YES NO

ATTACHMENTS: YES (IF YES, LIST IN ORDER TO BE PRESENTED) NO

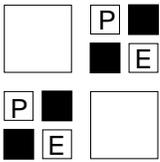
Letter of Intent
Support Letter
Retail Site Analysis
Plan
Notice Letter/Mailing List

STAFF RECOMMENDATION:

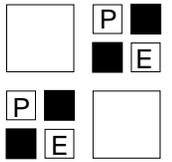
If approved on second reading as it was conditioned on first reading, Council should use the terminology as stated:
Motion to:

Approve a second reading of a conditional use request for Lot 5, Block B Wildhorse Creek Commercial, locally known as 12010 N. FM 973, to allow for a service station with 3 Multiple Product Dispensers and a deceleration lane per TxDOT standards on roads greater than 45 mph.

PLANNING & ZONING COMMISSION: RECOMMENDED APPROVAL DISAPPROVAL NONE



PROFESSIONAL STRUCIVIL ENGINEERS, INC.



STRUCTURAL CIVIL TRANSPORTATION

12710 RESEARCH BLVD., SUITE #390, AUSTIN, TEXAS 78759

512.238.6422 FAX 512.258.8095 PSCE@PSCEINC.COM REGISTERED FIRM F-4951

LETTER OF INTENT

June 1, 2018

Development Services
City of Manor
105 E. Eggleston
Manor, Texas 78634

Dear Development Services:

The attached application and supplemental information is presented to the City of Manor for a conditional use permit and is hereby submitted by Professional StruCIVIL Engineers, Inc. so that the property owner of the site locally known as 12010 N FM 973 may proceed with designs for a gas station. The site is zoned as C1 and pertinent to the City of Manor Development Code, the project will require a conditional use permit.

Please allow the submittal and process for the conditional use permit of the Wildhorse Commercial

If you have any questions, please contact our office at 512-238-6422 or by email at psce@psceinc.com.

Sincerely,

Diane Bernal
Office/Project Manager
Professional StruCIVIL Engineers, Inc.

July 11, 2018

To the Honorable members of the
Planning and Zoning Commission
City of Manor
105 E. Eggleston St.
Manor, TX 78653

Re: 12010 FM 973, Manor, TX

Mr. Chairman, Mr. Vice-Chair, and Commissioners,

Please let this letter serve as a brief overview outlining the reasons Harisa, LLC seeks approval of conditional use on the above referenced property.

Harisa, LLC, purchased the property from Dwyer realty back in 2016 for the purpose of constructing a retail center along FM 973. This location appealed to us because of the growth in the city of Manor and mainly home development along the FM 973 corridor. Harisa, LLC paid for and obtained a feasibility report from an independent research firm known as IMST on December 13, 2016 (Study attached.) This firm is recognized as a national leader in single site studies for grocery and fuel stations. The report indicates on page 5 high demand for a minimarket and fuel station driven by both existing and upcoming growth. It's important to note we are not planning just another convenience store but instead a mini-grocery which provides not only produce and meat market products but also a wide variety of grocery store like items. Changing demographics for the entire state of Texas indicate this is what people want. An executive decision was made at that time to wait until 2018 to start the planning, development, and construction process with expected completion of late 2019.

On page 5 of the report 'Volume & sales projections' indicate more than sufficient fuel sales to support the proposed development and serve the people living within a 3 miles radius. Additionally, we are planning to construct two more retail buildings that could host several retail or service oriented businesses. Businesses

like a Sears mini-outlet, True Value hardware, cultural restaurants, donut shops, hair and nail salons, etc.

The business model only works if we are allowed to sell fuel as well as provide light grocery and convenient items within our store. This is not a new model as big chains like Walmart and HEB have adopted the same posture.

The individual owners of Harisa, LLC are committed to providing a destination point for our customers that is not only aesthetically pleasing but purposely pleasing. Our sites are combined with retail and service lease space in order to provide multiple reasons to visit our locations including the need for fuel. So our store fronts and interiors are designed to blend in with the community. We have built sites throughout central Texas with locations in Austin, Round Rock, Pflugerville, Hutto, Buda, Kyle, San Marcos, Leander, Cedar Park, Elgin, Giddings and Bastrop. Our combined years of serving the local neighbors as well as the travelers, expands over 100 years and we continue to honor the relationships we make within those communities by providing what they demand.

We urge the commissioners to approve the proposed development with conditional use on the fuel sales as we believe your constituents demand it and the City of Manor taxing base will no doubt benefit from it.

Thank you for your consideration.

Respectfully Yours,

Ed Awad
President
Harisa , LLC

Retail Site Analysis



Lee County Petroleum, Inc.

FM 973 and Lapoynor Street
Manor, Texas 78653

December 13, 2016





Project Summary

It has been proposed to develop a Hispanic grocery and meat market with fuel, fast food, and car wash components along FM 973 at Lapoyner Street in Manor, Texas.

The focus of this evaluation is the anticipated fuel, meat market, and car wash sales volumes during the first three years of planned operation. A comprehensive facility development strategy has been created and analyzed for volume and sales projection purposes.

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Management Summary

FM 973 and Lapoynor Street

Site Characteristics

- The site is located at the southwest corner of the FM 973 and Lapoynor Street intersection in Manor, Travis County, Texas.
- Designated site address is 11910 FM 973, Manor, 78653.
- FM 973 is an undivided, two-lane, north/south artery with center turn lane relative to the site. It is anticipated FM 973 will be widened in conjunction with residential development. Posted speed – 60 MPH.
- Lapoynor Street is an undivided, two-lane, east/west residential collector and forms a T-intersection with FM 973. Posted speed – 30 MPH.
- The site is a 3-acre land area that affords 550' frontage along FM 973 and 200' frontage along Lapoynor Street.
- Direct site access will exist via two drive cuts along FM 973 and one drive cut along Lapoynor Street.
- Vehicular movement is unregulated along FM 973 relative to the site. Lapoynor Street is regulated via a STOP sign at the intersection.
- Site visibility is unrestricted at the intersection and from all approach directions. Facility visibility/reaction ratios will be supported by exterior signage, lighting, and canopy.



IMST Traffic Counts Based on 24-Hour Count (2016)	
FM 973	6,147
Lapoynor Street	772
Combined Intersection	6,919

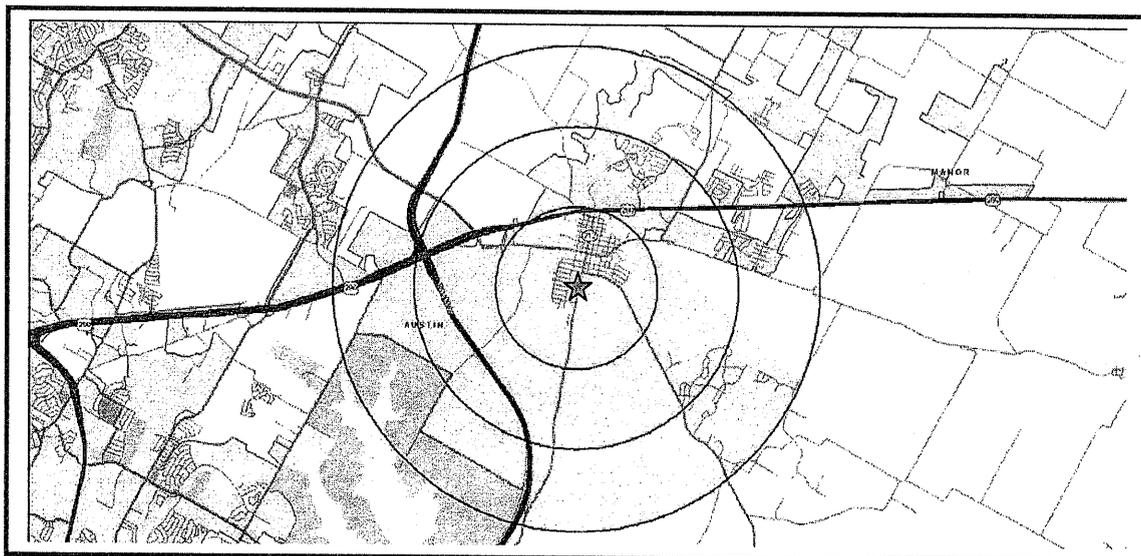
Competition

Competition Summary			
	Fuel and Convenience	Grocery/Meat Market	Car Wash
Brands	Texaco, Valero, Shell, CITGO, Chevron, Exxon, Dollar General, Walmart	Walmart	Texaco
# Competitors	17	2	2
Positions	104 Gasoline / 31 Diesel	22 Checkout Lanes	1 Automatic / 4 Wand Bays
Total Trade Area Capacity	35,800 SF	103,000 SF	N/A
Average Distance	1.5-Miles	1.2-Mile	1.8-Miles

Trade Area

The trade area is centered along FM 973, between U.S. Highway 290, State Highway 130, and State Highway 71 in Manor east of Austin. The trade area is centered along a collector route with expanding residential and commercial development. Area residents are moderate and middle income with a strong base of Hispanic households (53%). Median population age is 31. The immediate trade area is projected for accelerated levels of household growth. A series of rings and custom boundary were analyzed for demographic demand and profile.

Trade Area		
2015 Population	Custom Boundary	5,688
2015 Households	Custom Boundary	1,636
2015 Average HH Income	Custom Boundary	\$68,697
2015 Median HH Income	Custom Boundary	\$55,264
Total Household Vehicles	Custom Boundary	3,351
Total Employees	Custom Boundary	1,764
Total Daytime Population at Home	Custom Boundary	3,120



Facility Development Strategy:

- New generation, upscale convenience meat market with produce, bakery, proprietary deli, fuel, and car wash components.
- Five (5) MPDs with ten (10) fueling positions, diesel hoses, and "dive-in" dispenser configuration.
- Chevron branded fuel with full exterior brand image and competitive fuel pricing.
- 10,000 square foot convenience meat/convenience market featuring high profile design, modern amenities, services, and fixtures
- Sixteen (16) up-front convenience store parking spaces. Additional perimeter site parking.
- Advanced convenience merchandising with beer, wine, cigarette, tobacco, snack food, candy, beverage, taqueria, and convenience categories. Competitive convenience pricing.
- Advanced grocery merchandising with perishable, non-perishable, meat, poultry, frozen, and specialty Mexican food categories. Competitive grocery pricing.
- Fresh meat case with standard beef, specialty cut, and poultry selections.
- Expanded fountain beverage counter with frozen beverages and iced teas.
- Branded coffee counter with broad product/condiment selection.
- Taqueria with Hispanic menu items and Chester's Chicken. Deli will include breakfast, lunch, dinner, and snack categories. Interior seating area.
- Interior restrooms with good appearance and cleanliness.
- Four (4) cashier stations with good standards of customer service.
- ATM. Lottery. Money orders. Check cashing.
- Meat market operational 17 hours per day, 7 days per week.
- Automatic, soft-touch, short tunnel car wash. Car wash price schedule: \$5, \$7, \$8, and \$10.
- Four (4) bay wand car wash. Car wash price schedule: \$1.25. Five (5) vacuum stations.
- Cross promotional between fuel and car wash purchase.

Volume & Sales Projections

Average Monthly Projections			
	Year 1	Year 2	Year 3
	Existing HH	+1,800 HH	+3,600 HH
Fuel Volume (Gallons)	50,754	91,026	125,866
Convenience/Meat Market Sales (Dollars)	\$225,596	\$388,707	\$506,097
Car Wash Sales (Dollars)	\$6,639	\$11,314	\$17,083

Summary

Retail Site Analysis utilizes consumer expenditure, demographics, traffic, and competition to determine sales potential. Current demographic demand estimates represent a combination of secondary sources, traffic samples, and primary trade area data collection.

Aggressive residential expansion within the trade area is projected with 3,600 new homes planned along FM 973 in proximity to the site. The specific timeframe for residential buildout is uncertain and expected to be beyond the scope of this study. For projection purposes, site volume and sales potential reflects 1,800 new homes in Year 2 and 3,600 new homes in Year 3.

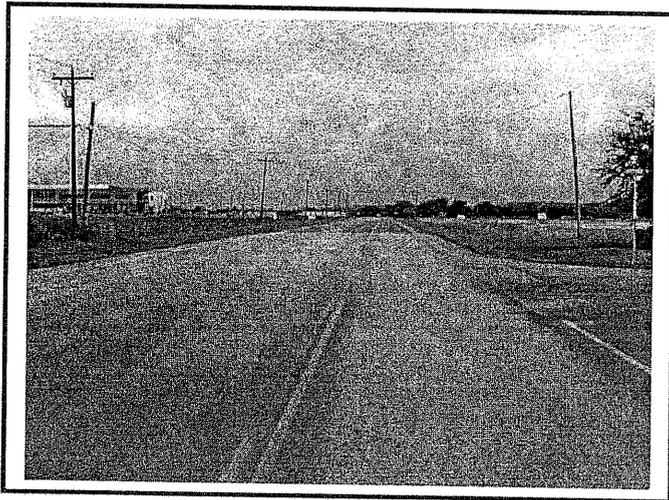
Summary

The studied site is located within a low density, rapidly expanding section of Manor. Surrounding household development is comprised of single family neighborhoods. Target residents are 53% Hispanic, suburban families with convenience sensitivity. Residents are currently making grocery/meat market purchases at Walmart and an independent, older generation store. The meat market/carniceria will maximize sales penetration through positioning as a grocery option and convenience shopping option for all local residents within the surrounding residential community. The meat market operation will include a fast food menu offering express Mexican food categories and chicken. Competitive pricing combined with well executed "best in class" meat market, taqueria, and proper grocery selections must be established and maintained.

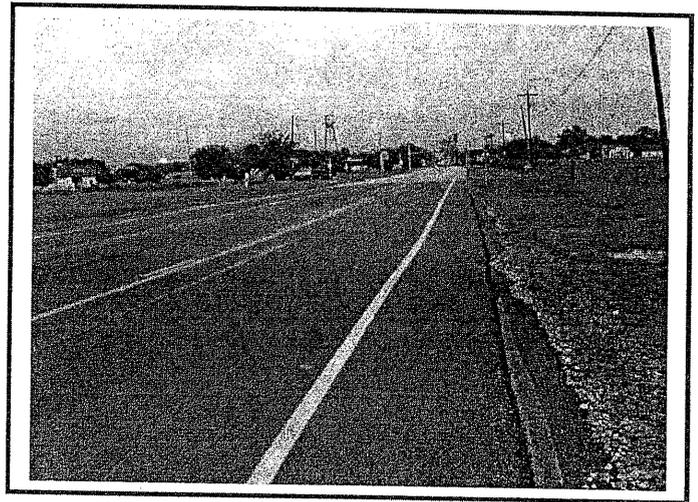
Fuel volume will be driven by price. Competitive gasoline pricing established and maintained is a critical element in facility acceptance within the targeted neighborhoods.

Volume penetration will be driven by the capture of a residential base which is value and price sensitive. It must be determined whether an adequate return on investment exists in the short term based on the volume projections provided. An analysis of volume projections combined with anticipated construction budgets, sales margins, and operational costs must be conducted in continuation of the feasibility process.

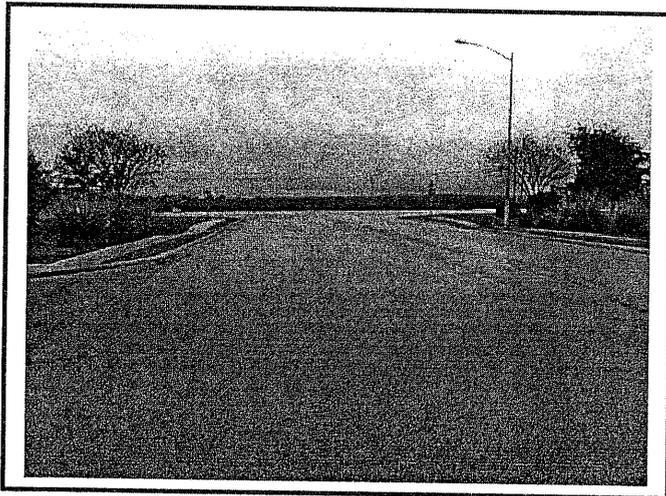
Site Photos



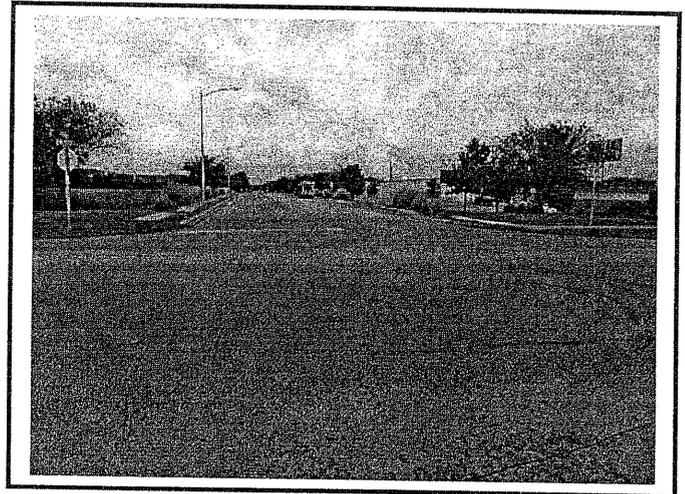
Intersection view FM 973 southbound



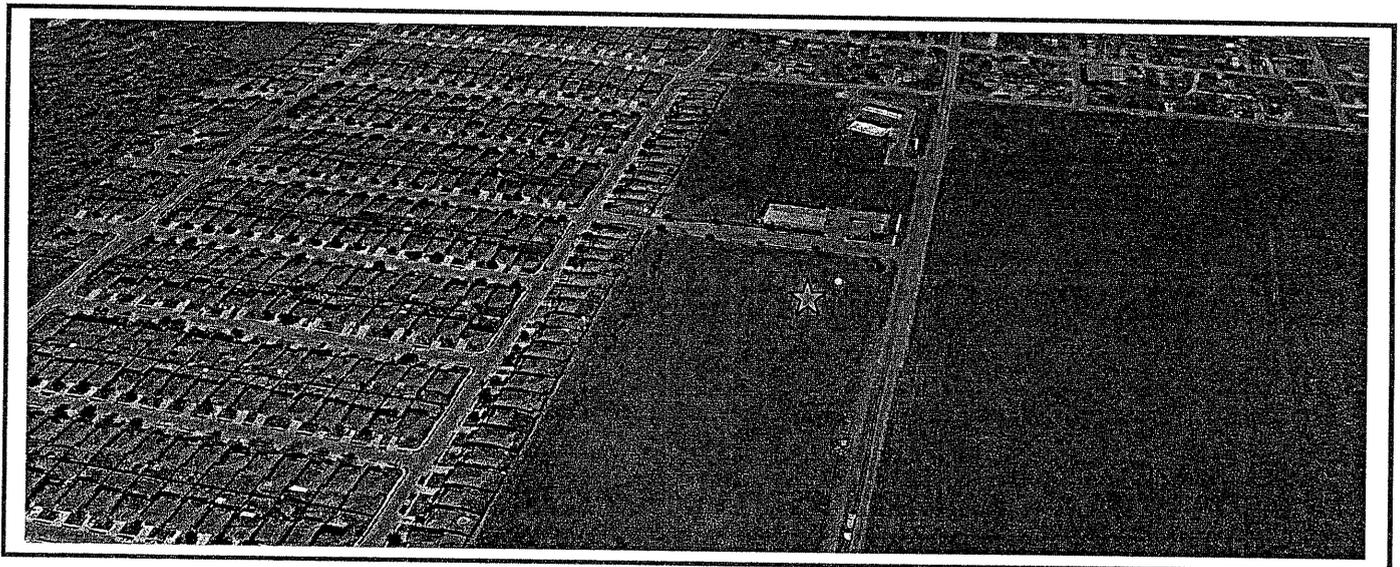
Intersection view FM 973 northbound



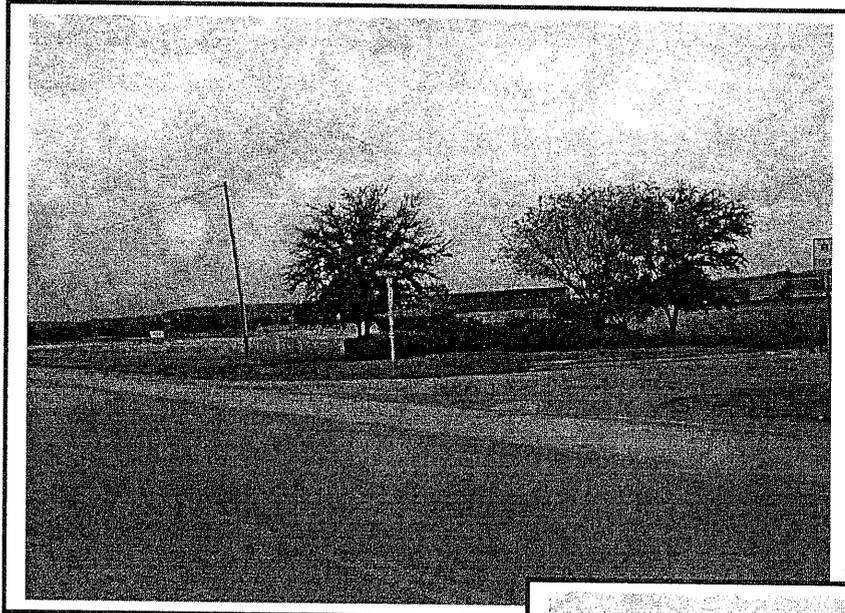
Intersection view Lapoynor Street eastbound



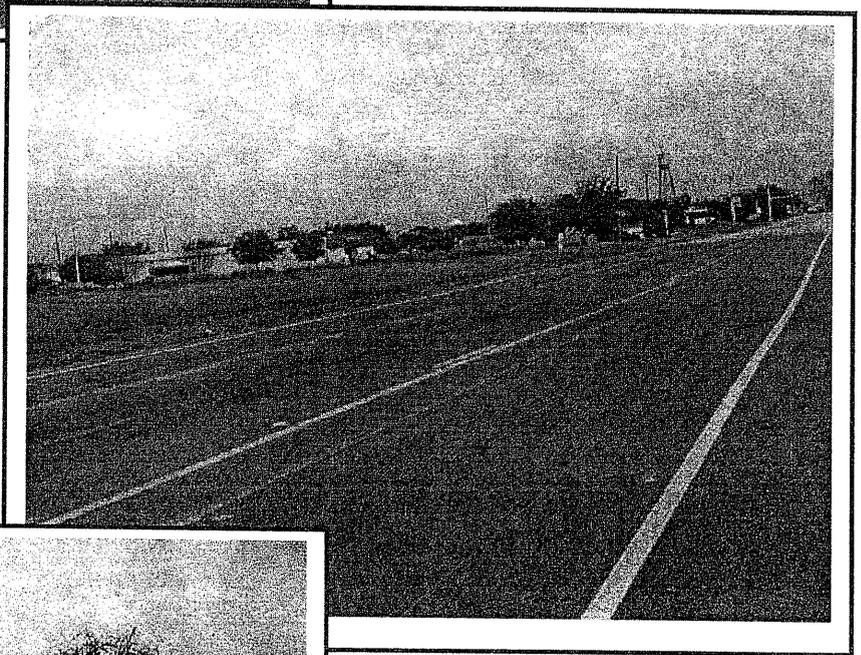
Intersection view Lapoynor Street westbound



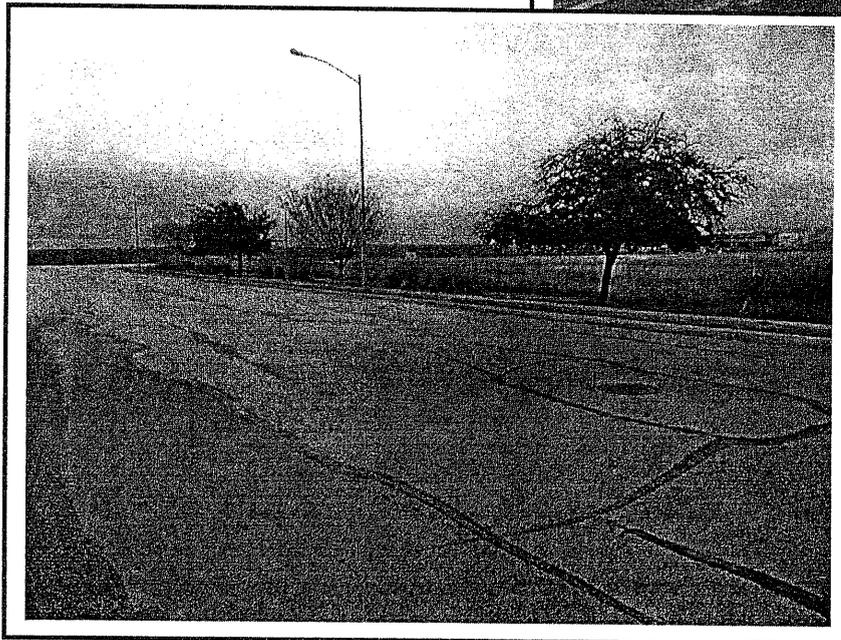
Site Photos (continued)



Site viewed from the north



Site viewed from the south

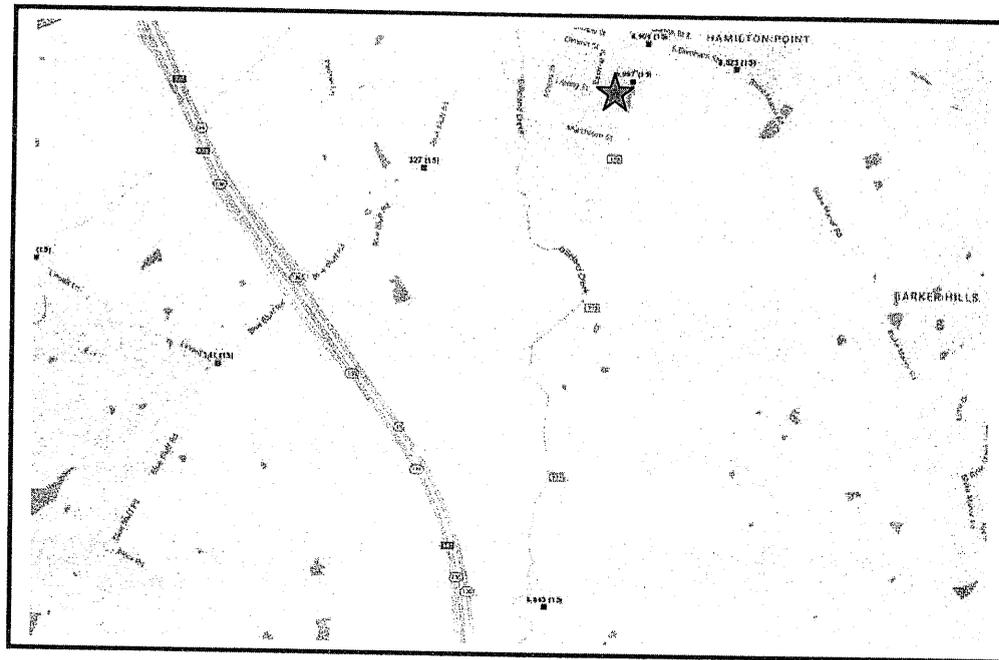


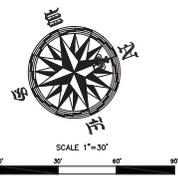
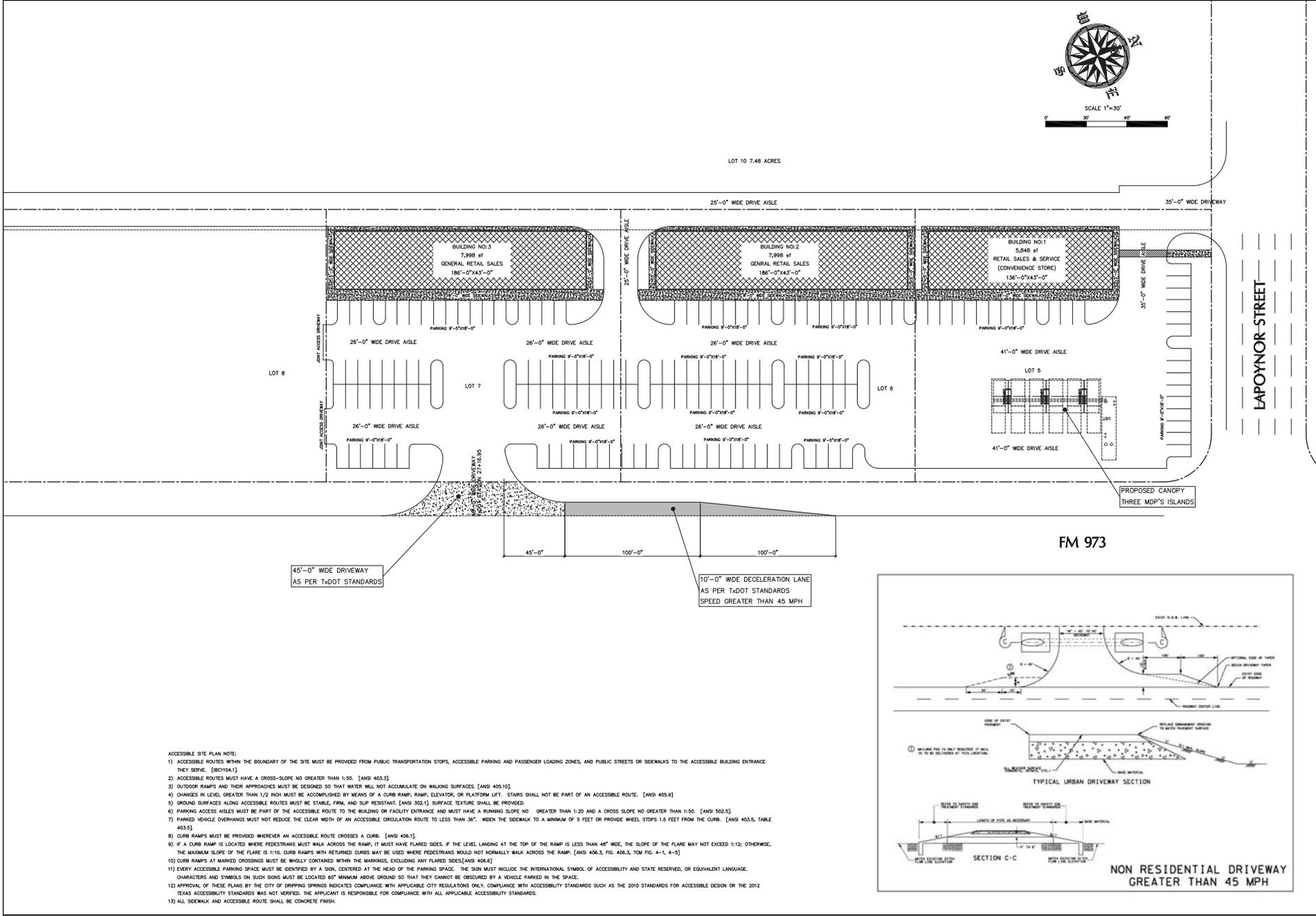
Site viewed from the northwest

Traffic Summary

FM 973 and Lapoynor Street

Average Daily Traffic Counts Texas DOT (2015)		
Primary Artery: FM 973	Combined movement north of the site	9,997
	Combined movement south of the site	8,843
Average Daily Traffic Counts Determined by IMST (2016)		
Primary Artery: FM 973	Northbound movement (non-truck/truck)	2,629/275
	Southbound movement (non-truck/truck)	2,858/385
	Total FM 973 Movement	6,147
Secondary Artery: Lapoynor Street	Eastbound movement (non-truck/truck)	752/20
	Total Lapoynor Street Movement	772
	Total Intersection Movement (non-truck/truck)	6,239/680
	Total Intersection Movement	6,919





LOT 10 7.48 ACRES

LAPOWNOR STREET

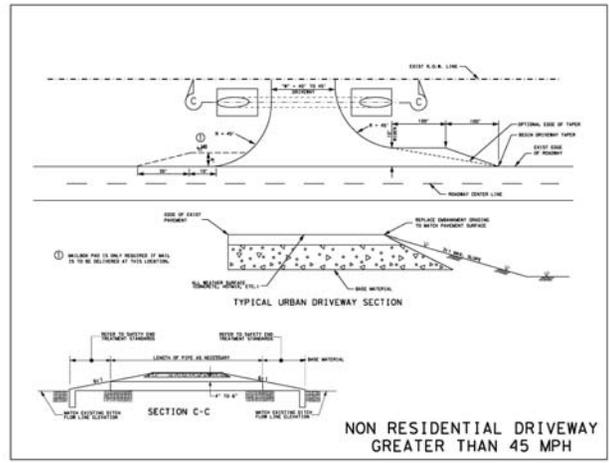
FM 973

45'-0" WIDE DRIVEWAY
AS PER TxDOT STANDARDS

10'-0" WIDE DECELERATION LANE
AS PER TxDOT STANDARDS
SPEED GREATER THAN 45 MPH

ACCESSIBLE SITE PLAN NOTE:

- 1) ACCESSIBLE ROUTES WITHIN THE BOUNDARY OF THE SITE MUST BE PROVIDED FROM PUBLIC TRANSPORTATION STOPS, ACCESSIBLE PARKING AND PASSENGER LOADING ZONES, AND PUBLIC STREETS OR SIDEWALKS TO THE ACCESSIBLE BUILDING ENTRANCE THEY SERVE. [SECTION 403.1]
- 2) ACCESSIBLE ROUTES MUST HAVE A CROSS-SLOPE NO GREATER THAN 1:50. [ANSI 403.3]
- 3) OUTDOOR RAMPS AND THEIR APPROACHES MUST BE DESIGNED SO THAT WATER WILL NOT ACCUMULATE ON WALKING SURFACES. [ANSI 403.10]
- 4) CHANGES IN LEVEL GREATER THAN 1/2 INCH MUST BE ACCOMPLISHED BY MEANS OF A CURB RAMP, RAMP, ELEVATOR, OR PLATFORM LIFT. STAIRS SHALL NOT BE PART OF AN ACCESSIBLE ROUTE. [ANSI 405.9]
- 5) GROUND SURFACES ALONG ACCESSIBLE ROUTES MUST BE STABLE, FIRM, AND SLIP RESISTANT. [ANSI 502.1] SURFACE TEXTURE SHALL BE PROVIDED.
- 6) PARKING ACCESS AISLES MUST BE PART OF THE ACCESSIBLE ROUTE TO THE BUILDING OR FACILITY ENTRANCE AND MUST HAVE A RUNNING SLOPE NO GREATER THAN 1:20 AND A CROSS SLOPE NO GREATER THAN 1:50. [ANSI 502.5]
- 7) PARKED VEHICLE OVERHANGS MUST NOT REDUCE THE CLEAR WIDTH OF AN ACCESSIBLE CIRCULATION ROUTE TO LESS THAN 36". WIDEN THE SIDEWALK TO A MINIMUM OF 5 FEET OR PROVIDE WHEEL STOPS 1.5 FEET FROM THE CURB. [ANSI 405.5, TABLE 403.3]
- 8) CURB RAMPS MUST BE PROVIDED WHEREVER AN ACCESSIBLE ROUTE CROSSSES A CURB. [ANSI 406.1]
- 9) IF A CURB RAMP IS LOCATED WHERE PEDESTRIANS MUST WALK ACROSS THE RAMP, IT MUST HAVE FLARED SIDES. IF THE LEVEL LANDING AT THE TOP OF THE RAMP IS LESS THAN 48" WIDE, THE SLOPE OF THE FLARE MAY NOT EXCEED 1:12; OTHERWISE, THE MAXIMUM SLOPE OF THE FLARE IS 1:10. CURB RAMPS WITH RETURNED CURBS MAY BE USED WHERE PEDESTRIANS WOULD NOT NORMALLY WALK ACROSS THE RAMP. [ANSI 406.3, FIG. 406.3, TCM FIG. 4-1, 4-5]
- 10) CURB RAMPS AT MARKED CROSSINGS MUST BE WHOLLY CONTAINED WITHIN THE MARKINGS, EXCLUDING ANY FLARED SIDES [ANSI 406.6]
- 11) EVERY ACCESSIBLE PARKING SPACE MUST BE GOVERNED BY A SIGN, CENTERED AT THE HEAD OF THE PARKING SPACE. THE SIGN MUST INCLUDE THE INTERNATIONAL SYMBOL OF ACCESSIBILITY AND STATE RESERVED, OR EQUIVALENT LANGUAGE. CHARACTERS AND SYMBOLS ON SUCH SIGNS MUST BE LOCATED 60" MINIMUM ABOVE GROUND SO THAT THEY CANNOT BE OBTSCURED BY A VEHICLE PARKED IN THE SPACE.
- 12) APPROVAL OF THESE PLANS BY THE CITY OF DRIPPING SPRINGS INDICATES COMPLIANCE WITH APPLICABLE CITY REGULATIONS ONLY. COMPLIANCE WITH ACCESSIBILITY STANDARDS SUCH AS THE 2010 STANDARDS FOR ACCESSIBLE DESIGN OR THE 2012 TEXAS ACCESSIBILITY STANDARDS WAS NOT VERIFIED. THE APPLICANT IS RESPONSIBLE FOR COMPLIANCE WITH ALL APPLICABLE ACCESSIBILITY STANDARDS.
- 13) ALL SIDEWALK AND ACCESSIBLE ROUTE SHALL BE CONCRETE FINISH.



NON RESIDENTIAL DRIVEWAY
GREATER THAN 45 MPH

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY MIRZA TAHER BAGH, P.E., #85377 ON 04/26/2024. FIRM REGISTRATION F-4951	
PROJECT: 30297	SHEET: SK3 OF 26
PROJECT: LAPOWNOR RETAIL CENTER LAPOWNOR & FM 973, MAROK, TEXAS	
DIMENSIONAL SITE PLAN	



June 21, 2018

RE: 12010 N. FM 973 Conditional Use

Dear Property Owner:

The City of Manor Planning and Zoning Commission and City Council will be conducting a public hearing to consider a conditional use request for 12010 N. FM 973. You are being notified because you own property within 300 feet of the property for which this request is being made. The request will be posted on the agenda as follows:

Consideration, discussion and possible action on a conditional use request for Lot 5, Block B Wildhorse Creek Commercial, locally known as 12010 N. FM 973, to allow for a service station.

The Planning and Zoning Commission will convene at 6:30PM on July 11, 2018 at 105 E. Eggleston St. in the City Council Chambers.

The City Council will convene at 7:00PM on July 18, 2018 AND August 1, 2018 at 105 E. Eggleston St. in the City Council Chambers.

If you have no interest in the case there is no need for you to attend. You may address any comments to me at the address or phone number listed below. Any communications I receive will be made available to Commission and Council members during the discussion of this item. For your convenience, my email address is sdunlop@cityofmanor.org

Sincerely,

Scott Dunlop
Planning Coordinator
512-272-5555 ext. 5

TCAD PID: 710010
HARISSA LLC
407 TALKEETNA LN
CEDAR PARK TX 78613-2532

TCAD PID: 710021
WILDHORSE CREEKSIDE COMMERCIAL L P
9900 US HIGHWAY 290E
MANOR TX 78653-9720

TCAD PID: 700689
KRISHNA PROPERTIES LLC
15175 BULL RUN DR
FRISCO TX 75035-5562

TCAD PID: 227196
706 INVESTMENT PARTERSHIP LTD
LAGOS MASTER PLAN DEVELOPMENT
9900 US HIGHWAY 290E
Manor TX 78653-9720

TCAD PID: 710017
UDDIN IMTIAZ
12421 GRANTON CV
AUSTIN TX 78754-6018

TCAD PID: 567918
MICHAEL A & KATHLEEN M HITZFELDER
12019 BASTROP ST
Manor TX 78653-4952

TCAD PID: 567917
EARL LEE LOFTON & LATANYA WILLIAMS
12017 BASTROP STREET
MANOR TX 78653-4952

TCAD PID: 567916
CATARINO TORALES
12015 BASTROP ST
MANOR TX 78653-4952

TCAD PID: 567915
ROBERT BOWKER
12013 BASTROP ST
MANOR TX 78653-4952

TCAD PID: 567914
MARIA SPENCER
12011 BASTROP ST
MANOR TX 78653-4952

TCAD PID: 597913
JUAN C CAMPOS
12009 BASTROP ST
MANOR TX 78653-4952

TCAD PID:
Manor Independent School District
PO Box 359
Manor TX 78653

TCAD PID:
Atmos Energy Corporation
PO Box 650205
Dallas TX 75265

TCAD PID:
AT&T Texas
909 Colorado Street, Floor 8, Room 810
Austin TX 78701

TCAD PID:
Time Warner Cable - Austin Division
12012 N Mopac Expressway
Austin Tx 78758

TCAD PID:
Bluebonnet Electric Cooperative
3198 Austin Street
Giddings TX 78942

TCAD PID:
Manville Water Corporation
PO Box 248
Coupland TX 78615

TCAD PID:
Repulic Services ofA ustin
2900 N FM 973
Austin TX 78725

TCAD PID: 567912
RUBALCAVA FAMILY TRUST
10302 MAYBROOK AVE
WHITTIER, CA 90603-2619

TCAD PID: 546684
OMAR ESQUUEDA JR
1002 BASTROP ST
MANOR TX 78653-4952

TCAD PID: 546683
DANIEL B AGUIRRE
12003 BASTROP ST
MANOR TX 78653-4952

TCAD PID: 710010
HARISSA LLC
407 TALKEETNA LN
CEDAR PARK TX 78613-2532

TCAD PID: 710021
WILDHORSE CREEKSIDE COMMERCIAL L P
9900 US HIGHWAY 290E
MANOR TX 78653-9720

TCAD PID: 700689
KRISHNA PROPERTIES LLC
15175 BULL RUN DR
FRISCO TX 75035-5562

TCAD PID: 227196
706 INVESTMENT PARTERSHIP LTD
LAGOS MASTER PLAN DEVELOPMENT
9900 US HIGHWAY 290E
Manor TX 78653-9720

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MANOR TX 78653-4952

TCAD PID: 567916
CATARINO TORALES
12015 BASTROP ST
MANOR TX 78653-4952

TCAD PID: 567915
ROBERT BOWKER
12013 BASTROP ST
MANOR TX 78653-4952

TCAD PID: 567914
MARIA SPENCER
12011 BASTROP ST
MANOR TX 78653-4952

TCAD PID: 597913
JUAN C CAMPOS
12009 BASTROP ST
MANOR TX 78653-4952

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TCAD PID:
Manville Water Corporation
PO Box 248
Coupland TX 78615

TCAD PID:
Repulic Services ofA ustin
2900 N FM 973
Austin TX 78725

TCAD PID: 567912
RUBALCAVA FAMILY TRUST
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OMAR ESQUUEDA JR
1002 BASTROP ST
MANOR TX 78653-4952

TCAD PID: 546683
DANIEL B AGUIRRE
12003 BASTROP ST
MANOR TX 78653-4952



AGENDA ITEM SUMMARY FORM

PROPOSED MEETING DATE: August 1, 2018

PREPARED BY: Scott Dunlop, Planning Coordinator

DEPARTMENT: Development Services

AGENDA ITEM DESCRIPTION:

Consideration, discussion and possible action on a resolution commencing the annexation of 24.001 acres of land, more or less; being located in Travis County, Texas and adjacent and contiguous to the city limits; and providing for open meetings and other related matters.

BACKGROUND/SUMMARY:

These 24 acres we did an ETJ swap with the City of Austin to align our boundaries along the proposed Wildhorse Connector that is part of the Lagos Subdivision. The developer has submitted an amended PUD to include this area in the development but it first must be annexed into our full purpose city limits before it can be zoned. This resolution begins the annexation process and sets 2 public hearings; one hearing at a regularly schedule meeting on September 5th, and a second at a special called meeting on September 12th.

PRESENTATION: YES NO

ATTACHMENTS: YES (IF YES, LIST IN ORDER TO BE PRESENTED) NO

Resolution 2018-08

Petition

Area Map

STAFF RECOMMENDATION:

It is City staff's recommendation that the City Council approve Resolution No. 2018-08 commencing the annexation of 24.001 acres of land, more or less; being located in Travis County, Texas and adjacent and contiguous to the city limits; and providing for open meetings and other related matters.

PLANNING & ZONING COMMISSION: RECOMMENDED APPROVAL DISAPPROVAL NONE

RESOLUTION NO. 2018-08

**A RESOLUTION OF THE CITY OF MANOR, TEXAS,
COMMENCING THE ANNEXATION OF 24.001 ACRES OF LAND,
MORE OR LESS; BEING LOCATED IN TRAVIS COUNTY, TEXAS
AND ADJACENT AND CONTIGUOUS TO THE CITY LIMITS;
AND PROVIDING FOR OPEN MEETINGS AND OTHER
RELATED MATTERS**

WHEREAS, the City of Manor, Texas (herein the “City”) is a Texas home-rule city authorized to annex the properties more particularly described herein (the “subject properties”) that are contiguous and adjacent to the corporate limits of the City;

WHEREAS, the Subject Properties are contiguous and adjacent to the corporate limits of the City and are within the extraterritorial jurisdiction of the City;

WHEREAS, the City, pursuant to *Chapter 43.021, Tex. Loc. Gov’t. Code* and the request of the property owner, is authorized to annex the Subject Properties; and,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

SECTION ONE: The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION TWO: The annexation of all portions of the following described subject properties and being described in Exhibit “A”, are hereby commenced:

Area 1: Being 24.001 acres of land in the James Manor Survey No. 39, Abstract No. 528, James Manor Survey No. 40, Abstract No. 566, and Calvin Barker Survey No. 38, Abstract No. 58, City of Manor, Travis County, Texas and being a portion of that certain 675.6978 acre tract conveyed to 706 Investment Partnership, LTD., as described in Document No. 2005114143, Official Public Records of Travis County, Texas.

Two public hearings are set for the dates of September 5, 2018 and September 12, 2018. Notice of such hearings shall be published in accordance with Chapter 43, Texas Local Government Code, and the hearings shall be open to the public to accept public comment on the annexation request. Notice of the proposed annexation shall be mailed to service providers and property owners within 300 feet of the subject properties. The draft service plan proposed to be applicable for the subject properties is attached as Exhibit “B”.

SECTION THREE: Should any section or part of this Resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Resolution are declared severable.

SECTION FOUR: It is hereby official found and determined that the meeting at which this Resolution is passed was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Tex. Gov't. Code.*

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, ON THIS THE 1st DAY OF AUGUST 2018.

CITY OF MANOR, TEXAS

Rita G. Jonse,
Mayor

ATTEST:

Lluvia Tijerina TRMC,
City Secretary

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300
FACSIMILE 512-435-2360

REVA LANE REYES
(512) 435-2365
rreyes@abaustin.com

June 20, 2018

City of Manor
Attn: Scott Dunlop
Manor Planning/Zoning Department
105 E. Eggleston St.
Manor, Texas 78653

Re: Annexation Petition

Dear Mr. Dunlop:

Enclosed is an executed original of the Request and Petition to the Manor City Council for Annexation of Property (the "Annexation Petition"). Thank you for providing the City's standard municipal services plan for our use in creating Exhibit "B". The annexation is subject to Tier 2 procedures under Senate Bill 6, the annexation law passed by the Texas Legislature in 2017. We have revised the Exhibit "B" introductory statements accordingly, and have attached here a comparison so you can readily see the changes.

Please acknowledge receipt of this Resolution by file-stamping the enclosed copy of this letter and returning it to me in the self-addressed, stamped envelope which I have provided for your convenience.

Please let me know if you have questions or concerns.

Respectfully,

ARMBRUST & BROWN, PLLC


Reva Lane Reyes
Legal Assistant

Enclosure

cc: Tom Bolt, City Manager
City of Manor
PO Box 387
Manor, Texas 78653

Via Email: tbolt@cityofmanor.org

Paige Saenz, City Attorney
City of Manor
223 West Anderson Lane, Suite A105
Austin, Texas 78752

Via Email: paige@cityattorneytexas.com

{W0816081.4}

COPY

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

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(512) 435-2365
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June 20, 2018

City of Manor
Attn: Scott Dunlop
Manor Planning/Zoning Department
105 E. Eggleston St.
Manor, Texas 78653

Re: Annexation Petition

Dear Mr. Dunlop:

Enclosed is an executed original of the Request and Petition to the Manor City Council for Annexation of Property (the "Annexation Petition"). Thank you for providing the City's standard municipal services plan for our use in creating Exhibit "B". The annexation is subject to Tier 2 procedures under Senate Bill 6, the annexation law passed by the Texas Legislature in 2017. We have revised the Exhibit "B" introductory statements accordingly, and have attached here a comparison so you can readily see the changes.

Please acknowledge receipt of this Resolution by file-stamping the enclosed copy of this letter and returning it to me in the self-addressed, stamped envelope which I have provided for your convenience.

Please let me know if you have questions or concerns.

Respectfully,

ARMBRUST & BROWN, PLLC



Reva Lane Reyes
Legal Assistant

Enclosure

cc: Tom Bolt, City Manager
City of Manor
PO Box 387
Manor, Texas 78653

Via Email: tbolt@cityofmanor.org

Paige Saenz, City Attorney
City of Manor
223 West Anderson Lane, Suite A105
Austin, Texas 78752

Via Email: paige@cityattorneytexas.com

{W0816081.4}

ANNEXATION PETITION

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

§

REQUEST & PETITION TO THE CITY COUNCIL OF THE CITY OF MANOR FOR ANNEXATION OF PROPERTY

WHEREAS, the undersigned are the owners of property located within Travis County, Texas, such property more particularly described herein by legal description (referred to herein as the "Subject Property");

WHEREAS, the undersigned has sought the annexation of the Subject Property by the City of Manor, Texas (herein sometimes referred to as "City"), to obtain the benefits of City services to the Subject Property by the City;

WHEREAS, the Subject Property is contiguous and adjacent to the corporate limits of the City;

WHEREAS, the City, pursuant to §43.0671, *Tex. Loc. Gov't. Code* and the request of the property owner, is authorized to annex the Subject Property; and

WHEREAS, the undersigned agrees to the annexation of the Subject Property by the City and further agrees to be bound by all acts, ordinances, and other legal action now in effect within the corporate limits of the City and all those which may be hereafter adopted;

NOW, THEREFORE, the undersigned by this Request and Petition:

SECTION ONE: Requests the City Council of the City to commence annexation proceedings and to annex into the corporate limits of the City of Manor, Texas, of all portions of the Subject Property, including the abutting streets, roadways, and rights-of-way, not previously annexed into the City and further described as follows:

Approximately 24.001 acres of land, located in Travis County, Texas, and more particularly described in the attached **Exhibit "A"** and depicted in the attached **Exhibit "A-1"**.

SECTION TWO: Requests that after annexation the City provide such services as are legally permissible and provided by the City, including sanitation, water and general governmental services as set forth in the "List of Services" attached hereto as **Exhibit "B"**.

SECTION THREE: Acknowledges and represents having received, read, and understood the attached List of Services, (proposed to be applicable to and adopted for the Subject Property) and that such List of Services is adequate and acceptable to the undersigned who requests the City Council to proceed with the annexation and preparation of a final Service Agreement and

publish notice and hold the requisite public hearings thereon, in accordance with the laws of the State of Texas.

SECTION FOUR: Acknowledges that the undersigned understands and agrees that all city services to the Subject Property will be provided by the City on the same terms and conditions as provided to other similarly situated areas of the City and as provided in the List of Services.

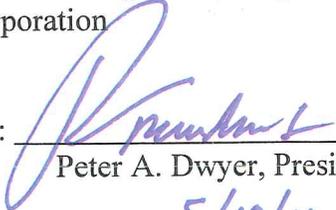
SECTION FIVE: Agrees that a copy of this Request and Petition may be filed of record in the offices of the City of Manor and in the real property records of Travis County, Texas, and shall be notice to and binding upon all persons or entities now or hereafter having any interest in the Subject Property.

FILED, this 10 day of May 2018, with the City Secretary of the City of Manor, Travis County, Texas.

[Signatures on following page.]

PETITIONER:

706 Development Corporation, a Texas corporation

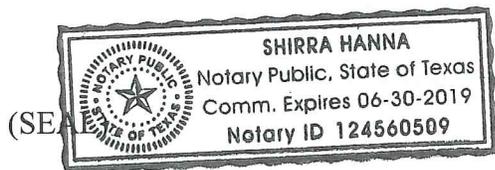
By: 
Peter A. Dwyer, President
5/18/10

ACKNOWLEDGMENT

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 18 day of May, 2018, by Peter A. Dwyer, President of 706 Development Corporation, a Texas corporation on behalf of said corporation.




Notary Public Signature

EXHIBIT A
Legal Description of 24.001 Acre Tract

LEGAL DESCRIPTION
24.001 ACRES OF LAND

BEING 24.001 acres of land located in the James Manor Survey No. 39, Abstract No. 528, James Manor Survey No. 40, Abstract No. 566, and Calvin Barker Survey No. 38, Abstract No. 58, City of Manor, Travis County, Texas, being a portion of that certain 675.6978 acre tract conveyed to 706 Investment Partnership, LTD., as described in Document No. 2005114143, Official Public Records of Travis County, Texas; said 24.001 acres being more particularly described as follows:

COMMENCING, at a found iron rod located in the easterly right of way line of F.M. 973 (100' R.O.W.), and same being the westerly line of that certain 13.34 acre tract conveyed to the Board of Trustees of the Manor Independent School District, as recorded in Document No. 2015151286, Official Public Records of Travis County, Texas;

THENCE, Southwesterly, along the common boundary line of said 13.34 acre tract, the easterly right of way line of F.M. 973, and the arc of a curve to left having a radius of 5679.58 feet, a central angle $01^{\circ} 24' 51''$, an arc length of 140.19 feet and chord bearing: S $10^{\circ} 18' 42''$ W, 140.19 feet, to the **POINT OF BEGINNING** of the herein described tract;

THENCE, leaving the easterly right of way line of F.M. 973 and along the said 13.34 acre tract, and into said 675.6978 acre tract, the following courses:

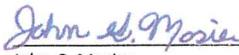
Southeasterly, along the arc of a curve to left having a radius of 6629.10 feet, a central angle $19^{\circ} 57' 14''$, an arc length of 2308.66 feet and chord bearing: S $89^{\circ} 23' 36''$ E, 2297.01 feet, to a point;
South $61^{\circ} 50' 31''$ West, a distance of 1,289.27 to a point for the beginning of a curve to the right;
Southwesterly, along the arc of a curve to right having a radius of 1000.00 feet, a central angle $36^{\circ} 16' 07''$, an arc length of 633.01 feet and chord bearing: S $80^{\circ} 00' 08''$ W, 622.49 feet, to a point;
North $81^{\circ} 51' 49''$ West, a distance of 626.86 to a point located in the easterly right of way line of F.M. 973;

THENCE, along the easterly right of way of F.M. 973, the following courses:

North $04^{\circ} 17' 10''$ East, a distance of 131.97 to a point;
Northeasterly, along the arc of a curve to right having a radius of 5,679.58 feet, a central angle $05^{\circ} 17' 30''$, an arc length of 524.54 feet and chord bearing: N $06^{\circ} 57' 32''$ E, 524.35 feet, to the **POINT OF BEGINNING** and containing 24.001 acres (1,045,472 square feet) of land;

This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Basis of Bearings are based on the Texas State Plane Coordinate System (Central Zone, NAD83) which is based GPS observation.



John G. Mosier
Registered Professional Land Surveyor No. 6330
Kimley-Horn and Associates, Inc., 601 NW Loop 410, Suite 350
San Antonio, Texas 78216, Ph. 210-541-9166
greg.mosier@kimley-horn.com
TBPLS Firm No. 10193973



Signature Date: 5/2/2018



EXHIBIT A-1 Property Depiction

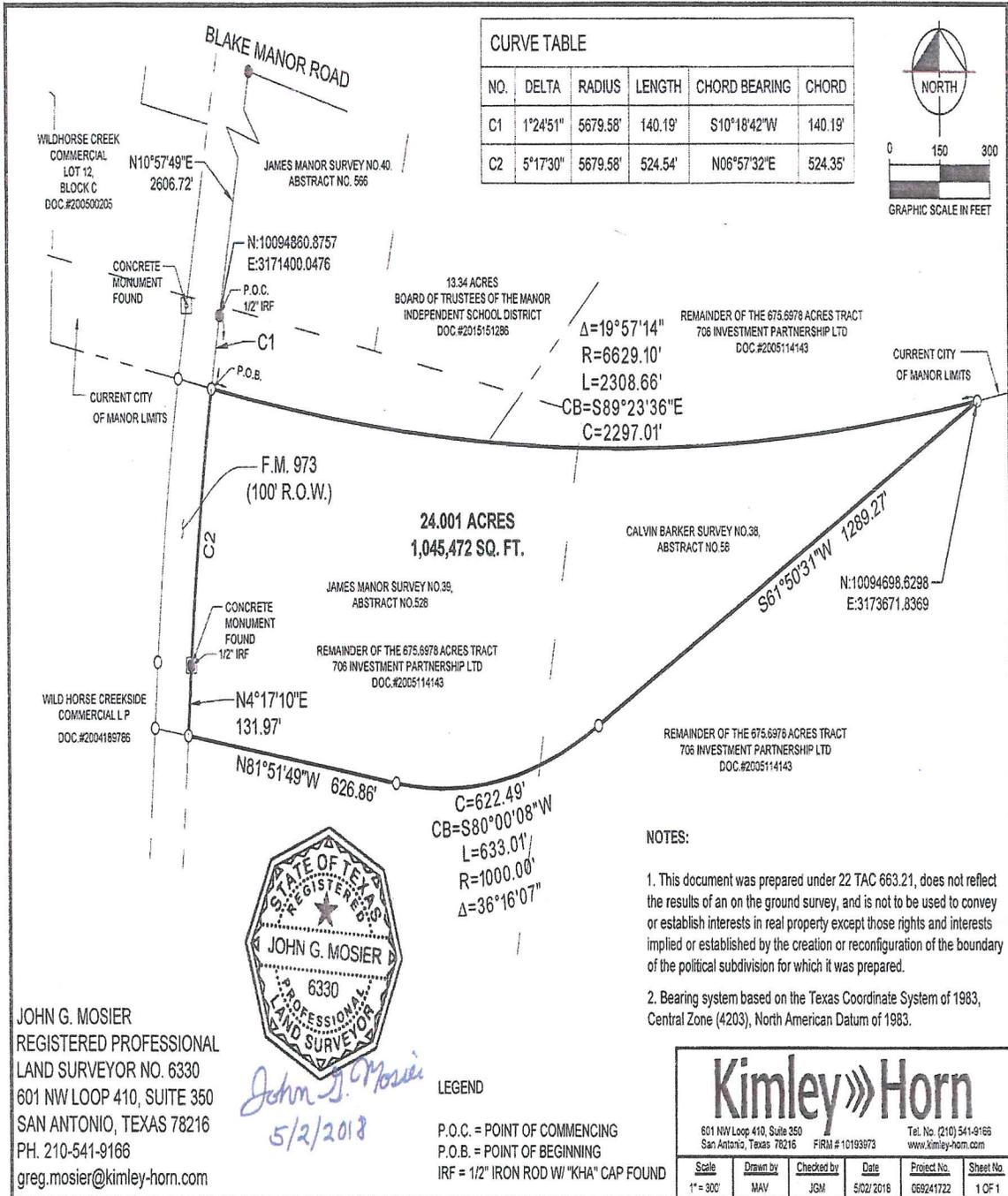


EXHIBIT B
List of Services



EXHIBIT "B"

LIST OF SERVICES FOR PROPERTY TO BE ANNEXED INTO THE CITY OF MANOR

WHEREAS, the City of Manor, Texas (the "City") intends to institute annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject property");

WHEREAS, *Section 43.0671, Loc. Gov't. Code*, requires a written agreement for the provision of services in the area be entered into between the City and the owner(s) of the subject property (the "Owner");

WHEREAS, the City and the Owner agree each will benefit from the City's development restrictions and zoning requirements, which are good and valuable consideration for the Owner to request annexation and for the City to provide the listed services upon annexation; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject property into the City;

NOW, THEREFORE, the following services will be provided for the subject property on the effective date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the owner and this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by agreement between the City and the ESD's present personnel and equipment of the ESD fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present contract personnel and equipment of the ESD.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory and zoning jurisdiction of the City shall be extended to include the annexed area, and the use of all property therein shall be grandfathered; and shall be temporarily zoned "A" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowner(s) or authorized city staff.

(2) **Scheduled Municipal Services.** Due to the size and vacancy of the subject property, the plans and schedule for the development of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as provided in this Plan:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject property or portions thereof (the "CCN holder") and, as applicable, the utility providing wholesale or retail water service to said CCN holder. Absent a water CCN, water service will be provided by the utility in whose jurisdiction the subject property, or portions thereof as applicable, is located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject property owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject property as required in City ordinances. Upon acceptance of the water lines within the subject property and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a

request for service is submitted shall govern the costs and request for service. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subject property, or applicable portions thereof, by the utility holding a wastewater CCN for the subject property, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, is located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject property owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required by City ordinances. Upon acceptance of the wastewater lines within the subject property and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance of streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on existing public streets within the subject property and other streets that are hereafter constructed and finally accepted by the City. The maintenance of the streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.; and

(B) Routine maintenance as presently performed by the City.

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city

ordinance, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways, and rights-of-way within the boundaries of the subject property, as follows:

- (A) As provided in C(i)(A)&(B) above;
 - (B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;
 - (C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and
 - (D) Installation and maintenance of street lighting in accordance with established policies of the City;
- (iii) The outer boundaries of the subject property abut existing roadways. The property owner agrees that no improvements are required on such roadways to service the property.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property or redevelopment, the landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

(4) **Property Description.** The legal description of the subject property is as set forth in the Annexation Ordinance and exhibits attached to the Annexation Ordinance to which this List of Services is attached.

EXHIBIT "B"

~~MUNICIPAL LIST OF SERVICES PLAN~~ FOR PROPERTY TO BE ANNEXED INTO THE CITY OF MANOR

WHEREAS, the City of Manor, Texas (the "City") intends to institute annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject property");

WHEREAS, ~~Section 43.056~~43.0671, *Loc. Gov't. Code*, requires a ~~service plan be adopted with the annexation ordinance;~~ ~~WHEREAS, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;~~

~~WHEREAS, infrastructure provided for herein and that existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits and no capital improvements are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City;~~

~~WHEREAS, written agreement for the provision of services in the area be entered into between the City and the owner(s) of the subject property (the "Owner");~~

~~WHEREAS, the City and the Owner agree they each will benefit from the City's development restrictions and zoning requirements, as well as other municipal services provided by the City, which are good and valuable consideration for this service plan the Owner to request annexation and for the City to provide the listed services upon annexation; and~~

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject property into the City;

NOW, THEREFORE, the following services will be provided for the subject property on the effective date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the owner and this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by agreement between the City and the ESD's present personnel and equipment of the ESD fire fighting force and the volunteer fire fighting force with the

limitations of water available. Radio response for Emergency Medical Services with the present contract personnel and equipment of the ESD.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory and zoning jurisdiction of the City shall be extended to include the annexed area, and the use of all property therein shall be grandfathered; and shall be temporarily zoned "A" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowner(s) or authorized city staff.

(2) **Scheduled Municipal Services.** Due to the size and vacancy of the subject property, the plans and schedule for the development of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as provided in this Plan:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject property or portions thereof (the "CCN holder") and, as applicable, the utility providing wholesale or retail water service to said CCN holder. Absent a water CCN, water service will be provided by the utility in whose jurisdiction the subject property, or portions thereof as applicable, is located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject property owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities

necessary to provide water service to the subject property as required in City ordinances. Upon acceptance of the water lines within the subject property and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii)(a) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subject property, or applicable portions thereof, by the utility holding a wastewater CCN for the subject property, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, is located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject property owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject property as required by City ordinances. Upon acceptance of the wastewater lines within the subject property and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance of streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on existing public streets within the subject property and other streets that are hereafter constructed and finally accepted by the City. The maintenance of the streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.; and

(B) Routine maintenance as presently performed by the City.

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways, and rights-of-way within the boundaries of the subject property, as follows:

(A) As provided in C(i)(A)&(B) above;

(B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(D) Installation and maintenance of street lighting in accordance with established policies of the City;

(iii) The outer boundaries of the subject property abut existing roadways. The property owner agrees that no improvements are required on such roadways to service the property.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property or redevelopment, the landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

~~(4) Term. If not previously expired, this service plan expires at the end of ten (10) years.~~

~~(5)~~(4) **Property Description.** The legal description of the subject property is as set forth in the Annexation Ordinance and exhibits attached to the Annexation Ordinance to which this ~~Service Plan~~ List of Services is attached.

24.001 Acre Proposed Lagos Annexation



Annexation Area



Manor Full Purpose Limits

