



**MANOR CITY COUNCIL
REGULAR MEETING
AGENDA
105 E. EGGLESTON STREET
MANOR, TEXAS 78653
MARCH 16, 2016 · 7:00 P.M.**

CALL TO ORDER AND ANNOUNCE QUORUM 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 minutes per person. Comments on specific agenda items must be made when the item comes before the Council. To address the City Council, please register on the speaker sign-in sheet at least five-minutes prior to the scheduled meeting time. NO ACTION MAY BE TAKEN BY THE CITY COUNCIL DURING PUBLIC COMMENTS.

PROCLAMATIONS

1. Consideration, discussion, and possible action proclaiming April as Fair Housing Month.

CONSENT AGENDA

2. Consideration, discussion, and possible action to approve the minutes for the March 1, 2016 City Council Regular Meeting.

PUBLIC HEARING

3. Conduct the second public hearing regarding the annexation of property being approximately 1.069 acres of land, located at 13500 N FM 973.
4. Public hearing on the proposed Housing Tax Credit Application for the Villages at Manor Apartments located within the Manor Commons Development on the Southeast side of FM 973 and US HWY 290 E. in Manor, TX, Travis County.
5. Public hearing on the proposed Housing Tax Credit Application for the Pointe at Manor Apartments located within the Manor Commons Development on the Southeast side of FM 973 and US HWY 290 E. in Manor, TX, Travis County.

REGULAR AGENDA

6. Consideration, discussion, and possible action on a second reading of a draft for a municipal services plan for property to be annexed into the City.
7. Consideration, discussion, and possible action to approve the resolution of no objection to a Housing Tax Credit Application for the Villages at Manor Apartments located within the Manor Commons Development on the Southeast side of FM 973 and US HWY 290 E. in Manor TX, Travis County.
8. Consideration, discussion, and possible action to approve the resolution of no objection to a Housing Tax Credit Application for the Pointe at Manor Apartments located within the Manor Commons Development on the Southeast side of FM 973 and US HWY 290 E. in Manor TX, Travis County.
9. Consideration, discussion, and possible action on acceptance of the February, 2016 Departmental Reports:

- Development Services – Thomas Bolt
 - Police – Chief Ryan Phipps
 - Municipal Court – Sarah Friberg
 - Public Works – Mike Tuley
10. Consideration, discussion, and possible action on acceptance of the unaudited February, 2016 Monthly Financial Report.
 11. Discussion, consideration, and possible action on a waiver from parking requirements for Manor Commons SW Lot 7A, 12003 US Hwy 290, to allow for 36 parking spaces.
 12. Consideration, discussion and possible action to approve an Amended Annual Budget for FY 2015-2016 for the City of Manor.
 13. Consideration, discussion, and possible action the water and wastewater cost of service and rate study.
 14. Consideration, discussion, and possible action on a licensing ordinance for gaming machines.
 15. City Manager February, 2016 Report

EXECUTIVE SESSION

The City Council will now conduct a Closed Executive Session pursuant to the provisions of Chapter 551 Texas Government Code, in accordance with the authority contained in:

Section 551.074 Personnel Matters – City Manager contract

OPEN SESSION

The City Council will now reconvene into Open Session pursuant to the provisions of Chapter 551 Texas Government Code and take action on item(s) discussed during Closed Executive Session:

16. Take action as deemed appropriate in the City Council's discretion regarding the City Manager contract.

ADJOURNMENT

In addition to any executive session already listed above, the City Council for the City of Manor 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 for the following purposes:

§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
§551.087 Deliberations regarding Economic Development Negotiations

POSTING CERTIFICATION

I certify that this notice of the Manor City Council Meeting was posted on this 11thth day of March, 2016 before 5:00 P.M., as required by law in accordance with Section 551.043 of the Texas Government Code.

Frances M. Aguilar – City Secretary

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 special marked parking is available. Persons with disabilities who plan to attend this meeting and who may need assistance are requested to contact Frances Aguilar, City Secretary at 512-272-5555. Provide a forty-eight hour notice when feasible.

PROCLAMATION OF APRIL AS FAIR HOUSING MONTH

WHEREAS, Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS, the principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS, The National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE, WE, the City Council of the City of Manor, do proclaim April as Fair Housing Month in City of Manor and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

Passed and adopted by the City Council of the City of Manor, Travis County, State of Texas, on the 16th day of March, 2016.

APPROVED:

Rita G. Jonse, Mayor

ATTEST:

Frances M. Aguilar, City Secretary

**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 "R-1" 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.

A Resolution NO. _____

OF NO OBJECTION TO A HOUSING TAX CREDIT APPLICATION FOR THE VILLAGES
AT MANOR APARTMENTS

Whereas, **LDG Multifamily, LLC** has proposed a development for affordable rental housing of **150+** units that will be located at **[address of proposed site]** in the **Manor, TX, Travis County** and

Whereas, **LDG Multifamily, LLC** has submitted an application to the Texas Department of Housing and Community Affairs for **2016** Housing Tax Credits for **The Villages at Manor.**

It is hereby

RESOLVED, that in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4), it is hereby found that:

1. Notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071(a); and
2. The Governing Body has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; and
3. The Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b); and
4. After due consideration of the information provided by the Applicant and public comment, the Governing Body does not object to the proposed Application.

RESOLVED that for and on behalf of the Governing Body, **[name, position of authorized person]** are hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

A Resolution NO. _____

OF NO OBJECTION TO A HOUSING TAX CREDIT APPLICATION FOR THE POINTE AT
MANOR APARTMENTS

Whereas, **LDG Multifamily, LLC** has proposed a development for affordable rental housing of **200+** units that will be located at **[address of proposed site]** in the **Manor, TX, Travis County** and

Whereas, **LDG Multifamily, LLC** has submitted an application to the Texas Department of Housing and Community Affairs for **2016** Housing Tax Credits for **The Pointe at Manor**.

It is hereby

RESOLVED, that in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4), it is hereby found that:

1. Notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071(a); and
2. The Governing Body has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; and
3. The Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b); and
4. After due consideration of the information provided by the Applicant and public comment, the Governing Body does not object to the proposed Application.

RESOLVED that for and on behalf of the Governing Body, **[name, position of authorized person]** are hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

DEVELOPMENT SERVICES DEPARTMENT REPORT
PROJECT VALUATION AND FEE REPORT
FOR
CITY OF MANOR, TX
February 1-29, 2016

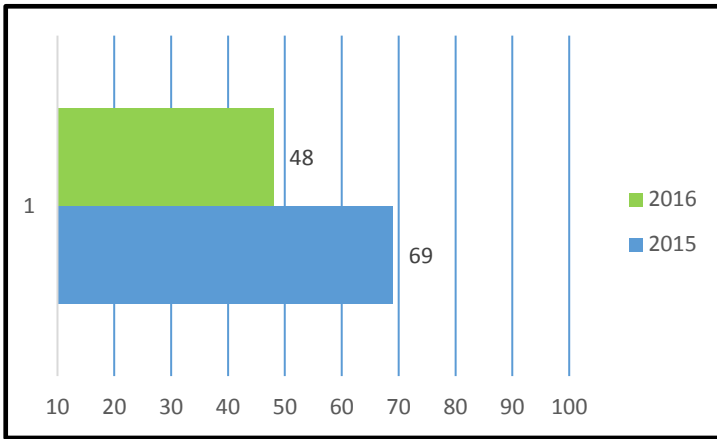
Code	Description	Projects	Segments	Valuation	Fees
102	New Single Family Bldgs-Att Garage	33	165	\$5,281,288.00	\$172,149.60
109	Subdivision	2	2	\$0.00	\$22,965.00
110	Commercial Site Plan	1	1	\$0.00	\$668.00
320E	Industrial Existing	1	1	\$0.00	\$500.00
645	Demolition-Single Family Houses	1	1	\$2,500.00	\$95.00
DEC	Deck & Patio Permits	1	1	\$1,200.00	\$105.00
DRI	Driveway & Sidewalk Permits	1	1	\$3,500.00	\$95.00
ELE	Electrical Permit	1	1	\$13,625.00	\$105.00
FEN	Fence Permit	4	4	\$12,400.00	\$180.00
FOU	Foundation Permit	1	1	\$3,500.00	\$105.00
IRR	Irrigation Permit	2	2	\$5,000.00	\$210.00
PLB	Plumbing Permit	2	2	\$3,797.00	\$200.00
SIG	Sign Permit	1	1	\$2,500.00	\$370.00
WSF	Water Softner Permit	1	1	\$400.00	\$95.00
				\$0.00	\$0.00
				\$0.00	\$0.00
	Totals	52	184	\$5,329,710.00	\$197,842.60

Total Certificate of Occupancies Issued: 8

Total Inspections(Comm & Res): 325

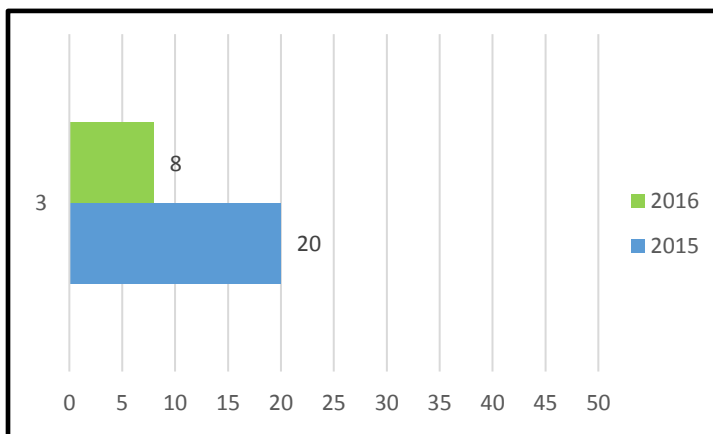
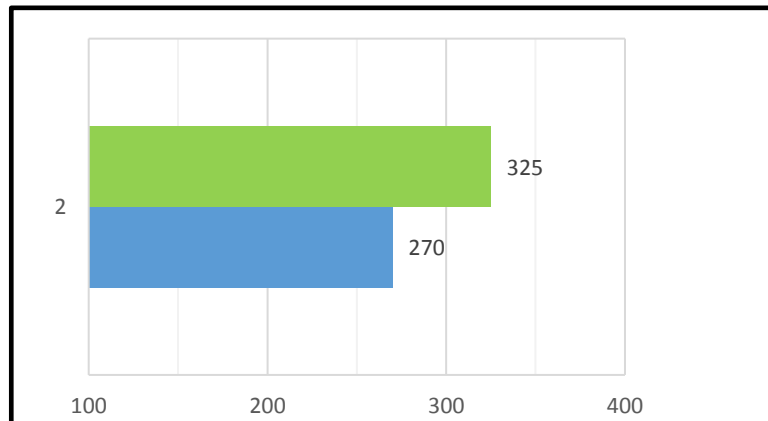
Tom Bolt, City Manager





PERMITS ISSUED
FEB 2016

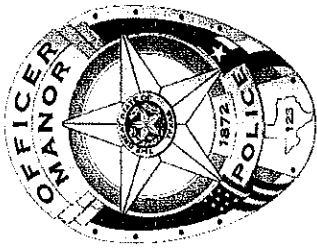
INSPECTIONS
FEB 2016



COs ISSUED
FEB 2016

DEPARTMENT OF DEVELOPMENT SERVICES
THOMAS BOLT, DIRECTOR





Manor Police Department Monthly Council Report

Ryan S. Phipps - Chief of Police

Date of Meeting:

February 2016

Activity	Reported Month	Same month Prior year	Percentage difference	Patrol Car Rental
Calls for Service	984	987	0.3↓	Last Month \$1,160
Average CFS per day	33.9	35.25	3.8↓	YTD \$15,817
Open Cases	23	20	15↑	
Charges Filed	54	48	12.5↑	
Alarm Responses	23	21	9.5↑	
Drug Cases	14	18	22↓	
Family Violence	10	8	25↑	
Arrests F/M	14F/43M	4F/47M	↑250/8.5↓	
Animal Control	20	16	25↑	
Traffic Accidents	30	31	3↓	
DWI Arrests	3	10	70↓	
Traffic Violations	377	351	7.41↑	
Ordinance Violations	4	5	25↓	
Seizures	20.83lbs of Marijuana	DNA	DNA	
Laboratory Submissions	12	5	140↑	

Notes: The Manor Police Department hosted The Predominate Aggressor Family Violence Training which multiple agencies attended.

*DNA- DATA NOT AVAILABLE

TIER 1 - PARTIAL EXEMPTION RACIAL PROFILING REPORT

Agency Name: MANOR POLICE DEPT.
Reporting Date: 02/12/2016
TCOLE Agency Number: 453211
Chief Administrator: RYAN S. PHIPPS
Agency Contact Phone: 512-272-8177
Information: Email: rjackson@cityofmanor.org
Mailing Address:
MANOR POLICE DEPT.
PO Box 317
402 W Parsons St
Manor, TX 78653

This Agency claims partial racial profiling report exemption because:

Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for 90 days.

Certification to This Report 2.132 (Tier 1) – Partial Exemption

Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling

MANOR POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the MANOR POLICE DEPT. from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the MANOR POLICE DEPT. if the individual believes that a peace officer employed by the MANOR POLICE DEPT. has engaged in racial profiling with respect to the individual;
- (4) provides public education relating to the agency's complaint process;
- (5) requires appropriate corrective action to be taken against a peace officer employed by the MANOR POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the MANOR POLICE DEPT.'s policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

I certify these policies are in effect.

Executed by: **RYAN S. PHIPPS**

Chief Administrator

MANOR POLICE DEPT.

Date: 02/12/2016

MANOR POLICE DEPT. Motor Vehicle Racial Profiling Information

Number of motor vehicle stops:

1. **3997** citation only
2. **194** arrest only
3. **74** both
4. **4265 Total** (4, 11, 14 and 17 must be equal)

Race or Ethnicity:

5. **1205** African
6. **33** Asian
7. **1353** Caucasian
8. **1661** Hispanic
9. **11** Middle Eastern
10. **2** Native American
11. **4265 Total** (lines 4, 11, 14 and 17 must be equal)

Race or Ethnicity known prior to stop?

12. **142** Yes
13. **4123** No
14. **4265 Total** (lines 4, 11, 14 and 17 must be equal)

Search conducted?

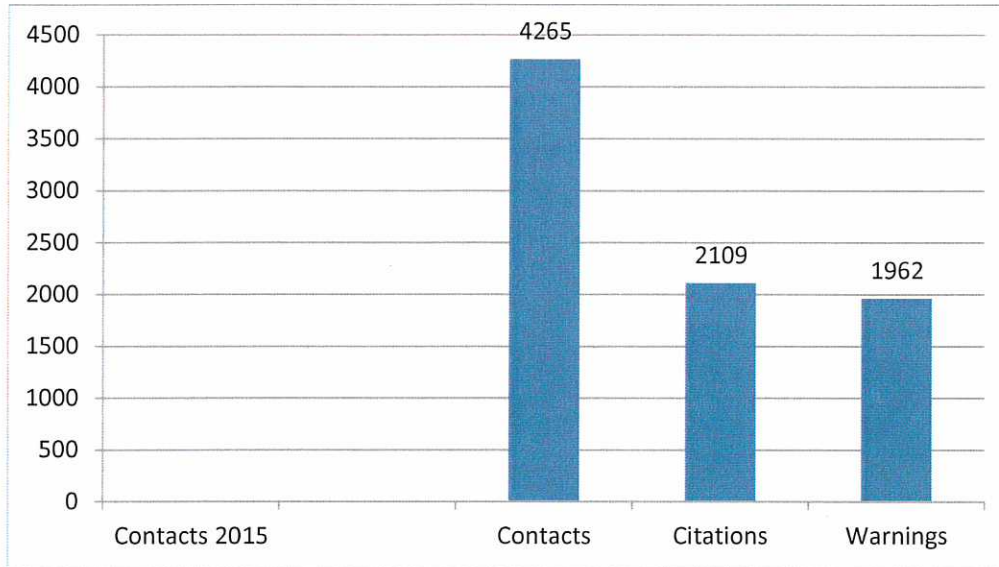
15. **525** Yes
16. **3740** No
17. **4265 Total** (lines 4, 11, 14 and 17 must be equal)

Was search consented?

18. **203** Yes
19. **322** No
20. **525 Total** (must equal line 15)

Contacts 2015

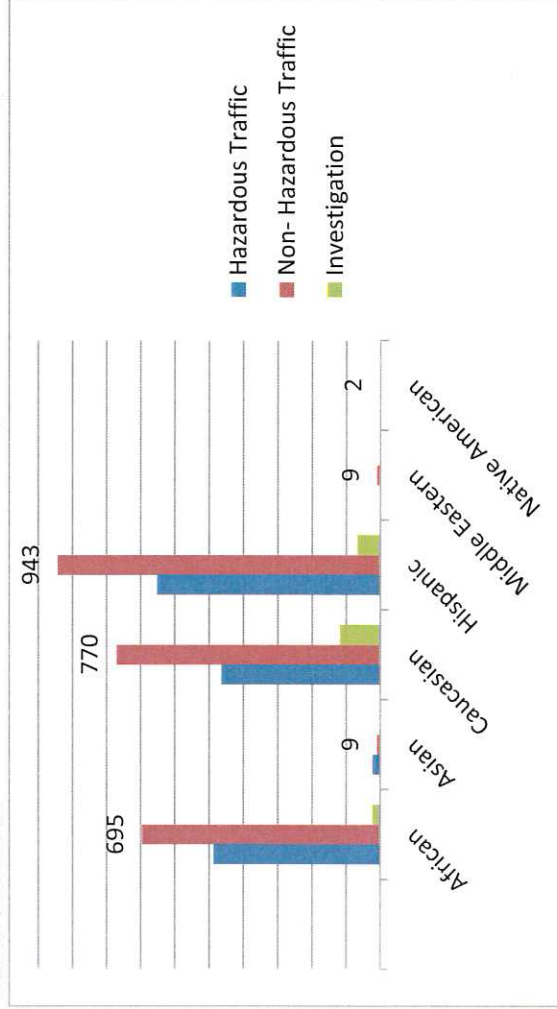
Contacts	4265
Citations	2109
Warnings	1962



Violation Type 2015

Hazardous Traffic	Non- Hazardous Traffic	Investigation
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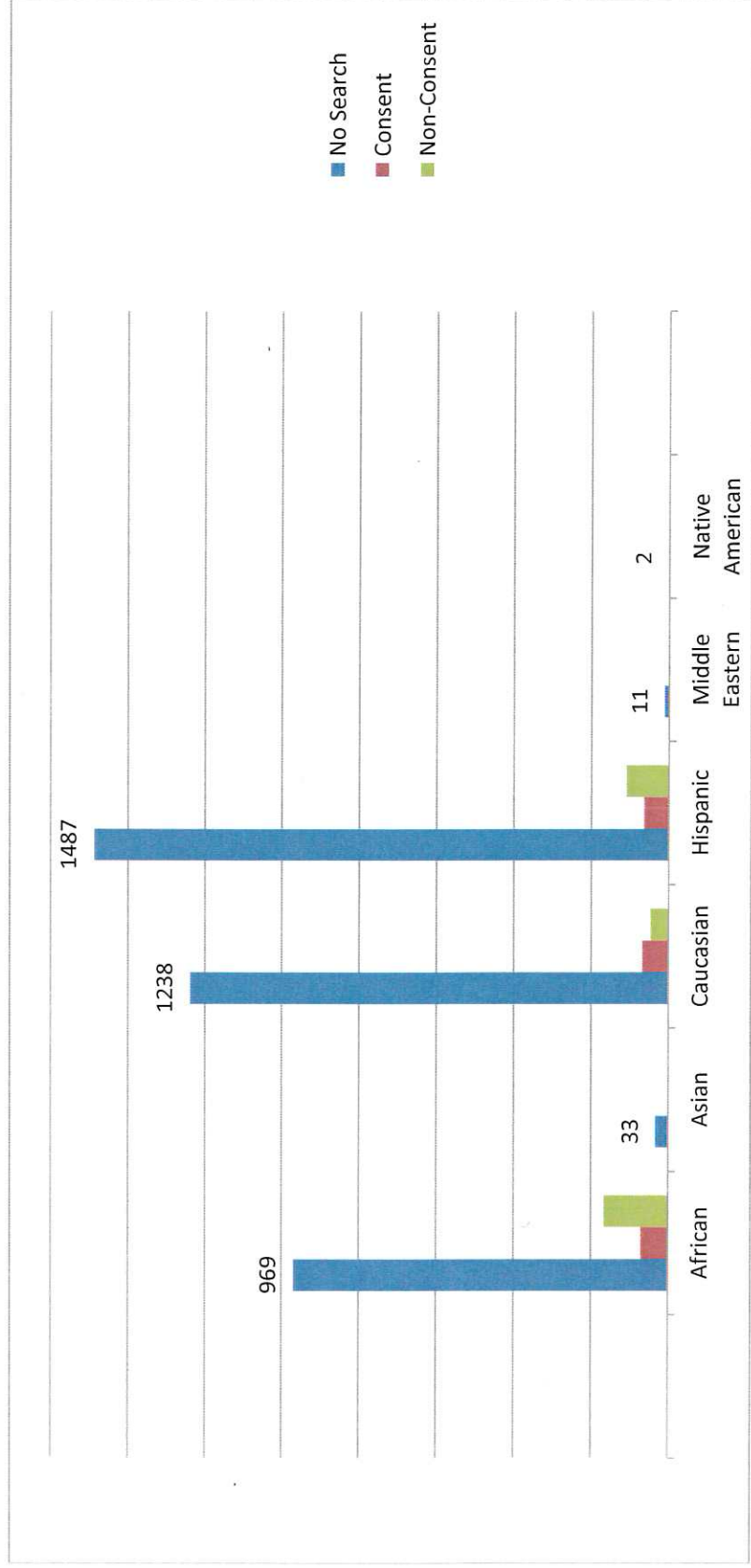
African	487	695	23
Asian	24	9	0
Caucasian	465	770	118
Hispanic	651	943	67
Middle Eastern	2	9	0
Native American	0	2	0



Hazard- Moving Violations (Speeding etc)
Non-hazard- Equipment, paperwork (lights insurance, registrations etc)
Investigation- Drugs, alcohol etc

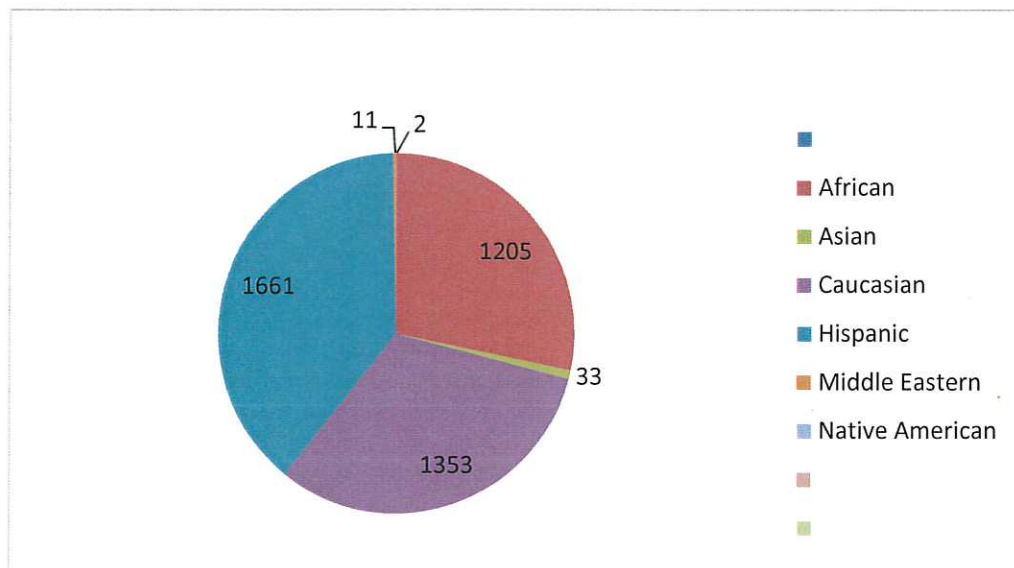
Search Type 2015

	No Search	Consent	Non-Consent
African	969	71	165
Asian	33	0	1
Caucasian	1238	68	47
Hispanic	1487	64	110
Middle Eastern	11	0	0
Native American	2	0	0



Ethnicity 2015

African	1205
Asian	33
Caucasian	1353
Hispanic	1661
Middle Eastern	11
Native American	2



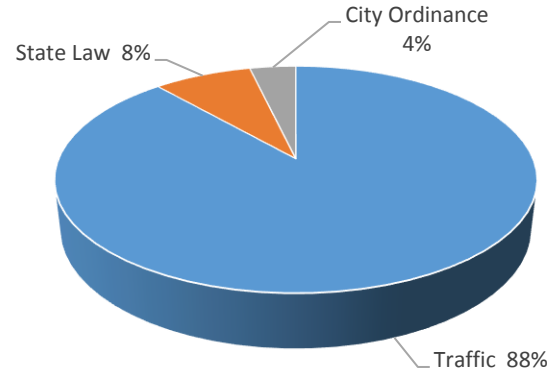
City of Manor Municipal Court

FEBRUARY 2016

Violations Filed

	Feb-16	Feb-15
Traffic	384	477
State Law	34	32
City Ord.	16	19
Total	434	528

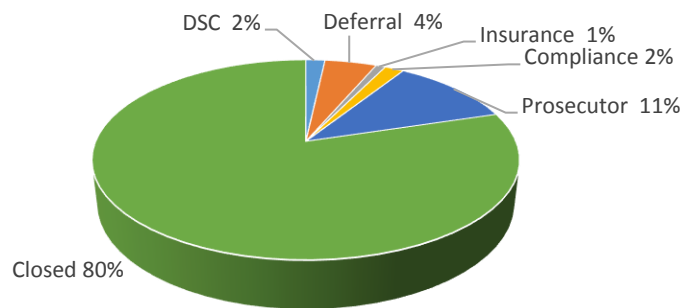
PERCENTAGE OF VIOLATIONS



Dismissals

	Feb-16	Feb-15
DSC	10	5
Deferral	27	27
Insurance	5	2
Compliance	10	12
Prosecutor	65	11
Closed	461	249
Total	578	306

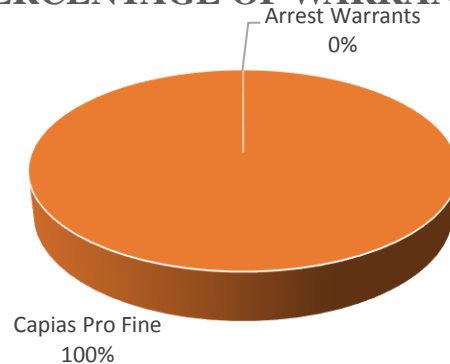
PERCENTAGE OF DISMISSALS



Warrants

	Feb-16	Feb-15
Arrest Warrants	0	1
Capias Pro Fine	79	0
Total	79	1

PERCENTAGE OF WARRANTS



Money Collected in February 2016

Kept By City	\$38,986.32
Kept By State	\$17,611.87
Total	\$56,598.19

Money Collected in February 2015

Kept By City	\$38,837.67
Kept By State	\$16,187.06
Total	\$55,024.73



FEBRUARY, 2016 REPORT PUBLIC WORKS DEPARTMENT

Street and Public, Parks, and Maintenance Department

In the month of February the Street Department performed maintenance on signs, repaired and patched potholes.

Also in the month of February, the Public Parks and Maintenance Department mowed all city facilities, alleys, and right of ways. They cleaned and maintained city's facilities and parks. They also assisted with reading water meters.

Water and Wastewater Department

In the month of February, the Water Department performed daily maintenance on the water system an average of two to three hours per day. They repaired 3 water leaks and helped with customer service orders. The Water Department flushed fire hydrants for several days at Stonewater subdivision to clear brown water. This was performed after Manville WSC. installed water valves in their 36" water main. There were 12 water inspections at Stonewater, Presidential Glen, Shadowglen and Las Entradas subdivision. All 12 water inspections passed.

In the month of February Wastewater Department performed daily maintenance on the wastewater plant an average of six to eight hours per day. They cleaned and unstopped 3 wastewater mains. There were 12 wastewater inspections at Stonewater, Presidential Glen, Shadowglen and Las Entradas subdivision. All 12 wastewater inspections passed.

Water Production & Purchase

In the month of February, 24% percent of the water, we supplied, to our residents was from our well fields, and we purchased 76% from Bluewater and Manville WSC. In February, the estimated population of residents in the City of Manor is 8,284. Estimated Population for Shadowglen is 2,488 residents.

February 17, 2016

Scott Dunlop
Development Services Planner, City of Manor
105 E. Eggleston Street
Manor, Texas 78653

RE: Whataburger – Manor Variance Letter of Intent

Whataburger - Manor
12003 E. US 290 Hwy EB
Manor, Texas 78653
Lot 7 Block A Replat Manor Commons SW

Dear Mr. Dunlop:

As the Engineer for the proposed Whataburger restaurant in Manor, TX; we have prepared this letter in accordance with the City of Manor's requirements for a zoning ordinance variance to allow the following items:

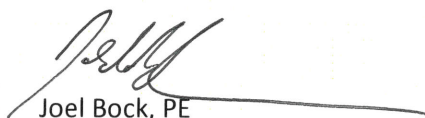
1. Ordinance No. 185, Article II, Section 20.m.iii, Ordinance No. 185, Article II, Section 20 Chart 4 & Ordinance No. 185-H Section 44. According to Ordinance No. 185-H Section 31; the Heavy Commercial "C-2" zoning district has been amended to allow "Restaurant – Drive Through" as a permitted use. According to Ordinance No. 185, Article II, Section 20 Chart 4; the minimum parking requirements for "Restaurant – Drive Through" are "one space for every four seats provided for customer service". According to Ordinance No. 185, Article II, Section 20 Chart 4; the maximum parking spaces allowed are 150% of the parking required pursuant to Chart 4.

Request: As this project, with 88 seats in a 3,583 square foot restaurant, meets the minimum parking requirements of 1 stall per 4.0 seats, the variance request is to be allowed to build parking based on a ratio that has been vetted in numerous restaurant sites of this size and type all over the State. The ratio requested is to exceed the maximum number of stalls based on seating and we request a ratio of 1 stall per 2.4 seats to be granted with this variance. The project requirements for landscaping and other City requirements can be met for all other aspects of the project.

We thank you for your consideration of this variance request and welcome your comments anytime.

Sincerely,

Jacobs Engineering Group Inc.



Joel Bock, PE
Project Manager



Property Information:

Manor Commons SW	7	A	10.973
Subdivision Name	Lot(s) #	Block(s) #	Acreage
Current Zoning <u>C-2 Heavy Commercial</u>			
<u>LOT 7 BLK A MANOR COMMONS SW</u>			

Legal Description
(may be provided separately)

Applicant Information:

Please Note: The signature of owner authorizes City of Manor staff to visit and inspect the property for which this application and checklist is being submitted. The signature also indicates that the applicant or his agent has reviewed the requirements of this checklist and all items on this checklist have been addressed and complied with. **Note: The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.**

(Check One):

 I, the owner, will represent this application with the City of Manor.

 X I, the owner, hereby authorize the person named below to act as my agent in representing this application with the City of Manor.

Barth ~~Geraldine~~ Timmermann, President (512) 773-0498
Owner's Name (printed) Greenview Manor Commons S.W. C.P. Phone Fax
501 Vale Street
3140 Greenway St. Austin TX 78705 46
Owner's Address City State Zip
Barth Timmermann 3/1/16 barthtimmermann@aol.com
Owner's Signature Date Email Address

By signing this application Owner affirms that the statements made in the complete application are true and correct to best of his/her knowledge and belief.

Agent's Name: Anthony Ennis

Company: Jacobs

Mailing Address: 2705 Bee Caves Rd. Suite 300 Austin TX 78746
Street City State Zip
(512) 732-7560 Anthony.Ennis@jacobs.com
Phone Fax Email Address



Variance/Waiver Justification

Variance/Waiver Justification:

NOTE: The reviewing entity must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

Restaurant parking regulations have a minimum of one space for every four seats and a maximum of 150% of the parking required.

HARDSHIP:

2. (a) The hardship for which the zoning change or variance/waiver is requested is unique to the property in that:

As this project, with 88 seats in a 3,583 square foot restaurant, meets the minimum parking requirements of 1 stall per 4.0 seats, the variance request is to be allowed to build parking based on a ratio that has been vetted in numerous restaurant sites of this size and type all over the State. The ratio requested is to exceed the maximum number of stalls based on seating and we request a ratio of 1 stall per 2.4 seats to be granted with this variance. The project requirements for landscaping and other City requirements can be met for all other aspects of the project.

- (b) The hardship is not general to the area in which the property is located because:

The restaurant is proposed in the front of the new Walmart project and is adjacent to other restaurants. Through parcel size negotiations as part of the transaction with the seller, the resulting restaurant size of 3,583 square feet was chosen to fit on the land and meet the project requirements and the subsequent parking ratio from other statewide projects that has become a standard of this Restaurant Owner and all it brings to the City it builds in.

AREA CHARACTER:

3. The zoning change or variance/waiver will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Granting this variance will not impair the purpose of the regulations or the adjacent properties as this district is a retail and restaurant district in the growing City of Manor and the additional stalls will make it easier for restaurant patrons to park and utilize the facility and likely others nearby.

NOTE: The reviewing entity cannot grant a zoning change or variance/waiver that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.