

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §

KEITH BONNER, COUNCIL PLACE 1
DAVID LANDS, COUNCIL PLACE 2
HARRY OPLIGER, COUNCIL PLACE 3
ED PERRY, COUNCIL PLACE 4
CRYSTAL SARMIENTO, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6



DAN DAVIS, MAYOR
DAN JOHNSON, CITY MANAGER
TAMMY BELL, CITY SECRETARY

**NOTICE OF A CITY COUNCIL MEETING
OF THE CITY OF MANVEL
July 15, 2024**

**NOTICE IS HEREBY GIVEN
5:00 P.M. WORKSHOP – 6:00 P.M. REGULAR SESSION**

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the Manvel City Council will convene a regular meeting at the Manvel City Hall, located at **20031 Hwy 6, Manvel Tx 77578** for the purpose of discussing and if appropriate, take action with respect to the following items:

NOTE: The City Council of the City of Manvel reserves the right to discuss any items in Closed Session whenever authorized under the Texas Open Meetings Act, Chapter 551, of the Texas Government Code. The City Council may discuss the items on this agenda in any order.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpreter services must be made 48 hours prior to this meeting. Please contact the City Secretary at 281-489-0630 x6 for further information.

CITY OF MANVEL MISSION STATEMENT

The City of Manvel is a safe and responsible community, embracing the values of our past, present, and future citizens.

Workshop Session

Budget Presentations:
Public Works
City Secretary

Presentation/update by Kendig Keast on Future Manvel Survey and Manvel Today Report.

Discussion on any item as listed on the agenda.

Regular Session

Call To Order

Invocation

Inspirational Reading - Mayor Davis

Pledge

Pledge of Allegiance and Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible.

Presentations

Recognition of Captain Robert McClain for graduating from Leadership Command College at Bill Blackwood Law Enforcement Management Institute Of Texas (LEMIT).

Servant Leadership Award for Ruth Ann Dietz

Public Comments: "Comment Card" Required

o Members of the public with business before the board, NOT scheduled on the agenda as a public hearing (that have submitted a public comment card) may have three (3) minutes to address the board. o The board may not participate in any discussion and cannot vote on the subject you present unless it is listed on the agenda as an action item.

City Manager Update

Update on current events and city issues.

Update on Hurricane Beryl.

Consent Agenda

1. Acceptance of the meeting minutes to date.
2. Approve second and final reading of Ordinance No. 2024-O-25;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATELY 20.41 ACRE TRACT OF LAND LOCATED AT 17221 STATE HIGHWAY 6, SUITE 103, MANVEL, TEXAS (DESCRIBED AS RESERVE "B" OF MANVEL TOWN CENTER SECTION ONE), FROM PLANNED UNIT DEVELOPMENT AND STATE HIGHWAY 6 OVERLAY DISTRICT (PUD-SH6) TO PLANNED UNIT DEVELOPMENT AND STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD-SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR 812113, "NAIL SALONS" TO BE LOCATED WITHIN THE TOWN CENTER DEVELOPMENT; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. *(Approved with conditions by PD&Z on 6-24-2024 - Vote 7-0. City Council approved the first reading on 7/1/24 – Vote 7-0).*
3. Acceptance of infrastructure improvements for Sanitary Sewer Force Main Phase 1 to Serve Valencia for Brazoria County Municipal Utility District No. 83 to begin the Two-Year Maintenance Period.

Items Removed from Consent Agenda

Regular Agenda

1. Consideration and possible action to approve the first of two readings of Ordinance No. 2024-O-26;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATELY 1.5491 ACRE TRACT OF LAND GENERALLY LOCATED EAST OF 17518 MORRIS AVENUE (STATE HIGHWAY 6), MANVEL, TEXAS FROM LIGHT COMMERCIAL AND STATE HIGHWAY 6 OVERLAY DISTRICT LC-SH6) TO LIGHT COMMERCIAL AND STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD-SH6- SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR 621493 "AMBULATORY HEALTH CARE SERVICES"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. *(Approved with conditions by PD&Z on 6-24-2024 - Vote 7-0) (Tabled by City Council on 7/1/2024)*
2. Consideration and possible action to approve the first of two readings of Ordinance 2024-O-30;
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL BY AMENDING CHAPTER 33 "FOOD AND FOOD HANDLERS" TO ADOPT THE 2021 *TEXAS FOOD ESTABLISHMENT RULES* (TFER), WITH LOCAL AMENDMENTS CONSISTENT THEREWITH, REGULATING FOOD ESTABLISHMENTS; AMENDING CHAPTER 35 "FOOD AND FOOD HANDLERS" TO AMEND DEFINITIONS AND OTHER PROVISIONS TO MAKE THE RULES PERTAINING TO MOBILE FOOD VENDORS CONSISTENT WITH ADOPTION OF THE 2021 TFER; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.
3. Consideration and possible action to approve on first reading, Ordinance E-2024-O-31;
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, PROVIDING FOR PRICE CONTROLS DURING THE DECLARED STATE OF DISASTER FOR HURRICANE BERYL; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR A VIOLATION OF ANY PROVISION HEREOF.
4. Consideration and possible action to authorize the City Manager to negotiate and execute the Debris Clean Up and Debris Monitoring Agreements.

Executive Session

Section 551.074: Personnel Matters; to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Discuss complaints against Mayor and city personnel for the situation with residents on Mississippi St.

Regular Agenda

5. Discussion on Zoning Ordinance, Article II - District Regulations, Section 77-50 (e) 10: Directional Lighting (requested by Councilmember Bonner and Councilmember Sarmiento).
6. Discussion on the situation with residents on Mississippi St.

Mayor and Council Comments

Update on current events and city issues.

Additionally, pursuant to Texas Government Code § 551.0415, City Council Members and city staff may make a report about items of community interest during a meeting of the governing body without having given notice of the report.

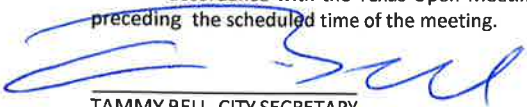
Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Adjourn

CERTIFICATION

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the Manvel City Council is true and correct and that I posted such notice on the bulletin board at the Manvel City Hall; a place convenient and readily accessible to the public on July 12, 2024 in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551.001 et.seq). Said notice remained posted for at least 72 hours preceding the scheduled time of the meeting.


TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS



THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §

KEITH BONNER, COUNCIL PLACE 1
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JEROME HUDSON, COUNCIL PLACE 6



DAN DAVIS, MAYOR
DAN JOHNSON, CITY MANAGER
TAMMY BELL, CITY SECRETARY

MISSION STATEMENT:

"The City of Manvel is a safe and responsible community, embracing the values of our past, present, and future citizens."

MINUTES 7/1/2024

Workshop Session - 5:00 pm

Mayor Davis called the workshop of the Manvel City Council to order at 5:00 p.m.

Those in attendance were:

Present: Mayor Dan Davis
City Councilmember Place 1 Keith Bonner
City Councilmember Place 2 David Lands
City Councilmember Place 3 Harry Opliger
City Councilmember Place 4 Ed Perry (Arrived left)
City Councilmember Place 5 Crystal Sarmiento
City Councilmember Place 6 Jerome Hudson

Absent: None

Also Present: Dan Johnson, City Manager
Bobby Gervais, City Attorney
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Robbie Hall, Public Works Director
Chad, Personnel Director
John Sherman, Animal Control Officer

Budget Presentation - Public Safety

Chief Traylor provided his department's budget presentation.

The Department of Public Safety consists of five divisions - Police, Fire Marshal, Code Enforcement, Animal Control, and Emergency Management

Highlights of Police Department requests:

Personnel requests - 2 patrol officers, reclassify one dispatcher as a lead communications officer
Need to replace 4 patrol units. If personnel need is met, then will need units for those officers as well.

Convert all patrol body armor to rifle resistant armor

Create additional incentive pay for officers and communications personnel

Purchase investigative equipment to assist CID and Patrol in investigations

Radar trailers

Fire Marshal requests include equipment needs to fulfill the needs of their duties.

Code Enforcement requests include an additional code enforcement officer, uniforms/supplies, new truck for new employee

Animal Control requests include an additional Animal Control officer, equipment/supplies, truck with lift for new employee

***The Workshop Session was recessed and reconvened for the Workshop Session before the Regular Agenda**

EXECUTIVE SESSION

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.072: "Deliberation regarding real property", to discuss the following:

Deliberate the purchase, exchange, lease, or value of real property

Discussion on any topic as listed on the current agenda.

Mayor Davis made a motion to recess the meeting at 6:02 p.m. Councilmember Bonner seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

Regular Session - 6:00 pm

Call To Order

Mayor Davis called the meeting of the Manvel City Council to order at 6:03 p.m.

Those in attendance were:

Present: Mayor Dan Davis
City Councilmember Place 1 Keith Bonner
City Councilmember Place 2 David Lands
City Councilmember Place 3 Harry Opliger
City Councilmember Place 4 Ed Perry
City Councilmember Place 6 Jerome Hudson
City Councilmember Place 5 Crystal Sarmiento

Absent: None

Also Present: Dan Johnson, City Manager
Bobby Gervais, City Attorney
Tammy Bell, City Secretary

July 1, 2024 MANVEL CITY COUNCIL MEETING MINUTES

Keith Traylor, Chief of Police
Robbie Hall, Public Works Director
Chad, Personnel Director
John Sherman, Animal Control Officer

Invocation

Inspirational Reading - Councilmember Opliger

Pledge

Presentations

Public Hearing

1. CANCELED

TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING CHAPTER 77 - ZONING, OF THE CODE OF ORDINANCES, PROVIDING FOR THE REGULATION OF ACCESSORY DWELLING UNITS; PROVIDING FOR THE CREATION AND MODIFICATION OF DEFINITIONS RELATED TO THE REGULATION OF ACCESSORY DWELLING UNITS, SECTION 77-3, DEFINITIONS; PROVIDING FOR AMENDMENTS TO SECTION 77-27, OPEN SINGLE- FAMILY RESIDENTIAL (O-SFR) DISTRICT; PROVIDING FOR AMENDMENTS TO SECTION 77-28, SINGLE-FAMILY RESIDENTIAL (SFR) DISTRICT; PROVIDING FOR AMENDMENTS TO SECTION 77-37, 77-38 - RESERVED, BY ESTABLISHING SECTION 77-37 - ACCESSORY DWELLING UNIT (ADU); PROVIDING FOR THE ESTABLISHMENT OF SECTION 77-38 – RESERVED; AND PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

2. TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATELY 20.41 ACRE TRACT OF LAND LOCATED AT 17221 STATE HIGHWAY 6, SUITE 103, MANVEL, TEXAS (DESCRIBED AS RESERVE “B” OF MANVEL TOWN CENTER SECTION ONE), FROM PLANNED UNIT DEVELOPMENT AND STATE HIGHWAY 6 OVERLAY DISTRICT (PUD-SH6) TO PLANNED UNIT DEVELOPMENT AND STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD-SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR 812113, “NAIL SALONS” TO BE LOCATED WITHIN THE TOWN CENTER DEVELOPMENT; PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Mayor Davis opened the Public Hearing at 6:08 p.m.

First call for comments - None

Second call for comments - None

Third call for comments - None

Mayor Davis closed the public hearing at 6:09 p.m.

3. TO HEAR INPUT FROM THE PUBLIC REGARDING AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATELY 1.5491 ACRE TRACT OF LAND GENERALLY LOCATED EAST OF 17518 MORRIS AVENUE (STATE HIGHWAY 6), MANVEL, TEXAS FROM LIGHT COMMERCIAL AND STATE HIGHWAY 6 OVERLAY DISTRICT LC-SH6) TO LIGHT COMMERCIAL AND STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD-SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR 621493 "AMBULATORY HEALTH CARE SERVICES"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Mayor Davis opened the Public Hearing at 6:09 p.m.

First call for comments - None

Second call for comments - None

Third call for comments - None

Mayor Davis closed the public hearing at 6:10 p.m.

Public Comments: "Comment Card" Required

Jared Jennings - opposed to the changes in the animal ordinance. Feels there is contradictions and it needs to be reviewed more.

George Duccomon - 6602 Mississippi - issues with the neighbor across the street from his property. Lights, dogs, and a noose hanging from a tree in his front yard.

Katherine Duccomon - 6602 Mississippi - spoke on the same issues with the neighbor across the street from property. Lights, dogs, and a noose hanging from a tree in front yard.

Cindy Guire - 8925 Briarcrest - opposed the changes in the animal ordinance

Julie Bradley - opposed to the changes in the animal ordinance

Cynthia Cortinez - 7204 Carpenter Rd - opposed to the changes in the animal ordinance

Donna Jarvis - Founder of Lone Star Paws - opposed to the changes in the animal ordinance

Dianna Nickel - 4815 Old Chocolate Bayou - opposed to the changes in the animal ordinance

Rebecca Quinn - 6823 Travis Street - opposed to the changes in the animal ordinance

City Manager Update

1 - Camino Development - working through the beta testing.

2 - Had a successful week last week. Rolled out the mission statement and values with all staff.

3 - Had a meeting with TxDOT, the first of many meetings to come. Discussed the Meridiana Parkway "porkchop", possible signals, the possibility of monument signs in the TxDOT ROWs.

4 - Manvel Market will be the first Saturday in August

5 - Fireworks - Fourth Fest at Freedom Field

Consent Agenda

1. Acceptance of the meeting minutes to date.
2. Approve Resolution 2024-R-23;
RESOLUTION OF THE CITY OF MANVEL, TEXAS GIVING CONSENT TO THE SALE AND ISSUANCE OF BONDS BY BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 56 OF BRAZORIA COUNTY.

July 1, 2024 MANVEL CITY COUNCIL MEETING MINUTES

3. Approve Resolution 2024-R-24;
A RESOLUTION OF THE CITY OF MANVEL, TEXAS GIVING CONSENT TO THE SALE AND ISSUANCE OF BONDS BY BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 39 OF BRAZORIA COUNTY
4. Approve Resolution 2024-R-25;
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, ADOPTING THE BRAZORIA COUNTY HAZARD MITIGATION PLAN 2023.
5. Approve the second and final reading of Ordinance 2024-O-23;
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL, TEXAS, BY AMENDING SECTION 41-4 "SCHOOL ZONES" OF THE CODE OF ORDINANCES TO REVISE THE PROVISIONS PERTAINING TO TIMES AND PLACES FOR SCHOOL ZONES; AUTHORIZING THE ENFORCEMENT OF ALL STATE REGULATIONS; AUTHORIZING THE PLACEMENT OF SIGNS INDICATING THE SPEED LIMITS ON THE STREETS AND PORTIONS OF STREETS DESIGNATED HEREIN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR CONFLICT HERewith; PROVIDING A PENALTY OF AN AMOUNT OF NOT LESS THAN ONE DOLLAR (\$1) OR MORE THAN TWO HUNDRED DOLLARS (\$200) FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.
6. Acceptance of Special Warranty Deed from Pomona Phase 2A, LLC., being 1.225 acres located in the A.C.H.& B.R.R. Co. Survey Section 89, Abstract 417, BC, Texas, being a portion of Lot 24 of Section 89 of the Allison Richey Gulf Coast Home Company, Part of Suburban Gardens a subdivision of record in Volume 2, Page 98, of the Plat Records of said Brazoria County, Texas.
7. Acceptance of Special Warranty Deed from Pomona Phase 2A, LLC., being 3.308 acres located in the A.C.H.& B.R.R. Co. Survey Section 89, Abstract 417, BC, Texas, being a portion of Lot 29 of Section 89 of the Allison Richey Gulf Coast Home Company, Part of Suburban Gardens a subdivision of record in Volume 2, Page 98, of the Plat Records of said Brazoria County, Texas.

Councilmember Hudson made the motion to approve the Consent Agenda. Councilmember Opliger seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

Items Removed from Consent Agenda – None

Regular Agenda

Mayor Davis made a motion to recess the Regular Session at 6:42 p.m.

Councilmember Bonner seconded the motion.

The motion carried with an all-in-favor vote of 7/0.

Mayor Davis reconvened the Workshop Session at 6:42 p.m.

Councilmember Perry seconded the motion.

The motion carried with an all-in-favor vote of 7/0.

July 1, 2024 MANVEL CITY COUNCIL MEETING MINUTES

Mayor Davis convened the Workshop Session into Executive Session at 6:43 p.m.

Mayor Davis reconvened the Workshop Session out of Executive Session at 7:21 p.m.

No action was taken.

Mayor Davis made a motion to reconvene the Regular Session at 7:21 p.m.

Councilmember Hudson seconded the motion.

The motion carried with an all-in-favor vote of 7/0.

Regular Agenda Continued

1. Consideration and possible action authorizing the City Manager to purchase a certain tract of land, not to exceed the purchase price directed by City Council, and provided there is an existing funding source in the current budget.

This is for the property behind City Hall that faces 1128. Council wants to see a park space built into the plans.

Councilmember Opliger made the motion to approve. Councilmember Hudson seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

***Regular Agenda Item 5 was acted upon here, after Regular Agenda Item 1.**

2. Consideration and possible action to approve the Contract for Planning Services between Manvel EDC and Next Move Group for an Economic Development Strategic Plan. (Forwarded with favorable recommendation by MEDC - Vote 5/0)

Tammy Bell, City Secretary, provided an overview. Timeframe is 120 days.

Councilmember Bonner made the motion to approve. Councilmember Perry seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

3. Consideration and possible action to approve the first of two readings of Ordinance No. 2024-O-25;

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATELY 20.41 ACRE TRACT OF LAND LOCATED AT 17221 STATE HIGHWAY 6, SUITE 103, MANVEL, TEXAS (DESCRIBED AS RESERVE "B" OF MANVEL TOWN CENTER SECTION ONE), FROM PLANNED UNIT DEVELOPMENT AND STATE

July 1, 2024 MANVEL CITY COUNCIL MEETING MINUTES

HIGHWAY 6 OVERLAY DISTRICT (PUD-SH6) TO PLANNED UNIT DEVELOPMENT AND STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD-SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR 812113, "NAIL SALONS" TO BE LOCATED WITHIN THE TOWN CENTER DEVELOPMENT; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION

HEREOF. *(Approved with conditions by PD&Z on 6-24-2024 - Vote 7-0)*

Joe Newton, BBG Consulting, provided an overview to Council.

PD&Z recommended approval with two conditions:

1. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
2. All doors shall remain unlocked and accessible during normal business hours.

Mayor Pro-Tem Sarmiento made the motion to approve with conditions. Councilmember Hudson seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

4. Consideration and possible action to approve the first of two readings of Ordinance No. 2024-O-26;

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATELY 1.5491 ACRE TRACT OF LAND GENERALLY LOCATED EAST OF 17518 MORRIS AVENUE (STATE HIGHWAY 6), MANVEL, TEXAS FROM LIGHT COMMERCIAL AND STATE HIGHWAY 6 OVERLAY DISTRICT LC-SH6) TO LIGHT COMMERCIAL AND STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD-SH6- SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR 621493 "AMBULATORY HEALTH CARE SERVICES"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. *(Approved with conditions by PD&Z on 6-24-2024 - Vote 7-0)*

Joe Newton, BBG Consulting, provided an overview to Council.

PD&Z recommended approval with four conditions:

1. The facility is permitted to be open for twenty-four (24) hours.
2. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
3. All doors shall remain unlocked and accessible during normal business hours.
4. All dry detention ponds shall have minimum 15 feet maintenance berm around all sides of the pond.
 - a) Unless an Engineering Criteria Manual Deviation is approved for less than 15 feet for dry detention (shows 10 feet). This has been discussed with the City Engineer.
5. All development requirements must be satisfied during the permitting process.

July 1, 2024 MANVEL CITY COUNCIL MEETING MINUTES

The applicant was not present and the Mayor has a lot of questions and concerns with this and would like them answered/addressed before proceeding.

Mayor Davis made the motion to table. Councilmember Opliger seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

5. Consideration and possible action to approve the first of two readings of Ordinance No. 2024-O-27;

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING CHAPTER 8. ANIMALS, BY ADOPTING NEW PROVISIONS GOVERNING ANIMALS; ADDING A NEW ARTICLE II. KENNELS AND CATTERIES; ADDING A NEW ARTICLE III. ANIMAL RESCUER PERMIT; ADDING A NEW ARTICLE IV. ANIMAL SELLER PERMIT; ADDING A NEW ARTICLE V. PETTING ZOOS; PROVIDING A PENALTY FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Moved to after Regular Agenda Item 1

Chief Traylor provided an overview of the proposed changes to the animal ordinance. Mayor Davis repudiated a lot of information that was posted by a citizen on facebook. Bobby suggests removing the kennels and catteries for now and reevaluating but moving forward with the other changes.

Mayor Davis made the motion to amend the ordinance to strike Articles 2 and 3 from the ordinance. Mayor Pro-Tem Sarmiento seconded the motion.

Mayor Davis made the motion to approve as amended. Councilmember Opliger seconded the motion.

The motion carried with a vote: 6/1

Yes: Mayor Dan Davis, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: City Councilmember Place 1 Keith Bonner

Absent: None

Abstained: None

6. Consideration and possible action to approve Resolution 2024-R-22;
A RESOLUTION OF THE CITY OF MANVEL, TEXAS, CALLING A PUBLIC HEARING TO BE HELD JOINTLY BY THE CITY COUNCIL AND THE PLANNING, DEVELOPMENT AND ZONING COMMISSION IN REGARD TO SEVERAL REGULATORY CHANGES TO THE ZONING ORDINANCE; PRESCRIBING THE TYPE OF NOTICE TO BE GIVEN OF THE TIME AND PLACE OF THE JOINT PUBLIC HEARING; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Tammy Bell, City Secretary, provided an overview.

Mayor Davis made the motion to approve. Mayor Pro-tem Sarmiento seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

7. Consideration and possible action to fill the vacancy on the Manvel Parks Board.

Mayor Davis made the motion to appoint Samuel Miller. Councilmember Bonner seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

8. Consideration and possible action to authorize the expenditure for furniture, fixtures, and equipment for the new Public Safety Building from funds allocated in the current FY 2023-2024 budget.

Chief Traylor provided an overview.

Councilmember Bonner made the motion to approve. Councilmember Perry seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

9. Update on the status of the TFER Ordinance.

Chief Traylor provided the update. Need to finalize a section before presenting. This will be on the next meeting.

Adjourn

Mayor Davis made the motion to adjourn the meeting at 8:52 p.m. Councilmember Bonner seconded the motion.

The motion carried with a vote: 7/0

Yes: Mayor Dan Davis, City Councilmember Place 1 Keith Bonner, City Councilmember Place 2 David Lands, City Councilmember Place 3 Harry Opliger, City Councilmember Place 4 Ed Perry, City Councilmember Place 5 Crystal Sarmiento, City Councilmember Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

CERTIFICATION

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS

DAN DAVIS, MAYOR
CITY OF MANVEL, TEXAS



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: July 1, 2024

TOPIC: Public hearing regarding amending the zoning ordinance by changing the zoning classification of 20.41 acre tract of land located at 17221 State Highway 6, Manvel, TX from Planned Unit Development District and State Highway 6 Overlay District (PUD/SH6) to Planned Unit Development District and State Highway 6 Overlay District with a Specific Use Permit (PUD/SH6-SUP); providing for the granting of a Specific Use Permit with conditions to authorize the use of property for NAICS use **812113** "Nail Salons" within the Town Center Planned Unit Development.

BACKGROUND: The subject site is located at 17211 State Highway 6, Suite 103, within the Town Center Planned Unit Development. The subject site, with approximately 20.41 acres, is located within the Planned Unit Development District and State Highway 6 Overlay District (PUD-HW6). The applicant, Tom Tran, is requesting a Specific Use Permit (SUP) to open a Milano Nail Spa. A Nail Salon is classified as NAICS Use No. 812113, "Nail Salons," which is allowed in the Town Center Planned Unit Development with approval of a Specific Use Permit.

The SUP application with a proposed floor plan and site plan was submitted with the application for this Specific Use Permit. This Nail Salon will have a typical plan for these types of uses with a reception area, two manicure areas, four pedicure areas, facial and wax rooms, eyebrow area, utility areas, and bathrooms. This proposal does not intend to make any exterior improvements to the property. If this Specific Use Permit is approved, Milano Nail Spa can be located within 17221 Highway 6 and tenant improvements can be approved for this use if all building code requirements are satisfied.

The subject site being located along a major thoroughfare, makes it an appropriate location for the proposed use and hence aligns with the Comprehensive plan goals. The proposed use is not anticipated to be injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values in the vicinity.

The Planning, Development, and Zoning Commission unanimously recommended approval to City Council at the June 24, 2024, regular meeting.

RECOMMENDATION: City staff recommends conditional approval with two (2) conditions as proposed by staff and listed in the Staff Report.

ATTACHMENTS: Staff Report and Ordinance No. 2024-O-25

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER

Ian Knox

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____





City Council Specific Use Permit Request

Agenda of:	July 1, 2024	Initiated By:	Ian Knox SAFEbuilt
Department:	Development Services	Presented By:	Ian Knox SAFEbuilt

Subject/Proceeding

Specific Use Permit (SUP) request to establish a 6,050 square-foot Nail Salon within the town center development. This proposed nail salon will be directly east of the grocery store (HEB) and will be part of a 9,106 square-foot retail strip center building. This proposed nail salon is located on a 20.51-acre reserve located at 17221 State Highway 6, Suite 103, Manvel, TX within the Planned Unit Development and State Highway 6 Overlay District. This nail salon will offer a variety of services including, manicures, pedicures, waxing and eye lash services.

Recommended Action

A Public Hearing followed by consideration and action from City Council.

Executive Summary

The subject site is located at 17221 State Highway 6, Suite 103, within the Town Center Planned Unit Development and the Highway 6 Overlay District. This request is for a nail salon is classified as NAICS Use No. **812113**, "Nail Salons" which is allowed within Planned Unit Development (Town Center) and Highway 6 Overlay District with the approval of a Specific Use Permit.

Staff Report

Zoning Ordinance Provisions for Specific Use Permits

In Section 77-50 (a) *Uses Requiring Specific Use Permit*, of the Zoning Ordinance it states "certain uses of land, buildings or structures may not be appropriate under all circumstances in any given zoning district but may be appropriate where adequate precautions can be taken to assure compatibility with surrounding uses, public need, and the orderly development of the city as a whole. This section provides City Council and Planning, Development, and Zoning the opportunity to deny or to conditionally approve those uses for which specific use permits are required. These uses generally have unusual characteristics or are of a public or semipublic character often essential or desirable for the general convenience and welfare of the community. However, because of the nature of use, the importance of the use's relationship to the comprehensive plan, or possible adverse impact on neighboring properties of the use, review, evaluation, and exercise of planning judgement relative to the location and site plan of the proposed use are required."

In Section 77-50 (b) of the Zoning Ordinance it further states, "the City Council, after receiving the recommendation of the planning, development and zoning commission, may by ordinance, grant a specific use permit for the permitted uses, as herein qualified by the permitted use table, in locations and zoning districts to permit a use where they are not otherwise permitted by this article,

and may impose any appropriate conditions and safeguards to protect property and property values, and in the interest of health, safety or welfare.”

General Site Information

The following is a summary of general site information.

Surrounding Property Zoning	North: Planned Unit Development (Town Center)/Exterritorial Jurisdiction South: Light Commercial District (LC), Planned Unit Development (Town Center) & Highway 6 Overlay District East: Highway 288 and Planned Unit Development (Town Center) West: Planned Unit Development (Town Center) & Highway 6 Overlay District
Surrounding Land Use	North: Town Center Commercial Development South: Town Center Commercial Development and Parking East: Highway 288 West: Grocery Store, General Retail and commercial within the Town-Center Planned Unit Development.

Overview

The applicant intends to develop a roughly 6,050 square-foot portion of a 9,106 square-foot commercial strip center that is currently under construction, east of the existing grocery store (HEB). This development will utilize the existing driveways and access established for the Town Center Development.

Staff Recommended Conditions of Approval:

1. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
2. All doors shall remain unlocked and accessible during normal business hours.

Comprehensive Plan

The vision statement in the 2015 Comprehensive Plan seeks to maintain its rural character and small-town values while managing its growth by: “Benefiting from our strategic location by encouraging well planned quality retail, commercial and residential development that reflects and enhances our small-town quality of life”. The subject site being located along a major thoroughfare, makes it an appropriate location for the proposed use and hence aligns with the Comprehensive plan goals. The proposed use is not anticipated to be injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values in the vicinity.

Parking Analysis

This location is part of an under 9,106 square-foot construction retail commercial building. The Town Center development shares parking between multiple parcels and development at a minimum parking standard of five (5) per 1,000 square feet. There are plenty of parking spaces for the proposed use and other uses proposed in this commercial development.

Public Hearing

The Notice of Public Hearing was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. At the time of writing this report, the staff has received no informational inquiry and is not aware of any opposition to the request.

Staff Recommendation

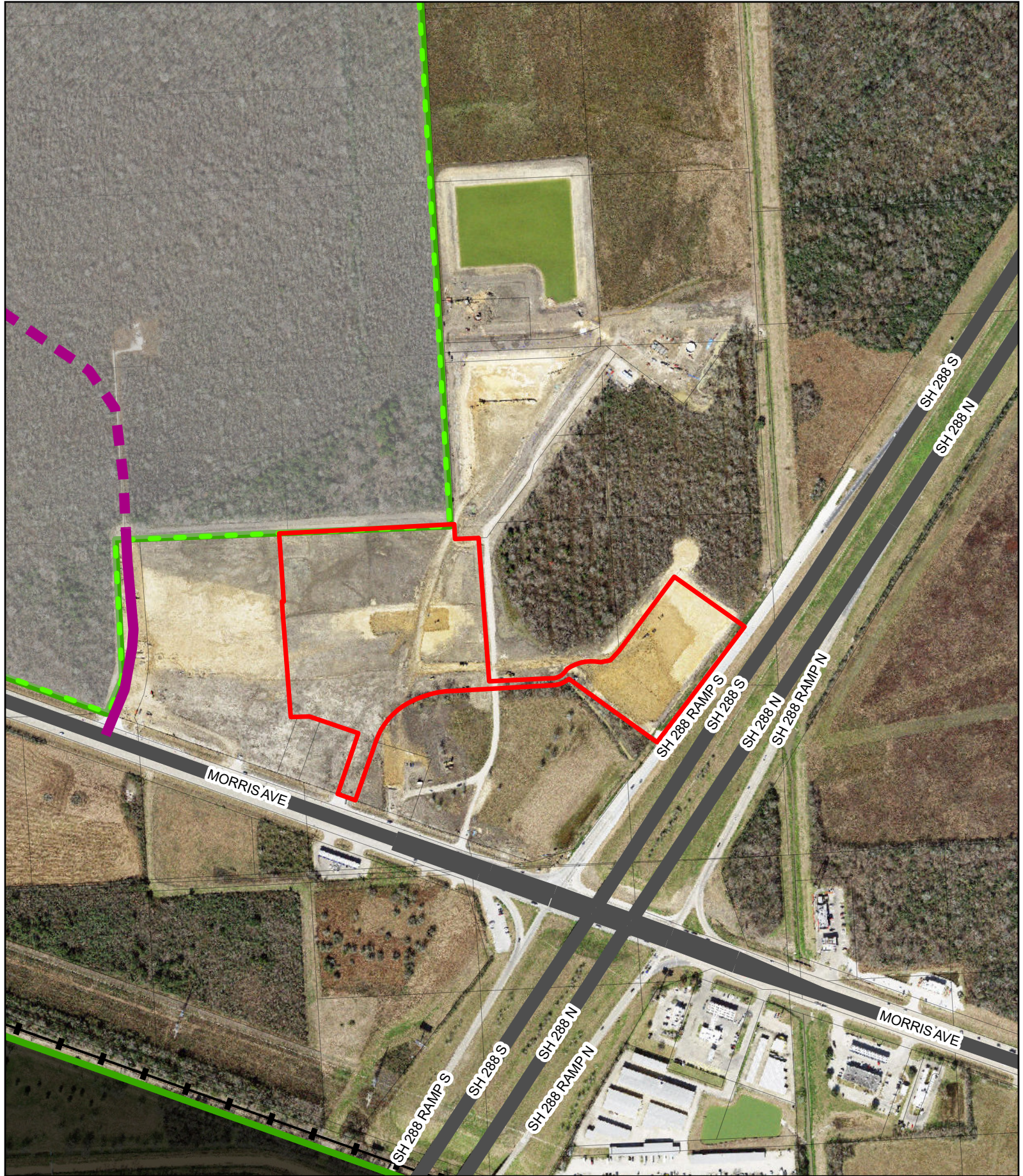
Based on the above discussion, staff recommend conditional approval of this SUP request for the subject site to allow NAICS Use No. 812113, "Nail Salons," as it will not cause any adverse impacts, and will provide necessary services to the City of Manvel. Staff recommends two (2) conditions of approval for the proposed nail salon.

Recommended Conditions.

1. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
2. All doors shall remain unlocked and accessible during normal business hours.

Attached Exhibits

1. Aerial Vicinity Map,
2. Zoning Vicinity Map,
3. Major Thoroughfare Plan Map,
4. Application,
5. Site Plan,
6. Proposed Floor Plan.



17221 State Highway 6 Suit C

-  Parkway (120' ROW)
-  Proposed Parkway (120' ROW)
-  Major Thoroughfare (120' ROW)
-  PID:709378
-  City of Manvel ETJ
-  City of Manvel City Limits

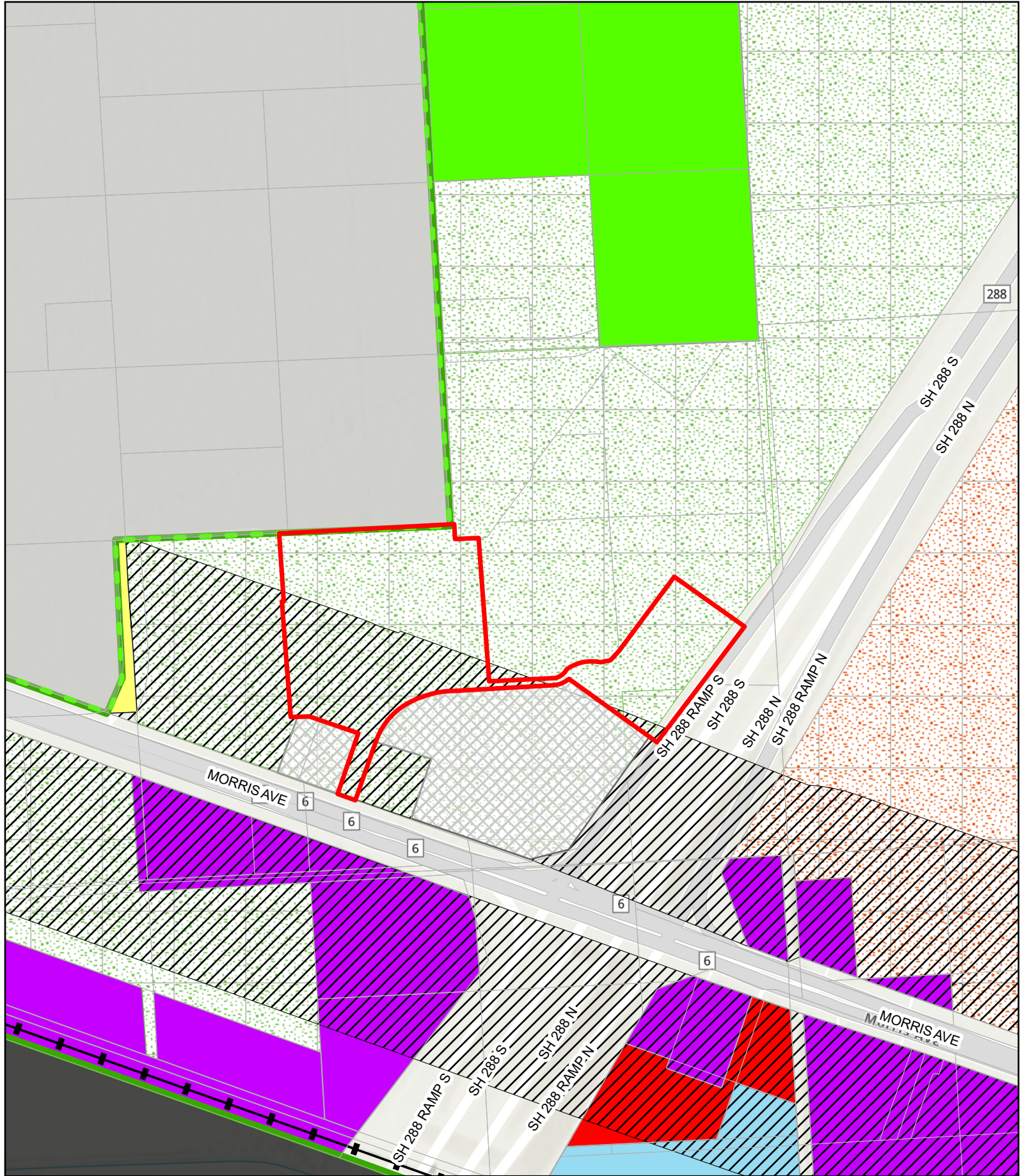
0 225 450 900 1,350 1,800 US Feet



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.



Date: May 2024
Reference: 2024048
Data Source: City of Manvel,
Brazoria County Open Data



17221 State Highway 6 Suit C

- | | | |
|----------------------------|---|------------------------------------|
| PID:709378 | Light Commercial District | Single-Family Residential District |
| City of Manvel ETJ | Multi-Family District | Open - Planned Unit Development |
| City of Manvel City Limits | Planned Unit Development | |
| Heavy Commercial District | Open Single-Family Residential District | |

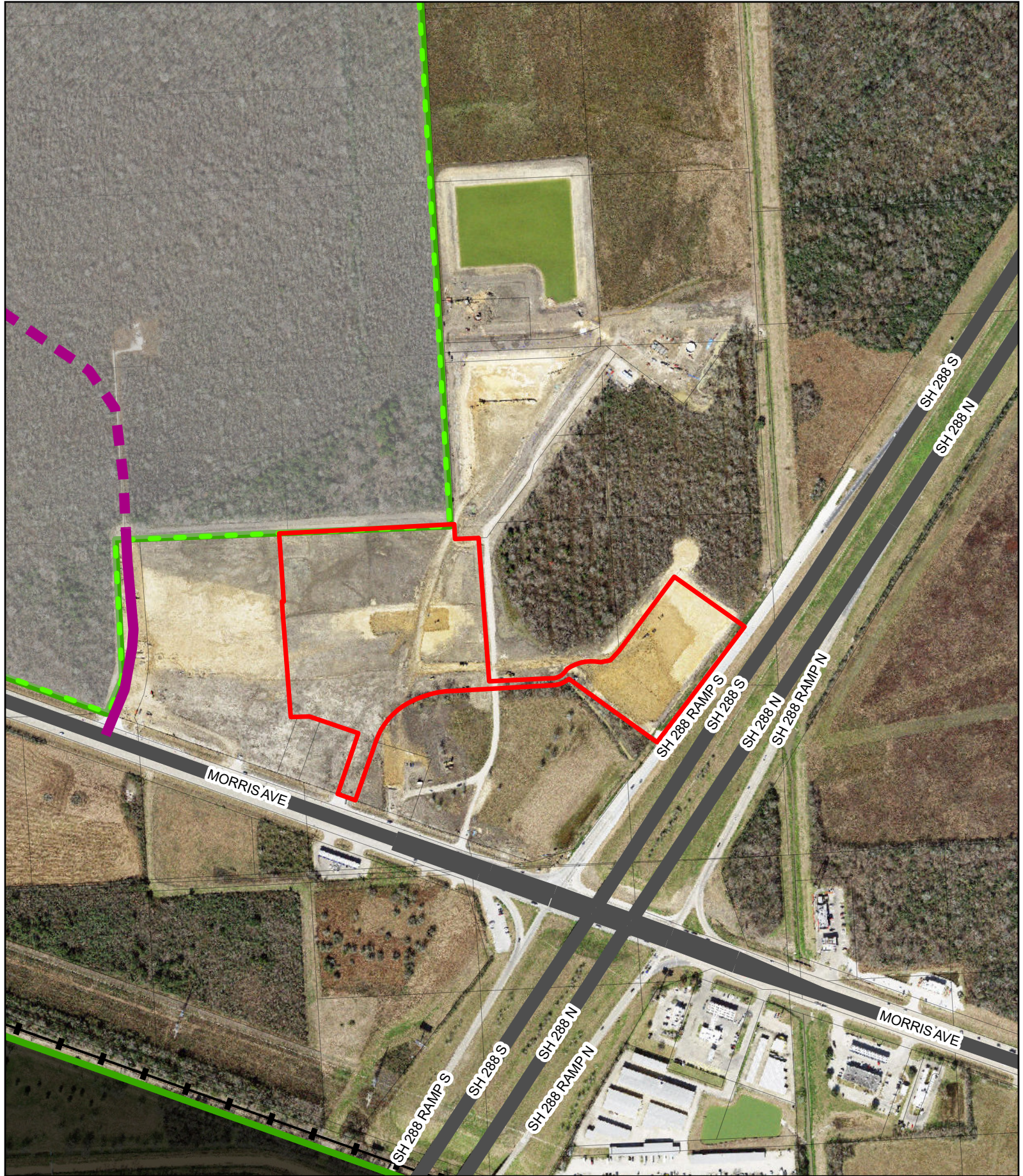


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0 225 450 900 1,350 1,800 US Feet

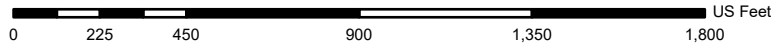


Date: May 2024
Reference: 2024048
Data Source: City of Manvel,
Brazoria County Open Data



17221 State Highway 6 Suit C

-  Parkway (120' ROW)
-  Proposed Parkway (120' ROW)
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-  PID:709378
-  City of Manvel ETJ
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Date: May 2024
Reference: 2024048
Data Source: City of Manvel,
Brazoria County Open Data

**DEVELOPMENT SERVICES**

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

SPECIFIC USE PERMIT APPLICATION**PROJECT INFORMATION**

Project Name: MILANO NAIL SPA
Project Location/Address: 17221 STATE HWY 6, STE 103, MANVEL, TX 77578
Legal Description: _____
Current Zoning: _____ Proposed Land Use: _____ NAICS No.: _____
Parcel/Tax ID# (s): _____ Total Acreage: _____

APPLICANT INFORMATION

Applicant Name: TOM TRAN - THUOC LE
Company Name: TEL DESIGNS
Address: 13115 PENTACLE LN City: HOUSTON State: TX Zip: 77085
Phone #: 832 367 3670 Email: lekhanh03@yahoo.com

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT, and I, the undersigned, am authorized to make this application on behalf of the owner(s). I understand that this application will expire one year from the date submitted.

[Signature]
Applicant Signature (REQUIRED)

05/14/24
Date

PROPERTY OWNER INFORMATION

Owner(s) Name: TOM TRAN
Address: 17221 STATE HWY 6 #103 City: Manvel State: TX Zip: 77578
Phone #: 832 367 3670 Email: lekhanh03@yahoo.com

PROPERTY OWNER'S AUTHORIZATION (Required - If owner is also the applicant, must sign as both):

I am the owner of the property for which this application is being made. I authorize the above person (Applicant) to submit this application and to correspond with the City of Manvel regarding this application on my behalf.

[Signature]
Owner's Signature (REQUIRED)

05/14/24
Date

**DEVELOPMENT SERVICES**

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

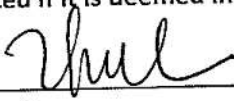
SUBMITTAL CHECKLIST

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the nature of the development; however, it is incumbent upon the applicant to inquire about these exceptions for your project **before** submitting an application. Answers to specific use permit applications can be obtained by attending a pre-development meeting with our Development Review Committee (DRC) prior to submitting a formal application. Please call the phone number on the application to schedule an appointment. Submit application and accompanying documents to the Permits and Inspections at the address above Monday through Thursday between the hours of 7:30 a.m. and 5:30 p.m. and Friday between the hours of 7:30 a.m. and 11:30 a.m.

SPECIFIC USE PERMIT SUBMITTAL CHECKLIST ITEMS	REQUIRED (PLEASE CHECK)
Completed Specific Use Permit Application (with all signatures)	
Two (2) Copies of a Conceptual Plan (building, parking, landscaping, etc. locations)	✓
Two (2) Legal Descriptions of Property (metes & bounds description if not platted)	
Two (2) Copies of Recorded Plat (if platted)	
Two (2) Applicant Letters of Request	
Traffic Impact Analysis, (if applicable)	
Paid Application Fee	

APPLICANT CERTIFICATION

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if it is deemed incomplete.


Applicant Signature

05/14/24
Date



DEVELOPMENT SERVICES
20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

LETTER OF AUTHORIZATION

Have property owner complete and sign, if applicant differs from property owner.

TOM TRAN
Owner Name

17221 STATE HWY 6 #103
Owner Address

Manvel, TX 77578
Owner City, State Zip

05/14/24
Date

Building and Inspections
20025 Highway 6
Manvel, TX 77578

Dear City of Manvel Permits and Inspections,

I, TOM TRAN, certify that I am the owner of the project property located at 17221 STATE HWY 6, SUITE 103 and that the forgoing statements and answers made and all data, information, and evidence herewith submitted are in all respects to the best of my knowledge and belief, true, and correct. I appoint THUC LE with the company T & L DESIGNS (if applicable) to act as my representative for this project. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and /or failure to remit payment for services can lead to delays in this project – up to and including rejecting the project and forfeiting any fees paid.

Please contact me directly at 832-367-3670 if you have any questions.
832-726-2292

Sincerely,

Owner Name TOM TRAN

Owner Signature Tom Tran



PROPOSED FUTURE
DEVELOPMENT
10.0 +/- ACRES

DETENTION AND UTILITY
TRACT DU1
10.0 ACRES

DETENTION
TRACT D1
7.58 ACRES

PROPOSED
MAJOR ANCHOR
147,873 S.F.

LOWE'S
94K DEEP
MODIFIED
173,860 S.F.

GARDEN
CENTER
27,642 S.F.

NOT A PART

MILANO NAILS

TENANT BOOSTER
PUMP LOCATION

TRUCK TURN
120'

PROPOSED
RETAIL SHOPS A

PROPOSED
BURLINGTON
25,017 S.F.
JR ANCHOR A

PROPOSED
ROSS
22,217 S.F.
JR ANCHOR B

PROPOSED
MARSHALL'S
23,354 S.F.
JR ANCHOR D

PROPOSED
HUGO BOSS
10,000 S.F.
JR ANCHOR E

PROPOSED
HUGO BOSS
12,504 S.F.
JR ANCHOR F

PROPOSED
HUGO BOSS
12,504 S.F.
JR ANCHOR F

TRACT 12

TRACT 4A

TRACT 4B

TRACT 4C

TRACT 4D

OUTPARCEL
5
0.94 AC.

OUTPARCEL
6
0.97 AC.

OUTPARCEL
7
0.97 AC.

OUTPARCEL
8
1.13 AC.

OUTPARCEL
9
0.97 AC.

OUTPARCEL
10
0.97 AC.

OUTPARCEL
11
1.24 AC.

OUTPARCEL
12
1.24 AC.

OUTPARCEL
13
1.24 AC.

OUTPARCEL
14
1.30 AC.

UTILITY TRACTS - SYNOPSIS

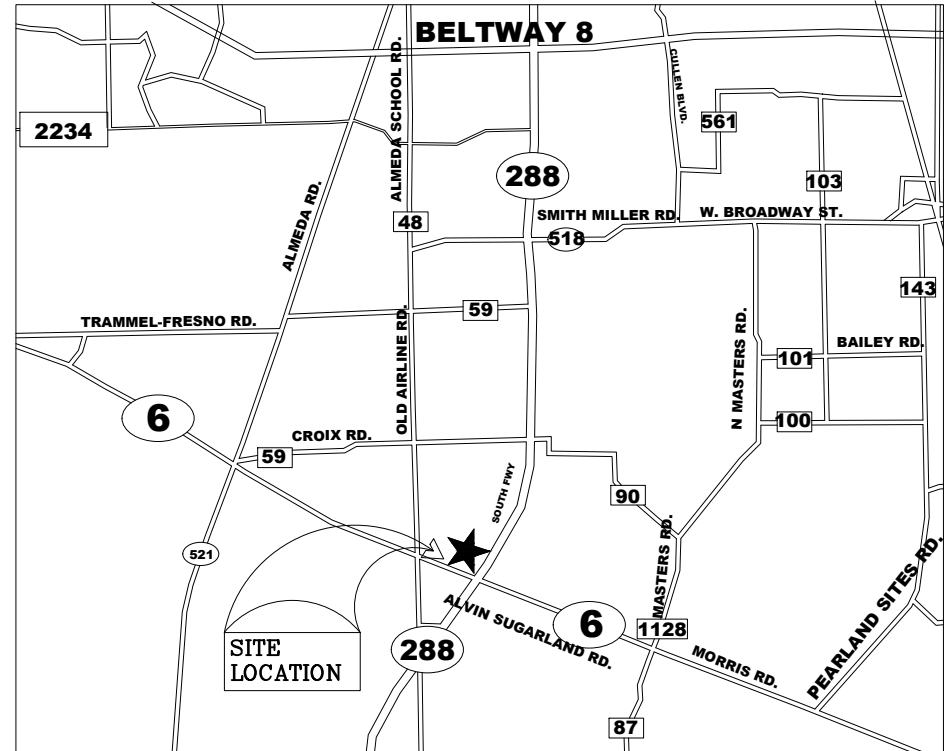
TRACT / USE	LAND AREA
TRACT DU1 / DETENTION & WASTEWATER	449,892 S.F. 10.31 AC.
TRACT D1 / DETENTION	330,109 S.F. 7.58 AC.
TRACT U1 / WATER	63,015 S.F. 1.45 AC.
TOTAL	843,016 S.F. 19.34 AC.

PRELIMINARY SITE PLAN
SCALE: 1"=100'

PHASE 1A - DEVELOPMENT SYNOPSIS							
TRACT	LAND AREA	BLDG. AREA	PARKING REQUIRED	PARKING PROVIDED	PARKING RATIO	DENSITY %	
TRACT 1	528,303 S.F. 12.13 AC.	98,066 S.F.	451 SPACES	489 SPACES	5.4 / 1000	17.05 %	
TRACT 1	BLDG. EXPANDED	114,000 S.F.	570 SPACES	565 SPACES	5.0 / 1000	21.58 %	
TRACT 2	656,988 S.F. 15.08 AC.	111,836 S.F.	559 SPACES	634 SPACES	5.6 / 1000	16.49 %	
OUTPAD 1	71,423 S.F. 1.64 AC.	7,785 S.F.	39 SPACES	68 SPACES	8.7 / 1000	11.14 %	
OUTPAD 2	63,393 S.F. 1.46 AC.	3,745 S.F.	19 SPACES	50 SPACES	13.3 / 1000	6.01 %	
TOTAL	1,320,107 S.F. 30.31 AC.	227,366 S.F.	1187 SPACES	1315 SPACES	5.5 / 1000	N/A	

PHASE 1B - DEVELOPMENT SYNOPSIS							
TRACT	LAND AREA	BLDG. AREA	PARKING REQUIRED	PARKING PROVIDED	PARKING RATIO	DENSITY %	
TRACT 3	612,891 S.F. 14.07 AC.	78,377 S.F.	392 SPACES	535 SPACES	6.8 / 1000	12.79 %	
TOTAL	612,891 S.F. 14.07 AC.	78,377 S.F.	392 SPACES	535 SPACES	6.8 / 1000	12.79 %	

PHASE 1C - DEVELOPMENT SYNOPSIS							
TRACT	LAND AREA	BLDG. AREA	PARKING REQUIRED	PARKING PROVIDED	PARKING RATIO	DENSITY %	
TRACT 4	511,152 S.F. 11.73 AC.	141,502 S.F.	708 SPACES	568 SPACES	4.0 / 1000	27.7 %	
		N/A	N/A	N/A	N/A	N/A	
TRACT 5A	513,963 S.F. 11.80 AC.	147,873 S.F.	738 SPACES	592 SPACES	4.0 / 1000	28.7 %	
TRACT 5B	117,850 S.F. 2.71 AC.	N/A	N/A	N/A	N/A	N/A	
OUTPAD 5	41,019 S.F. 0.94 AC.	N/A	N/A	N/A	N/A	N/A	
OUTPAD 6	98,113 S.F. 2.25 AC.	6,646 S.F.	33 SPACES	167 SPACES	25.0 / 1000	7.2 %	
OUTPAD 7	42,885 S.F. 0.98 AC.	N/A	N/A	N/A	N/A	N/A	
OUTPAD 8	49,440 S.F. 1.13 AC.	N/A	N/A	N/A	N/A	N/A	
OUTPAD 9	42,184 S.F. 0.97 AC.	N/A	N/A	N/A	N/A	N/A	
OUTPAD 10	71,928 S.F. 1.61 AC.	8,500 S.F.	43 SPACES	85 SPACES	10.0 / 1000	11.8 %	
OUTPAD 11	53,927 S.F. 1.24 AC.	N/A	N/A	N/A	N/A	N/A	
OUTPAD 12	53,953 S.F. 1.24 AC.	N/A	N/A	N/A	N/A	N/A	
OUTPAD 13	53,971 S.F. 1.24 AC.	N/A	N/A	N/A	N/A	N/A	
OUTPAD 14	56,567 S.F. 1.30 AC.	N/A	N/A	N/A	N/A	N/A	
TOTAL	1,706,952 S.F. 39.14 AC.	304,521 S.F.	1,522 SPACES	1,412 SPACES	N/A	N/A	



VICINITY MAP
N.T.S.



PRELIMINARY SITE PLAN

SHOPPING CENTER
STATE HWY 6 & STATE HWY 288
MANVEL, TEXAS

SP-52

SHEET NO.

DATE

PROJECT: 13000

SCALE: AS INDICATED

weitzman

1800 BERLING, SUITE 550
HOUSTON, TEXAS

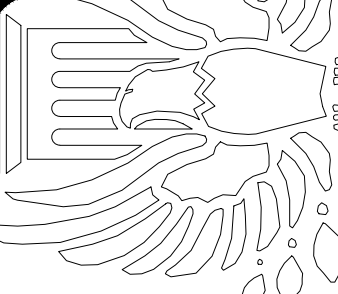
CDA Architects

Member American Institute of Architects
20445 State Hwy 249, Suite 200
Houston, Texas 77070
832/978-9434 Fax 832/678-9440

NOT FOR
REGULATORY
APPROVAL,
PERMITTING, OR
CONSTRUCTION.

KAT A. DUTKIEK

Date: 04/04/2024



MANVEL TOWN CENTER | HWY 288 & SH-6, MANVEL, TX 77578

Current Tenants

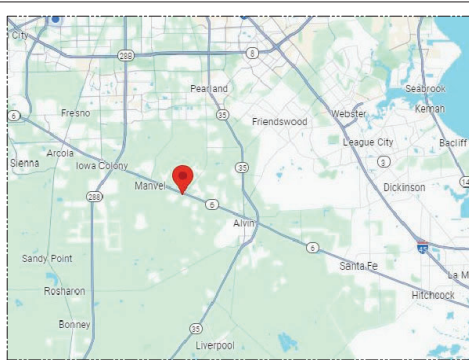
1	H-E-B	108,000 sf
Retail A		
2	Great Clips	1,100 sf
3	Milano Nails	5,000 sf
4	Marble Slab	1,500 sf
5	AT&T*	1,400 sf
Proposed Anchors		
6	Burlington*	25,017 sf
7	Ross*	22,217 sf
8	Five Below*	8,470 sf
9	Marshall's*	22,354 sf
10	Ulta*	10,000 sf
11	Petco*	12,504 sf
12	Lowe's*	113,860 sf
13	Target*	147,873 sf
Restaurant Space		
14	Restaurant	5,850 sf
15	Restaurant	5,850 sf
16	Restaurant	6,300 sf
17	Restaurant	5,227 sf

Retail B		
18	Chipotle	2,430 sf
19	Eye Trends	2,000 sf
20	Available	2,350 sf
21	Jersey Mike's	1,400 sf
22	Aki Steak & Sushi	4,000 sf
Retail C		
23	Dave's Hot Chicken*	2,400 sf
24	MH Go Health	2,600 sf
25	Available	2,000 sf
26	Verizon	3,500 sf
Retail D		
27	Bath & Body Works*	2,400 sf
28	Memorial Hermann	9,000 sf
29	Available	5,000 sf

Retail E		
30	Available	10,400 sf
Retail F		
31	Smoothie King	1,200 sf
32	Ramen Restaurant*	2,000 sf
33	Five Guys*	2,400 sf
Outparcels		
1A	Heartland Dental	3,500 sf
1B	McDonald's	4,456 sf
2	Whataburger	3,745 sf
5	Chase Bank*	0.88 ac
6	Available	2.11 ac
7	Available	0.92 ac
8	Available	1.10 ac
9	Available	0.97 ac
10	Available	1.61 ac
11	Available	1.42 ac
12	Available	1.25 ac
13	Available	1.70 ac
14	Available	1.32 ac



The information was obtained from sources deemed reliable; however, Weitzman has not verified it and makes no guarantees, warranties or representations as to the completeness or accuracy thereof. The presentation of this real estate information is subject to errors; omissions; change of price; prior sale or lease, or withdrawal without notice. You and your advisors should conduct a careful independent investigation of the property to determine if it is suitable for your intended purpose.



1 EXIST. SITE PLAN

DOOR SCHEDULE				
MARK	SIZE	DESCRIPTION	FRAME	HARDWARE & REMARKS
A	3'-0" x 7'-0" x 1 3/4"	EXIST. GLASS STORE FRONT WITH 1/2" SAFETY IMPACT RESISTANT GLASS	ALUM.	EXISTING DOUBLE GLASS STORE FRONT WITH 1/2" SAFETY IMPACT RESISTANT GLASS. THIS DOOR IS TO REMAIN UNOCCUPIED. R/P HANG HARDWARE.
B	3'-0" x 6'-0" x 1 3/4"	WOOD DOOR.	WOOD	PASSAGE SET ONLY & LEVER HANDLE.
C	3'-0" x 6'-0" x 1 3/4"	WOOD DOOR	WOOD	PRIVATELY LOCK SET WITH DOOR CLOSER & LEVER HANDLE.
D	3'-0" x 7'-0" x 1 3/4"	HOLLOW METAL DOOR	METAL	EXIST. KEY LOCKSET DOOR LEVER METAL. THRESHOLD & WEATHERSTRIPPING: 1/2" MAX. @ 1/2" MAX. THRESHOLD. METAL. WITH THIS DOOR IS TO REMAIN UNOCCUPIED. WITH HANG HARDWARE.

NOTES:

- DOOR LATCH SHALL RELEASE WHEN SUBJECTED TO A 5-POUND FORCE FOR INTERIOR AND A 8.5-POUND FORCE FOR EXTERIOR DOOR FROM INSIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL FORCE.
- THE LATCH SHALL HAVE THE LEVER AND SHALL BE MOUNTED AT 40 INCHES ABOVE FINISH FLOOR (A.F.F.), EXCEPT AT ACCESSIBLE STALLS WHICH SHALL BE MOUNTED BETWEEN 34" TO 36" A.F.F.
- ELECT. SWITCHES SHALL BE MOUNTED AT 42" A.F.F.
- RECEPTACLES ON WALL SHALL BE MOUNTED A MIN. OF 15" A.F.F.
- ALL EXIT DOOR TO BE OPENABLE FROM INSIDE WITHOUT THE USE OF A KEY, SPECIAL KNOWLEDGE AND EFFORT.
- ALL LOCKSETS TO BE "SCHLAGE" BRUSHED CHROME, LEVER TYPE (A.D.A.).

1ST FLOOR ROOM FINISH SCHEDULE

AREA	FLOORS	BASE	WALLS	CEILING	HEIGHT	REMARKS
RECEPTION	0	0	0	0	12'-0"	ALL CEILING HEIGHT WILL BE VERIFY WITH OWNER
MANICURE #1 & #2	0	0	0	0	12'-0"	ALL CEILING HEIGHT WILL BE VERIFY WITH OWNER
PEDICURE #1, 2, 3 & #4	0	0	0	0	12'-0"	ALL CEILING HEIGHT WILL BE VERIFY WITH OWNER
WAITING AREA	0	0	0	0	12'-0"	ALL CEILING HEIGHT WILL BE VERIFY WITH OWNER
MEN/WOMEN R/R	0	0	0	0	8'-0"	(WANGCOT 20" HIGH OF FLOOR)
UNISEX R/R	0	0	0	0	8'-0"	(ALL REST ROOM TO BE OXY WHITE)
FACIAL	0	0	0	0	8'-0"	ALL CEILING HEIGHT WILL BE VERIFY WITH OWNER
WAX	0	0	0	0	8'-0"	ALL CEILING HEIGHT WILL BE VERIFY WITH OWNER

MEZZANINE FINISH SCHEDULE

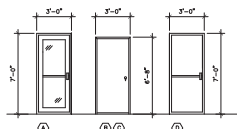
AREA	FLOORS	BASE	WALLS	CEILING	HEIGHT	REMARKS
UTILITY ROOM	0	0	0	0	12'-0"	ALL CEILING HEIGHT WILL BE VERIFY WITH OWNER

SECTION 2509- USE OF GYPSUM IN SHOWERS AND WATER CLOSETS:

- WHEN GYPSUM IS USED AS A BASED FOR TILE OR WALL PANELS FOR TUB, SHOWER OR WATER CLOSET COMPARTMENT WALLS (SEE SECTION 1201.2) WATER-RESISTANT GYPSUM BACKING BOARD SHALL BE USED. REGULAR GYPSUM WALLBOARD IS PERMITTED UNDER TILE OR WALL PANELS IN OTHER WALL AND CEILING AREAS WHEN INSTALLED IN ACCORDANCE WITH TABLE 2509.2. WATER RESISTANT GYPSUM BOARD SHALL NOT BE USED IN THE FOLLOWING LOCATIONS.
- OVER A VAPOR RETARDER.
 - IN AREAS SUBJECT TO CONTINUOUS HIGH HUMIDITY, SUCH AS SAUNAS, STEAM ROOMS OR GANG SHOWER ROOM.
 - ON CEILINGS WHERE FRAME SPACING EXCEEDS 12 INCHES (305mm) ON CENTER.

GENERAL NOTES:

- ALL WORK UNDER THIS CONTRACT SHALL COMPLY WITH THE PROVISIONS OF THE SPECIFICATIONS AND DRAWINGS. CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE LOCAL, STATE AND NATIONAL, ORDINANCES AND REGULATIONS.
- THE CONTRACTOR SHALL OBTAIN ALL PERMITS NECESSARY FOR ALL TRADES, FOR PROPER EXECUTION OF WORK UNDER THIS CONTRACT. THE CONTRACTOR SHALL OBTAIN AND PAY FOR ALL PERMITS REQUIRED FOR THIS PROJECT.
- CONTRACTOR SHALL OBTAIN AND SUBMIT ALL REQUIRED CERTIFICATES OF INSURANCE TO THE OWNER'S AND LANDLORD'S REPRESENTATIVE PRIOR TO COMMENCEMENT OF ANY WORK.
- THE REQUIREMENTS OF THE TENANT'S CRITERIA FOR DESIGN AND CONSTRUCTION FOR THIS BUILDING SHALL BE MADE PART OF THIS CONTRACT.
- THE CONTRACTOR SHALL MAKE HIMSELF FAMILIAR WITH THE JOB SITE CONDITIONS. OMISSION OF SPECIFIC DETAILS, DATA OR DRAWINGS SHALL NOT RELIEVE CONTRACTOR OF ANY RESPONSIBILITIES FOR A COMPLETE WORKING PROJECT AND SYSTEMS. THE CONTRACTOR SHALL THOROUGHLY AGUANT HIMSELF WITH THE CONSTRUCTION REQUIREMENTS AND DETAILS BEFORE SUBMITTING HIS BID, AS NO ALLOWANCES WILL BE ALLOWED BECAUSE OF THE CONTRACTOR'S UNFAMILIARITY WITH THE JOB SITE CONDITIONS AND PROJECT REQUIREMENTS.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AT THE JOB SITE. CONTRACTOR SHALL REPORT ANY DISCREPANCIES AND/OR UNUSUAL CONDITIONS NOT SHOWN OR ANTICIPATED TO THE OWNER'S REPRESENTATIVE PRIOR TO FINALIZING BIDS AND COMMENCEMENT OF ANY CONSTRUCTION.
- ALL WORK UNDER THIS CONTRACT SHALL BE PERFORMED BY COMPETENT WORKMEN AND EXECUTED IN A NEAT WORKMEN LIKE MANNER. THE TENANT SHALL REQUIRE EXTENDED WARRANTIES ON SOME EQUIPMENT.
- ALL PENETRATIONS MADE IN EXTERIOR WALLS OF BUILDINGS FOR CONDUIT, PIPING, WINDOWS AND DOORS SHALL BE SEALED WITH POLYURETHANE.
- NO PENETRATION SHALL OCCUR WITHIN 12" OF ANY OTHER ROOF PENETRATIONS, EXPANSION JOINT OR EDGE DETAIL.
- ALL ROOF OPENINGS REQUIRED WATER TIGHT TEMPORARY COVER UNTIL THE UNIT IS COMPLETED.
- ALL MATERIALS FOR PARTITIONS, WALLS, CEILINGS AND FINISHES SHALL BE APPROVED NON-COMBUSTIBLE MATERIALS.
- ALL DEMISING WALLS SHALL BE FIRE CODE RATED TYPE "X" SHEET ROCK, TAPED, FLOATED AND SEALED AIR TIGHT TO ROOF DECK ABOVE. ANY PENETRATIONS IN FIRE WALLS TO BE PROPERLY SEALED.
- THE CONTRACTOR SHALL CUT AND EXCAVATE ANY CONCRETE REQUIRED FOR ELECTRICAL, PLUMBING OR PIPING INSTALLATION REQUIRED BY VENDORS OR SHOWN ON DRAWINGS. BACK FILL WITH SAND COMPACTED TO 95 PROCTOR NEW REINFORCING INSTALLED AND REPAIR USING 3000 PSI CONCRETE TO MATCH WITH EXISTING SLAB.
- COUNTER, SHELVES AND CABINETS BY G.C.
- ANY ALTERATIONS TO THE ROOF MEMBRANE OF THE PREMISES SHALL BE MADE BY THE LANDLORD'S ROOFING CONTRACTOR AT THE TENANT'S EXPENSE. CONTACT LANDLORD FOR HIS ROOFING CONTRACTOR.



DOOR DETAILS

SCALE: 1/4" = 1'-0"

WALL LEGEND:

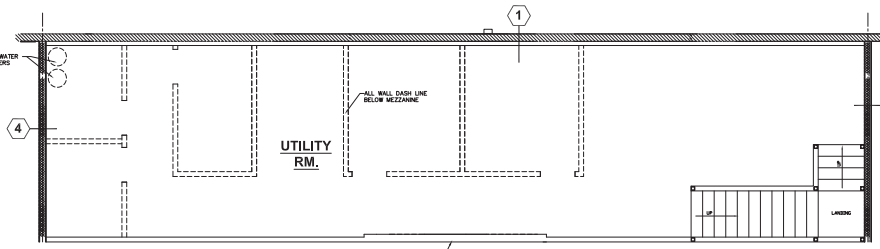
- EXISTING WALL
- EXISTING ONE HOUR WALL
- INTERIOR WALLS SEE DETAILS
- EXIST. GLASS STORE FRONT IN ALUMINUM FRAME.

ADOPTED CODE

- 2021 IBC : INTERNATIONAL BUILDING CODE
- 2021 IMC : INTERNATIONAL MECHANICAL CODE
- 2021 IPC : INTERNATIONAL PLUMBING CODE
- 2020 NEC : NATIONAL ELECTRICAL CODE
- 2021 IECC : INTERNATIONAL ENERGY CONSERVATION CODE OR ASHRAE 90.1-2013
- 2021 IFC : INTERNATIONAL FIRE CODE

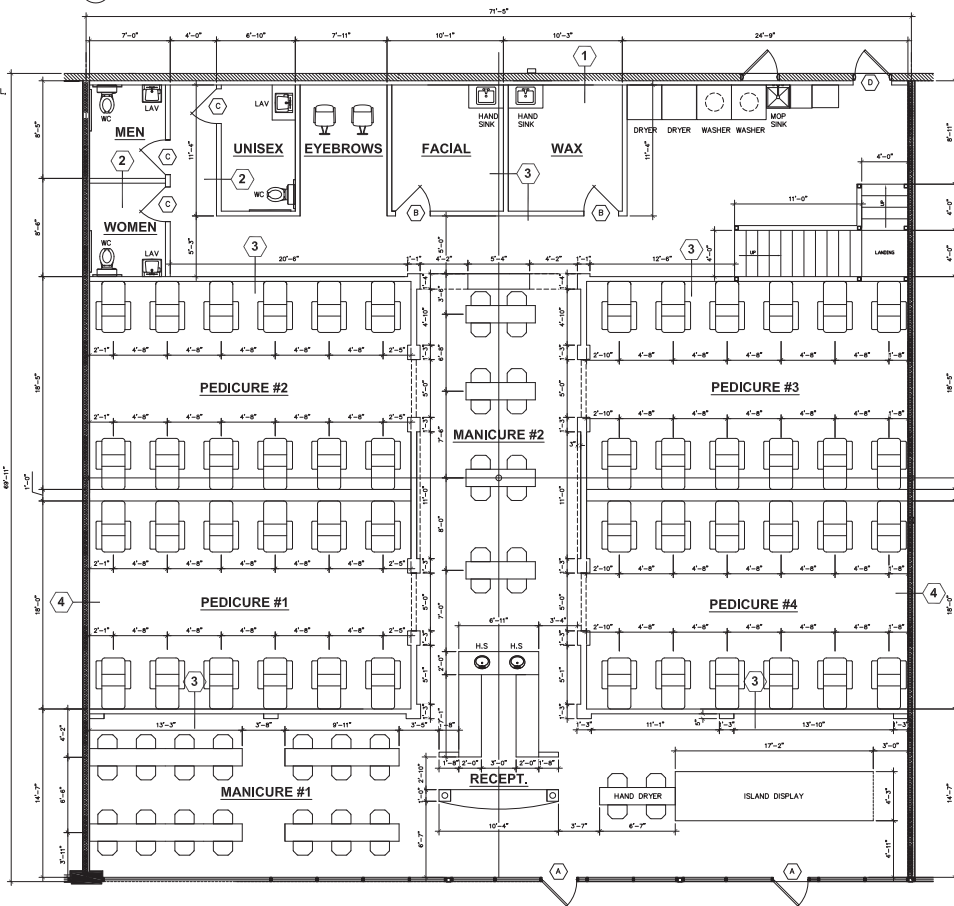
CODE ANALYSIS - IBC - 2021

- CONSTRUCTION TYPE : 2B
 - OCCUPANCY CLASSIFICATION : GROUP B
 - FIRE RESISTANCE RATING OF THE WALLS SHALL BE 1 HOUR. (U465)
 - THE MINIMUM MATERIAL CLASSIFICATION REQUIRED CLASS A FOR THE AREA WHERE THE MATERIALS ARE PROPOSED PER SECTION 803.5 AND TABLE 803.5
 - THE LICENSED SPRINKLER COMPANY SHALL PROVIDE FIRE SPRINKLER DRAWINGS AND SPECIFICATIONS FOR REVIEW AND APPROVED PRIOR TO SYSTEM INSTALLATION/ALTERATIONS
 - THE LICENSED FIRE ALARM COMPANY SHALL PROVIDE FIRE ALARM DRAWINGS AND SPECIFICATIONS FOR REVIEW AND APPROVED PRIOR TO SYSTEM INSTALLATION/ALTERATIONS
 - OCCUPANT LOAD ANALYSIS :
1. OCCUPANT LOAD
- 1ST FLOOR = 4900 SF. / 100 = 49 O.L.
- MEZZANINE FLOOR = 1190 SF. / 200 = 6 O.L.
- TOTAL = 6090 SF. = 55 OCCUPANT LOAD



3 MEZZANINE PLAN

SCALE: 3/16" = 1'-0"



2 1ST FLOOR PLAN

SCALE: 3/16" = 1'-0"

PROVIDE SIGN THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPYED WITH HIGH LETTERS CONTRASTING TO BACK GROUND

T & L DESIGNS

13115 PENTACLE LN.
HOUSTON, TEXAS 77065
(832) 367-3670 TEL

CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS DRAWING IS CONFIDENTIAL AND SHALL NOT BE DISCLOSED, DUPLICATED, OR RETAINED EXCEPT AS PERMITTED BY T & L DESIGNS

MILANO NAIL SPA
17221 STATE HWY. 6, #C
MANVEL, TX 77678

REVISIONS

DATE	ISSUED FOR
04-30-24	PERMITS



Paul W. Lin
04/30/2024

PAUL W. LIN
Engineering Services.

13115 PENTACLE LN.
HOUSTON, TX 77065
O.L. : (832) 367 - 3670

TYPE REGISTRATION # 7-22284

DRAWN BY: T.L. CHECKED BY: P.L.

DRAWN: TL CHECKED:

PROJ. NO.:

SHEET: A1

ORDINANCE NO. 2024-O-25

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATELY 20.41 ACRE TRACT OF LAND LOCATED AT 17221 STATE HIGHWAY 6, SUITE 103, MANVEL, TEXAS (DESCRIBED AS RESERVE “B” OF MANVEL TOWN CENTER SECTION ONE), FROM PLANNED UNIT DEVELOPMENT AND STATE HIGHWAY 6 OVERLAY DISTRICT (PUD-SH6) TO PLANNED UNIT DEVELOPMENT AND STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD-SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR 812113, “NAIL SALONS” TO BE LOCATED WITHIN THE TOWN CENTER DEVELOPMENT; PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

* * * * *

WHEREAS, Manvel Town Center, LTD., is the owner (the “Owner”) of Reserve B of Manvel Town Center Section One, a 20.41-acre reserve located at 17221 State Highway 6, Manvel, Suite 103, Texas, such tract situated in the H.T. & B.R.R. CO. Survey, Section 71, Abstract 291, Brazoria County, Texas, also being a partial replat of lots 31, 36, 37, 42, 49, 50, 57, 58, all of lot 41 of the emigration land company subdivision, Section 71 Recorded in Volume 2, PG. 81-82, of the Plat Records of Brazoria County Texas, a map and description of which is attached hereto as Exhibit “A”; and

WHEREAS, the 20.41-acre tract is currently zoned Planned Unit Development District and Highway 6 Overlay District (PUD-SH6; and

WHEREAS, the applicant, Tom Tran, has filed an application to change the zoning classification of the 20.41-acre tract to Planned Unit Development District and

Highway 6 Overlay District (PUD-SH6) allowing the proposed use of the property for NAICS use **812113, “NAIL SALONS”**; and

WHEREAS, the Planning, Development, and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on such request; and

WHEREAS, the Planning, Development, and Zoning Commission has recommended in its report the approval of such request, and the City Council deems it appropriate to approve said amendment to the zoning and specific use permit; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The zoning classification of a certain 20.41-acre tract of land located at 17221 State Highway 6, Suite 103, Manvel, Texas, Reserve B of Town Center Section One, a 20.41-acre reserve, such tract situated in the H.T. & B.R.R. CO. Survey, Section 71, Abstract 291, Brazoria County, Texas, also being a partial replat of lots 31, 36, 37, 42, 49, 50, 57, 58, all of lot 41 of the emigration land company subdivision, Section 71 Recorded in Volume 2, PG. 81-82, of the Plat Records of Brazoria County Texas, a map and description of which is attached hereto as Exhibit “A”; shall be changed from Planned Unit Development and State Highway 6 Overlay District (PUD-SH6) to Planned Unit Development and State Highway 6 Overlay District with a Specific Use Permit

District (PUD-SH6-SUP), for uses as permitted within such zone classification, subject to the regulations, regulations, and conditions hereinafter set forth:

1. NAIL SALONS– (NAICS 812113)

Section 3. The request meets the criteria set forth in Section 77-50 of the City of Manvel Zoning Ordinance for a Specific Use Permit. The City of Manvel Zoning Ordinance is hereby further amended by granting a Specific Use Permit authorizing use of the Property for the NAICS use listed in Section 2, above.

Section 4. The City Council hereby finds it appropriate to impose the conditions to the granting of the Specific Use Permit as shown in Exhibit “B”, attached hereto and incorporated herein as if set out in full. This proposed use of a “Nail Salons” and site may not be changed or expanded except by amendment of this Specific Use Permit.

Section 5. The Specific Use Permit issued under this ordinance, or a specific use listed herein, shall expire one year after its date of issuance if construction or if the listed use authorized hereunder is not substantially under way or in use prior to the expiration of said one year period. If, prior to the expiration of such one-year period, the owner of the property to which the Specific Use Permit applies in writing, for an extension, the City Council may, after recommendation from the Planning, Development, and Zoning Commission, grant such extension for one additional year.

Section 6. The Zoning District Map of the City of Manvel shall be revised and amended to show the designation of said tract, as described and as provided in Section 2, above, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 7. The City Council hereby finds and determines that said rezoning comports to the City's Comprehensive Land Use Plan. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change in zoning classification of said tract(s) as described above.

Section 8. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 9. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 10. Revocation. This Specific Use Permit may be revoked or modified by the City Council, in whole or in part, after notice and hearing, for either of the following reasons:

(1) The Specific Use Permit was obtained or extended by misrepresentation, fraud or deception: or

(2) That one of more of the conditions imposed by the permit has not been met or has been violated.

PASSED AND APPROVED on first reading this _____ day of _____, 2024.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day of _____, 2024.

Dan Davis, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

Exhibit A

Reserve B of Town Center Section One, a 20.41-acre reserve, such tract situated in the H.T. & B.R.R. CO. Survey, Section 71, Abstract 291, Brazoria County, Texas, also being a partial replat of lots 31, 36, 37, 42, 49, 50, 57, 58, all of lot 41 of the emigration land company subdivision, Section 71 Recorded in Volume 2, PG. 81-82, of the Plat Records of Brazoria County Texas



Exhibit B

Recommended Conditions:

1. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
2. All doors shall remain unlocked and accessible during normal business hours.



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE:

TOPIC: Acceptance of infrastructure improvements for Brazoria County municipal Utility District No. 83 and the City of Manvel to begin the Two-Year Maintenance Period.

BACKGROUND: City Staff has approved the final walk through on this project for the civil site work. The applicant has submitted the Two-Year Maintenance Bond with the City Secretary's Office and the As-Built Construction Plans have been submitted to Development Services Department.

STAFF RECOMMENDATION: Staff recommends City Council accept the infrastructure improvements for this project to begin the Two-Year Maintenance Period.

ATTACHMENTS: N/A

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER
Robbie Hall

FINANCE DIRECTOR APPROVAL Yes

CITY MANAGER APPROVAL Yes



Manvel Medical Emergency Room



Manvel ER Room

Parcels



City of Manvel ETJ

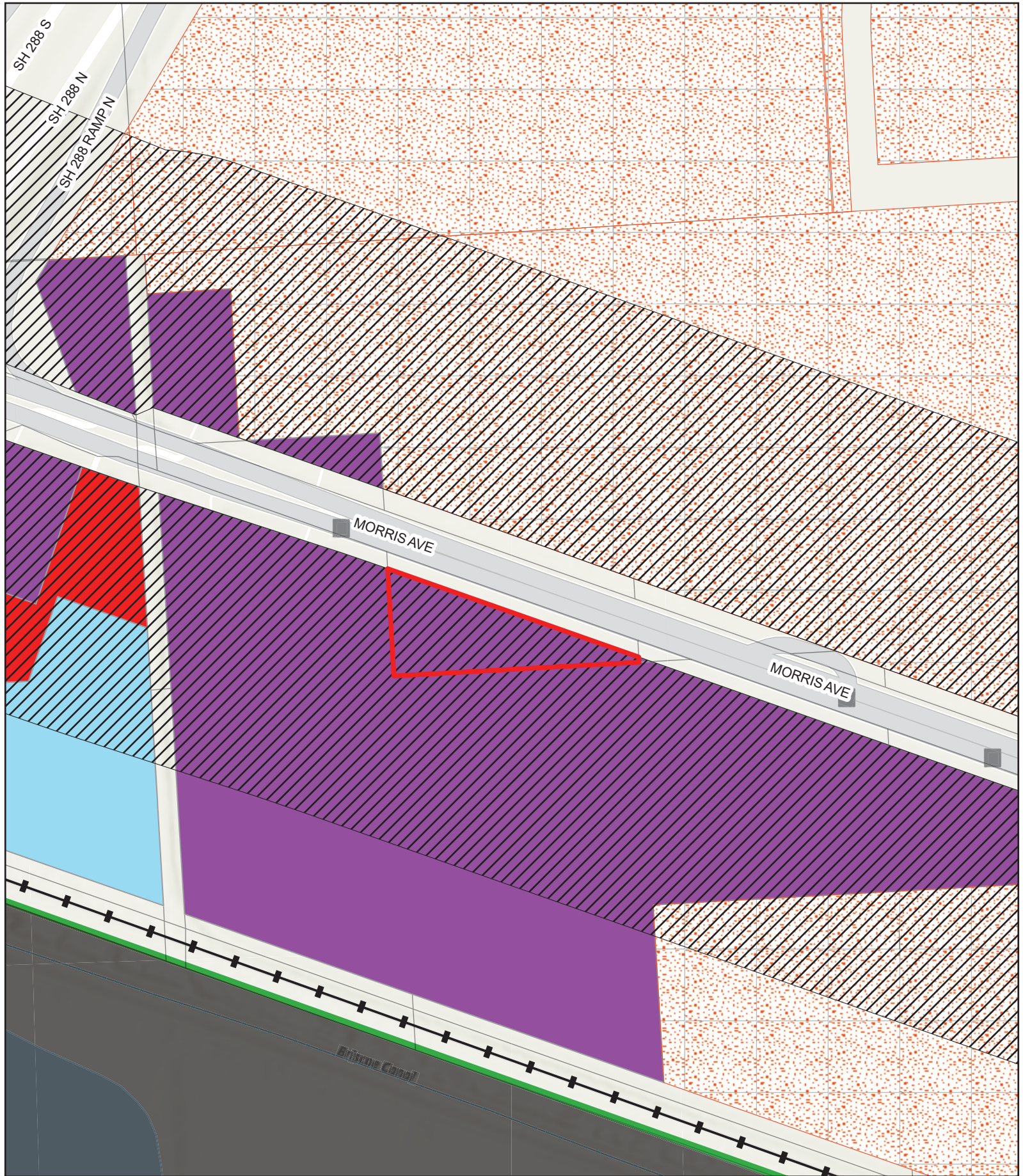
City of Manvel City Limits

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

0 150 300 600 900 1,200 US Feet



Date: May 2024
Reference: 2024043
Data Source: City of Manvel,
Brazoria County Open Data



Manvel Medical Emergency Room



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

Railroad

Heavy Commercial District

Light Commercial District

Multi-Family District

Planned Unit Development

Open - Planned Unit Development

Specific Use Permits-current

State Highway 6 Overlay District

Parcels

City of Manvel ETJ

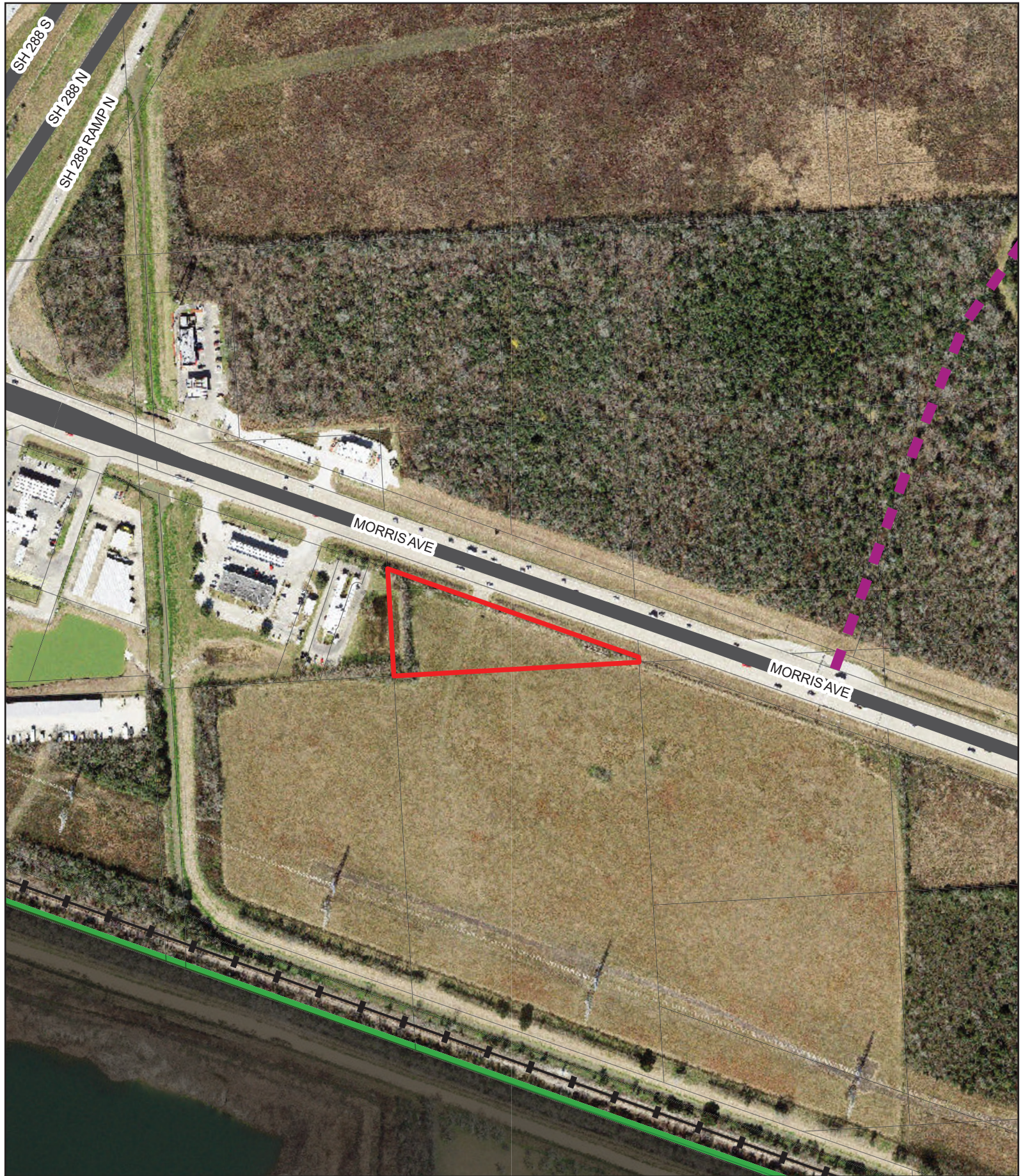
City of Manvel City Limits

Manvel ER Room

0 150 300 600 900 1,200 US Feet



Date: May 2024
Reference: 2024043
Data Source: City of Manvel,
Brazoria County Open Data



Manvel Medical Emergency Room



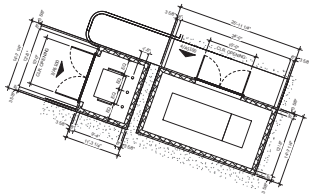
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- | | | |
|-------------------------------|----------------|----------------------------|
| Parkway (120' ROW) | Railroad | City of Manvel ETJ |
| Proposed Parkway (120' ROW) | Manvel ER Room | City of Manvel City Limits |
| Major Thoroughfare (120' ROW) | Parcels | |

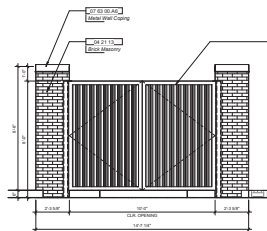
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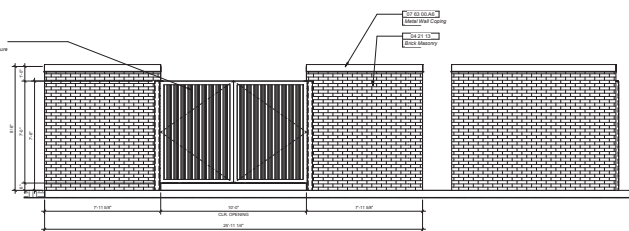
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Reference: 2024043
Data Source: City of Manvel,
Brazoria County Open Data



2 DUMPSTER AND GENERATOR ENCLOSURE
SCALE: 1/8" = 1'-0" (1/4" AS SHOWN)



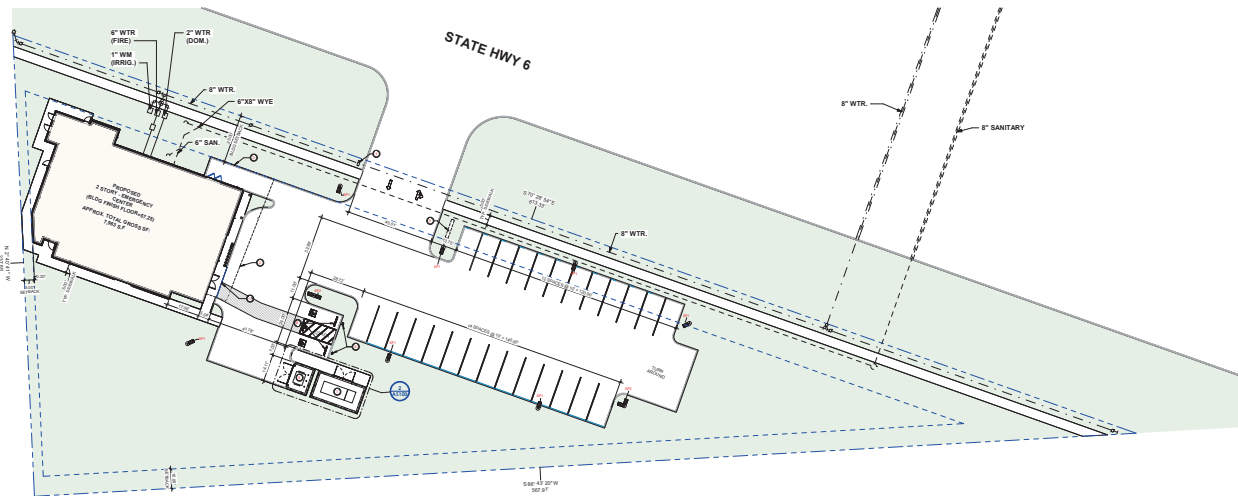
3 DUMPSTER FRONT ELEVATION
SCALE: 3/8" = 1'-0" (3/4" AS SHOWN)



4 GENERATOR FRONT ELEVATION AND DUMPSTER SIDE ELEVATION
SCALE: 3/8" = 1'-0" (3/4" AS SHOWN)

SITE PLAN KEYED NOTES	
1	EXIST. CURB, SEE CIVIL DRAWINGS
2	EXIST. DRIVEWAY, SEE CIVIL DRAWINGS
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FABRIC SYNOPSIS		
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98	1	
99	1	
100	1	



1 SITE PLAN
SCALE: 1" = 20'-0" (2" AS SHOWN)

BENCHMARK

BENCHMARK - NGS MONUMENT No. AW5684, LOCATED APPROXIMATELY 17.2 METERS NORTHWEST OF THE JUNCTION OF THE GULF, COLORADO AND SANTA FE RAILROAD AND FM 1128.

TEMPORARY BENCHMARK (TBM) - THE TOP OF RIM ELEVATION OF A SANITARY MANHOLE LOCATED AT THE NORTHERLY WEST POINT OF THE SUBJECT TRACT, ALONG THE SOUTH R.O.W. OF STATE HIGHWAY NO. 6, IN FRONT OF SONIC DRIVE IN, 17518 STATE HIGHWAY NO. 6, MANVEL, TEXAS 77578, TBM HAS AN ELEVATION OF 55.25'

FLOOD PLAIN: ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 48039C010K, REVISED DATE DECEMBER 30, 2020, THE SUBJECT PROPERTY LIES WITHIN ZONE X (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND ZONE AO, FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY SHEET FLOOD ON SLOPING TERRAIN). AVERAGE DEPTHS DETERMINED. FOR AREAS OF ALLUVIAL FAN FLOODING, VELOCITIES ALSO DETERMINED. 100 YEAR FLOOD ELEVATION (BFE) = 52.00' 500 YEAR FLOOD ELEVATION (DFE) = 52.25'

SCALE: 1"=30'

GENERAL NOTES

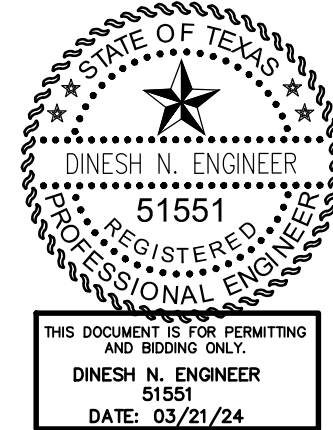
1. Location of existing utilities is the responsibility of the contractor and shall be located prior to excavation. Contact the CITY OF MANVEL PERMITS Engineer prior to excavating in existing street right-of-way or easements.
2. All work, materials, services and labor shall conform to the rules and regulations of CITY OF MANVEL criteria governs.
3. All permits to be obtained shall be the responsibility of the contractor unless otherwise specified.
4. All proposed driveways connecting into the road with be in accordance with the rules and regulations of CITY OF MANVEL PERMITS.
5. Contractor to verify all horizontal and vertical locations of all existing utilities which are proposed connection points for proposed utilities prior to commencement of construction. Contractor to contact engineer in writing prior to start of construction and give the engineer 72 hours to respond to contractor if there are any difference in existing conditions which may effect the design of the engineers plan.
6. The location of some utilities were not field verified and were taken from drawings provided by private utility companies. Contractor to verify all locations of all utilities and shall be fully responsible for any damage to all utility lines.
7. Contractor to contact engineer 72 hours prior to beginning of construction if there are any difference in existing conditions which may effect the design of the engineers plan.
8. Contractor shall make note and avoid contact or damage to any and all overhead power lines.
9. Existing pavement, curbs, sidewalks, and driveways damaged or removed during construction shall be replaced at the contractors expense and to CITY OF MANVEL Standards. If any, all underground storage tanks will be removed prior to construction.
10. All Pipe Quantities shown hereon (pipe lengths) are for the Engineers use Only. It is the Responsibility of the Contractor to calculate his own quantities for this project.

PAVEMENT NOTES

11. For paving details, dimensions, etc., see Civil Details Sheet.
12. All curbs to be 6 inches in height from top of curb to gutter.
13. Subgrade shall be test rolled to locate soft spot areas. Soft areas shall be removed and repaired prior to placement of concrete.
14. Concrete to have minimum compressive strength of 3000 psi at 28 days (Note: Control Joint spacing at 15' and Expansion Joint at 80' intervals)
15. Parking Spaces shall be painted white 6" wide by 19'-0" in length or as called on plans.
16. If wet subgrade soils are encountered at the time of construction, use 6% cement by dry weight to stabilize the soils. This results in an application rate of 36 pounds per square yard per 6-inch of compacted thick.
17. Proposed Driveways will be constructed in accordance with TxDOT PERMITS.
18. Demolition and Site Dimension Plan by ARCHITECT.
19. A Topographic Survey and existing utilities for this site was performed by REKHA Engineering, Boundary by Others.
20. Storm Sewer Pipe shall be HDPE with smooth bore and with rubber gasket fittings (onsite) or R.C.P., Type III, C-76 Rubber Gasket Bell (in R.O.W.).
21. The CITY OF MANVEL Spec requires the final 1.0' of soil fill to be "select fill" under pavement.
22. Fill shall be placed in 8" lifts & compacted to 95% Standard Proctor Density prior to construction of pavement. (Typ.)
23. Dowel #4-15" long rebar @ 1 ft into the existing pavement and expose the remaining 1 foot of rebar as part of the pavement pour or top of curb pour. Grout to secure rebar dowel. Sawcut pavement prior to placement.
24. Proposed Filter Fabric Fence to be placed around the perimeter of the site and Sand Bags shall be placed around all inlets at the start of the construction phase and to remain in place until the end.
25. On this civil engineering paving and drainage plan, the horizontal location of all proposed storm lines at the place where they connect to proposed down spouts on the outside face of the building are accurate within five (5) feet (see plumbing plans).
26. All appurtenances or any other structures that are constructed within paved areas, the Rim Elevations are to be equal to the proposed pavement.
27. On all Proposed Inlets, add Fiber Board where the inlet meets the proposed pavement.
28. All Open Trenches shall conform to OSHA Safety Standards & per the Design of the Soils Report.
29. All concrete reinforcing steel are to be held up by the highway type saddles WMC or Aztec E-2 or equal TxDOT highway grade saddles.

PAVING & DRAINAGE LEGEND

TP=XX.XX	PROP. TOP OF PAVEMENT
INLET X	PROP. INLET
TG XX.XX	PROP. TOP OF GRATE
FL XX.XX	PROP. FLOW LINE
JB #X	PROP. JUNCTION BOX
FL XX.XX	PROP. FLOW LINE
FG XX.XX	PROP. FINISH GRADE
TB XX.XX	PROP. TOP OF BANK
FL XX.XX	PROP. FLOW LINE
TB XX.XX	PROP. TOP OF BANK
TC XX.XX	PROP. TOP OF CURB
G XX.XX	PROP. GUTTER
XX	SHEET FLOW
XX	PROPOSED CONTOURS



MANVEL MEDICAL
MANVEL, TEXAS 77578

REVISIONS		
REV.	DESCRIPTION	DATE

PAVING & DRAINAGE
PLAN

REKHA ENGINEERING INC.
CIVIL ENGINEERS AND LAND SURVEYORS
7676 Hillmont St, Suite 350
Houston, Texas 77040
Phone: 713-895-8080/81
Email: jakel@pdg.net
Website: www.rekhaengineering.com
CONTACT: JOHN H. ENGLISH SR. VICE PRESIDENT

TBPLS No. 10133800 | TBPE No. F-3712
DRAWN BY: AMM | CHECKED BY: JHE
APPROVED BY: DNE | JOB No. 1123-4541
CLIENT: BB+W ARCHITECTS

SHEET No.
C4

SCALE: 1"=30'
DATE: 03/21/24

ACCESSIBILITY SLOPE REQUIREMENTS:
LANDINGS: 1:50 MAX. SLOPE ANY DIRECTION.
ACCESSIBLE PARKING AISLE AND SPACE: 1:50 MAX. SLOPE ANY DIRECTION.
ACCESSIBLE ROUTE: 1:20 MAX. RUNNING SLOPE, 1:48 MAX CROSS SLOPE.

NOTE:
ALL EXISTING LINES UNDERGROUND (SANITARY, WATER, STORM, OPTIC, GAS, ETC...) SHALL BE LOCATED AND EXPOSED PRIOR TO ANY NEW CONSTRUCTION OF THE STORM, WATER, SANITARY, ETC. TO CONFIRM FLOWLINE AND HORIZONTAL ELEVATIONS AND LOCATIONS. (PER NOTE 5) ALL FLOWLINES WILL BE PROVIDED TO ENGINEER

NOTE:
ALL UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND OBSERVATIONS ONLY. FOR UTILITY IN THE AREA CALL 1-800-DIG-TESS.

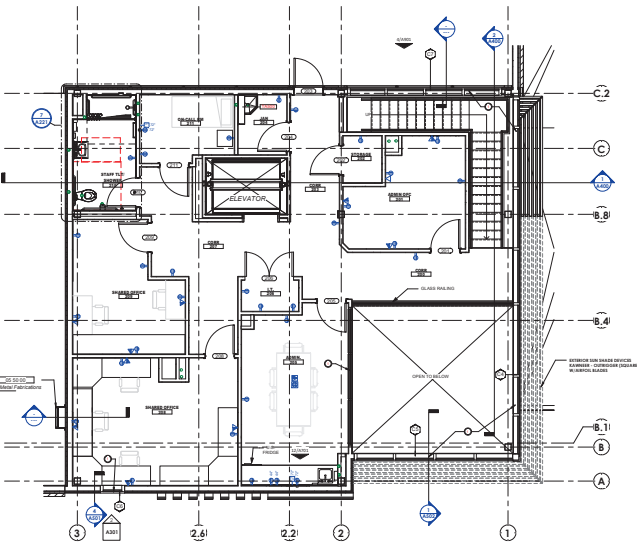
ALL CONSTRUCTION SHALL BE CONSTRUCTED ACCORDING TO ALL CRITERIA OF THE CITY OF MANVEL PERMITS

ALL PROPOSED CONSTRUCTION SHALL CONFORM TO THIS REFERENCED SET OF CONSTRUCTION PLANS, DETAILS, AND ANY AND ALL PERMITS ISSUED BY ANY GOVERNMENT AGENCY FOR THIS REFERENCED PROJECT.

NOTE:
CONTRACTOR SHALL BE RESPONSIBLE TO INSURE OWNER THAT ALL PROPERTY CORNERS ARE TO REMAIN DURING ALL OF DEMOLITION. CONTRACTOR TO REPLACE AT HIS OWN EXPENSE ANY PROPERTY CORNERS DESTROYED OR DISTURBED DURING DEMOLITION OR CONSTRUCTION OF THE SITE IMPROVEMENTS.

NOTE:
THESE PLANS, PREPARED BY REKHA ENGINEERING INC. DO NOT EXTEND TO OR INCLUDE DESIGNS OR SYSTEMS PERTAINING TO THE SAFETY OF THE CONTRACTOR OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES IN THE PERFORMANCE OF THE WORK. THE SEAL OF THE REKHA ENGINEERING INC. REGISTERED PROFESSIONAL ENGINEER HEREON DOES NOT EXTEND TO ANY SUCH SYSTEMS THAT MAY NOW OR HEREFTER BE INCORPORATED IN THESE PLANS. THE CONSTRUCTION CONTRACTOR SHALL PREPARE OR OBTAIN THE APPROPRIATE SAFETY SYSTEMS, INCLUDING THE PLANS AND SPECIFICATIONS REQUIRED BY THE "HOUSE BILLS 662 AND 665" ENACTED BY THE TEXAS LEGISLATURE IN THE 70th LEGISLATION - REGULAR SESSION.

FLOOR PLAN KEYED NOTES	
1	SEE TO PROVIDE MANUAL WEICH SHIELDS AT ALL WINDOW/DOOR/SCREEN/COURT/TERMINALS, THE
2	REFER TO GENERAL BUILDING EQUIP. DRAWINGS, COORDINATE ALL DOOR/ROOF, DIMENSIONING AND MEP SYSTEM RIGHTS, LEAD LINES IN THIS ROOM PER PHYSICIST'S REPORT (1/18) TO 8'0" X 7'0" UNITS ARE
3	NOTES TO MATCH DRAWINGS FOR BELOW AND/OR FLOOR FLOOR, SURFACE, AND/OR ABOVE CEILING CONDUIT/POUT REQUIREMENTS, GO TO ENSURE THERE ARE NO CONFLICTS WITH OTHER TRADES/WORK, CONDUITS AND
4	DUCT ABOVE CEILING AND/OR ON FLOOR FLOOR MUST BE INSTALLED AS NEAR AS POSSIBLE TO CEILING OR FLOOR TO REDUCE RISK LEVELS.
5	PROVIDE FACILITY REPORTS TO MATCH, REFER TO MEP DRAWINGS FOR MORE INFORMATION.
6	OWNER PROVIDES, AND/OR COUNTER REFRIGERATION.



1 SECOND FLOOR PLAN - 1/4" = 1'-0"

BB+W
ARCHITECTS

4000 Hwy 29 North, Ste. 100 | Houston, TX 77058 | Phone: 281-991-1234 | Email: info@bbwarchitects.com

SCALE:

ARCHITECT: **BB+W ARCHITECTS, LLC**
NOT FOR CONSTRUCTION
ARCHITECT, ENGINEER, OR
CONSTRUCTION

DATE:

CONSULTANT:

**MANVEL
EMERGENCY
CENTER**

17518 Hwy 6, Manvel, TX
77578

Construction Documents Package

NOTE:

These drawings may have been reproduced or altered without the original design. Owner and architect accept no responsibility for use of these drawings.

Contractor shall verify all existing conditions prior to proceeding with construction. BB+W Architects, LLC disclaims all responsibility for any discrepancies or conflicts. All dimensions to face of finish, UNLESS OTHERWISE NOTED.

Date	No.	Description
05/28/2021	01	Prebid & Pricing

PROJECT NO.: 23004

ISSUE DATE: Issue Date

PRINT DATE:

CLIENT: Braune Real Property Holdings, LLC

COPYRIGHT:

BB+W Architects, LLC expressly reserves its copyright and other property rights in these drawings. They are not to be reproduced, changed, or copied in any form or manner, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission and consent of BB+W.

SHEET TITLE:

SECOND FLOOR PLAN



**DEVELOPMENT SERVICES**

20025 HIGHWAY 6

MANVEL, TX 77578

P: 281-489-0630

F: 281-489-0634

SPECIFIC USE PERMIT APPLICATION**PROJECT INFORMATION**Project Name: Manvel Medical Emergency RoomProject Location/Address: Parcel SE of 17518 Hwy 6, Manvel, TX 77578Legal Description: 1.5491 Ac. being portion of Lot 233, Emigration Land Company SubdivisionCurrent Zoning: light commercial Proposed Land Use: medical NAICS No.: _____Parcel/Tax ID# (s): 167427 Total Acreage: 1.5491**APPLICANT INFORMATION**Applicant Name: Stephen WangCompany Name: BB+W Architects, LLCAddress: 24080 Hwy 59 N, Suite 150 City: Kingwood State: TX Zip: 77339Phone #: 281-213-5650 Email: swang@bbwarchitects.com

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT, and I, the undersigned, am authorized to make this application on behalf of the owner(s). I understand that this application will expire one year from the date submitted.

Jean M. Joseph 05/07/24
Applicant Signature (REQUIRED) Date

PROPERTY OWNER INFORMATIONOwner(s) Name: Jean JosephAddress: 1006 W 22nd st City: Houston State: TX Zip: 77008Phone #: 5617185509 Email: JeanJoseph.md@gmail.com**PROPERTY OWNER'S AUTHORIZATION (Required – If owner is also the applicant, must sign as both):**

I am the owner of the property for which this application is being made. I authorize the above person (Applicant) to submit this application and to correspond with the City of Manvel regarding this application on my behalf.

Jean M. Joseph 05/07/24
Owner's Signature (REQUIRED) Date

**DEVELOPMENT SERVICES**

20025 HIGHWAY 6

MANVEL, TX 77578

P: 281-489-0630

F: 281-489-0634

SUBMITTAL CHECKLIST

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the nature of the development; however, it is incumbent upon the applicant to inquire about these exceptions for your project before submitting an application. Answers to specific use permit applications can be obtained by attending a pre-development meeting with our Development Review Committee (DRC) prior to submitting a formal application. Please call the phone number on the application to schedule an appointment. Submit application and accompanying documents to the Permits and Inspections at the address above Monday through Thursday between the hours of 7:30 a.m. and 5:30 p.m. and Friday between the hours of 7:30 a.m. and 11:30 a.m.

SPECIFIC USE PERMIT SUBMITTAL CHECKLIST ITEMS	REQUIRED (PLEASE CHECK)
Completed Specific Use Permit Application (with all signatures)	✓
Two (2) Copies of a Conceptual Plan (building, parking, landscaping, etc. locations)	✓
Two (2) Legal Descriptions of Property (metes & bounds description if not platted)	✓
Two (2) Copies of Recorded Plat (if platted)	
Two (2) Applicant Letters of Request	✓
Traffic Impact Analysis, (if applicable)	N/A
Paid Application Fee	✓

APPLICANT CERTIFICATION

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if it is deemed incomplete.


Applicant Signature

5/12/24

Date



DEVELOPMENT SERVICES

20025 HIGHWAY 6

MANVEL, TX 77578

P: 281-489-0630

F: 281-489-0634

LETTER OF AUTHORIZATION

Have property owner complete and sign, if applicant differs from property owner.

Jean Joseph
Owner Name

1006 W 22nd st
Owner Address

Houston, TX 77008
Owner City, State Zip

04/19/24
Date

Building and Inspections
20025 Highway 6
Manvel, TX 77578

Dear City of Manvel Permits and Inspections,

I, Jean Joseph, certify that I am the owner of the project property located at Manvel, TX 77578 and that the forgoing statements and answers made and all data, information, and evidence herewith submitted are in all respects to the best of my knowledge and belief, true, and correct. I appoint Stephen Wang with the company BB+W Architects, LLC (if applicable) to act as my representative for this project. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and /or failure to remit payment for services can lead to delays in this project – up to and including rejecting the project and forfeiting any fees paid.

Please contact me directly at 5617185509 if you have any questions.

Sincerely,

Owner Name Jean Joseph

Owner Signature Jean Joseph 05/07/24

EXHIBIT "A"

1.5491 ACRES OF LAND LOCATED IN THE H. T. & B. R.R. COMPANY SURVEY, SECTION 65, ABSTRACT 285, BRAZORIA COUNTY, TEXAS, BEING THAT PORTION OF LOT 233, EMIGRATION LAND COMPANY SUBDIVISION AS SHOWN ON THE PLAT THEREOF RECORDED IN VOLUME 2, PAGE 81, PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, LIEING SOUTHERLY OF STATE HIGHWAY 6 RIGHT-OF-WAY, AND BEING THE RESIDUE OF A CALLED 2.323 ACRE TRACT CONVEYED IN DEED FROM LOWELL E. ROBERTS AND WIFE, JANIE L. ROBERTS TO TWO THIRTY-THREE ASSOCIATES, LTD., DATED DECEMBER 30, 1982, AS RECORDED IN VOLUME 1686, PAGE 947, DEED RECORDS OF BRAZORIA COUNTY, TEXAS, SAVE AND EXCEPT THAT CALLED 0.769 ACRE TAKEN FOR THE WIDENING OF SAID STATE HIGHWAY 6 AS SHOWN ON RIGHT-OF-WAY SKETCH CSJ0192-02 DATED MARCH 1990 (THIS TAKING IS AS YET UNRECORDED), SAID 1.5491 ACRES BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND ON THE NORTHERLY RIGHT-OF-WAY LINE OF A 40.00 FOOT ROAD, DEDICATED PER ABOVE SAID PLAT (ROAD NOT IN) FOR THE SOUTHWEST CORNER OF SAID LOT 233, THE SOUTHWEST CORNER OF SAID 2.323 ACRE TRACT, AND THE SOUTHEAST CORNER OF A CALLED 6.48587 ACRE TRACT (LOT 234) CONVEYED IN DEED FROM WILLIAM M. MATHEWS, ET UX, TO JAMES W. GUSTAFSON, TRUSTEE, DATED JULY 10, 1974, AS RECORDED IN VOLUME 1211, PAGE 560, DEED RECORDS OF BRAZORIA COUNTY, TEXAS;

THENCE NORTH 02° 40' 44" WEST, WITH THE WESTERLY LINE OF SAID LOT 233 AND SAID 2.323 ACRE TRACT, SAME BEING THE EASTERLY LINE OF SAID LOT 234 AND SAID 6.48587 ACRE TRACT, A DISTANCE OF 237.65 FEET TO A 1/2 INCH IRON ROD SET FOR CORNER ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 6 (200 FEET WIDE);

THENCE SOUTH 70° 28' 54" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 613.33 (CALLED NORTH 70° 28' 57" WEST, 614.83 PER ABOVE SAID RIGHT-OF-WAY SKETCH) TO A HIGHWAY MONUMENT DISK IN CONCRETE FOR CORNER;

THENCE SOUTH 86° 43' 20" WEST, WITH THE SOUTHERLY LINE OF SAID LOT 233, SAME BEING THE NORTHERLY RIGHT-OF-WAY LINE OF SAID 40.00 FOOT DEDICATED ROAD A DISTANCE OF 567.91 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.5491 ACRES OF LAND.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

**Brazos Real Property
Holdings, LLC.**

1006 West 22nd Street
Houston, TX 77008
(561)718-5509

May 7, 2024

City of Manvel
20031 Hwy 6
Manvel, TX 77578

RE: Applicant Letter of Request for Special Use Permit

To Whom It May Concern:

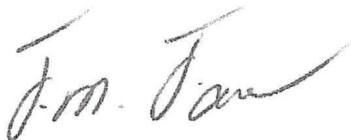
I am pleased to submit this letter of request on behalf of Brazos Real Property Holdings, LLC for a Special Use Permit for approximately 1.5 acre property located SE of 17518 Hwy 6, Manvel, TX 77578.

Brazos Real Property Holdings, LLC intends to construct a ground-up one-story building with a partial 2nd floor to introduce a freestanding emergency center of approximately 7,963 SF in the Manvel area. The new emergency center will provide service 24-hours a day, 7 days a week. The project is composed of 2 exam rooms, 6 treatment rooms, and an imaging department with both X-Ray and CT Scan services.

The shell building construction will be a Type II-B with no requirement for fireproofing since the entire building will be sprinklered. The emergency center will comply with Manvel's adopted 2021 codes (IBC, IFB, IMC, IPC, IECC), 2020 National Electrical Code, 2012 Texas Accessibility Standards, and Chapter 131 Freestanding Emergency Medical Care Facilities Licensing Rules.

Brazos Real Property Holdings, LLC hereby appreciates in advance your consideration for our application as we intend to provide quality and prompt medical services to the residents of the Manvel area. We look forward to hearing from you soon.

Best regards,



Jean M. Joseph M.D.

(561)718-5509



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: July 1, 2024

TOPIC: Public hearing regarding amending the zoning ordinance by changing the zoning classification of 1.5491-acre tract of generally located east of 17518 Highway 6, or roughly 1,300 feet southeast of the southeast corner of Morris Avenue (State Highway 6) and Highway 288 from Light Commercial District and State Highway 6 Overlay District to Light Commercial District and State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP); providing for the granting of a Specific Use Permit with conditions to authorize the use of property for NAICS use 621493 "Ambulatory Health Care Services."

BACKGROUND: The subject site is generally located east of 17518 Morris Avenue (State Highway 6), Property ID #167427, within the Light Commercial and State Highway 6 Overlay District. The applicant, BB+W Architects is requested a Specific Use Permit (SUP) to open a 24-hour emergency center. An emergency center is classified with the NAICS No. 621493, "Ambulatory Health Care Services," which is allowed in the Light Commercial District with approval of a Specific Use Permit.

The SUP application with a proposed floor plan and site plan was submitted with the application for this Specific Use Permit. This Emergency Center will have a typical floor plan for these types of uses with a waiting lobby, nurses station, front desk area and six (6) treatment rooms, two (2) exam rooms, and X-ray and CT scan services. The second floor is mainly offices, and administrative areas. If this Specific Use Permit is approved, Manvel Emergency Center can be located at this location and a plat, civil and building plans can be submitted for approval through the permitting process.

The subject site being located along a major thoroughfare, makes it an appropriate location for the proposed use and hence aligns with the Comprehensive plan goals. The proposed use is not anticipated to be injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values in the vicinity.

The Planning, Development, and Zoning Commission unanimously recommended approval to City Council at the June 24, 2024, regular meeting.

RECOMMENDATION: City staff recommends conditional approval with five (5) conditions as proposed by staff and listed in the Staff Report.

ATTACHMENTS: Staff Report and Ordinance No. 2024-O-26

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER

Ian Knox

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____





City Council Specific Use Permit Request

Agenda of:	June 24, 2024	Initiated By:	Ian Knox SAFEbuilt
Department:	Development Services	Presented By:	Ian Knox SAFEbuilt

Subject/Proceeding

Specific Use Permit (SUP) request to establish a 24-hour Emergency Center a build a new 7,963 square-foot two-story building on a 1.5-acre tract of land. This tract of land is located within the Light Commercial District and State Highway 6 Overlay District.

Recommended Action

A Public Hearing followed by consideration and action from the Commission to provide a recommendation to the City Council.

Executive Summary

The subject site is generally located east of 17518 Highway 6, Property ID #167427, within the Light Commercial and the Highway 6 Overlay Districts. This request is for a new emergency service center that will provide 24-hour service for seven days a week. The plans show two exam rooms, six (6) treatment rooms, and an imaging department with both X-Ray and CT scan services. The second floor is mainly shared offices, conference rooms and administrative areas for staff. An Emergency Center is classified as NAICS Use No. 621493, "Ambulatory Health Care Services" which is allowed in Light Commercial District and Highway 6 Overlay District with the approval of a Specific Use Permit.

Zoning Ordinance Provisions for Specific Use Permits

In Section 77-50 (a) *Uses Requiring Specific Use Permit*, of the Zoning Ordinance it states "certain uses of land, buildings or structures may not be appropriate under all circumstances in any given zoning district, but may be appropriate where adequate precautions can be taken to assure compatibility with surrounding uses, public need, and the orderly development of the city as a whole. This section provides City Council and Planning, Development, and Zoning the opportunity to deny or to conditionally approve those uses for which specific use permits are required. These uses generally have unusual characteristics or are of a public or semipublic character often essential or desirable for the general convenience and welfare of the community. However, because of the nature of use, the importance of the use's relationship to the comprehensive plan, or possible adverse impact on neighboring properties of the use, review, evaluation, and exercise of planning judgement relative to the location and site plan of the proposed use are required."

In Section 77-50 (b) of the Zoning Ordinance it further states, "the City Council, after receiving the recommendation of the planning, development and zoning commission, may by ordinance, grant a specific use permit for the permitted uses, as herein qualified by the permitted use table, in locations and zoning districts to permit a use where they are not otherwise permitted by this article,

and may impose any appropriate conditions and safeguards to protect property and property values, and in the interest of health, safety or welfare.”

General Site Information

The following is a summary of general site information.

Surrounding Property Zoning	North: O-PUD & State Highway 6 Overlay District. South: Light Commercial District (LC) & Highway 6 Overlay District East: Light Commercial District (LC) & Highway 6 Overlay District West: Light Commercial District (LC) & Highway 6 Overlay District
Surrounding Land Use	North: Vacant South: Vacant East: Vacant West: Sonic

Overview

The applicant intends to develop a roughly 7,963 square-foot new two-story building for a 24-hour emergency center. This development will develop a new parking lot that will have thirty (30) parking spaces. This emergency center is planned to be open from 24 hours Monday through Sunday, and these hours will have to be approved by this Specific Use Permit, as normally medical facilities are conditioned to be opened from 8:00 AM to 10:00 PM.

Comprehensive Plan

The vision statement in the 2015 Comprehensive Plan seeks to maintain its rural character and small-town values while managing its growth by: “Benefiting from our strategic location by encouraging well planned quality retail, commercial and residential development that reflects and enhances our small-town quality of life”. The subject site being located along a major thoroughfare, makes it an appropriate location for the proposed use and hence aligns with the Comprehensive plan goals. The proposed use is not anticipated to be injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values in the vicinity.

Parking Analysis

This proposed location is a vacant 1.5-acre triangle parcel of land. This new two-story building will be 7,963 square and must be provide at least 27 parking spaces (1/300 SF for medical uses). The proposed site plan shows 30 parking spaces and provides adequate parking spaces for the proposed use.

Public Hearing

The Notice of Public Hearing was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. At the time of writing this report, the staff has received no informational inquiry and is not aware of any opposition to the request.

Staff Recommendation

Based on the above discussion, staff recommend conditional approval of this SUP request for the subject site to allow NAICS Use No. 621493, " Ambulatory Health Care Services," as it will not cause any adverse impacts, and will provide necessary twenty-four-hour medical services to the City of Manvel. The closest emergency rooms are currently located in Alvin (approximately 8 miles from city center) and the City of Pearland (approximately 6 miles from city center), which this facility could significantly cut the time for emergency services in the city.

Recommended Conditions of Approval.

1. The facility is permitted to be open for twenty-four (24) hours.
2. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
3. All doors shall remain unlocked and accessible during normal business hours.
4. All dry detention ponds shall have minimum 15 feet maintenance berm around all sides of the pond.
 - a) Unless an Engineering Criteria Manual Deviation is approved for less than 15 feet for dry detention (shows 10 feet). This has been discussed with the City Engineer.
5. All development requirements must be satisfied during the permitting process.

Attached Exhibits

1. Aerial Vicinity Map,
2. Zoning Vicinity Map,
3. Major Thoroughfare Plan Map,
4. Site Plan
5. Concept Plans.
6. Application Package.



Manvel Medical Emergency Room



Manvel ER Room



Parcels



City of Manvel ETJ



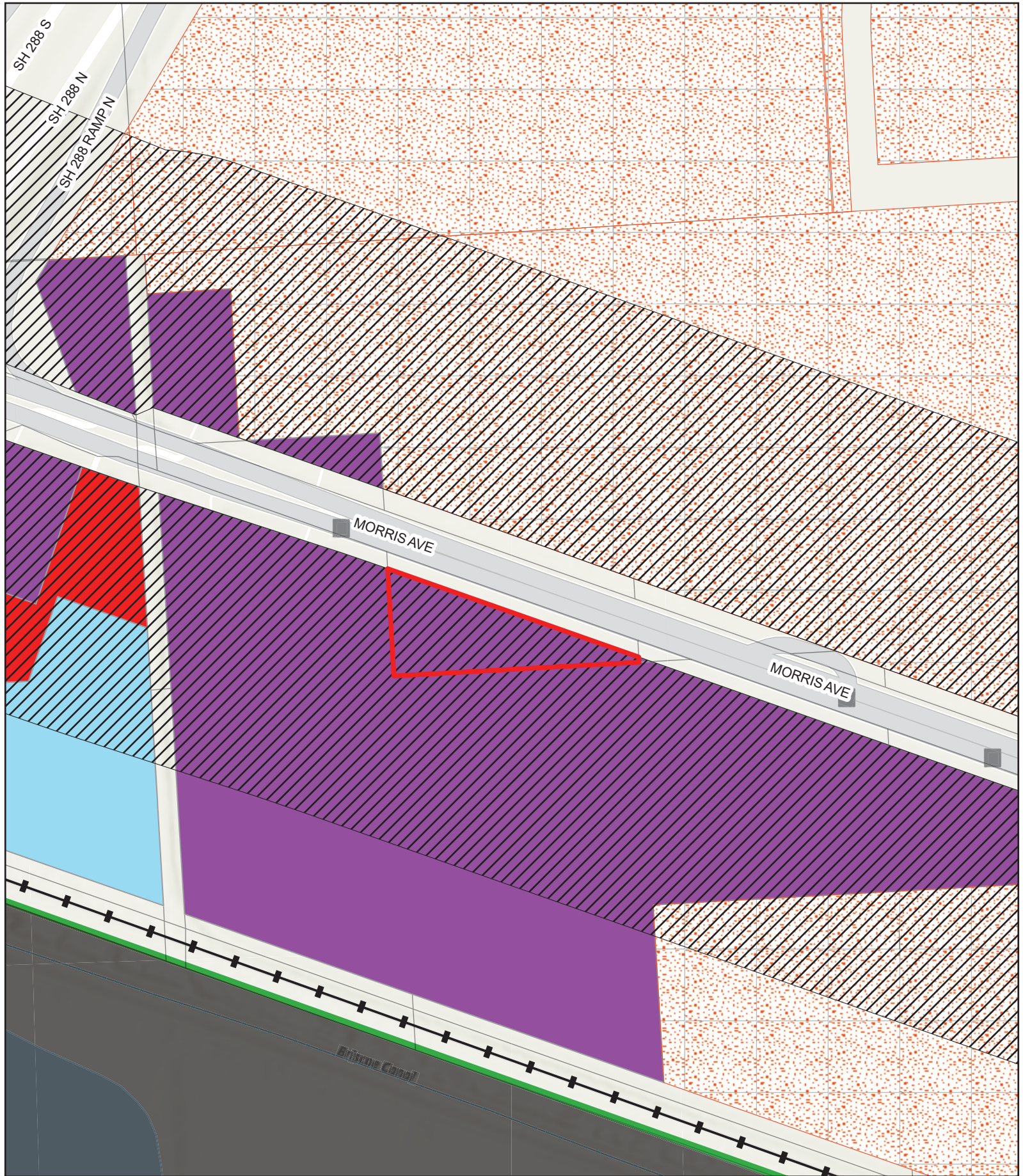
City of Manvel City Limits

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

0 150 300 600 900 1,200 US Feet



Date: May 2024
Reference: 2024043
Data Source: City of Manvel,
Brazoria County Open Data



Manvel Medical Emergency Room



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

Railroad

Heavy Commercial District

Light Commercial District

Multi-Family District

Planned Unit Development

Open - Planned Unit Development

Specific Use Permits-current

State Highway 6 Overlay District

Parcels

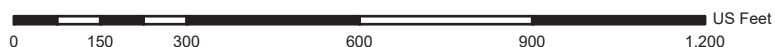
City of Manvel ETJ

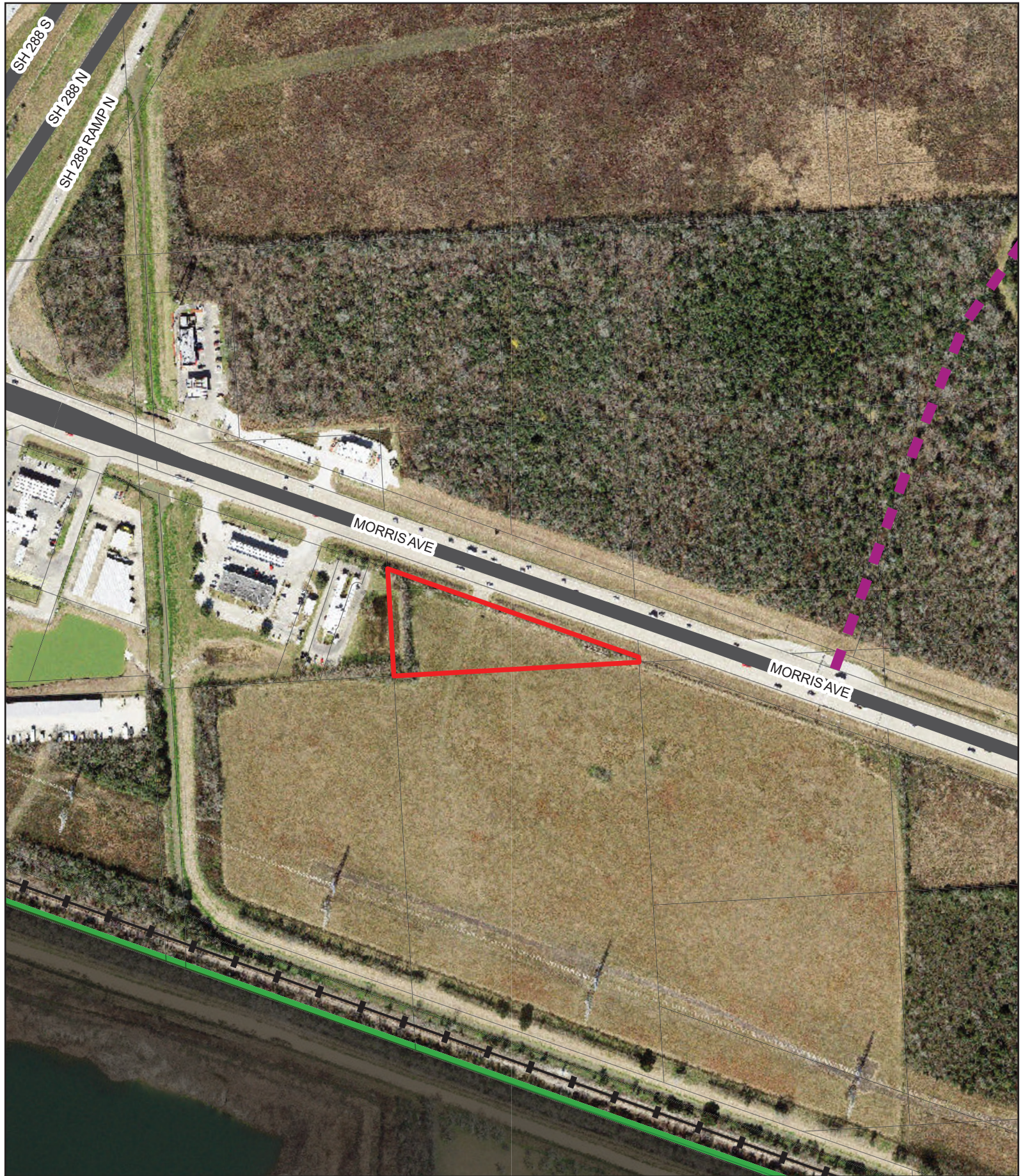
City of Manvel City Limits

Manvel ER Room



Date: May 2024
Reference: 2024043
Data Source: City of Manvel,
Brazoria County Open Data



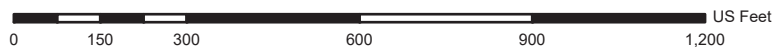


Manvel Medical Emergency Room

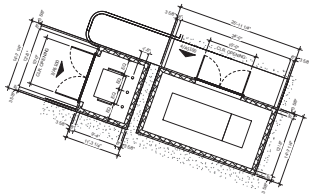


- | | | | | | |
|--|-------------------------------|--|----------------|--|----------------------------|
| | Parkway (120' ROW) | | Railroad | | City of Manvel ETJ |
| | Proposed Parkway (120' ROW) | | Manvel ER Room | | City of Manvel City Limits |
| | Major Thoroughfare (120' ROW) | | Parcels | | |

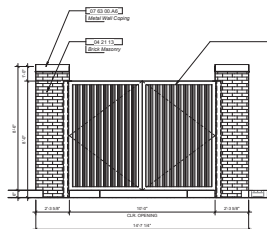
This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.



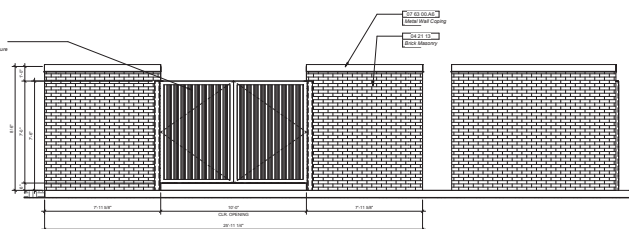
Date: May 2024
Reference: 2024043
Data Source: City of Manvel,
Brazoria County Open Data



2 DUMPSTER AND GENERATOR ENCLOSURE
SCALE: 1/8" = 1'-0" (1/4" AS SHOWN)



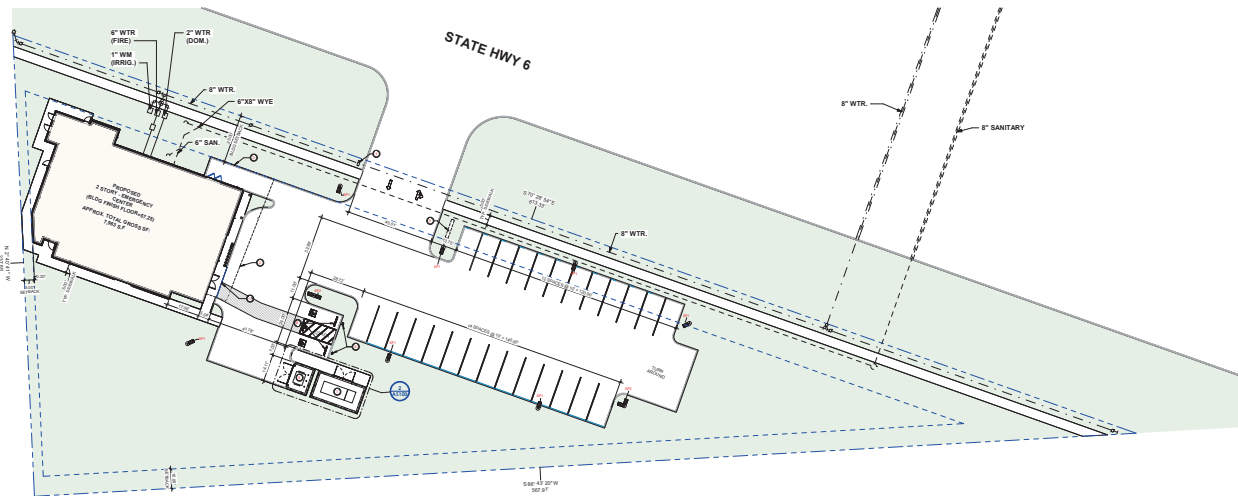
3 DUMPSTER FRONT ELEVATION
SCALE: 3/8" = 1'-0" (3/4" AS SHOWN)



4 GENERATOR FRONT ELEVATION AND DUMPSTER SIDE ELEVATION
SCALE: 3/8" = 1'-0" (3/4" AS SHOWN)

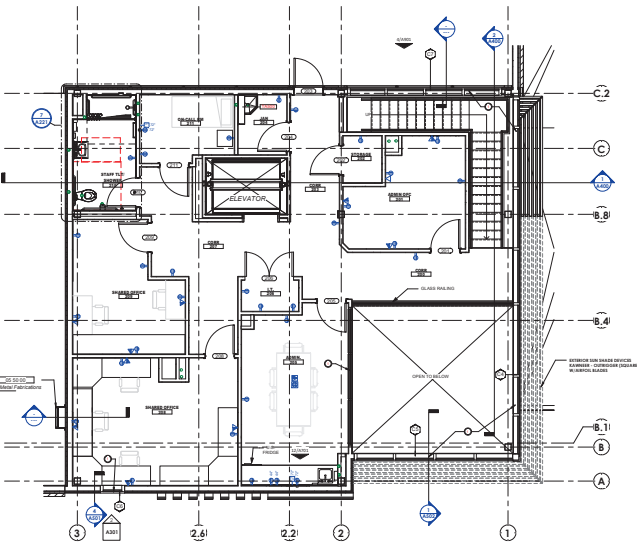
SITE PLAN KEYED NOTES	
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1 SITE PLAN
SCALE: 1" = 20'-0" (2" AS SHOWN)

FLOOR PLAN KEYED NOTES	
1	SEE TO PROVIDE MANUAL MECH SHADES AT ALL WINDOW/DOOR/SCREEN/COURT/TERMINALS. THE
2	REFER TO GENERAL BUILDING EQUIP. DRAWINGS, COORDINATE ALL DOOR ROADS, DIMENSIONING AND MEP SYSTEM RIGHTS LEAD LINES IN THIS ROOM PER PHYSICIST'S REPORT (1/18) TO 8'0" X 7'0" UNITS ARE
3	NOTES TO MATCH DRAWINGS FOR BELOW AND/OR FLOOR FLOOR SURFACE, AND/OR ABOVE CEILING CONDUIT/POUT REQUIREMENTS. GO TO ENSURE THERE ARE NO CONFLICTS WITH OTHER TRADES/WORK. CONDUITS AND
4	DUCT ABOVE CEILING AND/OR ON FLOOR FLOOR MUST BE INSTALLED AS NEAR AS POSSIBLE TO CEILING OR FLOOR TO REDUCE RISE/LINE.
5	PROVIDE FACILITY REPORTS TO MATCH DRAWINGS FOR MORE INFORMATION.
6	OWNER PROVIDES, AND/OR COUNTER REFRIGERATION.



1 SECOND FLOOR PLAN - 1/4" = 1'-0"

BB+W
ARCHITECTS

april 18th 2018, 10:10 am Phone: 408-944-1024
Burlington, VT 05401 info@bbwarchitects.com

SCALE:

ARCHITECT: **BB+W ARCHITECTS, LLC**
NOT FOR CONSTRUCTION
ARCHITECT: HANSEN, HANSEN, OR
CONSTRUCTION

DATE:

CONSULTANT:

**MANVEL
EMERGENCY
CENTER**

17518 Hwy 6, Manvel, TX
77578

Construction Documents Package

NOTE:

These drawings may have been reproduced or altered
without the original design. Owner and
architect accept no responsibility for use of
these drawings.

Contractor shall verify all existing conditions prior
to proceeding with construction. BB+W
Architects, LLC disclaims all responsibility for
any conditions, all dimensions to face of finish, 1/4" = 1'-0".

Date	No.	Description
05-28-2017	01	Final A, Printing

PROJECT NO.: 2017-01

ISSUE DATE: Issue Date

PRINT DATE:

CLIENT: Brane Real Property Holdings, LLC

COPYRIGHT:

BB+W Architects, LLC expressly reserves the
copyright and other property rights in
these drawings. They are not to be reproduced,
changed, or copied in any form or manner
without the written consent of BB+W Architects,
LLC. No part of these drawings may be used
without the written consent of BB+W Architects,
LLC.

SHEET TITLE:

SECOND FLOOR PLAN

A122



**DEVELOPMENT SERVICES**

20025 HIGHWAY 6

MANVEL, TX 77578

P: 281-489-0630

F: 281-489-0634

SPECIFIC USE PERMIT APPLICATION**PROJECT INFORMATION**Project Name: Manvel Medical Emergency RoomProject Location/Address: Parcel SE of 17518 Hwy 6, Manvel, TX 77578Legal Description: 1.5491 Ac. being portion of Lot 233, Emigration Land Company SubdivisionCurrent Zoning: light commercial Proposed Land Use: medical NAICS No.: _____Parcel/Tax ID# (s): 167427 Total Acreage: 1.5491**APPLICANT INFORMATION**Applicant Name: Stephen WangCompany Name: BB+W Architects, LLCAddress: 24080 Hwy 59 N, Suite 150 City: Kingwood State: TX Zip: 77339Phone #: 281-213-5650 Email: swang@bbwarchitects.com

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT, and I, the undersigned, am authorized to make this application on behalf of the owner(s). I understand that this application will expire one year from the date submitted.

Jean M. Joseph 05/07/24
Applicant Signature (REQUIRED) Date

PROPERTY OWNER INFORMATIONOwner(s) Name: Jean JosephAddress: 1006 W 22nd st City: Houston State: TX Zip: 77008Phone #: 5617185509 Email: JeanJoseph.md@gmail.com**PROPERTY OWNER'S AUTHORIZATION (Required – If owner is also the applicant, must sign as both):**

I am the owner of the property for which this application is being made. I authorize the above person (Applicant) to submit this application and to correspond with the City of Manvel regarding this application on my behalf.

Jean M. Joseph 05/07/24
Owner's Signature (REQUIRED) Date

**DEVELOPMENT SERVICES**

20025 HIGHWAY 6

MANVEL, TX 77578

P: 281-489-0630

F: 281-489-0634

SUBMITTAL CHECKLIST

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the nature of the development; however, it is incumbent upon the applicant to inquire about these exceptions for your project before submitting an application. Answers to specific use permit applications can be obtained by attending a pre-development meeting with our Development Review Committee (DRC) prior to submitting a formal application. Please call the phone number on the application to schedule an appointment. Submit application and accompanying documents to the Permits and Inspections at the address above Monday through Thursday between the hours of 7:30 a.m. and 5:30 p.m. and Friday between the hours of 7:30 a.m. and 11:30 a.m.

SPECIFIC USE PERMIT SUBMITTAL CHECKLIST ITEMS	REQUIRED (PLEASE CHECK)
Completed Specific Use Permit Application (with all signatures)	✓
Two (2) Copies of a Conceptual Plan (building, parking, landscaping, etc. locations)	✓
Two (2) Legal Descriptions of Property (metes & bounds description if not platted)	✓
Two (2) Copies of Recorded Plat (if platted)	
Two (2) Applicant Letters of Request	✓
Traffic Impact Analysis, (if applicable)	N/A
Paid Application Fee	✓

APPLICANT CERTIFICATION

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if it is deemed incomplete.


Applicant Signature

5/12/24

Date



DEVELOPMENT SERVICES

20025 HIGHWAY 6

MANVEL, TX 77578

P: 281-489-0630

F: 281-489-0634

LETTER OF AUTHORIZATION

Have property owner complete and sign, if applicant differs from property owner.

Jean Joseph
Owner Name

1006 W 22nd st
Owner Address

Houston, TX 77008
Owner City, State Zip

04/19/24
Date

Building and Inspections
20025 Highway 6
Manvel, TX 77578

Dear City of Manvel Permits and Inspections,

I, Jean Joseph, certify that I am the owner of the project property located at Manvel, TX 77578 and that the forgoing statements and answers made and all data, information, and evidence herewith submitted are in all respects to the best of my knowledge and belief, true, and correct. I appoint Stephen Wang with the company BB+W Architects, LLC (if applicable) to act as my representative for this project. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and /or failure to remit payment for services can lead to delays in this project – up to and including rejecting the project and forfeiting any fees paid.

Please contact me directly at 5617185509 if you have any questions.

Sincerely,

Owner Name Jean Joseph

Owner Signature Jean Joseph 05/07/24

EXHIBIT "A"

1.5491 ACRES OF LAND LOCATED IN THE H. T. & B. R.R. COMPANY SURVEY, SECTION 65, ABSTRACT 285, BRAZORIA COUNTY, TEXAS, BEING THAT PORTION OF LOT 233, EMIGRATION LAND COMPANY SUBDIVISION AS SHOWN ON THE PLAT THEREOF RECORDED IN VOLUME 2, PAGE 81, PLAT RECORDS OF BRAZORIA COUNTY, TEXAS, LIEING SOUTHERLY OF STATE HIGHWAY 6 RIGHT-OF-WAY, AND BEING THE RESIDUE OF A CALLED 2.323 ACRE TRACT CONVEYED IN DEED FROM LOWELL E. ROBERTS AND WIFE, JANIE L. ROBERTS TO TWO THIRTY-THREE ASSOCIATES, LTD., DATED DECEMBER 30, 1982, AS RECORDED IN VOLUME 1686, PAGE 947, DEED RECORDS OF BRAZORIA COUNTY, TEXAS, SAVE AND EXCEPT THAT CALLED 0.769 ACRE TAKEN FOR THE WIDENING OF SAID STATE HIGHWAY 6 AS SHOWN ON RIGHT-OF-WAY SKETCH CSJ0192-02 DATED MARCH 1990 (THIS TAKING IS AS YET UNRECORDED), SAID 1.5491 ACRES BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND ON THE NORTHERLY RIGHT-OF-WAY LINE OF A 40.00 FOOT ROAD, DEDICATED PER ABOVE SAID PLAT (ROAD NOT IN) FOR THE SOUTHWEST CORNER OF SAID LOT 233, THE SOUTHWEST CORNER OF SAID 2.323 ACRE TRACT, AND THE SOUTHEAST CORNER OF A CALLED 6.48587 ACRE TRACT (LOT 234) CONVEYED IN DEED FROM WILLIAM M. MATHEWS, ET UX, TO JAMES W. GUSTAFSON, TRUSTEE, DATED JULY 10, 1974, AS RECORDED IN VOLUME 1211, PAGE 560, DEED RECORDS OF BRAZORIA COUNTY, TEXAS;

THENCE NORTH 02° 40' 44" WEST, WITH THE WESTERLY LINE OF SAID LOT 233 AND SAID 2.323 ACRE TRACT, SAME BEING THE EASTERLY LINE OF SAID LOT 234 AND SAID 6.48587 ACRE TRACT, A DISTANCE OF 237.65 FEET TO A 1/2 INCH IRON ROD SET FOR CORNER ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY 6 (200 FEET WIDE);

THENCE SOUTH 70° 28' 54" EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 613.33 (CALLED NORTH 70° 28' 57" WEST, 614.83 PER ABOVE SAID RIGHT-OF-WAY SKETCH) TO A HIGHWAY MONUMENT DISK IN CONCRETE FOR CORNER;

THENCE SOUTH 86° 43' 20" WEST, WITH THE SOUTHERLY LINE OF SAID LOT 233, SAME BEING THE NORTHERLY RIGHT-OF-WAY LINE OF SAID 40.00 FOOT DEDICATED ROAD A DISTANCE OF 567.91 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.5491 ACRES OF LAND.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

**Brazos Real Property
Holdings, LLC.**

1006 West 22nd Street
Houston, TX 77008
(561)718-5509

May 7, 2024

City of Manvel
20031 Hwy 6
Manvel, TX 77578

RE: Applicant Letter of Request for Special Use Permit

To Whom It May Concern:

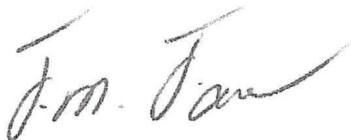
I am pleased to submit this letter of request on behalf of Brazos Real Property Holdings, LLC for a Special Use Permit for approximately 1.5 acre property located SE of 17518 Hwy 6, Manvel, TX 77578.

Brazos Real Property Holdings, LLC intends to construct a ground-up one-story building with a partial 2nd floor to introduce a freestanding emergency center of approximately 7,963 SF in the Manvel area. The new emergency center will provide service 24-hours a day, 7 days a week. The project is composed of 2 exam rooms, 6 treatment rooms, and an imaging department with both X-Ray and CT Scan services.

The shell building construction will be a Type II-B with no requirement for fireproofing since the entire building will be sprinklered. The emergency center will comply with Manvel's adopted 2021 codes (IBC, IFB, IMC, IPC, IECC), 2020 National Electrical Code, 2012 Texas Accessibility Standards, and Chapter 131 Freestanding Emergency Medical Care Facilities Licensing Rules.

Brazos Real Property Holdings, LLC hereby appreciates in advance your consideration for our application as we intend to provide quality and prompt medical services to the residents of the Manvel area. We look forward to hearing from you soon.

Best regards,



Jean M. Joseph M.D.

(561)718-5509

ORDINANCE NO. 2024-O-26

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF AN APPROXIMATELY 1.5491 ACRE TRACT OF LAND GENERALLY LOCATED EAST OF 17518 MORRIS AVENUE (STATE HIGHWAY 6), MANVEL, TEXAS FROM LIGHT COMMERCIAL AND STATE HIGHWAY 6 OVERLAY DISTRICT LC-SH6) TO LIGHT COMMERCIAL AND STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (PUD-SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR 621493 “AMBULATORY HEALTH CARE SERVICES”; PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

* * * * *

WHEREAS, Jean Joseph, is the owner (the “Owner”) of a certain 1.5491-acre tract of land generally located east of 17518 Morris Avenue (State Highway 6), Manvel, Texas, being part of lot 233 of the emigration land company subdivision H.T. & B.R.R. CO. Survey, Section 65, Abstract 285, Brazoria County, Texas, according to plat recorded in Volume 2, Page 81, Plat Records, and being the same land described in a deed to Surya Acquisitions, LLC, recorded in Clerk’s file 2007-045744 a map and description of which is attached hereto as Exhibit “A”; and

WHEREAS, the 1.5491-acre tract is currently zoned Light Commercial District and Highway 6 Overlay District (LC-SH6); and

WHEREAS, the applicant, BB+W Architects, has filed an application to change the zoning classification of the 1.5491-acre tract to Light Commercial District and Highway 6 Overlay District with a Specific Use Permit (LC-SH6-SUP) allowing the

proposed use of the property for NAICS use 621493 “Ambulatory health Care Services”;
and

WHEREAS, the Planning, Development, and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on such request; and

WHEREAS, the Planning, Development, and Zoning Commission has recommended in its report the approval of such request, and the City Council deems it appropriate to approve said amendment to the zoning and specific use permit; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The zoning classification of a certain 1.5491-acre tract of land located generally located east of 17518 Morris Avenue (State Highway 6), Manvel, Texas, being part of lot 233 of the emigration land company subdivision H.T. & B.R.R. CO. Survey, Section 65, Abstract 285, Brazoria County, Texas, according to plat recorded in Volume 2, Page 81, Plat Records, and being the same land described in a deed to Surya Acquisitions, LLC, recorded in Clerk’s file 2007-045744, a map and description of which is attached hereto as Exhibit “A” attached hereto, shall be changed from Light Commercial and State Highway 6 Overlay District (LC-SH6) to Light Commercial and State Highway 6 Overlay District with a Specific Use Permit (LC-SH6-

SUP)), for uses as permitted within such zone classification, subject to the regulations, regulations, and conditions hereinafter set forth:

1. Ambulatory Health Care Services– (NAICS 621493)

Section 3. The request meets the criteria set forth in Section 77-50 of the City of Manvel Zoning Ordinance for a Specific Use Permit. The City of Manvel Zoning Ordinance is hereby further amended by granting a Specific Use Permit authorizing use of the Property for the NAICS use listed in Section 2, above.

Section 4. The City Council hereby finds it appropriate to impose the conditions to the granting of the Specific Use Permit as shown in Exhibit “B”, attached hereto and incorporated herein as if set out in full. This proposed use of a “Ambulatory Health Care Services” and site may not be changed or expanded except by amendment of this Specific Use Permit.

Section 5. The Specific Use Permit issued under this ordinance, or a specific use listed herein, shall expire one year after its date of issuance if construction or if the listed use authorized hereunder is not substantially under way or in use prior to the expiration of said one year period. If, prior to the expiration of such one-year period, the owner of the property to which the Specific Use Permit applies in writing, for an extension, the City Council may, after recommendation from the Planning, Development, and Zoning Commission, grant such extension for one additional year.

Section 6. The Zoning District Map of the City of Manvel shall be revised and amended to show the designation of said tract, as described and as provided in Section 2, above, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 7. The City Council hereby finds and determines that said rezoning comports to the City's Comprehensive Land Use Plan. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change in zoning classification of said tract(s) as described above.

Section 8. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 9. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 10. Revocation. This Specific Use Permit may be revoked or modified by the City Council, in whole or in part, after notice and hearing, for either of the following reasons:

(1) The Specific Use Permit was obtained or extended by misrepresentation, fraud or deception: or

(2) That one of more of the conditions imposed by the permit has not been met or has been violated.

PASSED AND APPROVED on first reading this _____ day of _____, 2024.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day of _____, 2024.

Dan Davis, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

Exhibit A

Certain 1.5491-acre tract of land generally located east of 17518, Manvel, Texas, being part of lot 233 of the emigration land company subdivision H.T. & B.R.R. CO. Survey, Section 65, Abstract 285, Brazoria County, Texas, according to plat recorded in Volume 2, Page 81, Plat Records, and being the same land described in a deed to Surya Acquisitions, LLC, recorded in Clerk's file 2007-045744.

ADAMS' SURVEYING CO.

SURVEYOR:

STEVE D. ADAMS
STEPHEN D. ADAMS, JR.
P.O. BOX 114
ALVING, TEXAS 77512
281/331-3523



FIELD BOOK	100 & LF 30
PAGE	20 & 16
DATE	MARCH 6, 2008
EXPIRY BY	SEP. 01,

OF - INACTIVE

PREPARED FROM A SURVEY MADE ON THE GROUND IN MARCH, 2008

PERSONS LISTED SUBJECT TO INVESTIGATION

ELEVATIONS BASED ON USGS "Z 1277", PUBLISHED ELEVATION 55.4', NAD '86.
THIS PROPERTY LIES PARTLY IN ZONE "X" AND PARTLY IN ZONE "AO", DEPTH 2'.
PER FEMA PANEL 460076 0110 N, DATED JUNE 5, 1989.

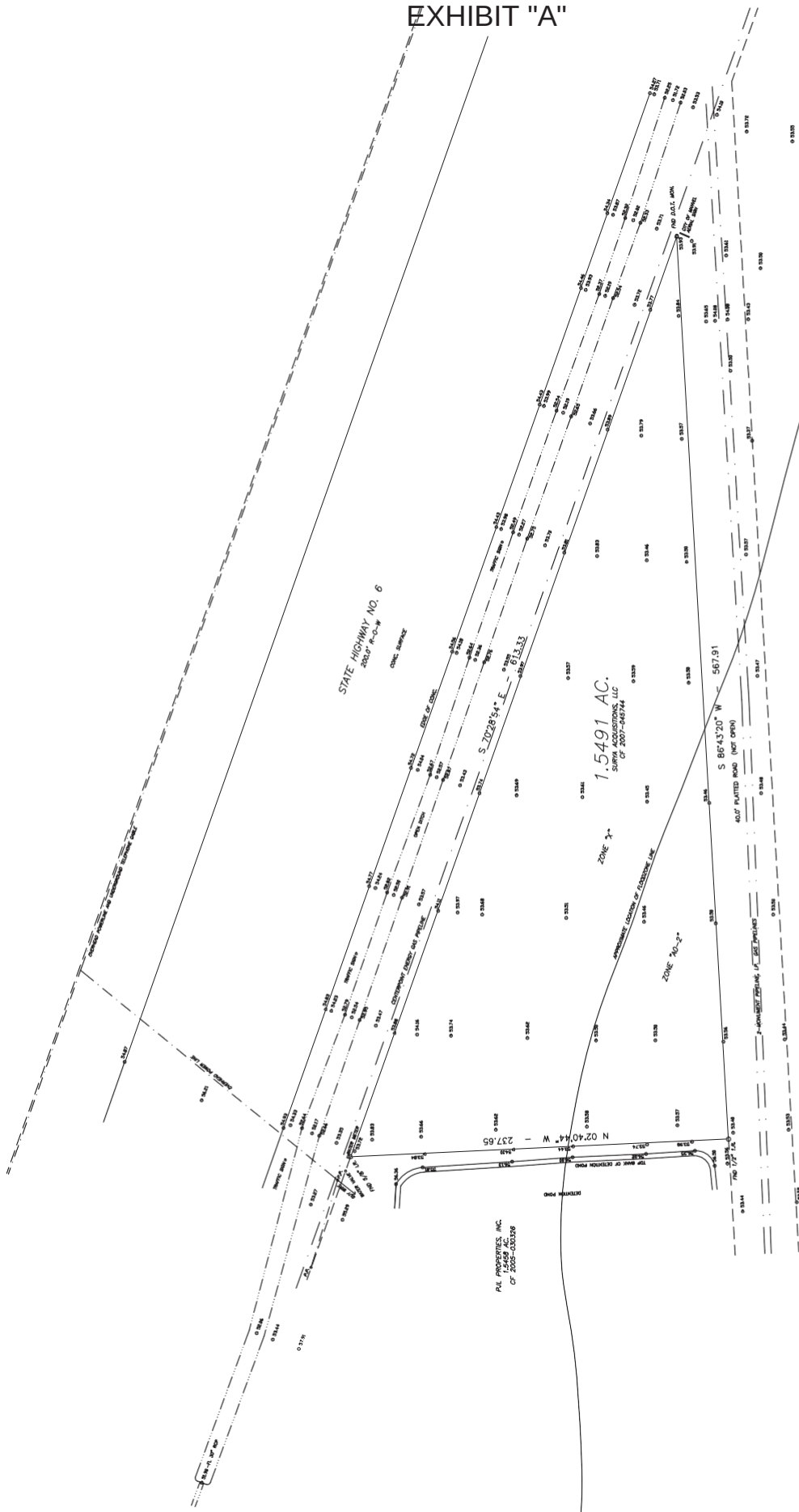


Exhibit B

Conditions of Approval:

1. The facility is permitted to be open for twenty-four (24) hours.
2. All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
3. All doors shall remain unlocked and accessible during normal business hours.
4. All dry detention ponds shall have minimum 15 feet maintenance berm around all sides of the pond.
 - a) Unless an Engineering Criteria Manual Deviation is approved for less than 15 feet for dry detention (shows 10 feet).
5. All development requirements must be satisfied during the permitting process.

ORDINANCE NO. 2024-O-30

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANVEL BY AMENDING CHAPTER 33 “FOOD AND FOOD HANDLERS” TO ADOPT THE 2021 *TEXAS FOOD ESTABLISHMENT RULES* (TFER), WITH LOCAL AMENDMENTS CONSISTENT THEREWITH, REGULATING FOOD ESTABLISHMENTS; AMENDING CHAPTER 35 “FOOD AND FOOD HANDLERS” TO AMEND DEFINITIONS AND OTHER PROVISIONS TO MAKE THE RULES PERTAINING TO MOBILE FOOD VENDORS CONSISTENT WITH ADOPTION OF THE 2021 TFER; REPEALING PROVISIONS IN CONFLICT THEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council of the City of Manvel, Texas, has deemed it in the best interest of the health, safety, and welfare of the citizens of the City to regulate food and food handlers; and

WHEREAS, this regulation is integral to maintaining the public health and to support the vision of citizens and City Council of the City of Manvel; and

WHEREAS, the City Council finds that the adoption of the 2021 Texas TFER and amendment of section 35-310 are in the best interest of the citizens of Manvel to regulate food establishments; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Code of Ordinances of the City of Manvel is hereby amended by amending CHAPTER 33 “FOOD AND FOOD HANDLERS,” to read and provide as follows:

“Chapter 33 - FOOD AND FOOD HANDLERS”

The purpose of the chapter is to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly [~~resented~~] represented. This chapter establishes set standards for management and person, food operations, and equipment and

facilities; and provides for food establishment plan review, permit issuance, inspection, and permit revision.

ARTICLE I. - IN GENERAL

Sec. 33-1. State regulations adopted.

(a) The city adopts by reference Title 25. Texas Administrative Code, Chapter 228, *Texas Food Establishment Rules 2021*.

(b) The *Texas Food Establishment Rules 2021* shall be considered incorporated herein by reference for all purposes.

(c) From and after enactment of this chapter, the *Texas Food Establishment Rules 2021* shall govern the regulation of food and food establishments in the city in addition to any other requirements set forth in this chapter and other applicable laws and regulations. For purposes of this chapter, the words, terms and phrases set forth in the *Texas Food Establishment Rules 2021* as definitions shall have the meanings and interpretations set forth therein.

(d) Except as where may be specifically stated herein, this chapter shall be enforced by the city code enforcement officer/health officer, or such other personnel designated by the city manager.

(e) A copy of the *Texas Food Establishment Rules 2021* shall be on file in the office of the city secretary.

Sec. ~~33-2~~ [33-1]. - Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Employee shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is stationed in a room in which food or drink is prepared or served, including but not limited to, the permit holder, person in charge, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in the food establishment.

Food means [~~(1)~~] articles used for food or drink for human consumption; [~~(2)~~] a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, [~~(3)~~] chewing gum, and [~~(4)~~] components of any such article.

Hair restraints shall mean a hat, hair covering or net, beard restraint, or clothing that covers body hair and is designed and worn to effectively keep hair from contacted exposed food, equipment, utensils, linens, or single-use and single-service articles. This requirement does not apply to food employees, such as counter staff, who only serve beverages and wrapped or packaged foods, hostesses, and wait staff, if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles, whose hair is secured.

Health officer shall mean any person in the code enforcement/health office, or other person designated by the city manager, assigned to inspect food establishments, educate food establishment employees and food employees on local and state statutory requirements for health and safety in food service, and enforce all local and state health and safety laws as permitted by law.

Imminent health hazard shall mean a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operations to prevent injury based on the number of potential injuries and the nature, severity, and duration of the anticipated injury; including but not limited to, a complete rack of refrigeration, sewage back-up into the establishment, or an inspection score less than 50.

Misbranded-food shall mean be deemed misbranded if:

- (1) Its labeling is false or misleading in any particular;
- (2) It is offered for sale under the name of another food;
- (3) It is an imitation of another food, unless its label bears the word "imitation" in type of uniform size and prominence and immediately thereafter the name of the food imitated; and except in cases of mixture and compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article if the name is accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced. No one administering this chapter may constitute oleomargarine as an imitation of butter;
- (4) The container is so made, formed, or filled as to be misleading;
- (5) It is in package form without a label containing: (a) the common name of the food, (b) the name and place of business of the manufacturer, packer, or distributor; (c) an accurate statement of the quantity of the content in terms of weight, measure, or numerical count; and (d) the name of the food source for each major food allergen contained in the food unless the food source is already part of the common name;
- (6) If any word, statement, or other information required by or under authority of this chapter of state law to appear on the label or labeling is not prominently placed thereon with such

conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) If it purports to be or is represented as food for which a definition and standard of identity has been prescribed by state regulations, unless, (a) it conforms to such definition and standard, and (b) its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such foods;

(8) If it purports to be or is represented as: (a) A food for which a standard of quality has been prescribed by state regulations, and its quality falls below such standard unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard; or (b) A food for which standard or standards of fill of container have been prescribed by state regulations, and it falls below the standard of fill container applicable thereto, unless it labels bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(9) If it is not subject to the provisions above, unless it bears labeling clearly giving: (a) the common or usual name in the food, if any there be; and (b) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than those sold as such may be designated as spices flavorings, and colorings, without naming each; provided that, to the extent that compliance with the requirements of clause (b) of this subsection is impractical or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the state commissioner of health; provided further that the requirements above shall not apply to any bottled carbonated drinks or soft drinks and, provided further, that clause (b) of this subsection shall not apply to any bottled carbonated drinks or soft drinks or the dispensing of carbonated soft drinks in single service cups. Nothing in this chapter shall be construed as requiring proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas except insofar as the provisions of the law require to secure freedom of adulteration or misbranding;

(10) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral and other dietary properties as the state commissioner of health determines to be, and by regulations prescribed, as necessary in order to inform purchasers as to its value for such uses; or

(11) ~~[(12)]~~ If it bears or contains any artificial flavorings, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided that, to the extent that compliance with the requirements of this subsection is impracticable, exemptions shall be established by regulations promulgated by the state commissioner of health. The provisions of this subsection and subsections (7) and (9) with respect to artificial coloring are not to apply in the case of butter, cheese, and ice cream.

Nonprofit organization/establishment shall mean an organization whose operations is not conducted or maintained for the purpose of making a profit, and from which its shareholders or trustees do not benefit financially. Nonprofit status must be verified by submission of supporting documentation, such as an IRS form 501c.

Private water system shall mean a drinking water system that is not connected to a public water system and is not regulated by the Texas Commission on Environmental Quality, including private wells. Such systems have additional requirements, including, but not limited to, water sampling and testing every six months. Upon request, proof of testing may be required and documents submitted to the regulatory authority.

Regulatory authority shall mean the City of Manvel, Texas.

Temporary food establishment (§228.222 TFER) shall mean a food establishment that operates for a period of no more than ten consecutive days in conjunction with a single event or celebration. This may include a stand or a booth.

Restaurant shall mean a business establishment whose primary function is the ability for the general public to obtain dining or take-out food service, where the services rendered are for the consumption of food that is cooked, held, stored, prepared, or served on the premises. The term restaurant excludes: grocery stores, convenience stores, day cares, public and private schools, governmental entities, churches, non-profit entities, and businesses not generally open for public access.

State law definitions shall mean any term used in this chapter and not specifically defined herein shall have the meaning ascribed to it in the Texas Food, Drug and Cosmetic Act, V.T.C.A., Health and Safety Code, Ch. 431.

Time/temperature controlled for safety (TCS) food shall mean a food that requires time/temperature controlled for safety to limit pathogenic microorganism growth or toxin formation.

Utensils shall mean and include any kitchenware, tableware, glassware, cutlery, vessels, containers, or other equipment with which food or drink comes in contact during storage, preparation, serving, eating, or drinking.

[Sec. 33-2.—State regulations adopted.]

~~(a) The city adopts by reference the Texas Food Establishment Rules 2015. The Texas Food Establishment Rules 2015 shall be considered incorporated herein by reference for all purposes.~~

~~(b) From and after enactment of this chapter, the Texas Food Establishment Rules 2015 shall govern the regulation of food and food establishments in the city in addition to any other requirements set forth in this chapter and other applicable laws and regulations. For purposes of this chapter, the words, terms and phrases set forth in the Texas Food Establishment Rules 2015 as definitions shall have the meanings and interpretations set forth therein.~~

~~(c) Except as where may be specifically stated herein, this chapter shall be enforced by the city code enforcement officer/health officer, or such other personnel designated by the city manager.~~

~~(d) A copy of the Texas Food Establishment Rules 2015 shall be on file in the office of the city secretary.]~~

Sec. 33-3. - Local amendments and definitions.

The Texas Food Establishment Rules 2021 ~~[2015]~~ adopted in [section 33-1](#) are hereby amended as follows:

(1) The following provisions are added:

~~[a. 228.2(153) Code enforcement/health officer—A city "code enforcement officer" or "health officer" shall mean any person in the health office/code enforcement office, or other person designated by the city manager, assigned to inspect food establishments, educate food establishment employees and food employees on local and state statutory requirements for health and safety in food service, and enforce all local and state health and safety laws as permitted by law.~~

~~b. 228.2(154) Reconstituted—Food created or prepared by recombining dehydrated food products with water or other liquids.~~

~~c. 228.2(155) Sanitation—Effective bactericidal treatment process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on tableware, utensils, equipment, and alike.~~

~~d. 228.186(o)(2)(F) Service Animals—In areas that are not used for food preparation or storage, a food establishment may, at the owner or manager's discretion, or where required by law, allow patrons to bring service animals on the premises. Notices stating where a patron is allowed to bring service animals on the premises shall be posted in all areas where the service animals are to be allowed by the food establishment.~~

(2) The following provisions are adopted in place of the identically numbered provisions in the Texas Food Establishment Rules 2015:

~~a. 228.2(57) Food establishment—Food establishment means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, whether for charge or not, as follows:~~

~~1. A restaurant, retail food store, satellite or catered feeding location, catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people, market, vending machine location, self-service food market, conveyance used to transport people, institution, or food bank. This includes any establishment where prepackaged time/temperature control for safety (TCS) food and food products are offered to the ultimate consumer and intended for off premise consumption;~~

2. An establishment that relinquishes possession of food to a consumer directly, or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers; and

3. Includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location, unless the vending or feeding location is permitted by the regulatory authority.

4. An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises regardless if there is a charge for the food.

5. Food establishment does not include :

i. An establishment that offers only prepackaged foods that are not TCS foods;

ii. A produce stand that only offers whole, uncut fresh fruits and vegetables;

iii. A food processing plant;

iv. A cottage food production operation;

v. A private home that receives catered or home-delivered food;

b. 228.2(59) Food protection manager certification—A document obtained by a person in charge who demonstrates knowledge by being a food protection manager that is certified by a food protection manager certification program that is evaluated and listed by a conference for food protection recognized accrediting agency as conforming to the conference for food protection standards for accreditation of food protection manager certification programs. Food establishments having multiple preparation areas or at such distance that a single individual may not effectively supervise activities in each, must have a person in charge who has a valid food service manager's certification located in each area.

c. 228.2(85) Mobile food unit (MFU)—A vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily movable (including, but not limited to, trailers and food hand cart) and used to store, prepare, display, serve, or sell food. Mobile units must completely retain their mobility at all times. A mobile food unit does not mean a stand or a booth. A mobile food unit operating in the city must have onsite at least one food employee who possesses a food manager certification.

d. 228.2(143)]

a. Temporary food establishment—A food establishment that operates a stand or booth for a period of no more than ten consecutive days in conjunction with a single event or celebration. A temporary food establishment operating in the city must have onsite at least one food employee who possesses a food manager certification.

~~[e. 228.42(a)(2) is amended by changing "closed beverage container" to "screw top lid" and adding a requirement that management designate a specific location to store all approved employee beverage containers.]~~

Sec. 33-4. - Application of chapter.

- (a) This chapter shall apply to all areas within the corporate limits of the city.
- (b) Persons or organizations whose food services are regulated and regularly inspected by another federal or state governmental entity are required to comply with this chapter.
- (c) If there is a conflict between a provision of this chapter and another provision of the City Code or state law, the more stringent provision shall apply.

Sec. 33-5. - Enforcement.

Except as where may be specifically stated herein, this chapter shall be enforced by the City Code enforcement officer/health officer, or such other personnel designated by the city manager.

Sec. 33-6. - Penalty.

- (a) All provisions of this chapter shall be applicable to all food establishments, unless otherwise required by law.
- (b) No food establishment shall be operated within the city unless it conforms with the provisions of this chapter.
- (c) Any person or establishment deemed in violation of this chapter may be subject to permit suspension or revocation.
- (d) Any person who intentionally, knowingly, willfully, or with criminal negligence violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding \$2,000.00. Each day of violation of this chapter shall constitute a separate offense. Prosecution in municipal court shall be in addition to other remedies provided in this chapter, by law, or in equity.
- (e) A license holder shall ensure that the food establishment is in full compliance with this chapter at all times.
- (f) The person in charge shall ensure that the food establishment is operated in full compliance with this chapter and that all food is stored, prepared, displayed and served in accordance with the provisions of this chapter.
- (g) All mobile food unit and temporary food establishment vendors must comply with the requirements of the City Code, [chapter 35](#), article X, as amended from time to time.

Sec. 33-7. - Injunction.

(a) If it appears that a person has violated, is violating, or threatens to violate this chapter, the city may institute a civil suit in a district court for injunctive relief to restrain the person from continuing the violation or threat of violation.

(b) The city may petition a district court for a temporary restraining order to immediately halt a violation or other action creating an emergency condition if it appears that:

(1) A person is violating or threatening to violate this chapter; and

(2) The violation or threatened violation creates an immediate threat to the health and safety of the public.

Secs. 33-8, 33-9. - Reserved.

ARTICLE II. - HEALTH PERMIT

Sec. 33-10. - Required.

(a) Health permit. No person shall operate a food establishment without possessing a valid health permit issued by the city through the permits department. Such permit be known as a "health permit", a "temporary food establishment health permit", or a "mobile food unit health permit", hereinafter referred to collectively as "permit", "permits", or "health permit". Only a person who complies with the requirements of this chapter shall be entitled to receive or retain such a permit. All health permits issued by the city remain the property of the city.

(b) The non-refundable annual fee for a food establishment health permit, other than that issued to a nonprofit organization, daycare, or institution, will be based on the square footage of the establishment.

(c) Permits are not transferable from one person or place to another person or place. A valid permit shall be posted in view of the public in every food establishment, temporary food establishment, and mobile food unit.

(d) Each and every food establishment, whether under one roof or not, operating separate POS systems, or subletting a location/area from lessee, shall be considered a separate establishment, and a permit must be obtained for each establishment. Each such establishment is subject to the requirements in this chapter.

(e) Application. All applications must be completely and accurately filled out, and all requirement documentation must be submitted. Any fraudulent information may cause revocation of any and all issued health permits.

(1) Any person desiring to obtain a health permit shall make written application for such permit on forms provided at the city's permits department or on the city's website. Such application shall include the applicant's full name and mailing address; the location of proposed food establishment; and the signature of the applicant or applicants.

(2) Any person desiring to obtain a temporary food establishment health permit shall make written application for such permit, at least three days before prior to the beginning of the temporary food establishment operation, on forms provided at the city's permits department or on the city's website. In addition to the information listed in subsection (1) above, such application shall include

a. The inclusive dates of the proposed operations;

b. The name, address, and telephone number of the owner or owners of the property where the temporary food service establishment is to be located; and

c. A statement signed by the owner(s) of the property or his/her authorized agent, stating that arrangements have been made for the proper disposal of all rubbish, trash, garbage, and for maintaining the property free from litter and nuisances during the total period of operation up to and including any cleanup time required to remove all rubbish, trash, garbage, and litter resulting from the food service. A description of such arrangements must be included.

(4) Any person desiring to obtain a mobile food unit health permit shall make written application for such permit on forms provided at the city's permits department or on the city's website. Should an individual or entity own more than one mobile food unit, a health permit must be obtained to each individual mobile food unit. In addition to the information listed in subsection (1) above, such application shall include

a. The physical address where the mobile food unit is stationed when not in use;

b. The business name and address of the central preparation facility or other fixed food service establishment where the potentially hazardous food supplies are obtained;

c. The address of the servicing area; and

d. A description of the mobile food unit which includes the manufacturer's make, model, serial or VIN number, and the vehicle's state registration number.

(5) A permit holder must notify the city of any changes to the information submitted in an application for the permit, including but not limited to, change of address or telephone number. The notification must be given to the city in writing within ten days of the change.

(f) The permit department shall issue the appropriate permit to the applicant if inspection reveals that the proposed food establishment complies with the requirements of this chapter. All temporary food establishments and mobile food unit vendors must comply with the requirements of the City Code, [chapter 35](#), article X.

Sec. 33-11. - Duration.

Permits shall be issued annually and shall extend from the date of issuance for a period of one year ~~[or renewal, until June 30 each year. All health permits issued by the city expire on June 30 each year]~~. Annual renewal applications must be submitted at least 30 ~~[14]~~ days prior to the expiration date of the permit.

Temporary food establishment health permits shall extend from the first date of service until ten days after the first date of service. All temporary food vendor permit applications must be submitted at least three days before the first event day. Applications received after less than three days before the first event day may be imposed with additional fees.

Mobile food unit health permits shall be issued annually and shall extend from the date of issuance or renewal, until the first day of the issuance month the following year. Annual renewal applications must be submitted at least 14 days prior to the expiration date of the permit.

Sec. 33-12. - Fees.

(a) Before any permit shall be issued under this chapter, the applicant shall pay the applicable fees set forth in the latest fee schedule resolution adopted by the city. All food establishments shall be obligated to pay an annual permit fee as specified in the latest fee schedule resolution adopted by the city.

(b) The re-inspection fee set forth in the latest fee schedule resolution adopted by the city shall apply in cases where re-inspection is deemed necessary by the city's code enforcement officer/health officer.

(c) Health permit renewal applications received after the expiration date of issued permit fee shall include a late fee as set for in the latest fee schedule resolution adopted by the city.

Sec. 33-13. - Refunds.

Permit fees are not refundable.

Sec. 33-14. - Suspension.

(a) The city, without warning, may suspend any health permit to operate a food establishment, temporary food establishment, and/or mobile food unit, if the operation of the establishment does not comply with the requirements of this chapter, the permit holder does not comply with the requirements of this chapter, or if the operation of the establishment otherwise constitutes a

substantial health hazard or immediate threat to the health and safety of the public. Suspension is effective upon written notice and issuance, and service operations shall immediately cease.

(b) Whenever a permit is suspended, the city shall notify the permit holder or the person in charge of the food establishment in writing of the reason(s) for which the permit is suspended and inform them of the opportunity for a hearing before the city municipal court. If the permit holder requests a hearing, they shall file their written request for a hearing with the city secretary within ten days following service of such notice of suspension. If a request for hearing is filed, a hearing shall be scheduled within ten days of the city's receipt of such request. If no request for hearing is filed within the ten-day period, the suspension of the permit is sustained. The city's code enforcement officer/ health officer may end the suspension at any time if reasons for suspension no longer exist.

(c) Whenever a food service license is suspended, it may be physically removed from the premises by the code enforcement officer/health officer and retained at the office of the code enforcement officer/health officer until the suspension has been lifted or modified.

(d) Whenever a mobile food unit license is suspended, it shall be physically removed from the mobile food unit in violation by the code enforcement officer/health officer.

(e) All hearings shall be held in the municipal court and presided over by a municipal court judge. All hearings shall be, as much as practicable, conducted pursuant to the Texas Rules of Civil Procedure.

(f) If the permit holder fails to appear at the hearing at the time, place, and date specified, the city shall present sufficient evidence to establish a prima facie case showing violation of this chapter or conditions constituting a hazard to public health which formed the basis of the suspension of the license.

(g) If the municipal court finds that the food establishment was, in fact, in violation of this chapter or that it constituted a hazard to public health, the court shall make written findings of fact and shall order the permit suspended until all violations of this chapter are corrected and any conditions constituting a hazard to public health are eliminated. A copy of the findings and order of the court shall be either given to the responsible party upon conclusion of the hearing, or sent by certified mail, return receipt requested, to the permit holder. If the municipal court finds that the public interest will be adequately protected by a warning or other penalty authorized under this chapter, it may reinstate the permit.

(h) Whenever the reasons for a suspension no longer exist, the permit holder or the person in charge shall notify the permits department that the conditions under which the permit was suspended have been corrected and that an inspection is requested. Upon receipt of request and payment of any required re-inspection fee, such inspection shall be conducted as soon as possible and in no event, no later than three regular working days after the receipt of the request for inspection.

Sec. 33-15. - Revocation.

The city may revoke a permit for serious or repeated violation(s) of any of the requirements of this chapter or for interference with the health official/code enforcement officer in the performance of his/her duties. Prior to revocation, the city shall notify the permit holder or the person in charge of the food establishment in writing of the reason(s) for which the permit is subject to revocation, and that the permit shall be revoked at the end of the ten calendar days following service of such notice unless a written request for a hearing is filed with the city secretary within ten days following service of such notice of revocation. If a request for hearing is filed, a hearing shall be scheduled within 30 days of the city's receipt of such request. If no request for hearing is filed within the ten-day period, the revocation of the permit becomes final.

Sec. 33-16. - Service of notice.

A notice provided for in this article is properly served when it is delivered to the permit holder or the person in charge of the establishment or when it is sent by registered or certified mail, return receipt requested, to the last known address of the permit holder or when it is delivered by the city in person to the last known address of the permit holder.

Sec. 33-17. - Hearings.

The hearings provided for in this article shall be held in the municipal court and presided over by a municipal court judge. Based upon the recorded evidence of such hearing, the municipal court judge shall make a final finding and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder, and a copy shall be filed with the city secretary.

Sec. 33-18. - Application for a new permit after revocation.

The permit holder that has been revoked must wait 180 days after the final date of the revocation decision before making written application for a new permit.

Secs. 33-19—33-30. - Reserved.

ARTICLE III. - INSPECTIONS

Sec. 33-31. - Access.

Agents of the city, after proper identification, shall be permitted to enter any food service establishment at any reasonable time for the purpose of making inspections to determine compliance with this article. The agents shall be permitted to examine the records of the establishments to obtain information pertaining to food and supplies purchased, received or used, or to persons employed.

Sec. 33-32. - Frequency.

(a) When an initial health permit is issued, prompted by a new business or commercial change of occupant, an inspection that produces a graded score will be conducted within 60 days of service launch.

(b) An inspection of a food service establishment should be performed on each food establishment within the city at least every six months, and additional inspections shall be performed as often as necessary for the enforcement of this chapter. Any establishment scoring 75 or below on an inspection will automatically receive a follow-up inspection within ten days. A re-inspection fee must be paid prior to follow up inspection. Failure to pay re-inspection fee or a second score of 75 or below on an inspection shall result in an order to immediately cease all food service operations. Any person, firm, or food establishment proven to have failed to immediately cease all food service operations upon an order from the city shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.

(c) If a food establishment is being inspected for the first time by the city code enforcement officer/health officer, the following additional requirements apply:

(1) For a food establishment located at permanent premises, a code enforcement officer/health officer will only conduct an inspection to obtain a food service permit after the food establishment has passed final inspections by the building official and the fire marshal, or their respective designees.

(2) A food establishment located at permanent premises may not store any food defined as time/temperature control for safety food (TCS) at the premises until after the code enforcement officer/health officer has completed his/her inspection and the food establishment has passed said inspection. If a food establishment is found to have TCS food on the premises at the time of an initial health inspection, the code enforcement officer/health officer may order the TCS food to be disposed of properly if it is found to have been kept in unsafe conditions.

(d) Whenever an inspection of a food establishment is conducted, the findings shall be recorded in an inspection report, and a copy of each inspection report with number score and corresponding letter grade shall be provided to the food service manager or other person in charge of the establishment. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from 100. ~~[The code enforcement officer/health officer shall post the grade/score placard corresponding to the food establishment's inspection report upon an inside wall or window near the main public entrance of the establishment in a location readily visible to consumers, and such grade/score placard shall not be defaced or removed by any person except the code enforcement officer/health officer. Any person, firm, or corporation who fails to properly post the inspection report or the corresponding letter/score placard, or removes, defaces, or alters the inspection report or the corresponding letter/score placard, as required shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.]~~

(e) In the case of temporary food service establishments, all violations shall be corrected immediately. If violations are not corrected, the code enforcement officer/health officer shall immediately suspend the health permit. Any person, firm, or establishment who is found to have failed to immediately cease operations upon suspension of temporary health permit shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.

Sec. 33-33. - Correction of violations.

The inspection form shall specify a reasonable period of time to correct the violations and such violations must be corrected within the specified period; provided, however, that:

(1) If an imminent health hazard exists the establishment, including a mobile food unit, shall immediately cease food service operations and operations shall not be resumed until authorized by the city; and

(2) All violations at temporary food establishments shall result in cessation of temporary food service operations.

(3) The establishment or mobile food unit shall not resume operations until such time as a re-inspection determines that the condition(s) responsible for the requirement to cease operations no longer exists. The city shall offer to re-inspect the establishment within a reasonable time.

Sec. 33-34. - Reserved.

Sec. 33-35. - Power failure.

(a) *Power failure greater than 30 minutes and less than four hours.* If there is a power failure, mechanical failure, or other condition that results in an internal machine thermometer that cannot maintain food temperatures, and such condition continues for a length of time greater than 30 minutes but less than four hours, the following steps must be taken:

(1) The food establishment must be closed during the power failure;

(2) A log must be kept of the time that the power failure initially occurred, the temperature of the food at that time, and the time and temperature of the TCS food at one-hour intervals until the power is restored;

(3) The regulatory authority must be notified immediately of the power failure greater than three hours; and

(4) Documentation must be provided to the regulatory authority immediately upon request.

(b) *Power failure greater than four hours.* (In addition to those above in subsection (1)) If there is a power failure, mechanical failure, or other condition that results in an internal machine

thermometer that cannot maintain food temperatures, and such condition continues for a length of time greater than four hours, the following steps must be taken:

- (1) All TCS food must be disposed of. Documentation of disposal must be provided to the regulatory authority immediately upon request.
- (2) If required by the city, the food establishment may not re-open until an inspection has been conducted by the regulatory authority.

Sec. 33-36. - Examination, detention, and destruction of food.

(a) The regulatory authority may examine and collect samples of food as often as necessary for the enforcement of this subchapter.

(b) The regulatory authority shall, upon written notice to the owner or person in charge, specifying the reasons therefor, place any food under detention which it has probable cause to believe is adulterated, misbranded, in violation of this chapter, or a hazard to public health. The city shall tag, label, or otherwise identify any food subject to the detention order. No food subject to a detention order shall be used, served or moved from the establishment. The regulatory authority shall allow storage of the detained food under conditions specified in the detention order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The detention order shall state that a request for hearing may be filed within ten days and that if no hearing is requested the food shall be destroyed. A hearing shall be held if so requested and, on the basis of evidence produced at the hearing, the detention order may be vacated or the person in charge of the food may be directed by written order to destroy such food or to bring it into compliance with the provisions of this subchapter.

(c) Time temperature control for safety foods (TCS). Immediate destruction of TCS food shall be ordered and accomplished if:

- (1) The TCS food is in a container or package that does not bear a date or day, and is not properly labeled to show evidence that the TCS food is less than seven days old;
- (2) The TCS food is at a temperature of greater than five degrees Celsius (41 degrees Fahrenheit) and less than a temperature of 57 degrees Celsius (135 degrees Fahrenheit);
- (3) When using time as a public health control, the TCS food exceeds the time that is four hours past the point in time when the food is removed from temperature control; or
- (4) When the food is deemed a hazard by the code enforcement officer/health officer.

Secs. 33-37—33-50. - Reserved.

ARTICLE IV. - CONSTRUCTION, REMODELING AND CONVERSION

Sec. 33-51. - Plans.

(a) No construction, remodeling, or alteration of a permitted food establishment shall be conducted without any and all required permits.

(b) One hard copy and an electric copy of properly prepared plans and specifications for each construction, remodeling, or alteration of a food establishment shall be submitted to the permit department prior to any on-site construction. The plans must be drawn to scale no smaller than one-eighth inch and shall consist of a plot plan, floor plan, foundation plan, structural plan, plumbing plan, elevation plan, wall section, engineer's scale and survey (if required by applicable law), mechanical and electrical details, and health equipment detail with elevations, any of the city standard details that apply, and the city's signature block on the first page.

(c) Grease traps/interceptors. All food establishments that discharge fats, oils, and/or grease into the city sanitary sewer shall have a grease trap/interceptor:

(1) New commercial shell building. All new commercial shell buildings with food establishments shall have a minimum 500-gallon grease trap/interceptor per food establishment or a minimum 500-gallon communal grease trap/interceptor per 2,500 square feet for the new shell commercial building. Changes in food establishments may result in larger or smaller gallon grease trap/interceptor size as determined by TCEQ's 'Grease Interceptor Sizing Worksheet' which shall be certified by a licensed plumber.

(2) All other commercial buildings. Food establishments shall have a grease trap/interceptor as determined by the Texas Commission on Environmental Quality's (TCEQ) 'Grease Interceptor Sizing Worksheet', as amended from time to time. The grease trap/interceptor size determined by TCEQ's 'Grease Interceptor Sizing Worksheet' shall be certified by a licensed plumber. Changes in food establishments may result in larger or smaller gallon grease trap/interceptor size.

(3) Sublets or rent space. When a food establishment sublets or rents a space or section of the establishment to a second party, an updated TCEQ 'Grease Interceptor Sizing Worksheet' shall be required by a licensed plumber. In the event the grease trap/interceptor requirement, per the TCEQ worksheet, exceeds the grease trap/interceptor currently installed, the grease trap/interceptor shall be increased as required by the sizing sheet.

(4) Undersized grease traps/interceptors. If it is determined a food establishment's grease trap/interceptor is undersized by the director of public works or designee, a larger grease trap/interceptor may be required after consultation with the food establishment.

(d) Servicing of grease traps/interceptors. Food establishments that have been required to install grease traps or interceptors will follow the maintenance requirements below:

(1) Grease traps and interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap/interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in discharge.

(2) Grease traps and interceptors subject to these standards shall be completely evacuated a minimum of every 90 days, or more frequently when:

a. Twenty-five percent or more of the wetted height of the grease trap or interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils, or greases; or

b. The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the POTW; or

c. If there is a history of non-compliance.

(3) Report of service. Each establishment may be required to provide the regulatory authority with a copy of the grease interceptors servicing manifest or invoice immediately after the grease interceptor has been serviced. The invoice shall contain the name and address of the food service establishment; the name and address of the licensed waste carrier; the name and address of the licensed disposal site; the signature of the operator of the establishment, the waste carrier and the disposal site; and the quantity and date of grease removal and disposal.

(e) All food prep areas shall have smooth wall board. Such as FRP (fiberglass reinforced panels). No rough or porous wall board will be allowed.

(f) All food establishments, temporary food establishments, and mobile food units shall have only commercially designed equipment. Residentially designed equipment will not be permitted within a commercial food establishment operation.

Sec. 33-52. - Other code requirements.

A building permit shall be required for construction, alteration, remodeling or conversion of a food establishment in accordance with the International Building and Fire Codes and any and all codes adopted by the city. Any construction, alteration, remodeling, or conversion of a food establishment shall comply with all applicable federal and state laws and codes and regulations of the city. To the extent of a conflict between or among the provisions of this chapter and other codes or ordinances of the city, the more restrictive provision shall control.

Sec. 33-53. - Ownership of food establishment.

(a) When an existing food establishment is purchased and the purchase does not include the property or the structure, but includes the rental or lease of space and/or equipment, the city requires that the person who operates the food establishment obtain a valid food establishment's

permit. The person who applies for the food establishment's permit is considered, legally, to be the owner.

(b) A food establishment permit will become void upon closing of any sale of the establishment. A new owner must submit an application for change of occupancy and an annual food establishment permit within 30 days of finalizing the sale, pass an inspection, and make a payment for the annual food establishment permit prior to operation. All food establishment permits remain the property of the city.

(c) When a food establishment sublets or rents a space or section of the establishment to a secondary party and that secondary party operated the space conjointly or separately from the first establishment, the secondary party will be considered a separate entity and must obtain a health permit separate from the first establishment.

(d) The person who is registered on the food establishment's permit is the responsible party for the property, premises, structure and complete operating services. The operator of the food establishment is the ultimate responsible party, and the conditions under which the food establishment was leased or rented does not release the operator from the requirements of this article.

(e) A new owner may continue to operate a food establishment without interruption from the city when the establishment is in complete compliance with this chapter. Total compliance is the basis for issuing the food establishment's permit, which must be obtained prior to opening the establishment for business. An inspection of the premises and operations can demonstrate the extent to which the food establishment is in compliance. Such inspection and issuance of a new permit must be conducted within 30 days of purchase. Upon normal conditions, depending on the condition of the food establishment, many violations can be corrected within such a short period of time that an interruption of food services is unnecessary and not required.

(f) Depending on the wear and tear (depreciation) on the establishment, the building and equipment may already be close to compliance, and it is the responsibility of the new owner to schedule an inspection from the city to determine what is required to meet current codes.

Sec. 33-54. - Owner-initiated inspection.

Within three business days an inspection where graded score is issued, the owner of a food service establishment may apply for an owner-initiated inspection to be performed by the city. Such application shall be accompanied by payment of a fee in the amount specified in the latest fee schedule resolution adopted by the city. Such fee shall be in addition to any re-inspection fees associated with re-inspection necessitated by violations identified during the inspection process. Such owner-initiated inspection shall be conducted within 30 calendar days or the request. After such owner-initiated inspection, the city will issue a new inspection graded score based on the owner-initiated inspection, and such placard shall be posted in accordance with this chapter. At least 12 months must elapse between any owner-initiated inspections for each food establishment.

Appendix A Food Establishments Grade Placard

(a) GRADE/SCORE PLACARDS

(1) Each food establishment inspection begins with 100 points. As a code enforcement officer/health officer conducts an inspection, the appropriate sub-categories in the Food Establishment Inspection Sheet will be utilized ~~[Report of the Texas Department of State Health Services (Texas Food Establishment Rules 201-5), will be marked]~~. The sub-categories are assigned a specific point value based on the associated public health risk of the violation. Point value is deducted from the 100 points if violations are observed by the officer conducting the inspection. ~~[(Refer to the Texas Food Establishment Rules 201-5 for a more detailed explanation of these sections.)]~~ An example provided in the table below.

Beginning of the Inspection	100 points
Total points deducted	- _____
Remaining points	Grade or Score

(2) A ~~[grade placard]~~ score will be issued to each food establishment with a score of seventy-six to one hundred (76 to 100) at the end of all routine inspections. The ~~[placard]~~ score issued will be based upon ~~[the score received on]~~ the Retail Food Establishment Inspection Report. The ~~[grading]~~ score is calculated as follows:

Points:	[Grade] <u>Score:</u>	Description:
92—100	A	Generally superior in food handling practices and overall food facility maintenance.
91—84	B	Generally good in food handling practices and overall food facility maintenance.
83—76	C	Generally acceptable in food handling practices and overall general food facility maintenance.
0—75	[Score]	Poor in food handling practices and overall general food facility maintenance.

(3) A facility receiving a score of seventy-five (75) or below will be considered a failed inspection. Upon receiving a failed inspection, the owner or operator of the food establishment shall follow the procedures outline in this chapter to remediate the issues which caused the failing score. ~~[issued a score placard and not a grade placard. The score placard will indicate the actual score received.]~~

(4) ~~[The grade or score placard must remain posted until the next routine inspection, at which time the code enforcement officer/health officer shall post a new grade or score placard to replace the previous document. This replacement placard must be posted as described above.]~~

~~[(5)]~~ All food establishments presenting a substantial hazard to public health may be subject to closure regardless of the score received on the inspection report.

(5) ~~[(6)]~~ Any food establishment receiving a score of less than fifty (50) shall constitute a substantial hazard to public health and will be subject closure and revocation of the health permit.”

Section 3. The Code of Ordinances of the City of Manvel is hereby amended by amending Chapter 35 “LICENSES AND SPECIAL BUSINESS REGULATIONS, ARTICLE X. - MOBILE AND TEMPORARY FOOD VENDORS” to read and provide as follows:

“Chapter 35 - LICENSES AND SPECIAL BUSINESS REGULATIONS ARTICLE II. - ALCOHOLIC BEVERAGES

...

ARTICLE X. - MOBILE AND TEMPORARY FOOD VENDORS

Sec. 35-310. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Central preparation facility means ~~[a facility that is an approved and permitted retail food establishment at which food is prepared, stored, and wrapped; and where the mobile food unit is supplied with fresh water and ice; and emptied of wastewater into a proper waste disposal system, and cleaned, including washing, rinsing, and sanitizing of those food contact surfaces or items not capable of being immersed in the mobile food unit utensil washing sink. A private residence used as a central preparation facility is prohibited.]~~ an approved and permitted facility of space where food is prepared, stored and packaged.

Commissary means a licensed and approved location that contains a servicing area and may contain a central preparation facility. Services may include, but are not limited to, disposal of waste water, filling of water tank(s), and cleaning equipment.

~~[Food hand cart means a food or drink vending station operating from a non-mechanical, movable cart that is pushed or pulled from one location to the next by hand (e.g. hot dog cart).]~~

Mobile food unit (food truck, MFU) means a ~~[food or drink vending station operating from a mechanical vehicle or pulled trailer at a fixed location (e.g. taco truck).]~~ vehicle-mounted, self-propelled, self-contained food service operation designed to be readily movable (including

catering trucks, trailers, push carts, and roadside vendors) and used to store prepare, display, serve or sell food. An MFU must completely retain its mobility at all times. An MFU does not include a stand or booth. A roadside food vendor is classified as an MFU.

Mobile food vendor means any person or entity engaged in selling or serving food or drink from a booth or cart, including, but not limited to, operating any of the following:

(1) Sidewalk stand; or

(2) Food hand cart; or [-]

(3) Booth

Private events mean any event that is on private property, where admission is closed to the general public and where access and view to the general public is limited, including but not limited to a wedding or family event.

Pushcart means a non-self-propelled MFU limited to serving foods requiring a limited amount of preparation as authorized by the regulatory authority and readily moveable by one or two persons. A pushcart is classified as an MFU. A pushcart does not include non-self-led units owned and operated within a retail food store. This type of MFU requires the support of a central preparation facility.

Restaurant shall mean a business establishment whose primary function is the ability for the general public to obtain dining or take-out food service, where the services rendered are for the consumption of food that is cooked, held, stored, prepared, or served on the premises. The term restaurant excludes: grocery stores, convenience stores, day cares, public and private schools, governmental entities, churches, non-profit entities, and businesses not generally open for public access.

Roadside Food Vendor means a person who operates a mobile food store from a temporary location adjacent to a public roadway. Food is not prepared or processed by a roadside food vendor. A roadside food vendor is classified as an MFU

Sidewalk stand means a drink vending station operating from a non-mechanical booth or stand on or near the sidewalk or in the city right-of-way operated by a person under the age of 18, who only offers lemonade (e.g. lemonade stand).

Temporary food establishment means a food establishment that operates for a period of no more than 14 consecutive days. This may include a stand or a booth.

Vending Machine location means the room, enclosure, space, or area where one or more vending machines are installed and operated and that includes the storage areas on the premises that are used to service and maintain the vending machines. This does not include self-service food markets.

Sec. 35-311. - General prohibition.

Except where specifically authorized by this article, mobile food vendors of any type are expressly prohibited.

Sec. 35-312. - Sidewalk stand.

Sidewalk stands are prohibited. There shall be an exception for temporary lemonade sidewalk stands operated by juveniles, which may be operated without a permit for a single period of up to eight hours, limited to one period within one calendar month.

Sec. 35-313. – Pushcarts. [~~Food hand cart.~~]

Pushcarts [~~Food hand carts~~] are prohibited. There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved or sponsored events; and
- (3) Private events on private property.

Sec. 35-314. - Mobile food unit (food truck).

(a) *MFUs (food trucks) are prohibited.* There shall be an exception for temporary operation for the following:

- (1) City events;
- (2) City approved special events;
- (3) Private events on private property;
- (4) City approved type C recurring special event;
- (5) Alvin ISD-related functions on Alvin ISD property;
- (6) Church-related functions on church property; and
- (7) Ice cream trucks.

(b) *The following requirements shall apply to all MFUs that are specifically permitted under this article:*

(1) MFUs must have a current, valid health license and inspections with the city or current Health Inspection from the Brazoria County Health Department or city within Brazoria County.

(2) MFUs must be equipped with the following:

a. Portable fire extinguishers shall be selected and installed in accordance with NFPA 10, International Fire Code (IFC) Section 906, and as adopted and amended by the city, as amended from time to time. A minimum of one class ABC fire extinguisher shall be provided for all mobile food preparation vehicles as well as a class K extinguisher that is sized as per IFC Section 906.4 when cooking equipment involves solid fuels or vegetable/animal oils or fats. All fire extinguishers must have a current inspection/service tag from a licensed fire extinguishing company.

b. A type 1 hood installed where cooking appliances produce grease-laden vapors, smoke residue, or involve combustible cooking media (vegetable or animal oils and fats). Type I hood and automatic fire-extinguishing system shall be selected and installed in accordance with NFPA 17/17A, IFC Section 609, IFC Section 904 and as adopted and amended by the city, as amended from time to time.

(3) *Inspection of MFUs.* At the time of the inspection, the MFU shall be completely operable and in full working order.

(4) *Miscellaneous offenses.* In addition to the regulations contained above, the following actions are prohibited MFU operators:

a. Operating without a valid servicing record or commissary receipt which must be kept within the MFU at all times;

b. Selling or offering for sale non-food items from the MFU;

c. Storing or preparing food outside of the MFU (except in a licensed central preparation facility);

d. Displaying, selling, or serving food outside of the MFU;

e. Altering the MFU in such a manner that would prevent or otherwise reduce ready mobility;

f. Blocking public right-of-way, a dedicated fire lane, or a public sidewalk;

g. Creating/operating a drive-thru in conjunction with the MFU;

h. Allowing items such as brooms, hoses, equipment, containers or boxes to be located adjacent to or beneath the MFU;

- i. Providing or allowing signs or banners not attached to and solely supported by the MFU to be set up at the serving area;
- j. Allowing trash or debris at the site of the MFU during operation, and leaving the site with trash or debris following operation;
- k. Allowing any audio speakers or amplification devices to be heard outside of the MFU;
or
- l. Allowing outside furniture such as tables or chairs, to be set up adjacent to the MFU.

Sec. 35-315. - Mobile food unit operating at a type C recurring special event.

In addition to the regulations contained within this article, and §228.221 Mobile Food Units of the 2021 [2015] Texas Food Establishment Rules, the following actions are conditions and regulations of a MFU operating at a Type C Recurring Special Event, as regulated by [chapter 35](#), article XII, Special Events.

- (1) MFUs must have a current health license and inspections issued through the city. Only mobile food units that have a current city inspection and current city medallion will be permitted to operate for a type C recurring special event.
- (2) MFUs must be readily moveable at all times. Altering the mobile food unit in such a manner that would prevent or otherwise reduce ready mobility is prohibited.
- (3) MFUs may only operate from 7:00 a.m. to 9:00 p.m., except for events with extended hours approved by the city with a special event permit.
- (4) MFUs may not vend from the second lane of traffic, and may not double park or impede traffic.
- (5) No water, wastewater, electricity, or utility connection/hookups permitted. MFUs must have self-contained operations.
- (6) There shall be no overnight parking or operation.

Sec. 35-316. - Temporary food establishment.

(a) *Temporary food establishments are prohibited.* There shall be an exception for the following:

- (1) City events;
- (2) City approved or sponsored events;
- (3) Private events on private property;

(4) Alvin ISD-related functions on Alvin ISD property;

(5) Church-related functions on church property; and

(b) Temporary Food Establishments who are operating under the exceptions in (a) of this chapter shall follow the following requirements as well requirements outlined in § 228.222 Temporary Food Establishments 2021 Texas Food Establishment Rules. The following requirements shall apply to a temporary food establishment vendor that are specifically permitted under this article:

(1) Every temporary food establishment vendor must have a current valid health permit. Permits are nontransferable. Multiple vendors may not operate under one health permit.

(2) Except where only prepackaged food is offered, every temporary food establishment must have a handwashing station with warm water, soap, drying device, and a waste water retention basin in use, before food preparation begins.

(3) Except where only prepackaged food is offered, every temporary food establishment must have a three-compartment warewashing station, labeled (wash, rinse, sanitize), with basins large enough to accommodate the largest utensil.

(4) Each temporary food establishment utilizing electricity and/or any type of fire element must have their own dedicated appropriate fire extinguisher. Vendors are not allowed to share fire extinguishers to satisfy this requirement.

Sec. 35-317. - Basic requirements.

The following requirements shall apply to the MFU vendors and temporary food establishment vendors that are specifically permitted under this article:

(1) Permitted MFU vendors shall operate only between the hours of 6:00 a.m. to 10:00 p.m.

(2) There shall be no water, wastewater or electric hookups to the adjacent property.

(3) There shall be no overnight operation.

(4) Vehicles and booths must be marked with the vendor's name. No detachable signage shall be permitted for MFUs, except for one removable sandwich-board sign displaying product and/or pricing information.

(5) All MFU vendors and temporary food establishment vendors must set out a trash can for patrons while present and must remove all trash from the premises upon departure. Vendor must not allow trash to spill over and must change out trash bags when trash can is full.

(6) Vendors may not set up within 300 yards (measured from the vendor's service location to restaurant's front entrance) of a restaurant, except with express written consent of the restaurant owner. Vendors must have at least ten feet clearance from any building, structure, vehicle, and any combustible materials. Vendors must not block fire lanes or fire access roads.

(7) Only employees shall be allowed in food preparation areas. Nonessential persons shall not be within any food service, food preparations, or warewashing areas, including but not limited to children under the age of 18.

(8) All vendors must meet minimum food safety standards, including

a. A ~~[supervisory]~~ person, who has a ~~[current valid]~~ certified food manager certificate, must be onsite at all times.

b. All food ingredients must be from an approved source, in sound condition, and must be properly stored six inches off the ground.

c. A small diameter probe metal thermometer must be provided and all food must be stored at property temperatures.

1. Cold food holding shall not exceed 41 degrees Fahrenheit.

2. Hot food holding shall not be less than 135 degrees Fahrenheit.

d. All employees must wear hand protection and hair restraints when in food preparation/serving areas.

e. Only single use articles may be provided for use by the consumer.

f. ~~[All vendors must have access to a toilet facility.]~~ Toilet rooms shall be conveniently located and accessible to employees during all hours of operation.

Sec. 35-318. - Permits and health requirements.

The following requirements shall apply to the mobile food vendors that are specifically allowed under this article:

(1) Health permit.

a. MFUs and temporary food establishment vendors must obtain a permit from the city, or provide proof of a current health inspection from another recognized health department within Brazoria County. If another health inspection is provided as proof of compliance, the health department who is recognized as completing the inspection, must follow the same guidelines and codes as established by the state and adopted by the city. Approval of the use of a health certificate will be on a case-by-case basis and does not preclude the health officer from conducting spot inspections for compliance with the adopted 2021

Texas Food Establishment Rules [TFER Code 2015] and the current ordinances of the city. If the operator of the MFU does not provide proof of a current health inspection, the city will issue a permit only after an inspection reveals satisfactory compliance with state law and this article, as applicable. MFU permits are non-transferable. A change of ownership of a MFU, including a change of legal form of the entity, shall require submission of a new application for a MFU health permit and inspections. A MFU health permit shall become void upon the closing of the sale of the MFU for which a permit was issued. Such permits shall remain the property of the city. Permit fees shall be as prescribed by the city council.

b. No person shall operate or cause to be operated any MFU or temporary food establishment which does not possess a valid health permit issued by the city or other recognized health department in Brazoria County. Any person, firm, or establishment who is found to have operated or caused operation without a valid health permit shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this Code.

c. Such permit shall be posted in a conspicuous place where it can be viewed by patrons and shall not be removed or defaced. A health permit issued to a MFU shall be affixed to the truck. A permit shall set forth the business name, license plate number, MFU license number, and expiration date for said license.

d. Every food truck must be readily identifiable by its business name and phone number that are printed, permanently affixed, and prominently displayed on the back of the unit and on the side of the unit from which food is served, in letters not less than three inches in height.

e. Sidewalk stands, where allowed by this article, are exempt from permit requirements.

(2) Health regulations. All vendors must obey and be in compliance with all state, county and city health laws and regulations. Compliance with these laws shall be a part of the city permit process.

(3) Food preparation. No food may be stored or prepared at any location except on the MFU or at the temporary food establishment, in a licensed commissary, or permitted central processing facility as listed on the application submitted for the health permit. Food preparation may not be conducted on MFU while vehicle is in motion.

(4) Fire marshal's inspections.

a. All mobile vendors must have a City of Manvel Fire Marshal's current, passed fire inspection that complies with the Code of Ordinances for the City of Manvel, Texas, [chapter 17](#), buildings and building regulations, [division 8](#), fire code, [section 17-243](#), mobile food units, of the adopted Code, as amended from time to time.

b. All mobile vendors must provide proof of a current inspection report or certification when requested to show proof by a recognized authority of the city. All vendors must obey and be in compliance with fire code and all other city codes.

c. A current, valid inspection from a recognized fire marshal's office within Brazoria County may be considered on a case-by-case basis by the city fire marshal. This does not preclude the fire marshal's office from conducting spot inspections for compliance with the adopted fire code and the ordinances of the city.

(6) Violation. Anyone who intentionally, knowingly, recklessly, or with criminal negligence violates this article shall, upon conviction, be guilty of a misdemeanor and shall be assessed fines or other punishment as provided by this Code.

(7) Revocation of health permit. In addition to the imposition of a criminal penalty, the failure to comply with any of the provisions of this article, or any of the promulgated rules or regulations established thereunder, shall be grounds for the revocation or suspension of the permit, or the refusal to issue or renew any permit required under this Code. The revocation or suspension of any permit shall not prohibit the imposition of a criminal penalty, and the imposition of a criminal penalty shall not prevent the revocation or suspension of a license under this article.

Secs. 35-319—35-329. - Reserved.”

Section 5. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change described above.

Section 6. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 7. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

PASSED AND APPROVED on first reading this _____ day of _____, 2024.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____ day of _____, 2024.

Dan Davis, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

ORDINANCE NO. E- 2024-O-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, PROVIDING FOR PRICE CONTROLS DURING THE DECLARED STATE OF DISASTER FOR HURRICANE BERYL; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR A VIOLATION OF ANY PROVISION HEREOF.

WHEREAS, by proclamation issued on July 7, 2024, the Mayor declared a local state of disaster for the City of Manvel, Texas, resulting from

HURRICANE BERYL; and

WHEREAS, the local state of disaster was extended by the City Council on July 12, 2024, to September 17, 2024, unless terminated sooner by the Mayor or City Council; and

WHEREAS, said state of disaster requires that certain emergency measures to be taken.

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

Section 1. The following regulations shall take effect immediately upon issuance and shall remain in effect until the local state of disaster is terminated.

Section 2. A person shall not sell any of the following good or services for more than the price the person charged for the goods or services on July 7, 2024:

- (a) groceries, beverages, toilet articles, ice
- (b) construction and building materials and supplies, and earthmoving equipment and machinery
- (c) electrical and gas generating and transmission equipment, parts and accessories
- (d) charcoal briquettes, matches, candles, lamp illumination and heat unit carbides, dry batteries, light bulbs, flashlights, and hand lanterns
- (e) hand tools (manual and power), hardware and household supplies, and equipment rental
- (f) automotive parts, supplies, and accessories
- (g) plumbing and electrical tools and supplies
- (h) apartment, duplex, multi-family dwelling, rooming house, hotel and motel rental
- (i) gasoline, diesel oil, motor oil, kerosene, grease, and automotive lubricants
- (j) restaurant, cafeteria, and boarding-house meals
- (k) services of roofing and building contractors, plumbers, electricians, mechanics, tree surgeons, and automobile wrecker companies
- (l) medicine, pharmaceutical, and medical equipment and supplies

- (m) blankets, quilts, bedspreads, bed linens, mattresses, bedsprings, bedsteads, towels, and toilet paper
- (n) furniture and clothing

Section 3. This ordinance is passed as an emergency measure and shall become effective on this _____th day of July, 2024 and shall remain in effect during the period of the local state of disaster/state of emergency, as may be extended by city council.

Section 4: The procedural requirement of two readings is expressly dispensed with.

Section 5. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

PASSED AND APPROVED in MANVEL, Texas, this _____day of _____
2024.

CITY OF MANVEL, TEXAS

By: _____
Dan Davis, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Bobby Gervais, City Attorney