



RICHMOND

EST. **TEXAS** 1837

Where History Meets Opportunity

Planning & Zoning Commission Meeting

Monday, March 1, 2021 at 5:00 P.M.

via Video Conference call

(pursuant to Texas Government Code, Section 551.127)

Join Zoom Meeting

<https://zoom.us/j/92606903404?pwd=dXNlV0JmZ211eXdazEVtUjlpUjRCUT09>

Meeting ID: 926 0690 3404

Passcode: 933360

One tap mobile

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+1 929 205 6099 US (New York)

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Meeting ID: 926 0690 3404

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Find your local number: <https://zoom.us/u/abAMIsOWMt>

In compliance with the recommendation of the CDC and other governmental agencies, to avoid the spread of the COVID19 Virus, the Planning and Zoning Commission meeting will be held as a teleconference on Zoom virtual meeting platform. Comments may also be submitted via email or request made to be contacted by phone during the meeting to make comments during the public hearing to the Planning Director at jabraham@richmondtx.gov

AGENDA

- A1. Call to Order, Determine Quorum, Declare Meeting Open.
- A2. Public comments. (Public comment is limited to a maximum of 3 minutes per item. Time may not be given to another speaker. No Deliberations with the Commission).

CONSENT AGENDA

- B1. Review and approve minutes from the February 1, 2021, regular meeting (a copy is enclosed).
- B2. Next Planning and Zoning Commission meeting is Monday, April 5, 2021, at 5:00 p.m.

REGULAR AGENDA

- C1a. Public hearing to receive comments for or against a request by Randy McClendon on behalf of Fort Bend County, to replat approximately 1.991 acre tract of land in the Jane Long League Survey, Abstract No. 55; also being Block 50 and Block 51, and adjoining portion of 3rd Street, City of Richmond, as recorded in Vol. A PG. 62 Fort Bend County Map Records in order to create one block and reserve. The proposed replat is called Fort Bend OEM Site.
- C1b. Review and recommendation of a final report to City Commission for a replat of Block 50 and Block 51, and adjoining portion of 3rd Street, City of Richmond, as recorded in Vol. A PG. 62 Fort Bend County Map Records as Fort Bend OEM Site – 1.991 acres of land – 1 Block – 0 Lots – 1 Reserve.

Conditional Use Permit

- C2a. Public hearing to receive comments for or against a request by Vincent Ramos (owner of the subject site) for a Conditional Use Permit to allow the operation of a resale store at the subject site located at 1117 Powell Street and to the extent the Conditional Use Permit deviates from the Future Land Use Plan of the Comprehensive Master Plan, to provide for an amendment thereto.
- C2b. Consideration of the approval of a final report to City Commission on Agenda Item C6a., above.
- C3. Consider agenda item requests by Commissioners for April 5, 2021 regular meeting.
- C4. Development related staff update.

C5. Staff update pertaining to a presentation made to the City Commission regarding Conditional Use Permit for Massage businesses.

C6. Adjournment.

In compliance with Americans with Disabilities Act, City of Richmond will provide reasonable accommodations for persons attending Planning and Zoning Commission meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact the City Secretary's Office at 281-342-5456 for accommodations.



RICHMOND

EST. **TEXAS** 1837

Where History Meets Opportunity

Planning & Zoning Commission Meeting Minutes

Zoom Teleconferencing Meeting Room

Monday, February 1, 2021, at 5:00 P.M.

The Planning and Zoning Commission for the City of Richmond, Texas met in a regular meeting on Monday, February 1, 2021, at 5:01 p.m. In compliance with recommendations from the Centers for Disease Control (CDC) and local governmental agencies to avoid the spread of COVID-19, the Planning and Zoning Commission meeting was teleconferenced via the Zoom Virtual meeting platform. A quorum was present, with the following members in attendance:

Katherine M. Graeber-Kubelka (Vice-Chair)
Aimee Frederick
Melissa Schultz

Staff in attendance: Jose Abraham, Planning Director; Mason Garcia, Associate Planner; Howard Christian, Assistant City Manager; Christine Cappel, Public Works Administrative Manager; Lori Bownds, Building Official; and Gary Smith, City Attorney.

Commissioner Kubelka introduced agenda A2, public comments, and asked if there were any public comments. Hearing no public comment, the agenda item was closed.

Commissioner Kubelka introduced agenda item B1., Review and approve minutes from the January 4, 2020, meeting. Commissioner Frederick moved to approve the minutes. The motion was seconded by Commissioner Schultz. The vote for the motion was unanimous.

Commissioner Kubelka introduced agenda item B3., stating that the next Planning and Zoning Commission meeting would be on Monday, March 1, 2020, at 5:00 p.m.

Commissioner Kubelka introduced agenda item C1., Review and recommendation of a final report to City Commission for a Final Plat– OSP NW 359 Reserve “A” – 4.3164 acres of land – 0 Lots – 1 Blocks – 1 Reserve. The subject site is located on the west side of Mason Road, south of City of Richmond Fire Station 3. Mr. Abraham explained that the subject site is zoned GC, General Commercial and allows for commercial uses. He added that the proposed plat conforms to the recently approved General Plan and Preliminary Plat. Mr. Abraham also informed that the subject site is proposed to be developed for an Ace Hardware Store. Mr. Abraham concluded by recommending approval of the Final Plat. Commissioner Schultz moved to forward Staff’s recommendation of approval to the City Commission. The motion was seconded by Commissioner Frederick. The vote for the motion was unanimous.

Commissioner Kubelka introduced agenda item C2., Staff update on a potential annexation of a portion of FM 762 right of way located between Dowling Drive and Brazos Town Crossing. Mr. Smith updated

the Commission regarding the potential annexation. He explained that the right-of-way will continue to be a Texas Department of Transportation right-of-way after annexation and the completed annexation of the area will expand Richmond's extraterritorial jurisdiction (ETJ) to include a portion of the US 59/I-69 right of way; the southern portion of Del Webb, Section 13A, a platted subdivision in Fort Bend County; and the Murphy Jones Cemetery located on the south side of US 59/I-69 right of way. He briefly discussed the annexation process and indicated that staff's recommendation to City Commission would be to annex the subject site. Commissioner Kubelka asked if the Richmond Police service will extend to the subject site if annexed. Mr. Smith answered that the Richmond Police will be able to enforce the statutes and ordinances that apply and be able to engage in traffic control along the roadway. Commissioner Frederick asked how the proposed annexation impacts the areas around the subject site. Mr. Smith explained that the Railroad rights-of-way is not made part of the proposed annexation and that Del Webb and the George Foundation tract would continue to be within the Extra Territorial Jurisdiction (ETJ) and a Municipal Utility District. Commissioner Frederick asked if the Veranda Development is within the City limits. Mr. Smith explained that most of Veranda is within City's ETJ and reminded that the former Country Club tract was made part of the Veranda development and annexed into the City Limits recently.

Commissioner Kubelka introduced agenda item C3., Consider agenda item requests by Commissioners for March 1, 2021 regular meeting. Hearing none, the agenda item was closed.

Commissioner Kubelka introduced agenda item C4., Development related staff updates. Mr. Abraham spoke about the informational snippets that was provided with the agenda packet. He explained that the one-page snippets are intended to provide brief information about a planning and zoning related topic and are not made part of the agenda. He also indicated that if the Commission would like to discuss a topic it can be added on the following month's agenda.

Mr. Garcia provided an overview of development projects discussed at pre-application conferences and that are under review since the last regular meeting. The pre-application projects discussed included the following proposed projects:

- Church at 2012 E Highway 90A;
- Ace Hardware Store south of Fire Station 3 on Mason Road;
- Texas Biergarten at 112 Jackson Street (Old Fire Station building); and
- Multi-family apartments along Williams Way Boulevard (south of Us 59).

Projects under reviews discussed included the following proposed projects:

- Richmond Town Center Retail Strip at 3415 FM 762;
- Wells Fargo (lighting improvement) at 700 Jackson Street;
- Fossum Family Dental Care at 1840 FM 359;
- Anchor Bend Church at 1400 FM 2218;
- Walgreens addition of a clinic at 1600 Jackson Street;
- ESG Facility (Office warehouse) at 1011 E Highway 90A;
- Pet Suites River Pointe at 20430 US 59;
- Fort Bend Women's Center office addition at 1500 Pultar Road;
- Auto Shop Extension at 1621 FM 359; and
- Riverside Ranch Commercial (office Warehouse) at 3520 FM 723.

Commissioner Frederick asked about the specific location of the proposed apartments. Mr. Garcia explained the location to be south of US 59, along the east side of Williams Way and that the subject site

abuts the City of Richmond Wastewater treatment plant at its southeast corner. Commissioner Schultz asked if the proposed Ace Hardware is a new location for the Plantation Hardware Store on FM 359. Mr. Abraham explained that it was not clear from the discussions staff had with the design team and that he will reach out to the applicant for that information. Commissioner Kubelka thanked Staff for all the efforts and information provided to the Commission, especially the helpful information provided through the snippets.

There being no further business to be brought before the Planning and Zoning Commission, Commissioner Kubelka adjourned the meeting at 5:30 p.m.

Approved:

Katherine M. Graeber-Kubelka (Vice-Chair)

NOTICE OF PUBLIC HEARING

LOCATION/DATE: The Planning and Zoning Commission of the City of Richmond will hold a public hearing on Monday, March 1, 2021, at 5:00 p.m. **In compliance with the recommendation of the CDC and other governmental agencies, to limit meetings to less than ten persons and avoid the spread of the COVID19 Virus, the Planning and Zoning Commission meeting will be held as a teleconference on Zoom virtual meeting platform. Following are the details to join the Zoom Meeting:**

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Comments may also be submitted via email or request made to be contacted by phone during the meeting to make comments during the public hearing to the Planning Director at jabraham@richmondtx.gov

PURPOSE: To receive comments for or against a request by Randy McClendon on Behalf of Fort Bend County to replat approximately 1.991 acre tract of land in the Jane Long League Survey, Abstract No. 55; being all of block 50 and 51 and adjoining portion of 3rd Street as recorded in Volume A, Page 62 of the Fort Bend County Plat Records. The proposed replat is called Fort Bend County OEM Site.

SITE LOCATION: The subject site is located within the blocks defined by Fort Street, 4th Street and Austin Street.

SITE LEGAL DESCRIPTION: The subject site can be described as an approximate 1.991 acre tract of land in the Jane Long League Survey, Abstract No. 55; being all of block 50 and 51 and adjoining portion of 3rd Street as recorded in Volume A, Page 62 of the Fort Bend County Plat Records.

FOR MORE INFORMATION: Additional information and a map of the subject site are available for review at You may contact the City of Richmond Planning Department Office by email at jabraham@richmondtx.gov or by phone at 281-232-6871.





PLANNING AND ZONING COMMISSION

Staff Report: Plat Application

Agenda Date: March 1, 2021

Agenda Item: C1a & C1b.

Plat Name: Fort Bend County OEM Site, Replat

Applicant: Randy McClendon | Tejas Surveying Inc.

Project Description: Being all of Block 50 and 51 and adjoining portion of 3rd Street, City of Richmond as Recorded in Vol. A, Pg. 62, F.B.M.R.

Project Location: The subject site is located within the blocks defined by Fort Street, 4th Street and Austin Street.

Zoning Designation: OT, Olde Town District

Reviewers: City of Richmond Development Review Committee (DRC)

Project Planner: Jose Abraham, Planning Director

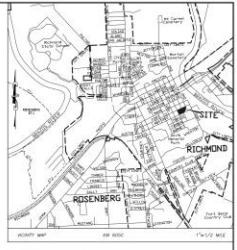
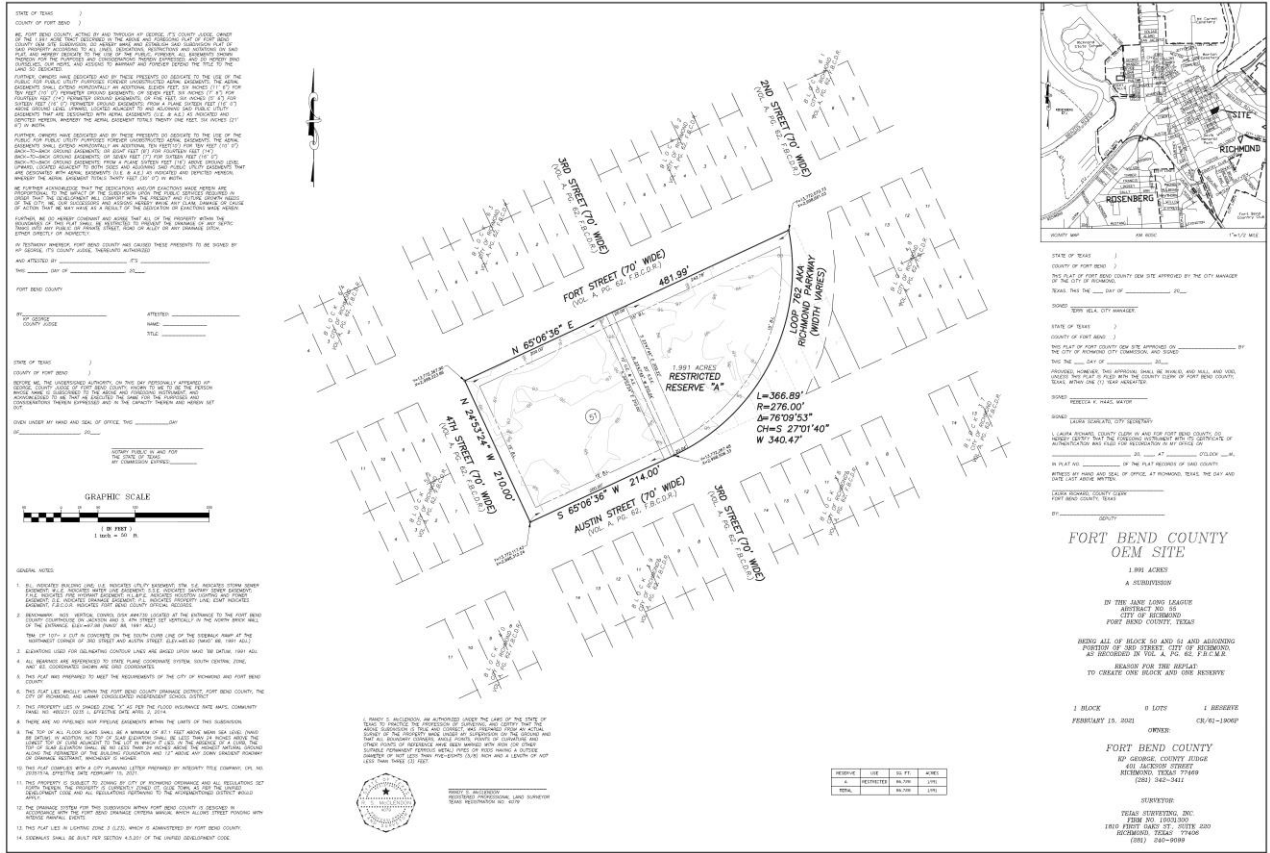
Background/Review Notes

- *The subject site is proposed location for a new Fort Bend County Office of Emergency Management building.*
- *The site is proposed to include a 2-story office building; an apparatus bay for emergency vehicles, covered storage for equipment and vehicles, parking and associated landscaping.*
- *The proposed replat combines existing lots to create one Reserve for the proposed development.*
- *Proceedings pertaining to the abandonment of a portion of 3rd Street is complete and is part of the proposed replat.*
- *A review of Site Development Plan and Building plans is nearing completion.*

Staff Recommendation

CONDITIONAL APPROVAL: Staff recommends approval of this final plat conditioned upon addressing the comments listed below:

1. Provide a copy of paid tax certificates (Sec. 6.3.503C.s UDC)
2. Provide no objection letters from the utility companies.
3. Add the restrictions listed in the City Planning Letter as a note on the face of the plat.
4. Revise the description of the proposed replat to indicate that the replat also includes the plat "Live Mobile Technology Richmond" recorded in Plat No. 2016045695 of the Fort Bend County Plat Records.



STATE OF TEXAS)
COUNTY OF FORT BEND)
I, _____, County Clerk of Fort Bend County, Texas, do hereby certify that the above and foregoing plat was duly recorded in my office on this _____ day of _____, 2021.

STATE OF TEXAS)
COUNTY OF FORT BEND)
I, _____, County Clerk of Fort Bend County, Texas, do hereby certify that the above and foregoing plat was duly recorded in my office on this _____ day of _____, 2021.

**FORT BEND COUNTY
OEM SITE**

1.991 ACRES
A RESTRICTION

BY: _____
COUNTY CLERK

RECORDS FOR THE REPLAT
TO CREATE ONE BLOCK AND ONE RESERVE

1 BLOCK 0 LOTS 1 RESERVE
FEBRUARY 19, 2021 CE/01-1800P

FORT BEND COUNTY
BY: _____
COUNTY CLERK

RECORDED IN: _____
BOOK: _____ PAGE: _____

FORRESTER:
TEAR STEVENSON, INC.
1805 FIRST BAY ST., SUITE 300
HOUSTON, TEXAS 77058
(281) 860-8099

STATE OF TEXAS)
COUNTY OF FORT BEND)

WE, FORT BEND COUNTY, ACTING BY AND THROUGH KP GEORGE, IT'S COUNTY JUDGE, OWNER OF THE 1.991 ACRE TRACT DESCRIBED IN THE ABOVE AND FOREGOING PLAT OF FORT BEND COUNTY OEM SITE SUBDIVISION, DO HEREBY MAKE AND ESTABLISH SAID SUBDIVISION PLAT OF SAID PROPERTY ACCORDING TO ALL LINES, DEDICATIONS, RESTRICTIONS AND NOTATIONS ON SAID PLAT, AND HEREBY DEDICATE TO THE USE OF THE PUBLIC, FOREVER, ALL EASEMENTS SHOWN THEREON FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED; AND DO HEREBY BIND OURSELVES, OUR HEIRS, AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL ELEVEN FEET, SIX INCHES (11' 6") FOR TEN FEET (10' 0") PERIMETER GROUND EASEMENTS; OR SEVEN FEET, SIX INCHES (7' 6") FOR FOURTEEN FEET (14') PERIMETER GROUND EASEMENTS; OR FIVE FEET, SIX INCHES (5' 6") FOR SIXTEEN FEET (16' 0") PERIMETER GROUND EASEMENTS; FROM A PLANE SIXTEEN FEET (16' 0") ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. & A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS TWENTY ONE FEET, SIX INCHES (21' 6") IN WIDTH.

FURTHER, OWNERS HAVE DEDICATED AND BY THESE PRESENTS DO DEDICATE TO THE USE OF THE PUBLIC FOR PUBLIC UTILITY PURPOSES FOREVER UNOBSTRUCTED AERIAL EASEMENTS. THE AERIAL EASEMENTS SHALL EXTEND HORIZONTALLY AN ADDITIONAL TEN FEET (10') FOR TEN FEET (10' 0") BACK-TO-BACK GROUND EASEMENTS; OR EIGHT FEET (8') FOR FOURTEEN FEET (14') BACK-TO-BACK GROUND EASEMENTS; OR SEVEN FEET (7') FOR SIXTEEN FEET (16' 0") BACK-TO-BACK GROUND EASEMENTS; FROM A PLANE SIXTEEN FEET (16') ABOVE GROUND LEVEL UPWARD, LOCATED ADJACENT TO BOTH SIDES AND ADJOINING SAID PUBLIC UTILITY EASEMENTS THAT ARE DESIGNATED WITH AERIAL EASEMENTS (U.E. & A.E.) AS INDICATED AND DEPICTED HEREON, WHEREBY THE AERIAL EASEMENT TOTALS THIRTY FEET (30' 0") IN WIDTH.

WE FURTHER ACKNOWLEDGE THAT THE DEDICATIONS AND/OR EXACTIONS MADE HEREIN ARE PROPORTIONAL TO THE IMPACT OF THE SUBDIVISION UPON THE PUBLIC SERVICES REQUIRED IN ORDER THAT THE DEVELOPMENT WILL COMPORT WITH THE PRESENT AND FUTURE GROWTH NEEDS OF THE CITY; WE, OUR SUCCESSORS AND ASSIGNS HEREBY WAIVE ANY CLAIM, DAMAGE OR CAUSE OF ACTION THAT WE MAY HAVE AS A RESULT OF THE DEDICATION OR EXACTIONS MADE HEREIN.

FURTHER, WE DO HEREBY COVENANT AND ACRE THAT ALL OF THE PROPERTY WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE RESTRICTED TO PREVENT THE DRAINAGE OF ANY SEPTIC TANKS INTO ANY PUBLIC OR PRIVATE STREET, ROAD OR ALLEY OR ANY DRAINAGE DITCH, EITHER DIRECTLY OR INDIRECTLY.

IN TESTIMONY WHEREOF, FORT BEND COUNTY HAS CAUSED THESE PRESENTS TO BE SIGNED BY KP GEORGE, IT'S COUNTY JUDGE, THEREUNTO AUTHORIZED

AND ATTESTED BY _____ IT'S _____
THIS _____ DAY OF _____, 20____

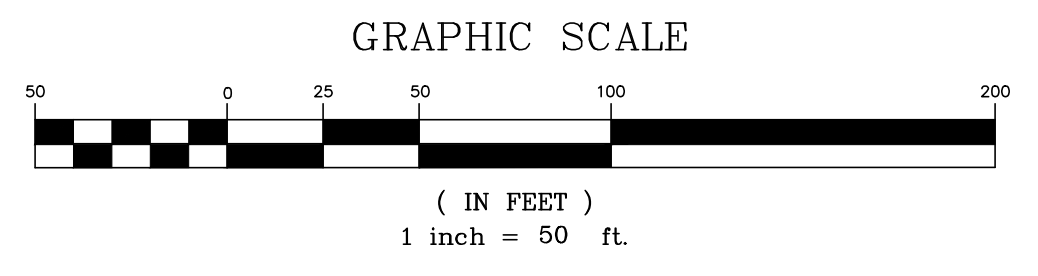
FORT BEND COUNTY
BY: KP GEORGE, COUNTY JUDGE
ATTESTED: _____
NAME: _____
TITLE: _____

STATE OF TEXAS)
COUNTY OF FORT BEND)

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED KP GEORGE, COUNTY JUDGE OF FORT BEND COUNTY, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN SET OUT.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____, 20____

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES: _____

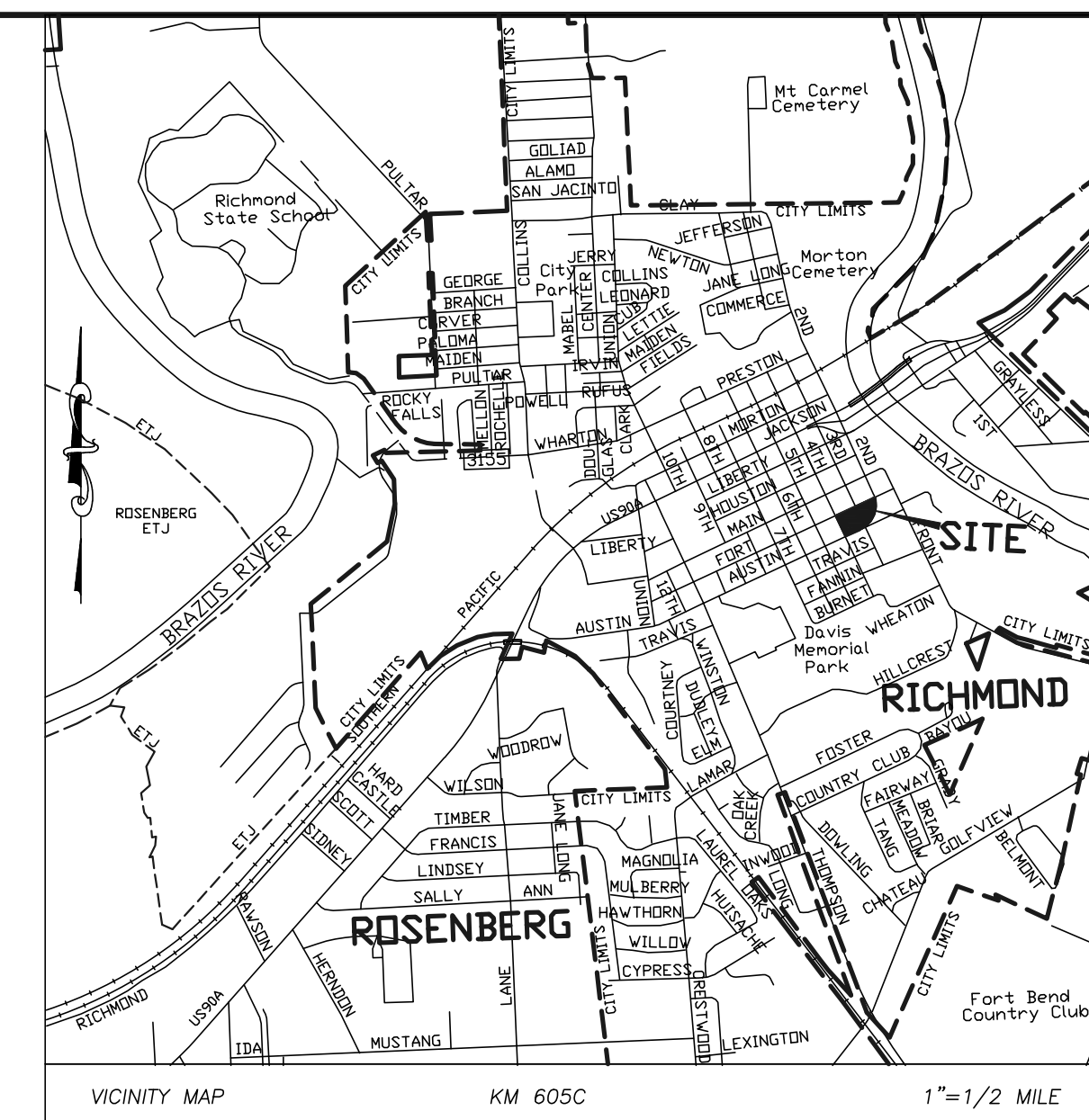
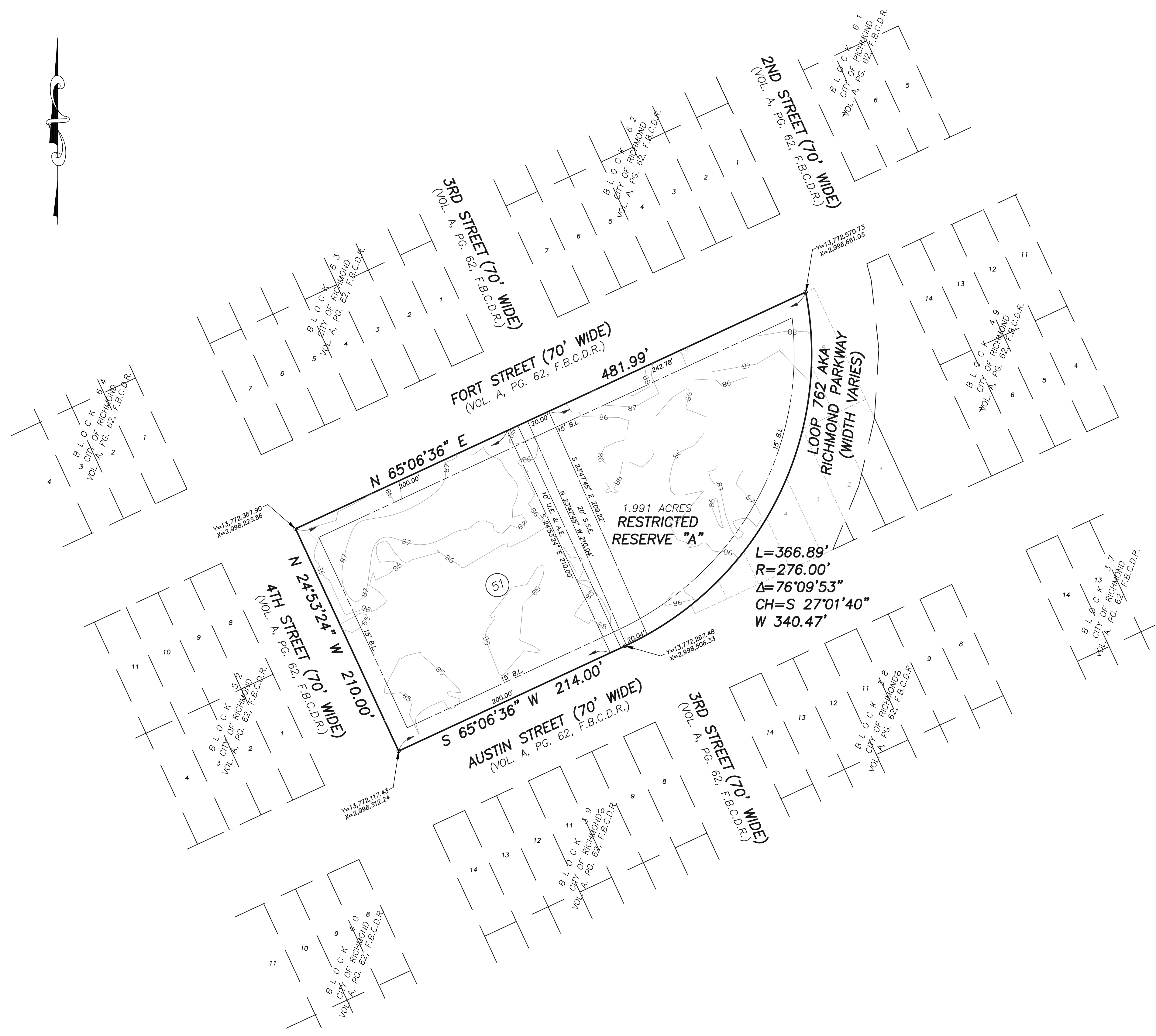


- GENERAL NOTES:
- B.L. INDICATES BUILDING LINE; U.E. INDICATES UTILITY EASEMENT; STM. S.E. INDICATES STORM SEWER EASEMENT; W.L.E. INDICATES WATER LINE EASEMENT; S.S.E. INDICATES SANITARY SEWER EASEMENT; F.H.E. INDICATES FIRE HYDRANT EASEMENT; H.L.&P.E. INDICATES HOUSTON LIGHTING AND POWER EASEMENT; D.E. INDICATES DRAINAGE EASEMENT; P.L. INDICATES PROPERTY LINE; ESMF INDICATES EASEMENT, F.B.C.O.R. INDICATES FORT BEND COUNTY OFFICIAL RECORDS.
 - BENCHMARK: NGS VERTICAL CONTROL DISK AW4730 LOCATED AT THE ENTRANCE TO THE FORT BEND COUNTY COURTHOUSE ON JACKSON AND S. 4TH STREET SET VERTICALLY IN THE NORTH BRICK WALL OF THE ENTRANCE. ELEV.=97.98 (NAVD' 88, 1991 ADJ.)
 - TBM: CP 107- X CUT IN CONCRETE ON THE SOUTH CURB LINE OF THE SIDEWALK RAMP AT THE NORTHWEST CORNER OF 3RD STREET AND AUSTIN STREET. ELEV.=85.60 (NAVD' 88, 1991 ADJ.)
 - ELEVATIONS USED FOR DELINEATING CONTOUR LINES ARE BASED UPON NAVD '88 DATUM, 1991 ADJ.
 - ALL BEARINGS ARE REFERENCED TO STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD' 83. COORDINATES SHOWN ARE GRID COORDINATES.
 - THIS PLAT WAS PREPARED TO MEET THE REQUIREMENTS OF THE CITY OF RICHMOND AND FORT BEND COUNTY.
 - THIS PLAT LIES WHOLLY WITHIN THE FORT BEND COUNTY DRAINAGE DISTRICT, FORT BEND COUNTY, THE CITY OF RICHMOND, AND LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT
 - THIS PROPERTY LIES IN SHADED ZONE "X" AS PER THE FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NO. 480231 0235 L, EFFECTIVE DATE APRIL 2, 2014.
 - THERE ARE NO PIPELINES NOR PIPELINE EASEMENTS WITHIN THE LIMITS OF THIS SUBDIVISION.
 - THE TOP OF ALL FLOOR SLABS SHALL BE A MINIMUM OF 87.1 FEET ABOVE MEAN SEA LEVEL (NAVD 88 DATUM). IN ADDITION, NO TOP OF SLAB ELEVATION SHALL BE LESS THAN 24 INCHES ABOVE THE LOWEST TOP OF CURB ADJACENT TO THE LOT IN WHICH IT LIES. IN THE ABSENCE OF A CURB, THE TOP OF SLAB ELEVATION SHALL BE NO LESS THAN 24 INCHES ABOVE THE HIGHEST NATURAL GROUND ALONG THE PERIMETER OF THE BUILDING FOUNDATION AND 12" ABOVE ANY DOWN GRADIENT ROADWAY OR DRAINAGE RESTRAINT, WHICHEVER IS HIGHER.
 - THIS PLAT COMPLIES WITH A CITY PLANNING LETTER PREPARED BY INTEGRITY TITLE COMPANY, CPL NO. 2035751A, EFFECTIVE DATE FEBRUARY 15, 2021.
 - THIS PROPERTY IS SUBJECT TO ZONING BY CITY OF RICHMOND ORDINANCE AND ALL REGULATIONS SET FORTH THEREIN. THE PROPERTY IS CURRENTLY ZONED OT, OLDE TOWN, AS PER THE UNIFIED DEVELOPMENT CODE AND ALL REGULATIONS PERTAINING TO THE AFOREMENTIONED DISTRICT WOULD APPLY.
 - THE DRAINAGE SYSTEM FOR THIS SUBDIVISION WITHIN FORT BEND COUNTY IS DESIGNED IN ACCORDANCE WITH THE FORT BEND DRAINAGE CRITERIA MANUAL WHICH ALLOWS STREET PONDING WITH INTENSE RAINFALL EVENTS.
 - THIS PLAT LIES IN LIGHTING ZONE 3 (L23), WHICH IS ADMINISTERED BY FORT BEND COUNTY.
 - SIDEWALKS SHALL BE BUILT PER SECTION 4.5.201 OF THE UNIFIED DEVELOPMENT CODE.

I, RANDY S. McCLENDON, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF SURVEYING, AND CERTIFY THAT THE ABOVE SUBDIVISION IS TRUE AND CORRECT, WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND AND THAT ALL BOUNDARY CORNERS, ANGLE POINTS, POINTS OF CURVATURE AND OTHER POINTS OF REFERENCE HAVE BEEN MARKED WITH IRON (OR OTHER SUITABLE PERMANENT FERROUS METAL) PIPES OR RODS HAVING AN OUTSIDE DIAMETER OF NOT LESS THAN FIVE-EIGHTHS (5/8) INCH AND A LENGTH OF NOT LESS THAN THREE (3) FEET.



RANDY S. McCLENDON
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 4079



STATE OF TEXAS)
COUNTY OF FORT BEND)
THIS PLAT OF FORT BEND COUNTY OEM SITE APPROVED BY THE CITY MANAGER OF THE CITY OF RICHMOND,
TEXAS, THIS THE _____ DAY OF _____, 20____

SIGNED _____
TERRI VELA, CITY MANAGER.

STATE OF TEXAS)
COUNTY OF FORT BEND)
THIS PLAT OF FORT COUNTY OEM SITE APPROVED ON _____ BY THE CITY OF RICHMOND CITY COMMISSION, AND SIGNED
THIS THE _____ DAY OF _____, 20____

PROVIDED, HOWEVER, THIS APPROVAL SHALL BE INVALID, AND NULL, AND VOID, UNLESS THIS PLAT IS FILED WITH THE COUNTY CLERK OF FORT BEND COUNTY, TEXAS, WITHIN ONE (1) YEAR HEREAFTER.

SIGNED _____
REBECCA K. HAAS, MAYOR

SIGNED _____
LAURA SCARLATO, CITY SECRETARY

I, LAURA RICHARD, COUNTY CLERK IN AND FOR FORT BEND COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORDATION IN MY OFFICE ON _____, 20____, AT _____ O'CLOCK _____ M.,

IN PLAT NO. _____ OF THE PLAT RECORDS OF SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE, AT RICHMOND, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

LAURA RICHARD, COUNTY CLERK
FORT BEND COUNTY, TEXAS

BY: _____
DEPUTY

FORT BEND COUNTY OEM SITE

1.991 ACRES
A SUBDIVISION

IN THE JANE LONG LEAGUE
ABSTRACT NO. 55
CITY OF RICHMOND
FORT BEND COUNTY, TEXAS

BEING ALL OF BLOCK 50 AND 51 AND ADJOINING PORTION OF 3RD STREET, CITY OF RICHMOND, AS RECORDED IN VOL. A, PG. 62, F.B.C.M.R.

REASON FOR THE REPLAT:
TO CREATE ONE BLOCK AND ONE RESERVE

1 BLOCK 0 LOTS 1 RESERVE
FEBRUARY 15, 2021 CR/61-1906P

OWNER:
FORT BEND COUNTY
KP GEORGE, COUNTY JUDGE
401 JACKSON STREET
RICHMOND, TEXAS 77469
(281) 342-3411

SURVEYOR:
TEJAS SURVEYING, INC.
FIRM NO. 10031300
1810 FIRST OAKS ST., SUITE 220
RICHMOND, TEXAS 77406
(281) 240-9099

RESERVE	USE	SQ. FT.	ACRES
A	RESTRICTED	86,728	1.991
TOTAL		86,728	1.991

NOTICE OF PUBLIC HEARING

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PURPOSE: To receive comments for or against a request by Vincent Ramos (owner of the subject site) for a Conditional Use Permit to allow the operation of a resale store at the subject site located at 1117 Powell Street and to the extent the Conditional Use Permit deviates from the Future Land Use Plan of the Comprehensive Master Plan, to provide for an amendment thereto.

SITE LOCATION: The subject site is located along the south side of Powell St at 1117 Powell Street. The existing building on the subject site was previously used as a store selling freshly made Tamales.

SITE LEGAL DESCRIPTION: A 0.49 acre tract of land described as Block 2, Lot 2, (W 239' of N 149' less (20 x 149') of Bordens Addition Sec 1.

FOR MORE INFORMATION: Additional information and a map of the subject site are available upon request for review. You may contact the City of Richmond Planning Department Office by email at jabraham@richmondtx.gov or by phone at 281-342-0559.



PLANNING AND ZONING COMMISSION
Staff Report: Conditional Use Permit

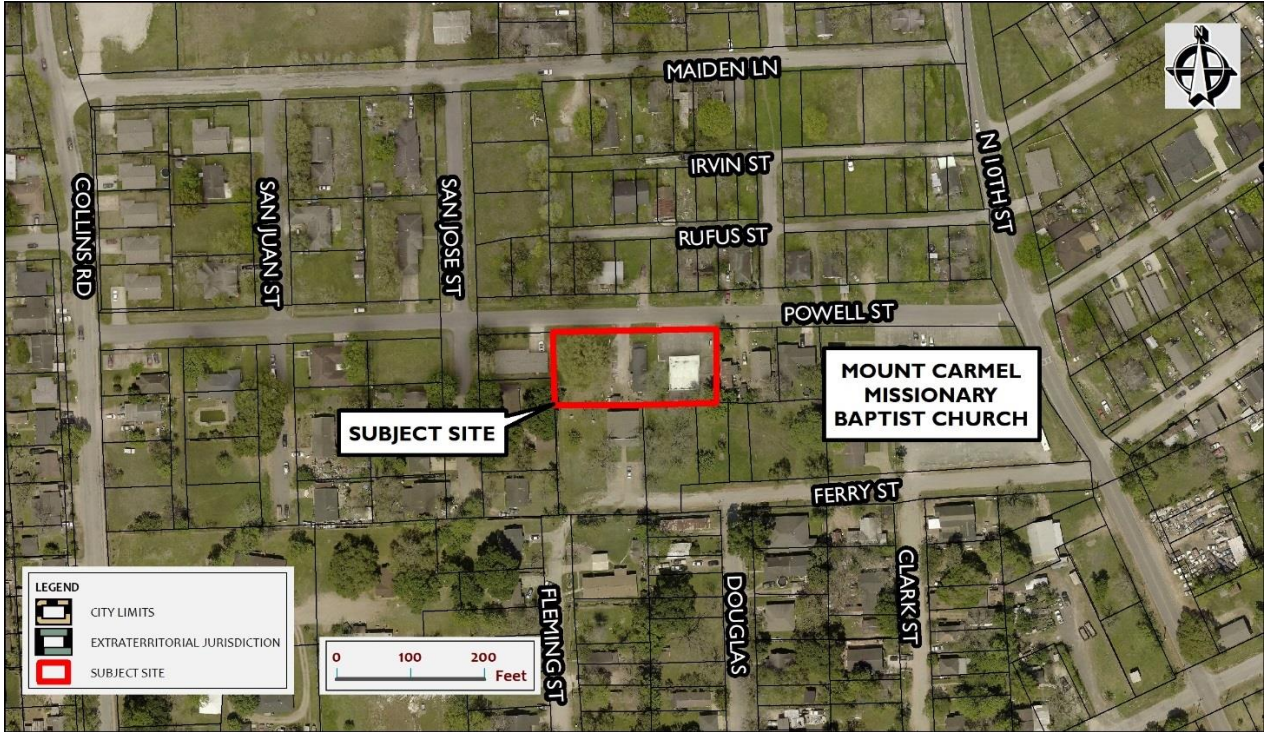
Agenda Date: March 1, 2021
Agenda Item: C2a. and C2b.

Agenda Item Subject: Conditional Use Permit
Project Description: Conditional Use Permit request to allow the operation of a resale store selling clothing and small household items at the subject site located at 1117 Powell Street, zoned for residential use and to the extent the Conditional Use Permit deviates from the Future Land Use Plan of the Comprehensive Master Plan, to provide for an amendment thereto.
Zoning Designation: General Residential (GR)

Project Planner: Jose Abraham, Planning Director

BACKGROUND

This is a request for a Conditional Use Permit (CUP) to allow the operation of a resale store (clothing and small household items) on a portion of the property located at 1117 Powell St (Vicinity Map Below). The subject site is zoned GR, General Residential and prohibits non-residential uses. The subject site can be described as 0.49 acre tract of land described as Block 2, Lot 2, (W 239' of N 149' less (20 x 149') of Bordens Addition Sec 1.





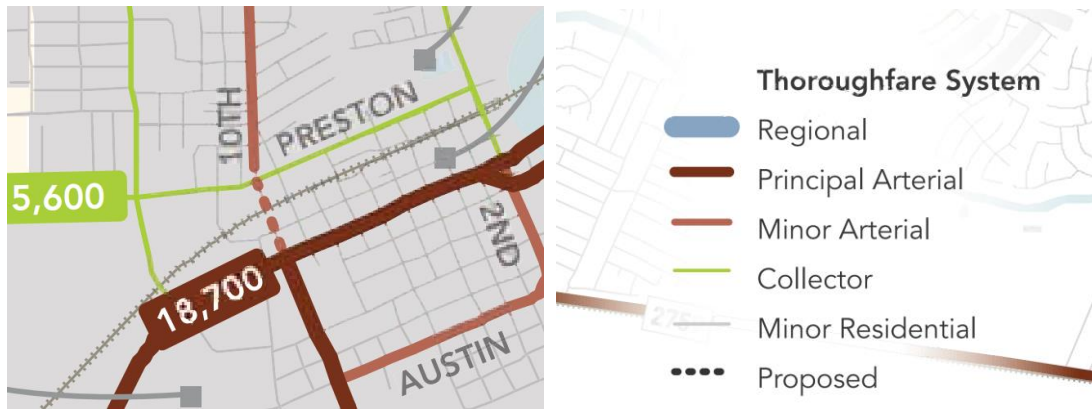
Existing Non-residential Cinder Block Building front facade



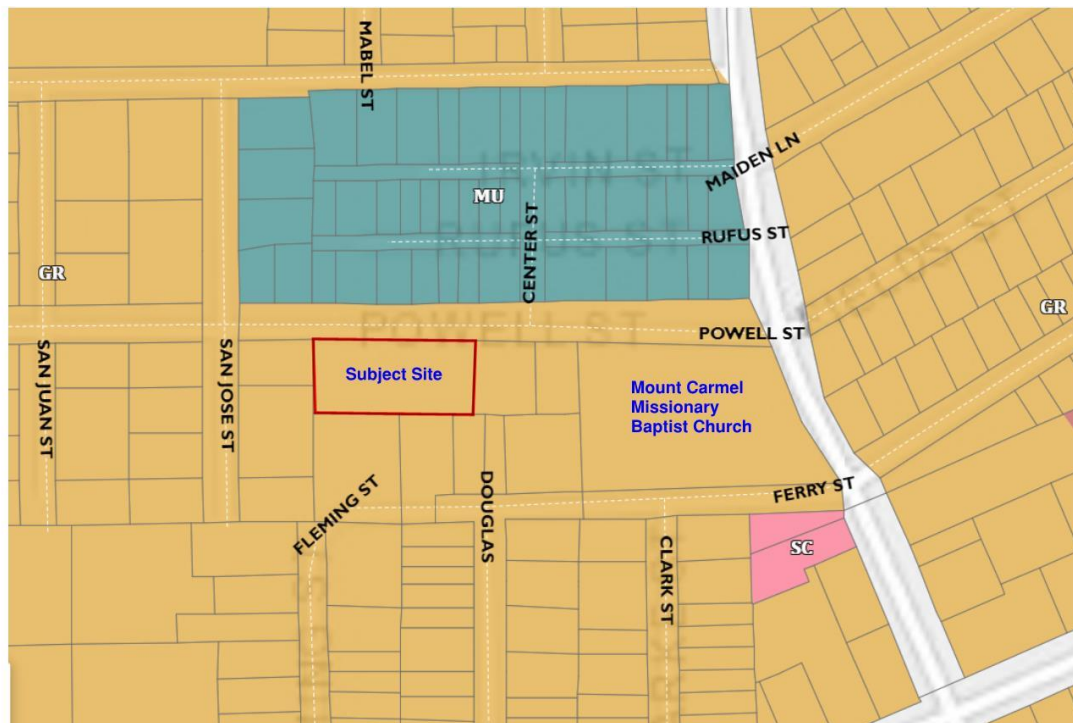
Existing home with Two Dwelling Units.

A portion of the subject site includes a residential building with two dwelling units and the remaining area includes a vacant non-residential building built in 1978. The existing non-residential building on the subject site was previously used as a store selling freshly made Tamales. Despite the commercial use of

the property prior to adoption of Zoning, the subject site was assigned GR, General Residential designation. Staff checked to see if the zoning designation on the map was erroneous but found it to be accurate through an archival research. At the time of zoning, existing commercial uses within residential areas that were located along arterial and collector streets were zoned Suburban Commercial (*a designation with standards to allow compatibility with residential uses*). The subject site is located along a minor residential street and the existing commercial building was unoccupied at the time of adoption of zoning. Due to its location along a Minor Residential Street the property was assigned a residential designation.



Major Thoroughfare Plan



Zoning Map

Property owner Mr. Vincent Ramos has not been able to operate his business at the location since 2015 and the building has been vacant. A Commercial Certificate of Occupancy certificate was issued in June 2015, to clean and prepare the building for a new owner. However, the ownership has not changed since 2015. Also, no Certificate of Occupancy for any business appears to have been issued since June 2015. According to the provisions of the UDC, the status of utility connections has no bearing on the non-conformity status of a landuse.

The Unified Development Code (UDC) acknowledges that in many instances minor nonconforming uses are integral parts of the City's fabric, that is, its character and function, so their continuing existence promotes the City's policy objective of protecting its neighborhoods. Based on this understanding, Section 6.1.108 allows Conversion of nonconforming uses to conforming uses through a CUP approval. However, according to Section 6.1.100.C.3., if a minor nonconforming use is discontinued for a period of six months, for any reason, it shall not be resumed unless an application for conversion to conforming use is made before the end of the six-month period. According to Mr. Ramos's recollection, when he met with staff at the time of adoption of Zoning, he was advised to keep his utility connections turned on in order to maintain the non-residential status of the property. Neither Mr. Ramos nor Staff can identify the source of that information. Mr. Ramos has maintained an active commercial utility account on 1117 Powell St since June 4, 2015. Property owner Mr. Ramos is requesting the approval of a CUP based on the provisions of Section 6.1.108 which allows Conversion of nonconforming uses to conforming uses. Mr. Ramos intends to lease the property to a business if a CUP is approved.

At the January 2021 regular Planning and Zoning Commission meeting, a CUP request to allow a convenience store at this location was discussed and the Commission voted to forward a positive recommendation. However, Mr. Ramos requested to hold off the application so that he can reconsider the proposed use. Now he is requesting a CUP to allow for a proposed resale store. In talking to the proposed operator, the store will sell clothing and small household items received through donations from individuals and churches and the store will be open 4 days a week.

Public hearing notice requirements for this proposed CUP were met and as of February 25, 2021, staff has not received any letter of protest. *(Copy of Public Hearing Notice on Page 13 of 13)*

ANALYSIS

Following key factors were considered in reviewing the requested CUP:

- The subject site is located within the older neighborhood on the north side of Richmond and the existing building was used for commercial purposes (at least) until 2012. This creates a unique situation of an existing cinder block building in fair condition that cannot be easily converted for residential use located within a predominantly residential neighborhood. Additionally, there are two nonresidential uses in close proximity to the subject site: A church building where Powell St intersects N. 10th St and a Tire shop where Powell St intersects Collins Rd.
- The UDC includes a provision that allows conversion of nonconformities. The purpose statement of Section 6.1.108 of the UDC is: *"In many instances, minor nonconforming uses are integral parts of the City's fabric, that is, its character and function, so their continuing existence promotes the City's policy objective of protecting its neighborhoods. In these instances, the classification 'nonconformity' and resulting restriction on investment may not be what the community desires. As such, the use may be*

made conforming pursuant to this Section in order to remove the potential stigma that may be associated with the 'nonconforming' designation."

- The subject site is not currently eligible to be converted to a conforming use through a CUP process since the non-conforming use has discontinued for more than six months. According to Mr. Ramos, he intended to maintain the non-residential status of the building and to achieve that, he did not disconnect utility services and has been paying utility bills since 2015. Even though the subject site is more conducive for a residential use according to zoning principles, conforming to the residential zoning designation by converting the existing building to a residence would be challenging in terms of building and fire codes. The subject site was eligible to request conversion to a conforming use in 2015 if Mr. Ramos has applied for a CUP within 6 months of the adoption of the UDC.
- Mr. Ramos is requesting a CUP to allow a resale store. According to the operator of the proposed store, the store will sell clothing and small household items received through donations from individuals and churches. The subject site will have increased traffic if the CUP is approved, however negative impact is not anticipated if sufficient parking is provided on site. Due to the location, the proposed resale store is not anticipated to attract a large volume of customers and patronage would potentially be limited to residents from close proximity.
- Comprehensive Plan Goal "D.4," which focuses on setting aside a balance mix of residential, civic, and commercial land uses to meet the lifestyle needs of all residents and business owners guides staff's recommendation for the requested Conditional Use Permit. It appears that considering the unique factors involved, allowing a clothing and knick-knack resale store would align with the policy directions of the Comprehensive Master Plan and the intent of the UDC.

RECOMMENDATION

Based on the above discussion, staff recommends approval of the proposed Conditional Use Permit (CUP) for a portion of the subject site located at 1117 Powell Street, which includes an existing non-residential building and associated parking area with the conditions listed below. Please note that the CUP does not apply to the remainder portion of the subject site which is currently used residentially.

- This CUP allows no landuse other than a resale store focused on selling clothing and small household items within the existing building on the subject site.
- Sale of large appliances, equipment or non-household items is prohibited.
- Outdoor storage and display of merchandise is prohibited.
- Donation drop-off is allowed only during business hours and must be dropped off inside the building.
- Donation drop-off related operation must happen through a separate entrance on the side or rear of the building.
- Location of a donation box on the property and donation drop-off within the front yard is prohibited.
- Minimum parking spaces required for the allowed use shall be provided on-site.

- Any significant changes, alterations, or repairs to the building or site shall conform to the current development standards for non-conforming site and buildings and OT, Olde Town district provided by the City of Richmond Unified Development Code, as applicable.
- Prior to establishing the use allowed by this CUP, a certificate of occupancy must be acquired by demonstrating conformance to all applicable Building and Fire Codes.

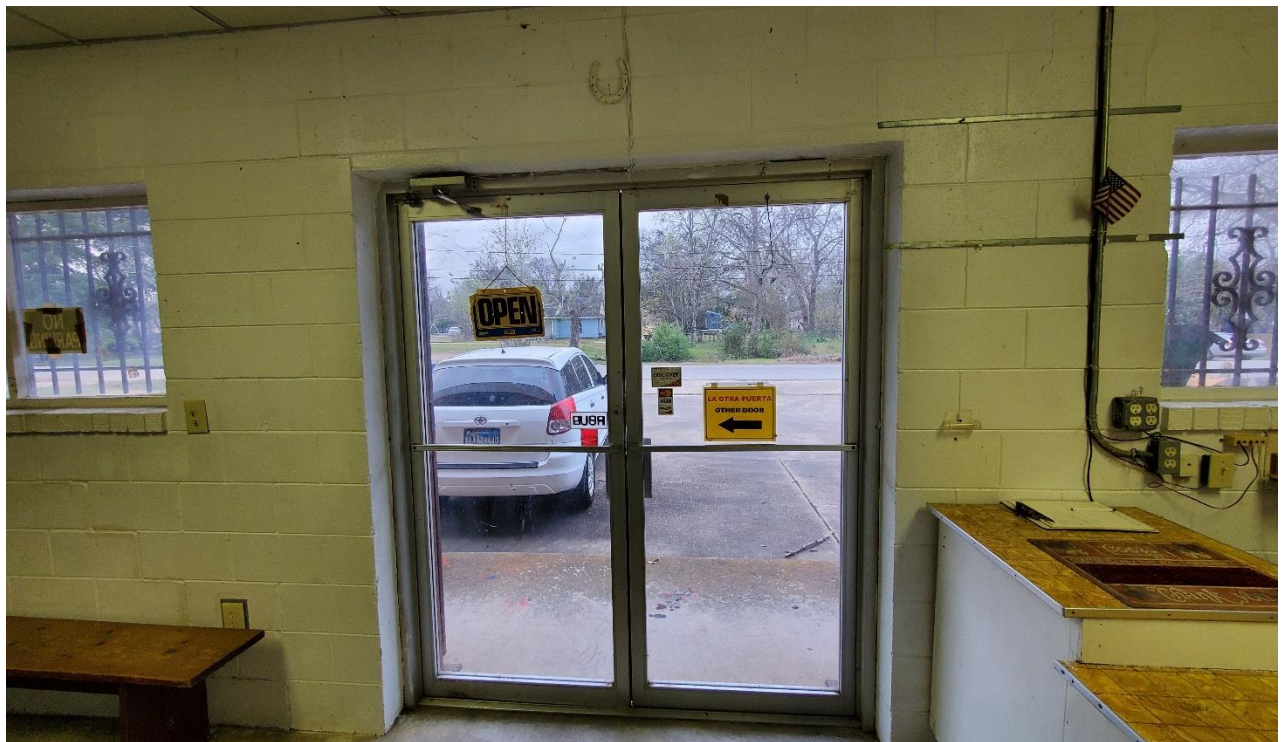
SITE PICTURES



Street View, looking West from subject Site



Street View, looking East from subject Site



Building Interior



Building Interior



Building Exterior (Rear)



Building Exterior (Side)



Residences along Powell St.



Residence along Powell St.



Church at the intersection of Powell St and N. 10th Street



Tire Shop at the intersection of Powell St and Collins Street

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

LOCATION/DATE: The Planning and Zoning Commission of the City of Richmond will hold a public hearing on Monday, March 1, 2021, at 5:00 p.m. **In compliance with the recommendation of the CDC and other governmental agencies, to limit meetings to less than ten persons and avoid the spread of the COVID19 Virus, the Planning and Zoning Commission meeting will be held as a teleconference on Zoom virtual meeting platform. Following are the details to join the Zoom Meeting:**

Join Zoom Meeting

<https://zoom.us/j/92606903404?pwd=dXNlV0JmZ211eXdazEVtUjlpUjRCU09>

Meeting ID: 926 0690 3404

Passcode: 933360

One tap mobile

+13462487799,,92606903404#,,,,*933360# US (Houston)

+12532158782,,92606903404#,,,,*933360# US (Tacoma)

Dial by your location

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 669 900 6833 US (San Jose)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 926 0690 3404

Passcode: 933360

Find your local number: <https://zoom.us/u/abAMIsOwMt>

Comments may also be submitted via email or request made to be contacted by phone during the meeting to make comments during the public hearing to the Planning Director at jabraham@richmondtx.gov

PURPOSE: To receive comments for or against a request by Vincent Ramos (owner of the subject site) for a Conditional Use Permit to allow the operation of a resale store at the subject site located at 1117 Powell Street and to the extent the Conditional Use Permit deviates from the Future Land Use Plan of the Comprehensive Master Plan, to provide for an amendment thereto.

SITE LOCATION: The subject site is located along the south side of Powell St at 1117 Powell Street. The existing building on the subject site was previously used as a store selling freshly made Tamales.



C4. DEVELOPMENT UPDATES TO THE PLANNING AND ZONING COMMISSION

February 2021 / March 2021

The following table provides an overview of Planning Department activities from February 01, 2021 through February 25, 2021:

PRE-APPLICATION CONFERENCES		
LOCATION	LAND USE	DESCRIPTION
<ul style="list-style-type: none"> ▪ 1215 Main St (GR) 	Rezoning	<ul style="list-style-type: none"> ▪ <i>The subject site is located at the southwest corner of Main St. and S. Union St.</i> ▪ <i>The applicant discussed rezoning the subject site from GR, General Residential to OT, Olde Town district to allow an office use.</i>
<ul style="list-style-type: none"> ▪ 1810 Thompson Rd. (SC) 	Offices	<ul style="list-style-type: none"> ▪ <i>The subject site is located along the west side of Thompson rd. and north of Inwood Dr.</i> ▪ <i>The applicant discussed a proposed a Gas station and convenience store at this site with associated parking and landscaping.</i> ▪ <i>The proposed “Vehicle and Gas Station” use is limited within the Suburban Commercial jurisdiction.</i> ▪ <i>The limited use requirements for this use include shielded lighting and buffer-yards for abutting residential properties as well as ingress and egress plans to ensure the site does not use a minor residential street for access.</i>
<ul style="list-style-type: none"> ▪ 126 Collins. (IN) 	Architectural Signage Company	<ul style="list-style-type: none"> ▪ <i>The subject site is located along the southwest side of Collins Road and north of Highway 90 A.</i> ▪ <i>Staff met with the applicant to discuss development regulations and permitting related processes.</i> ▪ <i>The project would involve platting, site development plan review, and building permit review.</i>
<ul style="list-style-type: none"> ▪ Veranda 	Elementary School	<ul style="list-style-type: none"> ▪ <i>Staff met with the design team and representatives of LCISD to discuss a proposed elementary school within Veranda.</i> ▪ <i>A Preliminary plat for the subject site is approved and Final plat will be presented at the April regular meeting.</i>
<ul style="list-style-type: none"> ▪ 211 N 10th St 	Retail store selling Fresh Produce	<ul style="list-style-type: none"> ▪ <i>Staff met with the potential buyer of the subject site.</i> ▪ <i>The applicant discussed using the existing building for a fresh produce store.</i> ▪ <i>Staff provided development related inputs and an overview of the development requirement and processes involved.</i>

SITE DEVELOPMENT PLAN REVIEWS		
LOCATION	LAND USE	DESCRIPTION
<ul style="list-style-type: none"> ▪ 1840 FM 359 (ETJ) 	Fossum Family Dental Care	<ul style="list-style-type: none"> ▪ <i>The subject site is located along the east side of FM 359, north of the old Hickory Barn BBQ</i> ▪ <i>The applicant is proposing an addition to the existing building along with associated site improvements.</i> ▪ <i>The plans are approved.</i>
<ul style="list-style-type: none"> ▪ 1400 FM 2218 (GC) 	Anchor Bend Church	<ul style="list-style-type: none"> ▪ <i>The plans for the proposed church was approved.</i>
<ul style="list-style-type: none"> ▪ 1600 Jackson St. (GC) 	Walgreens	<ul style="list-style-type: none"> ▪ <i>The applicant is proposing to add an outpatient clinic within the Walgreens.</i> ▪ <i>No sitework is proposed only interior modifications.</i>
<ul style="list-style-type: none"> ▪ 821 E. Hwy 90A (GC) 	Tiny Toon's	<ul style="list-style-type: none"> ▪ <i>The subject site is located along E. Hwy 90 on the Northside and is and is on the west of Fajita Pete's.</i> ▪ <i>Subject site is the old Sears building and is proposed for a new day care.</i> ▪ <i>Staff is reviewing their first plan submittal.</i>
<ul style="list-style-type: none"> ▪ 729 FM 359 (ETJ) 	Fort Bend Commissary Services	<ul style="list-style-type: none"> ▪ <i>The subject site is located on the eastside of FM 359 and is adjacent to Brazos Bend Animal Hospital to the south.</i> ▪ <i>The scope of work includes addition of an office building. The plans were previously approved, and the applicant is proposing changes to the approved plans.</i>
<ul style="list-style-type: none"> ▪ 3535 FM 762 (ETJ) 	Gas Station	<ul style="list-style-type: none"> ▪ <i>The subject site is located along the east side of FM 762, across from Petco within Brazos Town Center.</i> ▪ <i>The site is currently the location of a Shell gas station and convenience store.</i> ▪ <i>The applicant is proposing civil work at this site to connect to Municipal Utility District 207.</i>

----- End of Report -----



PLANNING AND ZONING COMMISSION

Staff Update: Conditional Use Permit for Massage Businesses

Agenda Date: March 01, 2021

Agenda Item: C5.

Agenda Item Subject: Presentation made to the City Commission regarding Conditional Use Permit for Massage businesses.

NO ACTION FROM THE PLANNING AND ZONING COMMISSION IS REQUIRED ON THIS AGENDA ITEM.

Presenter: Jose Abraham, Planning Director

SUMMARY

A presentation was made to the City Commission by Joe Madison, Executive Director of Demand Disruption, and Rhonda Kuykendall, chairwoman of FBC DA Human Trafficking Team. The presentation highlighted the initiatives taken by the Fort Bend County District Attorney’s office and other partners against human trafficking and other associated illicit operations. The presentation focused on how Cities can be proactive in tackling the growing trend of illicit massage businesses that operate as fronts for commercial sex operations. The presenters elaborated upon how they have been worked with other Cities in the area like Pearland and Fulshear to adopt Conditional Use Permit (CUP) requirements for Massage Businesses. According to the presenters, CUP requirements can discourage illicit massage businesses and would allow code enforcement to monitor operations of massage businesses.

City Commission acknowledged and emphasized the need to proactively address the issue. Staff is reviewing the information provided by the presenters and researching what other cities have adopted in terms of the CUP requirements for massage businesses. Staff is also reviewing the provisions of state legislature regarding this issue to ensure a comprehensive approach towards addressing this growing concern. Staff intends to work with Demand Disruption and FBC DA Human Trafficking Team to identify the best proactive approach in this matter.

Please see attached information provided by the presenter.

DEMAND DISRUPTION



Defend Your City FORT BEND COUNTY

WHAT IS AN IMB?

A Massage business that fronts for commercial sex operations. Commonly called “massage parlors” these businesses dot the sides of highways and are tucked into suburban strip malls between fast food restaurants and dollar stores and behind darkened windows in storefronts in some of the biggest cities.

9,000+

IMBs in the U.S. and they are rapidly increasing in number with no signs of stopping.

12/Day

avg. # of customers for Houston IMBs. Demand is higher during the lunch hour, from 12-2 p.m.

\$2.5B

annual national revenue. In Houston, the illicit massage industry is worth \$107M/year.

IMB REVIEW SITES = EVIDENCE OF IMBS

Websites used by buyers to rate the services provided at IMBs. This is a very small percentage of activity (only those where a buyer has left a review) Research on 11/22/2020 revealed 69 IMBs in Fort Bend County:

- Katy - 33
- Missouri City - 31
- Pearland - 9
- Richmond - 1
- Rosenberg - 2
- Stafford - 5
- Sugar Land - 15
- **FBC = 69 IMBS**

“If you live in Fort Bend County and are committing these offenses, your time is up. We are coming for you and we will be relentless.”

- FORT BEND COUNTY D.A. BRIAN MIDDLETON

JOIN OUR NETWORK

Fort Bend County Defend Your City Group on Facebook

- [facebook.com/groups/defendyourcityfbc](https://www.facebook.com/groups/defendyourcityfbc)

Demand Disruption Website

- demanddisruption.org

QUESTIONS & ANSWERS:

Joe Madison | Executive Director | info@demanddisruption.org

Rhonda Kuykendall | Chairwoman, FBC DA Human Trafficking Team | rhondakuy@comcast.net | 281 750 6053

Here's what we can do:

CONDITIONAL USE PERMIT FOR MASSAGE BUSINESSES

- No blacked out or obstructed front windows.
- No living quarters for employees or owners within spa premises.
- No cash only establishments; no cash machines allowed on premises.
- No buzzers or locked doors during business hours.
- Prohibit services between the hours of 10 p.m. and 6 a.m.
- Authority for investigators who can enforce regulatory and licensing provisions to temporarily/ indefinitely shut down the spa upon finding of specified number or type of violations.
- Must allow entry by law enforcement personnel conducting inspections.
- Video cameras recording entrance required and available for inspection.
- Required to have a manager or owner on premises during hours of operation, name of manager or owner must be posted.
- Licensing requirement includes training on human trafficking and recognizing human trafficking.

NO COST TO THE TAXPAYERS

Inspectors, Fire Marshall and City Code Enforcement are already visiting these establishments when businesses are opening. Once a conditional use permit is enacted, cities have a checklist as to what a massage business can look like. We have the boots on the ground and are already paying for them. Code Enforcement and Public Health officials can enter the premises for routine inspections and provide survivors with access to resources and social service assistance without the threat of criminal or immigration enforcement that victims are often conditioned to fear.

“...it is apparent that the Texas State Legislature intended to provide a broad framework for regulation of certain businesses while authorizing municipalities and counties to enact ordinances within that framework”.

- TEXAS COURT OF APPEALS

FULSHEAR'S C.U.P. (ENACTED SEPTEMBER 2020)

15. Massage Parlor. Each facility established after the effective date of this ordinance must meet the following (unless the use is exempt per Sec. 455.155 of the Texas Occiupations Code):

- a. The use may only operate between the hours of 8:00AM to 10:00PM each day;
- b. Outside windows of a massage establishment shall be transparent and the view from the outside into the lobby or waiting area shall be unobstructed;
- c. All doors shall remain unlocked during the normal business hours;
- d. At no time shall a massage establishment provide a residence or dwelling to accompany this occupancy, and;
- e. Licenses issued by the State for the establishment and the people working in it who are required to have a State license must be displayed and easily viewable in the lobby or waiting area.

QUESTIONS & ANSWERS:

Joe Madison | Executive Director | info@demanddisruption.org

Rhonda Kuykendall | Chairwoman, FBC DA Human Trafficking Team | rhondakuy@comcast.net | 281 750 6053