



MINUTES

MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING

Tuesday, March 15, 2022

The Planning and Zoning Commission met at 6:00 P.M. on Tuesday, March 15, 2022, in the Council Chamber located at 4403 Highway 3, Dickinson, Texas.

Members Present:	Deborah Fortner	Commissioner
	Marjorie Morgan	Commissioner
	Phillip Lipoma	Commissioner
	Ivan Langford	Commissioner
	John Harris	Commissioner

Staff Present:	Theo Melancon	City Manager
	Chaise Cary	Assistant City Manager
	Yvonne Briscoe	Senior Planner

1. **CALL TO ORDER AND CERTIFICATION OF A QUORUM**

Ms. Briscoe called the meeting to order at 6:05 P.M.

Ms. Briscoe called roll and a quorum was verified.

There being no Chair or Vice-Chair in attendance, Ms. Briscoe requested a motion to elect a Chair for the meeting.

Commissioner Harris motioned to nominate Commissioner Fortner as Chair for the meeting, seconded by Commissioner Langford. Motion **PASSED** unanimously.

2. **INVOCATION**

The Invocation was led by Commissioner Fortner.

3. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Commissioner Fortner.

4. **MINUTES**

- a. Consider approving the meeting minutes of the October 19, 2021, Planning and Zoning Commission regular meeting.

Commissioner Morgan motioned to approve the meeting minutes of the October 19, 2021, Planning and Zoning Commission regular meeting, seconded by Commissioner Harris. Motion **PASSED** unanimously.

- b. Consider approving the meeting minutes of the February 15, 2022, Planning and Zoning Commission regular meeting.

Commissioner Langford motioned to approve the meeting minutes of the February 15, 2022, Planning and Zoning Commission regular meeting, seconded by Commissioner Morgan. Motion **PASSED** unanimously.

5. **REPORT**

- a. Receive a report from City staff.

Ms. Briscoe discussed the following items:

Comprehensive Plan

Retreat

Open House

Community Survey

Council announcements and items

Youth Action Council

Dickinson Art Guild's Great Blue Heron Project

Italian Heritage Festival

6. **DISCUSSION**

- a. **Discuss and consider a request** for a Site Development Plan for a C-Store & Shell Building, located at 3106 Hwy 3 and 3122 Hwy 3, approx. 1.3191 acres legally described as Lots 1 – 6 and Lots 9 – 12, Block 1 Pineview Addition and West 1/2 114 Pineview Addition D.

Ms. Briscoe summarized the item.

Commissioner Langford asked if staff is making a recommendation.

Ms. Briscoe responded staff does not provide recommendations for Site Development Plans.

The applicant, Mr. Elmore, stated he is here to answer questions.

Commissioner Fortner stated when previously approved the proposed development surrounded the Washateria. Commissioner Fortner inquired if the proposed development has been expanded.

Mr. Elmore responded this development has been under works for a long time. The Hwy 3 overlay made development very difficult. Current owner is now intending to sell to another operator. Once sold, the new owner proposal is for C-store and shell building for future tenet(s).

Commissioner Morgan inquired why all architectural has been removed from the proposed development.

Mr. Elmore responded the development will still be masonry. The Hwy 3 overlay had additional requirements that no longer are required. Scale and scope of the buildings have not changed.

Commissioner Langford inquired why complete construction drawings were included and what is being considered by the Commission for approval.

Ms. Briscoe responded that all application documents are required to be included with the agenda. The item being considered is site plan, which includes building size, parking, landscaping, etc.

Commissioner Langford inquired if staff has reviewed for code compliance.

Ms. Briscoe responded that all department have reviewed the Site Development application as presented. Additional reviews will be completed once a permit application is submitted.

Commissioner Morgan stated the Site Development Plan was previously approved because of a desire to elevate the community with the architectural drawings. She now has concerns that all architectural elements have been removed from the previously approved plans.

Mr. Elmore responded the Hwy 3 overlay requirements are no longer in effect.

Commissioner Morgan stated it can be included in an SUP.

Mr. Elmore responded this is not a SUP.

Ms. Briscoe responded the application is not for SUP. The previous requirements outlined in the Hwy 3 overlay was repealed by City Council. As proposed, the plan meets current zoning codes.

Commissioner Langford motioned to approve the Site Development Plan for a C-Store & Shell Building, seconded by Commissioner Harris. Motion **PASSED** with Commissioner Morgan abstaining.

Commissioner Lipoma joined the meeting.

- b. **Discuss and consider a request** for a Site Development Plan for A-TEAM A/C, located at 1102 W FM 517 Rd., approx. 0.959 acres legally described as Abstract 19 Page 12 Perry & Austin Survey Tract 45.

Ms. Briscoe summarized the item.

Commissioner Langford requested to show the front facade on the screens. He inquired what material is being proposed for the front façade.

Mr. Benavente the architect; Mr. Gonzales the owner of A-Team A/C, and Mr. Pickett the General Contractor responded:

The material will be brick stone all the way up. A metal building is proposed with CMU.

Commissioner Fortner inquired what material will be visible from FM 517.

Mr. Benavente the architect; Mr. Gonzales the owner of A-Team A/C, and Mr. Pickett the General Contractor responded:

The façade visible from FM 517 will be brick veneer. The proposed building will be brick on the front, metal on the sides and metal on the back. Approximately one-hundred percent brick on the front, approximately thirty percent on the sides, and metal on the back.

Commissioner Langford inquired if what is being proposed complies with the current codes.

Ms. Briscoe responded that cities are no longer able to enforce masonry standards due to a Texas House Bill. Staff does not review building materials. No comments were received by any departments.

Commissioner Langford requested clarification that only the site plan is being considered and not the floor plan.

Ms. Briscoe confirmed.

Commissioner Fortner requested to show the landscape plan on the screens. He inquired if more landscaping could be included on the sides.

Mr. Gonzales responded that the right side of the development is planned for detention and unable to be landscaped. The left side of the development is hardscape. The way the building is situated on the lot, metal should not be visible from FM 517. Landscaping along the street and in a peninsula within the parking will be most visible.

Commissioner Morgan motioned to approve the Site Development Plan for A-TEAM A/C, seconded by Commissioner Harris. Motion **PASSED** unanimously.

7. **PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARINGS**

- a. **Conduct a public hearing** concerning a request to amend the official zoning map from Interstate Commercial ("IC") zoning district to a Planned Development ("PD") zoning district for approx. 14.93 acres, generally located west of Interstate 45, south of West FM 517 Road, and legally described as 4.13 acres out of DEDC Subdivision No. 1 (2015) Abstract 19, Lot 2; 3.08 acres out of Abstract 19 Perry & Austin Survey Part of Lot 174 (0-3) Dickinson Addition D; 3.1 acres out of ABST 19 Perry & Austin Survey Part Lots 167 & 174 (0-5) Dickinson Addition D; 1.16 acres out of Abstract 19 Perry &

Austin Survey RES H-2 (8-100) Dickinson Square Partial Replat; 2.73 acres out of Abstract 19 Perry & Austin Survey RES H-1 (8-101) Dickinson Square Partial Replat; and 0.73 acres out of Abstract 19 Perry & Austin Survey Part of Lot 167 (0-6) Dickinson Addition D.

- Staff Presentation
- Applicants Presentation
- Public Comments
- Applicants Rebuttal
- Adjourn Public Hearing

Commissioner Fortner opened the public hearing at 6:35 P.M.

Ms. Briscoe summarized the item.

Commissioner Langford inquired what kind of zoning would be required to permit a bar.

Ms. Briscoe responded that a bar is currently permitted in Neighborhood Commercial and General Commercial zoning districts with a Specific Use Permit.

Commissioner Fortner inquired if in the Planned Development a bar would be allowed by right.

Ms. Briscoe responded that the applicant has included bars as a permitted use in the Planned Development and would not need additional approvals for the use.

Commissioner Fortner inquired regarding Group Homes.

Ms. Briscoe responded that Group Homes are required to have a Specific Use Permit. Ms. Briscoe continued summarizing the item.

Commissioner Langford inquired if site plan is part of the Planned Development approval or if any permitted use could be placed. He inquired if instead of a hotel a bowling alley could be placed there without an additional approval.

Ms. Briscoe responded that the uses outlined in the Planned Development would not need additional approval. Although, a Site Development application approval would still need approved.

Mr. Melancon stated all permitted uses included in the Planned Development would be allowed. The developer is in negotiation with the Economic Development Corporation (EDC) and City Administration for tax abatements and incentives; these incentives will require the development to occur in a way the EDC negotiates.

Commissioner Langford inquired what is currently being proposed are uses the EDC would like to see developed.

Mr. Melancon responded that through negotiations what is included in the current proposal is what is considered the properties highest and best use.

Commissioner Morgan inquired if there will be places to dock boats.

Mr. Melancon recommended to wait for the applicant's presentation.

Ms. Briscoe completed summarizing the item.

Mr. Blanco, representing the developer, summarized the proposed development.

Mr. Kness stated concerns that entire property could become an apartment complex.

Mr. Daniel Blanco responded to the citizen concerns the proposed development that there is a maximum of 200 multi-family units in the Planned Development.

Commissioner Fortner expressed concerns that if approve the zoning that the next developer would not be bound to the same requirements.

Ms. Briscoe responded that the maximum of 200 multi-family units is proposed as a standard in the zoning.

Mr. Melancon stated any changes to the Planned Development would have to come back through the zoning change process.

Commissioner Fortner inquired if the 200 multi-family units is connected to the parking structure.

Mr. Blanco stated development is constrained by parking. Maximizing the parking availability is needed for the multi-family use.

Commissioner Lipoma inquired what type of activities are proposed for the event center.

Mr. Blanco responded the specific use has not yet been determined. Concept plans are currently proposed as flex space.

Commissioner Harris inquired regarding plans south of the bayou on four acres in Texas City.

Mr. Blanco stated it is planned for detention and mitigation. The proposed development is solely proposed in the City of Dickinson.

There being no one else desiring to speak, Commissioner Fortner closed the public hearing at 7:04 P.M.

- b. **Consider making a recommendation** concerning a request to amend the official zoning map from Interstate Commercial ("IC") zoning district to a Planned Development ("PD") zoning district for approx. 14.93 acres, generally located west of Interstate 45, south of West FM 517 Road, and legally described as 4.13 acres out of DEDC Subdivision No. 1 (2015) Abstract 19, Lot 2; 3.08 acres out of Abstract 19 Perry & Austin Survey Part of Lot 174 (0-3) Dickinson Addition D; 3.1 acres out of ABST 19 Perry & Austin Survey Part Lots 167 & 174 (0-5) Dickinson Addition D; 1.16 acres out of Abstract 19 Perry & Austin Survey RES H-2 (8-100) Dickinson Square Partial Replat; 2.73 acres out of Abstract 19 Perry & Austin Survey RES H-1 (8-101) Dickinson Square Partial Replat; and 0.73 acres out of Abstract 19 Perry & Austin Survey Part of Lot 167 (0-6) Dickinson Addition D.

Ms. Briscoe provided staff recommendation.

Commissioner Lipoma stated the consideration does not reference the plan.

Commissioner Fortner responded that the zoning from IC to PD is being considered.

Commissioner Lipoma inquired how the 200-unit multi-family maximum will be enforced.

Commissioner Fortner responded the maximum is included.

Mr. Melancon confirmed that the 200-unit multi-family maximum is part of the zoning request.

Ms. Briscoe stated the application becomes an Exhibit as part of the ordinance.

Commissioner Langford motioned to recommend approval with staff's proposed ordinance change as presented, seconded by Commissioner Morgan. Motion **PASSED** unanimously.

8. **CONSENT**

No items.

9. **ADJOURNMENT**

Commissioner Langford motioned adjourn, seconded by Commissioner Morgan.

Commissioner Fortner adjourned the meeting at 7:08 P.M.

PASSED, APPROVED, AND ADOPTED this 19TH DAY OF APRIL 2022.



BRUCE HENDERSON, Chairman

ATTEST:



YVONNE BRISCOE, Senior Planner