



MINUTES

PLANNING & ZONING COMMISSION

June 21, 2022

The Planning and Zoning Commission met at 6:30 P.M. on June 21, 2022, in the Council Chamber located at 4403 Highway 3, Dickinson, Texas.

ITEM 1.) CALL TO ORDER AND CERTIFICATION OF A QUORUM

Chairman Henderson called the meeting to order at 6:30 P.M.

Councilmembers present were as follows: Bruce Henderson, Deborah Fortner, John Harris, Phillip Lipoma, Marjorie Morgan, Amy Skicki.

ITEM 2.) INVOCATION

The Invocation was led by Commissioner Skicki.

ITEM 3.) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Harris.

ITEM 4.) MINUTES

4.A Consider approving the meeting minutes of the September 22, 2021, Planning and Zoning Commission regular meeting.

Marjorie Morgan motioned to Approve, and Deborah Fortner seconded the motion.

VOTE:

6 AYES (Bruce Henderson, Deborah Fortner, John Harris, Phillip Lipoma, Marjorie Morgan, Amy Skicki)

0 NAYS

MOTION PASSED

4.B Consider approving the meeting minutes of the April 19, 2022, Planning and Zoning Commission regular meeting.

Amy Skicki motioned to Approve, and John Harris seconded the motion.

VOTE:

6 AYES (Bruce Henderson, Deborah Fortner, John Harris, Phillip Lipoma, Marjorie Morgan, Amy Skicki)

0 NAYS

MOTION PASSED

ITEM 5.) REPORT

5.A Receive a report from City staff.

Ms. Briscoe discussed the following items:

- Recent actions by City Council,
- Recent actions by Comprehensive Plan Action Committee (CPAC),
- High school intern program, and
- CDBG Buyout and Acquisition program.

ITEM 6.) DISCUSSION

6.A Discuss and consider a request for a Site Development Plan for Shady Grove Secured Storage, approx. 9.34 acres generally located west of FM 646 approximately 2,000 feet north of 2nd Street, and legally described as Abst 1 Lot 145 Thamans 1st Sub.

Ms. Briscoe summarized the item.

Matt Warner, on behalf of the applicant, summarized the proposed development.

Commissioner Fortner inquired if the size of smaller units, number of units increased, and if the development includes a wash rack.

Matt Warner, on behalf of the applicant, responded to the concerns the proposed development. Some of the units were split creating smaller and more units. The wash rack was removed from the plan due to drainage issues.

Commissioner Fortner expressed concerns with the limited amount of landscaping included on the proposed site plan.

Matt Warner, on behalf of the applicant, responded to the concerns.

Commissioner Morgan expressed concerns with fire separation, and water retention.

Aaron Sanders, on behalf of the applicant, responded, and wet ponds are planned to be utilized for water retention with a flow switch to maintain the necessary water level.

Commissioner Fortner inquired if there would be offsite monitoring.

Matt Warner, on behalf of the applicant, responded to the onsite security concerns.

Chairman Henderson expressed concerns with the ability to meet fire requirements.

Ms. Bellow responded the conceptual plan proposed, water retention engineering will be reviewed, the buildings will have five-foot separations with three hour firewalls and building classifications have been changed to not enclose some of the buildings.

Chairman Henderson inquired of construction drawings of wet ponds have been submitted.

Aaron Sanders, on behalf of the applicant, responded civil plans not fully engineered.

Chairman Henderson expressed concerns with the maintenance of the retention.

Aaron Sanders and Matt Warner, on behalf of the applicant, responded to the concerns.

Chairman Henderson expressed concerns with code compliance and enforcement.

Ms. Briscoe responded if violations occur, they would be handled by code enforcement.

Chairman Henderson inquired if regulation to clean the pond is not part of the code.

Ms. Bellow responded permitting process includes installation, acceptance, and testing. The property owner must submit testing annually. If testing does not meet requirements the Fire Marshal's office would work toward compliance, including issuing citations.

Amy Skicki motioned to Approve, and Bruce Henderson seconded the motion.

VOTE:

4 AYES (Bruce Henderson, Deborah Fortner, Marjorie Morgan, Amy Skicki)

2 NAYS (John Harris, Phillip Lipoma)

MOTION PASSED

ITEM 7.) PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARINGS

Chairman Henderson read the public hearing procedures.

7.A Conduct a public hearing concerning a request for a Specific Use Permit for a Vacation Rental in a Conventional Residential ("CR") zoning district, for approx. 0.379 acres, located at 4517 Mariners Mooring Street, and legally described as Abstract 155 Page 4 Part of Lot 29 & All of Lot 30 (29-0) Mariners Mooring Subdivision.

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

Chairman Henderson opened the public hearing at 6:57 P.M.

Ms. Briscoe summarized the item.

Dee Wray, on behalf of the applicant, summarized the request.

Linda Angelo expressed concerns regarding other neighbors doing the same.

Chairman Henderson responded this process is required for all Vacation rentals.

Mike Hall declined to speak.

Julia Ragusa declined to speak.

Jake Foster expressed concerns regarding the number of renters. He requests limits be placed.

Ms. Briscoe responded this will be addressed in staff's recommendation. Limits can be placed on occupancy.

Jake Foster expressed concerns with the narrow street and the effect on traffic.

Dee Wray, on behalf of the applicant, responded to the previous comments. She plans to have house rules in place.

Chairman Henderson adjourned the public hearing at 7:08 P.M.

7.B Consider making a recommendation concerning a request for a Specific Use Permit for a Vacation Rental in a Conventional Residential ("CR") zoning district, for approx. 0.379 acres, located at 4517 Mariners Mooring Street, and legally described as Abstract 155 Page 4 Part of Lot 29 & All of Lot 30 (29-0) Mariners Mooring Subdivision.

Ms. Briscoe provided staff's recommendation.

Chairman Henderson inquired if any part of staff's conditions are part of the current regulations.

Ms. Briscoe responded that they are not.

Commissioner Fortner inquired if the business license or permit is a standard in other jurisdictions.

Ms. Briscoe responded other jurisdictions handle in a variety of ways, typically as part of the vacation rental regulations.

Commissioner Lipoma inquired if the request violates any deed restrictions.

Ms. Briscoe responded the city does not review or enforce deed restrictions.

Commissioner Fortner stated she does not know of any deed restrictions in the area.

Commissioner Harris inquired the applicant's response to staff's recommendations.

Dee Wray, on behalf of the applicant, stated she has concerns with the business license or permit condition.

Commissioner Skicki stated she would like to not include the condition to require the business license or permit.

Chairman Henderson stated this request is an exception to what is currently permitted. Regulations are in place for a reason, to protect other residents. The Commission discussed staff's recommendations.

Deborah Fortner motioned to Approve including conditions 2, 3, 4, 5, and 8 as recommended by staff, and John Harris seconded the motion.

VOTE:

6 AYES (Bruce Henderson, Deborah Fortner, John Harris, Phillip Lipoma, Marjorie Morgan, Amy Skicki)

0 NAYS

MOTION PASSED

Ms. Briscoe requested clarification if the conditions will not include renewal or ability to revoke/ suspend Specific Use Permit.

Commissioner Morgan inquired regarding the code enforcement processes.

Ms. Bellow clarified citations could be issued. Although code enforcement does not revoke approved permits.

Deborah Fortner motioned to Approve as Amended including conditions 2, 3, 4, 5, 8, and 9 as recommended by staff, and John Harris seconded the motion.

VOTE:

6 AYES (Bruce Henderson, Deborah Fortner, John Harris, Phillip Lipoma, Marjorie Morgan, Amy Skicki)

0 NAYS

MOTION PASSED

7.C Conduct a public hearing concerning a request for a Specific Use Permit for a Bar, Event Center, and Gameroom in a General commercial ("GC") zoning district, for approx. 0.244 acres, located at 4200 42nd Street, and legally described as Abstract 78 R Hall Survey Tract 1.

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

Chairman Henderson opened the public hearing at 7:44 P.M.

Ms. Briscoe summarized the item.

There being no representative for applicant in attendance, there is no applicant presentation.

Mike Sabzevar expressed concerns with parking. There are issues with the payment of taxes for the adjacent property which they would like to use for their parking. Parking on other properties creates a liability for the other owner. Mr. Sabzevar expressed concerns with dumpsters placed on site already. He has been approached by the proposed business to enter into a shared parking agreement, which he has declined. He requested the Commission denies the request.

There being no representative for applicant in attendance, there is no applicant rebuttal.

Chairman Henderson closed the public hearing at 7:53 P.M.

7.D Consider making a recommendation concerning a request for a Specific Use Permit for a Bar, Event Center, and Gameroom in a General commercial ("GC") zoning district, for approx. 0.244 acres, located at 4200 42nd Street, and legally described as Abstract 78 R Hall Survey Tract 1. Ms. Briscoe provided staff's recommendation.

Chairman Henderson stated the subject property has changed uses many times and would like to see the property used for an appropriate purpose.

Phillip Lipoma motioned to Deny, and John Harris seconded the motion.

VOTE:

6 AYES (Bruce Henderson, Deborah Fortner, John Harris, Phillip Lipoma, Marjorie Morgan, Amy Skicki)

0 NAYS

MOTION PASSED

7.E Conduct a public hearing concerning a request to amend the official zoning map from General Commercial ("GC") and Conventional Residential ("CR") zoning districts to Planned Development ("PD") zoning district for approx. 22.57 acres located at 745 FM 646 and an unaddressed parcel generally located south of W FM 517 and west of FM 646, and legally described as 7.646 acres out of Bentwood at Bay Colony Sec 3 (2008) Abst 19, Commercial Res (5-0); 13.531 acres out of Abst 19 Perry & Austin Sur Tr 80; and 1.182 acres out of Abst 19 Perry & Austin Sur Tr 80-1.

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

Chairman Henderson opened the public hearing at 7:57 P.M.

Ms. Briscoe summarized the item.

Brad Elmore, on behalf of the applicant, summarized the proposed development.

Mr. Gordy declined to speak.

Jim Murphy inquired the size of the proposed park, and if they will be burying the existing utility poles.

Chairman Henderson stated this is a zoning consideration.

RG Reeder stated when the property is developed it will be necessary to clear cut all the existing trees. He requests the existing trees be preserved or replaced.

Brad Elmore, on behalf of the applicant, responded to the previous comments.

Chairman Henderson closed the public hearing at 8:17 P.M.

- 7.F Consider making a recommendation concerning a request to amend the official zoning map from General Commercial ("GC") and Conventional Residential ("CR") zoning districts to Planned Development ("PD") zoning district for approx. 22.57 acres located at 745 FM 646 and an unaddressed parcel generally located south of W FM 517 and west of FM 646, and legally described as 7.646 acres out of Bentwood at Bay Colony Sec 3 (2008) Abst 19, Commercial Res (5-0); 13.531 acres out of Abst 19 Perry & Austin Sur Tr 80; and 1.182 acres out of Abst 19 Perry & Austin Sur Tr 80-1.

Ms. Briscoe provided staff's recommendation.

Chairman Henderson inquired if the development would have to be heard by Planning and Zoning Commission for Site Development.

Ms. Briscoe confirmed that Site Development approval will be required.

Chairman Henderson expressed frustration with changing rules for every development and expressed a desire to see this changed.

Ms. Briscoe stated City Council recently approved an update of zoning code to create a Unified Development Code.

Chairman Henderson inquired what uses are permitted in PD zoning district.

Ms. Briscoe informed the Commission that the permitted uses in the PD zoning district are uses listed in the document. She provided uses currently permitted in HR and GC zoning districts.

Commissioner Lipoma expressed concerns that there have recently been multiple PD requests for high density residential. He questions if this is in the best interest of our community.

Commissioner Fortner inquired how many units are in Bahlia Cove Apartments across FM 517 in comparison to the proposed PD. She expressed concerns that by allowing residents of the PD to exit through the adjacent neighborhood would have a large impact on the streets.

Mr. Elmore responded the residents of the PD will not have access to the extension of Bentwood Cove to FM 646. The connection shown at Riverwood Drive and Conifer Drive will be emergency access only and not everyday access. The PD residents will gain access directly from FM 517 or FM 646. The road extension to FM 646 is for the benefit of the adjacent neighborhood.

Commission Skicki stated there are a lot of people moving to the area, businesses, and residents. There is a need for this type of housing.

Chairman Henderson requested clarification on some of staff's recommendations.

Ms. Briscoe informed the Commission that the text in the PD document governs over graphics. Many of the recommendations are to include requirements in the text of the PD to provide clearly defined regulations that can be reviewed for and enforced. If a requirement is not listed in the PD, it cannot be required later.

RG Reeder inquired if the applicant currently owns the property.

Mr. Elmore responded the property is under contract.

Commissioner Fortner expressed concerns that the rendering provided does not represent what would be perceived as a class A development and is not aesthetically pleasing.

Mr. Elmore responded there may be changes to building materials and other design elements.

Commissioner Lipoma requested a short recess.

Ms. Briscoe recommended we complete the meeting as this is the last item for consideration.

Chairman Henderson called a five-minute recess.

Chairman Henderson reconvened the meeting.

Chairman Henderson requested verbiage from the Commission that could be added to address the requirement of a Class A development.

Commissioner Fortner requested a definition of Class A from the applicant.

Mr. Elmore provided some of the characteristics that could be expected in a Class A development.

Commissioner Fortner requested adding building materials and other architectural standards included in the requirements.

Chairman Henderson proposed an added condition to require "Premium features and amenities" to provide leverage to the Commission when reviewing the Site Development Plan.

Ms. Briscoe informed the Commission that state regulations prohibit the enforcement of building materials and architectural requirements.

Chairman Henderson proposed an added condition to require "Premium features and amenities in keeping with the character and expectations of our community."

Bruce Henderson motioned to Approve including all conditions as recommended by staff and add a condition that is required to provide premium features and amenities in keeping with the character and expectations of our community.", and Deborah Fortner seconded the motion.

VOTE:

4 AYES (Bruce Henderson, Deborah Fortner, Marjorie Morgan, Amy Skicki)

2 NAYS (John Harris, Phillip Lipoma)

MOTION PASSED

ITEM 8.) CONSENT

ITEM 9.) ADJOURNMENT

Chairman Henderson adjourned the meeting at 9:11 P.M.

Marjorie Morgan motioned to Adjourn, and Phillip Lipoma seconded the motion.

VOTE:

6 AYES (Bruce Henderson, Deborah Fortner, John Harris, Phillip Lipoma, Marjorie Morgan, Amy Skicki)

0 NAYS

MOTION PASSED

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

Bruce Henderson

BRUCE HENDERSON, Chairman

ATTEST:

Yvonne Briscoe

YVONNE BRISCOE, Senior Planner