



MINUTES
City of Dickinson
PLANNING & ZONING COMMISSION

August 15, 2023

The Dickinson Planning and Zoning Commission met in a duly called and announced Regular Meeting on **Tuesday, August 15, 2023** at **6:30 PM** in the Council Chamber located at 4403 Highway 3, Dickinson, Texas 77539 for the purpose of considering the following numbered items:

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

Chairperson Bruce Henderson called the meeting to order at **6:30 P.M.**

Ms. Yvonne Briscoe, Dickinson Senior Planner, called roll and a quorum was verified.

Commissioners present were as follows: Deborah Fortner, Bruce Henderson, Marjorie Morgan, Phillip Lipoma.

ITEM 2.) INVOCATION

The invocation was led by Vice Chairperson Deborah Fortner.

ITEM 3.) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Bruce Henderson.

ITEM 4.) ANNOUNCEMENTS AND PRESENTATIONS

4.A Receive a report from City staff.

Ms. Yvonne Briscoe reported to the Commission about the following subjects:

- Recent City Council actions,
- Recent Unified Land Development Code Update activities,
- Recent Building Standards Commission actions.

ITEM 5.) PUBLIC COMMENTS

Members of the public are invited to give comments at this time, lasting not longer than 3 minutes. Comments may be general in nature or may address a specific agenda item, and should be directed at the entire Commission, not individual members of the Commission or staff. Any speaker making personal attacks or using vulgar or profane language shall forfeit his/her remaining time and shall be seated. In compliance with the Texas Open Meetings Act, the Commission may not deliberate.

Mr. Justin Pruitt informed the Commission that Item 5 was being skipped.

Chairperson Bruce Henderson confirmed there being no public signed up to speak, there are no public comments.

ITEM 6.) CONSENT AGENDA

The following items are considered routine and will be enacted by one motion. There will not be a separate discussion on these items unless a Commission member requests, in which event the item will be removed from the consent agenda and discussed after the consent agenda.

- 6.A Consideration and possible action on approving the minutes of the **July 18, 2023** Planning and Zoning Commission regular meeting.

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

VOTE:

4 AYES (Deborah Fortner, Bruce Henderson, Marjorie Morgan, Phillip Lipoma)

0 NAYS

MOTION PASSED

ITEM 7.) PUBLIC HEARING(S) AND ACTION ITEMS FROM PUBLIC HEARING(S)

Chairperson Bruce Henderson read the procedures for public hearings.

- 7.A Conduct a public hearing concerning a request to amend the official zoning map from Conventional Residential (CR) zoning district to General Commercial (GC) zoning district for the approx. ± 0.18-acres, located at **3404 Avenue D**, legally described as ABST 19 PERRY & AUSTIN SUR LOT 11 EMMITE SUB EXTN and a request to amend the official zoning map from Neighborhood Commercial (NC) zoning district to General Commercial (GC) zoning district for the approx. ± 0.16-acres, located at **3405 HWY 3**, legally described as ABST 19 PERRY & AUSTIN SUR PT OF LOT 118 (3-0) DICKINSON ADDN D.

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

Chairperson Bruce Henderson opened the public hearing at **6:37 P.M.**

Ms. Yvonne Briscoe summarized the item.

Mr. Eddie Bandak provided the applicant presentation.

There being no public signed up to speak, there are no public comments.

There being public comments in opposition, there is no applicant rebuttal.

Chairperson Bruce Henderson adjourned the public hearing at **6:40 P.M.**

- 7.B Consideration and possible action concerning making a recommendation to amend the official zoning map from Conventional Residential (CR) zoning district to General Commercial (GC) zoning district for the approx. ± 0.18-acres, located at **3404 Avenue D**, legally described as ABST 19 PERRY & AUSTIN SUR LOT 11 EMMITE SUB EXTN and a request to amend the official zoning map from Neighborhood Commercial (NC) zoning district to General Commercial (GC) zoning district for the approx. ± 0.16-acres, located at **3405 HWY 3**, legally described as ABST 19 PERRY & AUSTIN SUR PT OF LOT 118 (3-0) DICKINSON ADDN D.

Chairperson Bruce Henderson requested staff's recommendation.

Ms. Yvonne Briscoe provided the staff recommendation to Approve the request.

Chairperson Bruce Henderson inquired if any conditions are being recommended by staff.

Ms. Yvonne Briscoe responded that a change in zoning districts is not allowed to have conditions placed. The zoning change will change all requirements to the new zoning district.

Vice Chairperson Deborah Fortner inquired if the subject property is the Highway 3 auto center.

Mr. Eddie Bandak confirmed it is not.

Vice Chairperson Deborah Fortner inquired who owns the vehicles on the lot.

Mr. Eddie Bandak confirmed the parked vehicles are not part of the subject property. The vehicles are owned by the adjacent property owner and sometimes park vehicles over the property line. The subject property has six parking spaces. Commercial uses are unable to meet the minimum parking standards.

Chairperson Bruce Henderson inquired if vehicles are trespassing on subject property.

Mr. Eddie Bandak responded they are.

Phillip Lipoma motioned to Recommend for approval, and Marjorie Morgan seconded the motion.

VOTE:

4 AYES (Deborah Fortner, Bruce Henderson, Marjorie Morgan, Phillip Lipoma)

0 NAYS

MOTION PASSED

- 7.C Conduct a public hearing concerning a request for subdivision variance from Appendix A “Subdivision”, Section 8 “Standards and Specifications”, Subsection J “Lots”, Subsection 3 “Frontage” requirement of the City of Dickinson Code of Ordinances - with such variance allowing a lot to substitute frontage on a recorded access easement / private street for the required frontage on a public street, for a proposed subdivision of approx. ± 0.622-acres, **generally located west of Lighthouse Lane and north of Dirrick Street**, and legally described as ABST 208 W K WILSON SUR PT OF LOT 4 (4-3) BLK 14 BEATTY SUB.

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

Chairperson Bruce Henderson opened the public hearing at **6:44 P.M.**

Ms. Yvonne Briscoe summarized the item.

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

Mr. Chris Tucker stated his family sold the subject property to the owner. Mr. Tucker expressed concern that he was not notified of the public hearing. The property was sold with the understanding it was limited and the purpose was to provide a buffer between properties and not place a budling on the property. Mr. Tucker expressed concern that the request is proposing to utilize an easement that is not owned by the applicant. The Rural Residential zoning keeps the residences spread out. He is concerned that utilizing a smaller lot to build a smaller home may affect property values in the area.

Mr. Joe Love expressed concern that the applicant is proposing to construct in the easement.

Mrs. Kathy Love expressed agreement with the previous public comments.

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

Chairperson Bruce Henderson adjourned the public hearing at **6:50 P.M.**

- 7.D Consideration and possible action concerning making a recommendation on a request for a subdivision variance from Appendix A “Subdivision”, Section 8 “Standards and Specifications”, Subsection J “Lots”, Subsection 3 “Frontage” requirement of the City of Dickinson Code of Ordinances - with such variance allowing a lot to substitute frontage on a recorded access easement / private street for the required frontage on a public street, for a proposed subdivision of approx. 0.622-acres, **generally located west of Lighthouse Lane and north of Dirrick Street**, and legally described as ABST 208 W K WILSON SUR PT OF LOT 4 (4-3) BLK 14 BEATTY SUB.

Chairperson Bruce Henderson requested staff’s recommendation.

Ms. Yvonne Briscoe provided the staff recommendation for Approval with Conditions. The following conditions are recommended by staff:

- A plat application must be submitted to and approved by the City of Dickinson and recorded with Galveston County Clerk within twelve months of the approval; and
- Statement clearly denoted on the face of the recorded plat stating, “This plat is subject to City of Dickinson Resolution Number 2023-XXXX”, and
- Statement clearly denoted on the face of the recorded plat stating, “This plat is subject to Galveston County Filing Numbers 9511179, and 20120100826.”

Ms. Yvonne Briscoe added that the recorded documents being referenced in staff’s recommendation show that while the property does not meet the lot area and lot width requirements of the Rural residential zoning district, the property was in the same configuration prior to the zoning ordinance being adopted by the City.

Vice Chairperson Deborah Fortner inquired if the applicant owns the property for an easement to be created.

Ms. Yvonne Briscoe responded that a new easement is not being proposed. Lighthouse, Dirrick, and Starboard are existing easements with a maintenance agreement already in place. The request is to plat the property and gain access off Lighthouse. Lighthouse, Dirrick, and Starboard are not public roads. The closest road frontage is Humble Camp Road, which the subject property does not have access to.

Chairperson Bruce Henderson inquired if the subject property has access to Lighthouse and why the discussion is regarding Dirrick.

Ms. Yvonne Briscoe confirmed the property does have access to Lighthouse. The improved portion of Dirrick ends at Lighthouse, although, the Dirrick easement continues. Ms. Briscoe understands the citizen concerns to be that the applicant plans to gain access of Dirrick. The applicant does not have the authority to build on the easement. The applicant's legal access is off Lighthouse. The request is due to Lighthouse being an easement and not a public road.

Commissioner Marjorie Morgan inquired when the property was obtained by the current owner.

Ms. Yvonne Briscoe stated the date of sale would need to be checked.

Mrs. Kathy Love stated that in communications between the two families it is understood their intent is to gain access from the easement, immediately at their fence line.

Chairperson Bruce Henderson requested clarification that Dirrick dead ends into Lighthouse, Dirrick continues but is unimproved, and the unimproved portion of Dirrick is owned by the Love family.

Ms. Yvonne Briscoe confirmed the portion of Dirrick that is unimproved is not owned by any of the property owners, but part of the collective road maintenance agreement between all property owners in the surrounding area. The request is to gain access off Lighthouse.

Chairperson Bruce Henderson inquired if the variance request is due to the subject property not being wide enough.

Ms. Yvonne Briscoe responded that is not correct. Variances are not needed for the the lot area and lot width requirements of the Rural residential zoning district. Those instances predate the zoning code.

Mr. Justin Pruitt, Dickinson Attorney, stated the code requires all subdivisions or plats to have connection to a public road. The subject property is landlocked and does not have access to a public road. Lighthouse is a private road. The request is for the applicant to submit a plat application. All other development issues would be addressed further in the process.

Vice Chairperson Deborah Fortner inquired if everyone has the same access the subject property does.

Ms. Yvonne Briscoe responded the access for this area is all through the private roads. To plat any property in this area, a subdivision variance approval is required. The city requirement is not being met. Ms. Briscoe responded to a previous question by the Commission that the property was purchased by the current owner on November 29, 2021.

Commissioner Marjorie Morgan questioned if the property owner knew when the property was purchased.

Ms. Yvonne Briscoe responded the owner has access on Lighthouse. Lighthouse is not public, which the code requires. The variance is needed to gain access off a private road.

Chairperson Bruce Henderson requested additional clarification.

Mr. Justin Pruitt responded to plat the code states the property must abut a public road.

Vice Chairperson Deborah Fortner stated the public concern for the neighborhood is that they would be left out of future processes.

Mr. Justin Pruitt responded approving the variance request will permit the property owner to submit a plat application. This does not guarantee approval of the plat or building permits. All codes and ordinances will need to be met.

Chairperson Bruce Henderson expressed concern that neither the Commission nor City has the authority to grant access to the private roads.

Ms. Yvonne Briscoe responded that the property already has permission through the maintenance agreement that was provided as part of the application.

Commissioner Marjorie Morgan expressed concern that the property was sold to the adjacent homeowner with the understanding that it would be a portion of the adjacent property.

Vice Chairperson Deborah Fortner stated the public concern for the neighborhood is that they would be left out of future processes.

Mr. Justin Pruitt stated the decision tonight by the Commission is a recommendation to City Council. There will be another public hearing by City Council. If the variance is approved, the plat is submitted and approved, and building plans are submitted and approved in compliance with all city plans. The property would meet all other city codes. Any additional variances would require additional considerations.

Mr. Joe Love stated a solution would be for the subject property to gain access from the adjacent northern property's driveway.

Ms. Yvonne Briscoe responded that the proposed solution would not meet city regulations. The properties need to stand independent from one another. A condition could be added that access is required from Lighthouse and not Dirrick.

Mr. Chris Tucker inquired if access off Lighthouse then why is a variance being requested.

Mr. Justin Pruitt responded that the property is not platted. The city requires a plat for any kind of building permit. The issue is the City requires a plat must abut a public road. That is not possible as Lighthouse is private.

Ms. Yvonne Briscoe added Lighthouse is not public. If the variance is not granted, a plat is not possible. Lighthouse is a private road.

Mr. Chris Tucker inquired why 125-foot lot width was included.

Ms. Yvonne Briscoe responded that the lot width was included because it does not meet the rural residential zoning district requirement. Staff is presenting the whole picture. The existing easement is not able to be part of the proposed plat as the applicant does not own that property.

Mrs. Kathy Love inquired how far would the public get notified to attend hearings.

Chairperson Bruce Henderson responded 750 feet.

Ms. Yvonne Briscoe stated subdivision variances are not bound to the same requirements as zoning. The city does notice the 750 feet for all Planning and Zoning public hearings. Planning and Zoning Commission and Board of Adjustment notices are sent 11 days before the meeting and City Council notices are sent 16 days before the meeting.

Mrs. Kathy Love inquired if they would receive additional notifications.

Ms. Yvonne Briscoe responded that the type of application determines if a public hearing is required, and which rules apply.

Mrs. Kathy Love inquired if they would receive notification when a plat is submitted.

Chairperson Bruce Henderson stated the concern is that they did not receive a notice.

Ms. Yvonne Briscoe responded that all notices were mailed.

Vice Chairperson Deborah Fortner added that plat applications do not require public hearings.

Ms. Yvonne Briscoe confirmed if the plat was submitted and met all requirements it would be approved.

Vice Chairperson Deborah Fortner inquired if the Commission recommendation can include notices are sent with platting.

Mr. Justin Pruitt responded it can be included in the recommendation that notices are sent at plat submittal. There is no public hearing requirement. It could possibly be available for email comment to city staff.

Deborah Fortner motioned to Recommend for approval with conditions as recommended by staff and that the neighbors present at the public hearing and surrounding property owners must be notified when a plat application is submitted, and Phillip Lipoma seconded the motion.

VOTE:

3 AYES (Deborah Fortner, Bruce Henderson, Phillip Lipoma)

1 NAYS (Marjorie Morgan)

MOTION PASSED

- 7.E Conduct a public hearing concerning a request for a Specific Use Permit for Group Home in a Conventional Residential ("CR") zoning district, for approx. ±0.31 acres, located at **3025 SHERWOOD OAK STREET**, and legally described as ABST 19 PERRY & AUSTIN SUR LOT 11 SHERWOOD OAKS.

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

Chairperson Bruce Henderson opened the public hearing at **7:15 P.M.**

Ms. Yvonne Briscoe summarized the item.

Ms. Omobolanle James provided the applicant presentation. Ms. James voiced a desire to help the needy by not segregating but bringing them into the community. There is a need for places that resemble a home that is not a nursing home that will help residents maintain their dignity while meeting their personal needs. The property has ample space for a serene, quiet environment with enough space to accommodate residents. There should not be a need for emergency services on a regular basis. Visitations would be spread out and residents would not have personal transportation but would be provided.

Mr. Robert Perry inquired about the age range of residents and if the request is approved if the neighbors would be notified if the age range changes.

Ms. Julia Broman expressed concern about parking and street safety. The subject property is at a turn in the street. Vehicles backing out of their driveways, speeding cars, and additional cars make the streets unsafe.

Ms. Deb Bourland expressed concern with the number of group homes operating within the neighborhood, there is a saturation of group homes. No one wants to live next door to a group home. The safety of residents and children living in the community needs to be protected.

Mr. Tommy Gillis expressed opposition to the request. The description of the request is vague. He does not want Dickinson's identity to be a group home community and was not aware there were some many in the neighborhood.

Ms. Esmeralda Gutierrez expressed concern with assisted living being approved if it could change to a halfway house or drug rehab or other type of group home. Additional concerns include vehicles trying to cut through the neighborhood, road safety, lack of sidewalks, speeding, limits on residents and visitors, security, cameras, and medical issues for the residents. This neighborhood is their home. Ms. Gutierrez is opposed to the request.

Mr. Ben T. Baty expressed concern with the term "group" and the number of occupants. The neighborhood does not have a lot of crime, but they do have a traffic problem. When a property has multiple occupants there are multiple vehicles. Mr. Baty wants to live in a single-family neighborhood and urged the Commission to vote against the request.

Ms. Diana Henderson declined the opportunity to speak.

Ms. Celine Stein expressed the desire to keep the area residential and stated agreement with the previous comments. She agrees with other comments made and expressed opposition to the request. Group homes need to be in a commercial area and not their neighborhood.

Ms. Joan Malmrose expressed opposition to the request. They live in an upscale neighborhood and home values are affected with group home in the neighborhood. While the neighborhood does not have a HOA, the residents try to keep the property maintained. The subject property needs to be mowed and is not being kept properly. Ms. Malmrose expressed concerns about traffic, a lack of sidewalks, vehicles parked on the street and coming around the corner making it more dangerous for residents and children. Emergency and other vehicles would disturb the surrounding homes. The location of a group home on the outskirts of the neighborhood would not have the impact that this request would.

Ms. Jenny Mendez expressed opposition to the request and has the same concerns previously made.

With no one else signed up to speak, Chairperson Bruce Henderson asked if anyone else in attendance would like to address the Commission.

Ms. Sandra Thompson expressed concern with traffic issues, safety of roads, and safety of neighborhood kids playing in the front yard and streets. They have a close-knit neighborhood community where she feels safe, and a group home would change that. The location of the driveway on a tight corner that is difficult to navigate makes street safety a concern.

Mr. Ben T. Baty added that in event that the request is approved the surrounding property values will decrease. All residents would request their taxes to be lowered due to the group home in the neighborhood.

Ms. Omobolanle James provided the applicant rebuttal. The state department of health approves the group home, sets the type, and the license cannot be changed without additional state oversight. The proposed group home would not add traffic with 1-2 workers and plans to start with 4-5 residents and to increase to 8-10 at the most. Traffic should not be a problem. Group homes are monitored by the state.

Chairperson Bruce Henderson adjourned the public hearing at **7:47 P.M.**

- 7.F Consideration and possible action concerning making a recommendation on a request for a Specific Use Permit for Group Home in a Conventional Residential ("CR") zoning district, for approx. ± 0.31 acres, located at **3025 SHERWOOD OAK STREET**, and legally described as ABST 19 PERRY & AUSTIN SUR LOT 11 SHERWOOD OAKS.

Chairperson Bruce Henderson requested staff's recommendation.

Ms. Yvonne Briscoe provided the staff recommendation to Approve with Conditions. Staff recommends the following conditions:

- For not more than eight (8) people,
- Required to be sprinkled and inspected each year,
- State license must be obtained and provided with the City Certificate of Occupancy application, and
- A Certificate of Occupancy must be issued prior to operating the business.

Chairperson Bruce Henderson stated group homes have value. People need a place to go, there is degree of trust in licensing, and state does monitor to a degree. He will always be a proponent of group homes. Many citizen voice concerns when a Conventional Residential neighborhood backs up to General Commercial zoning and a commercial development is established. The city has a zoning process for this. When a Conventional Residential neighborhood is established and designed for the neighborhood family and not for business in the middle of the neighborhood. A group home does not fit in with Conventional Residential zoning.

Vice Chairperson Deborah Fortner stated group homes located in more secluded areas with larger amounts of acreage and a limited number of residents would be a better fit. While group homes are needed, other areas may be better able to accommodate them than the proposed location.

Commissioner Marjorie Morgan expressed concern that the surrounding neighborhood does not need another group home.

Commissioner Phillip Lipoma agreed that commercial uses are not compatible in residential areas.

Deborah Fortner motioned to Recommend for denial, and Marjorie Morgan seconded the motion.

VOTE:

4 AYES (Deborah Fortner, Bruce Henderson, Marjorie Morgan, Phillip Lipoma)

0 NAYS

MOTION PASSED

- 7.G Conduct a public hearing concerning a request for a Specific Use Permit for Car, Truck and RV washing facilities in a general Commercial ("GC") zoning district, for approx. ± 0.26-acres, **located at 3712 HWY 3**, and legally described as ABST 19 PERRY & AUSTIN SUR PT OF LOT 154 (0-2) DICKINSON ADDN D.

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

Chairperson Bruce Henderson opened the public hearing at **7:54 P.M.**

Ms. Yvonne Briscoe summarized the item.

Mr. Uvaldo Rodriguez provided the applicant presentation. The business is veteran owned and has been operating as a mobile unit for approx. 6 years.

Mr. Eddie Bandak, owner of the subject property, expressed support for the request. Part of the lease agreement includes mechanical work is not permitted. The proposed vehicle detailing business will add value to the Highway 3 corridor. There being public comments in opposition, there is no applicant rebuttal. Chairperson

Bruce Henderson adjourned the public hearing at **7:57 P.M.**

- 7.H Consideration and possible action concerning making a recommendation on a request for a Specific Use Permit for Car, Truck and RV washing facilities in a general Commercial ("GC") zoning district, for approx. ± 0.26-acres, **located at 3712 HWY 3**, and legally described as ABST 19 PERRY & AUSTIN SUR PT OF LOT 154 (0-2) DICKINSON ADDN D.

Chairperson Bruce Henderson requested staff's recommendation.

Ms. Yvonne Briscoe provided the staff recommendation for Approval with Conditions. Staff recommends the following conditions:

- All Car, Truck and RV washing must be performed a minimum distance of 30 feet from residentially zoned property,
- Mobile unit parking must be located at the rear of the property behind the fence line,
- Any customer vehicles left overnight must be stored inside a garage, and
- A Certificate of Occupancy must be issued prior to operating the business.

Chairperson Bruce Henderson inquired if the applicant is opposed to any of the conditions recommended by staff.

Mr. Uvaldo Rodriguez responded these conditions are in line with what is being proposed.

Vice Chairperson Deborah Fortner inquired what is being done with the front of the existing building.

Mr. Uvaldo Rodriguez responded the front will be used as retail space to provide upgrades to detailing services and will include a waiting area for patrons. Vehicle detailing services will take approx. 2 hours and most patrons are expected to want to drop off their vehicles and pick them up once service has been completed. There is also space for a small office.

Vice Chairperson Deborah Fortner inquired if all detailing would be performed at the back.

Mr. Uvaldo Rodriguez responded it is all in the same building. There is a sliding glass door that separates retail from shop. Detailing would be in the shop portion of the building. There is a larger garage at the back of the property that would also be used for detailing.

Vice Chairperson Deborah Fortner inquired if any vehicles would be stored outside overnight.

Mr. Uvaldo Rodriguez responded nothing would be stored out front overnight.

Deborah Fortner motioned to Recommend for approval with conditions as recommended by staff, and Marjorie Morgan seconded the motion.

VOTE:

4 AYES (Deborah Fortner, Bruce Henderson, Marjorie Morgan, Phillip Lipoma)

0 NAYS

MOTION PASSED

ITEM 8.) ACTION ITEMS FOR CONSIDERATION

ITEM 9.) ADJOURNMENT

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

VOTE:

4 AYES (Deborah Fortner, Bruce Henderson, Marjorie Morgan, Phillip Lipoma)

0 NAYS

MOTION PASSED

Chairperson Bruce Henderson adjourned the meeting at **7:55 P.M.**

PASSED APPROVED, AND ADOPTED this 19TH DAY OF SEPTEMBER 2023.

Deborah Fortner

PLANNING AND ZONING COMMISSION,
Chairperson

ATTEST:

Yvonne Briscoe

YVONNE BRISCOE,
Senior Planner