



**MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING
Tuesday, February 15, 2022**

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

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| Members Present: | Bruce Henderson | Vice-Chair |
| | Deborah Fortner | Commissioner |
| | Marjorie Morgan | Commissioner |
| | Phillip Lipoma | Commissioner |
| | Ivan Langford | Commissioner |
| | John Harris | Commissioner |
| Staff Present: | Chaise Cary | Assistant City Manager |
| | Yvonne Briscoe | Senior Planner |

1. CALL TO ORDER AND CERTIFICATION OF A QUORUM

Vice Chairman Henderson called the meeting to order at 6:32 p.m.

Ms. Briscoe called roll and a quorum was verified.

2. MINUTES

Vice Chairman Henderson inquired if there were minutes to be reviewed.

Ms. Briscoe advised there are no minutes to review.

3. REPORT

a. Receive a report from City Staff.

Ms. Briscoe, Senior Planner, discussed the following items:

- Comprehensive Plan
- Retreat
- Community Survey
- Open House
- New online Public Information Request

4. **DISCUSSION**

Vice Chairman Henderson requested to move discussion items to the end of the meeting.

Commissioners Fortner, Harris, Langford, Lipoma, and Morgan agreed.

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

- a. **Conduct a public hearing concerning a request for a proposed Specific Use Permit for a Gameroom for approx. 0.561 acres, located at 3719 Highway 3, and legally described as Abstract 19 Perry & Austin A Tract 130X188 out of Northwestern Corner of Lot 153 Addition D Dickinson Restaurant.**

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

Ms. Briscoe advised the application has been withdrawn.

- b. **Consider making a recommendation concerning a request for a proposed Specific Use Permit for a Gameroom for approx. 0.561 acres, located at 3719 Highway 3, and legally described as Abstract 19 Perry & Austin A Tract 130X188 out of Northwestern Corner of Lot 153 Addition D Dickinson Restaurant.**

Ms. Briscoe advised the application has been withdrawn.

- c. **Conduct a public hearing concerning a request to amend the official zoning map from Conventional Residential ("CR") zoning district to a Planned Development ("PD") zoning district for approx. 45.762 acres, generally located north of Hughes Road, east of Camp Allen Street, and legally described as 9.444 acres out of Abstract 11 Page 1 Lot A & Part of Lots B thru D (1-1) Interurban Gardens and 36.318 acres out of Abstract 11 A Farmer Survey Tract 1-1.**

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

Ms. Briscoe summarized the item.

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

Vice Chairman Henderson read the public hearing procedures.

George Ronan deferred to Claudette Ronan. Mrs. Ronan inquired where will guests park in the proposed development, if the property would be fenced, if the only drainage would be the ditch that has been there all along, and if the property being built up six feet.

Mr. Bert Schroeder stated concerns that the proposed development does not include detention. He inquired if the Commission is aware that part of the drainage ditch is in the national wetlands inventory. Mr. Schroeder inquired if any tax incentives or abatements are being offered to the developer, how much fill is going to be brought in, and if the property will be raised three to five feet how will the development protect the abutting properties, with the suggestion of a possible a retaining wall. Mr. Schroeder also indicated that it has not been 30 days since the application was submitted.

Mr. Sherman Beufneaux stated concerns regarding drainage. Stating nothing on the plan had any illustrations of a retention pond. He desired for detention be included in the plan and requests a minimum requirement of twenty percent and to not permit detention to be counted towards green space. Mr. Beufneaux also has concerns of traffic on Hughes Road; there is a need to widen Hughes Road to accommodate the increase of residents. He sees the need to activate the bayou but wants to be careful not to stress the bayou. He cautioned the Commission to look at the proposed development closely. While there is a need for a public park, the Commission needs to look at the fine print of the development proposal.

Ronnie Bimmer declined to speak.

Mr. Harold Dorbin has concerns of wildlife in the area; bald eagles, white tail hawks, and birds of prey all need to be protected. In addition to previously stated concerns regarding drainage, Mr. Dorbin inquired about fertilizing yards and killing fish in the bayou. He feels the concentration of run off into the bayou needs to be considered. He would like to see a required environmental impact study as he feels to proceed without one up front would be irresponsible. Lastly, Mr. Dorbin would like trees to be preserved as they are a habitat for the birds.

Councilman Wally Deats stated this public hearing is strictly over a zoning change to determine if it is even feasible for a developer to move forward with his plan. All of the studies have yet to be done and approved by the city and the boards. Zoning needs to be determined as the first step. The developer is demonstrating his due diligence. Councilman Deats supports this development. He is going to be a good steward and would encourage a vote for the zoning change.

George and Sis Ronan declined to speak.

George Johnson declined to speak.

Mr. Tom Tyler is a resident who lives right on the proposed park. He feels residents of the existing neighborhood does not want the type of neighbors be proposed; residents of the proposed development would not be homeowners and will not come and stay in the city. The development will cause additional traffic and drainage issues. Mr. Tom Tyler feels zoning exists to protect residents and request the Commission to keep the zoning as is.

Mr. Chad Worcester is concerned that Bayou Chantilly is already having an issue with traffic due to construction on I-45. The roads are currently in poor condition with some potholes five feet long. He thinks the proposed density for this development is worrisome. Mr. Worcester stated Bayou Chantilly currently floods when there is heavy rain for approximately two hours. He is concerned if nothing is done, flooding will continue and get worse in the area. He understands we need development but does not think this is the type of development needed. Mr. Worcester indicated the area in the proposed development indicated for a park is constantly flooded; it is a drainage creek and dips down after that ditch and is constantly underwater. He is concerned this area is part of the development's retention plan and will have a detrimental effect on the surrounding properties.

Mr. Hal Polek asks if anyone in the meeting knows the name Church Village. He wants to have assurances that this will not turn into government housing. He inquired if boats and jet skis will be permitted as part of this development. Mr. Polek stated he is not against development but wants to make sure development is done right. He questions if the proposed development is really in our best interest.

Maria Warreln declined to speak.

Mr. Travis Newport feels a lot of the people are at the meeting because they are scared. Many of the residents' homes flooded, even the developers house flooded. The most important issues the Commission is going to look at will probably happen later. He requests assurance that the proposed development will mitigate flooding to gain surrounding properties owner's support. He knows the property will get developed in the future and wants to know development will not have a negative impact on flooding.

Tony Esquivel declined to speak.

Vernon Bates declined to speak.

Brian Been declined to speak.

There being no one else signed up to speak, Vice Chairman Henderson asked if anyone else wanted to speak that had not previously signed up.

Mr. Bobby Murphy ask that the Commission consider the long-term effects of this housing development. His concerns are that the proposal is for single family apartments, which may have a transitional population base. He has no intention of going anywhere and would like the same from others around him.

Mr. Stan Ledbetter stated that as a homeowner when he moved to Dickinson, he was comforted by single family residential zoning. He is concerned that high density changes the ethos of the community and those of us who bought in this zoning expected it to remain.

Mr. Daniel Blanco, representing the developer, responded to the citizen concerns the proposed development.

There being no one else desiring to speak, Vice Chairman Bruce Henderson closed the public hearing at 7:35 P.M.

- d. Consider making a recommendation concerning a request to amend the official zoning map from Conventional Residential ("CR") zoning district to a Planned Development ("PD") zoning district for approx. 45.762 acres, generally located north of Hughes Road, east of Camp Allen Street, and legally described as 9.444 acres out of Abstract 11 Page 1 Lot A & Part of Lots B thru D (1-1) Interurban Gardens and 36.318 acres out of Abstract 11 A Farmer Survey Tract 1-1.**

Commissioner Langford stated he does not support the rezoning request.

Commissioner Fortner asked if there was an option to make the development for purchase versus to rent.

Mr. Daniel Blanco, representing the developer, responded that the proposed development is a for rent product that includes amenities, maintenance and to maintain integrity. If developed as individual homes, there are no codes that restrict rentals.

Commissioner Harris stated he is sensitive to flooding.

Commissioner Langford inquired if the developer retained the city engineer for their project would be a conflict of interest.

Mr. Daniel Blanco, representing the developer, responded the engineering firm was chosen due to their extensive experience and strength in the coastal climate. When plans are reviewed, the City would require a 3rd party reviewer/ consultant.

Commissioner Langford questioned if this was in the city's best interest.

Vice Chairman Henderson stated that Dickinson has no home inventory. There is a high demand for housing. For this reason, he supports the request to rezone. The subject property was purchased by the EDC and has been an albatross around the cities neck ever since. It is a difficult property to develop. Conventional residential zoning would allow construction of individual houses but would result in maximum bed count and low-quality development. Vice Chairman Henderson stated he believes the property has been zoned incorrectly.

Commissioner Langford motioned to deny the rezoning, seconded by Commissioner Harris. Motion **FAILED** with Vice Chairman Henderson, Commissioner Fortner, Commissioner Lipoma, and Commissioner Morgan opposed.

Commissioner Lipoma motioned to approve the rezoning, seconded by Vice Chairman Henderson. Motion **PASSED** with Commissioner Langford and Commissioner Harris opposed.

Vice Chairman Henderson called a fifteen (15) minute recess.

Commissioners Langford left the meeting.

Vice Chairman Henderson reconvened the meeting.

4. **DISCUSSION**

- a. **Discuss and consider approving a standard meeting date and time for future Planning and Zoning Commission meetings.**

Ms. Briscoe summarized the item.

Vice Chairman Henderson motioned to have standard Planning and Zoning Commission meetings on the Second Tuesday each month at 6:30 P.M., seconded by Commissioner Morgan. Motion **PASSED** unanimously.

- b. **Receive training on Zoning Amendments.**

Ms. Briscoe presented information concerning Zoning Amendments and provided training.

Commissioners inquired on notice distance requirements and sign size.

Ms. Briscoe responded the 200-foot distance requirement, sign size, and information required for notices are determined by City and State codes. These codes could be amended in future Code revisions. The City is planning a future Code analysis and revision.

Commissioners recommended changes to the notice requirements be made to the code.

Commissioner Fortner request to be notified when a code amendment committee is established and expressed interest in serving on this committee.

c. Receive training on Specific Use Permits.

Ms. Briscoe presented information concerning Specific Use Permits and provided training.

Commissioners inquired regarding the table shown in the presentation and requested a copy.

Ms. Briscoe responded the City will make this resource available.

6. ADJOURNMENT

Vice Chairman Henderson adjourned the meeting.