



MINUTES

PLANNING & ZONING COMMISSION

April 19, 2022

The Planning and Zoning Commission met at 6:30 P.M. on April 19, 2022, in the Council Chamber located at 4403 Highway 3, Dickinson, Texas.

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

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

1A. Consider electing a Chair and Vice-Chair of the Planning and Zoning Commission.

Deborah Fortner motioned to Nominate Bruce Henderson as Chair of Planning and Zoning Commission, and Phillip Lipoma seconded the motion.

VOTE:

5 AYES (Bruce Henderson, Deborah Fortner, John Harris, Phillip Lipoma, Amy Skicki)

0 NAYS

MOTION PASSED

Bruce Henderson motioned to Nominate Deborah Fortner as Vice-Chair of Planning and Zoning Commission, and John Harris seconded the motion.

VOTE:

5 AYES (Bruce Henderson, Deborah Fortner, John Harris, Phillip Lipoma, Amy Skicki)

0 NAYS

MOTION PASSED

ITEM 2.) INVOCATION

The Invocation was led by Commissioner Fortner.

ITEM 3.) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Commissioner Fortner.

ITEM 4.) APPROVAL OF PRIOR MEETING MINUTES

- 4A. Consider approving the meeting minutes of the November 16, 2021, Planning and Zoning Commission regular meeting.

John Harris motioned to Approve, and Deborah Fortner seconded the motion.

VOTE:

5 AYES (Bruce Henderson, Deborah Fortner, John Harris, Phillip Lipoma, Amy Skicki)

0 NAYS

MOTION PASSED

- 4B. Consider approving the meeting minutes of the March 15, 2022, Planning and Zoning Commission regular meeting.

Deborah Fortner motioned to Approve, and John Harris seconded the motion.

VOTE:

5 AYES (Bruce Henderson, Deborah Fortner, John Harris, Phillip Lipoma, Amy Skicki)

0 NAYS

MOTION PASSED

ITEM 5.) REPORT

- 5A. Receive a report from City staff

Ms. Briscoe discussed the following items:

- Planning and Zoning Commission changes
- Recent actions by Board of Adjustment
- Recent actions by City Council
- Comprehensive Plan
- CDBG Buyout and Acquisition program
- Pre-Development Conference

ITEM 6.) DISCUSSION

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

Commissioners Fortner, Harris, Lipoma, and Skicki agreed.

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

Chairman Henderson read the public hearing procedures.

- 7A. Conduct a public hearing concerning a request for a Specific Use Permit for a Church for approx. 0.215 acres located at 2512 Termini Street, and legally described as Abst 19 Perry & Austin Lot 10 O-L 187 Termini S-D Hwy 3 Dickinson.

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

Ms. Briscoe summarized the item.

Commissioner Fortner inquired if the church is being proposed where a previous church was located.

Ms. Briscoe responded the applicant could not provide sufficient documentation that church would be an existing nonconforming use.

Mr. Enrique Ordonez, on behalf of the applicant, summarized the proposed development.

Mr. Holman, Economic Development Corporation (EDC) Director, stated opposition for the development. The EDC is investing in and working with a developer for of the old Amegy Bank building across the street for a mixed use development. The proposed church could stop the progress of the proposed development due to distancing requirements.

Mr. Schick, EDC President, stated agreement with the statements by Mr. Holman. He also stated concerns of adequate parking available for the church.

Mr. Enrique Ordonez, on behalf of the applicant, responded to the concerns the proposed development.

Chairman Henderson closed the public hearing at 6:51 P.M.

- 7B. Consider making a recommendation concerning a request for a Specific Use Permit for a Church for approx. 0.215 acres located at 2512 Termini Street, and legally described as Abst 19 Perry & Austin Lot 10 O-L 187 Termini S-D Hwy 3 Dickinson.

Chairman Henderson stated the commission agrees with the proposed development direction of the city. The limitations of this property for parking and limited hours of operation are not conducive to church use.

Deborah Fortner motioned to Deny, and Amy Skicki seconded the motion.

VOTE:

5 AYES (Bruce Henderson, Deborah Fortner, John Harris, Phillip Lipoma, Amy Skicki)

0 NAYS

MOTION PASSED

- 7C. Conduct a public hearing concerning a request for a Specific Use Permit for a Church for approx. 0.33 acres located at 5818 E FM 517, and legally described as Abst 36 W G Banks Lots 5-6-7 & 8 Block 2 Tropical Gardens.

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

Ms. Briscoe summarized the item.

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

Mr. Holman, Economic Development Corporation (EDC) Director, stated opposition for the development. The use of this property would better serve the community as commercial. Retail, restaurant or office are the types of uses we would like to have on a commercial corridor.

Mr. Schick, EDC President, stated he agrees with the comments by Mr. Holman and declined to speak.

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

Chairman Henderson adjourned the public hearing at 6:59 P.M.

- 7D. Consider making a recommendation concerning a request for a Specific Use Permit for a Church for approx. 0.33 acres located at 5818 E FM 517, and legally described as Abst 36 W G Banks Lots 5-6-7 & 8 Block 2 Tropical Gardens.

Commissioner Fortner stated appreciation for a proposal on the east part of the city.

Chairman Henderson requested a staff recommendation.

Ms. Briscoe responded staff recommendation is for approval.

Commissioner Skicki expressed the desire to offset tax base with commercial developments and planning ahead for the city is beneficial to city residents.

Chairman Henderson has concerns that many of the churches in operation are starting to fail. He encourages community members to join one of the existing churches instead of building or starting new churches.

Amy Skicki motioned to Deny, and Deborah Fortner seconded the motion.

VOTE:

5 AYES (Bruce Henderson, Deborah Fortner, John Harris, Phillip Lipoma, Amy Skicki)

0 NAYS

MOTION PASSED

- 7E. Conduct a public hearing concerning a request to amend the official zoning map from Neighborhood Commercial ("NC") zoning district to General Commercial ("GC") zoning district for approx. 2.07 acres located at 1515 E FM 517, and legally described as Abst 19 Perry & Austin Sur Lot 1, Lot 2, and Lots 3 & 4 Paul Lobits Sub.

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

Chairman Henderson opened the public hearing at 7:03 P.M.

Ms. Briscoe summarized the item.

Mr. Karedia, on behalf of the applicant, summarized the proposed development.

Mr. Holman, Economic Development Corporation (EDC) Director, asks that Planning and Zoning Commission deny the rezone request. The community has plenty of gas stations and this property is not the right location for a gas station. The adjacent neighborhood would be greater affected here than where gas stations are located on hard intersections where there is heavy traffic. Without a traffic signal there would be a greater traffic hazard. Commercial uses that would allow walk-in customers, such as office, a small strip center or dental office would better serve the property. The adjacent neighborhood is more tranquil. We want to put business in the right space for them to be successful long term. The uses permitted in Neighborhood commercial are a better fit.

Mr. Schick, EDC President, stated agreement with the statements by Mr. Holman. He also stated the property backs up to a very quiet neighborhood is and is concerned that the subject property is very shallow lot. The increased noise and lighting a convenience store would not be a good fit for this location.

Mr. Karedia, on behalf of the applicant, responded to the concerns of the proposed development.

Mr. Larson stated a convenience store in this location would be beneficial the community. Many new gas stations have a restaurant included and would be a positive addition.

Chairman Henderson adjourned the public hearing at 7:16 P.M.

- 7F. Consider making a recommendation concerning a request to amend the official zoning map from Neighborhood Commercial ("NC") zoning district to General Commercial ("GC") zoning district for approx. 2.07 acres located at 1515 E FM 517, and legally described as Abst 19 Perry & Austin Sur Lot 1, Lot 2, and Lots 3 & 4 Paul Lobits Sub.

Commissioner Fortner stated there are other convenience stores in the area.

Mr. Larson responded they are not open later at night.

Chairman Henderson requested a staff recommendation.

Ms. Briscoe responded staff recommendation is for disapproval.

Commissioner Fortner inquired the reasoning for recommending disapproval.

Ms. Briscoe responded the recommendation is reflective of the impact on neighboring residential. The site is not deep and backs up directly to a home.

Commissioner Harris inquired if the meeting was posted. He stated surprise that the neighborhood residents were not in attendance.

Ms. Briscoe responded that the meeting was posted on the bulletin board, on the property and mailed to surrounding property owners.

Chairman Henderson stated he is pleased with the working being done to improve operation of the city. He agrees with the EDC that the proposed property is not best suited for a gas station. There are better places in the city and recommends the applicant work closely with the EDC to find a better location.

Phillip Lipoma motioned to Deny, and Amy Skicki seconded the motion.

VOTE:

5 AYES (Bruce Henderson, Deborah Fortner, John Harris, Phillip Lipoma, Amy Skicki)

0 NAYS

MOTION PASSED

7G. Conduct a public hearing concerning a request to amend the official zoning map from Conventional Residential ("CR") zoning district to Neighborhood Commercial ("NC") zoning district for approx. 0.54 acres located at 3707 Fatta Drive, and legally described as Abst 19 Perry & Austin Sur Pt of Lots 158 & 183 (0-5) Dickinson Addn D.

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

Chairman Henderson opened the public hearing at 7:22 P.M.

Ms. Briscoe summarized the item.

Commissioner Fortner inquired if the existing podcast company would be permitted in Neighborhood commercial zoning.

Chairman Henderson responded that the business was no longer operating at that location.

Chairman Henderson inquired if the request was submitted by the owners.

Ms. Briscoe confirmed that is correct.

Chairman Henderson stated he would like staff to start identifying and correcting the zoning of properties in the city as needed.

Ms. Briscoe confirmed that the city is in the process of the Comprehensive Plan to establish a defined direction for the city. Once the Comprehensive Plan is adopted we will consider city sponsored applications.

Mr. Larson, on behalf of the applicant, summarized the proposed development.

Mr. Holman stated he supports the rezoning. He added that in addition to the Comprehensive Plan, the Economic Strategic Plan will work towards optimal zoning of the city. The property fits perfectly with Neighborhood commercial zoning.

Mr. Schick, EDC President, stated he agrees with the comments by Mr. Holman and declined to speak.

Mr. Larson, on behalf of the applicant, declined an applicant rebuttal.

Chairman Henderson adjourned the public hearing at 7:30 P.M.

- 7H. Consider making a recommendation concerning a request to amend the official zoning map from Conventional Residential ("CR") zoning district to Neighborhood Commercial ("NC") zoning district for approx. 0.54 acres located at 3707 Fatta Drive, and legally described as Abst 19 Perry & Austin Sur Pt of Lots 158 & 183 (0-5) Dickinson Addn D.

Deborah Fortner motioned to Approve, and John Harris seconded the motion.

VOTE:

5 AYES (Bruce Henderson, Deborah Fortner, John Harris, Phillip Lipoma, Amy Skicki)

0 NAYS

MOTION PASSED

ITEM 6.) DISCUSSION

- 6A. Receive training on the Site Development process.

Ms. Briscoe presented information concerning Site Development and provided training.

Chairman Henderson inquired is the Commission denies a Site Development plan, the applicant can appeal and go straight to Council.

Ms. Briscoe confirmed that is the process outlined in the zoning code.

Chairman Henderson inquired if Site Development should be part of the Commissions responsibilities.

Commissioner Fortner stated it has never been the case before.

Ms. Briscoe confirmed Site Development is decided by the Commission and is not a recommendation to Council. If Site Development is approved by the Commission, the applicant can then apply for building permit. The appeal process exists if an applicant chooses to apply.

Commissioner Fortner stated the site development plan provided in not readable.

Ms. Briscoe responded that the agenda packet includes the full size site plans. When printed, they are printed on 8 1/2 by 11 paper. If a Commissioner would like to see the full plans they can set up an appointment at City Hall for review.

- 6B. Discuss and consider a request for a Site Development Plan for a Gas Station and C-Store, approx. 0.5936 acres located at 5304 Highway 3, and legally described as Reserve A Erzan Enterprise Inc.

Ms. Briscoe summarized the item.

Commissioner Fortner inquired if they are remodeling the existing building.

Ms. Briscoe responded they are demolishing and constructing a new building.

Commissioner Skicki inquired if staff had a recommendation.

Ms. Briscoe responded that staff does not make recommendations on Site Development. They are sent for review and no comments were received by any of the departments.

Commissioner Fortner inquired if a representative for the applicant was available for questions. She questioned if the entire proposed building will be used for a convenience store.

Mr. Vakaliay, on behalf of the applicant, responded that the building will be convience store with a deli inside.

Chairman Henderson stated it is a good location for a convience store.

Phillip Lipoma motioned to Approve, and Amy Skicki seconded the motion.

VOTE:

5 AYES (Bruce Henderson, Deborah Fortner, John Harris, Phillip Lipoma, Amy Skicki)

0 NAYS

MOTION PASSED

ITEM 8.) CONSENT

ITEM 9.) ADJOURNMENT

Deborah Fortner motioned to Adjourn, and Amy Skicki seconded the motion.


VOTE:

5 AYES (Bruce Henderson, Deborah Fortner, John Harris, Phillip Lipoma, Amy Skicki)

0 NAYS

MOTION PASSED

PASSED, APPROVED, AND ADOPTED this 21ST DAY OF JUNE 2022.



BRUCE HENDERSON, Chairman

ATTEST:



YVONNE BRISCOE, Senior Planner