



PLANNING & ZONING COMMISSION
Regular Meeting
November 17, 2009 - 6:30 P.M.

NOTICE is hereby given of a **Regular Meeting** of the Planning and Zoning Commission of the City of Dickinson, Texas to be held on **Tuesday, November 17, 2009 at 6:30 p.m.** in the Council Chambers at City Hall, 4403 Highway 3, for the purpose of considering the following numbered items. The Planning and Zoning Commission of the City of Dickinson, Texas, reserves the right to meet in a closed session on any of the below items should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code

ITEM 1) CALL TO ORDER:
Roll call of members
Invocation
Pledge of Allegiance

ITEM 2) CONSIDERATION AND POSSIBLE ACTION REGARDING:
Approval of the minutes for September 15, 2009.

ITEM 3) PUBLIC HEARING:
SUP2009-14 (The Crossing Pentecostal Church), to hear comments and testimony regarding a request for a Specific Use Permit (SUP) on approximately 0.375 acres for "Church and Religious Services" in the "GC" (General Commercial) zoning district, legally described as Abstract 19, Lot 3 of the Keyworth Special Subdivision, generally located north of FM 517 East and west of Cedar Drive with the approximate address being 1837 FM 517 East.

- A. Applicant's Statement
- B. Those In Favor
- C. Those Opposed
- D. Applicant's Rebuttal
- E. Adjournment

ITEM 4) CONSIDERATION & POSSIBLE ACTION REGARDING:
SUP2009-14 (The Crossing Pentecostal Church), to hear comments and testimony regarding a request for a Specific Use Permit (SUP) on approximately 0.375 acres for "Church and Religious Services" in the "GC" (General Commercial) zoning district, legally described as Abstract 19, Lot 3 of the Keyworth Special Subdivision, generally located north of FM 517 East

CERTIFICATION

This is to certify that a copy of the notice of a regular meeting of the Planning and Zoning Commission for **Tuesday November 17, 2009** was posted on the bulletin board at City Hall, 4403 State Highway 3, Dickinson, Texas, on this day **November 12, 2009** prior to 5:00 p.m.

Samson Babalola, Development Coordinator



PLANNING & ZONING COMMISSION
Regular Meeting
November 17, 2009 - 6:30 P.M.

In compliance with the Americans With Disabilities Act, we will provide for reasonable accommodations for disabled persons attending our meetings. Request should be received at least 24 hours prior to the scheduled meeting by contacting the City Secretary's office at (281) 337-2489, ext. 217.

MINUTES

CITY OF DICKINSON Planning and Zoning Commission Regular Meeting September 15, 2009

A Regular Meeting of the Planning and Zoning Commission of the City of Dickinson, Texas was held on September 15, 2009 at 6:30 p.m. at City Hall, 4403 State Highway 3, for the purpose of considering the following items:

ITEM 1) CALL TO ORDER:

Chairman R.G. Reeder called the meeting to order at 6:33 PM.

Commission members present were Chairman R.G. Reeder, Jack Neal, Chris Tucker, Greg Smith, Paul Slater, Jeff Adams and John Overton. City Staff present were Building Official Kevin Byal, Community Development Coordinator Samson Babalola and Community Development Assistant Renee Wilson. Chairman R.G. Reeder gave the invocation and Chris Tucker led the Pledge of Allegiance.

ITEM 2) CONSIDERATION AND POSSIBLE ACTION REGARDING:

Approval of the minutes for August 18, 2009.

Jack Neal made a motion to approve the minutes with correction to item 6. Jeff Adams seconded the motion. **MOTION PASSED UNANIMOUSLY.**

ITEM 3) CONSIDERATION AND POSSIBLE ACTION REGARDING:

Request for preliminary re-plat approval on 0.2296 acres legally described as Lots 7 and 8 of Block 129 of the Moores Addition a subdivision in Galveston County, Texas according to map or plat thereof recorded in Volume 110, page 9 of the Galveston County Records.

Motion was made by Greg Smith to approve the request for the preliminary re-plat. Jack Neal seconded the motion. **MOTION PASSED UNANIMOUSLY.**

ITEM 4) CONSIDERATION AND POSSIBLE ACTION REGARDING:

SDP2009-5 (New Construction Commercial Highway 3), a request for Site Development Plan approval on approximately 0.230 acres for "Multi Use Commercial Center" in the "NC" (Neighborhood Commercial) zoning district, legally described as Lots 7 & 8 of Block 129 of the Moores Addition, generally located north of 23rd Street and west of State Highway 3 with the approximate address being 2220 State Highway 3.

Motion was made by Jack Neal to approve the request for the Site Development Plan for "Multi Use Commercial Center" in the "NC" (Neighborhood Commercial) zoning district. Chris Tucker seconded the motion. **MOTION PASSED UNANIMOUSLY.**

ITEM 5)

CONSIDERATION AND POSSIBLE ACTION REGARDING:

SDP2009-4 (Center for Alternative Medicine), a request for Site Development Plan approval on approximately 0.241 acres for "Medical Office" in the "GC" (General Commercial) zoning district, legally described as Lot 141 of Dickinson Addition D, generally located north of FM 517 East and east of Elm Drive with the approximate address being 1001 FM 517 East.

Motion was made by Greg Smith to approve the request for the Site Development Plan for "Medical Office" in the "GC" (General Commercial) zoning district. Jack Neal seconded the motion. **MOTION PASSED UNANIMOUSLY.**

ITEM 6)

PUBLIC HEARING:

SUP2009-13 (Dickinson ISD), to hear comments and testimony regarding a request for a Specific Use Permit (SUP) on approximately 8.833 acres for "Public Education Support Center" in the "CR" (Conventional Residential) zoning district, legally described as Lot 185 of Dickinson Addition D, generally located south of FM 517 East and west of Timber Drive with the approximate address being 2218 FM 517.

Chairman R. G. Reeder opened the public hearing at 6:57 PM.

A. Applicant's Statement

- a. Chris Green of PBK Architects requested the Commission approve Dickinson ISD's request for a Specific Use Permit (SUP) for a "Public Education Support Center." He stated that their plans are to demolish the old Barber Middle School and use the site for a public education support center.

B. Those In Favor

- a. No one spoke in favor of the request.

C. Those Opposed

- a. Tom Crowley is concerned about the fence between the school and Wagon Road. He wants the school district to repair or replace the fence. He is also concerned about drainage issues on that property. He stated that the drainage ditch had been filled in and the water floods his property.
- b. Annette Rowan states that DISD changes their minds to often. She states that bond money has been spent differently than first advised. She does not trust school district to build what they say they are going to build.
- c. Curtis Mayfield states that the property is not being maintained. He states that he wants the fence replaced.

D. Applicant's Rebuttal

- a. Chris Green stated that this site is fully engineered. He stated that demolishing the old structure and rebuilding will improve the site. He said the site will meet all city requirements, including replacing the fence. He further stated that the new structure will be able to serve the public.

E. Adjournment

- a. Chairman R.G. Reeder closed the public hearing at 7:11 PM

ITEM 7)

CONSIDERATION & POSSIBLE ACTION REGARDING:

SUP2009-13 (Dickinson ISD), a request for a Specific Use Permit (SUP) on approximately 8.833 acres for "Public Education Support Center" in the "CR" (Conventional Residential) zoning district, legally described as Lot 185 of Dickinson Addition D, generally located south of FM 517 East and west of Timber Drive with the approximate address being 2218 FM 517.

Kevin Byal stated that the Specific Use Permit is only for administration building.

Motion was made by Jack Neal to approve the Specific Use Permit (SUP) for the Public Education Support Center. Paul Slater seconded the motion. **MOTION PASSED UNANIMOUSLY.**

ITEM 8)

PUBLIC HEARING:

ZC2009-5 (Texas Air Services), to hear comments and testimony regarding a request for a zoning map amendment on approximately 0.166 acres from "CR" (Conventional Residential) to "GC" (General Commercial), legally described as Block 7, Lot 18 of the Weekes Addition, generally located south of 45th Street and west of Illinois Street with the approximate address being 2602 45th Street .

Chairman R. G. Reeder opened the public hearing at 7:21 PM.

A. Applicant's Statement

- a. Arvin Holland requested the Commission to approve a zoning map amendment from "CR" (Conventional Residential) to "GC" (General Commercial) so he can extend his existing business.

B. Those In Favor

- a. Garland Copelin stated that is the type of business that he would like to see more of in the City of Dickinson.

C. Those Opposed

- a. No one spoke in opposition of this request.

D. Applicant's Rebuttal

- a. Applicant did not have a rebuttal.

E. Adjournment

- a. Public hearing was closed at 7:22 PM.

ITEM 9)

CONSIDERATION & POSSIBLE ACTION REGARDING:

ZC2009-5 (Texas Air Services), a request for a zoning map amendment on approximately 0.166 acres from "CR" (Conventional Residential) to "GC" (General Commercial), legally described as Block 7, Lot 18 of the Weekes Addition, generally located south of 45th Street and west of Illinois Street with the approximate address being 2602 45th Street.

Kevin Byal stated that the proposed building would sit between a business and the business owner's house.

Motion was made by Jeff Adams to allow the request for a zoning map amendment from "CR" (Conventional Residential) to "GC" (General Commercial). This motion was seconded by Paul Slater. **MOTION PASSED UNANIMOUSLY.**

ITEM 10) PUBLIC HEARING:

SUP2009-12 (Cars By Cruz), to hear comments and testimony regarding a request for a Specific Use Permit on approximately 0.876 acres for "Used Automotive Sales" use in the "GC" (General Commercial) zoning district, legally described as the Southwest Corner of Lots 133 and 134 of Addition D, generally located north of FM 517 West and east of Borden Gully Drive with the approximate address being 223 FM 517 West.

Chairman R. G. Reeder opened the public hearing at 7:27 PM.

A. Applicant's Statement

- a. Marcus Garcia requested the Commission to approve a Specific Use Permit for Used Automotive Sales in the "GC" (General Commercial) zoning district. He stated that he will not have a mechanical shop on location and plans on doing some landscaping to approve the overall appearance of the location.

B. Those In Favor

- a. Dwight Rodgers stated that he has negotiated a 5 year lease with Mr. Garcia. He stated that there has been a used car lot at that location before. He stated that in his contract with Mr. Garcia it stated that he can not keep junk vehicles on the property. He states that he welcomes this business.

C. Those Opposed

- a. No one spoke in opposition of this request.

D. Applicant's Rebuttal

- a. Applicant did not have a rebuttal.

E. Adjournment

- a. Public hearing was closed at 7:30 PM.

ITEM 11) CONSIDERATION & POSSIBLE ACTION REGARDING:

SUP2009-12 (Cars By Cruz), a request for a Specific Use Permit on approximately 0.876 acres for "Used Automotive Sales" use in the "GC" (General Commercial) zoning district, legally described as the Southwest Corner of Lots 133 and 134 of Addition D, generally located north of FM 517 West and east of Borden Gully Drive with the approximate address being 223 FM 517 West.

Motion was made by Greg Smith to approve the request for a Specific Use Permit for used automotive sales in a "GC" (General Commercial) zoning district. This motion was seconded by Chris Tucker. **MOTION PASSED UNANIMOUSLY.**

John Overton questioned the status of his request for Planning & Zoning to develop a Comprehensive Plan for the City of Dickinson. Kevin Byal stated that his request has been discussed with the Mayor and is awaiting direction from her.

ITEM 12) ADJOURNMENT OF MEETING

Chairman R.G. Reeder adjourned the meeting at 7:38 p.m.

Planning & Zoning Chairman



PLANNING AND ZONING COMMISSION City of Dickinson

Staff Report

Specific Use Permit SUP2009-14 – The Crossing Pentecostal Church November 17, 2009

INTRODUCTION

Conduct a public hearing and take action on **SUP2009-14 (The Crossing Pentecostal Church)**, a request for a Specific Use Permit on approximately 0.375 acres for “Church and Religious Services” in the “GC” (General Commercial) zoning district, legally described as Lot 3 of the Keyworth Special Subdivision, generally located north of FM 517 East and west of Cedar Drive with the approximate address being 1837 FM 517 East.

GENERAL INFORMATION

- *Applicant* – Pastor Myron Smith of The Crossing Pentecostal Church
- *Owner* – Thomas & Linda Keyworth
- The applicant desires to relocate the church from its current location, 4601 FM 517 East to the proposed location, 1837 FM 517 East, due to the current size and to accommodate future growth of the congregation. The Crossing Pentecostal Church currently has approximately thirty-five (35) members. They hold their regular service on Sundays at 8am and bible study on Wednesdays at 7pm. The commercial space they are seeking to occupy is approximately 3,360 square feet.
- Property that is used for church and religious service purposes is not permitted by right in the “GC” General Commercial zoning district. The City of Dickinson’s Zoning Ordinance requires that this type of use must obtain a Specific Use Permit regardless of the zoning district.
- The character of the surrounding area of the subject site is general commercial to the west (vacant commercial space and Bayou Community Church), to the south is right-of-way (FM 517 East) to the east is right-of-way (Cedar Drive) and general commercial (Bayou Office Park), and to the north is conventional residential (single family dwelling).
- *Zoning History* – Since zoning was enacted this property has always been zoned “GC”
- *Fire* – Central Station (4500 FM 517 East) and Station #2 (221 FM 517 West) provide service to this property.

COMPATIBILITY

To determine the extent to which the proposed use would be compatible with surrounding properties, the surrounding land uses and the performance impacts of the use of “Church and Religious Services” should be considered. Specific Use Permits may allow certain uses of land, buildings or structures under certain circumstances where adequate precautions can be taken to assure compatibility with surrounding uses, public need, and the orderly development of the city as a whole.

- *Screening and Setbacks* – The setback yards may increase between certain land uses, with the increase depending on the adjoining zoning district. The zoning district to the north of the site is currently zoned Conventional Residential. The proposed use is required to provide a rear setback of 25 feet because of its proximity to the adjoining residential district. The commercial building was constructed prior to the City enacting zoning, which exempts the use from the setback requirement. A 6-foot tall residential privacy fence is currently provided on the site to provide screening between the different zoning districts.
- *Parking* – Off street parking shall be provided in accordance with Article IX (Parking Regulations) of the City of Dickinson’s Zoning Ordinance. The commercial site currently has fifty-seven (57) parking stalls which will be shared between Bayou Community Church, the applicant, and any future tenant. Based on calculations, Article IX requires that the tenant needs at least eleven (11) parking stalls. Staff has also advised the applicant to pursue a parking agreement with the property owner of Bayou Office Park, in anticipation of the growth of the church congregation.
- *Landscaping* - Off street parking shall be screened in accordance with Chapter 16.10 (Tree Preservation and Landscaping) of Dickinson’s Code of Ordinances. Since the building was built prior to the adoption of this ordinance the proposed use is exempt from the City’s landscaping requirements.
- *Lighting* – Artificial lighting used to illuminate the premises and/or signage shall be directed away from adjacent residential properties. Any proposed lighting must meet city ordinance. Lighting must not exceed fifty-foot lamberts at any point along the line of the lot containing the light source.
- *Noise* – The sound intensity level shall not exceed 85 decibels measured at the complainant’s property line between the hours of 10:30 p.m. and 6:30 a.m.

PUBLIC BENEFIT VS. IMPOSED HARDSHIP

Based upon the information provided, the Commission must determine “the gain to public health, safety, and welfare due to denial of this application as compared to the hardship imposed upon the owner as a result of denial of the application”.

CITIZEN RESPONSE

Number of Notices Mailed: 16
 Letters of Support Received: 0
 Letters of Opposition Received: 0

CITY COUNCIL PUBLIC HEARING: Scheduled for December 8, 2009

ATTACHMENTS: Photographs of Site, Aerial Map, Property Owners Notification Map
 Property Owners Notification List

For additional information, you may contact Samson Babalola, Development Coordinator at 281.337.2489 X 230 via e-mail at sbabalola@ci.dickinson.tx.us.



Specific Use Permit:
SUP2009-14 The Crossing Pentecostal Church

PHOTOGRAPH 1

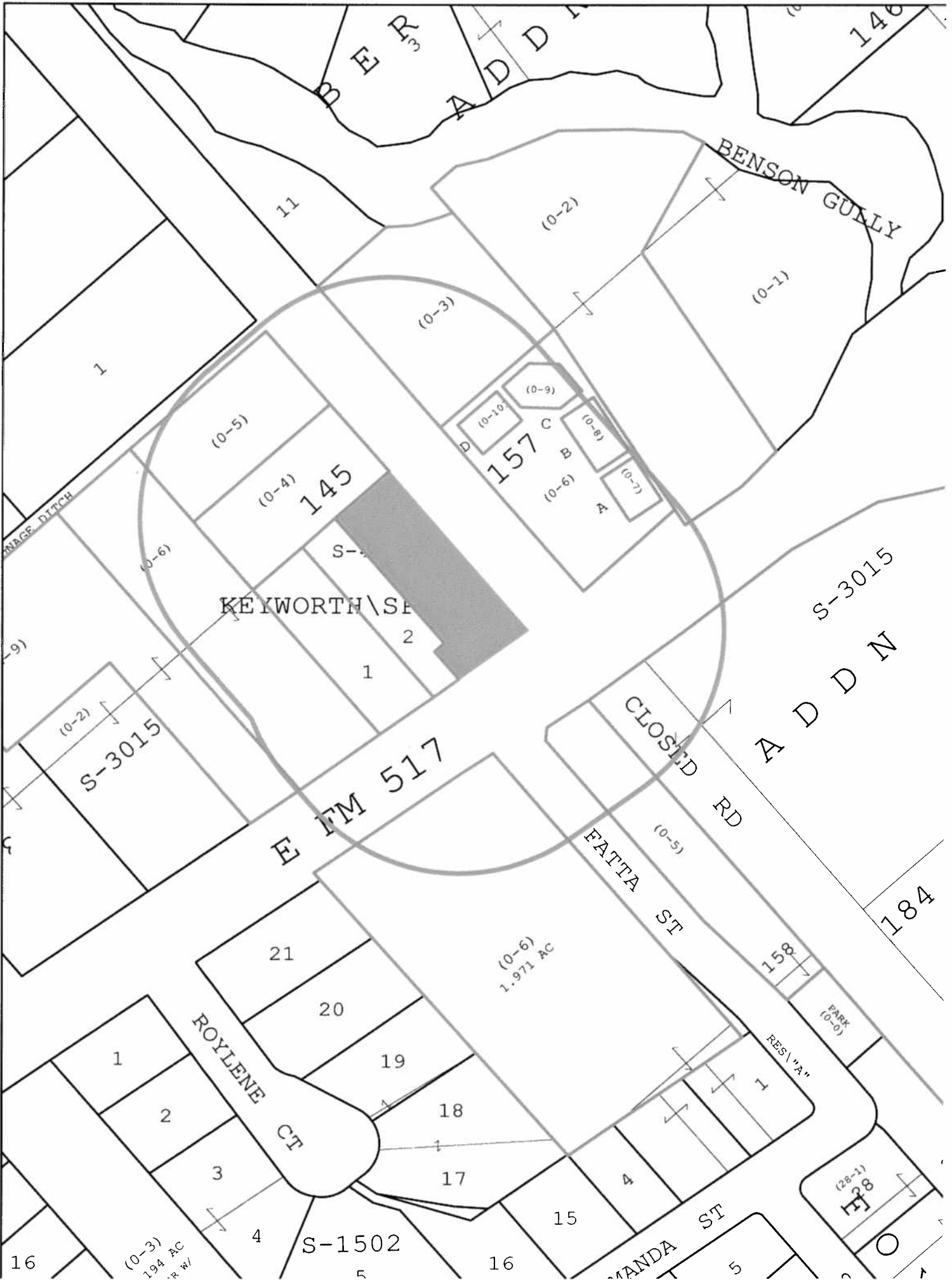


PHOTOGRAPH 2



PHOTOGRAPH 3





B E R K
A D D I

146

BENSON GULLY

11

(0-2)

(0-1)

(0-3)

1

(0-5)

(0-9)

(0-10)

157

(0-8)

(0-7)

145

(0-6)

MARGE DITCH

(0-6)

S-3015

KEYWORTH SE

2

1

S-3015

(0-2)
S-3015

CLOSED RD

A D D N

E FM 517

FATTA ST

184

21

(0-6)
1.971 AC

20

158

PARK (0-0)

ROYLENE CT

19

RES "A"

1

18

2

17

3

15

MANDA ST

(28-1)
E 28

16

(0-3)
194 AC
R W

S-1502

16

5

XREF	NAME	ADDRESS	CITY	ST	ZIP
301~146HG000-002	ROY TEATHER	1919 E FM 517	DICKINSON	TX	77539-8652
301~146H00~3	ANGELINE EMMITE	432 SERENITY DR	DICKINSON	TX	77539
301 ~157-0000-Q06	BAYOU OFFICE PARK COUNCIL OF CO (1903 PINE DR STE B	DICKINSON	TX	77539-4753
3015-014~000-005	EMERY & WINNIE MASON ALLEN	3606 CEDAR DR	DICKINSON	TX	77539-4716
301~157~9	MICHAEL M FRANKLIN	511 OLD BAYOU DR	DICKINSON	TX	77539-6545
3015-0157-0000-010	F WAYNE FAIRCLOTH JR	PO BOX 1325	DICKINSON	TX	77539-1325
301~157-00~8	GALVESTON COUNTY WCID #1	PO BOX 307	DICKINSON	TX	77539-0307
301 ~145-0000-Q04	CHARLES L & ANNE M WILLARD	3610 CEDAR DR	DICKINSON	TX	77539-4716
301~157-000~03	HAL B FULLERTON	2010 FM 517 RD E	DICKINSON	TX	77539-8653
301 ~14~000-Q06	BAY AREA RECOVERY VISIONS INC	4316 WASHINGTON ST	DICKINSON	TX	77539-6641
301~157-0000-007	MAXWELL C & CYNTHIA L ELLIOTT	PO BOX E	DICKINSON	TX	77539-2005
3015-0145-Q0~9	J HELMS & CAROLYN J MORRISS	PO BOX 821	DICKINSON	TX	77539-0821
4379-0000-0002-000	THOMAS & LINDA S KEYWORTH	490 FOX RUN LANE	LEAGUE CITY	TX	77573
4379-Q000-Q001-000	BAYOU COMMUNITY CHURCH	PO BOX 1711	DICKINSON	TX	77539
301~158-Q000-005	LIBERTY TOWER & FLARE	PO BOX 973	BACLIFF	TX	77518-8418
301 ~158-Q000-Q06	DOROTHY MURRAY	1034 BARONRIDGE DR	SEABROOK	TX	77586-4002