



PLANNING & ZONING COMMISSION
Special Meeting
March 29, 2011 – 6:30 P.M.

NOTICE is hereby given of a **Special Meeting** of the Planning and Zoning Commission of the City of Dickinson, Texas to be held on **Tuesday, March 29, 2011 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 AND CERTIFICATION OF A QUOROM:**
Roll call of members
Invocation
Pledge of Allegiance
- ITEM 2.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Approval of the minutes for February 15, 2010.
- ITEM 3.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Election of a Vice-chairman for the Planning & Zoning Commission.
- ITEM 4.) PUBLIC HEARING CONCERNING:** A request to amend Section 18-11, Definitions of Terms and Phrases, of Article II, Definitions, of Chapter 18, Zoning, of the Code of Ordinances of the City of Dickinson, Texas to add definitions for "Department Store," "General Merchandise Store," and "Variety Store"; Revising Section 18-58, Uses Requiring Specific Use Permit, of Article V, Specific Uses, of Chapter 18, Zoning, of the Code of Ordinances to require that General Merchandise Stores, Department Stores and Variety Stores in Neighborhood Commercial Zoning Districts obtain a Specific Use Permit.
- ITEM 5.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** A request to amend Section 18-11, Definitions of Terms and Phrases, of Article II, Definitions, of Chapter 18, Zoning, of the Code of Ordinances of the City of Dickinson, Texas to add definitions for "Department Store," "General Merchandise Store," and "Variety Store"; Revising Section 18-58, Uses Requiring Specific Use Permit, of Article V, Specific Uses, of Chapter 18, Zoning, of the Code of Ordinances to require that General Merchandise Stores, Department Stores and Variety Stores in Neighborhood Commercial Zoning Districts obtain a Specific Use Permit.
- ITEM 6.) PUBLIC HEARING CONCERNING:** The City of Dickinson is requesting



PLANNING & ZONING COMMISSION
Special Meeting
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variances to both the pavement width and the slope of the drainage ditches in order to work within the existing 40' right-of-way to reconstruct the road. The City of Dickinson desires to reconstruct Lovers Lane within the existing 40' right-of-way and is seeking variances to allow 18' of pavement width and 2:1 slope for the drainage ditches in order to work within the existing right-of-way.

- ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** The City of Dickinson is requesting variances to both the pavement width and the slope of the drainage ditches in order to work within the existing 40' right-of-way to reconstruct the road. The City of Dickinson desires to reconstruct Lovers Lane within the existing 40' right-of-way and is seeking variances to allow 18' of pavement width and 2:1 slope for the drainage ditches in order to work within the existing right-of-way
- ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Request for Approval for a Preliminary Plat Submitted by Dickinson Independent School District for Its Oak Park Facility, 24.60 Acres Out of Blocks 152, 153 & 189, Addition D, City of Dickinson, Galveston County, Texas and Consisting of 2 lots and 1 Reserve.
- ITEM 9.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** The Boundaries for the Proposed Highway 3 Overlay Zoning District.
- ITEM 10.) BRIEFING AND DISCUSSION CONCERNING:** Concerning Reclassification of the Sign District Designation for FM 646 from Sign District Zone C to Sign District Zone B.
- ITEM 11.) ADJOURN**

CERTIFICATION

This is to certify that a copy of the notice of a special meeting of the Planning and Zoning Commission for **Tuesday, March 29, 2011** was posted on the bulletin board at City Hall, 4403 State Highway 3, Dickinson, Texas, on this the 25th day of **March, 2011**, prior to 5:00 p.m.


Carol McLemore, City Secretary



In compliance with the Americans With Disabilities Act, we will provide for reasonable accommodations for disabled persons attending our meetings. Request should be



PLANNING & ZONING COMMISSION
Special Meeting
March 29, 2011 – 6:30 P.M.

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

Tuesday, February 15, 2011 Regular Meeting

A Regular Meeting of the Planning and Zoning Commission of the City of Dickinson, Texas held on February 15, 2011 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 AND CERTIFICATION OF A QUOROM:

Bill Bonham was elected Interim Chairman

Bill Bonham called the meeting to order at 6:30 pm.

Commission members present were Bill Bonham, Jeff Adam, Ed Mikowski and Paul Slater. Bill Bonham gave the invocation and led the Pledge of Allegiance. Staff members present were City Administrator, Julie Johnston, Permit Technician, David Lopez, Assistant Building Official, Ray Burgess and Building Official, Kevin Byal.

ITEM 2) CONSIDERATION AND POSSIBLE ACTION REGARDING:

Approval of the minutes for December 21, 2010.

Paul Slater made the motion to approve the minutes, Jeff Adams seconded. The motion passed unanimously

ITEM 3) PUBLIC HEARING:

A request to amend Section 18-11, Definitions of Terms and Phrases, of Article II, Definitions, of Chapter 18, Zoning, of the Code of Ordinances of the City of Dickinson, Texas to add definitions for "Bar," "Nightclub," and "Dance Hall"; Revising Section 18-58, Uses Requiring Specific Use Permit, of Article V, Specific Uses, of Chapter 18, Zoning, of the Code of Ordinances to require that Bars, Nightclubs and Dance Halls in either Neighborhood Commercial or General Commercial Zoning Districts must obtain a Specific Use Permit.

Bill Bonham opened the public hearing at 6:35pm. Kevin Byal brief to the Commission on the proposed ordinance. No one signed up to speak on the proposed ordinance. The public hearing was closed 6:37

ITEM 4) CONSIDERATION & POSSIBLE ACTION REGARDING:

A request to amend Section 18-11, Definitions of Terms and Phrases, of

MINUTES

CITY OF DICKINSON PLANNING AND Zoning Commission

Tuesday, February 15, 2011 Regular Meeting

A Regular Meeting of the Planning and Zoning Commission of the City of Dickinson, Texas held on February 15, 2011 at 6:30 p.m. at City Hall, 4403 State Highway 3, for the purpose of considering the following items:

Article II, Definitions, of Chapter 18, Zoning, of the Code of Ordinances of the City of Dickinson, Texas to add definitions for "Bar," "Nightclub," and "Dance Hall"; Revising Section 18-58, Uses Requiring Specific Use Permit, of Article V, Specific Uses, of Chapter 18, Zoning, of the Code of Ordinances to require that Bars, Nightclubs and Dance Halls in either Neighborhood Commercial or General Commercial Zoning Districts must obtain a Specific Use Permit.

Paul Slater motioned to approved the ordinance proposal and Ed Mikowski seconded the motion. The motion passed unanimously.

ITEM 5) DISCUSSION AND DIRECTION:

Concerning the Creation of a Highway 3 Overlay Zoning District.

City Administrator, Julie Johnston gave a presentation on creating an overlay zoning district on Highway 3. The commission recommended that staff to move forward with the proposal.

ITEM 6) DISCUSSION AND DIRECTION:

Concerning the Creation of an Intermediate Zoning District between the Neighborhood Commercial (NC) and the General Commercial (GC) Zoning Districts.

Chief Building Official, Kevin Byal gave a presentation on adding an additional commercial zoning district. The commission recommended that staff to move forward with the proposal.

ITEM 7) DISCUSSION AND DIRECTION:

Concerning Reclassification of the Sign District Designation for FM 646 from Sign District Zone C to Sign District Zone B.

Chief Building Official, Kevin Byal presented information on reclassifying

MINUTES

**CITY OF DICKINSON
PLANNING AND Zoning Commission**

Tuesday, February 15, 2011 Regular Meeting

A Regular Meeting of the Planning and Zoning Commission of the City of Dickinson, Texas held on February 15, 2011 at 6:30 p.m. at City Hall, 4403 State Highway 3, for the purpose of considering the following items:

the sign district for FM 646. The commission recommended that staff move forward with the reclassification.

ITEM 8) ADJOURN

The meeting was adjourned at 7:35 pm.

Planning & Zoning Chairman

**Dickinson Planning & Zoning Commission
Agenda Item Data Sheet**

MEETING DATE March 29, 2011

TOPIC:	Election of a Vice-Chairman for the Planning & Zoning Commission.
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BACKGROUND:	<p>Chris Tucker was the former Vice-Chairman of the Planning & Zoning Commission but resigned from the Commission late last year.</p> <p>The Chairman shall request nominations from the Commission to be considered for the Vice-chairman position. The Commission shall then vote to elect a new Vice-chairman.</p>
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RECOMMENDATION:	None
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ATTACHMENTS:	None
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SUBMITTING STAFF MEMBER:	Kevin Byal, Chief Building Official
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ACTIONS TAKEN

APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER
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**Dickinson Planning & Zoning Commission
Agenda Item Data Sheet**

MEETING DATE March 29, 2011

TOPIC:	A request to amend Section 18-11, Definitions of Terms and Phrases, of Article II, Definitions, of Chapter 18, Zoning, of the Code of Ordinances of the City of Dickinson, Texas to Revise Section 18-58, Uses Requiring Specific Use Permit, of Article V, Specific Uses, of Chapter 18, Zoning, of the Code of Ordinances to require that General Merchandise Stores, Department Stores and Variety Stores in Neighborhood Commercial Zoning Districts obtain a Specific Use Permit.
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BACKGROUND:	<p>On behalf of Dickinson property owner, Vijay Mishra, the Zaremba Group has submitted an application to amend Chapter 18, Zoning, of the code of ordinance.</p> <p>Mr. Mishra's property is zoned Neighborhood Commercial (NC). As such, this zoning district does not provide for small retail merchandise stores such as the Dollar General Store that his client is proposing.</p> <p>Their request is to amend section 18-58, Specific Use Permit (SUP) to include general merchandise stores less than 10,000 square feet in the Neighborhood Commercial (NC) zoning district through the SUP process.</p>
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RECOMMENDATION:	Staff recommends approval
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ATTACHMENTS:	<ul style="list-style-type: none">• Applicants Application
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SUBMITTING STAFF MEMBER:	Kevin Byal, Chief Building Official
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ACTIONS TAKEN

APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER
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COMMUNITY DEVELOPMENT
ZONING TEXT AMENDMENT APPLICATION

PROPERTY OWNER

Name(s) Vijay Mishra	Phone#/Fax/Email 713-2983466 Vijay@mishrabuilders.com
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Mailing Address (Street, City, State, Zip) 150 W. Shadowbend, Suite 300, Friendswood, TX 77546

APPLICANT/AGENT*

Name(s) John M. Wojtila Zaremba Land Development, LLC	Phone#/Fax/Email 216-221-6600 / FX: 216-221-1031 / jwojtila@zarembagroup.com
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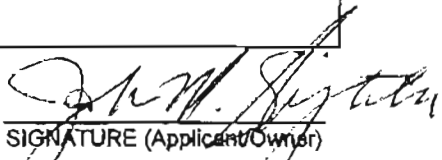
Mailing Address (Street, City, State, Zip) 14600 Detroit Avenue, Suite 1500, Lakewood, OH 44107
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* A notarized letter of authorization from the property owner(s) must be attached.

PURPOSE

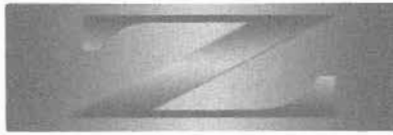
State why the text amendment is being requested. (Attach additional documentation if necessary) See attached

I hereby certify that the above information is true to the best of my knowledge.


SIGNATURE (Applicant/Owner)

RECEIVED (Date, Time, Staff Signature)	PLANNING & ZONING HEARING DATE
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\$250 Application fee due at time of submission.



ZAREMBA GROUP

VIA 2nd DAY FEDERAL EXPRESS

February 24, 2011

City of Dickinson
Attn: Kevin Byal
4403 Hwy 3
Dickinson, TX 77539

***RE: Proposed Dollar General
F.M. 517 near Armand Drive***

Dear Mr. Byal:

Per our previous discussions, enclosed herewith please find our Application for a Text Amendment along with the \$250 application fee. Please know the notarized owner authorization will be provided under separate cover.

We look forward to having this item heard at the Planning and Zoning meeting of March 29, 2011. Please contact the undersigned if there is additional information needed.

Sincerely,
ZAREMBA GROUP, LLC

John Wojtila
Senior Development Manager

cc: Vijay Mishra (via email)

ZAREMBA GROUP, LLC

14600 DETROIT AVENUE • CLEVELAND, OHIO 44107

(216) 221-6600 • (216) 221-1031

www.zarembagroup.com

ZONING TEXT AMENDMENT APPLICATION

PURPOSE

Article V. - SPECIFIC USES of Chapter 18 of the codified ordinance of the City of Dickinson provides for the approval of certain uses in certain zoning districts. The specific use permit may be granted when adequate precautions can be taken and following assurance of compatibility and public need therein ensuring the orderly development of the city as a whole.

The zoning text amendment proposed is the addition of the following use to **Section 18-58- Uses requiring specific use permit**

Use	Permitted Districts
General merchandise stores, including department and variety stores, but not greater than 10,000 sf in gross building floor area	NC

This proposed amendment is consistent with **Section 18-54. Neighborhood commercial “NC” district**, which states this district “is intended to provide small-scale limited impact retail and office business. The uses are meant to be compatible with nearby residential areas and serve the retail and personal service needs of nearby residents.” The proposed amendment ensures the small-scale use by its limitation of floor area.

Section 18-59 – Criteria for considering specific use further allows for the assurance of compatibility for a specific use being applied for under this Article V.

February 23, 2011

City of Dickinson
4403 Hwy. 3
Dickinson, TX 77539

Re: F.M. 517 near Armand Drive
Dickinson, TX

To Whom It May Concern:

This letter hereby authorizes John Wojtila and/or Zarembo Land Development, LLC to make application to the City of Dickinson as necessary for the redevelopment of the subject property.

Thank you for your cooperation.

Sincerely,



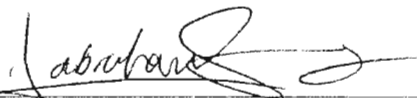
Vijay Mishra

cc: John Wojtila

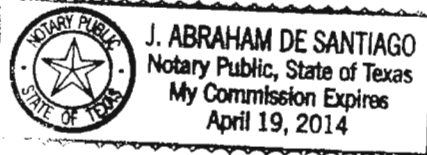
STATE OF Texas)
COUNTY OF Galveston) SS:

I do hereby certify that on this 28 day of Feb, 2011, before me, a Notary Public in and for the County and State aforesaid, and duly commissioned, personally appeared Vijay Mishra, who acknowledged that he did sign the foregoing instrument as his free act and deed.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal.



Notary Public





Permit Receipt

Receipt No.: 11-00008

received from

Vijay Mishra
150 W. Shadowbend
Friendswood, TX 77546

Receipt No.: 11-00008
Receipt Date: 03/09/2011
Receipt Time: 5.36 PM
Payment Method: Check
Payment Note: 11049
Project ID #: ZTC-11-0371
Project Type: Zoning Text Change
Address: 4403 Hwy 3

Transactions

Fee type	Amount
Application Fee - Zoning Text Change	\$ 250.00

Amount Paid \$

received by

David Lopez
Community Development
4403 Hwy 3
Dickinson, TX 77539
(281) 337-2489 x254 Phone
(281) 337-6190 Fax
dlopez@ci.dickinson tx.us

Account Summary

00173410000 \$ 250.00

**PUBLIC NOTICE
CITY OF DICKINSON, TEXAS
NOTICE OF PUBLIC HEARING**

Notice is hereby given for a request to amend Section 18-11, Definitions of Terms and Phrases, of Article II, Definitions, of Chapter 18, Zoning, of the Code of Ordinances of the City of Dickinson, Texas to add definitions for "Department Store," "General Merchandise Store," and "Variety Store"; Revising Section 18-58, Uses Requiring Specific Use Permit, of Article V, Specific Uses, of Chapter 18, Zoning, of the Code of Ordinances to require that General Merchandise Stores, Department Stores and Variety Stores in Neighborhood Commercial Zoning Districts obtain a Specific Use Permit.

The **Planning and Zoning Commission** of the City of Dickinson will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

Date: March 29, 2011

Time: 6:30 pm

Location: Council Chambers, 4403 State Highway 3
Dickinson, TX 77539

The **City Council** of the City of Dickinson will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

Date: April 12, 2011

Time: 6:30 p.m.

Location: Council Chambers, 4403 State Highway 3
Dickinson, Texas 77539

For additional information regarding this public hearing, please contact the Dickinson Community Development Department at 281.337.6259.

**Dickinson Planning & Zoning Commission
Agenda Item Data Sheet**

MEETING DATE March 29, 2011

TOPIC:	The City of Dickinson is requesting variances to both the pavement width and the slope of the drainage ditches in order to work within the existing 40' right-of-way to reconstruct the road. The 40' right-of-way had been reserved for a road since the original plat of the subdivision in 1893 but was not formally dedicated by each adjoining property owner to the City of Dickinson until January of 2011. The City of Dickinson desires to reconstruct Lovers Lane within the existing 40' right-of-way and is seeking variances to allow 18' of pavement width and 2:1 slope for the drainage ditches in order to work within the existing right-of-way.
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BACKGROUND:	Please see the attached memorandum from the City Administrator Julie Johnston.
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RECOMMENDATION:	Staff recommends approval.
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ATTACHMENTS:	Application Documents
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SUBMITTING STAFF MEMBER:	Julie Johnston, City Administrator
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ACTIONS TAKEN

APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER
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TO: City of Dickinson Planning and Zoning Commission
FROM: Julie M. Johnston, City Administrator 
DATE: March 16, 2011
SUBJECT: Request for Variances Related to Reconstruction of Lovers Lane

Background

For many years, there was confusion concerning whether Lovers Lane was a private road or a public road. The road known as Lovers Lane has been in place since 1893, but there was never a formal dedication of the road as a public thoroughfare and thus it was a private road. In 2009, the City of Dickinson determined that, while Lovers Lane had been a private road, at some point in the last 20 years the City assumed the road as a public road as a result of work being done on the road by City crews (known legally as "prescriptive adverse possession").

Over the last several years, the condition of Lovers Lane has significantly declined and the majority of the road is impassable. Currently, the pavement width varies from 17' at its intersection with FM 517 down to approximately 13' on the south end of the street. On September 22, 2009, the City Council allocated funds to reconstruct Lovers Lane, and on April 13, 2010, the City Council approved a contract with Pate Engineers to determine whether any right-of-way formally existed and what steps if any needed to be taken by the City related to the right-of-way prior to undertaking the reconstruction of the road. After extensive research and surveying, Pate Engineers determined that a 40' wide strip had been reserved for a road since the subdivision was originally platted in 1893, but that there had been no formal dedication of right-of-way associated with the 40' strip. Additionally, Pate Engineers found that none of the property owners had encroached into that 40' strip, so it was completely preserved. The next step for the City was to request formal dedication of the right-of-way from each of the property owners along Lovers Lane.

On March 31, 2010, I met with most of the Lovers Lane property owners to explain the history of the road and to begin discussions on the design of the street. Two additional meetings were held with the Lovers Lane property owners on June 30 and September 9, 2010, to review design issues and determine whether the property owners would be willing to execute a Road Right-of-Way Easement to formally dedicate Lovers Lane as a public thoroughfare. The outcome of those meetings with the Lovers Lane property

owners was that the property owners were amenable to executing the Road Right-of-way Easements as long as the City would reconstruct the street within the existing 40' strip that had been preserved, the pavement width could only be 18' and the drainage ditch slopes would have to be 2:1. The property owners were advised that the City would need to request variances to both the pavement width and the drainage ditch slope in order to proceed with the reconstruction. However, before the City would go forward with a variance application, every one of the abutting property owners would have to execute the needed Road Right-of-Way Easement

In October of 2010, Road Right-of-Way Easements were sent to each of the property owners abutting Lovers Lane. From October 2010 through January 2011, Travis Sellers with Pate Engineers and I worked with the different property owners to answer questions and resolve issues in order to facilitate obtaining the needed Road Right-of-Way Easements. The last of 32 Road Right-of-Way Easements was received in mid-January of 2011. Since all of the necessary Road Right-of-Way Easements have been executed, the City is now seeking variances to both pavement width and drainage ditch slope.

Variances Requested

The City of Dickinson requests two different variances to the Subdivision Regulations:

- (1) A variance to the 28' pavement width requirement for Minor Streets as required by Section 8(B)(11)(c) of the City of Dickinson Subdivision Regulations to allow for an 18' pavement width on Lovers Lane.
- (2) A variance to the maximum 3:1 slope for drainage ditches as required by Section VII, City Ditch Side Slopes, of Appendix B, Drainage Criteria, to allow for a 2:1 slope for drainage ditches along Lovers Lane.

Variance to Pavement Width

Subsection 11 of Section 8, Streets, of Section 8, Standards and Specifications, of the City of Dickinson Subdivision Regulations provides as follows:

"Pavement widths and rights-of-way. Pavement widths and rights-of-way shall be as follows:

- a. Arterial streets shall have a right-of-way width of at least 80 feet, with a pavement width of at least 45 feet back to back of curbs.
- b. Collector streets shall have a right-of-way of at least 60 feet and a pavement width of at least 37 feet back to back of curbs.
- c. Minor streets having open ditch drainage shall have a right-of-way of at least 60 feet and a pavement width of at least 28 feet. If covered subsurface drainage is provided, right-of-way of street may

be 50' and pavement width of at least 28 feet back to back of curbs."

Based on the definitions contained in the Subdivision Regulations, Lovers Lane is a Minor Street, and it utilizes open ditch drainage. In a new construction situation, it would be required to have a minimum 60' right-of-way with a minimum of 28 feet of pavement width. However, at the time that the street was originally platted, there were no such requirements in place. Only 40' of road right-of-way was ever set aside, and that is the only strip into which there are no encroachments from abutting property owners. Therefore the City has a total of 40 feet within which to reconstruct the street and open ditch drainage system. The reconstruction of the street utilizing an 18' pavement width is functional and considerably better than the current condition of the street. The property owners have approved of this design, and the different public safety entities have agreed that the 18' pavement width will be a considerable improvement to the street even though it may not be ideal.

Variance to Ditch Slope

Section VII, City Ditch Side Slopes, of Appendix B, Drainage Criteria, of the City of Dickinson Subdivision Regulations provides as follows:

"City Ditch Side Slopes

In grass lined channels, maximum side slopes shall be 4:1 (horizontal:vertical). Variance from this criterion may be granted by the City to accommodate site specific issues, but 3:1 slopes should be the absolute steepest unlined slope proposed. Side slopes for concrete lined channels shall be based on field conditions and shall be site specific."

As indicated above, Lovers Lane utilizes open ditch drainage, and such ditches have been maintained by the property owners to varying degrees. There is no uniformity of ditch slope at this time. Since the City only has 40' of right-of-way within which to reconstruct the street and the open ditch drainage system, the only option for ditch slope is 2:1. The City and Pate Engineers have fully discussed the impact of the proposed 2:1 ditch slope with the Lovers Lane property owners, and the property owners understand the ramifications thereof. Again, however, the City does not have additional area within which to provide less steep ditch slope.

Hardship Criteria

To approve an application for a variance, the Commission is required to make an affirmative finding that each of the following criteria is met:

- (1) Special circumstances exist that are peculiar to the land or structure.
- (2) These special circumstances are not self-imposed or the result of the actions of the applicant.

- (3) Literal interpretation and enforcement of the terms and provisions of this chapter would cause an unnecessary and undue hardship.
- (4) Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest and which would carry out the spirit of this chapter and would result in substantial justice.
- (5) Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought.
- (6) Such variance will not authorize a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.
- (7) The variance will not adversely affect the health, safety or welfare of the public.

Clearly, the circumstances that exist with regard to the road right-of-way for Lovers Lane are peculiar to this particular street, and the 40' of right-of-way within which the City has the authority to undertake the street reconstruction and drainage improvements are not self-imposed or the result of any actions by the City. The 40' of right-of-way has been reserved as a private road to serve the properties along Lovers Lane since 1893, but wasn't formally dedicated as a public road until January of 2011. While it would be nice to be able to have a 60' right-of-way with 28' of pavement width and 3:1 or 4:1 ditch slopes, it is not possible to provide such in this case. The City must work within the existing 40' right-of-way. To require the City to acquire the additional right-of-way in order to meet the current requirements for right-of-way, pavement width and ditch slope would cause an unnecessary and undue hardship on both the City and the Lovers Lane property owners. Granting the requested variances is the minimum action that will make possible the use of the street and is definitely in the public interest. Since Lovers Lane is an existing street, granting the variances will not alter the essential character of the neighborhood or the zoning district, and the reconstruction of the street with a consistent pavement width and in concrete will significantly improve the street for the neighborhood and traveling public. Further, since the variances are for an existing street, there will be no change in the current use.

Therefore, the City of Dickinson respectfully requests that the Planning and Zoning Commission grant the requested variances for Lovers Lane so the reconstruction of the street may proceed.



COMMUNITY DEVELOPMENT VARIANCE APPLICATION

PROPERTY

Address

Lovers Lane from FM 517 South to End of Street

Legal Description

40' wide strip of land that is approximately 2,800 feet in length that extends from the intersection of FM 517 south to the end of the street.

Present Zoning

Not applicable

- A basic diagram of the property, surrounding property and public roadways on 8 1/2 x 11 or 8 1/2 x 14 paper including basic dimensions must be attached.

OWNER

Name(s)

City of Dickinson

Phone#/Fax/Email

(281) 337-6204/ (281) 337-6190/
jjohnston@ci.dickinson.tx.us

Mailing Address (Street, City, State, Zip)

4403 Highway 3, Dickinson, TX 77539

APPLICANT/AGENT

Name(s)

City of Dickinson

Phone#/Fax/Email

(281) 337-6204 / (281) 337-6190 /
jjohnston@ci.dickinson.tx.us

Mailing Address (Street, City, State, Zip)

4403 Highway 3, Dickinson, TX 77539

- A notarized letter of authorization from the property owner(s) must be attached.


DESCRIPTION

Describe the variance being requested.

The City is requesting a variance to the 28' pavement width requirement for Minor Streets required by Section 8(B)(11)(c) of the City of Dickinson Subdivision Regulations to allow for a 18' pavement width and a variance to the maximum 3:1 slope for drainage ditches as required by Section VII, City Ditch Side Slopes, of Appendix B, Drainage Criteria, of the City of Dickinson Subdivision Regulations to allow for a 2:1 slope for drainage ditches. These variances are being requested in order to reconstruct the street within the 40' right-of-way originally set aside for the development in 1893 and formally dedicated to the City of Dickinson by all adjoining property owners in January of 2011.

I hereby certify that the above information is true to the best of my knowledge.

Date: March 9, 2011


Julie M. Johnston, City Administrator

RECEIVED (Date, Time, Staff Signature)

P&Z COMMISSION HEARING DATE

March 29, 2011

COMMUNITY DEVELOPMENT

4403 Highway 3 · Dickinson Texas 77539 · (281) 337-2489

19-36
0019-0036-0000-000
17.484 AC

CALDER RD

7B

19-37
0019-0037-0000-000
1.081 AC

0019-0035-0005-000
2.146 AC

47

46

45

50

51

52

53

7B

CANON DR

19-39
0019-0039-0100-000
21.766 AC

19-38
0019-0038-0000-000
16.485 AC

8

19-44
0019-0044-0000-000
1.330 AC

19-44-1
0019-0044-0001-000
1.330 AC

19-52-1
0019-0052-0001-000
1.330 AC

19-52-2
0019-0052-0002-000
1.330 AC

19-52-3
0019-0052-0003-000
1.330 AC

19-48-2
0019-0048-0002-000
6.871 AC

19-48
0019-0048-0000-000
6.871 AC

19-47
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RES "A"
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RES "B"
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RES "C"
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RES "D"
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RES "AA"
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RES "AB"
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RES "AC"
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RES "AD"
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RES "AE"
0.71

BENTWOOD AT BAY COLONY

SEC 1

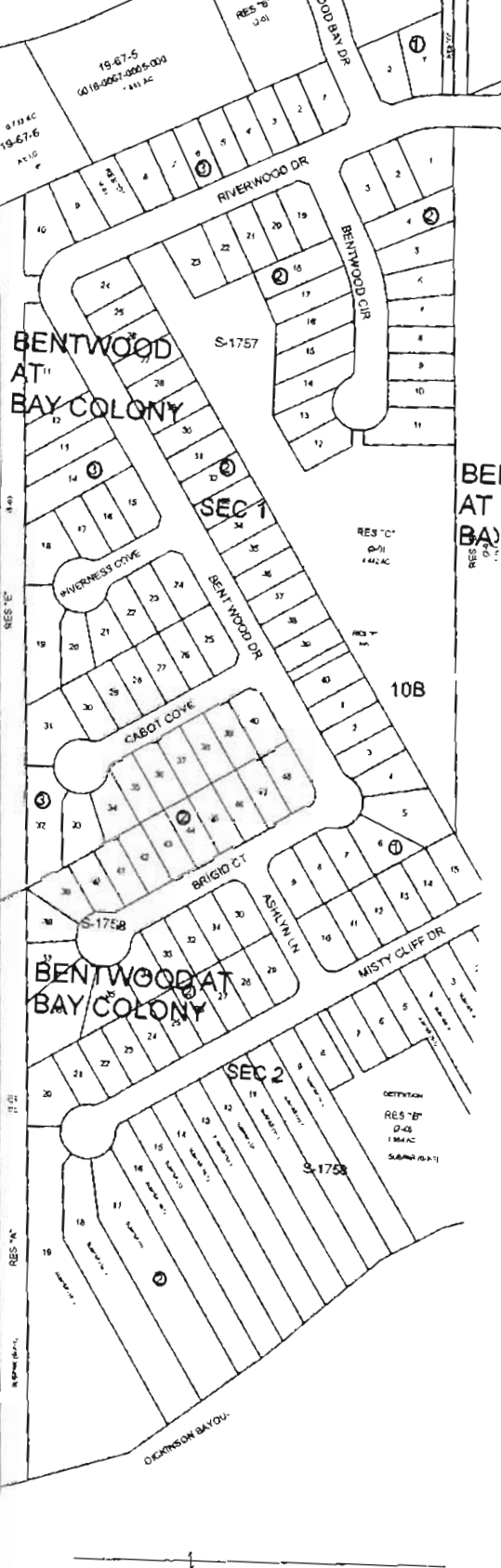
BENTWOOD AT BAY COLONY

SEC 2

BEI AT BAY

10B

RES "B"
0.42
1.86 AC





Sign Affidavit

I hereby certify that the public hearing signs were posted on both sides of the right-of-way at 4002, 4025 and 4105 Lovers Ln., Dickinson, TX 77539, on March 11, 2011, which is at least ten (10) days prior to the meeting of the Planning and Zoning Commission at which the zoning change / variance will be considered, and I understand that such public hearing signs must remain posted until final action on the requested zoning change has been taken by the Dickinson City Council.

SR Burgess
Signature _____
Date: 3/17/11

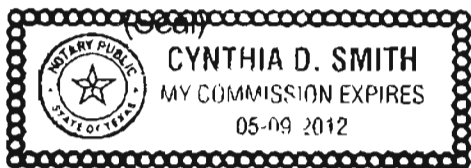
J.R. Burgess
Printed Name _____

ACKNOWLEDGMENT

THE STATE OF State §
COUNTY OF Galveston §

BEFORE ME, the undersigned authority, on this day personally appeared Ray Burgess, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 17th day of March 2011.



[Signature]
Notary Public In and For the State of Texas
My Commission Expires: 5/9/2012



Notice of Public Hearing

This notice is provided in accordance with Dickinson Code of Ordinances Section 18-20. It will be sent to all property owners within 200' of the property listed below regarding a Variance request. You are welcome to attend the public hearing to learn more about the proposed project and/or to voice your opinions on this proposal.

Address of Property: Lovers Lane from FM 517 South to End of Street
Dickinson, TX 77539

Legal Description: 40' Wide Strip of Land that is Approximately 2,800 Feet in Length
(Per CAD) That Extends from FM 517 South to the End of the Street

Location: Intersects with FM 517 to the South Approximately 1/2 Mile West of
the Intersection of FM 517 and FM 646 in Dickinson, TX

Proposal: The City of Dickinson is requesting variances to both the pavement
width and the slope of the drainage ditches in order to work within
the existing 40' right-of-way to reconstruct the road. The 40' right-
of-way had been reserved for a road since the original plat of the
subdivision in 1893 but was not formally dedicated by each
adjoining property owner to the City of Dickinson until January of
2011. The City of Dickinson desires to reconstruct Lovers Lane
within the existing 40' right-of-way and is seeking variances to allow
18' of pavement width and 2:1 slope for the drainage ditches in
order to work within the existing right-of-way.

Meeting Date: **Dickinson Planning and Zoning Commission**
Tuesday, March 29, 2011, at 6:30 p.m.

Dickinson City Council
Tuesday, April 12, 2011 at 7:00 p.m.

Meeting Location: 4403 Highway 3
Council Chambers
Dickinson, TX 77539

If you would like additional information regarding the details of this proposal, please contact the Community Development Coordinator, at (281) 337- 2489 ext. 230.

**Dickinson Planning & Zoning Commission
Agenda Item Data Sheet**

MEETING DATE March 29, 2011

TOPIC:	Request for Approval for a Preliminary Plat Submitted by Dickinson Independent School District for the Oak Park Facility, 24.60 Acres Out of Blocks 152, 153 & 189, Addition D, City of Dickinson, Galveston County, Texas and Consisting of 2 lots and 1 Reserve.
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BACKGROUND:	<p>At the site of the former McAdams Middle School Dickinson Independent School District (DISD) has demolished the former school building and is in the process of constructing buildings to house several of the districts support services including transportation maintenance, child nutrition services and ITS support.</p> <p>Several public utilities cross the property without the appropriate easement and multiple lots existed on the property. This preliminary plat is presented to provide for the necessary utility easement as well as consolidate the numerous existing lots into 2 lots to accommodate the new facilities.</p>
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RECOMMENDATION:	Staff recommends approval.
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ATTACHMENTS:	Preliminary plat
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SUBMITTING STAFF MEMBER:	Kevin Byal, Chief Building Official
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ACTIONS TAKEN

APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER
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**Dickinson Planning & Zoning Commission
Agenda Item Data Sheet**

MEETING DATE March 29, 2011

TOPIC:	Discussion and Direction Concerning the boundaries for the proposed Highway 3 Overlay Zoning District.
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BACKGROUND:	<p>At the last meeting staff introduced the concept of the Highway 3 Overlay Zoning District and the Commission directed staff to proceed with the project.</p> <p>At this meeting we will be discussing establishing the boundaries of the district.</p> <p>City Administrator Julie Johnston will discuss this item with the Commission at the meeting.</p>
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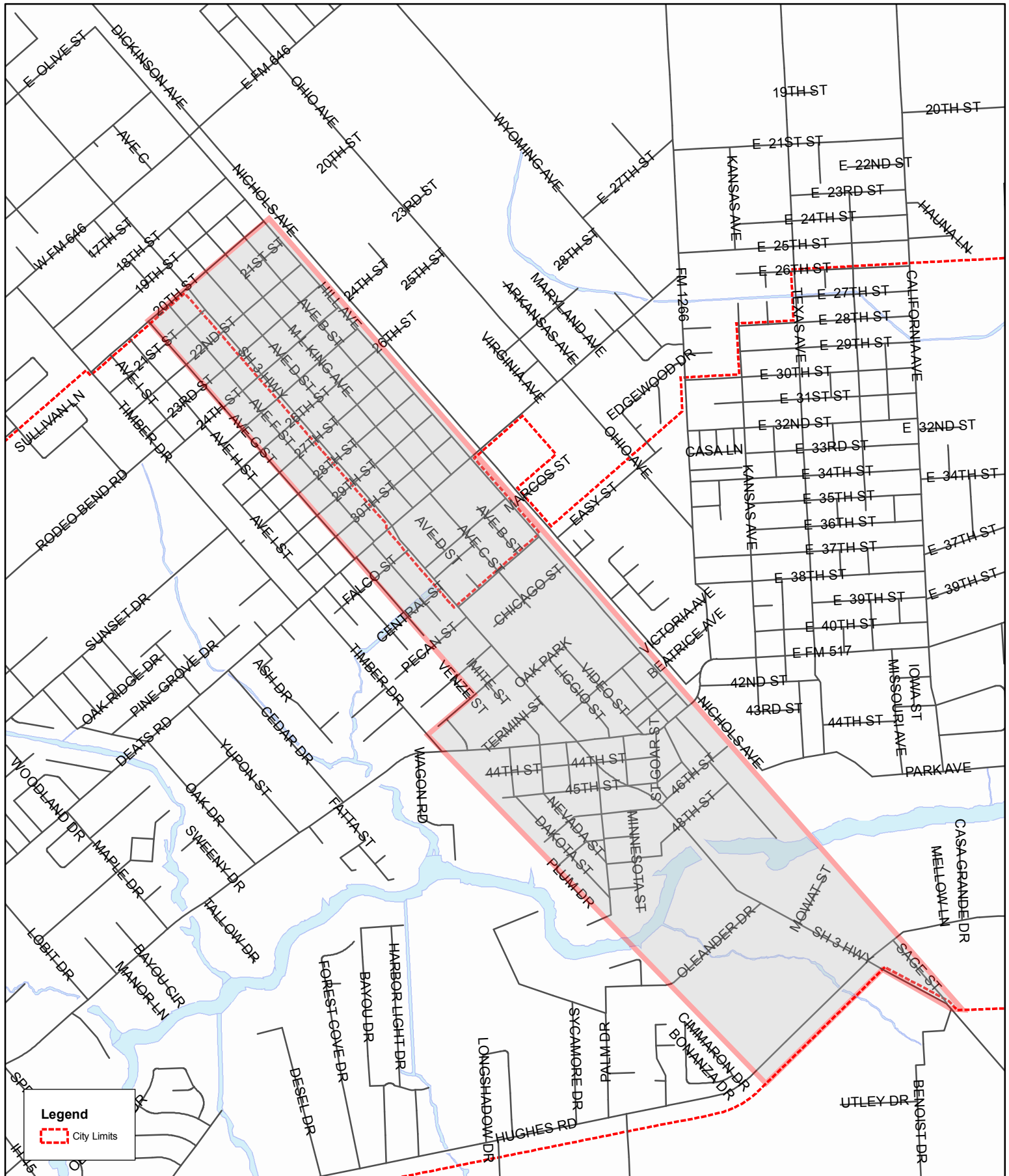
RECOMMENDATION:	None at this time.
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ATTACHMENTS:	Map of the proposed boundaries
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SUBMITTING STAFF MEMBER:	Kevin Byal, Chief Building Official
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ACTIONS TAKEN

APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER
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Legend
 City Limits

Disclaimer: The City of Dickinson makes no representation or warranty as to the accuracy of this map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further agrees to not hold the City of Dickinson liable from any damage, loss, or liability arising from any use of the map product. Independent verification of all information contained on this map should be obtained by the end user.



**Dickinson Economic
 Development Corporation**
 218 FM 517 West
 Dickinson, TX 77539
 (281) 337-0466
<http://www.dickinsontxedc.com/>

**HIGHWAY 3 OVERLAY
 DISTRICT BOUNDARIES**



1" = 1,618'