

**ORDINANCE NO. 2071 - 2024**

**AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING CHAPTER 18 “ZONING” OF THE CITY OF DICKINSON CODE OF ORDINANCES; AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF DICKINSON TO REZONE PORTIONS OF APPROXIMATELY 0.44 ACRES OF LAND GENERALLY LOCATED AT 3208 HWY 3 FROM NEIGHBORHOOD COMMERCIAL (“NC”) ZONING DISTRICT TO GENERAL COMMERCIAL (“GC”) ZONING DISTRICT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND, PROVIDING AN EFFECTIVE DATE.**

\* \* \* \* \*

**WHEREAS**, Lee Anna Carpenter (the “Owner”) owns approximately 0.44 acres of land generally located at 3208 HWY 3, legally described as Abstract 19 Perry & Austin Survey Part of Lot 114 (0-3) Dickinson Addition D, with the Property being located in the City of Dickinson, Texas (the “City), and more particularly depicted and described in “Exhibit A” attached to and made a part of this Ordinance for all purposes; and

**WHEREAS**, the Property presently has a zoning classification of Neighborhood Commercial (“NC”) Zoning District; and

**WHEREAS**, the Planning and Zoning Commission (the “Commission”) of the City held a public hearing and issued a report (the “Report”) in response to the request of the Owner, to rezone the Property to General Commercial (“GC”) Zoning District; and,

**WHEREAS**, the Commission delivered the Report to the City Council of the City (the “Council”), and the Council, in making its decision regarding the zoning of the Property, has considered the Commission’s recommendations in the Report, with the Report being attached to and made a part of this Ordinance as “Exhibit A”; and

**WHEREAS**, the Council has, in the time and manner and after the notice required by law and the City’s Zoning Ordinance, conducted a public hearing on the request for the rezoning of the Property; and

**WHEREAS**, the Council deems it appropriate to approve the rezoning of the Property as requested by the Owner; and **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS:**  
**SECTION 1. THAT** the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct and are incorporated into this Ordinance for all intents and purposes.

**SECTION 2. THAT** the Property, being approximately 0.44 acres of land generally located at 3208 HWY 3, legally described as Abstract 19 Perry & Austin Survey Part of Lot 114 (0-3) Dickinson Addition D,, be rezoned from Neighborhood Commercial (“NC”) Zoning District to General Commercial (“GC”) Zoning District, with the Property being more particularly depicted and described in “Exhibit A” attached to this Ordinance.

**SECTION 3. THAT** the Official Zoning Map (the “Zoning Map”) of the City of Dickinson, Texas (the “City”) be revised and amended to show the change in zoning classification of the Property from Neighborhood Commercial (“NC”) Zoning District to General Commercial (“GC”) Zoning District, and that the Zoning Map reflect all appropriate references to the number and effective date of this Ordinance.

**SECTION 4. THAT** upon the effective date of this Ordinance, the Property shall comply with the development and land use standards set forth in Chapter 18 of the Code of Ordinances of the City for General Commercial (“GC”) Zoning District and shall be in compliance with the application and the site plan submitted to the City by the Owner, which is included in “Exhibit A” attached to and made a part of this Ordinance.

**SECTION 5. THAT** in the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the Council declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**SECTION 6. THAT** any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed two thousand dollars (\$2,000), with each day of violation constituting a separate offense.

**SECTION 7. THAT** all ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**SECTION 8. THAT** this Ordinance shall become effective upon final reading and adoption of this Ordinance when the caption hereof is caused to be published in the official newspaper of the City, by the City Secretary, as required by law.

**PASSED, APPROVED, AND ADOPTED on first reading on 28 MAY, 2024.**

**PASSED, APPROVED, AND ADOPTED on second reading on 25 JUNE, 2024.**

**FOR THE CITY OF DICKINSON:**



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**SEAN SKIPWORTH, MAYOR**

**ATTEST:**

*Claude Allen Oliver*

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**Claude Oliver, City Secretary**

**APPROVED AS TO FORM:**



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**Nghiem V. Doan, City Attorney**

**EXHIBIT “A” – APPLICATION, LOCATION, REPORT**

# APPLICATION OVERVIEW

License Type: Zoning Map Amendment

ID # 24-000060 | Started March 08, 2024



## Address

3208 Hwy 3, Dickinson, TX USA 77539

## Legal

Addn D Lot Pt Lot 114  
SPerry & Austin 19  
Acs .449 Dim 85 x 230 S-85-Ave F N-85-Hwy 3

## Description

Dog Grooming / Training

## PROPERTY DETAILS

Property ID	R163274
Flood Zone	Zone C (non risk)
Zoning District	NC - Neighborhood Commercial

CONTACTS	CONTACT INFO	ADDRESS	CREDENTIALS	ROLE
Lee Anna Carpenter	leeannacarpenter123@yahoo.com 2812919682	3208 Hwy 3 Dickinson, TX 77539	-	APPLICANT
Lee Anna Carperter	(281) 455-3224	817 Quintana Roo Pl Seabrook, TX 77586- 2577	-	Property Owner

## INFORMATION FIELDS

**Galveston County Property ID:**  
R163274

**Address**  
3208 Hwy 3 Dickinson, Texas 77539

**Legal Description**  
Addn D Lot Pt Lot 114 SPerry & Austin 19

**Acres:**  
0.449

**Property Owner Full Name**  
Lee Anna Carpenter

**Property Owner Address**  
817 Quintana Roo Place

**Property Owner Phone**  
12814553224

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**Property Owner Email**  
leeannacarpenter123@yahoo.com

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**Proof of Ownership**  
SCAN0004.JPG

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**Signatory Authorization**

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**Agent Authorization**

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**Current Zoning**  
Neighborhood commercial "NC"

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**Current Use Type:**  
Open Space / Vacant

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**Current Use**  
Dog Grooming / Training

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**Proposed Zoning**  
General commercial "GC"

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**Proposed Use Type:**  
Commercial

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**Proposed Use**  
Dog Grooming / Training / Kennel

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**Existing Site Plan**  
SCAN0005.pdf

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**Surrounding Area Zoning Plan**  
160\_33\_24-000012\_Zoning Verification Compliance Letter.pdf

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**Surrounding Area Uses Plan**  
160\_33\_24-000012\_Zoning Verification Compliance Letter.pdf

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**Applicant Statement PZ & CC**  
Applicant Summary.pdf

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**Technical Studies**

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**Additional Documents**

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**Planning and Zoning Commission Meeting**  
04/09/2024 6:00 PM

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**Planning and Zoning Commission Public Hearing**  
04/09/2024 6:00 PM

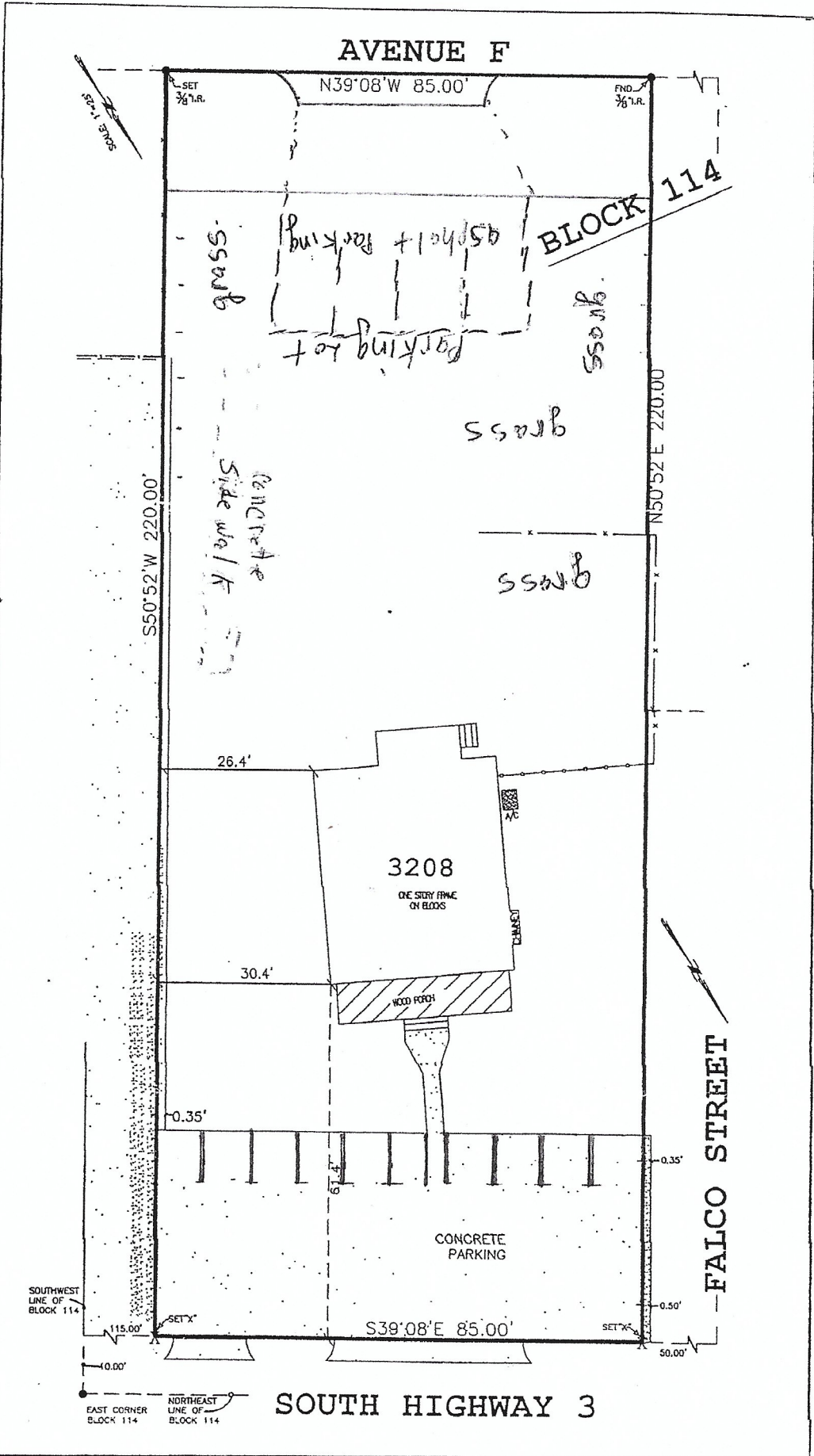
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**City Council Meeting**  
06/25/2024 6:00 PM

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**City Council Public Hearing**  
05/28/2024 6:00 PM

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## **Applicant Summary PX & CZ**

Applicant comments in bold follow each of the enumerated items 1 through 8 below.

1. Conformance of the proposed zoning classification with the city's land use policies.

**The General commercial zoning classification conforms with the current city's land use policies.**

2. The character of the neighborhood.

**The character of the neighborhood is bland and devoid of culture and diversity.**

3. The zoning and use of nearby properties, and extent to which the proposed zoning and use would be compatible.

**The surrounding properties are zoned:**

**North – General Commercial ("GC") Empty / Vacant**

**South – General Commercial ("GC") Red Diamond Realty**

**East – Right-of-way (Highway 3)**

**West – Right-of-way (Avenue F)**

**The proposed General Commercial ("GC") zoning and use are compatible with the zoning and use of nearby properties.**

4. The suitability of the property for the uses permitted by right in the proposed zoning district.

**The suitability of the property for the proposed use is permitted by right in the proposed zoning district.**

5. The extent to which approval of the application would detrimentally affect nearby properties.

**Approval of the application would not detrimentally affect nearby properties.**

6. The extent to which the proposed use would affect the capacity or safety of that portion of the street network, other public facilities or utilities, or present parking problems in the vicinity of the property

**The proposed use would not affect the capacity or safety of that portion of the street network, other public facilities or utilities, or present parking problems in the vicinity of the property.**

7. The extent to which approval the application would harm the value of nearby properties.

**The approval of the application would harm the value of nearby properties.**

8. Other factors may be considered which may be relevant to the application.

**Factors that may be considered relevant to the application is the addition of a successful business enterprise catering to the dog lovers in the City of Dickinson, Texas and the possible tax revenues generated by the enterprise.**



# Zoning Map Amendment


## - Vicinity Map -

GCAD #163274  
approx. 0.44 acres  
legally described as  
ABST 19 PERRY & AUSTIN SUR  
PT OF LOT 114 (0-3)  
DICKINSON ADDN D

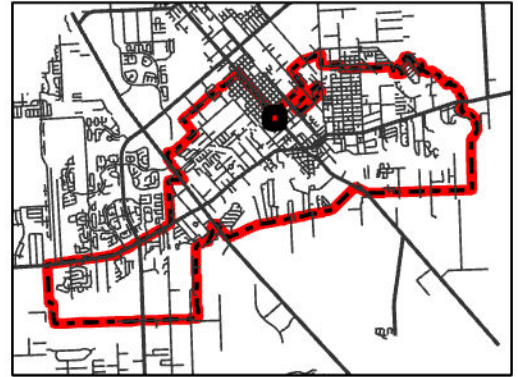
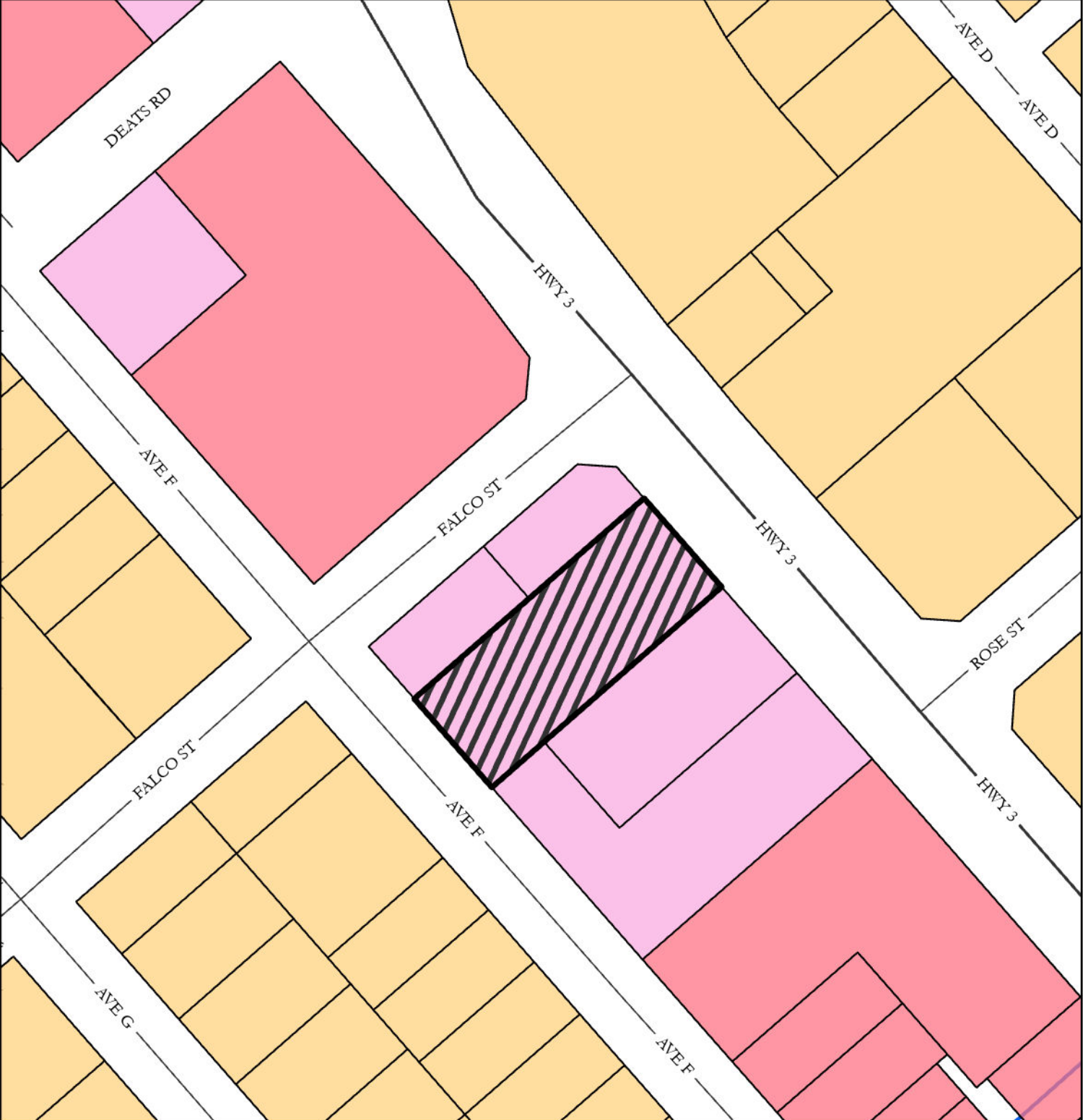
 Subject Property

Zoning Districts

 Conventional Residential (CR)

 General Commercial (GC)

 Neighborhood Commercial (NC)



The City of Dickinson Texas makes no warranty, representation, or guarantee regarding the accuracy of this map. This map is intended for display purposes only and does not replace official recorded documents.

1 inch = 100 feet

Date: 3/11/2024



# Planning & Zoning Commission

## Zoning Map Amendment

### April 9, 2024

### Commission Report

**Application:** 23-000060  
**Applicant:** Lee Anna Carpenter  
**Owner:** Lee Anna Carpenter

**Subject Property:**  
Approximately ± 0.44-acres, located at **3208 Hwy 3**, legally described as ABST 19 PERRY & AUSTIN SUR PT OF LOT 114 (0-3) DICKINSON ADDN D.

**Request:**  
to amend the official zoning map from Neighborhood Commercial (“NC”) zoning district to General Commercial (“GC”) zoning district.

**Parcel Information:**  
Zoning: Neighborhood Commercial ("NC")  
Current Use: Dog Grooming / Training  
Proposed Use: Dog Grooming / Training / Kennel

**Surrounding Properties Information:**  
North: Neighborhood Commercial ("NC")  
East: Right-of-way (Hwy 3)  
Conventional Residential ("CR")  
South: Neighborhood Commercial ("NC")  
West: Right-of-way (Avenue F)  
Conventional Residential ("CR")

**Background:**  
The applicant is requesting to rezone the subject property from Neighborhood Commercial ("NC") zoning district to General Commercial (“GC”) zoning district. The property has an existing residential structure that has been used for light commercial uses including daycare, hair salon, and office. The property owner has had difficulty leasing the property with limited permitted commercial uses and wants to lease the property for an animal grooming, training and kennel. Through conversations with the business owner, he would like to board dogs for up to 2 weeks for obedience training. A kennel requires “GC” zoning.



**Figure B**

The subject property is recommended for General Commercial on the FLUP. The General Commercial land use category is intended for business areas which will serve the local and regional community; and rely on higher traffic volumes and the visibility that is associated with being located along a major highway (i.e., I-45 frontages, SH 517, and SH 646 corridors). In these areas, the predominant character of development is auto-urban. While accommodating the automobile is, and will continue to be the predominant focus, improved streetscape and parking lot landscaping standards, buffers, appropriately designed and scaled signage, higher quality development standards, and access management techniques (e.g., limited access points and inter-parcel access easements) will enhance the overall quality and appearance of the City’s commercial corridors and reduce traffic congestion.

**(2) The character of the neighborhood.**

The uses permitted within the General Commercial (“GC”) district are meant to be for business areas which will serve the local and regional community; and rely on higher traffic volumes. Highway 3 is a major collector road through the city. The proposed zoning change will align the proposed use of the subject property to the appropriate zoning district.

*Planning & Zoning Commission Update: The Commission agrees that General commercial zoning is appropriate for properties along Highway 3.*

(3) **The zoning and use of nearby properties, and the extent to which the proposed zoning and use would be compatible.**

The subject property and surrounding properties are currently zoned Neighborhood Commercial (“NC”). All the properties on the block are also zoned “NC”. There are commercial businesses along Highway 3 and residential properties to the west of the subject property. General Commercial uses would be compatible with the nearby properties.

(4) **The suitability of the property for the uses permitted by right in the proposed zoning district.**

The uses permitted by right in General Commercial (“GC”) zoning district are suitable for the subject property. The uses permitted within the “GC” district are meant to have an auto-urban character of development which is appropriate for properties fronting Highway 3.

*Planning & Zoning Commission Update: The Commission expressed concern that additional uses permitted in General commercial zoning districts may not be appropriate.*

(5) **The extent to which approval of the application would detrimentally affect nearby properties.**

The approval of General Commercial (“GC”) zoning will not detrimentally affect nearby properties. All uses and activities permitted shall conform to the city's performance measures and standards as provided in the Code of Ordinances.

*Planning & Zoning Commission Update: The Commission expressed concern if any residential properties were adjacent to the subject property.*

(6) **The extent to which the proposed use would affect the capacity or safety of that portion of the street network, other public facilities or utilities, or present parking problems in the vicinity of the property.**

The proposed use will meet or exceed all requirements for capacity or safety of that portion of the street network, other public facilities or utilities. There are no changes to the subject property being proposed.

(7) **The extent to which approval of the application would harm the value of nearby properties.**

Approval of the application would not harm the value of nearby properties. The request will align the subject property to the appropriate zoning district to allow for development of the subject property. The scale of businesses may be limited due to the structure and limitations of the property.

**Staff Recommendation:**

Staff recommends **Approval** concerning the request to amend the official zoning map from Neighborhood Commercial (“NC”) zoning district to General Commercial (“GC”) zoning district for approximately ± 0.44-acres, located at 3208 Hwy 3, legally described as ABST 19 PERRY & AUSTIN SUR PT OF LOT 114 (0-3) DICKINSON ADDN D.

**Commission Recommendation:**

Planning and Zoning Commission recommends **Approval** to amend the official zoning map from Neighborhood Commercial (“NC”) zoning district to General Commercial (“GC”) zoning district by **unanimous vote** on the 9th day of April 2024.

BRUCE HENDERSON

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BRUCE HENDERSON, Chairman  
City of Dickinson, Texas  
Planning and Zoning Commission