

• **ORDINANCE NO. 2086-2025**

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 1.55 ACRES OF LAND GENERALLY LOCATED AT 3101 GULF FWY FROM MIXED-USE (“MU”) ZONING DISTRICT TO AUTO-CENTRIC COMMERCIAL (“AC”) 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, 3101 Gulf Freeway LLC (the “Owner”) owns approximately 1.55 acres of land generally located at 3101 Gulf Fwy, legally described as ABST 19 PERRY & AUSTIN SUR PT OF LOT 102 (0-2) DICKINSON ADDN D AKA TRACT II-A, 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 Mixed-Use (“MU”) 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 Auto-Centric Commercial (“AC”) 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 1.55 acres of land generally located at 3101 Gulf Fwy, legally described as ABST 19 PERRY & AUSTIN SUR PT OF LOT 102 (0-2) DICKINSON ADDN D AKA TRACT II-A, be rezoned from Mixed-Use (“MU”) Zoning District to Auto-Centric Commercial (“AC”) 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 Mixed-Use (“MU”) Zoning District to Auto-Centric Commercial (“AC”) 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 Auto-Centric Commercial (“AC”) 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.

APPROVED on first reading on 25th day of March, 2025 .

PASSED, APPROVED, AND ADOPTED on second reading on 22nd day of April, 2025 .

FOR THE CITY OF DICKINSON:

Travis Magliolo

TRAVIS MAGLIOLO, MAYOR

ATTEST:

Claude Allen Oliver

CLAUDE OLIVER, CITY SECRETARY

APPROVED AS TO FORM:

Ngkiem V. Doan

NGHIEM V. DOAN, CITY ATTORNEY

APPLICATION OVERVIEW

License Type: Zoning Map Amendment
ID # 25-000048 | **Started** February 21, 2025



Address

3101 Gulf Fwy., Dickinson, TX USA 77539

Legal

Addn Dickinson Lot 102 NE of
A 2-A
SPerry & Austin 19
Abst 19 Perry & Austin Pt Lot 102 NE Of lh 45 Addn D
Dickinson Called Tract 2-A

Description

Property to be rezoned back to what it was. Rezone to become a car dealership.

PROPERTY DETAILS

Property ID	R163215
Flood Zone	Zone C (non risk)
Zoning District	MU - Mixed-Use

INFORMATION FIELDS

Galveston County Property ID:
163215

Address
3101 Gulf Fwy., Dickinson, TX 77539

Legal Description
ABST 19 PERRY & AUSTIN SUR PT OF LOT 102 (0-2) DICKINSON ADDN D AKA TRACT II-A

Acres:
1.5621

Property Owner
Kedge Cook

Property Owner Address
3101 Gulf Fwy., Dickinson, TX 77539

Property Owner Phone
4093590961

Property Owner Email
kedgcook@yahoo.com

Proof of Ownership
Master Statement_Order.pdf, Recorded Deed of Trust.pdf

Signatory Authorization
-

Agent Authorization

-

Current Zoning

Mixed-Use "MU"

Current Use Type:

Commercial

Current Use

Car Dealership

Proposed Zoning

Auto-Centric Commercial "AC"

Proposed Use Type:

Commercial

Proposed Use

Car Dealership

Existing Site Plan

3101 Gulf Freeway Survey-compressed.pdf

Surrounding Area Zoning Plan

Full Surrounding Area Zoning Plan_compressed.pdf

Surrounding Area Uses Plan

Full Surrounding Area Uses Plan.pdf

Applicant Statement PZ & CC

Applicant Statement PZ CC.pdf

Technical Studies

-

Additional Documents

-

Planning and Zoning Commission Meeting

-

Planning and Zoning Commission Public Hearing

-

City Council Meeting

-

City Council Public Hearing

-



Zoning Map Amendment

- Vicinity Map -

1 parcel totaling approx. 1.5518 acres, located at 3101 Gulf Fwy, and the tract being legally described as follows:

ABST.19 PERRY & AUSTIN SUR PT. OF LOT 102 (0-2) DICKINSON ADDN D AKA TRACT II-A



Subject Property

Zoning



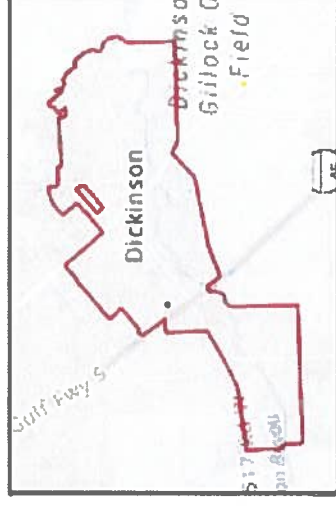
Auto-Centric Commercial (AC)



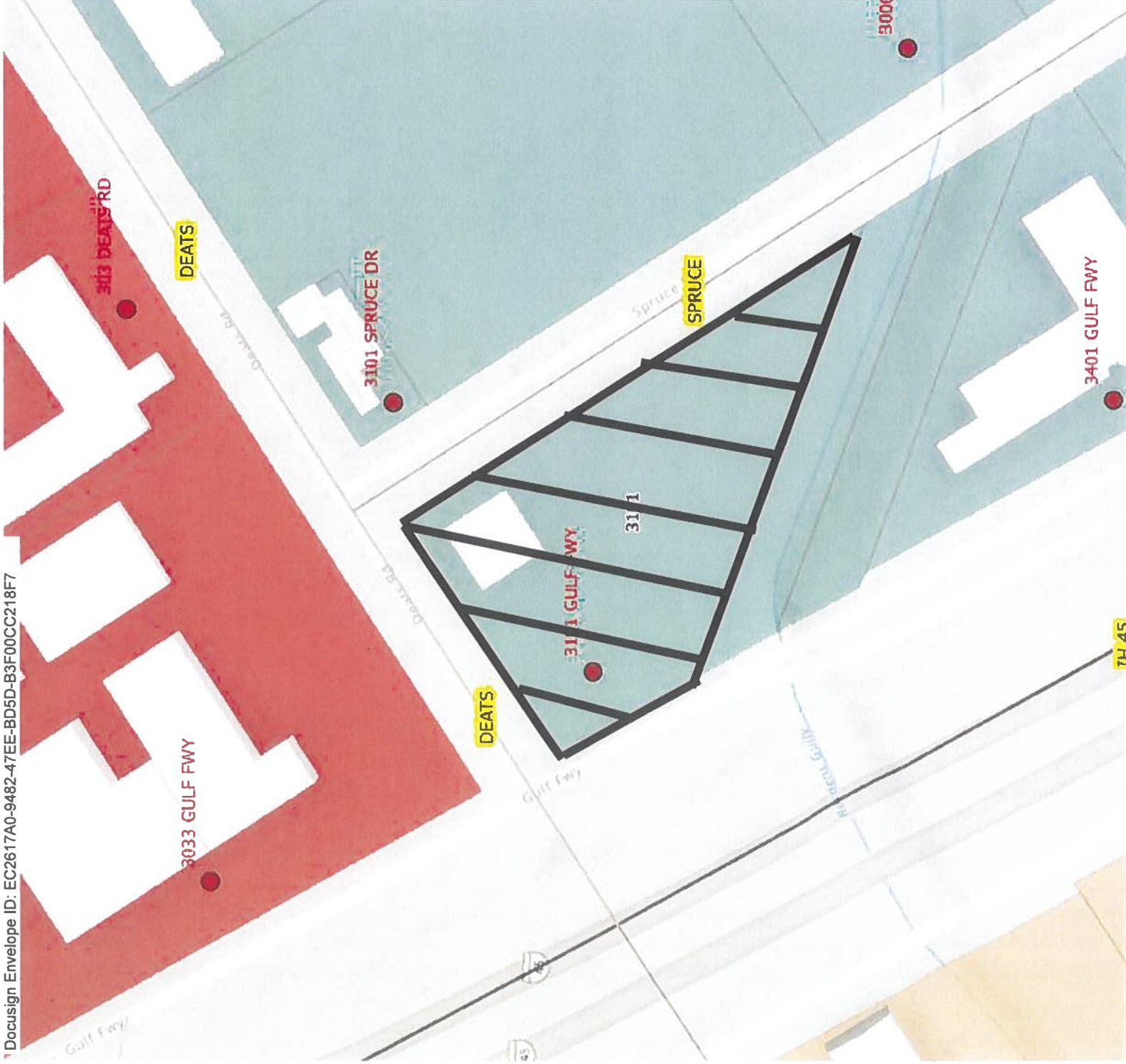
Mixed-Use (MU)



Urban Transition (UT)



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.



Planning & Zoning Commission
Specific Use Permit
June 18, 2024

Commission Report

Plan Number: 25-000048

Subject Properties: 3101 Gulf Fwy, Dickinson, Galveston County, TX.
ABST 19 PERRY & AUSTIN SUR PT OF LOT 102 (0-2) DICKINSON ADDN D AKA TRACT II-A

Request: Applicant requesting a Zoning Map Amendment from Mixed-Use (MU) zoning district to Auto-Centric Commercial (AC) zoning district.

Applicant: Kolbee Lee

Owner: 3101 Gulf Freeway LLC.

Parcel Information:

Current Use: Vacant
Proposed Use: Car Dealership

Surrounding Properties Information:

North: Auto-Centric Commercial (AC) zoning district
South: Urban Transition (UT) zoning district
East: Mixed-Use (MU) zoning district
West: Auto-Centric Commercial (AC) zoning district

Background:

The applicant is requesting to change the zoning district from Mixed-Use to Auto-Centric Commercial. The property is currently vacant. Prior use was a used car dealership, and the intention is to continue using the property as a used car dealership.



4403 Highway 3, Dickinson, TX

281-337-2289

Zoning the property to (AC) would allow a variety of commercial uses including Vehicle Sales and Service Use. This Category means a commercial use category characterized by direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor-

vehicles such as motorcycles, boats, and recreational vehicles. Primary and accessory uses included in this use category can be found in Subsect. 18-11.4., Commercial Use Categories.

In order to recommend approval, the Commission may give consideration to factors which may be relevant to the application in addition to the following criteria:

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

The Future Land Use Plan (FLUP) reflects the desired pattern of growth over a given time within the City and its ETJ. The purpose of the plan is to ensure the orderly and efficient development of the City and will serve as a guide in evaluating development proposals. The requested zoning district does align with the FLUP allowing Auto-Centric Commercial zoning. Shown below in Figure A is the Dickinson Comprehensive Plan 2045, Map 2.6 Future Land Use Map. Shown below in Figure B is a zoomed in view of subject property shown in Figure A

Figure A:

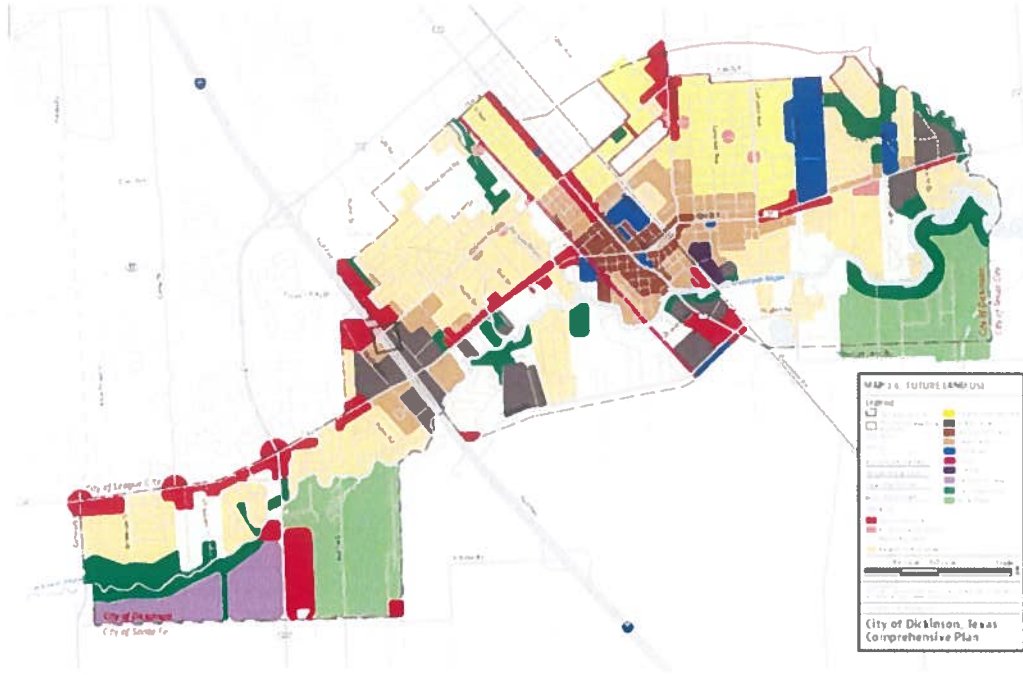
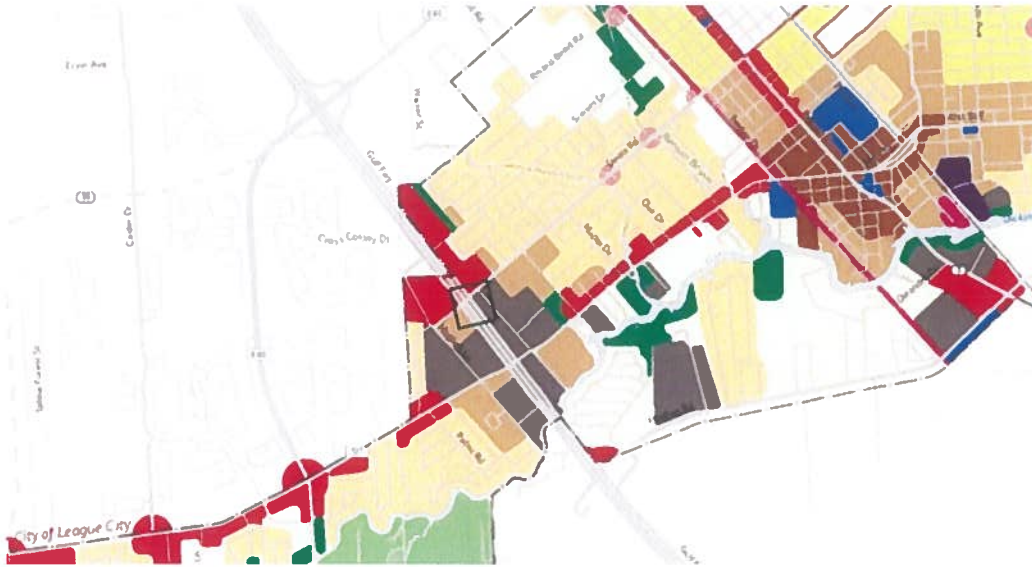


Figure B:



(2) The character of the neighborhood.

The Auto-Centric Commercial (AC) district provides for a variety of commercial retail and service uses in freestanding or multi-tenant buildings and centers. The character of development within the AC district typically consists of sites varying in size and scale depending upon the types and characteristics of land use and their locations along corridor frontages, near intersections, or when combined with other uses. Gulf freeway is across the subject property which would be favorable to the proposed zoning change due to the Future Land Use Comprehensive Plan and Unified Development Code.

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

To the North of the subject property is Gay Buick GMC, which is currently zoned Auto-Centric Commercial (AC). South of the subject property, are two vacant lots used as a Drainage Easement, currently zoned as Mixed-Use (MU). West of the subject property, separated by Gulf Fwy (I45), is McRee Ford, currently zoned as Auto-Centric Commercial (AC), along with Apartments currently zoned as Urban Transition (UT). East of the subject property is a vacant lot currently zoned as Mixed-Use (MU).

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

281-337-2289

The uses permitted by right in Auto-Centric Commercial (AC) zoning district are suitable for the subject property. Characteristics permitted within the (AC) district are meant to have Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.

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

The approval of Auto-Centric Commercial (AC) 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 Unified Development Code.

(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.

Per the Unified Development Code The Auto-Centric Commercial (AC) zoning code currently requires a minimum of 1 parking space, maximum of 2 parking spaces allowed, and a minimum of 1 Accessible parking space to accommodate the customers and employees of the proposed business.

(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 Vehicle Sales and Service.

STAFF RECOMMENDATION:

Staff recommends **Approval** for Zoning Map Amendment from Mixed-Use (MU) zoning



4403 Highway 3, Dickinson, TX

281-337-2289

district to Auto-Centric Commercial zoning district located at 3101 Gulf Fwy and legally described as ABST 19 PERRY & AUSTIN SUR PT OF LOT 102 (0-2) DICKINSON ADDN D AKA TRACT II-A.

Commission Recommendation:

Planning and Zoning Commission recommends **Approval** for Zoning Map Amendment from Mixed-Use (MU) zoning district to Auto-Centric Commercial zoning district located at 3101 Gulf Fwy and legally described as ABST 19 PERRY & AUSTIN SUR PT OF LOT 102 (0-2) DICKINSON ADDN D AKA TRACT II-A by **UNANIMOUS** vote on the 18th day of March 2025.

Deborah Fortner, Vice Chairman
City of Dickinson, Texas
Planning and Zoning Commission