

**ORDINANCE NUMBER 2072 - 2024**

**AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, TO GRANT A SPECIFIC USE PERMIT (SUP) PERSUANT TO DICKINSON CODE OF ORDINANCES SECTION 18-58 SO AS TO ALLOW THE USE OF GAMEROOM ON ± 0.55 ACRES OUT OF THE R HALL SURVEY, ABSTRACT NO. 78, MORE COMMONLY KNOWN AS 2709 DICKINSON AVENUE, AND GENERALLY LOCATED ON THE EAST SIDE OF DICKINSON AVENUE APPROXIMATELY 400 FEET SOUTH OF DEATS ROAD, IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

**WHEREAS**, JB Property Management LLC (the "Owner") is the owner of ± 0.55 acres out of the R Hall Survey, Abstract No. 78, more commonly known as 2709 Dickinson Avenue generally located on the on the east side of Dickison Avenue approx. 400 feet south of Deats Road, said ± 0.55 being acres more particularly described in Exhibit "A" attached hereto (the "Property"), in the City of Dickinson, Galveston County, Texas (the "City"); and

**WHEREAS**, the Property presently has a zoning classification of Interstate Commercial (IC) pursuant to Dickinson Code of Ordinances Section 18-58, the City's Comprehensive Zoning Ordinance; and

**WHEREAS**, the Owner has made application to the City for an additional Specific Use Permit (SUP) for said Property to allow an Gameroom in an General Commercial "GC" zoning district as authorized by the City's Zoning Ordinance; and

**WHEREAS**, the City Secretary of Dickinson, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Dickinson and laws of the State of Texas, at a meeting of the City Council, to be held on the 23rd day of July, 2024, for the purpose of considering an Specific Use Permit (SUP) to allow an Gameroom in an General Commercial "GC" zoning district; and

**WHEREAS**, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Dickinson, Texas, at least fifteen (15) days prior to the time set for such hearing; and

**WHEREAS**, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 23rd day of July, 2024; and



**WHEREAS**, the City Council is of the opinion and finds that the granting of the additional Specific Use Permit (SUP) described herein would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Dickinson, and as well, the owners and occupants thereof, and the City generally.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, THAT:**

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** It is directed that the official zoning map of the City of Dickinson, adopted on the 24<sup>th</sup> day of June, 2001, by Ordinance No. 420-2001, shall be revised and amended to reflect the Specific Use Permit (SUP) granted by this Ordinance, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

**Section 3.** All provisions of the ordinances of the City of Dickinson in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Dickinson not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**Section 4.** The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

**Section 5.** Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision contained in this Ordinance, or who shall commit or perform any act declared herein to be unlawful, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not less than one dollar (\$1.00) and not more than two thousand dollars (\$2,000.00). Each day a violation continues shall constitute a separate offense.

**Section 6.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance 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 City Council of the City of Dickinson, Texas, 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.

**APPROVED on first reading on July 23, 2024.**



**PASSED, APPROVED, AND ADOPTED on second reading on August 27, 2024.**

**FOR THE CITY OF DICKINSON:**



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**SEAN SKIPWORTH, MAYOR**

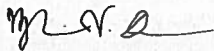
**ATTEST:**



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**Claude A Oliver, City Secretary**

**APPROVED AS TO FORM:**



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**Nghiem V. Doan, City Attorney**



**EXHIBIT "A" – Application, Location, Commission Report**

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# PROJECT OVERVIEW



**Project Type:** Specific Use Permit | **Project Title:** Specific Use Permit  
**ID #** 24-000554 | **Started** 05/22/2024 at 9:30 PM

**Address**  
2709 DICKINSON Ave., Dickinson, TX USA 77539

**Legal**  
NICHOLSTONE Blk 209 Lot 1 THRU 8 &  
A 78 R HALL SUR  
ABST 78 R HALL SUR LOTS 1 THRU 8 & ADJ ALLEY  
BLK 209 NICHOLSTONE

**Description**  
The proposed establishment is requesting more than 5 coin operated machines to be installed. Machines will include two pool tables, three dart boards, one jukebox and four 8-liners for Bar.

## PROPERTY DETAILS

Property ID R183144

CONTACTS	CONTACT INFO	ADDRESS	CREDENTIALS	ROLE
Patrick Rodriguez	prodapril@yahoo.com 8322603799	810 Bauer Ave. League City, TX 77573	-	APPLICANT

## INFORMATION FIELDS

**GCAD Property ID**  
183144

**Address**  
2709 Dickinson Ave, Dickinson, Texas 77539

**GCAD Legal Description**  
ABST 78 R HALL SUR LOTS 1 THRU 8 & ADJ ALLEY BLK 209 NICHOLSTONE

**Property Acres**  
0.551

**Property Owner**  
JB PROPERTY MANAGEMENT LLC

**Property Owner Address**  
24 MARIETTA COURT MONTGOMERY, TX 77356

**Owner Phone Number**  
832-326-0089

**Owner Email**  
sblakerealty@gmail.com

**Proof of Ownership**  
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**Signatory Authorization**

JB - Certificate of filing - Amendment THE BAR.pdf

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**Agent Authorization**

Agent Authorization THE BAR.pdf

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**Zoning Designation**

General Commercial District

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**Existing Use Type**

Commercial

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**Existing Use**

BAR

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**Proposed Use Type**

Commercial

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**Proposed Use**

BAR

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**Description of Specific Use Requested**

The proposed establishment is requesting more than 5 coin operated machines to be installed. Machines will include two pool tables, three dart boards, one jukebox and four 8-liners for Bar.

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**Applicant Statement - Zoning**

The bar proposal letter.pdf

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**Additional Supporting Documents**

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**Technical Studies**

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**Floor Plan**

THE BAR floor plan.pdf

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**Planning & Zoning Commission Public Hearing**

06/18/2024 6:00 PM

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**City Council Public Hearing**

07/23/2024 6:00 PM

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**City Council Meeting**

08/27/2024 6:00 PM

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**Request To**

Specific use permit for a Gameroom in General Commercial (GC) zoning district

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To Whom it may Concern:

Luckymex Vending is requesting approval to put more than 5 coin operated machines at 2709 Dickinson Ave., Dickinson TX 77539 per the Tenant, "The Bar". The coin operated machines will consist of three dart boards, two pool tables, one jukebox and four eight liner machines. This location was previously occupied by another bar. The existing tenants wish to open a friendly Bar and offer the citizens of Dickinson a nice atmosphere to relax and play darts or pool with one another. This establishment will host dart and pool tournaments and Leagues for the local and surrounding "enthusiast". We believe this Bar will bring a positive impact to the community.

Thank you for your consideration.

Luckymex Vending

Patrick Rodriguez



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

**This property conforms to the current zoning for General Commercial.**

- 2) The character of the neighborhood.

**This neighborhood/area is comprised of mixed use, General Commercial and Residential. Dickinson Avenue is comprised of many General Commercial properties.**

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

**This property is zoned General Commercial and has been used as such, this will remain the same. This location is in the vicinity of General Commercial Business's and Residential.**

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

**This request is for more than five-coin operated machines in a General Commercial Business. These machines would make this Bar comparable and able to offer the same Amusements as other Bars in the City of Dickinson. This property is suitable for a Bar with coin-operated machines in the General Commercial District.**

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

**This property was previously used as a Bar. Their use will remain the same and will have no detriment to nearby properties and current Tenant has made significant improvements to said 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 be the same as previously used. We foresee no safety issues for the public or City of Dickinson. There will be sufficient parking for the proposed establishment.**

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

**The current Tenant has made many improvements to said property, which in turn improves value of said property and surrounding areas.**

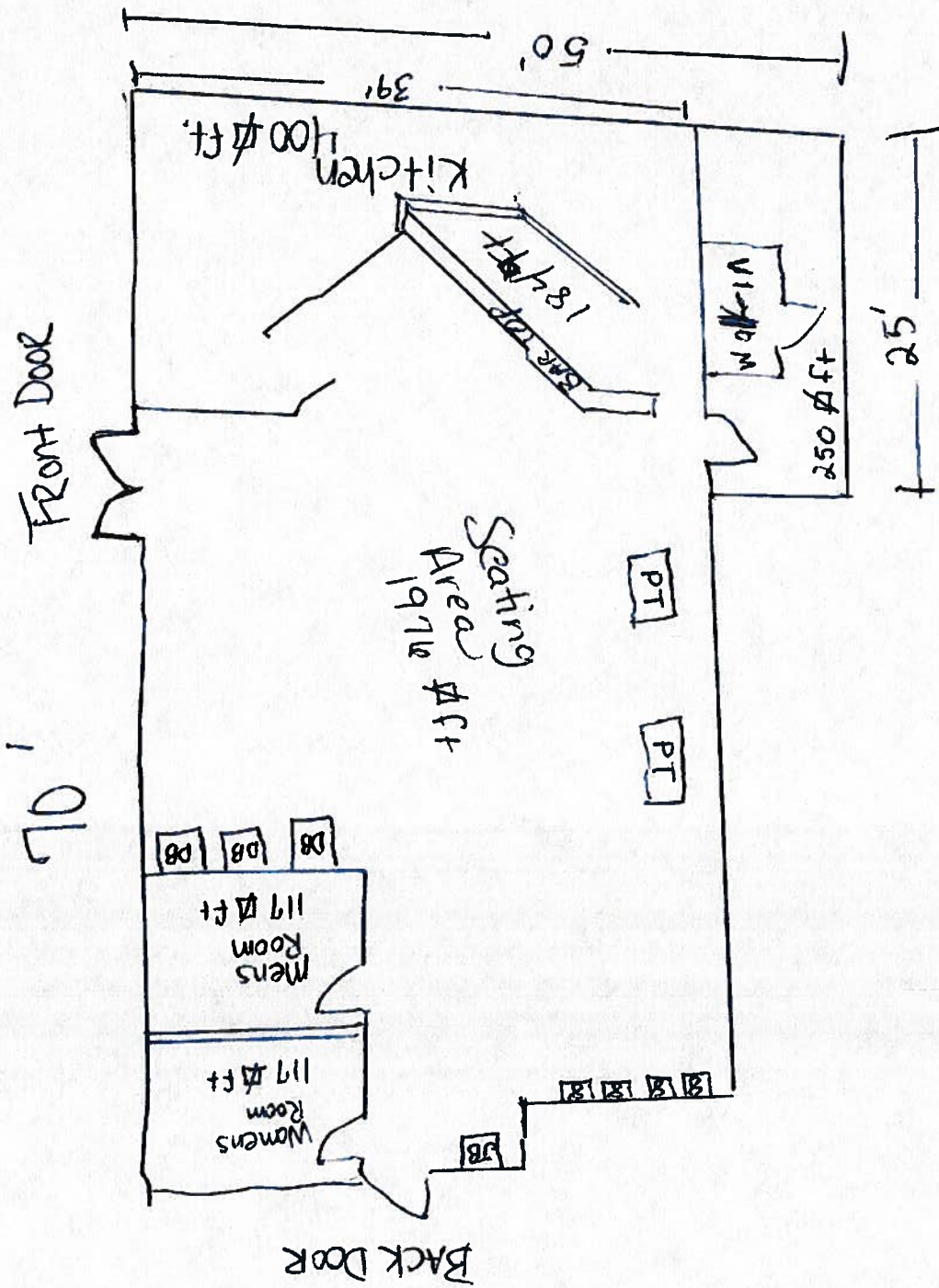
Luckymex Vending is requesting approval to put more than 5 coin operated machines at 2709 Dickinson Ave., Dickinson TX



77539 per the Tenant, "The Bar". The coin operated machines will consist of three dart boards, two pool tables, one jukebox and four eight liner machines. The coin operated machines will allow current Tenant to offer the same amusements as other Bar's in the City of Dickinson. This location was previously occupied by another bar. The existing tenants wish to open a friendly Bar and offer the citizens of Dickinson a nice atmosphere to relax and play darts or pool with one another. This establishment will host dart and pool tournaments and Leagues for the local and surrounding "enthusiast". We believe this Bar will bring a positive impact to the community.

Thank you for your consideration.  
Luckymex Vending  
Patrick Rodriguez





DB = Bar + Board  
 PT = Pool Table  
 JB = Juke Box  
 8 = 8-liner

1-foot  
 2,650 Total square feet





# Specific Use Permit

- Vicinity Map -

GCAD #183144


approx. 0.551 acres, legally described as  
ABST 78 R HALL SUR LOTS 1 THRU 8 &  
ADJ ALLEY BLK 209 NICHOLSTONE

 Subject Property

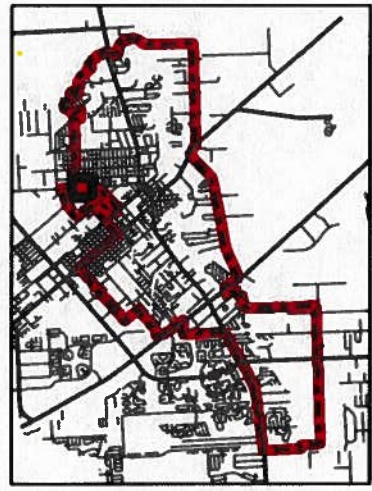
Zoning Districts

 Conventional Residential (CR)

 General Commercial (GC)

 LI - Light Industrial

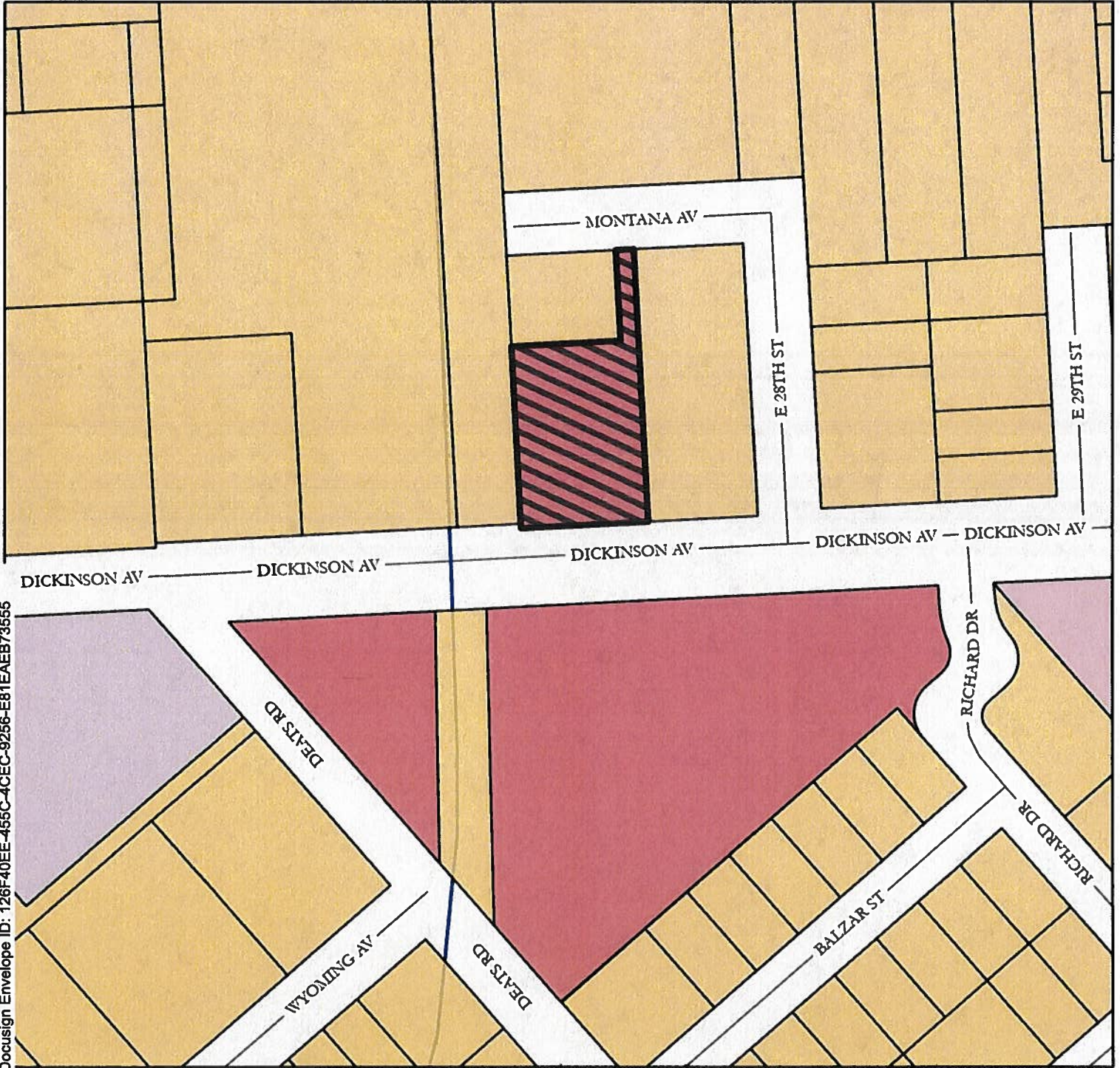
 Neighborhood Commercial (NC)



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 = 150 feet

Date: 6/3/2024







**Planning & Zoning Commission**  
**Specific Use Permit**  
**June 18, 2024**

**Commission Report**

**Plan Number:** 24-000554

**Subject Properties:**

Approximately ± 0.551-acres, located at 2709 Dickinson Ave., and legally described as ABST 78 R HALL SUR LOTS 1 THRU 8 & ADJ ALLEY BLK 209 NICHOLSTONE.

**Request:**

a request for a Specific Use Permit for a Gameroom in a General Commercial "GC" zoning district.

**Applicant:** Patrick Rodriguez

**Owner:** JB PROPERTY MANAGEMENT LLC

**Parcel Information:**

Current Use: Bar  
Proposed Use: Gameroom

**Surrounding Properties Information:**

North: Conventional Residential ("CR") (E FM 517)  
West: Conventional Residential ("CR") zoning district and Right-of-way (Montana)  
East: Right-of-way (Dickinson Ave.)  
Conventional Residential ("CR") zoning district and  
South: Conventional Residential ("CR") zoning district

**Background:**

The purpose of the requested Specific Use Permit is to permit the property owner to operate a gameroom with 10 Coin Operated Machines. The subject property is zoned General Commercial ("GC"). Gamerooms are permitted within the General Commercial ("GC") with an approved Specific Use Permit. A Gameroom is defined in the City of Dickinson Code of Ordinances Section 18-11:

**Gameroom:** A business or commercial establishment or building or location wherein five (5) or more machines or apparatus that may be played or operated by the insertion of a coin or slug and on which games or tests of skill, chance or ability are played, including



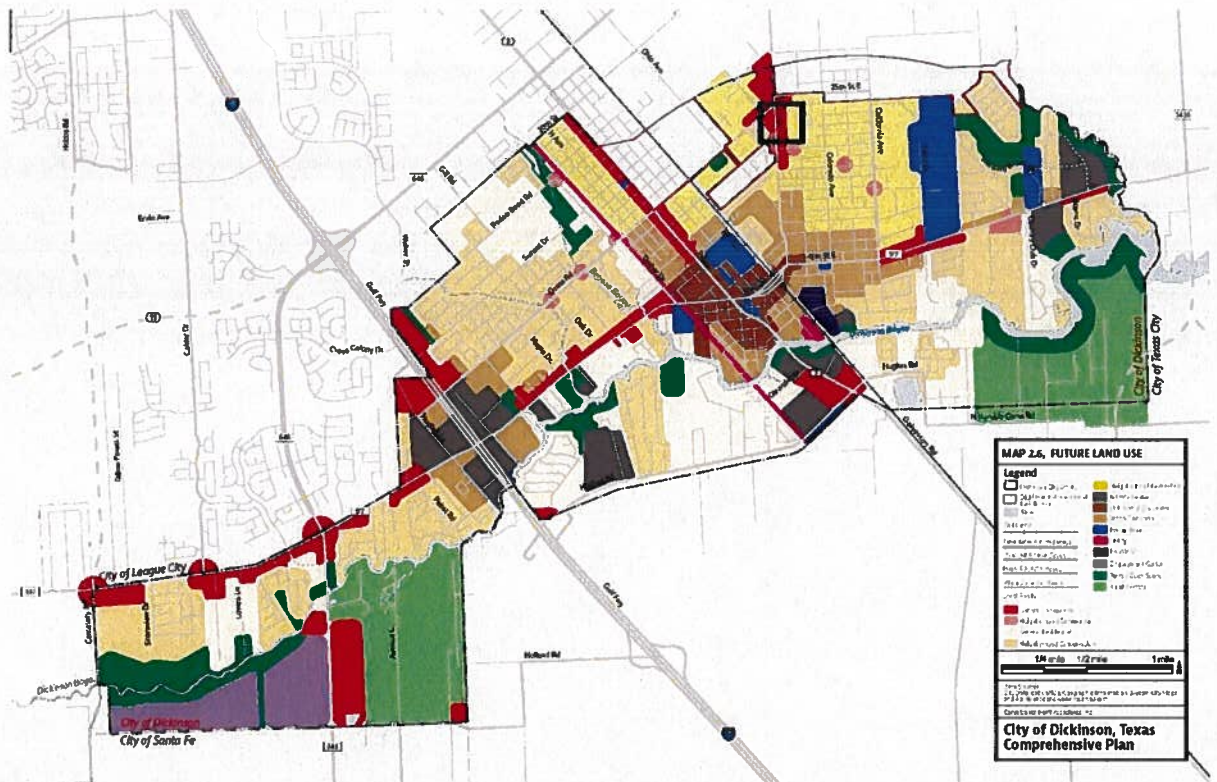
pinball machines, and any machine initiating games of sport, shooting or guiding objects, or any machine designed for amusement or relaxation, but not including machines for vending food, drink and tobacco products, music playing or recording or apparatus commonly known as kiddie rides.

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.**

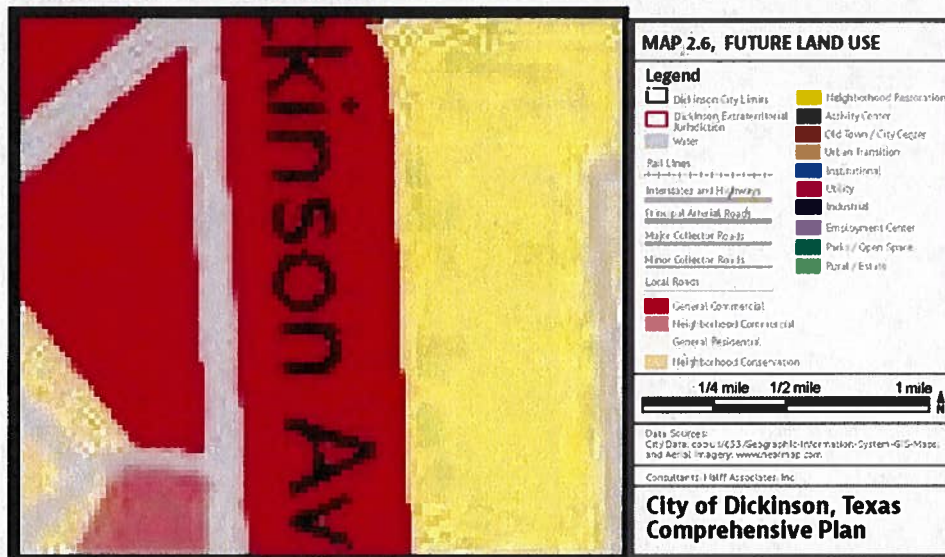
The Future Land Use Plan (FLUP) reflects the desired pattern of growth over a given time within the City. The purpose of the plan is to ensure the orderly and efficient development of the City and will serve as a guide in evaluating development proposals. The requested zoning district aligns with the FLUP allowing for commercial zoning. Shown below in Figure A is the Dickinson Charting Our Course to 2045 Comprehensive Plan, Figure 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**



The General Commercial land use category in the Dickinson Charting Our Course to 2045 Comprehensive Plan “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 subject tract is zoned General Commercial. Highway 3 is a commercial corridor within Dickinson. Commercial uses are intended for this area of the city. Commercial uses are compatible and the existence of commercial uses in proximity. The proposed rezoning would not affect the existing use and would allow for continued commercial

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

The special use permit will be compatible with the use and enjoyment of other property in the immediate vicinity. The proposed development is consistent with the surrounding land uses, the current General Commercial zoning of the subject site.



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

The uses permitted by right in the General Commercial zoning district are comparable to a Gameroom use. Adjacent uses include an RV Park, Convenience stores, Food stores, Gasoline service stations, General merchandise stores, and Tire shop.

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

The special use permit 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.

**(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 Gameroom will 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 of the application would harm the value of nearby properties.**

Approval of the application would not harm the value of nearby properties. If the property is developed any further, the City of Dickinson Code of Ordinances will govern any adverse impacts.

**STAFF RECOMMENDATION:**

Staff recommends **Approval** for a Specific Use Permit for a Gameroom in a General Commercial "GC" zoning district to allow a maximum of 12 Coin Operated Machines for approx. ± 0.551-acres, located at 2709 Dickinson Ave., and legally described as ABST 78 R HALL SUR LOTS 1 THRU 8 & ADJ ALLEY BLK 209 NICHOLSTONE.

**Commission Recommendation:**

Planning and Zoning Commission recommends **Approval** for the proposed Specific Use Permit for a Gameroom in a General Commercial "GC" zoning district by **UNANIMOUS** vote on the 18th day of June 2024.

*BRUCE HENDERSON*

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

