

Minutes
Planning and Zoning Meeting
February 7, 2017

On this 7th day of February, 2017, at 7:00 p.m., the Planning and Zoning Commission convened in a Regular Meeting, and the same being opened to the public at their regular meeting place; thereof, at City Hall, 303 S. Teel Drive, Devine, Texas. Notice of said meeting having been prescribed in Chapter 551, Government Code, and Vernon's Texas Codes, Annotated, and the following members thereof, being present, namely:

Doug Wilkins, Chairman
Darrell Murdock
Rick Maxwell
Mike Herring
Jim Lawler

Absent being Commissioner Ed Dougherty & Commissioner Onis Wiemers; thus, constituting a quorum.

Personnel present: William L. Herring, Mayor; Dora V. Rodriguez, Interim City Administrator/City Secretary; Hal Lance, Alderman District #5; Tom Cate, City Attorney and Eddie Diaz, Code Compliance Officer.

Others present: Mike Partin, Edelmiro Ramirez and Sonia J. Lance of Devine, Texas.

Commissioner Wilkins called the meeting to order.

The first order of business was to discuss and consider approval of Minutes for the meeting of December 12, 2016.

Planning & Zoning Commissioners reviewed the minutes.

Motion by Commissioner Lawler, seconded by Commissioner Herring to approve the minutes for the meeting of December 12, 2016.

Ayes	--	Five
Nays	--	None
Absent	--	Two – Commissioner Dougherty Commissioner Wiemers

Motion carried.

The second order of business was to discuss and consider request to place manufactured home at 521 Mesquite Avenue.

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Commissioners heard from Mike Partin who informed the Commissioners that the property was bought at an auction and is real property. This property has not been split up and was owned by Melody Brown before it was purchased. He explained that the property was a mess and Darrell Rawlings, Code Compliance Officer at that time, had mailed a letter to have the property cleaned up. Grace Partin met with Darrell Rawlings and said she had asked him if the property was cleaned up, could another mobile home be placed on the property. Darrell Rawlings, at that time, approved that a mobile home could be placed after the cleanup. She stated that here was the fire at 521 Mesquite and the house was pretty horrible that they ended up tearing it down.

Commissioner Wilkins inquired how big the lot is. Mike Partin stated that it is 1.49 acres, it's a large enough lot with plenty of land to meet all setbacks. It already has a big concrete slab in front of house and a slab that was framed for garage but they turned it into a residence. It does not look like map picture provided, but it's all bare and clean.

Per Tom Cate, City Attorney, the Code Compliance Officer can go out and tell anybody anything but does not have the authority to bind the City; only City Council has that authority.

Rick Maxwell stated it's not even visible from the street. "I say we go with it, but I would have more of a concern about the Flood Zone." Mike Partin stated that the home cannot be seen from street and where the home was placed, it is not in the flood plain. Flood plain is closer where you drive in. "There are at least two houses closer to the flood zone than this one," Doug Wilkins stated. "Eddie did we verify that the home is not in the flood zone," asked Dora V. Rodriguez, Interim City Administrator/City Secretary. Eddie Diaz, Code Compliance Officer, said he would double-check with City Engineer, Raul Garcia.

Doug Wilkins, Chairman, inquired if the home is going to be finished out and lived in. "The property was sold to new owners and a manufactured home is being made and will be coming off line in a couple of days," stated Mike Partin. Doug Wilkins, Chairman wanted to know if there was any neighbor oppositions. Mike Partin commented that neighbors were grateful for cleaning the property especially since there were critters, rats, snakes, junk and high weeds.

Commissioners held brief discussion on what to do to accept this. Tom Cate, City Attorney, advised them to make a motion to accept it under the state law where it can be replaced due to fire, but not changing the zoning.

Motion by Commissioner Maxwell, seconded by Commissioner Lawler to recommend granting the request to place manufactured home at 521 Mesquite Avenue.

Ayes	--	Five
Nays	--	None
Absent	--	Two— Commissioner Dougherty Commissioner Wiemers

Motion carried.

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The third order of business was to discuss and consider a variance request made by Edelmiro Ramirez at 405 N. Commercial for the area of lot under Class I Light Industrial District for 9,000 square feet to 7,500 square feet.

Commissioners heard from Edelmiro Ramirez who stated that this is for a home, a 60 x 125 lot. There was an old mobile home there that was demolished when the property was purchased. Those are two lots, lot 8 and lot 9. It's an industrial zone requiring 9,000 square feet which is a lot for a house. Edelmiro Ramirez informed Commissioners the house he is building is 1,300 square feet.

Doug Wilkins, Chairman, said the minimum lot is 9,000 square feet, and asked if the lot meets the setbacks since there are other small lots by Commercial Drive where they have run into issues before. Commissioners reviewed architectural designs plans provided by Edelmiro Ramirez. Doug Wilkins, Chairman, stated that the minimum for a home in Zone A is 750 square feet.

Commissioners held brief discussion regarding the reduction in square feet and not being able to do anything else with the lot.

Motion by Commissioner Maxwell, seconded by Commissioner Herring to recommend granting variance request made by Edelmiro Ramirez at 405 N. Commercial for the area of lot under Class I Light Industrial District for 9,000 square feet to 7,500 square feet.

Ayes	--	Five
Nays	--	None
Absent	--	Two— Commissioner Dougherty Commissioner Wiemers

Motion carried.

Discussion was held after the motion. Tom Cate, City Attorney, informed Commissioners that the front yard setback is a 20 foot minimum.

Information Items.

- Nameplates will be ordered for the P&Z Commissioners.
- Discussion on scheduling special meetings on 1st Tuesday of month at noon, if needed.

There being no further business to come before the Planning and Zoning Commission, Commissioner Wilkins called for a motion to adjourn the meeting.

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Motion made by Commissioner Herring, seconded by Commissioner Murdock to adjourn the meeting.

Ayes	--	Five
Nays	--	None
Absent	--	Two – Commissioner Dougherty Commissioner Wiemers

Motion carried.

Chairman

Secretary