

Minutes
Planning and Zoning Meeting
January 8, 2018

On this 8th day of January, 2018, 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
Rick Maxwell
Mike Herring
Darrell Murdock
Jim Lawler

Absent being Commissioner Onis Wiemers and Commissioner Ed Dougherty, constituting a quorum.

Personnel present: William L. Herring, Mayor and Eddie Diaz, Code Compliance Officer.

Others present: John Rosenthal 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 12th, 2017.

Planning & Zoning Commissioners reviewed the minutes.

Motion by Commissioner Maxwell, seconded by Commissioner Herring to approve the minutes for the meeting of December 12th, 2017.

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

Motion carried.

The second order of business was a Public Hearing: Discuss & consider the Preliminary Report for zoning classification of approximately 41.6731 acres of land starting at north and south Upson Drive along W. Hondo Avenue to include southern border of College Avenue & S. Windy Knoll and to include north east Upson & Park Avenue in the City of Devine from the recommended study of comprehensive plan, and create a Preliminary Report regarding changing the zoning classification of this area from Class A. Single-Family Residence to Class G. Retail Business and is proposed to include any or all properties described as follows:

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203 College Ave W (R14582), 303 College Ave (R14593), 215 Benton Ave W (R14645), 210 College Ave W (R14650), 212 College Ave W (R14651), 105 Sayers S (R14652), 409 Benton W (R14662), 411 Benton W (R14663), 407 Benton W (R14666), 401 Benton (R14667), 210 Sayers (R14758), 505 Howell (R14855), Windy Knoll S (R14897), 112 Windy Knoll S (R14898), 114 Windy Knoll S (R14899), 116 Windy Knoll S (R14900), 108 Windy Knoll S (R14901), Windy Knoll S (R14902), 507 MCAnnely (R14904), 509 MC Annely (R14905), 505 MC Annely (R14906), 511 Hondo Ave W (R14909), 115 Windy Knoll N (R14911), 111 Windy Knoll N (R14912), 505 Brown E (R14913), 507 Brown (R14914), 121 Windy Knoll Dr N (R14915), 612 MC Annely (R14921), 703 Hondo Ave W (R14929), 705 Hondo Ave W (R14930), 706 Hondo Ave W (R14931), 108 Warhorse Dr (R14934), 110 Warhorse Dr (R14935), 109 Jamison Dr N (R14936), 708 Hondo Ave W (R15115), 710 Hondo Ave W (R15117), 712 Hondo Ave W (R15118), 714 Hondo Ave W (R15119), 901 Atkins (R15124), 111 Warhorse Dr (R15130), 709 Hondo Ave W (R15131), Bluebonnet Ave (R15132), 102 Renfro (R15133), 711 Hondo Ave W (R15134), 713 Hondo Ave W (R15135), 715 Hondo Ave W (R15136), 716 Dove Ave W (R15137), 714 Dove Ave W (R15138), 712 Dove Ave W (R15139), 710 Dove Ave W (R15140), 803 Hondo Ave W (R15141), 809 Hondo Ave W (R15142), 103 Jay (R15143), Dove Ave (R15144), 102 Cardinal Dr (R15145), 901 Hondo Ave W (R15146), 903 Hondo Ave W (R15147), 905 W Hondo Ave W (R15148), 1003 Hondo Ave W (R15150), 1005 Hondo Ave W (R15151), 1101 Hondo Ave W (R15152), 1103 Hondo Ave W (R15153), 1201 Hondo Ave W (R15154), 1108 Dove Ave (R15155), 1102 Dove Ave (R15157), 1008 Dove Ave (R15158), 1006 Dove Ave (R15159), 1002 Dove Ave (R15160), 906 Dove Ave (R15161), 904 Dove Ave (R15162), 902 Dove Ave (R15163), 1205 Hondo Ave W (R15164), 1102 Hondo Ave W (R15545), 1104 Hondo Ave W (R15546), 105 Littleton Dr (R15547), 107 Littleton Dr (R15548), 109 Littleton Dr (R15549), 111 Littleton Dr (R15550), 113 Littleton Dr (R15551), 1206 Hondo Ave W (R15576), 103 Hall Dr (R15577), 1210 Hondo Ave W (R15578), 105 Hall Dr (R15579), 1202 Hondo Ave W (R30350), Atkins Ave (R30090), Benton Ave W (R51396), 1110 Dove Ave (R51622), 501 Howell (R52580), 104 Jamison (R53770), 102 Jamison (R53771), 100 Jamison (R53772), 1203 Hondo Ave W (R60202), 706 1/2 Hondo Ave W (R68791), 1220 Hondo Ave W (R6963), Hall Dr (R6964), 1010 W Hondo Ave (R7019), 108 Hall Drive (R7036), Hall Drive (R7037), 106 Hall Drive N (R7038), 112 Warhorse Dr (R7044), 111 Benton (R7051), Littleton Dr (R70675), 1106 Hondo Ave W (R7069), 1212 Hondo Ave W (R7071), Dove Ave W (R89299), Dove Ave W (R89300).

Commissioner Wilkins opened the Public Hearing at 7:02 p.m.

Commissioner Wilkins inquired if there was anything new from the last meeting. Commissioners heard from John Rosenthal who resides at 1205 W Hondo Avenue. John Rosenthal said he read the comprehensive plan and could not see anything on the plan regarding specific zoning on the corridors. He read that the plan stated to keep small town flavor and keep the property values. He said the plan never mentioned why and he remembers an explanation given by the Commission as to why like spot zoning and major highways. John Rosenthal requested for properties Northwest of Warhorse Drive to remain as Zone A. Residential.

Commissioner Wilkins explained that this zone change blankets it and takes in everything and if we don't change it this way, then we have to go back and spot zone all these little businesses that are

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already there. John Rosenthal commented that there are more residential properties than there are businesses and still does not understand why all properties have to be re-zoned especially properties on Dove Avenue. Commissioner Wilkins explained that the old Ouzts house had properties both in the front and the back, and they consider both sides if there is a property that does that. John Rosenthal commented that he does not understand ruining the nature of the neighborhood and the City by changing all the properties to retail only for a few businesses. He inquired as to why changing it to retail district if the area should be more towards downtown than the edge of the town. Commissioner Wilkins told him that this will not change his property and that this should have been done a long time ago. He said that if you go to any town the main highways are always zoned that way so that all your businesses will be there.

Code Compliance Officer, Eddie Diaz, read from the comprehensive plan on Page 22, “ The geography of Devine is largely defined by its three major corridors. These corridors connect key areas of commercial activity throughout Devine, provide vital links to economic centers outside of the City, and represent major economic opportunities in the coming years. Focusing on land use and redevelopment within these corridors, with attention to appearance, will help the City achieve its objectives.” Code Compliance Officer, Eddie Diaz, mentioned that on Page 52 on the comprehensive plan they provided a map that shows all the areas where retail is recommended. The map has also been placed in the City Council Room. Commissioner Wilkins inquired as to when the map was created. Code Compliance Officer, Eddie Diaz, stated that the map was created since 2012. Commissioner Wilkins informed that he has been doing this for 28 years, and this is not going to change anything soon. There was a map created for proposing a loop around Devine and there was nothing built. John Rosenthal mentioned that on Page 52, it states, “Protect value of property and enhance amenities available to residents by controlling development along SH 132, SH 173, and IH 35 through enhanced regulation.” Mayor Herring commented that our City Attorney, Tom Cate, mentioned at the last meeting that the City can regulate any business coming in regardless of classification and the type of business, per Zone.

No one else present spoke regarding the Preliminary Report regarding the proposed zoning change.

At 7:12 p.m., Commissioner Wilkins closed the Public Hearing.

Motion made by Commissioner Herring, seconded by Commissioner Maxwell to close the Public Hearing.

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

Motion Carried

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The third order of business was to discuss and consider creating a Final Report regarding a zoning classification change of approximately 41.6731 acres of land starting at north and south Upson Drive along W. Hondo Avenue to include southern border of College Avenue & S. Windy Knoll and to include north east Upson & Park Avenue in the City of Devine from the recommended study of comprehensive plan, and create a Preliminary Report regarding changing the zoning classification of this area from Class A. Single-Family Residence to Class G. Retail Business and is proposed to include any or all properties described as follows:

203 College Ave W (R14582), 303 College Ave (R14593), 215 Benton Ave W (R14645), 210 College Ave W (R14650), 212 College Ave W (R14651), 105 Sayers S (R14652), 409 Benton W (R14662), 411 Benton W (R14663), 407 Benton W (R14666), 401 Benton (R14667), 210 Sayers (R14758), 505 Howell (R14855), Windy Knoll S (R14897), 112 Windy Knoll S (R14898), 114 Windy Knoll S (R14899), 116 Windy Knoll S (R14900), 108 Windy Knoll S (R14901), Windy Knoll S (R14902), 507 MCAnnely (R14904), 509 MC Annely (R14905), 505 MC Annely (R14906), 511 Hondo Ave W (R14909), 115 Windy Knoll N (R14911), 111 Windy Knoll N (R14912), 505 Brown E (R14913), 507 Brown (R14914), 121 Windy Knoll Dr N (R14915), 612 MC Annely (R14921), 703 Hondo Ave W (R14929), 705 Hondo Ave W (R14930), 706 Hondo Ave W (R14931), 108 Warhorse Dr (R14934), 110 Warhorse Dr (R14935), 109 Jamison Dr N (R14936), 708 Hondo Ave W (R15115), 710 Hondo Ave W (R15117), 712 Hondo Ave W (R15118), 714 Hondo Ave W (R15119), 901 Atkins (R15124), 111 Warhorse Dr (R15130), 709 Hondo Ave W (R15131), Bluebonnet Ave (R15132), 102 Renfro (R15133), 711 Hondo Ave W (R15134), 713 Hondo Ave W (R15135), 715 Hondo Ave W (R15136), 716 Dove Ave W (R15137), 714 Dove Ave W (R15138), 712 Dove Ave W (R15139), 710 Dove Ave W (R15140), 803 Hondo Ave W (R15141), 809 Hondo Ave W (R15142), 103 Jay (R15143), Dove Ave (R15144), 102 Cardinal Dr (R15145), 901 Hondo Ave W (R15146), 903 Hondo Ave W (R15147), 905 W Hondo Ave W (R15148), 1003 Hondo Ave W (R15150), 1005 Hondo Ave W (R15151), 1101 Hondo Ave W (R15152), 1103 Hondo Ave W (R15153), 1201 Hondo Ave W (R15154), 1108 Dove Ave (R15155), 1102 Dove Ave (R15157), 1008 Dove Ave (R15158), 1006 Dove Ave (R15159), 1002 Dove Ave (R15160), 906 Dove Ave (R15161), 904 Dove Ave (R15162), 902 Dove Ave (R15163), 1205 Hondo Ave W (R15164), 1102 Hondo Ave W (R15545), 1104 Hondo Ave W (R15546), 105 Littleton Dr (R15547), 107 Littleton Dr (R15548), 109 Littleton Dr (R15549), 111 Littleton Dr (R15550), 113 Littleton Dr (R15551), 1206 Hondo Ave W (R15576), 103 Hall Dr (R15577), 1210 Hondo Ave W (R15578), 105 Hall Dr (R15579), 1202 Hondo Ave W (R30350), Atkins Ave (R30090), Benton Ave W (R51396), 1110 Dove Ave (R51622), 501 Howell (R52580), 104 Jamison (R53770), 102 Jamison (R53771), 100 Jamison (R53772), 1203 Hondo Ave W (R60202), 706 1/2 Hondo Ave W (R68791), 1220 Hondo Ave W (R6963), Hall Dr (R6964), 1010 W Hondo Ave (R7019), 108 Hall Drive (R7036), Hall Drive (R7037), 106 Hall Drive N (R7038), 112 Warhorse Dr (R7044), 111 Benton (R7051), Littleton Dr (R70675), 1106 Hondo Ave W (R7069), 1212 Hondo Ave W (R7071), Dove Ave W (R89299), Dove Ave W (R89300).

Motion by Commissioner Herring, seconded by Commissioner Maxwell to recommend to City Council to make the Preliminary Report into the Final Report regarding the zoning classification change on this property.

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

Motion carried.

The fourth order of business was a Public Hearing: Discuss & consider the Preliminary Report for zoning classification of approximately 5.7174 acres of land starting at north and south Upson Drive along W. Hondo Avenue to include southern border of College Avenue & S. Windy Knoll and to include north east Upson & Park Avenue in the City of Devine from the recommended study of comprehensive plan, and create a Preliminary Report regarding changing the zoning classification of this area from Class D. Two-Family Residence to Class G. Retail Business and is proposed to include any or all properties described as follows:

111 Upson Dr N (R14646), 201 Benton Ave W (R14647), 205 Benton Ave W (R14648), 208 W Benton Ave (R14756), 110 Benton W (R14799), 216 Upson N (R14802), Atkins Ave (R15125), 707 Atkins Ave (R15126), 705 Atkins Ave (R15127), 703 Atkins Ave (R15128), 701 Atkins Ave (R15129), Upson Drive (R58859).

Commissioner Wilkins opened the Public Hearing at 7:15 p.m.

Commissioners held brief discussion. Code Compliance Officer, Eddie Diaz, presented a map showing the properties that are currently in Zone D. Mayor Herring informed that those properties used to have an apartment complex. Commissioner Murdock commented that 70 years ago, Loop 13 in San Antonio was residential with houses and driveways. Now, after years have passed by, it is all businesses and it takes a long time for an area to develop for what we are passing today.

No one else present spoke regarding the Preliminary Report regarding the proposed zoning change.

At 7:17 p.m., Commissioner Wilkins closed the Public Hearing.

Motion made by Commissioner Herring, seconded by Commissioner Lawler to close the Public Hearing.

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

Motion Carried

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The fifth order of business was to discuss and consider creating a Final Report regarding a zoning classification change of approximately 5.7174 acres of land starting at north and south Upson Drive along Hondo Avenue W to include southern border of College Avenue & S Windy Knoll and to include north east Upson & Park Avenue in the City of Devine from the recommended study of comprehensive plan, from Class D Two-Family Residence to Class G. Retail Business which is proposed to include any or all properties described as follows: 111 Upson Dr N (R14646), 201 Benton Ave W (R14647), 205 Benton Ave W (R14648), 208 W Benton Ave (R14756), 110 Benton W (R14799), 216 Upson N (R14802), Atkins Ave (R15125), 707 Atkins Ave (R15126), 705 Atkins Ave (R15127), 703 Atkins Ave (R15128), 701 Atkins Ave (R15129), Upson Drive (R58859).

Motion by Commissioner Herring, seconded by Commissioner Lawler to recommend to City Council to make the Preliminary Report into the Final Report regarding the zoning classification change on this property.

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

Motion carried.

The sixth order of business was a Public Hearing: Discuss & consider the Preliminary Report for zoning classification of approximately 21.2992 acres of land starting at north and south Upson Drive along W. Hondo Avenue to include southern border of College Avenue & S. Windy Knoll and to include north east Upson & Park Avenue in the City of Devine from the recommended study of comprehensive plan, and create a Preliminary Report regarding changing the zoning classification of this area from Class F. Neighborhood Shopping Center to Class G. Retail Business and is proposed to include any or all properties described as follows:

212 Hondo Ave W (R14639), 200 Hondo Ave W (R14640), 214 Hondo Ave W (R14641), 216 Hondo Ave W (R14642), 109 Upson Dr (R14643), 110 Sayers N (R14644), 200 College Ave W (R14649), 103 Sayers S (R14653), 201 1/2 Hondo Ave W (R14654), 207-209 Hondo Ave W (R14655), 209 Hondo Ave W (R14656), 308 Hondo Ave W (R14657), 108 Washington Dr S (R14660), 402 Hondo Ave W (R14664), 408 W Hondo Ave (R14665), 107 Washington Dr S (R14668), 501 Hondo Ave W (R14903), 500 Hondo Ave W (R14907), 506 Hondo Ave W (R14908), 508 Hondo Ave W (R14910), 509 Brown (R14916), Hondo Ave W (R14917), 510 Hondo Ave W (R14919), 604 Hondo Ave W (R14922), 606 Hondo Ave W (R14923), 605 Hondo Ave W (R14924), 617 Brown Ave W (R14927), 700 Hondo Ave W (R14928), 602 Brown Ave W (R14932), 610 Brown Ave (R14933), 900 Hondo Ave W (R15123), 412 Hondo Ave W (R52532), 700 Hondo Ave W (R59677).

Commissioner Wilkins opened the Public Hearing at 7:18 p.m.

Commissioners held brief discussion.

No one else present spoke regarding the Preliminary Report regarding the proposed zoning change.

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At 7:20 p.m., Commissioner Wilkins closed the Public Hearing.

Motion made by Commissioner Lawler, seconded by Commissioner Herring to close the Public Hearing.

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

Motion Carried

The seventh order of business was to Discuss and consider creating a Final Report regarding a zoning classification change of approximately 21.2992 acres of land starting at north and south Upson Drive along Hondo Avenue W to include southern border of College Avenue & S Windy Knoll and to include north east Upson & Park Avenue in the City of Devine from the recommended study of comprehensive plan, from Class F. Neighborhood Shopping Center to Class G. Retail Business which is proposed to include any or all properties described as follows: 212 Hondo Ave W (R14639), 200 Hondo Ave W (R14640), 214 Hondo Ave W (R14641), 216 Hondo Ave W (R14642), 109 Upson Dr (R14643), 110 Sayers N (R14644), 200 College Ave W (R14649), 103 Sayers S (R14653), 201 1/2 Hondo Ave W (R14654), 207-209 Hondo Ave W (R14655), 209 Hondo Ave W (R14656), 308 Hondo Ave W (R14657), 108 Washington Dr S (R14660), 402 Hondo Ave W (R14664), 408 W Hondo Ave (R14665), 107 Washington Dr S (R14668), 501 Hondo Ave W (R14903), 500 Hondo Ave W (R14907), 506 Hondo Ave W (R14908), 508 Hondo Ave W (R14910), 509 Brown (R14916), Hondo Ave W (R14917), 510 Hondo Ave W (R14919), 604 Hondo Ave W (R14922), 606 Hondo Ave W (R14923), 605 Hondo Ave W (R14924), 617 Brown Ave W (R14927), 700 Hondo Ave W (R14928), 602 Brown Ave W (R14932), 610 Brown Ave (R14933), 900 Hondo Ave W (R15123), 412 Hondo Ave W (R52532), 700 Hondo Ave W (R59677).

Motion by Commissioner Lawler, seconded by Commissioner Herring to recommend to City Council to make the Preliminary Report into the Final Report regarding the zoning classification change on this property.

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

Motion carried.

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

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

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

Motion carried.

Chairman

Secretary