

**Minutes  
Planning and Zoning Meeting  
September 11, 2017**

On this 11<sup>th</sup> day of September, 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  
Onis Wiemers  
Mike Herring  
Rick Maxwell  
Darrell Murdock  
Jim Lawler

Absent being Commissioner Ed Dougherty, thus, constituting a quorum.

Personnel present: William L. Herring, Mayor; Dora V. Rodriguez, City Interim Administrator/City Secretary; Denise Duffy, City Treasurer / City Accountant; Eddie Diaz, Code Compliance Officer, and Ofilia Pedroza, UB Clerk.

Others present: Richard & Anna Wilkerson of Moore, Texas and Josh & Melissa Niemietz 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 June 29, 2017.

Planning & Zoning Commissioners reviewed the minutes.

Motion by Commissioner Lawler, seconded by Commissioner Herring to approve the minutes for the meeting of June 29, 2017.

Ayes	--	Six
Nays	--	None
Absent	--	One-Commissioner Dougherty

Motion carried.

The second order of business was to discuss and consider request made by Tailormade Homes to change the zoning classification of properties located at Colonial Parkway W, which are described as 21.844 acres in A0713 F. Niggli Survey 1 (R6960) and 14.301 acres in A0714 F. Niggli Survey 2 (R7010), from Class A. Single-Family Residence District to Class B. Single-

**Planning & Zoning Minutes**  
**September 11, 2017**  
**Page 2**

Family Residence District which is propose to include any or all properties described as follows: Colonial Parkway W – 21.844 acres (R6960) and Colonial Parkway W – 14.301 acres (R7010).

Commissioner Wilkins inquired what the difference is between Class A and Class B zone classification. Per Compliance Officer, Eddie Diaz, the biggest difference is the lot size. For a Class A property a minimum building plot requirement of 9,000 square feet and front setback of not less than 40 feet. For a Class B property a minimum building plot requirement of 5,000 square feet and front setback of not less than 25 feet. Commissioner Wiemers asked if there are any exclusions in Class A that are not in Class B.

Commissioners heard from Josh Niemietz who informed Commissioners that in Class A, manufacturing housing is not allowed but in Class B it is allowed. For planning the subdivision, there will be restrictions to not allow manufacturing homes and he has provided examples on homes that would be built. There would also be restrictions on sizes and masonry fronts and so forth, in order to keep the subdivision looking good. Commissioner Wilkins inquired on the minimum square footage of the house. Josh Niemietz explained that a 1,250 square footage size home with 3 bedrooms and 2 baths is required; nothing smaller than that, and no maximum on square footage as long as they fit properly on lot. Commissioner Wilkins asked how many lots he's planning. Josh Niemietz said he can currently fit 100 lots on Zone A, but for a better profit for the developer/investor with changing of Zone to B, he can add 20 to 30 more lots by changing lot size from 75 feet to 60 feet lot size width. Commissioner Lawler inquired how the City of Devine would benefit from this through traffic, water, sewer and drainage issues in this area. Josh Niemietz informed Commissioner Lawler that 130 new residences would be bring in new extra tax dollars and would also bring in new lots to build since there are very minimum. With new commercial businesses growing on IH-35, the new homes will justify new homes for employees and help Devine grow. Commissioner Wiemers asked the Mayor if there is water and sewer available. Mayor Herring responded that it's already there.

Code Compliance Officer, Eddie Diaz informed Commissioners that tonight's meeting is for the preliminary approval for zoning change. After approval from City Council, checklist and timeline will be planned and he will mail out letters to neighboring properties and a public hearing would be scheduled and be posted in the local newspaper. Commissioner Wilkins inquired if there will be an entrance on State Highway 173. Interim City Administrator/City Secretary Dora Rodriguez explained developers need to follow the subdivision ordinance for planning the entrances and exits. Commissioner Lawler inquired where the drainage will be placed. Interim City Administrator/City Secretary Dora Rodriguez advised that the developer's engineer has to plan and design it and would later have to show how everything will be laid out. Commissioner Lawler stated that it's a little too late to know where it will go. Interim City Administrator/City Secretary Dora Rodriguez informed that nothing will be approved by the Planning & Zone committee and City Council until after subdivision plans are reviewed and approved by City Engineer & City Attorney through meeting with their surveyors and developer's engineer. Mayor Herring inquired if our City Engineer needs to attend the meeting to answer any questions. Josh Niemietz informed him that the civil engineer, Charles Rothe, is currently in the process of planning, and if a retention pond needs to be added he will be made aware of that.

**Planning & Zoning Minutes**  
**September 11, 2017**  
**Page 3**

Commissioner Lawler inquired about the increase in classroom size, because he wanted to make sure this is planned before starting. Josh Niemietz informed him that he calculated this based off 130 residents that would bring in about \$200,000 extra dollars for school taxed annually based on the average home price and current 2015 tax rate. Commissioner Wilkins inquired on the price range for the homes. According to Josh Niemietz, they are planning a price range of \$150,000 to \$200,000. Melissa Niemietz added that they made a comparison of rental properties with regular mortgage rates. She stated that if you have a 30 year mortgage with decent credit and \$10,000 down, it would be about the same as if someone were to buy a new home. She said their research from local realtor companies was based on list of rental plans and in seeking rental plans for the Devine district for our schools and location. She said that they are paying around \$1,000 monthly, so their normal payment matches mortgage calculator estimate. She told Council they are trying to get people in to new homes, a great school district with a desirable location and to be part of the community. Mayor Herring mentioned that the Devine ISD can be contacted regarding Commissioner Lawler's concerns about more houses and more residents and get them involved. When Commissioner Lawler mentioned that Warhorse Drive was not on the list for street repairs, Interim City Administrator/City Secretary Dora Rodriguez informed him that the Devine ISD has not dedicated the road to the City of Devine. Mayor Herring mentioned that the City of Devine has asked the school for the last three years to be surveyed and formally deed it to the City but the school has not and the City of Devine won't do anything until we legally own it.

Mayor Herring mentioned that property is on the TIF, tax increment financing. He said that this makes a big difference on what the developer can get back. Interim City Administrator/City Secretary Dora Rodriguez informed Commissioners that when the project is complete, they will get back what they invested for water, sewer and streets. Mayor Herring informed this was the process when the Jack Nicklaus project was completed. Interim City Administrator/City Secretary Dora Rodriguez stated that the developer has to review the subdivision ordinance for road entrances, exits, road width, sidewalks, drainage issues and what has to be developed.

Commissioner Ed Dougherty arrived at 7:15 p.m.

Commissioners held brief discussion.

Motion by Commissioner Maxwell, seconded by Commissioner Herring to recommend granting request made by Tailormade Homes to prepare Preliminary Report regarding changing the zoning classification of properties located at Colonial Parkway W, which are described as 21.844 acres in A0713 F. Niggli Survey 1 (R6960) and 14.301 acres in A0714 F. Niggli Survey 2 (R7010), from Class A. Single-Family Residence District to Class B. Single-Family Residence District which is propose to include any or all properties described as follows: Colonial Parkway W – 21.844 acres (R6960) and Colonial Parkway W – 14.301 acres (R7010).

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

**Planning & Zoning Minutes**  
**September 11, 2017**  
**Page 4**

Motion carried.

Interim City Administrator/City Secretary Dora Rodriguez informed the commissioners that the next step is to add this to the City Council Agenda for approval of the preliminary report.

The third order of business was to discuss Informational Items.

Code Compliance Officer Eddie Diaz stated that there were no other items to discuss.

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 Dougherty to adjourn the meeting.

Ayes	--	Seven
Nays	--	None
Absent	--	None

Motion carried.

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Chairman

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Secretary