

Minutes
Planning and Zoning Meeting
April 8, 2019

On this 8th day of April, 2019, 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, Secretary
Jim Lawler
Mike Herring

Absent being Commissioner Darrell Murdock, thus constituting a quorum.

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

Others present: Veronica Schaefer and Ruben Guzman, of Lytle, 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 January 28, 2019.

Planning and Zoning Commissioners reviewed the minutes.

Motion by Commissioner Lawler, seconded by Commissioner Herring to approve the minutes for the meeting of January 28, 2019.

Ayes	--	Four
Nays	--	None
Absent	--	One -- Commissioner Murdock

Motion carried.

The second order of business was a Public Hearing: Discuss & consider the Preliminary Report for zoning classification of approximately 8.3898 acres of land located along the west & east side of Live Oak Drive from Class A. Single-Family Residence to Class B. Single-Family Residence and is proposed to include any or all properties described as follows:

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Rossville (R15755), 101 Live Oak (R15756), 103 Live Oak (R15757), 105 Live Oak (R15758), 109 Live Oak (R15760), 111 Live Oak (R15761), 113 Live Oak (R15762), 119 Live Oak (R15763), 119 Live Oak (R15764), 121 Live Oak (R15765), 121A Live Oak (R15766), 123 Live Oak (R15767), 125 Live Oak (R15768), 127 Live Oak (R15769), 129 Live Oak (R15770), 133 Live Oak (R15771), 135 Live Oak (R15772), Live Oak (R15773), 204 Live Oak (R15774), 124 Live Oak (R15775), 122 Live Oak (R15776), 120 Live Oak (R15777), 118 Live Oak (R15778), 116 Live Oak (R15779), 114 Live Oak (R15780), 112 Live Oak (R15781), 110 Live Oak (R15782), 108 Live Oak (R15783), 106 Live Oak (R15784), 104 Live Oak (R15785) and 708 Rossville (R15786).

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

Commissioner Wilkins inquired if there was anything new from the last meeting, and Commissioner Wiemers inquired if there was any input from the residents. Code Compliance Officer, Eddie Diaz informed the Commissioners that the Public Hearing was published in the local newspaper three times and letters were mailed to owners and neighboring property owners. Code Compliance Officer, Eddie Diaz mentioned there have been inquiries of the zone change but no opposition.

Dora V. Rodriguez, Interim City Administrator/City Secretary, added that the only person who came in to City Hall was Greg Boyd inquiring on the zone change. She told Mr. Boyd that he can submit it in writing, but he mentioned that at first he was against it but not anymore. Commissioner Wiemers asked if anyone opposed the zone change. Dora V. Rodriguez, Interim City Administrator/City Secretary informed Commissioners that nothing has been submitted in writing to go against the zone change.

Commissioner Wilkins asked the Public if any one present had any opposition. Veronica Schaefer commented that she is “for” changing the zone.

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

At 7:05 p.m., Commissioner Wilkins closed the Public Hearing.

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

Ayes	--	Four
Nays	--	None
Absent	--	One- Commissioner Murdock

Motion Carried

The third order of business was to discuss and consider creating a Final Report regarding a zoning classification change of approximately 8.3898 acres of land located along the west & east side of Live Oak Drive from Class A. Single-Family Residence to Class B. Single-Family Residence and is proposed to include any or all properties described as follows:

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Rossville (R15755), 101 Live Oak (R15756), 103 Live Oak (R15757), 105 Live Oak (R15758), 109 Live Oak (R15760), 111 Live Oak (R15761), 113 Live Oak (R15762), 119 Live Oak (R15763), 119 Live Oak (R15764), 121 Live Oak (R15765), 121A Live Oak (R15766), 123 Live Oak (R15767), 125 Live Oak (R15768), 127 Live Oak (R15769), 129 Live Oak (R15770), 133 Live Oak (R15771), 135 Live Oak (R15772), Live Oak (R15773), 204 Live Oak (R15774), 124 Live Oak (R15775), 122 Live Oak (R15776), 120 Live Oak (R15777), 118 Live Oak (R15778), 116 Live Oak (R15779), 114 Live Oak (R15780), 112 Live Oak (R15781), 110 Live Oak (R15782), 108 Live Oak (R15783), 106 Live Oak (R15784), 104 Live Oak (R15785) and 708 Rossville (R15786).

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

Ayes	--	Four
Nays	--	None
Absent	--	One- Commissioner Murdock

Motion carried.

The fourth order of business was to discuss and consider a request made by Ruben Guzman for an advisory opinion concerning the possible resubdivision of Devine Block 58, Lot 5 & Parts of 7-8, Acres 0.521, located on Upson Drive, into 2 lots with widths of 60 feet and 55 feet, with 1 lot having a minimum total area of more than 9,000 square feet (minimum lot area by ordinance) and with 1 lot having total area of 8,947.8 square feet. In addition, the 2 lots on the resubdivided land would have front yards / building setback lines of 20 feet instead of the minimum 40 feet required by ordinance.

Ruben Guzman informed the Commissioners that the buildings are close to the road and he was thinking of having the setbacks at 20 feet and there are trees in the back. Ruben Guzman added that the apartment complex is also close to the street on Upson and wanted to have them at 20 front setback so that homes are not too far back and at least aligned to the apartment complex.

Commissioner Wiemers inquired as to what the side setback was on the apartment complex on Upson. Code Compliance Officer, Eddie Diaz looked up information on the ARC Map software and informed the Commissioners that it's about a 15 foot setback. Commissioner Wiemers explained that the setback is for the side of the apartment complex but is close to the 20 foot setback that has been requested.

Commissioner Wilkins mentioned that the homes would be aligned to the apartment complex but it would be the side setback and not the front because the apartment complex faces the other way. Commissioner Wiemers inquired if Mr. Guzman has spoken to any of the existing neighbors. Mr. Guzman informed the Commissioners that he has not. Commissioners Wilkins inquired as to how many houses are going to get built. Mr. Guzman informed the Commissioners that there will be two homes. Commissioner Wiemers inquired about how deep lots 7 and 8 are. Mr. Guzman stated that lots 7 & 8 were configured back then and with the way the lots are shaped, he was unable to add more

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square feet to lot 5. Commissioner Wiemers inquired if there has been any opposition or if letters have been mailed to the neighbors. Code Compliance Officer, Eddie Diaz informed the Commissioners that Mr. Guzman is requesting a variance so no letters need to go out. Dora V. Rodriguez, Interim City Administrator/City Secretary informed Commissioners that letters only apply if there is a zone change, and it is not required at this time.

Motion by Commissioner Wiemers, seconded by Commissioner Herring to grant the variance request made by Ruben Guzman for an advisory opinion concerning the possible resubdivision of Devine Block 58, Lot 5 & Parts of 7-8, Acres 0.521, located on Upson Drive, into 2 lots with widths of 60 feet and 55 feet, with 1 lot having a minimum total area of more than 9,000 square feet (minimum lot area by ordinance) and with 1 lot having total area of 8,947.8 square feet. In addition, the 2 lots on the resubdivided land would have front yards / building setback lines of 20 feet instead of the minimum 40 feet required by ordinance

Ayes	--	Four
Nays	--	None
Absent	--	One- Commissioner Murdock

Motion carried.

Discussion was held after the meeting. Mayor Herring informed the Commissioners that this is just a recommendation and this will go before our City Engineer and City Attorney to make sure it's not out of line.

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 Lawler to adjourn the meeting.

Ayes	--	Four
Nays	--	None
Absent	--	One – Commissioner Murdock

Motion carried.

Chairman

Secretary