

Minutes
Planning and Zoning Meeting
October 21, 2019

On this 21st day of October, 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
Darrell Murdock
Mike Herring
Jim Lawler

Absent being Commissioner Onis Wiemers, Secretary; thus, constituting a quorum.

Personnel present: Dora V. Rodriguez, Interim City Administrator/City Secretary; Samantha Ramirez, Code Compliance; and Raul Garcia, City Engineer.

Others present: Walt Rakowitz, Rakowitz Engineering.

Commissioner Wilkins called the meeting to order.

The first order of business was to discuss and consider approval of Minutes for the meeting of August 22, 2019.

Planning and Zoning Commissioners reviewed the minutes.

Commissioner Lawler inquired if the Cactus Plats Subdivision would have sidewalks. Commissioner Wilkins commented that not having alley ways was discussed but he didn't recall there being any mention of sidewalks.

City Interim Administrator/ City Secretary Dora V. Rodriguez informed the Board that the subdivision will be done in sections and that it will be started on the street that currently already has sidewalks and utilities installed.

Motion by Commissioner Herring, seconded by Commissioner Lawler to approve the minutes for the meeting of August 22, 2019.

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

Motion carried.

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The second order of business was to discuss and consider amending Zoning Ordinance article 3, section 3 area regulation, front yard setbacks, from a front setback of 40 feet to a front setback of 30 feet.

Commissioner Wilkins inquired if this will pertain to the whole city or just to Zone A. Interim City Administrator/City Secretary Dora V. Rodriguez asked Samantha Ramirez, Code Compliance Clerk, to elaborate to the Commissioners what City Attorney Tom Cate had expressed to her on the phone earlier that day.

Samantha Ramirez, Code Compliance Clerk, addressed the Commissioners and explained that when she had spoken with City Attorney Tom Cate, he had said that instead of amending the ordinance, we should instead create a new Zone called Zone A-1 which will still have the same regulations and restrictions as Zone A, but would have a smaller lot size. This way we can place that zone on large undeveloped properties so that when contractors and developers come in wanting to develop it, they don't have to ask for any variances for the smaller lot sizes. Nowadays, a lot of homeowners and contractors want smaller lot sizes so they can spend less time maintaining the yard and more time with the family.

Commissioner Herring stated that it would be a good idea to create a separate zone.

Commissioner Lawler asked if this has to be brought up in a separate meeting and Commissioner Wilkins also asked if it had to be acted on that night. According to Interim City Administrator/City Secretary Dora V. Rodriguez, these are just preliminary, and she verified with City Engineer Raul Garcia that they do.

Commissioner Wilkins asked if the City had granted a variance on the setbacks for the Cactus Flats Subdivision, and Code Compliance Clerk Samantha Ramirez informed him that they had.

Because the second and third order of business were similar, the Board came to an agreement to discuss them together and vote on it together.

The fourth order of business was to discuss and consider amending zoning ordinance article 3, section 3 area regulations, minimum width of lot being 60 feet to a minimum width of lot being 50 feet.

Commissioner Wilkins clarified that this will be the width of the lot now.

Walt Rakowitz, from Rakowitz Engineering, asked if this would only pertain to the project that is being done next to Colonial Mobile Parkway.

Code Compliance Clerk Samantha Ramirez stated that this change was brought up because of the possible subdivision next to Colonial Mobile Parkway and because of the numerous requests for variances which the City has received.

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Mr. Walt Rakowitz from Rakowitz Engineering addressed the Commissioners and explained they had come before the Planning and Zoning Commission Board previously about rezoning the two large lots next to Colonial Mobile Parkway from Zone A to Zone B. The concern, at the time, from the Commissioners though was that it would lead to manufactured homes being brought in. Mr. Rakowitz and his associate came to the conclusion that it would be best to ask for a variance which will change the width of the lot to 50 feet instead of 60, and it will keep out manufactured homes.

City Engineer Raul Garcia stated that everything that Walt Rakowitz proposed in their proposed subdivision matches up to our ordinances except for the lot width. He said his main concern is that the street is about 1,800 feet long and the lots are 50 feet, which means that about 30 to 32 lots could be put on each side. However, the person living at the very end inside the subdivision will have to go a third of a mile to get to Colonial Parkway. He explained that when you have 50 foot lots and 50 foot right-of-ways, the street width is going to be 30 feet. He said that most houses for this subdivision will most likely have a two-car garage; one side for junk and then one car parked inside the garage. Since most families have two cars or more, that means one will have to be parked in the street. He explained that when you park on the street, it'll be about 8 feet to park; then for it to be on two sides, that's 16 feet. That leaves 14 feet on the 30 foot road in-between those cars to drive. According to Mr. Garcia, this would make the street similar to a one-way street; you cannot have two cars pass each other with two cars parked on the street.

Raul Garcia, City Engineer, stated that the proposed subdivision meets almost all the requirements for the subdivision and zoning ordinance, but he is concerned about that; that it may be a dangerous situation. Commissioner Herring and Commissioner Wilkins agreed.

Raul Garcia, City Engineer, said that if he were to do his own subdivision, he would recommend for the street to be 36 feet wide, but that isn't what the ordinance states.

Walt Rakowitz, of Rakowitz Engineering, agreed that he had come across this issue before, but doesn't believe that changing the width lot from 60 feet to 50 feet will change that issue. Just because they will have the 60 foot width doesn't mean they are going to build a 3 car garage and use that third spot for the junk. He doesn't believe he will see a difference in the size of the garage that would just be based on how much money somebody wants to spend on slab.

Raul Garcia, City Engineer, stated that if it was a short road, then it would be different but the person at the very end of the cul-de-sac will have to drive through about 70 cars.

Walt Rakowitz stated that he may have a solution to that issue. He said that the end cul-de-sac closer to Hwy. 173 is by a 50 foot strip that was dedicated to the County for a road that never happened. He stated that once he figures out the order of events and gets started on this subdivision, his intention is to get the County to deed it to the City, so that way drivers can go straight out onto Hwy. 173. Raul Garcia, City Engineer, stated that this will help.

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Walt Rakowitz stated that he would just have to work with City Attorney Tom Cate on the order of the process to have it decided to the City. Ideally he would like to make it a two-way street but, worst case scenario, it would be a one-way street. He believed though that since there won't be utilities down there, that they could create a 30 foot two way strip. Legally though, it is still County land so they would have to give it to the City. He said he doesn't see how they would have a problem with that if the City is supporting it. Then it could become a right-of-way, and the developer would have the responsibility of the cost of paving that road. He stated that the subdivision will come in phases and if that becomes available, it will most likely become phase 1.

Commissioner Wilkins stated that he had dealt with this four times before when others wished to subdivide it. They didn't want just one entrance and one exit; they had wanted to have it come out on the hill between the Thompson and the Hamilton houses.

Mr. Rakowitz, stated that he doesn't want there to be an issue where there is a car wreck, then down the street someone has a heart attack and an ambulance can't get to them; that is why they rely on connectivity.

Walt Rakowitz stated that, in all honesty, the reason he wants the 50 foot width instead of the 60 foot width, is because it would mean more houses and more money. City Engineer Raul Garcia stated that with the 50 foot width lots, it'll be about 170 lots versus 140 lots with the 60 foot width. He also stated that the density for the area would be high; that the 50 to 60 foot width change won't change people parking on the road, but it would make the living density higher which would lead to much more traffic which is a concern to him.

Commissioner Wilkins commented that the road that would be dedicated to the City that comes out onto Highway 173, will be coming into a school zone.

The Commissioners held discussion and Interim City Administrator/City Secretary Dora V. Rodriguez will be getting with City Attorney Tom Cate on what would be the next step after going to City Council.

Commissioner Lawler asked Walt Rakowitz if there would be sidewalks in this subdivision. Walt Rakowitz and Interim City Administrator/City Secretary Dora V. Rodriguez both stated that it is in the code; it would be required. Walt Rakowitz continued saying that the sidewalks would be built with each house.

Motion by Commissioner Herring, seconded by Commissioner Lawler to recommend to City Council to approve creating Zone A-1 which will have smaller setbacks and smaller widths of lot sizes compared to Zone A.

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

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Motion carried.

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 Lawler, seconded by Commissioner Herring to adjourn the meeting.

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

Motion carried.

Chairman

Secretary