

**Minutes
Planning and Zoning Meeting
December 12, 2017**

On this 12th day of December, 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
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; Tom Cate, City Attorney 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 November 20th, 2017.

Planning & Zoning Commissioners reviewed the minutes.

Motion by Commissioner Herring, seconded by Commissioner Lawler to approve the minutes for the meeting of November 20th, 2017.

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

Motion carried.

The second order of business was discuss & consider changing the 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 District 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 Wiemers arrived at 7:05 p.m.

Commissioner Wilkins inquired on the status of the zoning change. According to Code Compliance Officer, Eddie Diaz, 240 informational letters have been mailed to property owners and surrounding neighboring property owners who are within a 200 feet radius of proposed changed properties and a Public Hearing notice has been sent to the local newspaper to be published three times before the Public Hearing. Commissioner Wiemers inquired as to what kind of responses we've received from the public. Code Compliance Officer, Eddie Diaz explained there have been some inquiries at City Hall and calls regarding zoning change and told Commissioners that copies of maps, plan and zone ordinance have been given to them. Code Compliance Officer, Eddie Diaz, has been letting the public know that the zone change is based off the comprehensive plan recommendations and also to update some properties to business zone. Code Compliance Officer, Eddie Diaz, read from the 2013 comprehensive

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plan "...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." Commissioner Wiemers inquired if the public approved or was against it. Code Compliance Officer, Eddie Diaz, explained that after the explanation they were okay with this, and also informed them that there is an owner attending the meeting tonight with some questions.

Commissioner Dougherty arrived at 7:10 p.m.

Commissioners heard from John Rosenthal who resides at 1205 W Hondo Avenue. He is not familiar with the comprehensive plan & was concerned with the quietness of the neighborhood and changing to commercial zone, and he does not approve of having a neighbor that would start a business. John Rosenthal would like an explanation behind the reasoning of the recommended zone change as he has always known that all properties going north on Hondo Ave to be nice houses with the exception of a few businesses. John Rosenthal mentioned that the business Devine Café has been grandfathered in since it was never in the City of Devine limits. Mayor Herring stated that properties all the way from Devine Café to Fred Morales' business were later annexed. Commissioner Wilkins explained that mainly what this pertains to is that we've changed the zoning in the past along major highways coming through town but the zoning hasn't officially been changed to Business, and there are businesses there already. John Rosenthal commented that then there is a possibility that an owner can set up a business. He said he would like the area to be left Residential and also did not understand why the school property would remain in Zone A. Commissioner Wilkins informed him that there could be a possibility of owners wanting to start a business, and told him that the school property has to remain in Zone A as per City Zone Ordinance. Commissioner Wilkins, who has been in the committee for over 20 years, informed Mr. Rosenthal that the reasoning behind it is to upgrade the zone because we no longer spot zone. He explained that there was too much spot zoning in the city approved before, and we are correcting what was approved back then. Code Compliance Officer, Eddie Diaz, informed the Board that there are about eight business properties that are still in Zone A. Code Compliance Officer, Eddie Diaz, informed the Board that Devine Café, Red Rooster Nursery, South Texas Rural Center, Sherry's Beauty Shop, Hurley Funeral Home, lawn mower repair shop by Howell, US Post Office and 200 W College Ave are still in Zone A Residential, and explained that this is the reason to update to Zone G Retail Business District. Commissioner Wilkins mentioned that two properties, Ingram Ready Mix & Test Fleet, on their own request, had to be updated to Commercial because they were still in a Residential zone and their insurance needed to reflect Commercial zone.

Commissioners heard from John Rosenthal who inquired as to what is the purpose of the 2013 comprehensive study plan. Code Compliance Officer, Eddie Diaz, provided a copy of the comprehensive plan to John Rosenthal. Commissioner Wilkins explained that every so many years, the City of Devine has a study done to project the outlook of the future. It doesn't mean that this will happen but it is based on growth and the City's long-term vision. John Rosenthal pointed out that there are more residential properties than there are businesses and inquired as to why the zone is being recommended to be changed. Commissioner Wilkins explained that this is what was supposed to be done a long time ago and said that normally all your major highways are usually zoned for businesses to be there. He told Mr. Rosenthal that we are not telling him to change anything and we are not saying that

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his neighbors can't, but the odds are that the homes are there already they are not going to tear them down to build a business next to him. Mayor Herring mentioned that the price of the homes there are also a consideration if they want to tear them down. John Rosenthal then inquired if anyone can move in to a home for sale and make it a business. City Attorney, Tom Cate, mentioned that you have to look at it as a case by case basis; if someone wanted to come in to set up a business, we would have to look at the requirements and also there are so many parking spaces needed for a business. Commissioner Wiemers stated that then the owner would have to purchase two lots if they wanted to do that.

Commissioners held brief discussion.

Motion by Commissioner Lawler, seconded by Commissioner Herring to accept the Preliminary Report and move on to Public Hearing on January 8th, 2018, regarding changing the zoning classification of property consisting of approximately 41.6731 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 A. Single Family Residence District to Class G. Retail Business District.

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

Motion carried.

The third order of business was to discuss & consider changing the 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 District 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).

Commissioners held brief discussion.

Motion by Commissioner Dougherty, seconded by Commissioner Herring to accept the Preliminary Report and move on to Public Hearing on January 8th, 2018, regarding changing the zoning classification of property consisting of approximately 5.7174 acres of land starting at

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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 District to Class G. Retail Business District.

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

Motion carried.

The fourth order of business was to discuss & and consider changing the 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 District 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 Wiemers stated what the change of classification on this property area is. Code Compliance Officer, Eddie Diaz, informed commissioners that the current existing businesses are in Zone F Neighborhood Shopping Center, like Dairy Queen, Pat's and Valley Mart. Commissioner Wiemers asked if there are any other Zone F properties. Commissioner Wilkins stated that the other Zone F is located on Libold Drive and Colonial Parkway.

Commissioners held brief discussion.

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Motion by Commissioner Wiemers, seconded by Commissioner Herring to accept the Preliminary Report and move on to Public Hearing on January 8th, 2018, regarding changing the zoning classification of property consisting 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, Class F. Neighborhood Shopping Center to Class G. Retail Business District.

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

Commissioner Wilkins inquired as to when this will be reviewed by City Council. Per Mayor Herring, this will be on the agenda on City Council's next meeting.

Motion carried.

The fifth order of business was Information 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 Wiemers, seconded by Commissioner Maxwell to adjourn the meeting.

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

Motion carried.

Chairman

Secretary