

**Minutes**  
**Planning and Zoning Meeting**  
**January 28, 2019**

On this 28<sup>th</sup> day of January, 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  
Darrell Murdock  
Mike Herring

Absent being Commissioner Jim Lawler, thus constituting a quorum.

Personnel present: William L. Herring, Mayor; Dora V. Rodriguez, Interim City Administrator/City Secretary; Tom Cate, City Attorney; Cory Thompson, Councilman District #5; Eddie Diaz, Code Compliance Officer; and Stephanie Barker, Telecommunications Officer, Devine Police Department.

Others present: Walt Rakowitz of Pleasanton, Texas; Brian & Veronica Schaefer; Orelia V. Gonzales and Arturo Gonzales, 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 September 17, 2018.

Planning and Zoning Commissioners reviewed the minutes.

Motion by Commissioner Wiemers, seconded by Commissioner Herring to approve the minutes for the meeting of September 17, 2018.

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

Motion carried.

The second order of business was to discuss and consider changing the 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.

**Planning & Zoning Meeting**  
**January 28, 2019**  
**Page 2**

Mr. Brian Schaefer addressed the Commissioners. He told the Commissioners that when they purchased the property, one of the lots already had a mobile home on it, and it came with another lot. He explained that they purchased the property with the assumption that they could place a manufactured home on the other lot; that was their intention. But, when they checked into it, they were told that area is a Class A. Subdivision. This caught them off guard because more than 70 percent of the homes there are manufactured homes. He said he spoke with Eddie Diaz, Code Compliance Officer. Commissioners held discussion with the Schaefer's. Interim City Administrator/City Secretary Dora V. Rodriguez explained that this was done a long time ago, same as on Crouch and Libold streets. However, she explained that the final step was never done which would've been an ordinance, which means we will need to start the process all over again. City Attorney Tom Cate confirmed this to be true.

Motion by Commissioner Wiemers, seconded by Commissioner Herring to grant changing the 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.

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

Motion carried.

Discussion was carried after the motion. Code Compliance Officer Eddie Diaz explained that he will begin the process by notifying everyone within 200 feet of the property. He explained that the recommendation has to go before Council and there needs to be a Public Hearing, before establishing the ordinance. The Planning and Zoning Commissioners want to move forward with this. The Schaefer's were told that the next Council Meeting will be held on February 19, 2018 at 6:00 p.m.

The third order of business was to discuss and consider changing zoning classification of approximately 36.145 acres of land located between Colonial Parkway and West Hondo Avenue from Class A. Single-Family Residence to Class B. Single Family Residence.

Commissioners reviewed map as they heard comments from Mr. Walt Rakowitz, with Rakowitz Engineering in Pleasanton, Texas. He told the Planning and Zoning Commissioners that developers are looking at doing a full-blown residential subdivision. He said one of the main reasons the developer is seeking a zone change to Class B is because it allows him to go to 50 foot lot widths. Mayor Herring inquired if he's contacted the school district yet. Mr. Rakowitz stated that he has not yet spoken to Devine ISD because they wanted to first get a land plan together as to what they want to do. He told the commissioners that the developer would like to do either efficiency homes or manufactured homes but he's not entirely sure what will happen. He explained that with Class A, they can still go with modular homes. He said that it could end up 90 percent manufactured homes, Class B.

**Planning & Zoning Meeting**  
**January 28, 2019**  
**Page 3**

When asked how many lots, Mr. Rakowitz said they are looking at 170 lots as Class B, compared to approximately 130 to 140 lots as Class A. Mayor Herring explained that this property is in our TIRZ area so a developer could come in and put the utilities and the streets as Tommy Ramirez did on the Golf Course and get a 70/30 percentage breakdown over the years, so he or she would recoup all of the money they put in for utilities or streets. Mr. Rakowitz also spoke of a strip of land having access to SH-173. He said this strip of land was deeded to the County. Commissioners held more discussion with Mr. Rakowitz, and said this has come up before for discussion.

Commissioners inquired about the lot size requirements for Class A and Class B. Code Compliance Officer Eddie Diaz said that for Class A, the minimum size lot is 9,000 square feet for a 750 square foot house; for Class B, the lot size is 5,000 square feet for a 600 square foot house. Commissioners discussed that if this is changed to Class B, it still doesn't prohibit anyone from bringing in a mobile home. Discussion was held on our ordinance which states mobile homes need to be newer than 1976. Commissioner Wiemers stated that he is not "for" this. Commissioners Wilkins and Herring stated that they preferred to have homes built. Their feelings were that once we allow the first manufactured home, it will keep going.

Motion by Commissioner Wiemers, seconded by Commissioner Herring to deny request to change zone classification of approximately 36.145 acres of land located between Colonial Parkway and West Hondo Avenue from Class A. Single-Family Residence to Class B. Single Family Residence.

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

Motion carried.

The fourth order of business was to discuss and consider a request made by Arturo Gonzales for a twenty-nine foot front setback requirement of forty feet from the front property line for 305 Harralton Circle, which bears the following legal description of Heritage Park, Block 4, NCB 20, Lot 2, 0.39 Acres.

Ms. Gonzales addressed Commissioners with information about the house which would be 29 feet from the street, and it's a four bedroom, three bath home. They need the setback due to the rear of the house. Code Compliance Eddie Diaz explained that the way the house was designed, the front of the house is facing Encino Place instead of Harralton Circle. He said this is the reason they are requesting a setback because if the entrance were on Harralton Circle, they wouldn't have a backyard. Discussion was held on other homes facing Encino (i.e. the old Bob Miller home) and their setbacks. Commissioners also held discussion with Ms. Gonzales.

Motion by Commissioner Wiemers, seconded by Commissioner Herring to accept request made by Arturo Gonzales for a twenty-nine foot front setback requirement of forty feet from the front property line for 305 Harralton Circle, which bears the following legal description of Heritage Park, Block 4, NCB 20, Lot 2, 0.39 Acres.

**Planning & Zoning Meeting**  
**January 28, 2019**  
**Page 4**

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

Motion carried.

The fifth order of business was to discuss and consider a request made by G & E Custom Homes for an advisory opinion concerning the possible resubdivision of Adams National Bank, Lot 40, NCB 139, Acres 1.039, located on Libold Drive, into 4 lots with widths of 80 feet, with each lot having a minimum total area of more than 9,000 square feet (minimum lot area by ordinance). In addition, the 4 lots on the resubdivided land would have front yards/building setback lines of 30 feet instead of the minimum 40 feet required by ordinance.

Cory Thompson, Councilman District #5, addressed the Commissioners. He said there's a random opening (across Howard Hick's place) that's been for sale for probably two or three years now. He explained they do not own the land yet but it's under contract for purchase and before they do purchase it, he wants to make sure that everybody is okay with it (Planning & Zoning Commission and City Council). They don't want to spend any money on the property if anybody has any issues. Mr. Thompson inquired about it being zoned Class F and if it would make a difference. Code Compliance Officer Eddie Diaz replied that it wouldn't make a difference since he would be using it for residential. Interim City Administrator/City Secretary Dora V. Rodriguez said it would be okay since he's going to do it as a short form. Mr. Thompson explained they want to divide the land into four small lots all measuring approximately 80 feet by 131 feet or greater, with a square footage of more than 10,000 square feet per lot which exceeds the city code minimum requirements. They plan to build houses on the four lots just like the house they built on Dove Street. That particular house was three bedrooms, two bathrooms, with a two-car garage, and it sold for approximately \$170,000. He explained that if they knock off the garage (saving \$20,000), these homes could run for about \$150,000. All the houses would be facing Libold Drive.

Mr. Thompson explained that the reason they are requesting a 30 foot setback is to allow the new homes to have a larger back yard by moving them forward, and it also appears to be the front setback distance that many homes down that road appear to have used, including the neighbor to the south, and they don't want the houses to seem out of place in the neighborhood.

Motion by Commissioner Wiemers, seconded by Commissioner Herring to grant request made by G & E Custom Homes for an advisory opinion concerning the possible resubdivision of Adams National Bank, Lot 40, NCB 139, Acres 1.039, located on Libold Drive, into 4 lots with widths of 80 feet, with each lot having a minimum total area of more than 9,000 square feet (minimum lot area by ordinance). In addition, the 4 lots on the resubdivided land would have front yards/building setback lines of 30 feet instead of the minimum 40 feet required by ordinance.

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

**Planning & Zoning Meeting**  
**January 28, 2019**  
**Page 5**

Motion carried.

The sixth order of business was Informational Items.

The following items were discussed:

- P&Z 5-Member Board – Mayor Herring announced that the Planning & Zoning Commission is down to five members, representative of each one of the council members. He explained that if for some reason a member leaves, it would be the responsibility of the council member to find a replacement.
- Paving on SH-173 – Discussion was held on the paving of SH-173 and how that is coming along. Mayor Herring and Interim City Administrator/City Secretary talked about four manholes that TxDOT wants the City to raise. We had to hire a contractor to do this. TxDOT should be starting up again soon with the paving.
- Ditch at Walmart – Mayor Herring informed the board that we should be having a pre-construction meeting soon regarding the ditch near Walmart. They should be starting on that soon.
- No Parking Signs at Walmart – Commissioners inquired as to why the No Parking signs are being taken down in regards to the 18-wheelers parking at Walmart. Interim City Administrator/City Secretary explained that they were not done right to begin with; this was done when Joe Ramos was City Administrator. We didn't have it painted and according to City Attorney Tom Cate, we didn't have the right notices that we should've had.
- Walmart Grant – Mayor Herring announced that we will be applying for a \$2,000 Walmart Grant to help with a chain link fence by Oak Hill Drive.
- Property behind the old Country Hugs – Commissioner Wiemers inquired about all the junk cars piled up there. According to Code Compliance Officer Eddie Diaz and Interim City Administrator/City Secretary Dora V. Rodriguez, Jeff Martin has already been sent to Court twice; he's been fined. It's a matter of sending another letter to him.
- Ashley Steel – Commissioners held discussion on the old Ashley Steel junk yard and whether it's going to stay the same or if some fence will be built around it.
- WWTP – Interim City Administrator/City Secretary Dora V. Rodriguez announced that since Johnny Davis has retired from the Waste Water Treatment Plant, Code Compliance Officer Eddie Diaz is being transferred to that department. He will be going to get his license to be a Wastewater Operator. He is still helping a few hours at the office but eventually he will be moving completely to the Waste Water Treatment Plant.

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

**Planning & Zoning Meeting**  
**January 28, 2019**  
**Page 6**

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

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

Motion carried.

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Chairman

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Secretary