

**Minutes**  
**Planning and Zoning Meeting**  
**August 22, 2019**

On this 22<sup>nd</sup> day of August, 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

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

Personnel present: Cory Thompson, Mayor; Dora V. Rodriguez, Interim City Administrator/City Secretary; Eddie Diaz, Code Compliance Officer; Samantha Ramirez, Code Compliance Officer in Training; Raul Garcia, City Engineer; and Tom Cate, City Attorney.

Others present: Arturo & Oreira V Gonzalez and Glen Thompson.

Commissioner Wilkins called the meeting to order.

The first order of business was to discuss and consider approval of Minutes for the meeting of April 8, 2019.

Planning and Zoning Commissioners reviewed the minutes.

Motion by Commissioner Herring, seconded by Commissioner Murdock to approve the minutes for the meeting of April 8, 2019.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Commissioner Wiemers & Commissioner Lawler

Motion carried.

The second order of business was to discuss and consider a request made by Arturo Gonzales for a twenty-eight-foot front setback requirement of forty feet from the front property line on Jonesboro, which bears the following legal description of Heritage Park, Block 2, NCB 201, Lot 26, 0.2665 Acres.

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Oreira V Gonzalez informed the Commissioners that the lot is small and that they wanted backyard area. Commissioner Wilkins inquired if that was going to be the only house on that street. Oreira explained the house is on a corner lot. Eddie Diaz, Code Compliance Officer, informed Commissioner Wilkins that there is currently a house on the opposite side of the street.

Commissioner Wilkins asked if they had recently granted a variance for a front setback in the area. Code Compliance Officer Eddie Diaz answered that they had done so on Harralton Circle. Commissioner Wilkins then asked if there were any problems with this set back that the city can see. Eddie Diaz, Code Compliance Officer, answered that there isn't an issue that he can see. They meet the required criteria; they just wanted different setbacks.

Interim City Administrator/ City Secretary Dora V. Rodriguez then inquired from Code Compliance Officer Eddie Diaz if the City of Devine has ever granted a setback less than 30 feet. Eddie Diaz, Code Compliance Officer, responded that on Encino Place they had approved a setback of 29 feet for a front setback and there was a property on Harralton Circle. Oreira Gonzales then added that the property though was bigger and that this one is more compact.

Commissioner Wilkins then inquired about the square footage of the property. Arturo Gonzales informed Commissioner Wilkins that the property is a quarter of an area; that it is 105x110. Commissioner Wilkins then responded so about a half of an Acre. Oreira Gonzales asked when the Harralton setback variance was approved. Eddie Diaz, Code Compliance Officer, answered that the approval for the setback variance was at the beginning of the year. Commissioner Wilkins consulted with Commissioner Herring. Commissioner Herring said he saw no problem with the variance.

Motion by Commissioner Herring, seconded by Commissioner Murdock to allow a variance of a front setback from forty feet to twenty-eight feet.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Commissioner Wiemers & Commissioner Lawler

Motion carried.

The third order of business was to discuss and consider a request made by G&E Custom Homes for approval of Cactus Flats Subdivision, located in Adams National Bank which bears the following legal description: Adams Nat'l Bank, Block (NCB 140), Lot 23-25 & Parts of 20-22, 17.78 Acres.

Commissioner Wilkins inquired if Cory Thompson from G & E Custom Homes could explain what he is wanting to do. Cory Thompson explained that they had been trying to get this property under contract for four years.

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Commissioner Wilkins inquired if this property was the Cashion property. Cory Thompson from G & E Custom Homes informed him that it still is. He stated that the plan is to have more new entry level homes and it would be great to get another subdivision like the Golf Course Subdivision that had that level of homes but it won't happen. These homes will be more for people who are buying their first new house or downsizing from larger homes. G & E is trying to not follow the cookie cutter look but they will be building similar to that. G & E at current dollar rates is estimating that this project will add about nine million dollars' worth of value to the City of Devine. It is 48 lots and the build is expected to be completed in 6 years so long as the economy stays strong. G & E is going to build this in three phases. Phase one and phase two already face existing streets; those two streets already have existing utilities. In phase three where the new street will be added, they will have to figure out what the plan will be to get utilities, but by that time the city will have new water lines with the asbestos project. G & E Custom Homes is asking for preliminary approval to do the Cactus Flats Subdivision. Mr. Thompson stated that while it isn't in their name, they do have a contract with the land owner for this land. He stated that their investor isn't going to purchase the property without first getting preliminary approval for a property this expensive. So G & E Custom Homes went ahead and gathered together engineering plans to show the plans for: elevation changes, the street, curbs, sewer, and water. The plan is to try and get preliminary approval from the Council first before buying the property and then get the final approval. Cory Thompson stated that G & E Custom Homes is also asking for a change from forty foot setback lines to 30 foot set back lines in the Cactus Flats Subdivision. Tom, City Attorney then asks Cory Thompson if he was just talking about a smaller front yard for the setbacks. Cory Thompson responded, yes. He goes on saying he isn't asking for 25 foot or 20 foot setbacks that they ask for in Lytle, but instead would like the a 30 foot setback. He explained that once you factor in the amount of money that would be saved throughout the whole subdivision, it would be substantial. He further explained that it sounds like you're just cutting off 10 feet off of the driveway, but by the time that is done and then factor in the landscaping, you are at \$2,000 to \$2,500 per house; once that is multiplied by 48 homes, it is about a \$100,000 situation.

Commissioner Wilkins asked Cory Thompson if he will be the primary builder since he will be selling the lots or if someone else will be building. Cory Thompson informed Commissioners, that because custom homes have gotten very expensive and to keep the house prices down, G&E Custom Homes is going to build something similar to a track builder. In a sense the customer will have to go into G&E Custom Homes' office and pick from set pallets and if a customer wants more than that, then they will have to go back at a later date and add the extras.

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Commissioner Wilkins inquired about the minimum sq. foot per house or starting size. Cory Thompson responded that the City's starting size is 800 feet but explained that you cannot make money off of 800 sq. feet, unless it is a two bedroom and one bathroom house. Once you go into a two bathroom set up then the starting size would be at least 1,200 to 1,250 sq. feet. Since the lots around the Golf Course are done, G&E Custom Homes is thinking that as the market progresses and depending on what starts to get built in Lytle, the average home size will probably be 1,500 to 1,600 sq. feet.

Commissioner Wilkins asked about drainage in that area. Raul Garcia, City Engineer, responded that there haven't been problems in the past but he recommends building a detention pump to hold the drainage back and to discharge the drainage at the rate of what is now a 25 year flood. That will need to be engineered into the plans. He explained that if you do the detention pump to hold the drainage back, it seems that not all of the drainage from the subdivision will be draining into Devine. Part of the drainage will be going to the other side. That drainage will have to be looked at.

Commissioner Herring stated that everything looked good.

Commissioner Murdock also stated, that everything is alright with him, but inquired if the City has any issues with it. Eddie Diaz, Code Compliance Officer, stated that he doesn't see any problems since Cory Thompson is going by the Zone A Ordinance.

Cory Thompson told Commissioners that under the current zoning, he believes it states that they are required to have alleys in the subdivisions, and asked Eddie to verify that. Eddie Diaz, Code Compliance Officer confirmed that is true, depending on the utilities. Cory Thompson stated that G&E Custom Homes wishes to not have alleys in the subdivision because the utilities won't be running down them. That way there won't be any need for double fences and it keeps the City from having to maintain the alleys. Commissioner Wilkins commented that alleys aren't used as often as they used to. Commissioner Herring agreed and said he doesn't have a problem with there not being alleys.

Motion by Commissioner Herring seconded by Commissioner Murdock to give G&E Custom Homes preliminary Approval for the Cactus Flats Subdivision.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Commissioner Wiemers & Commissioner Lawler

Motion carried.

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The Fourth order of business is to discuss and consider a request made by G&E Custom Homes for a variance from the front setback of forty feet to a front set back of thirty feet on proposed Sage Road in the Proposed Cactus Flats Subdivision, Block 3, Lots 1,2,3, and 4.

Cory Thompson from G&E Custom Homes informed Commissioners that there was a typo on his part. He explained that it's not just for four lots; it's all 48 lots. Commissioner Wilkins stated that this is like the other subdivision they did and that they should keep all the lots the same. Commissioner Herring agreed.

Motion by Commissioner Herring, seconded by Commissioner Murdock to give G&E Custom Homes a variance from the front setback of forty feet to a front set back of thirty feet on proposed Sage Road in the Proposed Cactus Flats Subdivision on all 48 lots.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Commissioner Wiemers & Commissioner Lawler

Motion carried.

The Fifth order of business is to discuss and consider a request made by Brenda Joyce Burford for approval of a re-subdivision of Block 9, Lot 2, 1.2049 Acres, Devine.

Eddie Diaz, Code Compliance Officer, informed the Planning and Zoning Board that Mrs. Burford was unable to attend the meeting. He explained that when he spoke with Brenda Burford on the phone, she expressed her reasoning for wanting the subdivision was because of sewer issues they were having, and she wants to request a separate meter and separate sewage line for one of the two buildings on the lot. Based on our Ordinance you are only able to have one dwelling per lot, so she wishes to subdivide. Commissioner Wilkins asks if this is where the home is. Eddie Diaz clarifies that this is for the house that is on the opposite side of the nursing home and that the property is already subdivided by an existing fence. Code Compliance Officer Eddie Diaz stated the property is in Zone B and City Engineer Raul Garcia had an issue with the lot size. He also informed Commissioners that the building is now used as an office. He explained that the reason approval is needed is because when you look at the plat, the property entrance is a small driveway; it looks like a flagship.

Commissioner Wilkins asked that if they give her the preliminary approval, would she then have to go and pay for the taps for utilities to be hooked up. Code Compliance Officer Eddie Diaz confirmed that she will have to come pay for the sewer and water tap. Commissioner Herring asked if that will require a survey also.

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Code Compliance Officer Eddie Diaz said the survey is already included and that Brenda Joyce Burford had already submitted the Subdivision plat. Eddie Diaz further elaborated, stating that when a plat is submitted, it must be submitted to City Engineer Raul Garcia and City Attorney Tom Cate, and needs to be approved by them. The only concern was the entrance/ driveway since it's about 10 feet. Tom Cate addressed Commissioner Wilkins and said that his issue is that we let her put on the stuff on the property, and that the City should not have let her build the way she did. He explained that if there is a fire on one of the properties, that because of the way the structures were placed and built, and that no matter what way the property is subdivided, a fire truck will have a hard time getting onto the property to fight the fire. The truck will have to come up from the back side of the property if there is a fire on the back side. Otherwise, it'll be very difficult for the fire truck to get on the property, but that's how it already exists.

Motion by Commissioner Herring seconded by Commissioner Murdock to give Brenda Joyce Burford approval of a re-subdivision of Block 9, Lot 2, 1.2049 Acres, Devine.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Commissioner Wiemers & Commissioner Lawler

Motion carried.

Commissioner Murdock asked if there was any New Business. Code Compliance Officer Eddie Diaz stated that we have a new Code Compliance Officer in training. He introduced Samantha Ramirez and told Commissioners that she is being trained to take over Code Compliance, permits and meetings. There is also assistance in Code Compliance from Daniel Fraga, and the Code Compliance Department has sent out over 100 letters. Many have been sent to Court.

There was some discussion after the meeting.

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 Murdock to adjourn the meeting.

Ayes	--	Three
Nays	--	None
Absent	--	Two – Commissioner Wiemers & Commissioner Lawler

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Motion carried.

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Chairman

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Secretary