

Minutes
Planning and Zoning Meeting
January 7, 2013

On this 7th day of January, 2013, 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
Ed Dougherty
Darrell Murdock
Rick Maxwell
Mike Herring

Absent being: Jim Lawler; thus constituting a quorum.

Personnel present: Bill Herring, Mayor; Kathy Wilkins, Alderwoman; and Darrell Rawlings, Code Compliance Officer.

Others present: Fay Murdock, 500 Hayden Avenue, Devine, Texas 78016; Sandy Herrera, Devine News; Eddie Camacho, 402 Wilson Drive, Devine, Texas 78016; Hortencia Flores, 402 Wilson Drive, Devine, Texas 78016; and Ofilia Mendoza of Devine, Texas.

Commissioner Wilkins called the meeting to order.

Mayor Herring addressed the Commissioners and presented plaques to Commissioner Wilkins and Commissioner Murdock for 25+ years of commitment to the Planning & Zoning Commission.

The first order of business was to discuss and consider approving minutes from the meeting on November 13th, 2012.

The Planning & Zoning Commissioners reviewed the minutes.

Motion made by Commissioner Dougherty, seconded by Commissioner Herring to approve the minutes from the meeting on November 13th, 2012.

Ayes	--	Six
Nays	--	None
Absent	--	One (Commissioner Lawler)

Motion carried.

The second item was to discuss and consider a variance request made by Gilbert Camacho for a carport to encroach approximately one and a half feet into a platted alley on the northern side of property at 402 Wilson Drive (Devine, Block 4, Lot 7 & 8 (North 1/2), 0.18 acres), which is currently zoned Class I. Light-Industrial District.

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Eddie Camacho addressed the Commissioners on behalf of Gilbert Camacho. He stated that the location of the carport was chosen because of its proximity to the door to enter the dwelling. Hortencia Flores stated that Mr. Camacho had had a stroke in April. It was discussed that the carport has been completed.

Darrell Rawlings, Code Compliance Officer explained to the commissioners that several months ago he contacted Mr. Camacho regarding work being done without the required permits at which time there was some discussion of either creating a carport or utility room; however, the survey pins indicating the location of the property line could not be found. The subdivision plat indicates that an alley runs along the northern property line, but without locating the survey pins, verification of compliance with building setbacks cannot be verified. Mr. Rawlings stated that after a few months he observed that the roof was completed for the carport or utility room, but permits had not been issued. He stated that a violation notice was sent to the owner, but the survey pins have never been located. The 1.5 foot encroachment into the alley has not been verified and he explained that this is the measurement that the property owner has provided.

Commissioner Dougherty stated that it appears that the alley is not open. Mr. Rawlings explained that the alley has never been closed, although with the presence of trees the alley could not be travelled. He informed the Commissioners that Public Works has stated that there are public utility lines in the alley. Mr. Rawlings also stated that the neighboring property owners could petition to close the alleyway, and that he had inquired about Public Works' opinion on closing the alley but had not received a response. Commissioner Wiemers asked what needed to be done to close the alley. Mr. Rawlings stated that the process typically starts with a petition from all adjoining property owners, and then the adjoining property owners would pay for a survey and an appraisal of the area, and then pay the assessed fair market value, for the property. Also, an ordinance would need to be done to close the alley and the area would need to be vacated and re-subdivided to reflect that the alley no longer existed.

Eddie Camacho informed the commissioners that there were no plans to enclose the carport and that all work had been completed. The commissioners held discussion on the required permit fees and discussed waiving the fee for work being done without the required permits.

Motion made by Commissioner Herring, seconded by Commissioner Wiemers to recommend that the City Council approve of the variance request made by Gilbert Camacho for a carport to encroach approximately one and a half feet into a platted alley on the northern side of property at 402 Wilson Drive (Devine, Block 4, Lot 7 & 8 (North 1/2), 0.18 acres), which is currently zoned Class I. Light-Industrial District, and waive any penalty fees for conducting work without the required permits; provided that the applicable permits, fees, and inspections were still required.

Ayes	--	Six
Nays	--	None
Absent	--	One (Commissioner Lawler)

Motion carried.

The third order of business was Informational Items.

Darrell Rawlings, Code Compliance Officer informed the Commissioners of the status of construction and development in the city, which was predominantly residential in nature. He related that the City hoped to start focusing on abating unsafe structures and junked vehicles in the city this year; however it would take some time to update the ordinance and set procedures to affect this.

Mr. Rawlings informed the commissioners of several minor subdivision plats currently being processed.

The Commissioners asked Mr. Rawlings for any information regarding rumors of businesses coming into the City of Devine. Mr. Rawlings stated that there are numerous rumors circulating, but that no plans have been submitted to the city for any large or significant commercial development. Mr. Rawlings also informed the Commissioners of a need to address zoning issues in the city and that efforts were being made to update the City's Comprehensive Plan. In regards to the proposed Burnt Boot Creek improvements, the City was waiting for a response from FEMA and the TDEM before the city would be eligible to seek grants for this work. Commissioner Maxwell asked about the status of the grant for the sewer line on Rossville Avenue. Mr. Rawlings stated that he was not aware of the status on this grant.

Commissioner Dougherty asked about the city's requirements for parking for businesses in the City. Mr. Rawlings stated that the ordinance requiring parking was very vague and needed to be updated. He also informed the Commissioners that the City Administrator was working towards having several city ordinances updated. Commissioner Wiemers agreed that some type of parking regulations needed to be established based on the types of businesses.

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 Herring to adjourn the meeting.

Ayes	--	Six
Nays	--	None
Absent	--	One (Commissioner Lawler)

Motion carried.

Chairman

Secretary