

**Minutes
Planning and Zoning Meeting
April 6, 2009**

On this 6th day of April 2009, 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
Jim Lawler

Absent being: Mike Herring, thus, constituting a quorum.

Personnel present: Dora V. Rodriguez, City Administrator/City Secretary; Chris Andrews, Sergeant/Investigator; Ismael Carrillo, Superintendent of Public Works; Maria Peña, Code Compliance Clerk; and Cassandra Maldonado, Municipal Court Clerk.

Others present: Ernest Ruston, Ralph Rodriguez, 507 Griffin, Devine, TX 78016, Ronald Harrison, Jane Harrison, Al C. Moeller, Jeannette Franks, Elmor Franks, Charles M. Burja, Elaine Perales, 211 Alley W, Devine, TX 78016, and Alberto Obaya, Jr., 511 Ingram Dr., Devine, TX 78016.

Zoning Commissioner Wilkins called the meeting to order.

The first order of business was to discuss and consider approving minutes from the meeting on February 2nd, 2009.

The Planning & Zoning Commissioners held discussion on the minutes from the meeting on February 2nd, 2009.

Motion made by Commissioner Lawler, seconded by Commissioner Dougherty to approve the minutes from the meeting on February 2nd, 2009.

Ayes	--	Five
Nays	--	None
Absent	--	One (Commissioner Herring)

Motion carried.

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The second order of business was to discuss and consider request made by Rafael Rodriguez to grant a variance of ten feet to the front setback of 507 Griffin Drive, described as Hattox, Block 6 (NCB 156), Lots 5 & Part of 6, for future addition to a one-family dwelling.

Commissioner Wilkins addressed Rafael Rodriguez regarding what his plans were. Mr. Rodriguez explained to the commissioners that his plans were to enclose an existing carport and make a new two car garage. Mr. Rodriguez let the commissioners know that at the moment the setback is 40 feet from property line, but he is requesting a variance for it to be 30 feet from the property line once the new carport is constructed. Commissioner Wilkins doesn't see a problem in granting Mr. Rodriguez the variance; he would prefer it to be done now before the new floodplain maps come in effect.

Motion made by Commissioner Wiemers, seconded by Commissioner Wilkins to recommend to grant a variance of ten feet to the front setback of 507 Griffin Drive, described as Hattox, Block 6 (NCB 156), Lots 5 & Part of 6, for future addition to a one-family dwelling.

Ayes	--	Five
Nays	--	None
Absent	--	One (Commissioner Herring)

Motion carried.

The third order of business was to discuss and consider request made by Ronald Harrison regarding obtaining a written notice that the current operation of a firearm manufacturing, and sales shop at 510 Wedgewood Way, described as Colonial Oaks, Block 15 (NCB 164), Lot 8, is an approved conditional use for the current owner as required for renewal of a Federal Firearms License by the Bureau of Alcohol Tobacco and Firearms.

Mr. Harrison addressed the commissioners and informed them that on July 3, 1967 he moved into 510 Wedgewood Way. Mr. Harrison contacted Sid Malone who was Mayor at that time and told him that he was doing gun work and building guns and asked if there would be any problems. Mr. Malone told him that as long as Mr. Harrison would not advertise and we had no complaints from the neighbors, there would not be any problems. It's been this way up to the year 2003. After this year, ATF (Alcohol Tobacco and Firearms) started requiring that they needed a letter from the City to state that there's no problem doing this out of his home. Prior to this time it had just been a verbal okay. After that Mr. Harrison then got the Chief of Police and Mayor to write a letter. Then in 2006, all he had to do was send a notice to Chief of Police Rob Flores to do a letter for his renewal. Now in 2009, he's up for renewal again. The problem is that ATF was audited and during their move from Georgia to West Virginia, they lost the letter. An ATF representative came to the City of Devine requesting a copy of the letter but the City was unable to locate the letter. Mr. Harrison stated that he doesn't have a copy of the letter, and ATF will not renew his license without a copy of this letter.

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Mr. Harrison has been doing this type of work for 42 years, has done work for the Police Department, Sheriff's Department and has never charged them anything. He has always supported all the Law Enforcements and he has never had any complaints. Commissioner Wiemers asked Mr. Harrison who would need to generate the letter; would it have to be the City or Chief of Police. According to Mr. Harrison, the letter has to be signed by both City and Chief of Police. Commissioner Wiemers asked Dora V. Rodriguez, City Administrator/City Secretary if this has to come in front of Planning & Zoning Commissioners or City Council. She informed P & Z Commissioners that they are first, then it's taken to Council for final approval. Discussion was held that initially whoever the Chief of Police and City Administrator were at that time, they didn't come before Planning & Zoning and Council to do this letter. Commissioner Wiemers asked Officer Chris Andrews, Sergeant/Investigator, if Chief Rob Flores would have any problem in doing this letter. Officer Andrews said that Chief Flores would not have a problem; in fact, he stated that Mr. Harrison has been a great help to the police department.

Motion made by Commissioner Dougherty, seconded by Commissioner Lawler to recommend approval to obtain a letter stating that the current operation of a firearm manufacturing and sales shop at 510 Wedgewood Way, described as Colonial Oaks, Block 15 (NCB 164), Lot 8, is an approved conditional use for the current owner as required for renewal of a Federal Firearms License by the Bureau of Alcohol Tobacco and Firearms.

Ayes	--	Five
Nays	--	None
Absent	--	One (Commissioner Herring)

Motion carried.

The fourth order of business was to discuss and consider request made by Dora V. Rodriguez to grant a variance to the required utility easement for subdividing and platting property located at 808 Windy Knoll Dr. N, described as A1039 F. Winans Survey 3, Block NCB 104, 0.487 acres, into two lots.

Dora V. Rodriguez, addressed the Commissioners and she explained that she had sold the house on the corner of Windy Knoll Drive and Crouch Avenue and kept the lot behind it. Her plans are to build a house on the lot that she kept. She explained that the ordinance states that anytime you are going to build on a vacant lot you need to allow for an 8 foot easement for utilities in case you may land lock another property. Commissioner Wiemers asked if this was between both properties. She informed them that the easement should be between Mrs. Stewart's property and hers. Dora V. Rodriguez spoke with Director of Public Works Billy Grote and Superintendent of Public Works Ismael Carrillo to see where the utilities were. They explained to her that there were utilities along Crouch Avenue and Windy Knoll Drive and that there would be no need for the utilities to go through the back. Commissioner Wiemers asked where the water and sewer lines hook up. Mr. Carrillo explained to Commissioner Wiemers that all hook ups are on Crouch Avenue the Windy Knoll Drive side, and that there would be no problem if it comes straight out into Crouch Avenue for Mrs. Rodriguez' property or on Windy Knoll for Mrs. Stewart's property. Commissioner Dougherty asked Mrs.

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Rodriguez if she owns both lots, why subdivide it. Mrs. Rodriguez said she only wanted to bring it to their attention that she had sold one lot and wants to build on the lot she kept behind it.

Motion made by Commissioner Dougherty, seconded by Commissioner Lawler to recommend to grant a variance to the required utility easement for subdividing and platting property located at 808 Windy Knoll Dr. N, described as A1039 F. Winans Survey 3, Block NCB 104, 0.487 acres, into two lots.

Ayes	--	Five
Nays	--	None
Absent	--	One (Commissioner Herring)

Motion carried.

The fifth order of business was to discuss Monthly Code Compliance and Fire Marshal Reports for February 2009.

The Planning & Zoning Commissioners held discussion on the Monthly Code Compliance and Fire Marshal Reports for February 2009. Commissioner Dougherty commented that it looks like we're probably not in a recession because houses are still being built here in Devine. Commissioner Wiemers inquired if the inspections listed for the pools on Jack Nicklaus were for new swimming pools. Maria Peña, Code Compliance Clerk, told him that they are all new pools and they do need a fence around the pool.

There being no further business to come before the Planning and Zoning Commission, Chairman Wilkins adjourned the meeting.

Chairman

Secretary