

**Minutes  
Planning and Zoning Meeting  
April 9, 2012**

On this 9<sup>th</sup> day of April 2012, 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:

Onis Wiemers, Secretary  
Ed Dougherty  
Darrell Murdock  
Jim Lawler  
Mike Herring  
Rick Maxwell

Absent being: Doug Wilkins, Chairman; thus constituting a quorum.

Personnel present: Bill Herring, Mayor; Darrell Rawlings, Code Compliance Officer.

Others present: Glenda Velasquez, Devine; Wade Gibson, Devine.

Commissioner Wiemers called the meeting to order.

The first order of business was to discuss and consider approving minutes from the meeting on January 9<sup>th</sup>, 2012.

The Planning & Zoning Commissioners reviewed the minutes. Commissioner Lawler noted a typo on Page 3 near the bottom of the page where "non-forming" should be "non-conforming".

Motion made by Commissioner Dougherty, seconded by Commissioner Lawler to approve the minutes from the meeting on January 9<sup>th</sup>, 2012, pending the correction on Page 3.

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

Motion carried.

The second order of business was to discuss and consider request made by Wade Gibson to approve submitted plat vacating Adams National Bank, Block 3 (NCB 141), Portion of Lots 8 & 9, and re-subdividing as Adams National Bank, Block 3 (NCB 141), Lots 35-39; said property being located in the 900 Block of Teel Drive North, between the street and Railroad Right-of-Way, and to remain zoned Class I. Light-Industrial District.

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Wade Gibson was present to speak regarding the proposed plat. He addressed the Commissioners and explained that the property was approximately 2.6 acres which he bought, and that he plans to build apartments on the proposed lots fronting on Teel Drive North, if it proves to be economically feasible. Mr. Gibson stated that he was aware of other duplexes being built in the area and he would need to look into the impact this may have. He stated that on the larger lot, the 1.5 acre one, he considered building a mini-storage which would act as a buffer between the rail-road track and apartments. Commissioner Lawler asked if the four lots fronting on Teel Drive North would be of adequate size for apartment use. Mr. Gibson explained that the platted lots fronting on Teel Drive North are 75-feet by 150-feet, or 11,000 square feet and that he was informed that the minimum area requirement for residential use in this zoning classification is 9,000 square feet.

Darrell Rawlings, Code Compliance Officer addressed the Commissioners and explained that all requirements of the Subdivision Ordinance appeared to have been met. He informed the Commissioners that the intended uses are allowed in this zoning classification. He also informed the commissioners that Mr. Gibson was advised that if any of the lots are used for residential purposes, a screening fence would need to be installed between the commercial use and residential use. Furthermore, he stated, Raul Garcia, City Engineer had reviewed and signed the plat.

Mr. Gibson was informed that the Planning & Zoning Commission made recommendation to City Council, and that the matter would be discussed at the next City Council meeting, which was scheduled for 6:00 p.m. on April 17, 2012 at 303 Teel Drive South.

Motion made by Commissioner Dougherty, seconded by Commissioner Lawler to recommend the City Council approve the request made by Wade Gibson to approve submitted plat vacating Adams National Bank, Block 3 (NCB 141), Portion of Lots 8 & 9, and re-subdividing as Adams National Bank, Block 3 (NCB 141), Lots 35-39; said property being located in the 900 Block of Teel Drive North, between the street and Railroad Right of Way, and to remain zoned Class I. Light-Industrial District.

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

Motion carried.

The third order of business was to discuss and consider request made by Simon & Glenda Velasquez to approve submitted plat vacating Breezy Hill Addition, Block 6 (NCB 192), Lot 1, and re-subdividing as Breezy Hill Addition, Block 6 (NCB 192), Lot 7; said property being located at 315 Loraine Drive, between Loraine Drive and Bailey Boulevard, and to remain zoned Class B. Single-Family Residence District.

Glenda Velasquez was present to speak regarding the proposed plat. She addressed the Commissioners and explained that she and her husband applied for a permit to install a carport about five years ago when it was discovered that their house was encroaching on an unimproved street. She stated that they should have had the property surveyed when they bought it but was not aware that it needed to be done. She stated that the edge of the street right-of-way was in the area of the second bedroom of their house. She explained that this portion of the right-of-way was sold to her and her husband by the city and now they needed to vacate and re-plat the property.

Commissioner Wiemers asked Darrell Rawlings, Code Compliance Officer, if all property owners within 200-feet were sent notice of this. Mr. Rawlings stated that the Right-of-way closure had been done in accordance with state law, which did not require notice to all property owners within 200-feet. He informed the commissioners that a petition for the closure was submitted by the adjacent property owners for closure of the right-of-way, that the petitioners had paid for a survey and appraisal of the portion to be closed, the petitioners submitted written notice to the city that they wanted to proceed with the closure, after which a public hearing had been held before the City Council, an ordinance passed, and the property had been conveyed to Mr. & Mrs. Velasquez. The only requirement that remained was for the plat to be vacated and re-platted so that the records would indicate that the right-of-way was no longer present and show the land as part of the buyer's lot. He stated that the City had not objected to the closure and sale of this portion of Loraine Drive because it was platted adjacent to Bailey Boulevard, another street right-of-way which is located in the Green Meadows Addition, and that the remainder of Loraine Drive was accessible by the alley in Breezy Hill Addition, Block 6 (NCB 192) and that another factor was given consider was that there were no city utility lines in the area of Loraine Drive to be closed. Mr. Rawlings explained that the preliminary plat was submitted, a plat review conducted, and corrections were found to be needed. He stated that Mrs. Velasquez had the final plat with her at the meeting, but it had not been reviewed by the city staff or City Engineer yet; however, if the Commissioners could choose to grant a recommendation based on the condition that the staff and City Engineer review and approve the plat in accordance with the applicable ordinances.

Mrs. Velasquez was informed that the Planning & Zoning Commission made recommendation to City Council, and that the matter would be discussed at the next City Council Meeting, which was scheduled for 6:00 p.m. on April 17, 2012 at 303 Teel Drive South. Mr. Rawlings informed Mrs. Velasquez that she and her husband needed to have their notarized signatures on the plat as soon as possible and the plat submitted to the City for review by the city staff and City Engineer prior to the Council meeting.

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Motion made by Commissioner Dougherty, seconded by Commissioner Maxwell to recommend the City Council approve the request made by Simon & Glenda Velasquez to approve submitted plat vacating Breezy Hill Addition, Block 6 (NCB 192), Lot 1, and re-subdividing as Breezy Hill Addition, Block 6 (NCB 192), Lot 7; said property being located along at 315 Loraine Drive, between Loraine Drive and Bailey Boulevard, and to remain zoned Class B. Single-Family Residence District, with the condition that the final plat meet the requirements of city's Subdivision Ordinance and be approved by the City Engineer.

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

Motion carried.

The fourth order of business was to discuss Informational Items.

Darrell Rawlings, Code Compliance Officer, informed the Commissioners that the updated Flood Insurance Rate Map had been adopted by the City Council along with updates to the Flood Damage Prevention Ordinance, and that these took effect on April 3, 2012. Discussion was held regarding Mr. Lipscomb's property on Wallace Avenue, the owner of which had spoken with Commissioner Maxwell regarding the removal of his property from the floodplain. Discussion was held briefly on proposed improvements to Burnt Boot Creek to mitigate the floodplain, which would still be a few years away, and regarding the boundary changes reflected on the updated Flood Insurance Rate Map which was just adopted. Mr. Rawlings reminded the Commissioners that no new Flood Insurance Study was done with the update to the maps, but only more accurate ground level elevation data was used in the creation of the maps. He stated that the City was considering conducting a new Flood Insurance Study to revise the Flood Insurance Rate Maps again, but not until after the improvements to Burnt Boot Creek were completed.

Discussion held on the status of development and housing in the City Limits. It was discussed that more housing was needed in the city. Commissioner Dougherty stated that he had knowledge of two families in need of residential rental property, and that many people were looking for residential property in the area and there wasn't any available. Mr. Rawlings stated that he had been contacted by several individuals regarding RV parks, Manufactured Home Parks, and residential development and had been providing them with information. Commissioner Dougherty asked about the City's regulations in the ETJ and Mr. Rawlings explained that the only thing that the City could regulate according to development was the platting or subdividing of property. Discussion was also held regarding the efforts the City was making regarding retail development in the City. Discussion was also held regarding the need to update the Comprehensive Plan and regarding land use zoning.

Commissioner Maxwell asked Mr. Rawlings about situations when a survey was done that revealed that a property line is not located where the owner(s) thought it was. Mr. Rawlings explained that property owners in the past would oftentimes verbally agree to the location of their property line; however, lenders and property owners have become increasingly meticulous regarding the location of property lines. He stated that this has led to more surveys, and at times the property line does not match fence-lines or landmarks where the owner, buyer, and/or neighbor thought that it was. He explained that disagreements regarding the location of property lines were civil in nature between the two property owners. He informed the Commissioners that the only way to legally relocate a property line, as determined by a surveyor, was by following the requirements of the Subdivision Ordinance of the City.

Commissioner Wiemers asked Mr. Rawlings if there had been any further discussions or activities relating to the property on Fay Avenue, where the owner wanted to plat the property, but drainage concerns were brought to light by numerous neighboring property owners. Mr. Rawlings informed the Commissioners that Fred Morales had met with the Mayor, City Administrator, and himself regarding moving forward on the proposed development, and that Mr. Morales was informed of the decision made by the City Council, the concerns regarding drainage, and the need for a third-party engineer to do an engineering study on the impact of the fill that has been placed on the property. He informed the Commissioners that this engineering study will need to be presented to our City Engineer and the County Floodplain Administrator would need to be included in the meeting regarding the engineer's findings whether or not there is an impact from the fill on this property; if there is an impact corrective measures will need to be discussed. He continued to explain that the matter would then be brought to the Planning & Zoning Commission again for recommendation to City Council. Mr. Rawlings stated that there was another property that was in the process of being vacated and re-platted that would need to be brought through Planning and Zoning Commission and City Council. He stated that we were trying to do what was in the best interest of the community.

Commissioner Lawler inquired about situations, such as the one involving Mr. & Mrs. Velasquez, where the city issued permits without a survey being done. Mr. Rawlings stated that, as he understood it, there was no ordinance or state law requiring a survey prior to permit issuance. He stated that a survey is recommended to be done prior to the issuance of permits for a new home, or business being built or before issuing permits for moving in a building or manufactured home. He explained that when the property owner has declined to have a survey done, they have been asked to sign a statement that the City recommended that they have the property surveyed because it was the only way to verify the location of the property lines and informing them that by not having a survey done, there was the potential for encroachment on property lines and/or easements and that remedying such as an encroachment, if determined to exist, would be at the cost of the property owner.

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

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

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

Motion carried.

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Chairman

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Secretary