

**Minutes
Planning and Zoning Meeting
June 3, 2013**

On this 3rd day of June, 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
Jim Lawler
Ed Dougherty
Darrell Murdock
Mike Herring

Absent being: Rick Maxwell; thus, constituting a quorum.

Personnel present: William L. Herring, Mayor; and Cassandra R. Maldonado, Municipal Court Clerk.

Others present: Attorney Tommy Ramirez and Charles West, Devine, TX.

Commissioner Wilkins called the meeting to order.

The first order of business was to discuss and consider approval of Minutes from meetings on April 8th, 2013 and May 20th, 2013.

Minutes were reviewed by the Commission.

Motion made by Commissioner Lawler, seconded by Commissioner Herring to approve the minutes from the meetings on April 8th, 2013 and May 20th, 2013.

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

Motion carried.

The second order of business was to discuss and consider a variance request made by Deutsche Bank National Trust Company as trustee for Novastar Mortgage Funding Trust Series 2007-1 Novastar Home Equity Loan Asset-Backed Certificates, Series 2007-1, by Ocwen Loan Servicing, LLC as Attorney-in-Fact, for a variance to Article 3, Section 3 (Area Regulation), of the Zoning Ordinance which requires a minimum building plot area to contain 9,000 square feet, to be reduced to 7,744.4 Sq. Ft. as indicated on a preliminary plat of the Carrillo Subdivision, as prepared by Charles W. Rothe, Registered Land Surveyor.

Attorney Tommy Ramirez briefed the Commission on the reason for the variance request. He stated that he was representing the Carrillo Family in this matter and they had no objections to the variance request. He said that if the variance was granted then the bank could sell the newer house and it would only make the City look nicer. He believed that if the variance was not granted then the bank would probably end up abandoning the property.

Commissioner Dougherty agreed with Mr. Ramirez and said that he felt the variance should be granted so that the property did not end up becoming a nuisance that the City would have to deal with.

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Motion made by Commissioner Wiemers, seconded by Commissioner Herring to approve the variance request made by Deutsche Bank National Trust Company as trustee for Novastar Mortgage Funding Trust Series 2007-1 Novastar Home Equity Loan Asset-Backed Certificates, Series 2007-1, by Ocwen Loan Servicing, LLC as Attorney-in-Fact, for a variance to Article 3, Section 3 (Area Regulation), of the Zoning Ordinance which requires a minimum building plot area to contain 9,000 square feet, to be reduced to 7,744.4 Sq. Ft. as indicated on a preliminary plat of the Carrillo Subdivision, as prepared by Charles W. Rothe, Registered Land Surveyor.

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

Motion carried.

The third order of business was to discuss and consider a variance request made by Deutsche Bank National Trust company as trustee for Novastar Mortgage Funding Trust Series 2007-1 Novastar Home Equity Loan Asset-Backed Certificates, Series 2007-1, by Ocwen Loan Servicing, LLC as Attorney-in-Fact for a variance to Article 3, Section 3 (Area Regulation), of the Zoning Ordinance which requires a rear yard to have a depth of not less than 20-percent of the average depth of the lot to allow an existing house to encroach of 2.1 feet into said rear yard as specified on a preliminary plat of the Carrillo Subdivision as prepared by Charles W. Rothe, Registered Land Surveyor.

Motion made by Commissioner Herring, seconded by Commissioner Wiemers to approve the variance request made by Deutsche Bank National Trust company as trustee for Novastar Mortgage Funding Trust Series 2007-1 Novastar Home Equity Loan Asset-Backed Certificates, Series 2007-1, by Ocwen Loan Servicing, LLC as Attorney-in-Fact for a variance to Article 3, Section 3 (Area Regulation), of the Zoning Ordinance which requires a rear yard to have a depth of not less than 20-percent of the average depth of the lot to allow an existing house to encroach of 2.1 feet into said rear yard as specified on a preliminary plat of the Carrillo Subdivision as prepared by Charles W. Rothe, Registered Land Surveyor.

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

Motion carried.

The fourth order of business was a Public Hearing on Preliminary Report for changing the zoning classification of property consisting of approximately 20 acres of land located along the north side of Hondo Avenue E. in the area of IH-35 in the City of Devine, from Class A. Single Family Residence District to Class H. Commercial Business District, which is proposed to include any or all properties with the following addresses: Hondo Ave. E. (R58416)

Commissioner Wilkins declared the Public Hearing open at 7:25 p.m.

Mayor Herring addressed the Commission and explained that this was the last property located between the Sonic and the Power-Substation that needed to be changed to Commercial to make it legal to put a commercial business there if desired in the future.

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Charles West a resident of Devine asked the Commission if Rossville Road would ever be used as an exit from IH-35. He also asked if there were any other outlets off of the exit ramp.

Mayor Herring informed him that TxDot would probably not allow Rossville Road to be opened for traffic off of the highway. He also said that TxDot did allow two entrances off of the exit ramp, one on the Colunga property and one on the Boyd property. He explained that there are no plans to put in a “loop”.

Commissioner Wilkins declared the Public Hearing closed at 7:32 p.m.

The fifth order of business was to discuss and consider approving the Preliminary Report for changing the zoning classification of property consisting of approximately 20 acres of land located along the north side of Hondo Avenue E. in the area of IH-35 in the City of Devine, from Class A. Single Family Residence District to Class H. Commercial Business District, which is proposed to include any or all properties with the following addresses: Hondo Ave. E. (R58416)

Motion made by Commissioner Dougherty, seconded by Commissioner Wiemers to approve the Preliminary Report for changing the zoning classification of property consisting of approximately 20 acres of land located along the north side of Hondo Avenue E. in the area of IH-35 in the City of Devine, from Class A. Single Family Residence District to Class H. Commercial Business District, which is proposed to include any or all properties with the following addresses: Hondo Ave. E. (R58416)

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

Motion carried.

The sixth order of business was Informational Items.

Nothing was discussed under this item.

There being no further business to discuss, motion made by Commissioner Wiemers, seconded by Commissioner Lawler to adjourn.

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

Motion carried.

Chairman

Secretary