

**Minutes
Planning and Zoning Meeting
August 17, 2009**

On this 17th day of August 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
Darrell Murdock
Ed Dougherty
Mike Herring

Absent being: Jim Lawler; thus, constituting a quorum.

Personnel present: Darrell Rawlings, Code Compliance Officer.

Others present: Fred Morales, Devine.

Commissioner Wilkins called the meeting to order.

The first order of business was to discuss and consider approving minutes from the meeting on July 20th, 2009.

The Planning & Zoning Commissioners reviewed the minutes.

Motion made by Commissioner Herring, seconded by Commissioner Murdock to approve the minutes from the meeting on July 20th, 2009.

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

Motion carried.

The second order of business was to discuss and consider request made by Fred Morales to vacate Tract 4 (11.22 acres) of the Morales Acreage Subdivision which is located between State Highway 173 (Hondo Avenue W.) and County Road 7610 (Colonial Parkway W) and replat to include a 1.00 acre adjoining property.

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Mr. Fred Morales was present to speak regarding the requested vacate and replat. Mr. Morales informed the commissioners that several years ago his father and Mr. Wilkerson purchased thirty acres together and had later divided the property in half with his father having fifteen acres and Mr. Wilkerson having fifteen acres. Mr. Morales stated that since then the property had been divided and platted, and that the zoning had been changed to commercial for this property. He explained that he had previously purchased property behind Morales Feed Store for expansion, and now he had an opportunity to buy back the one-acre tract of land that was sold to Mr. Gregory Dicaro several years ago and that he wanted to have the 12.22-acre portion of land described as one property to allow for any future expansion of his business. Commissioner Wilkins asked Mr. Morales about the location of the road on his property. Mr. Morales stated that he had relocated the roadway to the east side of his property. Mr. Morales stated that he intended to use the building on the one-acre property for storage for surplus inventory.

Mr. Darrell Rawlings, Code Compliance Officer, informed the commissioners that the property had been brought to the city before and that the plat being vacated was recorded after a waiver was granted to allow the sale of a portion of Mr. Morales property to Mr. Charles Edward Harrison by metes and bounds description with the condition that the property be platted and recorded in accordance with the Subdivision Ordinance at which time the zoning classification of this property would be changed to Class H. Commercial Business District. This had been done as instructed. Mr. Rawlings further stated that the so-called road was not an issue because it had never been dedicated as a public right-of-way. Mr. Rawlings informed the commissioners that the vacate and replat had been reviewed by the Code Compliance Department, Public Works Department, City Engineer and that the City Attorney had been consulted regarding the plat and the plat had been found to meet the requirements of the Subdivision Ordinance. He further explained that by combining Tract 4 with the one-acre property to create Tract 4A, the property still had adequate access to a public right-of-way and still had utilities available to the property.

The commissioners held discussion on the vacate and replat, and informed Mr. Morales that the City Council would meet to take action on the matter at 7:00 pm on Tuesday, August 18, 2009.

Motion made by Commissioner Dougherty, seconded by Commissioner Wiemers to recommend that the City Council approve Fred Morales' request to vacate Tract 4 (11.22 acres) of the Morales Acreage Subdivision which is located between State Highway 173 (Hondo Avenue W.) and County Road 7610 (Colonial Parkway W) and replat as Morales Acreage, Tract 4A (12.22 acres).

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

Motion carried.

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The third order of business was to discuss monthly Code Compliance, Floodplain Administrator, and Fire Marshal Reports for July, 2009.

Commissioners held discussion with Mr. Darrell Rawlings, Code Compliance Officer, on permits issued, inspections conducted, ordinance violations, and enforcement.

The Commissioners inquired about the other plats and surveys submitted under the Subdivision/Plats Submitted section of the report. Mr. Rawlings informed the Commissioners that the preliminary review of the surveys that had been submitted by Misty Schnautz regarding the property located at 110 Warhorse Drive, and by the Devine Evergreen Cemetery Association regarding property located in the extraterritorial jurisdiction (ETJ) of the City of Devine had been conducted by the Code Compliance Department, Public Works Department, Mr. Raul Garcia, City Engineer, and Mr. Tom Cate, City Attorney. He explained that all had agreed that, due to special circumstances regarding these two properties, it be recommended that the property owners request waivers as provided for in the Subdivision Ordinance. He explained that the survey submitted by Peggy Lester was regarding property access due to her intention to sell the property, which is located adjacent to Littleton Drive and within the ETJ of the City of Devine. Mr. Garcia and Mr. Cate were consulted regarding this matter and it was determined that the City was not requiring a change to the ingress/egress easement because the property was divided prior to the adoption of the Subdivision Ordinance, but if a mortgage company required a larger ingress/egress easement or a public right-of-way access to the property, the Subdivision Ordinance may apply. Mr. Cate had informed Mr. Rawlings that an ingress/egress easement was an agreement between two property owners and not a division of property that would require platting, however, if the owner needed to obtain public right-of-way access to both properties, the property would need to be platted and a portion dedicated to the city as a public right-of-way.

The Commissioners held discussion about the Skate Park and St. Joseph's Catholic Church as mentioned in the Floodplain Administrator Report. Commissioner Dougherty spoke regarding the Skate Park on Fay Avenue and informed the commissioners that the funding for the project had been pulled and that was the cause for the delay in the project. Mr. Rawlings informed the Commissioners that St. Joseph's Catholic Church was experiencing structural stability issues and that the walls of the building were spreading. Mr. Rawlings explained that a "No-Rise/No Adverse Impact" certification had been received from a Professional Engineer and permits had been issued to install shoring to stabilize the building until a decision could be made to repair the existing building or to demolish the existing building and rebuild it.

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

Chairman

Secretary