

**Minutes  
Planning and Zoning Meeting  
October 19, 2009**

On this 19<sup>th</sup> day of October 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:

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

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

Personnel present: Darrell Rawlings, Code Compliance Officer.

Others present: Brenda Langley, Romalda Buentello, Concepcion Herrera, Henry Herrera, Ron Wagner, and Larry Anderson.

Commissioner Wiemers called the meeting to order.

The first order of business was to discuss and consider approving minutes from the meeting on September 14, 2009.

The Planning & Zoning Commissioners reviewed the minutes.

Motion made by Commissioner Lawler, seconded by Commissioner Herring to approve the minutes from the meeting on September 14, 2009.

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

Motion carried.

The second order of business was to discuss and consider the request made by Larry Anderson on behalf of the Devine Area Health & Hospice Resources, Inc., for a waiver to the requirements of the Flood Damage Prevention Ordinance for the installation of an accessory building at 218 S. Teel Drive

**Planning and Zoning Meeting**  
**October 19, 2009**  
**Page 2**

Mr. Larry Anderson was present to speak regarding the requested waiver. Commissioner Wiemers addressed Mr. Anderson regarding the requested waiver. Mr. Anderson informed the commissioners that he had submitted diagrams to the city which pertained to the accessory building that he would like to have placed on the property. He further explained that he understood that FEMA (Federal Emergency Management Association) had redone the flood maps and that the property at 218 S. Teel Drive was being removed from the floodplain, and that there was a period of time required and procedures that had to be followed before the new map would become effective. Mr. Anderson stated that he would like to move forward with the placement of the accessory building. The accessory building would be used to store articles that are currently stored in the open on the property.

Mr. Darrell Rawlings, Code Compliance Officer, informed the commissioners that FEMA had updated the existing Flood Insurance Rate Maps (FIRMs) for Medina County by using more accurate topographical data, and explained that no new Flood Insurance Study (FIS) had been conducted. Mr. Rawlings informed the commissioners that he had provided them with a copy of the existing FIRM and the proposed FIRM and explained the location of the property in relation to the floodplain boundary lines. Mr. Rawlings informed the commissioners that FEMA had made two publications in the Devine News on October 1, 2009 and on October 8, 2009, regarding the new floodplain maps which started the official 90-day comment/appeal period. The appeals must be accompanied with technical data, in other words, engineering data, and must be submitted to FEMA prior to January 6, 2010. He informed the commissioners that the city would be making two appeals regarding the new map. One appeal was due to labeling issues on the new map. The other appeal stemmed from the study for proposed improvements to Burnt Boot Creek, in which the City Engineer, Raul Garcia, had determined the discharge amount to be substantially less than the amount used in the 1976 FIS. Commissioner Dougherty stated that it seems that any appeals that would be made to the new maps would be to reduce the area of the floodplain and not to increase it. Mr. Rawlings explained that if there were no changes to the proposed FIRM, the property at 218 S. Teel Drive would be located outside of the Special Flood Hazard Area (SFHA); however, there was still a possibility, however slight, of an appeal being made which could result in 218 S. Teel Drive remaining in the SFHA. Mr. Rawlings explained that the proposed map would not be in effect until it was adopted by the city.

Commissioner Lawler asked Mr. Rawlings what would be required for the installation of the accessory building in accordance with the Flood Damage Prevention Ordinance. Mr. Rawlings stated that the building would need to be anchored to resist flotation or lateral movement and elevated to or above the Base Flood Elevation (BFE). He explained that a surveyor or engineer would need to prepare an Elevation Certificate for the property based on construction documents to determine what the BFE is, and that a subsequent Elevation Certificate would be needed after the installation of the accessory building to ensure that the building was elevated adequately. Mr. Rawlings stated that Mr. Anderson had requested that he be allowed to install the accessory building without anchoring it. He also stated that, while the city office had received some phone calls from neighboring property owners regarding the request, no one had indicated any objection to the waiver or expressed any concern over the area being inundated with flood waters. Commissioner Herring stated that according to the submitted diagram, one side of the building would be elevated 15-inches above adjacent grade. Commissioner Dougherty inquired what bearing this would have on insurance costs. Mr. Rawlings suggested that Mr. Anderson contact his insurance agent regarding insurance on this building.

**Planning and Zoning Meeting**  
**October 19, 2009**  
**Page 3**

The commissioners held discussion on the requested waiver, and informed Mr. Anderson that the City Council would take action on the matter and consider their recommendation at their next regular council meeting.

Motion made by Commissioner Dougherty seconded by Commissioner Herring to recommend that the City Council grant Mr. Larry Anderson's request on behalf of the Devine Area Health & Hospice Resources, Inc., for a waiver to the requirements of the Flood Damage Prevention Ordinance as they would pertain to the installation of an accessory building at 218 S. Teel Drive with the following condition:

In the event the new FIRM, when adopted, continues to indicate that this property is located in the regulatory (1%) floodplain, the accessory building must be anchored, elevated, and installed in accordance with the requirements of the Flood Damage Prevention Ordinance.

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

Motion carried.

The third order of business was to discuss and consider request made by Richard Cottle to waive the requirements of the Subdivision Ordinance as it pertains to minimum lot size requirements for the vacating of property located between the dead end of Bright Drive N. and Tehama Avenue and described as George Fernandez Subdivision, Block 3 (NCB 113), Lot 13A and the re-platting as two lots to be used for the future placement of one manufactured home on each lot and as it pertains to required right-of-way width to allow for the platting and dedication of a 30-foot wide street.

Commissioner Wiemers informed those present that he had a letter from Mr. Cottle requesting to withdraw this request. Ms. Brenda Langley, Ms. Romalda Buentello, Mr. Concepcion Herrera, and Mr. Henry Herrera were present to speak in opposition to the granting of the requested waiver. Ms. Buentello inquired about the procedures if Mr. Cottle wanted to bring the matter up again. Mr. Darrell Rawlings, Code Compliance Officer, advised Ms. Buentello that if the property owner wanted to improve or develop the property, it would have to at least meet the minimum requirements established by the city ordinances; otherwise, he could request a variance which would require notices be mailed to all property owners within 200-feet of the property, and the matter would need to be brought to the Planning & Zoning Commission and City Council. Mr. Rawlings explained that all residential property in Class G. Retail Business District and Class I Light Industrial District requires a minimum lot area of 9,000 square feet, so anyone wanting to place a dwelling on property that was smaller than 9,000 square feet in area would have to be granted a variance to do so. He also stated that the required minimum right-of-way width, according to city ordinance, is 50-feet, so anyone desiring to plat a narrower right-of-way, would have to be granted a variance to do so. Discussion was held with the citizens regarding the layout of lots and the platting of property in the area of Tehama Avenue and N. Bright Drive.

No action taken.

**Planning and Zoning Meeting**  
**October 19, 2009**  
**Page 4**

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

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

Commissioner Dougherty spoke regarding last month's discussion on tax sales and buy-back information. He stated that he was informed that the previous owner can buy the property back at 100% of the sale price within the first year of the date of the sale, and at 200% of the sale price within the second year of the date of the sale. He stated that he was told that a person should not make any improvements to the property within this time period because of the possibility of the previous owner buying back the property.

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

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Chairman

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Secretary