Minutes
Planning and Zoning Meeting
November 14, 2011

On this 14th day of November 2011, 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
Mike Herring

Thus constituting a quorum.

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

Others present: Alex Gonzalez of Devine; Cindy Gonzalez, 1408 Libold Drive, Devine; Sandy Jopling, 1402 Libold Drive, Devine; Doug Trott & Donna Trott, 401 Mockingbird Lane, Devine; Jason LaRue, 502 Sayers Drive N, Devine; Tommy Ramirez, 217 Hondo Avenue W, Devine; and Dr. Jay Hudson, 1035 East Malone Drive, Devine.

Commissioner Wilkins called the meeting to order.

The first order of business was to discuss and consider approving minutes from the meeting on September 12th, 2011.

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 12th, 2011.

Ayes	--	Four
Nays	--	None
Absent	--	Two (Wiemers; Dougherty)

Motion carried.

Commissioner Wiemers arrived at 7:08 pm.

The second order of business was to discuss and consider request made by Tomas Ramirez, III on behalf of the property owner to vacate and replat Colonial Oaks Subdivision, Block 4 (NCB 130), Lot 6, known as 406 Monticello Circle and 1505 Libold Drive, into two lots, with either one or both lots to be smaller than the minimum size requirements of the Subdivision Ordinance.

Tomas Ramirez, III, was present to speak on behalf of his client, Howard Hicks, for the granting of the requested variance. He addressed the Commissioners and explained that the property, which is almost 0.4 acres in size, that contains two dwellings and has been that way for a number of years for was formerly owned by Bill & Marjorie Burris, before they moved to California, and that the dwellings had separate addresses. He explained that Bill & Marjorie Burris resided in the house at the front of the lot, and Ann Bowman and her family lived in the house at the back of the lot. Mr. Ramirez stated that he and Mr. Hicks were requesting that the city grant a variance to allow the property to be surveyed and divided into two lots to have one dwelling on each lot. He stated that the reason for the request was that Mr. Hicks was well up in age and that it was difficult for Mr. Hicks financially to maintain two residences, when he could sell one and use the proceeds to deal with financial constraints that come with retirement age. He stated that the tax office has this property broken up into two lots, and it has been this way for some time. He explained that there was a tax bill for the back property and a separate tax bill for the main residence. Mr. Ramirez stated that no one would be negatively impacted by the granting of the variance to divide the property. He said that it would not impede neighboring property, and doesn't cause any problems for anybody in the neighborhood. He stated that it would remain the same as it is now with the exception that instead of one individual owning both dwellings, but could be sold to different owners. After a request for clarification on the proposed lot size by Commissioner Wilkins, Mr. Ramirez explained that the proposed division would result in the front part of the lot with the main residence being 10,210 square feet, which met the city requirements of a minimum of 9,000 square feet of lot area, and the back part of the lot with the smaller dwelling would be just over 4,739 square feet. The proposed division would be along the existing fence-line between the two dwellings. Mr. Ramirez stated that there were lots in Devine that were comparable to the size of the smaller lot and stated that the city did have the power to grant the variance, emphasizing that granting the variance would not hurt anybody.

Commission Murdock stated that he recalled the matter coming up before and he thought that the city had approved this matter at a previous meeting. He stated that he felt that there was nothing wrong with it and that it should be grandfathered in. Mr. Ramirez was in agreement with this comment. Mr. Ramirez stated that the main thing to consider when granting a variance is that the ordinances are to protecting peoples land and values, but in this case, the granting a variance does not affect anyone. Commissioner Murdock remembered that the main issue when that matter was brought up before had to do with parking problems.

Commissioner Dougherty arrived at 7:13 pm.

Darrell Rawlings, Code Compliance Officer addressed the Commissioners regarding the requested variance. Mr. Rawlings informed the Commissioners that he had researched the minutes from previous Planning & Zoning meetings and City Council meetings to try to determine if any variances had been granted to allow the second dwelling on the property. He stated that there were two times that there is mention of this property. The first being in November 1974, when Austin DuBose, the owner at that time, had a barber shop on the property and contested paying garbage service for the barber shop because he felt that he didn't generate enough garbage and wanted to include the barber shop garbage with his residential garbage for pickup. Council had denied this request. The only other mention of this property was in 1983 when it appears that Wylie Eddie Gardner Jr. purchased the building used as the barber shop and requested a variance to move it to his property at 500 Hermitage Loop and continue using it as a barber shop. He informed the Commissioners that while he wasn't able to determine when it was done, according to Public Works, there are separate utility connections for each dwelling. He stated that Public Works also stated that

the water and sewer lines for 406 Monticello Circle run under the dwelling at 1505 Libold Drive, which would provide issues if divided unless utility lines were extended down Libold Drive. He stated that he was not certain of the location of the service entrance for electrical service. Mr. Rawlings stated that there have been some issues with parking because the property at 1505 Libold Drive only has one off-street parking space, and according to the police and some property owners there have been issues regarding vehicles parking in the alley and along Libold Drive. Mr. Rawlings stated he had spoken with Mayor William Herring regarding this property and the he had stated that the dwelling at 1505 Libold Drive was built after the barbershop was removed from the property indicating that the building would have been built after 1983. He informed the Commissioners that there is no record of any variances being granted to allow two dwellings on the one lot. Mr. Rawlings referred to the survey of the property that was provided the last time this variance request was made to inform the Commissioners of encroachments on the building set-back lines by the building at 1505 Libold Drive. Mr. Rawlings stated that he knew that the problems regarding this property would continue as a non-conforming use, but that as a non-conforming use, if one of the two dwellings were substantially damaged, damaged over 50% of the pre-damage value, the property owner would have to be granted a variance to be allowed to repair or rebuild the structure.

Mr. Ramirez stated that if one person owns the property or if two people own the residences separately, it still won't change the fact that the existing building is on the property line, and if one building were to burn down, whether it is all owned by the same person or two different people, the owner will probably request a variance to do what has already been done years ago. Mr. Rawlings stated that granting the variance will make the non-conforming building legally conforming as far as having two dwellings on the one lot, and having another dwelling here will be allowed, without requiring a variance to allow two dwellings on one property, which takes away the possibility of the city denying the continuance of the non-conforming use.

The Commissioners addressed those opposed to the granting of the variance.

Alex Gonzalez, who resides across from 1505 Libold at the corner of Libold and Fox Run, expressed opposition to the granting of the variance. He stated that the parking was bad regarding this property and presented written opposition and photographs from Doug Trott. He stated that in addition to the parking concerns, the house and the carport are both encroaching on set-back lines. He stated that when he built his carport, he checked the city requirements and did it in compliance with the law. He stated that the city should not allow problems and violations continue. He stated that the use of that residence will eventually stop and at that time it should be used for something allowable in this area. He stated that he was not familiar with all of the laws, but had concerns with the dwellings being separated on two different lots. Mr. Gonzalez addressed Commissioner Murdock and stated that the matter was not approved by the city before, but was denied. Mr. Ramirez addressed Mr. Gonzalez stating that if he was in Mr. Gonzalez position he would be concerned about the same thing, but the fact was that this was not for a new home to be built, but for a home that was already in existence.

Mr. Ramirez stated that the problems would not go away regardless if the variance is granted or not, and if something happened to 1505 Libold Drive after a division, a new dwelling would still need to comply with the set-backs of the zoning ordinance. Mr. Rawlings stated that Mr. Ramirez had stated that the tax office had the property divided into two lots, but he questioned this because the deed indicates that this property consists of one lot with two dwellings. Mr. Rawlings stated that he contacted the Medina County Appraisal District regarding the two tax accounts and was informed that this was usually done for homestead

purposes. He was also informed that prior to 1979 each city maintained their own tax records, and the county took them over in 1979, the Appraisal District being created in 1981. Mr. Rawlings stated that existence of two tax accounts do not mean that the property is actually divided. Mr. Ramirez agreed and stated that he hoped he had not misled anyone by his earlier statement.

Commissioner Wilkins speculated that it Austin DuBose probably built that barber shop on his property as a home business years ago, without any variances, and that is how this probably started.
Mr. Ramirez stated that the point that he is trying to make is that the problems that exist don't change regardless of the property owner. The owner would have to comply with the city requirements to build a new building if something happened in the future. Commissioner Wiemers asked Mr. Rawlings if this was true. Mr. Rawlings stated that the construction of a new building would have to meet city ordinance or be granted a variance.

Sandy Jopling inquired if there would be enough room on the smaller lot to build in compliance with the set-backs. Mr. Ramirez stated that his wife may be able to answer that, but that an architect could design a building that would fit on the available building area.

Commissioner Lawler inquired if there was any issue with changing the interior line to make the back lot larger. Mr. Ramirez stated that he did not discuss that with Mr. Hicks, but that he felt that he would relocate that fence if need be. Mr. Rawlings asked the Mr. Ramirez if Mr. Hicks would be willing to pay for water and sewer line extensions down Libold Drive, because the water and sewer lines being under the dwelling at 1505 Libold Drive was a big concern, and there may be issues with the electrical services for one or both buildings crossing the other proposed lot. Mr. Ramirez stated that he would need to talk to Mr. Hicks about it, but that he may consider that, but the utility lines being located under the house at 1505 Libold Drive would be that way regardless of two property owners owning the dwellings or one property owner owning both properties. Mr. Rawlings stated that one property owner could probable relocate the lines on the lot without needing to extend the utility lines, but two property owners make it necessary to extend the utility lines to provide service to the new lot. Mr. Ramirez stated that he felt that this matter existed regardless of who owned the property. Commissioner Dougherty stated that the utility concerns had to be addressed before the property would be subdivided and sold. Mr. Ramirez stated that he was sure that this could be addressed if need be.

Mr. Rawlings spoke to the Commissioners regarding the set-backs for the proposed new lot for 1505 Libold Drive. He stated that the existing dwelling at 1505 Libold Drive covered about a third of the total proposed lot area; the square footage of the dwelling at 1505 Libold being approximately 1,300 square feet according to the appraisal card and the proposed lot size being 4,739 square feet according to Mr. Ramirez. He informed the Commissioners that this zoning classification required a 40-foot front set-back, 5-foot side setback adjacent to another property, and a 15-foot side setback adjacent to a right-of-way, and a rear set-back that was 20% of the average lot depth. He stated that there would be a very small building area left for a home to be built in compliance with the setbacks. Mr. Ramirez stated that an architect could design a building to fit in this building area. Cindy Gonzales stated that there were deed restrictions on this subdivision that required a minimum square footage of the ground floor. She stated that she could not remember for certain, but that she thought that the ground floor had to contain a minimum of 800 to 1,000 square feet.

Cindy Gonzales addressed the Commissioners as a neighboring property owner, and as a License Real Estate agent certified by the State of Texas. She stated that she has knowledge of the property because she was the realtor that listed this property for six months for sale for Mr. & Mrs. Burris in 2008. She stated that they had considered dividing the property then because two lots would be easier to sell. She stated that the original property was 0.39 acres, but the previous owners, Mr. & Mrs. Burris, conveyed .04 acres to the city, bringing the property to 0.35 acres. She stated that they had tried to leave the front property at 406 Monticello Circle at 0.20 acres, minimum, but that left no back yard for the house at 406 Monticello Circle. She also stated that there were set-back issues with the home, and that the eave of 1505 Libold Drive appears to encroach over the neighbors property, however, she was only assuming this and has no proof of it. She also stated that 406 Monticello Circle apparently had gas service at one time, and there may be a gas line under the house at 1505 Libold Drive in addition to the water and sewer, which is further evidenced by a gas light between the two dwellings as evidenced on the survey. She stated that she was not sure if the gas lines are active or not but the gas may also have to be extended if a future owner of 406 Monticello Circle needs gas service. She stated that having a lot that could be no more than 0.15 acres in the Colonial Oaks Subdivision, would, in her professional opinion, have an impact on the property values in the neighborhood; not the entire city, but definitely in that subdivision. Mr. Gonzales stated that she was not aware of any variances granted by the city in the past twelve years that she has been in real estate in Devine to allow a lot to be platted in Colonial Oaks Subdivision that has be 0.15 acre in area or smaller. Mrs. Gonzales stated that she was concerned with the city setting precedent which may lead to more and more of these smaller lots. Mr. Ramirez stated that for it to be considered a precedent, the same conditions would have to apply; in other words, it would need to a property containing two dwellings that had existed on the property for 20-plus year ago that are asking to divide the property. Mr. Ramirez reiterated that the issues that are there will not change if there is one owner or if there are two owners.

Commissioner Dougherty stated that it changed the way that a utility problem would need to be handled. Mr. Ramirez asked for an example of a utility problem. Commissioner Dougherty provided an example of a sewer line break for the sewer line serving 406 Monticello Circle, which would have access issues because the sewer line crosses 1505 Libold Drive. Commissioner Dougherty informed Mr. Ramirez that this matter has been addressed before and there have been no changes on any of the issues other than Mr. Ramirez coming in to request it instead of Mr. Hicks. Mr. Ramirez inquired what issues, other than the utility concerns, there were that would cause a problem for someone.

Cindy Gonzales stated that she had been inside 1505 Libold Drive and had concerns regarding the construction of the building, stating that the city had not granted any variances, and there had been people that lived in the area that told her that the building started as an animal pen, and that there were drainage issues requiring sandbags to be placed on the property because of water running under the dwelling at 1505 Libold Drive. She stated that Mr. Burris had also informed her that there was roof damage at one point that allowed some water damage in the building. Mr. Ramirez stated that the building could be as dilapidated as they come, but how does ownership of that building affect neighboring property values. A change of ownership does not change the condition of the building.

Commissioner Dougherty stated that the requested variance is a drastic change from what the subdivision ordinance requires. Mr. Ramirez stated that this is what variances are for. Mr. Ramirez stated that the utility issue could be resolved, but parking and setbacks do not change by allowing the property to be subdivided.

Sandy Jopling, resident who lives at the corner of Colonial Parkway and Libold Drive addressed the Commissioners and stated that she felt that if the city granted the variance, the city would be sending a message that it's ok to allow non-conforming buildings to continue to exist in the city. She stated that she works for a title company and has some history on the property. She stated that Mrs. Cowan lived at 406 Monticello Circle, and from what she understood, the house at 1505 Libold Drive was built for her parents to live in. When she sold it, it was sold together because of city ordinances. She stated that granting the variance would seem to suggest that it was be in non-compliance with city ordinance.

Mrs. Gonzales addressed Mr. Ramirez and stated that the owner's financial situation has nothing to do with this. Mr. Ramirez stated that he felt that it might have something to do with it, but he may have received some bad information, but he stated that the owner's private matters were his private matters. Mr. Ramirez once again stated that ownership of the property does not affect the issues that have been mentioned. Mr. Rawlings stated that granting the variance and platting the property as two lots taking away the opportunity to remove a non-conforming condition that is creating these problems, if something were to happen to one of the dwellings. Mr. Ramirez stated, "And if it does, you're telling me then, that the city at that time doesn't have enough wisdom to do what's right? Because the city at that time will have, presumably, the wisdom to do whatever it needs to do, when that issue, if it ever presents itself." He stated that the utilities appear to be the only concern, and they can be addressed. Mr. Rawlings stated that zoning ordinances are intended to control density in neighborhoods. Mr. Ramirez stated that it's too late for that now because the building is there and occupied, and it should have been done thirty years ago. Mr. Rawlings stated that apparently it wasn't done in compliance with city ordinance. Mr. Ramirez stated that it doesn't matter today whether there are one or two owners. Commissioner Dougherty stated that it does have an impact on property value. The one property has a value, splitting the property into one lot that is compliant and has decent value, and a very small lot that has a lower value. Mr. Ramirez stated that if an appraisal is done on a property, they are not going to compare it with the house at 1505 Libold Drive because it does not compare. Commissioner Dougherty and Mrs. Jopling stated that they take into consideration the surrounding properties. Mr. Ramirez stated that they take into consideration property of comparable size and worth, Commissioner Dougherty agreed that this was what they did, in theory. In reality, when it was time to sell, it will have an effect. Mr. Ramirez disagreed. He stated that he felt that ownership does not change the condition of the building.

Commission Lawler stated that the Commissioners met on this matter on October 6, 2008, with much of the same audience and nothing has changed regarding the property.

Motion made by Commissioner Lawler, seconded by Commissioner Dougherty to recommend the city council deny request made by Tomas Ramirez, III on behalf of the property owner to vacate and replat Colonial Oaks Subdivision, Block 4 (NCB 130), Lot 6, known as 406 Monticello Circle and 1505 Libold Drive, into two lots, with either one or both lots to be smaller than the minimum size requirements of the Subdivision Ordinance.

Ayes	--	Five
Nays	--	One (Murdock)

Motion carried.

The Commissioners informed Mr. Ramirez that the item was on the agenda for the Council Meeting at 6:00 pm on November 15, 2011. Mr. Rawlings informed Mr. Ramirez that the Mayor had approved his earlier request to move the Planning & Zoning item up on the agenda. Mr. Gonzalez inquired why this was done stating that by changing the order, he would not be able to be present for the item. Mr. Rawlings informed him that the order on the agenda could be changed by the Mayor at his discretion, and that Mr. Ramirez had made a request earlier in the day to move the item up. Mayor Herring addressed Mr. Gonzalez regarding when he would be able to attend the meeting, to which Mr. Gonzalez stated that he was not certain because he worked on the north side of San Antonio. The matter was discussed and Mr. Gonzales was informed that the statements that he made at the meeting would be included in the minutes for the meeting. Mr. Gonzalez also submitted a written protest to the variance to be presented to the City Council.

Discussion was held between Mrs. Gonzales, Mrs. Jopling, Commissioners, and Mr. Rawlings regarding how often the same matter could be brought up requesting a variance. Mr. Rawlings stated that he had spoke with Tom Cate, City Attorney, regarding this matter, and he stated that the city could place a time limit on how soon an variance request could be brought back to the Planning & Zoning Commission and City Council, but it had to be specified in the ordinance and must be for a reasonable amount of time; generally, six months to a year. Discussion was held on what could be done to stop the building at 1505 Libold Drive from being used as a dwelling, and asked why the city is taking this building as being a one-family dwelling if there is no record of its. Mr. Rawlings stated that it was allowed to continue as long as the use continued, and that regarding the current use, the tax statement and utility records have 1505 Libold Drive indicated to be a one-family dwelling. The Commissioners expressed a desire to meet with the city attorney regarding what could be done relating to these issues. Mrs. Gonzales stated that it seems to be a waste of city time and taxpayer money to address these issues over and over again.

The third order of business was to discuss and consider request made by Travis Franklin on behalf of Professional Resource Development, Inc. for the following variances/waivers be granted to the provisions of the Subdivision Ordinance (Appendix B) of the City of Devine, for the platting of properties addressed as 1284 Hondo Avenue W. and 1207 Hondo Avenue W, and being 2.3 Acres of the F. Niggli Survey No. 1 (Abstract No. 713) which is proposed to be platted as Jerry Hudson Addition, Lots 1, 2, & 3:

a. Appendix: B; Article IV: Site Improvements and Design Standards, Section 403. Streets & Alleys, Subsection 403.03 *Private streets.*, which states: "Private streets shall not be permitted", to be allowed to plat a lot only accessible by a private street or ingress/egress easement;
b. Appendix: B; Article IV: Site Improvements and Design Standards, Section 403. Streets & Alleys, Subsection 403.08 *Right-of-way and pavement widths.*, which provides for minimum right-of-way widths and pavement widths for streets, to waive the requirement to have a public right-of-way meeting these requirements;
c. Appendix: B; Article IV: Site Improvements and Design Standards, Section 407. Lots, Subsection 407.05 *Access and parking.*, which states: "Every lot shall be provided with adequate access to a public street by direct frontage on such street...", to be allowed to plat a lot that does not have direct frontage on a public street.
d. Appendix: B; Article IV: Site Improvements and Design Standards, Section 410. Water System, Subsection 410.02 *Design Standards*; 410.02-04. *Fire hydrants.*, which states: "Every subdivision, as part of the water distribution system, shall be provided with standard fire hydrants … and every lot shall be within 500 feet of a fire hydrant." to waive this requirement.

Dr. Jay Hudson was present to speak for the granting of the requested variances. Discussion was held on this matter having been brought before the Planning & Zoning Commission before and it was recommended the City Council deny the request. Dr. Hudson stated that he owned part of Professional Resource Development, Inc. (PDRI), and that the plat was being done to convey part of the property owned by his parent company into his name so that he would personally own this portion, identified on the plat as Lot 2.

The Commissioners addressed Darrell Rawlings, Code Compliance Officer, regarding this variance request. Mr. Rawlings informed the Commissioners that, following the denial by the Planning & Zoning Commission and City Council, Dr. Hudson, Gary Pelech, City Administrator, Mayor William Herring, and Mr. Rawlings met regarding what could be done to work together with the property owner to resolve the condition of the property in this area, which has been divided without platting over the years prior to annexation into the city. He explained to the Commissioners that the neighboring property, which contains part of the ingress/egress easement, and is occupied by Hondo Oil and Lube, Inc., was included in the plat. This required the signature of the owner of Hondo Oil and Lube, Inc., to indicate his agreement with the plat. Mr. Rawlings stated that Raul Garcia, City Engineer, had reviewed the plat and was okay with the layout of the subdivisions, the property sizes, and the utility easements to ensure access to city utility service for each lot. Mr. Rawlings informed the Commissioners that Hondo Oil and Lube, Inc. currently does not have city sewer service and is on a septic tank. He explained that should the septic tank fail to operate as intended, city ordinance required the connection to city sewer service and the utility easements were provided to allow for this.

Mr. Rawlings explained that when he met with Dr. Hudson, Mayor Herring, Mr. Pelech it was discussed that deed restrictions on the subdivision would help to protect the ingress/egress easement from obstruction and to allow it to be open for access to Lot 1 and to be used for Fire Department access. Dr. Hudson advised the Commissioners that a restriction was also placed on Lot 1 that the owner of Lot 1 must provide a fire hydrant to City specifications before any improvement could be made to that lot. The required the agreement of the owner of Hondo Oil and Lube, Inc. to the plat and subsequent restrictions. Ownership of the ingress/egress easement was discussed. Mr. Rawlings explained that Tom Cate, City Attorney, made the following comments regarding the plat and deed restrictions. First he stated that the plat should have Mr. Travis Franklin's title to show what capacity he has to sign on behalf of Profession Resource Development Inc.; his title is provided on the deed restrictions. He also commented that Lot 3 is not mentioned in the restrictions, and it is unclear if the restriction that states that no obstruction can be placed on the easement applies to Lot 3. Mr. Rawlings asked Dr. Hudson if there was a reason that Lot 3 was omitted from the restrictions regarding this. Dr. Hudson stated that he could not answer that question.

Commissioner Wiemers inquired who maintained the ingress/egress easement. Dr. Hudson stated that he would as the owner of Lot 1. Mr. Rawlings stated that the restrictions provided that the owner of Lot 2 would use "reasonable discretion" in making "repairs, maintenance, and improvements to the roadway" and that the owner of Lot 1 would have to reimburse the owner of Lot 2 within ten days after receiving a written statement from the owner of Lot 2. Commissioner Wiemers inquired if there were any plans to build on Lot 1. Dr. Hudson stated that there were no immediate plans, but that if he did decide to build something he would make sure that a fire hydrant was done to city specifications first. He stated that he might build a dental lab in the future. Mr. Rawlings stated that the restrictions appear to prohibit that use. Dr. Hudson stated that at the end of a list of prohibited uses, it says that any use must first be approved by

the owner of Lot 2. Mr. Rawlings stated that this restriction appeared to be concerning construction specifications on the building more than the use. Dr. Hudson stated that PDRI wants to approve any use and any building that is to be placed on Lot 1. Mr. Rawlings asked Dr. Hudson what a "so-called 'head-shop'" is and stated that it was a question that the City Attorney had as well, because there was no definition in the restrictions. The City Attorney had recommended including a definition of a "head shop" in the restrictions. Dr. Hudson stated that this would be somewhere that sold bongs and/or drug paraphernalia.

Motion made by Commissioner Dougherty, seconded by Commissioner Wiemers to recommend the city council approve the request made by Travis Franklin on behalf of Professional Resource Development, Inc. that variances/waivers be granted to the provisions of the Subdivision Ordinance (Appendix B) for the platting of properties addressed as 1284 Hondo Avenue W. and 1207 Hondo Avenue W, and being 2.3 Acres of the F. Niggli Survey No. 1 (Abstract No. 713) which is proposed to be platted as Jerry Hudson Addition, Lots 1, 2, & 3, with the condition that J. D. Pierce, president of Hondo Oil and Lube, Inc., which is the owner of proposed Lot 3, also sign the deed restrictions indicating his approval and agreement.

Ayes	--	All
Nays	--	None

Motion carried.

The third order of business was to discuss application of building set-backs for properties that are accessed by a strip of land narrower than the average lot width at the building site, commonly referred to as "flag lots".

Discussion was held between the Commissioners and Darrell Rawlings, Code Compliance Officer, regarding the building set-backs provided in the zoning ordinance and "flag lots". It was discussed that an amendment may be needed to the set-backs in the zoning ordinance to create a separation distance between any structures allowed on a common property line between a standard lot and a "flag lot". Commissioner Wilkins suggested that the city start measuring the front set-back on a "flag lot" from the end of the strip of land used for access and apply it to the main body of the lot. Commissioner Dougherty inquired if a flag lot was allowed by the subdivision ordinance, and if it is, can the subdivision ordinance be amended to prohibit them. Mr. Rawlings stated that he would speak with the City Administrator and City Secretary to see about having a meeting with the Commissioners and the City Attorney, at which time these matters can be discussed in addition to the issues that they wanted to discuss regarding non-conforming uses.

The fourth order of business was to discuss Informational Items.

Darrell Rawlings, Code Compliance Officer, informed the Commissioners that he was working on updating the city zoning map after observing some discrepancies on the existing map. He stated that for the most part the discrepancies have been that former zoning commissions and city councils have granted conditional uses to property owners, which are generally limited to a definite time frame or to the current owner as long as no complaints are received, but are not an actual zoning change; however, the term zoning change was used in the minutes and previous city staff have marked these areas on the zoning map. He stated that he

was working his way through the old zoning and council minutes to update the zoning map. He informed that Commissioners that at classes that he had attended, it had been stressed that zoning changes follow the city's comprehensive plan and that some legal guidance may need to be sought in addressing some of the issues in the city.

The Commissioners expressed a desire to meet with the city attorney regarding issues such as non-conforming uses, flag lots, and zoning and subdivision related matters.

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

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

Ayes	--	All
Nays	--	None

Motion carried.

_____
Chairman

_____
Secretary