

**NOTICE OF MEETING  
OF THE CITY OF DIBOLL  
PLANNING & ZONING COMMISSION**

The City of Diboll will hold a meeting of the Planning and Zoning Commission in the City Hall, Council Chambers, located at 400 Kenley Street, Diboll, Texas, on Thursday, February 08, 2017 at 4:30 p.m.

Call to Order

Invocation

Pledge of Allegiance

**Item #1:** Public Hearing on Item #2

**Item #2:** Consider a recommendation to the City Council recommending a Special Use Permit be granted to Ismael Terrazas, Jr. who resides at 504 Burke Street, Diboll, Texas 75941, to operate a barbershop out of his residence.

**Item #3:** Consent Agenda: All matters listed under 'Consent Agenda' are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

a. Minutes from December 19, 2017 Planning and Zoning Commission Meeting

The Planning and Zoning Commission reserves the right to meet in closed session on any agenda item pursuant to authorization by Title 5 Chapter 551 of the Texas Government Code.

**Adjournment**

I certify that this Notice of Meeting was posted in a glass-enclosed case in front of City Hall at 400 Kenley Street, Diboll, Texas, and available for viewing by the public prior to 5:00 p.m. on February 05, 2018 as well as at the City's website at [www.cityofdiboll.com](http://www.cityofdiboll.com)



Melissa McCall, City Secretary

*"A quorum of the full governmental body may attend the meeting of a committee of that body, or any other advisory board, for example, a quorum of the Diboll City Council may attend a Planning and Zoning Commission meeting, or City Advisory Board meeting. "*

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary Office at (936)829-6802 or (936)829-4757 for further information.

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF DIBOLL, TEXAS  
MEETING ON TUESDAY, DECEMBER 19, 2017 AT 4:30 PM, DIBOLL CITY HALL

**COMMISSION MEMBERS PRESENT**

Chairman John R. Clements, Vice-Chairman Lee Woodard, Minnie Faye Jones (*via speakerphone due to illness*)

**ABSENT**

Jaime David Garcia and Charles Phipps

**STAFF PRESENT**

City Secretary Melissa McCall

Chairman, John R. Clements called the meeting to order at 4:48 pm and gave the invocation.

Pledge of Allegiance was recited by those in attendance, led by John R. Clements.

**Citizen Participation:** None

**ACTION /DISCUSSION ITEMS:**

**ITEM #1: Public Hearing** – Chairman, John R. Clements opened the Public Hearing; no public present, Public Hearing closed.

**ITEM #2:** Discuss and Consider taking action to approve the following:

- a. Minutes from May 01, 2017 Planning and Zoning Commission Regular Session Meeting
- b. Minutes from June 05, 2017 Planning and Zoning Commission Regular Session Meeting
- c. Minutes from September 05, 2017 Planning and Zoning Commission Public Hearing and Regular Session Meeting

Vice Chairman, Lee Woodard made the motion to approve all minutes and Minnie Jones second.

All in favor, none opposed, motion carries

**ITEM #3:** Discuss and Consider taking action to approve making recommendation to the City Council to Amend the Land Use Plan to allow Multifamily Zoning on property adjacent to Lumberjack Drive, from Devereaux and Neches Pines Golf Course.

Vice Chairman, Lee Woodard made the motion to approve making recommendation to the City Council to Amend the Land Use Plan to allow Multifamily Zoning on property adjacent to Lumberjack Drive, from Devereaux and Neches Pines Golf Course, and Minnie Jones second.

All in favor, none opposed, motion carries

**ADJOURNMENT:**

Vice Chairman, Lee Woodard made the motion to adjourn at 4:59 PM and Minnie Jones seconded.

All in Favor, none opposed, motion carries

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John R. Clements, Chairman

**ATTEST BY:**

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Melissa McCall, City Secretary

STATE OF TEXAS       §  
ANGELINA COUNTY     §  
CITY OF DIBOLL       §

CITY OF DIBOLL  
APPLICATION FOR  
SPECIFIC USE OR ZONING CHANGE  
(CIRCLE ONE)

APPLICANT: Ismael Terrazas Jr PHONE: 936-6764883

STREET ADDRESS 504 Burke st

MAILING ADDRESS: (IF different from street address) \_\_\_\_\_

OWNER OF PROPERTY (if different from applicant) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

**PROPERTY DESCRIPTION:**

ADDITION: \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_

STREET ADDRESS: 504 Burke St

LOT SIZE .217 ACREAGE \_\_\_\_\_

RECORD OWNER: Ismael Terrazas Jr

STRUCTURES ON LOT:  YES \_\_\_\_\_ NO \_\_\_\_\_ NUMBER 1

TYPE Single-family detached

HOME OCCUPATION DESCRIPTION: (IF applicable) Barber Shop

**LAND USE DATA:**

PRESENT ZONING: Residential - REQUESTED: \_\_\_\_\_

APPLICANT'S COMMENTS: \_\_\_\_\_

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**GENERAL INFORMATION AND INSTRUCTIONS:**

1. If the Record Owner is not the Applicant, a notarized affidavit from the Record Owner authorizing the Applicant to amend the zoning and/or represent the Record Owner must accompany this application.

2. When a piece of property is unplatted on the Official Tax Maps of the City of Diboll an Administrative Plat including metes and bounds description, certified by a Registered Engineer or Registered Public Surveyor, is required; and shall be attached to this application and accompanied by a 1:100 scale plat of the property.

3. Applicant and/or Applicant's Agent must be present at all Public Hearings/ meetings concerning this application, if it is to be considered. Absence from such hearings/meetings could result in denial of this application.

4. City Office Staff will notify all owners of property within 200 feet of the subject property and they will be given ten (10) days to comment. The City will publish notice of a Public Hearing on the proposed change in the Official newspaper of the City of Diboll.

5. A hearing before the Planning and Zoning Commission will be held no sooner than ten (10) days from the notice.

6. The Planning and Zoning Commission will make a recommendation to the city Council, who will also hold a Public Hearing on the application. Hearing will held no sooner than (15) days from the original notice. After the Public Hearing the City Council will determine if the change shall be granted.

7. This application must have a site plan meeting all setback and lot coverage requirements.

I hereby certify that this application contains no willful falsification, misrepresentation, and that the information given is complete, correct and true to the best of my knowledge and belief. Furthermore, I understand that should investigation at any time disclose any such misrepresentation or falsification, I forfeit all changes and/ or amendments granted by consideration of this application. I also agree to comply with all of the building codes of the City of Diboll. I agree to submit to the non-refundable, administrative review fee listed below for each permit application.

Specific Use Permit

\$200

APPLICANT'S SIGNATURE Admal [Signature]

DATE: 1-16-18

APPLICANT'S COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**STAFF USE ONLY:**

APPLICATION APPROVED/DENIED \_\_\_\_\_

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Need the Request in writing for a Special Use Permit to allow a barbershop in residential zoning.**

**Fee is \$200**

**Need site plan or details to comply with residential setbacks and maximum lot coverage of 35%.**

**Will need 3 offsite parking. Two for the residential and one for the business.**

**Once this has been received we will put in the Diboll Free Press and notify all landowners within 200 feet. (If 20% object it will require a 3/4<sup>th</sup> vote to pass rather than a simple majority.)**

**After publication we have to wait 10 days for the planning and zoning and on the 16<sup>th</sup> day after the publication the City Council can hear the case.**

## **Sec. 24-22. - Procedures for changes and amendments.**

Any person or corporation or group of persons having a proprietary interest in any property, upon proof of such interest, may petition the governing body for a change or amendment to the provisions of this chapter or the planning and zoning commission may on its own motion, institute proposals for change and amendment in the public interest. All petitions for the amendment of this chapter shall bear the signature of the owners of all property within the area of request.

The city council may from time to time amend, supplement or change by ordinance the boundaries of the districts or regulations herein. Before taking action on any proposed amendment, supplement or change, the city council shall submit the same to the planning and zoning commission for its recommendation and report.

The planning and zoning commission shall hold a public hearing on any application for any amendment, supplement or change prior to making its recommendation and report to the city council. Written notice of all public hearings before the planning and zoning commission on a proposed amendment, supplement or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than ten (10) days before the date set for hearing by depositing a notice properly addressed and postage paid in the United States Post Office to such property owners as the ownership appears on the last approved city tax roll.

A public hearing shall be held by the city council before adopting any proposed amendment, supplement or change. At least fifteen (15) days' notice of the time and place of such hearing shall be published in the official newspaper of the City of Diboll.

If such proposed amendment, supplement or change has been denied by the planning and zoning commission, or if a written protest against such proposed amendment, supplement or change has been filed with the city secretary, duly signed and acknowledged by the owners of twenty (20) percent or more, either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending two hundred (200) feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the City Council of the City of Diboll.

Each specific use application shall be evaluated with regard to its probable effect on surrounding property and the community welfare, and may be approved or denied as determined by the findings of the planning and zoning commission, and city council for the parcel under consideration.

In considering and determining its recommendation to the city council relative to any application for a specific use permit, the planning and zoning commission requires that the applicant furnish plans and data concerning the operation, location, function and characteristics of any use of land or building proposed.

The planning and zoning commission may recommend to the city council that certain safeguards and conditions concerning setbacks, ingress and egress, off-street parking and loading arrangement, location or construction of buildings and uses and operation be required.

The city council may in the interest of the public welfare and to assure compliance with the intent of this chapter, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole be made a part of the amending ordinance.

A site plan setting forth the conditions specified is required of the applicant and such plan when accepted shall be made part of the amending ordinance.

A specific use permit approved under the provisions of this chapter shall be considered as an amendment to the zoning ordinance as applicable to the property involved. Any of the conditions contained in a specific use permit shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be considered as conditions precedent to the granting of a certificate of occupancy and compliance for the specific use provided for. Should a specific use permit holder fail to comply with the special provision or the use be abandoned or vacated for six



(6) consecutive months, the permit becomes void and a new permit must be issued before the use can continue.

A special use permit for a single-family residence in a B-1 or B-2 district shall meet all of the requirements for lot area, setbacks, side-yard and rear-yard as required in the SF-1 district.

*Relationship of use regulations to other laws.* Whenever regulations or restrictions imposed by this chapter are either more or less restrictive than regulations imposed by any governmental authority through legislation, rule or regulation, the regulations, rules or restrictions which are more restrictive or impose higher standards or requirements shall govern. Regardless of any other provision of this chapter, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

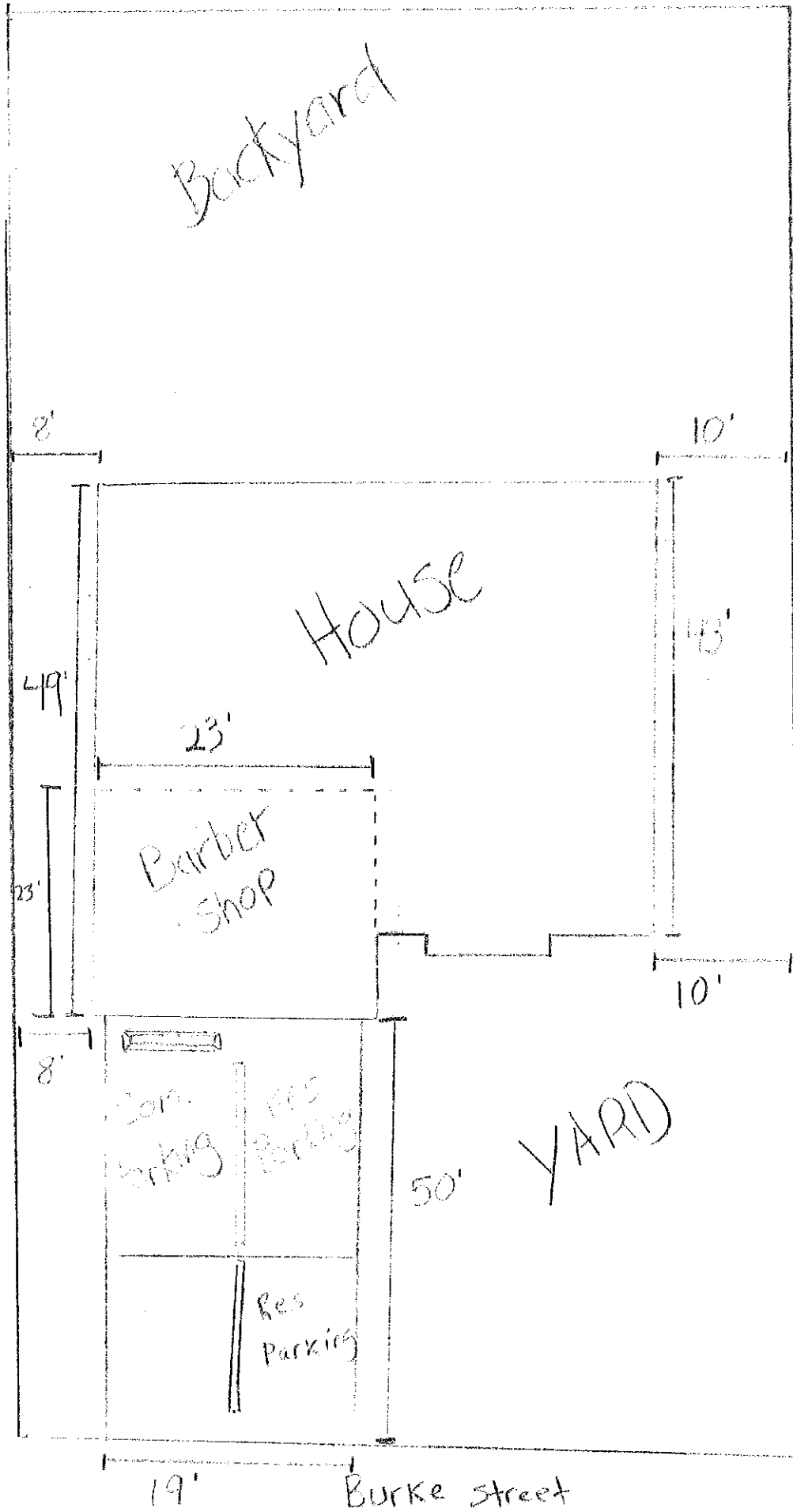
*Residential uses.* Following are the required minimum number of off-street parking spaces per dwelling unit in residential districts:

**Single-family detached—Two (2) spaces per dwelling unit.**

**Recreational, private or commercial area or building (other than listed)—One (1) space for every four (4) persons to be normally accommodated in the establishment.**

Restaurant or cafeteria—One (1) space for every three (3) seats under maximum seating arrangement.

Retail or personal service—One (1) space for each two hundred (200) square feet of floor area.



(not to scale)