

THE CITY OF OLMOS PARK  
PLANNING AND ZONING COMMISSION  
MINUTES OF MEETING HELD  
JANUARY 30, 2019

The Planning and Zoning Commission for the City of Olmos Park, Texas held a meeting at 5:00 p.m. on Wednesday, January 30, 2019 at City Hall. Members present were William Brooks, Dr. John Hogg, Merribell Parsons and Dr. Alison Wiesenthal. Members that were not present were Shannon Collins and Brian Hamilton. Administrative staff present was City Manager, Celia DeLeon; City Secretary, Diane Gonzales; Building Official, Rick Cavazos and City Attorney, Richard Lindner.

Vice Chair Dr. Hogg called the meeting to order and announced a quorum was present at 5:06 p.m.

Administer Oath of Office to newly appointed and re-appointed Board Members.

City Secretary Gonzales gave Oath of Office to Merribell Parsons.

Elect Chairperson.

Dr. Wiesenthal moved to nominate William Brooks to serve as Chairperson.

Dr. Hogg seconded the motion.

The vote in favor of the motion was unanimous.

Elect Vice-Chairperson.

Dr. Hogg moved to nominate Dr. Wiesenthal as Vice Chairperson.

Merribell Parsons seconded the motion.

The vote in favor of the motion was unanimous.

Approve minutes from November 5, 2018.

Dr. Wiesenthal moved to approve the meeting minutes held on November 5, 2018.

Dr. Hogg seconded the motion.

The vote in favor of the motion was unanimous.

City Manager DeLeon stated this item was recommended by our Building Official and City Council for the P&Z to review.

Review and discuss amending Chapter 40-40 Building and Land use Restrictions (3) Accessory Building to include that certain windows are not able to open; take possible action.

Ric Cavazos stated Chapter 40-40 (3) Accessory Building sub paragraph D is regarding accessory structures that are two stories high and the maximum height is 25 feet and everyone wants to put windows on the attached garage away from the main structure. The City Zoning ordinance allows windows to be placed, however they have to be glazed and not being able to see through to the backyard of another residence and the ordinance does not specifically say that the window can't open. We know what the intent is when it was written but the challenge to him is the contractor wants to have it open a little bit but that is not the purpose and without allowing that window to open completely he suggested it should be implemented to state in sub paragraph D "not to allow the rear window to be open at all". He stated we have to be careful of the egress on the fire code and the IRC on the side windows for escape and those do have to open and allow for the fire department to be able to get in should an emergency arise.

Richard Lindner stated the Board will need to make a motion to direct City Staff and the City Attorney to present an ordinance at the next meeting and hold a public hearing and then the Board would recommend the changes to City Council.

After a lengthy discussion, the Board recommended to have the City Attorney draft language into a proposed ordinance reflecting non-operable rear windows.

Dr. Hogg moved to have the City Attorney draft language into the ordinance reflecting non-operable rear windows and bring back at the next meeting.

Merribell Parsons seconded the motion.

The vote in favor of the motion was unanimous.

City Manager DeLeon stated this item was recommended by City Council for the P&Z to review.

Review and discuss amending Chapter 40 Impervious Cover to add requirement that the builder provide a topography survey to show how the water is running on the land and add provisions for back yard impervious cover; take possible action.

City Manager DeLeon stated we have been coming across problems with people moving dirt and affecting the water run-off and we currently don't have any restrictions on rear yards but currently have provisions for the front yard which is 50% of the yard.

Ric Cavazos stated there are two areas that are of concern, one is new construction and the other concern is an owner of a corner lot bought an adjacent lot and did not replat so there was no reconfiguration of easements but because his property faces the other street now that becomes his backyard. They brought in landscaping to beautify and they demolished the house that was adjacent to them and added about 15 cubic yards of dirt bringing the elevation upwards in his backyard. He stated the adjacent property was being affected on rainy days and upon learning the situation we put a stop work order for all landscaping to cease and we discussed with the property owner to hire an Engineer to obtain a topography survey to show us all the changes of the contouring and the elevation.

Chair Brooks asked the draw back would be the cost to the homeowner or the property owner?

Ric Cavazos stated yes and when you are doing hardscaping and swimming pools those elevation curvatures do change and there is nothing in our City Ordinances or Zoning that stipulates that they have to submit topography to us so now we need to put something together to help avoid this in the future. Most of the properties have easements in the back drainage and there are a lot of accessory structures that were built back in the 50's, 60's and 70's on those easements so any type of change to any of that area will push that rain water even more to the easement affecting those accessory buildings. He stated they will have to hire an Engineer to do the analysis and work with our City Engineer.

Richard Lindner stated there are two options he would like for the PZ to consider, first option is private citizens can have a legal cause of action against their neighbor if the neighbor is flooding their property and there is a private remedy and second option is if the properties are being subdivided or combined your Subdivision Ordinance does require a topography survey if multiple lots are being taken apart.

Chair Brooks asked can we look at some other jurisdictions for some guidance?

Richard Lindner stated yes that is what we will do first.

After discussions, the Board recommended to have the City Attorney provides something to consider at the next meeting.

Dr. Hogg moved to give authority to the City Attorney to provide a change in elevation to consider for the next meeting.

Dr. Wiesenthal seconded the motion.

The vote in favor of the motion was unanimous.

Chair Brooks stated he would like to open a sub item about discussing impervious cover.

Ric Cavazos stated right now we do have an impervious coverage for the front yard which is a 50/50 so half can be concrete and the other half has to be natural and currently there is no percent in the rear. He stated you definitely what a lower percent and want more pervious than impervious and he recommended going with 30% which would be more ground than concrete.

Ric Cavazos stated the front setback to the curb needs to be 50%.

After discussions, the Board recommended to have the City Staff and the City Attorney provide recommendations from other Cities to consider at the next meeting.

Dr. Hogg moved to give authority to the City Staff and the City Attorney to bring back recommendations of other Cities data to consider for the next meeting.

Dr. Wiesenthal seconded the motion.

The vote in favor of the motion was unanimous.

Discuss future agenda items.

Public hearing on Chapter 40 Section 40-40 revisions to Accessory Building for the window Review and discuss amending ordinance Chapter 40 Impervious Cover and elevations

The next meeting will be Wednesday, February 27<sup>th</sup> at 5:00 p.m.

There was no other business and the meeting adjourned at 5:57 p.m.

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William Brooks  
Chair

ATTEST:

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Diane Gonzales  
City Secretary