

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

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

Chair William Brooks called the meeting to order and announced a quorum was present at 5:00 p.m.

Citizens to be heard: This time is provided for citizens to address the Council on issues and concerns. No action can or will be taken on issues raised under this portion of the meeting. Please state your name and address for the record and limit your remarks to a period not to exceed three minutes.

There were no citizens to be heard.

Dr. Wiesenthal joined the meeting at 5:02 p.m.

Approve minutes from August 28, 2019.

Shannon Collins moved to approve the meeting minutes held on August 28, 2019.

Merribell Parsons seconded the motion.

The vote in favor of the motion was unanimous.

Discussion and take possible action on an Ordinance amending the Code of Ordinances City of Olmos Park, Texas Chapter 40 Zoning, Article IV, Article V, and Article XI by repealing and relocating provisions of McCullough Avenue Corridor Site Development Standards, Article XI, in recognition of recent changes to applicable state laws; adding Local Retail Districts section 40-117, Aesthetic Requirements; adding Mixed Retail Commercial section 40-142, Aesthetic Requirements; declaring a public purpose; incorporating recitals; providing a repealer and savings clause; providing for severability and setting an effective date.

Chair William Brooks stated it appears that a state law was passed that makes some of the things that we previously adopted to strenuous.

City Attorney Austin Beck stated the legislature passed this last session a law prohibiting building materials that are allowed under the International Building Code. Olmos Park has adopted the International Building Code and because the City has adopted that you can't have any ordinances prohibiting building materials within those codes. He reviewed the provisions on the City Code and identified two areas where the City has created certain building material restrictions, one was in Chapter 40 and the other is in Chapter 8 which will go straight to City Council because it is outside the zoning matters. The provision that prohibited certain building materials in this draft ordinance was in Article XI which deals with certain commercial properties along McCullough. If we delete the portion about state law the rest of it could be moved to more appropriate areas of the City Code. Article XI did not create anything of distinct it was just creating certain standards that apply to businesses in either mixed retail commercial or local retail along McCullough Avenue. This deletes all of Article XI and takes everything except for the portion of the state law and anything else that was in Article XI has been moved to Article IV and Article V which is local

retail and mixed retail. A public hearing was not necessary because the portion we did was already voided by state law so we are just acknowledging that and taking it out of the code.

Brian Hamilton asked is that portion voided because we solely adopted those codes? Once we remove the probation from the ordinance are there other processes that could potentially prohibit any type of building material?

City Attorney Austin Beck stated any conflicting ordinances that were adopted as of September 1, 2019 cities can't prohibit building materials. This is such a new law that in a year from now this will have been interrupted by various courts so we will have more information on how this will work. Our firm had been advising clients what the paint is made of as a building material can't be regulated but the color of the paint can for aesthetic purposes. The legislature's intent was to allow anything in your international building code that was not allowed previously is now allowed.

Shannon Collins asked how does the City of Olmos Park protect its character?

City Attorney Austin Beck stated you have a color palette and this is not as black and white as it appears right now and the other provision that we will be removing from the code is in Chapter 8 and is an amendment to the International Building Codes so if you want to redo your roof you would have to replace it with something not as flammable material so it is to discourage builders for safety reasons.

Shannon Collins asked do we have a standard for the residential?

City Attorney Austin Beck stated this ordinance only addresses the commercial properties located on McCullough and every building that is built or renovated in Olmos Park has to adhere to the International Codes that were adopted and you can regulate other aspects not related to building materials. We do not have a standard for the residential building materials.

Dr. Wiesenthal asked isn't it already in our code that anything that goes against state law is null and void?

City Attorney Austin Beck stated it would be more of a policy and he will check into it.

Brian Hamilton moved to recommend to City Council to adopt this ordinance amending the Code of Ordinances City of Olmos Park, Texas Chapter 40 Zoning, Article IV, Article V, and Article XI by repealing and relocating provisions of McCullough Avenue Corridor Site Development Standards, Article XI, in recognition of recent changes to applicable state laws; adding Local Retail Districts section 40-117, Aesthetic Requirements; adding Mixed Retail Commercial section 40-142, Aesthetic Requirements.

Dr. Wiesenthal seconded the motion.

The vote in favor of the motion was unanimous.

Discuss future agenda items.

No items to discuss

There was no other business and the meeting adjourned at 5:18 p.m.

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William Brooks  
Chair

ATTEST:

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Kyndra Munoz  
City Secretary