

THE CITY OF OLMOS PARK  
PLANNING AND ZONING COMMISSION  
MINUTES OF MEETING HELD  
MARCH 27, 2019

The Planning and Zoning Commission for the City of Olmos Park, Texas held a meeting at 5:00 p.m. on Wednesday, March 27, 2019 at City Hall. Members present were William Brooks, Shannon Collins, Merribell Parsons and Dr. Alison Wiesenthal. Members that were not present were Dr. John Hogg and Brian Hamilton. Administrative staff present was City Manager, Celia Deleon; City Secretary, Diane Gonzales; City Attorney Austin Beck.

Chair William Brooks called the meeting to order and announced a quorum was present at 5:01 p.m.

Approve minutes from February 27, 2019.

Dr. Wiesenthal moved to approve the meeting minutes held on February 27, 2019.

Merribell Parsons seconded the motion.

The vote in favor of the motion was unanimous.

Public Hearing regarding: An Ordinance amending Article II to the Code of Ordinances City of Olmos Park, Texas Chapter 40 Zoning; single-family residence districts, section 40-45 Impervious Cover; for the purpose of regulating certain improvements affecting flow patterns of surface runoff on residential lots; declaring a public purpose; incorporating recitals; providing a repealer and savings clause; providing for a penalty; providing for severability and setting an effective date.

Chair Brooks opened up the public hearing at 5:03 p.m.

Chair Brook closed the public hearing at 5:04 p.m.

Review and discuss the Ordinance referenced in Item 3 above; take possible action.

Austin Beck stated at the last meeting the board expressed interest in four options and he has narrowed it down to two options, the first option is: All owners give notice to City, some must file drainage studies with the City requiring owner notice to City of proposed improvement and reviewed by City Engineer to determine whether a drainage study is required. An owner that is going to make certain improvements to their property, but if your improvement to your property is going to affect 4,000 square feet or 25% lessor of those two numbers of the total surface area of the lot, then you need to provide notice to the City Engineer to anticipate how it will affect surface runoff to adjacent lots. If the City Engineer reviews the notice and sees that it may have an adverse effect to the adjacent properties then he can request a review of a drainage study prior to commencing the improvement.

The second option is: All owners notify neighbors providing opportunity to protest requiring owner to provide notice to adjacent owners to afford them an opportunity to seek legal recourse such as preemptive injunction. This is less intrusive, so if an owner is making improvements as the same thresholds of 4,000 square feet or 25% of the lot then they will have to give notice to the City Engineer and a copy to the adjacent owners that might get affected by the improvement. The homeowner will have to wait 30 days to commence the improvement and no drainage study is required but it gives your neighbors 30 days to see it will affect their lot and to go seek legal recourse privately.

Vice Chair Wiesenthal asked why is it 30 day waiting period?

Austin Beck stated 30 days is arbitrary and it can be changed. The purpose of the second option is just to notify your neighbors that you are going to have some large improvement and will affect the surface runoff and it gives them an opportunity to find an attorney and file the necessary paperwork to protest it.

Chair Brooks asked the City Attorney if the second option would be more economical from a home owner's stand point?

Austin Beck stated yes. The first option involves the City requiring home owners to have an expenditure on a drainage study. The second option is if a homeowner challenges it then the cost would be imposed by the homeowner.

Chair Brooks stated he likes the second option from a community stand point and it is your neighbor's duty to come to you if they have any problems.

City Manager DeLeon stated the homeowner should also notify the City staff that they have a problem with their neighbor's project and make us aware of it.

Vice Chair Wiesenthal stated at the last meeting we had asked the City Engineer if there was a scientific number regarding what would likely alter the topography and wanted to know how he came up with the 4,000 square feet and the 25%?

Austin Beck stated the City Engineer gave him those specific numbers.

Vice Chair Wiesenthal stated if you have a small lot and 25% might not be near 4,000 square feet so it makes 4,000 square feet seem arbitrary if we are saying 25% is going to affect drainage.

Austin Beck stated the greater is the lessor because it is intended to capture more of the larger lots where 4,000 square feet is not 25% and 4,000 square feet is only 10% of the lot size. If you left it at 25% you could have somebody with a large lot come in and effect 5,000 square feet and still not be at 25%.

Chair Brooks stated the purpose of the amendments is to try to catch some of the things that have been happening.

Vice Chair Wiesenthal stated the purpose was to address the neighbors that had grievances when large adjustments had been made to larger properties that affected their property. The state laws are already in place to address that and she is unsure about taking the law further.

Chair Brooks stated this is something that City Council has asked us to look at and review. He asked the City Manager what if the board does not want to pass anything?

City Manager DeLeon stated that she would need a letter from the Chair addressing City Council stating why the board did not want to pass the ordinance.

Vice Chair Wiesenthal stated it has been addressed and the board decided there are enough laws in existence to support grievances of this kind and that we do not recommend anything further.

Chair Brooks stated the benefit in this amendment is just to put people on notice.

The board discussed to table this item until next month until they have a full board. Chair Brooks who will draft a memo for exploring the two options with pros and cons that were presented in the proposed ordinance and Vice Chair Wiesenthal will draft a memo with no amendment to the current ordinances and bring back to the next meeting.

Chair Brooks moved to have a committee draft a memo with support of not adopting the ordinance and a draft memo in support with adopting the ordinance with either option one or option two.

Vice Chair Wiesenthal seconded the motion.

The vote in favor of the motion was unanimous.

Review and discuss: An Ordinance amending Article II to the Code of Ordinances City of Olmos Park, Texas Chapter 40 Zoning; single-family residence districts, subsection 40-45 Impervious Cover; for the purpose of regulating impervious cover in front and rear yards; declaring a public purpose; incorporating recitals; providing a repealer and savings clause; providing for a penalty; providing for severability and setting an effective date; and take possible action.

City Manager DeLeon stated this ordinance was tabled at the last meeting.

Austin Beck stated the impervious cover originally was the same issue about altering the topography and altering the surface and it was divided into two issues so we had drafted two different ordinances and the board did not express interest in the impervious cover. The topographical of altering topography of a lot would go under the impervious section. He stated if the board is not interested in adopting this topography ordinance, then there is nothing to consider.

The board discussed to table this ordinance and address the pros and cons at the next meeting in a draft memo.

Chair Brooks moved to table this ordinance and address it in a memo of pros and cons.

Dr. Wiesenthal seconded the motion.

The vote in favor of the motion was unanimous.

Discuss future agenda items.

Discuss draft memo on the pros and cons regarding the flow patterns of surface runoff on residential lots

Discuss draft memo on the pros and cons on regulating impervious cover in front and rear yards.

The next meeting will be Tuesday, April 30<sup>th</sup> at 5:00 p.m.

There was no other business and the meeting adjourned at 5:30 p.m.

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William Brooks  
Chair

ATTEST:

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Diane Gonzales  
City Secretary