

THE CITY OF OLMOS PARK
PLANNING AND ZONING COMMISSION
MINUTES OF MEETING HELD
MARCH 30, 2022

The Planning and Zoning Commission for the City of Olmos Park, Texas held a meeting at 5:00 p.m. on Wednesday, March 30, 2022 at City Hall. Members present were Shannon Collins, Hank Cornelius, Paul Covey, Adam Harden, Jim Hyslop, and Lorin Runnels. Member not present was Richard Wolf. Administrative staff present was City Manager, Celia DeLeon; City Secretary, Kyndra Munoz and Building Official Ricardo Cavazos. Also present was City Attorney, Austin Beck.

Chair Adam Harden 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.

Approve minutes from January 26, 2022 and minutes from February 23, 2022

Jim Hyslop moved to approve the minutes from January 26, 2022 and February 23, 2022.

Paul Covey seconded the motion.

The vote in favor of the motion was unanimous.

Consider/Adopt preliminary report regarding proposed ordinance amending Sections 40-40 and 40-41 of the City Code to revise certain provisions relating to minimum setbacks and maximum permitted height for accessory structures.

Shannon Collins stated I am looking at the proposed ordinance amendment for Section 40-40 regarding the accessory building. The rear setbacks are very clear, but the side setbacks are not addressed.

Paul Covey stated we were on the committee and it was our understanding that we were only charged with looking at the rear setback only. We did not address the side setbacks because our scope was considered to be narrowly defined by the City Council. We certainly had opinions on the side setbacks, we were just under the impression we were asked by City Council to look at only rear setbacks and only accessory structures.

City Attorney Austin Beck stated the idea behind looming is we are not changing the overall height of anything or the setbacks themselves. Looming is limited to the relationship between the height and setbacks. You start shorter right at the setback and get up to the maximum height the further you move away from the rear and side setbacks. We aren't changing the setbacks but rather saying if you are located here you can be this tall.

Shannon Collins stated from the discussions that are in the summaries, it is about clarity. If we are presenting something to the City Council, we should be very clear.

Lorin Runnels asked if it is not mentioned, is the default 3 feet?

Austin Beck stated correct. The minimum setback for the side setback is 3 feet.

Building Official Ricardo Cavazos stated there is another setback that applies when considering accessory structures, which is 60 feet from the front property line. For accessory structures, you must be 60 feet from the front property line, 3 feet from the sides and 3 feet from the rear as long as there is no utility easement. Usually and with the small lots, they do not have 10-foot separation within the 60 feet and they are placing accessory buildings further back.

Austin Beck stated currently, you can build a 25-foot accessory structure 3 feet in and 3 feet back. Today, you will adopt a preliminary hearing, hold a public hearing and adopt a final report. This Board is advisory only; everything we do can change at City Council regardless of what is decided. What they are asking you to do is develop these ordinances, consider them and recommend to them one way or the other based on your own discussions.

Hank Cornelius asked we can recommend to not do anything?

Austin Beck stated yes. You can recommend to not adopt any kind of ordinance with regards to accessory structures.

Paul Covey stated to summarize this, we really did have 3 choices. One choice is you don't allow 2 story accessory structures in any way, shape or form. It is probably not a good idea to totally prohibit 2 story structures. One choice is to not make any changes to the current ordinance. What we ended up with is to give the City Council an option.

Austin Beck stated the proposal from the subcommittee is if you are between 3 and 12 feet from the rear property line, you still must follow the 3-foot side setback and you only get one story at 16 feet. If you are beyond 12 feet from the rear, you can go up to 25 feet.

Jim Hyslop stated what we have been struggling with is the smaller lot sizes in which they get cannibalized first. It is unclear that we have a good working definition of the 10-foot separation between the primary and accessory structures. If you move in 12 feet, who gets squeezed out on the smaller lots because they are too close?

Ricardo Cavazos stated they are still able to go in front of the Board of Adjustment.

Austin Beck stated if the Board of Adjustment does not grant a variance, there is an appeal process. There is recourse if your property is not able to put a 25-foot accessory structure where you want it.

Paul Covey stated as a point of clarification on the side setbacks, we were also informed the City Council passed an ordinance regarding limiting windows on second story accessory structures.

Ricardo Cavazos stated there are no clear rear windows unless they are 7 feet from the floor and the rear windows cannot be operable, only the side and front for egress.

Shannon Collins asked, I am speaking on clarity only. What is your opinion on the side setbacks? Do we need to list that in this amendment?

Austin Beck stated if it is not in here, what exists now will continue to exist which is you can build up to 25 feet tall right at 3 feet on the side. This proposal does not address looming with regard to properties to the side but only looming to the rear.

Paul Covey stated the side setbacks were not in the paragraph that we were modifying. We only suggested change that dealt with height regarding the rear setback.

Jim Hyslop stated on one hand we could be very thoughtful for those who do not like 2 story accessory structures stacked at the rear of the property, or we could move in 12 feet and you can have the 2 stories. This would give a lot of activity to the smaller lots. On one side we are preventing more 2 story structures in the rear that are unsightly to people surrounding them.

Paul Covey stated the thought on the small lots is it would become unattainable to do a 2-story structure. The Board of Adjustment has a limited scope by law what they are able to evaluate; if they are completely tearing down and starting with a clean sheet of paper, there is no reason to grant a variance on this matter.

Shannon Collins stated according to our codes, accessory buildings are not supposed to be lived in.

Austin Beck stated a lot of them are grandfathered in.

Hank Cornelius moved to adopt the preliminary report regarding proposed ordinance amending Sections 40-40 and 40-41 of the City Code to revise certain provisions relating to minimum setbacks and maximum permitted height for accessory structures.

Paul Covey seconded the motion.

The vote in favor of the motion was unanimous.

Public hearing regarding agenda item No. 4.

Chair Adam Harden opened the public hearing at 5:22 p.m.

There were no speakers.

Chair Adam Harden closed the public hearing at 5:23 p.m.

Consider/Adopt final report regarding agenda item No. 4.

Austin Beck stated this is procedural. If we had public speakers, it would give you the chance to hear their thoughts and amend your preliminary report before the final. Since there were no speakers, you can adopt the preliminary report as the final report.

Jim Hyslop moved to adopt the preliminary report as the final report and recommend to City Council a proposed ordinance amending Sections 40-40 and 40-41 of the City Code to revise certain provisions relating to minimum setbacks and maximum permitted height for accessory structures.

Hank Cornelius seconded the motion.

The vote in favor of the motion was unanimous.

Discussion and possible action regarding proposed ordinance amending Section 40-41 – Building Height to establish regulations relating to primary structures to minimize the impact of looming structures on adjacent lots.

Shannon Collins stated I was out during our January and February meetings and I have a concern on why this item was removed from the agenda. Richard Lindner read from the July 2021 minutes where we were directed by Council to review and update setbacks, looming, building heights, impervious cover and any other relevant ordinances.

Austin Beck stated you were given a very broad mandate and has generated a couple of ordinances we have gone through, this being one of them. At the start of this last year, the initial ordinance I brought to P&Z addressed looming with regards to primary and accessory

structures. Some of your predecessors decided to only look at accessory structures and primary structures were removed. It was raised that we should go back and look at primary structures which is why it was placed back on the agenda. Between this agenda and now, it was brought to our attention City Council had discussed maximum height on their agenda and declined to take action on this item.

Shannon Collins stated I am concerned because citizens have come to be heard regarding looming. This is not going away and at some point, it needs to be addressed. We have to consider the future of our neighborhood and what we want it to look like.

Austin Beck stated the 35 foot height of the structure and how that is measured is not up for discussion today. Looming of primary structures is within your July mandate and is within the purview of discussion for P&Z.

City Manager Celia DeLeon asked can we bring this agenda item back in April so it is worded correctly to include setbacks and we can discuss it further?

Austin Beck stated the action I would recommend is to take a straw poll and see if there is a majority who want to bring this item back to discuss this again.

Paul Covey stated I would recommend we not consider this issue until we are given a new mandate by City Council. I was told by City Council this matter was settled in February and this is why it is off the agenda.

Paul Covey moved to not place this item on the agenda until it is restated by City Council with clarity and they direct the Planning and Zoning Commission to consider this matter. Hank Cornelius seconded the motion.

Shannon Collins	Nay
Hank Cornelius	Aye
Paul Covey	Aye
Adam Harden	Aye
Jim Hyslop	Nay
Lorin Runnels	Nay

The motion does not pass.

Hank Cornelius stated what happens with looming is you get into a situation where we have mid-century homes, historical homes, modern homes and who is to decide what type of architecture our City has? It is not in the code at this point, and I hope it will never be in the code.

Austin Beck stated this is a policy decision. You are the advisory board and Council is the decision making body. The system is built to facilitate these types of discussions and decisions.

Shannon Collins stated I am referring to size. People are wanting to live here, are wanting bigger homes and are placing massive homes on small lots. It is going from setback to setback and that creates a looming issue for those around it. This is where we are having people wanting to be heard. I think we are doing a disservice when they are not heard and we are not acting on.

Celia DeLeon stated setbacks was one of the charges for P&Z and we can bring this back in April.

Chair Adam Harden stated it started off very broad and it got more and more narrow. I believe the City Council's opinion is some of the things that were on our plate have been answered by City Council. Now that our scope is narrower, we need to get a better sense of it.

Celia DeLeon stated I will add an item for clarity regarding looming on the City Council agenda.

Discuss future agenda items.

Lorin Runnels stated I believe we should add the balance of our charges and get clarity regarding looming and setbacks. City Council can review our agenda, if they are in agreement, it can be left as is or modified for direction.

Paul Covey stated I have a procedural question and I asked this of Mr. Lindner last meeting. How is the agenda set? My understanding is the Planning and Zoning Commission is not able to place anything on our agenda, but can only request City Council place it on the agenda.

Austin Beck stated it is set based on the prior meeting or direction from City Council. The City Code Section 40-247 gives you 10 different powers some of which have subparts, and you have the authority as a body subject to majority vote to initiate proposals for the opening, vacating or closing of public right-of-way, parks or other public places; for the original zoning of annexed areas; and for the change of zoning district boundaries on an area-wide basis; otherwise, your agenda is set by City Council.

Set time and date of next meeting.

Celia DeLeon stated we will have early voting set up in the Council Chambers from April 25-May 3 which falls during the time of our regular scheduled May Planning and Zoning meeting.

Jim Hyslop stated we can wait to hear back from City Council on clarification of our task, then hold our regular scheduled meeting in May.

The next Planning and Zoning meeting is scheduled for May 25, 2022 at 5:00 p.m.

There was no other business and the meeting adjourned at 5:47 p.m.

Adam Harden
Chair

ATTEST:

Kyndra Munoz
City Secretary