

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

The Planning and Zoning Commission for the City of Olmos Park, Texas held a meeting at 5:00 p.m. on Tuesday, April 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 Secretary, Diane Gonzales; City Attorney Austin Beck; Tommy Labatt, 210 Thelma and Conway Hamilton, 121 Stanford Drive.

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

Approve minutes from March 27, 2019.

Merribell Parsons moved to approve the meeting minutes held on March 27, 2019.

Brian Hamilton seconded the motion.

The vote in favor of the motion was unanimous.

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

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, 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 stated the Board thought it would be beneficial to put something together to discuss the pros and cons of either adopting or not adopting an amendment to the ordinance under Article II Chapter 40 Zoning section 40-45 Impervious Cover; for purpose of regulating cover in front and rear yards. He stated after thinking this through he feels it is better not to amend or adopt the ordinance because there are remedies for homeowners out there that are in existence already and we would be increasing the responsibility and the cost to the homeowners.

The Board discussed and agreed.

Chair Brooks asked if our position is not adopting the ordinance, do we need to draft a letter to Council stating that position?

Attorney, Austin Beck stated if someone makes a motion whether for or against recommending that the ordinance be adopted then that recommendation can be transcribed into the minutes and if you want to read sections of the memos to Council you can.

Brian Hamilton asked can the memo itself not be adopted?

Attorney, Austin Beck stated no, he spoke with Attorney Richard Lindner and he said to send the minutes from this meeting to City Council.

Dr. Wiesenthal moved to send a position to Council that this Board does not want to amend the ordinance.

Merribell Parsons seconded the motion.

The vote in favor of the motion was unanimous.

Shannon Collins stated she needs more clarity and she understood that City Council brought this to P&Z because there was a problem.

Chair Brooks stated yes there was a specific issue on some development that could create issues between homeowners if somebody changed the elevation significantly and could have caused run-off. That situation between the homeowners was resolved and the person that was changing the grading took the initiative and worked with their neighbors not creating issues with flow over into their property changing the elevation to effect the drainage. You can have a homeowner that would not work with their neighbor or you could have a homeowner that works with their neighbor. In reviewing the benefits in adopting an ordinance to limit the percentage of impervious material and the homeowners have remedies against one another and to adopt this ordinance creates a financial burden on the homeowner and they would potentially have to get a study done. This would also put a burden on the City to go through this and review all the plans that change the elevation when the homeowner could seek remedies outside the City ordinance. He stated when he was looking at the benefits of adopting the ordinance he did not think there was strong enough draw backs so we as a Board are to tell City Council that we don't think a revised ordinance should be adopted.

Shannon Collins asked is the issues with new development?

Brian Hamilton stated this was two specific instances that the City Manager talked to us about. Once instance never materialized and the other got rectified between homeowners.

Chair Brooks stated it could conceivably be an issue but the question is do the pros outweigh way the cons as far as adopting the ordinance. He asked do we need to make a motion on both ordinances?

Attorney, Austin Beck stated there were two separate ordinances for consideration and on the agenda they are both rolled into one. One of them the City already has an ordinance that says you can't have more than 50% of your front yard covered with impervious cover so a 50% threshold saying you can't cover half of your backyard. The other ordinance was much more complicated it dealt with the elevation issues where someone comes in and changes the grading of the backyard and causes water to run-off and this one we narrowed it down to different options but both the ordinances were both amending the same portion of the code so it made sense to put in all in one on the agenda. He stated the Board can consider them separately or they can consider it all together.

Chair Brooks asked are the remedies the same in both types of changes, impervious cover versus elevation changes?

Attorney, Austin Beck stated yes and anything that affects a neighbor there are legal remedies available. When the Board first approached the topic of impervious cover that the front yard is more about aesthetics than run-off and it's the fact that you want more grass in the front yard then just concrete in the backyard than the justification isn't applicable because it is all amending the same portion of the code so the Board can consider all together and vote not to make any changes to impervious cover ordinance.

Discuss future agenda items.

City Secretary Gonzales stated City Council will have their meeting May 16th and at that time she will know more if Council sends anything to P&Z.

The next meeting will be May 29, 2019 at 5:00 p.m.

There was no other business and the meeting adjourned at 5:15 p.m.

William Brooks
Chair

ATTEST:

Diane Gonzales
City Secretary