

THE CITY OF OLMOS PARK
PLANNING AND ZONING COMMISSION
MINUTES OF MEETING HELD
SEPTEMBER 14, 2022

The Planning and Zoning Commission for the City of Olmos Park, Texas held a meeting at 5:30 p.m. on Wednesday, September 14, 2022 at City Hall. Members present were Hank Cornelius, Paul Covey, Adam Harden, Jim Hyslop, and Lorin Runnels. Members not present were Shannon Collins and 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; Dr. Ann Cross, 4401 McCullough Ave; and Tyler Meals, Meals & Myers Engineering & Surveying LLC.

Chair Adam Harden called the meeting to order and announced a quorum was present at 5:30 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 March 30, 2022

Jim Hyslop moved to approve the minutes from March 30, 2022.

Paul Covey seconded the motion.

The vote in favor of the motion was unanimous.

Consider and take possible action on a re-plat application by Dr. Ann Cross for property located at 4401 McCullough. The property to be re-platted is zoned local retail district and comprised of Lots 1, 2, 3, 4, 6 and the south 15 feet of Lot 5 of Block 20 of the Kenwood addition to Laurel Heights Subdivision.

Building Official Ricardo Cavazos stated Dr. Cross has just over 5 lots known as Olmos Park Animal Hospital and Frog's Car Wash. In order to complete new construction, it must be re-platted into one solid lot. Mr. Tyler Meals with Meals & Myers Engineering & Surveying LLC has proceeded with the re-plat. The necessary setbacks and utility easements have been approved. The City does not have an issue with the re-plat request.

Paul Covey asked is this partially in the City of San Antonio or is it entirely within the City of Olmos Park and whose rules would apply?

Ricardo Cavazos stated the majority is in the City of Olmos Park. We have an interlocal agreement with the City of San Antonio in which anything that goes over the extraterritorial jurisdiction but the primary building is in Olmos Park, all of the permits or re-platting would go through the City of Olmos Park.

Paul Covey asked does this consist of only removing the interior lot lines and forming one lot? Were any additional easements created or were there any dedications? I noticed the City Engineer went back to review 3 different times.

Ricardo Cavazos stated the replat went to and was approved by CPS, AT&T and SAWS. The easements are established and will not be given up.

Paul Covey asked how old is the previous plat? How long did this take and how onerous was the process?

Tyler Meals, Meals & Myers Engineering & Surveying LLC stated the Kenwood Addition has been re-platted; I don't believe it was antiquated.

Dr. Ann Cross, 4401 McCullough Ave stated the process has been pretty arduous. The City has been very easy to work with, but we have been trying to get all of the documents together since January. The main holdup has been with CPS.

Paul Covey asked were you able to work on your building plans and permits simultaneous with this process?

Tyler Meals stated we have begun working on plans but we have not started to apply for permitting.

Ricardo Cavazos stated the Planning and Zoning Code for re-platting stipulates there will not be any building permit issued until the re-plat is complete and approved.

Paul Covey stated with the City of San Antonio, you can get a building permit and build up to a certain point while the re-plat is being processed. This is something the City Council should consider. We should be a little more flexible so we don't add impediments to those contributing to our tax base.

Lorin Runnels moved to approved the re-plat application as submitted in the local retail district comprised of Lots 1, 2, 3, 4, 6 and the south 15 feet of Lot 5 of Block 20 of the Kenwood addition to Laurel Heights Subdivision.

Jim Hyslop seconded the motion.

The vote in favor of the motion was unanimous.

Paul Covey asked on the signature block it shows City of San Antonio Planning and Zoning; is this correct and does the City of San Antonio still need to sign off or is this a misprint?

City Manager, Celia DeLeon stated it should read Olmos Park. Please submit corrections and this item will be placed on the City Council agenda next week.

Consider and take possible action regarding adoption of a Preliminary Report on a proposed ordinance amending Chapter 40 – Zoning to regulate the installation of certain lighting fixtures along McCullough Avenue.

City Attorney, Austin Beck stated we were asked to draw up an ordinance for your review. The EDC has installed some lighting in the right of way located at the Yard in which the EDC paid for the installation. The EDC also installed a meter in which they pay the monthly service for the lighting. The goal of this ordinance is that the idea of the pedestrian light pattern can be extended down the McCullough Corridor as part of the beautification efforts in place. We are having to work out how much the City will be involved and how much the owner will be involved.

Lorin Runnels stated it looks like as of right now, the ordinance does not require electrical meters in the Corridor.

Austin Beck stated that is correct. The existing ordinance in effect is designed to keep people from placing electrical components out where you can see them. This ordinance will make an exception and say one thing you can place out in the right of way is this pad.

Paul Covey stated currently our ordinance states as a condition of a building permit, sidewalks and landscaping is required, and this will be in addition to those items? Is that correct?

Austin Beck stated that is correct. The landscaping, curb cuts and sidewalk requirements are all a part of the McCullough Corridor and this will be another element to the beautification effort.

Lorin Runnels stated this is just the requirement of the apparatus. The City would then install the light pole.

Austin Beck stated that was the thinking behind the ordinance.

Paul Covey stated it is not clear who would be responsible for installing the poles and fixtures, the wiring, or the service for the lighting.

Austin Beck stated the cost of the lights at the Yard were purchased by the EDC and the cost of the installation was shared with the owner. This would essentially be the same thing, just on a different time scale where the owner of the property would be responsible for putting in the base or pedestal. This would take place when the owner tears up the curb or remodeling occurs.

Hank Cornelius stated it sounds like there will be an issue of who will pay for the electricity and where the meter be located?

Lorin Runnels asked because the maintenance for the landscaping requirements is the responsibility of the property owner, would the expense of the lighting fall on the property owner?

Austin Beck stated we looked into this and we did not find the authority to have the lighting expense as a requirement for the owner because the lighting would be for public benefit.

Paul Covey asked how does this differ from having to pay for the water?

Austin Beck stated I believe because it benefits the property. Our concern was this pushes the envelope on that argument. If the City does not install a light on the pedestal for 3 years and it gets damaged, is the owner responsible for maintaining the pedestal and conduit for that length of time?

Paul Covey asked did you take a look to see if this was an exaction?

Austin Beck stated I think it is preliminary to make a determination on that and it would depend on a lot of factors.

Paul Covey stated there is a case in the Sixth Circuit right now on requiring sidewalks. In your opinion, what is our limit on what we can require?

Austin Beck stated after looking into the electricity issues, we did not find the authority to support the idea that requires property owners to pay for pedestrian lighting and would indicate the City would need to find a way to install a City meter.

Paul Covey stated the text according to the Supreme Court is it has to be proportionate to the burden the construction is placing on the City. We are requiring people to do sidewalks, landscaping and now we are going to throw in another condition, all of which are required for a building permit. I am not against beautification on McCullough, but we want to be fair to property owners. A property owner will be faced with putting in at least 2 pedestals.

Chair Adam Harden asked is there a possibility the EDC would be picking up a part of the tab for the lighting?

Celia DeLeon stated the EDC intends to pick up the tab for the purchase of the lights as funds become available.

Paul Covey stated I do not think this is unreasonable. It is less expensive to do this while building something else than it is to come back and tear things up. If we are making the property owners spend this money, one thing we should insist is City Council or EDC spend the money to complete it. Another solution is the property owner is entitled to reimbursement for some portion to be paid by the EDC if and when funds are available without having to apply for it. If we do go through with this, I would suggest not making it so descriptive. The building official could provide the property owner with the specs because bulk patterns can change over time.

Jim Hyslop stated the bottom line is this will benefit the beauty of the City at the expense of the property owners.

Hank Cornelius stated the biggest problem I see with this is the electrical service and the simple fact that everyone down McCullough is not going to remodel or build sidewalks all at one time.

Austin Beck stated the philosophy behind the McCullough Corridor Project is that it is being done piecemeal.

Lorin Runnels stated there needs to be some sort of plan of where these lights will be placed.

Paul Covey stated there are standards on this, you can allow the engineer on the project to space the lights and we can give them guidelines to follow. I would like it to be reflected the Planning and Zoning Commission is in support of enhancing the beauty of McCullough.

Austin Beck stated I can take your concerns from today, make those changes and bring back an ordinance incorporating the changes. We will have at least one more meeting on this ordinance where you will approve a preliminary report, have a public hearing to receive feedback, then approve a final report to submit to City Council.

Discuss future agenda items.

Chair Adam Harden stated we will continue discussion on this ordinance at our next meeting.

Set time and date of next meeting.

Celia DeLeon stated we will send out potential meeting dates once we have received information back from our legal team.

Adam Harden
Chair

ATTEST:

Kyndra Munoz
City Secretary