

CITY OF OLMOS PARK  
PLANNING AND ZONING COMMISSION  
MINUTES OF MEETING HELD  
APRIL 9, 2014

The Planning and Zoning Commission for the City of Olmos Park, Texas held a meeting at 5:00 p.m. on Wednesday, April 9, 2014 at City Hall. Members present were Patricia Meier, George Williams, Sandra Ryan, Ron Michelena, Joseph Johnson, Blair Young and Kenyon McDonald. Administrative staff present was Celia M. DeLeon, City Manager; Diane Gonzales, City Secretary; Jim Raby, Building Official. Also present were City Attorney; Steve Pena, Kari Englehardt 330 E. Olmos Drive and Carra George 223 Kennedy.

Chairwoman Patricia Meier called the meeting to order and announced a quorum was present at 5:05 p.m.

The public hearing is conducted pursuant to the Code of Ordinances, City of Olmos Park, Texas Chapter 40, and Art. VI §40-162.

Chairwoman Pat Meier opened the public hearing at 5:07 p.m.

Chairwoman Pat Meier closed public hearing at 5:07 p.m.

Receive and discuss application for a Special Use Permit (SUP) for the following properties currently zoned Apartment District: CB 4038 BLK 2 LOT 1&2 Denverside Addition; take possible action.

Chairwoman Pat Meier stated that the action is to consider granting additional use to a specified piece of property, it doesn't change the underlying zoning of the land. The Special Use Permit is subject to the same procedures for amendment in change of zoning as specified in the change of law. Currently within that area it's in an apartment district and the coding are 001 single family 8-10 single apartments and that is by the B code. The building in question is adjacent to the proposed single family homes of PSW. Residential in-home businesses are prohibited.

Kari Englehardt stated she is the owner of 330 E. Olmos Drive which is the smaller house on the corner of Olmos and Judson and I am here to ask for a Special Use Permit which would allow me to preserve this tiny little house and use it as a design studio. I feel like the location of the property is the perfect transition, it is a great opportunity to bridge between the commercial district of McCullough. The way the house sits, there is landscape screening along the residential side but then it is very exposed and open on the Judson Street and to the commercial district. I live in Alamo Heights and I drive up and down Olmos all the time and I see this house all the time and just keep thinking what is to become of this little house. I bet that house has perfect lighting for my design studio. I approached the sellers and saw the property they were disappointed the house had been on the market for 2 years. They were emotional about selling it and having it torn down and I assured them I would not tear it down. Since then I have purchased it, many of our neighbors have a very positive connection to this house and to Evelyn Norton. My approach to save this little house is, I would like to turn it into its meticulous condition with curb appeal and use it as my design and art studio. One of the concerns is parking, so I reached out to my architect and had conversations with him about what would be the best way to figure out what is necessary to support the requirements. We developed placement of the required 7 parking spaces. I might have a client come see me 3 to

4 times a week so it's a very low volume of traffic. We replaced the roof and the electrical main line coming into the house; it was riddled with termites so we repaired the structural damage from the termites. We have stopped with the improvements until I am able to move forward and be sure this SUP is approved.

Chairwoman Pat Meier stated we have some questions submitted through emails. If we were to approve this Special Use Permit with this low volume of clients for interior design/art studio, is this the only use that would be allowed for this permit?

Kari Englehardt stated her intentions for this house is using it for an interior design office and painting studio. There might be opportunities to invite the neighborhood. The name of my business is Brilliant Studio.

Chairwoman Pat Meier stated next question, could it be sold commercial not under a special use?

Steve Pena, stated the underlying apartment district allows for certain uses which are by definition, commercial uses. Under your ordinances you are putting a little asterisk by that property on your official zoning map, saying this property has been granted a Special Use Permit in the city and that permit actually specifies those uses.

Chairwoman Pat Meier stated could we set a condition that the permit does not travel with the property?

Steve Pena stated your zoning code does not allow it.

Kari Englehardt stated will this Special Use Permit take it from being an in home business to a commercial use? What would happen if I ever sold the house and the new owners turned it into a tattoo parlor? I would like to see that there are conditions set around the Special Use Permit. My concern is that if that the Special Use Permit would not convey with the property then we would be right back where we started.

Ron Michelena stated the only parking you're asking for is on the Judson side?

Kari Englehardt stated yes, I am required to provide 7 parking spaces correct?

Jim Raby stated I don't think there is any requirement that requires her to match the required parking spaces as designated in the retail district, unless putting the requirement into the Special Use Permit. She has already provided for that as if it was commercial but nothing so far has required that Planning and Zoning can put that as a current condition.

Kari Englehardt stated the house is 1,264 square feet which 200 square feet is for every parking spot so that would be 7 parking spots. We planned the parking scope behind the structure on the Judson side so if the new owner of the PSW project, you are not looking over and seeing cars. I have 5 parking places on the Judson side and 2 would be in the garage area. The parking spots are standard; they are 9 feet by 18 feet.

Steve Pena stated if your ordinances don't specially say the purpose of the Special Use Permit is to allow a higher use, a more intensive use of the property, but where re-zoning is a higher classification would probably be not appropriate. The way zoning works is you don't zone to

use, you zone to a district and that district has permitted uses. In this case that is exactly what they have done is zone to a particular use. The Planning and Zoning has to make its recommendations to City Council on the types of conditions that you believe are appropriate. Any time you have a use of this sort, there is going to be an investment of some sort whether it's a residential or commercial. If they sold it and all you could use if for is an artist studio but the Special Use Permit goes away when they sell it, they may be better off asking to be re-zoned into a local retail.

Ron Michelena stated what are the requirements on signage?

Steve Pena state you can oppose restrictions on the signage as I read the application there is no plan for large signage.

Kari Englehardt stated the way the house sits on the lot and the way you approach it from Judson, we would not have an approach that cuts away on the residential side. This limits the way we are handling the entrance and exit, it's all on that commercial side. There already exist hedges that visual shield the residential side. The signage is going to be very discrete anyway with landscaping light on it.

Sandra Ryan stated can we put restrictions on this particular ordinance? If you do sell it, you can only sell it to small businesses, very low traffic business. Would you be considering doing art classes which would allow more traffic coming in?

Kari Englehardt stated no, she would not be doing any art classes, just 3 to 4 clients a week. I see this house as having one of two destinies' either keeping this little house as an office or raised and become multi-family. I want to allow the Special Use Permit to stay with the house.

Sandra Ryan stated so in ten years she decides she wants to level this house and build a duplex and work in it, can she do this Mr. Pena?

Steve Pena stated if applicant's property is not being re-zoned; she has all the uses allowed in the apartment district. If you don't put it in writing then they don't get it. You can say it has to be a professional art studio and be specific with whatever additional uses you put in writing and approved by both applicant and board members.

George Williams stated are we able to put a restriction on your house saying no second level can be added to it so it doesn't lose its character? I'm wondering if fewer cars out front would that interfere with your attractive house? We can give you 5 parking spaces now and if you want to just do 3 now and the other 2 later.

Steve Pena stated if you can oppose restrictions with an explanation as to why you are doing it which is to preserve its "character". We can't restrict what is available now.

Kari Englehardt stated we are trying to keep those cars visually disguised from the future residential property which would be to the left of my property. Fewer spots would be more attractive. There is a chain link fence along the other side of the house so I want to leave that fence, which is where the parking begins.

Kenyon McDonald stated after listening to the presentation and colleagues, I have no objectives to this Special Use Permit.

Joseph Johnson stated he has no objectives.

Blair Young stated he has no objectives.

Blair Young stated so do you really need 7 parking spaces? Would you be happy if we took some parking spaces away?

Jim Raby stated you have to have one parking space for every 200 ft. of building space.

Kari Englehardt stated, yes I don't need 7 parking spots. I think 3 parking spots would be the best looking.

Chairwoman Pat Meier stated we have a condition on the parking and a condition on the entrance. Now we have to zone to a use, how do we phrase that, a small business needs to be defined?

Steve Pena stated his recommendation is that your already have in your zoning ordinance a classification that is permitted in Article 4 Section 40-107 #2 so you would allow them any and all those uses.

Sandra Ryan stated you were saying your entrance is going to be on Judson side, are you using a side entrance?

Kari Englehardt stated the front door and entrance faces Olmos. I could have stepping stones that would walk you through the front entrance. There will be no parking on Olmos Drive.

Steve Pena, stated under the City Code of section 40-107 #2 office studio. We can define as professional office. You can address the traffic by the hours of your operation. Planning and Zoning will take their recommended draft permit to City Council as long as you follow the basic parameters so everybody knows what's permitted and not permitted.

Chairwoman Pat Meier stated so the usage will be limited to professional office studio and your clients would range from 3-5 on a daily basis. We have a lot of people who have clients in their homes. One thing we were adamant about was there will be no signs

Blair Young stated let's say she has the 3 parking spaces, she could have a sign at each parking spot, and we don't want to restrict her since it's private parking. Can you do a shingle off of the front porch for your signage? We would not want a sign placed up front in the yard.

Kari Englehardt stated yes of course. I just want it known that I have gone through the process. I'm thinking maybe a little 3' foot sign under that picture window in the front.

Chairwoman Pat Meier stated a sign on the Judson side would be more comparable maybe a shingle attached.

Sandra Ryan stated come to us with a design and a visual of where the sign would be.

Jim Raby stated it would be probably wise since she is seeing clients there to have a Certificate of Occupancy and be inspected by the Fire Department.

Steve Pena stated our ordinance requires her to have a Certificate of Occupancy.

Chairwoman Pat Meir stated we made some reference to adding an additional story, Mr. Pena how do you want us to word that?

Steve Pena stated no second level studio, however if you put a second level on you can't continue to use it as a studio office.

Jim Raby stated the structure cannot be expanded any shape or manner as conditioned under this permit.

George Williams stated if she has a Special Use Permit and wants to sell the building later, by law does that Special Use Permit move on?

Steve Pena stated typically yes as long as the conditions are met, although it is not a change of zoning which is something that is a permit change.

Steve Pena stated conditions of professional office studio, shingle type signage along Judson Street, parking spaces no more than 5 spaces. Standard Monday through Friday normal business operation hours and transferable Special Use Permit and no expansion and Certificate of Occupancy required.

Ron Michelena made a motion to pass this Special Use Permit for 330 E. Olmos subject to the conditions stated.

Blair Young seconded the motion

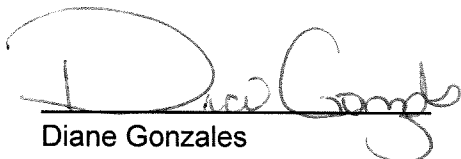
The vote in favor of the motion was unanimous

There was no other business and the meeting adjourned at 6:17 p.m.



Patricia Meier  
Chair

ATTEST:



Diane Gonzales  
City Secret

