

The CITY OF OLMOS OARK  
PLANNING AND ZONING COMMISSION  
MINUTES OF MEETING HELD  
FEBRUARY 25, 2016

The Planning and Zoning Commission for the City of Olmos Park, Texas held a meeting at 5:00 p.m. on Thursday, February 25, 2016 at City Hall. Members present were James Griffin, Patricia Meier, Wade Giddens, Deanna Rickabaugh, Sandra Ryan, Jody Lutz and Blair Young. Administrative staff present was Celia DeLeon, City Manager, Diane Gonzales, City Secretary and City Attorney Richard Linder. Also present were Ramiro Valadez, 10010 San Pedro, Ste. 550; Greg Van Cleave; and Lawrence Beck, 506 Thelma.

Chairman Griffin called the meeting to order and announced a quorum was present at 5:02 p.m.

Sandra Ryan joined the meeting at 5:03 p.m.

Approve minutes from January 28, 2016.

Blair Young moved to approve the January 28, 2016 minutes as submitted.

Deanna Rickabaugh seconded the motion.

The vote in favor of the motion was unanimous.

Public hearing to receive public comment regarding the possibility of creating the Code of Ordinances City of Olmos Park, Texas Chapter 40 Zoning, Article I. in general 40-12 vacating public right of way; declaring a public purpose; incorporating recitals; providing a repealer and savings clause; providing for severability and setting an effective date.

Chairman Griffin opened the public hearing at 5:03 p.m.

No citizens were heard.

Chairman Griffin closed the public hearing at 5:04 p.m.

Vice-Chair Meier joined the meeting at 5:04 p.m.

Discuss and take possible action creating the Code of Ordinances City of Olmos Park, Texas Chapter 40 Zoning, Article I. in general 40-12 vacating public right of way; declaring a public purpose; incorporating recitals; providing a repealer and savings clause; providing for severability and setting an effective date.

Wade Giddens stated in his opinion, a change needed to be made on page 1 under section 40-12 and change the word "projects" to "facilities".

Deanna Rickabaugh moved to approve the ordinance with the change stated by Wade Giddens. Blair Young seconded the motion.

The vote in favor of the motion was unanimous

Consider and take action on applications for the following four Special Use Permits by Quattro Homes, LLC due to City Code Section 40-80(e) which states the overall height of townhomes shall not exceed 35 feet and the number of stories shall not exceed 2 ½ stories for properties addressed at:

- a. 219 E. and 219B E. Melrose AKA CB 4038 BLK 4 LOT 21 AND 22. This project, if completed, would result in a three story structure with an overall height, as measured by ordinance, of thirty eight feet, three and one quarter inches (38' 3 1/4"). The story requirement is thereby exceeded by one half (1/2) story and the height requirement is exceeded by three feet, three and a quarter inches (3' 3 1/4").
- b. 221 E. Melrose and 221B E. Melrose AKA CB 4038 BLK 4 LOT 23 AND 24. This project, if completed, would result in a three story structure with an overall height, as measured by ordinance, of thirty nine feet, eleven and five eights inches (39' 11 5/8"). The story requirement is thereby exceeded by one half (1/2) story and the height requirement is exceeded by four feet, eleven and five eights inches (4' 11 5/8").

Chairman Griffin recused himself from the meeting and left at 5:10 p.m. and Vice-Chair Meier conducted the remainder of the meeting.

Richard Lindner stated on a procedural aspect the only change requested on the application are the changes to the height of the story and my reading of the authority of what a Special Use Permit can be used for, is for changes in uses. I don't believe the change in height is a use and because of that I don't think the Commission has the authority to issue these Special Use Permits. The Commission can reject and not approve a Special Use Permit when the only thing being asked for is the height and that would be a variance and your Board of Adjustments is the governing body that has the authority to hear and grant adjustments. One of the concerns I have is if P&Z rules on this and allows this type of request to go through a Special Use Permit then any aggrieved party from the ruling of the Board of Adjustments could just come and ask for P&Z to overrule which would limit the rights of the Board of Adjustments.

Deanna Rickabaugh stated the definition of a Special Use Permit "a Special Use Permit is a grant of a use of land and/or a structure in a zoning district where the use is not specifically authorized by ordinance in that district. Special Use Permits may be granted to allow compatible and orderly uses which may be suitable only in certain locations in a zoning district and subject to certain conditions."

Richard Lindner stated if there is not a request to change the use other than height, then it is not a Special Use Permit.

Greg Van Cleave stated the Board of Adjustment specifically told us to apply for a Special Use Permit because our project did not meet their criteria for a hardship and the height requirements.

Richard Lindner stated they can come to P&Z to have the Commission consider if they had a problem with the height restriction and ask them to put an agenda item to re-asses the townhome ordinance.

Vice-Chair Meier stated the height they want is allowed, just not for townhomes.

Greg Van Cleave stated I think the definition we are looking at enhancing the scope of the use.

Lawrence Beck of 506 Thelma stated his back property line abuts the property lines of 219 and 221 and another way to look at this is you are dealing with an area, height or use requirement for the applicant to ask for a Special Use Permit and they are already permitted to use that property for a condo or apartments so they really don't want to change anything.

Blair Young stated you are able to build 35 feet tall I don't understand how you got that high, you do an 8 foot height garage and 10 foot second story and a 10 foot third story so I think part of your project is a design issue and your architect should consider trying to scope in the boundaries that Olmos Park is limited to. We have our setbacks for safety and I would encourage you to go back to the drawing board and you should be able to get a three story structure in 35 feet easily and also work on your setbacks. I don't know if the 2 ½ stories is living space but your garage is not considered a living space.

Vice-Chair Meier stated the Board of Adjustments suggested that they put their garage in the back because they had some space in the back. There are 4 or 6 units on Thelma that are 35 feet with the garages underneath so I would recommend what Blair Young stated to work on a design and adjust your height.

Richard Lindner stated the Commission can decide to hear the hearing and rule on the merits or the applicants are free to withdraw their applications and try to submit another design that falls within the ordinances.

The applicants stated they wish to withdraw their applications.

Lawrence Back asked is there a way that my neighbors and myself can ask the Commission to change the zoning ordinance in the apartments and not to allow 3 story apartments?

Vice-Chair Meier stated you are welcome to come to a P&Z meeting and offer your opinions and share your ideas anytime.

The Commission discussed future agenda items:

1. Discuss the land use in the commercial district which was tabled.
2. Discuss the residential lighting ordinance.
3. Research the language and the height on the townhomes ordinance and the looming height.
4. Invite Chief Surber who is sitting in as the Building Official to assist with the Commission with any questions.

The next scheduled meeting will be March 30, 2016, the last Wednesday of the month.

There was no other business and the meeting adjourned at 5:39 p.m.

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James Griffin  
Chair

ATTEST:

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Diane Gonzales  
City Secretary