

The CITY OF OLMOS OARK
PLANNING AND ZONING COMMISSION
MINUTES OF MEETING HELD
MARCH 30, 2016

The Planning and Zoning Commission for the City of Olmos Park, Texas held a meeting at 5:00 p.m. on Wednesday, March 30, 2016 at City Hall. Members present were James Griffin, Patricia Meier, Wade Giddens, Deanna Rickabaugh and Jody Lutz. Members that were not present were Sandra Ryan and Blair Young. Administrative staff present was Celia DeLeon, City Manager; Diane Gonzales, City Secretary; Ricardo Cavazos, Building Official; Fire Chief Surber and City Attorney, Richard Lindner. Also present was A.T. Brainerd, 201 E. Mandalay.

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

Approve minutes from February 25, 2016.

Wade Giddens moved to approve the February 25, 2016 minutes as submitted.

Deanna Rickabaugh seconded the motion.

The vote in favor of the motion was unanimous.

Introduce new building/code official.

City Manager DeLeon introduced Ricardo Cavazos as the new Building and Code Compliance Official for Olmos Park.

Public Hearing to receive public comment amending the code of ordinances City of Olmos Park, Texas Chapter 40 Zoning, Article IV. Local Retail Districts 40-107 building and land use restrictions; 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 5:04 p.m.

Richard Lindner stated the current uses in the local retail district allowable in a residential or apartment district is allowable in both districts and the change that the Commission wanted was to require anyone in the retail district to have a mixed development so they just can't put an apartment complex along McCullough. In my proposed changes I would leave in any residential use allowable in the local retail district but for apartment districts they would have to seek an SUP from the Planning & Zoning Commission and as part of the permitting process for the SUP they would have to show some other use. My understanding from our last meeting was the Commission wanted to provide some guidance for apartment use and Planning & Zoning wanted to retain some of the decision ability making rather than putting it off on the Board of Adjustments.

Chairman Griffin stated that all higher districts allow everything in a lower district so in our code it allows single family, multi family, apartments and everything below it not just retail even though it's called a retail district which is what we have currently. We wanted to allow some sort of mix.

Chairman Griffin closed the public hearing at 5:08 p.m.

Discuss and take action amending the code of Ordinances City of Olmos Park, Texas Chapter 40 Zoning, Article IV. Local Retail Districts 40-107 building and land use restrictions; declaring a public purpose; incorporating recitals; providing a repealer and savings clause; providing for severability and setting an effective date.

Wade Giddens stated the way the code is written now is, retail allows anything that is also allowed in apartment and residential and apartment allows anything that is residential so the code allows anything that is more restrictive districts.

Fire Chief Surber asked when apartments are no longer listed as a use then are they eligible for an SUP and then they would have that right to apply to P&Z?

Chairman Griffin stated yes that is correct.

Wade Giddens asked should we be prohibiting residential all together and handle anything that comes up as an SUP?

Chairman Griffin stated we don't want any residential or apartment allowed by right but it is allowed by an SUP as long as there is a mix.

The Commission discussed revisions to the draft ordinance for review at the April meeting.

Richard Lindner stated the motion would be to recommend to Council an ordinance that requires no apartments or residential use without an SUP.

Wade Giddens moved to have the attorney revise the changes discussed and bring back to the April meeting.

Deanna Rickabaugh seconded the motion.

The vote in favor of the motion was unanimous.

Public Hearing to receive public comment amending the Code of Ordinances of the City of Olmos Park, Texas Chapter 40 Zoning, Article I. in general, section 40-2 definitions; article ii. single-family residence districts, section 40-40 building and land use restrictions; to create new regulations for temporary storage structures; providing a penalty clause; 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 5:34 p.m.

Chairman Griffin stated this came from direction from Council and the intent was to create an ordinance that controls the mobile storage units normally for construction activity but some have become a permanent fixture in people's yards.

City Manager DeLeon stated prior to the meeting I asked Richard Lindner if we could add in the draft ordinance a permit fee clause and also add in another clause about limiting to keep someone from coming in and asking for another 30 day extension. The pods that are attached to building permits will be able to keep their storage pods until the building permit is complete.

Chairman Griffin closed the public hearing at 5:37 p.m.

Discuss and take action amending the Code of Ordinances of the City of Olmos Park, Texas Chapter 40 Zoning, Article I. in general, section 40-2 definitions; article ii. single-family residence districts, section 40-40 building and land use restrictions; to create new regulations for temporary storage structures; providing a penalty clause; declaring a public purpose; incorporating recitals; providing a repealer and savings clause; providing for severability and setting an effective date.

Richard Lindner stated you might want to add a limit on consecutive days or how many permits you can have in a year if the goal is to limit the number of how long someone has a pod and you can require in the ordinance a warning before a fine is issued.

Chief Surber stated the way this will work realistically is our Public Works guys are out on the street every day and they are our eyes and ears and if they see a pod dropped off then we would contact the homeowner and we can put a sticker on their door.

Vice Chair Meier stated the pod must be on owner's property and not on the City's right-of-way.

The Commission discussed revisions on the draft ordinance for review at the April meeting.

Richard Lindner summarized the revisions to the draft: no permits, the location restrictions are on a paved all weather surface, except for approved construction sites and not on the public right-of-way. If the pod is connected to a building permit than it won't affect it. The limits will be 30 days with one extension subject to the City Manager and no more than 60 days in a twelve month period beginning the first day the pod shows up.

Vice Chair Meier moved to have attorney re-write the ordinance and bring back at the next meeting for review.

Deanna Rickabaugh seconded the motion.

The vote in favor of the motion was unanimous.

Review and discuss revisions to the previously approved sidewalk ordinance 2010-15; take possible action

Vice Chair Meier stated there is a statement that states "the curbing on sidewalks on right of way facing the building or structure shall meet the TXDOT curbing height requirements." Andres Andujar told me that it is not located in TXDOT.

Chairman Griffin stated Andres Andujar stated the curbing should be a standard of 6 inches, so we need to change it to 6 inches.

Vice Chair Meier stated we need to change it to read "the curbing on sidewalks on right of way facing the building or structure shall be a 6 inch raised curbing." since that is how our ordinance reads and take out the TX DOT section.

Vice Chair Meier moved to have attorney re-write the ordinance and bring back at next meeting and have a public hearing.

Deanna Rickabaugh seconded the motion.

The vote in favor of the motion was unanimous.

Review and discuss revising the building height permitted in all zoning districts including discussion on creating an angle of bulk plane restriction and setback ratios. The height and classification of townhomes, condos and apartments will also be discussed; take possible.

Vice Chair Meier stated there are two places that we interject with the apartment district. We have an ordinance that we wrote two years ago and the application of the height of the auxiliary buildings so anything built in the apartment district adjoining the residential area of Primera cannot exceed 25 feet. We talked about looming and now we get to where the west side of the apartment district interfaces with the residential district. A looming ordinance would take care of the apartment district but would a looming ordinance take care of that strip that abuts the residential and divides it from the commercial? 50% of that strip is already private homes and

carried on BCAD as single family and the other 50% is carried as apartment but they are within the apartment district. My proposal is to do something that limits the height.

Chairman Griffin stated the intent was to try to figure out how to prevent something coming in particular on the east side of McCullough that is going to be 45 feet next to a single family residence.

Vice Chair stated she would like to have Blair Young review this and tabled the item. Wade Giddens seconded the motion. The vote in favor of the motion was unanimous.

Discuss future agenda items.

Chairman Griffin stated Blair Young will have a guest give a presentation on lighting.

There was no other business and the meeting adjourned at 6:28 p.m.

James Griffin
Chair

ATTEST:

Diane Gonzales
City Secretary