

The CITY OF OLMOS OARK
PLANNING AND ZONING COMMISSION
MINUTES OF MEETING HELD
JANUARY 28, 2016

The Planning and Zoning Commission for the City of Olmos Park, Texas held a meeting at 5:00 p.m. on Thursday, January 28, 2016 at City Hall. Members present were Patricia Meier, James Griffin, Wade Giddens, Deanna Rickabaugh, Sandra Ryan and Blair Young. Members that were not present were Jody Lutz. Administrative staff present was Celia DeLeon, City Manager, Diane Gonzales, City Secretary and City Attorney Richard Linder. Also present were Dorothy Jo Weiss, 701 El Prado; Bob Weiss, 701 E. El Prado; A.T. Brainerd, 201 E. Mandalay and Wayne Kuntson, 117 E. Mariposa.

Chairwoman Meier called the meeting to order and announced a quorum was present at 5:01 p.m.

Sandra Ryan joined the meeting at 5:02 p.m.

Administer Oath of Office to re-appointed members Patricia Meier and Blair Young.
City Secretary administered the Oaths of Office to Patricia Meier and Blair Young.

Announce Jody Lutz as a newly appointed commission member.

Chairwoman Meier stated we have a newly appointed member Jody Lutz who has been sworn in but unfortunately could not make the meeting tonight.

Elect Chairperson

Blair Young nominated James Griffin as Chairperson.

Deanna Rickabaugh seconded the motion.

Wade Giddens Aye

Patricia Meier Aye

Deanna Rickabaugh Aye

Sandra Ryan Nay

Blair Young Aye

The motion passes.

Elect Vice-Chairperson

Blair Young nominated Patricia Meier as Vice Chairperson.

Deanna Rickabaugh seconded the motion.

The vote in favor of the motion was unanimous.

Approve minutes from December 10, 2015

Deanna Rickabaugh moved to approve the December 10, 2015 minutes as submitted.

Wade Giddens seconded the motion.

The vote in favor of the motion was unanimous

Review and discuss P&Z End of Year Report for 2015 accepted by City Council January 21, 2016; take possible action

Vice Chair Meier stated the P&Z end of year report was submitted to City Council at their December meeting at it was approved; however they did have some concerns on some excessive absenteeism and we as a Board agreed several months ago that we are not going to alter the agenda and the responsibility is we put it on our calendars. We will keep roll and when there are 3 absences we will let the Council know.

Blair Young stated we actually asked to reschedule one particular meeting we couldn't make because of a bi-week with football and you denied it. We all have family obligations that we have to meet from time to time and hopefully in the future if needed, changes can be made.

Review and discuss the process/procedure for compelling an individual and/or a business to vacate public easements and ROW; take possible action

Chairman Griffin stated this was on our agenda last month and it was tabled.

Vice Chair Meier stated most districts have an ordinance that allows for the vacating of the right-of-way and we do not, but it can be done so we had asked our Attorney to draft something.

Richard Lindner stated this draft ordinance is mirrored from the City of El Paso and this City has a way to vacate ordinances but this draft gives you some freedom to take it somewhat out of the legal content. I believe last month the Board was concerned about some of the language that talked about fees paid to third parties and removal solely for beautician which I have included in the draft. I added section 40-12 and it does not create a public right to seek recovery of costs for relocation or removal solely for beautification. Basically that says we are not affecting anyone's right to get repaid for removal or anyone's right to repel for beautification.

Vice Chair Meier stated the City talked about when we start doing sidewalks, there are two large properties that are encroaching into the ROW which was discovered that with the survey, so if we wanted to do any landscaping or sidewalks it would involve recovering some of that property and nobody has the right to use the City right-of-way.

Richard Lindner stated the intent of this ordinance is to give some ground rules on what a resident should expect and gives the City more flexibility.

Patricia Meier moved to accept the draft ordinance as submitted and set for a public hearing next month.

Wade Giddens seconded the motion.

The vote in favor of the motion was unanimous.

Review and discuss SD 2, Sec. 40-44. – Lot Size, Table 40-44.1; take possible action.

Vice Chair Meier stated I would ask that we table this item since it needs more discussion. I would like to come back with some charts and there will be some issues that come up in February that will impact this.

Review and discuss the options for residential and/or apartment uses in Local Retail and Mixed Retail Commercial District along McCullough; take possible action

Richard Lindner stated there are two draft options, option one allows residential use in your two commercial districts but it has a restriction on the apartment use where the intent is if you wanted an apartment use in the commercial district you also have to have one of the other 9 listed uses and that listed use has to abut McCullough and is tied the square feet usage of your apartment and does not exceed 75% of the total square footage of the cumulative dimensions of structure(s).

Chairman Griffin stated the intent of this ordinance and these two options was a lessor district is allowed and in option one, the retail districts also allow single family and apartments and doesn't just have to be retail so we are trying to find a way to limit the retail district to mainly just retail.

Richard Lindner stated option #1 lays out what they can build and option #2 removes the ability for someone to build residential apartments use and gives more flexibility. P&Z would be giving some of their authority away and the person would have to come to the Board of Adjustments for a variance or for a special use permit. If the Board decides to change one of these options then we would need to do a mail out.

Wade Giddens asked can we have a third option and say residential will be considered whether it's multifamily or single family residential will be considered via a special use permit process?

Chairman Griffin stated if we completely prohibit the apartments they would still be allowed to seek re-zoning to the apartment district rather than seeking a special use permit.

Vice Chair Meier stated the question that came up was that James noticed that there is nothing that permits someone from putting an apartment in, so my understanding was we were going to limit to having an apartment building in the commercial district.

Richard Lindner stated so the Board prefers option #1 which allows more flexibility but would like to direct it towards a special use permit as opposed to the Board of Adjustments. I will bring some draft language and another option at the next meeting.

Wade Giddens moved to table item until Attorney has another draft to review.

Deanna Rickabaugh seconded the motion.

The vote in favor of the motion was unanimous.

Discuss the authority of the Planning and Zoning Commission to discuss or to write recommendations for an illumination ordinance. Request direction from the City Council; take possible action.

Richard Lindner stated after the last meeting there was some discussion and some hesitations on my part about whether or not P&Z has the authority to discuss and recommend the illumination ordinances because it was written in other places. There are currently illumination standards and there was some back and forth about putting it on the agenda and then taking it off the agenda but we have done the legal research and I have looked at all the zoning statues and P&Z is able to regulate the illumination for aesthetics or safety.

Chairman Griffin asked has City Council given us authority to write the illumination ordinance?

Richard Lindner stated yes.

Sandra Ryan moved to table this item for a later date.

Pat Meier seconded the motion.

The vote in favor of the motion was unanimous.

Discuss the concepts of 'Angle of bulk plane' and 'Set back ratio' as they might apply to the Olmos Park residential and apartment districts; take possible action.

Patricia Meier moved to table this item for a later date.

Sandra Ryan seconded the motion.

The vote in favor of the motion was unanimous.

Review and discuss proposal for the creation of an alternate apartment district for properties abutting the east side of McCullough Ave.; take possible

Vice Chair Meier stated we have looked at protecting citizens from looming and it came from the Board of Adjustments in 2013. The City Council directed P&Z to come up with an ordinance that garages cannot be above 25 feet and then we extended that restriction to the apartment district and now we have another issue on side setbacks and the City has used setbacks rather than a looming ordinance. If you look at the East side of McCullough that is all apartment district and those can all be 45 feet tall, so how do you protect people that are behind or beside these tall buildings. This is meant to be a buffer zone between the residential and the commercial and we don't have a lot of 45 foot buildings and I am looking to protect the residents within Olmos Park that would abut those 45 foot buildings. Right now you can't build anything above 25 feet in your backyard abutting another property. James and Wade put together the zoning districts for the single family so I mimicked what they did and created a district and it outlines the block numbers just to look at limiting nothing above 35 feet.

Blair Young stated the looming law is trying to keep from overlooking your back yard or overlooking the side yard. It seems to me that we don't necessarily need to address the height of the building but should look at looming when it is adjacent to a residential property.

Wade Giddens asked how would we handle all of our zero lot lines and our zero setback garage structures, are they grandfathered?

Blair Young stated yes and there are grounds that you can do a variance.

Chairman Griffin stated if the intent is to lower height which needs to occur one way or another and I don't know if a new district is the best way to handle so my suggestion would be to just lower the height in the current district.

Vice Chair Meier stated I chose this approach because the other apartment district already has 45 feet and I don't think they need to have the same restrictions and the uniqueness of McCullough is it is the buffer.

Wade Giddens stated I think the looming law that addresses the apartment district when they are adjacent to single family and might cover this should it happen in the future.

Blair Young stated I think it should be reduced from 45 feet to 35 feet. The looming starts at the eaves and not the building and the Board of Adjustments may be hit more with requests.

Chairman Griffin stated 45 feet is too high for this particular apartment district and we need to look at lowering the height and bring back to a future meeting.

Patricia Meier moved to table this item for a later date.

Sandra Ryan seconded the motion.

The vote in favor of the motion was unanimous.

Distribute Membership Information list and meeting dates for 2016 and discuss alternate dates for November and December due to the holiday seasons; take possible action

The Board discussed moving the regularly scheduled meetings to the last Wednesday of the month at 5:00 p.m. except for November and December which they will just have one meeting on December 7th and will keep the February meeting the last Thursday of the month.

Deanna Rickabaugh moved to approve the changes to the meeting dates.
Wade Griffin seconded the motion.
The vote in favor of the motion was unanimous.

Discuss City Council's December ruling which limits membership on EDC, BOA and P&Z to two consecutive terms.

Chairman Griffin stated City Council approved a resolution limiting it to two current terms.

Discuss possible future agenda items; discuss scheduling a 'special meeting' to hear a presentation by Blair Young on the different light levels available in LED and incandescent lights.

City Manager stated the Board will have a special use permit to hear at the February meeting.

Blair Young stated I can have a presentation at the March meeting and I want to try to educate the Board members about light levels first and then we can write something to look at.

There was no other business and the meeting adjourned at 6:25 p.m.

Patricia Meier
Vice Chair

ATTEST:

Diane Gonzales
City Secretary