

CITY OF OLMOS OARK
PLANNING AND ZONING COMMISSION
MINUTES OF MEETING HELD
JULY 10, 2014

The Planning and Zoning Commission for the City of Olmos Park, Texas held a meeting at 5:00 p.m. on Thursday, July 10, 2014 at City Hall. Members present were Patricia Meier, James Griffin, Joseph Johnson and Blair Young. Members not able to attend were Sandra Ryan and George Williams. Administrative staff present was Celia DeLeon, City Manager; Diane Gonzales, City Secretary and Jim Raby, Building Official. Also present were City Attorney, Frank Garza; A.T. Brainerd, 201 E. Mandalay Drive; Mike Brennen; Gene Allen, 204 E. Wildwood; Deb Prost, 130 Stanford; and Councilman Ronald Hornberger 215 Belvidere.

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

Approve minutes from June 26 2014 meeting

James Griffin moved to approve the minutes for June 26, 2014 as submitted.

Joseph Johnson seconded the motion.

The vote in favor of the motion was unanimous.

Discuss and review the possible development of a new zoning district; take possible action

Chairwoman Meier gave a presentation that talks about Garden Homes and possible restrictions that could be applied.

Frank Garza stated once the property owners once this new zoning designation is created the current property owners are going to be building these homes and are intending to apply for this new zoning designation once it is available. I have heard concerns from both the Council and members of the Planning and Zoning that they don't want this zoning available all throughout the City. We can make this type of zoning available only where current property is zoned commercial or multi-family so that a current residential district would not be able to apply because they are not commercial or multi-family. You can limit who is able to apply for this new zoning. If you were to adopt this new zoning district and the City Council were to approve it and for some reason PSW did not proceed in building the homes and decided to build multi-family and then the City tried to initiate City zoning I would be very concerned as it would be considered a "taking" because it's still properly zoned as multi-family. If we do City imitating zoning after PSW builds the homes then it is not a "taking" because they are now in compliance with this Special Use Permit. If PSW were to not initiate zoning I would not have a problem recommending to the City to go ahead and imitate that zoning. If PSW is going to build anything but multi-family then they have to build what is in accordance to the Special Use Permit.

Ronald Hornberger stated PSW has already agreed to the conditions that the re-zoning would enforce. City Council approved the Special Use Permit with conditions to which PSW agreed. Any zoning that follows the conditions of that Special Use Permit is not a "taking" because they have already agreed to it.

James Griffin stated I do not want the City changing all the properties that are currently zoned multi-family.

Ronald Hornberger stated Mr. Garza is recommending for us to model the PSW Special Use Permit and try to apply the permit to other properties that are currently zoned multi-family with different requirements, different setbacks, etc., change the zoning to comply with the Special Use Permit conditions and adopt those conditions as a new zoned area of the PSW Special Use Permit and try to apply it to other properties that is currently zoned multi-family with different requirements, different setbacks, etc.

Frank Garza stated the PSW Special Use Permit is a great starting point as that is compatible to what is going to be built there. We want to make sure that we put language in this ordinance that it is not applicable for a current residential district or a house currently zoned residential to apply for this new residential district, we will limit it to other multi-family properties and commercial properties and what will be called a transitional zone between the commercial and multi-family to your more traditional residential district.

Blair Young stated can we put a time limit on the permit? My fear is that they turn their garages into apartments.

Frank Garza stated we are creating the new zoning for the City to be applied to any commercial, multi-family property that is out there. I recommend that we create this new zoning designation, and then we inform PSW that we have a new zoning designation that they will need to apply for. If PSW does not apply for it I would recommend that we initiate the zoning as soon as they tear down what they have there now.

Chairwoman Meier stated what happens if PSW tears down the first house that is there now and if they do not make good on their commitment on single family, what re-course would the City take?

Frank Garza stated the underlying zoning has not changed, if PSW does decide not to proceed with the single family then they can still build another multi-family because the zoning has not been changed. You can't create a zoning destination for one piece of property. You would say that this zoning designation is only applicable for property that is currently zoned multi-family and has to be a zoning available throughout the City.

Chairwoman Meier stated what about the lot size, distance, parameters, and setbacks?

Frank Garza stated that will all be described in the actual zoning district.

A.T. Brainerd stated have we received a document back from PSW signed that they agreed to this?

Frank Garza stated this is not a contract. The Special Use Permit was approved so what is in the Special Use permit is what PSW has to build. If PSW tries to build something residential that is not in compliance with the Special Use Permit then we have Jim Raby to enforce the conditions that were approved. If PSW decides they are going to build multi-family, then they have to comply with what our current multi-family zoning designations are.

James Griffin stated right now PSW has two options, they can build apartments under the rules and regulations that we have now for our apartment district or they can build the single family homes under all the terms and conditions that City Council approved in the Special Use Permit.

Ronald Hornberger stated there will be a committee appointed that will make sure PSW is complying with the conditions of Special Use Permit.

Jim Raby stated a concern came up that after all those homes are built and finished what is to keep the new owner from saying "I am still in an apartment district and I am going to put an apartment on top of this garage and then I will rent it out".

Ronald Hornberger stated I want a memorandum to be filed in the real property records because the Special Use Permit says that those conditions run with the land, therefore anybody who purchases one of those homes is subject to the conditions. The zoning change is how you take the model of the Special Use Permit and have it apply to their other multi-family district or available to the rest of the multi-family districts where the owners of those properties have two choices, they can build under current conditions or you can apply to be part of this new zoning.

Frank Garza stated we adopt and create this new zoning designation by Planning and Zoning and then take to City Council for final approval, as soon as that new zoning designation is available we notify PSW that it is now available for them to apply. If PSW doesn't apply but they have already torn down and have started doing the re-plat I would recommend to City Council that they start a City initiated and begins the re-zoning of that property.

Chairwomen Meier stated does this have to come back to Planning and Zoning?

Frank Garza stated it has to be re-platted and approved. You need to come up with what you are going to call this new zoning, R1 or R2, Garden Home?

Chairperson Meier stated we have town homes and other cities have garden homes and a garden home by definition is smaller lots. I would like to call the new district the "Garden Home District". What would Planning and Zoning's role be after creating this new zoning district?

Frank Garza stated your role as Planning and Zoning would be that anytime someone applies for this new zoning designation they have to first come to this commission before they go to the City Council for final approval. This commission must make a recommendation in favor or oppose to the new zoning designation. Once the Council designates this new zoning designation, we have to have a public hearing as you are creating a new classification, approved by this body and approved by City Council, then it becomes in effect. The new zoning designation will not have a geographic description; the new zoning designation will have parameters of what is including in the PSW Special Use Permit and will only be applicable to currently multi-family zoned properties so that only multi-family zoned properties will be able to apply for this new zoning designation.

Chairwomen Meier stated we need language to make a motion.

James Griffin moved to recommend a creation of a new zoning district titled the "Garden Home District" that mirrors all the current conditions with the PSW Special Use Permit listed in Ordinance #2014-05 which has already been approved.

Motion was amended to include no geographic description and within the following parameters that are specific to the Special Use Permit, and this new zoning district can only be applicable to current multi-family districts.

Blair Young seconded the motion.

The vote in favor was unanimous.

Chairwomen Meier stated we will have a public hearing on July 31th.

Deb Prost stated EDC has been working on a re-development plan on McCullough and City Council asked us to work with Planning and Zoning to develop some standards on the business district that as businesses sell we have ordinances in place like our sign ordinance. We would like to be on your next agenda and set up a plan of action to come up with a comprehensive ordinance.

Adjourn.

There was no other business and the meeting adjourned at 6:11 p.m.

Patricia Meier
Chair

ATTEST:

City Secretary