

CITY OF OLMOS PARK
PLANNING AND ZONING COMMISSION
MINUTES OF SPECIAL MEETING HELD
AUGUST 15, 2014

The Planning and Zoning Commission for the City of Olmos Park, Texas held a special meeting at 9:00 a.m. on Friday, August 15, 2014 at City Hall. Members present were Patricia Meier, James Griffin, Joseph Johnson, George Williams, Sandra Ryan and Wade Giddens. Members unable to attend were Blair Young. Administrative staff present was Celia DeLeon, City Manager; Diane Gonzales, City Secretary and Jim Raby, Building Official. Also present were City Attorney Frank Garza; Dorothy Jo Weiss, 701 El Prado Drive; Councilman Ronald Hornberger 215 Belvidere; Councilwoman Plant, 131 East Mandalay; Councilman Fry, 135 Luther and Councilman McDonald, 121 E. Wildwood.

Chairwoman Meier called the meeting to order and announced a quorum was present at 9:04 a.m.

Chairwoman Meier stated we are going to look at some changes before we have a public hearing. What you have this morning are the changes to the ordinance from the one we received on August 7, 2014.

The City of Olmos Park Planning & Zoning Commission will conduct a public hearing pursuant to the Code of Ordinances, City of Olmos Park, Texas Chapter 40, Art. VI. § 40-162 to consider the development of a new Garden Home zoning district available only for properties currently zoned AD-Apartment District.

Chairwoman Meier opened public hearing at 9:10 a.m.

Dorothy Jo Weiss stated I would like to know if they can initiate the possibility of someone purchasing two lots out of the property so that area is not so narrow.

Chairwoman Meier stated we will answer that question shortly.

Chairwoman Meier stated I think the whole purpose was to take out the possibility that the property could be re-developed for multi-family use so we agreed we don't want that to happen. Planning & Zoning articulated that they did not want the other property zoned AD apartment district to have the same setback standards of 30 feet for the width. We sent to Mr. Frank Garza a standard for what we wanted for a greater setback widths and side setbacks. We want to apply those construction features that the City negotiated to any ordinance that would affect these other homes outside of the Special Use Permit.

Chairwoman Meier stated you have the most recent draft copy from Frank Garza and what I am presenting to you is what I went through so everybody on Planning & Zoning see's the changes that I am proposing. Chairwoman Meier gave presentation of zoning maps and ordinance with changes.

Chairwoman Meier stated my concern is a calling a city block an alley, so we have not defined the meaning block. The first City block on the Southside is 216 feet and the second City block is much larger.

Frank Garza stated the homeowner could not add an alley if it's on City right-of-way.

Chairwoman Meier stated the document does not say City right-of-way, it says alley.

Wade Giddens stated we need to define what alley means.

Chairwoman Meier stated it is an easement and if somebody could find 500 feet then that is a conservative block adjoining an easement. We need to put in a standard length for a block.

Councilwoman Plant stated you can't use City block because our City blocks are all different sizes.

Councilman Hornberger stated I would suggest we define alley as City easement with presently an existing paved alley.

Wade Giddens stated then this could only ever apply to those 3 blocks. The 300 block of E. Olmos already falls into this definition which is presently zoned AD apartment district and have full access to a rear full block alley.

Dorothy Jo Weiss stated we were always told we had an easement but we could not build in that area. They did not designate it as an alleyway it was designated as an easement so therefore an easement is different than an alleyway.

Councilman Hornberger stated an alleyway is one of a uses of an easement.

Wade Giddens stated we are talking about the City right-of-way that runs down the middle of these blocks, those are not easements they are City right-of-ways. If this plat is correct its City owned property.

Chairwoman Meier stated we need the document to read properties on lots presently zoned AD apartment district which have rear access to a full block alley that is located on a City right-of-way. Does the right-of-way have to be able to accommodate traffic? I don't think you are going to find another right-of-way or another alley that has 16 to 10 feet in width; do we want this as a parameter?

Wade Giddens stated unless we are trying to not allow this to ever happen on these lots to the South. I don't believe we have anywhere else in our City where this could apply.

George Williams stated I think the roads on Thelma and Melrose are too narrow for a bulb out, it seems like it would interrupt with any driveways that might go back on a 144 lot with bulb outs.

Councilman Hornberger stated you would have to back off into the property to create a bulb out.

Wade Giddens stated it seems we have duplication on B and C which is specific to Olmos Drive addressing the bulb outs. There are a lot of things in this document that are not defined or duplications. Page 2. B – my concern I have throughout the document in the last clause “but for no more than 20 percent of lots”. So if PSW does their initial development and for whatever reason the rest of it never gets built and 10 years from now I own the next property which is currently AD apartment and I decide I want to re-plat and re-zone a portion and build on a single 35 feet wide, how do I apply all of these things to say 20 percent of the lots have to be this and 40 percent of the lots have to be that, how do I interpret for myself? It is very important that 20 years from now someone can understand this document.

Frank Garza stated there should be no reference to subdivision; these are going to be for single lots. The concern I have heard from Council and Planning & Zoning is that you do have apartment districts and if they are converted to this it’s going to be more than one lot. Staff would have to interpret that for no more than 20 percent of lots. It would not apply to you because it’s just a single lot.

Chairwoman Meier stated my concern is, if this ordinance going to refer to this subdivision when 10 years from now it’s a moot point.

Wade Giddens stated what if one of the PSW property owners in 25 years from now want to do some significant renovations.

Frank Garza stated it has been re-zoned so they would have to ask for a variance for what they are currently zoned.

Wade Giddens stated the intent of this article of our zoning ordinance defines what could happen on a lot, not what could happen in a subdivision. My opinion is, it needs to be written to deal with that lot.

Frank Garza stated that is correct. Type A is only if they have access to a rear alley and Type B is they do not have access. So if someone comes in for this new district, staff will look at the property and see if it has access to a full block alley then it is Type A.

Wade Giddens stated article II 40-39 defines the properties that fall under our districts so these are outside that definition. How is this document going to be structured because it looks like we have several sections under the original article II of some of which we want to apply but others we are overriding, I am not comfortable of how they are structured now.

Frank Garza stated 40-39 applies to current properties zoned single family residential district. 40-50 and on would apply to single family residential II. We have previously named it “Garden Home” but that was removed and we needed to distinguish between single family district I and the new designations. If this commission and Council approves there will be a totally new separate zoning designation so anything that falls under article II 40-39 to 40-45 would only apply to those lots described in that provision.

Under your zoning definitions there are article II single family residence, article III apartment's districts and article IV local retail districts. Since this is a new residential district for single family homes it made sense to put it under article II but because it's a totally new zoning designation, if approved by Planning & Zoning and Council you will now have two residential districts, residential district I and residential district II. Residential district II will have to meet the qualifications in order for someone to utilize that new zoning designation and has to be currently zoned apartment district for it to qualify. If it is not currently zoned apartment district you do not qualify to use the new residential II protecting residential single family district I. The Commission or Council don't want someone having a large acreage of residential district I trying to covert to residential district II by subdividing their lots.

Councilwoman Plant stated single family has nothing to do with this other than the fact that we are trying to protect the single family residential. This project that has been approved through the Special Use Permit has now set a single family in an apartment district area and PSW is going to come in to zone to single family. The only way to project existing single family would be to come up with new zoning designation.

Councilman Hornberger stated we want two separate types A and B each as a whole contained unit that doesn't refer to the other for its interpretation.

Councilman Fry stated the goal here is for Planning and Zoning to come up with this new apartment designation that is a buffer between our single family district and our commercial district and also protect our single family district. What is the purpose of having type A and type B?

Frank Garza stated the purpose is type A would cover the PSW project so that when someone from PSW asked to be re-zoned it would fall under type A.

Councilman Fry stated instead of having single family district I and then single family II with A and B underneath it what I have seen in other zoning designations is essentially you have an R1, R2 and R3. And R1 would be equal to our single family that has the lowest density and then the R2 steps up the density and the R3 has the most density?

Frank Garza stated that is very common. Initially the direction from the Council was you have your residential district, and then you have your garden home district so that you could clearly distinguish the two districts. If you go residential district 1 or residential district II in my opinion that distinguishes as well. Leave it as it is for single family residence II and in parenthesis R2 and then we will amend the single family residential district so that it's R1.

Chairwoman Meier stated no more than two accessory buildings in a row can have a shared wall. It is necessary in this instance?

Wade Giddens stated does that mean your accessory building can't expand your back lots or can't go lot line to lot line? I have confusion on what is allowed and not allowed for accessory buildings, rear setbacks, and zero lot lines?

Frank Garza stated correct, that was the intent for PSW. It was put in there for safety purposes that they can't have more than two accessory buildings sharing the same one wall. Based on the fact that we do not want the ordinance to address single units then I would take this wording out of the document.

Wade Giddens stated do we define where and how you can have a front carport and not violate your front set back?

Frank Garza stated we are trying to address PSW so once they buy that property amend it from apartment district

Sandra Ryan stated we are just trying to protect what is going to be built in the future and what PSW is doing is under Type A.

Frank Garza stated when you look at the zoning map for apartment districts, PSW follows under type A and few others, then everything else will follow under type B. This is why we have larger setbacks of front, rear and side.

Chairwoman Meier stated do we have to have barn doors defined for type B?

George Williams stated so type A applies to multi development and B applies to all other?

Councilman Hornberger stated the type A and type B both apply to single family district II, single family district II is only in the apartment district. Single family district 11 type A is limited to lots that have access to a full paved alley on a City easement.

George Williams stated can the City accommodate the developer and say we will pay for easement to be paved?

Councilman Hornberger stated City Council would have to approve that. We can't prevent now what a future City Council member might do later.

Wade Giddens stated, can we have problems with spot zoning?

Frank Garza stated yes this is why I refused when the original request for zoning was just this property. The suggestion was this applies to the 300 block of Olmos and any property zoned AD apartment district which has rear access to a full block alley.

George Williams stated if we approve type B can PSW come and develop these two other streets under our terms on type B?

Frank Garza stated yes, if they were to be able to purchase the complete block they could put an apartment building or they could put up type A but financially it would not be feasible, they would never recoupe their investment because of the cost to purchase those properties. You can make any type of changes to type B because this is what you see for the future. Type A is what we agreed to in the Special Use Permit for PSW.

Councilman Hornberger stated are these easements or right-of-ways?

Jim Raby stated I believe they are right-of-ways.

Wade Giddens stated all carports to have entry 90 degrees from the main road; we want them to drive into that carport parallel to the main road correct?

Councilman Hornberger stated yes that is correct.

Wade Giddens stated so we need to define carport and say carport entry shall not face the main road.

Chairwoman Meier closed public hearing 10:35 a.m.

Discuss and review the possible development of a new zoning district (Garden Home Zoning District); take possible action

Chairwoman Meier stated we are going to appoint a committee that will consist of Chairwoman Meier, James Griffin and Wade Giddens to meet and produce a draft in one week and emailed to Frank Garza.

Next meeting is scheduled for September 28th at 5:00 p.m.

There was no other business and the meeting adjourned at 10:39 a.m.

Adjourn.

Patricia Meier
Chair

ATTEST:

Diane Gonzales
City Secretary