

CITY OF OLMOS PARK
PLANNING AND ZONING COMMISSION
MINUTES OF MEETING HELD
SEPTEMBER 4, 2014

The Planning and Zoning Commission for the City of Olmos Park, Texas held a meeting at 4:00 p.m. on Thursday, September 4, 2014 at City Hall. Members present were Patricia Meier, James Griffin, George Williams, Sandra Ryan and Wade Giddens. Members unable to attend were Joseph Johnson and Blair Young. Administrative staff present was Celia DeLeon, City Manager. Also present were City Attorney, Frank Garza and Dorothy Jo Weiss, 701 W. El Prado.

Chairwoman Patricia Meier called the meeting to order and announced a quorum was present at 4:03 p.m.

Frank Garza stated regarding SD2 the design approval will be by the city review board whose composition shall be stipulated by City Council. For SD3 the design development approval will be by the Mayor or designee and the Building Official.

Chairwoman Meier stated we talked about needing to have some process if they are going to have pre-approval and we suggested having the City Council look at the feasibility.

Joseph Johnson arrived at 4:05 p.m.

Frank Garza stated you're not consistent in utilizing the Mayor or designee and Building Official for SD3 as well as SD2?

James Griffin stated SD3 was already established and for SD2, I don't think we necessarily want it to be the same group of people.

Frank Garza stated I think it is very important that the Building Official be included as it's the Building Official's responsibility to enforce the ordinances on a day to day basis.

Chairwoman Meier stated can we say an architect at the Council's discretion? Then we can paraphrase what is said in 3 on page 7 and in SD2 we can say must be submitted to the Mayor or designee and the Building Official for approval and a designated architect with the discretion of the City Council?

Wage Giddens stated I would say let's stipulate that it include an architectural design professional.

Chairwoman Meier opened public hearing at 4:08 p.m.

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.

Wade Giddens stated I would rather leave it to the Council's discretion whether it is the Mayor, Building Official and Registered Design Official or Resisted Architect preferred and other members at City Council's discretion.

Frank Garza stated the only other concern I have is regarding 40-48 A(2) consistent with a minimum of 1.7 acres of adjacent continuous property. There is no other property in Olmos Park that will qualify for this zoning; my concern is it would be spot zoning.

Wade Giddens stated each of those lots are individual. If PSW could do it why couldn't someone else do it in the future?

Frank Garza stated I don't think there will be another property that would ever qualify for the zoning, so my concern is if someone wanted SD3 and can't meet the 1.7 acres. Was the intent to only allow SD3 in that area?

Chairwoman Meier stated yes it was written specifically to the Special Use Permit.

Wade Giddens stated the intent is that we limit to areas that can have rear parking. We don't want to see one little house, we want to see this developed in chunks.

Frank Garza stated so it's ok for SD2 to have one house but not SD3, so with that one provision there can be an argument or they can request a variance. Never create a zoning where there could be an argument.

George Williams stated it seems like this 1.7 acres is an issue, can't we designate that these adjacent and continuous property's put in their legal description.

Frank Garza stated I would stay away from the property description.

Chairwoman Meier stated would it be less obvious if we just said 1 acre or 1.5 acres?

Frank Garza stated since PSW is exactly 1.7 acres then we need to keep it at that or close to that.

Wade Giddens stated can we make it a number of consecutive lots zoned as SD3?

Frank Garza stated no that would make it more of a development while SD2 is available to single lots. Once PSW gets built out and the properties are sold, I am anticipating in some of those instances those individual property owners coming forward to request to convert to SD3 zoning.

Wade Giddens stated my understanding was the Special Use Permit compels PSW to re-zone.

Frank Garza stated no, the Special Use Permit does not compel PSW to rezone. My question is so if the individual lot owner who buys a PSW development comes in for the new SD3

James Griffin stated it is my understanding that PSW is going to apply for this new zoning or the City will initiate zoning.

Frank Garza stated the City is not going to initiate re-zoning until after PSW plats the properties and starts the building. I can't have the City risk a "taking" until they have actually started construction. If PSW decides not to re-zone then the City can initiate it. I was at one of the meetings where PSW did state that once there is a new zoning designation and they have platted and started building then they would request zoning designation. PSW may not do all 17 lots at one time, they might do sections but that wouldn't qualify and a variance could be done and eliminate the 1.5 – 1.7 requirement.

James Griffin stated if PSW chooses to re-zone their property, they can rezone the entire property.

Chairwoman Meier stated plus they are going to get 2.6 acres, they have a guarantee that this will extend to their full 30 something houses.

Wade Giddens stated let's strike that 1.7 acres all together on the following basis, currently zoned AD is one condition, another condition is abutt a paved alley along the full rear width of all property and the alley shall be on the City right-of-way. This does not exist anywhere right now. I bet somehow that alleyway can be created and made a paved alley which would take City action so there isn't any way that anybody could actually do that without the City being involved and creating that alley.

Chairwoman Meier stated could we define how wide the alley or City easement right-a-way has to be?

Wade Giddens stated at what point can the City initiate zoning?

Frank Garza stated my recommendation to Council has been that once PSW has started construction on a home then they can't argue they have lost their highest value. If PSW only builds 5 homes and the property owners have not initiated that zoning then I would recommend the City initiate the zoning. If a new developer in the future wants to build apartments again, then they would have to have those properties re-zoned if they are already SD3.

Joseph Johnson stated if PSW paves the alley are they going to pave from side to side or just pave a piece?

City Manager DeLeon stated my understanding is PSW is going to pave the entire alley.

Dorothy Weiss stated the more restriction you have for PSW developing the remainder of the property, I think the better off we are. We should not plan on using that alleyway on a regular basis and it will not be enough of safety, which is a major concern of a lot of residents.

Chairwoman Meier closed public hearing at 4:35 p.m.

Chairwoman Meier stated I want to clarify something that Jim Raby said that there is no time frame and we did this so quickly because we understood it had to be done by September, so now I am hearing Mr. Garza say until PSW breaks ground in October or November.

Frank Garza stated yes because PSW will come in for plats and we can encourage them once they file for plats they come in and get the re-zoning but they may zone as the houses are built and if they don't come in for re-zoning, then the City can initiate. PSW will have to come back to Planning & Zoning to re-zone.

George Williams stated on the SD3 consist of a minimum 1.7 acres, can't we eliminate that it consist of property of Olmos Drive between Shook and McCullough?

Frank Garza stated we go back to the same issue if no other property can qualify this could be deemed as spot zoning

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 insert in lieu of City Review Board this composition shall be comprised of the Building Official, a Registered Design Professional and other members appointed at the discretion of the City Council.

James Griffin moved to approve motion.

Wade Giddens seconded the motion.

The vote in favor of the motion was unanimous.

There was no other business and the meeting adjourned at 4:43 p.m.

Adjourn.

Patricia Meier
Chair

ATTEST:

Diane Gonzales
City Secretary