

CITY OF OLMOS OARK
PLANNING AND ZONING COMMISSION
MINUTES OF MEETING HELD
APRIL 24, 2014

The Planning and Zoning Commission for the City of Olmos Park, Texas held a meeting at 5:00 p.m. on Thursday, April 24, 2014 at City Hall. Members present were Patricia Meier, George Williams, Ron Michelena, Joseph Johnson and Kenyon McDonald. Members that did not attend were Sandra Ryan and Blair Young. Administrative staff present was Celia M. DeLeon, City Manager and Diane Gonzales, City Secretary.

Chairwoman Patricia Meier called the meeting to order and announced a quorum was present at 5:02 p.m.

Approve minutes from March 27th 2014 and April 9th 2014 meetings

Kenyon McDonald moved to approve the minutes for April 9, 2014 and March 27, 2014 with the exception for minutes on March 27, 2014 on page 2 make correction.

Ron Michelena seconded the motion.

The vote in favor of the motion was unanimous.

Discuss and draft a definition of "public view" for the City Code; take possible action

Chairwoman Patricia Meier stated City Council wants us to come up with a definition of "public view". A view is defined as the ability to see something or something can be seen. The circumstance where the public can view something in an area where there is a reasonable expectation of privacy from visual intrusion hence not considered within open view. It is reasonable to expect that other people including government agencies could look into that area, my front yard, my side yard is not fenced but if my back yard is fenced then I have a reasonable expectation of privacy. I have combined 3 definitions of the "public view"

- legal definition of public view
- legal definition for view
- legal definition for public

Therefore the purpose of this definition is of all objects, features and devices placed or settled in a secure position or condition within the boundaries of a property, and which are not details or components from the architecture style of a house, the building and or the structures in which can be viewed from anywhere from the curb line in front of the objects property and or from anywhere in the rear yard setback of the joining properties shall be screened or camouflaged from public view.

Anything that is placed securely affixed within the boundaries of a property and there are no unique details or components from the architecture style of the house. My backyard is not considered open view, open view meaning no one can come in my backyard, and my pool needs to be screened from public view.

City Manager DeLeon stated what if the object is a flagpole?

Chairwoman Patricia Meier stated a flagpole would be in public view and it's not part of the architectural design of my house.

Ron Michelena stated what if somebody puts up a flag that somebody might find offensive?

Chairwoman Patricia Meier stated we do not have an ordinance. Jim Raby told me anything that can be viewed from the curb line is considered "public view" and from anywhere in the rear back yard from an adjoining property.

Joseph Johnson arrived at 5:20 p.m.

George Williams stated I would like to share my opinion on “public view” which I am restricting this to residential neighborhoods only. A “public view” within a residential neighborhood is defined as that view of a residential property which would be observed by any person looking from a public location such as a sidewalk. A public back alley would not apply. The front of a home would be prime example of a “public view”. The presentation of the rear of the home carries a reasonable expectation of privacy from visual intrusion hence excluding it from a “public view” situation. Any offending issues that may arrive by one neighbor looking from the rear side of one home into the backside of another neighbor’s property is best addressed by enforcing the current City Code or a personal one on one negotiation. A home located on a corner lot would not be expected to meet a higher standard of “public view”.

City Manager DeLeon stated “public view” is in our City Code twice, it is addressed in swimming pool and under satellite antennas so this is why we need a definition of “public view”

Ron Michelena stated will the Building Official go to the residence and see where they are going to install object when they resident comes in for a permit?

Chairwoman Patricia Meier stated we are not responsible on how these permits will be enforced. We can recommend that the City Building Official develop some type of notification. The homeowner shall secure a free permit to install a satellite dish, the installation of which shall comply with the public view requirements. If the homeowner can document the compliance will cost an increase in installation cost or the requirements will cause interruption in signal, a variance can be considered by the City. We can recommend the Building Official develop some type of notification to give the homeowner information to the cable company installing.

Joseph Johnson stated we could give out some sort of paper that you would hand to the installer when they come to apply for the application. The purpose would be to let him know that the City of Olmos Park expects him to be thoughtful in his placement.

George Williams stated a “public view” is from public street view; sidewalk or as Jim Raby recommended the curb line.

Chairwoman Patricia Meier stated so “public view” can be viewed as an area where there is no reasonable expectation from visual intrusion.

Ron Michelena moved to approve the definition of “public view” as heard

Kenyon McDonald seconded the motion

The vote in favor of the motion was unanimous

Consider if reforms are needed to assure that the “Character” of Olmos Park is sustained as future development is proposed and what measures could be taken to accomplish this goal; take possible action.

Chairwoman Patricia Meier stated City Council will be sending us something to look at so we will table this item to the agenda.

Review Special Use Permit Document for 303 E. Olmos Drive

Chairwoman Patricia Meier stated we put a lot of stipulations in the Special Use Permit with Mr. Pena’s help, she will not be able to add a second story, and if she made substantial changes then they would have to come back for another Special Use Permit. **ermit.**

Chairwoman Patricia Meier stated does the clarification of no changes to the size or the purpose, is that considered included in the code of ordinance. The Special Use Permit can be transferred as long as the same conditions outlined.

- no improvements
- no enlargement of the building
- restrictions can sell only to a small business
- 3-5 clients
- no expansion

Our intent is to limit what that next person could inherit. If Mr. Pena feels if that is protected within his draft version we need to know before it goes to City Council. I will send the members my notes so we can send to Mr. Pena.

Discuss agenda items for May meeting

Review the light usage under the sign ordinance. I would like Mr. Raby to attend the next meeting to go over the sign ordinances.

There was no other business and the meeting adjourned at 5:53 p.m.

ATTEST:

Patricia Meier
Chair

Diane Gonzales
City Secretary