

**MINUTES OF SPECIAL MEETING**  
**December 12, 2017**  
**MONTGOMERY BOARD OF ADJUSTMENT**

**CALL TO ORDER**

City Secretary Susan Hensley declared a quorum was present, and called the meeting to order at 3:01 p.m.

Present:	Nelson Cox	Chairman
	Carol Raica	Secretary
	Rebecca Huss	Member
	Tommy Hauser	Member
Absent:	Jennifer Stewart	Member
Also Present:	Jack Yates	City Administrator
	Susan Hensley	City Secretary

1. Approval of November 3, 2017 meeting minutes.

Rebecca Huss moved to approve the minutes as presented. Carol Raica seconded the motion, the motion carried unanimously. (4-0)

2. Public Hearing regarding a Parking Variance by First Hartford Realty, Inc. at the southwest corner of FM2854 and SH 105, for the purpose of giving all interested persons the right to appear and be heard regarding the Variance.

Chairman Cox called the Public Hearing to order at 3:02 p.m.

Mr. Yates advised that the information, as provided in the Foresite Group letter, the calculations needed for the parking spaces requires 60 parking spaces and the proposed reduction is for 58 total spaces, necessitating the need for a variance of two spaces as required according to the ordinance.

Rebecca Huss asked where the calculation of the parking spaces comes from, and whether it was recent or a historical requirement. Mr. Yates said that this has been in the ordinance for many years, and he did not know of any changes since the first zoning ordinance.

Mr. Yates said that he suggested to the representatives of the Foresite Group that they wait until the building plans are submitted and if any other variances were required then they could ask for all of them at the same time. Mr. Yates said that he also suggested that they could perhaps lease two parking spaces from a neighboring business. Mr. Yates said that the Foresite Group chose to proceed with the variance.

Mr. Brian Morris, with the Foresite Group and the Civil Engineer for the project and was representing First Hartford Realty, was present. Mr. Morris said that as Mr. Yates was stating, they did submit for the variance for the parking reduction of two spaces. Mr. Morris said that their building square footage is 14,698 and that .75 ratio that is required comes out to 60 parking spaces. Mr. Morris said that they did try to get as many parking spaces as they could up at the front two sides of the building, where the main entrance is located and they were only able to get 58 spaces with the current layout and the limitations with the property to the south and towards the west where they have a 100-year Flood Plain. Mr. Morris said they are asking for the reduction of those two parking spaces due to the hardship on the west side, based on the Flood Plain. Mr. Morris said that this site is kind of in a hole when you are looking at it from the intersection, and there will need to be a lot of fill brought in to raise the existing grades to what the proposed building elevation is going to be. Mr. Morris said that there will be fill in the western portion of the Flood Plain on the site, so they are requesting the reduction of those two spaces so that they do not have to be added on the west side and have additional impact to the Flood Plain.

Rebecca Huss asked if they handled other CVS stores. Mr. Morris said yes, they did handle other CVS stores. Rebecca Huss asked what the average number of parking spaces for other CVS stores that they have handled. Mr. Morris said that they typically see 55-65 parking spaces, and they have seen as high as 75 parking spaces. Rebecca Huss asked if that was a different type of store format or what would drive the 75 parking spaces. Mr. Morris said that normally it is property geometry and dimensions. Mr. Morris said that normally if they can get a greater count on the parking, they try to do that, because that is typically in favor of the

CVS operations, but in this case, they wanted parking on the two main sides of the building that were closer to the entrance. Mr. Morris said that parking that is to the rear side of the building is not wanted by CVS for their operations with a longer walk to the front door. Rebecca Huss said that if they had 60 spots, they would probably be used. Mr. Morris said that they would possibly be used. Mr. Morris said that maybe the employees could park on the side.

Mr. Yates said that he had received two telephone calls, one from Mr. Randall, who is the property owner to the south, and he had no problem with the parking, but had a few questions which he was able to answer and so he had no problem with the variance. Mr. Yates said that he also received a call from McCoy's who had no problem with the variance. Rebecca Huss said that she should think that they would not have a problem, since they have parking all over their road and on the grass.

Rebecca Huss asked how long it would be until the other build outs were completed, and how long CVS would be a stand-alone business. Mr. Morris said that was unknown at this time, and said that CVS was probably going to be complete in 2018 or early 2019, and they are still working on securing other tracts. Mr. Morris said that they were planning on submitting the civil drawings sometime next week or the end of this week, and if those get turned over, then that will show who they are going to bring in, and he felt that things would progress quickly. Mr. Morris said that he would estimate 3-6 months after that, when the next business would be up and running. Rebecca Huss said that it would be a potentially short problem. Rebecca Huss stated that the short term problem would be on opening day, which is something that CVS itself could manage with off duty police officers, or on duty, however that works to keep people from backing up onto SH 105. Mr. Morris said that he believed the pad site on the southern side of the property would actually be built at the same time, so there will be even pad site across the whole area, and maybe have overflow parking on the grass.

Mr. Morris said that the property to the south will have a cross access drive to the property to the south to connect to FM 2854. Tommy Hauser asked if the pad site was going down FM 2854 or down SH 105. Mr. Morris said that the pad site that he is referring to is going south. Mr. Morris said that the two pad sites will be jointly built.

Rebecca Huss asked to confirm that this was definitely the last time that the Board of Adjustments would see Mr. Morris for any variances regarding this tract. Mr. Morris said that was correct for the CVS. Rebecca Huss asked to confirm that there would not be any more signage variances, lot line adjustments, etc. Mr. Morris said that was correct. Mr. Morris said that he thought the monument sign variance was because it was an actual structure in an easement, and said that there will be parking over a utility easement, but that is something that is very common. Mr. Morris said that they will be establishing some utility easements on the east end of FM 2854 side, so there will be some parking that will encroach that, but from what he reads on the ordinance that should not require a variance, it is just an understanding of encroachment because those easements would not restrict paving, it would just restrict a structure. Rebecca Huss said that was something that was hotly debated the last time that they saw Mr. Morris on this issue, was that they were sort of nickel and diming and giving a little bit here and there, and then all of a sudden it comes up to a really big issue, where they would be more comfortable seeing what they are giving in totality, rather than just in small bites. Mr. Yates said that Mr. Morris' answer was this was the last variance for CVS but not for the entire property. Rebecca Huss said that she understood that, because they do not know what else might be coming in.

The Chairman adjourned the Public Hearing at 3:13 pm.

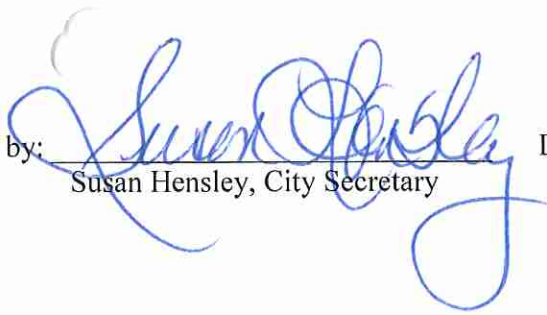
3. Consideration and possible action regarding a Parking Variance by First Hartford Realty, Inc. at the southwest corner of FM 2854 and SH 105.

Rebecca Huss moved to approve the parking variance, requested by First Hartford Realty, Inc. requiring 58 total parking spaces. Carol Raica seconded the motion, the motion carried unanimously. (4-0)

4. Adjournment

Chairman Cox moved to adjourn the meeting at 3:15 p.m. Carol Raica seconded the motion, the motion carried unanimously. (4-0)

Submitted by:

  
Susan Hensley, City Secretary

Date Approved:

01/29/2018

  
Nelson Cox, Chairman

