

MINUTES OF REGULAR MEETING

September 28, 2015

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

In the absence of a Chairman, the City Secretary, Susan Hensley, called the meeting to order and declared a quorum was present, and called the regular meeting to order at 6:00 p.m.

Present: Harriette Cummings, Nelson Cox, William Simpson, Carol Langley and Jeffrey W. Waddell

Absent: No members were absent.

Also Present: Jack Yates, City Administrator

Ms. Hensley advised that since the Agenda did not include an action item for election of a Chairman for the Commission, an Interim Chairman would need to be appointed by the Commission. Mr. Yates advised that this appointment would be for this meeting and then at the next meeting formal action would be on the agenda to elect the Chairman.

Carol Langley moved to nominate Nelson Cox as the Interim Chairman. Harriette Cummings seconded the motion, the motion carried unanimously. (5-0)

VISITOR/CITIZENS FORUM

Any citizen with business not scheduled on the agenda may speak to the Commission. Prior to speaking, each speaker must be recognized by the Chairman. Commission may not discuss or take any action on any item, but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

Mayor Kirk Jones addressed the Commission and spoke about how important the Planning and Zoning Commission is to the City. Mayor Jones said that he, himself, has served on the Commission for several years. Mayor Jones said that the City of Montgomery is a great City to live in, and the role of the Commission is to help keep it that way.

Mayor Jones said that growth is coming, and they welcome it, but they need to be able to manage growth. Mayor Jones said that thankfully someone had the forethought to implement zoning in the City, which has protected the City from things that could have been. Mayor Jones also noted that the City has a sign ordinance, and the Historic District ordinance are two more things that can keep the City looking nice.

Mayor Jones said that the Commission should not be a deterrent to the developers, but should help and asked them to keep the developer's needs in mind. Mayor Jones said that he welcomed the new members and expressed his appreciation of the Commissions' willingness to serve and wished them luck in their work on the Commission.

CONSIDERATION AND POSSIBLE ACTION

1. Discuss/take action regarding August 24, 2015 Minutes.

William Simpson moved to approve the minutes as presented. Harriette Cummings seconded the motion, the motion carried unanimously. (5-0)

2. Discuss/take action regarding Lake Creek Landing Section One –subdivision by metes and bounds of lots 1-6 and 15-16.

Mr. Fleming made the presentation to the Commission. Mr. LeFevre advised that originally when they started this development, they obtained a variance to make small lots with semi-detached townhome type product that would work very well in Houston, but not in Montgomery.

Mr. LeFevre said that he is requesting to split the property, leaving Reserve "A" with the townhomes, and then the two unbuilt lots 15 and 16 are being enlarged to full size lots requiring no variances. Mr. LeFevre advised that the six (6) lots on the north end are being made into estate lots, with one home on each of the three $\frac{3}{4}$ to $\frac{1}{2}$ acre lots. Nelson Cox asked what type of homes will be built. Mr. LeFevre said they would be typical of Buffalo Springs.

Jeffrey Waddell asked if the setbacks would be the same as before. Mr. Fleming said that the setbacks would largely remain the same, but the only thing that might change, as referenced in Mr. Glezman's letter, were the ten (10) foot side setbacks, which are perfectly fine on the interior lots. The Code of Ordinances specifies that the corner lots shall have a 15 foot setback on a side street. Mr. LeFevre said that he did not have a problem with that requirement, and if needed, they would change that setback to comply.

Mr. Fleming said that the information passed his approval and as long as the four or five areas in the Code are complied with, he is fine with the information, and in this case they fit as far as the Code is concerned.

Mr. LeFevre advised that these three lots will be single family residential lots, but if they had chosen to, they could have taken areas C, D and E and come back with a request for commercial use. Mr. LeFevre advised that the HOA restrictions would be given to whoever purchases the lot.

After discussion, Jeffrey Waddell moved to approve Lake Creek Landing Section One – subdivision by metes and bounds of lots 1-6 and 15-16, as presented. Harriette Cummings seconded the motion, the motion carried unanimously. (5-0)

3. Discussion/take action regarding Preliminary Plat – Pizza Shack.

Mr. Fleming presented the information to the Commission, stating that there were ten (10) different redlined items that would need to be addressed. Mr. Fleming said that there would be time to get the corrections made, and there was nothing that would preclude the Commission's acceptance.

Carol Langley asked if they had asked any questions about the 25-foot vegetation setback between commercial and residential. Mr. Fleming advised that they had not as of yet, but only because he has not received any plans yet. Mr. Fleming said that he had only received the civil site drawings last week. Carol Langley asked whether the entrance would be off of SH 105. Mr. Fleming advised that, as of right now, the planned two driveways will be off of Stewart Creek Road.

After discussion, Harriette Cummings moved to approve the Preliminary Plat for Pizza Shack, with the contingencies, as presented. Carol Langley seconded the motion, the motion carried unanimously. (5-0)

4. Training Session – Jack Yates

Mr. Yates presented Section 2 of the training information to the Commission. Mr. Yates advised that if the Commission does what is best for the community in the long run, even if it is not popular, and you act on your best judgment you will have solved 99% percent of the ethical conundrums. Mr. Yates said that if you are honest about what you do, and treat it with an open minded spirit, you will be fine.

Mr. Yates stated that if the Commission has questions, they can always go to the City Attorney for his opinion. Mr. Yates said that he always asks himself am I doing what is right, how would I answer this question on the witness stand, and how would it look in the Sunday paper and whether the issue is legal and is it right.

Mr. Yates stated that if a developer or someone that is going to be on the Agenda asks you to come and see their property, make sure to take someone as such himself with you so you are not put on the spot. Mr. Yates reviewed different aspects of protocol in dealing with the public and perception.

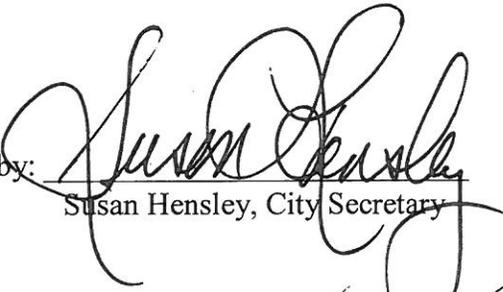
Mr. Yates said if there is something that requires additional review time, he will try to get it out earlier. Mr. Yates said that nothing says that the Commission can't take field trips to review the sites.

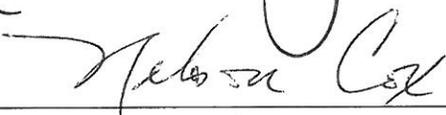
Mr. Yates also provide ethic information for the Commission. Mr. Yates asked the City Secretary how she is notified when someone has a Conflict of Interest. Ms. Hensley advised that the party in question usually contacts her and advises that they have a Conflict of Interest, and then she prepares an Affidavit, so that they can abstain from voting on the matter. Mr. Yates advised the Commission that if they are in doubt, they can contact either the City Attorney or the City Secretary.

Carol Langley asked what they were going to name the Kroger Shopping Center. Mr. Yates advised that it is being called Buffalo Springs Shopping Center. Carol Langley said that the monument sign will have a different name than the Shopping Center. Mr. Fleming advised that the monument was a gateway to the City.

ADJOURNMENT

Jeffrey Waddell moved to adjourn the meeting at 6:55 p.m. William Simpson seconded the motion, the motion carried unanimously. (5-0)

Submitted by:  Date Approved: 10/26/15
Susan Hensley, City Secretary


Interim Chairman Nelson Cox

