

MINUTES OF PUBLIC HEARING and REGULAR MEETING
September 25, 2017
MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

Chairman Nelson Cox declared a quorum was present, and called the meeting to order at 6:00 p.m.

Present: Nelson Cox, William Simpson, Jeffrey Waddell and Carol Langley

Absent: Arnette Easley

Also Present: Susan Hensley, City Secretary
Ed Shackelford, City Engineer

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.

There were no citizen's comments made.

1. Consideration/take action regarding August 28, 2017 minutes

Jeff Waddell moved to approve the minutes as presented. William Simpson seconded the motion, the motion carried unanimously. (4-0)

2. Public Hearing on Rezoning a 0.28 acre tract of land situated in the John Corner Survey, Abstract No. 8, Montgomery County, Texas otherwise described as approximately 150 feet south of Flagship Boulevard – Andrew Bay

Chairman Cox called the Public Hearing to order at 6:03 p.m.

Ms. Susan Hensley, City Secretary, advised for the record that all the notices were mailed out to the property owners within 200 feet of the property being rezoned and the legal notices were published in the official City newspaper and on the City web site. Ms. Hensley advised that there had been no comments received following the notices.

Chairman Cox asked if there was any time restriction for conducting the Public Hearing. Ms. Hensley advised that there was not.

Chairman Cox closed the Public Hearing at 6:04 p.m. and reconvene into the Regular Meeting.

- 3 Consideration/take action regarding Rezoning a 0.28 acre tract of land situated in the John Corner Survey, Abstract No. 8, Montgomery County, Texas otherwise described as approximately 150 feet south of Flagship Boulevard – Andrew Bay.

Ms. Hensley advised that this item was for the Commission to formulate their Final Report, which will be presented to City Council tomorrow before their Public Hearing. Ms. Hensley advised that City Council was required to receive the Final Report prior to conducting their Public Hearing. Chairman Cox asked if the Final Report had to entail the results from the Public Hearing. Ms. Hensley advised that was correct, and it needed to include the Commission's recommendation to City Council.

Carol Langley moved to recommend the rezoning of the tract of land from institutional use to B1 Commercial use. Jeff Waddell seconded the motion, the motion carried unanimously. (4-0)

- 4 Consideration/take action regarding a sign permit at 304 Caroline St. – Kristin Billingsly

Ms. Hensley advised that Ms. Billingsly was not present. Carol Langley asked if this was where the Cozy Supper Club had been previously located. Chairman Cox said that was correct.

William Simpson moved to approve the sign permit for 304 Caroline Street.

Jeff Waddell said that normally they see an evaluation and fee on the application. Ms. Hensley advised that she was not involved with this particular item, and said that she would check into it, but said that she was sure that they would add that valuation prior to the permit being issued. Ms. Hensley advised that she would note that information.

Jeff Waddell seconded the motion, the motion carried unanimously. (4-0)

Ms. Hensley advised that she would verify that location information with Mr. Yates.

5. Consideration of Demolition/Moving Permit for 21000 Eva Street to remove Building from the City - Sonja Spottswood

Carol Langley asked whether this was the middle building. Ms. Hensley advised that it was next to Ruthie Grace. Jeff Waddell said that the smaller building was Dominion Pool. Ms. Hensley advised that Mr. Yates had stated that this was the tan building located next to Ruthie Grace.

Carol Langley said that they are saying that the building is being removed in anticipation of a donut shop to be placed on the site. Carol Langley said that building would be moved completely out of the City and if a new building would be built there. Ms. Hensley said that she did not have that information, but said that she would imagine that they would have to go through the permit process. William Simpson said that the building being removed is not a historical building, it was just built on historic ground. Carol Langley said that the building was originally moved to that location.

Jeff Waddell said that when the building is removed it states that the ground will be leveled as stated on the application. Ms. Hensley advised that the property owner has stated that they will remove the building and smooth the land upon removal of the building.

William Simpson moved to accept the removal of the building at 21000 Eva Street. Jeff Waddell seconded the motion.

Discussion: Jeff Waddell said that there was concrete put down for the pool company, and asked if they are the people selling the property. William Simpson said that the property has already been purchased. Jeff Waddell said that the owner does not have problem removing if there is plumbing or whatever, that is nothing that the Commission has to get involved with. Jeff Waddell said that he was only asking if, in the past, that was something that was required when there is removal of plumbing, where there could be a safety hazard. Ms. Hensley said that she did not know that answer. Williams Simpson said that if they are going to put a building right back there, they would probably use the same utilities, if it is up to Code. Ms. Hensley said that this would have to go through the permitting process so that would all be covered.

The motion carried unanimously. (4-0)

Carol Langley said that she wanted to make one comment. Carol Langley said that it seemed like the last two or three agendas, the people are not coming before the Commission, and she was wondering if they were telling staff a head of time that they are not coming and asked if staff had any idea if they would be attending the meeting. Ms. Hensley advised that she did not get involved with the Planning and Zoning Commission Agenda, so she would have to check with Mr. Yates. Ms. Hensley advised that usually Mr. Yates advised the people when the meeting is scheduled. Ms. Hensley said that she would mention this to Mr. Yates, that it would be good to have the people present for the meeting. Carol Langley thanked Ms. Hensley.

6. Consideration/take action regarding Lake Creek Village Section Three Final Plat.

Mr. Shackelford advised that the Commission had a letter from him indicating that they have reviewed the Estates of Lake Creek Village, which is the name that showed up on the Final Plat, formerly Lake Creek Village, Section Three. Mr. Shackelford said that they have reviewed the plat, according to the 2004 Code of Ordinances, because this development is covered under a Development Agreement with Mr. LeFevre and the City. Mr. Shackelford said that the Commission also has a drawing with redline comments, which are the comments that they identified during their review and they have notified the engineer that submitted the plat. Mr. Shackelford said that they were recommending to the Commission that they approve the plat, conditional upon the redline comments being resolved and the financial guarantee being brought to the City for the remaining punch list items for the development.

Ms. Hillary Dumas was present and advised that she believed that the corrections have been made and submitted to City Hall. Mr. Shackelford asked Ms. Hensley if she had the Final Plat. Ms. Hensley advised that she did not have the plat. Mr. Shackelford said that the plat might be at City Hall, but they have not seen it yet. Ms. Dumas said that they had no problems with the corrections that were suggested, and she believed that they had already been made.

Jeff Waddell said that the redlines were very thorough, and asked about the 25-foot overlap, and said that on the vegetation barrier you can go over the build line and asked to clarify what that means. Mr. Shackelford said that they can overlap each other, and said that the reason that they can is normally the building line you can't put a building in, but you could leave that as a buffer and some people put parking lots within the building setback. Mr. Shackelford said that in most cases you would not have a parking lot backing up to a residential lot. Mr. Shackelford said that they are interpreting that you can overlap the building line with the vegetative barrier. Mr. Shackelford said that what they can't overlap is the utility easements or a drainage easement. Mr. Shackelford said that on the drawing where Restricted Reserve A is located, because they don't know what is coming on that Reserve, which could end up being residential at some future date, so the vegetative reserve could go away. Mr. Shackelford said that they will have to go through the planning process

for the reserve and at that time they can resolve the vegetative barrier during the replat process. Jeff Waddell said that there was also a note on the 15-foot side lots, and Lot 10 looked like it could be kind of close on width. Mr. Shackleford said that the ordinance did call out for a 15-foot side lot. Jeff Waddell asked if there would be enough width on Lot 10. Mr. Shackleford said that was correct.

Mr. Shackleford said that the recommendation is to approve the plat, subject to their comments and receipt of the financial guarantee.

Jeff Waddell moved to approve the Final Plat of the Estates of Lake Creek Village, with the stipulations as recommended by the City Engineer. Carol Langley seconded the motion, the motion carried unanimously. (4-0)

7. Consideration/take action regarding The Shoppes at Montgomery Preliminary Plat.

Mr. Shackleford advised that the development is located on the southwest corner of FM 2854 and SH 105, and is roughly 27 acres. Mr. Shackleford said that the City has been talking with the developer of this tract, so they have submitted their preliminary plat. Mr. Shackleford said that they have redline comments on the plat, which they are recommending approval subject to the surveyor or the entity submitting the plat making the corrections prior to submitting the final plat.

Carol Langley asked if this was located in front of the City's sewer plant. Mr. Shackleford said that was correct, it was in front and on the side of the sewer plant. Mr. Shackleford said that part of the discussions with the developer have been the City was going to rebuild the lift station and they can rebuild that wherever. Mr. Shackleford said that part of the arrangement is the developer will grant land to the City and they will pay to relay the gravity line so that they can reclaim some of the property. Mr. Shackleford said that they are working on a Development Agreement with them, as we speak.

William Simpson moved to grant provisional approval of the Preliminary Plat for the Shoppes at Montgomery, subject to the City Engineer's comments and the City's Tree Preservation Plan. Jeff Waddell seconded the motion, the motion carried unanimously. (4-0)

8. Consideration/take action regarding calling a Public Hearing concerning Land Use Plan adoption.

Ms. Hensley advised that in Mr. Yates notes, he has met with the City Attorney, and the City Attorney has recommended not adopting the Land Use Plan, except as a part of a Comprehensive Plan. Ms. Hensley said that the City Attorney advised Mr. Yates that according to the Local Government Code, that proves that zoning regulation must be adopted in accordance with a Comprehensive Plan, which the City of Montgomery has never adopted a Comprehensive Plan. Ms. Hensley said that Mr. Yates reported that the City Attorney advised that the Planning Commission and the City Council could use the Land Use Plan as an informal plan, which could accomplish the purpose of pre-thought without a formal adoption. Ms. Hensley said that Mr. Yates said that he planned on presenting the Land Use Plan as an informal guide for planning efforts at the October 23, 2017 Meeting.

Chairman Cox stated that he thought the thing to do would be to table this item until the October 23, 2017 Meeting. Jeff Waddell said that Mr. Yates mentioned that the City Attorney would be present at the October 23, 2017 Meeting. Ms. Hensley advised that she thought that Mr. Yates just wanted to advise the Commission of the information.

Carol Langley said that the agenda is asking them to schedule a Public Hearing. Ms. Hensley said that the agenda states that it is scheduling a Public Hearing concerning that, but Mr. Yates is recommending placing the Land Use Plan on the Agenda as an informal plan that would not require the Public Hearing. Ms. Hensley advised that this would not be a formal document, it would be used as a guide.

After discussion, Carol Langley moved to Table Item 8 due to it calling a Public Hearing and she was not understanding what they are doing, so she would like to hear it all again at the October 23, 2017 Meeting. William Simpson seconded the motion, the motion carried unanimously. (4-0)

9. Consideration/take action regarding calling a Public Hearing concerning Corridor Enhancement District

Carol Langley said that Mr. Yates wrote on the description November the 27th, but in his recommendation, Mr. Yates left it as October 23, 2017. Ms. Hensley advised that she had discussed that with Mr. Yates and he wanted the November 27th, which was the week after Thanksgiving so it should be okay. Ms. Hensley said that the November date would give staff enough time to send out notices for the Corridor Enhancement District.

Chairman Cox asked if City staff has received much feedback referencing the Corridor Enhancement District. Ms. Hensley advised that she had not received any comments. Ms. Hensley advised that the reason for the change in date was because they will have to get all of the people listed and notices will have to be sent out prior to the meeting, along with the legal notice being published. Chairman Cox asked if the November Meeting would provide enough time. Ms. Hensley advised that she felt that it should provide enough time, but the October meeting date would have been cutting it too close.

Carol Langley moved to set the Public Hearing concerning the Corridor Enhancement District to be held on November 27, 2017 at 6 p.m. Jeff Waddell seconded the motion, the motion carried unanimously. (4-0)

1. Adjournment

William Simpson moved to adjourn the meeting at 6:30 p.m. Jeff Waddell seconded the motion, the motion carried unanimously. (4-0)

Submitted by: Susan Hensley Date approved: 10/23/17
Susan Hensley, City Secretary

Nelson Cox
Chairman Nelson Cox

