

MINUTES OF PUBLIC HEARING and REGULAR MEETING

AUGUST 27, 2018

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, Jeffrey Waddell, William Simpson, Arnette Easley and Carol Langley

Absent:

Also Present: Jack Yates, City Administrator
Susan Hensley, City Secretary
Chris Roznovsky, 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 comments made.

PUBLIC HEARING(S):

Convene into Public Hearings for the purpose of giving all interested persons the right to appear and be heard regarding the following:

Chairman Cox convened into the Public Hearing at 6:00 p.m.

- 1) **First Public Hearing - regarding a Planning and Zoning Commission Preliminary Report on the proposed re-zoning of property located at the southeast corner of Buffalo Springs Drive**

and SH 105, a portion of the Montgomery Shoppes tract, from R-1 (Single – Family),R-2 (Multi-Family) and I-Institutional to B-Commercial and I-Institutional, as requested by Montgomery SH 105 Associates.

Mr. Yates advised this property is part of a 380 Agreement with the Shoppes and the City of Montgomery. Mr. Yates said that what is there now is a mixture of R-1 single family residential, R-2 Multi-Family and I-Institution, and the Institutional is the City Sewer Plant. Mr. Yates said the 380 Agreement states the City will commit to commercial zoning for this tract, and the I-Institutional for the portion of the property that is the Sewer Plant.

There were no other comments made.

Adjourn Public Hearing.

Chairman Cox adjourned the Public Hearing at 6:03 p.m.

- 2) **Convene into Second Public Hearing - regarding the proposed zoning amendment and preparation of the Final Report for submittal to the City Council on August 28, 2018 regarding the proposed rezoning of the property located at the southeast corner of Buffalo Springs Drive and SH 105, a portion of the Montgomery Shoppes tract, from R-1 (Single – Family), R-2 (Multi-Family) and I-Institutional to B-Commercial and I-Institutional.**

Chairman Cox convened the Second Public Hearing at 6:03 p.m.

Mr. Yates advised this is the same information that was discussed during the first Public Hearing. Mr. Yates advised this was to approve the decision and recommendation to be presented to City Council tomorrow night.

There were no other comments made during the Public Hearing.

Adjourn Public Hearing.

Chairman Cox adjourned the second Public Hearing at 6:05 p.m.

Convene into Regular Meeting

Chairman Cox convened into the Regular Meeting at 6:05 p.m.

- 3) Consideration and possible action regarding Meeting Minutes of the Regular Meeting held on July 23, 2018.

William Simpson moved to approve the Meeting Minutes of the Regular Meeting held on July 23, 2018 as presented. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

- 4) Consideration and possible action regarding adopting the Final Report to be submitted to City Council on August 28, 2018 regarding the request to rezone property located at the southeast corner of Buffalo Springs Drive and SH 105, a portion of the Montgomery Shoppes tract, from R-1 (Single – Family), R-2 (Multi-Family) and I-Institutional to B-Commercial and I-Institutional.

Jeffrey Waddell moved to adopt the Final Report recommending to City Council to rezone the property located at the southeast corner of Buffalo Springs Drive and SH 105, a portion of the Montgomery Shoppes tract, from R-1 (Single – Family), R-2 (Multi-Family) and I-Institutional to B-Commercial and I-Institutional. William Simpson seconded the motion, the motion carried unanimously. (5-0)

- 5) Consideration and possible action regarding proposed house color at 916 College Street as requested by Gary Hammons.

Mr. Yates advised the Mr. Hammons' building permit was approved at the March meeting and they are changing their house color from light blue to light yellow. Carol Langley asked if the owner had submitted a swatch showing the color of the paint. Mr. Yates advised no. Jeffrey Waddell said the application states pale yellow as the paint color, and said the first home on College Street is yellow and is probably equivalent. Jeffrey Waddell said as long as the color is not a bright yellow and is a pale yellow color as stated in Mr. Yates' information.

Arnette Easley moved to approve the color of the house at 916 College Street as requested by Gary Hammons after Mr. Yates verifies the specific paint color as being pale yellow. Jeffrey Waddell seconded the motion.

Discussion: Chairman Cox asked if the elevation will become part of the record. Mr. Yates said it will be part of the permit record and he will get the paint color number and that paint color number will be on the permit as part of the approval.

The motion carried unanimously. (5-0)

- 6) Consideration and possible action regarding scheduling a public hearing for rezoning of the property located at 1005 Old Plantersville Road, Montgomery from R-1 Single-family to ID-Industrial to be held on September 24, 2018 at 6 p.m. as requested by Theresa Fisher.

Mr. Yates said this is before the Commission for two reasons, 1) there was one Public Hearing held on this matter, and since that time the City Attorney has advised that they will have to conduct two separate Public Hearings and this will be the second Public Hearing, and 2) even though they held the first Public Hearing, during the discussion portion of the Public Hearing the applicant asked to table the item while they were considering applying for another type of zoning. Mr. Yates said this second Public Hearing will require a second notice to be published and mailed out. Mr. Yates said this is the calling of the second Public Hearing, which they are proposing to be held on September 24, 2018 at 6:00 p.m. Mr. Yates said in the meantime he will work with City Council to set their Public Hearing to be held on September 25, 2018 so that Mrs. Fisher can get an answer on that date.

Jeffrey Waddell commented that he wanted to thank Mr. Yates for researching this information and getting the history. Jeffrey Waddell said that he could not tell from the map exactly what part of the lot was Industrial, and asked if the lot was split 50/50 percentage. Mr. Yates said it was slightly more industrial than residential.

William Simpson moved to schedule a Second Public Hearing for rezoning of the property located at 1005 Old Plantersville Road, Montgomery from R-1 Single-family to ID-Industrial to be held on September 24, 2018 at 6 p.m. Jeffrey Waddell seconded the motion.

Discussion: Mr. Scott Weisinger, Attorney for Mrs. Fisher asked to make one request and said that it was really more accurate to say “part of the property” because the address is for the entire property. Mr. Weisinger said that it is one property with two zoning designations,

and part of it is residential and they are trying to match the rest of it. Mr. Weisinger said for total clarity for the public they could say part of the property located at 1005 Old Plantersville Road. Mr. Yates said they could say the rezoning of the “eastern portion” of the property located at 1005 Old Plantersville Road. Mrs. Fisher said that was correct, the east side. Chairman Cox asked if that should be reflected for their Public Hearing for that matter. Mr. Yates said that was correct.

William Simpson moved to amend his motion to include rezoning of the “eastern portion” of the property from R1-Single Family to ID – Industrial. Jeffrey Waddell seconded the amended motion, the motion carried unanimously. (5-0)

- 7) Consideration and possible action regarding scheduling two (2) public hearings for rezoning of the property located at 2580 Lone Star Parkway, Montgomery from ID-Industrial to “R-2 MultiFamily”; and the property located at 2560 Lone Star Parkway from ID-Industrial to “B-Commercial “, as requested by Larry Jacobs, to be held on September 24, 2018 at 6 p.m. and October 22, 2018 at 6 p.m. at City Hall.

Mr. Yates advised the City Attorney has recommended scheduling the Public Hearings to be held at two separate meetings.

William Simpson moved to schedule two (2) public hearings for rezoning of the property located at 2580 Lone Star Parkway, Montgomery from ID-Industrial to “R-2 MultiFamily”; and the property located at 2560 Lone Star Parkway from ID-Industrial to “B- Commercial”, as requested by Larry Jacobs, to be held on September 24, 2018 at 6 p.m. and October 22, 2018 at 6 p.m. at City Hall. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

- 8) Consideration and possible action regarding The Shoppes at Montgomery, Section 2 Final Plat.

Mr. Roznovsky presented the information to the Commission stating the plat meets all the requirements, they have addressed all the comments, so he has offered no objections.

Mr. Yates asked how much of the property this plat would cover. Mr. Roznovsky said this covers the 24 acres, and the entire tract will be platted. Mr. Roznovsky said they will have a reserve in the front along SH 105 with about 6.5 acres and then a larger reserve that surrounds the City's Sewer Plant behind that area. Mr. Roznovsky said they will have smaller retail, such as shops and restaurants and the larger ones in the back. Mr. Roznovsky advised that Reserve B is the Shoppes, Reserve A is the front and Reserve C is the individual pad site, possibly for a fast food establishment. Mr. Roznovsky said Reserve A is where CVS is located and Reserve D is possibly an urgent care facility. Mr. Yates asked if Reserve C was large enough for a parking area. Mr. Roznovsky said yes based on their preliminary site plan, there were no issues. Mr. Roznovsky said the largest thing about Reserve C is currently there is a sanitary sewer easement that crosses it and the lift station is located there, which is why the developer funded for the gravity sewer line to be extended to the sewer plant and the lift station will be relocated.

Jeffrey Waddell asked about the drainage for the project. Mr. Roznovsky said that what the developer was required to do on the plat was dedicate 150 foot or so wide drainage easement across the property so where Town Creek goes under SH 105 and behind the Spirit of Texas there is an easement on that side. Mr. Roznovsky said when the property to the south is expanded they already have a 150 foot easement. Mr. Roznovsky said part of their construction plan is they are doing some improvements to the drainage in that area, so they will be cleaning out the easement and taking out the underbrush and leaving the big trees and doing some excavation to provide some more capacity in that channel as part of the plans. Jeffrey Waddell said on the side as you going toward Conroe, where the back boundary is on FM 2854 there is some kind of a buffer there and asked what the zoning was on that property. Mr. Roznovsky said that he did not believe that property was located inside the City of Montgomery. Mr. Roznovsky said the developer has already dedicated with this plat a 150 foot sanitary control easement, so when the City gets ready to expand the Sewer Plant they will have the required easement.

William Simpson moved to accept The Shoppes at Montgomery, Section 2 Final Plat. Jeffrey Waddell seconded the motion, the motion carried unanimously. (5-0)

9) Presentation of the proposed corrections to the Official Zoning Map of the City of Montgomery based on previously approved City Ordinances.

Mr. Roznovsky reviewed the summary of the proposed changes to the map and the preliminary proposed changes. Mr. Roznovsky said the way this came up was there were situations like Mrs. Fisher where there were differences in the zoning between the old map and the current map. Mr. Roznovsky said an ordinance was passed that rezoned property, but the official map had not been updated. Mr. Roznovsky said they went back to 2008 – 2014, which was the main time that they found the differences that rezoning or initial zonings were done and the zoning map did not accurately reflect those changes.

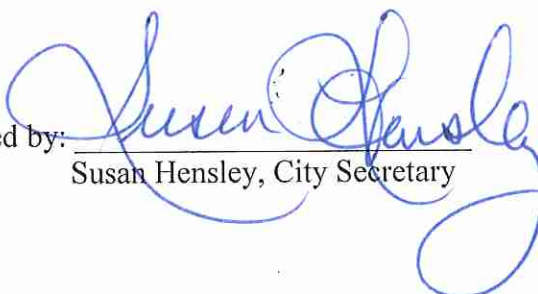
Mr. Roznovsky said the pack shows the areas in questions with the referenced ordinance numbers, and one other thing that was not on the previous zoning map was the historic landmarks, which is actually part of the zoning ordinance, so those have been added. Mr. Roznovsky said the corridor enhancement district, which is also part of the zoning ordinance was not shown on the zoning map, so that has been included. Mr. Roznovsky said they have removed the development agreement areas because it was getting too cluttered, so they left it just zoning. Mr. Roznovsky said there is nothing on the changes that was not previously approved by City Council, and there are ordinances that support all the changes and the map is being corrected to reflect the correct information. Mr. Yates said this is on the Agenda just for discussion.

William Simpson stated that this matter has been discussed and gone back and forth with this information, and said his question is the area on Lone Star Parkway by Mr. Jacobs property, as small as this area is and everyone will be on top of everybody and asked if they felt that area needs to be high density Residential not Industrial. Mr. Yates said that he felt that it should be residential. William Simpson said he would hate to see what would become of that area with all the residential there. Mr. Yates said the City's land use plan has it as proposed residential. Mr. Yates said the changes are what the zoning map should actually be, so if there were to be any changes it would require rezoning procedures. William Simpson said they need to start concentrating on getting everything in this four square miles of the City taken care of so they don't have all the going back and forth. Mr. Roznovsky commented on the exercise that City Council and the Planning and Zoning Commission went through putting the

Future Land Use together and saying what they think the property use is what they are using for the basis. Jeffrey Waddell said they were told that the Land Use Plan was not a formal plan but was a guide to use, so if they do not make permanent changes on the zoning they can still use that guide. William Simpson said he thought it would be good to get the City zoned properly. Mr. Roznovsky stated that with the new GIS System that the City has, they will be able to click on the property to see how it is zoned and when it was zoned. Mr. Yates said he still has the map with all the places that they talked about rezoning. Mr. Yates advised that next month he can bring back the information that shows the information. William Simpson said he would like to clean up the mess on Lone Star and FM 149 to the west if possible. Mr. Yates said by next month he thought that he could have the parcels and the owners of the parcels so then the Commission can say if they want to move forward. William Simpson said he would like to try to see what happens, and then if they do not care they will know and it will be on them.

10) Adjournment

William Simpson moved to adjourn the meeting at 6:40 p.m. Arnette Easley seconded the motion, the motion carried unanimously.

Submitted by: 
Susan Hensley, City Secretary

Date Approved: 09/24/18




Chairman Nelson Cox