

MINUTES OF REGULAR MEETING

February 25, 2019

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

Chairman Nelson Cox declared a quorum was present, and called the meeting to order at 6:02 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
Dave McCorquodale, Assistant to City Administrator
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.

1. Consideration and possible action regarding public hearing and special meeting minutes of January 14, 2019.

Jeffrey Waddell asked that a correction be made to the minutes on page 4, second paragraph, last line, to change where it states "on the railroad tracks" to state "on Old Plantersville Road." Ms. Hensley advised she would make the change.

Jeffrey Waddell moved to approve the minutes dated January 14, 2019 from the public hearing and special meeting, with the recommended correction. William Simpson seconded the motion, the motion carried unanimously. (5-0)

2. Presentation regarding the State of the Community Report and Comprehensive Plan Community Meeting scheduled to be held on Thursday February 28, 2019 at 6:00 p.m. at City Hall.-Walter Peacock

Mr. Peacock advised that he was not making a presentation he just wanted to invite everyone to attend the State of the Community Report and Comprehensive Plan Community Meeting to be held on Thursday, February 28th at 6 p.m. at City Hall. Mr. Peacock said he wanted to introduce himself to the Planning and Zoning Commission. Mr. Peacock advised he works at Texas A&M and with Texas Sea Grant. Mr. Peacock said the meeting on Thursday will be the kickoff meeting for what they will be doing in the City of Montgomery. Mr. Peacock said after the presentation they will have a couple different activities that the citizens will be participating in and to talk about what is going on in the City, the strengths and weaknesses of the City. Mr. Peacock said they will have poster boards where everyone can post their comments. Mr. Peacock said the presentation and activities should take about one hour and 15 minutes. Mr. Peacock said then they will discuss future meetings and future process for the Comprehensive Plan for the City. Mr. Peacock said he will be going over the importance of and what is included in a Comprehensive Plan, and the benefits of having a Comprehensive Plan.

William Simpson asked how long Mr. Peacock has been working on this information. Mr. Peacock said officially they have been working on it since the agreement was signed in October, 2018. Mr. Peacock said he is also working with three other communities doing different projects.

3. Report regarding scheduling public hearings for city-initiated rezoning of properties.

Dave McCorquodale advised that he has contacted most of the property owners involved in the City initiated rezoning of properties. Dave McCorquodale said they have gathered a third or half of the tax information that is needed to update the map and the next step in the process is to set public hearings, which they are not asking to set tonight, but they are laying out the

process. Dave McCorquodale said their goal is to be as efficient with the notices and hearings, both with the Commission and City Council in order to put everything under one legal notice.

Mr. Yates stated that the Commission would have to conduct two public hearings and City Council only has to conduct one public hearing. Mr. Yates said they want to get all this together so they can call the public hearings and have one letter of notice to all the people involved, to include both the City Council and Commission legal notices. Mr. Yates said the legal notice has to be 15 days before the Public Hearing. Mr. Yates said there are going to be a lot of letters to prepare, so before they call the Public Hearing they need to know that they can get those letters printed and accomplished by staff, so they need to do some more scheduling. Mr. Yates said each one of the properties will have to read aloud on the agenda separately, and preparing the agenda itself will be a bit of a project. Mr. Yates said they are working out the details and he felt by next month they should be able to have that item on the agenda.

Chairman Cox asked if it would be possible to have a public hearing including more than one property. Mr. Yates said yes, that is the thought of having them all on the agenda, which is the reason behind talking to all the property owners and said they have not had any one that was against the rezoning. Dave McCorquodale said they have had no opposition to the project.

Jeffrey Waddell asked about how large of a percentage of owners have been talked to out of the total properties. Dave McCorquodale said maybe a more accurate way of saying is that he has talked to all but three in the Hills of Town Creek, but using a percentage would seem very low because out of 75 or so properties, about 60 of them are in the Hills of Town Creek. Dave McCorquodale said he has reached out to their HOA, but he is having a hard time connecting with the right person.

William Simpson asked if they had to go to each property. Dave McCorquodale said his plan is to be able to contact them through the HOA, that way they will have an opportunity to reach out individually should they have any issues or specific questions regarding their property. Jeffrey Waddell said since they have had no opposition up to this point he felt that was positive. Jeffrey Waddell said they appreciate staff trying to do this as efficiently as they can, because the biggest challenge is doing it all at one time, but it would save the City quite a bit by doing it that way.

Arnette Easley asked why a parcel on the map that has already been rezoned is showing to be scheduled to be rezoned. Dave McCorquodale said it was just a scale overlap that they are looking at and said the small easements that are already commercial will not be changed from what it is, it is the property just to the north of that property. Dave McCorquodale said 10 years or so ago they had a very imprecise brush just because even Montgomery County Appraisal District did not have the mapping capability that they have today. Arnette Easley said on one map that he saw, his property and T.J. Wilkerson's property was the only property on the north that was officially rezoned, and said that Ms. Hensley has the paperwork stating that information. Arnette Easley said his question was why it was showing it to be rezoned if it is already rezoned and asked if Dave McCorquodale was going by the County information. Dave McCorquodale said the piece that is commercial now is going to stay commercial, even though the map shows different, and noted that it was more the scale of the map. Dave McCorquodale said if they looked at a larger scale map, it would show what he and Arnette Easley had discussed. Arnette Easley said Mr. Donald Allen was okay with rezoning his property. Dave McCorquodale said in the future land use plan, which is not anything that they are tackling right now, that is just the best guess on what they believe that land use is going to go to. Dave McCorquodale said the future land use plan is not driving these specific changes. Dave McCorquodale said he would come back to the Commission one or two more times before they have the absolute final information.

Arnette Easley said along with the homestead exemption at 15275 Martin Luther King Jr. Drive, which is the one that Mr. Yates is referring to that is not rezoned, and since the City will do the rezoning they can go ahead and do it at that point.

4. Report regarding tree ordinance.

Dave McCorquodale reviewed the report, stating that residents in Single Family R1 zones are exempt from this ordinance, which is not a change from the previous ordinance, and said the Historic District is a little different because trees in the Historic District are considered structures or a different type of resource that makes up the Historic District. Dave McCorquodale said in the changes they are going to a canopy coverage versus a caliper inch, which allows them to get away from the tree survey and they can use aerial photography or

numbers calculation based on the size of the tree. Dave McCorquodale said they previously had protected trees, which they have been narrowed down to a list of trees that are not protected.

Dave McCorquodale said with residential development they are showing three trees on each lot, one in the front yard and two in the back yard or side yard. Dave McCorquodale said they have a residential buffer zone on nonresidential property that abuts residential property. Dave McCorquodale said they are requiring parking lot trees, and as an example, the new Kroger would need three trees on each one of their rows, which would be one on each end and one in the middle, nothing that would increase the construction cost, development cost or the size of the parking lot. Dave McCorquodale said the new ordinance provides for pre-development clearing, with incentives to preserve trees, and, with the exception of the residential buffer zone, you do not have to keep any of the trees on the site. Dave McCorquodale said the new ordinance incentivizes the developers to keep those trees.

Dave McCorquodale said the tree preservation plan is very consistent with what it was in the current ordinance; they do want the trees to be spread out over the lot as opposed to all in one area. Dave McCorquodale said they do allow for forest management activities on land that is appraised as timberland with the County or is working toward an appraisal with the County; they would also accept that information and they would still be able to manage their forest operations.

Mr. Yates said the reason they are giving this information in this fashion is because they are going to be meeting with the developers between now and the next Planning and Zoning Commission Meeting, and a lot of the items being mentioned came about because of the last meeting they had with the developers in late September, 2018. Mr. Yates said one thing that came out of that meeting was how expensive these tree inventories are, which he did not realize at the time that he prepared that last ordinance. Mr. Yates said some of the tree surveys cost between \$15,000 and \$20,000. Mr. Yates said in the old ordinance, if the developer had no trees on their property, there was no requirement to place trees, so that was discussed with the developers and with the Commission about whether they wanted to have trees everywhere or do they want to save the trees where they are and get them in other areas. Mr. Yates said the thought of the developers was to have more shade trees throughout the City rather than just protecting the areas where there are trees. Mr. Yates said they would probably bring back the

information next month unless they get more comments from the developers and they have to revise the information. Dave McCorquodale said the only change since the last Commission meeting was the timberland provision.

Chairman Cox said the Commission appreciates the work that was put into this information.

5. Consideration and possible action regarding a Variance request of six feet of canopy overhang into the building line setback and utility easement in The Shoppes of Montgomery subdivision - Stantec Consulting/Chick-Fil -A.

Mr. Yates advised the letter of request came from the consultant regarding the Chick-Fil-A. Mr. Yates said the building itself has a setback of about 37 or 38 feet from the front of the property, which is more than enough, but the canopy of the drive-in window juts out about nine feet, which gets it out into the front building line by about six feet. Mr. Yates said it will also be an encroachment into the easement, but that is a City Council issue to be handled with an Encroachment Agreement. Mr. Yates said the water and sewer line is away from the canopy and is not that close to the south end of the easement of the right-of-way.

Carol Langley asked where the property was located. Mr. Yates said it is immediately west of the CVS Store, between the CVS Store and the new street. Carol Langley asked where the entrance would be, off of SH 105 or the new street. Mr. Yates said the entrance would be off of the new street to get in line for the drive in window. Carol Langley said if they want to park and go inside they could go in the first entrance. Mr. Yates said there is supposed to be the ability to stack 25 cars. Carol Langley asked if all of the property was Chick-Fil-A. Mr. Yates said all the property shown is Chick-Fil-A. Carol Langley asked if the reason they did not move the area six or seven feet was because they would lose parking spaces. Dave McCorquodale said it was because they are in the 100-year Flood Plain to the south of them, so he felt they were trying to stay out of the Flood Plain. Carol Langley said when they call it a canopy it is actually a cover over the drive through windows. Mr. Yates said yes. Carol Langley said the cars are actually in that area too. Mr. Yates said the cars would be under the canopy, which is where the encroachment comes in, and said they can pave over the easement but they can't put any structures over it without a variance. William Simpson asked if the canopy would be cantilevered from the building, so there would be no poles or structures into

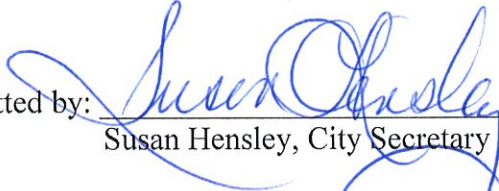
the concrete. Mr. Yates said that is correct. Carol Langley said once you come around that corner it is one line, with one vehicle, and asked if there would be two cars in that encroachment area of six feet. Mr. Yates said yes. William Simpson said there would be a bypass lane. Carol Langley said then there would be vehicles in that area. Mr. Yates said if they had food that had to be taken out to the vehicle, they would be able to pull over and the other vehicles could pass them. William Simpson said they are just discussing the canopy, the City Council would handle the other items.

William Simpson moved to approve the variance for the 6-foot canopy overhang into the building line set back utility easement at The Shoppes of Montgomery, Chick-Fil-A. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

Chairman Cox stated, for the record, the Commission had a full quorum present at the meeting tonight.

6. Adjournment

William Simpson moved to adjourn the meeting at 6:38 p.m. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

Submitted by:  Date approved: 03/25/19
Susan Hensley, City Secretary


Chairman Nelson Cox

