

NOTICE OF PUBLIC HEARING and SPECIAL MEETING

November 26, 2018

MONTGOMERY BOARD OF ADJUSTMENT

STATE OF TEXAS

AGENDA

COUNTY OF MONTGOMERY

CITY OF MONTGOMERY

NOTICE IS HEREBY GIVEN that a Public Hearing and Special Meeting of the Montgomery Board of Adjustment will be held on Monday, November 26, 2018 at 3:00 p.m. at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas for the purpose of considering the following:

CALL TO ORDER

PUBLIC HEARING:

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

1. Public Hearing regarding a height variance of 35' feet for a flag pole to be located at 19868 Eva Street, Montgomery, Texas 77356 submitted by Jordan Porter (dba Dusty's Car Wash).

Adjourn Public Hearing.

CONSIDERATION AND POSSIBLE ACTION:

2. Approval of the minutes from the Special Meetings held on October 22, 2018 and November 1, 2018.
3. Consideration/take action of regarding a height Variance of 35' for a flagpole at 19868 Eva Street by Jordan Porter (dba Dusty's Car Wash).
4. Adjournment



Susan Hensley, City Secretary

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on the 21st day of November, 2018 at 4:30 o'clock p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodations.

NOTICE OF PUBLIC HEARING

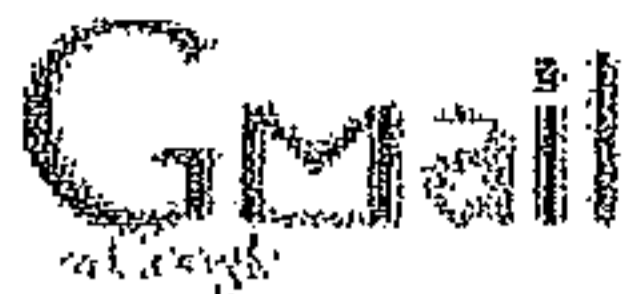
The **City of Montgomery Board of Adjustment** will hold a **Public Hearing at 3:00 p.m.** on the **26th day of November, 2018** at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas in the City Council Chambers for the purpose of giving all interested persons the right to appear and be heard regarding a Height Variance of 35' feet for a flag pole to be located at 19868 Eva Street, Montgomery, Texas 77356 submitted by Jordan Porter (dba Dusty's Car Wash). For additional information, please call City Hall at (936) 597-6434.

/s/ Susan Hensley, City Secretary
City of Montgomery, Texas
shensley@ci.montgomery.tx.us

Publication Dates: Tuesday, November 6, 2018 and Tuesday, November 13, 2018

9/26/2018

The City of Montgomery Mall - Dustys Car Wash Flag Pole request



Yates, Jack <jyates@cl.montgomery.tx.us>

Dustys Car Wash Flag Pole request

1 message

Porter, Jordan <JPorter@panopticons.com>
To: Jack Yates <jyates@cl.montgomery.tx.us>
Cc: "Porter, Jordan" <JPorter@panopticons.com>

Wed, Sep 26, 2018 at 9:44 AM

Hi Jack,

Hopefully all is well for you.

The car wash is coming along and we are making progress slowly but surely.

I wanted to send you a request for approval to install a flag pole of 80'.

I believe you said the city has a current limitation of 32' and if we want to do something taller than that we need to submit for approval.

I have experience with this company Kronbergs and they do a very good job. Kronbergs will complete the entire installation process for the flag pole to ensure stability and safety. I have a representative from Kronbergs come look at the site and they said the location of the flag pole should be fine regarding the distance from other structures such as the building or power lines.

It is our intention to fly the American Flag and the Texas Flag on one 80 foot flag pole. The care taken to raise and lower the flags and to ensure professional presentation is my utmost priority. We will do a good job representing the City of Montgomery with this flag pole. Please accept this as my request for approval to install this flag pole, and be assured you will be proud of the way it looks when we are done.

The location of the flag pole is noted on one of the attachments provided and the details and specifications are provided in the other attachment. I will be dropping off a check for \$500 dollars later today for this request. We also have decided to not install a marquis sign by the road as the space provided as originally planned is not going to work. So the only thing that would sit in the area that is specified in the attachment is the flag pole and a light at the base of the flag pole to keep it lit when needed.

If there is any way possible to have this request reviewed within 30 days it would be a huge help to our project.

Thanks Jack and have a great day.

Dusty's Car Wash

Jordan Porter

9/26/2018


The City of Montgomery Mall - Dustys Car Wash Flag Pole request


936-444-3377

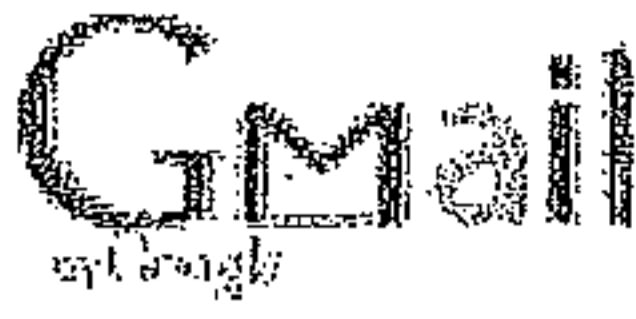
19868 Eva Street

Montgomery TX 77356

2 attachments

 **Kronbergs flag specifications and details.pdf**
173K

 **Site Plan Flag Pole Location - Dustys Car Wash.pdf**
426K



Yates, Jack <jyates@ci.montgomery.tx.us>

Fwd: FW:

1 message

Yates, Jack <jyates@ci.montgomery.tx.us>
To: Jack Yates <jyates@ci.montgomery.tx.us>

Tue, Oct 2, 2018 at 12:16 PM

Regarding the size of the flags at Dusty's Car Wash

From: Porter, Jordan <JPorter@panopticians.com>
Date: Tue, Oct 2, 2018 at 11:47 AM
Subject: FW:
To: Yates, Jack <jyates@ci.montgomery.tx.us>

Here is the sizes for the flags.

Thanks,

Jordan

From: Mickey Gerlach [mailto:mickey@kronbergsflagsandflagpoles.com]
Sent: Tuesday, October 02, 2018 11:47 AM
To: Porter, Jordan

Hey Jordan,

This quote does include flags.

(1) 10'x 15' US & (1) 10'x 15' Texas.

Regards

Mickey

Mickey M Gerlach

Office Manager

Kronberg's Flags & Flagpoles

10/2/2018

The City of Montgomery Mall - Fwd: FW:

From: Porter, Jordan [mailto:JPorter@panopticons.com]
Sent: Tuesday, October 02, 2018 11:30 AM
To: Mickey Gerlach <mickey@kronbergflagsandflagpoles.com>
Subject:

Hi Mickey,

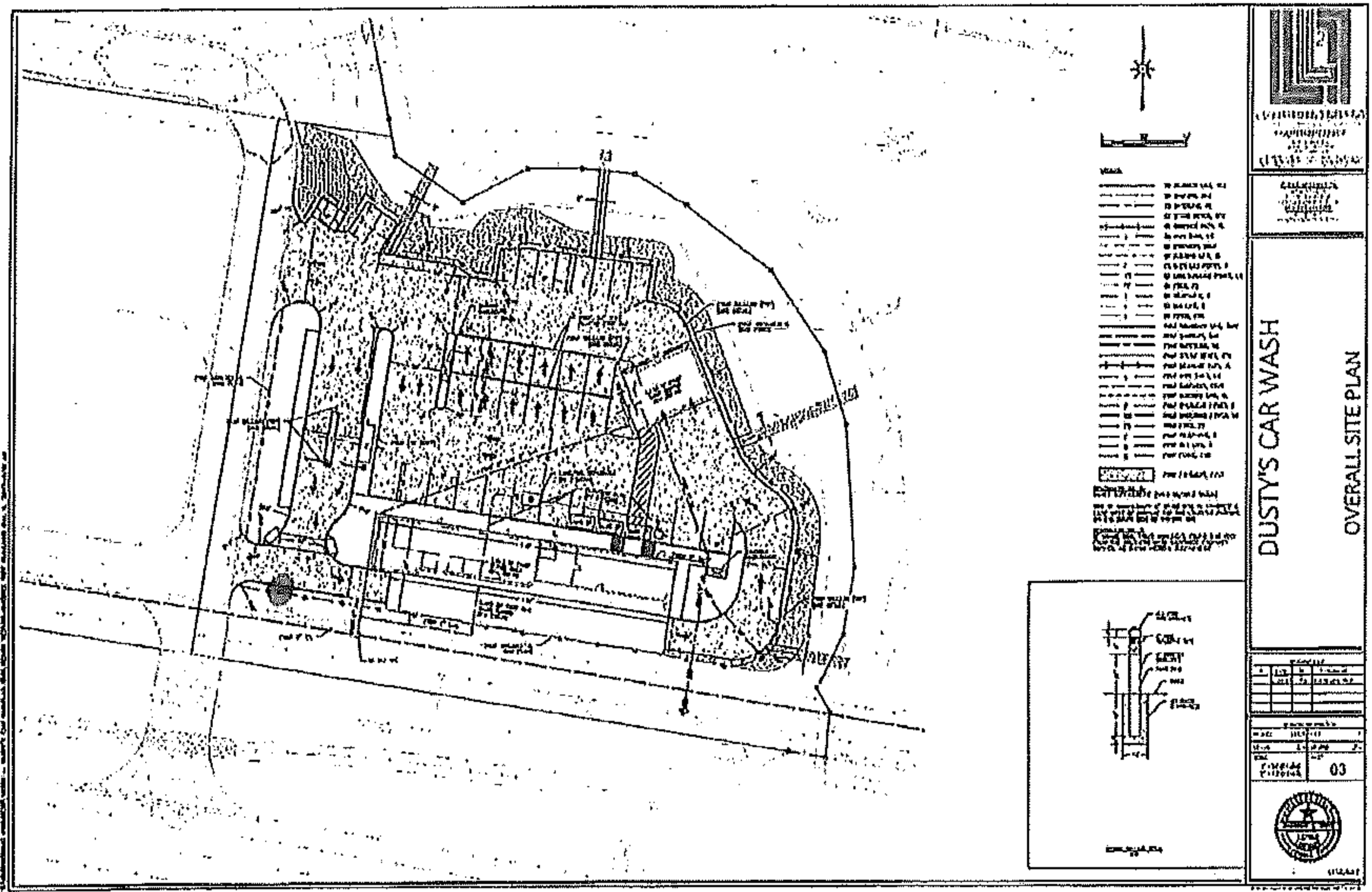
Thanks for sending over this quote.

Can you please confirm if this quote includes the flags? And if so can you please confirm the size of the flags that are quoted?

Thanks and have a good day.

Dusty's Car Wash


Jordan Porter



● = location of flag pole

Flagpole Quotation Confirmation

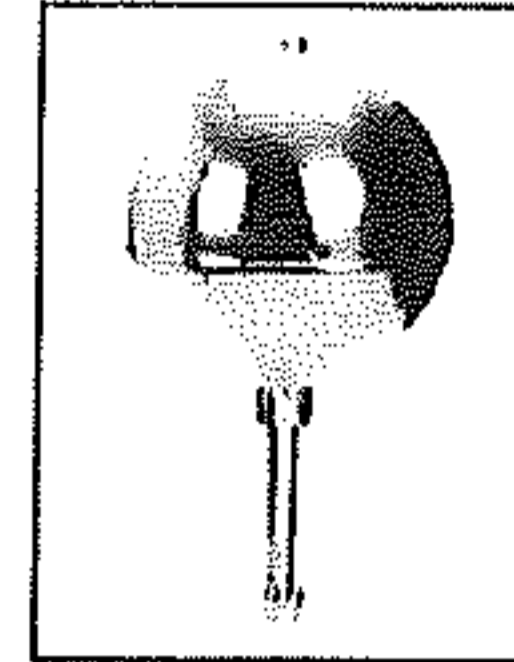
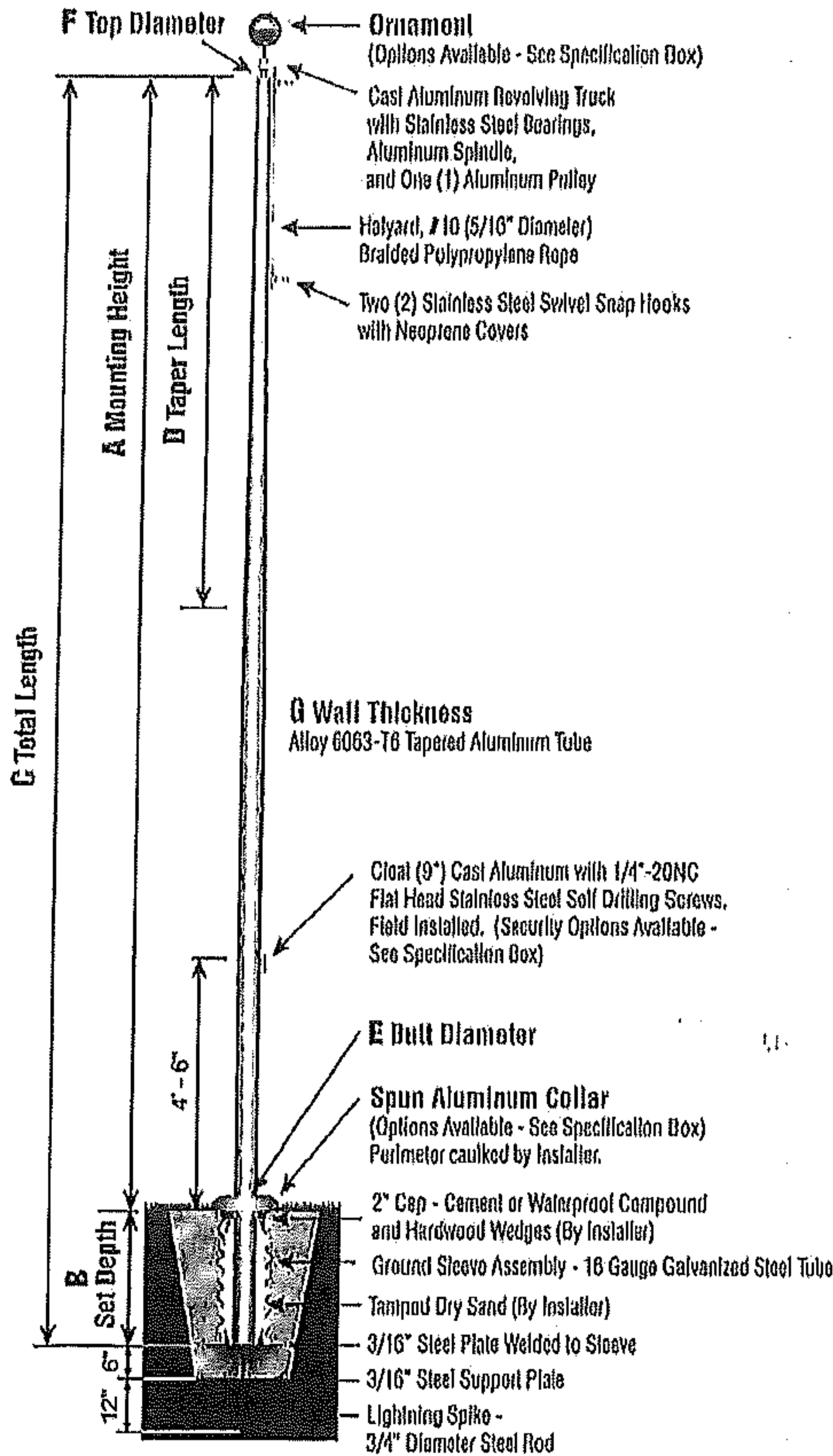
Job Name:	COOK CUSTOM HOMES	Phone #:	936-444-3377
Company:		Fax #:	
Attention:	JORDON	Bld Date:	09/10/2018
Address:	19868 EVA STREET	Quoted by:	MICKEY M GERLACH
City/State/Zip:	MONTGOMERY 77358	Date:	09/10/2018

Quantity: 1	Type: <input checked="" type="checkbox"/> Cone Tapered Aluminum <input type="checkbox"/> Cone Tapered Fiberglass	Other: PRICED TO FLY 2 FLAGS	
Height: Exposed: 80' Overall: 88'	Manufacturer: <input checked="" type="checkbox"/> American Flagpole Co. <input type="checkbox"/> Other	Freight: <input type="checkbox"/> FOB Jobsite <input checked="" type="checkbox"/> FOB Warehouse	
Butt Diameter: 12"	Halyard: <input checked="" type="checkbox"/> External <input checked="" type="checkbox"/> Single <input type="checkbox"/> Double	Truck: <input checked="" type="checkbox"/> Revolving <input type="checkbox"/> Fixed	
Wall Thickness: .375	<input type="checkbox"/> Internal <input type="checkbox"/> Winch with Cable <input type="checkbox"/> Rope with Cam Cleat	Spec Seen: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Finish: BRUSHED SATIN FINISH	Sleeve: STANDARD GROUND SET	Addendum Seen: NO	
Quantity:	Notes:	Price Each:	Total Poles Price:
1	FLAGPOLE	\$10,400.00	\$10,400.00
1	LOCK BOX	\$135.00	\$135.00
1	10X US & TX NS 1 EA	\$595.00	\$595.00
Add for Installation:			\$3,150.00
<p>In natural earth with standard footing size. No breakout of concrete, asphalt or rock. No formwork or rebar. Must be truck accessible. Any mileage over 40 miles from our Houston office will be additional. Standard Insurance coverage included. Extra charges for customer caused dry runs or walling may be added. Customer responsible to locate underground utilities prior to our digging holes.</p>			
Additional Notes:			Total Price: \$14,280.00
FLAGPOLE IN STOCK TODAY			
	<p>Sales Tax not included. Any changes to the specifications could void quotation. Pricing good for 90 days. "A Full Service Company for the Flag Waver" In Business Since 1954 7106 Mapleridge • Houston, Texas 77081 713 / 661-9222 • 800 / 344-3524 • Fax 713 / 666-4702</p>		

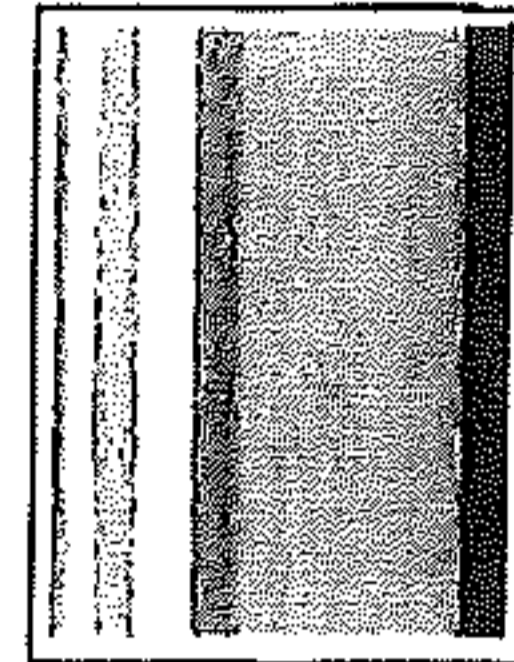
Architectural Elite Series - EBR
External Single Revolving
Rope Halyard
Ground Set Installation



ESR80H24 - 02



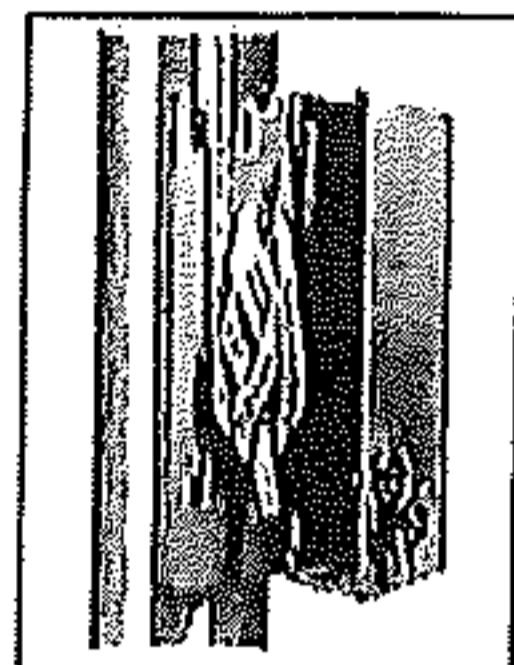
Gold Anodized



Sailn Aluminum



Spun Collar



Cleat Cover

Accessory Specifications
Sailn Aluminum (02), Standard Gold Anodized Ball (90056-007), Standard Spun Collar (94500-009), Cleat Cover - Cylinder Lock (Lock and Keys Included) with 9" HD Alum. Cleat (96018)

Specifications
A. Mounting Height: 80'
B. Set Depth: 0'-0"
C. Total Length: 08'-0"
D. Taper Length: 52'-4"
E. Built Diameter: 12.000"
F. Top Diameter: 4.000"
G. Wall Thickness: 0.375"
Flagpole Sections: 4
Flagpole Weight: 1,320 lbs.
Max Flag Size: 16' x 26'
Max Wind Speed w/ Flag: 105 mph
Max Wind Speed No Flag: 140 mph

Notes
KRONBERGS FLAGS 7106 MAPLERIDGE HOUSTON TX 77081 713-661-0222

Customer Name: JORDAN	
Dealer: MICKEY M GERLACH	
Project: COOK CUSTOM HOMES	Location: MONTGOMERY TX

MINUTES OF SPECIAL MEETING
October 22, 2018
MONTGOMERY BOARD OF ADJUSTMENT

CALL TO ORDER

Chairman Nelson Cox declared a quorum was present, and called the meeting to order at 3:02 p.m.

Present:	Nelson Cox	Chairman
	Carol Raica	Secretary
	Rebecca Huss	Member
	John Fox	Alternate Member

Absent:	Jennifer Stewart	Member
	Tommy Hauser	Member

Also Present:	Jack Yates	City Administrator
	Susan Hensley	City Secretary

CONSIDERATION AND POSSIBLE ACTION:

1. Approval of the minutes from the Special Meeting and Public Hearing held on August 31, 2018.

Rebecca Huss said she had a comment regarding Item 3, Consideration and possible action regarding parking lot variance on page 3 of the minutes, and said the sentence had the word “not” twice and should read the City of Houston’s example is not all that edifying. The City Secretary advised she would make that correction.

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

2. Consideration/take action of calling a Public Hearing regarding a height Variance of 25” for a steeple by Living Savior Lutheran Church at 309 Pond Street.

Mr. Yates said that he had included their information, but said the real purpose for the meeting is to call the Public Hearing. Mr. Yates said this will have quite a few property owners within the 200 feet notification boundary so it might take a while to get the map for ownership and notification and prepare the letters for mail out. Rebecca Huss asked if that meant that they did not want to have the Public Hearing in early November. Mr. Yates said they are thinking either the 5th or 12th of December, which would allow plenty of time for the letters of notice.

Rebecca Huss said she knew that Living Savior had come before City Council before and asked why they were having to come before the Board of Adjustment instead of Planning and Zoning and then City Council. Mr. Yates said it is because their zoning classification is all right for what they are doing, and the reason they are going to the Planning and Zoning Commission is because they are in the Historic District so they need to have their building plans approved. Mr. Yates said the reason they are before the Board of Adjustment is because the height of the building in the residential area is 32 feet. Rebecca Huss asked if there was any code on the height. Mr. Yates said yes, it is 32 feet in height. Rebecca Huss asked why that would not go before the Planning and Zoning Commission like everything else. Mr. Yates said it is a variance to the zoning ordinance. Mr. Fox asked if that would be part of the historical regulations. Mr. Yates said the Planning and Zoning Commission could say no to the steeple as being outside the historic perimeter of the church, but they have a drawing of the old church with that steeple being almost as high as this one, and they have a letter from the Historic Society recommending approval of the building for its historical relevance. Mr. Fox said the original steeple was 35 feet, which is why he asked that question. Mr. Yates said they want to go higher than the 35 feet, they want it to be 57 feet in height. Rebecca Huss said she liked their threat in the document where they say they are not going to do anything at all if we don't give it to them.

Chairman Cox asked if the church representatives were going to be in attendance of the meeting. Mr. Yates said he did not think so, he had told them that they were welcome to attend. Rebecca Huss said if they are just planning a Public Hearing then she supposed it really did not matter whether we agree or not. Chairman Cox asked to confirm the dates. Mr. Yates said either the 5th or the 12th of December.

Rebecca Huss moved to call the Public Hearing regarding the height variance of 25 feet for a steeple by Living Savior Lutheran Church at 309 Pond Street for December 12, 2018 at 3 p.m. at 101 Old Plantersville Road, Montgomery, Texas. Carol Raica seconded the motion, the motion, the motion carried unanimously. (4-0)

3. Consideration/take action of calling a Public Hearing regarding a height Variance of 35” for a flagpole at 19868 Eva Street by Jordan Porter (dba Dusty’s Car Wash).

Rebecca Huss asked when Dusty’s Car Wash was planning on opening. Mr. Yates said they were not planning on opening until after this Public Hearing.

Mr. Yates said the maximum height for a commercial building is 45 feet and the owner wants to go to 80 feet. Mr. Yates said the new monument at the corner of Lone Star Parkway and SH 105 that will be the Welcome to Montgomery sign, and he was wondering whether there might be a conflict with that and said it could possibly be a visual conflict. Mr. Yates said they could get a question of why would they ever turn down a United States flag.

Mr. Fox asked if there were any plans for the monument by the bank. Mr. Yates said they have no specific plans yet.

Rebecca Huss moved to call a Public Hearing regarding a height variance of 35 feet for a flagpole at 19868 Eva Street by Jordan Porter (dba Dusty’s Car Wash) to be held on December 12, 2018 at 3:00 p.m. at 101 Old Plantersville Road, Montgomery, Texas. John Fox seconded the motion.

Discussion: Mr. Yates said if the Board thinks of something that they might want, such as a photo from the top of the hill from the KOA Campground and to project in that picture where that flagpole would be located, or to get a picture of a similar size flag on a similar size flag pole. Mr. Yates said what he is really saying is if the Board thinks of something that might help with making their decision let him know and he will try to arrange before the meeting. Rebecca Huss said she actually thought a taller flagpole is the way to go because if it is shorter the flag might block the view of the entrance monument. Rebecca Huss said if the flag pole is taller it would be better because you would have the flags visible as you come over the hill and

then when you come over the hill you will be able to see the flags and the monument. Carol Raica asked if it was one or two flags. Mr. Yates said the owner said he is going to put the United States flag on the top with the Texas flag below that. Rebecca Huss said they will have two flags on one pole.

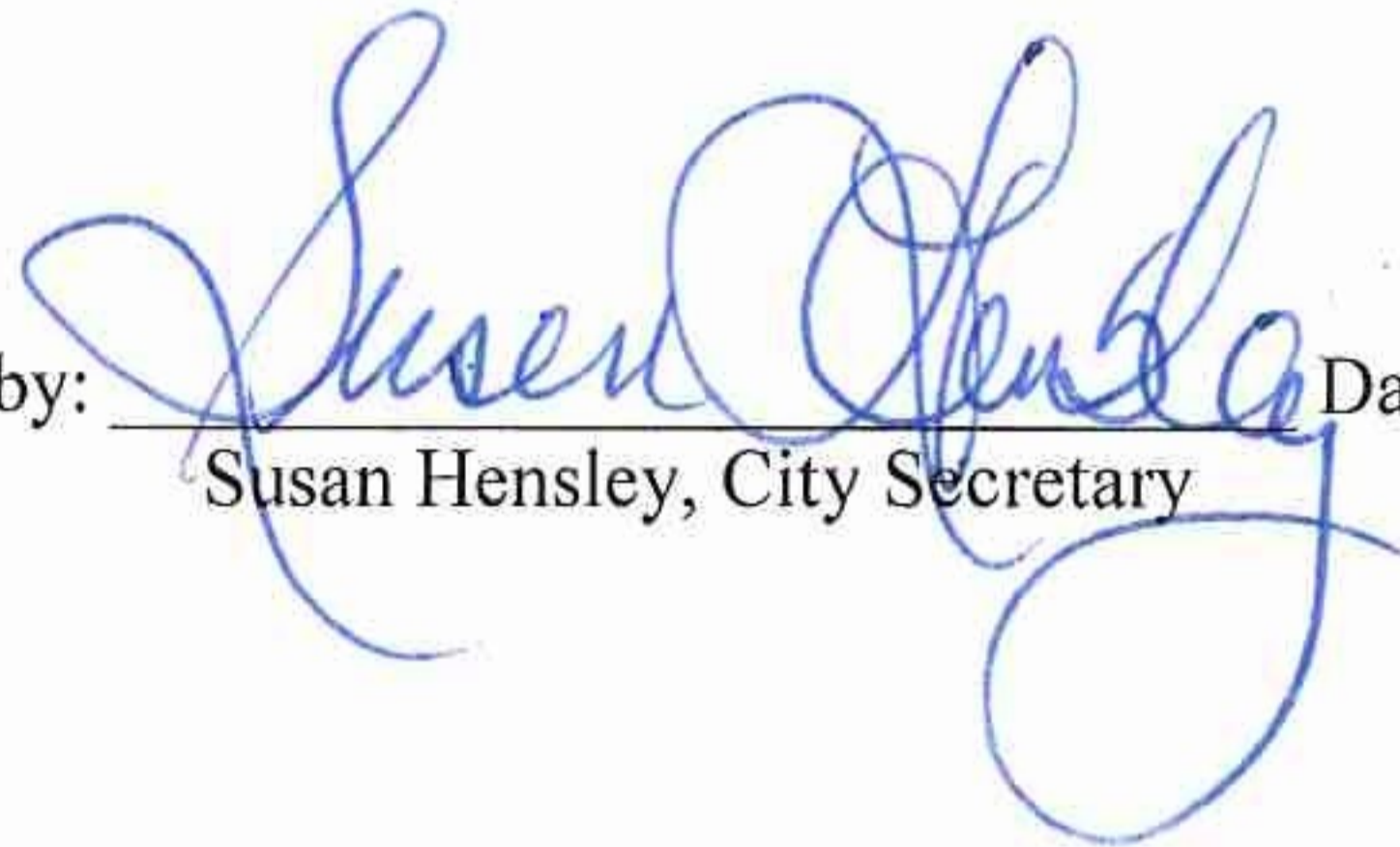
Rebecca Huss said just for disclosure she knows Jordan Porter quite well and he was her oldest son's baseball coach for several years, and said they are quite active volunteers. Mr. Yates said that Rebecca Huss did not have any economic contact with him. Rebecca Huss said no, there would be no economic connection, she just knows they are good people. Mr. Yates said Mr. Porter has been excellent all along.

The motion carried unanimously. (4-0)

4. Adjournment

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

Submitted by:



Susan Hensley, City Secretary

Date Approved: _____

Nelson Cox, Chairman

MINUTES OF SPECIAL MEETING

November 1, 2018

MONTGOMERY BOARD OF ADJUSTMENT

CALL TO ORDER

Chairman Nelson Cox declared a quorum was present, and called the meeting to order at 3:07 p.m.

Present: Nelson Cox Chairman
 Rebecca Huss Member
 Carol Langley Alternate Member

Absent: Carol Raica Secretary
 Jennifer Stewart Member
 Tommy Hauser Member

Also Present: Jack Yates City Administrator
 Susan Hensley City Secretary

CONSIDERATION AND POSSIBLE ACTION:

1. Consideration/take action of calling a Public Hearing regarding a height Variance of 35” for a flagpole at 19868 Eva Street by Jordan Porter (dba Dusty’s Car Wash).

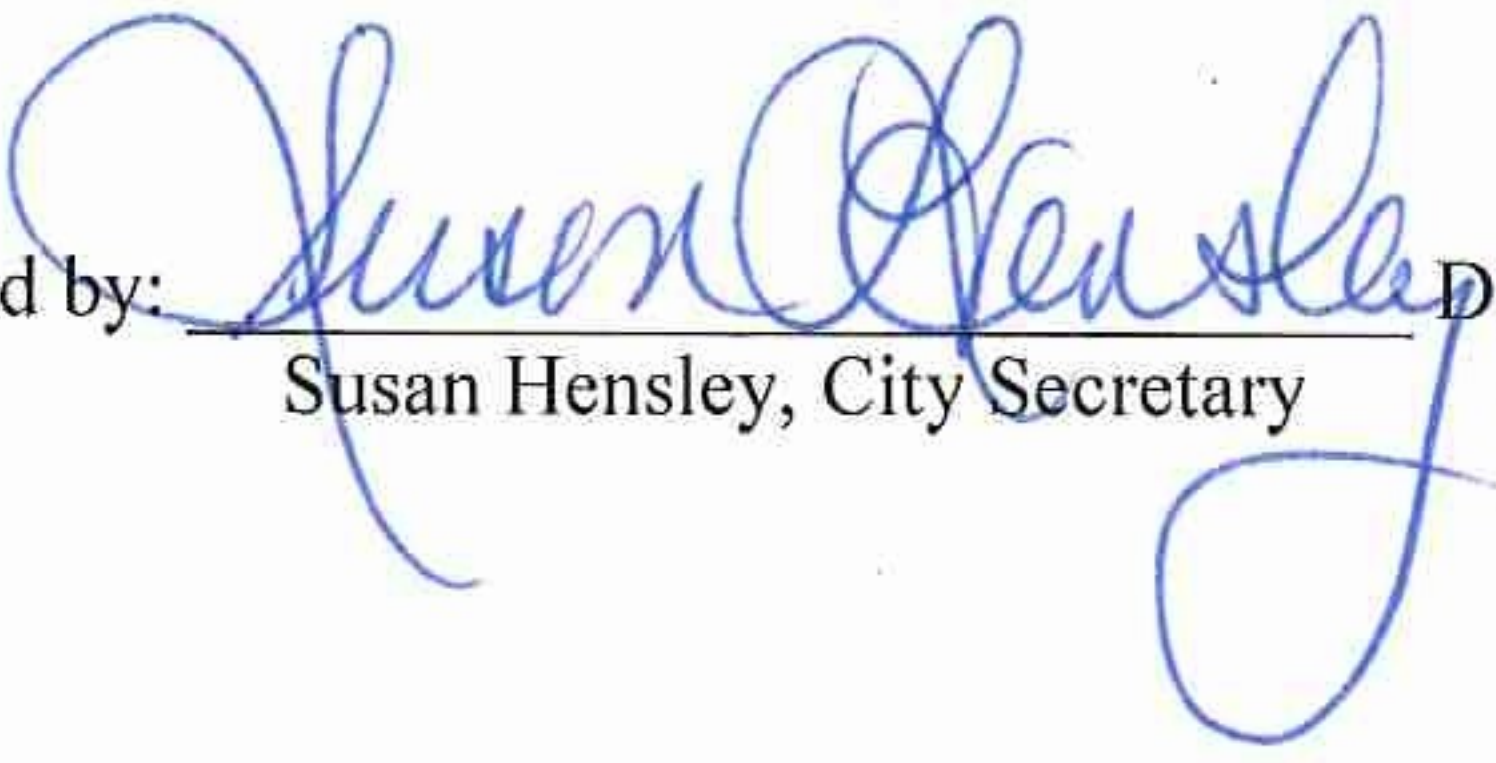
Mr. Yates commented when they were trying to work out the Living Savior Lutheran Church steeple it caused the delay and scheduling for the Public Hearing to be held on December 12, 2018. Mr. Yates said after they got the steeple matter worked out, the Car Wash will just have three or four property owners and will be relatively easy to produce the notices to the surrounding property owners, so they could shorten up the time for the Car Wash Public Hearing. Mr. Yates said he had mentioned at the last meeting that Mr. Porter was not anxious to open, but he is anxious to open his business and the days do matter to him, which is the reason he is asking for a resetting of the Public Hearing date to November 26, 2018, which will be the Monday after Thanksgiving.

Carol Langley asked if the Board of Adjustment would be the only ones that would have to hear this variance, asking to confirm that it would not have to go anywhere else for approval. Mr. Yates said that was correct. Carol Langley asked Mr. Yates to advise her exactly where Dusty's Car Wash is located. Mr. Yates said it is located immediately west of Pizza Shack. Carol Langley asked to confirm that this is the new building being built, not the one that just has a sign located in front of it stating "car wash" that is on this side of Kroger's. Mr. Yates said that is correct. Mr. Yates said it is located east of Lone Star Parkway and immediately west of Pizza Shack.

Rebecca Huss moved to reschedule the Public Hearing for Jordan Porter (dba Dusty's Car Wash) to November 26, 2018 at 3:00 p.m. at Old Plantersville Road, Montgomery, Texas. Carol Langley seconded the motion, the motion carried unanimously. (3-0)

2. Adjournment

Rebecca Huss moved to adjourn the meeting at 3:11 p.m. Carol Langley seconded the motion, the motion carried unanimously. (3-0)

Submitted by:  Date Approved: _____

Susan Hensley, City Secretary

Nelson Cox, Chairman