

MINUTES OF PUBLIC HEARING and SPECIAL MEETING

May 21, 2019

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

Chairman Cox declared a quorum was present and called the meeting to order at 6:01 p.m.

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

Absent: Arnette Easley

Also Present: Jack Yates, City Administrator

Dave McCorquodale, Assistant to City Administrator

1. Consideration and possible action regarding approval of minutes for Regular Meeting held on April 22, 2019 and Special Meeting and Public Hearing held on May 13, 2019.

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

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:

2. PUBLIC HEARING(S): Rezoning the following properties from ID-Industrial to B-Commercial:

- a. 1.24 acres in Tract 42 of the Zachariah Landrum survey A-22, also described as part of 21627 Eva St. SH 105 frontage, Montgomery, owned by the Lone Star Cowboy Church.

- b. 1.08 acres in Tract 42 of the Zachariah Landrum survey A-22, also described as part of 21627 Eva St., Montgomery, owned by the Lone Star Cowboy Church.
- c. 8.35 acres in Tracts 3 & 4 of the Zachariah Landrum survey A-22, also described as along SH 105 West/Eva St. in Montgomery, owned by Alan Wayne Mann.

Chairman Cox convened the Public Hearing at 6:04 p.m.

No comments were received.

Chairman Cox closed the Public Hearing and reconvened the Special Meeting at 6:05 p.m.

3. Consideration and possible action regarding approval of a Final Report on Agenda Item 2:

Carol Langley moved to recommend rezoning of the properties listed in Agenda Item 2. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

4. PUBLIC HEARING(S): Rezoning the following properties from ID-Industrial to R1 Single Family Residential:

- a. 1.41 acres in Tract 46T-1 of the Zachariah Landrum survey A-22, also described as part of 11181 Womack Cemetery Rd, Montgomery, owned by William and Julie Todd.
- b. 1.88 acres in Tract 46T-1 of the Zachariah Landrum survey A-22, also described as part of 21930 Twin Creeks Rd, Montgomery, owned by David and Carrie Solomon.
- c. 3.04 acres in Tract 46K of the Zachariah Landrum survey A-22, also described as part of 21910 Twin Creeks Rd, Montgomery, owned by Harvey and Juanita Simmons.

Chairman Cox convened the Public Hearing at 6:07 p.m.

No comments were received.

Chairman Cox closed the Public Hearing and reconvened the Special Meeting at 6:09 p.m.

5. Consideration and possible action regarding approval of a Final Report on Agenda Item 4.

Jeffrey Waddell moved to recommend rezoning of the properties listed in Agenda Item 4. Carol Langley seconded the motion, the motion carried unanimously. (4-0)

6. PUBLIC HEARING(S): Rezoning the following properties from I-Institutional to R1-Single Family Residential:

- a. 2.25 acres in Tracts 45-D & 45-D-1 of the Zachariah Landrum survey A-22, also described as part of 623 Old Plantersville Rd, Montgomery, owned by the Joseph Shockley Revocable Living Trust.

Chairman Cox convened the Public Hearing at 6:14 p.m.

No comments were received.

Chairman Cox closed the Public Hearing and reconvened the Special Meeting at 6:15 p.m.

7. Consideration and possible action regarding approval of a Final Report on Agenda Item 6.

Carol Langley moved to recommend rezoning of the property listed in Agenda Item 6. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

8. PUBLIC HEARING(S): Rezoning the following properties from R1-Single Family Residential to B-Commercial:

- a. 0.46 acres in Tract 82 of the Owen Shannon survey A-36, also described as 15309 FM 149 Rd, Montgomery, owned by the Estate of Cherry D. Easley.
- b. 0.374 acres in Tract 84 of the Owen Shannon survey A-36, also described as approximately 15307 FM 149 Rd, Montgomery, owned by Arnette Easley.

- c. 0.41 acres in Tracts 1 & 70 of the Owen Shannon survey A-36, also described as 712 N Liberty St, Montgomery, owned by Paul D and Doris J Allen.
- d. 0.5 acres in Tract 8 of the Owen Shannon survey A-36, also described as approximately 15328 N Liberty St, Montgomery, owned by Paul D and Doris J Allen.
- e. 0.25 acres in Tract 9 of the Owen Shannon survey A-36, also described as 15330 N Liberty St, Montgomery, owned by Willie & Evelyn Wright.
- f. 0.32 acres in Tract 2 of the Owen Shannon survey A-36, also described as 22950 W FM 1097 Rd, Montgomery, owned by the Estate of Audrey B. Allen.

Chairman Cox convened the Public Hearing at 6:17 p.m.

Shirley Nicholas, who lives at 724 Community Center Drive, spoke in opposition to the rezoning of 712 Community Center Drive to B-Commercial. Ms. Nicholas stated concerns regarding additional traffic on the street, which already experiences traffic congestion from the school. Additionally, Ms. Nicholas inquired what types of uses are allowed in a commercial district. Staff explained the general types of uses allowed in a commercial district and clarified the rezoning of the property at 712 Community Center Drive would be considered during Item 14.

Chairman Cox closed the Public Hearing and reconvened the Special Meeting at 6:26 p.m.

9. Consideration and possible action regarding approval of a Final Report on Agenda Item 8.

Carol Langley moved to recommend rezoning of the properties listed in Agenda Item 8. William Simpson seconded the motion, the motion carried unanimously. (4-0)

10. PUBLIC HEARING(S): Realigning the Zoning Boundaries for the following property:

- a. 30.84 acres in Tract 14 of the John Corner survey A-8, also described as FM 149 South frontage on the east side of the road from the city limits to the MISD bus barn, owned by Risher Randall, et al. in Montgomery. The property is currently zoned B-

Commercial and R2-Multi Family Residential. The proposed rezoning will realign zoning district boundaries, consolidating like districts and resulting in no appreciable change in size of either district.

Chairman Cox convened the Public Hearing at 6:29 p.m.

No comments were received.

Chairman Cox closed the Public Hearing and reconvened the Special Meeting at 6:31 p.m.

11. Consideration and possible action regarding approval of a Final Report on Agenda Item 10.

Carol Langley asked staff for clarification of the details of what realigning of the zoning districts are and the effects on the property. Staff explained the purpose was to consolidate the districts into usable-sized areas.

Jeffrey Waddell moved to recommend realigning of the zoning boundaries of the property listed in Agenda Item 10. William Simpson seconded the motion, the motion carried unanimously. (4-0)

12. PUBLIC HEARING(S): Rezoning the following properties from B-Commercial to R1-Single Family Residential:

- a. Lots 1 – 51, Blocks 1 & 2, The Hills of Town Creek, Section 2 Subdivision, also described as 103 – 234 Brock’s Lane, and 308 – 317 Brock’s Court, Montgomery.
- b. Open Space Reserves A, B, C, & D in The Hills of Town Creek Section 2.
- c. Lots 1 – 49, Block 3, The Hills of Town Creek, Section 3 Subdivision, also described as 242 – 265 Brock’s Lane, and 110 – 155 Scenic Hills Court, Montgomery.
- d. Open Space Reserve A in The Hills of Town Creek, Section 3.

Chairman Cox convened the Public Hearing at 6:35 p.m.

No comments were received.

Chairman Cox closed the Public Hearing and reconvened the Special Meeting at 6:37 p.m.

13. Consideration and possible action regarding approval of a Final Report on Agenda Item 12.

William Simpson moved to recommend rezoning of the properties listed in Agenda Item 12. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

14. PUBLIC HEARING(S): Rezoning the following properties from I-Institutional to B-Commercial:

- a. 0.5 acres in Tracts 15-A & 83-A of the Owen Shannon survey A-36, also described as 712 Community Center Dr., Montgomery, owned by Patricia Easley.

Chairman Cox convened the Public Hearing at 6:38 p.m.

Shirley Nicholas, who lives at 724 Community Center Drive, restated her opposition to the rezoning of 712 Community Center Drive to B-Commercial for reasons previously mentioned under Agenda Item 8. Ms. Nicholas asked for an explanation between the differences in allowed uses for Institutional and Commercial districts.

Chairman Cox closed the Public Hearing and reconvened the Special Meeting at 6:44 p.m.

15. Consideration and possible action regarding approval of a Final Report on Agenda Item 14.

Carol Langley expressed concerns about the potential traffic if the property was rezoned to Commercial. William Simpson shared the same concern and expressed appreciation for a member of the community expressing their concern to the commission. Discussion was held regarding the property owner's special use permit.

Carol Langley moved to recommend *not* rezoning the property listed in Agenda Item 14. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

16. VISITOR/CITIZEN FORUM

No comments were received.

17. Consideration and possible action regarding approval of a temporary sign at 305 Prairie Street, Montgomery for Revive Facial as submitted by Hollie Adams.

William Simpson commented that the application requested a 90-day period for the temporary sign, though the Sign Ordinance states temporary signs are given a 60-day period. Mr. Simpson stated he had conversations with residents concerned with the city not following guidelines in ordinances and his preference was to follow the Sign Ordinance guidelines. Mr. Waddell questioned the purpose for the temporary sign versus a permanent sign in this instance. Discussion was had regarding the location of the permanent sign.

William Simpson moved to approve the temporary signs at 305 Prairie Street for the period of 60 days. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

18. Report regarding Tree Ordinance.


Dave McCorquodale delivered an update regarding the proposed Tree Ordinance revisions and reviewed the ordinance summary included in the agenda packet.


19. Discussion regarding Zoning Ordinance and Table of Uses.

Dave McCorquodale reviewed proposed amendments to the Table of Uses and how they might fit into a broader review of the City's Zoning Ordinance. Staff is working on the timing of proposed changes and presented the idea of undertaking all changes to the Zoning Ordinance at one time to simplify the required notification and Public Hearing process.

20. Adjournment

Carol Langley moved to adjourn the meeting at 7:30 p.m. William Simpson seconded the motion, the motion carried unanimously. (4-0)

Prepared by:  Date approved: 6/24/19
Dave McCorquodale


Chairman Nelson Cox

Attest: 
Susan Hensley, City Secretary

