

MINUTES OF REGULAR MEETING

April 22, 2019

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

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

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

Absent:

Also Present: Jack Yates, City Administrator

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.

No comments were made.

- 1) Consideration and possible action regarding regular meeting minute of March 25, 2019.

Jeffrey Waddell moved to approve the minutes of the March 25, 2019 Regular Meeting. William Simpson seconded the motion, the motion carried unanimously. (5-0)

- 2) Consideration and action regarding approval of a sign at 202 McCown Street - Rachel Anderson

Mr. Yates advised this was an art shop that will also sell wine. Mr. Yates said the sign was a simple design for the southernmost space, just south of the Old Montgomery Steakhouse next to Caroline Street. Carol Langley asked where the sign would be installed. Mr. Yates said the sign would be installed on the wall of the space. Jeffrey Waddell asked if the sign would be lit. Mr. Yates said no. Jeffrey Waddell said the sign was nice.

Jeffrey Waddell stated the aluminum sign was 4' x 8'. Mr. Yates said there was some lighting under the awning that would light the sign up. Jeffrey Waddell stated that the sign was on the front wall facing FM 149.

After discussion, Jeffrey Waddell moved to approve the sign for 202 McCown Street as presented. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

3) Consideration and possible action scheduling a public hearing regarding a Special Use Permit to Candace Welsh for a microblading business at 14375 Liberty Street.

Mr. Yates advised the proposed location of the business is still being finalized and Mr. Welsh needed until the close of business on Wednesday afternoon to know which location they were going to select, either 14375 Liberty St or at 401 College Street, Ste. 110-B. Mr. Yates said he told Mr. Welsh that he would need a letter directed to him by the close of business Wednesday stating which address they would be choosing. Mr. Yates said if the Commission held their Public Hearing on May 13, 2019 and then City Council would meet on May 14, 2019 to consider approval. Mr. Yates said if they conduct the Public Hearing during a Special Meeting, there will need to be four people present for the meeting. Carol Langley asked if there was still information on the previous person that received a Special Use Permit for the same use, and asked if there were some items put in there that would relate to this same thing. Mr. Yates said it was essentially the same Special Use Permit.

After discussion, Arnette Easley moved to call a Special Meeting and Public Hearing for May 13, 2019 to be held at 6:00 at City Hall, 101 Old Plantersville Road regarding a Special Use Permit for the Candace Welsh microblading business at 14375 Liberty Street or 401 College Street, Suite 110-B. William Simpson seconded the motion, the motion carried unanimously. (5-0)

- 4) Consideration and possible action regarding calling Public Hearings for May 16th and May 21, 2019 at 6:00 PM at Montgomery City Hall to hear public comment regarding 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.

William Simpson moved to call a Public Hearings to be held on May 16 and May 21, 2019 at 6:00 p.m. at Montgomery City Hall, 101 Old Plantersville Road for rezoning of the tracts of land from ID- Industrial to B-Commercial as shown on the Agenda as 4 a, b, and c. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

- 5) Consideration and possible action regarding calling Public Hearings for May 16th and May 21, 2019 at 6:00 PM at Montgomery City Hall to hear public comment regarding 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.

Jeffrey Waddell moved to call a Public Hearings to hear public comments on rezoning of said properties, listed under 5 a, b and c, from ID-Industrial to R1-Single Family Residential to be held on May 16 and May 21, 2019 to be held at 6:00 p.m. at Montgomery City Hall, located at 1010 Old Plantersville Road. Carol Langley seconded the motion, the motion carried unanimously. (5-0)

6) Consideration and possible action regarding calling Public Hearings for May 16th and May 21, 2019 at 6:00 PM at Montgomery City Hall to hear public comment regarding 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.
- b) 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.

Arnette Easley said he thought this should be requesting to rezone from I-Institutional to B-Commercial because he thought that when Mr. Yates wrote this he did not think the property went all the way through, it is adjacent to his property. William Simpson asked to confirm that would be only for item "b". Carol Langley asked how they would handle that since it was not stated that way on the Agenda. Mr. Yates said they could call the Public Hearing however they want to and he will be changing it for City Council tomorrow night and will be advising them of the same information.

Carol Langley asked Arnette Easley about when Patricia Easley came before City Council to do her cooking business there, did she get a Special Use Permit or did she get it rezoned. Arnette Easley said it was a Special Use Permit.

Chairman Cox said his only question was by the time they have these public hearings, will this information be clarified. Mr. Yates said the information will be clarified by the Commission and City Council. William Simpson asked what they need to do tonight. Mr. Yates said if they want it to be commercial, they just need to say which tract they want to be rezoned from I-Institutional to B-Commercial, as requested by the owner.

William Simpson moved to call the Special Meeting and Public Hearings for Item "a" 2.25 acres in Tracts 45-D & 45-D-1 on 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 from I-Institutional to R1- Single Family Residential; and Item "b" 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 from I-Institutional to B-Commercial to be

held on May 16 and May 21, 2019 at 6:00 p.m. at Montgomery City Hall. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

- 7) Consideration and possible action regarding calling Public Hearings for May 16th and May 21, 2019 at 6:00 PM at Montgomery City Hall to hear public comment regarding 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.

Arnette Easley said he spoke to Mr. McCorquodale about his property Item "b", advising that many years ago it was rezoned, but the maps were not right, which is why they are seeing it again tonight. Mr. McCorquodale said on the west side of FM 149 directly across from FM 1097, there is a small rectangle that is already zoned Commercial, which is Arnette Easley's property. Mr. McCorquodale said the mapping ability that they had when they rezoned that property did not reflect the other boundaries. Mr. McCorquodale said he did not think that they needed to go through the process for this property, but since they are already rezoning properties all around his property, it makes sense to go ahead and formalize it based on the new survey of the property boundaries just to cover any question on the zoning of the property. Mr. McCorquodale said Arnette Easley also clarified a couple of the street addresses and said he obtained the information from MCAD that had different street addresses, so the information in the legal notice will have a slightly different number, which is just a few off of what MCAD had on file.

Carol Langley asked how Item “d” is addressed off of North Liberty instead of FM 1097. Mr. McCorquodale said on the map there is a property boundary that runs along FM 149 and that is according to MCAD. Arnette Easley said the address would not be FM 1097 it would be FM 149. Carol Langley asked if the property described in Item “d” had a house on it. Arnette Easley said no it did not. Carol Langley asked if the property goes to FM 1097. Arnette Easley said no, there is a piece of property between it and FM 1097.

William Simpson moved to call Public Hearings to hear public comment regarding rezoning the following properties from R1-Single Family Residential to B- Commercial on May 16 and May 21, 2019 at 6:00 p.m. at Montgomery City Hall for the said read Items “a”, “b”, “c”, “d”, “e”, and “f” from R1-Single Family Residential to B-Commercial. Jeffrey Waddell seconded the motion, the motion carried unanimously. (5-0)

- 8) Consideration and possible action regarding calling Public Hearings for May 16th and May 21st, 2019 at 6:00 PM at Montgomery City Hall to hear public comment regarding realigning the zoning boundaries for the following property:
 - a. 30.84 acres in Tract 14 of the John Comer survey A-8, also described as FM 149 South frontage on the east side of 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.

Carol Langley asked about the intent of this item. Mr. McCorquodale said the way the property is zoned now, the map shows how the properties alternate between Commercial and R2 zones, in particular, the commercial portions that are on the north and south end are smaller than what is practical to be developed. Mr. McCorquodale said the property on the south does not have any street frontage and there is no way to get to it, so the logic for a commercial property without any way to access it seems strange.

After discussion, William Simpson moved to call Public Hearing for May 16 and May 21, 2019 at 6:00 p.m. at Montgomery City Hall, 101 Old Plantersville Road, for the said read Item 8(a). Jeffrey Waddell seconded the motion, the motion carried unanimously.

- 9) Consideration and possible action regarding calling Public Hearings for May 16th and May 21st, 2019 at 6:00 PM at Montgomery City Hall to hear public comment regarding 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.

Jeffrey Waddell moved to call Public Hearings to hear public comment on the rezoning of said properties May 16 and May 21, 2019, at 6:00 p.m. to be held at Montgomery City Hall, 101 Old Plantersville Road. William Simpson seconded the motion, the motion carried unanimously. (5-0)

- 10) Consideration and possible action regarding Tree Ordinance.

Mr. McCorquodale presented the information and there was a discussion regarding the tree ordinance revisions. Mr. McCorquodale said the area for them to focus on is the residential buffer zone in between non-residential and residential uses because that is where they really look to preserve trees without exception. Jeffrey Waddell said that topic has come up a number of times in the discussion.

Jeffrey Waddell asked about the width and percentages of the buffers. Mr. McCorquodale advised it was 20 feet off the adjoining property line where they are not able to take down any trees larger than 18 inches, but they still have to meet the official screening requirements that are outlined in the ordinance, as well as the rest of the canopy coverage items.

Jeffrey Waddell asked about the requirement for one or two family dwellings and the requirement for two trees, with at least one being in the front yard and whether that was for five acres or more. Mr. McCorquodale said it was on every residential lot, and said there are several developers that are already doing this voluntarily.

Chairman Cox asked if there was an inspection process that would be included in the ordinance, where someone will go out and make sure they are doing what they are supposed to be doing. Mr. McCorquodale said with respect to the single-family lots, they can't get a Certificate of Occupancy until the requirements have been met, so that will require the City communicating to the Building Inspector to add that to his list for the final inspection. Mr. McCorquodale said he would be monitoring the information as well, so he can observe how this works.

After discussion, the Commission directed staff to move forward with preparing the revised ordinance for review by the City Attorney.

11) Consideration and possible action regarding Table of Uses.

Mr. McCorquodale advised one of the biggest changes is they feel like the Special Use Permit for all Industrial zones is probably not going to get the support needed to make it through. Mr. McCorquodale said what he had done in the Industrial areas is add Commercial Use to the Industrial areas as well, except assisted living, nursing homes and auto sales, which would require City Council approval. Mr. McCorquodale said once an auto dealer is put in, even when they leave the site, the property still looks like an auto dealer and would have the potential to affect the dynamic of the City as a whole, and having City Council look at each one would be a prudent course of action.

William Simpson said the one thing he notices is the well drilling contractors have to have a barrier, but their stuff sits out and there is no way to cover their equipment since it is all up in the air, so how would they handle that and recycle centers or salvage centers. Mr. McCorquodale said those would also require City Council approval.

Carol Langley asked to clarify the definition of a community home per V.T.C.A., Human Resources Code §123.003. Carol Langley then asked to confirm that the Table of Uses is actually part of the Code that needs an ordinance to update.

After discussion, the Commission directed staff to continue with the process to update the Table of Uses.

12) Consideration and possible action regarding rescheduling the May, 2019 Planning and Zoning Commission meeting

After discussion, Jeffrey Waddell moved to cancel the Regular May 27, 2019 Meeting. Carol Langley seconded the motion, the motion carried unanimously. (5-0)

13) Adjournment

William Simpson moved to adjourn the meeting at 7:10 p.m. Arnette Easley seconded the motion, the motion carried unanimously. (4-0)

Submitted by:  Date approved: 05/21/19
Susan Hensley, City Secretary


Chairman Nelson Cox

