

MINUTES OF REGULAR MEETING

November 26, 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, William Simpson, Jeffrey Waddell

Absent: Arnette Easley and Carol Langley

Also Present: Jack Yates, City Administrator

Susan Hensley, City Secretary

Dave McCorquodale, Assistant to the City Administrator

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.

CONSIDERATION AND POSSIBLE ACTION:

1. Consideration and possible action regarding Meeting Minutes of October 22, 2018 Public Hearing and Regular Meeting.

Jeffrey Waddell advised Item 4 on the minutes, which stated car wash and should read washateria.

Jeffrey Waddell moved to approve the minutes for the October 22, 2018 meeting as read. William Simpson seconded the motion, the motion carried unanimously. (3-0)

Arnette Easley arrived at 6:04 p.m.

2. Consideration and possible action regarding the Final Report for the Larry Jacobs tract.

Mr. Yates said last month the Commission had the Public Hearing and Mr. Jacobs asked for a delay regarding the Final Report until this meeting. Mr. Yates said Mr. Jacobs is asking for the five acres to the north be rezoned from ID-Industrial to R2-Multifamily, and the southern property to be rezoned from ID-Industrial to B-Commercial. Mr. Yates said this is where the Commission would make their recommendation to City Council. Mr. Yates said they have not received any comments from the public regarding this information. Mr. Jacobs was present at the meeting.

William Simpson asked if they needed to make two separate motions, since there was two different pieces of property. Mr. Yates said he would recommend doing that.

William Simpson moved to approve the Final Report to recommend to the City Council for the approval of rezoning the property marked R2 located at 2580 Lone Star Parkway, from ID-Industrial to R2-Multifamily. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

Williams Simpson moved to approve the Final Report to recommend to the City Council for approval of the rezoning of the property located at 2560 Lone Star Parkway, from ID-Industrial to B-Commercial. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

Mr. Jacobs thanked the Commission, and said this is the second time they have gone through this exercise. Mr. Jacobs said he was trying to figure out what happened. Mr. Jacobs said one of the things that he heard from either a City Council member or the Mayor, was that they felt like the City was not in a position to pay for all the utility extensions. Mr. Jacobs said it was quite clear in the Final Report from the City's Engineer that was going to be their responsibility

to get those utilities to the sites, so he would just like to note that would be really clear in the Final Report that goes to City Council. Mr. Yates said he would take care of that information.

Jeffrey Waddell said he was to a point, as they probably all were as a group, where they wanted an explanation as to why this took so long. Jeffrey Waddell said he went back to January 23, 2018 when City Council gave support to both senior citizen projects, so he is hoping they learned a lesson from this because you want to have confidence when you do something that it gets looked at, and they looked at it numerous times, to have a facility next to a Community Center that caters to seniors. Jeffrey Waddell said they need to avoid this happening again in the future, and he knew that they were working on that issue.

3. Consideration and possible action regarding scheduling a Public Hearing for rezoning of a 7.710 acre tract of land located at tracts 23-A and 24-A located at the southwest corner of Old Plantersville Road and Womack Cemetery Road, Montgomery from ID-Industrial to R-1 Single Family as requested by Michael and Judith Kammerer.

Mr. Yates said since there are two public hearings required. Mr. Yates said the City Attorney recently changed his opinion about conducting two public hearings. Mr. Yates said he is suggesting they conduct the public hearings on January 7 and 14, 2019 so they can have the Final Report ready for the City Council Meeting on January 22, 2019.

Mr. Yates said each time they get a zoning request, they will need to have one or two special meetings so there can be one notice and to shorten the time for the applicant. Mr. Yates said one of the special meetings in January could take the place of their regular meeting. Mr. Yates said they could have the regular meeting at the special meeting on January 14, 2019. Dave McCorquodale said they were trying to get those two dates as the public hearing dates.

William Simpson moved to call for two public hearings for the rezoning of a 7.710 acre tract of land located at tracts 23-A and 24-A located at the southwest corner of Old Plantersville Road and Womack Cemetery Road, Montgomery from ID-Industrial to R-1 Single Family as requested by Michael and Judith Kammerer to be held on January 7 and 14, 2019 at 6 p.m. Arnette Easley seconded the motion, the motion carried unanimously. (4-0)

4. Consideration and possible action regarding scheduling a Public Hearing for rezoning of a 2.187 acre tract and a 0.475 acre tract located at 1062 Clepper Street, Montgomery from R-1 Single Family to B-Commercial to be held as requested by James Ward.

Mr. Yates advised this item has the same issue as far as the dates for the public hearings.

Jeffrey Waddell moved to call for two public hearings for the rezoning of a 2.187 acre tract and a 0.475 acre tract located at 1062 Clepper Street, Montgomery from R-1 Single Family to B-Commercial to be held on January 7 and 14, 2019 at 6 p.m. William Simpson seconded the motion, the motion carried unanimously. (4-0)

Jeffrey Waddell asked if they could have an informal discussion about any possible questions that would come up about that property or should they just wait for the public hearings. Mr. Yates said they could go ahead and have the discussion now. Jeffrey Waddell said there is a huge difference between commercial, possible boutique and that type of business, compared to industrial, and he knew they are going to get people that are wondering because they are surrounded by this property. Jeffrey Waddell said clearly there are three sides if you look at the part that is closest to Jim's Hardware and as you get to Maiden Street and look at it from the front; it even has some residential across the street, from that part. Jeffrey Waddell said he just wanted to understand the whole scenario. Jeffrey Waddell said he had a couple of questions, and said he wanted to know if anyone has talked to the people that surround this property. Jeffrey Waddell said he did not see a problem with a boutique type business in that area.

Jeffrey Waddell said the other question is whether they are selling the property or is it going to be sold to someone else. Mr. Ward said if it is commercial and they can get the price that they want they would sell. Mr. Ward said there has been interest already, with one wanting a small wedding venue operation, another expressed interest in a restaurant type operation that would be like a sit down kitchen type restaurant with pastries. Mr. Ward said they had originally thought about doing a small L-shaped office single story building, brick style from Clepper back, with two to three retail spots that they could have a small warehouse space that looks like retail. Mr. Ward said the problem is right now he has too many things going on and that is four or five years away. Mr. Ward said his original plan was a project for the old house, but then

they did not have a roof on half of the house and the floor was gone, so that ended that theory. Mr. Ward said he thought they could have a couple retail shops in the building; boutique type shops, like some of the shops that are already in Montgomery. Mr. Ward said they were thinking of the same type of theme with the old style. Jeffrey Waddell said when they get to that point, there will be approval of the plat.

Jeffrey Waddell said his other question was to Mr. Yates or Dave McCorquodale, and said he knew with industrial there is a greenspace buffer and said on commercial he did not know if there would be a requirement for a greenspace buffer of 20 plus feet or whatever it is between all the residential, because that lot is a long, deep lot and he knows this is going to come up, which is why he thought they should talk about it. Jeffrey Waddell said the property backs up to two back yards on Buffalo Springs and then the neighbors on the side, so his question is looking ahead, if it is commercial, is there a requirement, because there is already a very natural green growing buffer all the way down the side to behind the property. Mr. Yates said the only thing that it says is a buffer, it describes a fence, but it also allows a greenbelt, which is what happened at the dentist office off Lone Star Parkway, where they came up with a landscape plan and plants, which he has kept up. Mr. Yates said there is a requirement for a buffer between the commercial and residential area, but whether it is an 8-10 foot fence or a row of hedges is something that they can talk about during the rezoning. Jeffrey Waddell said he was wondering if there was a particular width or depth required for the buffer. Mr. Yates said there is no specific requirement. Mr. Yates said he received a call from the dentist who said he was considering a greenbelt. Mr. Yates said he checked the ordinance and saw there was no requirement for a fence, it just says a buffer. Mr. Yates said he asked them for a plan and they came up with a planting plan that seemed alright to him and he felt that it would get better as the plants grew, which is the way it has worked out. Mr. Yates said the buffer is pretty open as to what it can be, but there has to be some sort of buffer.

Mr. Ward said after they purchased that property they were approached by two of the other property owners on Clepper that wanted to know if they were going to try and make that property commercial because they were interested in having their property rezoned commercial. Mr. Ward said he did not know if the property owners were still interested in rezoning, but he knew that there were two that were interested at one time. Mr. Yates said he did not know what the Unofficial Land Use Plan that was adopted calls for, so he will check

on that, but he thought that it was to stay residential. Jeffrey Waddell said it was close to the Historic District and, before his time, The Oaks had to go through something similar, but he did not know if that was a Special Permit. Mr. Yates said The Oaks on Prairie Street obtained a Special Use Permit, which describes how many days they are going to be open and specifics for the business. Jeffrey Waddell thanked Mr. Ward for his information.

5. Report regarding City-initiated re-zoning of parcels of properties.

Dave McCorquodale reviewed the map that showed each one of the parcels being discussed, and previously discussed last month.

Dave McCorquodale said the first property that they are looking at is the Hills of Town Creek, which is zoned commercial and they are looking at changing only the portion where there is existing single family residential and where there is a subdivision basically in Section 3 that is under construction at this time. Dave McCorquodale said they are looking at rezoning those two Sections to R1-Residential. Dave McCorquodale said he met with the developer earlier this month and there is no definite plans on any of the other commercially zoned areas and the thinking is to leave it alone for now until there is a plan for the property. Dave McCorquodale said if there are single family homes in Section 2, and the homes about to be going up in Section 3, it makes sense to make it zoned single family residential as opposed to commercial, and is more of a reflection on the ground and what is being built.

Jeffrey Waddell said he had in his notes somewhere about Sections 2 and 3 something about them going to industrial, and it just did not sound right because it is all residential, so he did not know if it was a typo. Dave McCorquodale said in Section 2, the next area that they are going to talk about, will be moving from industrial to a different zoning classification, so maybe that was what Jeffrey Waddell was thinking about.

Dave McCorquodale spoke about area two, which is around Spirit Industries, and said these properties were zoned industrial and they would like to zone the two parcels that flank Spirit Industries as commercial. Dave McCorquodale said the rectangle on the right of Spirit Industries (to the east) is the Cowboy Church's land and there is an overlay of institutional that they would like to change the underlying zoning to commercial as opposed to industrial. Dave

McCorquodale said his initial hope was to look at the Spirit Industries parcel as well, and right now with the Table of Permitted Uses, toy and novelty manufacturers are only allowed in industrial, so rather than create any uncertainty right now for their business or even the perception of uncertainty, he would rather just leave it alone and find another way to address it. Dave McCorquodale said it would be better for the City to have a commercial tract on the main corridor rather than industrial. Dave McCorquodale said right now they are looking at the property immediately to the east and west of Spirit Industries.

Dave McCorquodale then discussed area three, which is located off Womack Cemetery Road and a very small fraction of the home site is inside the City limits; it is zoned industrial and they would like to change it to single family residential, which is what the rest of the parcel is being used for even though it is out of the City; it backs up to Mr. Potter's single family residential property. Mr. Yates said this just recently showed up, and asked if Dave McCorquodale and Mr. Roznovsky are sure that it is definitely zoned industrial and who it belongs to. Dave McCorquodale said according to the map that the City adopted it is, and the ownership he knows the current map says it is industrial and the few that he looked back on said it was industrial. Dave McCorquodale said anything earlier than 2016 the maps are really hard to discern. Mr. Yates said it is also the map the City just adopted as the Official Zoning Map.

Jeffrey Waddell said this is a different scenario than the property that was against the railroad tracks, and said he did go today just to visualize it and it is about 30-50 feet from the railroad tracks just up to the road. Jeffrey Waddell said it seems to be an ideal residential area for that size, but the setbacks would probably be important to the developer because of the train being close. Dave McCorquodale asked if Jeffrey Waddell was talking about the Kammerer tract. Jeffrey Waddell said that was correct. Jeffrey Waddell said he would think the developer will have to do a setback of some pretty good distance or something to soften the noise from the train. Mr. Yates said when they come in with the plat they can possibly look at that information. Mr. Yates said they can also look into the compensating greenspace to get slightly smaller lots.

Dave McCorquodale said area four is a parcel this is part of a parcel that Joe Shockley owns and sits east of the Cowboy Church grounds, south of the cemetery. Dave McCorquodale said in looking at the map he felt the zoning should have been single family residential and just

some confusion in where the parcel boundaries were has resulted in institutional zoning for the property.

Dave McCorquodale advised area five is part of the Randall tract, which is the large area in the southeast area of the City. Dave McCorquodale said right now for lack of a better description, it is a “candy cane strip” of R2 and commercial; after Mr. Yates and the Mayor met with the Randall’s earlier in the month, they had no issues with the type of zoning, just asked if there was a way to consolidate it with the R2 being closer along the northern portion of the end and the commercial being located in the southern portion. Dave McCorquodale said they might include a proposed zoning area to show how those two areas are being consolidated.

Dave McCorquodale then reviewed area six, which is all on one side of the City, just north of FM 1097 and FM 149. Dave McCorquodale said there is some R1 tracts right now that are along FM 149, and as the City grows on that side, a commercial zone would make sense and additionally there is an institutional parcel right now, with the proximity to the park; it got rolled into institutional zoning when it was not ever used for institutional use.

Arnette Easley said that particular tract is his and they did get it rezoned through the City and said he has the paperwork for that action. Dave McCorquodale asked if they did a commercial zone there. Arnette Easley said yes, and said it used to be a barbeque place, and when he bought it he had it rezoned commercial. Dave McCorquodale said he would look into that, because he felt like he recalled some discussion about it, but he could not find any information. Arnette Easley said he had the paperwork if they would like to look at it. Dave McCorquodale said he would like to see that information. Arnette Easley said his family’s homestead is there and everyone agreed to have that rezoned as well, so he just needs to get the paperwork for it. Arnette Easley said he did not know what T.J. Wilkerson’s zone is, which is located across the street from his property. Mr. Yates asked Arnette Easley if he was sure that he rezoned that property, because when he first came to the City one of the items on his desk was his paperwork, and said that he had asked him several times if he was officially going to follow through on the rezoning. Arnette Easley said he still has the paperwork and he will bring it in for the City to review. Arnette Easley said he was not talking about the homestead itself but a different piece of property that he owned. Mr. Yates said earlier they were talking about further south on FM 149, south of Lone Star Parkway.

Mr. Yates said if the Commission generally agrees then either Dave McCorquodale or he would be contacting the property owners within the next three or four weeks to confirm that they are not in conflict with the rezoning, and then they will start the formal process. Dave McCorquodale said one of the very first steps is to recommend to City Council a list of properties to obtain the green light or the signal to stop on any of the parcels that are being presented.

6. Report regarding Downtown Streetscape Plan.

Dave McCorquodale reviewed two drawings, one being from Lonnie Clover, showing some general ideas and diagrams showing different ways that they are looking at to enhance the downtown, either primarily through either a series of gathering spaces at the intersections, paving, whether it is stamped concrete or pavers to match what they have and landscaping enhancements. Dave McCorquodale said the parking lot to the south of Cozy Grape made a great place to start with some landscaping enhancements. Dave McCorquodale said the parking lot is about 24 to 30 inches above the level of the street, so using a dry limestone they could mimic what the Community Center has. Mr. Yates said there would be examples of this all through downtown, and said this is just an example of a portion of the project. Mr. Yates said this will still need to go through the HMBA and then through a couple of planning meetings. Mr. Yates said the first planning meeting would be in about two months.

Dave McCorquodale said that low maintenance and drought tolerant landscaping seems like a good idea, and said he thought they could do the landscaping in a way that would enhance the architecture that they have in downtown. William Simpson asked if this would all have to be run by the business owners and building owners' downtown. Dave McCorquodale said that was correct. William Simpson said one thing that he could see would be the pedestrian mall would take away the parking that could cause some issues. William Simpson said the overall plan looks great.

William Simpson asked if this was all part of the grant money from TxDOT or is this all City funded. Dave McCorquodale said this would all be City funded. Mr. Yates said MEDC has \$20,000 for planning of the project, which they will not even get close to using all of it, because

they are doing so much of the work in-house. Mr. Yates said they also have \$60,000 for physical improvements downtown. Mr. Yates said once they have the plan they will know what they are working toward.

William Simpson said he thought the little bit that was done to the parking lot of Cozy Grape and Mr. Jacobs' property and people saw how that kind of dressed up the town and it caught their eyes. Jeffrey Waddell said from the beginning they have really made a point of talking to the shop owners and the businesses too just to get their input. Jeffrey Waddell said it was great they were doing so much in-house. Jeffrey Waddell asked where they were on communicating with TxDOT as far as coordinating. Mr. Yates said for this area they are waiting on the plan itself because City Council had asked TxDOT to work from Caroline down to SH 105 and from Clepper up to FM 1097 as soon as they could, but to wait on these three blocks until they could come up with a plan. Mr. Yates said TxDOT would be part of the financing of this plan because of the work that they were doing, and they are required to put five or ten percent of the project toward streetscaping, so that will be a sizable amount. Jeffrey Waddell said that was very helpful, and asked Mr. Yates to try and keep good communications with TxDOT. Mr. Yates said he is trying to get TxDOT to answer as to when they are going to start the SH 105 to Caroline and FM 1097 to Clepper portions. Jeffrey Waddell said they used to put that information in the Impact Newspaper and now they are not putting it in the paper. Jeffrey Waddell asked if they were looking at two or three separate constructions from SH 105 to FM 1097. Mr. Yates said it would be two on Caroline to SH 105 and the other one will be Clepper Street to FM 1097. Mr. Yates said as soon as they give them a plan for what we want in the downtown area they will be ready to start on the Caroline to Clepper part. Mr. Yates said the City promised TxDOT that they would have the plan ready in close to 15 months and that was in September of this year. Jeffrey Waddell said the left and right turn lanes really threw a wrench into it for a while. Mr. Yates said the left and right turn lanes on FM 149 worked out pretty well. Jeffrey Waddell said at Clepper Street a left hand turn lane would help out Jim's Hardware a lot. Mr. Yates said he did not think there would be a left hand turn lane at that location. A comment was made from the audience that sometimes people have a hard time getting out of Buffalo Springs on Berkley, and he has seen three close calls in the last four weeks, with two being school busses and the amount of traffic in Montgomery.

7. Consideration and possible action regarding proposed amendments to the Zoning Table of Permitted Uses in the City of Montgomery Code of Ordinances, Section 98-88.

Dave McCorquodale said regarding the amendment to the Zoning Table of Permitted Uses, he wanted to review some of the ones addressed, such as, motorcycle service was its own use even though it was addressed under automobile or other motorized vehicle service, renovation, and/or repair and seemed redundant.

Dave McCorquodale stated that automobile sales was one use that he wanted to bring to the Commission, because with that there is usually a parking lot and lights and asked if that was something the Commission felt was okay in any commercially zoned area or was it something they would like to see in arterial areas like SH 105 and FM 149. Dave McCorquodale asked if something goes on SH 105 is anything in a commercially zoned area on SH 105 also good for downtown. Dave McCorquodale asked if they should have a handful of things that need to be located in a particular area of town, with Automobile Sales being one of them. Jeffrey Waddell said the other item was mini storage, and he felt that those items should be geared toward the main arteries or industrial.

Dave McCorquodale advised if the Commission has any questions on the amendment recommendations, he would be happy to answer them. Dave McCorquodale said the few that he felt were worthy of consideration of removal from the Table, are as follows:

- Felt manufacturer because he was not sure how that differs from textile manufacturing, which is already listed;
- Heliport because the surrounding land use is paramount for this use versus the zone, so they could either make it a City Council approval or if they want to remove it from the list, then by default they would need City Council approval. Jeffrey Waddell asked if Mr. Foerster had been asked about long term Special Use Permits. Dave McCorquodale said he would check on that information. Jeffrey Waddell said a lot of things that he has listed are required to go to City Council, which makes perfect sense on the ones that are out of the ordinary. Mr. Yates said Mr. Foerster did respond earlier in the process, advising that he thought the Special Use Permit was alright for generalizing that for the industrial classification to where virtually everything could

require a Special Use Permit, but the new wrinkle the Commission added last month was regarding a 30-40 year use, and so he is still having to check on the length of the term.

- Tobacco processing because he did not feel like it was relevant to this region so that could be removed.
- Ice Cream and Ice Milk because he did not know the distinction between other ice cream uses, since it did not change the zone where they are allowed.
- Newsstands because he did not know that they would be seeing a lot of them in this day and age.

Dave McCorquodale said there were a couple of items to add to the Table of Uses, which were:

- Antique Shop because it is not listed. Jeffrey Waddell said boutique shops would also need to be listed since they are seeing those more now.
- Banquet/Reception Hall because as the wedding industry is growing in this area, and asked if they leave it off would it have to go to City Council, so this is something that the Commission might want to consider the context of what is around it or adding it and prescribing a zone. Dave McCorquodale said he thought that they might add it under Commercial, but now he felt that it might be better to leave it off the list because then City Council has the leeway to look at the surrounding land use and types of constraints that they might want to place on the use of the property, such as screening, parking and hours of operation.

Arnette Easley asked about a Petroleum Warehouse. Dave McCorquodale said without being an expert on what that means, what it means to him is storage of simply that material and they are not able to do any type of other work to it. Dave McCorquodale said he did not know if they have ever had one in the City. Arnette Easley said they would have to consider contamination if they allowed the storage because they could have spillage. Dave McCorquodale said he would hope that the State would also license any use like that, but he could not say that with any certainty. Jeffrey Waddell said, as stated before, the “intensity” of the use is really something that they need to look at, because they are looking at Lone Star Parkway and the “intensity” gives them the leeway. Dave McCorquodale said, to him, the updating of this table is kind of the first

step in making certain that they are zoning things in a way that will result in a town that we want.

Dave McCorquodale said the Commission needs to think about whether anything in industrial use should have City Council approval. William Simpson said he thought that would be a good idea. Nelson Cox said he liked that idea. Mr. Yates said if the Commission is okay with the changes, and the Special Use Permits, then they can work with the City Attorney to prepare a draft ordinance for next meeting.

There was no action taken on this item.

8. Consideration and possible action regarding rescheduling the December, 2018 and January, 2019 Planning and Zoning Commission Meetings.

Mr. Yates said the December meeting is Christmas Eve, and the Monday before that meeting is the MEDC meeting, and asked if they wanted to conduct the meeting on another night. Chairman Cox asked if there was a specific reason for having a meeting. Mr. Yates said no as far as he knew right now, so one option would be to cancel the December meeting, unless it is needed. Chairman Cox said he thought that was a good idea. Mr. Yates said they have done that several years in the past.

Dave McCorquodale asked if they needed to take action regarding the Regular meeting in January. Mrs. Hensley, City Secretary, advised they could take action either on the 7th or the 14th of January, 2019. Chairman Cox said that would be good because by that time they would know if they needed that third meeting in January.

Jeffrey Waddell moved to cancel the December 2018 Planning and Zoning Commission Regular Meeting. William Simpson seconded the motion, the motion carried unanimously. (4-0)

Chairman Cox asked about the donut shop that was going in on SH 105. Mr. Yates advised the owner went back to China for a couple months, but is back now and the latest that he has heard is that they are rethinking their site plan. Chairman Cox asked if the project was on a

temporary hold. Mr. Yates said it is the property owner's decision to add or not add to the property. Mr. Yates said the property next door, the Ruthie Grace building, the person that bought that several months ago supposedly has that property back up for sale and they are getting close to closing the deal, and the new person wants to keep the building at that location. Mr. Yates said the reason that he says that was because there was a possibility of the City or the Historic Society getting that building given to them, which is still a possibility, but not looking quite as good as it was a week ago.

Jeffrey Waddell said the donut shop was a tight fit and they hoped that it would all work. Jeffrey Waddell said if the donut shop is not going to be built, they still need to do something to remove some of the debris that is still on the site, because that is the entrance to the City. Mr. Yates said he did mention the mowing, but he will add the debris to the next conversation that he has with the owner.

ADJOURNMENT

William Simpson moved to adjourn the meeting at 7:25 p.m. Arnette Easley seconded the motion, the motion carried unanimously. (4-0)

Submitted by: 
Susan Hensley, City Secretary

Date Approved: 01/14/19


Chairman Nelson Cox

