

# MINUTES OF PUBLIC HEARING and REGULAR MEETING

April 23, 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, Arnette Easley, Jeffrey Waddell, William Simpson and Carol Langley

Absent:

Also Present: Jack Yates, City Administrator  
Susan Hensley, City Secretary  
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.

Mrs. Jenny Stewart expressed her concern regarding construction on a lot on College Street. Mrs. Stewart advised that 18 years ago, when she was on City Council, they voted with the City Attorney and City Engineer that the lot not be built upon because there was a main sewer trunk located there and the property floods. Mrs. Stewart said that she wanted to let the City know about the flooding because she did not want anyone to get hurt or the property damaged. Mrs. Stewart said that there has been a lot of flooding in the City in recent years.

1. Public Hearing to receive citizen input regarding a request to zone newly annexed 3.22 acre tract of land as District "B" commercial use, situated in the John Corner Survey,

Abstract No. 8, Montgomery County, Texas, being out of a 5.71 acre tract as recorded under Clerk's File No. 2016-086083, also being out of a called 111.857 acre tract of land as recorded under Clerk's File No. 9512940 Deed Records Montgomery County, Texas, (property located south of SH 105 across from Stewart Creek Road) known as the Peter Hill property

Chairman Cox convened the Public Hearing at 6:05.

Mr. Yates advised that there have been no comments regarding the zoning of the property at City Hall.

There were no comments made by the public.

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

2. Consideration/take action regarding March 26, 2018 minutes.

Jeffrey Waddell moved to approve the March 26, 2018 minutes as presented. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

3. Consideration/take action regarding recommendation to the City Council regarding a request to zone newly annexed 3.22 acre tract of land as District "B" commercial use, situated in the John Corner Survey, Abstract No. 8, Montgomery County, Texas, being out of a 5.71 acre tract as recorded under Clerk's File No. 2016-086083, also being out of a called 111.857 acre tract of land as recorded under Clerk's File No. 9512940 Deed Records Montgomery County, Texas, (property located south of SH 105 across from Stewart Creek Road) known as the Peter Hill property.

Mr. Roznovsky advised that there was a proposed tire shop, gym and fast food restaurant on the property, with the gym and tire shop on the City of Montgomery side of the development.

William Simpson moved to forward a recommendation on to City Council to approve a request to zone newly annexed 3.22 acre tract of land as District "B" commercial use, situated in the John Corner Survey, Abstract No. 8, Montgomery County, Texas, being out of a 5.71 acre tract as recorded under Clerk's File No. 2016-086083, also being out of a called 111.857 acre tract of land as recorded under Clerk's File No. 9512940 Deed Records Montgomery County, Texas, (property located south of SH 105 across from Stewart Creek Road) known as the Peter Hill property. Jeffrey Waddell seconded the motion, the motion carried unanimously. (5-0)

4. Consideration/take action regarding a sign permit for 301 Prairie St. – Amy Brown.

Mrs. Amy Brown was present for the discussion and advised that she is wanting to place a new sign over the existing sign. Mrs. Brown said that she is using JK Graphics and the sign will be a sturdy, thin metal sign.

Arnette Easley moved to approve the sign permit for 301 Prairie Street as submitted by Amy Brown. William Simpson seconded the motion, the motion carried unanimously. (5-0)

5. Consideration/take action regarding a sign permit for 401 College Street – Gina Whitley.

Ms. Gina Whitley was present and advised that she wanted to add an additional sign for more exposure and visibility by her customers. Ms. Whitley said that this will be in addition to the current sign that is on the brick outside her business. Ms. Whitley stated that her landlord, Mr. Barnes had signed the application form, showing that he was in approval of her signage. Ms. Whitley advised that the sign would be attached to the structure above the entry and the span was eight feet wide. Ms. Whitley stated that she did not want a hanging sign, for fear that it would be too low for the customers. Ms. Whitley stated that the colors of the sign would be the same as the first sign, burgundy red and gold, with the same format, just a different style of sign.



Jeffrey Waddell moved to approve the sign for 401 College Street as presented by Ms. Whitley. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

6. Consideration/take action regarding building to be moved from 20998 Eva Street – Sonja Spottswood.

Mr. Yates advised that Ms. Spottswood would be moving the house outside the City and said that the barber shop had no historic significance.

William Simpson asked if they would be disconnecting and capping off the utilities. Mr. Yates advised that they would have to get a permit and take care of that in a timely manner.

Jeffrey Waddell asked that the smoothing include all man made materials being removed from the area.

Jeffrey Waddell moved to approve the building at 20998 Eva Street being removed with the stipulation that the foundation be removed and the ground smoothed down completely and all manmade materials and debris shall be removed from the area. William Simpson seconded the motion, the motion carried unanimously. (5-0)

7. Consideration/take action regarding a building permit for 304 John A. Butler Street – Joe Shockley.

Mr. Shockley advised that the building inspector had advised that he would need to add exit signs, fire extinguishers, and the upstairs portion of the building could only be used for storage. Mr. Shockley advised that the Fire Marshal would be coming tomorrow to check his other buildings. Mr. Shockley said that in hindsight it would have been cheaper for him to tear down his old building and build a new one. Mr. Shockley stated that they did need to look at the drainage for the property because it has gotten worse.

Mr. Shockley stated that the building has already been rented to a business that sells bottled water.

After discussion, Arnette Easley moved to approve the building permit for 304 John A. Butler Street. William Simpson seconded the motion.

Discussion: Mr. Yates asked if they wanted to include the same condition that they had in the past, requiring the narrow lattice skirting and to be painted to match the building. Mr. Shockley said that he would meet the conditions.

Arnette Easley and William Simpson agreed to amend the motion to include the conditions discussed. The motion carried unanimously. (5-0)

8. Presentation of development plans of Anchored Properties, for McInnis Lane Tract – Blaine and Crystal Ward.

Mr. and Mrs. Ward presented their development information to the Commission advising that the property is currently zoned as residential and they are proposing that the property be developed into a RV Park, which would require a zoning change to commercial. Mr. Ward advised that they are considering a Texas shaped pond and other provisions because  $\frac{3}{4}$  of the property is in the flood plain and some is located in the floodway. Mr. Ward advised that there is a drainage issue on the street that he would like to work with the City to get ditches along that street. Mr. Ward advised that they would clean up the property once they have purchased it.

William Simpson asked if each lot would be required to have a meter. Mr. Roznovsky stated that they could have a master meter in the front with separate connections for each lot. Mr. Roznovsky advised that they would need controls for the dump site; if not, it will require a separate meter.

Mr. Roznovsky advised that any fill that is brought onto the property will need to be select fill, with nothing being located in the flood plain. Mr. Roznovsky said that anything that is taken away from the floodway has to be replaced.

Mr. Ward said that they are looking at purchasing more property for another exit to the property. Mr. Ward advised that the property can be rented for short or long term stay.

Carol Langley asked if the property came around to the MLK property. Mr. Ward advised that part of the property would go straight across. Carol Langley advised that the property has always been known as swamp land, so she would recommend that the Wards give real consideration if they have not already purchased the property. Carol Langley asked if the property was between the Ward's property and McInnis. Mr. Ward said that the City owns the property and he would work with the City to extend the road. Arnette Easley said that there were five residents on that street.

Mr. Ward advised that there were a lot of trees that have fallen into the creek and they are causing the water to back up and not flow properly. Mr. Roznovsky said that south of MLK to FM 149 they are cleaning out Anders Branch and putting in more capacity culverts at MLK, where the current ones act as a restrictor. Mr. Roznovsky said that the General Land Office (GLO) funds were going to be used to upsize the MLK culvert. William Simpson said that any improvements will help the water problem in the City.

Mr. Roznovsky asked for the Commission's thoughts on the concept of having an RV Park in the area, and if they had any concerns. Mr. Roznovsky said that there would be a presentation to City Council in the future. Arnette Easley asked if they will have to upgrade the sewer with this development. Mr. Roznovsky said that the current facilities should be just fine. Mr. Ward advised that they would have a minimum of 40 spots in the RV Park. Mr. Ward advised that there is a 14-foot drop on the west side, and they would possibly ask the person next to them if they could purchase an easement at the south point. Mr. Roznovsky said that was an option.



Arnette Easley said that they need to consider another entrance if they plan on doing upgrades. Mrs. Ward said that they are considering an option of putting a bridge over the floodway. Mr. Roznovsky said they would have to show that the bridge did not cause any problem. Arnett Easley said that the churches with the fellowship were working on beautification of the area, and that would be a great project for the Wards to get acclimated with the area.

Jeffrey Waddell recommended taking a hard look at the property because there might be some unknowns. Arnette Easley said that he would be worried about the property flooding. Mr. Ward said that he has talked to the owners of the property about getting an easement.

Mr. Yates asked if the Wards had worked with a civil engineer, because the cost of the pond could run from tens of thousands of dollars to \$100,000, and would be a very expensive project. Mr. Ward stated that the impact fees were very expensive too.

Mr. Roznovsky asked whether the Commission was good with the concept of the RV Park. Arnette Easley said that he was good with any type of improvement. Jeffrey Waddell said that he did not know how full the KOA gets. Mr. Ward said that the people with RV's are trying to find places to live.

## 9. Adjournment

Jeffrey Waddell moved to adjourn the meeting at 7:03 p.m. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

Submitted by:  Date approved: 05/29/18  
Susan Hensley, City Secretary



  
Chairman Nelson Cox