MONTGOMERY PLANNING AND ZONING COMMISSION AGENDA PUBLIC HEARING AND REGULAR MEETING OF MONDAY, APRIL 23, 2018, 6:00 P.M. CITY HALL COUNCIL CHAMBERS 101 OLD PLANTERSVILLE ROAD, MONTGOMERY, TEXAS.

CALL TO ORDER

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.

- 1. <u>Public Hearing</u> 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
- 2. Consideration/take action regarding March 26, 2018 minutes
- 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
- 4. Consideration take action regarding sign permit for 301 Prairie St. Amy Brown
- 5. Consideration and take action regarding a sign permit for 401 College Street Gina Whitley
- Consideration take action regarding building to be moved from 20998 Eva Street – Sonja Spottswood
- 7. Consider and take action regarding building permit for 304 John A. Butler Street Joe Shockley
- 8. Presentation of development plans of Anchored Properties, for McInnis Lane Tract --Blaine and Crystal Ward

9. Adjournment

Jack Yates, City Administrator

Posted April 20, 2018 at _____p.m. 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.

Meeting Date: April 23, 2018	Budgeted Amount:
	Exhibits: Map
Prepared By: Jack Yates City Administrator	
Date Prepared: April 19, 2018	

Subject

This is the first public hearing regarding the zoning of a 3.22 acre tract of land owned by Peter Hill.

Description

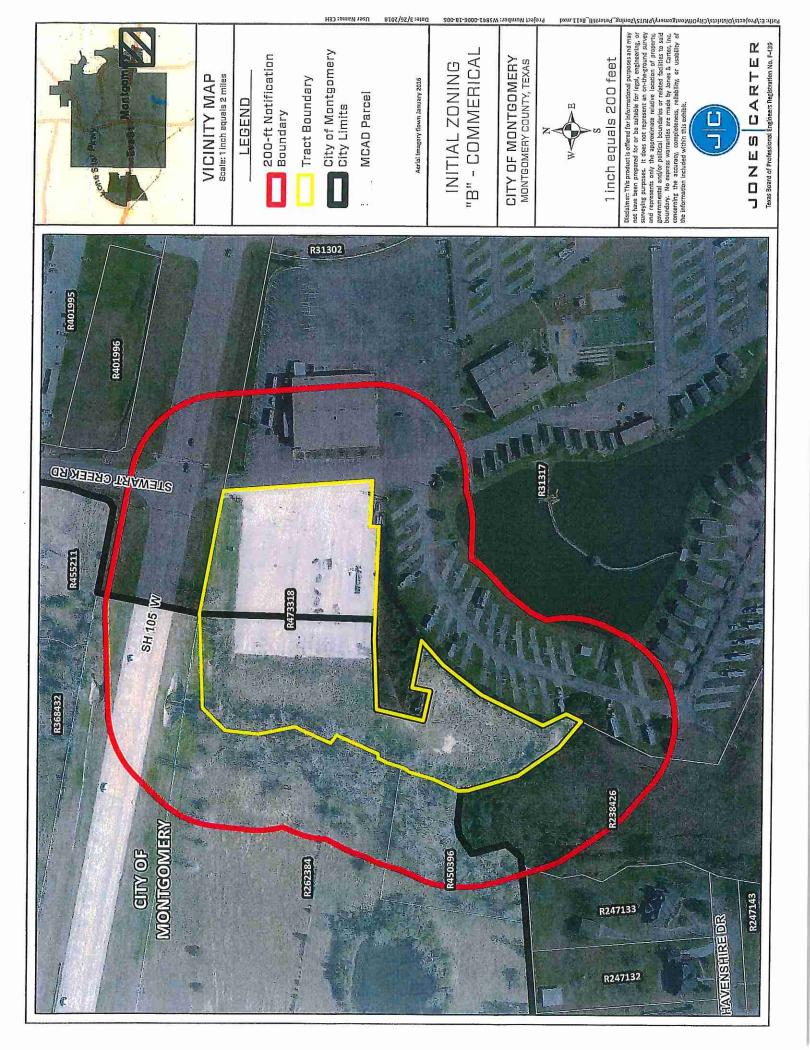
This is a public hearing for the public to speak.

Recommendation

Listen to any comments, consider accordingly

Ap	pro	ved	$\mathbf{B}\mathbf{v}$

City Administrator	Jack Yates	Date: April 19, 2018



NOTICE OF PUBLIC HEARINGS

- The City of Montgomery Planning and Zoning Commission will conduct a Public Hearings at 6:00 p.m. on the 23rd day of April, 2018 at the City of Montgomery City Hall, 101 Old Plantersville Road, in Montgomery, Texas in the City Council Chambers for the purpose of giving all interested persons the right to appear and be heard regarding the following:
 - a. A request to zone the 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; and
 - b. Prepare a Final Report to be submitted to City Council on April 24, 2018.
- 2. The City of Montgomery City Council, upon receiving the Final Report from the Planning and Zoning Commission, will conduct a Public Hearing at 6:00 p.m. on the 24th day of April, 2018 at the City of Montgomery City Hall, 101 Old Plantersville Road, in Montgomery, Texas in the City Council Chambers for the purpose of giving all interested persons the right to appear and be heard regarding the following:
 - a. 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

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

For reference only, not for publication:

Publication dates: April 2nd and April 9th

MINUTES OF REGULAR MEETING

March 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, 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.

There were no citizen's comments made.

1. Consideration/take action regarding February 26, 2018 minutes and March 5, 2018 minutes.

Carol Langley moved to accept the minutes of February 26, 2018 and March 5, 2018, as presented. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

2. Consideration/take action to schedule a public hearing regarding the initial zoning of newly annexed 3.22 acres (property located south of SH 105 across from Stewart Creek Road)

known as the Peter Hill property, to be zoned as District "B" Commercial, to be held on April 23, 2018 at City Hall at 6:00 p.m. in the Council Chambers.

Mr. Yates advised this was to call a public hearing regarding the zoning of the Peter Hill tract, which was annexed by City Council during their February 27, 2018 Meeting. Mr. Yates advised that the property was located directly south of Pizza Shack, immediately west of the KOA driveway on SH 105. Mr. Yates advised that part of the property was located in the City of Conroe's ETJ and the other part is in the City. Mr. Yates stated that the zoning would be for the portion of the property that is located inside the City.

Jeffrey Waddell moved to schedule the Public Hearing to be held on April 23, 2018 at 6 p.m. at City Hall. William Simpson seconded the motion, the motion carried unanimously. (5-0)

3. Consideration/take action and possible action regarding Samdana Investments, L.P. variance requests regarding the front building line, along SH 105, from 35 feet to 25 feet, and the rear building line from 15 feet to 10 feet along John A. Butler, all within the property bounded by John A. Butler Street to the north and SH 105 to the south and Prairie Street to the East located at 20998 Eva Street, Montgomery, Texas.

Mr. Yates advised that City Council has referred this variance back to the Planning and Zoning Commission following a discussion held during their March 13, 2018 Meeting. Mr. Yates advised that it was turned back to the Commission because City Council had more information that the Commission had at their meeting. Mr. Yates stated that at the Commission's February 26, 2018 meeting he did not accurately tell them about the driveway width situation on the subject property.

Mr. Yates said that since the City Council Meeting he has met with the applicant, Mr. Chen, and he measured the site and drove vehicles in and out of the of the existing driveway entrance off of SH 105. Mr. Yates stated that he felt that the variance was feasible and practical. Mr. Yates stated that Mr. Chen should not amend the existing driveway width.

Mr. Roznovsky advised that if Mr. Chen amended the width of his driveway, it would have to go through TxDOT approval.

Carol Langley stated that she has been going in and out of that driveway for years, and she has never had a problem, but evidently City Council saw where the drive was going to be reduced down instead of enlarged. Mr. Yates said that City Council seemed alright about the driveway, but they wanted to send the information back to the Commission because he thought that the driveway was between the two properties but it is not, it is located solely on Mr. Chen's property.

Carol Langley said that she can still enter the property from John A. Butler Street. Mr. Yates said that was correct, Mr. Chen is going to be adding an entrance at that location. Carol Langley asked if she could still get in and out on McCown Street. Mr. Yates said that was correct, Mr. Chen has an agreement with the adjacent property owner. William Simpson said that at 7 a.m. the traffic is backed up. Carol Langley said that traffic is backed up all over town at that time of the day.

Mr. Roznovsky advised that the concern that City Council had was regarding the driveway and having two-way access between the building and SH 105 to get through, so that has been revised. Mr. Roznovsky said that with the limitations and size of the site, it is not an ideal scenario. Chairman Cox asked if the drawings and information will be presented to City Council tomorrow night. Mr. Roznovsky said that they would be providing the information and photos at the meeting for clarification.

William Simpson said that the one concern that he has, which he has had for a while, is Mr. Chen has purchased the property knowing the hardships and the boundaries. William Simpson asked how long the agreement with the adjacent property owner would last. Mr. Roznovsky said that it would go in perpetuity. Carol Langley stated that Ruthie Grace did not have any problems with the other shops. William Simpson stated that the pool place did not have constant customers all day long. Mr. Yates said that during rush hour customers could go down John A. Butler to FM 149. Chairman Cox said that he felt the

drawings of the property answered a lot of the questions. Jeffrey Waddell said that this will be an improvement to the area, and said the buildings that are there now are not set back anywhere near what is required.

Carol Langley moved to approve the variance request on the front building line, along SH 105, from 35 feet to 25 feet, and the rear building line from 15 feet to 10 feet along John A. Butler, all within the property. Jeffrey Waddell seconded the motion.

<u>Discussion</u>: Chairman Cox recommended that the drawings be forwarded to City Council for clarification.

The motion carried unanimously. (5-0)

4. <u>Consideration/take action regarding Madsen and Richards, LLC variance request regarding the rear building line from 15 feet to 5.8 feet and Vegetative Setback from 15 feet to 5.8 feet at 610 Liberty Street.</u>

Mr. Yates stated that this variance involve a building permit improperly issued, funds expended by the builder based upon the improperly issued permit, an attempt by the City Administrator to correct actions to prevent suit against the City, while also attempting to follow the proper procedure. Mr. Yates advised that on December 4, 2017 Mr. Madsen received a building permit signed by Autumn Redman, Utility Development Clerk, who did not have authority to sign the permit. Mr. Yates stated that the building plan review had not occurred, nor had the City Engineer been notified. Mr. Yates stated that on January 8, 2018 Mr. Madsen called for water service and the Director of Public Works, Mike Muckleroy, was notified. Mr. Muckleroy advised that he did not know of the project being reviewed by the City Engineer.

Mr. Madsen was advised of the lack of approval for the project, and was advised that he could not proceed with construction. Mr. Yates said that he was out of the office on the

day that this occurred, but he was called, so he advised them to not let Mr. Madsen pour the concrete that day and he would work on it the next morning.

Mr. Yates said that he met with Mr. Madsen on January 9, 2018, and after meeting with Mr. Madsen, Mr. Roznovsky and Mr. Rick Hanna, Building Inspector, he wrote the January 9, 2018 memo to Mr. Madsen notifying him what he would be required to do and authorizing the concrete to be poured.

Mr. Yates said that his thought process was to not get the City sued by Mr. Madsen, while also wanting to hold to the City ordinances, which he believed he had done except for the rear building setback. Mr. Yates said that because of the location of the building, the rear of the building is adjacent to the pond that was put in by the Heritage Apartments, and because of the height of the building in the rear, and all there is, is air. Mr. Yates said that regarding the required vegetation barrier between commercial property and residential property, he admitted that he had given it no thought because of the distance of 1,000 feet between the apartments and Mr. Madsen's building.

Mr. Yates said that Mr. Madsen has complied with every stipulation in the January 9, 2018 memo and with all other requests made of him.

Mr. Yates said that the reason for the variance is because the City Engineer, in reviewing the site plan, pointed out the lack of the 15-foot rear yard setback and no vegetation barrier. Mr. Yates said that last Thursday he spoke to Mr. Madsen who has agreed to plant bushes or whatever could grow in the five foot eight inch area in the rear of the building. Mr. Yates said that Mr. Madsen is requesting, and he feels he deserves, a variance for the rear yard from 15 feet to 5.8 feet.

Jeffrey Waddell said that the vegetation setback was a concern, with the red clay, he did not feel that a true hedge could be grown in that hard packed clay. Jeffrey Waddell said that possibly if the soil was built up with some top soil, but that is another subject.

Mr. Madsen advised that there are trees at that location and they have not removed any vegetation. Mr. Madsen stated that they are doing the process backwards because they thought that they were told they were ready to proceed and said that if they had known about the due diligence when they were developing this building, they would have been able to address these things, but they did not have an opportunity to address them. Mr. Madsen said that he was thinking about leaving the trees there, and said that they had a professional landscaper bid this project. Mr. Madsen said that they want to bring it back down some and put in a nice French drain, because this is a sweep off type drainage plan that they have designed. Mr. Madsen said that they will not be touching the retention pond whatsoever, because the property naturally slopes to the creek and it will continue to slope. Mr. Madsen said that instead of putting in sod, they want to put in crush rock, that way they will not have erosion problems, with a vented drain on the other end. Mr. Madsen said that they will also have a weed barrier so there won't be weeds growing. Mr. Madsen advised that on the sides of the building, to keep with the property, they are going to install a full sprinkler system with sod and they thought about adding some more plants on the property.

Mr. Madsen said that he had met with Mr. Yates to discuss the project prior to purchasing the property, then they turned in the plans before Thanksgiving. Mr. Madsen said that they were ready to start building, and then they came across this situation. Mr. Madsen said that Mr. Roznovsky has been great with to deal with. Mr. Madsen said that they hired Bleyl Engineering to do their civil engineering. Mr. Yates said that they also did the Escrow Agreement. Mr. Madsen said that they have not removed any trees, so they have good trees on the back of the property that have been there for years. Mr. Madsen advised that they have shown how they will drain the property and they have worked out the utilities with Mr. Muckleroy regarding the taps and the water meter. Mr. Madsen said that they have everything ready to go and have done everything that Mr. Yates has asked them to do. Mr. Madsen stated that they are not allowing any automotive or corrosive chemicals by the tenants that might contaminate the natural ditch. Mr. Madsen advised that the Fire Marshal has given his complete blessing. Mr. Madsen advised that he felt the property will

be pleasing to the community and will provide a more affordable location for smaller businesses on SH 105 to come out and generate business in the City.

Mr. Madsen said that they had everything ready for the plumbing rough in, which was when they found out something was amiss. Mr. Madsen said that he wanted to say that the City of Montgomery has been great; Mr. Yates jumped right on this and Ms. Hensley helped him get through things and got the Escrow Agreement taken care of.

Mr. Madsen said that this has set him back \$20,000, and they are not asking for anything; they have learned and they want to move on and get the building going and fully functional. Mr. Madsen said that everything has been applied for and is ready to go. Mr. Madsen said the only thing that he is requesting, is that they get an expedition from the City Engineer so they can expedite the process.

Mr. Roznovsky said that the plat has been submitted and they are waiting on the variance; they have addressed all the comments and questions, and their engineer will get that fixed. Jeffrey Waddell said that he agreed that the distance of the pond really helps the matter, and asked if the fence was on the property line. Mr. Madsen said that was actually the other property owner's line; his is about a foot off of their property line.

Chairman Cox asked Mr. Madsen to attend the City Council Meeting tomorrow night. Mr. Madsen advised that he would be attending the meeting.

Arnette Easley moved to accept the variance request from Madsen and Richards, LLC regarding the rear building line from 15 feet to 5.8 feet and Vegetative Setback from 15 feet to 5.8 feet at 610 Liberty Street. Jeffrey Waddell seconded the motion, the motion carried unanimously. (5-0)

5. Consideration/take action regarding Electronic Message Display sign ordinance.

Mr. Yates stated that this item was to make sure that the Commission was prepared to recommend that ordinance to City Council for adoption. Mr. Yates said that the only

change that was made to the ordinance was regarding Section 66-53D (4) and changing footcandles to Lux, and the 700 Lux is the recommendation. Mr. Yates said that the reason that he used 700 Lux was because he felt that the Pizza Shack sign, which was the closest reading, at 690 Lux, was not so bright as to cause a distraction to a driver. Mr. Yates said that they could go up to 1,000 Lux and still not be a hindrance to the driver, and said that 700 Lux was on the conservative side.

Mr. Yates said that he wrote one letter to Affordable LEDs, which is an electronic sign company in Willis, but he had not received any response from them.

Mr. Yates said that the ordinance adds some definitions for "dissolve, fade, frame, frame effects, scroll and transition" to the existing sign ordinance. Mr. Yates said that 66-53 is a new section to the ordinance, that states that electronic sign message display boards may be permitted in the commercial and industrial zoning districts, subject to requirements. Mr. Yates advised that the City Attorney has reviewed the Ordinance. Chairman Cox asked if the City Attorney had any comments. Mr. Yates advised that he did not have any comments.

Mr. Yates said that he felt that the ordinance was something that could be easily administered, and staff will be able to measure the Lux of the sign with the indicator from one foot away. Mr. Yates said that the definitions will also describe the signs appropriately. William Simpson asked, after the signs have been installed, are they able to adjust the signs. Mr. Yates said yes, the signs can be adjusted. Mr. Yates said that he will attach the ordinance to the permit before the person ever gets the permit. Mr. Yates said that Brookshire Bros. was able to adjust their sign when he advised them that it was too bright.

Chairman Cox asked about the piece of equipment, indicator that you test the lights with, is it something that the City owns or will they have to lease one. Mr. Yates said that they can borrow one from Mr. Solomon or they can purchase one for \$200. Jeffrey Waddell said that Mr. Yates had mentioned that Mr. Muckleroy tested one sign, and asked if they

would continue to have Public Works test the signs. Mr. Yates said that either they would or the Code Enforcement Officer, Tim Bauer, could do that.

After discussion, William Simpson moved to approve to pass the Electronic Message Display Sign Ordinance to City Council. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

William Simpson had a question regarding Agenda Item #4, and asked when the building permit was issued how they were not required to ask for a variance for that building being 5.8 feet off before it was built. Mr. Yates said that it was because he approved the permit because of the distance between the apartments and the property. William Simpson said that the property line is not the apartments. William Simpson said that they have ordinances in the City, and people know that they have requirements, so the first thing they do is come in and ask for a variance, if they need it. William Simpson asked why they were having to go through all this if the approval was going to be automatically given to them. Mr. Yates said that the building permit was issued improperly. Jeffrey Waddell said that their main concern in this particular case is that this could have been a lot worse, and they do not want to see it happen again with the permits, because it is hard to understand how that could happen. Mr. Yates said that this person knew better, and she had never approved a building permit before and certainly has not since. Mr. Yates said that he asked the employee what she was thinking, and she said that she guessed she was not thinking. Jeffrey Waddell said that with all the permits that the City has, they all have to be approved before a plumbing permit is issued, which is the big concern as to why this happened. Carol Langley asked whether the plans never actually went to the City Engineer until after the permit had been issued. Mr. Yates said that was correct. Jeffrey Waddell said that even Rick Hanna had not looked at the plans. Mr. Yates said that he did not know how Rick Hanna had approved the plumbing, unless he was going off of the building permit being issued, but how could he inspect it without the plans. Mr. Yates said that was one of the first things that he had done, was to send the plans to Rick Hanna for review. Mr. Yates said that when he spoke to Rick Hanna on Tuesday, and he had approved the plans at 1:00 p.m. that afternoon. Carol Langley said that they probably had a set of plans on the site.

Carol Langley said that in the past Rick Hanna would look at the plans that the client had on site, but they were always stamped with the approval and she felt like one thing just led to another, with the first step being wrong and it just continued on.

6. Adjournment

Carol Langley moved to adjourn the meeting at 7:10 p.m. Jeffrey Waddell seconded the motion, the motion carried unanimously. (5-0)

Submitted by: Well Date approved:
Suşan Hensley, City Secretary
Chairman Nelson Cox

Meeting Date: April 23, 2018	Budgeted Amount:	
	Exhibits:	
Prepared By: Jack Yates City Administrator		
Date Prepared: April 20, 2018		

Subject

This is consideration of a recommendation/report to the City Council regarding the Peter Hill zoning ordinance that will be considered by the City Council at its May 9th meeting

Description

This is to receive the report of the consideration of the Planning Commission regarding the subject

Recommendation

No action needed to accept the report.

Approved By

City Administrator	Jack Yates	Date: April 20, 2018

Meeting Date: April 23, 2018	Budgeted Amount:
	Exhibits: Sign permit, Pictures of sign,
Prepared By: Jack Yates City Administrator	
Date Prepared: April 20, 2018	

Subject

This is to approve placement of a sign at 301 Prairie Street at Montgomery Quilt Company

Description

The attached information shows a professional sign, its design seems fitting for the downtown historical area, is not overly large and overall appropriate--- in my opinion.

Recommendation

Approve the sign permit as submitted.

Approved By

City Administrator	Jack Yates	Date: April 20, 2018



Sign Permit Application Public Works and

Public Works and Community Development Department City of Montgomery, Texas 101 Old Plantersville Road Montgomery, Texas 77356 www.montgomerytexas.gov

* SIGN PERMIT APPLICATION EXPIRES IN 6 MONTHS (180 DAYS) NON-TRANSFERABLE*

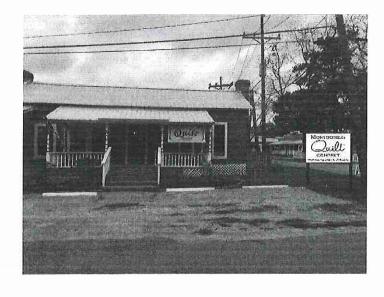
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Pre-Existing OR New Sign?	Pre-Existing ☐ New ☑		Date) :			
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OFFICE USE ONLY							
APPROVED BY:			TOT	AL FEE:	\$	3	
COMMENTS:							

MONTGOMERY



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BLACK LETTERS WHITE BACK GROUND





Meeting Date: April 23, 2018	Budgeted Amount:
Prepared By: Jack Yates	Exhibits: Sign permit, Pictures of sign,
City Administrator Date Prepared: April 20, 2018	

Subject

This is to approve placement of a sign at 401 College Street at Whitley Vineyards Wine Bar

Description

The attached information shows a professional sign, its design seems fitting for the downtown historical area, is not overly large and overall appropriate--- in my opinion.

Recommendation

Approve the sign permit as submitted.

Approved By

City Administrator	Jack Yates	Date: April 20, 2018



Sign Permit Application

Public Works and Community Development Department City of Montgomery, Texas 101 Old Plantersville Road Montgomery, Texas 77356 www.montgomerytexas.gov

* SIGN PERMIT APPLICATION EXPIRES IN 6 MONTHS (180 DAYS) NON-TRANSFERABLE*

TEMPORARY SIGN?	YES□ NO□	Permit #: 5	041814	1910		
PERMANENT SIGN?	YES⊠ NO□		- 1101	114		
Pre-Existing OR New Sign?	Pre-Existing □ New 🗷	Date: 4	3 201	8		
JOB ADDRESS: 401 College Street, Ste. 150 BUSINESS NAME: Wortgomery, TX 77356 BUSINESS OWNER: MAILING ADDRESS: MAILING ADDRESS: MAILING ADDRESS: TELEPHONE: APPLICANT: MAILING ADDRESS: TELEPHONE: TELEPHONE: MAILING ADDRESS: TELEPHONE: TELEPHONE: TELEPHONE: MAILING ADDRESS: TELEPHONE: TELEPHONE: SIGN PLACEMENT: SIGN PLACEMENT: About Entry door on porch roof (facing Fm 1349) SIGN DESIGN & COLOR SCHEME:						
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type of work will be complied with	I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of law and ordinances governing this type of work will be complied with whether or not specified herein. The granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local law office regulating construction or the performance of construction.					
NAME of Property Owner or Agent: NAME OF Property Owner or Agent: NAME OF Property Owner or Agent:						
OFFICE USE ONLY						
APPROVED BY: COMMENTS:	Josh Yda	TOTAL FEE:	\$	50.00)	
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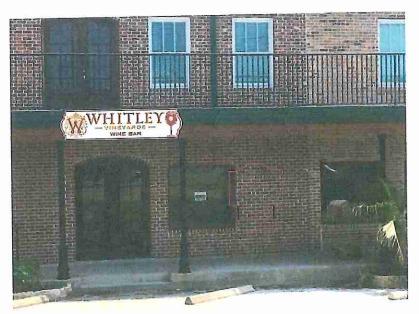


READ PROOF CAREFULLY

Please review the layout(s) below and advise whether approved or changes for production. Please reply via this email noting order is approved or noting any changes.









Date: 1/29/18
Order number: 18-3 0019
Quanity: 1
Stock: aluminum
Ink: full color
Size: 2ft x 8ft
Sign cost: \$225.00
Graphics/Setup: \$40.00
Installation: \$100.00 (if needed)
Total: \$365.00 plus tax

YOU MUST CHECK THE FOLLOWING:

☐ Proof APPROVED as is
☐ OK with changes

□ NEW Proof needed

WORDING - SPELLING: Is everything spelled correctly? Check all names and words.

LAYOUT: Do all components correlate to each other?

SIZE: Check the size noted on the drawing.

Changes may have been necessary to meet the size requirements.

*ONCE APPROVED, YOU ARE RESPONSIBLE FOR 1/2 OF THE REMAKE COST SHOULD ANY ERRORS BE FOUND AFTER PRODUCTION BEGINS. NO EXCEPTIONS. www.jkgraphicsinc.com 281-351-1111 (Tomball 249) 832-559-8697 (Tomball Kobs) 936-447-1869 (Montgomery) 281-356-2167 (Magnolia)



Meeting Date: April 23, 2018	Budgeted Amount:		
	Exhibits: Building moving permit Application, Picture of building to be Moved		
D. I.D., Inda Votes	P.C. minutes of 9-25 meeting		
Prepared By: Jack Yates City Administrator			
Date Prepared: April 20, 2018			

Subject

This is to approve the moving/removal of a building at 20998 Eva St., most recently used as the Montgomery Barbershop.

Description

This is a request to move an existing building. This is the tan building remaining on the corner property, after your approval of another building on this site at your September 25, 2017 meeting. This building is being moved in anticipation of a donut shop to be placed on the site.

Ms. Spottswood, the applicant, has bought the building and desires to move on to another location outside the city. She said her intention is to remove the building from the property and to smooth out the land following the removal.

The Historic Preservation Ordinance requires Planning Commission consideration and City Council approval before the removal or demolition of any building inside the Historic District.

Recommendation

Approve the sign permit as submitted.

Montgomery City Council AGENDA REPORT

Approved By		
City Administrator	Jack Yates	Date: April 20, 2018

CITY OF MONTGOMERY

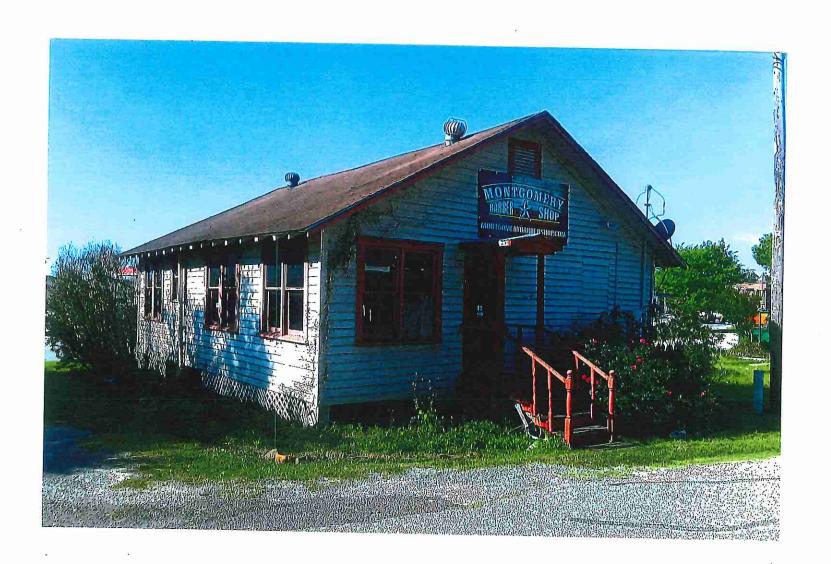
P.O. BOX 708 MONTGOMERY, TX 77356 PHONE: 936-597-6434 Permits@ci.montgomery.tx.us www.montgomerytexas.gov

CONSTRUCTION/DEMO PERMIT APPLICATION

For the erection of buildings, accessories, repairs, demolition, moving, etc.

Expires In 6 months (180 days) Non-Transferable

DATE OF APPROVAL-PERMIT NUMBER: 07/80009 Owner Phone #:(232 - 692 -Cont. Phone #:(2/2) Contractor Mailing Address: Job Site Address: A Residential or Commercial Project: Zoned: BLOCK#: _ | LOT SIZE: BLDG. SIZE (SQ. FT.): Description of work (Including Class & Contruction Types): his building 2'\ to 23929 weeren Rd. VALUE OF TOTAL WORK: \$ \$0 - \$1000 \$60 FLAT FEE \$1,001-\$50,000 \$15.00 FOR FIRST \$1,000 + \$5.00 FOR EACH ADDTL \$1,000 OR FRACTION THEREOF \$50,001 - \$100,000 \$260,00 FOR FIRST \$50,000 + \$4.00 FOR EACH ADDT'L \$1,000 OR FRACTION THEREOF \$100,001 - \$500,000 \$460.00 FOR FIRST \$100,000 + \$3.00 FOR EACH ADDT'L \$1,000 OR FRACTION THEREOF OVER \$500,001 \$1,660.00 FOR FIRST \$500,000 + \$2.00 FOR EACH ADDTL \$1,000 OR FRACTION THEREOF PLAN REVIEW FEE EQUAL TO ONE-HALF OF THE PERMIT FEE WHEN VALUATION EXCEEDS \$70,000.00 NOTICE: SEPARATE PERMITS ARE REQUIRED FOR PUBLIC UTILITIES, ELECTRICAL, PLUMBING, HEATING, VENTILATION, AIR CONDITIONING, GRADING, ALARMS, ROOFING, LANDSCAPING, FIRE SPRINKLERS AND LAWN I hereby certify that I have read and examined this application and know the same to be true & correct. All provisions of law and ordinances governing this Anciety certify that Analysis and accommission and approximation and another an positive of the permit does not previous or an and orometer governing to type of workwill be complied with whether or not specified herein. The granting of this permit does not presume to give authority to violate or causel the provisions of any state or local law office regulating construction of the performance of construction. Name of Applicant: Applicant Signature: POTTS WOO/ OFFICE USE ONLY Plan Review Fee: \$ Accepted By: Permit Fee: \$_ Issued By: PERMIT FEE TOTAL: 5



Ms. Hensley advised that Ms. Billingsly was not present. Carol Langley asked if this was where the Cozy Supper Club had been previously located. Chairman Cox said that was correct.

William Simpson moved to approve the sign permit for 304 Caroline Street.

Jeff Waddell said that normally they see an evaluation and fee on the application. Ms. Hensley advised that she was not involved with this particular item, and said that she would check into it, but said that she was sure that they would add that valuation prior to the permit being issued. Ms. Hensley advised that she would note that information.

Jeff Waddell seconded the motion, the motion carried unanimously. (4-0)

Ms. Hensley advised that she would verify that location information with Mr. Yates.

 Consideration of Demolition/Moving Permit for 21000 Eva Street to remove Building from the City - Sonja Spottswood

Carol Langley asked whether this was the middle building. Ms. Hensley advised that it was next to Ruthie Grace. Jeff Waddell said that the smaller building was Dominion Pool. Ms. Hensley advised that Mr. Yates had stated that this was the tan building located next to Ruthie Grace.

Carol Langley said that they are saying that the building is being removed in anticipation of a donut shop to be placed on the site. Carol Langley said that building would be moved completely out of the City and if a new building would be built there. Ms. Hensley said that she did not have that information, but said that she would imagine that they would have to go through the permit process. William Simpson said that the building being removed is not a historical building, it was just built on historic ground. Carol Langley said that the building was originally moved to that location.

Jeff Waddell said that when the building is removed it states that the ground will be leveled as stated on the application. Ms. Hensley advised that the property owner has stated that they will remove the building and smooth the land upon removal of the building.

William Simpson moved to accept the removal of the building at 21000 Eva Street. Jeff Waddell seconded the motion.

<u>Discussion:</u> Jeff Waddell said that there was concrete put down for the pool company, and asked if they are the people selling the property. William Simpson said that the property has already been purchased. Jeff Waddell said that the owner does not have problem removing if there is plumbing or whatever, that is nothing that the Commission has to get involved with. Jeff Waddell said that he was only asking if, in the past, that was something that was required when there is removal of plumbing, where there could be a safety hazard. Ms. Hensley said that she did not know that answer. Williams Simpson said that if they are going to put a building right back there, they would probably use the same utilities, if it is up to Code. Ms. Hensley said that this would have to go through the permitting process so that would all be covered.

The motion carried unanimously. (4-0)

Carol Langley said that she wanted to make one comment. Carol Langley said that it seemed like the last two or three agendas, the people are not coming before the Commission, and she was wondering if they were telling staff a head of time that they are not coming and asked if staff had any idea if they would be attending the meeting. Ms. Hensley advised that she did not get involved with the Planning and Zoning Commission Agenda, so she would have to check with Mr. Yates. Ms. Hensley advised that usually Mr. Yates advised the people when the meeting is scheduled. Ms. Hensley said that she would mention this to Mr. Yates, that it would be good to have the people present for the meeting. Carol Langley thanked Ms. Hensley.

6. Consideration/take action regarding Lake Creek Village Section Three Final Plat.

Meeting Date: April 23, 2018	Budgeted Amount:
	Exhibits: Building permit, Picture of Building, Minutes from 10-23-17 P. C. meeting
Prepared By: Jack Yates City Administrator	
Date Prepared: April 20, 2018	

Subject

This is to approve placement of a building at 304 John A. Butler Street.

Description

The attached information from Mr. Shockley shows the proposed building that he intends to place at 304 John A. Butler. You may remember that you approved a structure for 304 John A. Butler preciously, but Mr. Shockley wanted to place that structure onto Caroline Street. The relocation opened up the Butler space for this request.

Attached are the minutes of your October 23, 2018 discussion regarding Mr. Shockley's request for a similar building at 304 John A. Butler --- just to remind you what you said/thought about the issue last time and how you approved the building in your motion.

Recommendation

Approve the building permit with the same items mentioned in your previous approval motion.

City Administrator Jack Yates Da	te: April 20, 2018

CITY OF MONTGOMERY

P.O. BOX 708

MONTGOMERY, TX 77356

PHONE: 936-597-6434 |

Permits@ci.montgomery.tx.us

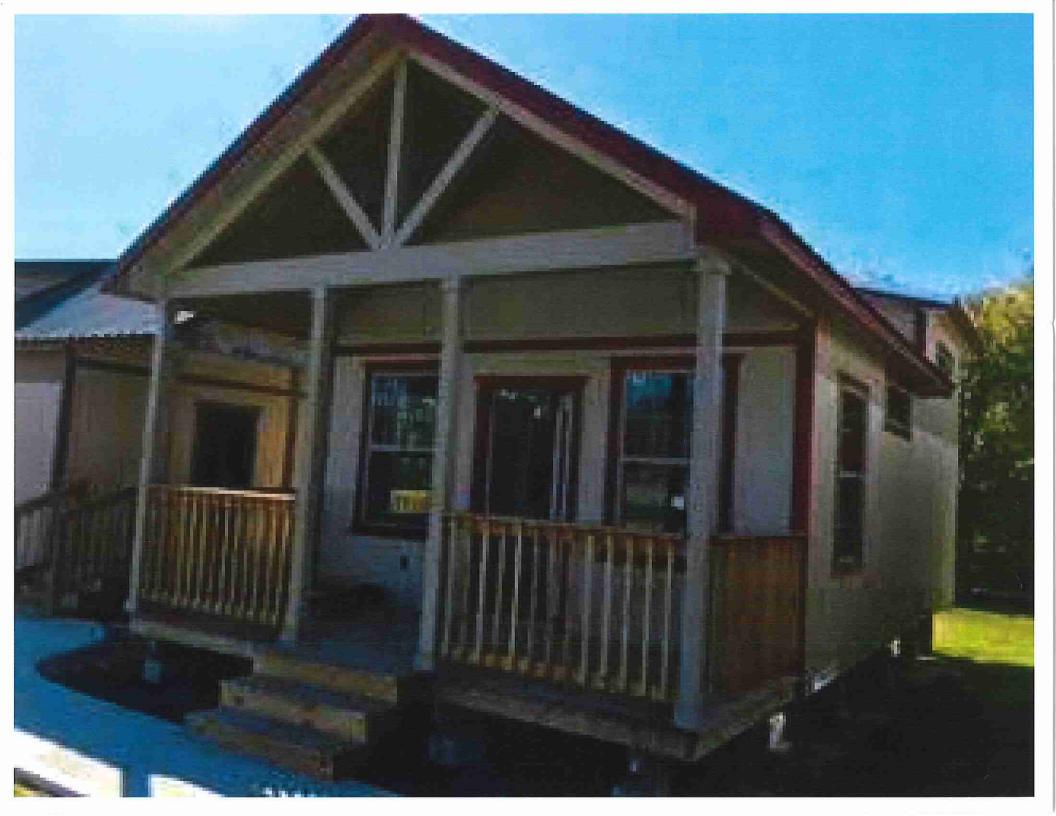
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CONSTRUCTION/DEMO PERMIT APPLICATION
For the erection of buildings, accessories, repairs, demoilition,
moving, etc.

Expires in 6 months (180 days) Non-Transferable

DATE OF APPROVAL PERMIT NUMBER:

Owner: Toe C. Shockley Owner Phone #: (28) 546 5965		
Cont Phone #0776		
Contractor Mailing Address: 13266 FM 1097 W		
City: Willis State: TX Zip: 71318		
Job Site Address: 304 John Butter		
Residential of Commercial Project: Zoned: (+15)		
LOT #: BLOCK# ; LOT SIZE: BLOG. SIZE (SQ. FT.);		
Description of work (Including Class & Contraction Types):		
Deplace existing building w/ new building. New building is 16 XAO, about same size as existing		
VALUE OF TOTAL WORK: \$ \(\square\)		
\$0 - \$1000 \$60 FLAT FEE \$1,001-\$50,000 \$16.00 FOR FIRST \$1,000 + \$5.00 FOR EACH ADDT'L \$1,000 OR FRACTION THEREOF \$100,001 - \$500,001 - \$500,001 \$460,00.FOR FIRST \$500,000 + \$3.00 FOR EACH ADDT'L \$1,000 OR FRACTION THEREOF \$1,600,00 FOR FIRST \$100,000 + \$3.00 FOR EACH ADDT'L \$1,000 OR FRACTION THEREOF \$1,660,00 FOR FIRST \$500,000 + \$2.00 FOR EACH ADDT'L \$1,000 OR FRACTION THEREOF EQUAL TO ONE-HALF OF THE PERMIT FEE WHEN VALUATION EXCEEDS \$70,000.00		
NOTICE: SEPARATE PERMITS ARE REQUIRED FOR PUBLIC UTILITIES, ELECTRICAL, PLUMBING, WEATING, VENTULATION, AIR CONDITIONING, GRADING, ALARMS, ROOFING, LANDSCAPING, FIRE SPRINKLERS AND LAWN SPRINKLERS		
I bereby certify that I have read and examined this application and know the same to be true & correct. All provisions of law and ordinances governing this type of work will be complied with whether or not specified herein. The granting of this permit does not presume to give authority to yielate or cancel the provisions of any state or local law office regulating construction of its performance of construction.		
Name of Applicant: Torc. Shothy Applicant Signature: A ()		
Dian Davidous Press of		
Darmit Proc. 0		
PERMIT FEE TOTAL: 3		



3 Consideration/take action regarding a Building Permit at 304 John A. Butler Street – Joe Shockley.

Chairman Cox asked if the building was going to be located in the same place. Mr. Shockley said that the building will be a little bit longer, but will not be as wide.

William Simpson asked whether the building would be on a slab or pier and beam. Mr. Shockley said that it would be on blocks. Mr. Shockley said that he had advised Mr. Yates that he would skirt or whatever the City wants him to do. Mr. Shockley said that the way the company has the homes displayed is with lattice work around the bottom and looks pretty good. William Simpson asked if the front of the building will sit even with the porch as it is now. Mr. Shockley said that it will be in line with the existing building as it is now. William Simpson asked whether it would be hooked up to the City's utilities. Mr. Shockley said that he has existing water and sewer service with the City to this location, but the other location he would have to get a sewer tap.

Carol Langley asked what the square footage was for the new building. Mr. Shockley said that it was 670 square feet. Jeffrey Waddell said that the longer home would be going in to 304 John A. Butler.

Jeffrey Waddell asked if Mr. Shockley had measured and asked if the longer building was pretty close to the other buildings in the back. Mr. Shockley said that it was not close, and said that the building will be farther away from the other building than the current building and will not touch the other structure. Jeffrey Waddell asked to confirm that the extra depth of the building would not be an issue. Mr. Shockley said that was correct.

Carol Langley asked if the square footage included the porch on the building, because in the zoning ordinance, in the commercial area, it highly recommends about 750 square feet, so she was wondering if that porch could be the extra footage. Mr. Shockley said that he did not know. Carol Langley said that the building that is currently there is not 750 square

feet, but that was before zoning. William Simpson asked if they would need to do a variance for the square footage. Mr. Yates said that he was not sure about the square footage. Carol Langley said that it was in Section 98-155, but it also stated that if the lot was too small to accommodate a 750 square foot structure a smaller structure would be allowed. William Simpson said that they own the entire lot, so there are no setbacks or side yards. Mr. Roznovsky advised that it can be found in Section 98-181. Carol Langley said that she did not want people coming back to the Commission, while she understands that Mr. Shockley owns the entire block and she thought that the building would look nice, and she did not have a problem with it.

Jeffrey Waddell asked if they would have to include the front porch in the square footage. Carol Langley said that she would like to know if the front porch footage was included in the total amount. William Simpson said that he would say that when they build the footprint of those up there it will be 16' x 40', they are not selling the homes by square feet but by the footprint. Jeffrey Waddell said that the square footage of that footprint would be 640 square feet. William Simpson said he did not think that a 750 square foot building would fit on that lot.

Jeffrey Waddell said that when it comes time for Mr. Shockley to do his signage, possibly the sign could also help to keep the historic look. Mr. Shockley said that he would do whatever the City wants him to do. Mr. Shockley said that the homes do have a more historic and country look about them.

William Simpson asked if they needed to have the size of the building in his motion. Mr. Yates said that they just needed to make sure that the discussion of the size of the lot and square footage of the building was included in the minutes. William Simpson said that technically there is probably not a lot there because Mr. Shockley owns the whole block, technically, so the lot is huge. Mr. Shockley said that he would do whatever the City wanted, he just did not want any more insurance problems.

X

After discussion, William Simpson moved to approve the placement of 16' x 40' prefabricated structure, as shown in the documentation, located at 304 John A. Butler Street, with the following requirements: skirting of lattice around the base of the building, paint color scheme to match the downtown area, utility permits and connections and any future signage approval. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

XX

4 Sonsideration/take action regarding a Building Permit at 300 block of Prairie Street – Joe Shockley.

Chairman Cox asked Mr. Shockley if the new building would be the same type of structure. Mr. Shockley said that it would be and it would have a loft. William Simpson said that Mr. Shockley would have to get a City tap for that building. Mr. Shockley said that he would be getting a water and sewer tap. Mr. Yates said that he would also be required to have three paved parking spaces. Mr. Shockley said that he would be paving in front of the blue building, and there was also parking on the side of the business.

William Simpson asked if they would place the building in line with the antique store right there. Mr. Shockley said that was correct.

Jeffrey Waddell moved to approve the building permit for 14' x 34' structure at the 300 block of Prairie Street with the same stipulations as the previous item to include: three parking spaces, skirting of lattice around the base of the building, paint color scheme to match the downtown area, utility permits and connections and any future signage approval. William Simpson seconded the motion, the motion carried unanimously. (4-0)

5. Consideration and possible action regarding approval of Hills of Town Creek Section 3 construction plans conditional upon final comments being addressed.

Mr. Roznovsky advised that most of their comments have been addressed, but the comment that has not been thoroughly addressed is the tree ordinance, specifically the number of 5.

Budgeted Amount:		
Exhibits: Letter from Mr. Ward and wife, Rough draft of proposed development		

Subject

This is to hear a presentation from Blaine Ward for proposed development at the end of McGinnis Lane. Not a formal presentation requiring any action,

Description

The attached information from Mr. Ward. This informal presentation is a result discussion several months ago to in order to speed up the development process and to save the time and possible cost to a developer who asked for guidance in the early stage of their development rather than after they've spent a lot of money on formal engineering and platting cost.

Mr. Ward's property is 5.7 acres and he is debating whether to put an RV park with a minimum of 40 sites, or to develop the property is single-family residential. As you can tell from the on the map he has quite a few floodway issues to consider in the development of the property.

McGinnis Lane is a narrow dead end (off Martin Luther King, Jr. Blvd.) in poor condition that almost certainly would have to be improved and widened by Mr. Ward. Water and sewer lines are present to the end of the Lane but probably not large enough to fulfill Mr. Ward's needs so there would be that cost from MLK to his new development area.

If Mr. Ward were to want to continue on the development the first thing that would happen is to get an Escrow Agreement, then have a planning meeting with him and the City group- meaning engineers, city police department

representatives, other utility com	panies and	city staff to	have a comprehe	nsive
information session.				

Mr. Ward is not an experienced developer but is an entrepreneur who bought the property and is just trying to figure out how to make the most of their investment in the property.

Recommendation

Listen and comment as you think. None of your comments are positions of the city.

Approved By		
City Administrator	Jack Yates	Date: April 20, 2018

Good morning Chris,

Please find our rough draft of the preliminary site plan attached. This is taking into consideration the floodway according to FEMA maps. We do plan to save as many of the mature hard wood trees as possible and we do plan to alter this plan as needed to accommodate this task.

The proposed purpose for the land would be to develop an rv park. It is my understanding that we would need to obtain commercial r2 zoning on the property for this project.

The lot size is around 5.7 acres and we would plan to utilize the entire space. The majority of the property is in the 100 year flood plain so we would like to dig a large pond (3/4 to 1 acre) and use the dirt to build up other areas of the property and control water flow on to the property.

The rv park would have a minimum of 40 sites. Our civil engineer will help us determine exact number of possible rv sites for the final plan. We would also have an office, a laundry facility, restroom and shower facility, park with playground equipment, a dog park, a fountain in the lake and benches and/or picnic areas around the lake.

The roads throughout will be gravel base with an asphalt top. Each rv site will have gravel parking and a green space equal to or greater than the parking area.

We do not currently have a plan to have a store or sell propane but we may add that in the future. As of now there would not be any taxable sales.

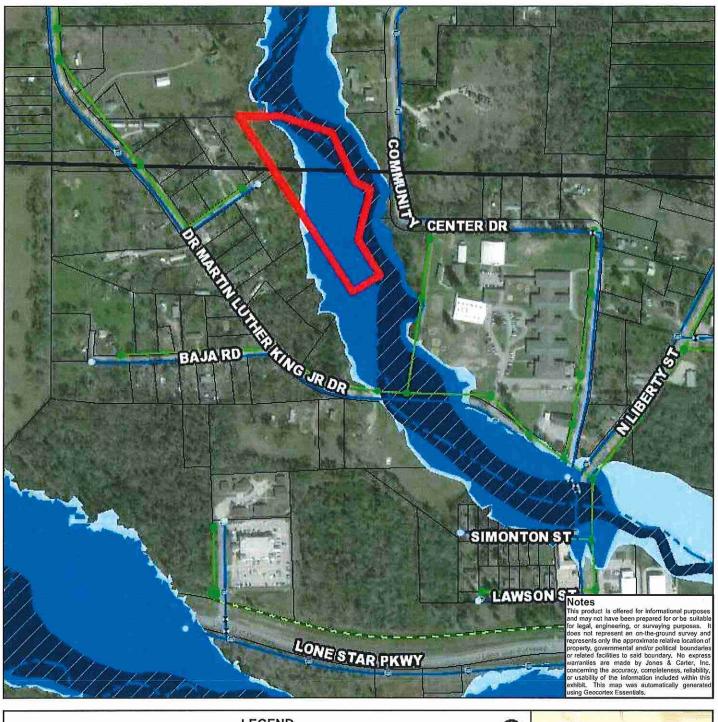
I would speculate the appraised property value would be at least \$500k after development is complete. That would be more than a 1000% increase in taxable value!

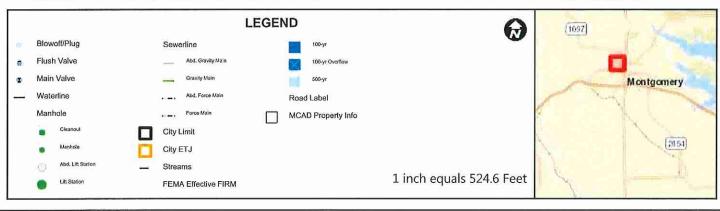
Please let me know if there is anything I missed or if you have any questions or concerns prior to next Monday's meeting.

Thank you, Blaine and Crystal Ward Anchored Properties 832-495-8798

Anchored Properties Tract







Anchored Properties Tract



