

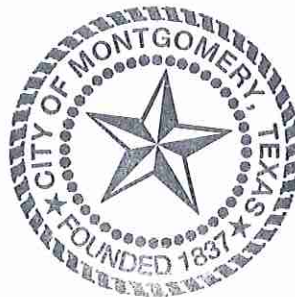
**MONTGOMERY PLANNING AND ZONING COMMISSION AGENDA
REGULAR MEETING OF
MONDAY, MARCH 26, 2018, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS 101 OLD PLANTERSVILLE ROAD,
MONTGOMERY, TEXAS.**

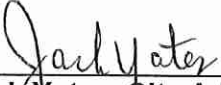
CALL TO ORDER

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. Consideration/take action regarding February 26, 2018 minutes and March 5, 2018 minutes
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
3. Consideration/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 Street, 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
4. 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 St.
5. Consideration/take action regarding Electronic Message Display sign ordinance
6. Adjournment





Jack Yates, City Administrator

Posted March 23, 2018 at 1:30 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.

MINUTES OF SPECIAL MEETING

March 5, 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 and Carol Langley

Absent: William Simpson

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

1. Consideration and possible action regarding approval of building permit for 916 College Street – Gary Hammons.

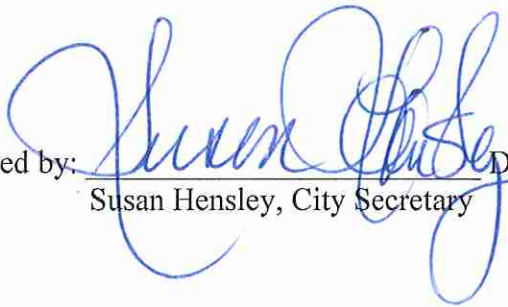
Mr. Hammons was not present for the meeting.

Carol Langley commented that the color of the home appears to be Forest Green with White trim and a shingled roof. Jeffrey Waddell questioned whether there would be any car port or garage and if the driveway would be paved. Mr. Yates said that it was showing crushed gravel with a circular driveway without a garage or car port.

After discussion, Jeffrey Waddell moved to approve the building permit contingent upon further drainage review, since the property is located in the 100 year Flood Plain, by the City Engineer. Arnette Easley seconded the motion, the motion carried unanimously. (4-0)

5. Adjournment

Carol Langley moved to adjourn the meeting at 4:15 p.m. Nelson Cox seconded the motion, the motion carried unanimously. (4-0)

Submitted by:  Date approved: _____
Susan Hensley, City Secretary

Chairman Nelson Cox

MINUTES OF REGULAR MEETING

February 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 and Carol Langley

Absent: William Simpson

Also Present: Jack Yates, City Administrator
Susan Hensley, City Secretary
Katherine Vu, 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 January 22, 2018 minutes and February 5, 2018 minutes.

Jeffrey Waddell commented, for clarification he could not make the February 5, 2018 meeting, and asked about the statement in the minutes regarding the storage building on College Street; it was stated early by Mr. Wagner that the door was going to face south, but then somewhere else it stated that it was going to face College Street. Jeffrey Waddell

said that the door is a metal roll-up door. Mr. Yates advised that the aluminum door for the garage itself will be facing south. Mr. Yates stated that there is a door with a 2x4 at an angle facing the north side, which is College Street. The City Secretary advised that the item was on page 4 of the February 5, 2018 Meeting Minutes, which states “the large folding door facing south” and asked if they needed further clarification on that statement. Jeffrey Waddell said that was fine as long as it is facing south. The City Secretary advised that it does state “barn door will face College Street” but the large folding door will face the south. The City Secretary asked if they preferred the wording “roll-up garage door for clarification.” The City Secretary advised that she would change the description to state “large roll-up garage door” in the sentence. Mr. Yates said that would give a better description for permitting purposes.

Arnette Easley moved to accept the minutes from January 22, 2018 minutes and February 5, 2018 minutes. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

2. Consideration/possible action regarding the approval to cut down two trees at 705 College Street – Erin Windell.

Erin Windell was present for the discussion regarding the removal of the two trees at her residence. Ms. Windell advised that one of the two trees was a pecan tree leaning over her home, and she was not sure of the other tree that was leaning on the fence in the front. Ms. Windell said that one of the pecan tree branches is over her pool and has caused her \$400 in pool repairs because the pecans are falling into the pool and getting into the filter, and is a hazard on the walkways with all the pecans. Ms. Windell did not want to move the fence because it would take it out of alignment with all the other fences, and it is near a power line. Ms. Windell said that they have a lot of large trees on their property. Ms. Windell said that one of the trees is about 3 feet from the side of their house, and the root system is lifting the walkway, and the roots are going into the back deck. Ms. Windell said that she has contacted a tree service and they have come out and looked at the trees, and felt that he would be knowledgeable to remove the trees. Carol Langley asked if the tree

man suggested to remove the tree and not to just trim the tree. Carol Langley said that she was talking about making a “V” in the fence around the tree. Ms. Windell said that there was a sidewalk on the other side of the fence. Carol Langley said that there would be enough room there to do the “V.” Jeffrey Waddell said the tree was pretty much on the sidewalk right now and it would look ridiculous to do the “V” and he did not understand how they could tell someone to do that. Arnette Easley said that tree was there long before they had a tree ordinance and it basically grew into the fence.

Arnette Easley asked if Ms. Windell would be willing to plant another smaller tree, like a Magnolia tree. Ms. Windell said of course. Arnette Easley said that it would be at least in the front. Ms. Windell said that they have a large corner lot on the side by the house where they can plant something as well. Ms. Windell advised that they have three Magnolia trees, one huge oak, and three more pecan trees besides the one that they want to cut down, and they have lots of trees on the property. Jeffrey Waddell said that it definitely sounds like there are safety and maintenance issues with the two trees. Arnette Easley asked if the trees in the front are close to any utility lines. Ms. Windell said that it was, and was a problem when they called Consolidated to come out, and they said that their tree was going to be a problem, because he had a problem getting a cable from the box and had to wind it through the tree. Ms. Windell said they will not be removing the tree stumps completely out, but it will not be visible. Arnette Easley said that they will get growth from the stump.

After discussion, Arnette Easley moved to approve the removal of the two trees at 705 College Street, to include replacement of a 3-inch caliper tree on the property, preferably a hardwood tree. Jeffrey Waddell seconded the motion, the motion carried with 3-Ayes and 1-Nay by Carol Langley. (3-1)

3. Consideration 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 presented the information to the Commission. Mr. Yates said that it looks like there is one entrance from SH 105 onto the property and one entrance on McCown. Mr. Yates advised that this will be located where Dominion Pools was previously located. Mr. Samdana advised that the barbershop building is going to be removed.

Mr. Yates said that he is concerned about the one entrance from SH 105, and how the other person that will be in the Ruthie Grace building will get to their building if they use the Samdana entrance. Mr. Samdana said that they will have two access points, one on the side street, McGowan, and one shared entrance from SH 105 as part of the purchase agreement. Mr. Yates said that McGowan Street could close, which is a possibility in the future as part of the creation of a right hand turn lane on SH 105, so they would not want to give up their SH 105 entrance. Mr. Yates asked about how Mr. Samdana was going to control the access in the drive thru lane, to keep the cars in the lane. Mr. Samdana said that there was no parking where the drive thru lane is.

Carol Langley asked Mr. Yates what his concern was with the SH 105 entrance, because there have been three buildings on that location with that entrance. Mr. Samdana said that their landscaping will go up to their property and an opening for the Ruthie Grace area. Mr. Yates said that the landscaping would have to stay in the plans as a requirement for the variance. Mr. Samdana said that they would put curbing around the landscape area if it was required. Mr. Yates said that he would think it would be necessary, because somebody could drive through the shrubs and then if the landscaping dies, there will be nothing to line the area. Mr. Yates said that his concern was customers getting in and out of the parking lot and not closing off the Ruthie Grace building, but if they will put in curbing or boulders, or some type of permanent divider, to show people where to drive. Mr. Samdana said that they would also have directional signs on the property.

Carol Langley asked to confirm that the property owners would like the setback along SH 105 to be 25 feet instead of the required 35 feet, and from John A. Butler they would like the setback to be 10 feet instead of the required 15 feet. Mr. Yates said that was correct.

Mr. Yates said that there is a ditch along John A. Butler, so that would mean that they could not drive over the ditch, and asked how Mr. Samdana was going to put in his driveway. Mr. Samdana advised that they would have signage to direct people in and a culvert in the ditch. Mr. Yates asked if they would have curbs along the 10-foot driveway from the proposed driveway to the dumpster. Mr. Samdana said that was correct. Mr. Yates advised that the double line from the proposed entry way is a curb that will also be along SH 105. Carol Langley asked how close John A. Butler Street is to be the dark line. Mr. Samdana advised that there was a ditch between those locations. Carol Langley said that was the answer that she needed, they would not be using any of the ditch area for the drive thru driveway. Mr. Samdana advised that they would not be using the ditch or covering up the ditch, and they will put in a culvert for the driveway, as required by the City Engineer. Arnette Easley asked if there were any utility easements on John A. Butler. Katherine Vu, with Jones|Carter advised that there is a sanitary sewer line on the north side of John A. Butler in front of the barbershop, but there is nothing adjacent to that property. Mr. Samdana advised that the agreement that they have with the other property owner states that they are not allowed to block access to the property.

Chairman Cox asked if the engineers were not going to have any problems with the way that this property is set up. Katherine Vu said that the engineers had no issue with the variance request as presented, and said that as a reminder, this is not approval of the plat, they still have to do the full plat and plan review of the site when the time comes.

After discussion, Jeffrey Waddell moved to approve the variance request and allow the request for the front building line from 35 feet to 25 feet, and at the rear from 15 feet to 10 feet, as stated and shown on the preliminary drawing, to include traffic flow markers, with curbing and meeting the landscaping requirements along SH 105, in front of the building, and a copy of the agreement with the adjacent property to be provided to the City. Carol Langley seconded the motion, the motion carried unanimously. (4-0)

4. Consideration/possible action regarding the Replat of Mitchel Corner.

Mr. Yates advised that that the owner wants to create two lots where there is currently only one lot. Mrs. Vu stated that the owner wants to divide the entire property into Reserve A and Reserve B. Carol Langley asked where the new building would be located. Mrs. Vu said that the building is currently on Reserve B. Carol Langley asked if Reserve B would have two buildings located on it. Mr. Yates said that was correct, and it would be just off Plez Morgan. Mrs. Vu advised that Reserve A would have the western existing building located on it, and Reserve B will have what will become the middle building and the new building located on it. Carol Langley asked if the new building would also be a weld company. Mr. Yates said that is correct.

Jeffrey Waddell moved to approve the Mitchell Corner replat as presented. Arnette Easley seconded the motion, the motion carried unanimously. (4-0)

5. Consideration and possible action regarding Electronic Message Display sign ordinance.

Mr. Yates made a presentation to the Commission. Mr. Yates presented a drafted ordinance regarding amending Section 66, which is dealing with signage in the City Code of Ordinances. Mr. Yates said that the ordinance would revise Section 66-1 Definitions replacing “Moving Message Boards” with “Electronic Message Display” and the new definition, which is a more modern definition of a moving message board. Mr. Yates said that there are also additions to the definitions to include, the following terms:

- a) dissolve, which is the way a message changes by dissolving into another message;
- b) fade, which is where the first message gradually reduces and then the next message gradually comes into view;
- c) burst, which is where they have a flash type pattern, and this is addressed later in the ordinance as not being allowed;
- d) frame, which is a complete, static display screen on an electronic message display;
- e) frame effect, which is a visual effect on an electronic message display applied to a single frame to attract the attention of viewers;
- f) scroll, which is a mode of message transition where the message appears to move vertically across the screen; and
- g) transition, which is a visual effect used to change from one message to another.

Mr. Yates said that Section 66-2 is amended to read that signs with flashing, blinking or traveling lights are prohibited, other than lights stated in 66-53 of the Code. Mr. Yates also discussed the timing of the electronic signs, and asked the Commission to think about the timing of the messages.

Mr. Yates said that he also discussed the lighting intensity of the sign, internal and/or external. Mr. Yates said that he met with Brian Solomon, Solomon Electric, this afternoon and he had tried to measure the Brookshire Bros. sign brightness, but said that he could not do that because he went at 6 p.m. and the car and street lights were so bright that he could not get a good reading. Mr. Yates said that he would have to go in the middle of the night, or when there was not so much other lighting. Mr. Yates said that they could put in a requirement that the light could not exceed 0.5 foot-candles if they were ever able to measure the level. Mr. Yates said that Mr. Solomon had loaned him his light meter, so he was going to go in the middle of the night and check the light level. Mr. Yates said that he would have to word that section so that it is easy to understand. Mr. Yates said that he is going to send the information to a local sign business in Willis to get some feedback from them.

Mr. Yates said that he wants to work on the illumination paragraph in the ordinance and to also give the businesses a chance to look at the ordinance for feedback. Mr. Yates said that the signs that are up now would be grandfathered, and the only one that he had to discuss was the Brookshire Bros. sign, and they turned down the frequency and brightness, and said that the 4.5 seconds was close enough to the 5 seconds, so he did not feel he could go back to them to say that it is flashing.

Chairman Cox stated that they had heard from someone that expressed disdain for signs, banners and so on that are popping up. Chairman Cox said that they are going to get some negative responses, so he feels that it is good that they are studying the information and taking their time with the information. Arnette Easley asked about portable signs. Mr. Yates stated that the ordinance prohibits portable electronic signs.

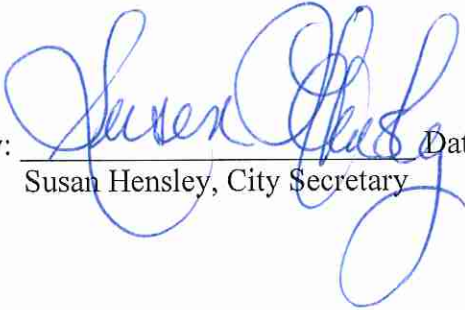
Mr. Yates said that he has been asked about open signs, which he feels is a wall sign or an area of the electronic message display, which can't exceed 1/3 of the entire size of the sign. Jeffrey Waddell stated that overall brightness is going to be the concern versus the size. Jeffrey Waddell said that he thought that 50 percent of the sign for the message would be more reasonable. Arnette Easley said that you could charge them for larger signs. Carol Langley asked about the size of the City's message board and whether it was larger than what Mr. Yates was recommending. Mr. Yates said yes, if they took the entire frame of the sign, the electronic part could only be the bottom half of the sign, and currently the message board is about 2/3 of the sign. Carol Langley asked where Mr. Yates came up with the 1/3 for the message board. Mr. Yates said that he was just being very conservative. Carol Langley asked if Brookshire Bros.'s sign was larger than what Mr. Yates was recommending. Mr. Yates said no, their message board is less than the 1/3 of the entirety of their sign. Carol Langley said that she was okay with the 1/3 ratio. Mr. Yates discussed other signs in the City with the Commission in comparison with the requirements of the new ordinance.

Mr. Yates said that he would provide a few drawings of a monument sign, showing what 30 percent of the sign would be in relation to the size of the entire sign. Jeffrey Waddell said that it was good to educate all of them with the LED signs and the new technology because everything has changed. Jeffrey Waddell said that they want to be within reason, but they also have to understand the new technology. Arnette Easley said that they also have to be open with the growth. Chairman Cox said that before they take any action on this ordinance, he would like the ordinance to be as accurate as it can be before they take it to City Council. Chairman Cox asked if they could review the information again next month. Mr. Yates said that he would send an email to the Commission once he gets some more information on the brightness, along with some drawings on the sizes of the message boards. Mr. Yates said that he will also contact a sign company and get some comments from them. The Commission was in favor of that recommendation.

No action was taken on this item.

6. Adjournment

Jeffrey Waddell moved to adjourn the meeting at 7:20 p.m. Arnette Easley seconded the motion, the motion carried unanimously. (4-0)

Submitted by:  Date approved: _____
Susan Hensley, City Secretary

Chairman Nelson Cox

Montgomery City Council
AGENDA REPORT

Meeting Date: March 26, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: March 6, 2018	

Subject

This is to call the public hearing regarding zoning of the Peter Hill tract.

Description

This is to set a public hearing date for the zoning of the Peter Hill property, annexed by the City Council at its February 27 meeting. The proposed zoning is commercial and the date of the proposed public hearing is June 12th.

The sequence of dates here is:

March 13 -- City Council calls for public hearing on June 12

March 26 -- Planning Commission calls for public hearing on May 28
(following the calling staff time is needed to determine property Owners/addresses, mailings prepared)

April 2 and 9 -- Publish public hearing notice of Planning Commission and City Council in one notice

April 23 --- Planning Commission holds public hearing

April 24 -- City Council holds public hearing.

Recommendation

Move to hold the public hearing regarding the zoning of the Peter Hill tract on April 23rd at 6:00 p.m.

Approved By

City Administrator	Jack Yates	Date: March 6, 2018
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Montgomery City Council
AGENDA REPORT

Meeting Date: March 26, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Letter of request, Sketch site plan, Aerial map showing the property, survey of the entire triangle between McCown and Prairie Street, two alternative building locations drawn by Jack, Four photographs showing vehicles at entrance/exit/in proposed driveway
Date Prepared: March 22, 2018	

Subject

This is to consider a variance request from Samdana Investment L.P. of properties regarding a variance from 35 feet to 25 feet along State Highway 105 and from 15 feet to 10 feet along John A. Butler Street to the north

Description

This variance has been turned back to you from the City Council, following the discussion held at their March 13 meeting. It is turned back to you because they had more information than you have at the time that you recommended approval of the variance at your February 26 meeting.

At your February 26 meeting, I did not accurately tell you about the driveway width situation on the subject property.

Since the City Council meeting and your February 26 meeting, I have met with Mr. Chen, the applicant, gone to the site, and have measured and driven cars into and out of the existing driveway entrance off State Highway 105, and have also driven cars into and out of the proposed driveway on the subject property. The photographs showing the expansive space available for cars pulling into and out of the entrance off SH 105 and into the interior driveway, to my mind, makes the variance very feasible and practical.

Montgomery City Council
AGENDA REPORT

I also, attached, tried to come up with different shapes/configurations of the building—including reducing the size of the building. However, I was unable to come up with a better configuration that Mr. Chen has already provided.

Recommendation

Recommend approval to the City Council

Approved By

City Administrator	Jack Yates	Date: March 22, 2018
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January 30, 2018

Jack Yates, City Administrator
City of Montgomery
101 Old Plantersville Rd.
Montgomery, TX 77316
(936) 597-6463
jyates@ci.montgomery.tx.us

Re: Variance Request in Historical District
Reduction of Building Line (B.L.)
35' to 25' along S.H. 105 & from 15' to 10' along John Butler St.
Minor Plat Name: SAMDANA INVESTMENTS, L.P.
20998 Eva St. (S.H. 105), Montgomery, TX 77356
Montgomery County, Texas

Dear Mr. Yates:

Pursuant to Section 78-28 of the City of Montgomery's Code of Ordinances and as the representative for the owner of the property, Mrs. Sopheap Chem, we would like to request a variance for the B.L. along Eva Street (State Highway 105) and John Butler St.

As per Section 78-90 and 98-351, the B.L. along State Highway 105 is to be 35 feet and/or match adjacent buildings or structures whose front (main entrance) setback line is closest to the street which the adjacent structure or building faces.

Due to the unique triangular shape of this tract, enforcement of a 35 foot B.L. along State Highway 105 and a 15 foot B.L. along John Butler St. would preclude the owner from redevelopment of this tract. A copy of the survey showing existing site conditions is attached.

We look forward to developing a project that will be in conformance with the general character of the Historical District and that will also provide an economic benefit to the city.

Best Regards,

A handwritten signature in black ink, appearing to read "C. Offenburger". The signature is stylized and cursive.

Christian Offenburger, R.P.L.S.
Principal

150 W. Shadowbend Avenue, Suite #304 | Friendswood, TX 77546
phone 281.648.3131 | fax 281.648.3737 | e-mail christian@boundaryone.com
T.B.P.L.S. Firm No. 10084800

JOHN A. BUTLER STREET

PROPOSED ENTRY

S 60° 22' 28" E

10'-0" 10' BL

25' BL

PLAZA POUS
(CITY OF MONTGOMERY)

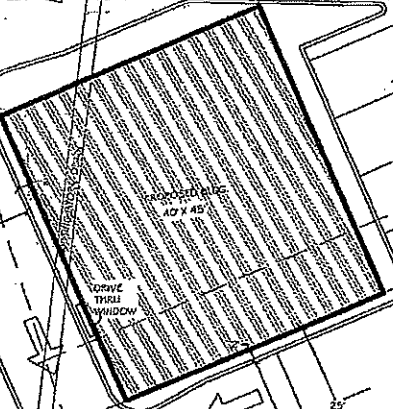
15' BL

X=1677.02'

HIGHWAY SIGN

S 67° 12' 06" W

STATE HIGHWAY 105
(EVA STREET)



Scale: 1"=20'
3.6.18



R124004

R123983

R123985

PRAIRIE ST

MCCOWAN

R124005

JOHN A BUTLER ST

R31360

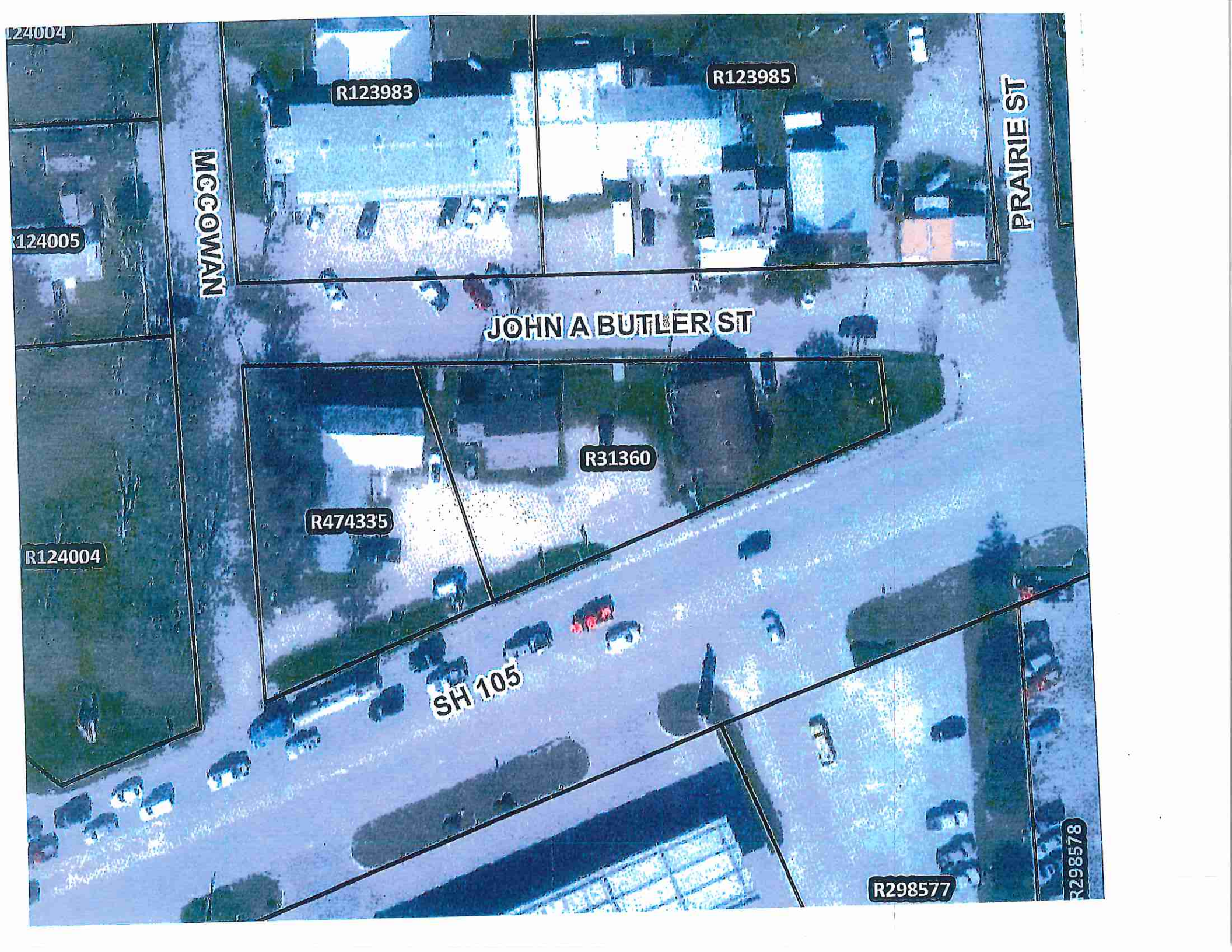
R474335

R124004

SH 105

R298577

R298578



JOHN CORNER SURVEY, A-8

JOE C. SHOCKEY
MCAD PROPERTY ID NO(S):
R123983 & R123984

PROPERTY ADDRESS:
314 JOHN A. BUTLER
MONTGOMERY, TX 77358

MCCOWAN ST.

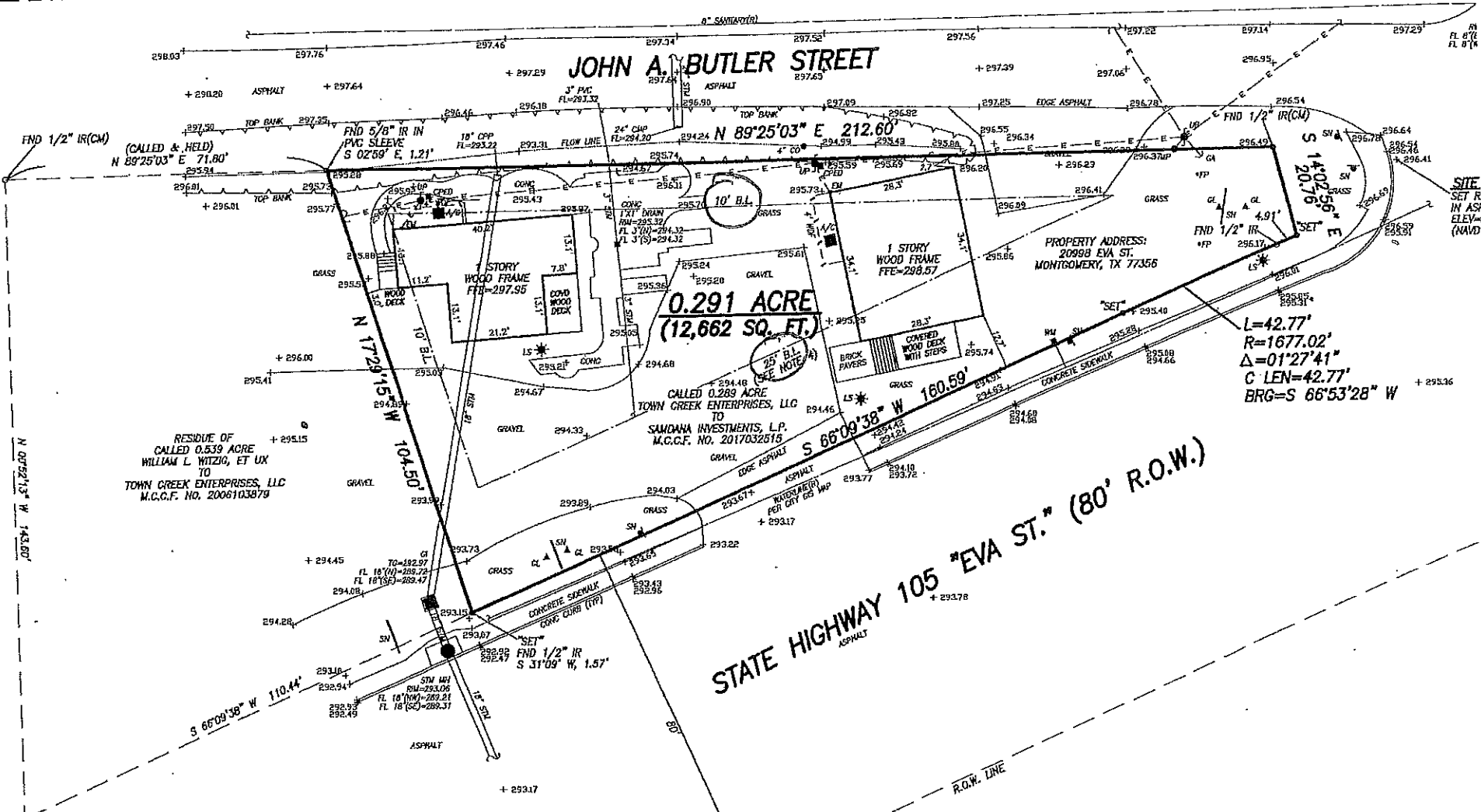
JOHN A. BUTLER STREET

0.291 ACRE
(12,662 SQ. FT.)

CALLLED 0.289 ACRE
TOWN CREEK ENTERPRISES, LLC
TO
SANDANA INVESTMENTS, L.P.
M.C.C.F. NO. 2017032618

PROPERTY ADDRESS:
2089B EVA ST.
MONTGOMERY, TX 77358

STATE HIGHWAY 105 "EVA ST." (80' R.O.W.)



ABBREVIATIONS:

- B.L. BUILDING LINE
- (CM) CONTROL MONUMENT
- CMP CORRUGATED METAL PIPE
- CPP CORRUGATED PLASTIC PIPE
- CPED CABLE PEDESTAL
- 3) FOUNDIT

JOHN A. BUTLER STREET

PROPOSED ENTRY

S 69°32'29" E

10'-8" 10' BL

25' BL

FLAG POLES
(CITY OF MARIANOVIC)

S 1°30'00" W
21'-0"

S 167°02'

HIGHWAY SIGN

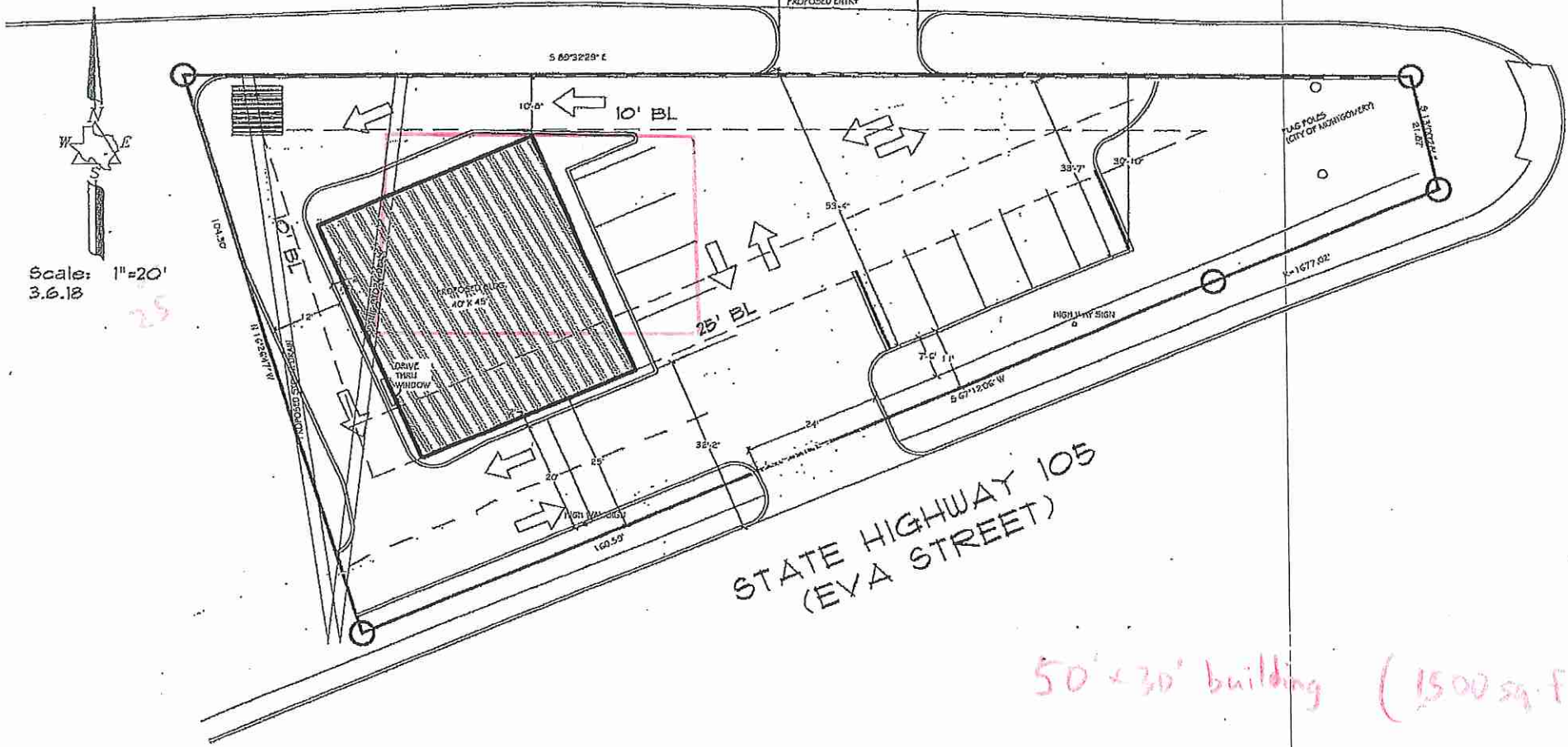
S 67°12'00" W

STATE HIGHWAY 105
(EVA STREET)

50' x 30' building (1500 sq. ft.)



Scale: 1"=20'
3.6.18



JOHN A. BUTLER STREET

PROPOSED ENTRY

S 89°32'29" E

10' BL

25' BL

STATE HIGHWAY 105
(EVA STREET)

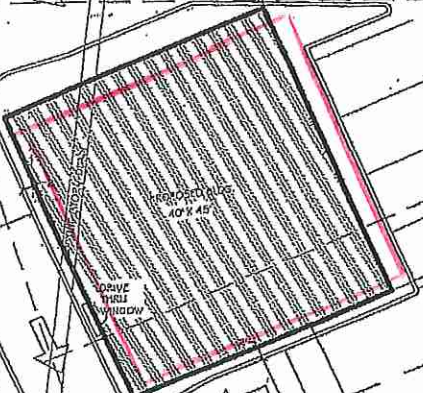
FLAG POLES
CITY OF MOHAWOCK

31.10' ±

1677.62'

5 67°12'06" W

HIGHWAY SIGN



Scale: 1"=20'
3.6.18

25'

37.5' x 37.5' building (1406 sq')



Photograph showing two vehicles meeting at Driveway



Photograph showing one vehicle pulling into driveway and one vehicle approaching driveway



Photograph showing two vehicles meeting in proposed driveway with Mr. Chen standing on the interior north border of driveway.



The Montgomery
Trace
NEXT INTERSECTION

Photograph of one car pulling out
of property, one vehicle in
interior driveway lane - with Mr.
Chen standing at northern edge
of interior driveway lane

Montgomery City Council
AGENDA REPORT

Meeting Date: March 26, 2018	Budgeted Amount:
<p>Prepared By: Jack Yates City Administrator</p> <p>Date Prepared: March 22, 2018</p>	<p>Exhibits: Engineer's site plan review, Sketch site plan presented at time of application, Memo To File re: Permit Issuance, E-mail from Autumn Redman re: permit issuance, Building Permit dated 12-4-17, Jack's memo to Mr. Madsen to further building process, Jack's e-mail to Rick Hanna re: furthering building process, E-mail from Chris Roznovsky Re: process needed for Mr. Madsen to continue building process, Current Building Permit Approval Process, Photographs of the rear of the structure</p>

Subject

This is to consider a variance request for a building built at 610 Liberty Street.

Description

This variance involves 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 also.

The course of events were: on December 4, 2017 Mr. Madsen received a building permit signed by Autumn Redman, Utility Development Clerk. The approval was improper as Ms. Redman did not have authority to sign the permit. Additionally, the building plan review had not occurred, nor the City Engineer notified.

On January 8th, Mr. Madsen called for water service and Mike Muckleroy was notified and Mike responded that he did not know of the project being reviewed by the City Engineer. Mr. Madsen was told about the lack of approval and that he could not proceed with construction and he became very concerned saying that he had installed the rough-in plumbing, had bought a \$100,000 metal frame building and was planning on having the concrete poured on January 9th. I was out of the office at a meeting on January 8th, but was reached by phone and told what the situation was. I replied to inform Mr. Madsen that I would meet him at 9:00 a.m. on January 9th and determine the situation and how to provide a remedy—and to get the plans to Rick Hanna asap for him to review.

On January 9th I met with Mr. Madsen and together, (after the 9:00 and a 2:00 set of conversations with Mr. Madsen, Chris Roznovsky and Rick Hanna) wrote the January 9th memo to Mr. Madsen (attached), that Mr. Madsen agreed to comply with.

(my thought process during the January 9th discussions was how to not get the city sued by Mr. Madsen for the cost of his building, while also to wanting to hold to the city ordinances, at the time I believed I did that except for the rear building setback line—however because of the location of the building the rear of the building is adjacent to the pond put in by the Heritage Apartments, and because of the height of the building in the rear all there was, was air (there was no “there”) there in my mind. As to the vegetation barrier require between commercial property and residential property—I must admit that I give this no thought, probably because of the distance between the back of Mr. Madsen’s building and the actual apartments which is approximately 1000 feet away)

Since that time Mr. Madsen has fully complied with every stipulation in the January 9 memo and in all other requests made of him.

The reason for the variance at this point is that the city engineer and reviewing the site plan points out the lack of a 15 foot rear yard setback and no vegetation area. Today, I spoke with the builder who agreed to plant bushes or whatever can grow in the 5’ 8”inch area in the rear of his building.

Montgomery City Council
AGENDA REPORT

Since this occurrence I have written a Building Permit Procedure so that this type of event does not happen again. Ms. Redman knew at the time not to approve a building permit but failed to act in a proper manner.

Recommendation

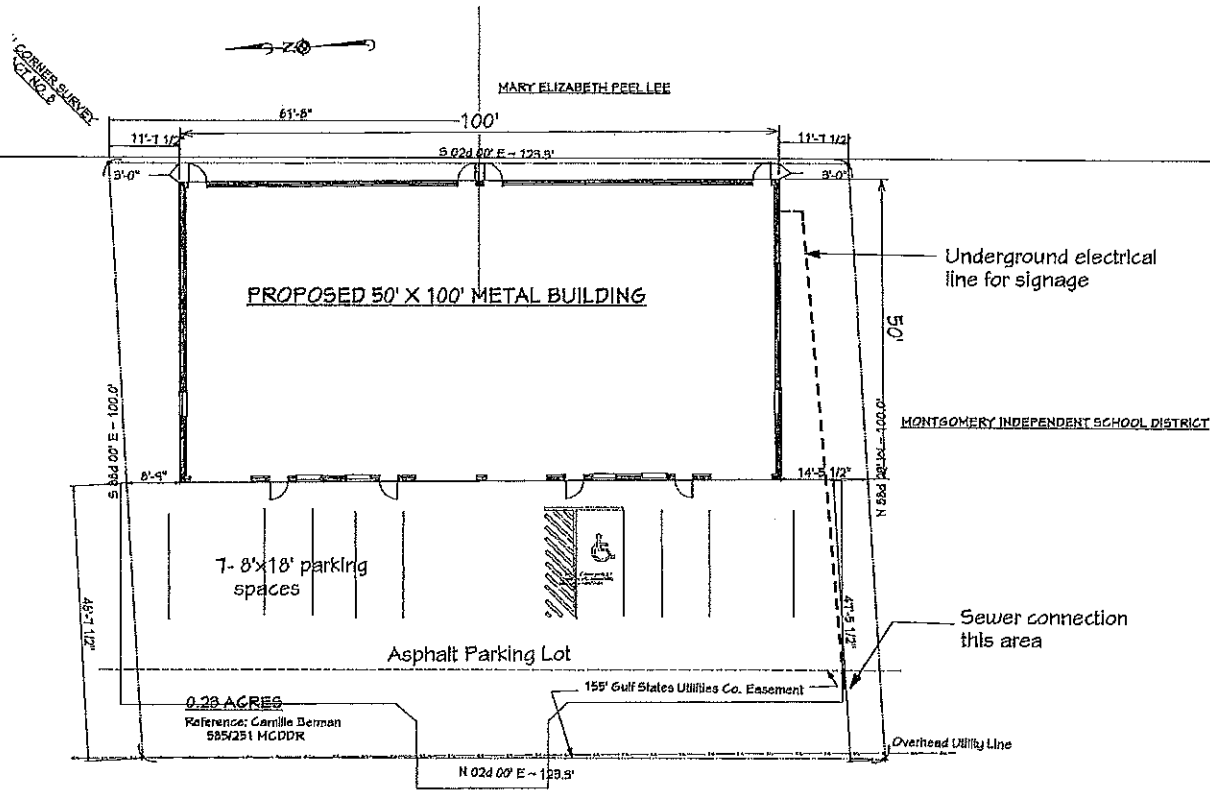
Recommend approval of the variances

Approved By

City Administrator

Jack Yates

Date: March 22, 2018



FM 149

PLOT PLAN 1" = 20'

Square Footage: 5,000 sq. Total covered

MADSEN & RICHARDS, L.L.C.
 610 Liberty Street
 Montgomery, Texas

2455 Polaris Ranch Road
 Montgomery, Texas 77135
 Certified Professional Building Designer
 N.C.C.R.C. #444493

Tricia Solomon
 C.P.B.D., RESIDENTIAL DESIGNER
 "House Plans for your Lifestyle"
 1914-12-28-94
 TRSolomon@pmc.com
 www.TriciaSolomon.com




Date: 11/20/17

Drawn By: PMS

Date: 1/2/2018

Draw No: PMS-1011-
 M&R 5000 COMM

MEMORANDUM

TO: MEMO TO FILE
FROM: SUSAN HENSLEY, CITY SECRETARY 
SUBJECT: BUILDING PERMIT ISSUE REGARDING 610 LIBERTY
DATE: JANUARY 8, 2018

I received notification from Autumn Redman, Utility Billing and Development Clerk, today that she had signed a permit application on December 4, 2017, granting approval of a building permit and issuance of the building permit for 610 Liberty Street, Montgomery. A copy of the email detailing the information has been attached.

Upon notification of the error we confirmed with Mr. Beauford Chapman and Rick Hanna that the building plans had not been reviewed or approved. Once this confirmation was made, I contacted Jack Yates, City Administrator, to notify him of the information. I advised that Ms. Redman had stated that the owner was wanting to pour concrete in the next day or two. I asked Mr. Yates if he wanted us to contact the owner to stop the pouring of the concrete to allow the plans to be reviewed and to make sure that all the City requirements had been met. Mr. Yates advised me to contact Rick Hanna and to have him talk to the owner regarding stopping the concrete work and getting the information.

Mr. Hanna advised the owner, Allen Madsen, of the documents that would be required for the City to review the information. Mr. Madsen stated that he had approval from the Fire Marshal, but there are no documents that the City has received. Mr. Madsen stated that he would stop the concrete work and would have all the documents sent to the City for review.

The City Engineer, Chris Roznovsky, was also contacted and he had no knowledge of the project. Mr. Roznovsky advised that the plat could be handled as a minor plat since there was only one location on the property. Mr. Roznovsky said that the drainage would also have to be checked along with the public utilities.

Ms. Redman was advised not to sign any permits, including, but not limited to, building, plumbing, electrical, roofing, occupancy, etc., in the future. All permits will be signed by the City Administrator as the Chief Building Official. Ms. Redman will prepare the information for submittal and review by both the Building Inspector and Chief Building Official.

Mr. Madsen advised that he had already ordered the structure that is in excess of \$100,000 and is very nervous about the matter, but was very cooperative and is working to get the City everything that he has.

1/8/2018



Hensley, Susan <shensley@ci.montgomery.tx.us>

610 LIBERTY

1 message

Mon, Jan 8, 2018 at 1:19 PM

Redman, Autumn <aredman@ci.montgomery.tx.us>
To: Susan Hensley <shensley@ci.montgomery.tx.us>

Susan,

This morning, Mr. Madsen came in to activate his water account. I requested a copy of his warranty deed. Mr. Madsen left to obtain a copy. While he was gone, I called Mike to make sure that I had everything I needed. Mike informed me that he went by that address last night and that the customer will need to provide the Utility drawings for a cost estimate on sewer tap and new water meter. When Mr. Madsen returned with his warrantee deed, I informed him that he will need additional information per the phone call with Mike. I explained to Mr. Madsen, that I will have Mike call him and explain the process.

While looking through the file for 610 Liberty, I discovered that I had issued a construction permit without having approved reviewed plans. I contacted Rick Hanna to check and see if he by chance reviewed them and didn't stamp my copy. Rick stated that he didn't recall reviewing anything for that address.

Mike called me a few minutes later to let me know that he had spoke with Chris and Chris stated that he had not reviewed anything for 610 Liberty. Mike also suggested that I talk with you, so that if the issue came up, someone besides myself is aware of the situation.

Autumn Redman
City of Montgomery
Utilities Clerk
Permits Dept.
936-597-6434

CITY OF MONTGOMERY

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

Cody Richards - Allow Mason

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:	12/4/17
PERMIT NUMBER:	C12171371

Owner: Madson + Richards Developments LLC | Owner Phone #: 936 537-3138

Contractor: AM Commercial Roofing | Cont. Phone #: 936 232-2038
Allen Madson

Contractor Mailing Address: 23660 Spring Branch Trl

City: Montgomery | State: TX | Zip: 77316

Job Site Address: 610 Liberty St. Montgomery TX
77316

Residential or Commercial Project: Commercial | Zoned: Commercial

LOT #: Troct 41 | BLOCK #: Catnot John | LOT SIZE: 12,196 | BLDG. SIZE (SQ. FT.): 5,000

Description of work (Including Class & Construction Types):

*Metal Building 3 sides masonry, 5,000 sqft
 office warehouse*

VALUE OF TOTAL WORK: \$ 275,000.00

\$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 ADDTL \$1,000 OR FRACTION THEREOF
\$100,001 - \$500,000	\$460.00 FOR FIRST \$100,000 + \$3.00 FOR EACH ADDTL \$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

*460
525*

NOTICE: SEPARATE PERMITS ARE REQUIRED FOR PUBLIC UTILITIES, ELECTRICAL, PLUMBING, HEATING, VENTILATION, AIR CONDITIONING, GRADING, ALARMS, ROOFING, LANDSCAPING, FIRE SPRINKLERS AND LAWN SPRINKLERS.

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 type of work will be complied with whether or not specified herein. The granting of this permit does not presume to give authority to violate or cancel the provisions of any state or local law or ordinance regulating construction or the performance of construction.

Name of Applicant: Cody Richards | Applicant Signature: *[Signature]*

OFFICE USE ONLY

Plan Review Fee: \$ 492.50

Accepted By: [Signature]

Permit Fee: \$ 985.00

Issued By: [Signature]

PERMIT FEE TOTAL: \$ 1552.50

To: Allen Madsen
From: Jack Yates, City Administrator
Subject: Building at 610 Liberty St.
Date: January 9, 2018

Mr. Madsen --

I've come to understand that you were issued a building permit on December 4, 2017 for a building at 610 Liberty Street. You were issued a permit prematurely. However, solutions to the issues are possible. The below is based on the information available and our conversation this morning.

Need for a minor plat -- This is necessary because every development in the city must be on its own plotted property. Attached is the procedure for a minor plat, that does not require Planning Commission nor City Council approval but only the City Engineer and City Administrator approval. What is necessary for a minor plat is a survey of the property and a mylar showing the tract of property along with various wording that is included in what I'm giving you. You will need either a surveyor or an engineer to prepare the minor plat. Details on the minor plat procedures can be obtained from Chris Roznovsky. Chris can be contacted at 713-389-1514 or by cell phone at 281-796-3101. The time it takes to get a minor plan approved is approximately 30 to 45 days, depending on the time of preparation from your surveyor or engineer. The review time by the city can be a matter of four or five days. I will confirm all of this with Chris Roznovsky, so do not proceed with the minor plat until I contact you back.

Construction Plan Approval -- Rick Hanna, the City Building Inspector has reviewed your plans and has approved them

Drainage -- The drainage either can be directed to 149 with no permits required, only the city engineer's approval of your drainage plan. The drainage plan also will need to be discussed with Chris. If the drainage is to be directed to the east to the pond at the apartments, that will require an easement from the apartments which I can help you with by speaking with the apartments owner myself, or introducing you to him.

Building setback from the rear -- I believe I can help you on this depending on how much your area that you have back there into the property owner is to your east. We discussed this today and your current plot plan is satisfactory.

Trades permits -- now that your construction Plans are approved each trade for plumber, electrical, mechanical can be approved. If further plans are required, beyond the construction plans they will need. Think I can work it out as you may need to provide. That conversation can be held with Rick Hanna.

I have sent Rick Hanna the attached e-mail concerning continued work on your project.



Yates, Jack <jyates@ci.montgomery.tx.us>

610 Liberty

1 message

Yates, Jack <jyates@ci.montgomery.tx.us>
To: Rick Hanna <rhanna@rickhanna.com>

Tue, Jan 9, 2018 at 11:18 AM

After speaking with Mr. Allen Madsen, the issues of a minor plat, drainage issues and plot plan issues are issues that can be worked out over the next few weeks. Therefore, it is my opinion and direction to you to complete inspection on the plumbing and concrete slab for the building. Mr. Madsen just told me that he intends to not pour the parking area now, awaiting a decision regarding drainage. As to any further plans for the trades that is up to you and Mr. Madsen, or his subcontractors.

Jack Yates



Yates, Jack <jyates@ci.montgomery.tx.us>

Allen Madsen Development

1 message

Chris Roznovsky <CRoznovsky@jonescarter.com>

Wed, Jan 10, 2018 at 12:45 PM

To: "Jack Yates - City of Montgomery (jyates@ci.montgomery.tx.us)" <jyates@ci.montgomery.tx.us>

Cc: "Hensley, Susan" <shensley@ci.montgomery.tx.us>, "Katherine M. Vu" <kvu@jonescarter.com>, Aaron Bennett <ABennett@jonescarter.com>

Jack, Please see draft email to Mr. Madsen below and let me know if you have any comments before I send to him.

"Mr. Madsen,

Before any additional work is done by the City regarding this development the City requires that all developments enter into an escrow agreement with the City and deposit funds. The City will be reaching out to you to provide you a copy of the escrow agreement for your review and execution.

As we have discussed you need to have a minor plat prepared for the site that conforms with the requirements laid out in Chapter 78 Article III of the Code of Ordinances.

Additionally, you need to have a site plan prepared by a licensed professional engineer. The site plans need to include:

- Utilities plans including the size, location, material, and elevation of all onsite water, sanitary sewer, and storm sewer lines. The location and size of the proposed water meter.
- A reduced pressure zone backflow preventer is required to be installed immediately after the water meter. This must be shown on the plans and a detail drawing provided indicating the make, model, and size.
- Show the existing public utilities and how they will be connected to.
- Grading plan
- Paving Plan
- Storm Water Pollution Prevention Plan
- Tree Preservation and Planting Plan Per the Code of Ordinances

The City has adopted an Impact Fee Ordinance that requires all new development, including redevelopment of sites, to pay an impact fee. Assessed when the plat is recorded and due before a water and sewer connection is made. The fee is based on the size of the water meter. Attached is an excerpt from the impact fee ordinance defining the fees per meter size.

Below is a link to the Code of Ordinances for your reference.

https://library.municode.com/tx/montgomery/codes/code_of_ordinances

Please let Jack Yates or I know if you have any questions. "

Thanks,

Chris Roznovsky, P.E.
Department Manager

Municipal and District Services
croznovsky@jonescarter.com

JONES | CARTER

1575 Sawdust Road, Suite 400

The Woodlands, Texas 77380
Direct Telephone 713.389.1514

Cell Phone 281.796.3101

Telephone 281.363.4039 Ext. 1008

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 **Impact Fee Table.pdf**
60K

To: Autumn Redman
Copy To: Chris Roznovsky,
Rick Hanna
Susan Hensley
From: Jack Yates
Subject: Building Permit Issuance

Regarding new commercial and residential structures or outbuildings, I need to be the person to sign the permit. I need to confirm that the structure has an approved site plan from Chris Roznovsky and an approved building plan review by Mr. Hanna or Mr. Chapman. I am not thinking that they would sign the permit but that we would have documentation in the file that they approve for their particular submittals. Autumn, we need to either amend the Building Permit Form to show a place of City Engineer and Building Plan Approval or prepare a brief standard memo that would be attached to the Building Permit signifying their approval.

In event of my being on vacation or away from the office for more than two days, Autumn is authorized to sign the permit after: 1) getting written verification from Chris for the site plan and Rick or Beauford that the building plans are approved and 2) being unable to contact me, and 3) getting a request from the Permit Applicant for an approval prior to my return, and 4) bringing the approved permit to my attention promptly upon my return.

For the subsequent trade permits to an existing permit, meaning plumbing, mechanical, electrical and fuel/gas code, Autumn can sign these permits if a request for an urgent permit is received and I am not present, if she desires. If Autumn is unsure or hesitant to sign the permit she can bring the permit to me for approval



Photograph of building
from Flagship Blvd. -
Note: extreme fall off
in rear of building to lake.



Looking out the rear
entrance of building -
towards apartments



Rear 5'8" of rear yard
of building

Montgomery City Council
AGENDA REPORT

Meeting Date: March 26, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Ordinance, Brightness Readings sheet for existing signs, Letter to sign company
Date Prepared: March 6, 2018	

Subject

This is to review the Electronic Message Display sign ordinance.

Description

This is to make sure that you are prepared to recommend the attached ordinance. The only change since you last saw the ordinance regards brightness in Section 66-53D (4) is 700 Lux . That is based upon what Mike Muckleroy was able to measure the existing electronic signs. Sign readings Sheet is attached. I put 700 Lux as the brightness because I thought that the Pizza Shack sign which is the closest reading to 700—is not so bright as to cause a distraction to the driver,

I wrote one letter to Affordable LEDs, an electronic sign message board sign company in Willis but received no response.

Recommendation

Recommends approval of the ordinance to the City Council.

Approved By

City Administrator	Jack Yates	22 Date: March 6, 2018
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ORDINANCE NO. _____

AN ORDINANCE BY THE CITY OF MONTGOMERY, TEXAS, AMENDING SECTIONS 66-1, 66-2(a) (11) AND ADDING 66-53(s) OF THE CITY CODE OF ORDINANCES REGARDING ELECTRONIC MESSAGE DISPLAY SIGNS IN THE CITY; PROVIDING DEFINITIONS; PROVIDING REGULATIONS OF ELECTRONIC MESSAGE DISPLAY SIGNS; PROVIDING SAVINGS AND REPEALING CLAUSES; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 216 of the Texas Local Government Code authorizes a Texas municipality to regulate signs in its city limits; and

WHEREAS, the city council for the City of Montgomery, Texas is concerned about the proliferation of Electronic Message Display signs inside the City; and

WHEREAS, the City Council in the interest of traffic safety and maintaining the appearance of the City finds that it is in the best interest of the citizens of Montgomery that there be regulations and restrictions on the use of such signs within the City; and

WHEREAS, the regulation of Electronic Message Display signs needs specific definitions and regulatory controls regarding the brightness, the method of changing the message displayed on the sign and the frequency of the message changes; and further needs to be specifically described for permittees who desire to place such signs inside the City; and

WHEREAS, the City Council finds it is in the best interest of the citizens of the City that Chapter 66, entitled "Signs," of the Montgomery City Code of Ordinances ("Code") be amended as set out below;

NOW, THEREFORE, BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS THAT:

SECTION 1: FINDINGS OF FACT. The City Council adopts the recitals above as true and correct findings of fact.

SECTION 2: AMENDING SIGN ORDINANCE.

- A. Section 66-1, entitled "Definitions," of the Code is hereby amended by deleting the term "Moving Message Boards" and replacing it with the term "Electronic Message Display" such that it reads as follows:

Electronic Message Display means a sign that uses light emitting diodes (LED), plasma screen, or other similar technology capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

- B. Section 66–1, entitled Definitions,” of the Code is hereby supplemented with the following additional definitions:

Dissolve means a mode of message transition on Electronic Message Display signs by varying the light intensity or pattern, where the first message gradually appears to dissipate in this legibility simultaneously with the gradual appearance and legibility of the second message.

Fade means a mode of message transition on Electronic Message Display signs accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Frame means a complete, static display screen on an Electronic Message Display sign.

Frame Effect means a visual effect on Electronic Message Display signs applied to a single frame to attract the attention of viewers.

Scroll means a mode of message transition on an Electronic Message Display signs where the message appears to move vertically across the displayed surface.

Transition means a visual effect used on Electronic Message Display signs to change from one message to another.

- C. Section 66–2 (a) (11) of the Code is amended to read as follows:

(11) Signs with flashing, blinking or traveling lights, other than provided in Section 66–53 (s) of the Code.

- D. Section 66–53 (s) of the Code is added to read as follows:

Electronic Message Display signs may be permitted in the commercial and industrial zoning districts subject to the following requirements:

- (1) Operational limits. Such displays shall be limited to static displays, messages that appear or disappear from the display through dissolve, fade, moving message or scroll modes, or similar transitions and frame effects that have text or visual, non-

animated visuals, that appear to move or change in size, or be revealed sequentially rather than all at once.

- (2) Minimum display time. Each message on the sign must be displayed for a minimum of five seconds.
- (3) Lighting intensity. In no case shall the lighting intensity of any sign, whether resulting from internal illumination or external illumination shall not exceed 700 Lux more than one (1) feet from the sign when measured with a standard light meter perpendicular to the face of the sign.
- (4) No temporary signs. No Electric Message Display signs may be used on temporary signs.
- (5) Limitations near residences. Electronic Message Display signs located on property adjacent to any residential district shall not be operated between the hours of 10:00 PM and 6:00 AM. This requirement shall not apply to any premises at which the business is operating during these hours.
- (6) Animation limitations. The image or message of the sign does not flash or have animation or television type of screen effects.
- (7) Size limitations. The area of the Electronic Message Display does not exceed one half of the entire size of the sign.

SECTION THREE: CODIFICATION OF THIS ORDINANCE. Wherever any provision of this Ordinance provides for the amendment of the Code of Ordinances, City of Montgomery, Texas, such provision shall be liberally construed to provide for the codification of the specified provision and for such other provisions of the Ordinance that the codifier in its discretion deems appropriate to codify. The codifier may change the designation or numbering of chapters, articles, divisions or sections as herein specified in order to provide for logical ordering of similar or related topics and to avoid the duplicative use of chapter, article or section numbers. Neither the codification nor any application of the codified Ordinance shall be deemed invalid on the basis of a variance in the number or section of this Ordinance and its codified provisions. The failure to codify the specified provisions of this Ordinance shall not affect their validity or enforcement.

SECTION FOUR: REPEALING CLAUSE. Any provisions in other City ordinances that are in conflict with this Ordinance are hereby repealed.

SECTION FIVE: SAVINGS CLAUSE. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portion of this Ordinance shall not be affected hereby, it being the intention of the City Council of the City of Montgomery in adopting and of the Mayor in approving this Ordinance, that no portion hereof or provisions or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

SECTION SIX: TEXAS OPEN MEETINGS ACT CLAUSE. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, of the Texas Government Code.

SECTION SEVEN: EFFECTIVE DATE. The effective date of this Ordinance shall be upon its passage and publication as provided by law.

PASSED AND APPROVE this _____ day of _____, 2018.

Kirk Jones, Mayor

ATTEST:

Susan Hensley, City Secretary

APPROVED AS TO FORM:

Larry L. Foerster, City Attorney

March 5, 2018

Affordable LED's
10881 Dauphine St.
Willis, Texas 77318

Dear Owner of Affordable LED's;

The Planning Commission of the city of Montgomery is studying and considering the enclosed ordinance regarding Electronic Display Message signage. The Commission asked me to get your opinion about the ordinance. Would you please read the ordinance and either call me back or write back your opinion. The Commission feels that lighting intensity and the changing of the display is something that is needed to be controlled/regulated.

We welcome your opinion and hope you will take the time so that we can come up with the best possible ordinance. We meet again March 26th so if we could hear back before that time it would be much appreciated.

Sincerely,

Jack Yates
City Administrator

<i>Location</i>	1'	25'	50'
Pizza Shack	693	10	0
Ransom's	75	4.4	0
Old MES/105	3	3	0
City sign	590	14.6	0
High school	145	15.8	0
New MES/149	544	14.1	0

SIGN "LUX" BRIGHTNESS READINGS

Measurement is in "Lux".

1' = Measurement taken at one foot away from sign

25' = Measurement taken at 25 feet away from sign

50' = Measurement taken at 50 feet away from sign

"The attached document is a list of readings I took this morning (March 3, 2018) on the multiple LED signs around town. I could not get a reading for the Brookshires Brothers Fuel Center because the parking lot lights are so bright that the meter will not read the sign only." - Mike Muckleroy