

**MONTGOMERY PLANNING AND ZONING COMMISSION AGENDA  
PUBLIC HEARING AND REGULAR MEETING OF  
MONDAY, FEBRUARY 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 January 22, 2018 minutes and February 5, 2018
2. Consideration/possible action regarding the approval to cut down two trees at 705 College St. – Erin Windell
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 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/possible action regarding the Replat of Mitchel Corner.
5. Consideration/possible action regarding Electronic Message Display sign ordinance.
6. Adjournment

  
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**Jack Yates, City Administrator**



Posted February 23, 2018 at 4:00 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

February 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 and Carol Langley

Absent: Jeffrey Waddell and William Simpson

Also Present: Jack Yates, City Administrator  
Susan Hensley, City Secretary  
Katherine Vu, Engineer

Chairman Cox stated that even though citizen's comments are not on the Agenda, Mr. John Fox has asked to speak.

Mr. John Fox commented that he appreciated the fact that the City has addressed the Corridor Enhancement regulations, and said that he would like to discuss those regulations, along with the signage ordinances. Mr. Fox said that through the years, as your past Mayor, they talked about the color of signs, height, width and all the things that goes with them. Mr. Fox said that they now have monument signs that look great, which is what they wanted. Mr. Fox said that now businesses are getting pink signs, Burger King has a lighted orange banner all the way around the building, the Kroger building looks good, but it has a large white and orange banner all the way around the building. Mr. Fox said that if they will stand at the Brookshire Bros. parking lot and look east, and look at what that is starting to turn into; look at the front of the McDonald's, T-Mobile pink sign, and the parts store that is red and green, and asked if that is what we want the City to look like. Mr. Fox said that they need to get a hold of those ordinances and start a strict enforcement and try to

grandfather ourselves backward to get some of that straightened up, or they are going to look like every other old town, not one that is almost 200 years old, they are going to have a bunch of shiny signs that the merchants are putting up to get attention and it is not going to be pretty. Mr. Fox said that he was asking the Commission that, as they go forward, they address the signage and the colors being used on some of these buildings, and attention getting techniques that they are seeing, such as the banners around the buildings.

1. Consideration/possible action regarding QBS Homes request for front foot building line variance from 25 feet to 20 feet on Lots 1,2,3 and 4 on Sheppard Street and from 15 feet to 10 feet on the north side of Lot 4 all within Section 1, Block 1 in the West Side at the Park Subdivision.

Mr. Yates presented the information to the Commission, stating that the homes will continue the same as the homes on Caroline Street. Mr. Yates said that the alleyway behind the homes on Caroline is a very narrow width.

Mr. Damon Scott, with QBS, advised that the driveway will allow for double cars to go in the driveway and not hang out in the alleyway. Mr. Scott said that these lots are 10 foot shorter than the lots on Caroline Street, and with the fall from the front to the back, they need that 20-22 foot length to get into the garage. Mr. Scott said that they were trying to keep in line with the Historical District, which they built on Caroline Street and they would keep that same trend.

Carol Langley asked if the houses on Sheppard Street look the same. Mr. Scott said that they would and they would keep the same historical theme. Mr. Scott said that Lot 4 on the north side is the only lot that has a 15 foot building line, and makes it very narrow.

Chairman Cox said that there was a letter from the City Engineer and asked if they still offer no objections. Mrs. Katherine Vu, stated that Jones|Carter had no objections.

William Simpson asked if that would give them five more feet for the driveway. Mr. Scott said that was correct.

Carol Langley asked about Lot 4. Mr. Scott said that it has a 15-foot building line on the north side, where all the others have 10 foot, and with the 15 foot, there is a section where the fireplace will push out into the 15 foot, which is why they need the extra five feet. Mr. Scott said that the homes will all be in the 1,900 to 2,300 square foot range.

William Simpson asked what the width of driveway was for the existing homes, and are they having a hard time. Mr. Scott said the widths are fine, it is the depth, so if someone had a full size pickup, there backend would hang over.

Carol Langley asked for the width of the alleyway. Mr. Scott said that it was 12 feet wide, and is not being enlarged.

Mr. Yates said that if they were doing this from scratch and they did not have a subdivision plat, he would not be recommending this 12 foot wide alleyway, but it is already approved.

William Simpson moved to approve the QBS variance from a 25 foot front building line to a 20 foot building line along the frontage of Shepperd Street for Lots 1, 2, 3 and 4 and the variance for the 15-foot building line to a 10-foot building line along Caroline Street for Lot 4. Carol Langley seconded the motion, the motion carried unanimously. (4-0)

2. Consideration/take action regarding request for outbuilding approval in historic district at 603 College Street – Larry and Mary Wagner.

Mr. Larry Wagner made the presentation. Mr. Yates said that this is the same structure that was not approved the last time, but they have spoken to the supplier and they will be able to provide them with a wooden exterior.

Carol Langley asked for the dimensions of the building. Mr. Wagner advised that the dimensions were 16 feet x 24 feet or 16 feet x 28 feet. Carol Langley asked if the door was an overhead garage door. Mr. Wagner said that was correct, and they were wanting the building to face south. Mr. Yates said that the barn door will face College Street.

William Simpson said that at the last meeting, they had stated that the building location was in the back corner. Mrs. Wagner said that it will be on the west side of the house and the front will be even with the house, with the large folding door facing south. William Simpson asked what type of roof would be on the building. Mr. Wagner said that it will be a straight roof.

Arnette Easley moved to accept the 16 foot x 28 foot outside building to be located at 603 College Street by Mary and Larry Wagner. William Simpson seconded the motion, the motion carried unanimously. (4-0)

- 3 Consideration/possible action regarding Samdana Investments, L.P. request for variance from 35 feet to 25 feet along SH 105 and 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.

Mr. Yates advised that he had recommended that a representative for this item be present at the meeting, but no one is here tonight. The Commission stated that they had too many questions for this item and with no one here to answer the questions.

Carol Langley moved to table Item No. 3. William Simpson seconded the motion.

Discussion: Chairman Cox suggested that they get these people in here because they all have questions for them.

The motion carried unanimously. (4-0)

Mr. Yates said that even if they come to the next meeting and answer all the questions, the Commission does not have to take action, they could table it again. Chairman Cox asked if they were aware that this is a Special Meeting. Mr. Yates said that they were aware that it was a Special Meeting.

4. Consideration/possible action regarding approval to cut down two trees at 705 College St. – Erin Windell.

Mr. Yates advised that Mr. Windell was not present, but said that he would plant a tree back, but did not say he would plant a 3 inch caliper tree that Mr. Yates recommended, but would plant a sizable tree.

Carol Langley asked if the trees were dead. Mr. Yates said that neither tree was dead. Mr. Yates said that Mr. Windell said that one tree was harming his fence and the other has limbs that are falling and laying on the roof. Carol Langley asked if the owner could move the fence around the tree. Chairman Cox said that he sure wished Mr. Windell was present to answer some questions.

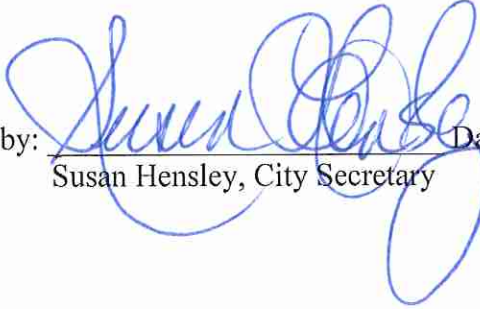
Carol Langley moved to table Item 4. Arnette Easley seconded the motion, the motion carried unanimously. (4-0)

Chairman Cox said to ask Mr. Windell to please come to the meeting. Mr. Yates stated that what he tells people is that they are not required to attend the meeting, but he would sure recommend that they attend the meeting.

Carol Langley asked if they were having the regular meeting in February. Mr. Yates said that was correct; they would have the regular meeting.

5. Adjournment

William Simpson moved to adjourn the meeting at 6:30 p.m. Arnette Easley seconded the motion, the motion carried unanimously. (4-0)

Submitted by:  Date approved: \_\_\_\_\_  
Susan Hensley, City Secretary

\_\_\_\_\_  
Chairman Nelson Cox

# MINUTES OF PUBLIC HEARING AND REGULAR MEETING

January 22, 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  
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 November 27, 2017 minutes.

Jeffrey Waddell moved to approve the November 27, 2017 minutes as stated. Arnett Easley seconded the motion, the motion carried unanimously. (4-0)

2. Public Hearing for Corridor Enhancement Ordinance amendment.

Chairman Cox convened the Public Hearing at 6:04 p.m.



Mr. Yates presented a brief report that covered the existing ordinance that has been in place since 2008, and the changes that are being proposed to the Corridor Enhancement District. Mr. Yates said that the original ordinance was passed in August 2008. Mr. Yates advised that the Texas Local Government Code authorizes a city to regulate the erection and construction of buildings in the zoning district. Mr. Yates said that the reason that the City of Montgomery gave for the ordinance being adopted was they desired to enhance the appearance and perception and influence the ambiance of the City. Mr. Yates stated that the Corridor Enhancement District, which was designated on SH 105, from the eastern boundary to the western boundary of the City; FM 149, from the northern boundary to the southern boundary of the City, and Lone Star Parkway, from the east side of SH 105 to the west side of SH 105. Mr. Yates said that those locations would all have a 300 foot Corridor Enhancement District, and what the requirements are in that area is that the buildings on the sides of the structures facing those roads, the façade materials had to be made of natural stone, brick, wood, fiber cement siding (Hardy Plank), stucco, precast concrete or exposed aggregate concrete. Mr. Yates said that they also approved an ordinance that amended the Corridor Enhancement District six months ago, which stated that concrete blocks would not be an allowed material for facades.

Mr. Yates said that what brought this matter up was the distance of 300 feet on SH 105 and the construction of the Kroger Store, because Kroger sits approximately 500 feet off of the roadway. Mr. Yates said that while Kroger built a very nice building, somebody else might not want to do that, which is what got everyone thinking about what the distance should be. Mr. Yates said that City Council and the Planning and Zoning Commission had a public Workshop Session in August of 2017, and they agreed that it should be 750 feet. Mr. Yates stated that during September, October and November, the Planning and Zoning Commission had the discussion on the meeting agendas for each of those meetings, and agreed that 750 feet from the center of the right-of-way was an acceptable distance.

Mr. Yates said that what is being proposed regarding SH 105, is to increase the distance from 300 feet from the center of the road to 750 feet, and to add FM 1097 to the Corridor

Enhancement District. Mr. Yates said that since 2008 FM 1097 has been developing as commercial, and said that the future land use plan for FM 1097 is primarily commercial.

Mr. Yates said that the only changes being proposed is the Corridor for SH 105 to be increased to 750 feet, and adding FM 1097, from the northeastern boundary of the City limits to the FM 149, and stated that FM 149 is already in the 300 foot Corridor Enhancement area. Mr. Yates said that the Corridor Enhancement area applies to both commercial and residential.

Mr. Mark Windell, Waterstone, asked to clarify that this was just elevation criteria on the architectural design, and there are no other requirements as far as tree ordinance or anything like that. Mr. Yates said that this is only the architectural design requirements. Mr. Yates stated that, regarding the existing building that Mr. Windell has started, located next to the Shell Station on FM 1097, the City Attorney has advised that it would be grandfathered. Mr. Windell advised that the building is going to be masonry on the front façade. Mr. Windell asked if they were looking at just the front or all four sides. Mr. Yates said it would be at least the three sides visible to the roadway.

Mr. William Simpson arrived at the meeting at 6:14 p.m.

Mr. Dan Davis asked what this ordinance will do to existing homes that are built along FM 149. Mr. Davis said that he lives on FM 149 and asked if this new amendment would affect his home as it stands. Mr. Yates said that it would not, it would only affect new construction. Mr. Yates asked Mr. Davis if he was within 300 feet from the center of FM 149. Arnette Easley advised Mr. Davis that if he built anything new he would have to meet the requirements. Mr. Davis said that he just wanted to make sure that he did not have to move his home further back. Mr. Yates said that this ordinance has nothing to do with widening of SH 105 or anything like that.

Mr. Arthur Zamarripa stated that he had one question about preexisting buildings and what happens if they have a preexisting building that was damaged. Mr. Zamarripa asked if when they get the building repaired, would that be considered new construction and would

they have to change the building if it was already a metal building. Mr. Zamarripa said the building was damaged during the storm and they were waiting for insurance to repair it. Mr. Yates said that if the building was more than 50 percent damaged, it would be considered new construction. Carol Langley asked if Mr. Zamarripa was sure that the building was within the 300 feet. A citizen advised that the building was located on Flagship. Mr. Yates asked if Mr. Zamarripa had an existing permit to repair the building. Mr. Zamarripa said that they have not started on the work. A citizen stated that it was the big red storage building behind Phil's Restaurant. Mr. Yates said that if it is within in the 300 feet, then yes it would be new construction and he did not think it would be grandfathered because the building is more than 50 percent damaged. Mr. Zamarripa said the insurance company only gave them enough money for a metal building, so they would have to pay out of pocket to change the building. Mr. Yates said that he would confirm the information with the City Attorney tomorrow and then get back with them. Mr. Yates asked how close they are to being able to apply for a permit. The citizen said that they were not ready to apply for the permit, they are still dealing with the permit. Chairman Cox said that he had a feeling that the percentage of damage is going to be important. The citizen said that she should be able to put a metal building back in place of the other metal building since that is what the insurance company is going to pay for, not for what the City wants them to build. Mr. Yates said that he feels the answer will be in the nonconforming use section of the ordinance which states that if it is more than 50 percent damaged, you will have to build according to what the ordinance is at the present time, but he will confirm with the City Attorney tomorrow. Arnette Easley said that it might have helped if they already had the permit in place. The citizen said that they were still dealing with the insurance company. Mr. Zamarripa said that they were not 100 percent on what is happening.

Mr. Lonnie Clover said that as he understands it, from the north to south boundaries of the City limits is still 300 foot Corridor Enhancement, and asked if that was correct. Mr. Yates said that was correct. Mr. Clover said that the only changes are on SH 105 and FM 1097. Mr. Clover said that he just wanted to verify that information.

A citizen asked if this consisted of the existing buildings all in the yellow (notification area) section. Chairman Cox said that if the buildings already exist they would not be included in the requirements.

Chairman Cox adjourned the Public Hearing at 6:25 p.m.

Carol Langley asked exactly how many letters were mailed out. City Secretary Susan Hensley advised that they sent out approximately 230 letters, and they received almost half of the green cards back. Mr. Yates said that he had received about 12 telephone calls, primarily regarding what the Corridor Enhancement District involved because the architectural aspects were not listed. Mr. Yates said that of the calls that he received five were inside the District, two were outside the District and were wondering why they received the notice letter, one was in the new area and one caller was upset that he had to go to the Post Office to pick up his letter. The City Secretary advised that if a property was located on the boundary line, they went ahead and sent the notice letter so that they could make sure that everyone received notification.

3. Consideration/take action regarding Corridor Enhancement Ordinance Final Report.

Arnette Easley moved to accept the Corridor Enhancement Ordinance and to make the Final Report to the City Council. William Simpson seconded the motion, the motion carried unanimously. (5-0)

4. Consideration/take action regarding request for outbuildings approval in historic district at 603 College Street – Larry and Mary Wagner

Mr. Larry Wagner presented his information to City Council, stating that they were in the process of renovating their home. Mr. Wagner said that they found out the home is over 100 years old and it has settled, so they are working on the home so that they can move back in permanently. Mr. Wagner said they need a storage building because they need to store some of the items that are in the house.

Chairman Cox asked if this building would be on the back of their property. Mr. Wagner said that it would be on the side of the house. Mr. Wagner said that they are on a corner lot at Pond Street and College Street. Mrs. Wagner said the building will be on the west side of the house. Mr. Wagner said that they would have the building the same colors as the house. Mr. Wagner said that the building would be on blocks with lattice work around the bottom to match the house. Carol Langley asked if the front of the building will be facing Pond Street. Mr. Wagner said that it would be facing College Street. William Simpson said that he was concerned with the exterior building products, since it is in the Historical District, and he did not believe the metal building is in keeping with the District.

William Simpson said that the Clover's had put up a building back there, but it is the Hardy siding and it is more to the Historic District standards. Mr. Wagner said that there are metal buildings across the street on Pond. William Simpson said that those were up before the Historic District Ordinance was in place. Mr. Yates said that was correct, he also included that information in his notes, that the buildings are metal and not in keeping with the Historic District. William Simpson said he felt that any new building within the Historic District needs to be in keeping with the integrity of the Historic District.

Arnette Easley asked if this building would be temporary until the renovation is completed. Mr. Wagner advised that it would be a permanent building. William Simpson said that there has been some property sold close to this location and they went for quite a bit of money, and he did not want to upset that area or the Historic District by allowing a metal building. William Simpson said if they were built with proper materials, such as Hardy Plank, and the proper colors he would not have a problem with the structure.

Arnette Easley asked what the requirements were for new construction as far as Hardy Plank versus metal. Mr. Yates said that requirement was for the Corridor Enhancement District. Jeffrey Waddell said that their concern was to uphold the Historic District Ordinance. Jeffrey Waddell said that they had a prefabricated building that fit the criteria recently that was brought in. Jeffrey Waddell said that they have to work within the Historic

District Ordinance and they are very sensitive to the look. Mr. Yates said that Mr. Shockley's prefabricated building was not metal and was in keeping with the Historic District.

Mr. Wagner said that he would go and check into wood structures. Mr. Yates said that Mr. Wagner would have to come back before the Planning and Zoning Commission to get the building approved because he is inside the Historic District. Chairman Cox said that Mr. Wagner needs to bring pictures of the building.

William Simpson moved to deny the request for the metal building at 603 College Street, until new materials and style are brought in by the Wagners'. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

Mrs. Wagner asked if they would have to wait for another month to come back before the Planning and Zoning Commission. Mr. Yates said that if it was a hardship, they could hold a Special Meeting.

5. Consideration and possible action regarding approval of The Shoppes at Montgomery Section 1 Final Plat.

Mr. Roznovsky advised that they had reviewed the final plat and it was in keeping with the City's Code of Ordinances and they offered no objections to the plat and recommended approval of the plat as submitted.

William Simpson moved to approve The Shoppes at Montgomery Section 1 Final Plat. Jeffrey Waddell seconded the motion, the motion carried unanimously. (5-0)

6. Consideration and possible action following the presentation of the final Joint Mobility Study, as prepared by Jones|Carter on behalf of the City of Montgomery and Montgomery County Precinct Nos. 1 & 2.

Mr. Roznovsky advised that there had been a Joint City Council and Planning and Zoning Meeting in July 2017, where they had presented the draft of the study, which is a majority of what this document is, with a few modifications resulting from comments from the City Council and the Montgomery County Precincts 1 and 2 that they received. Mr. Roznovsky stated that a letter had been sent out stating what changes had been made and what was done.

Mr. Roznovsky said that the main thing was a request for an additional traffic count during the school peak hours, from 1pm to 5pm at SH 105 and FM 149, during the middle of the week to see if the school peak was different from the evening peak. Mr. Roznovsky said that what was found was that it was not the evening peak, the peak hour of the day was the after school rush hour. Mr. Roznovsky said that there were additional recommendations for improvements, schematics and updates, and one of the major changes were on page 33 of the report, where it added the recommendations of the improvements table in a little bit different format, short and long range improvements and identify some rough costs for planning purposes.

Mr. Roznovsky said that the main thing that the Commission needs to consider with this was the Thoroughfare Plan that was put together for the City, so they took the Montgomery County Thoroughfare Plan and zoomed in on the City and did some tweaks, which is what is shown on page 31 and 32. Mr. Roznovsky reviewed the existing and proposed Thoroughfare Plan. Mr. Roznovsky said that part of the changes include additional corridor north/south to get from SH 105 to Lone Star Parkway, that would be extended up to FM 1097 to have an additional route. Mr. Roznovsky said that the south side of the City would have the Lone Star Parkway Loop, they modified that from what the County had, reducing the number of times that you would have to cross the railroad tracks, etc. Mr. Roznovsky said that this will give the City a planning tool to use as development comes. Mr. Roznovsky said that this will be presented to City Council tomorrow night, with the same presentation and will have one of their traffic engineers to help answer any additional questions.

Chairman Cox said that they received this document last Friday, and commented that he did not think the City Engineer really thought that they were going to be able to read all this information.

William Simpson said that this is a 4 to 10 year plan, and is not anything that is going to happen overnight; it still needs to be studied and approved by a lot of people. Mr. Roznovsky said the main part of page 33, which is taking the recommended improvements that are included, trying to give the short and long term goals, but each one of these has additional steps. Mr. Roznovsky said that most of these items deal with TxDOT, because it is all on SH 105 and FM 149; FM 2854 which has TxDOT involvement, so there is a lot that goes into getting those changes made. Mr. Roznovsky said that as far as true City streets, where it is only the City involved, it is improving the intersection of Lone Star Parkway and Buffalo Springs, because they will have more and more traffic once the bridge is back open, there will be a need for more improvements, but everything else involves a partnership with TxDOT.

Jeffrey Waddell moved to recommend approval of the Final Joint Mobility Study as prepared by Jones|Carter on to City Council. William Simpson seconded the motion.

Discussion: Carol Langley said that she did not know that City Council was voting on the Study tomorrow night. William Simpson said that they are voting on the study. Chairman Cox said that they would be voting on accepting the Study. Mr. Roznovsky said that the main part is the Thoroughfare Plan. Mr. Roznovsky said that they are not making decisions on moving forward on a bunch of projects and spending a lot of money; they are getting the Thoroughfare Plan tool in place, that as development continues to come, and now the City has something that they can come back to in order to plan to get thoroughfares through. Mr. Roznovsky said that the main thing in getting the Study through is accepting the data, accept the goals to start putting together and working toward getting a complete planning tool in place for the Thoroughfare Plan. Jeffrey Waddell said that it was a tool for long term as a basic guideline. Mr. Roznovsky said that was correct. The motion carried unanimously. (5-0)



7. Report regarding flashing electronic signs.

Mr. Yates said that City Council had asked the Planning and Zoning Commission to look into electric signs because right now the sign ordinance is very vague; it states that you can't have flashing or lights that distract the driver. Mr. Yates said that as far as being able to enforce it is very difficult and so far what he has been doing is making a copy of the ordinance and attaching it to the sign permit when someone comes in for an electric sign, such as the dentist office and the new Brookshire Bros. sign that they just redid. Mr. Yates said that he has looked into what other cities are doing, and it really gets down to three issues to administer and enforce:

- Brightness of sign, with the recommendation that they not exceed .5 footcandles measured more than 50 feet from the sign when measured with a standard light meter perpendicular to the face of the sign;
- How often the sign changes/ashes and the recommendation is 5 to 10 seconds; and
- The fade/dissolve/transition of the sign message and the recommendation is to allow a "dissolve" (meaning where the first message gradually appears to dissipate, "fade" (meaning where the first message gradually reduces intensity to the point of not being legible) and "transition" any type of visual effect used on an electronic message sign to change from one message to another (which seemed to broad to include, but might preclude some interesting graphics during the display transition time).

Mr. Yates said that once the Commission decides what they want based on those three points, writing the ordinance should be fairly easy. Mr. Yates said that he has a sample ordinance that he got from the sign industry, and none of those have the brightness or how often the sign changes.

William Simpson said the only two signs that come to mind in the City, are Ransom's and the City's sign that are digital with flashing. William Simpson said that on a scale, where

would those come in, high or low, regarding what they are talking about. Mr. Yates said that they would be in the low end, because neither one is very bright. Mr. Yate said that the Ransom sign changes every two to three minutes, and is not a problem.

Carol Langley asked if the sign companies advise how many footcandles the signs are when they are purchased. Mr. Yates said that he is sure they know what they are, he just has not been asking that question since it is not part of the ordinance. Jeffrey Waddell said that information on the footcandles would be very helpful for them as a benchmark. Jeffrey Waddell said that the LED lights are also another spectrum, so they will need a benchmark. Mr. Yates said that he just got the information a couple of weeks ago, and he will find a meter to go out and measure the existing signs and get photos of example signs between now and the next meeting. Mr. Yates said that he could go ahead and write the ordinance and leave the information on the footcandles blank, then when they see the examples, they can determine that information and see which brightness they want. Mr. Yates said that on the message board, regarding the timing of the messages, he will measure the City sign, because it changes more often than the Ransom sign.

Mr. Yates said that he has also written on a couple of the sign permits about the sign not being too bright or flashing more than so many seconds, but he can't use it as a legal tool. Arnette Easley asked if there was a requirement on how far off of the road they need to be, because most of them are portable. Mr. Yates said that to him, there should be no portable electronic signs. Arnette Easley said that if the sign is farther off the road, it would cut down on the illumination. Mr. Yates said that, in his opinion, if they want the sign to be further back from the road, that would an entirely new section of the ordinance that they need to prepare, otherwise an electronic sign could go anywhere a regular sign can be placed, but if it is distracting to a driver, they probably should not allow the sign no matter where it is. William Simpson asked if TxDOT sets the area where the sign can be placed on the road. Mr. Yates said that you can't put an advertising sign on the State Right-of-Way, and the City's ordinance states that it can be on the Right-of-Way, except over a utility easement, so he will need to consult with the City Engineer on where the utilities are located before a permit is issued. Arnette Easley said that he sees a lot of

electronic signs inside the buildings, and asked if they would regulate those signs. Mr. Yates said that they would regulate those signs, if they had advertisement of the business on the sign. Chairman Cox asked if this should be something that they address in the Corridor Enhancement District ordinance, regarding electronic signs. Mr. Yates said no, they would add this to the sign ordinance, and it would be for the entire City.

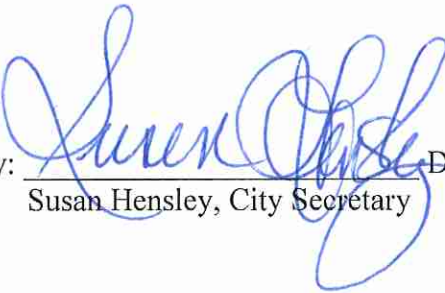
Mr. Yates said that if it is alright, he would prepare an ordinance for the meeting next month, and will leave the footcandle strength blank, and how often the message changes blank. Mr. Yates said that it was his suggestion that they not allow the transition as a visual effect on electronic message display signs, but do allow the dissolve and fade. Mr. Yates said that the transition in the electronic message display world is defined as a visual effect used on electronic message boards to change from one message to another, but the visual effect is like a burst or something like a circle or swirl, because the City Council would not like the visual effect of the change, but the fade and dissolve is much more calm. Mr. Yates said that there was no action required.

Chairman Cox said that he would like to see some examples. Arnette Easley said that once they find out the City's sign information and how often it changes, they could use that as the standard. Mr. Yates said that what he will do is make a copy of the new ordinance, and attached it to every sign application so that they will have a copy of what the standards are. Chairman Cox said that when you are getting gas at Brookshire Bros. and you watch the City sign change, and said it was a perfect example. Mr. Yates said that the City sign has either a dissolve or fade standard. Jeffrey Waddell said that would be very helpful to have any information that Mr. Yates could provide. Jeffrey Waddell said that he thinks about things like strobe lights and things that are distracting for a driver for safety reasons.

Carol Langley said that regarding design guidelines for residential and commercial structures, it is the guidelines that go with the Historic District; it talks about accessory buildings, and it says that accessory buildings can be metal but they have to be screened from the street or private property. Mr. Yates said that he had talked about that to the Wagner's and they did not want to plant tall trees around their building and they did not.

8. Adjournment

Jeffrey Waddell moved to adjourn the meeting at 7:15 p.m. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

Submitted by:  Date approved: \_\_\_\_\_  
Susan Hensley, City Secretary

\_\_\_\_\_  
Chairman Nelson Cox

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> February <sup>26</sup> , 2018	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By:</b> Jack Yates City Administrator	<b>Exhibits:</b> E-mail request, Pictures of trees to be cut
<b>Date Prepared:</b> January 31, 2018	

**Subject**

This is a request from Erin Wendell of 705 College St. to remove two trees on that property.

**Description**

The reason given in the email for the removal of the trees are: one of the trees is leaning on the front fence causing damage in the second tree is leaning over the house and they are afraid it's going to cause roof damage. They offer to plan another tree of on our property in the place of these trees being removed.

**Recommendation**

Approve the removal of the two trees with a requirement of a 3 inch caliper tree to be placed on the property within three months of your approval date.

**Approved By**

City Administrator	Jack Yates	Date: February 27 2018
--------------------	------------	------------------------



Yates, Jack &lt;jyates@ci.montgomery.tx.us&gt;

---

**705 College Street Tree Removal**

1 message

**Erin Wendell** <mrs.wendell@yahoo.com>

Tue, Jan 30, 2018 at 10:33 AM

To: jyates@ci.montgomery.tx.us

I would like to request approval to cut down two trees on my property at 705 College Street. One of the trees is leaning on our fence causing damage. The other is a Pecan Tree leaning over our home and we are afraid it's going to cause some roof damage. It drops pecan on the roof and we have to clean it off regularly to insure no damage. It's just a worry for us. I would agree to plant another tree on our property in the place of these trees being removed. I'm including pictures of the trees as well.

Thank you for your time.  
Erin Wendell  
936-827-8586

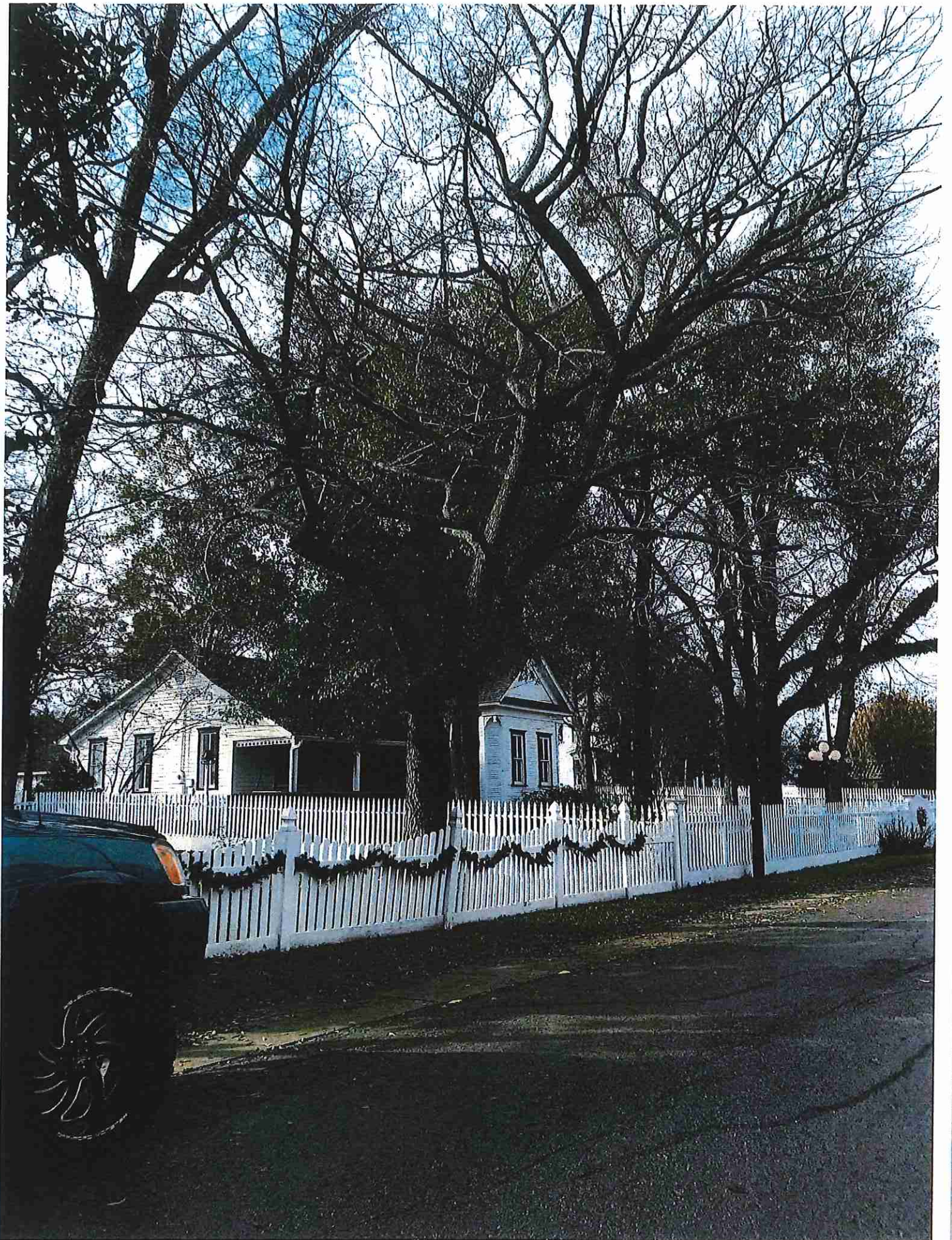
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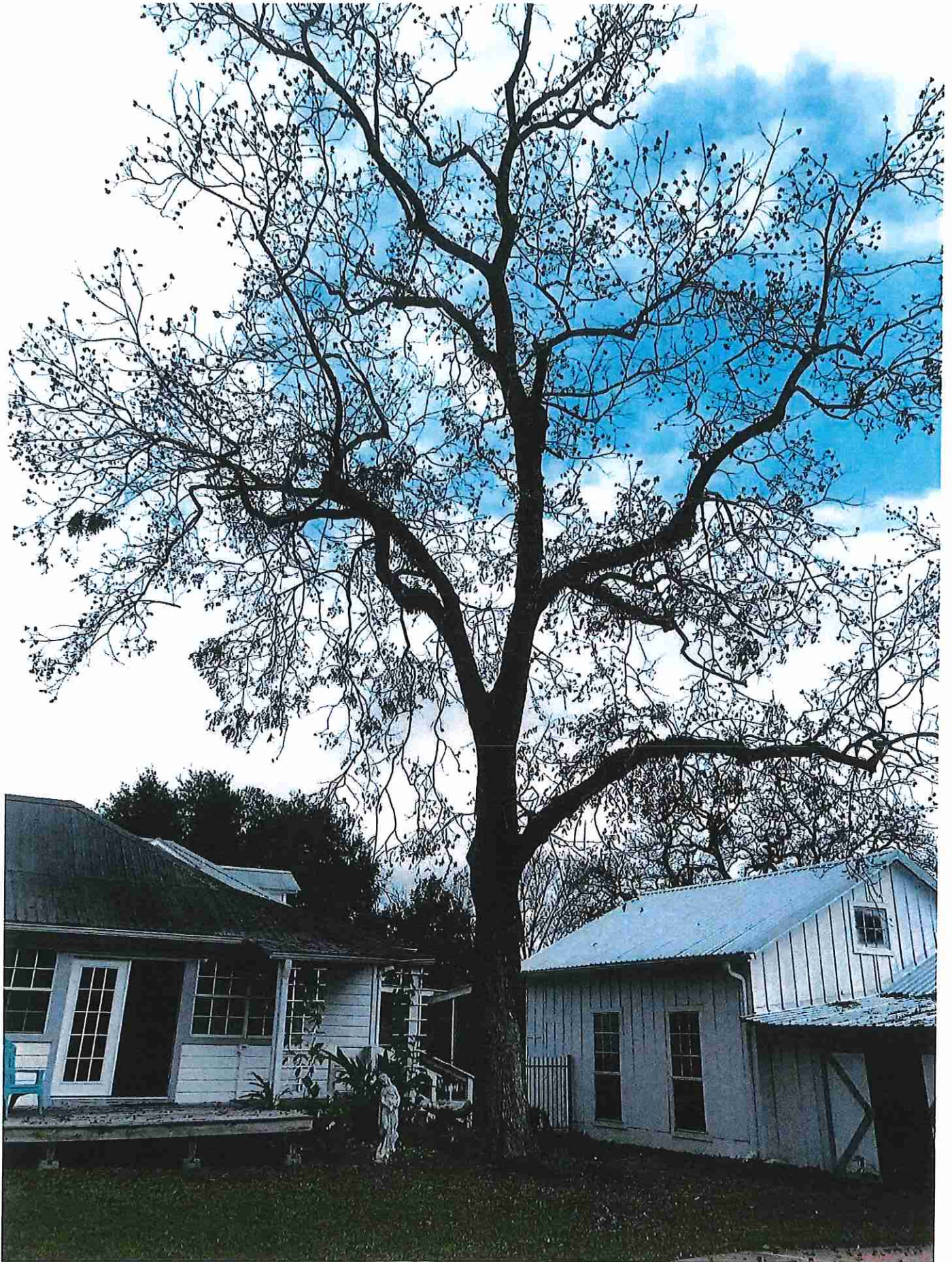
**2 attachments**

**image1.jpeg**  
4295K



**image2.jpeg**  
5120K







Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date:</b> February 19, 2018	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By:</b> Jack Yates City Administrator	<b>Exhibits:</b> City Engineer Memo, Plat showing site
<b>Date Prepared:</b> February 22, 2018	

**Subject**

This is a request from Samdana Investments, L.P. from the required 35 foot front building setback line to a 25 foot building line along SH 105 and a variance from the 15 foot building setback line to a 10 foot building line setback along John A. Butler Street due to the irregular, triangular-shaped shape of this tract

**Description**

Section 78 – 32 of the city code states: (underline- Yates added)

*“ When a subdivider or developer can show that a provision of this chapter would cause unnecessary hardship if strictly adhered to, or where because of some condition peculiar to the site or the unique nature of the development compliance with this chapter is not consistent with or required by good engineering and planning practices, and if in the opinion of the city council and the city engineer a departure from this Chapter may be made without destroying with the intent of this chapter, the city council may authorize a variance”*

The triangular shape of this lot and the narrowness of the lot between SH 105 and John A. Butler lends itself to the positive consideration of a variance. The City Engineer agrees.

Montgomery City Council  
AGENDA REPORT

**Recommendation**

Consider the placement of the buildings on the property as to otherwise complying with the ordinance is much as possible, including parking requirements, then consider and vote as you will.

**Approved By**

City Administrator

Jack Yates

Date: February 22, 2018



1575 Sawdust Road, Suite 400  
 The Woodlands, Texas 77380  
 Tel: 281.363.4039  
 Fax: 281.363.3459  
[www.jonescarter.com](http://www.jonescarter.com)

February 21, 2018

The Planning and Zoning Commission  
 City of Montgomery  
 101 Old Plantersville Road  
 Montgomery, Texas 77316

Re: Variance Request – Building Setback Requirement  
 Samdana Investments  
 City of Montgomery

Commission Members:

Section 78-90(a) of the City of Montgomery Code of Ordinances specifies property lines facing major streets must have a building setback line of no less than 35 feet from the front property line. Section 78-90(b) specifies the building line on the street side of corner lots must be no less than 15 feet from the side street property line.

- The Developer is requesting a variance from a 35-foot building line to a 25-foot building line along the frontage of State Highway 105.
- The Developer is requesting a variance from a 15-foot building line to a 10-foot building line along the frontage of John Butler Street.

Enclosed you will find a request for variance as submitted by the surveyor for the property, Mr. Christian Offenburger, RPLS. We offer no objection to the requested variance on the grounds that implementation of the standard requirements would render the tract functionally undevelopable. Approval of the requested variance does not constitute plat approval and only allows the Developer to further refine the proposed site plan and minor plat which will require the full review and approval of the City.

If you have any questions or comments, please contact me.

Sincerely,

Chris Roznovsky, PE  
 Engineer for the City

CVR/ab

K:\W5841\W5841-0900-00 General Consultation\Meeting Files\Status Reports\2018\P&Z Reports\Samdana Investments, Variance Request-P&Z Opinion.doc

Enclosures: Samdana Investments – Variance Request  
 Samdana Investments – Minor Plat

cc/enc: The Honorable Mayor and City Council, City of Montgomery  
 Mr. Jack Yates – City of Montgomery, City Administrator  
 Ms. Susan Hensley – City of Montgomery, City Secretary  
 Mr. Larry Foerster – Darden, Fowler & Creighton, City Attorney



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February 21, 2018

The Planning and Zoning Commission  
City of Montgomery  
101 Old Plantersville Rd.  
Montgomery, Texas 77356

Re: Submission of Replat  
Mitchell Corner  
City of Montgomery

Dear Commission:

We reviewed the Replat submission for the referenced development on behalf of the City of Montgomery. Our review was based on The City of Montgomery's Code of Ordinances, Chapter 78, Section 63 and any other applicable chapters. We offer no objection to the replat and recommend the Commission approve the replat as submitted.

If you have any questions or comments, please contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Chris Roznovsky'.

Chris Roznovsky, PE  
Engineer for the City

CVR/ab

K:\W5841\W5841-1027-00 Apache Machine Shop Plan Review\Project Management\Plan Review Letters\REPLAT APPROVAL Mitchell Corner 022118.doc

Enclosures: Final Replat  
cc: The Honorable Mayor and City Council – City of Montgomery  
Mr. Jack Yates – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Larry Foerster – Darden, Fowler & Creighton, LLP, City Attorney  
Mr. Jay Dean Canine, RPLS – Town and Country Surveyors, a Landpoint Company





Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: February 27, 2018</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates</b> City Administrator	<b>Exhibits:</b> Engineer's memo, <i>plat</i>
<b>Date Prepared: February 22, 2018</b>	

**Subject**

This is creating two lots were now only one exist.

**Description**

This is a fairly simple plat, that separates the building that Mr. Mitchell is presently building at the corner Plez Morgan and Lone Star Parkway.

**Recommendation**

Approved the plat as presented.

**Approved By**

City Administrator	Jack Yates	Date: February 22, 2018
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The Woodlands, Texas 77380  
Tel: 281.363.4039  
Fax: 281.363.3459  
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February 21, 2018

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City of Montgomery  
101 Old Plantersville Rd.  
Montgomery, Texas 77356

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Sincerely,

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Chris Roznovsky, PE  
Engineer for the City

CVR/ab

K:\W5841\W5841-1027-00 Apache Machine Shop Plan Review\Project Management\Plan Review Letters\REPLAT APPROVAL Mitchell Corner 022118.doc

Enclosures: Final Replat  
cc: The Honorable Mayor and City Council – City of Montgomery  
Mr. Jack Yates – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Larry Foerster – Darden, Fowler & Creighton, LLP, City Attorney  
Mr. Jay Dean Canine, RPLS – Town and Country Surveyors, a Landpoint Company



# REPLAT OF MITCHELL CORNER A COMMERCIAL SUBDIVISION OF 7.63 ACRES (332,410 SQ. FT.)

IN THE  
JOHN CORNER SURVEY, A-8  
BENJAMIN RIGSBY SURVEY, A-31  
MONTGOMERY COUNTY, TEXAS  
1 BLOCK 2 RESERVES  
FEBRUARY 2018

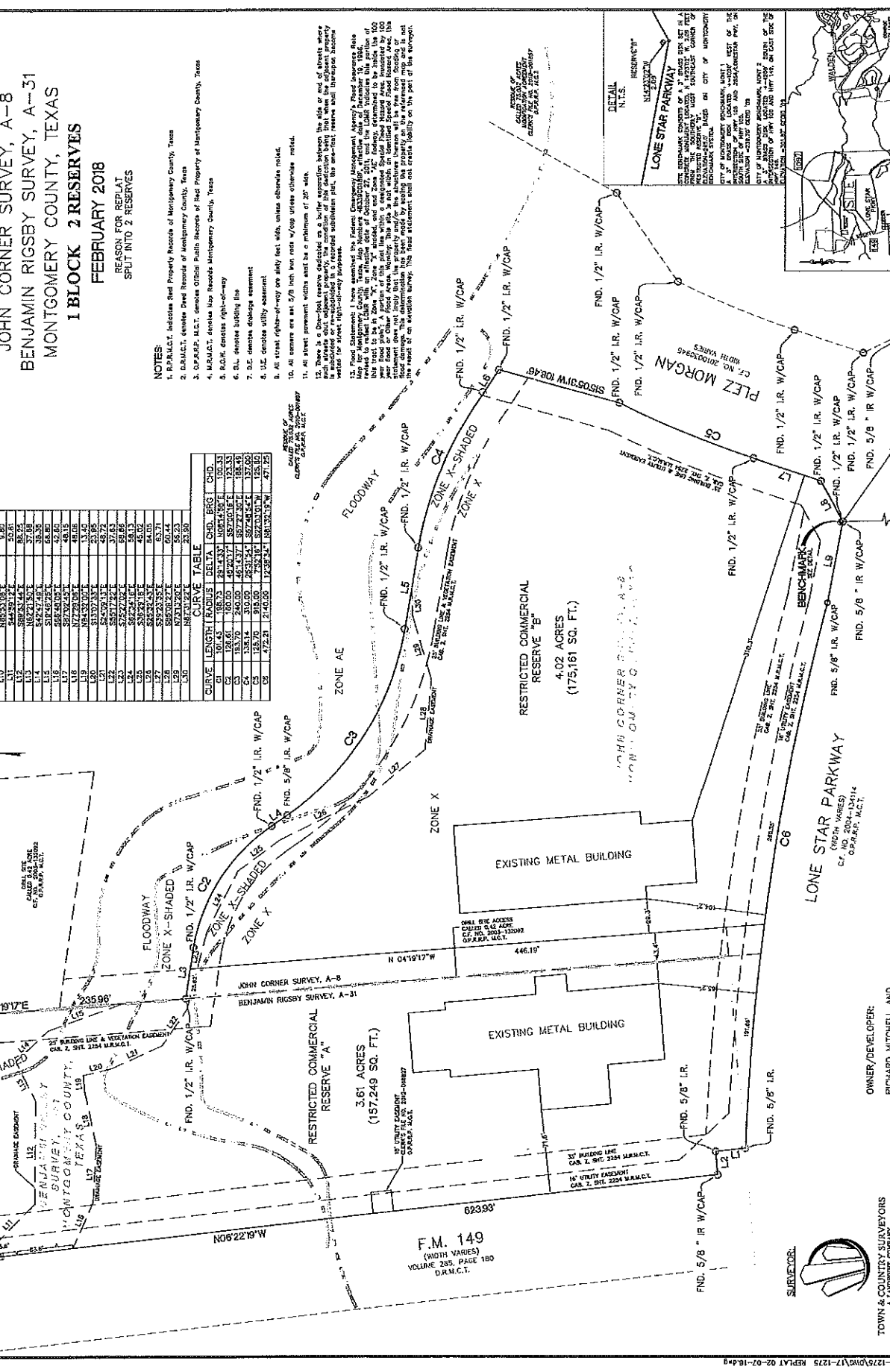
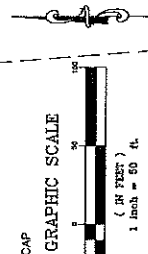
REASON FOR REPLAT  
SPLIT INTO 2 RESERVES

LINE	BEARING	LENGTH
L1	N89°54'17"W	26.03
L2	S81°03'17"W	44.39
L3	S81°03'17"W	44.39
L4	S34°20'10"E	16.19
L5	S89°24'51"E	70.09
L6	S89°24'51"E	70.09
L7	S89°24'51"E	70.09
L8	N29°14'54"W	73.67
L9	N89°53'05"E	38.87
L10	N89°53'05"E	38.87
L11	S44°50'17"E	39.93
L12	N68°21'36"E	37.58
L13	N68°21'36"E	37.58
L14	S42°57'46"E	38.35
L15	S73°46'30"E	68.80
L16	S73°46'30"E	68.80
L17	S87°02'45"E	49.15
L18	N77°29'08"E	48.08
L19	N84°53'29"E	33.40
L20	N84°53'29"E	33.40
L21	S42°50'13"E	43.75
L22	S57°17'42"E	37.63
L23	S75°27'02"E	59.85
L24	S82°24'16"E	58.13
L25	S82°24'16"E	58.13
L26	S22°32'43"E	84.05
L27	S32°22'35"E	63.71
L28	S65°38'27"E	60.44
L29	S65°38'27"E	60.44
L30	N47°31'21"E	26.50
L31	N47°31'21"E	26.50

CURVE	LENGTH	RADIUS	DELTA	CHD.	BRG.	CHD.
C1	101.43	186.73	287.1337	N051°42'56"E	102.33	
C2	126.65	180.50	457.6717	S52°20'56"E	123.33	
C3	133.12	190.00	454.1337	S57°21'36"E	126.43	
C4	128.70	915.00	745.1431	S27°53'10"W	125.80	
C5	472.21	2140.00	1739.5431	N83°52'15"W	471.25	

- NOTES:**
1. PARALLET, indicates Real Property Records of Montgomery County, Texas.
  2. D.A.M.C.T. denotes Deed Records of Montgomery County, Texas.
  3. O.P.A.P.C.T. denotes Official Public Records of Real Property of Montgomery County, Texas.
  4. M.P.A.C.T. denotes Map Records of Montgomery County, Texas.
  5. R.O.W. denotes right-of-way.
  6. D.U. denotes building line.
  7. D.C. denotes easement.
  8. U.C. denotes utility easement.
  9. All street right-of-way are sixty feet wide, unless otherwise noted.
  10. All corners are set 5/8 inch from rods w/stop unless otherwise noted.
  11. All street pavement widths shall be a minimum of 20' - 40'.
  12. There is a Center-line easement, dedicated as a buffer easement between the side or end of a street when such street abutts adjacent property, the condition of that dedication being that when the adjacent property is to be subdivided and dedicated to public use, the street shall be re-established in the original location and width for street right-of-way purposes.
  13. Flood Statement: I have examined the Federal Emergency Management Agency's Flood Insurance Rate Map for Montgomery County, Texas, Map Numbers 44384D0101E, effective date of December 10, 1994, and have determined that the site of the subject property, as described herein, is not within the 100 year flood or other flood hazard zone. This plat is recorded with the understanding that the Flood Insurance Statement does not imply that the property and/or the structures thereon will be free from flooding or other hazards, or that the structures are in compliance with all applicable laws, codes and regulations. The owner is advised that a Flood Insurance Statement is available for review on the FEMA website at [www.fema.gov](http://www.fema.gov).



**OWNER/DEVELOPER:**  
RICHARD MITCHELL AND  
IRINA MITCHELL  
2530 TAYLOR ROAD  
MONTGOMERY, TX 77356  
PH: (505) 465-4507  
EMAIL: rir@rs.com

**TOWN & COUNTRY SURVEYORS**  
2818 SANDER ROAD, SUITE 200  
THE WOODLANDS, TX 77380  
PHONE: (281) 442-4200  
WWW.MONTPLAT.COM  
TERRY J. HEDGECOCK

**F.M. 149**  
(WIDTH VARIES)  
VOLUME 285, PAGE 180  
D.R.N.C.T.

**SHEET 1 OF 2**



TOWN & COUNTRY SURVEYORS  
 2515 A LAMBSONE COUNTRY  
 SUITE 300 W. FORT WORTH  
 TEXAS 76104-1000  
 WWW.TCNSURVEYORS.COM

30545 JUDGE  
 REPLAT  
 OF  
 MITCHELL CORNER

OWNER/DEVELOPER  
 RICHARD MITCHELL AND  
 IRINA MITCHELL  
 2530 TAYLOR ROAD  
 FORT WORTH, TX 76106  
 PHONE: 817-462-4607  
 EMAIL: RMitche@att.net

STATE OF TEXAS  
 COUNTY OF MONTGOMERY

That Richard Mitchell and Irina Mitchell herein acting individually or through the undersigned duly authorized surveyor, do hereby certify that the land described and property on the Record of Mitchell Corner Subdivision, and does hereby make improvements, and dedicates to public use the streets, alleys, parks, and easements therein shown, and dedicates to public use the easements, rights, and appurtenances therein and easements, except those specifically indicated as private and does hereby waive any claims, rights, or interests in any and all easements, rights, and appurtenances therein, and does hereby certify that the same conform to such laws and does hereby bind Owner, and Owner's successors and assigns to warrant and forever defend the title to the land as described.

Owner hereby certifies that Owner has or will comply with all applicable regulations of the City of Montgomery, Texas, in connection with this subdivision, including, but not limited to, improvements, and easements required under such regulations and the proposed impact of the subdivision.

IN TESTIMONY WHEREOF, to be signed by Richard Mitchell and Irina Mitchell, thereunto authorized and his common seal hereunto affixed this \_\_\_\_ day of \_\_\_\_\_, 2018.

By: Richard Mitchell  
 \_\_\_\_\_  
 Richard Mitchell

STATE OF TEXAS

COUNTY OF MONTGOMERY

BEFORE ME, the undersigned authority, on this day personally appeared Richard Mitchell and Irina Mitchell, known to me to be the persons whose names is subscribed to the foregoing and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein set out, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_\_, 2018.

Notary Public for Montgomery County, Texas  
 \_\_\_\_\_  
 Printed name \_\_\_\_\_  
 My commission expires \_\_\_\_\_

SURVEYOR'S CERTIFICATION

That I, Jay Dean Collins, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Montgomery, Texas.

By: Jay Dean Collins  
 Registered Professional Land Surveyor  
 Texas Registration No. 4576

CITY OF MONTGOMERY

I, THE UNDERSIGNED, Engineer for the City of Montgomery, hereby certify that this subdivision plat conforms to all requirements of the subdivision regulations of the City as to which his approval is required.

By: Chris Robinson  
 City Engineer - City of Montgomery

CITY OF MONTGOMERY

This plat and subdivision has been submitted to and considered by the City Planning and Zoning Commission and the City Council of the City of Montgomery, Texas and is hereby approved by such Commission and Council.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

By: Tik Jones  
 Mayor - City of Montgomery

By: \_\_\_\_\_  
 Chairman - Planning and Zoning Commission

By: Susan Weaver  
 City Secretary

This Record has been submitted to and considered by the City Administrator of the City of Montgomery, Texas, and is hereby approved as such.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

By: Tom Yates  
 City Administrator - Montgomery

COUNTY CLERK

I, Mark Turnbull, Clerk of the County Court of Montgomery County, Texas, do hereby certify that the within instrument with this certificate of submission was filed for registration in my office on \_\_\_\_\_ day of \_\_\_\_\_, 2018, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. in said County.

WITNESS MY HAND AND SEAL OF OFFICE, at Conroe, Montgomery County, Texas, the day and date last above written.

By: Mark Turnbull  
 County Clerk, Montgomery County, Texas

By: \_\_\_\_\_  
 Deputy

Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: February 26, 2018</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates</b> City Administrator	<b>Exhibits:</b> Draft Electric Message Display ordinance, Supporting information
<b>Date Prepared: February 22, 2018</b>	

**Subject**

This is a draft of an Electronic Message Display ordinance.

**Description**

The ordinance appears to include size, brightness, frequency and method of changing messages. I was unable however to find anyone to measure the brightness of the existing electronic signs—for comparison sake to the 5 footcandles that is in the ordinance as to brightness of the sign. I'm still trying to do that and maybe can do that by next Monday night's meeting.

Also, I would like to have a sign company read the proposed ordinance and comment upon it. You may not like everything that sign company would say about the ordinance but it seems appropriate to get their opinion.

**Recommendation**

Comment as you feel appropriate, I am not thinking that is ready for your approval yet.

**Approved By**

City Administrator	Jack Yates	Date: February 22, 2018
--------------------	------------	-------------------------

AN ORDINANCE AMENDING SECTIONS  
66 – 1, 66 – 2 (11) AND ADDING 66 – 53 (s)  
TO THE CITY CODE REGARDING ELECTRONIC  
MESSAGE DISPLAY SIGNS, DEFINITIONS  
ALLOWING PERMITS, PROVIDING  
AN EFFECTIVE DATE

WHEREAS, the proliferation of Electronic Message Display signs is happening inside the City, and

WHEREAS, the City Council in the interest of traffic safety and maintaining the appearance of the City,  
and

WHEREAS, the regulation of Electronic Message Display signs need specific definitions and regulatory controls regarding the brightness, the method of changing the message displayed on the sign and the frequency of the changing of the message is important and needs to be specifically provided to permittees who desire to place it signs inside the city,

NOW, THEREFORE, but ordained by the City Council of the City of Montgomery Texas:

Section 1 – Section 66 – 1 Definitions. is hereby amended to read as follows: “Moving Message Boards” is deleted and replaced by “Electronic Message Display- – 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”.

Also added to Section 66 – 1 Definitions. are the following definitions:

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

“Fade – a mode of message transition on Electronic Message Display 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 – a complete, static display screen on an Electronic Message Display.”

“Frame Effect – a visual effect on electronic message display applied to a single frame to attract the attention of viewers>”

“Scroll- a mode of message transition or an Electronic Message Display where the message appears to move vertically across the displayed surface.”

“Transition – a visual effect used on Electronic Message Display to change from one message to another.”

Section 2 Section 66 – 2 (11) is amended to read “signs with flashing, blinking, or traveling lights are prohibited other than provided in section 66 – 53 (s) of the Code.”

Section 3 Section 66 – 53 (s) is added to the Code by adding: “Electronic Message Display signs may be permitted in the commercial and industrial zoning districts subject to the following requirements:

- a. 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.
- b. Minimum display time. Each message on the sign must be displayed for a minimum of five seconds.
- c. Lighting intensity. In no case shall the lighting intensity of any sign, whether resulting from internal lamination or external elimination shall not exceed 0.5 footcandles more than fifty (50) feet from the sign when measured with a standard light meter perpendicular to the face of the sign.
- d. No Electric Message Display signs may be used on temporary signs.
- e. Electronic Message Display signs located on the lot adjacent to any residential district shall not be operated between the hours of 10:00 PM and 6:00 AM in the event the premises on which the sign is specifically operating is engaged in the operation of its business, this requirement shall not apply.
- f. The image or message of the sign does not flash or have animation or television type of screen effects.
- g. The area of the Electronic Message Display does not exceed one thirds of the entire size of the sign.

Section 4 Effective Date shall be upon passage and publication.

PASSED AND APPROVE this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Kirk Jones, Mayor

ATTEST:

\_\_\_\_\_  
Susan Hensley, City Secretary

FROM JANUARY 22<sup>nd</sup> meeting Montgomery City Council  
**AGENDA REPORT**

<b>Meeting Date: January 22 2018</b>	<b>Budgeted Amount:</b>
<b>Department:</b>	
<b>Prepared By: Jack Yates City Administrator</b>	<b>Exhibits:</b> Electronic sign ordinances information <i>Ordinance</i>
<b>Date Prepared: January 19, 2018</b>	

**Subject**

A member of the City Council request that the Commission will you consider the ordinance regarding electric display signs.  
 I have investigated the subject as administered by other cities.

**Description**

The electric sign ordinance basically gets down to three issues to administer/enforce:

- The brightness of the sign and in the recommendation is not to exceed .5 footcandles more than 50 feet from the sign when measured with a standard light meter perpendicular to the face of the sign.
- How often the sign changes/flashes and the recommendation is 5 to 10 seconds.
- The fade/dissolve/transition of the sign message and the recommendation is to allow a "dissolve" (meaning where the first message gradually appears to dissipated news legibility simultaneously with a gradual appearance and legibility of the second message) "fade" (meaning where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases in intensity to the point of legibility) a "transition" any type of visual effect used on an electronic message display to change from one message to another (seems too broad to me to include, but might preclude some interesting graphics during the display transition time).

Once you decide the brightness, how often you want the sign to change/flash, and if you want the any of the fade/dissolve/transition elements preparing an ordinance will be fairly easy, probably ready next meeting for your consideration

Montgomery City Council  
AGENDA REPORT

**Recommendation**

Read the enclosed materials and direct the staff to prepare an ordinance that applies.

**Approved By**

City Administrator

Jack Yates

Date: January 19, 2018

## ELECTRONIC SIGN ORDINANCE ISSUES

Recent breakthroughs in the sign field have made available high intensity LEDs in red, green, blue and amber. These LEDs have made it possible to produce displays bright enough for outdoor use with viewing angles that are equal to, or better than, other technologies currently available. They are energy-efficient, can be programmed and operated remotely, and require little maintenance. In addition, the computer software has evolved such that a broad range of visual effects can be used to display messages and images. The spacing of the LEDs can be manipulated to achieve near-television resolution.

Electronic changeable message signs are generally of two types: light emitting and light reflective. Current light emitting display technologies include LED and incandescent lamp. Light reflective displays typically consist of either a reflective material affixed to a mechanical device (like a "flip disk") or a substance commonly referred to as electronic ink.

Electronic signs have evolved to the point of being capable of a broad range of operational capabilities. They are controlled via electronic communication. Text and graphic information is created on a computer using a software program. This software is typically a proprietary component that is supplied by the display manufacturer. These software programs determine the capabilities of the displays. The software is then loaded onto a computer that operates the sign. The computer may be installed within the sign itself, operated remotely from a nearby building, or even more remotely by a computer located miles away and connected to the sign with a telephone line modem or other remote communication technology.

All display capabilities are securely in the hands of the display operators. They are ultimately responsible for what type of, and how, information is displayed on their changeable message sign.

### Traffic Safety Considerations

Electronic message displays (EMDs) are capable of a broad variation of operations, from fully-static to fully-animated. In exterior sign use, they are often



placed where they are visible to oncoming traffic. Concerns are often raised as communities change their sign codes to expressly permit such signage about the traffic safety implications for signage with moving messages. These concerns are largely unfounded.

Operations: Duration of message on-time. The duration of the message on-time should be related to the length of the message, or in the case of messages displayed sequentially, the message element. For instance, based on state highway agency experience, "comprehension of a message displayed on a panel of three lines having a maximum of 20 characters per line is best when the on-time is 15 seconds. In contrast, the customary practice of signing which merely displays time and temperature is to have shorter on-times of 3 to 4 seconds. Use of electronic signs requires only that messages be changed at "reasonable intervals."

### Regulation of Electronic Signs

There is no legal basis to deny a static-display electronic sign, as it is legally indistinguishable from any other illuminated sign. Virtually all illuminated signs go through a cycle of illumination and non-illumination, as the sign is turned off during the day when illumination is not needed, or during the evening after business hours. If this were the standard, most sign owners would be guilty of a code violation on a daily basis.

The critical regulatory factors in the display of electronic changeable message signs are: 1) Duration of message display, 2) Message transition, and 3) Frame effects. Messages should be permitted to change at "reasonable intervals." Government users of signs have utilized 3 to 5 seconds on their own signs as a reasonable interval for message changes, and other communities permit very short display times or continuous scrolling on business signs without adverse effect. As a policy matter, some communities have elected to adopt longer duration periods, although to do so limits the potential benefits of using an

electronic sign, particularly where messages are broken down into segments displayed sequentially on the sign.

Flashing is a frame effect that is:

- Level 1 Static Display Only (messages changed with no transition)
- Level 2 Static Display with "Fade" or "Dissolve" transitions, or similar subtle transitions and frame effects that do not have the appearance of moving text or images
- Level 3 Static Display with "Travel" or "Scrolling" transitions, or similar transitions and frame effects that have text or animated images that appear to move or change in size, or be revealed sequentially rather than all at once
- Level 4 Full Animation, Flashing and Video

Seeking to regulate electronic signs is procedural. Some signs may be acceptable always, while the community may determine that others are acceptable only in certain given circumstances. Alternatives to be considered for a sign code are as follows:

- Permit electronic signs "as a matter of right"
- Permit electronic signs with certain transitions "as a matter of right"
- Permit electronic signs, subject to a review procedure
- Permit electronic signs, with certain transitions, subject to a review procedure
- A hybrid of the above

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#### Definition/Other Issues

**ELECTRONIC MESSAGE BOARD.** A business sign that uses light emitting diodes (LED), plasma screen, or other similar technology to electronically change the image or message displayed on the message board no more frequently than once every 30 seconds.

FLASHING, ANIMATED OR MOVING SIGN. A sign that intermittently reflects lights from either an artificial source or from the sun; a sign which has movement of any illumination such as intermittent, flashing or varying intensity or a sign that has any visible portions in motion, either constantly or at intervals, which motion may be caused either by artificial or natural sources. An electronic community bulletin board or electronic freestanding business sign meeting the requirements of section 28.13 shall not be considered a flashing, animated or moving sign.

- a. The area of the electronic message board does not exceed one-third of the entire size of the freestanding sign.
- b. The image or message on the electronic bulletin board does not change more frequently than once every 10 seconds.
- c. The sign cannot contain moving images (i.e. animated, television type screens).
- d. The image or message of the sign does not flash or scroll (vertically or horizontally).
- e. The electronic message board can operate only when the business is open or between the hours of 7:00 a.m. and 9:00 p.m., or shorter time period.

All electronic signs shall abide by the Lighting Code now in place. Light only what is needed when needed and only an illumination level necessary while reducing light scattering upwards away from the object being lit.

Illuminated signs located on the lot adjacent to any residential district shall not be operated between the hours of 9:00 PM and 7:00 AM. In the event the premises on which the sign is specifically operating is engaged in the operation of its business, this requirement shall not apply.

Lighting intensity. In no case shall the lighting intensity of any sign, whether resulting from internal illumination or external illumination shall not exceed 0.5 foot candles more than fifty (50) feet from the sign when measured with a standard light meter perpendicular to the face of the sign.

No electronic signs may be used on temporary signs.

Basic Ordinances - <sup>Choices</sup> Needs: illumination brightness guidelines, times of operation add to complete an ordinance.

Jack

## Model Sign Code Provisions for Electronic Signs

### Level 1-Static Display (Message Changed with no Transition)

#### Definitions

**ELECTRONIC MESSAGE DISPLAY** – A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Electronic Message Displays may be permitted [with the approval of a use permit] [in the Commercial and Industrial zoning districts] subject to the following requirements:

- a. *Operational Limitations.* Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity.
- b. *Minimum Display Time.* Each message on the sign must be displayed for a minimum of ~~(insert reasonable interval)~~ seconds. seconds
- c. *Message Change Sequence.* ~~[Alternative 1: The change of messages must be accomplished immediately.] [Alternative 2: A minimum of 0.3 seconds of time with no message displayed shall be provided between each message displayed on the sign.]~~

Model Electronic Sign Code Provisions  
Level 2-Static Display (*Fade/Dissolve Transitions*)

Definitions

**ELECTRONIC MESSAGE DISPLAY** – A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

**DISSOLVE** – a mode of message transition on an Electronic Message Display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

**FADE** – a mode of message transition on an Electronic Message Display 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** – a complete, static display screen on an Electronic Message Display.

**FRAME EFFECT** – a visual effect on an Electronic Message Display applied to a single frame to attract the attention of viewers.

**TRANSITION** – a visual effect used on an Electronic Message Display to change from one message to another.

Electronic Message Displays may be permitted [with the approval of a use permit] [in the Commercial and Industrial zoning districts] subject to the following requirements:

- a. *Operational Limitations.* Such displays shall contain static messages only, changed only through dissolve or fade transitions, or with the use of other subtle transitions and frame effects that do not have the appearance of moving text or images, but which may otherwise not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating or varying of light intensity.
- b. *Minimum Display Time.* Each message on the sign must be displayed for a minimum of (insert reasonable interval) seconds.

AN ORDINANCE AMENDING SECTIONS  
66 – 1, 66 – 2 (11) AND ADDING 66 – 53 (s)  
To THE CITY CODE REGARDING ELECTRONIC  
MESSAGE DISPLAY SIGNS, DEFINITIONS  
ALLOWING PERMITS, PROVIDING  
AN EFFECTIVE DATE

WHEREAS, the proliferation of Electronic Message Display signs is happening inside the City, and

WHEREAS, the City Council in the interest of traffic safety and maintaining the appearance of the City,  
and

WHEREAS, the regulation of Electronic Message Display signs need specific definitions and regulatory controls regarding the brightness, the method of changing the message displayed on the sign and the frequency of the changing of the message is important and needs to be specifically provided to permittees who desire to place it signs inside the city,

NOW, THEREFORE, but ordained by the City Council of the City of Montgomery Texas:

Section 1 – Section 66 – 1 Definitions. is hereby amended to read as follows: “Moving Message Boards” is deleted and replaced by “Electronic Message Display- – 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”.

Also added to Section 66 – 1 Definitions. are the following definitions:

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

“Fade – a mode of message transition on Electronic Message Display 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 – a complete, static display screen on an Electronic Message Display.”

“Frame Effect – a visual effect on electronic message display applied to a single frame to attract the attention of viewers>”

“Scroll- a mode of message transition or an Electronic Message Display where the message appears to move vertically across the displayed surface.”

“Transition – a visual effect used on Electronic Message Display to change from one message to another.”

Section 2 Section 66 – 2 (11) is amended to read “signs with flashing, blinking,or traveling lights are prohibited other than provided in section 66 – 53 (s) of the Code.”

Section 3 Section 66 – 53 (s) is added to the Code by adding: “Electronic Message Display signs may be permitted in the commercial and industrial zoning districts subject to the following requirements:

- a. 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.
- b. Minimum display time. Each message on the sign must be displayed for a minimum of five seconds.
- c. Lighting intensity. In no case shall the lighting intensity of any sign, whether resulting from internal lamination or external elimination shall not exceed 0.5 footcandles more than fifty (50) feet from the sign when measured with a standard light meter perpendicular to the face of the sign.
- d. No Electric Message Display signs may be used on temporary signs.
- e. Electronic Message Display signs located on the lot adjacent to any residential district shall not be operated between the hours of 10:00 PM and 6:00 AM in the event the premises on which the sign is specifically operating is engaged in the operation of its business, this requirement shall not apply.
- f. The image or message of the sign does not flash or have animation or television type of screen effects.
- g. The area of the Electronic Message Display does not exceed one thirds of the entire size of the sign.

Section 4 Effective Date shall be upon passage and publication.

PASSED AND APPROVE this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Kirk Jones, Mayor

ATTEST:

\_\_\_\_\_  
Susan Hensley, City Secretary



Planning Commission:

This is how LED Signs  
are marketed.

I thought you should see this.

Jade

HOME GALLERY LED SERVICES SPECIALS CONTACT



**The Difference is "We are Affordable"**

**We Finance!**

HOME GALLERY LED SERVICES SPECIALS CONTACT





Our commercial grade LED signs, give you the ability to make a huge impression while reaching your target audience. All of our LED signs come with high quality LED bulbs, which last up to 100,000 hours. Our Digital Signs come in all sizes and are available in tri-color and full-color animation. Our LED signs allow you to change your message at any time. LED Signs are always working for you, and many small and large businesses increase their profit margin by simply adding an Outdoor LED Message Board.

### Commercial Grade LED Digital Signs



Want to attract new customers? Our LED Signs can help you attract attention to your business 24 hours a day, 365 days a year. Outdoor LED signs are your "outside salesman on the street" capturing customers into your business. It advertises to your existing customers to encourage them to buy more of what you are selling. Proven to be one of the most cost-effective ways to advertise, LED Message Signs can help you reach customers that are already driving by your business every day.

### Benefits of LED Digital Signs



The real business story behind the new LED signs is the results on retail business owner's bottom line. This new breed of signage delivers a non-static image that can include anything from simple text to full motion video. In a recent survey, it was demonstrated that an electronic LED message board could capture the attention of over 90% of the drive-by traffic. Compare that to a static sign or non-lit sign signage that generates an average of 10% recognition according to the Small Business Administration.

### Outdoor Advertising

# Why does your business need an LED sign? Better yet, can your business afford not to have one?



Prices start as low as \$1,799 for 19" x 8'6" LED sign



Mobile LED Sign Rental 3' x 8'6" and 19" x 8'6" Available



Full Color - 30 mm 15mm Virtual & 16mm, 20mm, and 26mm Available



## Who is Affordable LED's?

Our Ultra Thin Message Boards come with a 1-year manufacturer's warranty. Our Commercial Grade and Optec Message Boards come with a 5-year warranty. If you are ready to improve your sales, become a landmark destination and spend your advertising dollars more effectively, then Affordable LED's is ready to help.

## Mission Statement

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Ultra Thin LED Signs. Whether you are a small or large business, we work with all size companies to fit your LED Sign needs. Our team, from designers, fabricators, and sales team will work diligently to help any company prosper in today's competitive marketplace.

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