

## 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.

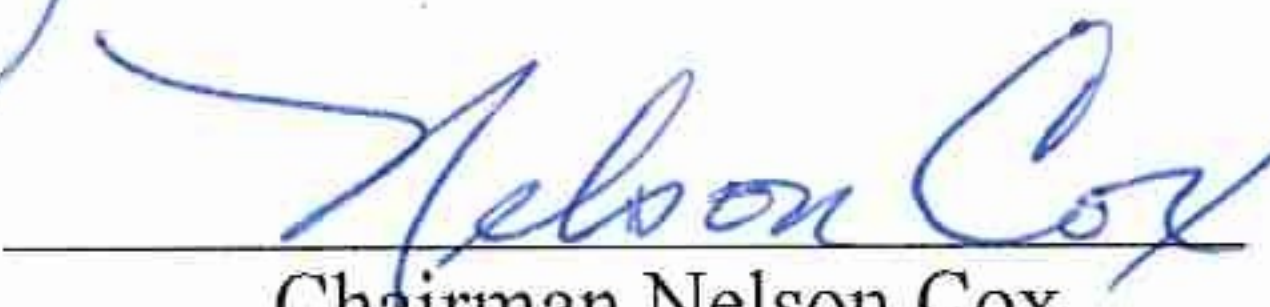


6. Adjournment

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: 03/26/18  
Susan Hensley, City Secretary



  
Chairman Nelson Cox