

# 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: 02/26/18  
Susan Hensley, City Secretary

  
Chairman Nelson Cox

