

MINUTES OF REGULAR MEETING

October 23, 2017

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, William Simpson, Jeffrey Waddell and Carol Langley

Absent: Arnette Easley

Also Present: Susan Hensley, City Secretary

Chris Roznovsky, City Engineer

Chairman Cox advised that he expected Arnette Easley to arrive at any time.

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 September 25, 2017 minutes

Jeffrey Waddell moved to approve the minutes as read for the September 25, 2017 meeting. William Simpson seconded the motion, the motion carried unanimously. (4-0)

2. Consideration of Demolition/Moving Permit for 304 John A. Butler Street to Remove building from the City – Joe Shockley.

Mr. Yates said that Mr. Shockley is requesting to demolish a building that he says is damaged and literally leaning to one side.

Mr. Shockley said that this is the second year in a row that his insurance company has decided that they no longer wanted to insure his building. Mr. Shockley said that he has spent a lot of money and done all the requests made by his new insurance company, who also does not want to cover his building. Mr. Shockley said that the insurance companies are afraid to insure lessor rental spaces and buildings with roofs over 20 years old. Mr. Shockley said that he does not want to fight this insurance problem every year. Mr. Shockley said that he has purchased two of the Texas Tiny Homes and he wants to move one to the 300 block of Prairie Street, and the other one to the other location on Butler Street.

William Simpson said that he knew that building was in pretty bad shape. Carol Langley asked if Mr. Shockley was going to take down the building piece by piece. Mr. Shockley said that he would do it the cheapest way. Mr. Shockley said that originally that building was a pawn shop and the tenant decided that he wanted to have a tea room and he asked permission to build an extension to the building, before the City did any permits and it was not done very well.

Carol Langley asked if they would have a dumpster there while they are demolishing the building. Mr. Shockley said that they would have qualified people doing the work. Carol Langley said that in the Historic District the ordinance says that if the building is beyond repairing it leans more for demolition. Mr. Shockley said that the building is not a historical building.

After discussion, William Simpson moved to approve the demolition permit for an existing structure located at 304 John A. Butler Street and remove from the City. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

inch trees, they are just missing three of them and they want them to show on the plans where all six of the 5-inch caliper trees are being planted, so it can be checked off. Mr. Roznovsky said that other than the tree information, they are doing the final review to make sure that everything else has been addressed, but it appears that the tree comment is the only thing that is outstanding.

Mr. Roznovsky said that their recommendation is that the Commission approve the plans subject to the final comments being addressed. Mr. Roznovsky said that, as a reminder, the developer is going through the alternate process where their final plat will be submitted near the end of the project.

William Simpson moved to approve the construction plans as shown for the Hills of Town Creek Section 3, subject to all the comments being addressed. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

6. Consideration and possible action regarding adoption of Land Use Plan as an informal guide to development in the City.

Mr. Yates said that the City Attorney had advised that the City could not adopt a Land Use Plan formally unless they had a Comprehensive Plan on file. Mr. Yates said that after two weeks of checking, they determined that they did not have a Comprehensive Plan on file.

Mr. Yates said that he asked the City Attorney if the Planning and Zoning Commission could recommend to City Council that the Council adopt the Land Use Plan as an internal document, such as a drainage study or mobility study, and use as a guide and not a formal requirement for any action required by the Planning and Zoning Commission. Mr. Yates said that the City Attorney advised him that the City Council could adopt the Land Use Plan as an informal guide. Mr. Yates said that as a practical matter, the Planning and Zoning Commission could recommend the Land Use Plan that they have worked on over the past several months, to the City Council as an informal guide to Planning and Zoning decisions in the future. Mr. Yates said that the City Attorney has prepared an ordinance

for City Council to adopt. Mr. Yates said that there will be a public notice of the Ordinance for the November 14, 2017 Council Meeting.

Mr. Yates said that it was his recommendation that the Planning and Zoning Commission recommend the future Land Use Plan to the City Council for them to adopt, to be used as an informal guide for planning and zoning decisions in the future.

Mr. Yates said that the reason the Planning and Zoning Commission got into the Land Use Plan at all was because the City Council asked them, after receiving requests for variances for higher density developments, to consider where they would like to see higher density areas. Mr. Yates said that as they were working on the Land Use Plan, the Commission said that they wanted to go ahead and do a full Land Use Plan, including the extra-territorial jurisdiction, as well as inside the City.

Mr. Yates said that he has stated several times that a Land Use Plan is not a requirement, even if they were to adopt it, it would not be a requirement of the City to zone property a specific way, it is just a guide. William Simpson asked if it would give them more leverage on variances. Mr. Yates said that it could, but they would not be required to follow it.

William Simpson said that if they don't make the recommendation to City Council, it will just be a piece of paper. Mr. Yates said that it would be a work-in-progress, and if City Council did not adopt the Land Use Plan, it could still be sitting here. Mr. Yates said that part of the reason to adopt it is so that the public knows about it and the intent of the City Council and Planning and Zoning Commission. Jeffrey Waddell said that it would be a very useful tool to be able to have for leverage when determining variances.

Carol Langley asked whether there were plans for a Comprehensive Plan. Mr. Yates said not at this time, but there is an opportunity for a grant that the City can apply for in February 2018. Carol Langley said that the City has worked on the Comprehensive Plan three times in 30 years. Mr. Yates said that the City has never accepted the Plan. Mr. Yates said that part of the reason that it seems worthwhile to go ahead and adopt the Land Use Plan is

because the Comprehensive Plan takes time, money and a concerted effort that would take at least a year to complete, at best.

Carol Langley asked how this is going to be labeled, so that when a developer comes in to develop a subdivision, this is not going to be given to them as a requirement, is it going to be labeled different. Mr. Yates said that he would have to ask the City Attorney that question, because for this meeting he called it the "Future Land Use Plan" and dated it October 2017, but in the Ordinance it will be called Future Land Use Map October 2017, so he will need to use what the City Attorney puts in the Ordinance. Mr. Yates said that it would be put onto the web site with an explanation of the informal adoption.

William Simpson moved to recommend the attached Future Land Use Plan to the City Council for them to adopt and use as an informal guide for planning and zoning decisions in the future. Jeffrey Waddell seconded the motion.

Discussion: Chairman Cox asked if they could also indicate that this is to be attached to a future Comprehensive Plan. Mr. Yates said that they could do that and it would be a good point.

William Simpson moved to amend his motion to attach this document to any future Comprehensive Plan. Jeffrey Waddell seconded the amendment. The motion carried unanimously. (4-0)

Chairman Cox said that when he came on the Commission in 2010 there was discussion about a Comprehensive Plan, and it seems to him that somebody mentioned that they could hire an engineering firm or a law firm, but you could also go to one of the great nearby colleges in College Station, that has a lesson plan, where you could get some help. Chairman Cox said that there has been nothing else said about the Comprehensive Plan, and asked if that would still be a possibility. Mr. Yates said that was correct. Carol Langley said that back in 2010 she thought that it was the Montgomery Industrial Development Corporation that had several presentations on a Comprehensive Plan and did quite a bit of

work on one, if she remembered correctly. Mr. Yates said that he has a copy of the 2012 or 2013 Burditt Study. Carol Langley said that there was one done before that by Raymond K. Vann and Associates. Mr. Roznovsky said that Sitech Engineering was involved as well. Mr. Yates said that the document that he saw was a full document with recommendations, but it was never adopted. Carol Langley said that the City Administrator before Bill Kotlan, Brant Gary had a group from Houston that he was familiar with, come and make a presentation to MIDC for quite a while, but since he did not stay with the City, it did not get picked up by the new City Administrator. Carol Langley said that she knew the City spent close to \$8,000, just through MIDC. Carol Langley said that she knew three different groups that have tried to present a Comprehensive Plan and she did not think that they ever got them finished.

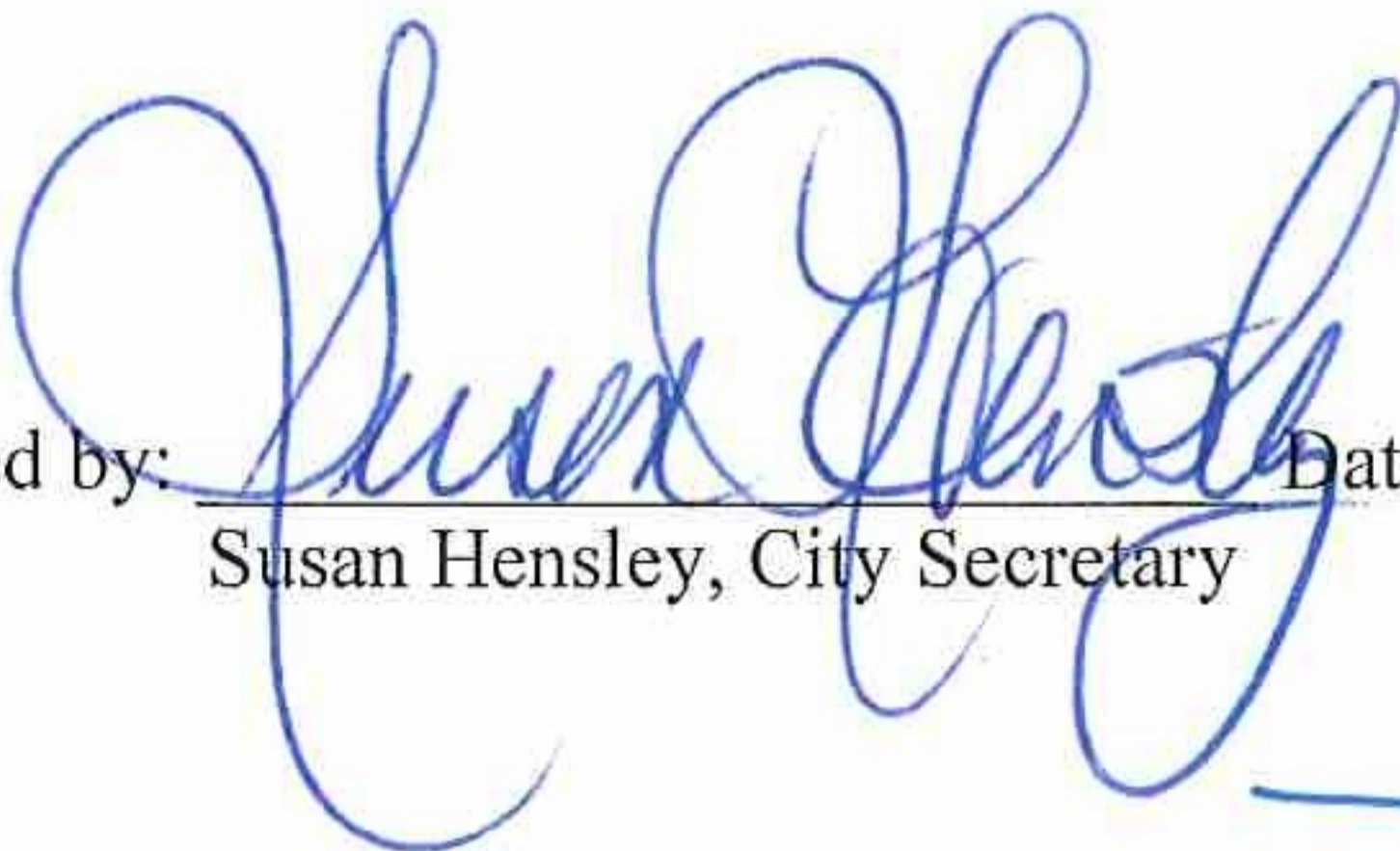
Mr. Yates said that the one prepared by Raymond K. Vann was about two inches thick and had drawings and a plan for each of the sections of the City. Mr. Yates said that the accompanying notes stated that they submitted the final review to City Council, but it was never accepted. Chairman Cox said that it was not something that was just put aside, it did go before City Council. Mr. Yates said that was correct. Carol Langley said that she did not think that it went before City Council as an action item, she thought that it was a presentation, but never brought back as an action. Carol Langley said that the study was done with a grant and they needed it for another grant, and if she was not mistaken, they assumed that it was a done deal. Carol Langley said for years that was the plan. Carol Langley said that the maps from the study were used a lot for years. Carol Langley said that Comprehensive Plans are not easy and they take a lot of time and they are very expensive. Mr. Yates said that he will put together a standard letter asking for help with the Comprehensive Plan that he can send to A&M, Rice, University of Houston and the University of Texas at Arlington, or any school that has an urban planning or public administration type of school and see what they get.

Mr. Yates said that a lot of the work is in the community, and the community is the worker, with neighborhood meetings and the plan becomes what the community wants it to be. Mr. Yates said that they look at the goals and objectives of the community, and then work the

plans into the budget. Mr. Yates said that they have a Drainage Study, Water and Sewer Master Plan and they are working on a Street Master Plan in this fiscal year. Mr. Yates said that they will have a fair amount of the Plan completed, at least what the engineer feels is necessary. Mr. Yates said that he understands from what the Commission is saying, is that they are interested in completing the Comprehensive Plan. Chairman Cox said that he would like to say, personally, he is interested in completing the Comprehensive Plan because it has been discussed so many times. Mr. Yates said that he would work on it.

7. Adjournment

Jeffrey Waddell moved to adjourn at 6:50 p.m. William Simpson seconded the motion, the motion carried unanimously. (4-0)

Submitted by:  Date approved: 11/27/17
Susan Hensley, City Secretary


Chairman Nelson Cox

