

**MINUTES OF PUBLIC HEARING AND REGULAR MEETING**

**March 27, 2017**

**MONTGOMERY PLANNING AND ZONING COMMISSION**

**CALL TO ORDER**

Chairman Nelson Cox declared a quorum was present, and called the special scheduled meeting to order at 6:00 p.m.

Present: William Simpson, Arnette Easley, Nelson Cox, Jeffrey Waddell and Carol Langley

Absent:

Also Present: Jack Yates, City Administrator  
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.

**PUBLIC HEARING**

Convene the Public Hearing:

Chairman Cox convened the Public Hearing at 6:02

1. For the purpose of giving all interested persons the right to appear and be heard regarding establishing a zoning district for land to be annexed, as described: all that certain 14,5003 acre tract of land, more or less, situated in the John H. Corner Survey, Abstract No. 8,

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Montgomery County, Texas. The property is being considered for initial zoning as commercial usage.

Mr. Yates advised the location of the property was between Pizza Shack and the northeast corner of SH 105 and Lone Star Parkway. Mr. Yates advised that it was the area north of SH105 and south of the Estates of Mia Lago.

There were no comments made during the Public Hearing.

Chairman Cox reconvened the Regular Meeting at 6:04 p.m.

2. Prepare Final Report for City Council.

Mr. Yates said that the property is being recommended to be zoned for commercial use and advised the Commission that they needed to recommend to City Council how they feel about the proposed zoning.

Carol Langley moved to recommend to City Council that they zone the 14.5003 acre tract of land as commercial. Jeffrey Waddell seconded the motion, the motion carried unanimously. (5-0)

3. Consideration/take action regarding February 27, 2017 minutes.

Jeffrey Waddell moved to approve the minutes as read. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

4. Consideration/take action regarding Town Creek Storage Final Plat.

Mr. Roznovsky made the presentation to the Commission and advised that he was recommending approval of the final plat subject to the final comments being addressed.

Jeffrey Waddell advised that he had a couple of questions, stating that he was trying to visualize the fenced area that exists now up against the Hills of Town Creek Section One. They have had some discussion about a greenbelt or some kind of vegetation buffer between certain areas. Mr. Roznovsky advised that what is proposed around the border is a 25 foot vegetative buffer along with the drainage easement, and will wrap around the western and northern boundary. Jeffrey Waddell asked if that drainage all flowed down under SH 105. Mr. Roznovsky said that it comes from SH 105 and heads north and then back down and makes it way to the creek.

William Simpson moved to approve the Final Plat for Town Creek Storage, subject to the City Engineer's final comments being addressed. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

5. Consideration/take action regarding Town Creek Storage Final Plans.

Mr. Roznovsky advised that the construction plans had the same minor comments as the plat that would need to be addressed, so he was recommending conditional approval.

Arnette Easley asked how many units would be in the project. Mr. Cheatham, owner, advised that there would be 256 units. William Simpson asked about the façade requirement that they had talked about regarding the brick. Mr. Roznovsky advised that he has not seen any architectural renderings of the front of the building. Mr. Yates advised that it would have to match the Ordinance requirements. Mr. Cheatham said that they were using stone and trying to match the apartments.

Arnette Easley asked if the units would be climate controlled. Mr. Cheatham advised that 65 units would be climate controlled. Jeffrey Waddell asked if there would be a 35 foot setback from SH 105. Mr. Cheatham said absolutely. Mr. Cheatham said that there would be a vegetative barrier. Jeffrey Waddell asked about the fencing. Mr. Roznovsky advised that there is a fence around the property and the vegetative buffer is outside the fence.



Jeffrey Waddell asked if the closest residential property would be the apartments. Mr. Roznovsky said that was correct, they were the immediate neighbor.

Mrs. Marilee Thompson, who owns property on College Street, said that she has some concerns about where the drainage is coming off of and asked if the drainage would run between the properties. Mr. Roznovsky said that the drainage from this tract is still going to the tributary that runs to Town Creek. Mrs. Thompson said that she had a big concern with the amount of water that would be going between her houses and she has a big concern because the amount of water going through there is getting larger by the day. Mrs. Thompson said that she does not have any flooding issues but it was very close to flooding during the last big rain and she brought this to the attention to City Council. Mrs. Thompson said that the City Engineer decided that it was in the 500 year flood plain and her comment was not valid, but she would tend to disagree. Mrs. Thompson said that the more water that they bring through there the more impacting it is going to be on the residents that live behind there, not only for her but for Lone Star Estates. Mrs. Thompson said that she just wanted to go on record again that there are some issues that we need to address.

Mr. Roznovsky said, in reference to Town Creek Storage, they did submit a drainage plan and part of that plan was that they did a study that says there is no significant adverse impact and part of that is a statement that is signed and sealed by their engineer for the drawing. Jeffrey Waddell asked if this was based on 2014 upgraded flood plain information through FEMA. Mr. Roznovsky said that it was based on the most current version from FEMA and what they are proposing does not have any significant impact downstream. Mrs. Thompson said that she begged to differ, because there was a bridge that washed out for people within the subdivision and the water is going to continue to add to that.

Jeffrey Waddell said that whenever they refer to 100 year flood plain, he is assuming that everything is geared to the latest information from FEMA, which he thought was 2014. Mr. Roznovsky said that it is based on what the current flood plain map shows.

Arnette Easley asked Mrs. Thompson if she was concerned that this was going to make the flooding worse. Mrs. Thompson said that every time that they add new structures the drainage changes.

Mr. Cheatham said that many years ago they sold property to MISD for the Athletic Complex, and they had in their contractual agreement with MISD to design all of their detention for the complex to handle all of their water off of this tract and the other property that they have to the east. Mr. Cheatham said that MISD has substantial detention that this water from the storage site flows through before it ever gets any further toward Montgomery. Mr. Cheatham said that was designed by MISD. Mr. Cheatham said that at the Athletic Complex, drive in on the east driveway, there is a huge detention area that was built and designed for the Athletic Complex, plus his property that adjoins on the south side. Arnette Easley asked Mrs. Thompson if she was aware of the drainage provisions. Mrs. Thompson said that she was not aware of that information.

Arnette Easley moved to accept the Final Plans for Town Creek Storage pending the City Engineer's comments being addressed. Jeffrey Waddell seconded the motion, the motion carried unanimously. (5-0)

6. Consideration/take action regarding Hills of Town Creek Section 3 Preliminary Plat.

Mr. Roznovsky presented the information to the Commission, stating that he is recommending approval of the plat, but noted that in June of 2015 the Commission and City Council approved variances for the Hills of Town Creek, Sections Two, Three, Four and Five, which cover the entire subdivision, that was developed into different pieces, so that variance included a reduction in lot size and lot width, as well as street radii. Mr. Roznovsky said that this was the rest of the development of the Hills of Town Creek to get them to the total 100 lots that they had originally planned.

Jeffrey Waddell asked to clarify, on the lots that are shown that are less than 50 foot, he would assume it was due to a curve or angle. Mr. Roznovsky said that the lots on a curve or

angle are measured 30 feet back. Jeffrey Waddell asked if the building line was actually 50 foot. Mr. Roznovsky said that was correct, and they still note the lot size as a deficiency to make note that they received a variance.

Chairman Cox asked Mr. Yates where this property fell in the land use map. Mr. Yates advised that it was low density. Chairman Cox asked if that had been addressed. Mr. Roznovsky said that was what he was referring to regarding the variance, it is noted as a comment and stated that the variance was approved.

William Simpson moved to approve the Preliminary Plat for the Hills of Town Creek Section Three. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

7. Consideration/take action regarding Emma's Way Extension Preliminary Plat.

Mr. Roznovsky advised that was in relation to the Hills of Town Creek and was just a separate plat for the right of way dedication. Mr. Roznovsky said that there were comments to be addressed but he is recommending the approval of the Preliminary Plat.

Jeffrey Waddell said that this is helping the situation they have run into with other properties, with only one way in and one way out, they are not running into that problem with this property. William Simpson said that it looks like they are also going to have a Lone Star Parkway entrance at a future date.

Jeffrey Waddell moved to approve Emma's Way Extension Preliminary Plat as shown. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

8. Consideration/take action regarding Villas of Mia Lago Sec. 2 Final Plat.

Mr. Roznovsky said that there are a few outstanding items to be addressed on the final plat, and mainly it is adding the recording information from the land that Montgomery County bought for Lone Star Bend, which is out of the developers' control. Mr. Roznovsky said that



he is recommending conditional approval subject to them adding the recording information to the plat. Carol Langley asked how long it would take for Montgomery County to get their recording information. Mr. Roznovsky said that it should be a matter of days to receive the recording information. Arnette Easley asked how many lots are on the property. Mr. Roznovsky said that he did not have that information with him. Arnette Easley asked about the lot size variances. Mr. Roznovsky said that he believed that it was the same width and size as they have done in that area. Carol Langley said that she did not believe there were that many lots. Mr. Roznovsky said that it was a small number of lots.

William Simpson moved to approve the Villas of Mia Lago, Section 2 Final Plat subject to the City Engineer's comments being addressed and including the Montgomery County recording information. Arnette Easley seconded the motion.

Discussion: Jeffrey Waddell asked if they should put that it is contingent to the future Bois d'Arc Road issue going through. Mr. Roznovsky advised that it would be contingent upon his comments being addressed and including the recording information from Montgomery County. Mr. Roznovsky said there would be 32 lots on the 13.5 acres.

The motion carried unanimously. (5-0)

9. Consideration/take action regarding Villas of Mia Lago Sec. 2 Final Plans.

Mr. Roznovsky presented the information and advised that he was recommending conditional upon receipt of the recording information on the final plat.

Jeffrey Waddell moved to approve the Villas of Mia Lago Section 2 Final Plans as recommended, subject to receipt of the recording information on the final plat. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

10. Consideration/take action Montgomery Retail Center Sign and Light Pole Encroachment Agreement.



Mr. Roznovsky advised that they are not offering any objection to the agreement.

Arnette Easley moved to approve the Encroachment Agreement. William Simpson seconded the motion, the motion carried unanimously. (5-0)

11. Consideration/take action regarding a Land-Use Plan for the City.

Mr. Yates advised that he would like to meet with each of the members of the Commission after they have had a chance to look at his proposed land use plan for the City. Mr. Yates said that there was no action required on this item. The Commission members were all in favor of meeting with Mr. Yates.

12. Report regarding zoning changes throughout the City.

Mr. Yates advised that he had no information regarding this item and will plan on bringing it back next month.

13. Discussion regarding potential areas of annexation into the City.

Mr. Yates advised that he had no information regarding this item and will shoot for bringing it back next month.

14. Report regarding the Landscape Ordinance.

Mr. Yates reviewed the Landscape Ordinance that had been adopted by City Council, stating that he had added a sentence to the ordinance that would allow the Commission to come up with a thematic plan for the City that would dictate private plans. That would allow the Commission to design a plan for an area, such as ornamental street lights, bushes in some areas and trees in some areas. Mr. Yates said that this plan could provide a unified beautiful look for the City.

Mr. Yates said that he has plans to get an urban designer, and getting MEDC to pay for the cost, that would design a corridor plan for the SH 105, Lone Star Parkway, Buffalo Springs and the downtown area. Mr. Yates said that he was in the process of looking for landscape designers that we can talk to. Mr. Yates passed around some photographs of examples of landscaping plans for the City of Frisco for the Commission to review.

Mr. Yates said that he had discussed with City Council about the importance of the section of the ordinance that allows the Commission to come up with a landscaping plan. Mr. Yates said that he advised City Council that he would come up with three or four landscape design firms for the City to interview. Dave McCorquodale had said that project would be outside his realm, but he could help with the interviews. Mr. Yates said that they will probably form a Committee with a couple of Councilmembers, the City Engineer, a member of the Planning and Zoning Commission and himself to interview the candidates.

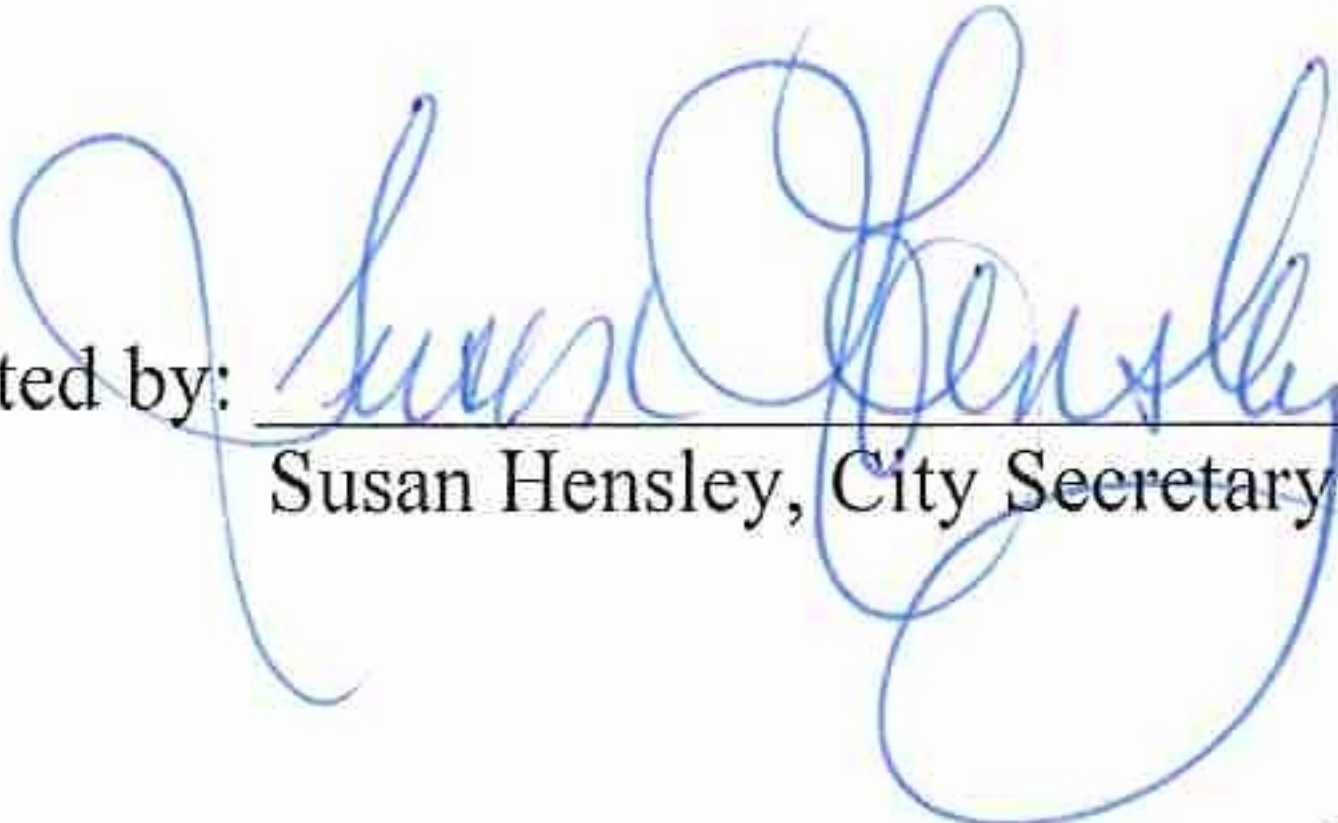
Mr. Yates advised that people that were already developed would be exempt or grandfathered from the new ordinance. Mr. Yates said that McCoy's might be agreeable to landscaping in the front of their property. William Simpson said that new development from here on in would have to comply with the new plan they develop. Arnette Easley asked if it would be hard to come up with a plan moving forward, because a lot of thought will have to be put into the plan.

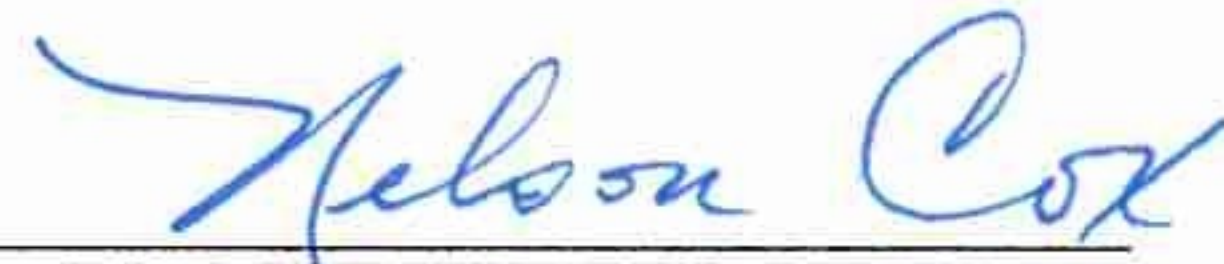
Mr. Yates said that for the corridor planning he thought SH 105 would come first, then the Loop. Mr. Yates said that they will need to develop an overall encompassing plan. Chairman Cox said that they would need to have a guide. Mr. Yates said that they will need to develop a plan and then adopt an overall encompassing document that details the plan with guidelines for the project. Mr. Yates said that he might get some experts to come and speak at the next meeting. Mr. Yates said that he feels like this is really an exciting opportunity for the City. Mr. Yates said that if they don't get a plan, then there will end up being a hodgepodge of different designs. Mr. Yates said that he will have more on this subject next month.



15. Adjournment

Arnette Easley moved to adjourn the meeting at 7:50 p.m. William Simpson seconded the motion, the motion carried unanimously. (5-0)

Submitted by:  Date approved: 04/24/17  
Susan Hensley, City Secretary

  
Chairman Nelson Cox

