

MINUTES OF REGULAR MEETING
February 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 6:02 p.m.

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

Absent: Arnette Easley

Also Present: Jack Yates, City Administrator
Ed Shackelford, 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.

1. Consideration/take action regarding January 23, 2017 minutes.

Jeffrey Waddell moved to approve the minutes as presented. Williams Simpson seconded the motion, the motion carried unanimously. (4-0)

2. Consideration/take action regarding approval of paint color - 14259 Liberty Street and 309 Pond Street – Kirk and Emily Jones.

Mr. Yates presented the information to the Commission, stating that the proposed color scheme had been included, and said that the colors were not outlandish, in his opinion.

Jeffrey Waddell advised that there was a minor typo in Mr. Yates form that stated under the subject, on the Agenda Report, it mentions “repaving” of the building. Mr. Yates said that should have read “repainting” of the building.

William Simpson moved to approve the paint colors for 14259 Liberty Street and 309 Pond Street as submitted by Kirk and Emily Jones. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

3. Consideration/take action regarding sign permit for 811 Caroline Street - Mary Eckhart Sims.

Mr. Yates presented the information, stating that Ms. Sims was not able to attend the meeting. Mr. Yates advised that the color of the sign was grey and black, just as the ones are in the packet. Mr. Yates said that the sign would be located at 811 Caroline Street, and will be located out in the front of the property.

Mr. Waddell said that it was in keeping with the area, and asked to confirm that there were no lights on the sign. Mr. Yates confirmed that there were be no lights. Carol Langley said she thought that the last time Ms. Sims had the sign in a different area, but the sign was the same style sign.

William Simpson moved to approve the sign permit for 811 Caroline Street as submitted. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

4. Consideration/take action regarding Longview Greens Miniature Golfing Variance Request - placement of a gravel parking area.

Mr. Yates presented the information to the Commission, stating this was a request from the property owner. Mr. Yates said that the City has an ordinance that states that each parking area has to be hard surfaced, and the owner is asking for a delay in completing the hard surface. Mr. Yates said that he heard from Hilliary Dumas this afternoon, who sent an email stating that she would be opposing the variance. Mr. Long responded to Ms. Dumas stating that he only wanted the variance for a period of time. Mr. Yates said that his suggestion to the Commission would be to approve the variance with the caveat of what the City Engineer said in his report, which he recommended the application of a dust retardant and to give Mr. Long six (6) months to pave the parking lot. Mr. Yates said that the information would also be on Mr. Long's building permit, so he would be issued a temporary certificate of occupancy for six (6) months, and if Mr. Long did not pave the parking lot in six (6) months, he would lose his certificate of occupancy.

William Simpson said that he read in the City Engineer's notes about having at least the approach pad or the easement pad done in concrete, and asked how far back that would go. Mr. Shackelford said that it would go from the street to their property line, which is 10-15 feet. Mr. Shackelford said that while it was not stated, the handicapped spaces would be a hard surface.

Williams Simpson asked about the dust retardant. Mr. Shackelford said that there is a water based emulsion that you can use to control dust. William Simpson asked how often the dust retardant would have to be put down. Mr. Shackelford said that it would depend on the traffic on the parking lot, but thought that it would be one time a year. They might have to place the first coat, to seal the parking lot, then after a month and the treatment has dried, then they could treat the surface again, then they should be good for a year.

Jeffrey Waddell asked if that crushed stone subsurface be acceptable in the future, whether they put in black top or concrete, and would it matter. Mr. Shackelford said that normally you would go back with asphalt, because you would be wasting money to put concrete on top of that surface. Williams Simpson asked what they would use for the driveway. Mr. Shackelford said that they would probably use asphalt, they have not specified, but said

that would be the most logical material. Mr. Shackelford said that the handicapped parking would probably be concrete.

Jeffrey Waddell asked about the main drive, which was mentioned future black top or concrete. Mr. Shackelford said that from the City's perspective, it could be either material, but if they choose asphalt, the City would ask that they stay a couple feet off of the asphalt street that was as the City reconstructs that street in the future, the concrete driveway is not getting in the way.

Mr. Yates asked if the 8 inch depth of the rock was agreeable to the Commission. Mr. Shackelford said that 8 inches was more than acceptable.

Carol Langley said that in the recommendation they had said to set a one year variance, and now it has been changed to six (6) months. Mr. Yates said that was correct, mostly based on Mr. LeFevre's comment and he felt that the six (6) months would be better. Mr. Long stated that he would take as much as he could get. Carol Langley asked if the project had to be done by the six (6) months. Mr. Yates said that it was six months from when he gets his building permit. Carol Langley said that she was just trying to make sure that his money is going to come in during that six months, and asked how long it was going to take him to open his business. Mr. Yates said that he had actually needed to clarify that the parking lot would need to be paved six months from the date that the Temporary Certificate of Occupancy is issued. Carol Langley said that was good, because then he would be ready to open, and said that she liked that because if it was from today he would not be ready to open.

Jeffrey Waddell moved to approve the variance as read. The City Secretary asked to confirm that would include the six (6) month variance to begin at the time the Temporary Certificate of Occupancy is issued. Jeffrey Waddell said yes, as stated. Mr. Yates said that the way that will work is that a copy of the minutes from the Council Meeting will be added to the file for reference. Carol Langley seconded the motion.

Discussion: Jeffrey Waddell asked whether they needed to include the entry way having something there to keep the stone from coming out into the street. Mr. Shackelford said that would be included on the construction drawings.

The motion carried unanimously. (4-0)

5. Consideration/take action regarding Hodge Podge Lodge remodel and addition.

Carol Langley asked whether this was a remodel, or whether it was a brand new building. Mr. Yates said that it was a new building. Carol Langley asked why the agenda states remodel, and whether or not they were remodeling anything. Mr. Yates said they are remodeling the property itself. Williams Simpson asked if they were enclosing the pavilion. Mr. Yates advised that they are enclosing the pavilion that is already there.

Chairman Cox asked where that work is going to be done. Mr. Yates said that it would be on the north side of the existing building. Carol Langley said that the pavilion is actually there and they are closing it in by the plans of this new building. Mayor Jones said that the pavilion is northeast of the main house. Carol Langley said that the drawing shows that it is a completely different building. Mr. Yates said that he thinks they are doing both. Mr. Yates said that the owner is not present. William Simpson stated that it is a whole new building. Mr. Yates advised that they are just getting their building permit.

Carol Langley said that the current parking lot is grass, and asked if he is aware of the requirements and has he discussed the parking lot with Mr. Yates. Mr. Yates advised that he has not discussed that information yet, and said that he does need to. Carol Langley said that she thinks the building is wonderful, and it will be a great addition for them and she knows that in the past it has been very busy and the other owners probably felt that they needed more room. Carol Langley said that she did not have a problem with building, she just knows that the parking is very limited as it is now, and they are taking up some of it with this new building. Mr. Yates said that he did need to discuss that information with the owner before he gets his building permit.

Jeffrey Waddell said that what they are saying is their main concern is going to be drainage, if it is paved parking. Jeffrey Waddell said the building looks great, and they need the space, and it will look good and be good for the City. William Simpson asked what the approval would be. Mr. Yates said it would be the plan as submitted. Mr. Yates said that they did not need to approve the parking area because the parking area is a requirement in the regular Zoning Ordinance. Mr. Yates said that he had discussed that with the owner and he will not get his building permit until the parking was satisfactory.

William Simpson said this could be the first development with the tree ordinance. Mr. Yates said that is correct because it is more than five acres, so it would be reviewed. Chairman Cox said that depending on the accuracy of the aerial, how many trees will this affect, because it is not going to require that they remove many. Mr. Yates said that would be looked at later. Mr. Yates advised that he would look at the parking lot as part of the building permit review and overall compliance with the Zoning Ordinance.

Carol Langley asked about the landscaping barrier, and said that the property has a Special Use Permit to be able to have that business in that area. Mr. Yates said that he would check that information, but he would think that it would be okay since it is the same use as the Special Use Permit.

Jeffrey Waddell said that the language on the original agenda states “remodel” and “addition” and asked if they were talking about remodeling the main building also. Mr. Yates advised they were not, it was the remodel of the pavilion, along with a new structure. Carol Langley said that the owner did not turn plans in for the remodeling of the pavilion. Mr. Yates said that he is just talking about upgrading the electricity, not structural remodeling. Chairman Cox said that it was going in on the same location of the current pavilion, and stated that it would be a remodel and addition. Jeffrey Waddell asked whether they were well within the easements. Mr. Yates said that they were.

Jeffrey Waddell moved to approve the Preliminary Plan for the Hodge Podge Lodge addition, with the agreement that they look at parking, drainage and landscaping issues because of the size of the lot, and to preserve any trees that are full size. Williams Simpson seconded the motion.

Discussion: Carol Langley asked if they were sure that they were going to approve the remodel without seeing what they are doing. Carol Langley asked if he was actually in the Historic District or not. Mr. Yates said that he was inside the Historic District. Jeffrey Waddell asked if they needed to add any detail for the remodel. Carol Langley asked if Mr. Yates was sure that the remodel was just electrical work under the pavilion. Mr. Yates said that was correct. Mr. Yates said that these were the Plans, not Preliminary Plans.

Jeffrey Waddell moved to amend his motion to approve the Plans, instead of Preliminary Plans, for the Hodge Podge Lodge addition, with the agreement that they look at parking, drainage and landscaping issues because of the size of the lot, and to preserve any trees that are full size. Mr. Yates advised that whatever is in the Plans is what is approved, they can't add anything else to the Plans, if they approve the plans.

Williams Simpson seconded the motion, the motion carried unanimously. (4-0)

6. Consideration/take action regarding Living Savior Lutheran Church remodel and addition.

Mr. Yates reviewed the information, stating that the roofline will connect the Family Life Center to the original church building. The Church will be almost doubled in size. A new bell tower is also planned and the Family Life Center building is planned to extend south to provide storage and additional office space for church use. On the west side, a new parking lot and garage building is included.

Mr. Krenz advised that most of the information has been discussed, and the drawings have been updated. Mr. Krenz said that they have obtained the variances for the side set back and parking lot entry from the City. They have their financing approved, and they currently have a building fund drive going on at the Church, and will have a Spaghetti

Dinner in early May that they will invite the City to attend. They met with the architect and the building plans are in the final stages and hope to have completed in the near future. Mr. Krenz advised that they have already moved the gazebo that was located in front of the Church. They worked with Council member Wilkerson, and the gazebo will be relocated to the cemetery on FM 1097 and FM 149 and will finally have an appropriate home.

William Simpson asked if everything was worked out with Mr. Peel. Mr. Krenz advised that he did and said that since they are moving the circle drive, Mr. Peel was concerned about where he was going to park. Mr. Krenz said that he agreed to put a 12 foot wide, crushed gravel on the north side of Mr. Peel's cemetery plot, so that he can back a hearse in there without getting stuck. Mr. Krenz said that they will put some gravel there when they get to the end of their construction, so that Mr. Peel will not get stuck in the mud. Mr. Krenz said that Mr. Peel was happy with that solution.

William Simpson moved to recommend approval of the full plan request from Living Savior Lutheran Church. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

Jeffrey Waddell said that he thought it was very nice that they were going to preserve the bell tower. Mr. Krenz said that it was much more than preserving the bell tower, because it was actually 1908 that it got hit by lightning, and half of the tower was knocked down. Mr. Krenz advised that it will be a total rebuild of the bell tower because the wood is all rotten. Mr. Krenz said that their desire is to really clean up the block.

7. Setting a Public Hearing regarding providing for the initial zoning of newly annexed property as provided in Chapter 98 of the Code of Ordinances of the City of Montgomery, Texas; providing for the classification and inclusion of a certain tract of land of approximately 14.5003 acres located east of Lone Star Parkway and north of State Highway 105 within a zoning district.

Mr. Yates stated that this is a method of zoning a 14 acre piece of property that is being brought into the City by annexation. The intention is to zone the property commercial, but that will be decided later.

William Simpson moved to schedule the Public Hearing to be held during the next meeting to be held on March 27, 2017 at 6 p.m., for the initial zoning of the newly annexed property, as provided in Chapter 98 of the Code of Ordinances of the City of Montgomery. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

8. Report regarding HOME Project grant program.

Mr. Yates briefed the Commission regarding the HOME Project grant program. Mr. Yates advised that this is a no match grant, meaning that there is no local match. Mr. Yates said that he spoke to the Montgomery EDC and advised that there might be some title clearing costs that they need to help people with. The qualifications for these grants are that the people have to be low income and they need to own their home outright. Mr. Yates said that they can have a mortgage on their home. Mr. Yates said that he just wanted to let the Commission know that they were planning to ask permission to apply for the grant. They will use the Grantworks people to apply for this grant. Mr. Yates said that the timing is that he will probably take this to the March 14, 2017 City Council Meeting to request permission to apply for the grant. They will probably submit the application at the end of May. They should hear something in August or September, which will be when people can start applying for the houses. Mr. Yates said that they will contact the City in the interim so that they can start working on the title clearing process. Mr. Yates said that once they determine that the people probably will qualify for the grant, they will turn the files over to the State. The actual construction of the homes takes approximately six months. Mr. Yates said that they will probably be doing well to start on any construction by the end of this year.

William Simpson asked how notice goes out to the public. Mr. Yates said it would be through public information, along with a legal ad, press release and notice in the water

bills. Mr. Yates said that he was also working with Mr. Easley and T.J. Wilkerson to work through the churches. William Simpson asked who picks and chooses the grant recipients. Mr. Yates advised that it was first come, first serve. William Simpson asked if the City had any involvement in the choice. Mr. Yates said that the City will hire the grant writer, and the grant writer will be the one that will follow the procedures. Mr. Yates said that there is a check list on what they need to provide. Jeffrey Waddell said that once they get all their information together, it gets sent out to everybody so that they all have the same amount of time. Mr. Yates said that was correct.

Chairman Cox asked if that was for teardown and replacement. Mr. Yates advised that was correct. Jeffrey Waddell said if they can do a renovation for \$40,000 or less, the State will consider renovating. Mr. Yates said that was correct.

Jeffrey Waddell said that it sounds like a very organized program that has been around for 20 years, and he just had one question. In 2008 there were nine houses built, and he thought he knew where some of them were located, but he was not sure. Carol Langley said that there were homes located on Pond Street, FM 149, McGinnis Lane, Baja, Lawson, Simonton and there are a couple more in the City. William Simpson asked if those homes were part of the same program. Carol Langley said that it was the same program. Carol Langley said that it was a very easy program and back then they had no problems, other than you have to make sure that the dwelling that is on the property, the residents have to be living in the home. Mr. Yates said that one of the requirements of the program is that the resident has to provide their own relocation area at the time. Mr. Yates said that might be something that Montgomery EDC might be able to help them with, such as, six months of rent to help the process.

Jeffrey Waddell said that he guessed the original idea of the program was to get rid of blight and it can be for numerous situations. Carol Langley advised that the program allowed a handicapped resident to live in her house because she had enough land, so they relocated the original house to the other side of the land and built the new home. Jeffrey Waddell asked about the increase in property tax due to the increase in property value.

Carol Langley said that the City did a tax rebate on their taxes for them for five years. Carol Langley said that it was a very good program.

Mr. Yates stated that if the Commission felt very good about the program, he asked if the Commission would recommend to City Council, the application for the grant.

Carol Langley moved that the Planning and Zoning Commission highly recommends the HOME Grant Program to City Council. William Simpson seconded the motion, the motion carried unanimously. (4-0)

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

Mr. Yates presented his proposed Land Use Plan, which is a proposal for how the City would plan to use the land. Mr. Yates said that the proposed Plan is being brought to the Commission for two reasons. One, is just to get an idea that the City has a Land Use Plan for whenever zoning applications come before the Commission, so they have some idea on how they want the City to grow. Mr. Yates said that the second reason is the discussions that have been held regarding high and low density. Mr. Yates said that he knew that his plan needed lots of comments and review, this is just in the planning stages.

Mr. Yates reviewed the planning map of the different areas of the City and what the land use could be. Mr. Yates stated that this map was one that he put together, so they will need to have the engineers professionally put it together, showing all the different tracts and their land use. Mr. Yates asked the Commission to study the map and then come and visit with him with their questions. Mr. Yates said that at some time in the future they will go to City Council with the map. Mr. Yates said that he had not added estate lots, but would look at it for the future. Mr. Yates reviewed the different usages detailed on the map.

Chairman Cox asked Mr. Yates if his plan was to have this Land Use Plan set in stone once it is approved by City Council, something that they could fall back on when someone

requests variances. Mr. Yates said yes, at some point it becomes a guidance for action in the future and support of that action.

Carol Langley asked about the Planned Unit Development. Mr. Yates said that it was a section of the Code that is usually a development, similar to what Mr. LeFevre has, but is not already subdivided.

Carol Langley asked what Mr. Yates was proposing and whether they were going to be looking at the information at the next meeting. Mr. Yates advised that he wanted to take the information to a few of the developers around town and get their comments, along with the City Engineer. Carol Langley said that it sounded like they were looking at a couple of months before it would come back. Mr. Yates said that was probably correct.

Jeffrey Waddell asked whether the City had an option of another lane coming through town, to widen 149. Mr. Yates said that was so far out, and he had not heard any information. William Simpson said that they are coming through town and they will be adding another lane, eventually and they are slowly making progress. Mr. Yates said that they are going to widen 149 and put shoulders on the road, but he did not think that they were thinking about three lanes. Mr. Yates said that if they had commercial all the way on 149, he did not think that two lanes would be able to handle the traffic.

Chairman Cox asked Mr. Yates what kind of action he needed from the Commission. Mr. Yates said that he did not need any action, he just wanted them to take the materials and consider the information.

10. Report regarding zoning changes throughout the City.

Mr. Yates advised that he did not have any more information at this time on this item. Mr. Yates advised that he would work with the City Engineer and Mr. Muckleroy to get some of the information on the property owners so they can start work on the process.

11. Discussion of potential areas of annexation into the City.

Mr. Yates said that this was basically the same as the previous item. Mr. Yates said that he along with the Mayor, City Attorney need to get together and discuss what type of propositions that they want to offer for the enticement of people to annex into the City.

12. Consideration/take action regarding landscape ordinance.

Mr. Yates advised that he had taken the information discussed with the Commission last month, and placed it into Ordinance form. Mr. Yates said that it was like the tree ordinance, where a landscaping plan must be submitted with the development plan, and would be reviewed by the City Engineer and the City Administrator.

Mr. Yates said that the main crux of the Ordinance is in Section 78-188(e) for nonresidential lots and parcels, would have to have 10% percent of their gross land area landscaped. Mr. Yates said that the definition details what needs to be included, which is living plants, such as, grass, ground cover, shrubs, vines or trees and nonliving materials, such as rocks, pebbles, sand, mulch and other decorative materials. Mr. Yates said that if they were to just have a patch of grass, they would have to cover 10% percent of their lot area with something that falls under the category of landscaped area. Mr. Yates said that residential lots and parcels would have to have 12% percent of the gross land area landscaped.

Mr. Yates said that this would work basically the same as the tree ordinance, so if they are in a platted subdivision, then they would not require a landscaping plan, but for new subdivisions they could require the landscaping plan.

Jeffrey Waddell said that the requirement of 20% percent landscaping area for parking areas, he felt, would get a unanimous thumbs up from everyone because that has been an issue.

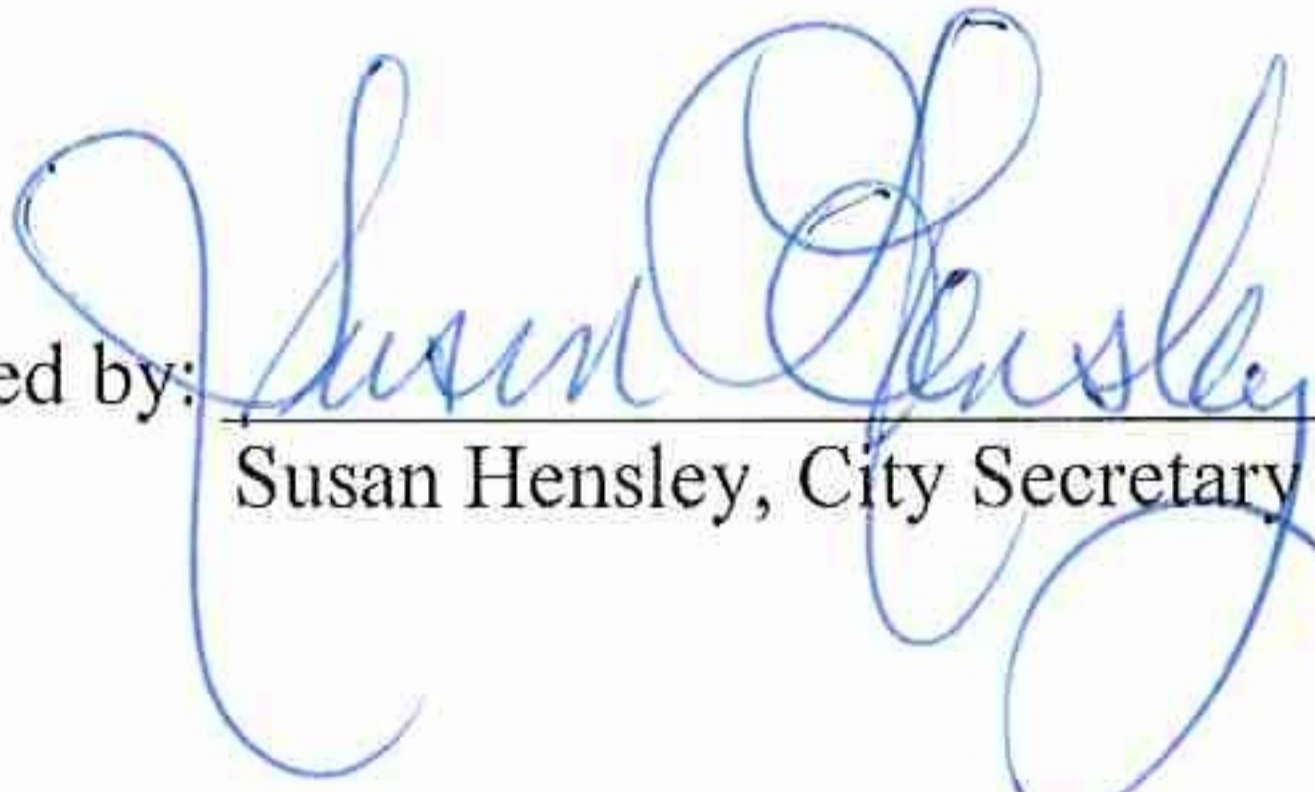
Mr. Yates said that there was no list of approved plants and would be pretty much anything that is a tree or shrub would be alright, because the Commission did not want to get too specific with the varieties.


Carol Langley asked if Section 78-186 Purpose, where there is some verbiage that is not related to the ordinance and should be removed. Mr. Yates advised that he would take that line out of the ordinance.

Jeffrey Waddell moved to recommend approval of the Landscape Ordinance to City Council, as proposed. William Simpson seconded the motion, the motion carried unanimously. (4-0)

13. Adjournment.

William Simpson moved to adjourn the meeting at 7:30 p.m. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

Submitted by:  Date approved: 03/27/17
Susan Hensley, City Secretary


Chairman Nelson Cox

