

MINUTES OF REGULAR MEETING

January 23, 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 6:03 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.

Mr. Bob Peel addressed the Planning and Zoning Commission regarding Agenda Item No. 5, dealing with the improvements to be made to the Lutheran Church adjacent or close to the Peel Cemetery. Mr. Peel advised that he had three generations of his family buried there, going back for many years, even before Texas was a state. Mr. Peel said that he has protected and maintained the Cemetery. Mr. Peel said that the church is asking for a variance of some sort, which he does not know what it is. Mr. Peel said that he got wind of this matter last Friday afternoon, which was the first that he had heard about it. Mr. Peel said that he has yet to see a set of plans that he has been told are complete, or have yet to have been talked to by the church concerning this expansion. Mr. Peel said that he made an agreement with the church some time ago, and he gave the church

his interest in the road, and the church agreed that they would not interfere with the access to the Peel Cemetery. Mr. Peel said that he was here to ask that the Commission hold any decision that they make on the building at least until he understands and someone shows him what they are going to do. Mr. Peel thanked the Commission for their time.

Mr. Douglas Krenz, Chairman of the Long Range Planning Committee of the Lutheran Church, said that he was the individual that had worked with Mr. Peel on the road right of way abandoned between the church and the cemetery. Mr. Krenz said that Mr. Peel graciously agreed to work with the church on that, subject to him not having his access to the cemetery restricted. Mr. Krenz said that he had just gone to the church and it was 27 feet from the closest point of Mr. Peel's cemetery and his access won't be restricted. Mr. Krenz said that he tried to explain to Mr. Peel that this would not be changing his access to the cemetery at all.

Chairman Cox asked Mr. Krenz if he had shown Mr. Peel any of the plans. Mr. Krenz said that he had shown Mr. Peel what they have, because the building plans are underway. Mr. Peel said that he had been told by a member of the church that the plans were not final and they are waiting to obtain the variance before they make their final plans.

Mr. Peel said that the plans that Mr. Krenz has with him are too small for him to see. Mr. Peel said that he needed someone to show him or explain what they are doing and he can stand there and make sure that there won't be a problem with access to the cemetery. Mr. Peel said that they have to take down part of the fence to bring in coffins with a hearse, which they do at the far end where he is saying is 27 feet away from the church.

Mr. Krenz stated that the variance was approved at the last meeting. Chairman Cox said that he understood that, but anything can be corrected. Chairman Cox recommended that Mr. Krenz get a large set of plans, and then with one other representative, your builder or developer, and sit down with Mr. Peel and work that out. Mr. Krenz said that they would definitely try to do that. Mr. Peel said that he needed someone to physically go over there with him to show him, because there is only certain places that they can get into the cemetery.

After discussion, Mr. Peel, Mr. Yates and Mr. Krenz will meet at the Peel Cemetery at 1:30 p.m. to discuss the matter.

Jeffrey Waddell asked if the family cemetery was the small area just off of the main cemetery with a separate gate. Mr. Peel said that was correct. Mr. Peel advised that the larger cemetery was no longer an active cemetery and no one else would be buried there. Mr. Peel said that the active cemetery was located right next to this area. Mr. Krenz said that the Peel Cemetery is on the farthest northwest corner of the cemetery, with a separate black wrought iron fence and gate at the intersection of Church and Cemetery.

William Simpson said that they had granted a variance upon other things being done, and asked if those construction drawings were in progress. Mr. Krenz said that the detailed building plans are in progress. William Simpson said that after they have their meeting and everything is agreed upon, they can take a look at that.

Mr. Peel asked if this variance has already been granted by the Commission. Chairman Cox said that the variance was granted by this Commission at the last meeting. Mr. Peel asked if there was no way that adjoining properties are notified when a variance is requested. Chairman Cox said that the Commission was informed that Mr. Peel had been notified by the people making the submission. Mr. Krenz said he had indicated previously Mr. Peel was okay with the road abandonment, as long as they did not restrict access to the his cemetery, which this project is not restricting that access.

CONSIDERATION AND POSSIBLE ACTION

1. Consideration/take action regarding December 27, 2016.

William Simpson moved to approve the December 27, 2017 meeting minutes, as presented. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

2. Consideration/take action regarding variance request for: minimum lot width, lot depth, side building line and residential lot area for Waterside Estates.

Mr. Fleming said the pack includes a conceptual land plan, as submitted by Mr. Kotlan. Mr. Fleming said that this was located on the north side of Lone Star Parkway, just east of Buffalo Crossings and just west of the dental center. Mr. Fleming said that was a just over 60-acre tract. Mr. Fleming said that the Commission did previously see a Preliminary Plat submission for this in late 2015, along with some accompanying variance requests. Mr. Fleming advised that the Commission had acted favorably on those requests, however, they were tabled by City Council. Mr. Fleming said that per the City's Code of Ordinances, a preliminary plat approval or acceptance expires after a period of twelve months, which has expired.

Mr. Fleming said that the land plan being presented changes slightly from the previous layout that was presented. Mr. Fleming said that the number of lots has increased from 85 to 174, there is some compensating greenspace and two commercial reserves. Mr. Fleming said that this is not a Preliminary Plat submission, and they are not seeking acceptance on the land plan, but they are seeking approval for a handful of variance requests. Mr. Fleming said that they include minimum lot width, lot depth and lot area and reduction in side yard setbacks.

Mr. Kotlan, project Engineer, stated that this tract is a very steep tract that runs from Lone Star Parkway down to the canal on Lake Conroe, and has a couple of steep ditches. Mr. Kotlan said that there was going to be a lot of dirt work when they get around to developing the tract. Mr. Kotlan said that one of the ways to pay for the costs of the dirt work is to try to get a few more lots on the property, and so the developer has asked him to come up with a land plan that would have a smaller lot size, to fit the market. Mr. Kotlan said that he recommends that the Commission approve the variances, prior to the Preliminary Plat preparation. Mr. Kotlan said that the developer might develop the property or he might sell it, so the land use might change. Mr. Kotlan said that he did not know the exact name of the corporation that owns the property, but it is owned by Steve Bowen. Mr. Kotlan said that it is not the same corporation that owns the other project that Mr. Bowen has.

William Simpson said that he did not know if he was on the Commission at the time this was submitted, but City Council denied 85 lots and now they are coming back and asking for 176 lots in the same area. Mr. Kotlan said that it was his understanding that City Council did not

really deny the project, they just did not take action. Mr. Kotlan said that there were a number of things, lot lines that were skewed at an odd angle and a number of different things that were all in a package. William Simpson said that City Council was also worried about the mass of homes, and so now the developer is going to double the mass of homes.

Jeffrey Waddell asked if the original development had a road system similar to this system entrance. Mr. Kotlan said that the other one had a little different road system, it formed a bit of a loop and then had some cul-de-sacs going at odd angles. Mr. Kotlan said this road system is a little bit more efficient road system, but again one of the things that the first one did not take into consideration was the sloping land. Mr. Kotlan said that will end up being terraced down so that each one of the sets of cul-de-sacs is going to be a stair step down towards the next one in order to make the development work. Jeffrey Waddell said that he certainly was not a traffic expert, and they might need to refer to someone that is, but his concern is only one way into the development. William Simpson said that was his concern also regarding safety. Jeffrey Waddell said that typically anything that he has ever seen, you have some way to loop through the neighborhood, so he was concerned with the potential safety hazard and the potential for traffic to back up.

Mr. Fleming commented on a couple of observations. The original submission from 2015 was similar in nature for the variance requests, and there were two additional requests at that time. Mr. Fleming advised that one variance was pertaining to lot line orientation, along the northern boundary line, and the other one was pertaining to street radii. Mr. Fleming said that City Council did table this out of concern for the lot density, but there were also some extenuating circumstances at that time that played into their decision, not directly related to this development, but some utility construction across the Buffalo Crossings Bridge.

Mr. Fleming said that after having reviewed the variance requests, he has no particular objection to those. Mr. Fleming said that he thought it was worth noting that the compensating green space that is noted, does not appear to be adequate to provide the true one-to-one offset as provided by the Code. Mr. Fleming said that while they do show a nice green space or a nice reserve area, just looking at it and running some rough numbers off the entirety of the

development, it does not look like it is a true one-to-one gift. Mr. Fleming said that regarding the road configuration, obviously this is just a conceptual land plan and they would have a good amount of freedom to make some revisions. Mr. Fleming said that as the plan is laid out right now, there is nothing there that is not compliant with the City's Code in terms of the single point of egress or the length of the road. William Simpson said that he understood what Mr. Fleming was saying, but the massive number of homes that would go in there along with the parking and emergency egress. William Simpson said that if there was a fire down at the bottom of the development, he did not know how they would be able to get all the equipment down into the fire. William Simpson said that as close as they are proposing that the homes are going to be has to be a concern.

Arnette Easley arrived at the meeting at 6:25 p.m.

Chairman Cox asked Mr. Yates about whether there was still no decision about high density in that area. Mr. Yates said that was correct. Mr. Yates said that internally, the City is working on a Land Use Plan that has a suggested area for high and low density housing, but this area is in the Planned Development of Mr. LeFevre. Mr. Yates said that they will probably have a suggestion for the Commission at the next meeting coming from City staff. Mr. Yates said that if the Commission approves the plan, it would go to City Council for their approval, following a couple of public hearings. Mr. Yates said that while it would not change the zoning of the property, it would give an indication of whether or not there would be high or low density on the property in the future. Mr. Yates said that at this point it is just in the beginning plan.

Mr. Fleming said that if the Commission chose to act favorably on the variance requests before them this evening, it would then go to City Council tomorrow night for consideration. Mr. Fleming said that if City Council acts favorably on the requests, that would trigger the need to revisit the Utility and Economic Feasibility Study for this tract, which they had begun work on back in 2015-2016.

Mr. Fleming advised that the study was never completed due to the unfinished nature of the land plan and the fact that City Council never took action on the variance requests. Mr.

Fleming said that they would have to revise the Feasibility and Economic Study to identify what the true impact of this proposed development would be, both from a traffic standpoint and utility standpoint. Mr. Fleming said that they know that they do have some shortcomings both in water availability and primarily waste water availability. Mr. Fleming said that they would also look at the potential gain in the assessed valuation of the City. Mr. Fleming said those would be all the things that would be brought back before the Commission and City Council to consider, along with an actual Preliminary Plat and Final Plat submission and construction drawings.

Mr. Kotlan said that traffic impact was mentioned, and at that time if they were doing a Preliminary Plat, they would have done the impact study and if there were changes that had to be done because of the alignment of the roads, turn lanes or signals, that would be part of that process, and asked to confirm that approval of this action tonight would not keep them from making those recommendations in the future. Mr. Fleming said no, and as far as traffic impact that would be more of a process during engineering review of the proposed construction plans. Mr. Fleming said that all they can do in a Feasibility Study is to look at what the developer is providing the City in terms of lot counts, and it is a determination of the density. Mr. Kotlan asked if improvements are needed to accommodate the traffic, there is a process for that to happen during the design phase. Mr. Fleming said that was correct.

William Simpson asked about the drainage and where all the water is going to go and how is it going to get down to the canal. Mr. Kotlan said that the design that he did was to have the drainage go into the road, which would take drainage down the road, down to the park drainage reserve and go over to the pond, and then make its way to the canal through the wide drainage easement on the northwest corner. Mr. Kotlan said that there was also a drainage easement down the east and west property lines, the west property line easement takes some of the western side drainage down to the pond and over to the canal. Then the drainage on the other side will go down to the cul-de-sacs to the east property line, where there is a drainage easement. Mr. Kotlan said that there was a commercial property in the back that has an outfall that runs into that drainage easement. Mr. Kotlan said that none of that has been designed yet,

regarding the size of the channel or the mitigation, but he did put the features in there to allow three locations to go south to north.

Jeffrey Waddell asked if some of the drainage was underground or does it go across lots. Mr. Kotlan said that was why the lots are wider at that location. Mr. Kotlan said there would be an open channel there until you get to a point closer to where the slope going down into the canal. Mr. Kotlan said that the dotted lines show where a drainage easement would be located.

Jeffrey Waddell said that he did not understand how the drainage could go across lots like it is shown. Mr. Kotlan said that the one that is showing to cross the lots and goes off through the middle of the lots is an existing drainage easement that they would be pulling off. Mr. Kotlan said that the one that is along the property line on the North West side crosses two lots, which they might end up platting as a reserve easement. Mr. Kotlan said that a lot of times when you have a reserve you have to have a third party maintain it if it is an easement on someone's property, then the person that owns the property has a responsibility to maintain it.

Mr. Fleming said that the drainage is an independent issue from the variance request before the Commission this evening. Mr. Fleming said that the property is within the City limits right now in its entirety, so those are all things that would have to be answered and explained during the engineering review of the construction plans. Mr. Fleming said that just like everything else, it will be measured against compliance of the Montgomery County Drainage Criteria as the ultimate standard. Jeffrey Waddell asked if this development actually happened, would this be an accurate representation of the development, which is titled "Estates" and they are not Estate lots, which they might want to think about that issue.

Chairman Cox said that he was still thinking of the land use question is what they need to consider first, because if they make any type of approval or denial here and it is different from what is decided in the next month or so for land use, we have just wasted our time. Chairman Cox said that he personally felt that it was too many lots for something that was presented to them a year ago at half that amount, and was tabled.

William Simpson said that was the first time for him to see four variance requests at one time. Mr. Fleming said that for the single family developments that they have seen over the last couple of years, this is pretty standard.

Chairman Cox asked what size home would be placed on these lots. Mr. Kotlan said that the majority of them would be a 2-story, 3,000 square feet, with the footprint on the ground at 2,000 square feet. Mr. Kotlan said that the lots on the other side of the canal are very similar in size to these lots. Mr. Fleming said that the developer is requesting lot widths of 50-60 feet or even less, and they almost by default have to ask for the reduction in side yard setback. Carol Langley said that the City's Code requires the 75 feet x 120 feet for lots. Mr. Fleming said that was correct, for an overall area of 9,000 feet. Mr. Fleming said that side yard setback is required to be 10 feet on each side of the property.

Williams Simpson said that he was just scared they were going to set a precedence, and they were going to be known as the City of tiny homes.

Chairman Cox asked if the Commission felt that it would be wise to table this item for a month to see if they can come up with some answers to the pending questions. Arnette Easley asked if the only concern with the Preliminary Plat was the drainage, and whether there were other concerns. William Simpson said that the concerns were drainage, egress (exit) for emergency vehicles and parking. Williams Simpson said since you are stacking up the homes, where is everyone going to park. Mr. Kotlan said that the front setback would give them a driveway large enough to fit two cars, plus a 2-car garage. Mr. Kotlan said that they would also have 28 feet for street parking.

Mr. Fleming said, in summation, from an engineering design standpoint, he had no reason to object to the variance requests before the Commission tonight. Mr. Fleming said if the design of the Commission is to table this item for review, it would certainly be an option. Mr. Fleming said if the Commission tables this item, he would ask that they provide the developer and his engineers some clarification in terms of what they would like to see next month or the month following. Mr. Fleming said they will need to know if the Commission would like to see a

true Preliminary Plat submission that defines the exact land plan and number of proposed lots. Mr. Fleming said that they need a clear picture of what the developer needs to provide the Commission.

William Simpson said that he understood what the developer was trying to do, with the cost of land and moving the dirt, but he did not believe that should be the burden of the City. William Simpson said that they want to keep Montgomery a nice, clean and presentable community.

Chairman Cox said that he still felt the land use question had to be addressed, because he did not want to waste time with one thing and have to back up and do it again, because they decided a different land use. Chairman Cox asked if the land use plan would occur in one month or two months. Mr. Yates said it would be ready next month. Chairman Cox said the land use plan would be the first thing, because this is a land use question. Chairman Cox said that the developer also had to provide a little more reasonable answer to how they are going to get in and out of the development with 174 families trying to get out on one road. Mr. Kotlan said that he understood what Mr. Cox was saying, but it was not uncommon to have a neighborhood with 174 lots with a single entrance.

Mr. Kotlan said that he was not committing to one entrance, if he came back with two entrances and could keep the 173-174 lots that would not be a deal killer for the developer. Mr. Kotlan said the intent is not to say that this is the exact land plan, what they really need to know is if they can get somewhere around 170-174 lots, there is an economic question that has to be answered on the developers part as to whether he wants to do the development as a residential development. Mr. Kotlan said that if it was going to be 85 lots that would be a different economic situation. Mr. Kotlan said the real question is whether the Commission is going to be okay with having 60 foot wide lots. Mr. Kotlan said that was a bigger question than just the development because a lot of the developments that are going to come up are going to have that same question. Mr. Kotlan said that most lots are now going toward the smaller sized lots. Mr. Kotlan said that he understood all the other concerns, which they could address, but they need to understand whether or not they are in the 170 lot range or if they are going to be limited to 85 lots.

Chairman Cox said that he felt they needed to have the questions answered before they made a decision because his first thought is too many lots. Jeffrey Waddell said that the lots are too small.

Mr. Kotlan asked if the Commission was saying that they needed to have all the engineering and the plat done before they know whether they can have 60 foot wide lots, because that is a lot of expense.

Mr. Fleming said that he has heard the Chairman refer several times to a potential land use plan, and it is his understanding that the City is working right now to identify some parts of town that would be higher density and some areas as lower density. Mr. Fleming said that land use plan could help answer the question on what was the level of comfort with this particular density at this particular location. Mr. Fleming said that if the Commission felt more comfortable for the developer to come back with a complete land plan in the form of a true preliminary plat submission, which they have every right to ask, that would set off the engineering review phase. Mr. Fleming said that there was nothing for him to mark up on a conceptual land plan.

William Simpson asked if it would give the developer better direction if they waited for the high and low density land plan. Mr. Fleming said that it could possibly provide better direction. Chairman Cox advised Mr. Kotlan to go away knowing that they are concerned with lot size and the egress, and they might include a drainage plan. Mr. Kotlan said that he thought that he could satisfy the drainage and egress, but the thing that he did not think that he could satisfy the Commission with was the lot size. Mr. Kotlan said that the only question he really has is whether he can have a 60 foot wide lot, and if he can, then he can do a land plan that will answer the other questions.

Mr. Kotlan asked to clarify that since this goes back to the LeFevre Agreement, does that not mean that the development has to meet the regulations of that time, and if the City is going to make a change to the density, would that not apply to this property. Mr. Yates said that it

would, but he did not know if there was any difference in the lot sizes. Mr. Kotlan said that it would be 75 feet, so they would still need a variance. Mr. Yates said the development falls under the standards of 2006 – 2007, but there would still need to have a variance. Carol Langley said that the lot should normally be 75 feet by 120 feet and they are asking for the lot to be 60 feet by 110 feet, and normally it would be 9,000 square feet and these lots are 6,800 square feet. Carol Langley said that they have approved smaller lots in the past and she feels that the main concern was the single entrance/exit. Jeffrey Waddell said that the concerns are also the streets and drainage, along with the lots and greenspace. Mr. Yates said that lots too close together also can have social and parking issues, and more issues than just the size of the lot. Mr. Cox said that they have never approved that many, 174, smaller lots in one concentrated area. Mr. Fleming said that 100 lots has been the largest single family development.

Chairman Cox asked if that was enough information for the developer, so that they could answer their questions next month, and then maybe they can work things out. Mr. Kotlan said that he was looking for direction, but if 170 lots sounds better, he can work on it. Mr. Kotlan said if they can get some information on the access and egress that can help make the decision, and then they can come back to the Commission then he would be happy to try and do that. Mr. Kotlan said that what he is hearing is the problem is more with the number of lots, and the other things can be solved during design. Mr. Kotlan said that they could also do a traffic impact study regarding the single entrance to resolve some of the questions. Mr. Kotlan said that they are not going to go to the expense of the impact study if the end result is going to be they will not allow them to go any higher than 85 lots. Mr. Kotlan said if 85 lots is the final number, then they will have to scrub this and try to figure out what they can do with the land.

William Simpson asked Mr. Fleming about 174 lots going in over the next 5-6 years, and what would that do to the City's infrastructure regarding sewer and water. Mr. Fleming said that it would present the City with some real challenges once they plat the lots. Mr. Fleming said they know that they are already up against capacity of water distribution capabilities, and they are taking steps now to remedy that for the near future. Mr. Fleming said that they have some real challenges in this particular area regarding the wastewater side, they have a 10-inch trunk

line that runs around Lone Star Parkway that is already undersized and over capacity, so this development would definitely exacerbate that and require that line to be upsized even sooner than they thought. Mr. Fleming said that these were all things that would be identified during completion of the Utility and Economic Feasibility Study.

Mr. Kotlan said that he did not know what the Commission felt would be a reasonable number of lots, and asked about the amount they were short on the greenspace. Mr. Fleming advised that roughly it was about 30,000 feet short of the amount of greenspace needed. Chairman Cox said if Mr. Kotlan would address the questions that they have stated.

Mr. Fleming said that in summation, the Commission would like to see the following:

- true one to one compensating greenspace; and
- second point of egress out onto Lone Star Parkway; and
- reduction of the overall density of the development.

After discussion, Jeffrey Waddell moved to table the item. William Simpson seconded the motion, the motion carried unanimously. (5-0)

3. Consideration/take action regarding Waterside Estates Preliminary Plat.

There was no action taken on this item.

4. Presentation regarding Camillo 33-acre tract east of City.

Mr. Bob Devillier, Land Development and Acquisition Manager with Camillo Properties, made the presentation. Mr. Devillier advised that they were looking at purchasing 33-acres off of Stewart Creek Road and they wanted to get some feedback from the Commission. The property is located just outside the City limits in the ETJ, and they are looking at doing a land plan that would serve their economic purposes. Their preliminary idea includes 123 single family homes on 50 foot by 110 foot lots, and they have an apartment complex across the street from where those homes would be located. Mr. Devillier said that the layout is not set in stone and they could make revisions. Their property currently has a single access point onto Stewart Creek. Mr. Devillier advised that they have another subdivision over by Walden, Cape

Conroe. Mr. Devillier said that some of their lots are inside the Flood Plain. William Simpson said that there is a school located right there, so traffic would be an issue.

5. Consideration/take action regarding variance request of Living Savior Lutheran Church regarding driveway spacing.

Mr. Fleming said that the preliminary land plan has been submitted that shows two proposed driveway locations, one onto Louisa Street and one onto Caroline Street. Mr. Fleming said that City's Code has a requirement for a minimum spacing requirement of 185 feet, so both of them would require variance requests by the Commission and City Council.

Mr. Fleming said that the lot in question is currently used as a service parking lot for church events and services, while it is not paved, it is used for parking. Mr. Fleming said that from an engineering standpoint they have no inherent objection to the requests. Mr. Fleming said that there would be some questions that would need answered during the engineering design phase, with the biggest question being drainage. Mr. Fleming said that the lot is currently grass, so when you pave a large area like this that has some potential downstream implications in terms of storm water runoff. Mr. Fleming said that would be something that would have to be looked at strongly and thoroughly. Mr. Fleming said that approval of this variance request in no way constitutes building plan approvals or allows construction to proceed. They would still have to go through the approval process.

William Simpson asked if the Commission has to notify anybody of historical downtown people about these variances before they do anything and they have another meeting like they did this evening. Mr. Fleming said that they do not have to notify anyone, there is no requirement in the Code of Ordinances for variance requests triggering any public notification of people in any proximity of the property. Mr. Fleming said that because this is located inside the Historic District, any construction requires submission of architectural renderings showing what the proposed finished product is to the Commission. William Simpson asked if the church can do their due diligence and speak to the neighbors about their plans. Mr. Fleming said that he would assume that would be a neighborly and good thing to do.

Carol Langley said that the parking lot is used for church services now, and has one driveway onto Caroline Street, so the services that they have now will they be the same time. Mr. Krenz said that they will have two services, one at 8 a.m. and the other at 10:45 a.m., with Bible Class and Sunday school in between. Mr. Krenz said there was no plan to change the schedule at this time. Mr. Krenz said that they designed the parking lot with 10 foot wide parking spaces, while the City only requires 9 foot wide spaces.

William Simpson said that he noticed the entrance that had been shown on Church Street had been moved. Carol Langley said that she knows that when the City has functions, that lot is used by a lot of people. Mr. Krenz said that it is their intent to continue to work with the City at no cost for that parking area.

Carol Langley asked if anyone had notified the City that they are concerned about the parking lot with the entrances and exits. Mr. Yates said that he has not received any comments. Mr. Yates said that unless someone saw it on the agenda for the meeting tonight, he was not sure how they would know about it. Mr. Krenz said that there was a member of the church that has talked to all the neighbors on the street. Mr. Yates said that he thought it was probably common knowledge that they are planning to put a parking lot at that location.

William Simpson moved to approve the variance request for the entrance on Caroline and Louis Streets, but also considering the drainage issues along those two streets to be taken up with the City Engineer and the City. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

6. Consideration/take action regarding KENROC Development Preliminary Plat.

Mr. Fleming presented the plat, stating that this was a simple preliminary plat submission for some acreage on the north side of SH 105 between Lone Star Parkway and Stewart Creek Road. Mr. Fleming said that a portion of the plat is inside the City limits and a portion in in the ETJ, so their maybe some annexation desired for a portion of the property. Mr. Fleming said that the plat was in keeping with the submission criteria per the Code of Ordinances, and his recommendation would be to accept the plat as submitted.

Mr. Fleming stated that the northern portion of the plat lies in the ETJ, and they have submitted a formal petition of annexation that will go before City Council tomorrow night.

Arnette Easley moved to accept KENROC Development Preliminary Plat. Jeffrey Waddell seconded the motion, the motion carried unanimously. (5-0)

7. Report regarding zoning changes throughout the City

Mr. Yates presented a brief report to the Commission, because they have not been able to research the property ownerships, partly due to the engineer has been on several deadlines with the Texas Water Development Board and working on the bridge with FEMA.

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

Mr. Yates advised that this was the same information as stated under the previous item.

9. Discussion of potential landscape ordinance.

Mr. Yates presented two examples of landscape policies from the cities of Flower Mound and Balch Springs. Mr. Yates said that in looking at the two different policies, he preferred Balch Springs because of the detailed process and explanations provided. Mr. Yates said that he preferred general guidelines rather than a very specific ordinance. Mr. Yates said that he felt like he could shape up the Balch Springs ordinance and have it ready next month. William Simpson asked if they would take out the tree section, since there is already a tree ordinance. Mr. Yates said that the tree ordinance would stand on its own.

Carol Langley asked if they were having trouble with people not wanting to do landscaping. Mr. Yates said that he has heard comments regarding Kroger. Chairman Cox said that the Crepe trees were referred to as twigs at the last City Council Meeting. Carol Langley said that all the new houses that have gone in are landscaped nicely. Chairman Cox said that some of the houses are nice, but he knows a builder or two that did not put a tree in the front yard. Chairman Cox said he felt the landscape ordinance was a good idea.

Carol Langley said that the Planning and Zoning Commission could get very busy with landscape plans. Mr. Yates said that the landscape plans would come in as part of the construction plans. Carol Langley asked if this would require landscape plans for individual lots. Carol Langley asked if she sold her property, would the new people be required to do a landscape plan. Mr. Yates said that would not be included, because it is not a part of a development plan for the City. Mr. Fleming said that landscaping would be manageable with a lot of oversight by City staff. Mr. Fleming said that they would also have to determine who would actually police this ordinance. Mr. Yates said that would be handled by Code Enforcement. Mr. Yates said that he would not mind working with the City Engineer to come up with a sample of a landscaping plan that the Commission could work through.

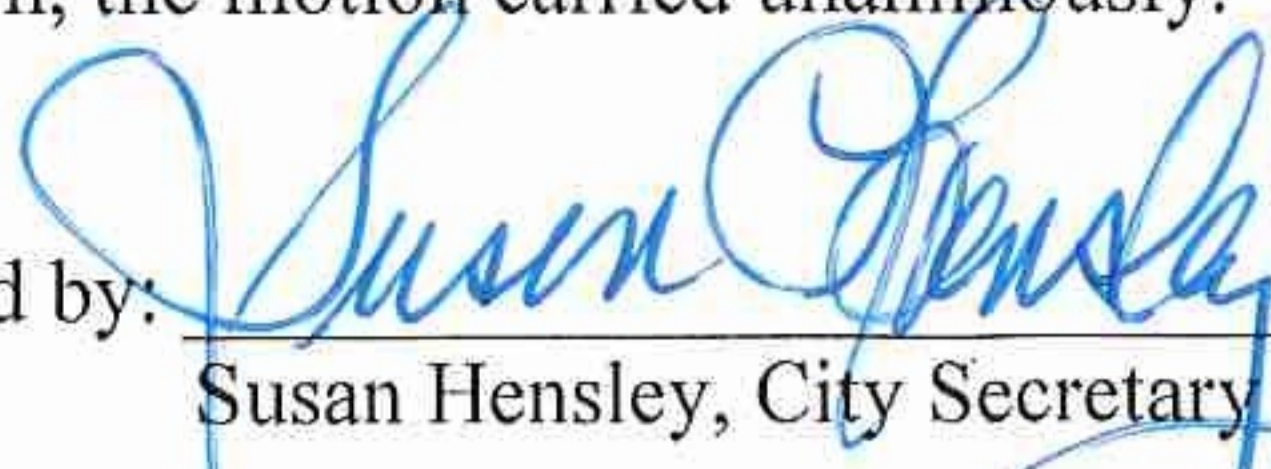
William Simpson asked to confirm that the City has a tree and light ordinance. Ms. Hensley advised that the City's Code has been updated and the information is searchable on the web site.


Mr. Fleming advised that he had submitted his letter of resignation from Jones and Carter to spend time with his aging family in North Carolina, a copy of which had been provided for the Commission members. Mr. Fleming said that he intends to continue his career in the same fashion as he has done here by working with a small municipality like Montgomery. Mr. Fleming said that the City will be left in really good hands with Mr. Ed Shackelford, City Engineer and Mr. Chris Roznovsky, with Jones and Carter. Mr. Fleming said that Mr. Roznovsky will do a great job, which is who he had recommended for the job. Mr. Fleming thanked the Commission and said that it has truly been his pleasure to work with them and he will continue to keep tabs.

Chairman Cox stated that the Commission will miss Mr. Fleming, and said that the nicest people that he knows live in this little town of Montgomery, and we will miss you because you were one of them. Mr. Fleming again thanked the Commission.

10. Adjournment

Jeffery Waddell moved to adjourn the meeting at 7:45 p.m. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

Submitted by:  Date approved: 02/27/17
Susan Hensley, City Secretary


Chairman Nelson Cox

