

**MINUTES OF REGULAR MEETING**  
**October 24, 2016**  
**MONTGOMERY PLANNING AND ZONING COMMISSION**

**CALL TO ORDER**

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

Present: William Simpson, Nelson Cox, Arnette Easley and Jeffrey Waddell  
Absent: Carol Langley  
Also Present: Jack Yates, City Administrator  
Glynn Fleming, 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.

No comments were made.

**CONSIDERATION AND POSSIBLE ACTION**

1. Discuss/take action regarding September 26, 2016 minutes.  
William Simpson moved to approve the September 26, 2016 Planning and Zoning Commission Meeting minutes as presented. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)
  
2. Consideration and possible action regarding Final Plat submission for Lake Creek Village, Section Two.

Mr. Fleming presented the information to the Commission, advising that he had been through the information and everything appears correct and in keeping with the Code, so he offers no objections. Mr. Fleming said that it was his recommendation that the Commission approve the Plat and forward on to City Council for their approval.

William Simpson asked if Mr. Fleming was comfortable with where all the water from the property would drain. Mr. Fleming said that he was comfortable with the drainage. Mr. Fleming said that they had worked closely with the developer and engineer to make some modifications, so he offered no objections to the plan. Mr. Simpson said that the last time that they had those hard rains, the section coming down Racetrack, coming from Bessie Price Owen and Berkley, the water was coming down from the new roadway. Mr. Fleming said that all the comments that they could offer on Section Two, they did so.

Arnette Easley moved to approve the Final Plat Submission for Lake Creek Village, Section Two. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

3. Consideration and possible action regarding Preliminary Plat submission for Lake Creek Village, Section Three.

Mr. Fleming presented the information to the Commission. Mr. Fleming advised that this would be a 22 lot subdivision located just east of Sections One and Two. Mr. Fleming said that the lots are all proposed to be full sized lots, with no variance requests. Mr. Fleming said that he has reviewed the information and found it in keeping with the City's Code of Ordinances. Mr. Fleming said that he had some comments, but it was his recommendation to accept this submission. Mr. Fleming said that he would continue to work with the developer regarding the comments.

William Simpson moved to approve the Preliminary Plat submission for Lake Creek Village, Section Three. Arnette Easley seconded the motion, the motion carried unanimously. (4-0)

4. Consideration and possible action regarding Building Permits for 960 Caroline Street and 938 Caroline Street – QBS Custom Homes, Inc.

Mr. Damon Scott with QBS Custom Homes Inc. presented the information to the Commission. Mr. Scott presented the color and materials to be included on the homes.

Mr. Yates asked if the homes would have an alleyway behind them as the previous homes had. Mr. Scott said that was correct, and noted that as with the previous alleyway, it would be one lane, and should two cars meet, one will have to wait for the other to pass.

Chairman Cox asked whether there had been a problem handling the water during the two or three heavy rains that the City experienced this year. Mr. Scott said that they had no issues on their end. Mr. Scott said that they had spoken to Mr. Fleming and installed silt fencing all the way around their development, which they will do with the next two homes. Mr. Scott said that they had zero water issues. Mr. Scott said that the alley way is designed with a “V” so that the water runs off of the lots into the alleyway and is conveyed into the creek. Mr. Scott said that they had installed curbing on the alleyway just in case there is a really hard rain event.

Jeffrey Waddell asked if there was going to eventually be one more home at the end of the line of homes. Mr. Scott said that there would be a total of five homes on Caroline. Jeffrey Waddell asked if Mr. Scott saw any problems with water in the low areas. Mr. Scott said that he did not see any problems with water. Jeffrey Waddell asked if Mr. Scott had heard any comments on problems getting out of the alleyway on the first phase of homes. Mr. Scott said that he has not had any comments from the three families that are living there. Mr. Scott said that they have had some issues where the school kids thought that the road was a cut through road. Mr. Scott said that since one of the residents has put up a “private drive, no trespassing” sign they have not had any problems.

Arnette Easley asked what the standard size for a drainage pipe would be. Mr. Fleming said that there was no standard size, it would just depend on what it would need to convey, but

you usually do not see a drainage culvert under 18 inches. Mr. Fleming said that he did have some concern with the steepness of the roadside ditches and their proximity to the pavements. Mr. Fleming said that long term, those ditches will require diligent maintenance to keep them in good shape.

Jeffrey Waddell asked if the alleyway would have one way in and one way out. Mr. Scott said that was correct, it would have one entrance and would be the same width as the previous alleyway.

After discussion, William Simpson moved to approve the Building Permits for lots 7 and 8 at 960 and 938 Caroline Street. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

5. Report regarding possible zoning changes throughout the City.

Mr. Yates presented the information to the Commission. Chairman Cox asked whether this would include the Corridor Enhancement District. Mr. Yates said that it could if the Commission wanted to include it.

Mr. Yates then reviewed the steps involved in the City initiated zoning process. Mr. Yates said that they could discuss the properties tonight or at the November or December meetings to determine which properties the Commission wants to change the zoning. Mr. Yates said that once the properties were determined, staff would research the property ownership information. Mr. Yates said that they would have to find out which properties would be involved in the zoning changes.

Arnette Easley asked if a property was zoned 10 years ago, but does not show up on the map, and how that is handled. Mr. Yates said that they would have to get a ruling on that change if they have the ordinance. Arnette Easley said that he has all the documents from the zoning change and would bring them to Mr. Yates. Mr. Fleming said that as long as they can locate the ordinance, they can update the zoning map.

Mr. Yates said that he would like the Commission between this month and next month, narrow down some of the properties that they are interested in rezoning, so that they can conduct the research and go through the process. Mr. Yates advised that each piece of property that was proposed to be rezoned would have to have a Zoning Application form completed.

Mr. Yates said that the Planning and Zoning Commission should communicate with the owners of the property that they are wanting to change their zoning so that they can discuss how they feel about the use being changed. Mr. Yates said that the Planning and Zoning Commission will report to City Council about their proposed amendments to the zoning. The City Council will consider the recommendations from the Commission on the proposed amendments. Mr. Yates advised that City Council will not be taking any formal action, they will just be giving their blessing to move forward with the process to make the zoning changes.

Mr. Yates said that the Commission will call a public hearing on the proposed amendments to the zoning map, with notices being sent out to property owners within 200 feet of the proposed changes. Mr. Yates said that the process could take four or five months for research and notifications.

Mr. Yates said that he will put together a zoning map for the Commission to review next week. Mr. Yates said that he will also have the Tax Assessor prepare a letter for him on the effect of rezoning a property and how the property is taxed. The Commission concurred that they wanted Mr. Yates to begin getting information on the areas to be considered for rezoning, as detailed in the materials attached as Exhibit "A."

Mr. Yates advised that he would let the City Council know that they are going to begin the process. Chairman Cox asked if there was a lot more waiting to be rezoned like these seven areas. Mr. Yates said that he could not think of any more. Mr. Fleming said that the easiest areas to clean up and make the most sense are the SH 105 corridor, FM 149 corridor and

the Lone Star Parkway. Mr. Fleming said that there was areas around town that at one point in time made perfect sense to zone them the way that they are, but through the years properties have been sold off and subdivided and they do not make much sense anymore. Mr. Fleming said that he felt the potential commercial corridors should be among the first areas to be cleaned up.

Mr. Yates said that one area that does come to mind is the 64-acres located by the apartments, just west of Napa Auto Parts, which is zoned R4. In talking with the potential developers for the property, they like the R4 because they could put in some apartments, but they have also talked to the City about zoning commercial so that they can put in another strip center.

Arnette Easley asked how properties where owners can't be located are handled. Mr. Yates said that he would think that the Appraisal District would know who owns the property. Mr. Yates said that he thought if they could not locate an owner, they would need to publish the legal description of the property and state whoever owns the property, this is the action that they are proposing.

Arnette Easley commented that the City needs to move forward and put people on notice, because you can't stop progress. Arnette Easley said that he felt a letter should be drafted stating that in two years, this is what the City is proposing to do. Mr. Yates said that they need to come up with a plan on how to approach the people. Arnette Easley said that there is no subtle way to do it, they just need to advise the public what they are going to propose doing. Mr. Yates said that they can't do anything without the property owner's permission. Arnette Easley said that they need to send out a letter stating what they need to do and they have to act now.

Arnette Easley said that time is of the essence and they need to move right now. After discussion, Mr. Yates advised that he would put together a draft letter for the next meeting. The Commission concurred that the change will be good. Mr. Yates said that he had 75% of the property owners and addresses together. Mr. Yates said that he might add a sentence

to the letter stating that "if their neighbor was not notified, to please let him know" and to have them let their neighbor know that they can contact him at City Hall. Arnette Easley said that in the letter it needs to state, once it is confirmed with the City Attorney, that this will not change the tax base for the property, which is what they need to know. They also need to know that if they sell their property in the future, they can sell it for commercial property. William Simpson asked if something could be put in the paper to notify the public about all the changes. Arnette Easley said that need to work on FM 1097 now. Mr. Yates said that he would work on that information. Arnette Easley advised that he and Councilmember Wilkerson could speak to people at church under announcements. Jeffrey Waddell said that this would be for the good of the community. Mr. Yates said that he wanted there to be a social entrance to this information not just sending them a letter. Jeffrey Waddell said that people will take pride in their community as the areas get cleaned up. Arnette Easley said that they could give people a one or two month reprieve as an incentive during the process, and showing compassion for improvement.

**ADJOURNMENT**

Arnette Easley moved to adjourn the meeting at 7:35 p.m. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

Submitted by: *Susan Hensley* Date Approved: *11/28/16*  
Susan Hensley, City Secretary

*Nelson Cox*  
Chairman Nelson Cox



## POSSIBLE AREAS FOR ZONING CHANGES

Property #1 – Move to 600 setback from 105 from R-4 multi-family to commercial -- east of Buffalo Springs Road

Property #1A – Move to 600 setback from 105 from R-4 multi-family to commercial -- west of Buffalo Springs Road

Property #2 -- Move 300 feet back from 105 Industrial to Commercial the remainder going to R-1 single-family

Property #3 – Move the Unknown (far southwest corner of city) to R-1 single-family residential

Property #4 – South 149, move from R-4 multi-family to all R-1 single-family—northernmost

Property #4A – South 149, move from R-4 multi-family to all R-1 single-family -- southernmost

Property #5 – West side of North 149/1097 intersection from R-1 single-family to Commercial

Property #6 – West side of 149 S. of Lone Star Parkway to Berkley from R-1 single-family to Commercial

Property #7 -- Northeast corner of 149 and 1097 from R-1 single-family to Commercial





VICINITY MAP  
Scale: 1 inch equals 10 miles

LEGEND

Base Layers

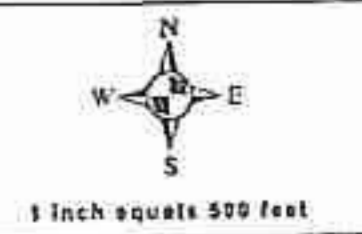
- City Limits
  - P.D.D. No. 1 (LeFevre) - 2014
  - Bowen Development Agreement - 2006
  - Cheatham Development Agreement - 2011
  - P.I.D. No. 1 (Ogorchock) - 2014
  - Historic District
- Zone Classification
- Unknown
  - Commercial
  - Floodplain
  - Industrial
  - Institutional
  - Multi-Family
  - Multi-Use
  - Residential
  - Stanley Lake MUD
  - City ETJ
  - City of Conroe ETJ
  - Dobbin-Plantersville WSC
  - MCAD Parcels

Adopted by City Council on  
January 26, 2016.

\*Actual boundary flows January 2016



ZONING LAYOUT



**DISCLAIMER:**  
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