

**NOTICE OF SPECIAL MEETING**

**March 9, 2020**

**MONTGOMERY PLANNING AND ZONING COMMISSION**

**STATE OF TEXAS**

**AGENDA**

**COUNTY OF MONTGOMERY**

**CITY OF MONTGOMERY**

**NOTICE IS HEREBY GIVEN** that a Special Meeting of the Montgomery Planning and Zoning Commission will be held on **Monday, March 9, 2020 at 6:00 p.m.** at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas for the purpose of considering the following:

**CALL TO ORDER**

**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. The 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.

**CONSIDERATION AND POSSIBLE ACTION:**

1. Consideration and possible action regarding regular meeting minutes of March 3, 2020.
2. Consideration and possible action regarding providing an opinion to City Council on a variance request for an 11-foot vegetative buffer instead of the required 25-foot buffer for the proposed Heritage III development as submitted by Cheatham Management.

**COMMISSION INQUIRY:**

Pursuant to Texas Government Code Sect. 551.042 the Planning & Zoning Commission may inquire about a subject not specifically listed on this Agenda. Responses are limited to recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

**ADJOURNMENT**



  
Susan Hensley, City Secretary

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on the 6<sup>th</sup> of March 2020 at 2:50 o'clock p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

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*This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodations.*

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**MINUTES OF REGULAR MEETING & PUBLIC HEARING**

**March 3, 2020**

**MONTGOMERY PLANNING AND ZONING COMMISSION**

**CALL TO ORDER**

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

Present: Britnee Ghutzman, William Simpson, Nelson Cox, Jeffrey Waddell, Carol Langley

Absent: None

Also Present: Dave McCorquodale, Assistant City Admin. / Director of Planning & Development

1. **Convene into Public Hearing for the purpose of giving all interested persons the right to appear and be heard regarding the following:**

A rezoning request from R1 – Single-Family Residential to B – Commercial for Lot 16, Area D, Montgomery Townsite Section Four, a vacant lot behind 21223 Eva Street, as submitted by Cheatham Management.

**Chairman Cox convened the Public Hearing at 6:01 p.m.**

No public comments were received.

**Chairman Cox adjourned the Public Hearing and reconvened into Regular Session at 6:04 p.m.**

2. **Consideration and possible action regarding approval of minutes for a Regular Meeting held on February 24, 2020.**

Jeffrey Waddell moved to approve the minutes as presented. William Simpson seconded the motion, the motion carried unanimously. (5-0)

3. **Consideration and possible action regarding a Preliminary Report of Findings for a rezoning request from R1–Single-Family Residential to B–Commercial for Lot 16, Area D, Montgomery Townsite Section Four, a vacant lot behind 21123 Eva Street, as submitted by Cheatham Management.**

Staff introduced the item and reviewed the notification letters that were sent. The commission clarified the proposed use of the property was for a surface parking lot. Additional discussion was had on the small size of the property and the size would limit the developability of the lot for many commercial uses if the parking lot was not built.

William Simpson moved to approve a Preliminary Report for the rezoning request from R1–Single-Family Residential to B–Commercial for Lot 16, Area D, Montgomery Townsite Section Four to include preliminary site plan and the rezoning map exhibit. Jeffrey Waddell seconded the motion, the motion carried unanimously. (5-0)

4. **Consideration and possible action regarding a Final Report of Findings and Recommendation to City Council for a rezoning request from R1–Single-Family Residential to B–Commercial for Lot 16, Area D, Montgomery Townsite Section Four, a vacant lot behind 21123 Eva Street, as submitted by Cheatham Management.**

Staff introduced the item and Britnee Ghutzman commented that rezoning this project could have a follow-on effect for additional properties in the area to rezone to commercial. Ms. Ghutzman also stated there was no vegetative buffer shown on the submitted plans.

Britnee Ghutzman moved to approve a Final Report for the rezoning request from R1–Single-Family Residential to B–Commercial for Lot 16, Area D, Montgomery Townsite Section Four to include preliminary site plan and the rezoning map exhibit with the recommendation to rezone the property to B–Commercial. Jeffrey Waddell seconded the motion, the motion carried unanimously. (5-0)

**5. Consideration and possible action on a proposed carport structure located at 415 Houston Street, a City-designated Historical Landmark, as submitted by owner Tani Traver.**

Staff introduced the item. William Simpson stated the style of metal carport submitted by the owner does not appear to fit within the character of historic properties or the historic district. Jeffrey Waddell asked for clarification that this was the only home on the street designated as a City Historical Landmark. Staff and other members of the commission stated it was. Cheryl Fox, a neighboring homeowner, stated her old home is also a City-designated Historical Landmark. Gary Szafranski, an adjacent homeowner, spoke against the proposed carport. He stated he did not want the carport directly across from his front porch, and added that the carport would have a negative effect on his property as well as the applicant's property.

William Simpson moved to deny the request for the carport structure. Britnee Ghutzman seconded the motion, the motion carried unanimously. (5-0)

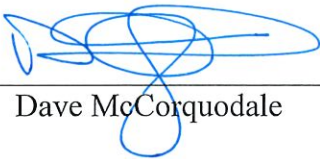
**Commission Inquiry**

Commissioner Britnee Ghutzman inquired about current Short-Term Rental regulations in the City and asked staff to gather information for discussion.

Commissioner Simpson inquired about regulations for adding parking spaces in commercial areas that are possibly located in the TxDOT right-of-way and whether the City has authority to prevent it. Staff confirmed the City would look into the item and address as appropriate.

**Adjournment**

Carol Langley moved to adjourn the meeting at 6:55 p.m. William Simpson seconded the motion, the motion carried unanimously. (5-0)

Prepared by:  \_\_\_\_\_ Date approved: \_\_\_\_\_  
Dave McCorquodale

\_\_\_\_\_  
Chairman Nelson Cox

Attest: \_\_\_\_\_  
Susan Hensley, City Secretary

Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date: March 9, 2020</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: Engineer's memo with site plan</b>

**Subject**

Consideration and possible action regarding providing an opinion to City Council on a variance request for an 11-foot vegetative buffer instead of the required 25-foot buffer for the proposed Heritage III development as submitted by Cheatham Management.



**Description**

Section 78-162 of the Subdivision Ordinance requires a vegetative setback of at least 25-feet on Commercial property when it abuts Single-Family Residential property. The developer is requesting a variance from this requirement. Per the ordinance, the City Council itself authorizes variances to the Subdivision Ordinance after referring the item to the Planning & Zoning Commission and the City Engineer for their opinions of the request.

**Recommendation**

Consider the variance request and provide an opinion to the City Council.

**Approved By**

Director of Planning & Development	Dave McCorquodale 	Date: 03/06/2020
City Administrator	Richard Tramm 	Date: 03/06/2020



January 13, 2020

Planning and Zoning Commission  
City of Montgomery  
101 Old Plantersville Road  
Montgomery, TX 77316

RE: Variance request for Heritage Place III regarding requirement for 35' building line and 25' vegetative setback

According to Section 98-180 of the City of Montgomery Code of Ordinances, the general provisions of Chapter 98 will apply for any development within the City limits and requires a 35' front building line along major streets. This development will consist of three commercial buildings and parking for tenants, similar to developments at 21300 and 21123 Eva Street. We are proposing a 25' building line along Highway 105. We feel the variance request is warranted for the following reasons:

- This development, similar to other Heritage Place developments, attempts to screen parking by having the parking lot located behind the building. This attempts to keep the historic feel of downtown Montgomery and create a new "historic downtown" corridor along Highway 105.
- In typical commercial developments, the parking lot would be located in front of the building, with the parking lot encroaching the building line. A typical commercial lot depth ranges from 200'-250'. This property has lot depth ranging from 115'-130', so adhering to the 35' building line requirement severely limits the usable property with the limited lot depth.
- To meet the City's parking requirements, a two-story parking area is required with the buildings located at 25' off the front property line. If the buildings were adjusted to meet the 35' requirement, the parking requirement would be unattainable.
- According to Section 98-1 and 98-181, the front yard for corner lots is considered parallel to the street upon which the lot has the least dimensions. With this information, it appears that the front yard setback requirement should apply to Houston Street and Louisa Lane, instead of Highway 105. If Highway 105 is considered the side yard, the setback only has a requirement of 15'. If this interpretation is correct, the variance would not be needed as the proposed site plan would adhere to the Ordinance.

According to Section 78-162 of the City of Montgomery Code of Ordinances, there is a minimum 25' vegetative setback and visual barrier where commercial properties abut any single-family residential property. The proposed development has an 11' setback along the majority of the rear property line, where it is adjacent to single-family residential properties. We feel the variance request is warranted for the following reasons:

- To adhere to the parking requirements for the City, this will not allow the parking lot to decrease in size to accommodate the 25' requirement along the entire rear property line. As mentioned above, the existing lot depth restricts commercial development on a zoned commercial parcel. This requirement can be met along the western portion of this property. In the areas this cannot be achieved, we propose a visual barrier for the adjoining properties with an 8' solid wood picket fence with brick veneer columns or a "living wall" system. See enclosure for examples.



It is for the above-mentioned reasons that we feel the variance requests should be considered and approved. Please feel free to contact me at 936-647-0420 if you have any questions or concerns.

Thank you,

A handwritten signature in black ink, appearing to read 'J. White', with a long horizontal flourish extending to the right.

Jonathan White, PE

Enclosure: Preliminary Site Plan; Example Fence Detail; Example of Parking Lot Structure





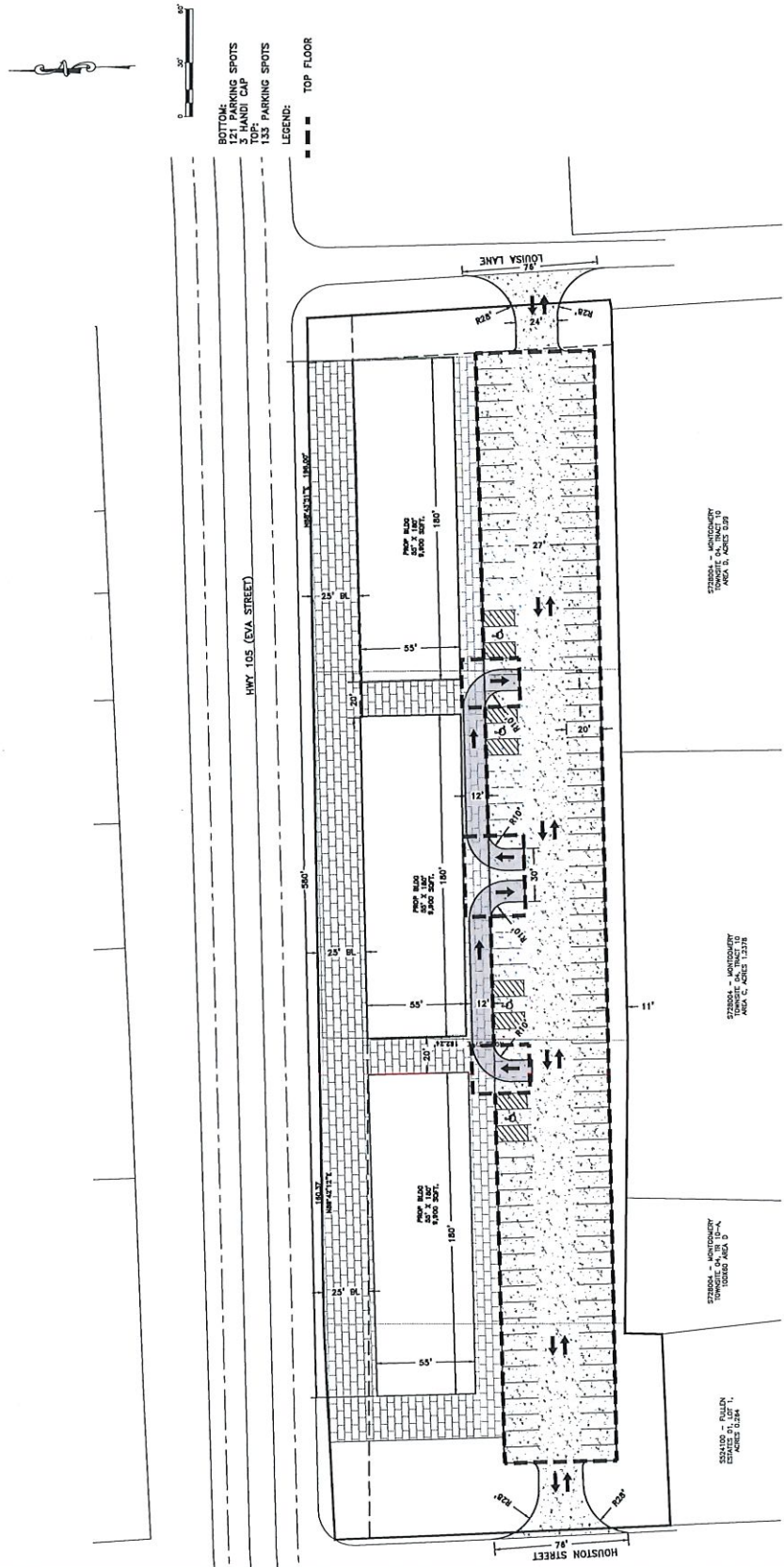


# HERITAGE PLACE III SITE PLAN

10/06/19

DRAWING INFORMATION	
PROJECT	37022 HERITAGE PLACE III
DATE	10/06/19
SCALE	1" = 60' (1/8" = 1')
SHEET	01

THE PRESENCE OF RELATIONS TO THE SURROUNDING ENVIRONMENT IS THE RESPONSIBILITY OF THE ARCHITECT. THE ARCHITECT HAS CONDUCTED VISUAL ANALYSIS AND HAS PREPARED THIS SITE PLAN TO REFLECT THE ARCHITECT'S DESIGN. THE ARCHITECT HAS CONDUCTED VISUAL ANALYSIS AND HAS PREPARED THIS SITE PLAN TO REFLECT THE ARCHITECT'S DESIGN. THE ARCHITECT HAS CONDUCTED VISUAL ANALYSIS AND HAS PREPARED THIS SITE PLAN TO REFLECT THE ARCHITECT'S DESIGN.

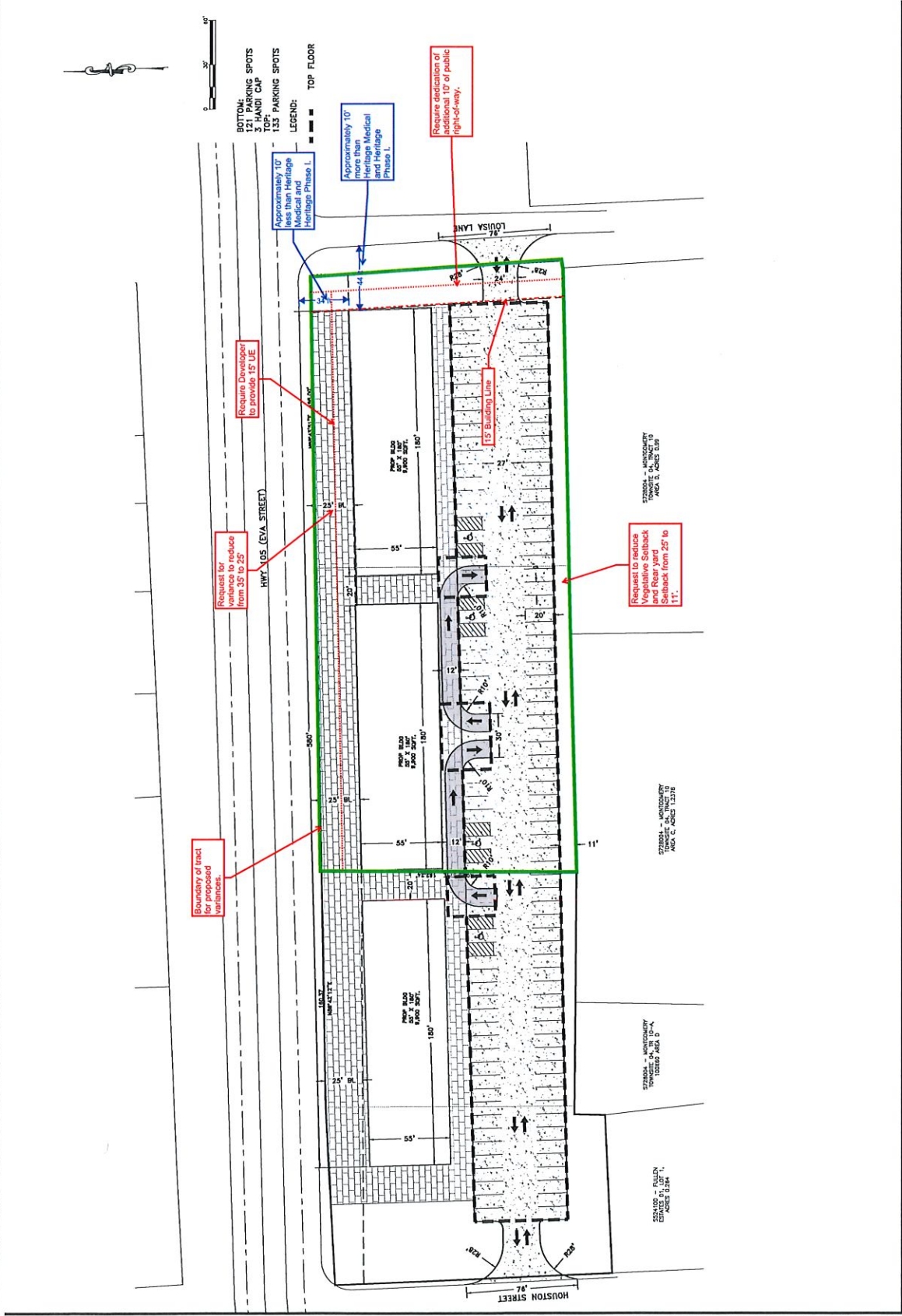


# HERITAGE PLACE III SITE PLAN

10/06/19

DRAWING INFORMATION	
PROJECT	20251000
DATE	10/06/19
SHEET	01
1" = 30' (ARCH) / 1" = 60' (SITE)	

THIS DOCUMENT IS RELEASED ON THE AUTHORITY OF INTERNAL REVIEW ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF L SQUARED ENGINEERING. FOR REVIEW PURPOSES ONLY. NOT FOR CONSTRUCTION.



- LEGEND:**
- 121' PARKING SPOTS
  - 3' HANDI CAP
  - 155' PARKING SPOTS

Approximately 10' more than Heritage Medical and Heritage Phase I.

Require dedication of additional 10' of public right-of-way.

Request for variance to reduce from 35 to 25

Request Developer to provide 15 USE

Boundary of tract for proposed variances

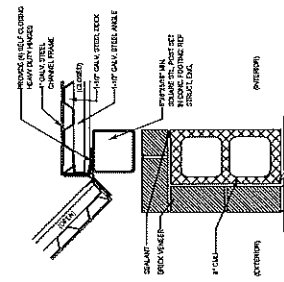
Request to reduce Vegetative Setback and Rear yard Setback from 25' to 11'

STANDARD - MONUMENTARY AREA 5, AREA 5.01B

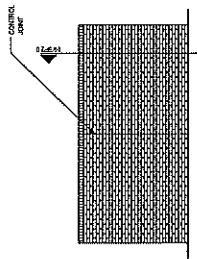
STANDARD - MONUMENTARY AREA 5, AREA 5.01B

STANDARD - MONUMENTARY AREA 5, AREA 5.01B

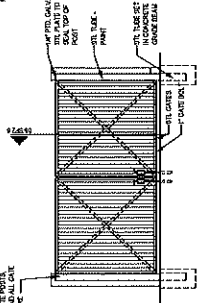




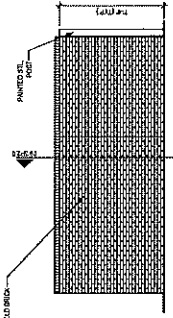
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1/8\"/>



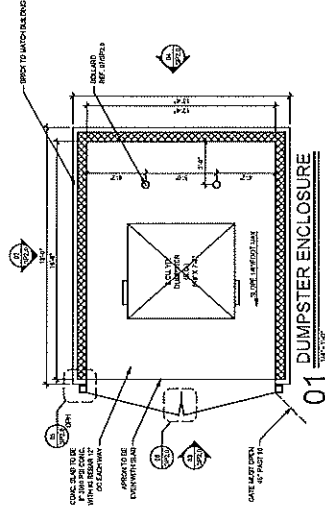
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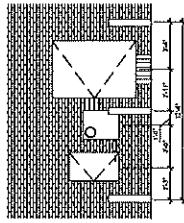
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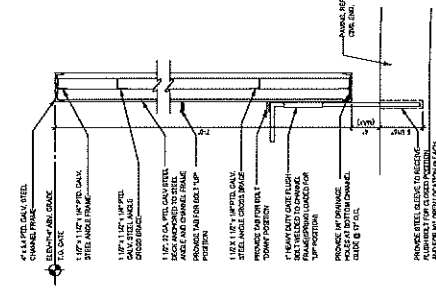
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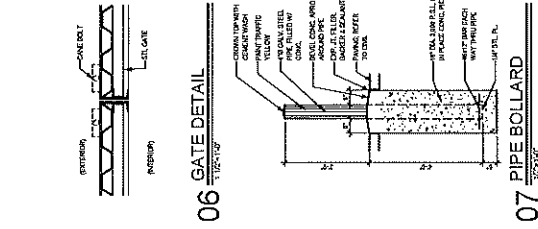
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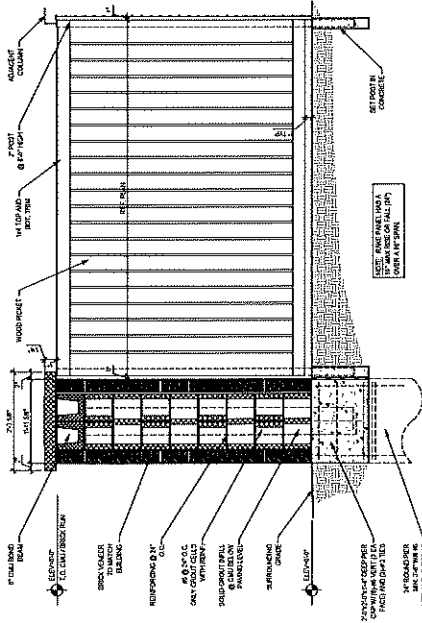
10 ELECTRICAL EQUIPMENT  
1/8\"/>



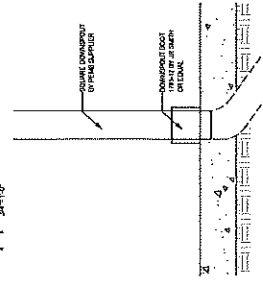
08 DUMPSTER GATE SECTION  
1/8\"/>



06 GATE DETAIL  
1/8\"/>



11 COLUMN SECTION & FENCE DETAIL  
1/8\"/>



16 DOWNSPOUT @ PATIO  
1/8\"/>

09 ENCLOSURE SECTION  
1/8\"/>

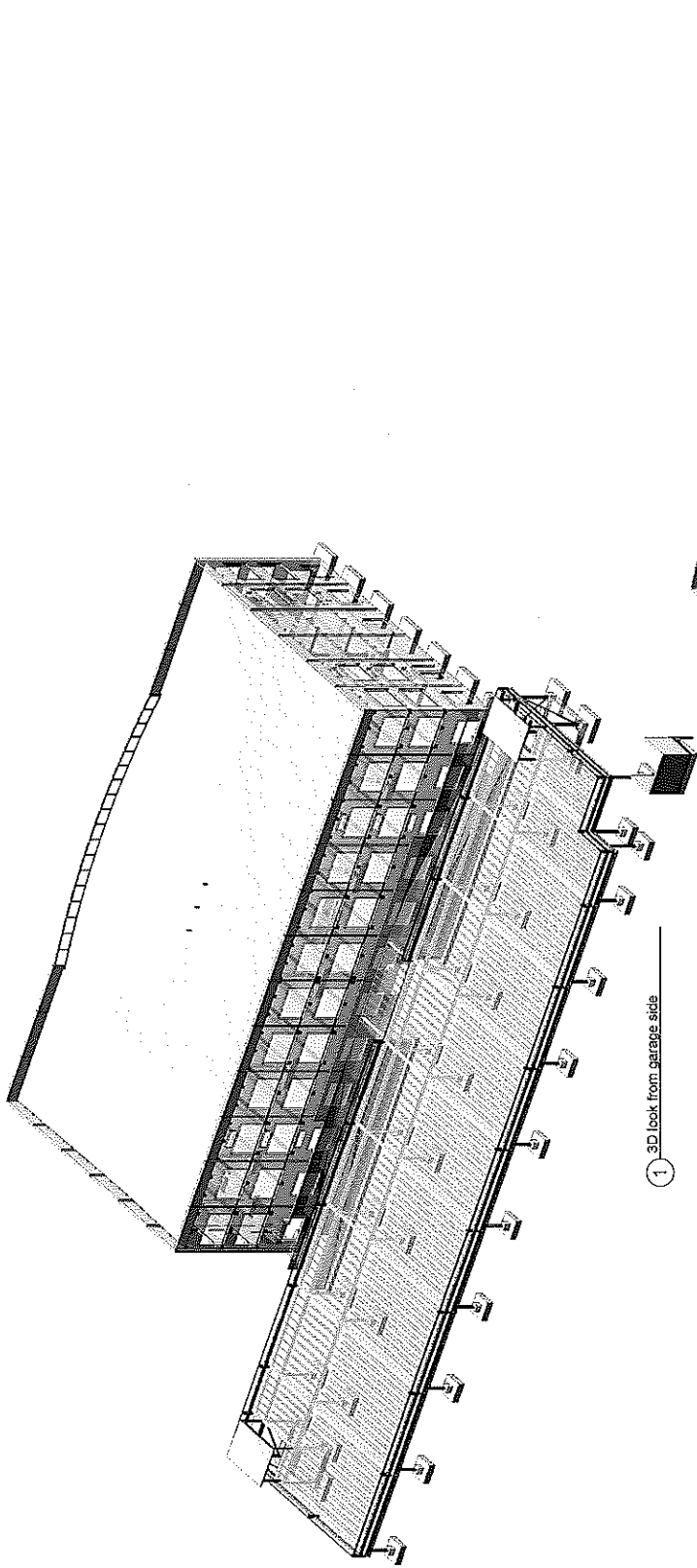
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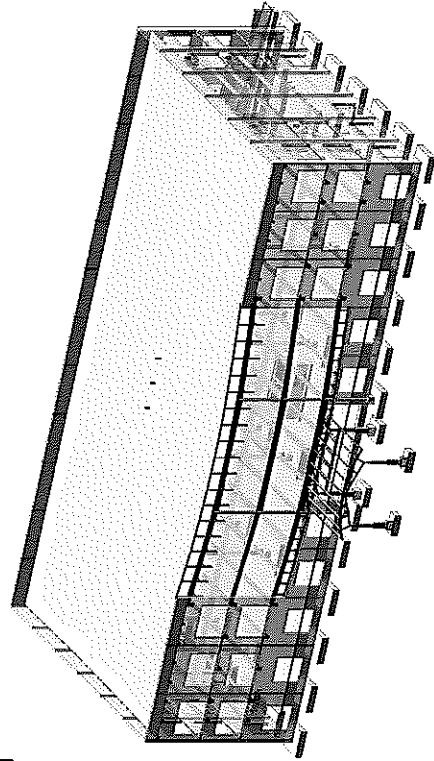
15 NOT USED  
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07 PIPE BOLLARD  
1/8\"/>



① 3D look from garage side



② 3D Look From the Building Side