

**Notice of Planning and Zoning Commission Regular Meeting
AGENDA**

September 05, 2023 at 6:00 PM

NOTICE IS HEREBY GIVEN that a Meeting of the Montgomery Planning and Zoning Commission Regular Meeting will be held on **Tuesday, September 05, 2023** at **6:00 PM** at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas.

Members of the public may view the meeting live on the City’s website under Agenda/Minutes and then select **Live Stream Page (located at the top of the page)**.

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 an 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.** Approval of the Regular Meeting Minutes of August 1, 2023.
- 2.** Consideration and possible action regarding a raised outdoor deck built without Commission approval at 504 Caroline Street in the Historic Preservation District.
- 3.** Consideration and possible action on a wood privacy fence built without Commission approval at 504 Caroline Street in the Historic Preservation District.

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

Nici Browe, TRMC, 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 September 1, 2023 at 4:30 p.m.

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.

MINUTES OF REGULAR MEETING

August 1, 2023

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

Chairman Waddell declared a quorum was present and called the meeting to order at 6:08 p.m.

Present: Jeffrey Waddell, Bill Simpson, Merriam Walker

Absent: Daniel Gazda, Britnee Ghutzman

Also Present: Dave McCorquodale, Director of Planning & Development
Chris Roznovsky, P.E., City Engineer

VISITOR/CITIZENS FORUM

None.

1. Approval of the Regular Meeting Minutes of July 5, 2023.

Merriam Walker moved to approve the minutes with the meeting date correction noted by staff.
Bill Simpson seconded the motion, which carried unanimously. (3-0)

2. Consideration and possible action on approval of construction plans for Montgomery Bend Section Two (Dev. No. 2203).

Chris Roznovsky reviewed the packet information and reminded the Commission of the Section One construction plan approval earlier in the summer. Items that were a part of the plans that were noted in discussion were drainage, street sign standards, light poles, landscape areas and proposed trees. Jeff Waddell asked about the detention pond note that said “by others”. Mr. Roznovsky clarified that the detention pond is not part of the public infrastructure construction and was part of a separate bid package by the developer. Mr. Waddell asked about the east end of the drainage area near the cul-de-sac showing an open swale. Mr. Roznovsky said that was an overflow swale that would only be used if the regular storm sewer was inundated and pointed out that while the city would own the storm drain pipes, all of the surface drainage features would remain the

responsibility of the developer/MUD. Merriam Walker asked about the landscape plan details. Mr. Roznovsky discussed the details required of the landscape plan. Mrs. Walker also asked if sidewalks would be built in the neighborhood and Mr. Roznovsky affirmed there would be sidewalks on both sides of the streets. Merriam Walker asked about numbers noted on the plans in circles. Mr. McCorquodale stated those were the block numbers that were part of the legal description of the properties (lot, block, section notation). Jeff Waddell referenced the landscape plan and noted in excess of 700 proposed trees and minimum of 30-gallon sizes. Chris noted live oaks on the residences listed at 45-gallon sizes. Merriam asked if the homes would have irrigation systems installed by the builder and whether the neighborhood would be gated. Staff affirmed the homes would have irrigation systems installed when built and that the neighborhood would not be gated.

Bill Simpson moved to approve the construction plans for Montgomery Bend Section Two as presented. Merriam Walker seconded the motion, which carried unanimously. (3-0)

Commission Inquiry

Bill Simpson noted that Damon Haynes relocated the fence on the former wing restaurant property that was approved by P&Z last fall. Staff affirmed the metal panel material was approved by P&Z. Jeff Waddell mentioned the lack of outdoor storage space at the wing restaurant.

Merriam Walker asked about the deck built without approval at 504 Caroline Street. Mr. McCorquodale said he would reach out to the owner to inform them they needed approval from P&Z for the new deck construction.

Jeff Waddell mentioned the good discussions the Commission had in recent months about single-family lot sizes and setbacks. He asked staff to continue to strengthen the thoughts and ideas between the Commission and the City Council. Staff explained the current wording of the ordinance does not allow for A/C units or other accessories attached to the residence to be located in the side yards. The recent clarifications included in variance requests were to ensure that developers and builders were aware so they had adequate time to plan to accommodate and adhere to the requirements.

Adjournment

Bill Simpson moved to adjourn the meeting at 6:34 p.m. Merriam Walker seconded the motion, which carried unanimously. (4-0)

Prepared by: _____ Date approved: September 5, 2023
Dave McCorquodale

Chairman Jeffrey Waddell

Attest: _____
Nici Browe, City Secretary

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: September 5, 2023	Budgeted Amount: N/A
Department: Administration	Prepared By: DMc

Subject

Consideration and possible action regarding a raised outdoor deck built without Commission approval at 504 Caroline Street in the Historic Preservation District.

Recommendation

Staff recommends approval of the deck despite being constructed without proper approval.

Discussion

As you are aware, the new owners of 504 Caroline have been renovating the historic structure on the property for several months after receiving approval for modifications from P&Z last year. Recently, a subcontractor was hired for site work, including a wood deck built on the back of the structure. According to the subcontractor, he was not informed by the owner or primary contractor that exterior modifications required P&Z approval.

The form and size of the deck is consistent with the structure and site. The subcontractor has submitted the attached supporting information for review by the Commission. Staff has no material objections to the deck itself, rather that it was built without first obtaining approval from P&Z and a building permit. In addition to this deck, a 7-ft tall wood privacy fence was built without approval and an irrigation system was installed without permits. Taken together, a pattern of not following city regulations is emerging.

Approved By

Asst. City Administrator and Director Planning & Development	Dave McCorquodale	Date: 08/30/2023

504 Caroline Street











The entire deck was constructed with ground contact, rated pressure, treated wood.

Each 4 x 4 set in concrete, decking surface constructed with boards, 2 x 8 treated (varying lengths)

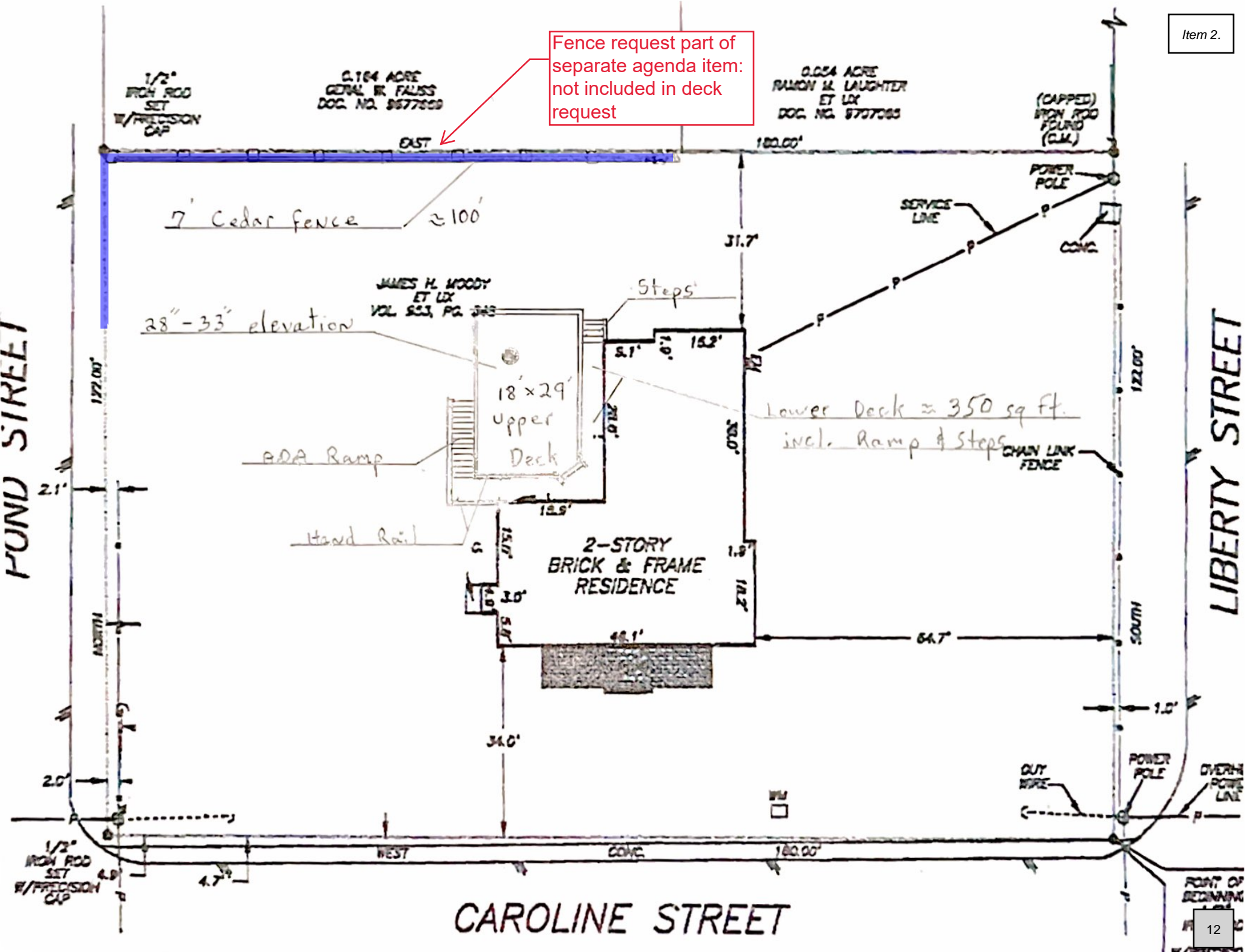
Upper deck area, elevation, varies between 28 – 33 inches.

Dark brown stain to match existing cedar trim on the house.

Upper deck will have solid, skirting to 2” above ground level (no lattice).

Total deck area, including upper level, lower, landing, level, steps, and handicap ramp. 872 ft.².

Fence request part of separate agenda item: not included in deck request

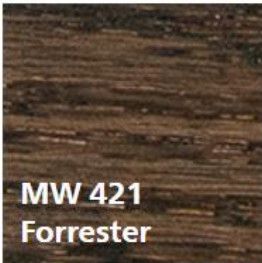




Minwax Performance Series Tintable Wood Stain

Minwax Performance Series Tintable Wood Stain is a rich, thick, oil based formula that provides a beautiful, long-lasting finish. It applies easily and penetrates deep into the pores of the wood. While conventional stains recommend 18 to 24 hours drying time, Minwax Performance Series Tintable Wood Stain can be recoated in just 2 hours for solvent-based finishes and 6 hours for water-based finishes.

Thicker than conventional stains, this high-performance stain is easier to control with less spatter and dripping. You'll mask less, use fewer drop cloths, and save time on every job.

Color	Options
 <p>MW 421 Forrester</p> <p>Remove Color</p>	<p>Container Size:</p> <p>1 Gallon <input type="button" value="↓"/></p> <p>Base:</p> <p><input checked="" type="radio"/> Clear Base</p> <p>Change Base</p>



101 Old Plantersville Road,
Montgomery, Texas 77356
Phone: 936-597-6434 Fax: 936-597-6437
permits@ci.montgomery.tx.us

COMMERCIAL BUILDING PERMIT APPLICATION
 For the erection of buildings, accessories, repairs, demolition, moving, etc.
 Expires in 6 months (180 days)
 Non-Transferable

DATE:

PERMIT NUMBER:

OWNER: Gracepoint Homes

JOB SITE ADDRESS: 504 Caroline St., Montgomery, TX 77356

CONTRACTOR: Hansen Landscape Construction, Inc.

ADDRESS: 9240 Lantern Creek Ct., Conroe, TX 77303

CONSTRUCTION TYPE(S) Deck TELEPHONE: O: 281-465-9465 C: 281-702-7794

CLASS OF WORK (CHECK ALL THAT APPLY)

NEW EXTERIOR

ADDITION INTERIOR

GROSS SQ FT: 872 ZONING DISTRICT: VALUE OF TOTAL PROJECT: 25,000.00

Superintendent Email: mike@hansencommercial.com (Please Cc: ronda@hansencommercial.com)

\$0.00 - \$1,000	\$60.00 FLAT FEE
\$1,001 - \$50,000	\$15.00 FOR FIRST \$1,000 + \$5.00 FOR EACH ADDITIONAL \$1,000 OR FRACTION THEREOF
\$50,001 - \$100,000	\$260.00 FOR FIRST \$50,000 + \$4.00 FOR EACH ADDITIONAL \$1,000 OR FRACTION THEREOF
\$100,001 - \$500,000	\$460.00 FOR FIRST \$100,000 + \$3.00 FOR EACH ADDITIONAL \$1,000 OR FRACTION THEREOF
OVER \$500,001	\$1,660.00 FOR FIRST \$500,000 + \$2.00 FOR EACH ADDITIONAL \$1,000 OR FRACTION THEREOF

PLAN REVIEW FEE IS HALF OF PERMIT FEE - DUE UPON SUBMITTAL

NOTICE: SEPARATE PERMITS ARE REQUIRED FOR PUBLIC UTILITIES, ELECTRICAL, PLUMBING, HEATING, VENTILATION, AIR CONDITIONING, GRADING, ALARMS, ROOFING, LANDSCAPING, FIRE SPRINKLERS, LAWN SPRINKLERS AND POOLS.

I hereby certify that I have read and examined this application and know the same to be true & correct. All provisions of law and ordinances governing this type of work will be complied with whether or not specified herein. The granting of this permit does not presume to give authority to violate or cancel the provisions of any state or local law regulating construction of the performance of construction.

Name of Applicant:
Mike Hansen

Applicant Signature:

APPROVED BY:

Date:

TOTAL:

DATE PAID:

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: September 5, 2023	Budgeted Amount: N/A
Department: Administration	Prepared By: DMc

Subject

Consideration and possible action on a wood privacy fence built without Commission approval at 504 Caroline Street in the Historic Preservation District.

Recommendation

Staff recommends approval of the fence despite being constructed without proper approval.

Discussion

The new owners of 504 Caroline have installed a 7-foot-tall wood privacy fence around the northwest corner of the property. An attached site plan shows the location of the fence.



Photos of fence built on the property.

Montgomery Planning and Zoning Commission
AGENDA REPORT

The Historic District Guidelines address fences as follows:

2. Fences. Fences must be consistent with the same period of the main building.
 - a. Form. Fences must be constructed and maintained in a vertical position.
 - b. Height. Within a front yard, no fence or wall shall be erected to exceed a height of four feet.
 - c. Location.
 - i. A fence in an interior side yard must be located no further forward on the lot than the front of the main building.
 - ii. A fence in a corner side yard must not be directly in front of the corner side façade, except that the building official may allow a fence that is directly in front of the corner side façade if:
 - 1) More screening is necessary to insure privacy due to unusually high pedestrian or vehicular traffic; and
 - 2) The fence does not screen all or any portion of a significant architectural feature of the main building.
 - iii. A fence must run either parallel or perpendicular to a building wall or lot line.
 - d. Materials. A fence in a front or corner side yard must be constructed of wrought iron, wood or brick. Concrete block fences are not permitted.
 - e. Masonry columns and bases. The color, texture, pattern and dimensions of masonry and the color, width, type and elevation of mortar joints in a fence column or base must match the masonry and mortar joints of the main building as nearly as practicable.
 - f. Metal fences. Wrought iron and metal fences must be compatible with the style and period of the main building. Non-decorative chain link, barbed and razor wire fences are permitted only in back yards and must not be visible from adjacent properties or abutting streets.
 - g. Wooden fences.
 - i. All wooden structural posts must be at least four (4) inches by four (4) inches in diameter (nominal size).
 - ii. Wooden fences facing a public street must present the finished side to the street.
 - iii. Wooden fences may be painted or stained a color that is complimentary to the main building.

The fence is neither consistent with the main period of the building nor obtrusive in character. The primary drawback to the fence is that it furthers the disconnectedness of downtown properties, both physically and visually. That being said, screening an adjacent parking lot from outdoor spaces on this property has merit. Staff has no material objections to the fence itself, rather that the fence was built without first obtaining approval from P&Z. In addition to this fence, the outdoor deck was built without approval or permits and an irrigation system was installed without permits. Taken together, a pattern of not following city regulations is emerging.

Approved By		
Asst. City Administrator and Director Planning & Development	Dave McCorquodale	Date: 08/31/2023

