

**PLANNING AND ZONING COMMISSION
MEETING MINUTES
FEBRUARY 04, 2025**

OPENING AGENDA

1. Call meeting to order.

Chairman Simpson called the meeting to order at 5:59 p.m.

Present: Commission Member Daniel Gazda, Chairman Bill Simpson, Commission Member Merriam Walker, Vice Chairman Tom Czulewicz

Absent: Commission Member John Fox

Also Present: Chief Anthony Solomon, Chief of Police / Interim City Administrator
Corinne Tilley, Code Enforcement / Planning & Zoning Administrator
Ruby Beaven, City Secretary
Diana Titus, Deputy City Secretary
Chris Roznovsky, City Engineer

2. Pledges of Allegiance.

Chairman Simpson led the Pledge of Allegiance and Pledge of Allegiance to the Texas State Flag.

PUBLIC FORUM:

No citizen comments presented for this meeting.

REGULAR AGENDA

3. Consideration and possible action on the Regular Meeting Minutes of January 07, 2025.

Motion: Commission Member Gazda made a motion to approve the Regular Meeting Minutes of January 07, 2025. Commission Member Walker seconded the motion. Motion carries with all present voting in favor.

4. Consideration and possible action on a proposal to make improvements on a property located at 914 College Street.

Ms. Marily Thompson stated she has owned this property since 1999. She is endeavoring to make improvements to the property and make it her homestead.

Commission Member Walker said you mentioned you are going to build up on one side to divert the water that is coming from the other side. Do you have water that goes through your property? Ms. Thompson said she will not be building up on the east side which neighbors Ms. Langley's house. It slopes right into her house so what she would like to do

is create a swell between her house and their house to divert that to go into her backyard because currently it goes right underneath her house and that is what has been causing a lot of her settlement issues. The purpose of raising the home 16 inches is to be able to build that up and make it aesthetically pleasing and functional. Commission Member Walker asked is that something the City has to look into because you are moving the landscape of the land because there are natural waterways? Ms. Thompson said she hopes it is a simple issue where she is moving it from going across her property to the west and diverting it to the north because behind her property is a flood way and so nothing is going to be built there. It is just going to go down to the creek and move on. She does not think it adversely affects any neighboring tracts.

Chairman Simpson asked City Engineer Roznovsky if that needs to be in that swell? City Engineer Roznovsky said if it is just for lot drainage it does not. The College Street drainage the City is undertaking, which is at the culverts and improving that area, it also includes improving the roadside ditch in front of this property. As far as on the surface drainage, she is making slight changes to her own grade and landscape and that does not affect it. Commission Member Walker said she is upgrading her landscaping. Chairman Simpson said basically what that water will do instead of dumping into that swell between your property and the Langley's now, it will take a shortcut to the back. Ms. Thompson said correct. Ms. Thompson said and if you so choose to talk about the addition of the garage, that is the same idea as well. The roof line will follow the existing house and her intention would be to gutter front and back and then she can pipe the front gutter to the rear gutter and get it all the way to the back of the property so it has no effect to the neighboring property on the west side of her.

Commission Member Walker asked you are standing before us to ask about the improvements and the considerations of what you have written? Ms. Thompson said yes because her understanding is because she is going to relevel the home and also request that it be raised 16 inches, she has to bring that before the Board because she falls within the historical guidelines. Ms. Thompson said she thinks the idea of raising it gives her the opportunity to get better access under the home which she does not have now because there is only about four inches on the front corner and therefore she cannot properly address any issues whether it be piper or insulation or it is too wet and there are some rotting issues. Commission Board Member Walker said she appreciates her coming to them prior to her doing it. She also wants to say thank you because you realize you are in the historic district. Not so much your house or piece of property, but you are in the district and you have enough consideration for the City of Montgomery to come in and to seek what we can and cannot have done in the historic district. Commission Board Member Gazda said also the thoroughness of the application was fantastic. Chairman Simpson said everything you are doing to update the house and the garage looks like it will match. Our only big concern is that variance on the west side.

Commission Member Walker said she knows we had that 10 foot setback for the subdivision that we are putting in, but when she looked at the home it is not a regular subdivision. It is actual property and asked Ms. Thompson if you were to put that garage there, is there another swell or drop in your property? Ms. Thompson said the history of that is originally the property to the west of her was part of her property. The City approved them to subdivide that and separate it so instead of it being .70 acres it is now .30 and .40. At the time they did that there was no such thing as side building lines. Her understanding

from the survey company is when you make a subdivision like that, that is what they call it, a subdivision. The division of that or separation of that created a subdivision.

Commission Member Walker asked City Engineer Roznovsky if this goes along with their ordinances for subdivisions for this piece of property? City Engineer Roznovsky said he has not researched it. Chief Solomon said it requires 10, but she is asking five to seven. The ordinance says 10. Chairman Simpson said that is on item #5 so they will get item #4 out of the way first. It is for the improvements on the house and the property.

Vice Chairman Czulewicz asked if the skirting after the house is raised 16 inches is just lattice work? Ms. Thompson said yes it will remain as lattice work because she still needs to have access and the house needs to breathe. She thinks that is the appropriate thing to do and it would be painted to match the siding. It is not going to be white because nothing on the house will be technically white other than trim so she would carry that siding color down onto the lattice which is the way it is now.

Commission Member Gazda asked if Ms. Thompson has physical copies of the samples of the paint. Ms. Thompson said yes it is in the package. Ms. Thompson said it is not dissimilar to what exists there now. The green might be a slight shade different. Ms. Thompson said she can bring the actual samples in. Commission Member Walker said any type of material you do in the historic district they really like to see, feel, and touch it. They have had colors given to them and they did not actually match. Different lights that hit it make it look differently. Commission Member Walker said they just want to be consistent because other people that have come before them and they have been specific and said bring this to them to let them see so they have a backup. Ms. Thompson said these are actual swatches from Sherwin Williams so you will have the number.

Commission Member Walker said she has a question about the trees. Ms. Thompson said they were causing some problems. The one tree is right where the garage is going to be placed and the other tree was causing foundation issues with movement and squirrels. Commission Member Walker asked if on pier and when she adds on if she will be doing pier ? Ms. Thompson said she is not adding on she is just raising it up. The footprint of the home on the outside is not changing at all. She will contract with Allied who will put the concrete pilings in. They will drive them in and they are going to be stabilized with a collar. They will then lift it 16 inches so she can get insulation under the front part of her home and move the plumbing that needs corrected because it is coming apart.

Ms. Thompson said the only other question Code Enforcement Officer and Planning/Zoning Administrator Tilley had mentioned that you might be concerned about is fencing. Ms. Thompson passed out a handout and said the red areas are where they are talking about fencing. It would be a wood privacy gate so the air conditioning system and garbage cans would be hidden. The sidelines will come back to the existing fence that she would like to be wrought iron and will not be anything higher than five foot. Commission Member Walker asked if there are any ordinances regarding the height of the fence for backup? Is it four or five foot? Chairman Simpson said he thinks the five foot is side yard.

Commission Member Walker asked if it is a two car garage? Ms. Thompson said it is if they approve it. She made it a bit longer than a normal garage because she has a four door F250 pickup truck. Commission Member Walker asked if this is the home she will be living

in or is it a rental property? Ms. Thompson said it has been rental property, but she is downsizing and it will be her primary residence.

Commission Member Walker asked if she has already been in touch with the City about where they are coming with the culvert so that when you put your driveway in, it will be in proportion to where they are putting it? Ms. Thompson said she has received an email from Public Works and they are going to work with her and maybe even do some cost share when they get ready to set the culvert because her goal would be to extend the throat of her driveway a bit wider because it is pretty narrow, but there is an existing sewer manhole there. When they come to do the restructuring of the ditch, she has not seen plans on that, but hopefully they can work together to come up with a plan that looks way better than what is out there now. Commission Member Walker asked City Engineer Roznovsky if there is any problem with Ms. Thompson widening her driveway? City Engineer Roznovsky said no, as long as the culvert is there it does not necessarily matter. That project just got kicked off a couple weeks ago so they are surveying now.

Commission Member Walker said she sees railing outside of the house, but what is the other trim color and what is being done with the shutters? Ms. Thompson said the shutters will remain black. There are going to be a few windows missing on the right side of the house and the rear of the house, but the shutters will remain on the other windows. Commission Member Walker asked if the windows are going to look like they do now? Ms. Thompson said she is going to retain those windows and use the ones she is removing on the garage because they are not very old. They do a nice job to implement the idea of a craftsman style home.

Ms. Thompson said she has met with Entergy. She wants to take the overhead line that goes from the pole to her riser on the house where the electric goes to her house. It is so low that she will not be able to get concrete trucks in there. In her proposal she wants to make that an underground service to her home from the power pole. Entergy told her that the electrician would be handling that work and they would come out and inspect and reconnect when they are ready. Ms. Thompson said she spoke with her electrician and called to get line locations. By Thursday she should have those and then they can begin the process. The unsightly wires will be gone as well as guttering for the HVAC system that will all be on the inside of the house and the secondary drain for the HVAC system on the right will be gone and put within a soffit. Commission Member Walker asked if she is doing gas and electric? Ms. Thompson said it will remain all electric.

Chairman Simpson asked about all the permits. Ms. Thompson said not yet because she is waiting to get an approval from the Board concerning lifting the home 16 inches. Her permits are all filled out. After that they will need to address the variance issue and believes she has to return and go before Council to get that, but if the Board grants her the ability to proceed then the remodeling will begin.

Commission Member Walker said she feels Ms. Thompson is keeping with the characteristics of the historical area and keeping her home to the historical stat that it is right now. She said she is not sure about the wrought iron fence in the back, but it is in the back and she is sure it is not going to be a problem. She asked Ms. Thompson if she has any intention of doing any fencing in the front yard? Ms. Thompson said just the back to contain a dog. Commission Member Walker said she feels Ms. Thompson is keeping with the historical preservations of the downtown area and has brought us all the information.

She said Code Enforcement Officer and Planning/Zoning Administrator Tilley will be watching and the City will make sure your permits are up to date.

Motion: Commission Member Walker made a motion to **APPROVE** a proposal to make improvements on a property located at 914 College Street. Vice Chairman Czulewicz seconded the motion. Motion carries with all present voting in favor.

5. Consideration and possible action on a request for a side yard setback variance for a proposed new accessory structure (garage) on the property located at 914 College Street.

Commission Member Gazda asked if this is a recommendation to City Council or an approval? City Secretary Beaven said the recommendation is staff recommends approval of the five to seven foot side with the following three conditions. 1) To appropriate the building of trade, permits must be approved and issued prior to the commencement of work. 2) Submit a fully certified survey of the exact location of the proposed new accessory structure when presenting the request for variance to the City Council. 3) Obtain final approval of the side yard setback variance from the City Council.

Motion: Vice Chairman Czulewicz made a motion to approve a request for a side yard setback variance for a proposed new accessory structure (garage) on the property located at 914 College Street. Commission Member Gazda seconded the motion. Motion carries with all present voting in favor.

Discussion: Commission Member Walker asked Ms. Thompson if she knows when she is going to start with the trees. Ms. Thompson said the trees are gone because Code Enforcement Office and Planning/Zoning Administrator Tilley said she could remove them. She said she will be putting another tree in her front yard and another in the backyard to replace the ones she took down. She really does appreciate the trees but they caused a big expense for her.

6. Consideration and possible action on a proposed cover/roof over an existing second floor balcony at 401 College Street (northeast corner).

Chief Solomon said this Board approved the northwest corner a year ago and now they are asking to have the same cover for the northeast corner. Commission Member Walker said it is the only corner that is not covered so far. All of the others are. She said she drove by there and it does not look structurally sound. Maybe it needs boards replaced on the decking. She asked if Code Enforcement Officer / Planning and Zoning Administrator Tilley can look at it before he starts. Chief Solomon said he knows she has looked at it, but he will have her take another look at it. Commission Member Walker said she noticed the wrought iron that is up there. When he was presenting it last year he said he had found some wrought iron that he was using. It looked good and worked with everything. She noticed there are three or four that are already standing back in that corner where the roof is not there yet. Her concern is how long have they been there? She knows when they go to put the roof on the roofer is not going to just slap a roof on there without it being sturdy. She was wondering if they are going to leave the wrought iron, if he is going to replace it, or he is using that because he wanted to use that in the front? She is not sure about the ones he currently has on there. Chairman Simpson said he will have to come with all the structural drawings and attachments.

Motion: Commission Member Walker made a motion to **APPROVE** a proposed cover/roof over an existing second floor balcony at 401 College Street (northeast corner) with the condition of checking the structure itself in those metal awnings/pillars. Vice Chairman Czulewicz seconded the motion. Motion carries with all present voting in favor.

7. Consideration and possible action on all-weather windscreens installed around the front porch at 14335 Liberty Street.

Chief Solomon said in speaking with Code Enforcement Officer / Planning and Zoning Administrator Tilley, the gentleman seems to think Mr. Dave McCorquodale approved it for him before he left. You did not approve it last year and he has put it back up. Chairman Simpson said no, they did not approve it last year and Mr. McCorquodale is no longer here, plus that is something that should come before them to begin with. It seems like we went through this last year. It should have made sense they need to follow the process this time. Vice Chairman Czulewicz said it actually looks worse than it did last year. Chairman Simpson said what he is understanding is there was some other temporary post put up that needed to be approved and permitted. Chief Solomon said whatever the Board decides, they need to come before you first. Chief Solomon said he was given the impression that he would be here tonight.

City Secretary Beaven asked if the Board Members saw the six items indicated by Code Enforcement Officer / Planning and Zoning Administrator Tilley for the subject to the following conditions for approval? She said she can read them off if you need her to. Chairman Simpson said okay. City Secretary Beaven said staff recommends approval of all the weather windscreens installed around the front porch subject to the following conditions: 1) Submit building permit application for the existing windscreens including all necessary documentation and fees doubled for installation without permit within seven days of this approval. 2) The installed windscreens must be inspected by the building official to ensure they meet all safety and structural requirements. Any modifications to bring the windscreens into compliance must be completed within 7 days. 3) If the windscreens cannot be brought into compliance, the property owner must remove them at their own expense within 7 days. 4) If the windscreens are brought into compliance, they can remain in place for a period not to exceed 75 days from January 8th the first day of notification. After March 24, 2025 the windscreens must be promptly removed by the property owner. 5) Continued violations and non-compliance will result in community remedies including escalating fines and penalties. Civil action will be initiated against both the property owner Race Horse Investments, LLC – 14435 Liberty Street Series and the tenant Crawfish Kai LLC. This could include lawsuits, injunctions, or other legal measures to enforce compliance and protect the community's interest. 6) You may appeal this decision within 10 days of this approval to the Board of Adjustments which is the City of Montgomery City Council.

Vice Chairman Czulewicz said he thinks that meets all the ideas of the building permits and structural, but the issue they are dealing with is it is in the historic district. It is a total eyesore. Commission Member Walker said we have continually had issues with that area as well with the compliances and also issues with the trash canisters. We did not want them to put it up last year and she does not approve of what it looks like now. It should be taken down.

Chairman Simpson said he knows Code Enforcement Officer / Planning and Zoning Administrator Tilley put the six items on here, but should there not be something in here about the historical downtown standards? City Secretary Beaven said they can add that into the motion.

Motion: Vice Chairman Czulewicz made a motion to deny an all-weather windscreens installed around the front porch at 14335 Liberty Street. Commission Member Walker seconded the motion. Motion carries with all present voting in favor.

8. Presentation and discussion on a new mural proposed at 14259 Liberty Street.

Mr. Anthony Noreiga and his wife Rebecca of TX and Beyond presented an idea of incorporating additional artwork on the current mural on the north side of the building. Chairman Simpson asked if these pictures will be situated on either side of the existing one? Mr. Noreiga said yes. The wall is 38 feet long and the current mural is 20 feet long so they have eight or nine feet on each side. The one side will have a photograph of Charles B. Stewart and then a picture of one of the buildings that he owned. On the left side, part of that will incorporate a picture of the Texas flag. Chairman Simpson said it looks like you are working with Mr. Larry Forester on getting some of the pictures. Mr. Noreiga said yes.

Vice Chairman Czulewicz said the submission indicates the picture is two foot by two foot. How big is the picture of the house? Mr. Noreiga said small. To give you an idea we had an artist do a depiction of what it would look like. Council Member Gazda asked if they had the other picture of Samuel McCulloch? Mr. Noreiga said yes. That one would be about three feet. Commission Member Walker asked Mr. Noreiga if he would be working with the same artist that did the first one? Mr. Noreiga said no. He said the sculptor that did Samuel McCulloch at the bank recommended an artist that they used. He is a retired professor who knows everything about art and is in the process of doing a rough draft now. A different artist will be doing Charles B. Stewart. Vice Chairman Czulewicz said as a matter of fact we will be celebrating Charles B. Stewart's birthday this Saturday at the Historic Society. Mr. Noreiga said this should be ready by Flag Day. Vice Chairman Czulewicz said the Historic Society is going to celebrate his birthday every year now after this time. It will be an annual event.

Motion: Vice Chairman Czulewicz made a motion to approve the request for a new mural proposed at 14259 Liberty Street. Commission Member Gazda seconded the motion. Motion carries with all present voting in favor.

9. Presentation and discussion of a Utility and Economic Feasibility Study for the BCS Capital Commercial and Multi-Family Tract (Dev. No. 2415).

City Engineer Roznovsky said a feasibility study is prepared and will be presented both to Council and Planning and Zoning since both have a role in development of the City. This feasibility study was presented to Council last week. There was also a workshop with the developer Monday of last week that went over general concepts which he will review.

This property is located behind Ransom's. There is a large 32 acre piece of property that goes from C.B. Stewart to SH-105 all along Buffalo Springs and wraps around the Ransom property. What they are looking to do on the property is a mixed use development with

multi-family at the northern end of the property and then a commercial retail space on the southern portion closer to SH-105. Vice Chairman Czulewicz asked what type of multi-family? Is it apartments? City Engineer Roznovsky said yes, it is apartments. As far as the details, they do not have those yet. In their presentation to Council they offered some example products and are looking at having around 300 units. City Engineer Roznovsky said one of the main things as part of the study is the zoning of the property today. Right now the northern portion of the property is zoned planned development (PD) and the remainder which is the majority of the property is zoned commercial. The use of retail commercial space obviously in the commercial zone is allowed. The PD zone allows multi-family, however it has to get separate approval from who controls the PD which the PD use is controlled by the Buffalo Springs Architectural Control Committee. They would have to obtain approval to use the property. In the restrictions multi-family is allowed within this area of the PD, but they will still have to get the additional approval. In 2004 a plan development district was created over the center portion of the City. One thing to note is based on their preliminary, their multi-family would extend past that PD zone so they would have to request a rezone of the portion of the property that is currently zoned commercial that they would want the multi-family located on.

City Engineer Roznovsky said as far as water and capacity goes, obviously there is a lot of variation in what the final use of this property does. They are looking at 60,000 to 70,000 gallons a day of total water and sewer demand for the entire build out of the property. In regards to the water plant capacity, they are aware currently the City is replacing and upsizing the water well at water plant number two which is right off of Houston Street. The City has authorized the design of a booster pump addition project at water plant number three. They have requested qualifications for an engineering firm to start on the design for water plant number four which will be located near the Red Bird Meadows property. It would include an elevated storage tank. All those things that are ongoing in order to continue to meet the demand is everything within the City as it continues to build out. Vice Chairman Czulewicz asked if there are 300 apartments, is each apartment a connection to the water system? City Engineer Roznovsky said yes. Vice Chairman said when they are estimating 60,000 gallons is that based on 300 apartments or less? City Engineer Roznovsky said 300 apartments and then the retail restaurant space all combined. Vice Chairman Czulewicz said he had a hard time figuring it out from the chart. City Engineer Roznovsky said they are going to take all those tables of usages and put them in one chart showing capacity and projections over time to help make that a lot more condensed and easier to follow because it is a lot of information. Chairman Simpson asked City Engineer Roznovsky his professional opinion on the water. He said developments are going to cause us to have water shortages. City Engineer Roznovsky said the City has already permitted their next water well and we have already started that process. The property has been acquired and those are moving forward. Also, when we do our projections we tend to be conservative. For example, right now we are projecting about 80,000 gallons a day more usage than we are actually seeing. Some of that is it is a connection, but it is a vacant home so it is not using all of that yet, but we have some play within our numbers. It is tight but things have to continue to move. It cannot stop. Vice Chairman Czulewicz said as he was reading through he did not see any addressing of instances such as when we had a pump struck by lightning and that disrupts the system. City Engineer Roznovsky said the capacities that we list throughout the study are based on what the TCEQ requires which has redundancy built in. For example, right now our limiting capacity is based on the booster pump, what actually puts the pressure into the system, but that is because on paper the TCEQ requires that you assume the largest pump is out and not operational. The

addition of this pump raises that from 568 to 730. Effectively, we have a whole lot more than that because you have a whole other pump that is in service, but it assumes that pump is out. As far as the actual water well capacity, that has not been our limiting factor. It is more of the production and getting it out because the wells that are out of FM 1097 are quite large and have a lot of capacity that they are not running heavily today so there is a lot of room they can ramp up. It is also based on the distribution in the system. That means how far and spread out everything is which is why water plant number four is located on the west side of town to help so we are not currently pumping from FM 1097 to get out to the Hills of Town Creek. Red Bird Meadows is constructing a waterline loop that will connect what is right outside here all the way back by the high school, down Old Plantersville, and then the water plant will sit there so it makes that distance the water is pumping a whole lot shorter to get the pressure to where we need it. Vice Chairman Czulewicz asked when the water tank is done is that going to be helpful to the whole system or just a region? City Engineer Roznovsky said the entire system. You definitely have a lot of variation amongst the City. With the Tri Pointe development, they are extending the waterline to cross so it will connect Lone Star Parkway to SH-105 on the west side of town. The more loops and shortening that distance we can put together the better. Right now, in order for water to get to this tract it goes around Lone Star Parkway or down FM 149. What is proposed in this packet is that they extend the waterline that currently ends at the north end of Home Depot, connect it up to Lone Star Parkway to again shorten that distance. We then have redundant and loop so that one break does not knock out a large portion of the City and helps shorten that distance to get better pressure and flow throughout the system as a whole. Commission Member Walker asked if TxDOT has anything to do with this as far as lights and are they just going to leave it? City Engineer Roznovsky said they will. City Council authorized the contract to begin the design of the waste material plant expansion that has already been permitted last week so that project is moving forward which is the timeline that is assumed in this study. Regarding roadways, obviously the final use of this tract and the final land plan will dictate a lot of that, but they will have to do an impact analysis on all the roads they connect to. TxDOT will have a requirement for them as well as the City will have a requirement for their connections to C.B. Stewart and Buffalo Springs. The results of that analysis will tell us if they need to do additional turn lanes or additional roadway improvements. In the cost of this estimate that was in this study, we assume they do roadway improvements, similar to what Home Depot prepared from where Home Depot left off up to the C.B. Stewart intersection as well as in the cost of repaving a portion at least of C.B. Stewart because that road is in need of repair. All of those projects, the roadway improvements, the linear utilities which is the waterline up Lone Star Parkway, as well as water and sewer along SH-105 are going to be subject to a development agreement to work out the financing, the funding, and the final scope as far as what the developer will contribute, and if the City has an option to reimburse the developer.

Chairman Simpson asked who makes the decision on traffic lights? City Engineer Roznovsky said in this case it will be TxDOT. It is an intersection in the City and a TxDOT road so there will have to be a signal warrant analysis that will have to get approved by TxDOT which is what Home Depot did. Previously the City had done a signal warrant analysis and TxDOT said they would put in the signal on their timeline. Once Home Depot came through, the City updated that signal warrant analysis and put it into the development agreement with Home Depot to fund the installation of the signal. Chairman Simpson said that is going to put a lot of traffic on Buffalo Springs. Vice Chairman Czulewicz asked where in the planning is it going to be taken care of from C.B. Stewart and Buffalo Springs to Lone Star Parkway because as you know that whole street is in need of repair? City

Engineer Roznovsky said it would be hard to put that on this one developer, but we know there has been interest in the Rampy Lake property on the opposite side of Buffalo Springs so looking at that as well as working with the other local partners because Buffalo Springs, especially with the light is much more than just a local City street. There is a lot of outside the City traffic that is using Buffalo Springs, especially with the light now to be able to get to SH-105, Home Depot, Kroger, all of those entities. There are many more cars on there than are residents of the City. There are preliminary discussions with the County regarding improvements in general and Buffalo Springs is definitely on that list.

Vice Chairman Czulewicz asked if there is some interest in the cattle ranch? City Engineer Roznovsky said there has been, but it has been quiet lately. This property and the property immediately on the hard corner of C.B. Stewart and SH-105 there has been interest. Vice Chairman Czulewicz asked if that is for residential? City Engineer Roznovsky said it has not gone anywhere. The initial was a commercial property as well. City Engineer Roznovsky asked Vice Chairman Czulewicz if he was referring to the property behind Rampy Lake? Vice Chairman Czulewicz said yes. City Engineer Roznovsky said yes, that is residential.

Commission Member Gazda asked if there was anything in the agreement for the church that is going in for the road revisions or modifications? City Engineer Roznovsky said that agreement is still in the works. They are extending a waterline and they are also doing sidewalks along that side of the road. Since the City completed the Clepper sidewalks project to get to Fernland, having then completed it to Race Track, now we have a short distance that can be closed to have a full sidewalk from essentially Ransom's all the way into downtown. As far as the roadway improvements themselves, they have not been asked to do roadway improvements for that church. Commission Member Walker asked if the house on the hill that used to be city hall many years ago is part of this development? City Engineer said yes it is. Commission Member Walker asked if it will be torn down or is it historical? City Engineer Roznovsky said he is not aware of any historical significance, but it does not mean there is not. His understanding is that it would be torn down. Commission Member Walker asked all those trees too? City Engineer Roznovsky said yes. He said their level of planning is not to that detail to say we are going to carve this out, we are going to make this a feature, but the high level concept of about 17 acres if multi-family and the remainder being between detention and commercial. Commission Member Walker asked if it is three acres of detention? City Engineer Roznovsky said they are working through the detention questions. TxDOT will have a heavy hand in this project with the drainage going toward TxDOT so TxDOT will have to approve that as well as any driveways or driveway modifications. Vice Chairman Czulewicz asked is there any discussion on what this commercial reserve area would be? City Engineer Roznovsky said during their presentation last Monday, they have a couple different concepts. One is a big box anchor, potentially Academy or some other type of big box retail to anchor the space, but they did not have any hard commitments from any development at this time on what those would be.

Commission Member Walker asked if the grand plan for Montgomery would be approved in time for the face of what is going to hit SH-105 because as you see now it is kind of hodge podge? Commission Member Gazda said during planning they are also discussing the backside especially if you are going to see it from that hill. Commission Member Walker asked if the master plan is going to hit so that if they bring a Michael's in or a box store are they going to be able to follow our guidelines? City Engineer Roznovsky said the

next item on the agenda is to give an update on the KKC project, however, as far as the timeline goes, we are pushing for action at the second meeting in February to at least get that process started because the proposed changes include zoning changes and subdivision ordinance changes. There are a handful that require public hearings and rezonings. It is going to take some time to work through, but there is a push to get that. At least the interim ordinance work started. It really depends on where they end up in their process, how quickly they move forward, and when the ordinances are in effect versus who gets grandfathered in. Vice Chairman Czulewicz said that plan says no big box west of Buffalo Springs. City Engineer Roznovsky said correct. Commission Member Walker said she thought they were going to have in the master plan major things in the front in and say pass these so that we could advert to what is happening to us right now until we get the grand plan finally approved. This is why she is saying something now. We knew it was coming. When Home Depot came we knew the others are following. The face of Montgomery is rapidly changing and she was hoping we could push some ordinances rapidly through that we could give to the current people that are trying to move into Montgomery. This is the face of historical Montgomery and it needs to start looking as such. City Engineer Roznovsky said correct. He said he cannot speak exactly to the timing, who will they take in, who gets grandfathered in, or who would be in the new rules. We do have a call tomorrow with the attorneys, staff, and KKC to make sure everything is teed up to get what we can moving forward as quickly as possible and how that falls with all the developments. Chief Solomon said this is what the next agenda item is about. KKC has completed these and they are the ones that are going to put all those things in the right place. Chairman Simpson said he downloaded the presentation from last Monday but his computer went down. He asked if they could get the package emailed to them to review the proposed redesign of the ordinances? Chief Solomon said yes. Vice Chairman Czulewicz asked if they are actually the land owner? City Engineer Roznovsky said not currently. They are under contract to purchase the land but they have not closed on it. Currently Mr. Phillip LeFevre is the land owner.

Chairman Simpson said concerning the KKC packet if someone would have a question or concern, who should they email? Chief Solomon said to call him, City Secretary Beaven, or Code Enforcement Officer / Planning and Zoning Administrator Tilley. City Secretary Beaven said it would be easier if you have any questions to email them to her.

City Engineer Roznovsky said when you look at this development based on their anticipated usages, you are looking at an approximately \$97 million development after all is built out, which based on your current tax rate is approximately \$368,000 a year in property tax off of this development excluding any type of sales tax. It is all preliminary, subject to change.

City Engineer Roznovsky said one question that came up from Council is with the vagueness of the final plan, what would that change as far as feasibility and development timing? Obviously there are a lot of steps yet for them to go through. Where they are at this point they will have to make a decision on if they want to continue to proceed forward and start the rezoning process as well as a development agreement. Typically, these development agreements will tighten up term so it is not just develop 32 acres for whatever you want. It is develop 32 acres with the assumption of 300 apartment units and 100,000 square feet of retail restaurant space as an example and have some allowance in there like you did on Redbird. You would look at the same thing here. You give some guidelines in the agreement. What a feasibility study does is just that. It lays out the general high level

of what the development is, what are some considerations, what are some costs to consider to move into a development agreement when actually an agreement to provide service is made.

10. Discussion of the initial preliminary proposed interim ordinances submitted by Kendig Keast Collaborative.

City Secretary Beaven said this was the interim ordinances for Chapter 78 subdivisions and 98 for Articles 1, 3, 6, 7, and 9 that were presented and they are here for you to look at to see if there are any questions you may have. This is for you to be kept in the loop of what they were bringing forward for consideration for approval and then we will be having a meeting with the attorneys and the engineers on this. Email comments to City Secretary Beaven this evening or first thing in the morning.

Vice Chairman Czulewicz said the lighting is one of the things in the historic district. The other thing as currently submitted in the subdivisions, lots are called for 75 by 120, streets are called for 50 feet. To date, the City has given variances in every one of those things. If the City is going to keep giving variances they should set the standards the way they should be where they expect the variances to go. He said he loves the idea of 75 by 120 and definitely 50 foot streets, but it is going to send the wrong message to the citizens of this City if we put this whole thing in place and then six months later City Council says no, we are going to go with 45 foot lots which is ridiculous when you reduce them by 60 percent from what you said originally. He said his point is is the City Council really aware of what we are looking at when we talk about 75 by 120 and 50 foot streets because every developer that is going to come in here now is going to ask for variance? City Engineer Roznovsky said he cannot speak for Council's understanding, however, the intent of this round of ordinances is a temporary stop gap with the long-term plan really getting more into the weeds on addressing the lot sizes. He believes they are looking at multiple zonings of residential to allow for smaller lots, higher density, lower density, and larger lot zoning. One of the biggest changes is that creation of the downtown development district which would help with what Commission Member Walker was talking about regarding the aesthetics and the look and the use of central core that would get rezoned to be the downtown development district. If you have seen the presentation it has a scoring system between different types of development ,façade, and heights to give it variation so it is not just flat buildings all over the place. He does not know the details to be able to go into the scoring, but the State has requirements on what you can and cannot regulate. This scoring system is a way to be able to get around it because it gives both incentives to provide a higher quality product to the City in exchange for those things.

Chief Solomon said he will speak on behalf of Council. Yes, they have gotten the message about variances and about the streets being narrow. It has happened over and over again. What we talked about early on this year was this Board was never given a chance to say this is how this should be. Council has come to the point where they are not going to be handing those out like they were in the past. Vice Chairman Czulewicz said that is good. From the very beginning his concern has always been with the streets because the narrow streets make it unsafe for emergency vehicles. He was an emergency planning manager for a County in Pennsylvania and learned the hard way. There is no reason for the City to make the same mistakes. The standard should be 50 feet and definitely 75 foot lots. Chief Solomon said when developers come in they are trying to get more houses. Vice Chairman said he understands that process and that is why he brings this up because it is embarrassing

if you spend all this money and have KKC come in and with our opinion put this thing out there. He said he knows the Mayor is going to brag about what they are doing, but then six months later she is going to turn around and the City Council is going to say no we are going to grant variances. Chief Solomon said it is on Council's radar and thinks they got real sick of doing that.

Commission Member Walker asked with honing in on the mentioned chapters and articles, will this help with the aesthetics or the historic look moving into Montgomery with any company that wants to start building? City Secretary Beaven said these are temporary proposed ordinances that will once they are adopted would take place and it would effect anything from that point moving forward once adopted until the final versions are brought back. Chairman Simpson said that is all within the new downtown unified development. It only goes so far east, west, north, and south. Commission Member Walker said right, but like Vice Chairman Czulewicz brought up on the west side we have an ordinance where it says no box stores, but they are encroaching. It is coming and we have to stand our ground and say this is Montgomery and we are trying to keep something without losing money. City Secretary Beaven said these topics are for subdivisions, general district and zoning maps, historic preservation building design, and tree preservation.

COMMISSION INQUIRY

Commission Member Walker said she wants to bring up the trash cans again. Chairman Simpson said they are putting something in the ordinances for those. It was also brought up by Ms. Cheryl Fox at the Monday meeting.

CLOSING AGENDA

11. Items to consider for placement on future agendas.

No items were brought forth to consider.

12. Adjourn.

Motion: Vice Chairman Czulewicz made a motion to adjourned the regular meeting of the Planning and Zoning Commission at 7:15 p.m. Commission Member Walker seconded the motion. Motion carries with all present voting in favor.

APPROVED:

Bill Simpson, Commission Chairman

ATTEST:

Ruby Beaven, City Secretary