

**CITY OF MONTGOMERY
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
DECEMBER 3, 2024**

CALL TO ORDER

Chairman Simpson called the meeting to order at 6:00 p.m.

Present: Board Member John Fox, Board Member Daniel Gazda, Chairman Bill Simpson, Board Member Merriam Walker

Absent: Vice Chairman Tom Czulewicz

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

PUBLIC FORUM:

None at this time.

REGULAR AGENDA

- 1. Consideration and possible action on the Regular Meeting Minutes of September 03, 2024 and November 05, 2024.**

Motion: Commission Member Walker made a motion to approve the Regular Planning & Zoning Commission Minutes of September 03, 2024 and November 05, 2024. Commission Member Gazda seconded the motion. Motion carries with all present voting in favor.

- 2. Consideration and possible action regarding approval of the final plat for Montgomery Bend Section 3.**

Ms. Katherine Vu, City Engineer said this is for an additional 85 homes and two reserves. They have reviewed the plat and it is in accordance with their development agreement which allows them to go down to as small as a 45 foot lot, the minimum area of 400 square feet, with a side yard of a minimum of five feet with no pertinences to be placed in the side yards. This is in accordance with their agreement and is the next section of their development.

Board Member Fox said he is curious about how they will enforce the five-foot side yard easement requirement. Ms. Vu said whenever the building plans are submitted to the building plan reviewer he is aware of the five-foot setback allowance and will use it at that time. Board Member Fox said we could get a violation of that later if someone puts a home generator in their yard and asked how are you going to track that. Ms. Vu said they are also making Ms. Tilley aware of the requirements of the agreement and the ordinances as well. They are working with staff to make sure that gets enforced. Board Member Fox asked Ms. Tilley if she is going to require a permit for the home generator plans. Ms. Tilley said yes on generators they do have a permit application for whoever would want to install a generator and then she would look at it

for the location. Ms. Tilley said as you were concerned about the setback, we are also looking at requiring the certified setback surveys for the developers and contractors to submit. Board Member Fox said he thinks they are going to have to watch it real close because the placement of that generator is a real issue with the location of the electrical service on the house. You will have a very long service lead from the generator to wherever the service is coming in and it is going to have to be monitored closely because I think you are going to find some technical resistance for that distance.

Board Member Fox asked with all these subdivisions going in now, do they have on the plat a cluster box arrangement approved with each one of these? Ms. Vu said yes there are cluster boxes. Board Member Fox asked if everything is going to be cluster boxes? Ms. Vu said yes that is by ordinance. Board Member Fox said he wonders if they should look at those from a standpoint of how much mail is being stolen as seen on the news all the time, if it is an area appropriate to the residents, and when they get to it without having mail stolen, as we see it is happening now. Plus, it seems like the boxes are a theft item of the day or week. Maybe we could guide the developers. He said he knows they have to be approved through the post office but they should get them in a safe area where the mail is not going to get stolen. He said he thinks it would be a good thing to look at.

Board Member Walker asked who do they submit the application to for putting in a generator in those homes if they do not do it when they build it. Ms. Tilley said it goes to the building permit technician. Board Member Fox said he thinks the whole issue with that is going to be that is something that is performed by the homeowner after closing. It could be in any area in a city and if they just decide to do that without your approval it is going to be really hard to catch. Ms. Tilley said our inspectors have been watching out for those because a lot of them have them going in before we are able to get them to pull a permit so we do have them come into the office. There have been a few they were able to catch. Board Member Walker asked what is the fee for not following that ordinance. Ms. Tilley said there is no penalty at this time, but as long as they stop the job and come right in and apply for that permit. Board Member Fox asked if there are full house generators in the subdivision now. Ms. Tilley asked in Montgomery Bend. Board Member Fox said yes. Ms. Tilley said she has not seen any. She said it was at Water Stone where they saw generators being put in.

Board Member Gazda asked if the main entrance is compatible with this expansion. Ms. Vu said it is. Their traffic analysis with TxDOT will require them to have a signal for Section 4.

Motion: Commission Member Gazda made a motion to approve the final plat for Montgomery Bend Section 3. Commission Member Fox seconded the motion. Motion carries with all present voting in favor.

3. Consideration and possible action regarding approval of the final plat for Hills of Town Creek Section 5.

Ms. Vu said this is a similar process to what you just did and is for Hills of Town Creek Section 5 for their final 73 homes, three reserves, and the completion of Emma's Way out to Lone Star Parkway. The variances were approved by City Council on December 14, 2021 and that included a five yard setback and a minimum 50-foot lot width and 100-foot lot depth for an area of 5,500 square feet. They reviewed the plat in accordance with those variances and all their applicable portions of the ordinance and recommend approval.

Board Member Gazda asked if this is that area down Lone Star Parkway that has been cleared. Ms. Vu said yes. They are near completion of the construction of the section and then they are choosing to plat at the end.

Board Member Fox asked Ms. Vu to repeat those variances. Ms. Vu said the variances were five-foot side yard setbacks, 50-foot lot width, and 100-foot lot depth for an area of 5,500 square feet.

Board Member Gazda asked what the right-of-way is. Ms. Vu said at the entrance of Section 5 it is a 60-foot right-of-way with a 28-foot road back to back and then throughout the remainder of the section it is a 50-foot right-of-way.

Board Member Walker said Montgomery Bend is 45-foot wide, 120-foot deep with a lot area of 5,400 square feet. The Hills of Town Creek are 50-foot lot wide, and 100-foot deep with the area being 5,500 square feet. She asked is that because the width and the depth are within 5-feet and would equal that extra 100. Ms. Vu said if her memory serves her correctly being three years ago, that was how the request was submitted so you could go with the lot being a little bit deeper or 100-foot lot that is a bit wider to the minimum 5,500 square foot area on Hills of Town Creek Section 5. Board Member Walker said Montgomery Bend is 5,400 square feet and Montgomery Bend Section 3 is 5,400 square feet. Ms. Vu said with 45-foot lot at 120-feet. Board Member Walker said Hills of Town Creek lot area is 5,500 square feet. Ms. Vu said correct. It is the minimum but it could be larger.

Motion: Commission Member Gazda made a motion to approve the final plat for Hills of Town Creek Section 5. Commission Member Fox seconded the motion. Motion carries with all present voting in favor.

COMMISSION INQUIRY:

None at this time.

ADJOURNMENT

Commission Member Gazda adjourned the regular meeting of the Planning and Zoning Commission at 6:14 p.m.

APPROVED:

Bill Simpson, Commission Chairman

ATTEST:

Ruby Beaven, City Secretary