

MINUTES OF REGULAR MEETING

June 4, 2024

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

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

Present: Tom Czulewicz Commission Member
John Fox Commission Member
Daniel Gazda Commission Member
Bill Simpson Commission Member
Merriam Walker Commission Member

Also Present: Dave McCorquodale Director of Planning & Development
Chris Roznovsky WGA Consulting Engineers, City Engineer
Sara Countryman Mayor

VISITOR/CITIZENS FORUM:

Tyler Cooper: My name is Tyler Cooper. I live at 118 Anna Springs Lane. I'm here today to voice my concerns around the development and potential unapproved plan of the Cornerstone Church property and inquire on what actions I may need to take to rectify the situation. The long and short of the issue is, that ever since the church purchased and cleared and paved the lot next to them, excessive rainfall overwhelms my French drain system and floods my pool with mud and debris. Every soaking rain event. We have lived here for four years and never come close to having the amount of flooding and rushing water we are dealing with currently. That has also led to what I believe is a contributing factor to the washing out of our driveway. All of this has occurred in the last 6 to 8 months, which to me, is not a coincidence in timing as it relates to the development of the Cornerstone Church property. I have emailed Gary Palmer about the issue who has in turn, uh, told me that it is a private property issue and there is not much the city can do if there are no clear-cut code violations. Officer Tilley visited our property to survey the issues and take pictures, but as of now there has been no action, uh, or indication any action will, uh, take place. This is where I respectfully disagree with Mr. Palmer. I have combed through the Planning and Zoning commission agendas and minutes, as well as the city council's agendas and minutes, and made the following discoveries: The April 4th Planning and Zoning commission agenda shows where it was brought forth and sent to City Council, the approval of the rezoning request to rezone the newly purchased plot of land from residential to institutional. In the comment section of the satellite imagery draft, it states future uses could include facility or parking expansion projects and ensure any future development provides a buffer for adjacent residential uses per city code. In the Planning and Zoning Commission recommendation report, uh, in which the rezoning was approved, one of the points states that adequate development regulations are in place to ensure no negative effects on surrounding properties if the rezone is approved. The church property is currently being replatted to reflect a 25- ft vegetative set back, section 78162, and the side in rear yard, section 98239, adjacent to the single-family properties. Uh, those provisions read, section 78162, vegetative setback of 25 ft in width shall be maintained at all times where commercial multi-family industrial Church public buildings or School properties abut any single family residential property or adjacent acreage that may in the future become single family residential.

78162 provision C reads, vegetation setback must also provide a visual barrier. And provision A reads barrier, the definition, a visual barrier shall be constructed and permanently maintained on any lot adjoining or abutting residential or PD District. In the minutes report of the April 4th regular meeting on page 3.5, it reads: Mrs. Julie Davis said the church had a variance to their parking surface and to be mindful of any parking lot expansions. I'm not sure what that means but I am making the assumption that since this is now being rezoned to institution a paved parking surface and or larger parking lot must be provided to meet the minimum standards of off-street parking. If the assumption is correct, general policies needing improvements, payment and cost provisions policies, terms and conditions to be followed in Paving work and the extending of water lines sewer lines and drainage must be approved by the City Council and City Engineers. All improvements shall be installed by the developer at their expense. Uh, I can go on a little further to talk about, uh, various things throughout the minutes, but the gist of it is given these points, I have a few simple questions. Uh, one: Am I interpreting these ordinances correctly? If so please indicate. If not, please indicate specifically where I am misinterpreting. Did the church go to the City or County for replatting, file for all the appropriate paperwork and approvals, and ultimately follow the ordinance guidelines? In my opinion, no, as I can tell you by simply looking out my kitchen window, they did not as there is no vegetation buffer. The lights from their building shine directly into our, the abutting residents' homes, and there is no buffer to the sound of loud music. Uh, and there is only about 14 ft of weeds dead plant debris and broken glass from their parking lot to my back fence. My understanding is there should be a 25- ft vegetative buffer and that is 15 ft thick between any institutional and residential zone. Uh, is that correct in currently being enforced? And, if they filed the appropriate paperwork, is it incompetence from within the city that blindly approved the plans with no actual follow-ups or recommendations? The city did not follow through on their end of the ordinance guidelines or simply not care as to cause strife with a church. If you would like to see invoices for damage repairs, pictures, the issues of the aftermath, and videos of the flooding in action, I will be happy to provide those via email, text, or I can show you now. Thank you.

Walker: Where is your home located?

Cooper: 118 Anna Springs Lane.

Simpson: Dave, do you have a, um, a copy of, um, all Mr. Cooper's questions?

Cooper: I can give you a copy. I made a copy.

Simpson: Can you get that to Dave?

Cooper: Yes, absolutely.

Simpson: All right, uh, next is Sara Countryman.

Mayor Countryman: I'd like to speak on the item numbers that I have on there at each item.

Simpson: All righty. Uh, next is Lisa Gregory and is it, Howard Andrews?

Gregory: I only want to...

Simpson: Oh you're, okay, all righty, uh, Steve Miller.

Miller: I live at 281 Berkeley. Uh, so lot one there as soon as you come around passed the library. I didn't do a lot of, you know, pull out a lot of material to read off for anything, but I actually met the landowner today. Um, what we're talking about is a lot of us there on Berkeley where *inaudible* the new construction backs up. Uh, we've been kind of seeing a lot of, uh, I hate use the word drainage issue, but it's the same thing but a different type of drainage issue. It seems like what Buffalo Springs is seeing on the other side. Um, I actually came and sat down with Dave and had about an hour-long conversation with him about things. Um, so the reason to be up here right now is nothing against the landowner, it's the question of that was approved by who and where do we see that? Cuz I did a FOIA request and got all the information sent to me. There's a drainage plan in there. Um, again the kind of the way it was explained to me it doesn't really matter, it doesn't need a drainage plan, is the residents there the city adopts the, uh, County, the drainage plan for that, so my question is, how do I see how that was approved to what's being done right now? Especially with the effects that's being seen on the backside of our place.

Audience member: I second that.

Miller: Got some information. Got a great conversation. A lot of communication, um, but I think in the end we're still kind of concerned and question how did this get approved?

Czulewicz: Did you say Buffalo Springs Road? Oh Berkeley?

Miller: Yes sir.

Simpson: Dave, just to maybe settle some people's minds here, um, I can't address you all because it's a public forum, but I can address Dave. What is the duty of the P&Z, uh, on decision making outside of new development, or within the historical district, which neither one of these are, we have no jurisdiction...

McCorquodale: Your scope is limited to things that seem to be outside an individual, you know, building permit. Or you know, the individual properties. So, the only thing we have questions, he emailed me earlier, I think yesterday. So, I've got his questions to answer. To anybody else my email is on the website, please grab it email me, um, I'm happy to shoot you guys as much information if you want. I don't try to hide your stuff that is, uh, better than a FOIA request. If you got a simple question, we're your government. It's not us and them, and them and us. I've lived here for eighteen years, and I'll talk to any of you as much as you want. So please reach out.

Audience member: So, are you saying those of us in Buffalo Springs are not within the zoning? So, we just have no control over that?

McCorquodale: What you're saying, your topic, this board, or this commission, can't affect kind of your specific situation.

Audience member: But City Council is a different question?

McCorquodale: Right. The City Council has much more broad, you know power than the Planning and Zoning Commission in what they can do.

Czulewicz: Would they do any good to go to the zone or the uh Enforcement Officers? To, I mean they're saying, violation of zoning.

McCorquodale: I think a lot of them have been in communication with the Mayor and it sounds like, you know, the City Council is, you know, to me, you know, the best venue. But you know, certainly, if they, you know, feel like calling the enforcement officers on that or email them or you know, don't, I don't want to discourage it, but um with Sarah being as plugged into the issue as she is, and she can certainly give you guys, you know more direct guidance than me...

Gregory: (Inaudible)

Simpson: Go ahead.

Gregory: Um, yeah, and I just met all these guys in my neighbors, uh, about 10 minutes ago. Obviously, we haven't made much progress yet. We were supposed to start forms on our slab about 3 months ago, but as you all know, the rain has, yeah. We haven't even gotten that far yet. Um, I was made aware of it, he, uh, by Dave McCorquodale, oh, um, you know, um, when he originally got a request or information, uh, from one of the other neighbors who's not here tonight. Um, and anyway, he contacted me immediately. Uh, we made sure that, I, you know, he said what we need, you know, I said am I in compliance with everything needed by the city? Yes, but let me check with the county. Of course that takes a few days, um, he, um, he suggested, you know, and we verified, you know, all the documents, required documents. The topo uh survey, the engineering reports, elevation reports, the site plans. Anyway, that all, that it's a, if you haven't built in Montgomery, I found out it's a very complicated process. But anyway, uh, but we were in compliance with all that and then they told me that one of the compliance, uh, jeeze. Uh, name of that department, um, Code Enforcement. Code Enforcement, um, I guess in compliance or whatever, um, it sounds like most of my other neighbors, I consider you my neighbors now. We will be for a very long time soon, um, but, uh, had spoken with someone else in this other department, um, which I wasn't aware of why I was communicating with Dave, this other woman never reached out to me. Uh, eventually I asked Dave about it, if you know, when I found out there were other complaints, he gave me that woman's, uh, excuse me, that woman's name and number. You know, I contacted her immediately, actually, as is hung up with Mr. McCorquodale, and, um, had a conversation with her. She said she had photos, videos. She would send them. She never contacted me again. Um, I can't tell you why, cuz I think it would have nipped a lot of this in the bud, that I have more information. And it wouldn't have gone this far. But anyway, Dave had also suggested that just as a proactive measure, a good relief measure, cuz we don't know where the, you know, water's coming from, um, that we go ahead and in addition to our other engineering reports, get a structural, drainage, a drainage plan, an engineered drainage plan anyway. Uh, if any of you have ever tried to get Engineers out to your house, it takes a long time for them to show up and then produce a report. Uh, but that's been in process. We did speak to him yesterday. I have no idea how long it's going to take him to get that engineering, uh, plan, survey, whatever it is, for drainage out. But it is in process and I don't even know if you guys knew that. Probably not, so anyway, uh, I think it was good tonight we actually met we have faces with names, cuz I think had I've been aware of it sooner, uh, and had y'all known who I was, to reach out to me, I think we wouldn't be where we are today. Thank you.

Andrews: I mean, the thing is that our intentions are to be good neighbors, not to do any damage to anyone's property or anything of that nature. So we are, you know, doing the civil engineering study, drainage study. Um, we don't know what the outcome is. We don't know the reasons why, uh, you know, anything has happened. But, uh, we'll be happy to let the commission and any neighbors know, um, what the findings are. Um, you know our objective is to build a home there. Uh, it's not a business. I know that a lot of people have asked me, when I've been over there, and walked into the property and said, you know what are you doing? Um, but, uh, it's a residential

piece of property. It's going to have a big garage on it, cuz we collect cars, um, but outside of that that's okay. So we will, uh, keep you guys updated.

Simpson: Ok. Dave, if you could keep us updated on their, uh, drainage survey and study, if you could let us, kind of keep us up to date on how that's all going along with the, um, the church issue.

McCorquodale: Okay.

Audience member: May I revert back to one thing on my speech uh just for it wasn't against the landowner again we just met this first time uh it's the issue of itself right uh we've lived there seven eight years right never seen this before so obviously something happened my question whenever I did come in and see Dave his office was uh I did the FOIA request to do my research and say hey what's going on back here cuz again I but when I pulled all that together and then came to try to speak a little bit knowledgeable about it um a lot of the answers I felt like I got was nothing really needs to show what's going on like when it comes to the drainage like I accepted that because I know no better but I think what I heard him say just now was they are looking to get a Structural Engineer so I guess that would be you know I see you can't address anything right now but the future question or agenda for me would be there needs to be no drainage plan when you're building behind like that I mean it's a massive piece of property okay bump it up

Simpson: Our commission only deals with new development and anything that's in the historical district zoning um with the new development with streets water sewer city services that's the only thing we will look at the drainage at that time individual lot Builders outside of development like what's going on there we are not even approached with so our commission is not we're planning and zoning uh not new single family lot commission you know what I'm saying

Audience member: Yeah, I think my question was so somebody did approve it the right I don't know if I ever got that direct answer.

Simpson: that piece of property yeah that piece of property is not brought up to us okay

Audience member: okay so that would be my question I think the email a little long but my question then becomes there was a drainage plan in there uh don't know what that one meant it's like pencil in you know kind of written on um but then when you look at the property assets and the way the drainage works somebody had to approve that whether not somebody right and there there's nothing in the FOIA showing them its approved that's my question

McCorquodale: without digging off from the weeds here I think that the building plan approval was all part of that it wasn't individually signed off but that was submitted pursuant to and was part of the building permit application if that answers your question

Audience member: well it does approve that's what I'm still trying to find out though if it was approved because nothing I said there was a request for a drainage plan and then the one that was actually putting the request in there but it doesn't show sign off or approved so again that's my question it was it was requested to have one but it was never signed off so why wouldn't that have been in there if it's in the file

McCorquodale: I'll dig through that email, and I'll Circle back with you and make sure that you got an answer that

Audience member: Sir, in the FOIA request, I requested all the documents, but again there was a request for a drainage plan. There was one submitted but never signed off and never saying, oh it's good, so that would be the answer

Audience member: And I'm saying mine's very similar to that and what is considered of development is buying a piece of property, replatting it, starting from scratch considered development especially if you're adding structures or adding surfaces changing the landscape is that considered development uh because then that's where I mean zoning talking.

Simpson: We did have a say in the zoning part of that.

Audience member: Right.

Simpson: And that's it, but the rules and regulations are in the city ordinances, and that is an Enforcement issue, and that would be a building permit process.

Czulewicz: So that would be a building permit process.

Simpson: That's a building permit process.

Czulewicz: And the land you're developing is zoned in accordance with what you intend to put in there, then you can uh go forward with a building permit which will cover all those things.

Simpson: Yeah, we deal with the zoning, so we went, you know, from the, uh, business to the institutional, but then that's where we stop and enforcement starts if that.

Audience member: So, city council is gonna be where we get the answer?

Simpson: Not to push it off on anyone but we have no decision on anything past that.

Audience member: Fair enough. thank you.

Simpson: Anybody else? Even though you're not on the list so if we got something to air out we might as well get it done.

Audience member: We live at 901 College Street, um, I just want to wish all y'all good luck. We've dealt with a lot with Dave. Trying to get a hold of him. Trying to get in contact with him. It's documented that he just chose not to respond to our emails. We ended up doing construction and he just called a contractor that he allegedly didn't have the number to. So I just would like to put my heart to y'all and good luck. Good luck cuz it's probably going to be hard to get to wherever you're going with Dave. I'm sorry about your pool, but, um, I just would, I'd like to wish everybody good luck. I think we just kind of band together, we can just kind of get the weak links and the weeds out the garden. But it's all I have for today, thank you.

Simpson: Is everyone set? All righty. All righty. Uh, that will end that.

1. Consideration and possible action on the May 7, 2024 Regular Meeting Minutes.

Simpson: Uh, we will move on to item number one.

Czulewicz: I have a question about the uh commission inquiry where Miriam asked about the dumpsters. Do we have any information back about what we can do with the dumpsters?

McCorquodale: Yes, if you're going for commission inquiry I emailed that to Miriam. I'll be glad to share it with you as well.

CM Czulewicz made a motion to accept the minutes as written and the motion was seconded by Walker with all CM's voting AYE, motion carried.

2. Consideration and possible action on revised location for a proposed 35-foot-tall flagpole installation for 504 Caroline Street located in the Historic Preservation District (previously approved March 5, 2024).

Simpson: Uh, item number two.

Mayor Countryman: Commission, can I talk? Sorry.

Simpson: is anybody...

Smith: This is my item.

Mayor Countryman: Yes. Either way, I mean I, I asked to speak at every item, either way.

Simpson: Let the item person speak first.

Smith: Okay. So, it's a flagpole that's to be installed at 504 Caroline Street. We were putting it in the yard, and, um, because of water, uh, the drainage system, uh, we can't put it there. So, we're proposing that we move it to the corner which would, um, require the removal of a bush right behind the fence of our property to the right of the parking lot.

Walker: Is it behind the fence, or in front of the fence?

Smith: Behind the fence.

Walker: You know the drawing has it in front of it.

McCorquodale: That was my problem.

Walker: Okay, I didn't know, I...

Smith: Mine has it.

Walker: Okay, good. We don't have that drawing, though. We only have what we see. Thank you for clarifying that.

Smith: Yes ma'am. Yes, well, and forgive me because it's a little bit raw, but...

Walker: Do you have a picture of it?

Smith: Um, I mean, I can show you what I...

Walker: That'd be awesome if it doesn't match what we have in our packet cuz you are the one going to do the flagpole.

Smith: Well yes, I'm having, I'm doing the project.

Walker: We drive by you're going to be out there with shovel?

Smith: That's right, so it's right here. So, this is the, um, telephone pole. And our business side. And then this is the fence to the little white picket fence, so, um, I drew this little Bush. It's very crass. I'm sorry. But that would be removed, and the flagpole would go in that little green space right there.

Walker: So, you're not moving it over here, you're going to leave it where it was on that.

Smith: Well, this is where it was, okay? That's where we proposed and we want to move it here because we would have to remove the trees.

Walker: Ok.

Smith: Do you need a copy of this?

Simpson: Give it to Dave.

Czulewicz: Dave, is there an easement outside of the actual Street for the city?

McCorquodale: There's not an easement. No, we had a stop work order on a former owner of that property trying to get a PL and get those easements, but we forced him to lift in that stop work order and so we never went through with platting of the property.

Czulewicz: So, that's the reason why I looked at where she's putting the pole would normally be in an easement.

McCorquodale: There's not a water line there, the water line on the outside of that fence there you can see.

Czulewicz: Okay, thank you.

Walker: Are you the owner or the developer?

Smith: No, I'm actually the marketing director for the business and, um, I got put on well, um...

Walker: I have a question for you. Back when all this was going on because I...

Smith: I attended that meeting as well, yes...

Walker: I asked about the tree in the back where you were going to put the garbage dump dumpster and you said, oh we have to remove that one, and y'all were going to do a, um, something that, um, gave homage to the historical, what they had gathered historical information, and he said he

was going to put it, uh, on that tree or by that tree by the stage. If you could just mention that, I will find out because that...

Smith: I believe that tree is dead, and we lost quite a bit of it in the storm.

Walker: He was going to do something, it's a historical, he said he was going to do something that he found out about the property, and he was going to pay homage to it by putting some type of historical marker or whatever, not official, but something he want, he was going to do.

Smith: May I reach out to you if I have questions about it after I talk to Tom?

Walker: Sure, thank you.

Simpson: Ok, Sara.

Mayor Countryman: Item number two. I just had some questions. So, what section of the code says you cannot have a flag pole displaying a Texas or American flag in the historic district, in landscaping area next to a shrub? I couldn't find anything in our ordinances nor in our historic guidelines. If you're using, and the provided photo rendering, it shows the flagpole to be on the outside of the fence and the Right of Way, one question is: Did staff create the rendering or was this the rendering from the applicant? I gather based on the written description on the agenda item provided by staff in your packet, the pole would be on the inside of the fence and all you would see from the vantage point, historical guidelines state that the view from the public Right of Way is the basis of your approval this evening. So, all you will see is the portion of the flag and fence. The comment of crowding the landscaping and that, this move is not consistent with good site design principles. My question is: Where are the good site design principles in your packet? Or in any ordinance? Because the supporting paperwork was not provided. It's no secret that there's an aversion to this owner. This is an agenda item that never should have been before you, because no flagpole ordinance is prevalent, or anything about a flagpole in the historic district. I've been on Council for eight years now. The only two times there's ever been a flagpole is when the two 80-foot flag poles in town needed to be approved because they were over the 35 or 36 feet. They're 80 ft high. Outside of that, I searched every agenda on every board and never could find a flagpole. I don't understand why this happens to come before you. I walked it off this morning. It's merely 13 ft across the driveway. So, I think it's just a little bit of harassment and a waste of time. I just wanted to give my input. Thank you.

Czulewicz: Excuse me. Do you think you, Sarah, uh, are you saying that it shouldn't have been brought to us in the first place? Or the change shouldn't be brought to us?

Mayor Countryman: The item itself. I couldn't find an ordinance that says you are not allowed to have a flagpole, and the historic district does not have any guidelines that state you cannot have a flagpole.

Czulewicz: Okay. We don't, we up here don't select what's coming to us.

Mayor Countryman: I'm saying you shouldn't even have to vote on it.

Simpson: That being said, do we, we still have to vote on it because it's an item?

McCorquodale: Yes.

CM Czulewicz: Made a motion to accept the minutes as published and the motion was seconded by CM Gazda with all Commission members voting AYE, motion carried.

3. Consideration and possible action on a wall sign application for rOcktopus Art & Jewelry located at 305 Caroline Street in the Historic Preservation District as submitted by Rebel Smith.

Simpson: Item number three, Sara, you go first.

Mayor Countryman: So, this will be applicable to item number three and item number four since it's based on signage on two build different buildings in downtown so I so not to have to repeat myself on item four please know that this is for both the sign calculations aren't provided in the packet how can P&Z members be certain that 60% of the wall signage guidelines are being adhered to I'm going to assume that all of you did your calculations because I saw the footage uh um what height and width provided but based on the information provided however I would expect it be Provided in the agenda item for transparency and full understanding the full amount is it 42% that this is or is it 86% that's not provided to you also not provided are the guidelines in the historic district that need to be considered and are a guideline requirement in the historic district this includes the question of signage not facing Residential Properties that's something you have to take into uh consideration or proper setbacks and there's other guidelines none of those were mentioned and they should be mentioned just for transparency to know that you gave that consideration and you did everything in accordance to what the guidelines ask you to do even if the property is in compliance it's transparency to show the commission and staff noted those items are compliant and approved one more point one of the applicants is is requesting signage on two sides of a four-sided building I wasn't able to locate information how to calculate the 60% for the two walls do you calculate all walls and add them together to see if they're 60 or is it 60% of each individual wall that wasn't made clear in there so I was just curious if you could help me understand that. thank you.

Simpson: what stated in the in the ordinance is the 60% um I did calculations the total square footage on the big wall is 235 Square ft uh the signage is 52 so they're well within that

Mayor Countryman: the front you

Simpson: The front's a little different because you can't use it as a square. It has to be a triangle, so we only have

Mayor Countryman: So, if its 9% then is it over 60% then.

Simpson: Um, and, well, the thing is, I think the picture is a little dis, um what's the word?

Walker: Misguiding.

Simpson: Misguiding. Because the picture and the sign, um, lettering on there. It's hard to gauge from there. Um, the only thing that we can ask is the owners here, okay, only thing that we could ask, I think on the side the two, on the sign are fine. If you could get us a little more exact measurements of the front.

Smith: There is included exact measurements on the image that I presented.

Walker: Dave, I can't remember. We spoke about these signs and the location of them and also, um, how many times that they can advertise the same thing. Remember, I asked about that one building that's in downtown that has it on the side and has it in the front.

McCorquodale: There's, so there's no restrictions on, you know, you can have a sign.

Walker: I just want to say that out loud in this meeting.

McCorquodale: Some of the other points, while it seemed self-explanatory to me, and I didn't put it in there, I do apologize. Yes, at 60% façade. Now if you will recall every sign that we go through, and I did not put it in the packet this time, so again my apologies, you do not adhere to the percentages. You don't adhere to any of the sign regulations in town. They're here as a reference for you to have some basis of judgment. But you don't just, you don't have to live by the 60% because you're in the historic district. So if you want to, if you say, no, we are not going to consider any sign that is more than 60%, that's great. You know, if you want to tell us that, then we can, you know, we'll advise the applicants of that.

Simpson: I guess the only question I have, you have the three-foot height but not the width.

Smith: It has the width on there.

Simpson: You have the width of the soffit of the building, 17. So that square footage that is actually 42 1/2 Square ft. So, your signage would have to be, well, we have, that's a guideline it doesn't have to follow so I guess whatever fits in there will work.

Walker: That's going to be made of wood?

Smith: Yes.

Walker: Treated wood?

Smith: Yes

Walker: And you maintain it like the color? And if it's falling down, or swinging in the wind, or whatever?

Smith: Yes.

Walker: The sign on the side, the side is orange, looks like orange and black.

Smith: Orange, black, and white. Okay.

Walker: Again, wood?

Smith: Yes.

Gazda: Okay. Confirming for document sake, no lighting, nothing like that?

Smith: No lighting.

Gazda: No power to it?

Smith: No power.

CM Gazda made a motion to approve the sign application for r0cktopus art and jewelry located at 305 Carolin Street in the historic preservation District as submitted and the motion was seconded by Walker, with all Commission members voting AYE, motion carried.

4. Consideration and possible action on a wall sign application for Amazing Grace Quilt Store / Spin In The Wind gift/retail store located at 302 John A. Butler Street in the Historic Preservation District as submitted by Karen Pichotta and Michelle Shores.

Simpson: Item number four, Sarah.

Mayor Countryman: Same comments.

Shores: Hi. I'm Michelle Shores, um, Karen is also here with me and we are representing Spin in the Wind and Amazing Grace Quilt Store. Um, when we spoke with Dave, we just found out that we had to present this to you. Um, so it was kind of a rough draft we're working with. The graphics company, at this time, our plan is going to, is that the sign is going to go in the exact same place as the former sign. I think it was called one realty group. Um, it will be made of metal just like Monica's was, and we decided, um, over the last week we're going to put it on the right-hand side of the building because there is a tree on the left-hand side of the building. And I think I provided Dave with pictures of, um, our sign will be going exactly as it was, um, for the last tenant.

Simpson: Okay. So, you're going to occupy both?

Shores: Yes. And at first we weren't sure, we weren't sure if we were going to have it horizontal or on top of each other. But at this point, we're going to be (*inadible*) because of that tree blocks the left-hand side of the building.

Simpson: Okay.

Walker: And all the lettering is lasered like because it's a metal sign.

Shores: I do not know the answer, we hired the person that did Monica's sign, so, I mean, we told her, hey, that's what we want. We did this so please, um...

Simpson: But it's not illuminated?

Shores: No, just a metal sign.

Simpson: Okay.

Shores: With text and Graphics.

CM Walker made a motion to approve the wall sign application for Amazing Grace quilt store / spin in the wind gift retail store located at 302 John A Butler Street in the historic preservation District and the motion was seconded by Czulewicz with all Commission members voting AYE, motion carried.

Walker: Do you have a time frame?

Shores: Um, hopefully by July 1st because that's our planned opening date.

Walker: Thank you.

Shores: Thank you for your approval.

5. Consideration and possible action on a Special Use Permit application for a paramedical and fine-line tattooing business located at 14375 Liberty Street Suite 105, Montgomery, Texas, 77356.

Simpson: Item number five, Sarah.

Mayor Countryman: Sorry, I want number seven not number five. I put that on there. Seven. I did.

Simpson: Okay, you want seven?

Mayor Countryman: Yes sir.

Simpson: Thank you. Okay, uh, item number five.

Phillips: Yes, my name is, uh, Shay Phillips. Correction, my space is 14375 Liberty Street suite 102. I have the, um, front facing left side of the Westmont building and I, um, currently am a permanent makeup artist and I specialize in, um, eyebrows, eyeliner, lips, and, um, I also do areola restorations for women who've lost their breast due to breast cancer. I would like to consider the possible, um, special permit used for fine line tattooing which is not considered an act...it is, yes, considered a tattoo but it is done differently than your generic tattooing. And I'd like to make a note, too, that I don't do advertising on the front of the building. I just have my sign that hangs. That's just for paramedical, and what I do for tattooing is typically something that I would, which is how I do it in Austin, which is how I'd like to do it here, where I, it's usually an add on service. It's not something that anyone would ever walk in for. It's not something that's advertised on the side of the building. It's not a neon sign that says tattoos. It has nothing to do with that. It's a, um, typically in hindsight. Um, these tattoos are done for women who've lost siblings or husbands, or have gone through traumatic events in their life. And they have a handwriting that's on a card that was left from their son before they passed and they would like to have, um, their children's name written on them, or something very simple. And I would like the opportunity to be able to do that for them. And it's not, um, again illegal. So I just want to be standing with the city and I'd also like to note too that my schedule is one that opens up in the beginning of the month and it also closes 24 hours later. It's not something that's advertised. It's a, you've got to know me. You've got to know about me in order to get in, and then once that schedule is booked, which it usually books up within about 24 hours, um, then closed. And then you know they just come in on their appointment time and my, I'd like to also note that my door remains locked at all times.

Simpson: So, your appointment only, basically

Phillips: Appointment only. You will never have anyone walk in usually. Occasionally I have someone walk in, and that's just, and I put a note on the door now that just says do not accept walk-in's and then they will take a business card and they will either call me or text me.

Simpson: Okay. and you've been there how long?

Phillips: I have been at 308 Caroline Street, I was inside of Liz's Boutique for approximately 3 years, right, and I have been where I am now for a year. And I've only offered the, um, the paramedical aspect of it just recently. It's become something that's, you know, it's asked about and it's requested. And I just wanted to come in front of the board in order to do it properly, to where it's not something that, you know, found out about or done improperly.

Simpson: Yeah I remember approving it back in 21.

Phillips: Yeah, and that's the, kind of the way, I like to remain. And so I'm not one to put a sign out. I don't really, I don't do any advertising. I am strictly word of mouth. And I book out for at least four to six months in advance, and I'd like to just keep it that way. It's very calm, quiet, and collected.

Simpson: Okay.

Walker: How long is a special use permit good for, Dave?

McCorquodale: That can be one of the terms that you set. Uh, staff's recommendation is not to put an expiration on it. I don't find a reason, in my opinion, to have the time constraint on it if, certainly you know, something that's new, that's a new activity to the city. But someone that's established in the city, you know, what kinda parameters are. I don't find a reason to want to put, you know, a renewal page on it.

Walker: Um, did the, um, up here on the right on 105, there's another place that came in and asked for, um, uh...

Phillips: I think Miroir? Is that how you pronounce it?

Walker: And we had a meeting. We discussed that and, um, and we did not want the wording and or the tattoo façade, um, following with it in downtown Montgomery because of the historic district and the character of the downtown. Uh, but right after we did that, the hotel, the tattoo par, opened over there by, uh, right out right outside of our City Limits. Like two buildings over. So a lot of good that did. But, um, that that is my biggest thing. I understand, I mean, I could hear in your voice that you were getting emotional about what it is that you do for people, and I understand that. Um, uh, I will speak on the fact that we are quaint. We want to remain quaint. We want to be historical. We want to stay in the character of what Montgomery stands for. Um, and I know that you're not advertising. I know that it's not a big fluorescent light and flashing lights and all such stuff as that. And I'm reading the special us permits, and I'm not finding anything in here. Dave, correct me if I'm wrong. That says we can't have someone who, quote-unquote, tattoos in downtown Montgomery. But if we say yes to you...

Phillips: That is why I'm here today. And if you were to look at my website, or go in and read anything about me, my whole identity is quaint, and quiet, and soft. And, you know, this is not something that I do. I don't need a flashing sign. I don't need anything like that.

Walker: I get that, 100%. I do.

Simpson: And special use is case by case.

Walker: Right. Correct. But when, just remember, I mean, I'm, this is just because something is said to us here in this meeting, and we give you permission with this special use, and then three other people are going to come in behind you and say, well you did it for her. And that's, I'm the voice of good bad cop, or whatever, um, I understand what you're offering, um...

Simpson: Well, we just have to use this situation as a baseline.

Walker: I just want to bring that out so that it's written in the minutes.

Czulewicz: Is there, is there another wording that could be used that would define what you do and what the benefit is to the, uh, patient or customer, without using tattoo?

Phillips: Yes, you know, a generic tattoo is just considered a tattoo. And this is more, um, it's fine line. I don't know how I could word that, but I could, there are other people who probably worded it differently. I don't, um...

Czulewicz: How about cosmetic, uh...

Phillips: Tattooing? Cosmetic...

Czulewicz: Trying to get away from using tattooing.

Phillips: Oh. Yeah, sorry. Cosmetic, uh. I don't know, cosmetic embellishments? I don't know. I would have to think on that. But it, uh, like I said, it's not written anywhere. It's not on my website. It's not something that I want to do.

Walker: But it's written in our minutes, and it's written in your agenda, and that's what we're saying. It's what we're up against on a month-to-month meeting is we're brought up 3 or four months later, someone comes in and goes, well you had this meeting and this is what you said, so it's not about you. I understand what you're doing.

Czulewicz: I think like Bill said, is, it's not, uh, if we approve it, it doesn't mean it's approval for everybody in the future. But we'd like to steer from giving the opportunity of setting a precedent that somebody could come back and say well you approved her tattooing shop.

Phillips: Yeah. I am in all paramedical permit and makeup, and this is truly just an add-on. Like, I don't typically take appointments for someone who's just coming in for a, like a tiny tattoo or something. I don't, that's a waste of time, in my opinion, because of my schedule. This is something that's strictly added on.

Walker: So what does paramedical cover?

Phillips: Yes ma'am. Paramedical is, um, it's a great question. So if you have a burn that you have and it's scarred your face. If you have a, uh, you've had shingles and it's taken, you know, your face, and now that's no longer the same color as your skin. Or you had breast cancer and now have no areolas. Um, paramedical consists of me going back in, for medical purposes, and creating that areola, so that, you know, that woman feels whole again. And then creating, you know, fixing her face in order for it to be camouflaged with ink in order for it to not be as noticeable. So that's the paramedical aspect of it. That is very, very, very different than just permanent makeup, uh, that's eyebrows lips and you know uh eyeliner.

Walker: What about, you said the words, the birth date or a signature. Is that fine line, or can that be paramedical, or can that be cosmetic permanent, cosmetic whatever? Without saying the word tattoo that's what I'm getting at. Can you come back with another word?

Phillips: And that's a great question. That's something that I can definitely look into, uh, you know. I didn't have to go through anything like this for my location in Austin. But this is definitely something I can come back, and I can, I can figure it out.

Czulewicz: Okay. We really appreciate you coming forward, because, like you said, you could have done it there without even telling us.

Phillips: No, I can't sleep at night knowing that in the morning, I wonder if it's going to have like a, you know, decrease and desist notice on it, you know what I mean? And that's just not okay with me.

CM Czulewicz made a motion to table the item and the motion was seconded by CM Gazda.

Simpson: Um, so, as of today, on item number, uh, five, the special use permit, uh, for the paramedical Fine Line Tattooing business, we're going to table that till we get a more friendly word description. How does that sound?

Phillips: Can do. And do I just present that to you?

Simpson: Yes. But she can still operate correct?

McCorquodale: I don't think I make that decision.

Simpson: Yeah, no, you're fine.

6. Preliminary review and discussion of a proposed 75-acre single family residential development along Lone Star Bend.

Simpson: Okay. Item six, Sara.

Mayor Countryman: I'll just do item six and eight they're both kind of the same thing. I just, I had a conversation with Mr. Fox last night, and it's been noticed that, um, a lot of the new developments that we have coming, as well as those that are fresh, um, the roadways are not wide enough for emergency vehicles, and I want to understand when the Emergency Services come in. Do they come in the planning period? Do they come in the feasibility study? When do they get their eyes? Because the HEB, even though it's 2854 or 105, the city is the ones that the police services. And our fire and our ambulance are the ones that got to be there, and I'd like to have their eyes on it to

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see where potential entrances and exits are, and what their feedback and comments and reviews are. And also the neighborhoods. I'm, you know, Tom, I mentioned where you are, it's tight quarters. And, uh, and if there's a, and if, you know, Mr. Fox and I talked. If there's a house on fire, the neighbors are probably going to go down too because they can't get to it. So, I just want to ask since you're over developments, um, that the commission really keep an eye out and make sure that we have all the approvals and that this important piece is also, um, in the very beginning of the considerations.

Simpson: Well, as you all know, that's going to have to be an ordinance issue with street widths.

Mayor Countryman: Oh absolutely. I'm just saying being...

Simpson: We've been talking about that for I don't how long.

Walker: Every time it comes before us, we say the same thing. Has a fire truck been down there? Has a police been down there? Has an engineer be down there?

Simpson: We always get the, you know, from Chris and everything, that the Fire Chief has looked at it, and you know.

Mayor Countryman: I'm just saying let's be mindful of it because, and maybe it's even getting with Council too, and saying hey, let's really take a second look when we're looking at these widths of Roads, um, because the high density is going to be, there's people there's going to be...

Fox: In the past have we not had Fire Marshall review the plans?

Mayor Countryman: I believe a long few, quite a few years ago, we did as I remember.

Fox: Who's doing that now?

Roznovsky: I mean, the development is following the 28 feet, you know, if there's anything that's not a variance, we get the Fire Marshall involved. People are requesting extended cul-de-sac lengths for turnaround, businesses, uh, we'll get fire Marshal involved uh for any production on roadway before it comes to council. That's something they bring, um, but they follow their rules and regulations and as far as like a commercial site goes, they were required to get fire marshal approval separate from city. The city does not have their own fire marshal, that's done by the county, and they have to get their approval on their fire lanes.

Fox: The current zoning calls for 75 by 120t Lots, what does the zoning, uh, allow for Street width?

Roznovsky: 28 feet.

Fox: That's all?

Mayor Countryman: What is Buffalo Springs? Do you know? Because you can turn around there, those are wider streets. I'm just, so maybe we should look at an ordinance that changes that, or actually in the planning stage, ask for emergency services to give their review before Council approves this 26-foot Road or 25 foot, the variance right outside of the 28 foot, but, uh, I was over in Tom's neighborhood and I think you were too, Mr. Fox. And its tight quarters, and I would just, I don't want a black eye on the city because we didn't take that into consideration. That's all.

Fox: It is a technical issue, and whether Chris can get his team to do that or not, uh, my comfort level would be back with the Fire Marshall review. I mean it's just a failsafe.

Mayor Countryman: So, who contacts the Fire Marshall? Is that us? Or is that the developer?

Fox: The developer.

Mayor Countryman: Okay. And then they put that into there, so then once they get their comments and reviews, that should be in the packet of final approval, correct?

Fox: You know, just as well as, you know, if it pass in front of Entergy, whoever, the light company is, whoever the gas company is, so they know ahead of time what the issues are, if you have to get out there and have dark neighborhoods, are too much light in the neighborhood they will make an assumption of valuation of the street lighting also. So, there's just, you know, things that, and I know it takes time, and we hear that often that we take too long to do all these things, but in the effort to do it correctly might take an extra day or two.

Czulewicz: Dave, as we are reviewing the plats, can we impose a developer requirement that they impose restricted parking on one side of the street as a part of the approval of the plat?

McCorquodale: I don't know the answer to that, top my head. Could you find out because I think that's critical. I'll be glad to research the issue. It's new. I've not seen it. I've seen, obviously, you know, the no parking signs on one side, but not sure. I don't see any reason why we couldn't. But just let me double check because...

Czulewicz: I think until we can get the 28 foot width reviewed and everything, I can tell you where, like Sara said, where I live, if there's cars parked both side of the street, I don't think that a full size fire truck is going to get through. I really don't. And, uh, so one way to alleviate that is in the planning section. I'll go to the City Council's next meeting in fact and request that they, uh, expedite an ordinance that requires those developments within the city that have 28 feet or less Street width, that they restrict parking to one side of the street that is a safety issue.

Fox: I think it becomes also an Enforcement issue. You can't, you know, we have a limited Police Department. You're going to have people out there, I have seen developments where they require the driveway to be long enough. There is absolutely no street parking so that's pretty, that's pretty straight forward. If you want to make a rule, that'd be a better rule than this side or the other side.

Mayor Countryman: Just keep it top of mind. Just because of all the new development, thank you.

White: So, I'm Jonathan White with L2 engineering here to present this new development. And just to touch on Mayor's Point, um, I have already coordinated with the Fire Marshall, so what you will notice about this there's one point of access on this property for 59 lots. Typically, anything over 30 requires two points of ingress and egress and we coordinate with the Fire Marshall on this. We are giving them a divided entry with two 20ft lanes. 20t width is the minimum fire lane width for any commercial type developments. Um, they accepted this as long as we had 28ft road widths throughout the subdivision as well. So Montgomery County is moving forward with a new design manual that will require their standard. Every county only requires 18ft roads for their asphalt, 20ft for their crushed concrete, 22ft for a full shoulder. So shoulder is 22ft, but actually paved asphalt is 18 to 20. Um, they are moving towards only requiring, or now requiring, 28ft widths for either

concrete or asphalt, whether it's open ditch or curbing. And that is a directive for the Fire Marshal. Um, so this is currently not inside the city limit. It is inside the ETJ of the City of Conroe. Um, we're here to see if the city is interested in annexation. If you were not aware, uh, some legislation came out last September that does allow voluntary desertification of ETJ. So, if the city has any kind of interest, we would engage the City to conduct a feasibility study, go through the proper processes and if they move forward with that, they would actually voluntarily decertify from Conroe to allow the annexation into the city of Montgomery to receive city services. Uh, these lots are 132 by 247, so they exceed your minimum 3/4 acre lots, which only require public water. Uh, there may be an option, and likely would be an option, to receive public sewer. We just have to see benefits of and costs associated with receiving city sewer. Uh, but for the time being, we'd only be seeking City Water. So this would feature minimums on road widths. We've received Fire Marshal approval and would actually meet and exceed your minimum City lot standards as well. Uh, price points on the homes would be around 650,000 plus for this section for frame of reference. This is behind Mia Lago, but we access off of Lone Star Bend. Um, we cannot have the connection from Mia Lago since that is a private subdivision. We do have to access off Lone Star Bend. Happy to answer any questions.

Czulewicz: Now with this 3/4 acre lot, I guess you're anticipating no parking on the street?

White: Uh, it would be open ditch. So, I mean, typically, you'd have a lot longer driveway. Um, you know the building lines here will be 25 ft, but a lot of times with these estate lots, they'll be set back 50 to 75ft. Um, so, they give them a lot more space it's also selective clearing for the lot. So, they're not going to go clearcut the lots. They will just clear what they would need to make the improvements.

Simpson: And all the drainage studies are in the works?

White: So, this, uh, there's a canal on the south side of this development. Uh, that connects the Mia Lago Canal into this canal that connects to Lake Conroe. Uh, I communicated with Lake Conroe and SJRA, they have, uh, stated that this is a part of Lake Conroe and that they would, uh, we just review our drainage to make sure that there's no kind of like silt or sediment issues. And then I've coordinated with Montgomery County Engineering Office which we do go to City Montgomery, that would defer to Chris. But, uh, Montgomery County Engineering said if we get it to the lake, which as stated, this canal, there is no detention report since Lake Conroe is natural detention. But we just have to prove that silt and sedimentation, all that stuff.

Gazda: does the property go all the way to Lone Star Bend? Or would you, would there be an easement required for that?

White: So, uh, part of the purchase contract, there is a gap between this property and the Lone Star Bend property. It was part of that contract that they would deed that over that allow us to bridge that gap connected to Lone Star.

Walker: Where on Lone Star Bend are the two entry's? Did you say it was two entries, two 20 foot?

White: I've got a bigger copy too.

Walker: No. Just when you turn down, you turn down Lone Star.

White: Yes, coming down Lonestar bend. And then we'd have median access across. I don't know what the small subdivision is, and that's DH homes.

Walker: I'm seeing trees. What you doing with those trees?

White: I'm only going to clear what I have to do for my infrastructure, he'll do what he needs to do for his homes. But typically they're estate lots and so the idea is.

DH Homes: If we don't have to take down a tree, we don't take down. We require, uh, the pad of the house plus 10 ft on each side and usually 15 in front and back so as long as they're outside that gap of the trees.

Walker: Do you supply the homes with trees, and it's so how many?

White: Uh, we have some subdivisions we do, some we don't. It depends.

Walker: Are you going to add trees?

White: It's pretty wooden now, so the idea is that on the infrastructure side, you'll clear, you know, 6t right away, 25 ft on each side, so about...

Walker: Cuz you know Montgomery is old. And the trees are old. Tree Ordinance. I have to ask the question cuz nobody else is.

White: At this point, we're not coming forward with any variances at this time.

Walker: Great.

White: There may be a road radius variance, but that's about all I can see. Uh, on the, on the drainage, I will say that we are going to, uh, so, there's been a lot of improvements in this area. That canal has been dug. Um, so the flood plain changed drastically. One thing we're doing on the engine side is to restudy this area so we can truly delineate the true flood plain. So we can just make sure those lots are high dry.

Gazda: Well, right now, it's just a discussion. But if this were to come back down the road, I'd be more concerned about the flood planes. There's a lot of lots inside the 100 year and 500 here.

White: We don't think that that's the true delineation, cuz a lot of that flood plan is based on FEMA. FEMA does their studies, last time they did anything, in 2008, which is prior to the excavation. So there's been a lot of improvements and a lot of added area to the flood plan which creates storage, which should reduce the plan. So I already engaged an H&H consultant. They agreed with me that this is probably going to skinny it up. Um, if we're going to propose septic, we have to have $\frac{3}{4}$ acre clear.

Czulewicz: So, how did that area fair with these recent couple of storms that caused all the flooding?

White: I have not been out there, I'm not sure.

DH Homes: I drove out there once, I didn't see any issues. The canal that's there is dug and it's about 8ft deep, and then there's still another probably 20 ft coming in. That's very low level before it goes up to the elevation I think so it's well above the level.

Czulewicz: Those two storms did more damage than I expected. I don't know if you've been down Lonestar Parkway where it crosses Town Creek, but they put all that rock in there over the past year, it's all washed out. The walls behind the rock are gone, so, uh, you know, this whole idea of drainage and flood plain, don't take it lightly. That was a lot of money spent to try and keep that Creek in its bed and it made itself a lot wider.

White: Let me get to your point. This is just a discussion item. I think the thing that they would just be wanting to see is if the city did seek interest, they'd like to have that feedback so we can engage the city engineering. The city can conduct a feasibility study for agreement, your deposit, so we could start that process with the studies to see what that would take.

Fox: This track is well above the flood of record, correct?

White: Uh, yes. I mean, all of these lots are going to be well above the lake.

Fox: Do you know what the flood of record is elevation wise?

White: It likely isn't going to be above 207.

Walker: These houses are going to be like right across the street from, um, when you drive let's see, that's on Lonestar. They're going to be on the back side of those other homes that are, um, Bodart.

White: If we receive flow from all those lots, so we would have to have an addition to capture that.

DH Homes; We're not building small houses. We're building 3,000 to 3,300 sq ft houses, and we're going to be in 600 to 800,000 range.

Simpson: Okay.

Gazda: I have no other comments at this point.

Simpson: Okay, thank you.

7. Consideration and possible action on calling a Public Hearing to be held on July 2, 2024 regarding a proposed amendment to Chapter 98 of the City Code of Ordinances.

Mayor Countryman: So, I saw, uh, in a meeting earlier this year where a gentleman from Grace Point misspoke and stated the event venue when presenting to y'all. Uh, what prevents a location, which means venue, location by definition is venue, or venue is by that definition is location, from having a birthday party? Prevent the insurance company from holding a class or having a picnic after the class? Why can't any location host a wine and Cheese party? I personally have attended several parties such as wine cheeses, brunches and several locations in the city and none of the locations have needed a permit like this. Why is this any different? The key to this tonight is, don't use the 504 Caroline location as the reason for a change of the definition in this ordinance. We represent the City city-wide, not just a location. If you want to modify the ordinance, use the

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activity, not the name or word venue. Venue is the same as rental and we don't have a definition for rental. The word venue by definition is location. Not activity. Rental isn't in our ordinances. Venue isn't in our ordinances. Short-term rental isn't in our ordinances. All of my research only has stated that a special event permit is only applicable for city-owned properties everywhere I lived in the state of Texas. So would you have an event, a parade, or a wine event, or a festival. That's what I found. That's when you needed this kind of permit. My question is what is in the current ordinance that's written today allows the city to hold events in the City Community Building as a venue? What is the definition of the community center? And what activity is proposed amended ordinance are we trying to define? My suggestion for consideration to the commission this evening, let's let KKG write the ordinance since that's what they are hired to do. They are the experts, not anyone in this room. They are evaluating all of our ordinances, let's allow all of the locations to allow all the events and all the parties and let's let them help with that definition since we're paying them a nice price to do so. And I have been to, I've held, I've had parties at places in venues, downtown businesses downtown, and we didn't have to get a permit for that. There was just a veterans event downtown at slice of Amish and there was not a permit for that. 504 Caroline is wanting to host a wine happy hour, or if somebody wants to have a birthday party on their grounds, or just letting somebody be on their grounds which is what all of these other businesses do when they have different vendors come in and sell their wares, or I've had an election party there. I just feel like, um, this is more toward a one location versus a Citywide issue, thank you.

Czulewicz: Who submitted this?

Simpson: When they presented the, um, event, it was an outside vendor that was using the property, and not the building owner. There was no, there was no restroom facilities being offered. No sanitation. No parking. Anything of that nature. It was an outside vendor using his piece of property.

Mayor Countryman: My understanding is, um, so, somebody wanted to host a realtor happy hour. They would allow a build because this is a builder and an insurance company in the building, so if they wanted some realtors to come look at their product, they could have host a happy hour there and let them see their product. The house is beautiful on the inside, why would they need a permit for that now?

Simpson: Sara, that's what we're talking...

Mayor Countryman: But if Sarah wanted to host a birthday party there, um, I'm okay with getting bathrooms if I have to. Or can I use the bathrooms inside the house? I guess that's part of my agreement with the owner of the property, right?

Simpson: Well he sat there and said no one was allowed to be in it. It was just, they were just renting the ground, okay? No one was to go inside. You take, um, you know Hodge Podge, or not Hodge Podge Lodge, uh, um, and they are event centers. They host events, they have facilities, they have, uh, toilets, they have, they have everything. They're on property. The one thing what we're concerned about was just no supervision. We're just going to rent this piece of ground out and have at it. That's what we're trying to, to get at, is if it's, you know, Chandlers and all that. Those are event centers when they hold that event. If you have a party there they have someone there

Mayor Countryman: But Chandlers is a restaurant by zoning, it's not an event center. And Hodge Podge Lodge. My understanding, too, is when the owner sells the property, that's when the special use permit dies. Well Hodge Podge changed owners, yet, that permit is still alive. And he's now 100% Event Center. But he was a restaurant originally, right? Um, we have Texas Beyond, they host parties on that patio, which by the way, I can't find a permit for. That patio that was built but they're hosting parties.

Simpson: Who's that?

Mayor Countryman: The purple building.

Simpson: Yeah, but those are events inside their particular building. They're not, she's putting those events on as tenants of her building. They have restroom facilities. If you know 504 holds an event, where are they going to go to the restroom?

Mayor Countryman: I didn't think that they would, well, they could either get, I guess, they get the porta potties.

Simpson: Where are they going to put the porta potties?

Mayor Countryman: They've had them there before. I've seen them when they had their grand opening. I went into the porta potty. It was the Silver party.

Simpson: I mean, you know, it's a fine line of what you know. What we're looking at, one thing we're trying to do is get a definition of...

Mayor Countryman: and that's what I'm saying. Just, let's let KKG do that since this isn't their first rodeo.

Simpson: And the only thing I'm concerned about, why can't I go buy Larry Jacob's piece of property and make that an event center? Just the ground, and just rent it to anybody?

Mayor Countryman: So, Larry owns it so you have to get his permission.

Simpson: What's that?

Mayor Countryman: Larry owns that property. You have to get his permission.

Simpson: Well, what I'm saying is, if Larry, if he want to turn into an event center and just rent it out, then anybody, where does the liability fall?

Mayor Countryman: Where's the zoning? What is he zoned?

Simpson: He's zoned...

Mayor Countryman: Is that parking lot zoned anything different?

Simpson: Not the parking lot. I'm talking about a piece of property by gyms.

Mayor Countryman: Oh, sorry. I was thinking...yeah, yeah, yeah. So commercial. It's got a very, he got a special use.

Czulewicz: How do we handle the music festival that goes on every year over by, uh, Spring Road?

Mayor Countryman: Um, well. That's not on city property. That's, uh, it is on ransom's property and he does get an event, he does get with police and he does get a permit.

Czulewicz: Okay.

Mayor Countryman: Dave, is that right?

McCorquodale: I think, so I've not been part of that process.

Czulewicz: That's what I think we're looking at.

Simpson: I was concerned about...

Mayor Countryman: My thing is, this guy just wants to allow people to rent out his yard. And I was like why do we have to have an event like a permit for your yard? Um, when all these other businesses are having events and their yard. On their front patio. In their parking lot, and not getting permits. Event is like I said, venue is a location not an activity. I think we're talking about the activity that's going on not the building that's going on. That makes sense.

Simpson: Okay. Well, how are we going to handle the parking at that?

Mayor Countryman: So, I mean, that's how do we handle it today when there's Bingo down there? Do we make sure that they only have so many people that they're parking all over downtown the public?

Simpson: I understand that, Sara, but there's parking wars going on now, and if this event center has 100 people coming in, just like I explained to that the gentleman standing up there, let's say he calls an event, the gentleman that's supposed to be doing this, it's not the building over there. Okay? There, on a Saturday afternoon, there's five things going on downtown, okay? He has an event, people are coming in for this event, there's no place to park. Guess what, they're going to turn around and not come back. The people are trying to get to the Crawfish, or Toms, or whatever. And coming in, there's no place to park, they're going to turn around and go home. They...

Mayor Countryman: The crawfish place is packed all the time, and...

Simpson: But what I'm saying, Tom's overflow is taking up somebody else's spot.

Mayor Countryman: I mean at the end of the day, parking is, you know if Tom was kind about people parking, that doesn't go into his restaurant, he might, it might be successful for him, right? I mean, parking is a challenge, but say time we have businesses that don't have one parking spot. That's against our ordinance. That didn't get a variance. I mean, there's issues here and I just, again when somebody wants to run out their property, and maybe that we say, okay, you have to have a bathroom...I don't know what the answer is. That's why I wanted to leave it up to KKG who are the experts. Who probably have seen this before to say, okay, we're paying y'all a whole bunch of

money to look at our ordinances and help us with our future planning of the city. What would you suggest because I'm assuming they probably have done this before. And I just don't think the wording is exactly what we're looking for. I feel like it's more toward one property versus something that can be Universal, from city limit to city limit boundaries.

Czulewicz: I think the general issue is, well, it always winds up, is parking. It also is a matter of, I mentioned to you earlier, is, uh, if there is a large group of people going to be getting together someplace within the city, I don't care you don't want to call a venue you can call it a location, the host should be required to notify the chief of police and the fire chief in advance so that they know that that area is going to be congested.

Mayor Countryman: I don't disagree with that. That's a great idea. But what are the terms? Is it 10 people, is it 75 people that say, okay, I'm going to have 75 people, I need you to know that this is where they're going to be, or is it five people? Like, I think that there needs to maybe be a delineation but, um...

Czulewicz: I think that in the warning that's been submitted is just there to think about. But I think that it should be, you know, say in excess of 100 people, and it maybe even define number of cars so that...

Mayor Countryman: Who's going to police that, though? Cuz I'm not going to go look at and count heads and count cars and ask people you know. We have a business owner already that goes and ask his table what their license plate numbers are and then he goes out to their parking lot to check.

Czulewicz: I don't think the policing is a problem as long as the police and the fire chief know in advance that that area is going to be congested. I think that's the goal that we should be looking at. I agree because we know, I hope, while your term in office we find some solution to parking in the historic district. I think the building that we're trying to sell should be a parking lot.

Mayor Countryman: Amen. Because it's not good for anything else.

Czulewicz: I'm serious. You know, we should have an improvement district where we can collect some taxes to help pay for that parking lot. And we own it already, so I don't know that we have to sell the building out of there and make it a parking lot.

Mayor Countryman: Jacobs wanted to put a parking lot. He was going to allow the city to use his parking the property behind Jim's, and that ball got dropped. But he said yeah we had the parking spaces. Chris, you worked on that with us, um, and he was fine with it, but back to this, I just wanted to say like, let's let KKG, cuz I think that they probably have a better idea that would be better for us than just trying to fit something into one spot.

Simpson: Okay. What we're here for is to call a public hearing. So what we need is input on how this amendment to this ordinance needs to be worded.

Mayor Countryman: My opinion is, let's don't have a public hearing, let's let KKG handle it. That would be my recommendation.

Simpson: Who?

Mayor Countryman: So, the people that we have hired for planning.

Simpson: Oh, I got you. But when is...

Mayor Countryman: They're supposed to have all ordinances...

Simpson: You know, I don't know how many of these people we've had in the last how many years.

Mayor Countryman: I mean, how, you know, how long is this, we had nobody to help us with our ordinances, and we don't have staff doing ordinances, so we need, this is a great idea to have a third party that's done it and has wording help us get modernized.

Simpson: Dave, when are they supposed to come back with some type...

Mayor Countryman: This week.

McCorquodale: So, that is not the ordinance thing. That's the master plan.

Mayor Countryman: We can get with them and ask them like when that process is.

McCorquodale: Gary and I were asked to set up a time with the consultants via email either yesterday or today. To talk about the interim ordinance so that would be the full ordinance, the unified development code, the kind of recodification of all of our development, um, ordinances and regulations, is probably about six, you know somewhere between 12 and 16 months out. Um, the interim ordinance, which would be kind of a collection of things that the City feels like it needs to move on sooner than that, to get ahead of some things, so Gary is supposed to be narrowing down a scope of that with the consultant again whenever we set up this meeting.

Simpson: Would this qualify for a special need, just look at it quicker.

Simpson: Just table it. Table it till we get something from you and Gary?

McCorquodale: I would just let the...I wouldn't table it, just let the item die.

Simpson: Okay.

McCorquodale: Right, you know what this means? You know practically is, you know if someone you know has property that they want to, you know, rent out as an event venue, it would be in violation.

Simpson: Well only thing we can do is let's see what happens, right?

McCorquodale: Right.

Mayor Countryman: Hopefully it's not too long. Then we can get these done. I've not done this process before but I think if we let them know it's a Hot Topic and maybe we can give them three or four ordinances to work on, um, in immediate short term, I think it's worth a shot and if not then maybe we pick it back up.

Simpson: We'll just we'll see what happens there.

Mayor Countryman: Yeah, if something, sure you know, we'll meet with them. I meet with them on Thursday. I can certainly ask them tomorrow. Is it tomorrow, or Thursday? It's one day this week. But, no it is Thursday. No. Yeah. Anyway. It's one day this week. I will ask them myself.

CM Czulewicz made a motion to table the item and CM Gazda seconded the motion.

Simpson: okay we have a motion to table and a second uh for the special use permit um and we're just going to table us right now indefinitely till we hear information back from Dave and Gary.

Walker: Because they gave us a window, they'll give us a schedule.

Czulewicz: Yeah. We're just not going, we're not going to move for that.

Walker: So we're not going to worry about 6 days from now, when the staff window over publishing, legal, so all that is squashed? Okay. Who's taken that up, and um, so, Sara said she was going to talk to um, uh, KKG? So is that if Sara's going to do it are you doing anything and letting us know as all so it'll be covered and we'll be emailed and let know?

Chairman Simpson called for a vote and all commission members voted AYE, motion carried.

8. Review and discussion of a Feasibility Study for a proposed 16.75-ac commercial development at the southeast corner of the intersection of Eva St./SH105 and FM2854 by HEB Grocery Company LP (Dev. No. 2402).

Roznovsky: If you go your packet, you see a copy of the feasibility study that we presented to council last meeting. I'm going to hit the highlights. So your packets pages 48 and 49, you'll see two exhibits. I'll just top from there, that's relatively straight forward. So, you know as stated item, this is for be at the corner Southeast Corner 10524 they are it's a 30 acre parcel in total. As you'll see on that exhibit, the HEB would be on about half of that, about 16 Acres. The remainder would be mix use commercial. This feasibility study is only for the 16 acre HEB, uh, so they do have an agreement with the seller who owns the rest of the property, uh, to provide grading and detention. So, all that will be done as one phase across the entire site the actual utilities and this feasibility study is only based on the HEB portion whenever that next you know those commercial paths want to develop that'll they'll start the process, separate to do their own analysis. So, just keep that in mind. So it goes back and forth the entire 308 but all the numbers the costs the values are all basic 168, so you look on page 49, they have a rough site plan in there, uh, there's no building just more kind of the general layout are proposing the fuel center, car wash, and the store itself on that property. If you go, if you look at the executive summary of our report, a couple highlights today. So, from a water capacity standpoint, there is additional water plant improvements that are required, chiefly being a booster pump at water plant. That capacity at the moment as this development and all the other development that are feasibility because you all seen there a lot of potential developments in the city. Continue to push the new water plant and new sewer plant all those projects continue to move forward especially as they actually commit timelines on all of those as far as get water to the site. They would be required to extend it, if you look at page 48 packs see that proposed extension to their boundary and then when the next development comes in the commercial they would extend it the rest of the way and we would propose to have cross 105 at that time to close a loop in the system so we don't have two dead lines going out to the east side of town. Uh, regarding sewer capacity it's pretty much the same thing as you all are aware as

we discussed last time. The city has awarded a project to start the design sewer extension project. So, that is underway as far as getting actual utilities to the site. A short sewer extension that will be continued on, as you'll see in Page 48. Going through the development cost, you'll see on the executive summary on page 41 of your packets, uh, the estimated public infrastructure costs around \$140,000, and then impact fees. These are based on the new proposed rates that will be on Council next week to approve. Uh, approximately \$70,000 for water impact fees and \$60,000 for super impact fees just for 16 acres. So you look at the valuation of the project. So, this does not include sales tax, which will be a huge generator of sales tax for the city. This is only based in the ad valorem tax so they're looking at about a \$12 million development, which generate about \$45 million in additional tax revenue per year. Couple other things to note on the development so...

Walker: Hold on a second what did you say, 45 million?

Roznovsky: \$45,000. One thing that was brought up. I believe it was by P&Z previously, if not it was another board, was make sure that the Charles B Stewart home site and historical Marker on that site is to taken into consideration. We have discussed that with HEB the new plan we don't have any details of that now but we plan to do some monumentation on the site which we recommend just to be part of development agreement that's recorded in there. They do very similar to how we got the entrance Monument the Simmons Bank that was part develop development agreement program. Something goes into water and sewer, uh, drainage. I've talked about, has been talked about a lot tonight follows Montgomery County. Material also. This site outfalls TxDOT. So TxDOT will be involved and improving their drainage, they will be accepting as well. And as I mentioned, they would be putting in detention and grading for the entire site, not just their...

Walker: TxDOT or HEB?

Roznovsky: HEB. Uh, traffic and transportation. Again, these are both tied into TxDOT roads on their two courses. So, they would be going with them, um, to get their approval for the driveway connections. As far as the, uh, as far as, Fire Code goes, again as a private have to...

Walker: So, HEB is going to have a, uh, gas station, car wash, and grocery store?

Roznovsky: There's a, so, if you look on page 48, there's a site carved out on the hard corner. So, immediately to the east of that is where the fuel station and car wash is proposed, and then the HEB itself extends back other than that kind of the high level item. So, you know it's already in the city, so there's no annexation required. It's already Zoned commercial. There's no zoning, rezoning required. Based on information provided thus far, there is no variance and as far as the timeline, HEB, as a company policy, does not permit timelines of when they will build. However, they are actively looking at the site. They have not committed to one for actually open so this just a report for information, any questions?

Gazda: The only thing, I mean, I know this is just kind of review, ideally, is it Walgreens or CVS? Wherever that lets out, ideally that street that's, I guess that'd be the most, northern most Crossing Street on their plat would line up with that. Cuz I can definitely see traffic kind of trying to jump from CVS to HEB, and for...

Roznovsky: Yeah. When you look at their site plan on 49 they're slightly offset.

Gazda: I know we're not looking at plat or anything today, but that's just something that caught my eye. So they would do all the land work, but would they do the infrastructure? Like the streets etc., or are they just doing just the site?

Roznovsky: So, if you look on page 49, the streets, and just their 16 acres. They would stub it out to continue, but the streets on the eastern side would get constructed by separate...

Gazda: Just like the utilities.

Roznovsky: Correct, but the ponds that are shown on both the east and west side overall grading of the site would be done at beginning.

Walker: Do you know if they're going to keep at a hill.

Roznovsky: We don't have that level of, I would assume. I don't think that they're going to be able to cut it flat but they're definitely going to have to try. The next step is, the developer will request a development agreement with the city since there's Public Utilities to be installed and then it will go through the normal process of plan reviews and this group what it's a variance that would require...

Czulewicz: This is just review and study. So we don't have to make an approval right?

Roznovsky: Correct.

Gazda: Does city council take an action on it? Approve...

Roznovsky: They just accept the study. So you know accepting a study does not commit the city to providing service. It does not commit City until their all really wrapped up in the development agreement.

Simpson: Sara, did you want to speak on eight?

Mayor Countryman: I already did. Just making sure that okay the roads are wide or that this like I said the state highways but make sure that the

Simpson: Okay.

Czulewicz: Is there a traffic study attached to this?

Roznovsky: Not at this time. So, they would be required to submit impact analysis to TxDOT and TxDOT would require like turn lanes or deceleration lanes into their site. So, they had to submit their traffic study which is the Pulte development on 1097. They submit the traffic study to TxDOT. The city wasn't involved in that process, uh, but the study said okay before phase one you have to install the right turn lane, the two the left turn lanes, and then you build with you have to install so that's...

Czulewicz: So there'll be, when the whole thing is done, there'll be two entrances off of 105?

Roznovsky: Here, uh, right now, I think there's two. Oh, there's two off of 105 and two off of 2854.

Gazda: Three at least for the 49.

Walker: One, two, three, not counting the one on 105. Well there'll be two, yeah, and it says Behind.

Roznovsky: Correct.

Czulewicz: So, they'll be winding up putting it extending that turning lean there.

Roznovsky: Potentially. I can't speak to that.

Gazda: And whenever you compile your recommendation, all that TxDOT information is included per usual?

Roznovsky: Correct.

Gazda: Just for documentation, and that's just proposed at this time.

Simpson: All right. That's all I got. I know a lot of them have left but I want to thank y'all for coming in. Uh, it makes our job easier, uh, just like we were talking earlier. Ordinance or guidelines it's not black and white, and we have no idea what citizens are thinking unless you all come in and give us your opinion. Like Sarah and I going back and forth, you know I've changed a little bit of my mind on the special use thing, now, so it helps us. Um, and you know, come back anytime if you have any concerns. Get up and talk and, you know, that's the only way to air things out. But I appreciate y'all being here, cuz without y'all...

Walker: We don't know.

Simpson: Yeah, we don't know behind the scenes. We found out a lot the last meeting. We can, you know, sit up here and we have, we made decisions and all. Once we're giving feedback, why in the world did you do that? Well you know, we're up here as individuals too and the ordinances aren't black and white. You have to, this has to be this, has to be this, has to be, so...

Walker: And we're going off. Sometimes we go off of just one person telling us something, right? One person, and they tell promises the moon but we don't know anything about the neighbors or the people that it, you know, comes into play with a lot of times so.

Simpson: And there's things that we have, you know, decision making powers over, and there's some that we don't, um, so that being said, thank you.

Walker: Thank you.

Simpson: Anybody else?

COMMISSION INQUIRY:

Walker: Oh, wait. Can we have the dumpsters on the agenda next time? What we can do about them? Are you going to just send us the email?

McCorquodale: I'll certainly put it on the agenda.

Walker: Maybe that's something we can bring to those people. Maybe we can do an ordinance.

McCorquodale: I don't really think she wants any ordinances brought that are any type of planning related until the consultant works on it, which isn't a bad recommendation.

Czulewicz: We got to bring their attention, yeah, we got to bring these specific things like events and dumpsters because there probably not in their vision.

Mayor Countryman: Well, we're pay...

Czulewicz: I understand. All I'm saying is we got to get it, things to do they don't know what.

ADJOURNMENT

CM Czulewicz made a motion to adjourn and the motion was seconded by CM Gazda with all Commission members voting AYE, motion carried. Meeting adjourned at 7:41 p.m.

Submitted by: _____ Date Approved: 8/06/2024
James Greene, City Secretary

William Simpson, Chairman