

# MINUTES OF SPECIAL MEETING

April 8, 2024

## MONTGOMERY PLANNING AND ZONING COMMISSION

### CALL TO ORDER

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

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

Absent: None

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

### VISITOR/CITIZENS FORUM:

Both speakers will present their concerns at the time of the specific item of interest.

1. Consideration and possible action on a wall sign application for Painted Potter pottery studio located 14259 Liberty Street, Suite B in the Historic Preservation District.

Mr. McCorquodale said the applicants were not able to be attend but he would be happy to answer any questions they may have.

Merriam Walker said on the outside sign that used to be the previous owner's there is a list of businesses that are on there. She asked if Painted Potter is going to be on there as well.

Mr. McCorquodale said yes. The Commission approved the overall sign and the small inserts with the business name.

Merriam Walker said there was a question two buildings down where the sign was out front but on the outside of the building it was duplicated again. There was a question about the duplication of the wording and they wanted a sign on the side of the building. She said it passed but is wondering do they set a standard for that.

Mr. McCorquodale said he is not aware of that specific one.

Merriam Walker said they just had a meeting about it and had to vote on it.

Mr. McCorquodale said there is nothing that he is aware of that says you cannot have a sign on the wall and a sign on the side.

Bill Simpson asked if the sign was not luminated like the gift shops and it is all staying the same.

Mr. McCorquodale asked the owner of the building if the letters on the sign are internally lit.

The owner said no.

Mr. McCorquodale said this would be the same.

Motion to approve the wall sign at the Painted Potter at 14259 Liberty Street, Suite B as presented was made by John Fox and seconded by Merriam Walker. **All in favor. (5-0)**

2. Consideration and possible action on a proposed outdoor wall mural for the North Houston Art Gallery located at 14259 Liberty Street in the Historic Preservation District.

Mr. McCorquodale said this is an outdoor mural that is proposed to be on the north side of the North Houston Art Gallery building.

Ms. Rebecca Noriega owner of the North Houston Art Gallery and business spaces at 14259 Liberty Street asked if anyone had any questions and mentioned Ms. Amy McCain, the artist of the mural is here as well to answer any specific questions.

Merriam Walker asked if the mural is exactly what is going to be painted on the wall or is it a suggestion of what might possibly be painted on there.

Ms. McCain said it is basically a rendering to show what elements will be in the picture.

Merriam Walker said it looks like the church, the stable, a wagon out front and two patrons with their horses, another barrier, possible trees to be painted, and the Texas flag. She asked if there is a name of the stable or anything that is going to be insgnia or is it just going to say Livery Stable.

Ms. McCain said it will just say Livery Stable because it is just an idea of what may have been there since there is no actual proof or any historical records besides the stuff that was found underground.

Merriam Walker asked if they went to the museum across the street and asked for any information about that or other historical society members.

Ms. Noriega said they received when they purchased the building three tokens from Kirt and Emily Jones which were found by Mr. Donald and Billy Ray Duncan as they were preparing some work for the Jones.' In discussions with Mrs. Owen it was told to Mr. Duncan that those three tokens were part of the historical nature of that property. They had discussions with Mr. Duncan and the museum would like the three tokens placed into the museum with a little bit of history that ties that together. The concept around the mural is really to bring all of that to fruition so they would not lose that element of history for the City and it could be a teaching moment going forward.

Tom Czulewicz asked on the application submitted it said the siding will remain blue so is this going to be like a cloud.

Ms. McCain said it will be phased out on the outside where it will fade away and then when she made the rendering she just accidentally made it all one solid color underneath. She originally thought they were going to paint the whole wall white.

Merriam Walker asked if they were using that small street right there as a three-way or do people park there now.

Ms. Noriega said that street remained as part of the property ownership but that street remained as a thruway.

Merriam Walker asked if anyone is going to be parking there to block the mural.

Ms. Noriega said no.

Merriam Walker asked Mr. McCorquodale if then they go to paint this do they have to have the exact render or what she is going to exactly paint or can they say yes to the idea of what it is she is painting on the wall.

Mr. McCorquodale said he understood this is to include all of the elements.

Ms. McCain said she will do that and it will look a little more realistic. She said that is just a visual, a true rendering. It is not an actual.

Bill Simpson asked if all the characteristics like they are talking about will all be in that picture.

Ms. McCain said yes it is just to show different elements and maybe a few more things around the barn.

Tom Czulewicz asked if it is going to be black and white.

Ms. McCain said yes it was requested to be black and white. It can have a little color in it if anyone prefers.

Merriam Walker said she would like the Texas flag to be the Texas flag colors.

Ms. McCain said it was supposed to be black and white in the beginning which was kind of like you are looking back into the past and then she just added a little color.

Tom Czulewicz said he thinks the Texas flag in color with the rest being black and white would be fantastic.

Merriam Walker said she thinks the Texas flag should stand out.

Ms. McCain said it is no problem.

Motion to accept the wall mural at the North Houston Art Gallery located at 14259 Liberty Street was made by Tom Czulewicz and seconded by Merriam Walker. **All in favor. (5-0)**

Merriam Walker asked when they are going to start.

Ms. McCain said probably within the next two weeks.

3. Consideration and possible action on a Special Use Permit application for an event venue proposed at 504 Caroline Street in the Historic Preservation District.

Mr. McCorquodale said this is an application for an event venue and since we do not have that in our Zoning Table of Uses that requires a special use permit. The property is already zoned B-

commercial. The requested use again is an event venue which would require the Special Use Permit to be granted by Council. The ordinance lays out what the role of the Commission is in this process and it is to look at the character and development of the neighborhood and the effect it might have on the Comprehensive Plan. He said because the very nature of special uses not being included in the Table of Uses means there could be something specific to that use that may need some additional guidelines related to parking and hours of operation that is not a definitive suggestion that stuff be included just examples of the types of things that the Commission and the Council may choose to address in that Special Use Permit approval. The idea behind those conditions would be those conditions would be integral to protecting the surrounding property owners from any negative consequences. The applicants are here and may answer any detailed questions. They have given him an overview which you have in your packet to review.

Mr. Giorgio Romero of Pecan Shadows Event Venue said this was originally utilized as Grace Points Design Center so this is going to be not a separate space but utilizing the outdoor space as a rental.

John Fox asked what kind of event is this going to be.

Mr. Romero said this would be for various events so it is not specifically them trying to host an event, it is a space that people would be allowed to rent based off of an hourly time rate for whatever purpose they would like to use to utilize the space for.

Merriam Walker asked if alcohol is going to be served.

Mr. Romero said that would be dependent on the people purchasing. They will not be providing any alcohol.

Bill Simpson said you say it is outside parties that are renting. Are you going to be supervising it.

Mr. Romero said no they would not be supervising but will have someone available. They would not be in direct attendance.

Bill Simpson said then there would be no one there controlling the event.

Mr. Romero said correct. He said they are utilizing it specifically for their purpose of rental.

Bill Simpson said they are self-honored on how things go that evening.

Mr. Romero said there are people that are inside of the main house separate from them so the actual point company would still be utilized inside of the building and they are just using that outer space.

Tom Czulewicz asked what size events are you looking at and the number of people.

Mr. Romero said it could vary between 20 to 100.

Tom Czulewicz asked what are you looking at for parking. He said he sees you suggest the possibility of the church parking lot.

Mr. Romero said correct. They have not reached out to them just yet to see if they would be interested in allowing them to utilize that space or working a specific deal with them.

Merriam Walker asked if they have reached out to them or they are going to reach out to them.

Mr. Romero said they are going to reach out to them.

Bill Simpson said what has been done to that house has been part of the Comprehensive Plan outside that has never really been supported at that. The parking is going to be the big problem. There is no parking downtown at all. You are saying 100 people you are talking 50 more cars sometime in the evening or afternoon. They now have business owners patrolling their parking lots and chaining them up when not being used.

Merriam Walker said cars parking on both sides of the road.

Bill Simpson said and now something like this people trying to park down the residential streets which are not meant for anything other than residential traffic. The only way he could see it work is if you could come up with an agreement with the church. He said he thinks that has been tried before with no avail.

Tom Czulewicz said he agrees with that wholeheartedly. Without some kind of a firm agreement for parking with the church, any event that you would have would be extremely difficult for businesses, parking, and police. He does not see how it can work.

Merriam Walker said across the street from there, there is a Consolidated telephone communication little brick building and then that parking lot.

Mr. McCorquodale said the City leases that Consolidated lot and the gravel lot and they are actually in the process now where Mr. Palmer the City Administrator is working with Consolidated to update the lease which expires next year. They did not specifically say if it was the gravel or the concrete lot so they are trying to clarify that now. It is probably 20 spaces maybe but that is a guess. Once they secure the lease the City is going to look and see if they can maximize the parking in that lot.

Merriam Walker asked if right now they have it under contract.

Mr. McCorquodale said right now the gravel lot they know they do but the concrete lot it does not speak to that.

Merriam Walker asked how do you monitor the gravel area where people park.

Mr. McCorquodale said the City lets people park there and can be used by anyone who is going anywhere downtown.

Merriam Walker asked on your hours what are you offering to the people that walk into your establishment and want to rent the outdoor facility for an event. She asked what are the hours you are allowing them to rent.

Mr. Romero said currently it is going to be a daytime rental option between noon to 3:00 p.m. and then additionally the evening rental would be 5:00 p.m. to 10:00 p.m.

Merriam Walker asked what is their cutoff in town for noise.

Mr. McCorquodale said 10:00 p.m.

Merriam Walker said the rental would have to shut off at 10:00 p.m.

Mr. McCorquodale said there can be noise after 10:00 p.m. it just cannot exceed a certain level.

Bill Simpson asked in your agreement with your renters are they required to have an off duty security.

Mr. Romero said currently they are not requiring that.

Merriam Walker said if they serve alcohol it is required.

Daniel Gazda asked if they can sell alcohol because it is too close to the church is it not.

Mr. McCorquodale said he is not familiar enough with TABC licenses to know.

John Fox said if it is a private event you can bring your own cooler so he would think they have to have law enforcement there. Any city facility the City operates they require police.

Merriam Walker asked if it is an outdoor venue where are the restrooms.

Mr. Romero said those will also be included in the rental agreement.

Merriam Walker asked if it would be on the property or outside the property.

Mr. Romero said on the property.

Merriam Walker asked if it was Monday through Friday or Saturday through Sunday.

Mr. Romero said Thursday through Sunday.

Bill Simpson said there are a lot of questions yet to be answered on most of this. He asked if this discussion could be passed on to City Council.

Mr. McCorquodale said yes if the Commission would like a formal recommendation they can make that recommendation. He said he would use the example of parking. If the Commission said they want to recommend approval contingent on something like a parking agreement or something like that you could take no action or you could table it and want to see that parking agreement. It is up to you. The recommendation from this body can include those conditions. It can just be a recommendation to approve or deny it or you can take additional time to wait to ask them to come back with things that you feel are important enough that you want to see verified before you sign off on a recommendation to Council. The Council tomorrow night is going to call the public hearing for the Special Use Permit for one month from tomorrow night.

City Council's first meeting in May is when they would be acting on it so there is going to be one more Planning & Zoning meeting before the Council.

Bill Simpson asked if they list items for them to answer or to present to the City Council or to come back to Planning & Zoning then they can go over that again at their next meeting.

Mr. McCorquodale said yes Planning & Zoning has the option of either making a recommendation contingent on those being met sometime within the next month and if they are not met then Council would not get a recommendation from Planning & Zoning.

Bill Simpson said he would like for them to come back and present them that way they know what is going on.

Tom Czulewicz said he thinks there are two things that are critical. One is getting a written agreement with the church and the other one is to discuss with the Chief of Police what your plans are as far as the events and get a concurrence or approval from the Chief of Police that the whole concept of the events is acceptable.

Merriam Walker said her concerns are as what everyone else has already said but the noise because when this first venture started it blew out of control pretty quickly but it ended up being very presentable in downtown. There is a stage and they said they were going to possibly have bands. The next one is the lights. She said she did not see any lights strung across the artificial grass that was laid down so she does not know but the lights just for people coming and going and there has to be lights on that other patio.

Mr. Romero said that has already been installed, which was part of the original plan.

Merriam Walker said she was wondering what time of day do the lights go on. She said it is open and if you have a band out there and a rental going on you have all the lights on and the rental size 20 to 100 she is not sure of the conditions that come under play when you rent a space of how much space is required for that quantity of people for that type of venue.

Mr. Romero said he spoke with the Fire Marshal and they did not have any concerns with the outdoor space given that it was an outdoor space.

John Fox asked what type of food do they plan on serving.

Mr. Romero said they would not be providing the food.

Mr. McCorquodale asked if they would allow any type of food preparation there or would it have to be entirely catered.

Mr. Romero said entirely catered.

Merriam Walker said that means a food truck or a caterer who brings in food.

Bill Simpson said the food truck would have to park on the property.

Mr. Tom Cox owner of the location said they have had three venues so far that were within their use they were realtor gatherings and one of them was the Chamber of Commerce gathering.

They had 75 to 100 people and they did not have a problem with the parking. He said they did serve alcohol and they had the guys from H Wines provide it. It was not for purchase. It is not their interest to sell anything other than the opportunity for people to do baby showers, executive meetings and obviously provide for wedding receptions to play off the church. He said when it comes to noise, anything they are doing is subject to whatever the City requires so they would meet all those requirements. They have had music a couple of times and it was all acoustic.

Bill Simpson said they want to have guidelines so everyone is on the same page.

Mr. Cox said in his opinion the guidelines are there from the City and you can be this loud until this long and people figure parking out.

Bill Simpson said that is the problem.

Mr. Cox said he understands but he does not think they should be required to have some agreement with the church necessarily in order to get the permit to have a venue.

Bill Simpson said the problem is people need a place to park. They are already having feuds downtown about parking and if you are going to bring people in for your venue he can understand the people downtown that you are taking away from their establishment. So now, you come in early and then their people have no place to park. If parking is a problem and it is an issue then it is an issue with the venue.

Mr. Cox said he understands and he is working on some other stuff for parking for the City long term.

Bill Simpson said he understands but you can see when you have been down there on a Saturday afternoon. People can find places to park but usually it is not the best place to park.

Merriam Walker asked what is the special use permit length.

Mr. McCorquodale said they can either be open-ended in terms of the duration of them as long as the players are the same or they can be as short as one year. Ultimately the Council is going to set a time for that. He said they have never done a special use permit for an event venue but just to give you an example on others it is typically like a three to five year approval. If it is something that is a little unique and the City is willing to try it out, it can be for a year. There is a balance of trying to provide the predictability for someone to invest in a business you want to at least have a reasonably foreseeable path through it. There does not have to be a timeline but typically we have some timelines on in the past.

Merriam Walker asked if there is a cost to it.

Mr. McCorquodale said the application for a special use permit is \$500 regardless of whether it is granted or not and the fee covers the legal notice publication and the attorney's time to draft the ordinance that becomes the permit itself.

Merriam Walker asked if it is \$500 a year, \$500 one time.

Mr. McCorquodale said no that is just the application fee not a fee to hold the permit. There is no other cost beyond the legal notice and the attorney's time.



Merriam Walker said in our ordinance a police officer would make sure that anything they are doing like if it is a food truck they set on the parking lot it is part of what their agreement is in downtown Montgomery as to what it is and how much it is and if it can set there. She asked if they follow those rules.

Mr. McCorquodale said yes the code enforcement officer would definitely play the leading role in the enforcement of this or any other regulation whether it be sound or something like that.

Merriam Walker asked if they know when there is going to be something. Do they have to come to the City to tell us they are having a venue event.

Mr. McCorquodale said no you put the framework around the use itself not the individual activities.

Merriam Walker asked if Mr. Romero is going to work along with what else is going on in downtown like movie night, First Saturdays, bingo, and Sip 'n' Stroll on Thursday.

Mr. Romero said it is definitely something they can keep in mind.

Mr. Fox said the Cox family has done a great job with that building and we certainly want to work with you on this.

Merriam Walker agreed and said it is a nice building.

Daniel Gazda asked what is the event venue at Prairie and Butler.

Mr. Romero said the Chandler House.

Daniel Gazda asked if they have any restrictions and do they have an agreement for parking because there is not a whole lot of parking around there.

Mr. McCorquodale said they do not. They were a restaurant for a while.

Bill Simpson said the eight or nine spaces along their street is their parking and then they have some more spaces in the back.

Daniel Gazda asked if they have a whole parking lot in the back.

Bill Simpson said there is enough room for seven or eight cars around back but it is not much.

Daniel Gazda said it seems like a tough requirement to require from them. He said he agrees wholeheartedly it is an issue but it seems like a tough requirement to say you have to have this agreement in place to have our recommendation for approval. The City of Montgomery hosts many events and parades that bring a lot of people into town without additional parking available.

Bill Simpson said one thing he does not want to happen is they have a lot of stuff downtown. If you have an event at your place and those people come in and they cannot find a place to park they will never come back to your venue plus people going to Cozy Grape or the crawfish place

they come in from wherever to come to eat, they have to turn around and go home and they are never going to come back to Montgomery so we do have to do something and have something in place just to protect everyone.

Daniel Gazda said he definitely understands that concern.

Mr. Cox said they have onsite parking and then there is City parking throughout the area.

Bill Simpson asked if on the Thursday, Friday, and Saturday evenings, whoever is having the event can use your lot for parking.

Mr. Cox said if they come to some agreement sure if not, no. He said for example the crawfish restaurant does not have parking.

Bill Simpson said he is asking with you the venue has use of your parking lot.

Mr. Cox said 100 percent.

Merriam Walker asked if Pecan Shadows has another name going on the sign or is it already there.

Mr. Cox said it is not on there but would go on after.

Merriam Walker asked if there would be anymore signage or anything going to happen.

Mr. Romero said not that he knows of.

Merriam Walker asked if they want to do a list of what it is they need and then present it to City Council so they can go over it.

Bill Simpson said they can.

Merriam Walker said the first on the list would be parking, safety and security, hours of operation, lights, if they need MPD to coordinate with some of their events, and size of the rental.

Mr. Cox said they have no problem requiring security in the event alcohol is on site.

Tom Czulewicz said he also thinks they should get the Chief of Police involved.

Motion to table this item until the next meeting and request that the applicant provide information from the list they have put together and work within the City's ordinances and codes in order to achieve what the Commission needs was made by Merriam Walker.

Discussion: Mr. McCorquodale said he will take the list and give it to Merriam Walker and then also give it to the applicant to take steps to work on.

Motion was seconded by Daniel Gazda.

Discussion: Bill Simpson said this is not to pass but just to table until the City Council receives the information and then it comes back to Planning & Zoning.

Mr. McCorquodale said you will see it before City Council does at your May meeting and then the very next Tuesday is when Council will and have a hearing.

Bill Simpson said for item three they are going to table until the next scheduled Planning & Zoning meeting and would like for you in more detail to address the parking, safety and security, the hours, or cut off time in the evening of the hours, if you have a meeting with the Chief of Police to see if he has any concerns or suggestions to bring to them

**All in favor. (5-0)**

4. Presentation and discussion on a development proposal for 623 Old Plantersville Road.

Mr. McCorquodale said the applicant Ms. Tracy Boulware is interested in purchasing the five acre property and possibly a potential to subdivide.

Mr. McCorquodale said this is not a formal action item as there is no action needed. This is really for the potential buyer to get feedback from the Commission that will help inform her decisions going forward. Please feel free to talk about any ideas as these are all just ideas at this point. You will not leave here tonight with Ms. Boulware having any formal approval to do anything. This is just before she starts that process to get an idea of what the Commission thinks about the possibility of this.

Daniel Gazda said to confirm if this were to come back to them it would be in the form of preliminary plat for replatting as that would be their role in this.

Mr. McCorquodale said they would be looking at the variances needed that the Commission would have to weigh in on that would not be related to lot size. The next step in this if Ms. Boulware moves forward would be for the Commission to start looking at those routine things that are part of the development like plats.

Ms. Boulware said Montgomery is her hometown. She has been working with the real estate agent on this property and is very excited about it. She said she wanted to see what her opportunities are with it. It has some challenges but she thinks they are fun challenges and she looks at them as opportunities. Most notably would be the historic building. She stated she is a preservationist at heart. She said she has restored old buildings and homes in Houston Heights and outside of Bellville and New Braunfels. Ms. Boulware said it has been a bit of a passion and something she really enjoys doing.

Ms. Boulware said she wanted to find out what she could do with this building as far as first she would like to move it somewhere on the property. Where it is located at this moment is really awkward. She wanted to review those options and also explore the opportunity to break up the four acres into three or four different tracts that would be a nice home development and have what she calls the country setting in town. There are some ingress and egress limitations on it so she wants to explore those opportunities and is what she will be able to entertain doing within the framework.

Merriam Walker asked if this was Mr. Shockley's property.

Ms. Boulware said yes.

Merriam Walker said she thought they could not move that house.

Mr. McCorquodale said it is a city designated historic landmark which just means anything that is done to the exterior of the home does require the approval of the Planning & Zoning Commission so it is not that the home could not be moved or relocated on the property, it would just require the approval of the Planning & Zoning Commission and the City Council.

Merriam Walker said so it would stay on the property and not move over to Fernland or somewhere like that.

Mr. McCorquodale said the way he understands it is this would just move somewhere else on this same property.

Ms. Boulware said yes. She said there is a lot right there that faces the road so that it may have public access. There were some exciting opportunities that just came through today. It could be a host for preservation or Historic Society for offices for their utilization.

Merriam Walker asked which Old Plantersville's site would you use for access.

Ms. Boulware said if you look on the map it would be the one that says Joseph Shockley. There is a lot that is right there. She is calling it a lot and it is a pretty large size one. She would like to move it to that lot, which is ideal.

Merriam Walker asked if instead of putting a home there you should make it an entry to where you are going.

Ms. Boulware said that historic building would go onto that space, which is what they were looking at doing. It can be seen from the road and it is a beautiful building. It has a lot to offer but it also has its challenges.

Merriam Walker asked what she would do with the barn.

Ms. Boulware said they would turn it into a barndominium. This is a family project so a family member would be living there.

John Fox said so there is a lot that is part of that development adjoining it behind Mr. McCorquodale's house and asked if that is one of the tracts she is talking about.

Ms. Boulware said yes it is right there nestled between David Brown and Cheryl Campbell's house. She said how she wrote that out is she broke it down into numbers one, two, and three in red and the blue lines are ingress and egress positions. On the very front page it just says private drive and then lot 316573 is where she would like to move the historic building so it would actually be a road frontage property so it could be seen. If it is nestled behind those properties it is just really lost in her opinion. She said what they are looking at doing is they have to take it apart in two buildings to move it. It cannot be moved as is. She has already met with some folks that that is what they have been doing for a long time and it can be done. They just have to make sure they are following the letter of the law.

Merriam Walker asked if that is four lots, it will turn into four lots so three other additional homes would possibly be built.

Ms. Boulware said in the back they are looking at three possibly four lots. It probably is going to be three but she does not know yet. The barn would be on one lot.

Merriam Walker asked if she is thinking about a subdivision type home and if she is talking about the homes that are by Cedar Brake Park that you can drive beside the park yet if you go into these quote unquote patio homes there is a one-way in and a one-way out.

Ms. Boulware said it would be a shared driveway that would either run along the easement or the second entrance to the property there is a 30-foot driveway that is shared with David's. They have one and then on one side then this has the other. She was thinking if that would be a private road to the three or four properties. She was looking at either having it go between the Lone Star Cowboy Church and the lots or between the two houses in front of it.

Merriam Walker said the age of the trees that are on there she knows that in the City of Montgomery you cannot get (she forgets what it is called) but knows of a property where they came out and looked at the age of her trees so they protect her trees so they can never be taken down. She is just wondering on Mr. Shockley's property will that be adhered to as well like if the trees are a certain age they stay.

Ms. Boulware said a lot of them are cedar trees and a lot of them are past their lifetime. The ones that are salvageable of course but if they are dead or dying probably not.

Merriam Walker said there is one big pretty one.

Ms. Boulware asked if she was talking about the oak tree.

Merriam Walker said yes.

Ms. Boulware said yes that makes sense. It is very special.

John Fox asked if she has researched the driveway beside the Powell house. He said he was very familiar with the property. At the time Mr. Joe Shockley bought that property he was granted an easement which turns right in at that brick house which was the Powell house. There has been some controversy about that easement or not but he always understood there was. He did have easement to that old house.

Ms. Boulware said a listing agent gave her a copy of the deed and it does show the easement.

John Fox said as he understands the only restriction the City has for you to move the house on the property is that you could not remove the house but you can move it on the property. With the development if you had enough driveways you may not have to totally subdivide all that. He asked if she spoke to an engineer about how they might want to subdivide it.

Ms. Boulware said not yet as they are in the option period and it is a short one. She has only been able to gather a certain amount of information during this certain time.

John Fox said it would certainly be great to see her get that house because he is very concerned it is going to rot down and Joe Shockley put a lot of work into that.

Ms. Boulware agreed and said structurally it is in good shape. They would have to take it apart in two pieces but does not know if they would put it back together because that would not necessarily be historically accurate. The gentleman she spoke with did a lot of work with Mr. Shockley and said that he has done homes for 50 plus years and that is normal for that year to have usually the kitchen as an out building so they were looking at those opportunities and options on what is the best way to move it to keep it in its integrity but also to try and get it as historically accurate as possible.

Merriam Walker asked if she would name it a subdivision or would you just say there are three houses down there.

Ms. Boulware said she would probably just say three houses down there to be honest.

Mr. McCorquodale said when he says subdivision it is a subdivision. It is just a technical subdivision of land but not a description of a product or a specific type of house. It is just a subdivision of the land.

Merriam Walker said yes because her subdivision is called Sterling Heights but no one knows that she lives in Sterling Heights subdivision.

Ms. Boulware said it would probably be just a private road access and would need to review the opportunities and options on that as well.

Merriam Walker said she is glad to see someone that is from Montgomery looking at it and it makes her very excited to know that someone is going to take care with such history you have with Montgomery to make sure this stays something that is special to our historical Montgomery type feel here. She said she is very excited to hear about this.

Ms. Boulware said she likes to preserve and has a passion that is also financially beneficial. She is excited about taking on this project and being a part of it. She did not realize that one of her distant relatives Willis sold it and there are about three old buildings that are all from her ancestors.

John Fox asked if she has looked around in there to see all the stuff that is there to finish that house.

Ms. Boulware said she has seen some of it. It is in pretty great shape.

John Fox said copper sinks, air conditioning, all kinds of plumbing fixtures. He was kind of a fanatic as he would buy that stuff and bring it home with the intent of putting it in and of course now, which would really be great because he had two adult children and that house was awarded to their trust. It really needs to go forward.

Ms. Boulware said she went to church with them when they were all kids.

Merriam Walker asked Mr. McCorquodale if they bring this and say yes to it then it goes to feasibility or what happens next.

Mr. McCorquodale said based on your feedback to her tonight should be clear enough either you know we are not 100 percent opposed to this idea and if that is your feeling certainly let her

know if you think you see some daylight I will say to do a private drive it sounds simple there but there are hurdles in our codes we have to navigate to do that.

Merriam Walker said you would have to work with all the people that already live there.

Mr. McCorquodale said from the development side this would be just like a normal development that have to happen it is just that you know when you start that process it can get expensive.

Merriam Walker asked if it comes back to them anymore than what it is now or is this it.

Mr. McCorquodale said for the idea or the concept of this, this is the time. The next time you would see this would be for a formal approval in pursuit of this idea or concept.

Ms. Boulware said she is looking to see if she is going in the right direction and meets the City's approval. If there are any suggestions she would love to hear them.

Merriam Walker said she is so happy and cannot wait. She said it is going to be awesome if it is possible to move that home right out front on Old Plantersville Road so people can see it and thinks that is very cool.

Ms. Boulware said she thinks so too and she agrees. She said they have actually moved a house in the Heights but it has been a while since they did that. They moved it 20 blocks and restored it.

Merriam Walker said all those homes are cool. Mrs. Cummings lived in one and then she was born in the house beside it and then back there is Mr. Shockley. It is real Montgomery history.

Ms. Cheryl Campbell said she is the one who owns the right-of-way that was done in 1970 between two family members. She said it is a big concern to her to have a driveway of three or four additional houses going through her yard. She wanted to make that point and it will be something with the purchase of this property as you can see there are two other ins and outs that she will be purchasing on to Old Plantersville that is not her right-of-way.

Merriam Walker asked if there is two.

Ms. Campbell said yes there is one down in the curve and then there is that lot so she has two points of entry and exit. That right-of-way was only for the three acres not purchasing at all. She said she has young kids so it is a point of concern to have traffic, fire trucks, garbage trucks and whatever else going through her property as that was not designed for this purpose.

Mr. Brad Gillespie said he is only here because he is noticing on one of the sketches there is a line drawn going just to the side of his property there between him and the cemetery. He said he has plenty of surveys to indicate that he owns it all the way to the cemetery and he is confused as to why that is even a thought.

Merriam Walker asked if he could show them what he is talking about.

Daniel Gazda said it is the bottom left image.

Merriam Walker said the other she is talking about is that driveway that is between Cheryl Campbell.

Merriam Walker said she does understand what Ms. Campbell is saying.

Ms. Boulware said it is something they could possibly work through to make everyone happy. She said by no means is she trying to be an adversarial neighbor at all but it is an easement that she would be able to and so maybe they could come up with something that makes everyone happy. She would love to sit down and visit with you about that and see what they can come up with.

Tom Czulewicz asked if the piece of land that is connected with Old Plantersville Road is sufficient to be used as an access.

Ms. Boulware said it is 60-foot wide. (*inaudible*)

Tom Czulewicz asked so you could feasibly have that as an access.

Ms. Boulware said it could be but she would not be able to move the historic building onto that lot. Unfortunately though that was the thought process on that.

Merriam Walker asked why Ms. Boulware could not move it.

Ms. Boulware said if it were used as an easement to the back property then it could not be used.

Merriam Walker said but if you did move it you could go into that other driveway and it would come in behind it if that was what really happened. You still could have access, you still could move that property, move the historical home to the property you could just use a different entrance.

Merriam Walker said they are all about neighbors working with each other and deciding what they want to do.

Tom Czulewicz asked Mr. McCorquodale said 70 feet wide.

Mr. McCorquodale said the lot there should be 75 by 200 give and take a few feet.

Merriam Walker said it is more footage than the developments are trying to give them.

Tom Czulewicz said he wondered if the building could still be there and still be able to have a driveway go by it.

Merriam Walker said maybe not a driveway but maybe they come up the back way, move the building and stay away from the easement and use that back entrance.

Tom Czulewicz said there is no back entrance.

Merriam Walker said there is. She showed him on the map saying the corner right here when they come in right here off Plantersville Road. Again referring to the map, she said if Ms.



Boulware moves the historical home here and uses this as a driveway she could use the back side of it and go into all those other homes.

Tom Czulewicz asked if she could put the historical home on an easement.

Merriam Walker said no that is property.

Ms. Boulware said here is the lot and the blue line above it is the easement.

Merriam Walker said he has enough property there to put that house on there. It is just the easement that is right beside Cheryl's house.

Ms. Boulware said it is a shared driveway.

Ms. Cheryl Campbell said it is her property.

Merriam Walker asked what do they need to do.

Mr. McCorquodale said there is **no motion needed** as this is just a feedback session for the potential purchaser. This is a hard note that would influence her decision. It sounds like she has an understanding that there are obstacles around the property which is largely why it has been on the market the time that it has. There is a way through but there are some details that all have to be worked out. What the Commission should focus on tonight is if you support the idea in concept or let her know if you are opposed to the idea.

Bill Simpson said he does not think anyone is opposed; it is just there are some obstacles.

Merriam Walker said they are all for fellow members of the community coming together at a table and everyone making their own decisions in agreement so when you present it to the Commission we do not have to go through those obstacles of this neighbor or that neighbor. It would be wonderful if you could hop that obstacle fairly quickly up front. She said she is all about that old house moving as that old house is pretty. She said it does not need to be back there in the back.

Merriam Walker said she is saying yes and she likes the idea.

Bill Simpson said yes he wants to hear more.

Tom Czulewicz said he likes it too.

5. Consideration and possible action regarding approval of the preliminary plat for Lonestar Parkway Residential Section One. (Dev. No. 2404)

Ms. Jordan Montgomery said she was just made aware of this situation today. She said she is working on her PhD in history and does have a Secretary of the Interior qualifications as a professional historian and is also the Vice President of the Montgomery Historical Society and a part of the Montgomery Historical Commission. In addition to that she has also worked with federal and state governments.

Ms. Montgomery said she comes today to discuss this area and tell you a little of the history of that area. The area was settled by early pioneers where the first settlers to the area that became Montgomery, the City of Montgomery settled in the late 1820's to at least by 1830 they were there. There is talk of a trading post there, there have been artifacts that are there and also citation of graves there that are on land deed. The land deed records citing burials and amount on the site according to Montgomery County clerk records document 2023096232 submitted last year to Montgomery County that cites burials. Within that it discusses and says that the legal description number was sold by Jacob Shannon to Robert Simonton. It said accepting and reserving out of said survey 30 feet square at the mound including graves there being the burial ground expressly reserved for that purpose. This reservation was continued through several land deed records from 1848 to 1878. Somewhere in the middle it got lost in the ether but those were never sold from the time of the Shannons. According to State codes and federal regulations she is also kin to these folks. Margaret Montgomery was her fifth great aunt. As that, Texas law requires that any person who wished to visit a cemetery or private burial grounds where there is no public access shall have the right to reasonable egress over the property to visit the cemetery during reasonable hours according to Texas Health and Safety Code 711.041. The law also provided a process negotiating written agreement between property owners and those visiting access to cemetery without public access that will be filed and enforced by the Texas Funeral Service Commission, Texas Administrative Code 205.2.

Ms. Montgomery said in light of this history she would like to pose an archaeological review for this site.

Merriam Walker asked is there a reason you are bringing this up. Is there something fixing to happen.

Ms. Montgomery said that is where they are about to build all those houses.

Mr. Darryl Herbert a retired engineer said he has worked with the National Forest Archaeology. He said he picked up archaeology as a hobby and has really concentrated on Montgomery County. He has given local talks around here at the libraries and Walker County Historical Society. He said his expertise is looking at lidar digital modeling. You can pick up from these lidar road signatures and potentially housing squares or foundations as such. He said what he did when he was asked to look at this property was go through all the land records of 20 some documents, that is not his expertise but built spread sheets and did as much detail as he could to try to come up with and what he had done is with the maps that show this area which was the Owen Shannon 220 acres which was part of a 600 acres of Clark's. What we are going to picture here is down by the creek there were 600 acres along the creek this side of the creek of 149 and to the east there are 600 acres then he divided it up. This is all John Corner. He did 600 acres and Shepherd took his 200, there was a Clark he kept 200 and then in the middle was this 220 acres. In 1835 they divided it in half and sold the west half of the 220 and that is where the exception that Ms. Montgomery is talking about. Based on that, there is 110 acres that he can plot and that would be the 110 acres that was in there. There is a 30 square foot mound that was reserved for graves. The other thing is when he looked at these signatures he narrowed it down to the head of the spring and actually since 2018 had been filled in by someone. It has already been scraped and disturbed somewhat and that is what brought attention to that area. He said Bill Ray and him have been working on it and he said he actually found three iron stakes that were about 30 feet apart so you can imagine maybe at some point someone went in put them in and maybe the last corner was gone. He has a hard time now recollecting exactly where it is at. They have been trying to get together working on it. He actually lived out there in the 1940 era.

He said he had taken an ariel and used Google Earth. Part of the documentation is that land and now he is using the (*inaudible*) survey calls which back then were poles placed 33 feet. He can very accurately measure the outline of the 110 acres and in the 110 acres he is looking for anything from a square or a mound. He could see where the head of the spring was. Right there at the head of the spring looks the most attractive that he would think it is where the graves would have been and also a very typical site for early settlers. There is some documentation that Owen Shannon moved there and potentially started trading there. A year later he died after he moved there but he traded properties around. His actual land grant is north of Town Creek but he was on John Connor. He then bought that 220 where his home was, sold one half, kept one half for his mom in 1846 and he and his mom moved toward Dobbin where he opened a trading post. He said it has a lot of historical value with that aspect being kind of almost like their place where they came in they set up then they bought it then he got his land grant approved and by then he had passed on and his son also got a land grant over towards Dobbin so he moved his mom over to the land grant over there.

He said that is what the kind of history of it is. The spring is very historical in that respect being out on the prairie and he used to have his buffalo out there. He thinks part of that had water but it actually was not a very big spring but very small.

He said that is the history and the documentation that he has done to say this is your best spot.

Bill Simpson asked is this the red line you have here in section one or section two.

Mr. Chris Roznovsky, City Engineer said if you are looking at the plat it is somewhere along that back property line. He said he thinks it is generally this area around the sub street on the preliminary plat and it is section one.

Mr. Herbert said where it has been scraped it is right around there.

Mr. Roznovsky said a lot of that dirt work is on the neighbor property.

Bill Simpson said no one knew about this when Mr. LeFevre bought all this property.

Ms. Montgomery said this is new research she uncovered.

Bill Simpson asked when did you start researching this.

Ms. Montgomery said she uncovered a lot of these documents and just took a course in local history. She has done a lot of research, 250 page papers of private sources.

Mr. Herbert said the story for Montgomery is in the 60's and 70's he worked with another group History Taskforce he is part of. They went into his old house and they digitized all the papers. He actually had work done on this in the 70's. He was hot on the trail interviewing older citizens and they thought they had an idea of where that Own Shannon grave was. That was before they put a tombstone in the New Cemetery. The tombstone in the New Cemetery is not where he is buried. What he read was it was so overgrown in that area and the lady he was visiting with said they could not get back there so they ended up just putting a marker gravestone for an early settler but his work shows that exact stuff that is showing, he pulled those maps with the old 220 and 200 acres and went through every deed. He said he has his work that he researched to find that area. It appeared it just never got followed through and then now was just lost for this long.

Ms. Montgomery said it has been known in theory, it has been passed down and discussed but these primary source documents have not seen the light of day until most recently because they have done a lot of preservation efforts.

Merriam Walker asked what are you asking us.

Ms. Montgomery said she is hoping for an archeological review of the area just before there is development so they can see what is out there just to make sure before a critical part of the City of Montgomery's history is lost.

Merriam Walker asked how long is an archeological review.

Ms. Montgomery said 90 days.

Merriam Waker asked whose expense would this be at.

Ms. Montgomery said they can do fundraising and get it together.

Merriam Walker asked what pressure does that put on the developer as they have already moved forward for us to be presented with the plans. Is this something you have talked with the developer about.

Ms. Montgomery said no they have not had a chance to as she just found out about this today, but inciting specifically those graves and those State codes that brings the burden of proof that it does at least need to be reviewed.

Mr. Roznovsky said the Womack Cemetery did an environmental assessment and are obviously a lot further along than this group who has not. They do not own the property as of yet, they are still in the feasibility period. In Redbird they did an environmental assessment and they identified the grave site so that is coming out as a separate reserve when they get to plotting that section so it is protected, it is not disturbed, and it is broken out as access.

Merriam Walker asked is it that little grave site on Womack Cemetery.

Mr. Roznovsky said correct. Once it is identified, set apart, and determined it has to be set aside either if it is on one of these lots, that lot either has to change or move or lose the lot. He knows there is another site on what they had sent over earlier today that looks to be closer to the pond that is existing out there. Again, he is going based off his phone as he is sitting here. It could be in their drainage reserve and open green space which again he thinks the same logic applies as far as not disturbing the access. They are not at the construction plan stage as they are in the feasibility state and he thinks this is obviously the perfect time to discuss this because they are nowhere near putting dirt on the property.

Tom Czulewicz asked what would be the effect of their action today whether they approve or disapprove the planning.

Mr. Roznovsky said the preliminary planning is just a planning tool so it tells them for this development specifically. In the past there have been preliminary plots submitted on this property years ago. Council and Planning & Zoning have approved a variance for lot width and lot size on this property back in March. This document does not. This does not get recorded in the County and this does not actually set any property boundaries or right-of-ways. This just gives them the planning tool of saying this is generally the concept for them to refine and prepare construction plans off of. It is not an approval of construction plans; this is not an approval of the plat so you are not actually locking any of these in. This is more or less a well-defined concept plan at this point.

Bill Simpson asked how long do you need to do your study.

Mr. Hebert said he does not know. It needs a GPR (ground penetrating radar), test pits, shovel test, an area defined to do it. He said he is not an expert on that but this is where it would be an archeologist saying this is the project proposed, this is where we will dig, this is what we are going to look at. First is finding the money to do this.

Bill Simpson said that is what he is saying. They could be a year out at the most with funding.

Ms. Montgomery said yes. She worked section 106 reviews federal government with the Alabama Coushatta Tribe of Texas. Normally those assessments come in and they show what is there already to show burials, what is on the atlas, the archaeology atlas but with this we will need to do a ground penetrating radar potentially. The fact that this is so critical to the history of the City of Montgomery and finally discovering this and putting this to rest she thinks before the development could also add a property value to the place and showing that it is a historical place.

Bill Simpson asked if there is any legal involvement.

Mr. McCorquodale said yes he spoke with the city attorney today. The State of Texas gives very clear rules for platting property. The local government code also says that a city may not impose any additional studies or conditions or any other type of requirement on a plat other than what is prescribed in State law. He said while he does not know the veracity of the claims, it is not his role to judge on that. What he can advise you on is the platting process. State law gives a city 30 days to act on a plat and if it meets your rules and criteria which these plats do, then they should be approved. We have not been in a situation where now no one is going to jail if we do not approve these plats tonight but I will have to follow up with the city attorney because this will be the first time that he is aware of that the City would not have met the time.

Bill Simpson asked if they approve the plats then it is out of the Commissions hands.

Mr. McCorquodale said his understanding from the attorneys is whether the Commission approves or does not approve the plat tonight it is not something the City plays a role in. We have our historic preservation ordinance and there is a process for adding a historical landmark and that would be a process that would run separate and apart from platting because it does not have anything to do with the subdivision of land. If it is certainly the Commission's right to not approve a plat and to suggest or to require an archaeological review the reality of it is you could require the developer do an archaeological study but from his understanding again this is based off one phone call with the attorneys who are trying to get up to speed on something just as fast as the rest of us are there would not be any teeth to that motion. In other words you cannot compel a developer to do an archaeological review because we now have certain documents. The veracity of these claims aside it is just simply not what the Commission is looking at tonight. The Commission is tasked with a review of this plat which has been reviewed by the engineers and approved by the engineers saying that it meets our requirements. The City just simply does not have the tools to create our own process for platting or to create a special situation and that is exactly what the State legislature several years ago said that cities were not able to do.

Tom Czulewicz asked Ms. Montgomery based on the information you have already pinpointed; do you have any legal method to require the developer to allow you to go on the property to do a geological study and is there a legal process for that.

Ms. Montgomery said yes there is a legal process for people to visit the site of the grave.

Tom Czulewicz said but you have to identify where the grave is.

Ms. Montgomery said yes and that has been identified on the Texas State Historical Atlas.

Tom Czulewicz asked if you would have legal methodology to go to the developer and say you can develop all you want but I get access to that site.

Ms. Montgomery said absolutely. She said that is part of what she is going to pursue but she hopes for the City of Montgomery that there was some way to at least look at these other potential archaeological sites. As far as the grave sites are concerned, yes that is part of why she did the filing for the unknown graves that is public information that is up there with the Texas Historic Sites Atlas and it is also with the Montgomery County Clerk and that has been filed.

Merriam Walker said as a Commission they really do not have the power to what the request is for item five and six although you have my sympathy in finding a historical location of where there is a burial site and how precious that is. She said she does not know what they can do to help you do that but as a Commission they are just here to look at the plat and would hope the developer would take into consideration as it is not like he is on that piece of property right now to developing it right now and maybe there is some communication and whatever legal rights you have to communicate with that developer. She said she does not know the rules and it sounds like you are qualified to make these statements but even so if they did find the grave site, if it is historical it would have to have a plat.

Bill Simpson asked if they found an area that needed to be broken out then that would have to be replatted, the whole subdivision.

Mr. Roznovsky said between now and the final in the disturbance he is checking and they have an archaeologist on staff to get his thoughts as far as the owner and if it is disturbed what that opens up. He thinks a lot of that will fall on today's point. A landowner, not a plat necessarily.

Tom Czulewicz asked is it correct that the developer does not own the land yet.

Mr. Roznovsky said he believes he is still in feasibility. They are still going through the due diligence process on purchasing the property from the current landowner.

Bill Simpson asked if the dimensions of the lots are pre-development agreement or the new.

Mr. Roznovsky asked if he meant showing on the preliminary plots.

Bill Simpson said yes.

Mr. Roznovsky said these are the dimensions of the lots after the variances were approved back in March.

Tom Czulewicz said these are 55 foot.

Mr. Roznovsky said correct. He said they were originally 45 by 120 approved a couple years ago.

Ms. Montgomery asked Mr. McCorquodale when he spoke with the city attorney if he mentioned the Texas Antiquities Code.

Mr. McCorquodale said no.

Ms. Montgomery asked so he was not aware of that.

Mr. McCorquodale said he is not an attorney so he is not going to say what he is or is not aware of. The only thing that he asked him about in that phone call is what the obligations are as they relate to State law around platting because that is all that is on the agenda.

Merriam Walker said she appreciates this being brought to their attention because they did not know.

Tom Czulewicz said he supports their effort.

Merriam Walker said items #5 and #6 they are not going to do anything on. Do they need to say anything or do anything to move past items #5 and #6.

Mr. McCorquodale said they will need recommendations to approve the preliminary plats.

Daniel Gazda said they will see this again for the final plats hopefully by that time there is additional discovery.

Mr. McCorquodale said they will see the final plats.

Mr. Roznovsky said Council has to approve the construction plans for the development and that will be on a posted agenda. He said they are an easy six plus months out from when that happens.

Bill Simpson said they do not even own the property yet.

Mr. Roznovsky said correct.

Bill Simpson said they have time.

Mr. Roznovsky said correct.

Mr. Roznovsky said they are not trying to ignore any of this. It is what they are allowed to do as a body and then making sure that the land owner and potential developer and everyone is aware of this and the proper steps to take.

6. Consideration and possible action regarding approval of the preliminary plat for Lonestar Parkway Residential Section Two. (Dev. No. 2404)

Mr. Roznovsky said section one has 95 lots, has met all the variances requested, and they have no objection to it. He said it is the same thing for section two with 75 lots total. This does not approve construction; it does not actually get the recorded plat. This is just approving the preliminary land plans so they can continue with their feasibility study.

Daniel Gazda said on the curves they are 54 feet and asked if that is a foot below what he thought they approved and is that acceptable.

Mr. Roznovsky said on the corner lots you are allowed to measure at the 30 feet behind the building line on those pie-shaped lots.

Daniel Gazda asked the green space required; say only section one is built out the green space would be met within just the section one. It looks like there is a majority inside section two.

Mr. Roznovsky said there is and now that you say that he questioned if they looked at that independently. It is a one to one compensating green space for every one foot reduction in lot size below 9,000 square feet. They met it as overall and he just cannot remember. If you look on the green space needed under the table there is one on each plat so it says 88 lots less than 9,000 square feet is required for 155,000 square feet. They are providing 214 in section one

and then 24,000. In section two that table is at the bottom left corner and required 77 providing 91.

Motion to approve the preliminary plat for Lonestar Parkway residential section one and section two was made by Tom Czulewicz and seconded by Daniel Gazda. All in favor. (5-0)

7. Consideration and possible action on approval of the Final Plat for Montgomery Bend Section Two (Dev. No. 2203)

Mr. Roznovsky said this is the final plat and is the document that would be recorded with the County and they will set the actual building lines, right of way, and reserves as shown on the plat. These construction plans have been previously approved by City Council and construction is primarily complete for this section. The plot includes 88 single family lots and meets all the previous approved ordinances part of their development agreement.

Mr. Roznovsky said the other major thing a part of this development and their development agreement is they are required to pay impact fees which will tie into the next item. At the time of platting the way the ordinance is written is most developments will pay their assessed at the time of platting and due at the time of connection, so paid with each lot. What the City did for Redbird and this development is they have in the agreement they pay that up front. As soon as this plat is approved by both this Commission as well as City Council and gets recorded, the developer has 10 or 21 days to deposit \$300,000 into the City's account.

Daniel Gazda asked if this is the one with the variance on the street width.

Tom Czulewicz said yes.

Mr. Roznovsky said it should be 28 foot. They are not required to show the pavement width on the final plat only the preliminary but it is 28 foot pavement width. The street width variance is Redbird.

Tom Czulewicz asked if this is all the 45 foot lots too.

Mr. Roznovsky said that is correct.

Motion to approve the final plat for Montgomery Bend Section Two was made by John Fox and seconded by Daniel Gazda. **The motion carried with 4-ayes and 1-nay vote by Tom Czulewicz. (4-1)**

8. Discussion and provide comments to land use assumptions, capital improvement plan, and impact fee update provided at March 5, 2024 meeting

Mr. Roznovsky said tomorrow night City Council plans to call a public hearing which based on the timeline will not happen until May. At the Commission's next main meeting is when you will provide your written recommendation to Council as to approve or disapprove or make changes.

Tom Czulewicz asked how they based the assumption on the number of future connections.

Mr. Roznovsky replied based on the land use assumption.



Mr. Roznovsky said he just received word from their staff archaeologist that it is the responsibility of the land owner to make sure they do not undertake any negligent work. Being made aware of it is a land owner responsibility. He said if it was a publicly funded project, which this one is not, it would have to follow all of the archeological guidelines. When the City did Texas Water Development Board projects a few years ago since there were federal and State dollars coming in all those projects and those routes had to get clearance as when we put the waterline in by the wall at the community building.

Tom Czulewicz asked if Mr. Roznovsky would call Ms. Montgomery and let her know that.

Mr. Roznovsky said he would.

Mr. Roznovsky said if you look at page 10 of the report there is a table on water demand which says based on GPD for dwelling unit. Essentially we said that for commercial we did it by acreage for single family and for multi-family we did it based on the number of estimated units on that property.

Tom Czulewicz said the reason he asked the question was because we do not have in some of those on the planned use. We have planned development and some of that is commercial, some of it is industrial and some institutional. Since we do not have any development plat or anything that is why he was asking.

Mr. Roznovsky said on the plan development when the original plan development was created in 2004 there was a general plan that was produced with that and so we use that as a basis or what is known to be.

Tom Czulewicz said current zoning regulation is 75 foot by 120 foot lots. Are your assumptions based on that.

Mr. Roznovsky said on the future land use plan he believes it was broken down into two classifications. There is high density and low density residential. Low density residential we assume 75 foot lots. For high density residential we are going off of lots per acre. That was considered based on the future land use plan if it was high or low, but it was not this one is a 55 this one is a 65. It was 75 and greater or less than 75.

### **COMMISSION INQUIRY:**

Merriam Walker said she would like to set a date where they can look at the paint and submit that to the Commission to see if we can agree on a possible color scheme for what we believe will make it easier for them to make selections.

Tom Czulewicz said he sent everyone the recommended lighting for them to look into.

Bill Simpson said they can try and look at those next month.

### **ADJOURNMENT**

Tom Czulewicz moved to adjourn the meeting at 7:53 p.m. Daniel Gazda seconded the motion. **All in favor. (5-0)**

Prepared by: \_\_\_\_\_ Date approved: \_\_\_\_\_

Diana Titus, Deputy City Secretary

\_\_\_\_\_  
Bill Simpson, Vice-Chairman

Attest: \_\_\_\_\_

Dave McCorquodale, Director of Planning & Development