

# MINUTES OF REGULAR MEETING

May 7, 2024

## MONTGOMERY PLANNING AND ZONING COMMISSION

### CALL TO ORDER

Chairman Simpson called the meeting to order at 6:15 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:

None at this time.

### CONSIDERATION AND POSSIBLE ACTION:

1. Consideration and possible action on the March 5, 2024 Regular Meeting Minutes.

Motion to approve the minutes as published was made by Tom Czulewicz and seconded by Daniel Gazda. **All in favor. (5-0)**

2. Consideration and possible action on the April 8, 2024 Regular Meeting Minutes.

Motion to approve the minutes as published was made by Tom Czulewicz and seconded by Merriam Walker. **All in favor. (5-0)**

3. Discussion on a proposed site development proposal along Pond Street south of Eva Street by Lone Star Christian Academy.

Mr. McCorquodale said there are several different site layouts provided in the packet. He has asked the applicant to provide information on everything he has.

Mr. Mike Roe at 12802 Lake Shore Drive, Montgomery said he is proposing the Lone Star Christian Academy site build. They are proposing a 13,500 square foot building. They are currently in a 7,800 square foot strip mall off of Clepper Street and have simply outgrown it as they are at capacity with the children and teachers.

Merriam Walker asked where the outside play area is. Mr. Roe said if you go to scheme 3A in the packet they are marked as porches. He said they will have two outside play areas. One will be on the back side of the building that is partially covered and then the rest will be fenced in and have mulch. It is 450 square feet for the older kids. At the bottom of the page in the middle of the building is a 105 square foot play area for the smaller kids.

Merriam Walker asked if the other porch is a real porch.

Mr. Roe said yes.

Tom Czulewicz asked if the front entrance will be on Pond Street. Mr. Roe said the entrance will be on Pond Street right across from First National Bank. He said they have spoken with the bank and they will turn in whatever they need to for allowing them access. Mr. Roe said they are approved with MES for bus pickup and drop off which is why they made their parking area a turnaround versus just a turn in and back out.

Merriam Walker asked if they have figured out how to exit to the right and go out between Phil's and the bank. Mr. Roe said they have. If you turn to the next page, which looks like a survey right now, they did not put the design in on Pond Street because of the overhead power line. They have been in contact with Entergy and at their cost, they would pay to have the line moved underground. They have an easement on the property line as well so once that is moved they can widen the access coming out. There would be two ways out. It would not be divided; it would just be a wider radius turn for both ways onto Pond Street.

John Fox asked if he was proposing to come out onto SH 105. Mr. Roe said no. If you turn right you will go toward fields, if you turn left you will go toward the dental office to SH 105. There will be no exit to SH 105 directly. Merriam Walker said because if you do turn there the people exiting your school would have to know they can only turn right at that stop sign. Mr. Roe said that is correct.

Tom Czulewicz said you mentioned you spoke with the bank. Did you speak with the owners of the house that are in the corner you are half surrounding. Mr. Roe asked if he was referring to the small lot up front. Tom Czulewicz said no on the west side of the cutout there is a large house that shows on the arial view. Mr. Roe said that is addressed at 502 Louisa and they are under contract. They are buying this entire property. Tom Czulewicz asked if that is including where the house is. Mr. Roe said yes. Tom Czulewicz asked if he is looking for that to also be commercial. Mr. Roe said no.

Merriam Walker asked if it is all going to be fenced in. Mr. Roe said yes. Currently there is an eight foot fence. He does not know if they would keep that, just depending on any requirements there may be from the City. He said he would rather not have an eight foot fence but there will be some type of fence. The property that goes along the side of the house they would like to propose to fence completely off and make it two lots, keeping the one residential and the other commercial.

Tom Czulewicz said the red line on the survey should go north. Mr. Roe said it should yes but right now that happens to be the two lots on the survey.

Tom Czulewicz said the portion you would request to change the zoning from residential to commercial would not include that parcel. Mr. Roe said no it would not. He said it is surveyed right now at 1.69 acres which includes the cut out. The smaller lot with the house is .86 acres and would essentially make it one acre and 1.5 acres to keep it simple and that would be fenced. If required they would do a landscaping barrier in between the commercial and residential lots.

Merriam Walker asked Mr. McCorquodale if they change it, once they change it, can it go back and forth. Mr. McCorquodale said generally no, not without going through the whole zoning process. He said only a small portion 50 x 50 is zoned commercial so this would be a rezoning.

If you have one commercial zoning district no matter what the land use is it is allowed in the commercial zoning district by right. Rezoning is rezoning and is not tied to any one plan. In terms of the process this would be a recommendation from the Commission. If you felt like we could support the idea of a rezoning then that would give Mr. Roe an indication of whether or not to apply for a rezoning. As Mr. Roe mentioned, it sounds as if he wants to subdivide the property and the zoning could be in contingent on a subdivision. Ultimately, it is a City Council decision.

Merriam Walker said in the area in the back side where the bigger portion of the covered porch is for smaller children she sees two things. The first is there might be a hole there like a pond and the second thing is the little strip of land that possibly has trees on it, in your forethought if you need to expand is that what this extra land is for or that is just the way it is surveyed. Mr. Roe said it is just the way the land is surveyed as they have no intentions of expanding that way commercially.

Merriam Walker asked if that is a water hole. Mr. Roe said it is a pond. Merriam Walker asked if he would fill it in with water and would they see if it is sufficient enough to withstand a building being built on top of it.

Mr. Roznovsky said as far as the whole site this will be a normal commercial site development. He said they would have to develop plans and do drainage calculations. He said they do not typically get into the suitability and foundation design.

Mr. McCorquodale said they do require an engineer foundation so their engineer would have to accommodate for that. We are one of a handful of cities that have ever been known to ask for a soils report in addition to a foundation that is sealed by an engineer.

Tom Czulewicz said he thinks Mr. Roe should redraw his submission to emphasize the portion that is going to remain residential because right now it is confusing. He thought Mr. Roe was asking to change 80 percent of it if it was not cut off to commercial. Mr. Roe said he will do that.

Tom Czulewicz said he likes the idea of moving it into the City and providing the additional services for the children. He thinks that is great.

Merriam Walker said her only concern would be the size of the road and turning a bus. She asked if Mr. Roe knows approximately how many cars come and go in there. Mr. Roe said he does not know. Merriam Walker said she was just wondering because that traffic flow is busy. Tom Czulewicz said it is also coming out of Pond Street onto Liberty Street right by Phil's. He said he thinks that area needs a real traffic study.

Mr. McCorquodale asked Mr. Roe regarding the bus drop off if he was referring to school buses going to his place. Mr. Roe said yes. Mr. McCorquodale asked would they stop on Pond Street and the parking lot here would not take a full size bus. Mr. Roe said no. The drop-offs they have now are some of the after care and they have a couple of special needs also. It is not a big bus that comes and they do not come every day. When they come to Clepper Street they come on Tuesdays and Thursdays and they come around 2:30 p.m., are in and out in an hour, and there are two kids. They have reached out to all the schools to see if it was another accommodation they could give and MES is the only one that would even entertain it. He said he does not know if they would need it or use it but it is an option.

Merriam Walker said so they cannot circle so in the event of a bus turning they would have to turn by fields. That bus would be very compromised if it was turning by the gas station to go down that thin street so it would make it safe to open the door to let the children exit off if that was the case if it is a regular size bus, but a disability bus is a smaller bus. She asked Mr. Roe if that is what he is saying. Mr. Roe said yes. Merriam Walker asked if it can make the turn. Mr. Roe said yes.

Merriam Walker asked Mr. McCorquodale if that was the question, if it was a full size or small size bus. Mr. McCorquodale said he was just wondering if it was a large bus that stops like a normal school bus that drops kids off and stops in the street on Pond Street. He said obviously the smaller vans would be able to handle it. Mr. Roe said the other option they could have is provide buses to pick the children up but that is quite a liability on them. He said it is not an idea they will not consider, but it is a liability they would definitely have to look at if they provided busing.

Merriam Walker asked Mr. Roe when he spoke to the bank were they taking about giving you more property or the easement. Mr. McCorquodale said Pond Street right-of-way ends at the south edge of the Circle K property. They would probably tell you where there is a prescriptive right or easement to the land. He said the title company would need a formal easement from the bank just because the City has never had to deal with sorting out why Pond Street is not in the right-of-way. Mr. McCorquodale asked if the Commission is open to the concept of seeing another round of site plans that delineates the residential side from the commercial side and if that is the direction the Commission wants to go.

John Fox said he thinks they need to have a city evaluation of both Pond and Louisa Street. There is no turnaround at the end of Louisa in your redevelopment. He said if you could, include some type of a turnaround. The street is in bad shape and there is no way in and out of there.

Mr. Roe said the little sliver area going toward Louisa which they spoke about fencing off, that is not an option that is off the table. He did not know about using that as an exit or entrance from commercial and keeping it residential or he did not know if it would be better to cut that off and separate the commercial from residential. It is definitely an idea they could take to rendering and have them draw up to see. He does not know if that would need to be zoned as commercial.

Merriam Walker said that is moving forward with the Commission saying they are on board with what you are proposing. It would not be a complete yes. It would be you giving them more information for the final decision. You are here tonight to see if as the Zoning Commission this is a possibility and favorable that they would pass it on to the City Council if needed.

Mr. McCorquodale said no formal motion is needed on this item. He said from the staff side they are going to look at Pond Street to come up with a high level view of the traffic situation there and different ideas and Mr. Roe has some information to bring back from his team.

Tom Czulewicz said an option is if there was a way to use Louisa Street with an entrance as an access on the residential section. His concern is he has been in and out of Phil's many times and there is a lot of traffic that goes by there. For that time of the day he thinks that will create a real traffic jam. It was more amenable to be able to come in Louisa and exit Louisa onto SH 105. He thinks Mr. Roe should look at both options of Pond and Louisa Street.

Cheryl Fox said it was her understanding that Louisa Street would not be sold as commercial. Mr. Roe said regarding 502 Louisa Street, they have been back and forth with Mr. Barrett Mitchell for nearly a year about buying the entire property. Mr. Mitchell informed them that 502 Louisa, the house had a conditional commercial zoning for professional use for his office. That is why they want to keep it completely separate and they have no intentions of trying to turn it into commercial. His original thought was to put a fence up and keep that entire property residential. As far as a right-of-way if they needed to put a road through there he has no problem proposing that.

Bill Simpson said they are giving Mr. Roe the go ahead to keep on going to be able to give the City more information on the next steps.

4. Review and discussion of a Feasibility Study for a proposed 86-acre single family residential development by Morning Cloud Investments/Solid Bridge Construction (Dev. No. 2403).

Mr. Roznovsky said this feasibility study was presented to City Council at their last meeting.

This developer is proposing looking at 65 foot lots with 246 in total with full city services. From a water capacity and water connection standpoint it would connect on both ends of the property where Red Bird Meadows is putting in a 12-inch water line on the high school side and there is an existing 8-inch water line on the Old Plantersville Road side. One thing they would recommend for this development and the next is the City to proceed with the pump edition of the water plant as well as proceeding with the design of water plant number four.

Regarding the sewer capacity, this tract is low in the middle. Their recommendation is to have one lift station in the center of it to serve the entire property. They would be responsible for that cost as well as a force main to extend out of there. Their recommendation is they would pump all the way around to the Lone Star Cowboy Church to bypass lift station four or five so they are not pumping multiple times and having to upgrade those facilities.

Mr. Roznovsky said regarding the overall sewer capacity the City has awarded Halff and Associates to begin design of the sewer plant project. They are in the negotiation phase of getting that expansion underway.

Mr. Roznovsky said you will see a summary of the cost associated between the impact fees, the offsite improvements, and estimated escrow in order to cover the cost of the development at \$1.4 million with the bulk of that being about \$800,000 for the impact fees based on your current rates.

Mr. Roznovsky said based on this land plan they are looking at \$400,000 for a home which is a total of \$94 million in taxable value. The City does offer a homestead exemption of 20 percent. Their assumption would be that 95 percent of those homes would request that exemption. From an annual tax revenue full built out based on your current tax rate you are looking around \$357,000 to \$360,000 a year in additional ad valorem tax.

Merriam Walker asked for how long. Mr. Roznovsky said it is indefinite but the \$94 million is subject to change.

Mr. Roznovsky said this property is partly located outside the city limits so annexation would be required. One thing to note is the property was partly in the Dobbin-Plantersville CCN which

was part of the 2011 settlement between the City and Dobbin-Plantersville that excluded this portion so the City is able to serve the property.

Also, another thing to note is based on their land plan there would be variances that would come back for lot width, lot depth, lot area, and side yard setback. None of those have been approved or requested but based on what they are proposing today that is what they would likely be asking for.

Mr. Roznovsky said this is the same developer that was looking at the Stewart tract on Lone Star Parkway that was proposing a PID – a public improvement district to help fund some of the infrastructure via an assessment to the property owners versus a tax. Conceptually they would be looking at some type of reimbursement mechanism here similar to a PID.

Mr. Roznovsky said the big issues on this are traffic and considerations. The County Thoroughfare Plan has a north/south corridor and an east/west corridor going through this property. The north/south corridor carries all the way up to Lone Star Parkway and continues on to FM 1097 west. The east/west corridor comes from this property to FM 149 then over to FM 2854. When you lay that out on the property it would cross right through the pond at Womack Cemetery Road and you have to cross the railroad. They talked with the railroad and as expected they will not allow another grade crossing unless you remove two. In order to put a grade crossing at Womack you would need to close down both Old Plantersville and Old Dobbin Plantersville, which is not feasible. On page 72 of the report there is a drawn in blue line, this is high level rough of making that north/south corridor just continue on to be the east/west to create a connection between Lone Star Parkway and FM 149 through that property.

Bill Simpson asked if that is a projected future south loop. Mr. Roznovsky said no. The south loop is on page 72 and page 73 is a more zoomed out view, a cutout from the County's Thoroughfare Plan. This south loop would be somewhere around that NR 210.

Bill Simpson said page 73 is more realistic. Mr. Roznovsky said correct. He said 72 the blue line is more realistic than if you are looking on page 73. It is not really labeled but the Westway Drive where that extends through and keeps going south as well as the NR 21. It is a combination of those two streets but making them smaller. The County has proposed on their plan for the north/south roads 100 or 120 foot right-of-way so a four lane boulevard section for a major thoroughfare. With this not continuing south and turning, their recommendation is they make it a 36 foot wide pavement so a center lane and two turn lanes could be a median. It could be a center lane and an 80 foot right-of-way.

Bill Simpson asked if the developers are aware that these may be going through there. Mr. Roznovsky said that is the point where they are with it. They had a call with the developer last week related to the road so they are looking at other options on how to route through and around the site. One thing they have to be considerate of is the railroad. One proposed solution they came up with was to extend Westway Drive and put it on Old Dobbins-Plantersville Road cross the railroad tracks improve, cross the railroad tracks again and they get out.

Merriam Walker asked who is the ultimate person who says no and is it conversations between you and the developer. Mr. Roznovsky said no.

Mr. McCorquodale said ultimately that would be Council. He said this is like a Buffalo Springs size road. It is not a major road like Lone Star Parkway but is nonetheless an important road through the mid-eastern side of the City.

Merriam Walker asked if the overpass would be over just the railroad tracks. Mr. Roznovsky said no just a road.

Tom Czulewicz asked what are the improvements on Buffalo Springs going to be like where Home Depot is at. Mr. Roznovsky said it is going to be exactly the same. The proposed section of Buffalo Springs is it is wider at SH 105 because we have additional turn lanes but once it gets past the entrance behind Discount Tire it is going to be a 36 foot wide concrete pavement section.

Tom Czulewicz asked if that is going to go all the way to Lone Star Parkway. Mr. Roznovsky said right now it stops at the northern boundary of Home Depot as part of their funding agreement is their funding up to that point and is on the City's Capital Plan as well as trying to get conversations with funding sources between the County and State funds because it is such a connection between FM 1097 and SH 105. Currently the proposed plan will stop.

Water and sewer capacity is always an issue as a city growing like Montgomery is. The biggest thing with this property and probably the next feasibility study as well that they will talk about is that thoroughfare as that feasibility study is on the same route.

Bill Simpson asked with this and the next one coming up are there any traffic studies on what these are going to do to SH 105. Mr. Roznovsky said they would be required to do that. It is a TxDOT governed road so any type of improvements or changes or additional connections of traffic they would have to study it. Right now until that east/west road is extended to FM 149 all that traffic is going on to Old Dobbins-Old Plantersville Road which is not the best road.

Mr. Roznovsky said what they think is extremely important is that east/west corridor especially getting to FM 149 to Old Plantersville so that traffic is not coming out right here but has the outlet to get to SH 105 or FM 149 without hopping on Old Plantersville Road.

Mr. Roznovsky said they are still in the early stages with the developer and the next steps once they come to an agreement and the City comes to an agreement on the roadway development is they have to go through annexation.

Tom Czulewicz asked as this one goes forward will they see a traffic study completed. Mr. Roznovsky said correct. Mr. McCorquodale said they would likely already be looking at various recommendations and development agreements so the traffic study would come out of some component of that.

5. Review and discussion of a Feasibility Study for a proposed 108-acre single family residential development by Tri-Pointe Homes Texas, Inc. (Dev. No. 2409).

Mr. Roznovsky said a lot of the water and sewer issues are the same here but he will point out the differences. This property extends all the way from Lone Star Parkway to a very small portion at SH 105 where Westway Drive and Nappa is. As a reminder they have looked at feasibility studies for both of these properties over the year. Most recently the northern portion was looked at by the same developer they talked about in the last feasibility study but the

southern portion has been looked at two or three times over the years between different developers and different names.

Mr. Roznovsky said in this development they are looking at it has 90 foot lots, 136 of them across this 108 acres and likely they would not be looking at variances for 90 foot lots.

Water and sewer in terms of the plants are the same that they talked about continuing to expand those that are underway. One big difference is lift station number five and how this is actually served.

The approximate value of this project is about \$700,000 per home based on the information by the developer and is approximately \$115 million which should generate \$440,000 ad valorem tax to that full build out assuming current rates.

The biggest driver in the cost of this project is lift station number five. Right now if you are heading out of town right before you get to Napa there is a lift station there and it is old, in rough shape, and does not have the capacity to take on this additional development. What is included in this study is to relocate that lift station on their site. On page 86 is a copy of their land plan. They would redo Westway Drive and expand it as the north/south through the neighborhood so Westway Drive would be that connection which is what they talked about previously as that north/south corridor between Lone Star Parkway and SH 105 and then ultimately FM 149.

Mr. Roznovsky said on page 85 there is a proposed lift station site in the middle that is off of that new Westway Drive. The size would be made deep enough so all of this development will go to it and all the existing flow going to lift station number five would go to that lift station. That is a major cost as it is a major facility. For this development they would only use about 35 percent of that capacity that is needed. It is definitely a case for cost sharing or some type of agreement with them since you know it improves, rehabilitates, and replaces the existing infrastructure for this City. They obviously have to add capacity for them but they are only a portion of the overall capacity of that station.

Tom Czulewicz asked if they are proposing taking up the cost for relocating the lift station. Mr. Roznovsky said they would carry that cost. There is not an agreement in place but that is the next step for them to talk about approaching the City for a development agreement to share in that cost or at least give them some credit elsewhere, but none of those details have been ironed out at this time.

Mr. Roznovsky said as far as water goes they will extend the 12 inch water line along Lone Star Parkway. It currently ends in front of the community center and they would extend it to the front of their property and extend that 12 inch water line through their property so we would be able to close that loop because the entire west side of the City is served by a single line. This would allow a shorter route as it will loop it to come off the Lone Star Parkway. As the City continues to develop it will continue along Lone Star Parkway to tie into Emma's Way to close one big water line to help with pressure redundancy flows on the west side of town.

Mr. Roznovsky said drainage is a big consideration. They will have to do a drainage impact analysis as there is a lot of flood plain on this property they will have to deal with and this is shown on their land plan.

Tom Czulewicz asked if they are calling this Town Creek Crossing.



Mr. McCorquodale said that was an error on the map.

Merriam Walker said the blue line on page 86 where they are showing the homes there is a lake detention and then a little blue line. She asked if that is the water line he is talking about. Mr. Roznovsky said no that would be the flood plain. There is an existing creek that runs through and goes between the stadium and those front commercial reserves and then out to the storage facility.

Daniel Gazda said one integration they saw was a gated community and that would not be possible if they were to consider Westway as their thoroughfare. Mr. Roznovsky said that is correct. That is part of the developer's ongoing look to see how they want to address that. Obviously, there is concern about having a thoroughfare go through the development. Taking it from the full thoroughfare down to a smaller street helps but that is part of what they are looking at.

Daniel Gazda asked if this will require annexation as well. Mr. Roznovsky said on page 98 is a copy of the zoning map. The small section between the school property behind Midsouth would require annexation.

6. Consideration and possible action on calling a Public Hearing to be held on June 4, 2024 regarding a proposed amendment to Chapter 98 of the City Code of Ordinances.

Mr. McCorquodale said there was an application for a special use permit for an outdoor event venue at the last meeting. Council denied calling the public hearing for the special use permit which effectively denied the application. However, Council's indication was they felt that type of use maybe should be considered to be allowed. He and Mr. Palmer then looked at crafting a definition and what sections of the code they would need to amend. This information is included in your packet.

Bill Simpson asked why their considerations were not taken and did they feel they did not need a special use permit for an event center there. Mr. Palmer said he does not want to speak for Council but thinks in the conversation he was part of that he heard they thought it should be permitted anyway because this use would be fitting in the commercial district. The councilmembers that commented did not understand why this was coming to them.

Tom Czulewicz asked if they are then saying it should be permitted. Mr. Palmer said he got the sense they felt it should be permitted yes, but the ordinance does not allow it and that is why they are bringing this forward tonight.

Bill Simpson asked if they are trying to narrow the special use down for the event center. Mr. McCorquodale said they are trying to distinguish what a small event venue would be. A couple of things that seemed important was it needs to be a secondary use or an accessory use to something that is already going on at the property. He said the ordinance would be to amend two sections of the code and they would add a definition and make clear what the use is. They would then amend the table of uses and put that under B commercial.

Mr. Palmer said all you are doing is adding a use to a district that is not currently allowed and in his opinion should be allowed. He thinks this activity should be allowed for the commercial district as a principle use.

Merriam Walker said that is not how it was brought to them. She said they have changed their definition of what they wanted to do in that spot since day one and it evolved and changed every single time they came before them. Mr. Palmer said you can take that out of it as he is saying in general, philosophically do you want to allow a small event venue in your commercial district.

Merriam Walker said the new place that has jazzy blue color on it that use to be Pecan Hill they do have a patio that was built and they have had functions with music. Bill Simpson said the owner is putting that on. It is not an outside organization having an event.

Mr. McCorquodale said the action tonight is just to call a public hearing and after that you will form a report. Between this meeting is an introduction and the next meeting is where they will have a recommendation to present to Council. Staff recommendation is to add a definition to amend the table of uses.

Tom Czulewicz asked what the wording would be to announce this to the public. Mr. McCorquodale said the State of Texas requires them to publish a legal notice for it. He said he was not intending on any kind of special notification process other than the public notice and the agenda publishing.

Tom Czulewicz said he thinks the consensus of the Commission was the big problem is parking. He said they continue to not address parking in the Historic District. Mr. Palmer said they would still have to meet all the other standards and regulations. He said he knows it is hard to separate the actual project from the rezoning. Think about this purely from a zoning standpoint from a text amendment standpoint.

Daniel Gazda said they are not talking just specifically about 504 Caroline but about all B commercial district.

Daniel Gazda asked as Montgomery is growing should they consider a large event venue description at some point. Mr. Palmer said he thinks they can duck tail that into this whole recodification project and that would be the right time to put that in there. Daniel Gazda said he does not think it is a priority at this moment but is better to have it done before it is requested.

Motion to call for a public hearing to be held on June 4, 2024 regarding a proposed amendment to Chapter 98 of the City Code ordinance at city hall was made by Daniel Gazda and seconded by Merriam Walker. **All in favor. (5-0)**

### **COMMISSION INQUIRY:**

Merriam Walker said they have addressed several times about the current location of the trash dumpsters that are in downtown and nothing has ever been resolved. They still have big trash bins out on the main throughway when you drive down FM 149 in front of all those shops. Tom Czulewicz said the thinks they should require they be fenced in. Mr. McCorquodale said they still do not have a regulation he can find in print that says they can compel someone to screen it. He is sure there are steps they can take but does not know what they are.

Merriam Walker asked if they can look into that and address it. Mr. McCorquodale said he can bring the information back to the Commission to discuss.

John Fox said every time it has been brought up the issue has been they lack an ordinance as they do not have one in place to cover it. Mr. McCorquodale said if they adopt an ordinance those then become a nonperforming use so they change when the site changes or the owner changes. Even an ordinance does not solve what they are looking at now.

Bill Simpson said but it could change if the owner changes, sale of a property. Mr. McCorquodale said he does not want to say he knows for sure on that.

Merriam Walker said they will look for the information Mr. McCorquodale has for them and move forward from there.

Daniel Gazda said they do have the paved samples they have gone through. This has been six months' worth of conversations. He stated he is not sure what the necessary process is to get this out as a recommended source of proposed colors. He knows at this point they can only propose items for the next agenda but is not sure if it needs to go on an agenda or if it is something they can put out. Mr. McCorquodale said he can send it to him and he will determine what the best way is to move it forward.

Tom Czulewicz said he sent Mr. McCorquodale one on lighting also.

Merriam Walker asked regarding the signs in downtown where there has been one at a gated mobile home place and then how soon after the elections do the signs come down. Also, she asked if the sign out in front of the barbecue place on plastic legs with a red arrow is an approved sign to be sitting out front of that establishment for this length of time. Mr. McCorquodale said he does not know the answer. Merriam Walker said she is just wondering if their ordinance person lets the people know it is time. Mr. McCorquodale said if they are on private property they do not touch them.

### **ADJOURNMENT**

Daniel Gazda moved to adjourn the meeting at 7:23 p.m. Merriam Walker seconded the motion. **All in favor. (5-0)**

Prepared by: \_\_\_\_\_ Date approved: \_\_\_\_\_  
Diana Titus, Deputy City Secretary

\_\_\_\_\_  
Bill Simpson, Chairman

Attest: \_\_\_\_\_  
Dave McCorquodale, Director of Planning & Development