

## MINUTES OF SPECIAL MEETING

September 10, 2018

### MONTGOMERY PLANNING AND ZONING COMMISSION

#### CALL TO ORDER

Chairman Nelson Cox declared a quorum was present, and called the meeting to order at 6:02 p.m.

Present: Nelson Cox, Jeffrey Waddell, William Simpson and Carol Langley

Absent: Arnette Easley

Also Present: Jack Yates, City Administrator  
Susan Hensley, City Secretary  
Chris Roznovsky, City Engineer

#### VISITOR/CITIZENS FORUM

Any citizen with business not scheduled on the agenda may speak to the Commission. Prior to speaking, each speaker must be recognized by the Chairman. Commission may not discuss or take any action on any item, but may place the issue on a future agenda. The number of speakers, along with the time allowed per speaker may be limited.

1. Consideration and possible action regarding variance requests regarding Louisa Lane Development as requested by the Developer, as follows:
  - a) to allow the use of Hot Mix Asphalt Concrete instead of concrete;
  - b) to allow the use of open ditch drainage throughout versus the use of curb and gutter;
  - c) to allow a variance from the required 300 feet minimum radius to 205 feet radius; and
  - d) to allow setting the maximum length for a dead-end cul-de-sac street to 1,000 feet with another 600 feet in front of the gate instead of the required maximum 800 feet.

Mr. Roznovsky advised that this project is to be a gated private street with large lots, so having the large lot feel, the existing surface of Louisa Lane is asphalt with an existing roadside ditch that they will be tying into. Mr. Roznovsky said regarding the turning radius at the dead end of the street, the developer's engineer has gone to the County Fire Marshal and gotten their official or unofficial approval stating they have no objections to what is being proposed. Mr. Roznovsky said it is really more a question of what is being proposed, and whether the Commission has any questions or issues with the project and also the idea of the private gated street.

Mr. Roznovsky said the packet included a letter from L-Squared describing the variances that essentially states the same thing that they have stated, copy of the preliminary site plan that has 18 lots with a cul-de-sac at the end and two exhibits that are from the Feasibility Study that was presented to City Council that shows where their tract is located.

Mr. Roznovsky said the discussion at the City Council Meeting was regarding this street being extended in the future to a future collector street that runs east/west. Mr. Roznovsky advised the future collector street is shown as an orange line, and there is a thought of connecting Louisa Lane to that future collector street on the Thoroughfare Plan. Mr. Roznovsky said the discussion at City Council was mixed, with some thinking that it was a likely idea and some were concerned with through traffic. Mr. Roznovsky stated that City Council did not make a decision that night; it was a discussion item.

Mr. Roznovsky advised the variances that are being requested are in relation to having a private street with asphalt and open ditches and a dead end street.

William Simpson said with this being a private street, what would be the chances that the City will ever have to take over the private streets regarding maintenance. Mr. Roznovsky said that would be part of their HOA or whatever they set up, and it does not mean that in the future, they might ask the City. Mr. Yates advised the roads will be built to the City standards even though it is a private road. Mr. Jonathan White, Engineer, advised the assessment on the annual fee for the HOA will be for common maintenance in the first few

years. William Simpson asked how the realtor or developer gets the information to the home buyer that they are going to be responsible when they are buying the home or prior to, because he knew there was a lot of discrepancy in Lake Creek Village where they were really not known that they were private streets and now it is being thrown upon them. Mr. White said the home buyer is provided with surveys prior to closing and even at closing that shows this is a private street. Mr. White said the deed restrictions and HOA Manual shows they are responsible for that maintenance and that fee. William Simpson asked to confirm that there would be HOA guidelines and deed restrictions for the homeowner prior to purchasing the home, so they should do due diligence prior to purchasing the home. Mr. White said it should be part of the property management association responsibility to uphold those funds and deed restrictions within the HOA guidelines. Mr. Roznovsky said Lake Creek Village does not have a gate so it is hard to distinguish what is public and private, but here they will have a gate and it is a clear delineation. Mr. White said they were trying to make it as clear as possible on the plat that the streets, drainage and facilities will be privately maintained.

William Simpson asked about the drainage and if something in the private ditch is obstructing the City's drainage, because the water will flow that way, does the City have any say on making them do something. Mr. Roznovsky said yes, because it goes back to the laws that a property owner can't change or prevent the flow. Mr. White said within the City of Montgomery's dedication on the plat states that the City does have the right to come in and make the repairs on private or public easements. Mr. Roznovsky said even with it being a private street, Public Works and the City will have access on the easements and the road; they just will not be responsible for the road.

Jeffrey Waddell said with that being gated does tend to make it lean more toward being private. Jeffrey Waddell asked if anyone owns the land yet for future expansion, and would that possibly be a phase two of this project. Mr. Roznovsky said, just so it is clear on that, it is not an easement, it is just a proposed sketch of what could happen, there is nothing existing. Mr. Roznovsky said all the property south is owned by the Mabry family and they do not have a plan to connect through. Jeffrey Waddell said the water flow is to the

south and there is a retention area, and he was sure that the drainage would be well planned out. Mr. Roznovsky said the drainage is going to continue south across that property, so there is an existing swale or natural creek that runs that direction. Mr. Roznovsky said the pond would be private so the things that the HOA or POA will maintain are the roads, the pond and whatever drainage or construction they have and amenities that they have, such as the gate, etc. Jeffrey Waddell said that regarding the lots that back up to Worsham Street and the old treatment plant, they just need to make sure that they are not pushing water onto that area. Mr. White said there is actually a lot of that from Worsham and the water plant and Becky Huss' property flows through this development, which they already did a preliminary analysis of that offsite flow, and by Texas Water Law they will have to accept that offsite flow at the same rate as it is today. Jeffrey Waddell said he wonder about the street coming in the width of the existing Louisa Street, and asked about the width of the new street coming from the gate. Mr. Roznovsky said what they are proposing is back to the current City standards, 50 foot right-of-way with a standard width street that will be wider than the existing Louisa Street. Jeffrey Waddell said the two homes on the right are actually becoming part of the existing houses, so they are aware. Mr. White said one of the homes is owned by Chris Cheatham and the other is Josh Cheatham's that sit on their own lots.

Jeffrey Waddell said the width of the existing Louisa Street is 15 foot and one thing that might come up later, while it is not part of the property, is can that road handle the traffic increase for the number of homes in the project. Mr. Roznovsky said they are only talking about 17 homes, which is really not a lot and he thought that eventually the road will need to be improved, no matter what happens. Mr. Roznovsky said regarding the impact of this development he does not see much traffic, and the flip side is if the City says no and they do want to make this a through street, and it is a public street, then definitely Louisa Lane will need to be upgraded. Jeffrey Waddell said the new portion will be a lot wider than the existing street, and they may have some questions regarding that so they might need to have some answers to that question. Mr. Roznovsky said the problem with the existing street is also the right-of-way, which is maybe a 30-foot right-of-way. Jeffrey Waddell said the homes that are going in are large homes and they will probably have two to three

vehicles per home so the traffic coming through and the road may require some improvement to make everyone happy. Mr. Roznovsky said improvements need to be made on the private road to SH 105, but not because of this development. Mr. Roznovsky said if this was a through street then most definitely he would say they need to improve the street sooner rather than later. Jeffrey Waddell said they noticed in the paperwork that anything under 30 homes does not require an ingress and egress, so it falls in line with what Mr. Roznovsky is saying but he just felt that is going to become an issue.

William Simpson asked how is that street going to hold up to all the construction traffic and if something does go awry and causes damage to the street, how is that handled between the City and the developer. William Simpson said that street is asphalt and there is going to be a lot of heavy equipment running back and forth on that street. Mr. White said they will be managing the construction process and the City will be monitoring that also, and they will be more than glad to video up and down that street to insure activity on both sides. Mr. White said they will have one drop off of equipment and the equipment will stay on site until the project is complete. Mr. White said when they are dropping off materials for water, sewer and drainage it will be one time and he did not see a lot of back and forth traffic daily traffic other than workers. William Simpson said he thought most of the traffic on that street will be when they are building the homes versus when they get them up. Mr. White said there is a small reserve strip that is 10-15 feet wide that runs in the back and touches Worsham Street, so if there is a need, maybe the daily workers could have a temporary road or something that will filter through there if Louisa is creating too much traffic. William Simpson said he thought that will probably be the main concern of the people living on Louisa.

Mr. Yates said that one of the things that was brought up in the City Council Meeting was not to use Worsham Street as any sort of access for any traffic. Chairman Cox asked what they would suggest that they do if they are not going to use Worsham. Mr. Yates said they would use Louisa Street. Carol Langley said there were other streets in the City that are maybe a little bit wider than Louisa and construction travels up and down them all day long, so she did not know that Louisa Street would be any different than some of the other

streets in the City. Carol Langley asked if Louisa Street was the smallest street in the City. Mr. Yates said it was not the smallest street. Carol Langley said even with the construction that has been going on at College Street, College Street is not holding up as well as you would like to think it is, but it can be fixed because it is on the edges where the larger trucks have caused damage. Jeffrey Waddell said it was not like they have manicured lawns along the road on Louisa Street. Mr. Roznovsky said if there is damage that occurs they will already be doing asphalt work on Louisa, so they could patch up any damage caused during construction, and said he did not think that would be much of an issue.

William Simpson moved to approve the four variances as presented regarding the Louisa Street development. Jeffrey Waddell seconded the motion.

Discussion: Carol Langley asked Mr. Yates to make sure that City Council understands that they did discuss this item quite a bit, that they did not just make their decision in two to three seconds like they seem to think sometimes. Mr. Yates said he would convey that information. Carol Langley said thank you.

Jeffrey Waddell said that Mr. Roznovsky had brought up a land swap possibility over near the water, and said he did not know if that would be part of this. Mr. Roznovsky said it was still on the table and offers are being discussed, between trying to swap a portion of the Water Plant #2 site with a portion of property somewhere else in the City to be used. Mr. Roznovsky said by the Hills of Town Creek and Emma's Way, they deeded two acres or so to the City as part of his development agreement for a future water plant and elevated storage tower. Mr. Roznovsky said the thought currently is that whatever land is given away at Water Plant #2 is swapped with an equal amount of land or possibly equal in value amount of land over by that site or somewhere else in that vicinity to offset so the City gets the same benefit. Mr. Roznovsky said what they discussed with Mr. White and Mr. Josh Cheatham was that we leave enough left over property at Water Plant #2 so if, in the future, they need to construct a second ground storage tank they can at that site, and will give the City some flexibility so they don't completely lose all flexibility at the Water Plant #2 site. Mr. Roznovsky said there is a lot of land there that has no plans to use, so being able to

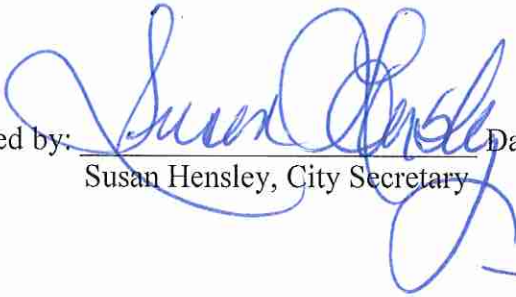
benefit and get a developed lot out of it and also expand the site that they are going to need or could use more space at, they are still going through options. Jeffrey Waddell said there are plans for water and sewer lines in that area. Mr. Roznovsky said that was correct, and said the thought with the water is that where it currently comes out at the Water Plant #2 site, where Houston Street dead ends, is that gets extended out to Louisa so they create a waterline loop so now Louisa Street is not only served off of SH 105, but it is served from the water plant site, as well, to help with pressure and flow and if anything happens they will still have water.

The motion carried unanimously. (4-0)

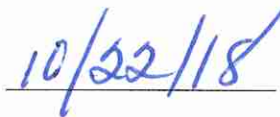
2. Adjournment

William Simpson moved to adjourn the meeting at 6:28 p.m. Carol Langley seconded the motion, the motion carried unanimously. (4-0)

Submitted by:

  
Susan Hensley, City Secretary

Date approved:



  
Chairman Nelson Cox

