

**MINUTES OF REGULAR MEETING**  
**December 28, 2015**  
**MONTGOMERY PLANNING AND ZONING COMMISSION**

**CALL TO ORDER**

Chairman Nelson Cox declared a quorum was present, and called the regular meeting to order at 6:00 p.m.

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

Absent:

Also Present:         Jack Yates, City Administrator

**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.

No comments were made.

**CONSIDERATION AND POSSIBLE ACTION**

1. Discuss/take action regarding November 23, 2015 meeting minutes.

Carol Langley moved to accept the minutes as presented. Jeffrey Waddell seconded the motion, the motion carried unanimously. (5-0)

2. Presentation regarding proposed 67-acre development located north of the intersection of SH105 and Westway Drive.

Mr. Glynn Fleming, Associate Engineer, advised that this is a 67-acre development located on the west side of town, north of SH 105 and Napa Auto Parts. Mr. Fleming advised that a couple of weeks ago he had attended a pre-development meeting with Mrs. Marjorie Cox, developer, as well as her engineering team, and at his suggestion Mrs. Cox has opted to come to the meeting this evening to review their rough land plans and development.

Mrs. Cox introduced herself, and said that she and her father, Mr. John Cox are part of John W. Cox Partners, LTD, and they have developed properties in the Montgomery County and Galveston County area over the years. Mrs. Cox said that they had pinpointed Montgomery as a great place to live and develop. They came across this tract of land several months ago so they had several meetings with Mr. Yates and Mr. Fleming to present some different ideas and to see what City services might be available regarding water and sewer connections. Mrs. Cox said that she also wanted to discuss what Mr. Yates and Mr. Fleming perceived were the market needs within Montgomery. Mrs. Cox stated that they were not at the platting phase, but at the discussion phase and she was wanting to get some input from the Commission on the development.

Mrs. Cox advised that both she and her father were long-time residents of Montgomery County. Some of their projects included the 38-home development of Stewart Hill, which has a taxable value of \$5.7 million, and a 150-home development of Canyon Creek in Conroe that has an approximate taxable value of about 28 million. Mrs. Cox said that they are looking for other projects, so they came across a 67-acre tract in Montgomery that was for sale, with 40-45 acres inside the City of Montgomery and 27 acres in the City's extra-territorial jurisdiction ("ETJ").

Mrs. Cox advised that they had submitted an Application for Services to City Council on December 3, 2015, so they will be looking at the availability to add on the development to water and sewer services, and whether there was adequate services or whether they would need to add additional infrastructure to make that happen. Mrs. Cox said that she has had several meetings with other EDC's within Montgomery County and they selected the City

of Montgomery because it is such a nice community with a good school district they feel like there would be a high demand within the area.

Mrs. Cox advised that out of the tract of 67 acres there are low lying areas in the middle of the development as detailed in the handouts, which leaves about 44 acres of developable acreage. Mrs. Cox said that they needed feedback from the City before they spent more time and money on surveys and land plans.

Mrs. Cox said that at first look, it seems that it would make sense to leave the development as is and develop the acreage that is higher ground and work around it. Mrs. Cox said that they have another development in Conroe where they had to move about 7,000 loads of dirt. Mrs. Cox said in this case if they do not have existing streets to tie into, then they could potentially leave those low lying areas alone and make them into amenities, such as, walking trails, parks or other features. Mrs. Cox advised that they would have to look at putting in a bridge or large culvert to get to the back of the development, but they will have to see after further review what can be done there.

Mrs. Cox said that out of the 67 acres, they have about 44 acres of net development acreage, with 16 acres for recreation and 8 acres for detention ponds, one in the front and one in the rear of the property. Mrs. Cox said that initially they had looked at apartments and townhomes because they feel that there is a demand for that price range in Montgomery. Mrs. Cox said that there was a slight slowdown in the economy at this time, based on the price of oil, so they could push forward and try to bring it to apartment developers, but they have some interest from developers to build townhomes. They would like to get feedback from the City.

Mrs. Cox said that there was not a lot to offer people in the \$160,000 - \$200,000 price range. Mrs. Cox advised that instead of apartments they could put in 70-90 townhome lots, and then on the back acreage they could put in 100-120 single family homes. Mrs. Cox said that they could have 75-100 foot lots that it is currently zoned for or 60 foot lots that might meet the demand that is more prevalent in the market right now.

Mrs. Cox advised that through their market research they feel that there is a demand for housing in the \$160,000 to \$350,000 range. They feel that the \$350,000 and above market is potentially saturated throughout the County. Mrs. Cox said that all the information that she has researched shows that Montgomery County will continue to grow through 2040, with 1 to 1.2 million residents in the County overall. Mrs. Cox said that she would like to provide housing that would fit into the City of Montgomery. Mrs. Cox does not want to over build, but would like to have something that fits into the community esthetically and bring good value to the community.

Mrs. Cox advised that if they looked at developing a townhome project, they would look at developing in 2016 through 2017, and then 2017-2018 would be construction of the single family phase one. Mrs. Cox said that the property layout from SH105 would have 10 acres of townhomes or apartments, with the single family homes in the back of the property.

Mrs. Cox said that they were also looking at potentially putting in a new street, and if the City of the property owners adjacent to the tract would be interested in closing their existing streets. Currently they don't have three entries within 100 feet from SH 105, for safety reasons and engineering benefits. They have a preliminary layout that shows the development of townhomes and single family residences.

Mrs. Cox said that depending on the configuration of the tracts, the access from SH 105 or other streets, the topography and drainage, they feel that they could get in 64 to 72 townhome units that would be 1,400 to 2,000 square feet each, priced at \$160,000 to \$210,000. Mrs. Cox said that the townhomes would allow for home ownership in a price range that is not currently available. Mrs. Cox said that the exterior and rear views of the structure appear to be a 2,000-3,000 square foot single family residence, which would fit in with the 75 foot lot size for the single family zone. Mrs. Cox advised that the HOA would maintain the front landscaping and restrict street parking. The monthly payments for the townhomes would be \$900 to \$1,100 and with taxes and insurance a resident could move in for \$1,400 to \$1,800. Mrs. Cox said with between 70 townhomes and 105 potential single family residences, the approved taxable value would be in the range of \$32 million for the

City of Montgomery, Montgomery School District and the Hospital District. Mrs. Cox provided some videos of a comparable project, Creekside in The Woodlands. Mrs. Cox advised that the Creekside sales of the 24 units went faster than they expected and were sold within 12-18 months.

Jeffrey Waddell asked if typically the landscaping for the front and sides of the property was done by the developer. Mrs. Cox said that the suggestion is that the developer would do the initial landscaping, and then there would be an HOA that would maintain the property.

Mrs. Cox said that she has seen a lot of townhome communities that have a lot of cars in the street that detracts from the view, plus causes a safety issue as well, so they will have restrictions. Jeffrey Waddell clarified that there would be a 2-car garage per townhome unit. Mrs. Cox said that was correct. Mrs. Cox clarified that the HOA could have a restriction limiting the amount of days that visitors could park on the street, such as 48-hours. Mrs. Cox advised that this was all a concept for the purpose of receiving input from the City.

Mr. Ed Shackelford, City Engineer, asked whether there would be a firewall between the two townhome units. Mrs. Cox advised that there would be a firewall between the units, because they would be two separate units.

Arnette Easley asked about the recreational areas and whether they would only be parks. Mrs. Cox said that they would look to input from the builders, residents and City Council. Mrs. Cox stated that at their development in Conroe they have a walking trail with a fire pit so they could do different things there. Mrs. Cox said that they could also do picnic areas and park areas. Mrs. Cox said that they have not envisioned a swimming pool or community center, but certainly it is very early to make any of those decisions. Arnette Easley said that he has seen communities that have a small catch and release lake area.

William Simpson asked about the one access to the property coming from SH105. Mrs. Cox said that they had a discussion earlier and the Montgomery ISD owns a 1.2 acre tract between the tract itself and the street by the Methodist Church. Mrs. Cox said that they would be meeting with Montgomery ISD next week to see if they have an interest in selling the property. William Simpson said that could become a busy street at that location. Mr. Yates asked how far Lone Star Parkway was from the north boundary of the property. Mrs. Cox advised that it was approximately 400 to 600 feet away. Mr. Yates asked if they would be interested in platting where the street would run from SH 105 to Lone Star Parkway. Mrs. Cox said that they had talked about that and they could approach the adjacent landowner to see if they would have an interest in selling or conveying an easement. Mrs. Cox said that she had sent a letter to the property owner, but has not heard anything.

Mr. Yates asked if Mrs. Cox was aware of another developer in town that has a similar development with a common wall with a three car garage that is in the \$240 to \$270 range who has had problems selling his units. Mrs. Cox advised that she was aware of that project, and said that she felt they would be able to appeal to a different market with the pricing from \$160,000 to \$210,000.

Mr. Yates asked if Mrs. Cox was concerned with the access to SH105 and being so close to Old Plantersville and the school. Mrs. Cox said that they would do their due diligence to work through that issue. Mrs. Cox said at this point there is Westway Drive that they could access, or they could propose a third street and close down the other two streets. Mrs. Cox said that they would have to work with the City and property owners.

Arnette Easley asked whether the townhome pricing would be a standard across the board pricing, or would it vary with upgrades. Mrs. Cox said that it would be up to the builder when they come in, but typically it would be a base price and then there would have prices for upgrades. Arnette Easley asked about the materials and whether they would be durable. Mrs. Cox advised that the materials were very important, in Caney Creek they used Hardy Plank and World Brick. They use good quality materials and it is up to the residents and HOA to maintain them.

Jeffrey Waddell asked if the combination would be the siding and stone or brick as an accent. Mrs. Cox said that was how they usually designed them.

Chairman Cox said the only thing that stood out to him was emergency services access to the property, with one way in and one way out. Chairman Cox said that he would like them to explore that issue. Mrs. Cox advised that they would explore that with the Montgomery ISD and the property going to Lone Star Parkway.

William Simpson asked the City Engineer and the City Administrator how this development would affect the plan for future water and sewer services, and whether this development was included in that plan. Mr. Fleming advised that Mrs. Cox had already submitted her application for service about two weeks ago, which initiated the Utility and Economic Feasibility process. Mr. Fleming advised that he was underway with that information at this time which he will wrap up and present at the first City Council Meeting in January. William Simpson said he knew they had Kroger and several other developments, which are on the agenda today, and asked how far that would press services. Mr. Fleming advised that was a very important piece of the puzzle and they are working on that information so that they can give them and the City some definitive answers before they get too far down the road.

Jeffrey Waddell asked about the greenbelt and said that could be a very nice amenity, and he sees it as positive with drainage in the area a key element. Mrs. Cox advised that they were still in the early due diligence phase, so before they progressed with any design they needed to get input and feedback from the City as to whether they were open to these type of improvements before they dedicated anymore time and resources to the project. Mrs. Cox thanked the Commission for their time and consideration.

Mr. Fleming advised that he was working on the Utility and Economic Feasibility process, which will be presented at the first City Council Meeting in January. Mr. Fleming advised that he would send a copy of the findings to the Commission as well. Mr. Fleming stated

that will largely determine from Mrs. Cox's standpoint what is or not feasible for them. Mr. Fleming said that one of the biggest questions that came up during their pre-development meeting and led him to suggest the presentation to the Commission was the concept of the townhomes. Mr. Fleming said that it should be a good product, and something that the City might be lacking in the area, but given some of the conversations that have been held during the last year regarding lot sizes, it would clearly require a variance. Mr. Fleming said that he told Mrs. Cox to be very up front about the need for the variance and to do a good job of explaining the job she had in mind, because the 35-40 foot lot is something that the City has not seen before this proposal. Mr. Fleming said that he wanted the Commission to be very well aware of that matter and if they wanted to do so, offer some type of input.

Mrs. Cox asked the Commission if they felt she should continue to conduct research for the project, subject to some of the concerns that have been raised.

The Chairman said that he did not see anyone throwing up any red flags. There were no objections stated by the Commission regarding the concept.

Mr. Shackelford asked the Commission if this was a concept that the Commission would want City Council to comment on before Mrs. Cox moves forward with the project. Mr. Yates advised that he had planned on bringing that matter up and inviting Mrs. Cox to the next City Council Meeting. Mr. Shackelford said he would hate for them to prepare construction drawings and then have City Council not be in favor of the project.

Chairman Cox stated that he felt that Mrs. Cox needed to get the final word from City Council regarding the concept for the development. William Simpson said his main issue was the access road, because if you get a lot of cars out there then you have a problem with fire and emergency vehicles. William Simpson said that he felt that access was going to be the main issue.

Jeffrey Waddell asked if the lot that they saw in the example video were 30 foot lots. Mrs. Cox stated yes, she believed that they were 30 foot lots, which is what the builder had

suggested that they look at. Jeffrey Waddell said that lot sizes are always an issue depending on the area and City Council will want to put that into perspective. Chairman Cox advised that City Council was the decision makers. Mr. Yates added that City Council does receive advice from the Commission. William Simpson said that he believed it was a good concept, but a lot of questions needed to be taken care of. Mrs. Cox said that as suggested, getting input from the City was a good suggestion. Mr. Fleming said that the Economic and Feasibility Study should answer some of the outstanding questions, and then in all likelihood they can revisit the matter in February or March.

Arnette Easley said that he knew that the townhomes were in the first phase, but asked what the long term goal to complete the project was. Mrs. Cox said that if they move forward there will be at least another 2-3 months of due diligence, which will put them through the first of the year. Mrs. Cox stated that the platting and engineering process would take about six months, and then they would begin construction of the streets and utilities. Mrs. Cox said that it would be a year from now before they would have any lots to release for townhomes. Mrs. Cox said that she thought that 2016-2017 would be the townhomes in phase one, with 35-40 townhome lots, and then would roll into phase two a year later. Mrs. Cox advised that the single family residences would be a year behind that time, because there seems to be a pull back by builders to buy lots 65-70 foot in width because there is an oversupply of homes in that higher price range. Mrs. Cox said that they would be looking at two to three years before they built the houses.

3. Consideration and possible action regarding approval of construction drawings for the Hills of Town Creek, Section Two.

Mr. Fleming advised that the City's current Code of Ordinances requires a preliminary plat for review and approval by the City Engineer, as well as the Planning and Zoning Commission. Then at that point the developer will submit construction drawings for review and approval by the City Engineer. Mr. Fleming said that once both of those items are complete they are presented to the Commission concurrently, for approval, and then presented to City Council concurrently for approval. Mr. Fleming said that when the

approvals are completed, the developer records the final plat, posts a financial guarantee and begins to sell lots and proceed with construction.

Mr. Fleming advised that there is a developer in town that works under sort of an alternate process, where they prepare their preliminary plat and prepare and finalize construction drawings.

Mr. Fleming advised the Commission that the developer has requested to use the alternate platting process to move forward with utility construction. They will record their final plat and sell lots at a later date.

Mr. Fleming stated that the Hills of Town Creek was a development on the west side of town, and the Commission has already seen a preliminary plat several months ago. Mr. Fleming said that the Commission had approved the preliminary plat with a few variances with the lot sizes and street radii.

Mr. Fleming advised that the developer is requesting to proceed under that alternate platting process where they receive approval of their construction plans now, which they will also seek that same approval from City Council. Then they will be prepared to move forward with construction, and record their final plat at a later date.

Mr. Fleming stated that they have reviewed the construction drawings and all their comments have been addressed. Mr. Fleming said they take no issue with the construction drawings as they have been presented. Mr. Fleming noted that construction would be done solely on the risk of the developer, not posting a financial guarantee, and bearing all financial cost up front.

Mr. Shackelford advised that construction would be done under their supervision and inspections to make sure that they comply with all required Codes. Mr. Shackelford said that there will be bonds between the developer and his contractor, he just won't have a financial guarantee with the City. Mr. Shackelford advised that this process occurs in Harris

County all the time, and is a known process. Mr. Shackleford stated that the developer can't sell the lots until they record the final plat. Mr. Shackleford advised that under the alternate platting process, it would allow the developer to put in the utilities and streets, and if they wanted to make some modifications to their land plan and bring it back for final plat approval without having to replat.

Carol Langley asked whether the alternate process had been approved and passed, or whether everyone was just okay with the alternate process and they want the Commission to allow this new process. Mr. Fleming said that there has been no formal action taken by the City on this concept. Mr. Fleming said that it is a fairly common practice with other counties and municipalities in the area. Mr. Fleming said that they did not have any objection to the concept, which led them to a Joint Workshop with City Council and the Commission this year, where the topic was discussed but nothing formal was enacted. Carol Langley asked if the people at the Workshop were okay with the alternate process. Mr. Fleming said that he did not recall there being any objections to the process. Chairman Cox advised that there had been two members of the Commission at the Workshop Meeting and there were no objections on the alternate process. Mr. Shackleford said from the comments that they received at the Workshop Meeting they have been slowly working on modifications to the current Code to bring before the Commission and City Council for consideration and approval, but they are not there yet. Mr. Shackleford said that this developer is anxious to move forward under the alternate concept, which is why they are asking whether the Commission has any objections.

William Simpson asked how the developer has worked with the City regarding following requirements and inspections. Mr. Shackleford said that it has gone reasonably well, with only a difference in opinion on the valuation of the project.

Arnette Easley said that this could open a Pandora's Box with future developments, because if you hold some people to the letter of the Code and others are excluded, that gets to be a slippery slope. Mr. Yates said that the alternate process would give the builder an option, but would not cut out the other process. Mr. Shackleford said that the developer has to

designate at the beginning of the preliminary plat phase, which route they will be going so everyone will be aware of the method they would be using. Mr. Fleming stated that the current process in the Code remains in place and does not change. Arnette Easley asked if every builder would have the option to choose their process. Mr. Fleming advised that was correct. Mr. Shackelford advised that they would have something in writing where it will be documented that will be brought before the Commission and City Council, so that it is well documented which process the developer will be using, and they can't change their process unless they come back with a bond.

After discussion, Carol Langley moved to approve the construction drawings for the Hills of Town Creek, Section Two. William Simpson seconded the motion, the motion carried unanimously. (5-0)

4. Consideration and possible action regarding approval of preliminary plat submission for King Land (subdivision of 9.670 acres).

Mr. Fleming presented the information to the Commission, stating that they are proposing to subdivide the property into three separate plots. Mr. Fleming advised that there are some minor comments, but they have no objection to the plat as it is submitted and recommended that the Commission approve the plat contingent upon his comments being addressed satisfactorily.

After discussion, William Simpson moved to approve the preliminary plat submission for King Land subdivision contingent upon the City Engineer's comments being addressed. Carol Langley seconded the motion, the motion carried unanimously. (5-0)

5. Consideration and possible action regarding approval of preliminary plat submission for Waterside Estates, Section One.

Mr. Fleming presented the information to the Commission, Mr. Fleming said that the plat was found to be largely in keeping with the City's Code of Ordinances. Mr. Fleming stated

that he was recommending approval contingent upon his comments being met, which includes land plan and application for Economic and Utility Feasibility being brought back to the City, which the final plat will also be contingent upon those requirements.

Mr. Fleming stated that the development is mainly estate sized single-family lots, with a couple of commercial reserves in the front along Lone Star Parkway. Mr. Shackelford said that it would be a private street and private drainage development, but would have public utilities. Mr. Fleming said that all the lots meet the area requirement, but there are a few interior and corner lots that might not make the minimum width, particularly on the north side above the General Waters Drive, which would require either redesign or variance request, along with some other items that were in his comments. Mr. Fleming said that there was nothing about the submission that is a material violation of the City's Code of Ordinances.

Chairman Cox stated that Mr. Fleming answers his questions before he asks them, which is a good thing.

Carol Langley asked to confirm that they would see the information for this development several more times. Mr. Fleming said that was correct, at least one or two more times. Mr. Fleming said that there would be variance requests and the final plat at a later date.

William Simpson asked about the requirement that the lots be perpendicular to the street and asked for the reason. Mr. Shackelford said that generally they want the house to face the street, and with the proposed 45 degree angle, it would be hard to put a 3,000 or 4,000 square foot house on a lot parallel to the street. Mr. Mike Glezman advised that they actually did that on purpose for the scenic view.

Jeffrey Waddell asked about whether they would be looking at the variances sometime down the road. Mr. Fleming said that there would be variances regarding lot sizes, paving widths, side lot lines, rear lot lines, and lot alignment. Jeffrey Waddell said that what comes to mind with the lot alignment, would be that you would see the side of the house. Mr. Shackelford

said that the Commission could direct them to bring in some renderings of the development to show what it will look like as your drive by the homes. Mr. Shackleford stated that each of the variances noted by Mr. Fleming would be addressed individually.

Carol Langley asked whether there was a sign stating that development would be coming soon. Mr. Glezman stated that he did not believe that there was any signage up.

Mr. Shackleford stated that one of their concerns was the east property line between Waterside and Grand Harbor that is a natural drainage way, so they will need to figure out how to protect that drainage way and the property on either side. Mr. Shackleford said that one of the things that they will need to look at is on the plat for Glen Harbor as to what if any drainage easement dedications there were. Mr. Glezman said that Rampy has a 60-foot drainage easement platted. Mr. Fleming said that it drains north toward the canal. Mr. Shackleford said that it drains to the canal once it gets over the hump. Jeffrey Waddell said that it was pretty steep on the north side to the canal. Mr. Shackleford said that there is approximately a 50-foot drop in elevation toward the canal. Jeffrey Waddell said that the northwest corner backs up to Buffalo Crossing.

Mr. Shackleford said that their recommendation would be approval contingent upon addressing the comments made.

Jeffrey Waddell moved to approve the preliminary plat submission for Waterside Estates, Section One, contingent upon the City Engineer's comments being addressed. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

6. Report from City Administrator regarding Tree Preservation.

Mr. Yates made a presentation to the Commission, for their consideration, regarding the possibility of a tree ordinance to protect the large trees in the City. Mr. Yates said this would be to protect the large trees in the City that are in new subdivisions. Mr. Yates said that he had three sample ordinances, and if the Commission is interested, he would draft an

ordinance that he would present to them next month, and then it would go to City Council for their consideration.

Mr. Yates advised that a lot of the general description is based upon three ordinances, but mainly based on the City of Shenandoah's Ordinance. Mr. Yates said that each of the ordinances has a tree protection plan. Mr. Yates said if the City had a tree preservation ordinance, the developer would present a tree preservation plan that would show all the trees with a 10 inch or larger caliper on their development and would also show the tree canopy. If you destroy more than 50 percent of the tree canopy, you have to replace that tree canopy area, where you at least end up with 50 percent of the trees that were there. Mr. Yates said that an Urban Forester would also review the tree preservation plan, just like the City Engineer presents his recommendations.

Mr. Yates said that the tree ordinance would apply to all property in the City where trees exist, including all vacant and undeveloped property, but would not include existing R1 and R2 (residential) developed lots. In other words, if someone would reside on a developed residential lot, they could cut down trees on their own property.

Mr. Yates said there were a couple of trees on the northeast corner of Houston and SH 105, which is planned to be medical plaza building, which has two beautiful trees on that lot that will probably be cut down. Mr. Yates described the permit process that would be required to remove trees and how it would be handled by the City Administrator. Mr. Yates said that he would consult with an Urban Forester in Montgomery County.

Mr. Yates said that each City works up their own Urban Forest Manual. Mr. Yates advised that the U.S. Forest Service does have a technical manual, but it has 31 different sections and is very detailed and not something that would be practical for the City. Mr. Yates said that the ordinance is management, especially if you have an Urban Forester as a consultant. Mr. Yates said that he would prepare the ordinance with inclusion of subdivided lots and not including them, so that they could decide.

William Simpson asked who would police the ordinance, because he used to live in The Woodlands and it was almost a game for people to see if they could get away with cutting down trees and whether anyone would notice. William Simpson said that it is easy regarding a plat, but if someone wants to put in a pool would that be regulated as to what they can remove. Mr. Yates said that right now they can cut down whatever they want, but if the tree was on an existing subdivision lot, then they would not be required to get a permit.

Carol Langley asked whether Mr. Yates had checked the City of Conroe's tree ordinance. Mr. Yates said he did not. Carol Langley said that Conroe has had a lot of trouble with their ordinance on new development. Mr. Shackelford said that he thought their canopy coverage was 30 percent. Mr. Shackelford advised that in Conroe you could clear cut the lot, but then you have to come back with 3-4 inch diameter trees, but on new development it is a totally different situation. Mr. Shackelford said that there was a delicate balance between preserving trees and allowing development to occur, and not ruining the quality of life.

After discussion, William Simpson said that he agreed that the City needed to do something. Mr. Shackelford said that they especially needed to do something regarding the older majestic trees.

Mr. Yates said that they could designate certain trees as historically significant to the City. Mr. Yates said that the house that was removed on South Pond Street, where Mr. Cheatham scraped that property, that had several large trees on it. Mr. Yates noted that there are two trees at Houston and SH 105, possibly live oak trees that are a couple of hundred years old that need to be considered. Mr. Yates said that the trees are so large, that he is not sure how the owner can develop that property and save the trees.

Carol Langley asked whether the tree ordinance would have a variance in it. Mr. Yates said that there would have to be a plan for every development, so you would go through the review process to get the plan approved.

Ed Shackleford said that you have to be cautious because if your ordinance is so restrictive that someone can't develop their property, someone might consider that a taking, and come back and say the City prevented him from developing their property and they owed them. Mr. Yates said there was a paragraph in Shenandoah's ordinance that states that the canopy issue does not prohibit the development of the property. Jeffrey Waddell said that it would have to be a realistic request and who would determine the tree issue. Mr. Shackleford said that it could be a combination of people from the developer and City.

Carol Langley asked how the Urban Forester would be paid. Mr. Yates said it would come from the fees charged, there would be no cost to the City.

William Simpson asked whether the existing development plats would be excluded. Mr. Yates said that was correct. William Simpson said that if they want to preserve the trees in future development, they need to get on this ordinance. Mr. Yates said he would work something up for the next meeting, and will send it out to the Commission in advance, even earlier than the next meeting pack. William Simpson asked if the ordinance would follow what they do in Shenandoah, and how do they find that information to look at it. Mr. Yates said that he would make a copy of the Shenandoah ordinance and send it out to everyone. Mr. Yates said that he is also going to work on the specific designated historic trees. Mr. Shackleford said that the City of Conroe's ordinance specifies a certain diameter for their historic trees.

Mr. Fleming advised that the two trees on the property at Houston and SH105 are slated to be removed for the development of the property.

### **ADJOURNMENT**

Jeffrey Waddell moved to adjourn the meeting at 7:41 p.m. Arnette Easley seconded the motion, the motion carried unanimously. (4-0)

Submitted by: Susan Hensley Date Approved: 01/25/16  
Susan Hensley, City Secretary

Nelson Cox  
Chairman Nelson Cox

