



Joint City Council, P&Z and MEDC
Meeting Minutes
December 9, 2024

CALL TO ORDER

The Joint City Council, P&Z and MEDC Meeting of the City of Montgomery was called to order by Mayor Pro-Tem Olson at 6:00 p.m. on December 9, 2024, at City Hall 101 Old Plantersville Rd., Montgomery, TX and live video streaming.

With Council Members present a quorum was established.

Present:	Sara Countryman	Mayor
	Casey Olson	Mayor Pro-Tem
	Carol Langley	Council Member Place 1
	Cheryl Fox	Council Member Place 4
	Stan Donaldson	Council Member Place 5
	Bill Simpson	P&Z Chairman
	John Fox	P&Z Commission Member
	Merriam Walker	P&Z Commission Member
	Jeff Angelo	MEDC President
	Ryan Londeen	MEDC Secretary
	Wade Nelson	MEDC Board Member
	Dan Walker	MEDC Board Member

Also Present:	Chief Anthony Solomon	Interim City Administrator
	Corinne Tilley	Code Enforcement/Planning and Zoning Administrator
	Ruby Beaven	City Secretary
	Diana Titus	Deputy City Secretary
	Alan Petrov	City Attorney
	Chris Roznovsky	City Engineer
	Katherine Vu	City Engineer

Absent:	Arnette Easley	MEDC Vice President
	Tom Czulewicz	P&Z Vice Chairman, P&Z
	Daniel Gaza	P&Z Commission Member

INVOCATION

Council Member Donaldson led the invocation.

PLEDGES OF ALLEGIANCE

Council Member Donaldson led the Pledge of Allegiance and Pledge of Allegiance to the Texas State Flag.

PUBLIC FORUM

No participants at this time.

SPECIAL AGENDA

1. Presentation by Kendig Keast Collaborative on the Unified Development Ordinance.

Mr. Bret Keast, Owner of Kendig Keast Collaborative stated they have a few items they are going to go through. Everything is revolving around the Unified Development Ordinance which is essentially all of the regulations that the City may use to manage development as it comes into the City and regarding your subdivision regulations, anything that may occur within the extraterritorial jurisdiction. As Council remembers when he was here a few months ago when they were kicking this project off and scoping out the project, we knew that you are in the path of development with developments coming so what we decided to do was do interim regulations. The idea is to take care of some of the bigger issues in the near term and get them adopted and in place so you can be utilizing them as development is coming in and then proceed with drafting the rest of the development ordinance. What we have sent to you and what Ms. Ashley Woolsey who is the Project Manager is going to be presenting to you is going to be an overview of interim regulations covering the five different areas that we agreed at the beginning of the project needed to be covered. This could be an ordinance that you all decide you want to adopt and if so then obviously it would become effective and you can start utilizing it right away. We are going to be working with you for the next several months so if there are things that we decide we want to handle differently we can address them as we are writing the rest of your regulations. Recognizing recent changes you have had, something else that he mentioned early on in the project is that we have an ordinance that we have provided to other cities where effectively whenever there is a development application with that development application they pay an upfront fee and then that fee is utilized to perform the review of the project. This way the applicant is paying for that professional review rather than it coming out of the City's pocket. We have done that in other cases before so if that is something that you are interested in or would like to know more about we can discuss that with you to help tie you through this next period of time. Once we get through the interim regulations what we are really wanting to get out of that is understanding what does the City of Montgomery want to be, what do you want to look like in the coming years. If you think about a spectrum of different levels of regulation we need to figure out where you fall on that spectrum and that may change over time as you start getting bigger and bigger developments that start coming in. You may want to say we are dealing with these issues we need to ramp up in this area so that is what we are really trying to gauge is how restrictive do you want to be in some areas versus others. We do not want to take you too far but at the same time we want to make

sure that what gets developed is what you want to see as representatives of the community. We will work with you to calibrate these standards so they meet your expectations. We will be available afterwards so in a year from now or two years from now you say we do not really like the landscaping or the signage or whatever, we can tweak them so this can be something that you can continue to evolve. After we get through the interim regulations we have two boards over here. One is the design principles which as you know we did the land plans and we have had different meetings along the way to do the land plan. We use that to illustrate the types of development concepts or design principles that you could infuse into the regulations such as preserving open space and wooded areas, and how do we create pedestrian connections and street connections and types of streets. The other thing that is on there that we were under contract for is to create a thoroughfare plan, a street plan. We have done that and we have matched it up with the County regulations and standards but essentially the importance of that is to make sure that as development starts taking down land that we are thinking about that property and the bigger scheme of things and how are we going to tie everything together with the road network. To date, like most communities in your position, each subdivision has to look independently of itself and not really look at everything else and so you end up with a bunch of circular dead ends and cul-de-sacs and you know it is hard to move within and throughout the community without going back out on SH-105 or going back out onto the Parkway, but we will talk about that more at that time too. Just so everyone knows we sent you the presentation a couple of weeks ago when I worked with Ms. Beaven and we got this rescheduled. Since then we were really focusing on the two areas that we were told were the most important. I said just so we are prepared let us create a few sides to address the other areas should anyone have questions on them. If we do not get them up tonight we will get them to you tomorrow so everyone can have access to that.

Mayor Pro-Tem Olson said part of their agreement with Kendig Keast is the website. Right now to get our ordinances it is hard to find our ordinances pertaining to signs or whatever it is. We purchased access to their website and it is a lot like a Google search. It does not just tell you what it is, but it does give you the do's and don'ts. It is not just rewriting the ordinances, but is a whole package for making it easier for people to deal with our ordinances and easier to see them, find them, understand them, move on, and not have it not be a roadblock.

Ms. Woolsey said as part of this project there is really four main components which Mr. Keast has already discussed. The future land use and mobility plans which we will be discussing later, the illustrated master concept plan, which is what the design principles were derived from, the unified development ordinance which is the overhaul of the whole code with the zoning and the subdivision components, and then the interim ordinance updates which Mr. Keast talked a little bit about and that is what I will be discussing more in depth in this presentation.

Ms. Woolsey said as part of creating the Unified Development Ordinance (UDO) several chapters of the ordinance will be overhauled and then combined into one document that is going to guide development. This is currently scheduled to be wrapped

up in the fall or winter of next year. The interim ordinances are as Mr. Keast said more targeted updates to Chapter 78 and 98 and this is in order to get high priority changes done quickly. These updates have been guided by conversations that we have previously had with staff and also public input from the first trip in May that two of her colleagues were on. As Mr. Keast also stated once these ordinances are adopted this does not mean that things will not change or they cannot change. This is more of a band-aid situation to stop the bleeding and then when we do the UDO that is when we can get a little more in depth and tweak things as needed.

This is the general scope of the interim of the ordinances that we did so they include establishing a new downtown district which I will go into more detail about in a few slides and then the building design standards which create new building design standards for multi-family and commercial developments which is also one that we will be talking about in depth tonight as well as making all uses in the R2 zoning district require special use permits. She said this is not a change we are saying is forever. It is for the interim time period as we are drafting the UDO to give a little more breathing room for that district so it allows us to draft some thoughtful and targeted design standards and use standards that go with specific uses. The historic preservation guidelines we used and updated so they are mandatory standards rather than optional guidelines. For the plan district we added more perimeters for when it can be used and what is required when they are used. For sidewalks we added in language that requires sidewalks when development occurs on both sides for subdivisions. For street improvements it requires developers to improve part of the existing streets they are fronting to meet the standards required for that development if the level of service is below what is required and outlined in the thoroughfare plan. For tree preservation we strengthened the standards and penalties when violations occurred and made it to where it applies to when property is developed and not just when it is subdivided. As a general disclaimer there are different sections throughout the chapters that these topics are interwoven in so it looks like a lot of the chapters were changed if you just look at the raw text but it is because there were mentions of one thing in one section so we had to make sure everything was cross referenced and buttoned up. Definitions were also added as needed. Mr. Keast said we basically just took the ordinance as it is today and then did red line changes and that way it is already in format. If you want to adopt you just report your zoning ordinance and everything is interwoven. When we do the unified development ordinance we are going to be reorganizing everything and adding graphics to it and having pop-up definitions and things that Mayor Pro-Tem Olson described. It is in a format that is ready to adopt when you are ready.

Ms. Woolsey said the new downtown zoning district boundaries that we put in the draft were used from the adopted downtown master plan. Permitted uses within that district just to give an example include townhouse upper story residential units which are apartment units that are above a commercial on the ground floor. Various non-residential uses are retail, restaurants, micromanufacturing. An example of that is someone using 3D printers to make something. Technically it is manufacturing but it is not like a real industrial manufacturing. They are not making cars or anything like that. It is like small, printed things. Event venues have additional standards that were written

in as well. Some examples of land use standards are below for townhouses. For example, depending on the type of street which is established in the section. It depends which one it is before it is permitted. It is on type B and type C streets and in the next slide we will see a picture of what those streets are. A maximum of four consecutive townhouses are permitted so it is not going to be rows and rows of townhouses. It is going to be small developments and the end units shall have a minimum set back of 10 feet. For event venues the only food and beverage that can be prepared is limited to what is on site so it is not going to be like a restaurant where people are going to be coming in and out. It is only for consumption for the guests and it has to obey noise regulations and then there are hours that it is limited to so events cannot be conducted between 11:00 p.m. and 7:00 a.m. The business cannot create parking or traffic congestion because we know that is a topic of concern.

The next slide is from the downtown master plan and this is where the street types come from. Type A there is Liberty Street and also SH-105. Type C streets are Pond Street and Clepper Street and then type B's are all over all other streets besides those ones labeled on there. This following slide is an example of the dimensional standards. The table on the right is how we outline the standards and this is a preview of closer to when we do the UDO what the standards will look like. We try to put things in tables as much as possible so it is easy to read and easy for people to understand. Whenever I worked in cities I had found that if you put more than two or three sentences in a row people just stop reading. In a table they are more likely to read everything. As you can see there are standards for lot minimums, lot area, lot width, building height setbacks, and frontage buildout. To the left there is an example of an illustration that explains what the dimensional standards mean for the frontage buildout. It just means the portion of the building that is within the range of the minimum and the maximum setback and it is represented as a percentage so it is basically what is labeled "B" there and how much of the width of the whole property it needs to take up. For example, for a type A street again which is SH-105 and Eva Street the minimum frontage buildout would be 80 percent so 80 percent of the lot width would need to have the building within a certain minimum and maximum setback so it is more built to the street and it is a more pedestrian friendly streetscape. Mr. Keast said if you think about downtown now you want that walkable environment. While you have some situations where you have buildings that are set back you have some head in parking generally and obviously that is a conflict point for pedestrians. The standards are basically bringing the buildings to the street so we say there is a maximum setback instead of a minimum and we say it has to be built within five feet or 0 feet or 10 feet so that we can create pedestrian walkways and then deal with parking and some of the common lots that you have now. These are the standards in the downtown area. It is about retaining the character that you have and right now your downtown area is the same zoning district as SH-105 so obviously there you have drive-thru and everything else that probably are not what you want in the downtown area so that is why we created this downtown district so that we can retain the nice historic character that you currently have and to help it be even more walkable than what it is today.

Ms. Woolsey said as part of the downtown district for residential standards for townhouses there are also standards for those based on the frontage type so there is a porch frontage type which is what it sounds like if it has a front porch and there are some examples there. The standards are how tall that has to be, the clearance, and how far it can encroach into the setback onto the street. Again, we want things to be built as close to the street as possible to keep that pedestrian friendly feel. The other option is a stoop frontage which again is exactly what it sounds like. It is a front stoop instead of a porch. It is just stairs and we have examples as well and the different standards for each of those.

This is the non-residential mixed use standards so that is anything that is not a townhouse that was shown before so if it is the mixed use where there is retail or commercial on the bottom floor and then residential on the top floor that would apply here. The main idea is keeping a pedestrian friendly downtown feel and keep the character of what is already there. With all buildings there are going to be three identifiable parts which are shown there in that top graphic and what is called the cap which is at the very top. The body which is the majority of the building and then the base which is the bottom part of the building. We have minimum percentages of the building height that those components will take up and so that way there are identifiable one, two, three parts of the building and each component of those has its own requirement. For example, the base and the body must have at least three features that are listed within the section and some examples of features that are listed are usable balconies or a material change, something to break up the visual impact of the building and add more interest to it. The cap which is the very top shall have two of the features that are listed in the section and some of those include parapets or awnings or canopies. Mayor Pro-Tem said these slides did not make it into the print out. Ms. Woolsey said no this was added because I wanted to add more clarification for what some of the downtown building designs are but I will make sure Ms. Beaven gets this updated version and that way she can distribute it to all of you to have access to it. There are some building forms and detailing standards that would apply for entire façade so all aspects of the building, not just individual pieces. Buildings cannot exceed 100 feet in width so there is just not these long giant pieces of building that are not broken up. The canopies and awnings cannot extend more than five feet from the façade and they have to have at least eight feet vertical clearance so you are not having to worry about people not being able to get into the doorway. Doorways adjacent to the public right-of-way need to be set back so when you open the door it is not swinging into the right-of-way and hitting pedestrians when they are walking on the sidewalk for example. The bottom image also shows another example of the base, body, and cap of a different kind of building.

Another requirement that is part of the downtown zoning district is buildings that are over 4,000 square feet and are also on a type A street. I forgot to put that in the PowerPoint but they have to have a second story. Those can be second stories that are usable or they can be false second stories. If it is a false second story it is not a real story, there are some requirements. It has to extend at least eight feet above the first story so it creates the appearance of the second story and then have three elements that are listed

in the section. An example of that is windows, shading devices, shutters, and Juliet balconies. It is to keep a consistent aesthetic look to the area.

Another addition was for signage in the downtown zoning district. We listed the permitted signage and the sign types that are prohibited. In the top left picture there is an example of what the standard looks like with the section. We show an image of the sign so it clearly shows what kind of sign we are talking about. It has different standards such as height, clearance, and the maximum size the sign can be. At the top right is an example of an electronic message board and that is a prohibited sign type. There is an example of each of the prohibited sign types so people know what we are talking about. At the bottom there is an example of a channel sign which are like the individual letters versus a cabinet sign which is usually just one big square. Basically this is just to illustrate that we added in a lot more illustrations so it is very specific and very clear what is allowed in downtown and what is not. Again, this is a foreshadowing of whenever we do the whole overhaul of the UDO what it typically will look like and what kind of graphics it will include.

Mayor Pro-Tem Olson said just a quick brief for everyone. If you see things that you may want to comment on or maybe make exceptions or changes to, please note it because if we do not and we approve it, well we are going to approve it. They want your opinions so that is why we have this.

P&Z Commission Member Walker said on the event menu in event venues it says food and beverage preparation is due to onsite consumption for guests. Ms. Woolsey said correct. P&Z Commission Member Walker asked is that food trucks or cooked in a kitchen facility? Ms. Woolsey said I believe it was intended to be cooking at the facility in the kitchen. I do not think it specifically mentions food trucks. If you think that is something that should be added we can definitely add in some provisions about food trucks. P&Z Commission Member Walker said sometimes they have it catered and show up. Is that what you are talking about because it is unclear? Ms. Woolsey said yes specifically for that it means the preparation of the food is only for the guests who are there so again it would not be for outside people to come and eat there like a restaurant would. The food that is prepared there is only eaten by the guests who are there and it would not be like an outside catering company so they would not make food there to then shuttle somewhere else.

Ms. Woolsey said the parking was another thing that was added for the downtown. Basically for this we wanted to make sure that parking was for the most part located in the rear or side of the buildings depending on the frontage street. There are some street frontages that allow front parking which is shown in the B graphic. Minimum parking spaces required would only apply to type A streets. Any properties that are fronting B or C streets would not have minimum parking required but all of the properties would have a maximum parking amount that way you are not getting large parking lots in the middle of the downtown. A place downtown does not need the same size parking lot as a Walmart for example so you want to make sure you are not over parked. There were things added to receive credit or reductions for the required parking based on if you have

shared parking agreements, if there is some off-site parking that is still within the downtown but not on the physical site itself, or if there are dedicated spaces for ride sharing were some examples. There is also an option for structured parking so that is now permitted if someone decides they want to do that. There are standards for the type of parking structure so that is not all of the parking structures that are allowed. This is just an example of what it looks like. There is an image of the type of parking structure. It describes what it is and what it means and then it has standards that go along with it. Also as part of this we wanted to limit the number of driveways and the number of access points so you are not getting all these curb cuts off the road so we have shared access. You can see with the images the one on the left is what we want so it is a shared access point. For those four properties for example there are only two access points to those sites and then there is internal connectivity versus the one on the right where there are four individual driveways. Again, just to limit the amount of driveways and turns off of the road in that area and keeping it as pedestrian friendly as possible.

Ms. Woolsey said the next is landscaping and amenities. All non-residential developments are required to provide an amenity space and it is four square feet for every 100 square feet of cross floor area. This lists the different types of amenity areas that are allowed. On the right you can see pictures and descriptions of each so if they want to provide a courtyard for example it lists an example of a courtyard and what a description of a courtyard is.

Mr. Keast said parking garages downtown in the future you could see in a mixed use area somewhere else in town if you have a hospital or something like that we could have a parking structure and we want to make sure that the parking structure is located with good access to it and it is nicely done so you do not just get a concrete monstrosity. Otherwise, most of the things that we have here are the things that are already being done. It sounds like a lot but if you think as you drive through or walk through downtown look at the buildings and how they are designed. It is picking up on those same things so that something new is built in downtown. It will pick up on a lot of the design elements in your downtown. Just a note, in a historic district like this the State allows us to add more regulations than they allow us to do elsewhere so you have these types of regulations that are okay.

Council Member Fox said she thinks of downtown as a very small area and asked how are you going to accomplish this for buildings that are already there that are privately owned and private parking strips? How is all this going to be accomplished? Ms. Woolsey said these standards would only apply to new development so if it is existing we would not make them come into compliance. Mayor Pro-Tem Olson said if they tear down or rebuild it has to come back to standard.

Mayor Pro-Tem Olson said he has seen parking garages; they are not ginormous parking garages they are a parking structure where the front or one side of it is basically storefront and then it is all built in but the backside of it is parking. How is that restricted? Mr. Keast said there are areas that we are planning to be a mixed use area in the future and there would be probably enough square footage or enough residents in

those areas that it might make a parking structure feasible depending on the uses so you are exactly right. If somebody were to do a parking garage we just do not want to have a nice bunch of storefronts and then all of a sudden here is an ugly parking structure. Usually we will wrap that so you will have retail frontage and we will even have the parking structure above set back so it is not a part of the façade and then on the side rear depending on where it is at we could have similar types of screening requirements. It is probably not something in the near future for us here. What we are writing in the next few months is probably going to be in place in the next 25 years. We are anticipating that as more and more comes of large-scale development that we have standards here. Mayor Pro-Tem Olson said because of our footprint of downtown and how it is already there, there is not a lot we can do for redesign. We have to use the footprint we have. It is not a traditional downtown where you have a good main street with blocks and streets so in my mind I really foresee us in order to accommodate the amount of business that we would like to see there we are going to need some sort of a parking structure like that which is basically hidden within the buildings. Otherwise we are just not going to be able to get the traffic that we want to get the number of businesses that we need. Mr. Keast said it is a question of whether the current downtown is the right place for that or some of the area that we will show you later, other areas of town where we can be thinking about providing for mixed use where it could be larger scale that could maybe be feasible for a parking structure. I do not know that that would not really be the space for it in current downtown but I can see it certainly occurring in other places as this development occurs. We will be writing all the standards for those things. MEDC Secretary Londeen said grandfathering is not clear. Deconstructing and reconstructing yes, as a trigger, but what about redevelopment of a project? At what point are they triggered to require parking? You had five parking spaces in the front and you redid the façade. Do they need to put the five parking spaces in the back? Mr. Keast said he does not think they have gone there just yet. That will certainly be in the rest of the ordinances that we draft. Commonly what we do is we create different tiers so if you are just refacing the building and it is minimal you may not have to do much of anything or maybe landscape or screen. Obviously if it is a complete tear down or if you are adding on 50 percent then there would be some other things that would be required on that so we are trying to scale it to such that all the improvements are not so expensive. MEDC Secretary Londeen said it would inhibit redevelopment or improve the aesthetics of downtown. Road blocks in place is a big concern to have. He said this is all about the downtown district but there is nothing happening downtown. Most of our growth is like, for instance he was thinking at the end of Caroline Street it is being proposed mixed use development with townhomes and all types of things that he does not think necessarily federal regulations, but may work, but that is outside of the downtown district. Are we putting in some interims? There is a lot of growth happening. Are we putting in some interim criteria to cover some of this? Mr. Keast said the things that Ms. Woolsey mentioned earlier are what we were told to focus on at the beginning of this project and that is why I say that in places like this we have done a number of different creative things and Ms. Woolsey mentioned one of them. You could require that during the time the UDO is being drafted instead of doing any type of moratorium or anything like that you could say all development application are going to be by specific use. What that does is it gives you more discretion to make sure what is developed is what you want to

see developed. That would go away once the new regulations are established. We will be drafting mixed use standards in the new UDO, we just have not drafted them yet. He is concerned that things that are on the drawing board are coming through between now and this time next year. What is there is there. That is why he is saying these interim regulations will take care of some of the things but we need to do something between now and this time next year to make sure that what is developed is developed. MEDC Secretary Londeen asked if special use permits go to Kendig Keast? Mayor Pro-Tem Olson said yes. Mr. Keast said there is a public hearing. MEDC Secretary Londeen said so that would be every Council meeting you probably have new permits coming in. Mayor Pro-Tem said it just depends. He said they did draft an ordinance, kind of a stop gap and Mr. Petrov you can probably help me with this, but we did that one where if it happens within a certain date they have it agreed upon, a development agreement in place. They fall under certain ordinances. Anything after such date or if it goes on past two years then they have to come to the new ordinance. Mr. Petrov, City Attorney said right. Mayor Pro-Tem said so we kind of have a stop gap in there to assist us with the issue we are going to run into until we get our ordinances in place. To answer the original question, yes all of the ordinances for the entire City are going to be looked at. MEDC Secretary Londeen said it goes through things first and then you make a recommendation on those. Mr. Keast said State law spells that out. MEDC Secretary Londeen asked did they decide on the limits of the downtown? It is the downtown master plan but downtown can be a little bit wider than that especially if we are talking about expanding downtown to areas around it, do we want to consider that? Mr. Keast said part of this process is going to be doing a new zoning map and that is what we will be drawing the specific lines by. In the interim we are using the master plan. MEDC Secretary Londeen said Mr. Keast said as a historic City we have more leeway as far as regulating historic preservation. He said he did not know that and asked is that just the downtown area? Mayor Pro-Tem Olson said just in the historic district. MEDC Secretary Londeen asked who that is defined by? Mayor Pro-Tem said the State allows them to pick. We can say we want this in the historic district and the State can respond that is not historic or it is. MEDC Secretary Londeen asked if we have a defined area? Mayor Pro-Tem Olson said yes. MEDC Secretary Londeen asked if that includes the Jack in the Box? Mayor Pro-Tem Olson said no. Mr. Keast said this is why I say these things because these things are going to just continue to pour in and if you want to have any sort of control over what is coming in, what it looks like, how it is built, how it is parked and landscaped, the signage, if you were to require a specific use permit from now until the UDO is adopted then you could have some discretion there. If you adopt the ordinance that said you need to put an escrow amount down with your application somebody like us could work with you to review their application and make sure that it is including all the elements you would like to see included. MEDC Secretary Londeen said he thinks they already have that. Mr. Keast said he provided a sample ordinance months ago. Both Mayor Pro-Tem Olson and Council Member Fox said they have not seen it. Council Member Langley said they have always had the escrow. Ms. Katherine Vu, City Engineer said any cost associated with the development comes out of escrow. All fees, plan review fees, inspections, any cost associated with the development, legal fees, administration fees all comes out of that escrow account. It is not out of the City's pocket and has been like this for quite a few years. MEDC President Angelo asked how

does this reconcile with the other two consultants we are working with? One is Retail Strategies who is putting together a comprehensive downtown streetscape and then the sign Wayfinding packages that we have already created. He asked if they can reconcile that? Mayor Pro-Tem Olson said absolutely. The sign Wayfinding packages should fall in. They do not have any of the defined prohibited signage in our packages. MEDC President Angelo asked if they have to redo all of that? Mayor Pro-Tem Olson said no. MEDC President Angelo said we have Retail Strategies who is in the throws right now. Mayor Pro-Tem said this is why he struggled with bringing them in when we did and kept saying we are not quite ready yet because our ordinances are going to oversee what we want to make it easier for people to come in and do business with us. The ordinance is clear, it is plain, this is what you have to do. If you do this, buy your permit, and move on. He said with Retail Strategies yes, we give them an idea of what we want for downtown, they go out and find the businesses that we are looking for but those businesses when they come to build will have to build to the ordinances that we are designing now. Retail Strategies is not an architectural company. They are pretty much aesthetics. MEDC President Angelo said they are working on the streetscape package right now. If these ordinances go into play we want to make sure we can reconcile those. Mayor Pro-Tem Olson said absolutely. Ms. Woolsey said they have been in contact with them and have met with them. We gave them an idea of where we were going. MEDC President Angelo said that is what he wants to hear. He then asked are these standards for cities our size, these standards that you are putting together, these ordinances? Ms. Woolsey said for the downtown district especially some of these are best practices and standards that we have seen in other places but some of it was requested specifically again through what her colleagues heard whenever they came into the public input meetings or from staff so it is a mix of things. Since the interim ordinances are designed to happen quickly there is a little less customization than whenever we do the whole overhaul of the UDO and that is when they really go in and fine tune things. If there are things right away that you are like this part is missing or I do not think this is going to work for us, that is definitely good for them to know. MEDC President Angelo said he wants to make sure they are not running in a completely different direction than where you are going so we can reconcile everyone's wants and needs because you are very important. You are the horse before the cart so we have to get that in place before we can do the rest of it. He asked how does that affect the Jack in the Box issue? Ms. Woolsey said the next section she is about to start with is outside of downtown and would apply to non-residential. Mayor Pro-Tem Olson said as long as they follow the ordinances that we have in place for green space, drainage, and all of that, they build what they want to build. Council Member Donaldson said we are looking into it tomorrow night. Council Member Fox said it is on the agenda tomorrow night. MEDC President Angelo asked we did not have anything in place at the time they made their decision correct? Mr. Keast said the things they are going to be looking at are going to be how a parking lot is designed, where you take access, minimum parking requirements, how it is screened with landscaping, where the trees are placed, what type of trees, spacing of trees, signage, what type of signage is permitted, how big, and how tall. They do not want flashing signs and all those types of things. We are actually getting into making sure that we are not just getting square boxes so we are requiring articulation with building walls so you have some interest to them. We do have some

limitations that State law has put on us so we found some workarounds that we are going to present. Once these are in place anything that comes in if you adopt these regulations will trump or add on. MEDC Board Member Wade Nelson said SH-105 west of FM 149 started defining a look. If you go FM 149 north there is new construction. He asked how do you incentivize so you do not have this and how do you incentivize the business owners that are already there to update their look? Mr. Keast said a lot of times when other things start happening around them with their business they will invest because they want to look as nice as the next guy to continue to draw business. There are some things you can do retroactively which we will have to have another conversation about that later. We did that in Stafford, Texas where we identified all the things like dumpsters and certain sign types and drawings on windows that they wanted to go away and we wrote an ordinance that said after a certain period of time these things need to go away. We gave them time to deal with it and if there was anything of expense they knew three or four years in advance we are going to need to put a screen around the dumpster or we are going to have to replace screens around the lot. Those things can be done as we have done them before. It is just what impact do you want to have on the businesses? MEDC Secretary Londeen asked when a new building comes in will it fit aesthetically downtown? He said there is an empty lot next to Consolidated Communications. When a new business comes in there is it going to be a two-story brick building next to a bunch of one-story wood buildings? He said we have two aesthetics in the City. We have a two-story really nice building on SH-105 and then we have the old school almost to FM 149 and he does not know which set you want to go with, but he wants to think the historic downtown area, the cowboy one-story we want to preserve that look because that is what Montgomery is. Are we making sure we are not creating a hodge podge? Mr. Keast said we usually talk in term of character and your downtown absolutely has a unique character. We do not want to put something in that stands out like a sore thumb. It needs to blend in with the look of downtown in terms of scale and in terms of where it sits on the lot. When we get out of the corridor, like you said, that is a different style of development and we can have standards so we have some level of uniformity without being over the top uniformity. We want some interest. We do not want a metal building sitting next to a brick building. We want to have some commonality in terms of when you drive into Montgomery you know you are in Montgomery. Mayor Pro-Tem Olson said what you are saying is you do not want it to look like it does right now. Mr. Keast said he now has a house up here too. He spends a lot of time here and the thing he has been seeing happening is the progression down SH-105 of a bunch of one-off fast foods. MEDC Board Member Nelson said we do not want FM 1960. Mayor Pro-Tem Olson said exactly. Mr. Keast said what he wants to put a stop to is as things continue to come in they need to play by our rules and whatever those rules are. MEDC Board Member Walker said heading west on SH-105 that Council could not enact ordinances, although the new buildings look great they do actually compliment the downtown area if we could keep something like that going. MEDC Secretary Londeen said it has already been established. Mayor Pro-Tem Olson asked if MEDC Board Member Walker was referring to the brick buildings? MEDC Board Member Walker said yes. Mayor Pro-Tem said yes he thinks it looks very nice. MEDC Board Member Walker said there is room for development heading north past Jim's Hardware. MEDC Secretary Londeen said you do not want the SH-105 character

on FM 149. MEDC Board Member Walker said no. MEDC Secretary Londeen said that is what he wants to make sure of. It is weird how it has kind of created itself but that needs to match. Mr. Keast said the things that we have talked about with having things that distinguish different floors and different materials and sets for doors and stuff like that is what you have along SH-105 right now. Anything that would be built we could make sure it continues that theme.

P&Z Commission Member Walker asked what is the safety net for Liberty Street so that it maintains the look of our historic downtown? She continued what was there before was a little wooden house that had the structures that matched everything else. What is our safety net that is going to tell us in that area that it is going to be in line with what is going on in our downtown and the other spot next to Burger Fresh? If that owner decides to develop, where is it written besides what ordinances we do have, where is our safety net? If some newcomer comes in and says I want a three-story house with bright lights shining and I do not want to be historic, where is it written? Mayor Pro-Tem Olson said our ordinances now do not address it but that is why we hired these guys to make sure we do have that. Ms. Woolsey said if it is within the historic preservation overlay that you currently have part of these interim ordinances we took the guidelines which are optional guidelines so it is not really a safety net, it is just suggestions, we took those and turned them into mandated standards so as part of this if it falls within that historic preservation overlay they would have to follow the standards that you had decided that you wanted as part of the guidelines. The historic preservation overlay is separate from the downtown so it is possible that a property is both within downtown and within the historic overlay but it is also possible if you decide to expand the downtown overlay but it is not part of the historic overlay, it would still have the design standards that I discussed previously. It just would not follow the same historic standards such as building materials can be controlled more in a historic preservation overlay than a normal zoning district in Texas. Council Member Fox asked are you planning on trying to rezone and what about the historic district? She asked if anything will be done with it? Mr. Keast said he would not expect. He thinks that revisiting with what you have now if you have issues that you want to tackle we can help you address them, but I would not envision rezoning that. Mayor Pro-Tem Olson said if you remember we had that workshop out at the County and had the big picture blown up on the wall where we drew a line in the sand where we want to keep the big box stores over east of Buffalo Springs. It is a little further west but right there if we keep the big box stores we have to rezone all that and that is part of this because we turned all that over to them when we hired them. The box stores stay out there and then the downtown historic district will be guided by our historic guidelines. He said the minute the historic district ends if you look at where the drapes store is across from Jim's Hardware one little sliver of that large two acre lot is in the historic district but the rest of it is outside. He asked how do we control the shift from one zone to the next? Mr. Keast said you need to think about a transition. He said Jim's Hardware is a little out of character in downtown. It is all a big parking lot out front so that is what we have to work with you to figure out where do we want to draw the line? We can do a lot of things in terms of the building scale, where the building is relative to the street, sidewalks, and signage style. Then we can talk about materials and where you want to draw the line to make a

transition or it could be that anything that goes up FM 149 just carries the aesthetic from downtown. Mayor Pro-Tem Olson said but because it is outside the historic district we have to be very careful on what we can restrict with building materials. Mr. Keast said you have less control, but what Ms. Woolsey will talk to you about is that you can control them through development agreements so that is a contract and not an ordinance and we have created some ways that basically they have a range of options and they get a point system. They have to do so many things like she talked about out of this list. You have to do two or three things so we can get that leading them in the right direction. He said Texas basically said we cannot any longer require that everything has to be masonry or whatever it might be. We cannot control that but all the planners across the State are getting creative in ways that can stay within the law but still try to get the final ending. MEDC Board Member Walker asked if there is a way to extend those boundaries? Mayor Pro-Tem Olson said the State has to allow us. Mr. Keast said he thinks there could be a pretty good argument if there is a property that is essentially in the historic district that you could align it with the boundary of the ownership. Mayor Pro-Tem Olson said it is all zoned residential right now so if they want to build in it they have to come to us to get it rezoned which is not out of the question but the last time the last person tried to rezone we denied it because we want people to build in what we have. We have plenty of room right now in commercial areas so let us build there before we start moving and spreading out. What we have control of right now is that it is not zoned commercial. Mr. Keast said again we want to do that in the big scheme of things. One of the things that we are going to be bringing to you is called a future land use plan. This is where we basically lay out what we intend all the land to be in the future so that when someone comes in with an application to rezone from A to B you look at that future land use plan and say are they wanting to rezone it into what the future land use plan says and if so then that is in their direction and then you have to approve it. If not then you should either deny it or change the land use plan. He said that will be the guide throughout our whole planning area. It may not be in our city limit or EJT today but over the course of time throughout our planning area we want to be able to say what is the character of that, what is the use of the property, but what is the character more importantly, what is the look of it. We will spell that out and we started working on that but did not get it done before tonight.

P&Z Chairman Simpson said the property Mayor Pro-Tem Olson is talking about is unique. Mayor Pro-Tem Olson said it is a strange shape. P&Z Chairman Simpson said it is going to have to be something and everyone will not be open minded if someone brings something to build. Mayor Pro-Tem says he has looked at it himself to build on it. The wide end you could build your building and the rest of it because of the shape of it could be a paved parking lot, but depending upon how we restrict it, can we pave a parking lot? Mr. Keast said we are looking at probably coming to you with a neighborhood commercial district that would be something smaller that would be okay nearby or adjacent to a residential subdivision where the uses are limited and the square footage of building is limited and may require more of a residential type of appearance as opposed to something out of SH-105. It could be a much larger scale with much broader uses. We will be looking at those areas carefully trying to do a land use plan and we will create districts. P&Z Chairman Simpson said just as long as there are no

more guidelines. Sitting up there we cannot make a decision. Mayor Pro-Tem Olson said yes, we need some lines in the sand that say yes or no and give you some teeth to say yes or no. Absolutely. He said that is why we have Planning & Zoning and that is what you focus on. It should not have to be kicked up to Council to have to make a decision all the time because frankly, I do not want to make that decision. It is Planning & Zoning and our ordinance should take care of that.

2. Presentation by Kendig Keast Collaborative on the Montgomery, TX Concept Design Principles.

Ms. Woolsey said everything she discussed before is only pertinent to areas within downtown. What she will be speaking to now applies to the development outside of downtown so the whole rest of the City. She said this is going to sound pretty technical most likely and hard to imagine in the abstract, but once you see the actual text it is pretty easy and user friendly. There are standards for residential developments but that is only going to apply to townhouses and apartments so this is not going to apply to people who are building a single-family home. It will apply to mixed use which again is if we have commercial use and then a non-commercial use like apartments above a retail store for example. Completely non-residential developments such as retail and restaurants. Within the sections there are two components of this building design standard so there are general standards that are always going to apply to every development. An example of that is 90 percent of the parking shall be located to the side and rear of the building and not located along the street frontage. It is in a table, it is very, very clearly demarcated these are the general standards that always apply. The second component to that is a way as Mr. Keast had mentioned of us trying to be able to incentivize certain building materials and certain colors that by Texas law we cannot mandate so the way we try to incentivize using those is we give a menu of options that have different elements the developer can choose from. Each of those options is assigned a point value and depending on the size of the development they are required to meet a certain threshold of points. They can choose from the menu whatever combination of things they want but it has to reach a minimum of whatever the threshold based on their size is required. If the applicants choose to exceed the amount of points from the threshold, I believe it is if they go over by 20 points, then it gives them a little bit of a height bonus. It incentivizes them to add more articulation, more variation, use certain building materials, and gives them a little bit of a bump in exchange for that. It also includes more generalized standards for outdoor dining, drive-ins, drive-throughs, and outdoor storage. On the next slide these are some pieces of the menu that are examples. On the left column is the building element, the middle column there is the standard that goes along with that, and then on the right column there is the point value that it is worth. If you look at neutral building colors for example it is worth plus 10 points. If you use another building color it is minus five points so it is not mandating they have to do that but it is incentivizing it by being a larger point value. These can obviously be adjusted and changed if you decide there are different priorities in the City and what they are wanting to achieve. If they use as their primary material structural clay tile, masonry, or glass then that is worth 15 points. If they use metal, vinyl siding, or composite then that is minus five so that is the idea of it. MEDC Secretary Londeen

asked about not meeting the minimum threshold. Ms. Woolsey said then they have to meet the minimum. It is based on the gross floor area of the building so if it is less than 10,000 square feet it is required 40 points. If it is between 10,000 and 35,000 square feet it is 50 points. Between 35,000 and 60,000 square feet it is 60 points. For more than that it is 70 points that is the requirement. Mr. Keast said Texas law says we cannot but this is a pathway that we found that is not requiring but you are going to be rewarded for.

Mayor Pro-Tem Olson asked have you submitted those all to us? Ms. Woolsey said yes. Mayor Pro-Tem asked how long ago did you do that? Mr. Keast said they have been out there for a while so we were glad to get this rescheduled so we can get this to you and present it. Mayor Pro-Tem Olson asked if they were sent by email? Ms. Woolsey said yes. Mayor Pro-Tem Olson asked could you forward us that email? Ms. Woolsey said yes. Council Member Fox said that would be very helpful.

MEDC Board Member Walker asked on the east side with all the new development does the Council have any kind of regulation there requiring developers with those little pass through streets he calls them alleys, the ones that are behind the buildings, are those being encouraged? Mayor Pro-Tem Olson said they are very nice. MEDC Board Member Walker said it will be done anyway on the land plan. That is going to be your way through to get to the other shops. Mayor Pro-Tem Olson said currently we would have to ask to add those types of things like the one you are talking about behind Christian Brothers and all that. MEDC Board Member Walker said yes. Mayor Pro-Tem Olson said I agree that is wonderful but honestly that is a private road and they did that on their own. Mr. Roznovsky, City Engineer said in the cross connectivity between adjacent and commercial properties that is the rules as far as there is no regulation beyond that. That is pretty much the extent of the language in there. As far as access roads they are required to do that when they subdivide it out so they have separate parcels in the back versus the front. They have to have a common access drive that connects all of it. Mayor Pro-Tem Olson asked if there is any way to make them line it up so if you go to the other side, the south side of SH-105 it is nice and straight until you get to Panda Express or the Sherwin Williams but it takes a dive and goes around and it is like you could not make a straight line? Mr. Keast said we are not just looking at boundaries in we are looking at everything around it and how we are going to connect all the pieces. Some of that is being done today already but we will be looking at as we write the subdivision standards all the street types, the street cross-sections, what is the right-of-way, what is the pavement width, how many lanes, medians, sidewalks, trails all those types of things. Also as Ms. Woolsey alluded to access management requirements so that we cut down on the number of curve cuts and we have a cross-section for a marginal access which basically runs parallel to but in front and then everybody takes access to that marginal access rather than out SH-105. We can do the same exact thing with a reverse frontage so everyone takes access to that and then they go up to a street stop light. To the maximum extent possible we want to minimize the number of curve cuts on and off of SH-105 because obviously it is high speed and it just creates conflicts, congestion, and possibility for accidents. We want to manage traffic and it is not only SH-105 but every street in town so we are writing all those standards and making sure that when you have driveways they are lined up and are not

offset so you do not forget people trying to make that move and tying up traffic. All of those things we will be writing into the subdivision regulations. Mr. Keast said the thoroughfare plan is entirely draft. A lot of these things are going through properties and they may need to be moved over. We looked at aerial photographs and tried to align with parcels but we do not have great mapping around the periphery so it is hard to sometimes figure out. The key thing with the thoroughfare plan is creating a hierarchy from SH-105 to your principal arterials which are intended to be the biggest, the most traffic, the highest speed limit driveways and then you go down to a secondary arterial which are the same but they do not go as far distance. They are a little smaller. Then you get down to a collector roadway so all your local residential streets feed the collectors and the collectors feed the arterials and so forth and so on. When you have a collector roadway and you will see there is some on there today that people ask why do you say that is a collector? That is how it is functioning today because everybody is taking access to that street to get anywhere so it is functioning that way today. We do not want a bunch of driveways on those collectors. If there is a collector roadway you want people taking access on local streets and then add on to the collector so the traffic can move. It is creating a network throughout the entire town to help people get from their neighborhoods or from their store and move throughout town on continuous roadways. It was hard as some of your developed areas which we see this everywhere we go because the subdivision was done and it was just within that subdivision. There are even places where there is a subout and then the next developer came in and cut that subout off and just built whatever they wanted to build so you lost the opportunity to start tying things together. This thoroughfare plan shows even areas outside overall roadway network. The red are the principal arterials. We ended up deciding that Lone Star Parkway would be a secondary arterial because you have FM 149 and you also have FM 1097 and we are trying to figure if there is a way to connect those going west and then there are collector roadways. In some cases there is a solid line if it is a road that already exists and it is an extension if it is a dotted line. The purpose of this is to mark it up and identify things. We also have on here orange lines that represent trails. We are at a perfect point in the development of the City that we have a terrific opportunity to create off street connections all throughout the town. The way we do that is to require when a subdivision comes in they have to build a trail network. The subdivider is going to say wait a minute. Are you saying I have to take up part of my development and put in a trail? We are looking at for instance your single family lot is 9,000 square feet so if we create it, it has zero open space required although the City is not requiring to provide any open space. There is not a required open space ratio. There is required drain requirements. Mayor Pro-Tem Olson said if they are under 75 x 100 which is 9,000 square feet as long as they have that lot size. Mr. Keast said but you are not saying when a subdivision comes in they can do a 9,000 square foot and on up right? Mayor Pro-Tem Olson said right. Mr. Keast said but they are not and there are no requirements in the ordinance that says you need to set aside 10 percent open space that could be for trails or anything like that. When I do the numbers if I say instead of a 9,000 square foot lot we go to an 8,000 square foot lot and in exchange for that there is required to be a 10 percent mandatory open space. That 10 percent open space could be used for trails, entry monuments, a buffer yard adjacent to the adjacent development and things of that nature. MEDC Board Member Walker asked if trails could be considered to use

toward their mitigation also or for retention, detention? Mr. Keast said potentially. MEDC Board Member Walker asked if they are trying to sell this to a developer you are taking his dirt? Mr. Keast said what we are doing is making sure that by requiring open space they are getting a little bit more density than what they can get today. Mayor Pro-Tem Olson said that is what we do now because a 9,000 square foot lot you cannot hold a gun to a developer to make him build that lot. They are just not going to do it so they all come to us with smaller lots and then we force them at that point to give us that other space in green space so we are doing that now. Mr. Keast asked it is not written right? Mayor Pro-Tem Olson said it is written absolutely. Mr. Roznovsky said there is a one to one compensated open space for reduction. Mr. Keast said we will look at all your regulations and figure out what you are doing and find out the avenue that would allow them to construct a trail and maybe you are already providing for that but to do so without them having to lose density so we will look more into that. There are trail networks that are throughout there and the same way with the roadways. We want to make sure they are continuous connecting from one property to the next. There are some of the roadways where you will see the cross-sections where there is a wide trail section. There is a whole series of street cross sections and the rights-of-ways match the County's but what we have done is we have looked at different ways that we can meet that. For instance, through some of this land through areas that are heavily wooded instead of clear cutting and putting a five-lane road through there what we are doing is we are saying there may be four lanes and then there is a 40-foot median down the middle to save all the trees or we can slide the roads over and have a 40-foot parkway on one side so they do not have to wipe out all the trees but they can still build the road and we can keep that aesthetic. Those trees are a big part of the character of Montgomery County so we do not want people to come in and start clear cutting land and putting in two inch caliper trees.

MEDC Board Member Nelson asked if they work with TxDOT? He said for instance we have a proposed median from Dobbin through Montgomery to tie in to what they have already done on the east side. He asked if they work with TxDOT on plans for landscaping? Mr. Keast said yes they have. MEDC Board Member Nelson said someone said they took the lead on it but does not think they ever did.

Mayor Pro-Tem Olson said the thoroughfare is a long way away but thinks he can see it but Lone Star is there and the other one on the other side it looks like you have penciled one in, there is a thoroughfare that is like the other side of the Lone Star and comes off FM 2854 on the east but there is one that heads to the west there that looks like a thoroughfare further north. He asked what is that? Mr. Keast said when we did the land plan we identified connecting roadways that would pass that property, be picked up, and carried on farther west. The point of this is it does not have to be that alignment. It can be whatever alignment, but the point of it is that we connect point A to point B. Mayor Pro-Tem Olson said his point of that is the County owns the Lone Star Parkway on the top side and they would put in the other side so we are kind of at their mercy of where they want to draw it. I have a meeting with the County some time this month. They called me and want to talk about something. Mr. Keast said schedule a meeting with the County. We have looked at their County thoroughfare plan that is a very broad scale

and they do not go to the collector level of the local municipality so that is what we are doing. We are basically filling in the blanks between the major arterials and the County is looking at the countywide system to create the roadway network here. MEDC Board Member Nelson said you have a land owner that just opted out of the ETJ so I do not know how you enforce that. Mayor Pro-Tem Olson said they are still at the mercy of the County. Mr. Keast said we need to be on the same page as the County because whatever happens on the fringe of the City is going to affect the City. MEDC Board Member Walker said we want to make sure land owners allow access at some point. Mayor Pro-Tem Olson said as far as the thoroughfare and we have had developers already come to us with developments that fall on those chunks where they have offered to plan in thoroughfare designs so that would happen with the east side of that section as well I am sure. I am just trying to understand how you come up with your line. Mr. Keast said basically it is connecting the dots, looking at the existing roadways and figuring out how we can extend existing roadway so we have continuity of a roadway system and basically building a grid through the areas that we can, that are not already developed and where opportunities have been shut off. This may end up looking much different by the time it is done and adopted but having this in place so as these bids and pieces start coming in we are looking at the thoroughfare that they are going to be providing through their development. But more importantly than that is the next guy and how he is going to construct his part so that we do not end up with a bunch of disconnected roadways. Mayor Pro-Tem Olson said which is our goal with the planning to start with the development planning to try and get some consistency with roadways and design where it is not just one developer next to another developer. Mr. Keast said yes, where everything just becomes a mishmash. Mayor Pro-Tem Olson said that was our intent. Our landowner did not have the same intent. MEDC Secretary Londeen said there is a development on the southwest side that has already come through that is not matching the County thoroughfare plan. Mr. Keast said yes we need to have a conversation [*inaudible*]. MEDC Board Member Walker asked how far does the ETJ go? Mr. Roznovsky said it is a half mile from here to the east side of the City surrounded by Conroe. Conroe's ETJ abuts right up to the city limits. The City has a J hook. The City limit line goes down to Spring Branch and comes back up so that each J extends that half mile around but again all the way south at the bottom of that hook which goes to north of Keenan Cutoff but all of this over here is Conroe ETJ. This over here is not the case. He said there are certain sections. Their ETJ you can see this dash line here is Montgomery ETJ that follows this. It used to be straight. [*inaudible conversation continued*]. MEDC Secretary Londeen said we need to be coordinating with the County for this stuff on the fringe. Mr. Roznovsky said Walker covers the majority over here and Charlie Riley's is this side and down. He said a couple of years ago the City did the draft mobility plan with Precinct 1 and Precinct 2 but has gone through a couple updates and thoroughfare plans since then. Mr. Keast said there are a number of cross sections on here and then we have some for some of the areas that we are going to be looking at having diagonal parking and parallel parking so make sure that you have that in your ordinance. Relative to this was an exercise that we were asked to do since your PUD had expired and we wanted to have something help guide us so what we did is we took this and made it into design principles to try to communicate or convey the types of things that we can include in the unified development ordinance. We get open space

areas, we have trails within the open space areas, we have access between lots you can access those trails, different types of development such as having a mixed use development be your shopping center now at FM 149 or SH-105 and have another area to compliment downtown but not be a replica of that. We have a list of different design standards and those are the types of things that we will be addressing as we are writing the ordinance. The most important thing to us is when we write these is having someone that is going to review them, give us feedback, and let us know if these are what you want to see. Council Member Fox said that would be Chief Solomon. Mr. Keast said obviously it is not going to be an ordinance, just a concept design that illustrates. Mayor Pro-Tem Olson said just to give you some direction on the questions that you asked, everything would need to go to Chief Solomon as he is our Interim City Administrator and he will handle that. Mr. Keast asked who do you have that will be the one doing the technical review, being familiar with land development regulations, reviewing and ensure that everything is in line? Mayor Pro-Tem Olson asked Mr. Petrov if it would fall on him or the engineers? Mr. Petrov said it could be a combination. Council Member Fox said it would be nice if you directed everything to Chief Solomon and he would direct you. Mr. Keast said we will when we have deliverables but in the meantime we will reshare the project schedule with Chief Solomon and get him up to speed on the way things are laid out to make some adjustments since we lost time. Mayor Pro-Tem Olson said also that email I had asked you to forward to us please forward to him as well. Council Member Fox asked Mr. Keast when you send it are you going to send it to the full Council or just to Chief Solomon? Mr. Keast said we will send it to Chief Solomon and let him distribute it.

Mr. Keast said we are working on the future land plan. Mayor Pro-Tem Olson said we have an old one and you have seen that. Mr. Keast said yes and asked if there is a different one? (Mayor Countryman arrived at 7:30 p.m.) Mr. Roznovsky said there is. It was never adopted. There was a future land use plan that was done. Planning & Zoning looked at it and Council may have looked at it. Mr. Keast said we do not just say single family residential, commercial. We break it down into the character of the neighborhood, character of the area, and then the districts that we draft in zoning basically make those happen. We need to get the future land use plan drawn and make sure our districts align with that future land use plan so it is very easy for anybody to look at the future land use plan and say if it is a state residential we have a state residential district. We ended up creating right now a rural district that is for the areas that are not ready to develop, where there is not infrastructure, where it is maybe premature to develop. If those areas are action zoned rural then the Council would recommend at what point you want something else to make sure there is infrastructure, facilities, and services. In estate residential life you have obviously a lot of estate neighborhoods around and then we will have a single family we call the traditional which is basically what is being developed now. We have a plan which is for the large areas that might develop in the future where you can have different housing plats. We do not intend to put in an apartment zoning district. If there is an apartment that comes in it would be part of a master plan development and we can do apartment buildings but maybe not whole complexes. He has had conversations in past years about that so we

can still accommodate that but it would be somebody is going to do within a master plan of a larger development and how that is going to fit into the transition of things.

Mayor Pro-Tem Olson said when it comes to zoning he is not familiar, but rural he is very familiar. He understands that basically if it is rural he can build barns and whatever he wants. The problem with that is if it is zoned rural and he buys that up and goes and builds barns and then we grow to it, is it in our best interest to not zone it rural since it is in the city limits? Mr. Keast said that is really the purpose of the future land plan to think about 25 or 30 years from now, how much land will we need to accommodate the population that is projected and what land area does that cover and then start planning for that in terms of the future area. If there are areas that may be rural now but 10, 20 years from now we see them being something different then yes, we probably would not want to zone it rural. We might zone it whatever the land use plan says. Mr. Keast said the other consideration is there are certain areas that if someone wanted to come out here and start building a subdivision it would be premature for us so we want to be able to have some decision making authority as to when we provide facilities. That is really the purpose of the future land use plan. The zoning just follows and implements that plan.

MEDC Board Member Nelson said regarding multi-family you mentioned it is part of the master plan community, not part of the master plan commercial development. Mr. Keast said the old school, the way most cities use to do it they use to have a multi-family zoning district that would permit apartment complexes. If it is not already zoned that it is almost impossible to get approved because everybody around them does not want that next to them so they hardly ever get zoned that anyway. What we are saying is if someone comes in and says I own all this property and I am going to do a master plan development and I am going to put some apartments over here but we know how the apartments are going to relate to everything that is around it, how they are separated with open space or how the landscape is done. They would do it as part of a master plan. It could be commercial or multi-family together which we call mixed use. Mixed use does not have to be one use over the other. It can be horizontal but they do a master plan to show all the interior street networks and how everything fits together. Mr. Keast said what they are looking at doing where you have a very large tract it is setting a maximum density and a minimum open space and then basically saying you can provide any combination of single family, two family, multiplex, large lot, small lot as long as you provide at least that much open space. If you want to increase the density you have to increase the open space to compensate for it. This allows them to respond to the market. They do not have to go back to the zoning every time they want to tweak something. Right now if you have a 9,000 square foot they have to go through a process to do something different so we do not want them to have to come to Council every single time someone sneezes wants to do something different. We lay out all the standards and if you want to build a duplex this is what it is going to look like, this is how it is going to be parked as opposed to having to do all those individually. MEDC Board Member Nelson said for instance if someone goes on FM 149 south and they want to do a mix use on 100 acres. Do you already have standards in place before? Mr. Keast said when we are done yes. MEDC Board Member Nelson asked if that includes if it is fully just

multi-family or personal retail? Mr. Keast said yes we could have a maximum square foot building if you do not want big boxes and we could require different building types. We could mix it with office or retail or if you want to have drive-thru we have standards for how you do a drive-thru. If you want to work in some apartment buildings, may be not a full complex, we have standards for all those things. All of the standards end up themselves stand alone. Mayor Pro-Tem Olson said we probably should have preempted everybody with Mr. Keast's history. They have zoned Las Vegas, Washington D.C., and there is a long list of well planned out large cities. Mr. Keast said they have been doing this since 1982. He joined Mr. Lane Kendig in 2003 and has been doing this for 35 years. They have done over 250 zoning ordinances in towns, cities, counties, and work in 42 states. Their headquarters is in Sugar Land. They also do conference of plans; park plans and have pretty much done everything around the Houston area for the last 25 years all over Texas. MEDC Board Member Nelson said we want to get away from flying by the seat or our pants. We do not want to reinvent the wheel. Mr. Keast said his biggest concern is that when you get into these scenarios and say can we solve this and do that with pretty restrictive regulations and people are saying you are really restricted. He wants to make sure we are setting the bar for what is appropriate for Montgomery. We are not trying to be The Woodlands but we are trying to be Montgomery, trying to be a nice, well planned and well designed Montgomery that is unique. We are not trying to be like FM 1960 where anything goes and that is exactly what will happen right now if you did not do this process. You are just going to get the same old pattern you have with very little control.

Mayor Countryman apologized for being late and said she knows they talked about taking in the historic district jumping across SH-105 at the FM 149 and SH-105 area at Brookshire Brothers coming this way ending here. She asked Mr. Keast if he still has that in the plan? Mr. Keast said here is Brookshire Brothers and here is the apartment complex to the south of it on FM 149. That area just through the east they have identified as being a mixed use area. Buildings that are brought to the street could be walk up town homes, it could be retail, or small businesses with residential upstairs. It would not be necessarily a replica of downtown because we cannot repeat that right? Mayor Countryman said no, just in a protected district and that is really coming from FM 149 west to here. Mayor Pro-Tem Olson said we did talk about the historic district and its boundaries and we are limited based on what the State will allow. Mayor Countryman said we were talking about extending the boundaries. Mayor Pro-Tem Olson said yes but we are limited by what the State will allow us to do because it has to be approved. Mayor Countryman said we did get that approved; we talked to them. Mr. Keast said right now you have a commercial district and it does not distinguish between downtown or SH-105 so we are creating a downtown zoning district. Then you have an overlay district that overlays that just in the historic district so areas that are not historic we could expand the downtown districts so that we can have standards that keep it being walkable so it is not all parking lots out front and buildings pushed in the back so we can control the type of development that happens within that downtown district. Mayor Countryman said the historic district comes down to the street right here, Shepherd Street across from us and we had talked about this side mirroring that. Mr. Keast said we will have to talk about that a little bit more. Mayor Pro-Tem Olson asked Mr. Petrov

what do we have to do with the State to extend our historic district? Would we need to file any paperwork I assume? Mr. Petrov said we need to look at the criteria and make sure we meet the criteria. He said some places should be pretty easy like the property ownership lines we were discussing earlier, making sure they match up with the district. It should not be a big thing at all. Mayor Pro-Tem Olson said but where we are crossing a highway basically there is a divide because everything north of the road is historic but then once you drop south it is not anymore. Council Member Fox said it is. There is the cemetery right there. Mayor Pro-Tem Olson asked is it just a section though? He said it is not really a district. It is just individual properties. Mayor Countryman said just to make it all look aesthetically the same especially since on the south side it is basically one business owner, but just to have it all look aesthetically the same and not cobbled together from here to FM 149. Mr. Keast said we could either create a unique district for that area so that we can establish unique standards for that area. They could be different from SH-105 going east and that would probably be the easiest way. We do not like to do overlay districts because they get confused. I am glad you brought that up because we are thinking about the districts and we can be creating unique districts that have unique standards for that area. Mayor Countryman asked Mr. Petrov for them to get that done would they have to go to the State? Mr. Petrov said he does not think they have to get State approval for our establishment of our district but we have to make sure that our establishment meets the criteria of the State. MEDC Secretary Londeen said the historic district gives us a lot more power but even if you do not have that you can still create a special district for that. Mayor Pro-Tem Olson said thankfully the one business owner builds everything that looks the same and it looks nice so we are lucky. Mayor Countryman said but he might want to sell out tomorrow so to protect it, it is just to ensure that there are those boundaries and bumper standards in place. It truly is basically just mirroring that historic side from here to Brookshire Brothers which is actually where we had talked about. Mr. Keast said he would like to see the ordinance that already establishes the escrow because in the time between now I do not know if you are hiring someone or what the idea is, we can fill that gap for you so that as things come in we can be reviewing the plans and making sure that they are adhering but we do not have anything adopted yet so that is why I suggested adopting a temporary ordinance that makes everything special use so you have some discretion. MEDC Board Member Nelson said we need an interim until something is agreed upon. Mayor Pro-Tem Olson said anything that you are recommending for us to pass to get into place as quickly as possible, if you would get with Chief Solomon and say we need you guys to pass this and to look at these temporary ordinances so he can get it in front of us on an agenda otherwise we cannot do anything. Mr. Keast said he will look at the escrow you have now and make sure it provides plan services to be included and what the escrow amount may be and then talk with Chief Solomon. Mayor Pro-Tem Olson said also if you would it appears that you may not have had any or much contact with our engineers yet. We do have some stuff in place that you were saying that we need to do and maybe we just need to tweak what we have. Mr. Keast said we need to have a sit down meeting and pull together everything so we can make sure what we have is the latest and greatest. MEDC Board Member Nelson said like you were saying to stop the bleeding we need to put something in place while we are working on this. Mr. Keast said to continue with this we need to make sure we have a hand in what is happening. Mayor Pro-Tem Olson

said then we can apply that other ordinance that we passed that says from this point forward if you do not have an agreement you have to bring it to us and we are going to give it to you guys and you tell us what to do. Mayor Countryman said she thought that was one of the big selling points to get you involved too so that we could have that stop gap until we get the ordinance. Mr. Keast said he wishes they could have known that. Mayor Countryman said we could have then but now we know now. Mr. Keast said we will get those things in the ordinance. Mr. Petrov said he would like a copy too. Mayor Pro-Tem Olson said to please send everything to Mr. Petrov. Mr. Petrov said they have never received any deadlines or anything. Mayor Pro-Tem Olson asked who did you send them to? Ms. Woolsey said Mr. Palmer and Mr. McCorquodale. Mayor Pro-Tem Olson asked if they saw comments from the engineers on some of it? Mr. Roznovsky said he thinks they saw there are four ordinances. Ms. Woolsey said they saw one, the design ordinance. Mayor Pro-Tem Olson said more importantly we need the temporary ordinance.

ADJOURNMENT

Motion: Council Member Langley made a motion to adjourn the Special Joint Public Meeting of the City of Montgomery at 7:50 p.m. Mayor Countryman seconded the motion. Motion carried with present voting in favor.

APPROVED:

Sara Countryman, Mayor

ATTEST:

Ruby Beaven, City Secretary