Notice of Planning and Zoning Commission Meeting AGENDA

January 03, 2023 at 6:00 PM

NOTICE IS HEREBY GIVEN that a Meeting of the Montgomery Planning and Zoning Commission Meeting will be held on **Tuesday, January 03, 2023** at **6:00 PM** at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas.

Members of the public may view the meeting live and download the agenda and packet information on the City's website under Agenda/Minutes and then select Live Stream Page (located at the top of the page). The meeting will be recorded and uploaded to the City's website.

CALL TO ORDER

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. The Commission may not discuss or take any action on an item but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

CONSIDERATION AND POSSIBLE ACTION:

- 1. Consideration and possible action on a recommendation to City Council for a building line encroachment for Montgomery Summit Business Park Reserve B.
- Consideration and possible action on a recommendation to City Council on demolition of the existing house and approval of a proposed new home and garage at 704 Caroline Street in the Historic Preservation District.
- 3. Consideration and possible action on a recommendation to City Council for a building line encroachment at 704 Caroline Street in the Historic Preservation District.

COMMISSION INQUIRY:

Pursuant to Texas Government Code Sect. 551.042 the Planning & Zoning Commission may inquire about a subject not specifically listed on this Agenda. Responses are limited to recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

ADJOURNMENT

/s/Nici Browe

Nici Browe, TRMC City Secretary

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on December 30, 2022 at 3:00 p.m.

This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodations.

Montgomery Planning and Zoning Commission

AGENDA REPORT

Meeting Date: 01/03/2023	Budgeted Amount: N/A
Department: Administration	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on a recommendation to City Council for a building line encroachment for Montgomery Summit Business Park Reserve B.

Recommendation

Motion to recommend approval of the variance request to City Council.

Discussion

The applicant's letter detailing the request is attached. The request is to permit a 6-inch encroachment of the existing building foundations into the side and rear yard setbacks. The request will be decided by the City Council (who also serves as the Zoning Board of Adjustment). The P&Z Commission's role is to provide a recommendation on the request.

Approved By		
Interim City Administrator	Dave McCorquodale	Date: 12/28/2022



December 29, 2022

The Planning and Zoning Commission City of Montgomery 101 Old Plantersville Road Montgomery, Texas 77316

Re:

Building Line Encroachment/Variance Request

Montgomery Summit Business Park

City of Montgomery

Dear Commission:

Montgomery Summit Business Park ("the Developer") is proceeding with construction of additional buildings on Reserve B. As stated in the enclosed letter, the Developer found a discrepancy in the survey which led to the buildings being located within the building line setback on the west and north sides of the property by approximately 6 inches.

The developer request approval to leave the buildings in the location they are encroaching the existing building lines and request a variance to allow the plat to be amended to reduce the building lines accordingly.

We offer no objection to this request.

Approval of the requested variance does not constitute plat approval and only allows the Developer to further refine the proposed plat, which will require the full review and approval of the City

If you have any questions or comments, please do not hesitate to contact me or Chris Roznovsky.

Sincerely,

Chris Roznovsky, PE

Engineer for the City

KMV/zlgt

Z:\00574 (City of Montgomery)_900 General Consultation\Correspondence\Letters\2022.12.27 MEMO to P&Z RE Montgomery Business Park Variance Request.docx

Enclosures:

Variance Request

Cc (via email):

Mr. Dave McCorquodale- City of Montgomery, Interim City Administrator & Director of Planning and

Development

Ms. Nicola Browe – City of Montgomery, City Secretary Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



P: 936-647-0420 F: 936-647-2366

November 21, 2022

City of Montgomery C/o Dave McCorquodale 101 Old Plantersville Road Montgomery, TX 77316

RE: Variance request for Montgomery Summit Business Park regarding requirements for lot setback

The subject tract is a 2.262-acre property along Summit Park Drive and FM 1097 being Reserve B within Montgomery Summit Business Park Subdivision, Montgomery County, Texas. According to Section 98 of the City of Montgomery Code of Ordinances, commercial lots are required to have a 25' setback when adjoin R-1 district boundaries. The original development plans were provided to the City and approved in 2015, which included the 25' building line (BL) and vegetative buffer (VB). A 10' BL was included on the final recorded plat on the sides of this reserve.

Upon construction of the most recent four office buildings, a post construction survey was produced and the foundations were poured slightly inside the 25' BL/VB and 10' BL. Upon investigation, it was determined there was an error in placing the property pins at some point in time. The original surveying company is no longer in business, so a new surveyor was used to pin the building locations. Once the new surveying company was asked to produce a post construction survey, there was a slight discrepancy between the original survey and his. Ultimately it was revealed there were multiple property pin locations that led to the misplacement of the building. The new surveyor ultimately had to go back to the parent tract to determine the correct location for the pins and has since fixed the discrepancy.

The request is for the City to acknowledge and accept the 0.5' encroachment into the 25' BL/VB and 10' BL. We would request that we be allowed to record an amendment BL/VB at the Montgomery County Clerk's Office if the City accepts the requested variance.

It is for the above-mentioned reasons that we feel the variance request should be considered and approved.

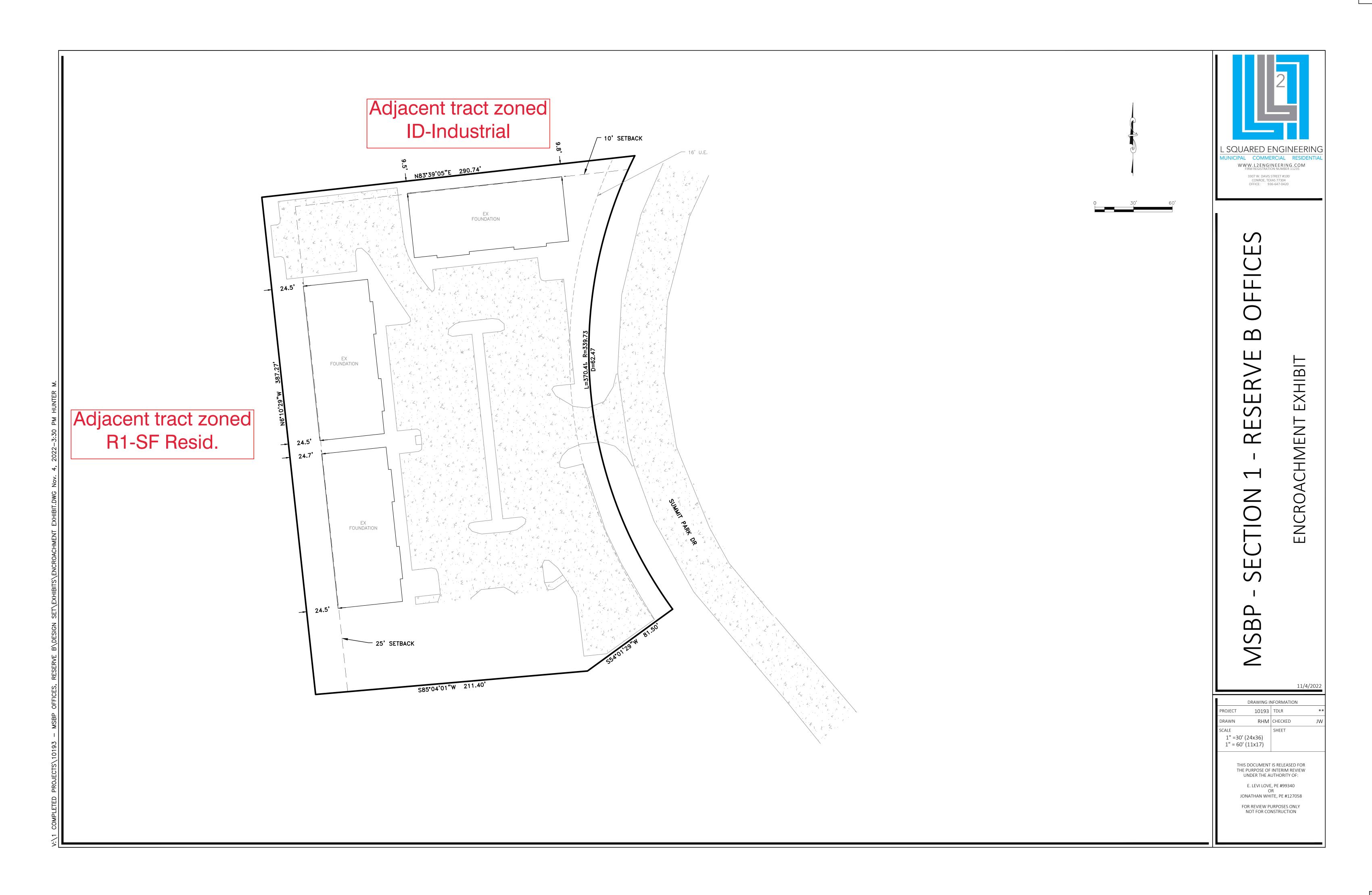
Thank you,

Jonathan White, PE 936-647-0420

Jwhite@L2engineering.com

Attachments: Variance Request Application, Encroachment Exhibit, Recorded Plat





Item 1.



Variance Request Application

City of Montgomery 101 Old Plantersville Road Montgomery, Texas 77316 (936) 597-6434

Upon completion return application to dmccorquodale@ci.montgomery.tx.us

Contact Information	
Property Developer(s): Summit Universal LP	
Address: 15349 Summit Park Dr, St. 101, Montgomery, TX	Zip Code: <u>77356</u>
Email Address: michael@summituniversal.com	Phone: 936-701-1977
Applicants: L Squared Engineering	
Address: 3307 W Davis Street, Suite 100 Conroe, TX 77304	
Email Address: jwhite@l2engineering.com	Phone: 936-647-0420
Parcel Information	
Property Identification Number (MCAD R#): R508869 Legal Description: 89.129 acres in the Owen Shannon Survey A-36	
Street Address or Location: 15349 Summit Park Drive Montgomery	Texas 77356
Acreage: 2.262 Present Zoning: Commercial	Present Land Use: Commercial
Variance Request	
Applicant is requesting a variance from the following:	
City of Montgomery Ordinance No.: 98-181 (a)(3) - 2022	Section(s): <u>98-181</u>
Ordinance wording as stated in Section (98-181):	
(3) Rear yard. A rear yard of 25 feet is required on all lots abutting an R-1 used for an R district purpose. No storage or similar use shall be allowed.	d in any required rear yard adjoining or abutting an R district.
Detail the variance request by comparing what the ordinance states to	what the applicant is requesting:

Signatures	
Owner(s) of record for the above described parcel: Signature: Bridgewell Industrial Portfolio, LLC. Sumnit Signature: Signature: Note: Signatures are required for all owners of record for the property proposed for variance.	Date:
*Additional Inf	
The following information must also be submitted:	
[X] Cover letter on company letterhead stating what is being asked	
[X]A site plan.	
[X] All applicable fees and payments.	
[X] The application from must be signed by the owner/applicant. I from the owner authorizing the applicant to submit the variance requ	* -
Date Received	

Office Use

Montgomery Planning and Zoning Commission AGENDA REPORT

Meeting Date: 01/03/2023	Budgeted Amount: N/A
Department: Administration	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on a recommendation to City Council on demolition of the existing house and approval of a proposed new home and garage at 704 Caroline Street in the Historic Preservation District.

Recommendation

While only needing one motion, include **both** a recommendation to City Council on the demolition <u>and</u> action on the proposed home and garage.

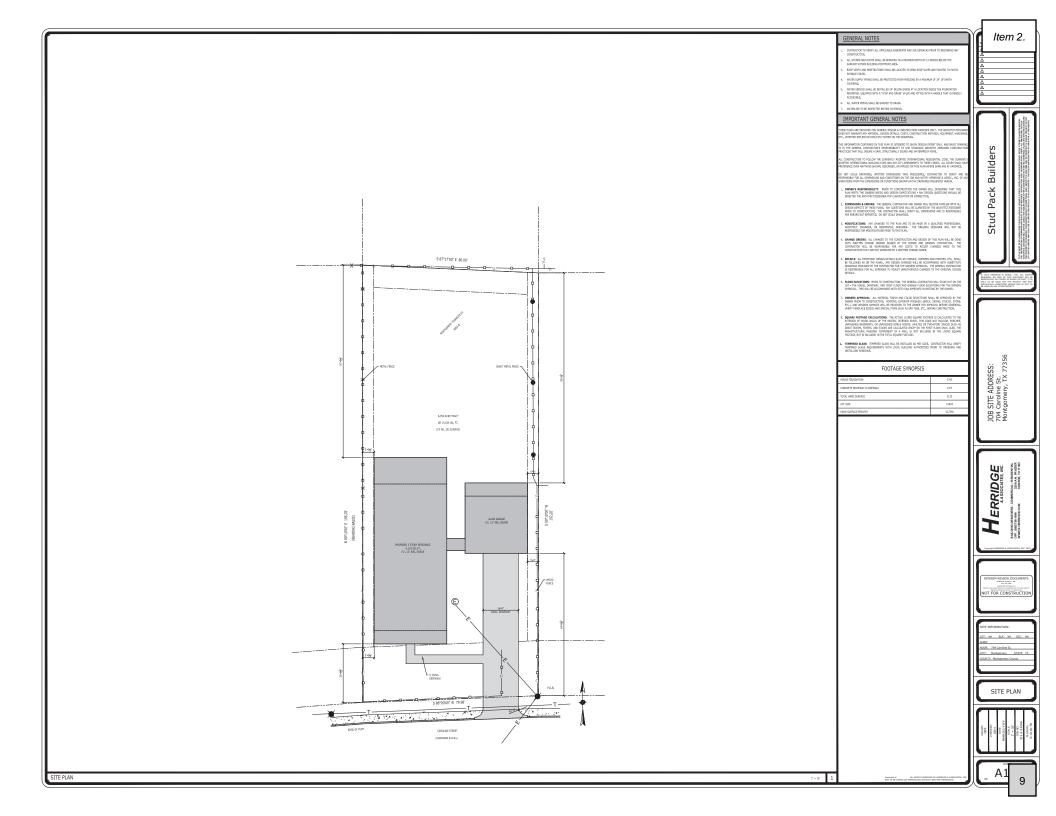
Discussion

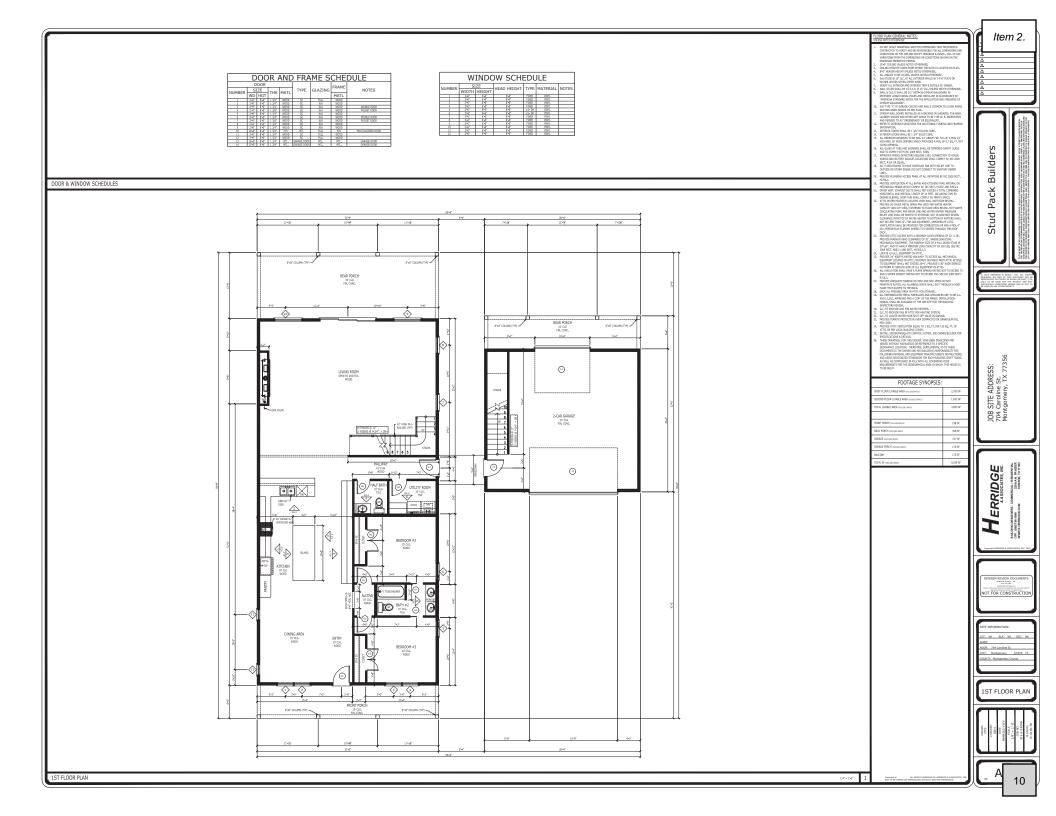
The applicant's supporting information is attached. The request involves two parts:

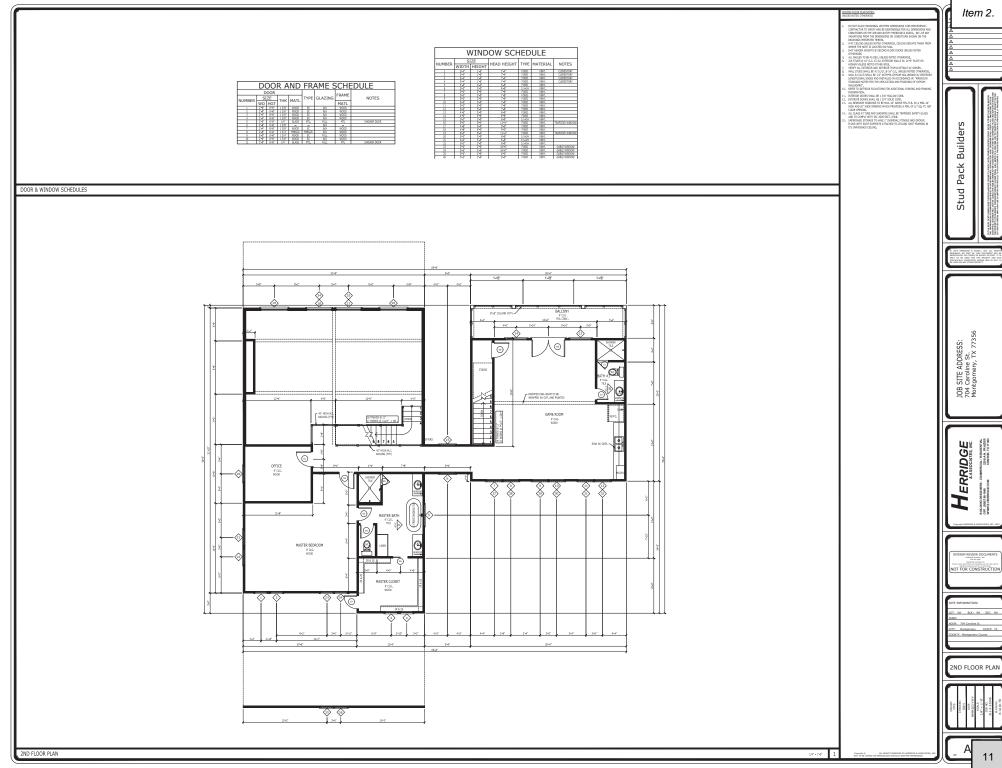
- Demolition of the existing home. P&Z makes a recommendation to City Council on this.
- New home and garage. P&Z approves or denies the exterior of the new structures.

The city currently requires a 10-foot side yard setback and the proposed home and garage would encroach into these by 5 feet, effectively leaving a 5-foot side yard. In reviewing the request, P&Z should provide guidance on whether you would recommend to City Council approval of the 5-foot encroachment. In other words, if you prefer to see the 10-foot side yard then do not approve the proposed plans as presented (and direct the applicant to revise the plans). If you are agreeable to the proposed encroachment, the exterior modifications can be approved by P&Z and the next agenda item is a recommendation to City Council on the encroachment.

Approved By		
Interim City Administrator	Dave McCorquodale	Date: 12/30/2022













704 Caroline St.

Here are some "before and afters" as we imagine them:



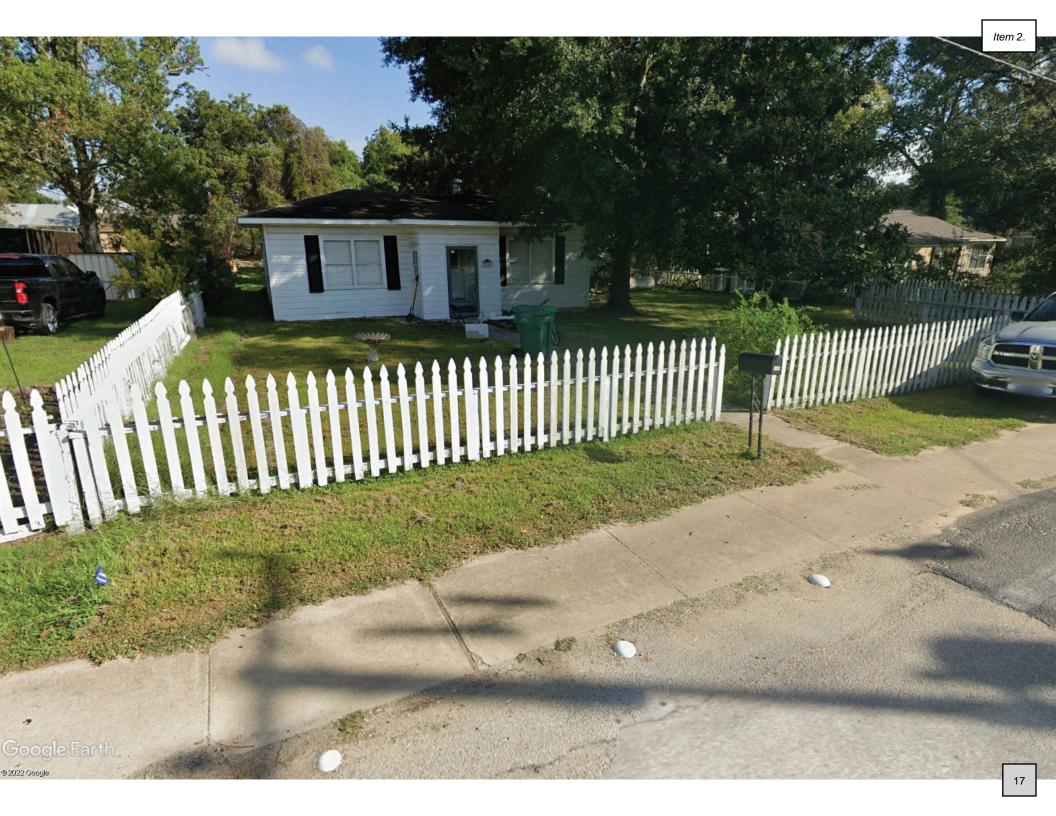




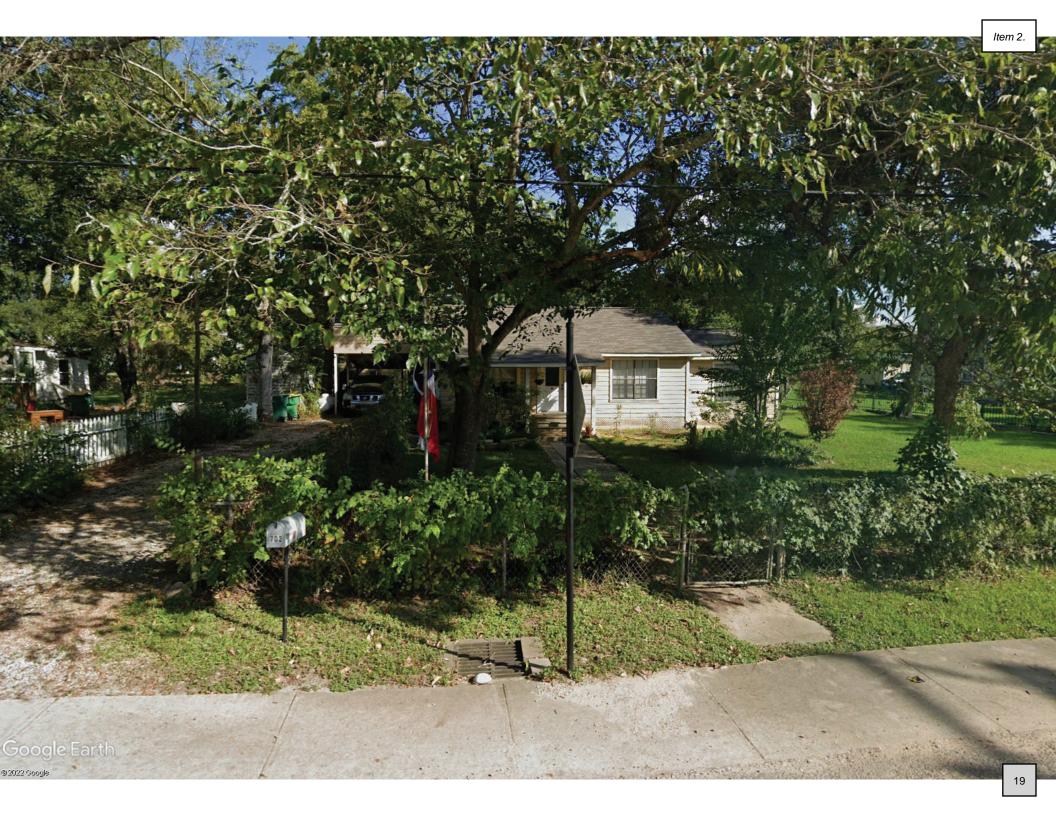






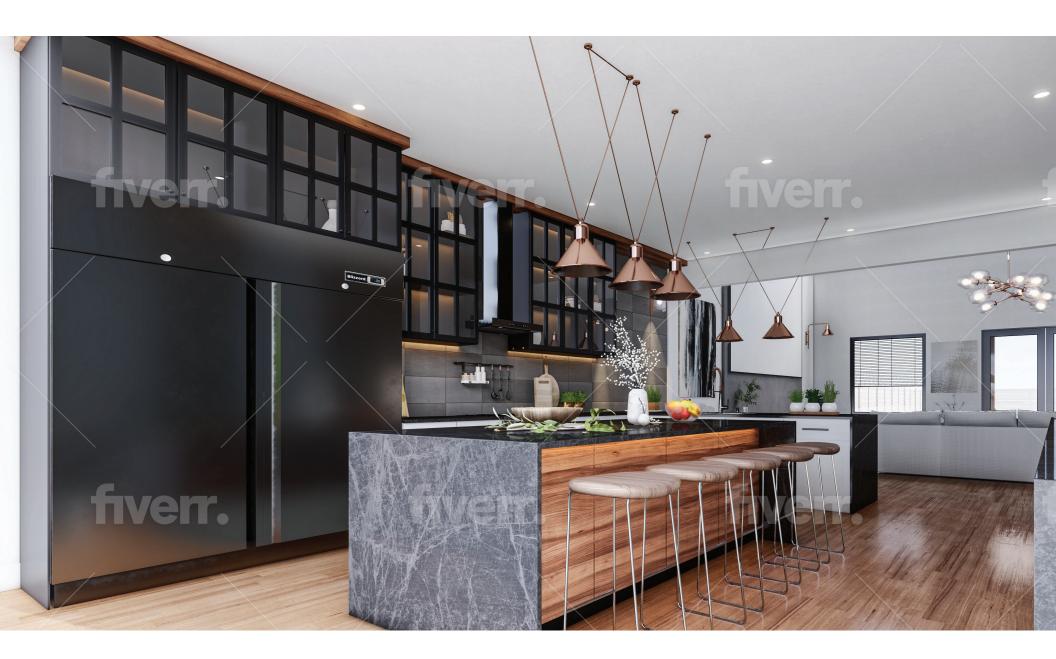


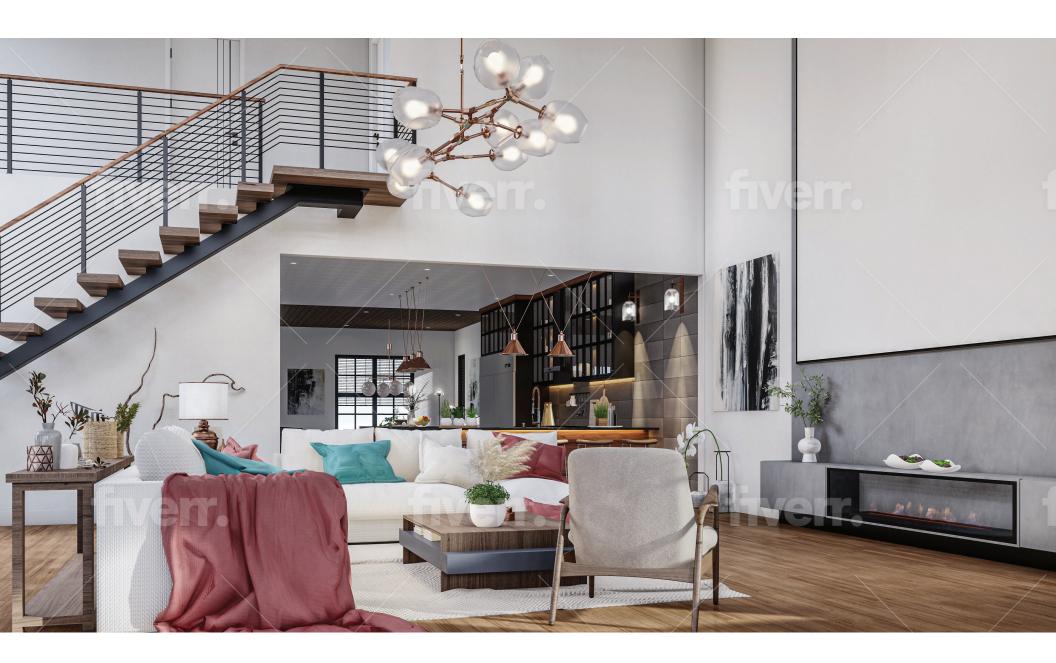












Montgomery Planning and Zoning Commission

AGENDA REPORT

Meeting Date: 01/03/2023	Budgeted Amount: N/A
Department: Administration	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on a recommendation to City Council for a building line encroachment at 704 Caroline Street in the Historic Preservation District.

Recommendation

Motion to recommend approval or denial of the encroachment request to City Council.

Discussion

The applicant's request and proposed site plan are attached. The city engineer will provide a recommendation at the meeting. The city had a 5-foot side yard requirement for a number of years and many existing homes, as well as new neighborhoods, do have a 5-foot side yard. Current regulations require a 10-foot side yard. The applicant is asking for an encroachment into the side yard, effectively leaving a 5-foot side yard. Staff has no objections to the request.

Approved By		
Interim City Administrator	Dave McCorquodale	Date: 12/30/2022



704 Caroline St Encroachment Request

Liz Selleck Liz Selleck (a) Gmail.com
To: "McCorquodale, Dave" dmccorquodale@ci.montgomery.tx.us

Fri, Dec 30, 2022 at 11:16 AM

Dear Sirs and Ladies.

My name is Jordan Selleck and I recently purchased the property at 704 Caroline Street in Montgomery. After a detailed investigation of the interior of the existing home, it was apparent that the renovations needed due to years of deferred maintenance and DIY projects was not an option. Additionally, we realized it was not financially feasible to bring the home up to modern building and safety codes. In designing the new home, we have used a similar location to the existing home and an existing shed on the property. We do not believe the location of the proposed home and garage will have any adverse effects on the neighboring properties since the existing structures have not negatively affected the neighbors or the neighborhood. We request to be allowed to encroach into the required 10-foot side yards as shown on the proposed site plan. Thank you for your consideration.

Jordan Selleck

