

**Notice of Planning and Zoning Commission Meeting
AGENDA**

June 1, 2021 at 6:00 PM

NOTICE TO THE PUBLIC IS HEREBY GIVEN in accordance with the order of the Office of the Governor issued March 16, 2020, the Montgomery Planning and Zoning Commission will conduct its Planning and Zoning Commission Meeting scheduled for **6:00 PM on Tuesday, June 1, 2021**, at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas via Zoom Teleconferencing.

This meeting will be **limited in-person** attendance by the public. A temporary suspension of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code. Videoconferencing capabilities will be utilized to allow individuals to address the Commission. Members of the public who wish to submit their written comments on a listed agenda item must submit them by email to dmccorquodale@ci.montgomery.tx.us by 3:00 p.m. on June 1, 2021.

Members of the public are entitled to participate remotely via Zoom Teleconferencing. Citizens may join the Zoom Meeting by logging on: <https://us02web.zoom.us/j/87559555371> and using **Meeting ID: 875 5955 5371**. They may also join by calling (346) 248-7799 and entering the **Meeting ID: 875 5955 5371**.

The Meeting Agenda Pack will be posted online at www.montgomerytexas.gov. The meeting will be recorded and uploaded to the City's website the following day. ***Notice - any person(s) using profane, abusive or threatening language may result in them being removed from the Teleconference Meeting.***

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 regarding approval of May 4, 2021 Regular Meeting Minutes.
2. Consideration and possible action regarding a variance request to the vegetative setback requirements of Section 78-162(a) of the City Code of Ordinances for Commercial Reserve "D" in Town Creek Crossing Section One as submitted by LeFevre Development, Inc.
3. Consideration and possible action regarding recent exterior painting for Southern Roots Salon located at 14275 Liberty Street in the Historic Preservation District. (*Tabled at the May 4th, 2021 meeting*)
4. Consideration and possible action regarding replacing two existing wall signs and one existing freestanding sign for In Stitches Drapery located at 14427 Liberty 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.

EXECUTIVE SESSION:

The Planning and Zoning Commission reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real property),551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas.

ADJOURNMENT

/s/Susan Hensley

Susan Hensley, 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 May 28, 2021 at 2:25 p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

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.

MINUTES OF REGULAR MEETING

May 4, 2021

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

Chairman Waddell declared a quorum was present and called the meeting to order at 6:05 p.m.

Present: Jeffrey Waddell, Britnee Ghutzman, Merriam Walker, Keri May, Allyson Clark

Absent: None

Also Present: Dave McCorquodale, Assistant City Admin. / Director of Planning & Development

VISITOR/CITIZENS FORUM

No comments were given.

1. Consideration and possible action regarding regular meeting minutes of April 6, 2021.

Britnee Ghutzman moved to approve the minutes as presented. Allyson Clark seconded the motion, the motion carried unanimously. (5-0)

2. Consideration and possible action regarding recent exterior painting for Southern Roots Salon located at 14275 Street in the Historic Preservation District.

Staff introduced the item, noted the applicants were not present at the meeting, and referenced an excerpt from the Historic District Design Guidelines that discusses color requirements included in the agenda packet, noting the Commission has wide latitude on what colors are approved and the only prohibited colors are metallic and fluorescent colors. Merriam Walker observed that she knew of the extensive renovation work on the building and that the exterior painting happened quickly. She stated the change from white to black seemed stark and aesthetically different from the rest of the downtown. Mrs. Walker also pointed to the applicant’s assertion that the black color had ties to the history of the site or building being associated with the Masonic Lodge. Staff stated it was unclear whether the site or the building had specific ties to the Masonic Lodge, noting the Montgomery Historical Society owns the land according to the tax roll. Merriam Walker asked to clarify that the only item being considered was the paint color, and the other renovation work was allowed without needing P&Z approval. Staff

stated that was correct and the proposed back porch rebuild mentioned by the applicant would not need approval if it were the same size and location as the existing porch. Mrs. Walker also noted the rock steps on the front of the building were replaced with new wood steps. Allyson Clark noted the black color was not consistent with any of the other buildings downtown and that she understood the operator of the salon may be affiliated with the Historic Montgomery Business Association. Noting the applicant had been in this location and active in downtown for seven years, they should have known the Historic District had at least some requirements. She noted the good quality of the renovation work, and the building age information from the appraisal district. She asked about the final color of the wood deck since it was left natural. Mrs. Clark noted the rest of the businesses downtown who do follow the Historic District guidelines and lamented the fact that the applicant was not in attendance to answer questions. Mrs. Walker agreed on the points. Chairman Waddell agreed the porch seemed to need finishing and mentioned the historic New England homes he grew up in and around were typically either painted white or had a very dark stain and that the black color of this building reminded him of those homes even if this new color did not match other structures down the street. Chairman Waddell also pointed out the City needs to communicate that changes to the downtown buildings need to be approved before the work is done. Mrs. Clark stated she had spoken to several business owners downtown who were shocked that the applicants painted the building without approval. Mrs. Walker asked if the tin was acceptable as skirting around the bottom of the building. Mr. Waddell stated he liked the eclectic mix of aesthetics in downtown and that as long as building materials and workmanship are of good quality, he has no issues with owners expressing character and individuality. Britnee Ghutzman stated while she personally liked the color scheme, the bigger issue is doing the work before approval, noting similar occurrences in the past. Mrs. Ghutzman asked to confirm that what the Commission is being asked to approve is the final product or if other changes were planned. Merriam Walker agreed and asked about the process of enforcement for work done without approval. Mr. McCorquodale stated a more robust City code enforcement program would accommodate enforcement of such items. Mrs. Walker said given the business investment involved in such a renovation it seems they would do the research to know what requirements are. Chairman Waddell stated he does have some understanding of how busy things get for businesses although it does not make it okay to not receive City approval.

Allyson Clark moved to table the item to allow the owners to attend the next meeting to provide additional information. Britnee Ghutzman seconded the motion, which carried unanimously. (5-0)

3. Consideration and possible action regarding a proposed wood privacy fence at 825 College Street in the Historic Preservation District.

Staff introduced the item and noted the applicant, Mr. Justin Elliott, was present at the meeting. Allyson Clark asked if Mr. Elliott currently lived in the house and if he was hiring a contractor to install the fence. He said he was planning on moving into the home soon and was hiring a contractor for the work. Mrs. Clark mentioned the proposed front fence and if there would be animals in the yard. Mr. Elliott stated he did have dogs and has three children who will be playing in the back yard. Mrs. Clark asked what fence style he planned on the front of the property. Mr. Elliott stated he initially planned on a privacy fence on the front. Mrs. Clark asked if the neighbors were sharing in the cost of the fence and Mr. Elliott stated he would be paying for the entire fence. Keri May asked if he would be staining the fence or leaving it natural. Mr. Elliott said his current plan was to leave it natural and he had not considered a color for the fence. Chairman Waddell stated the rationale for lower fences in the front of the property was to be able to see the historic structures in the district, though he understood the need for privacy. Chairman Waddell asked if the tall privacy fence in the front was critical to his plan, and Mr. Elliott stated he was open to options on the front fence. Allyson Clark asked if he had any renovation plans for the exterior of the home. Mr. Elliott stated he knows the existing single-pane windows need to be replaced with energy-efficient windows as well as replacing the tin roof with an exact replacement. Mr. Elliott stated he did not want to change anything that would take away from the historic character of the home. Merriam Walker asked to clarify exactly where the front fence would be in relation to the garage and stated she did not see a need for a privacy fence. Mr. Elliott stated he was open to moving the privacy fence to the rear edge of the house in order to keep the visibility of the house from the street and character of the property. The Commission members generally liked and indicated support for the idea of moving the front fence to the back corners of the house. Mrs. Walker asked when the applicant plans to start construction. Mr. Elliott said he would like to start in the next few weeks.

Britnee Ghutzman moved to approve a 6.5-foot-tall fence for 825 College Street along the sides and rear of the property and ending at the back corners of the house. Keri May seconded the motion, the motion carried unanimously. (5-0)

4. Planning & Zoning Overview and Training regarding Land Use Zoning.

Mr. McCorquodale stated that a guest speaker was for the training, but she was not able to attend the meeting. Mr. McCorquodale presented material on the role of the Planning & Zoning Commission and an overview of the Historic Preservation District. Specific questions and comments from the Commission included:

- Merriam Walker and Allyson Clark asked if the City planned to expand the Historic District or sites. Mr. McCorquodale stated the City would be open if residents wanted to or if a historic site was found in the City.
- Merriam Walker asked if there are any planning-related project that are pending and could be taken up by the Commission. She also asked if there was current zoning on the AutoZone property related to building materials. Staff pointed to the state law from two years ago that prohibited cities from regulating building materials except in a Historic District and that development agreements could provide incentives to encourage better buildings.
- Chairman Waddell mentioned the tree ordinance and how the City worked to balance regulations with developer needs.
- Mr. McCorquodale pointed out that he had mentioned in a previous meeting that the Historic District Guidelines were not adopted. In researching the Historical Preservation Ordinance, he found the guidelines are adopted as part of the ordinance and apologized for providing incorrect information.
- Allyson Clark mentioned that quality craftsmanship is what often defines historic structures. Mrs. Clark stated residential fences play a large part in the appearance of a neighborhood and the Commission needs to move forward with purpose on approving fencing in the district.
- Mr. McCorquodale stated three projects to consider for the P&Z to work on are revising the Historic District Guidelines, updating the Table of Uses and adding a type of new commercial district for the downtown.

Commission Inquiry

- Mrs. Walker pointed out the trash cans downtown that are still visible and she desires to see action on screening them.
- Mrs. Walker asked if the City knew when Chris Cheatham was starting the new office building on SH105. Staff stated the City has not heard an update on the project.

- Mrs. Walker asked about the provocative graphics on a vehicle that has been parked downtown. Mr. McCorquodale stated he had seen it, although the City cannot enforce vehicle graphics as part of the Historic District regulations.
- Chairman Waddell thanked Susan Hensley for all the work to conduct Zoom meetings for the City over the past year.

Adjournment

Merriam Walker moved to adjourn the meeting at 7:43 p.m. Allyson Clark seconded the motion, the motion carried unanimously. (5-0)

Prepared by: _____ Date approved: _____
Dave McCorquodale

Chairman Jeffrey Waddell

Attest: _____
Susan Hensley, City Secretary

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: June 1, 2021	Budgeted Amount: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action regarding a variance request to the vegetative setback requirements of Section 78-162(a) of the City Code of Ordinances for Commercial Reserve “D” in Town Creek Crossing Section One as submitted by LeFevre Development, Inc.

Recommendation

Consider the request and make a recommendation to City Council on whether to approve or deny the request.

Discussion

The developer is requesting this variance based on the expectation that a departure from the text of Subdivision Ordinance will allow for greater adherence to the spirit of the Ordinance. The primary reason given for the request is the elevation change between the commercial and residential properties. The commercial reserve is approximately 7-feet higher than the future home slabs. By allowing the vegetative buffer on the residential lots – which have been made correspondingly larger to account for the vegetative buffer being added to them – the fence between the properties can be built at the top of the slope where it will provide the greatest amount of screening for the homeowners.

The variance process is described by Section 78-28 of the City Code:

“When a subdivider or developer can show that a provision of this chapter would cause unnecessary hardship if strictly adhered to, or where because of some condition peculiar to the site or the unique nature of the development compliance with this chapter is not consistent with or required by good engineering and planning practices, and if in the opinion of the city council, planning and zoning commission and the city engineer, a departure from this chapter may be made without destroying the intent of this chapter, the city council may authorize a variance.”

Approved By

Asst. City Administrator	Dave McCorquodale	Date: 05/27/2021
City Administrator	Richard Tramm	Date: 05/27/2021



May 28, 2021

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

Re: Variance Request
Town Creek Crossing Section 1
City of Montgomery

Dear Commission:

As you are aware, Philip LeFevre and Hilliary Dumas ("the Developer") are proceeding with construction of Town Creek Crossing, Section 1 at the northwest corner of Lone Star Parkway and Buffalo Springs Drive. The Developer is requesting the following variance from the City's 2004 Code of Ordinances:

- Section 78-162: The 2004 Code of Ordinances requires a vegetative setback of 25' in width to be maintained where commercial, multifamily, industrial, church, public building or school properties abut a single-family residential property. The Developer is stating the ordinance does not specifically require the setback to be located on the non-single-family residential property, but it is typically not placed on the residential property. The Developer is requesting a variance to allow the 25' wide vegetative setback to be placed on the residential lot in lieu of the adjacent commercial reserve.

Enclosed you will find the request for variance as submitted by the engineer for the development. We offer no objections to the Developer's request on the basis of the significant elevation difference between the commercial reserve and adjacent single family residential properties, and the lot size adjustment that is proposed to account for adjusting the location of the vegetative buffer. This adjustment will allow the privacy fence to be placed at the higher elevation to provide more of a visual barrier than if placed at the bottom of the slope.

Approval of the requested variances does not constitute plat approval and only allows the Developer to further refine the proposed final 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.

Sincerely,

A handwritten signature in blue ink that reads "Chris Roznovsky". The signature is written in a cursive, flowing style.

Chris Roznovsky, PE
Engineer for the City

Variance Request – Town Creek Crossing Section 1
Planning and Zoning Commission
City of Montgomery
Page 2 of 2
May 28, 2021

CVR/kmv

C:\Users\kvu\Documents\MEMO to P&Z RE Town Creek Crossing Variance Request 20210527.docx

Enclosures: Variance Request

Cc (via email): Mr. Richard Tramm – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



21123 Eva Street, Suite 200
 Montgomery, TX 77356
 P: 936-647-0420 F: 936-647-2366
 www.L2Engineering.com

May 25, 2021

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

RE: Variance request for Town Creek Crossing regarding Vegetative Setbacks and Barriers

Mr. McCorquodale,

According to Section 78-162 of the 2002 City of Montgomery Code of Ordinances, a vegetative setback of 25' in width is required to be maintained at all times where commercial, multifamily, industrial, church, public building or school properties abut any single-family residential property. The ordinance is not specific to require the setback be located on the commercial lot, it simply states there a 25' setback is required; however, the 25' setback is typically situated on the commercial or multifamily property. We request that the 25' setback be situated on the residential lot in lieu of the commercial reserve.

There will still be a 25' buffer between Commercial Reserve D and the residential lots behind it, the setback will just be fixed on the residential lot. A fence will be placed on the common boundary line (approximately 7' higher in grade than the finished floor of the homes) and there will be a 3:1 side slope for transitional grading within the 25' vegetative setback on the residential lots. The residential lot depths were also increased in size by 25' to accommodate this setback.

Please feel free to contact me at 936-647-0420 if you have any questions or concerns.

Thank you,

Jonathan White, PE
 L Squared Engineering
 Senior Project Manager, Partner
 936-647-0420
 Jwhite@L2engineering.com

Attachments: Variance Application, Preliminary Plat





Variance Request Application

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

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

Contact Information

Property Owner(s): LeFevre Development Inc.

Address: 780 Clepper, Suite 100 Montgomery, TX Zip Code: 77356

Email Address: plefevre@lefc0-inc.com Phone: 936-597-5200

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#): R392827, R405109, R392828

Legal Description: Tracts 1-H, 1-L, and 1-J within the John Corner Survey, Abstract 8

Street Address or Location: Northwest corner of Buffalo Springs Drive and Lone Star Parkway

Acreage: 125.192 Present Zoning: PD Present Land Use: Vacant

Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 2002- Section(s): 78-162

Ordinance wording as stated in Section (78-162):
Required vegetative barrier or setbacks

Detail the variance request by comparing what the ordinance states to what the applicant is requesting:

See request letter

Signatures

Owner(s) of record for the above described parcel:

Signature: William Amas Date: 5/25/21

Signature: _____ Date: _____

Signature: _____ Date: _____

Note: Signatures are required for all owners of record for the property proposed for variance. Attach additional signatures on a separate sheet of paper.

Additional Information

The following information must also be submitted:

Cover letter on company letterhead stating what is being asked. []

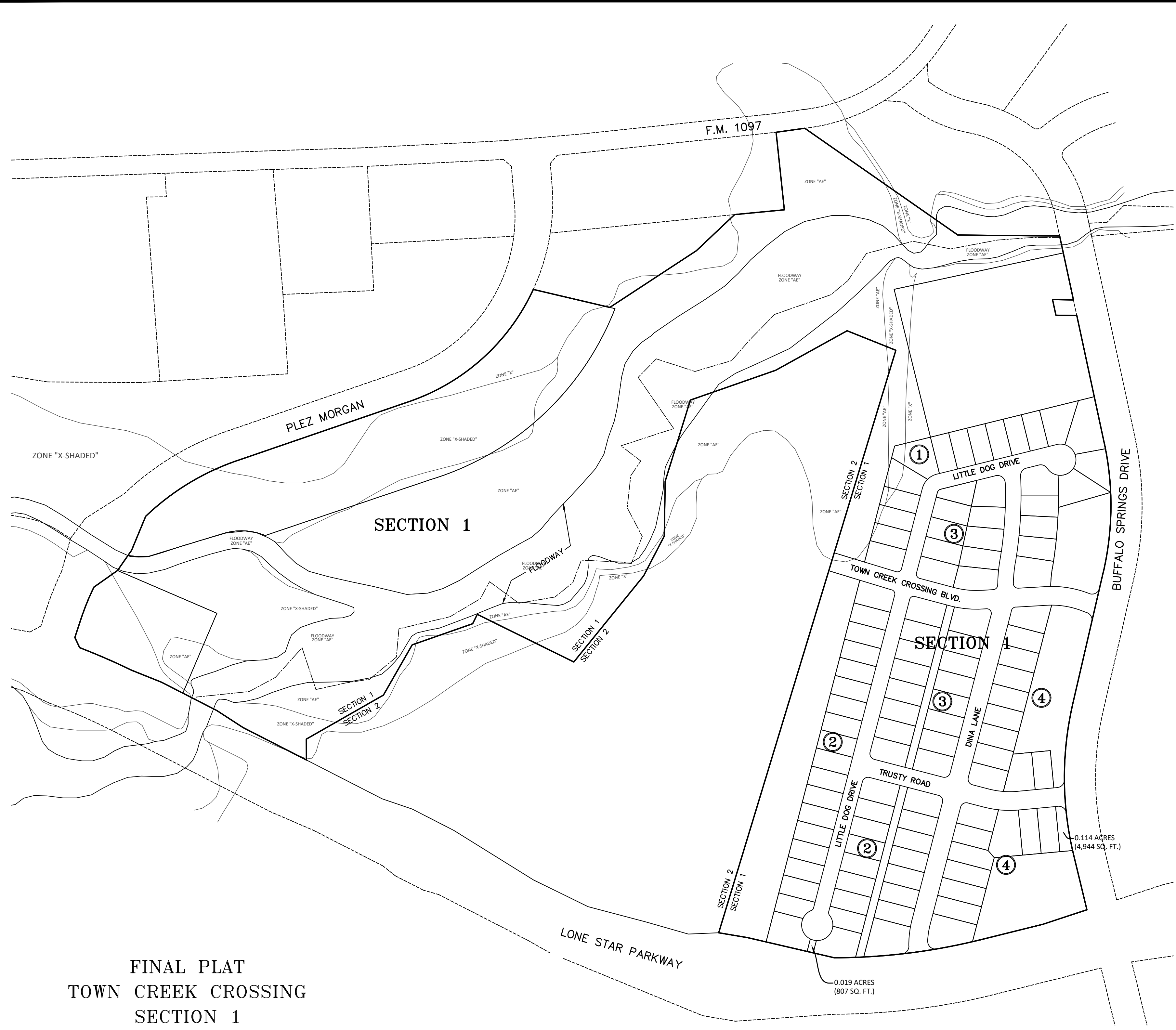
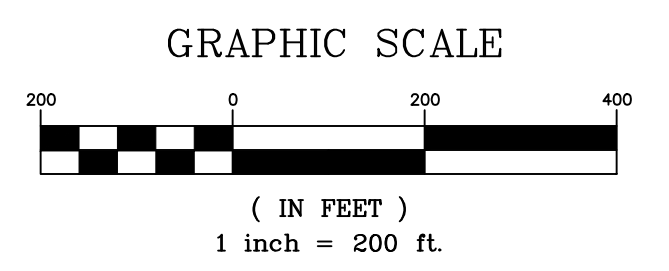
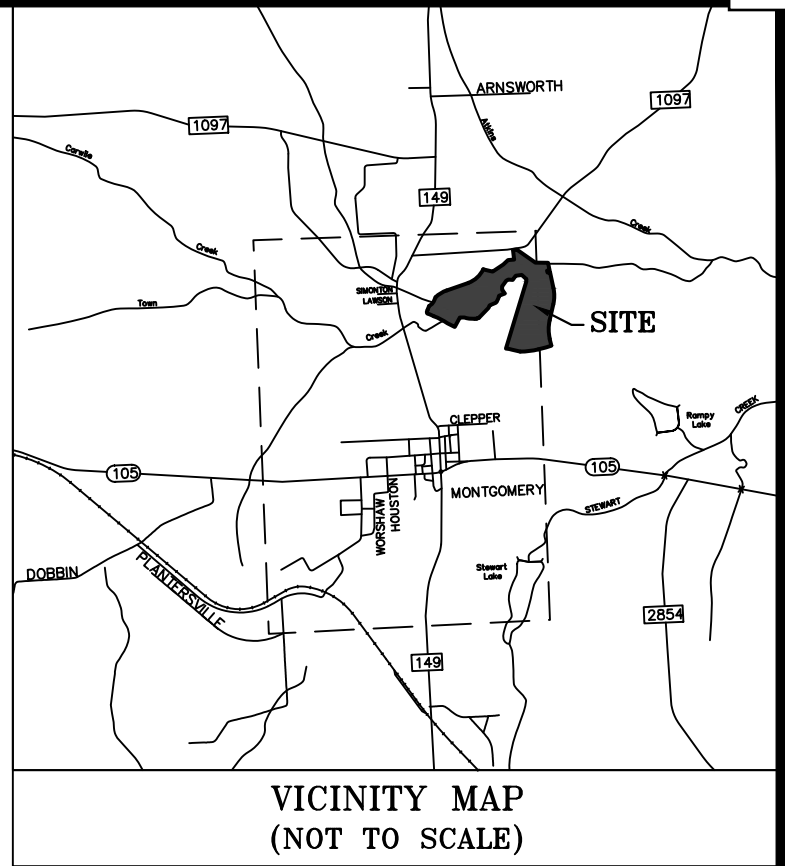
A site plan.

All applicable fees and payments.

The application from must be signed by the owner/applicant. If the applicant is not the owner, written authorization from the owner authorizing the applicant to submit the variance request shall be submitted.

Date Received

Office Use



**FINAL PLAT
TOWN CREEK CROSSING
SECTION 1**

A RESIDENTIAL SUBDIVISION OF
89.743 ACRES (3,909,186 SQ. FT.)
OF LAND IN THE
JOHN CORNER SURVEY, A-8
MONTGOMERY COUNTY, TEXAS

4 BLOCKS * 102 LOTS * 14 RESERVES
April 2021

LONE STAR PARKWAY

0.019 ACRES
(807 SQ. FT.)

0.114 ACRES
(4,944 SQ. FT.)

ENGINEER:



L SQUARED ENGINEERING
3307 WEST DAVIS ST., STE. 100
CONROE, TX 77304
(936)647-0420
www.lsquarengineering.com

SURVEYOR:



LANDPOINT
525 SAWDUST ROAD, STE. 200
THE WOODLANDS, TX 77380
(281)465-8730
www.landpoint.net

OWNER:

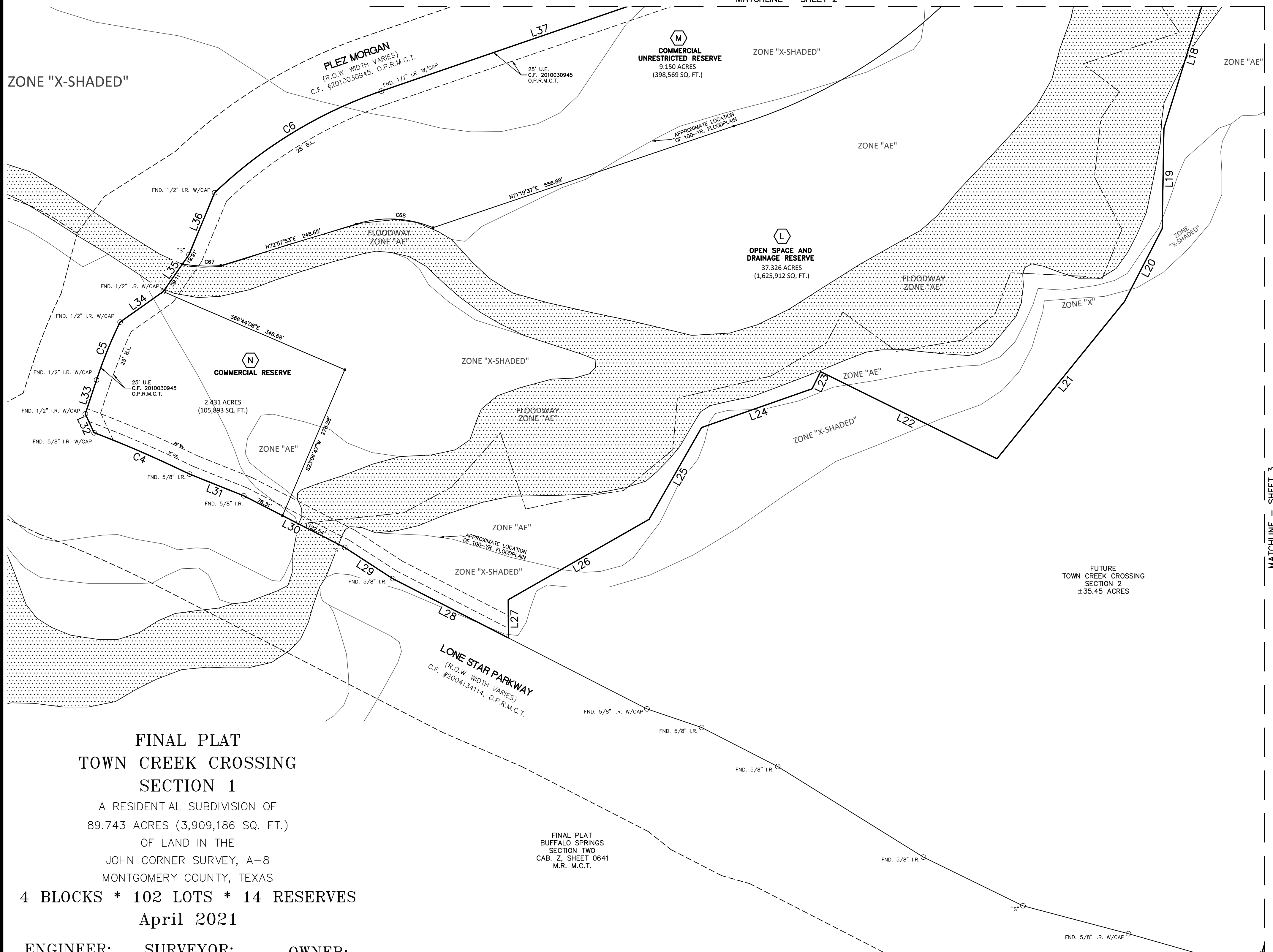
LeFevre Development, Inc.
780 Clepper Drive
Suite 100
Montgomery, Texas 77356
(936)582-1088

TBPELS REG. NO. 10194172

SHEET **1** OF **5**

X:\2021\21-0365\WORKING\BASE MAPS\21-0365_TOWN CREEK CROSSING_SEC.1 (REV. 05.19.21).DWG May. 25, 2021 - 3:10 PM

MATCHLINE - SHEET 2



X:\2021\21-0365\WORKING\BASE MAPS\21-0365_TOWN CREEK CROSSING_SEC.1 (REV. 05.19.21).DWG May. 25, 2021 - 3:10 PM

MATCHLINE - SHEET 3

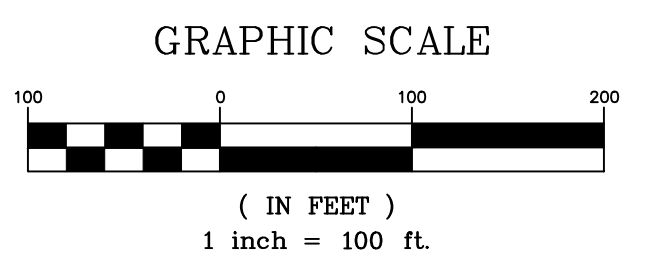
**FINAL PLAT
TOWN CREEK CROSSING
SECTION 1**

A RESIDENTIAL SUBDIVISION OF
89.743 ACRES (3,909,186 SQ. FT.)
OF LAND IN THE
JOHN CORNER SURVEY, A-8
MONTGOMERY COUNTY, TEXAS

4 BLOCKS * 102 LOTS * 14 RESERVES
April 2021

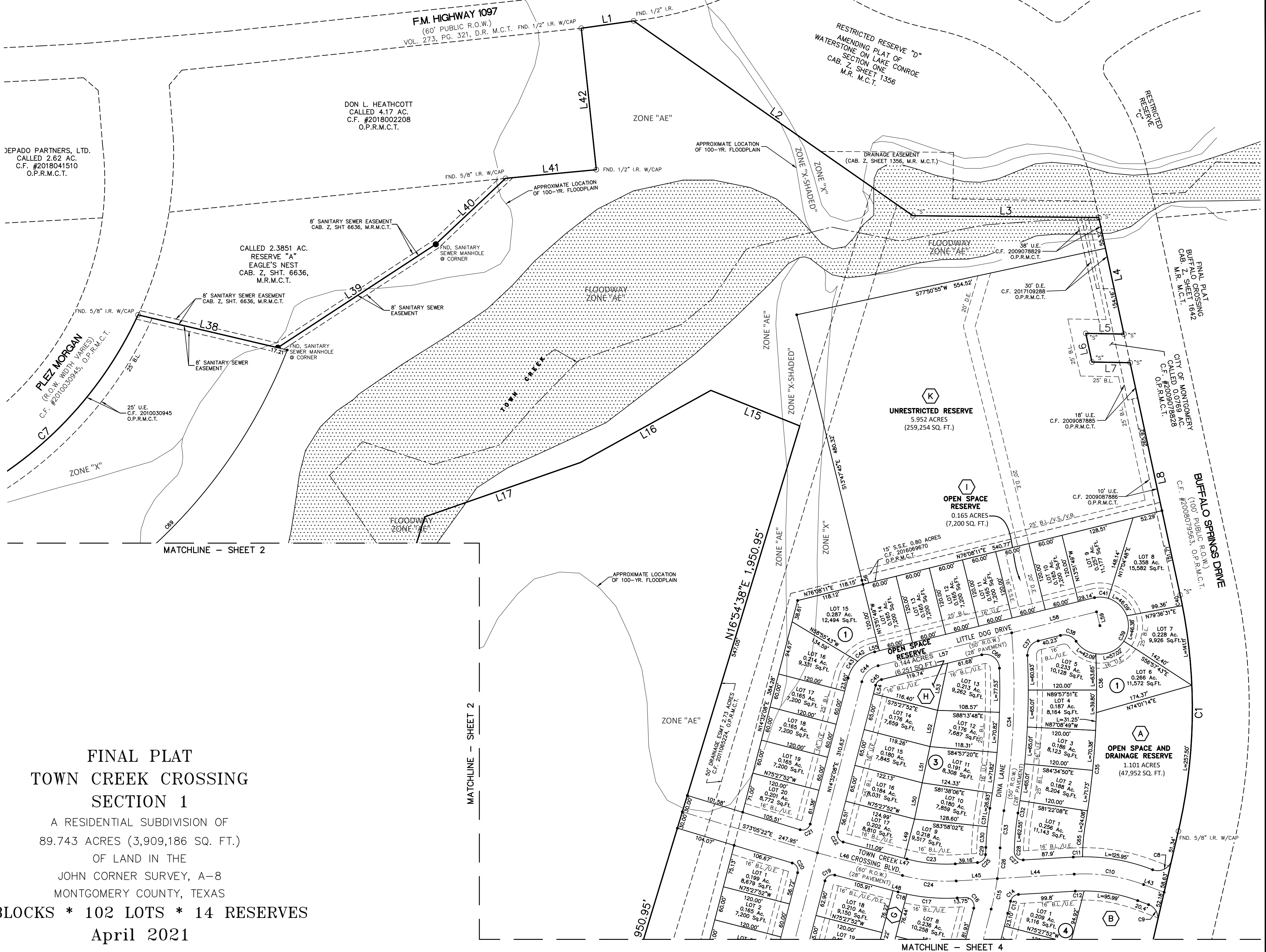
ENGINEER: L SQUARED ENGINEERING
SURVEYOR: LANDPOINT
OWNER: LeFevre Development, Inc.
 780 Clepper Drive
 Suite 100
 Montgomery, Texas 77356
 (936)582-1088

FINAL PLAT
BUFFALO SPRINGS
SECTION TWO
CAB. Z, SHEET 0641
M.R. M.C.T.



L SQUARED ENGINEERING
 3307 WEST DAVIS ST., STE. 100
 CONROE, TX 77304
 (936)647-0420
 www.lsquareengineering.com

525 SAWDUST ROAD, STE. 200
 THE WOODLANDS, TX 77380
 (281)465-8730
 www.landpoint.net
 TBPELS REG. NO. 10194172



FINAL PLAT TOWN CREEK CROSSING SECTION 1

A RESIDENTIAL SUBDIVISION OF
89.743 ACRES (3,909,186 SQ. FT.)
OF LAND IN THE
JOHN CORNER SURVEY, A-8
MONTGOMERY COUNTY, TEXAS

4 BLOCKS * 102 LOTS * 14 RESERVES

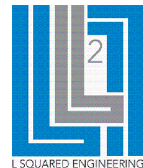
April 2021

ENGINEER:

SURVEYOR:

OWNER:

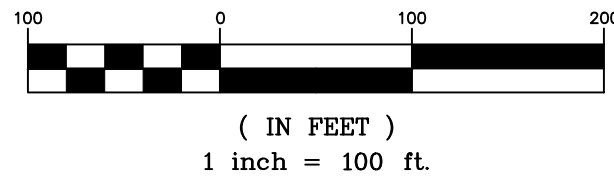
Lefevre Development, Inc.
780 Clepper Drive
Suite 100
Montgomery, Texas 77356
(936)582-1088



L SQUARED ENGINEERING
3307 WEST DAVIS ST., STE. 100
CONROE, TX 77304
(936)647-0420
www.lsquarengineering.com

525 SAWDUST ROAD, STE. 200
THE WOODLANDS, TX 77380
(281)465-8730
www.landpoint.net
TBPELS REG. NO. 10194172

GRAPHIC SCALE



STATE OF TEXAS
COUNTY OF MONTGOMERY

That LeFevre Development, Inc. herein acting individually or through the undersigned duly authorized agents, does hereby adopt this plat designating the herein described real property as the TOWN CREEK CROSSING SUBDIVISION, SECTION 1, and does hereby make subdivision of said property according to the lines, streets, alleys, parks, and easements therein shown, and dedicate to public use forever all areas shown on this plat as streets, alleys, parks, and easements, except those specifically indicated as private; and does hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades and does hereby bind Owner, and Owner's successors and assigns to warrant and forever defend the title to the land so dedicated.

Owner hereby certifies that Owner has or will comply with all applicable regulations of the city, and that a rough proportionality exists between the dedications, improvements, and exactions required under such regulations and the projected impact of the subdivision.

IN TESTIMONY WHEREOF, the Lefevre Development, Inc. has caused these presents to be signed by _____ its Vice President and its common seal hereunto affixed this _____ day of _____ 2021.

Lefevre Development, Inc.

BY: _____

STATE OF TEXAS
COUNTY OF MONTGOMERY

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ ITS VICE PRESIDENT OF _____ KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED, AND IN THE CAPACITY THEREIN AND HEREIN SET OUT, AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____ 2021.

NOTARY PUBLIC

PRINTED NAME _____

MY COMMISSION EXPIRES _____

SURVEYOR'S CERTIFICATION

THAT I, MICHAEL S. PARTRIDGE, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREOF WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MONTGOMERY, TEXAS.

MICHAEL S. PARTRIDGE, R.P.L.S.
TEXAS REGISTRATION NO. 6125

CITY OF MONTGOMERY

I, THE UNDERSIGNED, ENGINEER FOR THE CITY OF MONTGOMERY, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH HIS APPROVAL IS REQUIRED.

BY: _____
CHRIS ROZNOVSKY, P.E.
CITY ENGINEER - CITY OF MONTGOMERY

THIS PLAT AND SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY PLANNING AND ZONING COMMISSION, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS _____ DAY OF _____, 2021.

BY: _____
CHAIRPERSON PLANNING AND ZONING COMMISSION

CITY OF MONTGOMERY

THIS PLAT AND SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AND IS HEREBY APPROVED BY SUCH COUNCIL.

DATED THIS _____ DAY OF _____, 20____.

BY: _____
MAYOR

ATTEST: _____
CITY SECRETARY

COUNTY CLERK

I, MARK TURNBULL, CLERK OF THE COUNTY COURT OF MONTGOMERY COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON _____ DAY OF _____, 2021, AT _____ O'CLOCK ____M., AND DULY RECORDED ON _____ DAY OF _____, 2021, AT _____ O'CLOCK ____M., IN CABINET _____, SHEET _____ OF RECORDS OF _____ FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE, AT CONROE, MONTGOMERY COUNTY, TEXAS THE DAY AND DATE LAST ABOVE WRITTEN.

BY: _____
MARK TURNBULL, CLERK, COUNTY COURT,
MONTGOMERY COUNTY, TEXAS

BY: _____ DEPUTY

LEGEND / ABBREVIATIONS

- C.F. CLERK'S FILE NUMBER
- FND. FOUND
- I.R. IRON ROD
- O.P.R. OFFICIAL PUBLIC RECORDS
- M.R. MAP RECORDS
- M.C.T. MONTGOMERY COUNTY, TEXAS
- R.O.W. RIGHT OF WAY
- D.R. DEED RECORDS
- B.L. BUILDING LINE
- U.E. UTILITY EASEMENT
- V.S. VEGETATION SETBACK
- V.B. VISUAL BARRIER
- P.U.E. PUBLIC UTILITY EASEMENT
- S.S.E. SANITARY SEWER EASEMENT
- "S" SET 5/8 INCH IRON ROD WITH CAP
- STAMPED "LANDPOINT 10194172"
- PROPERTY MARKER

NOTES:

1. All corners are set 5/8 inch iron rods w/cap stamped "Landpoint 10194172" unless otherwise shown or noted.
2. This property is situated in Zones "X", "X-Shaded", "AE" and "AE-Floodway" in Montgomery County, Texas according to FEMA map number 48339C 0200G dated 08/18/2014. 100 year base flood elevations are between 234' and 236'. Warning: This statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This determination has been made by scaling the property on the referenced map and is not the result of an elevation survey. This flood statement shall not create liability on the part of the surveyor.
3. Fencing may be used as the visual barrier in accordance with City of Montgomery Ordinance.
4. Subject to Restrictions recorded under Vol. 72, Pg. 134, Vol. 72, Pg. 143, Vol. 72, Pg. 288, Vol. 89, Pg. 87, Vol. 112, Pg. 392, Vol. 802, Pg. 158, D.R. M.C.T. and C.F.N. 2008-079561, 2009-078829, 2009-087885, 2009-087886, 2011065224, 2016069670 & 2017109288, O.P.R.M.C.T.
5. Bearings were based on the Texas State Plane Coordinate System, North American Datum 1983 (NAD83), Central Zone (4203).
6. One-foot reserve dedicated to the public in fee as a buffer separation between side or end of streets in subdivision plats where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property in subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and re-vest in the dedicator, his heirs, assigns or successors.
7. There is hereby reserved a ten foot (10') building setback line along the rear of each lot line and a five foot (5') building setback line on either side of each lot line unless otherwise shown.
8. There is a 10' wide drainage easement extending from the edge of the existing floodway, based on the most recent FEMA Firm Panel No. 48339C0200G, no additional surveying was done to establish the limits of the existing floodway.

VARIANCES (APPROVED MAY 12, 2020):

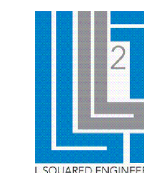
- MINIMUM LOT WIDTH (SECTION 98-122)
 - REQUIRED: 75'
 - VARIANCE: 60'
- MINIMUM LOT AREA (SECTION 98-122)
 - REQUIRED: 9,000 SF
 - VARIANCE: 7,000 SF
- RIGHT OF WAY WIDTH SECTION (78-87)
 - REQUIRED: 60'
 - VARIANCE: 50'
- COMPENSATING GREEN SPACE (SECTION 78-88)
 - PROVIDED DUE TO MINIMUM LOT WIDTH & AREA VARIANCE
 - REQUIRED: 2.78 ACRES
 - VARIANCE: 67+ ACRES

**FINAL PLAT
TOWN CREEK CROSSING
SECTION 1**

A RESIDENTIAL SUBDIVISION OF
89.743 ACRES (3,909,186 SQ. FT.)
OF LAND IN THE
JOHN CORNER SURVEY, A-8
MONTGOMERY COUNTY, TEXAS

**4 BLOCKS * 102 LOTS * 14 RESERVES
April 2021**

ENGINEER:



L SQUARED ENGINEERING
3307 WEST DAVIS ST., STE. 100
CONROE, TX 77304
(936)647-0420
www.lsqaredengineering.com

SURVEYOR:



525 SAWDUST ROAD, STE. 200
THE WOODLANDS, TX 77380
(281)465-8730
www.landpoint.net

OWNER:

LeFevre Development, Inc.
780 Clepper Drive
Suite 100
Montgomery, Texas 77356
(936)582-1088

TBPELS REG. NO. 10194172

SHEET **5** OF **5**

X:\2021\21-0365\WORKING\BASE MAPS\21-0365_TOWN CREEK CROSSING_SEC.1 (REV. 05.19.21).DWG May. 25, 2021 - 3:11 PM

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: June 1, 2021	Budgeted Amount: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action regarding recent exterior painting for Southern Roots Salon located at 14275 Liberty Street in the Historic Preservation District. *(Tabled at the May 4th, 2021 meeting)*

Recommendation

Consider the request and either retroactively approve the exterior painting (with or without conditions), or deny the change (requiring the building to be returned to the original colors).

Discussion

The applicant has recently painted the building, unaware of the requirement that all exterior modifications within the Historic District must first be reviewed by the Planning & Zoning Commission. Information supplied by the applicant is as follows:

*14275 Liberty Street - previous location of Masonic Lodge #25
Owners - Carl and Angie Reed
Contact number - 936-xxx-xxxx (number redacted by City staff)
Tenant - Southern Roots*

Our building suffered major damage during the freeze in February. Our damage occurred because of our loss of utilities. The entire interior had to be gutted from water damage. We also had to get rid of the old rock steps as per our insurance and also will rebuild the back porch because of rot. We like to maintain our property so it is presentable. We chose the color black because it is a primary color from Masonic history. We have owned this building for 7 years. No one has ever said we cannot maintain our property as we wanted or needed. This is a well taken care of building and a thriving business in Montgomery.

Attached is an excerpt from the Historic District Design Guidelines pertaining to building color.

Approved By

Asst. City Administrator	Dave McCorquodale	Date: 05/27/2021
City Administrator	Richard Tramm	Date: 05/27/2021



14275 Liberty Street – Southern Roots Salon



similar, conforming structures in the historic district.

- d. *Awnings.* Awnings on the front and corner side facade must be made to complement the main building in style and color. Awnings must be typical of the style and period of the main building, and compatible with other conforming structures of a similar style in the historic district.
- e. *Building placement.* All structures within a historic district or on a property designated as a historic landmark must comply with the standards contained in the City of Montgomery Code of Ordinances.
- f. *Building widths.* All structures within a historic district must comply with the property setback standards established in the Zoning Ordinance of the City of Montgomery.
- g. *Chimneys.* All chimneys must be compatible with the style and period of the main building and the conforming structures of a similar style in a historic district. Chimneys on the front fifty (50) per cent of a main building or on a corner side facade must be:
 - (i) Constructed of brick or other materials that look typical of the style and period of the main building; and of a style and proportion typical of the style and period of the main building.

h. Color.

- (i) *Brick surfaces.* Brick surfaces not previously painted may not be painted unless the applicant establishes that the color and texture of replacement brick cannot be matched with that of the existing brick surface or that the painting is necessary to restore or preserve the brick itself.
- (ii) *Certain colors prohibited.* Fluorescent and metallic colors are not permitted on the exterior of any structure in a historic district.
- (iii) *Dominant and trim colors.* All structures must have a dominant color and no more than five (5) trim colors. Trim colors must complement the dominant color of a structure and be appropriate to and compatible with the structure, and the overall character of the historic district. The colors of a structure must be complementary to each other and the overall character of the historic district.
- (v) *Gutters and downspouts.* Where appropriate, gutters and

downspouts must be painted or colored to match the trim color or the roof color of the structure.

- (vi) *Roof colors.* Roof colors must complement the style and overall color scheme of the structure.
- (vii) *Stain.* The use and color of stain must be typical of the style and period of the building.

i. *Columns.*

- (i) *Function.* Columns are only permitted as vertical supports near the front entrance of the main building or as vertical supports for porches.
- (ii) *Materials.* Columns must be constructed of masonry or wood or other materials that match the style of the main building.

j. *Facade materials.*

- (i) *In general.* The only permitted facade materials are stone, brick and lap siding composed of wood or fiber cement that looks like wood. All facade treatments must be done in a manner so as not to change the character of the building or obscure the architectural features and trim of the building.
- (ii) *Facades.* Existing facades must be preserved to appear in a manner for which they were originally intended.

k. *Front entrances and porches.*

- (i) *Detailing.* Railings, moldings, tile work, carvings, and other detailing and architectural decorations on front entrances and front porches must be typical of the style and period of the main building and the conforming structures of a similar style in the historic district.
- (ii) *Enclosures.* A front entrance or front porch may not be enclosed with any material, including iron bars, glass, or mesh screening without approval by the P & Z Commission.
- (iii) *Floor coverings.* Carpeting is not permitted as a front porch floor or step covering. Non-slip nosing and tread surfacing are allowed.
- (iv) *Style.* Each front porch and entry treatment must have a shape, roof

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: June 1, 2021	Budgeted Amount: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action regarding replacing two existing wall signs and one existing freestanding sign for In Stitches Drapery located at 14427 Liberty Street in the Historic Preservation District.

Recommendation

Consider the replacement freestanding and wall signs and act as you see fit.

Discussion

The applicant is proposing to replace the two signs above the front porch roof of the building with the same size and composition signs. There are several text differences between the existing and proposed signs, although the changes appear to be minor and made in an effort to increase legibility and simplify the overall sign composition.

The wall signs comply with the Sign Ordinance size requirement of less than 60% of the wall area.

The proposed freestanding sign will be larger than the existing sign and oriented more vertically than the existing horizontal sign. While there are no size restrictions for the Historic District, signs outside the district on Liberty Street are allowed to be 100 square feet and a maximum of 10-feet tall.

The proposed sign is 32 square feet in area and looks to be approximately 9-feet tall based on the composite photo provided by the applicant (8-ft sign with +/- 1-foot space below).

Approved By

Asst. City Administrator	Dave McCorquodale	Date: 05/28/2021
City Administrator	Richard Tramm	Date: 05/28/2021



WWW.MONTGOMERYTEXAS.GOV

Sign Permit Application

CITY OF MONTGOMERY

101 Old Plantersville Road
Montgomery, Texas 77356
936-597-6434

permits@ci.montgomery.tx.us

SIGN PERMIT APPLICATION EXPIRES IN
180 DAYS (NON-TRANSFERABLE)

TEMPORARY SIGN?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
PERMANENT SIGN?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Pre-Existing OR New	Pre-Existing <input checked="" type="checkbox"/>	New <input type="checkbox"/>

Permit:

Date:

JOB ADDRESS: <i>14427 LIBERTY STR</i>		BUSINESS NAME: <i>In Stitches Drapery</i>	
BUSINESS OWNER: <i>ESME CULOTTA</i>	MAILING ADDRESS: <i>14427 LIBERTY ST. Montgomery Tx 77356</i>	TELEPHONE: <i>(281) 798-8315</i>	
APPLICANT: <i>Same</i>	MAILING ADDRESS:	TELEPHONE:	

CONTRACTOR LICENSE (if electrical):

IS THE SIGN IN THE HISTORIC PRESERVATION DISTRICT?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	IS THE SIGN ILLUMINATED?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
--	---	-----------------------------	--------------------------	------------------------------	--

SIGN PLACEMENT: <i>Original Placement</i>	VALUATION:
--	------------

SIGN DESIGN & COLOR SCHEME: <i>See attachment</i>
--

SIGN TYPE		SIGN DIMENSIONS	
FREESTANDING MONUMENT SIGN	✓ ✓	SIGN HEIGHT	
BUILDING WALL SIGN		SIGN WIDTH	
BANNER		TOTAL SQ FT	
OTHER		SET BACK	
		LOT LINEAR FOOTAGE	

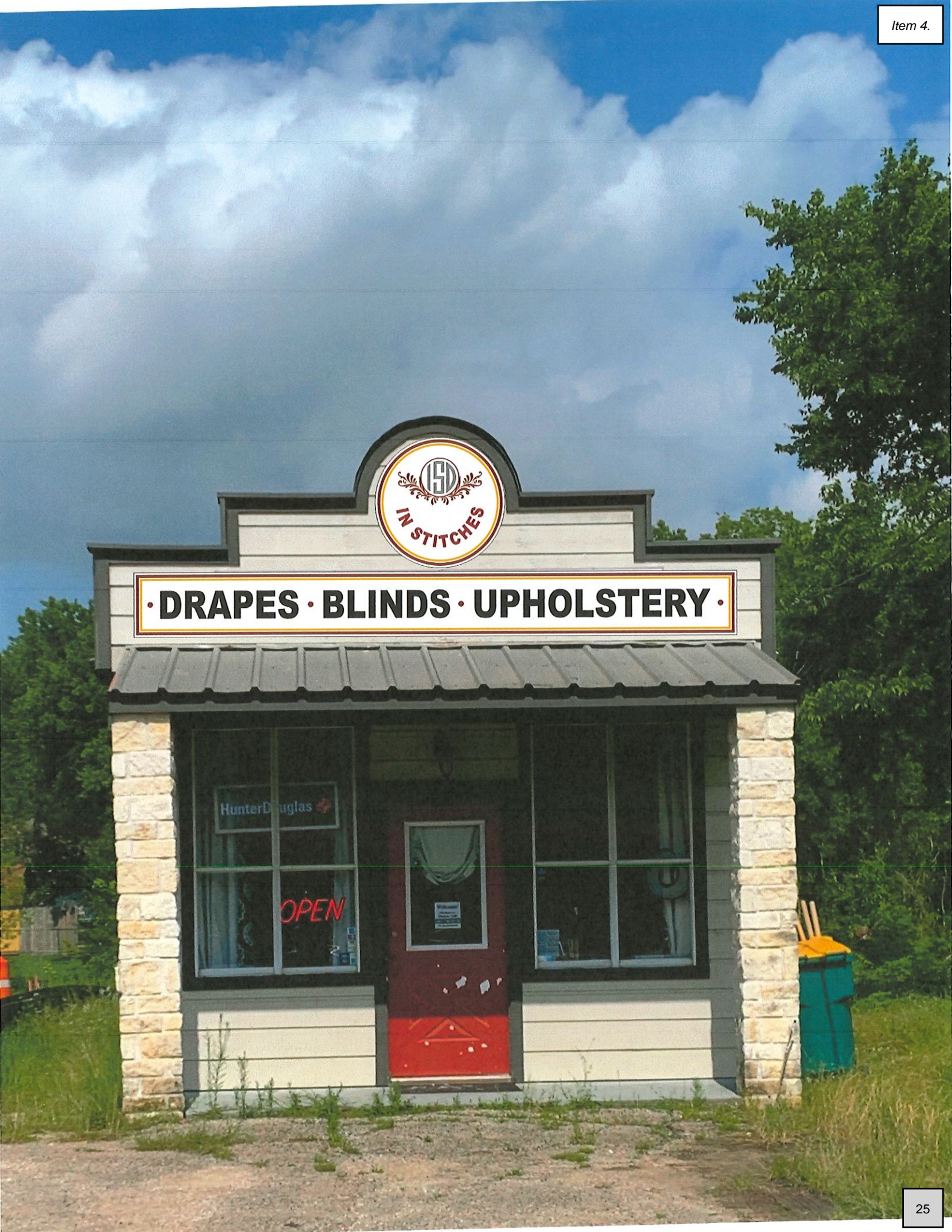
I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of law and ordinances governing this type of work will be complied with whether or not specified herein. The granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local law regulating construction or the performance of construction.

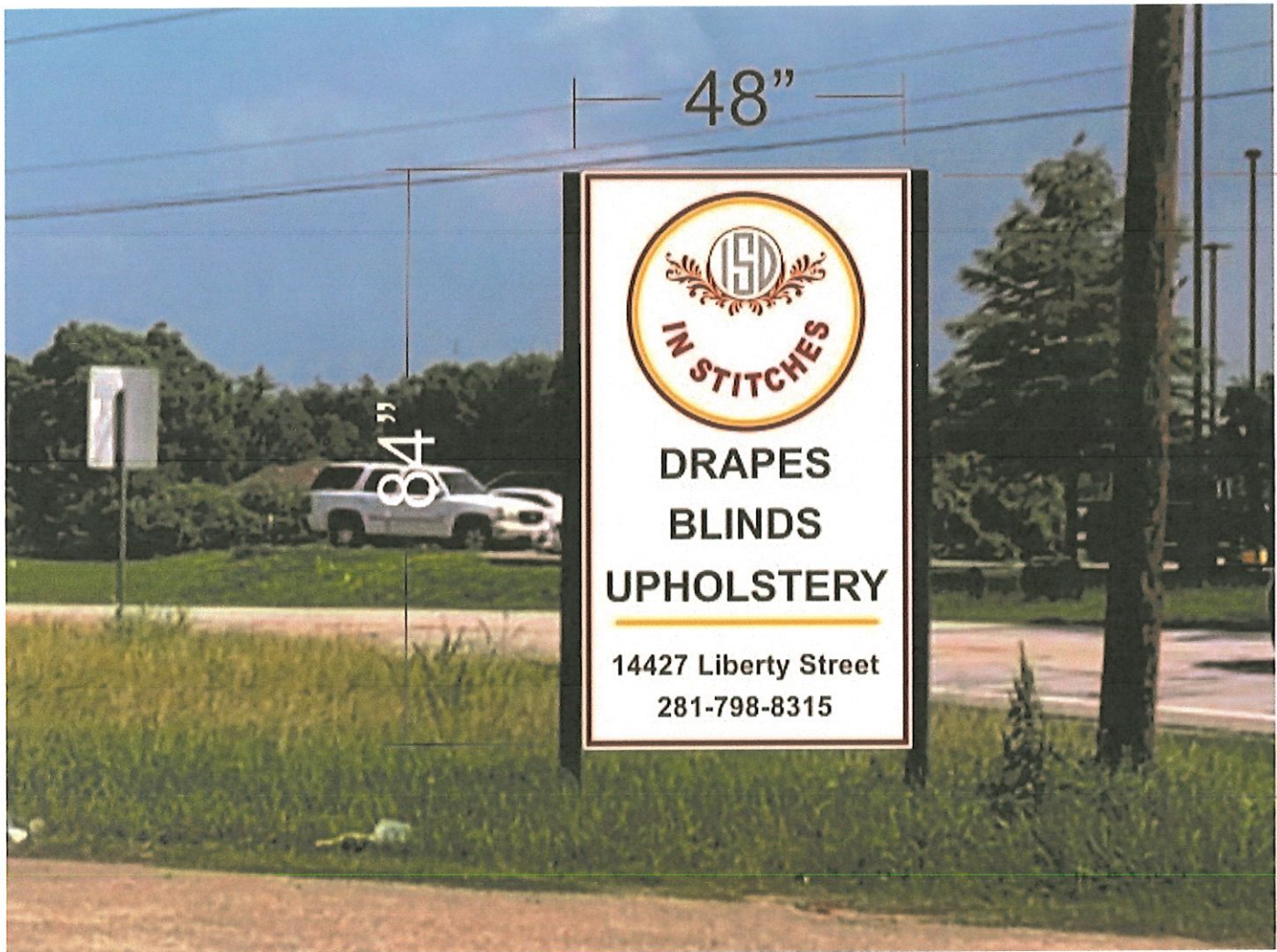
NAME: <i>ESME CULOTTA</i>	SIGNATURE: <i>Esme Culotta</i>
------------------------------	-----------------------------------

OFFICE USE ONLY

APPROVED		TOTAL FEE:	\$
DATE			

COMMENTS:





Existing Signage – In Stitches Drapery 14427 Liberty Street





Existing 5.5-ft wide x 6.25-ft freestanding sign to be replaced with proposed freestanding sign



Texas Specialties / Lone Star Signs

21973 Eva St | Montgomery, TX 77356
 936-597-5010 | 936-597-8783
 info@lonestarsigns.net

Estimate

Date	Estimate #
5/28/2021	3045

Name / Address
INSTITCHES TOM HOYT TOMHGOLDENDREAM@AOL.COM

Project

Item	Description	Qty	Rate	U/M
FC-ACM	7' X 4' ACM Sign, full color print on 2 sides w/ Laminate	1	8.25%	
Frame	treated wood posts with frame	1		
Removal	on-site removal of old signage	1		
Install	on-site installation of new signage on building and post/panel sign by road	1		
FC-ACM	36" dia ACM Sign, full color print on 1 side w/ Laminate	1		
FC-ACM	168" x 18" ACM Sign, full color print on 1 side w/ Laminate	1		
	Sales Tax			

--