

**Notice of Planning and Zoning Commission
AGENDA**

September 06, 2022 at 6:00 PM

NOTICE IS HEREBY GIVEN that a Meeting of the Montgomery Planning and Zoning Commission will be held on **Tuesday, September 06, 2022** 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 on the City's website www.montgomerytexas.gov under Agenda/Minutes and then select **Live Stream Page (located at the top of the page)**. The Meeting Agenda Pack will be posted online at www.montgomerytexas.gov. 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 regarding the Minutes of the August 2, 2022 Regular Meeting.
- 2.** Consideration and possible action on a proposed sign for Slice of Amish located at 401 College Street, Suite 170 located in the Historic Preservation District.
- 3.** Consideration and possible action on a recommendation to City Council on minimum lot width, minimum lot area, and street right-of-way width variance requests for Summer Wind, a proposed single-family residential development.
- 4.** Consideration and possible action on a recommendation to City Council for a variance request for Montgomery Summit Business Park, Reserve A, for driveway spacing.
- 5.** Consideration and possible action on a request to relocate the rear property fence at 14335 Liberty Street located 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/Diana Cooley

Diana Cooley, Deputy 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 September 2, 2022 at 4:45 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.

MINUTES OF REGULAR MEETING

August 2, 2022

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, Bill Simpson, Merriam Walker, Britnee Ghutzman, Daniel Gazda

Absent: None

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

VISITOR/CITIZENS FORUM

No comments given.

1. Consideration and possible action on the July 5, 2022 Regular Meeting Minutes.

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

2. Consideration and possible action on a request to relocate the rear property fence at 14335 Liberty Street in the Historic Preservation District.

Staff presented the information and noted the item was tabled at the July meeting to allow staff to ensure the adjacent property owners were aware of the request and that any requirements related to the county fire code were not in conflict with the proposed fence location. Staff spoke with the Montgomery County Fire Marshal office who stated the proposed fence would not violate any access requirements though they preferred having access around properties. The adjacent owners were not as apprised of the request as staff initially understood from the applicant and they were in attendance at the meeting. Bill Simpson asked if the surveys included in the agenda packet were legal surveys and staff confirmed the surveys were prepared by a licensed surveyor. The adjacent property owners, Mr. & Mrs. Fauss, stated they purchased their property through a quit claim deed and did not have a survey of their property. They also stated the sidewalk that would be blocked

by the proposed fence was in place when Mr. Haynes bought the property and that Mr. Haynes water meter was located on their property. Additionally, they said that if the proposed fence was allowed to be built that there would only be 11 inches between their building wall and the proposed fence, leaving no way to access the exterior of the wall for maintenance. Merriam Walker asked if there was a discrepancy in who owned the property where the water meter for Mr. Haynes building was located. Mr. McCorquodale confirmed that the water meter was on the Fauss' property and that there was no easement in place for the water line or the meter.

Mrs. Walker said there were three unresolved questions: 1) how would the existing water line be repaired or serviced without an easement, 2) the electrical outlets shown on the side of the Fauss' building would not be accessible if the proposed fence was built, and 3) a rule of thumb is that a fence should be offset from the actual property line at least 3 inches and whether the owner planned to adhere to that. Staff stated there was no requirement that a fence be 3 inches from a property line, but that fences would usually be set off a property line enough to ensure the surveying property pin would not be disturbed by a fence post. Mrs. Walker stated that the Planning & Zoning Commission had a responsibility to ensure all the downtown properties had connectivity with each other. The Fauss' confirmed the sidewalk was existing when Mr. Haynes bought his property. Mr. Waddell stated they were all good points to consider and asked if Photo A showed a water meter box. Staff confirmed it was the water meter and was not in a dedicated easement. Bill Simpson asked if Mr. Haynes could post a "no trespassing" sign on his property to prevent use of the sidewalk that is on his property. Mr. McCorquodale said he could do that and the Commission's role was looking at the aesthetic appearance of the proposed fence and the cohesiveness of the Historic Preservation District.

Bill Simpson asked if the Commission was liable for decisions made on an item and staff said the City was liable to the extent that City Code was legal and enforceable. Britnee Ghutzman said Mr. Haynes also had liability if someone was injured on his property and Mr. McCorquodale said the applicant articulated that concern. Merriam Walker asked if there was an incident on the property recently because Mr. Haynes bought the property in its current condition and didn't have an issue with it before now. Mr. Waddell stated he may also be looking to added storage space behind the restaurant and that could be another reason why he wants the fence. He continued by stating that both property owners receive benefit in working out a solution. Mr. & Mrs. Fauss stated they would be willing to purchase the property from Mr. Haynes if he was willing to sell it and asked if

it was possible to table the item to pursue the possibility of purchasing the property. Merriam Walker and Britnee Ghutzman both stated a desire to see the matter worked out privately and Ms. Ghutzman noted a lack of perimeter property fences in downtown generally.

Merriam Walker moved to table the item to allow an opportunity for the owners to work the issue out before moving forward. Daniel Gazda seconded the motion, the motion carried unanimously. (5-0)

3. Consideration and possible action on proposed exterior modifications to the building at 504 Caroline Street located in the Historic Preservation District.

Staff presented the information and said that the new owners of the building have revised their plans after getting into the interior demolition of the existing building and seeing what portions of the building can be salvaged. The new submittal is for the addition of a front porch roof on the second floor and a two-story addition to the back of the building to allow space for restrooms. The owners had a concept for a phase two that was previously presented to the Commission. Phase 2 includes a large addition to the building that would face Liberty Street. Mr. Waddell noted the elevation drawing on page 20 appears to accommodate the connection of a future phase 2. Mr. Waddell asked if there was an old well on the property and staff did not have knowledge of one. Merriam Walker asked for certainty that while the P&Z looks at the historical district compliance, the City looks at building permits and development. Staff confirmed that they did. Merriam Walker stated she would like to ensure that some trees were left on the site. Mr. McCorquodale stated part of the development process was to show compliance with the city's tree preservation ordinance.

Bill Simpson moved to approve the exterior modifications as presented on the submitted drawings dated 6/27/2022. Britnee Ghutzman seconded the motion, the motion carried unanimously. (5-0)

Commission Inquiry

Britnee Ghutzman asked if there was an ordinance related to commercial fencing. Mr. McCorquodale stated there was not and that fencing in the Historical Preservation District were reviewed. Merriam Walker asked if there should be an ordinance or whether it is more practical to review on a case-by-

case basis. Merriam Walker asked about dumpsters downtown and wanted to ask about moving the project forward. Mr. McCorquodale stated that if an ordinance was adopted that any existing sites would be considered existing non-conforming uses and exempt from the new ordinance as long as the business was still in operation.

Bill Simpson asked if the city had an ordinance in the past for dumpsters. Mr. McCorquodale said he'd been told of one that was in place but staff and the engineers had not been able to find where it was a part of city code. The Commission and staff agreed that one way to address the current exposed dumpsters in the downtown was to work with the business owners to voluntarily enclose the dumpsters. Mr. McCorquodale said the MEDC currently has business grants that could be used for this type of project. Merriam asked what the best way to move the item forward was. Mr. McCorquodale stated he would be the appropriate staff member to take the project on but was limited in time due serving as the interim city administrator in addition to his normal workload.

Adjournment

Merriam Walker moved to adjourn the meeting at 6:55 p.m. Bill Simpson seconded the motion, the motion carried unanimously. (5-0)

Prepared by: _____ Date approved: _____
Dave McCorquodale

Chairman Jeffrey Waddell

Attest: _____
Nici Browe, City Secretary

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: September 6, 2022	Budgeted Amount: N/A
Department: Administration	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on a proposed sign for Slice of Amish located at 401 College Street, Suite 170 located in the Historic Preservation District.

Recommendation

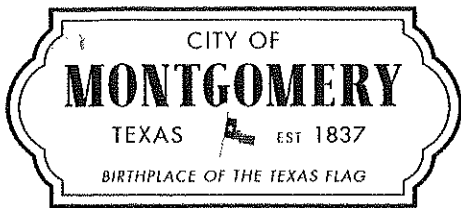
Approve the sign as presented.

Discussion

The proposed sign is for a business to be located in the same location formerly occupied by 3D's Deli in the Kemifer Building at the corner of McCown and College Streets. Graphics of the proposed sign are attached. The proposed sign is 4' x 4'.

Approved By

Interim City Administrator	Dave McCorquodale	Date: 08/30/2022



WWW.MONTGOMERYTEXAS.GOV

Sign Permit Application

CITY OF MONTGOMERY

Item 2.

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 type="checkbox"/>	NEW <input checked="" type="checkbox"/>

Permit: _____

Date: _____

JOB ADDRESS: 401 College ST. MONTGOMERY TX 77356		BUSINESS NAME: Slice of Amish	
BUSINESS OWNER: Rollis A. Johnson	MAILING ADDRESS: 111 Harbour Town Way Montgomery TX 77356	TELEPHONE: 281-704-9126	
APPLICANT: Rollis A. Johnson	MAILING ADDRESS: 111 Harbour Town Way MONTGOMERY TX 77356	TELEPHONE: 936-672-6183	
CONTRACTOR LICENSE (if electrical):			
IS THE SIGN IN THE HISTORIC PRESERVATION DISTRICT? YES YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		IS THE SIGN ILLUMINATED? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
SIGN PLACEMENT: 401 College STREET - Outside wall		VALUATION:	
SIGN DESIGN & COLOR SCHEME: Circular writing - yellow + Black			
SIGN TYPE		SIGN DIMENSIONS	
FREESTANDING MONUMENT SIGN <input type="checkbox"/>	SIGN HEIGHT		4 ft.
BUILDING WALL SIGN <input checked="" type="checkbox"/>	SIGN WIDTH		4 ft.
BANNER <input type="checkbox"/>	TOTAL SQ FT		
OTHER <input type="checkbox"/>	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: **Rollis A. Johnson** SIGNATURE: *Rollis A. Johnson*

OFFICE USE ONLY			
APPROVED		TOTAL FEE:	\$
DATE			
COMMENTS:			



SUITE
170

SLICE OF AMISH



ESTD 2018

WISCONSIN CHEESE
& SMOKED MEATS

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: September 6, 2022	Budgeted Amount: N/A
Department: Administration	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on a recommendation to City Council on minimum lot width, minimum lot area, and street right-of-way width variance requests for Summer Wind, a proposed single-family residential development.

Recommendation

Consider the information and make a recommendation to City Council on the variance requests:

- Minimum lot width
- Minimum lot area
- Street right-of-way width

Discussion

The developer will be at the meeting to provide an overview of the proposed project and the engineer's memo is attached. The 56-acre project site is located on Lone Star Parkway east of the Buffalo Springs intersection.

Approved By

Interim City Administrator	Dave McCorquodale	Date: 09/02/2022



September 2, 2022

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

Re: Variance Request
Summer Wind Subdivision
City of Montgomery

Dear Commission:

Tim Connolly, Montage Partners, LLC (“the Developer”) plans to proceed with construction of approximately 56 acres of land situated along Lone Star Parkway just east of Buffalo Springs Drive. The Developer is requesting the following variances from the City’s 2004 Code of Ordinances:

- Section 78-92: The 2004 Code of Ordinances requires single-family residential developments to have a minimum 75’ lot width and a minimum 9,000 SF lot size. The Developer is proposing to provide 45’ wide lots with sizes ranging from 5,374 to 12,482 SF. The Developer is requesting a variance to allow a 45’ lot width and a minimum lot area of 5,370 SF.
- Section 78-91: The 2004 Code of Ordinances requires that all local access streets have a minimum right-of-way width of 60’. The developer is proposing the minimum ROW width to be 50’.

Enclosed you will find the request for variance as submitted by the engineer for the development. It is important to note that Developer is proposing more than the minimum required compensating green space for the lot size variance. We offer no objection to the variances as requested.

Approval of the requested variances does not constitute plan approval and only allows the Developer to further refine the proposed plat and site plans, 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,

Katherine Vu, PE
Engineer for the City

KMV/zlgt

Z:\00574 (City of Montgomery)_900 General Consultation\Correspondence\Letters\MEMO to P&Z RE Summer Wind 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



L SQUARED ENGINEERING

MUNICIPAL COMMERCIAL RESIDENTIAL

3307 W Davis St., Suite 100
 Conroe, TX 77304
 P: 936-647-0420 F: 936-647-2366
 www.L2Engineering.com

August 24, 2022

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

RE: Variance request for Summer Wind regarding requirements for minimum lot area, lot width, and ROW

The subject tract is a 56-acre property along Lonestar Loop just east of Buffalo Springs drive and is within Mr. Lefevre's Planned Development District, which allows the development to fall under ordinance(s) published in 2002. According to Sections 78 and 98 of the City of Montgomery Code of Ordinances, residential lots are required to have a minimum lot width of 75' and minimum lot size of 9,000 square feet (SF). The ROW requirement in this ordinance for local streets are required to be 60' wide. The requested proposed development will consist of approximately 211 single-family residential lots, with lot sizing ranging from 5,374 SF to 12,842 SF, 45' x 120' lot average with 50' ROWs. We feel that variance requests are warranted for the following reasons:

- The 2002 ordinance, Section 78-99 requires that any lots below the minimum standard to have compensating green space. The proposed development will have lots below the minimum and is proposing several pocket parks, amenity pond and open space to accommodate the compensating green space requirement. A summary of the lots below the minimum and total of the compensating green space is attached. The required compensating green space is 582,743 SF and we are proposing 627,635 SF.
- The residential market over the last 12 months have increases substantially, which has increased home prices by 30%, if not more in certain areas. With the rise of home prices and interest rates, much of the population is being priced out and are not able to afford to purchase homes. The proposed development intends on building good quality but also affordable homes in the price range of \$275,000 to \$325,000. To be able to produce this type of market, the lots size needs to be reduced to fit the market. 60' + wide lots are in excess of \$500,000 in most areas, which would not be the demand for the area.
- The proposed development will consist of 211 homes with an average home price of approximately \$325,000, which will be able to generate almost \$70,000,000 worth of tax base within the City.
- The 50' ROW is the typical ROW that has been used for most of the curb and gutter streets in the City of Montgomery and you are able to fit water, sewer, storm and the required street width within the 50' ROW without any issues. The 50' ROW is what the current ordinance requires.

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

Thank you,

Jonathan White, PE
 936-647-0420
 Jwhite@L2engineering.com

Attachments: Variance Request Applications, Site Plan, Compensating Green Space Calculations





Variance Request Application

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

Item 3.

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

Contact Information

Property Developer(s): Tim Connolly, Montage Partners, LLC

Address: 123 N Post Oak Ln, Houston, TX Zip Code: 77024

Email Address: Tim@csbankers.com Phone: 713-621-2737

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#): R370277

Legal Description: Approximately 56.7111 Acres of land situated in the John Corner Survey, A8 Montgomery County, TX

Street Address or Location: City of Montgomery

Acreage: 56.7111 Present Zoning: Commercial Present Land Use: Vacant

Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 78-92 (c) Section(s): 78-92

Ordinance wording as stated in Section (78-92):


(c) Minimum width is 75 feet.

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

Lot sizes will have minimum lot width of 45'.

Signatures

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

Signature:  Date: 08-26-2022
On Behalf of Developer

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



Variance Request Application

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

Item 3.

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Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 78-91 (g)(1) Section(s): 78-91

Ordinance wording as stated in Section (78-91):

(h) Street right-of-way widths shall be measured from the front lot line of opposite lots, and shall be as follows:

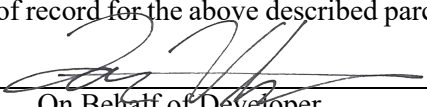
(2) Residential streets: 60 feet.

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

ROW will be 50' for residential streets.

Signatures

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

Signature:  Date: 08-26-2022
On Behalf of Developer

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.

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Date Received

Office Use



Variance Request Application

City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77316
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Street Address or Location: City of Montgomery

Acreage: 56.7111 Present Zoning: Commercial Present Land Use: Vacant

Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 78-92 (e) Section(s): 78-92

Ordinance wording as stated in Section (78-92):

(e) Minimum area is 9,000 feet.

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

Lot sizes will range in the development with a minimum of approximately 5,374 square feet (SF) to 12,842 SF.

Signatures

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

Signature:  Date: 08-26-2022

On Behalf of Developer

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.

<p>Date Received <i>Office Use</i></p>	
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a schematic development plan for
LONESTAR PKWY
 ±56.7 ACRES OF LAND
 prepared for
CORPORATE STRATEGIES LLC

META 24275 Katy Freeway, Ste. 200
 Katy, Texas 77494
 Tel: 281-810-1422
 PLANNING + DESIGN

SCALE
 0 100 200 400

MTA-1-763
 JULY 26, 2022

LOT SUMMARY

	45'x120'	211 LOTS	100%
TOTAL		211 LOTS	

THIS DRAWING IS A GRAPHIC REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. SAID DRAWING IS A SCANNED IMAGE ONLY AND IS SUBJECT TO CHANGE WITHOUT NOTICE. META PLANNING + DESIGN MAY OR MAY NOT INTEGRATE ADDITIONAL INFORMATION PROVIDED BY OTHER CONSULTANTS, INCLUDING BUT NOT LIMITED TO THE TOPICS OF ENGINEERING AND DRAINAGE, FLOODPLAINING, AND/OR ENVIRONMENTAL ISSUES AS THEY RELATE TO THIS DRAWING. NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE PHYSICAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

Lonestar Parkway Residential Lot Summary
 L Squared Engineering - Job No. 10850
 Prepared by: Jonthan White, PE, Christopher Hogan

Lots:

Lot #	Lot SF	SF < 9k
1	6875	2125
2	5710	3290
3	5702	3298
4	5703	3297
5	5703	3297
6	5702	3298
7	5695	3305
8	5695	3305
9	5703	3297
10	5703	3297
11	5703	3297
12	5703	3297
13	5703	3297
14	5703	3297
15	5703	3297
16	5703	3297
17	6383	2617
18	7741	1259
19	8236	764
20	9857	0
21	8650	350
22	10179	0
23	9041	0
24	10313	0
25	8500	500
26	7100	1900
27	5658	3342
28	5658	3342
29	5658	3342
30	5658	3342
31	5658	3342
32	5658	3342
33	5689	3311
34	6785	2215
35	7129	1871
36	5523	3477
37	5762	3238
38	5540	3460
39	5577	3423
40	5540	3460

41	5474	3526
42	5540	3460
43	5474	3526
44	5540	3460
45	5474	3526
46	5540	3460
47	5474	3526
48	5540	3460
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58	5540	3460
59	5474	3526
60	5540	3460
61	5474	3526
62	5540	3460
63	7892	1108
64	6699	2301
65	6699	2301
66	8220	780
67	6898	2102
68	6898	2102
69	6898	2102
70	6224	2776
71	5728	3272
72	5374	3626
73	5400	3600
74	5374	3626
75	5400	3600
76	5374	3626
77	5400	3600
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84	5374	3626
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86	5447	3553
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92	5447	3553
93	5447	3553
94	5447	3553
95	5447	3553
96	6033	2967
97	6941	2059
98	6994	2006
99	7014	1986
100	6948	2052
101	7788	1212
102	7026	1974
103	5449	3551
104	5495	3505
105	5495	3505
106	5495	3505
107	5495	3505
108	5495	3505
109	5495	3505
110	5495	3505
111	5495	3505
112	5495	3505
113	5598	3402
114	5400	3600
115	5400	3600
116	5400	3600
117	6108	2892
118	6239	2761
119	8319	681
120	5893	3107
121	5400	3600
122	5400	3600
123	5400	3600
124	5400	3600
125	5937	3063
126	6009	2991
127	6386	2614
128	7175	1825
129	7013	1987
130	7668	1332

131	5786	3214
132	5810	3190
133	5628	3372
134	6090	2910
135	5515	3485
136	5446	3554
137	5515	3485
138	5446	3554
139	5515	3485
140	5446	3554
141	5515	3485
142	5446	3554
143	5515	3485
144	5446	3554
145	5515	3485
146	5767	3233
147	6121	2879
148	5995	3005
149	7176	1824
150	6894	2106
151	7466	1534
152	5992	3008
153	7502	1498
154	5733	3267
155	5885	3115
156	5885	3115
157	7397	1603
158	7049	1951
159	7610	1390
160	5488	3512
161	6251	2749
162	6325	2675
163	6120	2880
164	7208	1792
165	6791	2209
166	5726	3274
167	5726	3274
168	5726	3274
169	6179	2821
170	5889	3111
171	5889	3111
172	6872	2128
173	8505	495
174	7746	1254
175	12836	0

176	8662	338
177	8231	769
178	8000	1000
179	7851	1149
180	6290	2710
181	6290	2710
182	6281	2719
183	6347	2653
184	7680	1320
185	7310	1690
186	5974	3026
187	5974	3026
188	5982	3018
189	6728	2272
190	7201	1799
191	8937	63
192	7041	1959
193	5918	3082
194	5918	3082
195	5918	3082
196	5918	3082
197	6729	2271
198	12842	0
199	9468	0
200	6200	2800
201	6200	2800
202	6200	2800
203	7412	1588
204	8118	882
205	5571	3429
206	6661	2339
207	7133	1867
208	7133	1867
209	7133	1867
210	7133	1867
211	7133	1867
Total SF:		582743

Lonestar Parkway Greenspace Summary
L Squared Engineering - Job No. 10850
Prepared by: Jonthan White, PE, Christopher Hogan



Grand Total Lots < 9,000 SF	582,743
Green Spaces Areas (SF)	
Detention 1	480,159
Park 1	60,984
Various Green Spaces	56000
Park 2	30,492
TOTAL	627,635

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: September 6, 2022	Budgeted Amount: N/A
Department: Administration	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on a recommendation to City Council for a variance request for Montgomery Summit Business Park, Reserve A, for driveway spacing.

Recommendation

Consider the information and make a recommendation on the driveway spacing variance request to City Council.

Discussion

The owner of Reserve A (as shown in the attached plan and location map) has two options for access to the site—a driveway on FM 1097 that complies with driveway spacing requirements or a driveway on Summit Park Drive.

A driveway on FM 1097 has a couple disadvantages related to safety:

- A new driveway on a busy roadway
- Close to an existing intersection

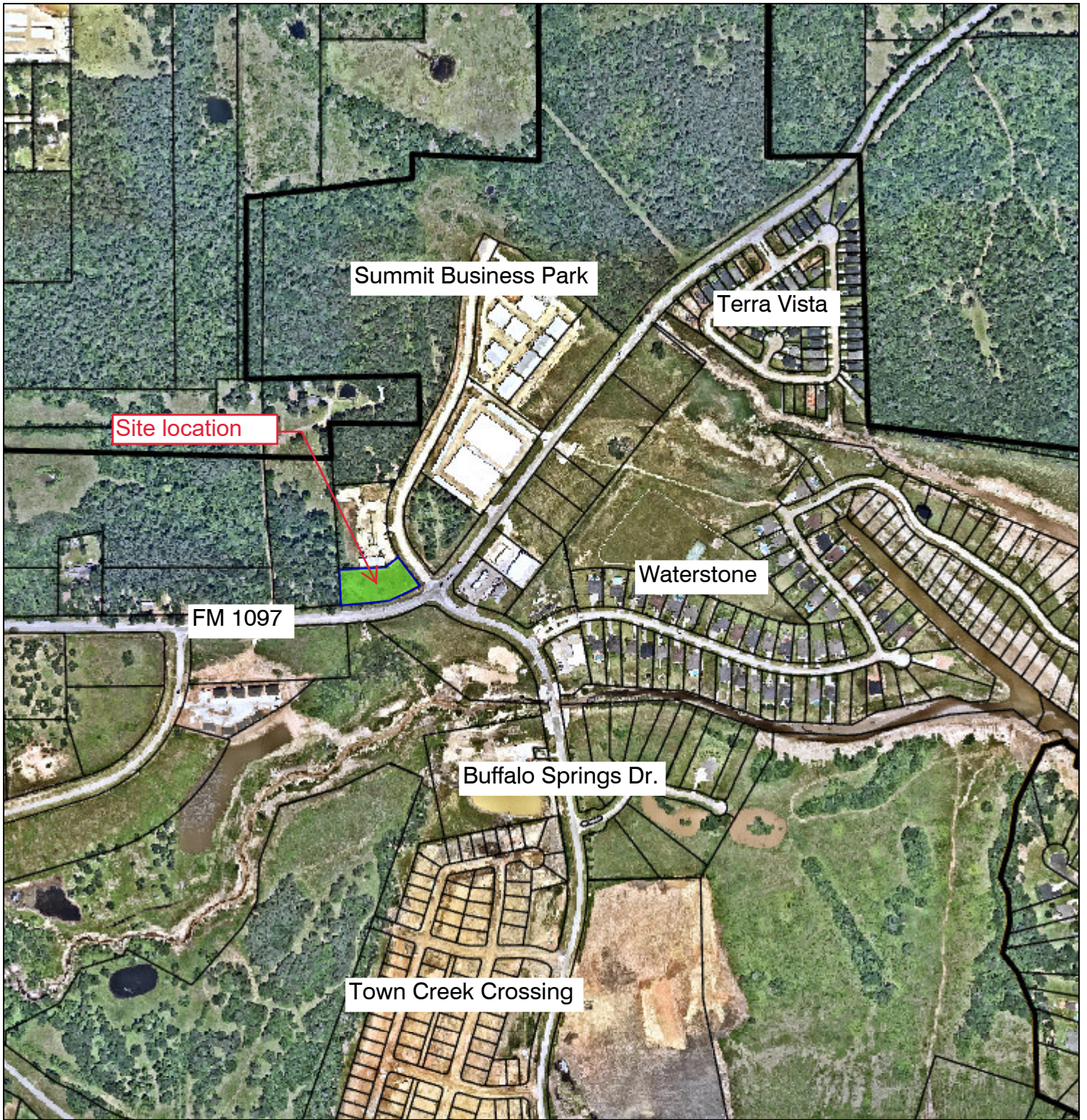
The primary safety concern with the proposed driveway location as shown in the plans is the proximity to the intersection. While Summit Park Drive currently has a relatively low traffic count, development of properties to the north within Summit Business Park could increase the number of vehicles on the roadway and present a safety issue. It is also worth noting that the proposed driveway location allows for the maximum spacing that could be provided given the width of the tract.

Section 78-125 (4)(c) of the Code of Ordinances states that the landowner's options are to either establish a common driveway with the adjacent property owner or, if a common driveway cannot be agreed upon, the City cannot deny the property owner an access point.

Approved By

Interim City Administrator	Dave McCorquodale	Date: 08/30/2022

Summit Business Park Location Map



1 inch equals 752 feet



Date: 5/18/2022



September 1, 2022

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

Re: Variance Request
 Montgomery Summit Business Park Reserve A
 City of Montgomery

Dear Commission:

As you are aware, Nazca Technologies & Consulting, LLC ("the Developer") are proceeding with construction of Reserve "A" of the Montgomery Summit Business Park Plat at the northwest corner of F.M. 1097 and Summit Business Park Drive. The Developer is requesting the following variance from the City's Code of Ordinances:

- Section 78-125: The Code of Ordinances requires that driveways adjacent to commercial streets be spaced at 275'. The subject tract does not have sufficient frontage to allow for this spacing. The Developer is requesting a variance to allow the proposed driveway spacing to be approximately 124'.

The Code of Ordinances also states that the landowner may obtain a shared access agreement with the adjacent property owner or, if an agreement cannot be obtained, the City cannot deny the variance for access to the development. Note that the current land plan has the driveway proposed to allow for the maximum spacing possible given the width of the tract.

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 lack of available frontage to adhere to the aforementioned variance.

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

Sincerely,

A handwritten signature in black ink that reads "Katherine Vu". The signature is written in a cursive, flowing style.

Katherine Vu, PE
 Engineer for the City

KMV/zlgt

Z:\00574 (City of Montgomery)_900 General Consultation\Correspondence\Letters\MEMO to P&Z RE Montgomery Summit 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



L SQUARED ENGINEERING

MUNICIPAL COMMERCIAL RESIDENTIAL

3307 W. Davis Street #100
Conroe, Texas 77304
P: 936-647-0420 F: 936-647-2366
www.L2Engineering.com

August 22, 2022

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

RE: Variance request for MSBP Reserve A regarding requirements for driveway spacing

According to Section 78 of the City of Montgomery Code or Ordinances, commercial driveways are required to have spacing of 275 feet from major streets. The proposed development currently has driveway spacing at approximately 124 feet from FM 1097. We feel that variance requests are warranted for the following reasons:

- The proposed development is an existing platted piece of property. When the property was subdivided, it had the intent of being access off of Summit Park Drive, although it did not meet spacing requirements.
- The safer option for site ingress/egress is off of Summit Park Drive in lieu of FM 1097.

It is for the above-mentioned reasons that we feel the variance request should be considered and approved. 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 Request Applications, Site Plan





Variance Request Application

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

Item 4.

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

Contact Information

Property Owner(s): Freddy Saavedra

Address: 15325 Summit Park Drive, Montgomery, TX Zip Code: 77356

Email Address: freddy@inazca.com Phone: 832-341-2345

Applicants: L Squared Engineering

Address: 3307 W. Davis Steet, Suite 100

Email Address: Jwhite@L2Engineering.com Phone: 936-647-0420

Parcel Information

Property Identification Number (MCAD R#): R450268

Legal Description: Montgomery Summit Business Park, Block 2, Reserve A

Street Address or Location: 15349 Summit Park Drive, Montgomery, TX 77356

Acreage: 1.238 Present Zoning: Business Present Land Use: Vacant

Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 2011-09 Section(s): 78-125(a)

Ordinance wording as stated in Section (78-125(a)):

Adjacent left, adjacent right, and opposite right corner clearance and commercial driveway spacing is determined by the classification of the street as follows (where raised medians are present, the spacing can be reduced by 20 percent):


- 1. Major streets: 275 feet; 220 feet with raised medians. 2. Commercial streets: 230 feet; 185 feet with raised medians.
- 3. Secondary streets: 185 feet; 150 feet with raised medians.

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

Driveway spacing will be less than required 275 feet from major street because the site is not wide enough to achieve the minimum spacing.

Signatures

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

Signature:  Date: 8-22-22

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.

<p style="text-align: center;">Date Received <i>Office Use</i></p>	
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Public Hearings

Parties in interest and citizens shall have an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and the City Council before any variance to a district regulation, restriction, or boundary shall become effective. Regularly scheduled meetings are as follows and will be held accordingly unless public notice has been given of a change of dates:

Planning and Zoning Commission: **1st Tuesday of every month at 6:00 p.m.**

City Council: **2nd and 4th Tuesday of every month at 6:00 p.m.**

Finding of Undue Hardship

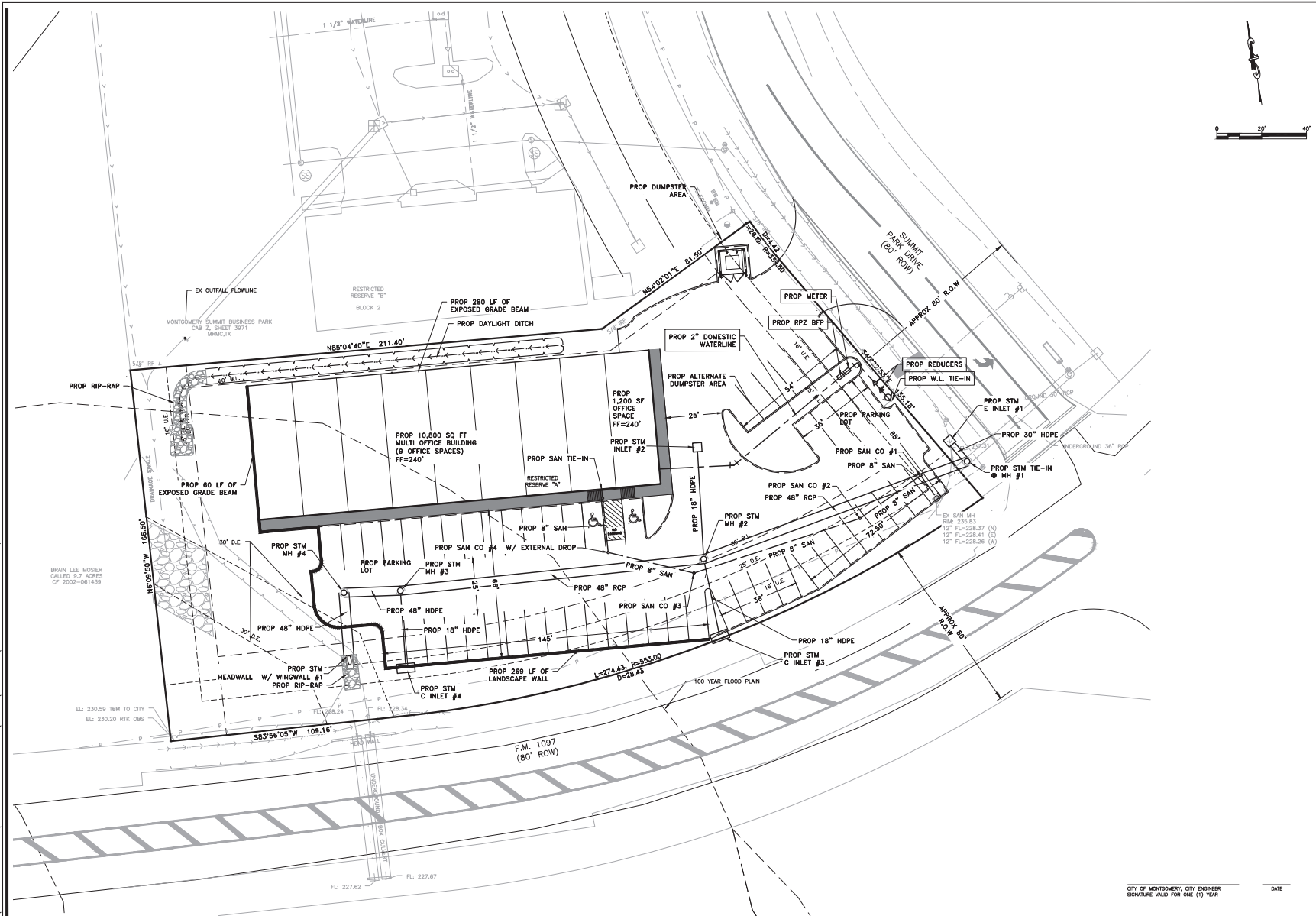
In order to grant a variance, the Board must make the following findings to determine that an undue hardship exists:

1. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and
2. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
3. That the relief sought will not injure the permitted use of adjacent conforming property; and
4. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
5. Financial hardship alone is not an “undue hardship” if the property can be used, meeting the requirements of the zoning district it is located in.

Factors not Considered

A variance shall not:

1. Be granted to relieve a self-created or personal hardship,
2. Be based solely upon economic gain or loss,
3. Permit or allow any person a privilege or advantage in developing a parcel of land not permitted or allowed by these Regulations to other parcels of land in the same particular zoning district,
4. Result in undue hardship upon another parcel of land.



LSQUARED ENGINEERING
MUNICIPAL COMMERCIAL RESIDENTIAL
WWW.LSENGINEERING.COM
2400 WINDMILL CREEK AVENUE
COLUMBIA, TEXAS 77050
PHONE: 781-645-0000
WWW.LSENGINEERING.COM

CLIENT INFORMATION
FREDDY'S STORES
20000 PEEB ROAD
MONTGOMERY, TX 77156
FREDDYS@NAZCA.COM
PROJECT ADDRESS
15120 SUMMIT WATER RESERVE
MONTGOMERY, TX 77156

MSBP RESERVE A

OVERALL SITE PLAN

DRAWING ISSUE			
#	DATE	BY	COMMENT
0	7/23/22	JTW	FOR REVIEW ONLY

DRAWING INFORMATION			
PROJECT	10806	TOB	**
DRAWN	CAH	BIT	ET
SCALE	SHEET		04
1" = 20' (24x36)			
1" = 40' (11x17)			

DATE: 7/23/2022

S:\ENGINEERING PROJECTS\10806 - MSBP - RESERVE A\01 CAD\DESIGN SET\04 OA SITE PLAN.DWG JUL 22, 2022 - 1:29 PM

BRAN LEE MORSE
CALLED 9.7 ACRES
OF 2002-061439

CITY OF MONTGOMERY, CITY ENGINEER
SIGNATURE VALID FOR ONE (1) YEAR

*SCALE NOT REQUIRED FOR CONSTRUCTION UNLESS INDICATED OTHERWISE

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: September 6, 2022	Budgeted Amount:
Department: Administration	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on a request to relocate the rear property fence at 14335 Liberty Street located in the Historic Preservation District.

Recommendation

The proposed relocation of the fence is not in violation of development regulations or fire code. A common solution between property owners is preferable, but I do not see that the City can require it.

Discussion

(Tabled at the July 5, 2022 and August 2, 2022 meetings)

As you will recall, this item was tabled at the last meeting to allow time to see if the property owners could come to an agreement that allowed the use sidewalk to remain in place. Those discussions did not result in an agreement.

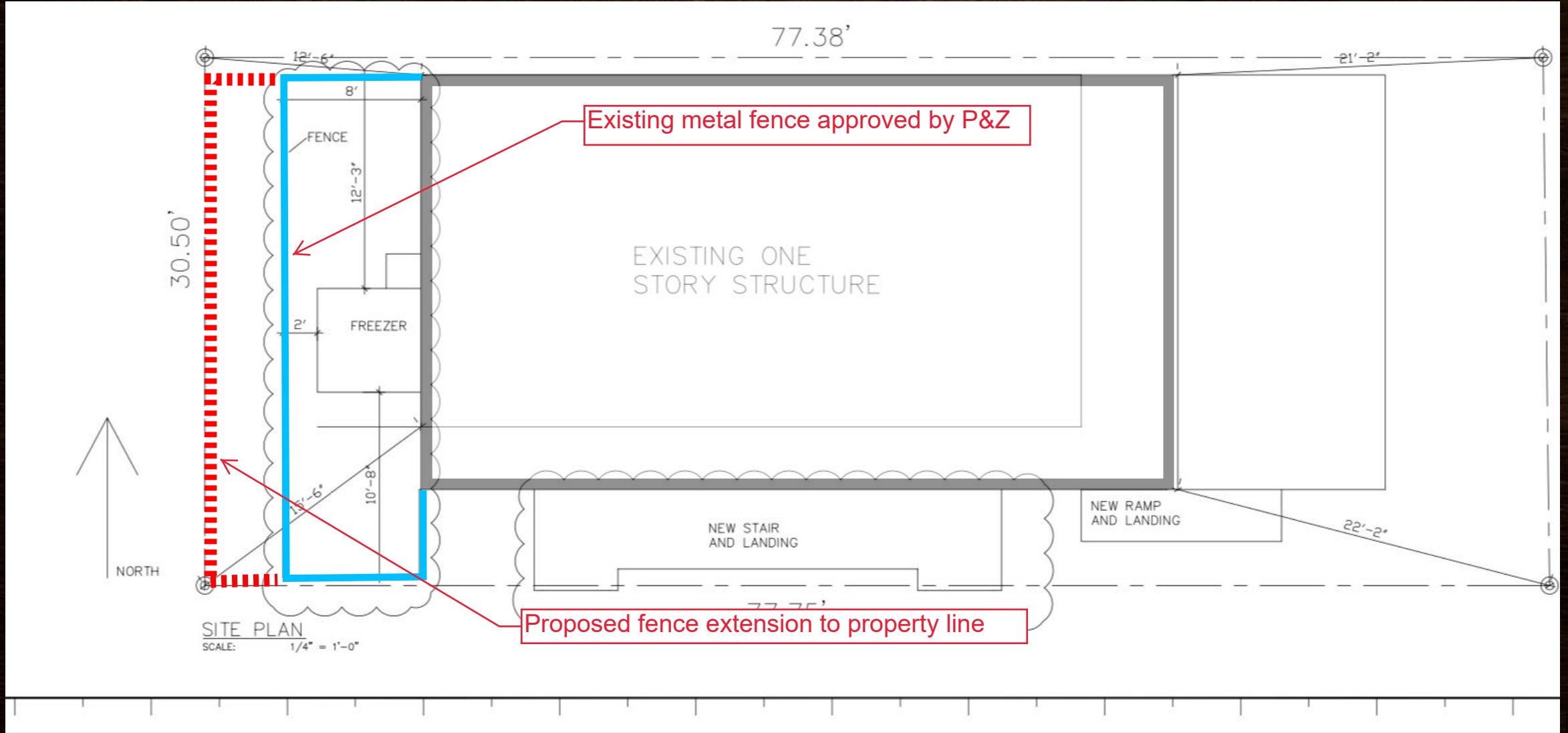
Sec. 98-347. - Approval for alteration or new construction within historic preservation districts or affecting historic landmarks.

No person shall carry out any exterior construction, reconstruction, alteration, restoration, rehabilitation, demolition, or relocation of any historic landmark or any property within an historic preservation district, nor shall any person make any material change to other exterior elements visible from a public right-of-way which will affect the appearance and cohesiveness of any historic landmark or any property within an historic preservation district without receiving approval from the Planning and Zoning Commission.

Approved By

Interim City Administrator	Dave McCorquodale	Date: 09/02/2022

Wings Over Montgomery

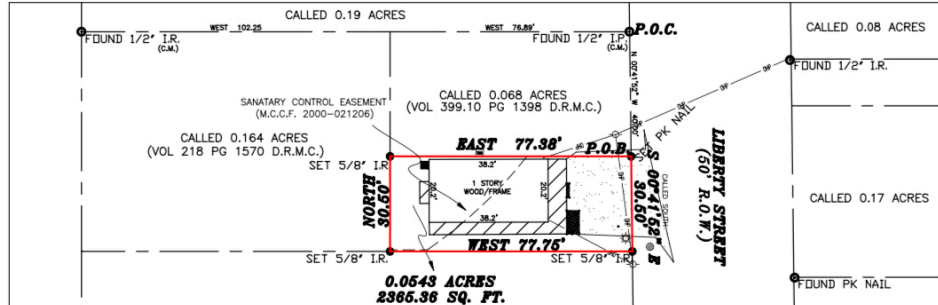


Approximate property line location

Property pin location



14335 Liberty St Site Information



NOTES:
THIS SURVEY WAS PERFORMED IN CONJUNCTION WITH A WRITTEN METES AND BOUNDS DESCRIPTION SURVEYOR DID NOT RESEARCH SUBJECT PROPERTY FOR ANY UNDISCLOSED EASEMENTS ANY IMPROVEMENTS SHOWN HEREON ARE NOT TO BE USED TO REESTABLISH PROPERTY LINES BEARINGS BASED ON RECORDED PLAT/DEED OF VOL 568 PG 216 D.R.M.C. FLOOD INFORMATION PROVIDED HEREON IS BASED ON SCALING THE SUBJECT PLAT ON THE FIRMS THE INFORMATION SHOULD ONLY BE USED TO DETERMINE FLOOD INSURANCE RATES AND NOT TO ANY ACTUAL FLOODING CONDITIONS. WE ARE NOT RESPONSIBLE FOR THE ACCURACY OF THE FIRMS

DESCRIPTION: BEING A 0.054 PARCEL

RECORDATION: VOL 568, PG 216 D.R.M.C. **COUNTY:** MONTGOMERY TX **ST:** ABSTRACT: JOHN CORNER A -- 8

RECORD OWNER: RAMON LAUGHTER **TITLE COMPANY:** OLD REPUBLIC TITLE

PURCHASER: DAMON & CINDY HAYNES **JOB #:** 1906143

ADDRESS: 14335 LIBERTY ST MONTGOMERY TX 77356

FIELD WORK: DK, JR

DRAFTED BY: DK, JR (07/10/2019)

CHECKED BY: DK, SR

G.F. NUMBER: 74620-GAT86

STATE OF TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR
DAVID E. KING 4503
 FIRM NO. 10152100
 I, David E. King, Sr. Texas Registered Professional Surveyor Number 4503, hereby certify to the Title Insurer, Lender, and Purchaser referenced herein ONLY that the plat was made from an actual survey on the ground by me or under my direction, this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications. Not valid without both electronic seal and signature.

KLSS KING'S LAND SURVEYING SOLUTIONS, LLC
 Professional Land Surveyors
 218 SOUTH STREET #28 SPRING, TX 77371 (281)280-8855

