

NOTICE OF PUBLIC HEARING and REGULAR MEETING

October 22, 2018

MONTGOMERY PLANNING AND ZONING COMMISSION

STATE OF TEXAS

AGENDA

COUNTY OF MONTGOMERY

CITY OF MONTGOMERY

NOTICE IS HEREBY GIVEN that **Public Hearing and Regular Meeting** of the Montgomery Planning and Zoning Commission will be held on Monday, October 22, 2018 at 6:00 p.m. at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas for the purpose of considering the following:

CALL TO ORDER

PUBLIC HEARING(S):

Convene into Public Hearing for the purpose of giving all interested persons the right to appear and be heard regarding the following:

1. **Second Public Hearing** for the purpose of giving all interested persons the right to appear and be heard regarding the Preliminary Report and preparation of the Final Report on the following:
 - a) A request to rezone the property located at 2580 Lone Star Parkway, Montgomery from ID-Industrial to R-2 MultiFamily, by owner Larry Jacobs; and
 - b) A request to rezone the property located at 2560 Lone Star Parkway from ID-Industrial to B-Commercial, by owner Larry Jacobs.

Adjourn Public Hearing

Reconvene into Regular Session

VISITOR/CITIZENS FORUM

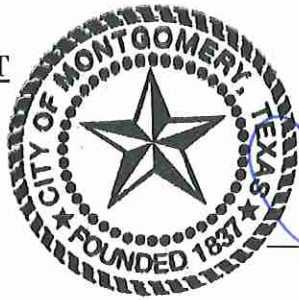
Any citizen with business not scheduled on the agenda may speak to the Commission. Prior to speaking, each speaker must be recognized by the Chairman. Commission may not discuss or take any action on any item but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

CONSIDERATION AND POSSIBLE ACTION:

2. Consideration and possible action regarding approval of the minutes of the Special Meeting held on September 10, 2018, and Public Hearing and Regular Meeting held on September 24, 2018.
3. Consideration and possible action regarding the Final Report for submittal to City Council on the following:
 - a) A request to rezone the property located at 2580 Lone Star Parkway, Montgomery from ID-Industrial to R-2 MultiFamily, by owner Larry Jacobs; and
 - b) A request to rezone the property located at 2560 Lone Star Parkway from ID-Industrial to B-Commercial, by owner Larry Jacobs.

4. Consideration and possible action regarding a sign permit for the Montgomery Barber Shop located at 312 John A. Butler, as submitted by Lance DeLoach.
5. Consideration and possible action regarding proposed improvements to the Living Savior Lutheran Church located at 309 Pond Street, as submitted by Peter Hames, Church Board President.
6. Consideration and possible action regarding the revised Final Plat for The Shoppes at Montgomery, Section 2.
7. Report regarding the Zoning Table of Permitted Uses in the City of Montgomery Code of Ordinances, Section 98 – 88.
8. Report regarding Cumulative Zoning in the City of Montgomery.
9. Report regarding Tree and Landscaping Ordinances.
10. Report regarding City-initiated zoning of parcels in the City of Montgomery.
11. Report regarding City Comprehensive Plan and Downtown Streetscape Plan.

ADJOURNMENT



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 the 19th day of October, 2018 at 4:45 o'clock 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.

Montgomery City Council
AGENDA REPORT

Meeting Date: October 22, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: basic information about request
Date Prepared: October 16, 2018	

Subject

This is the second public hearing regarding the Larry Jacobs request to rezone 2580 Lone Star Pkwy. from ID- Industrial to R-2 Multifamily and 2560 Lone Star Pkwy. from ID – Industrial to B – Commercial

Description

This is the second public hearing for this rezoning request.

Recommendation

This is for the public comment, not for Commission discussion.

Approved By

City Administrator	Jack Yates	Date: October 16, 2018
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City of Montgomery
Jack Yates
Montgomery, TX 77356
August 20, 2018

Dear Mr. Yates,

I am the owner of the attached described property. I request that the approximate 5 acres to the north, marked on the map as "R-2", be re-zoned from "I-D-Industrial" to R-2 Multi-family. I also request that the approximate 2 acres on the southern portion, marked "B" be re-zoned from "I-D Industrial" to "B-Commercial".

I look forward to discussing my property with Planning and Zoning members at the next meeting. In the meantime, if you have any questions, please feel free to contact me.

Sincerely,


Larry Jacobs
Owner

Attached:

Check
Property maps - 2

RECEIVED BY:
AUG 20 2018
AUTUMN REDMAN
City of Montgomery

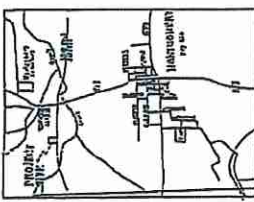
936.597.3301

txland.com

larrytxland@gmail.com



Farms * Ranches * Homesites * Investment * Commercial Services
P.O. Box 1370 14372 Liberty Street Montgomery, TX 77356



SURVEYOR'S NOTES

1. THE BOUNDARIES SHOWN ON THIS PLAN ARE BASED ON THE RECORDS OF THE COUNTY RECORDS AND THE SURVEYOR'S FIELD NOTES.

2. THIS SURVEY WAS MADE FOR THE PURPOSE OF DIVIDING THE LAND DESCRIBED INTO LOTS AND ALLOTMENTS FOR THE PURPOSES OF THE R-2 ZONING DISTRICT.

3. THE SURVEYOR HAS BEEN ADVISED THAT THE LAND DESCRIBED IS SUBJECT TO A MORTGAGE AND THAT THE MORTGAGEE HAS A RIGHT OF FIRST REFUSAL TO PURCHASE THE LAND IN THE EVENT OF A SALE.

4. THE SURVEYOR HAS BEEN ADVISED THAT THE LAND DESCRIBED IS SUBJECT TO A RESTRICTION ON THE USE OF THE LAND FOR ANY PURPOSE OTHER THAN RESIDENTIAL.

5. THE SURVEYOR HAS BEEN ADVISED THAT THE LAND DESCRIBED IS SUBJECT TO A RESTRICTION ON THE USE OF THE LAND FOR ANY PURPOSE OTHER THAN RESIDENTIAL.

BOUNDARY DATA

THE BOUNDARIES SHOWN ON THIS PLAN ARE BASED ON THE RECORDS OF THE COUNTY RECORDS AND THE SURVEYOR'S FIELD NOTES.

ACCESS NOTES

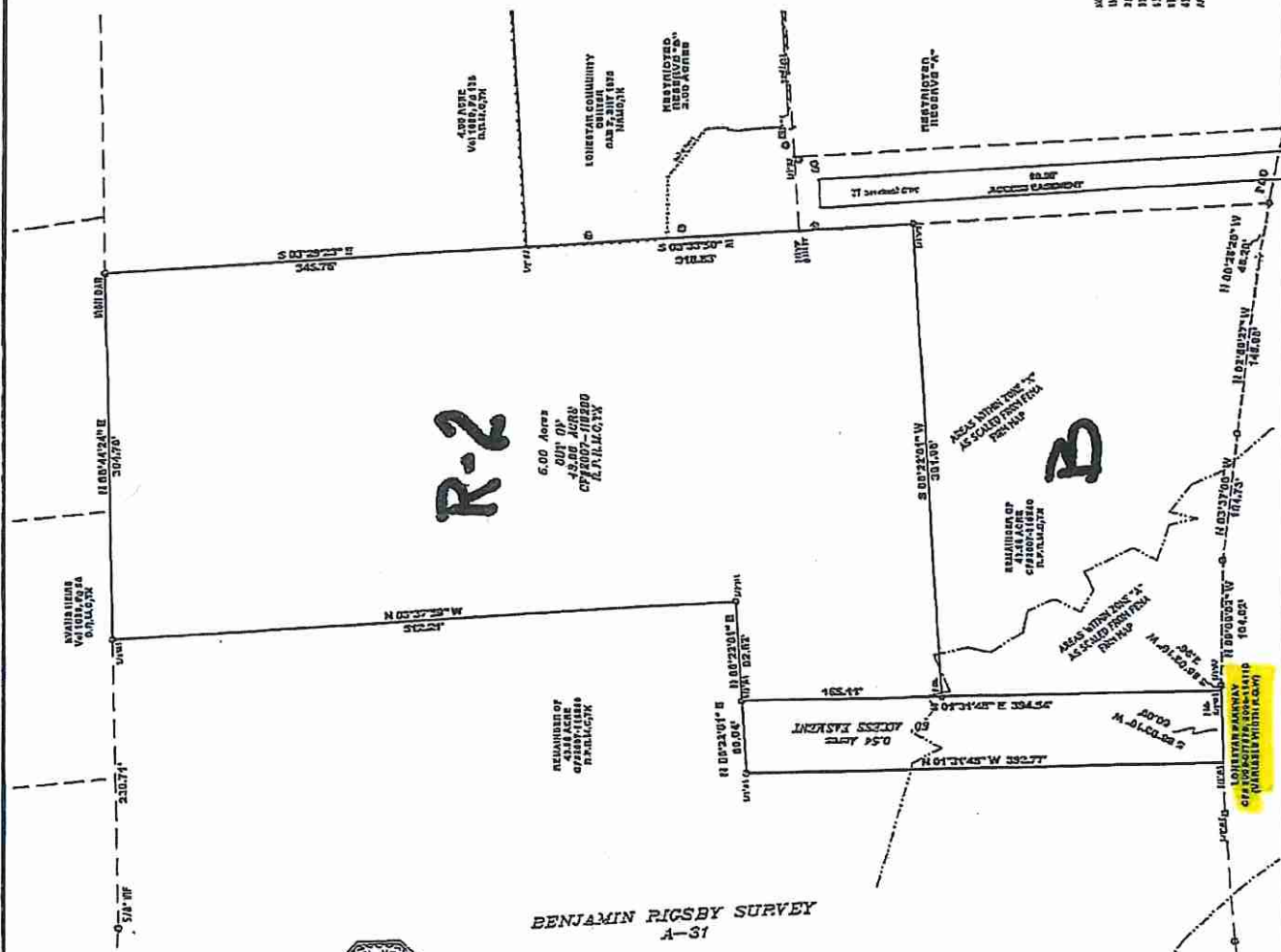
THE SURVEYOR HAS BEEN ADVISED THAT THE LAND DESCRIBED IS SUBJECT TO A RESTRICTION ON THE USE OF THE LAND FOR ANY PURPOSE OTHER THAN RESIDENTIAL.

- EXISTING CURB
- EXISTING DRIVE
- EXISTING SIDEWALK
- EXISTING FENCE
- EXISTING WALL
- EXISTING POST
- EXISTING SIGN
- EXISTING LIGHT
- EXISTING UTILITY
- EXISTING EASEMENT
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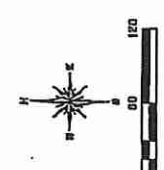
**BENJAMIN RIGSBY SURVEY
A-31**

**SURVEY OF
300 ACRES**

LOCATED IN THE _____ COUNTY, ABSTRACT NO. _____
 PAID ON THE _____ DAY OF _____ A.D. 19____
 COUNTY CLERK'S FILE NO. _____
 THIS BOOK _____ RECORD _____ COUNTY, STATE OF _____
 REF. _____ OR _____
 THE SURVEYOR HAS BEEN ADVISED THAT THE LAND DESCRIBED IS SUBJECT TO A RESTRICTION ON THE USE OF THE LAND FOR ANY PURPOSE OTHER THAN RESIDENTIAL.



Benjamin Rigby
 BENJAMIN RIGBY



ORVTECH

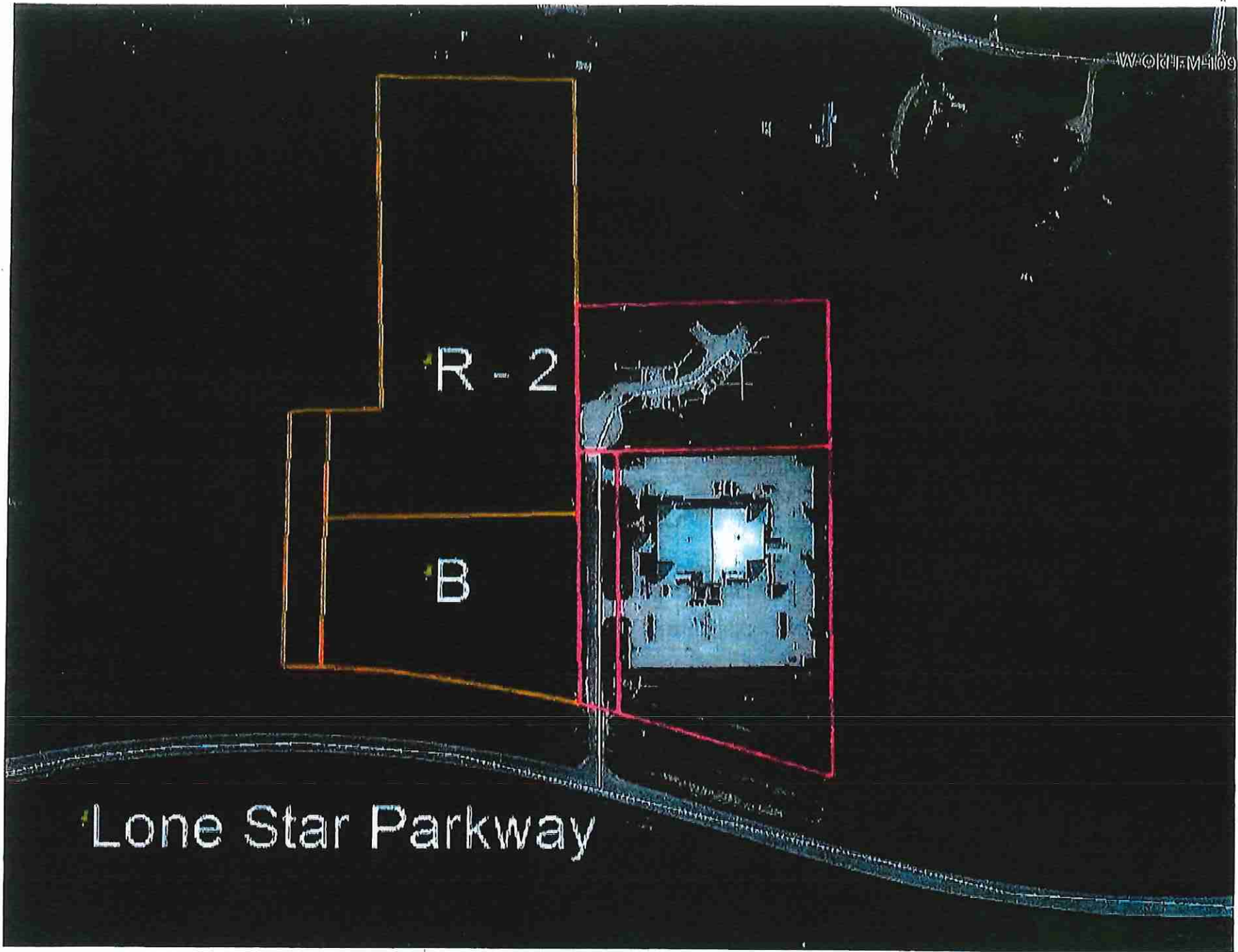
Surveyors
 FLORISSA

FLORISSA
 1011 W. 10TH ST., SUITE 101
 DENVER, CO 80202
 PHONE: 303.733.1111
 FAX: 303.733.1112
 WWW.ORTVTECH.COM

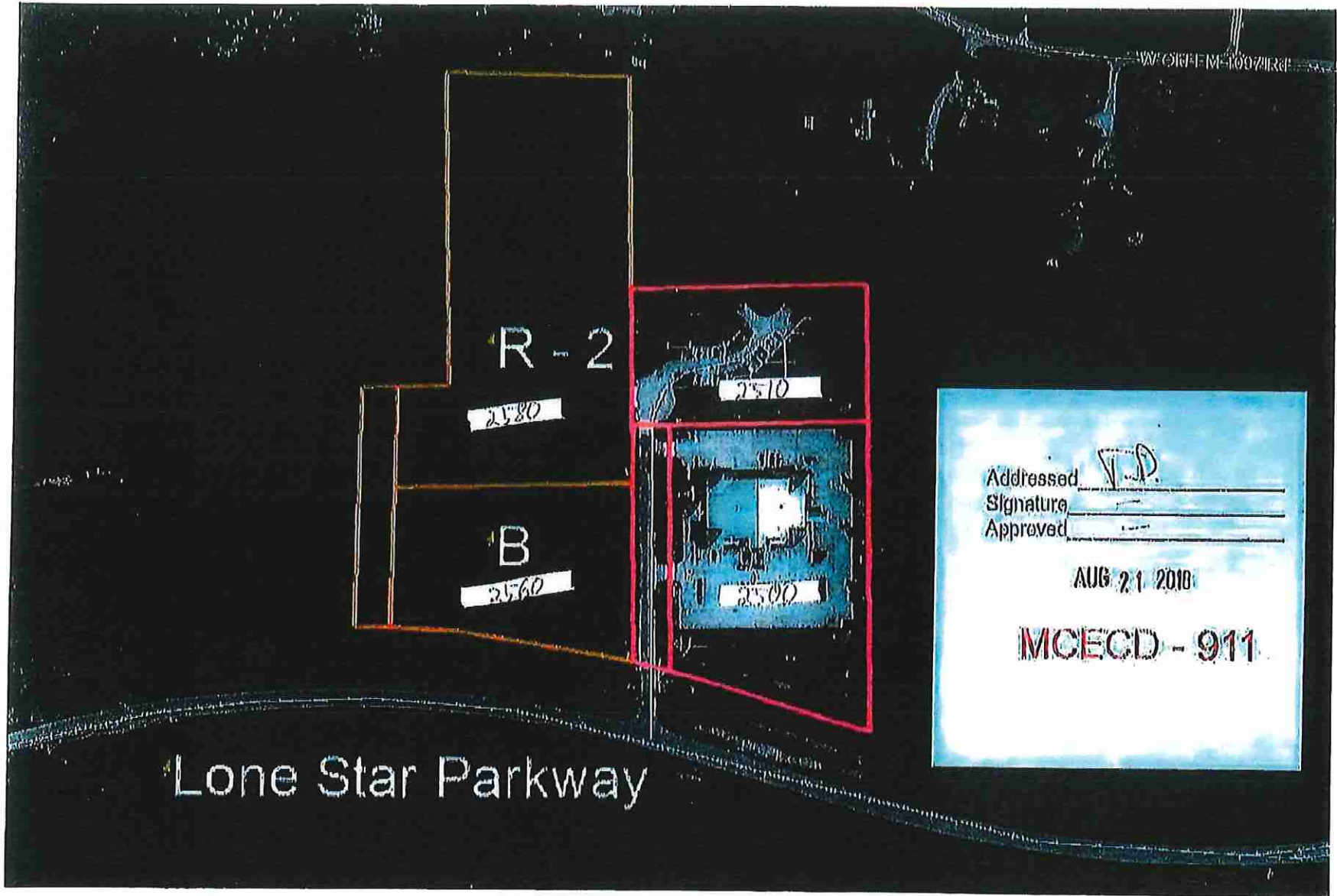
R-2

B

Lone Star Parkway



2560 & 2580 Lone Star Pkwy, Montgomery, Tx, 77356



Lone Star Parkway

Addressed V.D.
Signature _____
Approved _____

AUG 21 2018

MCECD - 911

MINUTES OF SPECIAL MEETING

September 10, 2018

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

Chairman Nelson Cox declared a quorum was present, and called the meeting to order at 6:02 p.m.

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

Absent: Arnette Easley

Also Present: Jack Yates, City Administrator
Susan Hensley, City Secretary
Chris Roznovsky, City Engineer

VISITOR/CITIZENS FORUM

Any citizen with business not scheduled on the agenda may speak to the Commission. Prior to speaking, each speaker must be recognized by the Chairman. Commission may not discuss or take any action on any item, but may place the issue on a future agenda. The number of speakers, along with the time allowed per speaker may be limited.

1. Consideration and possible action regarding variance requests regarding Louisa Lane Development as requested by the Developer, as follows:
 - a) to allow the use of Hot Mix Asphalt Concrete instead of concrete;
 - b) to allow the use of open ditch drainage throughout versus the use of curb and gutter;
 - c) to allow a variance from the required 300 feet minimum radius to 205 feet radius; and
 - d) to allow setting the maximum length for a dead-end cul-de-sac street to 1,000 feet with another 600 feet in front of the gate instead of the required maximum 800 feet.

Mr. Roznovsky advised that this project is to be a gated private street with large lots, so having the large lot feel, the existing surface of Louisa Lane is asphalt with an existing roadside ditch that they will be tying into. Mr. Roznovsky said regarding the turning radius at the dead end of the street, the developer's engineer has gone to the County Fire Marshal and gotten their official or unofficial approval stating they have no objections to what is being proposed. Mr. Roznovsky said it is really more a question of what is being proposed, and whether the Commission has any questions or issues with the project and also the idea of the private gated street.

Mr. Roznovsky said the packet included a letter from L-Squared describing the variances that essentially states the same thing that they have stated, copy of the preliminary site plan that has 18 lots with a cul-de-sac at the end and two exhibits that are from the Feasibility Study that was presented to City Council that shows where their tract is located.

Mr. Roznovsky said the discussion at the City Council Meeting was regarding this street being extended in the future to a future collector street that runs east/west. Mr. Roznovsky advised the future collector street is shown as an orange line, and there is a thought of connecting Louisa Lane to that future collector street on the Thoroughfare Plan. Mr. Roznovsky said the discussion at City Council was mixed, with some thinking that it was a likely idea and some were concerned with through traffic. Mr. Roznovsky stated that City Council did not make a decision that night; it was a discussion item.

Mr. Roznovsky advised the variances that are being requested are in relation to having a private street with asphalt and open ditches and a dead end street.

William Simpson said with this being a private street, what would be the chances that the City will ever have to take over the private streets regarding maintenance. Mr. Roznovsky said that would be part of their HOA or whatever they set up, and it does not mean that in the future, they might ask the City. Mr. Yates advised the roads will be built to the City standards even though it is a private road. Mr. Jonathan White, Engineer, advised the assessment on the annual fee for the HOA will be for common maintenance in the first few

years. William Simpson asked how the realtor or developer gets the information to the home buyer that they are going to be responsible when they are buying the home or prior to, because he knew there was a lot of discrepancy in Lake Creek Village where they were really not known that they were private streets and now it is being thrown upon them. Mr. White said the home buyer is provided with surveys prior to closing and even at closing that shows this is a private street. Mr. White said the deed restrictions and HOA Manual shows they are responsible for that maintenance and that fee. William Simpson asked to confirm that there would be HOA guidelines and deed restrictions for the homeowner prior to purchasing the home, so they should do due diligence prior to purchasing the home. Mr. White said it should be part of the property management association responsibility to uphold those funds and deed restrictions within the HOA guidelines. Mr. Roznovsky said Lake Creek Village does not have a gate so it is hard to distinguish what is public and private, but here they will have a gate and it is a clear delineation. Mr. White said they were trying to make it as clear as possible on the plat that the streets, drainage and facilities will be privately maintained.

William Simpson asked about the drainage and if something in the private ditch is obstructing the City's drainage, because the water will flow that way, does the City have any say on making them do something. Mr. Roznovsky said yes, because it goes back to the laws that a property owner can't change or prevent the flow. Mr. White said within the City of Montgomery's dedication on the plat states that the City does have the right to come in and make the repairs on private or public easements. Mr. Roznovsky said even with it being a private street, Public Works and the City will have access on the easements and the road; they just will not be responsible for the road.

Jeffrey Waddell said with that being gated does tend to make it lean more toward being private. Jeffrey Waddell asked if anyone owns the land yet for future expansion, and would that possibly be a phase two of this project. Mr. Roznovsky said, just so it is clear on that, it is not an easement, it is just a proposed sketch of what could happen, there is nothing existing. Mr. Roznovsky said all the property south is owned by the Mabry family and they do not have a plan to connect through. Jeffrey Waddell said the water flow is to the

south and there is a retention area, and he was sure that the drainage would be well planned out. Mr. Roznovsky said the drainage is going to continue south across that property, so there is an existing swale or natural creek that runs that direction. Mr. Roznovsky said the pond would be private so the things that the HOA or POA will maintain are the roads, the pond and whatever drainage or construction they have and amenities that they have, such as the gate, etc. Jeffrey Waddell said that regarding the lots that back up to Worsham Street and the old treatment plant, they just need to make sure that they are not pushing water onto that area. Mr. White said there is actually a lot of that from Worsham and the water plant and Becky Huss' property flows through this development, which they already did a preliminary analysis of that offsite flow, and by Texas Water Law they will have to accept that offsite flow at the same rate as it is today. Jeffrey Waddell said he wonder about the street coming in the width of the existing Louisa Street, and asked about the width of the new street coming from the gate. Mr. Roznovsky said what they are proposing is back to the current City standards, 50 foot right-of-way with a standard width street that will be wider than the existing Louisa Street. Jeffrey Waddell said the two homes on the right are actually becoming part of the existing houses, so they are aware. Mr. White said one of the homes is owned by Chris Cheatham and the other is Josh Cheatham's that sit on their own lots.

Jeffrey Waddell said the width of the existing Louisa Street is 15 foot and one thing that might come up later, while it is not part of the property, is can that road handle the traffic increase for the number of homes in the project. Mr. Roznovsky said they are only talking about 17 homes, which is really not a lot and he thought that eventually the road will need to be improved, no matter what happens. Mr. Roznovsky said regarding the impact of this development he does not see much traffic, and the flip side is if the City says no and they do want to make this a through street, and it is a public street, then definitely Louisa Lane will need to be upgraded. Jeffrey Waddell said the new portion will be a lot wider than the existing street, and they may have some questions regarding that so they might need to have some answers to that question. Mr. Roznovsky said the problem with the existing street is also the right-of-way, which is maybe a 30-foot right-of-way. Jeffrey Waddell said the homes that are going in are large homes and they will probably have two to three

vehicles per home so the traffic coming through and the road may require some improvement to make everyone happy. Mr. Roznovsky said improvements need to be made on the private road to SH 105, but not because of this development. Mr. Roznovsky said if this was a through street then most definitely he would say they need to improve the street sooner rather than later. Jeffrey Waddell said they noticed in the paperwork that anything under 30 homes does not require an ingress and egress, so it falls in line with what Mr. Roznovsky is saying but he just felt that is going to become an issue.

William Simpson asked how is that street going to hold up to all the construction traffic and if something does go awry and causes damage to the street, how is that handled between the City and the developer. William Simpson said that street is asphalt and there is going to be a lot of heavy equipment running back and forth on that street. Mr. White said they will be managing the construction process and the City will be monitoring that also, and they will be more than glad to video up and down that street to insure activity on both sides. Mr. White said they will have one drop off of equipment and the equipment will stay on site until the project is complete. Mr. White said when they are dropping off materials for water, sewer and drainage it will be one time and he did not see a lot of back and forth traffic daily traffic other than workers. William Simpson said he thought most of the traffic on that street will be when they are building the homes versus when they get them up. Mr. White said there is a small reserve strip that is 10-15 feet wide that runs in the back and touches Worsham Street, so if there is a need, maybe the daily workers could have a temporary road or something that will filter through there if Louisa is creating too much traffic. William Simpson said he thought that will probably be the main concern of the people living on Louisa.

Mr. Yates said that one of the things that was brought up in the City Council Meeting was not to use Worsham Street as any sort of access for any traffic. Chairman Cox asked what they would suggest that they do if they are not going to use Worsham. Mr. Yates said they would use Louisa Street. Carol Langley said there were other streets in the City that are maybe a little bit wider than Louisa and construction travels up and down them all day long, so she did not know that Louisa Street would be any different than some of the other

streets in the City. Carol Langley asked if Louisa Street was the smallest street in the City. Mr. Yates said it was not the smallest street. Carol Langley said even with the construction that has been going on at College Street, College Street is not holding up as well as you would like to think it is, but it can be fixed because it is on the edges where the larger trucks have caused damage. Jeffrey Waddell said it was not like they have manicured lawns along the road on Louisa Street. Mr. Roznovsky said if there is damage that occurs they will already be doing asphalt work on Louisa, so they could patch up any damage caused during construction, and said he did not think that would be much of an issue.

William Simpson moved to approve the four variances as presented regarding the Louisa Street development. Jeffrey Waddell seconded the motion.

Discussion: Carol Langley asked Mr. Yates to make sure that City Council understands that they did discuss this item quite a bit, that they did not just make their decision in two to three seconds like they seem to think sometimes. Mr. Yates said he would convey that information. Carol Langley said thank you.

Jeffrey Waddell said that Mr. Roznovsky had brought up a land swap possibility over near the water, and said he did not know if that would be part of this. Mr. Roznovsky said it was still on the table and offers are being discussed, between trying to swap a portion of the Water Plant #2 site with a portion of property somewhere else in the City to be used. Mr. Roznovsky said by the Hills of Town Creek and Emma's Way, they deeded two acres or so to the City as part of his development agreement for a future water plant and elevated storage tower. Mr. Roznovsky said the thought currently is that whatever land is given away at Water Plant #2 is swapped with an equal amount of land or possibly equal in value amount of land over by that site or somewhere else in that vicinity to offset so the City gets the same benefit. Mr. Roznovsky said what they discussed with Mr. White and Mr. Josh Cheatham was that we leave enough left over property at Water Plant #2 so if, in the future, they need to construct a second ground storage tank they can at that site, and will give the City some flexibility so they don't completely lose all flexibility at the Water Plant #2 site. Mr. Roznovsky said there is a lot of land there that has no plans to use, so being able to

benefit and get a developed lot out of it and also expand the site that they are going to need or could use more space at, they are still going through options. Jeffrey Waddell said there are plans for water and sewer lines in that area. Mr. Roznovsky said that was correct, and said the thought with the water is that where it currently comes out at the Water Plant #2 site, where Houston Street dead ends, is that gets extended out to Louisa so they create a waterline loop so now Louisa Street is not only served off of SH 105, but it is served from the water plant site, as well, to help with pressure and flow and if anything happens they will still have water.

The motion carried unanimously. (4-0)

2. Adjournment

William Simpson moved to adjourn the meeting at 6:28 p.m. Carol Langley seconded the motion, the motion carried unanimously. (4-0)

Submitted by:  Date approved: _____
Susan Hensley, City Secretary

Chairman Nelson Cox

MINUTES OF PUBLIC HEARING and REGULAR MEETING

September 24, 2018

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

Chairman Nelson Cox declared a quorum was present, and called the meeting to order at 6:01 p.m.

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

Absent: Carol Langley

Also Present: Jack Yates, City Administrator
Susan Hensley, City Secretary
Chris Roznovsky, City Engineer

VISITOR/CITIZENS FORUM

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Mr. Larry Jacobs asked to speak during his item on the Agenda.

Mr. Steve Weisinger, Attorney for Mrs. Fisher, advised that he has been before the City three or four times. Mr. Weisinger said the maps of the City were drawn in such a way that nobody that is here now drew them. Mr. Weisinger said that sometimes the maps just do not make sense and in this case there is one piece of property that, for whatever reason, the line was drawn and cuts it in half. Mr. Weisinger said the map creates a lot of checker boarding, which does not make sense. Mr. Weisinger said they are asking that the part that is zoned Residential be changed to match the other half of the property. Mr. Weisinger said the property does not suit Residential use on the railroad, and they are just asking

to do what makes sense and what they think is right. Mr. Weisinger asked that they rezone the eastern part to match the other part.

Mrs. Fisher said that she wanted the same thing because she and her husband bought the property and they did everything they had to do to ensure what they call in real estate “commercial” property and it was, which is what they were told. Mrs. Fisher said she did not know how it got changed.

Chairman Cox noted for the record that William Simpson stepped out at 6:05 p.m., but they still have a quorum present. William Simpson returned at 6:06 p.m.

Mr. David Potter stated that he was here about the property located at 1005 Old Plantersville Road, which is northeast of his property, stating that from what he understood they want to rezone the property to Light Industrial. Mr. Potter said that right now Mr. Yates testified to this that they have been having problems with Mr. Mabry and his trash. Mr. Potter said they live in a Residential area and it is not Industrial. Mr. Potter said you can drive by Travis Mabry’s place right now and there is trash all in the ditch. Mr. Potter said he called the City today and reported all this trash that somebody dumped in the ditch. Mr. Potter said he gets trash in his pasture and so does his neighbor; he has complained about the trash numerous times and now we have another place that is up for sale that wants to change their zoning to Light Industrial. Mr. Potter said he really does not know the meaning of Light Industrial, but the way that he feels about it is you give them an inch and they will take a mile. Mr. Potter said when Travis Mabry first took over that property he was dumping that trash on the ground and he fought him tooth and nail, and came to the City regarding the matter. Mr. Potter said he went to everyone he knew and finally got something done about that. Mr. Potter said people still dump their garbage at that location. Mr. Potter said he was completely against the property being rezoned Light Industrial. Mr. Potter said the representative for Mrs. Fisher said the property is right next to the railroad tracks, and said that had nothing to do with it because his place is right next to the tracks. Mr. Potter said he would like his comments considered and asked to keep the area Residential and said that he wants to keep his property clean. Mr. Potter said they are saying that they are going to have portable buildings, but they are not going to keep everything inside the buildings.

PUBLIC HEARING:

Convene into Public Hearing for the purpose of giving all interested persons the right to appear and be heard regarding the following:

1. Second Public Hearing - regarding preparation of a Final Report to be submitted to City Council on September 25, 2018 regarding the request to rezone the eastern portion of a 2.148-acre tract of land located at 1005 Old Plantersville Road, Montgomery, from R1-Single Family to ID-Industrial Use, as requested by Theresa Fisher.

Chairman Cox convened the Public Hearing at 6:10 p.m.

Mrs. Fisher stated that no one has ever complained about her property. Mrs. Fisher stated that her property has a metal building on the Industrial side of the property. Mrs. Fisher said people have complained about the man that has the dump that has nothing to do with her property.

Chairman Cox adjourned the Public Hearing at 6:12 p.m.

2. First Public Hearing for the purpose of giving all interested persons the right to appear and be heard regarding the Preliminary Report on the following: a) A request to rezone the property located at 2580 Lone Star Parkway, Montgomery from ID-Industrial to R-2 MultiFamily, by owner Larry Jacobs; and b) A request to rezone the property located at 2560 Lone Star Parkway from ID-Industrial to B-Commercial, by owner Larry Jacobs. (2nd Public Hearing will be held on October 22nd)

Chairman Cox convened the Public Hearing at 6:13 p.m.

Mr. Jacobs said he appreciated Planning and Zoning Commission's actions in the past and being able to communicate. Mr. Jacobs said he is going back with his original tract that the Commission previously approved and he is adding to it a commercial business tract, which is the two acres between the apartments.

William Simpson said the original portion was for people over 55 and asked if it will be the same concept. Mr. Jacobs said he was still working on that. William Simpson asked if this would be in conjunction with what is going on and there is no competition with anyone else. Mr. Jacobs said no, this would be a straight up deal. William Simpson asked if the project would still be a one story facility. Mr. Jacobs said that was correct, as long as Emanuel still goes forward, which is what he is hoping. Mr. Jacobs said if it fell apart with him he would

try to find someone else to move forward. Mr. Jacobs said Emanuel is not exempt so he will pay 100 percent of his taxes. William Simpson asked if in the front portion he is wanting to do a commercial building. Mr. Jacobs said that was correct. William Simpson asked if that would be office space. Mr. Jacobs said he did not know yet, and said the space lends itself to be an office warehouse location, but it could be retail because the area is unproven so far but he has enough faith that they can move forward. William Simpson said they have gone back and forth and changed so many things and asked if there is an enhancement corridor along Lone Star Parkway. Mr. Yates said yes, there is an enhancement corridor on Lone Star Parkway and follows the Land Use Plan.

Jeffrey Waddell asked if this will be next to the existing disabled multi-family site. Mr. Jacobs said yes, it will be next to Independence Place. Mr. Jacobs said the commercial area on the front of the property would be a buffer between Independence Place and the road. Jeffrey Waddell said he noticed on the map that the property, outside of the City, was Residential. Mr. Jacobs said the landowner, Bob Smith, has a large place and the back corner of his place is in the City limits, but the rest is not. Mr. Jacobs said that he had lunch with Mr. Smith the other day and made him aware of what he had planned. Jeffrey Waddell said it does look like a good balance with the commercial being close to the Community Center.

Chairman Cox adjourned the Public Hearing at 6:18 p.m.

3. Consideration and possible action regarding Meeting Minutes of August 27, 2018 Regular Meeting.

William Simpson said that he had one correction to make on Item 9, when they were discussing the Zoning Map (page 7, Item 9), and he thinks the wording got twisted around and should state William Simpson stated that this matter has been discussed and gone back and forth with this information, and said his question is the area on Lone Star Parkway by Mr. Jacobs' property, as small as this area is and everyone will be on top of everybody and asked if they felt that area needs to be high density Residential/Commercial. The City Secretary advised that she would make the correction.

Jeffrey Waddell said that the Planning and Zoning Commission, as a group, had the discussion that they were all leading towards Residential. Mr. Yates stated that his statement in the minutes should be "Mr. Yates said that he felt that it should be Residential. The City Secretary stated she would make the change.

Jeffrey Waddell moved to approve the minutes as corrected. Arnette Easley seconded the motion, the motion carried unanimously. (4-0)

4. Consideration and possible action regarding the request to rezone the eastern portion of a 2.148-acre tract of land located at 1005 Old Plantersville Rd., Montgomery from R-1 single-family to ID- Industrial as requested by Theresa Fisher

Jeffrey Waddell said that he wanted to thank Mr. Yates for looking up the history because this has been a difficult subject. Jeffrey Waddell said he wanted to touch on a couple of things, the scribers error that was indicated; all indications are this was originally intended to be Industrial, and it is very odd to have a split in property. Jeffrey Waddell said the part of the property that is zoned Industrial will stay Industrial and from the history, and the scribers error caused the confusion. Jeffrey Waddell said the 60 percent of the property that is Industrial has the metal building on it and is not going to change. Jeffrey Waddell said he hates that they have this difficult situation and someone is going to be disappointed with the outcome, but they have to look at the facts and what has happened in the past.

Chairman Cox said regardless of what the Commission does, this will go to City Council and they will be the ones making the decision.

William Simpson asked about the number of residential lots that are across the road from these two parcels and how long they have been there. Mr. Potter said that he has been on his property since 1992, and another in 1994-95 and another one for five years. William Simpson said he would assume that when they purchased the property it was on the assumption that across the road was Residential and a little bit Industrial. Mr. Weisinger said that leads to confusion because some of those which you look at as Residential, are in fact zoned Industrial. Mr. Yates said there was one tract that was directly south of this property that is zoned Industrial.

Jeffrey Waddell said that the homes on those lots are set back around 400 feet and asked if there was ever a setback. Mr. Yates said that was the way the property was developed over time; they were not required to set their homes that far back. Mr. Roznovsky said the closest set back line is about 240 feet and the farthest set back is 380 feet. Mr. Yates said the property south of Old Plantersville Road is zoned Industrial, but it is used as a house and he does not know if the owner even knows the property is zoned Industrial.

William Simpson said his problem is the residents across the street from this property and whatever the best intentions of whoever is buying that piece of property now to keep it nice and clean, it does not say that in a year or so he decides to sell and they run into another mess.

Mr. Potter asked Mr. Yates if he was in the process of trying to eliminate Travis Mabry's place. Mr. Yates said the City is not initiating and rezoning for that property; they are trying to keep the property clean. Mr. Potter asked how that property is zoned now. Mr. Yates advised it was zoned Industrial. Jeffrey Waddell said that was his point, the nature of the area, if you go back in history this whole area was Industrial and no matter what they do, this property will still be Industrial. Arnette Easley said you would have the same problem with a residential piece of property if they built a home and then they trashed out the house, so it is cleanliness versus it being rezoned Industrial; you have to keep the area clean.

Jeffrey Waddell said the City has a way they can enforce open trash if it gets to be a problem. Mr. Yates said it had been a problem where they had gotten to the point of issuing a citation, and just before the citation was written the owner cleaned up the trash on the ground and emptied the containers. Mr. Yates said the owner can have trash in the containers as long as it comes and goes very quickly, but just as Mr. Potter said, it is also not anything that Mr. Mabry is doing, but it is a place where they have had lots of problems with people dumping. Mr. Yates said maybe it is when people go down there and they are not able to get inside so they are dumping their trash because the gate is closed. Mr. Potter said there is no gate there, and said you can go to that property right now and see trash piled up in the ditch in front of his home. Jeffrey Waddell said the dumpsters don't look like they are overflowing anymore; this is something that if the City continues to enforce will make a big difference. Mr. Yates said the owner was on notice not to dump anything or leave it for any period of time. Mr. Yates said the trash along the road is a City problem. Jeffrey Waddell stated the metal building that is on

the Fisher property has always been well maintained, and if whatever happens there becomes a problem, the City can do something to enforce the matter. Mr. Yates said what Arnette Easley said is correct, and what he would also say is that the basic industrial use lends itself to more clutter being on the property, such as a dumpster. Mr. Yates said Mr. Mabry is not doing anything wrong with having 20 dumpsters on his property. William Simpson said there could be the same thing on this property. Mr. Yates said there could be. William Simpson said he is just thinking about himself personally, the questions that he would have with not only the trash but the noise, odors and whatever else they are going to be producing there. Jeffrey Waddell said with this lot they are limited on how far they can go because it is very narrow and no matter what they do today or what City Council decides, the one portion that has the building on it is going to be Industrial no matter what, so again he goes back to there should never be a split in the property, there is one address and 60 percent is going to be Industrial. Jeffrey Waddell said he understands the concern for what goes in on that property. William Simpson said there is no control once this is done, it is done. Jeffrey Waddell said anything can go in there industrial because it is still going to be Industrial, it is just not quite as big. Jeffrey Waddell said he did not think that it was good to have a split in the property. William Simpson said he did not think it was good to have a split, but you have got to be concerned with everything else around it. Jeffrey Waddell said they can't complain about something that was done years ago. William Simpson said he understood.

William Simpson asked if there was anyone in the metal building on the Fisher property. Mrs. Fisher said it was her building. Mrs. Fisher said she knows the man who wants to purchase the property and she could advise what he is going to put on the property if the Commission wants to know. William Simpson said in two years something could change. Mrs. Fisher said the man wants to build some storage buildings for RV's, boats and cars, so people can store them. Jeffrey Waddell asked if it was going to be covered storage. Mrs. Fisher said they are going to be built and they can't have anything on the outside. Arnette Easley asked if this would be open or closed storage. Mrs. Fisher said it would be closed storage. Mrs. Fisher said she did advise the man that everything would have to be inside the building, and he said that would not be a problem. Mr. Yates said not in an industrial area. Jeffrey Waddell said this is storage.

Mr. Yates said he had discussed with Mr. Weisinger and Mrs. Fisher about using the Residential area for parking for the Industrial, but if all they do is park on the Residential

portion and walk over to the Industrial portion it is still being used as Industrial, but that does not mean that there could be other uses that still may help the Industrial portion, but he can't think of anything right now. Mr. Yates said anything that it tied to the Industrial use would not be allowed. Mr. Yates said if the City does not rezone the property, Mrs. Fisher's option would be that she could sell it to anyone for a house. Mrs. Fishers said that she did not think that she could put a house on that piece of property with the railroad tracks right behind it.

Jeffrey Waddell said he knows that is a difficult situation for everyone, but he just keeps going back to this is one address, one piece of property and no matter what the part with the building is going to stay Industrial, and he felt that they need to look at the nature and spirit of what it was originally. Jeffrey Waddell said that people who came later and purchased the property knew that was there and typically in our society and culture we do things like that along the railroad tracks.

Mr. Potter asked when the metal building was built. Mrs. Fisher said the building was built in the beginning of 2004. Mr. Potter said he has been here since 1992 on his property, and that property was owned originally by Billy Giles, who used to have the pulp wood yard across the road from Old Plantersville Road, where the dump is now. Mr. Potter said later on Billy Giles built that building for a wood chip mill. Mr. Potter said the people were complaining about the noise being so bad that you could not hear anything, so the City shut him down. Mr. Potter said that Mike Hammer bought the place for an investment; he fenced it and then Mr. and Mrs. Fisher bought the place. Mr. Potter said the Fishers' kept the place up very nice and clean, but that does not mean the next person that comes along will keep the place as nice as the Fishers'. Mr. Potter said he was particular about his place and keeping it nice and clean and neat because he lives there and he did not want to see anybody come in there with Light Industrial and Industrial Commercial and put a business in there where there will be stuff outside and visible, traffic back and forth and trash on the road, because he lives there. Mr. Potter said all the people there keep their places nice and neat, including Mrs. Fisher and he has no complaints about the way she keeps her place. Mr. Potter said that he was completely against Light Industrial use and felt that it was completely wrong. Jeffrey Waddell said he keeps going back to the location and wonders if it would ever support any kind of high traffic, because in his mind why would someone put something there that would require a lot of traffic because it is pretty far back. Mr. Potter said he lit this City Hall up during a City Council meeting about

the traffic before the new high school was built, about the kids speeding up and down the road going 75-100 miles per hour and now we are dealing more with traffic because of this. Mr. Potter said he is the reason why they put speed bumps out there. Mr. Potter said they had a young man just about killed out there. Arnette Easley said they have to find a happy medium here because every property owner wants to feel like they have a right to do what they want with their property. Arnette Easley said they can't foresee what will come in, and the other person may or may not have as much integrity as Mrs. Fisher. Mr. Potter said that is why his place is up for sale. Jeffrey Waddell said that he would hope they can enforce anything that the City can enforce to keep that area from being an eye sore, and it might take more diligent enforcement to do it. Mr. Potter said ever since Travis Mabry put that place in he has been griping about it, complaining all the time. Mr. Potter advised that he tried talking to Travis Mabry and they came close to fighting many times. Mr. Potter said he has come to the City, dealt with the Health Department, Montgomery County and it has not improved. Mr. Potter said the only thing that Travis Mabry has done is pick up a little trash out there. Arnette Easley said that he thinks that it could be an asset versus a burden, and said if Mr. Potter wants to do something to his property he feels like he has a right to do that. Mr. Potter said he would do the right thing, it is not going to be the wrong thing. Arnette Easley asked what if Mr. Potter wanted to rezone the property. Mr. Potter said he would not rezone the property, he lives there. Arnette Easley asked what if Mr. Potter wanted to sell the property. Mr. Potter said he is trying to sell his property and he is going to sell the property Residential.

William Simpson said, going back to the best intentions, if the use is a storage unit you do not have one person there controlling it; if there are 14 units, you have 14 individuals there doing something different. William Simpson said that owner can't really control them, he can get letters from the City, but at the end of the day he is going to have to police 14 units. Jeffrey Waddell said they were talking about a storage that has one entrance and one manager. William Simpson said he was not talking about that because there is not going to be a manager there. Jeffrey Waddell said he was talking about work being done, because this is just storage it is not repairs. William Simpson said he has been around storage units with closed doors where guys work on hot rods at all hours of the night, so who is going to control the noise ordinance in the middle of the night when they are working on their cars. Jeffrey Waddell said this is a very narrow lot and not really enough room for that to go on. Arnett Easley asked how you would control someone with a skill saw working in his garage at night because it is basically

the same thing. Jeffrey Waddell said it is one lot and it is going to be Industrial no matter what they do; there is 60 percent of the lot that is Industrial and that is not changing. Mr. Potter asked which side was Industrial. Jeffrey Waddell advised that it was the west side with the building located on it. Mr. Potter asked what is going to happen to the truck traffic that is coming in to bring this material in and are they going to be building the storage buildings there and where are they going to put them. Mr. Potter again stated that he was completely against zoning this Industrial and feels that it is wrong.

Jeffrey Waddell said the property has been there for years with that portion of the property being Industrial and that is not going to change. Jeffrey Waddell said there is always a chance that something can happen, but that is just the way it is. Mr. Potter asked when the property went Industrial. Mr. Yates said it was about 2001. Mr. Potter said he would like to see that.

Chairman Cox asked for a recommendation so this can be taken to City Council, because all they are doing is making a recommendation; City Council will make the decision. Chairman Cox said it is time that this mistake of years ago was straightened out. Chairman Cox said if someone has something to say, he felt that City Council would be the ones that they need to be very outspoken to. Chairman Cox asked if he could get a recommendation that this property be rezoned as requested and let it go to City Council for a decision with maybe a note that Code Enforcement will need to be looked at real close because that is the problem and it has nothing to do with Mrs. Fisher. Chairman Cox said apparently Mr. Potter has seen a lot and he thinks the problem everybody in the room knows, it just needs to be a note made of that.

Jeffrey Waddell moved to recommend the request to rezone the eastern portion of a 2.148-acre tract of land located at 1005 Old Plantersville Rd., Montgomery from R-1 single-family to ID-Industrial as requested by Theresa Fisher, with the stipulation that strong code enforcement needs to be addressed. Arnette Easley seconded the motion, the motion carried with 3-Aye votes and 1-Nay vote by William Simpson. (3-1)

5. Consideration and possible action regarding the Hills of Town Creek Section 3 Final Plat.

Mr. Roznovsky advised that he has reviewed the plat and performance bond and there were no issues with the plat and documentation and all the comments have been addressed.

William Simpson moved to recommend to City Council approval of the Final Plat for the Hills of Town Creek Section 3 and to accept the payment performance bond as submitted. Arnette Easley seconded the motion, the motion carried unanimously. (4-0)

6. Consideration and possible action regarding adoption of the proposed corrected Official Zoning Map of the City of Montgomery based on previously approved City Ordinances.

Mr. Roznovsky advised the Commission has talked about the zoning map at the last meeting and this item is to recommend to City Council that they adopt this map as the Official Zoning Map making all the previous corrections. Mr. Roznovsky said this is not changing anything that was not already approved by ordinance.

Arnette Easley moved to recommend adoption of the proposed corrected Official Zoning Map of the City of Montgomery based on previously approved City Ordinances. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0) A copy of the proposed map is attached to the minutes.

7. Consideration and possible action on partially vacating the plat of Lonestar Parkway North Section One.

Mr. Roznovsky said this was a plat that was originally done outside the City limits along Lone Star Parkway that is part of the Carwile property. Mr. Roznovsky said they are requesting on this one to remove Reserve D and make the western most reserve of that tract and making it unplatted acreage for tax purposes. Mr. Roznovsky said their concern with this was that part of the plat had a dedicated easement along the frontage that will be needed for future utility extensions by the City, so they brought up that concern to them and they had that easement recorded by a separate instrument, that way even when this is released, the utility easement will remain for public use. Mr. Roznovsky said of the four lots that are shown, only the western most is the one that is being vacated. Mr. Roznovsky said the next Agenda item has four more lots that continue to go west, so it is the entirety of that plat and the reserve on this plat that is being requested to be vacated.

Jeffrey Waddell moved to approve vacating the plat of Lonestar Parkway North, Section One. Arnette Easley seconded the motion, the motion carried unanimously. (4-0)

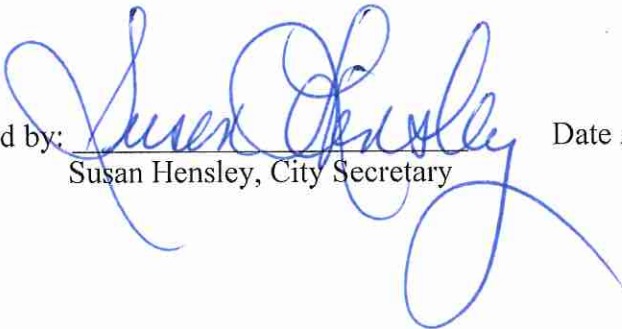
8. Consideration and possible action on vacating the plat of Lonestar Parkway North Section Two

Mr. Roznovsky stated that there are only two reserves that are part of this plat. Mr. Roznovsky said since the property is in the ETJ, the plats will also have to go to Montgomery Country for their approval.

Arnette Easley moved to approve vacating the plat of Lonestar Parkway North Section Two. William Simpson seconded the motion, the motion carried unanimously. (4-0)

9. Adjournment

Jeffrey Waddell moved to adjourn at 7:04 p.m. William Simpson seconded the motion, the motion carried unanimously. (4-0)

Submitted by:  Date Approved: _____
Susan Hensley, City Secretary

Chairman Nelson Cox

Montgomery City Council
AGENDA REPORT

Meeting Date: October 22, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: October 16, 2018	

Subject

This is vote on the rezoning of these two properties as requested by Larry Jacobs.

Description

This is the action by the Commission regarding the recommendation to the city Council as to whether or not to rezone these properties.

Recommendation

Motion to/ not to rezone the property session requested- I suggest a separate motion for each parcel of property.

Approved By

City Administrator	Jack Yates	Date: October 16, 2018
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Montgomery City Council
AGENDA REPORT

Meeting Date: October 22, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: sign permit application, picture of proposed sign
Date Prepared: October 16, 2018	

Subject

This is a sign request for the Montgomery barbershop from Lance DeLoach, owner.

Description

This sign is very similar to one that was approved approximately a year ago for the Montgomery Barbershop. It is a slightly smaller sign. To my mind it stays with the historic aesthetic of the downtown area.

Recommendation

Motion to approve the sign as presented .

Approved By

City Administrator

Jack Yates

Date: October 16, 2018



Sign Permit Application

Public Works and Community Development Department

City of Montgomery, Texas
 101 Old Plantersville Road
 Montgomery, Texas 77356
www.montgomerytexas.gov

* SIGN PERMIT APPLICATION EXPIRES IN 6 MONTHS (180 DAYS) NON-TRANSFERABLE*

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

Permit #:

Date:

JOB ADDRESS: 312 John Butler		BUSINESS NAME: Montgomery Barbershop	
BUSINESS OWNER: 18445 Hwy 105 west	MAILING ADDRESS: Montgomery, TX 77356	TELEPHONE: 936-597-7373	
APPLICANT: Lance DeLoach	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 checked="" type="checkbox"/>	NO <input type="checkbox"/>
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SIGN PLACEMENT: see Attached picture	VALUATION: \$5.00
SIGN DESIGN & COLOR SCHEME: see Attached picture	

SIGN TYPE	SIGN DIMENSIONS	
FREESTANDING MONUMENT SIGN	SIGN HEIGHT	
BUILDING WALL SIGN 4'x8'	SIGN WIDTH	
BANNER	TOTAL SQ FT	
OTHER	SET BACK	
	BUILDING/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 office regulating construction or the performance of construction.

NAME of Property Owner or Agent: Lance DeLoach	SIGNATURE of Property Owner or Agent:
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OFFICE USE ONLY

APPROVED BY:	TOTAL FEE:	\$
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COMMENTS:



MONTGOMERY
BARBER SHOP
MONTGOMERYBARBERSHOP.COM

MONTGOMERY
WASHAT

312A

OPEN

TOYOTA

Montgomery City Council
AGENDA REPORT

Meeting Date: October 22, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Letter of request from Peter Hames, Church Board President , Letter from Karl Voelkel, Bldg. Designer, Building schematics and drawings, Letter from Montgomery Historic Society
Date Prepared: October 16, 2018	

Subject

This is a renovation approval for the Living Savior Lutheran Church.

Description

This renovation has been in the planning for the last several years. Attached is the presentation from the Lutheran Church regarding the renovation that includes the removal of the present West end of the main building that will be rebuilt to very similar construction. There will be new Hardy plank siding on the new building to make the building still look old but have the stability of a modern building.

A steeple is being planned that will be modeled after the original staple as shown in the presentation by the church under the 1908 picture on page for the presentation. Because of its height it will require Board of Adjustment approval. A parking areas also planned adjacent to the church, not relevant for the planning commission's discussion but an important point to the totality of the renovation project.

Also attached is a letter from the Montgomery Historic Society reading that they approve the plans and commend the church for endeavoring to maintain the historical integrity of the building.

This renovation is very expensive and speaks well, to my mind, of the church to stay in the city and spend considerable funds for such a high quality renovation.

Montgomery City Council
AGENDA REPORT

Recommendation

Motion to approve the renovation plan as presented

Approved By

City Administrator

Jack Yates

Date: October 16, 2018



Living Savior Lutheran Church
309 Pond Street
Montgomery, TX 77356

October 11, 2018

Mr. Jack Yates
City Administrator
City of Montgomery
101 Old Plantersville Rd.
Montgomery, TX 77356

Dear Jack,

Thank you for your time this afternoon to review the proposed renovations to our chapel and annex building along with Mr. Duncan of the Historical Society.

Attached are copies of my PowerPoint presentation and Karl Voelkel's letter to the Historical Society.

Our design maintains the existing footprint of the church built in 1908 and expands the mid-1900's added-on portion to the north and south.

We would like to have our plans reviewed by the Planning & Zoning Commission during their next meeting on Monday, October 22, 2018.

Please let us know if we are scheduled for that meeting.

Best regards,

Peter H. Hames
President
Living Savior Lutheran Church

Attachments:
Presentation to City Administrator
Letter from Karl Voelkel

Date: October 11, 2018

To: Montgomery Historical Society

From: Karl Voelkel

Concerning Living Savior Lutheran Church at 309 Pond Street, Montgomery, TX 77356

“Man proposes, but God disposes.” Kempis

After Texas' independence from Mexico in 1836, the General Conference of the Methodist Episcopal Church called for volunteers – missionaries into the newly (now legal) foreign mission field. In 1839 it was determined a church building in the town of Montgomery was needed. Because of the success made in bringing the Gospel to Montgomery, a missionary named H. G. Johnson wrote, “...The devil is highly offended....” In the 1840's a log building was built as the first chapel on the corner of Pond Street and Eva Street (now Highway 105). Near the same site, Alexander Chapel was built in 1851. With a growing congregation, the present chapel was built in 1908. A 1918 storm destroyed the upper part of the steeple. Repair of this damage truncated the steeple rather than restore it to its original design. During the mid-1900's two additions were made to the original chapel because of needed space for classrooms, a kitchen/fellowship hall and an indoor flush toilet.

If the devil was 'highly offended' in 1839, he must be absolutely vexed today! We, of the Lutheran congregation which now owns the property, have outgrown the building. A couple years ago we added two more rows of seating, yet that is now not enough. Many structural and electrical repairs are needed to this 110-year-old building, which is reaching the point of being unsafe – we petition for improvements.

With these proposed repairs and additions, we are not abandoning our history – we are repairing and extending it for future generations. In example, we are rebuilding the fallen steeple. Using the one remaining photograph of the building as it was prior to 1918, we have replicated the steeple with all the embellishments and detail of the original one of 1908. We are attaching it properly this time!

The proposed additions are simply an extension of the original building. As our history shows, times and requirements change with a growing congregation. When these needs required architectural changes – we simply extended the original design. In other words, we have designed the architectural additions as those who built the original building would have done – to the best of our abilities.

If approved, we believe these improvements will accommodate the needs of our parish and continue the history of this property as the first location in the City of Montgomery to honor and worship God in the new, wonderfully blessed state of Texas. GOD BLESS TEXAS.

Respectfully submitted,

Karl Voelkel
Certified Professional Building Designer

Montgomery Historical Society

P. O. Box 513

Montgomery, Texas 77356

October 11, 2018

Peter Hames, President

Living Savior Lutheran Church

309 Pond Street

Montgomery, Texas

Mr. Hames,

It was a pleasure to meet with you and Mr. Chris Cheatham and Karl Voelkel of Living Savior and Mr. Jack Yates of the City of Montgomery, Texas, concerning the repair/renovation of your church building, known affectionately in Montgomery as The Old Methodist Church.

We approve of your plans and commend you for endeavoring to maintain the historical integrity of the building , while making it safe and serviceable for all who should enter. We especially appreciate your plans to replace the steeple that, as we understand, was destroyed by a storm in 1918. This will add so much to the historical authenticity of the structure.

Please call if we can be of further assistance.

Billy Ray Duncan, President





Living Savior Lutheran Church – 309 Pond Street, Montgomery, TX

Presentation to City Administrator

October 11, 2018



Living Savior Lutheran Church
Presentation to City Administrator

Introductions:

Peter Hames – President – Living Savior

Chris Cheatham – Lead Construction Supervisor

Karl Voelkel – Certified Professional Building Designer



Living Savior Lutheran Church
Presentation to City Administrator

Karl Voelkel – Overview of repairs and additions

- Log Building erected in 1840's
- A chapel built in 1851
- Present church built in 1908
- 1918 storm destroyed the steeple
- Two additions added to the church mid- 1900's
- Fallen steeple will be replicated
- Proposed additions are simply an extension of the existing building

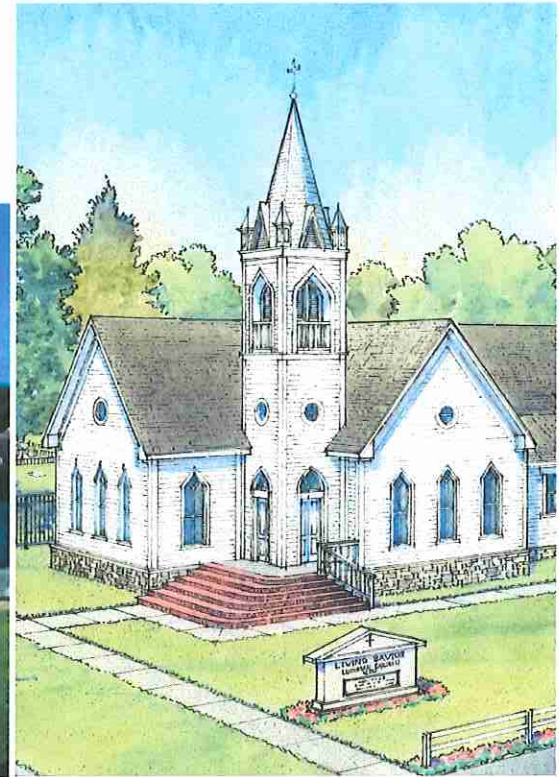
Living Savior Lutheran Church



1908



Today

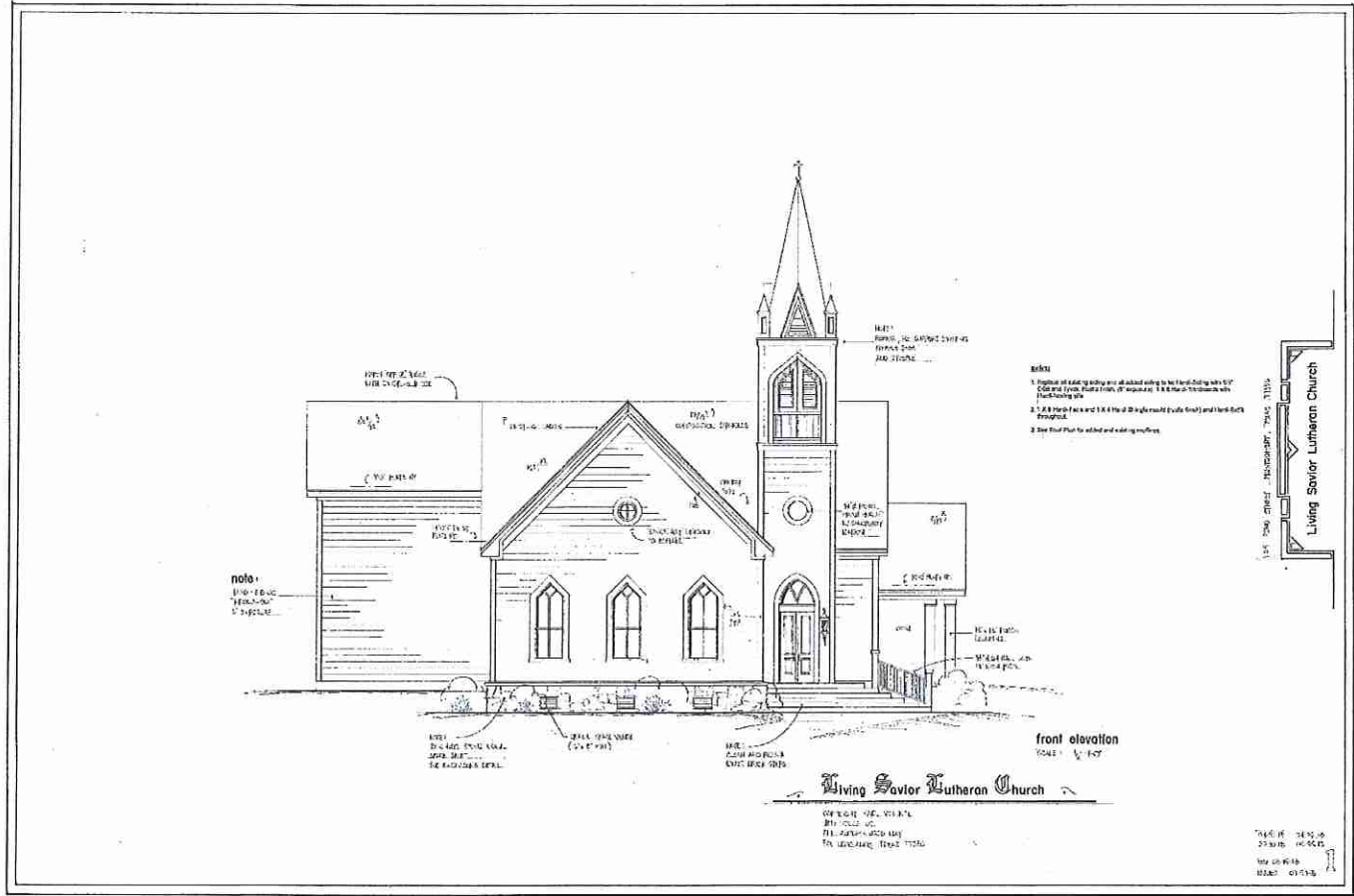


Proposed



Living Savior Lutheran Church
Artist's Rendition of Proposed Repairs and Additions





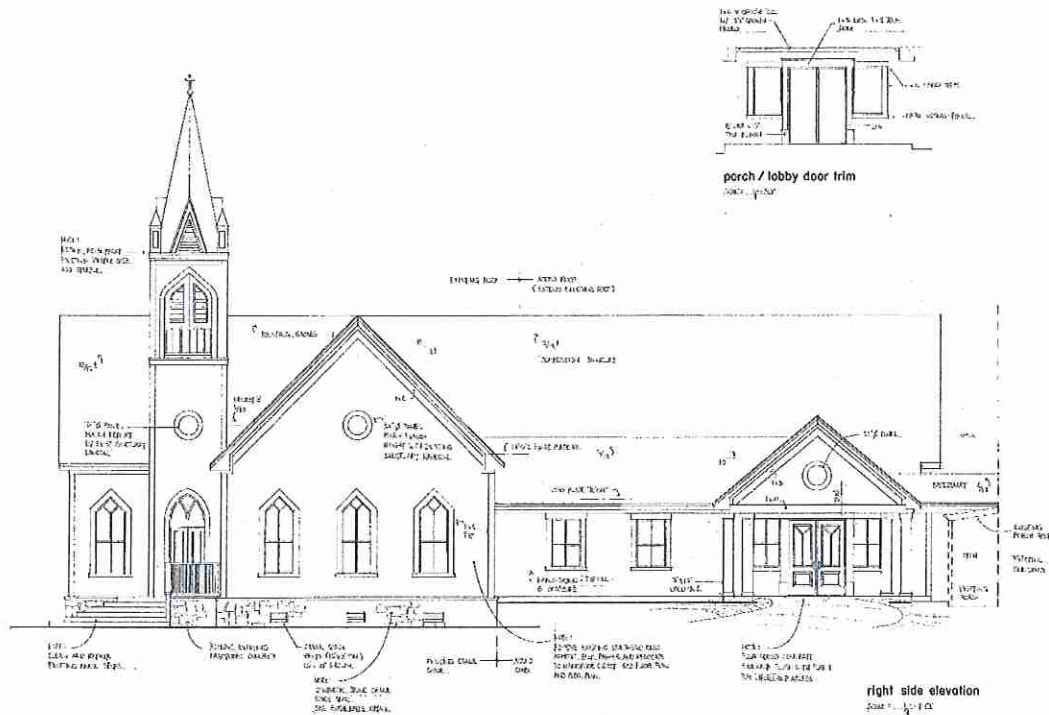
note:
 FINISH
 MATERIALS
 TO BE SUPPLIED

- notes
1. Finish of existing masonry shall comply to best building masonry code and code book, etc. (see notes on drawings for finishing masonry)
 2. 1/2" x 4" Pine Filler and 1/2" x 4" Pine Studs (with finish) and 1/2" x 4" Pine Studs (with finish) and 1/2" x 4" Pine Studs (with finish)

Living Savior Lutheran Church
 1st Floor Plan - December, 2015

Living Savior Lutheran Church
 OFFICE OF THE ARCHBISHOP
 2110 W. W. W. W. W.
 THE ARCHBISHOP'S OFFICE
 FOR LUTHERAN, 2015

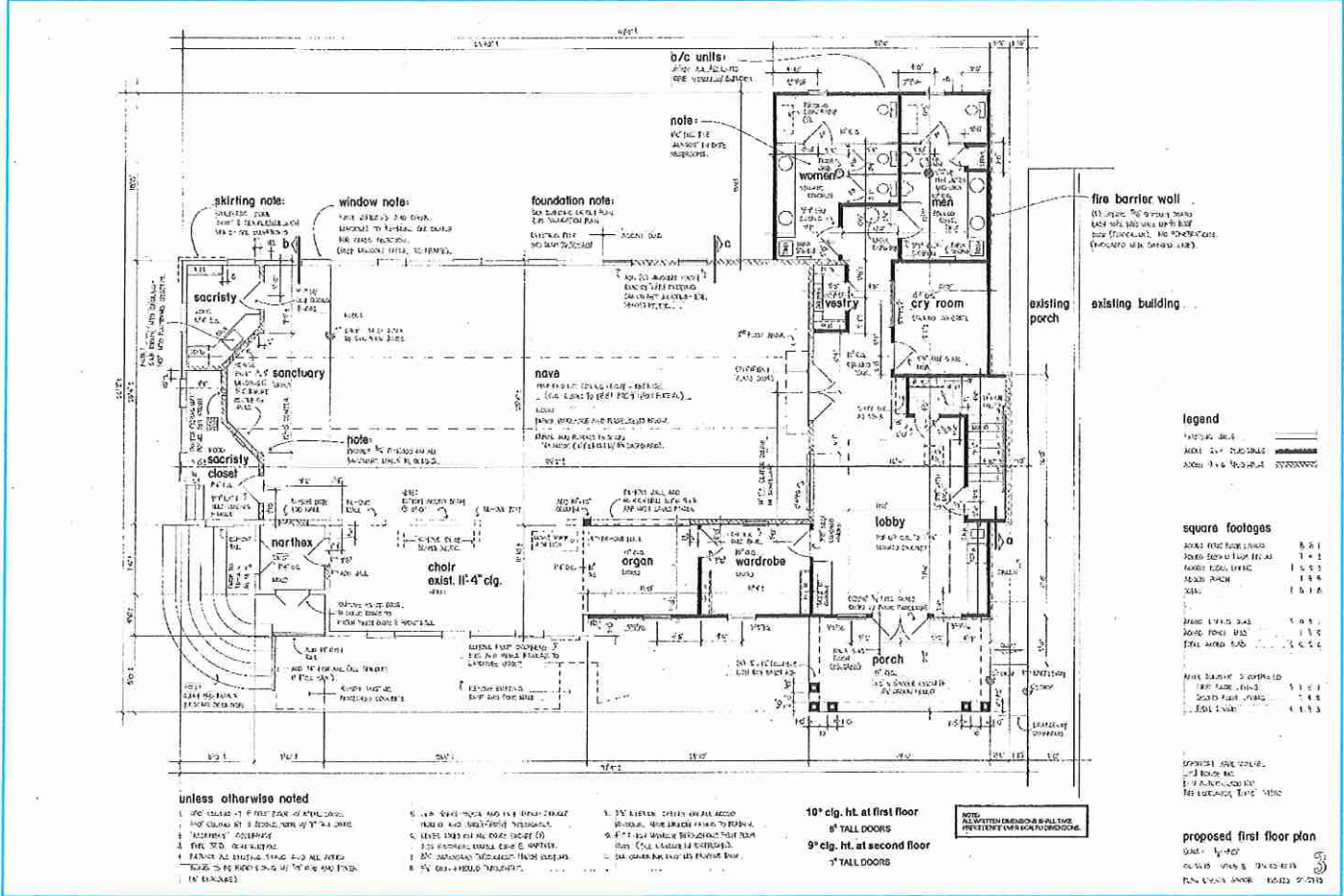
DATE: 12/15/15
 2:30 PM
 10/15/15
 10/15/15

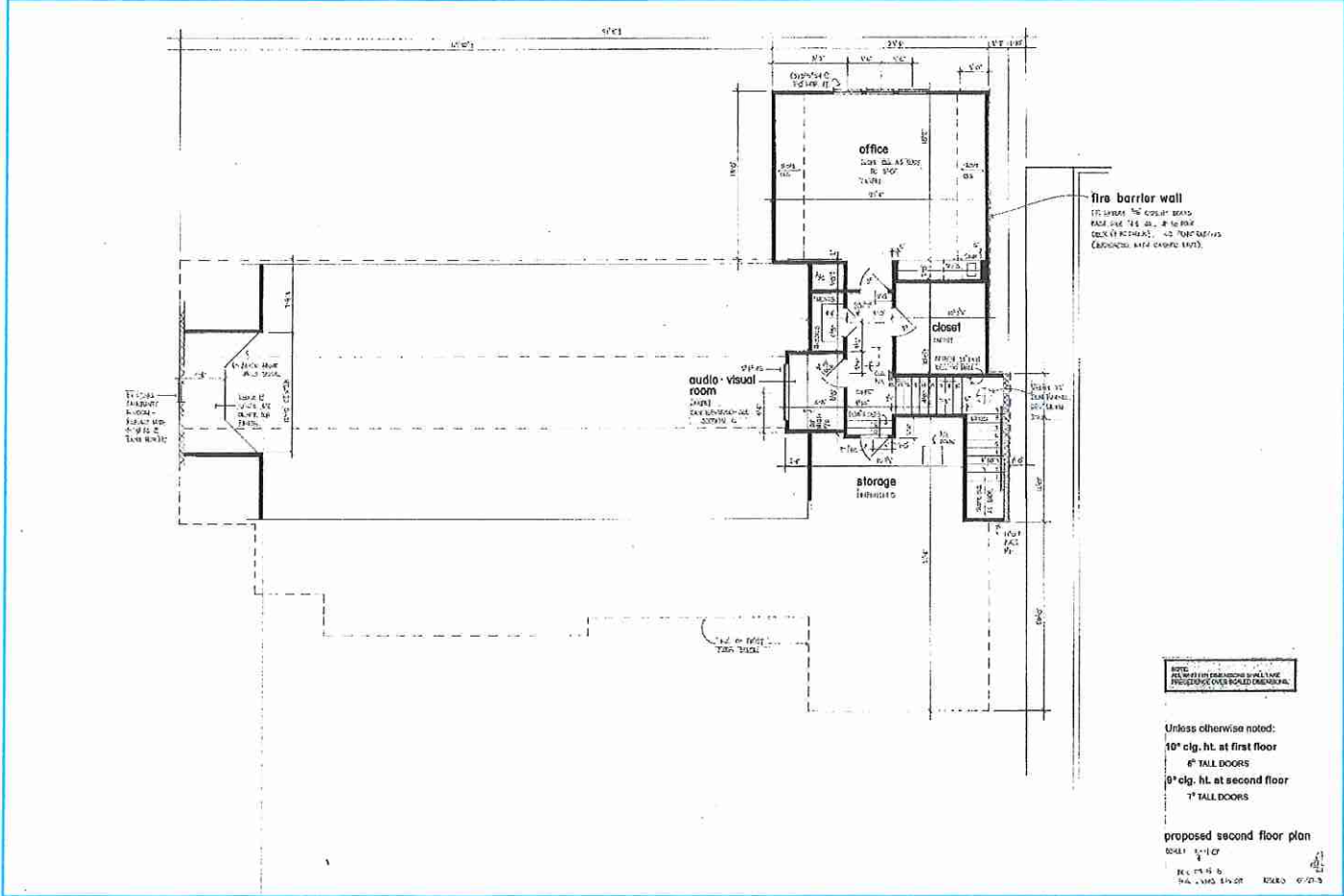


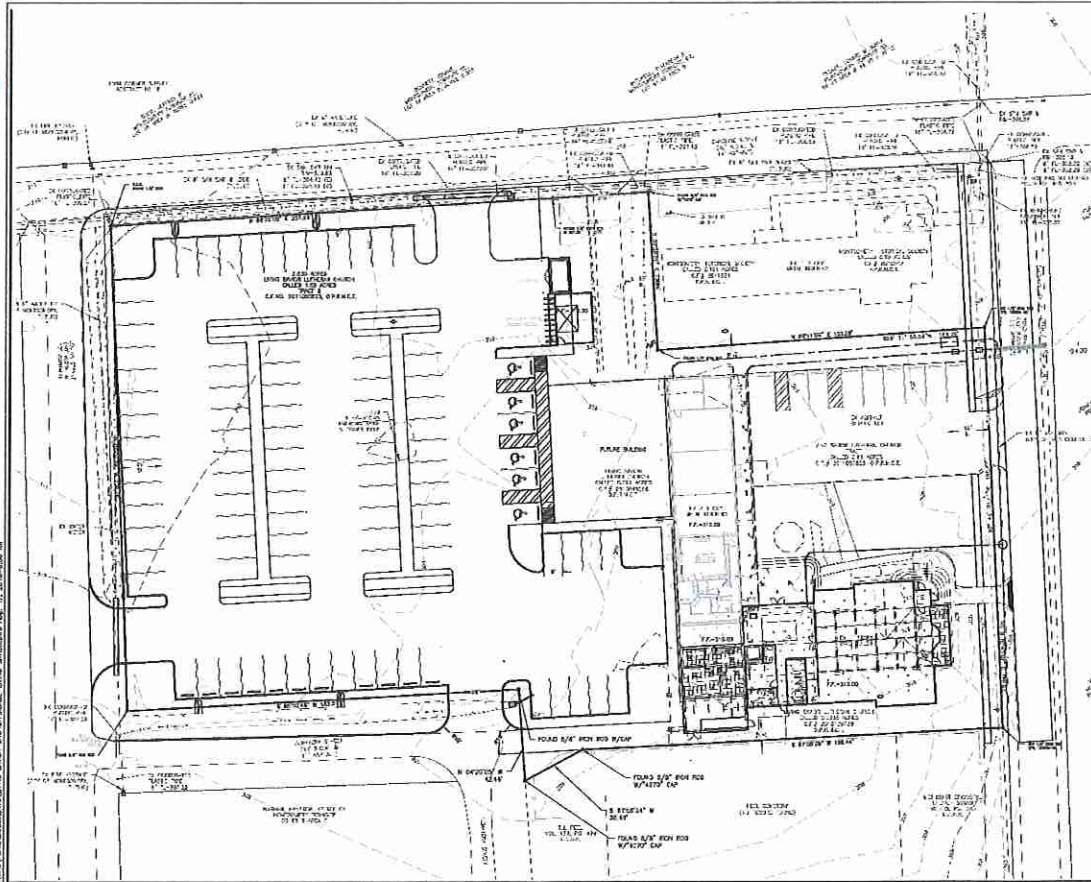
right side elevation

- Scale: 1/4" = 1'-0"
- Notes:
1. Elevation of existing building and of new addition to be shown with the existing building.
 2. All new work shall be in accordance with the current edition of the International Building Code.
 3. See floor plan for location and existing conditions.

BY: [Signature] DATE: 07/11/18







LIVING SAVIOR CHURCH
SITE PLAN EXHIBIT

SHEET NUMBER	
01	
APPROVED FOR CONSTRUCTION	
DATE: 01/15/2018	
DRAWN BY: [Name]	
CHECKED BY: [Name]	
SCALE: AS SHOWN	

Montgomery City Council
AGENDA REPORT

Meeting Date: October 23, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Memo from City Engineer. The amended plat sheets, Amended Buffer zone easement
Date Prepared: October 18, 2018	

Subject

This is to consider approval of a revised final plat for The Shoppes at Montgomery, Section 2 that is needed because of the revisions to the plat requires notations of a separate instrument for the buffer area required around the new City property designated for sewer plant expansion.

Description

This is to approve a replat of The Shoppes at Montgomery, Section 2 which covers the western portion of the property. The plat is necessary because of the buffer area around the sewer plant area that is required to be used for certain type of uses due to TCEQ regulations. Following the transfer of the property for the sewer plant the TCEQ relations require a recording of a separate instrument document so that potential buyers can see what can and cannot be done within easement.

There are five pages of plat related attachments. The only difference between the current plat in the revised plat is the notation "to be recorded by separate instrument" on three locations on the plat. There are no changes to the boundaries of any easements or any boundary lines on this plat.

The attached Amended Buffer Zone Easement document is for your information and does not require your approval- because of your approval of the final plat covers the easement approval.

Recommendation

Motion to approve final revised final plat for The Shoppes at Montgomery, Section 2 as presented.

Montgomery City Council
AGENDA REPORT

Approved By		
City Administrator	Jack Yates	Date: October 18, 2018



1575 Sawdust Road, Suite 400
The Woodlands, Texas 77380
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

October 17, 2018

The Planning and Zoning Commission
City of Montgomery
101 Old Plantersville Rd.
Montgomery, Texas 77356

Re: Submission of Revised Final Plat
The Shoppes at Montgomery, Section 2
City of Montgomery

Dear Commission:

We reviewed the revised Final Plat submission for the referenced development on behalf of the City of Montgomery. Our review was based on The City of Montgomery's Code of Ordinances, Chapter 78, Section 61 and any other applicable chapters. The revisions to the plat include recording the buffer zone easement by separate instrument instead of by plat. The reason for this was for the developer to be able to provide a recorded document to potential buyers that clearly defines what can and cannot be done within the easement. We, along with the City Attorney, have reviewed the proposed easement document and provided minor comments to be addressed prior to recordation.

We offer no objection to the plat and recommend the Commission approve the revised plat as submitted.

If you have any questions or comments, please contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Chris Roznovsky'.

Chris Roznovsky, PE
Engineer for the City

CVR

K:\W5841\W5841-1018-00 The Shoppes at Montgomery\Project Management\Letters\Shoppes\FINAL PLAT REVISIONS APPROVAL Shoppes at Montgomery Section 2 101718.doc

Enclosures: The Shoppes at Montgomery Sec. 2 Final Plat
Buffer Zone Easement

cc: The Honorable Mayor and City Council – City of Montgomery
Mr. Jack Yates – City of Montgomery, City Administrator
Ms. Susan Hensley – City of Montgomery, City Secretary
Mr. Larry Foerster – Darden, Fowler & Creighton, LLP, City Attorney
Mr. Jay Dean Canine, RPLS – Landpoint

Notice of confidentiality rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security number or your driver's license number.

AMENDED AND RESTATED BUFFER ZONE EASEMENT AND RELEASE

THE STATE OF TEXAS	§	
	§	KNOW ALL MEN BY THESE PRESENTS
COUNTY OF MONTGOMERY	§	

That, **JAMES CLIFTON RAMPY, INDIVIDUALLY AND AS TRUSTEE OF THE REVOCABLE MANAGEMENT TRUST DATED AUGUST 14, 1984; MELISSA RAMPY ARNEY; JAMES CLIFTON RAMPY AN TY C. RAMPY, INDEPENDENT EXECUTORS OF THE ESTATE OF PRISCILLA LEA RAMPY, DECEASED; TY C. RAMPY, INDIVIDUALLY AND AS TRUSTEE OF THE BAY EVANS RAMPY KOMAR TRUST; AND COLE RAMPY KOMAR** (the ‘‘Original Grantor’’), executed a Buffer Zone Easement in favor of the **CITY OF MONTGOMERY**, a Texas general law city (the ‘‘City’’), which was recorded September 8, 2008 under Instrument No. 2008 – 090958 (the ‘‘Original Agreement’’).

That **MONTGOMERY SH 105 ASSOCIATES, LLC** (the ‘‘New Grantor’’) has acquired all of the Easement Property as described in the Original Easement (the ‘‘Original Easement Property’’), being all the land burdened as the Buffer Zone Easement in the Original Easement (the ‘‘Original Buffer Zone Easement’’) and New Grantor and City have agreed to the modification of the waste water treatment plant site described in the Original Buffer Zone Easement and have agreed to enter into this Amended and Restated Buffer Zone Easement and Release (the ‘‘Restated Agreement’’) on the terms and conditions herein.

NOW THEREFOR, New Grantor, for and in consideration of the sum of Ten and no/100 (\$10.00) DOLLARS to New Grantor in hand paid by City, and other good and valuable consideration the receipt of which is hereby acknowledged and confessed, does hereby grant, sell and convey unto City, its successors and assigns a permanent easement for use as a buffer zone adjacent to the City’s wastewater treatment plant site (the ‘‘New Buffer Zone Easement’’) upon that certain tract of land containing acres out of the John Corner Survey, Abstract Number 8, in Montgomery County, Texas (the ‘‘New Easement Property’’), as described in New Exhibit A attached hereto and made a part hereof by reference for all purposes.

It is expressly understood and agreed that this instrument does not constitute a conveyance of the New Easement Property, any possessory right in the New Easement Property, any right to use and enjoy the New Easement Property, nor of the minerals therein and thereunder but grants only a negative easement as follows:

1. New Grantor, pursuant to the terms of 30 T.A.C. Section 309.13(e) as it may be amended or superseded from time to time, shall not use, or allow any other person or entity to use, any existing or future structure located within the New Easement Property as a residence, either temporarily or permanently. The term "structure" shall include, but not be limited to, a house, apartment, duplex, trailer, mobile home, hotel, motel, shack, tent, garage, or other outbuilding.
2. The covenants, conditions, and restrictions contained herein shall run with and bind the land, and shall inure to the benefit of, and be enforceable by grantee and its successors and assigns.
3. City and its successors and assigns shall have the right to enforce, by proceeding at law or in equity, the covenants, restrictions, and conditions now or hereafter imposed by this Restated Agreement. Failure to enforce any covenant or restriction herein contained shall in on event be deemed a waiver of the right to do so thereafter.

New Grantor, for itself, its successors and assigns, hereby reserves and shall have the right at all times to dedicate, construct, place, maintain, lay, inspect, protect, operate, repair, alter, substitute, replace and remove (i) roads, streets, and sidewalks, in, upon and across the New Easement Property, (ii) electric, cable television, gas and water lines, sanitary and storm sewer drainage pipes, and storm water detention facilities in, upon and across the New Easement Property, (iii) landscaping upon and across the New Easement Property and (iv) any other structures and improvements not expressly prohibited by Paragraph 1 above. New Grantor shall not construct any structures or improvements on the New Easement Property other than permitted above. This is a negative easement. This Restated Agreement prohibits certain activity of New Grantor in and upon the New Easement Property, but does not grant the City any right to engage in any activity or construct or maintain any improvements on or within the New Easement Property.

TO HAVE AND TO HOLD the above described New Buffer Zone Easement, together with all and singular the rights and appurtenances thereto belonging unto the said City, its successors and assigns forever, and New Grantor is hereby bound, together with all of New Grantor's successors and assigns, to Warrant and Forever Defend all and singular the said New Buffer Zone Easement unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

The Original Agreement, is amended and restated by this Restated Agreement. This Restated Agreement replaces the Original Easement completely as if the Original Agreement had not been recorded. It shall not be necessary to refer to the Original Agreement for any reason following the execution and recordation of this Restated Agreement as if the Original Agreement had not been executed and recorded.

The Original Buffer Zone Easement and the Original Easement Property are released by City and shall not be encumbered or burdened by the Original Agreement except to the extent included in New Exhibit A and all portions of the Original Buffer Zone and the Original Easement Property are released as if they had not been included in the Original Agreement.

Only the New Buffer Zone Easement and the New Easement Property shall be burdened and only to the extent set forth in the New Exhibit A.

DATED effective this _____ day of _____, 2018.

[The balance of this page is intentionally left blank. Signatures appear on the following pages.]

SIGNATURE PAGE TO
AMENDED AND RESTATED BUFFER ZONE EASEMENT AND RELEASE

MONTGOMERY SH 105 ASSOCIATES, LLC,
a Texas limited liability company

By: FIRST HARTFORD REALTY
CORPORATION,
a Delaware corporation

By: _____
John Toic, President

STATE OF _____ §

COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 2018, by John Toic, President of First Hartford Realty Corporation, a Delaware corporation, sole member of Montgomery SH 105 Associates, LLC, a Texas limited liability company in the capacity therein stated on behalf of said limited liability company.

Notary Public, State of _____

SIGNATURE PAGE TO
AMENDED AND RESTATED BUFFER ZONE EASEMENT AND RELEASE

CITY OF MONTGOMERY,
a Texas general law city

By: _____
Type or
Print Name: _____
Title: _____

STATE OF _____ §

COUNTY OF _____ §

This instrument was acknowledged before me on the ____ day of _____, 2018,
by _____, _____ of City of Montgomery, a Texas general law city in the capacity
therein stated on behalf of said ci.

Notary Public, State of Texas

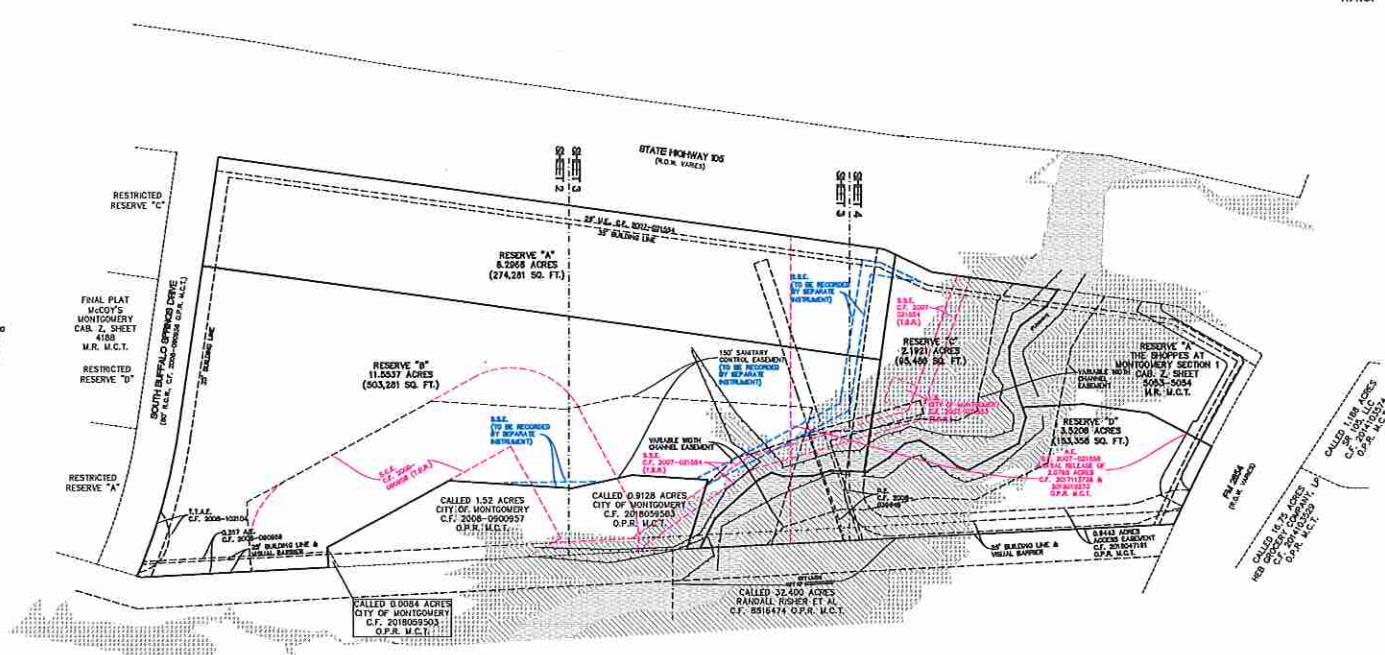
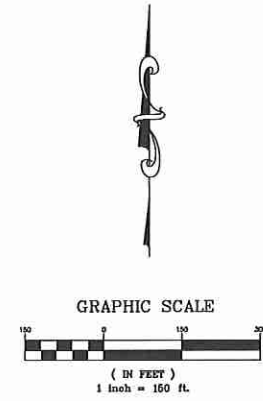
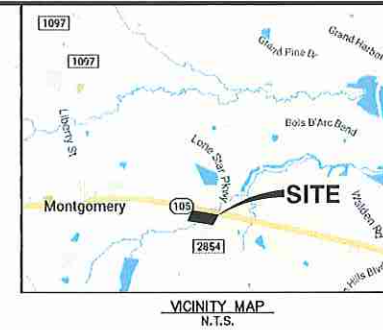
New Exhibit A
New Easement Property

AFTER RECORDING RETURN TO:

Martin & Drought, P.C.
2500 Bank of America Plaza
San Antonio, Texas 78205

LEGEND / ABBREVIATIONS

C.F.	CLERK'S FILE NUMBER
F.N.D.	FIND
I.R.	IRON ROD
O.P.R. M.C.T.	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
P.E.	PATHWAY EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT
CM	CONCRETE MONUMENT
G.S.U.	GULF STATE UTILITY
S.C.E.	SANITARY CONTROL EASEMENT
T.B.R.	TO BE RELEASED BY SEPARATE INSTRUMENT
B.F.E.	BASE FLOOD ELEVATION (100 YEAR)
A.E.	ACCESS EASEMENT
T.T.A.E.	TEMPORARY TURN-AROUND EASEMENT
"S"	SET 5/8 INCH IRON ROD WITH CAP STAMPED "LANDPOINT 10194172"
o	PROPERTY MARKER



FINAL PLAT
THE SHOPPES AT MONTGOMERY
 SECTION 2
 A SUBDIVISION OF
 23.5630 ACRES (1,026,406 SQ. FT.)
 IN THE
 JOHN CORNER SURVEY, A-8
 MONTGOMERY COUNTY, TEXAS
 1 BLOCK 4 RESERVES
 AUGUST 2018

- NOTES:**
- All corners are set 5/8 inch iron rods w/cap stamped "Landpoint 10194172" unless otherwise shown or noted.
 - This property is located in Zone "AE", Zone "X" and "Zone X-Shaded", determined to be inside 100 year flood plain". This plat does lie within a designated Special Flood Hazard Area, inundated by 100 year flood or Other Flood Area.
 - Fencing may be used as the visual barrier in accordance with City of Montgomery Ordinance.
 - Subject to Restrictions recorded under per Montgomery County Clerk's File Number 2018047101, 2018047192, 2018047193, 2018047190, 2018049285 and 2018049286.

SURVEYOR:

 Formerly
 TOWN AND COUNTRY SURVEYORS
 2219 SANDUST ROAD, STE. 2003
 THE WOODLANDS, TX 77380
 (281) 486-8730
 www.landpoint.net

OWNER:
 Montgomery SH 105 Associates, LLC
 149 Colonial Road
 Manchester, CN 06045
 City of Montgomery
 101 Old Plantersville Road
 Montgomery, TX 77356

CITY OF MONTGOMERY
BENCHMARK MONT 7
ELEV.=291.77'

N89° 53' 00" W
4,022.08'

FND. 5/8" L.R. W/CAP

STATE HIGHWAY 105
(R.O.W. VARIES)

S82° 06' 10" E 1290.30'

S82° 07' 49" E 1312.26'

RESTRICTED RESERVE "C"

RESERVE "A"
6.2966 ACRES
(274,281 SQ. FT.)

FINAL PLAT
McCOY'S MONTGOMERY
CAR. Z. SHEET 418B
M.R. M.C.T.

RESTRICTED RESERVE "D"

SOUTH BUFFALO SPRINGS DRIVE
(60' R.O.W., C.F. 2008-090958 O.P.R. M.C.T.)

N08° 16' 36" E
533.47'
20' BUILDING LINE

RESERVE "B"
11.5537 ACRES
(503,281 SQ. FT.)

FND. 1/2" L.R.

RESTRICTED RESERVE "A"

150' SANITARY CONTROL EASEMENT
(TO BE RECORDED BY SEPARATE INSTRUMENT)

S.S.C.
(TO BE RECORDED BY SEPARATE INSTRUMENT)

501' 20' 00" W 263.41'
N86° 28' 38" W 237.31'

T.T.A.E.
C.F. 2008-102104

25' BUILDING LINE & VISUAL BARRIER

FND. 1/2" L.R.

0.257 A.E.
C.F. 2008-090959

587° 04' 58" W
60' G.S.U. R.O.W.
(NO RECORDING FOUND)

FND. 1/2" L.R. W/CAP

FND. 5/8" L.R. W/CAP

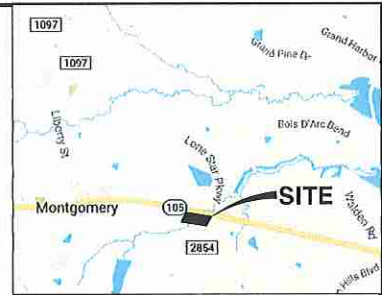
359.52'
0.257 A.E.
C.F. 2008-090959

587° 04' 58" W
60' G.S.U. R.O.W.
(NO RECORDING FOUND)

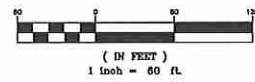
0.257 A.E.
C.F. 2008-090959

0.0084 ACRES
CITY OF MONTGOMERY
C.F. 2018059503
O.P.R. M.C.T.

32.400 ACRES
RANDALL RISHER ET AL
C.F. 8816474 O.P.R. M.C.T.



GRAPHIC SCALE



LEGEND / ABBREVIATIONS

- | | |
|---------------|--|
| C.F. | CLERK'S FILE NUMBER |
| FND. | FOUND |
| I.R. | IRON ROD |
| O.P.R. M.C.T. | 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 |
| P.E. | PATHWAY EASEMENT |
| P.U.E. | PUBLIC UTILITY EASEMENT |
| C.M. | CONCRETE MONUMENT |
| G.S.U. | GULF STATE UTILITY |
| S.C.E. | SANITARY CONTROL EASEMENT |
| T.B.R. | TO BE RELEASED BY SEPARATE INSTRUMENT |
| B.F.E. | BASE FLOOD ELEVATION (100 YEAR) |
| A.E. | ACCESS EASEMENT |
| T.T.A.E. | TEMPORARY TURN-AROUND EASEMENT |
| "5" | SET 5/8 INCH IRON ROD WITH CAP |
| ○ | STAMPED "LANDPOINT 10184172" PROPERTY MARKER |

FINAL PLAT
THE SHOPPES AT MONTGOMERY
SECTION 2
A SUBDIVISION OF
23.5630 ACRES (1,026,406 SQ. FT.)
IN THE
JOHN CORNER SURVEY, A-8
MONTGOMERY COUNTY, TEXAS
1 BLOCK 4 RESERVES
AUGUST 2018

SURVEYOR:



Formerly
TOWN AND COUNTRY SURVEYORS
2210 BARDY ROAD, STE. 5003
THE WOODLANDS, TX 77380
(281)486-8790
www.landpointint.net

OWNER:

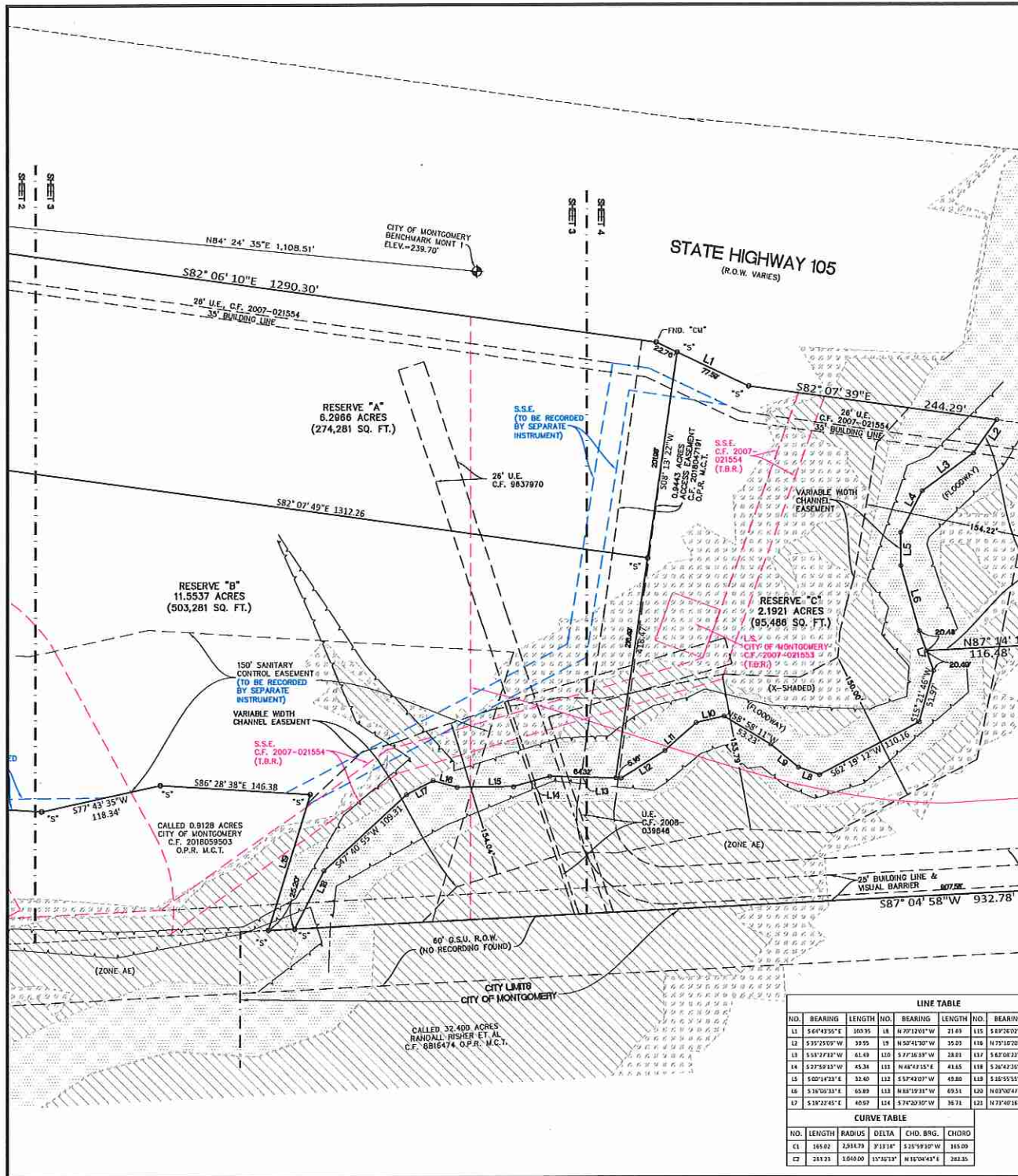
Montgomery SH 105 Associates, LLC
149 Colonial Road
Manchester, CN 06045
City of Montgomery
101 Old Plantersville Road
Montgomery, TX 77356

LINE TABLE					
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	S64°40'55" E	100.35	L8	N70°32'05" W	21.68
L2	S35°25'09" W	39.55	L9	N50°41'30" W	35.03
L3	S53°27'32" W	61.09	L10	S77°18'39" W	28.01
L4	S27°58'39" W	45.34	L11	N48°49'15" E	41.65
L5	S00°14'23" E	32.40	L12	S57°43'07" W	49.80
L6	S18°00'37" E	63.89	L13	N48°18'31" W	69.51
L7	S18°22'45" E	40.97	L14	S74°20'30" W	36.71
			L15	N73°40'16" W	8.95

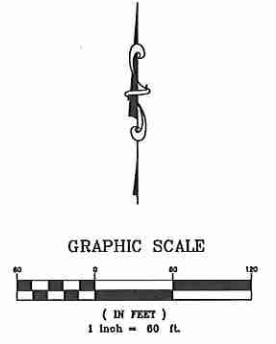
CURVE TABLE				
NO.	LENGTH	RADIUS	DELTA	CHD. BKG.
C1	168.07	2514.79	7°13'10"	525°59'30" W
C2	281.33	1040.00	15°35'14"	N46°04'41" E

TUPLES REG. NO. 10194172
SDM/DOC

JOB No. 17-0494



VICINITY MAP
N.T.S.



LEGEND / ABBREVIATIONS

- CF. CLERK'S FILE NUMBER
- FND. FOUND
- I.R. IRON ROD
- O.P.R. M.C.T. OFFICIAL PUBLIC RECORDS
- M.R. MAP RECORDS
- M.C.T. MONTGOMERY COUNTY, TEXAS
- R.O.W. RIGHT OF WAY
- D.R. DEED RECORDS
- BL. BUILDING LINE
- U.E. UTILITY EASEMENT
- P.E. PATHWAY EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- CM. CONCRETE MONUMENT
- G.S.U. GULF STATE UTILITY
- S.C.E. SANITARY CONTROL EASEMENT
- T.B.R. TO BE RELEASED BY SEPARATE INSTRUMENT
- B.F.E. BASE FLOOD ELEVATION (100 YEAR)
- A.E. ACCESS EASEMENT
- T.T.A.E. TEMPORARY TURN-AROUND EASEMENT
- SET 5/8 INCH IRON ROD WITH CAP STAMPED "LANDPOINT 10194172"
- PROPERTY MARKER

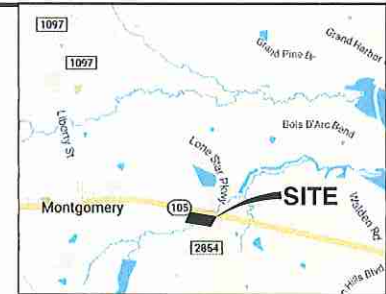
FINAL PLAT
THE SHOPPES AT MONTGOMERY
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1 BLOCK 4 RESERVES

AUGUST 2018
SURVEYOR: **LANDPOINT**
 Formerly TOWN AND COUNTRY SURVEYORS
 2210 SANDWICH ROAD, STE. 2003
 THE WOODLANDS, TX 77380
 (281) 486-8700
 www.landpoint.com

OWNER:
 Montgomery SH 105 Associates, LLC
 149 Colonial Road
 Manchester, CN 06045
 City of Montgomery
 101 Old Plantersville Road
 Montgomery, TX 77356

LINE TABLE								
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
11	S64°43'57"E	103.95	18	N 30°23'01"W	21.43	115	S45°25'03"W	35.00
12	S30°25'03"W	39.55	19	N 50°14'20"W	35.03	116	N75°10'20"W	24.67
13	S53°27'31"W	61.43	20	S 77°14'31"W	28.01	117	S 47°08'23"W	39.05
14	S27°59'13"W	45.34	111	N44°43'15"E	41.65	118	S20°42'38"W	63.28
15	S00°14'23"E	32.40	112	S17°42'07"W	45.80	119	S16°55'55"W	137.27
16	S18°50'33"E	45.83	113	N41°59'31"W	69.51	120	N03°50'41"W	38.95
17	S18°22'45"E	40.97	114	S74°20'30"W	36.71	121	N77°40'18"W	9.55

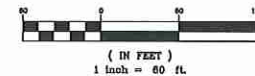
CURVE TABLE					
NO.	LENGTH	RADIUS	DELTA	CHD. BRG.	CHORD
C1	166.62	2581.79	7°13'14"	S25°59'30"W	165.00
C2	218.21	1640.00	15°30'13"	N15°00'43"E	263.35



VICINITY MAP
N.T.S.



GRAPHIC SCALE



LEGEND / ABBREVIATIONS

- | | |
|---------------|---------------------------------------|
| C.F. | CLERK'S FILE NUMBER |
| FND. | FOUND |
| I.R. | IRON ROD |
| O.P.R. M.C.T. | OFFICIAL PUBLIC RECORDS |
| M.R. | MAP RECORDS |
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| R.O.W. | RIGHT OF WAY |
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| BL | BUILDING LINE |
| U.E. | UTILITY EASEMENT |
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| T.T.A.E. | TEMPORARY TURN-AROUND EASEMENT |
| "S" | SET 5/8 INCH IRON ROD WITH CAP |
| o | STAMPED LANDPOINT 10194172 |
| | PROPERTY MARKER |

FINAL PLAT
THE SHOPPES AT MONTGOMERY
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 IN THE
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 1 BLOCK 4 RESERVES
 AUGUST 2018

SURVEYOR:



Formerly
TOWN AND COUNTRY SURVEYORS
 2219 SANDUSTY ROAD, STE. 2000
 THE WOODLANDS, TX 77380
 (281) 466-8790
 www.landpoint.net

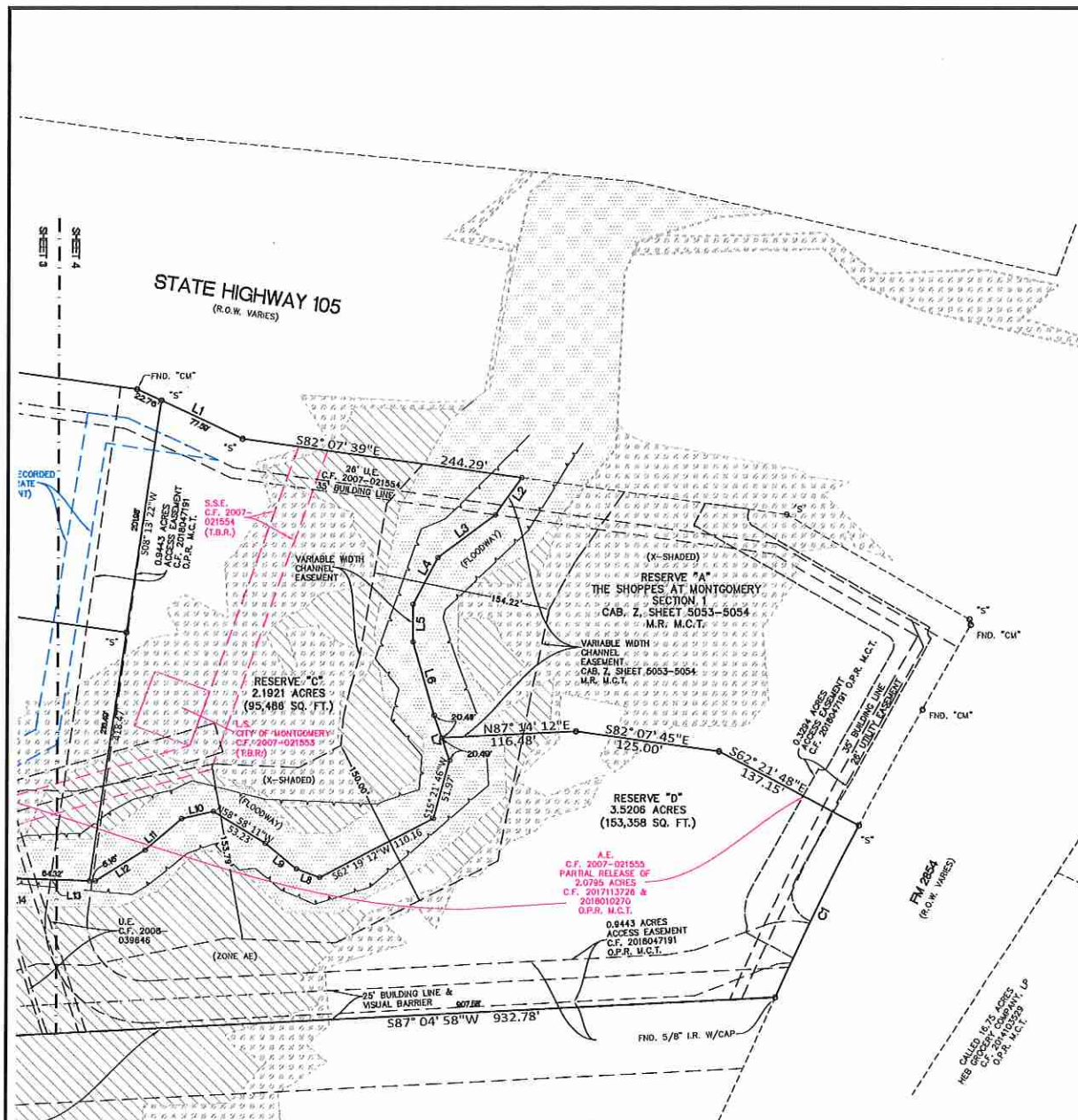
OWNER:

Montgomery SH 105 Associates, L.L.C.
 149 Colonial Road
 Manchester, CN 06045
 City of Montgomery
 101 Old Plantersville Road
 Montgomery, TX 77356

TRPLS REG. NO. 10194172
 SDP/DC

JOB No. 17-0494

SHEET 4 OF 5



LINE TABLE					
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
11	S64°43'55"E	100.35	11	N70°41'00"W	55.60
12	S35°35'00"W	39.55	12	N50°41'37"W	35.03
13	S35°27'17"W	41.43	13	S77°16'30"W	78.01
14	S37°30'13"W	45.34	14	N43°48'15"E	41.55
15	S00°14'21"E	32.40	15	S27°42'00"W	39.80
16	S16°05'41"E	65.88	16	N48°19'31"W	68.51
17	S15°22'45"E	43.97	17	S74°20'32"W	36.71
			18	N72°42'36"W	85.5

CURVE TABLE				
NO.	LENGTH	RADIUS	DELTA	CHD. BRG.
C1	165.00	2,934.79	3°13'18"	S25°59'10"W
C2	283.25	1,040.00	15°36'13"	N18°00'41"E

STATE OF TEXAS
COUNTY OF MONTGOMERY

That Montgomery SH 105 Associates, LLC herein acting individually or through the undersigned duly authorized agents, does hereby adopt this plat designating the herein described real property as the The Shoppes at Montgomery Subdivision Section 2, 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 proportionally exists between the dedications, improvements, and easements required under such regulations and the projected impact of the subdivision.

IN TESTIMONY WHEREOF, the Montgomery SH 105 Associates, LLC has caused these presents to be signed by Jonathan Balock, its Vice President and its common seal hereunto affixed this day of _____, 2018.

Montgomery SH 105 Associates, LLC

BY: Jonathan Balock, Vice President

STATE OF TEXAS
COUNTY OF MONTGOMERY

BEFORE ME, the undersigned authority, on this day personally appeared Jonathan Balock, its Vice President of the The Shoppes at Montgomery Section 2, known to me to be the persons whose names are 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 _____, 2018.

Notary Public for Harris County, Texas

Printed name _____

My commission expires _____

SURVEYOR'S CERTIFICATION

That I Jay Dean Conlan, 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.

Jay Dean Conlan
Registered Professional Land Surveyor
Texas Registration No. 4345

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 the City Council of the City of Montgomery, Texas and is hereby approved by such Commission and Council.

Dated this _____ day of _____, 2018

ATTEST:

By: Sara Countryman, Mayor
By: Nelson Cox, Chairman - Planning Zoning Commission

By: Susan Hanley - 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 _____, 2018, at _____ o'clock _____ M., and duly recorded on _____ day of _____, 2018, 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

We, Whitney Bank, owners and holders of liens against the property described in the plat known as The Shoppes at Montgomery Subdivision Section 2, said liens being evidenced by instrument of record in County Clerk's File Number 2017074547 of the Real Property Records of Montgomery County, Texas, do hereby in all things subordinate to said plat said liens, and we hereby confirm that we are the present owners of said liens and have not assigned the same nor any part thereof.

BY: _____
Whitney Bank

STATE OF MISSISSIPPI
COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally appeared _____ of the Whitney Bank, a Mississippi State Chartered bank, known to me to be the persons whose names are 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 _____, 2018.

Notary Public for _____ County, Mississippi

Printed name _____

My commission expires _____

FINAL PLAT
THE SHOPPES AT MONTGOMERY
SECTION 2
A SUBDIVISION OF
23.5630 ACRES (1,026,406 SQ. FT.)
IN THE
JOHN CORNER SURVEY, A-8
MONTGOMERY COUNTY, TEXAS
1 BLOCK 4 RESERVES
AUGUST 2018



Formerly
TOWN AND COUNTRY SURVEYORS
2210 SANDUST ROAD, STE. 2003
THE WOODLANDS, TX 77380
(817) 486-8700
www.landpoint.net

OWNER:
Montgomery SH 105 Associates, LLC
149 Colonial Road
Manchester, CN 06045
City of Montgomery
101 Old Plantersville Road
Montgomery, TX 77356

TBPLS REG. NO. 10104172

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: October 22, 2018	Budgeted Amount: N/A
Department: Administrative	
Prepared By: Dave McCorquodale	Exhibits: ID District Permitted Uses Table
Date Prepared: October 17, 2018	Complete List of Permitted Uses

Subject

Report and discussion regarding the Table of Permitted Uses in the City of Montgomery Code of Ordinances, Section 98-88.

Discussion


Should the city require a special use permit for all industrial zoned parcels in an effort to ensure harmony between different land use types?

- Allows consideration of surrounding land use when contemplating new development
- Considers *intensity* of land use as well as zoning classification
- Could slow the development process—good or bad?
- Very little current industrial development at present

Recommendation

Consider the current Table of Uses, weigh the pros & cons of requiring Special Use Permits for all ID-zoned parcels, and provide feedback.

Approved By

Asst. to City Admin.	Dave McCorquodale	Date: 10/17/18
City Administrator	Jack Yates 	Date: 10/17/18

Industrial Land Use (ID) Zoning Classification Permitted Uses

Air Product Manufacturing
Electric Repair Shop (heavy equipment)
Electrical substation (req's 6' ht fence/wall & visual screen at actual equipment)
Elevator maintenance & service
Farming & truck gardening (sales of goods permitted in any district)
Felt manufacture (cloth)
Fish market (fenced outside storage)
Food products & manufacturing (not rendering)
Freight depot (railroad and/or truck)
Fur dying, finishing & storage (no tanning, no hide storage)
Garage, public or storage
Gas regulation station (screening req'd)
Glass manufacturing and glass products manufacturing
Greenhouse or nursery, wholesale
Hair products manufacturing and processing
Hardware manufacture
Ice manufacture
Ice cream manufacturer (wholesale)
Ice cream & ice milk (retail)
Insulation manufacture & fabrication
Laundry plant
Machine shop
Machine, tools and construction equipment sales & service
Marine and boat manufacturing
Mattress manufacturing & rebuilding
Metal products fabrication
Millinery manufacture
Millwork and similar wood products manufacture
Moving and transfer company
Novelty and souvenir manufacture
Office equipment and furniture manufacture
Office equipment and supplies (wholesale) *also allowed in District B

Industrial Land Use (ID) Zoning Classification Permitted Uses

Oil and well supplies and machinery sales
Packing and gasket manufacture
Paper produce manufacture
Paper supplies (wholesale)
Pecan shelling
Petroleum storage (wholesale)
Photographic equipment and supplies sales *also allowed in District B
Pipe storage
Playground equipment manufacture
Plumbing fixture sales (wholesale) *also allowed in District B
Printer *also allowed in District B
Refrigerator equipment manufacture
Rug cleaning
Sand or gravel storage yard
Shoe manufacture
Sign shop *also allowed in District B
Sporting goods (wholesale) (completely enclosed) *also allowed in District B
Stone cutting or monument manufacturing
Stone quarry or gravel pit
Textile manufacture
Tile manufacture (ceramic)
Tobacco processing
Tool rental (fenced outside storage) *also allowed in District B
Toy manufacture *also allowed in District B
Trailer manufacture
Transit vehicle storage and service
Truck repair and maintenance *also allowed in District B
Venetian blinds and metal awning fabrication, repair, and cleaning
Welding shop
Well drilling contractors *also allowed in District B
Warehousing
***Any use not listed requires a special use permit

- (4) No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which such building is located.
- (5) No building shall be erected or structurally altered to the extent specifically provided in this chapter except in conformity with the off street parking regulations of the district in which such building is located.
- (6) The minimum yards, parking spaces, and open spaces, including lot area per family, required by this chapter for each and every building existing at the time of passage of the ordinance from which this chapter is derived or for any building hereafter erected shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this chapter for the district in which such lot is located.
- (7) Every building hereafter erected or structurally altered shall be located on a lot as defined in this chapter, and, except as provided in this chapter, there shall not be more than one main building on one lot.
- (8) Every building hereafter erected or structurally altered shall in every way conform to any other city ordinance affecting such property.

Sec. 98-65. Table of permitted uses and special uses.

Permitted uses and special uses in the various zoning districts are as specified in the following table:

TABLE 1. TABLE OF PERMITTED USES

<i>Permitted Uses</i>	<i>R-1</i>	<i>R-2</i>	<i>B</i>	<i>ID</i>	<i>CC</i>
Accessory uses					X
Aerial or ground survey			X		
Air conditioning sales, retail, complete enclosed (services incidental)			X		
Air conditioning-refrigeration services repair (completely enclosed) with no installation of central units -- heating or cooling					X
Airport (nongovernmental)					X
Air product manufacturing				X	
Alcoholic beverage sales off premises			X		
Alcoholic beverage sales on premises					X
Alcoholic beverage storage			X		
Altering and repairing of wearing apparel			X		
Ambulance service			X		
Amusement park (commercial)					X
Amusement arcade					X
Animal shelter or dog pound (nongovernmental)					X
Antique store (completely enclosed)			X		
Apartment hotel					X
Apothecary, limited to the sale of pharmaceutical and medical supplies			X		
Apparel and accessory store			X		

<i>Permitted Uses</i>	<i>R-1</i>	<i>R-2</i>	<i>B</i>	<i>ID</i>	<i>CC</i>
Appliance repair (completely enclosed)			X		
Armory					X
Art gallery and/or museum (commercial retail sale of object d'art only)			X		
Asphalt or creosote manufacturing or treatment					X
Assisted Living		X	X		
Automobile filling station and/or service (all repair in district to be completely enclosed)			X		
Automobile glass sales and installation			X		
Automobile muffler sales and installation (completely enclosed)			X		
Automobile parking lots or parking garages (commercial)					X
Automobile rental			X		
Automobile repair			X		
Automobile upholstery sales and installation (completely enclosed)			X		
Automobile car wash			X		
Automobile and truck sales and service (new and used) (service completely enclosed)			X		
Automobile wrecking, dismantling or salvage (enclosed by fence)					X
Aviary					X
Bait store			X		
Bakery (retail)			X		
Bakery (wholesale)			X		
Barber Shop			X		
Beauty Salon			X		
Bed and Breakfast	X		X		
Compressed gas manufacturing, repacking and/or storage					X
Dairy equipment (wholesale) (completely enclosed)			X		
Dairy products sales (retail)			X		
Dairy products sales (wholesale)			X		
Delicatessen			X		
Department store			X		
Dog pound or animal shelter (nongovernmental)					X
Drug manufacture					X
Drug sales (wholesale)			X		
Drugstore			X		
Dry cleaning plant					X
Dry cleaning pickup and pressing shops			X		
Dry goods store			X		
Dry goods (wholesale) (completely enclose)			X		
Electric power generator station (primary station)					X
Electric repair (appliances) (completely enclosed)			X		
Electric repair shop (heavy equipment)				X	
Electrical substation, to be enclosed by a fence or wall minimum six feet in height, with physical installation being enclosed by a barrier which constitutes a visual screen. Visual screening would not be required in DDistrict				X	
Electrician			X		
Electroplating			X		
Elevator maintenance and service				X	
Exterminator (completely enclosed)			X		

<i>Permitted Uses</i>	<i>R-1</i>	<i>R-2</i>	<i>B</i>	<i>ID</i>	<i>CC</i>
Farm equipment sales and service (completely enclosed in B-2)			X		
Farm supplies			X		
Farming and truck gardening, but not for retail sales (permitted in any district)				X	
Feed store or seed and fertilizer			X		
Felt manufacture (cloth)				X	
Fish market (wholesale)			X		
Fish market (retail)			X		
Fish market (fenced outside storage)				X	
Fix-it shop (completely enclosed)			X		
Floor covering sales (retail completely enclosed)			X		
Floral shop (completely enclosed)			X		
Florist (wholesale) (completely enclosed)			X		
Food to go (retail, no curbside service)			X		
Food locker plant (retail)			X		
Food products manufacture and processing (not rendering)				X	
Food products (wholesale storage and sales)			X		
Food store			X		
Foundry					X
Freight depot (railroad and/or truck)				X	
Fruit and produce (wholesale)			X		
Fruit and vegetable stand or store			X		
Funeral home, mortuary or undertaking establishment			X		
Fur dyeing, finishing and storing (no tanning, no hide storage)				X	
Furniture repair upholstery (fenced outside storage)			X		
Furniture repair and upholstery (completely enclosed)			X		
Furniture (wholesale sales)			X		
Furniture store, retail (fenced outside storage)			X		
Furniture store, retail (completely enclosed) (no repair)			X		
Garage, public or storage				X	
Garden specialty store			X		
Gas regulation station (screening)				X	
Gas filling station and/or service (all repairs to be completely enclosed)			X		
Gift shop (completely enclosed)			X		
Glass (retail sales) (service incidental to sales) (completely enclosed)			X		
Glass (wholesale sales)			X		
Glass manufacturing and glass products manufacturing				X	
Golf driving range, pitch-and-putt or miniature golf course					X
Golf course and country club, but no driving range, pitch and putt or miniature golf course					X
Greenhouse or nursery, wholesale				X	
Greenhouse or nursery, retail			X		
Grocery store			X		
Grocery (wholesale)			X		
Gymnasium (commercial)			X		
Hair products manufacturing and processing				X	
Hardware manufacture				X	
Hardware store			X		
Hardware sales (wholesale)			X		
Heliport			X		

<i>Permitted Uses</i>	<i>R-1</i>	<i>R-2</i>	<i>B</i>	<i>ID</i>	<i>CC</i>
Hobby supply store			X		
Hosiery manufacture			X		
Hospital or sanitarium			X		
Hotel			X		
Ice House (no on-premises consumption of alcoholic beverages in B-1)			X		
Ice manufacture				X	
Ice cream manufacturer (wholesale)				X	
Ice cream and ice milk (retail)				X	
Ice cream store			X		
Insulation manufacture and fabrication				X	
Interior decorating studio			X		
Jewelry store			X		
Junk, salvage yard, including storage, baling or selling of rags, papers, iron or junk, need not be enclosed within a structure, but must be enclosed within a fence at least 6 feet high and adequate to obstruct view, noise and passage of persons; chain-link or similar fencing may be permitted if screen planting is provided					X
Laboratory (dental or medical)			X		
Laboratory (research)			X		
Laboratory (testing)			X		
Landfill					X
Laundry plant				X	
Laundry or dry cleaning (pickup station)			X		
Laundry and dry cleaning (self service)			X		
Leather goods or luggage store			X		
Library (nongovernmental)					X
Linen supply, diaper service or uniform supply			X		
Loan office			X		
Locksmith			X		
Lumberyard and building materials (wholesale)			X		
Machine shop				X	
Machine, tools and construction equipment sales and service			X	X	
Marine and boat manufacturing				X	
Marine and boat storage					X
Mattress manufacturing and rebuilding				X	
Massage parlor			X		
Metal products fabrication				X	
Milliner (custom)			X		
Millinery manufacture				X	
Millwork and similar wood products manufacture				X	
Motel			X		
Motorcycle sales and service			X		
Moving and transfer company				X	
Music store			X		
Nail salon			X		
News stand			X		
Night club / dance hall					X
Novelty and souvenir manufacture				X	
Nursery, day care, or kindergarten (care of up to 6 children)	X	X			
Nursery, day care, or kindergarten (care of up to 20 children)			X		
Nursery, day care, or kindergarten (over 20 children)			X		

<i>Permitted Uses</i>	<i>R-1</i>	<i>R-2</i>	<i>B</i>	<i>ID</i>	<i>CC</i>
Nursing home		X	X		
Offices (professional)			X		
Office equipment and furniture manufacture				X	
Office equipment and supplies (retail)			X		
Office equipment and supplies (wholesale)			X	X	
Oil and well supplies and machinery sales				X	
Optical goods (retail)			X		
Optical goods (wholesale)			X		
Optician			X		
Packing plant (no rendering)					X
Packing and gasket manufacture				X	
Paint and wallpaper store			X		
Paper produce manufacture				X	
Paper supplies (wholesale)				X	
Passenger depot (railroad or bus)					X
Pawnshop (completely enclosed)			X		
Pecan shelling				X	
Pet shop (completely enclosed)			X		
Petroleum storage (wholesale)				X	
Photographic equipment and supplies sales			X	X	
Photographic studio			X		
Picture framing			X		
Pipeline and electrical transmission lines					X
Pipe storage				X	X
Playground equipment manufacture				X	
Plumber			X		
Plumbing fixture sales (completely enclosed) (retail)			X		
Plumbing fixture sales (wholesale)			X	X	
Printer			X	X	
Radio station with transmitter tower					X
Radio station or studio, without transmitter tower					X
Reading room			X		
Recycling plant					X
Reducing salon			X		
Refrigerator equipment manufacture				X	
Restaurant			X		
Riding stable or academy					X
Rooming house or boardinghouse					X
Rug and/or carpet sales			X		
Rug cleaning				X	
Sand or gravel storage yard				X	
Shoe manufacture				X	
Shoe repair shop			X		
Shoe sales (retail)			X		
Shoe sales (wholesale) (completely enclosed)			X		
Sign, advertising (excluding business signs)			X		
Sign shop (completely enclosed)			X		
Sign shop			X	X	
Skating facility (outdoor)					X
Skating rink (enclosed)			X		
Small animal clinic or kennel			X		
Small animal clinic or kennel (completely enclosed)			X		

<i>Permitted Uses</i>	<i>R-1</i>	<i>R-2</i>	<i>B</i>	<i>ID</i>	<i>CC</i>
Sporting goods store			X		
Sporting goods (wholesale) (completely enclosed)			X	X	
Stamp, coin sales (retail)			X		
Stationery sales			X		
Stone cutting or monument manufacturing				X	
Stone monument sales			X		
Stones quarry or gravel pit				X	
Studio for professional work or teaching of any form of fine arts, photography, music, drama, dance, painting, etc.			X		
Surgical or dental supplies store			X		
Tanning salon			X		
Tattoo parlor					X
Tavern					X
Taxidermist					X
Television station with transmitter tower					X
Television station or studio without transmitter tower			X		
Textile manufacture				X	
Theater (indoor)			X		
Theater (outdoor, including drive-in theaters)					X
Tile manufacturer (ceramic)				X	
Tobacco processing				X	
Tobacco store			X		
Tool manufacture				X	
Tool rental (completely enclosed)			X		
Tool rental (fence outside storage)			X	X	
Toy manufacture			X	X	
Toy store			X		
Trailer manufacture				X	
Trailer sales			X		
Transit vehicle storage and service				X	
Truck repair and maintenance			X	X	
Truck stop					X
Variety store			X		
Venetian blinds and metal awning fabrication, repair and cleaning				X	
Veterinarian (animal or premises)			X		
Watch repair			X		
Water storage (overhead)					X
Water or sewage pumping (nongovernmental)					X
Welding shop				X	
Well drilling contractors			X	X	
Warehousing				X	

Any use not specifically permitted herein shall require a special use permit, after approval by City Council.

Secs. 98-66—98-90. Reserved.

DIVISION 2. DISTRICT R-1 SINGLE-FAMILY RESIDENTIAL

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: October 22, 2018	Budgeted Amount: N/A
Department: Administrative	
Prepared By: Dave McCorquodale	Exhibits: None
Date Prepared: October 17, 2018	

Subject

Report regarding Cumulative Zoning in the City of Montgomery.

Discussion

Definition:

A zoning method in which any use permitted in a higher-use, less intensive zone is permissible in a lower-use, more intensive zone. (<https://definitions.uslegal.com>)

Example: Under this method, a house could be built in an industrial zone, but a factory could not be built in a residential zone.

The City of Montgomery has non-cumulative zoning. Our zoning ordinance reads:

Sec. 98-87. Compliance with district regulations.

Except as specifically provided in this chapter:

- (1) No land shall be used except for purposes permitted in the district in which it is located.
- (2) No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.

Pros & cons exist for each method of zoning. Maintaining liberty of individual property owners, protecting property values, health of local real estate market, and a community that serves the needs of its residents are a few of the considerations.



The question we should strive to answer is which method best protects the **health, safety, and general welfare** of city residents (the legal basis for zoning laws in the US).

Montgomery Planning and Zoning Commission
AGENDA REPORT

Recommendation

Consider the report and provide feedback.

Approved By

Asst. to City Admin.	Dave McCorquodale 	Date: 10/17/18
City Administrator	Jack Yates 	Date: 10/17/18

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: October 22, 2018	Budgeted Amount: N/A
Department: Administrative	
Prepared By: Dave McCorquodale	Exhibits: None
Date Prepared: October 17, 2018	

Subject

Report regarding the current Tree and Landscaping Ordinances.

Discussion

In an effort to continually improve quality of life for city residents, staff is looking at possible changes to these ordinances. These changes do not reflect a change in the goals of the ordinances, but rather aim to improve how the ordinances achieve these goals. Stakeholder input was provided at a developer's roundtable meeting hosted by the city.

Tree Ordinance:

- Heavily wooded lots have high survey costs (\$10K for Louisa, \$30K for Shoppes, \$30K for Mabry tract)
- Heavily wooded lots have impractical replacement tree requirements
- Should different land uses have different replacement requirements
- How to preserve "legacy" trees that have significance

Landscape Ordinance:



Discussion on landscape pods/nodes appropriate for different street scales—tie into Corridor Enhancement ordinance.

Points of consideration: vehicular sightlines, maintenance, location (road ROW), aesthetics, ecological context.

Recommendation

Consider the ordinances and information presented. Provide feedback as appropriate.

Approved By

Asst. to City Admin.	Dave McCorquodale 	Date: 10/17/18
City Administrator	Jack Yates 	Date: 10/17/18

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: October 22, 2018	Budgeted Amount: N/A
Department: Administrative	
Prepared By: Dave McCorquodale	Exhibits: Current Zoning Map
Date Prepared: October 17, 2018	Map of proposed rezoning areas

Subject

Report regarding City-initiated rezoning of parcels in the City of Montgomery

Discussion

Attached is a map of recommended rezoning parcels. Factors determining potential rezoning action include geographic context (adjacent land use designations, street network), and current/future development patterns.

Steps in City-initiated zoning amendments:


1. Planning Commission identifies properties considered for rezoning and identifies fundamental reason for zoning change.
2. Staff researches owner and deed restriction information for each property under consideration for rezoning and presents information to Planning Commission.
3. Planning Commission develops a preliminary report of the proposed zoning amendments and sends the report to City Council for approval.
4. Planning Commission calls two public hearings on the proposed zoning amendments (either all or selected properties approved by Council).
5. Staff prepares & sends notices to adjacent properties within 200 feet of properties considered for zoning change (required for each public hearing).
6. Planning Commission holds public hearing and considers comments.
7. Planning Commission develops and adopts a final report for proposed zoning amendments (to include comment on each property under consideration).
8. City Council considers the final report and may choose to hold a public hearing.
9. City Council directs Staff to prepare a zoning amendment ordinance of council-approved properties.
10. Council adopts zoning amendment ordinance.
11. Staff publishes adopted ordinance; new zoning is effective 30 days after publication.

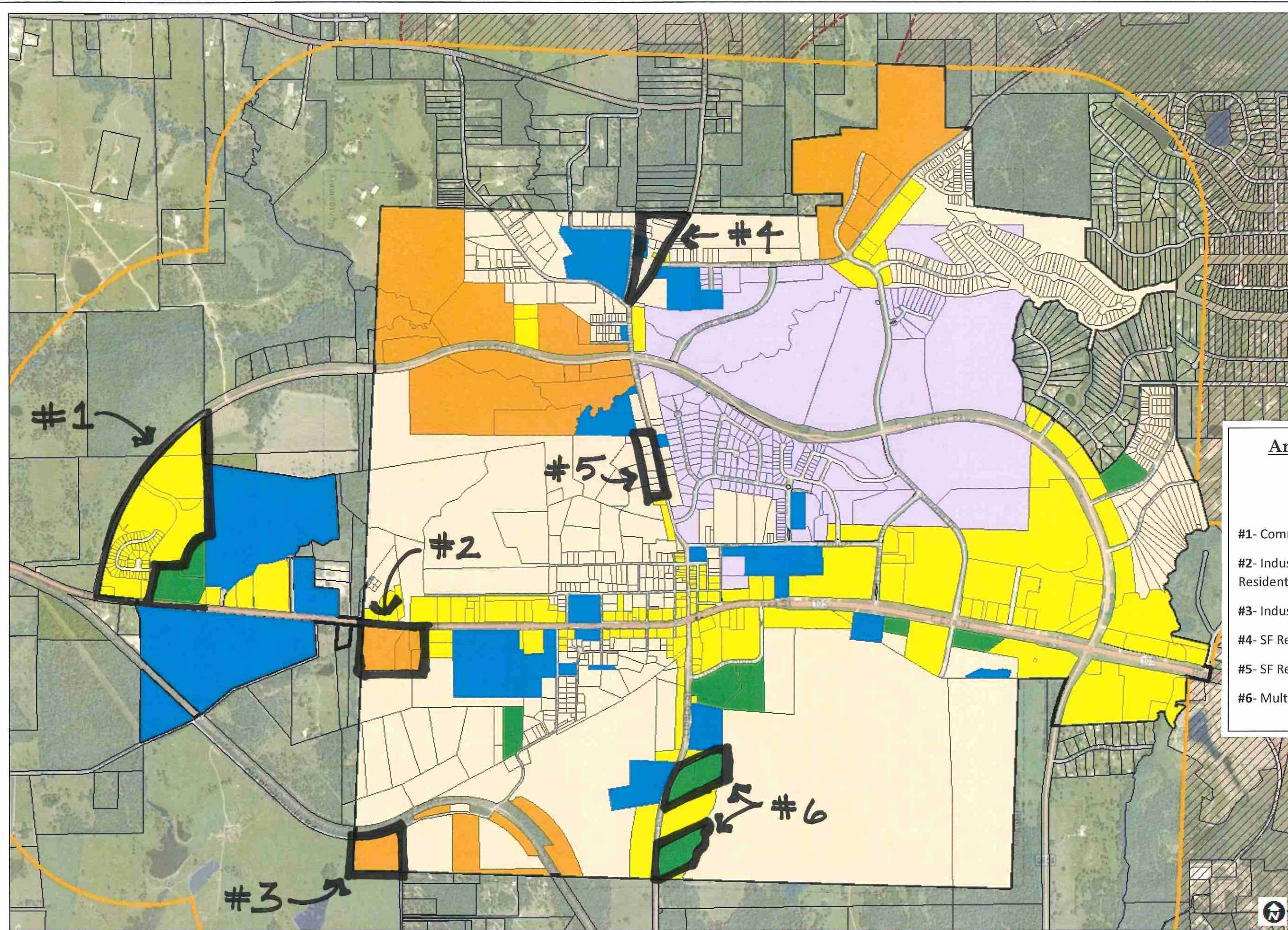
Montgomery Planning and Zoning Commission
AGENDA REPORT

Recommendation

Consider the current list of areas/parcels, recommend other areas you see fit between now and the next meeting.

Approved By

Asst. to City Admin.	Dave McCorquodale	Date: 10/17/18
City Administrator	Jack Yates 	Date: 10/17/18



LEGEND

Zoning

- Commercial (Yellow)
- Industrial (Orange)
- Institutional (Blue)
- Multi-Family (Green)
- Planned Development (Purple)
- Residential (Light Yellow)

City Limit (Black outline)

City ETJ (Orange outline)

Adjacent City ETJ (Hatched pattern)

MCAD Property Info (White outline)

Areas for Rezoning Consideration

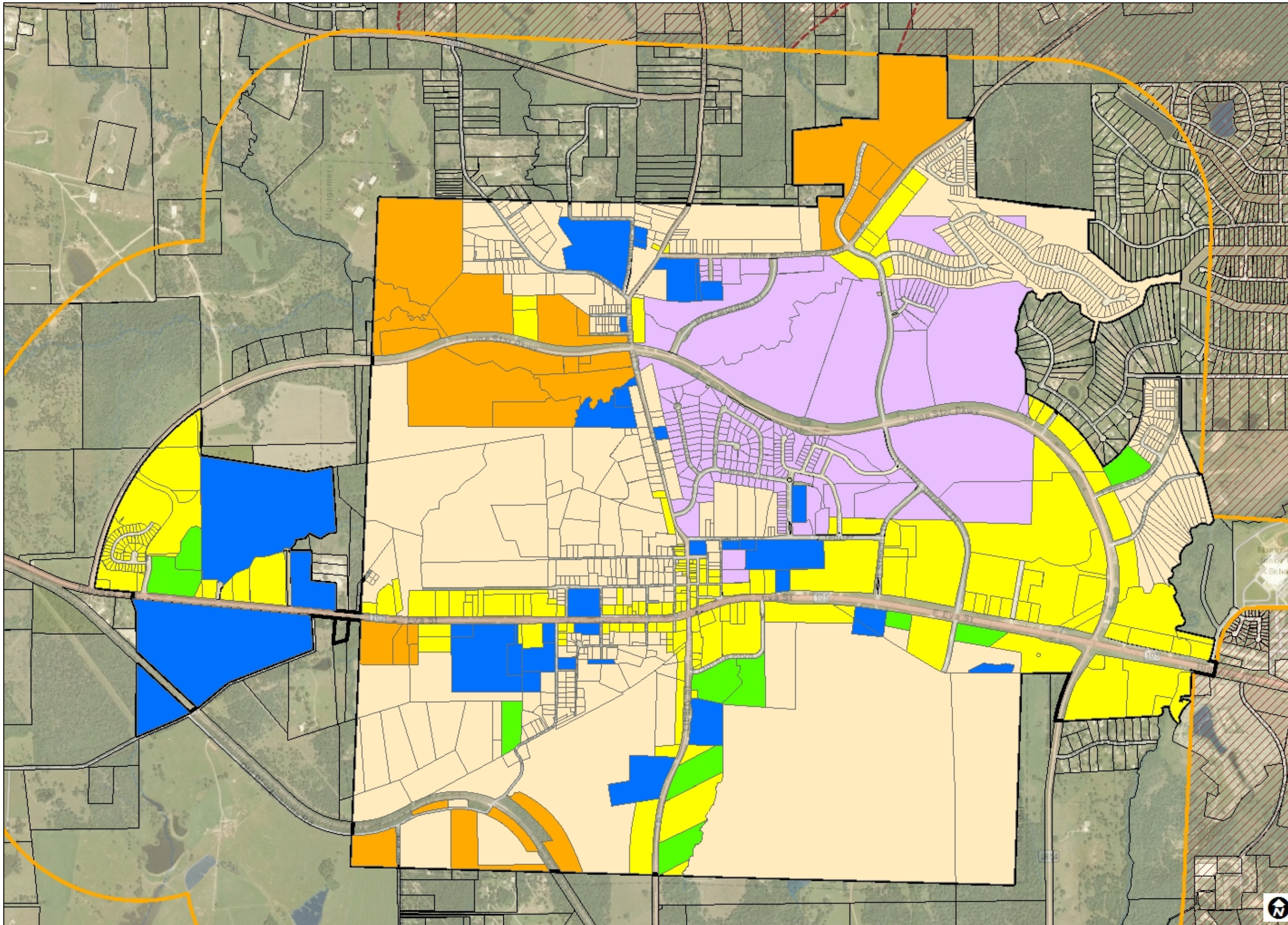
- #1- Commercial to SF Residential
- #2- Industrial to Commercial & SF Residential
- #3- Industrial to SF Residential
- #4- SF Residential to Commercial
- #5- SF Residential to Commercial
- #6- Multi-family to Commercial

JC JONES | CARTER

Current Zoning (June 2018)

Disclaimer

This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Jones & Carter, Inc. concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit. This map was automatically generated using Geocortex Essentials.



LEGEND

Zoning

- Commercial
- Industrial
- Institutional
- Multi-Family
- Planned Development
- Residential

City Limit
 City ETJ
 Adjacent City ETJ
 MCAD Property Info

1 inch equals 1666.7 Feet



**Current Zoning
(June 2018)**

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Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: October 22, 2018	Budgeted Amount: N/A
Department: Administrative	
Prepared By: Dave McCorquodale	Exhibits: None
Date Prepared: October 17, 2018	

Subject

Report regarding the City Comprehensive Plan and Downtown Streetscape Plan.



Discussion

New staff is up to speed on the project status; Jack & Lonnie Clover met a couple weeks ago to walk the downtown area and Lonnie is preparing a set of base maps to use. Staff will develop a series of design concepts that will illustrate different ideas to discuss with the goal of combining what we like and eliminating what we don't. Staff is meeting with Walter Peacock from TAMU (Texas Target Communities program) on Tuesday 10/23 to determine exactly what they need to begin their work. Will have a more thorough update next month.

Recommendation

Consider the report and provide feedback.

Approved By

Asst. to City Admin.	Dave McCorquodale 	Date: 10/17/18
City Administrator	Jack Yates 	Date: 10/17/18