

NOTICE OF PUBLIC HEARINGS and REGULAR MEETING

August 27, 2018

MONTGOMERY PLANNING AND ZONING COMMISSION

STATE OF TEXAS

AGENDA

COUNTY OF MONTGOMERY

CITY OF MONTGOMERY

NOTICE IS HEREBY GIVEN that **Public Hearings and a Regular Meeting** of the Montgomery Planning and Zoning Commission will be held on Monday, August 27, 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

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.

PUBLIC HEARING(S):

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

- 1) **First Public Hearing** - regarding a Planning and Zoning Commission Preliminary Report on the proposed re-zoning of property located at the southeast corner of Buffalo Springs Drive and SH 105, a portion of the Montgomery Shoppes tract, from R-1 (Single – Family), R-2 (Multi-Family) and I-Institutional to B-Commercial and I-Institutional, as requested by Montgomery SH 105 Associates.

Adjourn Public Hearing.

- 2) **Convene into Second Public Hearing** - regarding the proposed zoning amendment and preparation of the Final Report for submittal to the City Council on August 28, 2018 regarding the proposed rezoning of the property located at the southeast corner of Buffalo Springs Drive and SH 105, a portion of the Montgomery Shoppes tract, from R-1 (Single – Family), R-2 (Multi-Family) and I-Institutional to B-Commercial and I-Institutional.

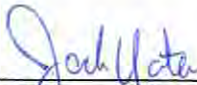
Adjourn Public Hearing.

Convene into Regular Meeting

- 3) Consideration and possible action regarding Meeting Minutes of the Regular Meeting held on July 23, 2018.

- 4) Consideration and possible action regarding adopting the Final Report to be submitted to City Council on August 28, 2018 regarding the request to rezone property located at the southeast corner of Buffalo Springs Drive and SH 105, a portion of the Montgomery Shoppes tract, from R-1 (Single – Family), R-2 (Multi-Family) and I-Institutional to B-Commercial and I-Institutional.
- 5) Consideration and possible action regarding proposed house color at 916 College Street as requested by Gary Hammons.
- 6) Consideration and possible action regarding scheduling a public hearing for rezoning of the property located at 1005 Old Plantersville Road, Montgomery from R-1 Single-family to ID-Industrial to be held on September 24, 2018 at 6 p.m. as requested by Theresa Fisher.
- 7) Consideration and possible action regarding scheduling two (2) public hearings for rezoning of the property located at 2580 Lone Star Parkway, Montgomery from ID-Industrial to “R-2 MultiFamily”; and the property located at 2560 Lone Star Parkway from ID-Industrial to “B-Commercial “, as requested by Larry Jacobs, to be held on September 24, 2018 at 6 p.m. and October 22, 2018 at 6 p.m. at City Hall.
- 8) Consideration and possible action regarding The Shoppes at Montgomery, Section 2 Final Plat.
- 9) Presentation of the proposed corrections to the Official Zoning Map of the City of Montgomery based on previously approved City Ordinances.
- 10) Adjournment





Jack Yates, City Administrator

Posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on the 24th day of August, 2018 at 5:30 o'clock p.m. The following news media was notified of this meeting as stated above: The Courier

Montgomery City Council
AGENDA REPORT

Meeting Date: August 27, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: City Engineer memo
Date Prepared: August 23, 2018	

Subject

*Public hearing
first and presentation of final Report*

This is the Planning Commission's second public hearing regarding the zoning requested. The property is in the southeast corner of Buffalo Springs Drive and state highway 105 is from a mixture of R-1, R-2 and I-Institutional to B – commercial and I – institutional as shown in the attached map exhibits.

Description

Attached City Engineers memo.
This is the property that the city and the developer completed a agreed-upon 380 agreement on. In that agreement, the use of the land was described that matches the rezoning application.

Recommendation

Listen to the comments and consider as you think appropriate.

Approved By

City Administrator	Jack Yates	Date: August 23, 2018
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1676 Sawdust Road, Suite 400
The Woodlands, Texas 77380-3795
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

June 21, 2018

The Honorable Mayor and City Council
City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77316

Re: Proposed Shoppes at Montgomery Rezoning
Southeast Corner of Sh-105 & Buffalo Springs Drive
The City of Montgomery

Dear Mayor and Council:

As you are aware, at the December 15, 2017 meeting of the City Council, you approved an economic development agreement ("380 Agreement") with Montgomery SH-105 Associates, LLC (the "Developer") in regards to the Shoppes at Montgomery development.

Per the 380 Agreement, all land owned by the Developer for the Shoppes at Montgomery must be zoned commercial. Currently, the property is partially zoned commercial, partially zoned single-family residential, and partially zoned multi-family residential. The 380 Agreement also included a land swap between the City of Montgomery and the Developer, which you approved at the June 12th meeting of the City Council.

The proposed rezoning, as shown on the attachments included in your packets, includes the existing property belonging to the Developer as well as the property that will be deeded to the Developer through the previously mentioned land swap. In keeping with the terms of the 380 Agreement, we recommend rezoning the property that is currently owned and will be owned by Montgomery SH-105 Associates, LLC to Commercial, as shown in the enclosed exhibits.

As always, should you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

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

Chris Roznovsky, PE
Engineer for the City

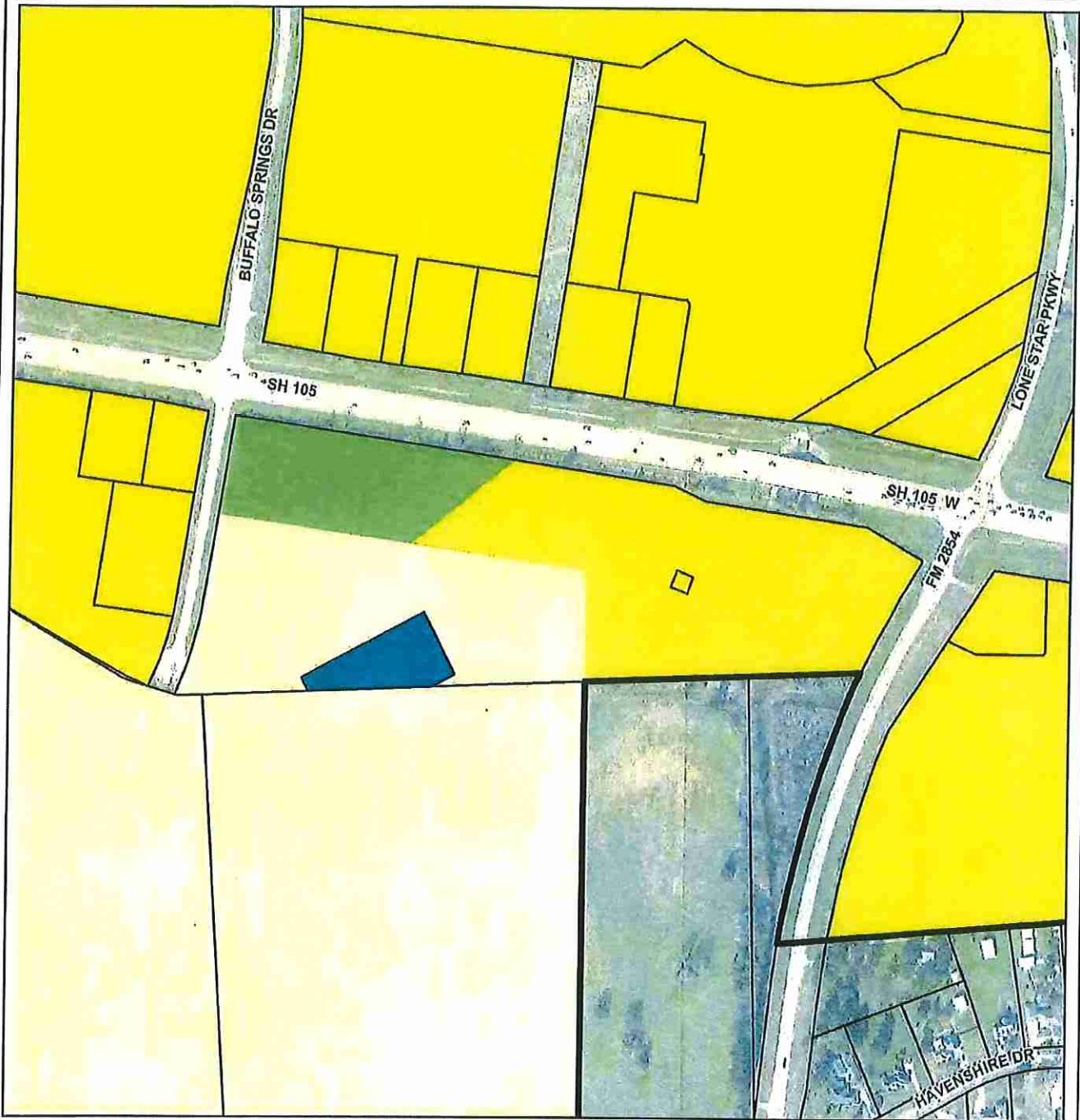
CVR/kmv

K:\W5841\W5841-0900-00 General Consultation\Correspondence\Letters\2018\MEMO to Council RE Shoppes Rezoning.doc

Enc: Shoppes at Montgomery Original Zoning
Shoppes at Montgomery Proposed Zoning
Shoppes at Montgomery Rezoning Notification Map

Cc (via email): 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

EXISTING ZONING CLASSIFICATION (SHOPPES AT MONTGOMERY)



1 Inch equals 400 feet

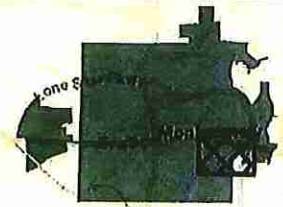
Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to a 500 boundary. No express warranties are made by Jones & Carter, Inc. concerning the accuracy, completeness, reliability or usability of the information included within this exhibit.



CITY OF MONTGOMERY MONTGOMERY COUNTY, TEXAS

LEGEND

- City Limits
- MCAD Parcels
- COMMERCIAL (B)
- INSTITUTIONAL (I)
- MULTI-FAMILY (R-2)
- SINGLE-FAMILY RESIDENTIAL (R-1)



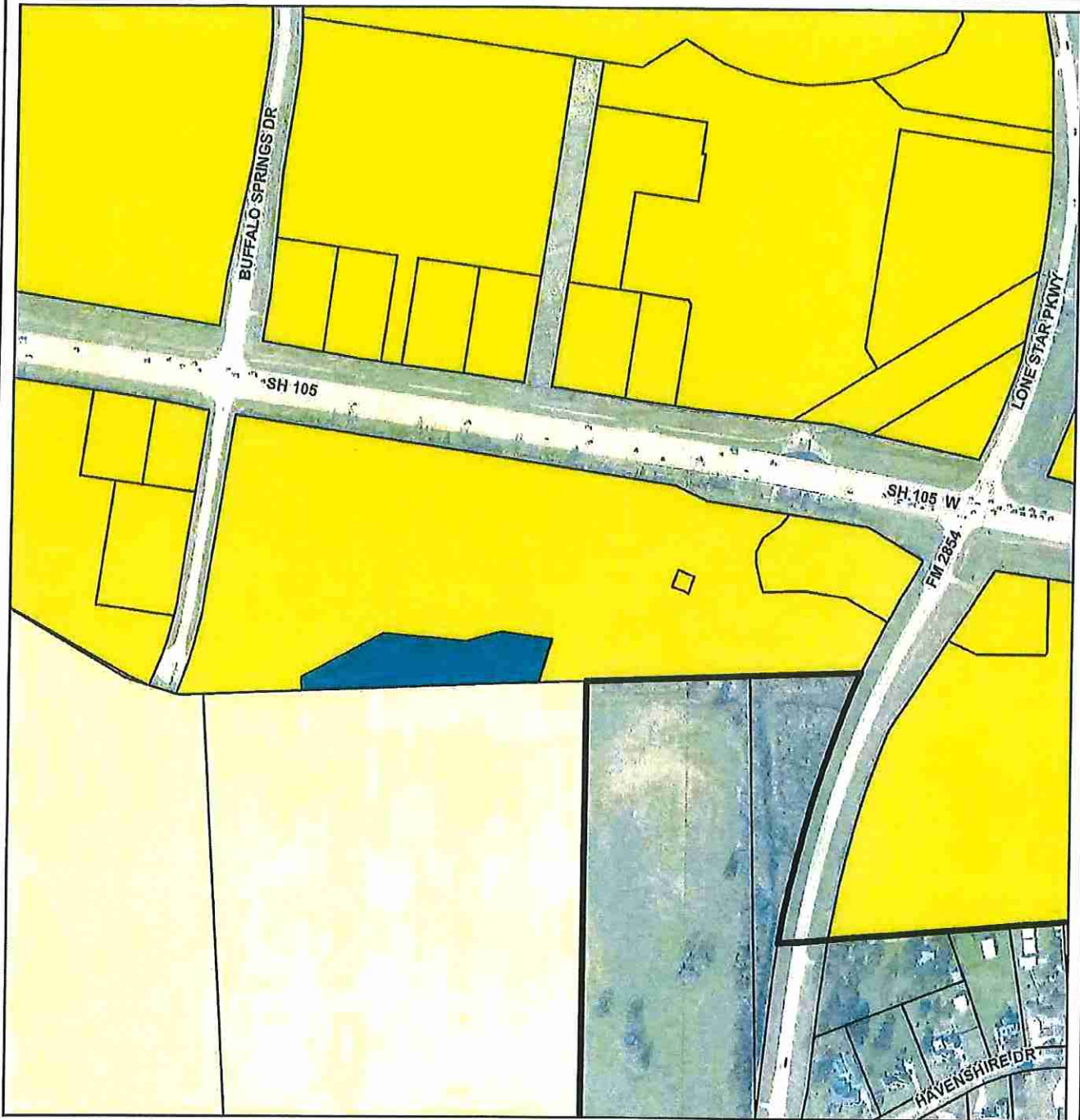
VICINITY MAP
Scale: 1 inch equals 2 miles



JONES CARTER

Texas Board of Professional Engineers Registration No. F-439

FUTURE ZONING CLASSIFICATION (SHOPPES AT MONTGOMERY)



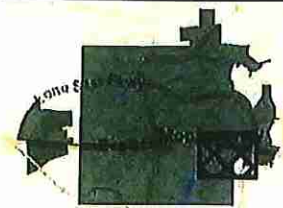
1 Inch equals 400 feet

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.



CITY OF MONTGOMERY MONTGOMERY COUNTY, TEXAS

- | LEGEND | |
|--------------|---------------------------------|
| City Limits | COMMERCIAL (B) |
| MCAD Parcels | INSTITUTIONAL (I) |
| | MULTI-FAMILY (R-2) |
| | SINGLE-FAMILY RESIDENTIAL (R-1) |



VICINITY MAP
Scale: 1 Inch equals 2 miles



JONES & CARTER

Texas Board of Professional Engineers Registration No. F-439

**SHOPPES AT MONTGOMERY REZONING
(SOUTHEAST CORNER OF SH 105 & BUFFALO SPRINGS DRIVE)**







1 Inch equals 300 feet

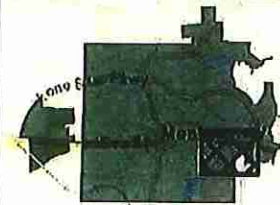
Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political 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.



**CITY OF MONTGOMERY
MONTGOMERY COUNTY, TEXAS**

LEGEND

-  200 Ft. Notification Boundary
-  Property being Rezoned
-  City Limits
-  MCAD Parcels



VICINITY MAP
Scale: 1 Inch equals 2 miles



JONES & CARTER

Texas Board of Professional Engineers Registration No. F-433

MINUTES OF REGULAR MEETING

July 23, 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 Carol Langley

Absent: Arnette Easley

Also Present: Jack Yates, City Administrator
Katherine Vu, City Engineer

1. Second Public Hearing for the purpose of giving all interested persons the right to appear and to be heard regarding the following:

(A) Preparation of an Amended Final Report to be submitted to the City Council on July 24, 2018 regarding the request to rezone a 5-acre tract of land located at 2512 Lone Star Parkway (north/west of 2500 Lone Star Parkway), Montgomery, from I-Industrial Use to R2-Multi-Family Use, as requested by Larry Jacobs for the Star of Texas Seniors Development.

Chairman Cox opened the public hearing at 6:01 p.m.

There was no public comment.

ADJOURN PUBLIC HEARING

Chairman Cox closed the public hearing at 6:02 p.m.

2. (B) Consideration and possible action regarding an Amended Final Report to be submitted to City Council on July 24, 2018 regarding the request to rezone a 5-acre tract of land located at 2512 Lone Star Parkway (north/west of 2500 Lone Star Parkway), Montgomery, from I-Industrial Use to R2–Multi-Family Use, as requested by Larry Jacobs for the Star of Texas Seniors Development.

Matt Fuqua was present to be put on the record asking how the rezoning fit into the long-range planning of the city and to note that the feasibility study is not complete and he feels like that study should be completed before considering the zoning issue. Jeff Waddell said he thought the rezoning did seem appropriate for the plans for that area.

Motion by Waddell, seconded by Simpson to recommend the rezoning of the tract of land at 2512 Lone Star Parkway from Industrial to R-2 MultiFamily. All in favor.

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.

No comments were made.

3. Consideration and possible action regarding Meeting Minutes of June 25 Regular Meeting and July 5, 2018 Special Meeting

Motion by Simpson seconded by Waddell to approve the minutes of June 25 regular meeting and the July 5 special meeting. All in favor.

4. Consideration and possible action regarding tree removal at 701 College St. - Jo Tibola.

Ms. Tibola was present and said that Street was 90 years old and she had an arborist examine the tree and it was diseased beyond remedy. Mr. Simpson noted he had looked at it, and it was definitely a dead tree and asked if Ms. Tibola understood she may have to plant a replacement tree, to which Ms. Tibola replied “yes”.

Motion by Simpson, seconded by Waddell to approve the tree removal at 701 College Ave. and that a 2 to 3 inch caliper tree would be placed on the property in the next six months.
All in favor

5. Consideration and possible action regarding request to build a garage at 706 Caroline St. - Shawna Dodd

Bill Simpson asked about the tree that appeared to be necessary to be removed to build the garage. There was a discussion about the tree because in Mrs. Dodd’s document she said the garage would be built between the where the tree was located in the corner of the property.

Motion by Simpson to table until tree removal issue is decided. There was no second to that motion.

Discussion was then held by the Commission about what to do if the tree did not need removal in order to build the garage.

Motion by Waddell, seconded by Simpson to approve the garage with the stipulation that if the tree needs removal, that the item be brought before the Commission prior to approval.
All in favor.

6. Consideration and possible action to call a public hearing regarding a Planning and Zoning Commission preliminary report on the proposed re zoning of property located at the southeast corner of Buffalo Springs Drive and SH 105, a portion of the Montgomery Shoppes tract from R-1 (single – family),R-2 (MultiFamily), and I-Institutional to B-Commercial and I-Institutional be held on August 27, 2018, as requested by Montgomery SH 105 Associates— Jack Yates explained that this property is part of a 380 development agreement and that the

rezoning is necessary to comply with that agreement- namely that the properties present zoning of a mixture of B- Commercial, I-Institutional, R-1 Residential and R-2 MultiFamily is being requested to be rezoned all B-Commercial for the tract of land where business will be located and that the I-Institutional will be the location of the new sewer plant.

Motion by Waddell seconded by Langley to call the public hearing to be held on August 27th at 6:00 p.m. at City Hall regarding the rezoning of the southeast corner of Buffalo Springs Drive and state highway 105, a portion of the Montgomery Shoppes Tract from R-1, R-2 and I-Institutional to B-Commercial and I-Institutional. All in favor.

7. Consideration and possible action calling a public hearing regarding the proposed zoning amendment and preparation of the final report for submittal to the City Council regarding a Planning and Zoning Commission preliminary report regarding the proposed re zoning of the property located at the southeast corner of Buffalo Springs Drive and SH 105, a portion of the Montgomery Shoppes tract from R-1 (single – family),R-2 (MultiFamily), and I-Institutional to B-Commercial and I-Institutional to be held on August 27, 2018, as requested by Montgomery SH 105 Associates.

Mr. Yates explained that the difference between this item and the previous item is this item is regarding the determination of the Final Report meeting the recommendation to the City Council as an action item.

Motion by Simpson, seconded by Langley to hold the Public Hearing on August 27th at 6:00 p.m. at City Hall to consider a Final Report regarding the rezoning of the southeast corner of Buffalo Springs Drive and state highway 105, a portion of the Montgomery Shoppes tract from R-1, R-2 and Institutional to B-Commercial and I-Institutional. All in favor.

8. Discussion regarding Downtown Master /Streetscape Plan

Mr. Yates read Section 2 of City Council Resolution 2018-11, where the Council assigned to the Planning and Zoning Commission the responsibility for coordinating with the Community Resilience Collaborative to produce a downtown comprehensive plan that includes input from all stakeholders with the goal of producing a

streetscape/infrastructure/walk ability/development plan that extends from Pond Street to Prairie Street and from state highway 1052 Berkeley Drive with an anticipated completion time of 9 to 15 months. The resolution went on to say that it is expected that the plan has widespread acceptance throughout the City and includes TxDOT improvements from Caroline to Clepper Streets.

Mr. Yates then said he had sent the Commission a Streetscape Design/Purpose summary sheet of information in the packet for this meeting. Mr. Yates said the objectives of the streetscape design are: promote safe and attractive pedestrian uses, encourage visitors to enter the downtown area, recognize the cultural start significance of the area, encourage redevelopment rehabilitation for instance more to the existing historic environment, incorporate more green spaces into downtown and additional site furnishings such as benches tree planners, trash receptacles and to meet transportation parking needs of the area.

Mr. Simpson said that he thought it was important for a core committee to be developed consisting of downtown business owners, interested groups such as the historic society and persons who lived or have businesses outside the historic downtown district to be formed to act as a collaborative group to help with the design and the coordination of the public.

Mr. Yates said he would work to form such a Core Committee. The Commission briefly discussed that this seemed like a good time to do such a plan, that there appeared to be an atmosphere of collaboration and after the FM 149 discussion, which resulted in Resolution 2018 –11, and there was a time frame given for completion. No action was taken.

9. Adjournment

Motion by Simpson seconded by Waddell to adjourn at 6:49 p.m.

Submitted by: Jack Yates Date approved: _____
Jack Yates, City Administrator

Chairman Nelson Cox

Montgomery City Council
AGENDA REPORT

Meeting Date: August 27, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: August 23, 2018	

Subject

This is the Planning Commission's action to adopt a report regarding the recommendation/non-recommendation of the zoning requested. The property is in the southeast corner of Buffalo Springs Drive and state highway 105 is from a mixture of R-1, R-2 and I-Institutional to B – commercial and I – institutional as shown in the attached map exhibits.

Description

Attached City Engineers memo.
This is the property that the city and the developer completed a agreed-upon 380 agreement on. In that agreement, the use of the land was described that matches the rezoning application.

Recommendation

Motion to report a recommendation approval for the rezoning.

Approved By

City Administrator	Jack Yates	Date: August 23, 2018
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Montgomery City Council
AGENDA REPORT

Meeting Date: August 27, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Original building permit, new drawings showing color
Date Prepared: August 23, 2018	

Subject

This is to prove the color of a house in 916 College St.

Description

This is a pale yellow color which seems appropriate for the Historic District.

Recommendation

Motion to approve the paint color as presented.

Approved By

City Administrator	Jack Yates	Date: August 23, 2018
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CITY OF MONTGOMERY

P.O. BOX 708
MONTGOMERY, TX 77356
PHONE: 936-597-6434 |
Permits@ci.montgomery.tx.us
www.montgomerytexas.gov

CONSTRUCTION/DEMO PERMIT APPLICATION For the erection of buildings, accessories, repairs, demolition, moving, etc.	
Expires In 6 months (180 days) Non-Transferable	
DATE OF APPROVAL:	4/16/18
PERMIT NUMBER:	R04181504

MTG18-00037

Owner: Gary Hammons | Owner Phone #: (281) 507 2302

Contractor: Ashwood Homes | Cont. Phone #: (936) 520 2821

Contractor Mailing Address: 2257 N Loop 336 W Ste 140-301

City: Conroe | State: TX | Zip: 77304

Job Site Address: 916 College St

Residential or Commercial Project: Residential | Zoned: _____

LOT #: 7 | BLOCK#: 7 | LOT SIZE: .41 Acres | BLDG. SIZE (SQ. FT.): 1585 Total 1270 Living

Description of work (Including Class & Construction Types):

Residential 3 bed 2 bath Home

VALUE OF TOTAL WORK: \$ 120,000

\$0 - \$1000	\$60 FLAT FEE
\$1,001 - \$50,000	\$15.00 FOR FIRST \$1,000 + \$5.00 FOR EACH ADD'L \$1,000 OR FRACTION THEREOF
\$50,001 - \$100,000	\$260.00 FOR FIRST \$50,000 + \$4.00 FOR EACH ADD'L \$1,000 OR FRACTION THEREOF
\$100,001 - \$500,000	\$460.00 FOR FIRST \$100,000 + \$3.00 FOR EACH ADD'L \$1,000 OR FRACTION THEREOF
OVER \$500,001	\$1,660.00 FOR FIRST \$500,000 + \$2.00 FOR EACH ADD'L \$1,000 OR FRACTION THEREOF
PLAN REVIEW FEE	EQUAL TO ONE-HALF OF THE PERMIT FEE WHEN VALUATION EXCEEDS \$70,000.00

460
60

NOTICE: SEPARATE PERMITS ARE REQUIRED FOR PUBLIC UTILITIES, ELECTRICAL, PLUMBING, HEATING, VENTILATION, AIR CONDITIONING, GRADING, ALARMS, ROOFING, LANDSCAPING, FIRE SPRINKLERS AND LAWN SPRINKLERS.

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

Name of Applicant: Ashwood Homes
Doug Siemensma | Applicant Signature: [Signature]

OFFICE USE ONLY

Plan Review Fee: \$ 260.00

Accepted By: [Signature]

Permit Fee: \$ 570.00

Issued By: [Signature]

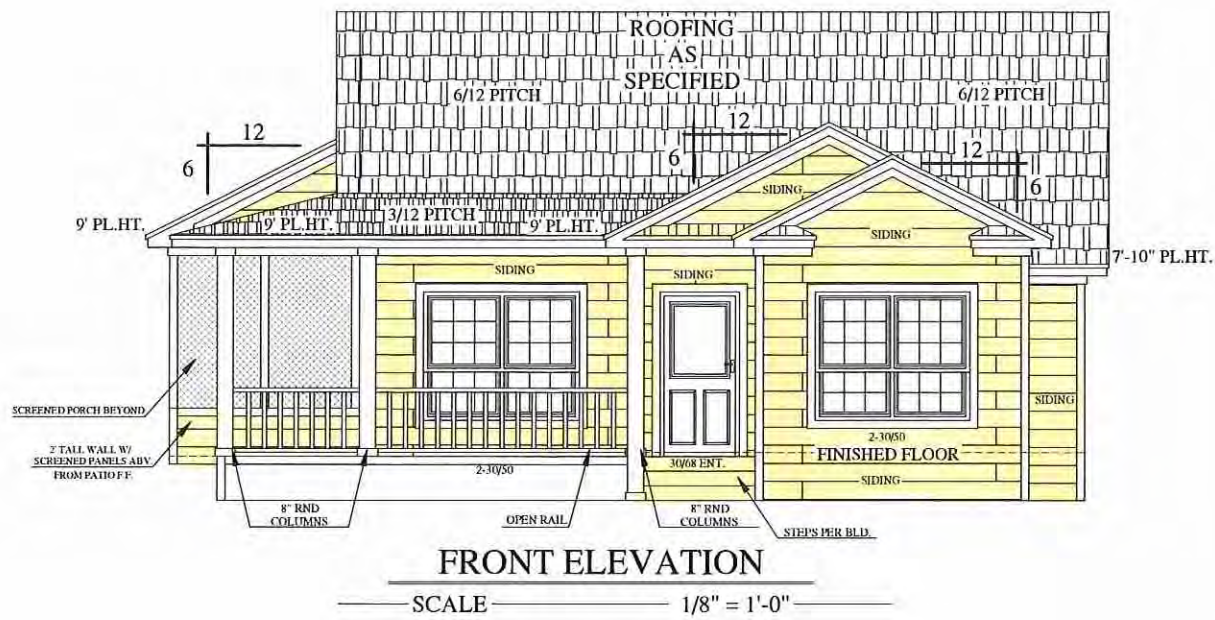
PERMIT FEE TOTAL: \$ 855.00

Construction/Demo Permit_09/19/2016

500 yr. Flood
plain - O.K. -
J. Yate

Per March 5th
PT2 Commission

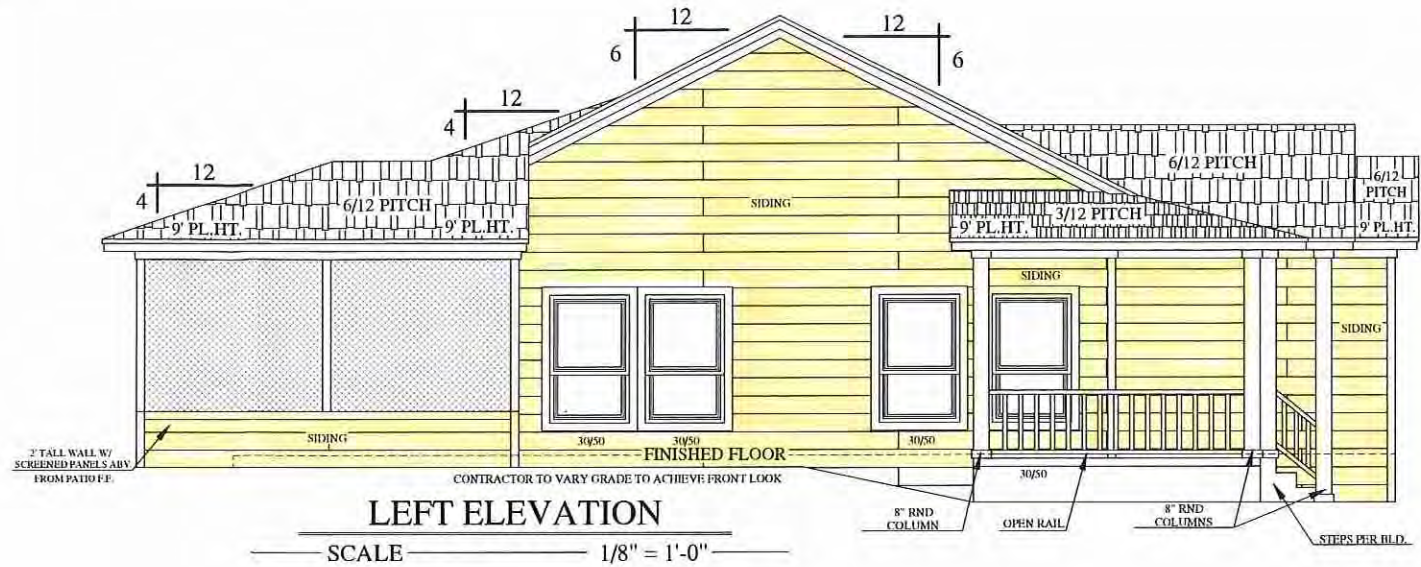
meeting
J. Yate



FRONT ELEVATION

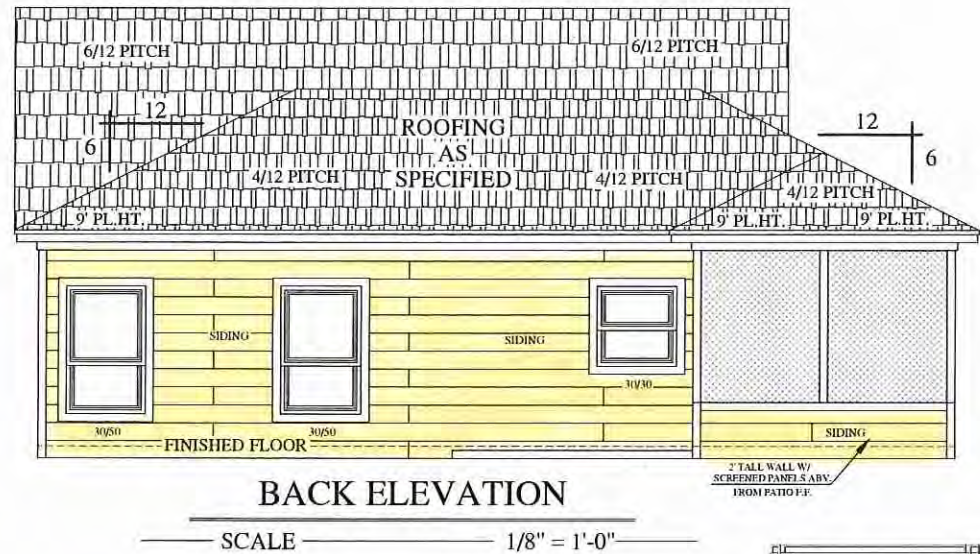
SCALE 1/8" = 1'-0"

NOTE:
A PORTION OF THIS LOT LIES IN THE 100 YEAR FLOOD PLAIN AND WILL NEED TO BE PLANNED FOR ACCORDINGLY PER THE CONTRACTOR.



LEFT ELEVATION

SCALE 1/8" = 1'-0"



BACK ELEVATION

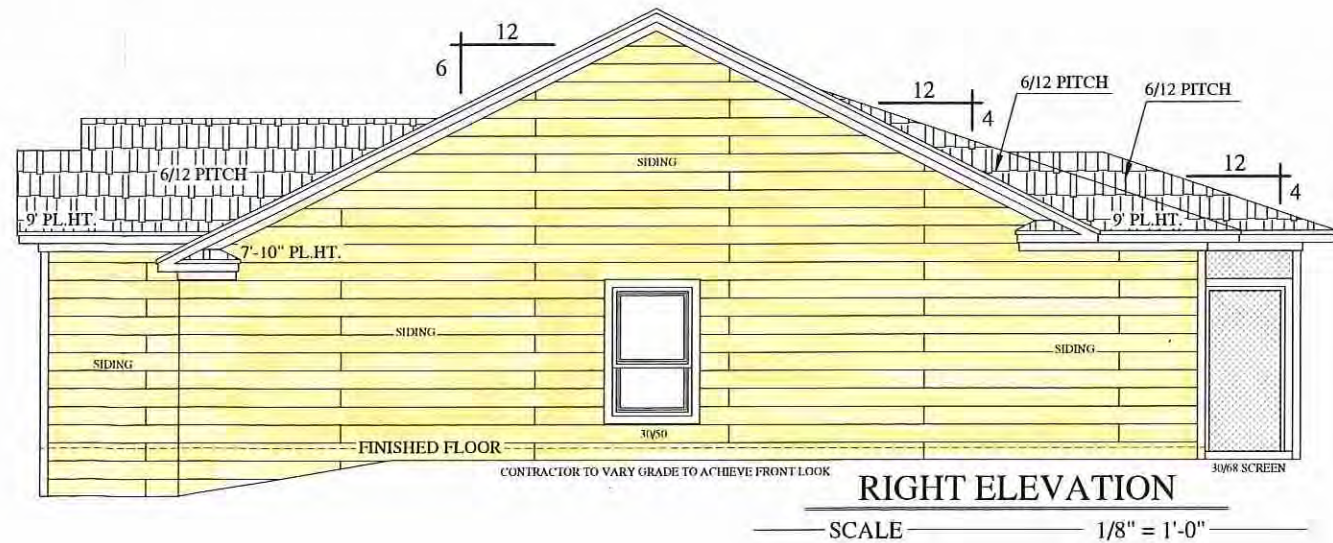
SCALE 1/8" = 1'-0"

NOTE:
3 Different pitches

NOTE:
Location of beams subject to change as per framer.

NOTE:
Foundation, framing package, & windstorm by other.

NOTE:
Refer to roof plan for overhang & rake dimensions!



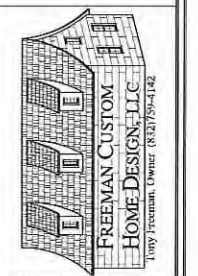
RIGHT ELEVATION

SCALE 1/8" = 1'-0"

Copyright
This plan is for building only and is not to be copied in anyway without the written permission from Freeman Custom Home Design.
NOTE:
Questions regarding this plan or framing should be directed to Freeman Custom Home Design. (832)759-4142
Freeman Custom Home Design is not responsible for framing discrepancies that arise from this plan. It will correct before completion. Contact: See above.

REVISIONS

A New Home For:
The Gregg Family
916 College Street



DRAWN BY:	TLF
DATE:	DEC. 2017
SHEET:	2 OF 5
PLAN NO.:	1270

Montgomery City Council
AGENDA REPORT

Meeting Date: August 27, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Part 1 Basic information about request. Part 2. Regarding public notice needed To carry on after tabling of item.
Date Prepared: August 23, 2018	

Subject

This is to call the Planning Commission's second public hearing regarding the zoning requested from R-1 zoning to ID- industrial zone for 1005 Old Plantersville Road.

Description

Attached is two parts of information:
Part 1 is the basic information regarding the rezoning.
Part 2 involves the question about whether or not public notice would be required for since the subject was tabled at the June previous Planning Commission meeting, (maybe more information than you want/need to know) where the City Attorney advised that another notice to be sent to the property owners and a new advertisement for a second public hearing on this issue.

Recommendation

Call the public hearing for September 24th.

Approved By

City Administrator	Jack Yates	Date: August 23, 2018
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PART

1

Montgomery City Council
AGENDA REPORT

Meeting Date: June 25, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: letter of request for zoning from R-1 to Industrial, information of past request to City to confirm zoning, Original zoning map dated 3-3- 03 showing the property split, aerial map showing the property.
Date Prepared: June 22, 2018	

f

Subject

This is to hold a public hearing for the proposed zoning changes at 1005 Old Plantersville Road.

Description

This is a situation where the original zoning in the city split this piece of property up into one half industrial (x where a large building now sits) and one half R-1 Single-family residential. Mrs. Fisher is wanting to sell the property and the prospective buyer wants it all for Industrial use.

Mrs. Fisher has said to me that she believes that the letter from the city confirms that all the land was zoned industrial at the time. However, the letter speaks about “both uses” (meaning that could have been answered in response to the question about the residential use of the property and the industrial use of the property) plus -- city attorney Larry Forster said that after reading the letter that, even if the answer is considered as for all Industrial use of the property, okayan incorrect answer to a question by a city official does not bind the city to that incorrect answer.

More recent, 2017 zoning maps, I believe are in error and the representation of this area -- by not following the 2003 map -- this is what is called a “scriveners error “ which in this case means that since there was no action since 2003 to change the zoning, just because it is not marked correctly on the 2017 maps that does not change the zoning—also the zoning law is that the routing document, rather than a legal description or any supporting documentation.

Montgomery City Council
AGENDA REPORT

All this is to say that the 2003 map is the ruling map and it shows one half of Mrs. Fisher's property as the West half Industrial and the half Single-family.

While no calls have been placed to City Hall regarding the subject, to area property owners came to the City Council calling their public hearing on this property - and spoke in opposition to the rezoning.

Recommendation

Listen to and consider the public comment.

Approved By

City Administrator

Jack Yates

Date: June 22, 2018

ROBERT L. FISHER

3123 Willowbend Rd.
Montgomery, TX 77356
936-582-4563

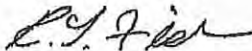
October 9, 2003

To whom it may concern,

My intent would be to use this property as a location to restore antique/classic automobiles for personal use and possible resale. I also plan to locate a small, residential construction and repair company on the premises,

Sincerely,

Robert L. Fisher





CITY OF MONTGOMERY

P. O. BOX 708 MONTGOMERY, TEXAS 77356

Telephone: (936) 597-6434 / 597-6866

FILE COPY

October 31, 2003

M.J. Kammerer
11820 Womack Cemetery Road
Montgomery, Texas 77316

Dear Mr. Kammerer,

I have reviewed the uses proposed, as described in your October 22, 2003 correspondence, for the property located at 2005 Old Plantersville Road. I concur with your determination that both uses seem in compliance with the Permitted Uses as listed in Sec. 98.57 of the City of Montgomery Zoning Ordinance (Ord No 1994-4, tableds 1/20/1995).

Although neither use appears to present a problem, I invite your prospective buyer to be aware of Use Regulation discussed in Section 98.153 and Purpose described in Section 98.22 of the Zoning Ordinance. I bring these two sections to your attention only because it appears to be a B-1 or commercial use in an area zoned light industrial. Because of the level of scrutiny by neighbors, it is conceivable that they might expect compliance with both aspects of the zoning requirements. If you or your interested buyer have concerns with any aspect of interpretation or compliance with the zoning requirements, assistance by our City Attorney and/or City engineer is readily available.

Please do not hesitate to contact me if I can be of assistance.

Sincerely,

Mary Sue

Mary Sue Timmerman, Mayor

BUYER: _____

BUYER: _____

SELLER: _____

DIVISION 6. DISTRICT L LIGHT INDUSTRIAL*

Sec. 98-211. Description.

District L light industrial is the same area as district L heavy industrial.
(Ord. No. 1994-4, § 10, 12-6-1994)

Sec. 98-212. Purpose.

District L light industrial is established to provide for a range of nonrail industrial uses which are conducted within completely enclosed buildings and where such use will not be objectionable because of excessive light, smoke, dust, noise, vibration or odor.
(Ord. No. 1994-4, § 10, 12-6-1994)

Sec. 98-213. Use regulations.

A building or premises in district L light industrial shall be used only for the purposes specified in table 1 in section 98-65.
(Ord. No. 1994-4, § 10.1, 12-6-1994)

Sec. 98-214. Height regulations.

No building in district L light industrial shall exceed 45 feet in height.
(Ord. No. 1994-4, § 10.2, 12-6-1994)

Sec. 98-215. Area regulations.

(a) *Size of yards.* Size of yard in district L light industrial shall be as follows:

- (1) *Front yard.* All property abutting major and minor streets is to be considered a front yard. A front yard of ten feet from the building line to the property line is required.
- (2) *Side yard.* The side yard shall be ten feet where the lot line abuts lot lines of other business (B) or industrial uses.
- (3) *Rear yard.* The side yard shall be ten feet where the lot line abuts other business (B) or industrial lot lines.

(b) *Size of lots.*

(1) *Lot area.* The minimum lot area shall be 10,000 square feet.

(2) *Lot width.* The minimum lot width shall be 100 feet.

(Ord. No. 1994-4, § 10.3, 12-6-1994)

*Cross reference—Businesses, ch. 22.

BUYER: _____

CD98:29

BUYER: _____

SELLER:  _____

Sec. 98-152. Purpose.

District B commercial is established to provide for a wide range of retail and wholesale uses within enclosed areas.
(Ord. No. 1994-4, § 8, 12-6-1994)

Sec. 98-153. Use regulations.

A building or premises in district B commercial shall be used only for the following purposes (see table 1 in section 98-65):

Retail stores and other local business uses supplying everyday shopping for the immediate neighborhood, subject to the following:

- (1) The use shall be conducted wholly within the enclosed building.
- (2) Required yards shall not be used for the storage of merchandise, vehicles or equipment.
- (3) Such use shall not be objectionable because of excessive light, smoke, dust, noise, vibration, or odor.
- (4) Storing of containers and waste material will not be permitted in front and side yards.
(Ord. No. 1994-4, § 8-1, 12-6-1994)

Sec. 98-154. Height regulations.

No building in district B commercial shall exceed 45 feet in height.
(Ord. No. 1994-4, § 8-2, 12-6-1994)

Sec. 98-155. Area regulations.

(a) *Size of yards.* Size of yards in district B commercial shall be as follows:

- (1) *Front yard.* There shall be a front yard having a minimum depth of 25 feet from the front property line if located on a minor street and 35 feet if located on a major thoroughfare. No parking, storage or similar use shall be allowed in front yards, except that automobile parking will be permitted in such yards if separated by at least 100 feet from any R district.
- (2) *Side yard.* A side yard of not less than 15 feet in width shall be provided on the side of a lot adjoining a minor street (not including easements). A side yard of not less than 25 feet in width shall be provided on the side of a lot adjoining an R district. Otherwise, no side yard is required. No parking, storage or similar use shall be allowed in any required side yard or in any required side street adjoining an R district, without proper enclosure.
- (3) *Rear yard.* A rear yard of 25 feet is required on all lots abutting an R-1 district.

BUYER: _____

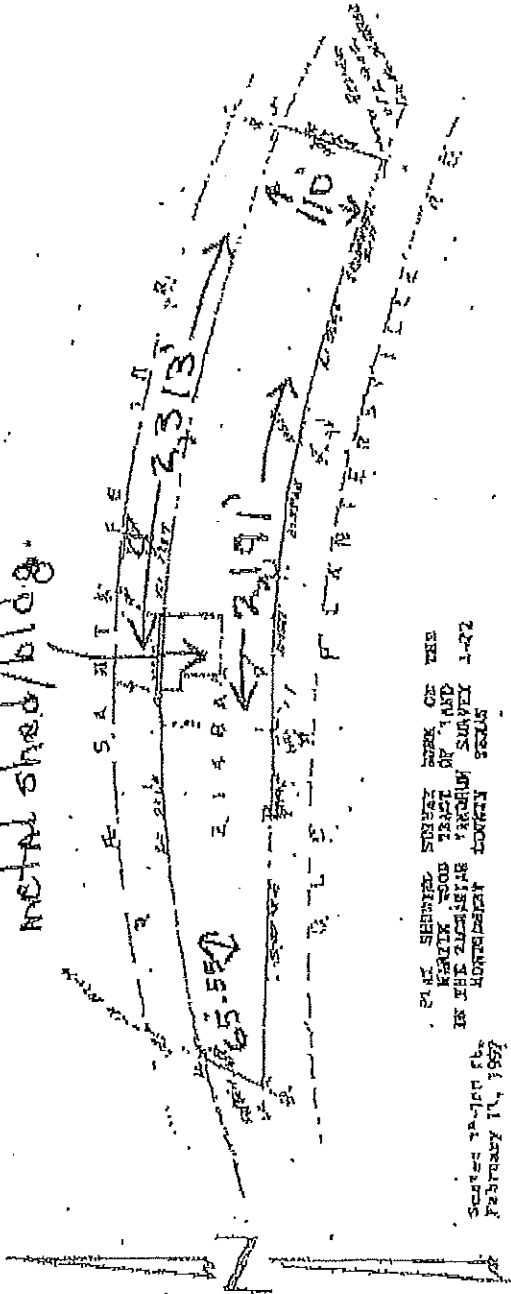
CD98:26

BUYER: _____

SELLER:  _____

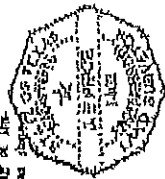
PLAT EXHIBIT
2.148 ACS

metal shed/bldg.



PLAT SURVEYED BY JOHN C. WELLS
 FIELD NOTES AND CALCULATIONS
 IN THE PLAT BOOK SURVEY 1-42
 APPROVED BY THE BOARD OF SURVEYORS
 FEBRUARY 11, 1997

This plat is hereby filed for record and the same
 is hereby approved by the Board of Surveyors and
 they have no objection to the same being
 recorded in the public records of the
 State of Missouri.



Produced Pursuant to
 [Signature]

[Handwritten signature]

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1" = 100' 0" 20' 40' 60' 80' 100' 120' 140' 160' 180' 200' 220' 240' 260' 280' 300' 320' 340' 360' 380' 400' 420' 440' 460' 480' 500' 520' 540' 560' 580' 600' 620' 640' 660' 680' 700' 720' 740' 760' 780' 800' 820' 840' 860' 880' 900' 920' 940' 960' 980' 1000'

VICINITY MAP
 2017-2018

LEGEND

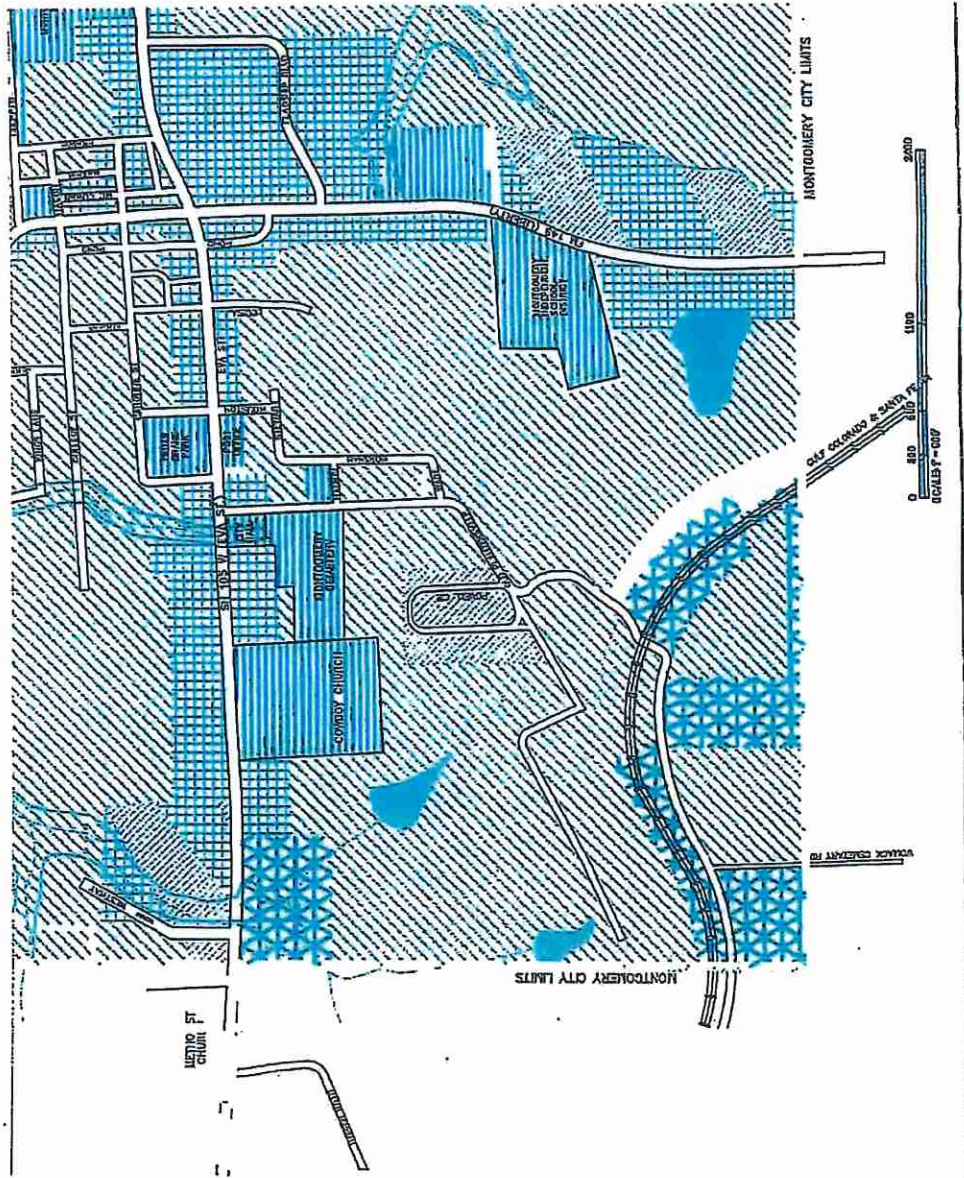
Base Layers
 City Limits
 R.O.D. No. 1 (Lafayette) - 2014
 Business Development Agreement - 2005
 Charleston Development Agreement - 2011
 R.O.D. No. 3 (Fayette) - 2014
 Historic District
 City ETJ
 MCAD Parcels

Zone Classification
 Unimplyn
 Commercial
 Industrial
 Institutional
 Multi-Family
 Multi-Use
 Residential

LAST AMENDED 11 APRIL 2017
 VIA ORDINANCE NO. 2017-30
 (Revised 2017)



PREPARED FOR		CITY OF MONTGOMERY			
DRAWN BY: JIM KORRIS		PROJECT MANAGER: WILLIAM J. KOTLAN, P.E.			
DATE: UPDATED MARCH 2003		SCALE: 1"=600'			
REV	DATE	BY	APP	COMMENT	
1	08/19/04	JN	WJK	UPDATE ROADS	
2	03/03/03	TC	WJK	ISSUED FOR APPROVAL	



Zone Classification

- Unknown
- Commercial
- Industrial
- Institutional
- Multi-Family
- Multi-Use
- Residential

LAST AMENDED 10 OCTOBER 2017
VIA ORDINANCE NO. 2017-22

*Aerial Imagery flown January 2016



JONES CARTER
Texas Board of Professional Engineers Registration No. F-489

ZONING LAYOUT
(DECEMBER 2017)



VICINITY MAP
Submittal 1404170001

LEGEND

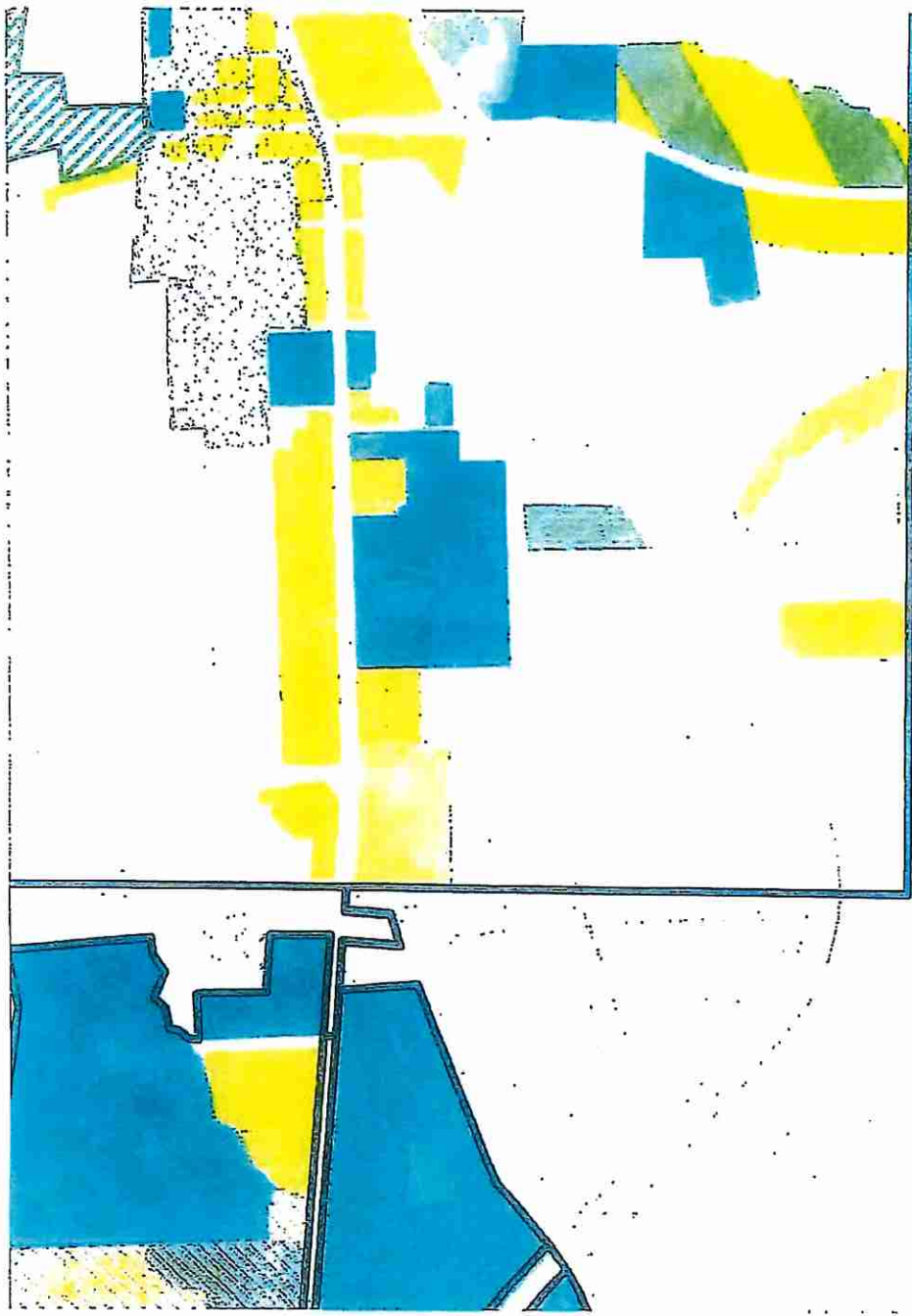
Base Layers

- City Limits
- P.O.D. No. 1 (LeFevre) - 2014
- DeVos Development Agreement - 2005
- Cleatham Development Agreement - 2011
- P.L.D. No. 1 (Gorhoch) - 2014
- Historic District
- City ED
- MCAD Parcels

Zone Classification

- Unknown
- Commercial
- Industrial
- Institutional
- Multi-Family
- Multi-Use
- Residential

LAST AMENDED 11 APRIL 2017
VIA ORDINANCE NO. 2017-20



PART
2

PART
2

To: Larry Foerster, City Attorney
From: Jack Yates
Subject: Theresa Fisher revival of rezoning application -- public notice requirements?
Date: August 22, 2018

Attached you will find a letter brought to City Hall and given to me by Theresa Fisher yesterday afternoon, a copy of the letter sent to property owners notifying them of the Planning and Zoning Commission and City Council public hearing date set for Mrs. Fisher's request for rezoning, the legal advertisement as it appeared in the newspaper, an email from Susan Hensley to me giving the total cost of legal notice and the seven certified letters sent to surrounding property owners, a copy of the city Council public hearing minutes pages 2-3 of the June 26, 2018 City Council meeting (note in the paragraph on page 2 the brief discussion regarding future public notice), a copy of the Citizens/Forum pages 9-11 also at the June 26 meeting regarding the rezoning request, a copy of the June 25, 2018 Planning and Zoning Commission agenda showing the public hearing and the consideration of action regarding Mrs. Fisher zoning request, the approved minutes of the June 25, 2018 minutes of the Planning and Zoning Commission wherein on pages one through four is the public hearing discussion and pages eight through eleven is the action item discussion.

Also, for your information, since the June 26th Planning and Zoning Commission I have had two communications with Mrs. Fisher. First, She came to the City Hall at approximately 4:30 on July 20th to ask if she was on the agenda – I replied that she was not because I had not received a request to be back on the agenda at all, and also nothing about if she wanted to change her request to commercial. She replied that she did not realize that she needed to request the item to be back on the agenda and that she was unsure about if she wanted to change her request commercial. Second, yesterday, when she delivered Mr. Weisinger's letter I mentioned to her that I would ask the City Attorney about the need for sending /publishing a new notice and she said she did not think it was necessary, that the item being listed on the public agenda seemed enough notice to her belief.

The letter from Mr. Weisinger, given to me yesterday, requests to be placed on the Monday, August 27, 2018. My question is – because of the delay in time and the way that the discussion went, including a need for a new City Council setting of a public hearing date --- is there a legal or practical need for re-notification to the general public and the surrounding property owners of a reconsideration of this zoning requests. Also, if you do recommend a new notice, who pays for the cost.

If you have any questions or clarifications needed feel free to contact me.

LARSON & WEISINGER
ATTORNEYS AT LAW
2040 N. LOOP 336 W., SUITE 201
P.O. BOX 2666
CONROE, TEXAS 77305

Rec'd
2:05
8/21/2018 JY

O. BRUCE LARSON
larson@lwfirm.com
J. STEVEN WEISINGER
weisinger@lwfirm.com

CONROE (936) 539-2233
FAX (936) 539-4001

August 20, 2018

Mr. Jack Yates
City of Montgomery Administrator
P. O. Box 708
Montgomery, Texas 77356

sent via email and hand delivered

Re: Theresa Fisher's request to be placed on City of Montgomery Planning and Zoning Commission Agenda

Mr. Yates:

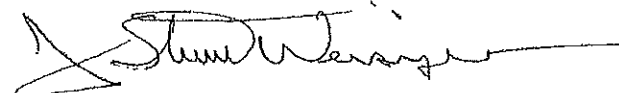
As you are aware, I represent Ms. Theresa Fisher relating to her request to have that half of her property located at 1005 Old Plantersville Road which is currently zoned Residential rezoned to Light Industrial.

Reading the Zoning ordinance in its totality, giving words their plain meaning, considering the overriding intent of the ordinance and looking at the historical and current as well as geographical circumstances, we believe that approving Ms. Fisher's request is the fair, equitable and just plain right thing to do.

At your convenience, please confirm the Ms. Fisher has been placed on the Monday, August 27, 2018 agenda.

I look forward to hearing from you.

Sincerely,



J. Steven Weisinger
JSW/tmn

June 12, 2018

Property ID# R252862

Dear Property Owner:

You are receiving this notice because you are a property owner within the 200 foot notice area of a 2.148 acre tract of land located at 1005 Old Plantersville Road, in the City of Montgomery that the owner Theresa Fisher is requesting to rezone their property from R1-Single Family to I-Industrial Use.

Re-zoning is a part of the City Zoning Ordinance that allows a property owner to request a change from the current zoning to a highest and best use zone for the property owner. At the public hearing there will be information provided by the applicant and city staff regarding the proposed change and there will be an opportunity for questions and comments.

The Montgomery Planning and Zoning Commission is required to conduct a public hearing regarding the rezoning application. The City Council is also required to receive the recommendation from the Planning and Zoning Commission prior to conducting their own public hearing. You are welcome to attend the public hearings. The public hearings are scheduled for:

- Planning and Zoning Commission Public Hearings - Monday, June 25, 2018 at 6:00 p.m. at City Hall, 101 Old Plantersville Rd., Montgomery, Texas 77316
- City Council Public Hearing - Tuesday, June 26, 2018 at 6:00 p.m. at City Hall, 101 Old Plantersville Rd., Montgomery, Texas 77316

You can also find a copy of this notice posted on the city's website www.MontgomeryTexas.gov.

Enclosed please find a map showing the 200 foot boundary, location of the property and a copy of the legal notice that was published. If you have any questions please feel free to contact the City Secretary's office at [936-597-6434](tel:936-597-6434).

Sincerely,

Susan Hensley
City Secretary

*Certified Mail No. 7017 1450 0000 7978 6208
RETURN RECEIPT REQUESTED*

**NOTICE OF ZONING PUBLIC HEARINGS
BY CITY OF MONTGOMERY, TEXAS**

1. The **City of Montgomery Planning and Zoning Commission** will conduct a Public Hearing at **6:00 p.m. on the 25th day of June, 2018** at the City of Montgomery City Hall, 101 Old Plantersville Road, in Montgomery, Texas in the City Council Chambers for the purpose of giving all interested persons the right to appear and be heard regarding the following:
 - a) A request to rezone a 2.148 acre tract of land located at 1005 Old Plantersville Road, Montgomery, from R1-Single Family to I-Industrial Use, as requested by Theresa Fisher.

2. The **City of Montgomery Planning and Zoning Commission** will conduct a second Public Hearing at **6:00 p.m. on the 25th day of June, 2018** at the City of Montgomery City Hall, 101 Old Plantersville Road, in Montgomery, Texas in the City Council Chambers for the purpose of giving all interested persons the right to appear and be heard regarding the following:
 - b) Preparation of a Final Report to be submitted to City Council on June 26, 2018 regarding the request to rezone a 2.148 acre tract of land located at 1005 Old Plantersville Road, Montgomery, from R1-Single Family to I-Industrial Use, as requested by Theresa Fisher.

3. The **City of Montgomery City Council**, upon receiving the Final Report from the Planning and Zoning Commission, will conduct a Public Hearing at **6:00 p.m. on the 26th day of June, 2018** at the City of Montgomery City Hall, 101 Old Plantersville Road, in Montgomery, Texas in the City Council Chambers for the purpose of giving all interested persons the right to appear and be heard regarding the following:
 - a) A request to rezone a 2.148 acre tract of land located at 1005 Old Plantersville Road, Montgomery, from R1-Single Family to I-Industrial Use, as requested by Theresa Fisher.

Please direct any questions to the City Administrator Jack Yates at (936) 597-6434, or at City Hall.

/s/ Susan Hensley, City Secretary
City of Montgomery, Texas

*Dates of Publication:
Monday, June 4, 2018 and Monday, June 11, 2018*



Yates, Jack <jyates@ci.montgomery.tx.us>

Re: letter to area property owners re: Fisher annexation, posted public notice

1 message

Hensley, Susan <shensley@ci.montgomery.tx.us>

Wed, Aug 22, 2018 at 8:51 AM

To: "Yates, Jack" <jyates@ci.montgomery.tx.us>

Jack,

The cost for the legal notice was \$270. There were 7-certified letters at \$6.47 each. The total cost, including the legal notice, would be \$315.29.

Susan

Sincerely,

Susan Hensley
City Secretary &
Director of Administrative Services
City of Montgomery, Texas
(936) 597-6434

On Wed, Aug 22, 2018 at 8:27 AM, Yates, Jack <jyates@ci.montgomery.tx.us> wrote:

About how much would it cost to re-advertise and re-send the letters?

Jack

On Tue, Aug 21, 2018 at 3:21 PM, Hensley, Susan <shensley@ci.montgomery.tx.us> wrote:

Jack,

Here is a copy of the legal notice that was published and mailed with the letter to the property owners.

Sincerely,

Susan Hensley
City Secretary &
Director of Administrative Services
City of Montgomery, Texas
(936) 597-6434

On Tue, Aug 21, 2018 at 2:35 PM, Yates, Jack <jyates@ci.montgomery.tx.us> wrote:

Susan, RE: 1005 Old Plantersville Road re-zoning Request from Mrs. Fisher -

Can I please get:

- 1) a copy of the letter that went to the surrounding property owners
- 2) a copy of the public notice
- 3) a copy of the advertisement that went into the newspaper notifying the public of the meeting.

Jack

Park had occurred on June 28, 2008. Mr. Milleson advised that they had a large banner at Memory Park that emphasizes the 10th Year Anniversary. Mr. Milleson stated that the video is for the use of Montgomery City Council, Montgomery EDC who covered half the cost of the video, and the Rotary Club of Lake Conroe.

Following the video, Mr. Milleson recognized a couple of the people that helped make this video, the Director was Gary Parker, husband of long term Rotarian Laurie Parker, Tony Westlake was the Executive Producer, Matt, Branch Manager of the Library was the voice narrating the video, Annette Evans produced, composed and sang the song that was in the video. Mr. Milleson said that he hoped that everyone would use the video to their advantage. Mr. Milleson advised that they have put the flags at Memory Park early to celebrate their 10 Year Anniversary.

PUBLIC HEARING(S):

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

2. **Public Hearing – Receive Final Report from the Planning and Zoning Commission resulting from their Public Hearings held on June 25, 2018 regarding the request to rezone a 2.148 acre tract of land located at 1005 Old Plantersville Road, Montgomery, from R1-Single Family to I-Industrial Use, as requested by Theresa Fisher.**

Mr. Yates said that partially based upon the conversation with the Planning and Zoning Commission and the applicant asked that the matter be tabled by the Commission so there is no report to present and no action to be taken.

Rebecca Huss asked if this would be a permanent tabling of the matter or is there a time limit. Mr. Yates said that he thought that it would be back for discussion at the next Planning and Zoning Commission Meeting. Rebecca Huss said that it seems like a burden on the residents who came to speak and asked if they were going to wait until there is no opposition and how long are they able to table the matter. Mr. Yates said that he was not sure how long they can table the matter. Rebecca Huss asked if the owner is going to be required to pay for additional

notices to be sent out to notify them of the meeting will be held next month, because if people do not know about the meeting that provides them with an advantage. Mr. Yates said that everyone is present tonight and it would be an item on the public agenda. Rebecca Huss said that the point of the mail notification is to provide the people a distinct direction and information. Mr. Yates said the City Secretary advised they would need to send out public notices again if they have another hearing. Mr. Foerster said they are expecting the owner to come back requesting a different kind of zoning classification, from industrial to perhaps commercial and they will know in the next two or three weeks what their plan is and he did indicate to the owner that public notice would have to go out if they were going to request a change in classification and they would have to start the process over.

Mayor Countryman said that she would like to have on record that they received a letter from Rodney and Linda Wade regarding the subject.

Mayor Countryman adjourned the public hearing.

Adjourn Public Hearing.

3. **Public Hearing** – Regarding a request to rezone a 2.148 acre tract of land located at 1005 Old Plantersville Road, Montgomery, from R1-Single Family to I-Industrial Use, as requested by Theresa Fisher.

Adjourn Public Hearing.

No Action was taken

4. **Public Hearing** – Receive Final Report from the Planning and Zoning Commission resulting from their Public Hearings held on June 25, 2018 regarding a request to rezone a 5-acre tract of land located at 2512 Lone Star Parkway (north/west of 2500 Lone Star Parkway), Montgomery, from I-Industrial Use to R2-Multi-Family Use, as requested by Larry Jacobs for the Star of Texas Seniors Development.

Mr. Yates said the Planning and Zoning Commission met last night to consider the request from Larry Jacobs on behalf of Star of Texas Seniors Development to reclassify zoned acreage

that they were going to get the zoning and said that was part of the process to get the zoning in place then they will continue to do all the Feasibility Studies. Mr. Jacobs said that on the map that he had presented City Council could see the density of Independence Place was 7.5 units per acre regardless of whether it is R1 or R2 and said that Mr. Glockzin's project is going to be 6.4 units per acre. Mr. Jacobs said that they are keeping with the neighborhood and he thinks that is a good neighbor for the Community Center and Independence Place.

John Champagne stated Mr. Jacobs had mentioned a well. Mr. Jacobs said that it was for the lift station and said it is a sufficient size so all they would have to do is upsize the pump.

Mr. Emanuel Glockzin developer of the Star of Texas and he wanted to state his development would be a single story complex with individual unit and currently the City of Montgomery does not have anything for seniors, there are a lot of apartments but nothing designated for seniors and these will be designated 55+. Mr. Glockzin said they have 10% handicapped units and a community building with activities.

John Champagne asked Mr. Glockzin if there would be any possibility of changing the 55 and older designation in the event they had vacancies that needed to be filled. Mr. Glockzin said no because they had a market study done and they have a land use restriction that will be filed on the property from the Texas Department of Housing Community Affairs stating and binding him to keep that provision. John Champagne said that there have been developers in this area that promoted that type of development but then went away.

Adjourn Public Hearing

Mayor Countryman adjourned the Public Hearing at 6:41 p.m.

Convene into Regular Meeting

Mayor Countryman then convened into the Regular Meeting at 6:41 p.m.

VISITOR/CITIZENS FORUM:

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

Mayor Countryman stated for the record that Rodney and Brenda Wade had submitted a letter regarding their comments.

Mr. Potter said he was present at the Planning and Zoning Commission Meeting last night about the rezoning of 1005 Old Plantersville Road, stating that he resides at 1000 Old Plantersville Road and said that currently he has a garbage dump in front of his place. Mr. Potter said he has put up with people dumping on the property all the time, with homeless people living there at times that he has reported to the Police and now they have a place that is wanting to rezone their property. Mr. Potter said he was completely against the rezoning and said he has people cutting across his pasture going over to the dump. Mr. Potter said he is constantly picking up trash off the road along with others that is coming from the garbage dump. Mr. Potter said there are buzzards there constantly and he is completely against Mrs. Fisher and apologized for what he had to say, but he is completely against the rezoning. Mr. Potter said this is a residential area with several nice homes and they try to keep their places up and they do not need any kind of business or industrial use at that location. Mr. Potter said he has tried to deal with Mr. Mabry about the dump many times and he would like for Mr. Foerster to check into this matter and asked how long Mr. Mabry is allowed to let that garbage sit in one dumpster. Mr. Potter said that from what he understood, Mr. Mabry was allowed to keep it in there 30 days by law and said that it is 8-10 months and there are people constantly over there dumping garbage not only in the dumpsters but on the ground. Mr. Potter said Mr. Mabry has been fined for the dumping. Mr. Potter said there are no signs up there stating "no dumping" or "no trespassing" so people keep going in there doing what they want to do. Mr. Potter said it won't be long before they get a child over there playing and they are going to get hurt because the property does not have a gate and there is nothing but trash. Mr. Potter asked who wanted to live next to a trash dump, he did not and he did not appreciate and he does not want this piece of property rezoned at all because this is residential. Mr. Potter stated that he keeps his property up and there are others that keep their property up and he did not want a bunch of trash around there. Mr. Potter said he was sick of it and he has his place up for sale because of the trash and the speeding up and down Old Plantersville Road. Mr. Potter said he would appreciate City Council thinking about his situation and the other residents there and do

something about this problem because he has tried to deal with Mr. Mabry when he was dumping trash on the ground and the trash ended up in his pasture. Mr. Potter advised he has seen homeless people living on the property and has called the Police Department. Mr. Potter said now there are two mobile homes on the property making it trashier. Mr. Potter said Mr. Yates told him that Mr. Mabry has so much time to get rid of those mobile homes and asked how many more days remain. Mr. Yates said Mr. Mabry told him that he would have them gone by next Monday. Mr. Potter said Mrs. Fisher's attorney brought up the question of who wants to live next to a railroad and said his home parallels the railroad tracks, but he did not want it done the way Mrs. Fisher wants it done. Mr. Potter said he was sure there were other residents that would say the same and said Mr. Washington was present to speak for the Wades since they were on vacation. Mr. Potter said that right now if you go down Old Plantersville Road and when you get to the dump you will see trash on the side of the road. Mr. Potter said Mr. Mabry does not keep his property up and he does not mow or spray, he does nothing. Mr. Potter said from what he understands the City is wanting to beautify Montgomery and said they are not beautifying anything it is getting trashier.

Mr. Kelly asked that City Council ask for clarification from the City Attorney Larry Foerster as to the appropriateness of the hearing tonight for Mr. Jacobs rezoning request since the Planning and Zoning Commission did not hold the two public hearings as was required.

CONSENT AGENDA:

6. Matters related to the approval of minutes of the Special Meeting held on June 7, 2018, Public Hearing and Regular Meeting held on June 12, 2018 and Workshop Meeting held on June 19, 2018.
7. Consideration and possible action regarding approval of the revised Escrow Agreement.
8. Consideration and possible action regarding authorizing Jones|Carter to perform a Utility and Economic Feasibility Study for the Louisa Lane Single Family Development.
9. Consideration and possible action regarding Change Order No. 1 for the Buffalo Springs Drive Waterline Bridge Crossing Contract.
10. Consideration and possible action regarding adoption of the following Resolution:
A RESOLUTION BY THE CITY COUNCIL FOR THE CITY OF MONTGOMERY, TEXAS, SETTING A DATE, TIME, AND PLACE FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION BY THE CITY OF MONTGOMERY, TEXAS OF 1,799 ACRES OF LAND, MORE OR LESS, IN THE PUBLIC ROAD RIGHT-OF WAY OF

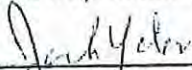
MONTGOMERY PLANNING AND ZONING COMMISSION AGENDA
PUBLIC HEARINGS AND REGULAR MEETING OF
MONDAY, JUNE 25, 2018, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS 101 OLD PLANTERSVILLE ROAD,
MONTGOMERY, TEXAS.

CALL TO ORDER

VISITOR/CITIZENS FORUM

Any citizen with business not scheduled on the agenda may speak to the Commission. Prior to speaking, each speaker must be recognized by the Chairman. 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. **Public Hearing** -- To receive citizen input regarding rezoning of the property located at 1005 Old Plantersville Rd., Montgomery, from R-1 single-family to I – Industrial as requested by Theresa Fisher
 2. **Public Hearing** -- To receive citizen input regarding rezoning at 2512 Lone Star Pkwy., (north/west of 2500 Lone Star Parkway) Montgomery, from I- Industrial to R- 2 MultiFamily as requested by Larry Jacobs for the Star of Texas Seniors Development
 3. Consideration/take action regarding May 29, 2018 minutes
 4. Consideration/take action regarding rezoning at 1005 Old Plantersville Rd., Montgomery, from R-1 single-family to I – Industrial as requested by Theresa Fisher
 5. Consideration/take action regarding rezoning at 2512 Lone Star Pkwy., (north/west of 2500 Lone Star Parkway) Montgomery, from I- Industrial to R- 2 MultiFamily as requested by Larry Jacobs for the Star of Texas Seniors Development
 6. Consideration/take action regarding the Emma's Way 80' R.O.W. Dedication Final Plat.
 7. Consideration/take action regarding scheduling a Public Hearing for rezoning of a portion of the property located at the southeast corner of Buffalo Springs Drive and SH 105, a portion of the Montgomery Shoppes Tract, from R1 (single-family), R2 (multi-family), and I (Institutional) to B (commercial) and I (Institutional), to be held on July 23, 2018 at 6:00 pm, as requested by Montgomery SH 105 Associates.
- Adjournment



Jack Yates, City Administrator



Posted June 22, 2018 at 5:15 p.m. This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodations.

MINUTES OF PUBLIC HEARING and REGULAR MEETING

June 25, 2018

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

Chairman Nelson Cox declared a quorum was present, and called the meeting to order at 6:00 p.m.

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

Absent:

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.

There were no comments during this portion of the meeting.

1. Public Hearing to receive citizen input regarding rezoning of the property located at 1005 Old Plantersville Rd., Montgomery, From R-1 single-family to I-Industrial as requested by Theresa Fisher.

Chairman Cox convened the Public Hearing at 6:03 p.m.

Mr. David Potter stated that he resides southeast of the property that is being discussed and he was completely against rezoning from residential because he feels if they give them an inch they will take a mile. Mr. Potter stated that they have enough problems as it is on Old Plantersville Road with the Travis Mabry dump. Mr. Potter said that they have containers full of garbage that stay full all the time and now he has two trailer houses over there that he has been complaining about. Mr. Potter said that he hoped that the Commission would look at that matter because it is a residential area. Mr. Potter apologized to Mrs. Fisher but said he had to look after his own interest. Mr. Potter said he was surprised that there were not more people here tonight, but he understood there was going to be another meeting tomorrow night on this matter with City Council. Mr. Potter said that this is a residential area with several nice homes. Mr. Potter said that Mr. and Mrs. Wade are out of town and he thought that Mr. Washington would bring a letter from the Wades.

Mr. Steve Weisinger, Attorney for Mrs. Theresa Fisher, said that addressing Mr. Potter's issue regarding trash, and said they can do whatever is necessary to assure who ever needs to be assured that won't be the situation. Mr. Weisinger said that the purpose that is intended for that property right now is storage with nothing out in the open.

Mr. Weisinger said that the agenda seems to indicate that the 2.148 acres that Mrs. Fisher owns is what is being considered for rezoning. Mr. Weisinger said that right now half of the tract is not zoned residential and it is not clear from the maps whether it is zoned light industrial or commercial, but if you look at the information in the agenda pack, you can see that half of her property is already zoned as shown in the blue "x's. Mr. Weisinger said that based on the historical use of property that has been commercial and based to some extent on a letter that the owners were given that was written by a previous Mayor, the Fisher's did believe that the tract was zoned nonresidential. Mr. Weisinger said, in his opinion, the City maps are really confusing and if you look at the map that is in the agenda pack you can see how checker boarded it is as to the zoning of the districts. Mr. Weisinger said that right now Mrs. Fisher has a commercial building on half of the tract and across the street there are homes built on property that would appear to say that it is zoned light industrial. Mr. Weisinger said that they have missing maps, missing ordinances and the

City's position as he understands it, is that the latest map from 2017 is in error and they need to revert back to the 2003 map. Mr. Weisinger said that that the zoning ordinance that the City has, with one of its purposes stated is to put property to its highest and best use. Mr. Weisinger said that the property in question, which is approximately half of the 2.148 acres that Mrs. Fisher owns, has a railroad located 50 feet from it and is configured long and skinny and certainly not usable for residential purposes. Mr. Weisinger said that what Mrs. Fisher is asking for is that the City not be too concerned about what has or has not happened in the past, because the records are not there to prove anything. Mr. Weisinger said that Mrs. Fisher is asking that her one tract, which has two zones be zoned the same as the rest of the tract. Mr. Weisinger said that the agenda appears to say that what is in question here is zoning of the 2.1 acres, which is not the issue, they are trying to rezone half of the property to match the zoning of the other half of the property.

Mr. Foerster stated that he understood that there was an individual that was interested in purchasing this property and use it for light industrial use, but he was not sure if he was aware of exactly what the proposed use of the purchaser would be, and asked if Mr. Weisinger knew of what that use would be. Mrs. Fisher said that he understood that they wanted to build storage buildings for RV's. Mrs. Fisher said that she emphatically advised them that the whole property was light commercial and that everything would have to be stored on the inside of the building and nothing could ever be on the outside because that was part of the requirements that were put on the property. Mr. Foerster asked if that was related to the property deed restrictions. Mr. Weisinger said that was what the zoning ordinance states. Mr. Foerster said this is an effort to try and assist the Commission and ultimately City Council in making what would be the best decision, not only for the property owner but for the next door neighbors. Mr. Foerster said that the kind of activity and appearance certainly has some bearing on how the City Council would act. Mr. Foerster said that at the last City Council Meeting there were some people, Mr. Potter being one of them that expressed a concern about having a light industrial business immediately across the street from what are described as large estates with nice homes on them, which is why he was asking the question about the usage. Mr. Weisinger said that he thought the more appropriate zoning designation would be commercial as opposed to light industrial.

Mr. Yates said that he did not think that light industrial required things to be stored inside but it does for commercial use. Mr. Weisinger said commercial would be more appropriate and easily contained and less offensive to the adjoining landowners.

Mr. Weisinger said if the issue is the surrounding landowners they might work with them and put something in place that is not offensive to them. Mr. Weisinger said that one of the missions of the zoning ordinance was trying to put property to its best use and that property can't be residential unless you want a railroad running through the backyard. Mr. Weisinger said that the map that was presented to them is so checker boarded that the property right across the street is zoned light industrial and it has residences built on it.

Mr. Potter said that he did not see how it could be completely contained on the inside of the building on the property. Mr. Potter asked what they are going to do when they finish these buildings, are they going to put them outside. Mr. Potter said that Mr. Weisinger said that no one wants a railroad running through their backyard but he has one that parallels his home and he puts up with it. Mr. Potter said that he was completely against the rezoning and hopes that this is considered and said that he would be here tomorrow night to say the same thing. Mr. Potter said he has a nice place and there are other people there with nice places that they try to keep clean and appropriate for residential use. Mr. Potter said that his understanding is that they are trying to beautify Montgomery and that is not beautifying Montgomery. Mr. Potter said that he picks up garbage every day along Old Plantersville Road and there is going to be more garbage out there. Mr. Potter said that he does not like it and he does not want it and he hopes that the Commission will keep that in consideration. Chairman Cox stated that they would consider that information.

Chairman Cox adjourned the Public Hearing at 6:20 p.m.

2. Public hearing – To receive input regarding rezoning at 2512 Lone Star Pkwy., (north/west of 2500 Lone Star Parkway) Montgomery, from I-Industrial to R-2 Multi-Family as requested by Larry Jacobs for the Star of Texas Seniors Development.

Mr. Kelly stated that he wanted to make a clarification stating that he was looking at the Zoning Map for the City of Montgomery and noted that Independence Place was zoned R1 residential not R2 Multi-family and the Community Center south of that location was zoned Industrial. Mr. Kelly stated that Independence Place is not an apartment complex it is a supported housing development with 16 units for persons with mental disabilities. Mr. Kelly said that property is not currently zoned multi-family.

Chairman Cox adjourned the Public Hearing at 6:31 p.m.

3. Consideration/take action regarding May 29, 2018 minutes.

William Simpson moved to approve the minutes of the May 29, 2018 meeting as presented. Jeffrey Waddell seconded the motion, the motion carried unanimously. (5-0)

4. Consideration/take action regarding rezoning at 1005 Old Plantersville Rd., Montgomery, from R-1 single-family to I-Industrial as requested by Theresa Fisher.

Mr. Yates said that it is checker boarded zoning as far as the original zoning of that area. Mr. Yates advised that the property was split and while that was not a normal thing to do, but he was convinced that they did it on purpose but he is not sure why. Mr. Yates said that in zoning you generally try not to split a property, but from what he understands in speaking with the people that did the original zoning, mostly Kirk Jones, was they would speak to the property owners and if they wanted a property zoned a certain way they would zone it that way. Mr. Yates said since the 2005 map the subsequent 2015 and 2017 maps show that area in grey, which there is not a grey zone so that is the reason that it is the half and half. William Simpson asked when they rezoned this area how did that get by them. Mr. Yates said that they have not done any rezoning lately and there is no rezoning for this parcel since the beginning of the zoning. Mr. Yates advised that he and the City Secretary went back and searched the ordinances for any rezoning and there were none found for that area or this particular piece of property. Chairman Cox asked Carol Langley if she remembered anything about that property. Carol Langley said that she thought at one time

that was two pieces of property but it may have always been one. Carol Langley said that she did not remember why it was split. Mr. Yates said that the letters that the Fishers wrote the Mayor, which are included in the meeting materials, state that it was all one piece of property.

Jeffrey Waddell said that it was a bit of a mess and he thought that they were all trying to get the big picture, but all indications are that originally it was industrial along the railroad tracks. Jeffrey Waddell said that from a legal standpoint Mr. Yates had mentioned that they would traditionally go by the routing document rather than other documents. Jeffrey Waddell said that from everything that has been said tonight it looks like both sides want to come to some kind of reasonable decision. Jeffrey Waddell said that what caught his ear was the commercial versus industrial. Mr. Yates said that commercial would require everything to be stored inside of the structure and how much traffic is produced is completely indifferent as far as residential type of traffic. Mr. Yates said that if it was zoned commercial a convenience store could go in there. Mr. Yates said that they had to remember that when they are zoning they are zoning for that classification not for the specific type of use. Mr. Yates said that while they could restore vehicles for many years and stay fine, but it could also be used as an auto repair shop, lawn service, barber shop, grocery store, convenience store, etc. Jeffrey Waddell said that their concern was if they got a boat repair dealer that could have large boats and what would be the reality of those boats being contained all the time. Mr. Yates said that would be part of the zoning enforcement. Mr. Yates stated that an industrial use can be quite an obtrusive use especially for a neighborhood. Jeffrey Waddell said that the City could enforce certain things depending on what is built.

Mr. Yates said that one aspect was that they could consider commercial use, and they could have the City Attorney analyze that information between tonight and tomorrow night to see whether or not the notice would be okay. Mr. Foerster said that as he looks at the agenda for the meeting tonight the only request that is being presented to the Commission is the request to rezone single family to industrial as requested by Mrs. Fisher. Mr. Foerster said that the Commission is not being requested to look at other zoning designations. Mr.

Foerster said that he did not think, in his view, the Commission could make a decision to go forward with the recommendation of commercial because they would need to go through the proper process to do that. Mr. Foerster said that to answer Mr. Yates question, he did not think that the Commission or City Council agenda would allow for commercial because it does not give proper public notice to individuals. Mr. Foerster said that there might be some that support commercial and there might be some that would be okay with industrial but opposed to commercial.

Chairman Cox asked if they needed to table this item until they have additional information and/or direction. Mr. Yates said that unless the Commission acts on this item he would not know how Mrs. Fisher would know which way to go, commercial or industrial. Chairman Cox said that he wanted to follow proper protocol if they have to have adequate public notice on the commercial question they still have to follow that procedure. Mr. Foerster said that was correct. Mr. Foerster said that if the Commission tables action on this item they will still be in the same situation the next time that they meet as long as in the interim Mrs. Fisher has not amended her request from industrial to commercial, and in that event they would still have to give public notice of the change of the request from industrial to commercial. Chairman Cox asked if they would have to have another public hearing. Mr. Foerster said that the same process would have to be followed because the public has the right to know what the request is and what the Commission and City Council will be doing, whether they leave it the same or change the use to industrial or if a new request change to commercial.

Mr. Foerster said they have a good real estate attorney present, Mr. Weisinger, and he asked Mr. Weisinger if there were deed restrictions related to the sale of that property as to how it would be used and how it would look and whether that might provide a little bit more comfort to the Commission and to the City Council that the use of it would not have any tacky vehicles or RV's or anything parked outside a garage type facility. Mr. Weisinger said that some issues have been brought up that might be appropriate for the Commission to certainly table this item tonight and let them circle the wagons because it is not anybody's intention to offend adjoining property owners. Mr. Weisinger said that he

thought that they could come back to the Commission with a possibly different application that might be accepted. Mr. Foerster asked Mr. Weisinger if he and Mrs. Fisher were contemplating commercial use and asked how they would feel about the Commission denying or not recommending this designation as industrial at this time with the possibility that they would reconsider it as commercial at another time. Mr. Weisinger said that he would prefer that it be tabled rather than denied. Mr. Yates said that the Commission could table the action and then City Council would not take any action tomorrow night. Mr. Foerster said that City Council can't take any action without a final report from the Commission, so if they table this item there will be no action for City Council to take tomorrow night.

Jeffrey Waddell asked if there is a difference between light industrial and heavy industrial. Mr. Yates said that industrial is the only listing in the zoning ordinance. Mr. Weisinger said that was not what the ordinance states, it distinguishes between commercial, light industrial and heavy industrial as stated in Section 98.61. Mr. Yates said that was the old Code of Ordinances that was attached to Mrs. Fisher's information is not the current Code. Mr. Foerster said that looking at Section 98-84, which is on the City's web site, there is currently under the zoning ordinance they have commercial and industrial use with no distinction between light and heavy. Chairman Cox asked if the information that was included in their packet was from the City's web site. Mr. Yates said no it came from Mr. Weisinger and Mrs. Fisher.

Carol Langley moved to table Agenda Item No. 4 regarding the rezoning at 1005 Old Plantersville Road, Montgomery, at this time. Jeffrey Waddell seconded the motion.

Discussion: Chairman Cox stated that this item is being tabled pending additional information and following proper protocol.

The motion carried unanimously. (5-0)

Inbox x

Larry Foerster

Aug 22
(2 days ago)

to me, Susan

OK, then I suggest putting it on the agenda for a second public hearing. That will require notices. Once the public hearing as been conducted, the Commission can take action—recommending up or down on the request.

Larry L. Foerster
Darden, Fowler & Creighton, LLP

From: Yates, Jack <vyates@ci.montgomery.tx.us>
Sent: Wednesday, August 22, 2018 11:14 AM
To: Larry Foerster <foerster@dfcllp.com>
Cc: Hensley, Susan <shensley@ci.montgomery.tx.us>
Subject: Re: Message from "RNP002673A87377"

No, they did not request a change in their request, in fact they reiterated the reasons for the initial zoning in yesterday's letter. No there was only one P and Z public hearing on this item, since it was before the decision about requiring two public hearings.
Jack

On Wed, Aug 22, 2018 at 11:09 AM, Larry Foerster <foerster@dfcllp.com> wrote:
Jack and Susan:

Did Mrs. Fisher or her attorney ever ask for a new rezoning classification or are we still dealing with this old request. If so, did P&Z have its two required public hearings under the old request?

Why don't we put the item on the agenda for discussion and possibly setting two public hearings on the request for zoning.

Larry L. Foerster
Darden, Fowler & Creighton, LLP

From: Hensley, Susan <shensley@ci.montgomery.tx.us>
Sent: Wednesday, August 22, 2018 10:56 AM
To: Yates, Jack <jyates@ci.montgomery.tx.us>
Cc: Larry Foerster <foerster@dfcllp.com>
Subject: Re: Message from "RNP002673A87377"

Jack,

Beginning at the end of page 10 and continuing on to page 11 Mr. Weisinger advised he thought that they could **come back to the Commission with a possible different application**. Also in the motion discussion it was mentioned that it was being tabled pending additional information and following the proper protocol.

Since this is dealing with rezoning I do not know how you would not be required to give public notice by publication and mail of the City Council and the Planning and Zoning Commission public hearings.

Susan

On Wed, Aug 22, 2018 at 10:33 AM, Yates, Jack <jyates@ci.montgomery.tx.us> wrote:
Attached please find a question in the information regarding public notice on the Fisher rezoning request on Old Plantersville Road.

Jack

Montgomery City Council
AGENDA REPORT

Meeting Date: August 27, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Letter of Request, map showing the tracts
Date Prepared: August 23, 2018	

Subject

This is for the Planning Commission to consider calling two public hearings for the rezoning of 2580 and 2560 Lone Star Pkwy. from ID industrial to R-2 and B-commercial as shown on the attached exhibits—requested by Larry Jacobs

Description

This is a somewhat larger tract than what was just requested by Mr. Jacobs for the senior housing program, that was ultimately denied by the City Council. Again, this is just calling the public hearings.

Recommendation

Motion to call public hearing for September 24 and October 22..

Approved By

City Administrator	Jack Yates	Date: August 23, 2018
--------------------	------------	-----------------------




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 **S-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

**SURVEY OF
5.00 ACRES**

LOCATED IN THE B RIGSBY SURVEY, ABSTRACT NO. 21
 BASED ON THE 1987 THEREOF RECORDED IN
 COUNTY CLERK'S FILE 2007-116280
 THE DEED RECORDS MONTGOMERY COUNTY, TEXAS
 REF: CLOCKMAN O. R. 166281 DATE: FEB 11, 2017

THEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, AND TO THE
 BEST OF MY KNOWLEDGE, THIS PLAN CORRECTLY REPRESENTS THE FACTS AT
 THE TIME OF THE SURVEY AND THAT THERE ARE NO UNLAWFUL ENCUMBRANCES,
 OVERLAPS, DISCREPANCIES, OR CONFLICTS EXCEPT AS SHOWN HEREON.

Steven Laugilin
 STEVEN LAUGILIN RPLS # 5176



BENJAMIN RIGSBY SURVEY
 A-31

EVANS HEIRS
 Vol 1056, Pg 58
 D.R.M.C.TX

N 88°44'24" E
 304.79'

IRON BAR

5/8" IRF

238.74'

5/8" IRF

S 03°29'23" E
 345.75'

4.00 ACRE
 Vol 1000, Pg 136
 D.R.M.C.TX

R-2

5.00 Acres
 OUT OF
 49.88 ACRES
 CF#2007-116280
 R.P.R.M.C.TX

REMAINDER OF
 43.88 ACRE
 CF#2007-116280
 R.P.R.M.C.TX

LONESTAR COMMUNITY
 CENTER
 CAB 2, SHT 1570
 MRMC, TX

RESTRICTED
 RESERVE "B"
 2.00 ACRES

N 86°22'01" E
 60.04'

N 86°22'01" E
 82.62'

165.41'
 0.54 Acres
 EASEMENT
 ACCESS

N 01°31'48" W
 392.77'

N 01°31'48" E
 394.54'

S 86°22'01" W
 391.95'

REMAINDER OF
 43.88 ACRE
 CF#2007-116280
 R.P.R.M.C.TX

B

AREAS WITHIN ZONE "A"
 AS SCALED FROM FIRM MAP

AREAS WITHIN ZONE "B"
 AS SCALED FROM FIRM MAP

LONESTAR PARKWAY
 CF# 2005-077876, 2008-114410
 (VARIABLE WIDTH R.O.W.)

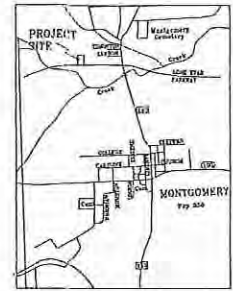
N 89°00'02" W
 104.82'

N 83°37'00" W
 104.73'

N 82°59'27" W
 145.98'

N 80°25'28" W
 46.20'

POC



SURVEYOR'S NOTES

- THE BEARINGS SHOWN HEREON ARE BASED ON THE RECORDED PLAT.
 - THE SURVEYOR HAS NOT ABSTRACTED THE SUBJECT PROPERTY.
 - THIS SURVEY RELIES ON THE TITLE COMMITMENT FROM OLD REPUBLIC TITLE COMPANY LDC, No. 185588 DATED FEB 21, 2017, FOR ALL THINGS OF RECORDS.
 - SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
 - ALL ADJOINER DEED INFORMATION MAY NOT REPRESENT CURRENT OWNER OR OWNERS.
 - EASEMENTS RECORDED IN CF# 2011-023301 & 2466-116111 DOES NOT EFFECT SUBJECT TRACT.
- ZONING DATA**
 SUBJECT PROPERTY LIES WITHIN THE CITY OF MONTGOMERY, TEXAS
- ACCESS NOTE:**
 UPON RECORDING, SUBJECT 5.00 ACRE TRACT HAS ACCESS TO THE LONESTAR PARKWAY VIA THE 60' ACCESS AGREEMENT ALONG THE WESTERLY LINE OF THE 5.00 ACRE TRACT AS SHOWN HEREON!

- SANITARY CLEANOUT
- ROAD SIGN
- ◇ IRRIGATION CONTROL
- ▣ GRATE PILET
- ⊙ GAS VALVE
- ⊙ WATER VALVE
- LIGHT POLE
- ⊠ POWER POLE
- ⊠ ELECTRIC TRANS. BOX
- ⊠ FIRE HYDRANT
- ⊙ SANITARY SEWER
- ⊙ STORM SEWER
- ⊙ TELEPHONE PED
- LIGHT POLE
- △ FLAG POLE
- ⊙ FIBER OPTIC MARKER
- ⊠ TRAFFIC SIGNAL
- ⊙ PIPELINE MARKER
- ⊠ WATER METER
- ⊙ HANDLE
- ⊙ METER POLE

- NOTES:**
- 1) B.L. = BUILDING LINE
 - 2) U.E. = UTILITY EASEMENT
 - 3) R.P.R.M.C.TX. = REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS.
 - 4) M.R.M.C.TX. = MAP RECORDS OF MONTGOMERY COUNTY, TEXAS
 - 5) ALL PROPERTY CORNERS ARE 5/8" I.R.L.S. UNLESS OTHERWISE NOTED.
 - 6) BY GRAPHIC SCALING ONLY THIS PROPERTY IS WITHIN A DESIGNATED FLOOD HAZARD AREA ACCORDING TO FEMA FIRM MAP No. 48335C439 G, DATED AUG 18 2014.

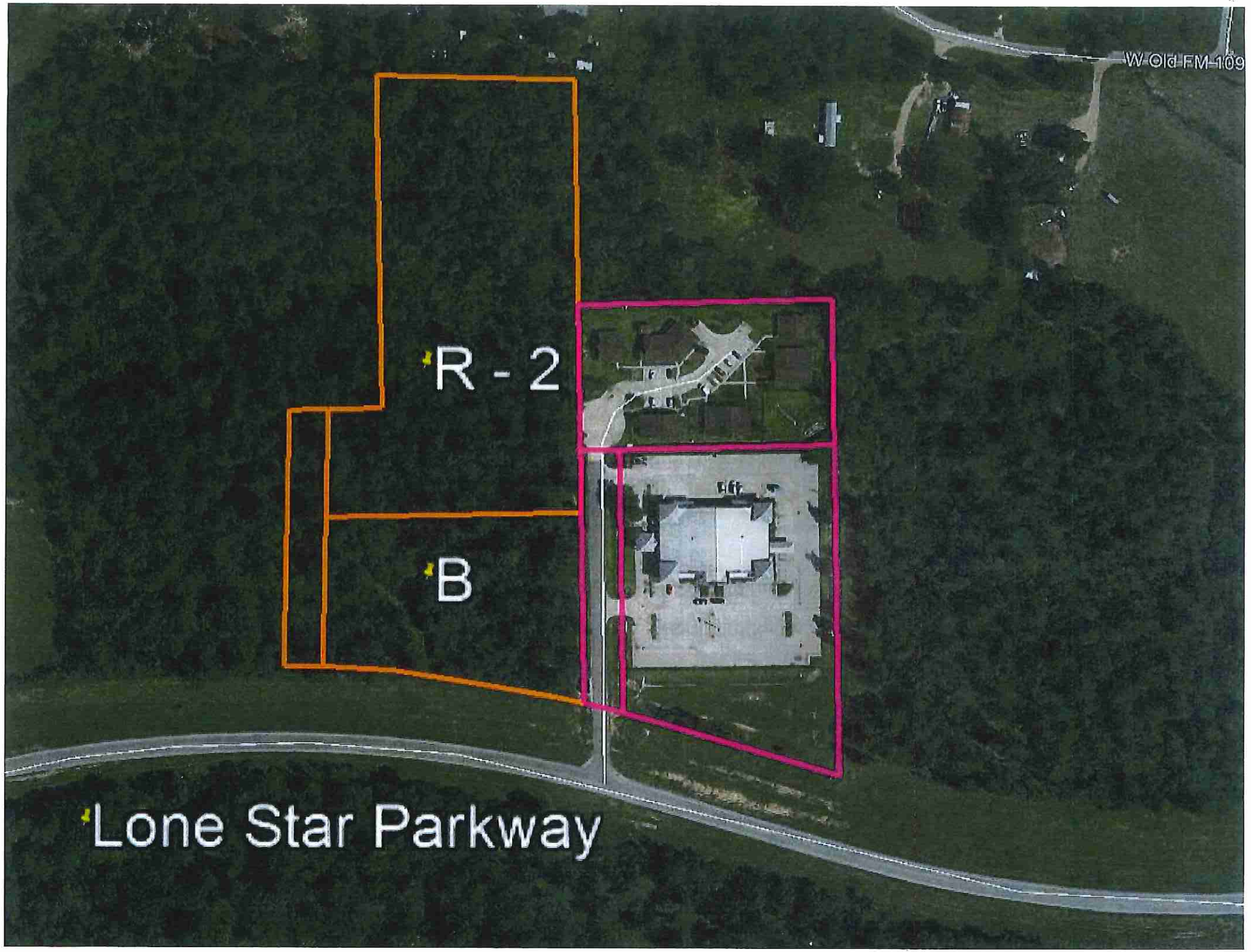


URVTECH
 A Land Surveying Company
 SURVEYORS
 PLANNERS
 P.O. BOX 1080 CONROE, TEXAS 77305-1080
 936-539-5444 FAX 936-539-5442
 EMAIL: survtech@urvtech.com

R - 2

B

Lone Star Parkway



2560 + 2580 Lone Star Pkwy, Montgomery, Tx. 77356



Addressed V.D.
Signature —
Approved —

AUG 21 2018

MCECD - 911

Montgomery City Council
AGENDA REPORT

Meeting Date: August 27, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: City Engineer Memo/Plat
Date Prepared: August 23, 2018	

Subject

This is the Final Plat for The Shoppes area at the southeast corner of Fm2854 and SH 105

Description

This follows the use and detail as discussed in the 380 agreement.

Recommendation

Recommend approval of the plat as presented.

Approved By

City Administrator	Jack Yates	Date: August 23, 2018
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1575 Sawdust Road, Suite 400
The Woodlands, Texas 77380
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

August 21, 2018

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

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

Dear Commission:

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

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

Sincerely,

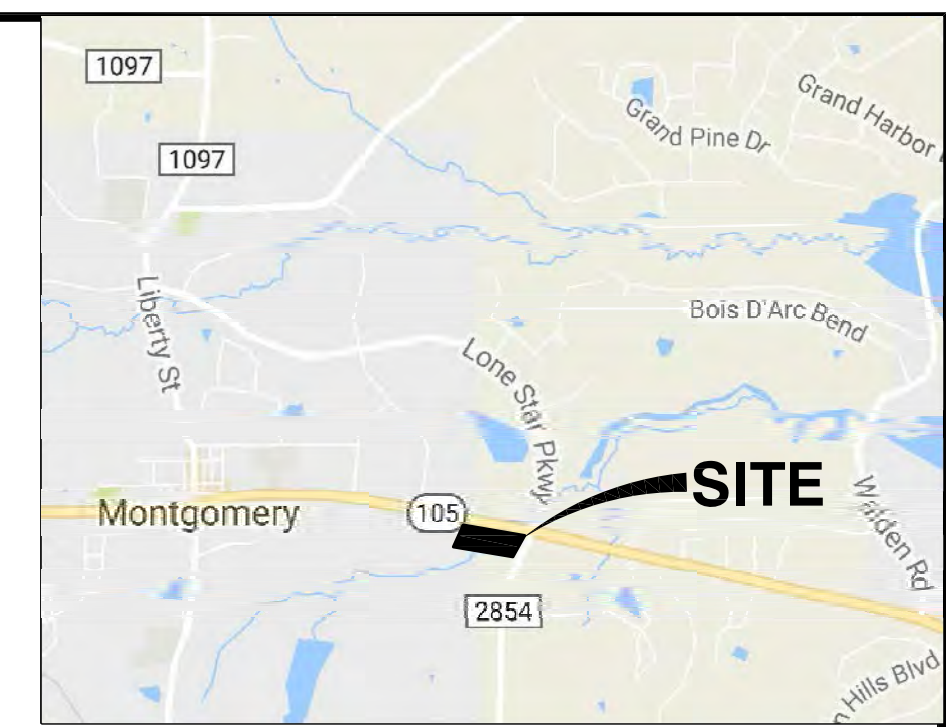
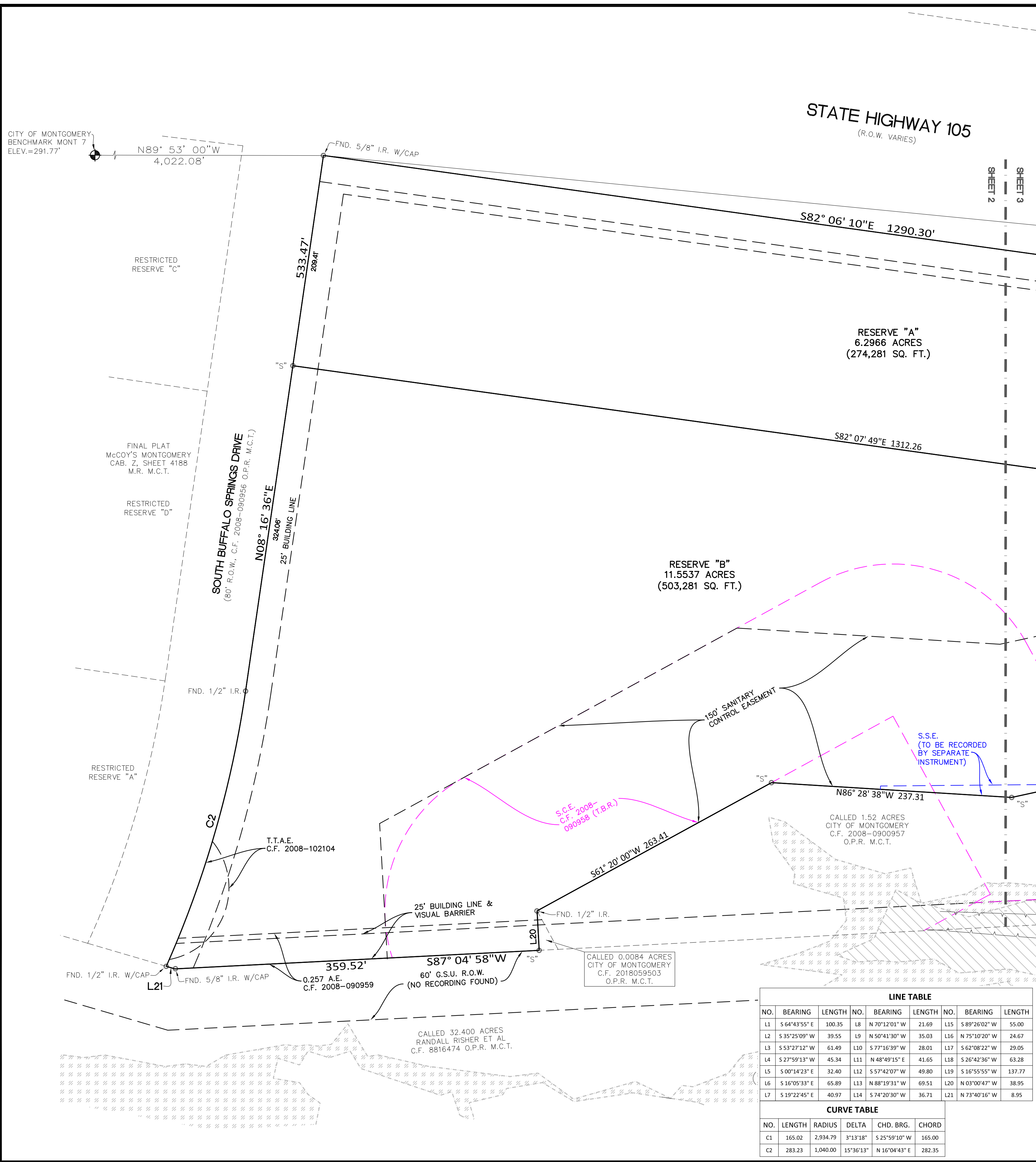
A handwritten signature in blue ink that reads 'Chris Roznovsky'.

Chris Roznovsky, PE
Engineer for the City

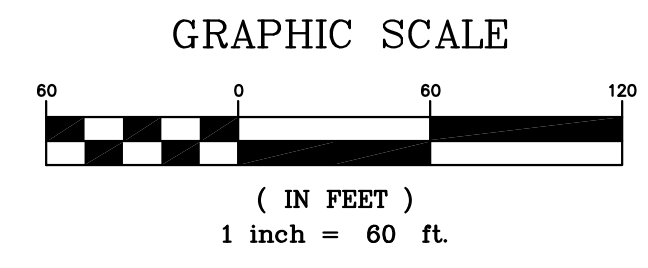
CVR/ab

K:\W5841\W5841-1018-00 The Shoppes at Montgomery\Project Management\Letters\Shoppes\FINAL PLAT APPROVAL Shoppes at Montgomery Section 2 08212018.doc

Enclosures: The Shoppes at Montgomery Sec. 2 Final Plat
Plat Fee Calculation Sheet, Title Letter, and Tax Certificate
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



VICINITY MAP
N.T.S.



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
- 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" 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

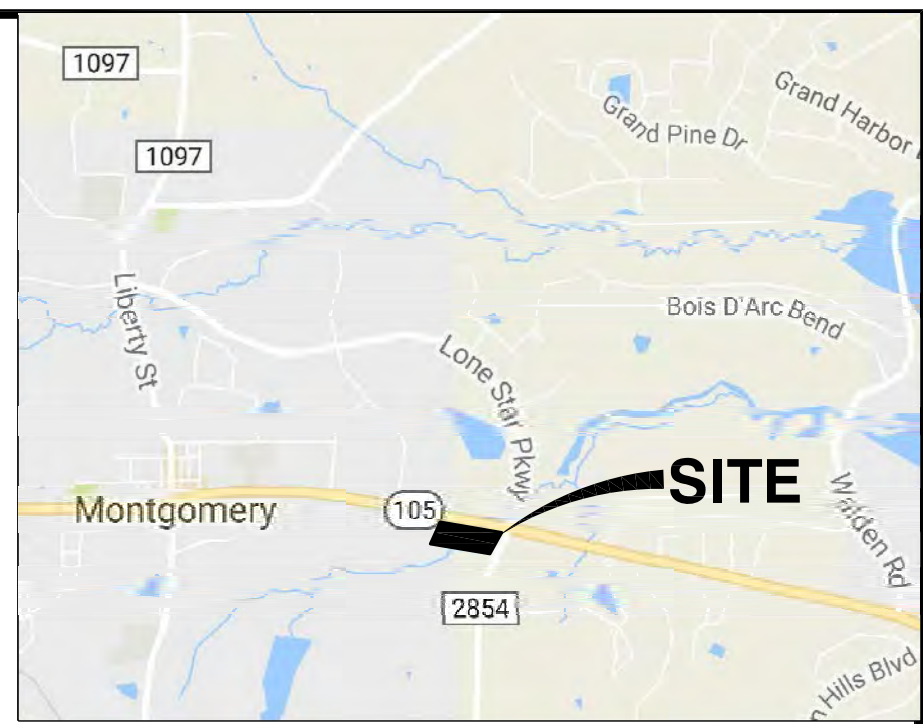
SURVEYOR:

 Formerly
TOWN AND COUNTRY SURVEYORS
 2219 SAWDUST ROAD, STE. 2003
 THE WOODLANDS, TX 77380
 (281)465-8730
 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

LINE TABLE								
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	S 64°43'55" E	100.35	L8	N 70°12'01" W	21.69	L15	S 89°26'02" W	55.00
L2	S 35°25'09" W	39.55	L9	N 50°41'30" W	35.03	L16	N 75°10'20" W	24.67
L3	S 53°27'12" W	61.49	L10	S 77°16'39" W	28.01	L17	S 62°08'22" W	29.05
L4	S 27°59'13" W	45.34	L11	N 48°49'15" E	41.65	L18	S 26°42'36" W	63.28
L5	S 00°14'23" E	32.40	L12	S 57°42'07" W	49.80	L19	S 16°55'55" W	137.77
L6	S 16°05'33" E	65.89	L13	N 88°19'31" W	69.51	L20	N 03°00'47" W	38.95
L7	S 19°22'45" E	40.97	L14	S 74°20'30" W	36.71	L21	N 73°40'16" W	8.95

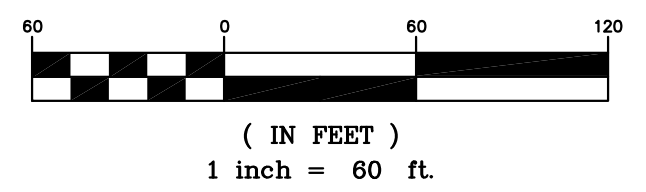
CURVE TABLE					
NO.	LENGTH	RADIUS	DELTA	CHD. BRG.	CHORD
C1	165.02	2,934.79	3°13'18"	S 25°59'10" W	165.00
C2	283.23	1,040.00	15°36'13"	N 16°04'43" E	282.35



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
- 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
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1 BLOCK 4 RESERVES
AUGUST 2018

SURVEYOR:



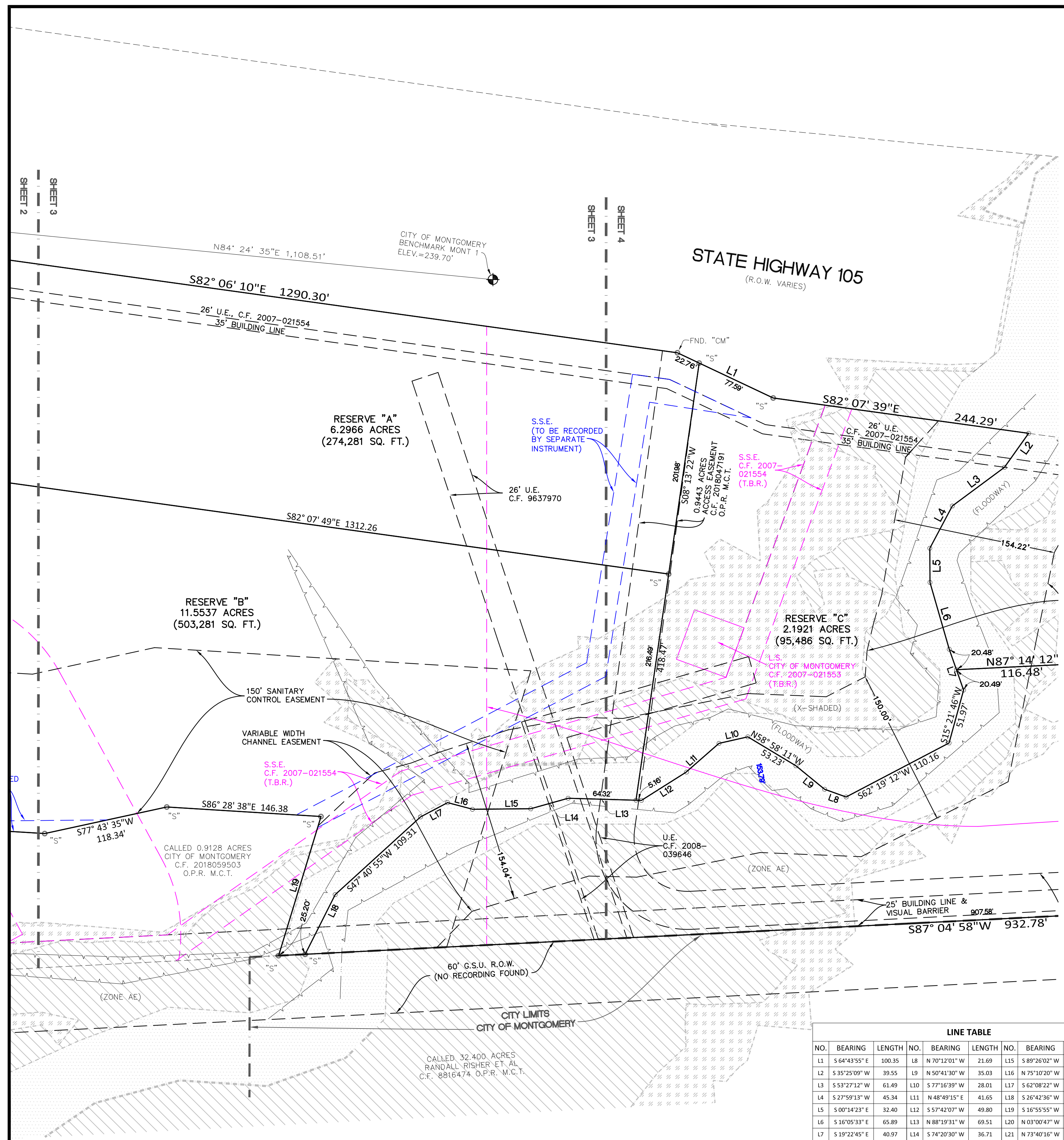
OWNER:

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

TBPLS REG. NO. 10194172

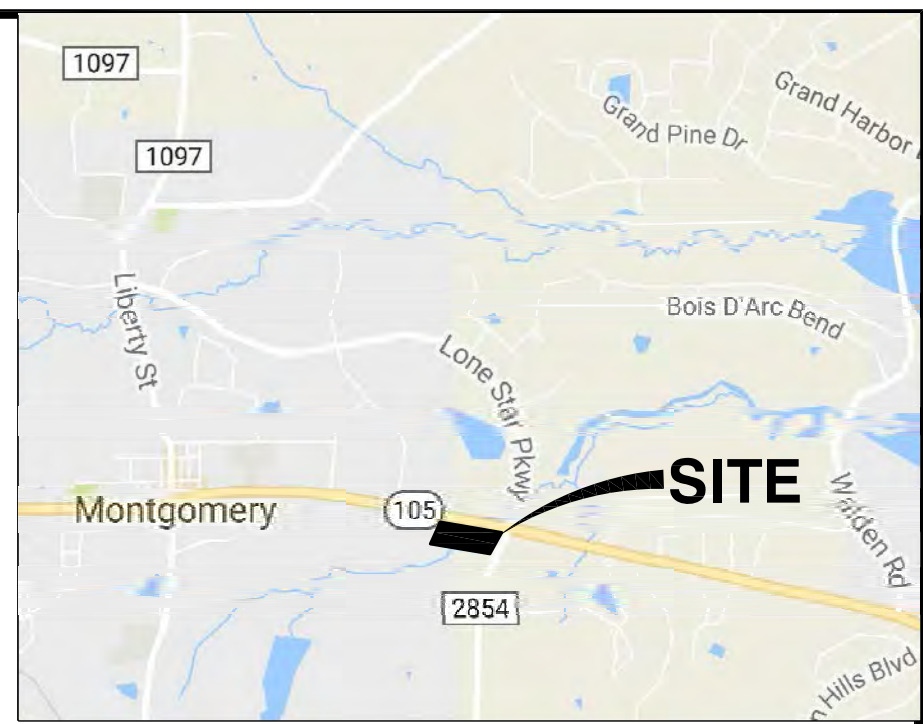
SDR/JDC JOB No. 17-0494

SHEET 3 OF 5

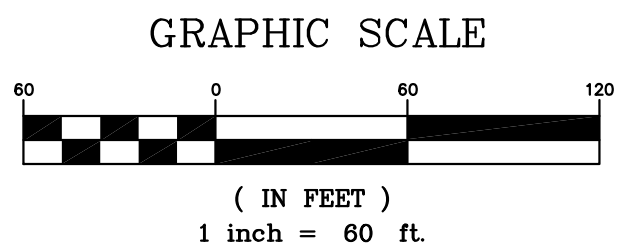


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VICINITY MAP
N.T.S.



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 |
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STAMPED "LANDPOINT 10194172" |
| ○ | PROPERTY MARKER |

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

SURVEYOR:



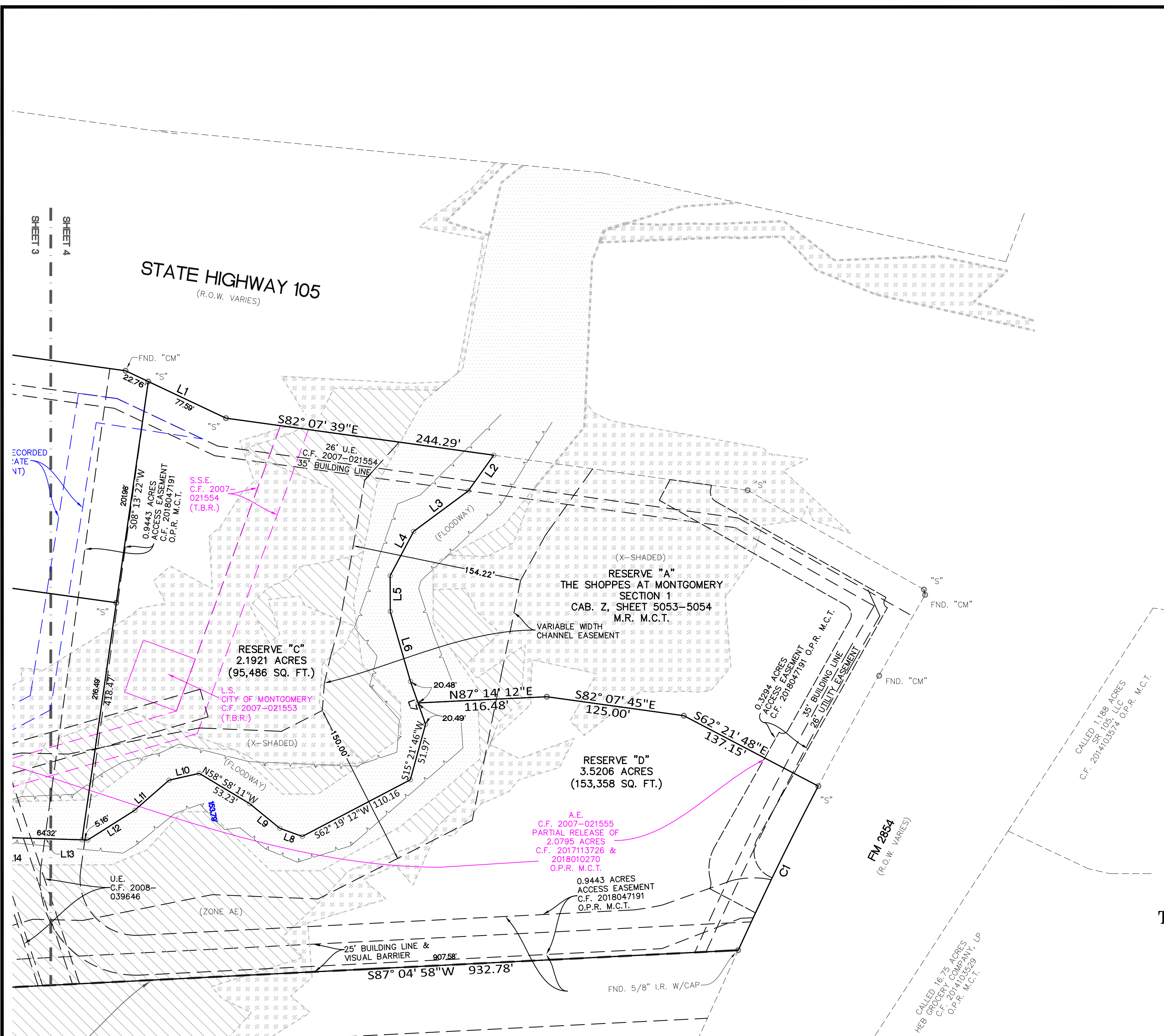
OWNER:

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

TBPLS REG. NO. 10194172

SDR/JDC JOB No. 17-0494

SHEET 4 OF 5



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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 proportionality exists between the dedications, improvements, and exactions 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 Bellock, its Vice President, there unto authorized, attested by its _____ and its common seal hereunto affixed this _____ day of _____ 2018.

Montgomery SH 105 Associates, LLC

BY: _____
Jonathan Bellock, Vice President

Attest: _____

STATE OF TEXAS
COUNTY OF MONTGOMERY

BEFORE ME, the undersigned authority, on this day personally appeared Jonathan Bellock, its Vice President, and _____ 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 Canine, 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 Canine
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 Hensley - 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 or 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

SURVEYOR:

Formerly
TOWN AND COUNTRY SURVEYORS
2219 SAWDUST ROAD, STE. 2003
THE WOODLANDS, TX 77380
(281)465-8730
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



Plat Filing Fee Calculation Sheet

Upon completion return calculation sheet with plat fee to Autumn Redman at Montgomery City Hall, 101 Old Plantersville Road, Montgomery, TX 77316

Please complete the information below corresponding to the type of plat you are submitting. Your calculation of the plat fee will be verified upon submittal to the City.

A. CONTACT INFORMATION

Plat Name: The Shoppes at Montgomery Section 2

Name of Development: The Shoppes at Montgomery

Development Number: _____

Name of Owner: Montgomery SH 105 Associates, LLC

Mailing Address: 149 Colonial Road

City/State/Zip: Manchester, CT 06045

Telephone Number: 860 - 646 - 6555 Fax Number: _____

Cell Phone: _____ Email: _____

Name of registered Professional Land Surveyor: _____

Firm Name & Registration No.: Landpoint 10194172

Mailing Address: 2219 Sawdust Road, Suite 2003

City/State/Zip: The Woodlands, TX 77380

Telephone Number: 281 - 465 - 8730 Fax Number: _____

Cell Phone: _____ Email: _____

B. DEVELOPMENT INFORMATION

Number of Acres: 23.5630 Number of Lots: _____

C. PRELIMINARY PLAT

- 1. \$200.00 Base Fee.....\$200.00
- 2. \$5.00/acre Additional Fee.....\$ 0
- 3. \$5.00/lot Additional Fee.....\$ 0

Total Plat Fee Due (Sum of 1 and greater of 2 or 3):.....\$ _____

D. FINAL, AMENDING, REPLAT, AND MINOR PLAT

- 1. \$200.00 Base Fee.....\$200.00
- 2. \$30.00/acre Additional Fee..... 0 \$706.89
- 3. \$8.00/lot Additional Fee.....\$ 0

Total Plat Fee Due (Sum of 1 and greater of 2 or 3):.....\$ 906.89

E. DEVELOPMENT PLAT

- 1. \$200.00 Base Fee.....\$200.00
- 2. \$5.00/acre Additional Fee.....\$ 0

Total Plat Fee Due (Sum of 1 and 2):.....\$

For City Use Only

Amount Received: _____

Date Received: _____

Check Number: _____

Received by: _____

Date _____



Integrity Title Company, LLC

CITY PLANNING LETTER

July 25, 2018
Effective Date: July 19, 2018

Job No. 1829574A
Ref: R31299

STATE OF TEXAS:
COUNTY OF MONTGOMERY:

THIS IS TO CERTIFY: That after a careful examination of the records in the offices of the Clerk of this County (excluding U. C. C. Records), as to the property described as follows:

Being 23.5630 acres (1,026,406 square feet) of land, all of the Remainder of a called 26.43 acres, conveyed to Montgomery SH 105 Associates, LLC, by deed recorded under County Clerk's File Number (C.F.) 2017074546 Official Public Records of Montgomery County, Texas (O.P.R. M.C.T.) and all of a called 0.057 acres, being a save and except tract of the Remainder of a called 26.43 acres, conveyed to the City of Montgomery, by deed recorded under C.F. 2007-021553 O.P.R. M.C.T., said 23.5630 acre tract lying in the John Corner Survey, Abstract 8 and being more particularly described by metes and bounds as follows:

BEGINNING at a found 5/8 inch iron rod with cap in the west right-of-way (R.O.W.) of FM 2854, Public R.O.W. line varies, marking the northeast corner of a called 32.400 acres, conveyed to Randall Risher, ET AL, by deed recorded under C.F. 8816474 O.P.R. M.C.T., also being the southeast corner of said Remainder and the herein described tract;

THENCE South 87°04'58" West, along the north line of said 32.400 acres, a distance of 932.78 feet to a set 5/8 inch iron rod with cap stamped "Landpoint 10194172", marking the southeast corner of a called 0.9128 acres, conveyed to said City of Montgomery, by deed recorded under C.F. 2018059503 O.P.R. M.C.T., also being an external corner of the herein described tract;

THENCE North 16°55'55" East, a distance of 137.77 feet a set 5/8 inch iron rod with cap stamped "Landpoint 10194172", marking the northeast corner of said 0.9128 acres, also being an internal corner of the herein described tract;

THENCE North 86°28'38" West, a distance of 146.38 feet a set 5/8 inch iron rod with cap stamped "Landpoint 10194172", marking an angle point of said 0.9128 acres and the herein described tract;

THENCE South 77°43'35" West, a distance of 118.34 feet a set 5/8 inch iron rod with cap

stamped "Landpoint 10194172", marking an angle point of said 0.9128 acres and the herein described tract;

THENCE North 86°28'38" West, a distance of 237.31 feet a set 5/8 inch iron rod with cap stamped "Landpoint 10194172", , marking an angle point of a called 1.52 acres, conveyed to said City of Montgomery, by deed recorded under C.F. 2008-0900957 O.P.R. M.C.T. and the herein described tract;

THENCE South 61°20'00" West, a distance of 263.41 feet to a found 1/2 inch iron rod, marking the common corner of said 1.52 acres and a called 0.0084 acres, conveyed to said City of Montgomery, by deed recorded under C.F. 2018059503 O.P.R. M.C.T., also being an angel point of the herein described tract;

THENCE South 03°00'47" East, a distance of 38.95 feet a set 5/8 inch iron rod with cap stamped "Landpoint 10194172", to a set 5/8 inch iron rod with cap stamped "Landpoint 10194172" in said north line of said 32.400 acres, marking the southwest corner of said 0.0084 acres, also being an external corner of the herein described tract;

THENCE South 87°04'58" West, along said north line, a distance of 359.52 feet to a found 5/8 inch iron rod with cap, marking an angle point of the herein described tract;

THENCE North 73°40'16" West, along said south line, a distance of 8.95 feet to a found 1/2 inch iron rod with cap, marking the southeast corner of South Buffalo Springs Drive, 80 foot R.O.W., also being the southwest corner of the herein described tract;

THENCE along a the east R.O.W. line of said South Buffalo Springs Drive and 283.23 feet along the arc of a curve to the LEFT, having a radius of 1040.00 feet, a delta angle of 15° 36' 13", and whose long chord bears North 16°04'43" East a distance of 282.35 feet to a found 1/2 inch iron rod, marking a point of tangency of the herein described tract;

THENCE North 08°16'36" East, along said east R.O.W., a distance of 533.47 feet to a set 5/8 inch iron rod with cap stamped "Landpoint 10194172" in the south R.O.W. line of State Highway 105, Public R.O.W. line varies, marking the northwest corner of the herein described tract;

THENCE South 82°06'10" East, along said south R.O.W., a distance of 1290.30 feet to a found concrete monument, marking an angle point of the herein described tract;

THENCE South 64°43'55" East, along said south R.O.W., a distance of 100.35 feet to set 5/8 inch iron rod with cap stamped "Landpoint 10194172", marking an angle point of the herein described tract;

THENCE South 82°07'39" East, a distance of 244.29 feet to a point for corner in the center line of an existing creek, marking the northwest corner of Reserve "A", The Shoppes at Montgomery Section 1, recorded under Cabinet Z, Sheet 5053through 5054 Map Records of Montgomery County, Texas (M.R. M.C.T.), also being an external corner of the herein described tract;

THENCE South 35°25'9" West, along said center line and the west line of Reserve "A", a distance of 39.55 feet to an angle point of the herein described tract;

THENCE South 53°27'12" West, along said center line and the west line of Reserve "A", a distance of 61.49 feet to an angle point of the herein described tract;

THENCE South 27°59'13" West, along said center line and the west line of Reserve "A", a distance of 45.34 feet to an angle point of the herein described tract;

THENCE South 00°14'23" East, along said center line and the west line of Reserve "A", a distance of 32.40 feet to an angle point of the herein described tract;

THENCE South 16°05'33" East, along said center line and the west line of Reserve "A", a distance of 65.89 feet to an angle point of the herein described tract;

THENCE South 19°22'45" East, along said center line and the west line of Reserve "A", a distance of 20.48 feet to a point for corner, marking the southwest corner of said Reserve "A", also being an internal corner of the herein described tract;

THENCE North 87°14'12" East, along the south line of said Reserve "A", a distance of 116.48 feet to an angle point of the herein described tract;

THENCE South 82°07'45" East, along the south line of said Reserve "A", a distance of 125.00 feet to an angle point of the herein described tract;

THENCE South 62°21'48" East, along the south line of said Reserve "A", a distance of 137.15 feet to a point for corner in said west R.O.W. line of said FM 2854, marking the southeast corner of said Reserve "A", also being an external corner of herein described tract;

THENCE along said west R.O.W. line and a curve to the LEFT, having a radius of 2934.79 a delta angle of 03° 13' 17.91", and whose long chord bears South 25°59'10" West a distance of 165.00 feet, an arc length of 165.02 feet to the **POINT OF BEGINNING** and containing a computed 23.5630 acres (1,026,406 square feet) of land.

We find the record title to be apparently in:

MONTGOMERY SH 105 ASSOCIATES, LLC and CITY OF MONTGOMERY

By virtue of that certain Special Warranty Deed dated August 16, 2017 from James Clifton Rampy, et al and recorded under Montgomery County Clerk's File Number 2017074546.

By virtue of that certain Special Warranty Deed dated June 12, 2018 from Montgomery SH 105 Associates, LLC and recorded under Montgomery County Clerk's File Number 2018059503.

By virtue of that certain Special Warranty Deed dated June 12, 2018 from City of Montgomery and recorded under Montgomery County Clerk's File Number 2018059504.

Subject to the following liens:

Deed of Trust, Assignment of Rents and Security Agreement made payable to Whitney Bank dated August 16, 2017 and recorded under Montgomery County Clerk's File Number 2017074547.

Subject to the following easements and encumbrances:

Gulf States Utilities Company Easement dated March 12, 1996 and recorded under Montgomery County Clerk's File Number 9637970.

Utility Easement dated October 13, 2006 and recorded under Montgomery County Clerk's File Number 2007021554.

Access Easement dated October 13, 2006 and recorded under Montgomery County Clerk's File Number 2007021555.

Entergy Gulf States, Inc. Easement dated October 24, 2007 and recorded under Montgomery County Clerk's File Number 2008039646.

Access Easement dated May 1, 2008 and recorded under Montgomery County Clerk's File Number 2008090959.

Buffer Zone Easement dated May 1, 2008 and recorded under Montgomery County Clerk's File Number 2008090958.

Temporary Turn-Around Easement dated October 14, 2008 and recorded under Montgomery County Clerk's File Number 2008102104.

Subject to the following restrictions:

Restrictions per Montgomery County Clerk's File Number 2018047191, 2018047192, 2018047193, 2018047190, 2018049285 and 2018049286.

We have made no examination as to special assessments or conflicts.

INTEGRITY TITLE COMPANY LLC



Chris Layne
Abstractor

LIMITATION OF LIABILITY: THE LIABILITY OF EITHER PARTY WITH RESPECT TO THIS INFORMATION OR ANY ACT IN CONNECTION HEREWITH WHETHER IN CONTRACT, TORT, OR OTHERWISE, SHALL NOT EXCEED THE PRICE OF THE SERVICES OR PRODUCTS SOLD HEREUNDER OR THE PRICE OF THAT PORTION OF SUCH SERVICES OR PRODUCTS ON WHICH LIABILITY IS ASSERTED. COURTHOUSE SPECIALISTS (SELLER) MAKES NO WARRANTY WHATSOEVER, EXPRESS, IMPLIED OR STATUTORY, AS TO THE QUALITY, FITNESS, SUITABILITY, CONFORMITY, OR MERCHANTABILITY OF THE SERVICES OR PRODUCTS SOLD. IF THE TRANSACTION IN QUESTION IS ARISING FROM OR RELATED TO AN AUCTION OR FORECLOSURE, INCLUDING WITHOUT LIMITATION A TAX AUCTION, HOA AUCTION OR SIMILAR AUCTION PROCEEDING, THE BUYER TAKES THE PROPERTY SUBJECT TO ALL LIENS, ENCUMBRANCES AND OTHER MATTERS OF RECORD WHETHER OR NOT REFLECTED ON THE CERTIFICATE.

TAX CERTIFICATE



TAMMY J. MCRAE
MONTGOMERY COUNTY TAX ASSESSOR-COLLECTOR
400 N. SAN JACINTO
CONROE, TX 77301-2823

Issued To:

MONTGOMERY SH 105 ASSOCIATES LLC
149 COLONIAL RD
MANCHESTER, CT 06042-2307

Legal Description

A0008 - CORNER JOHN, TRACT 2, ACRES
26.43

Parcel Address:

Legal Acres: 26.4300

Account Number: 00.0008.00.00204

Certificate No: 237814772

Certificate Fee: \$10.00

Print Date: 08/16/2018

Paid Date: 08/16/2018

Issue Date: 08/16/2018

Operator ID: EMAST

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 AND 11.43(i) OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2017. TAXES THRU 2017 ARE PAID IN FULL. TAXES HAVE NOT BEEN CREATED FOR YEAR(S): 2018.

Exemptions:

Certified Owner:

MONTGOMERY SH 105 ASSOCIATES LLC
149 COLONIAL RD
MANCHESTER, CT 06042-2307

Certified Tax Unit(s):

- 1 MONTGOMERY COUNTY
2 MONTGOMERY CO HOSPITAL DIST
203 MONTGOMERY ISD
303 CITY OF MONTGOMERY
802 MONTGOMERY CO ESD 2

Table with 2 columns: Description and Amount. Rows include 2017 Value (3,437,250), 2017 Levy (\$83,133.33), 2017 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and Total Amount Due (\$0.00).

PROPERTY OMITTED FROM THE APPRAISAL ROLL AS DESCRIBED UNDER TAX ROLL SECTION 25.21 IS NOT INCLUDED IN THE CERTIFICATE [TAX ROLL SECTION 31.08(B)]. DUE TO ITS ASSIGNED USAGE, THE ABOVE LEGAL PROPERTY MAY HAVE RECEIVED SPECIAL VALUATION, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL VALUATION.

Reference (GF) No: N/A

Issued By:

TAMMY J. MCRAE
MONTGOMERY COUNTY TAX ASSESSOR-COLLECTOR
(936) 539-7897

Montgomery City Council
AGENDA REPORT

Meeting Date: August 27th, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Maps showing the present zoning and a map showing the zoning by ordinances (a much larger Ordinance map will be given to you at the meeting.
Date Prepared: August 23, 2018	

Subject

This is to clarify the zoning map using the ordinances as they were adopted as the guide—as researched by the City Engineer.

Description

The city attorney has advised that adopting this map is a certain way of assuring a correct map because each property is tied to the zoning ordinance for any changes since the original adoption. With no public hearing required because the public was notified at the time of the passage of the original ordinances.

Recommendation

Report only , possible adoption next month.

Approved By

City Administrator	Jack Yates	Date: August 23, 2018
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1575 Sawdust Road, Suite 400
The Woodlands, Texas 77380-3795
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

August 23, 2018

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

Re: Proposed Approval of Zoning Map Updates
The City of Montgomery

Commission Members:

It recently came to our attention that the City's official zoning map does not correctly reflect all previously approved ordinances. We have found several properties that underwent rezoning by City ordinance between 2008 and 2014 but were not updated on the zoning map. Additionally, the current zoning map does not show the Corridor Enhancement District or Historic Landmarks, both of which are included in the Zoning Ordinance and should be shown on the zoning map. Enclosed in your packets is a copy of the current zoning map identifying the corrections/additions to be made. Also enclosed is a fully revised zoning map for your review.

Based on information provided by the City Attorney, it is our understanding that public hearings are not required before approving the corrected zoning map, as the hearings were held for each individual rezoning or initial zoning at the time of the ordinance. Therefore, we request the Planning and Zoning Commission approve updating the zoning map to accurately reflect all previously approved ordinances and adopt the amended map as the official City zoning map. Upon approval, we will also update your GIS system to reflect all zoning ordinances correctly.

As always, should you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

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

Chris Roznovsky, PE
Engineer for the City

CVR/kmv

K:\W5841\W5841-0900-00 General Consultation\Correspondence\Letters\2018\MEMO to P&Z RE Zoning Map Amendment Approval.doc

Enc: Current Zoning Map with Corrections Highlighted
Proposed Zoning Map

Cc (via email): 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



VICINITY MAP
Scale: 1 inch equals 10 miles

LEGEND

Base Layers

- City Limits
- Corridor Enhancement
- Boundary
- Historic District

Zone Classification

- Unknown
- Commercial
- Industrial
- Institutional
- Multi-Family
- Multi-Use
- Residential
- City ETJ
- City of Conroe ETJ
- MCAD Parcels

Other Callouts:

- All lots RT
- MICAD update
- R2 (Ord. No. 2011-16)
- PD per original zoning
- MICAD has added streets and lots
- PD (Ord. 2012-16)
- PD (Ord. 2012-21)
- PD (Ord. 2011-10)
- PD (Ord. 2012-21)
- Strip is B Commercial (Ord. 2012-14)
- MCAD updates these properties. Please update
- ID

LAST AMENDED 10 OCTOBER 2017
VIA ORDINANCE NO. 2017-22

1 INCH EQUALS 600 FEET

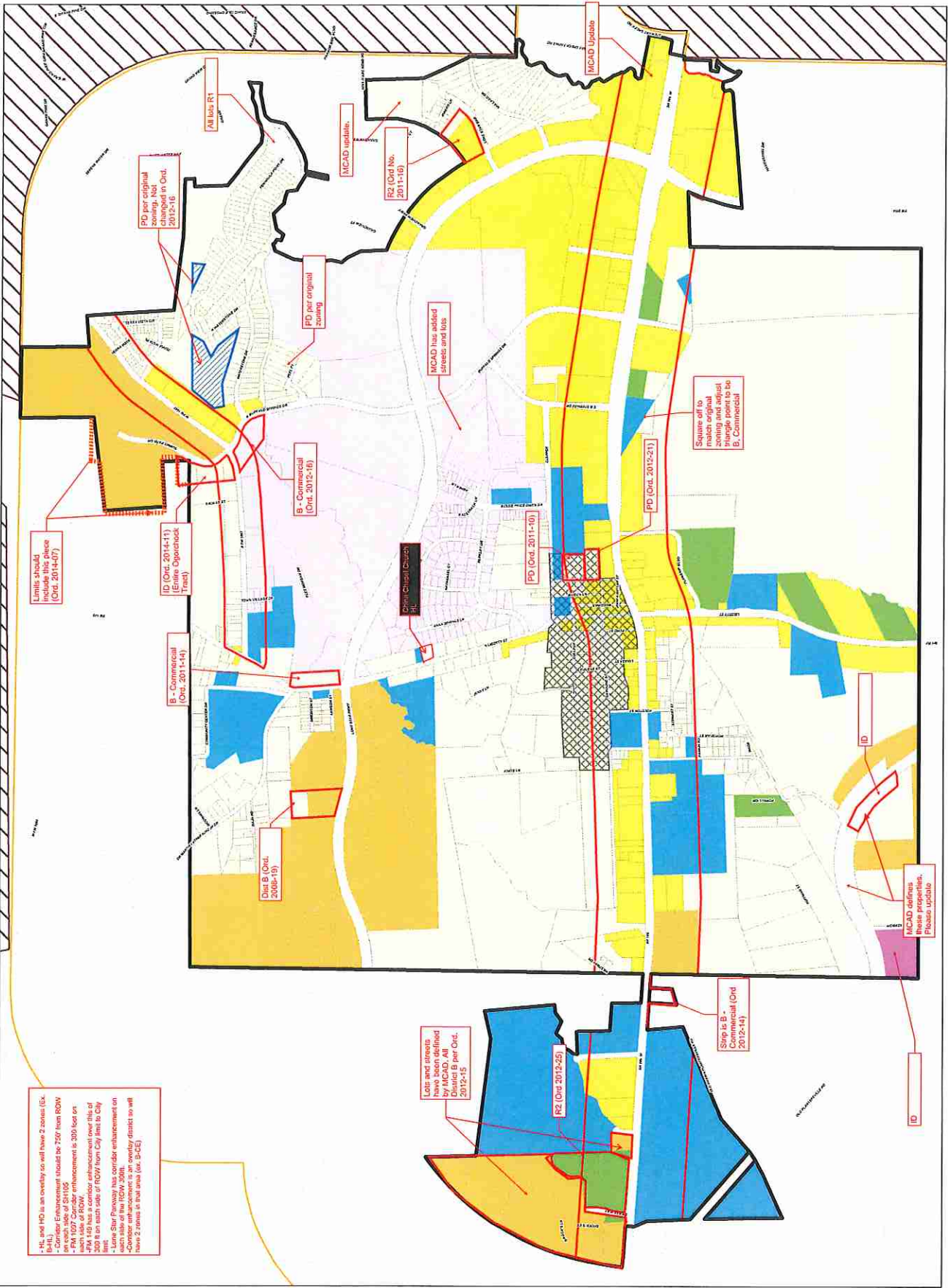


ZONING LAYOUT
(JUNE 2013)

1 INCH EQUALS 600 FEET

JONES CARTER

Team: Board of Professional Engineers Registration No. 4377



- RL and HO is an overlay so will have 2 zones (EX, BEH).
- Corridor Enhancement should be 750' from ROW on each side of SH105
- PM 1077 Corridor enhancement is 300 feet on each side of ROW
- PM 1161 has a corridor enhancement over lots of 300 ft on each side of ROW from City limits to City limits
- Lane Star Property has corridor enhancement on each side of the ROW 200ft.
- Corridor enhancement is an overlay district so will have 2 zones (EX, BEH)

Lots and streets have been defined by MICAD. All lots are B per Ord. 2012-18

Strip is B Commercial (Ord. 2012-14)

ID



CITY OF MONTGOMERY

P. O. BOX 708 MONTGOMERY, TEXAS 77356

Telephone: (936) 597-6434 / 597-6866

TO: Residents and Property Owners in the City of Montgomery

FROM: City of Montgomery

The City of Montgomery is rich in history and ambiance, and a contributing factor to its character is the number and quality of historic homes and other buildings throughout the City. In an effort to help preserve this ambiance, a Historic Preservation Ordinance and a Corridor Enhancement Ordinance have been drafted for public hearing and possible implementation by City Council. These tools are used by many cities throughout the state and country. Several months ago, a public hearing was held for the initial draft of the Historic Preservation Ordinance. After valuable input from City residents and other stakeholders in the City, a new version of the ordinance is being considered along with a separate Corridor Enhancement Ordinance.

Public hearings have been scheduled to gather input on these proposed ordinances for January 15, 2008 at 7:00 p.m. and January 22, 2008 at 6:30 p.m. with both hearings taking place at Montgomery City Hall, located at 101 Old Plantersville Rd. in Montgomery, TX.

The purpose of this letter is to educate property owners as to the content of the ordinances and explain how this approach differs from the previous draft:

- Establishes a Historic Preservation District which is an overlay to existing zoning classifications. It also establishes historic landmarks outside the district boundaries.
- Establishes Design Criteria Guidelines that provide direction as to how a subject building and related structures may look.
- The size of the district is much smaller than originally proposed and primarily includes the Downtown area as well as adjoining neighborhoods along Pond, Caroline, Prairie, and College Streets. This does not include landmark locations of the proposed district boundaries.
- Buildings/properties within the Historic Preservation District that are not deemed to be landmarks are not affected by the ordinance unless a major renovation to the façade is planned. However, voluntary compliance to the Design Criteria Guidelines is encouraged.
- Existing landmarks within and outside the district are subject to Design Criteria Guidelines only if a major façade change is planned. The prior ordinance draft included all properties within the district.
- Unless major renovations are planned, all existing homes/structures within the Historic Preservation District are already in compliance with the proposed ordinance.

- New construction within the district is subject to the Design Criteria Guidelines.
- Both versions of the ordinance prohibit the demolition or removal of a designated landmark without receiving proper approval. Additionally, both versions of the ordinance prohibit landmarks to be destroyed by neglect.
- As with the old draft, the new draft ordinance allows for economic hardship applications.
- Both ordinances establish special setback provisions in the Downtown area. However, the latest ordinance makes this voluntary rather than mandated.
- The Historic Preservation Commission has been eliminated. The oversight duties required to enforce the ordinance will be handled by City staff and the existing Planning and Zoning Commission as part of the building permit process.
- Lastly, during the last public hearing, many people expressed the desire to be able to influence architecture on buildings along Hwy. 105 and Hwy. 149 as well as the new Lone Star Parkway. The Corridor Enhancement Ordinance will do this.

In summary, it is believed these ordinances accomplish the preservation of the historic character of the City in a manner which is much less rigid in its requirements for both landmark and non-landmark buildings within the proposed district and enhances future construction along the major thoroughfares of the City. Copies of both ordinances may be obtained at City Hall or on the City website at www.historicmontgomerytexas.com under "City" and "Documents." Please also feel free to contact City Hall with any questions or requests for special accommodations at 936-597-6434.

HISTORIC LANDMARKS & HOMES

Rabon-Gullen Home	315 Caroline St.
Pecan Shadows	504 Caroline St.
Social Circle	602 Caroline St.
Bell's Grove	708 Caroline St.
Shelton-Smith Home	811 Caroline St.
Gay-Miller Home	816 Caroline St.
The Parsonage	902 Caroline St.
Price Hotel	Clepper St.
Old Methodist Parsonage	705 College St.
Davis Jackson Cottage	708 College St.
Chilton Home	709 College St.
Magnolia	801 College St.
Patton Home	902 College St.
Prairie House	905 College St.
Liberty Building	907 College St.
Melrose	202 Eva St.
Waters-Stewart	415 Houston
The Old Post Office	210 Liberty St.
First State Bank of Montgomery	211 Liberty St.
Davis Law Office	306 Liberty St.
Davis Cottage	308 Liberty St.
McCall Law Office	308 Liberty St.
Simonton-Furlow	415 Louisa
Homewood	303 Mason
Lincoln School	Martin Luther King Dr.
Mt. Sinai Church	Martin Luther King Dr.
Hardesty-Shockley House	623 Old Plantersville Rd.
New Cemetary	Old Plantersville Rd.
Old Baptist Church	301 Pond St.
The Bells of Montgomery (old Methodist Church)	309 Pond St.
Campbell Williams Home	411 Pond St.
Old Cemetary	Hwy 105 & Pond St.
Addison-Gandy House	104 Prairie St.
The Oaks	202 Prairie St.
Conner-Gibbs Home	Prairie St.
Old School Site	Simonton St. (end)
Arnold Simonton Home	905 Stewart
Montgomery Memorial Cemetary	FM1097
Knight of Pithias	Hwy 149 North
China Chapel Church	Hwy 149 North
Mt. Pleasant Church	Hwy 149 North
Original Townsite/ Trading Post on Town Creek	Hwy 149 North

Markers:

Railroad in Montgomery	Hwy 149 South/Liberty St.
John M. Wade 1815-1879	Eva St./Hwy 105 West
Reuben Jonathan Palmer	Old Cemetary
William S. Taylor	Old Cemetary

Community Center Grounds:

- Town of Montgomery Site Marker
- Montgomery County Courthouse Site Marker
- First Secretary of State Subject Marker – Charles Stewart
- Old Montgomery Community Well
- Time Capsule – Buried 4/25/87
- King's Café – site of Peel's Mercantile - 214 Liberty
- Branding Iron – site of Price Grocery - 212 Liberty



Overlay Zone

- Corridor Enhancement (CE)
- Historical Landmark (HL)
- Historic Preservation District (HD)

Base Layers

- City Limits
- City of Geneva ECU
- City ECU
- MCAD parcels

Zone Classification

Zoning

- Commercial (B)
- Industrial (ID)
- Institutional (I)
- Multi-Family (M2)
- Planned Development (PD)
- Residential (R1)

LAST AMENDED 13 FEBRUARY 2018
VIA ORDINANCE NO. 2018-06

Special Ordinance No. 2018-06



ZONING LAYOUT
(JUNE 2018)



JONES CARTER
Team, Board of Professional Engineers, Architects, No. 4379

