

**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.

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 11095 Old Plantersville Road. I concur with your determination that both uses seem in compliance with the Permitted Uses as listed in Sec. 98.65 of the City of Montgomery Zoning Ordinances (Ord No 1994-4, tables 12, 13, 1994-4)

Although neither use appears to present a problem, I invite your prospective buyer to be aware of the Regulations discussed in Section 98.153 and Purpose described in Section 98.212 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,

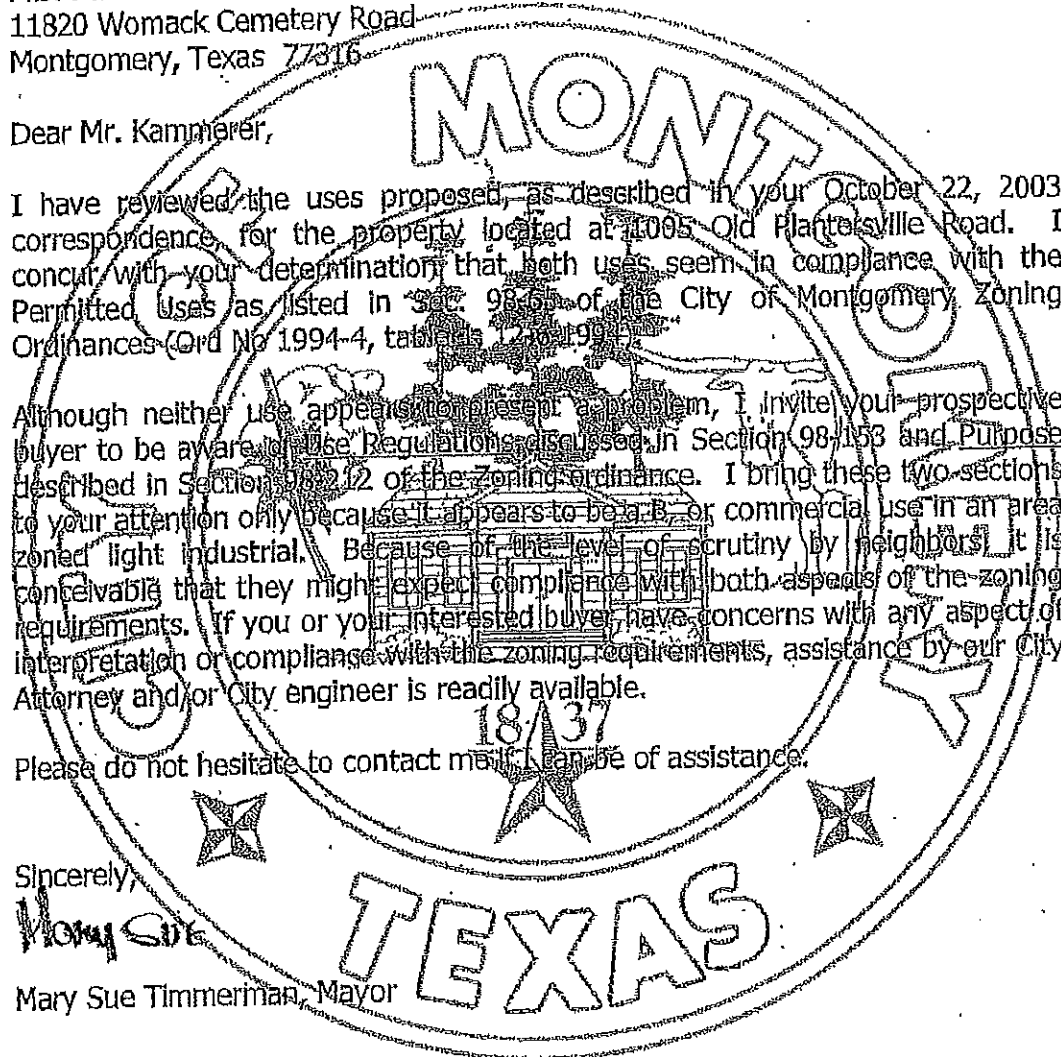
Mary Sue

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: _____

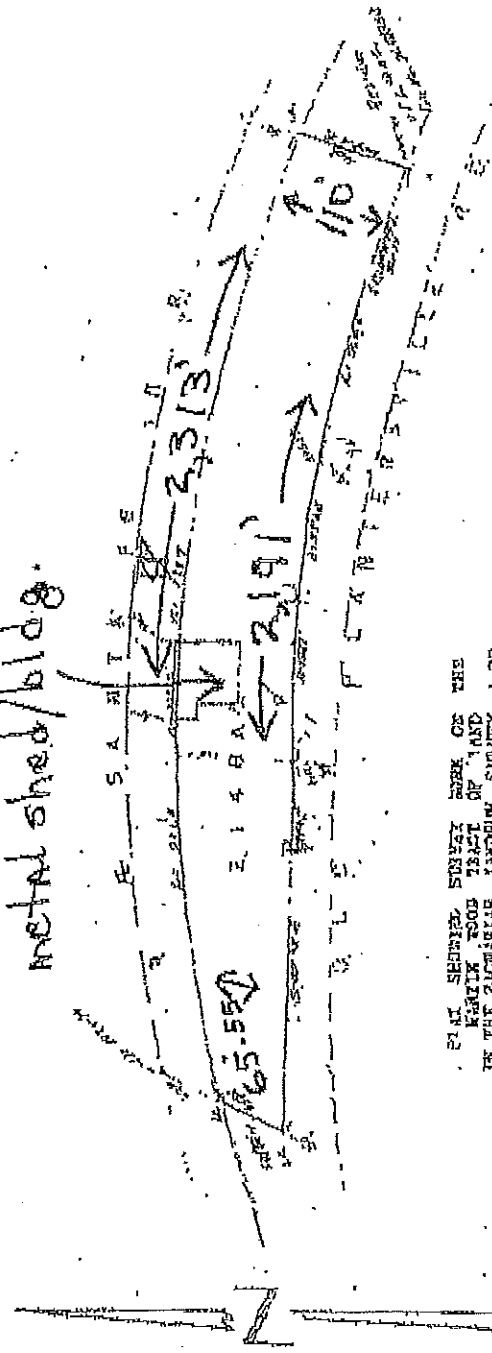
CD98:26

BUYER: _____

SELLER:  _____

PLAT EXHIBIT
2.148 ACS

metal shed/bldg.

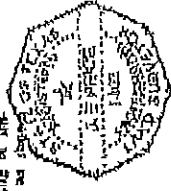


2.148 ACS

PLAT SHOWS THE CORNER OF THE
TRACT OF LAND SURVEYED
BY THE REGISTERED SURVEYOR
FEBRUARY 11, 1957

Scale 1" = 100 ft.
February 11, 1957

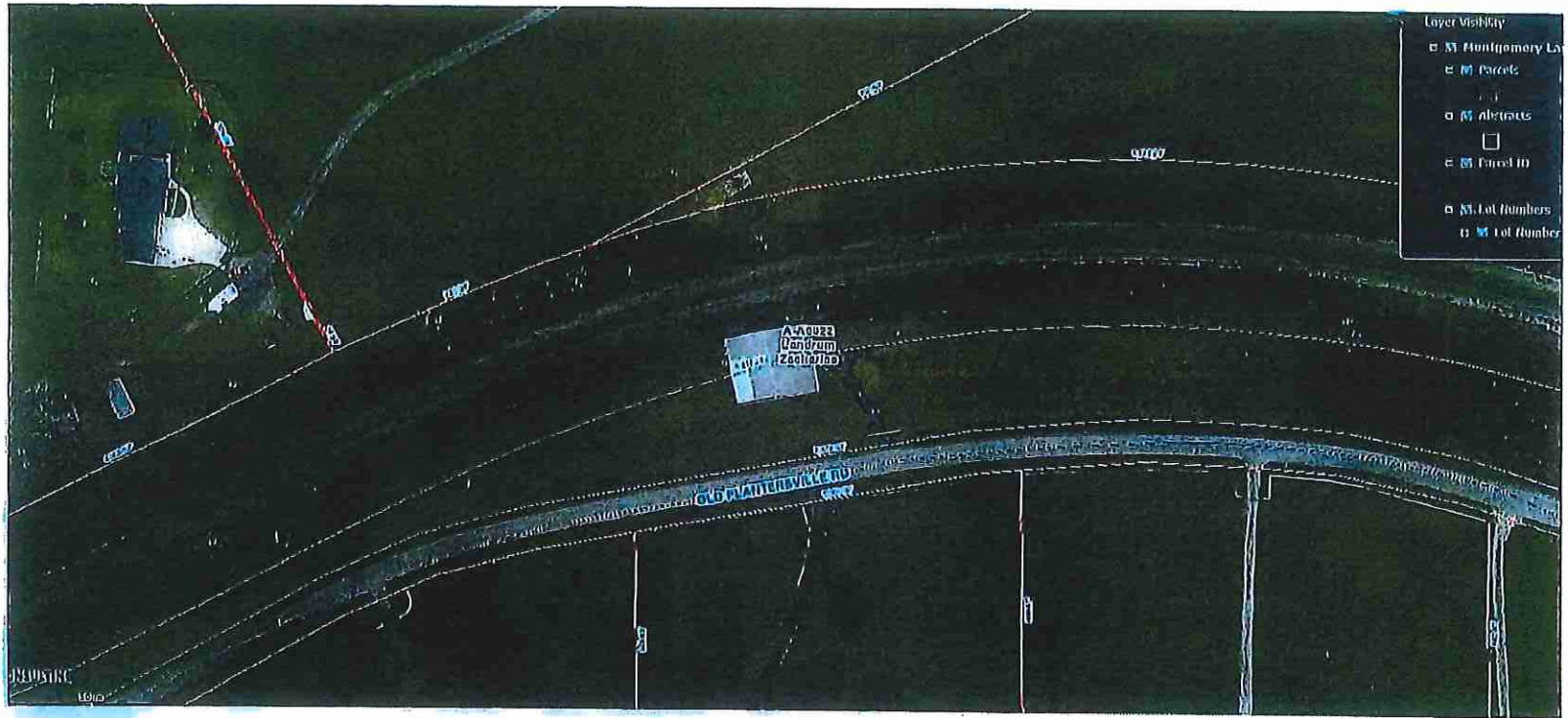
This is to certify that the survey was made by the Surveyor
at the place hereby described herein and to certify that
they have in an appropriate manner, identified the same.
Notwithstanding to whomsoever, accepting of the
same, the same shall be deemed to be the same as shown
on the plat hereof for all purposes.



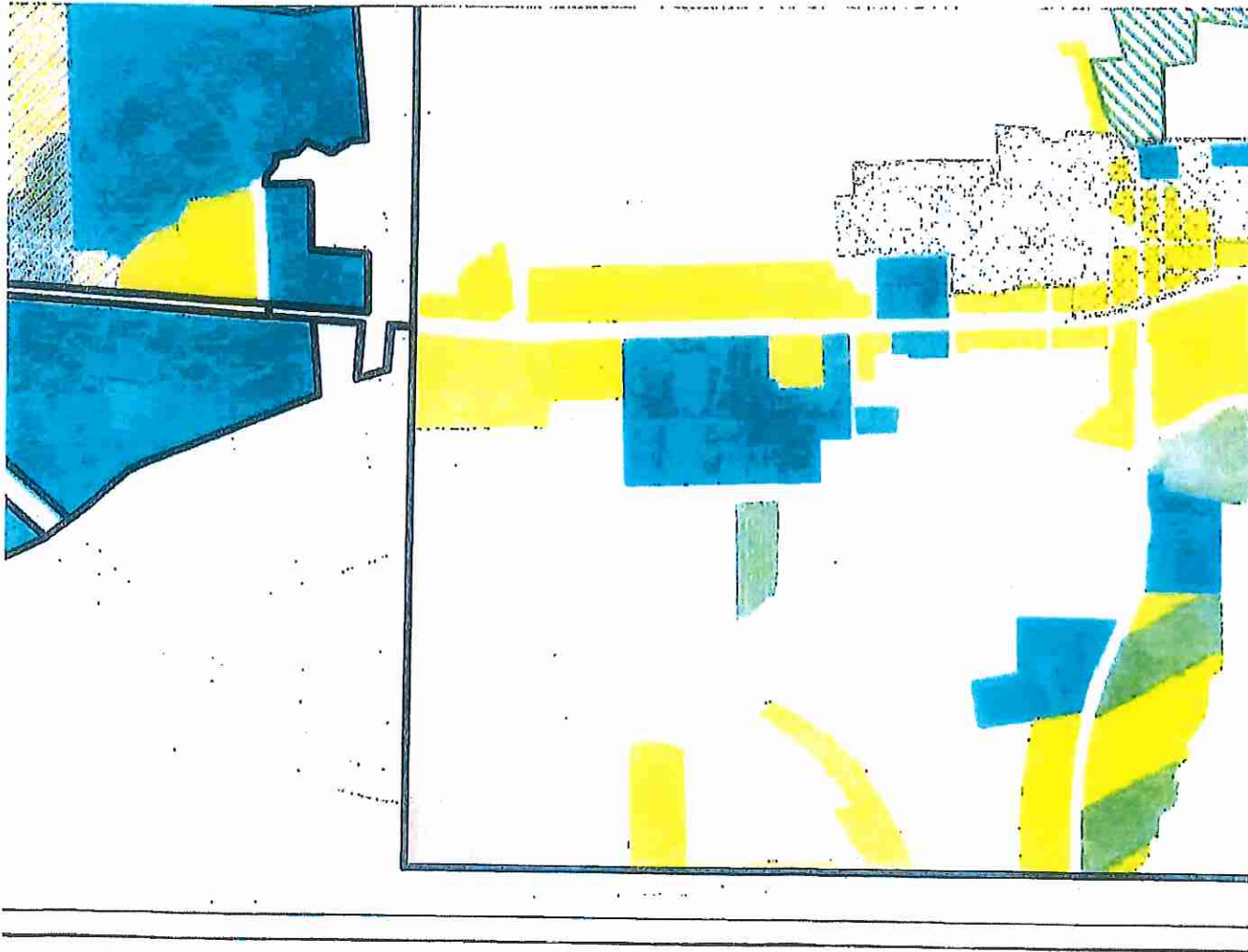
Registered Professional Surveyor

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VICINITY MAP

Scale: 1 inch equals 10 miles

LEGEND

Base Layers

- City Limits
- P.D. No. 1 (LoFave) - 2014
- Bowen Development Agreement - 2006
- Cheatham Development Agreement - 2011
- P.D. No. 1 (Ogordhock) - 2014
- Historic District
- City ETJ

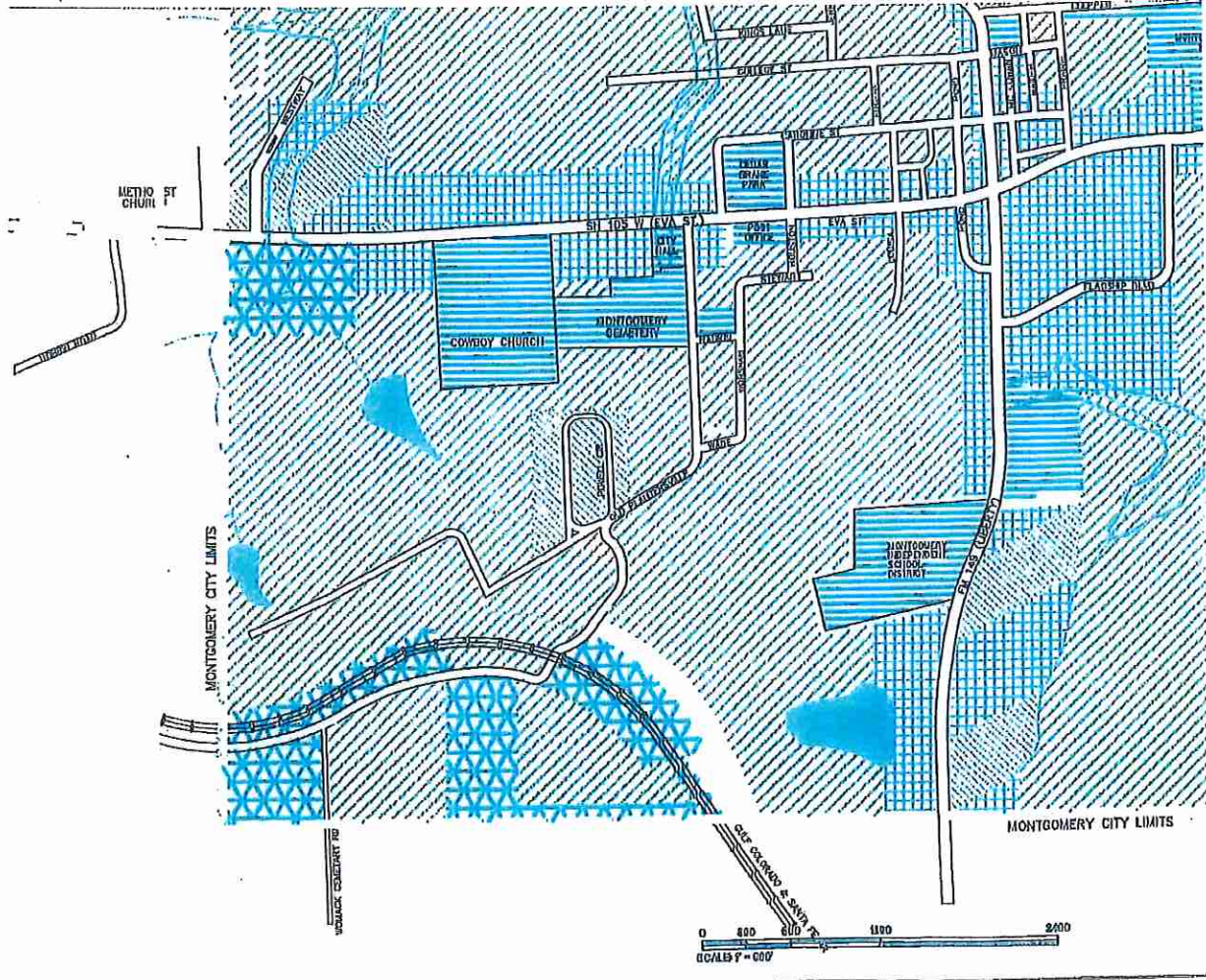
MCAD Parcels

Zone Classification

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

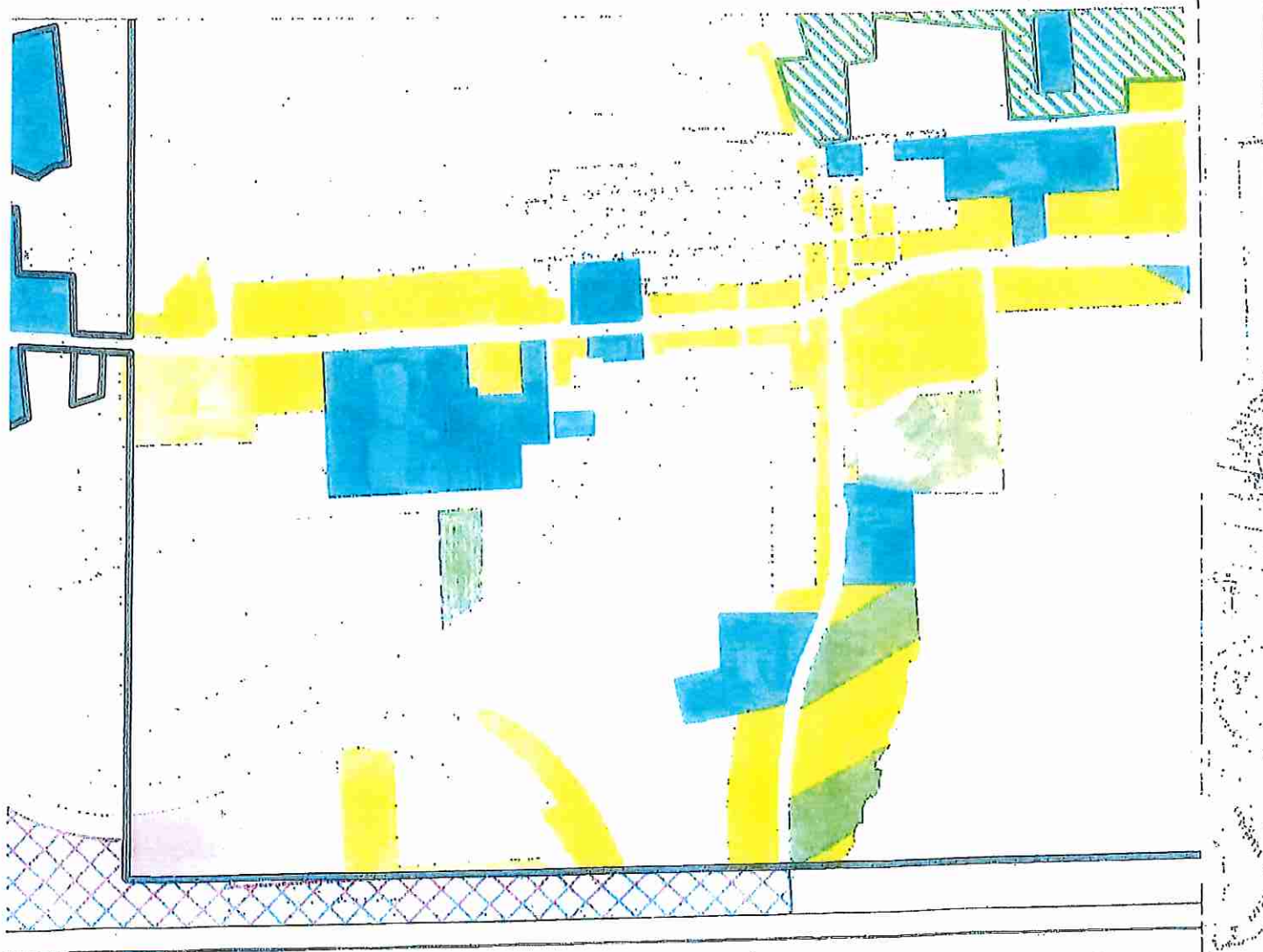
LAST AMENDED 11 APRIL 2017
VIA ORDINANCE NO. 2017-10

Map last updated January 2018



REV	DATE	BY	APP	COMMENT
1	08/19/04	JN	WJK	UPDATE ROADS
0	03/03/03	TC	WJK	ISSUED FOR APPROVAL

PREPARED FOR: CITY OF MONTGOMERY	SCALE: 1"=600' DATE: UPDATED MARCH 2003 DRAWN BY: JIM MORRIS PROJECT MANAGER: WILLIAM J. KOTLAN, P.E.
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Zone Classification

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

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

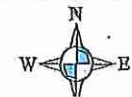
*Aerial Imagery flown January 2016

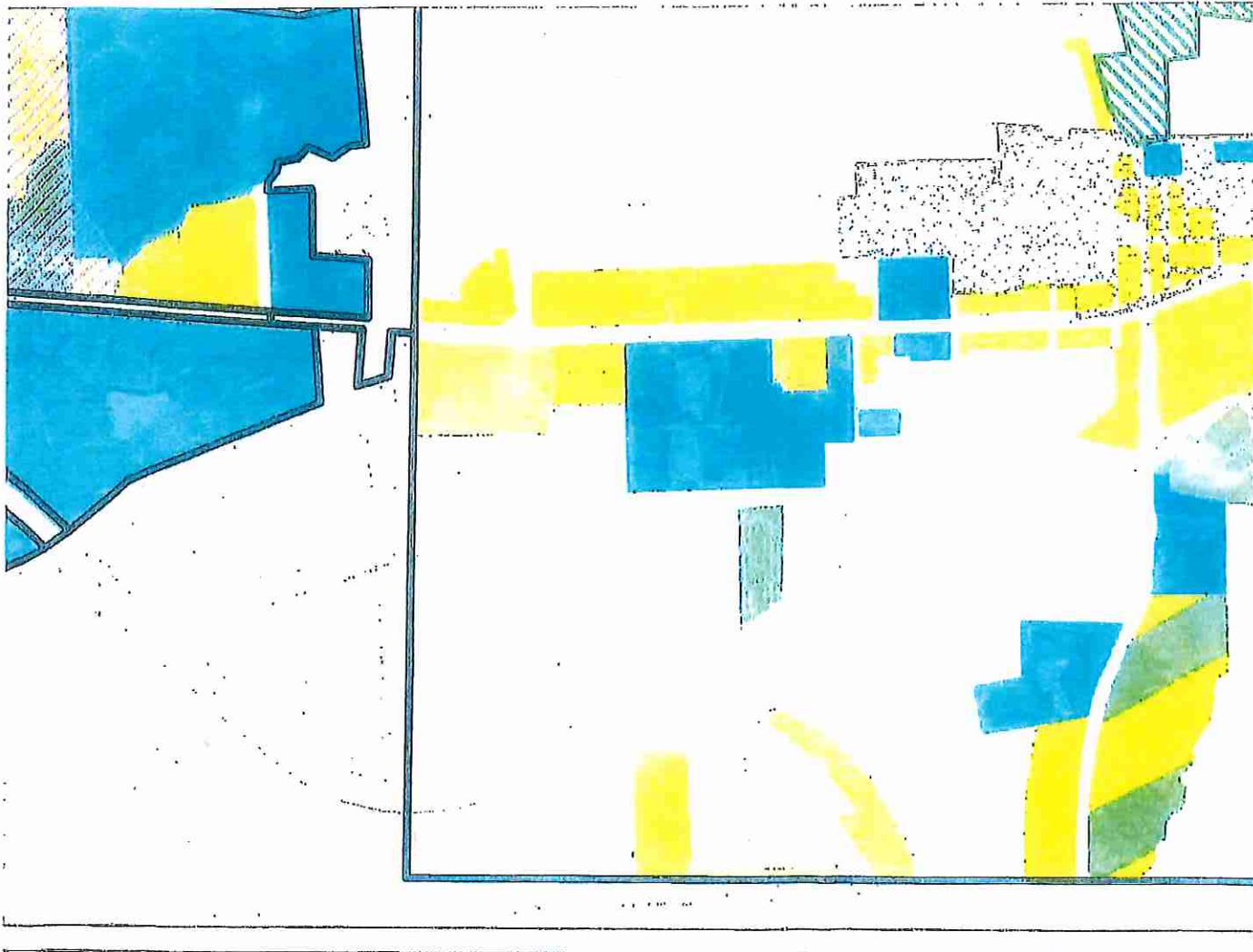


JONES CARTER

Texas Board of Professional Engineers Registration No. F-439

ZONING LAYOUT
(DECEMBER 2017)





VICINITY MAP
Scale 1 inch equals 30 miles

LEGEND

Base Layers

- City Limits;
- P.D.D. No. 1 (LoFava) - 2014
- DeVan Development Agreement - 2006
- Cloatham Development Agreement - 2011
- P.I.D No. 1 (Ogorchock) - 2014
- Historic District
- City ETJ
- MCAD Parcels

Zone Classification

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

**LAST AMENDED 31 APRIL 2017
VIA ORDINANCE NO. 2017-20**

*Public Hearing Date January 2018

Montgomery City Council
AGENDA REPORT

Meeting Date: June 25, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Letter of request, Map showing the property to be included in the rezoning area including a legal description, Aerial map showing the property, Section zoning ordinance regarding R-2 multifamily zoning, Staff report on the rezoning
Date Prepared: June 22, 2018	

f

Subject

This is to hold a public hearing for the proposed zoning changes at 2512 Lone Star Pkwy.-- this is not for comment by the Commission, only an opportunity for the public speak

Description

This is a request from Emmanuel Glockzin, to change from the current I – Industrial zone to R-2 Multifamily zoning. This is for the Star of Texas Senior development for this property.
A Staff Report is attached.
No public comment has been received at City Hall regarding this subject.

Recommendation

Listen to and consider the public comment.

Approved By

City Administrator	Jack Yates	Date: June 22, 2018
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Star of Texas Seniors, LTD.

4500 Carter Creek Parkway, Suite 101, Bryan, TX 77805 • Phone (979) 846-8878 • Fax (979) 846-0783

May 4, 2018

City of Montgomery
Jack Yates, City Administrator
101 Old Plantersville Road
Montgomery, TX 77356

Dear Mr. Yates,

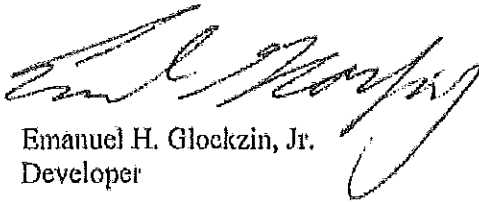
Star of Texas Seniors is a new construction development to have 32 units, to be located on 5 acres on Lone Star Parkway in Montgomery, Montgomery County, Texas. This development will serve the elderly population and all units are income restricted under the Housing Tax Credit program through the Texas Department of Housing and Community Affairs.

The current zoning for the proposed location is "Industrial" and the city's zoning ordinance allows for less restrictive uses. Therefore, I am requesting a ~~special use permit~~ for this senior housing development. Enclosed are a survey, site location map and \$500.00 check for fee.

*M into
Family
zone for*

Should you have any questions please feel free to contact me at 979-846-8878. Thank you in advance for your prompt attention to this request.

Sincerely,



Emanuel H. Glockzin, Jr.
Developer

Exhibit "A" Attachment

TRACT 1:

BEING a 6.00 acre tract in the B Rigby Survey Abstract 31, Montgomery County, Texas and being out of a called 43.86 acre tract of land as recorded under Clerk's File No. 2007-110280 Real Property Records of Montgomery County, Texas, said 6.00 acre tract being more particularly described as follows:

COMMENCING at the southeast corner of restricted RESERVE "A", as shown on a plat called LONESTAR COMMUNITY CENTER, as recorded in Montgomery County Map Records in Cabinet Z, Sheet 1070 and the southerly line of the said 43.86 acre tract proceeding in a westerly direction along said road the following courses, (1) N 80°25'20"W, 46.20 feet, (2) N 02°59'27"W, 146.88 feet, (3) N 03°37'00"W, 104.73 feet, (4) N 89°09'02"W, 104.82 feet, (5) S 88°03'16"W, 3.88 feet to a 5/8" iron rod capped Surveyoh as the southeast corner of a proposed 80 foot access easement, (6) leaving said road and on the east line of said easement N 01°34'48"W, 228.43 feet to a 5/8" iron rod capped Surveyoh as the POINT OF BEGINNING of the herein described 6.00 acres

THENCE N 01 deg, 31' 48" W across the said 43.86 acre tract, a distance of 165.11 feet to a 5/8" iron rod capped "Surveyoh" being the northwesterly corner of the herein described tract;

THENCE N 08 deg, 22' 01" E across the said 43.86 acre tract, a distance of 82.02 feet to a 5/8" iron rod capped "Surveyoh" being an interior corner of the herein described tract;

THENCE N 03 deg, 37' 58" W across the said 43.86 acre tract, a distance of 512.21 feet to a 5/8" iron rod capped "Surveyoh" set in the southerly line of the Evans Hairs tracts of land as recorded in Volume 1088, Page 58 of the Deed Records of Montgomery County, Texas being the upper northwesterly corner of the herein described tract;

THENCE N 88 deg, 44' 24" E along the southerly line of the Evans Tracts, a distance of 304.79 feet to an iron bar for the northwesterly corner of a called 4.00 acre tract of land as recorded in Volume 1080 Page 136, of the Deed Records of Montgomery County Texas, being the northeasterly corner of the herein described tract;

THENCE S 03 deg, 29' 23" E along the westerly line of the said 4.00 acre tract, a distance of 345.78 feet to 5/8" iron rod found for the southwest corner of the said 4.00 acre tract also being the northwesterly corner of Restricted Reserve B of the said Lonestar Community Center, being an angle point of the herein described tract;

THENCE S 03 deg, 33' 50" E along the westerly line of said Reserve B, (passing at 224.24' a 5/8" iron rod for the southwest corner of said Reserve B) a distance of 318.83 feet to a 5/8" iron rod capped "Surveyoh" set in the westerly line of the said 80' Access Easement out of Restricted Reserve A, and being the southeasterly corner of the herein described tract;

THENCE across the said 43.86 acre tract, S 80 deg 22' 01" W, a distance of 301.95 feet to the POINT OF BEGINNING, and containing 6.00 acres of land, more or less.

TRACT 2:

BEING a 0.64 acre tract in the B Rigby Survey Abstract 31, Montgomery County, Texas and being out of a called 43.86 acre tract of land as recorded under Clerk's File No. 2007-118290 Real Property Records of Montgomery County, Texas, said 0.64 acre tract being more particularly described as follows:

COMMENCING at the southeast corner of restricted RESERVE "A", as shown on a plat called LONESTAR COMMUNITY CENTER, as recorded in Montgomery County Map Records in Cabinet Z, Sheet 1870 and the southerly line of the said 43.86 acre tract proceeding in a westerly direction along said road the following courses, (1) N 80°26'28"W, 16.20 feet, (2) N 82°59'27"W, 145.98 feet, (3) N 83°37'00"W, 104.79 feet, (4) N 88°08'02"W, 104.82 feet, (5) S 88°03'10"W, 3.86 feet to a 5/8" iron rod capped Surveytech as the POINT OF BEGINNING of the herein described 0.64 acres

THENCE S 88 deg. 03' 18" W along the northerly line of Lonestar Parkway, a distance of 60.00 feet to a 5/8" iron rod capped "Surveytech" being the southwest corner of the herein described tract;

THENCE N 01 deg. 31' 48" W across the said 43.86 acre tract, a distance of 392.77 feet to a 5/8" iron rod capped "Surveytech" being the northwest corner of the herein described tract;

THENCE N 88 deg. 22' 01" E across the said 43.86 acre tract, a distance of 60.04 feet to a 5/8" iron rod capped "Surveytech" being the northeast corner of the herein described tract;

THENCE S 01 deg. 31' 48" E across the said 43.86 acre tract, a distance of 394.84 feet to the POINT OF BEGINNING, and containing 0.64 acres of land, more or less.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the legal description contained in Schedule "A" as to area or quantity of land is not a representation that such area or quantity is correct, but is made only for informal identification purposes and does not override Item 2 of Schedule "D" hereof.

which this chapter is derived (December 6, 1994), the regulations in this section shall not prohibit the lot owner from erecting a one-family dwelling thereon or moving a one-family dwelling onto the property.

Sec. 98-94. Parking requirements.

Off-street parking spaces shall be provided in district R-1 in accordance with the requirements for specific uses set forth in article IV of this chapter.

Secs. 98-95—98-120. Reserved.

DIVISION 3. DISTRICT R-2 MULTIFAMILY RESIDENTIAL

Sec. 98-121. Use regulations.

A building or premises in district R-2 shall not be used except for the following purposes (see table 1 in section 98-65):

- (1) Any use permitted in the R-1 district.
- (2) Multifamily dwellings, including duplexes and town homes.
- (3) City homes and condominiums.

Sec. 98-122. Height regulations.

No building in district R-2 shall exceed 45 feet or three stories in height.

Sec. 98-123. Area regulations.

- (a) *Size of yards.* Size of yards in district R-2 shall be as follows:
 - (1) *Front yard.* Front yard requirements are the same as for district R-1.
 - (2) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than ten feet; however, a side yard adjacent to a side street shall not be less than 25 feet on a major thoroughfare and 15 feet on a minor thoroughfare. No side yard for allowable nonresidential uses shall be less than 25 feet.
 - (3) *Rear yard.* There shall be a rear yard having a depth of not less than ten feet from the property line.
- (b) *Size of lots.*
 - (1) *Lot area.* No structure shall be constructed on any lot less than 9,000 square feet. No building containing two or more dwelling units shall be constructed on any lot or tract of less than 9,000 square feet. No lot shall contain less than 900 square feet per ground level dwelling unit; provided, however, that this shall not be applicable to hotels, apartments, or motels where no cooking is done in any individual
 - (2) *Lot width.* The width of the lot shall not be less than 75 feet at the front street building line, nor shall its average width be less than 75 feet before it is

subdivided for construction of townhouses or condominiums.

- (3) *Lot depth.* The average depth of the lot shall not be less than 120 feet, except that nay corner lots with a width of not less than 90 feet adjacent to a major thoroughfare must be at least 15 feet wider than the average of interior lot in the block before construction of townhouses or condominiums.

Secs. 98-124—98-150. Reserved.

DIVISION 4. DISTRICT B COMMERCIAL

Sec. 98-151. Description.

A building or premises in district B shall not be used except for business purposes described in the Table of Permitted Uses in Section 98-65, as well as any use permitted in District R-1, Single Family Residential.

Sec. 98-152. Purpose.

District B is established to provide for a wide range of business uses within enclosed areas as well as the other uses provided for in this section.

Sec. 98-153. Use regulations.

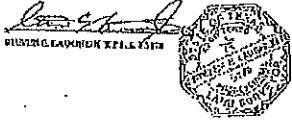
A building or premises in district B shall be used only for the following purposes (see table 1 in section 98-65):

- (a) Retail stores and other local business uses supplying everyday shopping and services, subject to the following restrictions and performance standards:
 - (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) No use, activity or process shall produce excessive light, smoke, dust, noise, vibrations or noxious odors that are perceptible without instruments by the average person at the property lines of a site.
 - (4) Storing of containers and waste material will not be permitted in front and side yards
 - (5) All outdoor lighting shall be shielded or directed away so that direct light or glare does not impact adjacent residential land uses.
 - (6) All storage and mechanical equipment shall be enclosed in a structure and completely screened from view.
- (b) Any use permitted in District R-1, Single Family Residential.
- (c) The performance standards set out in Subsection (a) shall not apply to special events formally sanctioned by the City of Montgomery.

**SURVEY OF
5.00 ACRES**

LOCATED BY THE SURVEYS, SURVEY AND TRACT NO. 31
 MADE ON THIS DATE THEREOF RECORDED IN
 COUNTY CLERK'S OFFICE
 THIS BOOK RECORDS MONTGOMERY COUNTY, TEXAS
 OFF. SURVEYOR C. E. JONES DATE: FEB 11, 1978

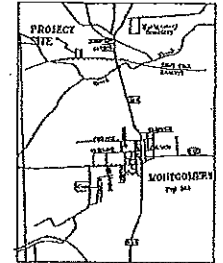
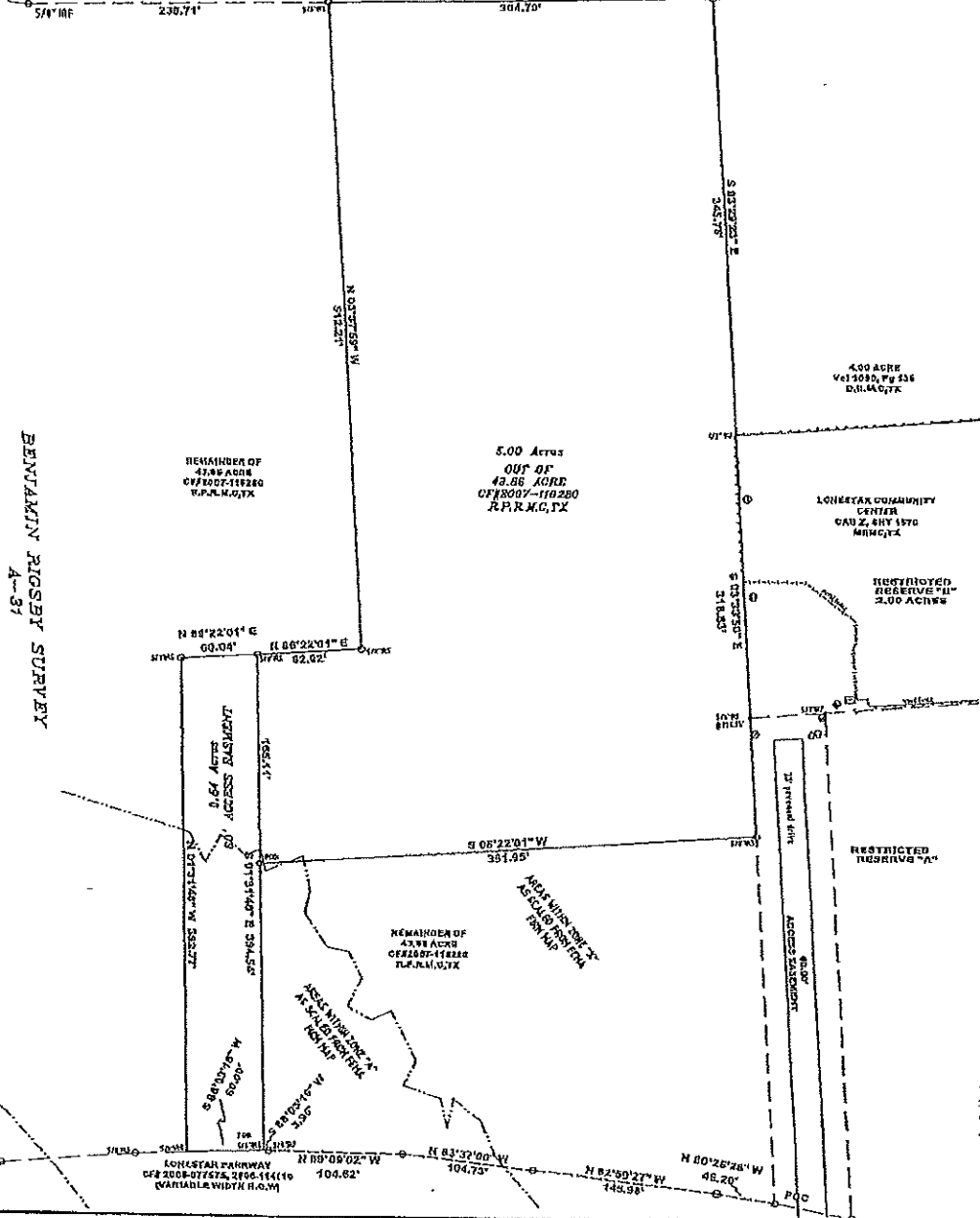
FILED BY CLERK'S OFFICE FOR RECORDATION IN COMING JUNE WAS MADE ON THE
 COUNTY CLERK'S OFFICE FOR RECORDATION IN COMING JUNE WAS MADE ON THE
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C. E. JONES

CVALLS HEADS
 Vol 1054, Pg 55
 D.M.M.C.T.X

N 08°44'24" E
 564.70'



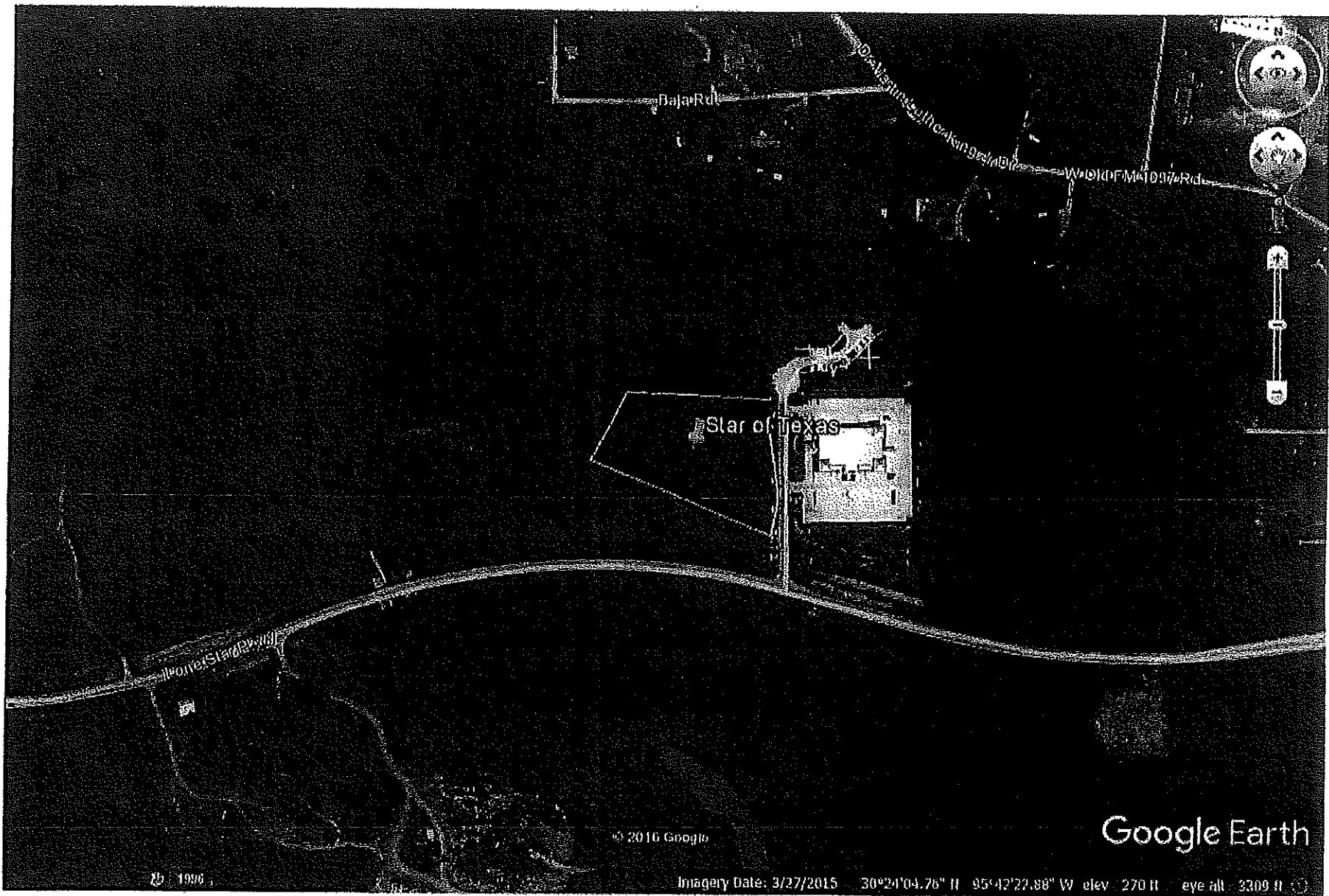
SURVEYOR'S NOTES

- 1) THE MARKS SHOWN HEREON ARE BASED ON THE METRIC MAP.
- 2) THE SURVEYOR HAS NOT AS SURVEYED THE SURFACE PROPERTY.
- 3) THE SURVEYOR HAS NOT AS SURVEYED THE SURFACE PROPERTY.
- 4) SURVEYOR HAS MADE NO INVESTIGATION OR RESEARCH FOR THE PURPOSES OF RECORDING, ENLARGING, RESIZING OR OTHERWISE MODIFYING, THE SURFACE OR ANY OTHER FACTS THAT AN ACCURATE AND COMPLETE RECORDATION MAY BE MADE.
- 5) ALL SURVEYING INSTRUMENTS AND EQUIPMENT USED IN THIS SURVEY ARE ACCURATE AND CALIBRATED.
- 6) ALL MARKS ARE BASED ON THE SURFACE OF THE EARTH AND DO NOT AFFECT SURFACE PROPERTY.
- 7) ZONING DATA SHOULD BE CHECKED WITH THE CITY OF MONTGOMERY, TEXAS.
- 8) ACCESS NOTES: SURVEYOR HAS BEEN GIVEN ACCESS TO THE LANDS AND RECORDS BY THE ACCESS RECORDED ALONG THE WESTERLY END OF THE 5.00 ACRE TRACT AS SHOWN HEREON.

- SURVEYOR'S OFFICE
- AREA MARK
- PERMANENT CONTROL
- GRADE MARK
- GROUND VALVE
- SURFACE VALVE
- SURFACE POLE
- ELECTRIC TRANS. BOX
- ELECTRIC METER
- SANITARY SEWER
- CUSTOMER SEWER
- TELEPHONE POLE
- LIGHT POLE
- FENCE LINE
- FENCE OPTIC MARKER
- TRAFFIC SIGNAL
- METEOROLOGICAL
- WATER PATTERN
- MARKER
- INTERSECTION

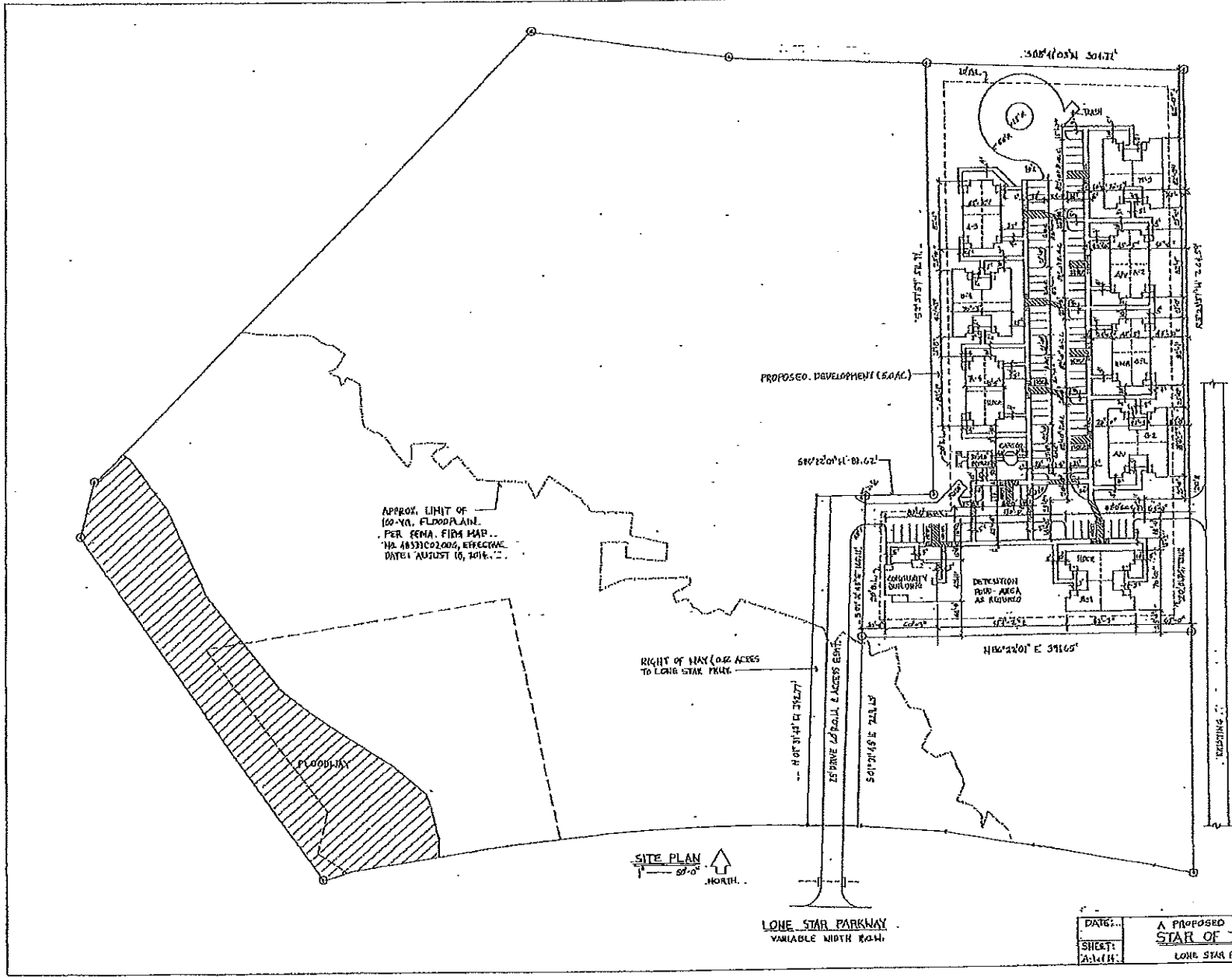
- NOTES:
- 1. ALL = MONTGOMERY
 - 2. ALL = MONTGOMERY
 - 3. ALL = MONTGOMERY
 - 4. ALL = MONTGOMERY
 - 5. ALL = MONTGOMERY
 - 6. ALL = MONTGOMERY
 - 7. ALL = MONTGOMERY
 - 8. ALL = MONTGOMERY
 - 9. ALL = MONTGOMERY
 - 10. ALL = MONTGOMERY

SURVITECH
 SURVEYORS
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 "A Land Surveying Company"
 P.O. BOX 1040 COMPTON, TEXAS 77205-1040
 281-536-5554 FAX 281-539-5412
 EMAIL: survitech@survitech.com



2016 Google Map

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THE PLANS HAVE BEEN DESIGNED TO MEET THE REQUIREMENTS FOR ADA, TEXAS ACCESSIBILITY STANDARDS (TAS) AND THE FAIR HOUSING ACT

BUILDING "A" = 10000 SF, 4-FLR BUILDING, "B" = A DETACH. 6-FLR

HOOR REQUIREMENTS
 56 X 32 UNITS = 64 UNITS
 3 UNITS PROVIDED
 1-2 BRN. & 2-1000 SF UNITS

ACCESSIBILITY REQUIREMENTS
 2% OF 32 UNITS = 64 UNITS
 2 UNITS PROVIDED
 1-2 BRN. & 1-1000 SF UNITS
 UNDER PARKING SPACES
 SHOWN () FOR EACH UNIT.
 PROVISIONS PROVIDED FOR
 FUTURE HOOR REQUIREMENTS

PARKING REQUIREMENTS
 2 SPACES PER UNIT
 32 UNITS X 2 = 64 SPACES REQ'D
 60 SPACES SHOWN

THE PROPOSED PLANS HAVE BEEN DESIGNED TO MEET THE ZONING, SITE DEVELOPMENT AND BUILDING CODE REQUIREMENTS FOR THE CITY OF MONTGOMERY.



SITE PLAN
 1" = 50'-0"
 NORTH

LOUISIANA PARKWAY
 VARIABLE WIDTH RIGHT OF WAY

DATE:	A Proposed Apartment Project For:	
SHEET:	STAR OF TEXAS SENIORS	
SCALE:	LOUISIANA PARKWAY	MONTGOMERY, TEXAS

To: Planning Commission Members
City Council Members
From: Jack Yates
Subject: Staff Report re: Rezoning – 2512 Lone Star Parkway
Date: June 22, 2018

Regarding the planning review of the rezoning of 2512 Lone Star Pkwy. from Industrial to R-2 MultiFamily, the Staff Report is as follows :

General description: The development consists of approximate 5 acres north and west of the Lone Star Community Center from its vacant status now to development of 32 units built 8 four-plexes to be occupied by 50 years of age and over. There is an Economic and Utility Feasibility Study now being undertaken by Jones and Carter Engineering.

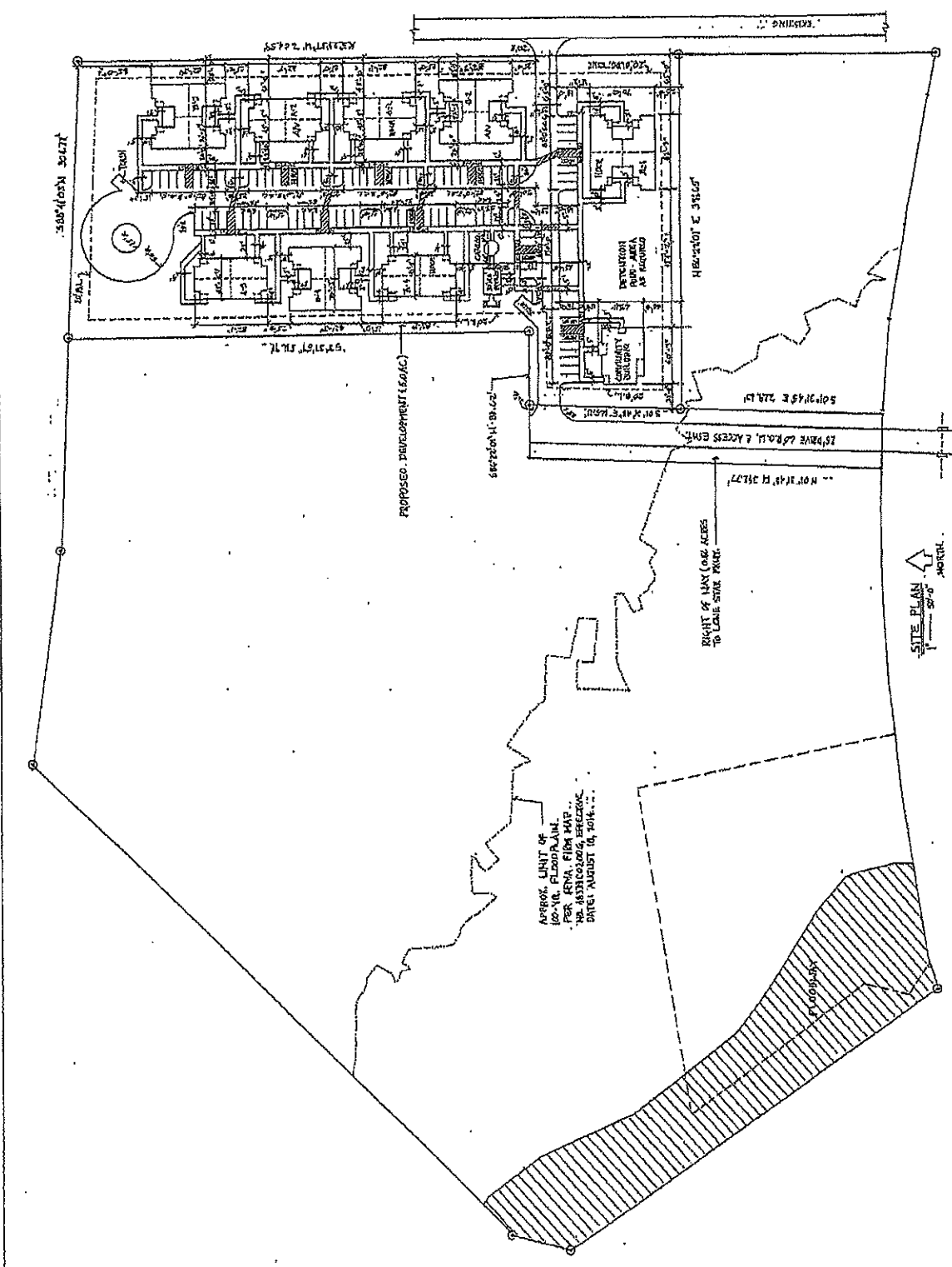
Streets and traffic: There will be two accesses and exits to the property. One is on Community Center Drive and the second is a planned street that will connect to Lone Star Pkwy. west of the Community Center, as shown on the attached site plan. Lone Star Pkwy. is a wide two lane road and can easily accept the increased traffic is estimated to be possibly as much as 150 trips per day from this development.

Public Safety: The construction will be required to meet the building permit codes in place and will require the Fire Marshall's approval prior to opening. From other public safety issues, the Police Department will be able to patrol and protect the area just as any other place in the city.

Health and General Welfare: Because of meeting the building codes, the welfare of the occupants should result in a safe situation. It is not expected that this development will be a threat of any kind to the safety or security of the neighborhood. The developments site plan allows for adequate living area, including adequate light and air circulation.

Density/overcrowding: the R-2 zone states no lot shall contain less than 900 sq. ft. per ground level dwelling unit. The proposed development has 6,405 feet of lot area for its 5 acres divided by the 34 units. Otherwise the site Plan meets all R-2 area regulations.

Public Service Requirements: In a preliminary discussion with the City Engineer there appear to be no issues as far as availability or adequacy of water or sewer service to the development. The availability of parks are; Homecoming Park (approximately one third of a mile in distance), Memory Park (approximately one half mile in distance), Cedar Brake Park (approximately three-fourth mile in distance) and Fernland Park (approximately one-half mile distance). Garbage service will be available on site. School availability is the same as other places in the city.



THE PLANS HAVE BEEN REVIEWED TO MEET THE REQUIREMENTS FOR AFD, TEXAS ASSOCIATE SUBDIVISIONS ACT AND THE PLANNING ACT

BUILDING 1 - 1 BDRM, 1 BATH BUILDING 2 - 2 BDRM, 1 BATH

UNIT REQUIREMENTS
 57.23 UNITS - 1.0 UNITS
 1 UNIT PER 1,000 SQ. FT. OF GROSS FLOOR AREA

APPROXIMATE REQUIREMENTS
 22.00 UNITS - 4 PLANTS
 3 UNITS PROVIDED
 5 UNITS MISSING
 1-2 BDRM, 1-1 BDRM, UNITS
 1-2 BDRM, 1-1 BDRM, UNITS
 1-2 BDRM, 1-1 BDRM, UNITS
 1-2 BDRM, 1-1 BDRM, UNITS

PLANNING REQUIREMENTS
 22 UNITS PER UNIT
 22 UNITS PER UNIT
 22 UNITS PER UNIT
 22 UNITS PER UNIT

THE PROPOSED PLANS HAVE BEEN DESIGNED TO MEET THE PLANNING, SITE DEVELOPMENT AND BUILDING CODE REQUIREMENTS FOR THE CITY OF HOUSTON, TEXAS



DATE: 1-1-74
 SHEET: 25 OF 28
 PROJECT: A PROPOSED APARTMENT PROJECT FOR: STAR OF TEXAS SENIORS
 LONE STAR PARKWAY MONTGOMERY, TEXAS

APPROX. LIMIT OF 100-YR. FLOODPLAIN PER FEMA FIRM MAP NO. 48333C0004G, ERECTION DATE: AUGUST 10, 2014

PROPOSED DEVELOPMENT (LEAD)

SITE PLAN
 NORTH

LONE STAR PARKWAY
 VARIABLE WIDTH ROAD

RIGHT OF WAY (ROW) ACCESS TO LONE STAR PARKWAY

15' DRIVE & ROW, E ACCESS EMT.

547'17" E 24.12'

HEAVY 24" E 51.18'

247'06" (NO. 1) 285.5'

547'17" E 17.71'

657'22" W 11.66'

110000000

MINUTES OF SPECIAL MEETING

May 29, 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
Katherine Vu, Engineer

VISITOR/CITIZENS FORUM

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

1. Consideration/take action regarding April 23, 2018 minutes.

Jeffrey Waddell moved to approve the minutes as presented. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

2. Request for six month extension of Preliminary Plat of Hills of Town Creek Section 3.

Mr. Yates advised that the owner of the property has requested a six month extension to their preliminary plat due to delay of the project construction, they are not ready for the final plat. Mr. Yates advised that their engineer, Jonathan White was present. Mr. Yates stated that the City Code provides that the preliminary plat can be extended for another 12 months, but not beyond two years. Mr. Yates said that he and the City Engineer are recommending approval of this action. Mr. Yates said that the final plat will probably be received in six months.

William Simpson moved to grant a six month time extension for the preliminary plat approval of the Hills of Town Creek Section 3. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

3. Request for six-month extension of Preliminary Plat of Emma's Way Extension.

Mr. Yates stated that this developer is also asking for a six month extension for their preliminary plat because they are not ready for a final plat, due to a delay in the project construction. Mr. Yates advised that he and the City Engineering are recommending approval of this action. Mr. White advised that they would probably be ready for submittal at the next meeting of the Commission.

Carol Langley asked if everything was going okay on the Emma's Way project. Mr. Yates advised that it was going okay.

Arnette Easley moved to grant the request for the six month extension for the Preliminary Plat of Emma's Way Extension. Jeffrey Waddell seconded the motion, the motion carried unanimously. (5-0)

4. Consideration and possible action regarding scheduling a public hearing for rezoning of the property located at 1005 Old Plantersville Rd., Montgomery, from R1 single-family to I-Industrial to be held on June 25, 2018 at 6:00 p.m., as requested by Theresa Fisher.

Mr. Yates advised that this is a situation where the original zoning of the City split this piece of property into one half Industrial Use (where a large building now sits) and one half R1 Single Family Residential Use.

Mr. Yates advised the Commission that what they are doing tonight is calling the public hearing and not making any decisions regarding the property. Mr. Yates said that if there are any questions regarding the matter, they can either discuss it tonight or they can contact him individually or he can send out more information.

Mr. Yates said that the current zoning map does not have zoning for this property at all, so he had to go back to the 2003 map to see how the property was zoned. Mr. Yates advised that in looking back at the ordinances, he could not find any ordinances from 1994 to present changing the zoning of the property. Mr. Yates said that he has spoken to the City Attorney, Larry Foerster and what they have to go on is the most recent zoning map. Mr. Yates said that what they are thinking is this is a Scrivener's error whenever someone fails to mark something down, when it should have been repeated on the new map. Mr. Yates advised that the City Attorney will probably be at the next meeting because of this issue.

Mr. Yates stated that he had included the letter of the request for the zoning from R1 to Industrial from Mr. Fisher to the Mayor at that time, along with the Mayor's response letter. Mr. Yates said that the Mayor's response letter advised that both uses they had discussed were alright, but it did not specify the uses. Mr. Yates said that there is also an aerial map showing the property. Mr. Yates said Mrs. Fisher and her attorney were both present at the meeting. Mr. Yates said that all they were really doing tonight is calling the public hearing. Mr. Yates stated that at the City Council meeting held last week there were a couple of property owners that spoke against the Industrial Zoning, but ultimately City Council voted 3-1 to schedule the public hearing, not to make a decision but just calling the public hearing.

Chairman Cox asked if Mr. Foerster had given any indication how difficult this would be to fix. Mr. Yates said that Mr. Foerster said the rezoning would be the way to fix the

matter, that way they could be sure of the zoning designation by the Planning and Zoning Commission making their recommendation to City Council and then City Council taking action, there would be no questions regarding the zoning. Chairman Cox asked if the matter would still come before the Commission after the public hearing. Mr. Yates said that was correct, they could decide on the night of June 25, 2018 if they want to make a recommendation to City Council. Mr. Yates said if they were not ready to make their decision that night, they could delay a meeting or two to get more information. Chairman Cox said that he would like to hear from the people involved, either the buyer or the seller, someone to state their case at the public hearing.

Jeffrey Waddell asked to clarify, from the map it looks like this must be the strip that goes along the railroad tracks and is long and narrow on the right side. Mr. Yates said that was correct, it is the area with the tin building located on it. Mr. Yates said that on the aerial map the driveway is just about the dividing line between the industrial to the west and residential to the east. Jeffrey Waddell said that back in the day the City probably looked at the area close to the railroad tracks as being more commercial and industrial use. Mr. Yates said that the 2003 map shows several industrial properties in that area that people might not realize are zoned industrial and there is an area they had called unknown and that is called industrial right now according to the map that they are using as the authoritative map. Mr. Yates said that it is odd, but it does happen where property is split, such as along SH 105 on the south 300-400 feet is zoned commercial, which is owned by Mr. Randall. Mr. Yates said that from speaking with Mr. Kirk Jones and Carol Langley and other people, the people at that time must have asked for their property to be zoned industrial. Mr. Yates said the idea is generally not to split a properties use, especially since this is such a small property. Mr. Yates said he and the City Secretary, Susan Hensley, went through all the ordinances and there is no ordinance from 1994 to current that speaks to any of these properties.

Carol Langley said that she remembered the Merdian family had that property and were using it as a shavings place, bagging and selling them from that property, but to her knowledge at that time they did not have zoning. Mr. Yates said that Mrs. Fisher told him

that the most recent use for the property was rebuilding antique cars. Jeffrey Waddell said the stated purpose that they are projecting seems ideal for that type of building, it is light industrial and would fit that purpose very well. Mr. Yates said he needed to confirm a possible solution of using the residential portion of the property for the parking and the industrial use for the business. Mr. Yates advised that they do not have light industrial, it is only industrial use.

Carol Langley moved to schedule a public hearing for rezoning the property located 1005 Old Plantersville Rd., Montgomery to be held on June 25, 2018 at 6:00 p.m. Jeffrey Waddell seconded the motion.

Discussion: Carol Langley asked Ms. Hensley about the notice letters that go out to the property owners and whether it was within 300 feet. Ms. Hensley advised that the notice letters are mailed to property owners within 200 feet from the property. Arnette Easley asked if the setback would be different for different uses. Mr. Yates said it would be the same and is stated in the ordinance.

The motion carried unanimously. (5-0)

5. Consideration and possible action regarding scheduling a public hearing for rezoning at 2512 Lone Star Pkwy., Montgomery, from I-Industrial to R2 Multi-Family to be held on June 25, 2018 at 6:00 p.m. as requested by Emanuel Glockzin.

Mr. Yates advised that this is a request from the owner Larry Jacobs to change the zoning from the current I- Industrial Use to R-2 Multi-Family Use. Mr. Yates said that action is to schedule the public hearing for the Star of Texas Seniors development plan for this property, which is located behind the Lone Star Community Center on Lone Star Parkway. Carol Langley said that when this came before City Council it was for a Special Use Permit but now they are asking for rezoning and asked if this is being requested by the owner of the property. Mr. Yates advise that Mr. Larry Jacobs owns the property and said that Mr. Jacobs submitted an email stating that he is authorizing Mr. Glockzin to speak on his

behalf. Mr. Yates said he also spoke to Mr. Jacobs about the change from Special Use Permit to rezoning and Mr. Jacobs is fine with the change.

Carol Langley asked if this is supposed to be Multi-Family before the developer goes and does all of his paperwork. Mr. Yates said that he could have stayed with the Special Use Permit, but in talking with City Council, they preferred the zoning changes because it would be permanent based upon what the R2 use is, but with a Special Use Permit is usually given for a brief period of time. Mr. Yates said that Mr. Glockzin responded after he heard that information. Carol Langley asked if Mr. Glockzin was going through a process to put these units in or he is buying the property from Mr. Jacobs and if the property gets rezoned then there will be apartments there no matter what. Mr. Yates said that he is only going to build the senior apartments if he receives housing tax credits from the State. Carol Langley asked if they do not receive the tax credits and the property has been rezoned to Multi-Family, then Mr. Jacobs has a Multi-Family piece of property. Mr. Yates said that is correct. Jeffrey Waddell asked if they are talking about the same plans, which were like cottages. Mr. Yates said that they are four-plexes and are the same plans that they had originally presented. Chairman Cox said that it would be fairly similar to what is behind the Community Center now. Mr. Yates said that is correct.

Jeffrey Waddell moved to schedule a public hearing for rezoning at 2512 Lone Star Pkwy., Montgomery, from I-Industrial to R2 Multi-Family to be held on June 25, 2018 at 6:00 p.m. as requested by Emanuel Glockzin. William Simpson seconded the motion, the motion carried unanimously. (5-0)

6. Consideration/take action regarding proposed Benchmark Ordinance.

Mrs. Katherine Vu presented the proposed Benchmark Ordinance to the Commission, stating that it would amend the ordinance to require the final plat for a development to be surveyed under the same benchmarks as the construction plans and vice versa, which would be tied to the City benchmark system. Mrs. Vu advised that the idea being that everything is on a unified system to reduce the potential for errors. Mrs. Vu stated that there is also

language requiring any discrepancies found while the surveyor is performing their survey, to be reported to the City Engineer so that it can be rectified.

William Simpson asked if this is for checks and balances and for correcting discrepancies. Mrs. Vu stated that right now the final plats are required to be tied to the City's system, but the plans are not, so this is addressing the plans so that they are tied back to the City's benchmark system.

Carol Langley asked if everyone would be familiar with this procedure, and are they currently doing this but it is not written down. Mrs. Vu said that the only thing that will really be changing is the starting elevation for the surveyor, it would not add any additional work for them, instead of picking a benchmark and they will start at the City's established benchmark. Mrs. Vu said that there have been a couple times where this issue has come up and they have had to establish a conversion factor to get it back on track. Arnette Easley asked if people could still come and ask for variances. Mrs. Vu advised that they could still ask for variances, but this was just a starting point so she could not see a need for a variance. Mr. Yates said that they just wanted to make sure that everyone started at the same starting point.

Mr. Roznovsky advised that there were two examples to help shed light on this item. Mr. Roznovsky said that one was a sanitary sewer that was stubbed out on public line using City benchmark and stubbed out on the private side using a different benchmark. Mr. Roznovsky said that when you looked at the plans the numbers were the same, but since they are talking different languages they were actually six inches off. Mr. Roznovsky said that another example was a street where it was set on the City's benchmark and the developer had their street set on a different benchmark, so that difference in the grade was a two foot difference. Mr. Roznovsky said that they want to make sure everyone is using the same system.

After discussion, William Simpson moved to recommend approval of the Benchmark Ordinance. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

Chairman Cox stated that he could not see any downside to this ordinance. Mr. Roznovsky said that once this ordinance goes to City Council notification to the developers, design engineers will need to be sent out so that they are aware of the transition to the new system. Mr. Yates said that as a practical matter, he asked Mr. Roznovsky to confirm that most surveyors call him about getting the common benchmark. Mr. Roznovsky said that there is a benchmark handbook, but most of the surveyors and engineers have worked with the benchmarks and know what they are.

7. Consideration and possible action regarding proposed Sidewalk Ordinance.

Mrs. Vu advised that this is to require sidewalks to be included on the construction plans for new developments and redevelopments. Mrs. Vu said that it would require sidewalks to be included on all new and existing streets where the new developments are occurring and any adjacent streets. Mrs. Vu stated for example, if there was a new residential development occurring off of Lone Star Parkway, it would require sidewalks to be installed on that side of Lone Star Parkway where the development was located. Mrs. Vu said that the intent behind this ordinance is to start filling in the holes of sidewalks throughout the City to start making it more user friendly. Mrs. Vu stated that any property that is zoned Industrial or in the Historic District would be treated on a case by case basis. Mrs. Vu stated that currently the ordinance only states that sidewalks have to be installed per ADA Standards, which is all that it states, so this is laying out when and where sidewalks need to be placed. Mr. Roznovsky said that the design manual tries to help pick up where the ordinance left off. Mr. Roznovsky stated that the design manual has been interpreted that if you are developing on an existing street you did not have to put in a sidewalk, but if you are building a new street you have to install a sidewalk. Mr. Roznovsky said that the main difference is clarification of the Code and as areas get developed they will have direction on where the sidewalks need to be placed.

Carol Langley asked who would review the Historic District cases and make that decision. Mrs. Vu said that would either be the City Engineer or the City Administrator, or it could be the Planning and Zoning Commission.

William Simpson asked if the developers in town are grandfathered in so that they will not have to comply with this ordinance, or is it going to be retroactive for everyone. Mr. Roznovsky said that with the development agreements, such as Mr. LeFevre, it would not apply because he has the agreement. William Simpson said that there is a group of developers that will not have to comply with this ordinance. Mr. Roznovsky said that it was his understanding that anything within Mr. LeFevre's development district, which is SH 10 to Town Creek, FM 149 to Lone Star Parkway is tied to the 2004 City ordinances, would be grandfathered.

Mr. Yates asked about a new home on College Street that is outside the Historic District and whether they would be included. Mr. Roznovsky said that the way this ordinance is written and it is up for discussion, if it is inside the Historic District it is on a case by case basis. Mr. Roznovsky said that it could be worded to include single lots versus just developments. William Simpson said that if a person bought two pieces of property and built their house on one piece, the developer puts the sidewalk in front of the house and leaves the empty lot without a sidewalk, there would not be any rhythm or reason for that. Mr. Roznovsky said that it is typical that the construction drawings will show a required sidewalk inside the neighborhood, but the responsibility to build them is on the home builder. William Simpson asked if someone came in and bought a tract would they have to put sidewalks throughout not just hit and miss. Mr. Roznovsky said that if they combine the lots and they are building on both, then they would have to put the sidewalk in front of both, but if you own both and only build on one, what would be the trigger for them to install the sidewalk. Mr. Roznovsky said that the intent for not having to put the sidewalk in the front end is because if you are going to put in a driveway you will end up replacing the sidewalk. Mr. Roznovsky advised that this is being presented as a draft and discussion item. Mr. Roznovsky said that they will take all the comments and put them together and then speak to some residential and commercial developers in town to get additional

thoughts and opinions. William Simpson said that with all the ditch drainage going on in the new subdivisions it is going to be hard to incorporate sidewalks. Mr. Roznovsky said that this would not apply to an existing subdivision, like the Hills of Town Creek.

William Simpson asked if they had to use the ditch drainage and there was no room for sidewalks then they would have to apply for a variance. Mr. Roznovsky said that they could word the ordinance that if they are allowed to do estate lots with roadside ditches, if that is the general consensus, then they would not be required to have sidewalks. Jeffrey Waddell said that if a subdivision were to come in and said that some of them decide to do wider streets and not have sidewalks asked if that would be an option. Mr. Roznovsky said that would depend on what part of town they are in because there are so many different rules that apply to different areas so it would be mixed. Mr. Roznovsky said that the main thought was this applies more to the commercial along existing streets, like Lone Star Parkway and as those get developed there will be sidewalks, and not as much with the individual homes.

Chairman Cox said that it sounds like it needs to be discussed more. William Simpson asked if they have talked to any of the developers. Mr. Roznovsky said that they wanted to get the Commission's opinion first and see what direction they would want to go. William Simpson said that he would like to hear what the developers' thoughts were, because he does not want to come to every meeting where somebody is asking for another variance.

Chairman Cox asked if they could entertain a motion to table until there is more information to be discussed.

Carol Langley moved to table Agenda Item 7 until there is more information. William Simpson seconded the motion, the motion carried unanimously. (5-0)

8. Consideration and possible action regarding proposed Backflow Prevention Ordinance.

Mr. Yates advised that the backflow prevention is the technology that prevents water to backflow from a private or contaminated use to flow back into the public water system that can cause bacteria to contaminate the public water system causing possible serious health issues or at least a bad water sample that could lead to a boil order for part or the entire system.

Mrs. Vu advised that this is to prevent contaminated backflow into the public drinking water system. Mrs. Vu stated that this is a very common practice in cities across the state. Mrs. Vu said that developers have been installing backflow preventers on irrigation and nondomestic lines. Mrs. Vu said that what is different is the annual testing of the backflow preventers to make sure that they are properly operating and then going into the businesses that currently do not have the backflow preventers and installing them. Mrs. Vu said that there has never been an issue in the past to their knowledge, but this is good public management and prevention. Mrs. Vu stated that this is mainly a discussion item. Mrs. Vu said that this item was presented to City Council last week and will go again on June 12, 2018 for discussion, and then on the agenda for City Council action on June 26, 2018.

Mr. Yates said that he was not sure that this was a Planning and Zoning Commission item because it is mostly a public health issue and water system, but he wanted the Commission to have a chance to see the information. William Simpson asked if this was for commercial of high volume customers. Mrs. Vu stated that this is for nondomestic users, so commercial, industrial and institutional users and those that are qualified as high health hazards, which would be car washes, restaurants, automobile shops, etc.

Carol Langley said that somewhere she was that the City had 65 customers that do not have the backflow preventers. Mrs. Vu said the 65 customers are either industrial, commercial or institutional and they are not looking at residential, this all for the nondomestic users. Carol Langley asked if she owned a building that has a business located in it and that business is renting from her, as the property owner she would be the one responsible for the backflow preventer installation for \$1,000. Mrs. Vu said that the cost of the installation would be included on the water bill to the customer. William Simpson said that a retail

business is not considered a hazardous use. Mr. Roznovsky said that was for the irrigation connections, so for example, if Jim's has a domestic connection for irrigation that could be two devices. Mr. Roznovsky said that if a school has a fire line, irrigation and domestic line, that would three devices. Mr. Roznovsky said that was 65 connections not necessarily 65 businesses. Carol Langley said that it stated 65 customers, but connections is a different story. Mr. Roznovsky said that it varies off of the type of size of the backflow needed and said that the \$1,000 was the average cost. Carol Langley said that some of the businesses, such as the school could have six devices, so they will have \$6,000 or more, depending on how big the connection is. Mr. Roznovsky said that this does not apply to the quilt shop, antique stores, those downtown shops that are individual connections are not high health risks, they have a bathroom and that is it. Mr. Roznovsky said that a building or strip center that has multiple users, with one being a high health hazard, and there is only one connection, then they would have one put on for the entire building.

Arnette Easley asked about irrigation meters. Mr. Roznovsky said that irrigation sometimes has a separate water meter, so they would need a separate backflow preventer. Mr. Roznovsky said the issue with irrigation is a lot of homes do not have a separate water for irrigation, but he knew at the City they do. Mr. Roznovsky said that the biggest issue with irrigation is that you have water sitting and going bad, you put fertilizer on the lawn and so they could have backflow into the system. Mr. Roznovsky said the only time that this really applies is pressure loss in the system that is not a common problem. Mr. Roznovsky said that all the businesses that are coming into the City are installing backflow preventers because it is common practice. Mr. Roznovsky said that the annual testing is the key.

Arnette Easley asked if a customer wanted to install an irrigation system by teeing off of his line, would he have to get a backflow preventer. Mr. Roznovsky said that they typically do have to get one. Mr. Roznovsky said that they were talking about non-residential. Mr. Yates stated that if a residential customer gets an irrigation meter they have to have a backflow preventer. Mr. Roznovsky said that was correct it is required by the Plumbing Code.

Jeffrey Waddell asked if the water could go backwards through the meter. Mr. Roznovsky said that the automated meter system that the City has checks the flow and the City will get a notification if it senses backflow.

Mr. Roznovsky said that the big things that are going to be discussed are the annual certification and the hard issue is the 65 retroactive connections and whether there is a trigger to make them install the backflow preventers versus a blanket installation. Carol Langley said that there are a few houses that have wells that they are using for irrigation, but she did not think that they were hooked up to their houses anymore. Carol Langley asked about the 65 connections and whether they were restaurants. Mrs. Vu said yes a restaurant is considered a high health hazard because of the food, oils, etc. Mrs. Vu advised there was a list of high health hazards included in the information. Carol Langley said that she would hope out of the 65 connections, they would look at the highest ones to talk to first. Mrs. Vu said that part of the discussion will be the trigger of when they will be required to install the backflow preventers. Mrs. Vu advised that they will take this item to City Council for discussion on June 12, 2018 and action on June 26, 2018. Chairman Cox asked if this would come back to the Commission. Mr. Yates said that it could come back to the Commission if they want to hear the information again. Mr. Yates said that he would like to report back to the Commission on June 25, 2018 and then after the City Council takes action. Mr. Yates said that this is not really a Planning and Zoning Commission action but he wanted them to know that they were watching out for the public's health.

Jeffrey Waddell asked about the annual testing and if it would be for the new devices or would it be for all devices. Mrs. Vu said that she thought that the testing would be for all devices as a matter of good practice to make sure that they are operating correctly, and the City would keep the testing reports on file.

Mr. Yates said that he thought that City Council would be okay with the public management of the water system, he thought it would be more of an issue of how they implement the 65 connections and the fees. Mr. Yates said that even if it takes six months

they will be further ahead than where they are right now. Mr. Yates said the main goal is to accomplish the backflow preventers.

There was no action taken on this item and Mr. Yates will give a report back to the Commission at the next meeting.

9. Adjournment

William Simpson moved to adjourn the May 29, 2018 meeting at 7:10 p.m. Jeffrey Waddell seconded the motion, the motion carried unanimously. (5-0)

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

Chairman Nelson Cox

Montgomery City Council
AGENDA REPORT

Meeting Date: June 25, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: June 22, 2018	

Subject

This is for the Planning Commission to consider the recommendation to the city Council regarding the rezoning of 1005 Old Pleasantville Rd. from R-1 single-family to I - Industrial

Description

This is for the actual motion regarding your recommendation.

Recommendation

Motion to recommend/ not recommend the rezoning of 1005 Old Plantersville Road from R-a to I Industrial.

Approved By

City Administrator	Jack Yates	Date: June 22, 2018
--------------------	------------	---------------------

Montgomery City Council
AGENDA REPORT

Meeting Date: June 25, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: June 22, 2018	

Subject

This is for the Planning Commission to consider the recommendation to the city Council regarding the rezoning of 2512 Lone Star Parkway from I – Industrial to R-2 Multifamily.

Description

This is for the actual motion regarding your recommendation.

Recommendation

Motion to recommend/ not recommend the rezoning of 2512 Lone Star Pkwy. from I- Industrial to R-2 MultiFamily

Approved By

City Administrator	Jack Yates	Date: June 22, 2018
--------------------	------------	---------------------

Meeting Date: June 25, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Engineer's Memo
Date Prepared: June 22, 2018	

in

Subject

This is to consider approving the final plat for Emma's Way Right-of-Way dedication.

Description

This is to approve the final plat for Emma's Way Final Plat dedicating 80 feet of right-of-way. Attached is the City Engineer's memo recommending approval.

The only unsettled issue is that Mr. Cheatham has not, to date, signed an escrow agreement. He, as recently as June 21st was requested to sign and he declined. The total amount of the Escrow Agreement is for \$11,000, but a payment of \$5,000 has been made, leaving a balance of \$6,000. The \$11,000 is a "not to exceed" amount—it is expected that a part of the \$11,000 will not be needed and would be returned.

There is, however, approximately \$3,325 ("approximate" only because I am, at this moment unable to get to the file with the precise amount) remaining from the \$5,000 deposit he made following his installation of water and sewer lines that required city inspection.

So, while approval of the Final Plat will not require another deposit, it is expected that another deposit from Mr. Cheatham will be required before the completion of the work on this development concludes.

I will ask Larry Foerster if he thinks that the Planning Commission should consider the Escrow agreement in your decision as opposed to leaving the issue with the City Council. I suspect that he will recommend that the Commission not comment on, nor deny the Plat based on the Escrow issue.



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

June 19, 2018

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

Re: Submission of Final Plat
Emma's Way 80' Right-of-Way Dedication
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'.

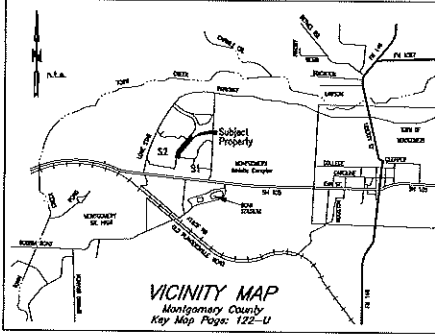
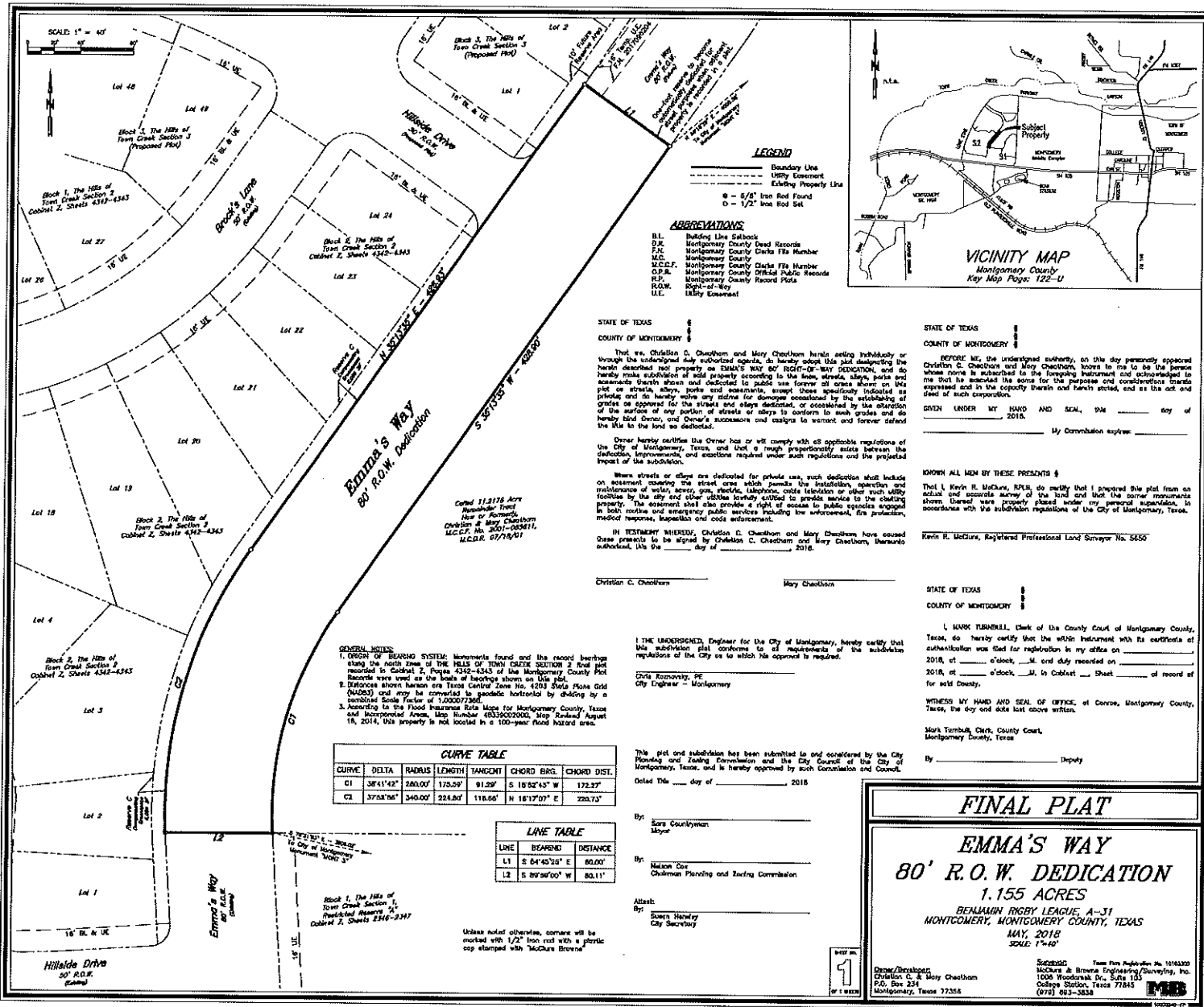
Chris Roznovsky, PE
Engineer for the City

CVR/ab

K:\W5841\W5841-1020-00 Emma's Way Extension\Project Management\Letters\FINAL PLAT APPROVAL Emma's Way 06192018.doc

Enclosures: Final Plat

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. Kevin R. McClure, RPLS – McClure & Browne Engineering/Surveying, Inc.



LEGEND

- Boundary Line
- Utility Easement
- Existing Property Line
- 6" - 5/8" Iron Rod Found
- 0" - 1/2" Iron Rod Set

ABBREVIATIONS

- B.L. Building Line setback
- D.C.R. Montgomery County Deed Records
- F.N. Montgomery County Deeds File Number
- M.C.C.F. Montgomery County Clerk's File Number
- M.P. Montgomery County District Public Records
- O.P.A. Montgomery County District Public Records
- R.O.W. Right-of-Way
- U.L. Utility Easement

STATE OF TEXAS
COUNTY OF MONTGOMERY

That we, Christian C. Cheatham and Mary Cheatham hereby setting individually or through the undersigned duly authorized agents, do hereby adopt this plat designating the hereby make subdivision of said property according to the laws, streets, alleys, parks and easements therein shown and dedicated to public use former all areas shown on this plat as streets, alleys, parks and easements, except those specifically indicated as private and do hereby waive any claims for damages occasioned by the establishing of grades or 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 do of the said streets and alleys, and their successors and assigns to warrant and forever defend the title to the land so dedicated.

Order hereby certifies the Order has or will comply with all applicable regulations of the City of Montgomery, Texas, and that a rough proportionately scale between the dedication, improvements, and easements required under such regulations and the projected impact of the subdivision.

These streets or alleys are dedicated for private use, such dedication shall include on easement covering the street area which permits the installation, operation and maintenance of water, sewer, gas, electric, telephone, cable television or other such utility facilities by the city and other utilities hereby authorized to provide service to the existing property. The easement shall also provide a right of access to public agencies engaged in both routine and emergency public services including the enforcement, fire protection, medical response, inspection and code enforcement.

IN TESTAMENTS WHEREAS, Christian C. Cheatham and Mary Cheatham have caused these presents to be signed by Christian C. Cheatham and Mary Cheatham, heretofore authorized, this the _____ day of _____, 2018.

Christian C. Cheatham _____ Mary Cheatham _____

STATE OF TEXAS
COUNTY OF MONTGOMERY

BEFORE ME, the undersigned authority, on this day personally appeared Christian C. Cheatham and Mary Cheatham, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and as the act and deed of such corporation.

GIVEN UNDER MY HAND AND SEAL, this _____ day of _____, 2018.

My Commission expires _____

KNOWN ALL MEN BY THESE PRESENTS
That I, Kevin R. McClure, SPEA, do hereby certify that I prepared the plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Montgomery, Texas.

Kevin R. McClure, Registered Professional Land Surveyor No. 8550

STATE OF TEXAS
COUNTY OF MONTGOMERY

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 _____, 2018, at _____ o'clock, _____ M. and duly recorded on _____, 2018, at _____ o'clock, _____ M. in Cabinet _____ Sheet _____ of record of for said County.

WITNESS MY HAND AND SEAL OF OFFICE, of Course, Montgomery County, Texas, the day and date last above written.

Mark Turnbull, Clerk, County Court, Montgomery County, Texas
By _____ Deputy

I, MARK TURNBULL, Engineer for the City of Montgomery, hereby certify that this subdivision plat conforms to all requirements of the subdivision regulations of the City or to which it is approved or rejected.

DATE FORWARDED, PE
City Engineer - 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 both Commission and Council.
Dated this _____ day of _____, 2018.

By: _____
Sara Courtneyman
Mayor

By: _____
Nelson Cox
Chairman Planning and Zoning Commission

Attest:
By: _____
Sara Courtneyman
City Secretary

CORNER MONUMENTS
1. CORNER OF SURVEY SYSTEM: Monuments found and the record bearings along the north line of THE HILLS OF TOWN CREDE SECTION 2 find and recorded in Cabinet 2, Pages 4342-4343 of the Montgomery County Plat Records were used as the basis of bearings shown on this plat.
2. Bearings shown hereon are True North Zone No. 4203 State Plane Grid (NAD83) and may be converted to magnetic horizontal by adding to a tabulated Scale Factor of 1.00007380.
3. According to the Flood Insurance Rate Map for Montgomery County, Texas and Incorporated Areas, Map Number 4032002000, Map Adopted August 18, 2014, this property is not located in a 100-year flood hazard area.

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEG.	CHORD END.	CHORD DIST.
C1	38°41'42"	260.00'	175.59'	91.29'	S 18°52'45" W	172.27'	
C2	37°58'56"	340.00'	224.80'	116.66'	N 18°17'57" E	220.73'	

LINE TABLE

LINE	BEARING	DISTANCE
11	S 84°45'50" E	85.00'
12	S 89°56'00" W	80.11'

Unless noted otherwise, corners will be marked with 1/2" iron rod with a plastic cap stamped with McClure Survey

FINAL PLAT

EMMA'S WAY
80' R.O.W. DEDICATION
1.155 ACRES
BENJAMIN RIGBY LEAGUE, A-31
MONTGOMERY, MONTGOMERY COUNTY, TEXAS
MAY, 2018
SCALE: 1"=40'

Submitted: _____
Terry Pitts Registration No. 1016330
McClure & Brown Engineering/Surveying, Inc.
1008 Woodbrook Dr., Suite 105
College Station, Texas 77845
(817) 663-3834

Montgomery City Council
AGENDA REPORT

Meeting Date: June 25, 2018	Budgeted Amount:
Prepared By: Jack Yates City Administrator	Exhibits: Engineer's Memo
Date Prepared: June 22, 2018	

in

Subject

This is for the Planning Commission to consider calling a public hearing for rezoning the southeast corner of Buffalo Springs Drive and State Highway 105 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

This is to call the public hearing for July 23 regarding this rezoning request.

Recommendation

Motion to hold a public hearing on July 23 at 6:00 p.m. at City Hall regarding the rezoning the southeast corner of Buffalo Springs Drive and State Highway 105, a portion of the Montgomery shops tracked from R-1, R-2 and Institutional to B- commercial and I institutionally as described in attached documents.

Approved By

City Administrator	Jack Yates	Date: June 22, 2018
--------------------	------------	---------------------



1575 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

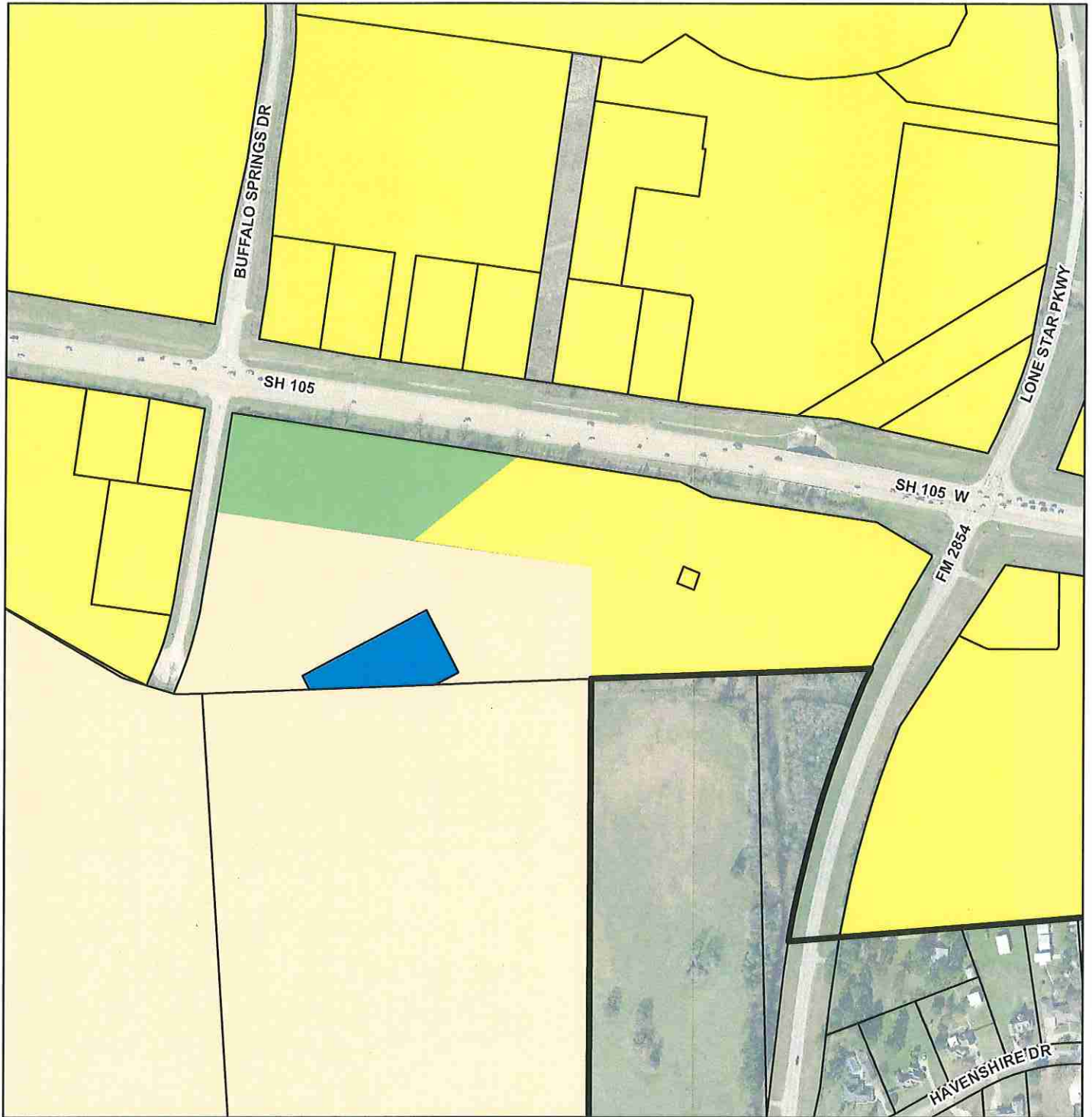
CVR/kmv

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

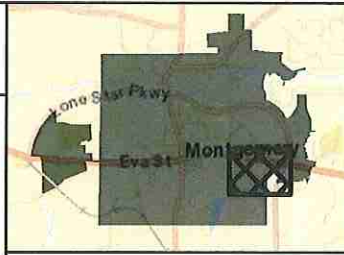
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CITY OF MONTGOMERY MONTGOMERY COUNTY, TEXAS

LEGEND

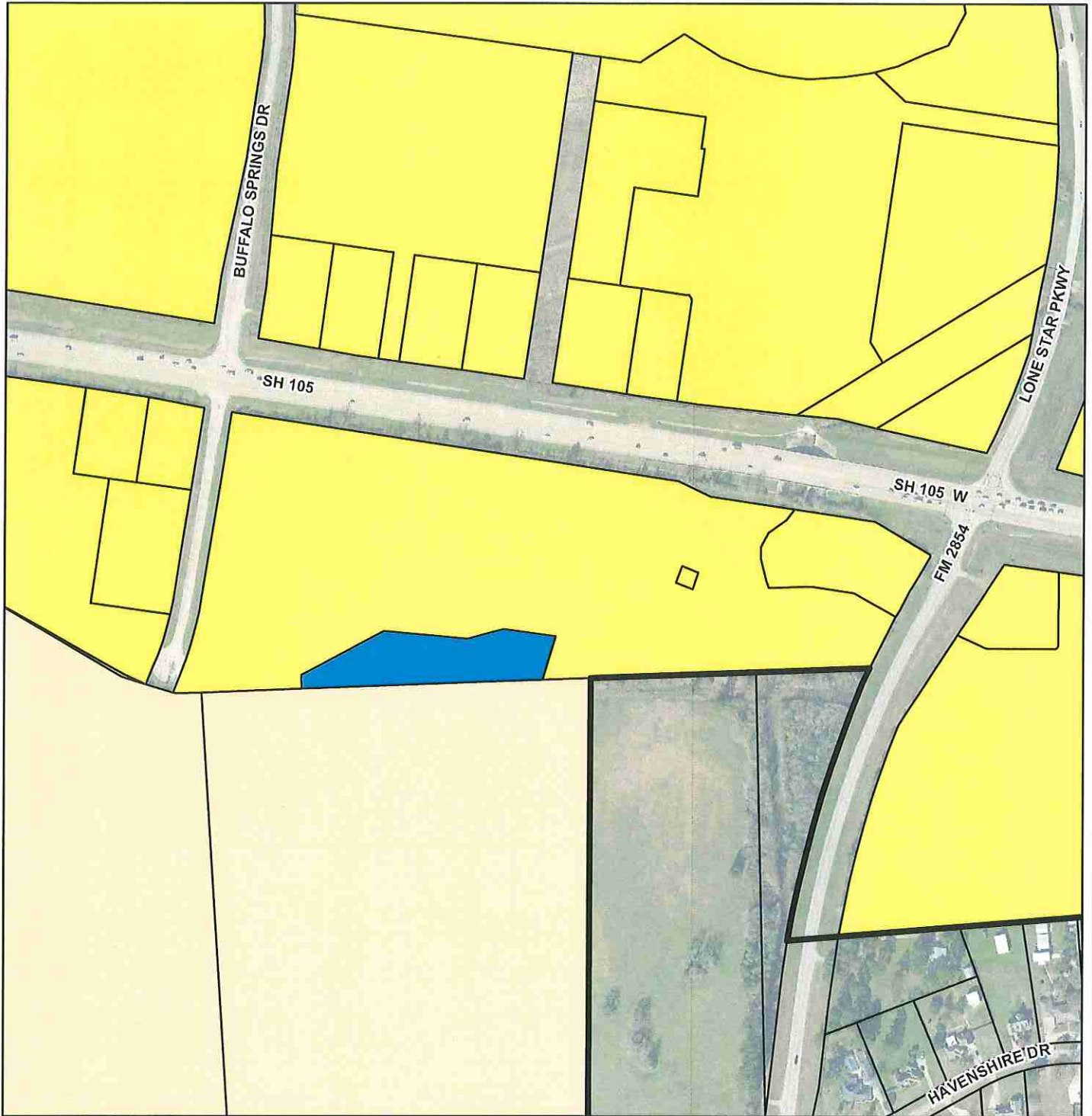
- City Limits
- MCAD Parcels
- COMMERCIAL (B)
- INSTITUTIONAL (I)
- MULTI-FAMILY (R-2)
- SINGLE-FAMILY RESIDENTIAL (R-1)



VICINITY MAP
Scale: 1 inch equals 2 miles



FUTURE ZONING CLASSIFICATION (SHOPPES AT MONTGOMERY)



1 inch equals 400 feet

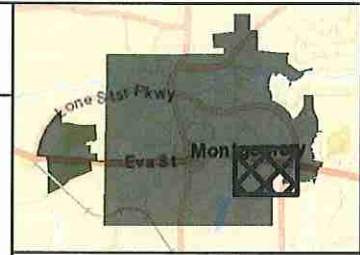
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CITY OF MONTGOMERY MONTGOMERY COUNTY, TEXAS

LEGEND

- | | |
|---|--|
| <ul style="list-style-type: none"> City Limits MCAD Parcels | <ul style="list-style-type: none"> 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

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-439