

**MONTGOMERY PLANNING AND ZONING COMMISSION AGENDA
PUBLIC HEARING and REGULAR MEETING OF
MONDAY, MARCH 27, 2017, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS 101 OLD PLANTERSVILLE ROAD,
MONTGOMERY, TEXAS.**

CALL TO ORDER

VISITOR/CITIZENS FORUM

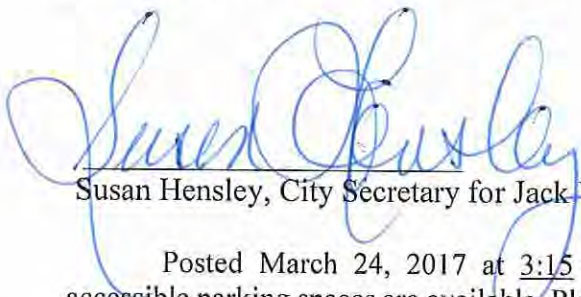
Any citizen with business not scheduled on the agenda may speak to the Commission. Prior to speaking, each speaker must be recognized by the Chairman. Commission may not discuss or take any action on any item, but may place the issue on a future agenda. The number of speakers along with the time allowed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

PUBLIC HEARING

Convene the Public Hearing:

1. For the purpose of giving all interested persons the right to appear and be heard regarding establishing a zoning district for land to be annexed, as described: all that certain 14.5003 acre tract of land, more or less, situated in the John H. Corner Survey, Abstract No. 8, Montgomery County, Texas. The property is being considered for initial zoning as commercial usage.
2. Prepare Final Report for City Council.
Reconvene Regular Meeting
3. Consideration/take action regarding February 27, 2017 minutes.
4. Consideration/take action regarding Town Creek Storage Final Plat.
5. Consideration/take action regarding Town Creek Storage Final Plans.
6. Consideration/take action regarding Hills of Town Creek Section 3 Preliminary Plat.
7. Consideration/take action regarding Emma's Way Extension Preliminary Plat.
8. Consideration/take action regarding Villas of Mia Lago Sec. 2 Final Plat.
9. Consideration/take action regarding Villas of Mia Lago Sec. 2 Final Plans.
10. Consideration/take action Montgomery Retail Center Sign and Light Pole Encroachment Agreement.
11. Consideration/take action regarding a Land-Use Plan for the City.
12. Report regarding zoning changes throughout the City.
13. Discussion regarding potential areas of annexation into the City.
14. Report regarding the Landscape Ordinance.
15. Adjournment




Susan Hensley, City Secretary for Jack Yates, City Administrator

Posted March 24, 2017 at 3:15 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 accommodation

NOTICE OF PUBLIC HEARING

The **City of Montgomery Planning and Zoning Commission** will hold a Public Hearing at 6:00 p.m. on the **27th day of March, 2017** 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 establishing a zoning district for land to be annexed, as described: all that certain 14.5003 acre tract of land, more or less, situated in the John H. Corner Survey, Abstract No. 8, Montgomery County, Texas.

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

Publication Dates: March 6 & 13, 2017

MINUTES OF REGULAR MEETING
February 27, 2017
MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

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

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

Absent: Arnette Easley

Also Present: Jack Yates, City Administrator
Ed Shackelford, City Engineer

VISITOR/CITIZENS FORUM

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

1. Consideration/take action regarding January 23, 2017 minutes.

Jeffrey Waddell moved to approve the minutes as presented. Williams Simpson seconded the motion, the motion carried unanimously. (4-0)

2. Consideration/take action regarding approval of paint color - 14259 Liberty Street and 309 Pond Street – Kirk and Emily Jones.

Mr. Yates presented the information to the Commission, stating that the proposed color scheme had been included, and said that the colors were not outlandish, in his opinion.

Jeffrey Waddell advised that there was a minor typo in Mr. Yates form that stated under the subject, on the Agenda Report, it mentions “repaving” of the building. Mr. Yates said that should have read “repainting” of the building.

William Simpson moved to approve the paint colors for 14259 Liberty Street and 309 Pond Street as submitted by Kirk and Emily Jones. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

3. Consideration/take action regarding sign permit for 811 Caroline Street - Mary Eckhart Sims.

Mr. Yates presented the information, stating that Ms. Sims was not able to attend the meeting. Mr. Yates advised that the color of the sign was grey and black, just as the ones are in the packet. Mr. Yates said that the sign would be located at 811 Caroline Street, and will be located out in the front of the property.

Mr. Waddell said that it was in keeping with the area, and asked to confirm that there were no lights on the sign. Mr. Yates confirmed that there were be no lights. Carol Langley said she thought that the last time Ms. Sims had the sign in a different area, but the sign was the same style sign.

William Simpson moved to approve the sign permit for 811 Caroline Street as submitted. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

4. Consideration/take action regarding Longview Greens Miniature Golfing Variance Request - placement of a gravel parking area.

Mr. Yates presented the information to the Commission, stating this was a request from the property owner. Mr. Yates said that the City has an ordinance that states that each parking area has to be hard surfaced, and the owner is asking for a delay in completing the hard surface. Mr. Yates said that he heard from Hilliary Dumas this afternoon, who sent an email stating that she would be opposing the variance. Mr. Long responded to Ms. Dumas stating that he only wanted the variance for a period of time. Mr. Yates said that his suggestion to the Commission would be to approve the variance with the caveat of what the City Engineer said in his report, which he recommended the application of a dust retardant and to give Mr. Long six (6) months to pave the parking lot. Mr. Yates said that the information would also be on Mr. Long's building permit, so he would be issued a temporary certificate of occupancy for six (6) months, and if Mr. Long did not pave the parking lot in six (6) months, he would lose his certificate of occupancy.

William Simpson said that he read in the City Engineer's notes about having at least the approach pad or the easement pad done in concrete, and asked how far back that would go. Mr. Shackelford said that it would go from the street to their property line, which is 10-15 feet. Mr. Shackelford said that while it was not stated, the handicapped spaces would be a hard surface.

Williams Simpson asked about the dust retardant. Mr. Shackelford said that there is a water based emulsion that you can use to control dust. William Simpson asked how often the dust retardant would have to be put down. Mr. Shackelford said that it would depend on the traffic on the parking lot, but thought that it would be one time a year. They might have to place the first coat, to seal the parking lot, then after a month and the treatment has dried, then they could treat the surface again, then they should be good for a year.

Jeffrey Waddell asked if that crushed stone subsurface be acceptable in the future, whether they put in black top or concrete, and would it matter. Mr. Shackelford said that normally you would go back with asphalt, because you would be wasting money to put concrete on top of that surface. Williams Simpson asked what they would use for the driveway. Mr. Shackelford said that they would probably use asphalt, they have not specified, but said

that would be the most logical material. Mr. Shackelford said that the handicapped parking would probably be concrete.

Jeffrey Waddell asked about the main drive, which was mentioned future black top or concrete. Mr. Shackelford said that from the City's perspective, it could be either material, but if they choose asphalt, the City would ask that they stay a couple feet off of the asphalt street that was as the City reconstructs that street in the future, the concrete driveway is not getting in the way.

Mr. Yates asked if the 8 inch depth of the rock was agreeable to the Commission. Mr. Shackelford said that 8 inches was more than acceptable.

Carol Langley said that in the recommendation they had said to set a one year variance, and now it has been changed to six (6) months. Mr. Yates said that was correct, mostly based on Mr. LeFevre's comment and he felt that the six (6) months would be better. Mr. Long stated that he would take as much as he could get. Carol Langley asked if the project had to be done by the six (6) months. Mr. Yates said that it was six months from when he gets his building permit. Carol Langley said that she was just trying to make sure that his money is going to come in during that six months, and asked how long it was going to take him to open his business. Mr. Yates said that he had actually needed to clarify that the parking lot would need to be paved six months from the date that the Temporary Certificate of Occupancy is issued. Carol Langley said that was good, because then he would be ready to open, and said that she liked that because if it was from today he would not be ready to open.

Jeffrey Waddell moved to approve the variance as read. The City Secretary asked to confirm that would include the six (6) month variance to begin at the time the Temporary Certificate of Occupancy is issued. Jeffrey Waddell said yes, as stated. Mr. Yates said that the way that will work is that a copy of the minutes from the Council Meeting will be added to the file for reference. Carol Langley seconded the motion.

Discussion: Jeffrey Waddell asked whether they needed to include the entry way having something there to keep the stone from coming out into the street. Mr. Shackelford said that would be included on the construction drawings.

The motion carried unanimously. (4-0)

5. Consideration/take action regarding Hodge Podge Lodge remodel and addition.

Carol Langley asked whether this was a remodel, or whether it was a brand new building. Mr. Yates said that it was a new building. Carol Langley asked why the agenda states remodel, and whether or not they were remodeling anything. Mr. Yates said they are remodeling the property itself. Williams Simpson asked if they were enclosing the pavilion. Mr. Yates advised that they are enclosing the pavilion that is already there.

Chairman Cox asked where that work is going to be done. Mr. Yates said that it would be on the north side of the existing building. Carol Langley said that the pavilion is actually there and they are closing it in by the plans of this new building. Mayor Jones said that the pavilion is northeast of the main house. Carol Langley said that the drawing shows that it is a completely different building. Mr. Yates said that he thinks they are doing both. Mr. Yates said that the owner is not present. William Simpson stated that it is a whole new building. Mr. Yates advised that they are just getting their building permit.

Carol Langley said that the current parking lot is grass, and asked if he is aware of the requirements and has he discussed the parking lot with Mr. Yates. Mr. Yates advised that he has not discussed that information yet, and said that he does need to. Carol Langley said that she thinks the building is wonderful, and it will be a great addition for them and she knows that in the past it has been very busy and the other owners probably felt that they needed more room. Carol Langley said that she did not have a problem with building, she just knows that the parking is very limited as it is now, and they are taking up some of it with this new building. Mr. Yates said that he did need to discuss that information with the owner before he gets his building permit.

Jeffrey Waddell said that what they are saying is their main concern is going to be drainage, if it is paved parking. Jeffrey Waddell said the building looks great, and they need the space, and it will look good and be good for the City. William Simpson asked what the approval would be. Mr. Yates said it would be the plan as submitted. Mr. Yates said that they did not need to approve the parking area because the parking area is a requirement in the regular Zoning Ordinance. Mr. Yates said that he had discussed that with the owner and he will not get his building permit until the parking was satisfactory.

William Simpson said this could be the first development with the tree ordinance. Mr. Yates said that is correct because it is more than five acres, so it would be reviewed. Chairman Cox said that depending on the accuracy of the aerial, how many trees will this affect, because it is not going to require that they remove many. Mr. Yates said that would be looked at later. Mr. Yates advised that he would look at the parking lot as part of the building permit review and overall compliance with the Zoning Ordinance.

Carol Langley asked about the landscaping barrier, and said that the property has a Special Use Permit to be able to have that business in that area. Mr. Yates said that he would check that information, but he would think that it would be okay since it is the same use as the Special Use Permit.

Jeffrey Waddell said that the language on the original agenda states “remodel” and “addition” and asked if they were talking about remodeling the main building also. Mr. Yates advised they were not, it was the remodel of the pavilion, along with a new structure. Carol Langley said that the owner did not turn plans in for the remodeling of the pavilion. Mr. Yates said that he is just talking about upgrading the electricity, not structural remodeling. Chairman Cox said that it was going in on the same location of the current pavilion, and stated that it would be a remodel and addition. Jeffrey Waddell asked whether they were well within the easements. Mr. Yates said that they were.

Jeffrey Waddell moved to approve the Preliminary Plan for the Hodge Podge Lodge addition, with the agreement that they look at parking, drainage and landscaping issues because of the size of the lot, and to preserve any trees that are full size. Williams Simpson seconded the motion.

Discussion: Carol Langley asked if they were sure that they were going to approve the remodel without seeing what they are doing. Carol Langley asked if he was actually in the Historic District or not. Mr. Yates said that he was inside the Historic District. Jeffrey Waddell asked if they needed to add any detail for the remodel. Carol Langley asked if Mr. Yates was sure that the remodel was just electrical work under the pavilion. Mr. Yates said that was correct. Mr. Yates said that these were the Plans, not Preliminary Plans.

Jeffrey Waddell moved to amend his motion to approve the Plans, instead of Preliminary Plans, for the Hodge Podge Lodge addition, with the agreement that they look at parking, drainage and landscaping issues because of the size of the lot, and to preserve any trees that are full size. Mr. Yates advised that whatever is in the Plans is what is approved, they can't add anything else to the Plans, if they approve the plans.

Williams Simpson seconded the motion, the motion carried unanimously. (4-0)

6. Consideration/take action regarding Living Savior Lutheran Church remodel and addition.

Mr. Yates reviewed the information, stating that the roofline will connect the Family Life Center to the original church building. The Church will be almost doubled in size. A new bell tower is also planned and the Family Life Center building is planned to extend south to provide storage and additional office space for church use. On the west side, a new parking lot and garage building is included.

Mr. Krenz advised that most of the information has been discussed, and the drawings have been updated. Mr. Krenz said that they have obtained the variances for the side set back and parking lot entry from the City. They have their financing approved, and they currently have a building fund drive going on at the Church, and will have a Spaghetti

Dinner in early May that they will invite the City to attend. They met with the architect and the building plans are in the final stages and hope to have completed in the near future. Mr. Krenz advised that they have already moved the gazebo that was located in front of the Church. They worked with Council member Wilkerson, and the gazebo will be relocated to the cemetery on FM 1097 and FM 149 and will finally have an appropriate home.

William Simpson asked if everything was worked out with Mr. Peel. Mr. Krenz advised that he did and said that since they are moving the circle drive, Mr. Peel was concerned about where he was going to park. Mr. Krenz said that he agreed to put a 12 foot wide, crushed gravel on the north side of Mr. Peel's cemetery plot, so that he can back a hearse in there without getting stuck. Mr. Krenz said that they will put some gravel there when they get to the end of their construction, so that Mr. Peel will not get stuck in the mud. Mr. Krenz said that Mr. Peel was happy with that solution.

William Simpson moved to recommend approval of the full plan request from Living Savior Lutheran Church. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

Jeffrey Waddell said that he thought it was very nice that they were going to preserve the bell tower. Mr. Krenz said that it was much more than preserving the bell tower, because it was actually 1908 that it got hit by lightning, and half of the tower was knocked down. Mr. Krenz advised that it will be a total rebuild of the bell tower because the wood is all rotten. Mr. Krenz said that their desire is to really clean up the block.

7. Setting a Public Hearing regarding providing for the initial zoning of newly annexed property as provided in Chapter 98 of the Code of Ordinances of the City of Montgomery, Texas; providing for the classification and inclusion of a certain tract of land of approximately 14.5003 acres located east of Lone Star Parkway and north of State Highway 105 within a zoning district.

Mr. Yates stated that this is a method of zoning a 14 acre piece of property that is being brought into the City by annexation. The intention is to zone the property commercial, but that will be decided later.

William Simpson moved to schedule the Public Hearing to be held during the next meeting to be held on March 27, 2017 at 6 p.m., for the initial zoning of the newly annexed property, as provided in Chapter 98 of the Code of Ordinances of the City of Montgomery. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

8. Report regarding HOME Project grant program.

Mr. Yates briefed the Commission regarding the HOME Project grant program. Mr. Yates advised that this is a no match grant, meaning that there is no local match. Mr. Yates said that he spoke to the Montgomery EDC and advised that there might be some title clearing costs that they need to help people with. The qualifications for these grants are that the people have to be low income and they need to own their home outright. Mr. Yates said that they can have a mortgage on their home. Mr. Yates said that he just wanted to let the Commission know that they were planning to ask permission to apply for the grant. They will use the Grantworks people to apply for this grant. Mr. Yates said that the timing is that he will probably take this to the March 14, 2017 City Council Meeting to request permission to apply for the grant. They will probably submit the application at the end of May. They should hear something in August or September, which will be when people can start applying for the houses. Mr. Yates said that they will contact the City in the interim so that they can start working on the title clearing process. Mr. Yates said that once they determine that the people probably will qualify for the grant, they will turn the files over to the State. The actual construction of the homes takes approximately six months. Mr. Yates said that they will probably be doing well to start on any construction by the end of this year.

William Simpson asked how notice goes out to the public. Mr. Yates said it would be through public information, along with a legal ad, press release and notice in the water

bills. Mr. Yates said that he was also working with Mr. Easley and T.J. Wilkerson to work through the churches. William Simpson asked who picks and chooses the grant recipients. Mr. Yates advised that it was first come, first serve. William Simpson asked if the City had any involvement in the choice. Mr. Yates said that the City will hire the grant writer, and the grant writer will be the one that will following the procedures. Mr. Yates said that there is a check list on what they need to provide. Jeffrey Waddell said that once they get all their information together, it gets sent out to everybody so that they all have the same amount of time. Mr. Yates said that was correct.

Chairman Cox asked if that was for teardown and replacement. Mr. Yates advised that was correct. Jeffrey Waddell said if they can do a renovation for \$40,000 or less, the State will consider renovating. Mr. Yates said that was correct.

Jeffrey Waddell said that it sounds like a very organized program that has been around for 20 years, and he just had one question. In 2008 there were nine houses built, and he thought he knew where some of them were located, but he was not sure. Carol Langley said that there were homes located on Pond Street, FM 149, McGinnis Lane, Baja, Lawson, Simonton and there are a couple more in the City. William Simpson asked if those homes were part of the same program. Carol Langley said that it was the same program. Carol Langley said that it was a very easy program and back then they had no problems, other than you have to make sure that the dwelling that is on the property, the residents have to be living in the home. Mr. Yates said that one of the requirements of the program is that the resident has to provide their own relocation area at the time. Mr. Yates said that might be something that Montgomery EDC might be able to help them with, such as, six months of rent to help the process.

Jeffrey Waddell said that he guessed the original idea of the program was to get rid of blight and it can be for numerous situations. Carol Langley advised that the program allowed a handicapped resident to live in her house because she had enough land, so they relocated the original house to the other side of the land and built the new home. Jeffrey Waddell asked about the increase in property tax due to the increase in property value.

Carol Langley said that the City did a tax rebate on their taxes for them for five years. Carol Langley said that it was a very good program.

Mr. Yates stated that if the Commission felt very good about the program, he asked if the Commission would recommend to City Council, the application for the grant.

Carol Langley moved that the Planning and Zoning Commission highly recommends the HOME Grant Program to City Council. William Simpson seconded the motion, the motion carried unanimously. (4-0)

9. Consideration/take action regarding Land-Use Plan for the City.

Mr. Yates presented his proposed Land Use Plan, which is a proposal for how the City would plan to use the land. Mr. Yates said that the proposed Plan is being brought to the Commission for two reasons. One, is just to get an idea that the City has a Land Use Plan for whenever zoning applications come before the Commission, so they have some idea on how they want the City to grow. Mr. Yates said that the second reason is the discussions that have been held regarding high and low density. Mr. Yates said that he knew that his plan needed lots of comments and review, this is just in the planning stages.

Mr. Yates reviewed the planning map of the different areas of the City and what the land use could be. Mr. Yates stated that this map was one that he put together, so they will need to have the engineers professionally put it together, showing all the different tracts and their land use. Mr. Yates asked the Commission to study the map and then come and visit with him with their questions. Mr. Yates said that at some time in the future they will go to City Council with the map. Mr. Yates said that he had not added estate lots, but would look at it for the future. Mr. Yates reviewed the different usages detailed on the map.

Chairman Cox asked Mr. Yates if his plan was to have this Land Use Plan set in stone once it is approved by City Council, something that they could fall back on when someone

requests variances. Mr. Yates said yes, at some point it becomes a guidance for action in the future and support of that action.

Carol Langley asked about the Planned Unit Development. Mr. Yates said that it was a section of the Code that is usually a development, similar to what Mr. LeFevre has, but is not already subdivided.

Carol Langley asked what Mr. Yates was proposing and whether they were going to be looking at the information at the next meeting. Mr. Yates advised that he wanted to take the information to a few of the developers around town and get their comments, along with the City Engineer. Carol Langley said that it sounded like they were looking at a couple of months before it would come back. Mr. Yates said that was probably correct.

Jeffrey Waddell asked whether the City had an option of another lane coming through town, to widen 149. Mr. Yates said that was so far out, and he had not heard any information. William Simpson said that they are coming through town and they will be adding another lane, eventually and they are slowly making progress. Mr. Yates said that they are going to widen 149 and put shoulders on the road, but he did not think that they were thinking about three lanes. Mr. Yates said that if they had commercial all the way on 149, he did not think that two lanes would be able to handle the traffic.

Chairman Cox asked Mr. Yates what kind of action he needed from the Commission. Mr. Yates said that he did not need any action, he just wanted them to take the materials and consider the information.

10. Report regarding zoning changes throughout the City.

Mr. Yates advised that he did not have any more information at this time on this item. Mr. Yates advised that he would work with the City Engineer and Mr. Muckleroy to get some of the information on the property owners so they can start work on the process.

11. Discussion of potential areas of annexation into the City.

Mr. Yates said that this was basically the same as the previous item. Mr. Yates said that he along with the Mayor, City Attorney need to get together and discuss what type of propositions that they want to offer for the enticement of people to annex into the City.

12. Consideration/take action regarding landscape ordinance.

Mr. Yates advised that he had taken the information discussed with the Commission last month, and placed it into Ordinance form. Mr. Yates said that it was like the tree ordinance, where a landscaping plan must be submitted with the development plan, and would be reviewed by the City Engineer and the City Administrator.

Mr. Yates said that the main crux of the Ordinance is in Section 78-188(e) for nonresidential lots and parcels, would have to have 10% percent of their gross land area landscaped. Mr. Yates said that the definition details what needs to be included, which is living plants, such as, grass, ground cover, shrubs, vines or trees and nonliving materials, such as rocks, pebbles, sand, mulch and other decorative materials. Mr. Yates said that if they were to just have a patch of grass, they would have to cover 10% percent of their lot area with something that falls under the category of landscaped area. Mr. Yates said that residential lots and parcels would have to have 12% percent of the gross land area landscaped.

Mr. Yates said that this would work basically the same as the tree ordinance, so if they are in a platted subdivision, then they would not require a landscaping plan, but for new subdivisions they could require the landscaping plan.

Jeffrey Waddell said that the requirement of 20% percent landscaping area for parking areas, he felt, would get a unanimous thumbs up from everyone because that has been an issue.

Mr. Yates said that there was no list of approved plants and would be pretty much anything that is a tree or shrub would be alright, because the Commission did not want to get too specific with the varieties.

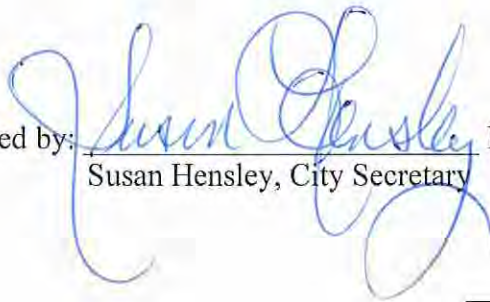
Carol Langley asked if Section 78-186 Purpose, where there is some verbiage that is not related to the ordinance and should be removed. Mr. Yates advised that he would take that line out of the ordinance.

Jeffrey Waddell moved to recommend approval of the Landscape Ordinance to City Council, as proposed. William Simpson seconded the motion, the motion carried unanimously. (4-0)

13. Adjournment.

William Simpson moved to adjourn the meeting at 7:30 p.m. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

Submitted by:



Susan Hensley, City Secretary

Date approved: _____

Chairman Nelson Cox

Montgomery City Council
AGENDA REPORT

ITEM# 4

Meeting Date: March 27, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Memo form City Engineer
Date Prepared: March 18, 2017	

Subject

This is the Final Plat for Town Creek Storage

Discussion

The memo from the City Engineer is attached.

Recomendation

Approve the Final Plat for Town Creek Storage

Approved By

City Administrator

Jack Yates

Date: March 18, 2017



8701 New Trails Drive, Suite 200
The Woodlands, Texas 77381-4241
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

March 23, 2017

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

Re: Submission of Final Plat and Construction Drawings
Town Creek Storage
City of Montgomery

Commission Members:

We have reviewed the referenced Final Plat as prepared by Mr. Donald K. Hall, RPLS. Most review comments have been addressed however there are still outstanding items to be addressed. We have also reviewed the accompanying construction drawings as prepared by Mr. E. Levi Love, PE. Again, most review comments have been addressed however there are still outstanding items to be addressed. We offer the recommendation that should the Commission grant provisional approval of the referenced documents we will continue to coordinate with Messers. Hall and Love to ensure all review comments are addressed prior to formal approval of the final plat and accompanying construction drawings.

As always, should you have any questions or need any additional information, please do not hesitate to contact Chris Roznovsky and or myself.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Shackelford', written in a cursive style.

Ed Shackelford, PE
Engineer for the City

EHS/cvr

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Enclosure:

N/A

cc/enc:

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 and Creighton, LLP, City Attorney
Mr. E. Levi Love, PE – L Squared Engineering

Montgomery City Council
AGENDA REPORT
ITEM #5

Meeting Date: March 27, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Memo form City Engineer
Date Prepared: March 18, 2017	

Subject

This is the Final Plans for Town Creek Storage

Discussion

The memo from the City Engineer is attached.

Recomendation

Approve the Final Plans for Town Creek Storage

Approved By

City Administrator

Jack Yates

Date: March 18, 2017



JONES | CARTER

8701 New Trails Drive, Suite 200
The Woodlands, Texas 77381-4241
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

March 23, 2017

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

Re: Submission of Final Plat and Construction Drawings
Town Creek Storage
City of Montgomery

Commission Members:

We have reviewed the referenced Final Plat as prepared by Mr. Donald K. Hall, RPLS. Most review comments have been addressed however there are still outstanding items to be addressed. We have also reviewed the accompanying construction drawings as prepared by Mr. E. Levi Love, PE. Again, most review comments have been addressed however there are still outstanding items to be addressed. We offer the recommendation that should the Commission grant provisional approval of the referenced documents we will continue to coordinate with Messers. Hall and Love to ensure all review comments are addressed prior to formal approval of the final plat and accompanying construction drawings.

As always, should you have any questions or need any additional information, please do not hesitate to contact Chris Roznovsky and or myself.

Sincerely,

Ed Shackelford, PE
Engineer for the City

EHS/cvr

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Enclosure:

N/A

cc/enc:

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 and Creighton, LLP, City Attorney
Mr. E. Levi Love, PE – L Squared Engineering

Montgomery City Council
AGENDA REPORT

ITEM# 6

Meeting Date: March 27, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Memo form City Engineer
Date Prepared: March 18, 2017	

Subject

This is the Preliminary Plat for Town Creek Section 3

Discussion

The memo from the City Engineer is attached.

Recomendation

Approve the Preliminary Plat for Town Creek Section 3

Approved By

City Administrator

Jack Yates

Date: March 18, 2017



March 22, 2017

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

Re: Submission of Preliminary Plat
The Hills of Town Creek, Section 3
City of Montgomery

Commission Members:

We have reviewed the referenced preliminary plat as prepared by Mr. Kevin R. McClure, R.P.L.S. and find it to be in keeping with the submission criteria set forth in the City of Montgomery's Code of Ordinances. We have returned a plat review letter along with redlined comments to Mr. McClure and copies of each are enclosed for your review. Recall the City approved variances for reduction in lot width, reduction in lot size, and reduction in street radii on June 9, 2015 for Hills of Town Creek Sections 2, 3, 4, & 5. We offer the recommendation the Commission accept the preliminary plat as submitted, and we will coordinate with Mr. McClure to ensure all review comments are addressed prior to submission of a final plat.

If you have any questions or comments, please contact, Chris Roznovsky and or myself.

Sincerely,

Ed Shackelford, P.E.
Engineer for the City

EHS/cvr: lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2017\P&Z Reports\3.27.17\Hills of Town Creek Section 3, Preliminary Plat Review-P&Z Opinion.doc

Enclosures: The Hills of Town Creek, Section 3 – Preliminary Plat Submission Review Letter
The Hills of Town Creek, Section 3 – Preliminary Plat Submission Review
Comments

cc/enc: 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, City Attorney
Mr. Kevin R. McClure, R.P.L.S. – McClure & Browne Engineering/Surveying, Inc.



JONES | CARTER

8701 New Trails Drive, Suite 200
The Woodlands, Texas 77381-4241
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

March 22, 2017

Mr. Kevin R. McClure, R.P.L.S
McClure & Browne Engineering/Surveying, Inc.
1008 Woodcreek Dr., Suite 103
College Station, Texas 77845

Re: Plat Review (Preliminary)
The Hills of Town Creek, Section 3
City of Montgomery

Mr. McClure,

We reviewed the referenced preliminary plat submission on behalf of the City of Montgomery (the "City"). Our review was based on The City's Code of Ordinances, Chapter 78, Section 61 and any other applicable chapters. The results of our review are summarized in the attached document.

Please resubmit the attached checklist along with a revised preliminary plat, showing the required revisions on a clean copy for review and approval.

If you have any questions or comments, please contact, Chris Roznovsky and or myself.

Sincerely,

Ed Shackelford, P.E.
Engineer for the City

EHS/cvr: lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-1008-00 Hills of Town Creek Secs. 2,3,4, & 5\Letters\PRELIMINARY PLAT The Hills of Town Creek, Section Three.doc

Enclosures cc: The Honorable Mayor and 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



The Hills of Town Creek, Section Three
The City of Montgomery

Reviewed by Ed Shackelford and Chris Roznovsky of Jones & Carter Inc. on 03/21/2017.

1. General:

- a. Provide title letter or tax certificate as defined in Sec. 78-62(f) of the City's Code of Ordinances.

Addressed: Yes ___ No ___ Comments _____

- b. Please verify submission of required preliminary plat fee.

Addressed: Yes ___ No ___ Comments _____

- c. Reference appropriate Montgomery County Key Map page on vicinity map.

Addressed: Yes ___ No ___ Comments _____

2. Existing Features Inside the Platted Area:

- a. Topographical information with contour lines of two-foot (2') intervals maximum shall be shown.

Addressed: Yes ___ No ___ Comments _____

- b. Identify the 100-year floodplain elevation and show the extent, if any, that occurs within the plat.

Addressed: Yes ___ No ___ Comments _____

- c. Boundary lines shall be clearly tied to a minimum of two city monuments.

Addressed: Yes ___ No ___ Comments _____

3. Existing Features Outside the Platted Area:

- a. Label Emma's Way as "proposed plat" and show boundary of proposed plat as appropriate.

Addressed: Yes ___ No ___ Comments _____

- b. Label the portion of future Emma's Way that is not included in proposed plat as "Future."

Addressed: Yes ___ No ___ Comments _____

- c. Show and label the existing City of Montgomery City limits.

Addressed: Yes ___ No ___ Comments _____



4. New Features Inside of the Subdivision:

- a. Minimum lot width is 75 feet. Radial lots on the inside of a curved street shall have a minimum width of 75 feet at and for a distance of 30 feet behind the building line. For radial lots on the outside of a curved street or cul-de-sac, the minimum width is established by measurement at the building line.

Addressed: Yes ___ No ___ Comments _____

- b. Minimum lot area is 9,000 feet

Addressed: Yes ___ No ___ Comments _____

- c. Corner lots with a width of less than 90 feet are to be at least five-feet (5') wider than the average of interior lots in the block. Corner lots with a width of less than 90 feet adjacent to a major thoroughfare are to be at least 15 feet wider than the average of interior lots in the block.

Addressed: Yes ___ No ___ Comments _____

- d. There shall be a side yard on each side of the lot having a width of not less than ten-feet (10'). A side yard adjacent to a side street shall not be less than 15 feet from the property line to the building line, except, where the lots side on a major street, the building line shall not be less than 25 feet from the side street property line.

Addressed: Yes ___ No ___ Comments _____

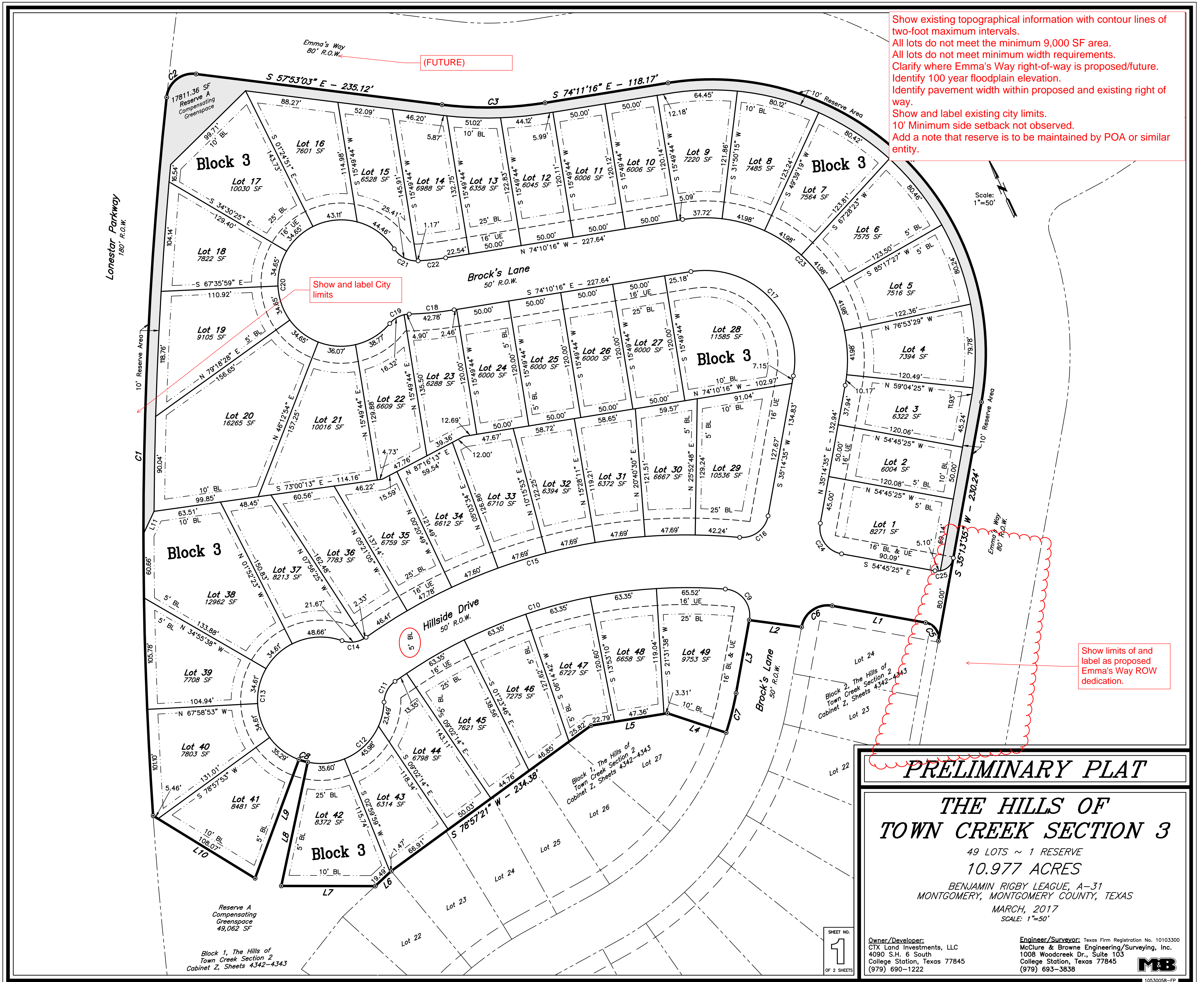
- e. Show and call out the proposed pavement widths.

Addressed: Yes ___ No ___ Comments _____

- f. Add a note that Reserve A is to be maintained by the POA or similar entity.

Addressed: Yes ___ No ___ Comments _____

Show existing topographical information with contour lines of two-foot maximum intervals.
 All lots do not meet the minimum 9,000 SF area.
 All lots do not meet minimum width requirements.
 Clarify where Emma's Way right-of-way is proposed/future.
 Identify 100 year floodplain elevation.
 Identify pavement width within proposed and existing right of way.
 Show and label existing city limits.
 10' Minimum side setback not observed.
 Add a note that reserve is to be maintained by POA or similar entity.



PRELIMINARY PLAT

THE HILLS OF TOWN CREEK SECTION 3

49 LOTS ~ 1 RESERVE
 10.977 ACRES
 BENJAMIN RIGBY LEAGUE, A-31
 MONTGOMERY, MONTGOMERY COUNTY, TEXAS
 MARCH, 2017
 SCALE: 1"=50'

Owner/Developer:
 CTX Land Investments, LLC
 4090 S.H. 6 South
 College Station, Texas 77845
 (979) 690-1222

Engineer/Surveyor: Texas Firm Registration No. 10103300
 McClure & Browne Engineering/Surveying, Inc.
 1009 Woodcreek Dr., Suite 103
 College Station, Texas 77845
 (979) 693-3838

SHEET NO.
1
 OF 2 SHEETS



STATE OF TEXAS §
COUNTY OF MONTGOMERY §

That we, CTX Land Investments, LLC herein acting individually or through the undersigned duly authorized agents, do hereby adopt this plat designating the herein described real property as THE HILLS OF TOWN CREEK, SECTION 3, and do hereby make subdivision of said property according to the lines, streets, alleys, parks and easements therein shown and dedicated to public use forever 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 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 do hereby bind Owner, and Owner's successors and assigns to warrant and forever defend the title to the land so dedicated.

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

Where streets or alleys are dedicated for private use, such dedication shall include an 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 lawfully entitled to provide service to the abutting property. The easement shall also provide a right of access to public agencies engaged in both routine and emergency public services including law enforcement, fire protection, medical response, inspection and code enforcement.

IN TESTIMONY WHEREOF, CTX Land Investments, LLC have caused these presents to be signed by Doug French, Manager thereunto authorized, this the _____ day of _____, 2017.

CTX Land Investments, LLC

By: _____

STATE OF TEXAS §
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is 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 _____, 2017.

My Commission expires: _____

KNOWN ALL MEN BY THESE PRESENTS §

That I, Kevin R. McClure, RPLS, do 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.

Kevin R. McClure, Registered Professional Land Surveyor No. 5650

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.

Ed Shackelford, 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 such Commission and Council.

Dated This _____ day of _____, 2017

By: _____
Kirk Jones
Mayor

By: _____
Nelson Cox
Chairman Planning and Zoning Commission

Attest:
By: _____
Susan Hensley
City Secretary

STATE OF TEXAS §
COUNTY OF MONTGOMERY §

LIENHOLDERS ACKNOWLEDGEMENT AND SUBORDINATION STATEMENT

I, _____ acting on behalf of Guaranty Bank & Trust, N.A., owner and holder of a lien against the property described in the plat known as THE HILLS OF TOWN CREEK SECTION 3, said lien being evidenced by instruments of record in the Clerk's File No.'s 2015070005 and 2015070006 of the O.P.R.O.R.P. of Montgomery County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedication and restrictions shown herein to said subdivision plat and we hereby confirm that we are the present owner said lien and have not assigned the same nor any part thereof.

Guaranty Bank & Trust, N.A.

By: _____

STATE OF TEXAS §
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is 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 _____, 2017.

My Commission expires: _____

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 _____, 2017, at _____ o'clock, ____M. and duly recorded on _____, 2017, at _____ o'clock, ____M. in Cabinet _____, Sheet _____ of record of for said County.

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

Mark Turnbull, Clerk, County Court,
Montgomery County, Texas

By: _____ Deputy

GENERAL NOTES:

- ORIGIN OF BEARING SYSTEM: Monuments found and the record bearings along the north lines of THE HILLS OF TOWN CREEK SECTION 2 final plat recorded in Cabinet Z, Pages 4342-4343 of the Montgomery County Plat Records were used as the basis of bearings shown on this plat.
- Distances shown hereon are Texas Central Zone No. 4203 State Plane Grid (NAD83) and may be converted to geodetic horizontal by dividing by a combined Scale Factor of 1.000077360.
- Distances shown along curves are arc lengths.
- Unless otherwise depicted hereon, Building Setback Lines are as follows:
Front: 25'
Rear: 10'
Side: 5'
- According to the Flood Insurance Rate Maps for Montgomery County, Texas and Incorporated Areas, Map Number 48339C0200G, Map Revised August 18, 2014, this property is not located in a 100-year flood hazard area.

LEGEND

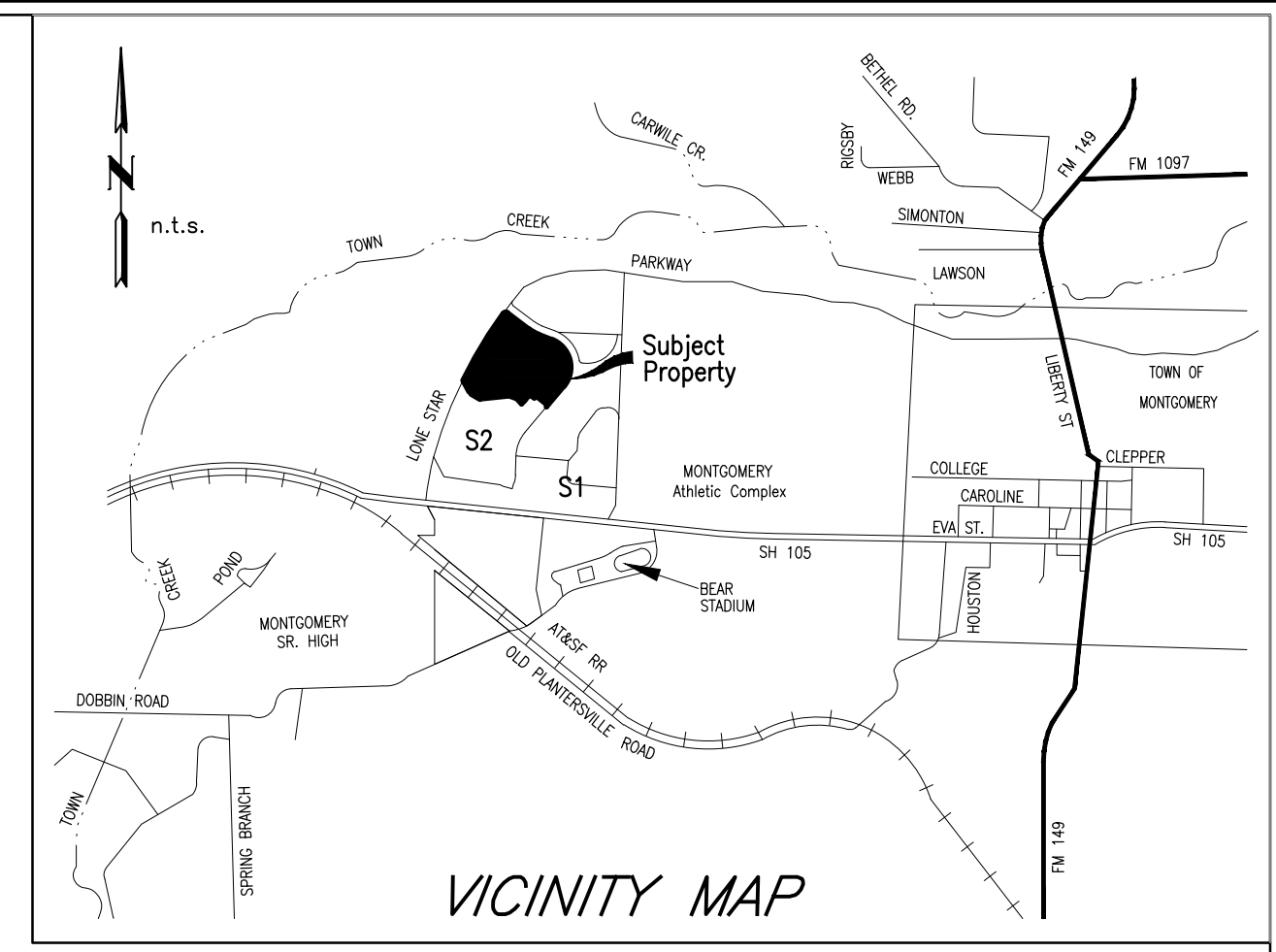
- Building Setback Line
- Boundary Line
- Utility Easement
- Property Line
- Existing Property Line

- ⊙ - 5/8" Iron Rod Found
- - 1/2" Iron Rod Set

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

ABBREVIATIONS

- B.L. Building Line Setback
- D.R. Montgomery County Deed Records
- O.P.R. Montgomery County Official Public Records
- R.P. Montgomery County Record Plats
- R.O.W. Right-of-Way
- U.E. Utility Easement



Reference Montgomery County Key Map

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 54°45'25" W	90.12'
L2	N 57°24'23" W	50.05'
L3	S 35°14'35" W	70.46'
L4	N 46°42'13" W	58.57'
L5	N 74°10'16" W	73.46'
L6	S 71°50'13" W	20.96'
L7	N 64°51'50" W	89.04'
L8	N 36°59'59" E	120.00'
L9	S 45°15'41" W	120.00'
L10	N 33°29'04" W	113.53'
L11	N 50°10'17" E	23.65'

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BRG.	CHORD DIST.
C1	9°59'58"	3910.00'	682.39'	342.06'	N 26°05'01" E	681.52'
C2	91°01'47"	25.00'	39.72'	25.45'	N 76°35'54" E	35.67'
C3	16°18'13"	345.00'	98.17'	49.42'	S 66°02'09" E	97.84'
C4	109°24'50"	260.00'	496.51'	367.31'	S 19°28'51" E	424.43'
C5	89°59'00"	15.00'	23.56'	15.00'	N 9°45'55" W	21.21'
C6	90°00'00"	25.00'	39.27'	25.00'	S 80°14'35" W	35.36'
C7	8°03'12"	275.00'	38.65'	19.36'	S 39°16'11" W	38.62'
C8	8°15'11"	60.00'	8.64'	4.33'	N 48°51'55" W	8.64'
C9	95°48'46"	25.00'	41.81'	27.67'	S 12°39'48" E	37.10'
C10	40°04'42"	475.00'	332.26'	173.25'	S 80°36'32" E	325.53'
C11	52°40'55"	25.00'	22.99'	12.38'	N 53°00'40" E	22.19'
C12	100°20'17"	60.00'	105.07'	71.94'	N 76°50'21" E	92.15'
C13	179°19'41"	60.00'	187.79'	10233.75'	S 44°55'31" W	120.00'
C14	55°00'18"	25.00'	24.00'	13.02'	N 72°54'47" W	23.09'
C15	40°54'20"	525.00'	374.82'	195.80'	N 79°57'46" W	366.91'
C16	85°14'49"	25.00'	37.20'	23.01'	S 77°51'59" W	33.86'
C17	109°24'50"	85.00'	162.32'	120.08'	S 19°27'51" E	138.76'
C18	7°32'28"	325.00'	42.78'	21.42'	S 70°24'02" E	42.75'
C19	48°37'23"	25.00'	21.22'	11.29'	N 89°03'31" E	20.58'
C20	287°28'06"	60.00'	301.04'	-44.02'	S 28°28'52" W	70.98'
C21	60°53'56"	25.00'	26.57'	14.70'	N 38°14'02" W	25.34'
C22	5°29'15"	275.00'	26.34'	13.18'	N 71°25'38" W	26.33'
C23	109°24'50"	135.00'	257.80'	190.72'	N 19°27'51" W	220.38'
C24	90°00'00"	25.00'	39.27'	25.00'	S 9°45'25" E	35.36'
C25	90°00'59"	15.00'	23.57'	15.00'	S 80°14'05" W	21.22'

Must tie in to two city monuments

SHEET NO.
2
OF 2 SHEETS

PRELIMINARY PLAT

THE HILLS OF TOWN CREEK SECTION 3

49 LOTS ~ 1 RESERVE
10.977 ACRES

BENJAMIN RIGBY LEAGUE, A-31
MONTGOMERY, MONTGOMERY COUNTY, TEXAS

MARCH, 2017
SCALE: 1"=50'

Owner/Developer:
CTX Land Investments, LLC
4090 S.H. 6 South
College Station, Texas 77845
(979) 690-1222

Surveyor:
McClure & Browne Engineering/Surveying, Inc.
1008 Woodcreek Dr., Suite 103
College Station, Texas 77845
(979) 693-3838
Texas Firm Registration No. 10103300



Meeting Date: March 27, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Memo form City Engineer
Date Prepared: March 18, 2017	

Subject

This regards the extension of Emma's Way North.

Discussion

The memo from the City Engineer is attached.

Recomendation

Consider the report and take the appropriate action.

Approved By

City Administrator

Jack Yates

Date: March 18, 2017



JONES | CARTER

8701 New Trails Drive, Suite 200
The Woodlands, Texas 77381-4241
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

March 22, 2017

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

Re: Submission of Preliminary Plat
Emma's Way Right-of-Way Dedication
City of Montgomery

Commission Members:

We have reviewed the referenced preliminary plat as prepared by Mr. Kevin R. McClure, R.P.L.S. and find it to be in keeping with the submission criteria set forth in the City of Montgomery's Code of Ordinances. We have returned a plat review letter along with redlined comments to Mr. McClure and copies of each are enclosed for your review. We offer the recommendation the Commission accept the preliminary plat as submitted, and we will coordinate with Mr. McClure to ensure all review comments are addressed prior to submission of a final plat.

If you have any questions or comments, please contact, Chris Roznovsky and or myself.

Sincerely,

Ed Shackelford, P.E.
Engineer for the City

EHS/cvr: lr2

P:\PROJECTS\WS841 - City of Montgomery\WS841-0900-00 General Consultation\2017\P&Z Reports\3.27.17\Emma's Way ROW Dedication, Preliminary Plat Review-P&Z Opinion.doc

Enclosures: Emma's Way Right-of-Way Dedication – Preliminary Plat Submission Review Letter
Emma's Way Right-of-Way Dedication – Preliminary Plat Submission Review
Comments

cc/enc: 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, City Attorney
Mr. Kevin R. McClure, R.P.L.S. – McClure & Browne Engineering/Surveying, Inc.



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March 22, 2017

Mr. Kevin R. McClure, R.P.L.S
McClure & Browne Engineering/Surveying, Inc.
1008 Woodcreek Dr., Suite 103
College Station, Texas 77845

Re: Plat Review (Preliminary)
Emma's Way 80' Right-of-Way Dedication
City of Montgomery

Mr. McClure,

We reviewed the referenced preliminary plat submission on behalf of the City of Montgomery (the "City"). Our review was based on The City's Code of Ordinances, Chapter 78, Section 61 and any other applicable chapters. The results of our review are summarized in the attached document.

Please resubmit the attached checklist along with a revised preliminary plat, showing the required revisions on a clean copy for review and approval.

If you have any questions or comments, please contact, Chris Roznovsky and or myself.

Sincerely,

Ed Shackelford, P.E.
Engineer for the City

EHS/cvr: lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-1008-00 Hills of Town Creek Secs. 2,3,4, & 5\Letters\PRELIMINARY PLAT Emma's Way ROW.doc

Enclosures cc: The Honorable Mayor and 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



Emma's Way 80' Right-of-Way Dedication
The City of Montgomery

Reviewed by Ed Shackelford and Chris Roznovsky of Jones|Carter on 03/21/2017.

1. General:

- a. Provide title letter or tax certificate as defined in Sec. 78-62(f) of the City's Code of Ordinances.
Addressed: Yes ___ No ___ Comments _____
- b. Please verify submission of required preliminary plat fee.
Addressed: Yes ___ No ___ Comments _____
- c. Reference appropriate Montgomery County Key Map page on vicinity map.
Addressed: Yes ___ No ___ Comments _____
- d. If there is a lien holder on the tract an appropriate signature block must be provided.
Addressed: Yes ___ No ___ Comments _____

2. Existing Features Inside the Platted Area:

- a. Topographical information with contour lines of two-foot (2') intervals maximum shall be shown.
Addressed: Yes ___ No ___ Comments _____
- b. Identify the 100-year floodplain elevation and show the extent, if any, that occurs within the plat.
Addressed: Yes ___ No ___ Comments _____
- c. Boundary lines shall be clearly tied to a minimum of two city monuments.
Addressed: Yes ___ No ___ Comments _____

3. Existing Features Outside the Platted Area:

- a. Confirm the property ownership is correctly shown. Does not match Montgomery County Appraisal District records.
Addressed: Yes ___ No ___ Comments _____
- b. Label The Hills of Town Creek Section 3 as "Proposed Plat".
Addressed: Yes ___ No ___ Comments _____



JONES | CARTER

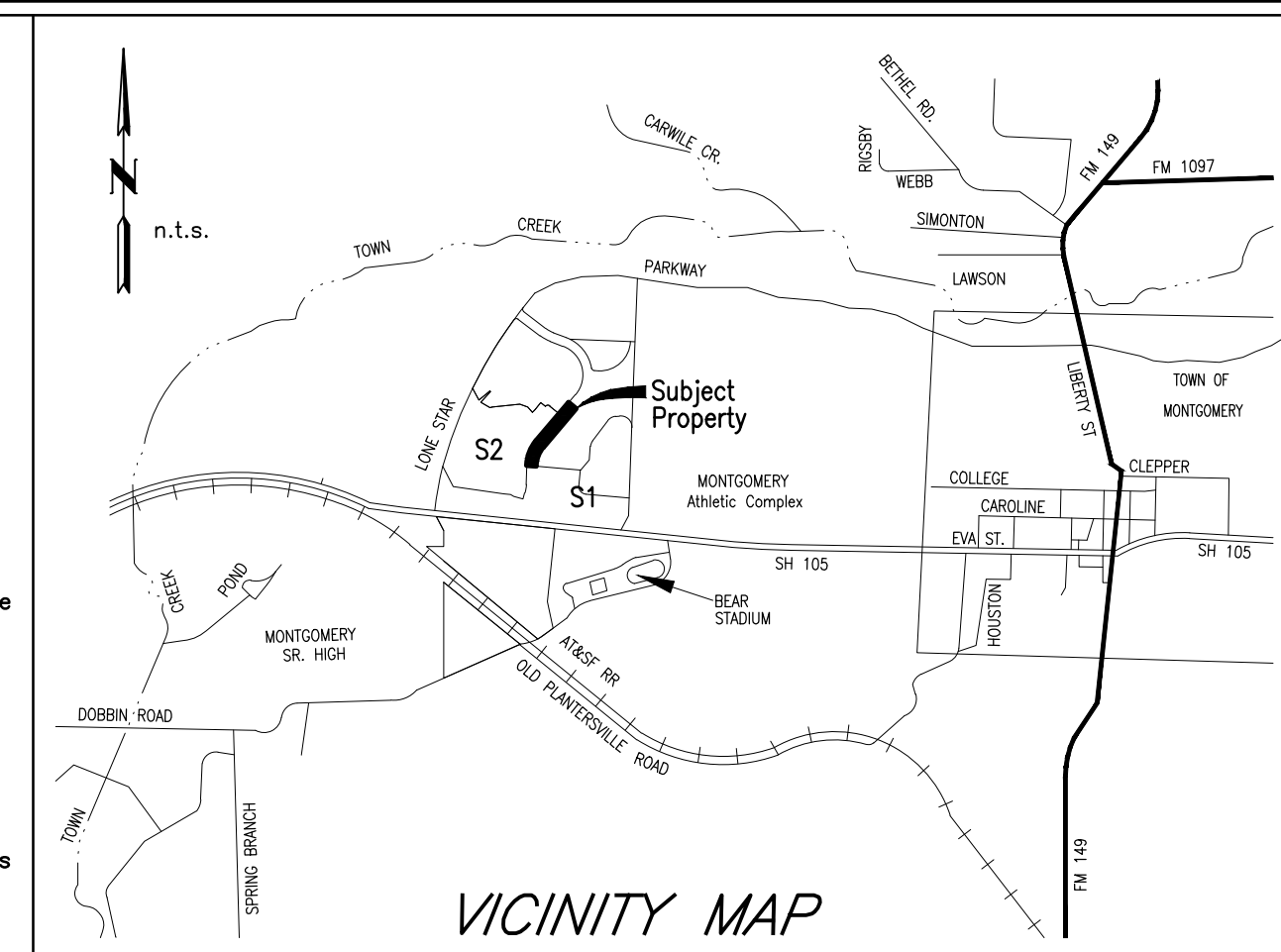
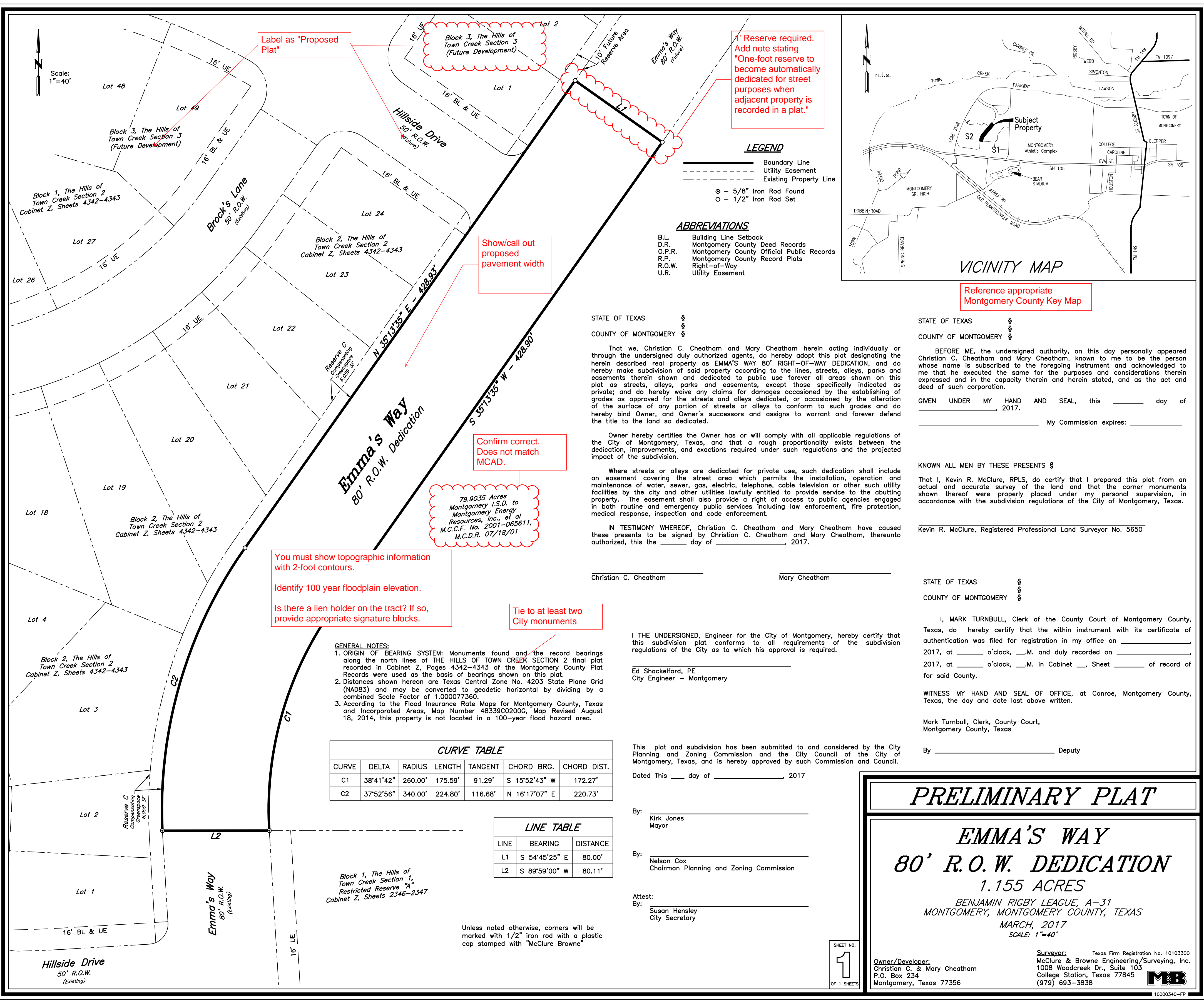
4. New Features Inside of the Subdivision:

- a. Show and call out the proposed pavement width.

Addressed: Yes ___ No ___ Comments _____

- b. A one-foot (1') reserve is required at the plat boundary with the future Emma's Way right-of-way. A note must be added stating "One-foot reserve to become automatically dedicated for street purposes when adjacent property is recorded in a plat."

Addressed: Yes ___ No ___ Comments _____



Reference appropriate Montgomery County Key Map

LEGEND
 ——— Boundary Line
 - - - Utility Easement
 - - - Existing Property Line
 ⊙ - 5/8" Iron Rod Found
 ○ - 1/2" Iron Rod Set

ABBREVIATIONS
 B.L. Building Line Setback
 D.R. Montgomery County Deed Records
 O.P.R. Montgomery County Official Public Records
 R.P. Montgomery County Record Plats
 R.O.W. Right-of-Way
 U.R. Utility Easement

STATE OF TEXAS §
 COUNTY OF MONTGOMERY §

That we, Christian C. Cheatham and Mary Cheatham herein acting individually or through the undersigned duly authorized agents, do hereby adopt this plat designating the herein described real property as EMMA'S WAY 80' RIGHT-OF-WAY DEDICATION, and do hereby make subdivision of said property according to the lines, streets, alleys, parks and easements therein shown and dedicated to public use forever 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 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 do hereby bind Owner, and Owner's successors and assigns to warrant and forever defend the title to the land so dedicated.

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

Where streets or alleys are dedicated for private use, such dedication shall include an 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 lawfully entitled to provide service to the abutting property. The easement shall also provide a right of access to public agencies engaged in both routine and emergency public services including law enforcement, fire protection, medical response, inspection and code enforcement.

IN TESTIMONY WHEREOF, Christian C. Cheatham and Mary Cheatham have caused these presents to be signed by Christian C. Cheatham and Mary Cheatham, thereunto authorized, this the _____ day of _____, 2017.

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 person whose name is 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 _____, 2017.
 My Commission expires: _____

KNOWN ALL MEN BY THESE PRESENTS §

That I, Kevin R. McClure, RPLS, do 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.

Kevin R. McClure, Registered Professional Land Surveyor No. 5650

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 _____, 2017, at _____ o'clock, ____M. and duly recorded on _____, 2017, at _____ o'clock, ____M. in Cabinet _____ Sheet _____ of record of for said County.

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

Mark Turnbull, Clerk, County Court, Montgomery County, Texas

By _____ Deputy

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.

Ed Shackelford, 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 such Commission and Council.

Dated This _____ day of _____, 2017

By: _____
 Kirk Jones
 Mayor

By: _____
 Nelson Cox
 Chairman Planning and Zoning Commission

Attest:
 By: _____
 Susan Hensley
 City Secretary

- GENERAL NOTES:**
- ORIGIN OF BEARING SYSTEM: Monuments found and the record bearings along the north lines of THE HILLS OF TOWN CREEK SECTION 2 final plat recorded in Cabinet Z, Pages 4342-4343 of the Montgomery County Plat Records were used as the basis of bearings shown on this plat.
 - Distances shown hereon are Texas Central Zone No. 4203 State Plane Grid (NAD83) and may be converted to geodetic horizontal by dividing by a combined Scale Factor of 1.000077360.
 - According to the Flood Insurance Rate Maps for Montgomery County, Texas and Incorporated Areas, Map Number 48339C0200G, Map Revised August 18, 2014, this property is not located in a 100-year flood hazard area.

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BRG.	CHORD DIST.
C1	38°41'42"	260.00'	175.59'	91.29'	S 15°52'43" W	172.27'
C2	37°52'56"	340.00'	224.80'	116.68'	N 16°17'07" E	220.73'

LINE	BEARING	DISTANCE
L1	S 54°45'25" E	80.00'
L2	S 89°59'00" W	80.11'

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

SHEET NO.
1
 OF 1 SHEETS

PRELIMINARY PLAT

EMMA'S WAY
80' R.O.W. DEDICATION
 1.155 ACRES
 BENJAMIN RIGBY LEAGUE, A-31
 MONTGOMERY, MONTGOMERY COUNTY, TEXAS
 MARCH, 2017
 SCALE: 1"=40'

Owner/Developer:
 Christian C. & Mary Cheatham
 P.O. Box 234
 Montgomery, Texas 77356

Surveyor:
 McClure & Browne Engineering/Surveying, Inc.
 1008 Woodcreek Dr., Suite 103
 College Station, Texas 77845
 (979) 693-3838

Texas Firm Registration No. 10103300

M&B

Montgomery City Council
AGENDA REPORT

ITEM# 8

Meeting Date: March 27, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Memo form City Engineer
Date Prepared: March 18, 2017	

Subject

This is the Final Plat for Villas of Mia Lago Section II

Discussion

The memo from the City Engineer is attached.

Recomendation

Approve the Final Plat for Villas of Mia Lago section 2

Approved By

City Administrator

Jack Yates

Date: March 18, 2017



8701 New Trails Drive, Suite 200
The Woodlands, Texas 77381-4241
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

March 22, 2017

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

Re: Submission of Final Plat and Construction Drawings
Villas of Mia Lago – Section Two
City of Montgomery

Commission Members:

We have reviewed the referenced Final Plat as prepared by Mr. L. Shayne Thatcher, RPLS. Most review comments have been addressed however there are still outstanding items including the addition of the recording information for the tract of land between Lone Star Bend and Bois D'Arc Road being purchased by Montgomery County. We have also reviewed the accompanying construction drawings as prepared by Mr. David P. Kelly, PE. All previous review comments appear to have been addressed. We offer the recommendation that should the Commission grant provisional approval of the referenced documents we will continue to coordinate with Messers. Thatcher and Kelley to ensure all review comments are addressed prior to formal approval of the final plat and accompanying construction drawings.

As always, should you have any questions or need any additional information, please do not hesitate to contact Chris Roznovsky and or myself.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Shackelford', written in a cursive style.

Ed Shackelford, PE
Engineer for the City

EHS/cvr

P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2017\P&Z Reports\3.27.17\Villas of Mia Lago Final Plan and Plat P&Z Opinion.doc

Enclosure:

N/A

cc/enc:

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 and Creighton, LLP, City Attorney
Mr. David P. Kelly, II, PE – DPK Engineering, LLC

Montgomery City Council
AGENDA REPORT

ITEM# 9

Meeting Date: March 27, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Memo form City Engineer
Date Prepared: March 18, 2017	

Subject

This is the Construction Plans for Villas of Mia Lago Section II

Discussion

The memo from the City Engineer is attached.

Recomendation

Approve the Construction Plans for Villas of Mia Lago section 2

Approved By

City Administrator

Jack Yates

Date: March 18, 2017

Meeting Date: March 28, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Memo from City Engineer
Date Prepared: March 18, 2017	

Subject

This is a request for a Sign and Light Pole Encroachment Agreement for the Montgomery Retail Center at the northeast corner of Lone Star Parkway and SH 105

Discussion

The memo from the City Engineer is attached.

Recomendation

Approve the Encroachment Agreement

Approved By

City Administrator

Jack Yates

Date: March 18, 2017



8701 New Trails Drive, Suite 200
The Woodlands, Texas 77381-4241
Tel: 281.363.4039
Fax: 281.363.3459
www.jonescarter.com

March 23, 2017

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

Re: Sign and Light Pole Encroachment Agreement
Montgomery Retail Center
City of Montgomery

Commission Members:

The Commission and City Council approved final construction plans for the Montgomery Retail Center, including the installation of signs and a light pole within the City's existing utility easement, on September 26, 2016. The City required the developer to enter into an encroachment agreement with the City for the placement of the signs and light pole within the City's easement. We have reviewed the enclosed encroachment agreement and offer no objection to the encroachment agreement as proposed.

As always, should you have any questions or need any additional information, please do not hesitate to contact Chris Roznovsky and or myself.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Shackelford', written over a large, stylized circular flourish.

Ed Shackelford, PE
Engineer for the City

EHS/cvr

P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2017\P&Z Reports\3.27.17\Montgomery Retail Sign and Light Pole Encroachment P&Z Opinion.doc

Enclosure: N/A

cc/enc: 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 and Creighton, LLP, City Attorney

DRAFT

CONSENT TO ENCROACHMENT

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY

§

THIS CONSENT TO ENCROACHMENT AGREEMENT (this "Agreement") is made and entered into as of the twenty-second day of March, 2017, by and between GC-Hwy 105, L.L.C. (the "Owner"), and **THE CITY OF MONTGOMERY**, a **political subdivision of the State of Texas** (the "City"). The Owner and the City are individually referred to herein as "Party" and collectively referred to herein as, the "Parties."

RECITALS

WHEREAS, the Owner is the owner of that certain 2.03 acre tract of land situated in the John Corner Survey, Abstract Number 8, Montgomery County, Texas, being out of and a portion of that certain tract of land conveyed to GC-HWY 105, L.L.C. as recorded under Clerk's File No. 2014090140 in the Real Property Records of Montgomery County, Texas, said 2.03 acre tract being more particularly described on Exhibit "A" attached hereto and made a part of this Agreement for all purposes (the "**Property**");

WHEREAS, the Property is subject to an existing twenty-six foot (26.0') wide utility easement recorded under Clerk's File No. 2004-110196 R.P.R. M.C.T. in the Real Property Records of Montgomery County, Texas in favor of the City (the "**Utility Easement**");

WHEREAS, the City intends to construct a twelve inch (12") diameter water line and a ten inch (10") diameter sanitary sewer line within the Utility Easement (these lines together with any future utility lines that may be installed in the Easement are collectively called the "**Lines**");

WHEREAS, the City has the right to utilize the Utility Easement to gain access and to make repairs, modifications, or improvements to, or replace, the Lines;

WHEREAS, a monument sign ("**Encroachment**") has been and/or will be constructed on the Property and encroaches or will encroach into the Utility Easement to the extent of approximately eighteen inches in diameter from ground level to six feet below ground level, approximately eleven feet in length from ground level to ten feet above ground level, and approximately two feet in width from ground level to ten feet above ground level; all as shown on the drawings prepared by CDA Architects, Inc. dated January 30, 2017, and by State

Sign Company dated March 6, 2017 (collectively, the "Site Plan") and attached hereto and made a part hereof for all purposes as Exhibit "B"; and

WHEREAS, a concrete foundation for a parking lot light pole ("**Encroachment**") has been and/or will be constructed on the Property and encroaches or will encroach into the Utility Easement to the extent of approximately twenty-four inches in diameter from thirty inches above ground level to eight feet below ground level, as also shown in Exhibit "B" referenced in the preceding paragraph; and

WHEREAS, the Owner has requested that the City give its consent to the Encroachment.

AGREEMENT

In consideration of this Agreement, the City hereby consents to the location of the Encroachment within the Utility Easement as shown on the Site Plan upon the following terms and conditions:

1. Except for the right to encroachment set forth herein, the City shall retain its full rights to utilize the Utility Easement.

2. The consent herein granted shall be limited to the construction, maintenance, and use of the Encroachment within the Utility Easement and shall not apply to any other structures or improvements.

3. IN CONSIDERATION OF THE CONSENT HEREIN GRANTED BY THE CITY TO THE OWNER AND IN CONSIDERATION OF THE USE OF UTILITY EASEMENT AREA BY THE OWNER AS GRANTED HEREIN, THE OWNER HEREBY AGREES FOR ITSELF, ITS SUCCESSORS, ASSIGNS, AND GRANTEEES TO INDEMNIFY, RELEASE AND HOLD THE CITY, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ALL LIABILITY FOR ANY DAMAGES OF ANY KIND OR NATURE TO THE ENCROACHMENT, SPECIFICALLY INCLUDING LIABILITY ARISING FROM THE FAULT, NEGLIGENCE, GROSS NEGLIGENCE, ACT OR OMISSION OF THE CITY, ARISING OUT OF, RESULTING FROM, OR IN ANY WAY CONNECTED WITH THE LOCATION OF THE ENCROACHMENT WITHIN THE UTILITY EASEMENT AREA OR THE LOCATION OF, SETTLING OR ANY REPAIRS, MODIFICATIONS OR ADDITIONS TO, OR THE MALFUNCTIONING OF, THE CITY'S FACILITIES WITHIN THE UTILITY EASEMENT.

4. In the event that repairs, replacements, modifications, or alterations of the City's facilities cause damage to the Encroachment, the Owner agrees for itself, its successors, assigns, and grantees to pay the cost of repairing or replacing the Encroachment. The City agrees to use its best efforts to notify the Owner, its successors, assigns, and grantees prior to any work that would damage the Encroachment so that the Owner, its successors, assigns, and grantees could protect the Encroachment from damage or remove Encroachment, if possible. The City shall be under no obligation to modify or alter the City's facilities to accommodate the Encroachment.

5. THE OWNER HEREBY BINDS ITSELF, ITS SUCCESSORS, ASSIGNS, AND

GRANTEES, TO INDEMNIFY AND HOLD THE CITY, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ALL COSTS, LOSSES, LIABILITIES, EXPENSES (INCLUDING REASONABLE AND NECESSARY ATTORNEYS' FEES) AND/OR JUDGMENTS

INCURRED IN CONNECTION WITH CLAIMS FOR INJURY TO OR DEATH OF ANY PERSON OR FOR DAMAGE TO PROPERTY, SPECIFICALLY INCLUDING CLAIMS ARISING OR ALLEGED TO ARISE FROM THE FAULT, NEGLIGENCE, GROSS NEGLIGENCE, ACT OR OMISSION OF THE CITY, ARISING OUT OF OR IN ANY WAY CONNECTED WITH THE CONSTRUCTION, MAINTENANCE, AND USE OF THE ENCROACHMENT WITHIN OR WITHOUT THE EASEMENT, OR CLAIMS WHICH RESULT FROM STRICT LIABILITY IMPOSED UPON THE CITY BY THE LAW OR CLAIMS ARISING FROM INJURIES, DEATH, OR DAMAGES WHICH WOULD NOT HAVE OCCURRED BUT FOR THE PRESENCE OF THE ENCROACHMENT.

6. In the event that installation, repair, replacement, modification or alteration of the Encroachment causes damage to the Lines, the Owner will pay all costs incurred by the City for repairing the Lines or performing any remedial work to the surrounding area due to drainage or pollution resulting from such damage to the Lines.

7. Should the location of the Encroachment within the Utility Easement prevent or hinder the City from operating the City's facilities in accordance with applicable statutes, laws, rules, and/or regulations, then the Owner, its successors, assigns, and grantees shall be obligated to remove the Encroachment from the Easements upon written notice from the City, at no cost to the City.

8. It is further expressly understood and agreed that the City's consent to the location of the Encroachment within the Utility Easement shall remain in force and effect only so long as the Encroachment shall remain standing, and upon the removal or destruction thereof, all rights hereunder shall cease and terminate.

9. No currently existing lienholder as to the Property (including, without limitation, any holder of a vendor's lien or right of prior title) shall be a beneficiary of this Agreement unless and until such lienholder delivers a document in recordable form reasonably acceptable to the City wherein such lienholder agrees to be bound by all of the terms and conditions of this Agreement.

10. This Agreement shall not inure to the benefit of any person other than the above named parties and their respective successors, assigns, and grantees, except as stated in paragraph 9 above, or any property other than the above described property.

[SIGNATURE PAGE FOLLOWS]

EXECUTED this _____ day of _____, 2017.

**THE CITY OF MONTGOMERY,
a political subdivision of the State of Texas**

[CITY SEAL]

By: _____
Kirk Jones
Mayor, City of Montgomery

THE STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on the _____ day of _____, 2016, by Kirk Jones, as Mayor of the **CITY OF MONTGOMERY political subdivision of the State of Texas**, on behalf of said political subdivision.

Notary Public, State of Texas

After recording return to:
The City of Montgomery
P.O. Box 708
Montgomery, Texas 77316
Attention: Susan Hensley
936-597-6434

AGREED TO AND ACCEPTED by the Owner on behalf of itself, its successors, assigns, and grantees, which acceptance shall constitute affirmative acceptance of all rights, privileges, liabilities, and indemnifications contained herein, this twenty-second day of March, 2017.

**GC-HWY 105, LLC,
A Texas limited liability company**

By: _____

Name: Thomas H. Lile

Title: Manager

THE STATE OF TEXAS §

§

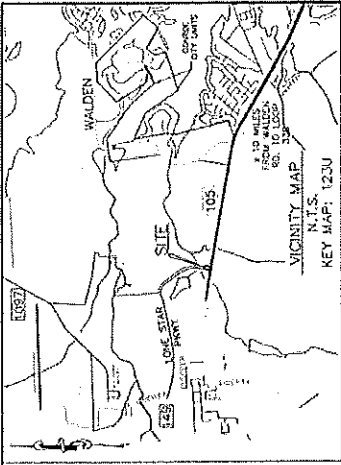
COUNTY OF HARRIS §

Before me on this day, personally appeared _____, proved to me to be the person and the _____ whose name is subscribed to the foregoing instrument and acknowledged to me that the instrument was the act of **GC-HWY 105, LLC, a Texas limited liability company**, and that he executed the instrument as the act of said corporation for the purposes and consideration expressed therein, by proper authority, and in the capacity stated in the instrument.

Given under my hand and seal of office this _____ day of _____, 2017.

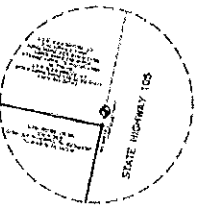
Notary Public in and for the State of Texas

After recording return to:
GC-HWY 105, LLC
3120 Rogerdale Road, Suite 150
Houston, Texas 77042
Attention: David Green
713-412-5873

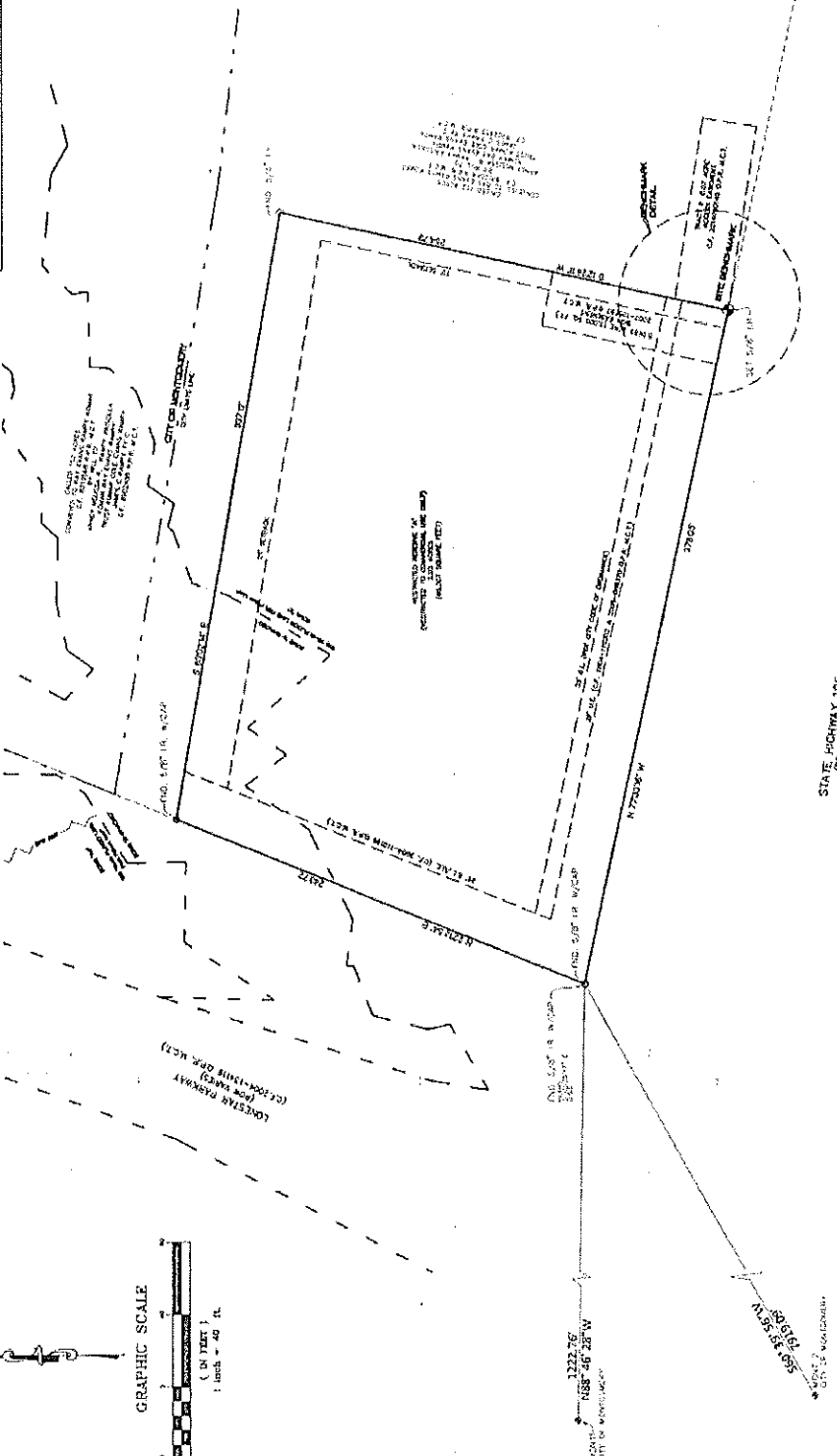


NOTES

- 1. DATE: 04/11/2016
- 2. SUBJECT: Final Plat
- 3. CLIENT: GC-Hwy 105, LLC
- 4. DRAWN BY: [Name]
- 5. CHECKED BY: [Name]
- 6. DATE: [Date]
- 7. SCALE: [Scale]
- 8. SHEET: [Sheet]
- 9. THIS PLAT IS SUBJECT TO THE CITY OF MONTGOMERY'S ZONING ORDINANCES AND ANY OTHER APPLICABLE ORDINANCES.
- 10. ALL CORNERS ARE SET 5/8" FROM THE CORNER OF THE ADJACENT PROPERTY.



FINAL PLAT
MONTGOMERY RETAIL CENTER
A COMMERCIAL SUBDIVISION OF
2.03 ACRES
(88,307 SQ. FT.)
IN THE
JOHN CORNER SURVEY, A-8
MONTGOMERY COUNTY, TEXAS
1 BLOCK 1 RESERVE
NOVEMBER 2016



STATE HIGHWAY 105 (ROW 100 FT)



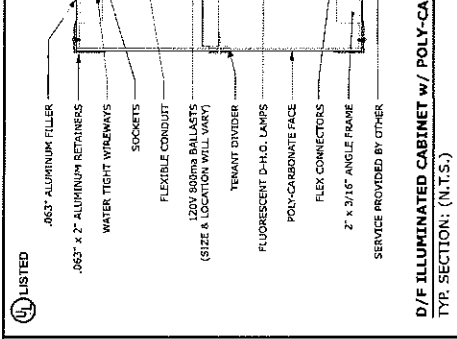
TOWN AND COUNTRY SURVEYS
 2003 A LAMAR BLVD SUITE 3000
 HOUSTON, TX 77040
 PH: (713) 532-0877

OWNER/DEVELOPER:
 GC-Hwy 105, LLC
 A TEXAS LIMITED LIABILITY COMPANY
 10000 STATE HIGHWAY 105
 HOUSTON, TX 77040
 PH: (713) 532-0877

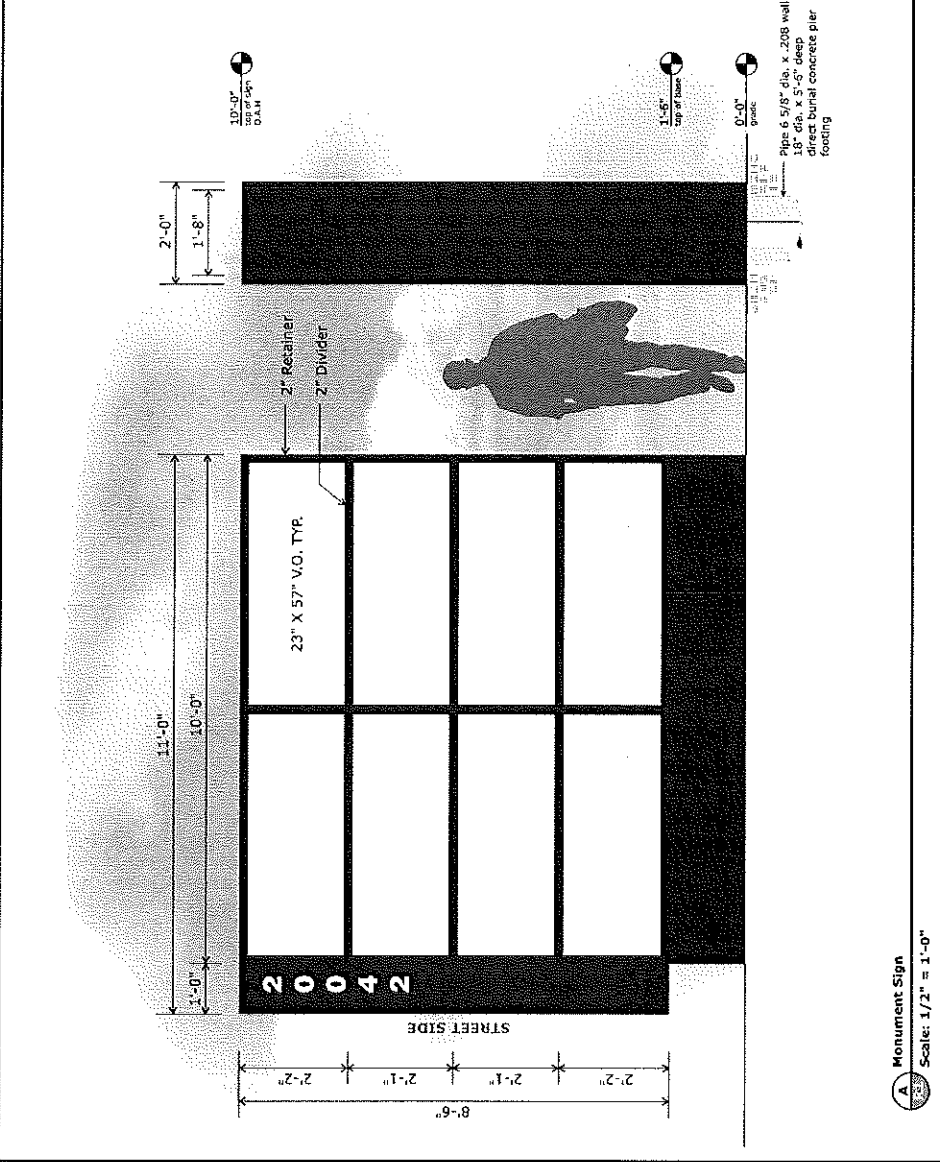
DOC # 2016113858
 Certificate of Survey

CONSENT TO ENCROACHMENT AGREEMENT
BETWEEN THE CITY OF MONTGOMERY, TEXAS AND GC-HWY 105, LLC
EXHIBIT "A"

© 2016 State Sign Corp.



D/F ILLUMINATED CABINET W/ POLY-CARBONATE FACES
TYP. SECTION: (N.T.S.)



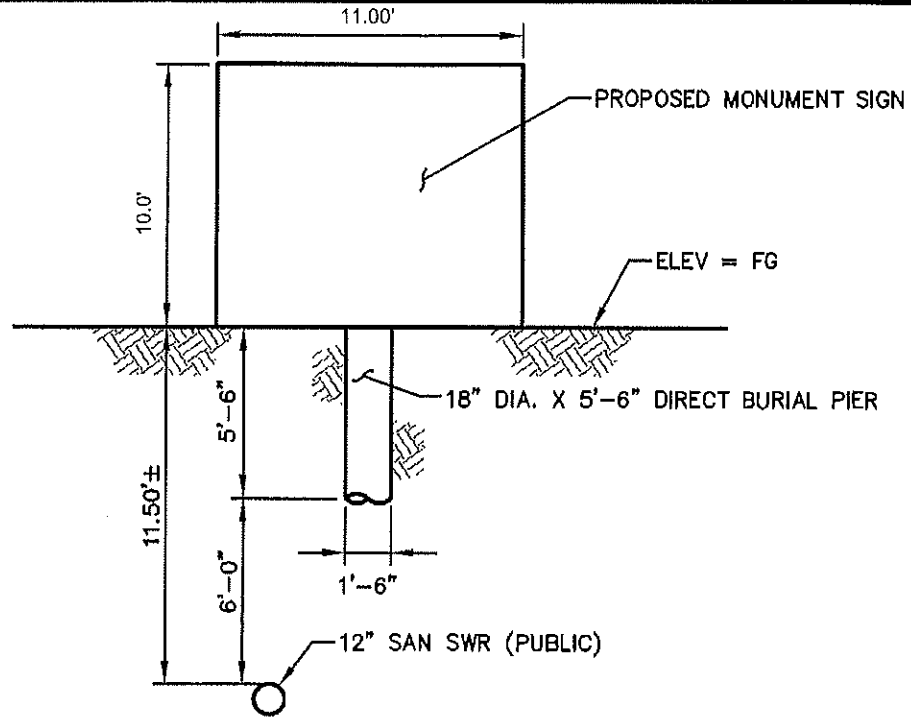
Scope of Work:
Manufacture and install one (1) d/f internally illuminated multi-tenant monument sign.

- .063" Aluminum retainer and filler [pre-finished dk. bronze].
- 3/16" #7328 White Poly-carbonate tenant faces.
- 3M 7725-10 White vinyl address
- D-H.O. fluorescent lamps.

A Monument Sign
Scale: 1/2" = 1'-0"

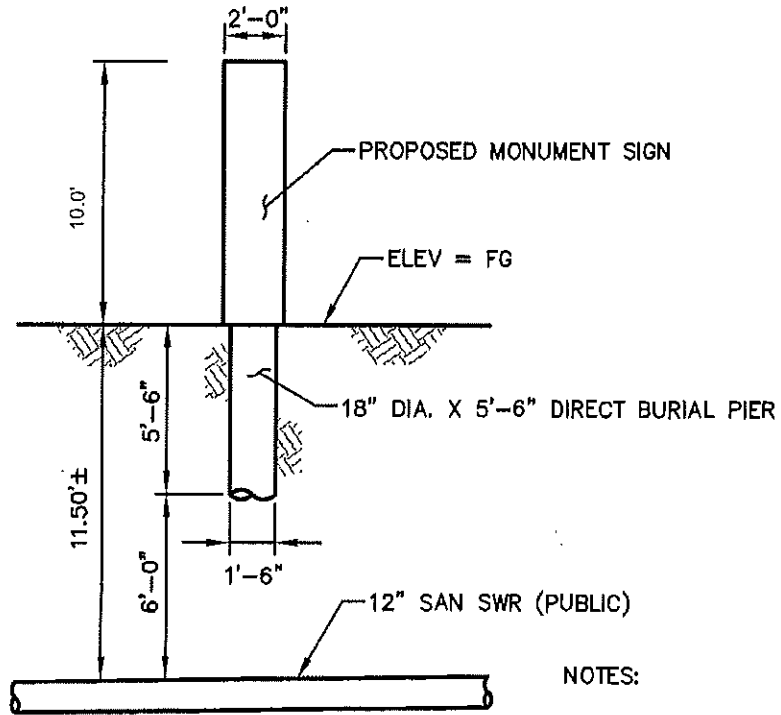
STATE SIGN EST. 1956 State Sign Office 7630 Harlan Houston, TX 77061 713.943.9731 (fax) 713.943.9731 (cell) 409.735.3124 (fax) 409.735.3124 (cell) P.O. Box 198 Orange, TX 77630 409.735.3124 (fax) 409.735.3124 (cell)	This drawing is the property of State Sign Corp. and all rights reserved. No part of this drawing may be reproduced without the written permission of State Sign Corp. RESPONSIBILITY OF OTHERS: Signs will be wired for 120 volt unless otherwise noted. www.statesign.com	Cabinet <input type="checkbox"/> (42) Branch <input type="checkbox"/> Sign <input type="checkbox"/> Sign Post <input type="checkbox"/> Sign Deck <input type="checkbox"/> Sign Rod <input type="checkbox"/> Sign Panel <input type="checkbox"/> Sign/Rack <input type="checkbox"/> Channel Ltr <input type="checkbox"/>	Job Location: Montgomery, Retail Street: 20042 HWY 205 W City, State: Montgomery, TX 77356
	Project No: 28362 Date: 06/01/16 Revised: 03/06/17 Sales Rep: Mike Coppinger	Designer: JEM File: s:\1...Montgomery retail center R2.cdr	Project No: 28362 Date: 06/01/16 Revised: 03/06/17 Sales Rep: Mike Coppinger

This sign is intended to be installed in accordance with the requirements of article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign. - If the sign shown has blank faces, this sign is intended to have advertising applied to the faces using 3/4 vinyl.



MONUMENT SIGN TYP. SECTION A-A

SCALE 1" = 6'



MONUMENT SIGN TYP. SECTION B-B

SCALE 1" = 6'

NOTES:

1. REFERENCE MONUMENT SIGN CUT SHEETS FOR DETAILS.

CONSENT TO ENCROACHMENT AGREEMENT
BETWEEN THE CITY OF MONTGOMERY, TEXAS AND GC-HWY 105, LLC
EXHIBIT "B"

Montgomery City Council
AGENDA REPORT

ITEM #11

Meeting Date: March 27, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: March 18, 2017	

Subject

This is a report regarding the Land-Use Plan for the city

Discussion

This is a report only. Perhaps you have looked at the Land-Use Plan during the month and have some suggestions.

Recommendation

Receive the report, comment as needed.

Approved By

City Administrator

Jack Yates

Date: March 18, 2017

Meeting Date: March 27, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: March 18, 2017	

Subject

This is a report regarding the proposed zoning changes throughout the city.

Discussion

This is a report only. I have not had the time to research the ownerships needed to proceed.

Recommendation

Receive the report, comment as needed.

Approved By

City Administrator

Jack Yates

Date: March 18, 2017

Montgomery City Council
AGENDA REPORT

ITEM# 13

Meeting Date: March 27, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: March 18, 2017	

Subject

This is a report regarding the proposed annexation areas for the city.

Discussion

This is a report only. I have not had the time to discuss development strategies with the city attorney or the city engineer

Recomendation

Receive the report, comment as needed.

Approved By

City Administrator

Jack Yates

Date: March 18, 2017

Meeting Date: March 27, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Landscape Ordinance
Date Prepared: March 18, 2017	

Subject

This is a report regarding how to implement the Landscape ordinance for the city.

Discussion

This is a report only.

If you remember at the last meeting the issue came up about how the planning commission could devise a landscape plan for an area. That the developer would need to follow.

I added a sentence to the Landscape ordinance, stating that the Planning Commission could adopt a plan for an area that the developer would be required to follow. I think this sentence will be the most important part of the ordinance as time goes by.

However what it does is put into the hands of the Planning Commission the need to come up with a landscape plan for an entire area -- such as Lone Star Pkwy. from 105 to Buffalo Springs Dr. The way that can happen is to hire a landscape/urban design planner that would develop a proposal for the landscape plan-- then the Commission and the Council adopt that plan—then future developments would receive that plan so that they could design their specific development around that plan.

What needs to happen now is that I need to come up with three or four urban design people to make presentations to the Planning Commission/City Council. Then a selection made about which person plans which area (there could be different designers for different areas).

This process is what I want to talk about with you and get your thoughts.

Montgomery City Council
AGENDA REPORT

Recomendation

Receive the report, comment as needed.

Approved By

City Administrator

Jack Yates

Date: March 18, 2017

ORDINANCE 2017-08

AN ORDINANCE REGARDING LANDSCAPING REQUIREMENTS FOR ALL ZONING DISTRICTS IN THE CITY OF MONTGOMERY, TEXAS; PROVIDING DEFINITIONS, PURPOSE, APPLICABILITY, VARIANCES, AND LANDSCAPE PLAN APPROVAL; PROVIDING SEVERABILITY CLAUSE AND TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PUBLICATION.

WHEREAS, the City Council for the City of Montgomery County, Texas, desires to provide reasonable landscaping regulations which will enhance the beauty of the City, safeguard property values, and enhance the public health, safety and general welfare of the City and its residents;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS THAT:

SECTION I. AMENDMENTS TO CITY CODE

The City Code of Ordinances is hereby amended to add Article VIII, "Landscaping Requirements For All Zoning Districts," to Chapter 78, "SUBDIVISIONS," to read as follows:

ARTICLE VIII – LANDSCAPING REQUIREMENTS FOR ALL ZONING DISTRICTS

Sec. 78-185 – Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Berm means an earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.

Landscape buffer means a combination of physical space and vertical elements, such as plants, berms, 2-sided fences or walls with at least five feet (5') of plantings on the side of the development and adjacent to the fence or wall, the purpose of which is to separate and screen incompatible land uses from each other.

Landscaped open area and landscaped area mean any combination of living plants, such as grass, ground cover, shrubs, vines hedges or trees, and nonliving landscape material, such as rocks, pebbles, sand, mulch, walls, fences or decorative paving materials.

Non-permeable means any surface lacking the ability for air and water to pass through to the root zone of plants.

Ornamental tree means a deciduous or evergreen tree planted primarily for its ornamental value or screening purposes. Such tree tends to be smaller at maturity than a shade tree.

Screen means a method of reducing the impact of noise and unsightly visual intrusions with less offense or more harmonious elements, such as plants, berms, 2-sided fences or walls with at least five feet (5') of plantings on the side of the development and adjacent to the fence or wall, any appropriate combination thereof.

Shade tree means a sometimes evergreen, usually deciduous tree, planted for its high crown of foliage or overhead canopy; a large woody perennial having one or more self-supporting stems and numerous branches reaching a mature height of at least 25 feet and a mature spread of at least 20 feet.

Shrub means a self-supporting wood perennial plant of low to medium height which is characterized by multiple stems and branches continuous from the base, usually not more than ten feet in height at maturity.

Visibility triangle means an imaginary triangle located within the curblines of two intersecting such curblines at points 35ft. back from their intersection and the hypotenuse (or third side of the triangle).

Sec. 78 – 186 - Purpose.

The purpose of this article is to:

1. Aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge and storm water runoff retardation, while at the same time aiding in noise, glare and heat abatement.
2. Assist in providing adequate light and air and preventing overcrowding of land.
3. Ensure that landscaping is an integral part of development, not an afterthought.
4. Provide visual buffering and enhance the beautification of the City.

5. Safeguard and enhance property values and protect public and private investments.
6. Preserve and protect the unique identity and environment of the City and preserve the economic base attracted to the City by such factors.
7. Conserve energy.
8. Protect the public health, safety and general welfare.

Sec. 78-187 – Applicability; variances.

a. This article applies to all lots, parcels, or tracts of land within the City as well as any areas subsequently annexed by the City with the following exceptions:

1. Previously platted residential lots.
2. Any platted parcel, less than 5 acres, that contains an occupied building which has a valid certificate of occupancy.

b. When this article becomes applicable to a lot, the requirements set forth in this article shall be binding on all current and subsequent owners of the lot.

c. The Planning and Zoning Commission shall, as a minimum, impose landscaping requirements that are reasonably consistent with the standards and purposes of this article as a part of any ordinance establishing or amending a planned development district, amending a special use permit. All landscaping requirements imposed by the Planning and Zoning Commission and shall be reflected in landscape and irrigation plans that comply in form and content with the requirements of Section 78-188.

d. The Board of Adjustment may grant a special exception to the landscaping requirements set forth in this article upon making a special finding from the evidence presented that strict compliance with the requirement of this article will result in inequity to the applicant without sufficient corresponding benefit to the City and its citizens in accomplishing the objectives and purposes of this article. The applicant to be considered for special exception must submit a justification statement that describes which of the requirements set forth in this article will be met with modifications; which project conditions justify using alternative; and how the proposed measures equal or exceed normal compliance.

Sec. 78-188 – Landscape plan approval

a. At the time of site plan review, there shall be submitted to the City Administrator or the City Administrator's designee, a landscape plan drawn to the same scale as the approved site plan and submitted with the same number of copies as the site plan. The Planning Commission may adopt a thematic Landscape Plan for certain areas of the City that dictate private plans.

b. Except where otherwise provided, the person responsible for the property, whether owner or tenant, shall landscape all yard, setback, parking, service and recreational areas with lawns, trees, shrubs, flowers, vines, ground covers or other live plant materials, which shall be permanently maintained by the owner or tenant in a neat and orderly manner as a condition of certificate of occupancy. Once installed, all landscape materials shall be irrigated by a mechanical underground irrigation system and maintained in a living state. Dead or dying plant materials shall be removed and replaced in accordance with the approved landscape plan.

c. Where the use of a living screen is proposed, such screen must be included as an element of the site plan and landscape plan.

d. Fountains, ponds, sculptures, planters, walkways, flagpoles, light standards and decorative screen-type walls shall be permitted as elements of landscaping in areas designated for landscaping. Decorative-type walls, planters and sculptures shall be 30 inches or less in height. The City Administrator or the City Administrator's designee shall be authorized to permit heights more than 30 inches where it would be in the best interest of the landscaping and will not, in the opinion of the City Administrator or the City Administrator's designee, create a problem relative to public health, safety, convenience, prosperity and general welfare.

e. Areas of landscaped open space shall be provided on the same lot, parcel or tract as the building that is being *served* and shall be provided in the following ratios:

1. ***Nonresidential.*** New nonresidential development in all districts shall be subject to all provisions of this article, provided that a one-time expansion of the floor area of buildings on a lot or building tract not exceeding 15 percent of the existing floor area shall not be subject to the requirements of this article. For lots, parcels or tracts of land applicable of this section landscaping shall be provided at a minimum ratio of ten percent (10%) of the gross land area, excluding development on lots of record.

2. ***Residential subdivisions and multifamily.*** Excluding single-family detached, single-family attached, duplex dwellings or multi-family dwellings on lots of record, new residential, duplex and multi-family development, including new residential subdivisions, shall be

subject to the provisions of this subsection; landscaping shall be provided at a minimum of twelve percent (12%) of the gross land area.

f. For parking areas, a minimum of 20 percent (20%) of the required landscaping shall be provided in areas that are internal to the parking areas. In parking lots having only one row of parking, such requirement may be met with perimeter landscaping.

g. Proposed utilities shall be located, when possible, so that their installation will not adversely affect vegetation to be retained on site.

h. For purposes of establishing compliance with the minimum area requirements for landscaping, no land within the 100-year floodway, as determined by the most recent Federal Emergency Management Agency (FEMA) study, shall be counted as fulfilling the minimum landscape area requirements.

i. The landscape plan shall show in detail, but shall not be limited to, the location of each element of landscaping; a description by botanical and common name of each landscape element or group of element; the number and size of each tree or planting container; and the height of any proposed planter, sculpture or decorative screen.

j. The City Administrator or the City Administrator's designee, with the aid of appropriate City staff, shall consider the adequacy of the proposed landscaping and any other aspect deemed necessary to promote the public health, safety, order, convenience, prosperity and general welfare.

k. In the approval or disapproval of the landscape plan, the City Administrator or the City Administrator's designee shall not be authorized to waive or vary conditions and requirement contained in the comprehensive zoning ordinance, Chapter 98 of this Code, or other valid city ordinances.

l. It shall be unlawful to issue a certificate of occupancy prior to the approval of the landscape plan by the City Administrator or the City Administrator's designee. Prior to the issuance of a certificate of occupancy but after the screening and landscaping has been approved, a temporary certificate of occupancy may be issued for such limited time as is reasonable to complete the landscaping.

m. When changes to a previously approved landscape plan are requested, and such changes will result in amendment or abandonment of an easement or right-of-way, or when the gross square footage of a lot, parcel or tract of land will be increased by more than ten percent (10%) or 1,000 square feet, whichever is less, or if the approval of a revised site plan is required, the Planning and Zoning Commission's designee shall consider the same elements in the approval or disapproval of a revised landscape plan as for an original landscape plan. In considering a revised landscape plan

the Planning and Zoning Commission shall not be authorized to waive or vary conditions and requirements contained in the comprehensive zoning ordinance, Chapter 98 of this Code, or amendments thereto, or other valid city ordinances. If the changes being proposed are of a minor nature, as determined by the City Administrator or the City Administrator's designee, administrative approval of the minor revisions shall be permitted under the conditions set forth in the following subsection.

n. The City Administrator or the City Administrator's designee shall be authorized to approve minor amendments to previously approved landscape plans. Minor amendments are those amendments which provide for rearrangement or reconfiguration of landscape areas or materials which are in conformance with an approved site plan and do not decrease the amount or quality of landscaping below that required by the comprehensive zoning ordinance, Chapter 98 of this Code. In the approval or disapproval of a minor revision to an approved landscape plan or revised landscape plan, the City Administrator or the City Administrator's designee shall not be authorized to waive or vary conditions and requirements contained in the comprehensive zoning ordinance, or amendments thereto, or other valid city ordinances. All minor revisions that are approved administratively shall appear as an item on the next Planning and Zoning Commissions agenda following approval for acknowledgment of staff action.

SECTION II. SEVERABILITY CLAUSE.

If any provision, section, subsection, sentence, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances, shall for any reason be held to be unconstitutional, void, or invalid or otherwise unenforceable, the invalidity or unenforceability shall not affect other provisions of this Ordinance or their application to other sets of circumstances and to this end all provisions of this Ordinance are declared to be severable.

SECTION III. TEXAS OPEN MEETINGS ACT.

It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 155, of the Texas Government Code.

SECTION IV. EFFECTIVE DATE.

This Ordinance shall take effect and be in force immediately after its publication as provided by law.

PASSED AND APPROVED by the City Council of the City of Montgomery, Texas, on the 14th day of March, 2017.

THE CITY OF MONTGOMERY, TEXAS

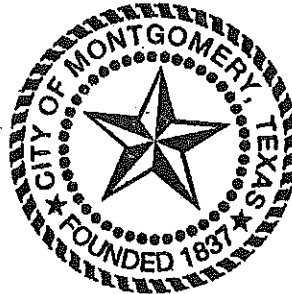
Kirk Jones

Kirk Jones, Mayor

ATTEST:

Susan Hensley

Susan Hensley, City Secretary



APPROVED AS TO FORM:

Larry L. Forster

Larry L. Forster, City Attorney