


**MONTGOMERY PLANNING AND ZONING COMMISSION AGENDA
REGULAR MEETING OF
MONDAY, JANUARY 23, 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.

1. Consideration/take action regarding December 27, 2016 minutes
2. Consideration/take action regarding variance request for: minimum lot width, lot depth, side building line and residential lot area for Waterside Estates
3. consideration/take action regarding Waterside Estates Preliminary Plat
4. Presentation regarding Camillo 33 acre tract east of city
5. Ccxonsideration/take action regarding variance request of Living Savior Lutheran Church regarding driveway spacing
6. Consideration/take action regarding Kenroc Development Preliminary Plat
7. Report regarding zoning changes throughout the city
8. Discussion of potential areas of annexation into the city
9. Discussion of potential landscape ordinance
10. Adjournment



Jack Yates, City Administrator



Posted January 20, 2017 at 4:00 a.m./p.m. This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodations

MINUTES OF REGULAR MEETING

December 27, 2016

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 6:00 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.

No comments were made.

1.Public Hearing

Public hearing regarding granting of a Special Use Permit to Mary Eckhart Sims to operate a Bed and Breakfast at 811 Caroline Street.

Chairman Cox called the public hearing to order and will at 6:01 p.m.

Jack Yates gave a brief report that one response had been received from the letters sent to the neighboring property owners. He said one response from Andy and Norma Dean who said that they had no problem with what Mary Simmons is proposing to do.

The Public hearing was closed by the Chairman Cox at 6:03 p.m.

CONSIDERATION AND POSSIBLE ACTION

2.Consideration and possible action regarding November 28, 2016 minutes

Motion by Mr. Waddell, seconded by Mr. Simpson to approve the minutes as presented. All in favor.

3.Consideration and possible recommendation to City Council regarding an amendment to the Corridor Enhancement Ordinance

Jack Yates reported that in reviewing the Corridor Enhancement Ordinance that was noticed that cement blocks construction is not expressly prohibited as a method of construction. He said the proposal was to add the words “cement blocks” in Ordinance 98 – 364 second line after the word ”panels”. Mr. Simpson suggested that the word “exposed” before the words “cement blocks”.

Motion by Mr. Simpson, seconded by Mr. Waddell to recommend to the city Council to add “exposed cement blocks” to ordinance 98 – 364 (a) after the words “metal panels”. All in favor.

4.Consideration and possible action regarding Construction plans and Final Plat of Villas of Mia Lago, Phase II.

Ed Shackelford reported that this item was not ready for Commission action. No action was taken on this item.

5.Consideration and possible action regarding granting of a Special Use Permit to Mary Eckhart Sims to operate a Bed and Breakfast at 811 Caroline Street

Jack Yates said that Mrs. Sims had the same use of this property from 2007 to 2014. Mrs. Sims was present. Mr. Simpson asked about off-street parking and her answer was that they were eight off-street parking spaces. Mr. Waddell asked about the recent changes to the building and the answer was that after renting the house for several years that the recent work were cosmetic but nothing structurally changed in the building.

Motion by Mr. Simpson, seconded by Mr. Waddell to recommend approval for the Special Use Permit at 811 Caroline Street to Mary Sims. All in favor.

6.Consideration and possible action regarding Stylecraft Final Plat of Hills of Town Creek, Section 2

Ed Shackelford presented a memo recommending approval of the construction plans and the final plat. If approved, the owner can start building on the lots. Mr. Shackelford said that the plat met all city standards. Mr. Waddell asked about the size of the houses, the answer from Jonathon White, engineer on the project, was around 2,000 square feet.

Motion by Mr. Simpson, seconded by Mrs. Langley to approve the construction plans and final plat for Hills of Town Creek Section 2.

7.Presentation regarding Camillo 33 acre tract next to eastern city limits

Ed Shackelford presented this item. He said that an economic and utility feasibility study was completed about 18 months ago on this property with no action from the owners at that time. The current owners have expressed a renewed interest, but were not present. Chairman Cox asked about annexation and Mr. Shackelford replied that the owner was planning on annexing to the city.

No action was taken.

8.Consideration and possible action regarding a building line setback of Living Savior Lutheran Church Preliminary Plat

Doug Krenz, Chairman of the Building Committee for the Church, Pete Ames, Chairman of the Board at the Church, and Jonathon White, Engineer for the project presented the item in behalf of the Church.

Mr. Krenz presented plans for the building improvements planned for the Church. The one point since the project is to utilize the existing structure. Since it is in the historic district that churches choosing to maintain the historic appearance of the improvements. Mr. Krenz said the main entrance to the Church will be on the west side immediately adjacent to the new parking lot. The new sanctuary will seat approximately 225 persons.

The variance request is for a five foot building line on the south side of their property, in order to allow construction as planned. The Commission briefly discussed the five foot variance. Ed Shackelford said that the driveways for the parking lot were less than the ordinance required 175 feet and the drainage was also an issue, leading to the question of whether more variances may be necessary. The Commission agreed with the traffic issue review and the drainage issue. Discussion followed regarding the wisdom to

approve the five foot building line variance with the question that other variances may be forthcoming.

Motion by Mrs. Langley, seconded by Mr. Simpson to approve the variance with the condition that the Church get all variances needing approval before a building permit is issued. All in favor

9.Consideration and possible action regarding Preliminary Plat of Living Savior Lutheran Church

Mr. Frenz said that due to the abandonment of Cemetery Street and the purchase of additional property was the reason for the re-platting of the property.

Motion by Mr. Waddell, seconded by Mr. Simpson to approve the Preliminary Plat on the condition that required variances get the needed approval before a building permit is issued. All in favor.

10.Report regarding possible zoning changes throughout the city

Jack Yates gave a report and presented a map to the Commission showing planned zoning changes. He said the status is that the City Engineer is helping to provide who the owners of the properties were, but that the Engineer has been busy on other pressing city issues. He said that by the January meeting he expected to have the ownership and either would have already started the re-zoning process or be very close to beginning the process.

11.Discussion of potential areas of annexation into the city

Jack Yates presented a report regarding various issues involving annexation. He reported that he had met with the City Attorney in the past month. He also reported that a Development Agreement or a Tax Increment Reduction Zone (TIRZ) is a way of negotiating with property owners to make annexation more attractive. He also reported that the City Attorney, City Engineer and himself would be meeting during early January to begin to design a Development Agreement and TIRZ proposal for possible annexation might be. He said that would probably be his report in January – the result of that conversation. He noted to the Commission that it may seem to be a slow process to annexation but that each month is meaningful progress.

12.Adjournment

Motion by Mr. Simpson, seconded by Mr. Waddell to adjourn the meeting at 7:45 p.m. All in favor.

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

Chairman Nelson Cox

Montgomery City Council
AGENDA REPORT

Meeting Date: January 23, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Letter of Request, City Engineer's memo
Date Prepared: January 20, 2017	

Subject

Consideration of variance request for waterside Estates for lot width, lot depth, side building line and a minimum residential lot area

Discussion

This is a similar request from Steve Bolan, property owner has one received early in 2016 that was summarily rejected by the Council feeling that high density was not right for this area and generally feeling that Mr. Bowen's past developments has not lived up to expectations.

Mr. Bolan has hired Bill Kotlan as his project engineer, so Mr. Kotlan will present the item to the Commission

Reccomendation

Consider the request and act as you desire.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: January 20, 2017



January 12, 2017

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

RE: Waterside Estates Preliminary Plat
 Variance Request

Dear Mr. Yates:

As we discussed, I am resubmitting a request for variance for the referenced 60.293-acre tract known as Waterside Estates. Please find enclosed a conceptual land plan for a subdivision of the property as follows:

174 Residential Lots:
 Typical Width: 60'
 Typical Depth: 120'
2 – Commercial Reserves (9.93 Acres)
2 – Green Space/ Park Reserves (3.20 Acres)

The proposed lot size has been reduced to better match the current market for home sales in the area outside of a utility district.

The following variances are requested for the proposed land plan:

Minimum Lot Width: 60' (at front BL)
Minimum Lot Depth: 110' (Typical 120')
Side Building Line: 5'
Minimum Residential Lot Area: 6,800 square feet

Upon approval of the minimum lot size for the subdivision, we plan to prepare a new preliminary plat based on the requested variances.

Thank you for your consideration.

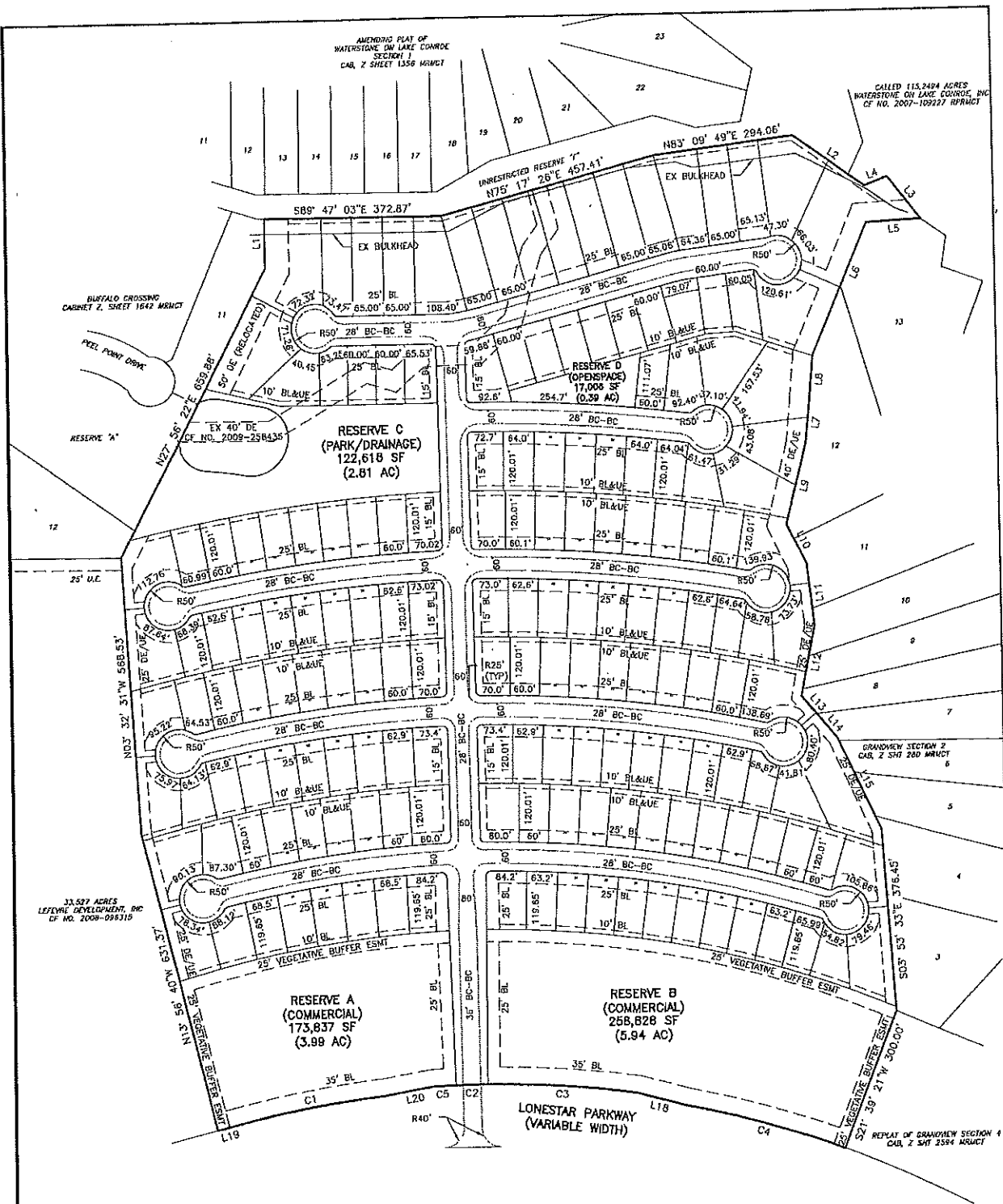
Sincerely

A handwritten signature in black ink, appearing to read "William J. Kotlan", is written over the typed name.

William J. Kotlan, PE

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BGE, Inc. • 10857 Kuykendahl Road, Suite 250 • The Woodlands, Texas 77382 • 281-210-5570 • www.bgeinc.com



Line	Length	Direction
L1	100.04	N00° 12' 04.00"W
L2	181.92	S54° 29' 34.00"E
L3	110.85	S38° 05' 40.00"E
L4	50.81	N69° 37' 08.00"E
L5	114.00	S87° 14' 15.00"W
L6	294.00	S23° 44' 52.00"W
L7	84.97	S05° 20' 56.00"W
L8	91.97	S05° 20' 19.00"W
L9	171.11	S14° 28' 08.00"W
L10	90.34	S28° 24' 26.00"E
L11	127.78	S05° 57' 54.00"E
L12	147.83	S11° 05' 43.00"W
L13	64.64	S40° 13' 26.00"E
L14	49.21	S40° 13' 26.00"E
L15	207.16	S25° 23' 41.00"E
L18	105.35	N74° 57' 21.00"W
L19	43.83	S78° 06' 31.00"W
L20	104.82	S80° 31' 57.00"W

Curve #	Length	Radius	Delta
C1	310.222	2140.000	008.3058
C2	65.093	2150.000	001.7347
C3	307.956	2150.000	008.2088
C4	345.646	2140.000	009.2542
C5	46.346	2150.000	001.2351

A SUBDIVISION OF 60.293 ACRES OF LAND
 LOCATED IN THE
 JOHN CORNER SURVEY, A-8
 CITY OF MONTGOMERY, TEXAS

LOTS: 174
 2 COMMERCIAL RESERVES 432,665 SF (9.93 AC)
 2 OPEN SPACE / DRAINAGE RESERVES 139,624 SF (3.21 AC)

BGE Inc.
 10777 Westheimer, Suite 400, Houston, TX 77042
 Tel: 281-558-8700 • www.bgeinc.com
 TBPE Registration No. F-1046

WATERSIDE ESTATES CONCEPTUAL LAND PLAN

Scale:	Job No.:	Date:	Exhibit:
1" = 200'		DEC 2016	1

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JONES | CARTER

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

January 18, 2017

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

Re: Requests for Variance
Proposed Waterside Estates Development
City of Montgomery

Commission Members:

Section 78-92(c) of the City of Montgomery Code of Ordinances specifies minimum residential lot width shall be 75-feet.

- The Developer is requesting reduction to 60-feet.

Section 78-92(d) of the City of Montgomery Code of Ordinances specifies minimum residential lot depth shall be 120-feet.

- The Developer is requesting a reduction to 110-feet.

Section 78-92(e) of the City of Montgomery Code of Ordinances specifies minimum residential lot area shall be 9,000 square feet.

- The Developer is requesting a reduction to a minimum of 6,800 square feet.

Section 98-93(a)(3) of the City of Montgomery Code of Ordinances specifies there shall be a side yard on each side of a lot having a width not less than 10-feet from the property line.

- The Developer is requesting a reduction to 5-feet from the property line.

Recall, a preliminary plat for this development which proposed 85 single family residential lots and variance requests pertaining to lot width, lot depth, lot area, side yard setback, lot orientation, and street radii were presented in December 2015. This Commission accepted the preliminary plat and acted favorably on the stated requests, however City Council subsequently tabled action on the requested variances and no further correspondence was received from the Developer. Per Section 78-61(d) of the City's Code of Ordinances, preliminary plat approval shall expire after a period of 12-months.



Enclosed you will find a summation of the requested variances and a revised conceptual land plan which proposes 174 single family residential lots as submitted by BGE, Inc. We offer no objection to the requested variances, but it should be noted the enclosure appears to lack sufficient compensating greenspace to fully offset the proposed reduction in lot area. Should this Commission, and subsequently the City Council, act favorably upon the requested variances we will work to ensure they are adhered to during the platting, planning, and construction processes.

If you have any questions or comments, please contact, Glynn Fleming and or myself.

Sincerely,

Ed Shackelford, P.E.
Engineer for the City

EHS/gef:lr2

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Enclosure:

Waterside Estates – Conceptual Land Plan

cc/enc:

The Honorable Mayor and City Council – The 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

Montgomery City Council
AGENDA REPORT

Meeting Date: January 23, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Letter of Request, Preliminary Plat, letter from city engineer
Date Prepared: January 20, 2017	

Subject

Consideration of Preliminary Plat for Waterside Estates

Discussion

This is the formal submission of the Preliminary Plat for Waterside Estates. The preliminary plat is written as though approval of the variances have been approved. Note in the city engineer's report that the Plat lacks the self-sufficient compensating's green space to a fully offset the proposed reduction in lot area.

Also note in the city engineer's report regarding the first proposed preliminary plat for this area

Reccomendation

If you approve the variances, then consider the Preliminary Plat approval. If you did not approve the variances, I would recommend a re-preparation of the seminary plat.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: January 20, 2017



January 12, 2017

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City Administrator
City of Montgomery
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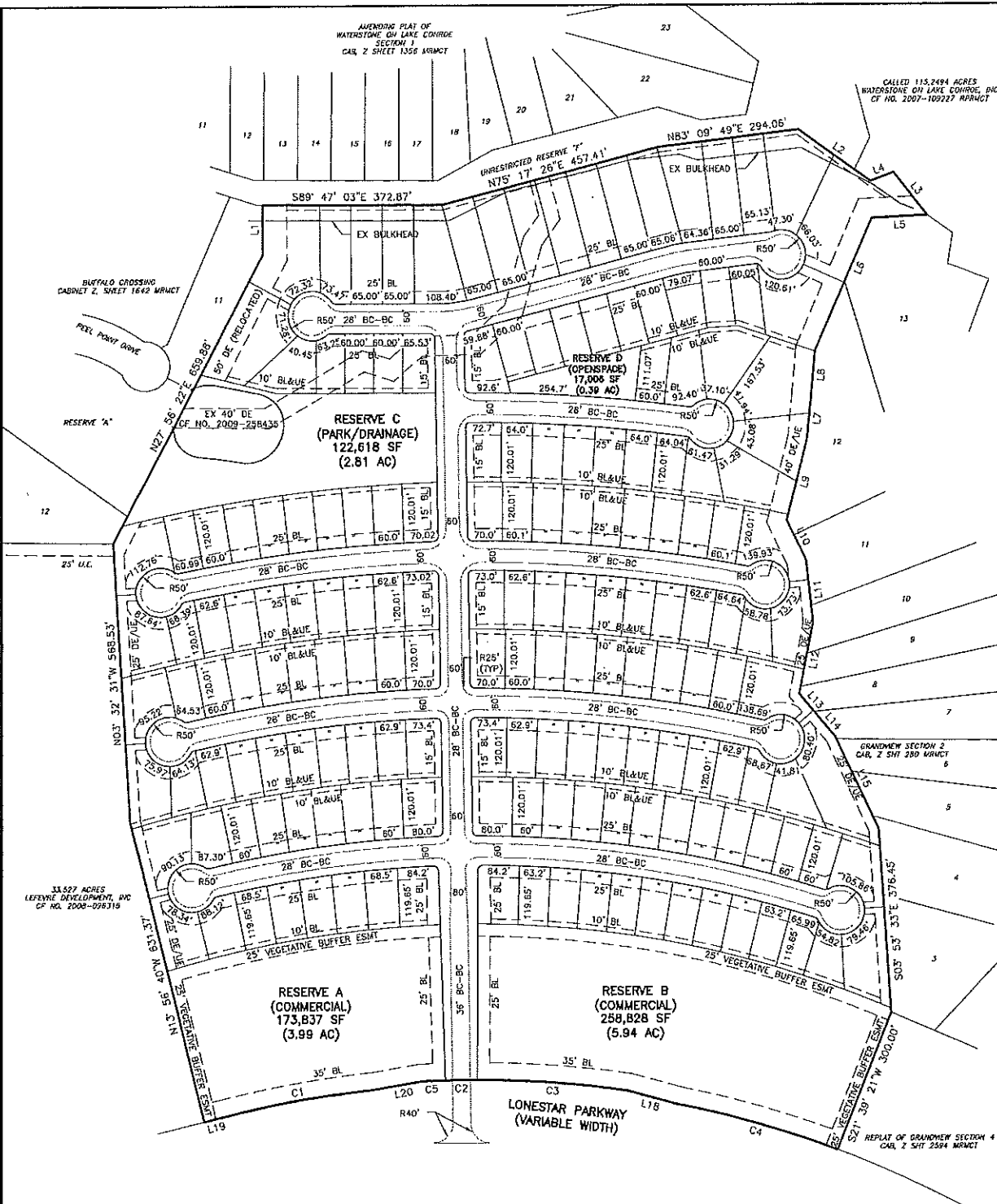
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WATERSIDE ESTATES CONCEPTUAL LAND PLAN

Scale: 1" = 200'	Job No.:	Date: DEC 2016	Exhibit: 1
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8701 New Trails Drive, Suite 200
The Woodlands, Texas 77381-4241
Tel: 281.363.4039
Fax: 281.363.3459
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January 18, 2017

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

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City of Montgomery

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If you have any questions or comments, please contact, Glynn Fleming and or myself.

Sincerely,



Ed Shackelford, P.E.
Engineer for the City

EHS/gef:lr2

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Enclosure:

Waterside Estates – Conceptual Land Plan

cc/enc:

The Honorable Mayor and City Council – The 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

Montgomery City Council
AGENDA REPORT

Meeting Date: January 23, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: January 20, 2017	

Subject

Presentation regarding Camillo 33 acre tract next to city.

Discussion

This is a presentation regarding a 33 acre tract that lies immediately north of the new pizza shack location on State Highway 105 and Stewart Creek Road. The presentation will involve a sketch plat of the subdivision, a discussion about water and sewer service to the area, annexation plans (the property is not in the city presently), and possibly some variances they foresee requesting.

Reccomendation

Listen to the presentation giving thought in speaking with any comments you may have about the proposal

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: January 20, 2017

Montgomery City Council
AGENDA REPORT

Meeting Date: January 23 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Letter of Request, City Engineer letter
Date Prepared: January 20, 2017	

Subject

Consideration of living Savior Lutheran Church variance request regarding driveway spacing.

Discussion

The letter requesting the variance gives the information about why the variance is needed. The City Engineer's letter offers no objection to the requested variance.

Reccomendation

Recommend approval to the City council for this requested variance.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: January 20, 2017



L SQUARED ENGINEERING
MUNICIPAL COMMERCIAL RESIDENTIAL

21123 Eva. St #200
Montgomery, Texas 77356
P: 936-647-0420 F: 936-647-2366
www.L2Engineering.com

Date: January 13, 2017

TO: Planning and Zoning Commission
City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77356

ATTN.: Glynn Flemming, P.E.

RE: **Living Savior Lutheran Church Variance Request**

The proposed site plan being submitted for the improvement of Living Savior Lutheran Church requires a variance due to a conflict of the driveway spacing between the proposed driveway between Church Street and Caroline Street. According to the City of Montgomery Ordinance Section 78-125(4)(a), the minimum driveway spacing for secondary streets is 185'; however, the spacing between the proposed driveway entrance and Church Street is approximately 55'. The variance justifications are as follows:

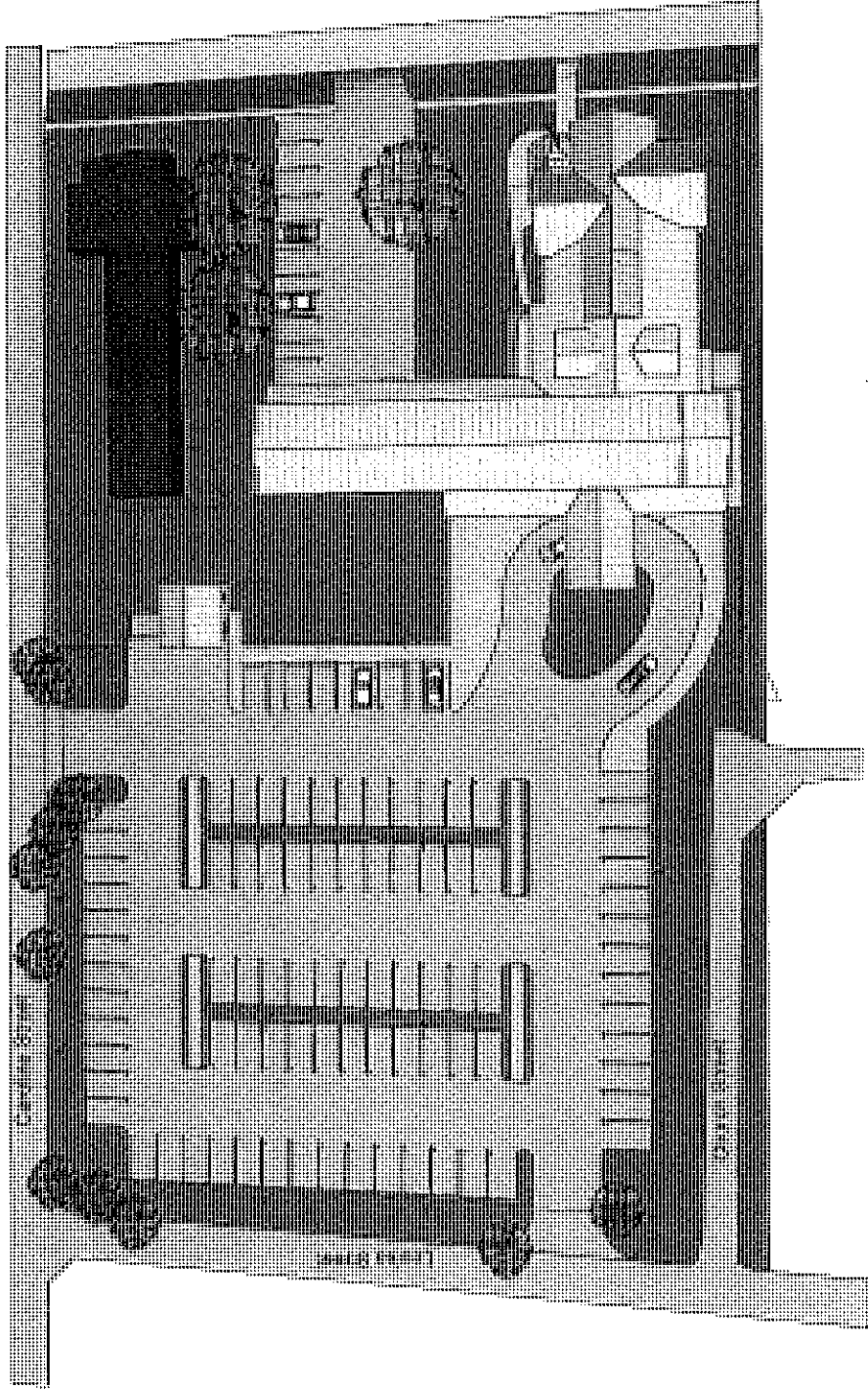
1. The property line along Louisa Street is only 226' long. A driveway cannot be placed onto Louisa at any location and meet the 185' spacing requirement between both Church Street and Caroline Street. The proposed location allows for adequate circulation throughout the parking lot and we believe it is in the least impactful location along Louisa Street.
2. The proposed driveway was located closer to Church Street since it is approximately 12' wide and has minimal vehicular traffic. This will create little to no impact on current traffic conditions.
3. This will allow the driveway to comply with the 185' required spacing to Caroline, which has more vehicular traffic than Church Street.
4. The proposed driveway will be used by the Church and Sunday school attendees primarily on Sunday mornings when entering or exiting the Church grounds. The other times during the week, the driveway will have limited use for church activates.
5. In the spirit of the ordinance, only one driveway is being proposed on each frontage. The variance request deals with adjacent streets and not one driveway to the next.

If you have any questions or require further information prior to the meeting, please do not hesitate to call or email.

Thank you,

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







**INVENTURE
DESIGN**

FREDERICK F. FREDERICK
ARCHITECTS, INC.
1000 N. GUYTON STREET
MONTGOMERY, TEXAS 77105



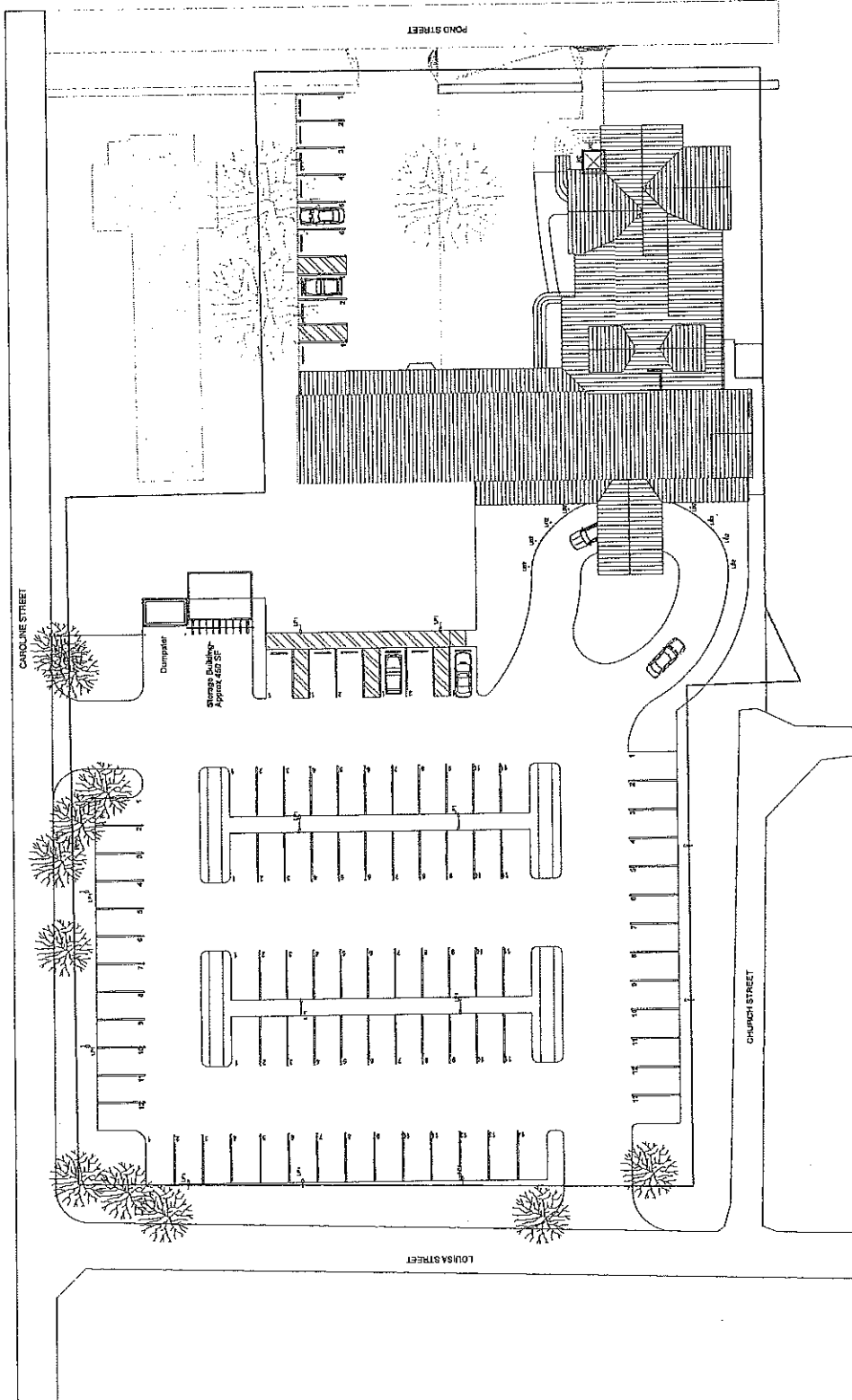
**Living Savior
Lutheran Church**
309 Pond Street
Montgomery, TX 77355

North Review Only
Not for regulatory approval,
permits, or construction.

16.045

Architectural Site Plan

AS.001



06 Architectural Site Plan
16.045.001



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

January 18, 2017

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

Re: Variance Request-Reduction in Driveway Spacing Requirement
Living Savior Lutheran Church
City of Montgomery

Commission Members:

Section 78-133(d)(1) of the City of Montgomery Code of Ordinances specifies adjacent left, adjacent right, and opposite right corner clearance for non-residential driveway(s) intersecting a secondary street shall be a minimum of 185-feet.

- The Developer is requesting a variance from these spacing requirements because the parcel lacks sufficient thoroughfare frontage to maintain the desired spacing.

★ → Enclosed you will find a request for variance and a preliminary site plan as submitted by L Squared Engineering. We offer no objection to the requested variance as the area in question, while currently unpaved, is used as a surface parking lot during church services and events. It should be noted the location in question lies within the City's Historic Preservation District and immediately abuts only minor residential streets with approximate paving widths of 14'-16', and grass lined roadside ditches. As shown in the attached site plan, the proposed surface lot adds significant impervious cover to the area and will require the design engineer and developer to carefully consider the traffic impact on minor residential streets and the developed condition impact on storm water runoff and conveyance within the Louisa Street and Caroline Street rights-of-way. It may be incumbent upon the Developer, with prior City approval, to undertake improvements to the roadside ditches in order to adequately convey increased storm water runoff. Approval of the requested variance does not constitute plan approval and only allows the Developer to further refine the proposed site plan and construction drawings which will require the full review and approval of City Staff before any construction may commence.

If you have any questions or comments, please contact, Glynn Fleming and or myself.

Sincerely,

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

Ed Shackelford, P.E.
Engineer for the City

EHS/gef: lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2017\P&Z Reports\1.23.2017\Living Savior Lutheran Church, Variance Request-P&Z Opinion.doc

Enclosures:

Living Savior Lutheran Church – Variance Request
Living Savior Lutheran Church – Preliminary Site Plan

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

Montgomery City Council
AGENDA REPORT

Meeting Date: January 23, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: Preliminary Plat, letter from city engineer
Date Prepared: January 20, 2017	

Subject

Consideration of Preliminary Plat for Kenroc Development

Discussion

This is the formal submission of the Preliminary Plat for Kenroc Development. The property is located immediately west of the new Pizza Shack location in the new development that is happening at the northeast corner of State Highway 105 and Lone Star Pkwy. the city engineer offers the recommendation that the commission accept the preliminary plat is submitted with the assurance that all review comments will be addressed prior to submission of the Final Plat.

Reccomendation

Approval of the Preliminary Plat with a commitment that all review comments will be addressed prior to submission of the Final Plat

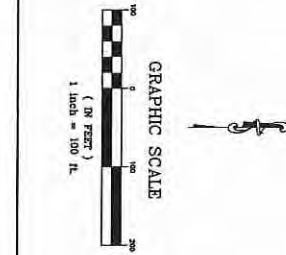
Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: January 20, 2017

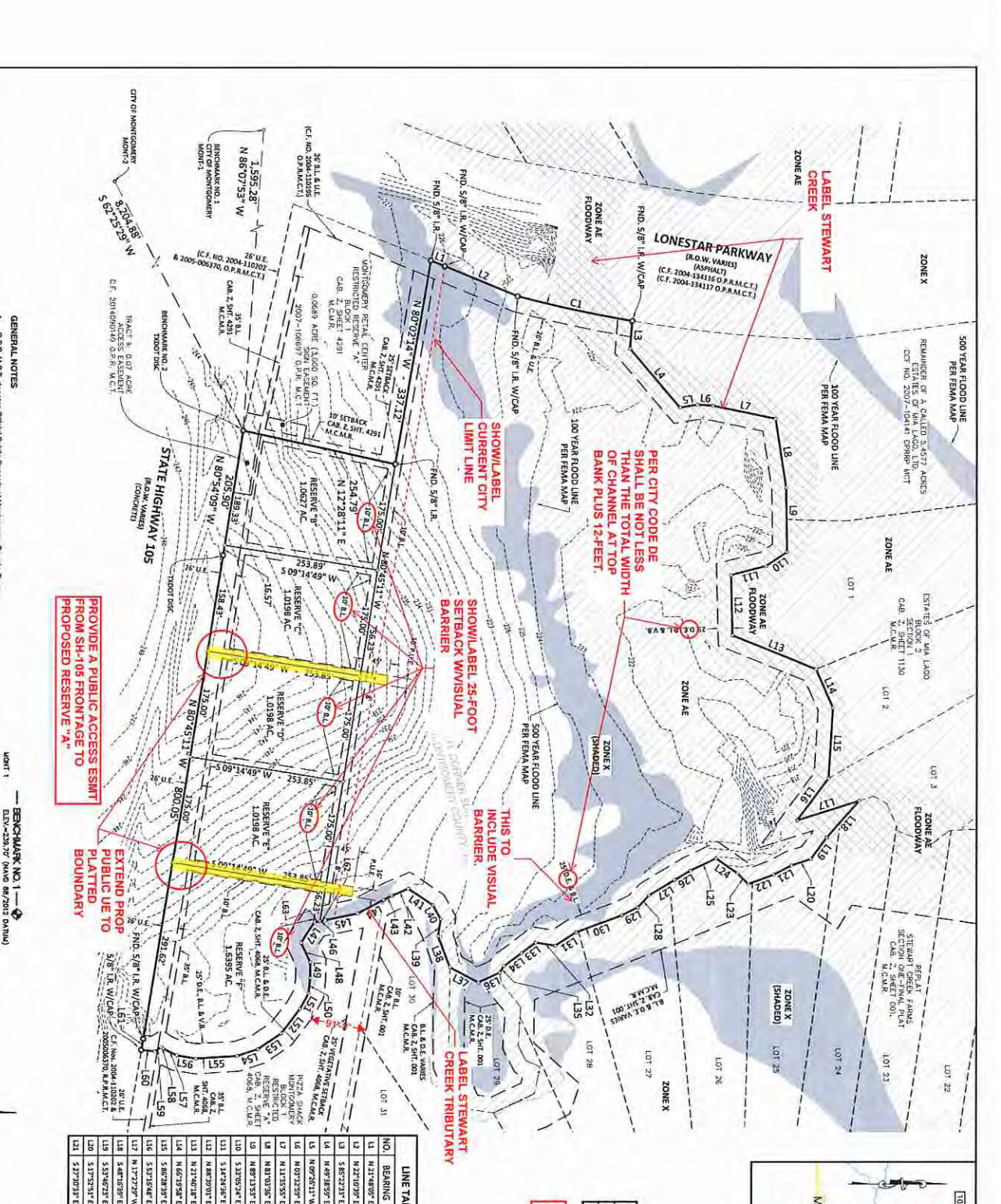
OWNER/DEVELOPER:
KENNETH R. WAUGHT, JR.
KENNETH R. WAUGHT, JR.
572 BEACH AIRPORT RD
COUNOE, TX 77391
PH: 936.441.9513

GENERAL NOTES:
1. O.P.R. M.C.T. denotes Official Public Records of Montgomery County, Texas.
2. M.A.C.T. denotes Map Records (Montgomery) County, Texas.
3. R.O.W. denotes right-of-way.
4. B.L. denotes building line.
5. D.C. denotes drainage easement.
6. U.E. denotes utility easement.
7. () denotes ditch number.
8. BE denotes bench mark.
9. This property is located in zone "X" and Zone "X" is designated to be inside 100-year flood plain. This plat does not include a delineated Special Flood Hazard Area, bounded by 100-year flood or other flood lines.
10. All corners are set by iron rods with orange caps stamped "LANDMOUNT 10/31/17" unless otherwise noted.
11. P.V.E. - PUBLIC UTILITY EASEMENT
12. V.B. - VEGETATIVE BUFFER

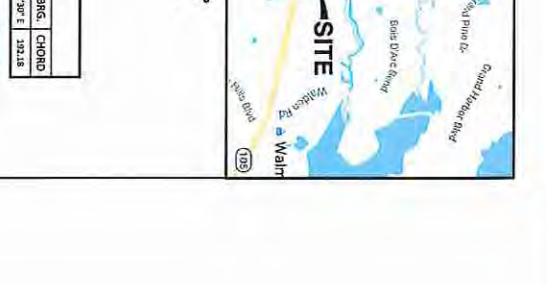
NOTE:
A TOPOGRAPHIC SURVEY HAS NOT BEEN PERFORMED ON THIS SITE BY TOWN AND COUNTRY SURVEYORS, A LANDMOUNT COMPANY, PER CLIENTS REQUEST. CONTIGUOUS PROVIDED BY: VALUE TECHNOLOGIES SURVEYING AND MAPPING, DATED: OCTOBER 7, 2019 AND REVISED: MARCH 4, 2019



PRELIMINARY PLAT
MONTGOMERY FIRST
A COMMERCIAL SUBDIVISION OF
20,7031 ACRES
(901, 826 SQ. FT.)
IN THE
JOHN CORNER SURVEY, A-8
MONTGOMERY COUNTY, TEXAS
1 BLOCK 6 RESERVES
JANUARY 2017



LINE NO.	BEARING	LENGTH	LINE NO.	BEARING	LENGTH	LINE NO.	BEARING	LENGTH
11	N 21°30'30"E	24.88	121	S 89°58'30"E	44.24	141	S 57°30'30"E	16.47
12	N 27°00'30"E	128.55	122	S 89°58'30"E	44.24	142	S 57°30'30"E	16.47
13	S 68°23'30"E	45.56	123	S 89°58'30"E	44.24	143	S 57°30'30"E	16.47
14	S 68°23'30"E	128.55	124	S 89°58'30"E	44.24	144	S 57°30'30"E	16.47
15	N 67°00'30"W	28.68	125	S 89°58'30"E	44.24	145	S 57°30'30"E	16.47
16	N 67°00'30"W	28.68	126	S 89°58'30"E	44.24	146	S 57°30'30"E	16.47
17	N 67°00'30"W	28.68	127	S 89°58'30"E	44.24	147	S 57°30'30"E	16.47
18	N 67°00'30"W	28.68	128	S 89°58'30"E	44.24	148	S 57°30'30"E	16.47
19	N 67°00'30"W	28.68	129	S 89°58'30"E	44.24	149	S 57°30'30"E	16.47
20	N 67°00'30"W	28.68	130	S 89°58'30"E	44.24	150	S 57°30'30"E	16.47
21	N 67°00'30"W	28.68	131	S 89°58'30"E	44.24	151	S 57°30'30"E	16.47
22	N 67°00'30"W	28.68	132	S 89°58'30"E	44.24	152	S 57°30'30"E	16.47
23	N 67°00'30"W	28.68	133	S 89°58'30"E	44.24	153	S 57°30'30"E	16.47
24	N 67°00'30"W	28.68	134	S 89°58'30"E	44.24	154	S 57°30'30"E	16.47
25	N 67°00'30"W	28.68	135	S 89°58'30"E	44.24	155	S 57°30'30"E	16.47
26	N 67°00'30"W	28.68	136	S 89°58'30"E	44.24	156	S 57°30'30"E	16.47
27	N 67°00'30"W	28.68	137	S 89°58'30"E	44.24	157	S 57°30'30"E	16.47
28	N 67°00'30"W	28.68	138	S 89°58'30"E	44.24	158	S 57°30'30"E	16.47
29	N 67°00'30"W	28.68	139	S 89°58'30"E	44.24	159	S 57°30'30"E	16.47
30	N 67°00'30"W	28.68	140	S 89°58'30"E	44.24	160	S 57°30'30"E	16.47
31	N 67°00'30"W	28.68	141	S 89°58'30"E	44.24	161	S 57°30'30"E	16.47
32	N 67°00'30"W	28.68	142	S 89°58'30"E	44.24	162	S 57°30'30"E	16.47
33	N 67°00'30"W	28.68	143	S 89°58'30"E	44.24	163	S 57°30'30"E	16.47
34	N 67°00'30"W	28.68	144	S 89°58'30"E	44.24	164	S 57°30'30"E	16.47
35	N 67°00'30"W	28.68	145	S 89°58'30"E	44.24	165	S 57°30'30"E	16.47
36	N 67°00'30"W	28.68	146	S 89°58'30"E	44.24	166	S 57°30'30"E	16.47



100 YEAR FLOOD LINE PER FEMA MAP
100 YEAR FLOOD LINE PER FEMA MAP
500 YEAR FLOOD LINE PER FEMA MAP
500 YEAR FLOOD LINE PER FEMA MAP
MONTEGOMERY CREEK TRIBUTARY
LONESTAR PARKWAY (R.O.W. VARIES) (S.P. HALL) (C.F. 2004-1841616 O.P.A.M.C.T.) (C.F. 2004-1341117 O.P.A.M.C.T.)
572 BEACH AIRPORT RD (C.F. 2004-1341117 O.P.A.M.C.T.)
STATE HIGHWAY 105 (I-20)
MONTGOMERY COUNTY, TEXAS



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

January 18, 2017

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

Re: Submission of Preliminary Plat
KenRoc Development
City of Montgomery

Commission Members:

We have reviewed the referenced preliminary plat as prepared by Mr. L. Shane Thatcher, 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. Thatcher and copies of each are enclosed for your review. Please note a portion of the referenced parcel lies outside of the current City Limit and within the City's Extraterritorial Jurisdiction. Our understanding is the Owner(s) of the parcel are coordinating a formal request for annexation with the City's Attorney. We offer the recommendation the Commission accept the preliminary plat as submitted, and we will coordinate with Mr. Thatcher to ensure all review comments are addressed prior to submission of a final plat.

If you have any questions or comments, please contact, Glynn Fleming and or myself.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Shackelford', written over a white background.

Ed Shackelford, P.E.
Engineer for the City

EHS/gef: lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2017\P&Z Reports\1.23.2017\KenRoc Development, Preliminary Plat Review-P&Z Opinion.doc

Enclosures: KenRoc Development – Preliminary Plat Submission Review Letter
KenRoc Development – 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



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

January 17, 2017

Mr. L. Shane Thatcher, RPLS
Town & Country Surveyors
2219 Sawdust Road
The Woodlands, Texas 77380

Re: Plat Review (Preliminary)
KenRoc Development
City of Montgomery

Mr. Thatcher

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, Glynn Fleming and or myself.

Sincerely,

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

Ed Shackelford, P.E.
Engineer for the City

EHS/gef: lr2

K:\W5841\W5841-1017-00 KenRoc Development\Project Management\Letters\KenRoc-Preliminary Plat.doc

Enclosures: N/A

cc/enc.: The Honorable Mayor and City Council – City of Montgomery
The Planning and Zoning Commission – 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

**KenRoc Development
The City of Montgomery**

Reviewed by Glynn Fleming of Jones & Carter Inc. on 1/16/2017.

Sheet 1 of 2:

1. Reference appropriate FEMA FIRM Panel(s) upon which BFEs, etc. are based.
Addressed: Yes ___ No ___ Comments _____
2. Correct vicinity map. See redlined notes.
Addressed: Yes ___ No ___ Comments _____
3. Minimum width of a drainage easement containing and open ditch drainage facility shall not be less than the width of the ditch top plus 12-feet.
Addressed: Yes ___ No ___ Comments _____
4. Show/label current City Limit. See redlined notes.
Addressed: Yes ___ No ___ Comments _____
5. Show/label existing watercourses. See redlined notes.
Addressed: Yes ___ No ___ Comments _____
6. Vegetative setback/visual barrier of 25-feet shall be maintained at all times where commercial, multifamily, industrial, church, public building, or school properties abut any single-family residential property or adjacent acreage which may in the future become single-family residential.
Addressed: Yes ___ No ___ Comments _____
7. Proposed PUE(s) does not appear to extend fully to platted boundary. See redlined notes.
Addressed: Yes ___ No ___ Comments _____
8. Provide platted access easement from SH-105 frontage to proposed Reserve "A".
Addressed: Yes ___ No ___ Comments _____

Sheet 2 of 2:

1. Correct City Secretary signature block. See redlined notes.
Addressed: Yes ___ No ___ Comments _____

Montgomery City Council
AGENDA REPORT

Meeting Date: January 23, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: January 20, 2017	

Subject

Possible zoning changes – report

Discussion

I will report on the status of the rezoning process.

Reccomendation

No action needed, a report only

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: January 20, 2017

Montgomery City Council
AGENDA REPORT

Meeting Date: January 23, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits:
Date Prepared: January 20, 2017	

Subject
Possible annexation areas – report

Discussion
I will report on the status of the planned annexations

Reccomendation
No action needed, a report only

Approved By		
Department Manager		Date:
City Administrator	Jack Yates	Date: January 20, 2017

Montgomery City Council
AGENDA REPORT

Meeting Date: January 23, 2017	Budgeted Amount:
Department:	
Prepared By: Jack Yates City Administrator	Exhibits: example landscaping ordinances: Flower Mound (suburb of Dallas), Balch Springs (suburb of San Antonio)
Date Prepared: January 20, 2017	

Subject

Presentation and discussion regarding possible landscape ordinance adoption by the city of Montgomery.

Discussion

I, and the Planning Commission, have been requested by the City Council to produce a draft landscape ordinance to the Council.

Attached are two examples of other cities landscape policies. Both of these policies basically say that there has to be landscaping without getting into a lot of detail about what the type of landscaping (such as percentage of bushes to trees, percentage of property to be landscaped) or a landscape ordinance can be very specific with only a certain allowed bushes, and location of landscaping (such as between the street and parking areas). The more specific the ordinance, the more negative reaction I expect them to receive from developers, and the more specific, the more latitude and involvement with developers in a "government oversight" situation - which is rarely a good thing, and it appears to me to me not the desire generally of Montgomery city government.

So, I would recommend the lighter, more general approach.

Reccomendation

No action needed, a report only

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: January 20, 2017

DIVISION 1. - GENERALLY

Flower Mound

Sec. 82-211. - Purpose.

This article is designed to provide standards for the installation and maintenance of landscaping, walls and screening devices so as to promote the general welfare of the community. This is accomplished by, encouraging the creation of an attractive appearance along public streets and by screening from view those uses that may be unattractive to the public eye. Landscaping materials, including ground covers, shrubs and trees, further facilitate the control of erosion and the reduction of glare and dust, as well as the visual softening of building masses. Walls and screening devices allow for the separation of incongruous uses and for the buffering of intensive activities. Landscaping, walls, screening devices and their combination, help to effectuate privacy, logical development and the enhancement of property values.

(Code 1989, ch. 12, § 5.03(a))

Sec. 82-212. - Applicability of article provisions.

This article shall apply to the following:

- (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.
- (2) *Residential subdivisions and multifamily.* New residential development, including new residential subdivisions, but excluding the construction of single-family detached, single-family attached or duplex dwellings on lots of record, shall be subject to the provisions of this subsection:
 - a. All such new residential development shall be subject to the standards of section 82-242, street buffer landscaping, and section 94-122, street buffer trees, along the frontage with such roadway.
 - b. Multifamily development shall be subject to the standards of section 82-301, residential compatibility standards.
- (3) *Residential lots.* The development of single-family, duplex and multifamily uses shall be subject to the standards of section 94-125, tree planting requirements, residential lots.

(Code 1989, ch. 12, § 5.03(b))

Sec. 82-213. - Approving bodies.

FLOWER MOUND

Nonresidential developments shall submit a landscape plan in conjunction with any site plan or SUP application and be approved in conjunction with the site plan or SUP approval. For residential developments, landscape plans shall be submitted in conjunction with a development plan and record plat application and approved in conjunction with those applications.

(Code 1989, ch. 12, § 5.03(c)(2); Ord. No. 06-12, § 11, 2-20-2012)

Sec. 82-214. - Landscape plan.

Any proposed building or use shall be shown on a landscape plan indicating the location of existing and proposed buildings, parking areas, street improvements, locations and types of landscaped areas, walls, and screening devices. The appropriate number of copies of the landscape plan, as outlined in the application packet, shall be submitted to the town at the time any application for a development plan, record plat, specific use permit, or site plan is submitted. The approval of a landscape plan shall be considered a part of the respective application approval process.

(Code 1989, ch. 12, § 5.03(c)(1); Ord. No. 06-12, § 12, 2-20-2012)

Sec. 82-215. - Location of utilities.

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

(Code 1989, ch. 12, § 5.03(c)(3))

Sec. 82-216. - Installation.

Landscaping, watering devices, trees, walls and screening structures shall be installed in accordance with the approved final landscape and site plan prior to the issuance of a final certificate of occupancy for the building or use. The building official may grant a temporary certificate of occupancy during the months when installation is impractical or not feasible, subject to the filing of a town approved affidavit with the town manager to this effect, indicating that such installation is to be complete by March 1 of the following year in which the affidavit was filed. Failure to comply with the requirements of this article shall be considered a misdemeanor, punishable as such by a fine in accordance with section 1-13 of this Code.

(Code 1989, ch. 12, § 5.03(c)(4))

Sec. 82-217. - Removal of topsoil.

No person shall strip, excavate or otherwise remove topsoil except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.

ARTICLE I. - IN GENERAL

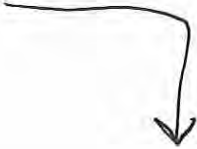
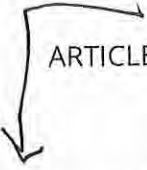
BALCH SPRINGS

Secs. 86-1—86-30. - Reserved.

Sec. 86-33. - Duty of property owner.

It shall be the duty of the person owning or occupying within the city real property which borders a public street, alley or sidewalk to prune the trees located on such property in such a manner that the trees will not obstruct or shade the streetlights, obstruct the passage of pedestrians, obstruct vision of traffic signs or obstruct the view of any street or alley intersection. The minimum clearance of an overhanging portion of a tree shall be ten feet over sidewalks and 12 feet over all streets and alleys.

(Ord. No. 937-01, § 3, 4-9-2001; Ord. No. 1065-05, 6-13-2005)



ARTICLE III. - MINIMUM LANDSCAPING REQUIREMENTS FOR ALL ZONING DISTRICTS

Sec. 86-61. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings 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, fences or walls, 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.

Nonpermeable 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, fences or walls, or 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 woody 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 35 back from their intersection and the hypotenuse (or third side of the triangle).

(Ord. No. 861-98, § 2, 9-28-1998; Ord. No. 1065-05, 6-13-2005)

Cross reference— Definitions generally, § 1-2.

Sec. 86-62. - 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 stormwater 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.

(Ord. No. 861-98, § 1, 9-28-1998; Ord. No. 1065-05, 6-13-2005)

Sec. 86-63. - Applicability; variances.

- (a) Except as otherwise provided in this section, the landscaping regulations set forth in this article shall apply to all land located within the city. Such landscaping requirements shall become applicable to each individual lot at the time a site plan is submitted for planning and zoning commission review or an application for a building permit on such lot is made.
- (b) This article shall apply to the all zoning districts within the city.
- (c)

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.

- (d) 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, or 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 86-64.
- (e) 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 requirements of this article will result in substantial financial hardship or 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 alternatives; and how the proposed measures equal or exceed normal compliance.

(Ord. No. 861-98, § 3, 9-28-1998; Ord. No. 916-00, § 1, 7-10-2000; Ord. No. 1065-05, 6-13-2005)

Sec. 86-64. - Landscape plan approval.

- (a) At the time of site plan review, there shall be submitted to the city manager or the city manager'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.
- (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 acceptance of a 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. City manager or the city manager's designee shall be authorized to permit heights in excess of 30 inches where it would be in the best interest of the landscaping and will not, in the opinion of the city manager or the city manager'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) For lots, parcels or tracts of land having a building with a total gross floor area of less than 75,000 square feet, landscaping, as described in subsection (d) of this section, shall be provided at a minimum ratio of seven percent of the gross land area.
 - (2) For lots, parcels or tracts of land having a building with a gross floor area of 75,000 square feet or more, landscaping, as described in subsection (d) of this section, shall be provided at a minimum ratio of ten percent of the gross land area.
- (f) For parking areas, a minimum of 20 percent 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) 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.
- (h) The landscape plan shall show in detail, but shall not be limited to, the location of each element of landscaping; a description by botanical or common name of each landscape element or group of elements; the number and size of each tree or planting container; and the height of any proposed planter, sculpture or decorative screen.
- (i) The city manager or the city manager'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.
- (j) In the approval or disapproval of the landscape plan, the city manager or the city manager's designee shall not be authorized to waive or vary conditions and requirements contained in the comprehensive zoning ordinance, chapter 90 of this Code, or other valid city ordinances.
- (k) It shall be unlawful to issue a certificate of occupancy prior to the approval of the landscape plan by the city manager or the city manager's designee. Prior to the issuance of a certificate of occupancy, all approved screening and landscaping must be in place or, if seasonal considerations prohibit the completion of the landscaping, a temporary certificate of occupancy may be issued for such time as is reasonable to complete the landscaping.
- (l) 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 floor area of a structure will be increased by more than ten percent or 1,000 square feet, whichever is less, or if the approval of a revised site plan is required, the planning and zoning commission shall be required to approve a revised landscape. The requirements for a submitted revised landscape plan shall be the same as the requirements for landscape plan submittal, and the planning and zoning commission 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 90 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 manager or the city manager's designee, administrative approval of the minor revisions shall be permitted under the conditions set forth in the following subsection.

- (m) The city manager or the city manager'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 90 of this Code. In the approval or disapproval of a minor revision to an approved landscape plan or revised landscape plan, the city manager or the city manager'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 commission's agenda following approval for acknowledgement of staff action.

(Ord. No. 861-98, § 4, 9-28-1998; Ord. No. 916-00, §§ 2—4, 7-10-2000; Ord. No. 1065-05, 6-13-2005)

Sec. 86-65. - Tree preservation.

- (a) It shall be unlawful for any person to remove or destroy, or cause the removal or destruction, of any tree which is three-inch caliper in size or larger and which is located on an undeveloped tract of land within the city without first obtaining a tree removal permit. If a tree has sustained damage which creates an immediate hazard to life or property, the director of planning and zoning may approve the removal of such tree. It is not the intent of this section to require a tree removal permit to remove trees located on developed sites. An application for a tree removal permit shall be filed with the city manager or the city manager's designee and shall include the location, species, caliper, height and canopy coverage of all trees proposed to be removed. Following staff review and inspection, the city manager or the city manager's designee shall promptly approve or deny the application and may include conditions for approval.
- (b) A tree survey within two years shall be required with submittals of each of the following: a detail plan, a subdivision plat and plans required for a building permit. If the proposed detail plan, plat or building permit will not result in new construction or expansion of existing development, a tree survey shall not be required. The tree survey shall identify the location, species, caliper and approximate canopy coverage of all healthy trees which are three-inch caliper in size or larger when measured at 4½ feet above the ground.
- (c) Trees identified by survey shall be preserved in accordance with the following requirements:
- (1) A minimum of 60 percent of the trees which are three-inch caliper in size or larger shall be preserved. If more than 40 percent of such trees are removed, then each caliper inch of the largest trees removed in excess of 40 percent must be replaced with one caliper inch of a new tree of a species included on the tree list set forth in subsection (c)(4) of this section. The minimum size