

MONTGOMERY PLANNING AND ZONING COMMISSION AGENDA
RE-SCHEDULED PUBLIC HEARING AND REGULAR MEETING OF
TUESDAY, DECEMBER 27, 2016, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS 101 OLD PLANTERSVILLE ROAD,
MONTGOMERY, TEXAS.

CALL TO ORDER

VISITOR/CITIZENS FORUM

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

1. Public hearing regarding granting of a Special Use Permit to Mary Eckhart Sims to operate a Bed and Breakfast at 811 Caroline Street
2. Consideration and possible action regarding November 28, 2016 minutes
3. Consideration and possible recommendation to City Council regarding an amendment to the Corridor Enhancement Ordinance
4. Consideration and possible action regarding Construction plans and Final Plat of Villas of Mia Lago, Phase II.
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
6. Consideration and possible action regarding Stylecraft Final Plat of Hills of Town Creek, Section 2
7. Presentation regarding Camillo 33 acre tract next to eastern city limits
8. Consideration and possible action regarding a building line setback of Living Savior Lutheran Church Preliminary Plat
9. Consideration and possible action regarding Preliminary Plat of Living Savior Lutheran Church
10. Report regarding possible zoning changes throughout the city
11. Discussion of potential areas of annexation into the city
12. Adjournment



Jack Yates, City Administrator



Posted this 21st day of December, 2016 at 11:00 (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

AGENDA REPORT

ITEM #1

Meeting Date:	December 27, 2016	Budgeted Amount:	N/A
Department:	Community Development		
		Exhibits:	
Date Prepared:	December 16, 2016		

Subject

Public Hearing – Sims Bed and Breakfast

Discussion

This is the public hearing, an opportunity for the public to speak on the subject. Letters have been sent to property owners within 200 feet, plus the notice was in the newspaper and posted at City Hall.

Recommendation

Listen and consider any public comment.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: December 16, 2016

MINUTES OF REGULAR MEETING
November 28, 2016
MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

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

Present: William Simpson, Nelson Cox, Arnette Easley and Jeffrey Waddell
Absent: Carol Langley
Also Present: Jack Yates, City Administrator
Glynn Fleming, 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.

Carol Langley arrived at the meeting at 6:01 p.m.

CONSIDERATION AND POSSIBLE ACTION

1. Discuss/take action regarding October 24, 2016 minutes.

Jeffrey Waddell moved to approve the October 24, 2016, Planning and Zoning Commission Meeting minutes as presented. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

2. Consideration and possible action of rescheduling December meeting.

William Simpson moved to reschedule the Planning and Zoning Commission Meeting for December 26, 2016 to be held on December 27, 2016 at 6 p.m. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

3. Presentation of Homestead Development Corporation regarding potential senior housing development.

Mr. Wade Bienski, Director of Homestead Development Corporation, made the presentation to the Commission. Mr. Bienski advised that they were looking at doing a senior tax credit development on Lone Star Parkway, just to the west of the Community Building. Mr. Bienski said that this is a 9+ acre tract of land that is currently zoned industrial, which will allow for this use, but they felt that they should rezone it to multi-family. They would be single story four plex style units, with a total of 72 units with a mixture of 1-2 bedrooms. The property would also have a community room for holding weekly events and a business center with computers.

Mr. Bienski stated that with it being a tax credit development, there would be an income restriction and with one person the maximum income allowed is 29,000 and two people would be a maximum of \$33,000. The property would have a separate entrance that would come off of Lone Star Parkway. Arnette Easley asked about the average size for the single unit. Mr. Bienski stated that the single unit would be approximately 813 square feet, and the double unit would be 1,034 square feet, and would be handicap accessible. Mr. Bienski said that they felt there was a great need for this type of facility in this area. Arnette Easley asked if this would be the only phase of the development. Mr. Bienski said that this will be the only phase of development at this time.

Jeffrey Waddell asked about the Management Company. Mr. Bienski advised that the management company has been around for 35-40 years. Mr. Bienski said they feel that they have a very good chance of getting the funding for this development. Carol Langley asked about the design of the development. Mr. Bienski said that this development would be very similar to the one that they have in Huntsville.

Jeffery Waddell asked if the common area would be where the gazebo is located. Mr. Bienski said that was correct. Mr. Bienski said that the common area was fairly large, but he did not have the square feet, but said that it would be at least the size of the Council Chambers. There would be a management company onsite all the time, and they would conduct weekly social events for the residents.

Arnette Easley asked if there was enough water supply to support this project. Mr. Yates said that the City would be able to supply water for this project with small extensions. Mr. Fleming advised that they would need to have a small extensions for water and sewer to reach the track. There is a small lift station nearby, but they would have to check to make sure that there was enough capacity. Mr. Fleming said that they might be able to upgrade the pumps. Mr. Bienski said that they were looking at possibly 100 residents on the property.

Chairman Cox asked if they would be requesting variances for this development because of the size of the structures. Mr. Fleming said that he did not know right off if there would be any need for variance requests for the development. Mr. Fleming said that rezoning would be a topic of conversation, along with the required Economic and Utility Feasibility Study. Mr. Fleming noted that Lift Station No. 7 also pumps to Lift Station No. 2, which in turn pumps to City Lift Station No. 1. Mr. Fleming said that there is a domino effect that they will need to look at in the system. Mr. Bienski confirmed that when they got ready, they would seek a Resolution of Support from the City, which is a requirement.

Carol Langley asked when they were projecting the development to occur. Mr. Bienski advised that they will put in their preliminary grant application in January 2017, with the full application being due in March. Mr. Bienski advised that by March 2017 they would have a pretty good idea as to whether they are going to be approved for the grant. Mr. Bienski said if the grant is approved, they will not receive their funds until late summer. Mr. Bienski said that this was a very competitive process with no guarantees. Mr. Bienski said that they felt they would score fairly well, except one of the requirements of being within 15 miles of a college.

Mr. Easley asked if the drainage would go into the detention pond. Mr. Fleming advised that the detention pond would discharge into Town Creek. Mr. Fleming said that the detention pond would be a dry bottom pond that would fill up slowly and then discharge

into Town Creek. Mr. Fleming said that his recommendation to Mr. Bienski was for him to come by and meet the Commission and show you some of the renderings and discuss a little bit about the development, which they will also do with City Council hopefully before the end of the year.

Mr. Bienski advised that while they are hopeful for this year, if the grant does not go through this year, they will try again the following year or two. Carol Langley said that the City of Navasota has three senior housing facilities, very similar to what is being shown tonight. Mr. Bienski thanked the Commission for their time.

4. Consideration and possible action regarding Preliminary Plat submission for proposed Town Creek Storage.

Mr. Fleming presented the information on the plat, stating that this is a proposed public storage facility on the west side of town. Mr. Fleming stated that it was in keeping with the Code of Ordinances. Mr. Fleming said that he did return some red lined comments to the engineer. Mr. Fleming said that he has already spoken to their design engineer about their drainage channel that wraps around the west side of the property. Mr. Fleming said that they need to make sure that they have platted access to the drainage channel so that they can maintain the channel, which is one of the comments on the plat.

Jeffrey Waddell asked about the visual impact of the project. Mr. Yates said that they have the corridor enhancement, and before they approve the plans they will come back before the Commission.

Carol Langley asked if there was an entrance off of SH105. Mr. Fleming said that it did not have an entrance off of SH 105.

Mr. Fleming said that his recommendation would be to accept the plat as commented on, and they will work with the surveyor and engineer to make sure that the final plat and construction plans are up to Code.

Carol Langley said that years ago when the property presentation was originally made, it was the developer's intent to have a storage facility. Jeffrey Waddell asked how far the building would be off of SH 105. Mr. Fleming said that it would be a 35 foot building line set back, beyond the State right of way.

After discussion, Jeffrey Waddell moved to approve the Preliminary Plat submission for the proposed Town Creek Storage. Carol Langley seconded the motion, the motion carried unanimously. (5-0)

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

William Simpson moved to schedule a Public Hearing regarding granting of a Special Use Permit to Mary Eckhart Sims to operate a Bed and Breakfast at 811 Caroline Street to be held on December 27, 2016 at 6 p.m. Arnette Easley seconded the motion, the motion carried unanimously. (5-0)

6. Report regarding possible zoning changes throughout the City.

Mr. Yates said that he and Mr. Fleming were working on identifying property owners in the areas that they had discussed last month.

William Simpson said that when developers are coming into the City and the first thing they want to do is reduce the size of the lots, making the property high density. William Simpson asked if it would benefit the City to make areas that are high and low density. Mr. Yates said that would be beneficial. William Simpson said that Montgomery was becoming a high density neighborhood. Mr. Yates said you could rezone the property either R1H for high density, or R1L for low density. William Simpson said that would eliminate a lot of these people coming in and asking for variances. Mr. Yates said that they need to consider that information as part of their land use plan.

Mr. Yates said that they will need to adopt a land use plan for the City. Mr. Fleming said that there will still be variance requests. Mr. Fleming said that they need to determine what size lot will be high density. Mr. Yates said that they will also need to either state publicly, or in an ordinance, that variances will not be permitted.

Mr. Fleming said that as the larger entities come in to develop in the City, they are used to working within certain guidelines, so you should see the repetitive variance requests start to wane.

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

Mr. Yates stated that he was going to review the laws and requirements of the City regarding annexation of property into the City, with the City Attorney, and then he would report back to the Commission. Mr. Yates said that currently there are no requests for annexation.

Arnette Easley said that first, they have to outline the benefits that the people would have if they annexed into the City. Mr. Yates discussed the service plan for utilities when people are annexed and said that he would also have to find out the City's obligations for providing utility service. Mr. Yates said that he would also have to check and find out whether you can require someone to connect to the City's water system.

Arnette Easley asked if there was a block grant that is available so that they could get the infrastructure in place for future development. Mr. Yates advised that there was a Rural Development Administration Loan available, which has a 40 year payback. Arnette Easley said that they just need to provide all the information on the benefits that the City will provide and let them know that they are not going to take their land. Arnette Easley said that they would probably rather pay the tap fee than have someone re-dig their well.

Mr. Yates said that they would also have to determine how newly annexed property would be zoned.

8. Adjournment

Arnette Easley moved to adjourn the meeting at 7:26 p.m. Jeffrey Waddell seconded the motion, the motion carried unanimously. (4-0)

Submitted by:  Date Approved: _____

Susan Hensley, City Secretary

Chairman Nelson Cox

Montgomery City Council
AGENDA REPORT

ITEM# 3

Meeting Date:	December 27, 2016	Budgeted Amount:	N/A
Department:	Community Development		
		Exhibits:	
Date Prepared:	December 19, 2016		Corridor Enhancement District Ordinance

Subject

Possible amendment to the Ordinance, prohibiting cement block exteriors in the Enhancement district

Discussion

In reading the Ordinance, passed in 2008. It recently was noticed that cement block building exteriors were not prohibited. This amendment would change that.

You have the entire ordinance attached. Section 98-364 on page three of the ordinance, on the second line would be added the words "and cement block" after the word "panels".

Recommendation

Approve amendment of the ordinance as presented.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: December 19, 2016

(Motion was made by MIKE NEWMAN, seconded by KIRK JONES, and passed by a vote of 4 to 0, that the following ordinance be passed.)

ORDINANCE NO. 2008-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING AND MODIFYING ORDINANCE NO. 2008-02, AND AMENDING CHAPTER 98 OF THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS ADOPTING REGULATIONS ESTABLISHING AN OVERLAY CORRIDOR ENHANCEMENT DISTRICT FOR THE PURPOSE OF INFLUENCING CERTAIN EXTERIOR ARCHITECTURAL ASPECTS OF BUILDING CONSTRUCTION; DEFINING THE BOUNDARIES OF THE DISTRICT; PROVIDING FOR CONSTRUCTION STANDARDS; PROVIDING FOR EXCEPTIONS AND EXEMPTIONS; ESTABLISHING ENFORCEMENT PROVISIONS; PROVIDING CRIMINAL PENALTIES OF UP TO \$500 FOR VIOLATING THE ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, Chapter 211 of the TEXAS LOCAL GOVERNMENT CODE, the Municipal Zoning Authority, specifically authorizes zoning functions and procedures for municipalities; and

WHEREAS, Chapter 211 of the TEXAS LOCAL GOVERNMENT CODE, Section 211.005, authorizes the governing body of a municipality to divide the municipality into districts, within which the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land and within which zoning regulation must be uniform for each class or kind of building in a district; however, zoning regulations may vary from district to district; and

WHEREAS, the City of Montgomery, Texas has an existing number of undeveloped properties within its corporate boundaries and along its primary entryways and corridors; and

WHEREAS, it is recognized that the City of Montgomery, Texas possesses a unique ambiance and attraction due to its rich culture and historic significance; and

WHEREAS, the City Council of the City of Montgomery, Texas desires to enhance the appearance and perception, and influence the ambiance of the City which will promote the health, safety, prosperity, education, and general welfare of the citizens residing in and visiting the City of Montgomery; and

WHEREAS, the matter was referred to the City of Montgomery Planning and Zoning Commission for consideration and recommendation, and the Planning and Zoning

Commission, after due notice and public hearing, did consider and make a recommendation on the adoption of this ordinance and the zoning change; and

WHEREAS, the City Secretary caused to be issued and published the notices of public hearing required by the City of Montgomery Zoning Ordinance (the "Zoning Ordinance") and laws of the State of Texas applicable thereto; and

WHEREAS, the City Council, pursuant to such notices, held its public hearings and heard all persons wishing to be heard both for and against the adoption of this ordinance and the change in the zoning classification of the affected property on July 28, 2008 and August 12, 2008; and

WHEREAS, the City Council, after determining that all legal requirements of notice and hearing have been met, and after considering the recommendations of the Planning and Zoning Commission that the requested ordinance be adopted and the zoning change be approved, is of the opinion and finds that such change would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Montgomery, Texas, and as well, the owners and occupants thereof, and the City generally;

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

SECTION 1. Chapter 98 of the Code of Ordinances of the City of Montgomery, Texas, shall be and is hereby amended by adding Article VII entitled Corridor Enhancement, and the regulations are hereby adopted as part of Chapter 98, pursuant to the authority of Chapter 211 of the TEXAS LOCAL GOVERNMENT CODE, as follows:

ARTICLE VII. CORRIDOR ENHANCEMENT

Sec. 98-361. Purpose.

The city council hereby declares that as a matter of public policy that it is desirable and in the best interest of the public health, safety, morals and general welfare of the citizens of the city to provide for the enhancement of the overall visual image and perception of the city along its main entryways and corridors by requiring construction standards for exterior walls and facades on buildings along these corridors.

Sec. 98-362. 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:

Design guidelines for the City of Montgomery means written guidelines adopted by the City as a reference and guide to provide information on appropriate methods for new construction of buildings.

Exterior walls and facades means the outermost covering of a building that is visible from any public right of way, street or roadway.

Main entryways and corridors means the two primary, intersecting thoroughfares in the city, namely State Highway 105 and State Farm Road 149, along with the Lone Star Parkway.

Metal panels means profiled metal panels, deep ribbed panels and concealed fastener systems.

Sec. 98-363. District Boundaries and Designation of Properties .

- (a) Properties initially subject to the requirements of this article and initially designated as the Corridor Enhancement District include all properties located within three hundred (300) feet of the right of way of:
 - (1) Texas State Highway 105, extending from the eastern boundary of the corporate limits of the city to the western boundary of the corporate limits of the city;
 - (2) Texas State Farm Road 149, extending from the northern boundary of the corporate limits of the city to the southern boundary of the corporate limits of the city; and
 - (3) The entire Lone Star Parkway, extending from Texas State Highway 105 on the east to Texas State Highway 105 on the west.
- (b) The city council may, from time to time, following recommendation either for or against such designation by the Planning and Zoning Commission, designate certain additional areas in the city as a Corridor Enhancement District, and define, amend, or eliminate the boundaries of designation. Such designation and the requirements thereof shall be in addition to any other zoning district designation or requirement established in this chapter. All zoning maps shall reflect the Corridor Enhancement District by the letters "CE" as a suffix to the use designated. Changes to the Corridor Enhancement District may be initiated by any person by request submitted to the city secretary.

Sec. 98-364. General Requirements.

- (a) The construction of metal buildings is allowed within the Corridor Enhancement District; however, metal panels are prohibited on the exterior walls and facades of such buildings. Areas zoned as Light or Heavy Industrial are partially exempt from this requirement provided that the main entrance of the building visible from the Main entryways and corridors shall be 100% covered by the approved materials listed in subsection (b) of this section. The remaining exterior facades of a building within an area zoned as Light or Heavy Industrial must be at least 50% covered by a wainscoting of approved materials listed in subsection (b) of this section, from the front to the back of the facade wall.

"and
Cement
blocks"

- (b) Within the Corridor Enhancement District, acceptable façade materials that may be used on buildings or structures, individually or in combination, include:
 - (1) Natural stone
 - (2) Brick
 - (3) Wood
 - (4) Fiber cement siding (e.g. Hardiplank)
 - (5) Stucco or similar exterior finishing system
 - (6) Pre-cast concrete panels which are painted or integrally colored
 - (7) Exposed aggregate concrete
 - (8) Any other acceptable system that is not metal panel

- (c) New construction within the Corridor Enhancement District or buildings moved into the Corridor Enhancement District will be subject to the construction standards defined in this article.

- (d) The city encourages property owners, architects and builders to recognize the historic significance of the city, and the desire to maintain and enhance the historic ambiance of the area. Therefore, voluntary compliance with other architectural aspects of the Design Guidelines for the City of Montgomery is strongly recommended.

Sec. 98-365. Exceptions and Exemptions.

- (a) Commercial, institutional, and residential structures existing within the Corridor Enhancement District, prior to the effective date of this ordinance shall not be required to be altered, repaired or modified to meet existing design criteria unless major facade or structural renovations are planned by the property owner. Major facade or structural renovations are defined as changes or renovations to 25% or more of any facade of the structure or improvements facing a public right of way, street or roadway.

- (b) Exceptions to these requirements may be reviewed by the Planning and Zoning Commission for a recommendation to city council for approval on a case by case basis provided that the Commission and city council finds that the proposed building materials and arrangement of these materials will enhance and preserve the character along the corridor in which the structure is located. Consideration for exceptions to the above requirements shall be based on the architectural design and creativity of the structure, and its compatibility with surrounding developed properties.

- (c) Exceptions reviewed by the Planning and Zoning Commission and approved by city council shall be in effect for only the structure specifically authorized and shall become null and void should no building permit be issued within ninety (90) day or should the building permit for the specific structure expire.

- (d) The provisions of this article shall not be construed to apply to properties located within

any planned development district in which deed restrictions have already been approved by the city.

Sec. 98-366. Enforcement.

- (a) A list of intended exterior materials will be submitted along with the building permit application. Building permits will not be approved unless acceptable external materials will be used.
- (b) The city engineer and/or city building inspector will review construction to ensure compliance with this article, and no certificate of occupancy will be granted until compliance with this article is achieved.

SECTION 2. A person, firm, corporation or other entity commits an offense if he/she/it violates this Ordinance. Each day the offense continues constitutes a separate offense. The following penalties, which are nonexclusive, and the exercise of one or more of which shall not preclude exercise of the others, shall be imposed on those persons or entities found to have violated this article:

- (a) The same penalties as set forth in Chapter 98 of the Code of Ordinances of the City of Montgomery, Texas for all violations of requirements set forth in said zoning ordinance; or
- (b) The same penalties set forth in section 1-6 of the Code of Ordinances of the City of Montgomery, Texas for non-zoning violations.

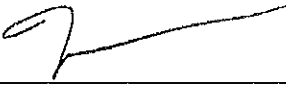
SECTION 3. If any provision, section, exception, subsection, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void, invalid or otherwise unenforceable, the invalidity or unenforceability 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 4. All provisions of the ordinances of the City of Montgomery in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Montgomery, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.


SECTION 5. This Ordinance shall become effective immediately upon its passage and approval as provided by law.

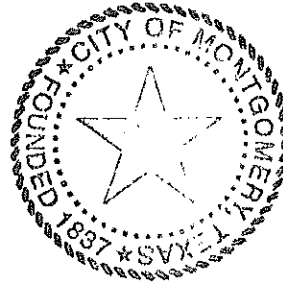
PASSED AND APPROVED this 12th day of August, 2008.

CITY OF MONTGOMERY, TEXAS


By: 
Travis Mabry, Mayor

ATTEST:

By: 
Carol Langley, City Secretary



APPROVED AS TO FORM:

By: 
Bryan P. Fowler, City Attorney

AGENDA REPORT

ITEM #4

Meeting Date:	December 27, 2016	Budgeted Amount:	N/A
Department:	Community Development		
		Exhibits:	
Date Prepared:	December 16, 2016		Memo from City Engineer, plat

Subject

Construction Plans and Final Plat of Villas of Mia Lago, Phase 2

Discussion

Mr. Nick Liberatore is platting his second phase of the Villas of Mia Lago. Phase 1 is at the end of Lone Star Bend (second street right, north of S.H. 105 on Lone Star Parkway).

One of the reasons this Plat is important is that it provides the right-of-way for the continuation of Lone Star Bend to where it will meet Bois d'Arc Road and provide another important access from the Walden area to the city (and specifically to the commercial area of 105 and Lone Star Bend).

The City and County have been planning this extension of Lone Star Bend over the past many years and this Plat provides the needed connection.

Commissioner Meador is going to be accomplishing the paving of Lone Star Bend and its connection to Bois d'Arc Road.

Recommendation

Approval of the construction plans and Final Plat of villa of Mia Lago Phase 2

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: December 16, 2016

AGENDA REPORT

ITEM #5

Meeting Date:	December 27, 2016	Budgeted Amount:	N/A
Department:	Community Development		
		Exhibits:	
Date Prepared:	December 16, 2016		<i>Proposed Ordinance</i>

Subject

Special Use Permit for Sims Bed and Breakfast

Discussion

Mrs. Sims operated a bed and breakfast at 801 Caroline from 2007 to 20213 then moved away. The property owners within 200 feet of her property were sent notices of this meeting.

No negative comment from the staff.

Your action is to recommend approval/non approval to the City Council for their action.

Recommendation

Recommend Approval of the Special Use Permit for the Bed and Breakfast at 801 Caroline Street

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: December 16, 2016

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, GRANTING A SPECIAL USE PERMIT TO MARY ECKHART SIMS FOR A BED AND BREAKFAST USE OF THE PROPERTY LOCATED AT 811 CAROLINE STREET, MONTGOMERY, TEXAS 77356; AUTHORIZING THE USE OF THE PROPERTY AS A BED AND BREAKFAST; IMPOSING CERTAIN CONDITIONS AND SAFEGUARDS; PROVIDING FOR SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, the City of Montgomery has received a request from Mary Eckhart Sims for a special use permit pursuant to Section 98-33 of the Code of Ordinances of the City of Montgomery, Texas, authorizing the maintenance and use of a portion of the herein below referenced real property (the "Property") as a bed and breakfast; and

WHEREAS, the matter was referred to the City of Montgomery Planning and Zoning Commission for consideration and recommendation, and the Planning and Zoning Commission, after due notice and public hearing, did consider and make a recommendation on the request for the special use permit, as provided by Section 98-33 (a) of the Code of Ordinances; and

WHEREAS, the City Secretary caused to be issued and published the notices of public hearing required by the City of Montgomery Zoning Ordinance and laws of the State of Texas applicable thereto; and

WHEREAS, the City Council, pursuant to such notices, held its public hearing and heard all persons wishing to be heard both for and against the proposed special use permit, on the ____ day of December, 2016; and

WHEREAS, the City Council, after determining that all legal requirements of notice and hearing have been met, is of the opinion and finds that the requested special use of the Property is a permitted use of the Property in the zoning district in which the Property is situated; and

WHEREAS, the City Council further finds that the granting of a use permit to the Mary Eckhart Sims will not have an adverse effect on the City's comprehensive zoning plan or on the character and development of the neighborhood in which the Property is situated;

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

SECTION 1. A special use permit is hereby granted to Mary Eckhart Sims for the purpose of using the Property as a bed and breakfast.

SECTION 2. The granting of the special use permit is expressly conditioned upon the premise that no overnight parking shall be permitted on any public street and on the condition that the bed and breakfast project comply with any and all local, state and federal law.

SECTION 3. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 4. This Ordinance shall become effective immediately upon its passage.

PASSED AND APPROVED this ____ day of _____, 2016.

CITY OF MONTGOMERY, TEXAS

By: _____
Mayor Kirk Jones

ATTEST:

Susan Hensley, City Secretary

APPROVED AS TO FORM:

Larry Foerster, City Attorney

AGENDA REPORT

ITEM #6

Meeting Date:	December 27, 2016	Budgeted Amount:	N/A
Department:	Community Development		
		Exhibits:	
Date Prepared:	December 16, 2016		Memo from City Engineer, plat

Subject

Construction Plans and Final Plat of Hills of Town Creek Section 2

Discussion

This is Section 2 of the presently under construction Section 1 of Hills of Town Creek going on immediately west of Emma's Way west of the Town Creek Apartments on the western end of the City.

The city Engineer's memo and plat are attached.

Recommendation

Approval of the Final Plat of Hills of Town Creek Section 2

Approved By

Department Manager		Date:
City Administrator City Administrator	Jack Yates	Date: December 16, 2016



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

December 19, 2016

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

Re: Submission of Final Plat
Hills of Town Creek, Section Two
City of Montgomery

Commission Members

We reviewed the Final Plat submission for the referenced development on behalf of the City of Montgomery. Our review was based on The City of Montgomery's Code of Ordinances, Chapter 78, Section 61 and any other applicable chapters. We offer no objection to the plat and recommend the Commission approve the plat as submitted.

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

Sincerely,

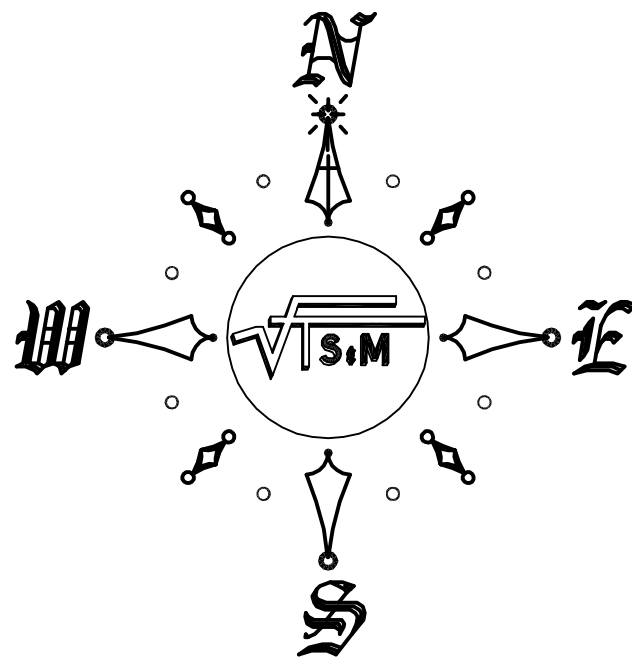
A handwritten signature in blue ink, appearing to read 'Ed Shackelford', with a long horizontal flourish extending to the right.

Ed Shackelford, P.E.
Engineer for the City

EHS/gef:lr2

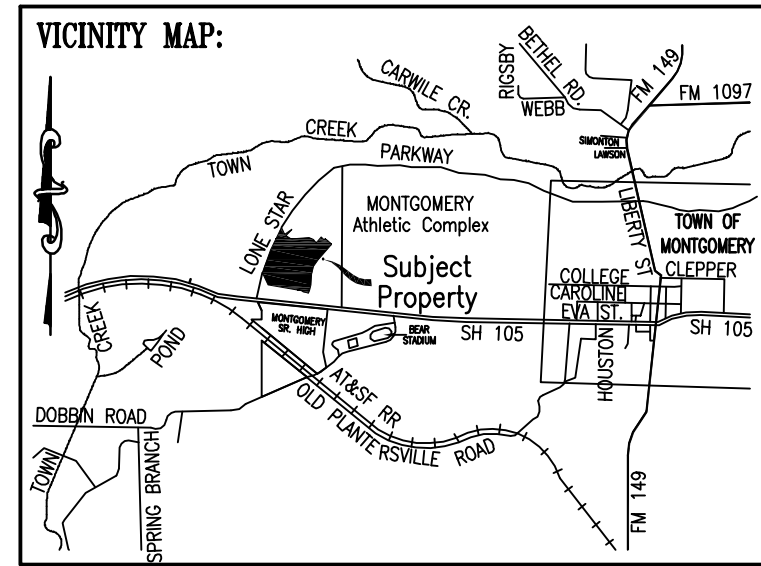
P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2016\P&Z Reports\12-27-2016\Hills of Town Creek, Section Two Final Plat P&Z Opinion.doc

Enclosures: Hills of Town Creek – Final Plat
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



A Final Plat of:
THE HILLS OF TOWN CREEK Sec 2
 51 Lots 4 Reserves
 A Subdivision of 12.476 Acres or 543,440 Square Feet of Land,
 lying in the BENJAMIN RIGBY LEAGUE, Abstract No. 31
 in Montgomery, Montgomery County, Texas.

The bearings shown hereon are based on TEXAS STATE PLANE COORDINATE SYSTEM, Central Zone based on GPS Observation.



- NOTES: 1.) M1 = Found 5/8 inch iron rod with cap
 2.) Cross-hatched area is temporary easement for turnaround until Brock's Lane is extended Northeast in a recorded plat.
 3.) The Coordinates shown hereon are Texas Central Zone No. 4203 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor of: 1.000077360.
 4.) According to the Flood Insurance Rate Map, Community No. 480483, Panel No. 0200G, dated August 18, 2014, the tract hereon surveyed lies wholly within zones "X" and being defined as an area of minimal flooding not within any flood plane zone.

OWNER:

HKR INVESTMENTS, LP
 20 Wood Shay Ct.
 Montgomery, Texas 77356

SURVEYOR:

VALUE TECHNOLOGIES, SURVEYING & MAPPING
 Texas Registered Firm Number 10153500
 14306 Summerwood Lakes Drive
 Houston, Texas 77044-5078
 Phone: (281) 225-8876
 Telefax: (281) 225-8877
 Email: vtsm@entouch.net

STATE OF TEXAS §
 COUNTY OF MONTGOMERY §

That we, HKR INVESTMENTS, LP 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, Sec 2, and do hereby make subdivision of said property according to the lines, streets, alleys, parks, and easements therein shown, and dedicate to public use forever all areas shown on this plat as streets, alleys, parks, and easements, except those specifically indicated as private; and 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 that Owner has or will comply with all applicable regulations of the City of Montgomery, Texas, and that a rough proportionality exists between the dedications, 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, HKR INVESTMENTS, LP have caused these presents to be signed by Harry Ray, Partner thereunto authorized, this the ____ day of _____, 2016.

HKR INVESTMENTS, LP

By: Harry Ray, Managing Partner

STATE OF TEXAS §
 COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared Harry Ray, 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 the ____ day of _____, 2016.

My Commission Expires: _____

KNOW ALL MEN BY THESE PRESENTS §

That I, Donald K. Hall, 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.

Donald K. Hall, Registered Professional Land Surveyor No. 4070



VALUE TECHNOLOGIES, SURVEYING & MAPPING
 Texas Registered Firm Number 10153500
 14306 Summerwood Lakes Drive
 Houston, Texas 77044-5078
 Phone: (281) 225-8876
 Telefax: (281) 225-8877
 Email: vtsm@entouch.net

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.

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 _____, 2016.

ATTEST:

By: _____
 Mayor

City Secretary

By: _____
 Chairman Planning and Zoning Commission

STATE OF TEXAS §
 COUNTY OF MONTGOMERY §

LIENHOLDERS ACKNOWLEDGEMENT AND SUBORDINATION STATEMENT

I, Joe Salvato, Senior Vice President acting on behalf of The Bank & Trust of Bryan/College Station, owner and holder of a lien against the property described in the plat known as THE HILLS OF TOWN CREEK Sec 2, said lien being evidenced by instruments of record in the Clerk's File No.'s 2016081797 and 2016081798 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 dedications 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.

The Bank & Trust of Bryan/College Station

By: _____
 Joe Salvato, Senior Vice President

STATE OF TEXAS §
 COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared Joe Salvato, 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 the ____ day of _____, 2016.

My Commission Expires: _____

THE STATE OF TEXAS §
 COUNTY OF MONTGOMERY §

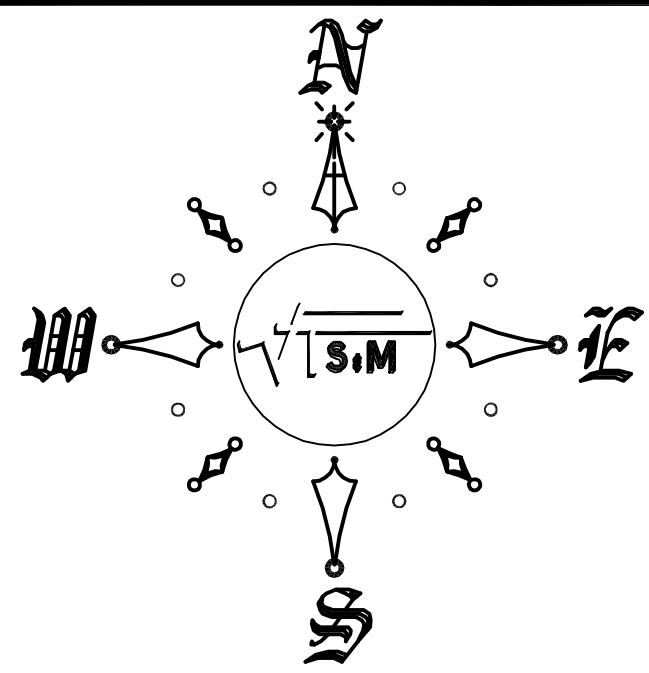
I, MARK TURNBULL, Clerk of the County Court of Montgomery County, Texas, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on _____, 2016, at o'clock, __M., and duly recorded on _____, 2016, at o'clock, __M., in Cabinet _____, 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

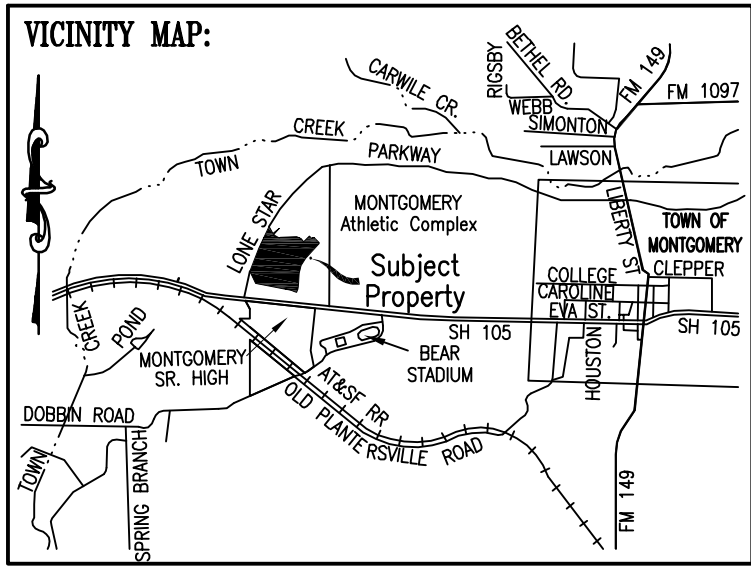
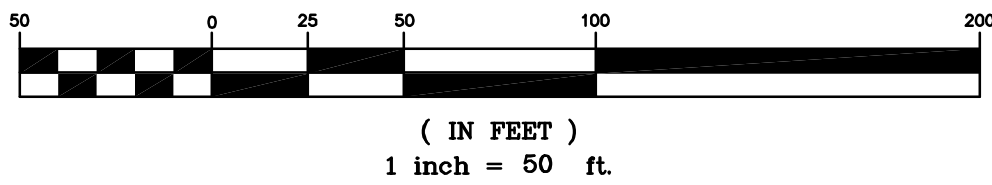
REVISIONS		
No.	Date	Content



The bearings shown hereon are based on TEXAS STATE PLANE COORDINATE SYSTEM, Central Zone based on GPS Observation.

- NOTES: 1.) M1 = Found 5/8 inch iron rod with cap
 2.) Cross-hatched area is temporary easement for turnaround until Brock's Lane is extended Northeast in a recorded plat.
 3.) The Coordinates shown hereon are Texas Central Zone No. 4203 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor of: 1.000077360.
 4.) According to the Flood Insurance Rate Map, Community No. 480483, Panel No. 0200G, dated August 18, 2014, the tract hereon surveyed lies wholly within zones "X" and being defined as an area of minimal flooding not within any flood plane zone.

GRAPHIC SCALE



A Final Plat of: THE HILLS OF TOWN CREEK Sec 2

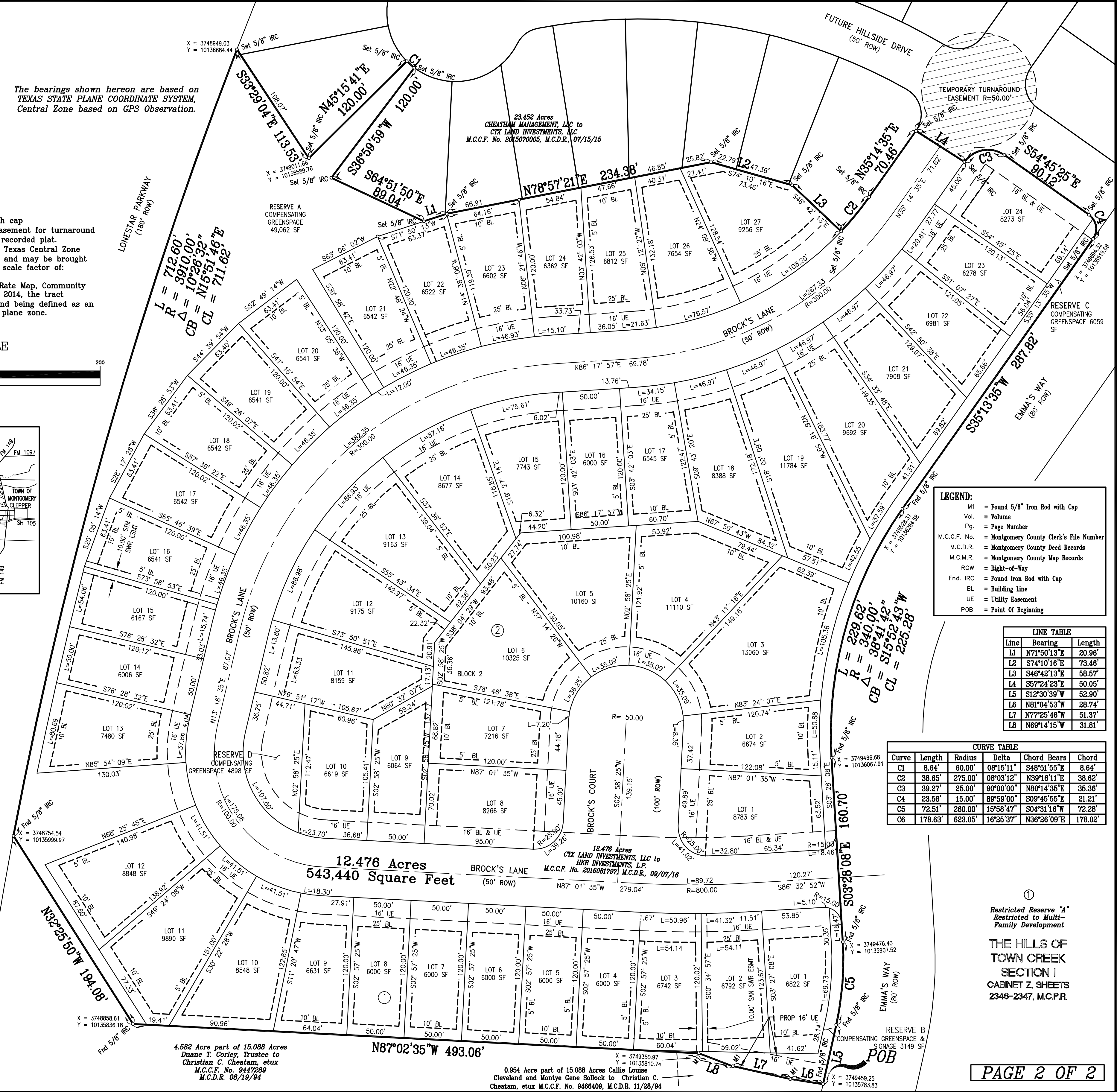
51 Lots 4 Reserves
 A Subdivision of 12.476 Acres or
 543,440 Square Feet of Land
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 LEAGUE, Abstract No. 31 in
 Montgomery, Montgomery County,
 Texas.

OWNER:

HKR INVESTMENTS, LP
 20 Wood Shay Ct.
 Montgomery, Texas 77356

SURVEYOR:

VALUE TECHNOLOGIES,
SURVEYING & MAPPING
 Texas Registered Firm Number 10153500
 14306 Summerwood Lakes Drive
 Houston, Texas 77044-5078
 Phone: (281) 225-8876
 Telefax: (281) 225-8877
 Email: vtism@entouch.net



LEGEND:

- M1 = Found 5/8" Iron Rod with Cap
- Vol. = Volume
- Pg. = Page Number
- M.C.C.F. No. = Montgomery County Clerk's File Number
- M.C.D.R. = Montgomery County Deed Records
- M.C.M.R. = Montgomery County Map Records
- ROW = Right-of-Way
- Fnd. IRC = Found Iron Rod with Cap
- BL = Building Line
- UE = Utility Easement
- POB = Point of Beginning

LINE TABLE

Line	Bearing	Length
L1	N71°50'13"E	20.96'
L2	S74°10'16"E	73.46'
L3	S48°42'13"E	58.57'
L4	S57°24'23"E	50.05'
L5	S12°30'39"W	52.90'
L6	N81°04'53"E	28.74'
L7	N77°25'46"W	51.37'
L8	N69°14'15"W	31.81'

CURVE TABLE

Curve	Length	Radius	Delta	Chord Bears	Chord
C1	8.64'	60.00'	08°15'11"	S48°51'55"E	8.64'
C2	38.65'	275.00'	08°03'12"	N39°16'11"E	38.62'
C3	39.27'	25.00'	90°00'00"	N80°14'35"E	35.36'
C4	23.56'	15.00'	89°59'00"	S09°45'55"E	21.21'
C5	72.51'	260.00'	15°58'47"	S04°31'16"W	72.28'
C6	178.63'	623.05'	16°25'37"	N36°26'09"E	178.02'

①
 Restricted Reserve "A"
 Restricted to Multi-Family Development

THE HILLS OF
 TOWN CREEK
 SECTION I
 CABINET Z, SHEETS
 2346-2347, M.C.P.R.

X = 3748949.03
 Y = 10136684.44

X = 3749011.66
 Y = 10136589.76

X = 3748949.03
 Y = 10136684.44

X = 3748754.54
 Y = 10135999.97

X = 3749466.68
 Y = 10136067.91

X = 3749476.40
 Y = 10135907.52

X = 3748858.61
 Y = 10135836.18

X = 3749350.97
 Y = 10135910.74

X = 3749459.25
 Y = 10135783.83

4.682 Acre part of 15.088 Acres
 Duane T. Corley, Trustee to
 Christian C. Cheatam, etux
 M.C.C.F. No. 9447289
 M.C.D.R. 08/19/94

0.954 Acre part of 15.088 Acres Callie Louise
 Cleveland and Montye Gene Sollock to Christian C.
 Cheatam, etux M.C.C.F. No. 9466409, M.C.D.R. 11/28/94

12.476 Acres
 543,440 Square Feet
 BROCK'S LANE
 (50' ROW)
 M.C.C.F. No. 2016081797, M.C.D.R. 09/07/16

23.452 Acres
 CHEATHAM MANAGEMENT, LLC to
 CTX LAND INVESTMENTS, LLC
 M.C.C.F. No. 2015070005, M.C.D.R. 07/15/15

AGENDA REPORT

ITEM # 7

Meeting Date:	December 27, 2016	Budgeted Amount:	N/A
Department:	Community Development		
		Exhibits:	
Date Prepared:	December 16, 2016		

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 S.H. 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 (it is not in the city presently), and possibly some variances that they foresee requesting.

Recommendation

Listen to the presentation giving thought and speaking up with any comments you may have about the proposal.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: December 16, 2016

AGENDA REPORT

ITEM #8

Meeting Date:	December 27, 2016	Budgeted Amount:	N/A
Department:	Community Development		
		Exhibits:	
Date Prepared:	December 16, 2016		Memo from city Engineer

Subject

Variance request of Living Saviour Lutheran Church

Discussion

This is a variance request to allow the construction that they are planning on accomplishing.

A memo from the City Engineer is attached.

Recommendation

Approval of the variances requested by Living Saviour Lutheran Church

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: December 16, 2016



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

December 19, 2016

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

Re: Variance Request-Reduction in Side Yard Setback
Living Savior Lutheran Church
City of Montgomery

Commission Members:

Section 98-93(a)(2) 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.

- The Developer is requesting a reduction to 5-feet along the southern property line as shown in the enclosed preliminary site plan.

Enclosed you will find a request for variance and a preliminary site plan as submitted by L Squared Engineering. While we offer no objection to the requested variance the location in question lies within the City's Historic Preservation District and the requested variance, which is shaded in yellow on the enclosed preliminary site plan, immediately abuts the Peel Cemetery. Additionally, the enclosed preliminary site plan shows a proposed surface parking area at the intersection of Caroline and Louisa Streets. This is a potentially problematic feature as it pertains to traffic impact in the area, and vehicular loading on roads designed to function as minor residential streets. Multiple variance requests would need to be considered for approval in order to accommodate the driveway locations shown, and significant improvements to both Cemetery and Louisa Streets would be necessary in order to accommodate the traffic impact and potential increased storm water runoff.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ed Shackelford', with a long horizontal flourish extending to the right.

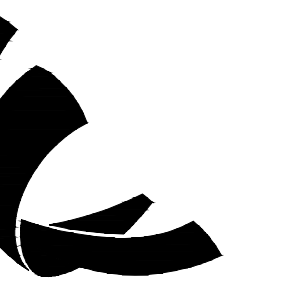
Ed Shackelford, P.E.
Engineer for the City

EHS/gef: lr2

P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2016\P&Z Reports\12-27-2016\Living Savior Lutheran Church, Variance Request-P&Z Opinion.doc

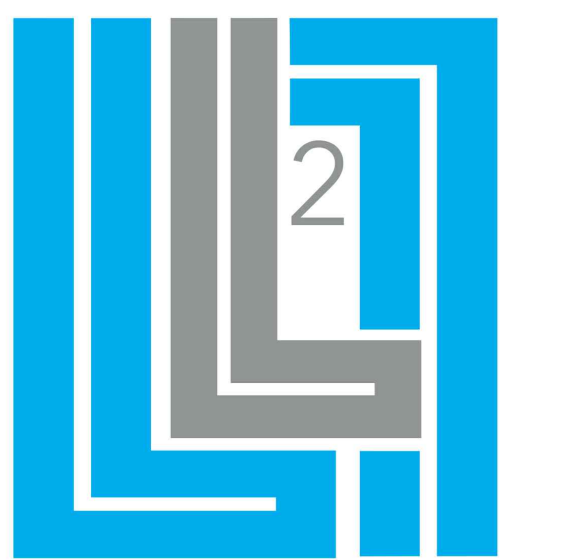
Enclosures: Living Savior Lutheran Church – Variance Request
Living Savior Lutheran Church – Preliminary Site Plan

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



INVENTURE DESIGN

T 713.524.5555 F 713.524.4777
3118 Richmond Ave., Suite 200
Houston, Texas 77098
www.invdsgroup.com



L SQUARED ENGINEERING
MUNICIPAL COMMERCIAL RESIDENTIAL

Living Savior Lutheran Church

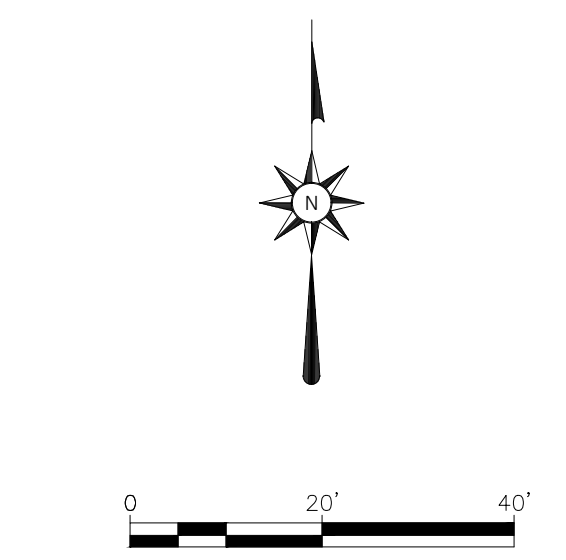
309 Pond Street
Montgomery, TX 77356

Interim Review Only
Not for regulatory approval,
permitting or construction.

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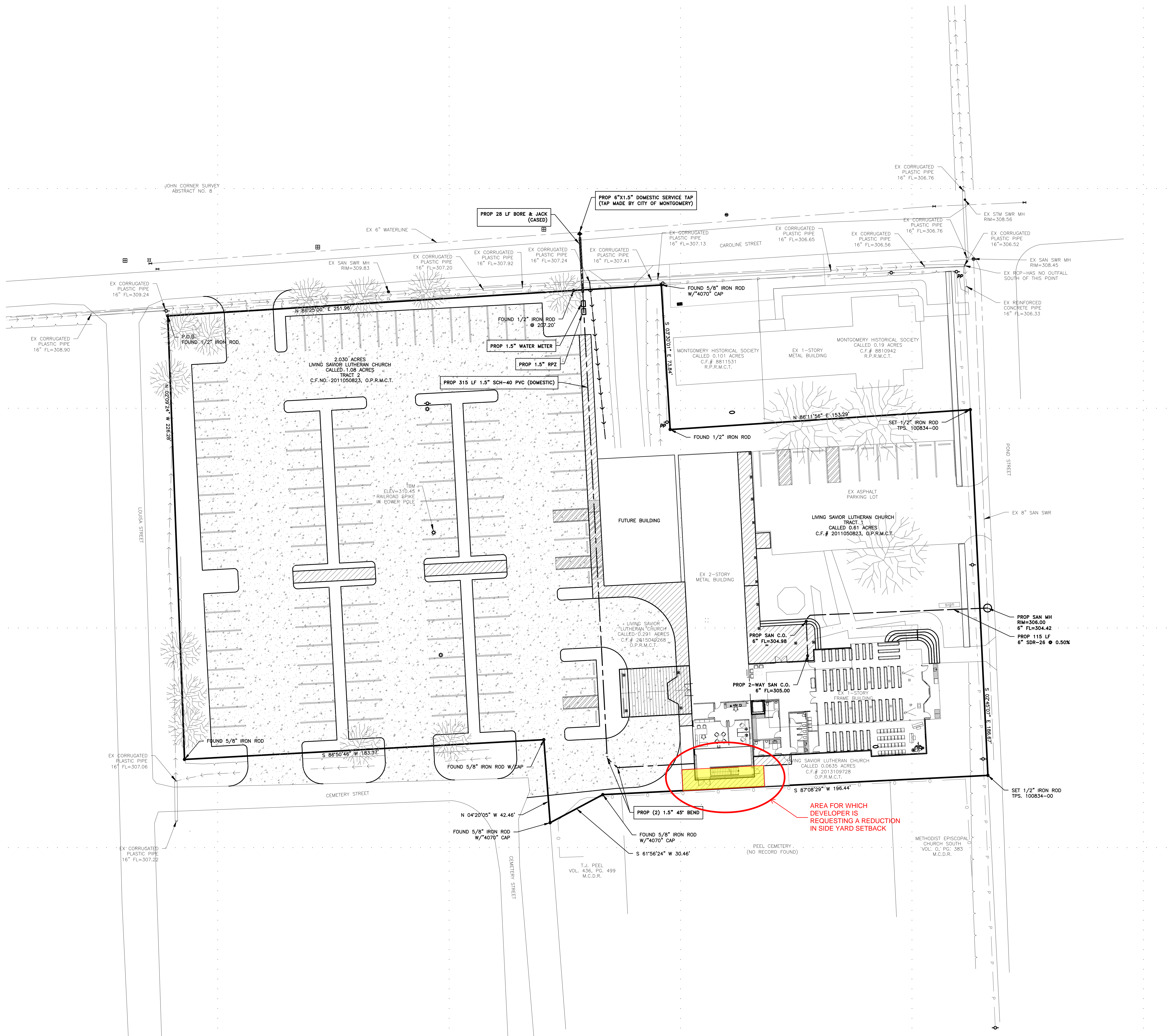
UTILITY PLAN



LEGEND:

---	EX ADJOINER LINE, ADJ	
---	EX SANITARY, SAN	
---	EX WATERLINE, WL	
---	EX STORM SEWER, STM	
---	EX DRAINAGE PATH, FL	
---	EX HIGH BANK, HB	
---	EX EASEMENT, ESMT	
---	EX BUILDING LINE, BL	
---	EX OVERHEAD POWER, P	
---	UG	EX UNDERGROUND POWER, UG
---	FD	EX FIBER, FD
---	T	EX TELEPHONE, T
---	G	EX GAS LINE, G
---	X	EX FENCE
---	PROP BOUNDARY LINE, BNDY	
---	PROP SANITARY, SAN	
---	PROP WATERLINE, WL	
---	PROP STORM SEWER, STM	
---	PROP DRAINAGE PATH, FL	
---	PROP HIGH BANK, HB	
---	PROP EASEMENT, ESMT	
---	PROP BUILDING LINE, BL	
---	PROP OVERHEAD POWER, P	
---	UG	PROP UNDERGRND POWER, UG
---	FD	PROP FIBER, FD
---	T	PROP TELEPHONE, T
---	G	PROP GAS LINE, G
---	X	PROP FENCE, FNC
---	PROP 6" CONCRETE PAVEMENT 44,846 SF (DRIVE & PARKING)	
---	PROP 4" CONCRETE PAVEMENT 3,887 SF (SIDEWALK)	

SURVEY FLOODPLAIN NOTE:
SUBJECT PROPERTY SHOWN HEREON IS LOCATED IN
ZONE X, AND DOES NOT APPEAR TO LIE WITHIN THE
100-YEAR FLOOD PLAIN, ACCORDING TO THE F.E.M.A.
FLOOD INSURANCE RATE MAP, COMMUNITY PANEL
48339C 0200 G, EFFECTIVE 08/18/14.



AREA FOR WHICH
DEVELOPER IS
REQUESTING A REDUCTION
IN SIDE YARD SETBACK

T.J. PEEL
VOL. 436, PG. 499
M.C.D.R.

METHODIST EPISCOPAL
CHURCH SOUTH
VOL. 31, PG. 383
W.C.D.R.

AGENDA REPORT

ITEM #9

Meeting Date:	December 27, 2016	Budgeted Amount:	N/A
Department:	Community Development		
		Exhibits:	
Date Prepared:	December 16, 2016		Memo from city Engineer, plat

Subject

Preliminary Plat of Living Saviour Lutheran Church

Discussion

This is an amendment to the present area that the Church now sits upon. They need the re-Platting because of construction plans that they are planning on accomplishing.

A memo from the City Engineer is attached.

Recommendation

Approval of the Preliminary Plat of Living Saviour Lutheran Church

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: December 16, 2016



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

December 19, 2016

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

Re: Submission of Preliminary Plat
Living Savior Lutheran Church
City of Montgomery

Commission Members:

We have reviewed the referenced preliminary plat as prepared by Mr. Zachariah R. Savory, 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. Savory and copies of each are enclosed for your review. Please note the referenced parcel is located within the City's Historic Preservation District, and as such is subject to Secs. 98-335, 98-337, and 98-338 of the City's Code of Ordinances which states in part "No person shall carry out any exterior construction, reconstruction, alteration, restoration, rehabilitation, demolition, or relocation of any historic landmark or any property within the historic preservation district, nor shall any person make any material change to other exterior elements visible from a public right-of-way which will affect the appearance and cohesiveness of any historic landmark or property within a historic preservation district without receiving approval from the Planning and Zoning Commission." We have notified Mr. Jonathan White of L Squared Engineering of this requirement and he confirms they are prepared to proceed per the Historic Preservation District's Building Permit Application Process. We offer the recommendation the Commission accept the preliminary plat as submitted, and we will coordinate with Messrs. Savory and White to ensure all review comments are addressed prior to submission of a final plat, and to ensure the referenced Planning and Zoning Commission approvals are secured prior to commencement of any construction activities.

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

Sincerely,

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

Ed Shackelford, P.E.
Engineer for the City

EHS/gef: lr2

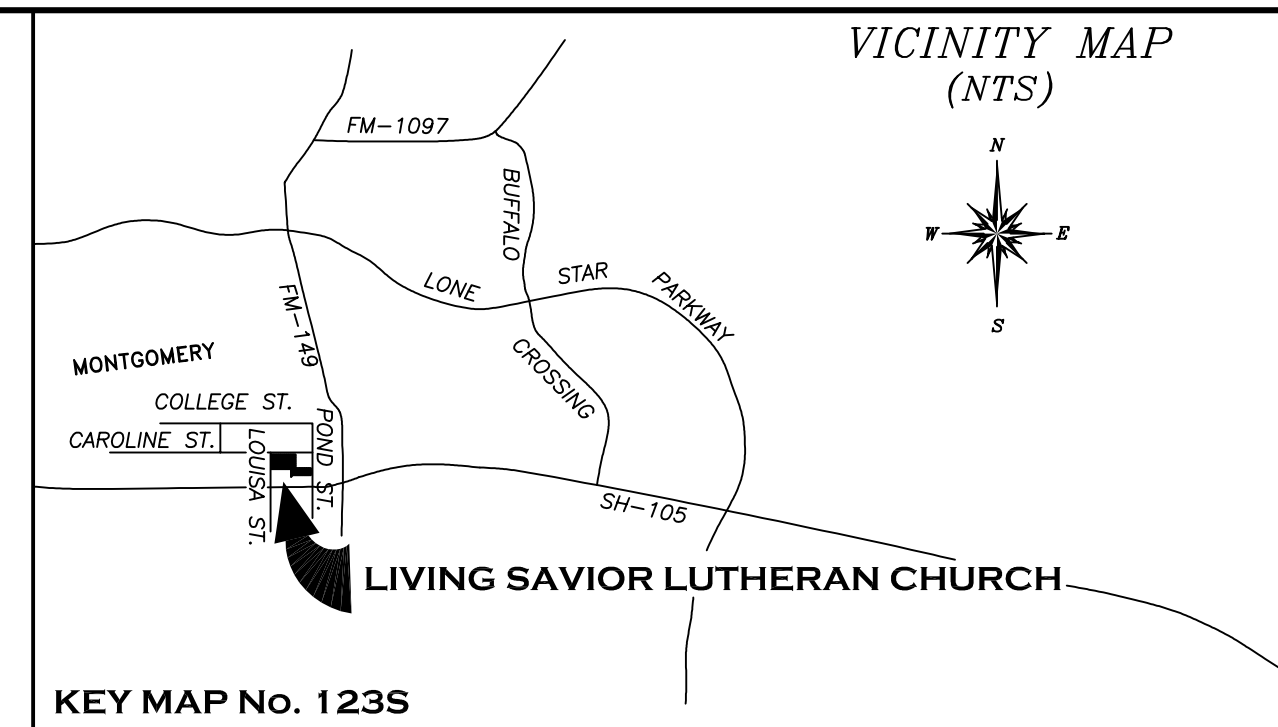
P:\PROJECTS\W5841 - City of Montgomery\W5841-0900-00 General Consultation\2016\P&Z Reports\12-27-2016\Living Savior Lutheran Church, Preliminary Plat Review-P&Z Opinion.doc

Enclosures: Living Savior Lutheran Church – Preliminary Plat Submission Review Letter
Living Savior Lutheran Church – 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

LIVING SAVIOR LUTHERAN CHURCH

BEING A SUBDIVISION OF 2.030 ACRES, AND BEING SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NO. 8, SAID 2.030 ACRE TRACT BEING COMPRISED OF FOUR TRACTS, A CALLED 0.61 ACRE TRACT DESCRIBED AS TRACT 1, AND A CALLED 1.08 ACRE TRACT DESCRIBED AS TRACT 2, IN INSTRUMENT TO LIVING SAVIOR LUTHERAN CHURCH, RECORDED UNDER CLERK'S FILE NO. 2011050823, OF THE OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS, A CALLED 0.635 ACRE TRACT DESCRIBED IN INSTRUMENT TO LIVING SAVIOR LUTHERAN CHURCH, RECORDED UNDER CLERK'S FILE NO. 2013109728, OF THE OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS, AND A CALLED 0.291 ACRE TRACT DESCRIBED IN INSTRUMENT TO LIVING SAVIOR LUTHERAN CHURCH, RECORDED UNDER CLERK'S FILE NO. 2015049268, OF THE OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS.

1 RESERVE, 1 BLOCK



STATE OF TEXAS
COUNTY OF MONTGOMERY

That, Living Savior Lutheran Church, herein acting individually or through the undersigned duly authorized agents, does hereby adopt this plat designated the herein described real property as the Living Savior Lutheran Church Subdivision, and does hereby make subdivision of said property according to the lines, street, alleys, parks and easements therein shown, and dedicate to the public forever all areas shown on this plat as street, alleys, parks and easements, except those specifically indicated as private; and does hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to confirm such grades and does hereby bind Owner, and Owner's successors and assigns to warrant and forever defend the title to the land so dedicated.

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

WITNESS my hand in Montgomery County, Texas,

this ____ day of _____, 2016

James C. Hadley
Chair of Board of Trustees
Living Savior Lutheran Church

I, THE UNDERSIGNED, Engineer for this 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, P.E.
City Engineer - Montgomery

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

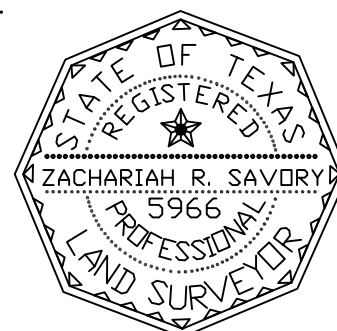
BEFORE ME, the undersigned authority, on this day personally appeared James C. Hadley, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for purposes and consideration therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2016

Notary Public in and for
Montgomery County, Texas

That I, Zachariah R. Savory, do hereby certify that I prepared this plat for an actual and accurate survey of the land and that the corner monuments shown thereof were properly placed and or located under my personal supervision, in accordance with the subdivision regulations of the City of Montgomery, Texas.

Zachariah R. Savory, R.P.L.S.
Texas Registration No. 5966



THE 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 _____, 2016, at _____ o'clock, ___M., and duly recorded on _____, 2016, 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

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 _____, 2016

ATTEST:

By: _____
Kirk Jones
Mayor

By: _____
Nelson Cox
Chairman Planning and
Zoning Commission

By: _____
Nelson Cox
Chairman Planning and
Zoning Commission

ATTEST:

Susan Hensley
Secretary

General Notes:
1) The basis for bearings for this survey are based on the Texas State Plane Coordinate System, Central Zone (4203), North American Datum 1983 (NAD83).

Subject property shown hereon is located in Zone X, and SHADED Zone "X" does not appear to lie within the 100-year flood plain, according to the F.E.M.A. Flood Insurance Rate Map, Community Panel 48339C 0200 G, effective 08/18/14.

OWNER
LIVING SAVIOR LUTHERAN CHURCH
P.O. BOX 1171
MONTGOMERY, TEXAS 77356

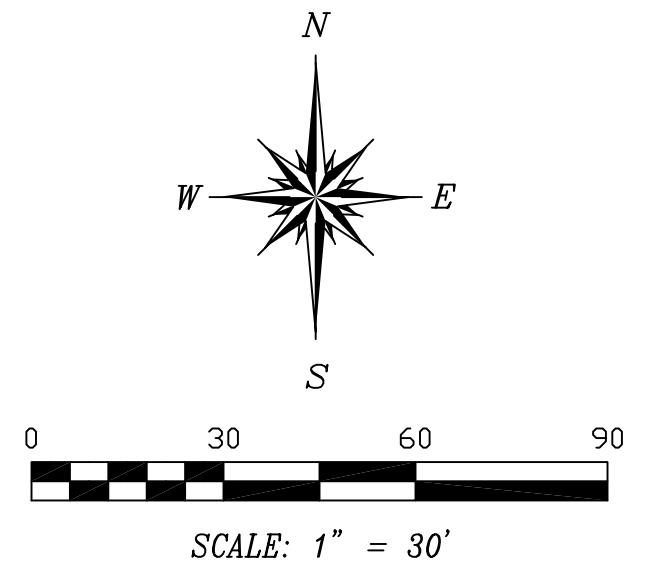
SURVEYOR
TEXAS PROFESSIONAL SURVEYING
FIRM REGISTRATION NO. 100834-00
3032 NORTH FRAZIER
CONROE, TEXAS 77303

Legend:
 B.L. = building line
 U.E. = utility easement
 D.E. = drainage easement
 RPRMC = Real Property Records of Montgomery County, Texas
 OPRMC = Official Public Records of Montgomery County, Texas
 MCDR = Deed Records of Montgomery County, Texas
 MCMR = Map Records of Montgomery County, Texas

LIVING SAVIOR LUTHERAN CHURCH

BEING A SUBDIVISION OF 2.030 ACRES, AND BEING SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NO. 8, SAID 2.030 ACRE TRACT BEING COMPRISED OF FOUR TRACTS, CALLED 0.61 ACRE TRACT DESCRIBED AS TRACT 1, AND A CALLED 1.08 ACRE TRACT DESCRIBED AS TRACT 2, IN INSTRUMENT TO LIVING SAVIOR LUTHERAN CHURCH, RECORDED UNDER CLERK'S FILE NO. 2011050823, OF THE OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS, A CALLED 0.635 ACRE TRACT DESCRIBED IN INSTRUMENT TO LIVING SAVIOR LUTHERAN CHURCH, RECORDED UNDER CLERK'S FILE NO. 2013109728, OF THE OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS, AND A CALLED 0.291 ACRE TRACT DESCRIBED IN INSTRUMENT TO LIVING SAVIOR LUTHERAN CHURCH, RECORDED UNDER CLERK'S FILE NO. 2015049268, OF THE OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS.

1 RESERVE, 1 BLOCK



**JOHN CORNER SURVEY
 ABSTRACT No. 8**

SHOW INDIVIDUAL PARCELS WITHIN LARGER PLATTED BOUNDARY.

CITY (TYP)

CAROLINE STREET
 (COUNTY MAINTAINED PRESCRIPTIVE R.O.W.)

LOUISA STREET
 (COUNTY MAINTAINED PRESCRIPTIVE R.O.W.)

ALL PROPOSED IMPROVEMENTS MUST BE SHOWN ON THE PLAT SUBMISSION. PRELIMINARY SITE PLAN SUBMITTED BY L SQUARED ENGINEERING DEPICTS SURFACE LOT PARKING HERE.

**BLOCK 1
 UNRESTRICTED
 RESERVE "A"
 2.030 ACRES**

ASSUME THIS IS PROPOSED?

PROP. gravel parking lot

MUST CLEARLY SHOW EXTENTS OF PROPOSED BLDG. ADDITION

MINIMUM 10-FOOT SETBACK

ALL LINES OUTSIDE OF THE PLATTED BOUNDARY SHALL BE DASHED.

SHOW CONTOURS, FEATURES, ETC. WITHIN 100-FOET OF PLATTED BOUNDARY

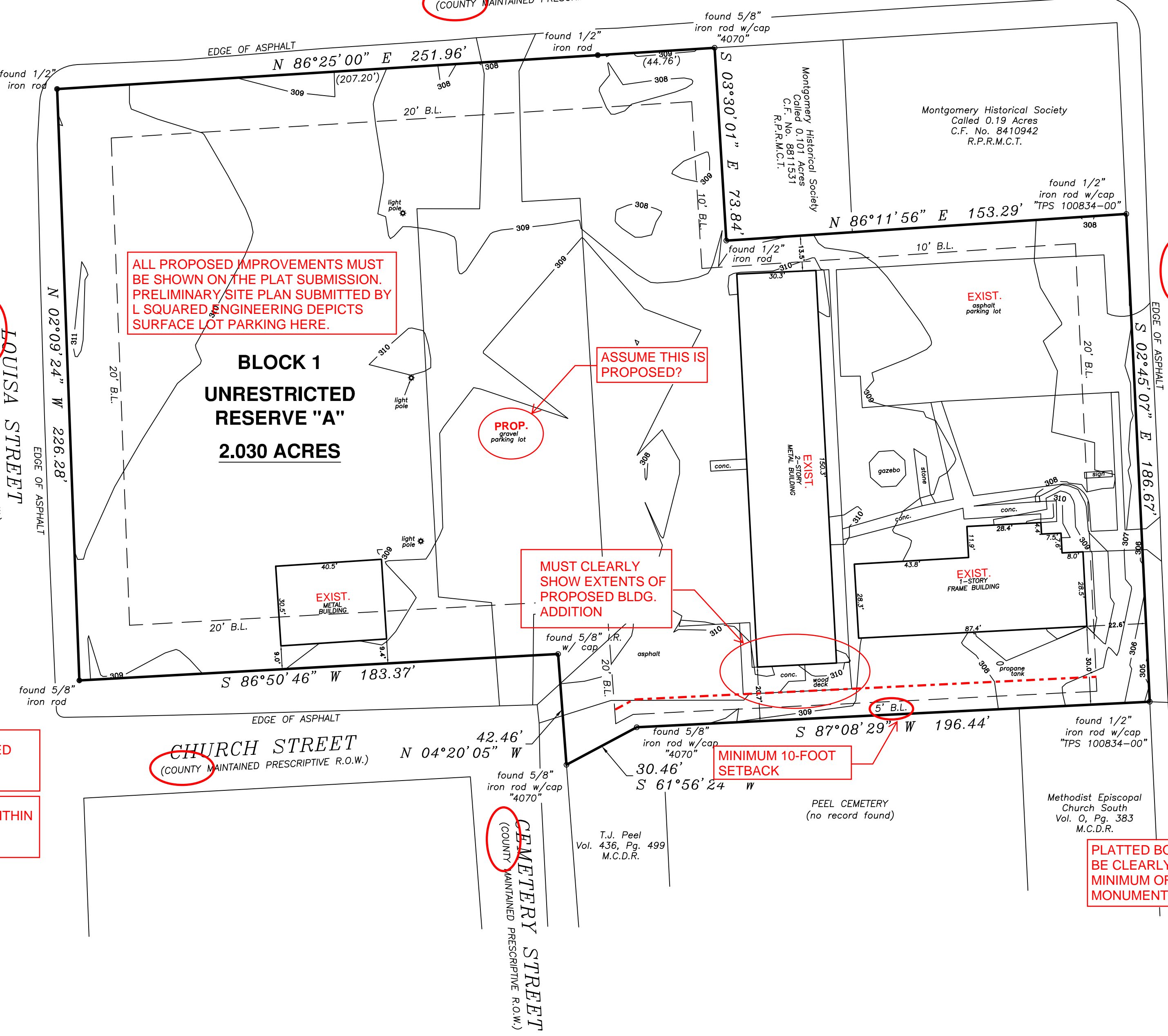
CHURCH STREET
 (COUNTY MAINTAINED PRESCRIPTIVE R.O.W.)

CEMETERY STREET
 (COUNTY MAINTAINED PRESCRIPTIVE R.O.W.)

POND STREET
 (COUNTY MAINTAINED PRESCRIPTIVE R.O.W.)

City of Montgomery Monument Brass Disc in Concrete "MCL" 3"

PLATTED BOUNDARY MUST BE CLEARLY TIES TO A MINIMUM OF TWO CITY MONUMENTS



AGENDA REPORT

ITEM #10

Meeting Date:	December 27, 2016	Budgeted Amount:	N/A
Department:	Community Development		
		Exhibits:	
Date Prepared:	December 16, 2016		

Subject
Possible zoning changes - report

Discussion
I will report on the status of the rezoning process.

Recommendation
No action needed, a report only.

Approved By		
Department Manager		Date:
City Administrator	Jack Yates	Date: December 16, 2016

AGENDA REPORT

ITEM #11

Meeting Date:	December 27, 2016	Budgeted Amount:	N/A
Department:	Community Development		
		Exhibits:	
Date Prepared:	December 16, 2016		

Subject

Possible annexation areas- report

Discussion

I will report on the status of the northern annexation – issues involved.

Recommendation

No action needed, a report only.

Approved By

Department Manager		Date:
City Administrator	Jack Yates	Date: December 16, 2016