

## NOTICE OF REGULAR TELEPHONE/VIDEO CONFERENCE MEETING

May 5, 2020

### MONTGOMERY PLANNING AND ZONING COMMISSION

STATE OF TEXAS

AGENDA

COUNTY OF MONTGOMERY

CITY OF MONTGOMERY

**NOTICE TO THE PUBLIC IS HEREBY GIVEN** in accordance with the order of the Office of the Governor issued March 16, 2020, the Montgomery Planning and Zoning Commission will conduct its Regular Meeting scheduled for **6:00 p.m. on Tuesday, May 5, 2020**, at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas via Zoom Teleconferencing.

This meeting will be closed to in person attendance by the public. A temporary suspension of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code. Telephonic and videoconferencing capabilities will be utilized to allow individuals to address the Commission. Emails may also be submitted to [dmccorquodale@ci.montgomery.tx.us](mailto:dmccorquodale@ci.montgomery.tx.us) until 3:00 p.m. on May 5, 2020.

Members of the public are entitled to participate remotely via Zoom Teleconferencing. Citizens may join the Zoom Meeting by logging on at: **Join Zoom Meeting** <https://us02web.zoom.us/j/87882425278>, **Meeting ID: 878 8242 5278**. They may also join by calling (346) 248-7799 and entering the Meeting ID: 878 8242 5278.

The Meeting Agenda Pack will be posted online at [www.montgomerytexas.gov](http://www.montgomerytexas.gov). The meeting will be recorded and uploaded to the City's website on the next following day.

*Members of the public who wish to submit their written comments on a listed agenda item must submit their comments by email to [dmccorquodale@ci.montgomery.tx.us](mailto:dmccorquodale@ci.montgomery.tx.us) by 3:00 p.m. on May 5, 2020.*

### 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. The 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.

- State or type your name at the time of making comments.
- Limit comments to a maximum of three (3) minutes.

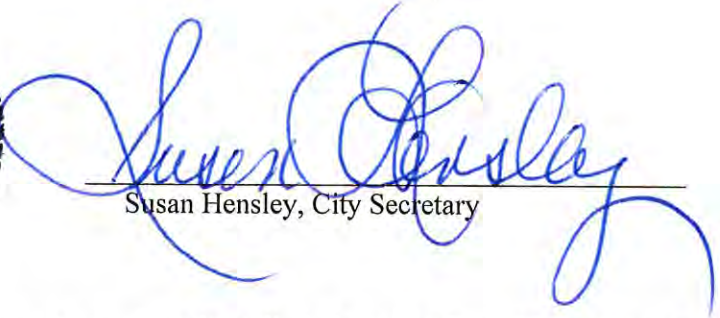
### CONSIDERATION AND POSSIBLE ACTION:

1. Consideration and possible action regarding regular meeting minutes of April 7, 2020.

2. Consideration and possible action regarding calling a Public Hearing for June 2, 2020 for a rezoning request for Hills of Town Creek Section Four, as submitted by Chris Cheatham / The Hills of Town Creek, LLC.
3. Consideration and possible action regarding an opinion to City Council on variance requests for minimum lot area and lot dimensions for The Hills of Town Creek, Section Four as submitted Chris Cheatham / The Hills of Town Creek, LLC.
4. Consideration and possible action regarding a variance request for the requirement to provide compensating open space in lieu of minimum lot sizes of 9,000 square feet for The Hills of Town Creek, Section Four, as submitted by Chris Cheatham / The Hills of Town Creek, LLC.
5. Consideration and possible action regarding the preliminary plat for The Hills of Town Creek, Section Four, as submitted by Chris Cheatham / The Hills of Town Creek, LLC.
6. Consideration and possible action regarding proposed compensating open space in lieu of minimum lot sizes of 9,000 square feet for Town Creek Crossing Sections One & Two, as submitted by Lefevre Development, Inc.
7. Consideration and possible action regarding the preliminary plat for Town Creek Crossing Sections One & Two, as submitted by Lefevre Development, Inc.

**ADJOURNMENT**



  
Susan Hensley, City Secretary

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on the 1<sup>st</sup> day of May 2020 at 2:15 p.m. o'clock p.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

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*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.*

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## MINUTES OF REGULAR MEETING

April 7, 2020

### MONTGOMERY PLANNING AND ZONING COMMISSION

#### CALL TO ORDER

Chairman Cox declared a quorum was present and called the meeting to order at 6:01 p.m.

Present: William Simpson, Britnee Ghutzman, Nelson Cox, Jeffrey Waddell, Carol Langley

Absent: None

Also Present: Dave McCorquodale, Assistant City Admin. / Director of Planning & Development

1. **Consideration and possible action regarding approval of minutes for a Special Meeting held on March 9, 2020.**

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

2. **Consideration and possible action regarding approval of exterior modifications for Wings Over Montgomery, located at 14335 Liberty Street, Montgomery, in the Historic Preservation District, as submitted by Damon Haynes.**

Staff introduced the item and explained that the modifications included repainting the building/changing the trim color, changing the railing on the porches, and adding a sign to the parapet wall above the front porch roof.

Bill Simpson moved to approved the exterior modifications to 14335 Liberty Street as presented. Jeffrey Waddell seconded the motion, the motion carried unanimously. (5-0)

**3. Consideration and possible action regarding approval of two wall signs and a freestanding sign for Best Donuts, located at 20998 Eva Street, Montgomery, in the Historic Preservation District, as submitted by Samdana Investments.**

Staff introduced the item and described the locations of each sign. Members of the Commission felt the freestanding sign as proposed was too large for the site and did not fit the character of the Historic Preservation District. The Commission requested staff ensure the illuminated wall signs comply with the lighting ordinance brightness requirements.

Jeffrey Waddell moved to approved the two wall signs, deny the freestanding sign, direct staff to discuss the size and lighting of the freestanding sign with the owner, and require an encroachment and maintenance agreement before resubmitting the freestanding sign. Carol Langley seconded the motion, the motion carried unanimously. (5-0)

**4. Consideration and possible action regarding a request to repaint and add a deck between the structures at 304 & 308 Caroline Street, Montgomery, located in the Historic Preservation District, as submitted by Karla Nash.**

Staff introduced the item and Mrs. Karla Nash answered questions and provided details about the proposed modifications. She explained the deck was planned to be the same size and location as a previous deck that was removed by a prior occupant of the buildings. She also plans to replace the white picket fence that was previously in the front yard.


Bill Simpson moved to approved the exterior modifications 304 & 308 Caroline Street as presented. Carol Langley seconded the motion, the motion carried unanimously. (5-0)

**Commission Inquiry**

None.

**Adjournment**

Bill Simpson moved to adjourn the meeting at 6:40 p.m. Carol Langley seconded the motion, the motion carried unanimously. (5-0)

Prepared by:  \_\_\_\_\_ Date approved: \_\_\_\_\_  
Dave McCorquodale

\_\_\_\_\_  
Chairman Nelson Cox

Attest: \_\_\_\_\_  
Susan Hensley, City Secretary

Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date: May 5, 2020</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: Current Zoning Map of Area, Request letter &amp; Application, proposed land plan</b>

**Subject**

Consideration and possible action regarding calling a public Hearing for June 2, 2020 for a rezoning request for Hills of Town Creek Section Four, as submitted by Chris Cheatham / The Hills of Town Creek LLC, located at the intersection of Emma's Way and Scenic Hills Court.

**Description**

This is a proposed 8-acre extension of the residential subdivision on the west side of town at the intersection of SH 105 and Lone Star Parkway. There are currently 100 homesites total in Sections 2 & 3. Thirty new homesites are planned for Section 4. The property is currently zoned B-Commercial and the developer is asking to rezone to R1-Single Family Residential.

**Recommendation**

Call a Public Hearing for 6:00 p.m. on June 2, 2020 via teleconference or at City Hall at 101 Old Plantersville Road for a rezoning request for Hills of Town Creek Section Four, an 8-acre parcel of land located at the intersection of Emma's Way and Scenic Hills Court.

**Approved By**

Director of Planning & Development	Dave McCorquodale <i>DM</i>	Date: 04/30/2020
City Administrator	Richard Tramm <i>RT</i>	Date: 04/30/2020

# Hills of Town Creek Section Four - Current Zoning Map



Service Layer Credits: Jones|Carter, Inc.  
 Jones & Carter, Inc.  
 Sources: Esri, HERE, Garmin, Intermap,  
 increment P Corp., GEBCO, USGS, FAO,  
 NPS, NRCAN, GeoBase, IGN, Kadaster NL,  
 Ordnance Survey, Esri Japan, METI, Esri

1 inch = 500 feet



## ZONING LEGEND

- Residential (R-1)
- Multi-Family (R-2)
- Commercial (B)
- Institutional (I)

City Limit



Date: 4/30/2020



L SQUARED ENGINEERING  
MUNICIPAL COMMERCIAL RESIDENTIAL

21123 Eva Street, Suite 200  
Montgomery, TX 77356  
P: 936-647-0420 F: 936-647-2366  
www.L2Engineering.com

April 14, 2020

City of Montgomery  
C/o Dave McCorquodale  
101 Old Plantersville Road  
Montgomery, Texas 77316

RE: Rezoning Request For the Proposed Development of Hills of Town Creek Section 4

Mr. McCorquodale,

On behalf of Chris Cheatham, I am formally submitting a request to rezone approximately 8.13 acres of land within the City of Montgomery City Limits from its current zoning designation of Commercial (B) to single family residential (R1). The proposed development will consist of approximately 30 single family homes and will be an extension of the current Hills of Town Creek Sections 2 and 3. I have attached the zoning application with additional supporting documentation required by the application.

Please contact me directly if you have any questions.

Thank you,

Jonathan White, PE  
L Squared Engineering  
Senior Project Manager, Partner  
936-647-0420  
Jwhite@L2engineering.com

Attachments: Rezoning Application, Preliminary Plat







# Rezoning Application

City of Montgomery  
101 Old Plantersville Road  
Montgomery, Texas 77316  
(936) 597-6434

**Upon completion return application to [shensley@ci.montgomery.tx.us](mailto:shensley@ci.montgomery.tx.us)**

### Contact Information

Property Owner(s): Chris Cheatham, Cheatham Management

Address: PO Box 234 Montgomery, TX

Zip Code: 77356 Phone: 936-449-5400

Email Address: ccheatham@consolidated.net

Applicants: Jonathan White, L Squared Engineering

Address: 21123 Eva Street, Suite 200 Montgomery, TX

Zip Code: 77356 Phone: 936-647-0420

Email Address: Jwhite@L2engineering.com

### Parcel Information

Property Identification Number (MCAD R#): Part of R362322

Legal Description: Provided in attached exhibit

Street Address or Location: Emma's Way and

Acreage: 8.1365 Present Zoning: Commercial Present Land Use: Vacant

Proposed Zoning: R-1 Proposed Land Use: Residential Subdivision

Is the proposed use in compliance with the Future Land Use Plan?  YES  NO

### Additional Information

Owner(s) of record for the above described parcel:

Signature: *Chris Cheatham* Date: 4/9/20

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Note: Signatures are required for all owners of record for the property proposed for Special Use Permit. Attach additional signatures on a separate sheet of paper.*

<h2>Date Received</h2> <p>Office Use</p>	
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## **\*Additional Information\***

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The following information must also be submitted:

Cover letter on company letterhead stating what is being asked. [

Metes and Bounds.

All applicable fees and payments.

Copies of all deeds or a title opinion from a licensed attorney establishing current ownership of the property for which the zoning change is sought.

A site plan. If there are existing structures, parking, curb cuts and drainage they must be shown.

The application form must be signed by the owner/applicant. If the applicant is not the owner, written authorization from the owner authorizing the applicant to submit the rezoning request shall be submitted.

Payment of all Indebtedness Attributable to the subject property.

## **\*Public Hearings\***

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Parties in interest and citizens shall have an opportunity to be heard at public hearings conducted by the Planning and Zoning Commission and the City Council before any amendment to a district regulation, restriction, or boundary shall become effective. Regularly scheduled meetings are as follows and will be held accordingly unless public notice has been given of a change of dates:

Planning and Zoning Commission: **4<sup>th</sup> Monday of every month at 6:00 p.m.**

City Council: **2<sup>nd</sup> and 4<sup>th</sup> Tuesday of every month at 6:00 p.m.**

## **\*Protests\***

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If a protest against a proposed zoning change including PDD and SUP requests has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the land included in such a proposed change or those owners of property immediately adjacent to the subject property and extending two hundred feet (200) there from, such zoning change shall not become effective except by a three-fourths (3/4) vote of governing body in accordance with the provisions of Section 211.006 of the Texas Local Government Code.

## **\*Resubmission\***

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Rezoning requests which have been heard and decided by the Council of the City of Montgomery may not be re-filed with the City for six (6) months after the date of such decision by the Council, absent a change in circumstances.

Rezoning requests for the same property to a different classification than the denied request may be re-filed prior to the expiration of six (6) months.

**LEGAL DESCRIPTION**

Being 81365 acres (354,425 square feet) of land, out of the Remainder of a certain 78555 acres conveyed to CHRISTOPHER C. CHAMBERS and MARY C. CHAMBERS, by deed recorded under County Clerk's File Number (CFN) 2001-05811 Official Public Records of Montgomery County, Texas (OPR, M.C.T.), said Benjamen Rigby League, Abstract 31 and being more particularly described by metes and bounds as follows:

**BEGINNING** at the found 5/8" inch iron rod in the east right-of-way (R.O.W.) of Emma's Bay, 607 public R.O.W., meeting the northeast corner of Restricted Reserve 'A', the NW 1/4 of Town 04N, Section 1, ranged under Collier 2, Sheet 204-2527 Map Records of Montgomery County, Texas (M.C.T.), also being the southeast corner of the herein described tract;

**THENCE** along said east R.O.W. line and a curve to the LEFT, having a radius of 26500 feet, a deflection angle of 320°58'18", and whose long chord bears North 16°02'59" East, a distance of 17327 feet, for an arc length of 17303 feet to a nail 5/8" inch iron rod with cap stamped 'Core 8537', meeting a point of tangency of the herein described tract;

**THENCE** North 231°50'00" East, continuing along said east R.O.W. line, passing at a distance of 43510 feet to a found 5/8" inch iron rod with cap stamped 'Core 8537', and a curve to the RIGHT, having a radius of 16823 feet to a point for a curve, meeting a point of curvature of the herein described tract;

**THENCE** along a curve to the LEFT, having a radius of 24002 feet, a deflection angle of 42°25'34", and whose long chord bears North 101°22'47" East, a distance of 29223 feet, for an arc length of 29103 feet to a nail 5/8" inch iron rod with cap stamped 'Core 8537', meeting a point of curvature of a curve 12323 acres, conveyed to City of Montgomery, by deed recorded under CFN 2002/0186 OPR, M.C.T., also being the northeast corner of the herein described tract;

**THENCE** along the south line of said 12323 acres and a curve to the LEFT, having a radius of 24500 feet, a deflection angle of 7°00'00", and whose long chord bears South 83°15'15" East, a distance of 5120 feet, for an arc length of 5108 feet to a nail 5/8" inch iron rod with cap stamped 'Core 8537', meeting a point of tangency of the herein described tract;

**THENCE** North 87°02'31" East, continuing along said south line, a distance of 37281 feet to a nail 5/8" inch iron rod with cap stamped 'Core 8537', meeting a point of curvature of the herein described tract;

**THENCE** along continuing along said south line and a curve to the LEFT, having a radius of 26500 feet, a deflection angle of 7°00'00", and whose long chord bears North 49°42'27" East, a distance of 31524 feet, for an arc length of 31488 feet to a nail 5/8" inch iron rod with cap stamped 'Core 8537', meeting a point of tangency of the herein described tract;

**THENCE** North 87°02'31" East, along the south line of said 12323 acres, a distance of 4323 feet to a point on the west line of a certain 81807 acres, conveyed to Montgomery Independent School District, by deed recorded under CFN 2001-05827 OPR, M.C.T., also being the northeast corner of said 12323 acres and the northeast corner of the herein described tract, from which a found 2 inch iron pin bears South 89°22'45" East, a distance of 1437 feet and a 5/8" inch iron rod bears North 89°22'45" East, a distance of 1437 feet;

**THENCE** South 02°32'32" East, along said west line of said 81807 acres, a distance of 6533 feet to a nail 5/8" inch iron rod with cap stamped 'Core 8537', to a point of curvature of Restricted Reserve 'B', the NW 1/4 of Town 04N, Section 1, by deed recorded under Collier 2, Sheet 204-2527 Map Records of Montgomery County, Texas (M.C.T.), also being the southeast corner of the herein described tract;

**THENCE** along the north line of Restricted Reserve 'B' and a curve to the LEFT, having a radius of 6500 feet, a deflection angle of 87°47'37", and whose long chord bears North 87°47'37" West, a distance of 16480 feet, for an arc length of 16374 feet to a nail 5/8" inch iron rod with cap stamped 'Core 8537', meeting a point of tangency of said Restricted Reserve 'B' and the herein described tract;

**THENCE** South 72°22'17" West, continuing along said north line, a distance of 3388 feet to a nail 5/8" inch iron rod with cap stamped 'Core 8537', meeting a point of curvature of said Restricted Reserve 'B' and the herein described tract;

**THENCE** along continuing along said north line, and a curve to the LEFT, having a radius of 6500 feet, a deflection angle of 87°47'37", and whose long chord bears South 80°49'11" West, a distance of 16374 feet, for an arc length of 16382 feet to a nail 5/8" inch iron rod with cap stamped 'Core 8537', meeting a point of tangency of said Restricted Reserve 'B' and the herein described tract;

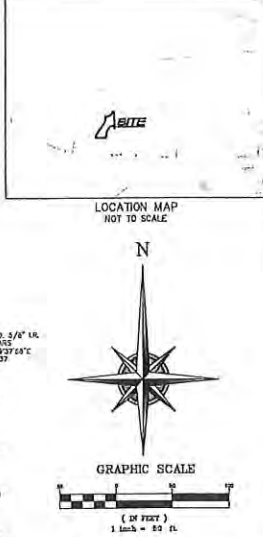
**THENCE** South 231°50'00" West, along said west line of said Restricted Reserve 'B', a distance of 21170 feet to a nail 5/8" inch iron rod with cap stamped 'Core 8537', meeting a point of curvature of said Restricted Reserve 'B' and the herein described tract;

**THENCE** along continuing along said west line and a curve to the LEFT, having a radius of 6500 feet, a deflection angle of 32°05'58", and whose long chord bears South 19°03'11" West, a distance of 5343 feet, for an arc length of 5416 feet to a point of tangency of said Restricted Reserve 'B' and the herein described tract;

**THENCE** South 02°32'32" East, continuing along said west line, a distance of 11676 feet to a nail 5/8" inch iron rod with cap stamped 'Core 8537', meeting a point of curvature of said Restricted Reserve 'B' and the herein described tract;

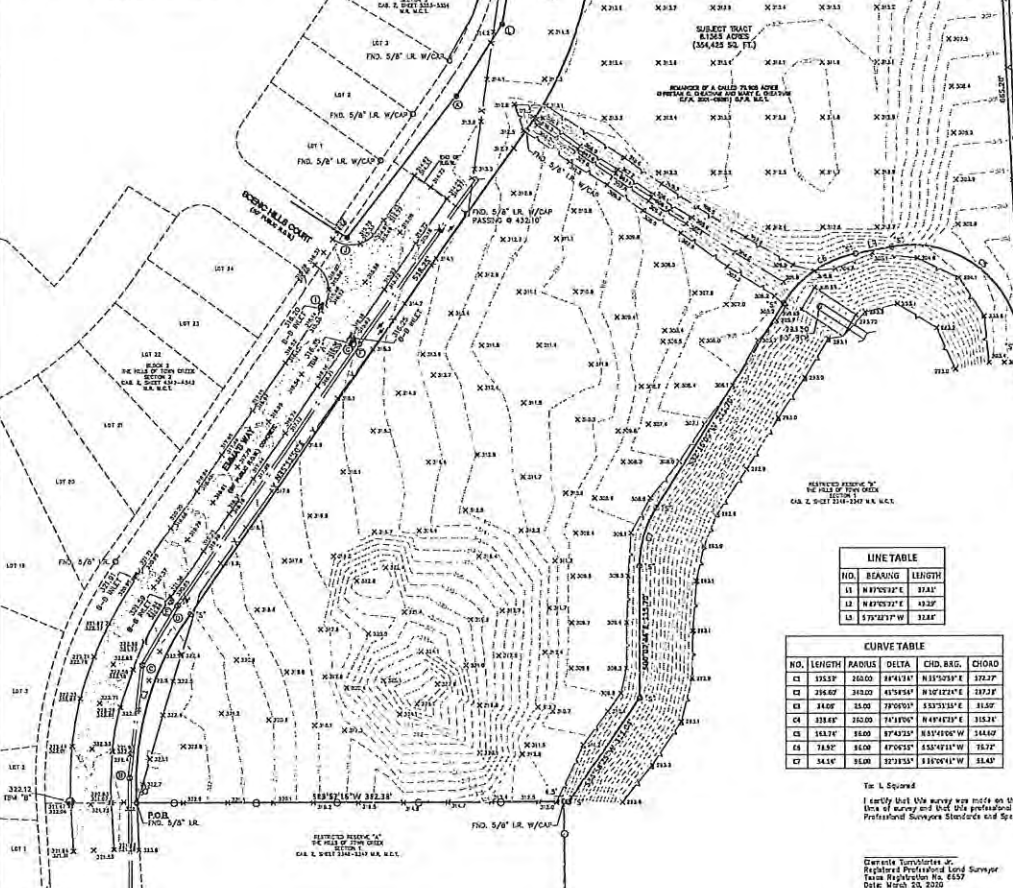
**THENCE** South 331°52'32" West, continuing along said west line, a distance of 11676 feet to a nail 5/8" inch iron rod with cap stamped 'Core 8537', meeting a point of curvature of said Restricted Reserve 'B' and the herein described tract;

**THENCE** South 89°22'45" West, passing at a distance of 4200 feet to a found 5/8" inch iron rod with cap stamped 'Core 8537', meeting the northeast corner of said Restricted Reserve 'A', for a total distance of 33238 feet to the POINT OF BEGINNING and containing a completed 81365 acres (354,425 square feet) of land.



**LEGEND / ABBREVIATIONS**

BARBED WIRE FENCE	X
CHAIN LINK FENCE	—
WOOD FENCE	—
8 INLET	—
STORM MANHOLE	—
SANITARY MANHOLE	—
CLEANOUT	—
WATER VALVE	—
WATER METER	—
EXHAUSTION	—
TELEPHONE FEEDS	—
FRONT YARD SIGN	—
MONUMENTARY CABLE	—
CPA	—
PHD	—
FOUND	—
IRON ROD	—
IP	—
OFFICIAL PUBLIC RECORDS	—
M.C.T.	—
MAP RECORDS	—
POINT OF BEGINNING	—
ROCK	—
5/8" IRON ROD WITH CAP	—
CORE 8537	—



**LINE TABLE**

NO.	BEARING	LENGTH
11	N 89°22'45" E	3741'
12	N 89°22'45" E	4337'
13	S 79°22'45" W	3288'

**CURVE TABLE**

NO.	LENGTH	RADIUS	DELTA	CH. BEG.	CH. END
C1	1353.7	26500	87°47'37"	N 19°03'11" E	1392.7
C2	2964.0	31000	41°58'54"	N 10°17'21" E	3073.7
C3	1400	1500	79°05'11"	S 13°33'31" W	1407
C4	1338.1	26500	74°18'04"	N 84°47'37" E	1352.1
C5	1637.6	6500	87°47'37"	S 19°03'11" W	1644.9
C6	768.7	6500	87°05'51"	S 19°03'11" W	767.7
C7	342.1	6500	32°05'58"	S 19°03'11" W	342.0

**GENERAL NOTES**

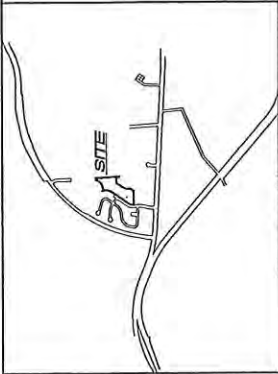
- The surveyor has not obstructed the site. This survey was performed without benefit of EIR compensation and not under any contract or arrangement of nature.
- The professional services rendered on this project of survey is provided in connection with the transaction identified by the title search referenced and stated above. It is not to be used for any other purpose.
- Surveying based on Texas State Plane Coordinate, Central Zone, NAD83.
- This official work is protected under copyright laws. The 17 United States Code Sections 101 and 102, all portions will be prosecuted to the fullest extent of the law. This survey is being provided solely for the use of the property owner and the State and does not constitute, express or implied, to any other party as a warranty in connection with the original transaction, which shall take place with 60 days from the date of the original survey.
- Final Statement: This site (project) area is situated in Zone "A" in Montgomery County, Texas according to FEMA map number 48321C0202 dated August 18, 2016. This statement does not imply that the property is in a flood hazard area. The user should consult the Flood Hazard Map of the area to determine if the property is in a flood hazard area. This statement is provided for the user's information and is not the result of an inspection survey. This flood statement shall not constitute an insurance policy.

ISSUE		DRAWING	
CHECKED BY	TO DATE	FIELD BY	1602
DRAWN BY	CLIENT	FIELD WORK	LP
JOB NO.		DATE	09/17/20
SUR-1		DRAWING NO.	200
SHEET 1 OF 1		DATE	09/18/20
		CHECKED BY	CT
		DATE	09/20/20

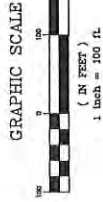
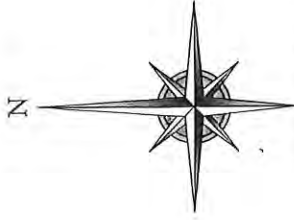
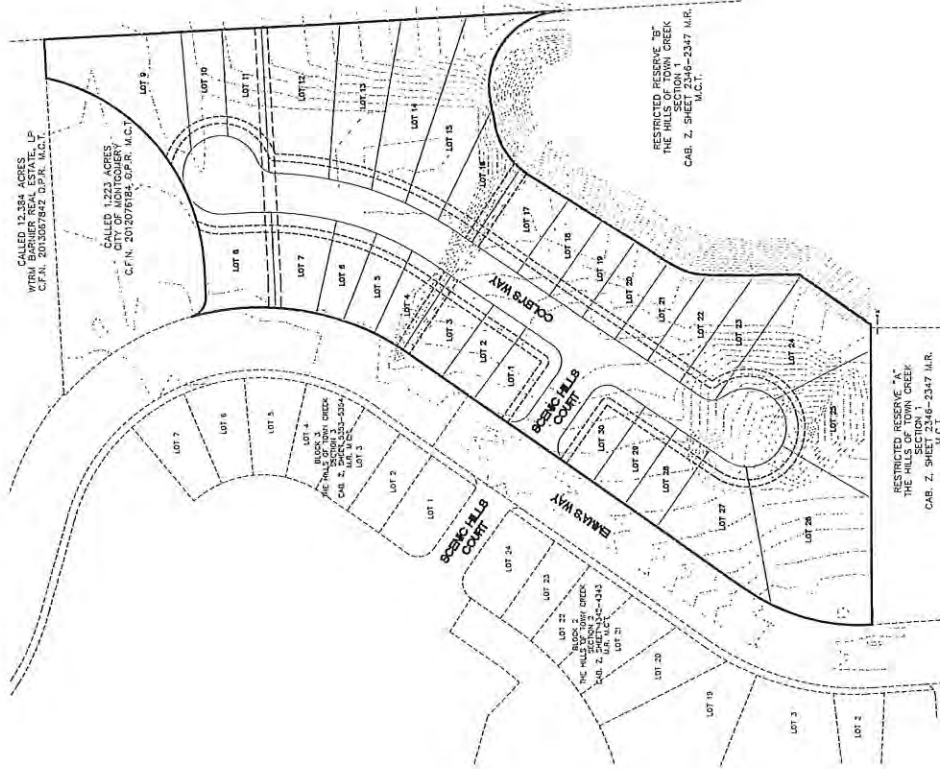
**BOUNDARY / TOPOGRAPHIC SURVEY**  
 8,1365 ACRES (354,425 SQ. FT.) OF OUT OF THE REMAINDER OF A CALLED 79,805 ACRES IN THE BENJAMIN RIGBY LEAGUE, ABSTRACT 31 MONTGOMERY COUNTY, TEXAS

**L SQUARED ENGINEERING**  
 MUNICIPAL COMMERCIAL RESIDENTIAL  
 21123 EVA ST #200,  
 MONTGOMERY, TX 77356  
 (936) 647-0420

**CORE**  
 LAND SURVEYING TPLS REG NO. 02114340  
 10015 CROSSGATE HILLS ROAD, SUITE 100  
 THE WOODLANDS, TEXAS 77380  
 713.224.1258  
 info@coresurveying.com



LOCATION MAP  
NOT TO SCALE



**LEGEND / ABBREVIATIONS**

- CAB. CABINET
- C.F.N. CABINET FILE NUMBER
- CL. CL. CONCRETE
- FR. FR. IRON ROD
- IR. IR. IRON ROD
- M.P. M.P. MONTGOMERY PLANS
- M.C. M.C. MONTGOMERY COUNTY, TEXAS
- M.R. M.R. MAP RECORDS
- R.O.W. RIGHT OF WAY
- PROPERTY MARKER

**CITY OF MONTGOMERY BENCHMARKS**

- MONT 3 ELEV.=268.73'
- 3" BRASS DISK LOCATED FROM THE INTERSECTION OF HWY 105 AND HWY 149, WEST #4700' TO THE PARKING LOT OF THE HERITAGE HOUSE RESTAURANT, WHICH IS LOCATED ON THE NORTH SIDE OF HWY 105.
- MONT 7 ELEV.=291.77'
- 3" BRASS DISK IS LOCATED IN THE CENTER OF MONTGOMERY ON THE SOUTH SIDE OF HWY 105, MARK THE HERITAGE HOUSE RESTAURANT, WHICH IS LOCATED ON THE NORTH SIDE OF HWY 105.
- BROOKSHIRE BROTHERS GROCERY STORES AS WELL AS ACROSS HWY 105(SOUTH) FROM THE OLDE SCHOOL HOUSE.

**BENCHMARK**

- DOT SQUARE IN CONCRETE ELEV.=316.35'
- CUT SQUARE IN CONCRETE ON B-B INLET LOCATED AT THE INTERSECTION OF SCENE HILLS COURT AND EMMA WAY INTERSECTION.

**THE HILLS OF TOWN CREEK  
SECTION 4  
A SUBDIVISION OF  
8.1365 ACRES (354.425 SQ. FT.)  
BENJAMIN RIGBY LEAGUE, ABSTRACT 31  
MONTGOMERY COUNTY, TEXAS**

30 LOTS 1 BLOCK

APRIL 2020

**CORE**  
LAND SURVEYING TEPALS REG. NO. 2039560  
10210 GROCERIS MILL ROAD, SUITE 130  
MONTGOMERY, TX 77356  
T: 224.833.1208  
corelandsurveying.com

**LSQUARED ENGINEERING**  
21123 EVA ST #200,  
MONTGOMERY, TX 77356  
(936) 847-6020

- GENERAL NOTES:**
1. The coordinates shown herein are Texas Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor \_\_\_\_\_.
  2. Distances shown along curves are arc lengths.
  3. Flood Statement: This site (proposed area) is situated in Zone "X" in Montgomery County, Texas according to the Flood Hazard Insurance Study for Montgomery County, Texas, dated 11/11/10. The site is not in the flood zone and/or the structures thereon will be free from flooding or flood damage. This determination has been made by sealing the property on the referenced map and is not the result of an elevation survey. This flood statement shall not create liability on the part of the surveyor.
  4. All corners are set 5/8 inch iron rods with cap stamped "Core 6657" unless otherwise shown or noted.
  5. In addition to the building line shown on the face of the plat, all lots shall have a minimum 5' side yard setback and a minimum 10' rear yard setback, unless otherwise noted.

Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date:</b> May 5, 2020	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Administrative	
<b>Prepared By:</b> Dave McCorquodale	<b>Exhibits:</b> Engineer's memo, variance request letter & lot size summary sheet, variance applications, subdivision plans

**Subject**

Consideration and possible action regarding an opinion to City Council on variance requests for minimum lot area and lot dimensions for Hills of Town Creek Section Four, as submitted by Chris Cheatham / The Hills of Town Creek LLC, located at the intersection of Emma's Way and Scenic Hills Court.

**Description**

This 30-lot, 8-acre addition to the Hills of Town Creek subdivision is planned to be similar in layout to the existing 24-acre development. The existing lots were developed with lot widths averaging around 50-feet, side yards of 5-feet, and lot sizes averaging 6,500 square feet.

The developer is asking for variances to allow for a similar lot design. Variances to the subdivision ordinance require an opinion of P&Z and the City Engineer to be given to City Council (who decides on the variance).

It is important to note that the side yard setback variance is decided by the Zoning Board of Adjustment and does not require P&Z opinion or action. That information is included solely to give the Commission a broader understanding of the proposed development.

**Recommendation**

Consider the requests and provide an opinion to City Council on the variances for minimum lot area and lot dimensions.

**Approved By**

Director of Planning & Development	Dave McCorquodale <i>DM</i>	Date: 04/30/2020
City Administrator	Richard Tramm <i>RT</i>	Date: 04/30/2020



1575 Sawdust Road, Suite 400  
The Woodlands, Texas 77380  
Tel: 281.363.4039  
Fax: 281.363.3459  
[www.jonescarter.com](http://www.jonescarter.com)

April 29, 2020

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

Re: Variance Request  
The Hills of Town Creek Sec. 4 (Dev. No. 2004)  
City of Montgomery

Dear Commission:

The Hills of Town Creek, LLC ("the Developer") plans to proceed with construction of a new residential development along Emma's Way, north of SH-105. The Developer is requesting the following variances from the City's Code of Ordinances:

- Section 78-88: The Code of Ordinances requires single-family residential developments to have a minimum 75' lot width, 120' lot depth, and 9,000 SF lot area. The Developer is proposing to provide 50' wide lots with sizes ranging from 5,300 SF to 27,000 SF. Additionally, several lots are proposed to have average depths of as little as 110'. The Developer is requesting a variance to allow a 50' lot width, 110' lot depth, and to allow the minimum lot area to be 5,300 SF.
- Section 78-95: The Code of Ordinances requires that compensating open space be provided equal to the total reduction in lot size from the 9,000 SF minimum. The Developer is requesting a variance to not provide compensating open space.
- Section 98-122 (a): The Code of Ordinances requires single-family residential developments to have a minimum 10' side yard. The Developer is requesting a variance to allow a 5' side yard.

Enclosed you will find requests for variance as submitted by the engineer for the development and a copy of the preliminary plat. The lot size and side yard variances are consistent with the variances previously approved for Hills of Town Creek Sections 2 & 3. It is important to note that Hills of Town Creek Sections 2 & 3 did provide compensating open space. The Developer currently proposes no compensating open space for this section nor does this section have direct access to adjacent open space.

Approval of the requested variances does not constitute plan approval and only allows the Developer to further refine the proposed plat and site plans, which will require the full review and approval of the City. Additionally, the development still needs to go through the Utility and Economic Feasibility study process to determine if any improvements to existing infrastructure need to be considered.



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

Sincerely,

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

Chris Roznovsky, PE  
Engineer for the City

CVR/ab

K:\W5841\W5841-0900-00 General Consultation\Correspondence\Letters\2020\MEMO to P&Z RE Hills of Town Creek Sec. 4 Variance Requests.doc

Enclosures: Redlined Preliminary Plat  
Variance Requests

Cc (via email): The Honorable Mayor and City Council – City of Montgomery  
Mr. Richard Tramm – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development  
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



April 14, 2020

City of Montgomery  
C/o Dave McCorquodale  
101 Old Plantersville Road  
Montgomery, TX 77316

RE: Variance request for Hills of Town Creek Section 4 regarding requirements for minimum lot area, lot width, and side yard

According to Sections 78 and 98 of the City of Montgomery Code of Ordinances, residential lots are required to have a minimum lot width of 75', minimum lot size of 9,000 SF and a side lot line of 10'. The proposed development will consist of approximately 30 single-family residential lots, with lot sizing ranging from 27,000 square feet to 5,300 square feet, 50' lot width and 5' side lot setbacks. We feel a variance requests are warranted for the following reasons:

- The proposed development is intended to be an extension of the existing Hills of Town Creek Sections 2 and 3, which is being built out by Stylecraft Builders. Stylecraft has been very successful with the product they have been producing and would like to continue with the same product. Sections 2 and 3 were previously approved with 50' lots and we request that we continue with 50' lots for this section. The Future Land Use Plan also shows the subject tract expected to be high density residential.
- Due to the narrow shape of the middle of the tract, we are only able to achieve a certain depth of lot, which reduces the overall lot area with the 50' width. Even with many lots less than the minimum of 9,000 SF, we are able to provide an average lot area of 9,900 SF for this section.

It is for the above-mentioned reasons that we feel the variance requests should be considered and approved. Please feel free to contact me at 936-647-0420 if you have any questions or concerns.

Thank you,

Jonathan White, PE  
L Squared Engineering  
Senior Project Manager, Partner  
936-647-0420  
Jwhite@L2engineering.com

Attachments: Variance Request Applications, Preliminary Plat





### Hills of Town Creek Section Four Lot Area Summary

Lot #	Lot Size (sqft)	Deficit (sqft)
1	7304	1696
2	5656	3344
3	7091	1909
4	5853	3147
5	5584	3416
6	5329	3671
7	8295	705
8	11403	0
9	18647	0
10	7062	1938
11	7967	1033
12	16827	0
13	13967	0
14	15046	0
15	15387	0
16	7536	1464
17	7997	1003
18	5751	3249
19	5855	3145
20	5939	3061
21	6190	2810
22	7503	1497
23	9175	0
24	15622	0
25	14403	0
26	27764	0
27	14360	0
28	5951	3049
29	5888	3112
30	7417	1583
<b>Total</b>	<b>298769</b>	<b>44832</b>

Average Lot size 9958.97



# Variance Request Application

City of Montgomery  
101 Old Plantersville Road  
Montgomery, Texas 77316  
(936) 597-6434

**Upon completion return application to [shensley@ci.montgomery.tx.us](mailto:shensley@ci.montgomery.tx.us)**

## Contact Information

Property Owner(s): Chris Cheatham, Cheatham Management

Address: PO Box 234 Montgomery, TX Zip Code: 77356

Email Address: ccheatham@consolidated.net Phone: 936-449-5400

Applicants: L Squared Engineering

Address: 3307 W Davis Street, Suite 100 Conroe, TX 77304

Email Address: Jwhite@L2Engineering.com Phone: 936-647-0420

## Parcel Information

Property Identification Number (MCAD R#): Part of R362322

Legal Description: Part of Tracts 54-C and 63A-1, within the Ben J Rigsby Survey, Abstract 31

Street Address or Location: Emma's Way and Scenic Hills Court

Acreage: 8.1365 Present Zoning: Commercial Present Land Use: Vacant

## Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 2014-03 Section(s): 78-88

Ordinance wording as stated in Section (78-88 ):  
(C) Minimum width is 75'

Detail the variance request by comparing what the ordinance states to what the applicant is requesting:

Lot sizes will have minimum lot width of 50' similar to Hills of Town Creek Sections 2 & 3.

**Signatures**

Owner(s) of record for the above described parcel:

Signature: Chu Emata Date: 4/13/20

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Note: Signatures are required for all owners of record for the property proposed for variance. Attach additional signatures on a separate sheet of paper.*

**\*Additional Information\***

The following information must also be submitted:

Cover letter on company letterhead stating what is being asked.

A site plan.

All applicable fees and payments.

The application form must be signed by the owner/applicant. If the applicant is not the owner, written authorization from the owner authorizing the applicant to submit the variance request shall be submitted.

**Date Received**

*Office Use*



# Variance Request Application

City of Montgomery  
101 Old Plantersville Road  
Montgomery, Texas 77316  
(936) 597-6434

**Upon completion return application to shensley@ci.montgomery.tx.us**

### Contact Information

Property Owner(s): Chris Cheatham, Cheatham Management

Address: PO Box 234 Montgomery, TX Zip Code: 77356

Email Address: ccheatham@consolidated.net Phone: 936-449-5400

Applicants: L Squared Engineering

Address: 3307 W Davis Street, Suite 100 Conroe, TX 77304

Email Address: Jwhite@L2Engineering.com Phone: 936-647-0420

### Parcel Information

Property Identification Number (MCAD R#): Part of R362322

Legal Description: Part of Tracts 54-C and 63A-1, within the Ben J Rigsby Survey, Abstract 31

Street Address or Location: Emma's Way and Scenic Hills Court

Acreage: 8.1365 Present Zoning: Commercial Present Land Use: Vacant

### Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 2014-03 Section(s): 98-122

Ordinance wording as stated in Section (98-122 ):

(a)(2) There shall be a side yard on each side of the lot having a width of not less than 10'

Detail the variance request by comparing what the ordinance states to what the applicant is requesting:

Side yards will have a setback on each side of the lot of 5' similar to Hills of Town Creek Section 3.

**Signatures**

Owner(s) of record for the above described parcel:

Signature: Chris Christa Date: 4/13/20

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Note: Signatures are required for all owners of record for the property proposed for variance. Attach additional signatures on a separate sheet of paper.*

**\*Additional Information\***

The following information must also be submitted:

Cover letter on company letterhead stating what is being asked.

A site plan.

All applicable fees and payments.

The application form must be signed by the owner/applicant. If the applicant is not the owner, written authorization from the owner authorizing the applicant to submit the variance request shall be submitted.

**Date Received**

*Office Use*



# Variance Request Application

City of Montgomery  
101 Old Plantersville Road  
Montgomery, Texas 77316  
(936) 597-6434

**Upon completion return application to [shensley@ci.montgomery.tx.us](mailto:shensley@ci.montgomery.tx.us)**

### Contact Information

Property Owner(s): Chris Cheatham, Cheatham Management

Address: PO Box 234 Montgomery, TX Zip Code: 77356

Email Address: ccheatham@consolidated.net Phone: 936-449-5400

Applicants: L Squared Engineering

Address: 3307 W Davis Street, Suite 100 Conroe, TX 77304

Email Address: Jwhite@L2Engineering.com Phone: 936-647-0420

### Parcel Information

Property Identification Number (MCAD R#): Part of R362322

Legal Description: Part of Tracts 54-C and 63A-1, within the Ben J Rigsby Survey, Abstract 31

Street Address or Location: Emma's Way and Scenic Hills Court

Acreage: 8.1365 Present Zoning: Commercial Present Land Use: Vacant

### Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 2014-03 Section(s): 78-88

Ordinance wording as stated in Section (78-88 ):  
(e) No building shall be constructed on or moved onto any lot of less than 9,000 square feet

Detail the variance request by comparing what the ordinance states to what the applicant is requesting:

Lot sizes will range in the development, with a minimum of approximately 5,300 square feet (SF) to over 27,000 SF. The average lot size throughout the subdivision will be over 9,900 SF.

**Signatures**

Owner(s) of record for the above described parcel:

Signature: *Amy Christen* Date: 4/13/20

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Note: Signatures are required for all owners of record for the property proposed for variance. Attach additional signatures on a separate sheet of paper.*

**\* Additional Information \***

The following information must also be submitted:

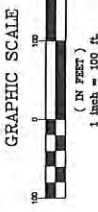
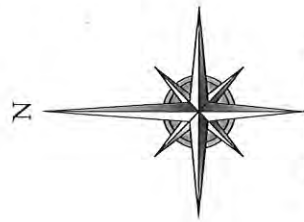
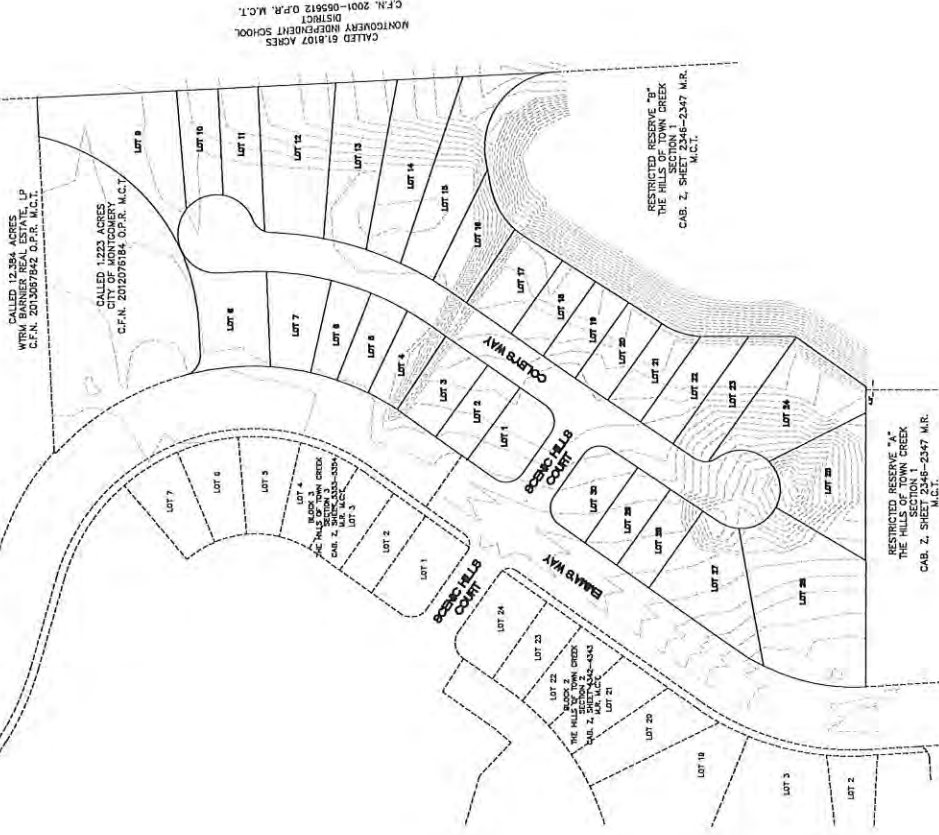
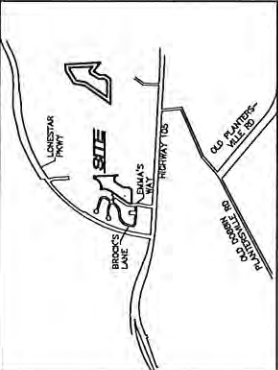
Cover letter on company letterhead stating what is being asked.

A site plan.

All applicable fees and payments.

The application form must be signed by the owner/applicant. If the applicant is not the owner, written authorization from the owner authorizing the applicant to submit the variance request shall be submitted.

<p><b>Date Received</b> <i>Office Use</i></p>	
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**LEGEND / ABBREVIATIONS**

CAB. CABINET FILE NUMBER  
 FND. FOUND  
 I.R. FROM ROD PUBLIC RECORDS  
 U.S. U.S. PUBLIC RECORDS  
 M.C.T. MONTGOMERY COUNTY, TEXAS  
 M.R. MAP RECORDS  
 TYP. TYPICAL  
 V.S. VEGETATION SETBACK  
 PROPERTY MARKER

**CITY OF MONTGOMERY BENCHMARKS**

MONT 3 ELEV=288.73  
 3" BRASS DISK LOCATED FROM THE INTERSECTION OF HWY 103 AND HWY 149, WEST 54700' TO THE PARKING LOT OF THE HERBY HOUSE RESTAURANT, WHICH IS LOCATED ON THE NORTH SIDE OF HWY 149.

MONT 7 ELEV=291.77  
 3" BRASS DISK IS LOCATED IN THE CENTER OF MONTGOMERY ON THE SOUTH SIDE OF HWY 103. MARK LOCATED AT THE INTERSECTION OF HWY 103 AND BROOKSHIRE BROTHERS GROCERY STORE, AS WELL AS ACROSS HWY 103(SOUTH) FROM THE OLDE SCHOOL HOUSE.

**BENCHMARK**

BRASS DISK IN CONCRETE ELEV=314.12  
 BRASS DISK IN CONCRETE IN THE CENTER OF RIGHT-OF-WAY OF BLAIR WAY LOCATED NORTH 291331' WEST. A DISTANCE OF 2.18' FROM THE COMMON CORNER OF LOTS 1 AND 2, BLOCK 1, THE HILLS OF TOWN CREEK.

PRELIMINARY PLAT  
 THE HILLS OF TOWN CREEK  
 SECTION 4  
 A SUBDIVISION OF  
 8.1365 ACRES (354,425 SQ.FT.)  
 BENJAMIN RIGBY LEAGUE, ABSTRACT 31  
 MONTGOMERY COUNTY, TEXAS

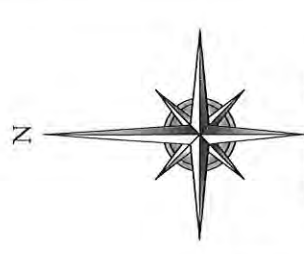
30 LOTS  
 APRIL 2020  
 1 BLOCK

**CORE**  
 SURVEYOR  
 LAND SURVEYING  
 1874 CROSSBARS MILL ROAD, SUITE 120  
 THE WOODLANDS, TX 77380  
 T: 281.838.1208  
 coreland.com

ENGINEER:  
**L. SQUARED ENGINEERING**  
 L. SQUARED ENGINEERING  
 21123 EVA ST #200  
 MONTGOMERY, TX 77358  
 (936) 647-5420

- GENERAL NOTES:**
- The coordinates shown hereon are Texas Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor 0.999922.
  - Distances shown along curves are arc lengths.
  - Flood Statement: This site (proposed area) is situated in Zone "X" in Montgomery County, Texas according to FEMA map number 483390200C dated August 18, 2014. This statement does not imply that the property owner/structures thereon will be free from flooding or flood damage. This determination has been made on the basis of the information available to the surveyor at the time of the survey. This Flood Statement shall not create liability on the part of the surveyor.
  - All corners are set 4/8 inch iron rods with cap stamped "Core 6857" unless otherwise shown or noted.
  - In addition to the building line shown on the face of the plat, all lots shall have a minimum 5' side yard setback and a minimum 10' rear yard setback, unless otherwise noted.





GRAPHIC SCALE  
1 inch = 60 ft.  
(IN FEET)

**LEGEND / ABBREVIATIONS**

CAB. CABINET  
C.F.N. COUNCIL FILE NUMBER  
F.R. IRON ROD  
L.R. LUMBER  
M.R. METAL ROD  
M.P. MAP RECORDS  
M.T. METAL TYPICAL  
C.O.M. COMMON  
V.S. VEGETATION SETBACK  
P.P.R. PROPERTY MARKER

**CITY OF MONTGOMERY BENCHMARKS**

MON 3 ELEV=288.73  
MON 7 ELEV=291.77

3" BRASS DISK LOCATED FROM THE INTERSECTION OF HWY 101 AND HWY 2119. THE CENTER OF THE LOT OF THE HERITAGE HOUSE RESTAURANT, WHICH IS LOCATED ON THE NORTH SIDE OF HWY 101.

5" BRASS DISK LOCATED IN THE CENTER OF MONTGOMERY ON THE SOUTH SIDE OF HWY 101. MARK IS IN FRONT (NORTH) OF GAS PUMPING AREA OF POSSIBLE BROTHERS GROCERY STORE, AS WELL AS HOUSE.

**BENCHMARK**

BRASS DISK IN CONCRETE ELEV=314.12  
BRASS DISK IN CONCRETE IN THE SOUTHEAST RIGHT-OF-WAY OF DIMA'S WAY LOCATED NORTH FROM THE COMMON ORDER OF LOT 11 AND 4, BLOCK 1, THE HILLS OF TOWN CREEK.

NO.	BEARING	LENGTH
L1	N 87°05'32" E	37.81'
L2	N 87°05'32" E	49.29'
L3	S 79°21'27" W	32.88'
L4	S 55°42'31" W	25.00'
L5	N 02°52'32" W	31.80'
L6	N 87°07'28" E	25.00'
L7	S 23°23'42" E	0.68'

NO.	LENGTH	RADIUS	DELTA	CHD. BRG.	CHORD
C1	175.59'	360.00'	38°41'38"	N 13°05'09" E	173.23'
C2	296.60'	360.00'	49°38'54"	N 10°12'24" E	287.28'
C3	34.08'	25.00'	76°09'01"	S 53°15'15" E	31.50'
C4	338.68'	260.00'	74°38'06"	N 49°46'29" E	315.24'
C5	163.74'	96.00'	97°43'23"	N 51°46'02" W	144.60'
C6	78.82'	96.00'	47°09'53"	S 55°04'11" W	76.72'
C7	54.14'	96.00'	32°13'55"	S 18°06'41" W	53.45'
C8	39.29'	25.00'	90°02'44"	N 09°13'13" E	35.37'
C9	39.25'	25.00'	89°37'46"	N 09°46'47" W	35.34'
C10	38.62'	25.00'	85°30'04"	S 10°07'21" E	34.80'
C11	36.62'	25.00'	60°45'43"	S 29°57'08" W	35.53'
C12	338.67'	50.00'	329°31'44"	N 88°28'07" E	33.65'
C13	30.77'	25.00'	70°31'04"	S 01°31'33" E	28.87'
C14	55.51'	380.00'	37°32'14"	N 15°53'35" E	250.95'
C15	271.89'	415.00'	37°21'24"	N 15°53'35" W	267.05'
C16	251.84'	440.00'	33°47'37"	N 18°15'43" E	248.41'
C17	24.37'	25.00'	67°04'57"	N 35°04'32" E	21.60'
C18	230.75'	50.00'	251°49'53"	N 55°08'07" W	81.00'



**PRELIMINARY PLAT**  
**THE HILLS OF TOWN CREEK**  
**SECTION 4**  
A SUBDIVISION OF  
8.1365 ACRES (354.425 SQ. FT.)  
BENJAMIN RIGBY LEAGUE, ABSTRACT 31  
MONTGOMERY COUNTY, TEXAS

30 LOTS  
1 BLOCK  
APRIL 2020

**CORE**  
SURVEYOR: L SQUARED ENGINEERING  
21123 EVA ST. #200  
MONTGOMERY, TX 77336  
(936) 847-9420

10210 GROCANS MILL ROAD, SUITE 130  
MONTGOMERY, TEXAS 77336  
T: 224.828.1208  
corelandsurveying.com

RESTRICTED RESERVE "B"  
THE HILLS OF TOWN CREEK  
CAB. 2, SHEET 2346-2347 M.R. M.C.T.

**LEGEND / ABBREVIATIONS**

- CAB. CABINET
- C.F.N. CLERK'S FILE NUMBER
- F.P. FURNACE
- I.R. IRON ROD
- O.P.R. OFFICIAL PUBLIC RECORDS
- M.P.R. METRIC RECORDS
- M.C.T. METRIC TIE
- R.O.W. RIGHT OF WAY
- V.S. VEGETATION SETBACK
- PROPERTY MARKER
- 

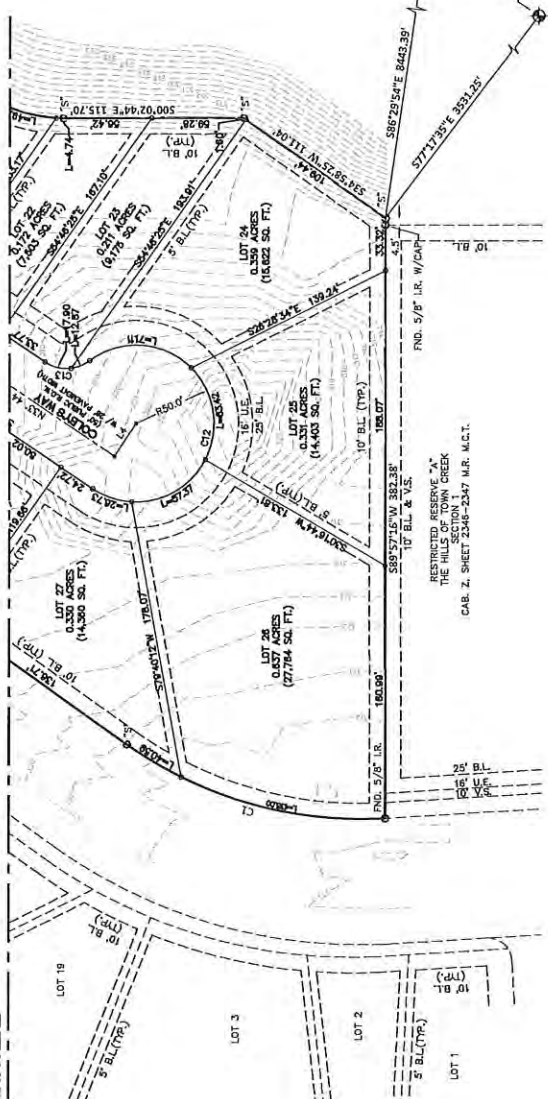
**CITY OF MONTGOMERY BENCHMARKS**

MONT 3 ELEV=288.73'  
 3" BRASS DISK LOCATED FROM THE INTERSECTION OF HWY 10 AND HWY 291.77 TO THE PARKING LOT OF THE BENTLEY HOUSE RESTAURANT, WHICH IS LOCATED ON THE NORTH SIDE OF HWY 10A.

MONT 7 ELEV=291.77'  
 3" BRASS DISK IS LOCATED IN THE CENTER OF JONATHAN BENTLEY HOUSE RESTAURANT, WHICH IS 55' IN FRONT (NORTH) OF GAS PUMPING AREA OF BROOKSHIRE BROTHERS GROCERY STORE, AS WELL AS 100' FROM THE CENTER OF THE OLD SCHOOL HOUSE.

**BENCHMARK**

BRASS DISK IN CONCRETE ELEV=314.12'  
 BRASS DISK IN CONCRETE IN THE SOUTHEAST RIGHT-OF-WAY OF DIMAS WAY LOCATED NORTH 29°15'10" WEST, A DISTANCE OF 2.19' FROM THE INTERSECTION OF LOTS 1, AND 2, BLOCK 1, THE HILLS OF TOWN CREEK.



**LINE TABLE**

NO.	BEARING	LENGTH
L1	N 87°55'52" E	37.84'
L2	N 87°05'52" E	61.29'
L3	S 73°23'17" W	32.88'
L4	S 55°52'51" E	25.00'
L5	N 02°52'32" W	32.80'
L6	N 87°02'28" E	25.00'
L7	S 23°23'42" E	0.66'

**CURVE TABLE**

NO.	LENGTH	RADIUS	DELTA	CHD. BRG.	CHORD
C1	175.59'	260.00'	38°41'38"	N 15°59'59" E	172.27'
C2	266.67'	340.00'	49°58'54"	N 10°13'24" E	287.28'
C3	34.08'	25.00'	78°08'00"	S 33°45'15" E	31.50'
C4	338.68'	360.00'	74°38'05"	N 49°48'29" E	335.44'
C5	183.72'	96.00'	87°43'55"	N 51°46'05" W	144.60'
C6	78.92'	96.00'	47°06'15"	S 55°49'11" W	76.72'
C7	54.14'	96.00'	32°18'55"	S 16°06'41" W	53.45'
C8	39.29'	25.00'	80°02'44"	N 80°13'13" E	35.37'
C9	39.25'	25.00'	80°57'16"	N 09°46'44" W	35.34'
C10	38.62'	25.00'	80°30'04"	S 10°30'29" E	34.89'
C11	39.52'	25.00'	80°24'53"	S 79°57'08" W	35.53'
C12	218.67'	50.00'	250°31'44"	N 88°28'47" E	81.65'
C13	30.77'	25.00'	70°31'44"	S 01°31'19" E	28.87'
C14	255.51'	360.00'	37°32'14"	N 15°52'32" E	250.66'
C15	171.89'	425.00'	37°32'14"	S 15°52'32" W	207.08'
C16	251.84'	460.00'	32°49'37"	N 38°15'53" E	248.41'
C17	29.27'	25.00'	67°04'15"	N 35°24'12" E	27.62'
C18	139.75'	50.00'	251°48'53"	N 85°48'07" W	81.00'

PRELIMINARY PLAT  
 THE HILLS OF TOWN CREEK  
 SECTION 4  
 A SUBDIVISION OF  
 8.1366 ACRES (354,425 SQ. FT.)  
 BENJAMIN RIGBY LEAGUE, ABSTRACT 31  
 MONTGOMERY COUNTY, TEXAS

30 LOTS  
 APRIL 2020  
 1 BLOCK

**CORE**  
 SURVEYOR  
 18910 COCOANS HILL BOULEVARD, SUITE 120  
 THE WOODLANDS, TX 77380  
 T: 281.438.1208  
 coreandsurveying.com

ENGINEER:  
**L SQUARED ENGINEERING**  
 21123 EVA ST #200  
 MONTGOMERY, TX 77358  
 (505) 547-5420

STATE OF TEXAS  
COUNTY OF MONTGOMERY

That The Hills of Town Creek, LLC herein acting individually or through the undersigned duly authorized agents, does hereby adopt this plat designating easement real property as the Hills of Town Creek, Section 4, and that the easement is to be used for the purposes and considerations therein expressed and in the capacity therein shown, and dedicate to public use forever all areas shown on this plat, as streets, alleys, parks, and easements, except those specifically indicated as private, and does hereby waive any claims for damages or compensation for the alteration of the surface of any portion of streets or alleys to conform to such grades and does hereby bind Owner, and Owner's successors and assigns to warrant and forever defend the title to the land so dedicated.

Owner hereby certifies that Owner has or will comply with all applicable regulations of the city, and that a plat and the proposed impact of the subdivision, improvements, and easements required under regulations and the proposed 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 area, and the easement shall include both routine and emergency public service including law enforcement, fire protection, medical response, inspection and code enforcement.

IN TESTIMONY WHEREOF, The Hills of Town Creek, LLC have caused these presents to be signed by \_\_\_\_\_, its \_\_\_\_\_, thereto authorized, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

The Hills of Town Creek, LLC

By: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF MONTGOMERY

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the capacity therein and herein stated, and at the city and state of said jurisdiction.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Notary Public in and for the State of Texas

Print Name: \_\_\_\_\_

My Commission expires: \_\_\_\_\_

That I, Elizabeth Tumbaloria, Jr., do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the same conforms to the requirements of the City of Montgomery, Texas, and I hereby certify that the same conforms to the requirements of the City of Montgomery, Texas.

Elizabeth Tumbaloria, Jr.

City Engineer - City of Montgomery

CITY OF MONTGOMERY

I, THE UNDERSIGNED, Engineer for the City of Montgomery, hereby certify that this subdivision plat conforms to all requirements of the subdivision regulations of the city as to which his approval is required.

By: Chris Roznowsky, P.E.  
City Engineer - City of Montgomery

This plat and subdivision has been submitted to and considered by the City Planning and Zoning Commission and the City Council of the City of Montgomery, Texas and is hereby approved by such Commission and Council.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020

ATTEST:

By: Sara Countymann  
Mayor

By: Susan Henney  
City Secretary

By: Nelson Cox  
Chairman - Planning Zoning Commission

I, \_\_\_\_\_, Clerk of the County Court of Montgomery County, Texas, do hereby certify that the above instrument with its conditions of subdivision was filed for registration in my office on \_\_\_\_\_, 2020, in book \_\_\_\_\_ sheet \_\_\_\_\_ of record of \_\_\_\_\_ of \_\_\_\_\_, 2020, for said County.

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

By: Jack Tumbaloria, Clerk County Court  
Montgomery County, Texas

By: \_\_\_\_\_ Deputy

PRELIMINARY PLAT  
THE HILLS OF TOWN CREEK  
SECTION 4  
A SUBDIVISION OF  
8.1365 ACRES (354,425 SQ. FT.)  
BENJAMIN RIGBY LEAGUE, ABSTRACT 31  
MONTGOMERY COUNTY, TEXAS

30 LOTS  
1 BLOCK  
APRIL 2020

SURVEYOR: **CORE**  
ENGINEER: **L SQUARED ENGINEERING**  
21123 EWA ST #200,  
MONTGOMERY, TX 77156  
(936) 847-5420  
LAND SURVEYING TBRPLS REG NO. 1034560  
1111 WOODGANS MILL ROAD, SUITE 120  
THE WOODGANS MILL, TEXAS 77156  
T: 224.828.1208  
corelandsurveying.com

Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date: May 5, 2020</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: Lot size summary sheet, Sec. 78-95 of the Subdivision Ordinance</b>

**Subject**

Consideration and possible action regarding a variance request to provide compensating open space in lieu of minimum lot sizes of 9,000 square feet for Hills of Town Creek Section Four, as submitted by Chris Cheatham / The Hills of Town Creek LLC, located at the intersection of Emma's Way and Scenic Hills Court.

**Description**

The subdivision ordinance requires compensating open space for subdivisions with lot sizes less than 9,000 sqft. Sections 2 & 3 provided open space area in compliance with the ordinance. The proposed Section 4, while adjacent to a detention pond open area, has not provided compensating open space.

The developer is requesting a variance to the requirement of providing open space.

P&Z and City Council approval are required to grant the variance. If P&Z approves, then this will be forwarded to City Council for their consideration.

**Recommendation**

Consider the request and approve or deny the variance for providing compensating open space.

**Approved By**

Director of Planning & Development	Dave McCorquodale <i>DM</i>	Date: 04/30/2020
City Administrator	Richard Tramm <i>RT</i>	Date: 04/30/2020

### Hills of Town Creek Section Four Lot Area Summary

Lot #	Lot Size (sqft)	Deficit (sqft)
1	7304	1696
2	5656	3344
3	7091	1909
4	5853	3147
5	5584	3416
6	5329	3671
7	8295	705
8	11403	0
9	18647	0
10	7062	1938
11	7967	1033
12	16827	0
13	13967	0
14	15046	0
15	15387	0
16	7536	1464
17	7997	1003
18	5751	3249
19	5855	3145
20	5939	3061
21	6190	2810
22	7503	1497
23	9175	0
24	15622	0
25	14403	0
26	27764	0
27	14360	0
28	5951	3049
29	5888	3112
30	7417	1583
<b>Total</b>	<b>298769</b>	<b>44832</b>

Average Lot size 9958.97

Sec. 78-95. - Compensating open space requirements.

In those instances where proposed lots have an area less than the minimum established by the planning and zoning commission, compensating open space will be required and can be approved by the planning and zoning commission and city council. For planned unit development (PUD), compensating open space must be made available based on the density of development and in accordance with the general zoning requirements of the city. Such compensating open spaces remain undeveloped or landscaped and may be developed for recreational purposes within the PUD, both active and passive. They may be used to provide courtyard access from the groups or clusters of lots adjacent to public streets or for temporary stormwater detention structures within the planned stormwater facility plan of the city.

( Ord. No. 2011-09, § 1, 7-26-2011)

Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date:</b> May 5, 2020	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Administrative	
<b>Prepared By:</b> Dave McCorquodale	<b>Exhibits:</b> Engineer's memo, preliminary plat with comments

**Subject**

Consideration and possible action regarding a Preliminary Plat for Hills of Town Creek Section Four, as submitted by Chris Cheatham / The Hills of Town Creek LLC, located at the intersection of Emma's Way and Scenic Hills Court.



**Description**

This item is the action for the preliminary plat we have been discussing variances for.

**Recommendation**

Consider the Preliminary Plat and either conditionally approve subject to variances being granted by City Council and engineer's comments being addressed or deny the plat. If conditional approval is granted, include the requirement of resubmittal of the preliminary plat will be necessary if variances are not approved.

**Approved By**

Director of Planning & Development	Dave McCorquodale 	Date: 04/30/2020
City Administrator	Richard Tramm 	Date: 04/30/2020



1575 Sawdust Road, Suite 400  
The Woodlands, Texas 77380  
Tel: 281.363.4039  
Fax: 281.363.3459  
[www.jonescarter.com](http://www.jonescarter.com)

April 29, 2020

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

Re: Submission of Preliminary Plat  
The Hills of Town Creek Sec. 4 (Dev. No. 2004)  
City of Montgomery

Dear Commission:

We reviewed the preliminary plat submission for the referenced development on behalf of the City of Montgomery (the "City"). Our review was based on the City's Code of Ordinances, Chapter 78, Section 60; and any other applicable chapters.

We offer no objection to the preliminary plat once all outstanding comments, as shown on the attached redlined plat, are addressed. We recommend the Commission approve the preliminary plat, subject to approval of the requested variances and addressing the attached comments. If the requested variances are not approved, the Developer should resubmit the preliminary plat for reconsideration due to the impact that the variances have on lot sizes.

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

Sincerely,

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

Chris Roznovsky, PE  
Engineer for the City

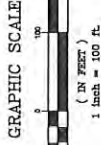
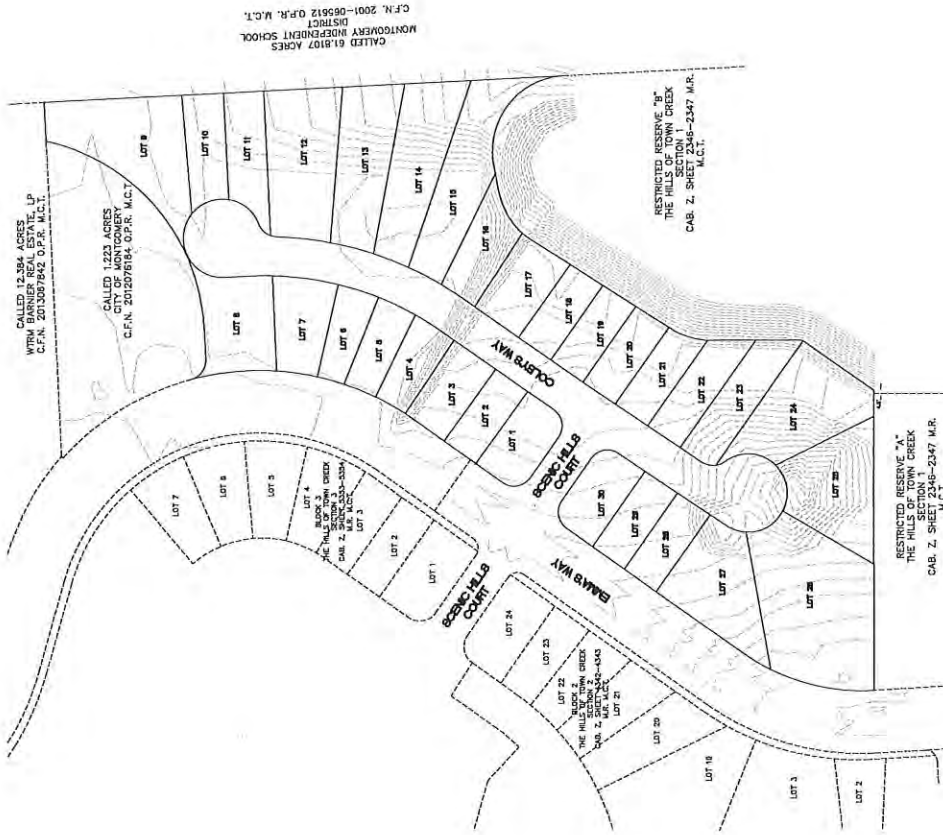
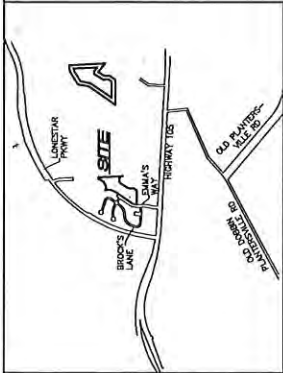
CVR/ab

K:\W5841\W5841-0900-00 General Consultation\Plan Reviews\Plan Review Letters\The Hills of Town Creek Sec. 4 Preliminary Plat\PRELIMINARY PLAT APPROVAL Hills of Town Creek Sec. 4 042920.doc

Enclosures: Redlined Preliminary Plat

Cc (via email): The Honorable Mayor and City Council – City of Montgomery  
Mr. Richard Tramm – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development  
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney





**LEGEND / ABBREVIATIONS**

C.S.	COUNTY
F.N.D.	FOUND
O.P.R.	OFFICIAL PUBLIC RECORDS
M.C.T.	MONTGOMERY COUNTY, TEXAS
R.O.W.	RIGHT OF WAY
(TYP.)	TYPICAL
V.S.	VEGETATION SETBACK
PROPERTY MARKER	O

**CITY OF MONTGOMERY BENCHMARKS**

**MONT 3** ELEV=288.73  
 3" BRASS DISK LOCATED FROM THE INTERSECTION OF HWY 105 AND HWY 148, WEST 34700' TO THE PARKING LOT OF THE CITY OF MONTGOMERY, WHICH IS LOCATED ON THE NORTH SIDE OF HWY 105.

**MONT 7** ELEV=291.77  
 3" BRASS DISK IS LOCATED IN THE CENTER OF MONTGOMERY ON THE SOUTH SIDE OF HWY 105. MARK IS IN THE FRONT YARD OF DAY PARKING LOT. BROOKSHIRE BROTHERS GROCERY STORE, AS WELL AS ACROSS HWY 105(SOUTH) FROM THE OJAI SCHOOL HOUSE.

**BENCHMARK**  
 BRASS DISK IN CONCRETE ELEV=314.12  
 BRASS DISK IN CONCRETE IN THE SOUTHEAST CORNER OF BAKERS WAY LOCATED NORTH 28°12'51" WEST, A DISTANCE OF 2.19' FROM THE CORNER OF BAKERS WAY AND LOT 1, THE HILLS OF TOWN CREEK.

PRELIMINARY PLAT  
 THE HILLS OF TOWN CREEK  
 SECTION 4  
 A SUBDIVISION OF  
 8.1365 ACRES (354,425 SQ. FT.)  
 BENJAMIN RIGBY LEAGUE, ABSTRACT 31  
 MONTGOMERY COUNTY, TEXAS

30 LOTS  
 APRIL 2020  
 1 BLOCK

**SURVEYOR:**  
**CORE**  
 LAND SURVEYING TBPALS REG NO. 10394560  
 11113 EVA ST #200,  
 MONTGOMERY, TX 77355  
 (936) 647-0420

**ENGINEER:**  
**LSQUARED ENGINEERING**  
 2113 EVA ST #200,  
 MONTGOMERY, TX 77355  
 (936) 647-0420

- GENERAL NOTES:**
- The coordinates shown hereon are Texas Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor 0.999922.
  - Distances shown along curves are arc lengths.
  - Filed Statement: This plat (proposed area) is situated in Zone "X" in Montgomery County, Texas according to F53A map number 4833302000 dated August 18, 2014; this statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This determination has been made based on the information available to the surveyor at the time of the survey. This flood statement shall not create liability on the part of the surveyor.
  - All corners are set 5/8 inch iron rods with cap stamped "Core 6627" unless otherwise shown or noted.
  - In addition to the building line shown on the face of the plat, all lots shall have a minimum 5' side yard setback and a minimum 10' rear yard setback, unless otherwise noted.



GRAPHIC SCALE  
1 inch = 60 ft.  
(IN FEET)

**LEGEND / ABBREVIATIONS**  
 CAB. CABINET FILE NUMBER  
 FOUN. FOUNDATION  
 IRON ROD IRON ROD  
 M.C.T. MONTGOMERY COUNTY, TEXAS  
 MAP RECORDS MAP RECORDS  
 TYPICAL TYPICAL  
 V.S. VEGETATION SETBACK  
 PROPERTY MARKER  
 O

**CITY OF MONTGOMERY BENCHMARKS**  
 MONT 3 ELEV=488.73  
 3" BRASS DISK LOCATED FROM THE INTERSECTION OF  
 3<sup>RD</sup> STREET AND THE NORTH SIDE OF THE  
 LOT OF THE HERITAGE HOUSE RESTAURANT, WHICH IS  
 LOCATED ON THE NORTH SIDE OF HWY 105.  
 MONT 7 ELEV=281.77  
 3" BRASS DISK IS LOCATED IN THE CENTER OF THE  
 MONTGOMERY ON THE SOUTH SIDE OF HWY 105. THE  
 IS IN FRONT (NORTH) OF GAS PUMPING AREA OF  
 BOOKSHIRE BROTHERS GROCERY STORE, AS WELL AS  
 HOUSE. HWY 105 (SOUTH) FROM THE GOLF SCHOOL  
 HOUSE.

**BENCHMARK**  
 BRASS DISK IN CONCRETE ELEV=434.12  
 BRASS DISK IN CONCRETE IN THE SOUTHEAST  
 RIGHT-OF-WAY OF EMMA'S WAY LOCATED NORTH  
 COMMON CORNER OF THE INTERSECTION OF  
 HILLS OF TOWN CREEK.

**LINE TABLE**

NO.	BEARING	LENGTH
L1	N 87°03'27" E	37.81'
L2	N 87°03'32" E	49.23'
L3	S 79°22'17" W	32.88'
L4	S 89°51'21" E	25.00'
L5	N 87°07'28" E	25.00'
L7	S 23°23'42" E	0.66'

**CURVATURE TABLE**

NO.	LENGTH	RADIUS	DELTA	CHD. BRG.	CHORD
C1	375.56'	380.00'	384.138"	N 15°59'58" E	172.23'
C2	256.60'	340.00'	49°45'54"	N 10°12'28" E	287.28'
C3	34.08'	25.00'	78°16'01"	S 85°51'15" E	31.50'
C4	338.68'	360.00'	74°38'06"	N 85°46'25" E	315.24'
C5	163.74'	96.00'	97°43'25"	N 51°40'05" W	144.60'
C6	78.82'	96.00'	47°08'52"	S 55°50'11" W	76.92'
C7	54.14'	96.00'	32°18'53"	S 10°06'45" W	53.83'
C8	39.26'	25.00'	90°24'44"	N 80°19'12" E	35.37'
C9	39.25'	25.00'	89°57'16"	N 09°46'47" W	35.34'
C10	18.62'	25.00'	88°30'04"	S 10°19'12" E	34.80'
C11	39.52'	25.00'	90°34'53"	S 79°57'08" W	35.53'
C12	218.67'	50.00'	250°11'44"	N 82°28'47" E	61.65'
C13	30.77'	25.00'	70°31'44"	S 03°31'32" E	28.87'
C14	25.51'	30.00'	37°21'24"	N 15°53'35" E	25.06'
C15	271.89'	415.00'	37°21'24"	S 15°53'35" W	267.05'
C16	21.84'	40.00'	32°47'37"	N 81°53'52" E	24.84'
C17	26.27'	25.00'	67°04'52"	N 82°41'27" E	27.62'
C18	219.75'	50.00'	251°48'33"	N 55°50'07" W	61.60'



PRELIMINARY PLAT  
 THE HILLS OF TOWN CREEK  
 SECTION 4  
 A SUBDIVISION OF  
 8.1365 ACRES (354,425 SQ. FT.)  
 BENJAMIN RIGBY LEAGUE, ABSTRACT 31  
 MONTGOMERY COUNTY, TEXAS

30 LOTS  
 1 BLOCK  
 APRIL 2020

ENGINEER:  
**CORE**  
 LAND SURVEYING  
 21123 EAST #200  
 MONTGOMERY, TX 77356  
 (936) 647-0420

LAND SURVEYING  
 TBP'S REG. NO. 10154560  
 1010 CROGGAN'S MILL ROAD, SUITE 120  
 MONTGOMERY, TX 77308  
 T: 281.523.1208  
 corelandsurveying.com

Appears to be approx. 100'

RESTRICTED RESERVE "B"  
 THE HILLS OF TOWN CREEK  
 SECTION 4  
 D.B. 7, SHEET 2348-2347 M.R. M.C.T.

**LEGEND / ABBREVIATIONS**

CAB. CABINET  
 C.F.N. CLERK'S FILE NUMBER  
 L.B. LOTS  
 I.R. IRON ROD  
 O.P.R. OFFICIAL PUBLIC RECORDS  
 M.A.P. MAP RECORDS  
 M.R. METERS  
 R.O.W. RIGHT-OF-WAY  
 V.S. VEGETATION SETBACK  
 O PROPERTY MARKER

**CITY OF MONTGOMERY BENCHMARKS**

**MONT 3** ELEV.=288.73'  
 3" BRASS DISK LOCATED FROM THE INTERSECTION OF HWY 103 AND IRON ROD, 48' WEST AND 48' SOUTH OF THE CENTER OF THE PARKING LOT LOCATED ON THE NORTH SIDE OF HWY 103.

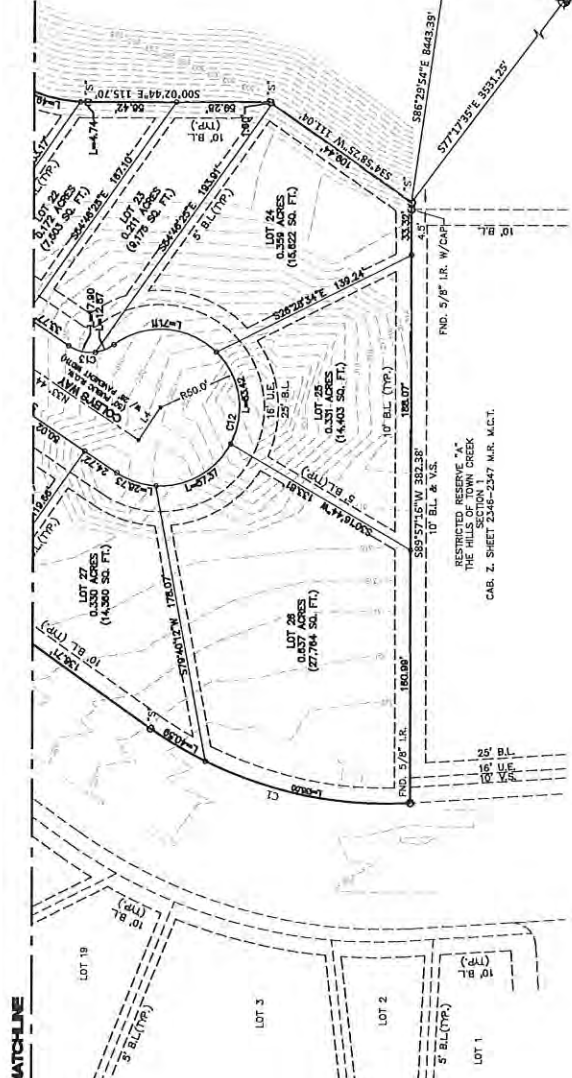
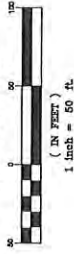
**MONT 7** ELEV.=281.77'  
 3" BRASS DISK LOCATED IN THE CENTER OF THE PARKING LOT LOCATED ON THE NORTH SIDE OF HWY 103.

**BENCHMARK**  
 3" BRASS DISK IN CONCRETE IN THE SOUTHEAST CORNER OF THE INTERSECTION OF HWY 103 AND IRON ROD, 48' WEST AND 48' SOUTH OF THE CENTER OF THE PARKING LOT LOCATED ON THE NORTH SIDE OF HWY 103.

**BENCHMARK**  
 3" BRASS DISK IN CONCRETE IN THE SOUTHEAST CORNER OF THE INTERSECTION OF HWY 103 AND IRON ROD, 48' WEST AND 48' SOUTH OF THE CENTER OF THE PARKING LOT LOCATED ON THE NORTH SIDE OF HWY 103.



GRAPHIC SCALE  
 (IN FEET)  
 1 Inch = 60 ft.



PRELIMINARY PLAT  
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 8.1365 ACRES (354,425 SQ. FT.)  
 BENJAMIN RIGBY LEAGUE, ABSTRACT 31  
 MONTGOMERY COUNTY, TEXAS

30 LOTS  
 1 BLOCK  
 APRIL 2020

**CORE**  
 SURVEYOR  
 10210 GROCERANS MILL ROAD, SUITE 120  
 HOUSTON, TEXAS 77036  
 T: 281.828.1208  
 corelandsurveying.com

ENGINEER:  
**L SQUARED ENGINEERING**  
 21123 RIVA ST #200  
 MONTGOMERY, TX 77355  
 (832) 847-0603

**LINE TABLE**

NO.	BEARING	LENGTH
L1	N 87°02'32"E	27.81'
L2	N 87°02'32"E	49.20'
L3	S 79°22'37"W	32.88'
L4	S 54°15'21"E	25.00'
L5	N 02°22'32"W	32.80'
L6	N 87°02'32"E	35.00'
L7	S 12°22'42"E	5.00'

**CURVE TABLE**

NO.	LENGTH	RADIUS	DELTA	CHD. BRG.	CHORD
C1	175.59'	260.00'	38°11'38"	N 15°50'39"E	172.27'
C2	296.50'	340.00'	49°55'54"	N 10°12'24"E	287.28'
C3	34.08'	25.00'	78°06'01"	S 53°51'15"E	31.50'
C4	338.68'	260.00'	74°28'08"	N 6°46'29"E	315.24'
C5	103.74'	86.00'	97°42'25"	N 51°46'08"W	144.60'
C6	78.02'	86.00'	47°09'15"	S 55°09'11"W	76.72'
C7	54.14'	86.00'	31°18'55"	S 14°06'41"W	53.48'
C8	39.29'	15.00'	90°02'04"	N 80°13'17"E	53.37'
C9	39.25'	15.00'	89°37'16"	N 89°46'07"W	35.84'
C10	36.62'	15.00'	88°30'04"	S 10°30'25"E	34.89'
C11	35.52'	15.00'	90°34'53"	S 79°57'08"W	35.53'
C12	218.83'	50.00'	28°07'44"	N 88°28'47"E	18.65'
C13	30.77'	25.00'	70°14'44"	S 01°13'17"E	28.87'
C14	255.51'	890.00'	37°33'14"	N 15°52'35"E	259.60'
C15	271.89'	435.00'	37°33'14"	S 15°52'35"E	267.05'
C16	25.284'	40.00'	37°42'37"	N 18°15'35"E	268.61'
C17	28.27'	15.00'	67°04'15"	N 35°24'12"E	27.62'
C18	219.75'	50.00'	251°48'51"	N 85°58'07"W	81.00'

STATE OF TEXAS  
COUNTY OF MONTGOMERY

That The Hills of Town Creek, LLC herein acting individually or through the undersigned duly authorized agent, does hereby adopt this plat depicting described real property as the Hills of Town Creek Section 4, and the same shall be dedicated to public use forever on this plat as streets, alleys, parks, and easements, except those specifically indicated on private and does hereby waive any claims for damages or compensation for the dedication of the surface of any portion of streets or alleys to confirm to such grades and does hereby bind Owner, and Owner's successors and assigns to warrant and forever defend the title to the land so dedicated.

Owner hereby certifies that Owner has or will comply with all applicable regulations of the city, and that a copy of the applicable regulations of the city, and the projected impact of the subdivision, and questions required under 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, and other utility facilities by the city and other utility companies, and the right of the city to install, maintain, repair, and improve both routine and emergency public services including law enforcement, fire protection, medical response, inspection and code enforcement.

IN TESTIMONY WHEREOF, The Hills of Town Creek, LLC have caused these presents to be signed by \_\_\_\_\_ its \_\_\_\_\_ (hereinafter authorized), this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

The Hills of Town Creek, LLC

By: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF MONTGOMERY

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ its \_\_\_\_\_ known to me to be the person whose name is subscribed to this foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

Notary Public in and for the State of Texas  
Print Name: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

That I, Clements Tumbalaca Jr., do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Montgomery, Texas.

Clemente Tumbalaca Jr., 6557  
\_\_\_\_\_

CITY OF MONTGOMERY

I, THE UNDERSIGNED, Engineer for the City of Montgomery, hereby certify that this subdivision plat conforms to all requirements of the subdivision regulations of the City as to which its approval is required.

By: \_\_\_\_\_  
City Engineer - City of Montgomery

This plat and subdivision has been submitted to and considered by the City Planning and Zoning Commission and the City Council of the City of Montgomery, Texas and is hereby approved by such Commission and Council.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ 2020

ATTEST:

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Secretary

By: \_\_\_\_\_  
Chairman-Planning Zoning Commission

I, \_\_\_\_\_, Clerk of the County Court of Montgomery County, Texas, do hereby certify that the instrument with the certificate of subdivision was filed for registration in my office on \_\_\_\_\_ 2020 at \_\_\_\_\_ o'clock \_\_\_\_\_ of \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ 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.

By: \_\_\_\_\_  
Clerk, County Court, Montgomery County, Texas

By: \_\_\_\_\_  
Deputy

PRELIMINARY PLAT  
THE HILLS OF TOWN CREEK  
SECTION 4  
A SUBDIVISION OF  
8.1365 ACRES (354.425 SQ. FT.)  
BENJAMIN RIGBY LEAGUE, ABSTRACT 31  
MONTGOMERY COUNTY, TEXAS

30 LOTS  
1 BLOCK  
APRIL 2020

ENGINEER:  
**CORE**  
L SQUARED ENGINEERING  
21129 EVA ST #200  
MONTGOMERY, TX 77256  
(936) 847-0423

LAND SURVEYING TEMPLS REG. NO. 00194560  
15411 GOSWANS MILL ROAD, SUITE 120  
THE WOODLANDS, TX 77380  
713.224.9283.1208  
com@lansurveying.com

Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date: May 5, 2020</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: Engineer's memo, request letter &amp; variance application, preliminary plat</b>

**Subject**

Consideration and possible action regarding a variance request to provide compensating open space in lieu of minimum lot sizes of 9,000 square feet for Town Creek Crossing Sections One & Two, as submitted by Lefevre Development Inc., located at the intersection of Lone Star Parkway and Buffalo Springs Drive.

**Description**

The subdivision ordinance requires compensating open space for subdivisions with lot sizes less than 9,000 sqft. The developer is proposing 67 acres of open space to compensate for a 2.8-acre deficit in lot sizes.

The development is within the boundaries of a proposed MUD district, and the developer plans on outdoor amenities like parks and trails in portions of the open space.

P&Z and City Council approval are required to grant the variance.

The City has a Development Agreement with the Mr. Lefevre that allows his Planned Development to follow the city ordinances in place in 2004. As such, the requested variances for lot area, lot dimensions, and street ROW widths do not require an opinion of P&Z for City Council to act. Discussion of these items is for explanation of why the compensating open space is required. This was changed after the 2004 ordinances and subdivision variances now require a P&Z opinion.

**Recommendation**

Consider the request and approve or deny the compensating open space.

**Approved By**

Director of Planning & Development	Dave McCorquodale <i>DM</i>	Date: 04/30/2020
City Administrator	Richard Tramm <i>RT</i>	Date: 04/30/2020



1575 Sawdust Road, Suite 400  
The Woodlands, Texas 77380  
Tel: 281.363.4039  
Fax: 281.363.3459  
[www.jonescarter.com](http://www.jonescarter.com)

April 29, 2020

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

Re: Variance Request  
Town Creek Crossing Sec. 1 & 2 (Dev. No. 2006)  
City of Montgomery

Dear Commission:

LeFevre Development, Inc. ("the Developer") plans to proceed with construction of a new residential development north of Lone Star Parkway. As you may recall, this Developer has an existing development agreement with the City that requires him to follow the 2004 Code of Ordinances and he is not subject to any new requirements, regulations, impact fees, feasibility studies, etc. that were not in place in 2004. The Developer is requesting the following variances from the 2004 edition of the City's Code of Ordinances:

- Section 78-92: The Code of Ordinances requires single-family residential developments to have a minimum 75' lot width, 120' lot depth, and 9,000 SF lot area. The Developer is proposing to provide 60' and 70' wide lots with sizes ranging from 6,500 SF to 18,000 SF. Additionally, several lots are proposed to have average depths of as little as 100'. The Developer is requesting a variance to allow a 60' lot width, 100' lot depth, and to allow the minimum lot area requirement to be offset with compensating open space.
- Section 78-91: The Code of Ordinances requires all local streets to have a minimum right-of-way ("ROW") width of 60'. The current Code of Ordinances allows streets which serve fewer than 50 lots to have a 50' ROW. The Developer is requesting a variance to allow the development to abide by the current ordinance for this item only.

Enclosed you will find requests for variance as submitted by the engineer for the development and a copy of the preliminary plat. We offer no objection to the Developer's request on the grounds that the proposed variances pose no apparent detriment to the development or the surrounding area.

Approval of the requested variances does not constitute plan or plat approval and only allows the Developer to further refine the proposed plat and site plans, which will require the full review and approval of the City.



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

Sincerely,

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

Chris Roznovsky, PE  
Engineer for the City

CVR/ab

K:\W5841\W5841-0900-00 General Consultation\Correspondence\Letters\2020\MEMO to P&Z RE Town Creek Crossing Sec. 1 & 2 Variance Requests.doc

Enclosures: Redlined Preliminary Plat  
Variance Requests

Cc (via email): The Honorable Mayor and City Council – City of Montgomery  
Mr. Richard Tramm – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development  
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney

April 15, 2020

City of Montgomery  
C/o Dave McCorquodale  
101 Old Plantersville Road  
Montgomery, TX 77316

RE: Variance request for Town Creek Crossing regarding requirements for minimum lot area and lot width

Mr. McCorquodale,

According to Sections 78-88 and 98-122 of the City of Montgomery Code of Ordinances, the general provisions of Chapter 98 will apply for any development within the City limits and requires a lot area of 9,000 square feet. The proposed development will consist of approximately 203 single-family residential lots ranging from 7,000 SF to over 10,000 SF. According to Section 78-99 of the City of Montgomery Code of Ordinances dated 2002, proposing compensating open space to account for any deficit areas under the 9,000 square foot minimum is required and can be approved by the Planning Commission and City Council. With this, a variance may not be required, but we feel it is warranted for the following reason:

- Based on the submitted plat, the deficit area of lots less than 9,000 SF comes to 2.8 acres. Within the development, we are proposing 67 acres of open space and drainage reserves to remain undeveloped or landscaped for recreational use by the residents. These reserves will serve as amenities with walking trails, dog parks, and recreational facilities. The proposed compensating open space exceeds the required according to this ordinance.

According to Sections 78-88 and 98-122 of the City of Montgomery Code of Ordinances, there is a minimum lot width of 75 feet. The proposed development incorporates lots with a minimum width of 60 feet. We feel the variance request is warranted as it is intended to compliment the Lake Creek Village development across Lone Star Parkway, but with additional amenities. Town Creek Crossing will be a more premium development as it will have 67 acres of open space, parks and recreational facilities. These amenities can include walking trails, golf cart paths, dog parks, pickleball courts, pavilions, common areas, etc.

It is for the above-mentioned reasons that we feel the variance requests should be considered and approved. Please feel free to contact me at 936-647-0420 if you have any questions or concerns.

Thank you,



Jonathan White, PE  
L Squared Engineering  
Senior Project Manager, Partner  
936-647-0420  
Jwhite@L2engineering.com

Attachments: Variance Applications, Preliminary Plat





# Variance Request Application

City of Montgomery  
101 Old Plantersville Road  
Montgomery, Texas 77316  
(936) 597-6434

**Upon completion return application to shensley@ci.montgomery.tx.us**

### Contact Information

Property Owner(s): LeFevre Development Inc.

Address: 780 Clepper, Suite 100 Montgomery, TX Zip Code: 77356

Email Address: plefevre@lefc0-inc.com Phone: 936-597-5200

Applicants: L Squared Engineering

Address: 3307 W Davis Street, Suite 100 Conroe, TX 77304

Email Address: Jwhite@L2Engineering.com Phone: 936-647-0420

### Parcel Information

Property Identification Number (MCAD R#): R392827, R405109, R392828

Legal Description: Tracts 1-H, 1-L, and 1-J within the John Corner Survey, Abstract 8

Street Address or Location: Northwest corner of Buffalo Springs Drive and Lone Star Parkway

Acreage: 125.192 Present Zoning: PD Present Land Use: Vacant

### Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 2002- Section(s): 78-92

Ordinance wording as stated in Section (78-92 ):

(e) No building shall be constructed on or moved onto any lot of less than 9,000 square feet.

Detail the variance request by comparing what the ordinance states to what the applicant is requesting:

Compensating open space is being proposed to account for the lots being less than the 9,000 square feet requirement, as mentioned in Section 78-99 of the Code of Ordinances.

**Signatures**

Owner(s) of record for the above described parcel:

Signature: Allyson Owens Date: 4/13/20

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Note: Signatures are required for all owners of record for the property proposed for variance. Attach additional signatures on a separate sheet of paper.*

**\*Additional Information\***

The following information must also be submitted:

Cover letter on company letterhead stating what is being asked.

A site plan.

All applicable fees and payments.

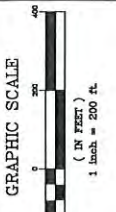
The application from must be signed by the owner/applicant. If the applicant is not the owner, written authorization from the owner authorizing the applicant to submit the variance request shall be submitted.

**Date Received**

*Office Use*



VICINITY MAP  
(NOT TO SCALE)



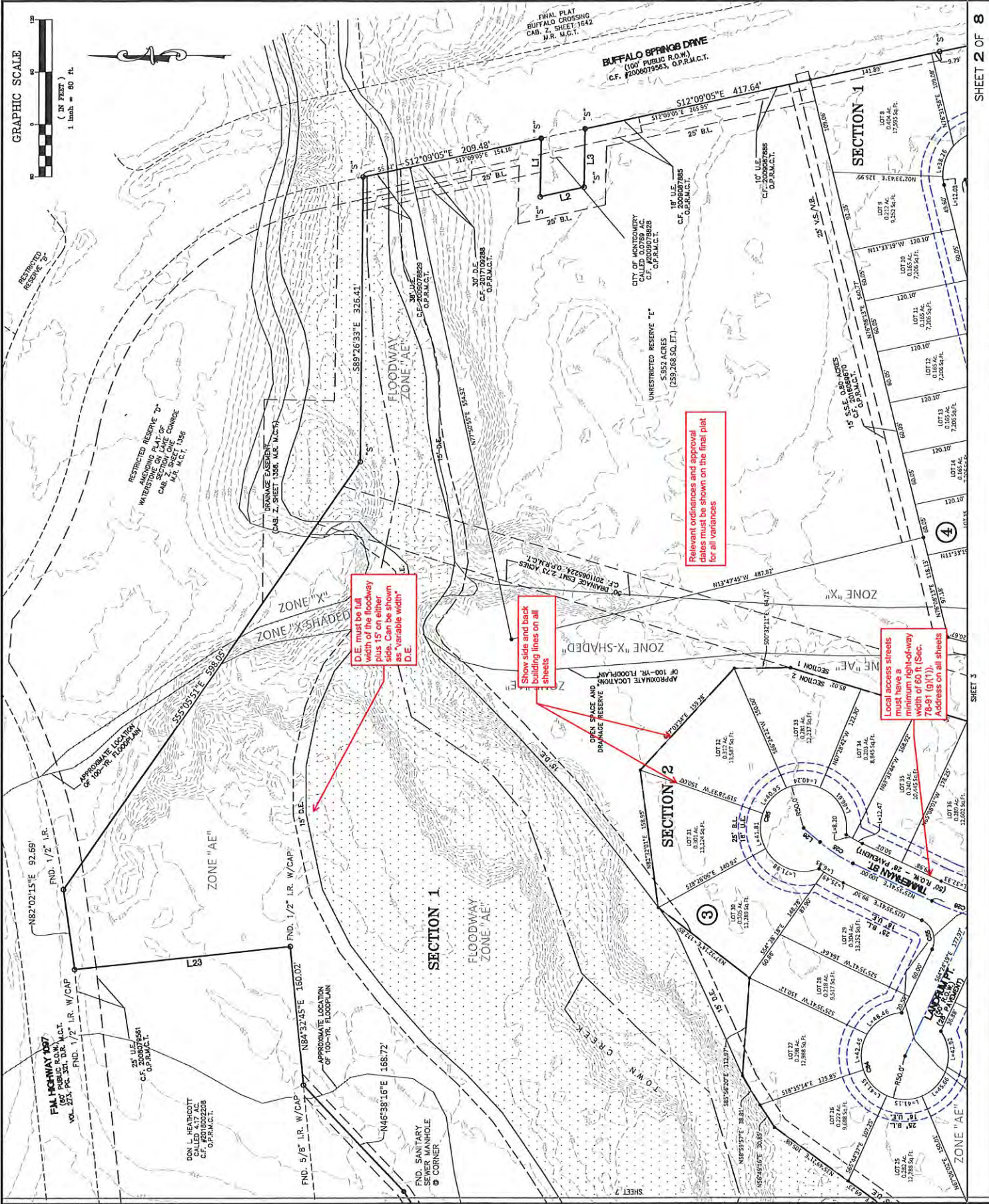
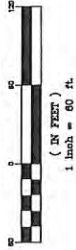
**PRELIMINARY PLAT**  
**TOWN CREEK CROSSING**  
**SECTIONS 1 & 2**  
 A RESIDENTIAL SUBDIVISION OF  
 125.192 ACRES (5,453,371 SQ. FT.)  
 OF LAND IN THE  
 JOHN CORNER SURVEY, A-8  
 MONTGOMERY COUNTY, TEXAS  
**8 BLOCKS \* 199 LOTS \* 10 RESERVES**  
 April 2020

**ENGINEER:**  
  
 L SQUARED ENGINEERING  
 5807 WEST JAMES ST., STE. 100  
 HOUSTON, TEXAS 77036  
 (281) 947-0430  
 www.lsqaredengineering.com

**SURVEYOR:**  
  
 626 SANDUST ROAD, STE. 200  
 THE WOODLANDS, TX 77380  
 (281) 947-0430  
 www.landpoint.net  
 TEPPLS REG. NO. 10184172  
 JCB No. 20-2022

**OWNER:**  
 LeFevre Development, Inc.  
 780 Clepper Drive  
 Suite 100  
 Montgomery, Texas 77356  
 (936) 582-1088

GRAPHIC SCALE



RESTRICTED RESERVE "D" WATERSTOPPING SECTION ON LINE OF C&B Z. SHEET 1356, M.C.T. 1356

BRASSAGE EASEMENT C&B Z. SHEET 1356, M.C.T. 1356

D.E. must be full width of the floodway plus 15 on either side. D.E. can be shown as "variable width" D.E.

Show side and back building lines on all sheets

Relevant ordinances and approval dates must be shown on the final plat for all variances

Local access streets must have a minimum right-of-way width of 60 ft. (Sec. 78-91 (g)(1)). Address on all sheets

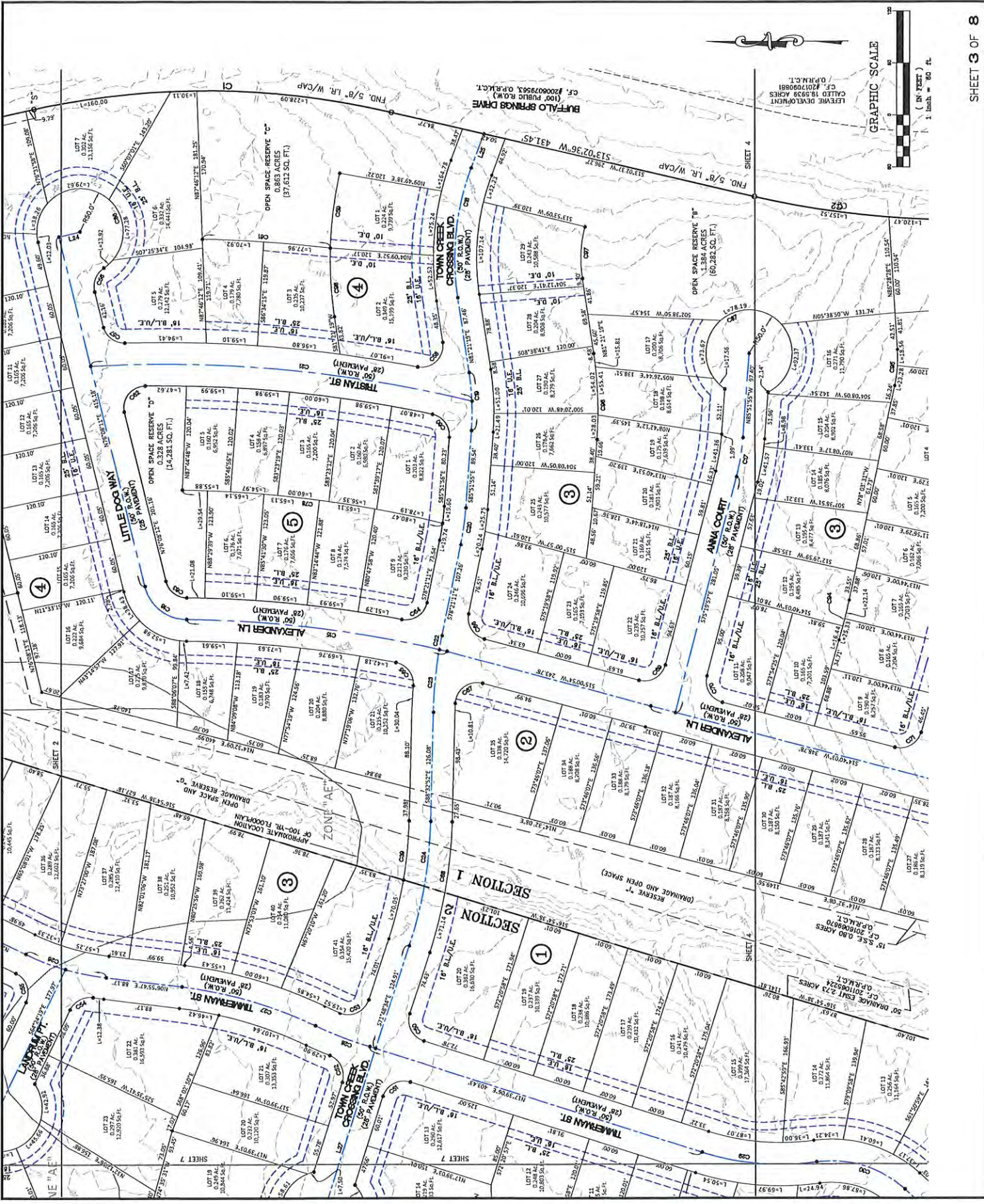
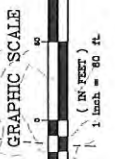
FINAL PLAT BUFFALO CROSSING CAB. Z. SHEET 1642 N.R. M.C.T.

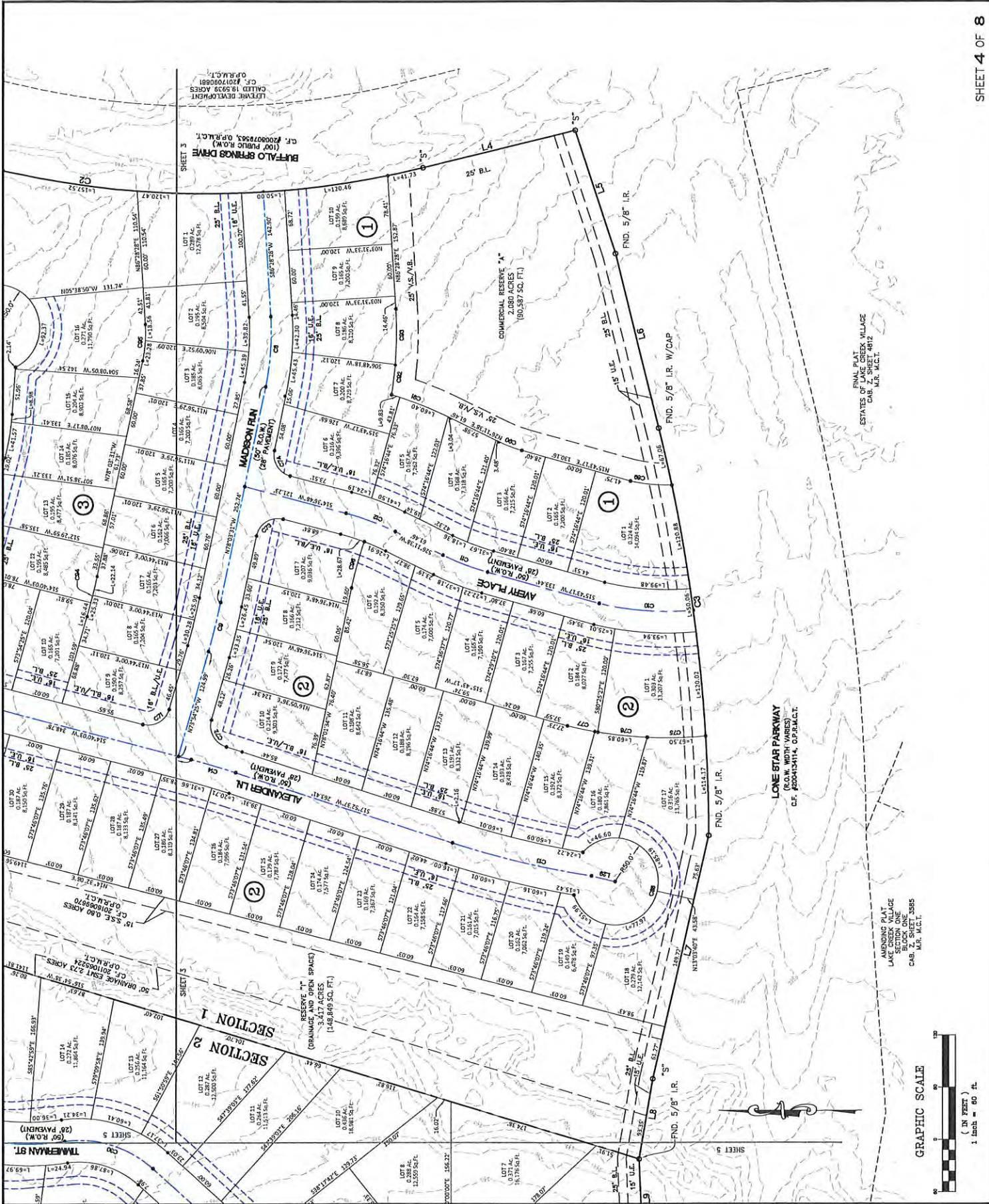
BUFFALO SPRINGS DRIVE (100' PUBLIC R.O.W.) C.F. #2008079563, O.P.R.M.C.T.

SECTION 1

SECTION 2

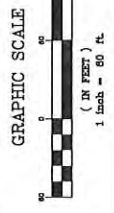
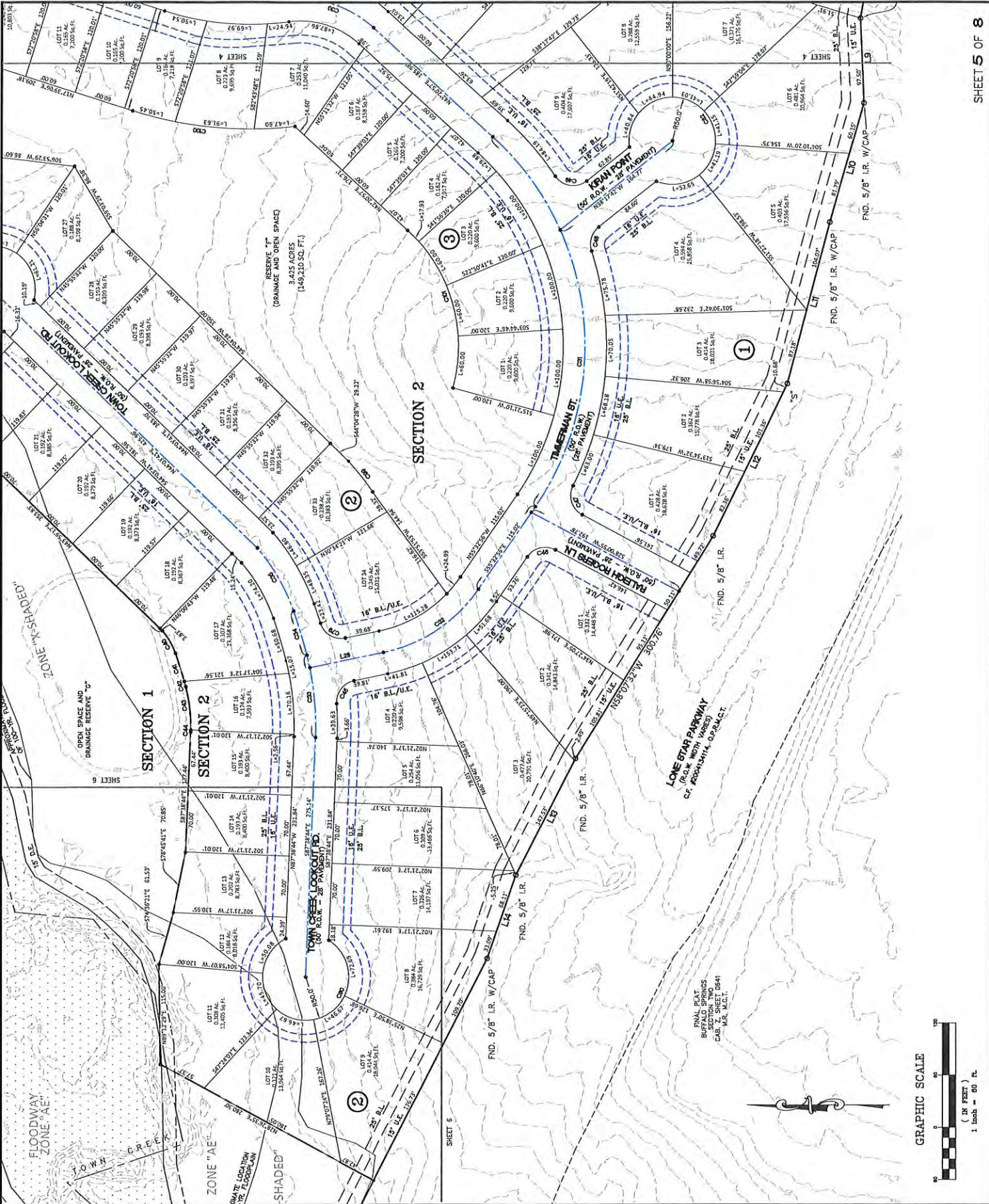
SECTION 1



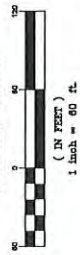


GRAPHIC SCALE

( IN FEET )  
1 inch = 60 ft



GRAPHIC SCALE



LEIFURE DEVELOPMENT, INC.  
RESIDUE OF CALLED 75.032 AC.  
C.F. #200000987  
G.F. #114141.0

PEZ MORGAN  
60% OF 200000987  
C.F. #114141.0

REBUILT BY  
WISSELY CORNER  
BLOCK 1  
CAB 2, SHEET 5009  
M.R. M.C.T.

COMMERCIAL RESERVE "J"  
2.431 ACRES  
(105989 SQ. FT.)

LOVE STAR PARKWAY  
(R.O.W. WITH VARIES)  
C.F. #200001114, G.S.F.A.C.T.

FINAL PLAT  
BUFFALO SPRINGS  
CAB 2, SHEET 5641  
M.R. M.C.T.

COMMERCIAL RESERVE "H"  
9.150 ACRES  
(398,569 SQ. FT.)

OPEN SPACE AND  
DRAINAGE RESERVE "C"

ZONE "X-SHADED"

FLOODWAY  
ZONE "AE"

JOHN CREEK

SECTION 1

SECTION 2

ZONE "AE"

ZONE "X-SHADED"

TOWN CREEK LOOKOUT RD.  
(C.F. #200000987 - 28' PARALLEL)

LOT 11  
0.008 AC.  
31,605 SQ. FT.

LOT 12  
0.008 AC.  
31,605 SQ. FT.

LOT 13  
0.008 AC.  
31,605 SQ. FT.

LOT 14  
0.008 AC.  
31,605 SQ. FT.

LOT 15  
0.008 AC.  
31,605 SQ. FT.

LOT 16  
0.008 AC.  
31,605 SQ. FT.

LOT 17  
0.008 AC.  
31,605 SQ. FT.

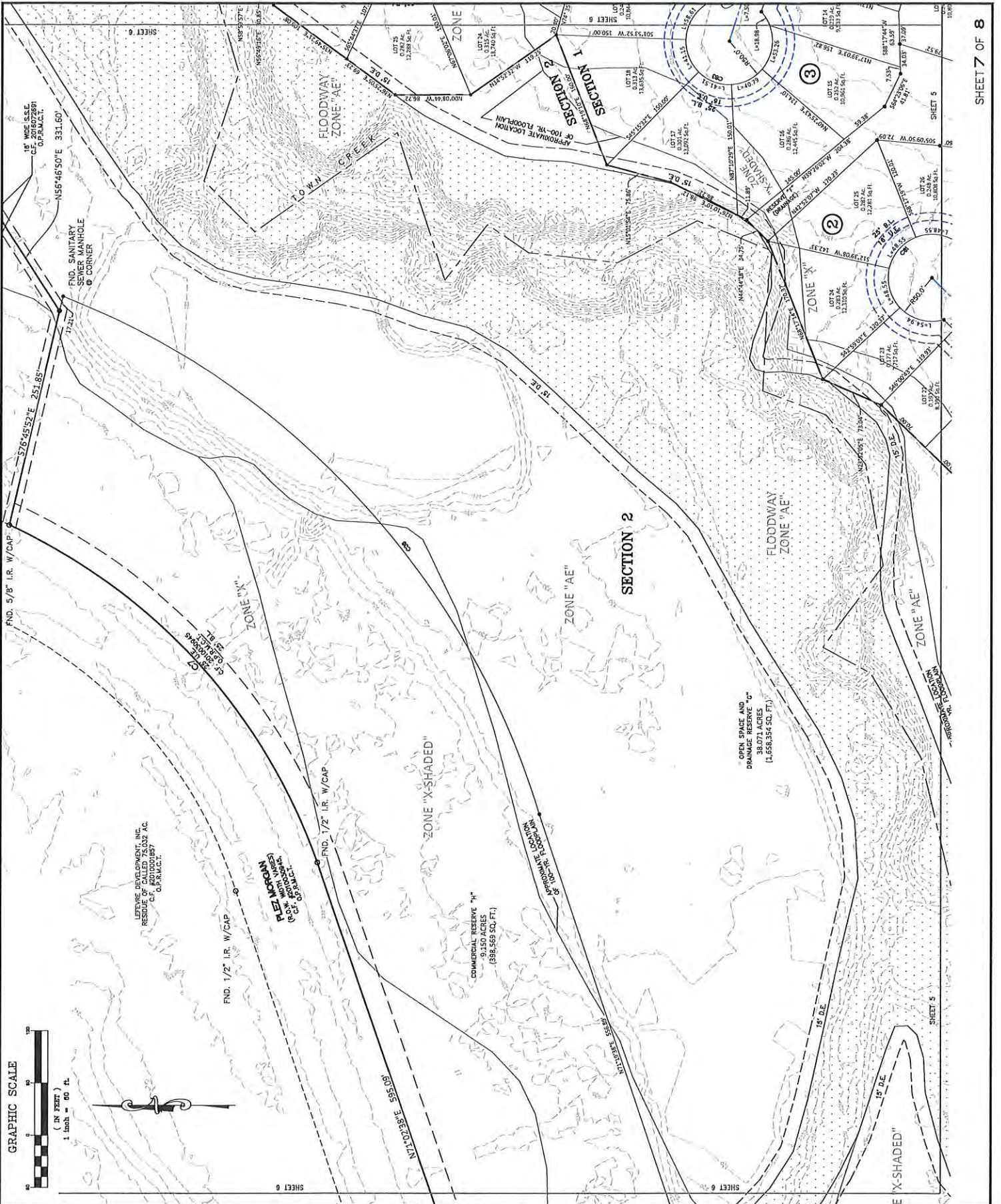
LOT 18  
0.008 AC.  
31,605 SQ. FT.

LOT 19  
0.008 AC.  
31,605 SQ. FT.

SHEET 5

SHEET 6 OF 8





GRAPHIC SCALE



CITY OF MONTGOMERY

That Lefevre Development, Inc. is herein setting off through the undersigned duly authorized representative... and does hereby make subdivision of the land...

Dwner hereby certifies that Dwner has or will comply with all applicable regulations of the city... and that a rough proportionality exists between the dedications, improvements, and easements...

IN TESTIMONY WHEREOF, the undersigned, Lefevre Development, Inc. has caused these presents to be signed...

Lefevre Development, Inc. City of Montgomery, Texas

BY: \_\_\_\_\_

STATE OF TEXAS

CITY OF MONTGOMERY

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_

TO ME, THE PERSON WHOSE DUTY IT IS TO TAKE ACKNOWLEDGMENT OF THE FOREGOING INSTRUMENT...

AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

NOTARY PUBLIC

PRINTED NAME \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

SURVEYOR'S CERTIFICATION

That I, MICHAEL S. PARTRIDGE, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND...

MICHAEL S. PARTRIDGE, R.P.L.S., TEXAS REGISTRATION NO. 8125

CITY OF MONTGOMERY

I, THE UNDERSIGNED, ENGINEER FOR THE CITY OF MONTGOMERY, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY...

BY: THIS KONIAKOVSKY, D.E. CITY ENGINEER - CITY OF MONTGOMERY

THIS PLAT AND SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY PLANNING AND ZONING COMMISSION, AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

CHARPERRON PLANNING AND ZONING COMMISSION

COUNTY CLERK

I, MARK TURNBULL, CLERK OF THE COUNTY COURT OF MONTGOMERY COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR REGISTRATION IN MY OFFICE ON \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020...

BY: MARK TURNBULL, CLERK, COUNTY COURT, MONTGOMERY COUNTY, TEXAS

BY: \_\_\_\_\_ DEPUTY

This plat and subdivision has been submitted to and considered by the city council of the City of Montgomery, Texas, and is hereby approved by such council.

Dated This \_\_\_\_\_ Day of \_\_\_\_\_, 2020.

By: \_\_\_\_\_ Mayor

ATTEST: \_\_\_\_\_

City Secretary

STATE OF TEXAS

That Lefevre Development, Inc. is herein setting off through the undersigned duly authorized representative... and does hereby make subdivision of the land...

Dwner hereby certifies that Dwner has or will comply with all applicable regulations of the city... and that a rough proportionality exists between the dedications, improvements, and easements...

IN TESTIMONY WHEREOF, the undersigned, Lefevre Development, Inc. has caused these presents to be signed...

Lefevre Development, Inc. City of Montgomery, Texas

BY: \_\_\_\_\_

STATE OF TEXAS

CITY OF MONTGOMERY

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_

TO ME, THE PERSON WHOSE DUTY IT IS TO TAKE ACKNOWLEDGMENT OF THE FOREGOING INSTRUMENT...

AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

NOTARY PUBLIC

PRINTED NAME \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

CURVE TABLE

Table with 5 columns: NO., LENGTH, RADIUS, DELTA, CHD. BRG., CHORD. Rows C1 to C17.

LEGEND / ABBREVIATIONS

- FILE NUMBER
FND.
IRON ROD
M.P.
M.C.T.
M.C.R.
D.R.
D.R.
D.R.
U.S.
VEGETATION
VEGETATION
PUBLIC UTILITY EASEMENT
SET 5/8" NON IRON ROD WITH CAP
SET 1/4" NON IRON ROD WITH CAP
PROPERTY MARKER

CURVE TABLE

Table with 5 columns: NO., LENGTH, RADIUS, DELTA, CHD. BRG., CHORD. Rows C18 to C34.

CURVE TABLE

Table with 5 columns: NO., LENGTH, RADIUS, DELTA, CHD. BRG., CHORD. Rows C35 to C51.

CURVE TABLE

Table with 5 columns: NO., BEARING, LENGTH. Rows L1 to L29.

CURVE TABLE

Table with 5 columns: NO., BEARING, LENGTH. Rows L1 to L29.

NOTES

- 1. All corners are set 5/8 inch iron rod w/cop stamped 'Landpoint 1018472' unless otherwise shown or noted.
2. This property is situated in Zones 'X-X-Subsect', 'R' and 'R-1'.
3. Subject to Restrictions recorded under Vol. 73, Pg. 134, Vol. 73, Pg. 153, Vol. 72, Pg. 288, Vol. 80, Pg. 372, Vol. 112, Pg. 392, Vol. 802, Pg. 150, D.E. McC. and C.E.N. 2008-078561, 2008-078562, 2008-087865, 2008-087866, 2016026288, 2016089879 and 2017102888. C.P.546.C.1.
4. Easements may be used as the visual barrier in accordance with City of Montgomery Ordinance.
5. Easements may be used as the visual barrier in accordance with City of Montgomery Ordinance.
6. One-foot reserve, dedicated to the public, in fee on a buffer strip between adjacent lots, and the condition of such dedication being that when the adjacent property is subdivided in a manner which would require the public to use the fee this benefit shall revert to and revert in the holder, and his heirs, assigns or successors.
7. There is hereby reserved a ten foot (10') building setback line along the entire side of each lot, unless otherwise shown.
8. Topography shown herein is based on 2018 LIDAR provided by the Texas Natural Resources Information System.

CURVE TABLE

Table with 5 columns: NO., LENGTH, RADIUS, DELTA, CHD. BRG., CHORD. Rows C1 to C17.

CURVE TABLE

Table with 5 columns: NO., LENGTH, RADIUS, DELTA, CHD. BRG., CHORD. Rows C18 to C34.

CURVE TABLE

Table with 5 columns: NO., BEARING, LENGTH. Rows L1 to L29.

CURVE TABLE

Table with 5 columns: NO., BEARING, LENGTH. Rows L1 to L29.

PRELIMINARY PLAT
TOWN CREEK CROSSING
SECTIONS 1 & 2
A RESIDENTIAL SUBDIVISION OF
125.192 ACRES (5,453,371 SQ. FT.)
OF LAND IN THE
JOHN CORNER SURVEY, A-8
MONTGOMERY COUNTY, TEXAS

8 BLOCKS \* 199 LOTS \* 10 RESERVES
April 2020

OWNER: Lefevre Development, Inc.
880 Clepper Drive
Suite 100
Montgomery, Texas 77156
(936)582-1088

ENGINEER: SURVEYOR: LANDPOINT

ENGINEER: SURVEYOR: LANDPOINT

ENGINEER: SURVEYOR: LANDPOINT

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Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date: May 5, 2020</b>	<b>Budgeted Amount: N/A</b>
<b>Department: Administrative</b>	
<b>Prepared By: Dave McCorquodale</b>	<b>Exhibits: Engineer's memo, preliminary plat with comments, developer's letter</b>

**Subject**

Consideration and possible action regarding a Preliminary Plat for Town Creek Crossing Sections One & Two, as submitted by Lefevre Development Inc., located at the intersection of Lone Star Parkway and Buffalo Springs Drive.

**Description**



This item is the action for the preliminary plat. There are several variances requested for the subdivision that must be approved by City Council:

- Lot size for lots less than 9,000 sqft (lots range between 7,000 and 10,000 sqft)
- Lot dimensions for less than 75-foot street frontage (minimum 60-foot lot widths)
- Right-of-Way widths: some streets would require a 60-foot ROW instead of the proposed 50-foot width (50-foot ROW's are allowed under the current ordinance)

**Recommendation**

Consider the Preliminary Plat and either conditionally approve subject to variances being granted by City Council and engineer's comments being addressed or deny the plat. If conditional approval is granted, include the requirement of resubmittal of the preliminary plat will be necessary if variances are not approved.

**Approved By**

Director of Planning & Development	Dave McCorquodale 	Date: 04/30/2020
City Administrator	Richard Tramm 	Date: 04/30/2020



1575 Sawdust Road, Suite 400  
The Woodlands, Texas 77380  
Tel: 281.363.4039  
Fax: 281.363.3459  
[www.jonescarter.com](http://www.jonescarter.com)

April 29, 2020

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

Re: Submission of Preliminary Plat  
Town Creek Crossing Sec. 1 & 2 (Dev. No. 2006)  
City of Montgomery

Dear Commission:

We reviewed the preliminary plat submission for the referenced development on behalf of the City of Montgomery (the "City"). Our review was based on the 2004 edition of the City's Code of Ordinances, Chapter 78, Section 61; and any other applicable chapters.

We offer no objection to the preliminary plat once all outstanding comments, as shown on the attached redlined plat, are addressed. We recommend the Commission approve the preliminary plat, subject to approval of the requested variances and addressing the attached comments. If the requested variances are not approved, the Developer should resubmit the preliminary plat for reconsideration due to the impact that the variances have on lot sizes.

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

Sincerely,

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

Chris Roznovsky, PE  
Engineer for the City

CVR/ab

K:\W5841\W5841-0900-00 General Consultation\Plan Reviews\Plan Review Letters\Town Creek Crossing\PRELIMINARY PLAT APPROVAL Town Creek Crossing Sec. 1 & 2 042920.doc

Enclosures: Redlined Preliminary Plat

Cc (via email): The Honorable Mayor and City Council – City of Montgomery  
Mr. Richard Tramm – City of Montgomery, City Administrator  
Ms. Susan Hensley – City of Montgomery, City Secretary  
Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development  
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney

April 15, 2020

City of Montgomery  
C/o Dave McCorquodale  
101 Old Plantersville Road  
Montgomery, TX 77316

RE: Variance request for Town Creek Crossing regarding requirements for minimum lot area and lot width

Mr. McCorquodale,

According to Sections 78-88 and 98-122 of the City of Montgomery Code of Ordinances, the general provisions of Chapter 98 will apply for any development within the City limits and requires a lot area of 9,000 square feet. The proposed development will consist of approximately 203 single-family residential lots ranging from 7,000 SF to over 10,000 SF. According to Section 78-99 of the City of Montgomery Code of Ordinances dated 2002, proposing compensating open space to account for any deficit areas under the 9,000 square foot minimum is required and can be approved by the Planning Commission and City Council. With this, a variance may not be required, but we feel it is warranted for the following reason:

- Based on the submitted plat, the deficit area of lots less than 9,000 SF comes to 2.8 acres. Within the development, we are proposing 67 acres of open space and drainage reserves to remain undeveloped or landscaped for recreational use by the residents. These reserves will serve as amenities with walking trails, dog parks, and recreational facilities. The proposed compensating open space exceeds the required according to this ordinance.

According to Sections 78-88 and 98-122 of the City of Montgomery Code of Ordinances, there is a minimum lot width of 75 feet. The proposed development incorporates lots with a minimum width of 60 feet. We feel the variance request is warranted as it is intended to compliment the Lake Creek Village development across Lone Star Parkway, but with additional amenities. Town Creek Crossing will be a more premium development as it will have 67 acres of open space, parks and recreational facilities. These amenities can include walking trails, golf cart paths, dog parks, pickleball courts, pavilions, common areas, etc.

It is for the above-mentioned reasons that we feel the variance requests should be considered and approved. Please feel free to contact me at 936-647-0420 if you have any questions or concerns.

Thank you,

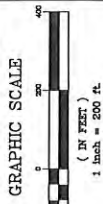


Jonathan White, PE  
L Squared Engineering  
Senior Project Manager, Partner  
936-647-0420  
Jwhite@L2engineering.com

Attachments: Variance Applications, Preliminary Plat



VICINITY MAP  
(NOT TO SCALE)



**PRELIMINARY PLAT  
TOWN CREEK CROSSING  
SECTIONS 1 & 2**

A RESIDENTIAL SUBDIVISION OF  
125.192 ACRES (5,453,371 SQ. FT.)  
OF LAND IN THE

JOHN CORNER SURVEY, A-8  
MONTGOMERY COUNTY, TEXAS

**8 BLOCKS \* 199 LOTS \* 10 RESERVES**  
April 2020

**ENGINEER:**



I SQUARED ENGINEERING  
3807 WOODLAND PK W, SUITE 100  
CONROE, TX 77385  
(281) 347-0420  
www.i2engr.com

**SURVEYOR:**

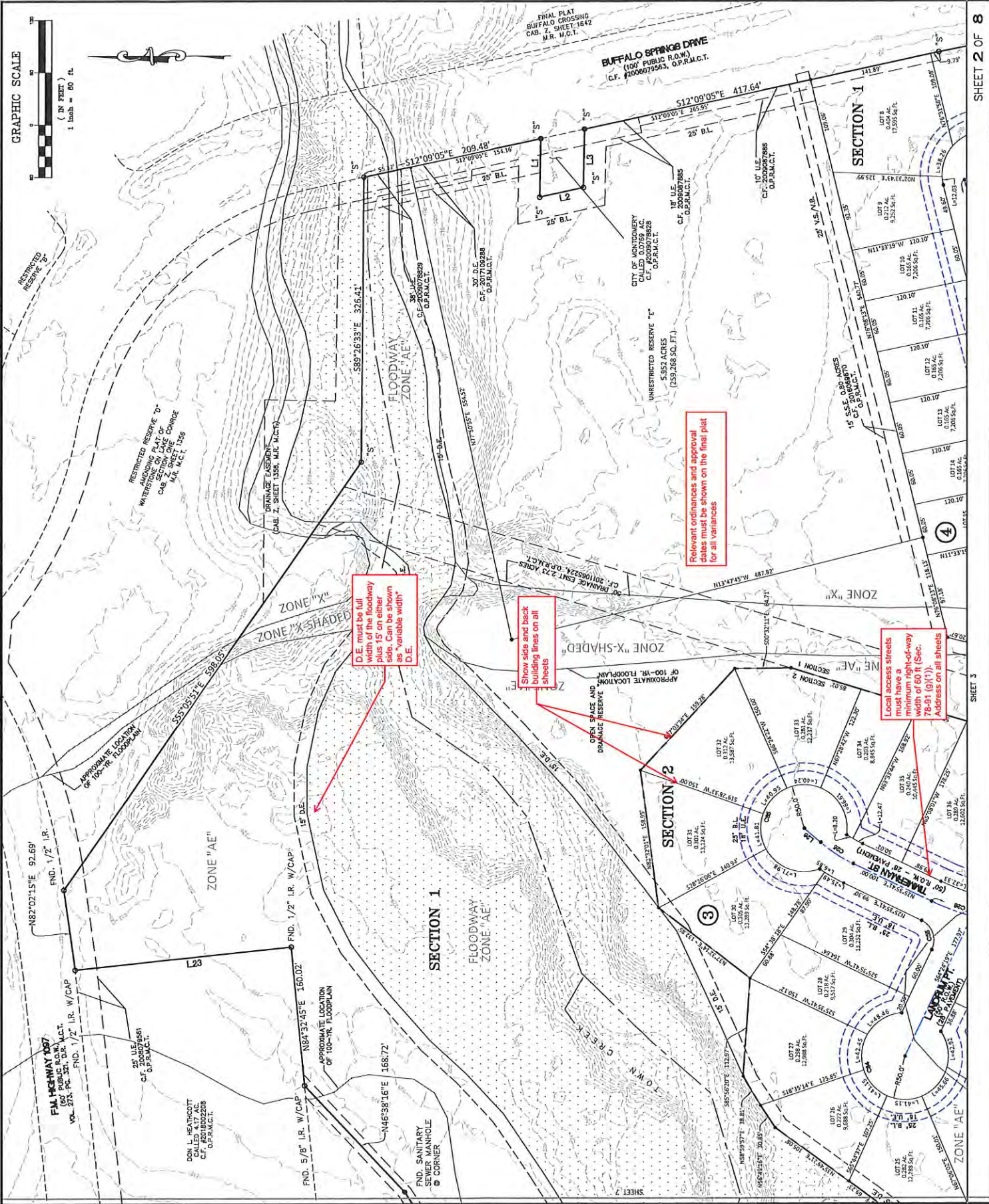


655 SANDUST ROAD, STE. 200  
THE WOODLANDS, TX 77380  
(281) 347-0420  
www.landpoint.net

**OWNER:**

Lefevre Development, Inc.  
780 Clipper Drive  
Suite 100  
Montgomery, Texas 77356  
(936) 582-1088

GRAPHIC SCALE



FINAL PLAT  
BUFFALO CROSSING  
CAB. Z. SHEET 1642  
M.R. M.C.T.

BUFFALO SPRINGS DRIVE  
(100' PUBLIC R.O.W.)  
C.F. #2008679563, O.P.R.M.C.T.

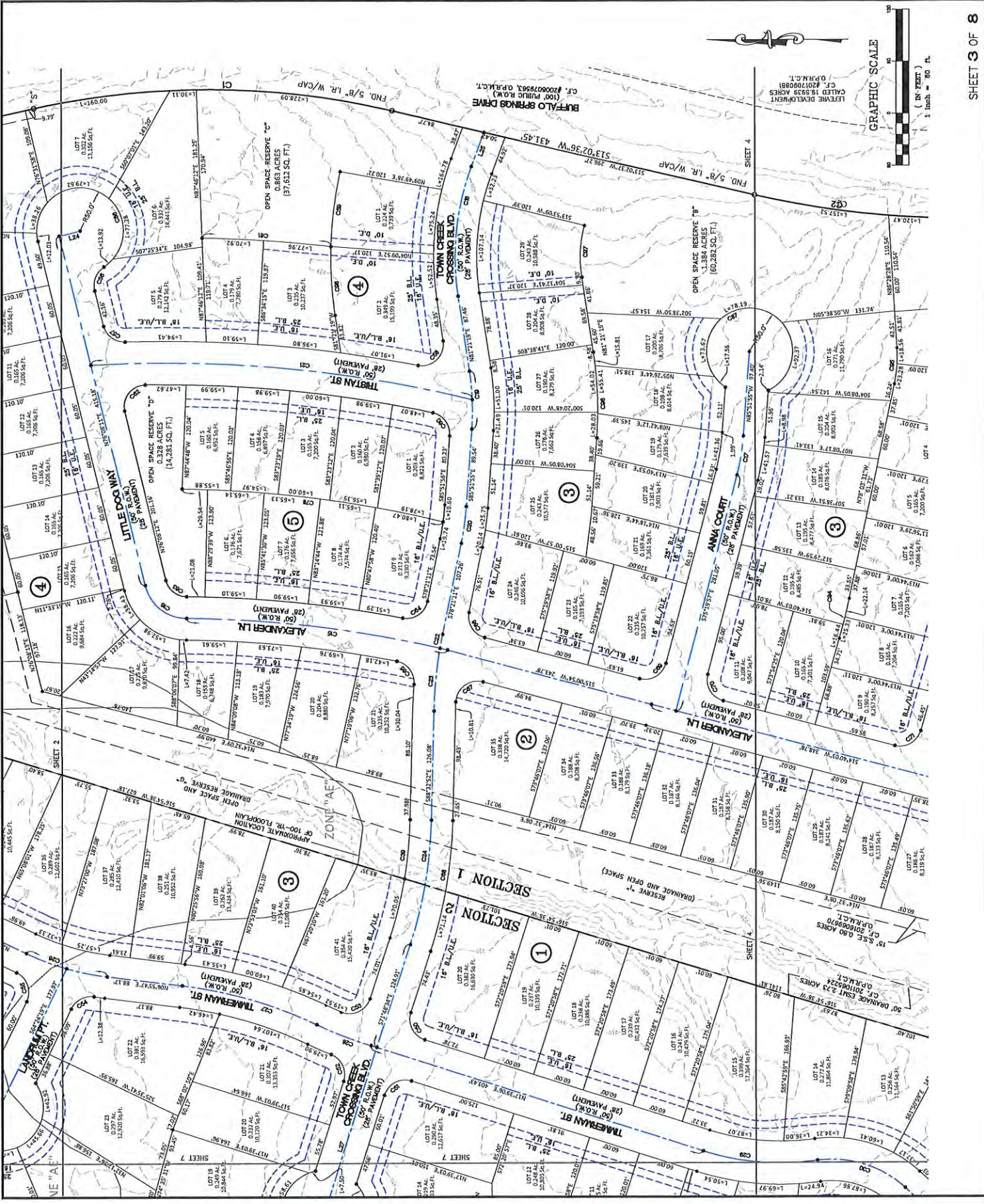
SECTION 1

Relevant ordinances and approval  
dates must be shown on the final plat  
for all variances

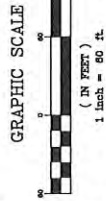
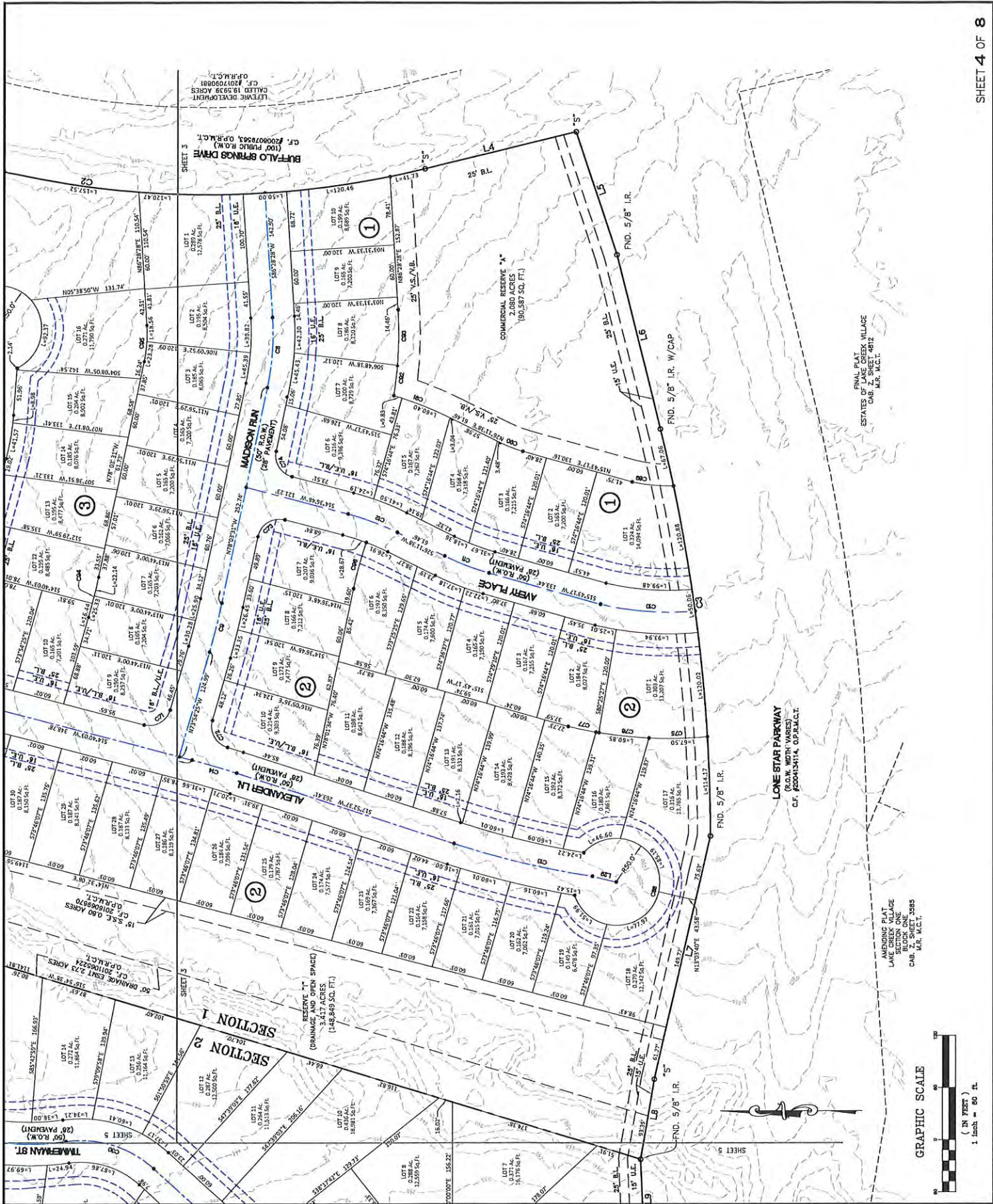
D.E. must be full  
width of the floodway  
plus 15' on either  
side. Can be shown  
variable width  
D.E.

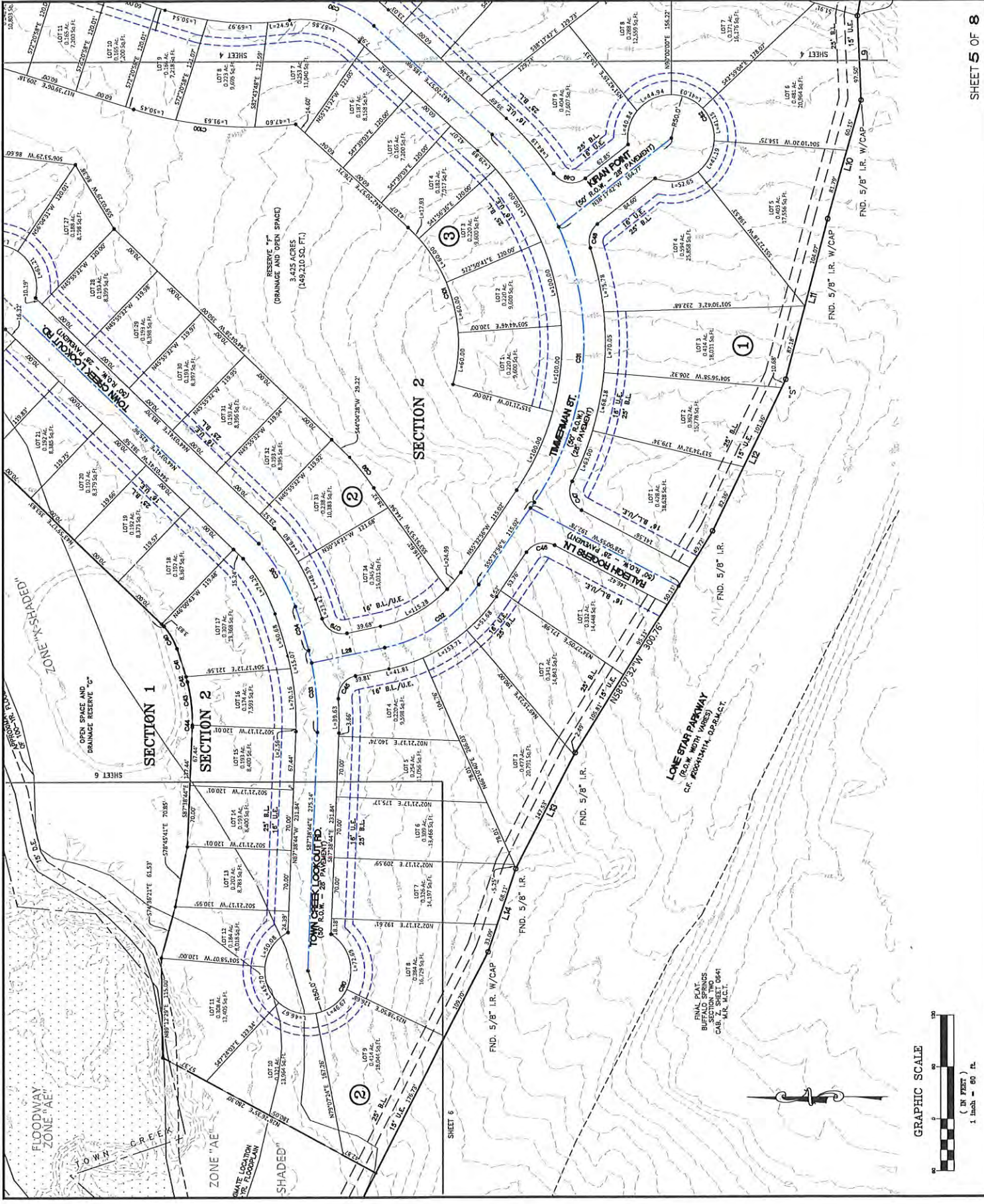
Show side and back  
building lines on all  
sheets

Local access streets  
must have a  
minimum right-of-way  
width of 60 ft (Sec.  
78-91 (g)(1)).  
Address on all sheets

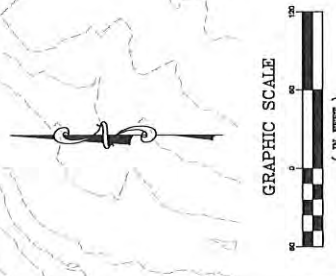


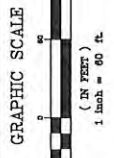
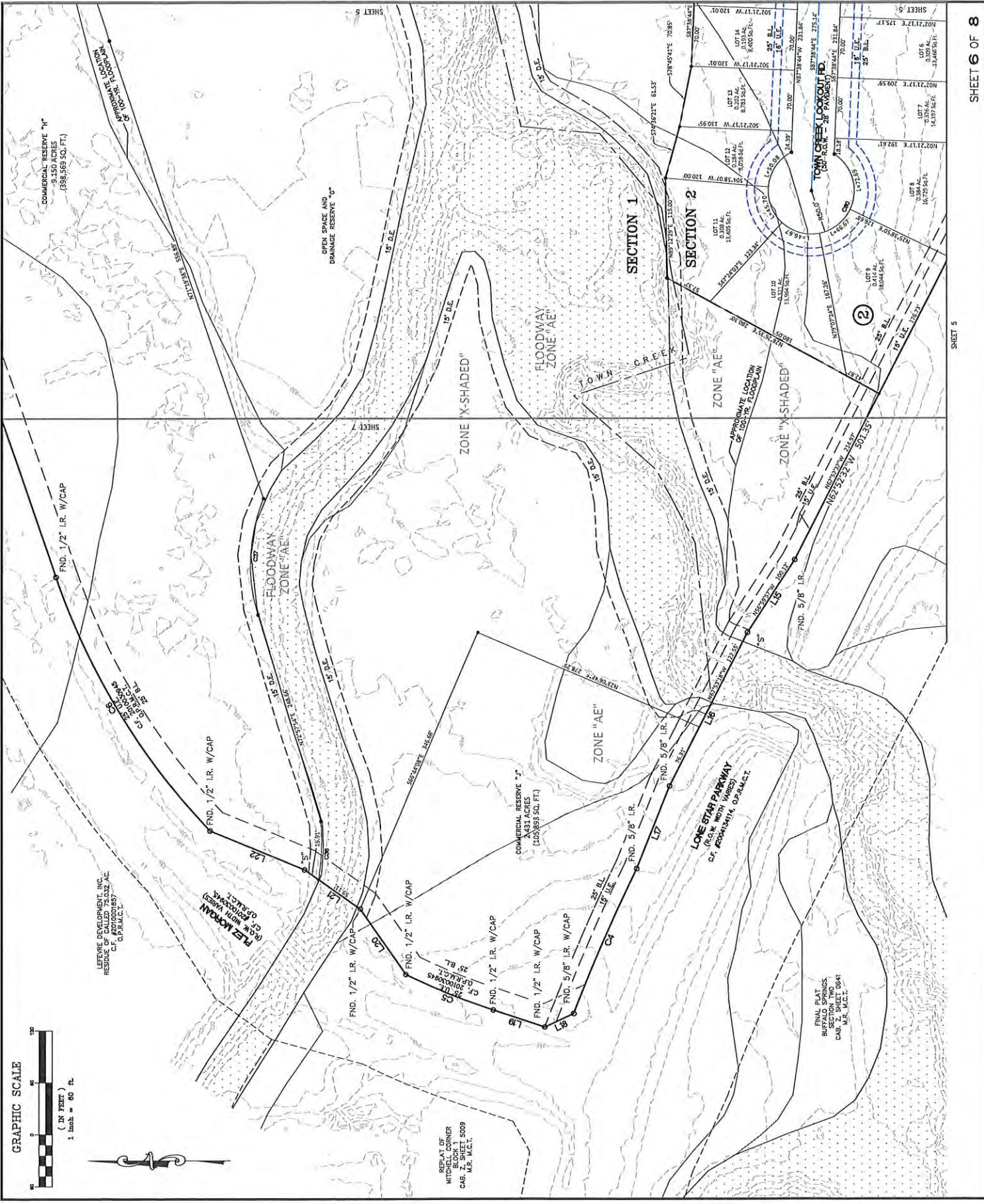






FINAL PLAT  
 SUBDIVISION  
 SECTION TWO  
 CAB. 7, SHEET 0641  
 M.B. 18111





NEED A CORNER  
 WITHIN THIS BLOCK  
 CALL SHEET 5009  
 M.P. M.C.T.

LEVIWE DEVELOPMENT, INC.  
 RESIDUE OF CALLED 75.032 AC.  
 C.F. 2070001057  
 GRANITE

BEZ MORGAN  
 (Gen. With 1000000  
 OF 01000000)

COMMERCIAL RESERVE "J"  
 2.481 ACRES  
 (103,899 SQ. FT.)

LOVE STAR PARKWAY  
 (R.O.W. WITH 14' SIDES)  
 C.F. 20700114, 02010011

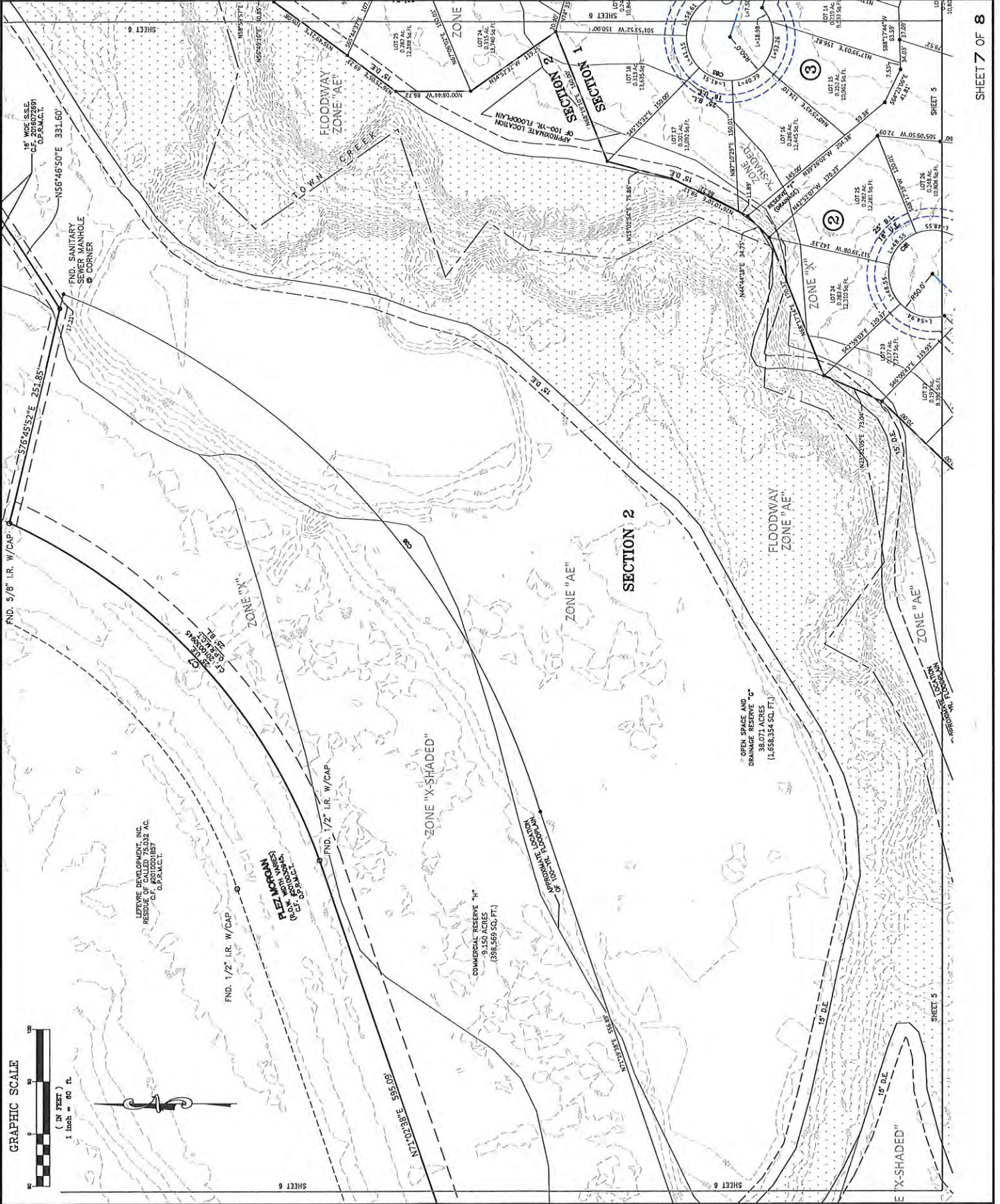
FINAL PLAT  
 BUFFALO SPRINGS  
 C.F. 20700114, 02010011  
 CAB. 2, SHEET 0841  
 M.P. M.C.T.

COMMERCIAL RESERVE "H"  
 9.150 ACRES  
 (398,569 SQ. FT.)

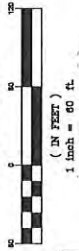
APPROXIMATE LOCATION  
 OF FLOODWAY

OPEN SPACE AND  
 DRAINAGE RESERVE "C"

(2)



GRAPHIC SCALE



(IN FEET)  
1 inch = 60 ft.

LIEVRE DEVELOPMENT, INC.  
RESIDUE OF CALLED 75.022 AC.  
O.P.R.M.C.T.

FND. 1/2" I.R. W/CAP

REZ MCGRAW  
(OWN. WITH SUBDIVISION)  
O.P.R.M.C.T.

FND. 1/2" I.R. W/CAP

ZONE "X-SHADED"

COMMERCIAL RESERVE "H"  
(OWN. WITH SUBDIVISION)  
(388,569 SQ. FT.)

FND. 1/2" I.R. W/CAP

OPEN SPACE AND  
DRAGAGE RESERVE "G"  
(1,658,354 SQ. FT.)

FLOODWAY  
ZONE "AE"

SECTION 2

FLOODWAY  
ZONE "AE"

FLOODWAY  
ZONE "AE"

ZONE "X-SHADED"

SHEET 6

SHEET 6

SHEET 5

SHEET 5

SHEET 5

SHEET 5

SHEET 5

SHEET 5

