

ORDINANCE NO. 2024 - \_\_\_\_\_

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE ZONING CLASSIFICATIONS AS DEFINED IN THE CITY CODE OF ORDINANCES CHAPTER 98, "ZONING," FOR A 15.46-ACRE TRACT SITUATED IN THE B. RIGSBY SURVEY, ABSTRACT NUMBER 31, MONTGOMERY COUNTY, TEXAS LOCATED AT THE NORTHWEST CORNER OF LONE STAR PARKWAY AND LIBERTY STREET, MONTGOMERY, TEXAS FROM "ID"- INDUSTRIAL, AS FOUND ON THE CITY'S OFFICIAL ZONING MAP, TO 7.77-ACRES OF "B" COMMERCIAL AND 7.69-ACRES OF "R2" MULTI-FAMILY RESIDENTIAL ZONING DISTRICT CLASSIFICATIONS; AND TO AMEND THE OFFICIAL ZONING MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.**

**WHEREAS**, the City Council has passed the City of Montgomery Zoning Ordinance providing certain rules and regulations concerning zoning within the City of Montgomery, as found in the Code of Ordinances ("CODE") at Chapter 98; and

**WHEREAS**, the Property described in attached Exhibit "A," (the "Property") is currently zoned "ID" (Industrial) on the City's Official Zoning Map; and

**WHEREAS**, the Owner, SPT Properties, has requested that the City Council rezone the Property as 7.77-acres of "B" Commercial and 7.69-acres of "R2" Multi-Family Residential Zoning Districts as shown on attached Exhibit "B" as authorized by Section 98-30 of the CODE; and

**WHEREAS**, the Planning and Zoning Commission conducted a public hearing on the proposed zoning reclassification of the Property on October 1, 2024; and

**WHEREAS**, pursuant to Section 98-30(c) of the CODE, the City Planning and Zoning Commission has submitted a Final Report to the City Council in which it has voted to recommend approval of the rezoning request as submitted; and

**WHEREAS**, a public hearing was also conducted on October 8, 2024 before the City Council, as authorized by Section 98-30(d) of the CODE, in order to consider the Final Report and the proposed amendment of the zoning classification of the Property to; and

**WHEREAS**, the City Council finds that all notifications and other procedures required by Section 98-30 of the CODE have been followed; and

**WHEREAS**, the City Council has determined that it is not contrary to the interests of the citizens of the City that the Property should be reclassified as 7.77-acres of "B" Commercial and 7.69-acres of "R2" Multi-Family Residential Zoning Districts as shown on Exhibit "B".

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

**Section 1. Adoption of Recitals.** The recitals in the preamble to this Ordinance are hereby adopted as the findings and conclusions of the City Council.

**Section 2. Amendment to the City Zoning Map.** Pursuant to Section 98-30 of the Code of Ordinances, City of Montgomery, Texas, the Official Zoning Map of the City of Montgomery is hereby amended so that the zoning classification of the Property as described in the attached Exhibit "A" and Exhibit "B", is reclassified as "B" Commercial and "R2" Multi-Family Residential.

**Section 3. Codification of this Ordinance.** Wherever any provision of this Ordinance provides for the amendment of the Code of Ordinances, City of Montgomery, Texas, such provision shall be liberally construed to provide for the codification of the specified provision and for such other provisions of the Ordinance that the codifier in its discretion deems appropriate to codify. The codifier may change the designation or numbering of chapters, articles, divisions or sections as herein specified in order to provide for logical ordering of similar or related topics and to avoid the duplicative use of chapter, article or section numbers. Neither the codification nor any application of the codified Ordinance shall be deemed invalid on the basis of a variance in the number or section of this Ordinance and its codified provisions. The failure to codify the specified provisions of this Ordinance shall not affect their validity or enforcement.

**Section 4. Repeals all Ordinance in Conflict with this Ordinance.** Any and all provisions of ordinances in conflict with this Ordinance are hereby expressly repealed.

**Section 5. Savings Clause.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portion of this Ordinance shall not be affected hereby, it being the intention of the City Council of the City of Montgomery in adopting and of the Mayor in approving this Ordinance, that no portion hereof or provisions or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

**Section 6. Effective Date.** The effective date of this Ordinance shall be upon its passage and publication.

PASSED AND APPROVED this 8th day of October, 2024.

CITY OF MONTGOMERY, TEXAS

\_\_\_\_\_  
Sara Countryman, Mayor

ATTEST:

\_\_\_\_\_  
Diana Titus, Deputy City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Alan P. Petrov, City Attorney

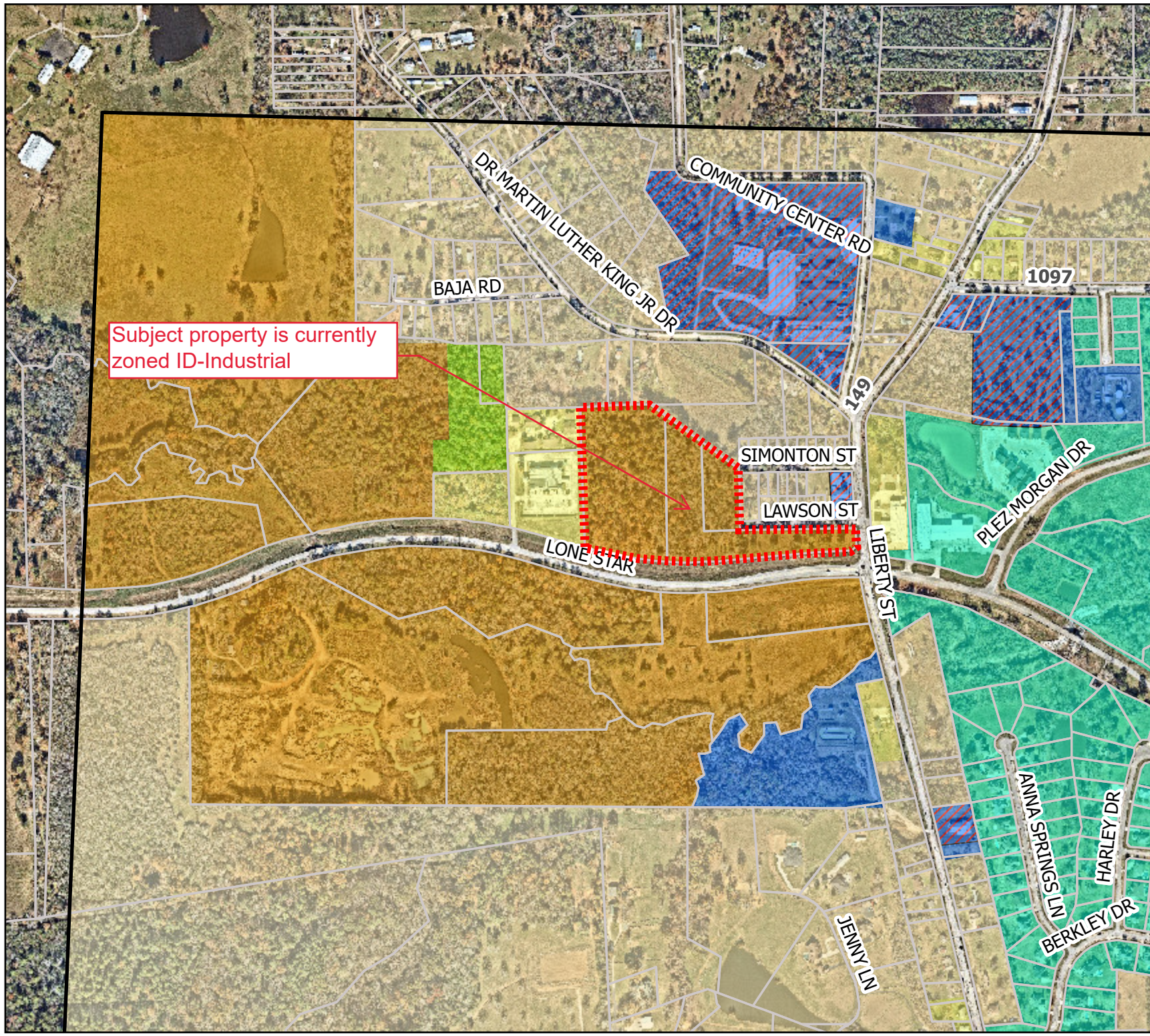
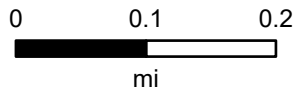


Exhibit "A"

Subject property is currently zoned ID-Industrial



Superior Properties  
Current Zoning



Disclaimer: This product is offered for graphical purposes only and may not be suitable for legal, engineering, or surveying purposes. The information shown on this exhibit represents the approximate location of property, municipal boundaries or facilities.



Exhibit "A"

15.46 Acres  
B. Rigsby Survey, A-31  
Montgomery County, Texas

**15.46 ACRES OF LAND  
OUT OF  
B. RISBY SURVEY, ABSTRACT NO. 31  
MONTGOMERY COUNTY, TEXAS**

Being all of a called 8.00-acre tract conveyed to SPT Montgomery, LLC by deed recorded under Montgomery County Clerk's File No. 2023026603 and all of a called 7.46-acre tract conveyed to SPT Montgomery, LLC by deed recorded under Montgomery County Clerk's File No. 2023029736, for a total of 15.46 acres of land located in the B. Rigsby Survey, Abstract No. 31, Montgomery County, Texas. Said 15.46-acre tract being more fully described by metes and bounds as follows:

All Bearing referenced herein are based on NAD. 83, Texas Central Zone.

**BEGINNING** at a 5/8" iron rod marking the southwest corner of the said 8.00-acre tract, same marking the southeast corner of Restricted Reserve "A" in Lonestar Parkway Community Center plat as recorded in Cabinet Z, Sheet 1570, Montgomery County Plat Records, also being along the northerly right-of-way line of Lonestar Parkway (width varies), same being the southwest corner of the herein described tract;

**THENCE** North 03°32'06" West, along the common line of said 8.00-acre tract and said Reserve "A", passing at 508.91 feet a 5/8" iron rod marking the northeast corner of said Restricted Reserve "A", same marking the southeast corner of Restricted Reserve "B" in said Lonestar Parkway Community Center plat, and continuing along the common line of said 8.00-acre tract and said Restricted Reserve "B", a total distance of 732.92 feet to a 5/8" iron rod marking the northeast corner of said Restricted Reserve "B", same being on the southerly line of a called 4.00-acre tract as recorded under Montgomery County Clerk's Volume 1090, Page 136, and being the northwest corner of the herein described tract;

**THENCE** North 85°57'35" East, along the common line of said 8.00-acre tract and said 4.00-acre tract, a distance 365.18 feet to a fence corner marking the southeast corner of said 4.00-acre tract, same marking the southwest corner of a called 4.806-acre tract recorded under Montgomery County Clerk's File No. 20011081468, same marking the northwest corner of a called 2.600-acre tract of land as recorded in Montgomery County Clerk's File No. 9344195, and being a corner angle point of the herein described tract;

**THENCE** South 55°46'25" East, along the common line of said 8.00-acre tract and said 2.600-acre tract for a distance of 100.68 feet to a 5/8" iron rod marking the northeasterly corner of said 8.00-acre, continuing along the common line of said 7.46-acre tract and said 2.600-acre tract, a total distance of 316.87 feet to a 1/2" iron rod marking an angle point of the herein described tract;

**THENCE** South 55°41'15" East, continuing along the common line of said 7.46-acre tract and said 2.600-acre tract, a distance of 270.75 feet to a fence corner marking the southwest corner of said 2.600-acre tract, also being on the west line of Mt. Pleasant Heights plat as recorder in Volume 5, Page 267, Montgomery County Map Records, and being an angle point of the herein described tract;

**THENCE** South 03°24'36" East along the common line of said 7.46-acre tract and said Mt. Pleasant Heights plat, for a distance of 304.57 feet to a 5/8" iron rod, being an interior corner of the herein described tract, same being on the southerly right-of-way of Lawson Street (called 50' width);

Exhibit "A"

15.46 Acres  
B. Rigsby Survey, A-31  
Montgomery County, Texas

**THENCE** North 86°35'20" East, along the common line of said 7.46-acre tract and south right-of-way line of said Lawson Street, a distance of 605.78 feet to a 5/8" iron rod for the southeast corner Lawson Street, also being on the west right-of-way line of Farm to Market Road (FM) 149, and being the most southern northeast corner of the herein described tract;

**THENCE** South 04°04'19" East, along the common line of said 7.46-acre tract and the west line of said FM 149 for a distance of 99.50 feet to a 5/8" iron rod marking a right-of-way cutback of said FM 149, and being the northern most southeast corner of the herein described tract;

**THENCE** South 41°35'13" West, along the common line of said 7.46-acre tract and said right-of-way cutback of FM 149 and Lonestar Parkway, a distance of 50.19 feet to a 5/8" iron rod marking the southern southeast corner of the herein described tract, same being on the north right-of-way of said Lonestar Parkway;

**THENCE** South 85°46'55" West, along the common line of said 7.46-acre tract and the south right-of-way of said Lonestar Parkway, a distance of 192.94 feet to a 5/8" iron rod;

**THENCE** South 83°12'25" West, continuing along the common line of said 7.46-acre tract and north right-of-way of said Lonestar Parkway, a distance of 484.44 feet to a 5/8" iron rod, and being the beginning of a curve to the right;

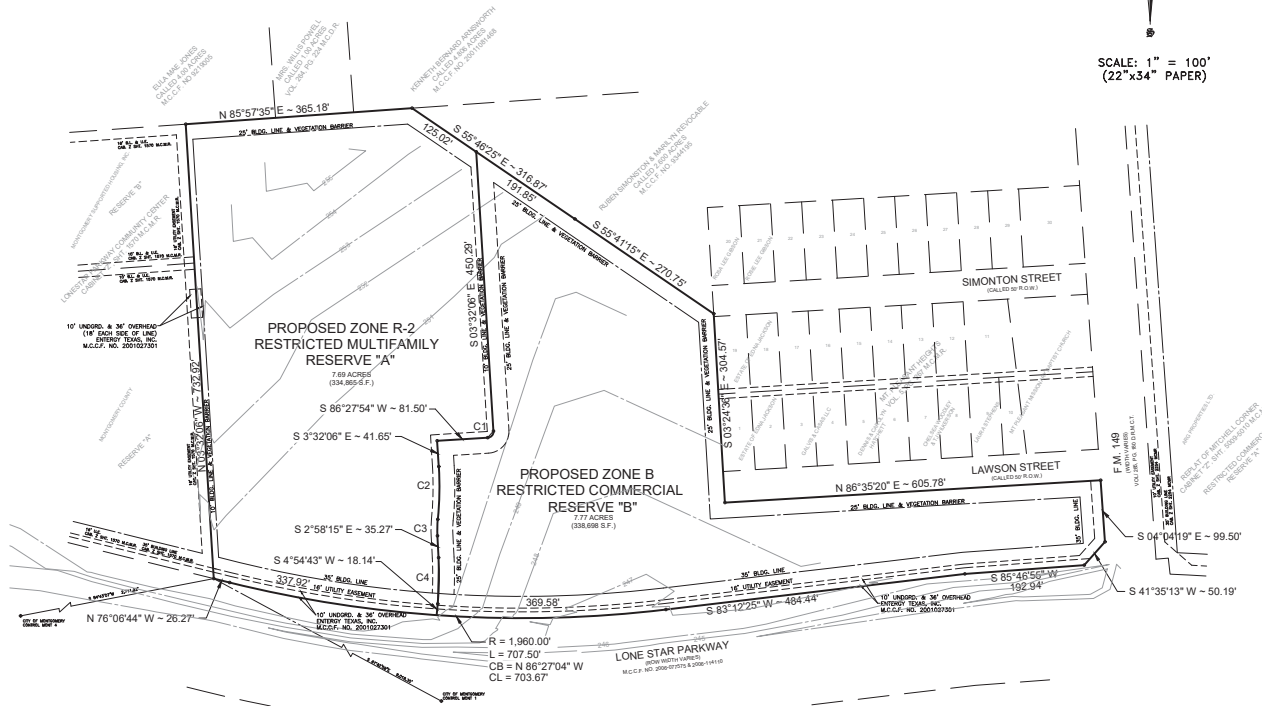
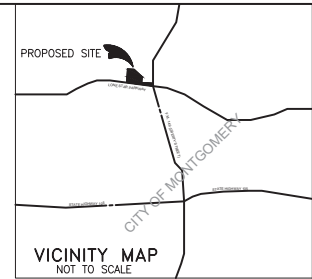
**THENCE** along said curve to the right, being the common line of said 7.46-acre tract (passing into said 8.00-acre tract at a chord length of 369.58') and the north right-of-way of said Lonestar Parkway, having a radius of 1,960.00 feet, an arc length of 707.50 feet, chord bearing of North 86°27'04" West, and chord distance of 703.67 feet;

**THENCE** North 76°06'44" West, continuing along the common line of said 8.00-acre tract and the north right-of-way of said Lonestar Parkway, a distance of 26.27 feet to the **POINT OF BEGINNING** and containing within these calls 15.46 acres of land.

Prepared by:  
J.A. COSTANZA & ASSOCIATES ENGINEERING, INC.  
4301 Center Street  
Deer Park, Texas 77536  
(281) 930-9339  
TxBPELS Surveying Firm No. 10114300

June 5, 2023





CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
C1	10.00'	15.71'	S 47°27'54" W	14.14'	90°00'00"
C2	529.37'	85.05'	S 1°05'08" W	84.98'	9°11'44"
C3	189.50'	26.28'	S 1°02'49" W	26.28'	8°52'09"
C4	509.87'	74.41'	S 1°02'49" W	74.34'	8°52'14"

**ZONING NOTES:**

1. Existing Zoning Type:
  - A. Industrial (D) - 15.46 Acres - Undeveloped Condition
2. Requested Zoning Types:
  - A. Multi-Family (R-2) - 7.69 Acres - Planned Single-Family Duplex Units
  - B. Commercial (B) - 7.77 Acres - Planned Development Type:
    - a. Office/Retail and Office/Warehouse
    - b. Self Storage Units

**GENERAL NOTES:**

1. Coordinates shown hereon are Texas Central Zone State Plane Coordinates (NAD 83) and may be brought to surface by applying combined scale factor of 0.999922.
2. Distances shown on curves are arc lengths.
3. All set corners are 5/8 inch iron rods with caps; existing found corners are identified on map.
4. Flood Statement: This site is located in unshaded Zone "X" or areas to be outside the 100-year and 500-year floodplain, according to FEMA Flood Insurance Rate Map (FIRM) No. 48339D0200G dated August 18, 2014. This statement is based on scaling and is based on FEMA FIRM that does not necessarily identify all areas subject to flooding under specific conditions and does not imply that the property and/or structures therein will be free from flooding.



OWNER/DEVELOPER:  
 SPT MONTGOMERY, LLC  
 26111 UPPER BEACON PLACE  
 MONTGOMERY, TEXAS 77316  
 PHONE (936) 647-0420

EXHIBIT OF  
 REQUEST FOR ZONING CHANGE  
 SUPERIOR PROPERTIES AT LONE STAR  
 BEING 15.46 ACRES OUT OF THE  
 B. RIGSBY SURVEY, ABSTRACT NO. 31,  
 MONTGOMERY COUNTY, TEXAS  
 2 RESERVES