



May 28, 2021

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

Re: Variance Request
Town Creek Crossing Section 1
City of Montgomery

Dear Commission:

As you are aware, Philip LeFevre and Hilliary Dumas (“the Developer”) are proceeding with construction of Town Creek Crossing, Section 1 at the northwest corner of Lone Star Parkway and Buffalo Springs Drive. The Developer is requesting the following variance from the City’s 2004 Code of Ordinances:

- Section 78-162: The 2004 Code of Ordinances requires a vegetative setback of 25’ in width to be maintained where commercial, multifamily, industrial, church, public building or school properties abut a single-family residential property. The Developer is stating the ordinance does not specifically require the setback to be located on the non-single-family residential property, but it is typically not placed on the residential property. The Developer is requesting a variance to allow the 25’ wide vegetative setback to be placed on the residential lot in lieu of the adjacent commercial reserve.

Enclosed you will find the request for variance as submitted by the engineer for the development. We offer no objections to the Developer’s request on the basis of the significant elevation difference between the commercial reserve and adjacent single family residential properties, and the lot size adjustment that is proposed to account for adjusting the location of the vegetative buffer. This adjustment will allow the privacy fence to be placed at the higher elevation to provide more of a visual barrier than if placed at the bottom of the slope.

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

If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Chris Roznovsky". The signature is fluid and cursive, written in a professional style.

Chris Roznovsky, PE
Engineer for the City

CVR/kmv

C:\Users\kvu\Documents\MEMO to P&Z RE Town Creek Crossing Variance Request 20210527.docx

Enclosures: Variance Request

Cc (via email): 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

May 25, 2021

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

RE: Variance request for Town Creek Crossing regarding Vegetative Setbacks and Barriers

Mr. McCorquodale,

According to Section 78-162 of the 2002 City of Montgomery Code of Ordinances, a vegetative setback of 25' in width is required to be maintained at all times where commercial, multifamily, industrial, church, public building or school properties abut any single-family residential property. The ordinance is not specific to require the setback be located on the commercial lot, it simply states there a 25' setback is required; however, the 25' setback is typically situated on the commercial or multifamily property. We request that the 25' setback be situated on the residential lot in lieu of the commercial reserve.

There will still be a 25' buffer between Commercial Reserve D and the residential lots behind it, the setback will just be fixed on the residential lot. A fence will be placed on the common boundary line (approximately 7' higher in grade than the finished floor of the homes) and there will be a 3:1 side slope for transitional grading within the 25' vegetative setback on the residential lots. The residential lot depths were also increased in size by 25' to accommodate this setback.

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 Application, 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): 78-162

Ordinance wording as stated in Section (78-162):
Required vegetative barrier or setbacks

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

See request letter

Signatures

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

Signature: William Amas Date: 5/25/21

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.

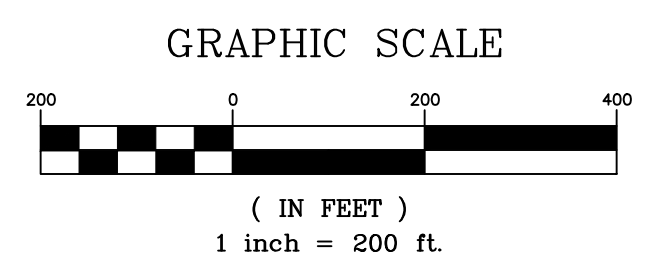
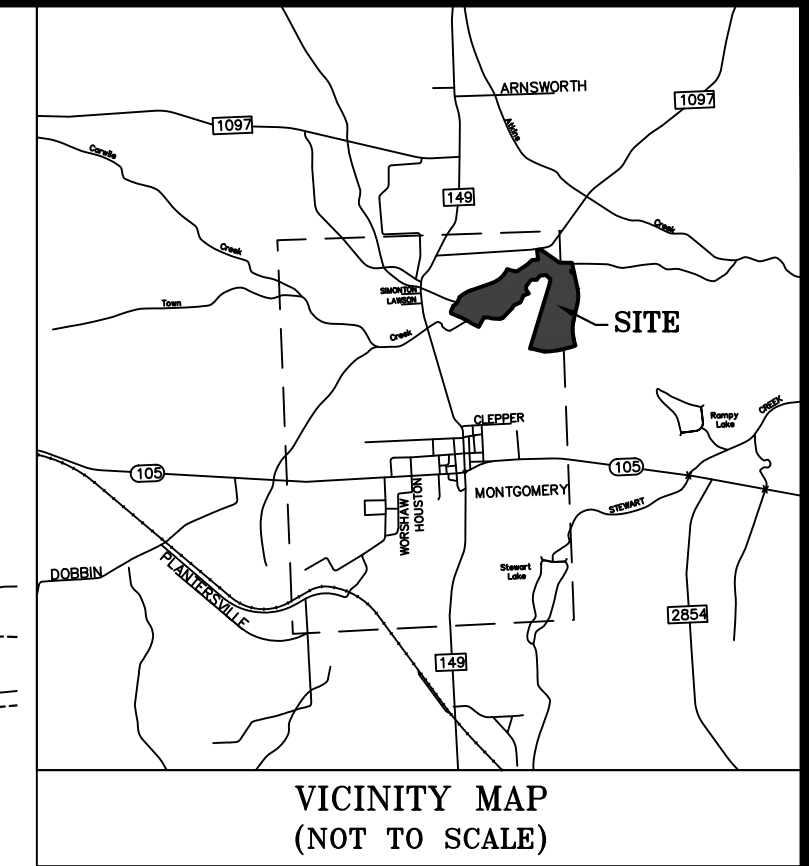
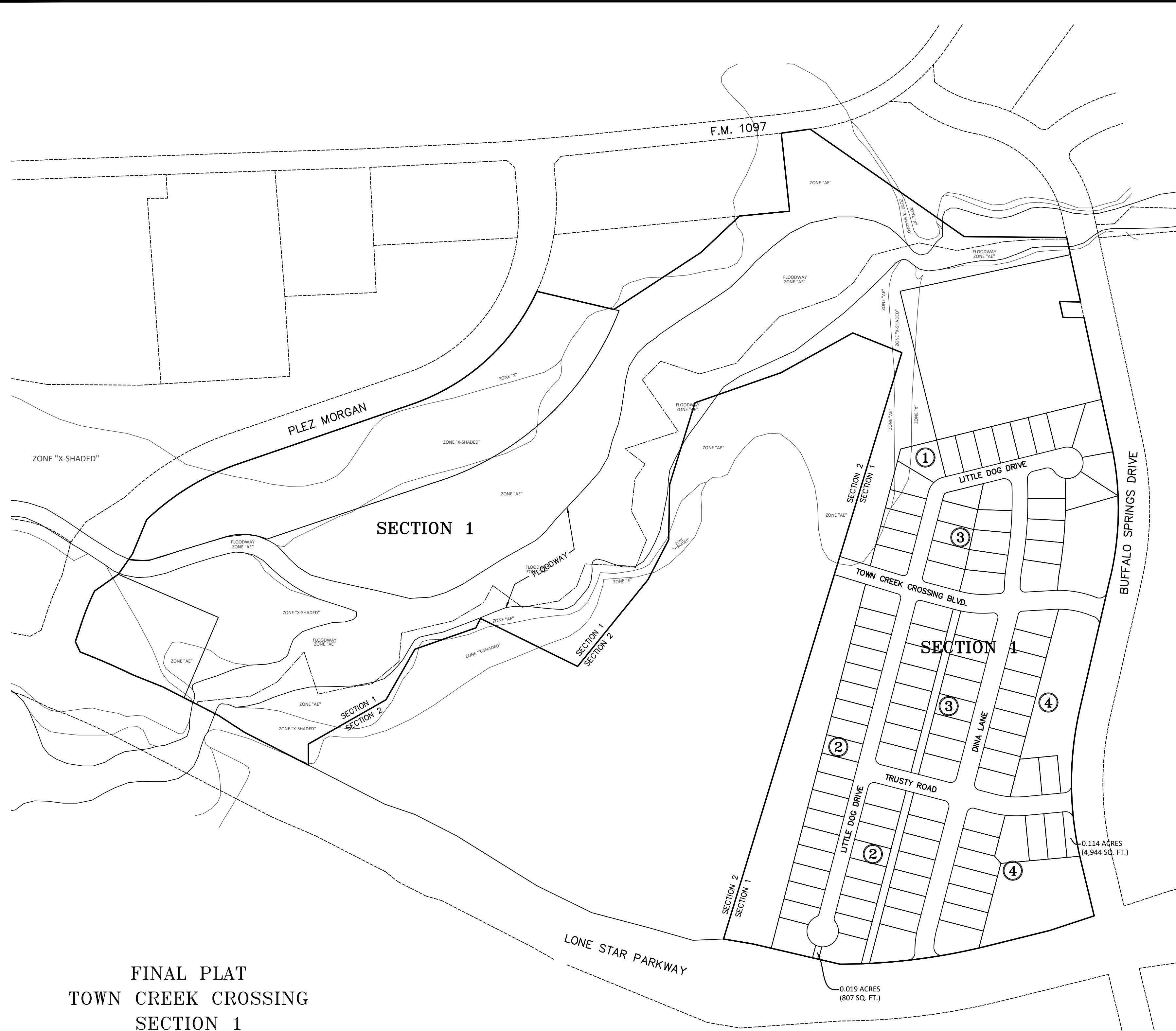
All applicable fees and payments.

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

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**FINAL PLAT
TOWN CREEK CROSSING
SECTION 1**

A RESIDENTIAL SUBDIVISION OF
89.743 ACRES (3,909,186 SQ. FT.)
OF LAND IN THE
JOHN CORNER SURVEY, A-8
MONTGOMERY COUNTY, TEXAS

4 BLOCKS * 102 LOTS * 14 RESERVES
April 2021

ENGINEER:



L SQUARED ENGINEERING
3307 WEST DAVIS ST., STE. 100
CONROE, TX 77304
(936)647-0420
www.lsquarengineering.com

SURVEYOR:

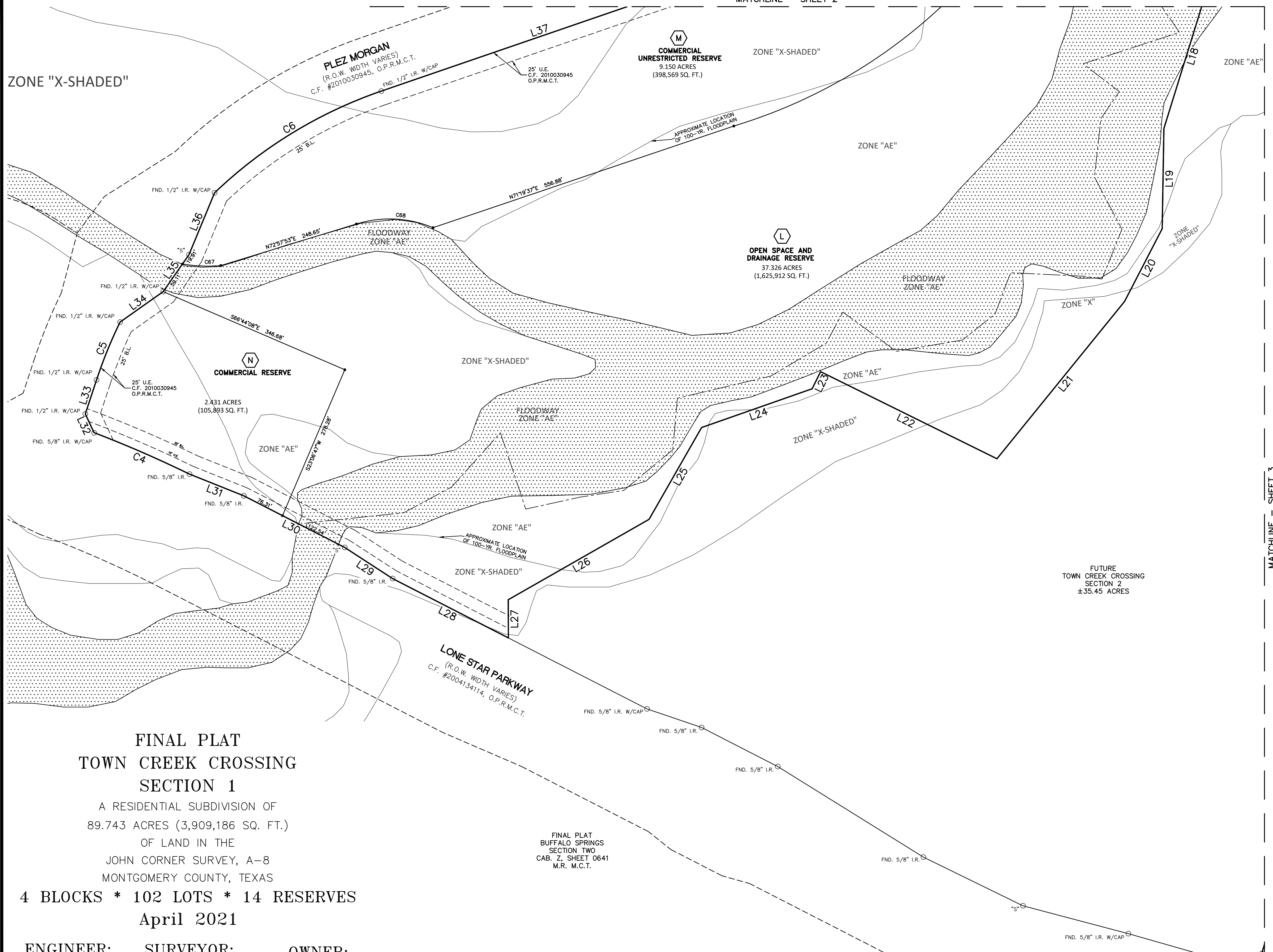


LANDPOINT
525 SAWDUST ROAD, STE. 200
THE WOODLANDS, TX 77380
(281)465-8730
www.landpoint.net

OWNER:

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

TBPELS REG. NO. 10194172



**FINAL PLAT
TOWN CREEK CROSSING
SECTION 1**

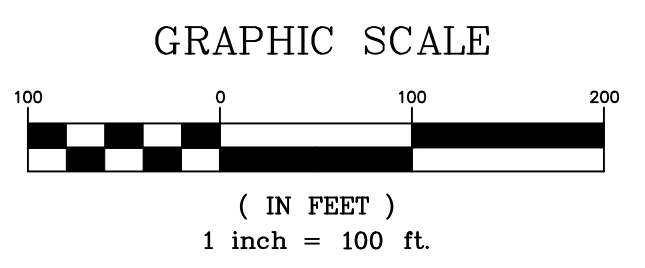
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SURVEYOR: LANDPOINT
OWNER: LeFevre Development, Inc.
780 Clepper Drive
Suite 100
Montgomery, Texas 77356
(936)582-1088

FINAL PLAT
BUFFALO SPRINGS
SECTION TWO
CAB. Z, SHEET 0641
M.R. M.C.T.

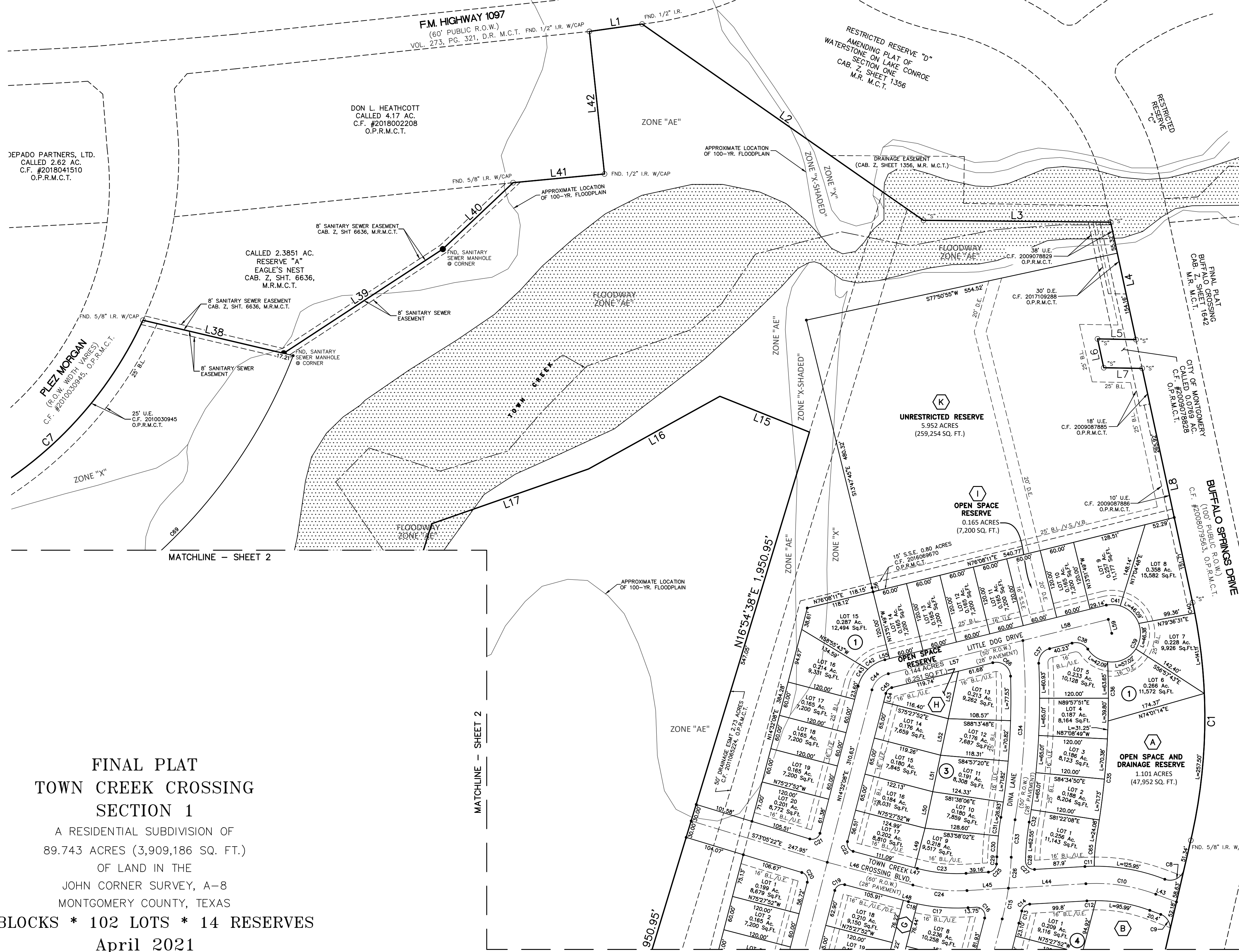
FUTURE
TOWN CREEK CROSSING
SECTION 2
±35.45 ACRES



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MATCHLINE - SHEET 3

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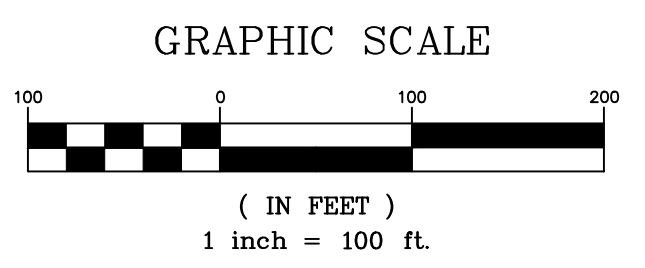
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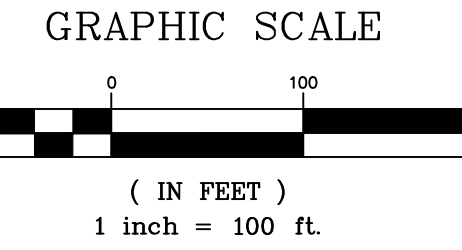
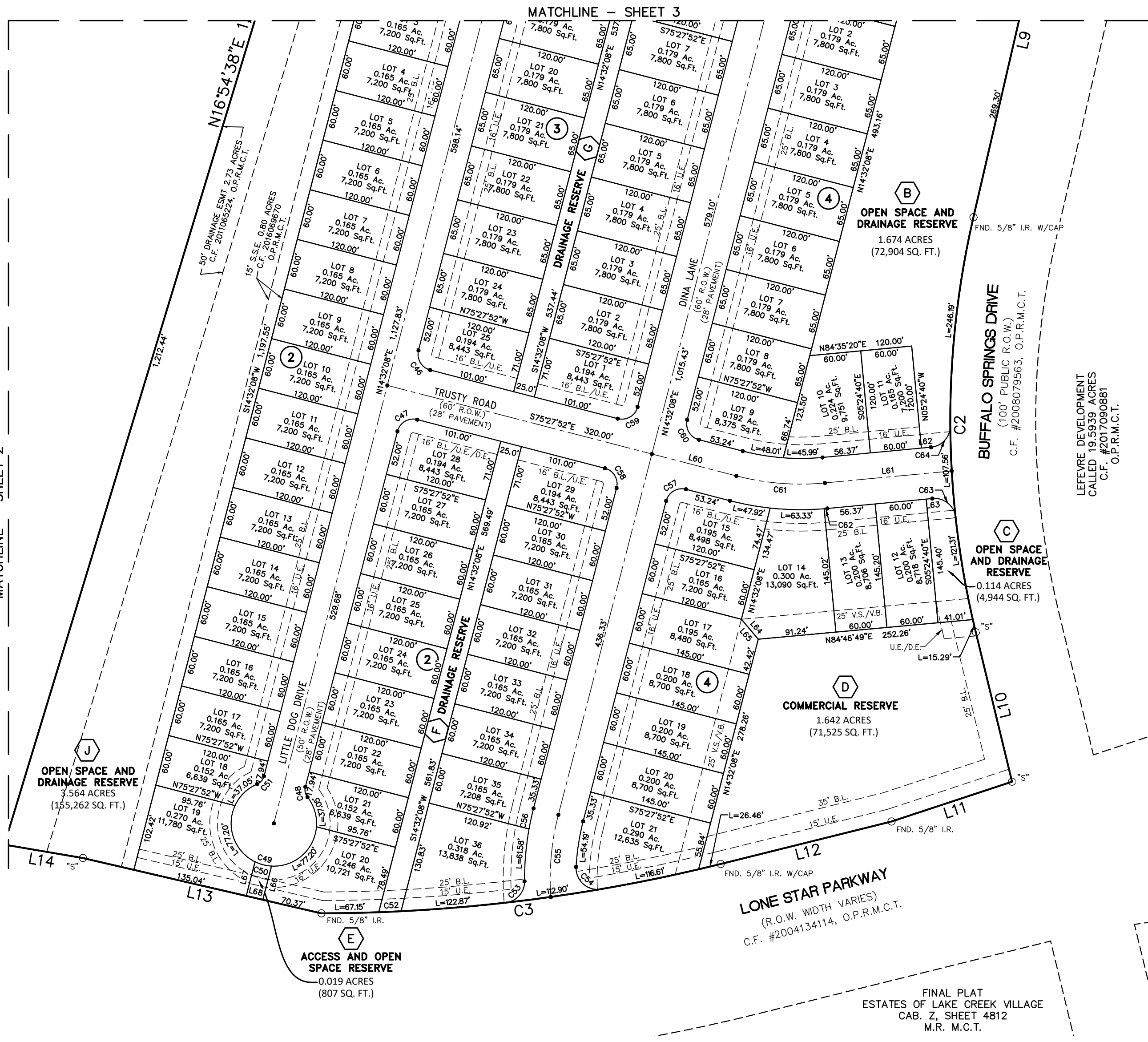
ENGINEER:	SURVEYOR:	OWNER:
		LeFevre Development, Inc.
L SQUARED ENGINEERING 3307 WEST DAVIS ST., STE. 100 CONROE, TX 77304 (936)647-0420 www.lquaredengineering.com	525 SAWDUST ROAD, STE. 200 THE WOODLANDS, TX 77380 (281)465-8730 www.landpoint.net	780 Clepper Drive Suite 100 Montgomery, Texas 77356 (936)582-1088



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MATCHLINE - SHEET 2

MATCHLINE - SHEET 3



Curve Table with columns: NO., Length, Radius, Delta, Chord, Chord Length. Lists curves C1 through C37.

Curve Table with columns: NO., Length, Radius, Delta, Chord, Chord Length. Lists curves C38 through C69.

Line Table with columns: No., Bearing, Length. Lists lines L1 through L20.

Line Table with columns: No., Bearing, Length. Lists lines L21 through L40.

Line Table with columns: No., Bearing, Length. Lists lines L41 through L60.

Line Table with columns: No., Bearing, Length. Lists lines L61 through L68.

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4 BLOCKS * 102 LOTS * 14 RESERVES

April 2021 ENGINEER: L SQUARED ENGINEERING SURVEYOR: LANDPOINT OWNER: LeFevre Development, Inc.

STATE OF TEXAS
COUNTY OF MONTGOMERY

That LeFevre Development, Inc. herein acting individually or through the undersigned duly authorized agents, does hereby adopt this plat designating the herein described real property as the TOWN CREEK CROSSING SUBDIVISION, SECTION 1, and does hereby make subdivision of said property according to the lines, streets, alleys, parks, and easements therein shown, and dedicate to public use forever all areas shown on this plat as streets, alleys, parks, and easements, except those specifically indicated as private; and does hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to 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 rough proportionality exists between the dedications, improvements, and exactions required under such regulations and the projected impact of the subdivision.

IN TESTIMONY WHEREOF, the Lefevre Development, Inc. has caused these presents to be signed by _____ its Vice President and its common seal hereunto affixed this _____ day of _____ 2021.

Lefevre Development, Inc.

BY: _____

STATE OF TEXAS
COUNTY OF MONTGOMERY

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ ITS VICE PRESIDENT OF _____ 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 SET OUT, AND AS THE ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ DAY OF _____ 2021.

NOTARY PUBLIC

PRINTED NAME _____

MY COMMISSION EXPIRES _____

LEGEND / ABBREVIATIONS

- C.F. CLERK'S FILE NUMBER
- F.N.D. FOUND
- I.R. IRON ROD
- O.P.R. OFFICIAL PUBLIC RECORDS
- M.R. MAP RECORDS
- M.C.T. MONTGOMERY COUNTY, TEXAS
- R.O.W. RIGHT OF WAY
- D.R. DEED RECORDS
- B.L. BUILDING LINE
- U.E. UTILITY EASEMENT
- V.S. VEGETATION SETBACK
- V.B. VISUAL BARRIER
- P.U.E. PUBLIC UTILITY EASEMENT
- S.S.E. SANITARY SEWER EASEMENT
- "S" SET 5/8 INCH IRON ROD WITH CAP
- STAMPED "LANDPOINT 10194172"
- PROPERTY MARKER

NOTES:

1. All corners are set 5/8 inch iron rods w/cap stamped "Landpoint 10194172" unless otherwise shown or noted.
2. This property is situated in Zones "X", "X-Shaded", "AE" and "AE-Floodway" in Montgomery County, Texas according to FEMA map number 48339C 0200G dated 08/18/2014. 100 year base flood elevations are between 234' and 236'. Warning: 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 by scaling 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.
3. Fencing may be used as the visual barrier in accordance with City of Montgomery Ordinance.
4. Subject to Restrictions recorded under Vol. 72, Pg. 134, Vol. 72, Pg. 143, Vol. 72, Pg. 288, Vol. 89, Pg. 87, Vol. 112, Pg. 392, Vol. 802, Pg. 158, D.R. M.C.T. and C.F.N. 2008-079561, 2009-078829, 2009-087885, 2009-087886, 2011065224, 2016069670 & 2017109288, O.P.R.M.C.T.
5. Bearings were based on the Texas State Plane Coordinate System, North American Datum 1983 (NAD83), Central Zone (4203).
6. One-foot reserve dedicated to the public in fee as a buffer separation between side or end of streets in subdivision plats where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property in subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and re-vest in the dedicator, his heirs, assigns or successors.
7. There is hereby reserved a ten foot (10') building setback line along the rear of each lot line and a five foot (5') building setback line on either side of each lot line unless otherwise shown.
8. There is a 10' wide drainage easement extending from the edge of the existing floodway, based on the most recent FEMA Firm Panel No. 48339C0200G, no additional surveying was done to establish the limits of the existing floodway.

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 AND THAT THE CORNER MONUMENTS SHOWN THEREOF WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY OF MONTGOMERY, TEXAS.

MICHAEL S. PARTRIDGE, R.P.L.S.
TEXAS REGISTRATION NO. 6125

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 ROZNOVSKY, 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 IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS _____ DAY OF _____, 2021.

BY: _____
CHAIRPERSON PLANNING AND ZONING COMMISSION

CITY OF MONTGOMERY

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 _____, 20____.

BY: _____
MAYOR

ATTEST: _____
CITY SECRETARY

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 _____, 2021, AT _____ O'CLOCK ____M., AND DULY RECORDED ON _____ DAY OF _____, 2021, AT _____ O'CLOCK ____M., IN CABINET _____, SHEET _____ OF RECORDS OF _____ FOR SAID COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE, AT CONROE, MONTGOMERY COUNTY, TEXAS THE DAY AND DATE LAST ABOVE WRITTEN.

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

BY: _____ DEPUTY

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SURVEYOR:



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