



September 1, 2022

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

Re: Variance Request
Montgomery Summit Business Park Reserve A
City of Montgomery

Dear Commission:

As you are aware, Nazca Technologies & Consulting, LLC ("the Developer") are proceeding with construction of Reserve "A" of the Montgomery Summit Business Park Plat at the northwest corner of F.M. 1097 and Summit Business Park Drive. The Developer is requesting the following variance from the City's Code of Ordinances:

- Section 78-125: The Code of Ordinances requires that driveways adjacent to commercial streets be spaced at 275'. The subject tract does not have sufficient frontage to allow for this spacing. The Developer is requesting a variance to allow the proposed driveway spacing to be approximately 124'.

The Code of Ordinances also states that the landowner may obtain a shared access agreement with the adjacent property owner or, if an agreement cannot be obtained, the City cannot deny the variance for access to the development. Note that the current land plan has the driveway proposed to allow for the maximum spacing possible given the width of the tract.

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 lack of available frontage to adhere to the aforementioned variance.

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

Sincerely,

A handwritten signature in black ink that reads "Katherine Vu". The signature is written in a cursive, flowing style.

Katherine Vu, PE
Engineer for the City

KMV/zlgt

Z:\00574 (City of Montgomery)_900 General Consultation\Correspondence\Letters\MEMO to P&Z RE Montgomery Summit Business Park Variance Request.docx

Enclosures: Variance Request

Cc (via email): Mr. Dave McCorquodale– City of Montgomery, Interim City Administrator & Director of Planning and Development
Ms. Nicola Browe – City of Montgomery, City Secretary
Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



August 22, 2022

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

RE: Variance request for MSBP Reserve A regarding requirements for driveway spacing

According to Section 78 of the City of Montgomery Code or Ordinances, commercial driveways are required to have spacing of 275 feet from major streets. The proposed development currently has driveway spacing at approximately 124 feet from FM 1097. We feel that variance requests are warranted for the following reasons:

- The proposed development is an existing platted piece of property. When the property was subdivided, it had the intent of being access off of Summit Park Drive, although it did not meet spacing requirements.
- The safer option for site ingress/egress is off of Summit Park Drive in lieu of FM 1097.

It is for the above-mentioned reasons that we feel the variance request 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, Site Plan





Variance Request Application

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

Upon completion return application to dmccorquodale@ci.montgomery.tx.us

Contact Information

Property Owner(s): Freddy Saavedra

Address: 15325 Summit Park Drive, Montgomery, TX Zip Code: 77356

Email Address: freddy@inazca.com Phone: 832-341-2345

Applicants: L Squared Engineering

Address: 3307 W. Davis Steet, Suite 100

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

Parcel Information

Property Identification Number (MCAD R#): R450268

Legal Description: Montgomery Summit Business Park, Block 2, Reserve A

Street Address or Location: 15349 Summit Park Drive, Montgomery, TX 77356

Acreage: 1.238 Present Zoning: Business Present Land Use: Vacant

Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 2011-09 Section(s): 78-125(a)

Ordinance wording as stated in Section (78-125(a)):

Adjacent left, adjacent right, and opposite right corner clearance and commercial driveway spacing is determined by the classification of the street as follows (where raised medians are present, the spacing can be reduced by 20 percent):


1. Major streets: 275 feet; 220 feet with raised medians. 2. Commercial streets: 230 feet; 185 feet with raised medians.
3. Secondary streets: 185 feet; 150 feet with raised medians.

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

Driveway spacing will be less than required 275 feet from major street because the site is not wide enough to achieve the minimum spacing.

Signatures

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

Signature:  Date: 8-22-22

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

Public Hearings

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 variance 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: **1st Tuesday of every month at 6:00 p.m.**

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

Finding of Undue Hardship

In order to grant a variance, the Board must make the following findings to determine that an undue hardship exists:

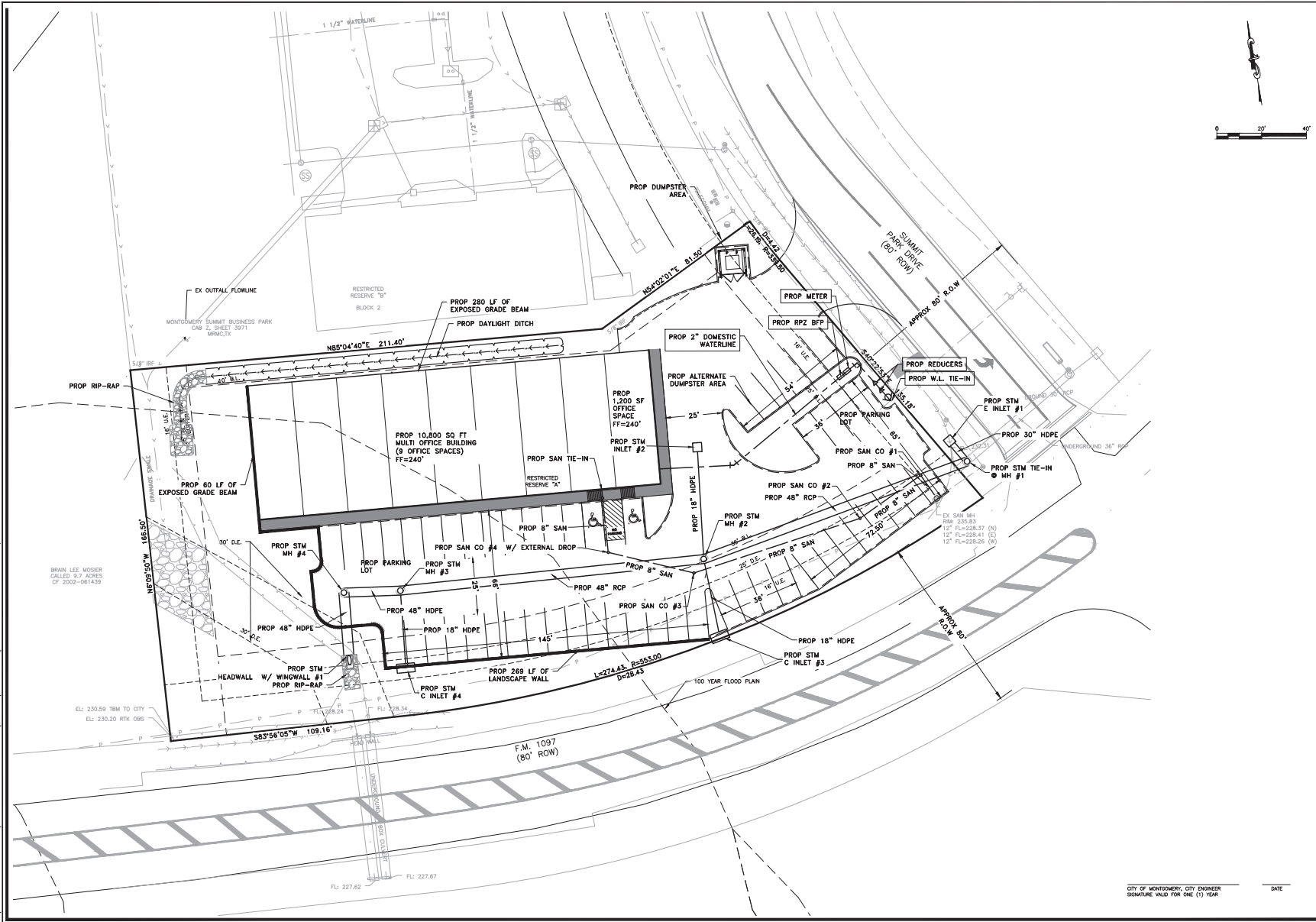
1. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and
2. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
3. That the relief sought will not injure the permitted use of adjacent conforming property; and
4. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
5. Financial hardship alone is not an “undue hardship” if the property can be used, meeting the requirements of the zoning district it is located in.

Factors not Considered

A variance shall not:

1. Be granted to relieve a self-created or personal hardship,
2. Be based solely upon economic gain or loss,
3. Permit or allow any person a privilege or advantage in developing a parcel of land not permitted or allowed by these Regulations to other parcels of land in the same particular zoning district,
4. Result in undue hardship upon another parcel of land.

S:\ENGINEERING PROJECTS\10806 - MSBP - RESERVE A\01 CAD\DESIGN SET\04 OA SITE PLAN.DWG JUL 22, 2022 - 1:29 PM



LSQUARED ENGINEERING
 MUNICIPAL COMMERCIAL RESIDENTIAL
 WWW.LSENGINEERING.COM
 2400 PEEL ROAD
 MONTGOMERY, TX 77156
 (281) 445-4400

CLIENT INFORMATION
 FREDDY'S STORES
 2000 PEEL ROAD
 MONTGOMERY, TX 77156
 FREDDYS@NAZCA.COM
 PROJECT ADDRESS
 15120 SUMMIT WATERLOVE
 MONTGOMERY, TX 77156

MSBP RESERVE A
 OVERALL SITE PLAN

DRAWING ISSUE			
#	DATE	BY	COMMENT
0	7/22/22	JTW	FOR REVIEW ONLY

DRAWING INFORMATION			
PROJECT	10806	TDR	**
DRAWN	CAH	ET	ET
SCALE	SHEET		04
1" = 20' (24x36)			
1" = 40' (11x17)			



7/22/2022

CITY OF MONTGOMERY, CITY ENGINEER
 SIGNATURE VALID FOR ONE (1) YEAR

DATE

*SCALE NOT REQUIRED FOR CONSTRUCTION (NEEDS INDICATED ANGLE)