



October 7, 2022

The Honorable Mayor and City Council
City of Montgomery
101 Old Plantersville Road
Montgomery, Texas 77316

Re: Variance Request
The Montgomery Grove
City of Montgomery

Dear Mayor and Council:

The City received a variance request from the owners of the Montgomery Grove Food Truck Park, located at 22016 Eva Street. The Developer is requesting the following variance from the City's Code of Ordinances:

- Section 78-96(b): Any parking lots or drives, excluding single-family residential driveways, shall be paved with asphalt or concrete.

Enclosed you will find the request for variance as submitted by the owners of the property along with the additional parking lot plan provided.

The City has previously reviewed and acted on variances for the same ordinance:

- July 2021 – Cornerstone Community Church – Request to utilize existing gravel parking area after they performed regrading and dressing. We recommended disapproval of the variance as it did not place an undue hardship upon the development of the property. The City ultimately approved the request partly due to the low traffic volume on the site.
- October 2020 – Montgomery Food Truck Park - The same Developer submitted a similar Variance Request to the Commission and we offered no objection to the request to use a permeable pavement system, similar to a TrueGrid system on areas outside of the access driveway in lieu of asphalt or concrete pavement. The City approved the variance. This development was ultimately not constructed.
- February 2017 - Longview Greens Mini Golf – Request to utilize gravel on new parking area for financial reasons for a temporary period of time. Detention for the site was provided in a jointly used pond. The City approved the variance.

We offer no objection to the request however note that we must receive engineered site plans showing the proposed improvements, verifying no adverse impacts from the proposed improvements, and compliance with all applicable City Codes. We recommend withholding the issuance of a Certificate of Occupancy for the building until the plans are approved and construction per the approved plans is completed.

Variance Request – The Montgomery Grove
Honorable Mayor and City Council
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Page 2 of 2
October 7, 2022

If approved, approval of the requested variance does not constitute plan approval and only allows the Developer to further refine the proposed civil site plans, 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,



Chris Roznovsky, PE
Engineer for the City

CVR/zlgt

Z:\00574 (City of Montgomery)_900 General Consultation\Correspondence\Letters\2022.10.05 MEMO to Council RE Montgomery Grove Food Truck Park Variance Request.docx

Enclosures: Variance Request – September 9, 2022

Site Survey – November 9, 2021

Parking Plan – September 22, 2022

Redevelopment Flow Chart from City Development Handbook

Cc (via email): Mr. Dave McCorquodale – City of Montgomery, Director of Planning & Development, and Interim City Administrator

Ms. Nici Browe – City of Montgomery, City Secretary

Mr. Alan Petrov – Johnson Petrov, LLP, City Attorney



September 9, 2022

Dave McCorquodale
City of Montgomery
101 Old Plantersville Rd
Montgomery, TX 77316

Re: Parking Lot Variance 22016 Eva St. Montgomery, TX 77356

Dear Mr. McCorquodale:

This letter is a formal request for a variance to allow for an existing asphalt milling parking lot at the above referenced property. The asphalt milling parking lot has been utilized at this commercial property going back several decades. The porous material also mitigates the potential negative impact on drainage and/or flood plain that a concrete or asphalt parking lot would. The parking lot has been discussed with the former mayor, city officials and city engineer with no issues being raised. Multiple other parking lots within the City of Montgomery contain asphalt millings so no new precedent is being requested.

Regards,

Joshua Cheatham
Owner
(281) 770-2748

Cc: Mike Anderson



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): Josh Cheatham

Address: 85 Lake Forest Cir Couroe, TX Zip Code: 77384

Email Address: josh@newcorcre.com Phone: _____

Applicants: Josh Cheatham & Mike Anderson

Address: 85 Lake Forest Cir Couroe, TX 77384

Email Address: josh@newcorcre.com Phone: (281) 770-2748 / (832) 418-1088
andersonm3477@gmail.com

Parcel Information

Property Identification Number (MCAD R#): 34576

Legal Description: A0031 RIGSBY BEN J, Tract 81A-1, Acres, 2.660

Street Address or Location: 22016 Eva St, Montgomery, TX 77356

Acreage: 2.66 Present Zoning: Commercial Present Land Use: Commercial

Variance Request

Applicant is requesting a variance from the following:

City of Montgomery Ordinance No.: 2011-09 Section(s): 7B-96

Ordinance wording as stated in Section (7B-96):

(b) Any parking lots or drives, excluding single-family residential driveways, shall be paved with asphalt or concrete.

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

Requesting to use asphalt millings for the parking lot

Signatures

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

Signature: John Chen Date: 9/8/22

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:

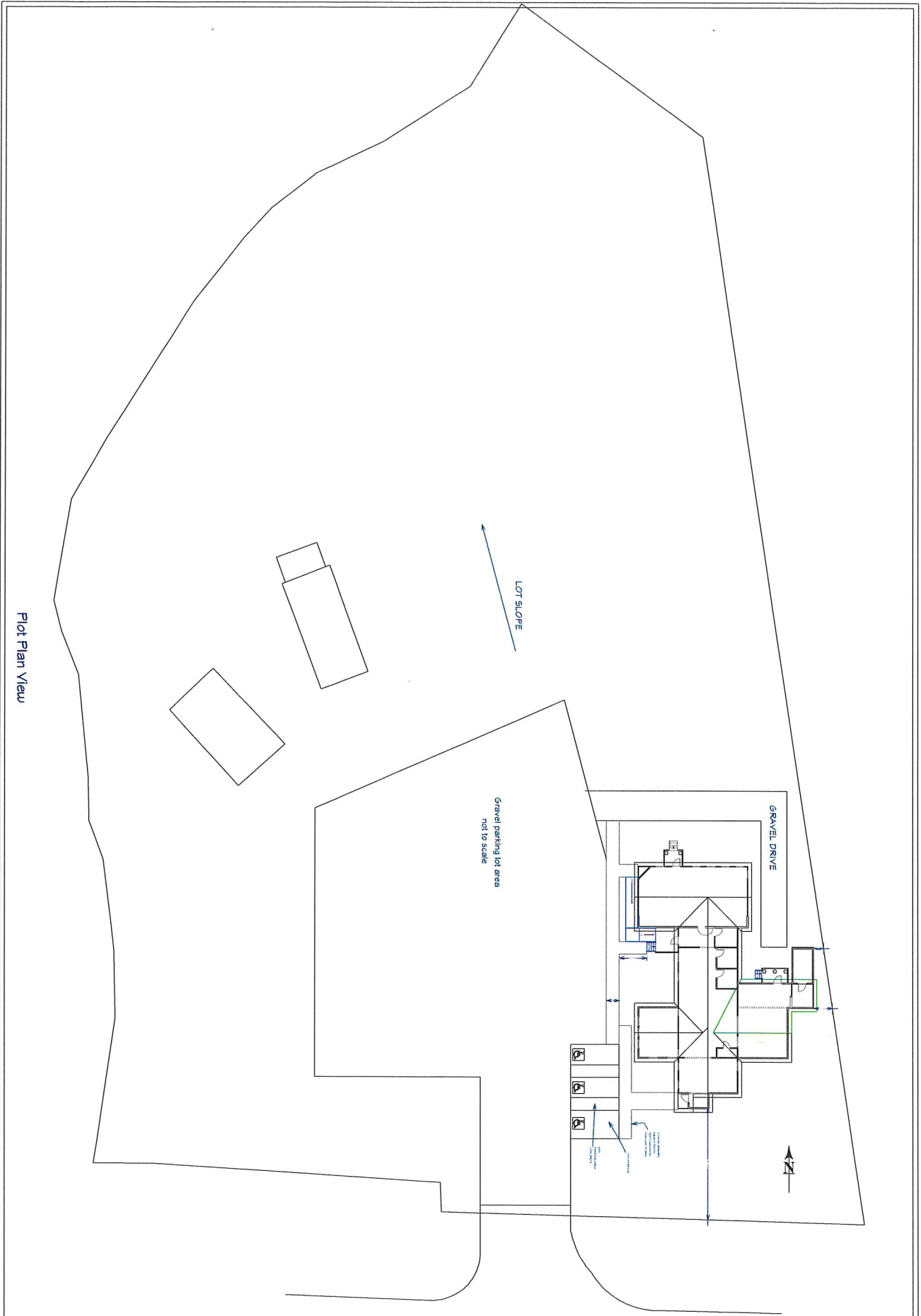
Cover letter on company letterhead stating what is being asked.

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.

<p>Date Received <i>Office Use</i></p>	
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Plot Plan View

A-2

SHEET:

SCALE: NTS

DATE: 7-12-2022

24x36

SIZE: 1/8"=1'

The Montgomery Grove
 22016 Eva St.
 Montgomery, TX 75356

Plot Plan

Owner Build
 Josh Cheatham
 281-710-2148

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION
1	7/28/2022		



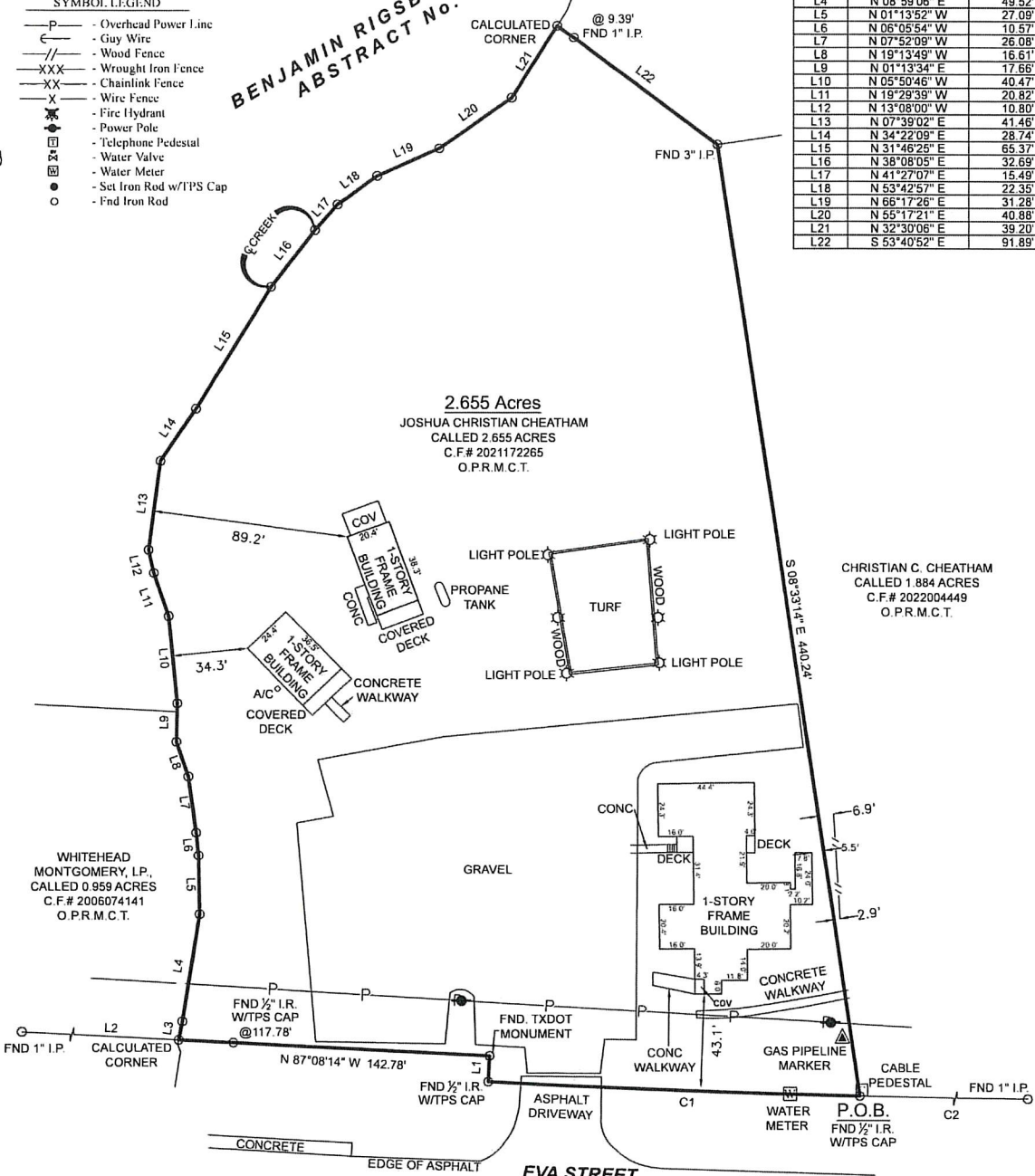
SYMBOL LEGEND

- P - Overhead Power Line
- G - Guy Wire
- /// - Wood Fence
- XXX - Wrought Iron Fence
- XX - Chainlink Fence
- X - Wire Fence
- ⊕ - Fire Hydrant
- ⊙ - Power Pole
- ⊠ - Telephone Pedestal
- ⊡ - Water Valve
- ⊣ - Water Meter
- ⊙ - Set Iron Rod w/TPS Cap
- - Fnd Iron Rod

**BENJAMIN RIGSBY SURVEY
ABSTRACT No. 31**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	5667.38'	171.08'	171.07'	N 87°51'26" W	1°43'47"
C2	5667.38'	1200.43'	1200.42'	S 89°44'07" E	2°01'35"

LINE	BEARING	DISTANCE
L1	N 02°56'07" E	11.85'
L2	N 87°08'14" W	329.59'
L3	S 11°04'24" W	8.62'
L4	N 08°59'06" E	49.52'
L5	N 01°13'52" W	27.09'
L6	N 06°05'54" W	10.57'
L7	N 07°52'09" W	26.08'
L8	N 19°13'49" W	16.61'
L9	N 01°13'34" E	17.66'
L10	N 05°50'46" W	40.47'
L11	N 19°29'39" W	20.82'
L12	N 13°08'00" W	10.80'
L13	N 07°39'02" E	41.46'
L14	N 34°22'09" E	28.74'
L15	N 31°46'25" E	65.37'
L16	N 38°08'05" E	32.69'
L17	N 41°27'07" E	15.49'
L18	N 53°42'57" E	22.35'
L19	N 66°17'26" E	31.28'
L20	N 55°17'21" E	40.88'
L21	N 32°30'06" E	39.20'
L22	S 53°40'52" E	91.89'



Surveyor has relied on information provided by:
Old Republic National Title Insurance Company
G.F. No. 2103081
Effective date: October 5, 2021

The Subject Tract(s) as shown hereon may be subject to the following item(s) listed in Schedule B, of said Title Commitment:

- Channel Easement to State of Texas per Vol. 997, Pg. 529, D.R.M.C.T. (Unable To Plot)

Purchaser Josh Cheatham
Address 22016 Eva Street, Montgomery, Tx, 77356
Lot Block Section
Survey Benjamin Rigby A 31
Area 2.655 Acres
Subdivision
Cabinet Sheet Records
Montgomery County, Texas

This Property Lies in Zone AE(floodway), AE, X(shaded), and X, and a portion does seem to lie within the 100 Year Flood Plain
Per Graphic Scaling according to Community Panel No. 48339C0200G having an effective date of 8-18-2014.
Job No.: G411-01
Scale: 1"=20'
Date: 7-16-2019
Drawn By: CPP/AF
Field Crew: KH
Revised: 06-08-22 Update

3032 N. FRAZIER STREET - CONROE, TX 77303
PH (936)756-7447 - FAX (936)756-7448
www.surveyingtexas.com
FIRM REGISTRATION No 100834-00

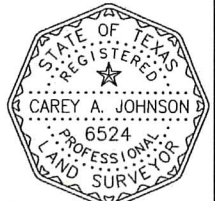
Bearings shown hereon are based on GPS observations and are referenced to the NAD83, Texas State Plane Coordinate System, South Central Zone (4204).

BOUNDARY & IMPROVEMENT SURVEY

BEING a 2.655 acre tract of land situated in the Benjamin Rigby Survey, Abstract Number 31, Montgomery County, Texas, being all of that same called 2.66 acre tract described in instrument to David P. Gerrard and Cheryl A. Gerrard, recorded under Clerk's File Number 2016085269 of the Official Public Records of Montgomery County, Texas (O.P.R.M.C.T.), said 2.655 acre tract being more particularly described by attached metes and bounds description.

I hereby certify that this survey was this day made under my supervision on the ground of the above described property, and that the above plat or drawing reflects the findings on the ground of the property at this time and that this survey meets the minimum standards of practice as approved by the Texas Board of Professional Land Surveying.

Carey A. Johnson
Registered Professional Land Surveyor No. 6524



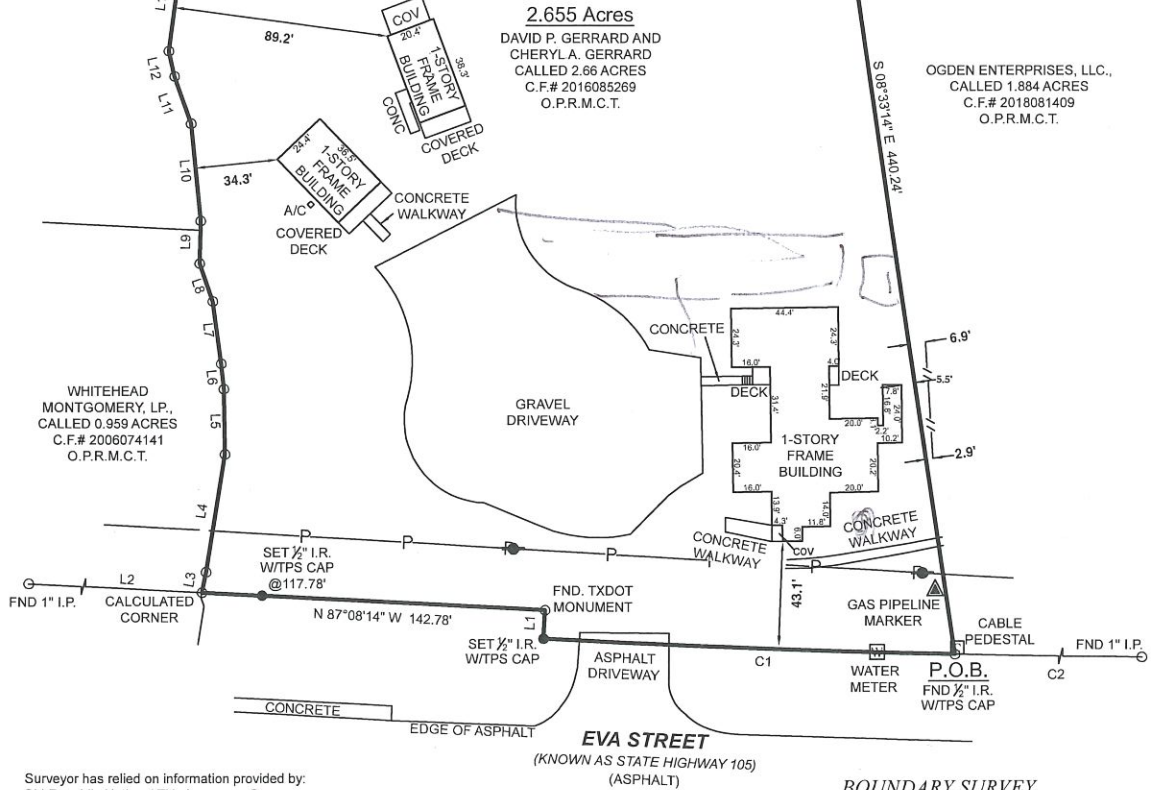


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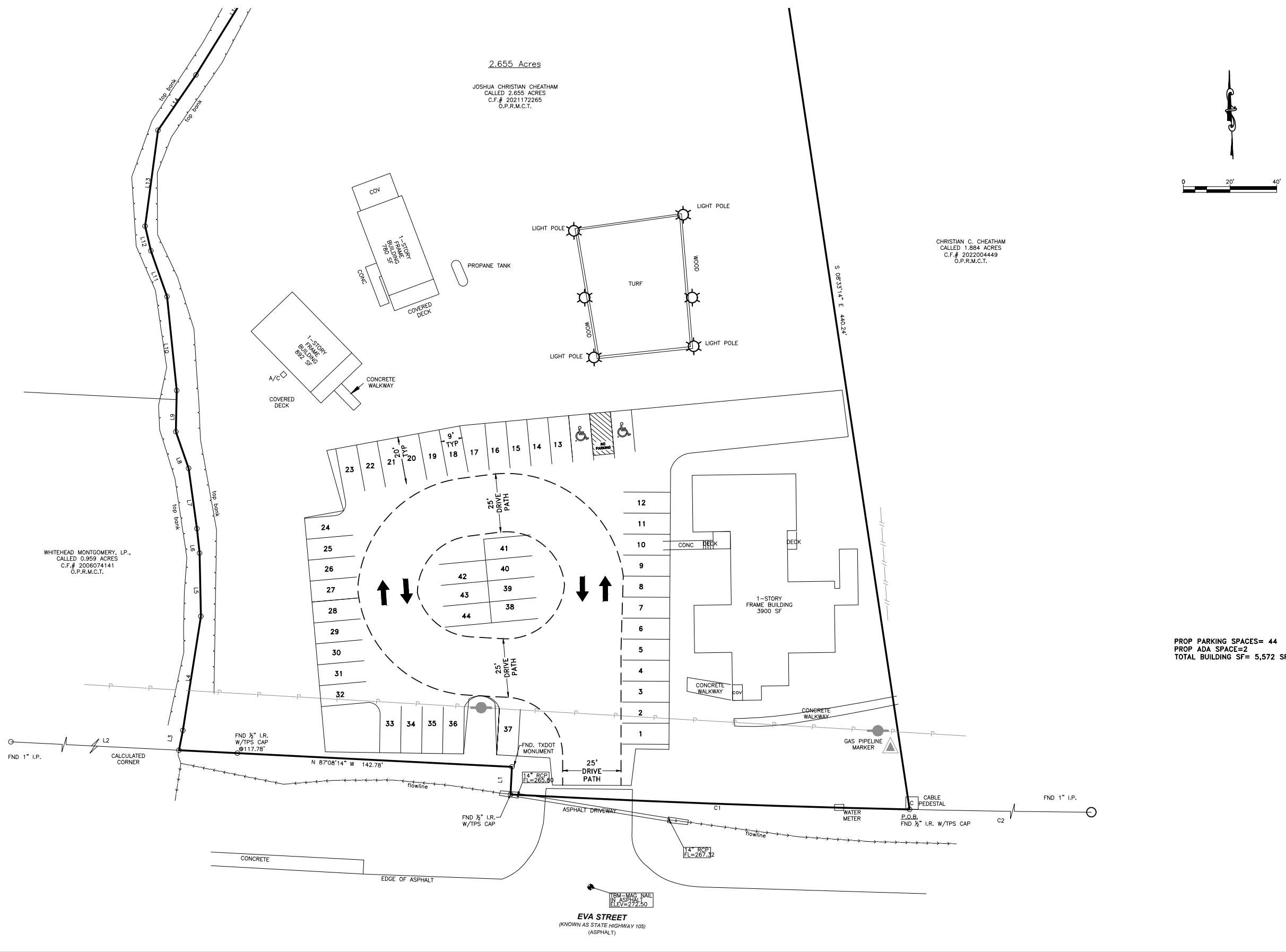
TEXAS
PROFESSIONAL SURVEYING, LLC
3032 N. FRAZIER STREET - CONROE, TX 77303
PH (936) 756-7447 - FAX (936) 756-7448
www.surveyingtexas.com
FIRM REGISTRATION No. 100834-00

Basis of Bearings System, South Central Zone (4204).
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Carey A. Johnson
Registered Professional Land Surveyor No. 6524



S:\ENGINEERING PROJECTS\10856 - MONTGOMERY GROVE SITE PLAN\03 CAD\DESIGN SET\BASE-SITE PLAN-10856.DWG Sep. 23, 2022-9:59 AM GARI LYNN



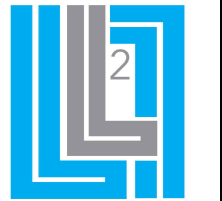
2.655 Acres

JOSHUA CHRISTIAN CHEATHAM
CALLED 2.655 ACRES
C.F.# 2021172285
O.P.R.M.C.T.

CHRISTIAN C. CHEATHAM
CALLED 1.884 ACRES
C.F.# 2022004449
O.P.R.M.C.T.

WHITEHEAD MONTGOMERY, LP.,
CALLED 0.959 ACRES
C.F.# 2008074141
O.P.R.M.C.T.

PROP PARKING SPACES= 44
PROP ADA SPACE=2
TOTAL BUILDING SF= 5,572 SF



L SQUARED ENGINEERING
MUNICIPAL COMMERCIAL RESIDENTIAL
WWW.LSENGINEERING.COM
PHD REGISTRATION NUMBER 11712
3307 W. DAVIS STREET #100
CONROE, TEXAS 77384
OFFICE 936-667-0420

MONTGOMERY GROVE
PARKING LAYOUT

9/22/2022

DRAWING INFORMATION			
PROJECT	10856	TDLR	**
DRAWN	GLH	EIT	JTW
SCALE	1" = 20' (24x36)	SHEET	01
	1" = 40' (11x17)		

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF INTERIM REVIEW UNDER THE AUTHORITY OF:
E. LEVI LOVE, PE #99340
OR
JONATHAN WHITE, PE #127058
FOR REVIEW PURPOSES ONLY
NOT FOR CONSTRUCTION

City of Montgomery, Texas
Commercial Redevelopment/Previously Platted Development Process Flow Chart

