



May 30, 2025

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

Re: Variance Request
HEB Grocery LP(Dev. No. 2402)
City of Montgomery

Dear Commissioners:

HEB (the "Developer") plans to proceed with the development of the approximately 17-acre commercial development located at the southeast corner of SH105 and FM 2854. The development consists 2 commercial pads, one being a proposed gas station/carwash and the HEB Grocery store. The Developer is requesting the following variances from the City's Code of Ordinances:

- Section 78-92(a): Required 16' minimum utility easement: The Developer is requesting to remove the utility easement entirely along SH-105 and place all proposed public utilities within TxDOT right-of-way. The variance is being requested by the Developer stating that there is sufficient space for the proposed utility extensions to be placed in TxDOT right of way, and if the proposed public utilities were placed in a utility easement they would be in conflict with the proposed private retaining walls located in that same area. It should be noted that if TxDOT were to ever expand SH-105 to the extent of where public utilities are located, all utilities not within an existing easement would be required to be relocated at the expense of the utility owner (The City).
- Section 78-162 (a) Minimum Landscape Setback: Requesting a 20' setback in lieu of the 25' requirement to be maintained on all commercial properties abutting single-family properties. The variance is being requested due to the proposed retaining walls located at the back of the property. It is important to note that the residential property abutting the development are not located within the City limits.
- Section 78-185 Article VIII: Per the enclosed letter, the Developer is requesting to limit tree planting to 150' from the front door on all commercial pads. This request is not an explicit variance of any City Code. Section 78-166(d)(9) requires that "in the case of new parking lots, or additions to existing parking that expand the footprint of the parking lot by more than 30 percent, 60 square feet of tree canopy must be preserved or planted for each additional parking space. Parking lot trees must be located in the interior of the parking lot or in an area immediately adjacent to the parking lot. For parking lots of 250 spaces or more, at least 50 percent of the tree canopy must be located within the interior of the parking lot. Only trees of the preferred species listed in Table 2 of section 78-168 may be used to satisfy the planting requirements of this section; and all such trees must be at least two and a half-inch caliper and a minimum of ten feet in height. Additionally, no parking space shall be further than 125 feet away from the trunk of a tree." Since this is not an direct variance to any City Code there is no action required for the variance related to Section 78-185 Article VIII at this time.

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Enclosed you will find the request for variance as submitted by the engineer for the development. It is important to note that the Developer has not received plan approval for the site and the final layout of their site is contingent on the variances being requested at this time.

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.

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

Sincerely,



Chris Roznovsky, PE
City Engineer

CVR/zlgt

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HEB Variance Request.docx

Enclosures: Variance Request

Cc (via email): Ms. Corinne Tilley – City of Montgomery, Planning & Development Administrator & Code Enforcement Officer

Mr. Anthony Solomon – City of Montgomery, Interim City Administrator and Police Chief

Ms. Ruby Beaven – City of Montgomery, City Secretary

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