

**Notice of Planning and Zoning Commission Public Hearings and Regular Meeting
AGENDA**

January 4, 2022 at 6:00 PM

NOTICE TO THE PUBLIC IS HEREBY GIVEN the Montgomery Planning and Zoning Commission will conduct its Planning and Zoning Commission Public Hearings and Regular Meeting scheduled for **6:00 PM on Tuesday, January 4, 2022**, at the City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas.

Members of the public may view the meeting live on the City's website www.montgomerytexas.gov under Agenda/Minutes and then select **Live Stream Page (located at the top of the page)**. The Meeting Agenda Pack will be posted online at www.montgomerytexas.gov. The meeting will be recorded and uploaded to the City's website.

CALL TO ORDER

VISITOR/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the Commission. Prior to speaking, each speaker must be recognized by the Chairman. The Commission may not discuss or take any action on an item but may place the issue on a future agenda. The number of speakers along with the time allowed per speaker may be limited.

CONSIDERATION AND POSSIBLE ACTION:

- 1.** Consideration and possible action regarding approval of the December 7, 2021 Regular Meeting Minutes.
- 2.** Convene into a Public Hearing regarding the rezoning requests for:
 - a. Hills of Town Creek Section Five from B-Commercial to R1-Single Family Residential, and
 - b. 14855 N. Liberty Street, Montgomery, Texas from R1-Single Family Residential to B-Commercial.
- 3.** Consideration and possible action regarding a Recommendation and Report for a rezoning request for Hills of Town Creek Section Five.
- 4.** Consideration and possible action regarding a Recommendation and Report for a rezoning request for 14855 N. Liberty Street, Montgomery, Texas.
- 5.** Convene into a Public Hearing regarding the rezoning requests for:
 - a. Hills of Town Creek Section Five from B-Commercial to R1-Single Family Residential, and
 - b. 14855 N. Liberty Street, Montgomery, Texas from R1-Single Family Residential to B-Commercial.
- 6.** Consideration and possible action regarding a Report for City Council concerning a Special Use Permit application for Symmetry Brows located at 20165 Eva Street, Suite C, Montgomery, Texas 77356.

COMMISSION INQUIRY:

Pursuant to Texas Government Code Sect. 551.042 the Planning & Zoning Commission may inquire about a subject not specifically listed on this Agenda. Responses are limited to recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place on the agenda of a future meeting.

EXECUTIVE SESSION:

The Planning and Zoning Commission reserves the right to discuss any of the items listed specifically under this heading or for any items listed above in executive closed session as permitted by law including if they meet the qualifications in Sections 551.071(consultation with attorney), 551.072 (deliberation regarding real property),551.073 (deliberation regarding gifts), 551.074 (personnel matters), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Government Code of the State of Texas.

ADJOURNMENT

/s/Dave McCorquodale

Dave McCorquodale, Assistant City Administrator

I certify that the attached notice of meeting was posted on the bulletin board at City of Montgomery City Hall, 101 Old Plantersville Road, Montgomery, Texas, on December 30, 2021 at 10:00 a.m. I further certify that the following news media was notified of this meeting as stated above: The Courier

This facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary's office at 936-597-6434 for further information or for special accommodations.

MINUTES OF REGULAR MEETING

December 7, 2021

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

Chairman Waddell declared a quorum was present and called the meeting to order at 6:02 p.m.

Present: Jeffrey Waddell, Britnee Ghutzman, Bill Simpson, Merriam Walker, Allyson Clark

Absent: None

Also Present: Dave McCorquodale, Assistant City Admin. / Director of Planning & Development
Katherine Vu, PE, Engineer for the City

VISITOR/CITIZENS FORUM

No comments given.

1. Consideration and possible action regarding approval of the September 7, 2021 and October 5, 2021 Regular Meeting Minutes.

Britnee Ghutzman moved to approve the minutes as submitted. Merriam Walker seconded the motion, the motion carried unanimously. (5-0)

2. Consideration and possible action regarding election of officers.

Chairman Waddell opened the floor to nominations for Chair and Vice-Chair. The Commission discussed the officer positions. Merriam Walker nominated Jeffrey Waddell to continue serving as Chairman. Allyson Clark nominated Bill Simpson for Chairman. After discussing the two nominees, the Commission tallied four votes for Jeffrey Waddell and one vote for Bill Simpson. Jeffrey Waddell agreed to continue serving as Chairman. The floor was then opened for Vice-Chair nominees. Ms. Ghutzman stated she had enjoyed serving as Vice-Chair over the past year, though a new child due in March could prevent her from attending some of the P&Z meetings and she asked the Commission to consider a nominee that could be more available than she may be after early March. The Commission discussed Ms. Ghutzman’s comments and Ms. Ghutzman nominated Bill Simpson to serve as Vice-Chair of the Commission. Hearing no other nominations, Chairman Waddell called for a vote and Bill Simpson was elected as Vice-Chairman unanimously.

3. Presentation of Feasibility Studies for Hills of Town Creek Section Five and Porter Farms single-family residential developments.

Katherine Vu, PE reviewed the two studies for the Commission. Ms. Vu outlined what the engineers look at during the study including anticipated tax revenue from the development and potential impacts on the City’s utility systems. Additionally, development design comments related to drainage, transportation, are provided in the study. The Commission discussed the studies and asked questions related to the two studies and related to development in general. No formal action needed or taken.

4. Consideration and possible action regarding a Preliminary Report and calling Public Hearings for a rezoning request from B-Commercial to R1-Single Family Residential for Hills of Town Creek Section Five.

Staff introduced the item and explained why the property was being considered for rezoning and what the steps for rezoning are.

Bill Simpson moved to call the Public Hearings for January 4th, 2022. Britnee Ghutzman seconded the motion, the motion carried unanimously. (5-0)

5. Consideration and possible action regarding a Preliminary Report and calling Public Hearings for a rezoning request from R1-Single Family Residential to B-Commercial for 14855 N. Liberty Street, Montgomery, Texas.

Staff introduced the item and explained why the property was being considered for rezoning.

Merriam Walker moved to call the Public Hearings for January 4th, 2022. Allyson Clark seconded the motion, the motion carried unanimously. (5-0)

6. Presentation of a proposed business plan for The Caroline House Bed & Breakfast located at 811 College Street as submitted by DH BROW, LLC.

The prospective owners were in attendance and introduced themselves and their idea for continuing the B&B operations and adding small events with a 100-guest maximum. They explained they were interested in purchasing the property and understood the requirements of the existing Special Use Permit for the bed & breakfast currently operating. The owners explained their interest in the City’s history and their background in the event industry. Specific items such as on-site and off-

site parking ideas, anticipated hours of operation, potential security needs, and other similar items were discussed. Staff explained the next steps in the process and what the Commission would review if the proposal moves forward, and that this presentation was to allow the prospective purchasers of the property to know if the Commission would consider the idea. The Commission was generally receptive of the idea and stated the biggest concerns that would need to be addressed were related to parking and traffic congestion. No formal action needed or taken.

Commission Inquiry

None.

Adjournment

Merriam Walker moved to adjourn the meeting at 7:53 p.m. Allyson Clark seconded the motion, the motion carried unanimously. (5-0)

Prepared by: _____ Date approved: _____
Dave McCorquodale

Chairman Jeffrey Waddell

Attest: _____
Susan Hensley, City Secretary

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: January 4, 2022	Budgeted Amount:
Department: Administration	Prepared By: Dave McCorquodale

Subject

Convene into a Public Hearing regarding the rezoning requests for:
 a. Hills of Town Creek Section Five from B-Commercial to R1-Single Family Residential, and
 b. 14855 N. Liberty Street, Montgomery, Texas from R1-Single Family Residential to B-Commercial.

Recommendation

Listen to and consider any public comments.

Discussion

This is the first of two Public Hearings for the rezoning requests.

Approved By

Asst. City Administrator	Dave McCorquodale	Date: 12/30/2021
City Administrator	Richard Tramm	Date: 12/30/2021

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: January 4, 2022	Budgeted Amount:
Department: Administration	Prepared By: Dave McCorquodale

Subject

Consideration and possible action regarding a Recommendation and Report for a rezoning request for Hills of Town Creek Section Five.

Recommendation

Discuss and approve a Recommendation and Report.

Discussion

This is the opportunity to develop a Recommendation and Report on the rezoning request. The Report should include the findings and recommendation of the P&Z Commission. A draft report is attached.

As required by local and state law, the City mailed notification letters to property owners within 200-feet of the subject property of the rezoning application and published legal notices announcing the Public Hearings in the City’s official newspaper on December 17th and December 24th.

City Council will hold a Public Hearing on January 11th and act on the rezoning request.

Approved By

Asst. City Administrator	Dave McCorquodale	Date: 12/29/2021
City Administrator	Richard Tramm	Date: 12/29/2021

PLANNING & ZONING COMMISSION RECOMMENDATION AND REPORT

TO: MONTGOMERY MAYOR AND CITY COUNCIL

FROM: PLANNING & ZONING COMMISSION

CC: RICHARD TRAMM, CITY ADMINISTRATOR
DAVE MCCORQUODALE, ASSISTANT CITY ADMINISTRATOR

SUBJECT: REPORT CONCERNING A PROPOSED RECLASSIFICATION OF HILLS OF TOWN CREEK SECTION FIVE, A 16.41-ACRE TRACT OF LAND NORTH OF THE INTERSECTION OF EMMA'S WAY AND SCENIC HILLS COURT IN MONTGOMERY, TEXAS FROM B-COMMERCIAL TO R1-SINGLE FAMILY RESIDENTIAL.

Mayor and Members of City Council,

Pursuant to Sections 98-30 and 98-53 of the City of Montgomery Code of Ordinances ("the Code"), the Montgomery Planning and Zoning Commission met on January 4, 2022 to consider a request from Cheatham Management to reclassify the property as R1 – Single-Family Residential. A map of the property with the current zoning overlay is attached as Exhibit "A."

After duly noticed public hearings with an opportunity for public comments concerning the requested rezoning classification, the Commission found:

- The property is currently zoned B-Commercial.
- The rezoning request for the entire parcel to be R1-Single-Family Residential is consistent with the proposed use and with other developments in the vicinity.
- The Commission found it is not contrary to the interest of the community to reclassify the land use zoning designation of said tract to R1-Single-Family Residential.

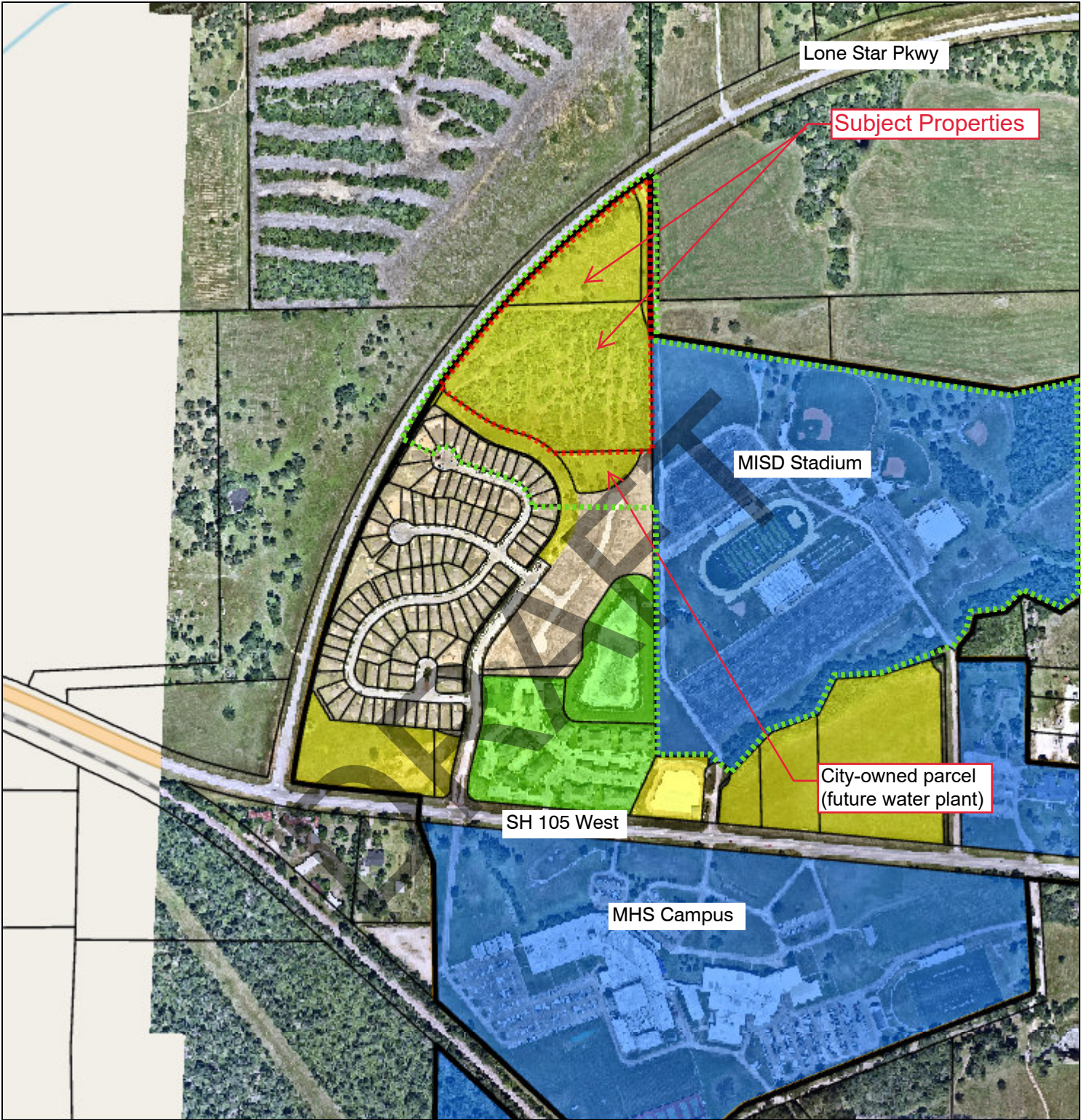
- By a vote of _____ the Planning and Zoning Commission hereby presents this Recommendation and Report pursuant to Section 98-30 of the City Code, recommending to **approve** reclassification of the land use zoning designation of said property on the Official Zoning Map of Montgomery Texas to R1-Single-Family Residential, thereby subject to all the requirements of Chapter 98 of the City of Montgomery Code of Ordinances for that designation.

I, Jeffrey Waddell, Chairman of the Montgomery Planning and Zoning Commission, on this 4th day of January 2022, certify the above Report to be true and correct to the best of my knowledge.

Signed: _____
Jeffrey Waddell, Chairman

Attest: _____
Susan Hensley, City Secretary

DRAFT



1 inch equals 752 feet

Public Hearing Schedule:
 Planning & Zoning:
 Tues. 01/04/21 at 6:00 pm

City Council:
 Tues. 01/11/21 at 6:00 pm

101 Old Plantersville Road
 Montgomery, TX 77316

Zoning Legend

- Commercial (B)
- Residential (R-1)
- Multi-Family (R-2)
- Institutional (I)

- City Limit
- City ETJ
- Hills of Town Creek Section 5
- Properties within 200-ft notification boundary



Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: January 4, 2022	Budgeted Amount:
Department: Administration	Prepared By: Dave McCorquodale

Subject

Consideration and possible action regarding a Recommendation and Report for a rezoning request for 14855 N. Liberty Street, Montgomery, Texas.

Recommendation

Discuss and approve a Recommendation and Report.

Discussion

This is the opportunity to develop a Recommendation and Report on the rezoning request. The Report should include the findings and recommendation of the P&Z Commission. A draft report is attached.

As required by local and state law, the City mailed notification letters to property owners within 200-feet of the subject property of the rezoning application and published legal notices announcing the Public Hearings in the City’s official newspaper on December 17th and December 24th.

City Council will hold a Public Hearing on January 11th and act on the rezoning request.

Approved By

Asst. City Administrator	Dave McCorquodale	Date: 12/29/2021
City Administrator	Richard Tramm	Date: 12/29/2021

PLANNING & ZONING COMMISSION RECOMMENDATION AND REPORT

TO: MONTGOMERY MAYOR AND CITY COUNCIL

FROM: PLANNING & ZONING COMMISSION

CC: RICHARD TRAMM, CITY ADMINISTRATOR
DAVE MCCORQUODALE, ASSISTANT CITY ADMINISTRATOR

SUBJECT: REPORT CONCERNING A PROPOSED RECLASSIFICATION OF 14855 N. LIBERTY STREET, MONTGOMERY, TEXAS, A 1.5-ACRE TRACT SITUATED IN THE BENJAMIN J. RIGSBY SURVEY, ABSTRACT NUMBER 31, IN MONTGOMERY COUNTY, TEXAS COMMONLY KNOWN AS 14855 NORTH LIBERTY STREET, MONTGOMERY, TEXAS 77356 FROM R1-SINGLE FAMILY RESIDENTIAL TO B-COMMERCIAL.

Mayor and Members of City Council,

Pursuant to Sections 98-30 and 98-53 of the City of Montgomery Code of Ordinances (“the Code”), the Montgomery Planning and Zoning Commission met on January 4, 2022 to consider a request from Arnette and Sherry Easley to reclassify the property as R1 – Single-Family Residential. A map of the property with the current zoning overlay is attached as Exhibit “A.”

After duly noticed public hearings with an opportunity for public comments concerning the requested rezoning classification, the Commission found:

- The property is currently zoned R1-Single-Family Residential.
- The rezoning request for the parcel to be B-Commercial is consistent with the proposed use and with other developments in the vicinity. Several properties approximately 900-feet to the south along Liberty St. are zoned for and used as R1-Single Family Residential.
- The Commission found it is not contrary to the interest of the community to reclassify the land use zoning designation of said tract to B-Commercial.

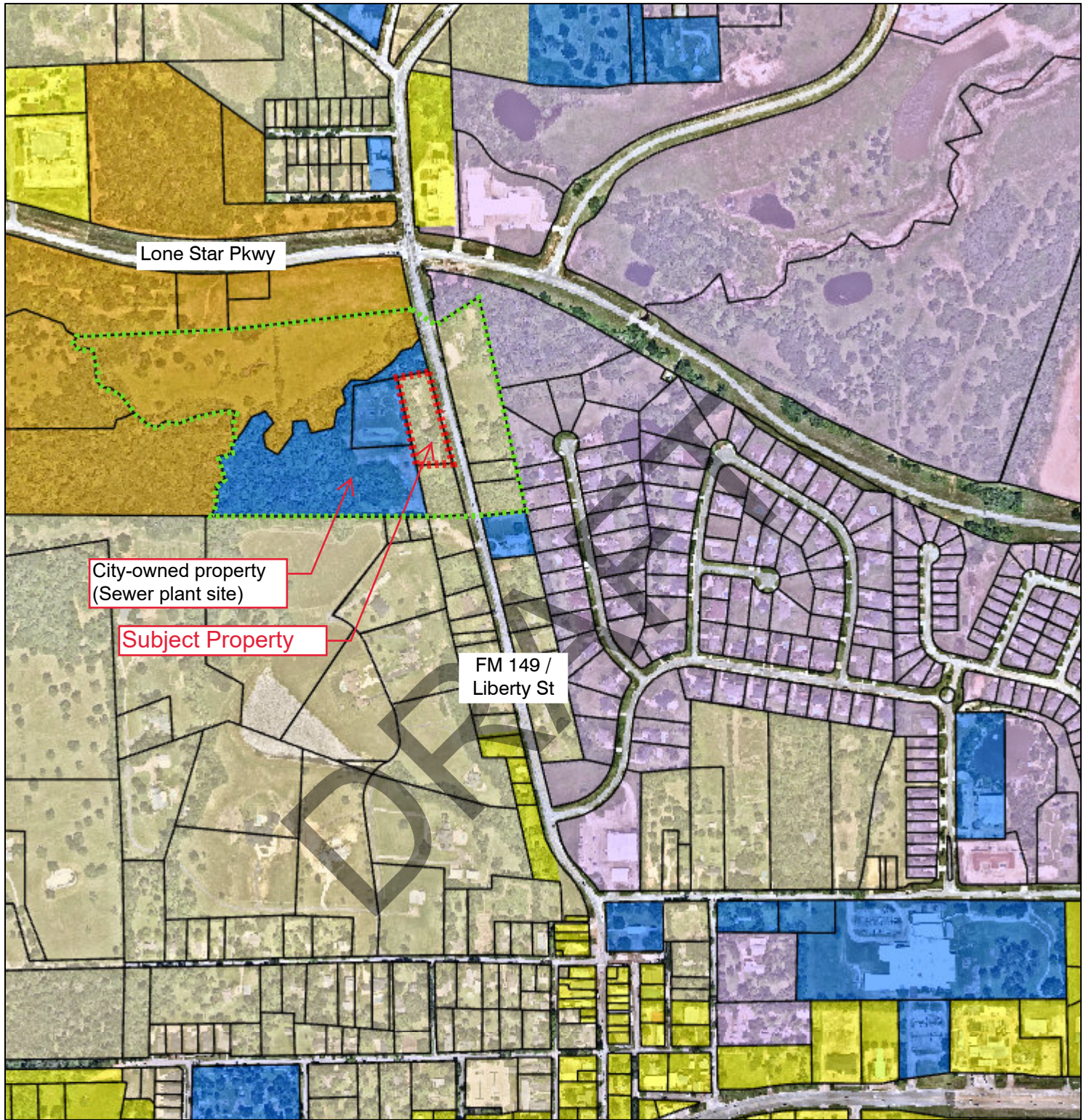
- By a vote of _____ the Planning and Zoning Commission hereby presents this Recommendation and Report pursuant to Section 98-30 of the City Code, recommending to **approve** reclassification of the land use zoning designation of said property on the Official Zoning Map of Montgomery Texas to B-Commercial, thereby subject to all the requirements of Chapter 98 of the City of Montgomery Code of Ordinances for that designation.

I, Jeffrey Waddell, Chairman of the Montgomery Planning and Zoning Commission, on this 4th day of January 2022, certify the above Report to be true and correct to the best of my knowledge.

Signed: _____
Jeffrey Waddell, Chairman

Attest: _____
Susan Hensley, City Secretary

DRAFT



1 inch equals 752 feet

Public Hearing Schedule:
 Planning & Zoning:
 Tues. 01/04/21 at 6:00 pm

City Council:
 Tues. 01/11/21 at 6:00 pm

101 Old Plantersville Road
 Montgomery, TX 77316

Zoning Legend

- Residential (R-1)
- Commercial (B)
- Institutional (I)
- Planned Development (PD)
- Industrial (ID)
- Boundary of 14855 N. Liberty Street
- Properties within 200-ft notification boundary



Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: January 4, 2022	Budgeted Amount:
Department: Administration	Prepared By: Dave McCorquodale

Subject

Convene into a Public Hearing regarding the rezoning requests for:

- a. Hills of Town Creek Section Five from B-Commercial to R1-Single Family Residential, and
- b. 14855 N. Liberty Street, Montgomery, Texas from R1-Single Family Residential to B-Commercial.

Recommendation

Listen to and consider any public comments.

Discussion

This is the second of two Public Hearings for the rezoning requests.

Approved By

Asst. City Administrator	Dave McCorquodale	Date: 12/30/2021
City Administrator	Richard Tramm	Date: 12/30/2021

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: January 4, 2022	Budgeted Amount:
Department: Administration	Prepared By: Dave McCorquodale

Subject

Consideration and possible action regarding a Report for City Council concerning a Special Use Permit application for Symmetry Brows located at 20165 Eva Street, Suite C, Montgomery, Texas 77356.

Recommendation

Discuss and approve a Recommendation and Report.

Discussion

Microblading studios are licensed by the state under the same regulations as tattoo artists. Accordingly, a microblading studio requires the same zoning process to practice as a tattoo parlor. Tattoo parlors require City Council approval via a Special Use Permit. The basic steps are as follows:

- City Council calls a Public Hearing for the request (to be held on January 11, 2022)
- Planning & Zoning Commission studies the request and provides a report to City Council
- City Council holds the Public Hearing and acts on the request.

The City has granted several microblading studio SUP's in the past and two currently operate in the City. A draft Report is attached for review.

Approved By

Asst. City Administrator	Dave McCorquodale	Date: 12/30/2021
City Administrator	Richard Tramm	Date: 12/30/2021

PLANNING & ZONING COMMISSION RECOMMENDATION AND REPORT

TO: MONTGOMERY MAYOR AND CITY COUNCIL

FROM: MONTGOMERY PLANNING & ZONING COMMISSION

CC: RICHARD TRAMM, CITY ADMINISTRATOR
DAVE MCCORQUODALE, ASSISTANT CITY ADMINISTRATOR

SUBJECT: FINAL REPORT CONCERNING A SPECIAL USE PERMIT APPLICATION FOR A MICROBLADING BUSINESS LOCATED AT 20165 EVA STREET, SUITE C, MONTGOMERY, TEXAS.

Mayor and Members of City Council,

Pursuant to Sections 98-27 and 98-88 of the City of Montgomery Code of Ordinances (“the Code”), the Montgomery Planning and Zoning Commission met on January 4, 2022 to consider an application from Symmetry Brows, LLC for a Special Use Permit for a microblading business to be located at 20165 Eva Street, Suite C in Montgomery, Texas.

After reviewing the request and studying the matter, the Commission thereby found:

- No deleterious effects to the character and development of the neighborhood are posed by the proposed business.
- By a vote of _____ the members present and pursuant to Section 98-27 of the Code, the Planning and Zoning Commission hereby presents this Report recommending approval of the Special Use Permit subject to all the terms, provisions, and limitations of the Ordinance granting the Special Use Permit.

I, Jeffrey Waddell, Chairman of the Montgomery Planning and Zoning Commission, on this 4th day of January 2022, certify the above Report to be true and correct to the best of my knowledge.

Signed: _____
Jeffrey Waddell, Chairman

Attest: _____
Susan Hensley, City Secretary