

**Notice of Planning and Zoning Commission  
AGENDA**

**May 02, 2023 at 6:00 PM**

**NOTICE IS HEREBY GIVEN** that a Meeting of the Montgomery Planning and Zoning Commission will be held on **Tuesday, May 02, 2023 at 6:00 PM** 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 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](http://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.** Approval of the meeting minutes for March 7, 2023 and April 4, 2023.
- 2.** Review and discussion on a proposed residential structure near the intersection of College and Pond Streets.
- 3.** Consideration and possible action on a draft Preliminary Report for a rezoning request from R1-Single Family Residential to B-Commercial for 14640 Liberty Street, Montgomery, Texas as submitted by Evan Ballew.
- 4.** Convene into Public Hearing #1 on the Preliminary Report for a rezoning request from R1-Single Family Residential to B-Commercial for 14640 Liberty Street, Montgomery, Texas as submitted by Evan Ballew.
- 5.** Convene into Public Hearing #2 on the Preliminary Report for a rezoning request from R1-Single Family Residential to B-Commercial for 14640 Liberty Street, Montgomery, Texas as submitted by Evan Ballew.
- 6.** Consideration and possible action on a Final Report for a rezoning request from R1-Single Family Residential to B-Commercial for 14640 Liberty Street, Montgomery, Texas as submitted by Evan Ballew.
- 7.** Consideration and possible action on a Preliminary Report for proposed amendments to Section 98-88 (Table of Permitted Uses) of the City Code of Ordinances.
- 8.** Convene into Public Hearing #1 on the Preliminary Report for proposed amendments to Section 98-88 of the Code of Ordinances (Table of Permitted Uses).
- 9.** Convene into Public Hearing #2 on the Preliminary Report for proposed amendments to Section 98-88 of the Code of Ordinances (Table of Permitted Uses).
- 10.** Consideration and possible action on a Final Report for proposed amendments to Section 98-88 (Table of Permitted Uses) of the City Code of Ordinances.

**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.

**ADJOURNMENT**

/s/Nici Browe

Nici Browe, TRMC

City Secretary

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 April 28, 2023 at 4:00 p.m.

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*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.*

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## MINUTES OF REGULAR MEETING

March 7, 2023

### MONTGOMERY PLANNING AND ZONING COMMISSION

#### CALL TO ORDER

Chairman Waddell declared a quorum was present and called the meeting to order at 6:00 p.m.

Present: Jeffrey Waddell  
 William Simpson  
 Britnee Ghutzman  
 Daniel Gazda  
 Merriam Walker

Also Present: Dave McCorquodale, Assistant City Administrator  
 Katherine Vu, PE  
 Chris Roznovsky, PE

#### VISITOR/CITIZENS FORUM:

Mr. McCorquodale stated that he had not received anything for citizen comment.

#### CONSIDERATION AND POSSIBLE ACTION:

1. **Approval of the February 7, 2023 Regular Meeting Minutes.**

Bill Simpson moved to approve the minutes as presented. Merriam Walker seconded the motion.  
**Motion Passed (5-0).**

2. **Consideration and possible action on calling Public Hearings to be held on April 4, 2023 related to a rezoning request by Cornerstone Community Church at 14740 Liberty Street, Montgomery, Texas.**

Mr. McCorquodale introduced this item by stating that the Cornerstone Community Church has acquired 1/3-acre of property next to their church which is currently zoned as Single Family Residential. The Church is asking to rezone the property to Institutional.

He went on to explain that the first step in the rezoning process is to hold a public hearing, if the commission were to call the public hearing it would be held at the next Planning and Zoning Commission meeting April 4, 2023.

Jeff Waddell asked Mr. McCorquodale to confirm that the usual letters are mailed to those this rezone could impact within a certain distance.

Mr. McCorquodale informed the commission that a legal notice would be published in the paper and that notification letters are mailed to property owners within 200-feet of the subject property.

The Commission held a brief discussion with Mr. McCorquodale regarding the existing parking lot and whether the church is considering expanding it. Staff did not have information on future site plans for the church property.

William Simpson moved to call the two public hearings as required. Britnee Ghutzman seconded the motion. **Motion Passed (5-0).**

**3. Consideration and possible action regarding approval of replat of Restricted Reserve “H2” of the Amended Plat of Buffalo Springs Shopping Center Phase 2.**

Mr. McCorquodale introduced the City Engineers to provide the information.

Ms. Katherine Vu presented the item to the Commission and explained that Dutch Bros will be coming, however, the land is platted as one reserve. In order for Dutch Bros to proceed, the land needs to be a divided into two reserves which requires an Amended Plat.

Jeff Waddell mentioned the extensive subsurface drainage being installed on site as part of the Popeye’s restaurant construction. Merriam Walker asked whether the city has control of the architectural details of the buildings through zoning regulations. She also asked about high volume of traffic in and out of the Popeye’s and Dutch Bros.

The city engineers provided details on the drainage for the site. Mr. McCorquodale said the city cannot regulate architectural materials. He went on to say that before 2019 the city had a Corridor Enhancement District that allowed for regulation of building materials along the main corridors of town. He mentioned that the city can control the architectural design within the Historic Preservation District. Staff and the engineers affirmed that neither site had direct access to SH 105 / Eva Street. Additional discussion was had on a proposed stop light in the area and adjacent property development.

William Simpson moved to approve the Amended Plat of Buffalo Springs Shopping Center Phase 2. Daniel Gazda seconded the motion. **Motion Passed (5-0).**

**4. Consideration and possible action regarding approval of the Preliminary Plat for Montgomery Bend Section One.**

Katherine Vu presented the item to the Commission. She stated this is also known as the Mabry Tract, these are the preliminary plats for the first two sections. She highlighted items for the Commission to be aware of:

- They are in a development agreement between the developer and the City which allows them to have 45ft wide lots, with a 5ft side yard setback.
- The side yard setback of 5-feet was approved by Council and added as an amendment to the Development Agreement. Approval conditions were that no AC’s etc. would be installed within the 5-foot side yard.

Merriam Walker inquired if there was an ordinance governing installing AC units on a roof. She also inquired what action the Planning and Zoning Commission was to take if this had been approved by Council.



Mr. McCorquodale said there was no restriction against placing an AC on the roof of the home. Mr. McCorquodale said the action before the Commission was to approve or deny the Preliminary Plats, and that City Council had approved the Development Agreement.

William Simpson moved to approve the Preliminary Plat for Montgomery Bend Section One as presented. Daniel Gazda seconded the motion. **Motion Passed (5-0).**

**5. Consideration and possible action regarding approval of the Preliminary Plat for Montgomery Bend Section Two.**

Katherine Vu informed the Commission that this is the same as the previous item, but a different section. The same approval is needed for this Preliminary Plat.

Daniel Gazda moved to approve the Preliminary Plat for Montgomery Bend Section Two as presented. William Simpson seconded the motion. **Motion Passed (5-0).**

**6. Consideration and possible action on a recommendation to City Council on minimum lot width, minimum lot area, and side yard setback requirements for R1-Single Family Residential zoning districts within the City of Montgomery.**

Mr. McCorquodale introduced this item and said both the City Council and P&Z Commission have expressed interest in reducing the number of variance requests related to single family neighborhood development in the City. He went on to say that the current city regulations for single family neighborhoods had not undergone a comprehensive update in a number of years and the housing market had changed from when the regulations were put in place.

The City Council has asked staff to update these regulations with an emphasis on amending the lot width. Staff was currently proposing a 15-foot reduction from the current 75-foot minimum lot width. The proposed minimum lot width would be 60-feet with a 5-foot side yard on both sides of the lot. He then asked for questions or comments from the Commission.

Bill Simpson asked to confirm the intent was to allow for a 60-foot minimum lot without the need for a variance. Mr. McCorquodale said that was correct. He added that the city's minimum lot width affects the economics of home building and home prices. Lot width is directly related to home prices and if the city wanted to encourage higher-priced home prices then a larger lot size would be a way to achieve that. He believed that City Council wanted to find a balance between affordable housing and a minimum lot size that would not result in only high-density neighborhoods in the city.

Jeff Waddell said he recognized that the housing market should be considered when discussing minimum lot sizes. He also mentioned the requirement for no equipment in the size yard and he had concerns on locating AC and similar equipment in the back yards of homes. Mr. McCorquodale said builders would not be required to locate the equipment in the back yard by designing homes that would accommodate room for equipment in the side yard without encroaching over the setbacks. He referred to the agenda packet and noted the building lines shown on the diagrams were a maximum width of the building envelope. He mentioned that while the proposed 60-foot minimum lot width was a 20% reduction in lot width, allowing 5-foot side yards instead of the current 10-foot side yards meant the building envelope was only being reduced by 10%.

Jeff Waddell said his preference was a 7.5-foot side yard as a balance between 10-foot and 5-foot. Bill Simpson asked for Council's position on the 5-foot side yard without equipment and said that he felt that a 5-foot side yard was too narrow. Merriam Walker agreed. Mr. McCorquodale said that an

additional tool would be to consider adding a townhome zoning district that developers could integrate into developments to allow for a wider range of housing types and provide options for home buyers. Merriam Walker asked if this was for new developments or would existing neighborhoods be able to have townhomes between two existing houses. Staff said the property owner would have to go through the rezoning process to do it, but it would be possible if deed restrictions allowed it. Merriam Walker asked who was requesting the change. Mr. McCorquodale said the City Council had asked staff to make the change and that he had requested to bring it to the P&Z for review and recommendation. Britnee Ghutzman said she would like to see more of a study of different neighborhoods to make a more informed decision. Merriam said there were different demographics moving to the city and she would like to see different housing types so people have options. Mr. McCorquodale also said that allowing Accessory Dwelling Units (ADU's) like garage apartments or mother-in-law suites provide more housing options and allow homeowners to also have the option to earn income on properties.

Mr. McCorquodale said the direction he was getting was to bring more information back to the P&Z for further discussion. Bill Simpson said he didn't want to rush into a decision and wanted to make sure the city evaluates the information carefully. He said he would bring back examples of neighborhood design to illustrate different options. Mr. McCorquodale requested that the Commission table the item and ask staff to bring more information back.

Merriam Walker moved to table the item and requested staff to bring additional information back for review. William Simpson seconded the motion. **Motion Passed (5-0).**

**COMMISSION INQUIRY:**

Merriam Walker asked about the Amish Cheese sign that was tabled at the last meeting. Staff said the owners were contacted about the sign to provide more information, but the applicant had not reapplied or provided more information on the proposed sign.

Jeff Waddell asked if there had been any further discussion on the property near Lone Star Parkway and FM 149. Katherine Vu said she'd spoken to the developers recently who were still working on preliminary design but were moving forward.

**ADJOURNMENT**

Britnee Ghutzman moved to adjourn the meeting at 6:45 p.m. Merriam Walker seconded the motion, the motion carried unanimously. (5-0)

Prepared by: \_\_\_\_\_  
Nici Browe, City Secretary

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Chairman Jeffrey Waddell

Attest: \_\_\_\_\_  
Nici Browe, City Secretary

**MINUTES OF REGULAR MEETING**

**April 4, 2023**

**MONTGOMERY PLANNING AND ZONING COMMISSION**

**CALL TO ORDER**

Chairman Waddell declared a quorum was present and called the meeting to order at 6:00 p.m.

Present: Jeffrey Waddell, Bill Simpson, Merriam Walker, Daniel Gazda

Absent: Britnee Ghutzman

Also Present: Dave McCorquodale, Assistant City Admin. / Director of Planning & Development

**VISITOR/CITIZENS FORUM**

Mrs. Julie Davis, city resident, provided comments on agenda item #1. Mrs. Davis said she was opposed to the new fee schedule for mobile food vendors. She also shared concerns about one-time event vendors not wanting to pay for a 6-month permit and how charities and non-profits are regulated. She appreciated many of the other changes to the ordinance.

Jeff Waddell thanked the all the visitors for taking the time to attend the meeting.

**1. Proposed Text Amendments to Chapter 64 Peddlers, Solicitors Vendors and Section 98-88 Table of Permitted Uses and Special Uses to provide requirements for Mobile Food Units (Food Trucks) and Mobile Food Courts (Food Truck Parks).**

City Administrator Gary Palmer gave an overview of the proposed amendments to the ordinance and discussed the need for the changes with the Commission. Mr. Palmer said the City Council had asked him to address the vendor ordinance revisions as one of his first priorities after joining the city in January 2023. He said his process when asked to review ordinances is to connect with professional organizations and review other city’s ordinances to find best practices to achieve the goal. He said the revisions under review reflect that process. Mr. Palmer said the revisions also include changes that bring our rules in line with current state law. The primary changes include defining mobile food courts and mobile food units, creating exemptions that exempt street festival

vendors from needing an individual permit. Those vendors would be able to operate under the street festival permit.

Mr. Palmer said the changes to the vendor ordinance does not directly affect the P&Z Commission, but the proposed additions to the Table of Permitted Uses does require P&Z review and action. He explained that under the proposed amendments individual mobile food vendors within the Historic Preservation District would require a Special Use Permit along with mobile food courts. Jeff Waddell asked to confirm that two or more mobile food vendors on a property constituted a mobile food court. Mr. Palmer affirmed that point. Bill Simpson asked how the requirements for mobile food courts would be set; Mr. Palmer said that would be determined through the SUP process. The intent is to minimize red tape and adjust to circumstances as needed. Bill also asked about the county's 48-hour mobility requirement. Mr. Palmer said that is not actually a county requirement they can enforce, but the county does have that on their application. He went on to say that regulating mobility would be difficult to enforce and that the proposed vendor ordinance does not have mobility requirements for mobile food vendors.

Merriam Walker said there were food trucks downtown already and asked if a mobile food court would apply if one of the vendors moved in and out. Dan Gazda asked a follow up question regarding what the trigger was for a mobile food court. Mr. Palmer said two or more meant a food truck court whether it was only for a day or longer. Regarding the proposed fees, Mr. Palmer said he didn't want to get hung up on the amount of the permit and that it was a decision to be made by Council, but the city should set it high enough to ensure fly-by-night operations don't come to the city. Mr. Palmer said there was not consistency on fees between different cities and the goal should be a fair fee for the city and the vendor. He added that city council had requested a higher fee for mobile food vendors to provide parity between them and brick and mortar restaurants. Additional discussion was had on examples of events and individual vendors. Merriam Walker spoke to the proposed changes to the hours of operation and asked for clarification. Mr. Palmer said the next steps would be for P&Z to complete their review of the Table of Permitted Uses and transmit a recommendation to the City Council.

No action required or taken.

**2. Consideration and possible action on calling two Public Hearings to be held on May 2, 2023 related to proposed amendments to Section 98-88 (Table of Permitted Uses) of the City Code of Ordinances.**

Staff reminded the Commission the proposed amendments to the Table of Permitted Uses were to address mobile food units in the city Zoning Ordinance.

Daniel Gazda moved to call the public hearings as required. Merriam Walker seconded the motion, the motion carried unanimously. (4-0)

**3. Consideration and possible action on a draft Preliminary Report for a rezoning request from Cornerstone Community Church for 14740 Liberty Street from R1-Single Family Residential to I-Institutional.**

Staff reviewed the draft report. No revisions or edits requested by the Commission.

Merriam Walker moved to approve the Preliminary Report as presented. Daniel Gazda seconded the motion, the motion carried unanimously. (4-0)

**4. Convene into Public Hearing #1 on the Preliminary Report for a rezoning request from R1-Single Family Residential to I-Institutional at 14740 Liberty Street, Montgomery, Texas.**

Jeff Waddell opened the hearing at 6:52 p.m. No comments given at the meeting, Mr. McCorquodale said he spoke with a resident who received a notice letter and wanted to confirm the details. The resident had no objections to the request. Merriam Walker asked to confirm the requirements for Institutional properties adjacent to residential. Jeff Waddell said the Commission could address that point in the Final Report. The hearing closed at 6:54 p.m.

**5. Convene into Public Hearing #2 on the Preliminary Report for a rezoning request from R1-Single Family Residential to I-Institutional at 14740 Liberty Street, Montgomery, Texas.**

Jeff Waddell opened the hearing at 6:55 p.m. Mrs. Julie Davis said the church had a variance to their parking surface and to be mindful of parking lot expansions. The hearing closed at 6:57 p.m.

**6. Consideration and possible action on a Final Report for a rezoning request for 14740 Liberty Street from R1-Single Family Residential to I-Institutional as submitted by Cornerstone Community Church.**

Staff reviewed the draft report. Jeff Waddell noted the requirement in the report that future development of the church property needed to meet city regulations on buffering lights and noise from adjacent homes. Mr. McCorquodale said the church was platting the property which requires a 25-foot vegetative buffer adjacent to homes. Staff confirmed new development on the site would need to follow all current city regulations.

Daniel Gaza moved to approve the Final Report as presented. Merriam Walker seconded the motion, the motion carried unanimously. (4-0)

**7. Discussion and review of single-family residential neighborhood development patterns.**

Mr. McCorquodale said the Commission had reviewed the topic last month and was asked to bring back additional information. He touched on the two bills in the state legislature that would prevent cities from regulating lot sizes and the minimum lot size in the bills would allow a minimum 20-foot single-family lot width and a 1,400 sqft minimum lot area. The other bill would prevent cities from prohibiting Accessory Dwelling Units on single-family residences. Mr. McCorquodale referred the Commission to the agenda packet and reviewed the existing city regulations for residential lot sizes. He discussed several existing and proposed residential developments in the city and provided data on lot sizes and density. Also covered were two developments outside of the city limits. Mr. McCorquodale suggested amending open space requirements within developments based on the lot sizes. The goal is to provide developer options on potential lot sizes and ensures there is enough open space within these developments. Mr. McCorquodale said this item will be discussed at the upcoming joint workshop with MEDC and City Council and staff was not asking for a formal recommendation. Dan Gazda said he appreciated the additional information and that it was what the Commission requested to be brought to them for consideration. Mr. McCorquodale said the staff's recommendation was to budget for and engage a planning consultant to revise the city's development regulations in a comprehensive manner.

No action required or taken.

**8. Consideration and possible action on calling two Public Hearings to be held on May 2, 2023 related to a rezoning request from R1-Single Family Residential to B-Commercial for 14640 Liberty Street, Montgomery, Texas.**

Staff reviewed the information provided in the request.

Bill Simpson moved to call the public hearings as required. Daniel Gazda seconded the motion, the motion carried unanimously. (4-0)

**Commission Inquiry**

Jeff Waddell said the meeting minutes for March would be provided at the next meeting.

**Adjournment**

Daniel Gazda moved to adjourn the meeting at 7:35 p.m. Merriam Walker seconded the motion, the motion carried unanimously. (4-0)

Prepared by: \_\_\_\_\_ Date approved: \_\_\_\_\_  
Dave McCorquodale

\_\_\_\_\_  
Chairman Jeffrey Waddell

Attest: \_\_\_\_\_  
Nici Browe, City Secretary

Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date:</b> May 2, 2023	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Administration	<b>Prepared By:</b> DMc

**Subject**

Review and discussion on a proposed residential structure near the intersection of College and Pond Streets.

**Recommendation**

Provide feedback to the owner and staff on the proposed project.

**Discussion**

Mr. GERAL FAUSS owns several properties downtown, one of which is where the old water tower for the city stood. The property is at the intersection of College and Pond Streets behind Burger Fresh. A map of the vicinity is attached for reference.

Mr. Fauss provided the attached conceptual plans and mockup image for a proposed residential structure that would be designed to mimic the form of a water tower to acknowledge the historical use of the property. Strictly applied, the Historical Preservation Ordinance does not appear to allow for this type of construction, however, the intent of the ordinance is to preserve the history of Montgomery and this project appears to be within the spirit of that.

Staff will need time to evaluate the site and proposed structure in order to provide a thorough analysis and recommendation. An initial review finds the following:

- Zoning: Property is zoned B-Commercial (residential use allowed by right)
- Historic District: Property is within the Historic Preservation District—the proposed architectural design does not comply with architectural guidelines for the district
- Surrounding land use: residential to the west; commercial to the north, east, and south
- Property size: 680 square feet; approx. 35-ft wide x 25-ft deep;
- Setbacks: staff is reviewing setbacks in the context of the lot size and proximity to residentially zoned properties to determine setback requirements; given the size of the property, typical setbacks would render the lot unusable.
- Utilities: water & sewer available; relocation of power lines along College St may be needed depending on aerial easements.

Staff is asking for preliminary feedback from the Commission to advise the owner on the best course of action while reviewing the regulatory disposition of the property with the engineers and city attorney.

**Approved By**

Asst. City Administrator and Director Planning & Development	Dave McCorquodale	Date: 04/26/2023



# Water Tower Site Area Exhibit



1 inch equals 94 feet

Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Quididity Engineering, LLC concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.

### LEGEND

- |                            |                          |
|----------------------------|--------------------------|
| MCAD Property Info         | Industrial (I)           |
| City ETJ                   | Institutional (I)        |
| City Limit                 | Multi-Family (R-2)       |
| <b>Zoning</b>              | Planned Development (PD) |
| <b>Zone Classification</b> | Residential (R-1)        |
| Commercial (B)             |                          |



VICINITY MAP







## City Water Tower

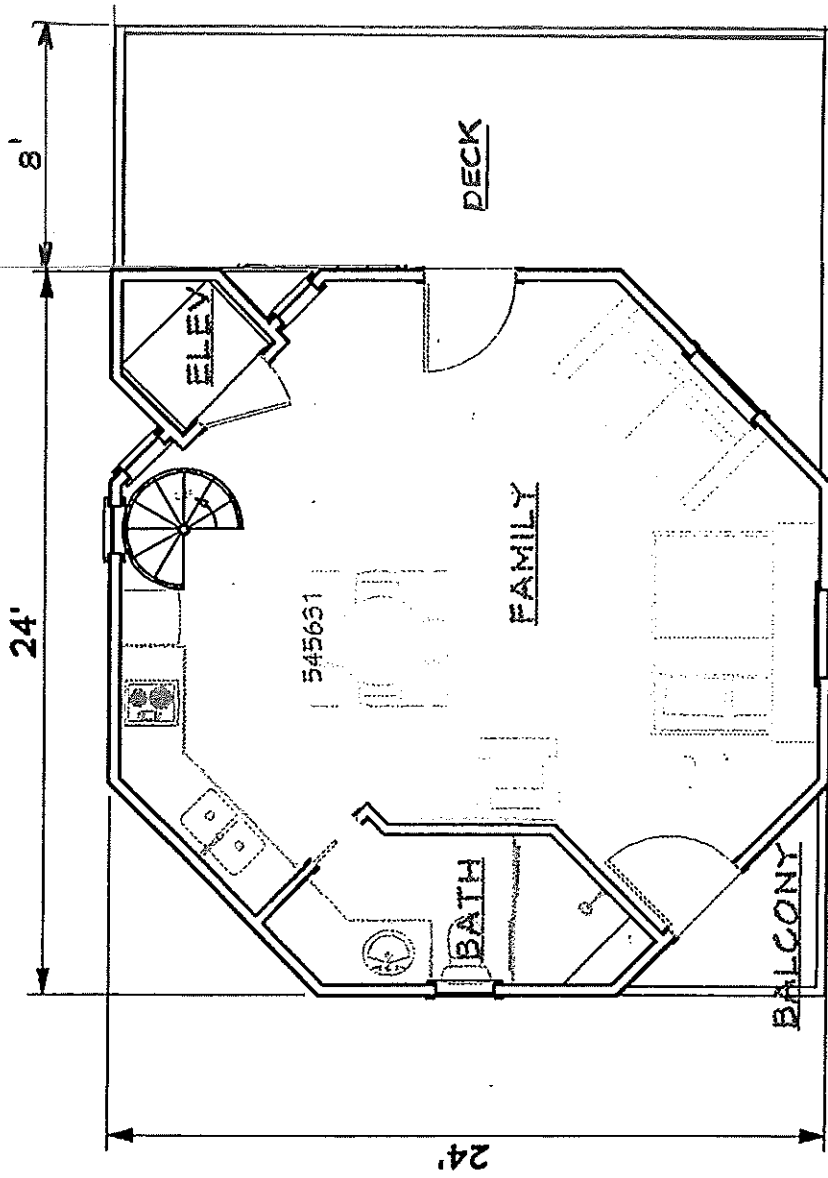
### History

In 1911 Harry Mickler constructed a water tower on a small lot located on College Street where Pond Street ends. The tower remained on the site for several years after it was no longer in use. I purchased the property in 2004. The tower was not structurally sound. I gave it to Phillip Lefevre who agreed to remove it and have it repaired and erected it in front of Ransom's Steak House where it still stands.

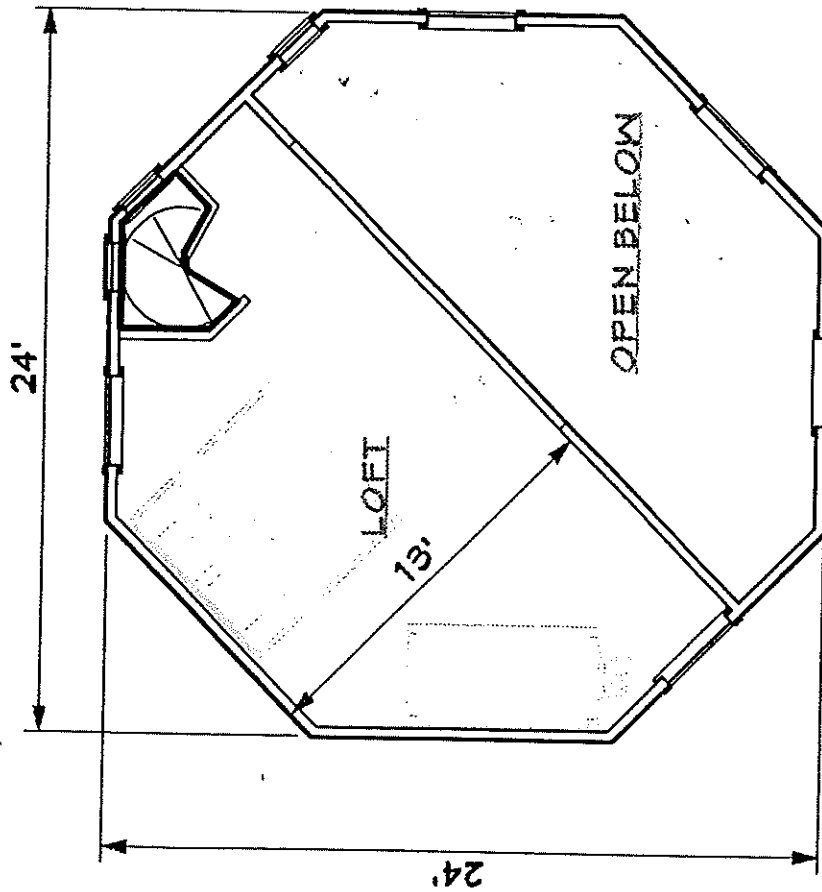
I would like to construct a replica water tower on the original water tower site. The tower would 45' in height. The structure would be a two story, 24' do-decagon (12 sided) apartment. There would be 2 parking spaces under tower supports. An elevator would give access to the first floor. An emergency generator backup would be installed. All utilities are available at the base of the structure. (A preliminary drawing of an 8 sided structure is attached.)

To accomplish this the City would need to allow;

1. the removal of the trees on the 25" x 35' (875 square feet) property. There were no trees on the property when the original tower existed.
2. The structure would need to be located near the property lines, therefore setbacks, side and back yard restrictions could not be met.



LIVING AREA  
402.90 FT



LIVING AREA  
289 SQ. FT.

Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date:</b> May 2, 2023	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Administration	<b>Prepared By:</b> DMc

**Subject**

Consideration and possible action on a draft Preliminary Report for a rezoning request from R1-Single Family Residential to B-Commercial for 14640 Liberty Street, Montgomery, Texas as submitted by Evan Ballew.

**Recommendation**

Review the draft and edit as appropriate.

**Discussion**

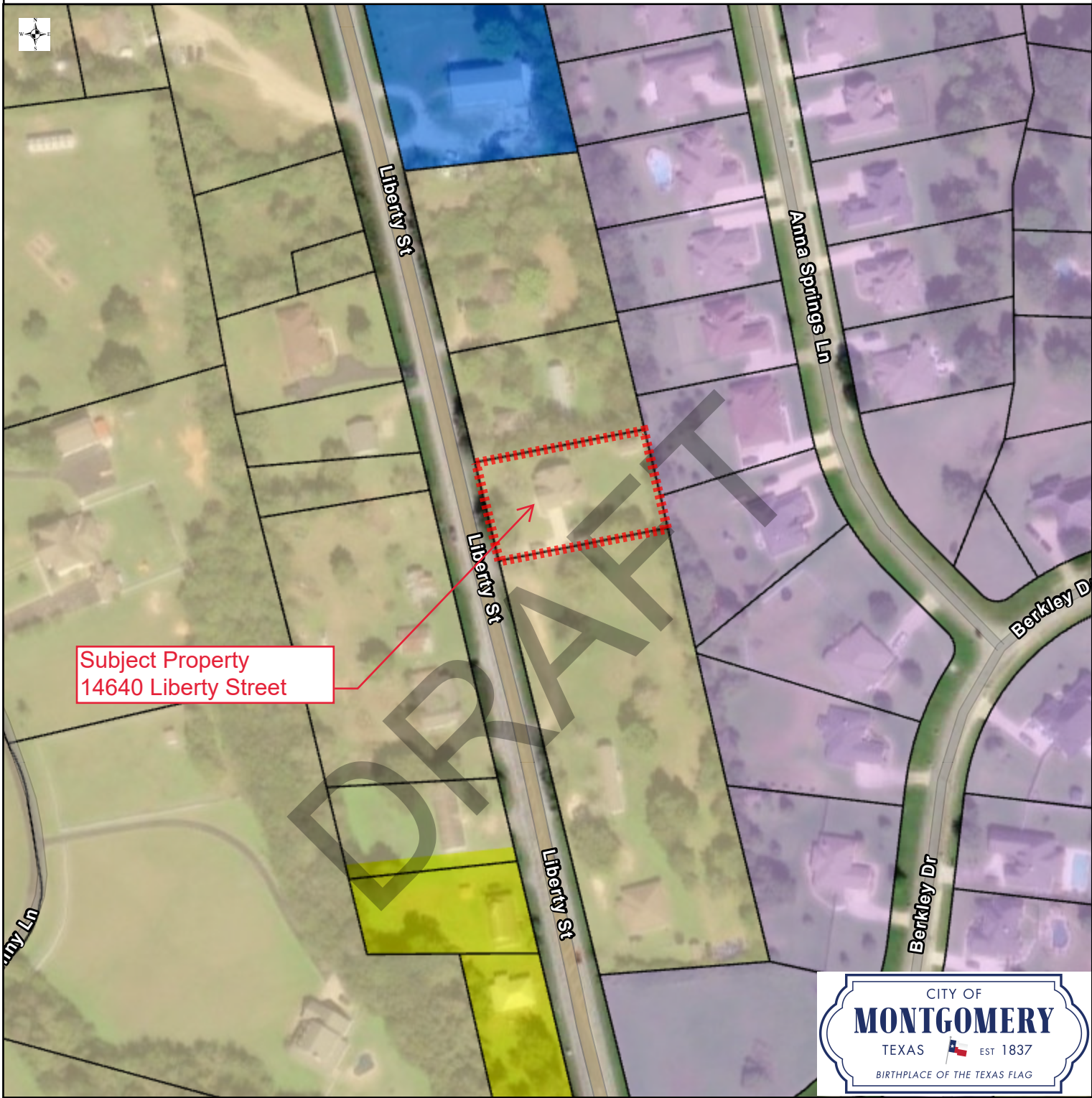
Staff has provided a draft Preliminary Report for review. The report contains basic property and zoning information along with staff comments on the request. This draft can be edited to include or remove any pertinent information related to the rezoning request. An exhibit showing the surrounding area from the Future Land Use Plan is attached.

**Approved By**

Asst. City Administrator and Director Planning & Development	Dave McCorquodale	Date: 04/26/2023



# Preliminary Report 14640 Liberty Street Rezoning Request



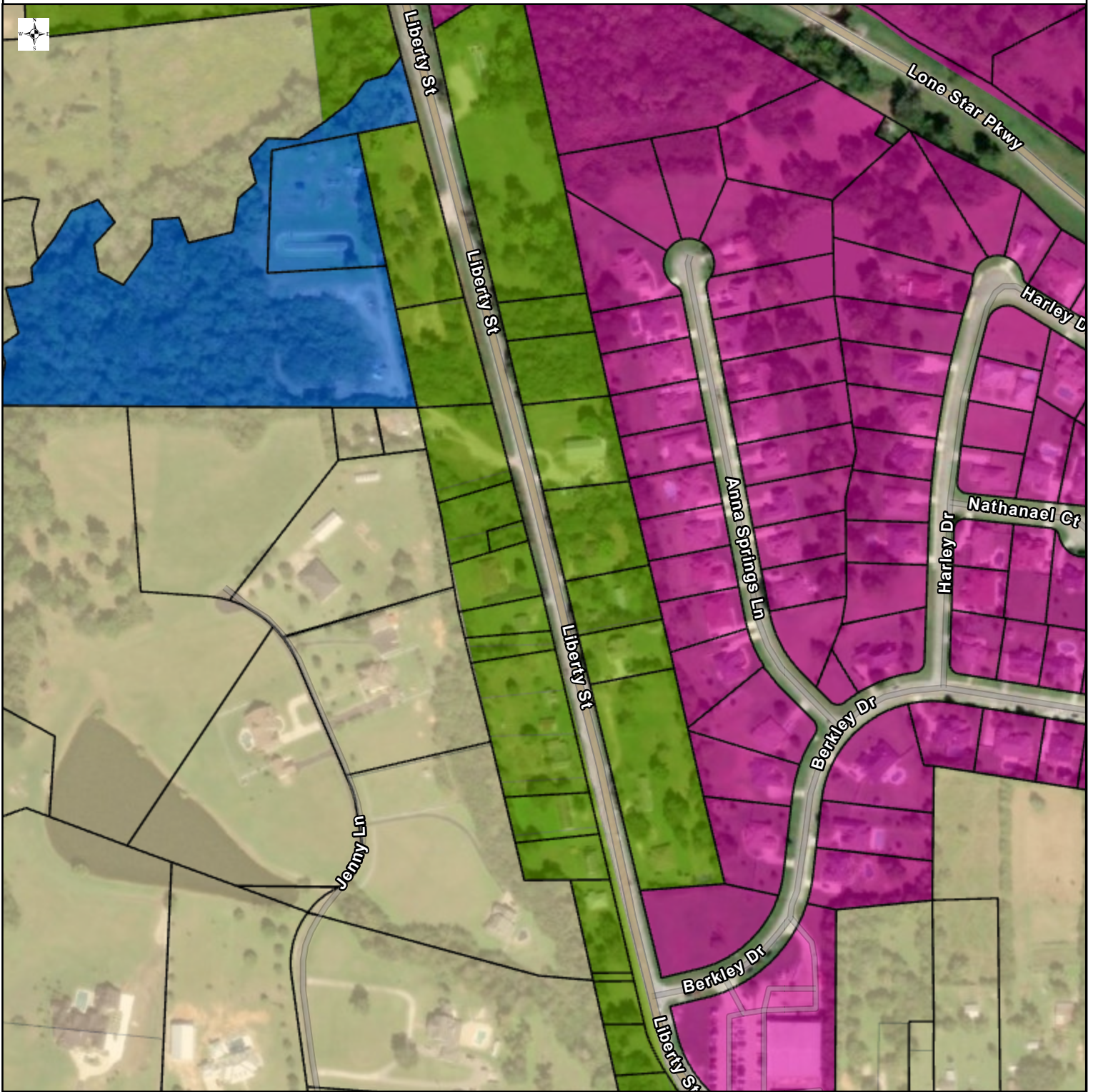
Subject Property  
14640 Liberty Street

1 inch equals 188 feet

<p><b>Zoning Classification</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: yellow; border: 1px solid black; margin-right: 5px;"></span> Residential (R-1)</li> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: blue; border: 1px solid black; margin-right: 5px;"></span> Institutional (I)</li> <li><span style="display: inline-block; width: 20px; height: 10px; background-color: purple; border: 1px solid black; margin-right: 5px;"></span> Planned Development (PD)</li> <li><span style="display: inline-block; width: 20px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> MCAD Property Boundaries</li> </ul>	<p><b>General Property Information</b></p> <ul style="list-style-type: none"> <li>• Property size: 0.57 acres</li> <li>• Current Zoning: R1 Single Family Residential</li> <li>• Requested Zoning: B-Commercial</li> <li>• Frontage on FM 149 / Liberty Street</li> </ul> <p><b>Comments:</b></p> <ul style="list-style-type: none"> <li>• Size of property may limit future commercial development options</li> <li>• Ensure any future development provides buffer for adjacent residential uses per City Code.</li> <li>• Future Land Use Plan designates the property as B-Commercial.</li> <li>• No objections from staff on the request to rezone the property.</li> </ul>	<p><b>Surrounding Uses:</b></p> <ul style="list-style-type: none"> <li>• Single Family Residential</li> <li>• Vacant Land</li> <li>• Nearby Commercial</li> <li>• Nearby Institutional</li> </ul>
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# Future Land Use - North Liberty Street Exhibit



1 inch equals 376 feet

Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Quiddity Engineering, LLC concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.

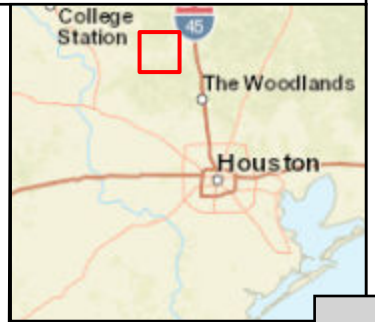


**QUIDDITY**  
ENGINEERING  
Texas Board of Professional Engineers Reg. No. F-23290

- MCAD Property Info
- City ETJ
- City Limit
- Future Land Use**
- CoM\_Future**
- Commercial

**LEGEND**

- Industrial
- Institutional
- Multi-Family
- P.D.D.
- Residential - Low
- Residential - High



VICINITY MAP



Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date:</b> May 2, 2023	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Administration	<b>Prepared By:</b> DMc

**Subject**

Consideration and possible action on a Final Report for a rezoning request from R1-Single Family Residential to B-Commercial for 14640 Liberty Street, Montgomery, Texas as submitted by Evan Ballew.

**Recommendation**

Review the draft and edit as appropriate.

**Discussion**

Staff has provided a draft Final Report for review.

**Approved By**

Asst. City Administrator and Director Planning & Development	Dave McCorquodale	Date: 04/27/2023

# PLANNING & ZONING COMMISSION RECOMMENDATION AND REPORT

TO: MONTGOMERY MAYOR AND CITY COUNCIL

FROM: PLANNING & ZONING COMMISSION

CC: GARY PALMER, CITY ADMINISTRATOR  
DAVE MCCORQUODALE, DIRECTOR OF PLANNING & DEVELOPMENT  
NICI BROWE, CITY SECRETARY

SUBJECT: REPORT CONCERNING A PROPOSED RECLASSIFICATION OF A 0.57-ACRE TRACT SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NUMBER 8, TRACT 16, IN MONTGOMERY COUNTY, TEXAS COMMONLY KNOWN AS 14640 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 May 2, 2023 to consider a request from Evan Ballew to reclassify the property as B-Commercial. 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. R-1 single-family residential lies to the west, Planned Development zoning overlay with single-family homes lies to the east. While R1-Single Family Residential lies to the north and south, the expectation is that these properties will be rezoned to B-Commercial as they redevelop. The City’s Future Land Use Plan identifies this corridor as future B-Commercial zoning.

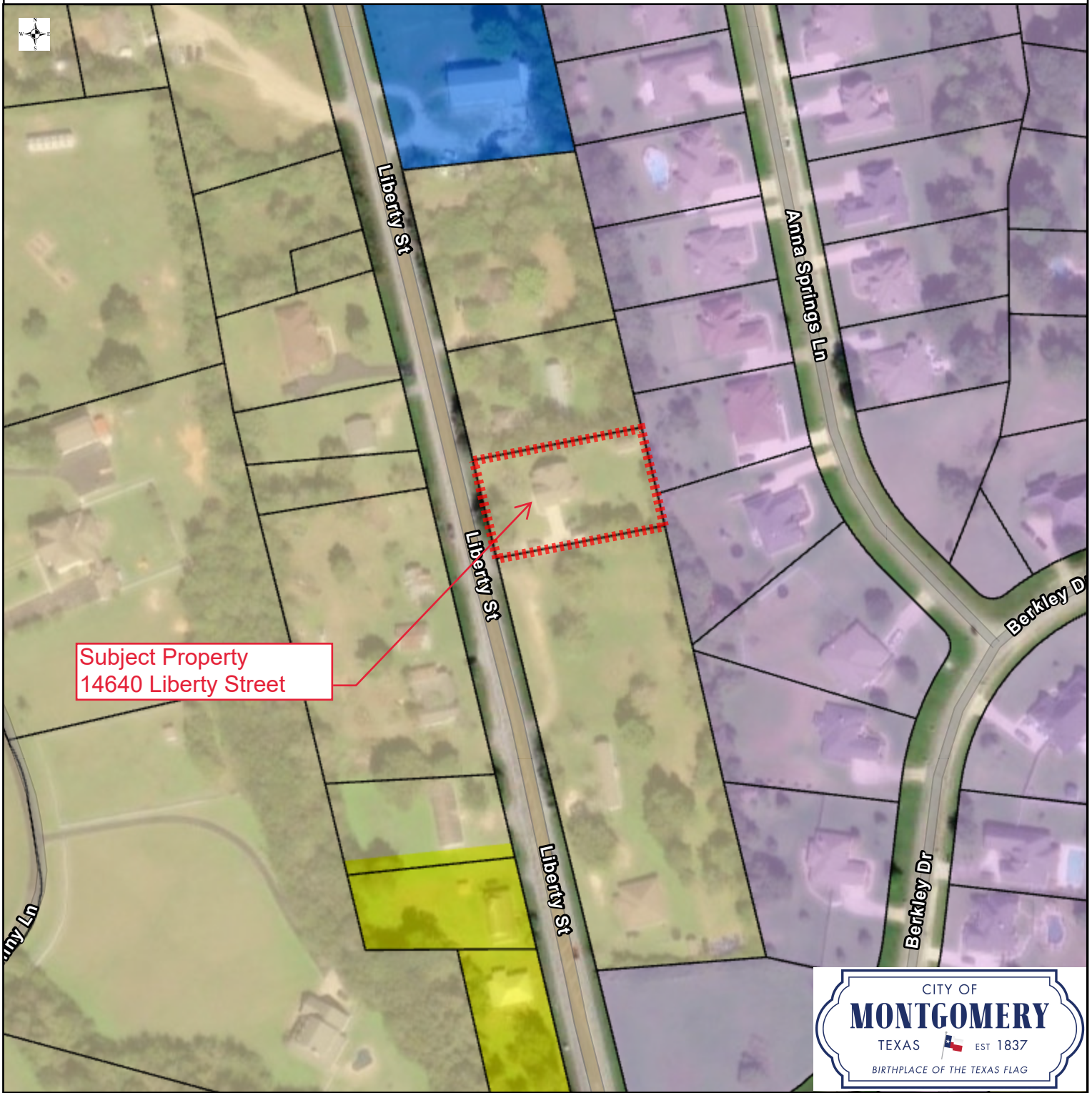
- Adequate development regulations are in place to ensure no negative effects on surrounding properties if the rezoning is approved. Any future redevelopment will include a 25-foot vegetative setback (Sec. 78-162) and side & rear yards (Sec. 98-239), adjacent to single-family properties.
- The Commission found the request to be consistent with the Comprehensive Plan and not contrary to the interest of the community. The Planning & Zoning Commission recommends approval of the rezoning request 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, certify this Report to be true and correct to the best of my knowledge.

Signed: \_\_\_\_\_  
Jeffrey Waddell, Chairman

Attest: \_\_\_\_\_  
Nici Browe, City Secretary

# Exhibit "A" 14640 Liberty Street Rezoning Request



Subject Property  
14640 Liberty Street



1 inch equals 188 feet

### Zoning Classification

- Residential (R-1)
- Institutional (I)
- Planned Development (PD)
- MCAD Property Boundaries

### General Property Information

- Property size: 0.57 acres
- Current Zoning: R1 Single Family Residential
- Requested Zoning: B-Commercial
- Frontage on FM 149 / Liberty Street

### Surrounding Uses:

- Single Family Residential
- Vacant Land
- Nearby Commercial
- Nearby Institutional

Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date:</b> May 2, 2023	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Administration	<b>Prepared By:</b> DMc

**Subject**

Consideration and possible action on a Preliminary Report for proposed amendments to Section 98-88 (Table of Permitted Uses) of the City Code of Ordinances.

**Recommendation**

Approve the Preliminary Report as presented.

**Discussion**

Staff has provided a draft Preliminary Report for review. The proposed additions to the Table of Permitted Uses relate to mobile food units and mobile food courts:

- Mobile Food Unit (permitted by right in Commercial, Industrial, and Institutional)  
\*\*\* Mobile food units within the Historic Preservation District requires a Special Use Permit
- Mobile Food Court (not permitted by right in any District; requires a Special Use Permit)

While the Table of Permitted Uses (and Zoning Code in general) needs a comprehensive update, these two amendments are part of an effort to update the city's mobile food vendor regulations.

**Approved By**

Asst. City Administrator and Director Planning & Development	Dave McCorquodale	Date: 04/26/2023

# PLANNING & ZONING COMMISSION RECOMMENDATION AND REPORT

TO: MONTGOMERY MAYOR AND CITY COUNCIL

FROM: PLANNING & ZONING COMMISSION

CC: GARY PALMER, CITY ADMINISTRATOR  
DAVE MCCORQUODALE, DIRECTOR OF PLANNING & DEVELOPMENT  
NICI BROWE, CITY SECRETARY

SUBJECT: REPORT CONCERNING PROPOSED AMENDMENTS TO SECTION 98-88 OF THE CITY CODE OF ORDINANCES (TABLE OF PERMITTED USES).

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 May 2, 2023 to consider proposed amendments to Section 98-88 of the City Code of Ordinances. After duly noticed public hearings with an opportunity for public comments concerning the proposed amendments, the Commission found:

- The Table of Permitted Uses does not currently address mobile food units or mobile food courts (also called food truck parks).
- The increase in popularity of mobile food units as well developments that include multiple mobile food units necessitates an update to city zoning regulations.
- 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** the proposed amendments to Section 98-88 of the City Code.

I, Jeffrey Waddell, Chairman of the Montgomery Planning and Zoning Commission, certify this Report to be true and correct to the best of my knowledge.

Signed: \_\_\_\_\_  
Jeffrey Waddell, Chairman

Attest: \_\_\_\_\_  
Nici Browe, City Secretary

## Sec. 98-88. Table of permitted uses and special uses.

(a) Permitted uses and special uses in the various zoning districts are as specified in the following table:

Permitted Uses	R-1	R-2	B	ID	I	CC
Accessory uses						X
Aerial or ground survey			X			
Air conditioning sales, retail, complete enclosed (services incidental)			X			
Air conditioning-refrigeration services repair (completely enclosed) with no installation of central units — heating or cooling						X
Airport (nongovernmental)						X
Air product manufacturing				X		
Alcoholic beverage sales off premises			X			
Alcoholic beverage sales on premises						X
Alcoholic beverage storage			X			
Altering and repairing of wearing apparel			X			
Ambulance service			X			
Amusement arcade						X
Amusement park (commercial)						X
Animal shelter or dog pound (nongovernmental)						X
Antique store (completely enclosed)			X			
Apartment hotel						X
Apothecary, limited to the sale of pharmaceutical and medical supplies			X			
Apparel and accessory store			X			
Appliance repair (completely enclosed)			X			
Armory						X
Art gallery and/or museum (commercial retail sale of objects d'art only)			X			
Asphalt or creosote manufacturing or treatment						X
Assisted living		X	X			
Automobile and truck sales and service (new and used) (service completely enclosed)			X			
Automobile car wash			X			
Automobile filling station and/or service (all repair in district to be completely enclosed)			X			
Automobile glass sales and installation			X			
Automobile muffler sales and installation (completely enclosed)			X			
Automobile parking lots or parking garages (commercial)						X
Automobile rental			X			
Automobile repair			X			
Automobile upholstery sales and installation (completely enclosed)			X			

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Automobile wrecking, dismantling or salvage (enclosed by fence)						X
Aviary						X
Bait store			X			
Bakery (retail)			X			
Bakery (wholesale)			X			
Barber shop			X			
Beauty salon			X			
Bed and breakfast	X		X			
Churches					X	
Community home as required by V.T.C.A., Human Resources Code § 123.003	X	X				
Compressed gas manufacturing, repacking and/or storage						X
Dairy equipment (wholesale) (completely enclosed)			X			
Dairy products sales (retail)			X			
Dairy products sales (wholesale)			X			
Delicatessen			X			
Department store			X			
Dog pound or animal shelter (nongovernmental)						X
Drug manufacture						X
Drug sales (wholesale)			X			
Drugstore			X			
Dry cleaning pickup and pressing shops			X			
Dry cleaning plant						X
Dry goods store			X			
Dry goods (wholesale) (completely enclosed)			X			
Electric power generator station (primary station)						X
Electric repair (appliances) (completely enclosed)			X			
Electric repair shop (heavy equipment)				X		
Electrical substation, to be enclosed by a fence or wall of minimum six feet in height, with physical installation being enclosed by a barrier which constitutes a visual screen. Visual screening would not be required in ID district				X		
Electrician			X			
Electroplating			X			
Elevator maintenance and service				X		
Exterminator (completely enclosed)			X			
Farm equipment sales and service (completely enclosed in B-2 district)			X			
Farm supplies			X			
Farming and truck gardening, but not for retail sales (permitted in any district)				X		
Feed store or seed and fertilizer			X			



Felt manufacture (cloth)				X		
Fish market (fenced outside storage)				X		
Fish market (retail)			X			
Fish market (wholesale)			X			
Fix-it shop (completely enclosed)			X			
Floor covering sales (retail completely enclosed)			X			
Floral shop (completely enclosed)			X			
Florist (wholesale) (completely enclosed)			X			
Food locker plant (retail)			X			
Food products (wholesale storage and sales)			X			
Food products manufacture and processing (not rendering)				X		
Food store			X			
Food to go (retail, no curb service)			X			
Foundry						X
Freight depot (railroad and/or truck)				X		
Fruit and produce (wholesale)			X			
Fruit and vegetable stand or store			X			
Funeral home, mortuary or undertaking establishment			X			
Fur dyeing, finishing and storing (no tanning, no hide storage)				X		
Furniture (wholesale sales)			X			
Furniture repair and upholstery (completely enclosed)			X			
Furniture repair and upholstery (fenced outside storage)			X			
Furniture store, retail (completely enclosed) (no repair)			X			
Furniture store, retail (fenced outside storage)			X			
Garage, public or storage				X		
Garden specialty store			X			
Gas filling station and/or service (all repairs to be completely enclosed)			X			
Gas regulation station (screening)				X		
Gift shop (completely enclosed)			X			
Glass (retail sales) (service incidental to sales) (completely enclosed)			X			
Glass (wholesale sales)			X			
Glass manufacturing and glass products manufacturing				X		
Golf course and country club, but no driving range, pitch and putt or miniature golf course						X
Golf driving range, pitch-and-putt or miniature golf course						X
Greenhouse or nursery, retail			X			
Greenhouse or nursery, wholesale				X		

Grocery (wholesale)			X			
Grocery store			X			
Gymnasium (commercial)			X			
Hair products manufacturing and processing				X		
Hardware manufacture				X		
Hardware sales (wholesale)			X			
Hardware store			X			
Heliport			X			
Hobby supply store			X			
Hosiery manufacture			X			
Hospital or sanitarium			X			
Hotel			X			
Ice cream and ice milk (retail)				X		
Ice cream manufacturer (wholesale)				X		
Ice cream store			X			
Ice house (no on-premises consumption of alcoholic beverages in B-1 district)			X			
Ice manufacture				X		
Insulation manufacture and fabrication				X		
Interior decorating studio			X			
Jewelry store			X			
Junkyard, salvage yard, including storage, baling or selling of rags, papers, iron or junk, need not be enclosed within a structure, but must be enclosed within a fence at least six feet high and adequate to obstruct view, noise and passage of persons; chain-link or similar fencing may be permitted if screen planting is provided						X
Laboratory (dental or medical)			X			
Laboratory (research)			X			
Laboratory (testing)			X			
Landfill						X
Laundry and dry cleaning (self service)			X			
Laundry or dry cleaning (pickup station)			X			
Laundry plant				X		
Leather goods or luggage store			X			
Library (nongovernmental)						X
Linen supply, diaper service or uniform supply			X			
Loan office			X			
Locksmith			X			
Lumber yard and building materials (wholesale)			X			
Machine shop				X		
Machine, tools and construction equipment sales and service			X	X		
Marine and boat manufacturing				X		
Marine and boat storage						X
Mattress manufacturing and rebuilding				X		

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Massage parlor			X			
Metal products fabrication				X		
Milliner (custom)			X			
Millinery manufacture				X		
Millwork and similar wood products manufacture				X		
<u>Mobile Food Unit</u>			<u>X*</u>	<u>X</u>	<u>X</u>	
<u>Mobile Food Court</u>						<u>X**</u>
Motel			X			
Motorcycle sales and service			X			
Moving and transfer company				X		
Music store			X			
Nail salon			X			
News stand			X			
Night club/dance hall						X
Novelty and souvenir manufacture				X		
Nursery, daycare, or kindergarten (care of up to six children)	X	X				
Nursery, daycare, or kindergarten (care of up to 20 children)			X			
Nursery, daycare, or kindergarten (care of over 20 children)			X			
Nursing home		X	X			
Office equipment and furniture manufacture				X		
Office equipment and supplies (retail)			X			
Office equipment and supplies (wholesale)			X	X		
Offices (professional)			X			
Oil and well supplies and machinery sales				X		
Optical goods (retail)			X			
Optical goods (wholesale)			X			
Optician			X			
Packing and gasket manufacture				X		
Packing plant (no rendering)						X
Paint and wallpaper store			X			
Paper produce manufacture				X		
Paper supplies (wholesale)				X		
Parks, playgrounds, community buildings and other public recreational facilities owned and/or operated by the city or other public agency					X	
Passenger depot (railroad or bus)						X
Pawnshop (completely enclosed)			X			
Pecan shelling				X		
Pet shop (completely enclosed)			X			
Petroleum storage (wholesale)				X		
Photographic equipment and supplies sales			X	X		
Photographic studio			X			
Picture framing			X			
Pipe storage				X		X

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Pipeline and electrical transmission lines						X
Playground equipment manufacture				X		
Plumber			X			
Plumbing fixture sales (completely enclosed) (retail)			X			
Plumbing fixture sales (wholesale)			X	X		
Printer			X	X		
Public buildings, including libraries, museums, police stations and fire stations					X	
Radio station or studio, without transmitter tower						X
Radio station with transmitter tower						X
Reading room			X			
Recycling plant						X
Reducing salon			X			
Refrigerator equipment manufacture				X		
Restaurant			X			
Riding stable or academy						X
Roominghouse or boardinghouse						X
Rug and/or carpet sales			X			
Rug cleaning				X		
Sand or gravel storage yard				X		
Schools					X	
Shoe manufacture				X		
Shoe repair shop			X			
Shoe sales (retail)			X			
Shoe sales (wholesale) (completely enclosed)			X			
Sign, advertising (excluding business signs)			X			
Sign shop			X	X		
Sign shop (completely enclosed)			X			
Skating facility (outdoor)						X
Skating rink (enclosed)			X			
Small animal clinic or kennel			X			
Small animal clinic or kennel (completely enclosed)			X			
Sporting goods store			X			
Sporting goods (wholesale) (completely enclosed)			X	X		
Stamp, coin sales (retail)			X			
Stationery sales			X			
Stone cutting or monument manufacturing				X		
Stone monument sales			X			
Stone quarry or gravel pit				X		
Studio for professional work or teaching of any form of fine arts, photography, music, drama, dance, painting, etc.			X			
Surgical or dental supplies store			X			

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Tanning salon			X			
Tattoo parlor						X
Tavern						X
Taxidermist						X
Television station or studio without transmitter tower			X			
Television station with transmitter tower						X
Textile manufacture				X		
Theater (indoor)			X			
Theater (outdoor, including drive-in theaters)						X
Tile manufacturer (ceramic)				X		
Tobacco processing				X		
Tobacco store			X			
Tool manufacture				X		
Tool rental (completely enclosed)			X			
Tool rental (fence outside storage)			X	X		
Toy manufacture			X	X		
Toy store			X			
Trailer manufacture				X		
Trailer sales			X			
Transit vehicle storage and service				X		
Truck repair and maintenance			X	X		
Truck stop						X
Variety store			X			
Venetian blinds and metal awning fabrication, repair and cleaning				X		
Veterinarian (animal on premises)			X			
Warehousing				X		
Watch repair			X			
Water or sewage pumping (nongovernmental)						X
Water storage (overhead)						X
Welding shop				X		
Well drilling contractors			X	X		

\* [Mobile Food Units in the Historic Overlay Zone Requires Special Use Permit](#)

\*\* [Mobile Food Courts Require a Special Use Permit](#)

(b) Any use not specifically permitted in this table or in the use regulations of each district set out below, shall require a special use permit, ~~after approval by city council~~ [\(SEE Sec. 98-27. Special use permits\)](#).

( Ord. No. 2014-03 , § 1, 5-20-2014)

Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date:</b> May 2, 2023	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Administration	<b>Prepared By:</b> DMc

**Subject**

Consideration and possible action on a Final Report for proposed amendments to Section 98-88 (Table of Permitted Uses) of the City Code of Ordinances.

**Recommendation**

Approve the Final Report as presented.

**Discussion**

Staff has provided a draft Final Report for review. As the proposed amendments are narrower in scope than a rezoning request, the format and content of the Preliminary and Final Reports are the same. The proposed additions to the Table of Permitted Uses relate to mobile food units and mobile food courts:

- Mobile Food Unit (permitted by right in Commercial, Industrial, and Institutional)  
\*\*\* Mobile food units within the Historic Preservation District requires a Special Use Permit
- Mobile Food Court (not permitted by right in any District; requires a Special Use Permit)

While the Table of Permitted Uses (and Zoning Code in general) needs a comprehensive update, these two amendments are part of an effort to update the city’s mobile food vendor regulations.

**Approved By**

Asst. City Administrator and Director Planning & Development	Dave McCorquodale	Date: 04/26/2023

# PLANNING & ZONING COMMISSION RECOMMENDATION AND REPORT

TO: MONTGOMERY MAYOR AND CITY COUNCIL

FROM: PLANNING & ZONING COMMISSION

CC: GARY PALMER, CITY ADMINISTRATOR  
DAVE MCCORQUODALE, DIRECTOR OF PLANNING & DEVELOPMENT  
NICI BROWE, CITY SECRETARY

SUBJECT: REPORT CONCERNING PROPOSED AMENDMENTS TO SECTION 98-88 OF THE CITY CODE OF ORDINANCES (TABLE OF PERMITTED USES).

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 May 2, 2023 to consider proposed amendments to Section 98-88 of the City Code of Ordinances. After duly noticed public hearings with an opportunity for public comments concerning the proposed amendments, the Commission found:

- The Table of Permitted Uses does not currently address mobile food units or mobile food courts (also called food truck parks).
- The increase in popularity of mobile food units as well developments that include multiple mobile food units necessitates an update to city zoning regulations.
- 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** the proposed amendments to Section 98-88 of the City Code.

I, Jeffrey Waddell, Chairman of the Montgomery Planning and Zoning Commission, certify this Report to be true and correct to the best of my knowledge.

Signed: \_\_\_\_\_  
Jeffrey Waddell, Chairman

Attest: \_\_\_\_\_  
Nici Browe, City Secretary