

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