

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: April 8, 2024	Budgeted Amount: N/A
Department: Administration	Prepared By: DMc

Subject

Consideration and possible action on a Special Use Permit application for an event venue proposed at 504 Caroline Street in the Historic Preservation District.

Recommendation

Staff recommends the Commission study the request and information and be prepared to form a recommendation to City Council on the request at the meeting.

Discussion

Issue:

The owners of the recently restored property at 504 Caroline Street have inquired about using the property as an event venue. The city's Table of Permitted Uses does not allow for an event venue in any district without obtaining a Special Use Permit granted by City Council. The owner's representative has submitted an application and supporting information requesting an SUP.

The P&Z Commission's role in the process is to study the request and provide a study and recommendation to City Council, who after a public hearing, will consider the request.

Rules:

Sec. 98-88(a) - Table of Permitted Uses and Special Uses.

[The Table of Permitted Uses – omitted here for brevity – provides various land uses that are allowed by right in each zoning district. Event venue is not found within the Table of Permitted Uses].

Sec. 98-88(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 (see section 98-27, special use permits).

Sec. 98-27. - Special Use Permits.

- (a) The city council, by an affirmative four-fifths vote, may by ordinance grant a special permit for special uses in any district, for those uses listed under "CC" in the table of permitted uses in section 98-88, or which are otherwise not expressly permitted by this chapter, and may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect property and property values in the neighborhood. A special use permit may be revoked or canceled by the city council upon violation of any permit granted. **Before authorization of any of such special uses, the request therefor shall be referred to the Planning and Zoning Commission for study and report concerning the effect of the proposed use on the comprehensive plan and on the character and development of the neighborhood.**

A public hearing shall be held in relation thereto before the city council, and notice and publication of the time and place for which shall conform to the procedure prescribed in subsection (b) of this section.

- (b) A public hearing shall be held by the city council before adopting any proposed special use permit. Notice of such hearing shall be given by publication one time in a newspaper of general

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circulation in the city stating the time and place of hearing, which time shall not be earlier than 15 days from the date of publication.

Analysis:

The Commission is charged with two separate areas of focus for the study and report:

1. Effect of the proposed use on the Comprehensive Plan. While lengthy, it is attached in its entirety for review. Does the proposed event venue support or contradict any parts of the Plan? Discuss any specific examples during the meeting.

2. Effect on the character and development of the neighborhood. This property, spanning the block from Liberty/FM149 to Pond Street with Caroline Street frontage is a key part of the transition from the core business district blocks to the east and the residential district to the west. Looking at character and development separately:

Neighborhood Character. The property lies in the heart of the Historic Preservation District. The recent restoration of the historic home and grounds strengthen the visual and historic aspects of the historic downtown. An event space would bring people to the downtown area, which could also have a negative impact on the residential properties to the west. Several items are identified below that could affect the character of the neighborhood. The list is not all-inclusive and is intended to facilitate discussion at the meeting:

- More visitors to historic downtown—generally positive
- Parking considerations. Onsite parking is adequate for professional offices during the weekday but not for events. Possible shared parking with Lutheran church or other private entity. Some nearby public parking, but very limited.
- Noise. City has minimal noise restrictions. Wedding receptions and music events generally end late in the night and could negatively affect nearby residents. Limiting hours of operation or days of the week could mitigate effects if warranted.

Neighborhood Development. The reactivation and rehabilitation of this property since 2020 has benefitted the city in several ways. Most noticeable is turning a badly rundown property in the historic downtown into a remarkable example of preserving one of the city’s most historic structures. Related to the SUP request, the proposed event venue would use the outdoor areas of the property. The proposed event venue activities do not involve further development of the neighborhood and do not appear to directly affect the development of the neighborhood.

Conclusion:

Staff believes that with appropriate safeguards an event venue can be a part of the historic downtown. The Commission should consider whether or not to recommend approval to City Council. Any recommendation to City Council needs to include a rationale or reason behind the decision that needs to be articulated by the Commission.

Approved By

Director Planning & Development

Dave McCorquodale

Date: 03/28/2024