

Montgomery Planning and Zoning Commission  
**AGENDA REPORT**

<b>Meeting Date:</b> November 7, 2023	<b>Budgeted Amount:</b> N/A
<b>Department:</b> Administration	<b>Prepared By:</b> DMc

**Subject**

Consideration and possible action on calling a Public Hearing to be held on December 5, 2023 at 6:00 pm related to a rezoning request for approximately 3 acres of land near the intersection of Clepper Street and C.B. Stewart Drive from B-Commercial to I-Institutional.

**Recommendation**

Staff recommends a motion to call the Public Hearing to be held on December 5, 2023 at 6:00 pm.

**Discussion**

Issue:

The Woodlands Methodist Church is pursuing the purchase of the property on the northwest corner of Clepper & C.B. Stewart Streets for a future church. The church has submitted a rezoning application for the property requesting the current B-Commercial designation be changed to I-Institutional.

Regulations:

Chapter 211 of the Texas Local Government Code prescribes land use and zoning regulations that cities must follow:

"The zoning commission shall make a preliminary report and hold **at least one public hearing** [hearings] on that report before submitting a final report to the governing body." *H.B. No. 1381*

The City Council will also call a Public Hearing on the rezoning request to be held on 12/12/23.

Analysis & Conclusion:

A property owner has the right to request a rezoning action if the property is within a city that has enacted land use zoning. Due process makes this a ministerial action, and the Commission should call for the Public Hearing to allow for citizen input before discussing the merits of the request and making a recommendation to City Council. Staff recommends calling the Public Hearing as stated.

**Approved By**

Asst. City Administrator and Director Planning & Development	Dave McCorquodale	Date: 11/02/2023