

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: October 03, 2023	Budgeted Amount: N/A
Department: Administration	Prepared By: DMc

Subject

Consideration and possible action on calling a Public Hearing regarding a preliminary report on the city-initiated rezoning of the property commonly known as 203 Prairie Street, Montgomery, Texas.

Recommendation

Staff recommends calling a Public Hearing to be held on November 7, 2023 to be held at Montgomery City Hall at 6:00 p.m.

Discussion

Issue:

The City is requesting to rezone the property adjacent to 213 Prairie Street. Both of the properties are owned by the city. 213 Prairie Street is zoned B – Commercial. The adjacent 203 Prairie Street is currently greenspace to the north of the building and zoned R1 – Single-Family Residential. The first step in the process is for the Planning & Zoning Commission to call a Public Hearing.

Rules:

You may recall a cumbersome Public Hearing process in past rezoning cases that involved holding two Public Hearings with a report review between them. One of the zoning-related laws passed this summer by the legislature was House Bill 1381, which clarified language found in Texas Local Government Code Chapter 211 which 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*

This small change streamlines the process without compromising the public's ability to provide input on the request.

Analysis & Conclusion:

The City may initiate a rezoning action request for properties within the city limits, including property owned by the city. 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.

Approved By

Asst. City Administrator and Director Planning & Development	Dave McCorquodale	Date: 09/28/2023