

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 owner would like to rezone the property to B-Commercial and operate a real estate office out of the existing 2-story home on the property. This includes additional parking spaces, but no new structures on the property per the owner.
- R-1 single-family residential lies to the north, south, and west, Planned Development zoning overlay with single-family homes lies to the east.
- If rezoned, the wide range of business types allowed within the B-Commercial district may negatively impact surrounding single-family properties through excessive light, noise, odors, etc.

- The Commission is concerned whether the city's development regulations are enough to ensure no negative effects on surrounding homes if commercial redevelopment occurs on the property. Current regulations are:
 - 25-foot vegetative setback (Sec. 78-162) on all sides adjoining R1
 - 25-foot side & rear yards (Sec. 98-239) on all sides adjoining R1
 - Min. 6-ft height visual barrier on all sides adjoining R1 [Visual barrier means a continuous unbroken and solid screen of masonry construction, or fencing, natural hedge or vegetation at maturity (two years), or a combination thereof, of not less than six feet measured from the existing natural ground level. Non-vegetative barriers must be a maximum of eight feet in height measured from the existing natural ground level. Vegetation must consist of any combination of trees, shrubs, berms, or other natural flora. The visual barrier improvements shall be adequate to accommodate the proposed screening and must be a minimum of one foot in width for non-vegetative screening and five feet in width for vegetative screening, provided it creates a visual barrier. The city shall not be responsible for the maintenance of required screening. Deed restrictions and covenants, if any, filed of record and running with the land for any tract, shall make provisions for a maintenance entity authorized to provide maintenance of the visual barrier improvements through assessment of the costs thereof to lot owners. (Section 78-1; Montgomery City Code of Ordinances)]

- By a vote of **3 – 2** the Planning and Zoning Commission hereby presents this Recommendation and Final Report pursuant to Section 98-30 of the City Code, recommending to **not approve** reclassification of the land use zoning designation of said property. The Commission recommends the owner consider a Special Use Permit for the proposed use. An SUP would allow the city to limit the use of the property to professional office space. A Special Use Permit would also allow the city to add visual barrier requirements to buffer adjacent homes as needed.

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