

Montgomery City Council
AGENDA REPORT

Meeting Date: May 9, 2023	Budgeted Amount: N/A
Department: Admin	Prepared By: Dave McCorquodale

Subject

Consideration and possible action on AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE ZONING CLASSIFICATIONS AS DEFINED IN THE CITY CODE OF ORDINANCES CHAPTER 98, "ZONING," FOR A 0.57-ACRE TRACT SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NUMBER 8, TRACT 16, MONTGOMERY COUNTY, TEXAS COMMONLY REFERRED TO AS A PORTION OF 14640 LIBERTY STREET, MONTGOMERY COUNTY, TEXAS FROM "R-1" SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, AS FOUND ON THE CITY'S OFFICIAL ZONING MAP TO "B" COMMERCIAL ZONING DISTRICT CLASSIFICATION; AND TO AMEND THE OFFICIAL ZONING MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

Recommendation

Take no action on the rezoning ordinance. Consider whether a Special Use Permit could be a way to allow the proposed real estate office without opening the door to any commercial use of the property.

Discussion

As detailed in the P&Z Report, the rezoning request is for a 0.57-acre lot on Liberty Street north of downtown. There is currently a residential structure on the property that is roughly 6 years old. The owner proposes to locate his real estate office in the home and add parking to the property.

P&Z recommend to not rezone the property, instead favoring a Special Use Permit that restricts the use of the property to professional office space and considers the need for any additional landscape buffer against adjoining residential properties.

From a planning perspective, there is no reason not to rezone the property to commercial: it is located on a major thoroughfare in the city with around 6,500 cars per day in front of the property; the city's (unadopted) future land use plan identifies the property as future commercial, and the city has regulations addressing buffers between commercial and residential properties. As the city has grown, properties that were used as homesites in the past face increasing pressure from traffic and surrounding development that affect their suitability as homesites.

The city currently has only one type of commercial zoning district that allows all commercial businesses found in Sec. 98-88 in the Table of Permitted Uses. A "light commercial" or "neighborhood commercial" district would benefit the city by allowing more intensive commercial uses in certain areas of the city and allowing for a transition zone between residential and commercial districts. Without that at our disposal, another tool that achieves that goal is a Special Use Permit. Considering all factors, staff agrees with the P&Z Commission's recommendation of a Special Use Permit for the property owner that allows the proposed use while ensuring safeguards are in place for surrounding property owners.

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Approved By		
Assistant City Administrator & Planning & Development Director	Dave McCorquodale	Date: 05/04/2023
City Administrator	Gary Palmer	Date: 05/04/2023