

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: September 3, 2024	Budgeted Amount: N/A
Department: Administration	Prepared By: DMc

Subject

Setting a new date for the Public Hearing on a rezoning request of 15.46 acres along Lone Star Parkway west of Liberty Street from ID-Industrial to B-Commercial and R2-Multi-family Residential as submitted by SPT Montgomery, LLC (Dev. No. 2215).

Recommendation

Staff recommends calling a Public Hearing to be held on October 1, 2024 at 6:00 pm at city hall.

Discussion

Issue:

In August, the Commission called this hearing for tonight's meeting. Staff turnover led to the legal notice not being published. The correct action is to re-call the hearing and publish notice at least 16 days before the hearing date.

The property owner/developer has submitted a rezoning application to the city to rezone the property from ID-Industrial to a B-Commercial and R2-Multi-Family Residential.

Rules:

Sec. 98-30. - Amendments to chapter and changes to district boundaries.

- (a) *The city council may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations established in this chapter.*
- (b) *Requests for amendments may be initiated by the city council, the planning and zoning commission, or by application of one or more property owners.*
 - (1) *Accompanying data requirements. An application for an amendment by a property owner shall be filed with the planning and zoning commission upon such forms and accompanied by such data and information as may be required by the planning and zoning commission. When applicable, an accurate legal description and map of the land and existing buildings shall be submitted with the application. It shall be the responsibility of the applicant to indicate any applicable deed restrictions applying to the subject property.*
 - (2) *Application fee. Each application by a property owner shall be accompanied at the time of filing by a fee as currently established or as hereafter adopted by resolution of the city council from time to time. Wherever the entire application for alteration or change hereunder is withdrawn before publication of notice is ordered to be given of the public hearing, the unused portion of the application fee shall be refunded to the applicant.*
- (c) *Before taking any action on any proposed amendment, supplement or change, the city shall submit the amendment, supplement or change to the planning and zoning commission of its recommendation and report. The planning and zoning commission shall make a preliminary report and hold public hearings on that report before submitting a final report to the city council. The city council may not hold a public hearing until it receives the final report of the planning and zoning commission. The city council may not take action on the matter until it receives the final report of the planning and zoning commission. Before the tenth day before the hearing date, written notice of each public hearing before the planning and zoning commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently*

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approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the city and is not included on the most recently approved municipal tax roll, the notice shall be given in the manner provided by subsection (d) of this section.

- (d) Before the tenth day before the hearing date, written notice of each public hearing before the planning and zoning commission on a proposed change in a zoning classification affecting residential or multifamily zoning shall be sent to each school district in which the property for which the change in classification is proposed is located. The notice may be served by its deposit in the city, properly addressed with postage paid, in the United States mail.*
- (e) A public hearing shall be held by the city council before adopting any proposed supplement, amendment or change. Notice of such hearing shall be given by publication two times in the official publication of the city stating the time and place of such hearing, which time shall not be earlier than 15 days from the first day of such publication.*
- (f) Unless such proposed amendment, supplement or change has been approved by the city planning and zoning commission or if a protest against such amendment, supplement or change has been filed by 20 percent or more, either of the area of the lots included in such proposed change, or those immediately adjacent in the rear thereof, extending 200 feet therefrom, or of those directly opposite thereto extending 200 feet from the street frontage of such opposite lots, such amendments, supplements or change shall not become effective except by a three-fourths vote of the city council.*

Analysis & Conclusion:

The first step in the rezoning process is the public hearing. This is the only action needed tonight. Staff recommends setting a new date for the public hearing of October 1, 2024.

Approved By

Director Planning & Development
Assistant City Administrator

Dave McCorquodale

Date: 08/28/2024