

Scott Shelburne, Chairman
Anne Sundquist, Vice Chairman
Josh Jakubik, Secretary
Trevor Brown
Holly Knee
Tom Mayhew
Robert Barker III



City Administrator, Don Doering
City Secretary, Kandice Garrett
City Attorney, Leonard Schneider
City Engineer, Mike Kurzy
Planning Coordinator, Christian Gable

NOTICE OF PUBLIC MEETING PLANNING & ZONING COMMISSION

AGENDA

REGULAR MEETING

THURSDAY, DECEMBER 15, 2022 - 4:30 P.M.

Sewall Smith Council Chambers

18111 Buddy Riley Blvd., Magnolia, Texas 77354

- 1. CALL TO ORDER**
 - a. INVOCATION
 - b. PLEDGE OF ALLEGIANCE
 - c. ROLL CALL AND CERTIFICATION OF QUORUM

- 2. OPEN PUBLIC HEARING**

NOTICE OF PUBLIC HEARING

NOTICE OF TEMPORARY MORATORIUM AND NOTICE OF PUBLIC HEARINGS ON THE IMPOSITION OF A TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, PROPER DEVELOPMENT, OR CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, UNDER CHAPTER 212, TEXAS LOCAL GOVERNMENT CODE.

Effective Thursday, December 16, 2022, a temporary moratorium is in effect on the acceptance, authorization, and approvals necessary for the subdivision, site planning, property development, including residential and commercial property development or construction in the City limits and Extraterritorial Jurisdiction for new projects. During the Temporary Moratorium, no department of the City will accept applications or plans for development for permits, plats, verifications, rezonings, site plans, or new or revised certificates of occupancy where an exception or waiver has not been approved.

City residents and affected parties are encouraged to provide input on whether a continuing Moratorium shall be imposed prior to the expiration of this Temporary Moratorium. The Second Public hearing and a Special City Council Meeting will be held on the following dates and times:

Hearing 2: Planning and Zoning Commission, Thursday, December 15, 2022 at 4:30pm
Council Meeting: City Council, Wednesday, December 21, 2022 at 7:00pm

All public hearings will be conducted in the Council Chambers located at the Sewell Smith Council Chambers, located at 18111 Buddy Riley Blvd, Magnolia, Texas for all persons interested in the above proposed moratorium. At such time and place, all such persons shall have the right to appear and be heard. All persons interested in this moratorium and matters in relation thereto shall take notice of the date and time of said hearings.

The City conducted an analysis to determine the adequacy of the City's current regional water facilities and the need beyond the estimated capacity that is expected to result from new property development. The City has been provided certain findings related to the inadequacy of the existing water facilities to prevent a shortage of essential public facilities. The Temporary Moratorium is necessary to maintain the status quo and suspend further development during a period while the City receives public input on whether a continuing moratorium should be imposed.

This Temporary Moratorium shall remain in force until the date the City Council adopts an ordinance imposing a continuing Moratorium in accordance with law, or December 21, 2022, whichever is the earlier.

This Temporary Moratorium does not affect rights acquired under Texas Local Government Code Chapter 245 or the common law. The Temporary Moratorium does not affect Projects that do not impact the City's water capacity.

The City of Magnolia has imposed this Temporary Moratorium and is considering a continuing Moratorium under authority granted by Chapter 212, Subchapter E, of the Texas Local Government Code. Persons with questions, comments and concerns about the Temporary Moratorium may contact the following email: moratorium@cityofmagnolia.com.

3. CLOSE PUBLIC HEARING AND CONVENE REGULAR MEETING

- 4. Discussion and recommendation on an Ordinance of the City of Magnolia, Texas ("City") enacting a temporary moratorium on the acceptance, authorization, and approvals necessary for the subdivision, site planning, development, and construction in the city limits and extraterritorial jurisdiction, providing for findings of fact, definitions, applicability, purpose, enactment, duration, extension, exceptions and exemptions, determination and appeals, repeals, severability, enforcement, effective date, and proper notice and meeting.**

5. CONSENT AGENDA

This portion of the agenda consists of items considered to be routine and will be enacted by one motion unless separate discussion is requested by a Commission member or a citizen.

a. CONSIDERATION – APPROVAL OF MINUTES

Consideration and possible action to approve the minutes of the meeting held November 17, 2022.

6. CITIZENS COMMENTS, REQUESTS OR PETITIONS FROM THE PUBLIC

(This agenda item provides an opportunity for citizens to address the Planning & Zoning Commission on any matter not on the agenda).

Comments shall be limited to three (3) minutes per person. Comments by the governing body shall be limited to:

- a. Statements of specific factual information given in response to an inquiry;*
- b. A recitation of existing policy in response to an inquiry;*
- c. A proposal to place the subject on a future agenda.*

7. ANNOUNCEMENTS

(Hear announcements concerning items of community interest from the Board Members of the Planning Commission and City Staff for which no action will be taken or discussed.)

8. UPDATE ON CITY OF MAGNOLIA DEVELOPMENTS (Staff)

9. CONSIDERATION AND POSSIBLE ACTION TO APPROVE A TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, PROPERDEVELOPMENT, OR CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, UNDER CHAPTER 212, TEXAS LOCAL GOVERNMENT CODE.

10. FUTURE AGENDA ITEMS

11. ADJOURN

The Planning & Zoning Commission of the City of Magnolia, Texas, reserves the right to adjourn into Closed Executive Session at any time during the course of this meeting to discuss any of the matters listed above as authorized by Title 5, Chapter 551, of the Texas Government Code. 551.071(Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.086 (Deliberations about competitive matters), and 551.087 (Deliberation about Economic Development Matters).

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary’s office at (281-305-0550), two working days prior to the meeting for appropriate arrangements.

CERTIFICATE

I certify that a copy of the *Notice of Meeting* was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City’s website, www.cityofmagnolia.com, in compliance with Chapter 551, Texas Government Code.

DATE _____
 TIME _____
 TAKEN DOWN _____

Christian Gable, Planning Coordinator



Hearst Newspapers, LLC Order Confirmation

Ad Order Number

0034245199

Sales Rep.

0630-HOU

Order Taker

bvanstraten

Order Source

Rep

Customer

CITY OF MAGNOLIA

Customer Account

20017370

Customer Address

18111 BUDDY RILEY BLVD
MAGNOLIA TX 773545864 USA

Customer Phone

2813562266

Payor Customer

CITY OF MAGNOLIA

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18111 BUDDY RILEY BLVD
MAGNOLIA TX 773545864 USA

Payor Phone

2813562266

PO Number

Ordered By

kandice garrett

Customer Fax

Customer Email

Special Pricing

Tear Sheets

1

Proofs

0

Affidavits

1

Blind Box

Promo Type

Materials

Invoice Text

Notice of Public Hearing - Moratorium

Ad Order Notes

Gross Amount

269.20

Net Amount

\$269.20

Tax Amount

\$0.00

Total Amount

\$269.20

Payment Method

Credit Card Pymt

Payment Amount

\$0.00

Amount Due

\$269.20

<u>Ad Number</u>	<u>Ad Type</u>	<u>Production Method</u>	<u>Production Notes</u>
0034245199-01	Legal	AdBooker	
<u>External Ad Number</u>	<u>Ad Attributes</u>	<u>Ad Released</u>	<u>Pick Up</u>
		No	
<u>Ad Size</u>	<u>Color</u>		
3 X 47 li			

NOTICE OF PUBLIC HEARINGS

NOTICE OF TEMPORARY MORATORIUM AND NOTICE OF PUBLIC HEARINGS ON THE IMPOSITION OF A TEMPORARY MORATORIUM ON THE ACCEPTANCE, AUTHORIZATION, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, PROPERDEVELOPMENT, OR CONSTRUCTION IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, UNDER CHAPTER 212, TEXAS LOCAL GOVERNMENT CODE.

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City residents and affected parties are encouraged to provide input on whether a continuing Moratorium shall be imposed prior to the expiration of this Temporary Moratorium. Two Public hearings and a Special City Council Meeting will be held on the following dates and times:

Hearing 1: City Council, Tuesday, December 13, 2022 at 7:00pm
Hearing 2: Planning and Zoning Commission, Thursday, December 15, 2022 at 4:30pm
Council Meeting: City Council, Wednesday, December 21, 2022 at 7:00pm

All public hearings will be conducted in the Council Chambers located at the Sewell Smith Council Chambers, located at 18111 Buddy Riley Blvd., Magnolia, Texas for all persons interested in the above proposed moratorium. At such time and place, all such persons shall have the right to appear and be heard. All persons interested in this moratorium and matters in relation thereto shall take notice of the date and time of said hearings.

The City conducted an analysis to determine the adequacy of the City's current regional water facilities and the need beyond the estimated capacity that is expected to result from new property development. The City has been provided certain findings related to the inadequacy of the existing water facilities to prevent a shortage of essential public facilities. The Temporary Moratorium is necessary to maintain the status quo and suspend further development during a period while the City receives public input on whether a continuing moratorium should be imposed.

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This Temporary Moratorium does not affect rights acquired under Texas Local Government Code Chapter 245 or the common law. The Temporary Moratorium does not affect Projects that do not impact the City's water capacity.

The City of Magnolia has imposed this Temporary Moratorium and is considering a continuing Moratorium under authority granted by Chapter 212, Subchapter E, of the Texas Local Government Code. Persons with questions, comments and concerns about the Temporary Moratorium may contact the following email: moratorium@cityofmagnolia.com.

<u>Product</u>	<u>Placement</u>	<u>Position</u>	<u>First Run Date</u>	<u>Last Run Date</u>
HCN Conroe Courier	Legals	Legal Notices	Friday, December 9, 2022	Friday, December 9, 2022
HOU Online	Legals	Legal Notices	Friday, December 9, 2022	Friday, December 9, 2022

Hearst Newspapers, LLC Order Confirmation

Ad Order Number

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Sales Rep.

0630-HOU

Order Taker

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Order Source

Rep

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Notice of Public Hearings - Moratorium

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		No	
<u>Ad Size</u>	<u>Color</u>		
3 X 47 li			

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<u>Product</u>	<u>Placement</u>	<u>Position</u>	<u>First Run Date</u>	<u>Last Run Date</u>
HCN Conroe Courier	Legals	Legal Notices	Sunday, December 11, 2022	Sunday, December 11, 2022
HOU Online	Legals	Legal Notices	Sunday, December 11, 2022	Sunday, December 11, 2022

Scott Shelburne, Chairman
Anne Sundquist, Vice Chairman
Josh Jakubik, Secretary
Trevor Brown
Robert Franklin
Holly Knee
Tom Mayhew



City Administrator, Don Doering
City Secretary, Kandice Garrett
City Attorney, Leonard Schneider
City Engineer, AEI, Mike Kurzy
Planning Consultant, Tana Ross

MINUTES OF THE PLANNING & ZONING COMMISSION PUBLIC HEARING AND SPECIAL MEETING NOVEMBER 17, 2022

A meeting of the Planning & Zoning Commission was held on November 17, 2022, beginning at 4:30 p.m. in the Sewall Smith City Council Chambers located at 18111 Buddy Riley Blvd., Magnolia, Texas 77354.

1. CALL TO ORDER

Chairman Scott Shelburne called the regular meeting to order at 4:32 pm.

a. INVOCATION

Tom Mayhew delivered the invocation.

b. PLEDGE OF ALLEGIANCE

Chairman Scott Shelburne led the Pledge of Allegiance.

c. ROLL CALL AND CERTIFICATION OF QUORUM

Chairman Scott Shelburne called roll and certified a quorum present with the following Planning & Zoning Commission members in attendance: Scott Shelburne, Anne Sundquist, Robert Barker III, Trevor Brown, and Tom Mayhew.

Absent: Josh Jakubik and Holly Knee

Staff present: City Administrator Don Doering, City Secretary Kandice Garrett, Planning Coordinator Christian Gable, and Finance Administrator Beverly Standley

2. OPEN PUBLIC HEARING

Chairman Shelburne opened the Public Hearing at 4:34 p.m., read the Notice of Public hearing aloud and asked for any public comments.

NOTICE OF PUBLIC HEARING

On November 17, 2022 at 4:30 pm., City of Magnolia Planning and Zoning Commission will hold a public hearing in the Council Chambers of Magnolia City Hall, 18111 Buddy Riley, Blvd., Magnolia, Texas 77354, giving all interested persons the right to appear and be heard, and to discuss the following text amendment(s) to the City of Magnolia Unified Development Code:

Chapter 2 - Zoning Districts and Land Uses, Table 2-2-1.02 Land Uses concerning

Day Care Centers in Auto-Urban Commercial zoning district.

Chessie Zimmerman with Stratus Properties, 212 Lavaca St., Austin, TX 78701, development manager for Magnolia Place, spoke in support of this item.

Cathy Yowell, 215 Dogwood Trail, Magnolia, TX 77354, spoke in support of this item.

3. CLOSE PUBLIC HEARING AND CONVENE REGULAR MEETING

Chairman Shelburne closed the Public Hearing and convened the Regular Meeting at 4:36 p.m.

4. CONSENT AGENDA

This portion of the agenda consists of items considered to be routine and will be enacted by one motion unless separate discussion is requested by a Commission member or a citizen.

a. CONSIDERATION – APPROVAL OF MINUTES

Consideration and possible action to approve the minutes of the meeting held October 20, 2022.

MOTION: Upon a motion to approve Consent Agenda made by Tom Mayhew and seconded by Robert Barker III, the Commission members present voted and the motion carried unanimously, 5-0.

5. CITIZENS COMMENTS, REQUESTS OR PETITIONS FROM THE PUBLIC

(This agenda item provides an opportunity for citizens to address the Planning & Zoning Commission on any matter not on the agenda).

Comments shall be limited to three (3) minutes per person. Comments by the governing body shall be limited to:

- a. Statements of specific factual information given in response to an inquiry;*
- b. A recitation of existing policy in response to an inquiry;*
- c. A proposal to place the subject on a future agenda.*

None

6. ANNOUNCEMENTS

(Hear announcements concerning items of community interest from the Board Members of the Planning Commission and City Staff for which no action will be taken or discussed.)

Planning Coordinator Christian Gable announced the upcoming Chamber of Commerce Parade of Lights event to be held on December 3 and Christmas Tree Lighting on December 2 at City Hall.

City Administrator Don Doering reported that the well pilot hole is complete as they have dug down below 1,500 feet and found water. The next step is to analyze the soil conditions and water.

7. UPDATE ON CITY OF MAGNOLIA DEVELOPMENTS (Staff)

Planning Coordinator Christian Gable noted that the report on developments was provided in their packet.

8. CONSIDERATION AND POSSIBLE ACTION TO APPROVE TEXT AMENDMENT TO THE UNIFIED DEVELOPMENT CODE, CHAPTER 2 - ZONING DISTRICTS AND LAND USES, TABLE 2-2-1.02 LAND USES, CONCERNING DAY CARE CENTERS IN AUTO-URBAN COMMERCIAL DISTRICTS

Planning Coordinator Christian Gable along with Chairman Shelburne presented this item and recommends approval on conditional use basis prompted by location. There was further discussion.

MOTION: Upon a motion to approve text amendment to the Unified Development Code, Chapter 2 – Zoning Districts and Land Uses, Table 2-2-1.02 Land Uses, Concerning Day Care Centers in Auto-Urban Commercial Districts on conditional use basis made by Tom Mayhew and seconded by Trevor Brown, the Commission members present voted and the motion carried unanimously, 5-0.

9. CONSIDERATION AND POSSIBLE ACTION TO REVIEW AND APPROVE WATER PLANT #3, PRELIMINARY PLAT, +/- 2.281 ACRES

Planning Coordinator Christian Gable presented this item and noted the City Engineer has issued a letter of no objection and recommends approval.

MOTION: Upon a motion to approve Water Plant #3, Preliminary Plat, +/- 2.281 acres made by Anne Sundquist and seconded by Robert Barker III, the Commission members present voted and the motion carried unanimously, 5-0.

10. CONSIDERATION AND POSSIBLE ACTION TO REVIEW AND APPROVE WATER PLANT #3, FINAL PLAT, +/- 2.281 ACRES

Planning Coordinator Christian Gable presented this item and noted the City Engineer has issued a letter of no objection and recommends approval.

MOTION: Upon a motion to approve Water Plant #3, Final Plat, +/- 2.281 acres made by Anne Sundquist and seconded by Tom Mayhew, the Commission members present voted and the motion carried unanimously, 5-0.

11. CONSIDERATION AND POSSIBLE ACTION TO REVIEW AND APPROVE SITE PLAN FOR CHRISTIAN BROTHERS AUTOMOTIVE

Tiffany Staten, Project Manager with PEA Group, presented this item. There was further discussion.

MOTION: Upon a motion to approve Site Plan for Christian Brothers Automotive with conditions based on City Planner letter of no objection for the landscape and site plan made by Tom Mayhew and seconded by Anne Sundquist, the Commission members present voted and the motion carried unanimously, 5-0.

12. CONSIDERATION AND POSSIBLE ACTION TO REVIEW AND APPROVE SITE PLAN FOR MISTER CAR WASH

Item tabled.

13. FUTURE AGENDA ITEMS

Unified Development Code Review Team
Comprehensive Plan Review Team

14. ADJOURN

MOTION: Upon a motion to adjourn made by Robert Barker III and seconded by Trevor Brown, the Commission members present voted, the motion carried unanimously, 5-0 and Chairman Shelburne adjourned the meeting at 5:03 pm.

Planning & Zoning Commission

Scott Shelburne, Chairman

CERTIFICATION

I certify this to be a true and correct copy of the minutes of the meeting of the City of Magnolia Planning and Zoning Commission held on November 17, 2022.

ATTEST:

Kandice Garrett, City Secretary