

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

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*Amended* AGENDA  
REGULAR MEETING  
THURSDAY, DECEMBER 15, 2022 - 4:30 P.M.  
Sewall Smith Council Chambers  
18111 Buddy Riley Blvd., Magnolia, Texas 77354

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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, 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.

Effective *fr* 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](mailto: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](http://www.cityofmagnolia.com), in compliance with Chapter 551, Texas Government Code.

DATE 12/12/2022  
 TIME 11:38 AM  
 TAKEN DOWN \_\_\_\_\_

*Christian Gable*  
 Christian Gable, Planning Coordinator

*amended 12/12/2022 4:15pm*  
*DM Doering*

