

Montgomery Planning and Zoning Commission
AGENDA REPORT

Meeting Date: 03/05/2024	Budgeted Amount: N/A
Department: Administration	Prepared By: DMc

Subject

Consideration and possible action on temporary windscreens around the front porch at 14335 Liberty Street located in the Historic Preservation District.

Recommendation

Staff recommends approval of the windscreens with an allowable timeframe for them to be in place.

Discussion

The owner of the business has erected temporary windscreens around the front porch to aid in creating a more comfortable environment for patrons. Staff discussed the windscreens with the owner and the need for review by the P&Z Commission. Contingent on submitting information for the March P&Z meeting, staff gave the owner permission to leave the windscreens in place until action by P&Z.

These windscreens are not permanent and do not negatively affect any permanent structure. While temporary, they may arguably affect the appearance and cohesiveness of the historic district and are unquestionably an exterior element visible from a public right-of-way.

Generally, non-permanent elements have a low risk of materially altering the Historic Preservation District. The windscreens are functional in nature and have the potential to increase business activity by creating a more comfortable environment for patrons of the restaurant. Because of these reasons, staff recommends approval of the windscreens that includes months of the year they would be allowed to be in place (e.g., November – March, etc.). Staff recommends providing a wide enough timeframe to accommodate seasonal weather without creating an undue burden on the owner or staff.

The owner has provided the statement below regarding the purpose/intent of the windscreens. A photo has also been provided.

Approved By

Director of Planning & Development	Dave McCorquodale	Date: 02/28/2024
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Good evening members of the Planning and Zoning Commission, we are asking you to allow us to have windscreens around the decking of our building at 14335 Liberty street for the purpose of cutting back on the cold weather for the enjoyment of our patrons. We are asking for this during the months of October through March only. We have chosen the best possible screens available and ones that match the color of our building to help blend and keep within the look of our establishment.

As you know most of our seating space is outside and without being able to cut back on the cold weather would be at the detriment of our business so we ask for your consideration to allow us to use these windscreens for the intended purpose and time until one day we may be able to come to a more permanent solution that we could agree upon.

Thank you,

Krawfish Kai

Ryan Routt

Joe Dupree



3. Consideration and possible action on temporary windcreens around the front porch at 14335 Liberty Street located in the Historic Preservation District.

Tom Czulewicz said he thinks it is an eyesore. He said it would be fine if it were clear all the way around but the black on the top and bottom looks hideous and would not approve it as is.

Merriam Walker asked if he is already at the max as he previously asked for the variance for it to come out even more than it was before.

Mr. McCorquodale said if you recall he built the patio on and then had to come back to P&Z to ask for approval which was back in 2020.

Merriam Walker said as they have had various mini meetings, they are asking for forgiveness for something they have already done.

Tom Czulewicz said he agrees and that is another reason to disapprove.

Bill Simpson said it does not fit in with the character of downtown. He said he thinks there are a couple things he could do to it. He said they should let the time period to March run out but not make any decisions on next year until next year. He would need to reapply. He said he feels there are things he could do to dress that up plus if this does come back he would like to see it just as per hours of operation. If he is closed Monday and Tuesday it needs to get rolled up and same thing for closing in April. He said there are a couple ways they can address this where it is not so blatant out there plus the hours of operation will then make some of that [*inaudible*] but that can be taken care of next time he applies.

Bill Simpson said he does not believe he needs October in there as October is still a pretty warm month. He said cutting it back a month, hours of operation, and dressing it up a bit would help. He does not want to hamper anyone but they still have to somewhat conform.

Tom Czulewicz said he does not agree with that at all. He thinks you set a precedent and he agrees with Merriam that once again these people are trying to get forgiveness for doing something that is not in accordance with the regulations. If you approve it until the end of the month you are setting a precedent that they should not set. He said the thing that looks so hideous about it is the black on top and bottom. If it were clear plastic all the way up and down it would not look as bad but that definitely does not fit with the Historic District. He said whether it is one day or three weeks from now it does not fit.

Merriam Walker asked if he decides to put something up there permanently what are the rules for that.

Mr. McCorquodale said he would need to come before the Planning and Zoning Commission. He said he originally had an idea to extend the roof and the Commission said they do not object to the general concept but he would need to refine this idea more and bring it back with actual drawings but it was enough of a direction to give him that the Commission would consider a roof structure that was appropriate to it but he does not know where that stands. He said he has not heard from him to say that he is pursuing a roof at this time.

John Fox said he does not like the appearance of it and it looks tacky in the Historic District. He said he thinks it is more of a safety issue also. With people parking along both sides of FM 149 and jumping out of their cars it is a bad situation all the way around.

Dan Gazda said he agreed and asked if there were any other situations in outdoor dining in town that have anything like this. He asked if Cozy Grape was like that.

Mr. McCorquodale said Cozy Grape has their sunscreens that have been up for years but does not know if there is anything inside of that.

Bill Simpson said they do have plastic but it is in the inside.

Mr. McCorquodale said Ransom's is the other one he knows of that has an outdoor patio. He said there is not a lot of outdoor dining in the City. He said anything outside of the Historic District there is not a regulation that says you cannot do this it is just that it is in the Historic District and the Commission has the final say.

Motion to decline the request as submitted with recommendation to submit something more clear was made by Daniel Gazda and seconded by Merriam Walker.

Merriam Walker asked if the owner will be asked to remove them.

Mr. McCorquodale said as with anyone who is denied he can appeal to the Zoning Board of Adjustment. If he does apply to appeal the decision then the action stays until it is decided on by Council. He said City Council also serves as the Zoning Board of Adjustment

All in favor. (5-0)