

MINUTES OF REGULAR MEETING

September 3, 2024

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

Vice-Chairman Czulewicz called the meeting to order at 6:00 p.m.

Present: Tom Czulewicz, John Fox, Merriam Walker

Absent: Bill Simpson, Daniel Gazda

Also Present: Dave McCorquodale, Director of Planning & Development

PUBLIC FORUM:

None at this time.

REGULAR AGENDA

1. Approval of the August 6, 2024 Regular Meeting Minutes.

Motion to approve the 08/06/2024 minutes as presented was made by Merriam Walker and seconded by John Fox. **All in favor. (3-0)**

2. Consideration and possible action on a front yard fence installed at 708 Caroline St located in the Historic Preservation District.

Mr. McCorquodale said he wanted to apologize as he swapped street names. It is 708 College Street and not 708 Caroline Street. He said the fence is existing so he hopes that it will help to clarify. It was already there. He said the owner was not able to attend the meeting tonight although she does have a friend here, Byron if you have any questions you would like to ask him.

Merriam Walker said she sees you are already asking for forgiveness because you have already done it. Byron said yes that is correct. Merriam Walker asked if he checked with anyone from the City or the ordinances or anything with the Historic District prior to taking down the previous white fence that was there and replacing it with the black, slide-slanted fence. Byron said he does not know. He was told to do it. He said he is the one who installed it. The fence was rotting away. The previous individual had cut the top of the fence. Merriam Walker asked what material was used. Byron said it was wood. Merriam Walker asked if he chose black. Byron said it came prefabricated black. Merriam Walker asked if it is real wood or fabricated. Byron said it is real wood. Merriam Walker asked if it was real wood that was previously painted. Byron said yes. Merriam Walker said the Historic Preservation District would like for things to match in the Historic District and go with the flow. She said the fence you put up is black and slide slanted, not vertical. She said they like for the people who live in downtown, the Historic District to come to the Planning & Zoning Commission and present what they want to do prior to doing it. She said she believes there are fines if you go against what our ordinances

are. She said she would hate to say that we slap you on the hand and say sorry and you go ahead and do it, but if you do that then the next person will do it and the next person will do it. It happens quite a bit. She said it is not in line with what is already going on in downtown Historic Montgomery. Byron said it is hard to say but in the owner's defense two and a half years ago she went through a nasty divorce. The person that normally took care of these issues was the one that was saying you can do whatever you want, I do not care. The owner asked him if she needed to do anything and was told no, the house is not a historic house. He said he thinks he put the last post in when the owner received the phone call from the City saying you are not supposed to do this. John Fox said he looked at it a couple of times and said it would be very close to meeting the standard if between those panels you had some kind of a wooden post with a decorative cap on it, stuck it up a little bit above the fence, and painted it all white. He said it looks like it came with some kind of panels. Byron said the owner ordered them from Lowe's. It was eight 1x4 slats that came with a steel spike on each end. John Fox asked if they were in sections. Byron said yes he believes five-foot sections and does not think they were full sections. Merriam Walker asked if the material is paintable. Byron said he does not know. It was stained black. Merriam Walker asked if he just installed the fence and was hired to go there and dig a hole to put it up. Byron said yes. John Fox asked how difficult do you think it would be to separate those panels and put some kind of a decorative post up and paint it. Byron said it would ruin the panel. He said on the right side of the house, the opposite side of the owner's sidewalk they had to do it. The wood is not treated wood so it will splinter. John Fox said it does not sound like it is going to last. Byron said it is now because he treated it. Merriam Walker asked if he treated it before or after the phone call. Byron said it was before. Tom Czulewicz said to him it has a very negative contrast to right across the street when you look at the whole atmosphere of the Historic District and trying to maintain it. He said for instance fences like that did not exist back when those houses were built. Byron says he agrees, but unfortunately he does not know that much about it. He said two houses down there is a chain link fence leaning over. Merriam Walker asked if that is grandfathered in. Mr. McCorquodale said there is some chain link in there that to her point he thinks has been there. Merriam Walker said it was grandfathered in. Merriam Walker asked Mr. McCorquodale what is the ordinance they can use if they as a Commission decide that does not go with the Historic District ordinances. Mr. McCorquodale said in general it would take an approval from this Commission in order to leave it there then they would go through the removal notification. The first step is a meeting and discussion on the Commission's decision and the parameters and how long it would take to get the fence out. He said it does not start a very formal process here in the City, they do not do that a lot. He said they would start working with the owner to take it out if the Commission does not approve it.

Motion to not approve the front yard fence installed at 708 College Street in the Historic Preservation District was made by Merriam Walker.

Byron stated the owner is on a very strict budget. He said if this fence gets removed she does not have the money to put anything else up. Merriam Walker asked if the owner has a fence in the backyard. Byron said that is all rotted away. He said he has had to come in and use wire to keep the trees from encroaching over the back of the fence. There is no fence as it is all overgrown from the back of whoever owns the property back there. Merriam Walker said it is historic, in our preservation and they have to say no to a lot of people. She said they do not know what happens after they say no as sometimes it turns around and it is yes, sometimes it is a deal. Maybe the owner can check into working with what John Fox said as a suggestion, but that type of fence does not go with the aesthetics of historic downtown.

John Fox seconded the motion. **All in favor. (3-0)**

John Fox said he wants the owner to know they can appeal this to City Council. Tom Czulewicz said this item has been disapproved and the owner has the option of appearing before the City Council to appeal the Planning & Zoning Commission's decision.

3. Consideration and possible action on two signs – one freestanding and one wall sign – for Lola & Viv Designs located at 305 Prairie Street in the Historic Preservation District.

Mr. McCorquodale said this was where the Beauty Babes was just north of Yo Mama's and mentioned there are two signs there. One is just above the front porch and the other one is part of the access ramp over the side. Tom Czulewicz asked if they have anyone here representing the request. Mr. McCorquodale said they do not have anyone here. Tom Czulewicz said he does not like the sign on the gables. His recommendation would be that the sign be placed at the lower horizontal gable or beam and if possible narrow down to where it is laminated on that beam. Merriam Walker said it takes away from the character of the Historic District. John Fox said even the signage itself the lettering and all takes away from the old town idea. Tom Czulewicz said the freestanding sign is just real busy. John Fox said there is too much verbiage on the small sign.

Motion to table the request for the signs at 305 Prairie Street in the Historic Preservation District was made by Merriam Walker and seconded by John Fox. **All in favor. (3-0)**

4. Consideration and possible action on a new sign for Mount Pleasant Missionary Baptist Church located at 15155 Liberty Street, a city-designated historic landmark.

Mr. McCorquodale said while not in the Historic District this was a City designated historic landmark. Pastor Brown and Mr. Wilkerson are here to answer any questions.

Merriam Walker asked if the LED light is similar to what they have in downtown Montgomery. Mr. Wilkerson said it is the same one. Merriam Walker asked what information would be displayed on the sign. Pastor Brown said any special events that may come up such as events at Christmas time or homecoming. Merriam Walker asked what colors would be used. Pastor Brown said it could be multiple colors or no certain color at all. Merriam Walker said she was referring to the words. Pastor Brown said a tan color or yellow, something that will catch peoples attention. He said no bright white, but a yellowish color to tone it down a bit. Tom Czulewicz asked if this is like a television screen where you can insert a picture like you have on your sample. Pastor Brown said it is similar yet different because it has LED lights with the lighting itself that has small components. One of the gentlemen mentioned it is similar to the school district sign and the high school sign on SH 105. He said that same type of lighting would be displayed. Mr. McCorquodale said in speaking with their sign company they do have the section up in the top left that is an excerpt from the ordinance that talks about the brightness levels, how often you can switch screens, no streaming, or moving messages. The sign company is aware and that often is the good link because they are the ones going to be doing the programming and showing these guys how to use it so that way they see those rules and know. Tom Czulewicz asked how long has the existing sign been there. Pastor Brown said 33 years.

Motion to approve the sign for Mount Pleasant Missionary Baptist Church located at 15155 Liberty Street, a City designated historic landmark was made by Merriam Walker and seconded by John Fox. **All in favor. (3-0)**

Merriam Walker asked when they are going to do it. Pastor Brown said this month.

5. Consideration and possible action on the following exterior modifications for Shades Salon located at 207 McCown St. in the Historic Preservation District:

- a. New sign to replace the existing sign on the McCown St. storefront.
- b. New sign on the new Liberty St. storefront.
- c. New building trim color of Sherwin Williams 'Black' (SW6258) in a flat finish.

Merriam Walker asked the owner if she is going to do the trim in the back. Ms. Kaylon Watson said the only thing in the back that is black is just the roof. Merriam Walker said she did not know if she was going to do that where you put a shade over there where you walk in and not get rained on if you were going to do those posts, but no. Ms. Watson said not as of now. She thinks they are going to have to have another meeting for the porch as it needs to be redone really bad. Merriam Walker asked if the material is made out of that metallic type of thin metal. Ms. Watson said it is aluminum composite material.

Motion to approve the exterior modifications for Shades Salon located at 207 McCown Street in the Historic Preservation District was made by Merriam Walker and seconded by John Fox. **All in favor. (3-0)**

6. 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).

Tom Czulewicz said this was set for tonight but the posting to have the public meeting did not get out in the required time frame.

Merriam Walker asked what was the grand city plan for that area. Mr. McCorquodale said at one point he thinks it was intended that it would be light industrial but the reality is that a lot of industrial development does not happen inside the city. He said that typically happens near a bigger corridor but we know it is near two major roadways which is FM 149 and Lone Star Parkway. John Fox said he thinks this is about the third or fourth time they have seen this by different developers. Mr. McCorquodale said this came before City Council about 18 months ago and then went dormant for several months and picked back up with this rezoning request. Tom Czulewicz asked if City Council took any kind of action. Mr. McCorquodale said no. He said it was a presentation, kind of a concept pitch if you will of before we enter into an escrow agreement and spend the money on a feasibility study would you guys generally be not as a yes or no, but would you generally entertain a project like this and allow us to get into the development process. Again, there is not a yes until the Council actually acts on something. Tom Czulewicz asked what was the sense of the Council at that time. Mr. McCorquodale said he thinks there was some issue over the build to rent a multi-family or horizontal multi-family. He said you hear it called different things and he thinks people were trying to get away from the idea of well, it is a duplex or a threeplex or a fourplex which certainly to him has lots of benefits. He said his own thoughts as a professional are that those are very underused in a lot of our developments. He said build to rent communities is an interesting dynamic. If you have a

community of only rentals do the neighbors still have the same kind of sense of community that you would have living next to someone that you saw the kids grow up in and not that that will not happen. There are some long-term renters and there is nothing wrong with that. Economists would say that enough rental units is a good thing. Generally Council was not wild about the idea and had questions more than anything. It was not a hard no but it was more of a you are going to have to show us a lot more. Merriam Walker asked how long does it go. Mr. McCorquodale said down to Community. Merriam Walker asked if it comes out to the street close to those houses that are next to the church. Mr. McCorquodale said yes and kind of planning some type of access initially, at least like an emergency access off of Lawson but not a connection to. Tom Czulewicz asked if there are townhouses behind there. Mr. McCorquodale said yes and for that they would need another emergency access. Merriam Walker said and also Baja and Dr. Martin Luther King Roads back in that area flood and it gets very wet back there. Mr. McCorquodale said Atkins Creek is generally just a hair north of there. Merriam Walker said and it backs up to those people that have lived there a long time on Baja. She asked if that would be storage in that back area. Mr. McCorquodale said that is what they would contemplate but again he does want to stress that while that is in there for informational purposes, please any time you consider a rezoning just know that they could do anything they want. He said to take those plans just as a thought right now but again the action here tonight is to call that public hearing for October 1st. Merriam Walker asked once the public hearing happens what happens next. Mr. McCorquodale said what happens on the front side of the hearing is in between now and October 1st he is going to mail letters to all the owners that are within 200 feet of that property and they are going to be publishing a legal notice. We will have the public hearing here at the Planning and Zoning meeting and you will develop a recommendation and a report that goes to Council stating either we think you should rezone this or we think you should not rezone this. He said it can include some pros and cons if you have them or it can just be a simple recommendation if that is all it is. Then, at the next meeting on October 8th the Council will get your report and they will hold a public hearing and act on the request.

Motion to reschedule the public hearing to October 1st was made by Merriam Walker and seconded by John Fox. **All in favor. (3-0)**

COMMISSION INQUIRY:

Merriam Walker said she noticed some vehicles sitting in an empty parking lot with the words for sale on it. She said she can understand if you just want to put your car there or you own the business. She just wants to make note that downtown Historic Montgomery does not need to be a car lot of just random cars sitting there for sale. She said she also noticed this past weekend that the flow in downtown Montgomery when they were having Labor Day weekend was not user friendly. She said there was a lot of different signs, a lot of flags, a lot of people parked in weird ways and they still have that parking lot beside In Stitches that is in bad shape and all they have are cones up there and it is just an eyesore. It just is not pretty. People are parking all over the place. She wants to bring it to your attention because she lives here and it is not aesthetically pleasing to drive down FM 149. Mr. McCorquodale asked if it is up there by Burger Fresh. Merriam Walker said yes. Merriam Walker said she guesses the Tea House was going out of business and now H & H Wines is going to take it over. Mr. McCorquodale said yes.

ADJOURNMENT

Merriam Walker moved to adjourn the meeting at 6:35 p.m. John Fox seconded the motion. **All in favor. (3-0)**

Prepared by: _____ Date approved: _____

Diana Titus, Deputy City Secretary

Tom Czulewicz, Vice-Chairman

Attest: _____

Ruby Beaven, City Secretary
Director of Administrative Services

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