

**CITY OF MONTGOMERY
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
APRIL 01, 2025**

OPENING AGENDA

1. Call meeting to order.

Chairman Simpson called the meeting to order at 5:59 p.m.

Present: Commission Member Daniel Gazda, Chairman Bill Simpson, Commission Member Merriam Walker, Vice Chairman Tom Czulewicz, Commission Member Fox

Absent: None

2. Pledges of Allegiance.

Chairman Simpson led the Pledge of Allegiance and Pledge of Allegiance to the Texas State Flag.

PUBLIC FORUM:

No citizen comments presented for this meeting.

REGULAR AGENDA

3. Consideration and possible action on the Regular Meeting Minutes of March 04, 2025.

Motion: Vice Chairman Czulewicz made a motion to approve the regular meeting minutes of March 04, 2025. Commission Member Walker seconded the motion. Motion carries with all present voting in favor.

4. Consideration and possible action regarding the relocation of an existing sign in the Historic Preservation District from 305 Prairie Street to an existing sign post at 301 Prairie Street.

Code Enforcement Officer and Planning/Zoning Administrator Tilley said there is a representative here from Lola & Viv Designs. Her name is Ms. Patricia Roebuck. They are proposing to relocate an existing sign Lola & Viv, the exact same sign just to another post. If you look at the pictures from where they are relocating it from on 305, the post sign is just a little bit wider. When they move it to 301, that existing post sign is just a bit more narrow. They are chopping off each side equally and then reattaching it to that existing sign. The reason why nonconforming is mentioned is our freestanding sign ordinance states that freestanding signs have to be monument looking, so these are just on posts. It has been there for quite a bit of time. I was not going ask them to create a monument sign for that

relocation of the existing. My recommendation is to approve the relocation. Commission Member Walker asked Ms. Roebuck would you be interested in sometime in the near future maybe in improving on the aesthetics of the post where the signs are going? Ms. Roebuck said absolutely. Commission Member Walker said we are working towards that, like where we have a design for the downtown and where it flows. I was just wondering if you would be interested in replicating a monument style, maybe caps on it. Ms. Roebuck asked are there examples somewhere that I can see? Commission Member Walker said I am just asking if you are interested. Ms. Roebuck said she was just curious. Chairman Simpson said I went through the ordinances and I know I have been through this before down SH-105, in the Historical District. Chairman Simpson asked Code Enforcement Officer and Planning/Zoning Administrator Tilley in that section N2 A through G statement that this freestanding sign does not apply to the Historical District, is that still in effect? Code Enforcement Officer and Planning/Zoning Administrator Tilley said I am not aware of that but can take a look. Chairman Simpson said I know it was before that monument signs were not required in the downtown Historical District. I have been through that two or three different times. What I am reading, it is only required on SH-105 and the major highways, if you want to check in on that. Maybe I am reading it wrong or I am reading something old. Commission Member Walker said I would be interested in knowing why it was one way and now it is not because the deterioration of the downtown, we do not want that to happen because so many new businesses are coming in there adhering to aesthetically pleasing in the historic downtown, but if you are not opposed to it, again, you have to submit or you can call Code Enforcement Officer and Planning/Zoning Administrator Tilley and she can help you with that too. Chairman Simpson said I think one reason why it has not been done is there is so much buried that you could not put in a monument sign with the foundation. You can paint the poles yes, but I think it is almost impossible to put a monument sign in some of those streets in the Historical District. Ms. Roebuck said I know that corner had a lot of work done. Commission Member Walker said just remember when you choose to do that, you can bring it up to the Planning and Zoning or address Code Enforcement Officer and Planning/Zoning Administrator Tilley.

Motion: Vice Chairman Czulewicz made a motion to approve the relocation of an existing sign in the Historic Preservation District from 305 Prairie Street to an existing sign post at 301 Prairie Street. Commission Member Gazda seconded the motion. Motion carries with all present voting in favor.

5. Consideration and possible action regarding installation of a new wall sign at 308 Caroline Street.

Code Enforcement Officer and Planning/Zoning Administrator Tilley said what the new tenants for this building are proposing is a new wall sign. Unless I am missing something again in the ordinance, this wall sign would be nonconforming because you cannot be above the roof line typically on a building, even though there is a parapet on there and because there used to be signage on that parapet, we are going to go ahead and allow having this new sign put in. I recommend approval for this installation of this new sign.

Commission Member Walker asked do you want to take down the old one and put a new one up where the old one is? Ms. Amy Kienholz said the old one has already been taken down. It is going to go in the same spot. Commission Member Walker asked so you are telling us that in an ordinance it is not supposed to be there originally? Code Enforcement Officer and Planning/Zoning Administrator Tilley said originally, yes. Commission Member Walker asked can you tell me how long you have had your sign up there previously? Ms. Kienholz said I just moved in. Commission Member Walker said I mean before you came? Ms. Kienholz said it was up there for three years. Chairman Simpson said if you take a look, every building downtown in that shape has a sign up there. Vice Chairman Czulewicz said you said that it cannot be above the roof line. It is not above the roof line, it is above the roof line of the porch, but not the building. Code Enforcement Officer and Planning/Zoning Administrator Tilley said it is above just a little bit of that roof line. If the whole sign is not, it does look a little bit deceiving because of the parapet. Commission Member Walker said we need to look into that ordinance for such reasons as we have tonight. You would hate to take a sign down and put the same exact sign back up, only prettier, and someone comes along and says no, you cannot put it up there. Are we looking into that ordinance so that we can address it if the next person comes along and says that sign was there? Code Enforcement Officer and Planning/Zoning Administrator Tilley said the way the nonconforming signs work is that let us say that she decided to put lighting on it. It changes because of any lighting on there now. Let us say they wanted to make it larger. Again, that changes a nonconforming. You would not be able to make it larger. You can make it smaller, but by that time, then you cannot enlarge it again. As it gets closer to being conforming, you just cannot go back to a nonconforming status. Vice Chairman Czulewicz asked is the new sign the exact same size as the old one? Code Enforcement Officer and Planning/Zoning Administrator Tilley said yes. Commission Member Gazda said I like the design of it.

Motion: Commission Member Gazda made a motion to approve installation of a new wall sign at 308 Caroline Street. Vice Chairman Czulewicz seconded the motion. Motion carries with all present voting in favor.

6. Consideration and possible action regarding the installation of two new shingle type signs at 401 College Street on the second floor for Suite 260.

Code Enforcement Officer and Planning/Zoning Administrator Tilley said it is a shingle type sign where it hangs directly off of the roof over the second floor balcony. We can call it an awning or roof. It does have the columns that reaches down. It is going to hang just below that. The only requirement that we really have, we do not have the design guidelines in the Historic District for signage, but the percentage of sign coverage based on the wall size. It definitely does not exceed the 60 percent required.

Commission Member Walker asked the representative did you think of anywhere else to hang it besides on the awning, or do you own the brick portion of it right before it gets to the awning? Or, maybe underneath the awning and putting it on the bricks instead of hanging it from that awning and possibly it swinging? Ms. Lisa Gregory said I cannot really do it below because I do not lease that space. Commission Member Walker said right

underneath the awning there are windows and bricks, and then on the side that is facing the Community Center, there is a solid brick wall before you get to that awning, before you round that corner. Is that part of your lease? Ms. Gregory said not downstairs, but upstairs I do not know how he would feel about something permanently affixed to the brick. Commission Member said he is a real nice man. Ms. Gregory said he is. He helped me do the design and these were his suggestions. Commission Member Walker said I feel it would be aesthetically better presented on a wall. Ms. Gregory said if it were on a brick wall, I do not know if it would be visible from below. My guess is it probably would not. Chairman Simpson said she is applying for a shingle type sign, which there are many of them throughout the City that hang. For a shingle type sign which I am in favor of, it is a little large. If you could knock that down by moving the logo to 16 by whatever, I think as a shingle type sign, it would possibly not look as large up there. I know there are no dimensions on a shingle type sign. There are many throughout the City and they range in size. Ms. Gregory said I think the main reason for the sign, because we did measure and visualize, it was just the lack of visibility since it is on the second floor. If it were on the first level, then it would be readable, but once you get to that height, it is just a visibility issue. Chairman Simpson said I know that is the reason for the shingle type signs, especially with the buildings with overhangs. If you mount them on the wall, you cannot see the signage. It is a good looking sign. Commission Member Walker asked would you consider anything else, or you like it where you have it? Ms. Gregory said they met with the owner of the building and tried to come up with better options, but the concern is from a visibility standpoint. Vice Chairman Czulewicz asked is that sign that is shown in the photograph to scale? Ms. Gregory said no. The actual dimensions are in the application. Vice Chairman Czulewicz said looking at the photograph, it looks larger than 24x36. The picture is deceiving. Ms. Gregory said that was done just to show location.

Motion: Vice Chairman Czulewicz made a motion to approve the installation of two new shingle type signs at 401 College Street on the second floor for suite 260. Commission Member Fox seconded the motion. The Motion carried 4-Ayes and 1-Nay vote by Commission Member Walker.

7. Consideration and possible action regarding a proposed new single-family dwelling located at 990 Caroline Street in the Historic Preservation District.

Code Enforcement Officer and Planning/Zoning Administrator Tilley said for this property if you recall back in November of 2024, you all reviewed a proposal. Originally, the address was 10005 College, but because this lot is being split, the new address is 990 Caroline and that will be the south portion of this lot that is being split. I went through a list of the findings. It is quite a list if we want to go through each item, but if there is a specific item on that list that you have a question on, I can answer that. I did find the majority of the findings have been met based on their proposal. Chairman Simpson said I think the house looks gorgeous. Code Enforcement Officer and Planning/Zoning Administrator Tilley said my recommendation would be approval of the proposed design with possibly some spec sheets that would detail what the gutters and down spouts would look like, maybe some of the side materials, making sure they meet the design guidelines, the facade openings, getting a detail on any of those openings, and making sure that they meet the design guidelines. Then, if there is going to be screens, storm doors, and storm windows, make sure that we get that addressed. Commission Member Walker asked the home owners about

the driveway. Ms. Toni Cates said gravel stones, at least in the beginning. Code Enforcement Officer and Planning/Zoning Administrator Tilley said that is permitted for a single family dwelling. Commission Member Walker asked do you have a carport or garage? Ms. Cates said yes, a carport. Commission Member Walker asked what type of lighting will you have around your home? Is it going to be on the corners or are you going to have posts? Ms. Cates said there are flood lights on the corners of the house. Commission Member Walker asked are you planning on fencing back and front? Ms. Cates said there is no fencing. Commission Member Walker said that is different. Most people want to put a fence up. Ms. Cates said we are looking to retire and have no maintenance. Commission Member Walker asked do you have a generator? Ms. Cates said no, we do not. We are going to have a little pad built for when we can afford one in the back. Commission Member Walker asked did anyone go over with you the setback on the sides of houses, whether it is the five foot or the 10 foot? Ms. Cates said yes, 10 foot.

Motion: Commission Member Gazda made a motion to approve a proposed new single-family dwelling located at 990 Caroline Street in the Historic Preservation District. Commission Member Fox seconded the motion. Motion carries with all present voting in favor.

8. Consideration and possible action regarding a request for a special use permit for a fast-food restaurant with drive-through service at 21049 Eva Street.

Commission Member Walker asked do we have anything back from TxDot on the drain? Code Enforcement Officer and Planning/Zoning Administrator Tilley said we have not received anything back. Nothing on the traffic impact analysis. Commission Member Walker asked you are wanting us to say yes or no tonight? Code Enforcement Officer and Planning/Zoning Administrator Tilley said this is just a recommendation that you would make to City Council. It is not for approving the special use permit, it is just a recommendation. What I did was I wrote it down based on the 2020 comprehensive plan, if you want as a reference, but otherwise, what I placed here in the report where the findings are met, came directly from the comprehensive plan. If there are any other areas of the comprehensive plan that you feel that should be on this report, that can also be added. Chairman Simpson asked so there has been no impact study at all done on anything at this point? Code Enforcement Officer and Planning/Zoning Administrator Tilley said no. Just last week, City Council tabled the request to place the public hearing. Chairman Simpson said if City Council put it on hold for a reason, then there is a good reason to be doing that. My thoughts are that corner is going to put a big strain on traffic issues. I would like before I approve anything, to see the impact study from the developer. We have traffic issues on FM 149 and SH-105 access cuts, we have parking issues without an easement agreement possibly. My feeling is if a new construction building is coming in, we should not need to have easement parking on a freestanding building on a piece of property. That is just going to cause problems down the road for the Chief and everybody else with the problems on that. Commission Member Fox said I would like to remind the rest of the committee that the City purchased this lot at one time in the past just so to give TxDot access to a right hand turn lane, and then we granted that they took their turn lane, and now here we are

trying to crowd something else in the corner. Chairman Simpson said we do not know what TxDot's plans are. They may need to have more. Commission Member Fox said we keep looking at the opposite corner diagonally where the old cemetery is and how narrow the whole thing is. It is just too small with the amount of traffic. Vice Chairman Czulewicz asked is this land, or a portion of this land where they want to put this in FM 149 easement? Does the state have an easement there? Code Enforcement Officer and Planning/Zoning Administrator Tilley said no. What they did was purchase a portion of that land so that they could have the right turn lane. Vice Chairman Czulewicz asked so where we are talking about the Jack in the Box going is not physically in a roadway easement? Code Enforcement Officer and Planning/Zoning Administrator Tilley said no. Vice Chairman Czulewicz said I know this has had a lot of discussion about whether or not a special use permit is needed. Do you know from your research which seems to be extensive, has the donut shop or McDonald's or the other places, have they had to get a special use permit? Code Enforcement Officer and Planning/Zoning Administrator Tilley said they have not. Vice Chairman Czulewicz said this would be a first of its kind because we are starting to enforce the rules. I read exactly what you did and I agree that a special use permit is required by the ordinance without doing a variance from the ordinance. Commission Member Walker said we have experienced since we had the new transition of employees the squeeze. We are following the rules now and the people that live in Montgomery are like why are you now putting this in here? We have to start somewhere for our City to be better, safer, prettier, welcoming and want people to move here, and it to be better. We have to have some type of rules that are set forth. Chairman Simpson said I agree totally. It is this situation where the traffic in this area is only going to get worse. It is not so much from the City of Montgomery is four square miles, it is the outside traffic coming in from all directions. For me to sit here and pass something that I do not know anything about, especially if they have not done the impact studies with TxDot and drainage, and whatever is required, I cannot consciously sit here and give a permit because if we give a permit, then we are sunk. Commission Member Walker asked how long is that special use permit for if we give it to them? Code Enforcement Officer and Planning/Zoning Administrator Tilley said you can place an expiration on that special use permit. It is kind of tough when the drive-thru is going to be built. Chairman Simpson said my feeling is if somebody wants to come into Montgomery so bad, they ought to go through the steps prior and show us what they are wanting to do. If the developer wants to put a Jack in the Box in there that badly, have him bring all the studies to us and let us decide at that time.

Vice Chairman Czulewicz said I make a motion that we table this item until after a public hearing if one is held. Chairman Simpson said we need to deny the special permit first. Code Enforcement Officer and Planning/Zoning Administrator Tilley said yes. If we are looking at timing for tabling this, the next Planning Commission would be May 6th. Chairman Simpson said I would say once they have all their studies done and not until then. Commission Member Walker said I would like to deny it. Code Enforcement Officer and Planning/Zoning Administrator Tilley said when you table it you do have to set a date. City Secretary Beaven said otherwise, it comes back at the very next meeting. Commission Member Gazda asked when the public hearing is? City Secretary Beaven said City Council

has tabled the public hearing. Code Enforcement Officer and Planning/Zoning Administrator Tilley said it will come back at the end of April. What we have to do in the end of April, City Council would announce when their public hearing would be held. If their decision is based on what kind of recommendation the Planning and Zoning Commission has, that means they would have to announce a public hearing after Planning and Zoning Commission has made a recommendation. Let us say May 6th is when you make the recommendation. I think the next possible public hearing would be June because we are required to do a 15-day notification of the public hearing. If you make the decision on the 6th, 15 days from there would bring you past the actual public hearing date for City Council, so then we would have to move City Council public hearing to June. Commission Member Walker asked if we deny the permit, if we say as the Planning and Zoning part of the special use permit, we deny it, then they can do the public hearing, they can do whatever they want to. My fear is like you said. If they say anything and they start construction and they build the drive-thru, why not we just deny the special use permit and let it go through all the other motions that it has to go through? It still has to come back to us for a special use permit, but if we deny it tonight, then it is up to City Council what it is that they are going to do as far as their public hearing. Code Enforcement Officer and Planning/Zoning Administrator Tilley said what you are denying then is your recommendation that you are going to recommend that City Council denies the special use permit. If we want to recommend denial, do we have the reasons for denial? Commission Member Walker said we do not have any studies. We cannot even drive through there now. Chairman Simpson said the main reason is we do not have information to make a logical decision. City Secretary Beaven said with that being said, my recommendation would be to just table this until those items come in, and then bring this item back. We can put a date for it to come back to see where we are on the follow-up of the feasibility and that other information, so that way you can make a determination at that point. Council Member Gazda said I will make a motion that we table it until June 3, 2025. City Secretary Beaven said we already had a motion on the table. Vice Chairman Czulewicz said I will withdraw my motion.

Motion: Commission Member Gazda made a motion to table a request for a special use permit for fast food restaurant with drive-through service at 21049 Eva Street until June 3, 2025. Commission Member Walker seconded the motion. Motion carries with all present voting in favor.

COMMISSION INQUIRY

Vice Chairman Czulewicz asked Code Enforcement Officer and Planning/Zoning Administrator Tilley if she is aware that the flag flying in front of Krawfish Kai's place is an illegal sign? Code Enforcement Officer and Planning/Zoning Administrator Tilley asked illegal in what way? Vice Chairman Czulewicz said illegal in respect to signs in use in the Historic District. Code Enforcement Officer and Planning/Zoning Administrator Tilley said for temporary signage it is committed, but because it is in the Historic District, it should have come to you for review even though it is a temporary sign. Chairman Czulewicz said so I request that you take action accordingly. Commission Member Walker

asked Code Enforcement Officer and Planning/Zoning Administrator Tilly have you done a tour of the town lately of the signs? I know briefly we spoke prior to the meeting starting. I was just wondering, if we are going to look at Krawfish Kai, can we just go ahead and do the City and bring back your findings for us please? Code Enforcement Officer and Planning/Zoning Administrator Tilley said yes.

CLOSING AGENDA

9. Items to consider for placement on future agendas.

Commission Member Gazda asked do we need to add to the next meeting's agenda to be re-sworn? City Secretary Beaven said she will take care of it.

10. Adjourn.

Motion: Vice Chairman Czulewicz made a motion to adjourned the regular meeting of the Planning and Zoning Commission at 6:35 p.m. Commission Member Gazda seconded the motion. Motion carries with all present voting in favor.

APPROVED:

Bill Simpson, Commission Chairman

ATTEST:

Ruby Beaven, City Secretary