

MINUTES OF REGULAR MEETING

November 7, 2023

MONTGOMERY PLANNING AND ZONING COMMISSION

CALL TO ORDER

Vice-Chairman Simpson declared a quorum was present and called the meeting to order at 6:02 p.m.

Present: Bill Simpson, Merriam Walker, Daniel Gazda,

Absent: Thomas Czulewicz, *(Note: One unfilled position on the Commission)*

Also Present: Dave McCorquodale, Director of Planning & Development

Katherine Vu, P.E., City Engineer

VISITOR/CITIZENS FORUM

None.

1. Consideration and possible action on the Regular Meeting Minutes of September 5, 2023.

Merriam Walker stated, "I read through them, seems like there was a lot more said than what was typed out, but I guess the essence of what was said was put in there". Merriam Walker moved to approve the minutes. Dan Gazda seconded the motion, which carried unanimously. (3-0)

2. Consideration and possible action on the Regular Meeting Minutes of October 3, 2023.

Dan Gazda said he reviewed them didn't have any comments. Mr. Gazda moved to approve the minutes as presented. Motion died for lack of second.

Merriam Walker said, "I just have a question, did we put in there that we requested certain things to come back to Planning & Zoning from the Caroline Street? Didn't we ask for something to come back from them? Was that in there? It's in the previous minutes, but I thought we asked again this last one, too. Do you have them in your notes? Do you remember? Talking about what needs to come back?"

Bill Simpson mentioned a scaled drawing, to which Mrs. Walker agreed. Staff stated if the applicants changed the synthetic lawn to real sod that a scaled plan was not required. Merriam Walker said that was for the grass or sod or turf, but recalled asking for an arborist report and scaled drawings regardless. She continued that she remembered discussing it, but didn't see it in

the notes. She said she wants to make sure if we missed it that it be included in the minutes. Staff said if the Commission knows exactly what they believe is missing they can amend the minutes and act on them, and if they don't they can table the item and staff would review the meeting to ensure the items were captured.

Merriam Walker moved to table the minutes just in case. Dan Gazda seconded the motion, which carried unanimously. (3-0)

3. Consideration and possible action on calling a Public Hearing to be held on December 5, 2023 at 6:00 pm related to a rezoning request for approximately 3 acres of land near the intersection of Clepper Street and C.B. Stewart Drive from B-Commercial to I-Institutional.

The applicants advised that one of their presenters had not arrived at the meeting and asked to defer the discussion until later in the meeting. Bill Simpson agreed and moved to Item #4. *Note: The following discussion occurred after Agenda Item #4.*

Executive Pastor Jeff Olive of The Woodlands Methodist Church introduced himself and provided an overview of the church's efforts to build a new church campus in the Montgomery area. The purpose of the Montgomery location is to reach people in their own communities, and their data shows that many of their church congregation live in a 5-mile radius within the Montgomery and Walden area.

Mr. Olive stated the church has been searching for a permanent location, as they are currently meeting in a school building on the weekends. Their search led them to a property at the corner of Clepper and C.B. Stewart across the street from Ransom's. He mentioned a few things that needed to be addressed before purchasing the property. He introduced architect Suzanne Bird who discussed a conceptual site plan for the proposed church. Points mentioned by Ms. Bird included a large amount of greenspace left on the property, accessible parking near the church entrance, and a courtyard that would provide a welcoming entry to the church. Ms. Bird showed pictures of the church's Woodforest campus to illustrate similar details in material and scale of what the church would like to build in Montgomery.

Mike Christopher introduced himself and explained he is a member of the church and serving in a volunteer capacity for the project and he is also a licensed civil engineer. He noted a couple planning and development items the church and city have been working on to determine a path forward. He thanked city staff and consultants for being responsive and helpful in a very short

option period the church has to determine whether to move forward with purchasing the property. Mr. Christopher stated the property was partially zoned for commercial and partially zoned as PD-Planned Development. He stated the church's hope that there could be flexibility in the zoning change to institutional in case they needed to sell the property and not build the church. He said since the church is working with donated money they had an obligation to ensure that they were being as diligent as possible with the property purchase. Mr. Christopher said they are currently working with the city to determine if a path exists to avoid vacating the existing plat in order to be allowed to use the property as a church. Mr. Christopher referenced an image from the seller showing a previous conceptual plan for a dense multi-family development and compared it to the church's conceptual plan with a large amount of greenspace. Bill Simpson said the open space proposed for the church is needed in the city after a lot of dense development in recent years. Mr. Christopher also reviewed a timeline of the church's purchase of the property and anticipated church construction. Dan Gazda asked if the presentation from the church could be included in the meeting minutes. Mr. Christopher concluded the presentation and asked if the Commission had any questions.

Merriam Walker asked if there were liquor laws that would affect the church's plans. Mr. Christopher said the church was aware of applicable laws. She also mentioned typical development-related processes that the city engineer would review and approve. Mrs. Walker also asked if there were any outdoor activities the church would have like concerts. She added that it wouldn't be a problem because the city did it right down the road having mud runs and festivals and things like that. She said she was asking out of concern for the neighborhood behind the church. Mrs. Walker said the architect mentioned natural, durable materials but she saw metal and she's just asking about that. The architect confirmed they were planning on wood and stone.

Mr. Jeff Olive stated all those questions would be addressed at the appropriate time and that the church intended to be good neighbors.

Dan Gazda appreciated the church working closely with the city and encouraged good communication to continue through site design and development. Dan Gazda moved to call a Public Hearing for December 5, 2023 at 6:00 p.m. Merriam Walker seconded the motion, which carried unanimously (3-0).

4. Consideration and possible action on exterior architectural accent lighting at 202 McCown Street in the Historic Preservation District, as submitted by Jim & Denise Czulewicz.

Staff introduced the item and noted that the applicants were in attendance to answer questions. Merriam Walker asked if the Historic District had a lighting ordinance. Staff advised the city's commercial lighting ordinance applied to all areas of the city and did not specifically address this type of lighting but required full-cutoff fixtures for things like parking lot lights and exterior building lighting. Bill Simpson asked if these were planned to be seasonal lights or for everyday use. The applicant replied that they were for everyday use and colors could be changed by remote. Merriam Walker asked if they were new or if they had been there before. The applicant stated the lights were new. Mrs. Walker asked if the lights were there when he bought the building. The applicant responded they were not. Mrs. Walker asked the applicant if his property was located in the Historic District. The applicant stated that it was.

Bill Simpson noted that no other buildings downtown have façade lights like this. Staff noted that while a lot of businesses used string lights, those were not exactly like these. The applicant noted the building behind him has a lot of string lights on the property. Merriam Walker said the difference she sees is that the applicant has installed lights like Christmas lights, except that they would be up year-round and the city would not know what color they would be at any given time. She stated that these lights were different than any lights in the Historic District. The applicant said he would agree to have them as white-only lights or to match the building color. The applicant said he did not perceive a huge distinction between hanging string lights and these lights. Merriam Walker said, "Well, we have so many variances when people come before the Commission and want to do different variances to improve or to make their business more noticeable and as a Commission we try to stay within the guidelines and what our downtown already looks like. This [these lights] would be something different than what already have and it doesn't go with what we already have going on in downtown as the ambiance and the way that it's set up."

Bill Simpson said, "What I explained two meetings ago to a group that was in there was that the historical downtown area has it's own set of guidelines and these guidelines were put in place way before I've been sitting here and they're trying to keep the conformity of downtown looking the same." The applicant asked, "So if I hang lights from the building it would be okay? It's what everybody else is doing. To be clear, there are other buildings in downtown with Christmas lights up."

The applicant, Commission, and staff continued discussion on how the current ordinances regulate this type of lighting downtown. Mr. McCorquodale said the historic preservation ordinance only addresses things that are reasonably fixed. Using string lights as an example, lights that can be

taken down in 5 minutes do not sound like an exterior improvement to property. Mr. McCorquodale added that is not the only interpretation of the code, but it is his interpretation.

Bill Simpson said the only concern he has is the lights being in the historical district and then we could see 15-20 different schemes of lights. Mr. Simpson asked if these lights would flash, blink, or have other motion effects. The applicant stated they would only be solid colors. Merriam Walker said she was trying to imagine the lights expanding to adjacent buildings to envision what it might look like.

The applicant suggested the Commission see the lights turned on at night to confirm they are not obscene or intrusive, all [the lights do] is frame out the edge of the building. Merriam Walker asked the Commission if they wanted an opportunity to look at them, the applicant stated they were installed but currently turned off.

Bill Simpson said the Commission needed to decide whether to approve the lights. He asked staff about a scenario where the adjacent property requested lights in the future and whether the Commission could require the same light as the ones being requested now. Mr. McCorquodale said the Commission could quantify the desired outcome using specifications like color, light temperature, and brightness but could not specify a brand to be used.

Merriam Walker said, "I just want to make a brief mention every meeting it's already done and you're asking permission after it's already done. What made you come to Planning & Zoning to ask if you could turn these lights on?" The applicant stated that he was contacted by the City. Merriam Walker asked staff who asked for them to be turned off. Mr. McCorquodale answered that the code enforcement officer was contacted by someone asking if the lights had received approval from P&Z. Bill Simpson clarified that there was a complaint from a citizen.

Merriam Walker moved to deny the lighting on the building. Motion died for lack of second.

Dan Gazda moved to approve the architectural lighting for one month contingent on the color being consistent white light. Merriam Walker seconded the motion, which carried unanimously. (3-0)

NOTE: Agenda Item #3 was taken up after Item #4 (all applicants arrived)

5. Consideration and possible action on exterior modifications for the proposed Krawfish Kai restaurant located at 14335 Liberty Street in the Historic Preservation District, as submitted by Ryan Routt.

Staff introduced the item and noted the applicant was in attendance to discuss the request. Mr. McCorquodale referenced the agenda packet and the listed items requested for review by the Commission. The Commission addressed each item individually.

Merriam Walker asked Mr. Routt if he'd signed a lease for the property, to which he affirmed he had. Mrs. Walker asked about the start date of the lease. Staff drew the Commission's attention back to the application packet and the proposed sign information. Merriam Walker asked if the sign was comparable in size to the existing Wings sign. Mr. Routt said it was. Mr. Routt also clarified the background of the sign would be white to blend into the building better. Merriam Walker said she noticed a banner installed the other day. Mr. Routt said the sign would be laser cut and mounted to the wall with bolts. Merriam Walker asked if the business was open yet and when he would install the sign. Mr. Routt said the sign was currently being shipped and he would install it after it arrived if approved.

Merriam Walker approved the installation of the new sign with white background as requested. Dan Gazda seconded the motion, which carried unanimously (3-0).

No action was needed on the temporary sign (#2) as the grand opening banner was approved by staff for 30 days.

Item #3 was a request to remove an existing wood deck on the south side of the building and replace it with concrete paving at the level of the existing concrete porch on the building. Dan Gazda asked what was under the existing wood deck. Mr. Routt stated the grease trap was under the deck and the deck would be at the height of lids of the grease trap. Merriam Walker asked how the grease trap would be maintained, and Mr. Routt said it would be accessed from Liberty Street. Merriam Walker asked how soon he would like to begin as soon as possible.

Dan Gazda moved to approve the removal of the deck and replacement with concrete. Merriam Walker seconded the motion, which carried unanimously (3-0).

Item #4 was to extend the front porch roof over the existing wood deck. Mr. McCorquodale noted that for clarification the porch roof would also require building permits that show compliance with

the 2018 International Building Code if approved. The action before the Commission tonight was the approval of the concept of the roof, not the permit to build the roof. Mr. McCorquodale continued by stating staff's recommendation to deny the request was based on the city ordinance requiring front façade setbacks to match adjacent buildings in downtown and the proposed roof did not align with the First State Bank building next door. Mr. Routt explained he would like to replace the existing shade sail cover with a solid roof. Bill Simpson noted the new roof would extend about 6-8 feet beyond the bank building. Mr. Routt noted the other buildings in downtown that extended to the front property line and the request was to extend the patio approximately 30 inches and also extend a new roof over the entire front porch. Dan moved to table the roof approval pending additional drawings submitted to better illustrate the project. Merriam Walker seconded the motion, which carried unanimously (3-0). The Commission then addressed the front porch extension and noted the agenda packet didn't explicitly mention the porch extension but the applicant's request did. Dan Gazda moved to approve the front porch to the bollards approximately 30 inches. Merriam Walker seconded the motion, which carried unanimously (3-0).

Item #5 was related to requested a new patio roof over the south patio of the property. Dan Gazda moved to table the roof request pending additional drawing submitted to better illustrate the project. Merriam Walker seconded the motion, which carried unanimously (3-0).

Item #6 was related to a request to extend the adjacent side wood fence approximately 8-ft toward the front of the property. A side discussion between the applicant, the Commission, and adjacent property owners occurred that was not relevant to the agenda items. Following that, the Commission returned to the fence discussion. Mr. McCorquodale explained the details of the proposed fence. Merriam noted the fence was a proposed 8-foot height to match the existing fence on 504 Caroline Street. Dan Gazda confirmed the fence would have a 36-inch gate and would be stained to match the adjacent fence. The applicant confirmed. Dan Gazda moved to approve the fence to match 504 Caroline as presented. Merriam Walker seconded the motion, which carried unanimously (3-0).

Item #7 related to a requested 4-ft wrought iron-style fence on the southeast corner of the property around the patio on the south side of the building. The applicant noted it would connect to the proposed wood fence and enclose the patio. Dan Gazda asked if the applicant had considered matching the picket fence at 504 Caroline Street. Mr. Routt said he had and had settled on the iron fence. The Commission noted that while there were several examples of wrought iron in the historic district there were not any in the immediate area. The Commission suggested extending the same style of front porch railing as the fence. The applicant stated he would agree to that. Dan

Gazda moved to approve the fence using wood and cattle panel to match the front porch railing. Merriam Walker seconded the motion, which carried unanimously (3-0).

Item #8 requested to add a red trim to the exterior color. The applicant stated the red color had been eliminated. Staff clarified that no action was required since no new colors were being added.

6. Presentation of a proposed 96-acre estate lot single-family residential development as submitted by Gracepoint Homes.

Staff introduced the item and the developers. Justin Hood thanked the Commission for the opportunity to present the project. Mr. Hood noted the property was assembled from two tracts and connected from Westway Drive on SH105 and Lonestar Parkway. The development proposed 64 homesites with a minimum of 1-acre lots. Mr. Hood stated the intent was to keep as much of the site as natural as possible. Bill Simpson asked about the current zoning. Mr. McCorquodale said the current zoning was single family residential. Mr. Hood mentioned the city's thoroughfare plan and a hope to work with the city on a way to accommodate transportation goals and still create a profitable project. Mr. Hood said the intent would be to have gated streets that would be private, and understood that more work was needed with the city to determine the best plan. Merriam Walker noted the lots that had a pond on part of them. Mr. Hood said that was correct, and that the large lots accommodated that. Dan Gazda said he liked the large lot sizes.

Following discussion on the agenda item, Merriam Walker asked if they also owned 504 Caroline Street. She added that the contractor on the property had not followed city regulations during construction. Bill Simpson said, "We need to hold this until the end". Mrs. Walker said, "Okay, he wants me not to say it but I just want you to know you're here and I will be addressing it before City Council that we need to stay within the guidelines of what Planning & Zoning has set up for the Historic District of Montgomery. Bill Simpson restated, "We need to stick to the agenda." Merriam Walker said, "I'm going to quit now, but I'm going to mention it so it's in the notes."

No formal action needed.

7. Consideration and possible action regarding a Preliminary Report on the city-initiated rezoning request of the property commonly known as 203 Prairie Street, Montgomery, Texas.

Staff introduced the item and reviewed the Preliminary Report that was based on the basic facts and disposition of the property.

Bill Simpson asked to clarify that this was the property the city owned that was part of 213 Prairie Street. Mr. McCorquodale said it was and that Mr. Brosch owned the two parcels to the north with the historic home where they lived. Mr. McCorquodale added that he'd called Mr. Brosch and spoke with him about the request and he had no material objections.

Dan Gazda moved to approve the Preliminary Report as presented. Merriam Walker seconded the motion, which carried unanimously (3-0).

8. Convene into a Public Hearing regarding the Preliminary Report on the city-initiated rezoning request of the property commonly known as 203 Prairie Street, Montgomery, Texas.

Bill Simpson opened the Public Hearing at 7:50 p.m.

No comments were given.

Bill Simpson closed the Public Hearing at 7:51 p.m.

9. Consideration and possible action regarding a Final Report on the city-initiated rezoning request of the property commonly known as 203 Prairie Street, Montgomery, Texas.

Staff introduced the item and explained the property was owned by the city and this was the greenspace north of the building at 213 Prairie Street. Mr. McCorquodale said the Council requested to rezone the property to increase the value of it before selling it.

Dan Gazda moved to approve the Final Report recommend approval of the rezoning of the property commonly known as 203 Prairie Street, Montgomery, Texas from R1-Single Family Residential to B-Commercial. Merriam Walker seconded the motion, which carried unanimously (3-0).

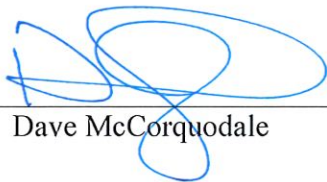
Commission Inquiry

Bill Simpson asked about 504 Caroline Street and how could P&Z deny the artificial turf and the contractor still install it. Mr. McCorquodale mentioned that Merriam Walker had alerted him to rolls of artificial turf on site. The next day, Mr. McCorquodale noted it was installed. He continued and said currently the city doesn't have the capacity to go out to a site and immediately shut down work. Bill Simpson asked if that was correct. Mr. McCorquodale said while there are consequences, we do not have the resources to go out and immediately shut a job down. Bill Simpson said it was frustrating to serve on P&Z and then people don't follow the rules. Mr. McCorquodale said the city does have options, but lacks in-the-moment ability to stop an action. Mrs. Kristen McCain, the city's utility billing clerk who also has a code enforcement license, was invited by Mrs. Walker to speak to the Commission. Mrs. McCain referenced the general provisions cities have to enforce codes. Merriam Walker asserted that the former Pecan Hill property painted the building a color that was not approved by the Commission. Additional discussion was had on the Commission's frustration with lack of adherence to the rules of the Historic District.


Dan Gazda asked if we could formally appoint Bill Simpson as Chairman. Staff stated as soon as we had a full Commission we would appoint officers.

Adjournment

Dan Gazda moved to adjourn the meeting at 8:06 p.m. Merriam Walker seconded the motion, which carried unanimously. (3-0)

Prepared by:  Date approved: 01/02/2024
Dave McCorquodale


Bill Simpson, Vice-Chairman

Attest: 
Nici Browe, City Secretary