

MINUTES OF SPECIAL MEETING
April 2, 2019
PLANNING & ZONING COMMISSION

1. CALL TO ORDER

The meeting was called to order by Chairman Gristy at 7:00 p.m.

2. CALL OF ROLL

Commissioners present Vice Chairman Ash, Mr. Bob Galatas, Mr. Wally Westbrook, and Mr. Jim Pollard. Also present were Jackie Thompson and Officer Bledsoe.

3. CITIZENS FORUM

Responses to inquiries are limited by state law to a recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision by Planning and Zoning Commission shall be limited to a proposal to place that subject on the agenda of a future meeting.

Chairman Gristy advised none for the record.

4. Presentation of a Planning and Zoning Preliminary Report regarding the proposed zoning regulation amendment for Planned Development District #11 (PDD #11).

Mrs. Thompson advised the Commission Palmetto Homes developer of The Centro, which is the 120 residential development located on the David Memorial extension has submitted an application for a zoning regulation amendment to provide an alternate building material within their development. As shown in the agenda packet the developer is wishing to use an LP Armorstrand product along with Dryvit TAFS 3 to give the appearance of stucco in lieu of a masonry material that is required currently. The drafted language is included in the agenda pack for review and again this is the first of two public hearings for the P&Z commission. The developer is here as well as representatives of the products to answer any questions.

5. Public Hearing regarding the proposed zoning regulation amendment for Planned Development District #11 (PDD #11).

Chairman Gristy opened the public hearing at 7:03 p.m.

Commissioner Ash asked to clarify the development location. Mrs. Thompson advised of the project. Chairman Gristy stated there have been issues with the stucco, Dryvit is a name. I'm not sure if I remember that. Haven't we had issues with different types of stucco products in the past. Wally can you attest to that. Commissioner Westbrook stated many, many lawsuits. Enough to drive one of my builder buddies to live in Costa Rica. In order to be able to install Dryvit you had to take a course to become a certified applicator of the

product. People would say they were and we didn't know for sure. We ended up putting Dryvit on houses and it surfaced many years later where mold was getting in houses. It became prolific. What we found is that the application of the Dryvit wasn't installed right. I don't know what's going on in the market today. Chairman Galatas stated I asked recently someone who does this sort of stuff and they said that stucco is the best. All the other non-stucco products are less and they would not recommend them for residential use. Chairman Gristy Currently this is not an approved material on our list. Mrs. Thompson advised correct. Commissioner Ash asked how does a material get onto our approved lists. Mrs. Thompson advised the IDC it requires a certain percentage of developments, based on the classifications, to be masonry comment. The building code will outline approved authorities who have done testing on materials to approve alternate materials as well. Chairman Gristy stated in an application like this, first off we are going to need assurance that it's been through all the product testing but also professionals who are trained are applying the product. Sounds like there's a multi-step process. Commissioner Westbrook added also our inspectors are they qualified. Commissioner Galatas stated there was a sentence in a subsequent page that said this stuff is supposed to be better than stucco. Which I've been told is not true. Chairman Gristy stated well I know in the years I've been here I was told stucco is not a good material. I do know it's a conversation that fires up pretty often in this area. Commissioner Westbrook stated even realtors would tell people not to buy stucco. There's a difference between stucco and dryvit. Commissioner Galatas stated isn't stucco, you've got chicken wire basically with layers and layers of mud that dries hard. And dryvit is something that is a lot softer and easier to put up and looks like stucco but is not the layers of concrete application. Commissioner Westbrook stated the chicken wire is used in the southwest what they blow on the stucco. We don't do that here. You have wire mesh that's troweled in. Scratch coat, brown coat and finish coat. Stucco is a masonry product. Commissioner Ash stated it sounds like dryvit is a siding that you just tack up. Commissioner Westbrook stated not a siding but a mix. And I don't know what that mix is. What is the mix. Bret Strong, Strong Firm, stated I'm an attorney and represent Palmetto and tasked with looking at the warranty being that this is a less expensive application that takes less labor. What is the warranty between the two? Frankly, the warranty with this dryvit is better because it has 3 different people behind it. Dryvit has a sealed particle board that comes from LP. Amy Pierce, LP Building Solution, we are the manufacturer of the substrate that the Dryvit finish goes on. There are two different products. Armorstrand is made by LP in order to take the finish from Dryvit. It is a siding that is not OSB. The difference being that an OSB sheathing product will live it's life dried inside the home. When we manufacture LP Smartside we use that same strand technology. Commissioner Westbrook asked tell me what strand means. Ms. Pierce stated what you see here these are strands. So strand technology came about so that we can harvest a small diameter tree. Plywood and OSB meet the same structural properties governed by the APA so they are the same. So with that being said, that's why OSB came about in order to harvest young, small diameter trees more frequently. Commissioner Galatas asked why is that not particle board. That looks like particle board. Ms. Pierce stated particle board is what you see

furniture made of. It's little tiny particles, wet manufacturing process. This is a high heat manufacturing process. And I'm going to get into what makes this different from OSB. Commissioner Galatas stated if that piece of wood was turned around and it was on the outside of the house the house would rot. Ms. Pierce stated absolutely not. Great question though. The reason why, this is made to live its life cycle outside the home and it's manufactured to protect the home. With our smartside products we have a 50 year warranty on it. So it's a very strong warranty. That comes about as to how the strands are treated. Every strand is going to be treated, coated and waxed. Troye Baines, Palmetto Homes, stated where this differs from dryvit is that LP has worked with dryvit to come up with this system. So this isn't only a dryvit product. Mr. Strong stated so the three warranties we're talking about with this. The 50 year warranty of the backboard, then they put this dryvit product that has a 10 year and the subcontractor that will be trained by dryvit they have a workmanship warranty as well. So you have 3 people standing behind it. Where with stucco you don't. Only thing you have is workmanship with stucco. The reason they can stand behind this product is because it's lightweight, durable and does not have the seems like you do in stucco. Commissioner Westbrook stated we never had any problem with penetration going that way. It was coming up from the bottom and how do you address that. Ms. Pierce stated we have our LP Smartside panel with a 50 year warranty on it. Every strand is treated with wax. It's not leaking water and swelling. This is our 23rd year now and it has been shipped all over the United States and performed fabulously for us. Mr. Bains stated another difference on the construction side is this stucco OSB is about 8 dollars a sheet right now whereas this is 45 dollars per sheet. So stucco can leak the same way dryvit leaks. Ms. Pierce stated all the seams that we have will have an elastomeric compound that they'll float out. So you'll have a system that eventually will be seamless. So all this is an extra layer of preventing moisture from getting within the home. Mr. Bains stated as a builder I can tell you that the finish coat of this most builders were only worried about the color because that's what the homeowner was worried about. They didn't care where they bought this from. Commissioner Westbrook stated every one of the builders I knew had letters from guys like him. Because they were all worried about it. Commissioner Ash asked is there a local large scale development. Ms. Pierce stated sure there is. Just go down to 1488 Jacob's Reserve and also in Del Webb. Has the product on there. Commissioner Westbrook asked do you have any lawsuits now or in the past related to mold. Ms. Pierce stated No. We are treating each strand individually so that is keeping out the intrusive moisture. There are layers of protection built into the panel before it goes into our press. Commissioner Galatas asked how long have y'all been building that. Ms. Pierce stated 23 years. Commissioner Galatas stated and never had a lawsuit in 23 years. Ms. Pierce stated you can research it. Our claim ratio on LP Smartside is less than 1/10th of 1 percent. Mrs. Thompson asked do you have any other endorsements other than this IBACOS. The current building code doesn't recognize them as a testing agency. Ms. Pierce stated she would have to check and see. Commissioner Galatas are you doing it to make it better or is it cheaper. Mr. Strong stated the answer is efficiency. Yes it is cheaper but it also has a warranty that you can pass onto the consumer. It is less expensive but that is going to

be passed onto the consumer. Commissioner Westbrook stated It's cheaper but as far as quality goes. What's the higher quality product. Mr. Strong stated stucco will shatter it will crack. Everything I've been reading on this says it's a better product as far as longevity goes. DR Horton's the largest builder in the US and they use it. Adding it is relatively new but the history I see in those 5 years, it's doing well. Commissioner Westbrook asked what kind of insurance, other than the typical, could this City have because if I were a homeowner 10 years from now and I had a problem who I would call. Who approved this. It's going to start here. I saw the heartbreak a long time ago and the families that were ruined because of it. Mr. Bains stated one of the things that LP can do is be on-site as we're putting it up to make sure that it's going up properly. Commissioner Galatas asked have you thought about brick. Mr. Bains stated we have but we lose a foot on each house. There's not room in our product to lose a foot on every house. Mr. Strong stated the spacing between the homes and also the look. Brick can get pretty messy as far as appearance. Mr. Bains added brick doesn't fit the look. We've gone back and asked what can we do to decrease the cost. Stucco adds 2 to 3 weeks. Commissioner Ash stated we've been talking about this for just about a year, probably longer. Asking what's the emphasis to lower cost. Mr. Bains stated in general, the cost of building has gone up. Across the board. It's taking longer to build homes and the cost has gone up. Commissioner Galatas stated if you're looking at it to be as cheap as possible it's not going to be good 30 years down the road. Mr. Bains stated that's the reason we want this product because this product will hold up to time and we still get our stucco look. Ms. Pierce stated something that can be offered to the homeowner is the strong warranty. Mrs. Thompson asked is that just the armorstrand or is that the Dryvit and armorstrand also? Ms. Pierce stated Smartside as a whole can take that. And the dryvit is impact resistant as well. Commissioner Westbrook stated what complaints have y'all had? If you haven't had a lawsuit maybe you had a settlement. What has ever been wrong with that product? I can't believe that 100% of everybody is thrilled to death. Rodrigo Caudillo, LP Building Solution, stated it's mainly about best practices with our construction system. That's why they have me on-site. Commissioner Ash asked is there a certification that someone can get to install this. Mr. Bains stated not that I'm aware of. Mr. Caudillo stated I think they have a program but we can't speak to it, but we have the build smart program and we give them a certificate. Commissioner Westbrook stated let's say he trains everyone but a sub of a sub shows up and how do you as a builder know she's been properly trained. Mr. Bains stated we are going to inspect every panel before continuing. Mr. Caudillo what our company LP does is create relationships. So that way we can get their info and have direct contact with the installer. Commissioner Westbrook stated that is where the problem is, with the installation. Chairman Gristy stated so you said you're going to be looking at two different subs. What does Dryvit provide as far as training, warranty and oversight. Mr. Bains stated for this system, he has to be certified to buy the material to do this. Commissioner Westbrook stated but who did he hire. That's the big question. And how would the lady get in contact with that guy if he left town a long time ago. Chairman Gristy stated what's the warranty dryvit offers again. Commissioner Westbrook stated 10 years. Commissioner Galatas stated I live in a neighborhood that has

58 houses and only one brick. That's the one I live in. I'm just not a fan of real stucco and I'm less a fan of fake stucco. Mr. Bains stated it's the learning curve and this system is not stucco. It's a total different system. The polymer paint allows for it to stretch so it doesn't crack. This one won't mildew as much. Commissioner Ash stated Jackie you talked about being accepted by an authority and can you go over that again. Mrs. Thompson advised the building code has a list of approved agencies for testing of building materials. The one listed in the presentation is not on that list. So I think she was going to go back and find other endorsements so to speak from agencies on the list. Mr. Bains stated I've spoken to Danny, head inspector for Shenandoah, he's familiar with this product and he's comfortable with it being a good product. But it's not masonry. Mrs. Thompson stated no offense to Troy but he's not here and I would hate to put words in Danny's mouth. Mr. Caudillo provided a report to Mrs. Thompson for reference. Commissioner Ash asked so that is a recognized authority. Mrs. Thompson stated I would have to look. Chairman Gristy stated I'm sure everybody can understand everyone's skepticism particularly in this area and witnessing what happened. Mr. Strong stated thing Tim did say is that he reached out to Sam Moon and they support it. So I think one of the concerns is that this is the look he's going for in this neighborhood and doesn't seem to think brick is going to fit the area. It's an ultra-modern high density area. Mr. Bains stated 20 years around the block and I can find something wrong with every product if it's not done right. Commissioner Galatas stated I'm all for a better mouse trap. EIFS and fake stucco gives me a bad feeling. Mr. Bains stated I understand that. I have one demonstration if you'd allow me. Ms. Peirce stated we have done a lot of third party impact testing. So we do have documents stating their findings. The Commission and product representatives discuss the requirements of the construction on stucco verse the proposed system. Commissioner Westbrook stated this handout says the warranty is to the original purchaser. MS. Pierce stated it is transferable. Commissioner Westbrook asked if it transfers to the next buyer, adding that the warranty may not last the full term. Mr. Caudillo stated the first five years are covered at 100% and it depreciates at 2% per year starting at year six. Chairman Gristy stated just to recap you're going to provide additional testing reports. Mrs. Thompson stated do you have them on the dryvit. Mr. Strong stated we'll get with the dryvit people. Commissioner Westbrook stated since I've been here I don't think we've discussed a product this in depth. But dryvit is a big deal. Chairman Gristy stated the name dryvit, it could be better served to change the name. We're getting the information we are asking from you guys. But the dryvit product will be on top as well. To me it's two separate entities. Commissioner Westbrook I think the products great but it's the application. To me we would have to have our inspectors train first and inspect every phase so it doesn't get covered up. Mrs. Thompson stated or have their inspectors provide documentation to the city of a completed inspection. Commissioner Galatas stated if it was a brick house could the warranty be longer than this? I mean it's one owner only and it starts to disintegrate after year five. Mr. Bains stated most builders only provide a 10 year warranty. Regardless of the siding it's a 10 year structural warranty. Ms. Pierce stated our warranty's a top of the line warranty. Commissioner Ash stated this is easy for me if there's a recognized authority and staff that's

in charge recognizes it. I don't profess to be a building expert but there's people that work for the city who are. Chairman Gristy agreed. Commissioner Westbrook stated we have the manufacturer of the board. But they don't have anything to do with Dryvit. Adding Dryvit's not here. Mr. Strong stated we can have them here. They look at this as an integrated product but if there's questions we can certainly have them here in a future meeting. Commissioner Westbrook asked is there such thing as a bond that's put up and is hopefully never used to take care of any issues in the future. To where we don't have people who live in the city that got get screwed. Mr. Strong stated I've never heard of such a product but does not mean it doesn't exist. Commissioner Galatas stated but for the cost of that bond you might as well build it out of something else. Chairman Gristy agreed that was the first thought in my mind. You're jumping out of that affordability. Commissioner Westbrook stated I know I just think it's our responsibility to protect our citizens.

Commissioner Galatas stated are y'all committed to not using something else. Mr. Bains stated we're committed to starting houses. Commissioner Westbrook stated when will that be. Mr. Bains stated I have turned in 4 permit packs. I know the fire marshal has looked at some of it and I know Danny's looked at some of them. I plan to meet with him later this week early next week to work through those issues. We want to start later this month. Commissioner Galatas stated would y'all have a problem making the warranty transferrable? Even though it disintegrates and falls apart starting year six. Making it transferrable for 50 years. Mr. Bains stated that's an LP warranty. The builders warranty is for 10 years. Commissioner Galatas stated right, but if someone buys and lives there for 50 years. Why not make that the case for anyone who lives there. Commissioner Ash asked so will the 6 houses that you're planning on building if they go through will they be stucco. Mr. Bains stated yes. Commissioner Galatas stated what's the price difference. Mr. Bains stated \$5,000-\$6,000. Commissioner Galatas asked if the cost was the same what would you prefer this product or stucco. Mr. Bains stated this product. Commission Pollard asked what does the Fire Marshal think about these two products. Mr. Bains stated he has not talked to him about this or anything. Commissioner Pollard stated because this is thinner, right? 2.5 inches thinner the wall would be. Does that make a difference to the fire marshal? Mr. Bains stated there's a fire wall deal. Whether I use Armorstrand or stucco the fire wall design is the same it doesn't change. Mrs. Thompson stated regardless of which product they use the city will require a fire rating because of the closeness of the homes. Commissioner Westbrook asked what is the deal on fire with your product. Ms. Pierce stated regardless of exterior cladding it's the configuration of the wall for fire rating. Commissioner Westbrook stated so your product alone is not fire retardant. Mr. Pierce stated there's not an exterior product out there that's fire proof. Mrs. Thompson stated there are materials that have some fire resistance.

Mr. Strong stated it might be good process wise to talk about where we go from here for these folks. Mrs. Thompson advised the this is the first meeting and the next regularly scheduled P&Z meeting is on the 16th. Chairman Gristy stated the Commission would like to see other testing reports and speak with Dryvit.

Chairman Gristy closed the public hearing at 8:21 p.m.

6. Discussion regarding City of Shenandoah Sign Ordinance.

Mrs. Thompson advised the Commission regarding an update on the sign ordinance and then any additional discussion the commission might have regarding plans for revisions. Bill and I started working and the plan for the sign ordinance is to put it on some sort of joint workshop meeting. He's agrees that there's some adjustments that can be made to some language, simplification of sign types and restructuring the language of the sign ordinance to make it more readable instead of jumping from section to section. If you've got any suggestions we are open to them. Chairman Gristy stated I think flow is one of the biggest issues about the ordinance. Commissioner Ash stated but I think in general this is the correct format because it's how everyone else is doing it. Mrs. Thompson agreed and added what we've come across, under the exempt section for example, it's exempt as long as it complies with this section. So we're going through and looking at that language and how those signs are addressed. As well as the process for approval and completion of sign install. Commissioner Ash asked was there talk about getting a consultant? In my mind, in general, looking for a sign you want it to be low to the ground, not flashing, those sorts of things. Because we're going to get signs that aren't on our list. Mrs. Thompson advised yes. Bill has got consultants that he's working with planning for the future and re-developments. But also expansion with our existing centers. We're in the process of meeting with several business and property owners within the city to get their input. Generally, they like the idea of a restrictive sign ordinance based on the feedback we're getting. Chairman Gristy stated I have to make a comment about our LED sign. As you're coming down 45 that big giant pole in the middle of it, all you see is the pole on the huge sign above it. Commissioner Pollard stated the last couple months I brought up that we have some signs in the city that aren't compliant with the ordinances that don't say City of Shenandoah. Officer Bledsoe stated Howard Hughes is giving me the run around. So I've got Bill involves in this. He's attempting to make contact and take over. I'm still keeping an open working Egov so I can report back. Over here Bill has actually sent a letter for me. I called them up and they said they would comply. Then another sign is next to it. So now there's 3 signs where there were 2 when we sent them the letter. Commissioner Pollard stated all they have to do is add the Shenandoah logo. Mrs. Thompson stated correct. Adding they're also not permitted but they'd most likely comply with a logo on it. Chairman Gristy stated are the LED lights in the Mexican food restaurant. Officer Bledsoe stated we're still working with that in the ordinance. It's not defined. Trying to sink my teeth into it.

7. Consideration and possible action to approve or deny the minutes of the January 15, 2019 Regular Meeting of the Planning and Zoning Commission.

COMMISSIONER WESTBROOK MOTIONED TO APPROVE THE JANUARY 15, 2019 REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION. COMMISSIONER GALATAS SECONDED THE MOTION.

MOTIONED CARRIED UNANIMOUSLY.

8. City Administration updates.

Mrs. Thompson advised the commission the meeting we will be relocated to council chambers. We will have official audio recording and potential to be on YouTube. Commissioner Galatas asked we won't be on that room. Mrs. Thompson stated it will be in council chambers. Commissioner pollard asked why. Chairman Gristy asked is it a state thing. Mrs. Thompson advised no. Adding I think there was a lot of light shed or potential for light shed on maybe the public being not notified of. Commissioner Galatas asked for posting meeting. Mrs. Thompson stated yes, so some of the council members have expressed their desire to have this commission meeting in council chambers.

Commissioner's Inquiry.

The Planning and Zoning Commission may inquire about a subject not specifically listed on this agenda. Responses are limited to a recitation of existing policy or a statement of specific factual information given in response to the inquiry. Any deliberation or decision shall be limited to a proposal to place the subject on the agenda of a future meeting.

Commissioner Ash advised I was reading something and don't know where I read it. But the installer defaulted on his service agreement and there was another company that came in and they're not performing to standard. Mrs. Thompson stated my understanding is the new lights that were added on David Memorial, Vision Park and some on Wellman are having problems meeting the autonomy requirements in the bid documents. So with some back and forth between the city legal, representing company and the bonding company we are hoping that will be resolved. Commissioner Ash asked so it's not all the lights. Mrs. Thompson add I think they're going to have Entergy provide energy to those lights at the expense of the bond against the company who installed them.

Commissioner Westbrook asked for an update on the Baymont. Mrs. Thompson advised so as of yesterday she no longer owns and manages the Clarion Hotel. That has changed owners. However, the Baymont is still owned by Grace. We've reached out to Baymont to find out what the process is between her and Grace with no luck. So at this time she's currently still operating. Commissioner Westbrook and Hampton down the road. Anything on that. Mrs. Thompson stated no update on that. Chairman Gristy asked at this time we don't know what the status is of the Hampton. Mrs. Thompson stated at this point Grace has not submitted or reached out. There has been some interest from other parties potentially looking to purchase and build but nothing definitive on that.

Commissioner Westbrook asked for an update on the tie-in at 242 and David Memorial. Mrs. Thompson advised no.

Commissioner Westbrook asked for an update the corner across the street from Pappadeaux that corner

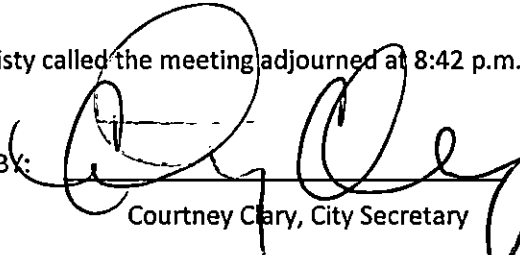
that's flooded all the time. Mrs. Thompson advised the city stopped them from doing some fill and grade work there. They've submitted for a clearing and grading permit. No actual building plans.

Commissioner Ash stated the water ponding near Home Depot is still going on. Mrs. Thompson stated she would get an update.

ADJOURN

Chairman Gristy called the meeting adjourned at 8:42 p.m.

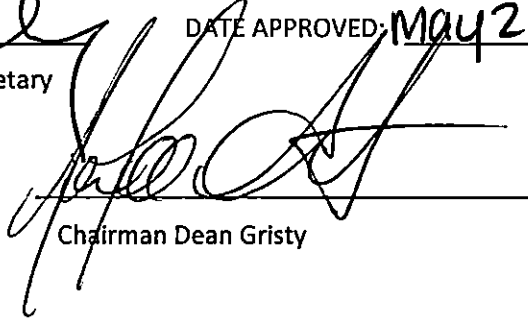
SUBMITTED BY:



Courtney Clary, City Secretary

DATE APPROVED:

May 21, 2019



Chairman Dean Gristy

