



NOTICE OF REGULAR MEETING

July 21, 2020

SHENANDOAH PLANNING AND ZONING COMMISSION

STATE OF TEXAS
COUNTY OF MONTGOMERY
CITY OF SHENANDOAH

AGENDA

NOTICE IS HEREBY GIVEN that the Regular Meeting of the Shenandoah Planning and Zoning Commission will be held on Tuesday, July 21, 2020 at 6:00 p.m. at the City of Shenandoah Municipal Complex, 29955 IH-45 North, Shenandoah, Texas for the purpose of considering the following:

1. CALL TO ORDER
2. CALL OF ROLL

CITIZEN'S FORUM

3. CITIZENS FORUM

Citizens are invited to speak for three (3) minutes on matters relating to city government that relate to agenda or non-agenda items. Speakers are asked to stand up to address the Planning and Zoning Commission and give their name and address before expressing their concerns.

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 the Planning and Zoning Commission shall be limited to a proposal to place the subject on the agenda of a future meeting.

INDIVIDUAL CONSIDERATION

4. Consideration and possible action to elect a Planning and Zoning Commission Officer for the remainder of 2019-2020.
5. Presentation of a Planning and Zoning Commission Preliminary Report regarding the proposed zoning amendment for Special Use Permit Wine and Beer Retailers (On-Premise) Permit with Food and Beverage Certificate. The proposed zoning amendment is for Killen's Barbeque located at 8800 Six Pines Drive, Shenandoah, Texas.
6. Public Hearing regarding the proposed zoning amendment for Special Use Permit Wine and Beer Retailers (On-Premise) Permit with Food and Beverage Certificate. The proposed zoning amendment is for Killen's Barbeque located at 8800 Six Pines Drive, Shenandoah, Texas.
7. Presentation of a Planning and Zoning Commission Preliminary Report regarding the proposed zoning amendment from Retail Commercial Zoning District (RC) to Planned Development District #14 (PDD#14). The proposed zoning amendment is for Woodlofts Shenandoah, LCC located at 5.1923 acres of land in Restricted Reserve "A" of the Eastwood Village Replat No.1 recorded on Cabinet Z, Sheet 3434 M.R.M.C.

8. Public Hearing regarding the proposed zoning amendment from Retail Commercial Zoning District (RC) to Planned Development District #14 (PDD#14). The proposed zoning amendment is for Woodlofts Shenandoah, LCC located at 5.1923 acres of land in Restricted Reserve "A" of the Eastwood Village Replat No.1 recorded on Cabinet Z, Sheet 3434 M.R.M.C.
9. Consideration and possible action to approve or deny a sign exception to allow a wall sign to exceed the allowable square footage. The proposed sign exception is for Five Below located at 19075 IH 45, Suite 108, Shenandoah, Texas.
10. City Administration Updates

COMMISSIONER'S INQUIRY

11. 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.

ADJOURN

There is the potential for a quorum of City Council members at this meeting.

City Hall is wheelchair accessible. A sloped entry is available at the entrance with specially marked parking spaces available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (281) 298-5522 or Fax (281) 367-2225 for further information.

I certify that the attached notice of meeting was posted on the bulletin board at City of Shenandoah Municipal Complex, 29955 IH-45 North, Shenandoah, Texas, on the 17th day of July, 2020 at 1:15 p.m.



Jackie Thompson, Deputy City Secretary





Shenandoah Planning and Zoning Commission

AGENDA REPORT

AGENDA DATE: July 21, 2020

PREPARED BY: Jackie Thompson

DEPARTMENT: Community Development

EXHIBITS: N/A

SUBJECT/PROCEEDING:

Consideration and possible action to elect the Planning and Zoning Commission Officers for the remainder of 2019-2020

RECOMMENDED ACTION:

BACKGROUND/DISCUSSION:

In accordance with the Planning and Zoning Bylaws the Commission must designate a Chairman and Vice Chairman. During the June regular meeting Vice Chairman Stephens was elected to serve as Chairman of the Commission. With the vacancy of Vice Chairman the Commission shall elect a replacement.

APPROVALS:

DEPARTMENT HEAD

DATE: July 15, 2020

CITY ADMINISTRATOR

DATE: July 15, 2020



Shenandoah Planning and Zoning Commission

AGENDA REPORT

AGENDA DATE: <u>July 21, 2020</u>	PREPARED BY: <u>Jackie Thompson</u>
DEPARTMENT: <u>Community Development</u>	EXHIBITS: <u>Preliminary Report, Property Location, SUP Application</u>

SUBJECT/PROCEEDING:

Preliminary Report regarding the proposed zoning amendment for a special use permit for a Wine and Beer Retailers (On-Premise) Permit with Food and Beverage Certificate. The proposed zoning amendment is for Killen’s Barbeque located at 8800 Six Pines Drive, Shenandoah, Texas.

Public Hearing regarding the proposed zoning amendment for a special use permit for a Wine and Beer Retailers (On-Premise) Permit with Food and Beverage Certificate. . The proposed zoning amendment is for Killen’s Barbeque located at 8800 Six Pines Drive, Shenandoah, Texas.

RECOMMENDED ACTION:

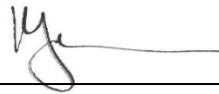
BACKGROUND/DISCUSSION:

Killen’s Barbeque, located at 8800 Six Pines Drive, Suite 240 has requested a Special Use Permit to allow for a Wine and Beer Retailers (On-Premise) Permit with Food and Beverage Certificate.

The Special Use Permit will the following permits be issued to the property.
 Wine and Beer Retailers (On-Premise) (BQ) – Permit authorizes the sell for consumption on or off the premises where sold but not for resale, beer, ale, malt liquor and wine not more than 14% or 17% (Section 251.81). Requires adequate seating area for customers.
 Food and Beverage Certificate (FB) - A Food and Beverage Certificate may be issued to the holder of a Beer Retailer's On-Premise Permit or Wine and Beer Retailer's Permit if food service is the primary business being operated on the licensed premise or to the holder of a Mixed Beverage Permit or Private Club Permit if food service is available on the premises and the gross receipts of alcoholic beverages do not exceed 50% of total gross receipts.

The business is located in the “RC” – Retail Commercial Zoning District.

APPROVALS:

DEPARTMENT HEAD	 <hr style="border: 0; border-top: 1px solid black;"/>	DATE: <u>July 14, 2020</u>
CITY ADMINISTRATOR	 <hr style="border: 0; border-top: 1px solid black;"/>	DATE: <u>July 14, 2020</u>

Shenandoah Planning & Zoning Commission
July 21, 2020 and August 18, 2020 Public Hearing
Preliminary Report

Subject: Killen’s Barbeque has requested a Special Use Permit (SUP) at 8800 Six Pines Drive, Shenandoah, TX to allow for a Special Use Permit for a Wine and Beer (On-Premise) Permit with Food and Beverage Certificate.

Public Hearings: Planning & Zoning Commission –July 21, 2020
 Planning & Zoning Commission – August 18, 2020
 City Council – August 26, 2020

Current Zoning District: “RC” Retail Commercial Zoning District

Proposed SUP: An alcohol permit is required to allow the sale of wine and beer for on-site consumption within any zoning district in the City. The requested SUP for a Wine and Beer Retailers (On-Premise) permit authorizes the sell for consumption on or off the premises where sold but not for resale, beer, ale, malt liquor and wine not more than 14% or 17% (Section 251.81). Requires adequate seating area for customers. The SUP will be applicable to 8800 Six Pines Drive, Shenandoah, TX.

Prepared by: Jackie Thompson
 Community Development Manager

Date Prepared: July 14, 2020



Alcoholic Beverage
Special Use Permit

City of Shenandoah, Texas
29955 I-45 North
Shenandoah, Texas 77381
281-298-5522
www.shenandoahtx.us

Upon completion return application to Development@shenandoahtx.us

Contact Information

Property Owner(s): Killen's Land and Cattle Co., LLC

Address: 3613 Broadway St.

Zip Code: 77581 Phone: 832-248-3552

Email Address: deanna@killenssteakhouse.com

Applicants: Killen's Barbeque of the Woodlands, LLC

Address: 8800 Six Pines Dr., Shenandoah TX

Zip Code: 77381 Phone: _____

Email Address: deanna@killenssteakhouse.com

Parcel Information

Type of Business: restaurant

Legal Description: S972156 - Wdlnds Metro Center 56, RES C, ACRES 1.387

Street Address or Location: _____

Submission Information

Description of the type of TABC Liquor License applying for and hours of operation:

BG w/FB

This application is to be filed with the City of Shenandoah City Secretary:

Attn: City Secretary
29955 Interstate 45 North
Shenandoah, Texas 77381

The application must be submitted with the following:

- Cover letter of request on company letterhead
- A copy of the TABC application of liquor license.

The application must be submitted with a copy of the TABC application for liquor license and receipt for payment.

Each business that sells alcoholic beverages is required to also obtain a Beverage Permit from the City, which is renewed every two years when your State fees are paid. The fee for the Beverage Permit is one Half (1/2) of the State fee at each renewal.

Additional Information

Date Application received by the City Secretary: _____

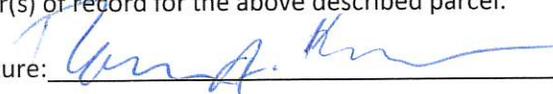
Amount paid to the State: _____ City Permit Fee (1/2 of the amount paid to the State): _____

Date Permit Issued: _____ Permit No. _____

Owner(s) of record for the above described parcel:

The Special Use Permit is the first step. Each business that sells alcoholic beverages is required to also obtain a Beverage Permit from the City, which is renewed annually when your State fees are paid. The fee for the Beverage Permit is one half (1/2) of the State fee.

Owner(s) of record for the above described parcel:

Signature:  Date: 10-25-20

Signature: _____ Date: _____

Signature: _____ Date: _____

Note: Signatures are required for all owners of record for the property proposed for Special Use Permit. Attach additional signatures on a separate sheet of paper.

<p>Date Received <i>Office Use</i></p>	
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TEXAS ALCOHOLIC BEVERAGE COMMISSION

Texans Helping Businesses & Protecting Communities

ON-PREMISE PREQUALIFICATION PACKET

L-ON (9/2019)

Submit this packet to the proper governmental entities to obtain certification for the type of license/permit for which you are applying as required by Sections 11.37, 11.39, 11.46(b), 61.37, 61.38, 61.42 and Rule §33.13 Contact your local TABC office to verify requirements of Sections 11.391 and 61.381 as you may be required to post a sign at your proposed location 60-days prior to the issuance of your license/permit. All statutory and rule references mentioned in this application refer to and can be found in the Texas Alcoholic Beverage Code or Rules located on our website: www.tabc.texas.gov/news/code_and_rules.asp

LOCATION INFORMATION

1. Application for: [X] Original [] Add Late Hours Only License/Permit Number [] Reinstatement [] Reinstatement and Change of Trade Name License/Permit Number [] Change of Location [] Change of Location and Trade Name License/Permit Number

2. Type of On-Premise License/Permit [X] BG Wine and Beer Retailer's Permit [] BE Beer Retail Dealer's On-Premise License [] BL Retail Dealer's On-Premise Late Hours License [] BP Brewpub License [] V Wine & Beer Retailer's Permit for Excursion Boats [] MB Mixed Beverage Permit [] O Private Carrier's Permit -Brewpubs (BP) with a BG only [] LB Mixed Beverage Late Hours Permit [] MI Minibar Permit [] CB Caterer's Permit [X] FB Food and Beverage Certificate [] PE Beverage Cartage Permit [] RM Mixed Beverage Restaurant Permit with FB [] E Local Cartage Permit - Wine/Beer retailers (BG) Only

3. Indicate Primary Business at this Location [X] Restaurant [] Sporting Arena, Civic Center, Hotel [] Bar [] Grocery/Market [] Sexually Oriented [] Miscellaneous

4. Trade Name of Location (Name of restaurant, bar, store, etc.) Killen's Barbeque of the Woodlands, LLC

5. Location Address 8800 Six Pines Dr. City: Shenandoah County: Montgomery State: TX Zip Code: 77381 6. Mailing Address 6425 Broadway St. City: Pearland State: TX Zip Code: 77581

7. Business Phone No. 281-485-0844 Alternate Phone No. 832-248-3556 E-mail Address deanna@killenssteakhouse.cocm

OWNER INFORMATION

8. Type of Owner [] Individual [] Corporation [] City/County/University [] Partnership [X] Limited Liability Company [] Other [] Limited Partnership [] Joint Venture [] Limited Liability Partnership [] Trust

9. Owner of Business/Applicant (Name of Corporation, LLC, etc.) Killen's Barbeque of the Woodlands, LLC/ Ronald Killen

PRIMARY CONTACT PERSON

The primary contact person should be a person who can answer questions TABC may have about the application. The contact phone and email are mandatory and must be active and updated regularly. If additional information is needed, it will be requested from this contact person. Delays in responding to requests may delay the processing and approval of your license/permit.

10. Contact Person: Deanna Killen Relation to Business: beverage director Phone (mandatory): 832-248-3556 Email (mandatory): deanna@killenssteakhouse.co

TABC DATESTAMP

11. Are you, the applicant a veteran-owned business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
12. Are you, the applicant a Historically Underutilized Business (HUB)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
13. As indicated on the chart, enter the individuals that pertain to your business type: (For additional space, use Form L-OIC)			
Individual/Individual Owner		Limited Liability Company/All Officers or Managers	
Partnership/All Partners		Joint Venture/Venturers	
Limited Partnership/All General Partners		Trust/Trustee(s)	
Corporation/All Officers		City, County, University/Official	
Last Name Killen	First Name Ronald	MI A	Title sole member
Last Name	First Name	MI	Title
Last Name	First Name	MI	Title

MEASUREMENT INFORMATION

Section 109.31 et seq.

14. Will your business be located within 300 feet of a church or public hospital? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<i>NOTE: For churches or public hospitals measure from front door to front door, along the property lines of the street fronts and in a direct line across intersections.</i>	
15. Will your business be located within 300 feet of any private/public school, day care or child care facility? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
15.a If "YES," are the facilities located on different floors or stories of the building? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<i>NOTE: For private/public schools, day care centers and child care facilities measure in a direct line from the nearest property line of the school, day care center or child care facility to the nearest property line of the place of business, and in a direct line across intersections.</i>	
<i>NOTE: For multistory building: businesses may be within 300 feet of a day care center or child care facility as long as the facilities are located on different floors of the building.</i>	
<i>NOTE: If located on or above the fifth story of a multistory building: measure in a direct line from the property line of the private/public school to property line of your place of business in a direct line across intersections vertically up the building at the property line to the base of the floor on which your business is located.</i>	

16. Will your business be located within 1,000 feet of a private school? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
17. Will your business be located within 1,000 feet of a public school? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

60-DAY SIGN

18. If required under Section 11.391 and 61.381, enter the exact date the 60-Day sign was posted at your location.	Exact Date (MM/DD/YYYY)
--	-------------------------

ALL APPLICANTS

19. IF YOUR LOCATION IS NOT WITHIN THE CITY LIMITS, CHECK HERE
I, the applicant, have confirmed I am not located in the city limits of any city, therefore, city certifications are not required.

COMPLETE THE FOLLOWING CHECKLIST BEFORE SUBMITTING YOUR APPLICATION

Per Sec. 102.01, a tied house is defined as any overlapping ownership between those engaged in the alcoholic beverage industry at different levels of the three-tier system. No person having an interest in a permit issued by TABC may secure or hold, directly or indirectly, an ownership interest in a business on a different level.

All required forms have been completed.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
I have reviewed all forms to ensure they are complete.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
I have obtained all required local and state certifications (pages 3-5).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
All application packets have been notarized.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Phone numbers and email address for Contact Person are up to date.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
All additional documentation as required by the application packets is attached	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If required, out of state criminal history checks are attached (PHS #7).	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Certification of publication in local newspaper has been completed (page 5).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
A copy of the newspaper publication is attached (page 5).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

WARNING AND SIGNATURE

IF APPLICANT IS SHOWN AS:

Proprietorship
Partnership
Corporation
Limited Partnership
Limited Liability Partnership
Limited Liability Company

WHO MUST SIGN:

Individual Owner
Partner
Officer
General Partner
General Partner
Officer/Manager

WARNING: Section 101.69 of the Texas Alcoholic Beverage Code states: "...a person who makes a false statement or false representation in an application for a permit or license or in a statement, report, or other instrument to be filed with the Commission and required to be sworn commits an offense punishable by imprisonment in the Texas Department of Criminal Justice for not less than 2 nor more than 10 years."

I, UNDER PENALTY OF LAW, HEREBY SWEAR THAT I HAVE READ ALL THE INFORMATION PROVIDED IN THE APPLICATION AND ANY ATTACHMENTS AND THE INFORMATION IS TRUE AND CORRECT. I ALSO UNDERSTAND ANY FALSE STATEMENT OR REPRESENTATION IN THIS APPLICATION CAN RESULT IN MY APPLICATION BEING DENIED AND/OR CRIMINAL CHARGES FILED AGAINST ME. I ALSO AUTHORIZE THE TEXAS ALCOHOLIC BEVERAGE COMMISSION TO USE ALL LEGAL MEANS TO VERIFY THE INFORMATION PROVIDED.

PRINT NAME

Ronald A. Keller

SIGN HERE

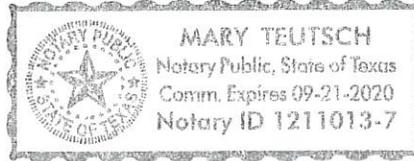
[Signature]
Member

TITLE

Before me, the undersigned authority, on this 25 day of June, 2020, the person whose name is signed to the foregoing application personally appeared and, duly sworn by me, states under oath that he or she has read the said application and that all the facts therein set forth are true and correct.

SIGN HERE

Mary Teutsch
NOTARY PUBLIC



SEAL

CERTIFICATE OF CITY SECRETARY (FOR MB, RM & V)

Section 11.37

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a "wet" area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

SIGN HERE

City Secretary/Clerk

_____, TEXAS
City

SEAL

CERTIFICATE OF CITY SECRETARY (FOR BG & BE)

Section 11.37 & 61.37

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is inside the boundaries of this city or town, in a "wet" area for such license/permit, and not prohibited by charter or ordinance in reference to the sale of such alcoholic beverages.

Election for given location was held for:

- legal sale of all alcoholic beverages
- legal sale of all alcoholic beverages except mixed beverages
- legal sale of all alcoholic beverages including mixed beverages
- legal sale of beer/wine (17%) on-premise AFTER Sept. 1, 1999
- legal sale of beer/wine (14%) on-premise BEFORE Sept. 1, 1999

OR IF ABOVE DOES NOT APPLY:

Be advised the location must have had two election passages per Section 25.14 or Section 69.17 of the TABC Code. One for beer and wine off-premise and one for mixed beverage.

- legal sale of beer and wine for off-premise consumption only

AND EITHER:

- legal sale of mixed beverages

OR

- legal sale of mixed beverages in restaurants by food and beverage certificate holders (applicant must apply for FB with BG or BE)

SIGN HERE

City Secretary/Clerk

_____, TEXAS
City

SEAL

**CERTIFICATE OF CITY SECRETARY FOR LATE HOURS LICENSE/PERMIT
(LB & BL)**

Chapters 29 & 70 et seq

I hereby certify on this _____ day of _____, 20____, that one of the below is correct:

- The governing body of this city has by ordinance authorized the sale of *mixed beverages* between midnight and 2:00 A.M.; or
- The governing body of this city has by ordinance authorized the sale of *beer* between midnight and _____ A.M.; or
- The population of the city or county where premises are located was 500,000 or more according to the 22nd Decennial Census of the United States as released by the Bureau of the Census on March 12, 2001; or
- The population of the city or county where premises are located was 800,000 or more according to the last Federal Census (2010).

SIGN

HERE

_____, TEXAS
City Secretary/Clerk City

SEAL

CERTIFICATE OF COUNTY CLERK (FOR MB, RM & V)

Section 11.37

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is in a "wet" area for such license/permit, and is not prohibited by any valid order of the Commissioner's Court.

SIGN

HERE

_____, COUNTY
County Clerk

SEAL

CERTIFICATE OF COUNTY CLERK (FOR BG & BE)

Section 11.37 & 61.37

I hereby certify on this _____ day of _____, 20____, that the location for which the license/permit is sought is in a "wet" area and is not prohibited by any valid order of the Commissioner's Court.

Election for given location was held for:

- legal sale of all alcoholic beverages
- legal sale of all alcoholic beverages except mixed beverages
- legal sale of all alcoholic beverages including mixed beverages
- legal sale of beer/wine (17%) on-premise *AFTER* Sept. 1, 1999
- legal sale of beer/wine (14%) on-premise *BEFORE* Sept. 1, 1999

OR IF ABOVE DOES NOT APPLY:

Be advised the location must have had two election passages per 25.14 or 69.17 of the TAB Code. One for beer and wine off-premise and one for mixed beverage.

- legal sale of beer and wine for off-premise consumption only

AND EITHER:

- legal sale of mixed beverages

OR

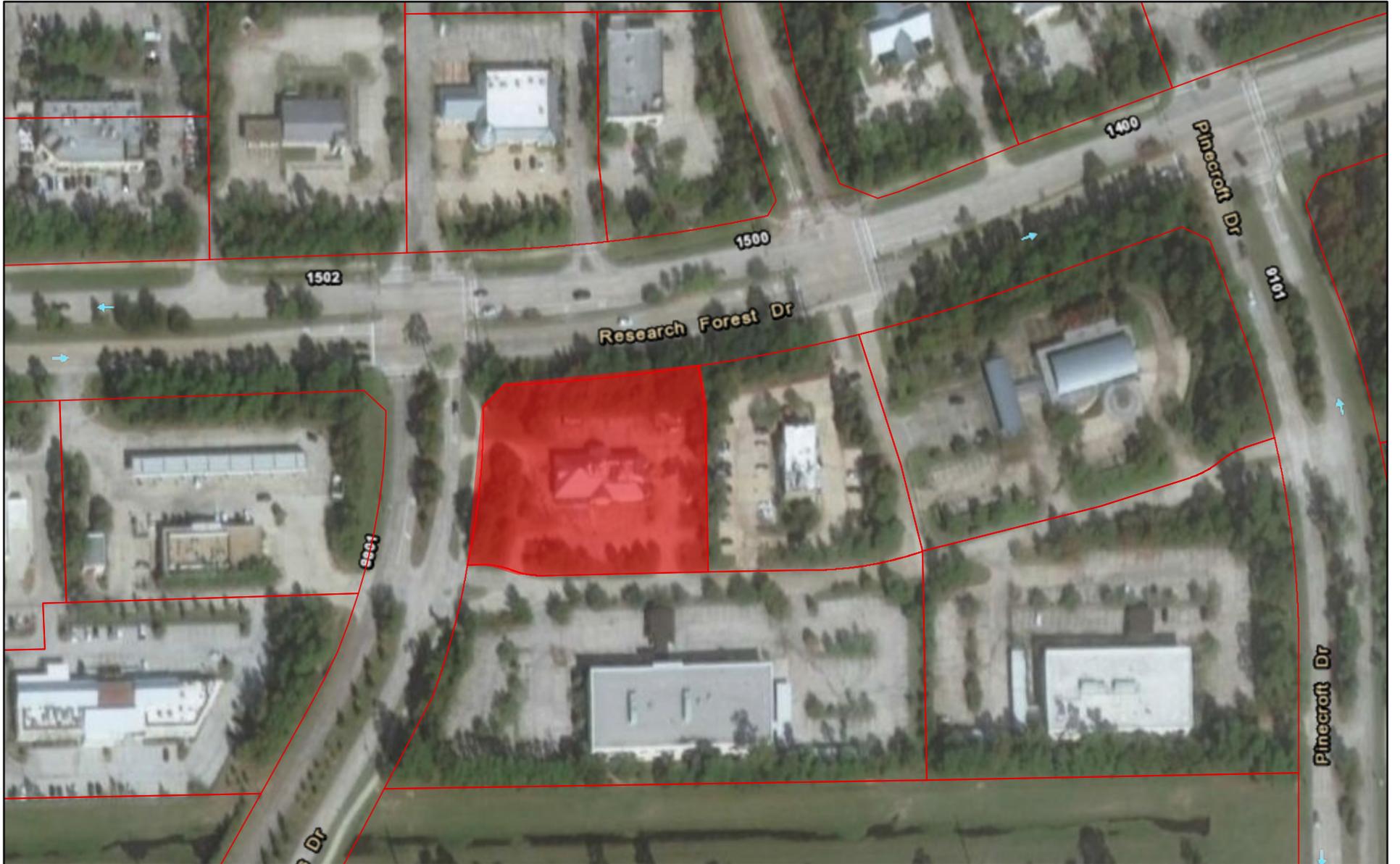
- legal sale of mixed beverages in restaurants by food and beverage certificate holders (applicant must apply for FB with BG or BE)

SIGN

HERE

_____, COUNTY
County Clerk

SEAL





Shenandoah Planning and Zoning Commission

AGENDA REPORT

AGENDA DATE: <u>July 21, 2020</u>	PREPARED BY: <u>Jackie Thompson/Bill Ferebee</u>
DEPARTMENT: <u>Community Development</u>	EXHIBITS: <u>Comparison reports, Preliminary Report, Property location, Rezoning Application</u>

SUBJECT/PROCEEDING:

Presentation of a Planning and Zoning Commission preliminary report regarding the proposed zoning amendment from Retail Commercial Zoning District to Planned Development District #14 (PDD #14). The proposed zoning amendment is for Woodlofts Shenandoah, LLC located at 5.1923 acres of land in Restricted Reserve "A" of the Eastwood Village Replat No.1 recorded on Cabinet Z, Sheet 3434 M.R.M.C.

Public Hearing regarding the proposed zoning amendment from Retail Commercial Zoning District to Planned Development District #14 (PDD #14). The proposed zoning amendment is for Woodlofts Shenandoah, LLC located at 5.1923 acres of land in Restricted Reserve "A" of the Eastwood Village Replat No.1 recorded on Cabinet Z, Sheet 3434 M.R.M.C.

RECOMMENDED ACTION:

Denial of PDD Application as currently proposed.

BACKGROUND/DISCUSSION:

Woodlofts Shenandoah, Ltd has submitted request for zoning amendment from Retail Commercial "RC" to Planned Development District #14 "PDD #14". The project located on 5.1923 acres along IH45, David Vetter and David Memorial Drive consists of two proposed reserves. Reserve A (fronting IH 45) consisting of 15,000 square feet of retail space with surface parking. Reserve B (along David Vetter and David Memorial) consisting of multifamily units with a parking structure.

This project has been ongoing for the past six years. City Council originally issued a Special Use Permit to Woodlofts Shenandoah, Ltd. That SUP expired and was extended by City Council. The last SUP extension has now expired. Woodlofts Shenandoah is now proposing a similar, but somewhat different plan than was earlier proposed.

Normally, a developer will meet with staff before presenting a proposed PDD to Planning and Zoning. This allows staff to address issues it identifies in the proposal. Woodlofts Shenandoah has not met with staff regarding this PDD. Therefore, there are a large number of issues to deal with in this application.

PDD #14 proposes the following amendments from the Retail Commercial base zone selected.

- Section 2.01 in addition to the allowed uses within the base zone, PDD #14 would additionally allow
 1. Multifamily Apartments (currently allowed in the RC zone on upper floors) to be located on Reserve B. Multifamily apartments may have first floor retail uses but are not required. Table 2 in the proposed PDD provides a maximum of 285 units on the multifamily reserve. Table 2 should also include a minimum number of units to be allowed.
 2. Senior Housing – all or a portion of the multifamily apartments could at any time be converted to senior living. The PDD application does not restrict this to senior living, but may include low income.

- 3. Retail on Reserve A – Reserve A will provide a minimum of 15,000 square feet of rentable retail space (further defined in PDD #14). Uses considered professional services and banking are defined as non-permitted uses.
- 4. Amenities – Private amenities for the multifamily apartment are planned, but specific amenity types are not listed. Staff recommends that amenities be set forth in the PDD.
- 5. Regulations and Standards – Requesting to govern all new and tenant buildouts under the 2015 International Code Series until the year 2025. Staff recommends that all building by governed by the current adopted code series.
- Table 1 provides specific development standards per each proposed reserve planned within PDD #14 as compared to the RC Zone requirements. **See Table 1 comparison sheet.** Staff is particularly concerned about Maximum Building Coverage being 90%, the vegetation barrier along David Vetter and the vegetation barrier along the interior property lines.
- Section 3.01 Standards – highlights section of the IDC which are amended in the proposed PDD #14.
 - 1. Section 4.10.8 – refers back to planned standards in Table 1 that differ from the RC base zone.
 - 2. Section 5.3.3 – Off-Street Loading requested to be reviewed and approved by staff during the review process.
 - 3. Section 5.7.3 – Dumpsters requested to be reviewed and approved by staff during the review process. Dumpster count and details of enclosures are provided in IDC and required for all new commercial.
 - 4. Section 22.13 – Sidewalks proposed to be 8’ wide shall be installed by the developer along all perimeters along frontage of ROW to be reviewed and approved by staff.
- Section 4.01 Code Amendments
 - 1. Chapter 98 – PDD #14 proposes the following:
 - a. Section 98-116 Vegetation barriers as described in Table 1. See Table 1 comparison sheet.
 - b. Section 98 provides for tree removal during the subdivision process that would allow for protected trees to be removed and the site replenished with canopy credits as required by city vegetation ordinance. The proposed PDD specifies trees within landscape barriers and right-of-way will be counted towards canopy coverage required.
 - c. Section 98-158 provides for canopy requirements for each planned reserve to be planted within between the whole planned development (not per each platted reserve as current ordinance would require) and reduce the allowed planting area to under 200 square feet to be reviewed and approved by staff. This could result in no trees on either reserve.
- Section 5.01 Sign Amendments
 - 1. Permitted Signs – Table 3 provides specific sign standards within PDD #14. PDD # 14 has requested additional signage counts above the allowed by City Ordinance. City allows for 1 pole or monument sign per property along IH 45 and one monument sign on all other properties. **See Table 3 comparison sheet.**
- The proposed PDD does not include any Impact Fee for water or sewer.
- The proposed PDD does not have a deadline for completion of the project.
- The proposed PDD would allow drinking establishments.
- Floor Area Ratio (FAR) calculations are provided after the submission of the PDD document and are attached for review. FAR provided in the attached will need to be taken into consideration and added to the PDD based on the building coverage, setbacks and lot sizes proposed in the PDD.

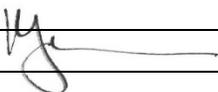
APPROVALS:

DEPARTMENT HEAD



DATE: July 15, 2020

CITY ADMINISTRATOR



DATE: July 15, 2020

Table 1 Comparison Sheet

Table 1	Retail, Restaurant, Bar, & All Other Commercial Use	Multi-Family Residential Use	Shenandoah Ordinance Retail Commercial Zone
Minimum Lot Area	None	None	25,000 square feet
Minimum Lot Frontage	None	None	100 feet
Maximum Building Height	1-story building height, not to exceed 40 feet	5-story building height, not to exceed 60 feet, except parking structure, which can be up to seven levels, not to exceed 80 feet	2 Stories or building height shall be determined by Section 5.4 Height. (Section 5.4 provides for allowance in increase building height up to 130 feet for every 1 foot of additional setback)
Minimum Lot Depth	None	None	100 feet
Building Setback along I-45	5 feet	5 feet	**Setbacks are determined by front , back and side property lines** Front Setback – 5 feet
Building Setback along David Memorial Drive	10 feet	10 feet	**Setbacks are determined by front , back and side property lines** Side Setback – Corner lots 15 feet, abutting a commercial district 10 feet
Building Setback along David J. Vetter Blvd.	10 feet	10 feet	**Setbacks are determined by front , back and side property lines** Side Setback – Corner lots 15 feet, abutting a commercial district 10 feet
Building Setbacks along property lines interior to the WOODLOFTS PARK PDD	0 feet	0 feet	**Setbacks are determined by front , back and side property lines** Rear Setback – 10 feet unless served from the rear

Table 1 Comparison Sheet

Maximum Building Coverage	90%	90%	80%
Minimum number of Parking Spaces	Per Sec. 2.03	Per Sec. 2.03	
Parking Type	Surface	Surface and/or structured parking garage	
Maximum Density	N/A	None	
Maximum number of Multifamily Units	N/A	285	
Average Multi-Family Unit Size (total project net rentable area divided by total number of multifamily units)	N/A	Between 900 and 950 square feet of net rentable area, including patios and balconies	
Vegetation Barrier along I-45	25 feet	25 feet	25 feet on property
Vegetation Barrier along David Memorial Drive and north boundary line of the WOODLOFTS PARK PDD	15 feet	15 feet	15 feet on property
Vegetation Barrier along David J. Vetter Blvd. ¹	25 feet	25 feet	15 feet on property. Offsite planting is allowed and can be used towards canopy credits, but not considered as vegetation barrier for property as proposed in PDD.
Vegetation Barrier along property lines interior to the WOODLOFTS PARK PDD	0 feet	0 feet	15 feet

Chart 3 Comparison Sheet

Table 3			City of Shenandoah Sign Ordinance
Abutting IH 45 and David J. Vetter Blvd.			
Monument Signs (two double-sided, one at the intersection of Interstate Highway 45 and David J. Vetter Blvd. and one at the intersection of Home2Suites drive and David J. Vetter Blvd.)	Maximum Area	216 square feet	Per Section 90.11.3 Chart 1 maximum area 144 square feet
	Maximum Height	20 feet	20 feet
Monument or Pylon Sign at the northwest corner of Reserve A	Maximum Area	216 square feet	Per Section 90.11.3 Chart 1 maximum area (pole sign) 144
	Maximum Height	20 feet	40 feet

**Shenandoah Planning & Zoning Commission
July 21, 2020 and August 18, 2020 Public Hearing
Preliminary Report**

Subject: Woodlofts Shenandoah, LTD., property owner, has requested a zoning amendment from Retail Commercial “RC” to Planned Development District #14 “PDD #14”. The proposed zoning amendment is for at 5.1923 acres of land in Restricted Reserve “A” of the Eastwood Village Replat No.1 recorded on Cabinet Z, Sheet 3434 M.R.M.C.

Public Hearings: Planning & Zoning Commission –July 21, 2020
Planning & Zoning Commission – August 18, 2020
City Council – August 26, 2020

Current Zoning District: “RC” Retail Commercial Zoning District

Proposed Zoning District: “PDD #14” Planned Development District #14

Proposed Rezoning: Woodlofts Shenandoah, Ltd has submitted request for zoning amendment from Retail Commercial “RC” to Planned Development District #14 “PDD #14”. The project located on 5.1923 acres along IH45, David Vetter and David Memorial Drive consists of two proposed reserves. Reserve A (fronting IH 45) consisting of 15,000 square feet of retail space with surface parking. Reserve B (along David Vetter and David Memorial) consisting of multifamily units with a parking structure.

Comprehensive Plan: Interstate Corridor. The interstate corridor is an area of retail and commercial services located along the east side of Interstate 45. This area may be auto-oriented and should provide easy access to and from the interstate. A heavy emphasis should be placed on the visual appearance of developments within this area, as it is one of the most visible portions of the city. Additionally, these retail areas capture sales tax dollars not only from the citizens of Shenandoah, but also from people traveling along Interstate 45, thereby increasing the city’s sales tax revenue.

Prepared by: Jackie Thompson
Community Development Manager

Date Prepared: July 15, 2020





Rezoning Application
Public Works and
Community Development Department

City of Shenandoah, Texas
29955 I-45 North
Shenandoah, Texas 77381
281-298-5522
www.shenandoahtx.us

Upon completion return application to Development@shenandoahtx.us

Contact Information

Property Owner(s): Woodlofts Shenandoah, Ltd.
Address: 2536 Amherst Street, Suite F, Houston, Texas
Zip Code: 77005 Phone: (713) 522-1800
Email Address: mjm@buckfund.com
Applicants: Zane Segal, Manager, Woodlofts Partners, LLC
Address: 2536 Amherst Street, Suite F, Houston, Texas
Zip Code: 77005 Phone: (281) 381-1392
Email Address: zane@zanesegalprojects.com

Parcel Information

Property Identification Number (MCAD R#): R433776, R433778
Legal Description: Eastwood Village, Block 1, Unrestricted Reserve A
Street Address or Location: 215 David J. Vetter Blvd, Shenandoah, TX
Acreage: 5.1923 Present Zoning: RC with SUP Present Land Use: vacant
Proposed Zoning: Proposed Land Use: PDD - apartments, retail
Is the proposed use in compliance with the Comprehensive Plan [X] YES [] NO

Additional Information

Owner(s) of record for the above described parcel:
Signature: Zane Segal Date: June 25, 2020
Signature: Date:
Signature: Date:

Note: Signatures are required for all owners of record for the property proposed for Special Use Permit. Attach additional signatures on a separate sheet of paper.

Date Received

Office Use

WOODLOFTS SHENANDOAH

June 25, 2020

**City of Shenandoah Planning & Zoning Commission
City of Shenandoah City Council**

RE: Application to create a Planned Development District for WoodLofts Park, a previously approved residential and retail project in Shenandoah's Retail Commercial District

Dear Ladies and Gentlemen:

On behalf of Woodlofts Shenandoah, Ltd., Owner of a 5.1923-acre tract of land located at the northeast corner of Interstate 45 North and David J. Vetter Boulevard in the City of Shenandoah's Retail Commercial Zone, we hereby respectfully request the City of Shenandoah to approve a Planned Development District, WoodLofts Park PDD, with the following attributes.

A single-level project with a minimum of 15,000 net rentable square feet of sales-tax-paying retail, to be surface parked on the westernmost two acres fronting Interstate 45 North, and a market-rate multi-family project of no more than 285 units on five levels on the easternmost three acres, fronting on David J. Vetter Boulevard, to be surface and garage parked.

We therefore request being placed on the next agenda of the Planning & Zoning Commission for an initial hearing about the following changes:

Planned Development District Request

- The primary request is replacing the current SUP with a PDD allowing the concurrent development of two components on adjacent sites, namely: a retail building on the western portion of the tract fronting I-45, and a market-rate rental multi-family component on the eastern portion, specifically as follows:
- Retail component: Shops at The WoodLofts - A minimum of 15,000 net rentable square feet of sales-tax-paying retail space in a single story with surface parking of sufficient scale to meet the City's parking code. This minimum is 500 net rentable square feet larger than required by the current SUP.
- Residential component: The WoodLofts - A maximum of 285 multi-family rental units, each containing between 900 and 950 square feet of net rentable area, including patios and balconies, plus amenities, over a maximum of five floors, with a parking structure of sufficient size and levels to service the multi-family units meeting the City's parking code. This maximum is at least 65 fewer apartment units of the same average size as in the current SUP.

- Several additional changes will see the elimination of the currently permitted below-grade parking level under the garage and the front retail building and parking lot, and the elimination of the pedestrian bridge between the prior version's garage and the front building above the retail level.
- All uses (restaurants, cafes, shops, and apartments) will be parked to City of Shenandoah parking code requirements without variances.
- What will not be changed from the SUP are the aspects of Class A deluxe market-rate apartments with full, state-of-the-art amenities (pool, whirlpool, dog spa, gym, yoga studio, package lockers, interior air conditioned corridors, concrete path eight feet wide along the east, south, and west boundaries, board room, and television room / theater).

We believe that WoodLofts Park PDD perfectly conforms with the uses and project type intended by the city planners and its citizens for its highly visible Retail Commercial Zone, by providing a carefully designed, lively, dense, urban, mixed-use, and economically productive project, while helping the city reach its strategic objectives outlined in its Comprehensive Plan.

Based on the fact that a Special Use Permit and a Building Permit were previously issued by the City, it is Owner's intention to re-submit the same plans and specifications which were previously approved for the building on the eastern portion of the property, but with the addition of a fifth floor. The single-level retail building will be designed to meet the needs of current suburban retail tenants on its freeway-frontage site.

Given that The Woodlands area multifamily market and job market have suffered some disruptions, including the sale of Anadarko and the withdrawal of half their employees from their signature towers, we believe that the rental rates and velocity we need to achieve are more realistic with this new, smaller program in the current environment. The mixing of uses horizontally in this revised plan, rather than vertically as in the previous, should ensure the successful leasing and operation of both projects.

We also believe the timing is ideal to begin construction of WoodLofts Park toward the end of 2020, as we are scheduled and prepared to do. As we have indicated before, The WoodLofts will be a unique, visible project, providing highly amenitized housing for the under-represented cohort of younger residents lacking in the City of Shenandoah, while The Shops at The WoodLofts will provide as significant retail sales tax revenue for the City of Shenandoah and the other taxing authorities.

Prior to or contemporaneous with the issuance of certificates of occupancy, the developers are willing to provide the City with a utility impact fee in an amount equal to what the City enacts at some point in the future for a project of this scope, or if no such impact fee is assessed by the

time of the issuance of certificates of occupancy, then the developers are willing to provide the City with a payment in lieu of such fee in the amount of \$1.00 per square foot of net rentable area of both the shopping center and the apartment project. The developers graciously request that some portion of this utility impact fee be offset by the previously paid building permit fees issued by the City with respect to prior submissions under the SUPs.

Respectfully submitted,

Woodlofts Shenandoah, Ltd.

By Woodlofts Partners, LLC
Its general partner

A handwritten signature in black ink that reads "Zane Segal". The signature is written in a cursive style with a large, stylized initial "Z".

Zane Segal
Manager

The WOODLOFTS PARK PLANNED DEVELOPMENT DISTRICT (PDD)

A development of Woodlofts Shenandoah, Ltd.

DIVISION 1. – GENERAL PROVISIONS

Sec. 1.01. - PDD.

The WOODLOFTS PARK is a Planned Development District (PDD) in the City of Shenandoah, Texas, per Section 2.24 of the IDC, which is a special zoning district. A PDD allows for deviations from standard ordinance requirements and permits a combination of uses. The provisions of this PDD will control over any conflicting City regulations.

The intent and purpose for this PDD is consistent with Section 2.24.2 of the IDC. This PDD shall be designated PD-14 Woodlofts Park PDD. The area of this PDD exceeds 5 ac. and is described on Exhibit A.

Sec. 1.02. - Proposed Uses/Base Zoning District.

The WOODLOFTS PARK PDD proposed build-out condition may include a variety of uses including retail, restaurants, bars, multi-family apartments, senior housing, and amenity spaces. This variety of uses is encouraged for this zoning area as part of the City of Shenandoah Comprehensive Plan adopted in January, 2010.

In order to allow this variety of uses under the City of Shenandoah Zoning Ordinance, this WOODLOFTS PARK PDD proposes to use the RC (Retail Commercial) zoning district as the base zoning and to make amendments as specified in this document. The building-line setbacks, landscape barriers, floor area ratios, building heights, and impervious surface ratios, as shown in the Master Plan attached hereto, are specifically allowed even if contrary to the RC zoning district provisions

Sec. 1.03. - Design concepts.

The following design concepts form the basic intent of the design standards:

1. Meet or exceed the City of Shenandoah's ordinances (unless otherwise specified herein).
2. Provide a level of visual continuity and unity to the development site's perimeter.
3. Provide a high-quality mixed-use environment for local residents, retail tenants and customers, apartment tenants, and visitors.

4. Enhance long-term property values.

Sec. 1.04. - Reviews, submittals, and amendments.

All reviews, submittals, and amendments shall meet the minimum requirements as set forth in the current adopted zoning or subdivision ordinances for the City of Shenandoah unless otherwise specified within this WOODLOFTS PARK PDD.

Site plan ("Site Plan") approval shall be required for each separate reserve or use of the development, as specified in IDC Section 2.01 (i.e. retail, residential, etc.). Site Plans shall comply with the requirements of this WOODLOFTS PARK PDD. A dimensioned Master Plan per IDC Section 2.24.3 (b) ("Master Plan") is included within this WOODLOFTS PARK PDD showing the approximate location of each use, which will comprise (1) a surfaced-parked, freestanding retail building on Reserve A and a multi-family for-rent project on Reserve B. The Master Plan is a concept only and the Community Development Director or their designee shall be permitted to approve minor amendments and adjustments to the Master Plan as provided in Section 7.3.3 of the City of Shenandoah Integrated Development Code (IDC). The approved Master Plan is attached as Exhibit B.

Site plans shall be reviewed by the Planning and Zoning Commission which will review the site plans for conformity with the WOODLOFTS PARK PDD and the Master Plan. The Commission shall make a recommendation to the City Council. The City Council shall have the final decision for approval of the site plan.

Site Plans shall have one (1) public hearing before the Planning and Zoning Commission and one (1) public hearing before City Council. Public notice shall be required to be posted on site not less than ten (10) calendar days prior to the date set for the public hearing before the Planning and Zoning Commission. Property signs shall provide date, time, and place of public hearings, desired zoning classification, proposed use of the property, web site that contains the map and information regarding the rezoning, and other information as necessary to provide adequate and timely public notice. Public hearing for Site Plans shall be exempt from published notice and mailed notice requirements.

DIVISION 2. - DEVELOPMENT CRITERIA

Sec. 2.01. - Development criteria.

In order to allow a variety of uses in this area consistent with the City of Shenandoah Comprehensive Plan, the WOODLOFTS PARK PDD will adopt the Retail Commercial (RC) Zoning District as the base zoning District. Development within the WOODLOFTS PARK PDD will be regulated by the IDC with amendments as specified in this section. Where no amendments are specified, development requirements shall be per the IDC.

(a) *Multi-family Apartment Use.*

Multi-family Residential shall be allowed within the Reserve B as detailed on the Master Plan, (the easternmost portion of the property), defined as being a

building designed for occupancy by three (3) or more families living independently of each other. All of the units shall be located on one (1) lot or platted reserve under single ownership. All interior corridors will be climate-controlled (air conditioning and heating). Commercial uses complying with the allowable uses of the Retail Commercial zoning classification will be allowed, but not required, on the first floor of multi-family buildings.

(b) *Senior Housing.*

At any time, any portion of the Multi-family Apartment Use allowed in (a) above may be focused on or converted to senior housing.

(c) *Retail.*

Reserve A as detailed on the Master Plan (the westernmost portion of the property) will be developed with a minimum of 15,000 square feet of net rentable area of retail space, defined as a business which sells merchandise or tangible goods or provides services, including restaurants and bars, AND collects sales tax on its revenue, to be served by surface parking spaces in sufficient quantity to comply with the IDC for each respective retail use. Professional services and banking will not be permitted.

(d) *Amenities.*

The WOODLOFTS PARK PDD development is intended to be a high-quality development. Private amenities are planned to be provided for use by residents of the multi-family property. Publicly available amenities are planned to be provided in the common areas between development types and integrated within the different land use types.

(e) *Area Regulations and Standards.*

Property and buildings shall conform to the regulations and standards of this section, as well as Section 1.02 above. If a regulation or standard is not addressed in this section or Section 1.02, the property and buildings shall conform to the current zoning ordinance. The 2015 International Code Series with local amendments will govern all new structures, including core/shell and tenant finish outs, through the year 2024. In the year 2025 and thereafter, all new structures will be governed by the then current version of the building codes as amended and adopted by the City of Shenandoah.

The following requirements listed in the following Table 1 shall apply:

Table 1	Retail, Restaurant, Bar, & All Other Commercial Use	Multi-Family Residential Use
Minimum Lot Area	None	None

Minimum Lot Frontage	None	None
Maximum Building Height	1-story building height, not to exceed 40 feet	5-story building height, not to exceed 60 feet, except parking structure, which can be up to seven levels, not to exceed 80 feet
Minimum Lot Depth	None	None
Building Setback along I-45	5 feet	5 feet
Building Setback along David Memorial Drive	10 feet	10 feet
Building Setback along David J. Vetter Blvd.	10 feet	10 feet
Building Setbacks along property lines interior to the WOODLOFTS PARK PDD	0 feet	0 feet
Maximum Building Coverage	90%	90%
Minimum number of Parking Spaces	Per Sec. 2.03	Per Sec. 2.03
Parking Type	Surface	Surface and/or structured parking garage
Maximum Density	N/A	None
Maximum number of Multifamily Units	N/A	285
Average Multi-Family Unit Size (total project net rentable area divided by total number of	N/A	Between 900 and 950 square feet of net rentable area, including patios and balconies

multifamily units)		
Vegetation Barrier along I-45	25 feet	25 feet
Vegetation Barrier along David Memorial Drive and north boundary line of the WOODLOFTS PARK PDD	15 feet	15 feet
Vegetation Barrier along David J. Vetter Blvd. ¹	25 feet	25 feet
Vegetation Barrier along property lines interior to the WOODLOFTS PARK PDD	0 feet	0 feet

¹Calculation of minimum vegetation barrier distance along David J. Vetter Blvd. may include any undeveloped public right-of-way as of the effective date of the WOODLOFTS PARK PDD contained along the northern line of David J. Vetter Blvd. between the back of the existing curb and the right-of-way line, less 10 feet.

(f) *Development Standards.*

The development shall not be phased and both retail and apartment uses shall be permitted and built within a time frame that will ensure that the core and shell of the retail building on Reserve A will receive a Certificate of Completion prior to the City's granting a Certificate of Occupancy for the multi-family residential building to be built on Reserve B.

The finished development may include up to the maximum development intensities depicted in the following Table 2 and must include at least the minimum intensities depicted. Nothing in this Table 2 shall prohibit the development of additional uses allowed by this WOODLOFTS PARK PDD or the Retail Commercial zoning district or additional intensities so long as the development criteria are met:

Table 2	Reserve 1 - Retail & Commercial – Shops at the WoodLofts	Reserve 2 – Multi-Family Residential – The WoodLofts
Retail/Restaurant/Bar Use	15,000 Square Feet New Development Minimum	None

	No Maximum	None
Multi-Family Apartment Use	None	No Minimum
	None	285 Units Maximum

Sec. 2.03. - Parking.

The WOODLOFTS PARK PDD development will comply with the parking requirements provided in the current zoning rules for the City, except as noted below.

- (a) Each reserve shall include the minimum required number of on-site parking spaces for all uses on that particular reserve as if it was a separate development.
- (b) Parking shall be located for each use on a reserve at a reasonable distance to the respective use. If surface parking is provided for a particular use, it should be located immediately adjacent to that use. A parking plan shall be included and approved by the City as part of the Site Plan.
- (c) The developer may comply with the shared parking requirements of the IDC and such parking arrangements shall be approved at the time of Site Plan review and approval.
- (d) Multi-Family residential parking shall be provided at standard requirements of the IDC and may comprise a combination of surface spaces and spaces contained in a multi-level structured parking garage.
- (e) All other uses allowed in the WOODLOFTS PARK PDD shall conform to parking requirements included in the City's current zoning regulations.

DIVISION 3. - IDC AMENDMENTS

Sec. 3.01. - Development standards.

Where there is a conflict between the IDC and this WOODLOFTS PARK PDD, the provisions of this WOODLOFTS PARK PDD shall prevail. The following sections of the IDC are modified for the WOODLOFTS PARK PDD as follows:

Sec. 4.10.8 — Retail Commercial (RC) District Special Regulations

Individual reserves within the WOODLOFTS PARK PDD may either be developed in compliance with Section 4.10.8, as written, or in accordance with the following alternate requirements:

- (a) The maximum allowable height for buildings developed on each reserve within the WOODLOFTS PARK PDD shall be as shown in Table 1 contained in Division 2, Section 2.01(e) of this WOODLOFTS PARK PDD, above;
- (b) The minimum required total green space on each reserve within the WOODLOFTS PARK PDD shall be as shown in Table 1 contained in Division 2, Section 2.01(e) of this WOODLOFTS PARK PDD, above;
- (c) Parking for each reserve shall be provided as required in Division 2, Section 2.03 of this WOODLOFTS PARK PDD, above.

Sec. 5.3.3 — Off-Street Loading

Off-Street loading space quantity, location and sizes to be reviewed and approved by City staff in the plan review process.

Sec. 5.7.3 — Trash Dumpsters and Enclosures

Final dumpster quantity and locations to be reviewed and approved by City staff in the plan review process.

Sec. 22.13 — Sidewalks

Connecting sidewalks having a minimum eight foot (8') width will be installed by the developer in each reserve along all perimeters thereof having frontage along a public right-of-way, with specific location and alignment to be approved by City staff during the plan review process. All appurtenances associated therewith shall be operated and maintained by the City thereafter. Said sidewalk shall be constructed and designed in accordance with the City's master pathway plan. The developer will dedicate a sidewalk easement for any portion of the sidewalk not located within a public right-of-way.

All pathways, pathway easements, and any appurtenances associated shall be privately maintained and repaired except for those sidewalks located within the City's public ROW will be maintained and operated by the City.

DIVISION 4. - CODE AMENDMENTS

Sec. 4.01. - Municipal Code amendments.

The following sections of the Municipal Code of Ordinances are modified for WOODLOFTS PARK PDD as follows:

Chapter 98 — VEGETATION

Article III Sec. 98-116

Vegetation barriers shall be as shown in Table 1 contained in Division 2, Section 2.01(e) of this WOODLOFTS PARK PDD, above.

Article IV Sec. 98. General.

Clear-cutting of land containing any size tree is allowed. Tree surveys, tree protection plans are not required for development unless existing trees are proposed for canopy requirements. Penalties for removing protected trees are not applicable for this development.

New trees planted in the landscape barriers and the right-of-ways adjacent to all reserves within the WOODLOFTS PARK PDD will be counted towards the required 50 percent canopy coverage area.

Sec. 98-158. Tree replacement.

For purposes of calculating compliance with the minimum required 50 percent canopy coverage area in the WOODLOFTS PARK PDD, the total number of existing and replacement trees growing or planted within the entire WOODLOFTS PARK PDD may be considered vis-à-vis the aggregate area of all reserves located within the WOODLOFTS PARK PDD.

The development shall otherwise comply with Section 98-158 except for Section 98-158(a)(5), in that trees may be allowed in less than 200 square feet of planting area subject to final approval by City staff during the plan review process.

Sec. 5.01. - Signage Amendments.

The following section of the City of Shenandoah Sign Ordinance, Chapter 90 are modified for WOODLOFTS PARK PDD as follows:

Prohibited Signs — Sec. 11.2

Additional signs to be prohibited under the WOODLOFTS PARK PDD shall include:

- (a) Projecting Signs other than defined in Section 11.14.2.
- (b) Noise, fog, smoke, odor and particle producing signs.
- (c) Reflective signs or signs that produce light of such brightness as to constitute a hazard or nuisance to any person, building or property other than the person, building or property to which the sign may be related, as determined by the Enforcement Officer;

Permitted Signs: Location, Size and Number — Sec. 11.14

Permitted signs in the WOODLOFTS PDD will not exceed the maximum areas and heights shown in the following Table 3, with final designs subject to review and approval by City staff during the sign permitting process:

Table 3

Abutting IH 45 and David J. Vetter Blvd.

Monument Signs (two double-sided, one at the intersection of Interstate Highway 45 and David J. Vetter Blvd. and one at the intersection of Home2Suites drive and David J. Vetter Blvd.)	Maximum Area	216 square feet
	Maximum Height	20 feet
Monument or Pylon Sign at the northwest corner of Reserve A	Maximum Area	216 square feet
	Maximum Height	20 feet

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

5.2 SHENANDOAH, LTD., a Texas limited partnership (“Grantor”), for and in consideration of the sum of \$10.00 and other good and valuable consideration to it in hand paid by WOODLOFTS SHENANDOAH, LTD., a Texas limited partnership (“Grantee”), whose address is 2536 Amherst, Suite F, Houston, Texas 77005, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto Grantee the tract(s) of land described on Exhibit A attached hereto, together with all of Grantor’s right, title, and interest in and to all related rights, easements, privileges, hereditaments and appurtenances pertaining to or benefitting said real property, including all right, title and interest of Grantor in and to all adjacent streets, alleys, rights-of-way, buildings, structures, and other improvements located on such land (collectively, the “Property”).

This conveyance is made and accepted subject and subordinate to those encumbrances and exceptions (the “Permitted Exceptions”) set forth on Exhibit B attached hereto.

TO HAVE AND TO HOLD the Property, unto Grantee, its successors and assigns forever, and Grantor does hereby bind itself and its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee and its successors and assigns against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise, subject to the Permitted Exceptions.

The Property is conveyed by Grantor and accepted by Grantee AS IS, WHERE IS, WITH ALL FAULTS.

Grantee by its acceptance of this Special Warranty Deed shall be deemed to consent to all of the terms and provisions hereof.

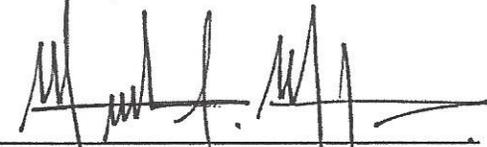
(Signatures on the following Page)

IN WITNESS WHEREOF, this special warranty deed has been executed by Grantor to be effective as of August 14TH, 2019.

GRANTOR:

5.2 SHENANDOAH, LTD., a Texas limited partnership

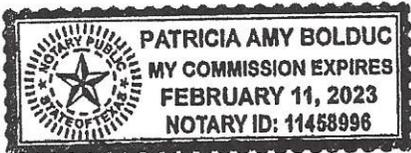
By: Woodlofts Partners, LLC, a Texas limited liability company, its general partner

By: 
Matthew J. Morgan
Manager

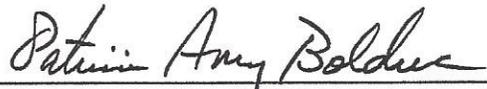
THE STATE OF TEXAS §

COUNTY OF Harris §

This instrument was acknowledged before me on the 13th day of August, 2019, by Matthew J. Morgan, Manager of 5.2 Shenandoah GP, LLC, the general partner of 5.2 Shenandoah, Ltd., on behalf of said limited liability company.



(Personalized Seal)


Notary Public's Signature

After Recording, Return To:

Matthew J. Morgan | Buckhead Investment Partners, Inc.
2536 Amherst Street, Suite F
Houston, Texas 77005

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

TRACT 1:

ALL OF UNRESTRICTED RESERVE "A", BLOCK 1, OF EASTWOOD VILLAGE REPLAT NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET Z, SHEET 3434 OF THE MAP RECORDS OF MONTGOMERY COUNTY, TEXAS.

TRACT 2:

EASEMENTS CONTAINED IN THAT CERTAIN RECIPROCAL EASEMENT AGREEMENT RECORDED UNDER CLERK'S FILE NO. 2012086451, AS AMENDED BY CLERK'S FILE NOS. 2012118941, 2013015673, 2014117658 AND 2015103341, OFFICIAL PUBLIC RECORDS OF MONTGOMERY COUNTY, TEXAS.

THE WOODLOFTS - FLOOR AREA RATIO CALCULATIONS

SITE DENSITY		
RESERVE A		
SITE AREA (RESERVE "A") IN AC	2.02 ACRES	
SITE AREA (RESERVE "A") IN SF	87,991 SF	
GROSS AREA OF RETAIL	16,073 SF	
FAR	0.18	
RESERVE B		
SITE AREA (RESERVE "B") IN AC	3.17 ACRES	
SITE AREA (RESERVE "B") IN SF	138,085 SF	
NUMBER OF UNITS - MAXIMUM	285	
SITE DENSITY - MAXIMUM	90 UNITS/ ACRE	
GROSS AREA OF RESIDENTIAL	303,925 SF	
FAR EXCLUDING GARAGE	2.20	
GROSS AREA OF RESIDENTIAL & GARAGE	464,230	
FAR INCLUDING GARAGE	3.36	
RESERVES A + B		
SITE AREA (RESERVES "A + B") IN AC	5.19 ACRES	
SITE AREA (RESERVES "A + B") IN SF	226,076 SF	
GROSS AREA OF RETAIL	16,073 SF	
GROSS AREA OF RESIDENTIAL	303,925 SF	
TOTAL AREA	319,998 SF	
FAR EXCLUDING GARAGE	1.42	
GROSS AREA OF RETAIL	16,073 SF	
GROSS AREA OF RESIDENTIAL & GARAGE	464,230 SF	
TOTAL AREA	480,303 SF	
FAR INCLUDING GARAGE	2.12	



Shenandoah Planning and Zoning Commission

AGENDA REPORT

AGENDA DATE: <u>July 21, 2020</u>	PREPARED BY: <u>Jackie Thompson</u>
DEPARTMENT: <u>Community Development</u>	EXHIBITS: <u>Sign Exception Application and Cover Letter, Section from Sign Ordinance</u>

SUBJECT/PROCEEDING:

Consideration and possible action to approve or deny a sign exception to allow a wall sign to exceed the allowable the square footage. The proposed sign exception is for Five Below located at 19075 IH 45, Suite 108, Shenandoah, Texas.

RECOMMENDED ACTION:

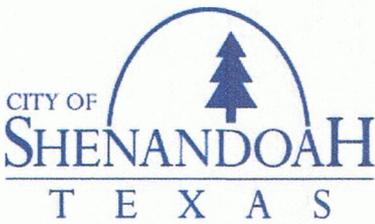
Staff recommends denial of the sign exception based on requirements of the Shenandoah Sign Ordinance

BACKGROUND/DISCUSSION:

Five Below has installed a wall sign placed on color façade of the building causing the wall sign to exceed the allowable square footage for a wall sign. Five Below and their sign contractor have requested the Sign Committee allow the sign exceeding the allowed square footage be allowed to remain and an exception granted.

Background: In July of 2019 representatives of Five Below requested the City provide a preliminary review of their sign package. At the time representatives of Five Below were notified of the blue background (façade) would count towards calculating the square footage of the sign and it would exceed what is allowed. Plans were revised showing a smaller area of blue behind the hanging wall sign. In line with Portifino's façade updates the store front for Five Below was redone. Plan for the tenant build out and façade were submitted showing a section of the wall containing a blue finish and permitted in January 2020. Building plans noted that signage permits in the City of Shenandoah are deferred submittals. After permitting of the buildout and façade a sign package was official submitted to the City for permitting showing the smaller blue area behind the sign in order to comply with city ordinance. Upon inspection of the site the Building Official noted the larger blue area of the façade elevation did not match the approved sign plans. The contractor was notified of the failed inspection. Resolution for the sign exceeding the allowed square footage include a sign exception to allow the sign to remain on the colored façade as currently installed or reduce the blue colored background to match approved sign plans. Five Below and their representatives requested a sign exception.

Section 90.11.3 Chart 1 – Front Wall Sign allowable area calculation 2 square feet per 1 foot of frontage (frontage referring to building frontage) & Maximum Area (Sq. Ft.) 300
Section 90.9.1 (c) If the portion of the building wall behind the sign is painted a different color than the remainder of the wall, then such portion of the wall shall be counted as a background color



Sign Exception Application

Public Works and
Community Development Department

City of Shenandoah
29955 I-45 North
Shenandoah, Texas 77381
281-298-5522
www.shenandoahtx.us

The Shenandoah Sign Committee meets on an as needed basis

Contact Information

Property Owner(s): KITE REALTY GROUP

Address: 30 South Meridian Street, Suite 1100 Zip Code: 46204

Email Address: jlopez@kiterealty.com Phone: 317-389-1637

Applicants: FIVE BELOW

Address: 1818 Market St Ste 2000 Philadelphia, PA 19103

Email Address: jim.hall@fivebelow.com Phone: 215-546-7909

Sign Information

Type of Sign: ILLUMINATED CHANNEL LETTERS

Location of Sign: FRONT WALL

Number of Colors: 2 Square Footage: 343 sq FT

Sign Exception Request

Applicant is requesting a sign exception from the following:

City of Shenandoah Ordinance No.: _____ Section(s): 90.9.1.C
90.11.1A

Ordinance wording as stated in Section ():
90.9.1.C if the portion of the bldg wall behind a wall sign is painted a
different color than the remainder of the wall, then such portion of wall shall
be counted as a background color 90.11.1A For single wall on multi occupant
bldg, the area of signs shall be computed based on ind. occupant signage,
using principles under computational methods 90.11.1A

Detail the sign exception request by comparing what the ordinance states to what the applicant is requesting:
We are requesting that we be allowed to keep the larger blue area painted behind our channel letters.

The larger blue field was approved in our building permit but not allowed for the sign permit.

We are not asking to changing the size of the channel letters, just the blue area.

Signatures

Owner(s) of record for the above described parcel:

Signature: Owner's Rep. - James H. Boyce, Sr. Date: 7/10/2020

Signature: Applicant's (Tenant) Rep Jim Hall Date: 7/13/2020

Signature: _____ Date: _____

Note: Signatures are required for all owners of record for the property proposed for sign exception. Attach additional signatures on a separate sheet of paper.

Additional Information

The following information must also be submitted:

- Cover letter on company letterhead stating what is being asked.
- Sign detail.
- A site plan.
- All applicable fees and payments.
- The application from must be signed by the owner/applicant. If the applicant is not the owner, written authorization from the owner authorizing the applicant to submit the sign exception request shall be submitted.

Procedure to Appeal to Sign Committee

1. Upon being denied a Sign Permit by the City Administrator or his or her designee, an Applicant may request a Special Exception. A Special Exception may be requested to deviate from certain requirements for signage as set forth in this chapter.
2. Upon being issued a determination that a Sign is Non Compliant, an Applicant may, within 45 days of the determination, request a Special Exception.
3. An applicant desiring a Special Exception must submit a written request to the Shenandoah Sign Committee within 45 days of a denial by the City Administrator or his designee, or upon receipt of written notice of a Non Compliant sign. The request must clearly state the Special Exception being sought and the reasons why the Applicant believes a Special Exception should be granted.
4. The request for a Special Exception will be reviewed and a decision rendered within 30 days of the receipt of the request for a Special Exception.
5. The Shenandoah Sign Committee may grant a Special Exception if the Committee determines that a special circumstance exists which warrants the Special Exception requested.
6. In granting a Special Exception, the Shenandoah Sign Committee may impose such conditions as are necessary to protect adjacent property owners and to protect the public health, safety and general welfare.
7. Upon denial of a special exception by the Shenandoah Sign Committee, any two City Council members may submit a written request to have a hearing. The City Administrator shall include an agenda item at the next regularly scheduled meeting of the City Council to consider a variance to the decision of the Shenandoah Sign Committee.

* Factors not Considered*

Under no circumstance shall a special exception be granted for the following Prohibited or Temporary Sign:

1. Any type of sign, sign structure, or advertising device prohibited by Section 11.2;
2. Any sign or device which by design or location resembles or conflicts with any traffic control sign or device;
3. Any sign or device that creates a potential safety hazard by obstructing views of pedestrian and vehicular traffic at street intersections or driveways or by creating glare or other hazardous distraction; or
4. Temporary signs or banners, unless provided for in this chapter or unless the situation is deemed a matter of public safety, health and welfare by the City Administrator and/or his designee.

<h1 style="margin: 0;">Date Received</h1>	
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Office Use



**Sign
Permit Application**
Public Works and
Community Development Department

City of Shenandoah, Texas
29955 I-45 North
Shenandoah, Texas 77381
281-298-5522
www.shenandoah.tx.us

* SIGN PERMIT APPLICATION EXPIRES IN 6 MONTHS (180 DAYS) NON-TRANSFERABLE*

TEMPORARY SIGN?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	PERMANENT SIGN?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
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JOB ADDRESS: 19075 I-45 South # 108 Conroe, TX 77385

OWNER: Jose Lopez MAILING ADDRESS: Indianapolis IN 46204 EMAIL: jlopez@kitelcity.com TELEPHONE: 317-713-7245

APPLICANT: Apache Sign & Service Inc MAILING ADDRESS: Houston, TX 77080 EMAIL: geoapache@shcglobal.net TELEPHONE: 713-462-3920

DOES THE BUSINESS FRONT I-45? YES NO
IS THE SIGN ILLUMINATED? YES NO VALUATION: \$ 2,016.00

BUSINESS TYPE	SIGN TYPE	SIGN DIMENSIONS
INDIVIDUAL BUSINESS	FREESTANDING MONUMENT SIGN	SIGN HEIGHT <u>10'</u>
SMALL CENTER (0-3 ACRES)	FREESTANDING PYLON SIGN	SIGN WIDTH <u>34'-3"</u>
LARGE CENTER (3+ ACRES)	FRONT BUILDING WALL SIGN <u>(A)</u> <input checked="" type="checkbox"/>	TOTAL SQ FT <u>343</u>
SUPER CENTER (50+ ACRES)	REAR OR SIDE BUILDING WALL SIGN	SET BACK
	BANNER	BUILDING LINEAR <u>70'-0"</u>

PERMIT FEES (BASED ON PROJECT VALUATION)		
\$0 - \$50,000	\$160.00 FOR FIRST \$1,000 + 5.00 FOR EACH ADDITIONAL \$1,000 OR FRACTION THEREOF	\$
\$50,001 - \$100,000	405.00 FOR FIRST \$50,000 + \$4.00 FOR EACH ADDITIONAL \$1,000 OR FRACTION THEREOF	\$
\$100,001 - \$500,000	\$605.00 FOR FIRST \$100,000 + \$3.00 FOR EACH ADDITIONAL \$1,000 OR FRACTION THEREOF	\$
\$500,001 +	\$1,805.00 FOR FIRST \$500,000 + \$2.00 FOR EACH ADDITIONAL \$1,000 OR FRACTION THEREOF	\$

DIGITAL PLAN REVIEW (BASED ON NUMBER OF SHEETS PER SET)			
DIGITAL PLAN REVIEW (BASED ON NUMBER OF SHEETS PER SET)	1-10 SHEETS	\$15.00	\$
	11-20 SHEETS	\$20.00	\$
	21-30 SHEETS	\$25.00	\$
	31-40 SHEETS	\$30.00	\$
	41-50 SHEETS PLUS	\$50.00	\$

SIGN PERMIT FEE \$

NOTE: Additional fees will be added if paper plans are submitted. Additional plan review \$250.00 per ten sheets

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of law and ordinances governing this type of work will be complied with whether or not specified herein. The granting of a permit does not presume to give authority to violate or cancel the provisions of any state or local law office regulating construction or the performance of construction.

NAME of Property Owner or Agent: X Jose L. Lopez, Jr SIGNATURE of Property Owner or Agent: X Jose L. Lopez, Jr TC

DATE RECEIVED	TOTAL FEE:	\$
---------------	------------	----

Allowed square footage based on linear feet of lease space is 140 square feet. Per section 90.9.1 (c) such wall shall be counted as the background color. Square footage of sign including background exceeds allowed square footage.

SIGN A	48" Five Below	SIGN B	Five Below
Sign Type:	Individual Channel Letters	Type:	D/F Under canopy sign
Illumination:	Internally Illuminated LED	Illumination:	Non-Illuminated
Square Footage:	113.08 Letters / 342.50 EIFS	Square Footage:	3.79



- Facade:**
- LL to engineer and build up parapet, height to be 35'-5"
 - LL to engineer new storefront glass as needed, height to match existing, 4'-0" min. panel width, no upper mullions
 - LL to locate 8'-0" tall storefront doors per tent's final plans
 - LL to install walkway lighting, 6'-0" min. O.C., with additional door light
 - LL to install decorative sconces per Five Below plans
 - LL to install HILTI eyebolts in facade for temporary banners. Code only allows 1 banner for a maximum 30 days with permit.
 - LL to procure and install hard canopy, Mapes Baked Enamel Bronze 5'-0" proj.
 - LL to procure and install fabric awnings, Sunbrella Royal Blue 4'-0" proj.
 - LL to install curb out near storefront entry.
 - LL to provide unobstructed permanent access to sign mountable/ electrical connection area.
 - LL to provide electrical to center of all applicable sign mountable areas.
- Signage:**
- Primary Sign: 48" internally illuminated channel letters. Must adhere to City sign code.
 - Walkway Sign: 14" x 39" UC Sign. Must adhere to City sign code.
 - Pylon Panel: LL to provide tenant with a sign panel on the common pylon sign per exhibit.
- Finishes by LL:**
- Facade: 3' Dryvit 456 Oyster Shell
 - Signage EIFS: 1' Dryvit FIBEO110215 (Five Below Blue to match SW Blue Chp #6959)
 - Frame EIFS: 4" wide Dryvit 310 China White
 - Cornice EIFS: 1' Dryvit 310 China White
 - Pilaster: 2' Dryvit 113 Amantio White

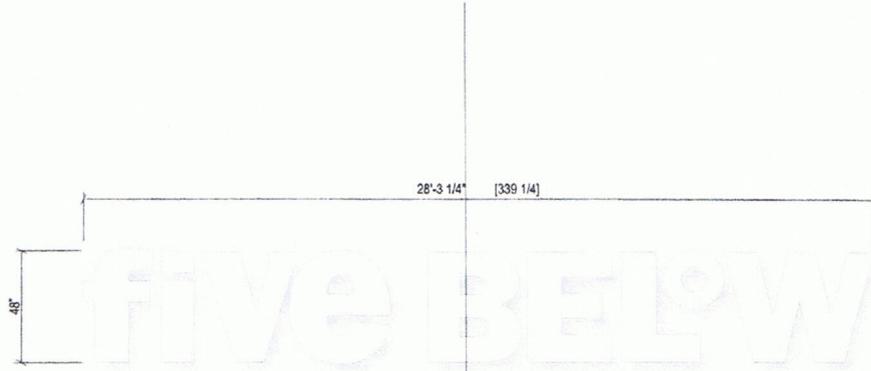
Front Elevation (South)
Scale: 1/8" = 1'-0"

NOTE: Sign will require a variance.

DRAWINGS ARE FOR LEASE PURPOSES ONLY. ALL MEASUREMENTS TO BE FIELD VERIFIED PRIOR TO FABRICATION.	
EXTERIOR FACADE WORK TO BE COMPLETED BY LANDLORD. IF SIGN FALLS ABOVE THE ROOF LINE, THE LANDLORD IS RESPONSIBLE FOR PROVIDING POWER TO THE SIGN.	
Allowable Square Footage this Elevation:	140.00
Formula: 70' x 2 = 140sf	
Actual Square Footage this Elevation:	342.50

		Five Below Portofino Shopping Center 19075 I-45 South, #5B Shenandoah, TX 77385	Project ID#: 120814 Project Mgr: Robert Young Designer: Mike DeMarco Created on: 09/20/2019	R3 12/28/19 KF - Updated Site address R4 01/09/20 EH Added property setback values for signs R5 02/05/20 MD Added hardware specs for sign B R6 02/25/20 MD Updated sign C panel measurements and type R7 04/13/20 MD Added paint color to pylon
				2

SIGN A	48" Five Below
Sign Type:	Individual Channel Letters
Illumination:	Internally Illuminated LED
Square Footage:	113.08 Letters / 342.50 EIFS



Sign Layout Detail
Scale: 1/4" = 1'-0"

Electrical Detail:

White LED's
(4) 60 W Power Supplies
Total amps: 4.80
(1) 120v/ 20 amp circuit required



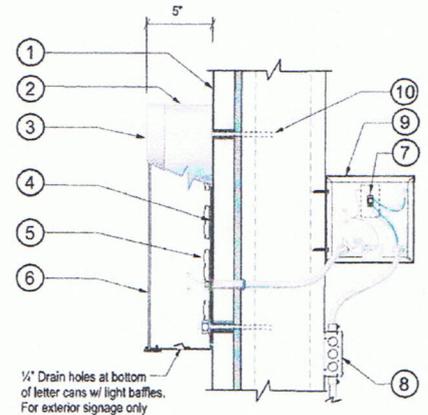
General Notes:

This sign is to be installed in accordance with the requirements of Article 600 of the National Electrical Code.

- Grounded and bonded per NEC 600.7/NEC 250
- Existing branch circuit in compliance with NEC 600.5, not to exceed 20 amps
- Sign is to be UL listed per NEC 600.3
- UL disconnect switch per NEC 600.6- required per sign component before leaving manufacturer. For multiple signs, a disconnect is permitted but not required for each section
- The location of the disconnect switch after installation shall comply with article 600.6 (A) (1) per NEC

Specifications: Channel Letters

1. Existing Facade: To be determined
2. .040 Aluminum letter returns painted to match silver
3. 1" trim cap (silver) bonded to face, #8 pan head screws to returns. Note: 2" trimcaps for letters 54" and larger
4. .125" ACM backs (pre-finished white) fastened to returns. Seal w/ VOC compliant 360 white latex caulk to prevent moisture penetration. (interior of sign can ptd white for max illumination)
5. White LED's
6. 3/16" White Acrylic faces
7. Disconnect switch UL Outdoor rated toggle type w/ neoprene boot per NEC 600-6
8. Primary electrical feed in UL conduit / customer supplied UL junction box
9. Power Supplies within UL enclosure (removable lid), 1/4" x 1" min screws
10. Mounting Hardware to suit



Section @ LED Channel Letter
Front-Lit (Remote)
Scale: N.T.S.

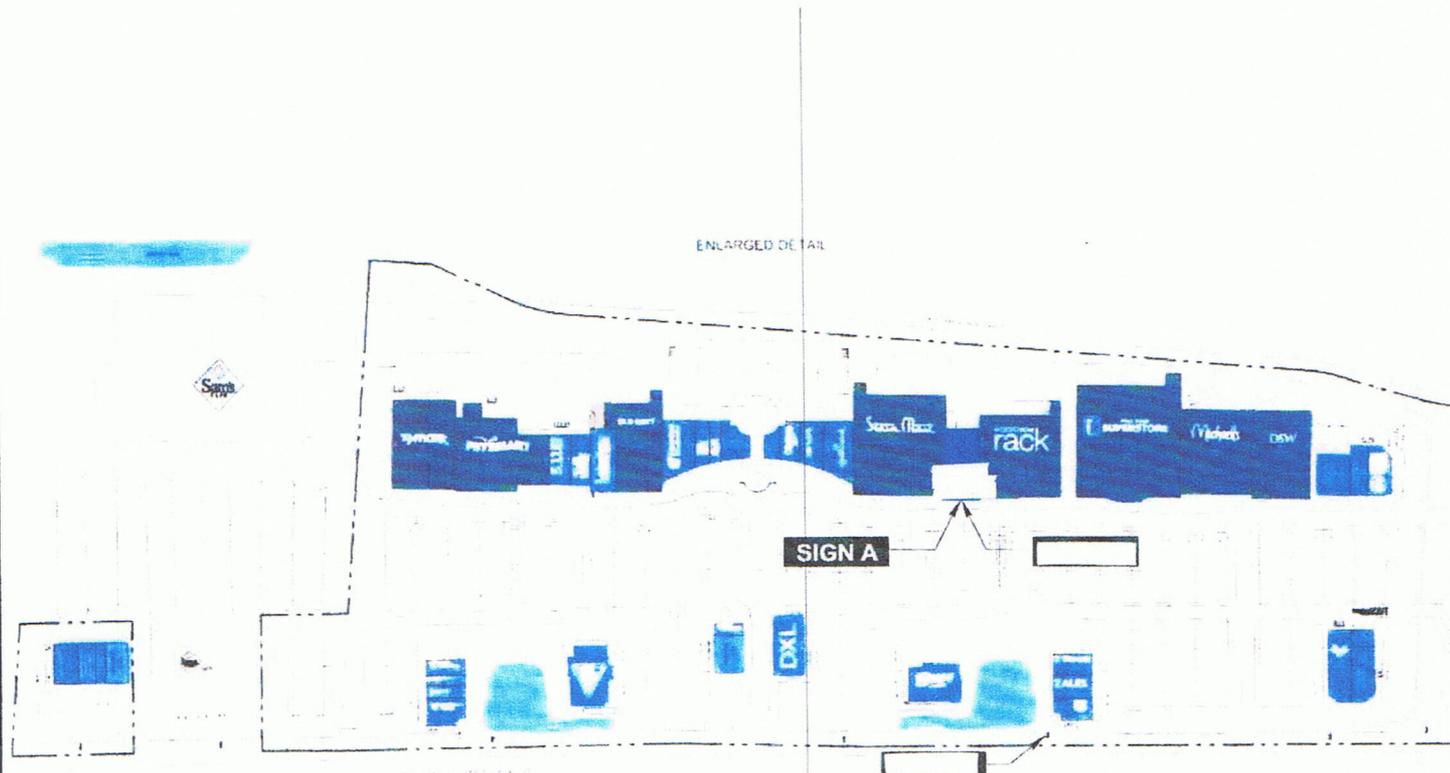


Five Below
Portofino Shopping Center
19075 I-45 South, #5B
Shenandoah, TX 77385

Project ID#: 120814
Project Mgr: Robert Young
Designer: Mike DeMardo
Created on: 09/20/2019

R3 12/26/19 KF - Updated Site address
R4 01/08/20 EH Added property setback values for signs
R5 02/05/20 MD Added hardware specs for sign B
R6 02/25/20 MD Updated sign C panel measurements and type
R7 04/13/20 MD Added paint color to pylon

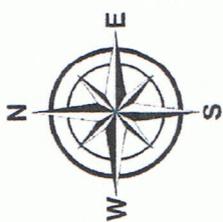
ENLARGED DETAIL



SIGN A

I-45

OVERALL SITE PLAN



From: [Sutton, John](#)
To: [Jackie Thompson](#); [Dan Murphy](#); [Robert Young \(rob.young@apexsigngroup.com\)](#)
Cc: [Lombardi, Tom](#)
Subject: Re: Five Below - Portofino Shenandoah, TX
Date: Wednesday, June 3, 2020 5:19:13 PM
Attachments: [image001.png](#)

We should be resubmitting for the variance shortly.

John Sutton
Construction Project Manager -West Coast
Five Below
Cell (817) 876-7175
Sent from my iPhone

From: Jackie Thompson <jdthompson@shenandoahtx.us>
Sent: Wednesday, June 3, 2020 1:54:39 PM
To: Sutton, John <John.Sutton@fivebelow.com>
Subject: RE: Five Below - Portofino Shenandoah, TX

Can you please provide an update on the revisions to the sign?

From: Jackie Thompson <jdthompson@shenandoahtx.us>
Sent: Wednesday, May 20, 2020 11:03 AM
To: John.Sutton@fivebelow.com
Cc: Customer Service Representatives <customerservice@shenandoahtx.us>
Subject: FW: Five Below - Portofino Shenandoah, TX

Mr. Sutton,

While I appreciate you providing the drawings attached, sheet T1.0 of your approved drawings acknowledges sign drawing were to be a deferred submittal. That note indicates your team was and is aware of the City Sign Ordinance. In fact, I spoke with your sign contractor prior submission of your building permit. And at that time there were provided with the ordinance. Your sign contractor revised drawing showing a smaller blue section to comply with our requirements. Until the sign is brought into compliance your sign contractor will not pass inspection.

There are two options. The first being the blue section of wall can be field corrected to match the approved sign plans and inspection requested after. Or you can resubmit drawing showing the actual size of the blue section and signage and have them denied. After the denial you can request a sign exception for the allowable square footage. I can advise you that staff recommendation will be to deny your request, but you are welcome to apply and have your application reviewed by the Sign Committee. If your sign contractor decides to resubmit and request a sign exception you will have to pay plan revision fee (\$500) and application fee for sign exception (\$600).

If you have any other questions please let me know.



Jackie Thompson
Community Development Manager

City of Shenandoah
29955 Interstate 45 North
Shenandoah, Texas 77381
281.298.5522 Main
832.585.8159 Direct
www.shenandoahtx.us

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From: Stacie Newsom <snewsom@shenandoahtx.us>
Sent: Wednesday, May 20, 2020 10:34 AM
To: Jackie Thompson <jdthompson@shenandoahtx.us>
Subject: FW: Five Below - Portofino Shenandoah, TX



Stacie Newsom
Development Coordinator

City of Shenandoah
29955 Interstate 45 North
Shenandoah, Texas 77381
281.298.5522 Main
832.585.8101 Direct
www.shenandoahtx.us

Attention: This email, plus any attachments, may constitute a public record of the City of Shenandoah and may be subject to public disclosure under the Texas Public Information Act. A "reply to all" of this e-mail by Public Officials could lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

From: Sutton, John <John.Sutton@fivebelow.com>
Sent: Wednesday, May 20, 2020 10:17 AM
To: Stacie Newsom <snewsom@shenandoahtx.us>
Cc: Lombardi, Tom <tom.lombardi@fivebelow.com>
Subject: Five Below - Portofino Shenandoah, TX

Hi Stacie,

Our sign vendor reached out to me and sent me your contact information.

According to him, you will not sign off on the signage. He claims that you indicated it is not compliant.

The sign installed is per his permit, 48" high letters. I'm not sure how this isn't compliant. The attached drawings, shell and TI, were both permitted by your building department showing the elevations as built. There were no objections to anything shown. Please keep in mind, the sign vendor only installs the sign. The EIFS is part of the building construction.

Please reach out so we can come up with some resolution.

John Sutton – Construction Project Manager – West Coast

[Five Below, Inc.](#) | 701 Market Street, Suite 300 | Philadelphia, PA | 19106 | phone: (817) 876-7175 |

e-mail: John.Sutton@fivebelow.com

(b) *Sign Height Computation*

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, beaming, mounding or excavating solely for the purpose of locating the sign. (Refer to Charts 1 and 2 in Section 90.11)

90.11.3 *Sign Height and Area Chart*

Signs permitted in accordance with Chart #1 and Chart #2.

CHART 1 – ALLOWABLE SIGN GEOMETRY

		Properties Abutting IH-45	Other Properties
Front Wall Sign	Allowable Area Calculation	2 sq. ft. per 1 ft. of frontage*	2 sq. ft. per 1 ft. of frontage*
	Maximum Area (sq. ft.)	300	300
Rear or Side Wall Sign	Allowable Area Calculation	2 sq. ft. per 1 ft. of frontage*	2 sq. ft. per 1 ft. of frontage*
	Maximum Area (sq. ft.)	300	300
Monument Sign	Maximum Area (sq. ft.)	144	72
	Maximum Height (ft.)	20	10
Pole Sign	Maximum Area (sq. ft.)	144	n/a
	Maximum Height (ft.)	40	n/a

*Frontage refers to building frontage

installation in accordance with the National Electrical Code. All wiring shall be installed underground; and

- (c) Except for permitted banners, flags, temporary signs and window signs, all signs shall be constructed of permanent materials and shall be directly be attached to the ground, a building or another structure.

90.7.2 Maintenance Standards

All signs shall be maintained in good aesthetic and structural condition and must be in compliance with all building and electrical codes. Specifically:

- (a) A sign shall have no more than 20 percent of its surface area covered with disfigured, cracked, ripped or peeling paint, poster paper or other material for a period of more than 30 days;
- (b) A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 degrees from vertical for a period of no more than ten days;
- (c) A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way, for a period of no more than 30 days;
- (d) An internally illuminated sign shall be allowed to stand with only partial illumination for a period of no more than 30 days; and
- (e) Flags shall not be faded, tattered or torn.

90.8 Signs not to Create Traffic Hazard

90.8.1 Clear Sight Triangle

No sign shall be erected in the "clear sight triangle". Signs shall be erected so as not to obstruct or impair motor vehicle driver vision at business ingress or egress points and intersections.

90.8.2 Other Hazards

No signs shall be erected, and there shall be no lighting of signs in such a manner or in such location as to obstruct the view of, or be confused with, any authorized traffic signal, notice or control device.

90.8.3 Removal

Any sign in violation of 90.8.1 or 90.8.2 shall be removed by the Owner. If not removed within ten days after notice of the violation, the City Administrator may have the sign removed. The cost of removal shall be at the expense of the sign owner and may become a lien against the property on which the sign is located.

90.9 Sign Colors, Logos, Marks and Symbols

90.9.1 Colors

Signs shall be limited to no more than three colors, plus a background color. Signs shall utilize colors and shades that provide contrast levels between lettering and the background and promote good recognition and readability. Signs shall utilize colors and shades which stand out enough from the immediate surroundings to make them visible. Signs shall utilize colors and shades, which blend harmoniously with signage within the immediate area. The applicant shall specify within his/her sign application the list of all colors and shades from such colors.

- (a) For panel signs, the background color shall mean the panel itself;
- (b) For channel letters, the background color shall mean the returns;
- (c) If the portion of the building wall behind a wall sign is painted a different color than the remainder of the wall, then such portion of the wall shall be counted as a background color; and
- (d) If a trim color is black, it will not count as a background color. Any other colors will be counted as a background color.

90.11 Computation Methods

90.11.1 Computations

(a) *Area Computation of Individual Signs*

The area of a wall, pole, or monument sign face shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, base, bracing or decorative fence or wall when such fence or wall otherwise meets the regulations of this chapter and is clearly incidental to the display itself. For a single wall on a single-occupant building, all pieces of information or other graphic representations on that wall shall be measured as though part of one sign, encompassed within one rectangle, which may not exceed the maximum permitted sign area. For a single wall on a multi-occupant building, the area of signs shall be computed based on individual occupant signage, using these principles. Incidental signs square footage will not be calculated or deducted from the maximum sign allowance for a particular side building elevation.

(b) *“Single Wall” Defined*

A single wall shall mean the entire wall that shares the same architectural elevation as shown on the approved site plan. Architectural elevations are typically defined as the front, sides and rear of a building (alternatively called north, south, east and west elevations). See definition of *Wall Area, Exterior Surface*.

(c) *Monument and Pole Signs*

Monument and pole signs shall be measured by the structure of the sign frame for square footage itself.

(d) *Architectural Elevation of Sign*

Regardless of whether a single wall has wall sections that project, recess or otherwise vary from the predominate wall plane, the rectangle shall include all signs that appear on the same architectural elevation.

(e) *Multi-Occupant (In-Line Tenant) Buildings*

For multi-occupant (in-line tenant) buildings such as a shopping center, or other building with a similar layout, all sign(s) associated with each occupant, tenant or business shall be enclosed within a single rectangle for purposes of calculating allowable sign area. Architectural elevation for these single businesses shall be determined by the building frontage that each occupant or tenant has within that center.

(f) *Multi-Occupant (Non In-Line Tenant) Buildings*

For multi-occupant (non in-line tenant) buildings, all sign(s) on a single wall shall be enclosed within a single rectangle for purposes of calculating allowable sign area.

90.11.2 Area Computation of Multi-Faced Signs

(a) *Generally*

Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is 60 degrees or less, only one display face shall be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign shall be the area of the larger face. In all other cases, the areas of all faces of a multi-faced sign shall be added together to compute the area of the sign. Sign area of multi-faced signs is calculated based on the principle that all sign elements that can be seen at one time or from one vantage point should be considered in measuring that side of the sign.