NOTICE OF REGULAR MEETING

August 18, 2020

SHENANDOAH PLANNING AND ZONING COMMISSION

STATE OF TEXAS AGENDA

COUNTY OF MONTGOMERY

CITY OF SHENANDOAH

NOTICE IS HEREBY GIVEN that the Regular Meeting of the Shenandoah Planning and Zoning Commission will be held on Tuesday, August 18, 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. 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.
5. 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 .
6. Consideration and possible action to recommend to City Council approval or denial 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 for a special use permit for a Mixed Beverage Permit (On Premise). The proposed zoning amendment is for Aloft Hotel located at 19391 David Memorial Drive, Shenandoah, Texas 77381.
8. Public Hearing regarding the proposed zoning amendment for a special use permit for a Mixed Beverage Permit (On Premise). The proposed zoning amendment is for Aloft Hotel located at 19391 David Memorial Drive, Shenandoah, Texas 77381.
9. Discussion regarding updating the City's Comprehensive Plan.
10. Consideration and possible action to approve or deny minutes of the May 5, 2020 Special Meeting and the May 19, 2020 Regular Meeting of the Planning and Zoning Commission.
11. City Administration Updates

COMMISSIONER'S INQUIRY

12. 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 14th day of August, 2020 at 11:00 a.m.

_____

Jackie Thompson, Deputy City Secretary

Shenandoah Planning and Zoning Commission

AGENDA REPORT

AGENDA DATE:	August 18, 2020	PREPARED BY:	Jackie Thompson
DEPARTMENT:	Community Development	EXHIBITS:	Preliminary Report, Property Location, SUP Application

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.

Consideration and possible action to recommend to City Council approval or denial 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	JThompson	DATE:	August 13, 2020
CITY ADMINISTRATOR		DATE:	August 13, 2020

Revised 05/18

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: 6-25-20

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.

Date Received *Office Use*	

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/laws/code_and_rules.asp

LOCATION INFORMATION

1. Application for: ☒ 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

- ☒ **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
- ☒ **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

- ☒ Restaurant
- ☐ Grocery/Market
- ☐ Sporting Arena, Civic Center, Hotel
- ☐ Sexually Oriented
- ☐ Bar
- ☐ 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	County	State	Zip Code
Shenandoah	Montgomery	TX	77381

6. Mailing Address	City	State	Zip Code
6425 Broadway St.	Pearland	TX	77581

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

OWNER INFORMATION

8. Type of Owner

- ☐ Individual
- ☐ Partnership
- ☐ Limited Partnership
- ☐ Limited Liability Partnership
- ☐ Corporation
- ☒ Limited Liability Company
- ☐ Joint Venture
- ☐ Trust
- ☐ City/County/University
- ☐ Other _____

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?	☐ Yes ■ No
12. Are you, the applicant a Historically Underutilized Business (HUB)?	☐ Yes ■ 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	First Name	MI	Title
Killen	Ronald	A	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?	☐ Yes ■ No

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.

15. Will your business be located within 300 feet of any private/public school, day care or child care facility?	☐ Yes ■ No
15.a If "YES," are the facilities located on different floors or stories of the building?	☐ Yes ☐ No

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.

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.

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.

16. Will your business be located within 1,000 feet of a private school?	☐ Yes ■ No
17. Will your business be located within 1,000 feet of a public school?	☐ Yes ■ 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.	■ Yes ☐ No
I have reviewed all forms to ensure they are complete.	■ Yes ☐ No
I have obtained all required local and state certifications (pages 3-5).	■ Yes ☐ No
All application packets have been notarized.	■ Yes ☐ No
Phone numbers and email address for Contact Person are up to date.	■ Yes ☐ No
All additional documentation as required by the application packets is attached	■ Yes ☐ No
If required, out of state criminal history checks are attached (PHS #7).	☐ Yes ☐ No ■ N/A
Certification of publication in local newspaper has been completed (page 5).	■ Yes ☐ No ☐ N/A
A copy of the newspaper publication is attached (page 5).	■ Yes ☐ No ☐ N/A

WARNING AND SIGNATURE

IF APPLICANT IS SHOWN AS:	WHO MUST SIGN:
Proprietorship	Individual Owner
Partnership	Partner
Corporation	Officer
Limited Partnership	General Partner
Limited Liability Partnership	General Partner
Limited Liability Company	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. Killen

SIGN HERE

TITLE Member

Before me, the undersigned authority, on this 25 day of June, 20 20, 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

MARY TEUTSCH
Notary Public, State of Texas
Comm. Expires 09-21-2020
Notary ID 1211013-7

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 _____ _____, TEXAS
City Secretary/Clerk 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 _____ _____, TEXAS
City Secretary/Clerk 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

CERTIFICATE OF COUNTY CLERK 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 are correct:

- ☐ The Commissioner's Court of the county has by order authorized the sale of *mixed beverages* between midnight and 2:00 A.M.; or
- ☐ The Commissioner's Court of the county has by order 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 _____ _____ **COUNTY**

County Clerk

SEAL

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE

Section 11.46 (b) & 61.42 (b)

This is to certify on this _____ day of _____, 20_____, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit.

Sales Tax Permit Number _____ Outlet Number _____

Print Name of Comptroller Employee _____

Print Title of Comptroller Employee _____

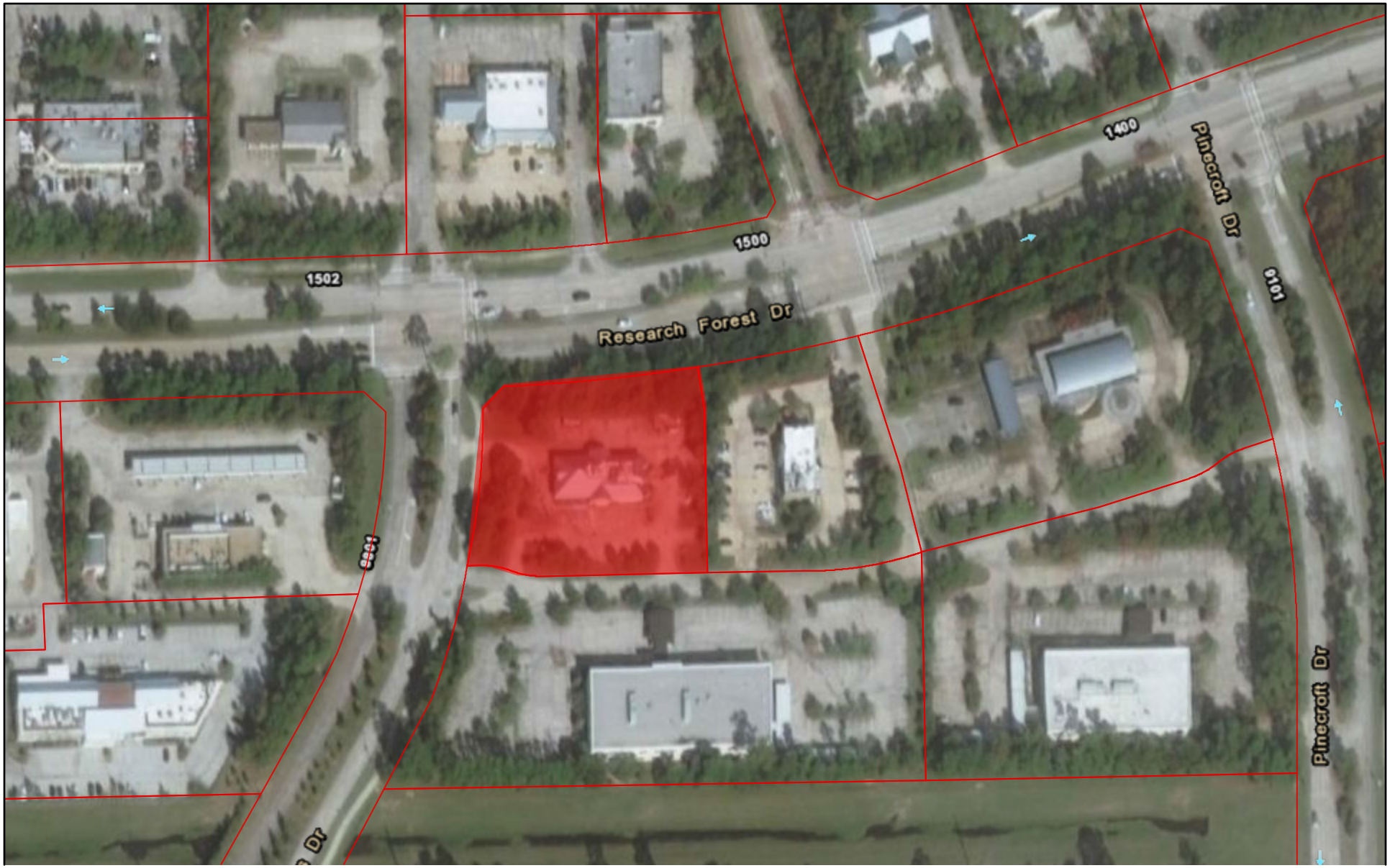
SIGN HERE _____ **FIELD OFFICE** _____

SEAL

PUBLISHER'S AFFIDAVIT (FOR MB, LB, RM, BP, BG, BE, BL & V)

Section 11.39 and 61.38

Name of newspaper		ATTACH PRINTED COPY OF THE NOTICE HERE Hover over to see example
City, County		
Dates notice published in daily/weekly newspaper (MM/DD/YYYY)		
Publisher or designee certifies attached notice was published in newspaper stated on dates shown.		
Signature of publisher or designee		
Sworn to and subscribed before me on this date (MM/DD/YYYY)		
Signature of Notary Public		
SEAL		


1400
Pinecroft Dr
1500
1502
Research Forest Dr
6101
6001
Pinecroft Dr

Shenandoah Planning and Zoning Commission

AGENDA REPORT

AGENDA DATE:	August 18, 2020	PREPARED BY:	Jackie Thompson
DEPARTMENT:	Community Development	EXHIBITS:	Preliminary Report, Property Location, SUP Application

SUBJECT/PROCEEDING:

Preliminary Report regarding the proposed zoning amendment for a special use permit for a Mixed Beverage (On-Premise) Permit. The proposed zoning amendment is for Aloft Hotel located at 19391 David Memorial Drive, Shenandoah, Texas 77381.

Public Hearing regarding the proposed zoning amendment for a special use permit for a Mixed Beverage (On-Premise) Permit. The proposed zoning amendment is for Aloft Hotel located at 19391 David Memorial Drive, Shenandoah, Texas 77381.

RECOMMENDED ACTION:

BACKGROUND/DISCUSSION:

Aloft Hotel located at 19391 David Memorial Drive, Shenandoah, Texas 77381 has requested a Special Use Permit to allow for a Mixed Beverage (On-Premise) Permit.

The Special Use Permit will the following permits be issued to the property.
Mixed Beverage (On-Premise) (MB) - Permit authorizes the holder to sell mixed beverages from unsealed containers and wine, beer, ale and malt liquor in containers of any legal size for on-premise consumption

The business is located in the "OC" – Office Corridor Zoning District.

APPROVALS:

DEPARTMENT HEAD	JThompson	DATE:	August 13, 2020
CITY ADMINISTRATOR		DATE:	August 13, 2020

Revised 05/18

Shenandoah Planning & Zoning Commission
August 18, 2020 and September 15, 2020 Public Hearing
Preliminary Report

Subject: Aloft Hotel has requested a Special Use Permit (SUP) at 19391 David Memorial Drive, Shenandoah, TX to allow for a Special Use Permit for a Mixed Beverage (On-Premise) Permit.

Public Hearings: Planning & Zoning Commission –August 18, 2020
Planning & Zoning Commission – September 15, 2020
City Council – September 23, 2020

Current Zoning District: "OC" Office 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 Mixed Beverage (On-Premise) permit authorizes the holder to sell mixed beverages from unsealed containers and wine, beer, ale and malt liquor in containers of any legal size for on-premise consumption. The SUP will be applicable to 19391 David Memorial Drive, Shenandoah, TX.

Prepared by: Jackie Thompson
Community Development Manager

Date Prepared: August 13, 2020

DocuSign Envelope ID: 8469A9AD-29FE-4ADD-B6F3-E28F1BE429E9

ODOM TEXAS DEVELOPMENT, LLC

1315 Surrey Street
Lafayette, LA 70501

T 337-572-8824
F 888-572-7206
inquiries@odomdevelopment.com

6/25/2020

City of Shenandoah
Attn: City Secretary
29955 IH 45 N
Shenandoah, Texas 77381

RE: Alcoholic Beverage Special Use Permit

Dear Jackie,

This letter serves notice that Odom Texas Development, LLC is requesting a special use permit for alcohol and/or TABC Liquor License for the newly developed ALOFT HOTEL expected to open sometime in 2020. The property is located at 19391 David Memorial Drive, Shenandoah, TX 77381 described as all improvements on 2.073 Acres of Land in the Montgomery County School Land Survey, A-350, City of Shenandoah, Montgomery County, Texas. Reserve A, Block 1, MAFOCA, Sheet 1552.

Sincerely,

DocuSigned by:
Scott Odom
63A7A0DDA844486...

Scott T. Odom
Managing Member
Odom Texas Development, LLC

DocuSign Envelope ID: BB6DE043-5FAA-43B7-89B7-A0FBF6441 7B4

CITY OF SHENANDOAH TEXAS

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): Odom Texas Development LLC

Address: 1315 Surrey Street, Lafayette Louisiana

Zip Code: 70501 Phone: 337-572-8824

Email Address: scott.odom@odomdevelopment.com

Applicants: Odom Texas Development LLC / ALOFT HOTEL

Address: 19391 David Memorial Drive, Shenandoah, TX

Zip Code: 77381 Phone: 337-572-8824

Email Address: scott.odom@odomdevelopment.com

Parcel Information

Type of Business: Hotel

Legal Description: Reserve A, Block 1, MAFOCA record in Cabinet Z, Sheet 1552, Map Records, Mont. Cty, TX

Street Address or Location: 19391 David Memorial Drive, Shenandoah, TX 77381

Submission Information

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

retail dealer's on-premises license mixed beverage permit till 12:00 Midnight

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: $6,602.00 City Permit Fee (1/2 of the amount paid to the State): Exempt until 3rd year after issuance

Date Permit Issued: In Process Permit No. In Process

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: DocuSigned by: Scott Odom 63A7A0DDA844486... Date: 6/26/2020

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*	

Accountable Alcohol Licensing
aalpserveu@gmail.com

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/laws/code_and_rules.asp***

LOCATION INFORMATION

1. Application for: ☒ 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

- ☐ **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
- ☐ **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

☐ Restaurant ☐ Sporting Arena, Civic Center, Hotel ☐ Bar
☐ Grocery/Market ☐ Sexually Oriented ☒ Miscellaneous HOTEL

4. Trade Name of Location (Name of restaurant, bar, store, etc.)
ALOFT HOTEL

5. Location Address
19391 DAVID MEMORIAL DRIVE

City	County	State	Zip Code
SHENANDOAH	MONTGOMERY	TX	77381

6. Mailing Address	City	State	Zip Code
1315 SURREY STREET	LAFAYETTE	LA	70501

7. Business Phone No.	Alternate Phone No.	E-mail Address
PENDING	337-572-8824	scott.odom@odomdevelopment.com

OWNER INFORMATION

8. Type of Owner

- ☐ Individual
- ☐ Partnership
- ☐ Limited Partnership
- ☐ Limited Liability Partnership
- ☐ Corporation
- ☒ Limited Liability Company
- ☐ Joint Venture
- ☐ Trust
- ☐ City/County/University
- ☐ Other _____

9. Owner of Business/Applicant (Name of Corporation, LLC, etc.)
ODOM TEXAS DEVELOPMENT LLC

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: Kevin or Kristin McLeroy	Relation to Business: Licensing Agency - AALP
Phone (mandatory): 936-539-4959	Email (mandatory): aalpserveu@gmail.com

TABC DATESTAMP

11. Are you, the applicant a veteran-owned business?	☐ Yes ■ No
12. Are you, the applicant a Historically Underutilized Business (HUB)?	☐ Yes ■ 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	First Name	MI	Title
ODOM	SCOTT	T	MANAGER

MEASUREMENT INFORMATION
Section 109.31 et seq.

14. Will your business be located within 300 feet of a church or public hospital?	☐ Yes ■ No

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.*

15. Will your business be located within 300 feet of any private/public school, day care or child care facility?	☐ Yes ■ No
15.a If "YES," are the facilities located on different floors or stories of the building?	☐ Yes ☐ No

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.*

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.*

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.*

16. Will your business be located within 1,000 feet of a private school?	☐ Yes ■ No
17. Will your business be located within 1,000 feet of a public school?	■ Yes ☐ 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) 04-28-2020

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

WARNING AND SIGNATURE

IF APPLICANT IS SHOWN AS:	WHO MUST SIGN:
Proprietorship	Individual Owner
Partnership	Partner
Corporation	Officer
Limited Partnership	General Partner
Limited Liability Partnership	General Partner
Limited Liability Company	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 Scott T. Odom **SIGN HERE** [signature]

TITLE Manager

Before me, the undersigned authority, on this 9th day of July, 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 Amanda K Vaussine
NOTARY PUBLIC

SEAL

AMANDA K. VAUSSINE
Notary Public, State of LA.
Notary ID No. 131412

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 _____ City, **TEXAS**

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 _____ City, **TEXAS**

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

S E A L

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

S E A L

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

S E A L

CERTIFICATE OF COUNTY CLERK 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 are correct:

- ☐ The Commissioner's Court of the county has by order authorized the sale of ***mixed beverages*** between midnight and 2:00 A.M.; or
- ☐ The Commissioner's Court of the county has by order 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 _____ County Clerk _____ **COUNTY**

SEAL

COMPTROLLER OF PUBLIC ACCOUNTS CERTIFICATE

Section 11.46 (b) & 61.42 (b)

This is to certify on this 21st day of JULY, 20 20, the applicant holds or has applied for and satisfies all legal requirements for the issuance of a Sales Tax Permit under the Limited Sales, Excise and Use Tax Act or the applicant as of this date is not required to hold a Sales Tax Permit.

Sales Tax Permit Number 32054509164 Outlet Number 00001

Print Name of Comptroller Employee VINCENT SALA

Print Title of Comptroller Employee CO

SIGN HERE _____ **FIELD OFFICE** 2H31

SEAL

PUBLISHER'S AFFIDAVIT (FOR MB, LB, RM, BP, BG, BE, BL & V)

Section 11.39 and 61.38

Name of newspaper		ATTACH PRINTED COPY OF THE NOTICE HERE Hover over to see example
City, County		
Dates notice published in daily/weekly newspaper (MM/DD/YYYY)		
Publisher or designee certifies attached notice was published in newspaper stated on dates shown.		
Signature of publisher or designee		
Sworn to and subscribed before me on this date (MM/DD/YYYY)		
Signature of Notary Public		
SEAL		

19300
David Memorial Dr
157
158
David Vetter Blvd
158
David Vetter Blvd
45

Shenandoah Planning and Zoning Commission

AGENDA REPORT

AGENDA DATE:	August 18, 2020	PREPARED BY:	Jackie Thompson
DEPARTMENT:	Community Development	EXHIBITS:	

SUBJECT/PROCEEDING:

Discussion regarding updating the City's Comprehensive Plan.

BACKGROUND/DISCUSSION:

1. Discussion regarding the importance of the Comprehensive Plan
2. Discussion regarding updating the Comprehensive Plan Map

APPROVALS:

DEPARTMENT HEAD	JThompson	DATE:	August 14, 2020
CITY ADMINISTRATOR		DATE:	August 14, 2020

MINUTES OF SPECIAL MEETING

May 5, 2020

PLANNING & ZONING COMMISSION

1. CALL TO ORDER

The meeting was called to order by Chairman Ash at 6:00 p.m.

2. CALL OF ROLL

Commissioners present Chairman Ash, Mr. Bob Galatas, Mr. Wes Stephens , and Mr. Jim Pollard. Also present were Jackie Thompson.

3. CITIZENS FORUM (CALL IN ONLY)

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

Chairman Ash advised none for the record.

4. Presentation of a Planning and Zoning Commission Preliminary Report regarding the proposed zoning amendment for Special Use Permit Mixed Beverage Restaurant Permit with Food and Beverage Certificate. The proposed zoning amendment is for 1644 Research Forest Dr, Suite 100, Shenandoah, Texas.

Mrs. Thompson stated that Lama Mediterranean Cuisine, located at 1644 Research Forest Drive, Suite 100 has requested a Special Use Permit to allow for a Mixed Beverage (On-Premise) Permit with Food and Beverage Certificate. The Special Use Permit will the following permits be issued to the property. Mixed Beverage Permit(MB) – Permit Authorizes the holder to sell mixed beverages form unsealed containers and wine, beer, ale, and malt liquor in container of any legal size for on-premise consumption. Food and Beverage Certificate (FB) – A Food and Beverage Certificate may be issued to the holder of 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 "NS" – Neighborhood Service Zoning District

5. Public Hearing regarding the proposed zoning amendment for Special Use Permit Mixed Beverage Restaurant Permit with Food and Beverage Certificate. The Proposed zoning amendment is for 1644 Research Forest Drive, Suite 100, Shenandoah, Texas.

Chairman Ash opened the public hearing at 6:09 p.m. The Commission discussed the request for mixed beverage being without late hours. Mrs. Thompson confirmed the request is for mixed beverage without late hours.

Chairman Ash asked if there was any other comments or questions and with none closed the Public Hearing at 6:10 P.M.

6. Presentation of an Planning and Zoning Commission Preliminary Report regarding the zoning amendment to amend Special Use Permit Ordinance No. O-18-005 providing for a minimum square footage of retail use, parking structure, and granting and extension to the expiration of the special use permit. The proposed zoning amendment is for 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.

   Mrs. Thompson stated this is the Woodloft project. It is the 5 acres development situated along I-45 , David Vetter & David Memorial. The property currently has a special use permit that would provide for a certain number of retail space on the first floor, parking structural, and a minimum and maximum number of multifamily units on the site. The property currently has a building permit issued. The developer has come back to the City and requested these three amendments be made to their use permit. Increase the square footage from 14,500, minimum retail space to 15,000, and reduce the number of multifamily units from 300 to 285. With this request for amendment they have asked for a six months extension to the current SUP expiration. Which would have their SUP expire January of 2021. The development will look slightly different. The plan is to have free standing retail on the front, one building in the back is the multifamily use. Commissioner Galatas asked if this was the same set of developers that came in a couple of years ago that stated that they were about ready to go. Mrs. Thompson stated that was correct. Chairman Ash stated that we have been dealing with the project for a while, they came in and then it sat for a while, since before 2014? Mrs. Thompson stated that 2014 was the first time a use permit was issued to this site, for the current use. Adding that use permit expired and an application was made in Feb. 2018, the commission granted the use permit alone with City Council, an extension granted in Feb of 2019 to extend until Aug 2020. A building permit has been issued to prolong that SUP. Now the developer has asked for amendments with an extension.

7. Public Hearing regarding the proposed zoning amendment to amend Special Use Permit Ordinance No. O-18-005 providing for a minimum square footage of retail use, parking structure, and granting and extension to the expiration of the special use permit. The proposed zoning amendment is for 5.1923 acres of land is Restricted "A" of the Eastwood Village Replat No. 1 recorded on Cabinet Z Sheet 3434 M.R.M.C.

   Open Public Hearing at 6:14 P.M.

   Chairman Ash asked what is the motivation or reasoning for the amendment? Zane Segal, Woodloft, with the development partners stated the motivation is the investor group that they were working with was not able to raise the equity because there was some strategic flaws in the plan according to them. The first thing being having apartments on top of retail. Which is not the best solution as it turns out. What they are looking at is if

we much more efficient layout if divide the two uses into apartments in the back and retail in the front with no apartments above it. But this has a couple of affects, one it will all be developed by them, the same development group, but the investor group can be separate groups on these two projects. The second affect is they are simplify the project itself. They are removing the underground parking which was to service the apartments on the front building, those apartments are going away. What they are doing is adding one floor to the apartments in the back. Everything will be the same, adding one floor to the parking and one floor to the apartments. It will be about two hundred eighty five or two hundred seventy five, depending on how it is done. The apartments sizes, the units themselves will be identical to what was previous were. Chairman Ash stated that there will just be fewer of them? Commissioner Galata asked the investor group that approved what you had before is the same they just changed their mind? Zane stated no, that they brought in partner called Juniper Investment, a large owner of apartments in the Texas region that owns about twenty two thousand units, I believe. They came in last September as a joint venture partner. As its co-general partner they are the ones that have access to the equity. There investors told them that this project was too big and too expensive the way its laid out because of the structure parking, podium, and another uses. They are not changing anything, just creating a simpler project. Commissioner Galata asked if the original investors gone and have a new group of investors? Kevin Kirton, Woodlofts, stated no, that they have a chunk of equity invested in the deal that was used to buy the site to begin with. They only anticipated bringing in some additional LP equity investors and they have a chunk of that money available, but they could not get enough of equity raised to cover the whole cost of seventy eight million dollar proposal because of the problems that were disused. They now have enough money raised to accomplish the development as shown in the new package. Dividing it up they can internally handle the resale portion of it. And have raised enough money to do the back portion of it. In addition they have the debt that is ready to go on it. Commissioner Galata asked if they have any retail planned to be in it? Mr. Kirton stated that they did at one time when they looked at doing a standalone retail piece in the front, they do not anticipate any problems. The fact that stand alone retail lease is better too, then the mix use retail, because of the way the property can use the circulation. You can have a drive thru on the endcap pieces. It's just simpler an easier for people to see to get in and out & utilize the retail that way. You will have some utilization of the retail with the apartments in the back. Commissioner Galata asked how many retail spots to you have to sell? Mr. Kirton stated based on information when the site was set out before & consulted with big named business in the market, one large restaurant and bar around five thousand square feet, several smaller pieces, around three thousand square feet for maybe a coffee shop. Mr. Segal stated that they had five or six letters of intent when they were looking to do this a couple of years ago. But they felt at the time they could pull off the full project the way it was conceptualize, it would have been more profitable for them. But once the investor community said it's too complicated, they just want to simplify it. Matthew Morgan, Woodlofts, stated that there multifamily investors group does not want to do retail investors. The multifamily community as a whole kind of

frown's upon doing retail with the multifamily use. What they are trying to do is approach this project as a single project, but try do it into two different investments. Retail investments group can be handled internally, be financed inhouse. By breaking the retail out in the manner in the presentation that was submitted. That brings the overall project size down to around fifty million dollars. And they have raised the common equity together to be able finance that size multifamily project, which are two hundred eighty five units. It would be two different investor groups and two different standalone buildings. Commissioner Galata asked if they say yes to the redraw, do they have the money in place to start going? Mr. Morgan stated that yes they do, that they need to get the redraw done and resubmitted & repermitted. The back building operates almost in of itself as presently designed, so it want take the design team much time. It's the same building all of the amenity's for the multifamily use are located in that building as is now. They are not starting from scratch from a design standpoint. Somewhere between fifty to ninety days to have the design revisions completed and resubmitted. Kevin stated that they have documents for the loan from the bank they are using. They were confident that they were going to raise the rest of the equity. Seth Morland, Woodlofts, stated that they have done their best to get the equity raised with the mix use project and the feedback that they got back from there investor group was they were getting heartburn over the mix use model and the separation of use. Commissioner Galata asked Jackie what does the City think? Mrs. Thompson stated there has been discussion with Zane when the application came in. It's always nice to have additional retail and with the traffic concerns, & reduce number in the multifamily would alleviate maybe some traffic concerns or added traffic if you're looking at two hundred eighty five verses three hundred fifteen units. What was stated early, we were very up front with Zane there is a concern getting the project pushed forwarded, since it has been ongoing for a while, to start seeing some movement forward. With construction with on that site, in that area they are putting in sidewalks to connect to some of the amenities that are already over there. So we would like to see the project as a whole to move forward so we could get those put in. Commissioner Galata asked Jackie is she like the redraw and what they are proposing? Mrs. Thompson stated that she hasn't seen plans on those. The use that they are speaking of, fits within the zoning district the use is allowed over there. The only reason for the SUP is there is no first floor retail. So we are not talking about added uses that wouldn't be above what we currently allow. Chairman Ash asked if the apartments would be in the back and one building be retail and another apartments and no breezeway between them. Mrs. Thompson stated that is correct. Mr. Segal stated that the retail building is alone the freeway & the apartment building is to the east. Chairman Ash asked if the retail building would still be that tall, or be a single story? Mr. Morgan stated that it would be a one story building in the front. Commissioner Galatas stated that it's not like the apartments only look at the rear of the building. Its intergraded that you can walk into the retail? Mr. Morgan stated yes. Commissioner Pollard stated that this is better for the City he believes because it's going to give more retail and sales taxes, and does not look bad to him at all. Mr. Kirton stated that he is correct that this will increase the amount of retail with the results with

this change, its more efficient design for both projects. They do not have the underground which was pretty complicated on this deal. Mix use can work in more urban environments, this place is miss urbanizing, this is why you see us wanting to do a five story residential. It still functions better with two independent developers. Commissioner Galatas stated that in the prior illustration called for parking below grade and I would say what about flooding, rains & pump, the answer I got if I recall was we have pumps. I like that it's not below grade or underground. Chairman Ash stated that this is just a public hearing. Mrs. Thompson stated that yes it's one of two. Commissioner Stephens stated that he had a couple of questions. As this intends to go forward, will it be replatted into two separate property's or will it continue on as one property and one owner? Mr. Kirton stated that it will need to be replatted into two reserves so they can separate the financing for the retail from the multifamily. Commissioner Stephens asked Jackie if procedural if we separate this into two reserves and two plats does it fit under one SUP? Mrs. Thompson stated it would, the SUP is for the total acreage. We could get clarification from the City attorney. Commissioner Stephens stated that he would just like to know we are moving procedural there. From the originally project, does the apartment size remain the same expected price point, will that remain the same? Mr. Morgan stated the size of the units will be the same, as well as the price point. They are looking at a product that will service beyond the millennium types and maybe some home builders in the process but not ready to move in their homes. Commissioner Stephens asked what is the price point on one of these? Mr. Morgan stated a dollar eighty per square foot on nine hundred units around fifteen to sixteen hundred dollars on an average. Commissioner Stephens asked Jackie is by adding one story to this will it cause a conflict with building height. Mrs. Thompson stated that she did not see a height called out on it. Kevin stated that in the current building in the front is six stories, so they are going to be one story lower than that in this design. Commissioner Stephens stated that were he is headed with this, is that he doesn't want to move forward with this and if we give another extension, then have a blizzard of variance requests. Zane stated that one of the points that were made is that they have adhered to is the parking code without variance, for apartments & retail use and they still will. Mr. Segal stated they have not asked for any variance. Commissioner Stephens stated that it's a blanket statement that he uses, because there are developers that will get there project approved and then come back in and ask for a variance. Mr. Segal stated that they have not done that in several years here, that they have paid for all application and building permits twice. They really believe that this will work. Chairman Ash asked if there is any more comments or questions? Commissioner Stephens stated that backed on the renderings that it looks like a nice project.

Closed public hearing at 6:37

8. <u>Consideration and possible action to approve or deny Minutes of the December 17, 2019 Regular Meeting, January 7, 2020 Special Meeting and January 21, 2020 Regular Meeting of the Planning and Zoning Commission.</u>

COMMISSIONER BOB GALATA MADE A MOTION TO APPROVED THE MINUTES OF THE DECEMBER 17, 2019 REGULAR MEETING, JANUARY 7. 2020 SPECIAL MEETING AND JANUARY 21, 2020 REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION.

COMMISION STEPHENS SECOND THE MOTION. MOTION CARRIED UNANIMOUSLY

9. City Administration updates

Mrs. Thompson stated that the will have another Web meeting on May 19, 2020 at 6:00 p.m. She will send the agenda out as soon as possible.

10. Commissioner's Inquiry.

Commissioner Galatas stated that he would have a new member taking his place in June. He stated that he spoke to Rich about this. Commissioner Pollard asked what the timing going to be on the turn lane at Grogans Mill and Research, there are flags up. It looks like that are getting ready to start something, are they going to extend that? Mrs. Thompson stated that Joseph and Kathie have been a little more involved with this, she will ask and follow up with an email. Commissioner Galatas stated according to the signs that the sidewalks are closed, and he thinks it's going to be a decade right hand lane so it would be easier to get out of Grogans Forest. Commissioner Pollard asked if there was any information to share about the Chief of Police and was there any turn over with police officers? Mrs. Thompson stated that from the monthly reports that the City has had no turnover in the police department as for as officers are concerned. Staff was notified about Raymond's departure from the City, and Troyes acting as interim Police Chief. Commissioner Pollard stated that the rumor was that two officers resigned as well. Mrs. Thompson stated that she has not be notified that any officers resignation. Commissioner Pollard asked about the entrance for the Woodlands, its down for about a year. Mrs. Thompson not sure if it's been held off based off the construction being done out there.

ADJOURN

Chairman Ash called the meeting adjourned at 6:43 p.m.

SUBMITTED BY: _____ DATE APPROVED: _____

Courtney Clary, City Secretary

_____

Chairman Stephens

MINUTES OF REGULAR MEETING

May 19, 2020

PLANNING & ZONING COMMISSION

1. CALL TO ORDER

The meeting was called to order by Chairman Ash at 6:00 p.m.

2. CALL OF ROLL

Commissioners present Chairman Ash, Mr. Bob Galatass, Mr. Wes Stephens , and Mr. Jim Pollard, Mark Hendon. Also present were Jackie Thompson

3. CITIZENS FORUM (CALL IN ONLY)

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

Chairman Ash advised none for the record.

4. Presentation of a Planning and Zoning Commission Preliminary Report regarding the proposed zoning amendment for Special Use Permit Mixed Beverage Restaurant Permit with Food and Beverage Certificate. The proposed zoning amendment is for 1644 Research Forest Dr, Suite 100, Shenandoah, Texas.

Mrs. Thompson stated that Lama Mediterranean Cuisine, located at 1644 Research Forest Drive, Suite 100 has requested a Special Use Permit to allow for a Mixed Beverage (On-Premise) Permit with Food and Beverage Certificate. The Special Use Permit will the following permits be issued to the property. Mixed Beverage Permit(MB) – Permit Authorizes the holder to sell mixed beverages form unsealed containers and wine, beer, ale, and malt liquor in container of any legal size for on-premise consumption. This property is located in the "NS" – Neighborhood Service Zoning District. Similar SUP have been granted in this surrounding area. This is the second of two public hearings, & staff has received no comments for or against this item.

5. Public Hearing regarding the proposed zoning amendment for Special Use Permit Mixed Beverage Restaurant Permit with Food and Beverage Certificate. The Proposed zoning amendment is for 1644 Research Forest Drive, Suite 100, Shenandoah, Texas.

Open Public Hearing at : 6:03 P.M.

Chairman Ash asked if there was any other comments or questions.

Commissioner Pollard asked if the public notice was ran in the newspaper. Mrs. Thompson advised that the City runs it, and it runs in Courier. Chairman Ash stated that they post signs, he has walked passed them. Mrs. Thompson advised that yes, the City post legal notices. Chairman Ash stated that right now they sever beer and wine, but now want to serve mix beverages. Mrs. Thompson advised that is correct.

Public Hearing closed at 6:04 P.M.

6. Consideration and possible action to recommend to City Council approval or denial regarding the proposed zoning amendment for Special Use Permit Mixed Beverage Restaurant Permit with Food and Beverage Certificate. The proposed zoning amendment is for 1644 Research Forest Drive, Suite 100, Shenandoah, Texas.

   COMMISSIONER POLLARD MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL APPROVAL REGARDING THE PROPOSED ZONING AMENDMENT FOR SPECTIAL USE PERMIT MIXED BEVERAGE RESTAURANT PERMIT WITH FOOD AND BEVERAGE CERTIFICATE. COMMISSIONER STEPHENS SECONDED THE MOTION.

   MOTION CARRIED UNANIMOUSLY

7. Presentation of an Planning and Zoning Commission Preliminary Report regarding the zoning amendment to amend Special Use Permit Ordinance No. O-18-005 providing for a minimum square footage of retail use, parking structure, and granting an extension to the expiration of the special use permit. The proposed zoning amendment is for 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.

   Mrs. Thompson stated that they have withdrawn there SUP application request at this time. Commissioner Galatas asked if they were not going to building or not building like they wanted to change it? Mrs. Thompson advised that with some of the questions that were raised in the last meeting. The withdrawn noticed stated that they were going to go back and make sure they have everything fulfilled before coming back to the City and asking for amendments to make sure that they can comply . With the ideal with that they would subdivide the property and the questions that were raised by Commission Stephens and herself throughout the pass couple of day. They are going to make sure that they can meet the requirements before they come back in, so they do not have .

8. Public Hearing regarding the proposed zoning amendment to amend Special Use Permit Ordinance No. O-18-005 providing for a minimum square footage of retail use, parking structure, an granting an extension to the expiration of the special use permit. The proposed zoning amendment is for 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.

   No public hearing due to SUP being withdrawn

9. Consideration and possible action to recommend to City Council approval or denial regarding the proposed zoning amendment to amend Special Use Permit Ordinance No. O-18-005 providing for a minimum square footage of retail use, parking structure, and granting an extension to the expiration of the special use permit. The proposed zoning amendment is for 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.

No action taking due to the SUP being withdrawn

10. 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 1500 Research Forest Drive, Suite 240, Shenandoah, Texas.

    Mrs. Thompson advised that this is a beer and wine permit for Ploy Thai cuisine located at 1500 Research Forest Dr. Suite 240. They have requested a wine and beer on-premise permit with the food and beverage certificate. Which will authorize the restaurant to sell for on-premise consumption. Beer and wine with a certain percentage as allocated by the TABC to customers. The property is located in the "NS" – Neighborhood Service Zoning District. This is the first of two public hearings.

11. 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 1500 Research Forest Drive, Suite 240, Shenandoah, Texas.

    Chairman Ash Open the Public Hearing at 6:09 P.M.

    Commissioner Stephens stated that he does not have any issues with this request.

    Chairman Ash closed the public hearing at 6:10 P.M.

12. City Administration updates

    Mrs. Thompson stated following up from Commissioner Pollards questions at the last meeting regarding the Grogans improvements. She spoke with the Public Works department, unfortunately they do not have an update on the sign and replacement, and suggested that you refer those questions to the Woodlands. But the road improvement turn lane is in the works. They are waiting on Entergy to remove or relocate a light pole. Then that project can begin. This will be Commissioner Galatass and Chairman Ash last meeting. We will have new appointments come in June. There seats have been replaced with Mr. Escoto for Chairman Ash Seat, and Commissioner Galatas requested the Mr. Cloninger take his seat.

13. Commissioner's Inquiry.

    Commissioner Pollard asked about the fences on Wellman separating the homes along Wellman Drive, is this the Shenandoah , Woodlands, fences or homeowners? Mrs. Thompson stated the fence behind the houses on Silverwood and Silverwood Ranch Est. those are on their property. Those were put in with the development and the City does not maintain them. The homeowner has been doing the fence repair & improvements. Commissioner Pollard asked about the fences along Avalon Oaks that back up to Wellman? Mrs. Thompson stated that she would need to look at where those fence sit. Commissioner Pollard asked if the Woodlands or

Shenandoah would be responsible for those fences. Mrs. Thompson advised that she would check on it. Commissioner Stephens stated that this request could be put into go-gove and code enforcement could go and take a look at it especial if it's in disrepair. Commissioner Stephens thanked Commissioner Galatas and Chairman Ash for their service.

ADJOURN

Chairman Ash called the meeting adjourned at 6:15 p.m.

SUBMITTED BY: _____ DATE APPROVED: _____

Courtney Clary, City Secretary

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Chairman Stephens