



NOTICE OF REGULAR MEETING

September 15, 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, September 15, 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 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.
5. 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.
6. Consideration and possible action to recommend approval or denial 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.
7. 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.

8. 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.
9. Presentation and discussion regarding proposed material change for MillCreek Residential located at 8900 Six Pines Drive.
10. Discussion regarding updating the City's Comprehensive Plan.
11. Discussion and possible action regarding the regular scheduled meeting in November.
12. Consideration and possible action to approve or deny minutes of the June 16, 2020 Regular Meeting and the July 21, 2020 Regular Meeting of the Planning and Zoning Commission.
13. City Administration Updates.

COMMISSIONER'S INQUIRY

14. 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 11th day of September, 2020 at 2:00 p.m.



Jackie Thompson, Deputy City Secretary





Shenandoah Planning and Zoning Commission

AGENDA REPORT

AGENDA DATE: <u>September 15, 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 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.

Consideration and possible action to recommend approval or denial 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		DATE: <u>September 12, 2020</u>
CITY ADMINISTRATOR		DATE: <u>September 12, 2020</u>

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.

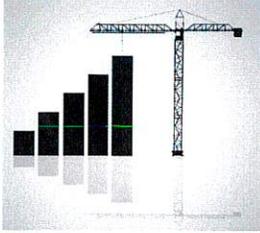
Public Hearings: Planning & Zoning Commission –August 18, 2020
Planning & Zoning Commission – September 15, 2020
City Council – September 23, 2020

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



**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



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 Olson Date: 6/26/2020
83A7A0DDA844486...
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.

<h1>Date Received</h1> <p>Office Use</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/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

<input type="checkbox"/> BG Wine and Beer Retailer's Permit	<input type="checkbox"/> LB Mixed Beverage Late Hours Permit
<input type="checkbox"/> BE Beer Retail Dealer's On-Premise License	<input type="checkbox"/> MI Minibar Permit
<input type="checkbox"/> BL Retail Dealer's On-Premise Late Hours License	<input type="checkbox"/> CB Caterer's Permit
<input type="checkbox"/> BP Brewpub License	<input type="checkbox"/> FB Food and Beverage Certificate
<input type="checkbox"/> V Wine & Beer Retailer's Permit for Excursion Boats	<input type="checkbox"/> PE Beverage Cartage Permit
<input checked="" type="checkbox"/> MB Mixed Beverage Permit	<input type="checkbox"/> RM Mixed Beverage Restaurant Permit with FB
<input type="checkbox"/> O Private Carrier's Permit -Brewpubs (BP) with a BG only	<input type="checkbox"/> E Local Cartage Permit - Wine/Beer retailers (BG) Only

3. Indicate Primary Business at this Location

<input type="checkbox"/> Restaurant	<input type="checkbox"/> Sporting Arena, Civic Center, Hotel	<input type="checkbox"/> Bar
<input type="checkbox"/> Grocery/Market	<input type="checkbox"/> Sexually Oriented	<input checked="" type="checkbox"/> Miscellaneous <u>HOTEL</u>

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

5. Location Address
19391 DAVID MEMORIAL DRIVE

City SHENANDOAH	County MONTGOMERY	State TX	Zip Code 77381
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6. Mailing Address 1315 SURREY STREET	City LAFAYETTE	State LA	Zip Code 70501
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7. Business Phone No. PENDING	Alternate Phone No. 337-572-8824	E-mail Address scott.odom@odomdevelopment.com
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OWNER INFORMATION

8. Type of Owner

<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> City/County/University
<input type="checkbox"/> Partnership	<input checked="" type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Other _____
<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Joint Venture	
<input type="checkbox"/> Limited Liability Partnership	<input type="checkbox"/> Trust	

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? <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 ODOM	First Name SCOTT	MI T	Title MANAGER
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 checked="" type="checkbox"/> Yes <input 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) 04-28-2020
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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 Scott T. Odom

SIGN HERE



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



NOTARY PUBLIC



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

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

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 21st day of JULY, 2020, 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 [Signature] 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)		
<i>Publisher or designee certifies attached notice was published in newspaper stated on dates shown.</i>		
Signature of publisher or designee Sworn to and subscribed before me on this date (MM/DD/YYYY)		
Signature of Notary Public		
SEAL		





Shenandoah Planning and Zoning Commission

AGENDA REPORT

AGENDA DATE: <u>September 15, 2020</u>	PREPARED BY: <u>Jackie Thompson</u>
DEPARTMENT: <u>Community Development</u>	<u>Comparison reports, Preliminary Report, Property location, Rezoning Application</u>
	EXHIBITS: <u>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:

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.

The property has been issued two prior special use permits for a mixed use project proposed to have 300 – 350 multifamily units, 14,500 square feet of retail along I45 and a parking structure. The prior applicant has expanded their partnership to include Juniper Investment Group and are proposing a revised project for the property that they are easily able to finance. The proposed rezoning provides for an independent retail reserve along IH 45 and a multifamily reserve with a parking structure along David Vetter BLVD and David Memorial DR.

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 minimum of 125 units and a maximum of 285 units on the multifamily reserve.
 2. 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.
 3. Amenities – Private amenities for the multifamily apartment are planned. Specific amenity types listed in Chart 1.

- 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.**
- 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 per Master Plan.
 3. Section 5.7.3 – Dumpsters requested to be per Master Plan.
 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.
 5. Miscellaneous – Provides payment for Impact Fee and credit for prior permits issued for the project.
- 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 to be planted 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. A minimum amount of credit to be provided per lot are included in Chart 1.

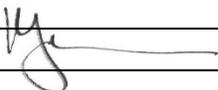
APPROVALS:

DEPARTMENT HEAD



DATE: September 12, 2020

CITY ADMINISTRATOR



DATE: September 12, 2020

Shenandoah Planning & Zoning Commission
September 15, 2020 and October 20, 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 –September 15, 2020
Planning & Zoning Commission – October 20, 2020
City Council – October 28, 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: September 11, 2020

Table 1 Comparison Sheet

Table 1	Retail, Restaurant, Bar, & All Other Commercial Use	Multi-Family Residential Use	Shenandoah Ordinance Retail Commercial Zone
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	10 feet	10 feet	**Setbacks are determined by front , back and side property lines** Rear Setback – 10 feet unless served from the rear
Floor Area Ratio (“FAR”)	0.18	3.36	Per IDC 1 Story Commercial 0.32, 4 – 8 Story Residential 1.41

Table 1 Comparison Sheet

Maximum Impervious Coverage (Minimum Total Landscape Area)	75% (25%)	85% (75%)	80% per property
Minimum Required Tress Canopy Area Credits	29,400 Square Feet	50,400 Square Feet	
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	
Site and Common Area Amenities	N/A	Swimming Pool, Landscape Courtyard, Outdoor Living Area, Gas Grills, Dog Park, Dog Wash, Fitness Room, Group Exercise Room, Conference Room, Mail Room, Lounge/Cyber-Café, Media/Game Room	
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.	15 feet	15 feet	15 feet on property.
Vegetation Barrier along property lines interior to the WOODLOFTS PARK PDD	10 feet	00 feet	15 feet

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 of Shenandoah regulations.

The intent and purpose for this PDD is consistent with Section 2.24.2 of the 2011 City of Shenandoah Integrated Development Code (“IDC”). This PDD shall be designated PD-14 WoodLofts Park PDD. The area of this PDD exceeds five (5) acres and is described on Exhibit A, the Master Plan (as defined below).

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

The WOODLOFTS PARK PDD proposed build-out condition will include retail, restaurant, and market-rate multi-family residential uses. 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 IDC, this WOODLOFTS PARK PDD proposes to use the Retail Commercial Zoning District (“RC 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 and incorporated herein (the “Master Plan”), 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.

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 RC Zoning District as the base zoning district. Development within the WOODLOFTS PARK PDD will be regulated by the IDC as amended by this WOODLOFTS PARK PDD. Where no amendments are specified, development requirements shall be per the IDC:

(a) *Multi-family Residential Use.*

Multi-family Residential shall be allowed within the Reserve B, as detailed on the Master Plan, defined as being a building designed for occupancy by three (3) or more families living independently of each other. All of the residential units shall be located on one (1) lot or platted reserve under single ownership. All corridors will be climate-controlled (air conditioning and heating). Commercial uses complying with the allowable uses of the RC Zoning District will be allowed, but not required, on the first floor of multi-family residential buildings. All multi-family residential units shall be market-rate (i.e. rents charged shall be determined by prevailing market conditions).

(b) *Retail & Restaurant Uses.*

Reserve A, as detailed on the Master Plan, 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 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.

(c) *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. Specific amenities for each reserve are stipulated in Table 1, below.

(d) *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 IDC.

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

Table 1	Retail & Restaurant Uses (Reserve "A")	Multi-Family Residential Use (Reserve "B")
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 ¹	10 feet	10 feet
Floor Area Ratio ("FAR") ²	0.18	3.36
Maximum Impervious Coverage (Minimum Total Landscaped Area) ³	75% (25%)	85% (15%)

Minimum Required Tree Canopy Area Credits	29,400 square feet	50,400 square feet
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
Site and Common Area Amenities	N/A	Swimming Pool, Landscaped Courtyard, Outdoor Living Area, Gas Grills, Dog Park, Dog Wash, Fitness Room, Group Exercise Room, Conference Room, Mail Room, Lounge/Cyber-Cafe, Media/Game Room
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.	15 feet	15 feet
Vegetation Barrier along property lines interior to	10 feet	10 feet

the WOODLOFTS PARK PDD ¹		
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¹ As shown on the Master Plan, the sole interior property line bifurcates a shared access easement. The ten-foot (10') building setback referenced in this Table 1 will: 1) extend ten feet (10') from the back-of-curb of the paved access drive to be located within this shared access easement, 2) dually fulfill the requirements for a ten-foot (10') building setback and a ten-foot (10') vegetation barrier established herein, and 3) contain plantings only in all unpaved areas located within it.

² Floor Area Ratio ("FAR") shown in Table 1 for Reserve B includes the structured parking garage shown on the Master Plan; the FAR for Reserve B excluding the parking garage is 2.20. The combined FAR for both Reserve A and Reserve B, including the Reserve B parking garage, is 2.12. The combined FAR for both Reserve A and Reserve B, excluding the Reserve B parking garage, is 1.42.

³ Maximum impervious coverage and total landscaped area percentages are shown for individual Reserves A and B. The combined maximum impervious coverage and total landscaped area percentages for both Reserve A and Reserve B are 80% and 20%, respectively.

(f) *Development Standards.*

Reserve A and Reserve B will be developed 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 Temporary Certificate of Occupancy or a Certificate of Occupancy for the multi-family residential building to be built on Reserve B.

The completed WOODLOFTS PARK PDD may include up to the maximum development use intensities shown in the following Table 2 and must include at least the minimum use intensities shown. Nothing in this Table 2 shall prohibit the development of additional uses allowed by the RC Zoning District or additional intensities so long as the minimum development use criteria are met:

Table 2	Reserve A - Retail & Restaurant – Shops at the WoodLofts	Reserve B – Multi-Family Residential – The WoodLofts
Retail & Restaurant Use	15,000 Square Feet New Development Minimum	None
	No Maximum	None
Multi-Family Residential Use	None	125 Units Minimum
	None	285 Units Maximum

Sec. 2.03. - Parking.

The WOODLOFTS PARK PDD development will comply with the parking requirements provided in the IDC, 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 each 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.
- (c) The developer may comply with the shared parking requirements of the IDC.
- (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 IDC.

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(d) 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(d) 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

One 10' x 40' off-street loading area will be required for Reserve B as depicted on the Master Plan in lieu of the requirements of Section 5.3.3.

Sec. 5.7.3 — Trash Dumpsters and Enclosures

Reserve B shall be served by one or more trash rooms as depicted on the Master Plan in lieu of the requirements of Section 5.7.3

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.

Miscellaneous

Prior to, or contemporaneous with, the issuance of any certificate of completion or certificate of occupancy for Reserves A or B, the developers of the WOODLOFTS PARK PDD will pay to the City of Shenandoah a capital recovery fee (or impact fee) in an amount equal to that which would have otherwise been required for any permitted new development on Reserves A and B pursuant to any future IDC amendment adopted by the City of Shenandoah enacting such a fee. If no such ordinance is adopted enacting such a fee prior to the time of issuance of any certificate of completion or certificate of occupancy for Reserves A or B, then the developers of the WOODLOFTS PARK PDD will pay to the City of Shenandoah, in lieu of said fee, an amount equal to \$1.00 per net rentable square foot of the combined net rentable square footage constructed on Reserves A and B. An amount equal to \$181,594.70, representing fees paid to the City of Shenandoah for expired building permits previously issued on August 13, 2019 will be credited towards any fee due from the developers of the WOODLOFTS PARK PDD pursuant to this paragraph.

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(d) 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, Reserve A and Reserve B shall each meet the minimum tree canopy area credit counts shown in Table 1, above.

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.



MAXIMUM OF 285 UNITS

MASTER DEVELOPMENT PLAN
 WOODLOFTS PARK PLANNED DEVELOPMENT DISTRICT
 DEVELOPER: WOODLOFTS SHENANDOAH, LTD.



MODERA SIX PINES

Updated Architectural Rendering for Masonry portion of Building Facade from Stone to Brick

8900 Six Pines Drive
Shenandoah, Texas 77381



Dark Sections Urban
Bronze

Gray is "Amazing Gray"
colored Stucco.

White is "White Tail"
colored Stucco

Cream/White is Acme
White Bluff Brick

Millcreek Residential Trust's Modera Six Pines
8900 Six Pines Drive
Shenandoah Texas 77381

**Presentation of Masonry Portion of
Building Façade**

Attention: Danny Svoboda, Building Inspector
City of Shenandoah, Texas

[Purpose of Presentation](#)

Building Architectural Drawings state the masonry portion of the building façade to be stone, whereas Millcreek chooses to use a brick in these sections. This clarification does not involve any required structural revisions to the documents.

Original Conceptual Rendering
Submitted to City of Shenandoah 2017



Dark Sections Urban Bronze

Gray is "Amazing Gray"
colored Stucco.

White is "White Tail"
colored Stucco

Tan is Building Masonry
Sections

MODERA SIX PINES

Building Façade Mock Up Chosen by Millcreek

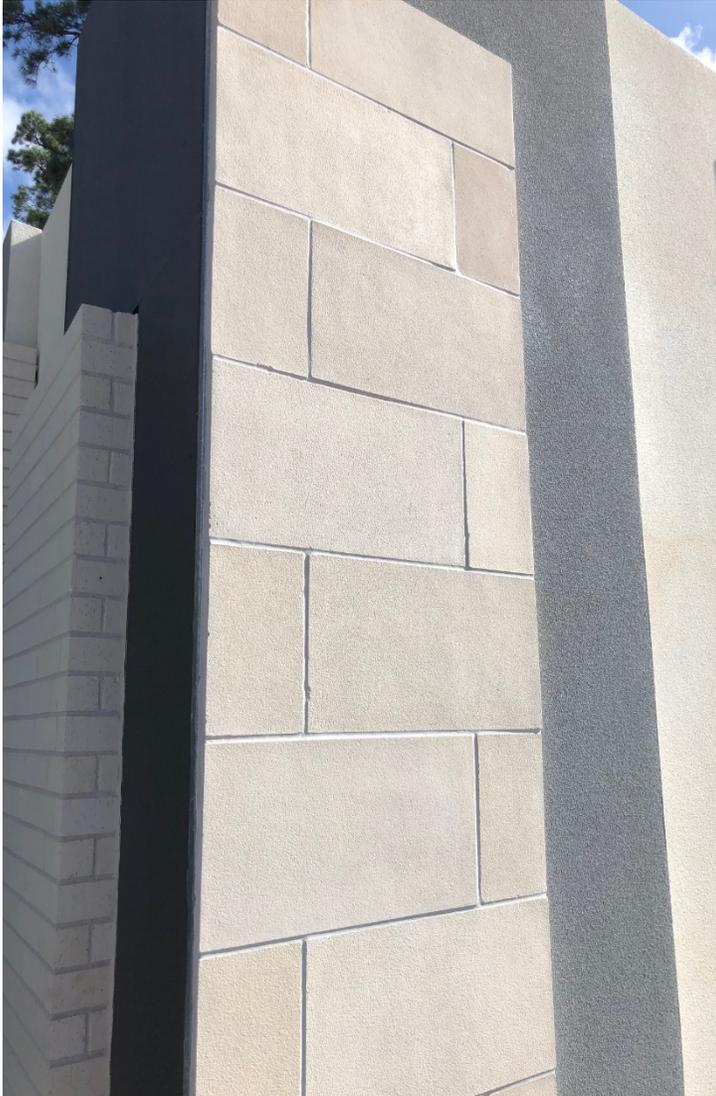


Building Exterior Façade

Stucco: Gray SW 7066 Amazing Gray
Stucco: White SW 7103 White Tail
Cementitious Panels Urban Bronze

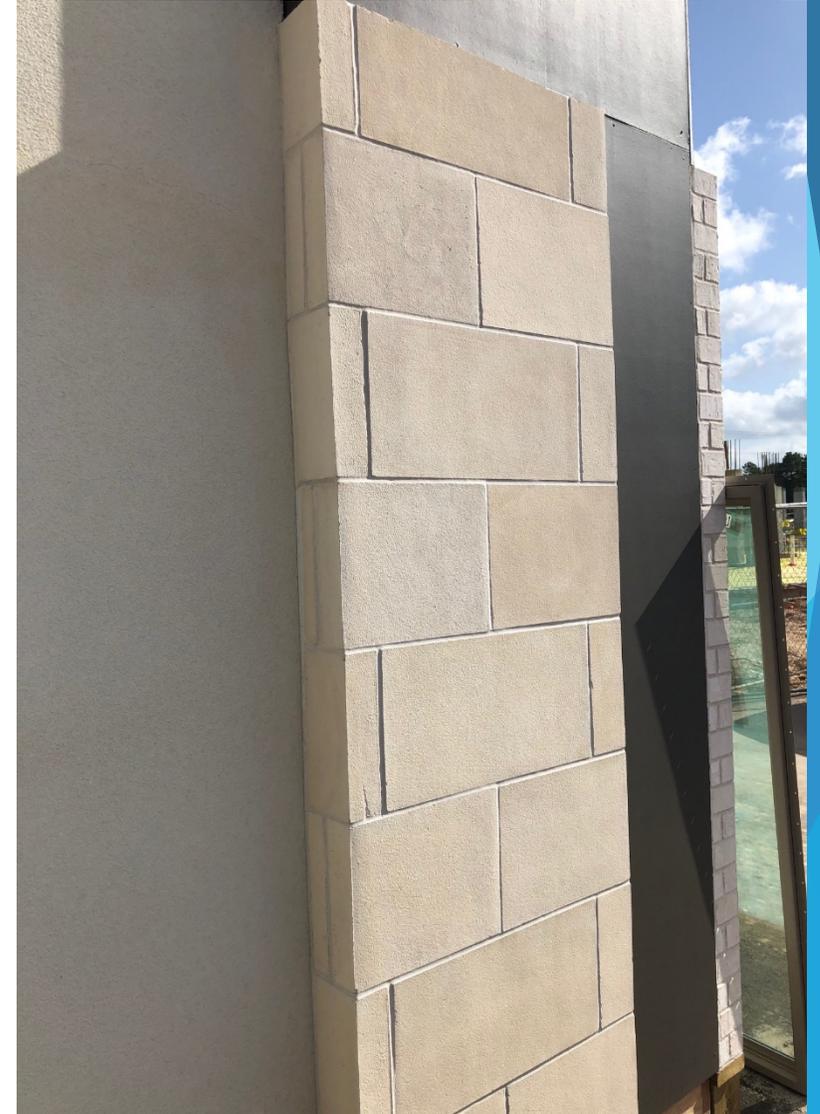
Masonry Acme White Bluff King-size
Brick and matching grout.

Mock-Up of Cultured Stone referenced in Architectural Elevations



Millcreek Choses to Use Brick in lieu of Stone for the following reasons

- 1. Aesthetic appearance more conducive of the building theme.**
- 2. Shadows become prevalent in the stone corners in direct sunlight**
- 3. Modera Six Pines is over 85' tall. Shadows become extenuated the higher the stone veneer is used.**



Red Shown on Building Elevations is the Locations of Building Masonry on the Overall Facade

South Building Elevation



West Elevation

SIX PINES
#18205 08/09/20



North Building Elevation



East Elevation



SIX PINES
#18205 08/09/20



SIX PINES
#18205 08/09/20



SIX PINES
#18205 08/09/20





Shenandoah Planning and Zoning Commission

AGENDA REPORT

AGENDA DATE: September 15, 2020

PREPARED BY: Jackie Thompson

DEPARTMENT: Community Development

EXHIBITS: _____

SUBJECT/PROCEEDING:

Discussion regarding updating the City's Comprehensive Plan.

BACKGROUND/DISCUSSION:

Discussion regarding updatgin the Ctiy's Comprehensive Plan

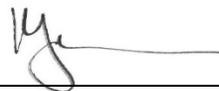
APPROVALS:

DEPARTMENT HEAD



DATE: September 11, 2020

CITY ADMINISTRATOR



DATE: September 11, 2020



Shenandoah Planning and Zoning Commission

AGENDA REPORT

AGENDA DATE: <u>September 15, 2020</u>	PREPARED BY: <u>Jackie Thompson</u>
DEPARTMENT: <u>Community Development</u>	EXHIBITS: _____

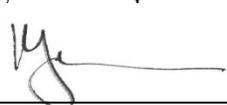
SUBJECT/PROCEEDING:

Discussion and possible action regarding the regular scheduled meeting in November.

BACKGROUND/DISCUSSION:

Due to holidays the Planning and Zoning Commission and City Council only meet once during the month of November. City Council has elected to meet on the 11th of November. The Commission Regular Meeting for the month of November is scheduled for the 17th at 6 p.m. In order to keep applications moving forward timely I propose the Planning and Zoning Commission elect to meet on November 3rd at 6 p.m.

APPROVALS:

DEPARTMENT HEAD	<u></u>	DATE: <u>September 11, 2020</u>
CITY ADMINISTRATOR	<u></u>	DATE: <u>September 11, 2020</u>

MINUTES OF REGULAR MEETING
June 16, 2020
PLANNING & ZONING COMMISSION

1. CALL TO ORDER

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

2. CALL OF ROLL

Commissioners present Mr. Wes Stephens, Mr. Jim Pollard, Mr. John Escoto & Roberto Cloninger . Mark Hendon, called in, Also present were Jackie Thompson, Kathie Reyer, Stacie Newsom, Bill Ferebee, John Ferrand & Joel Gordon.

3. CITIZENS FORUM

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

Vice Chairman Stephens advised none for the record.

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

Vice Chairman Stevens advised that they will be nominate a chairman, the term will be serve through Aug. 2020. At that time then they will name a new chairman for a two year term.

COMMISSIONER POLLARD MADE A MOTION TO ELECT COMMISSIONER WES STEPHENS FOR THE CHAIRMAN FOR THE REMAINDER OF THE 2019-2020. COMMISSIONER CLONINGER MADE A MOTION TO SECOND MOTION CARRIED UNANIMOUSLY

5. Presentation of a Planning and Zoning Commission Preliminary Report regarding the proposed zoning amendment for Special Use Permit Wine and Beer Retailer (On-Premise) Permit with Food and Beverage Certificate. The proposed zoning amendment is for 1500 Research Forest Drive, Suite 240, Shenandoah, Texas.

Mrs. Thompson stated that Ploy has requested a Beer and Wine permit, the property is zoned for the "NS" neighbor services zoning district. It does require a use permit to for the TABC license. This would allow Ploy on- premise consumption, along with a food and beverage certificate. The request for the beer & wine, food & beverage certificate is in line with the other TABC and SUP applications in the area. This is the second of two public hearings. The commission will be asked to make a recommendation to City Council. Staff has not received any comments for or against this alcohol permit. Chairman Stephens asked if there were any comments in the prior meeting. Mrs. Thompson stated no there was not. Chairman Stephens stated that this is consistent with other locations. Commissioner Hendon stated that there were no late night listed on

the application. Mrs. Thompson stated that it is just standard hours, they would be permitted to service until midnight. They have not asked for late hours.

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 1500 Research Forest Drive, Suite 240 Shenandoah Texas.

Open public hearing at 6:09

Chairman Stephens asked if there were any comments. Chairman Stephens stated that there were none.

Closed public hearing at 6:09

7. 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 1500 Research Forest Drive, Suite 240, Shenandoah, Texas.

COMMISSIONER POLLARD MADE A MOTION TO APPROVE THE RECOMMEND TO CITY COUNCIL REGARDING THE PROPOSED ZONING AMENDMENT FOR SPECIAL USE PERMIT WINE AND BEER RETAILERS (ON-PREMISE) PERMIT WITH FOOD AND BEVERAGE CERTIFICATE. COMMISSIONER ESCOTO SECOND THE MOTION.

MOTION CARRIED UNANIMOUSLY

8. Discussion regarding updates to the comprehensive plan.

Mr. Bill Ferebee stated that what he has put out for them is the existing comprehensive plan, that has been put in place ten years ago. It's not something that need to be read or be prepared for tonight. It's for the future use. He would invite you to read through it, and good comprehensive plan. The City has changed a lot in the last ten years. With those changes its time to come back and look at the comprehensive plan and see if it needs to be amended it, make any changes. Why is this important? The comprehensive plan is the view of our City from thirty thousand feet. And below that is our zoning ordinance, which we call the IDC (integrated development code). The Comprehensive plans kind of set an overall outline, that the IDC works from. What they will be doing over the next few months is looking at the comprehensive plan, talking about any changes that the commission thinks that needs to be changed, and it will be submitted to City Council. Assuming that City Council approves the new modified comprehensive plan. We will then look at modifying the IDC, we will be talking about the varies zones within the City. Do we need them? Do we need to modified those zones? Do we need to make any changes? We are starting with set one comprehensive plan. There are a couple of things to show how the City has changed in the last ten years. On the map, the area in blue is the City limits. The areas marked in yellow within the City limits are all that is left to be developed. You are talking about a

hundred acres. The area marked in yellow off of Tamina Road and the area West. The comprehensive plan and the IDC should address areas in the extra territorial jurisdiction. When talking about the comprehensive plan, not only do we want to think about the few spots left in the City, but we need to be talking about the extra territorial jurisdiction. Anything east of the railroad tracks, north in the north west corner, that is single residential housing. Even though that it is in the ETJ, staff did not think that there was a reason to change the development from residential to commercial. The east side of the railroad track will need the commission to look and talk about and to see if that is something you think is worth talking about looking forward in the next ten years. The footprint of the City, we are down to thirteen pieces of undeveloped land within the City limits. The area along I-45 from City Hall to Research Forest, is ripe for redevelopment. The way the IDC is currently written, it is extremely difficult to redevelop those property. Over the next few weeks or months the commission will need to talk about that issue. Do you want to make that easier or not, and if so how would you like to make it easier. What limitation you might want to impose or not impose. When you pass changes to the IDC, there will be other areas that will become ripe over the years for redevelopment. It's time that everyone will need to think about what areas are coming next and how the rules & regulations will be applied. In the comprehensive plan, table 3.1, (ten years ago), future land use acreage. The totals ten years ago, in the City Limits, eleven hundred sixty eight acres, and now you are talking about hundred. The number of acres in the ETJ east of I-45 to the railroad tracks is one hundred forty three acres. Section three of the comprehensive plan, ten years ago, provide a really good background, it shows where the leaders thought the City would be going today. They were eighty to eighty five percent correct. There are a couple of things that did not work out as the envisioned. The first one being the town center. The town center was original planned as future land use, along & north of Vision Park. It included some of the property that we call lake lands. Part of that is Marion, the part to the far east is office building. None of this has ended up developing into the lake lands. That is one of the ones that was missed. The other one is sports district. The area around the football stadium was going to be a sports and entertainment district. That use was not developed in that way. These are a couple of ways that it did not go as City Council predicted. Developers are telling us whether we want to hear it or not, that we are going to be dealing with multi-family in a lot of the City in the future. We have someone that is propose a twelve story apartment project. Lifetime fitness, with four hundred units. Woodloft , Sam Moon and then we had a developers come talk about multi-family. The message that is being delivered to the City is that developers believe whether we agree or not, or whether we approve or not, they are telling us that there is a demand for high density residential within our ETJ & a little in the City. Be thinking and centering, just because someone wants to do that, does not mean we are going to approve it. But where does the City want to come down on these issues & what the Commission will be dealing with. In the ETJ, Tamina Road, north and south of Tamina will be commercial, we have less control of what is being built in the ETJ than what we do in the City. But need to be thinking in term of the future and what we think this property and City is going to look like. What Staff

has worked on, park, detention pond, might be a future amenity, such as our east detention pond, lot of thought it may become a park. Mixed use, we know Sam Moon is mixed use, residential, hotel & retail. The best guess alone Tamina Road is mixed use, commercial & residential. South of Research Forest may be retail, but Lifetime fitness & the apartments come in, so not sure. Retail will be alone the freeway. Commissioner Wes Stephens stated that they have toyed with the ideal of home rule. So the powers that home rule brings, under State Law that gives us the ability to annex without being requested. The heavy impact on some of the decisions they the commission may make, rather have home rule powers verses general law. Mrs. Thompson advised that staff has had those decisions. Attorney Bill Ferebee advised that to be a home rule City would need a population of five thousand people. Commissioner Hendon stated that in previous council meetings that this has come up, and was put off until the results of the 2020 census. Attorney Bill Ferebee stated that not only are we waiting for that, we will not achieve five thousand people until the apartments open with Lifetime probably. That would be the largest single ability to have four hundred units, which would be around eight hundred to thousand people. If our census came in around four thousand people, and those apartments would set the go. Chairman Stephens asked if logic to use the census as a bench mark to gauge new development against that, there has been different math done over the years on how we get to five thousand. Some of it has been more subjective than others. Is that the logic? Attorney Bill Ferebee stated that yes, the logic is that we will have more people than what the 2020 census says, so it's a base line that would worked. The other thing that is a little bit out of our power, there is efforts in the legislature to limits even the ability to home rules Cities to annex, and there is efforts in the legislature to raise the five thousand populations higher. Not sure how that is going to come to pass, if we got five thousand people in the interim before the next legislature, you will see an effect to get it done. Chairman Stephen asked that the City Council is still in favor for the City becoming a home rule? Attorney Bill Ferebee stated that he had not taken a poll, but that everyone he knows believes that the City would be far better off as a home rule City. The city is currently a class A municipality. A class A municipality is not allowed to do anything unless legislature say here is some laws that allow you to do things. A home rule City can do anything, unless there is a law that says you cant. You have more flexibility & power as a home rule City. Chairman Stephens stated that for an example the donut in the middle of the City (parcel of land off of Wellman Road) , that has been a challenge, they refused to work with the City. Legally they could put a hog farm there, the City would not be allowed to do anything with it. These are extreme examples but those are thing as we as planning and zoning commission have to keep an eye open for. You think it want happen, but it can. We did not think that the Homewood Suite would be a four story hotel in someone's backyard, but it happened. You have to be looking down the road to protect our citizens, & our business owners, & our neighbors in the ETJ. Commissioner Pollard asked that wasn't there a law now that even if the City wanted to annex some place, they have to vote and except it? City Attorney Bill Ferebee stated that the annexation laws are getting more complex & more difficult all the time. If you are a home rule City, if the City

limits is on two or three sides, you can just annex them in. It used to be the City limits did not have to touch, if you were in the ETJ, a home rule City could just go an annex. Now the City limits have to be touching, even for a home rule City, to force an annexation. Remember there are a lot of advances to being in the City limits. Everyone thinks that's not true, but for example, the police protection if you were in the City limits of Shenandoah is far better than if you were just out in the county, simply by the number of police we have. That is one of a host of reasons. Chairman Stephens stated fire, parks water & sewer. Our water system, during hurricane Ike the City was without power for seven days, the City had stand by generator on every water & sewer facility in the City, no one was without water or sewer. Commissioner Hendon stated that for the annexation was there a portion in there that if you supply water or utilities to that area that they can be consider a potential candidate for annexation. City Attorney Bill Ferebee stated not for a class A municipality. Commissioner Hendon asked but for a home rule? City Attorney Bill Ferebee stated yes. That is one of the examples of one of the difference. Commissioner Cloninger asked about the home rule, if and when we hit the five thousand resident mark, how difficult and time consuming is that process, how long will it take? City Attorney Bill Ferebee stated that the process can be very quick. The difficult thing about going home rule is you need to set up your own form of government. An example of this , are you going to have a full time mayor whose paid or will you have a City Administrator & type of government we have now? If you have five City council members, will they be elected at large, or would you have two or three districts & one or two at large ? There are a host of issues that you have to address, then it goes to vote of the population. So City Council just doesn't vote we are going to a home rule tomorrow, it requires a vote of the population. Chairman Stephens stated presently many of those things that were mentioned are controlled by the City Council without public vote. But once you go home rule, it is then in you charter, spelling out the way those things are handled. For example on the at large, if a developer built a twelve story apartment complex, they could single handle control City Council. One development can could fill each of the seats. Commissioner Hendon stated that in that charter you can stipulate who would have the day to day functionality , and there would need to be a lot of planning to go into switching over to our own government. City Attorney Bill Ferebee stated yes. Commissioner Escoto stated that it's all in the restructuring . City Attorney Bill Ferebee stated yes. Chairman Stephens stated that this can affect the vision moving forward, it sounds like we are waiting on the census. I would say maybe the next five years, would problem not be. City Attorney Bill Ferebee stated that depends on how the census comes out, it could be eighteen to twenty four months. Chairman Stephens stated that the commission should build the map with that in mind. City Attorney Bill Ferebee stated yes. Also for the commission homework to read over the comprehensive plan chapter three. At the next meeting to spend some time drawing their own map of their vision of the City , what it will look like in the next ten years, starting from today. Give that some thought, that is where the comprehensive plan is going & the last bit of development is going and how you see that progressing. Chairman Stephens asked about the ETJ, once that is annexed we have the ability to then to

extend that area to half a mile. City Attorney Bill Ferebee stated only to the East, we are bound, land locked. Chairman Stephens stated Conroe to the North, Houston & Oakridge to the South. But up at the top of the map, a narrow slot, the City of Shenandoah could push its ETJ to the East. It goes a long ways, until you get up against Cleveland, or Porter. City Attorney Bill Ferebee stated that he had not been that far East. Commissioner Hendon stated a lot of that area is owned by one of the school districts. It has had several generation of family's that have built homes and is occupied. It's something that would need to be looked at to whom owns that land. Chairman Stephens stated that for purposes of territorial jurisdiction property ownership really does not come into play. City Attorney Bill Ferebee stated that Chairman Stephens is correct, if the City is home rule, it does not matter who owns the property. Our ETJ would extend to the East. Chairman Stephens stated that under home rule it once was five miles, he believes. City Attorney Bill Ferebee advised that it had been reduced. Commissioner Escoto stated that if you were talking about the ETJ, that there was a limitation. Chairman Stephens stated that it use to be five miles, but now it is something different, but let's say its two and a half miles. If we become home rule, annex down to where our ETJ ends now. In the next ten years Shenandoah could extend two and a half miles to the East. You would be getting into the river over there. There are some development problems there, but look at Baylor University they built on both sides of the Brazos River successful, anything can happen is what is being said. Not sure if Porter is part of Houston, if not than its fair game.

9. City Administration updates..

Mrs. Thompson advised that there are none.

10. Commissioner's Inquire

Chairman Stephens advised that the sign over on Grogans has been repaired. Chairman Stephens stated that he wanted on record that Commissioner Mark Hendon is present, dialed in by phone, but is not a voting member tonight due to calling in for the meeting.

ADJOURN

Chairman Stephens called the meeting adjourned at 6:47 p.m.

SUBMITTED BY: _____
Courtney Clary, City Secretary

DATE APPROVED: _____

Chairman Stevens

MINUTES OF REGULAR MEETING
JULY 21, 2020
PLANNING & ZONING COMMISSION

1. CALL TO ORDER

The meeting was called to order by Chairman Stephens at 6:12 p.m.

2. CALL OF ROLL

Commissions present Mr. Wes Stephens, Mr. Jim Pollard, Mr. John Escoto & Mark Hendon, Also present were Kathie Reyer, Stacie Newsom, John Ferrand & Joel Gordon.

3. CITIZENS FORUM

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

Commissioner Stephens advised none for the record.

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

Chairman Stephens advised that they will be nominate a vice chairman, the term will be serve through Aug. 2020. At that time then they will name a new chairman for a two year term.

COMMISSIONER ESCOTO MADE A MOTION TO ELECT COMMISSIONER JIM POLLARD FOR THE VICE CHAIRMAN FOR THE REMAINDER OF THE 2019-2020. COMMISSIONER HENDON MADE A MOTION TO SECOND MOTION CARRIED UNANIMOUSLY

5. Presentation of a Planning and Zoning Commission Preliminary Report regarding the proposed zoning amendment for Special Use Permit Wine and Beer Retailer (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.

Kathie Reyer advised that this is for a beer and wine permit, no late hours requested. This is the location where the Culvers use to be. Commissioner Hendon asked what the hours where. Kathie Reyer stated that she did not know, but would check on that. Chairman Stephens stated that Killen's could not be present, but are eager to be in Shenandoah.

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.

Open public hearing at 6:16 PM

Chairman Stephens asked if there were any comments. Commissioner Pollard asked what was the time frame they are looking to open? Stacie Newsom advised that they were waiting to get the plans back in for another review at this time. But would check and see when they planned on trying to open. Kathie Reyer stated that alcohol process could take a few months. Chairman Stephens stated that he is excited to potentially go back into that location.

Closed public hearing at 6:17 PM

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.

WITHDRAWN BY THE DEVELOPER

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.

WITHDRAWN BY THE DEVELOPER

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.

Kathie Reyer advised is what you see in the agenda packet is the background on this topic. Plans were submitted and approved, after the sign was installed the Building Official went for inspection, the sign was larger than what was shown on the plans. The issue is the blue field, which is part of the front façade, that was replaced for this tenant, it is a blue stucco. Stacie Newsom advised that staff looked at the plans back in 2019, prior to the first review. Staff recommended that the blue was too big, changes were made, then submitted the plans and were approved. The sign was permitted in January of 2020. The façade was permitted in December 2019. The internal sign review was in July of 2019. And this is what was submitted and permitted in January of 2020. Kathie Reyer advised that they are asking to keep the sign as is. Vice Chairman Pollard asked was staff recommending not to approve the sign. Kathie Reyer stated that since it is outside the sign ordinance, that is correct. Vice Chairman Pollard asked if there was a problem with other merchants, if an exception is made and no one else? Kathie Reyer stated that she had not heard anything. Chairman Stephens stated that each variance stands on their own merit. We do want to maintain a level of consistency. Cedrick

Harvey from Five Below stated that this is their brand, their sign is this way, with the big blue in the background. Five Below has been in business since 2002, and are a growing company, looking forward to opening more stores. This is definitely Five Bellow's brand. Chairman Stephens asked if business was good? Cedrick stated that it was good. Chairman Stephens asked how much to big is the sign. Chairman Stephens stated that we could do the math, and that the max square feet is three hundred square feet, if that is the as built drawing, that it would be thirty forty three feet. So a forty three feet overage. Kathie Reyer stated Jackie just confirmed the math. Chairman Stephens stated that normally they are pretty tough on signage, but his thought is, he does not think this is a grieves overage. Although they did not follow the rules, what they are faced with is an architectural issue, it has been built in, part of the building. At this time he state that they should give them a pass. Vice Chairman Pollard stated he agreed. Commissioner Hendon asked if there was any fee that could be assessed. Stacie Newsom stated that they have paid a revision fee of five hundred dollars, after denial, then pay a sign exception fee of six hundred dollars. Chairman Stephens stated in his option they have been fined. Commissioner Hendon stated that he was okay with that.

VICE CHAIRMAN POLLARD MADE A MOTION TO APPROVE 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 I-45, SUITE 108 SHENANDOAH TEXAS, SECOND BY COMMISSIONER ESCOTO

MOTION CARRIED UNANIMOUSLY

10. City Administration updates..

Kathie Reyer advised that there are none.

11. Commissioner's Inquire

Chairman Stephens advised that there are none.

ADJOURN

Chairman Stephens called the meeting adjourned at 6:30 p.m.

SUBMITTED BY: _____
Courtney Clary, City Secretary

DATE APPROVED: _____

Chairman Stephens