

MINUTES OF REGULAR MEETING
April 16, 2019
PLANNING & ZONING COMMISSION

1. CALL TO ORDER

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

2. CALL OF ROLL

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

3. CITIZENS FORUM

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

Chairman Gristy advised none for the record.

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

Mrs. Thompson advised the Commission the request is to allow for an alternate material in the planned development district that is along David Memorial known as The Centro. This is the second of two public hearings. The alternate material being requested is the LP Armorstrand substrate along with Dryvit exterior to give the appearance of stucco. The developer has also included a memo that highlighted some areas where the material is currently being used.

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

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

Commissioner Ash asked did we determine last time if this particular application was approved under the building code. Mrs. Thompson advised testing certificates for the LP portion were received and it appeared to be from an approved testing agency. I was just advised that the certificates for the Dryvit we just submitted and the Building Official has not had a chance to review that. Commissioner Ash stated in my mind if this is not recognized by some building code agency then we should not allow it. Adding I'm trying to understand why we are requiring masonry. Commissioner Westbrook stated Dryvit has been around a long time. Adding I did some of my own research. Commissioner Westbrook asked is there a Dryvit representative here. Bret Strong, The

Strong Firm, stated there is not but We do have one available by video. We can have them on the phone in 30 seconds. Commissioner Westbrook stated I wanted to try it because I've been on that side of the fence before and it could be frustrating. A lot of times it was a misunderstanding or not understanding. The mold issue was such a big deal here. Commissioner Ash stated I don't want to impede business but I don't want to be 5 years down the road with people asking why did we approve this material. Chairman Gristy stated I agree. Adding I circle back around to the fact that our building codes specifically ask for masonry and that type of application. At the end of the day it's all going to come down to how it's applied and if it's applied properly. And we all know that's very difficult to manage. Commissioner Westbrook stated one more thing that I'm thinking about is if there is a problem who was there to stand behind it. Insurance companies weren't standing up to cover the product. At the end of the day, if something were to happen, who becomes the responsible party? The homeowner, are they going to be left alone to resolve a problem like that. Commissioner Westbrook continued I just want to make sure as a body that represents the citizens of the city that we do our best to look out for them. I don't think I have enough information to say yay or nay. Commissioner Galatas stated looking at the warranty on page two it looks like you have to make a claim on your own insurance first. So you've got to do all that plus claim it on your own insurance. Commissioner Ash asked are some houses going in with stucco because I think the last time we talked there were eight houses. Mrs. Thompson advised they're in the process of permitting. They're not permitted or under construction at this time. Commissioner Pollard stated we'd also be setting a precedent for everything else that goes in to. Chairman Gristy responded that's a very good point. And quite honestly, we have really visited this development a lot. We have gone back and forth. We've already made a lot of concessions to allow this subdivision to be built. Adding I think we need to wait until we are informed properly. Commissioner Ash stated about all the places it's being installed. Is that a different building code. Mrs. Thompson stated I don't know what building code they use. Adding I called the developer for Bristol Lakes that was referenced on here and spoke to Legend Homes. In that development they are using the material but as more of an accent. Not the full elevation. Commissioner Galatas asked how many homes are there. Clarifying I mean if it went bad how many would there be. Mrs. Thompson advised 120 homes. Tim Crawford, developer. Would you be willing to listen to the Dryvit guy. Commissioner Westbrook stated I think we should give y'all every opportunity affordable. Mr. Crawford stated one thing you mentioned that we've been back several times for amendments. We've never asked for a material alteration. Metropark Square has. The things that we've asked for are relatively minor things. So to say that you've given concessions or major concessions is not the case. To Jackie's point about the other subdivision, the club house is almost entirely this product. Via a Facetime Call, JW Monahan, business development for strategic accounts and have been with Dryvit for 15 years, described the DryVit material. Commissioner Westbrook asked explained his history with from the 80's with Dryvit products. And a few years later it attracted mold and the homeowners were left basically without anybody to stand behind them. I'm particularly concerned about any guarantee so that if there are problems

here who's going to take care of this and what insurance comes with the product. Mr. Monahan stated I can tell that your experience has formed your opinion Wally and I appreciate it. I had similar experiences in the 1990's especially in North Carolina. Of the thousands of properties who were forced to tear off the EIFS only 1% were commercial. Of those, 92% of damage took place under windows. All of that was product of poor workmanship and lack of training. Our insurance company paid out 200 million dollars. Mr. Monahan continued to explain only five home applications have failed and explained it was due to the install. Mr. Strong asked in other areas have there been 3rd party inspectors who come in and inspect the nailing and how its put up. Mr. Monahan stated yes. That would certainly be helpful. I'm cautious because the reason we evolved this particular assembly is because we can price it at the same price point of stucco over OSB. I'm always cautious about pricing in additives but with proper training the crews onsite could install the product correctly. Commissioner Westbrook asked who would certify the guys that have been trained. Mr. Monahan responded there's that tricky word. Are we certifying our applicators. We are not. Are they installing it right, how would I know. Short of being on every job site we can't know. Chairman Gristy stated the LP folks that were here at our last meeting there was a gentleman who said he would shadow the crews to ensure the cladding was installed correctly. Is that common. Mr. Monahan stated sadly, it's not very common. Commissioner Galatas stated it sounds like it's kind of a concession that it's new, it's different, but you just have to trust us. Mr. Monahan stated I'll tell you I had my own misgivings. And that's why we went through all the testing. I'm always nervous of anything that's direct application. We've been here 50 years and we are a solutions company. We have a 10 year warranty on these products and we will stand behind them. Chairman Gristy asked is that a transferrable warranty. Mr. Monahan answered yes. Commissioner Westbrook asked does climate and humidity have any effect on Dryvit. Mr. Monahan stated if it were to stay wet all the time the acrylics could emulsify. That's why we have restrictions on taking our product to grade so that they don't stay wet. Commissioner Ash stated I'm under the impression that this product is not approved under our building code. Mrs. Thompson stated right, Amy provided a certificate for the Dryvit that is apparently recognized by building code as an exterior material. We just haven't had the chance for the Building Official to review that. Mr. Monahan stated I think that we have a tendency to think that every product that comes out is recognizable by building codes. Having taught classes I know that's not true. There's a constant innovation of materials in our business. I think they'll recognize quickly the advantages. Commissioner Ash stated in my mind that would satisfy me if the building official were happy with it. Adding I'm inclined to go with the codes. There's some kind of standards agency that does this approval. Mrs. Thompson advised the PDD would supersede that at this point. If there's no agency recognized by our current building code adoption that has certified and tested this material and we write it in the PDD it would still supersede that. Commissioner Galatas stated it's still not masonry. Mrs. Thompson agreed. Chairman Gristy stated to David's point what he's looking for is a baseline that we can fall back on. To say it's a standard material for this area. Commissioner Galatas asked how long ago did the development decide to go with this material

instead of masonry. Mr. Crawford stated I'll answer that. I didn't know about this product when I moved in January and already have discoloring of the stucco on my house that's the dramatic answer. The other is we are on the other side of the highway. We're back against an apartment project that's not that great. We don't have the infrastructure like some communities over here. We are a little price sensitive over there. That's the un-dramatic answer. We're looking for something that's durable and price effective than stucco. And also timing. We look to deliver these homes quickly in 5 or 6 months of construction. Stucco does not allow us to do that. So for all those reasons that's my answer. Commissioner Ash stated but we have a lot of stucco in this city. Mr. Crawford stated we're not with the rest of the city. We're literally all on an island all by ourselves. Commissioner Ash stated well if stucco were that bad I've got to believe we would not have so much of it. Mr. Crawford answered I didn't say it was bad. I truly believe this is better. Commissioner Westbrook asked whenever we first brought Dryvit over here the Dryvit people said they wouldn't sell it to any applicator unless they got certified to be an applicator. There was a school that they went to. Is there anything that Dryvit does like that today. Mr. Monahan responded that's an excellent insightful question. In the early days we got away from the liability of certifying people. We just ask that they're trained and are re-trained annually in the assembly that they install. We now present that training online and in person. Commissioner Galatas stated so no certification. Mr. Monahan no. Commissioner Westbrook stated let's say I'm a builder and use my guy Juan. How do I know Juan is doing it right. Mr. Monahan I would urge you to call me or one of our local distributors who would be available. Commissioner Westbrook stated I made some notes of is I think we need to have somebody in Shenandoah that's qualified to monitor this product and make sure that it's installed properly. Mrs. Thompson advised Danny has already had that conversation and he would request inspections certificates from the developer. Commissioner Galatas stated with the Legend homes folks they are normally the builder and developer so if they want to use it they are going to use it. Troy Bains stated I worked for that company previously and you're right. Mr. Crawford added I know JW dismissed it due to price. A third party person, we are perfectly willing to let a third party come in and review the process. Commissioner Westbrook asked again how many homes will y'all be building. Mr. Crawford stated 114. Commissioner Westbrook stated so this could not only save time but potentially three quarters of a million dollars. Mrs. Thompson stated correct.

Chairman Gristy closed the public hearing at 7:54 p.m.

6. Consideration and possible action to recommend to City Council approval or denial regarding the proposed zoning regulation amendment of Planned Development District #11 (PDD #11).

Commissioner Ash mentioned to table action to recommend to City Council approval or denial regarding the proposed zoning regulation amendment of Planned Development District #11 (PDD #11) to a future meeting. Commissioner Westbrook seconded the motion.

Motion carried unanimously.

7. Presentation of a Planning and Zoning Commission Preliminary Report regarding the proposed zoning

amendment for a special use permit for a Beer Retail Dealer's Permit Off-Premise and a Wine Only Package Store Permit. The proposed zoning amendment is for 19091 I-45 South, Shenandoah, Texas 77381.

Mrs. Thompson advised the Commission Sam's Club is looking to obtain a new TABC license. They currently have a beer and wine permit which is known as a BQ. What they're asking for is a BF and a Q. That would allow them to sell beer and a package store only wine permit that would allow them to sell a slightly higher concentrate of alcohol in the wine. There are some subsidiary permits requested to include a taste testing application and a delivery permit, but is not their intent at this time. Mrs. Thompson advised there are representatives here if you have specific questions as well. Commissioner Galatas compared the application to Costco's. Mrs. Thompson advised at this time no, there are legal reasons that prohibit the sale of liquor.

8. Public Hearing regarding the proposed zoning amendment for a special use permit for a Beer Retail Dealer's Permit Off-Premise and a Wine Only Package Store Permit. The proposed zoning amendment is for 19091 I-45 South, Shenandoah, Texas 77381.

Chairman Gristy opened the public hearing at 8:08 p.m.

Chairman Gristy asked in the future is there a potential to sale liquor. Mrs. Thompson advised she does not have any specifics on the legal aspect of being able to sale. Steven Freeman, Kimley Horn representing Sam's on this application, agreed he as not update on the legal stated but the news has reported Walmart is actively trying to change the laws and status. But at this time Sam's I prohibited from opening liquor facilities.

Chairman Gristy closed the public hearing at 8:11 p.m.

9. Discussion regarding City of Shenandoah Sign Ordinance.

Mrs. Thompson stated I just wanted to keep this on the agenda in case there are any questions or comments as we go through this process. Commissioner Ash asked when is our consultant going to deliver that report. Mrs. Thompson advised we're actually working on that. I think that it's going to be quite some time. It's still in draft and we are taking it section by section. A lot of it was confusing on the structure or the language as it read through the sign ordinance. So a lot of it was cleanup initially.

10. City Administration updates.

Mrs. Thompson advised she had none other than she will be sending you notice of the meeting on Tuesday.

Commissioner's Inquiry.

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

agenda of a future meeting.

Commissioner Westbrook stated the trees in the park are fantastic and asked who came up with that idea. Mrs. Thompson advised our ordinance allows for a buy-in if you're unable to meet your planting requirements which is how we funded the plantings in city park areas.

Commissioner Westbrook asked what about Holly Hill where they're clearing out. Mrs. Thompson advised they are clearing underbrush only. They're also doing clearing at the corner of Cedarwood and Driftwood.

Commissioner Westbrook asked if we have any parks on the other side of the freeway or do we have land for parks over there. Mrs. Thompson advised the east detention pond. There's been some discussion about development over there.

Commissioner Pollard asked how does it look for Bob's. Mrs. Thompson advised there were some comments that had gone back from the Occupancy inspection. Killen's made it clear they don't do a big grand opening. Commissioner Westbrook asked just past them The Woodlands owns land that was going to be a shopping center. Any word on that. Mrs. Thompson advised they still plan to put a shopping center there but the timeline I don't know. I think they got diverted by the shopping center they put in. I think at one point they said they wanted to have 70% lease-out before beginning construction. But it would be two commercial in-line retail and two restaurant pad sites.

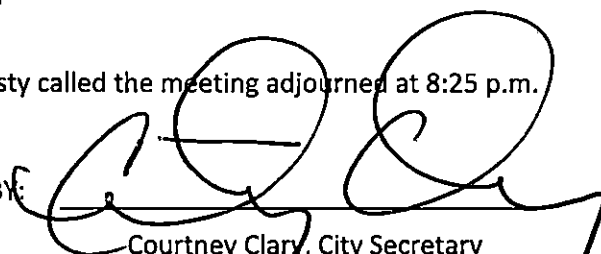
Commissioner Westbrook asked for an update on the fitness center. Mrs. Thompson stated I suspect we will see a plat on that property pretty soon and they are wanting to do summer submittals for permitting.

Commissioner Pollard stated I bring it up every month but what is the status on the signs out there that don't have the city logo and is there a plan to fine those people until they take the sign down. Mrs. Thompson stated the city attorney has sent them a letter. There was also a change of ownership on the property so we're working to get those signs removed and taken down.

ADJOURN

Chairman Gristy called the meeting adjourned at 8:25 p.m.

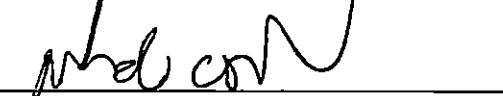
SUBMITTED BY:



Courtney Clary, City Secretary

DATE APPROVED:

June 18, 2019


Chairman **ASB**