

MINUTES OF REGULAR MEETING
JANUARY 18, 2022
PLANNING & ZONING COMMISSION

1. CALL TO ORDER

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

2. CALL OF ROLL

Commissioners present Mr. Wes Stephens, Mr. Jim Pollard , Mr. Steve Say, Mr. Rob Cloninger & Mr. Mark Hendon . Also present were Jackie Thompson, Stacie Newsom, Bill Ferebee & Officer John Ferrand

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.

Mrs. Ester Lum spoke to the commission about the last meeting concerning the variance. It is not on the agenda, wanting to know the status. Chairman Stephens stated that the request has been withdrawn. Bill Ferebee City Attorney stated that if they wish to reapply then they would need to start the process all over and would need to have two meetings.

4. Planning and Zoning Commission preliminary report regarding the proposed zoning regulation amendment for Planned Development District # 14 (PDD # 14).

Jackie Thomson stated what is for consideration is an existing zoning clarification for property located alone 45 and David Vetter know as planned development district #14. The current zoning documents there is a reduction request in the retail square footage from 15,000 to 5,000, remove restriction of personal services and banking uses within the zoning district, the zoning revision do provide a payment in lieu of taxes agreement based on 15,000 square feet of retail space. Increase allowable building height of Reserve A, which is the property alone I-45, from a single story to two story. Updated language on the City impact fee ordinance and future agreement with a point of sale agreement. Reduce minimum square footage required of each unit from 900- 850 square feet. The front side is a commercial pad, the rear section is proposed multifamily development with permitted max units 285. The current planned development district there are two reserves, one alone I-45 and one alone David Vetter. The payment in lieu of tax agreement would guaranteed sales tax based off the ordinance that was recently passed, that works out to seventy five thousand a year. Whatever is not received in sales tax revenue from the reserve A then that difference would be made to the City per the agreement.

5. Public hearing regarding the proposed zoning regulation amendment for Planned Development District # 14 (PDD # 14).

OPEN PUBLIC MEETING AT 6:07 P.M.

Seth Borland with Juniper investment group, discussed the multi-family portion for reserve B. Seth stated that Kat's is under contract for reserve A. Kat's would leave its current location and move to this location. The question was asked about there being a contract to sell and to split into two parcels, under two owners still one planned development district? Seth Borland stated correct. Chairman Stephens stated that this makes things complicated, on an already complicated PDD, and has been for some time, with then number of proposed changes that it has gone through. Separating parcels with different owners under one PDD becomes an issue from the City's side for any kind of enforcement that may happen. Kat's will take on the PILOT agreement, payment in lieu of taxes, right? The apartment side of it would be relieved of any retail. Should Kat's default on the PILOT, how will it be settled who would pay the PILOT tax? Matthew Morgan with Buckhead Investment Property stated the PDD that has been adopted has a provision in it that makes the issuance of certificate of completion of the core & shell of the retail on reserve A as a condition precedent for issuance for a certificate of occupancy of the multi-family to insure that the retail use is established which triggers the obligation to pay the PILOT fee. The concern is five or ten years down the road, that this agreement (PILOT) would be with the property of Kat's and would run with the land, if sold it would stay with the land. Bill Ferebee asked for whatever the reason your contract is terminated with Kat's and the city makes changes to the PDD as requested. Matthew Morgan stated he would presume the obligation to pay the PILOT would be inherited by whichever owner developer, develops the required retail on reserve A. Seth Borland stated they know it may fall on them to do, or another user. Bill Ferebee asked about the reduction in square footage for the multi family. Matthew Morgan stated with the pandemic it has forced them back into the planning mode to reduce the size of multi-family. This property is now 3.03 acres, so in design mode is like a pie shape, there are a lot of offsets, which you are limited to the height & number of units, which the number is 229 units, (average 850 square foot), just could not get to the 900 square foot that is in the PDD now, the average square foot is 850. There is no way to put the 285 units in there, 229 units is it. The average cost for a unit will be give or take \$2.00 a square foot. The access road will need to be reworked, it will not need to be changed. Buckhead owns this, when the sell to Kat's is complete, the line will be down the middle of the access road, it will be shared cost between the two. The design is 90 to 95 percent complete at this time. Bill Ferebee stated at the last City Council meeting, council passed a PIOLT agreement, the main reason for that was the City over a number of years had different rates. Council took months looking over this and feel the agreement should represent about what the property would bring in in sales tax, if it was all retail. The City did not want it to be in the situation of charging a PIOLT fee of \$6.00 per square foot when the average being brought in is \$5.00 per square foot, because that is a penalty. This way everyone knows the rate would be a set amount. This can be looked at again biannually, or if there is increase or decrease in sales tax. The PDD document will be the agreement with this property. The obligation to pay the PILOT is when the Certificate of Occupancy is issued. Matthew asked if the Certificate of Occupancy

for the multi-family is issued, and the retail is incomplete at this time, would you be able to move people in as long as all of life safety has been meet, and the retail is still under construction, and the PILOT would need to be paid? Chairman Stephens stated that this would be an amendment to the application & PDD? Bill Ferebee stated that he would need to think about this. Mrs. Ester Lum asked the commission if a traffic impact study done on this property? Chairman Stephens stated yes. Mrs. Ester Lum asked when it was done? Jackie Thompson stated the developer did a traffic impact study on the original project which included 300 plus units with 15000 square feet. Mrs. Ester Lum stated some years ago. Jackie Thompson stated yes. Mrs. Ester Lum stated she object to this until David Memorial is finished, the traffic is already bad. Chairman Stephens stated several studies done not only by the developers but City of Shenandoah, Houston, Galveston area council has done several regionals studies for this area, include Oak Ridge, North South connectors through Shenandoah. That is why David Memorial has been progressing, it's been underway for years to get that north south connections. Unfortunately it cannot stop developments.

Barry Katz & David Dushkin with Katz's gave a presentation of what the building will look like, what the square footage would be, and what may be brought in for retail. Possibility of having another restaurant as well. The questions was asked for the request of a variance of height. The height would remain the same, but will be a two story. In the PDD it is a single story building in res A. The building would be Katz's building with 5,000 square feet. The pilot would be on the entire property. Mrs. Ester Lum stated she objected to the late hours for Mixed Beverage permit, as well as Mr. Orsak. Bill Ferebee stated that would be the next item.

CLOSE PUBLIC HEARING AT 6:52

6. 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) with late hours. The proposed zoning amendment is for Katz's located at 19315 IH 45, Shenandoah, Texas 77381.

Katz's is proposed a new location within the City and is requesting a Special use permit at 19315 I-45 Shenandoah TX to allow for a Special Use Permit for a Mixed Beverage (on-premise) with late hours permit. That permits them to sell mixed beverages with an extended from midnight to 2:00 a.m.

7. Public hearing regarding the proposed zoning amendment for a special use permit for a Mixed Beverage Permit (On Premise) with late hours. The proposed zoning amendment is for Katz's located at 19315 IH 45, Shenandoah, Texas 77381.

OPEN PUBLIC HEARING AT 6:53 P.M.

Discussion of what other property would be open during these hours. The current location does not have a late hours, but other Katz's do have the late hours. Ester Lum stated she still objects even if Main Event has the later hours, she does not think any of them should have it. This is close to Interstate 45.

CLOSED PUBLIC HEARING AT 6:55 P.M.

8. Review and discussion regarding the Integrated Development Code.

Continued discussion on special use permit, what might should be changed. What would the C3 zone look like, what would be in there that would be allowed with a permitted without any feedback from planning & zoning verses special use permit. Area regulations increasing the building height to 75 feet from 45 feet & building setbacks being reduced from 40 feet to 35 feet, as side set back. Looking at the I-45 corridor as to what would be the best use for the City.

9. Consideration and possible action to approve or deny minutes of the October 19, 2021 Regular Meeting and the November 16, 2021 Regular Meeting of the Planning and Zoning Commission.

Chairman Wes Stephens made a motion to consideration and possible action to approved the October 19, 2021 regular meeting and table the November 16, 2021 to make Commissioner to the regular meeting of the planning and zoning commission, second by Commissar Mark Hendon

MOTION CARRIED UNANIMOUSLY

10. City Administration updates

Jackie Thompson advised none

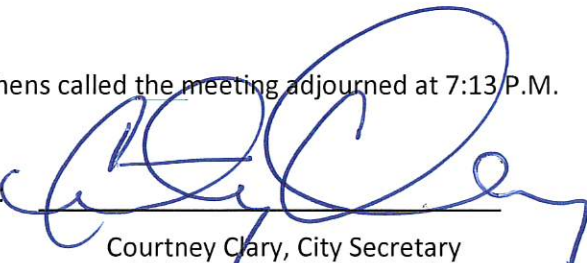
11. Commissioner's Inquiry.

Question was asked about the special meeting, Jackie Thompson advised just to reserve the date just in case if one is requested. What were the workers with Entergy doing in the Valley? Jackie Thompson advised she would find out and get a response to that. The planting of trees on the fence line, or right at the fence. Jackie Thompson advised that Entergy has specific planting list for approved planting in their easements.

ADJOURN

Chairman Stephens called the meeting adjourned at 7:13 P.M.

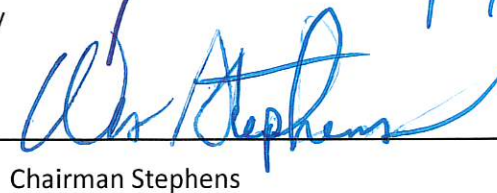
SUBMITTED BY:



Courtney Clary, City Secretary

DATE APPROVED:

4/19/22



Chairman Stephens