NOTICE OF REGULAR MEETING
July 18, 2017
SHENANDOAH PLANNING AND ZONING COMMISSION

STATE OF TEXAS
COUNTY OF MONTGOMERY
CITY OF SHENANDOAH

AGENDA

NOTICE IS HEREBY GIVEN that the Regular Meeting of the Shenandoah Planning and Zoning Commission will be held on Tuesday, July 18, 2017 at 7:00 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 a Special Use Permit to allow a Wine and Beer Retailer’s Permit (Off Premise) for Home2Suites located at 223 David Vetter Blvd., Shenandoah, Texas.

5. Public Hearing regarding a Special Use Permit to allow a Wine and Beer Retailer’s Permit (Off Premise) for Home2Suites located at 223 David Vetter Blvd., Shenandoah, Texas.

6. Consideration and possible action to recommend approval or denial to City Council regarding a Special Use Permit to allow a Wine and Beer Retailer’s Permit (Off Premise) for Home2Suites located at 223 David Vetter Blvd., Shenandoah, Texas.

7. Consideration and possible action to approve or deny the minutes of the April 18, 2017 Regular Meeting of the Planning and Zoning Commission.

8. Consideration and possible action to approve or deny the minutes of the May 16, 2017 Regular Meeting of the Planning and Zoning Commission.
9. City Administration updates.

COMMISSIONER’S INQUIRY

10. Commissioner’s Inquiry

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

ADJOURN

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

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

I certify that the attached notice of meeting was posted on the bulletin board at City of Shenandoah Municipal Complex, 29955 IH-45 North, Shenandoah, Texas, on the 14th day of July, 2017 at 1:30 p.m. I further certify that the following news media was properly notified of this meeting as stated above: The Courier

Kathie Reyer, City Secretary
Meeting Date: June 20, 2017  
Department: Administration  
Prepared By: Jackie Thompson  
Date Prepared: June 15, 2017  
Budgeted Amount: N/A  
Exhibits: Preliminary Report, Property Location

Subject

Preliminary Report regarding a special use permit to allow a Wine and Beer Retailer’s Permit (off premise) for Home2Suites located at 223 David Vetter Blvd., Shenandoah, Texas.

Public Hearing regarding a special use permit to allow a Wine and Beer Retailer’s Permit (off premise) for Home2Suites located at 223 David Vetter Blvd., Shenandoah, Texas.

Consideration and possible action to recommend approval or denial to City Council regarding a special use permit to allow a Wine and Beer Retailer’s Permit (off premise) for Home2Suites located at 223 David Vetter Blvd., Shenandoah, Texas.

Recommendation

Discussion

Home2Suites, located at 223 David Vetter Blvd. has requested a Special Use Permit to allow for the sale of Wine and Beer for off-premise consumption.

The Special Use Permit will allow hotel staff to sell wine and beer from a retail store on the main floor and have their guests consume the beverages in their room or at a different location than the purchase. The City has issued this same type of wine and beer permit to Townplace Suites located on Vision Park Blvd in 2014.

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

Approved By

Date

Department

City Administrator

July 13, 2017

July 13, 2017
Subject: Home2Suites has requested a Special Use Permit (SUP) at 223 David Vetter Blvd, Shenandoah, TX to allow for a Wine and Beer Retailer’s Off-Premise Permit to allow the sale of beer and wine for off-premise consumption.

Public Hearings: Planning & Zoning Commission – June 20, 2017
Planning & Zoning Commission – July 18, 2017
City Council – July 26, 2017

Property Zoning District: “RC” Retail Commercial

Proposed SUP: An alcohol permit is required to allow the sale of alcoholic beverages for off-site consumption within any zoning district in the City. The requested SUP will allow for a Wine and Beer Retailer’s Off-Premise Permit to allow the sale of beer and wine for off-premise consumption. The SUP will be applicable to 223 David Vetter Blvd., Shenandoah Texas.

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
Planning & Project Specialist

Date Prepared: June 15, 2017
Montgomery CAD, TX
Date Printed: June 5, 2017

This map is for illustrative purposes only and does not represent a survey. It is provided "as is" without warranty of any representation of accuracy, timeliness or completeness. The user acknowledges and accepts all inherent limitations of the maps and data, including the fact that the maps and data are dynamic and in a constant state of maintenance, correction and revision. No liability is assumed by Montgomery County as to the accuracy of the data delineated hereon.
MINUTES OF REGULAR MEETING
April 18, 2017
PLANNING & ZONING COMMISSION

1. CALL TO ORDER (0:08)
The meeting was called to order by Vice Chairman Bradt at 7:00 p.m.

2. CALL OF ROLL (0:10)
Commissioners present Vice Chairman Charlie Bradt, Mr. David Ash, Mr. Wally Westbrook and Mrs. Renee Glazer. Also present were Jackie Thompson and Officer Bledsoe.

3. CITIZENS FORUM (0:24)
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 Bradt stated there are no citizens willing to present anything, so we’re going to item number 4.

4. Presentation of a replat of Metropark Square Phase 1A. A subdivision of 69.79 acres of land being a replat of Lot 1 through 10 of Metropark Square Phase 1A as recorded in the Cabinet Z, Sheet 4333 M.C.M.R. out of the William McDermott Survey, Abstract Number A389 and Montgomery County School Land Survey, Abstract A350, Montgomery County, Texas. (1:16)

Mrs. Thompson addressed the Commission stating this is a replat for the entire Metropark site. The replat is in line with a site plan that the Planning and Zoning Commission and City Council reviewed and approved last month. The reason for the replat is the additional right of way in the centralized location here which is then subdivided this initial lot here. We’ve got the right of way that extends as seen in a site plan prior. Staff and Bleyl & Associates have reviewed the plat and recommend approval.

5. Public Hearing regarding a replat of Metropark Square Phase 1A. A subdivision of 69.79 acres of land being a replat of Lot 1 through 10 of Metropark Square Phase 1A as recorded in the Cabinet Z, Sheet 4333 M.C.M.R. out of the William McDermott Survey, Abstract Number A389 and Montgomery County School Land Survey, Abstract A350, Montgomery County, Texas. (2:30)

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

Vice Chairman Bradt stated not and moved to close the public hearing. Commissioner Westbrook asked if he may ask a questions. Vice Chairman Bradt stated, sure we will keep the public hearing open.
Commissioner Westbrook called out the road that goes through the development that they have straightened out and asked where is the project that has the retail in the front and housing in the back. Mrs. Thompson advised the multifamily would be at the location point out stating they had a retail on the first floor here. Commissioner Westbrook the one he was referring to has access to David Memorial. Mrs. Thompson advised that is a different development. Vice Chairman clarified the live/work section. Mrs. Thompson showed that location also stating the development has a roadway and a vegetation buffer and the Centro project being to the south.

Michael Gonzalez, neighboring property owner, asked will the zoning of this property effect anything on my property as far as this body rezoning this land. Vice Chairman stated this property was not being rezoned only platted. Mr. Gonzalez asked if the plat would have an effect on his track. Mrs. Thompson advised no. Commissioner Ash asked what property do you own. Mrs. Thompson advised he owned the prior existing Living Earth site, just to the north. Mrs. Thompson advised Mr. Gonzalez that the property has been platted prior and this replat only effects interior lot lines.

Aziz Jamaluddin, Epcon property owner, asked what the reason for replatting was and what was it before. Mrs. Thompson advised the developer came in initially the right of way that extends from this section forward was non-existent. The main thoroughfare through the development would have come in here, jogged up, and then continued up to make the connection to the David Memorial Extension. Through his development he decided that it would be best and the City agree that this road would continue straight forward. He is at this point replatting this right of way here to dedicate this right of way for public use. None of the exterior lot line have. Mr. Jamaluddin reiterated public use, and pointed to a section of the road way. Mrs. Thompson responded stating this will be a public roadway that once constructed would be turned over to the City. Mr. Jamaluddin asked the location of David Memorial is the dotted line-- the broken line. Mrs. Thompson stated that is actually the railroad. The property that the David Memorial Extension runs along here on his property. This dotted line would be the railroad. Mr. Jamaluddin asked if that is the only one right of way for public access, that road, the right of way. That’s the only one on the property. That’s the only one. Mrs. Thompson stated No, sir. All of these empty voids here are right of way lines, so they come up this way. There is one running North-South that they’ll complete because they’ve got a big multifamily development through here. There’s also one that jogs down here and comes this way but this is the main one that will come into the development right here off of I45. Mr. Jamaluddin asked to go back up North, you have something here. Mrs. Thompson stated yes. Mr. Jamaluddin asked if that would go to David Memorial. Mrs. Thompson stated they’re not sure how this connection will make. It maybe anticipated that it would then jog to the East and make a connection over here, but they’re not showing that at this time.

Mr. Jamaluddin stated my interest is knowing what’s going to be behind my property. Mrs. Thompson stated it’ll be multifamily units right here on this northern section as they proposed. Mr. Jamaluddin stated
Well, I have brought this point in the previous meeting. My site is industrial site, and there’s a lot of industrial activity on the site. There’s a lot of noise and a lot of banging, and also not so pretty sight for a home site that. I told them that maybe they should do some replatting so that the view is not the industrial site. What you’re seeing right, this is my property and there are going to be homes or condos. Mrs. Thompson stated multifamily apartments. Mr. Jamaluddin confirmed Multifamily? Mrs. Thompson agreed. Mr. Jamaluddin asked what is going to be on sheet five-- I’m sorry, sheet three. Mrs. Thompson stated it’ll be multifamily in this area. Mr. Jamaluddin asked if it will be that whole area. Mrs. Thompson stated I believe so. They actually haven’t finalized a site plan for this back half yet. They will come back before their Planning and Zoning Commission and City Council to finalize their second phase of development. At this time, that is their intention, is to put multifamily along here. Mr. Jamaluddin asked to please keep in mind that our site is an industrial site. It’s not a most desirable site for the multifamily or residential area. Mrs. Thompson stated As far as the use on your site, you’re not within the city limits so we can’t restrict that. Mr. Jamaluddin stated no, my five acres are. Can I see the limit? Mrs. Thompson answered No, sir. Mr. Jamaluddin stated 13 acres in ETJ of Conroe and five acres in City of Shenandoah. Mrs. Thompson stated I can check into that, but all of our maps and all of our annexations do not show that that property is. I’d be more than happy to check into that for you. Mr. Jamaluddin asked to please look into that. Mrs. Thompson answered yes, sir. Mr. Jamaluddin added because the five acres you can see in the City of Shenandoah. Mrs. Thompson stated to be exact you’re talking about the side of that. Mr. Jamaluddin stated adjacent to this property, I think. Mrs. Thompson stated they also will have vegetation requirements along here, so they will put in their own screening along the North property line between their multifamily in your development as well. Mr. Jamaluddin stated that’s why we need to find out if you’re going to roll it over there to the North end of property, the right of way. It will go through the David Memorial, the road? Mrs. Thompson stated we’re not quite sure of the location on there, but potentially, yes. Vice Chairmen Bradt added they’re doing it in phases. Three phases, as I understand. We’re only talking about phase one which is the area, what they have concluded in the phase one. Mr. Jamaluddin asked the phase one sheet like the two, four, and the south line. Vice Chairman Bradt stated that’s where the movie theater and then eventually they’re going to put apartments up in a downtown area. Mr. Jamaluddin stated they had a retention pond, a fairly good-sized retention pond in that plat and asked for the location of the pond. Mrs. Thompson stated currently, they are putting a temporary pond in this location. Their long-term development will not detain on this site here currently. Mr. Jamaluddin said Thank you.

Vice Chairman Bradt asked if there is anything else from the commission.

Vice Chairman Bradt: We'll close the public hearing at 7:12 p.m.
6.  Consideration and possible action to recommend to City Council approval or denial regarding a replat of Metropark Square Phase 1A. A subdivision of 69.79 acres of land being a replat of Lot 1 through 10 of Metropark Square Phase 1A as recorded in the Cabinet Z, Sheet 4333 M.C.M.R. out of the William McDermit Survey, Abstract Number A389 and Montgomery County School Land Survey, Abstract A350, Montgomery County, Texas. (11:14)

COMMISSIONER ASH MOTIONED TO RECOMMEND TO APPROVE REPLAT OF METROPARK SQUARE PHASE 1A. A SUBDIVISION OF 69.79 ACRES OF LAND BEING A REPLAT OF LOT 1 THROUGH 10 OF METROPARK SQUARE PHASE 1A AS RECORDED IN THE CABINET Z, SHEET 4333 M.C.M.R. OUT OF THE WILLIAM MCDERMOTT SURVEY, ABSTRACT NUMBER A389 AND MONTGOMERY COUNTY SCHOOL LAND SURVEY, ABSTRACT A350, MONTGOMERY COUNTY, TEXAS. COMMISSIONER WESTBROOK SECONDED THE MOTION.

Vice Chairman Bradt stated we have a motion to recommend to City Council to approve. It's in our recommendation of approval by Dave Ash and seconded by Wally Westbrook. Any discussion? All in favor?

MOTION CARRIED UNANIMOUSLY.

7.  Consideration and possible action to recommend to the city Council approval or denial regarding an extension of a Special Use Permit for Mixed Beverage Sale (on premise) until 12:00 a.m. for Goode Company BBQ #4 Woodlands and Goode Company Kitchen and Cantina located at 8865 Six Pines Drive, Suite 100 and 150. (12:25)

Mrs. Thompson advised we have reached out to Goode Company as a precaution and anticipation that their current alcohol permit would expire in June. They are projecting that they might be a little bit close on that deadline and in order to ensure that they maintain their alcohol permit as it is today, they have requested an extension. We've looked at a timeline, and we looked at the development and construction of the site. Staff would recommend go ahead and granting the extension for the alcohol permit until September 15th 2017. It should allow the developer plenty of time to finish constructing their building and utilize the special use permit as it is in place today.

Commissioner Ash stated he understands there's been rain delays on construction. Is that right? Mrs. Thompson responded yes. They have weather delays as they have stated.

Vice Chairman Bradt asked do we have a motion.

Commissioner Ash stated the motion to approve.

Vice Chairman Bradt stated we got a motion on the table. Do we have a second in motion?

Commissioner Glazer seconded the motion.

Vice Chairman Bradt called for any discussion? Any favor?

Mrs. Thompson asked Commissioner Ash for the record, can you specify your recommendation, and are you recommending to extend to September 15th 2017. Commissioner Ash stated I recommend we extend to September 15th, 2017. Vice Chairman Bradt asked Commissioner Glazer if she still concurs with the motion.
Commissioner Glazer stated Well, this is we expect to be fully operational August 15th. They're getting extra month extension, isn't that right. Mrs. Thompson stated that was the date that they anticipated on here. We've looked at it. Just to make sure that we give them the time in case there are any additional delays so that they don't have to come back, and go back to this process again. The issue with lapsing time in the use and the expiration of the special use permit is we have to start the entire process back over again, legal postings, requirements. If they weren't granted the special use extension, the time lapse they would fail to establish the use, they have to come back and do the whole entire process again.

Commissioner Westbrook asked why did it run out or why is this proposed. Mrs. Thompson responded all SUPs are given a date in there. This one specifically is dated for June 21st. It's a year that they have time to establish the use. This is specifically for the alcohol permit. They're under construction currently, but they won't be selling alcohol until they're open for operation. With the weather delays that they have stated, they anticipate being really close to that deadline. Vice Chairman Bradt asked Once they start selling alcohol and using the permit, then what. Mrs. Thompson responded correct, then it continues indefinitely until they are no longer occupying that space. A new person comes in and ask for an alcohol permit.

Vice Chairman Bradt called for a vote of all in favor?

MOTION CARRIED UNANIMOUSLY.

8. Consideration and possible action to approve or deny the minutes of the February 21, 2017 Regular Meeting of the Planning and Zoning Commission. (16:40)

Commissioner Glazer motioned to approve the minutes of the March 21st 2017 regular meeting of the Planning and Zoning Commission. Commissioner Westbrook seconded the motion.

Vice Chairman Bradt called for any discussion or Changes. None. Vice Chairman Bradt called for a vote.

MOTION CARRIED UNANIMOUSLY.

9. City Administration updates. (17:27)

Mrs. Thompson advised the Commission she does not have any at this time.

10. Commissioner's Inquiry. (17:36)

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 Glazer stated I've got a resident in Tuscany who was asking me they've got a large RV vehicle that they are parking at the moment in their driveway. Is there any place in the city where they can actually park that and store it? Our restrictions do not require them to have that. I've got resident's calling and griping. Vice Chairman Bradt stated the closest one that I know of is on Budde Road, the closest one. Adding it
seems to be a rather nice place then. Commissioner Westbrook added there is on down in 242. Vice Chairman Bradt stated that might even be closer yet. Mrs. Thompson Yes. I think our zoning is very restrictive in the neighborhood. We have to look and see if there may be a potential to work it out with a commercial property but no storage facilities.

Commissioner Westbrook posed the questions to Mr. Jamaluddin since mentioning it a while ago. Are you mentioning this because the company, Epcon is going to continue to operate and be noisy? Are you afraid that somebody's going to come and say, "Hey." Mr. Jamaluddin True. Also, we do a lot of testing behind there. A little bit of pollution sometimes. This is not a daily occurrence, but every so often. Maybe 10, 15 times a year we do some testing outside over there in that area. Vice Chairman Bradt asked stress test kind of thing. Mr. Jamaluddin stated No, combustion testing. Sometimes we burn things, the oils and so on, residual oils. It's not a contaminant but it's a nuisance and also it's not continuous. Maybe for a few hours, but it could be a nuisance. Also, there's a lot of noise, trucks and banging. Commissioner Westbrook stated you're anticipating what's going to be complaining about it later on. Mr. Jamaluddin stated I've had two concerns. One is the people themselves and also vandalism and also people not liking it and maybe damaging, causing some vandalism on the properties because at night is we don't have a night guard and all this is just a fence. Somebody can come over the fence and do all kinds of things. Those are the concern that I have hanging people right on the other side. Then you never know what kind of people are going to be in the multifamily homes. Then you they may have a grudge, disgruntle of all the noise and pollution and so on, so they could do some harm. So, these are our concerns. Commissioner Westbrook stated you know what this always reminds me of? Mr. Mitchell next door. A long time ago, he had a direction that he wanted the Woodlands to follow. One of those directions was be annexed by the City of Houston one day. Then, what happened is people moved in and they took Mr. Mitchell's ideas and He had to alter them because there were enough attorneys that moved in to make things uncomfortable for him. I think that down the road, you and I have known each other of each other for 30 years. I know that we're not both going to be here forever but maybe what's going to happen is Shenandoah will drive that piece of property to sky-high Maybe, I'm being recorded so I will say maybe. Mr. Jamaluddin stated that thought goes on continuously in my mind. That thought goes on my mind everyday as a matter of fact. I had a meeting this lunch today with a company that try to sell the company. I'll relocate and then neither of those options are desirable or are immediate. It's going to take some time to relocate somewhere else. I do have some property or with that stipulation. I bought some property, I was just starting then, between 45 in the Hardy Toll Road, 1960 Bama Road for 30 acres. Constructing something and moving is just very, very costly. I don't know what I'm going do. It's a dilemma whether to stay there or move which is very good the property. Probably they have 18 acres of land that probably has more valuable on today or equally valuable to the business. So, it's a dilemma. Commissioner Westbrook is there anyway Jackie that something could be worded to where everybody understands that there's a commercial business in any area. Mr. Jamaluddin stated
Industrial. Commissioner Westbrook stated Industrial business or whether you leave it alone or buy it. Mrs. Thompson stated that our hands are a little tight at this point because they're not asking for modifications to the zoning. If they were to come back in, we could specify something just like we did with Centro in HOA requiring certain things or David Weekley who required their HOA to notify them of certain things. I do think that based off the conversations here, Dan will probably go back and let Mr. Moon know what's been specified. Then, when plan submittals come in for that area, staff can definitely look at those especially on vegetation and planting and try to make a recommendation if we feel like there's not enough landscaping maybe in the area to block those views. As far as the type of residents that are going to be going in there, it will be a high end adding we have acquired certain amenities on that multifamily development so I don't foresee the tenants being an issue. Mr. Jamaluddin stated I had been bigger nuisance situation. Adding I did want to show you this the five acres I believe I was referring to. Mrs. Thompson stated yes, sir I've got written down. I'm going to go back and look at that for you. Commissioner Westbrook asked if they could show that with this one. Mrs. Thompson stated yes He's just showing me his property on the legal notice that one out. Commissioner Westbrook asked if it was that right there. Mrs. Thompson stated yes this was highlighting the plat area in his properties right there. Commissioner Glazer asked would this issue need to be disclosed to proposed residents who are going to move in? Do we know? Mrs. Thompson asked As far as the industrial area? Commissioner Glazer Yes, behind them and then it's noisy and that it's disturbance. I mean I don't know if that's required to be just close. Mrs. Thompson stated I don't think that this city wouldn't be involved in the leasing. That would be something that the property owner and the leasing agency. We have written into other zones and I think that if they come back in for a rezoning we can write those specifications in there that they would be required to know that. I don't think that without having a modification to the zoning that we can force that. Commissioner Westbrook sated well, I could see two sides of it. I can see Mr. Jamaluddin situation. He would be like said, "Hey, I was here first. I've been here a long time." Then, I can see the homeowners coming in and said, "Man I didn't know it's going to be next that the industrial area." If everybody knows before going in and they make a decision with that information. That's your choice. Mr. Jamaluddin asked what is going to be here in this area right here. Adding he owns this property which ends right here but it goes always here. I don't know who owns this. Mrs. Thompson sated we can look at the map. We're in the commissioner's inquiry right now.

Vice Chairman Bradt asked for any other inquiries.
Vice Chairman Bradt called the meeting adjourned at 7:28 p.m.

SUBMITTED BY: ___________________________     DATE APPROVED: ______________

Kathie Reyer, City Secretary

_____________________________

Chairman Dean Gristy
MINUTES OF REGULAR MEETING
May 16, 2017
PLANNING & ZONING COMMISSION

1. CALL TO ORDER (0:00)
   The meeting was called to order by Chairman Gristy at 7:00 p.m.

2. CALL OF ROLL (0:04)
   Commissioners present Chairman Dean Gristy, Mr. Charlie Bradt, Mr. David Ash, Mr. Wally Westbrook and Mrs. Renee Glazer. Also present were Greg Smith, Jackie Thompson and Officer Bledsoe.

3. CITIZENS FORUM (0:08)
   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 asked if anyone would like to speak. Chairman Gristy stated there are no citizens willing to present anything, so we’re going to item number 4.

4. Consideration and possible action to recommend approval or denial regarding an extension for a special use permit to allow Tourist Accommodations: Lodging General and Restricted. The proposed special use permit is for Restricted Reserve “B” of the Amazing Spaces Plat, Cabinet Y, Sheet 15 of the Map Records of Montgomery County, Texas. (0:56)
   Mrs. Thompson addressed the Commission stating this is an SUP request for the previously granted Hampton and at the corner of Country Lane in I-45. The SUP was granted back in May of 2016 and will expire at the end of this month. The developer has submitted a request which is included in the agenda packet, which has been slightly modified after this packet was posted, to include a shorter building permit process and construction process. All in all, the request that they are granting is for a longer time frame than this Commission has considered and granted in the past. In addition to the property's occupancy payment history, staff is not recommending approval of the special use permit extension at this time. The developer and property owner are here if you have any specific questions. The site plan included here has not changed since their prior submittal. They anticipate final design to be completed in July. Building permits are reviewed by the City mid-September, and then at 15-month construction period, and at completing construction in December of 2018. Commissioner Glazer what's the reason staff doesn't want to extend it. Mrs. Thompson stated the timeline as they presented is extremely long and lengthy compared to where we've been at in the past, with
extensions. The SUP was provided or granted back in May. The developer or property owner hasn't submitted any additional documents to the City for review or hasn't moved forward in the process of utilizing that space. Commissioner Westbrook asked back in May of last year. Mrs. Thompson stated yes. May 2016. We actually reached out to them to advise that their SUP would be expiring unless they obtain an extension. Commissioner Ash asked if they own another hotel like this. Mrs. Thompson stated they own two hotels within the City. Both of those hotels, since granting this SUP, have had delinquent occupancy tax reporting and payments to the City. Chairman Gristy asked which two hotels are the Hampton and other. Mrs. Thompson stated the Clarion. Commissioner Ash stated one of them didn't meet the current standard. Mrs. Thompson stated the Hampton doesn't meet the current Hampton requirements. Therefore, they were going to be changing the flag on the existing Hampton and rebuilding north of the country lane. Commissioner Westbrook asked what would happen to the existing. Mrs. Thompson responded they will still operate the existing, from my understanding. Commissioner Westbrook asked as a hotel. Mrs. Thompson stated Correct. Regardless of this SUP, they will not be allowed to operate that one as the Hampton. Hampton is not giving them the flag back for that because it doesn't meet the requirements. Commissioner Bradt asked as it going to be another choice property. Mrs. Thompson asked the speaker to state your name for the record, as well. Kenneth Jacobson, property owner, advised the old Hampton is going to operate as the Hampton until the new one is complete. And then, we have a flag for a Baymont for the old Hampton. As soon as the big Hampton expires, it will become a Baymont. Commissioner Ash asked will that be under a Choice hotel. Mr. Jacobson advised no. It's under Wyndham. At this point, we have 50% plans. We're waiting for the 50% engineering plans. Our processes sped up quite a bit most recently. Commissioner Ash asked what's been the hold up so far. Mr. Jacobson stated well, it was just personnel changes. I've stepped into the picture to speed this process up and get it moving and wave it. Because I wasn't really actively involved. Mrs. Thompson stated one thing for the Commission to consider, and the property owner was advised of this, is the IDC does specify, if an application has denied by the Planning and Zoning, and City Council, the property would not be able to request another SUP for six months. That information was provided to the property owner. Should this body and City Council deny this request, this property would have to wait six months from the denial date to reapply for a special-use permit. Chairman Gristy stated if they withdraw their application they would be able to resubmit. Mrs. Thompson stated correct. Commissioner Westbrook stated it has taken one year to get to this point. Mrs. Thompson stated there has been no activity. They haven't submitted building plans for permitting
review. At this point in time, it's all still on their side, working to complete final design for the site yet. Commissioner Ash stated it would take two years to get it operating. Commissioner Westbrook stated he did not like that. Chairman Gristy asked can we recommend to the developer or the property owner that they withdraw. Mr. Smith advised that's their decision. I don't think we should recommend to entity what they or how they handle it. We advise them or you post it, and send them to at least one, if not two, emails by Jackie. At this point in time, here are your two options to go down. And they have chosen to come to this auction at this point in time. Adding, as this board knows, lots of things have come to this board and then, before they make it to the City Council, the individual have had to change a part, and then, withdrawn things. At this point, it recommend whatever recommends and they withdraw before the City Council. Then, they will be able to resubmit without the six-month wait period. Commissioner Ash asked how long does it typically take to build a hotel, they're talking two years here. Mr. Smith stated they're talking about their schedule. Mrs. Thompson added they won't even establish the use in terms of legally establishing the use until permitting which there right about December. Commissioner Ash But what I'm saying, they want to operate. It's going to take two years to operate. Is that reasonable. Mr. Smith stated two years to complete the process is what you're basically saying. We're sitting here May of 2016, 2017. They're saying they will not complete construction until December of '18, is the schedule they have provided. You're talking at least 18 months. Commissioner Glazer stated forgive me for not knowing the process. But if they withdraw, and then reapply, what is the next steps? City has to give them permits again. Mrs. Thompson stated it will come back to this board for consideration of SUP which would give them that years time. Chairman Gristy Like we did the first time. Mrs. Thompson advised right. Commissioner Glazer stated either way, if I'm understanding it correctly, it's still going to be a year out, regardless. Right. Mrs. Thompson advised right. If they come back to this board, they would then be granted an SUP, let's say, in July. They would have a year from July to establish the use. Commissioner Ash stated most SUPs that they get, they're done in a year. Because a few times, we've had people come and say. Mrs. Thompson stated we have had two cases were hotels have come in and asked for extensions. Even was one and then, back in 2014, Cambria did. And both of those, this commission and council did grant extensions. Commissioner Bradt stated but they were not 12 to 15. Mrs. Thompson advised they were not quite as long before the City saw any response from the developers. Commissioner Glazer is there any way the developer could fix the date and make it a shorter time span, if I'm asking that correctly. Paul Kao, Architect for the project stated I've been working in quite a few hotel in the City of
Shenandoah. The Hampton Inn, which is a very major brand and because this one is too old, they denied any renewal, and it take a little time for Hilton to allow this side to replace the existing. The Hilton gave them until December 2018 to have the new hotel operate. Commissioner Bradt stated you're not in jeopardy of losing that franchise. Mr. Kao stated Correct. In fact they required the owner to have this new hotel build by December 2018. Based on this projection, we accelerate the process and we’re planning to finish out all 100% percent construction drawing by July 15. Hopefully, we can get a building permit in a couple of months and start/commence the construction in October first. The hotel, we project to take a 15 months to build. Commissioner Westbrook asked what's going to be where the existing Hampton is there now, how's that going to change. Mr. Kao stated they're going to lose that the brand. Commissioner Ash stated it's going to be a Baymont. Commissioner Westbrook stated I know it's going to have a sign that says "Baymont" but is it going to look different? Is it going to be freshened up or what. Mr. Jacobson stated that's going to have to meet the requirements of the Baymont. Commissioner Bradt asked do they allow outside access or just inside. Mr. Jacobson advised yes. They allow exterior. Mr. Kao stated the schedule is pushed together and hopefully we get the extension and we can start construction in October. Otherwise, we have to come back to apply another SUP for this site. This is the site accepted by the Hilton. Do you have any question. Commissioner Bradt October is five months. Why are you asking for 12 to 15 months. Mr. Kao October is for the permitting to start/commence the construction. Mrs. Thompson stated the 12 to 15 months on there is the estimated construction time. Chairman Gristy asked the entirety. Commissioner Westbrook agreed yes, what's this. Mrs. Thompson stated from when they break ground, it doesn't include the permitting process. Mr. Smith stated let's talk about the permitting process. It's not a two-month process if the architect and the design team does their job candidly. They submit, if they have they know what the codes are. Our codes don't change. They're the international building codes. If they follow the international building codes, they'll have comments back in 10 days. It depends on how fast they get things done. It's not a two-month process unless the design team does not follow the codes or they do not pay attention to the comments of the building official say. It's not a two-month process. Commissioner Westbrook asked why was there no activity from May of 2016. Now, one year later, why was there no activity. Mr. Smith stated I can't answer that question. That would have to be the developer and their design team to answer that. Mr. Jacobson stated the only thing that I could say is we've had a lot of personnel problems at the hotel. People haven't been watching what they are doing. That's why I haven't really participated but that's why I've stepped in now to get
this process going and finished. Mr. Kao stated I probably can tell a little bit because the Grace has another partner in this project. What it says, the occupancy rating in Houston Metro Park is coming down and the partner is scared to join. Now the Grace can take over to push the jobs through. They have some period of hesitation, but they cannot hesitate anymore because the deadline from the Hilton. That's the situation. Commissioner Glazer asked how did the personnel problems affect. Mr. Jacobson stated that's what Mr. Kao was referring to. Mr. Kao stated the partners, developers, another developer was grouped with Grace trying to develop it but that person lose faith of the market, but they cannot afford to lose this brand because the Hilton, the Hampton Inn is a very important brand for the Hilton. In the whole area, this is the only location we are allowed. Commissioner Westbrook asked you're saying that if it didn't pass tonight, they could still withdraw before the meeting tomorrow and it had the same result to go forward with the new application versus us to continue it on. Mr. Smith advised correct. Whatever happens tonight, they have till Friday actually, they have until Wednesday prior to the meeting not the meeting tomorrow night. It's the meeting a week from tomorrow night before the City Council that will approve this. If it's recommended for denial tonight, they could withdraw their application and they could immediately resubmit. If it is denied at the City Council level, then they have to wait six months before they can even come back and ask the board again. Commissioner Ash asked to complete the special use permit, looks like all they have to do is get it delivered. Mrs. Thompson stated they would have to have a building permit which we've established the use at that point. The plan review process would not constitute establishing the use. They would have to get a building permit and move forward with that. Then, after that finish out when they're operating as a hotel. The SUP would then turn to an indefinite outside SUP for the license. Mr. Smith so if we issue a permit and they do nothing, that permit automatically expires at six months. We have processes in place for projects to be forced to move forward. That's one of the concerns that the staff has because there's been zero activity. Not even a set of plans for cursory review, any pre-construction, any pre-design meetings. They have gone quiet for 12 months with no activity whatsoever. With that situation and the delinquent taxes that where the staff came up with the recommendation. Mr. Jacobson stated if I could say though, at this point we do have 50% almost complete plans with the exception of engineering and there is no delinquency at this point. When they found out about that it was immediately taken care of. Commissioner Westbrook stated what I'd like to do is agree with what the City recommendation is because I think this might need a little help. If I just say, "Hey. Better get on the stick instead of just passing everything that becomes wrong.
Commissioner Glazer stated if they withdraw and then reapply, the property's still just sitting empty, anyway, and there's no activity. I'm having trouble figuring out. Commissioner Ash stated yes and then what. Commissioner Glazer agreed it's what I'm having trouble with. Mr. Smith stated with several of the SUPs, we have given specific timelines that activity has to happen. Commissioner Westbrook stated he did not think they could to it. Mr. Smith stated but you're right. The timeline they're presenting to us a year later is one that the City staff feels appropriate with. Now, we got a modified timeline change today. On Friday, the work can be put into your packet. The timeline changed between Friday and Tuesday. There is some concern from I think our standpoint of, "Are they just changing dates and they really can't meet those dates?" If they come back in and start to process over, we have enough time to discuss the timeline that they're presenting, and it could actually work out to their benefit that they have be in by the 18th. We don't know what the requirements are of the individual flags because we don't typically get into those, unless it's a specific reason why we have to, which did come up with the Cambria. If the board of remembers, the Cambria was originally going to be a corporately-owned hotel. Then, the corporation representative came back with the franchisee, and say, "Hey, we are no longer going to operate hotels as an owner. We want to do this as a franchise." The corporation came and made the presentation with the franchisee. That's one reason why the Cambria was extended because it was a legitimate change in the way the business was going to operate. This one is not that. This one has been there a year, same people owning it, same people coming here, and nothing has happened. But to your point, you're correct. If it's denied or recommended for denial, and then the council upholds your recommendation, the property is empty for six months before they can even reapply. If the board approves it and the council approves it, the timeline is the same. But according to their timeline that they've even submitted to us, they could get their 50% drawings and then come back to this board and say, "We have submitted 100% drawings to the City, they're in place," and staff will review them once you give them your SUP. At least then we have something in place for them to move forward with, to where you guys are making-- this board is making a recommendation based off of improvements from the operator or the developer to meet the timeline in a realistic manner. Mr. Jacobson stated if I could interject. We do have 50% plans, and basically, we have to get this project completed by the end of 18. That's a requirement of Hampton and they're not going to extend it. I have it in writing. I don't think delaying it would help even if we come in later and reapply. It's just going to slow the project down even more, and possibly miss December '18, so I'm very serious about getting this project. I'm happy to show you what we have
now. The architect could show it to you. Commissioner Westbrook asked for them to pass it. Commissioner Ash asked so essentially, this is May. They're asking for an extension until December. Then they've satisfied everything. Mr. Jacobson stated well, I guess what we're really asking for is the permitting to be extended until December. Mr. Kao advised we could have 100% drawing by July 15th. Probably six weeks from now. Commissioner Westbrook asked what do you have left on your drawing. Mr. Kao stated we are doing the engineering and architecture, actually, so more than 50%. This is not a part of drawing. We already submitted 50% to Hilton for review, and we definitely can get 100% before July 15th. I've been doing so many hotels, also in Shenandoah, the EVEN hotel, the Aloft. So I know the building permit code very well, so I have great competence. I can go through the permit review. And of course, not only the building permit, also has to get a contractor and get a price so the groundbreaking it's not that quick. Commissioner Ash this is the schedule that was submitted today? That was not on there? Mr. Kao stated it is. We submitted last week or so. Commissioner Ash but it doesn't match that. Mrs. Thompson advised no, it does not match that. It was revised after that was posted. Yes. Building permit review and approval, September 15, 2017. Commissioner Bradt stated as far as the agenda, I don't know if we can do this. Mr. Smith advised you can put the stipulations that this board has put on. Chairman Gristy stated you can put caveats on it like in the past. Commissioner Ash stated we may be looking at a caveat right here. Mr. Smith stated candidly, one of my concerns, is they submitted this schedule, and then they showed up tonight saying they can have a full set of plans to the City by July 15th. This has been a moving target the last month, with no movement in the previous 11 months. Chairman Gristy asked if they were to resubmit, I mean that doesn't change anything as far as their processes are concerned. You're moving along at the same pace, but we start our date over essentially is what is happening if I am understanding that correctly. Mrs. Thompson stated right, there's just no guarantee it. At this point, they've got to guarantee use for that site or a special use permit until the end of this month. If that expires, they can move forward with their plan review. They can even continue forward with their plans submission like many of the other hotels have done, which we sit on until they are approved for the use, they just don't have a guarantee at that point that the use would be allowed. Commissioner Glazer stated I would assume anything's possible, but is it possible that we could put a caveat that their dates have to be moved up in order that we see movement. Mrs. Thompson stated this body could set dates. Commissioner Glazer stated to the same degree. Mr. Thompson responded right. We could recommend that certain dates be met, otherwise it automatically expires and they will be required to resubmit. Mr. Smith stated we have
done that. Commissioner Ash stated at the breach of the first day it expired. Mr. Smith stated the breach of the first day, their SUP automatically expires. He said they could have plans here July 15th. So, if the plans are not in here July 15th, he is out. We could then say a permit has to be pulled by August the 15th. So, if we delay that permit, because we don't meet our standards, then obviously, we would extend that because it was our fault. If we get our comments back and they don't correct the comments that we made in plan in up, submission plan review first phase, they come back in, and it's August 15th when we send out the second comments and they're the exact same comments, then they would lose their SUP at that point in time. This commission has the ability to make any caveats you see fit and you could actually say that you have to be getting construction by a certain date, and we have done that. Chairman Gristy agreed yes, I was going to say we've done that. Mr. Smith stated Cambria had two or three, and if you remember, one of the extensions that we did with Cambria is because they had met everything except for - Was it the start of construction? Mrs. Thompson advised that was EVEN. Mr. Smith stated Cambria had put in the waterline and they did the platting. They did several things that they were supposed to do and had money invested in it, and then lost it because they didn't meet the timeline that they said they could meet. Commissioner Ash aske and what was the end result with that? Mrs. Thompson stated the extensions on both of those lapsed and they came back in for a full SUP for one year. Chairman Gristy stated to me, honestly, it seems like the most logical thing is to just recommend for a denial and allow them the opportunity to resubmit. Start the process over, rather than push this process out there with these caveats. I don't think we've had a single one that we've put a caveat on that has extended once they've got to that point. Whether it was to put in sidewalks or it was to begin construction. It seems like any time that we've ever done that in the past, we get to that point, and they're not able to meet it. So it's just, to me, it seems as though the logical thing would be, if you haven't done anything with the property, you only got 50% of your building designed, the smart thing to do is resubmit, and we've got a clean slate to start with, rather than, okay, this date that's coming out here in two months or a month or whatever it may be. That's just my personal opinion. Commissioner Westbrook stated I tend to agree because this may seem like a good plan that probably needs to go back. Mr. Jacobson stated well, the problem though that I see with that, is we have this definite December 31, '18 deadline with Hampton. That's it. If we don't have it completed, we'll lose the franchise. Chairman Gristy stated resubmitting it is not going to jeopardize your date there. Your date is your date. Period. End of discussion. It is December 2018. It seems to me that this process has sat dormant for an entire year, and that date, you know what that date is. You
know what it takes to get there, whether we extend or deny that SUP is almost irrelevant at this point. You know what all your dates are. You just need to put that effort into make that happen, and we've approved that piece of property for that use in the past. Commissioner Bradt Are you saying that the Hilton company will view unfavorably on you if you lose this. Commissioner Westbrook stated they'll pull the plug. Mr. Jacobson stated yes. Commissioner Westbrook stated again they're going to pull the plug. Mr. Jacobson agreed they'll pull the plug. Commissioner Westbrook stated give it to somebody else. Somebody else will take it. What's the timeline for this structure itself? Mrs. Thompson advised 15 months. Commissioner Bradt stated the permit is what is the key, like Greg said. Mr. Kao advised yes, hopefully it's finished by 15 months. Which is very typical for this type of hotel. Commissioner Westbrook stated 15 months. Let's take December this year, that's five months. That's 17th of July. You've got to be on construction in July, is what you're saying, right? Mr. Kao advised no, to finish by December 18, or 2018. The 15 months will commence when this hits September. September 1st. Commissioner Glazer If the vote is to deny it, and let them reapply, I guess the question to you all would be, if you have to reapply, how do all the deadlines, do the dates lined up so they get completed by their deadline? Mr. Kao stated I think it can still happen, yes. Chairman Gristy stated honestly, I don’t know that the SUP has anything to do with whether or not they’re awarded the flag. Mr. Kao stated yes, the SUP typical take two of your committee, and this Council is about three months process. Mrs. Thompson advised right. If they were to – if this body were to deny it and they withdraw your application part the next Council meeting, as long as they re-submitted their application by next Friday, they could go back in front of City Council at the end of July. Commissioner Glazer and still meet your December 2018 deadline? Mrs. Thompson stated right. Chairman Gristy and have a full set of drawings. Mr. Smith stated then show up to this meeting with City Council, and say we have a full set of drawings. They’ve been submitted to the City and we’re just waiting for an approval for our team to start reviewing them. If they don’t have a full set of drawings, they’re going to be in front of you in July, asking for a new SUP and they haven’t met one of the dates they said they could meet in this meeting. Commissioner Ash asked if it lapses, then the next meeting is in. Mrs. Thompson advised they have one in June, one in July and then Council in July. Commissioner Ash state we’re setting them back two months? Mr. Smith stated yes. From what they’re saying to us, a denial by the City Council would make the project not feasible. Commissioner Ash asked is that what you’re saying. Mrs. Thompson advised well, if they were denied at City Council, they’d have to wait six months. Mr. Smith advised it’s a mandatory six month waiting period. But if they would withdraw their application, even
standing here in front of you today, if they withdraw your application right now, they can meet the
timeline they said they could manage. Commissioner Westbrook asked have you asked Hilton to go
ahead and extend their deal. Mr. Jacobson stated they’ve extended it to December of 18, and that’s
as far. Commissioner Westbrook said they have extended it before? Mr. Jacobson stated I think the
original due date was September. Commissioner Glazer asked do you still have personnel issues to
continue to work out. Mr. Jacobson advised No, well, when I said personnel, I really meant this
partnership thing. Commissioner Glazer asked is that solved to whatever degree, or is there still issues?
Mr. Jacobson said I think it’s resolved. I’ve stepped in to take care of the situation. I’m confident we
can do it under this timeline. Commission Ash asked under the revised timeline? Mr. Jacobson stated
under this revised timeline. Commissioner Westbrook asked is there a penalty for not hitting your
timeline or something, Greg? What’s been done on that. Chairman Gristy stated I think he said we
could approve the extension and implement caveats that require certain things be achieved within
that timeline. That is definitely an option for this board tonight. We could say, if there will be and
extension and if we don’t have a complete set of drawings by July 15th, then you forfeit that extension
and now you’re going to have to reapply. Commissioner Westbrook stated they probably wouldn’t
reapply because there’s not going to be able to keep the franchise. Commissioner Ash Of course, if
they withdraw, there’s always also the possibility of special meetings, right. Mr. Smith advised yes sir,
that’s the second part of it. Commissioner Ash stated you could have two meetings in a month? Mr.
Smith stated yes, sir, you are correct. Commissioner Ash stated you could accelerate that. Mr. Smith
stated Jackie correct me if I’m wrong. This was brought up by you reaching out to them and telling
them that this is about to expire. This was not self-initiated by them. This was initiated by staff saying,
“Hey, your SUP is about to expire. Here are your two options.” I honestly believe if Jackie hadn’t
reached out, it would have probably automatically expired at the end of the month. Mrs. Thompson
agreed. Commissioner Westbrook asked I know you’re a partner but what’s your involvement? Mr.
Jacobson advised well, at this point, I’m pretty much taking over as the supervisor for the project.
Commissioner Westbrook asked do you have any experience in this field. Mr. Jacobson stated I do.
I’ve built several homes. I went to architecture school, so I’m pretty familiar with it. Commissioner
Westbrook asked is that’s what you’ve been earning your living at. Mr. Jacobson advised no, I’m an
attorney. Earning a living as an attorney. Chairman Gristy For the board’s sake, you made it sound as
though if the SUP was denied, then you are put in a position where you had to submit for a new SUP.
That Hilton would potentially pull the plug on the flag, so to speak, or the franchise. I find that difficult
to swallow. Commissioner Westbrook stated that’s the standard. These big chains like that, they don’t really give a flip about you. That’s the way it is. Chairman Gristy stated the SUP basically just states that we approve the use of that property. Mr. Smith stated I think we have in our Standards Acts and from this board, Jackie, correct me if I’m wrong. We’ve actually stated what hotel is allowed to go in that SUP to allow us to, you come in here and say you’re building X hotel, you have to get that past the hotel you’re building. You don’t get to come in here and say I’m going to build 128 room hotel, and then you come back and you get 128 room exterior hotel. That’s not what is presented to this board. Is that what we did on this one? It has to be a Hampton. Commissioner Ash stated I know the Council meeting is tomorrow. Mr. Smith advised no, a week. A week from tomorrow. We will post on Friday. Commissioner Westbrook asked is that the elevation that I saw in those drawing. Is that Hampton hotel that you are planning on putting there? Mr. Kao advised yes, correct. This is Hampton’s newest design. But we are doing five story. Commissioner Westbrook asked if there was a denial, we just went over this, but I want to make sure I get it correctly. If there’s a denial, they can come back, it won’t set them back, right, Greg. Mrs. Thompson advised if there’s a denial and they withdraw. Commissioner Ash agreed if they withdraw, yes. Commissioner Westbrook added if they withdraw, they could come right back and start the process all over again and meet their deadline to keep their flag. Mr. Thompson stated that would basically give them a year from July to establish his. Commissioner Ash asked do we have a rule on the special meetings when they can be called, or just whenever you can get us all together. Mrs. Thompson agreed it depends upon a quorum. Commissioner Ash stated because typically, this is what? The second or the third Tuesday. Mrs. Thompson stated this is the third. Commissioner Ash stated I think it will pass for them on the first, but we could do it anytime as long as there’s a quorum. Mrs. Smith stated the only requirement there is a 72 hour post. Chairman Gristy stated I don’t think there’s a question if we could help move the process forward, but it seems to me that the process needs to make sense. Like I said, we haven’t had really had any success with setting these deadlines on these extensions. They potentially are completely out of process. If they miss a deadline if we extend and they miss a deadline, then they’re not going to get their building in. Commissioner Ash stated whereas if they come back with better plans. Chairman Gristy Correct. Then they can achieve their deadline, and it just seems like that makes more sense to me. Commissioner Westbrook asked May I ask a question? Maybe I’m asking so much about this it’s going to affect this to submit it. You all already have a contract, a ready contract. A ready company selectively have somebody that’s going to oversee because I know you’re not going to be
able to do that, you’ve got another job. Mr. Jacobson stated we’ve spoken to a couple of contractors, but they’re waiting for the plans. Commissioner Westbrook stated yes. Actually the plan is being submitted.

**COMMISSIONER ASH MOTIONED TO RECOMMEND DENIAL TO CITY COUNCIL REGARDING AN EXTENSION FOR A SPECIAL USE PERMIT TO ALLOW TOURIST ACCOMMODATIONS: LODGING GENERAL AND RESTRICTED FOR RESTRICTED RESERVE “B” OF THE AMAZING SPACES PLAN, CABINET Y, SHEET 15 OF THE MAP RECORDS OF MONTGOMERY COUNTY, TEXAS. COMMISSIONER WESTBROOK SECONDED THE MOTION.**

Chairman Gristy called for any discussion. Commissioner Westbrook stated this might be a good thing I like what I see. Commissioner Ash stated he would like for you to come back with a better plan. Chairman Gristy called for a vote.

**COMMISSIONER BRADT OBTAINED, MOTION CARRIED 4 AYES.**

5. **City Administration updates. (41:50)**

Mr. Smith advised just a couple of real quick and first one as a compliment to Jackie. This is very difficult to notify people of when they are coming up. I know making these decisions are hard for any commission, and then the City Council will have to go through this. But truly, if our staff didn’t keep up with this and notify them what’s going on, this could have completely flopped on them. The time line has changed. The more Jackie contacted them, the shorter their timeline got. That’s one of our concerns is that they come forward, and we really don’t know if it’s true, and hands off to department. Hats off to Jackie to catch this one and notify them in time of what we could at least give them some guidance before it was too late to get this thing done. That’s the first thing I have. The second thing is give you a couple of update on capital projects. The sidewalks are coming along good. We’re almost complete. I will tell you we did have to buy a piece of property from BB&T. The bank would not give us an easement for a sidewalk. Their legal department says you buy the property and you get to put a sidewalk. If you don’t buy the property, you don’t get to put a sidewalk. So, we had the ability to condemn. This City Council has been totally against condemnation since they say has been against condemnation since I’ve been here. I’m against condemnation. I don’t think it is right, sometimes you have to do it. But when we started looking at it, the condemnation would have cost us more than buying the land, just in legal fees. We still would have had to pay the fair market value for the land, but then we would have potentially ended up having to pay twice as much legal fees. It would have been, instead of an $8,000 purchase, it would have been closer to a $20,000 purchase.
Commissioner Ash stated they were already ready to sell? Commissioner Westbrook stated yes. They were ready to sell -- This is extra money. Commissioner Bradt asked if it in the TxDot right of way. Mr. Smith replied not this one adding the problem with it is it’s also because that’s where the drainage structures are. Right there, in front of outback. It’s right by an outback. We could have built a bridge over the TxDot right of way, but that bridge would have been a $20,000 bridge. So, you get into a situation. So there has been some really interesting delays, and again Jackie has been on top of that, and has worked that through. That’s what’s happening on the sidewalks. We’ve had just a couple of delays making sure we get it where we want it. But I can tell you, even with the sidewalks not totally complete, every single day people are using those sidewalks on both sides of the freeway. Also giving you an update, the MDD board had a strategic planning meeting looking out five, 10 years. So, there is a list of MDD projects. The current MDD board wanted to have a plan and started looking strategically out for five to 10 years. They had a really good about two, two-and-a-half-hour meeting to discuss those and move those projects. I don’t want to say move those projects forward, but I think the board was agreeable that those were a good slight of projects to move forward. Commissioner Ash asked can you highlight one or two of them. Mr. Smith advised sure. It’s making sure that the sidewalks continue on the east side of I-45 all the way up to Sam Moon. To make sure we have good walkability and biking all the way up to the Sam Moon project, which is our Northern city of at this time. The other ones they’re talking about are traffic improvements. Transportation improvements, primarily on the east side of I-45, dealing with the intersection of Tamina and David Memorial, and the section between I-45, and David Memorial, and then underneath I-45 between Tamina and Research Forest. One of the other ones we looked at is the condition of Research Forest. A couple of those lanes are getting to be 30 plus years old. They did a add-on, I think about five years ago, and a lot of that concrete is already starting to cause us some problems because they just added another lane. They didn’t reconstruct it. I’m not throwing stones when I say that, but some of that area is starting to fail on us. Commissioner Bradt stated anytime you put a joint, and the tires run on the road you get that you get that. Mr. Smith continued stating Research Forest is one that’s further down the line. But those ones are the ones we talked about specifically. The other one is the east side relief pond, a big detention relief pond that needs some attention as the drainage is not going to work like it should. There is some other development that has hampered our drainage of the City. If you actually look, and this was brought up by CISD about four, five years ago. Those two detention ponds that they use for the football stadium are now not working. It’s because they pump it out, they pump out their
detention, and it just flows right back in, because it has nowhere to go north. We’re trying to alleviate some of those problems and make sure that David Memorial stays a passable road during weather conditions. As everybody knows, last April/May, a year ago Memorial Day was one of the bad days. We had a lot of flooding in the greater Houston area. We, as Shenandoah, were very, very fortunate that we didn’t have much. We did have to close down David Memorial and it was more of a close down, not because of loss of life, but we didn’t want any cars to get stalled. It was more of a preventative shutdown instead of we were afraid that we were going to lose vehicles and be swept upstream or downstream. So, that’s what the relief pond is to do. It’s to better drain the City and get the detention from this side of I-45 over to the other side where the commercial area is. The relief pond is a project that we have been talking about for about probably a couple of years now, but they kind of have finally decided on a design criteria. Right now, it does have parking, and there will be a restroom facility. There’ll be a walking trail all the way around it, and we are going to try to make the walking trail a complete mile. Lots of time and effort have been set into it to protect the wildlife. There’s actually going to be an island in this relief pond that will invite habitat to stay, whether it’s the birds or any of the natural animals that we want. Those are probably the biggest highlights.

Commissioner Westbrook asked that relief pond is here to stay. And how big is it, Greg? Mr. Smith advised I don’t remember the exact square footage off the top of my head, but basically it will go, looking at the map, it is going to actually come down and go probably closer like that. So, it will expand, and that’s not very deep. I mean, in places it’s three feet deep, but we’re talking about going considerably deeper keeping it wet at all times and then the level will rise. Very similar to the detention pond right out here. Commissioner Ash: You’re calling this a detention pond. Mr. Smith advised we are calling it a relief pond. Commissioner Ash stated a relief pond. I always thought of this as a wetland. MR. Smith stated it is wetlands. Commissioner Westbrook stated it doesn’t have to be an ugly one. Mr. Smith stated it is wetlands. You are correct, sir. Commissioner Ash Okay. Mr. Smith stated we will work with the core, the wetlands issues, and get those resolved, but we want to make it an amenity for the community, but also have it benefit for the community being really small. The reason I say it’s not a detention pond, if we have just a normal rain shower, detention ponds go up, and then they go right back down. Over there, they don’t go back down, because there’s nowhere for the water to flow. So what we’re going to do is we’re going to put in pumps, and then we’ll pump the water back into the natural drainage that we already have there. And that pumping will give us relief ponds, so you’ll have a lot more volume to fill up, slowly pump it back down. And then when you have another big
rainfall, it can fill back up. And that’s why we’re not calling it a detention pond, because we’re really not going to be detaining water that’s required to be retained or detained. Commissioner Bradt Retained. Commissioner Westbrook asked will there be any aerators, is there anything like that you know? Mr. Smith stated possibly. Well, they haven’t finally made all the final decision yet on that. Commissioner Westbrook asked couldn’t that be something kind of considered. Mr. Smith advised yes, but with walking trail lights, bathroom facility, parking lot, we’re going to try to make it a sanctuary that people can go. The thought process is we have all concrete sidewalks and paths. We’re actually thinking about making this one out of crushed granite, or something like that, for more of a runners-type facility where they can actually get a good running surface and not be on concrete. Commissioner Westbrook asked if you do that, then what about parking. Mr. Smith advised we will have parking. Parking has always been part of it, because it was always designed to be an amenity. It was always thought to be an amenity. Excuse me, not designed. Always thought to be something that we can go over, and people can take a nice walk around. Commissioner Westbrook asked if the parking will be the stadium basically. Mr. Smith advised no, we’re actually going to put parking in between the road, pull off parking. It’s not going to be a large parking lot, 5, 10 cars, 20 cars. And then a little bathroom building over there for people to have because there are really no public restrooms on the east side of I-45 anymore. On the west side, we have the pool and the park that have restroom facilities for people that are out exercising. So that’s probably the highlight projects that we’re looking at. They’re not immediate projects. They’re in the future projects. And so they’re starting to do some long-range planning on what they want to do or would be able to do, which I think is a good thing. Mr. Smith advised the only other update that I didn’t want to say was I hate to see Charlie leave this board, but he’s not going anywhere. He’s going to the next board. Commissioner Bradt stated and I’ll miss you. Mr. Smith continued addressing Charlie, thank you for all your work, for planning. We look forward to working with you as a council member. And that’s all I had.

6. Commissioner’s Inquiry. (53:10)

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.

Chairman Gristy asked do we have any inquiries, Wally?

Commissioner Westbrook advised yes. The hotel across the Holiday Inn. It looks a lot different
than it did a few thousand years ago. And also, the one on Tamina what’s the status on that? Mr. Smith advised Home2 Suites, they’ve actually put in their landscape, and they’ve taken down all their construction fencing. And they’re putting the finishing touches on everything. March has turned into August. When they say they are going to open now, I think. Yes, the interior, but I will say they have put in all their landscaping. They did put in the sidewalk around the facility like we requested. Their trees are going in. It really looks good, and I think it’s going to be a good addition. The one on Cambria Suites, they’re still trying to get all their stuff. They’ve met all their requirements at this point in time. They’re just trying to get their final secure on the financing. Mrs. Thompson advised they picked up their permit, but I think they’re still waiting on the financing.

Mr. Smith continued so they have their permit. I can also tell you that Aloft has started. If you actually go out there, you can see where the Aloft is going. The trees have been removed. They’re starting to do their grading. I don’t know how far they’re going to get along with it, but they have at least started it. So some of those do seem to be picking up.

Chairman Gristy asked so the movie theatre plan, date for that thing. It looks like that’s going up fast. Mr. Smith advised November, December. Commissioner Bradt stated tilt wall construction. Chairman Gristy stated yes, it’s amazing, isn’t it. Mr. Smith stated I don’t want to correct you, Charlie. Commissioner Bradt asked It’s not It sure looked like it the way it was going with up. Mr. Smith advised it is an off-site tilt wall that they truck those panels in on 18 wheelers and race them off the trailer. So it’s tilt wall construction, but it’s not on-site tilt wall. They are pre-manufactured tilt wall, because they already had some of the architectural features and the colors, and stuff like that in them. But every single one of those walls came in by an 18 wheeler. Yes, it is going fast. November. December. Is there a timeline? I think they’re still trying to hit. They did announce publicly, Dave and Busters, and it is actually kind of funny. Dave and Busters sent a lot of stuff into Jackie and tried to be really quiet about it. We just told them no, so you will be seeing Dave and Busters coming before this council or this board. They actually have a requirement that they have to have their alcohol permit before they’ll do plans. So they will come in and request for alcohol permit, and we will give them a conditional alcohol. Once we get everything, the thought process is talking with the attorney will give them a conditional alcohol permit. If you are Dave and Busters and you build by this time, you will get your alcohol permit. But that’s one of the requirements that Dave and Busters have. Chairman Gristy stated they’ll be asking for late hours. Mr. Smith advised yes, they will. They’ve already told us it is going to be late hours. It will be late hours. City attorney has already looked at the issue with the late hours, and it’s
not on the agenda, so we won’t discuss it tonight. But obviously that will be coming, and you are correct.

Chairman Gristy stated to Charlie, I’d like to just say that we’re definitely going to miss you here. Commissioner Bradt commented I’ll miss you, guys. Chairman Gristy advised we’ll try to send lots of stuff up your way.

ADJOURN

Chairman Gristy called the meeting adjourned at 7:58 p.m.

SUBMITTED BY: ___________________________ DATE APPROVED: ________________

Kathie Reyer, City Secretary

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Chairman Dean Gristy