**MINUTES**

**TOWN OF COPPER CANYON**

**PLANNING & ZONING COMMISSION (P&Z)**

**MONDAY, JANUARY 28, 2019**

The Town of Copper Canyon Planning and Zoning Commission met in regular session on Monday, January 28, 2019 at 7:00 p.m. in the Council Chambers at Copper Canyon Town Hall, 400 Woodland Drive, Copper Canyon, Texas, whereupon the following items were considered:

1. **CALL TO ORDER**

**Chairman Nicholas** called the meeting of the Copper Canyon Planning and Zoning Commission to order at 7:00 p.m. on the 28th day of January 2019 in the Council Chambers at Copper Canyon Town Hall, 400 Woodland Drive, Copper Canyon, Texas, 75077.

**Commissioners Present**

Andre Nicholas Chairman

Paul Bosco Commissioner

Kaki Lybbert Commissioner

Mark Pape Commissioner

Tom Reed Commissioner

**Staff Present**

Sheila Morales Town Secretary

1. **CONSENT ITEM**
   1. Approve December 10, 2018 Minutes of Joint Council and P&Z Meeting.

**Commissioner Pape** motioned to accept the minutes as presented.

**Commissioner Reed** seconded the motion.

Ayes: **Chairman Nicholas, Commissioners Bosco, Lybbert, Pape, and Reed**

Nays: None

**Chairman Nicholas** announced that the motion passed unanimously.

1. **ACTION & DISCUSSION ITEM**
2. Discuss, consider and act upon a recommendation to the Town Council regarding the Final Plat of Lot 1A1 and 3A, Block A Hidden Creek Estates (11.467 acres) being an amended plat of Lots 1A, Block A, and Lot 3, Block A in the Town of Copper Canyon, Denton County, Texas. (The property is located at 949 and 965 Meadow Drive, Copper Canyon, Texas.)

**James Stowell** (G&A / McAdams surveyor) stated that the purpose of the replat is to move the west line of Lot 1A fifty feet of to give more space between the resident’s existing building and the property to the west.

**Commissioner Lybbert** asked whether moving the line would encroach on anyone else. **James Stowell** stated that Lot 3A is vacant and the same person owns both properties.

**Commissioner Pape** asked if Halff Associates has reviewed the replat. **Commissioner Lybbert** stated that yes, Halff Associates has reviewed the replat and Halff Associates’ approval letter was included in the packet.

**Commissioner Lybbert** made a motion to recommend approval to the Town Council regarding the Final Plat of Lot 1A1 and 3A, Block A Hidden Creek Estates (11.467 acres) being an amended plat of Lots 1A, Block A, and Lot 3, Block A in the Town of Copper Canyon, Denton County, Texas.

**Commissioner Pape** seconded the motion.

**Chairman Nicholas** asked if anyone else had any more questions.

**Commissioner Bosco** stated that he noticed that the minimum elevation on one of the lots was 575’ and the elevation on the other lot was 568’ which is a substantial difference. **James Stowell** stated that the lot with the 575’ elevation already has a house and structure on it and he doesn’t foresee the resident building anything else on the lot. As for Lot 3A with an elevation of 568’, the lot has not been built on. **Commissioner Bosco** asked what the flood plain elevation was for Lot 3A. **James Stowell** could not answer that question since he didn’t know if the creek on the property has been studied. The finished floor listed on the new plat was the same as it was listed on the old plat. **Commissioner Bosco** stated that this would be a good time to study the flood plain. **Chairman Nicholas** stated that a permit will not be issued if anything is to be built in the flood plain. **Commissioner Lybbert** stated that P&Z isn’t here to approve a building permit. **Chairman Nicholas** agreed.

Ayes: **Chairman Nicholas, Commissioners Bosco, Lybbert, Pape, and Reed**

Nays: None

**Chairman Nicholas** announced that the motion passed unanimously.

1. **WORKSHOP DISCUSSION ITEM**
2. Discuss Town’s masonry / Hardi plank requirements.

**Chairman Nicholas** stated the following:

* The minimum masonry requirement in Copper Canyon is 80%, the remaining 20% can be anything else (i.e., wood, siding, cementitious product).
* The Town’s definition of masonry includes brick, stone, stucco and cultured stone.
* The minimum masonry requirement for the Town Center area of Copper Canyon is 90%.
* The Town has received a few emails asking whether the Town would consider allowing Hardie Plank or cementitious product could be a masonry product.
* Tonight’s meeting is to conduct a workshop discussing Copper Canyon’s masonry requirements and Hardie Plank / cementitious issues.

**Chairman Nicholas** showed various exterior building materials and discussed how each is installed.

* Natural Stone and brick
  + Requires a 5 ½” brick ledge (concrete foundation) for installation
  + Requires an air gap when installed, which allows water to drain between the house and the brick / stone
  + Requires more labor to install as compared to siding materials
* Manmade stone / ‘faux’ stone
  + usually is 2” thick
  + made out of mortar material
  + has to be applied to a base with thinset, similar to tile, followed by an application of mortar
  + requires a drain mat
  + doesn’t require a brick ledge, although some builders will install a 2” brick ledge since the product is fairly heavy
* Stucco base
  + Stucco is applied to the stucco base
  + Weep holes are usually evident at the bottom of the stucco, which allows water to drain
* Siding (Hardie plank or cementitious planks)
  + Fairly thin product
  + Applied directly the house wrap
  + Once installed, there is no space for water to drain
  + Lap siding installation does allow space for water to drain
  + If installing full sheets of siding (4’ x 8’ or 4’x 9’), moisture is trapped, and water cannot drain. Manufacturer does not recommend installing sheets above two stories. Manufacturer recommends installing a drain map in this case.

**Commissioner Lybbert** stated that brick/stone houses appraise for the same value as cementitious siding houses. The popular trend in the market place is going to cementitious plank, even for high end homes (Cape Cod look, farm house look). **Kathy Hall** (12025 Barbed Wire Run)**,** who works as a lender in the area, agreed with **Commissioner Lybbert. Chairman Nicholas** stated that the studies he’s read and heard, say otherwise. **Kevin Walls** (760 Knoll Rd.) stated that he disagrees.

**Commissioner Pape** asked if there was any reason the Town should or shouldn’t consider Hardie Plank as masonry. All the P&Z is considering is whether Hardie material would be acceptable as an exterior building product. Would the Town allow him to build an all concrete house? **Chairman Nicholas** stated yes but it would have to be finished with something since the Town’s definition of masonry does not include concrete.

**Commissioner Pape** stated that if the building material proposed was cedar planks, he’d have a serious problem due to the fire hazard. However, Hardie plank has fire retardant capabilities. **Chairman Nicholas** stated Hardie materials are warranted for 25-50 years whereas stone and brick have a lifetime guarantee.

**Commissioner Pape** asked to define P&Z’s role in considering this issue. He asked for clarification as to what standards the P&Z should be considering – aesthetic, safety, or cost of living. **Chairman Nicholas** stated that maintaining the value of the home would be in the town’s interest and the residents’ interest as well and aesthetics is also important.

**Commissioner Pape** stated that Hardie type materials are being used in high end homes all across the USA, so it’s not a cheap product. **Chairman Nicholas** stated that those builders have found an alternate to the rising cost of construction by using Hardie type materials. **Commissioner Lybbert** stated that David Weekley’s (largest privately-owned home builder company in the world) high end homes are almost 100% Hardie plank. The Cape Cod and farmhouse look is the new style. She doesn’t want the Town to be like the surrounding towns with cookie cutter, four houses to a lot and every house is brick and ugly. The younger generation wants the newer styles, which includes the Hardie plank style. Let’s not tie the Town into what we and our parents thought was good looking. The Town should diversify so not to look just like the surrounding towns. When there is a product that proving to be a good product, the Town should allow it to be used. She questioned whether it should it be up to the Town to tell people what they can or cannot use to build their homes. **Commissioner Bosco** stated it is up to the Town to tell them and that’s why the Town has an ordinance.

**Commissioner Reed**, regarding the installation techniques and the potential Hardie board materials have for retaining water depending how it is installed, questioned if there were potentials for incorrectly installing the lap siding where the materials would retain water. **Chairman Nicholas** stated there aren’t any when installing lap siding, however, there are potentials when installing the sheet siding, shingle siding and batten board. **Commissioner Lybbert** stated that the same problem exists with stucco.

**Commission Reed** stated that although Hardie type material is a good product, if the Town doesn’t set requirements for installation, the houses could rot from the inside out.

**Chairman Nicholas** stated that it’s not P&Z’s responsibility to set building requirements.

**Commissioner Pape** stated that any building material can be installed incorrectly. The Town can’t legislate competence.

**Chairman Nicholas** stated that his main concern is that houses in the Town maintain their value and quality.

**Commissioner Lybbert** stated that it sounds as if the Town is on a ‘witch hunt’ against Hardie plank. The Town should add it to the definition of masonry or drop the masonry requirement to 50%.

**Commissioner Bosco** stated that if more Hardie type materials are allowed, the Town would be opening the door to like all the developments along Highway 380 (i.e., Providence, Savannah), especially with the proposed development along FM 407.

**Commissioner Lybbert** stated that she would like to give new residents more choices when building. She stated that Hardie board material from ten years ago wasn’t as good of a product as it is today.

**Chairman Nicholas** stated that changing the requirements should be up to the Town’s residents. **Commissioner Lybbert** agreed if talking about ‘lot and block’ developments, however, P&Z is discussing properties one acre and larger. **Chairman Nicholas** stated the Town can’t treat certain sectors differently than others.

**Commissioner Bosco** asked why P&Z wasn’t considering the Town Center property regarding masonry requirements. He questioned if the Town could set a certain standard for Town Center and also set another standard for the rest of the Town.

**Chairman Nicholas** stated that the purpose of the meeting was to discuss whether Hardie plank materials should be included in the masonry definition.

**Commissioner Pape** stated that Hardie material is concrete. Even still, he could have a house made of concrete, but he couldn’t have a house made with Hardie plank. Even his house made with stone has chunks that are flaking.

**Commissioner Reed** stated that the P&Z has three different categories under consideration relating to Hardie type materials: 1) aesthetics/appearance, 2) longevity (25-50 years for Hardie board is a good length of time), and 3) (which hasn’t been completely addressed) the safety and breathing ability of Hardie board (for health purposes). If the Town chooses to increase the allowable percentage of Hardie board type materials, the Town needs to also set installation requirements so that moisture isn’t trapped. Trapped moisture could cause mold to grow and houses to rot from the inside out. It’s important that the product can breathe. It would also be important that the Town’s inspector would ensure the product is installed correctly.

**Commissioner Lybbert** stated that relocation companies won’t allow people to buy stucco homes since so often the product isn’t installed correctly.

**Commissioner Pape** stated the building code should address the standards for building with stucco and Hardie plank materials, so P&Z doesn’t need to tell homeowners or builders how to install the product. **Chairman Nicholas** stated that the manufacturer has directions for proper installation.

**Commissioner Bosco** stated that regulating the installation would be difficult for the Town to manage. He is more concerned about the aesthetics and longevity of the product as those two things affect the value of the house and potentially the value of the neighborhood.

**Chairman Nicholas** stated that national building codes detail what needs to be inspected, how things are to be inspected and what to expect when inspections occur. Usually cities adopt a certain building code, which then regulates how things are built within that city.

**Commissioner Pape** stated that P&Z has a simple issue to consider – “Is Hardie board a masonry product?”. When the Town created the masonry definition, Hardie board wasn’t in existence. The Town needs to decide whether or not to accept Hardie board.

**Commissioner Bosco** stated that if the Town adds Hardie board to the definition of masonry, then the Town is opening the door for the Town Center to 100% Hardie board

**Commissioner Lybbert** suggested it be just allowed for one acre or more properties.

**Chairman Nicholas** stated that Hardie board is made from wood pulp fiber with some cement in the paper.

**Ted Stranczek** stated regarding maintainability, paint doesn’t last twenty-five years so even though Hardie board can last for twenty-five years, it won’t look good for that long. From a personal observation when he had siding replaced, if one hits the siding piece in the wrong place, the piece will crack, and it has to be replaced. It is a fragile product and can be damaged by hail.

**Chairman Nicholas** stated in regard to structural soundness of the product, what really matters is the structural membrane of the house. It’s not the siding.

**Robin Douglas Davis** asked P&Z to keep in mind that the Town has a couple neighborhoods with one acre lots and if someone buys one of the lots and tears down the house and builds a brand-new house that is 100% Hardie board, the value of the surrounding houses could be negatively affected. **Commissioner Pape** questioned whether this is an issue of concern for the P&Z and/or Town.

**Commissioner Reed** talked to his builder who stated that Copper Canyon is considered an equine community with a ‘farm type’ environment. Typically, these types of communities have houses with lots of siding and Hardie shingles, however, this isn’t allowed in Copper Canyon. **Commissioner Lybbert** agreed.

**Commissioner Reed** questioned if the Town changes the acceptable percentages of Hardie board materials, are there standards regulating the installation. **Chairman Nicholas** stated the Town has adopted the International Building Code which regulates how things are built.

**Commissioner Pape** stated that the Town’s ordinances allow up to 20% non-masonry products when building a house.

**Chairman Nicholas** stated that insurance companies differenciate between houses with siding and houses with masonry. **Commissioner Reed** stated they also differentiate between old siding and newer siding.

**Commissioner Bosco** stated if P&Z gets beyond masonry percentages, P&Z could add requirements applying the percentages to the back of home versus what faces the street.

**Commissioner Reed** asked if a developer’s agreement could address masonry percentages. **Mayor Sue Tejml** said the Town has one development (Copper Creek) where the developer’s agreement was part of a lawsuit. If the builder wanted to change the agreement to allow more Hardie board materials, the owner of the land would have to petition the Town Council to change the agreement.

**Commissioner Reed** stated that it was good having this meeting. **Chairman Nicholas** stated that he expects in the next sixty to ninety to one-hundred twenty days, there will be a joint meeting with Council to consider the issue.

1. **ADJOURN**

**Commissioner Pape** motioned to adjourn the meeting.

**Commissioner Lybbert** seconded the motion.

Ayes: **Chairman Nicholas, Commissioners Bosco, Lybbert, Pape, and Reed**

Nays: None

Meeting adjourned at 8:16 p.m**.**

**APPROVED BY THE PLANNING AND ZONING COMMISSION THIS \_\_\_\_\_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2018.**

**APPROVED:**

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Andre Nicholas

Chairman, Planning & Zoning Commission

**ATTEST:**

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Sheila B. Morales, TRMC

Town Secretary