



AGENDA PLANNING AND ZONING COMMISSION

PUBLIC HEARING AND VOTING SESSION
TUESDAY, JANUARY 8, 2013 -- 6:00 P.M.

The Garden Ridge Planning and Zoning Commission will meet for a public hearing and voting session at 6:00 p.m., Tuesday, January 8, 2013 in the City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas. This is an open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted on January 4, 2013 before 5:00 p.m., providing time, place, date and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting.

1. Call to Order
2. Roll Call
3. Citizen Comments – limited to 3 minutes each

Rules for Citizen's Participation:

The Planning and Zoning Commission welcomes citizen participation and comments at all of their Commission Meetings. As a courtesy to your fellow citizens and out of respect to our elected officials, we must request that if you wish to speak, that you follow these guidelines.

- a. Direct your comments to the entire Commission, not to an individual member, nor to the audience.
- b. Show the Commission the same respect and courtesy that you expect to be shown to you.
- c. Limit remarks to three (3) minutes.

*NOTE: The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject **must be limited** to a proposal to place the subject on the agenda for a future meeting and any response to a question posed to the Council is limited to either a statement of specific factual information or a recitation of existing policy. TEX. GOV'T CODE § 551.042.*

4. Business Items

The Commission may discuss, consider and/or make recommendations to Council to approve or disapprove the following items:

- a. A petition by Tony Overman for a variance to Ordinance 7-042006, Article V, Section 7, Paragraph C.1. Alleys, for the Tuscan Village Subdivision at the southeast corner of the intersection of FM 3009 and FM 2252. Ordinance 7 requires a 22' alley ROW in business areas which is in conflict with Ordinance 13 requiring a 15' alley ROW
- b. A petition by Tony Overman for a variance to Ordinance 7-042006, Section 7, Article B, Streets, Paragraph 7, for cul-de-sac diameter for Tuscan Village Subdivision at the southeast corner of the intersection of FM 3009 and FM 2252
- c. Preliminary Plat for the Tuscan Village Subdivision commercial lot subdivision consisting of 13.532 acres of land, situated in the City of Garden Ridge, Comal County, Texas being part of a called 13.532

acre remnant of a 116 acre tract out of the Geo. M. Dolson Survey Number 96, Abstract Number 120, and further located at the southeast corner of the intersection of FM 3009 and FM 2252

- d. Entry monument sign and landscape design for the Forest of Garden Ridge IV Subdivision entrance located on the west side of Bat Cave Road northwest of its intersection with Schoenthal Road
- e. Declaration of Covenants, Conditions and Restrictions for Forest of Garden Ridge IV Subdivision

5. Administrative Items

The Commission may discuss, consider and/or take possible action on the following items:

- a. Approve or disapprove the minutes of the December 11, 2012 meeting of the Planning and Zoning Commission.
- b. Set date, time and location for next meeting.

6. Adjournment

AGENDA NOTICES:

Decorum Required:

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

Action by Council Authorized:

The Commission may vote and/or act upon any item within this Agenda. The Commission reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

Executive Sessions Authorized:

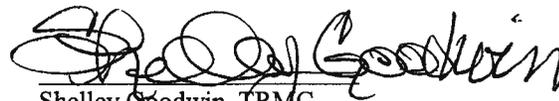
This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance By Other Elected or Appointed Officials:

It is anticipated that members of the City Council, other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the City Council, other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.


Shelley Goodwin, TRMC
City Secretary

This is to certify that I, Shelley Goodwin, posted this Agenda at 1:30 p.m. January 4, 2013 on the bulletin board located at the entrance to the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.


Shelley Goodwin, TRMC
City Secretary

January 2, 2013

To: Planning and Zoning Commission

From: City Administrator Cain

It has been determined that a conflict exists between Ordinance 13 and Ordinance 7 as they relate to the widths of alleys. Ordinance 13 requires a 15' alley ROW and Ordinance 7 requires a 22' alley ROW. In the past the alley width that has been used is the 15' width but with the recent finding of the conflict with Ordinance 7 width of 22' a variance to Ordinance 7 concerning the width of alleys for the Tuscan Village subdivision is being placed on the agenda. The conflict will be addressed between the two ordinances by the Planning and Zoning Commission and the City Council in the near future.

It also was determined that when granting the variance for Mr. Overman concerning the cul-de-sac for Tuscan Village the Planning and Zoning Commission motion included the cul-de-sac length and did not include the cul-de-sac diameter therefore this item is being placed on the January 8, 2013 agenda.



City of Garden Ridge
9400 Municipal Parkway
Garden Ridge, Texas 78266-2600
(210) 651-6632
Fax (210) 651-9638

**MINUTES OF PLANNING & ZONING COMMISSION
REGULAR SESSION
TUESDAY, DECEMBER 11, 2012**

Commissioners present:

Nadine Knaus, Chairwoman
Harvey Bell
Kay Bower
Frank Dansby
Walter Lamar
Sam Stocks, Vice Chair

Commissioners Absent:

Kitty Owen

Also Present:

Nancy Cain, City Administrator
Shelley Goodwin, City Secretary

1. Call to Order

With a quorum of the Planning and Zoning Commission Members present, Nadine Knaus, Chairman called the Regular Meeting of the Garden Ridge Planning and Zoning Commission to order at 6:00 p.m. on Tuesday, December 11, 2012, in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas 78266

2. Citizen Comments – limited to 3 minutes each

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Shelby Trial, 21657 Forest Waters Circle, Garden Ridge, asked if Tuscan Village Development would be zoned business. He also asked if the Planning and Zoning Commission would be amending impervious cover Ordinance. Nadine Knaus, Chair of Planning and Zoning Commission stated the property of the proposed development would be zoned B-1 and the Commission would be looking at amending the impervious Ordinance in the future.

3. Public Hearings

The Commission will conduct Public Hearings to receive input on the following:

- a. **A petition by Mattern & Fitzgerald Custom Builders for a variance to Ordinance 13-122008, Section 5, Residential, 5.1.2.4., Side Yards, 5.1.7.2.4.1., Corner Lots, for the encroachment of 5'10" into the 25' side yard setback on a corner lot for property located at 19843 Brandywine Cove**

Nadine Knaus, Chair of Planning and Zoning Commission, opened the public hearing at 6:05pm and asked if anyone wished to speak.

Shelby Trial, 21657 Forest Waters Circle, Garden Ridge, inquired about access to gated communities for the process of viewing the sites.

No one else wished to speak, so Ms. Knaus closed the public hearing at 6:07pm.

- b. **A petition by Tony Overman for a variance to Ordinance 13-122008, 6.2., Neighborhood Services District (B-1), 6.2.4.5., Impervious Cover to increase the impervious cover limit to no more than 48% on all lots over one (1) acre in size for the Tuscan Village Subdivision at the southeast corner of the intersection of FM 3009 and FM 2252**

Nadine Knaus, Chair of Planning and Zoning Commission opened the public hearing at 6:09pm and asked if anyone wished to speak. No one did, so Ms. Knaus closed the public hearing at 6:12pm.

4. Business Items

The Commission may discuss, consider and/or make recommendations to Council to approve or disapprove the following items:

- a. **A petition by Mattern & Fitzgerald Custom Builders for a variance to Ordinance 13-122008, Section 5, Residential, 5.1.2.4., Side Yards, 5.1.7.2.4.1., Corner Lots, for the encroachment of 5'10" into the 25' side yard setback on a corner lot for property located at 19843 Brandywine Cove**

Jason Mattern, Mattern & Fitzgerald Custom Builders, stated this situation occurred as the result of a misplaced pin during the original survey. The foundation forms were set using the pins, then the forms were approved and the house was constructed. It was during the final survey that the mistake was detected and the City was immediately notified and the variance process began.

The Planning and Zoning Commission discussed the variance and the process of how this mistake was made.

Motion: Upon a motion made by Commissioner Bell and a second by Commissioner Stocks, the Planning and Zoning Commission voted four (4) for and one (1) opposed (Commissioner Bower), to recommend the approval of a A petition by Mattern & Fitzgerald Custom Builders for a variance to Ordinance 13-122008, Section 5, Residential, 5.1.2.4., Side Yards, 5.1.7.2.4.1., Corner Lots, for the

encroachment of 5'10" into the 25' side yard setback on a corner lot for property located at 19843 Brandywine Cove, to the City Council. The motion carried

- b. A petition by Tony Overman for a variance to Ordinance 7-042006, Section 7, Article B, Streets, Paragraph 7, for cul-de-sac length and diameter for Tuscan Village Subdivision at the southeast corner of the intersection of FM 3009 and FM 2252**

Christian Herzig of Ford Engineering representing Tony Overman, reviewed the email he received from William Anz, Assistant Fire Chief for Bracken Fire Department.

The Planning and Zoning Commission reviewed and discussed the variance request and the email for Mr. Anz.

Motion: Upon a motion made by Commissioner Lamar and a second by Commissioner Bell, the Planning and Zoning Commission voted five (5) for and none (0) opposed, to recommend to the City Council approval of the petition by Tony Overman for a variance to Ordinance 7-042006, Section 7, Article B, Streets, Paragraph 7, for cul-de-sac length up to 522' and diameter for Tuscan Village Subdivision at the southeast corner of the intersection of FM 3009 and FM 2252. The motion carried unanimously.

- c. A petition by Tony Overman for a variance to Ordinance 7-042006, Section 7, Standards and Specifications, Article C, Alleys, Paragraph 1, for the pavement of alleys to be reviewed and determined upon the review of each site plan submittal for each lot prior to permitting for building permit for the Tuscan Village Subdivision at the southeast corner of the intersection of FM 3009 and FM 2252**

The Planning and Zoning Commission reviewed and discussed the variance to Ordinance 7-042006 regarding alleys. The Commission discussed the uniqueness of the proposed development, and felt the paving the alley ROWs until they were determined that they were in fact needed, based upon the individual site plan.

Motion: Upon a motion made by Commissioner Dansby and a second by Commissioner Lamar, the Planning and Zoning Commission voted five (5) for and none (0) opposed, to recommend to the City Council approval of the petition by Tony Overman for a variance to Ordinance 7-042006, Section 7, Standards and Specifications, Article C, Alleys, Paragraph 1, for the pavement of alleys to be reviewed and determined upon the review of each site plan submittal for each lot prior to permitting for building permit for the Tuscan Village Subdivision at the southeast corner of the intersection of FM 3009 and FM 2252. The motion carried unanimously.

- d. A petition by Tony Overman for a variance to Ordinance 13-122008, 6.2., Neighborhood Services District (B-1), 6.2.4.5., Impervious Cover to increase the impervious cover limit to no more than 48% on all lots over one (1) acre in size for the Tuscan Village Subdivision at the southeast corner of the intersection of FM 3009 and FM 2252**

Christian Herzig, provided the Commission with a handout of a survey of surrounding municipalities regarding their impervious cover requirements.

The Planning and Zoning Commission reviewed and discussed the variance request and the survey of surrounding municipalities' impervious cover requirements. The Commission discussed the unique location of the property for commercial uses at the intersection of two major roads in Garden Ridge, the unique drainage characteristics of the property, and the fact that the property was originally master

planned to be a combination of light industrial (L-1) with an impervious cover limit of 50%. The Commission also felt they would need to revisit impervious cover limits.

Motion: Upon a motion made by Commissioner Stocks and a second by Commissioner Bell, the Planning and Zoning Commission voted five (5) for and none (0) opposed, to recommend to the City Council approval of the petition by Tony Overman for a variance to Ordinance 13-122008, 6.2., Neighborhood Services District (B-1), 6.2.4.5., Impervious Cover to increase the impervious cover limit to no more than 48% on all lots over one (1) acre in size for the Tuscan Village Subdivision at the southeast corner of the intersection of FM 3009 and FM 2252, but to permit the developer to further increase the 48% to the amount allowed in future Ordinance amendments. The motion carried unanimously.

e. Preliminary Plat for the Tuscan Village Subdivision commercial lot subdivision consisting of 13.532 acres of land, situated in the City of Garden Ridge, Comal County, Texas being part of a called 13.532 acre remnant of a 116 acre tract out of the Geo. M. Dolson Survey Number 96, Abstract Number 120, and further located at the southeast corner of the intersection of FM 3009 and FM 2252

Christian Herzig, updated the Planning and Zoning Commission on a letter from TxDOT dated November 26, 2012. He reported TxDOT's present opinion as to current and future highway system needs in order to preserve the transportation corridor, provide for safe ingress/egress to the highway system and known potential environmental issues. He also stated the TxDOT information incorporating into the plat or MDP is at the discretion of the platting authority, but they have requested several notes be listed on the Master Plan and Preliminary Plat.

Garry Montgomery, River City Engineer/City Engineer, reviewed his letter dated December 10, 2012 regarding the second Preliminary Plat Review. He reported he has several issues that need to be corrected.

The Planning and Zoning Commission reviewed and discussed TxDOT's letter dated November 26, 2012 and River City Engineer's letter dated December 10, 2012. The Commission felt the Preliminary Plat should be denied so the corrections could be made and then the plat be resubmitted at the January meeting.

Nadine Knaus, Chair of Planning and Zoning Commission, reported a variance to Ordinance 13 would be needed for the 15' alley ROW easement.

Motion to Deny: Upon a motion made by Commissioner Bell and a second by Commissioner Lamar, the Planning and Zoning Commission voted five (5) for and none (0) opposed, to deny the Preliminary Plat for the Tuscan Village Subdivision commercial lot subdivision consisting of 13.532 acres of land, situated in the City of Garden Ridge, Comal County, Texas being part of a called 13.532 acre remnant of a 116 acre tract out of the Geo. M. Dolson Survey Number 96, Abstract Number 120, and further located at the southeast corner of the intersection of FM 3009 and FM 2252. The motion carried unanimously.

f. Entry monument sign and landscape design for the Forest of Garden Ridge IV Subdivision entrance located on the west side of Bat Cave Road northwest of its intersection with Schoenthal Road

Nadine Knaus, Chair of Planning and Zoning Commission, reported no new information regarding the entry sign for the Forest of Garden Ridge IV Subdivision entrance has been received since the last meeting and no representatives are present.

Motion to Postpone: Upon a motion made by Commissioner Dansby and a second by Commissioner Bower, the Planning and Zoning Commission voted five (5) for and none (0) opposed, to postpone

(until a representative could be present) entry monument sign and landscape design for the Forest of Garden Ridge IV Subdivision entrance located on the west side of Bat Cave Road northwest of its intersection with Schoenthal Road. The motion carried unanimously.

g. Declaration of Covenants, Conditions and Restrictions for Forest of Garden Ridge IV Subdivision

Nadine Knaus, Chair of Planning and Zoning Commission, stated she had come across several items that need to be addressed in the Declaration of Covenants, Conditions and Restrictions and recommended that this item be postponed until a representative was present to discuss with them.

Motion to Postpone: Upon a motion made by Commissioner Dansby and a second by Commissioner Bower, the Planning and Zoning Commission voted five (5) for and none (0) opposed, to postpone (until a representative could be present) Declaration of Covenants, Conditions and Restrictions for Forest of Garden Ridge IV Subdivision . The motion carried unanimously.

5. Administrative Items

The Commission may discuss, consider and/or take possible action on the following items:

- a. Approve or disapprove the minutes of the November 13, 2012 meeting of the Planning and Zoning Commission.**

Motion: Upon a motion made by Commissioner Dansby and a second by Commissioner Lamar, to approve the minutes of the November 13, 2012 meeting of the Planning and Zoning Commission, voted five (5) for and none (0) opposed, The motion carried unanimously.

- b. Set date, time and location for next meeting.**

Nadine Knaus, Chair, reported the next meeting will be held on Tuesday, January 8, 2013 at 6:00p.m.

6. Adjournment

Motion: Upon a motion made by Commissioner Dansby and a second by Commissioner Lamar, the meeting was adjourned at 7:25p.m.

Nadine Knaus, Chair

ATTEST:

Shelley Goodwin, TRMC
City Secretary

**SIGN IN TO SPEAK AT THE DECEMBER 11, 2012
PLANNING AND ZONING COMMISSION REGULAR MEETING**

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Disclaimer:

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NAME

1. SMELBY TRIAC
2. JASON MATHEW

ADDRESS

21657 FOREST WATERS CIR
9016 J-dhpur FUR, TX 79015

SUBJECT

ORD 13 / PUBLIC HEARING
Public Hearing

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