



# City of Garden Ridge

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

## AGENDA PLANNING AND ZONING COMMISSION

REGULAR SESSION  
TUESDAY, FEBRUARY 11, 2014 -- 6:00 P.M.

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The Garden Ridge Planning and Zoning Commission will meet in regular session at 6:00 p.m., Tuesday, February 11, 2014 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 February 7, 2014 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.

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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 appointed officials, we request that if you wish to speak, that you please 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 would like to be shown.
- c. Limit remarks to three (3) minutes per citizen during Item 3.
- d. Citizen comments may be deferred to a specific Business Item set forth in Section 4, below if such comments pertain to such Business Item.

*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) Petition by Roland E. Garcia for a variance to Ordinance 13-122008, Section 5, Residential, Paragraph 5.1.7.2.2, Lot Width, for a residential lot fronting a public street and located on a cul-de-sac with frontage less than required 50 feet and such frontage

being 41.06 feet and described as Lot 3, Block 1, Forest Waters Subdivision and located at 9020 Sumac Cove, Garden Ridge, Texas

- b) An Ordinance amending Ordinances 13-122008 and 7-092006 of the City of Garden Ridge, Texas related to the required lot size, lot width, front, side and rear yard dimensions applicable to residential lots that are non-conforming to current requirements established by the subdivision and zoning ordinances of the City of Garden Ridge, Texas; providing for an effective date
- c) Update on City Council direction concerning updating of Ordinance 13 and other interrelated ordinances

5. Public Hearings

The Planning and Zoning Commission will conduct a Public Hearing to receive input on the following:

- a) Petition by Roland E. Garcia for a variance to Ordinance 13-122008, Section 5, Residential, Paragraph 5.1.7.2.2, Lot Width, for a residential lot fronting a public street and located on a cul-de-sac with frontage less than required 50 feet and such frontage being 41.06 feet and described as Lot 3, Block 1, Forest Waters Subdivision and located at 9020 Sumac Cove, Garden Ridge, Texas

6. Business Items (continued)

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

- d) Petition by Roland E. Garcia for a variance to Ordinance 13-122008, Section 5, Residential, Paragraph 5.1.7.2.2, Lot Width, for a residential lot fronting a public street and located on a cul-de-sac with frontage less than required 50 feet and such frontage being 41.06 feet and described as Lot 3, Block 1, Forest Waters Subdivision and located at 9020 Sumac Cove, Garden Ridge, Texas

7. 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 10, 2013 Regular meeting of the Planning and Zoning Commission
- b) Set date, time and location for next meeting.

8. 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 11:00 a.m. February 7, 2014 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



## City of Garden Ridge

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

### LEGAL NOTICE

NOTICE OF PUBLIC HEARING  
CITY OF GARDEN RIDGE  
PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission of the City of Garden Ridge, Texas will hold a public hearing on Tuesday, February 11, 2014 at 6:00 pm. The hearing will be in the City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas.

The hearing will consider the following:

A petition by Roland E. Garcia for a variance to Ordinance 13-122008, Section 5, Residential, Paragraph 5.1.7.2.2, Lot Width, for a residential lot fronting a public street and located on a cul-de-sac with frontage less than required 50 feet and such frontage being 41.06 feet and described as Lot 3, Block 1, Forest Waters Subdivision located at 9020 Sumac Cove, Garden Ridge, Texas.

The public is invited to attend and submit oral or written comments on this matter.

S/: Shelley Goodwin, TRMC  
City Secretary



## City of Garden Ridge

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

January 24, 2014

### NOTICE OF PUBLIC HEARING

Dear Property Owner,

The Planning and Zoning Commission of the City of Garden Ridge, Texas will hold a public hearing on Tuesday, February 11, 2014 at 6:00 pm. The hearing will be in the City Council Chambers, 9400 Municipal Parkway, Garden Ridge, Texas.

The hearing will consider the following:

A petition by Roland E. Garcia for a variance to Ordinance 13-122008, Section 5, Residential, Paragraph 5.1.7.2.2, Lot Width, for a residential lot fronting a public street and located on a cul-de-sac with frontage less than required 50 feet and such frontage being 41.06 feet and described as Lot 3, Block 1, Forest Waters Subdivision located at 9020 Sumac Cove, Garden Ridge, Texas.

A location map, site plan and a list of adjacent property owners are contained on the attachments.

This notice gives you the opportunity to express your support of, or objection to, this proposed action. Please feel free to call City Hall at (210) 651-6632 if you need additional information.

Sincerely,

Shelley Goodwin, TRMC  
City Secretary

2 Enclosures:

1. Location Map
2. Site Plan
3. Adjacent Property Owner List

REC#: 00143378 1/13/2014 2:13 PM  
 TRAN: 112.0000 P&Z VARIANCE FEES  
 OPER: CASH TERM: 001  
 REF#: 6666 JH  
 VARIANCE 9020 SUMAC CIR  
 P&Z VARIANCE FILING 400.00CR  
 TENDERED: 400.00 1 CHECK(S)  
 APPLIED: 400.00-  
 CHANGE: 0.00

APPLICATION FOR VARIANCE  
(Type or Print)

1. Date: 1/13/14  
 2. Applicant Name; Roland E. Garcia  
 (First) (Middle) (Last)  
 3. Mailing Address; 3401 S. GAVENS, #1  
 (Street)  
SAN ANTONIO, TX 78210  
 (City) (State) (Zip)  
 Phone: (210)-854-4269

Case #:

4. Applicant's relationship to property to be rezoned:  
 Sole owner ( ) Part owner ( ) Other; AUTHORIZED AGENT  
 (Specify)  
 (If not sole owner, furnish a notarized letter of authorization from all owners as attachment 1.)

5. Property location; 9020 SUMAC COVE  
 (Street address or street property front)

6. Legal description:  
 Plat; Lot(s) 3 Block(s) 1  
 Subdivision; FOREST WATER'S SUBDIVISION  
 Acreage: 1.12 (If acreage, provide separate metes and bounds description as attachment 2.)  
 Property Deed recorded in Comal County Volume # 7 Page # 106

7. Cite City Ordinance number, page and paragraph from which variance is needed: Ord. 13, 5.1.7.2.2  
Lot Width, page 26

8. State what you want to do instead: LOT FRONTAGE IS NOT EQUAL TO  
OR GREATER THAN 50'. NEED VARIANCE TO BUILD  
ON THIS LOT.

9. Give reason why a variance should be granted (cost alone is not acceptable): THIS LOT WAS  
PLATTED AS APPROVED BY THE CITY OF GARDEN RIDGE PRIOR  
TO ANY MINIMUM LOT DIMENSIONS ORDINANCE. TAX PAYER WAS  
NEVER INFORMED OF THIS ISSUE WHEN ORDINANCE WAS PASSED. HAS  
BEEN PAYING CITY TAXES ON PROPERTY HE CANNOT BUILD ON IS NOT ACCEPTABLE.

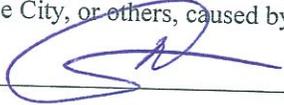
10. If you are requesting a variance from City Ordinance 13 requirements, give a dimensioned map with north orientation, scaled 100 or 200 feet per inch, of the property for which the variance is requested showing all streets and parcels of land within 300 feet of the property as attachment 3. Key each adjoining land parcel to a list of current owners and addresses as attachment 4.

11. Give site plan showing location, dimensions and uses of existing or proposed structures, easements, water sources, fences, curb cuts, street and alley right-of-way lines within one foot of property for which variance is requested, on another map of larger scale, as attachment 5.

12. Identify any deed restrictions on agriculture, residential, business or other use. If none, so state: \_\_\_\_\_

N/A

13 The undersigned hereby requests that the variance identified in this application be granted, in accordance with Garden Ridge City Ordinance 13. I consent to the posting of hearing notices on the said property. I understand that the information provided herein will be used by the City of Garden Ridge for sending required notices to adjacent property owners, if required. I bear full responsibility and liability for any losses or costs incurred by the City, or others, caused by errors or omissions in this application.

14. Applicant Signature: \_\_\_\_\_ 

✓ Attachments:

- ① Owner(s) letters of authorization, if applicable
- 2. Metes and Bounds description of property, if applicable
- 3. Map of property, if applicable
- 4. List of adjacent property owners, if applicable
- ⑤ Site plan
- ⑥ Check for variance fee per Garden Ridge City Ordinance 11. \$ 400

----- CITY USE ONLY -----  
APPLICATION FOR VARIANCE

		Date
City Admin.:	Application received	_____
	Application verified	_____
	Fee received \$ _____ Check # _____	_____
	Application sent to P&Z	_____
P&Z	Owners acceptance of application	_____
	Notice to adjoining property owners, if required	_____
	Notice of public hearing, if required	_____
	Public hearing conducted, if required	_____
	P&Z decision on variance	_____
City Council:	P&Z recommendation to City Council	_____
	Notice to adjoining property owners, if required	_____
	Notice of public hearing, if required	_____
	Public hearing conducted, if required	_____
City Admin.:	Applicant notified of Council Decision	_____
	Zoning ordinance change published, if required	_____

## Notarized Letter of Authorization

I Pradip I. Upadhyaya hereby authorize Roland E. Garcia to be my authorized agent/representative in dealing with this request for a Frontal Lot Line Dimension Variance with the City of Garden Ridge for 9020 Sumac Cove.

Mr. Pradip I. Upadhyaya, being first duly sworn on oath according to law, deposes and says that he has read the foregoing AFFIDAVIT OF AUTHORIZATION and states it to be correct.

Pradip I. Upadhyaya

Pradip I Upadhyaya – Land Owner

SUBSCRIBED AND SWORN to before me  
this 7th day of January, 2014.

Notary Seal:



Notary Public Signature:

Lisa Marie Hardy

Notary Public Printed Name:

Lisa Marie Hardy

My Commission Expires on:

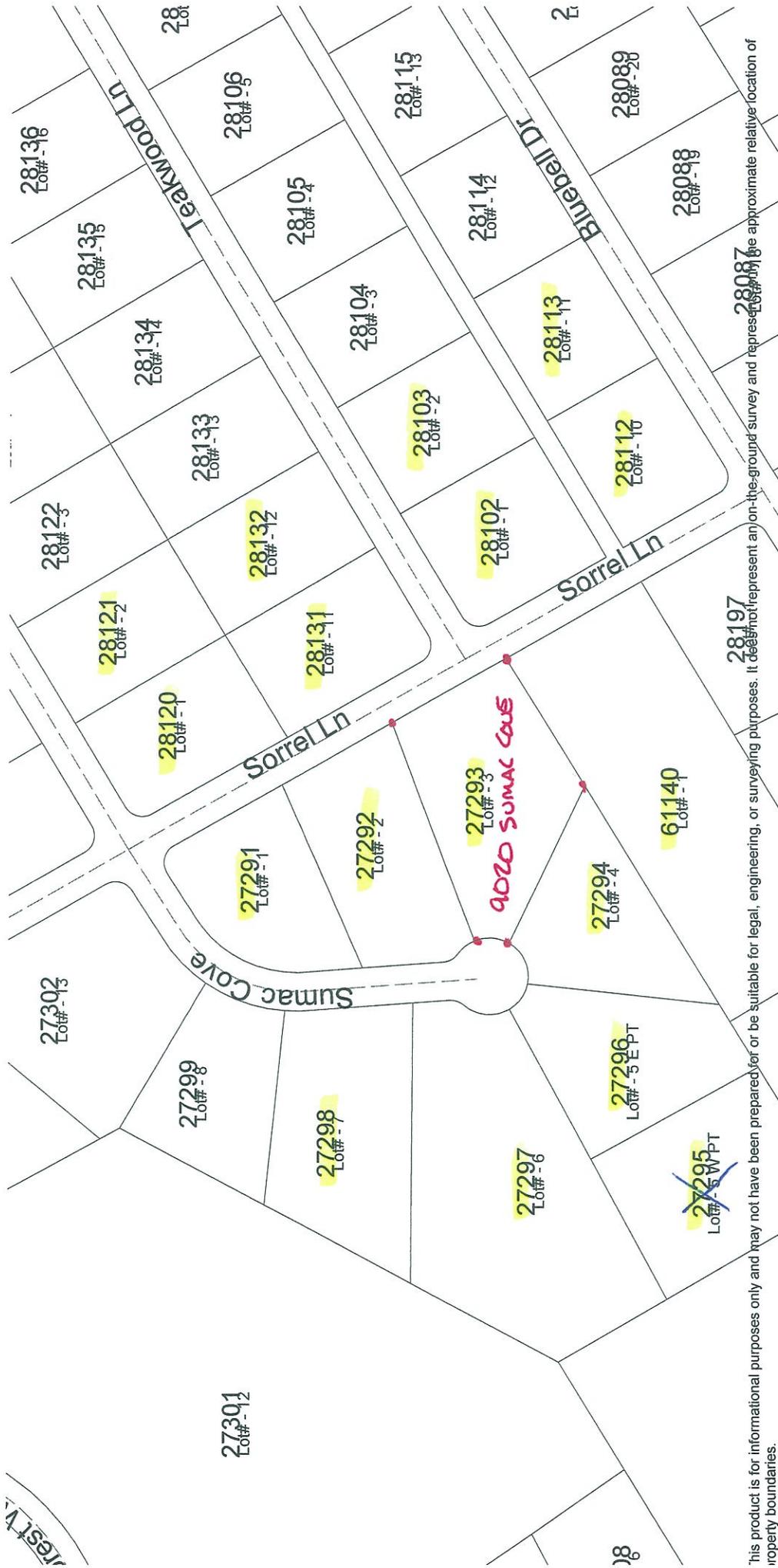
April 29, 2017

**Property Legal Description:** Lot 3, Block 1, Forest Waters Subdivision, as recorded in Comal County,  
Texas Volume 7, Pages 106-113  
9020 Sumac Cove, Garden Ridge, Texas 78266

**Property Owners Within 200' of Property:**

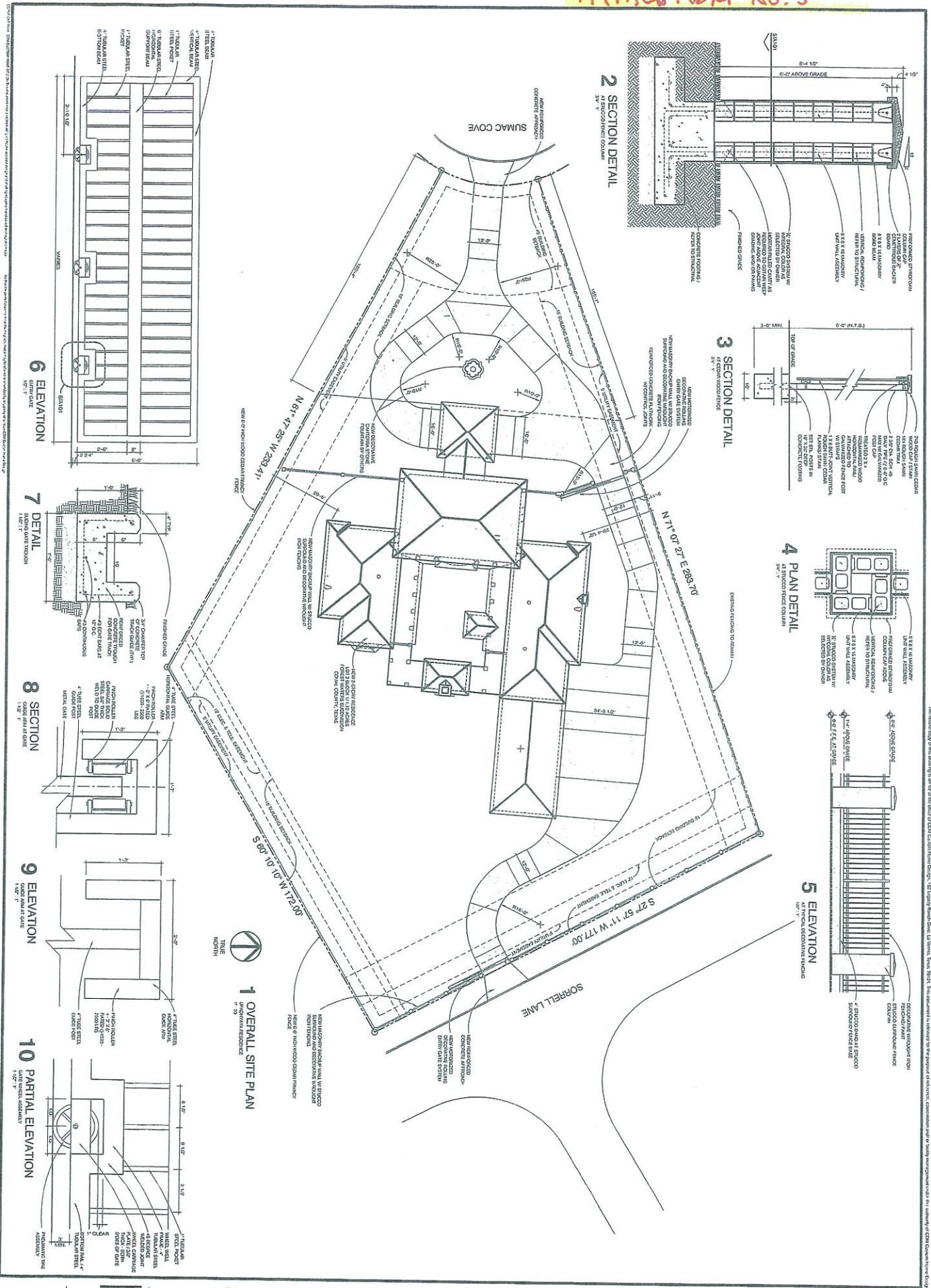
Ranft, Andrew J.	9025 Sumac Cove, Garden Ridge, TX 78266
Svendsen Family Living Trust Leroy W., Jr. & Jaunita Svendsen Tr	9015 Sumac Cove, Garden Ridge, Tx 78266
Earle, Stephen E.	9005 Sumac Cove, Garden Ridge, Tx 78266
Langthorp, Herbert & Lona L.	9010 Sumac Cove, Garden Ridge, TX 78266
Morrissey, Leonard & Sharon	9030 Sumac Cove, Garden Ridge, Tx 78266
Dellinger, Gary D. & Charlotte A.	9040 Sumac Cove, Garden Ridge, TX 78266
Brestle, Charles	20825 Sorrell Ln., Garden Ridge, Tx 78266
Klinge, Paul E.	9305 Bluebell Dr., Garden Ridge, Tx 78266
Archbishop of San Antonio (9315 Bluebell Dr.)	P.O. Box 28410, San Antonio, Tx 78228-0410-10
Holderle, Michael	9310 Teakwood Ln., Garden Ridge, TX 78266
Miranda, James M.	9320 Teakwood Ln., Garden Ridge, 78266
Holloway, RVCBL Living Trust Richard E. & Leta J. Holloway	9307 Teakwood Ln., Garden Ridge, TX 78266
Bryan, Donald L. & Charlene S.	9317 Teakwood Ln., Garden Ridge, Tx 78266
Andrews, Philip R.	9310 Sumac Ln., Garden Ridge, TX 78266
Kingdon, Aileen	9320 Sumac Ln., Garden Ridge, TX 78266

# ATTACHMENT No. 3



\* SEE ATTACHMENT 5 FOR DIMENSIONS

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents the approximate relative location of property boundaries.



This record copy of the drawing is to be used for the record of the project. It is not to be used for construction. The project is subject to the approval of the City of Columbia, South Carolina. The project is subject to the approval of the City of Columbia, South Carolina.



AN ORDINANCE AMENDING ORDINANCES 13-122008 AND 7-092006 OF THE CITY OF GARDEN RIDGE, TEXAS RELATED TO THE REQUIRED LOT SIZE, LOT WIDTH, FRONT, SIDE AND REAR YARD DIMENSIONS APPLICABLE TO RESIDENTIAL LOTS THAT ARE NON-CONFORMING TO CURRENT REQUIREMENTS ESTABLISHED BY THE SUBDIVISION AND ZONING ORDINANCES OF THE CITY OF GARDEN RIDGE, TEXAS; PROVIDING FOR AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City of Garden Ridge, Texas, since incorporation, has had varied lot size, lot width and yard dimension regulations within its Zoning and Subdivision regulations, as passed by the City Council;

WHEREAS, the City of Garden Ridge, Texas finds that certain residential lots within the city were platted from the period of July 6, 1972 through June 6, 1992 meeting the then current lot size, lot width and yard dimension requirements in effect at the time, but no longer meet the current requirements and are considered non-conforming;

WHEREAS, the City of Garden Ridge, Texas finds that the City is faced with the development/redevelopment of non-conforming lots within subdivisions platted prior to June 7, 1992;

WHEREAS, the City of Garden Ridge, Texas finds that in order to maintain consistent subdivision lay-out, ensure orderly development and maintain property values, it is proper and just to allow the lot size, lot width and yard dimension requirements in effect at the time a particular residential lot was last subdivided and platted to be applicable to any current application for a permit to develop or construct improvements on a non-conforming lot or lots;

WHEREAS, the City of Garden Ridge, Texas finds that regardless of the date of the platted lot, the minimum area requirement of 32,670 square feet should continue to apply to any such lot or tract served by a public water supply system that is partially or entirely over the Edwards Aquifer Recharge Zone and that the minimum area requirement of 43,560 square feet should continue to apply to any such lot or tract of land as provided for in the "Rules of Comal County, Texas, for Private Sewerage Facilities, 1987" as amended;

WHEREAS, the City of Garden Ridge, Texas has conducted all legal conditions precedent, completed all required public hearings and considered this ordinance at a properly noticed and conducted meeting pursuant to the Texas Open Meetings Act, finds the adoption of this ordinance is in the best interest of the City;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE:

- 1) The lot size, lot width and yard dimension requirements in effect at the time a particular residential lot was last subdivided and platted are applicable to and shall supersede current lot size, lot width and yard dimension requirements for a permit to develop or construct improvements on a non-conforming residential lot in the City;
- 2) The above provision lot size requirement does not apply to and regardless of the date of the platted lot, the minimum area requirement of 32,670 square feet shall continue to apply to any such lot or tract served by a public water supply system that is partially or entirely over the Edwards Aquifer Recharge Zone and that the minimum area requirement of 43,560 square feet shall continue to apply to any such lot or tract of land as provided for in the "Rules of Comal County, Texas, for Private Sewerage Facilities, 1987" as amended;
- 3) The effective date of this Ordinance is the date of its adoption.

**b) Update on proposed sewer system within the Garden Ridge city limits along F.M. 2252, funding for a sewer system and creation of sewer system public improvement district.**

Mayor Dalton provided an update and stated currently there is one landowner that is working to get other landowners from this proposed area to support a sewer system. He encouraged the landowners of the proposed area to evaluate the numbers and help move the creation of the sewer system public improvement district forward.

The City Council discussed other possible options for funding, corridor plans and Planning and Zoning Commissions involvement.

The City Council provided direction to leave this Item on the Agenda and to move forward with further evaluation of costs, including the possibly of the city rolling the costs of the sewer system into the City's tax base as a well defined and aesthetically pleasing retail/commercial corridor would add value to the City's tax base and benefit citizens.

**c) Planning and Zoning Commission Recommendations and Possible Action:**

- i. Report and recommendation on the candidates interviewed for possible appointment to fill the Place 6 vacancy on the Planning and Zoning Commission for a two year term expiring September 30, 2015.**

Sam Stocks, Planning and Zoning Commission Chair, stated the Planning and Zoning Commission held interview of candidates for the Place 6 vacancy. He stated they interviewed 4 candidates, Jose Villarreal, Shawn Willis, Jerry Barucky, Todd Arvidson. The Planning and Zoning Commission voted unanimously to provide to the City Council for recommendation of their top 3 candidates to fill the vacancy of Place 6; Shawn Willis as the top candidate, Todd Arvidson as second candidate and Jerry Barucky as third candidate. The Council discussed and asked questions about the recommendation and interview process.

- ii. Consideration and possible appointment of candidates to fill Place 6 vacancy on the Planning and Zoning Commission.**

**Motion:** A motion was made by Councilmember Knaus, and seconded by Councilmember Roberts, to approve the recommendation of the Planning and Zoning Commission for the appointment of the top candidate, Shawn Willis for Place 6, for a two year term of office expiring in September 2015. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

- iii. Discussion and possible direction to the Planning and Zoning Commission concerning possible changes to Ordinance 13 as it relates to zoning classifications and requirements in each classification.**

Mayor Dalton stated this Agenda Items is to discuss possible changes to Ordinance 13 and to provide direction to the Planning and Zoning Commission. Councilmember Knaus stated when she was Chair

of Planning and Zoning Commission, they had worked with a consultant regarding zoning categories, and then it was sent to the City Attorney for review. She feels there are three things that should happen: 1) zoning documents that were provided to the City Attorney should be reviewed, 2) FM 2252 should be considered for further development as a Scenic Commercial Corridor, and 3) fix the problems with Ordinance 13 and other interrelated ordinances, such as Ordinance 7, among others.

The City Council discussed existing zoning limits, such as with Sexual Oriental Businesses, as allowed by state law in a zoning plans, and other issues that need to be addressed in Ordinance 13. The City Council provided directions to the City Attorney to review Ordinance 13 and bring back an amended Ordinance for the review process.

**iv. Report to Council on upcoming items of interest.**

Nancy Cain, City Administrator, reported currently the Commission has no items for their January meeting.

**d) Water Commission Recommendations and Possible Action:**

- i. Recommendation on amending Ordinance 61 changing the number of permitted watering days in Drought Management Stages 1-5 from 5 days per week to 6 days per week.**

Jim Bower, Water Commission, reported the Water Commission has reviewed Ordinance 61 and recommended amending changing the number of permitted watering days from 5 days to 6 days per each week watering schedule. He stated the Commission felt this would help with water pressure issues.

The City Council discussed the permitted watering days and the beneficial effects that including Saturday in the weekly schedule could have for the wells, as it is anticipated to reduce stress on the main Trinity pumps.

- ii. Adopt Ordinance 61-012014 establishing the Drought Management Plan for the City of Garden Ridge; providing definitions, establishing trigger points for Stages 1through 5, restricting the use of water upon implementation of specific stages of said plan; establishing water surcharge rates for Stages 3 through 5 of said plan; providing a variance procedure; providing a penalty clause; providing for severability and providing an effective date and amending Ordinance 61-122013 adopted December 4, 2013.**

**Motion:** A motion was made by Councilmember Knaus, and seconded by Councilmember McCaw, to adopt Ordinance 61-012014 establishing the Drought Management Plan for the City of Garden Ridge; providing definitions, establishing trigger points for Stages 1through 5, restricting the use of water upon implementation of specific stages of said plan; establishing water surcharge rates for Stages 3 through 5 of said plan; providing a variance procedure; providing a penalty clause; providing for severability and providing an effective date and amending Ordinance 61-122013 adopted December 4, 2013. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

- iii. Recommendation to amend Ordinance 54 by deleting Section 29.02, Developer Shall Prepare Final Subdivision Plat.**



**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 10, 2013**

**Commissioners present:**

Sam Stocks, Chairman  
Harvey Bell  
Kay Bower  
Frank Dansby (arrived at 6:08 p.m.)  
David Heier  
Kitty Owen

**Commissioners Absent:**

None

**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, Sam Stocks, Chairman called the Regular Meeting of the Garden Ridge Planning and Zoning Commission to order at 6:00p.m. on Tuesday, December 10, 2013 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**

**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.*

3. **Business Items**

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

**a) Interview candidates for Planning and Zoning Commission Place 6 vacancy**

The Planning and Zoning Commission reviewed the resumes of Jerry M. Barucky, Shawn Willis, Todd Arvidson and Jose L. Villarreal and interviewed each applicant.

**b) Recommendation on candidates for interview and possible appointment by City Council to fill Planning and Zoning Commission Place 6 vacancy for two year term of office expiring September 30, 2015**

Sam Stocks, Planning and Zoning Commission Chair, stated he feels that there should be three (3) rounds of votes; first round and then another round between the top three (3) candidates. He provided ballots and asked each member to vote for two (2) candidates for first round and then forward your ballot to the City Secretary.

**Round One**

Jerry Barucky - 3 votes

Shawn Willis - 5 votes

Todd Arvidson - 3 vote

Jose Villarreal-1 vote

Mr. Stocks then instructed the Commissioners to vote two (2) times between Jerry Barucky, Shawn Willis and Todd Arvidson and to forward their ballot to the City Secretary.

**Round Two**

Jerry Barucky - 3 votes

Shawn Willis - 5 votes

Todd Arvidson - 4 votes

Several members of the Planning and Zoning Commission inquired to the need for a third vote. Nancy Cain, City Administrator reported that the City Council would prefer to see the recommendation to the appointment consist of the top two (2) candidates. Mr. Stocks then asked for clarification from the two Councilmembers who were present at the meeting. Councilmember McCaw explained the intent of the proposed Board and Commission Ordinance.

**Motion:** Upon a motion made by Commissioner Heier and a second by Commissioner Dansby, recommended the top three candidates (Shawn Willis, Todd Arvidson and Jerry Barucky) for City Council to appointment to fill Planning and Zoning Commission Place 6 vacancy for two year term of office expiring September 30, 2015. The Planning and Zoning Commission voted five (5) for and none (0) opposed. The motion carried unanimously.

Sam Stocks, Planning and Zoning Commission Chair, asked for additional information regarding the proposed Board and Commission Ordinance.

Councilmember Knaus, explained her intent to the change and why the Commission recommendations as advisory.

**Motion:** Upon a motion made by Commissioner Heier and a second by Commissioner Dansby, to set aside their previous motion and to take a third vote between Shawn Willis, Todd Arvidson and Jerry Barucky. The Planning and Zoning Commission voted five (5) for and none (0) opposed. The motion carried unanimously.

Round Three

Jerry Barucky - 1 vote

Shawn Willis - 3 votes

Todd Arvidson - 2 votes

**Motion:** Upon a motion made by Frank Dansby and a second by Kitty Owen, to provide Shawn Willis as the top candidate, Todd Arvidson as second candidate and Jerry Barucky as third candidate for recommendation to the City Council for appointment of one candidate to be appointed to serve as Planning and Zoning Commissioner, Place 6 for the term of two years and expiring on September 30, 2015. The Commission voted (5) for and (0) opposed, which passed unanimously.

**4. Administrative Items**

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

- a. Approve or disapprove the minutes of the October 8, 2013 Regular meeting of the Planning and Zoning Commission**

**Motion:** Upon a motion made by Commissioner Owen and a second by Commissioner Bell, the Planning and Zoning Commission voted five (5) for and none (0) opposed, for the approval the minutes of October 13, 2013 meeting of the Planning and Zoning Commission, with corrections. The motion carried unanimously.

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

Sam Stocks, Chairman, reported the next meeting will be held on Tuesday, January 14, 2014 at 6:00 p.m. if necessary.

**5. Adjournment**

**Motion:** Upon a motion made by Commissioner Owen and a second by Commissioner Dansby, the meeting was adjourned at 7:15 p.m.

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Sam Stocks, Chairman

**ATTEST:**

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Shelley Goodwin, TRMC  
City Secretary