

The Garden Ridge Board of Adjustment will meet in a regular session on Wednesday, April 5, 2023, at 6:00 p.m. 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 providing time, place, date, and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretative services must be made to the City Secretary 48 hours prior to this meeting.

1. Call to Order/Roll Call**2. Pledge of Allegiance****3. Business Items**

The following items are for discussion, consideration, and action.

- a) Petition by Guadalupe Ready Mix c/o Jeffrey L. Earl, Attorney for Applicant, for a variance to Ordinance No. 13-122018, Section 7 Industrial Zones, 7.2. Z-1 Industrial Zone District (Z-1), 7.2.7. Height Regulations, to allow silos to exceed two and one-half (2-1/2) stories (thirty-five feet) in height on seven and one-half (7.5) acres located at 20762 F.M. 2252, Garden Ridge, Texas, 78266. Height requested for silos is eighty-six feet and six and five sixteenth inches (86'-6 5/16") and seventy feet and nine and five-eighths inches (70'-9 5/8").
1. Applicant Presentation.
 2. Staff Comments.
 3. Public Comments.
 4. Deliberations and Board Findings.

4. Adjournment**AGENDA NOTICES:**

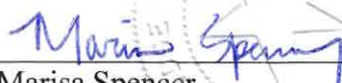
Decorum Required: Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order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

Action by Council Authorized: The Council may vote or act upon any item within this Agenda. The Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Title 5, Chapter 551, of the Texas Government Code.

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 other city boards, 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 are specifically provided for on an agenda for that board, commission, or committee subject to the Texas Open Meetings Act.

This is to certify that I, Marisa Spencer, posted this Agenda at 12:00 p.m. on March 30, 2023, on the bulletin board located at the entrance to Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.


Marisa Spencer
City Secretary

The Board of Adjustment of the City of Garden Ridge, Texas, will conduct a public hearing on Wednesday, April 5, 2023, at 6:00 p.m. in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.

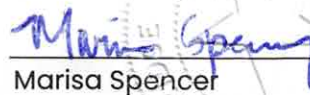
The public hearing will be to consider a petition by Guadalupe Ready Mix c/o Jeffrey L. Earl, Attorney for Applicant, for a variance to Ordinance No. 13-122018, Section 7 Industrial Zones, 7.2. Z-1 Industrial Zone District (Z-1), 7.2.7. Height Regulations, to allow silos to exceed two and one-half (2-1/2) stories (thirty-five feet) in height on seven and one-half (7.5) acres located at 20762 F.M. 2252, Garden Ridge, Texas, 78266. Height requested for silos is eighty-six feet and six and five sixteenth inches (86'-6 5/16") and seventy feet and nine and five-eighths inches (70'-9 5/8").

The Application for Variance with Exhibits and Attachments can be found on the City's Website at <https://www.ci.garden-ridge.tx.us/292/PublicLegal-Notices>.

The City Council encourages citizen participation, and the public is invited to attend the public hearing in person to provide oral comments on this matter. Alternatively, written comments on this matter may be submitted in advance in accordance with the *City of Garden Ridge Notice of Procedures for Written Comments during Public Hearings* posted on the City's Website.

The meeting can be viewed live on the City of Garden Ridge YouTube Channel and will be archived on the City's Website for on demand viewing. Please feel free to contact City Hall at 210-651-6632 if you need additional information on this matter.

This is to certify that I, Marisa Spencer, posted this Legal Notice at 12:00 p.m. on March 10, 2023, on the bulletin board located at the entrance to the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.



Marisa Spencer
City Secretary



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DAVID L. EARL
ATTORNEY AT LAW/SHAREHOLDER

MEGAN J. EARL
ATTORNEY AT LAW/SHAREHOLDER

JEFFREY L. EARL
ATTORNEY AT LAW/SHAREHOLDER

November 30, 2022

City of Garden Ridge, Texas
Attn: Marisa Spencer, TRMC
City Secretary
9400 Municipal Parkway,
Garden Ridge, Texas 78266

Via Hand Delivery

RE: Application for Variance for +/- 7.50 acres of real property located at 20762 FM 2252, Garden Ridge, Texas 78266, with a Legal Description of A-671 SUR- 95 E Woodruff, Acres 34.083 (the "Subject Property")

Dear Ms. Spencer:

On behalf of the leesee, Guadalupe Ready Mix, LLC ("Applicant"), and with the authorization of the real property owner, Lehigh Hanson Materials South, LLC, please find enclosed a completed Application for Variance ("Application"). This Application is being submitted to you in accordance with Section 1.3.3. of City Ordinance 13-122018. See Garden Ridge, Tex., City Ordinance No. 13-122018, § 1.3.3 (Dec. 5, 2018) ("Petitions for variances shall be in writing, signed and filed with the City Secretary . . .").

As the City will notice, the Application is being submitted for a variance on only 7.50 acres of property, which is located within an Industrial Zone (Z-1) District. Property located with a Z-1 Industrial Zone District may specifically be used, as of right, and is intended primarily for "mining, excavation, quarrying, processing, storage, warehousing, shipping and manufacturing of such products as cement, concrete, brick, asphalt, stone, crushed rock and similar type products and will include related activities associated with such operations." Garden Ridge, Tex., City Ordinance No. 13-122018, § 7.2.1. (Dec. 5, 2018).

As more fully set forth in the Application, Applicant is respectfully seeking the City to recognize that applicant is not required to obtain City Permits, or in the alternative, under protest, a variance be granted from the 35- foot height limitation imposed and contained in Garden Ridge, Tex., City Ordinance No. 13-122018, § 7.2.7. (Dec. 5, 2018). If there is any additional information or documentation that we can provide to assist in the City's review of this Application, please do not hesitate to contact us at (210) 868-6500 or via email at jeff@earl-law.com.

Sincerely,

EARL & ASSOCIATES, P.C.

By: */s/ Jeffrey L. Earl*
Printed Name: Jeffrey L. Earl
Attorney at Law/Shareholder



Planning and Zoning Form 2
APPLICATION FOR VARIANCE
(Type or Print)

1. Date: 11/18/22 Case #: _____
2. Applicant Name: Guadalupe Ready Mix, LLC, c/o Jeffrey L. Earl, Attorney for Applicant
(First) (Middle) (Last)

3. Mailing Address: 10007 Huebner Road, Suite 303
(Street) San Antonio, Texas 78240
(City) (State) (Zip)
Phone: (210)-957-9333

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

5. Property location: 7.50 acres located at 20762 F.M. 2252, Garden Ridge, Texas 78266
(Street address or street property front)

6. Legal description:

Plat: Lot(s) _____ Block(s) _____

Subdivision; See Attachment 2

Acreage: 7.5 (If acreage, provide separate metes and bounds description as attachment 2.)

Instrument Number: 202106050997

Property Deed recorded in Comal County Volume # _____ Page # _____

7. Cite City Ordinance number, page and paragraph from which variance is needed: Ordinance 13-122018
Page 32, section 7.2.7 (This Variance is being petitioned in protest, as applicant is of the
opinion, after a review of relevant documentation, a variance is not necessary, as more fully
described in Exhibit A, attached hereto).

8. State what you want to do instead: Erect silos with a height greater than 35 feet, as shown in Exhibit B,
attached hereto.

9. Give reason why a variance should be granted (cost alone is not acceptable): _____
See Exhibit A, in addition to Exhibit A, stationary batch plants do not have silos
lower than 35 feet.

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 to be rezoned 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: None.

13. The undersigned hereby requests that the variance identified in this application are 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 might 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: Jeffrey Earl

____ Attachments:

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

----- CITY USE ONLY -----
 VARIANCE REQUEST

		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	_____
City Admin.:	Public hearing conducted, if required	_____
	Applicant notified of Council Decision	_____
	Zoning ordinance change published, if required	_____

EXHIBIT A

This variance application is being filed under protest by Guadalupe Ready Mix, LLC (“Applicant”), as Applicant contends that it is not required to obtain a City Permit in order to construct its Concrete Batch Plant with silos having heights over 35 feet. Applicant re-urges the City to recognize that Applicant does not need to obtain city permits, or in the alternative, and under protest, grant this variance for the reasons stated herein and to avoid costly litigation and in efforts to exhaust all administrative remedies, which may be available to Applicant.

No Permits Required

In the annexation of the subject property through the enactment of City Ordinance No. 58, the City of Garden Ridge expressly waived the requirement that permits need to be obtained for the subject property, specifically stating that “[Petitioner] is hereby released from **the requirement to secure city permits for construction of new facilities pertaining to excavating and mining operations on the annexed tracts and parcels of land . . .**” Garden Ridge, Tex., Ordinance No. 58 (Dec. 8, 1988). Despite Applicant’s best efforts to have this express waiver recognized by the City after informing the City of the same, the City insists on Applicant obtaining a variance in an effort to prevent a use specifically permitted as of right in the Z-1 Zoning District.

TEX. LOC. GOV’T CODE § 43.002

Under Section 43.002 of the Texas Local Government Code, “[a] municipality may not, after annexing an area, prohibit a person from: (1) continuing to use land in the area in the manner in which the land was being used on the date the annexation proceedings were instituted if the land use was legal at that time . . .” TEX. LOC. GOV’T CODE § 43.002.

In the petition for annexation to the City of the subject property, the petitioner put the City on notice of its continuing uses and actions, existing prior to and at the time of annexation, including leasing the subject property for ready mix concrete. *See Petition to be Included in the Corporate Limits of the City of Garden Ridge, Texas* (Oct. 28, 2022) (“[Petitioner] is presently mining, excavating, quarrying, processing, storing and shipping such products as stone, crushed rock and similar type products on said property and is also leasing portions of said property for other uses, including, but not limited to, ready mix concrete . . .”).

Use Permitted By Right

Upon annexation in 1988, the City of Garden Ridge zoned the subject property as being within the “Z-1 Industrial Zone District.” *See* Garden Ridge, Tex., Ordinance No. 58 (Dec. 8, 1988). As noted above, under the City’s Code of Ordinances property designated as within a Z-1 Industrial Zone District may specifically be used for the manufacturing of concrete as of right. *See* City of Garden Ridge, Tex., Ordinance No. 13-122018, § 7.2.1. (“The Z-1 Industrial Zone District is intended primarily for mining, excavation, quarrying, processing, storage, warehousing, shipping and **manufacturing of such products as cement, concrete**, brick, asphalt, stone, crushed rock, and similar type products and will include related activities associated with such operations.”) (emphasis added). The 35-foot height limitation imposed by Section 7.2.7 constitutes an unnecessary hardship on the Applicant and the Applicant’s ability to use the subject

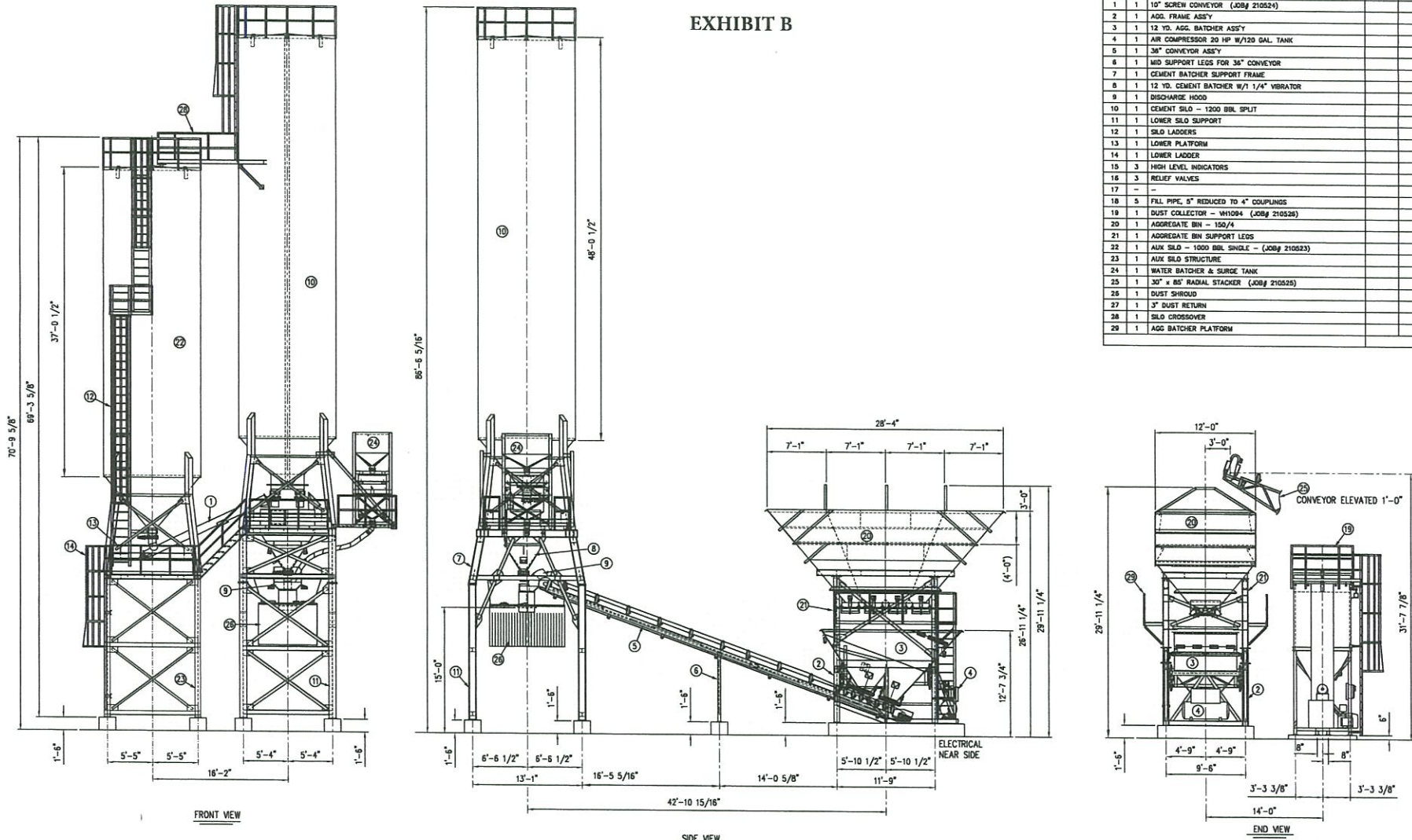
Variance Request – Guadalupe Ready Mix

property for the manufacturing of concrete, though the same is permitted as of right, as the industry standard calls for silos in excess of 35 feet. Additionally, Applicant would respectfully point out a similar variance was granted to a property for the purposes of concrete manufacturing in proximity to the subject property. Lastly, Applicant contends that if the variance is not granted as requested, the permitted operation of a ready mix concrete batch plant with silos **under** 35 feet would result in the use of low profile silos used on temporary plants causing higher dust emissions as evidenced by affidavits attached to this application.

Spirit Of The Ordinance

The City of Garden Ridge, Tex., Ordinance No. 13-122018, § 1.2.1.3. calls for a variance “if, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done.” The Ordinance specifically allows for the manufacturing of concrete in the Z-1 Industrial Zone District, and the height limitation of 35 feet prevents the existence of stationary concrete plants, thus making this variance necessary for the spirit of the ordinance to be observed, to prevent unnecessary hardship, reducing traffic, and in the interest of promoting public health and safety.

EXHIBIT B



BILL OF MATERIALS				
ITEM	QTY.	DESCRIPTION	WT.	REMARKS
1	1	10' SCREW CONVEYOR (JOB# 210524)		
2	1	ADD. FRAME ASSY		
3	1	12 YD. AGG. BATCHER ASSY		
4	1	AIR COMPRESSOR 20 HP W/120 GAL. TANK		
5	1	36" CONVEYOR ASSY		
6	1	MID SUPPORT LEGS FOR 36" CONVEYOR		
7	1	CEMENT BATCHER SUPPORT FRAME		
8	1	12 YD. CEMENT BATCHER W/1 1/4" VIBRATOR		
9	1	DISCHARGE HOOD		
10	1	CEMENT SILO - 1200 BBL SPLIT		
11	1	LOWER SILO SUPPORT		
12	1	SILO LADDERS		
13	1	LOWER PLATFORM		
14	1	LOWER LADDER		
15	3	HIGH LEVEL INDICATORS		
16	3	RELIEF VALVES		
17	-	-		
18	5	FILL PIPE, 5" REDUCED TO 4" COUPLINGS		
19	1	DUST COLLECTOR - WH1094 (JOB# 210524)		
20	1	AGGREGATE BIN - 150/4		
21	1	AGGREGATE BIN SUPPORT LEGS		
22	1	AUX SILO - 1000 BBL. SINGLE - (JOB# 210523)		
23	1	AUX SILO STRUCTURE		
24	1	WATER BATCHER & SURGE TANK		
25	1	30" x 85" RADIAL STACKER (JOB# 210525)		
26	1	DUST SHROUD		
27	1	3" DUST RETURN		
28	1	SILO CROSSOVER		
29	1	AGG BATCHER PLATFORM		

SIDE VIEW
DUST COLLECTOR NOT SHOWN IN THIS VIEW FOR CLARITY

REMOVE ALL SHIPPING HARDWARE AT WEIGH BATCHERS BEFORE CALIBRATING SCALES

THIS DRAWING IS THE PROPERTY OF THE VINCE HAGAN CO. AND SHALL NOT BE USED NOR REPRODUCED EITHER WHOLLY OR IN PART EXCEPT WHERE AUTHORIZED. ALL RIGHTS OF DESIGN OR INVENTION ARE RESERVED.

REV.	BY	DATE	DESCRIPTION

MADE FROM REV. **THE VINCE HAGAN COMPANY**
DALLAS, TEXAS

JOB# 210522

OWNER J3 COMPANY

DIST.

MODEL NO. LPM-12C-150/4-1200/2-1000

TITLE GENERAL ARRANGEMENT

DRN. BY: J.S. DATE: 8/24/21 REL. SCALE: 1/8"=1'-0" DRAWING NO. LPCA0319 SH 1 OF 2


AFFIDAVIT OF CURT CAMPBELL

THE STATE OF TEXAS §
 §
COUNTY OF KENDALL §

BEFORE ME, the undersigned notary, personally appeared Curt Campbell, a person who is known to me. After administering an oath, the affiant testified that:

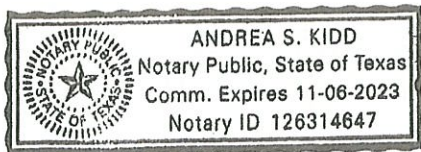
1. My name is Curt Campbell. I am over the age of eighteen years, of sound mind, and I am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
2. I am a professional engineer licensed in the State of Texas. I have worked with the Ready-Mix business for over 17 years. I am a LEED accredited professional and a certified floodplain manager. I currently serve on the board of directors for the Cow Creek Groundwater Conservation District, GMA 9 Representative on the South-Central Texas Regional Water Planning Group and was the former president of the American Society of Civil Engineers, San Antonio chapter. I received my B.S. and M.S. from Texas Tech University in Engineering and Architecture. I also hold a master's degree from the University of Florida in Ecology and Ecological Engineering.
3. I am familiar with the environmental, health, and safety risks associated with the construction and operations of a concrete batch plant.
4. A concrete batch plant poses less of an environmental, health, and safety risk when it has fixed taller silos.
5. Low profile silos are typically used on temporary plants and not on permanent locations.
6. In order to operate shorter, low-profile silos on a concrete batch plant they are typically fitted with additional augers or pneumatic pumps to elevate material for placement into a ready-mix truck. The fixed vertical silos are typically less complicated to operate meaning there is less chance for breakdown.
7. Shorter silos are typically smaller in volume than their fixed vertical counterparts. Since they are smaller, they require deliveries during the operational hours of the plant and can increase traffic. Minimizing the number of times during the day, a silo is loaded limits the potential for permit exceedance. The larger fixed silos also allow for better control of traffic during peak traffic hours.

FURTHER AFFIANT SAYETH NAUGHT

By: 
Curt Campbell

Subscribed and Sworn before me by Curt Campbell, on this 18 day of November 2022, to certify which witness my hand and seal of office.


Notary Public in and for the State of Texas



Andrea S. Kidd
Print or type name of Notary Public
Commission Expires 11-06-2023

AFFIDAVIT OF JEFF SHEA

THE STATE OF TEXAS §
 §
COUNTY OF Brewer §

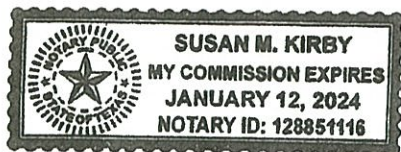
BEFORE ME, the undersigned notary, personally appeared Jeff Shea, a person who is known to me. After administering an oath, the affiant testified that:

1. My name is Jeff Shea. I am over the age of eighteen years, of sound mind, and I am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.
2. I have been in the concrete industry for 26 years as an operations manager and general manager.
3. I have knowledge of the concrete industry and industry standards for concrete batch plants.
4. There are no stationary concrete batch plants with all components being below 35 feet in height. The industry standard for stationary concrete batch plants is to have silos at a minimum of 70 feet in height, with newer model plants having even taller silos.
5. It would be impractical, inefficient, less economical, and causes more air pollution to operate a stationary concrete batch plant with shorter silos.
6. Concrete batch plants with shorter silos create higher amounts of dust compared to concrete batch plants with taller silos.

FURTHER AFFIANT SAYETH NAUGHT

By: Jeff Shea
Jeff Shea

Subscribed and Sworn before me by Jeff Shea, on this 17 day of November 2022, to certify which witness my hand and seal of office.



Susan M. Kirby
Notary Public in and for the State of Texas

Susan M. Kirby
Print or type name of Notary Public
Commission Expires January 12, 2024

PROPERTY OWNER'S LETTER OF AUTHORIZATION

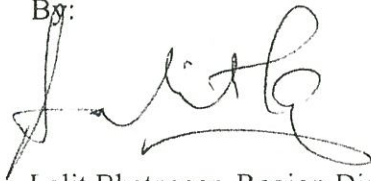
I, Lalit Bhatnagar, acting in my official capacity as Region Director of Lehigh Hanson Materials South, LLC, certify that Lehigh Hanson Materials South, LLC is the owner of that certain real Property identified in Exhibit A, attached hereto (the "Property").

Furthermore, I authorize the following entities and individuals to apply for a specific use permit and a height variance for the Property on behalf of Guadalupe Ready Mix, Inc. from the City of Garden Ridge, Texas:

- Earl & Associates, P.C.
 - o Jeffrey L. Earl
 - o David L. Earl
- Guadalupe Ready Mix, Inc.
 - o Hugh Jons
 - o Jeff Shea
- Westward Environmental, Inc.
 - o Tommy Mathews
 - o Weston Tietz

Lehigh Hanson Materials South, LLC

By:

A handwritten signature in black ink, appearing to read 'Lalit Bhatnagar', with a stylized flourish at the end.

Lalit Bhatnagar, Region Director

EXHIBIT A

METES AND BOUNDS DESCRIPTION LEASE TRACT

Description of a 7.50 acre tract of land out of the Edward Woodruff Survey Number 95, Abstract Number 671, Comal County, Texas being a portion of a 42.539 acre tract described in Annexation Agreement recorded in Volume 659, Page 28, Comal County Official Public Records; said 7.50 acre tract being more fully described as follows:

Beginning at an existing ½" steel rod on a northwest line of the Union Pacific Railroad right-of-way for the south corner of this tract, said steel rod being the south corner of the above mentioned 42.539 acre tract and the east corner of the Dennis R. Wuest tract described as 9.600 acres in deed recorded in Document Number 202006025874, Comal County Official Public Records;

Thence, with a southwest line of said 42.539 acre tract and a northeast line of said Wuest tract, North 31 degrees 03 minutes 52 seconds West¹, 518.00 feet to a ½" steel rod set² for the west corner of this tract, being a western corner of said 42.539 acre tract and a re-entrant corner of said Wuest tract;

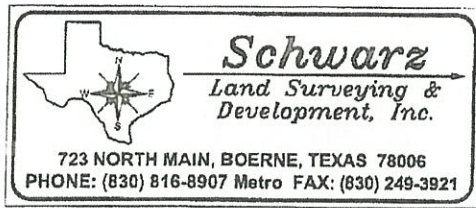
Thence, with a northwest line of said 42.539 acre tract and a southeast line of said Wuest tract, North 58 degrees 39 minutes 08 seconds East, at 198.50 feet a ½" steel rod set for a southeast corner of said Wuest tract and a re-entrant corner of said 42.539 acre tract, and continuing into the interior of said 42.539 acre tract a total distance of 638.76 feet to ½" steel rod set for the north corner of this tract;

Thence, continuing through the interior of said 42.539 acre tract, South 31 degrees 03 minutes 45 seconds East, 497.35 feet to a ½" steel rod set on a northwest line of said Union Pacific Railroad right-of-way line³ and a southeast line of said 42.539 acre tract, for the east corner of this tract, a ½" steel rod at the southern east corner of said 42.539 acre tract for directional control bears North 55 degrees 32 minutes 45 seconds East, 464.50 feet;

Thence, with southeast lines of said 42.539 acre tract and northwest lines of said railroad right-of-way, South 55 degrees 32 minutes 45 seconds West, 75.40 feet to a ½" steel rod set and, with a curve to the right having a radius of 7827.05 feet and a central

angle of 4 degrees 07 minutes 41 seconds, for a length of 563.92 feet, (chord bears South 56 degrees 58 minutes 08 seconds West, 563.80 feet) to the place of beginning and containing 7.50 acres of land.

I, James E. Schwarz, a Registered Professional Land Surveyor, hereby certify that the above description is from a survey completed on the ground under my supervision on April 28, 2022.



James E. Schwarz
Registered Professional
Land Surveyor No. 4760
Job No. 22-025
Firm License No. 10132600



1. This bearing, used as the bearing basis for this survey, was established by GPS.
2. All ½" steel rods set have a red plastic cap stamped "SCHWARZ 4760".
3. Union Pacific Railroad right-of-way established by deed recorded in Volume Q, Page 70, Comal County Deed Records.

April 28, 2022 (9:17am)

ATTACHMENT 2

METES AND BOUNDS DESCRIPTION LEASE TRACT

Description of a 7.50 acre tract of land out of the Edward Woodruff Survey Number 95, Abstract Number 671, Comal County, Texas being a portion of a 42.539 acre tract described in Annexation Agreement recorded in Volume 659, Page 28, Comal County Official Public Records; said 7.50 acre tract being more fully described as follows:

Beginning at an existing ½" steel rod on a northwest line of the Union Pacific Railroad right-of-way for the south corner of this tract, said steel rod being the south corner of the above mentioned 42.539 acre tract and the east corner of the Dennis R. Wuest tract described as 9.600 acres in deed recorded in Document Number 202006025874, Comal County Official Public Records;

Thence, with a southwest line of said 42.539 acre tract and a northeast line of said Wuest tract, North 31 degrees 03 minutes 52 seconds West¹, 518.00 feet to a ½" steel rod set² for the west corner of this tract, being a western corner of said 42.539 acre tract and a re-entrant corner of said Wuest tract;

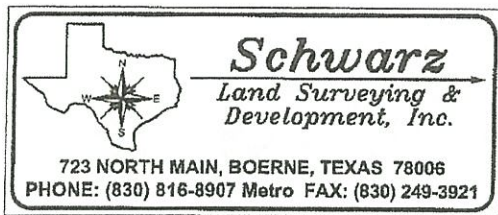
Thence, with a northwest line of said 42.539 acre tract and a southeast line of said Wuest tract, North 58 degrees 39 minutes 08 seconds East, at 198.50 feet a ½" steel rod set for a southeast corner of said Wuest tract and a re-entrant corner of said 42.539 acre tract, and continuing into the interior of said 42.539 acre tract a total distance of 638.76 feet to ½" steel rod set for the north corner of this tract;

Thence, continuing through the interior of said 42.539 acre tract, South 31 degrees 03 minutes 45 seconds East, 497.35 feet to a ½" steel rod set on a northwest line of said Union Pacific Railroad right-of-way line³ and a southeast line of said 42.539 acre tract, for the east corner of this tract, a ½" steel rod at the southern east corner of said 42.539 acre tract for directional control bears North 55 degrees 32 minutes 45 seconds East, 464.50 feet;

Thence, with southeast lines of said 42.539 acre tract and northwest lines of said railroad right-of-way, South 55 degrees 32 minutes 45 seconds West, 75.40 feet to a ½" steel rod set and, with a curve to the right having a radius of 7827.05 feet and a central

angle of 4 degrees 07 minutes 41 seconds, for a length of 563.92 feet, (chord bears South 56 degrees 58 minutes 08 seconds West, 563.80 feet) to the place of beginning and containing 7.50 acres of land.

I, James E. Schwarz, a Registered Professional Land Surveyor, hereby certify that the above description is from a survey completed on the ground under my supervision on April 28, 2022.



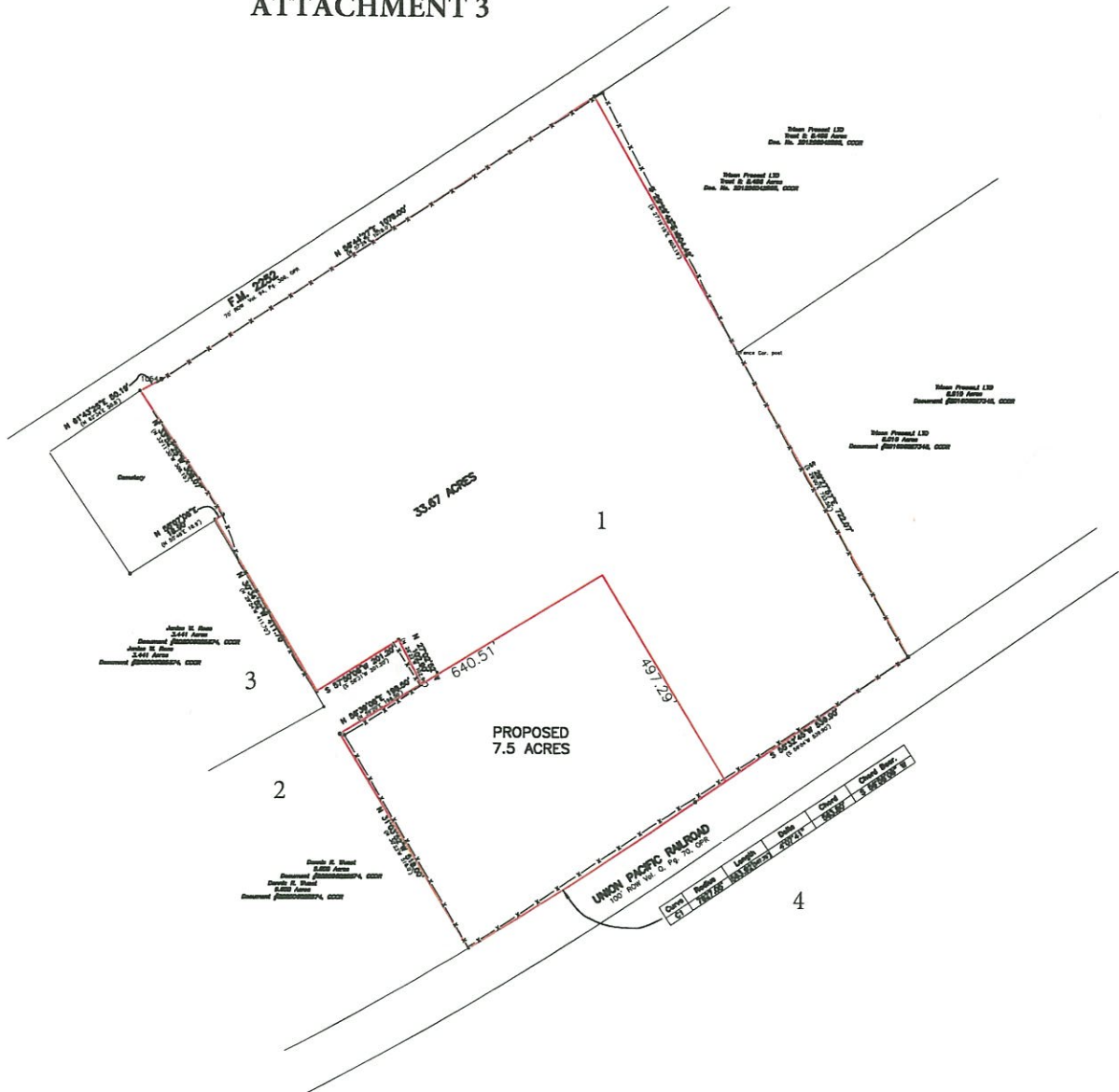
James E. Schwarz
Registered Professional
Land Surveyor No. 4760
Job No. 22-025
Firm License No. 10132600



1. This bearing, used as the bearing basis for this survey, was established by GPS.
2. All ½" steel rods set have a red plastic cap stamped "SCHWARZ 4760".
3. Union Pacific Railroad right-of-way established by deed recorded in Volume Q, Page 70, Comal County Deed Records.

April 28, 2022 (9:17am)

ATTACHMENT 3



ATTACHMENT 4

LIST OF ADJACENT PROPERTY OWNERS

1. Lehigh Hanson Materials South, LLC
 - a. Address: 20762 FM 2252, Garden Ridge, Texas 78266
2. Dennis R. Wuest
 - a. Address: 0 Bracken Dr., Garden Ridge, Texas 78266
3. Janice W. Rose
 - a. Address: 20624 FM 2252, San Antonio, Texas 78266
4. Lehigh Hanson Materials South, LLC
 - a. Address: 20762 FM 2252, Garden Ridge, Texas 78266

City Secretary

From: Jeffrey Earl <Jeff@earl-law.com>
Sent: Wednesday, March 15, 2023 3:14 PM
To: City Administrator
Cc: City Secretary; Cynthia Trevino; David Earl; John Earl; Rosalinda Perez; Elyse Gonzalez
Subject: [EXTERNAL] RE: Guadalupe Ready Mix - Updated Site Plan
Attachments: Updated Site Plan.pdf; Owner's Authorization Notarized.pdf

Nancy,

Attached please find the updated site plan and lighting plan as it relates to GRM's applications to be used in conjunction with the previously submitted site plan showing the neighboring properties with the key. I have also attached the notarized property owner authorization (The previously submitted one was not notarized).

Please let me know if you have any questions.

Thank you,

Jeffrey L. Earl
Attorney at Law/Shareholder
EARL & ASSOCIATES, P.C.
10007 Huebner Rd., Ste. 303
San Antonio, Texas 78240
(210) 957-9333 - mobile
(210) 868-6500 - telephone
<http://www.law-earl.com>

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Treasury Circular 230 Notice: Pursuant to Department of Treasury Circular 230, this electronic mail and any attachment hereto is not intended or written to be used, and may not be used by the recipient for the purpose of avoiding any Federal tax penalty which may be asserted.

From: Jeffrey Earl
Sent: Wednesday, March 8, 2023 2:36 PM
To: 'City Administrator' <administrator@ci.garden-ridge.tx.us>
Cc: City Secretary <CitySecretary@ci.garden-ridge.tx.us>; 'Weston Tietze' <wtietze@westwardenv.com>; Curt Campbell <ccampbell@westwardenv.com>
Subject: RE: Guadalupe Ready Mix - Variance

Nancy,

I am copying engineers from Westward Environmental, as they can better answer specifics as to the plant design, but it should be shown in the schematics submitted with the application.

Curt and Weston, I believe the schematics show a 71' and an 86' silo? So 2 components over 35 feet, is that correct?

Thank you,

Jeffrey L. Earl

Attorney at Law/Shareholder
EARL & ASSOCIATES, P.C.
10007 Huebner Rd., Ste. 303
San Antonio, Texas 78240
(210) 957-9333 - mobile
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Treasury Circular 230 Notice: Pursuant to Department of Treasury Circular 230, this electronic mail and any attachment hereto is not intended or written to be used, and may not be used by the recipient for the purpose of avoiding any Federal tax penalty which may be asserted.

From: City Administrator <administrator@ci.garden-ridge.tx.us>
Sent: Wednesday, March 8, 2023 11:24 AM
To: Jeffrey Earl <Jeff@earl-law.com>
Cc: City Secretary <CitySecretary@ci.garden-ridge.tx.us>
Subject: Guadalupe Ready Mix - Variance

Mr. Earl,

Item 8 of the Application For Variance submitted for Guadalupe Ready Mix states, "Erect silos with a height greater than 35 feet, as shown in Exhibit B, attached hereto". How many silos with a height greater than 35 feet is the variance being requested for?

Thanks,
Nancy Cain

PROPERTY OWNER'S LETTER OF AUTHORIZATION

THE STATE OF TEXAS §

COUNTY OF Dallas §

I, Lalit Bhatnagar, acting in my official capacity as Region Director of Lehigh Hanson Materials South, LLC, certify that Lehigh Hanson Materials South, LLC is the owner of that certain real property identified in Exhibit A, attached hereto (the "Property").

Furthermore, I authorize the following entities and their representatives to apply for a specific use permit and a height variance for the Property on behalf of Guadalupe Ready Mix, Inc. from the City of Garden Ridge, Texas:

- Earl & Associates, P.C.
- Guadalupe Ready Mix, LLC
- Westward Environmental, Inc.

Lehigh Hanson Materials South,
LLC

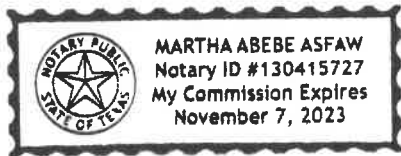
By: [Signature]
Lalit Bhatnagar, Region Director

THE STATE OF TEXAS §

§

COUNTY OF Dallas §

Subscribed and Sworn before me by Lalit Bhatnagar, on this 4 day of January 2023, to certify which witness my hand and seal of office.



[Signature]
Notary Public in and for the State of Texas
Martha A. Asfaw
Print or type name of Notary Public
Commission Expires 11/7/2023

EXHIBIT A

METES AND BOUNDS DESCRIPTION LEASE TRACT

Description of a 7.50 acre tract of land out of the Edward Woodruff Survey Number 95, Abstract Number 671, Comal County, Texas being a portion of a 42.539 acre tract described in Annexation Agreement recorded in Volume 659, Page 28, Comal County Official Public Records; said 7.50 acre tract being more fully described as follows:

Beginning at an existing ½" steel rod on a northwest line of the Union Pacific Railroad right-of-way for the south corner of this tract, said steel rod being the south corner of the above mentioned 42.539 acre tract and the east corner of the Dennis R. Wuest tract described as 9.600 acres in deed recorded in Document Number 202006025874, Comal County Official Public Records;

Thence, with a southwest line of said 42.539 acre tract and a northeast line of said Wuest tract, North 31 degrees 03 minutes 52 seconds West¹, 518.00 feet to a ½" steel rod set² for the west corner of this tract, being a western corner of said 42.539 acre tract and a re-entrant corner of said Wuest tract;

Thence, with a northwest line of said 42.539 acre tract and a southeast line of said Wuest tract, North 58 degrees 39 minutes 08 seconds East, at 198.50 feet a ½" steel rod set for a southeast corner of said Wuest tract and a re-entrant corner of said 42.539 acre tract, and continuing into the interior of said 42.539 acre tract a total distance of 638.76 feet to ½" steel rod set for the north corner of this tract;

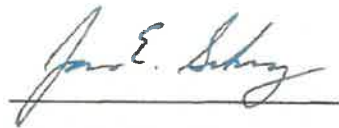
Thence, continuing through the interior of said 42.539 acre tract, South 31 degrees 03 minutes 45 seconds East, 497.35 feet to a ½" steel rod set on a northwest line of said Union Pacific Railroad right-of-way line³ and a southeast line of said 42.539 acre tract, for the east corner of this tract, a ½" steel rod at the southern east corner of said 42.539 acre tract for directional control bears North 55 degrees 32 minutes 45 seconds East, 464.50 feet;

Thence, with southeast lines of said 42.539 acre tract and northwest lines of said railroad right-of-way, South 55 degrees 32 minutes 45 seconds West, 75.40 feet to a ½" steel rod set and, with a curve to the right having a radius of 7827.05 feet and a central

angle of 4 degrees 07 minutes 41 seconds, for a length of 563.92 feet, (chord bears South 56 degrees 58 minutes 08 seconds West, 563.80 feet) to the place of beginning and containing 7.50 acres of land.

I, James E. Schwarz, a Registered Professional Land Surveyor, hereby certify that the above description is from a survey completed on the ground under my supervision on April 28, 2022.




James E. Schwarz
Registered Professional
Land Surveyor No. 4760
Job No. 22-025
Firm License No. 10132600



1. This bearing, used as the bearing basis for this survey, was established by GPS.
2. All 1/2" steel rods set have a red plastic cap stamped "SCHWARZ 4760".
3. Union Pacific Railroad right-of-way established by deed recorded in Volume Q, Page 70, Comal County Deed Records.

April 28, 2022 (9:17am)