

WEDNESDAY, MAY 10, 2023 | 6:00 P.M.

The Planning and Zoning Commission will meet in a regular session on Wednesday, May 10, 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. Citizen Comment Period – limited to 30 minutes total**

Rules for Citizens' Participation: The Commission welcomes citizen participation and comments at all Commission Meetings. If you speak, you must follow these guidelines:

a) Respect and courtesy:

1. Direct your comments to the entire Commission, not to an individual member, nor to the audience.
2. Show the Commission the same respect that you would like to be shown.
3. End your speaking at the time allotted below.

b) Speaking:

1. First citizen comment period.
 - 1.1. You are required to sign up to speak and you are limited to one 3-minute period.
2. Second citizen comment period.
 - 2.1. You are not required to sign up and you are limited to one 2-minute period.
3. State your name and address before your comments begin.
4. You are only allowed to speak once per topic, unless also speaking during a posted Public Hearing.

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

- a) Approval of Minutes for November 9, 2022, Planning and Zoning Commission Regular Meeting.
- b) Petition by Eric T. Fischer for rezoning from Resident-Agriculture (RA) District also known as Agriculture and Agricultural Homestead (AG) District to Neighborhood Service (B-1) District also known as Community Commercial (CC) District, on a 1.707 acre tract of land out of the George M. Dolson Survey 96, Abstract 120, Comal County, Texas, and being out of a called 1.734 acre tract described in Document No. 201406013130 of the Official Public Records of Comal County, Texas. The property is located adjacent to FM 2252 south of 19295 FM 2252 in Garden Ridge, Texas.
 1. Applicant Presentation.
 2. Hold a Public Hearing.
 3. Discuss and take action.

c) Petition by Guadalupe Ready Mix c/o Jeffrey L. Earl, Attorney for Applicant, for the issuance of a Special Use Permit for construction and operation of a concrete batch plant, on seven and one-half (7.5) acres leased out of A-671 SUR-95 E Woodruff, Acres 34.083, owned by Lehigh Hanson Materials South, LLC. The property is zoned Industrial Zone (Z-1) District also known as Heavy Industrial (HI) District and located at 20762 FM 2252, Garden Ridge, Texas.

1. Applicant Presentation.
2. Hold a Public Hearing.
3. Discuss and take action.

d) Items applicable to the Planning and Zoning Commission discussed at City Council meetings.

e) Planning and Zoning Commission Activities and Projects.

1. Alternate Compliance Options as it relates to Impervious Cover (Crow and Bates).

f) Future Agenda Items.

1. Commissioners input on agenda items.
2. Announce date, time, and location for next meeting (June 14, 2023, at 6:00 p.m. at City Hall).

5. **Citizen Comment Period – limited to 20 minutes total**

See “Rules for Citizens’ Participation” under Item 3.

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 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 9:30 a.m. on May 3, 2023, on the bulletin board located at the entrance to Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.


Marisa Spencer
City Secretary



City of Garden Ridge

"A way of life, not just a place to live"

MINUTES PLANNING AND ZONING COMMISSION REGULAR MEETING WEDNESDAY, NOVEMBER 9, 2022, 6:00 P.M.

Commissioners Present:

Chair Karen Diaz
Commissioner Dr. Jim Miller
Commissioner Michael Crow
Commissioner Roy Leatherberry
Commissioner Darren Bates

Commissioners Absent:

Vice-Chair Kerim Jacaman
Vacant Position

City Staff and City Councilmembers Present:

Nancy Cain, City Administrator
Marisa Spencer, City Secretary
Courtney Billi, Assistant City Secretary/Communications Specialist
Cynthia Trevino, City Attorney
Mayor Robb Erickson
Councilmember Jesse Valdez

1. Call to Order

With a quorum of the Planning and Zoning Commissioners present, Chair Diaz called the regular meeting of the Garden Ridge Planning and Zoning Commission to order at 6:00 p.m. on Wednesday, November 9, 2022, in the City Council Chambers of Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas 78266.

2. Roll Call: See above.

3. Pledge of Allegiance: Chair Diaz led the Pledge of Allegiance.

4. Citizen Comment Period:

John Andrews, 9403 Gloxinia, spoke regarding the Draft Zoning Ordinance.

Sharon Stripling, 21729 Forest Waters Circle, spoke regarding the Draft Zoning Ordinance.

5. Business Items

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

a) Approval of Minutes for September 14, 2022, Planning and Zoning Commission Regular Meeting.

Motion: A motion was made by Commissioner Bates, seconded by Commissioner Crow, to approve the Minutes for September 14, 2022, Planning and Zoning Commission Regular Meeting. The Commission voted four (4) for and none (0) opposed. The motion carried unanimously.

b) Final Plat for The Ridge at Garden Ridge, being a 13.526 acre tract located at the southeast corner of the intersection of FM 2252 and FM 3009 and owned by Custom Clinics, LLC.

1. Discuss and make a recommendation regarding the Final Plat.

The Commission discussed the Final Plat for The Ridge at Garden Ridge.

Motion: A motion was made by Commissioner Crow, seconded by Commissioner Leatherberry, to recommend to City Council approval of the Final Plat for The Ridge at Garden Ridge, being a 13.526 acre tract located at the southeast corner of the intersection of FM 2252 and FM 3009 and owned by Custom Clinics, LLC. The Commission voted four (4) for and none (0) opposed. The motion carried unanimously.

c) Items applicable to the Planning and Zoning Commission discussed at the October and November City Council Regular Meetings.

Chair Diaz provided the Commission with an update on items applicable to the Planning and Zoning Commission discussed at the October and November City Council Regular Meetings.

d) Planning and Zoning Commission Activities and Projects.

1. Alternate Compliance Options as it relates to Impervious Cover (Crow and Bates).

Commissioner Crow and Commissioner Bates reviewed a presentation related to impervious cover compliance.

e) Future Agenda Items.

1. Commissioners input on agenda items.

None at this time.

2. Announce date, time, and location for next meeting (December 14, 2022, at 6:00 p.m. at City Hall).

Chair Diaz stated the next Planning and Zoning Commission Regular Meeting is scheduled for Wednesday, December 14, 2022, at 6:00 p.m. at City Hall.

6. Citizen Comment Period: No one wished to speak.

7. Adjournment

Motion: A motion was made by Commissioner Bates, seconded by Commissioner Crow, to adjourn. The Commission voted four (4) for and none (0) opposed. The motion carried unanimously. There being no further business, the Wednesday, November 9, 2022, Planning and Zoning Commission Regular Meeting was adjourned at 6:51 p.m. by Chair Diaz.

ATTEST:

Karen Diaz
Chair

Marisa Spencer
City Secretary

The Planning and Zoning Commission of the City of Garden Ridge, Texas, will conduct a public hearing on Wednesday, May 10, 2023, at 6:00 p.m. in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.

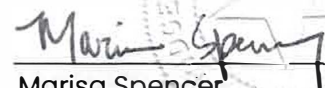
The public hearing will be to consider a petition by Eric T. Fischer for rezoning from Resident-Agriculture (RA) District also known as Agriculture and Agricultural Homestead (AG) District to Neighborhood Service (B-1) District also known as Community Commercial (CC) District, on a 1.707 acre tract of land out of the George M. Dolson Survey 96, Abstract 120, Comal County, Texas, and being out of a called 1.734 acre tract described in Document No. 201406013130 of the Official Public Records of Comal County, Texas. The property is located adjacent to FM 2252 south of 19295 FM 2252 in Garden Ridge, Texas.

The Application for Change of Zoning and associated attachments can be found on the City's Website at <https://www.ci.garden-ridge.tx.us/292/PublicLegal-Notices>.

The City 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 April 13, 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



City of Garden Ridge

"A way of life, not just a place to live"

NOTICE OF PROCEDURES WRITTEN COMMENTS DURING PUBLIC HEARINGS

In an effort to protect public health and limit the potential spread of COVID-19, the City of Garden Ridge is offering an additional option to submit comments for a posted public hearing.

The public is invited and welcome to attend the public hearing in person and may submit oral comments on the matter. Alternatively, written comments on a matter contained in a posted **Notice of Public Hearing** may be submitted *up to two (2) hours before the meeting in which the public hearing will be held* via email to citysecretary@ci.garden-ridge.tx.us.

If citizens submit a written comment but choose to attend the public hearing and speak in person then be advised the written comment will not be read aloud.

When submitting written comments to be included as an official record during a public hearing, the following guidelines must be strictly adhered to and *any comments that fail to adequately meet these guidelines will not be read aloud:*

1. Comments must be received by the City Secretary before the deadline stated above.
2. Each citizen is limited to one 3-minute period, which also applies when the City Secretary is reading comments. Therefore, written comments should be limited to approximately 350 words or less.
3. State your name and address before your comments begin.
4. Direct your comments to the entire Commission/City Council, not to an individual member, nor to the audience.
5. Show the Commission/City Council the same respect that you would like to be shown.

As a reminder, all City Council and Commission meetings can be viewed live on the City's YouTube Channel or the City's Website. Additionally, these videos are bookmarked and archived on the City's Website for convenient on demand viewing.

Please feel free to contact City Hall at 210-651-6632 if you need additional information.

Respectfully,

Marisa Spencer
City Secretary

Planning and Zoning Form 1
APPLICATION FOR CHANGE OF ZONING
(Type or Print)

1. Date: 3-28-23 Case #: _____
2. Applicant Name: Eric T Fischer
(First) (Middle) (Last)
3. Mailing Address: 7703 Ramble Ridge
(Street)
San Antonio TX 78266
(City) (State) (Zip)
Phone: ()-

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

5. Property location: FM 2252
(Street address or street property front)

6. Legal description: 1.707 acre tract out of the George M. Nelson Survey 96,
abstract 120, Comal County, Texas Being
out of a called 1.734 acre described
in Document No. 201406013130
Plat: Lot(s) _____ Block(s) _____
Subdivision; _____
Acreage: 1.707 (If acreage, provide separate metes and bounds description as attachment 2.)
Property Deed recorded in Comal County Volume # _____ Page # _____

7. Existing use of property: Raw land

8. Proposed use of property: Bar, Barbershop, Office

9. Give 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.

10. 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 to be rezoned, on another map of larger scale, as attachment 5.

11. Identify any deed restrictions on agriculture, residential, business or other use. If none, so state: None

12. Reason for requesting zoning change (attach additional sheet if needed):

I want to follow the new garden Ridge City
masterplan and Build a multi-use bar, barbershop,
and office on this lot.

13. The undersigned hereby requests that the property identified in this application be reclassified
from: Ag Residential district

to: Neighborhood Services (B-1) District district, 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. 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: [Signature]

☒ 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 - tentative
6. Check for zoning change fee per Garden Ridge City Ordinance 11.

----- CITY USE ONLY -----
CHANGE OF ZONING

		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'	_____
	Notice of public hearing	_____
	Public hearing conducted	_____
	P&Z decision on rezoning	_____
City Council:	P&Z recommendation to City Council	_____
	Notice to adjoining property owners'	_____
	Notice of public hearing	_____
City Admin.:	Public hearing conducted	_____
	Applicant notified of Council Decision	_____
	Zoning ordinance change published	_____

Attachment 2

Trihydro Corporation

1672 Independence Drive, Suite 315 * NEW BRAUNFELS, TX. 78130

PHONE (830) 626-3588

cking@trihydro.com

TBPELS Firm Registration #10194320

BEING, all that certain 1.707 acre tract of land out of the George M. Dolson Survey 96, Abstract 120, Comal County, Texas, and being out of a called 1.734 acre tract described in Document No. 201406013130, of the Official Public Records, Comal County, Texas, (O.P.R.C.C.TX.) and being more particularly described by metes and bounds as follows;

BEGINNING at an iron rod stamped "HMT" found on the southwest right-of-way line of FM 2252 marking the northwest corner of said 1.707 acre tract same being the northeast corner of a called 1.4 acre tract described in deed to Rockem Realty, LLC and recorded in Document No. 201706038380 of the Official Public Records of Comal County, Texas O.P.R.C.C.TX.;

THENCE, with the north line of said 1.707 acre tract along the southwest right-of-way line of said FM 2252 the following two (2) courses and distances.

1. South 82°30'03" East, 50.48 feet to a concrete monument found for corner, and
2. South 74°56'27" East, 322.01 feet to a TXDOT disk found on the south right-of-way line of said FM 2252 marking the northeast corner of said 1.707 acre tract same being the northwest corner of a called 0.0255 acre tract described in deed to the State of Texas recorded in Document No. 202006017763, O.P.R.C.C.TX.;

THENCE, South 36°14'56" East, 71.30 feet along southwest right-of-way line of said FM 2252 along the common line of said 1.707 acre tract and said 0.0255 acre tract to a TXDOT disk found marking an interior corner of said 1.707 acre tract same being the southwest corner of said 0.0255 acre tract;

THENCE, South 75°47'58" East, 11.70 feet along southwest right-of-way line of said FM 2252 to a 1/2-inch iron rod stamped "RPLS 4020" found marking a the northwest corner of a called 4.2313 acre tract described in deed to Vaquero Grande, LLC and recorded in Document No. 201906028430, O.P.R.C.C.TX., same being a southwest corner of a called 0.1707 acre tract described in deed to the State of Texas and recorded in Document No. 202006018060, O.P.R.C.C.TX., and for a northeasterly corner of said 1.707 acre tract;

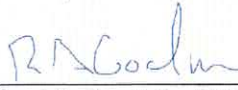
THENCE, South 18°11'22" East, 83.97 feet departing southwest right-of-way line of said FM 2252 and with the common line of said 1.707 acre tract and said 4.2313 acre tract to a 1/2-inch iron rod found marking the southeast corner of said 1.707 acre tract on the west line of said 4.2313 acre tract same being the north corner of a called 2.672 acre tract described in deed to Nena M. Carroll and recorded in Document No. 202006016151, O.P.R.C.C.TX.;

THENCE, South 67°22'52" West, 262.23 feet along the common line of said 1.707 acre tract and said 2.672 acre tract to a 1/2-inch iron rod stamped "Baker Surveying" found marking the southwest corner of said 1.707 acre tract same being on the east line of a called 3.319 acre tract described in deed to Salvador Gallegos & Damaris Gallegos and recorded in Document No. 201406026781, O.P.R.C.C.TX.;

THENCE, North 31°53'15" West, 137.34 feet along the common line of said 1.707 acre tract and said 3.319 acre tract to a 1/2-inch iron rod stamped "HMT" found on the west line of said 1.707 acre tract marking the southeast corner of aforementioned 1.4 acre tract;

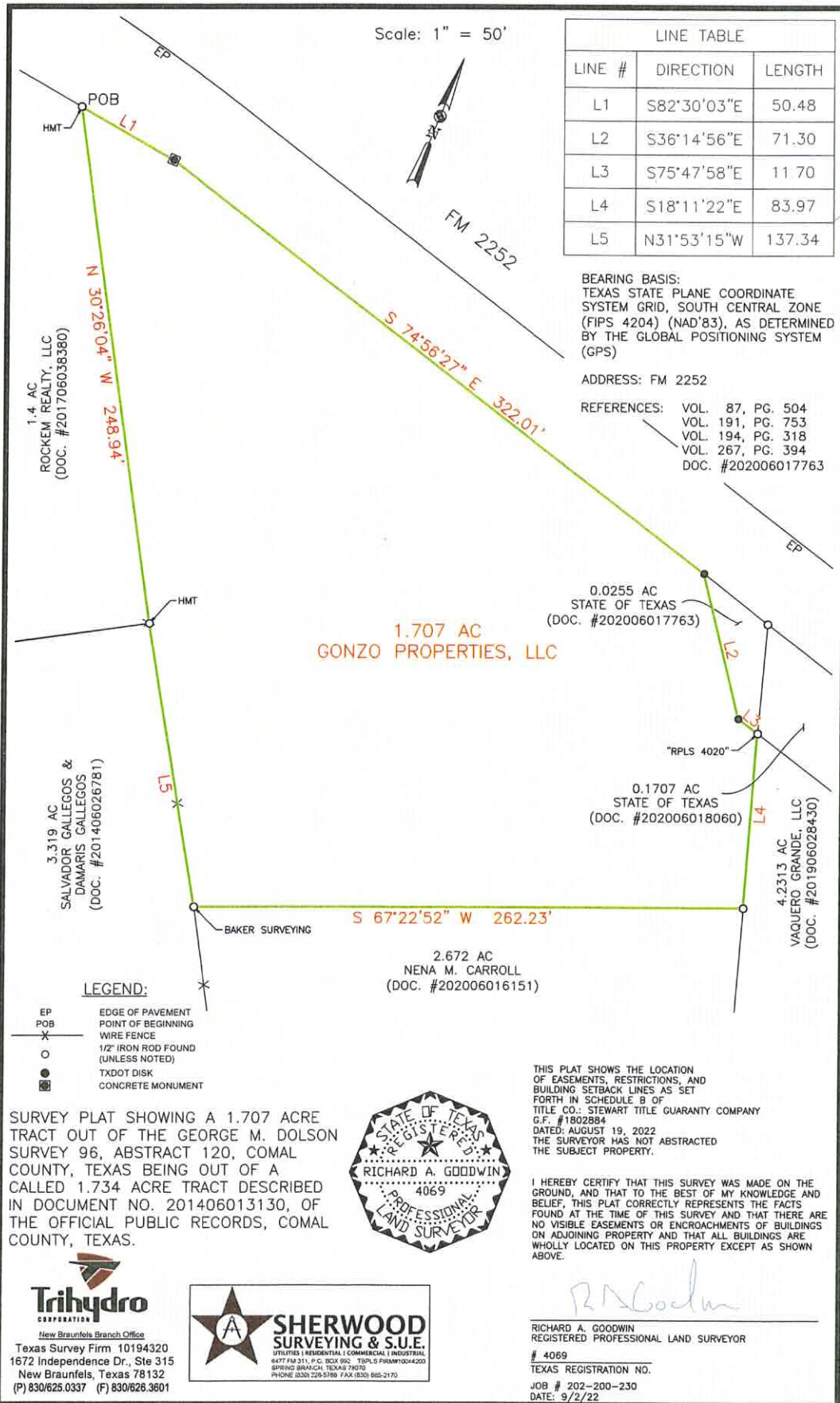
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THENCE, North 30°26'04" West, 284.94 feet to the **POINT OF BEGINNING**. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey feet.

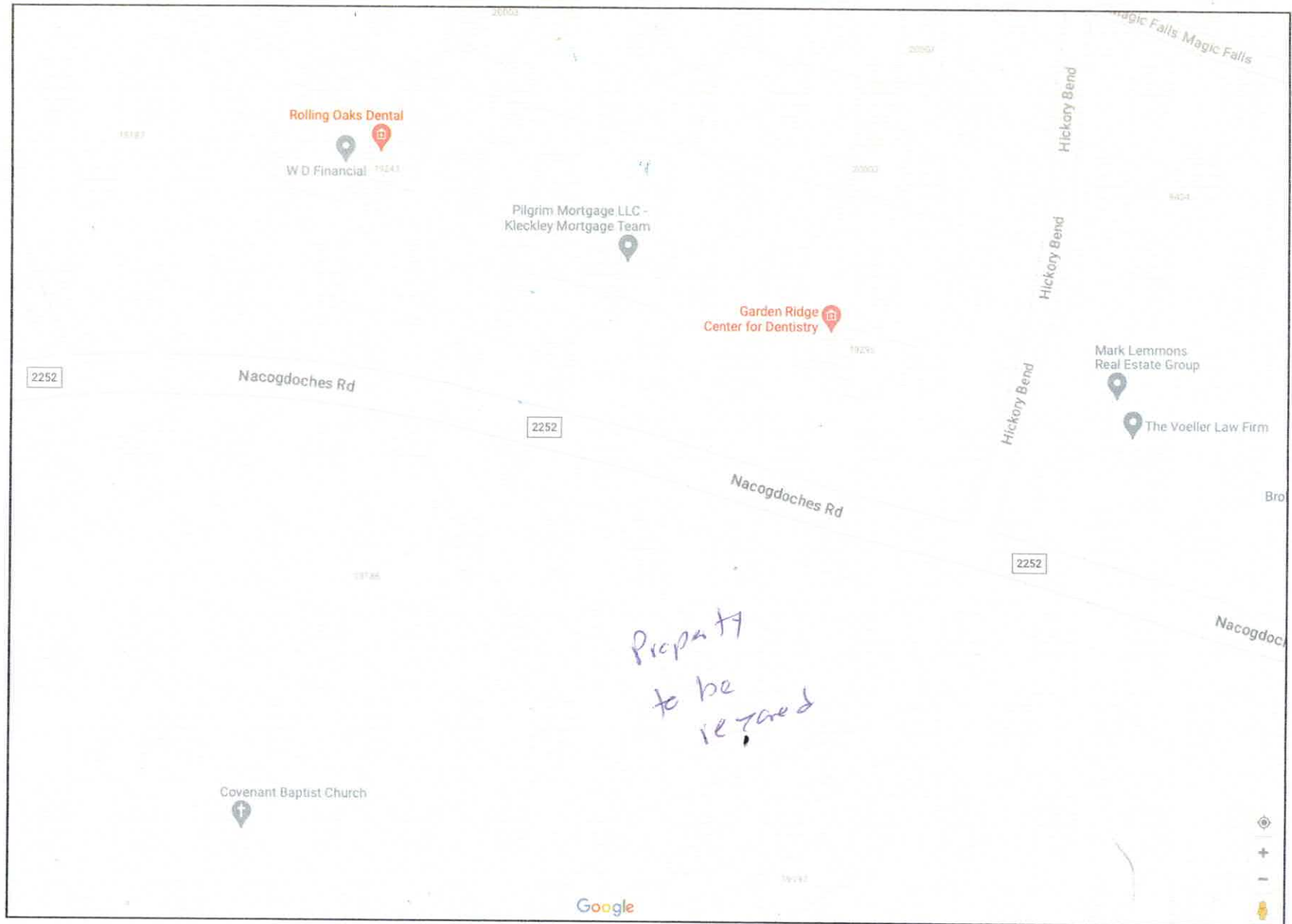

Richard A. Goodwin, RPLS 4069
Job No.: 202-200-230
Date: 9/8/2022



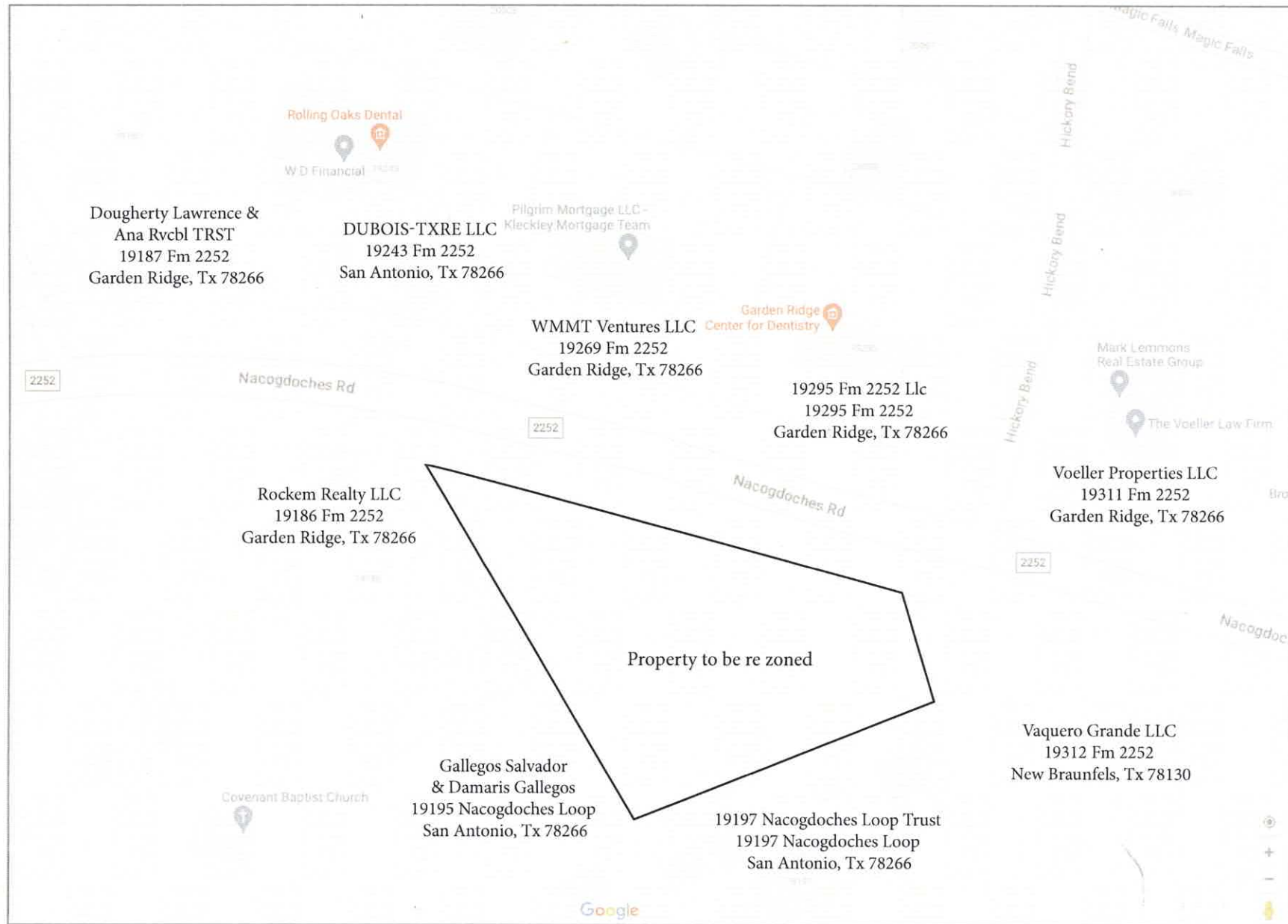
Attachment 3



Attachment 3 - Continued

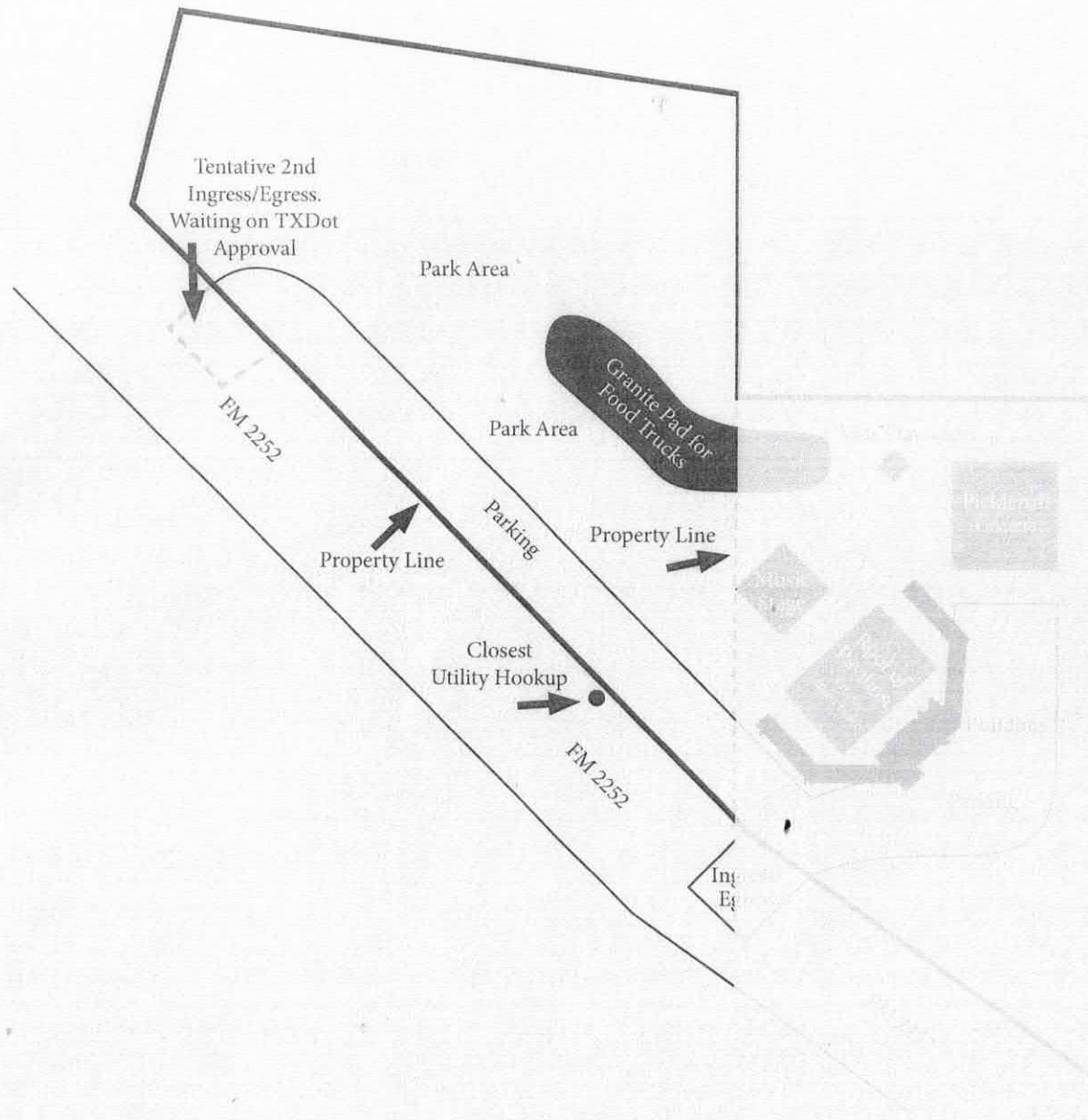


Attachment 4



Attachment 5

Site plan is still in development. Below is the tentative plan to add to this property after it is re-zoned and re-platted to the neighboring lot we own as well.



The Planning and Zoning Commission of the City of Garden Ridge, Texas, will conduct a public hearing on Wednesday, May 10, 2023, at 6:00 p.m. in the City Council Chambers of the Garden Ridge City Hall, 9400 Municipal Parkway, Garden Ridge, Texas.

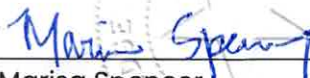
The public hearing will be to consider a petition by Guadalupe Ready Mix c/o Jeffrey L. Earl, Attorney for Applicant, for the issuance of a Special Use Permit for construction and operation of a concrete batch plant, on seven and one-half (7.5) acres leased out of A-671 SUR-95 E Woodruff, Acres 34.083, owned by Lehigh Hanson Materials South, LLC. The property is zoned Industrial Zone (Z-1) District also known as Heavy Industrial (HI) District and located at 20762 FM 2252, Garden Ridge, Texas.

The Application for Special Use Permit 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 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 April 13, 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



City of Garden Ridge

"A way of life, not just a place to live"

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3. State your name and address before your comments begin.
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Please feel free to contact City Hall at 210-651-6632 if you need additional information.

Respectfully,

Marisa Spencer
City Secretary

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 Special Use Permit 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 lessee, 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 Special Use Permit ("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, § 12.1.3.3 (Dec. 5, 2018) ("All applications for specific use permits shall be in writing, signed and filed with the City Secretary . . .").

As the City will notice, the Application is being submitted for 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, under protest, for the City to recognize that it is not required to obtain city permits for their concrete batch plant, or in the alternative, a special use permit be granted for the use of the property as a concrete ready mix batch plant. 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

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5.	Attachment 3 – Map of Property
6.	Attachment 4 – List of Adjacent Property Owners
7.	Attachment 5 – Site Plan
8.	Attachment 6 – Application Fee

Planning and Zoning Form 3
APPLICATION FOR SPECIAL USE PERMIT
(Type or Print)

1. Date: 11/30/2022 Case #: _____
2. Applicant Name: Guadalupe Ready Mix, LLC c/o Jeffrey L. Earl, Attorney for Applicant
(First) (Middle) (Last)
- Doing Business as: _____
(First) (Middle) (Last)
- Texas Sales & Use Tax Permit Number: _____
3. Mailing Address: 10007 Huebner Road, Suite 303
(Street) San Antonio, Texas 78240
(City) (State) (Zip)
- Phone: (210)-957-9333
4. Physical Address of Business: 7.5 acres located at 20762 F.M. 2252, Garden Ridge, Texas 78266
(Street) _____
(City) (State) (Zip)
- Phone: (210)-957-9333
5. Applicant's relationship to property or business:
Sole owner () Part owner () Other: Lessee
(Specify)
(If not sole owner, furnish a notarized letter of authorization from all owners as attachment 1.)
6. Legal description of property on which business is to be located:
Plat: Lot(s) _____ Block(s) _____ See Attachment 2
Subdivision _____
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. Existing use of property; Quarry for excavation and extraction of aggregate materials.

8. Use of property being requested (Be specific and give details - attach additional sheets as needed):
This SUP is being applied for under protest, as applicant is not required to obtain any City Permits, as more fully described in Exhibit A, attached hereto. The proposed use of this property is for a concrete batch plant.

9. Give dimensioned map with north orientation, scaled 100 or 200 feet per inch, of the property 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.
10. 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.
11. Identify any deed restrictions on agriculture, residential, business or other use. If none, so state: None.

12. The undersigned hereby requests that the property identified in this application be approved for the Special Use(s) requested above in accordance with in accordance with Garden Ridge City Ordinance 13, section 12. 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.

13. 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 Special Use Permit fee per Garden Ridge City Ordinance 11.

----- CITY USE ONLY -----
Special Use Permit

		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 Special use Permit	_____
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	_____

EXHIBIT A

This special use permit 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. This special use permit is being sought as a means to avoid costly litigation and in efforts to exhaust all administrative remedies, which may be available to Applicant. Applicant hereby re-urges the City to recognize that no city permits are required for Applicant’s proposed use.

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, and after informing the City of the same, the City insists on Applicant obtaining a special use permit.

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). Without waiving any claims that Applicant is not required to obtain a Special Use Permit, this use is allowed by right.

PROPERTY OWNER'S LETTER OF AUTHORIZATION

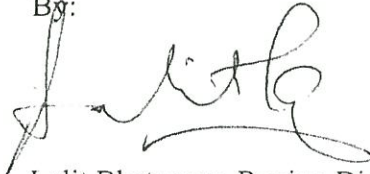
I, Lalit Bhatnagar, acting in my official capacity as Region Director of Lehigh Hanson Materials South, LLC, certify that Lehigh Hanson Materials South, LLC is the owner of that certain real Property identified in Exhibit A, attached hereto (the "Property").

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;

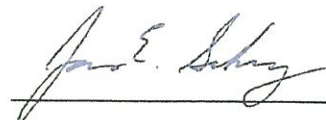
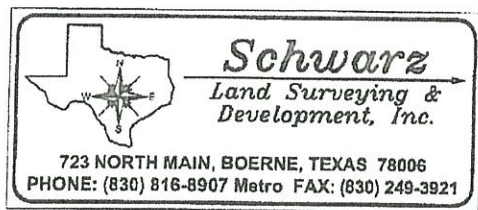
Thence, with a northwest line of said 42.539 acre tract and a southeast line of said Wuest tract, North 58 degrees 39 minutes 08 seconds East, at 198.50 feet a ½" steel rod set for a southeast corner of said Wuest tract and a re-entrant corner of said 42.539 acre tract, and continuing into the interior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

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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;

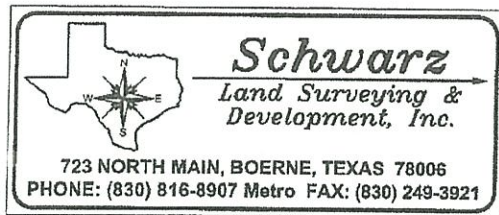
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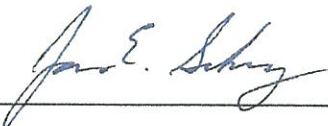
Thence, continuing through the interior of said 42.539 acre tract, South 31 degrees 03 minutes 45 seconds East, 497.35 feet to a ½" steel rod set on a northwest line of said Union Pacific Railroad right-of-way line³ and a southeast line of said 42.539 acre tract, for the east corner of this tract, a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

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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.



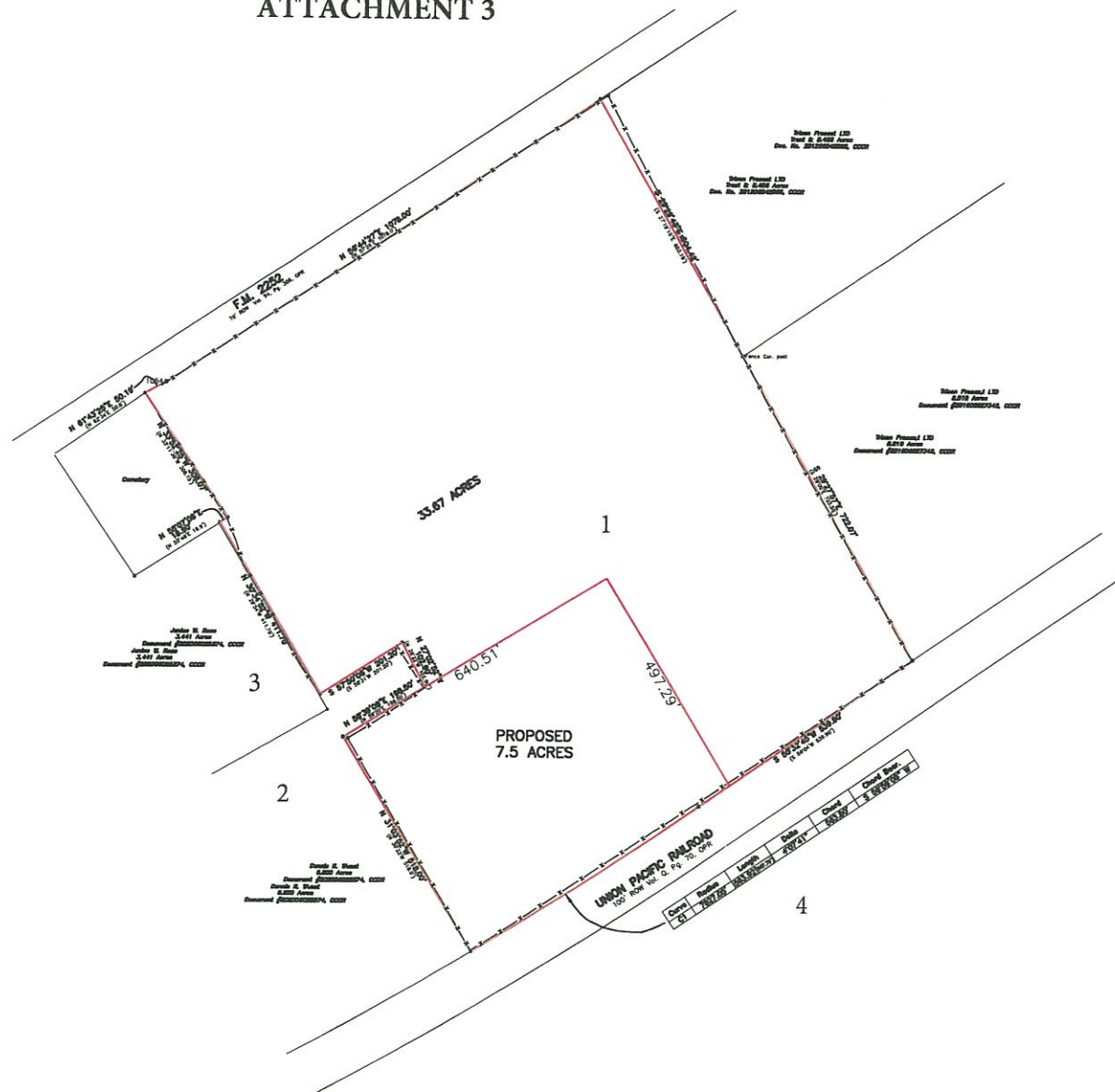

James E. Schwarz
Registered Professional
Land Surveyor No. 4760
Job No. 22-025
Firm License No. 10132600



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April 28, 2022 (9:17am)

ATTACHMENT 3

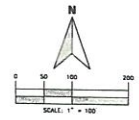
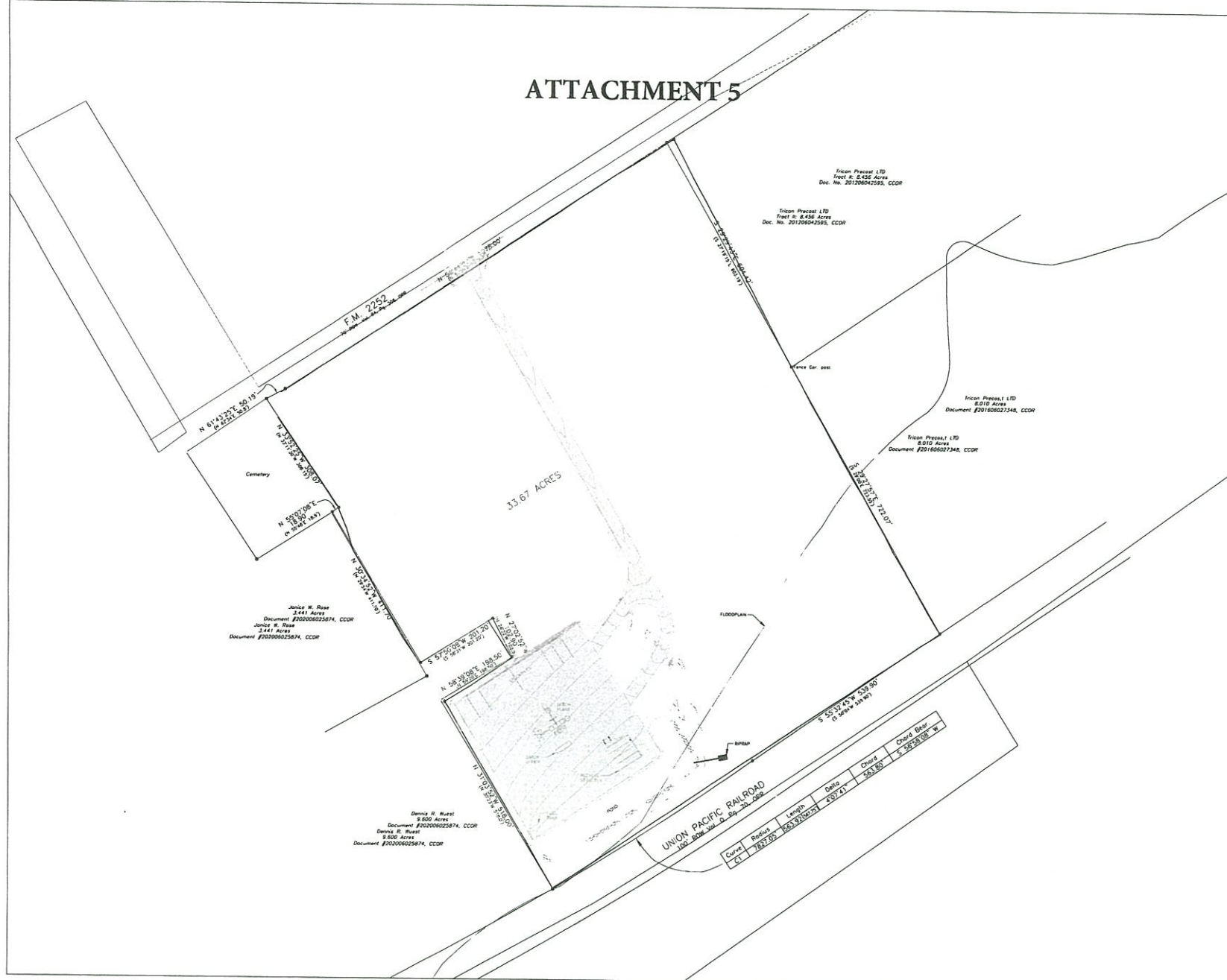


ATTACHMENT 4

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

ATTACHMENT 5



LEGEND

- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- STODOL
- CONCRETE AREA
- WATER BODY AREA

DATE	N/A
DATE	05/18/2023
DRAWN BY	JD
CHECKED BY	JD
SCALE	1" = 100'
JOB NO.	0783-018

SHEET NO.
01
OF 01

WESTWARD
Environmental Engineering & Natural Resources
P.O. Box 2825 Borine, Texas 78005
(830) 249-8284 Fax: (830) 249-0221
TYP. REC. NO. 1-2524
TYP. REC. NO. 1-2511

DATE	BY	DESCRIPTION



MASTER PLAN
GARDEN RIDGE CBP
GUADALUPE READY MIX, LLC
20762 FM 2252, GARDEN RIDGE, TX 78266

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:

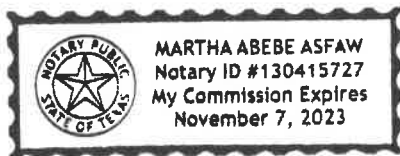
- Earl & Associates, P.C.
- Guadalupe Ready Mix, LLC
- Westward Environmental, Inc.

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

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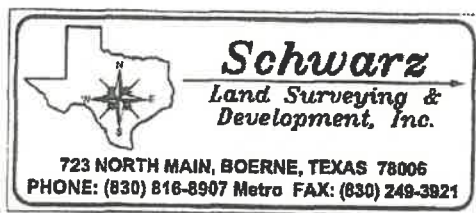
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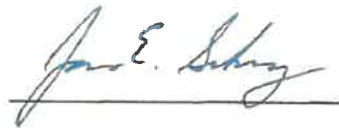
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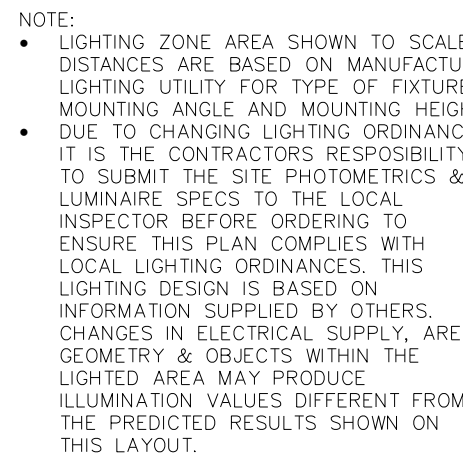



James E. Schwarz
Registered Professional
Land Surveyor No. 4760
Job No. 22-025
Firm License No. 10132600



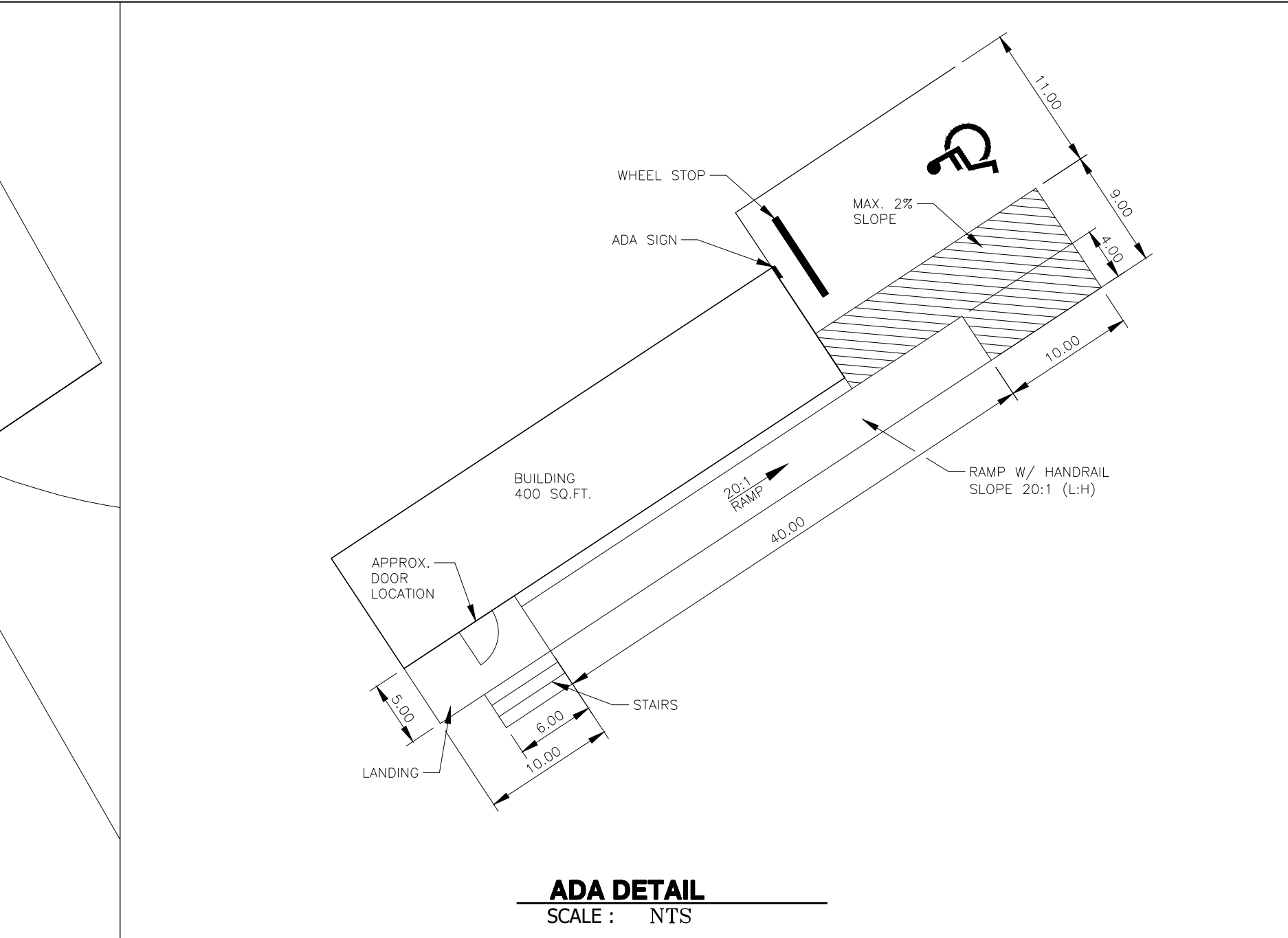
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April 28, 2022 (9:17am)

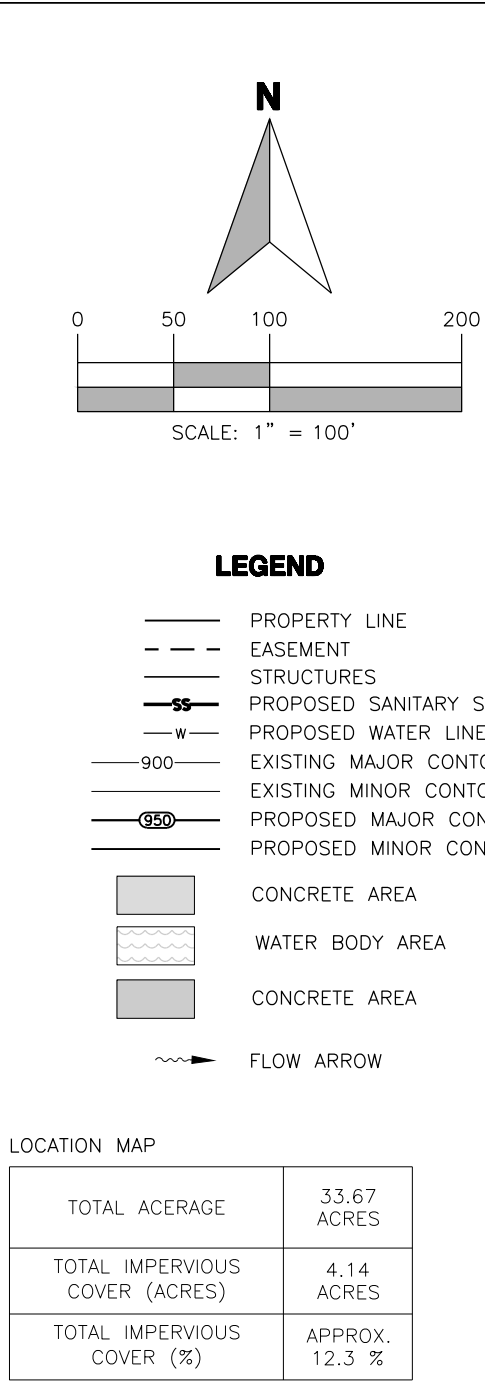


LIGHTING PLAN
GARDEN RIDGE CBP
GUADALUPE READYMIX, LLC
20762 FM 2252, GARDEN RIDGE, TX 78266

CONTRACTOR SELECT ESXF SERIES LED Page 1 of 4



- NOTES
- ASSUME 2" BUILDING HEIGHT. CONTRACTOR TO ADJUST RAMP AND/OR LANDING IN FIELD TO REFLECT LANDING SLOPE OF 20:1 (L:H) AND HAVE 5'x5' LANDING FOR DOOR OPENING.
 - ALL DISTURBED AREAS TO BE LANDSCAPED AND RE-VEGETATED POST DEVELOPMENT.
 - LAWN AREAS ARE TO BE PLANTED WITH DROUGHT TOLERANT GRASSES OR OTHER DROUGHT TOLERANT GROUND COVER VEGETATION.
 - NATURAL VEGETATION AND TREES TO REMAIN ALONG EDGE OF FM 2252 ROADWAY TO SERVE AS NATURAL SCREENING BARRIER.
 - CONTRACTOR TO VERIFY DOOR LOCATION ON FINAL BUILDING PRIOR TO ORDERING MATERIAL FOR ADA RAMP, LANDING AND STAIRS.
 - ADJACENT PARCELS ARE APPROXIMATE FROM PROPERTY APPRAISERS.



PARKING REQUIREMENTS	
OFFICE SPACE	400 SQ.FT.
MAINTENANCE SHOP	1,500 SQ.FT.
PARKING SPACES (1 SPACE/200 SQ.FT. OFFICE SPACE)	MIN. 10 SPACES PROVIDED
HANDICAP PARKING SPACES	MIN. 1 SPACE PROVIDED

IMAGE: N/A
ISSUE DATE: 03/30/2023
DRAWN BY: WT
CHECKED BY: CC
SCALE: 1" = 100'
JOB NO.: 10783-018

SHEET NO.: 01 OF 01

WESTWARD

Environmental Engineering, Natural Resources,
P.O. Box 2205 Boerne, Texas 78006
(830) 249-8284 Fax: (830) 249-0221
TBPE REG. NO.: F-4524
TBPE REG. NO.: 50112

REV.	DESCRIPTION	BY	DATE

STATE OF TEXAS

CURT GARRETT CAMPBELL

106851

PROFESSIONAL ENGINEER

3/30/2023

Curt G. Campbell, P.E.
License No. 106851

MASTER PLAN

GARDEN RIDGE CBP

GUADALUPE READYMIX, LLC

20762 FM 2252, GARDEN RIDGE, TX 78266



Contractor Select® ESXF LED Floodlights Adjustable+Switchable+Photocell

The Lithonia Lighting® ESXF LED floodlight is a general-purpose flood that offers a wide selection of options and flexibility. Easy access to adjustable lumen output, color switching, and a selectable photocell turns the ESXF into the fixture you need on the spot. With its wide flood (7x7) distribution and DLC performance, the ESXF is a cost effective solution, great for illuminating yards, driveways, storage patios, warehouses, and security applications.

FEATURES:

- Four sizes deliver 1,500 up to 20,000 lumens
- Three power levels of adjustable lumen output. Switchable CCT/30K/40K/50K offers warm, cool and daylight in a single fixture
- Standard photocell can be turned on or off
- IP66 rated, die-cast aluminum housing
- Two popular mounting options included
- up to 171 LPM

Catalog Number	Adjustable Lumen Output 40K	Switchable CCT 30K/40K	Back to Back Operation 2P	Input Voltage	Included Mounting Options	CEI
ESXF1-FS (P/N) 100-300	2500L			120-277V	Knuckle Only, Knuckle & Pole, Knuckle & Flood, Knuckle & Flood, Knuckle & Flood	
ESXF1-ALS (P/N) 100-300	1500L	3000L	3000L	120-277V	Knuckle & Pole, Knuckle & Flood, Knuckle & Flood	
ESXF1-ALS (P/N) 100-300	3000L	3000L	3000L	120-277V	Knuckle & Pole, Knuckle & Flood, Knuckle & Flood	
ESXF1-ALS (P/N) 100-300	4500L	1500L	1500L	120-277V	Knuckle & Pole, Knuckle & Flood, Knuckle & Flood	
ESXF1-ALS (P/N) 100-300	1500L	3000L	3000L	120-277V	Knuckle & Pole, Knuckle & Flood, Knuckle & Flood	
ESXF1-ALS (P/N) 100-300	1500L	3000L	3000L	120-277V	Knuckle & Pole, Knuckle & Flood, Knuckle & Flood	

Notes: Configurations are available. Call 800-854-3333 or visit www.superbrightleds.com and search for ESXF LED.

ESXF Stock Configurations				
Catalog Number	WPC	Q Code	Number of Fixtures per panel	Traditional Replacement
ESXF1-PS SWR2 150-300	0079612020051	*27A16	400	500W Quartz or 750W LED
ESXF1-ALS SWR2 150-300	0079612020024	*27A11	400	500W Quartz or 500W LED
ESXF1-ALS SWR2 150-300	0079612020042	*27A12	500	500W Quartz or 125W LED
ESXF1-ALS SWR2 150-300	0079612020036	*27A16	144	250W LED
ESXF1-ALS SWR2 150-300	0079612020073	*27A10	144	250W LED
ESXF1-ALS SWR2 150-300	0079612020030	*27A12	144	400W LED
ESXF1-ALS SWR2 150-300	0079612020037	*27A04	144	400W LED

Future Agenda Items

Planning and Zoning Commission

June 14, 2023, Regular Meeting

14 days before Meeting	(05/31/2023)	Commission and Staff items are due
8 days before Meeting	(05/06/2023)	City Administrator and Chair review agenda. City Attorney is sent the agenda for approval.
5 days before Meeting	(05/09/2023)	Post Agenda Packet to City Website
3 days before Meeting	(06/11/2023)	(72 hours) – Local Govt. Code requirement for posting

City Council = Red

Planning & Zoning = Green

Water Commission = Blue

Municipal Court = Gray

City Event = Yellow (First Friday)

City Holiday = Orange

Sun	Mon	Tues	Wed	Thur	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July 12, 2023, Regular Meeting

14 days before Meeting	(06/28/2023)	Commission and Staff items are due
7 days before Meeting	(07/05/2023)	City Administrator and Chair review agenda. City Attorney is sent the agenda for approval.
6 days before Meeting	(07/06/2023)	Post Agenda & Packet to City Website
3 days before Meeting	(07/09/2023)	(72 hours) – Local Govt. Code requirement for posting

City Council = Red

Planning & Zoning = Green

Water Commission = Blue

Municipal Court = Gray

City Holiday = Orange

City Event = Yellow (4th of July Parade)

Sun	Mon	Tues	Wed	Thur	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

PENDING FUTURE AGENDA ITEMS

- Interactive Map
- Ordinance No. 55 (temporary signs/time restriction on temporary signs)