



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, OCTOBER 13, 2015 -- 6:00 P.M.

The Garden Ridge Planning and Zoning Commission will meet in a scheduled regular at 6:00 p.m., Tuesday, October 13, 2015 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 October 9, 2015 before 5:00 p.m., providing time, place, date and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting.

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

Rules for Citizen's Participation:

The Planning and Zoning Commission welcomes citizen participation and comments at all of their Commission Meetings. As a courtesy to your fellow citizens and out of respect to our elected officials, we request that if you 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 and to three (3) minutes per citizen during Item 6.
- d) Citizens' comments will be limited to one (1) hour in Item 3 and thirty (30) minutes in Item 6.
- e) 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 Commission 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) Request by The Club at Garden Ridge, 21320 Water Wood Dr., for variance to Ordinance 55, Section 7 for the placement of two signs promoting The Club at Garden Ridge with locations being at SW corner adjoining FM 3009 and FM 2252 and at SE corner adjoining FM 2252 and Bat Cave

5. Administrative Items

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

- a) Approve or disapprove the minutes of the September 15, 2015 Regular meeting of the Planning and Zoning Commission
- b) Set date, time and location for next meeting

6. Citizen's Participation: - 3 minute limit per citizen.

See "Rules for Citizen's Participation" under Item 3.

7. 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 4.20 pm October 8, 2015 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

25 Sep 2015

From: Tony Marlowe, Operations Manager

To: Nancy Cain

Subject: Authorization to Place Signage for Promoting The Club at Garden Ridge

1. Request permission to place signage to promote The Club at Garden Ridge. The club is stuck in the middle of a neighborhood, has zero visibility and is difficult to find. The signs would be placed on Overman Property as specified below:

Description and Size: Rectangle 4' H X 8' W

Owner: The Club At Garden Ridge

Type: Advertising (one sided)

Location: SW Corner adjoining FM 3009 and FM 2252

Material; Plastic Vinyl with 2-8ft 4 by 4 treated post (painted white) on each end

Description and Size: Rectangle 4' H X 8' W

Owner: The Club At Garden Ridge

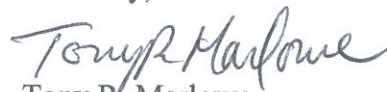
Type: Advertising (one sided)

Location: SE corner adjoining FM 2252 and Bat Cave

Material; Plastic Vinyl with 2-8ft 4 by 4 treated post (painted white) on each end

2. The Club At Garden Ridge goal is to add active and enjoyable years to the lives of our members. We have made significant improvements to the club which is now equipped with top of the line fitness equipment and offers other amenities such as tennis, basketball, group classes, childcare, massage therapy and fishing. The club is a beautiful place which allows families workout in a safe and relaxing environment.
3. Promotion is critical to our success. Without it, the club will not succeed and have a devastating affect on our community. Your assistance and cooperation is greatly appreciated.
4. If you have any questions or need additional information, I can be reached at tonyray@theclubatgardenridge.com or at 210-651-6505 ext 104

Sincerely,



Tony R. Marlowe
Operations Manager

ALL NEW

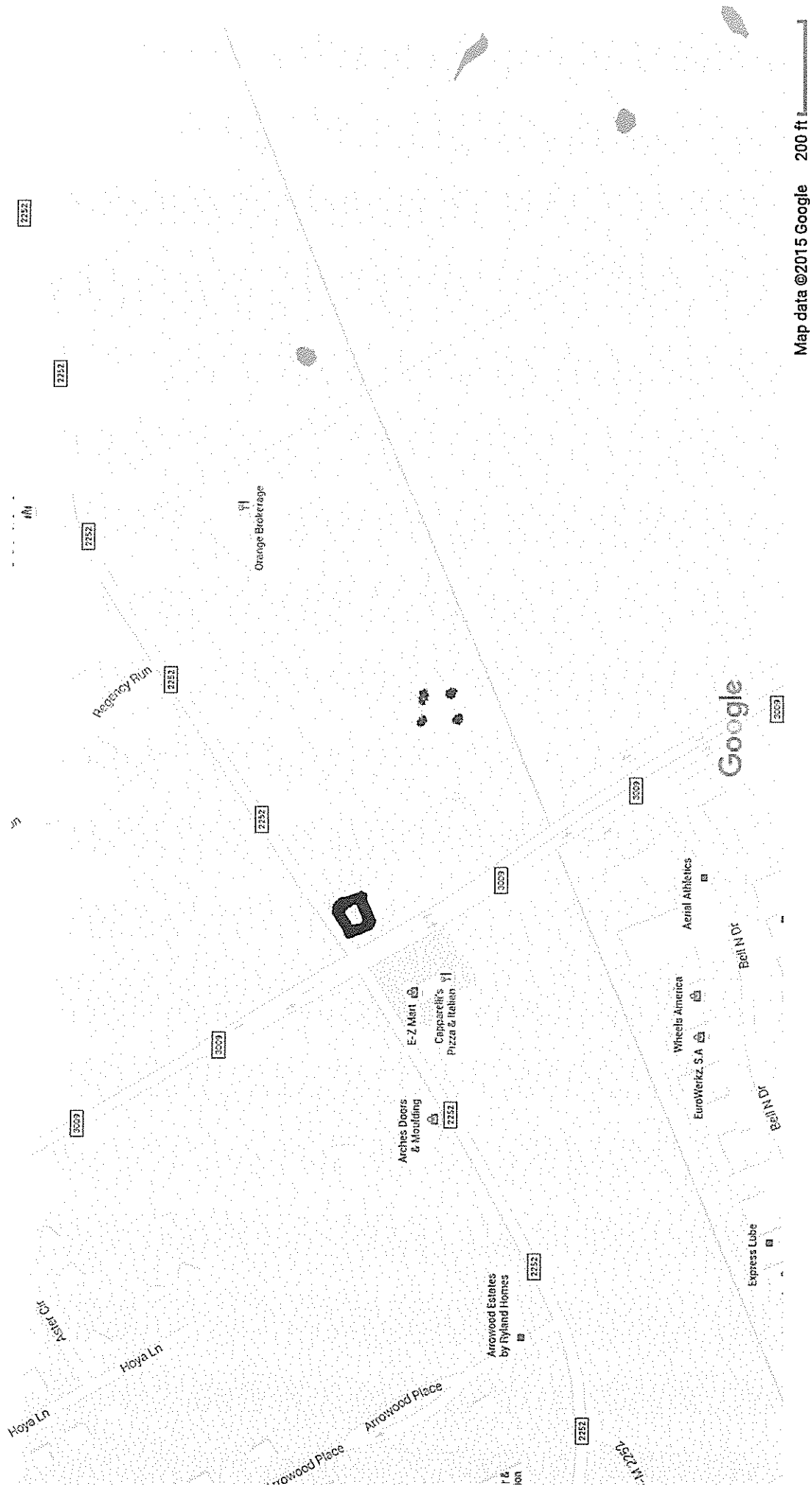


THE CLUB

AT GARDEN RIDGE

651-6505





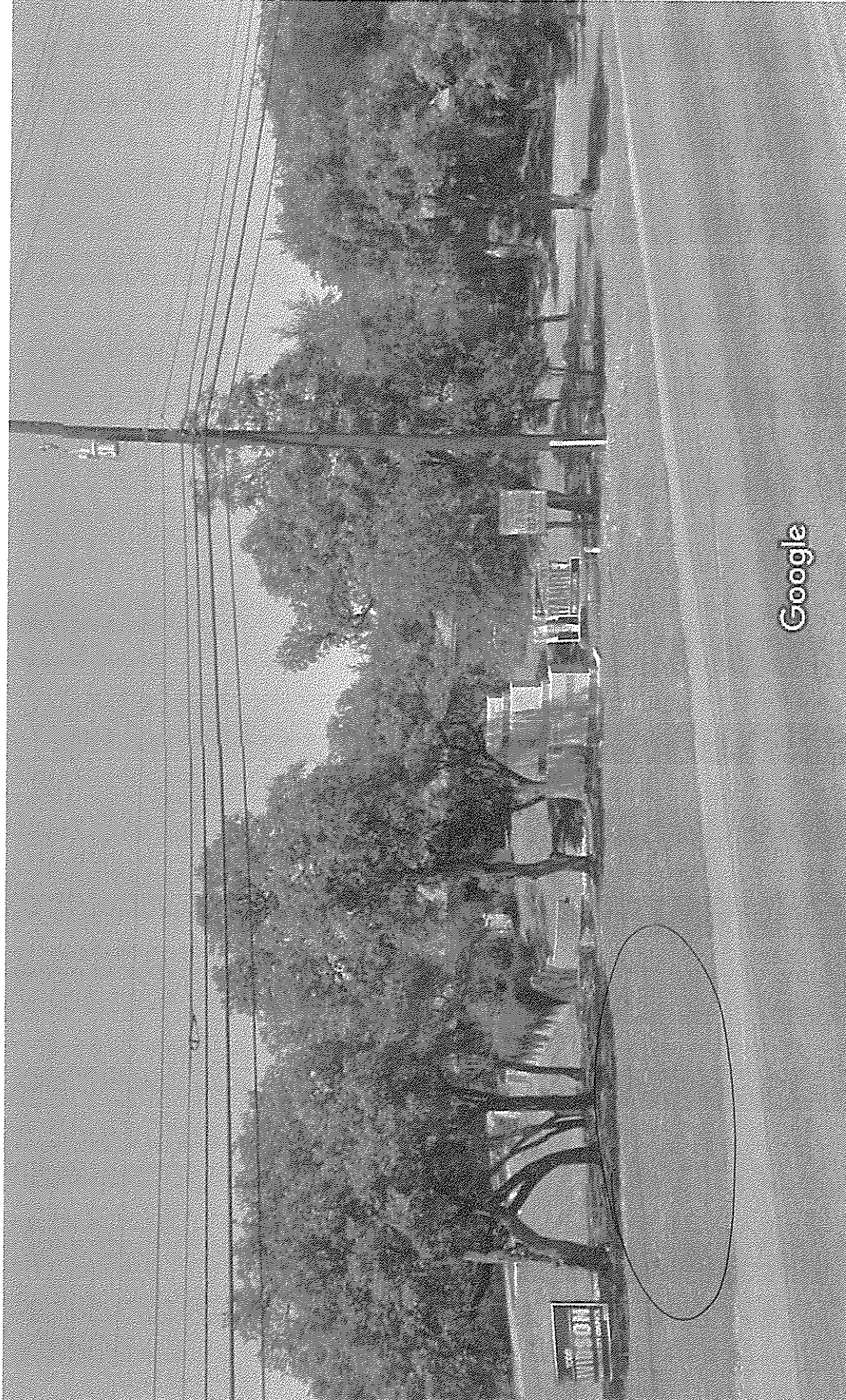


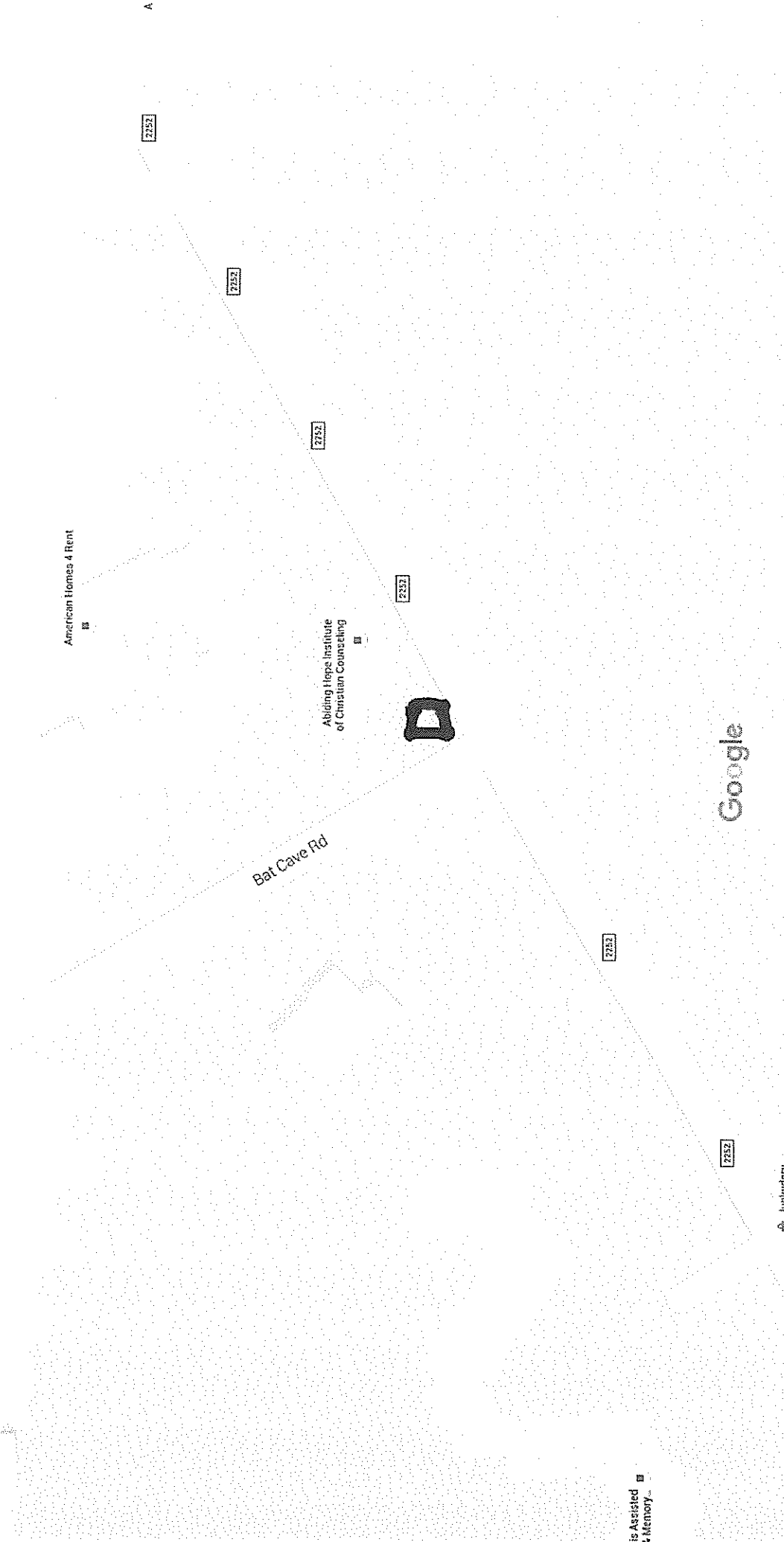
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Garden Ridge, Texas

Street View - Apr 2014

Bar Car

Cedar Braz



immediately upon the sale or lease of such house/building or premises. On residential real estate, property on which an "Open House" showing is being held, not more than two (2) unlighted signs not to exceed ten (10) feet (each) in perimeter and six (6) feet in height are authorized for a maximum period of three days preceding the date of the "Open House" showing and must be removed within twenty-four (24) hours after the scheduled date for the "Open House" showing. In no instance will an open house sign be allowed to remain in place for more than five (5) days at any one time or for more than ten (10) days in any single month.

- c. Construction Signs: One (1) unlighted sign not exceeding ten (10) feet in perimeter and six (6) feet in height is authorized for the primary contractor building a residence or premises, or at a location where ongoing construction such as swimming pools, sprinkler systems, fences, room additions and etc. are in progress. Such signs shall not be attached to a tree. Additional signs for subcontractors, such as individuals or companies hired to install plumbing, wiring, landscaping, roofing and etc., or for banking or lending institutions are prohibited on the premises. The primary contractors sign will be removed immediately upon occupancy of the residence/building.
- d. Garage sale Signs: A total of two (2) unlighted temporary signs not exceeding six (6) feet (each) in perimeter and three (3) feet in height will be permitted to advertise home garage sales. Under no circumstances will such signs be posted on open highways, utility poles, or on City, County or state highway/utility easements. Such signs are authorized for a period of three days immediately preceding the date of the sale and must be removed within twenty-four (24) hours after the sale date.
- e. Trespassing or Posted Property Type Signs: Such signs shall be unlighted and not exceed six (6) feet in perimeter and eight (8) feet in height. Such signs shall be placed at least one hundred fifty (150) feet from another trespassing or posted property sign on the same property.
- f. Subdivision Signs (advertising lots for sale): Two (2) ground signs, not exceeding twenty-four (24) feet (each) in perimeter and ten (10) feet in height may be erected to announce a legally approved subdivision or land development and must be removed when eighty percent (80%) of the lots or parcels are sold. While subdivision-signs may have indirect lighting, flashing lights, or moving parts are not permitted. A parcel of land must be at least ten (10) acres in size or have at least ten (10) separately platted lots in order to qualify as a subdivision for the purposes of this ordinance.

8. Sign Regulations in the B-1 (Neighborhood Service), the B-2 (Office and Professional), the MU (Municipal Use), the LI (Light Industrial) and the Z-1 (Industrial Zone) Districts. In addition to all sign regulations approved for the RA (Residential/Agricultural) and the R (Single Family Dwelling) Districts, the following sign regulations apply to the B-1, the B-2, the MU, The LI and the Z-1 Districts:

- a. Business Advertising Signs. One (1) business advertising sign not exceeding twenty-four feet in perimeter is authorized for each business in the district. Advertising signs shall be attached to the building and will advertise only articles, services or products which are offered within the building to which said sign is attached. Such signs shall not protrude above the outside walls of such buildings and will protrude no more than one foot from the face of the walls of such buildings.
- b. Commercial Real Estate Signs. One (1) sign, not exceeding twenty (20) feet in perimeter and six (6) feet in height may be erected on the premises to advertise the sale or lease of a commercial

building. The sign must be posted on the property being sold or leased and must be removed immediately upon the sale or lease of such property or premises.

- c. Illuminated Signs. There shall be no flashing or intermittent lighting permitted on any sign. Lighting fixtures shall be shielded to prevent glare visible from any public road or right-of-way.
 - d. Master Pylon Signs. One free standing master pylon sign not exceeding six (6) feet in width and sixteen (16) feet in height shall be used within a business complex, shopping center, office or professional park to advertise multiple tenant units and activities. Each separate complex or park may have a separate master pylon sign.
9. Permits and Fees. All permanent signs posted in any of the eight zoning districts in the City of Garden Ridge will require a permit and a fee. See Ordinance 11 for a schedule of fees.
10. Political Signs. Political signs are authorized for display on private property within the City of Garden Ridge in accordance with the following described guidelines.
- a. Political Signs on Public Property. It shall be considered unlawful for any person whatsoever to post or place any political, campaign, or electioneering sign or advertisement, of any kind or character at any time on public property, including right of ways, whether belonging to the city or to any other agency or branch of government, and whether owned in fee or by easement therein, or by prescription or limitation, unless authorized by state statute or federal law.
 - b. Political Signs on Private Property. It shall be considered unlawful for any person other than the owner thereof, or someone duly authorized by the owner, to place any political sign in or on any private property whatsoever. In addition, it shall be considered unlawful for the owner of any private property, or any person acting for the owner, or with the owner's knowledge, permission or consent, express or implied, to post or to place any political sign in or on his/her property that:
 - i) has an effective area greater than 36 feet;
 - ii) is more than eight feet high;
 - iii) is illuminated; or
 - iv) has any moving elements.
 - c. Nuisance Abatement. Political signs placed or posted in violation hereof are hereby declared to be public nuisances, and all city officers and employees are hereby directed and required to, without delay, peremptorily abate the same by removal of such signs when found on public property, and to report all instances of violations on private property to the Police Department.
11. Special Advertising. Any type of advertising, not covered within this Ordinance 55 will be prohibited. Clowns, costumed characters, or animals hired by commercial entities may not advertise on public property (i.e. streets or easement). Pennant flag chains, balloons, and other inflatable or flying type objects are strictly prohibited within the City and its extra-territorial jurisdiction. Signs designed to resemble traffic signs in shape or wording are prohibited. Signs advertising a business, person, activity, or organization which is located within the city or outside the city are strictly prohibited with the exception of the following signs which were in existence prior to the adoption of this revision dated August 7, 2002. These signs are listed as follows:
- a. Description and Size: 6' H X 23' W (approximately) Dinosaur head projecting from the top of the sign is not included in the measurement.



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MINUTES OF PLANNING & ZONING COMMISSION REGULAR SESSION TUESDAY, SEPTEMBER 15, 2015

Commissioners present:

Chairman Sam Stocks
Vice Chairman Frank Dansby
Commissioner Harvey Bell
Commissioner Kay Bower
Commissioner David Heier
Commissioner Kitty Owen
Commissioner Shawn Willis

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, Chair called the Regular Meeting of the Garden Ridge Planning and Zoning Commission to order at 6:00 p.m. on Tuesday, September 15, 2015 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

No one wished to speak.

3. Business Items

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

- a) **Request regarding a petition by Carole P. Frisbie for variance to Ordinance 13-122008 Section 5. Residential 5.1.7.2.4.1 Corner Lots in regards to an existing tree house located within the minimum setback of fifteen (15) feet, located at 21710 Forest Waters Circle, Garden Ridge, Texas. Encroachment is 12 feet into sideyard setback.**
 - a. **Public Hearing**
 - b. **Approval or Disapproval recommendation**

Mr. Stocks opened the public hearing at 6:04 pm and asked if anyone wished to speak.

Randall Pawelek, 21720 Forest Waters Circle, stated the Frisbie/Lenz's have always been good neighbors, but the treehouse encroaches on his fence line. He stated there is also an issue of privacy since there is a direct site line into his back yard, which might cause an issue with the resale of his home.

Walker Frisbie, 921 Oak Bluff, New Braunfels, stated his Grandpa built the treehouse for him and his brother so they would have somewhere to play when we came to visit. He stated the treehouse is a lot of fun and asked the Commission to let them keep it.

Clark Frisbie, 921 Oak Bluff, New Braunfels, stated he likes the treehouse because it is a lot of fun. He asked the Commission to let the treehouse stay right where it is.

Jay Lenz, 21710 Forest Waters Circle, stated he is the homeowner where the treehouse is located. He stated this was built as a temporary structure for his grandchildren and once they get older or bored with the treehouse it will be removed. He also stated he has been a builder since 1957 and the structure is safe, it is also covered with vines to disguise it from the neighbors.

Carole Frisbie, 21710 Forest Waters Circle, stated she is the homeowner of where the treehouse is located. She stated 13 years ago her husband Jay redid their yard into a lovely place, but when the grandchildren were born he wanted to do something for just them, so he built the treehouse. She said the treehouse is used by other children in the neighborhood and if the treehouse has to be removed it will be a sad day for a lot of people.

Jenny Frisbie, 921 Oak Bluff, New Braunfels, stated she would like to give her time to Elizabeth Morales.

Elizabeth Morales, stated she lives next to the Frisbie's and the closest to the treehouse. She stated her kids play in the treehouse and really enjoy it. She stated it is disguised with vines and you would never know it was there. She encouraged the Planning and Zoning Commission to allow the treehouse to stay.

Ryan Frisbie, 921 Oak Bluff, New Braunfels, stated the treehouse was built for his 2 sons who use it a couple of times a month and only during the day. He stated he has always felt that Garden Ridge has a great family environment and a treehouse represents that atmosphere. He stated there has never been an issue until now.

Sam Stocks, Chair, asked if anyone else wished to speak. No one did, so he closed the public hearing at 6:32 pm.

The Planning and Zoning Commission discussed the structure, privacy, safety, and height over the fence. The also discussed the permit requirements and Ordinance 13 requirements.

Motion: Upon motion made by Commissioner Bower, to recommend to the City Council the disapprove the request regarding a petition by Carole P. Frisbie for variance to Ordinance 13-

122008 Section 5. Residential 5.1.7.2.4.1 Corner Lots in regards to an existing tree house located within the minimum setback of fifteen (15) feet, located at 21710 Forest Waters Circle, Garden Ridge, Texas. Encroachment is 12 feet into sideyard setback, no second was received. So the motion failed.

Motion: Upon motion made by Commissioner Dansby and seconded by Commissioner Willis, to recommend to City Council the approval of the request regarding a petition by Carole P. Frisbie for variance to Ordinance 13-122008 Section 5. Residential 5.1.7.2.4.1 Corner Lots in regards to an existing tree house located within the minimum setback of fifteen (15) feet, located at 21710 Forest Waters Circle, Garden Ridge, Texas. Encroachment is 12 feet into sideyard setback. The Planning and Zoning Commission voted six (6) for, one (1) opposed (Bower). The motion carried unanimously.

Nancy Cain, City Administrator, announced that the City Council will hold a public hearing and consider approval or disapproval at their next Regular Meeting on October 7, 2015 at 6pm.

b) Interviews for Planning & Zoning Commission Place 1 vacancy and possible recommendation on appointment to Commission for a term of office expiring September 30, 2017

Keven Harshbarger introduced himself and stated he has lived in Garden Ridge for 5 years. He also stated he is retired from the Air Force and currently teaches Science at Smithson Valley High School.

Greg Czerniak introduced himself and stated he received a medical discharge from the Air Force, but while in the Air Force he received planning experience. He stated he works at the US Air Force Civil Engineer Center and serves as a Community Planner.

The Planning and Zoning Commission asked both candidates questions regarding meeting availability and both said it would not be an issue.

Sam Stocks, Chair, passed out a piece of paper and asked each Commissioner to place a 1 by the name of their first choice and a 2 by their second choice.

Harshbarger received 2 first choices and Czerniak received 5 first choices.

Motion: Upon motion made by Commissioner Dansby and seconded by Commissioner Willis, to recommend to City Council the appointment of Greg Czerniak, for Planning and Zoning Commission Place 1 vacancy for a term of two years and expiring September 30, 2017. The Planning and Zoning Commission voted seven (7) for, none (0) opposed. The motion carried unanimously.

Councilmember McCaw presented Commissioner Bell with a Certificate of Appreciation for his years of service.

c) Nominations and vote on:

a) Planning and Zoning Commission Chair

Motion: Upon motion made by Commissioner Bower and seconded by Commissioner Heier, to appoint of Sam Stocks as Planning and Zoning Commission Chair. The Planning and Zoning Commission voted six (6) for, none (0) opposed, and one (1) abstain (Stocks). The motion carried unanimously.

b) Planning and Zoning Commission Vice-Chair

Motion: Upon motion made by Commissioner Bower and seconded by Commissioner Bell, to appoint of Frank Dansby as Planning and Zoning Commission Vice-Chair. The Planning and Zoning Commission voted six (6) for, none (0) opposed, and one (1) abstain (Dansby). The motion carried 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 August 11, 2015 Regular meeting of the Planning and Zoning Commission

Motion: Upon motion made by Commissioner Owen, and seconded by Commissioner Bell, to approve the minutes of the August 11, 2015 Regular meeting of the Planning and Zoning Commission. The Planning and Zoning Commission voted seven (7) for, none (0) opposed. The motion carried unanimously.

b) Set date, time and location for next meeting

Sam Stocks, Chair, announced the next meeting will be October 13, 2015, if necessary.

5. Adjournment

Motion: Upon a motion made by Commissioner Bell and a second by Commissioner Dansby, the meeting was adjourned at 7:05 p.m.

Sam Stocks, Chair

ATTEST:

Shelley Goodwin, TRMC
City Secretary

SIGN IN TO SPEAK AT THE SEPTEMBER 15, 2015 PLANNING AND ZONING COMMISSION REGULAR MEETING

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Disclaimer:

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NAME	ADDRESS	SUBJECT
✓ 1. RANDALL PAWELEK	21720 FOREST WATERS CIR	"TREE HOUSE" ?
✓ 2. Walker FRISBIE	921 Oak Bluff, NB 78132	Tree House
✓ 3. Clark FRISBIE	921 " " NB "	Tree House
✓ 4. Jay Leuz	21710 Forest Waters Circle	" "
✓ 5. Carole Frisbie	" " " "	" "
✓ 6. Jenny Frisbie		
7.		
8.		
9.		
10.		