



# City of Garden Ridge

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Garden Ridge, Texas 78266-2600  
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## AGENDA PLANNING AND ZONING COMMISSION

PUBLIC HEARING/VOTING SESSION/WORK SESSION  
TUESDAY, NOVEMBER 29, 2011 -- 6:00 P.M.

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The Garden Ridge Planning and Zoning Commission will meet for a public hearing/voting session/work session at 6:00 p.m., Tuesday, November 29, 2011 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 November 23, 2011 before 5:00 p.m., providing time, place, date and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting.

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

### **Rules for Citizen's Participation:**

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

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

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

4. Public Hearing

The Commission will conduct public hearings on the following:

- a. A petition by Christopher and Deborah Preston to replat the Eastern portion of Lot 3, Block 20, Garden Ridge Estates, Unit 5, Comal County, Texas located at 9499 Cinchona Trail, Garden Ridge, Texas.
- b. A petition by Christopher and Deborah Preston for a variance to:
  - i. Ordinance 7-042006, Section 7, Standards and Specifications, I. Lots. 1. Lots Size: for a residential lot size of less than required size of .75 acres and being

.7431 acres in size and 2. Lot Width: for a residential lot of less than required 120 foot width fronting a public street and having a width of 95.28 feet at their property located at 9499 Cinchona Trail, Garden Ridge, Texas.

- ii. Ordinance 13-122008, Section 5, Residential, Paragraph 5.1.7.2.1 Lot Size for a residential lot of less than required size of .75 acres and being .7431 acres in size and 2. Section 5, Residential, Paragraph 5.1.7.2.2 Lot Width for a residential lot of less than required 120 foot width fronting a public street and having a width of 95.28 feet at their property located at 9499 Cinchona Trail, Garden Ridge, Texas.

5. Business Items

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

- a. A petition by Christopher and Deborah Preston to replat the Eastern portion of Lot 3, Block 20, Garden Ridge Estates, Unit 5, Comal County, Texas located at 9499 Cinchona Trail, Garden Ridge, Texas.
- b. A petition by Christopher and Deborah Preston for a variance to:
  - i. Ordinance 7-042006, Section 7, Standards and Specifications, I. Lots. 1. Lots Size: for a residential lot size of less than required size of .75 acres and being .7431 acres in size and 2. Lot Width: for a residential lot of less than required 120 foot width fronting a public street and having a width of 95.28 feet at their property located at 9499 Cinchona Trail, Garden Ridge, Texas.
  - ii. Ordinance 13-122008, Section 5, Residential, Paragraph 5.1.7.2.1 Lot Size for a residential lot of less than required size of .75 acres and being .7431 acres in size and 2. Section 5, Residential, Paragraph 5.1.7.2.2 Lot Width for a residential lot of less than required 120 foot width fronting a public street and having a width of 95.28 feet at their property located at 9499 Cinchona Trail, Garden Ridge, Texas.

6. Work Session Items (Discussion only)

- i. A petition by William and Rebecca Gervasi, 21004 Hickory Bend, for a variance to Ordinance 13-122008, Section 8, General Provisions, 8.4., Fences, Walls and Plants, Paragraph 8.4.2, for the construction of a fence that exceeds the six foot height requirement. Due to the slope of the property the petitioner is seeking a variance for a fence height of 76 inches (6' 4") in areas.

7. Administrative Items

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

- a. Approve or disapprove the minutes of the November 8, 2011 Public Hearing/Voting/Work session of the Planning and Zoning Commission.
- b. Set date, time and location for next meeting.

8. Adjournment

**AGENDA NOTICES:**

**Decorum Required:**

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

**Action by Council Authorized:**

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

**Executive Sessions Authorized:**

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

**Attendance By Other Elected or Appointed Officials:**

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

  
Shelley Goodwin, TRMC  
City Secretary

This is to certify that I, Shelley Goodwin, posted this Agenda at 9:00a.m. on November 23, 2011 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