



**MINUTES OF REGULAR PLANNING & ZONING COMMISSION MEETING
FOR THE TOWN OF CROSS ROADS
LOCATION: 1401 FM 424, CROSS ROADS, TEXAS
Tuesday, November 5, 2013 at 7:00 P.M.**

**TOWN OF CROSS ROADS
COUNTY OF DENTON, TEXAS**

The Town of Cross Roads Planning & Zoning Commission convened into a regular meeting of the Planning & Zoning Commission. The meeting was open to the public and held in the Town Hall Council Chambers located at 1401 FM 424, Cross Roads, Texas.

REGULAR SESSION

1. CALL TO ORDER

Chairman Moore called the meeting to order at 7:01 p.m.

2. ROLL CALL

	PRESENT	ABSENT
Chairman Moore	X	
Commissioner Clark	X	
Commissioner Hauf	X	
Commissioner Lynn	X	
Commissioner Sheehy	X	
Commissioner Meek (Alternate)	X	

Alternate Commissioner Meek was in attendance, but did not vote on any items.

3. CITIZENS INPUT FOR ITEMS ON THE AGENDA.

Complete a Citizens Input form and hand to the Town Secretary. Please limit your comments to three minutes in duration; you are restricted from passing your time or any portion of unused minutes to another citizen for comment. Action on your statement may only be taken at a future meeting.

No citizens input.

4. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE SWEARING IN AND OATHS OF OFFICE TO THE FISCAL YEAR 2014 PLANNING & ZONING COMMISSIONERS.

Town Secretary DePrater gave the Oaths of Office to the Fiscal Year 2014 Planning & Zoning Commissioners.

5. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE APPOINTMENT OF PLANNING AND ZONING COMMISSION CHAIR.

Commissioners Lynn and Moore were nominated. Commissioners voted by secret ballot that was read into the record by Town Secretary DePrater. Commissioner Moore was unanimously voted Chair for Fiscal Year 2014.

6. CONSIDER AND TAKE APPROPRIATE ACTION REGARDING THE SEPTEMBER 3, 2013 PLANNING & ZONING COMMISSION MEETING MINUTES.

Motion made by Commissioner Sheehy, seconded by Commissioner Lynn to approve the September 3, 2013 minutes as presented. Motion carried unanimously.

Chair Moore opened the Public Hearing at 7:08 p.m. and moved Agenda Item 8 forward:

CONVENE INTO PUBLIC HEARING

- 8. CONDUCT PUBLIC HEARING TO HEAR PUBLIC INPUT REGARDING AMENDING DIVISION 3 (“DISTRICTS”) OF ARTICLE 14.03 (“COMPREHENSIVE ZONING ORDINANCE”) OF CHAPTER 14 (“ZONING”) OF THE CODE OF ORDINANCES OF THE TOWN OF CROSS ROADS, TEXAS, AS HERETOFORE AMENDED, TO REPEAL SECTION 14.03.075 (“MF APARTMENT DISTRICT”) AND TO ADOPT A NEW SECTION 14.03.075 (“MF APARTMENT DISTRICT”).**

No public input.

Chair Moore excused himself from the Public Hearing at 7:10 p.m. and Commissioner Lynn chaired the meeting.

- 7. CONDUCT PUBLIC HEARING TO HEAR PUBLIC INPUT REGARDING A PROPOSED ZONING CHANGE FROM AGRICULTURAL TO LIGHT INDUSTRIAL BEING REAL PROPERTY LOCATED AT 3500 MOSELEY ROAD AND BEING DESCRIBED AS: A0803A R.J. MOSELEY, TR 79, 1.0 ACRE, OLD DCAD Tr 10B, A0803A R.J. MOSELEY, TR 78, 1.0 ACRE, Old DCAD Tr 10C, A0803A R.J. MOSELEY, TR 77C, .24 ACRES.**

The following spoke against the proposed zoning change:

- Laird Doctor – email read into the record
- John Gleeson – letter read into the record
- Donald Edwards
- Jeff Rupe

Carol Roberts, owner of the property spoke to the Commission and audience regarding the history of the property and what her plans were.

The following spoke against the proposed zoning change:

- Cecil Drake
- Richard Floyd
- Glen Floyd
- Joan Floyd
- Marilyn Brannon
- Michelle Ellis – signed up, but did not speak as her thoughts were conveyed.

Commissioner Lynn closed the Public Hearing and Reconvened into Regular Session at 7:52 p.m.

RECONVENE INTO REGULAR SESSION

- 9. CONSIDER AND MAKE RECOMMENDATION TO THE TOWN OF CROSS ROADS’ TOWN COUNCIL REGARDING A PROPOSED ZONING CHANGE FROM AGRICULTURAL TO LIGHT INDUSTRIAL BEING REAL PROPERTY LOCATED AT 3500 MOSELEY ROAD AND BEING DESCRIBED AS: A0803A R.J. MOSELEY, TR 79, 1.0 ACRE, OLD DCAD Tr 10B, A0803A R.J. MOSELEY, TR 78, 1.0 ACRE, Old DCAD Tr 10C, A0803A R.J. MOSELEY, TR 77C, .24 ACRES.**

Motion made by Commissioner Sheehy, seconded by Commissioner Clark to reject the proposed zoning change. Motion carried unanimously.

Chair Moore re-entered the meeting.

10. CONSIDER AND MAKE RECOMMENDATION TO THE TOWN OF CROSS ROADS' TOWN COUNCIL REGARDING AMENDING DIVISION 3 ("DISTRICTS") OF ARTICLE 14.03 ("COMPREHENSIVE ZONING ORDINANCE") OF CHAPTER 14 ("ZONING") OF THE CODE OF ORDINANCES OF THE TOWN OF CROSS ROADS, TEXAS, AS HERETOFORE AMENDED, TO REPEAL SECTION 14.03.075 ("MF APARTMENT DISTRICT") AND TO ADOPT A NEW SECTION 14.03.075 ("MF APARTMENT DISTRICT").

Motion made by Commissioner Meek, seconded by Commissioner Lynn to accept the proposed amendment. Both motion and second were withdrawn.

Motion made by Commissioner Lynn, seconded by Commissioner Sheehy to recommend approval of replacing existing with proposed changes. Motion carried unanimously.

11. CONSIDER AND MAKE RECOMMENDATION TO THE TOWN OF CROSS ROADS' TOWN COUNCIL REGARDING POSSIBLE REVISIONS TO ARTICLE 8.02.002 "SPECIFIC NOISES ENUMERATED" OF THE TOWN OF CROSS ROADS' CODE OF ORDINANCES .

Motion made by Commissioner Hauf, seconded by Commission Lynn, to add the following changes to Article 8.02.002:

- (15) Any construction activity related to the erection, excavation, demolition, alteration, or repair of any building in or adjacent to a residential area other than between the hours of 7:00 a.m. and 10:00 p.m., except that the mayor or designee may issue a written permit to exceed these hours in the case of urgent necessity in the interest of public safety or for other reasons determined by the mayor or designee.
 - (1) Notice must be posted at the property 3 days prior to performance of work by a sign easily visible from the public thoroughfare at the sites street address, for which an exemption has been granted, including what type of work is to be done, the date and time work is to commence and date exemption will end.
 - (2) Written notice to residents of residential areas within 300 feet of construction lot to be received 3 days prior to performance of work, for which an exemption has been granted, including what type of work is to be done, the date and time the work is to commence and date exemption will end.

Amended motion made by Commission Hauf, seconded by Lynn, to recommend the following changes to the Article:

- (1) The playing of any radio, ~~phonograph~~, **digital device**, or other musical instrument in such a manner or with such volume, particularly during the hours from 10:00 p.m. until 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel or other type of residence, however, that upon application by user of such devices, the town council may make special exemption or exception to this clause for such times as council deems will serve the public welfare. (Ordinance adopting Code)
- (12) The creation of any excessive or unreasonable noise on any street or premises adjacent to any school, place of religious worship, or other institution of learning while the same is in session, or any ~~hospital~~ **medical center or care facility**, which unreasonably interferes with the operation or use of any such institution.

Amended motion carried unanimously.

Original motion adding changes carried 4-1-0 with Commissioners Hauf, Sheehy, Moore and Lynn voting for and Commissioner Clark voting against.

12. CITIZENS INPUT FOR ITEMS NOT ON THE AGENDA.

Complete a Citizens Input form and hand to the Town Secretary. Please limit your comments to three minutes in duration; you are restricted from passing your time or any portion of unused minutes on to another citizen for comment. The Planning and Zoning Commission is restricted from discussing or taking action on items not posted on the agenda. Action on your statement may only be taken at a future meeting.

None.

13. PLANNING & ZONING COMMISSION REQUESTS FOR FUTURE AGENDA ITEMS

No Planning & Zoning Commission deliberation or discussion may take place during this agenda item.

None.

14. FUTURE EVENTS AND MEETINGS

All scheduled meetings are held in the Council Chambers. All citizens are invited to participate; schedule may change.

- Architecture Review Board – Wednesday, November 6, 2013 at 6:00 PM
- Park Board Committee - Tuesday, November 12, 2013 at 7:00 PM
- Comprehensive Planning - Wednesday, November 13, 2013 at 7:00 PM
- Town Council - Monday, November 18, 2013 at 7:00 PM
- Northeast Police Department Commission – Thursday, November 21, 2013 at 7:00 PM
- Administrative Staff – Monday, December 2, 2013 at 3:00 PM

15. ADJOURN

Motion made by Commissioner Lynn, seconded by Commissioner Hauf, to adjourn. Meeting adjourned at 8:26 p.m.



Shannon DePrater, TRMC, Town Secretary
Town of Cross Roads, Texas



Wes Moore, Planning & Zoning Chair
Town of Cross Roads, Texas

FROM THE DESK OF LAIRD A. DOCTOR

TO: PLANNING AND ZONING COMMITTEE, CROSS ROADS, TEXAS

FROM: LAIRD A. DOCTOR

SUBJECT: RE-ZONING REQUEST FOR 3500 MOSELEY RD.

DATE: 11/5/2013

The requested re-zoning of the subject property is not consistent with the Towns published General Plan. The General Plan provides for a significant amount of property where this zoning would be more appropriate. The current General Plan specifically addressed the area that this property lies within, and determined that the area south of the 900 feet contiguous with Highway 380 (designated commercial) should be residential. I have firsthand knowledge of the lengthy discussions that led to the residential overlay in the General Plan. I was a member of the committee that drafted the current General Plan. Zoning this property, Light Industrial, will most assuredly have a negative effect on property valuations of the neighboring properties. Said properties have Single Family Dwellings upon them. Having property zoned Light Industrial in the midst of Single Family Dwellings would be a travesty! In recent years the Town has sought the opinion of Cross Roads citizens by collecting polling data. Those polls have indicated that the citizens are looking to have larger lots so that they could live in a rural atmosphere. Approving the requested zoning would be counter to what the citizens have resoundingly indicated in the last two polls.

RufNek owned the property for many years prior to the current owner who is requesting the re-zoning. The way RufNek was able to operate in a nonconforming use is an interesting story of which I am most familiar. My familiarity with the details stems from the fact that I was at one time an investor of RufNek. Additionally, my ex-wife Linda Finch, was the owner of RufNek. It was only by, what was known as the "good old boy network," that RufNek was able to operate a nonconforming use business on that property.

Respectfully, Laird A. Doctor (Home Owner 3700 Moseley Rd.)

*3000 Moseley Road,
Crossroads TX76227*

November 2, 2013.

The Planning Director.
Town of Cross Roads
1401 FM424,
Cross Roads TX 76227

Dear Ms Ross,

Re Notice of Proposed Zoning change at 3500 Moseley Road..

Further to your advice of the review of the proposed zoning changes from Agricultural to Light Industrial I would like to make the following comments, and register our strong objection to any such consideration.

Background.

Our family purchased 29 acres at 3000 Moseley Road in 2005. We wanted some agricultural land on sand to breed and raise Australian stock horses in the vicinity of the north Texas horse community. In the time we have been there we have slowly changed the brush and regrowth to improved pasture with mature trees.

We wanted to live within a quiet and open community away from the noise, pollution, traffic and security concerns of a high density city. Before purchasing the property we checked the zoning and future use possibilities which indicated Rural Residential.

The location and size of 3000 Moseley Road addresses both of these desires.

Location in Relation to the Subject Property.

Our property borders the property under review on it's eastern side.

Concerns.

1. Traffic.

Much of the current Moseley Road traffic travels well over the allowed speed – despite the newly installed road traffic signs and the private neighbourhood warning signs posted on fences. Vehicles travelling north on Moseley accelerate up the hill and arrive at the brow of the hill (about 3100 Moseley Road) with no visibility and are moving at well over 40mph. At that point there is no escape route as the road is not wide enough for 3 vehicles, and the shoulders are blocked with electricity poles, trees and fences and mail boxes.

2. Drainage.

The said property slopes downward substantially from the road toward the eastern boundary and any increase in run off would gain speed entering our property.

3. Previous Light Industry/Manufacturing Use.

For about 12 months last year and early this year the barns on the subject property were used for light industry/manufacturing. There was constant machinery and sudden loud banging noises at all hours of the day and night. Our horse barn is “in line” with the larger blue barn on the property and both run parallel some 30 feet east of Moseley Road. The noise carries directly north to our barn. We have had several horses injured from getting frights from sudden manufacturing bangs and running into the corral fences – one broke it’s jaw, as can be verified by our vet (Bruce Lyle DVM).

Clearly from our experience, a light industry zoning cannot adjoin agricultural/rural residential use areas without causing disruption to neighbouring properties.

I would raise the strongest objection possible to the above re-zoning request as activities in the last twelve months demonstrate that if there is an inability to enforce or control the level of industrial use, then clearly it would be better to not permit industrial use of any type.

Sincerely,



.....
John Gleeson