

PUBLIC HEARING MINUTES

Lake Ray Roberts Planning & Zoning Commission
Mary and Jim Horn Government Center
Conference Room Suite 176
1505 East McKinney Street
Denton, Texas 76209
April 19, 2010 at 12:00 pm

Commission Members Present

Ken Carson (Vice Chair)
Jim Engelbrecht
R. Scott Alagood
Jeff Springer
Brett Kuhn
John Coker
A. H. Wighamman

Appointed By

County Judge
City of Denton
Commissioner, Precinct 1
Commissioner, Precinct 1
County Judge
City of Sanger
City of Pilot Point

Commission Members Absent

Larry Smith (Chairman)

Appointed By

County Judge

Staff Members Present

John Feldt
Kay Roach

Department

District Attorney, Civil
Public Works/Planning

The following items may come before the Lake Ray Roberts Planning and Zoning Commission for discussion and possible action:

- I. Call to order by vice Chairman Carson at 12 pm
- II. Approve Minutes of the September 14, 2009 meeting.
Brett Kuhn approved minutes from September 14, 2009 meeting.
Jim Engelbrecht seconded.
- III. Public Comments.
Citizens wishing to speak to the Lake Ray Roberts Commission will need to sign in. Pursuant to State Open Meetings Law, the Lake Ray Roberts Commission is restricted in discussing or taking action on items not posted on the agenda.
In order to expedite the flow of business and to provide all citizens the opportunity to speak, the Lake Ray Roberts Commission may impose a three-minute limitation on persons addressing the Commission. Please address all comments to the Presiding Officer.
- IV. Consider Discuss, Approve and/or Take Any Appropriate Action on The Request for a Special Use Permit for W.A. Thompson Survey, A1238, Tract 38, 16 acres, Precinct One.

Vice Chairman Carson opened the Public Hearing for the request of a Special Use Permit for W.A. Thompson Survey, a1238, Tract 38, 16 acres.

Kay Roach stated the applicant purchased the property at 10075 Fm 2153 of 16 acres. This location currently is a large barn with living quarters. The applicant, Mr. Reid would like to keep the zoning of Agriculture and is requesting a Special Use permit to have his small business of refilling ink cartridges for this location. The Lake Ray Roberts Ordinance in the schedule of Permitted Uses has Contractors Shop/Yard listed as needing a Special Use Permit under Agriculture. Mr. Reid is a contractor for the United Postal Services to refill their ink cartridges.

Mr. Reid the applicant is here to speak and explain in details the process.

Vice Chairman Carson asked Mr. Reid to speak.

Mr. Reid stated I currently live at 10029 Pinecrest Drive, Aubrey, Texas. My father would like in the future to build a home on this property and have cattle. We have cattle on the property currently. The property needs some up keep; there are fences falling down and repairs needed to the barn. My father and I have a contract with the United Postal Services that specializes in refilling ink jet cartridges. There would be no increase in traffic since there would be a UPS deliver truck to pickup and drop off product once in the morning and once in the evening. The process of refilling cartridges is simple and produces no noise, no fumes, no dust, and there is no hazardous wastes. There would be AET environmental company that would dispose of any excess or used ink according to state regulations. There would be no signage and there are only 3 employees. The desire is to add on to the square footage and take the living space to use as an office space. There is currently a cabinet shop down the street going east just at FM 2153 makes the curve and a Beauty shop across the street from this property.

Vice Chairman Carson stated there are neighbors that have requested to speak. The first one is Patricia Adams. Ms Adams stated she lives at 10046 Fm 2153, Aubrey Texas. Ms. Adams had a four page document that she read stating she had spoke to the applicant and staff and the Mr. Feldt attorney for the county and stated the applicant should be requesting a zoning change for commercial use instead of Special Use permit. She stated when speaking to staff that staff was not clear on the SUP but then speaking to John Feldt the attorney he clarified her questions. Ms. Adams stated the purposed use is not allowed in the section 2-400 Permitted Uses of the Land Use Ordinance of Lake Ray Roberts and would not be consistent with the neighboring land uses and offers no benefit to the general welfare of those living in this area.

Mr. Shelton stated he lives at 10176 FM 2153, Aubrey Texas and handed in the support/opposed letter stating he opposes this due to speaking to an attorney it would open the door for other industry to come in and then the City of Denton would take an Agriculture Land into the City of Denton.

Mr. & Ms. Don Gann live at 10049 FM 2153 Aubrey, Texas which is next to Mr. Reid's property. Mr. Gann stated this area has been agriculture for many years and would prefer the land be used for agriculture purposes.

Mr. Dan Reding stated he lives next to Mr. & Ms Gann at 9911 FM 2153 Aubrey Texas. Mr. Reding stated all of his family is opposed to any zoning change or Special Use permit to this property. Mr. Reding stated he would like for the Commissioners to deny this special use permit therefore so no legation would go forward.

Vice Chairman Carson stated no further Public input and asked John Feldt to explain the Schedule of Permitted Uses of the Lake Ray Roberts Ordinance. Mr. Feldt stated the Permitted Uses under Agriculture does not refer to any manufacturing of any kind. The Contractors Shop/Yard definition in the Lake Ray Roberts Ordinance states- a building, part of a building, or land areas for the construction or storage of materials, tools, products and vehicles. This use is listed under Agriculture use with a Special Use Permit. There are definitions for General Commercial Plant and also for General Manufacturing but these are not listed in the Permitted Use schedule. Mr. Feldt stated to the Planning and Zoning Commissioners it is there decision to decide if this falls within the Schedule of Permitted Uses.

Vice Chairman Carson asked the Commissioners for any discussion. Commissioner Alagood stated it is not listed as an approved use in the Permitted Uses and therefore deny the request. No discussion due to the fact all other Commissioners agreed.

Vice Chairman Carson asked for a motion. Commissioner Alagood stated he recommended denial of the Special Use Permit for W.A. Thompson Survey, A1238, Tract 38, 16 acres, Precinct One.
Commissioner Kuhn seconded the motion.

Motion to denied carried 7-0

V. Adjournment 12:45pm.

Read and approved by the Lake Ray Roberts Planning and Zoning Commission on the:

18th day of October 2010.

Chairman:  R. Scott Alagood

Attest: _____