



AGENDA

BARTONVILLE PLANNING AND ZONING COMMISSION

Wednesday, October 2, 2019

BARTONVILLE TOWN HALL
1941 E. JETER ROAD, BARTONVILLE, TX 76226

7:00 P.M.

A. **CALL TO ORDER**

B. **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

C. **CITIZENS PARTICIPATION:**

If you wish to address the Commission, please fill out a “Public Meeting Appearance Card” and present it to the Town Administrator, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, citizens wishing to address the Commission for items listed as public hearings will be recognized when the public hearing is opened. For citizens wishing to speak on a non-public hearing item, they may either address the Commission during the Citizen Comments portion of the meeting or when the item is considered by the Planning and Zoning Commission.

D. **APPROVAL OF MINUTES**

1. Discuss and consider approval of the September 4, 2019, meeting minutes.

E. **APPOINTMENT OF OFFICERS**

1. Appointment of a Chairman
2. Appointment of a Vice-Chairman

F. **REGULAR ITEMS**

1. Public hearing to hear public comment and consider recommendations to the Town Council regarding an ordinance amending the Town of Bartonville, Code of Ordinances, Chapter 14, Exhibit “A,” Article 14.02, Ordinance 361-05, Zoning regulations, to change the zoning designation of Tract 1 in the J. Burke Survey Abstract No. 42, approximately 6.37 acres, from Agriculture District (AG) to Residential Estates 2 (RE-2). The tract of land is located at 1440 East Jeter, Bartonville, Texas.

G. ADJOURNMENT

I do hereby certify that the Notice of Meeting was posted on the bulletin board at Town Hall of the Town of Bartonville, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: September 27, 2019, at 9:30 am, at least 72 hours prior to the time of said meeting.



Michael Montgomery, Town Administrator

The Planning and Zoning Commission reserves the right to adjourn into a closed meeting or executive session as authorized by Texas Government Code, Sections 551.001, et seq. (the Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.088 of the Texas Open Meetings Act. Any final action, decision, or vote on a matter deliberated in a closed meeting will only be taken in an open meeting that is held in compliance with Texas Government Code, Chapter 551.

THE BARTONVILLE PLANNING AND ZONING COMMISSION MEETING HELD ON THE 4th DAY OF SEPTEMBER, 2019, AT BARTONVILLE TOWN HALL, 1941 E. JETER ROAD, BARTONVILLE, TX 76226, COUNTY OF DENTON, TEXAS AT 7:00 P.M.

The Planning and Zoning Commission met in a regular meeting with the following members present:

Ralph Arment, Chairman (Arrived 7:18 p.m.)
Gloria McDonald, Vice-Chairman
Don Abernathy, Commissioner
Brenda Hoyt-Stenovitch, Alternate 1
Jim Roberts, Alternate 2

Not present:

Harry Otto, Commissioner
Gregory Peck, Commissioner

Also present:

Michael Montgomery, Town Administrator
Ed Voss, Town Attorney

There constituting a quorum, the following business took place:

A. CALL TO ORDER

Vice-Chairmen McDonald called the meeting to order at 7:05 p.m.

B. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Vice-Chairmen McDonald led the pledge of allegiance.

C. CITIZENS PARTICIPATION

None

D. APPROVAL OF MINUTES

1. Discuss and consider approval of the August 7, 2019, meeting minutes.

Commissioner Hoyt-Stenovitch moved to approve the August 7, 2019, minutes. Commissioner Abernathy seconded the motion.

VOTE ON THE MOTION

AYES: McDonald, Hoyt-Stenovitch, Abernathy, Roberts
NAYS: None

VOTE: 4/0

E. REGULAR ITEMS

1. Public hearing to hear public comment and consider recommendations to the Town Council regarding an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A,” Article 14.02, Ordinance 361-05, the Zoning regulations for the Town of Bartonville, by amending Division IV, Special Requirements, Chapter 20 Fencing, Walls, and Screening Requirements.

Mr. Montgomery presented the proposed changes to Chapter 20 Fencing, Walls, and Screening Requirements.

Vice-Chairmen McDonald opened the public hearing at 7:06 PM.

Vice-Chairmen McDonald closed the public hearing at 7:06 PM.

The Commissioners deliberated the proposed changes to the ordinance.

Commissioner Hoyt-Stenovitch moved to recommend approval of an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A,” Article 14.02, Ordinance 361-05, the Zoning regulations for the Town of Bartonville, by amending Division IV, Special Requirements, Chapter 20 Fencing, Walls, and Screening Requirements.

VOTE ON THE MOTION

AYES: McDonald, Hoyt-Stenovitch, Abernathy, Roberts
NAYS: None
VOTE: 4/0

2. Public hearing to hear public comment and consider recommendations to the Town Council regarding an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A,” Article 14.02, Ordinance 361-05, the Zoning regulations for the Town of Bartonville, by amending Division I, General Requirements, Chapter 3 Site Plans, Section 3.2, General Site Plan, Subsection J, Procedures for Site Plan Review.

Mr. Montgomery presented the proposed changes to the Site Plan ordinance in order to comply with the recently passed State law.

Vice-Chairmen McDonald opened the public hearing at 7:16 PM.

Vice-Chairmen McDonald closed the public hearing at 7:16 PM.

Commissioner Abernathy moved to recommend approval of an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit “A,” Article 14.02, Ordinance 361-05, the Zoning regulations for the Town of Bartonville, by amending Division I, General Requirements, Chapter 3 Site Plans, Section 3.2, General Site Plan, Subsection J, Procedures for Site Plan Review. Commissioner Hoyt-Stenovitch seconded the motion.

VOTE ON THE MOTION

AYES: McDonald, Hoyt-Stenovitch, Abernathy, Roberts
NAYS: None
VOTE: 4/0

Chairman Arment arrived at 7:18 p.m. Vice-Chairmen McDonald chaired the remainder of the meeting.

- 3. Public hearing to hear public comment and consider recommendations to the Town Council regarding an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 10, “Subdivision Ordinance,” Article 10.02, Exhibit A, “Development Ordinance,” by amending Chapter III, “Subdivision Design Standards,” Section 3.5, “Lots.”

Mr. Montgomery presented the proposed changes regarding lot frontage and orientation.

Vice-Chairmen McDonald opened the public hearing at 7:20 PM.

Vice-Chairmen McDonald closed the public hearing at 7:20 PM.

The Commissioners deliberated the proposed changes.

Commissioner Roberts moved to recommend approval of an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 10, “Subdivision Ordinance,” Article 10.02, Exhibit A, “Development Ordinance,” by amending Chapter III, “Subdivision Design Standards,” Section 3.5, “Lots.” Commissioner Abernathy seconded the motion.

VOTE ON THE MOTION

AYES: McDonald, Hoyt-Stenovitch, Abernathy, Roberts, Arment
NAYS: None
VOTE: 5/0

- 4. Public hearing to hear public comment and consider recommendations to the Town Council regarding an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 10, “Subdivision Ordinance,” Article 10.02, Exhibit A, “Development Ordinance,” by amending Appendix A, “Engineering Design Standards,” Section 1, “Streets.”

Mr. Montgomery presented that a member of the Town Council had requested that all new streets be constructed of concrete, regardless of lot size.

Vice-Chairmen McDonald opened the public hearing at 7:28 PM.

Vice-Chairmen McDonald closed the public hearing at 7:28 PM.

The Commissioners deliberated the proposed changes and agreed to reduce future maintenance costs to the Town that all new roads needed to be constructed of concrete.

Commissioner Abernathy moved to recommend approval of an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 10, “Subdivision Ordinance,” Article 10.02, Exhibit A, “Development Ordinance,” by amending Appendix A, “Engineering Design Standards,” Section 1, “Streets.”

VOTE ON THE MOTION

AYES: McDonald, Hoyt-Stenovitch, Abernathy, Roberts, Arment

NAYS: None

VOTE: 5/0

F. ADJOURN REGULAR MEETING

Chairman Arment adjourned the regular meeting at 7:37 p.m.

APPROVED this 2nd day of October, 2019.

Approved:

Ralph Arment, Chairman

Attest:

Michael Montgomery, Town Administrator

(Seal)



Planning and Zoning Commission Meeting

Item #1

DATE: October 2, 2019

FROM: Michael Montgomery, Town Administrator

ITEM: Public hearing to hear public comment and consider recommendations to the Town Council regarding an ordinance amending the Town of Bartonville, Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning regulations, to change the zoning designation of Tract 1 in the J. Burke Survey Abstract No. 42, approximately 6.37 acres, from Agriculture District (AG) to Residential Estates 2 (RE-2). The tract of land is located at 1440 East Jeter, Bartonville, Texas.

Summary:

The Town has received a request from the owners, Josh & Tina Coleman, to rezone 6.37 acres on 1440 E Jeter. The lot currently has a residential home as well as an equestrian center as approved by a conditional use permit.

The tract is currently zoned Agriculture District (AG).

The requested zoning is Residential Estates 2 (RE-2).

This tract of land is on the Town's Land Use Plan as Residential Estates 2 (RE-2).

ATTACHMENTS:

- Applicant Request
- Location Map
- Published Legal Notice
- Letter to Residents within 200 feet
- Draft Ordinance



Town of Bartonville

Application for Zoning Map Amendment

All applications must be submitted in accordance with the Submission Schedule attached hereto.

Applicant (Owner or Agent, Specify): Josh & Tina Christina Coleman

Mailing Address: 1440 E. Jeter Rd.

Phone: ~~817-271-1111~~ Fax: _____

Owner's Name(s) if different: same

Owner's Address: _____

Phone: _____ Fax: _____

Engineer/Surveyor if applicable: _____

Mailing Address: _____

Phone: _____ Fax: _____

General Location of Property: _____

Legal Description of Property: A0042A J. Burke Trl, 4.37 Acre, Old DCAD TR30
(Attach Complete Metes and Bounds Description)

Nature and reason for Zoning Change: Remodel home currently not compliant to Ag set back.

Does this request conform with the adopted Land Use Plan? Yes No
If the change requested does not conform with the adopted Land Use Plan, you must submit a Land Use Plan Amendment Application.

Current Zoning: Ag

I hereby request that the Zoning Designation be changed to: RE2
(If a PD is proposed, submit PD Application)

I hereby certify that the information concerning this proposed zoning change is true and correct and that I am the owner of record or the authorized¹ for the owner of the above described property.

Christina Coleman Josh D Coleman 8-16-19
Signature of Applicant/Owner Date

STAFF USE ONLY:	
Date Submitted: <u>8.19.19</u>	Fee Paid: <u>400.00</u>
Accepted By: <u>[Signature]</u>	Check No.: <u>101</u>
P& Z Public Hearing: <u>10/2/19</u>	Metes & Bounds Attached: <input type="checkbox"/> Yes <input type="checkbox"/> No
Council Public Hearing: <u>10/15/19</u>	Notarized Statement: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

¹ A NOTARIZED statement that authorizes the agent to represent the owner(s) in this matter must be attached to this application.

Location Map



Request for a zoning designation change from Agriculture District (AG) to Residential Estates 2 (RE-2) located at 1440 E. Jeter Road, Bartonville Texas.

DENTON RECORD-CHRONICLE
P.O. BOX 369
DENTON TX 76202
(940)566-6800

ORDER CONFIRMATION (CONTINUED)

Salesperson: Kaycee Key

Printed at 09/11/19 17:04 by kkey-dm

Acct #: 232

Ad #: 20039

Status: New WHOLD WHOI

The Planning and Zoning Commission for the Town of Bartonville, Texas, will conduct the first of two public hearings at 7:00 p.m. on Wednesday, October 2, 2019, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider recommendations to the Town Council regarding an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning regulations, to change the zoning designation of Tract 1 in the J. Burke Survey Abstract No. 42, approximately 6.37 acres, from Agriculture District (AG) to Residential Estates 2 (RE-2). The tract of land is located at 1440 East Jeter, Bartonville, Texas. The Town Council will conduct a second Public Hearing at 7:00 p.m. on Tuesday, October 15, 2019, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider the change of the zoning designation and recommendations of the Planning and Zoning Commission. All interested parties are encouraged to attend.

drc 9/13/2019



September 20, 2019

Name
Address
Bartonville, TX 76226

RE: Notice of Public Hearing for a Change of Zoning Designation of Tract 1 in the J. Burke Survey Abstract No. 42, approximately 6.37 acres, located at 1440 East Jeter, Bartonville, Texas.

Dear Property Owner,

Per the Denton County Appraisal Districts records, you own property (Property ID XXXXX) within two hundred feet (200') of the property described in the notice below. The owner of the property as located at 1440 E. Jeter Road has made application for a zoning designation change as described below.

You are invited to attend and participate in the following public hearings regarding this application:

The Planning and Zoning Commission for the Town of Bartonville, Texas, will conduct the first of two public hearings at **7:00 p.m. on Wednesday, October 2, 2019, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas**, to hear public comment and consider recommendations to the Town Council regarding an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning regulations, to change the zoning designation of Tract 1 in the J. Burke Survey Abstract No. 42, approximately 6.37 acres, from Agriculture District (AG) to Residential Estates 2 (RE-2). The tract of land is located at 1440 East Jeter, Bartonville, Texas. The Town Council will conduct a second Public Hearing at **7:00 p.m. on Tuesday, October 15, 2019, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas**, to hear public comment and consider the change of the zoning designation and recommendations of the Planning and Zoning Commission. All interested parties are encouraged to attend.

Should you have any questions regarding this matter, please feel free to contact me at 817.693.5280.

Sincerely,

Michael Montgomery
Town Administrator

Enclosure: Location Map

**TOWN OF BARTONVILLE
ORDINANCE NO. _____-19**

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 14, ARTICLE 14.02, EXHIBIT "A," THE ZONING ORDINANCE, BY CHANGING THE ZONING DESIGNATION ON APPROXIMATELY 6.37 ACRES OF LAND SITUATED IN THE J. BURKE SURVEY, ABSTRACT NO. 42, TRACT 1, DENTON COUNTY, TEXAS, LOCATED AT 1440 EAST JETER ROAD WITHIN THE LIMITS OF THE TOWN OF BARTONVILLE, DENTON COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, FROM A ZONING DESIGNATION OF "AG" AGRICULTURE TO A ZONING DESIGNATION OF "RE-2" RESIDENTIAL ESTATES 2, AND BY AMENDING THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGE; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; PROVIDING FOR A PENALTY; PROVIDING FOR NO VESTED RIGHTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas, is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town of Bartonville, Texas, is a general law municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

WHEREAS, the Planning and Zoning Commission of the Town of Bartonville and the Town Council of the Town of Bartonville, in compliance with state law, have given the requisite notice by publication and otherwise, and after holding due public hearings and affording full and fair hearings to all property owners generally, the Town Council of the Town of Bartonville is of the opinion that said zoning ordinance should be amended as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.
ZONING ORDINANCE AMENDED**

The Code of Ordinances of the Town of Bartonville, Texas, shall be and the same is hereby amended by changing the zoning classification on approximately 6.37 acres of land situated in the J. Burke Survey, Abstract No. 42, Tract 1, Denton County, Texas, located at 1440 East Jeter Road within the limits of the Town of Bartonville, Denton County, Texas, being more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes, from a zoning designation of "AG" Agricultural to a zoning designation of "RE-2" Residential Estates 2.

**SECTION 3.
OFFICIAL ZONING MAP AMENDED**

The Town Secretary is hereby directed to amend the official zoning map to reflect the changes in zoning classification approved by this Ordinance.

**SECTION 4.
REPEALING CLAUSE**

All provisions of the Ordinances of the Town of Bartonville, Texas, in conflict with the provisions of this Ordinance shall be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 5.
SEVERABILITY**

It is hereby declared to be the intention of the Town Council of The Town of Bartonville, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 6.
SAVINGS**

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 7.
ENGROSSMENT AND ENROLLMENT**

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 8.
PUBLICATION**

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

**SECTION 9.
PENALTY**

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the Town of Bartonville, Texas, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 10.
NO VESTED RIGHTS**

No person or entity shall acquire any vested rights in this Ordinance or any specific regulations contained herein. This Ordinance and any regulations may be amended or repealed by the Town Council of the Town of Bartonville, Texas, in the manner provided by law.

**SECTION 11.
EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication, as the law provides.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on this the 15th day of October, 2019.

Ordinance No. _____

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APPROVED:

Bill Scherer, Mayor

(Seal)

ATTEST:

Tammy Dixon, Town Secretary

Exhibit A

All that certain lot, tract or parcel of land lying and being situated in Denton County, Texas and being a part of the James Burk Survey, Abstract number 42 and being all of that called 6.37 acre tract of land described in deed to Melvin D. Seiber and wife, Shirley A. Seiber recorded in Volume 995, Page 552, Deed Records, Denton County, Texas and being more fully described by metes and bounds as follows;

BEGINNING at a P.K. nail set in East Jeter Road and being the Northeast corner of a called 13.683 acre tract of land described in deed to Terrence & Claire Rock Living Trust recorded in Instrument number 2016-85869, Real Property Records, Denton County, Texas;

THENCE along said Jeter Road, South 89 degrees 09 minutes 22 seconds East, 367.41 feet to a P.K. nail set;

THENCE South 00 degrees 46 minutes 07 seconds West, 759.10 feet to a 1/2, inch iron rod found;

THENCE North 89 degrees 09 minutes 22 seconds West, 364.70 feet to a 1/2, inch iron rod found in the East line of said 13.683 acre tract;

THENCE along the common line of said 13.683 acre tract and this tract, North 00 degrees 33 minutes 51 seconds East, 759.11 feet to the **PLACE OF BEGINNING** and containing 6.38 acres of land more or less;