



## AGENDA

### PLANNING AND ZONING COMMISSION REGULAR MEETING

OCTOBER 7, 2020

BARTONVILLE TOWN HALL

7:00 P.M.

In accordance with order of the Office of the Governor issued March 31, 2020, and in accordance with subsequent orders issued by Office of the Governor issued after that date, the Bartonville Planning and Zoning Commission will conduct a regular meeting at Town Hall, 1941 E. Jeter Road, Bartonville, Texas 76226 AND by video conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The link to the video conference is [www.townofbartonville.com/videomeeting](http://www.townofbartonville.com/videomeeting) *Please note there is an approximate 30 second delay.*

The public will be permitted to offer public comment via teleconference/video as provided by the agenda and as permitted by the presiding officer during the meeting by joining the meeting at [www.zoom.com](http://www.zoom.com) or by calling the toll-free dial-in number at 877 853 5257. The **meeting ID number is 817 3894 9504** and the **passcode is 002359**. To request to speak at the appropriate time, raise your hand via video or enter \*9 on your phone. The identity of each speaker must be clearly stated prior to speaking.

**A. CALL TO ORDER**

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

**C. APPOINTMENT OF OFFICERS**

1. Review of Ordinance 684-20 Limiting Terms for Chair Positions
2. Appointment of a Chairman
3. Appointment of a Vice-Chairman

**D. PUBLIC PARTICIPATION**

**E. APPROVAL OF MINUTES**

1. Discuss and consider approval of the September 2, 2020 regular meeting minutes.

**F. REGULAR ITEMS**

1. Discuss and consider recommendations to the Town Council regarding a waiver from Chapter 10, Subdivision Regulations, Exhibit A, Development Ordinance, Chapter III, Subdivision Design Standards, Section 3.5, Lots, Subsection b, to allow for the creation of a flag lot on an irregularly-shaped tract of land . The property is a 105.82-acrea tract of land being described as Lot 2, Block A, Robert Evans Ranch Addition, Town of Bartonville, Denton County, Texas located on the south side of West Jeter Road. The property is generally located at 1047 W. Jeter Road.
  - a. Applicant presentation
  - b. Staff presentation
  - c. Those in Favor
  - d. Those Opposed
  - e. Rebuttal
  - f. Hearing Closed to Public Comment

**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: October 2, 2020 at 10:00 a.m. at least 72 hours prior to the time of said meeting.




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Sylvia Ordeman, 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.***

**TOWN OF BARTONVILLE  
ORDINANCE NO. 684-20**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 1, GENERAL PROVISIONS, ARTICLE 1.04 ENTITLED "BOARDS, COMMISSIONS, COMMITTEES," BY AMENDING SECTIONS 1.04.035 AND 1.04.062 BY ADDING A LIMITATION ON THE NUMBER OF SUCCESSIVE TERMS OF OFFICE FOR THE CHAIR POSITIONS OF THE PLANNING AND ZONING COMMISSION AND OF THE BOARD OF ADJUSTMENT; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; 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 governing body of the Town of Bartonville, Texas, after all statutory and constitutional requirements for the passage of this Ordinance have been adhered to, including but not limited to the Texas Open Meetings Act, has determined that the Town's Code of Ordinances 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**

All of the above premises are found to be true and correct legislative determinations and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.  
AMENDMENT TO SECTION 1.04.035 ADOPTED**

From and after the effective date of this Ordinance, the Town of Bartonville Code of Ordinances, Chapter 1, "General Provisions," Article 1.04, "Boards, Commissions, Committees," Division 2, "Planning and Zoning Commission," Section 1.04.035, entitled "Meetings and organization," is hereby amended to read as follows:

**“Sec. 1.04.035 Meetings and organization**

The planning and zoning commission shall meet once each month and at such other times as the chairman or the majority of the members of the commission may direct. The commission shall appoint its own chairman and vice-chairman and shall adopt rules for the conduct of meetings and such other activities as may be appropriate. No person shall serve as Chair for more than two (2) successive one-year terms beginning with the appointment of the Chair in October 2020. Three members of the commission shall constitute a quorum. However, no portion of the comprehensive plan shall be adopted by less than the affirmative vote of a majority of the entire commission.”

**SECTION 3.****AMENDMENT TO SECTION 1.04.062 ADOPTED**

From and after the effective date of this Ordinance, the Town of Bartonville Code of Ordinances, Chapter 1, “General Provisions,” Article 1.04, “Boards, Commissions, Committees,” Division 3, “Board of Adjustment,” Section 1.04.062, “Organization and procedures,” Subsection (a), entitled “Membership,” is hereby amended to read as follows:

**“Sec. 1.04.062 Organization and procedures**

(a) Membership. The board shall consist of five (5) citizens as full-time members of the board and two (2) citizens as alternate members of the board who shall serve in the absence of one or more regular members when requested to do so by the mayor. Each board member and alternate board member is to be appointed or reappointed by the mayor and confirmed by the town council for staggered terms of two (2) years, respectively. Each member of the board shall be removable for just cause by the town council upon written charges and after a public hearing. Vacancies shall be filled by the town alternate member whose term becomes vacant. The board shall elect its own chairman, who shall serve for a period of one (1) year or until his successor is elected. No person shall serve as Chair for more than two (2) successive one-year terms beginning with the appointment of the Chair in October 2020.”

**SECTION 4.****REPEALING**

This Ordinance shall be cumulative of all provisions of Ordinances of the Town of Bartonville, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

**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.  
ENGROSS AND ENROLL**

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 7.  
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 8.  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon passage and publication of its caption, as the law in such cases provides.

**AND IT IS SO ORDAINED.**

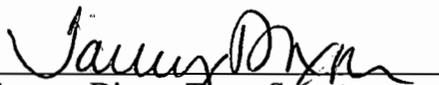
**PASSED AND APPROVED** by the Town Council of the Town of Bartonville, Texas, on the 17th day of March 2020.

APPROVED:



  
\_\_\_\_\_  
Bill Scherer, Mayor

ATTEST:

  
\_\_\_\_\_  
Tammy Dixon, Town Secretary

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The Bartonville Planning and Zoning Commission held a regular meeting on the 2nd day of September 2020, at 7:00 p.m., in the Council Chambers of Bartonville Town Hall, 1941 East Jeter Road, Bartonville, Texas and via video meeting.

*In accordance with order of the Office of the Governor issued March 31, 2020, and in accordance with subsequent orders issued by the Office of the Governor after that date, the Bartonville Planning and Zoning Commission conducted a meeting in person and by video conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).*

**Present:**

Ralph Arment, Chairperson  
Gloria McDonald, Vice-Chairperson  
Harry Otto, Commissioner (via video)  
Don Abernathy, Commissioner  
Gregory Peck, Commissioner  
Jim Roberts, Alternate 2

**Not Present:** Brenda Hoyt-Stenovitch, Alternate 1

Also present: Sylvia Ordeman, Town Administrator, Ed Voss, Town Attorney (via video), Barry Hudson, Town Planner (via video)

There constituting a quorum, the following business took place:

**A. CALL TO ORDER**

Chairperson Arment called the meeting to order at 8:48 p.m.

**B. CLOSED/OPEN SESSION**

The Planning and Zoning Commission convened into a closed meeting at 8:49 p.m. pursuant to Texas Government Code Chapter 551, Section 551.071 and reconvened into open session at 9:19 p.m. to discuss matters relating to consultation with Town Attorney as follows:

- a. Consultation with Town Attorney regarding legal issues concerning a Variance for Woodbine Estates 1999 Trust No. 1, and related matters  
**No action taken**
- b. Consultation with Town Attorney regarding legal issues concerning a Change in Zoning Designation, Conditional Use Permit, and Site Plan for Hemphill, LLC, and related matters.  
**No action taken**

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

Chairperson Arment led the Pledge of Allegiance.

**D. PUBLIC PARTICIPATION**

There was none.

**E. APPROVAL OF MINUTES:** Discuss and consider approval of the August 5, 2020 regular meeting minutes.

Commissioner Abernathy moved to approve the meeting minutes. Commissioner Peck seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Arment, McDonald, Otto, Abernathy, Peck  
**NAYS:** None  
**VOTE:** 5/0

**F. REGULAR ITEMS**

1. Discuss and consider recommendations to the Town Council regarding a waiver from Chapter 10, Subdivision Regulations, Exhibit A, Development Ordinance, Chapter III, Subdivision Design Standards, Section 3.5, Lots, Subsection b, to allow for the maintenance of a flag lot on an irregularly-shaped tract of land being described as Tract 19D in the M. Tucker Survey Abstract No. 1255, an unrecorded plat, Town of Bartonville, Denton County, Texas. The property to be considered for the waiver is a 11.34-acre tract of land located on Seals Road in Bartonville, Texas. *The Planning and Zoning Commission moved to postpone this item by a vote of 5 to 0 at its July 1, 2020, meeting.*

Chairperson Arment opened the public hearing at 9:23 p.m.

No one spoke in favor nor opposition.

Chairperson Arment closed the public hearing at 9:23 p.m.

Vice-Chairperon McDonald moved to deny the waiver in light of the fact that the Board of Adjustment did not grant the variance. Commissioner Peck seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Arment, McDonald, Otto, Abernathy, Peck  
**NAYS:** None  
**VOTE:** 5/0

2. Continue public hearing to 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 Kincade Lot 2R, Block A, approximately 10.09 acres, from Agriculture District (AG) to Public/Semi-Public (P/SP). The tract of land is located at 2200 E. Jeter Road, Bartonville, Texas. ***The Planning and Zoning Commission moved to postpone this item by a vote of 5 to 0 at its August 5, 2020, meeting.***

The applicant, Ralph Wyngarden of Hemphill, LLC, noted that in the preceding Board of Adjust meeting the request for a variance on the residential setback was postponed to the November 4, 2020 Board of Adjustment meeting to allow time to investigate alternate locations that could involve movement of the septic sprinkler system currently in place at 2200 E. Jeter Rd. He requested that Items 2, 3, and 4 of this agenda also be postponed to the November 4, 2020 P&Z meeting.

Commissioner Peck made a motion to postpone Item 2 to the November 4, 2020 meeting. Commissioner Abernathy seconded the motion.

#### **VOTE ON THE MOTION**

**AYES:** Arment, McDonald, Otto, Abernathy, Peck  
**NAYS:** None  
**VOTE:** 5/0

3. Continue public hearing to 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, by amending, Chapter 5, Article 5.2 Uses Permitted, for the Town of Bartonville, by granting a Conditional Use Permit to allow for a 130’ Monopole Tower with 9’ lightning rod with associated equipment within a 65’ x 65’ fenced and evergreen-screened compound located at 2200 E. Jeter Road, Bartonville, Texas. The property to be considered for the Conditional Use Permit is the same property for which the zoning change from Agriculture (AG) to Public/Semi-Public (P/SP) is being requested. ***The Planning and Zoning Commission moved to postpone this item by a vote of 5 to 0 at its August 5, 2020, meeting.***

Commissioner Abernathy made a motion to postpone Item 3 to the November 4, 2020 meeting. Commissioner Peck seconded the motion.

#### **VOTE ON THE MOTION**

**AYES:** Arment, McDonald, Otto, Abernathy, Peck  
**NAYS:** None  
**VOTE:** 5/0

4. Public hearing to hear public comment and consider recommendations to the Town Council regarding a Site Plan for Hemphill, LLC being all of a tract of land being described as Kincade Lot 2R, Block A, Town of Bartonville, Denton County, Texas. The property is generally described as a 10.09-acre tract of land located on the south side of East Jeter Road, more commonly known as 2200 E. Jeter Road, Bartonville, Texas. ***The applicant has requested this item be postponed to the September 2, 2020, meeting.***

Vice-Chairperson McDonald made a motion to postpone Item 4 to the November 4, 2020 meeting. Commissioner Otto seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Arment, McDonald, Otto, Abernathy, Peck  
**NAYS:** None  
**VOTE:** 5/0

5. 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 Westend Development Lot 3(PT), approximately 12 acres, from Agriculture District (AG) to Residential Estates 5 (RE-5). The tracts of land are located at 408 Country Court, Bartonville, Texas.

Staff presented that the applicant, Penny Meador, is requesting to change the zoning from AG to RE-5 because the applicant intends to sell 5 acres of the property, leaving the property at less than the required 10 acres to be considered AG. The requested zone change is in line with the land use plan.

Chairperson Arment opened the public hearing at 9:30 p.m.

No one spoke in favor nor opposition.

Staff and the applicant clarified the location of the 5 acres to be sold. The applicant stated she is in the process of re-platting the land.

Chairperson Arment closed the public hearing at 9:37 p.m.

Chairperson Abernathy made a motion to recommend approval to the Town Council 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 Westend Development Lot 3(PT), approximately 12 acres, from Agriculture District (AG) to Residential Estates 5 (RE-5). Commissioner Peck seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Arment, McDonald, Otto, Abernathy, Peck

**NAYS:**       None  
**VOTE:**       5/0

**F. ADJOURNMENT**

There being no further business to come before the board, Chairperson Arment declared the meeting adjourned at 9:39 p.m.

**APPROVED this the 7<sup>th</sup> day of October 2020.**

Approved:

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Ralph Arment, Chairperson

Attest:

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Sylvia Ordeman, Town Administrator

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## Planning and Zoning Commission Meeting

### Item # 1

**DATE:** October 7, 2020

**FROM:** Sylvia Ordeman, Town Administrator

**ITEM:** Discuss and consider recommendations to the Town Council regarding a waiver from Chapter 10, Subdivision Regulations, Exhibit A, Development Ordinance, Chapter III, Subdivision Design Standards, Section 3.5, Lots, Subsection b, to allow for the creation of a flag lot on an irregularly-shaped tract of land . The property is a 105.82-acre tract of land being described as Lot 2, Block A, Robert Evans Ranch Addition, Town of Bartonville, Denton County, Texas located on the south side of West Jeter Road. The property is generally located at 1047 W. Jeter Road.

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#### **Summary:**

The Town has received a waiver request from the Town's Subdivision Ordinance from the owners of Lot 2, Block A, Robert Evans Ranch Addition to create a 105.82-acre flag lot.

The owners are seeking to plat 145.749 acres into two lots, Lot 1, Block A and Lot 2, Block A. The flag lot configuration would be for Lot 2, Block A.

The proposed lot meets the required street frontage then narrows to 100 feet wide.

The tracts are currently zoned Agriculture District (AG).

The tracts are on the Town's Land Use Plan as Residential Estates 5 (RE-5).

Per Chapter 10, Subdivision Regulations, Exhibit A, Development Ordinance, Chapter 1, General Provisions, Section 1.16, Definitions, a Flag Lot is defined as:

*bbb. Flag lot means a residential lot having less than the required street frontage and the buildable area or front building line is located behind an adjacent lot fronting the same street, with access to said buildable area being provided by the strip of land having a width of less than the required street frontage.*

Per Chapter 10, Subdivision Regulations, Exhibit A, Development Ordinance, Chapter I, General Provisions, Section 1.11, Waiver/Suspensions:

*a. General. Where the Town Council finds that unreasonable hardships or difficulties may result from strict compliance with a certain provision(s) of the Development Ordinance, and/or where the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve a waiver/suspension from portions of these regulations so that substantial justice may be done and the public interest is secured, provided that the waiver/suspension shall not*

*have the effect of nullifying the intent and purpose of these regulations, and further provided that the Town Council shall not approve a waiver/suspension unless it shall make findings based upon the evidence presented to it in each specific case that:*

- 1. Granting the waiver/suspension will not be detrimental to the public safety, health or welfare, and will not be injurious to other property;*
- 2. The conditions upon which the request for a waiver/suspension is based are unique to the property for which the waiver/suspension is sought, and are not applicable generally to other property;*
- 3. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;*
- 4. The waiver/suspension will not in any manner vary the provisions of the Zoning Ordinance or Comprehensive Plan, Future Land Use Plan, Thoroughfare Plan, and other adopted plans, except that those documents may be amended in the manner prescribed by law;*
- 5. An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein.*

**ATTACHMENTS:**

- Development Application
- Waiver Request
- Proposed Plat
- Location Map



# TOWN OF BARTONVILLE DEVELOPMENT APPLICATION

Application Type (check all applicable):

- Sketch Plat                       Land Study                       Preliminary                       Final MINOR  
 Development                       Replat                       Amending Plat

Current Legal Description: 145.749 ACRES IN THE FELTUS SY. A-1595

Proposed Subdivision Name: LOT 1 & LOT 2, BLOCK A, ROBERT EVANS RANCH ADDITION       In Town Limits       In ETJ

Current Zoning: AG      Concurrent Zoning Change Req.?       Yes (zoning change request attached)       No

Proposed Zoning (if applicable): \_\_\_\_\_ No. Proposed Lots: 2      Total Acres: 145.749 AC.

Seeking Waiver/Suspension:  Yes <sup>Per 9/30/2020</sup>      If yes, please submit required information pursuant to Sec. 1.11 of Ordinance No. 336-03

Owner: Robert Louis Evans Charitable Remainder Trust & Robert & Louis Evans      Phone: 214-528-4663

Address: 480 E. JETER RD., Bartonville, Tx.      Fax: \_\_\_\_\_

Applicant: Marc DeBenaro / Coleman & Assoc. Land Surveying      Phone: 940-565-8215

Address: 702 S. Locust St. Denton, TX 76201      Fax: 940-565-9000

**Please Note: If applicant is different from current owner a notarized statement, authorizing the applicant to act as owner's agent, must accompany this application along with submittal fees in accordance with the Town's adopted Fee Schedule.**

I understand that it is unlawful for any person to knowingly or willfully misrepresent, or fail to include, any information required by the Development Ordinance on this application. I further understand that misrepresentation, or deliberate omission, of facts pertaining to the land study or plat shall constitute grounds for denial of the land study or plat.

Marc DeBenaro      08-28-20  
 Applicant Signature      Date

Office Use Only:	Fee Pd: <u>✓ 450<sup>00</sup></u>	Check # <u>450</u>	Date: <u>8/27/20</u>
Schedule:	DRC: <u>N/A</u>	P&Z: _____	TC: _____
Zoning Change? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	From _____ to _____	Publish Date: _____	Hearing Date: _____
<input type="checkbox"/> Street Construction	<input type="checkbox"/> Public Improvements	<input type="checkbox"/> Easements	<input type="checkbox"/> Simultaneous Submit
Hearing Req? <input type="checkbox"/> Y <input type="checkbox"/> N	Tax Certificate? <input type="checkbox"/> Y <input type="checkbox"/> N		
Disbursement: <input type="checkbox"/> Gas Co.	<input checked="" type="checkbox"/> Town Engineer/Planner <u>Bang</u>	<input type="checkbox"/> Town Attorney	<input type="checkbox"/> DRC Members
<input type="checkbox"/> Elec Co.	<input type="checkbox"/> Cable Co.	<input type="checkbox"/> Fire Chief	<input type="checkbox"/> Water Supply

Notary form attached



# NOTARY FORM

## Town of Bartonville

THE FOLLOWING IS TO BE COMPLETED ONLY IF A PERSON OTHER THAN THE OWNER IS MAKING THIS APPLICATION.

Dated: 8.28.2020

Re: Minor Replat

I, Robert Evans, owner of the Property located at

1101, 1121, 1047 W. Jeter do hereby certify that I have given my

permission to:

Marc De Gengro / Coleman Assoc. & Assoc Land Survey

to make this (check one):

- Variance
- Site Plan
- Other: Minor Replat
- Conditional Use Permit
- Development Plat
- Waiver
- Zoning Change

Application for Robert Evans  
(applicant)

Robert Evans

[Signature]

Print Name

Signature of Owner

408 E. Jeter

Address

Phone No.

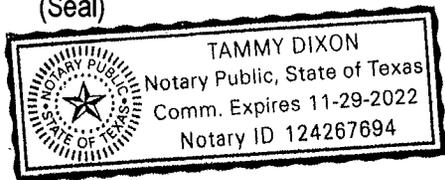
8/28/2020

Date

State of Texas §  
County of Denton §

Before me, Tammy Dixon, a Notary Public in and for said County and State, on this day personally appeared Robert Evans known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

(Seal)



Tammy Dixon  
Notary



## Coleman & Assoc. Land Surveying

P. O. Box 686  
Denton, Texas 76202  
Phone (940)565-8215 Fax (940)565-9800  
REGISTRATION #10095100

Tammy Dixon, TRMC, CMC  
Town Secretary  
Town of Bartonville  
1941 East Jeter Road, Bartonville, Texas 76226

RE: Waiver request for “flag lot” for Lot 2, Robert Evans Ranch Addition

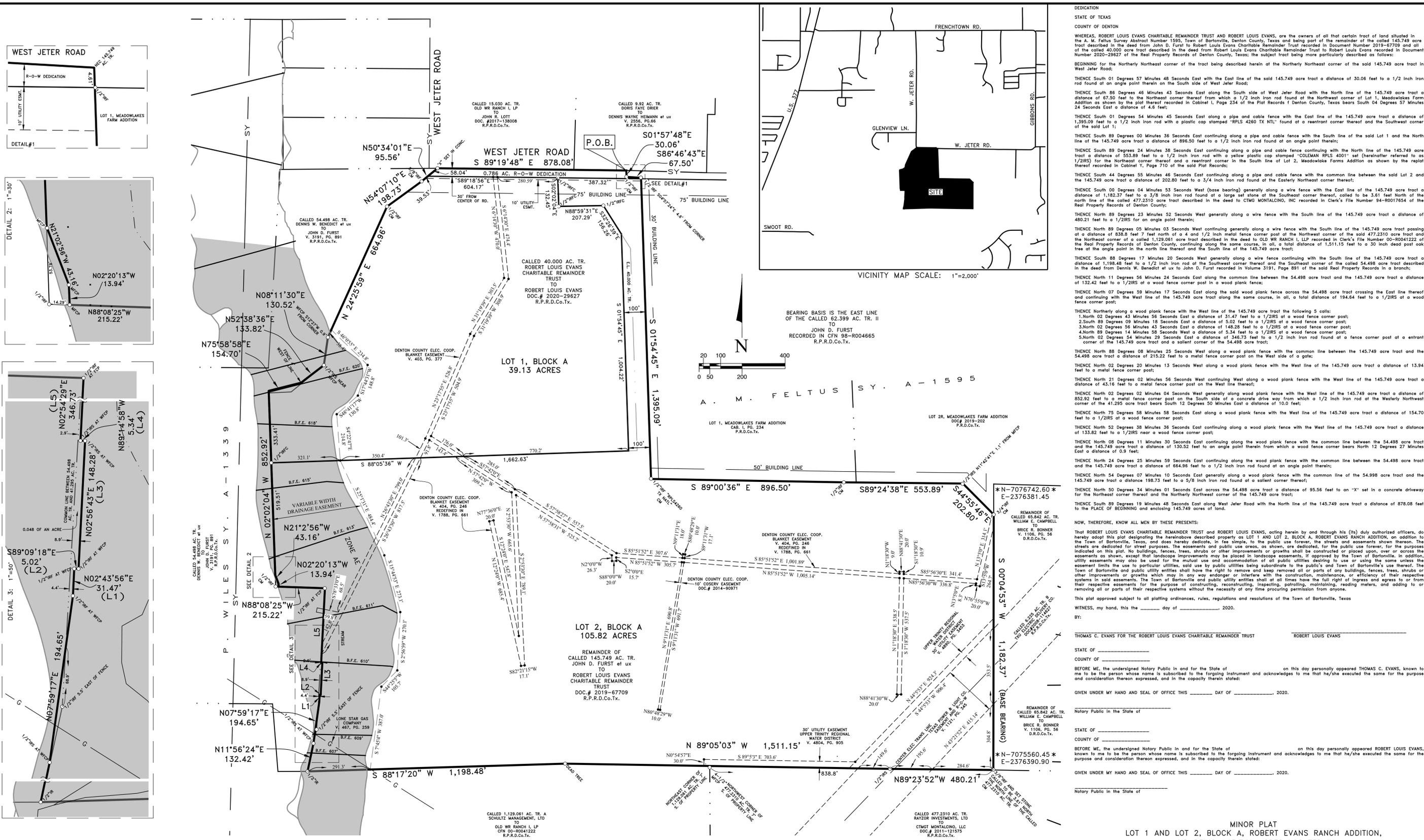
Please accept this letter as a formal request for waiver from Chapter 10 of the Subdivision Regulations, Exhibit A, Development Ordinance, Chapter III, Subdivision Design Standards, Section 3.5, Lots, Subsection B to allow for the maintenance of a flag lot on an irregularly shaped tract of land being the proposed Lot 2 on the said plat of Robert Evans Ranch Addition as submitted to the Town of Bartonville. A waiver should be granted based on the following criteria:

1. Granting a waiver will not be detrimental to the public safety, health or welfare and will not be injurious to other properties. The proposed Lot 2 configuration does not affect the adjoining properties in any way.
2. This waiver is unique to this property. The configuration of the proposed Lot 2 was created to continue the use of the long-standing access road to the Southern portion of the property and to allow Lot 1 to have sufficient building space for the proposed residence. Shifting the dividing lot line between Lots 1 and 2 to eliminate the “flag lot” would result in the interference of the proposed building pad for Lot 1.
3. The proposed building pad for Lot 1 sits near a previous building location on top of a hill. Shifting the dividing line between Lots 1 and 2 would cut into the hill rendering this as unusable area for Lot 2 and decreasing the buildable are for Lot 1.
4. This waiver will not vary the provisions of the Zoning Ordinance, Comprehensive Plan, Future Land Use Plan Thoroughfare Plan or other plans.
5. The “flag lot” will still achieve the same results or intent as the standards and regulations required.

This addresses all comments to date. Any questions or comments concerning this document should be directed to the undersigned.

Sincerely,

Marc G. DeGenaro, Project Manager  
Coleman & Assoc. Land Surveying



**LEGEND**

( )	DEED CALLS
CM	CONTROLLING MONUMENT
FCP	FENCE CORNER POST
IFP	IRON PIPE FOUND
IRF	IRON ROD FOUND
IRFC	IRON ROD FOUND WITH CAP
IRFSC	1/2 INCH IRON ROD SET WITH YELLOW PLASTIC CAP STAMPED "COLEMAN RPLS 4001"
MFCP	METAL FENCE CORNER POST
---	BOUNDARY LINE
- - - -	PROPOSED EASEMENT
---	EXISTING EASEMENT
---	PROPERTY LINE
---	SURVEY LINE

OWNER: ROBERT LOUIS EVANS CHARITABLE REMAINDER TRUST  
48Y E. JETER RD.  
BARTONVILLE, TEXAS

- NOTES:**
- AT THE TIME OF THIS PLAT, NO GAS, PETROLEUM OR SIMILAR PIPELINES OR EASEMENTS WERE VISIBLE, EXCEPT AS SHOWN HEREON.
  - THE PURPOSE OF THIS MINOR PLAT IS TO SATISFY TOWN OF BARTONVILLE SUBDIVISION ORDINANCE REQUIREMENTS TO ACQUIRE A BUILDING PERMIT FOR A RESIDENTIAL STRUCTURE.
  - SELLING A PORTION OF A PLATTED LOT BY METES & BOUNDS DESCRIPTION IS PROHIBITED.
  - MINIMUM FINISHED FLOOR ELEVATIONS WILL BE DETERMINED AT BUILDING PERMIT.
  - \* STATE PLANE COORDINATES\* SHOWN BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202) ESTABLISHED BY GPS TIES TO GEODETIC CONTROL REFERENCE FRAME: NAD83 (2011) EPOCH 2010, AND DO NOT MATCH BEARINGS SHOW HEREON.
  - FLOOD STATEMENT: I HAVE EXAMINED THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE TOWN OF BARTONVILLE, COUNTY OF DENTON, TEXAS, COMMUNITY NO. 481501 EFFECTIVE DAY OF APRIL 18, 2011 AND THAT MAP INDICATES THAT ALL OF THIS PROPERTY IS WITHIN ZONE AE, BASE FLOOD ELEVATIONS DETERMINED, AS SHOWN ON PANEL 0510G OF THE SAID MAP. IF THIS SITE IS NOT WITHIN AN IDENTIFIED SPECIAL FLOOD HAZARD AREA, THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

Approved by the Town of Bartonville for filing at the office of the County Clerk of Denton County, Texas.

APPROVED BY:  
Planning and Zoning Commission  
Town of Bartonville, Texas

Signature of Chairman \_\_\_\_\_  
Date: \_\_\_\_\_

Signature of Mayor \_\_\_\_\_  
Date: \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

KNOW ALL MEN BY THESE PRESENTS:

THAT I, WILLIAM M. COLEMAN, Registered Professional Land Surveyor, do hereby state that this plat was prepared from an actual survey of the land described hereon, and that all corner monuments and shown hereon were found or placed under my personal supervision in accordance with the ordinances of the Town of Bartonville, Texas.

NOTE: THIS SURVEY IS NULL AND VOID UNLESS IT BEARS AN ORIGINAL IMPRESSION SEAL AND A RED INK SIGNATURE.

**Preliminary. This document SHALL NOT BE RECORDED FOR ANY PURPOSE and shall not be used or viewed or relied upon as a final survey document.**

Wm. M. Coleman, R.P.L.S. 4001

DEDICATION  
STATE OF TEXAS  
COUNTY OF DENTON

WHEREAS, ROBERT LOUIS EVANS CHARITABLE REMAINDER TRUST AND ROBERT LOUIS EVANS, are the owners of all that certain tract of land situated in the A. M. FELTUS SURVEY ABSTRACT NUMBER 1595, TOWN OF BARTONVILLE, DENTON COUNTY, TEXAS and being part of the remainder of the called 145,749 acre tract described in the deed from John D. Furst to Robert Louis Evans Charitable Remainder Trust recorded in Document Number 2019-67709 and all of the called 40,000 acre tract described in the deed from Robert Louis Evans Charitable Remainder Trust to Robert Louis Evans recorded in Document Number 2020-29827 of the Real Property Records of Denton County, Texas; the subject tract being more particularly described as follows:

BEGINNING for the Northern Northeast corner of the tract being described herein at the Northern Northeast corner of the said 145,749 acre tract in West Jeter Road;

THENCE South 01 Degree 57 Minutes 48 Seconds East with the East line of the said 145,749 acre tract a distance of 30.06 feet to a 1/2 inch iron rod found at an angle point therein;

THENCE South 86 Degrees 46 Minutes 43 Seconds East along the South side of West Jeter Road with the North line of the 145,749 acre tract a distance of 67.50 feet to the Northeast corner thereof from which a 1/2 inch iron rod found at the Northwest corner of Lot 1, Meadowlakes Farm Addition as shown by the plat thereof recorded in Cabinet I, Page 234 of the Plat Records 1 found of Denton County, Texas bears South 04 Degrees 57 Minutes 24 Seconds East a distance of 4.6 feet;

THENCE South 01 Degree 54 Minutes 45 Seconds East along a pipe and cable fence with the East line of the 145,749 acre tract a distance of 1,395.09 feet to a 1/2 inch iron rod with a plastic cap stamped "RPLS 4260 TX NTL" found at a reentrant corner thereof and the Southwest corner of the said Lot 1;

THENCE South 89 Degrees 00 Minutes 36 Seconds East continuing along a pipe and cable fence with the South line of the said Lot 1 and the North line of the 145,749 acre tract a distance of 896.50 feet to a 1/2 inch iron rod found at an angle point therein;

THENCE South 89 Degrees 24 Minutes 38 Seconds East continuing along a pipe and cable fence with the North line of the 145,749 acre tract a distance of 553.89 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "COLEMAN RPLS 4001" set (hereinafter referred to as 1/2IRS) for the Northeast corner thereof and a reentrant corner in the South line of Lot 2, Meadowlakes Farm Addition as shown by the replat thereof recorded in Cabinet Y, Page 710 of the said Plat Records;

THENCE South 44 Degrees 55 Minutes 46 Seconds East continuing along a pipe and cable fence with the common line between the said Lot 2 and the 145,749 acre tract a distance of 202.80 feet to a 3/4 inch iron rod found at the Eastern Northeast corner thereof;

THENCE South 00 Degrees 04 Minutes 53 Seconds West (base bearing) generally along a wire fence with the East line of the 145,749 acre tract a distance of 1,182.37 feet to a 3/8 inch iron rod found at a large set stone of the Southeast corner thereof, called to be 3.61 feet North of the north line of the called 477,2310 acre tract described in the deed to CTMG MONTALCINO, INC recorded in Clerk's File Number 90-00041222 of the Real Property Records of Denton County, Texas; continuing along the same course, in all, a total distance of 1,511.15 feet to a 30 inch deep post oak tree of the angle point in the north line thereof and the South line of the 145,749 acre tract;

THENCE North 89 Degrees 23 Minutes 52 Seconds West generally along a wire fence with the South line of the 145,749 acre tract a distance of 480.21 feet to a 1/2IRS for an angle point therein;

THENCE North 89 Degrees 05 Minutes 03 Seconds West continuing generally along a wire fence with the South line of the 145,749 acre tract passing a distance of 838.8 feet 7 feet north of a 4 and 1/2 inch metal fence corner post at the Northwest corner of the said 477,2310 acre tract and the Northeast corner of a called 1,128,061 acre tract described in the deed to OLD WR RANCH I, LLP recorded in Clerk's File Number 90-00041222 of the Real Property Records of Denton County, Texas; continuing along the same course, in all, a total distance of 1,511.15 feet to a 30 inch deep post oak tree of the angle point in the north line thereof and the South line of the 145,749 acre tract;

THENCE South 88 Degrees 17 Minutes 20 Seconds West generally along a wire fence continuing with the South line of the 145,749 acre tract a distance of 1,188.8 feet to a 1/2 inch iron rod at the Southwest corner thereof and the Southwest corner of the called 54,498 acre tract described in the deed from Dennis W. Benedict et ux to John D. Furst recorded in Volume 3191, Page 891 of the said Real Property Records in a branch;

THENCE North 11 Degrees 56 Minutes 24 Seconds East along the common line between the 54,498 acre tract and the 145,749 acre tract a distance of 132.42 feet to a 1/2IRS of a wood fence corner post in a wood plank fence;

THENCE North 07 Degrees 59 Minutes 17 Seconds East along the solid wood plank fence across the 54,498 acre tract crossing the East line thereof and continuing with the West line of the 145,749 acre tract along the same course, in all, a total distance of 194.64 feet to a 1/2IRS of a wood fence corner post;

THENCE North 02 Degrees 20 Minutes 13 Seconds West along a wood plank fence with the West line of the 145,749 acre tract a distance of 13.94 feet to a metal fence corner post;

THENCE North 21 Degrees 02 Minutes 56 Seconds West continuing West along a wood plank fence with the West line of the 145,749 acre tract a distance of 45.16 feet to a metal fence corner post on the West line thereof;

THENCE North 02 Degrees 02 Minutes 04 Seconds West generally along wood plank fence with the West line of the 145,749 acre tract a distance of 852.92 feet to a metal fence corner post on the South side of a concrete drive way from which a 1/2 inch iron rod of the Western Northwest corner of the 41,295 acre tract bears South 12 Degrees 50 Minutes East a distance of 10.0 feet;

THENCE North 75 Degrees 58 Minutes 58 Seconds East along a wood plank fence with the West line of the 145,749 acre tract a distance of 154.70 feet to a 1/2IRS of a wood fence corner post;

THENCE North 52 Degrees 38 Minutes 36 Seconds East continuing along a wood plank fence with the West line of the 145,749 acre tract a distance of 133.82 feet to a 1/2IRS near a wood fence corner post;

THENCE North 08 Degrees 11 Minutes 30 Seconds East continuing along the wood plank fence with the common line between the 54,498 acre tract and the 145,749 acre tract a distance of 130.52 feet to an angle point therein from which a wood fence corner bears North 12 Degrees 27 Minutes East a distance of 0.9 feet;

THENCE North 24 Degrees 25 Minutes 59 Seconds East continuing along the wood plank fence with the common line between the 54,498 acre tract and the 145,749 acre tract a distance of 664.96 feet to a 1/2 inch iron rod found at an angle point therein;

THENCE North 54 Degrees 07 Minutes 10 Seconds East generally along a wood plank fence with the common line of the 54,998 acre tract and the 145,749 acre tract a distance of 182.73 feet to a 5/8 inch iron rod found at a salient corner thereof;

THENCE North 50 Degrees 34 Minutes 01 Seconds East across the 54,498 acre tract a distance of 95.56 feet to an "X" set in a concrete driveway for the Northeast corner thereof and the Northern Northwest corner of the 145,749 acre tract;

THENCE South 89 Degrees 19 Minutes 48 Seconds East along West Jeter Road with the North line of the 145,749 acre tract a distance of 878.08 feet to the PLACE OF BEGINNING and enclosing 145,749 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT ROBERT LOUIS EVANS CHARITABLE REMAINDER TRUST AND ROBERT LOUIS EVANS, acting herein by and through his (its) duly authorized officers, do hereby designate the hereinbefore described property as LOT 1 AND LOT 2, BLOCK A, ROBERT EVANS RANCH ADDITION, an addition to the Town of Bartonville, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and easements shown thereon. The streets are dedicated for street purposes. The easements and public use, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the Town of Bartonville, or in addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and Town of Bartonville's use thereof. The Town of Bartonville and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The Town of Bartonville and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, inspecting, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any time proceeding permission from anyone.

This plat approved subject to all planning ordinances, rules, regulations and resolutions of the Town of Bartonville, Texas.

WITNESS, my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

BY:

THOMAS C. EVANS FOR THE ROBERT LOUIS EVANS CHARITABLE REMAINDER TRUST \_\_\_\_\_ ROBERT LOUIS EVANS

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned Notary Public in and for the State of \_\_\_\_\_ on this day personally appeared THOMAS C. EVANS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledges to me that he/she executed the same for the purpose and consideration thereon expressed, and in the capacity therein stated:

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

Notary Public in the State of \_\_\_\_\_  
WILLIAM E. CAMPBELL  
BRICE R. BONNER  
V. 1106, PG. 56  
D.R.D.CO.TX.

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned Notary Public in and for the State of \_\_\_\_\_ on this day personally appeared ROBERT LOUIS EVANS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledges to me that he/she executed the same for the purpose and consideration thereon expressed, and in the capacity therein stated:

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

Notary Public in the State of \_\_\_\_\_

MINOR PLAT  
LOT 1 AND LOT 2, BLOCK A, ROBERT EVANS RANCH ADDITION,  
AND BEING 145,749 ACRES LOCATED IN  
THE A. M. FELTUS SY. A-1595  
TOWN OF BARTONVILLE,  
DENTON COUNTY TEXAS

DATE: 08-18-20  
REVISIONS: 09-08-20/comments

MINOR PLAT  
ROBERT EVANS  
CLIENT

LOT 1 AND LOT 2, BLOCK A, ROBERT EVANS RANCH ADDITION  
BEING 145,749 ACRES IN THE A.M. FELTUS SY. A-1595  
TOWN OF BARTONVILLE  
DENTON COUNTY, TEXAS

JOB NUMBER 19-2245  
DRAWN: MGD  
CHECKED: WMC  
SCALE 1" = 200'  
ORIGINAL PAPER SIZE = 24"x36"

01 OF 01

Coleman & Assoc.  
Land Surveying  
P.O. BOX 086 - DENTON, TEXAS 76202  
PH: 817-381-9900  
FAX: 817-381-9901  
REGISTRATION # 108910  
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# LOCATION MAP

