

THE BARTONVILLE PLANNING AND ZONING COMMISSION MEETING HELD ON THE 7th DAY OF FEBRUARY, 2018, 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
Gloria McDonald, Vice-Chairman
Don Abernathy, Commissioner
Gregory Peck, Commissioner
Brenda Hoyt-Stenovitch, Alternate 1

With the following members absent:

Harry Otto, Commissioner

Also present:

Michael Montgomery, Town Administrator

There constituting a quorum, the following business took place:

A. CALL TO ORDER

Chairmen Arment called the meeting to order at 7:00 p.m.

B. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Chairman Arment led the pledge of allegiance.

C. CITIZENS PARTICIPATION

No citizen participation.

D. APPROVAL OF MINUTES

1. Discuss and consider approval of the January 3, 2018, meeting minutes.

Commissioner Abernathy moved to approve the January 3, 2018, minutes. Commissioner Hoyt-Stenovitch seconded the motion.

VOTE ON THE MOTION

AYES: Abernathy, Arment, Hoyt-Stenovitch, Peck
NAYS: McDonald

VOTE: 4/1

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, Zoning regulations, by amending, Chapter 11, Article 11.2 Uses Permitted, for the Town of Bartonville, by granting a Conditional Use Permit to allow for the operation of a Restaurant and Retail Store located at 96 McMakin Road, Bartonville Texas. The property to be considered for the Conditional Use Permit is zoned Rural Business (RB) with Restaurant and Retail Store as a permitted use by Conditional Use Permit only.

Chairman Arment opened the public hearing at 7:05 p.m.

Tim House, the applicant, discussed that he met with several residents and decided to reapply for the conditional use permit.

No citizens spoke in favor or in opposition on the conditional use permit.

Chairman Arment closed the public hearing at 7:13 p.m.

Mr. Montgomery stated nine additional conditions for the Commission to consider.

Commissioner Peck moved to recommend to the Town Council approval of granting a Conditional Use Permit to allow for the operation of a Restaurant and Retail Store located at 96 McMakin, Bartonville, Texas, and recommend approval of the following exterior improvements and additions proposed by the applicant because they do not cause an improper expansion of a nonconforming use on this property:

- 1) Removal of the existing gas service island and canopy.
- 2) Repair the existing front sidewalk canopy, which extends six feet (6') from the east side of the building, and further extend same to a total depth not to exceed twelve feet (12').
- 3) Add rear (west) covered patio area of approximately forty feet (40') x twenty-four feet (24').
- 4) Adjust existing limits of parking area as may be needed to allow for new on-site septic system.
- 5) Allow food trucks, including a snow cone stand, to provide food service to customers in the restaurant and on site. A food truck will not stay on the premise any longer than 14 days at a time.
- 6) Outside music or other sound shall not exceed sixty (60) decibels measured at the property line, and if this condition is violated, the Town will cause the violation to come into immediate compliance. Additionally, should the Town receive complaints of excessive noise, as verified by the Town Administrator or his designee, the property shall cease all outdoor noise. Should the Town receive more than two complaints in a single

- calendar month, the property shall be prohibited from having outside music the rest of that calendar month plus the following calendar month.
- 7) Hours of operation shall be from 6:00 a.m. to 12:00 midnight. No outside business operations or outside activities shall occur after 10:00 p.m. on Friday and Saturday. No outside business operations or outside activities shall occur after 9:00 p.m. on Sundays through Thursdays.
- 8) All food cooking operations and preparation shall be enclosed and inside the building, unless conducted with equipment approved by the Town Council that is non-offensive to the neighboring properties. All odors, smells and cooking emissions shall comply with state law air quality standards and will be enforced in accordance with state law by the Texas Commission on Environmental Quality and/or the Town.
- 9) The Town Council shall review and approve improvements to the building elevations and building layout to ensure compliance with conditions set forth within the approved Conditional Use Permit.

Commissioner Abernathy seconded the motion.

VOTE ON THE MOTION

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

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, Zoning regulations, by amending, Chapter 4, Zoning Districts, Section 4.9 Area Standards for Nonresidential Districts, Chart 4.4 by amending the Village Center (VC) Side Yard Setbacks and Rear Yard Setbacks; and Section 4.10 Nonresidential Development Standards, Chart 4.5 by amending the Village Center (VC) Minimum Lot Width and Minimum Lot Depth; and by Amending Chapter 12, Village Center District (VC), Section 12.3 Development and Performance Standards, Chart 12.1 by amending the side yard setback; and by amending Sections (B) 4., Minimum Lot Width and (B) 5. Minimum Lot Depth.

Chairman Arment opened the public hearing at 7:16 p.m.

Mr. Montgomery presented the proposed changes to the lot width, lot depth, side yard setbacks and rear yard setbacks within the Village Center zoning district.

No citizens spoke in favor or in opposition on the zoning change.

Chairman Arment closed the public hearing at 7:26 p.m.

Commissioner Peck moved to recommend to the Town Council approval of the stated changes within the zoning ordinance. Commissioner Abernathy seconded the motion.

VOTE ON THE MOTION

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


G. ADJOURN REGULAR MEETING

Chairman Arment adjourned the regular meeting at 7:28 p.m.

APPROVED this 11th day of April, 2018.




Approved:



Ralph Arment, Chairman

Attest:



Michael Montgomery, Town Administrator