



PLANNING AND ZONING COMMISSION MEETING AGENDA

September 06, 2023 at 7:00 PM

Town Hall - 1941 E. Jeter Road, Bartonville, TX 76226

A. CALL MEETING TO ORDER

B. PLEDGE OF ALLEGIANCE

C. PUBLIC 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 Public Participation portion of the meeting or when the item is considered by the Planning & Zoning Commission.

D. APPROVAL OF MINUTES

1. Discuss and consider the approval of the July 5, 2023 Regular Planning & Zoning Commission Meeting Minutes.
2. Discuss and consider the approval of the August 2, 2023 Regular Planning & Zoning Commission Meeting Minutes.

E. ACTION ITEMS

3. Discuss and consider approval of proposed amendments to the Town of Bartonville Fence Ordinance.
4. Discussion of proposed amendments to the Town of Bartonville Shot Clock Ordinance.

F. CONVENE INTO CLOSED SESSION

Pursuant to the Open Meetings Act, Chapter 551, the Planning and Zoning Commission will meet in a Closed Executive Session in accordance with the Texas Government Code.

5. Section 551.071 Consultation with Town Attorney to seek legal advice of its attorney regarding legal issues related to the regulation of Short Term Rentals and any and all legal issues related thereto.

G. RECONVENE INTO OPEN MEETING

The Planning and Zoning Commission to reconvene into an open meeting and consider action, if any, on items discussed in closed session.

H. FUTURE ITEMS

I. ADJOURNMENT

CERTIFICATION

I hereby certify that this Notice of Meeting was posted on the Town Website, and on the bulletin board, at Town Hall of the Town of Bartonville, Texas, a place convenient and readily accessible to the public at all times. Said Notice was posted on the following date and time; and remained posted continuously prior to the scheduled time of said meeting and shall remain posted until meeting is adjourned.

/s/ Shannon Montgomery, Town Secretary

Posted: Friday, September 1, 2023 prior to 5pm.

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.

Agenda Removed from Town of Bartonville Bulletin Board on: _____

By: _____, Title: _____



PLANNING AND ZONING COMMUNICATION

DATE September 6, 2023

FROM: Shannon Montgomery, Town Secretary

AGENDA ITEM: Discuss and consider the approval of the July 5, 2023 Regular Planning & Zoning Commission Meeting Minutes.

SUMMARY:

Minutes from the July 5, 2023 Regular Planning & Zoning Commission Meeting Minutes.

ATTACHMENTS:

- July 5, 2023 Regular Planning & Zoning Commission Meeting Minutes.

THE BARTONVILLE PLANNING & ZONING COMMISSION REGULAR MEETING HELD ON THE 5TH DAY OF JULY 2023, AT 1941 E. JETER ROAD, BARTONVILLE, TEXAS 7:00 P.M.

Commissioners Present

- Gloria McDonald – Chair
- Brenda Hoyt-Stenovitch – Commissioner
- Don Abernathy – Commissioner
- Larry Hayes – Alternate 1
- Pat Adams – Alternate 2

Commissioners Absent

- Ralph Arment – Vice Chair

Staff Present:

- Thad Chambers, Town Administrator
- Shannon Montgomery, Town Secretary
- Ed Voss, Town Attorney

A. CALL MEETING TO ORDER

Chair McDonald called the meeting to order at 7:01pm.

B. PLEDGE OF ALLEGIANCE

Chair McDonald led the Pledge of Allegiance.

C. PUBLIC 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 Public Participation portion of the meeting or when the item is considered by the Planning & Zoning Commission.

There was no public participation.

D. APPROVAL OF MINUTES

- 1. Discuss and consider the approval of the June 7, 2023, Planning & Zoning Commission meeting minutes.**

Motion made by Commissioner Hoyt-Stenovitch, seconded by Commissioner Abernathy, to approve the June 7, 2023, meeting minutes as presented.

VOTE ON THE MOTION

- AYES: McDonald, Hoyt-Stenovitch, Abernathy, Hayes, and Adams
- NAYS: None
- VOTE: 5/0

E. PUBLIC HEARINGS

2. Public hearing to receive public comment and consider recommendations to the Town Council regarding amendments to the 2043 Town of Bartonville Comprehensive Plan.

Town Administrator Chambers stated that the draft Plan in the packet consisted of the Commission’s work for the last six months with all proposed edits included. Chambers highlighted the last revisions and addressed questions from the Commissioners.

Commissioner Abernathy requested the definition of *Rural Services* and uses be included in the Plan.

Chair McDonald opened the Public Hearing at 7:13pm; recognized no one wished to speak and closed the Public Hearing at 7:13pm.

Motion made by Commissioner Abernathy, seconded by Commissioner Hoyt-Stenovitch, to recommend approval of the amendments to the 2043 Town of Bartonville Comprehensive Plan with the inclusion of the Rural Services definition and uses.

VOTE ON THE MOTION

AYES: McDonald, Hoyt-Stenovitch, Abernathy, Hayes, and Adams

NAYS: None

VOTE: 5/0

3. Public hearing to receive public comment and consider an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit “A,” Ordinance 361-05, Zoning Ordinance, by amending Chapter 13, General Commercial District (GC), Article 13.2, Uses Permitted, by granting a Conditional Use Permit to authorize a drive through use on an approximately 2-acre site and approving an accompanying site plan. [Town File #CUP-2023-003 and SP-2023-001]

Town Administrator Chambers stated that this is a new Conditional Use Permit application with a change from 3750 sf to 3305 sf and reducing the number of parking spaces from 50 to 42, which exceeds the required number of spaces. Chambers stated that Staff is recommending approval with conditions to both the Conditional Use Permit and Site Plan and addressed questions from the Commissioners.

Chair McDonald opened the Public Hearing at 7:22pm; recognized no one wished to speak and closed the Public Hearing at 7:22pm.

Motion made by Commissioner Hoyt-Stenovitch, seconded by Commissioner Hayes to recommend approval of the Conditional Use Permit CUP-2023-003 and Site Plan SP-2023-001 with the following conditions:

CUP-23-003:

1. Security personnel shall be provided by the owner/ operator of the drive -through use business at no cost to the Town of Bartonville, as follows:
 - a) If the drive-through use business is open for business from 12:00 a.m. midnight up to and including 4:00 a.m. on a Saturday and/or Sunday, then a single peace officer shall be provided to be present on-site as security during the hours the business is open from 12:00 a.m. to 4:00 a.m.;

- b) The term "peace officer" as used herein means a person elected, appointed, or employed as a peace officer under Article 2.12, Texas Code of Criminal Procedure, or other law;
 - c) Each peace officer providing security shall be paid a standard hourly rate as agreed upon between the Chief of Police of the Bartonville Police Department and the owner/operator of the drive-through use business, with a two (2)-hour minimum payment required, and payment to each peace officer shall be made by the owner/operator of the drive-through use business at the beginning of the time the peace officer arrives on-site in sufficient monetary amount to pay said peace officer for the minimum payment amount required hereunder, or for the entire security time period, whichever is greater; and
 - d) The failure to comply with the above security personnel requirements, including the underpayment of a peace officer, will result in the closure of the drive-through use business until such time as the above security personnel requirements are satisfied.
2. The menu speakers at the drive-through locations on the property shall not exceed two feet (2') in height and shall be located on the eastern side of the building and positioned at the area of car location number 7 as shown on the inside drive-through lane indicated on the site plan, page C 7. 0, entitled "Site and Dimension Control Plan," and shall be pointed toward the golf course and landscaping berm on the adjacent property.
 3. The menu boards at the drive-through locations on the property shall not be pointed towards the direction of Blanco Drive, and shall be located on the eastern side of the building and positioned at the area of car location number 7 as shown on the inside drive-through lane indicated on the site plan, page C 7.0, entitled "Site and Dimension Control Plan," and shall be pointed toward the golf course and landscaping berm on the adjacent property.
 4. Trash receptacles shall be placed at each drive-through location and at each exit drive from the property and shall be added and designated on the approved site plan.
 5. No outdoor music is allowed to be broadcast on the property or from the property.

SP-2023-001:

1. All parking area lighting shall be installed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in BZO Chapter 28.

VOTE ON THE MOTION

AYES: McDonald, Hoyt-Stenovitch, Abernathy, Hayes, and Adams

NAYS: None

VOTE: 5/0

4. **Public hearing to receive public comment and consider an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Exhibit "A," Article 14.02, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, to change the zoning designation on two tracts of land, totaling one acre, situated in the Keith Survey, Abstract Number 1643A, Tract 4, and Newton Allsup Survey, Abstract 0003A, Tract 7, in the Town of Bartonville, Denton County, Texas, from Agricultural (AG) to Residential Estates 2 (RE-2). The tract of land is located on the south side of Frenchtown Road, approximately 330 feet east of its intersection with Dyer Road, in Bartonville, Texas. [Town File #ZC-2023-002]**

Town Administrator Chambers stated that this property is adjacent to the Fuller tract that was rezoned last year, this is a one-acre parcel that was not included in last year’s rezoning. This parcel is consistent with the adjacent property.

Applicant Missy Grau was present to address any questions.

Chair McDonald opened the Public Hearing at 7:25pm; recognized no one wished to speak and closed the Public Hearing at 7:26pm.

Motion made by Commissioner Abernathy, seconded by Commissioner Adams, to recommend approval of the proposed zoning designation from Agricultural (AG) to Residential Estates 2 (RE-2).

VOTE ON THE MOTION

AYES: McDonald, Hoyt-Stenovitch, Abernathy, Hayes, and Adams

NAYS: None

VOTE: 5/0

F. FUTURE ITEMS

Town Administrator Chambers and the Commissioners stated the following future agenda items:

- Submittal of Marty B’s Conditional Use Permit Application to allow for an Event Center.
- Replat of the Frenchtown Property
- Bed & Breakfast Definition and Short-term Rentals

G. ADJOURNMENT

Chair McDonald adjourned the meeting at 7:38 p.m.

APPROVED this the 6th day of September, 2023.

APPROVED:

Gloria McDonald, Chair

ATTEST:

Shannon Montgomery, TRMC, Town Secretary



PLANNING AND ZONING COMMUNICATION

DATE September 6, 2023

FROM: Shannon Montgomery, Town Secretary

AGENDA ITEM: Discuss and consider the approval of the August 2, 2023 Regular Planning & Zoning Commission Meeting Minutes.

SUMMARY:

Minutes from the August 2, 2023 Regular Planning & Zoning Commission Meeting Minutes.

ATTACHMENTS:

- August 2, 2023 Regular Planning & Zoning Commission Meeting Minutes.

**THE BARTONVILLE PLANNING & ZONING COMMISSION REGULAR MEETING HELD ON THE 2ND DAY
AUGUST 2023, AT 1941 E. JETER ROAD, BARTONVILLE, TEXAS 7:00 P.M.**

Commissioners Present

Gloria McDonald – Chair
Brenda Hoyt-Stenovich – Commissioner
Don Abernathy – Commissioner
Larry Hayes – Alternate 1
Pat Adams – Alternate 2

Commissioners Absent

Ralph Arment – Vice Chair

Staff Present:

Thad Chambers, Town Administrator
Shannon Montgomery, Town Secretary
Ed Voss, Town Attorney

A. CALL MEETING TO ORDER

Chair McDonald called the meeting to order at 7:00pm.

B. PLEDGE OF ALLEGIANCE

Chair McDonald led the Pledge of Allegiance.

C. PUBLIC 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 Public Participation portion of the meeting or when the item is considered by the Planning & Zoning Commission.

There was no public participation.

D. REGULAR ITEMS

There were no regular items to discuss.

E. PUBLIC HEARINGS AND ACTION ITEMS

- 1. Public hearing to consider an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit "A," Ordinance 361-05, Zoning Ordinance, by amending, Chapter 12, Village Center District (VC), Article 12.2, Uses Permitted, by granting a Conditional Use Permit to allow for the operation of an Event Center use located at 1001 I.T. Neely Road.**

Town Administrator Chambers provided a summary of the application, stated that Staff is recommending approval with the existing conditions from the first CUP, and addressed questions from Commissioners.

Chair McDonald opened the Public Hearing at 7:03pm and recognized the following individuals:

- Doug Powell, McAdams – applicant, representing property owner, 201 Country View Drive, Roanoke, Texas. Mr. Powell provided a short presentation and stated that the owner agrees to previous conditions.
- Marty Bryan – property owner, 913 Hat Creek Court, Bartonville, Texas. Mr. Bryan provided more information regarding the plans for the property.

Chair McDonald confirmed that they have met the required parking. Both City Administrator Chambers and Property Owner Mr. Bryan stated that the required number of spaces is 60 and the plans provide for 162.

Chair McDonald closed the Public Hearing at 7:15pm.

Motion made by Commissioner Hayes, seconded by Commissioner Hoyt-Stenovich, to recommend approval of ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit “A,” Ordinance 361-05, Zoning Ordinance, by amending, Chapter 12, Village Center District (VC), Article 12.2, Uses Permitted, by granting a Conditional Use Permit to allow for the operation of an Event Center use located at 1001 I.T. Neely Road with the same conditions of the previous CUP, consisting of:

Security personnel for all events occurring at the Event Center approved by this Ordinance shall be provided by the owner/operator of the Event Center at no cost to the Town of Bartonville, as follows:

1. One (1) peace officer shall be provided as security for any event containing up to 50 persons in attendance;
2. Two (2) peace officers shall be provided as security for any event containing 51 to 200 persons in attendance;
3. Two (2) peace officers shall be provided as security for any event that utilizes the lawful service of alcoholic beverages to event attendees through the use of two (2) bar areas notwithstanding if the number of persons in attendance is less than 51 persons;
4. Three (3) peace officers shall be provided as security for any event containing in excess of 201 persons in attendance;
5. Coordination and scheduling of peace officers required hereunder shall occur between the Chief of Police of the Bartonville Police Department, or his designee, and the owner/operator of the Event Center in sufficient time ahead of all events to ensure compliance with these conditions;
6. Each peace officer providing security at any event shall be paid a standard hourly rate as agreed upon between the Chief of Police of the Bartonville Police Department and the owner/operator of the Event Center, with a two (2)-hour minimum payment required, and payment to each peace officer shall be made by the owner/operator of the Event Center before the beginning of the event in sufficient monetary amount to pay each peace officer for the minimum payment amount required hereunder, or for the entire event time period, whichever is greater;
7. The term “peace officer” as used herein means a person elected, employed, or appointed as a peace officer under Article 2.12, Texas Code of Criminal Procedure, or other law; and
8. The failure to comply with the above security personnel requirements, including the under-payment of a peace officer, will result in the prohibition/termination of the event until such time as the above security personnel requirements are satisfied.

VOTE ON THE MOTION

AYES: McDonald, Hoyt-Stenovitch, Abernathy, Hayes, and Adams

NAYS: None

VOTE: 5/0

F. FUTURE ITEMS

Town Administrator Chambers stated the Fuller replat will be on the next agenda.

G. ADJOURNMENT

Chair McDonald adjourned the meeting at 7:18pm.

APPROVED this the 6th day of September, 2023.

APPROVED:

Gloria McDonald, Chair

ATTEST:

Shannon Montgomery, TRMC, Town Secretary