

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-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 7:01pm.

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-Stenovich, 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