



PLANNING & ZONING COMMISSION COMMUNICATION

DATE: August 6, 2025

FROM: Ryan Wells, Town Planner

AGENDA ITEM: Conduct a Public Hearing to hear public comment, discuss, and make a recommendation to the Town Council regarding a Site Plan Amendment for Guidance Preparatory Academy, located at 64 McMakin Road in the Town of Bartonville. The Amendment consists of changes to the landscaping plan for the commercial property. The applicant is Kathryn Taylor. [Town of Bartonville File Number SP-2025-001.]

LAND USE AND ZONING: Current land use category is Rural Business (RB). Current zoning is Rural Business (RB).

SUMMARY: The subject property is a single parcel encompassing 4.221 acres, located at the southwest corner of McMakin Road and Post Oak Lane. The legal description of the property is ACKLIE ADDN BLK A LOT 4R. The corresponding Denton CAD parcel number is 584973. The applicant has applied for a site plan amendment to permit an adjustment to the approved landscaping plan for the site (see Exhibit A).

On May 23, 2024 a zoning code violation letter was sent to the property owner, notifying them that up to 11 Leland cypress trees and 12 photinia trees had been removed as part of a site clearing effort related to utility easement maintenance (photinia) and septic system operation and expansion (Leland cypress). These plants were part of the approved landscape plan for the site, approved by the Town of Bartonville on 2008. The letter stated that options for correction were:

1. Replant the trees as shown in the approved landscaping plan.
2. Submit a site plan amendment with an alternative planting plan.
3. Submit a variance request to permit a reduction in the planting requirements for the site (to be followed by a site plan amendment).

A variance request was subsequently submitted to and considered by the Bartonville Board of Adjustments on July 30, 2024. The variance request was to allow the planting of three 45-gallon, 12-foot-high live oak trees at 20-foot spacing with the area between McMakin Road and the on-site septic tank, in lieu of replanting the removed Leland cypress and photinia as reflected in the original approved landscape plan. The Board voted to deny the variance request in a 5-0 vote.

The site plan amendment submitted and considered in this current agenda report provides the applicant's summary of the circumstances leading to the removal of the original trees. The application then poses two options for rectifying the zoning code violation:

1. The Town would permit the removal of the removed trees from the landscaping plan because the brick wall offers the property delineation and trees planted on the other side of the wall offer the visual barrier. This option would recognize 14 trees already on the property that are not on the original plan but would serve as a replacement.

2. The applicant would plant 5 more oak trees as indicated on the plan included in the attachment. The other conditions in option 1 would remain.
 - a. The landscaping plan would also include the placement of up to 15 boulders to block vehicular access to the site from Post Oak Lane.

Bartonville Development Ordinance (BZO) Section 18.6.k. lists the landscaping requirements for non-vehicular open spaces within the RB zoning district. A total of 25 trees is required for the percentage and acreage of non-vehicular open space on the property. The site is constrained by the regulatory floodway that crosses the property, within which trees cannot be planted due to the need to maintain unobstructed flood capacity. The expanded septic field, stated by the applicant as necessary to provide adequate sewer capacity for the existing 245-student school operation, also limits the available area that can be planted with trees.

The photinia removed from the western side of the screening fence were planted in the location approved by the Town in 2008. However, the planting location was within a recorded utility easement, and subsequent easement maintenance required removal of the trees to gain access to the utility system. Replanting the photinia in this location would not be possible since the utility easement must remain unobstructed. The Leland cypress trees that were lost due to their placement adjacent to the septic system's drain field, according to the applicant, would continue to struggle from that impact should they be replanted in the same location.

Implementation of option 2, with the addition of the requested landscape boulders in option 2.a, represents what appears to be the best option to rectify the tree loss described in the zoning code violation letter, given the constraints on the site. The 21 existing trees identified in the landscaping exhibit (seven existing on the original landscape plan plus 14 identified as added but not on the landscape plan), plus the five additional oak trees represent 26 trees of the 25 required in the code. This would be a reduction from the original approved plan, however, based on review of the original approved site plan, the updated septic system design, and aerial and street view images of the site there don't appear to be any other locations within which to plant canopy trees without conflicting with other infrastructure or known site issues. Recommended conditions of approval listed below are intended to mitigate potential impacts from the planting.

STAFF RECOMMENDATION: Approval of options 2 and 2.a with conditions.

STAFF'S RECOMMENDED CONDITIONS OF APPROVAL:

1. No trees shall be planted within the regulatory floodway or public right-of-way.
2. A revised site plan, prepared by a licensed landscape architect, showing the five proposed live oak tree plantings and placement of landscape boulders as indicated in Options 2 and 2.a shall be submitted for staff-level review.
3. New tree planting shall not take place until after October 1, 2025 to ensure best chance for survival.
4. New trees shall be irrigated.

EXHIBITS:

1. Amended Site Plan Application
2. Zoning Code Violation Letter, dated May 23, 2024
3. Project Mailed Notice and Mailing List
4. Mailing Affidavit

Exhibit 1



**TOWN OF BARTONVILLE
SITE PLAN APPLICATION/SITE PLAN
AMENDMENT APPLICATION**

1. Applicant:

Name: Kathryn Taylor

Address: 8470 Steeplechase Circle

City/State: Argyle TX Zip: 76226

Office #: _____ Cell #: 817-403-0882 Fax #: _____

Email Address: Ktaylor6870@gmail.com

2. Property Owner:

Name: Mark + Kathryn Taylor

Address: 8470 Steeplechase Circle

City/State: Argyle TX Zip: 76226

Office #: _____ Cell #: 817-403-0382 Fax #: _____

Email Address: _____

3. Site Location:

Street Address: 64 Mcmakin Rd.

Lot, Block, & Subdivision Name: _____

4. Summarize the proposed development. If necessary, use a separate sheet.

Landscaping plan for existing structure

5. Present Zoning: Rural Business **Present Land Use:** Rural Business

Future Land Use Designation: _____



Town of Bartonville
1941 E Jeter Road
Bartonville, Texas 76262
817-693-5280

Permit Fees and Associated Fees related to Zoning Changes, Land Development,
Platting, Development Review Committee, and Requests for Variance

PERMIT FEE:	<u>Site Plan Amendment</u>	<u>\$ 500.00</u>
ASSOCIATED FEES		
Attorney Fees (3-hour minimum)		<u>\$ 750.00</u>
<i>Review of Request</i>		
<i>Meeting Attendance</i>		
<i>Travel Time</i>		
Planner Fees (3-hour minimum)		<u>\$ 615.00</u>
<i>Review of Request</i>		
<i>Meeting Attendance</i>		
<i>Travel Time</i>		
Engineer Fees		<u>\$ -</u>
<i>Review of Request</i>		
<i>Meeting Attendance</i>		
<i>Travel Time</i>		
Public Notice Publication Fees		<u>\$ -</u>
Administrative Fee		<u>\$ 100.00</u>
TOTAL		\$1,965.00

A three-hour minimum for each type of associated fee is required at time of submittal.
Applicant agrees to pay additional fees if additional fees are incurred.
All invoices are due immediately upon receipt.

6. All applications must contain the required information as specified in the Town of Bartonville's Comprehensive Zoning Ordinance, (Code of Ordinances, Chapter 14, Exhibit "A").

I UNDERSTAND THAT IT IS NECESSARY FOR ME OR MY AGENT TO BE PRESENT AT BOTH THE PLANNING AND ZONING COMMISSION MEETING AND TOWN COUNCIL MEETING

FAILURE TO APPEAR before the Planning and Zoning Commission or Town Council for more than one (1) hearing without an approved delay by the Town Administrator or his/her designee shall constitute sufficient grounds to table or deny the request unless the Town is notified at least 72 hours prior to the hearing.

DENIALS BY THE PLANNING AND ZONING COMMISSION shall be forwarded to Town Council, along with the Commission's reasons for denial and will require a $\frac{3}{4}$ favorable vote of all members of Town Council.

TABLED BY THE PLANNING AND ZONING COMMISSION: The Commission may not defer its report for more than 90 days from the time it was posted on the agenda, or until it has had an opportunity to consider other proposed changes, which may have a direct bearing, unless a postponement is requested by the applicant.

Applicant Name (print or type): Kathryn Taylor

Applicant signature: 

Owner Name (print or type): Kathryn Taylor

Owner signature: 

RECEIVED

Date Received MAY 05 2025 Date Paid 5/5/25 Receipt Number 10470



NOTARY FORM
Town of Bartonville

THE FOLLOWING IS TO BE COMPLETED BY EACH OWNER THAT IS NOT SIGNING THIS APPLICATION.

Dated: 5/1/25

I, Kathryn Taylor, owner of the Property located at
104 McMaxin Rd do hereby certify that I have given my permission to
Mark Taylor, to submit this conditional use permit application.

Kathryn Taylor
Print Name

[Signature]
Signature of Owner

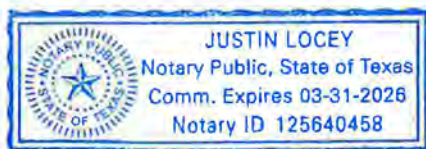
8470 Steeplechase Cir.
Address

817-403-0382
Phone No.

State of Texas §
County of Denton §

Before me, Justin Locey, a Notary Public in and for said County and State, on this day personally appeared Kathryn Taylor 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)



[Signature]
Notary

A little of our history:

Guidance Preparatory Academy (GPA) was built in 2008 for use as a childcare facility. The building is designed and licensed for 312 children plus staff. In order to provide quality care, GPA has never exceeded 245 children, despite lengthy waiting lists.

Even with a lower enrollment than the septic system was designed for, management of the system has been an ongoing struggle. In 2023, after our last failed attempt to attach to the sewer lines that were installed for the benefit of the businesses along McMakin Road, we underwent a major overhaul of the lateral line system to more effectively disperse drainage. KCB Engineering designed the system, which was approved by the town and the inspector. Our septic maintenance company installed it to those specifications. During installation, 3 trees had to be removed.

Following this event, the neighbors behind us complained about the tree removal. The loss of 11 Leyland Cypress trees over the span of our first 5-10 years became the focus of their complaint. It's worth noting that the trees we removed (shown in pink) were not on the original plan – they were new growth.

Because of the engineer-recommended leach field, we cannot replant the Leyland Cypress trees in the original locations. We are requesting a modification to the 2008 landscaping plan.

We would love the opportunity to discuss options that would meet the town's requirements. Below are two options we recommend.

Legend:

- Yellow – 11 Leyland Cypress on original landscaping plan – these are the trees in question
- Blue – Photinia on original landscaping plan, but erroneously planned in the utility easement
- Pink – New growth trees that were removed during leach field installation
- Green – 14 trees on the property that were not on the original plan

Option 1:

We delete these trees from the plan because the brick wall offers the property delineation and trees planted on the other side of the wall offer the visual barrier. (See attached photo.) In addition, we have 14 trees already on the property that are not on the original plan (indicated in green.)

Option 2:

We plant 5 more oak trees (as indicated in red). These trees will grow to be much larger than the Leyland cypress, in keeping with the "Post Oak" name.

Separate from the tree issue, we would like to install 15 landscaping boulders along Post Oak to keep our neighbor's son and his friends from doing donuts on our property (see attached photo.)



See legend



Option 2





Exhibit 2

May 23, 2024

TFLH, LLC
64 McMakin Road
Bartonville, Texas 76226-9711

Re: Zoning Code Violation, 64 McMakin Road (Legal: Acklie Addition, Block A, Lot 4R)

Dear Owner,

The Town of Bartonville has been made aware of the removal of landscaping from your commercial site, in violation of the Town's Landscape Requirements, specifically the Maintenance provisions found in Section 18.8 of the Bartonville Zoning Ordinance. Based on reconnaissance of the site (see attached photos), it appears that up to 11 Leland cypress trees and 12 photinia trees were removed as part of a site clearing effort related to utility easement maintenance and septic system expansion. These plants were part of the approved landscape plan for the site, approved by the Town of Bartonville on 2008 (see attached landscape plan).

In accordance with Section 18.8 of the Town of Bartonville Zoning Ordinance, "[f]ailure to maintain any landscape area in compliance with this Section is considered a violation of this Section and may be subject to penalties of this Ordinance." We are in receipt of an email dated June 8, 2023 that provides an explanation of the conditions leading up to the removal of the Leyland cypress and photinia (attached). However, Town staff are not able to unilaterally grant an administrative waiver of the landscaping requirements of the Town's Zoning Ordinance.

In order to correct this zoning code violation, two options are available to you:

1. You may replant the trees as shown in the approved landscape plan, ensuring their survival to maturity and ongoing maintenance; or
2. You may submit a site/landscape plan amendment request to the Town, providing an explanation as to why you cannot maintain the trees as they were initially planted and approved. This request would have to provide an alternative planting plan to maintain compliance with Chapter 18 of the Bartonville Zoning Ordinance.
 - a. If you cannot accommodate a planting plan that meets the requirements of Bartonville Zoning Ordinance Chapter 18, due to size or infrastructure limitations, then a variance request for this standard would have to accompany the site/landscaping plan amendment. This variance request would be heard before the Zoning Board of Adjustment prior to the Town Planning & Zoning Commission and Town Council considering your site/landscaping plan amendment.

Given that the photinia were planted in a recorded utility easement, option 2 is the recommended option. Failure to provide a written plan to correct this zoning code violation within 30 days of the date of this letter, in accordance with Bartonville Zoning Ordinance Section 18.2, may result in further penalties as described in Chapter 34 of the Bartonville Zoning Ordinance.

Should you have any questions regarding this notice of zoning code violation, you may contact me during normal business hours at (817) 693-5280.

Sincerely,

Thad Chambers
Town Administrator

Exhibits

Exhibit A: Site photos dated December 5, 2023



Exhibit A: Site photos dated December 5, 2023



Exhibit C: Explanation Email from Property Owner dated June 8, 2023

From: kathryn@guidanceprep.org <kathryn@guidanceprep.org>
Sent: Thursday, June 8, 2023 9:07 AM
To: Thad Chambers <tchambers@townofbartonville.com>
Cc: 'Mark Taylor (8470)' <mark@guidanceprep.org>
Subject: Bushes behind wall

Thad,

Cleaning out our 5 feet behind the wall is part of our septic maintenance because our new drip field takes up so much space there is no room for any vehicles to traverse that area. A few years ago we had a utility company drive their truck along our side of the wall to maintain the utility poles. We'll no longer be able to accommodate that convenience - they'll now have to use the easement on the west side of the wall. Plus, some trees were growing into the wall and will eventually damage it. Our landscaper was using the easement for its intended purpose - maintenance.

During the P&Z process 15 years ago, we requested to put up a living wall between us and the homes bordering our property. The neighbors protested and demanded a permanent wall. We accommodated their demands and then they demanded we add landscaping to their side of the brick wall. The P&Z board pointed out that the land is a utility easement and should not have landscaping as it would interfere with utility vehicles.

Please advise on what we need to do at this point. We have instructed our landscaper to stop the work he was doing - there are still a lot of trees in the easement.

Thank you,

Kathryn Taylor
Guidance Preparatory Academy
64 McMakin Road
Bartonville, TX 76226
www.guidanceprep.org
817-403-0382 C
940-455-7123 P
940-455-7133 F



Virus-free www.avg.com

Exhibit 3



Town of Bartonville
1941 E Jeter Road
Bartonville, TX 76226
817-693-5280
Kirk H. Riggs,
Town Administrator

July 23, 2025

«NAME»

«ADDRESS»

«CITY», «STATE» «ZIP»

Re: Guidance Preparatory Academy Site Plan Amendment, 64 McMakin Road

Dear «NAME»,

The Planning and Zoning Commission for the Town of Bartonville, Texas will conduct a public hearing at 6:30 p.m. on August 6, 2025, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider recommendations to the Town Council regarding a Site Plan Amendment for Guidance Preparatory Academy, located at 64 McMakin Road in the Town of Bartonville. The Amendment consists of changes to the landscaping plan for the commercial property. The applicant is Kathryn Taylor. The Town of Bartonville file number for this application is SP-2025-001.

The Town Council will conduct a second public hearing at 6:30 p.m. on August 19, 2025, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider the proposed Site Plan Amendment and recommendations of the Planning and Zoning Commission. All interested parties are encouraged to attend.

Sincerely,

Kirk H. Riggs,
Town Administrator
Town of Bartonville

SP- 2025-001 Guidance Preparatory Academy Site Plan Amendment Mailing List

NAME	ADDRESS	CITY	STATE	ZIP
FRICK, RONNIE & 1995 FRICK FAMILY TRUST	1487 POST OAK LN	BARTONVILLE	TX	76226-9463
KILPATRICK, WILLIAM SCOTT & SUSAN BECKETT LIVING TRUST	290 TIMBER OAKS CT	ARGYLE	TX	76226-7000
DAUM, SCOTT D & KATHY A	1590 POST OAK LN	BARTONVILLE	TX	76226-9461
MCCRAY, J GREGORY	80 MCMAKIN RD	BARTONVILLE	TX	76226-8438
JANKE OFFICE BUILDING LTD	145 S FOREST LN	LEWISVILLE	TX	75077-8284
TFLH LLC	8470 STEEPLECHASE CIR	ARGYLE	TX	76226-6377
KROGER TEXAS LP C/O REAL ESTATE DEPARTMENT	751 FREEPORT PKWY	COPPELL	TX	75019-4411
A-S 114 LANTANA TOWN CENTER LP	8827 W SAM HOUSTON PKWY N STE 200	HOUSTON	TX	77040-5383

Exhibit 4

Denton Record-Chronicle
2413 Fort Worth Dr
(940) 387-7755

I, Edmar Corachia, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Denton Record-Chronicle, a publication that is a "legal newspaper" as that phrase is defined for the city of Denton, for the County of Denton, in the state of Texas, that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:
Jul. 19, 2025

Notice ID: AmprZbtaNyG5CQGZ8vP9
Notice Name: 08.06 & 08.19 PH Notice for 07.19.25 pub

PUBLICATION FEE: \$43.28

I declare under penalty of perjury that the foregoing is true and correct.

Edmar Corachia

Agent

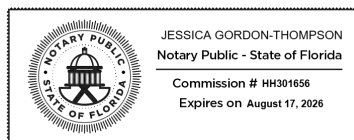
VERIFICATION

State of Florida
County of Orange

Signed or attested before me on this: 07/23/2025

J. Thompson

Notary Public
Notarized remotely online using communication technology via Proof.



TOWN OF BARTONVILLE
NOTICE OF PUBLIC HEARING

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dre 07/19/2025