



TOWN COUNCIL COMMUNICATION

DATE: November 21, 2023

FROM: Thad Chambers, Town Administrator

AGENDA ITEM: Conduct a Public Hearing 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 four tracts of land, totaling 101.467 acres, situated in the Daniel Cook Survey, Abstract Number 230, and A.M. Feltus Survey, Abstract Number 1594, in the Town of Bartonville, Denton County, Texas, from Agricultural (AG) to Residential Estates 5 (RE-5). Town File #ZC-2023-005. **(The Planning & Zoning Commission recommended approval by a vote of 5-0 at its November 1, 2023, meeting.)**

Applicant: Jacob Sumpter, AICP, Mycoskie & Associates, Inc., on behalf of Knight Development Group, LLC (property owner)

Land Use and Zoning: Current land use category is Residential Estates – 5 Acre Lots (RE-5). Current zoning is Agricultural (AG).

Summary: The applicant is the owner of four tracts of land, totaling 178.763 acres, located on the north side of E Jeter Road, approximately 2,185 feet east of the intersection of E Jeter Road and Country Court. The legal description of the property is A1594A A.M. Feltus, TR 3, 10.0 acres, Old DCAD TR #1; A1594A A.M. Feltus, TR 2, 30.0 acres, Old DCAD TR #1A, A1594A A.M. Feltus, TR 1, 78.763 acres, Old DCAD TR #2, and A0230A Cook, TR 8, 60.0 acres, Old DCAD TR #4. The corresponding Denton CAD parcel numbers are 64602, 65099, 65101, and 65110. The applicant has applied for a change in the zoning designation on 101.467 acres of their ownership (this sub-area to be known henceforth as the 'subject property') from Agricultural (AG) to Residential Estates 5 (RE-5) (see Exhibit A).

The subject property is currently vacant, save a gas wellhead and accessory structures on parcel 64602. The applicant is requesting the zoning change in order to facilitate a residential subdivision of the subject property into minimum five-acre parcels.

Zoning Change

Bartonville Zoning Ordinance Appendix A, Section A.1.A.5 lists the criteria of approval for a zoning change:

1. Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan, including the land use classification of the property on the Future Land Use Map and any other incorporated plan maps;
2. Whether the proposed zoning map amendment is consistent with an annexation or development agreement in effect;
3. Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
4. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area; and

5. Any other factors which will substantially affect the public health, safety, morals, or general welfare.

The proposed zoning change would amend the zoning designation of the subject property from Agricultural (AG) to Residential Estates 5 (RE-5). In the Bartonville Comprehensive Plan, the RE-5 land use category is described as areas intended for residential and related uses, with some limited agricultural uses pertaining to the keeping of animals and livestock for personal use and enjoyment. A rural atmosphere should be maintained within these areas and street cross sections that provide for a "country" feel is encouraged for local streets. Correspondingly, the RE-5 zoning district is intended as an area for very low density residential use, with a minimum lot size of five acres. The principal purposes of this zoning district are to conserve and protect agricultural uses, guide development in an orderly fashion in rural areas, and prevent conflicting urban and rural uses. This district is appropriate for selected locations where rural characteristics are desired or where terrain or public service capacities necessitate very low densities. The RE-5 zoning district is one of those listed as appropriate for the RE-5 land use category (Bartonville Zoning Ordinance [BZO] Section 4.1.B, Chart 4.1).

The proposed zoning change is not associated with any annexation or development agreement. The area south of the subject property is zoned Agriculture (AG), which is characterized by large lot residential and agricultural uses, though the lot sizes immediately adjacent to the subject property on the south range from one to 13 acres. To the north of the subject property, the Hat Creek Estates development has created residential home sites that range from approximately two to five acres in size. The proposed zoning change for the subject property will maintain the large lot residential development pattern in place on the surrounding properties.

There are no associated school, street, water, sewer, or other utility plans that will affect or be affected by the proposed zoning change. The Cross Timbers Water Supply Corporation's water system map shows water service within E Jeter Road on the subject property's south side. There are also no factors which will substantially affect the public health, safety, morals, or general welfare.

Staff Recommendation: Approve.

Public Comment: None.

Financial Information: The subject property is currently being used for agricultural purposes. The future subdivision of the land and construction of single-family homes will increase the Town of Bartonville's ad valorem property tax base. It is unknown at this time whether the road constructed to access these residential lots will be public or private; if the former then this would be a cost liability for the Town in the form of maintenance and future replacement.

Exhibits:

1. Zoning Change Application Packet
2. Letter mailed to property owners within 200' with location map and mailing list.
3. Published legal notice.