



# PLANNING AND ZONING COMMUNICATION

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**DATE:** March 6, 2024

**FROM:** Thad Chambers, Town Administrator

**AGENDA ITEM:** Discuss and make a recommendation regarding a Final Plat for an 81.789-acre tract of land situated in the A.M. Feltus Survey, Abstract Number 1594, and the Daniel Cook Survey, Abstract No. 230, in the Town of Bartonville, Denton County, Texas. The tract of land is located on the north side of E Jeter Road, approximately 2,063 feet north of its intersection with Porter Road, in Bartonville, Texas. The applicant is Mycoskie Associates, Inc., on behalf of Rob Knight. [Town of Bartonville FP-2024-002.]

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**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 one tract of land, totaling 81.789 acres, located on the north side of E Jeter Road, approximately 2,063 feet north of its intersection with Porter Road. The legal description of the property is A1594A, A.M. Feltus, TR 1, 78.763 Acres, Old DCAD TR #2. The corresponding Denton CAD parcel number is 65110. The applicant has applied for a final plat (see Exhibit A) in order to facilitate large lot residential development.

The subject property is part of a former agricultural tract. There are multiple agricultural buildings and outbuildings, residences, and cross-fencing on the property.

### *Final Plat*

Bartonville Development Ordinance (BDO) Section 2.5.g lists the criteria of approval for a preliminary plat:

1. The plat substantially conforms with the approved preliminary plat or other studies and plans, as applicable;
2. The complete engineering/construction plans for all required public improvements and Town utilities have been submitted to the Town for review/approval by the Town’s Engineer (whether specifically stated or not, final plat approval shall always be subject to any additions and/or alterations to the engineering/construction plans as deemed necessary by the Town Engineer, as needed, to ensure the safe, efficient and proper construction of public improvements within the subdivision); and
3. The plat conforms to applicable zoning and other regulations.
4. The plat has been approved by the Permitting Authority, as defined in Chapter 285 of the Texas Administrative Code, in accordance with Title 30, Texas Administrative Code, Chapter 285, Section 285.4(c) relating to the review of subdivision plans prior to the application for a permit for an on-site sewage facility.

The Bartonville Town Council approved the Knight's Crest Preliminary Plat with conditions on December 19, 2023. The submitted final plat conforms to the conditionally approved preliminary plat, which has been designed to create four legal lots totaling 81.789 acres. The resulting lots will range from 11.180 to 38.476 acres. The applicant has submitted construction plans with this final plat application. The construction plans are under review by the Town Engineer; see recommended conditions of approval regarding timing of construction and approval of public improvements. The zoning district for the subject property is Agricultural (AG), which has a 10-acre minimum lot size. The proposed resulting lots will meet the zoning district standards. In order to meet all conditions from the preliminary plat approval (many of which have been met through the submittal of this final plat), all OSSF locations shall be approved by the Town of Bartonville prior to final plat recordation— see conditions of approval.

**Staff Recommendation:** Approve with Conditions.

**Staff's Recommended Conditions of Approval:**

1. Prior to recordation of the final plat, the two "Offsite Drainage Easements" depicted on the Preliminary Utility Plan shall be recorded as separate instruments. The recording number of these easements shall be depicted on the final plat prior to recording.
2. Prior to recordation of the final plat, any existing buildings located within a regulatory setback shall be removed or relocated such that no existing buildings are located within any new yard setbacks to be established by the plat. The applicant shall provide a signed and notarized statement asserting that this requirement has been met prior to or concurrent with the submittal of a final plat for recordation.
3. Prior to recordation of a final plat, the proposed location and design of the on-site septic facilities (OSSF) for each proposed lot shall be approved by the Town of Bartonville, in accordance with Bartonville Development Ordinance Section 2.6.c.
4. In accordance with BDO Section 2.6.5., the final plat shall not be recorded until either:
  - a. All required public improvements have been constructed and accepted by the Town; or
  - b. The Town has received an appropriate surety from the applicant guaranteeing the construction of the required public improvements.

**Exhibits:**

- A. Final Plat Application Packet