



TOWN COUNCIL COMMUNICATION

DATE: December 19, 2023

FROM: Thad Chambers, Town Administrator

AGENDA ITEM: Discuss, consider, and take any necessary action on a Preliminary Plat for a 99.744-acre tract of land situated in the A.R. Loving Survey, Abstract Number 0736A, Tracts 5, 5A, 6, and 7A in the Town of Bartonville, Denton County, Texas. The tract of land is located on the west side of FM 407, directly opposite the intersection of FM 407 and Rayzor Road, in Bartonville, Texas. The applicant is CCM Engineering, on behalf of the Education Leads to Success Foundation. *(The Planning & Zoning Commission recommended approval by a vote of 5-0 at its December 6, 2023, meeting.)*

Land Use and Zoning: Current land use category is Residential Estates – 2 Acre Lots (RE-2). Current zoning is Agricultural (AG).

Summary: The applicant is the owner of four tracts of land, totaling 99.754 acres, located on the west side of FM 407, immediately opposite the intersection with Rayzor Road. The legal description of the property is A0736A A. R. Loving, TR 5, 4.325 Acres, Old DCAD TR #4; TR 5A(1)(PT),6(PT), 82.6397 Acres; and TR 7A, 12.8526 Acres. The corresponding Denton CAD parcel numbers are 38038, 6236125, and 236126. The applicant has applied for a preliminary plat (see Exhibit A) in order to facilitate development of a new Universal Academy charter school campus.

The subject property is the current site for CJ’s Legacy Ranch. There are multiple stables and outbuildings, residences, agricultural ponds, and cross-fencing on the property.

Preliminary 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 land study or other studies and plans, as applicable;
2. The preliminary layouts of required public improvements and Town utilities have been approved by the Town Engineer; 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 submitted preliminary plat is designed to create a single legal lot comprising 99.754 acres. The subject property is located on FM 407, which is identified on the Bartonville Thoroughfare Plan as a “Highway”. All proposed driveway spacing for the site appears to meet TxDOT’s driveway spacing standards for the

roadway, based on information provided in the August 10, 2023, Traffic Impact Analysis prepared by DeShazo Group. The preliminary plat does not identify any public improvements to be installed; however, the Traffic Impact Analysis does identify a left turn bay at Driveway #2 (not reflected in the preliminary plat). This turn bay will require permitting from TxDOT, as it is in their right-of-way – see Conditions of Approval. The zoning district for the subject property is Agricultural (AG), which has a 10-acre minimum lot size. The proposed resulting lot will meet the zoning district standards.

Planning & Zoning Commission Recommendation: Approve with Conditions.

Planning & Zoning Commission Recommended Conditions of Approval:

1. On the final plat, the fire lane easement shall be a minimum of 24 feet in width and all internal turn radii shall be a minimum of 30 feet.
2. The final plat shall show Driveway #2 and the associated drive aisle, as indicated in the August 10, 2023 Traffic Impact Analysis. The drive aisle may be labeled as “Private Access Road.” It is recommended that this also be identified as a fire lane since it will offer direct turning access from FM 407.
3. Driveway #2 shall be served by a left turn bay cut in the median. Prior to construction of any public improvements in the TxDOT right-of-way, a TxDOT construction permit shall be obtained by the applicant.
4. Prior to submittal of a final plat, the proposed location and design of an on-site septic facility (OSSF) shall be approved by the Town of Bartonville, in accordance with Bartonville Development Ordinance Section 2.6.c.
5. Prior to any construction on the site within the Zone AE floodplain or floodway, a Conditional Letter of Map Revision (CLOMR) shall be submitted to and approved by FEMA.
6. The final plat shall contain an additional note under General Notes that reads, “The Zone AE floodplain and floodway shall be maintained and shall remain free of obstructive debris by the property owner, in accordance with the Bartonville Code of Ordinances.
7. A complete engineering/construction plan set shall accompany the final plat application, in accordance with Bartonville Development Ordinance Section 2.7.d.
8. Include as part of the construction plan set a turning exhibit for a WB 50 vehicle.

Financial Information: Due to the property’s ownership by a non-profit organization, the Town of Bartonville does not receive any ad valorem property taxes from the property. The Town can anticipate some minor expenses associated with serving the future school site with public safety and general governance services.

Exhibits:

1. Preliminary Plat Application Packet
2. Traffic Impact Analysis, prepared by DeShazo Group and dated August 10, 2023
3. Flood Study, prepared by Cardinal Strategies and dated October 12, 2023