



PLANNING AND ZONING COMMUNICATION

DATE July 5, 2023

FROM: Thad Chambers, Town Administrator

AGENDA ITEM: Public hearing to 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). Town File #ZC-2023-002.

Applicant: Melissa Grau (property owner)

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 two tracts of land, totaling one acre, located on the south side of Frenchtown Road, approximately 330 feet east of its intersection with Dyer Road. The legal description of the property is Keith Survey, Abstract Number A1643A, Tract 4, and Newton Allsup Survey, Abstract Number 0003A, Tract 7. The corresponding Denton CAD parcel numbers are 64482 and 64870. The applicant has applied for a change in the zoning designation of the subject property from Agricultural (AG) to Residential Estates 2 (RE-2).

The subject property currently contains an existing single-family home and accessory structure. The applicant is requesting the zoning change in order to facilitate a residential subdivision of the subject property and surrounding lots into two-acre parcels. The property owner has indicated that some of the existing homes within the larger subdivision property will be removed and replaced with new builds.

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 2 (RE-2). In the Bartonville Comprehensive Plan, the RE-2 land use category is described as areas intended for residential development, where a rural atmosphere shall be maintained and street cross sections provide for a “country” feel. Correspondingly, the RE-2 zoning district is intended as an area for low density residential use, with a minimum lot size of two acres. The principal purposes of this zoning district are to provide areas for rural residential development, guide development in an orderly fashion, and allow for a land use buffer for areas of lower intensity. The RE-2 zoning district is one of those listed as appropriate for the RE-2 land use category.

The proposed zoning change is not associated with any annexation or development agreement. Regarding approval criterion #3, the subject one-acre property is located within a larger ownership that was rezoned from AG to RE-2 in August 2022 via Ordinance 731-22. The subject property was omitted from the zoning change at the time as it was under different ownership. The change in zoning of the subject property to RE-2 would allow for a preliminary plat to be submitted that will propose a number of new two-acre residential lots within the larger property ownership. Thus, it will provide for a consistent land use to that which is intended for 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. There are also no factors which will substantially affect the public health, safety, morals, or general welfare

Staff Recommendation: Approve.

Public Comment: None as of the writing of this memorandum.

Financial Information: Staff does not anticipate any tangible fiscal impact, positive or negative, from the proposed zoning change. The subject property is currently being used for residential purposes and staff anticipates that this will continue to be the primary use on the subject property.

Exhibits:

1. Zoning Change Application Packet
2. Letter mailed to property owners within 200’ with location map and mailing list
3. Published legal notice
4. Second legal notice with Town Council public hearing date revised to July 25th.