



TOWN COUNCIL COMMUNICATION

DATE August 15, 2023

FROM: Thad Chambers, Town Administrator

AGENDA ITEM: Public hearing to receive comment and consider approval of an ordinance amending the Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit "A," Ordinance 361-05, Zoning Ordinance, by amending, Chapter 12, Village Center District (VC), Article 12.2, Uses Permitted, by granting a Conditional Use Permit to allow for the operation of an Event Center use located at 1001 I.T. Neely Road. **(The Planning & Zoning Commission recommended approval by a vote of 5 to 0 at its August 2, 2023 meeting.)**

Applicant: McAdams Co., Marty Bryan

Zoning: Village Center (VC)

Summary: The applicant has applied for a Conditional Use Permit to allow for the operation of an Event Center generally located at 1001 I.T. Neely Road, described as Lot 1R, Block A, Yeti Addition.

The Town of Bartonville previously approved a CUP via Ordinance 734-22. However, the applicant wishes to make changes to the previously approved site plan. In accordance with Bartonville Zoning Ordinance (BZO) Section 16.6, no conditionally permitted use shall be enlarged, extended, increased in intensity or relocated unless an application is made for a new conditional use permit in accordance with the procedures set forth in this section. As there is no provision in the BZO for administrative approval of any amendment to the approved CUP, the Town determined that a new CUP application would be required.

An Event Venue/ Banquet Hall is a permitted use by conditional use permit, only, in the Village Center zoning district.

Site Plan

The Site Plan submitted with the CUP application was deemed incomplete. Therefore, a full Site Plan submittal would be required following the approval of a Conditional Use Permit for the property, in accordance with BZO Chapter 3. The Site Plan will require review and approval by the Bartonville Town Council.

Staff Recommendation: Approve with conditions. The following conditions of approval are recommended as written in the current CUP:

Security personnel for all events occurring at the Event Center approved by this Ordinance shall be provided by the owner/operator of the Event Center at no cost to the Town of Bartonville, as follows:

1. One (1) peace officer shall be provided as security for any event containing up to 50 persons in attendance;
2. Two (2) peace officers shall be provided as security for any event containing 51 to 200 persons in attendance;
3. Two (2) peace officers shall be provided as security for any event that utilizes the lawful service of alcoholic beverages to event attendees through the use of two (2) bar areas notwithstanding if the number of persons in attendance is less than 51 persons;
4. Three (3) peace officers shall be provided as security for any event containing in excess of 201 persons in attendance;
5. Coordination and scheduling of peace officers required hereunder shall occur between the Chief of Police of the Bartonville Police Department, or his designee, and the owner/operator of the Event Center in sufficient time ahead of all events to ensure compliance with these conditions;
6. Each peace officer providing security at any event shall be paid a standard hourly rate as agreed upon between the Chief of Police of the Bartonville Police Department and the owner/operator of the Event Center, with a two (2)-hour minimum payment required, and payment to each peace officer shall be made by the owner/operator of the Event Center before the beginning of the event in sufficient monetary amount to pay each peace officer for the minimum payment amount required hereunder, or for the entire event time period, whichever is greater;
7. The term "peace officer" as used herein means a person elected, employed, or appointed as a peace officer under Article 2.12, Texas Code of Criminal Procedure, or other law; and
8. The failure to comply with the above security personnel requirements, including the under-payment of a peace officer, will result in the prohibition/termination of the event until such time as the above security personnel requirements are satisfied.

Attachments:

1. CUP Application
2. Site Plan Application
3. Letter of Intent
4. Concept Plan
5. Rendering
6. Completeness Determination Letter
7. Mailed Notice Letter
8. Mailed Notice List