

The Bartonville Planning and Zoning Commission held a regular meeting on the 5th day of October 2022, at 7:00 p.m., in the Council Chambers of Bartonville Town Hall, 1941 East Jeter Road, Bartonville, Texas.

Present:

Ralph Arment, Chair
Gloria McDonald, Vice-Chair
Don Abernathy, Commissioner
Brenda Hoyt-Stenovitch, Commissioner
Margie Arens, Commissioner
Pat Adams, Alternate 1
Larry Hayes, Alternate 2

Also present: Thad Chambers Town Administrator; Tammy Dixon, Town Secretary; Chief of Police, Bobby Dowell; Cathy Welborn, Deputy Town Secretary; Ed Voss, Town Attorney; and Chris Hartke, Town Engineer.

There constituting a quorum, the following business took place:

A. CALL TO ORDER

Chair Arment called the meeting to order at 7:02 p.m.

B. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Chair Arment led the Pledge of Allegiance.

C. APPOINTMENT OF OFFICERS

1. Appointment of Chair

Commissioner Hoyt-Stenovitch moved to appoint Gloria McDonald as Chair of the Town of Bartonville Planning and Zoning Commission. Commissioner Arens seconded the motion.

VOTE ON THE MOTION

AYES: Arment, McDonald, Abernathy, Otto, Hoyt-Stenovitch

NAYS: None

VOTE: 5/0

2. Appointment of Vice-Chair

Commissioner Arens moved to appoint Ralph Arment as Vice-Chair of the Town of Bartonville Planning and Zoning Commission. Commissioner Hoyt-Stenovitch seconded the motion.

VOTE ON THE MOTION

AYES: Arment, McDonald, Abernathy, Otto, Hoyt-Stenovitch

NAYS: None

VOTE: 5/0

D. PUBLIC PARTICIPATION

There were none.

E. APPROVAL OF MINUTES

1. Discuss and consider approval of the September 14, 2022, regular meeting minutes.

Commissioner Abernathy moved to approve the September 14, 2022, regular meeting minutes as amended. Commissioner Arens seconded the motion.

VOTE ON THE MOTION

AYES: Arment, McDonald, Hoyt-Stenovitch, Abernathy, Arens

NAYS: None

VOTE: 5/0

F. REGULAR ITEMS

1. *Conditional Use Permit and Site Plan – Whataburger*

Public hearing to hear public comment and consider recommendations to the Town Council regarding 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 13, General Commercial District (GC), Article 13.2, Uses Permitted, by granting a Conditional Use Permit, and for approval of a site plan, to allow for the operation of a Drive-Through use located on a 1.9589 acre-site that is part of Lot 1, Block 1, Phase II of Lantana Town Center. The site is generally located on the northern side of FM 407/Justin Road. The property to be considered for the Conditional Use Permit is zoned General Commercial District (GC) with Drive-Through as a permitted use by Conditional Use Permit only.

Applicant Matt Maley, 6500 West Fwy Suite 700, Forth Worth, TX 76116, provided a presentation regarding the site. Mr. Maley also clarified concerns from residents and the Commission.

Mr. Chambers stated NewQuest Properties, Developer, has confirmed they do have a Texas Department of Transportation Permit for the access points on FM 407. Mr. Chambers clarified the parking counts and explained the drive-through begins and continues as two lanes, and meets the stacking requirements (minimum of 5 stacking spaces required; 22 spaces provided). Mr. Chambers also stated the two proposed menu boards with speakers were located on the north edge of the building site.

Discussion was held regarding the site.

Chair McDonald opened the public hearing at 7:24 pm.

The following individual provided written testimony in support of the request:

M. Diane Golden, 1261 East Jeter Road.

The following individuals provided written testimony in opposition of the request:

Rajiv Patel, 9241 Blanco Drive.

Linda Nuber, 410 Jackson Circle.

Charles Dobbs, 9700 Blanco Drive.

Steve Timm, 9451 Blanco Drive.

Charles Nuber, 410 Jackson Circle.

Jennifer Taylor, 440 Elwood Court.

Kirk Morrow, 441 Garrison Circle.

Larissa Singh, No address provided.

Greg York, 9531 Blanco Drive.
Richard McClure, 9621 Blanco Drive.
Maggie Smith, 9741 Blanco Drive.
Robert Toombs, 9205 Blanco Drive.
Viren Singh, 9330 Blanco Drive.
Quatasha Harris, 411 Elwood Court.
Laura Minor, 9116 Blanco Drive.
Rudy Garcia, 9740 Blanco Drive.
Whitney Bland, 440 Jackson Circle.
Jason Bland, 440 Jackson Circle.
Maggie Smith, 9741 Blanco Drive.
Rhonda Cain, 9611 Blanco Drive.
Robin Householder, 9347 Blanco Drive.
Robin McClure, 9621 Blanco Drive.
Daryl Cain, 9711 Blanco Drive.
Melody Coates, 9450 Blanco Drive.
Durga Dash, 411 Whitney Place.

The following individuals spoke in opposition of the request:

Gregory Nuber, 410 Jackson Circle. Passed out a site map.
M.A. Tony Parra, 9441 Blanco Drive.
Robin Householder, 9347 Blanco Drive.
Steve Timm, 9451 Blanco Drive.
Lauren Timm, 9451 Blanco Drive.
Linda Nuber, 410 Jackson Circle.
Rudy Garcia, 9740 Blanco Drive.
Greg York, 9531 Blanco Drive.
Diann Caldwell, 9421 Blanco Drive.
Charlie Miller, 401 Elwood Court.
Laura Minor, 9116 Blanco Drive.

Chair McDonald closed the public hearing at 7:58 pm.

Commissioner Arens requested to consult with the Town Attorney. Pursuant to the Open Meetings Act, Chapter 551.071 the Commission convened into a Closed Executive Session at 7:59 p.m. and reconvened into open session at 8:25 p.m.

Chris Hartke, Town Engineer, provided the approved Phasing Plan for Lantana Town Center which included the approved locations of access for the site off Blanco Drive.

Discussion between the Commission, staff and applicant occurred.

Ms. Dixon provided a summary of how the sales tax is collected in the Lantana Town Center and explained that grants are provided to developer based on the 380 agreement.

Discussion continued.

Chief of Police, Bobby Dowell, clarified that Blanco Drive is within the Town of Bartonville's jurisdiction. He advised on the research he conducted regarding behavioral concerns and late-night traffic. He also recommended including security conditions with the conditional use permit.

Discussion continued between the Commission, staff, and applicant.

Vice-Chair Arment moved to recommend approval of an ordinance granting a Conditional Use Permit, and for approval of a site plan to allow for the operation of a Drive-Through use located on the northern side of FM 407 and Justin Road with the following conditions:

1. Certified peace officer from 12:00 a.m. to 4:00 a.m. Saturday and Sunday.
2. Speaker height can be no higher than 1 ½ to 2 feet.
3. Menu boards need to point toward Blanco Drive.
4. The Landscape Berm needs to be added to the Site Plan.
5. Add trash receptacles at the drive-through and drive exits. Also add to site plan.
6. No outdoor music.

Commissioner Arens seconded the motion.

VOTE ON THE MOTION

AYES: Arment, McDonald, Hoyt-Stenovitch, Abernathy, Arens

NAYS: None

VOTE: 5/0

2. *Fence ordinance updates*

Discuss, consider, and make recommendations to the Town Council to call for public hearings regarding an ordinance amending Division IV, Special Requirements, Chapter 20 Fencing, Walls, and Screening Requirements, and any other related sections of the Zoning Ordinance for the Town of Bartonville related to fencing, walls, and screening.

Mr. Chambers recommended this item be sent for further review to the Development Review Committee.

Commissioner Hoyt-Stenovitch moved to recommend to Town Council that the fence ordinance update be sent to the Development Review Committee for discussion and recommendation. Commissioner Abernathy seconded the motion.

VOTE ON THE MOTION

AYES: Arment, McDonald, Hoyt-Stenovitch, Abernathy, Arens

NAYS: None

VOTE: 5/0

3. *Accessory Building and Use Regulations*

Discussion on Town of Bartonville Code of Ordinances, Chapter 14, Article 14.02, Exhibit “A,” Ordinance 361-05, Zoning Ordinance Chapter 2 Definitions and Chapter 19 Accessory Building and Use Regulations.

The following individuals spoke in support of the request:

Michael Clay, 899 Ridgewood Circle.

Ms. Dixon stated this item was for a discussion regarding Accessory Buildings, Barndominiums and Accessory Dwellings. She explained the Code of Ordinances did not provide a clear definition of a primary structure or main building and there was not a definition for a Barndominium. Town Attorney, Ed Voss, advised a definition would have to be added as a new use and added to the Land Use Table.

Ms. Dixon also stated there had been a number of inquiries regarding accessory dwellings on lots less than 4-acres for aging parents/in-laws; however, the Town's ordinances prohibit accessory dwellings on lot sizes less than 4-acres.

The commission discussed these items, and the consensus was to review them in further details during the Comprehensive Plan Review.

4. *Comprehensive Plan Review*
Update on Comprehensive Plan Survey.

Mr. Chambers provided an update regarding the survey.

G. FUTURE AGENDA ITEMS/REQUESTS BY COMMISSIONERS TO BE ON NEXT AGENDA

Mr. Chambers stated the Comprehensive Plan Survey results will be presented November and the Comprehensive Plan review should begin in December.

H. ADJOURN REGULAR MEETING

There being no further business to come before the board, Chair McDonald declared the meeting adjourned at 9:31 p.m.

APPROVED this the 2nd day of November 2022.

Approved:

Gloria McDonald, Chair

Attest:

Cathy Welborn, Deputy Town Secretary