



# TOWN COUNCIL COMMUNICATION

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**DATE** April 18, 2023

**FROM:** Thad Chambers, Town Administrator

**AGENDA ITEM:** **LP-2023-001/#ZC-2023-001** 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 land use designation in the Town's Comprehensive Plan for a 10.076-acre tract or parcel of land situated in the BBB & CRR Survey, Abstract Number 152A, Tracts 6 and 7, and Lot 1 of the Kincade Subdivision, in the Town of Bartonville, Denton County, Texas, from Rural Business (RB) to Residential (RE-2); and 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 of the same property described above from Rural Business (RB) to Residential Estates 2-Acre Lots (RE-2). ***(The Planning and Zoning Commission recommended approval by a vote of 5 to 0 at its April 5, 2023 meeting.)***

## **APPLICATION ANALYSIS:**

**Applicant:** Alexander Michael Wacker (property owner)

**Land Use and Zoning:** Current land use designation is Rural Business (RB). Current zoning is Rural Business (RB).

**Summary:** The applicant is the owner of a 10.076-acre tract of land located on the southeast corner of East Jeter Rd and McMakin Road. The legal description of the property is BBB & CRR Survey, Abstract Number 152A, Tracts 6 and 7, and Lot 1 of the Kincade Subdivision. The corresponding Denton CAD parcels numbers are 82579, 73555, and 37531. The applicant has applied for an amendment of the Land Use Plan for the subject property from Rural Business (RB) to Residential (RE-2). In addition, the applicant is concurrently requesting a change in the zoning designation of the subject property from Rural Business (RB) to Residential Estates 2-Acre Lots (RE-2).

The subject property is currently vacant save for an existing single-family home and accessory structure, both in a state of disrepair. The applicant states that he is requesting the land use and zoning change in order to pasture livestock and construct a barn. The applicant didn't provide any additional supporting justification for the requested land use and zoning change.

### *Land Use Plan Amendment*

According to the Bartonville Comprehensive Plan, it is the applicant's responsibility to provide evidence proving that the proposed rezoning is better or more consistent with land uses in the surrounding area than what is shown on the Land Use Plan map. Plan amendments should not be made without thorough analysis of immediate needs, as well as consideration for long-term effects of amendments to the Plan. The Town Council and other Town officials should consider each proposed amendment carefully to determine whether or not it is consistent with the Plan's goals and policies and whether it will be beneficial for the long-term health and vitality of the Town of Bartonville.

The subject property is currently designated as Rural Business (RB) on the adopted Future Land Use Plan. The RB land use designation was assigned to the property from its previous Agricultural (AG) designation in 2015 through Ordinance 579-15, following a request by the then-owner. This designation has been established in two locations in Bartonville – the intersection of McMakin Road and East Jeter Road, and at the intersection of FM 407 and FM 1830. Based on mapping data prepared for the Town of Bartonville, the total area of land designated as RB in the Land Use Plan is 31.36 acres. With the Town's total land area consisting of 4,393.33 acres, the RB land use classification makes up 0.71 percent of the total area of the Town.

While commercial land use designations are generally associated with higher property and sales tax revenues than traditional suburban and semi-rural residential development, the commercial uses typically demand higher levels of utility service such as water and sewer to provide sufficient intensity of development as to make a commercial development work. Given that the Town's sewer service area does not extend to the subject property, the property will be required to be served by a septic system, thus limiting the potential for a productive commercial center on the 10-acre parcel. This may be a reason that this property did not develop for commercial uses in the intervening years since the original land use plan amendment. The minimum lot size within the RE-2 land use plan designation (and the corresponding zoning district) provides sufficient space to accommodate septic systems. Therefore, a conversion of the land use designation from RB to RE-2 is suitable for this location and meets the Comprehensive Plan and other adopted plans.

### *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.

Because a zoning change must be consistent with the Comprehensive Plan (see approval criterion #1), approval of this zoning change request is contingent upon the approval of the land use plan amendment described above. The proposed zoning change amendment would amend the zoning designation of the subject property from Rural Business (RB) to Residential Estates 2-Acre Lots (RE-2). The Rural Business (RB) district is intended to provide local shopping facilities which provide retail business service and office facilities for the convenience of residents of the Town. There is a similar geographic relationship of the area of land designated as RB zoning and the total Town area as that described above regarding the Land Use Plan. The RE-2 zoning designation is intended 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.

Approval criterion #3 listed above requires decision makers to consider the uses permitted by the proposed change in zoning district classification to immediate area of the land to be reclassified. With RB-zoned properties to the north and west of the subject property and RE-2 zoned property to the south, the subject property serves as a buffer between existing commercial and residential uses. In response to approval criterion #4, as stated previously, the development of local shopping facilities requires additional public infrastructure that the Town is unable to provide for this location in the foreseeable future through a modification of the town's sewer service area. Therefore, the amendment of the zoning classification to RE-2 meets the applicable approval criteria listed above.

**RECOMMENDED MOTION OR ACTION:**

Planning & Zoning Commission is recommending approval.

**PUBLIC COMMENT**

As of this writing the Town has not received any public comment.

**ATTACHMENTS:**

- Land Use Amendment and Zoning Change Applications
- Letter mailed to property owners within 200' with location map and mailing list
- Published legal notice
- Draft Ordinances