



# TOWN COUNCIL COMMUNICATION

**DATE** February 13, 2024

**FROM:** Thad Chambers, Town Administrator

**AGENDA ITEM:** Discuss and consider a Final Plat for a 14.722-acre tract or parcel of land situated on Lot 1R, Block A, of the Yeti Addition, in the Town of Bartonville, Denton County, Texas. The subject property is located on the south side of IT Neely Road, approximately 200 feet west of its intersection with FM 407. The property address is 1001 IT Neely Road. The applicant is Cara King of the John R. McAdams Company, Inc. on behalf of The Reserve at Marty B's. [Town of Bartonville FP-2024-001.] ***(The Planning & Zoning Commission recommended approval, with conditions, by a vote of 5-0 at its February 7, 2024, meeting.)***

**Land Use and Zoning:** Current land use category is Village Center. Current zoning is Village Center (VC).

**Summary:** The applicant is the owner of a single parcel of land, totaling 14.722 acres, located on the south side of IT Neely Drive, approximately 200 feet west of its intersection with FM 407. The legal description of the property is YETI ADDN BLK A LOT 1R. The corresponding Denton CAD parcel number is 731287. The applicant has submitted a final plat (see Exhibit A) in order to establish a new public drainage easement and public water line easement on the property, as well as abandon two CoServ easements. Bartonville Development Ordinance (BDO) section 2.2.b.1. states that if an easement for any public facility must be established on the plat, then the subdivision (and its corresponding plat) shall be classified as a major subdivision (and plat) and shall be processed/approved as such. This final plat application is the second of two steps to approve a major plat. In accordance with 2.5.c., the applicant has elected to submit the preliminary and final plats for concurrent review.

The subject property is currently an overflow parking lot and contains an electrical transmission line. It is otherwise undeveloped.

### *Final 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 preliminary plat or other studies and plans, as applicable;
2. The complete engineering/construction plans for all required public improvements and Town utilities have been submitted to the Town for review/approval by the Town's Engineer (whether specifically stated or efficient, all plat approval shall always be subject to any additions and/or alterations to the engineering/construction plans as deemed necessary by the Town Engineer, as needed, to ensure the safe, efficient and proper construction of public improvements within the subdivision); 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 final plat is designed to replat Block A, Lot 1R of the Yeti Addition plat by establishing a new public drainage easement and water line easement on the property, as well as to abandon two CoServ easements currently on the property. The final plat coincides with the preliminary plat. The applicant has submitted full construction plans for review by the Town Engineer. The final plat establishes a 10-foot-wide utility easement along the IT Neely Drive public right-of-way; this conforms to BDO Section 3.3.d. However, the proposed utility easement overlaps the proposed public drainage easement. While a perpendicular crossing is acceptable, parallel overlap of easements does not meet the City's standards. Therefore, a recommended condition of approval is that the proposed utility easement be relocated adjacent and south of the proposed drainage easement that runs along IT Neely Drive.

The plat conforms to the Village Center (VC) zoning district requirements, with the exception of a missing 20-foot building setback along the shared property line with Lot 2, Block A, Yeti Addition. A condition of approval shall require that the 20-foot setback be added prior to recordation. The plat establishes a 50-foot building setback line, with the exception of a 75-foot setback adjacent to Lot 5, Block D, Hudson Hills. This meets or exceeds the VC setback standards. However, Bartonville Zoning Ordinance (BZO) Section 12.3.B.1. establishes a special side and rear setback standard for buildings greater than 15 feet in height. Though the proposed buildings on the lot exceed this maximum height, the site plan review will establish the evaluation and regulation of the building setbacks, and do not affect the building lines established on the plat.

The project will connect to the existing sanitary sewer line in IT Neely Drive. Therefore, criterion #4 does not apply.

**Planning & Zoning Commission Recommendation:** Approve with Conditions.

**Planning & Zoning Commission's Recommended Conditions of Approval:**

1. Prior to final plat recordation, the proposed utility easement shall be relocated adjacent and south of the proposed drainage easement that runs along IT Neely Drive.
2. Prior to recordation, the final plat shall contain Owner's Declaration and Surveyor's Certificate language that matches that listed under Bartonville Development Ordinance Section 2.5.18.f.
3. Prior to recordation, an additional 20-foot-wide building line shall be located along the shared property line with Lot 2, Block A, Yeti Addition.
4. Prior to recordation, there shall be placed an additional clause under the Owner's Declaration (NOW, THEREFORE...) shall read as follows, in accordance with Bartonville Development Ordinance Section 2.5.6:
  - The undersigned does hereby covenant and agree that they shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface in accordance with the Town of Bartonville's paving standards for fire lanes, and that they shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the accessibility of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking." The local law enforcement agency(s) is hereby authorized to enforce parking

regulations within the fire lanes, and to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

5. The final plat shall not be recorded without a signature from CoServ assenting to the proposed easement vacations.
6. In accordance with BDO Section 2.6.5., the final plat shall not be recorded until either:
  - 1) All required public improvements have been constructed and accepted by the Town; or
  - 2) The Town has received an appropriate surety from the applicant guaranteeing the construction of the required public improvements.

**Exhibits:**

1. Final Plat Application Packet