



BOARD OF ADJUSTMENT MEETING AGENDA

April 11, 2024 at 6:00 PM

Town Hall - 1941 E. Jeter Road, Bartonville, TX 76226

A. CALL MEETING TO ORDER

B. PLEDGE OF ALLEGIANCE

C. PUBLIC PARTICIPATION

If you wish to address the Board, please fill out a "Public Meeting Appearance Card" and present it to the Town Secretary, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, citizens wishing to address the Board for items listed as public hearings will be recognized when the public hearing is opened. For citizens wishing to speak on a non-public hearing item, they may either address the Board during the Public Participation portion of the meeting or when the item is considered by the Board of Adjustment.

D. APPROVAL OF MINUTES

1. Discuss and consider approval of the September 20, 2023, Regular Meeting Minutes.

E. PUBLIC HEARINGS AND ACTION ITEMS

2. Public hearing to consider a variance to regulations found in Bartonville Zoning Ordinance Section 19.3.J., relating to maximum distance of an accessory dwelling from the primary building. The property subject to the variance request is located on land situated in the Meadowlakes Farm Addition, Lot 3R-2, in the Town of Bartonville, Denton County, Texas. The site address is 531 W Jeter Road. The applicants are Audelino Melgar and Elizabeth Anaya. [Town File No. VAR-2024-001].

- A. Staff Presentation
- B. Applicant Presentation
- C. Open Public Hearing
- D. Those in Favor
- E. Those Opposed
- F. Rebuttal
- G. Close Public Hearing
- H. Discussion and Action

3. Public hearing to consider a variance to the following regulations: Bartonville Zoning Ordinance (BZO) Appendix F (Technical Design Standards) Section F.1, relating to parking technical design standards for nonresidential districts; BZO Section 12.3.C., relating to the compatibility buffer requirements; and BZO Section 18.J.2., relating to perimeter landscaping requirements. The property subject to the variance request is located on land situated in the Yeti Addition, Block A, Lot 1R, in the Town of Bartonville, Denton County, Texas. The site address is 1001 I.T. Neely Road. The applicant is BryFam Properties, LLC. [Town File No. VAR-2024-002.]

- A. Staff Presentation
- B. Applicant Presentation
- C. Open Public Hearing
- D. Those in Favor
- E. Those Opposed
- F. Rebuttal
- G. Close Public Hearing
- H. Discussion and Action

4. Public hearing to consider a variance to the following regulations: Bartonville Zoning Ordinance Section 4.7., relating to single-family dwelling setback requirements. The property subject to the variance request is located on land situated in the Eagle Ridge Addition, Block A, Lot 21, in the Town of Bartonville, Denton County, Texas. The site address is 1209 Pitner Court. The applicant is Bartonville South 1031, LLC. [Town File No. VAR-2024-003.]

- A. Staff Presentation
- B. Applicant Presentation
- C. Open Public Hearing
- D. Those in Favor
- E. Those Opposed
- F. Rebuttal
- G. Close Public Hearing
- H. Discussion and Action

5. Public hearing to consider a variance to the following regulations: Bartonville Zoning Ordinance Section 19.4.A., relating to accessory building setback requirements. The property subject to the variance request is located on land situated in the Fuller Addition III, Block A, Lot 1, in the Town of Bartonville, Denton County, Texas. The applicant is Jonathan King. [Town File No. VAR-2024-004.]

- A. Staff Presentation
- B. Applicant Presentation
- C. Open Public Hearing
- D. Those in Favor
- E. Those Opposed
- F. Rebuttal
- G. Close Public Hearing
- H. Discussion and Action

6. Public hearing to consider a variance to the following regulations: Bartonville Zoning Ordinance Sections 22.3.D., L., and R., relating to telecommunications facility setback requirements. The property subject to the variance request is located on land situated in the DCFWSD #7 Retail Center Addition, Block A, Lot 1, in the Town of Bartonville, Denton County, Texas. The applicant is Ralph Wyngarden of Faulk & Foster. [Town File No. VAR-2024-005.]

- A. Staff Presentation
- B. Applicant Presentation
- C. Open Public Hearing
- D. Those in Favor
- E. Those Opposed
- F. Rebuttal
- G. Close Public Hearing
- H. Discussion and Action

F. ADJOURNMENT

The Board of Adjustment reserves the right to adjourn into a closed meeting or executive session as authorized by Texas Government Code, Sections 551.001, et seq. (the Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.088 of the Texas Open Meetings Act. Any final action, decision, or vote on a matter deliberated in a closed meeting will only be taken in an open meeting that is held in compliance with Texas Government Code, Chapter 551.

CERTIFICATION

I hereby certify that this Notice of Meeting was posted on the Town Website, and on the bulletin board, at Town Hall of the Town of Bartonville, Texas, a place convenient and readily accessible to the public at all times. Said Notice was posted on the following date and time; and remained posted continuously prior to the scheduled time of said meeting and shall remain posted until meeting is adjourned.

/s/ Shannon Montgomery, Town Secretary

Posted: Thursday, April 4, 2024 prior to 4:00 pm.

Agenda Removed from Town of Bartonville Bulletin Board on: _____

By: _____, *Title:* _____



BOARD OF ADJUSTMENT COMMUNICATION

DATE: April 11, 2024

FROM: Shannon Montgomery, Town Secretary

AGENDA ITEM: Discuss and consider approval of the September 20, 2023, Regular Meeting Minutes.

SUMMARY:

The Board of Adjustment held a Regular Meeting on September 20, 2023.

RECOMMENDED MOTION OR ACTION:

Approve the September 20, 2023, Regular Meeting Minutes as presented.

ATTACHMENT:

- September 20, 2023, Regular Meeting Minutes.

THE TOWN OF BARTONVILLE BOARD OF ADJUSTMENT IN REGULAR SESSION ON THE 20TH DAY OF SEPTEMBER 2023 AT THE TOWN OF BARTONVILLE TOWN HALL, LOCATED AT 1941 E JETER ROAD, BARTONVILLE, TEXAS WITH THE FOLLOWING MEMBERS PRESENT, CONSTITUTING A QUORUM:

Donna Baumgarner, Chair
 Jim Lieber, Vice Chair
 Kathy Daum, Director
 Del Knowler, Director
 Rick Lawrence, Director
 Siobhan O'Brien, Alternate 1
 Rebecca Jenkins, Alternate 2

Town Staff Present:

Thad Chambers, Town Administrator
 Shannon Montgomery, Town Secretary
 Ed Voss, Town Attorney

A. CALL MEETING TO ORDER

Chair Daum called the meeting to order at 6:00 pm.

B. PLEDGE OF ALLEGIANCE

Chair Daum led the pledge.

C. PUBLIC PARTICIPATION

If you wish to address the Board, please fill out a "Public Meeting Appearance Card" and present it to the Town Administrator, preferably before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, citizens wishing to address the Board for items listed as public hearings will be recognized when the public hearing is opened. For citizens wishing to speak on a non-public hearing item, they may either address the Board during the Public Participation portion of the meeting or when the item is considered by the Board of Adjustment.

There was no Public Participation.

D. REGULAR ITEMS

1. Discuss and consider the appointment of Officers:

A. Appointment of Chair

B. Appointment of Vice-Chair

Motion made by Director Lieber, seconded by Director Knowler, to appoint Director Baumgarner Chair. Motion carried unanimously.

Motion made by Director Knowler, seconded by Director Lawrence, to appoint Director Lieber Vice Chair. Motion carried unanimously.

2. Discuss and consider approval of the September 14, 2022, Meeting Minutes.

Motion made by Director Daum, seconded by Director Lawrence, to approve the September 14, 2022, meeting minutes as presented. Motion carried unanimously.

E. PUBLIC HEARINGS AND ACTION ITEMS

Chair Baumgarner moved to Agenda Item #4:

4. Public hearing to consider a variance to regulations found in Bartonville Zoning Ordinance Section 19.3.D. The variance request is to permit the applicant's residential use of an existing dwelling while a new home is constructed on the same property. The property subject to the variance request is located at 496 McMakin Road in the Town of Bartonville, Denton County, Texas. The Town of Bartonville file number for this application is VAR-2023-002.

- A. Staff Presentation**
- B. Applicant Presentation**
- C. Open Public Hearing**
- D. Those in Favor**
- E. Those Opposed**
- F. Rebuttal**
- G. Close Public Hearing**
- H. Discussion and Action**

Town Administrator Chambers stated, per the Bartonville Zoning Ordinance, a property cannot have two dwellings on one property and shared that the Town had not received any comments regarding this variance request.

Applicant James Kennemer presented his case and addressed questions from the Directors.

Chair Baumgarner opened the Public Hearing at 6:13 pm, and after recognizing that no one wished to speak, closed the Public Hearing at 6:13 pm.

Motion made by Director Daum, seconded by Director Lieber, to approve the variance allowing the applicant to live in their existing single-family residence located at 496 McMakin Road while a new single-family residence is under construction with the stipulation that the two existing structures must be removed within 90 days of receiving the Certificate of Occupancy for the residence.

VOTE ON THE MOTION

AYES: Baumgarner, Daum, Knowler, Lawrence, and Lieber

NAYS: None

VOTE: 5-0

Chair Baumgarner moved to Agenda Item #5:

- 5. Public hearing to consider a variance to regulations found in Bartonville Zoning Ordinance Sections 4.7 and 19.4.C. The variance request is to permit the location of an existing dwelling within the regulatory side yard setback, and the location of an existing accessory building without the existence of a primary structure; both conditions would result from a proposed minor plat to subdivide an existing property. The property subject to the variance request is located on land situated in the Fuller Addition 2, Lot 1; Keith Survey, Abstract Number A1643A, Tract 4; and the Newton Allsup Survey, Abstract Number 64870, Tract 7; in the Town of Bartonville, Denton County, Texas. The Town of Bartonville file number for this application is VAR-2023-004.**

- A. Staff Presentation**
- B. Applicant Presentation**
- C. Open Public Hearing**
- D. Those in Favor**
- E. Those Opposed**
- F. Rebuttal**
- G. Close Public Hearing**
- H. Discussion and Action**

Town Administrator Chambers stated that this request is to permit the location of an existing dwelling within the regulatory side yard setback, and the location of an existing accessory building without the existence of a primary structure; both conditions would result from a proposed minor plat to subdivide an existing property as regulated by the Bartonville Zoning Ordinance Sections 4.7 and 19.4.C. Chambers also stated that the Town had received one email, in favor of this variance.

Applicant Melissa Grau presented her case to the Board and addressed questions, by stating that Lot 1 contains the accessory building with no permanent structure and Lot 2 contains the main structure.

Chair Baumgarner opened the Public Hearing at 6:34 pm. The following spoke:

- Teresa Rather, 1905 Woodland Boulevard, Flower Mound, Texas – FOR

Chair Baumgarner closed the Public Hearing at 6:37 pm.

Motion made by Director Daum, seconded by Director Lieber, to approve the variance request as presented by permitting the two existing structures that violate the Bartonville Zoning Ordinance to remain in their current locations following the subdivision of the property into four lots, approximately 2 acres each. These structures would now be considered legal nonconforming structures and would be subject to limitations found in the Bartonville Zoning Ordinance Section 1.11.

VOTE ON THE MOTION

AYES: Baumgarner, Daum, Knowler, Lawrence, and Lieber

NAYS: None

VOTE: 5-0

Motion made by Director Baumgarner, seconded by Director Daum, to convene into Executive Session to obtain Legal Advice as authorized by Texas Government Code, Sections 551.001, et seq. (the Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.088 of the Texas Open Meetings Act.

VOTE ON THE MOTION

AYES: Baumgarner, Daum, Knowler, Lawrence, and Lieber

NAYS: None

VOTE: 5-0

The Board convened into Executive Session at 6:40 pm and reconvened into Regular Session at 7:21 pm.

Chair Baumgarner moved to Agenda Item #3:

- 3. Public hearing to consider a variance to regulations found in Bartonville Zoning Ordinance Section 20.3.C. The variance request is to reduce the required setback for a screening fence along the applicant's property line adjacent to a public road. The property subject to the variance request is located at 568 Seals Road in the Town of Bartonville, Denton County, Texas. The Town of Bartonville file number for this application is VAR-2023-001.**

- A. Staff Presentation**
- B. Applicant Presentation**
- C. Open Public Hearing**
- D. Those in Favor**
- E. Those Opposed**
- F. Rebuttal**
- G. Close Public Hearing**
- H. Discussion and Action**

Town Administrator Chambers stated the issue at hand is the location of the fence because of its reduction in the setback; the setback is measured from the Right-of-Way, not the edge of the road. Chambers addressed questions from the Board.

Applicants, Steve and Marilyn Addison, provided the Board with a presentation of pictures, provided a brief history of the events that led up to the fence being built. The applicants also addressed questions from the Board.

Chair Baumgarner opened the Public Hearing at 7:56 pm. The following spoke:

- Wayne Hoyt, 575 Seals Road, Bartonville, Texas – FOR
- Mike Mollo, 728 Village Green Drive, Argyle, Texas – AGAINST
- Hunter Mahan, 5314 Ursula Lane, Dallas, Texas – AGAINST
- Teresa Rather, 1905 Woodland Boulevard, Flower Mound, Texas – AGAINST

Chair Baumgarner closed the Public Hearing at 8:21 pm.

Motion made by Director Daum, seconded by Director Lawrence, to approve the variance as presented, allowing the existing fence to remain in its current location based on the following criteria for approval:

- c) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- d) Granting the variance petition will not be detrimental to the public health, safety, or welfare, or injurious to other property within the area;
- e) Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Ordinance, or adversely affect the rights of owners or residents of surrounding property;
- g) The hardship or inequity suffered by petitioner is not self-induced;
- h) The request for a variance is not based exclusively upon a desire from the petitioner for increased financial gain from the property, or to reduce an existing financial hardship.

VOTE ON THE MOTION

AYES: Baumgarner, Daum, Knowler, Lawrence, and Lieber

NAYS: None

VOTE: 5-0

Chair Baumgarner moved to Agenda Item #6:

- 6. Public hearing to consider a variance to regulations found in Bartonville Zoning Ordinance Section 19.3.E. The variance request is to permit the applicant to construct an accessory dwelling that exceeds the 1,000 square-foot maximum allowance. The property subject to the variance request is located at 1416 W Jeter Road in the Town of Bartonville, Denton County, Texas. The Town of Bartonville file number for this application is VAR-2023-003.**
 - A. Staff Presentation**
 - B. Applicant Presentation**
 - C. Open Public Hearing**
 - D. Those in Favor**
 - E. Those Opposed**
 - F. Rebuttal**
 - G. Close Public Hearing**
 - H. Discussion and Action**

Town Administrator Chambers stated that this variance request is to permit the applicant to construct an accessory dwelling that exceeds the 1,000 square-foot maximum allowance, found in Bartonville Zoning Ordinance Section 19.3.E. Chambers also stated that Staff has received three emails in favor of this request and none opposing the variance.

Applicant Courtney Lenkart addressed the Board by stating that the new accessory dwelling will be attached to a four-stall garage and barn.

Chair Baumgarner opened the Public Hearing at 6:36 pm, and after recognizing that no one wished to speak, closed the Public Hearing at 6:36 pm.

Motion made by Director Lawrence, seconded by Director Daum, to approve the variance, permitting the applicant to construct an accessory dwelling unit attached to the detached four-stall garage based on item D of the Criteria for Approval:

d) Granting the variance petition will not be detrimental to the public health, safety, or welfare, or injurious to other property within the area.

VOTE ON THE MOTION

AYES: Baumgarner, Daum, Knowler, Lawrence, and Lieber

NAYS: None

VOTE: 5-0

F. ADJOURNMENT

Chair Baumgarner declared the meeting adjourned at 8:39 pm.

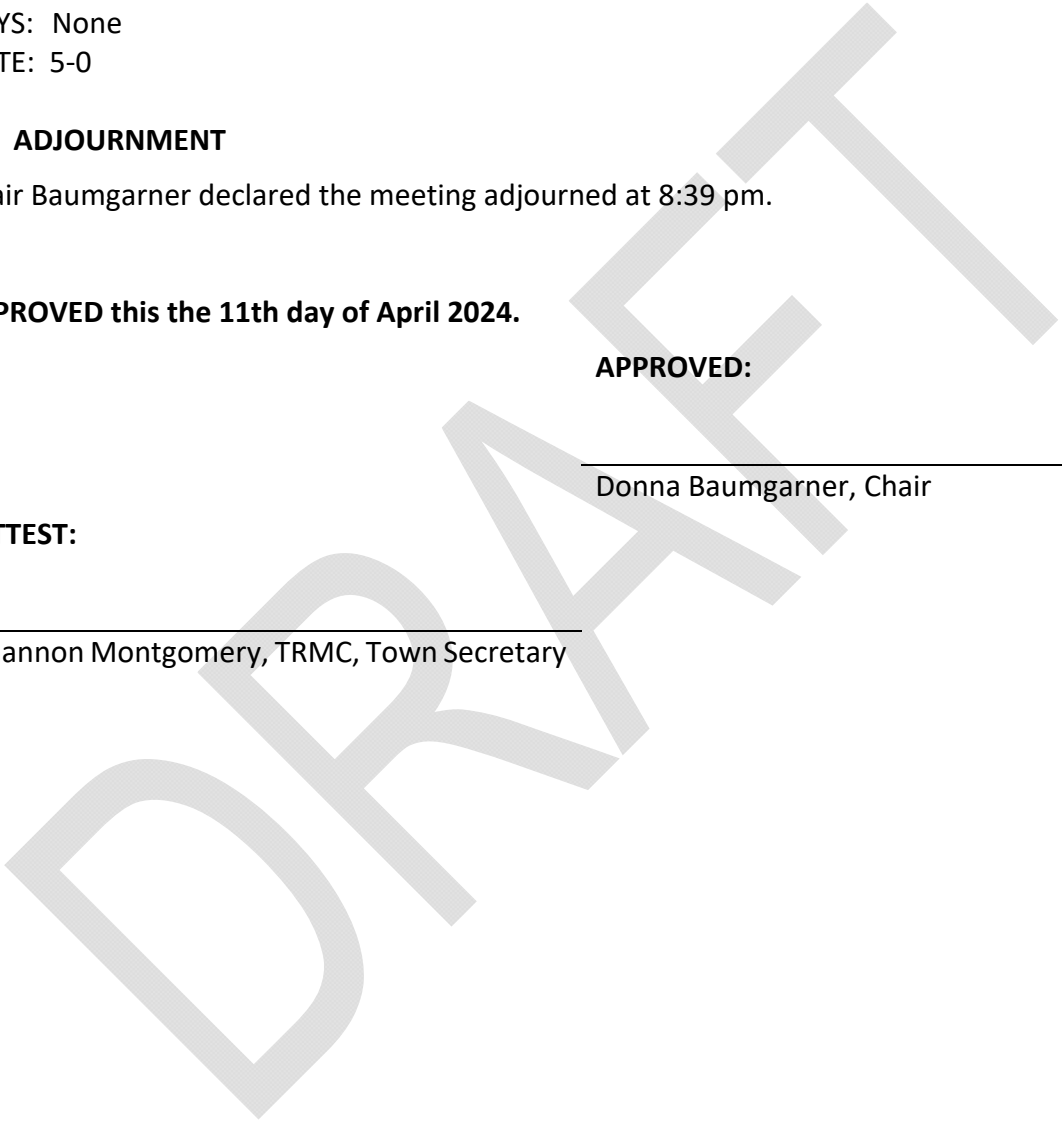
APPROVED this the 11th day of April 2024.

APPROVED:

Donna Baumgarner, Chair

ATTEST:

Shannon Montgomery, TRMC, Town Secretary





BOARD OF ADJUSTMENT COMMUNICATION

DATE: April 11, 2024

FROM: Thad Chambers, Town Administrator

AGENDA ITEM: Public hearing to consider a variance to regulations found in Bartonville Zoning Ordinance Section 19.3.J., relating to maximum distance of an accessory dwelling from the primary building. The property subject to the variance request is located on land situated in the Meadowlakes Farm Addition, Lot 3R-2, in the Town of Bartonville, Denton County, Texas. The site address is 531 W Jeter Road. The applicants are Audelino Melgar and Elizabeth Anaya. [Town File No. VAR-2024-001].

Applicant: Audelino Melgar and Elizabeth Anaya

Zoning: Residential Estates 5 (RE-5)

Requested Variance: To permit the applicant's construction of an accessory dwelling 95 feet behind the primary residence, contrary to the 50-foot maximum distance established by Bartonville Zoning Ordinance Section 19.3.J.

Summary: The applicant has submitted a variance request (Exhibit 1) to permit their construction of an accessory dwelling 95 feet behind the primary residence. Bartonville Zoning Ordinance (BZO) Section 19.3.J limits the distance of an accessory dwelling to 50 feet maximum distance from the primary building. The applicant provides no justification for the variance in their application.

The subject property is approximately 6.22 acres in size. As indicated by the site plan included in Exhibit 1, the accessory dwelling would meet all other setback and dimensional standards found in BZO Section 19.3.

Criteria for Approval: In deciding the variance petition, the Board of Adjustments shall apply the following criteria:

- A. There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land subject to the variance petition, such that the strict application of the provisions of this Zoning Ordinance to the development application would create an unnecessary hardship or inequity upon or for the petitioner, as distinguished from a mere inconvenience, in developing the land or deprive the petitioner of the reasonable and beneficial use of the land;
- B. The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;
- C. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- D. Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;

- E. Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Ordinance, or adversely affect the rights of owners or residents of surrounding property;
- F. Granting the variance petition is consistent with any special criteria applicable to varying particular standards;
- G. The hardship or inequity suffered by petitioner is not self-induced;
- H. The request for a variance is not based exclusively upon a desire from the petitioner for increased financial gain from the property, or to reduce an existing financial hardship; and
- I. The degree of variance requested is the minimum amount necessary to meet the needs of petitioner and to satisfy the standards in this section.

If Approved: Approval of the variance request would permit the applicant to construct an accessory dwelling, subject to approval and issuance of a building permit from the Town of Bartonville, approximately 95 feet from their primary residence. All other setbacks and standards for the RE-5 zoning district and Section 19.3 of the BZO would still have to be met.

If Denied: Denial of the variance request would mean that the applicant would have to move the proposed accessory dwelling to within 50 feet of the primary structure, in conformance with BZO Section 19.3.J. All other setbacks and standards for the RE-5 zoning district and Section 19.3 of the BZO would also have to be met.

Exhibits:

1. Variance Application VAR-2024-001
2. Location Map
3. Notification Letter and Addresses
4. Publication Affidavit

TOWN OF BARTONVILLE
REQUEST FOR VARIANCE

Zoning Regulations (Section: _____) Subdivision Regulations (Section: _____)
 Sign Regulations (Section: _____) Other: TOWN ORDINANCE - Accessory Buildings

Owner's Name: Adeline Melgar & Elizabeth Anaya Phone: 408-230-6294 Fax: _____

Mailing Address 225 Stonecrest Rd Argyle TX 76226

Legal Description: Lot _____ Block _____ Addition _____

Present Use and Improvements on Property: Single family residential
531 W. Jeter Rd, Bartonville, TX 76226

Description of Variance or Special Exception Requested:

19.3 Accessory Dwellings - J. 531 W. Jeter Rd
Accessory dwelling will be built behind the primary structure
but we are requesting to set 95' from main structure vs.
the 50' allowable in 19.3-J.

Has a previous Application or Appeal to the Board been filed on the property?
 No Yes, Date: _____

Attach maps, designs, lists of property owner's names and addresses , and/or any additional materials as necessary or required by ordinance appeal procedures. Please included ten (10) copies of any information that is submitted.

I certify that I am the legal owner of record of the property, or that I have secured the property owner's permission as shown on the attached affidavit (as applicable), and that the information concerning this request for variance is true and correct and respectfully request it's consideration.

[Signature] 1/15/24
Signature Scott Mitchell Custom Homes Date
Scott Mitchell - 214-725-9955

Application complete? _____ Fee Paid: \$ _____ Date: _____
Date to appear before: P&Z _____ TC _____ BOA _____
Remarks: _____

RECEIVED

FEB 05 2024

NOTARY FORM

Town of Bartonville



THE FOLLOWING IS TO BE COMPLETED ONLY IF A PERSON OTHER THAN THE OWNER IS MAKING THIS APPLICATION.

Dated: 02/01/2024

I, Audelino Melgar, owner of the Property located at 531 W. Jeter Road Bartonville TX do hereby certify that I have given my permission to Scott Mitchell Custom Homes to make an application (check one) on my behalf.

- Variance
- Waiver
- Plat/Replat
- Development Plat
- Zoning Change

Audelino Melgar Jr
Print Name

Audelino Melgar
Signature of Owner

531 W. Jeter Road Bartonville TX
Address

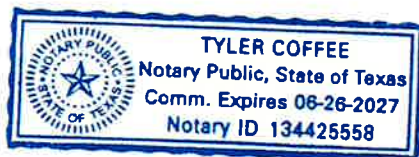
408-230-6294
Phone

State of Texas §
County of Denton §

Before me, Tyler Coffee, a Notary Public in and for said County and State, on this day personally appeared Audelino Melgar known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 1st day of February, 2024

(Seal)



Tyler Coffee
Notary Public's Signature





March 28, 2024

«OWNER»

Property Owner

«ADDRESS»

«CITY», «STATE» «ZIP»

RE: Proposed Variance, 531 W Jeter Road

Dear Property Owner:

The Board of Adjustment for the Town of Bartonville, Texas will conduct a Public Hearing at 6:00 p.m. on April 11, 2024, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider a variance to regulations found in Bartonville Zoning Ordinance Section 19.3.J., relating to maximum distance of an accessory dwelling from the primary building.

The property subject to the variance request is located on land situated in the Meadowlakes Farm Addition, Lot 3R-2, in the Town of Bartonville, Denton County, Texas. The site address is 531 W Jeter Road. The applicants are Audelino Melgar and Elizabeth Anaya. The Town of Bartonville file number for this application is VAR-2024-001.

All interested parties are encouraged to attend.

Sincerely,

Thad Chambers, CPM
Town Administrator
Town of Bartonville

OWNER	ADDRESS	CITY	STATE	ZIP
BORGMAN, KARI & BENJAMIN	565 W JETER RD	ARGYLE	TX	76226-6955
MARYE, ROBERT & RACHEL	473 W JETER RD	ARGYLE	TX	76226-6956
MELGAR, AUDELINO JR & ANAYA, ELIZABETH	531 W JETER RD	ARGYLE	TX	76226-6955
ONCOR ELECTRIC DELIVERY CO	PO BOX 139100	DALLAS	TX	75313-9100
RODES, PATRICK D	785 W JETER RD	BARTONVILLE	TX	76226-6951
TMPA	PO BOX 7000	BRYAN	TX	77805-7000
WALLING, ANDREW P & TIFFANY K	600 W JETER RD	ARGYLE	TX	76226-6954
WALLING, JANICE M & PETER T	624 W JETER RD	BARTONVILLE	TX	76226-6954

Denton Record-Chronicle
2413 Fort Worth Dr
(940) 387-7755

I, Nicole Riegert, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Denton Record-Chronicle, a publication that is a "legal newspaper" as that phrase is defined for the city of Denton, for the County of Denton, in the state of Texas, that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:
Mar. 23, 2024

Notice ID: IYZXzaUwkiWaaUe46JHX
Notice Name: 03.23.2024 BOA PH Notice for 04.11.24 Meeting

PUBLICATION FEE: \$94.32

I declare under penalty of perjury that the foregoing is true and correct.

Nicole Riegert

Agent

SHANNEA H HOLMES
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires August 1, 2026

VERIFICATION

State of New Jersey
County of Hudson

Signed or attested before me on this: 03/27/2024

Shanea H. Holmes

Notary Public
Notarized remotely online using communication technology via Proof.

TOWN OF BARTONVILLE
BOARD OF ADJUSTMENT
NOTICE OF PUBLIC
HEARINGS

The Board of Adjustment for the Town of Bartonville, Texas will conduct Public Hearings beginning at 6:00 pm on April 11, 2024, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider the following items:

- a variance to regulations found in Bartonville Zoning Ordinance Section 19.3.J., relating to maximum distance of an accessory dwelling from the primary building. The property subject to the variance request is located on land situated in the Meadowlakes Farm Addition, Lot 3R-2, in the Town of Bartonville, Denton County, Texas. The site address is 531 W Jeter Road. The applicants are Audelino Melgar and Elizabeth Anaya. [Town File No. VAR-2024-001].
- a variance to the following regulations: Bartonville Zoning Ordinance (BZO) Appendix F (Technical Design Standards) Section F.1, relating to parking technical design standards for nonresidential districts; BZO Section 12.3.C., relating to the compatibility buffer requirements; and BZO Section 18.J.2., relating to perimeter landscaping requirements. The property subject to the variance request is located on land situated in the Yeti Addition, Block A, Lot 1R, in the Town of Bartonville, Denton County, Texas. The site address is 1001 I.T. Neely Road. The applicant is BryFam Properties, LLC. [Town File No. VAR-2024-002].
- a variance to the following regulations: Bartonville Zoning Ordinance Section 4.7., relating to single-family dwelling setback requirements. The property subject to the variance request is located on land situated in the Eagle Ridge Addition, Block A, Lot 21, in the Town of Bartonville, Denton County, Texas. The site address is 1209 Pitner Court. The applicant is Bartonville South 1031, LLC. [Town File No. VAR-2024-003].
- a variance to the following regulations: Bartonville Zoning Ordinance Section 19.4.A., relating to accessory building setback requirements. The property subject to the variance request is located on land situated in the Fuller Addition III, Block A, Lot 1, in the Town of Bartonville, Denton County, Texas. The applicant is Jonathan King. [Town File No. VAR-2024-004].
- a variance to the following regulations: Bartonville Zoning Ordinance Sections 22.3.D., L., and P., relating to telecommun

ications facility setback requirements. The property subject to the variance request is located on land situated in the DCFWSD #7 Retail Center Addition, Block A, Lot 1, in the Town of Bartonville, Denton County, Texas. The applicant is Ralph Wyngarden of Faulk & Foster. [Town File No. VAR-2024-005.] All interested parties are encouraged to attend.

drc 03/23/2024

Item E2.



BOARD OF ADJUSTMENT COMMUNICATION

DATE: April 11, 2024

FROM: Thad Chambers, Town Administrator

AGENDA ITEM: Public hearing to consider a variance to the following regulations: Bartonville Zoning Ordinance (BZO) Appendix F (Technical Design Standards) Section F.1, relating to parking technical design standards for nonresidential districts; BZO Section 12.3.C., relating to the compatibility buffer requirements; and BZO Section 18.J.2., relating to perimeter landscaping requirements. The property subject to the variance request is located on land situated in the Yeti Addition, Block A, Lot 1R, in the Town of Bartonville, Denton County, Texas. The site address is 1001 I.T. Neely Road. The applicant is BryFam Properties, LLC. [Town File No. VAR-2024-002.]

Applicant: Marty Bryan, BryFam Properties, LLC

Zoning: Village Center (VC)

Requested Variance: To permit certain accommodations within the approved design of an event center and chapel, primarily relating to the surface treatment of on-site parking, perimeter screening, and landscaping. The specific variances requested are:

1. Reduction in the required parking spaces to be constructed of concrete or asphalt from 99 to 77, with the remaining parking spaces being constructed of flex base (BZO Appendix F (Technical Design Standards) Section F.1.).
2. Reduction of the required landscape buffer adjacent to the Hudson Hills residential use from 25 feet to 15 feet (BZO Section 12.3.C.11).
3. Modification of the required screening wall adjacent to the Hudson Hills residential use from a solid masonry wall at least 6 feet in height, to a 6-foot-high stone column and ornamental fence, consistent with the perimeter screening fence at Marty B's (BZO Section 12.3.C.11. & 18.6.J.2.).
4. Allowance of a reduction of perimeter landscaping by 16 trees, offset by the street trees to be planted in the adjacent right-of-way (BZO Section 18.6.J.2.b.1 & 2).

Summary: The Reserve at Marty B's Site Plan was approved by the Bartonville Town Council on February 13, 2024. The Site Plan was for an event center and chapel on an approximately 14.722-acre site located on the south side of IT Neely Road, across from Marty B's. The Site Plan includes a 10,723 square-foot (sf) event center and a 3,199 sf chapel. The applicant intends to provide 223 parking spaces on a heavily-landscaped site.

During the approval process, the applicant identified a number of the design requirements found in the Bartonville Zoning Ordinance and specific to the Village Center zoning district for which he requested consideration of a variance. The reason for the variances (listed in the above section) are as follows:

1. Reduction in the required parking spaces to be constructed of concrete or asphalt from 99 to 77, with the remaining parking spaces being constructed of flex base (BZO Appendix F (Technical Design Standards) Section F.1.).

- a. The above-referenced section of the BZO requires 99 paved (concrete or asphalt) parking spaces for the site; the rest can be flex base or gravel. The applicant is requesting a reduction in the number of paved parking spaces to coincide with the parking located in front of the proposed buildings. In addition, the Marty B's site has a flex base surface for the parking, and this has been successful for the other site. During the Town Council meeting, the applicant also noted that flex base maintains infiltration qualities while still providing a durable driving surface.
2. Reduction of the required landscape buffer adjacent to the Hudson Hills residential use from 25 feet to 15 feet (BZO Section 12.3.C.11).
 - a. The above-referenced section of the BZO requires a landscape buffer along the concrete and gravel parking areas adjacent to Lot 5, Block D, Hudson Hills. Said landscape plan must meet the following standards:
 - i. A brick or masonry wall with stucco or mortar wash finish, both exterior finishes being the same, shall be constructed along the property line. Said wall shall be a minimum of six feet (6') in height, except that the first twenty-five feet (25') in from the street line may be stepped down to a minimum height of four feet (4').
 - ii. The landscaped setback shall consist of a minimum twenty-five foot (25') landscape buffer. Understory plants of species included in the approved plant list contained in Chapter 31 shall be provided in order to achieve a continuous dense six-foot (6') screen.
 - iii. Native shade trees, a minimum of three inches (3") in trunk diameter as measured four feet (4') above the ground and of a species included in Chapter 31 shall be provided at a ratio of one (1) tree per four hundred (400) square feet of buffer area. Native shade trees shall not be planted closer than thirty feet (30') on center.

The applicant is requesting a reduction in the landscaped buffer width from 25 to 15 feet. Maintaining the 25 foot buffer would reduce the number of parking spaces available for the event center and chapel use. The justification for this variance is that due to the presence of a water easement and undeveloped buffer on the Hudson Hills residential property located northwest of the site, there is at least 70 feet distance from the subject property to any available home site on the adjacent residential-zoned property.

3. Modification of the required screening wall adjacent to the Hudson Hills residential use from a solid masonry wall at least 6 feet in height, to a 6-foot-high stone column and ornamental fence, consistent with the perimeter screening fence at Marty B's (BZO Section 12.3.C.11. & 18.6.J.2.).
 - a. Referencing the same standards listed above from BZO Section 12.3.C.11, the applicant wishes to use the same perimeter fencing design that was installed at the Marty B's site on the opposite side of I. T. Neely Drive. The proposed fence is a 6-foot-high stone column and ornamental fence, rather than the required 6-foot-high solid (100% opaque) masonry screening wall. This is primarily for consistency and a uniform theme between the two sites.
4. Allowance of a reduction of perimeter landscaping by 16 trees, offset by the street trees to be planted in the adjacent right-of-way (BZO Section 18.6.J.2.b.1 & 2).
 - a. The above-referenced section of the BZO requires the following perimeter planting where a parking lot is located between a building and the public right-of-way:
 - i. One (1) overstory tree per fifty (50) lineal feet of frontage (totaling 7 trees);
 - ii. Three (3) understory trees per fifty (50) lineal feet of frontage (totaling 21 trees);

Due to the presence of a number of easements established in the Reserve at Marty B's plat, the presence of overhead utility lines, and the perimeter fencing requirements, meeting the perimeter landscaping requirement will be difficult. The applicant cites BZO Section 18.6.D., which allows the installation of street trees in the adjacent right-of-way to proportionately

offset the perimeter landscaping requirement. In this case, the applicant is requesting the reduction of 16 perimeter landscaping trees.

Criteria for Approval: In deciding the variance petition, the Board of Adjustments shall apply the following criteria:

- A. There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land subject to the variance petition, such that the strict application of the provisions of this Zoning Ordinance to the development application would create an unnecessary hardship or inequity upon or for the petitioner, as distinguished from a mere inconvenience, in developing the land or deprive the petitioner of the reasonable and beneficial use of the land;
- B. The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;
- C. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- D. Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
- E. Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Ordinance, or adversely affect the rights of owners or residents of surrounding property;
- F. Granting the variance petition is consistent with any special criteria applicable to varying particular standards;
- G. The hardship or inequity suffered by petitioner is not self-induced;
- H. The request for a variance is not based exclusively upon a desire from the petitioner for increased financial gain from the property, or to reduce an existing financial hardship; and
- I. The degree of variance requested is the minimum amount necessary to meet the needs of petitioner and to satisfy the standards in this section.

Note that each variance request will require independent consideration and an independent vote. At the discretion of the Zoning Board of Adjustment (ZBA), all, none, or only select variances may be granted.

If Approved: Approval of the individual variance requests would allow the following adjustments to the approved Site Plan for the Reserve at Marty B's project site:

1. The on-site parking would consist of 77 paved parking spaces, with the balance being flex base, rather than 99 paved spaces.
2. The landscape buffer adjacent to the Hudson Hills residential development would be 15 feet; the proportionate landscaping within the buffer would still be met.
3. The perimeter fence along the Hudson Hills residential development would be constructed of masonry columns and decorative metal fencing, rather than a solid masonry wall.
4. The total perimeter landscaping adjacent to the parking lot and the public right-of-way would be reduced by 16 trees, to be offset by the planting of 16 street trees within the right-of-way.

If Denied: Denial of the individual variance requests would mean the following:

1. The applicant would be required to construct a minimum of 99 paved parking spaces for the site; the remainder would be flex base.

2. The landscape buffer adjacent to the Hudson Hills residential development would be 25 feet. This would result in readjustment or reduction in the on-site parking spaces for the site. The proportionate landscaping within the buffer would still be met.
3. The perimeter fence along the Hudson Hills residential development would consist of a solid masonry wall.
4. The total perimeter landscaping adjacent to the parking lot and the public right-of-way would have to include 7 overstory (canopy) trees and 21 understory trees. The trees would have to avoid conflicts with the footings of the perimeter fence and any easements or utility lines. The 16 street trees would still be required to be planted.

Exhibits:

1. Variance Application VAR-2024-002
2. Location Map
3. Notification Letter and Addresses
4. Publication Affidavit

**TOWN OF BARTONVILLE
REQUEST FOR VARIANCE**

Item E3.

Zoning Regulations (Section: _____) **Subdivision Regulations (Section: _____)**
 Sign Regulations (Section: _____) **Other: _____**

Owner's Name: BryFam Properties, LLC Phone: 972.849.5177 Fax: _____

Mailing Address 913 Hat Creek Court, Bartonville, TX 76226

Legal Description: Lot 1R-2 Block A Addition Yetti Addition

Present Use and Improvements on Property: Present use is vacant. Improvements to property include Event Center & Chapel.

Description of Variance or *Special Exception* Requested:

Parking Surface - 223 Parking Spaces Provided (77 Concrete, 146 Flex Base) - 99 Required to be Concrete/Asphalt -Requesting 77 Concrete in lieu of 99

Landscape Buffer - 15' Buffer Provided - 25' Buffer Required - Requesting 300' of 15' LA buffer in lieu of 25' buffer

Screening Requirements - 6' Stone Column & Ornamental Metal Fence Provided (Consistent with adjacent properties) - 6' Brick or Masonry Wall Required

*Please note, additional variances added to next page.

Has a previous Application or Appeal to the Board been filed on the property?

No Yes, Date: _____

Attach maps, designs, lists of property owner's names and addresses , and/or any additional materials as necessary or required by ordinance appeal procedures. Please included ten (10) copies of any information that is submitted.

.....

I certify that I am the legal owner of record of the property, or that I have secured the property owner's permission as shown on the attached affidavit (as applicable), and that the information concerning this request for variance is true and correct and respectfully request it's consideration.


Signature

03/04/24
Date

Application complete? _____	Fee Paid: \$ _____	Date: _____
Date to appear before: P&Z _____	TC _____	BOA _____
Remarks: _____		

The street frontage for IT Neely will have multiple easements including overhead electrical and 12 required Street trees reducing the allowable plantable area for the following requirements.

Relief from the following requirements is requested:

18.6 J. 2. b. 1. One (1) overstory tree per fifty (50) lineal feet of frontage; 7 overstory trees

18.6 J. 2. b. 2. Three (3) understory trees per fifty (50) lineal feet of frontage; 21 understory trees

18.6 J. 2. c. Perimeter landscaping shall include the installation of a Decorative Fence meeting the standards specified in town code Chapter 3, article 3.10.

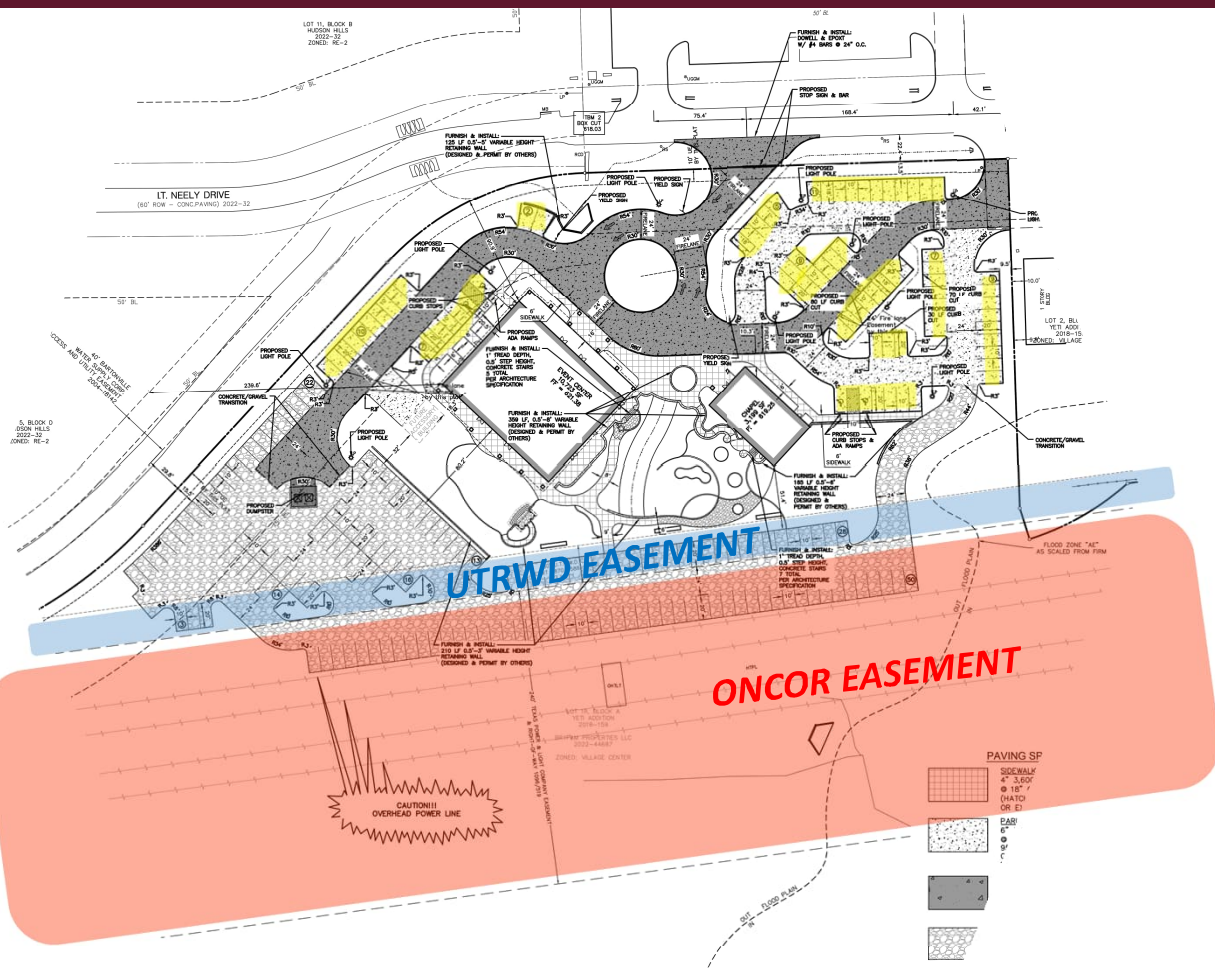
This will require concrete posts reducing where it can be placed due to the number of required trees and parking screening.

The following section allows for street trees to count towards the above requirements:

18.6 D. Landscaping in the adjacent public right-of-way may be counted toward meeting the overall landscaping requirements on a case-by-case basis, if approved by the Town Council.

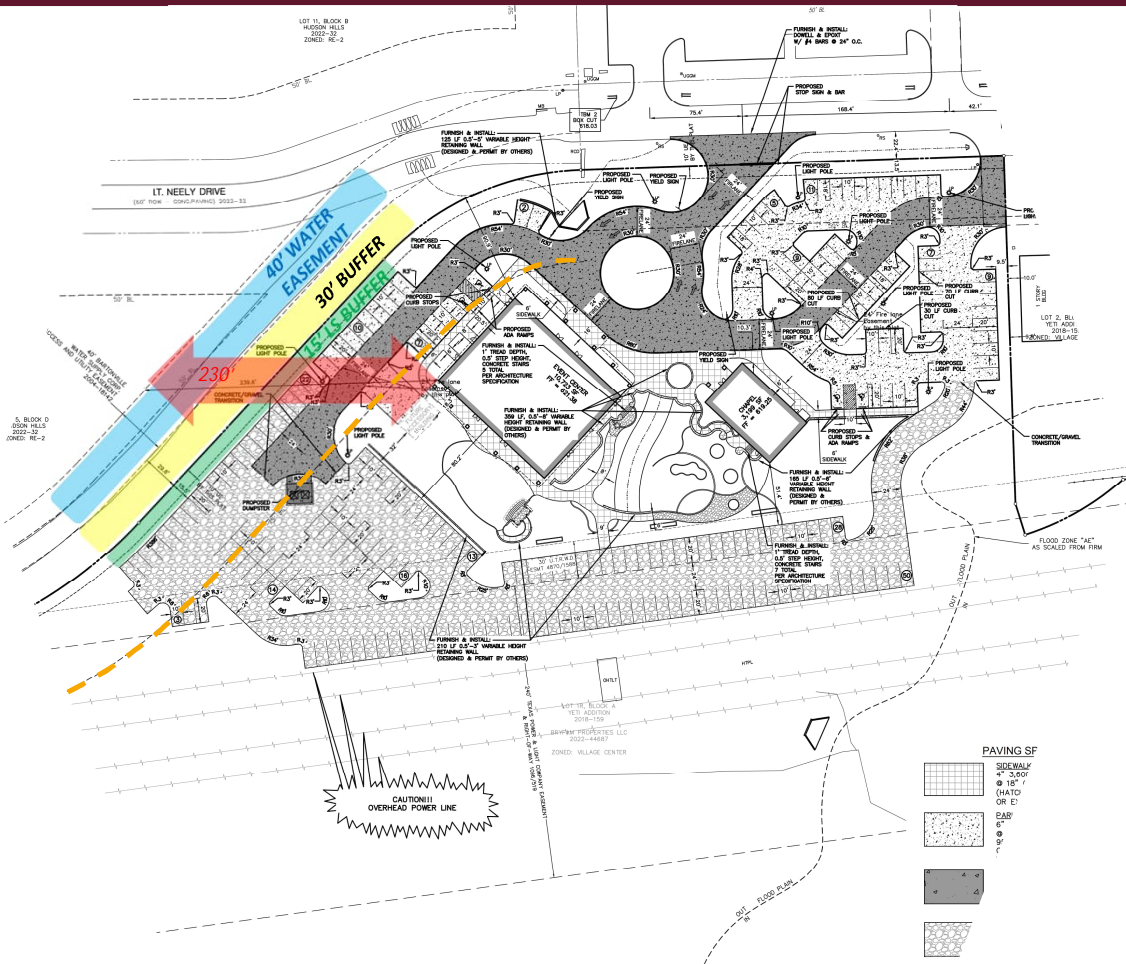
Relief would be for 16 Trees in this area.

ZBOA WAIVER REQUEST – PARKING SURFACE



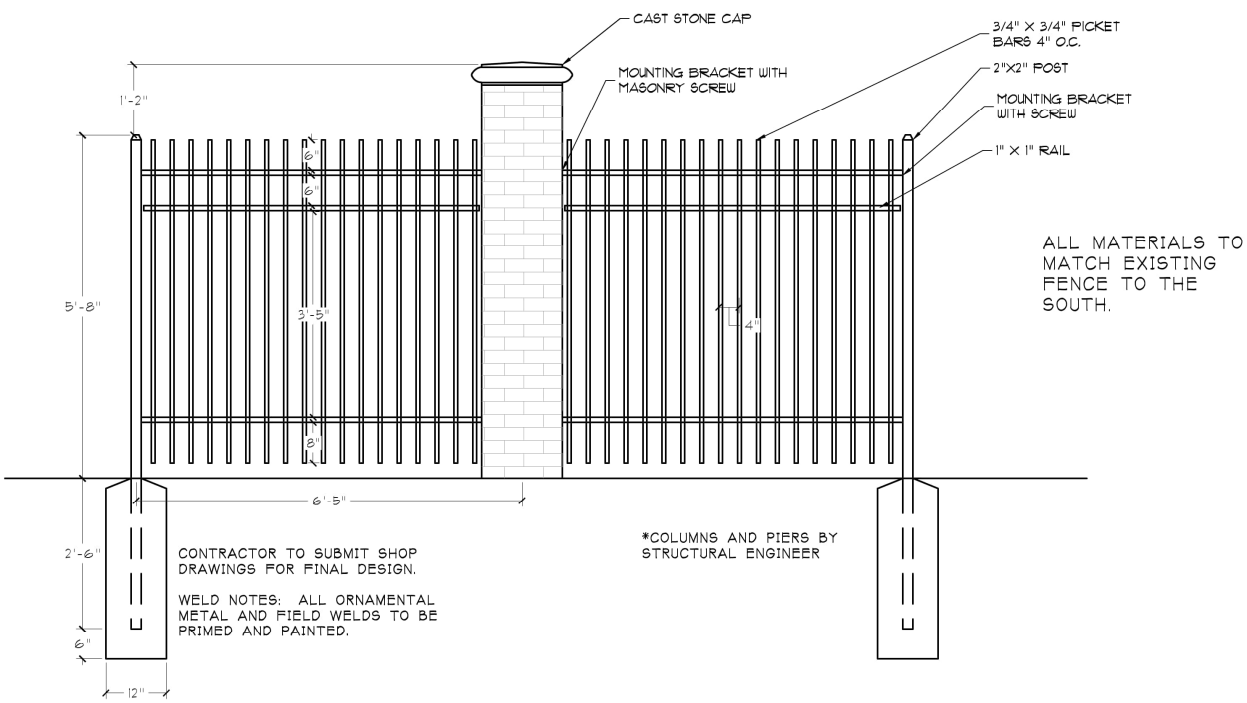
- 223 Parking Spaces Provided
 - 77 Concrete
 - 146 Flex Base – Same material used for parking lots north and east of Marty B’s
 - 99 Required to be Concrete/Asphalt

ZBOA WAIVER REQUEST - LANDSCAPE BUFFER



- Landscape Buffer
 - 15' Buffer Provided
 - 25' Buffer Required
- Building Setback
 - 91' Setback Provided
 - 75' Setback Required

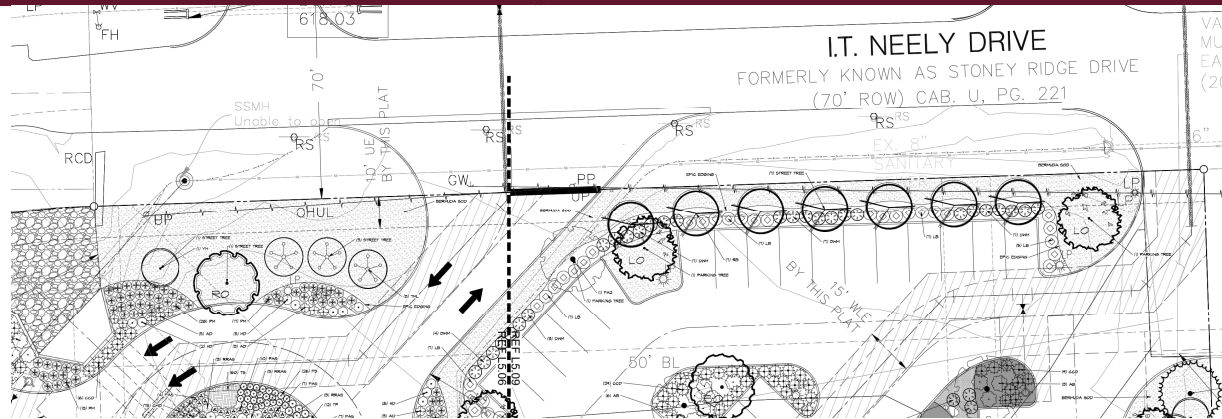
ZBOA WAIVER REQUEST - SCREENING WALL



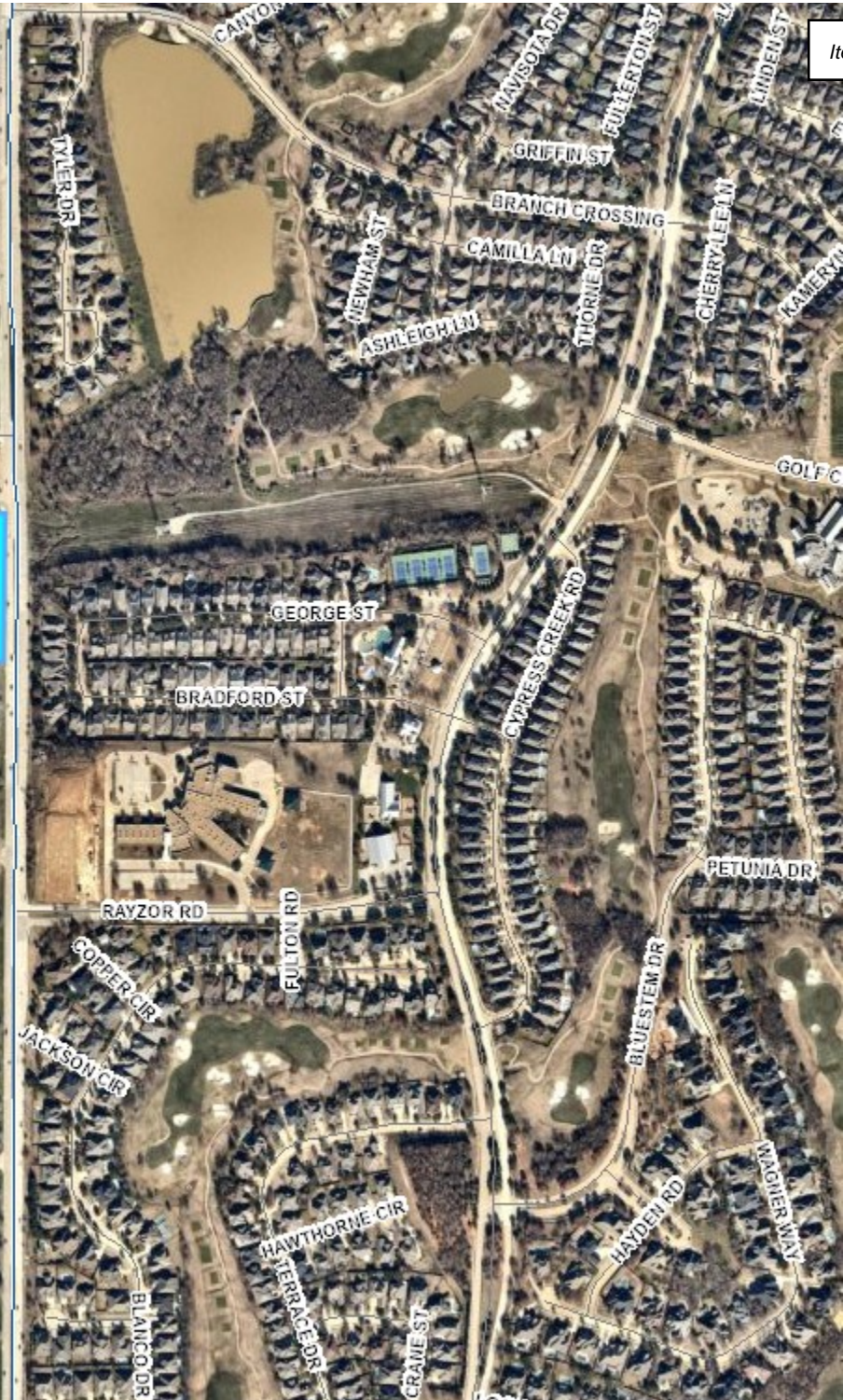
- Screening Requirements
 - 6' Stone Column & Ornamental Metal Fence Provided – Consistent with adjacent properties
 - 6' Brick or Masonry Wall Required

8. STONE COLUMN & ORNAMENTAL METAL FENCE DETAIL
1/2"=1'

ZBOA WAIVER REQUEST - LANDSCAPE



- Landscape Requirements
 - 18.6 J. 2. b. 1. One (1) overstory tree per fifty (50) lineal feet of frontage;
 - 7 overstory trees
 - 18.6 J. 2. b. 2. Three (3) understory trees per fifty (50) lineal feet of frontage;
 - 21 understory trees
 - 18.6 J. 2. c. Perimeter landscaping shall include the installation of a Decorative Fence meeting the standards specified in town code Chapter 3, article 3.10.
 - This will require concrete posts reducing where it can be placed due to the number of required trees and parking screening.
 - The following section allows for street trees to count towards the above requirements:
 - 18.6 D. Landscaping in the adjacent public right-of-way may be counted toward meeting the overall landscaping requirements on a case-by-case basis, if approved by the Town Council.
 - Variance would be for 16 Trees in this area.





March 28, 2024

«OWNER»
Property Owner
«ADDRESS»
«CITY», «STATE» «ZIP»

Re: Proposed Variance, Reserve at Marty B's

Dear Property Owner:

The Board of Adjustment for the Town of Bartonville, Texas will conduct a Public Hearing at 6:00 p.m. on April 11, 2024, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider a variance to the following regulations: Bartonville Zoning Ordinance (BZO) Appendix F (Technical Design Standards) Section F.1, relating to parking technical design standards for nonresidential districts; BZO Section 12.3.C., relating to the compatibility buffer requirements; and BZO Section 18.J.2., relating to perimeter landscaping requirements.

The property subject to the variance request is located on land situated in the Yeti Addition, Block A, Lot 1R, in the Town of Bartonville, Denton County, Texas. The site address is 1001 I.T. Neely Road. The applicant is BryFam Properties, LLC. The Town of Bartonville file number for this application is VAR-2024-002.

All interested parties are encouraged to attend.

Sincerely,

Thad Chambers, CPM
Town Administrator
Town of Bartonville

OWNER	ADDRESS	CITY	STATE	ZIP
5BAR HUDSON HILLS LLC	255 BAKER WAY	PARADISE	TX	76073
BRYFAM PROPERTIES LLC, ATTN: MARTY BRYAN	913 HAT CREEK COURT	BARTONVILLE	TX	76226
CLINTON, J WILLIAM & PEARL	876 GEORGE ST	LANTANA	TX	76226-6477
DENTON COUNTY FRESH WATER SUPPLY DIST NO 7, C/O CLAY E CRAWFORD	19 BRIAR HOLLOW LN STE 245	HOUSTON	TX	77027-2858
DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO.6, C/O CLAY E CRAWFORD	19 BRIAR HOLLOW LN STE 245	HOUSTON	TX	77027-2858
EDUCATION LEADS TO SUCCESS FOUNDATION	2104 CAVALIER WAY	FLOWER MOUND	TX	75022-5588
HILL, AARON & AUDREY	8971 NEWTON ST	LANTANA	TX	76226-6534
HUDSON HILLS HOMEOWNERS ASSOCIATION	1024 S GREENVILLE AVE STE 230	ALLEN	TX	75002-3324
M.F. HODGE PROPERTIES LLC, 7/11 AD	PO BOX 711	DALLAS	TX	75221-0711
VALOREM TAX DEPT	109 FALLOW CT	LAMPASAS	TX	76550-3713
MALONE, MONTE C & JEANETTE A	8951 NEWTON ST	LANTANA	TX	76226-6534
MANTZEL, RYAN & LESLEY	5908 PARKPLACE DR	ARGYLE	TX	76226-2226
MAY, CHAD B	8921 NEWTON ST	LANTANA	TX	76226-6534
MILLER, MARK A & ANNE B	4500 WESTOWN PKWY #115	WEST DES MOINES	IA	50266-1040
SANAV VENTURE LLC				
VERRANDO, MARIO & OLAGUE				
HERNANDEZ, CARMEN J	8911 NEWTON ST	LANTANA	TX	76226-6534
WEST, DIANA S	8941 NEWTON ST	LANTANA	TX	76226-6534

**Denton Record-Chronicle
2413 Fort Worth Dr
(940) 387-7755**

I, Nicole Riegert, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Denton Record-Chronicle, a publication that is a "legal newspaper" as that phrase is defined for the city of Denton, for the County of Denton, in the state of Texas, that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:
Mar. 23, 2024

Notice ID: IYZXzaUwkiWaaUe46JHX
Notice Name: 03.23.2024 BOA PH Notice for 04.11.24 Meeting

PUBLICATION FEE: \$94.32

I declare under penalty of perjury that the foregoing is true and correct.

Nicole Riegert

Agent

SHANNEA H HOLMES
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires August 1, 2026

VERIFICATION

State of New Jersey
County of Hudson

Signed or attested before me on this: 03/27/2024

Shannea H. Holmes

Notary Public
Notarized remotely online using communication technology via Proof.

**TOWN OF BARTONVILLE
BOARD OF ADJUSTMENT
NOTICE OF PUBLIC
HEARINGS**

The Board of Adjustment for the Town of Bartonville, Texas will conduct Public Hearings beginning at 6:00 pm on April 11, 2024, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider the following items:

- a variance to regulations found in Bartonville Zoning Ordinance Section 19.3.J., relating to maximum distance of an accessory dwelling from the primary building. The property subject to the variance request is located on land situated in the Meadowlakes Farm Addition, Lot 3R-2, in the Town of Bartonville, Denton County, Texas. The site address is 531 W Jeter Road. The applicants are Audelino Melgar and Elizabeth Anaya. [Town File No. VAR-2024-001].
- a variance to the following regulations: Bartonville Zoning Ordinance (BZO) Appendix F (Technical Design Standards) Section F.1, relating to parking technical design standards for nonresidential districts; BZO Section 12.3.C., relating to the compatibility buffer requirements; and BZO Section 18.J.2., relating to perimeter landscaping requirements. The property subject to the variance request is located on land situated in the Yeti Addition, Block A, Lot 1R, in the Town of Bartonville, Denton County, Texas. The site address is 1001 I.T. Neely Road. The applicant is BryFam Properties, LLC. [Town File No. VAR-2024-002].
- a variance to the following regulations: Bartonville Zoning Ordinance Section 4.7., relating to single-family dwelling setback requirements. The property subject to the variance request is located on land situated in the Eagle Ridge Addition, Block A, Lot 21, in the Town of Bartonville, Denton County, Texas. The site address is 1209 Pitner Court. The applicant is Bartonville South 1031, LLC. [Town File No. VAR-2024-003].
- a variance to the following regulations: Bartonville Zoning Ordinance Section 19.4.A., relating to accessory building setback requirements. The property subject to the variance request is located on land situated in the Fuller Addition III, Block A, Lot 1, in the Town of Bartonville, Denton County, Texas. The applicant is Jonathan King. [Town File No. VAR-2024-004].
- a variance to the following regulations: Bartonville Zoning Ordinance Sections 22.3.D., L., and P., relating to telecommun

ications facility setback requirements. The property subject to the variance request is located on land situated in the DCFWSD #7 Retail Center Addition, Block A, Lot 1, in the Town of Bartonville, Denton County, Texas. The applicant is Ralph Wyngarden of Faulk & Foster. [Town File No. VAR-2024-005.] All interested parties are encouraged to attend.

drc 03/23/2024

Item E3.



BOARD OF ADJUSTMENT COMMUNICATION

DATE: April 11, 2024

FROM: Thad Chambers, Town Administrator

AGENDA ITEM: Public hearing to consider a variance to the following regulations: Bartonville Zoning Ordinance Section 4.7., relating to single-family dwelling setback requirements. The property subject to the variance request is located on land situated in the Eagle Ridge Addition, Block A, Lot 21, in the Town of Bartonville, Denton County, Texas. The site address is 1209 Pitner Court. The applicant is Bartonville South 1031, LLC. [Town File No. VAR-2024-003.]

Applicant: Bartonville South 1031, LLC

Zoning: Residential Estates 2 (RE-2)

Requested Variance: To reduce the front and side yard setbacks for the subject parcel by 10 feet, resulting in a 40-foot setback rather than 50 feet.

Summary: The applicant has submitted a variance request (Exhibit 1) to reduce their front and side yard setback for Lot 21 of the Eagle Ridge subdivision (address 1209 Pitner Court) to 40 feet, rather than the 50 feet as required in Bartonville Zoning Ordinance (BZO) Section 4.7. In the variance application, the requestor provides a figure illustrating the available buildable area within Lot 21 based on the current setback and property conditions. The special condition in this case is that a large majority of the parcel falls within a drainage easement, rendering much of the lot unbuildable. The remaining buildable area is very limited. A reduction in the setbacks would provide more area within which to construct a residence and associated infrastructure.

The subject property is approximately 2.005 acres in size. The lot would otherwise remain subject to all other dimensional and use standards found in the BZO.

Criteria for Approval: In deciding the variance petition, the Board of Adjustments shall apply the following criteria:

- A. There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land subject to the variance petition, such that the strict application of the provisions of this Zoning Ordinance to the development application would create an unnecessary hardship or inequity upon or for the petitioner, as distinguished from a mere inconvenience, in developing the land or deprive the petitioner of the reasonable and beneficial use of the land;
- B. The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;
- C. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- D. Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;

- E. Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Ordinance, or adversely affect the rights of owners or residents of surrounding property;
- F. Granting the variance petition is consistent with any special criteria applicable to varying particular standards;
- G. The hardship or inequity suffered by petitioner is not self-induced;
- H. The request for a variance is not based exclusively upon a desire from the petitioner for increased financial gain from the property, or to reduce an existing financial hardship; and
- I. The degree of variance requested is the minimum amount necessary to meet the needs of petitioner and to satisfy the standards in this section.

If Approved: Approval of the variance request would reduce the front and side yard setbacks from 50 feet to 40 feet.

If Denied: Denial of the variance request would mean that the front and side yard setbacks would remain at 50 feet.

Exhibits:

1. Variance Application VAR-2024-003
2. Location Map
3. Notification Letter and Addresses
4. Publication Affidavit

RECEIVED

MAR 15 2024

Item E4.

TOWN OF BARTONVILLE
REQUEST FOR VARIANCE

Variance

Zoning Regulations (Section: _____) Subdivision Regulations (Section: _____)
 Sign Regulations (Section: _____) Other: _____

Owner's Name: Bartonville South 1031 LLC Phone: (512) 924-7279 Fax: _____

Mailing Address 2061 S Stemmons Fwy, Lewisville, TX 75067

Legal Description: Lot 21 Block A Addition Eagle Ridge

Present Use and Improvements on Property: Single Family Residential (2 acre)
1209 Pitmeck

Description of Variance or Special Exception Requested:

Reduction of front and side setback by 10ft.

Has a previous Application or Appeal to the Board been filed on the property?
 No Yes, Date: _____

Attach maps, designs, lists of property owner's names and addresses, and/or any additional materials as necessary or required by ordinance appeal procedures. Please included ten (10) copies of any information that is submitted.

I certify that I am the legal owner of record of the property, or that I have secured the property owner's permission as shown on the attached affidavit (as applicable), and that the information concerning this request for variance is true and correct and respectfully request it's consideration.

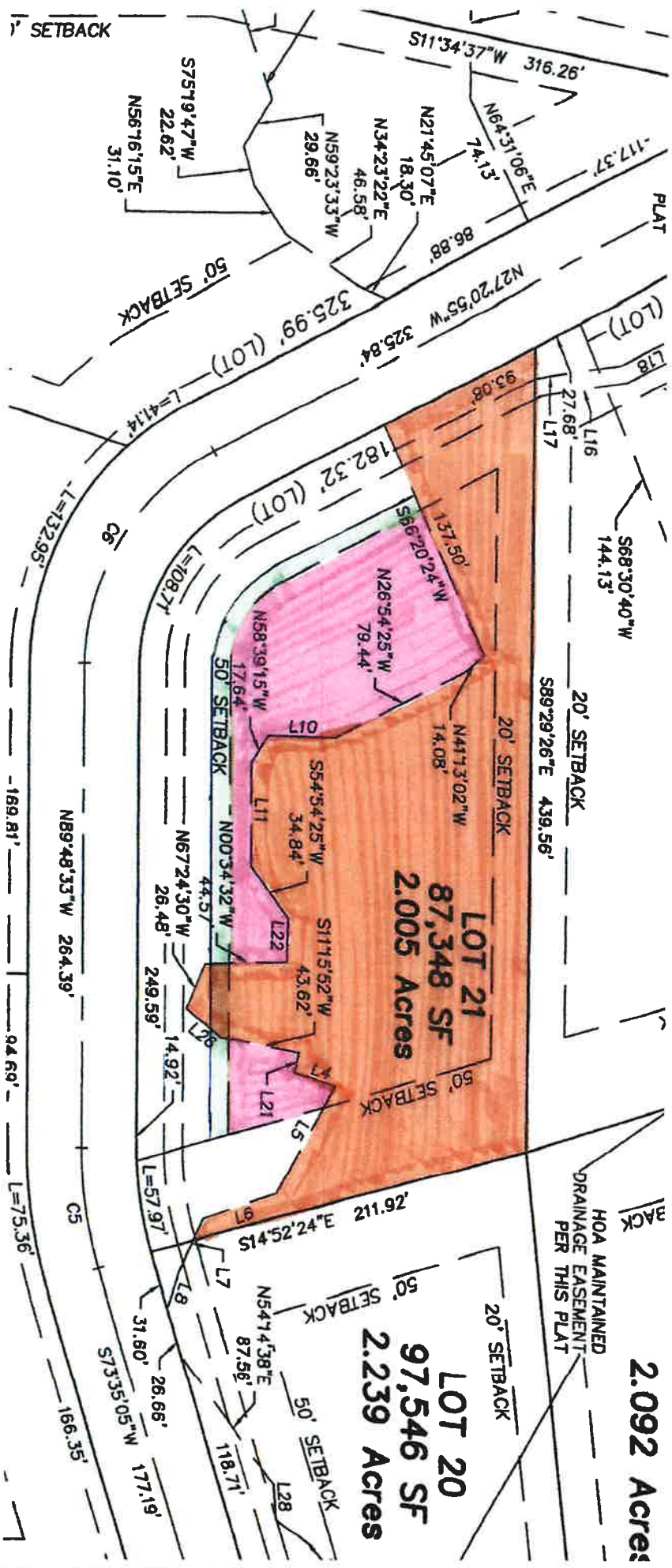
[Signature]
Signature

03/15/24
Date

Application complete? _____	Fee Paid: \$ <u>450.00</u>	Date: <u>3-15-2024</u>
Date to appear before: P&Z _____	TC _____	BOA _____
Remarks: _____		

1209 Pitner

- 10' reduction in setback requested
- current unbldable area
- current buildable area







March 28, 2024

«OWNER»
Property Owner
«ADDRESS»
«CITY», «STATE» «ZIP»

Re: Proposed Variance, 1209 Pitner Court

Dear Property Owner:

The Board of Adjustment for the Town of Bartonville, Texas will conduct a Public Hearing at 6:00 p.m. on April 11, 2024, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider a variance to the following regulations: Bartonville Zoning Ordinance Section 4.7., relating to single-family dwelling setback requirements.

The property subject to the variance request is located on land situated in the Eagle Ridge Addition, Block A, Lot 21, in the Town of Bartonville, Denton County, Texas. The site address is 1209 Pitner Court. The applicant is Bartonville South 1031, LLC. The Town of Bartonville file number for this application is VAR-2024-003.

All interested parties are encouraged to attend.

Sincerely,

Thad Chambers, CPM
Town Administrator
Town of Bartonville

OWNER	ADDRESS	CITY	STATE	ZIP
BARTONVILLE SOUTH 1031 LLC	2061 S STEMMONS FWY	LEWISVILLE	TX	75067-8762
HALLERMAN, CHAD & LEA	9221 SHOREVIEW RD	DALLAS	TX	75238
OAKS DEV HOLDINGS LLC	4204 LAURA LN	FLOWER MOUND	TX	75022-6332
SDB VENTURES LLC	106 QUIET HILL CIR	ARGYLE	TX	76226-1609

Denton Record-Chronicle
2413 Fort Worth Dr
(940) 387-7755

I, Nicole Riegert, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Denton Record-Chronicle, a publication that is a "legal newspaper" as that phrase is defined for the city of Denton, for the County of Denton, in the state of Texas, that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

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Notice Name: 03.23.2024 BOA PH Notice for 04.11.24 Meeting

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I declare under penalty of perjury that the foregoing is true and correct.

Nicole Riegert

Agent

SHANNEA H HOLMES
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires August 1, 2026

VERIFICATION

State of New Jersey
County of Hudson

Signed or attested before me on this: 03/27/2024

Shanea H. Holmes

Notary Public
Notarized remotely online using communication technology via Proof.

TOWN OF BARTONVILLE
BOARD OF ADJUSTMENT
NOTICE OF PUBLIC
HEARINGS

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- a variance to regulations found in Bartonville Zoning Ordinance Section 19.3.J., relating to maximum distance of an accessory dwelling from the primary building. The property subject to the variance request is located on land situated in the Meadowlakes Farm Addition, Lot 3R-2, in the Town of Bartonville, Denton County, Texas. The site address is 531 W Jeter Road. The applicants are Audelino Melgar and Elizabeth Anaya. [Town File No. VAR-2024-001].
- a variance to the following regulations: Bartonville Zoning Ordinance (BZO) Appendix F (Technical Design Standards) Section F.1, relating to parking technical design standards for nonresidential districts; BZO Section 12.3.C., relating to the compatibility buffer requirements; and BZO Section 18.J.2., relating to perimeter landscaping requirements. The property subject to the variance request is located on land situated in the Yeti Addition, Block A, Lot 1R, in the Town of Bartonville, Denton County, Texas. The site address is 1001 I.T. Neely Road. The applicant is BryFam Properties, LLC. [Town File No. VAR-2024-002].
- a variance to the following regulations: Bartonville Zoning Ordinance Section 4.7., relating to single-family dwelling setback requirements. The property subject to the variance request is located on land situated in the Eagle Ridge Addition, Block A, Lot 21, in the Town of Bartonville, Denton County, Texas. The site address is 1209 Pitner Court. The applicant is Bartonville South 1031, LLC. [Town File No. VAR-2024-003].
- a variance to the following regulations: Bartonville Zoning Ordinance Section 19.4.A., relating to accessory building setback requirements. The property subject to the variance request is located on land situated in the Fuller Addition III, Block A, Lot 1, in the Town of Bartonville, Denton County, Texas. The applicant is Jonathan King. [Town File No. VAR-2024-004].
- a variance to the following regulations: Bartonville Zoning Ordinance Sections 22.3.D., L., and P., relating to telecommun

ications facility setback requirements. The property subject to the variance request is located on land situated in the DCFWSD #7 Retail Center Addition, Block A, Lot 1, in the Town of Bartonville, Denton County, Texas. The applicant is Ralph Wyngarden of Faulk & Foster. [Town File No. VAR-2024-005.] All interested parties are encouraged to attend.

drc 03/23/2024

Item E4.



BOARD OF ADJUSTMENT COMMUNICATION

DATE: April 11, 2024

FROM: Thad Chambers, Town Administrator

AGENDA ITEM: Public hearing to consider a variance to the following regulations: Bartonville Zoning Ordinance Section 19.4.A., relating to accessory building setback requirements. The property subject to the variance request is located on land situated in the Fuller Addition III, Block A, Lot 1, in the Town of Bartonville, Denton County, Texas. The applicant is Jonathan King. [Town File No. VAR-2024-004.]

Applicant: Jonathan King

Zoning: Residential Estates 2 (RE-2)

Requested Variance: To permit the construction of a single-family residence behind the existing accessory building (barn) on the property.

Summary: The applicant has submitted a variance request (Exhibit 1) to permit the construction of a new single-family residence behind an existing accessory building (barn), currently located on the property. Bartonville Zoning Ordinance (BZO) Section 19.4.A states that "Accessory Structures shall be prohibited between a primary structure and any public street in...RE-2 Districts...". Therefore, strict interpretation of this regulation would require the construction of a new single-family home, which serves as the primary structure on a residential property, in front of the existing barn structure. The barn is located approximately 124 ft south of the right-of-way line of Frenchtown Road. The front yard setback for the RE-2 zoning district is 50 feet. As the applicant wishes to keep the barn, which they state is historic (appx. 80 years old), the only options based on the accessory building regulation would be to locate the new home within the 75 foot area between the building setback line and the existing barn, or remove the barn to rid the property of the accessory building restriction.

This property was part of a larger agricultural lot, which was subdivided in 2023. As part of this subdivision, a variance was granted (VAR-2023-004) that permitted the barn structure to be located within one of the new parcels without a primary structure, which is contrary to the accessory building standards in the BZO.

The subject property is approximately 2.378 acres in size. The new residence would otherwise remain subject to all other dimensional and use standards found in the BZO.

Criteria for Approval: In deciding the variance petition, the Board of Adjustments shall apply the following criteria:

- A. There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land subject to the variance petition, such that the strict application of the provisions of this Zoning Ordinance to the development application would create an unnecessary hardship or inequity upon or for the petitioner, as distinguished from a mere inconvenience, in developing the land or deprive the petitioner of the reasonable and beneficial use of the land;

- B. The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;
- C. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- D. Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
- E. Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Ordinance, or adversely affect the rights of owners or residents of surrounding property;
- F. Granting the variance petition is consistent with any special criteria applicable to varying particular standards;
- G. The hardship or inequity suffered by petitioner is not self-induced;
- H. The request for a variance is not based exclusively upon a desire from the petitioner for increased financial gain from the property, or to reduce an existing financial hardship; and
- I. The degree of variance requested is the minimum amount necessary to meet the needs of petitioner and to satisfy the standards in this section.

If Approved: Approval of the variance request would permit the construction of a new single-family residence on the subject property within the area behind the existing accessory building (barn), subject to all other setback and dimensional standards from the RE-2 zoning district.

If Denied: Denial of the variance request would mean that the new residence could not be constructed behind the existing barn. The apparent options available to the property owner in this case would be to locate the new home within the 75 foot area between the building setback line and the existing barn (subject to building separation distance requirements), or remove the barn altogether to rid the property of the accessory building restriction.

Exhibits:

1. Variance Application VAR-2024-004
2. Location Map
3. Notification Letter and Addresses
4. Publication Affidavit

TOWN OF BARTONVILLE
REQUEST FOR VARIANCE

Item E5.

Zoning Regulations (Section: _____) Subdivision Regulations (Section: _____)
 Sign Regulations (Section: _____) Other: Existing barn on property

Owner's Name: Jonathan King Phone: 469-233-1500 Fax: _____

Mailing Address 2916 Frontier Drive Denton, TX 76210

Legal Description: Lot 1 Block A Addition Fuller Addition

Present Use and Improvements on Property: Hay gathering and a historic barn that was already approved by City Council to stay on the property

Description of Variance or Special Exception Requested:
I am requesting a variance to allow us to build our personal home behind the existing historic Fuller barn that has been there about 80 years and has an attractive aesthetic look that we would like to keep on the

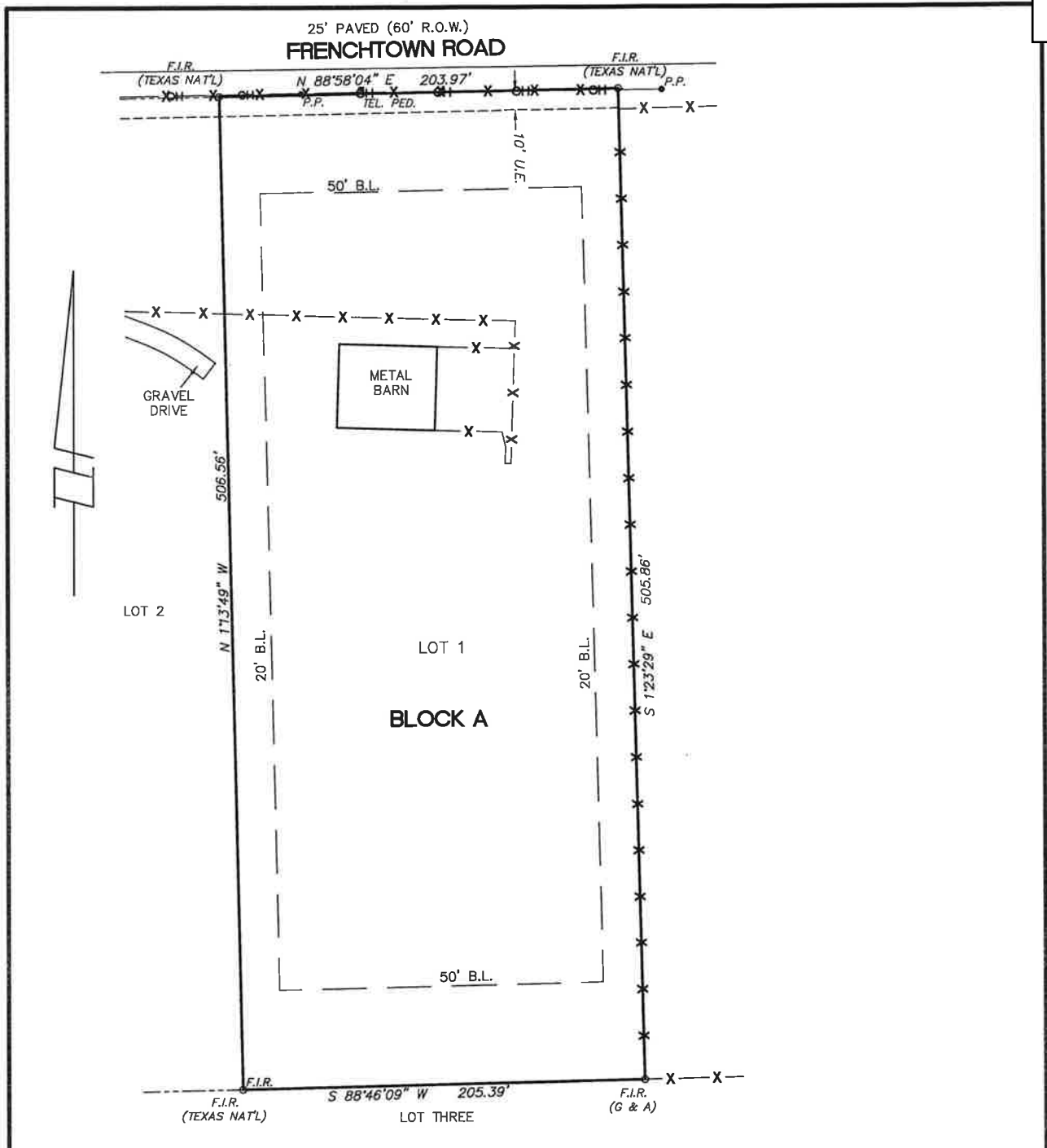
Has a previous Application or Appeal to the Board been filed on the property?
 No Yes, Date: September and Oct, 2023 we believe it should be grandfathered in.

Attach maps, designs, lists of property owner's names and addresses, and/or any additional materials as necessary or required by ordinance appeal procedures. Please included ten (10) copies of any information that is submitted.

I certify that I am the legal owner of record of the property, or that I have secured the property owner's permission as shown on the attached affidavit (as applicable), and that the information concerning this request for variance is true and correct and respectfully request it's consideration.

Signature: [Handwritten Signature] Date: 3-12-2024

Application complete? _____ Fee Paid: \$ 450.00 Date: 3-15-24
Date to appear before: P&Z _____ TC _____ BOA _____
Remarks: _____



Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983, as determined from GPS observations.

THE FOLLOWING EASEMENT IS BLANKET AND DOES NOT VISIBLY AFFECT SUBJECT PROPERTY:
DENTON COUNTY ELECTRIC CO-OP. VOL. 402, PAGE 466

Lot 1, Block A of THE FULLER ADDITION III, an Addition to the Town of Bartonville, Denton County, Texas, according to the Plat thereof recorded in Clerk's File No. 2023-356, Plat Records, Denton County, Texas.
(Commonly known as 1036 FRENCHTOWN ROAD)

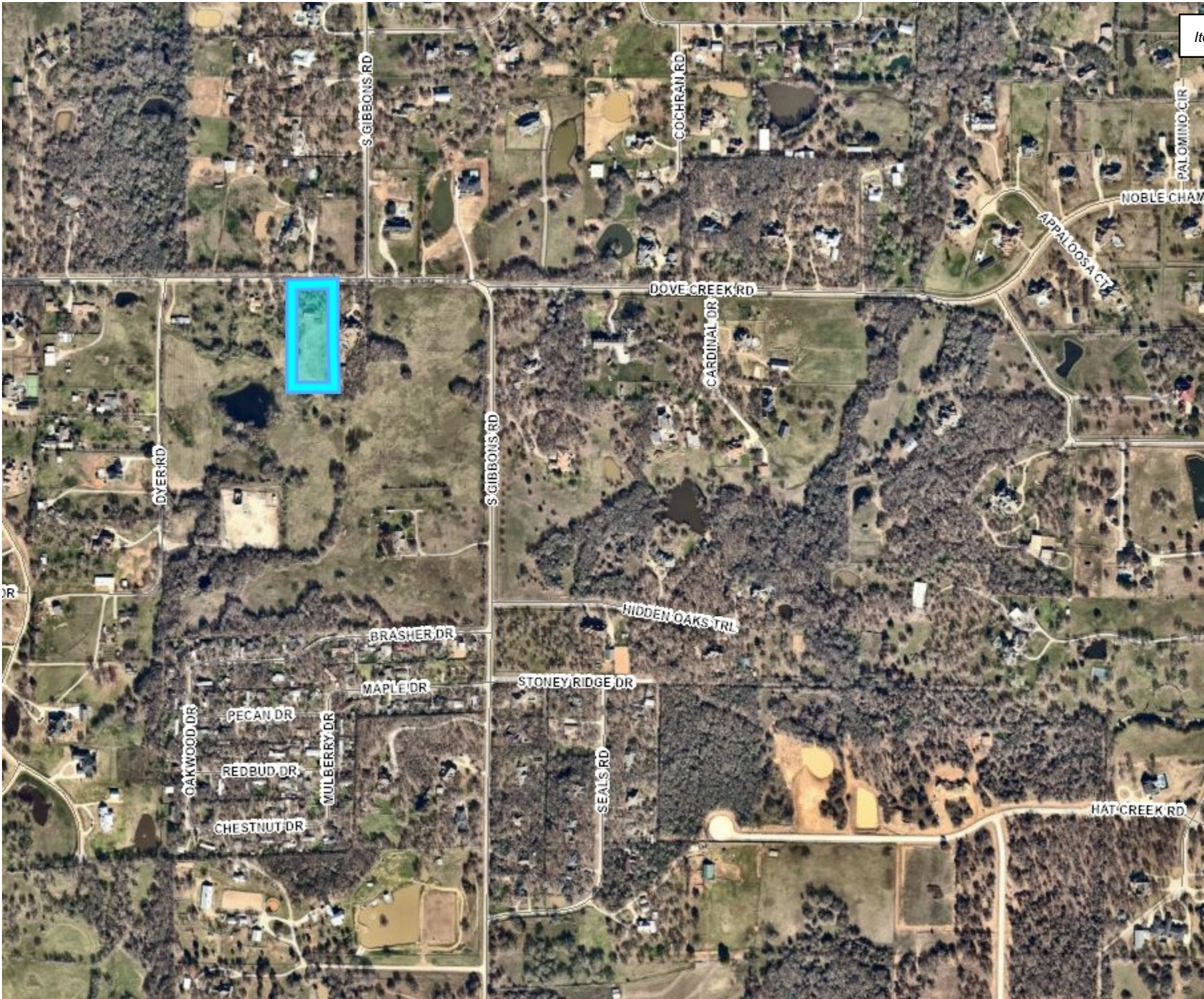
The plat hereon is a true and accurate representation of the property as determined by survey made on the ground, the lines and dimensions of said property as being indicated on the Plat. The size, location and type of buildings and improvements are as shown, all improvements being within the boundaries of property except as shown, set back from the property lines is as shown, and the nearest street or road is shown. There are no visible encroachments, visible protrusions or apparent easements, except as shown on the Plat. I further certify that no portion of subject property lies within a special flood hazard area according to The FLOOD INSURANCE RATE MAP for Denton County and Incorporated Areas, Map Number 48121CO510G, Dated April 18, 2011. (Subject property lies in Zone X)

Jerald D. Yensan

 Jerald D. Yensan, Professional Land Surveyor
 Texas R.P.L.S. No. 4561

4238 F-33 NORTH
 DENTON, TEXAS 76207
 (9-40) 382-4016
 FAX (9-40) 387-9784
LANDMARK SURVEYORS, LLC.
 TX FIRM REGISTRATION NO. 10098600
 PURCHASER: JONATHAN KING
 MICHELLE KING
 INDEPENDENCE TITLE G.F. 2327805-SADF

B.L. = BUILDING LINE	CATV = CABLE TV BOX
CC/P = COVERED PATIO/PORCH	C/D = CONCRETE DRIVE
C/O = SANITARY SEWER CLEANOUT	C/P = CONCRETE PATIO/PORCH
C/W = CONCRETE SIDEWALK	D.E. = DRAINAGE EASEMENT
E.B. = ELECTRIC BOX	F.H. = FIRE HYDRANT
F.I.R. = FOUND IRON ROD	FDC = FIBER OPTIC CABLE
GLW = GAS LINE MARKER	LP. = LIGHT POLE
P.P. = POWER POLE	S.I.R. = SET CAPPED 1/2" RPLS 4561 IRON ROD
S.P. = SERVICE POLE	SSMH = SANITARY SEWER MANHOLE
STM MH = STORM SEWER MANHOLE	TEL. PED. = TELEPHONE BOX
W/D = WOOD DECK	W/M = WATER METER
W/V = WATER VALVE	U.E. = UTILITY EASEMENT
FENCE = X	OVERHEAD POWER LINE = OH





March 28, 2024

«OWNER»
Property Owner
«ADDRESS»
«CITY», «STATE» «ZIP»

Re: Proposed Variance, Fuller Addition

Dear Property Owner:

The Board of Adjustment for the Town of Bartonville, Texas will conduct a Public Hearing at 6:00 p.m. on April 11, 2024, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider a variance to the following regulations: Bartonville Zoning Ordinance Section 19.4.A., relating to accessory building setback requirements.

The property subject to the variance request is located on land situated in the Fuller Addition III, Block A, Lot 1, in the Town of Bartonville, Denton County, Texas. The applicant is Jonathan King. The Town of Bartonville file number for this application is VAR-2024-004.

All interested parties are encouraged to attend.

Sincerely,

Thad Chambers, CPM
Town Administrator
Town of Bartonville

OWNER	ADDRESS	CITY	STATE	ZIP
DAY, RUSSELL WILLARD & DENI LYN	1111 FRENCHTOWN RD	ARGYLE	TX	76226-6915
DURHAM, TODD R & VIVIANA	1125 FRENCHTOWN RD	ARGYLE	TX	76226-6915
FLUGSTAD, NICHOLAS ADAM & ERIN MURPHY	7104 MITCHELL CT	LANTANA	TX	76226-4378
FULLER, ODIS, JR	443 PINE HILLS DR	FRISCO	TX	75036-1042
GRAU, KIRK & GRAU, MELISSA TRS GRAU FAMILY TRUST	4109 TEABERRY CT	FLOWER MOUND	TX	75028-6013
KING, JONATHAN & MICHELLE	2916 FRONTIER DR	DENTON	TX	76210-1202
PIERSON, WELDON & MARIANNE L	1126 FRENCHTOWN RD	ARGYLE	TX	76226-6910

**Denton Record-Chronicle
2413 Fort Worth Dr
(940) 387-7755**

I, Nicole Riegert, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Denton Record-Chronicle, a publication that is a "legal newspaper" as that phrase is defined for the city of Denton, for the County of Denton, in the state of Texas, that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:
Mar. 23, 2024

Notice ID: IYZXzaUwkiWaaUe46JHX
Notice Name: 03.23.2024 BOA PH Notice for 04.11.24 Meeting

PUBLICATION FEE: \$94.32

I declare under penalty of perjury that the foregoing is true and correct.

Nicole Riegert

Agent

SHANNEA H HOLMES
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires August 1, 2026

VERIFICATION

State of New Jersey
County of Hudson

Signed or attested before me on this: 03/27/2024

Shannea H. Holmes

Notary Public
Notarized remotely online using communication technology via Proof.

**TOWN OF BARTONVILLE
BOARD OF ADJUSTMENT
NOTICE OF PUBLIC
HEARINGS**

The Board of Adjustment for the Town of Bartonville, Texas will conduct Public Hearings beginning at 6:00 pm on April 11, 2024, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider the following items:

- a variance to regulations found in Bartonville Zoning Ordinance Section 19.3.J., relating to maximum distance of an accessory dwelling from the primary building. The property subject to the variance request is located on land situated in the Meadowlakes Farm Addition, Lot 3R-2, in the Town of Bartonville, Denton County, Texas. The site address is 531 W Jeter Road. The applicants are Audelino Melgar and Elizabeth Anaya. [Town File No. VAR-2024-001].
- a variance to the following regulations: Bartonville Zoning Ordinance (BZO) Appendix F (Technical Design Standards) Section F.1, relating to parking technical design standards for nonresidential districts; BZO Section 12.3.C., relating to the compatibility buffer requirements; and BZO Section 18.J.2., relating to perimeter landscaping requirements. The property subject to the variance request is located on land situated in the Yeti Addition, Block A, Lot 1R, in the Town of Bartonville, Denton County, Texas. The site address is 1001 I.T. Neely Road. The applicant is BryFam Properties, LLC. [Town File No. VAR-2024-002].
- a variance to the following regulations: Bartonville Zoning Ordinance Section 4.7., relating to single-family dwelling setback requirements. The property subject to the variance request is located on land situated in the Eagle Ridge Addition, Block A, Lot 21, in the Town of Bartonville, Denton County, Texas. The site address is 1209 Pitner Court. The applicant is Bartonville South 1031, LLC. [Town File No. VAR-2024-003].
- a variance to the following regulations: Bartonville Zoning Ordinance Section 19.4.A., relating to accessory building setback requirements. The property subject to the variance request is located on land situated in the Fuller Addition III, Block A, Lot 1, in the Town of Bartonville, Denton County, Texas. The applicant is Jonathan King. [Town File No. VAR-2024-004].
- a variance to the following regulations: Bartonville Zoning Ordinance Sections 22.3.D., L., and P., relating to telecommun

ications facility setback requirements. The property subject to the variance request is located on land situated in the DCFWSD #7 Retail Center Addition, Block A, Lot 1, in the Town of Bartonville, Denton County, Texas. The applicant is Ralph Wyngarden of Faulk & Foster. [Town File No. VAR-2024-005.] All interested parties are encouraged to attend.

drc 03/23/2024

Item E5.



BOARD OF ADJUSTMENT COMMUNICATION

DATE: April 11, 2024

FROM: Thad Chambers, Town Administrator

AGENDA ITEM: Public hearing to consider a variance to the following regulations: Bartonville Zoning Ordinance Sections 22.3.D., L., and R., relating to telecommunications facility setback requirements. The property subject to the variance request is located on land situated in the DCFWSD #7 Retail Center Addition, Block A, Lot 1, in the Town of Bartonville, Denton County, Texas. The applicant is Ralph Wyngarden of Faulk & Foster. [Town File No. VAR-2024-005.]

Applicant: Ralph Wyngarden of Faulk & Foster

Zoning: General Commercial/PD (GC)

Requested Variance: To remove the rear yard setback requirement for the subject property as it pertains to the location of a 130-foot-tall monopole telecommunications tower within a 627 square-foot fenced area.

Summary: In February 2024 the applicant received a staff recommendation for denial of a Conditional Use Permit and Site Plan for a proposed 130-foot-tall monopole telecommunications tower within a 627 square-foot fenced area to be located behind (south of) the Kroger Marketplace within the Lantana Town Center development. One of the reasons for the denial recommendation was that the proposed tower location was within the 10-foot rear-yard setback established by the Planned Development Ordinance (Ord 411-06) for the Lantana Town Center. Telecommunications towers are subject to building setback standards for the zone within which they are located, per Bartonville Zoning Ordinance (BZO) Sections 22.3.D., L., and R.

The applicant requests a variance to remove the applicability of this rear yard setback to the placement of the telecommunications tower and enclosure. In their variance application, the requestor states that Kroger and the Lantana Commercial Owners Association will not allow any structures in front of the buildings. Exhibit 1 contains a detailed justification letter that examines the conditions on the site and provides the applicant's justification for the variance request. In general, the applicant states that the presence of utilities, fire lane, and storm water detention pond create constraints for this site warranting consideration of the rear yard setback variance. The applicant also states that the Lantana Commercial Owners Association has approved the location and design of the telecommunications tower as shown in Exhibit 1.

Criteria for Approval: In deciding the variance petition, the Board of Adjustments shall apply the following criteria:

- A. There are special circumstances or conditions arising from the physical surroundings, shape, topography or other feature affecting the land subject to the variance petition, such that the strict application of the provisions of this Zoning Ordinance to the development application would create an unnecessary hardship or inequity upon or for the petitioner, as distinguished from a mere inconvenience, in developing the land or deprive the petitioner of the reasonable and beneficial use of the land;

- B. The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land;
- C. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- D. Granting the variance petition will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
- E. Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Ordinance, or adversely affect the rights of owners or residents of surrounding property;
- F. Granting the variance petition is consistent with any special criteria applicable to varying particular standards;
- G. The hardship or inequity suffered by petitioner is not self-induced;
- H. The request for a variance is not based exclusively upon a desire from the petitioner for increased financial gain from the property, or to reduce an existing financial hardship; and
- I. The degree of variance requested is the minimum amount necessary to meet the needs of petitioner and to satisfy the standards in this section.

If Approved: Approval of the variance request would render the proposed telecommunications tower and enclosure exempt from the 10-foot rear yard setback requirement. This would not result in any automatic approvals for the Conditional Use Permit or Site Plan. Rather, it would remove the rear yard setback conflict from consideration in the application review.

If Denied: Denial of the variance request would mean that the rear yard setback for the subject property would continue to restrict the available location for the proposed telecommunications tower and enclosure. The tower would not be allowed to be located as shown in the application materials, included in Exhibit 1.

Exhibits:

1. Variance Application VAR-2024-005
2. Location Map
3. Notification Letter and Addresses
4. Publication Affidavit



March 19, 2024

Thad Chambers, Town Administrator
 Town of Bartonville
 1941 E. Jeter Road
 Bartonville, TX 76226

817-693-5280

Re: Rear Setback Variance Request for Wireless Telecommunication Facility

Applicant: Hemphill, LLC

Hemphill Site Name: 1636 Bartonville

Project: Hemphill, LLC 130' Monopole Tower with 4' lightning rod with Verizon Wireless antennas at a 125' centerline and associated equipment within a 33' x 19' fenced compound behind the Kroger Store as shown in the drawings submitted

Address: 3400 FM 407, Bartonville, TX 76226 (access will be from E Jeter Rd)

Property ID: 656793

Parcel Description: DCFWSD#7 Retail Center Addition, Block A, Lot 1

Zoning: GC/PD-1 - Lantana Town Center Planned Development Ordinance (Ordinance No. 411-06)

Land Owner: Kroger Texas L.P.

Dear Mr. Chambers:

We have enclosed the following in application for a variance from the 10' rear setback for the above project:

- A completed Variance Request application form
- Our check for the \$450 Variance Request application fee
- 10 sets of:
 - Statement in Support of Variance Request
 - Aerial & Ground Level Views of Location
 - 11x17 Construction Drawings

Please let me know if you have any questions or need any additional information. Thanks.

Sincerely,

A handwritten signature in black ink that reads 'Ralph Wynnarden'. The signature is fluid and cursive, with the first name 'Ralph' being the most prominent.

Ralph Wynnarden, Sr. Zoning Specialist
 Faulk & Foster
 678 Front Ave NW, Suite 255
 Grand Rapids, MI 49504
 Cell: 616-490-9804

STATEMENT IN SUPPORT OF REQUEST FOR VARIANCE

Re: Rear Setback Variance Request for Wireless Telecommunication Facility

Applicant: Hemphill, LLC

Hemphill Site Name: 1636 Bartonville

Project: Hemphill, LLC 130' Monopole Tower with 4' lightning rod with Verizon Wireless antennas at a 125' centerline and associated equipment within a 33' x 19' fenced compound behind the Kroger Store as shown in the drawings submitted

Address: 3400 FM 407, Bartonville, TX 76226 (access will be from E Jeter Rd)

Property ID: 656793

Parcel Description: DCFWSD#7 Retail Center Addition, Block A, Lot 1

Zoning: GC/PD-1 - Lantana Town Center Planned Development Ordinance (Ordinance No. 411-06)

Land Owner: Kroger Texas L.P.

Hemphill, LLC requests a variance from the 10' rear yard setback established by the Lantana Town Center Planned Development Ordinance (Ordinance No. 411-06), Exhibit B, Section 4(c) as well as from the rear yard setback requirements in Zoning Ordinance Sections 22.3.D, L, & R to allow for construction of the proposed wireless communications facility as depicted in the drawings provided. The unique factors supporting approval of this variance request include:

Kroger Front Parking Lot Not Available

Kroger and the Lantana Commercial Owners Association will not allow any structure in the front parking lot between the storefront and FM 407. It must be behind the store building.

Available Area Behind Kroger Limited to Parking Spaces between Drive Lane/Fire Lane and Rear Lot Line

A drive lane/fire lane demarcated by red lines runs behind the store. On the northeast side is the store building with loading docks coming in from the northwest and the southeast. Adjacent to the loading docks and the rear of the store building is a utility and storage area including:

- Electric transformer
- Backup generator
- Carts
- Lift equipment
- Pallets and boxes
- Grease disposal

On the opposite southwest side of the drive lane/fire lane is a row of parking spaces adjacent to the rear lot line. The rear lot line adjoins a common area containing a stormwater retention basin. The proposed wireless telecommunication facility will occupy 5 parking spaces within this row of parking spaces between the drive lane/fire lane and the rear lot line. Please see the provided aerial and ground level views of the location.

The proposed 19' site footprint must be within this row of parking spaces constrained by the drive/lane fire lane and the rear lot line. I can't go in the area on the northeast side of the fire lane directly behind the store building and loading docks because, in addition to the utility and storage items listed above, there is a 10' wide utility easement running behind the store for a 12" underground water line (See Sheets C1-1 and C1-7 of the Construction Drawings).

Setback from Residential

Within the area described above, the proposed site had to be positioned to meet the 2x tower height setback from a residential zoning district boundary line as required by Zoning Ordinance Section 22.3.C. The property south of Jeter Road was rezoned from GB to RE-2 in 2023. We wanted to strictly adhere to this requirement because a previous location for this site proposed behind the Lantana Community Church/Harvest Christian Academy was denied in 2020 because of proximity to residential to the south and east of that property. This site was shifted north to avoid any impact to residential development south of Jeter Road. The parcels on the west side of McMakin Road are zoned GB and occupied by businesses. This project will serve the communications and data needs of residents and businesses and enhance public safety without residential impact.

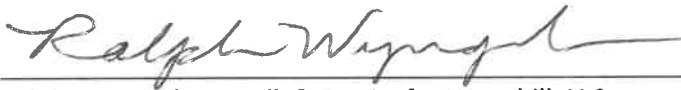
No Impact on Adjacent Parcel

Approving the rear setback variance requested will not have a negative impact on the adjacent parcel on the other side of the lot line. That parcel is a common area occupied by a stormwater retention basin. It is not accessible to the public and cannot be developed for any future residential or commercial use.

Lantana Commercial Owners Association Approval

Architectural review approval for the proposed wireless telecommunication facility design and location was received from the Lantana Commercial Owners Association on December 29, 2023. They required the masonry block wall with brick façade to match the existing Kroger Building as depicted in Sheets C2-1 and C6-1 of the Construction Drawings.

Respectfully submitted,



Ralph Wyngarden, Faulk & Foster, for Hemphill, LLC

Date: 3/19/2024

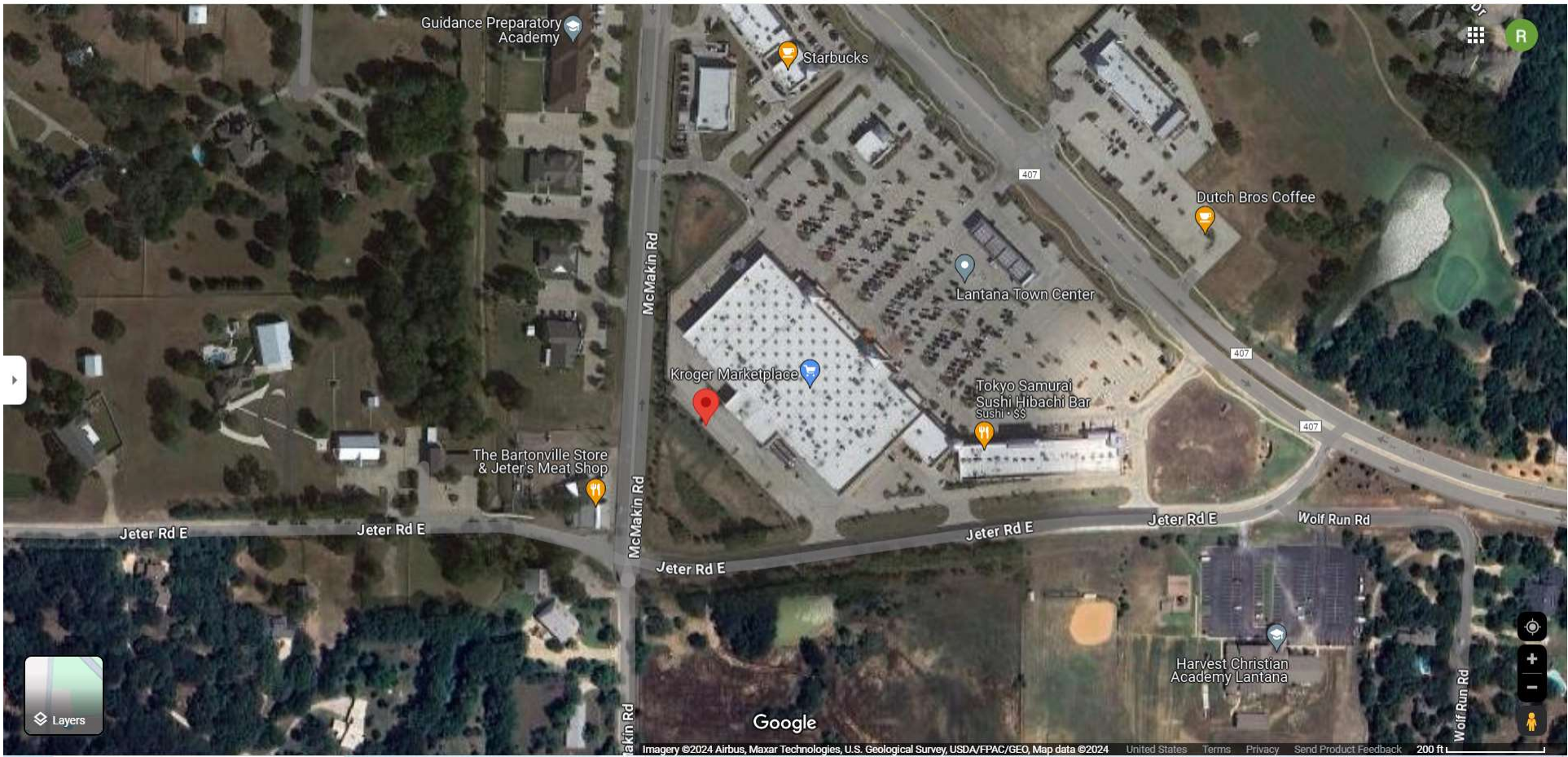
AERIAL VIEW

Item E6.

33°04'28.2"N 97°07'51.5"W - Google Maps

google.com/maps/place/33°04'28.2"N+97°07'51.5"W/@33.0747423,-97.1304423,470m/data=!3m1!1e3!4m4!3m3!8m2!3d33.0745!4d-97.1309722?entry=ttu

Finish update



Imagery ©2024 Airbus, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2024

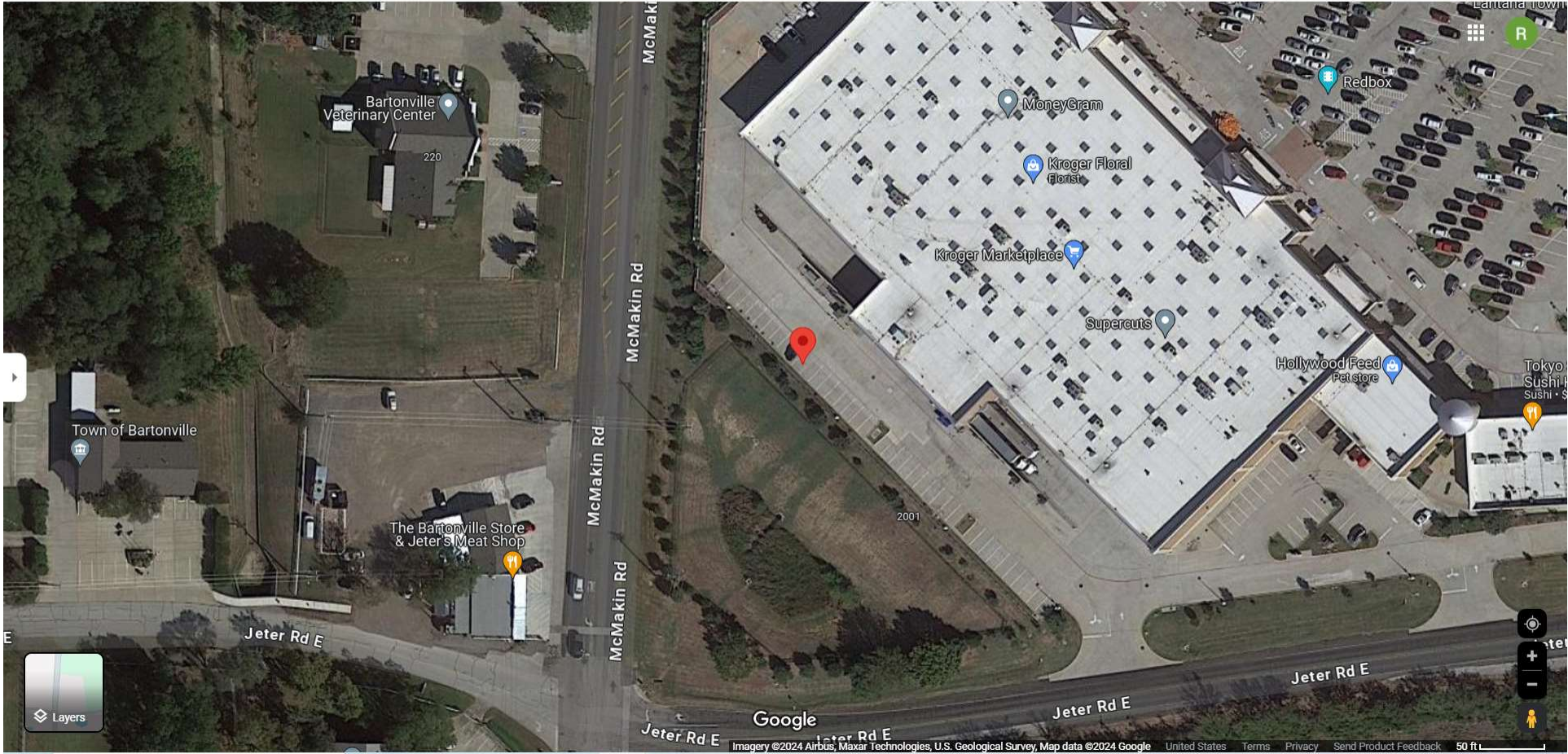
United States Terms Privacy Send Product Feedback 200 ft

36°F Windy 11:57 AM 3/19/2024

CLOSER AERIAL VIEW

Item E6.

33°04'28.2"N 97°07'51.5"W - Google Maps
google.com/maps/place/33°04'28.2"N+97°07'51.5"W/@33.0744663,-97.1310179,179m/data=!3m1!1e3!4m4!3m3!8m2!3d33.0745!4d-97.1309722?entry=ttu



Google Imagery ©2024 Airbus, Maxar Technologies, U.S. Geological Survey, Map data ©2024 Google United States Terms Privacy Send Product Feedback 50 ft
Type here to search 36°F Windy 11:58 AM 3/19/2024

LOOKING EAST FROM MCMAKIN ROAD

Item E6.

The screenshot displays a Google Maps Street View of a large, single-story brick building. A red arrow points to a specific location on the roof of the building. The sky is blue with scattered white clouds. In the foreground, there is a grassy area with a black metal fence and a utility pole. The Google Maps interface is visible, including a search bar with coordinates $33^{\circ}04'28.2''N$ $97^{\circ}07'51.5''W$, a location card for "11 McMakin Rd, Bartonville, Texas" (last updated Mar 2021), and a map inset showing the location in Bartonville. The Windows taskbar at the bottom shows the search bar, task icons, system tray with weather (36°F Windy), and time (12:01 PM 3/19/2024).

LOOKING NORTH FROM JETER ROAD

Item E6.

2001 Jeter Rd E - Google Maps

google.com/maps/@33.0736726,-97.1309366,3a,75y,7.48h,99.68t/data=!3m7!1e1!3m5!1sQW3DRCUQurlOv6BSt3Rr2w!2e0!6shhttps:%2F%2Fstreetviewpixels-pa.googleapis.c...

33°04'28.2"N 97°07'51.5"W

2001 Jeter Rd E
Argyle, Texas
Google Street View
Nov 2018 See more dates

Google

Image capture: Nov 2018 © 2024 Google United States Terms Privacy Report a problem

36°F Windy 12:02 PM 3/19/2024

Type here to search

Taskbar icons: File Explorer, Outlook, HELP, Edge, Chrome, Word

LOOKING NORTH FROM JETER ROAD DRIVEWAY

Item E6.

The screenshot displays a Google Maps Street View of a large brick industrial building with a parking lot. A red arrow points to a light pole in the distance. The interface includes a search bar with coordinates 33°04'28.2"N 97°07'51.5"W, a location card for 2001 Jeter Rd E, Argyle, Texas, and a Windows taskbar at the bottom. The taskbar shows the search bar, task icons, and system tray information including the date 3/19/2024 and time 12:03 PM.

BEHIND STORE LOOKING NORTH

Item E6.

Bartonville, Texas - Google Map

google.com/maps/@33.0740751,-97.1302874,3a,75y,329.92h,85.4t/data=!3m6!1e1!3m4!1sn-imftmGcOXX7_uf88jGaQ!2e0!7!16384!8!8192?entry=ttu

33°04'28.2"N 97°07'51.5"W

Bartonville, Texas
Google Street View
Nov 2018

The image shows a Google Street View of a large brick building with a chain-link fence in the foreground. A red arrow points to a spot in the distance, likely the location of 'Item E6'. The sky is overcast. The interface includes a search bar with coordinates, a location card for Bartonville, Texas, and a small map inset in the bottom left corner showing the current location relative to Jeter Rd E and Harvest Academy. The bottom of the image shows a Windows taskbar with various application icons and system information like '36°F Windy' and '12:04 PM 3/19/2024'.

Google

Image capture: Nov 2018 © 2024 Google United States Terms Privacy Report a problem

Type here to search

36°F Windy 12:04 PM 3/19/2024

BEHIND STORE LOOKING SOUTH

Item E6.



LOOKING SOUTHEAST FROM MCMAKIN ROAD

Item E6.

86 McMakin Rd - Google Maps

google.com/maps/@33.0749037,-97.1314695,3a,75y,100.93h,105.18t/data=!3m6!1e1!3m4!1sFD5NOFS-GDic9lxJvGdsMQ!2e0!7i16384!8i8192?entry=ttu

33°04'28.2"N 97°07'51.5"W

86 McMakin Rd
Bartonville, Texas
Google Street View
Mar 2021 See more dates

© 2022 Google

Bartonville

Image capture: Mar 2021 © 2024 Google United States Terms Privacy Report a problem

Type here to search

36°F Windy 12:06 PM 3/19/2024

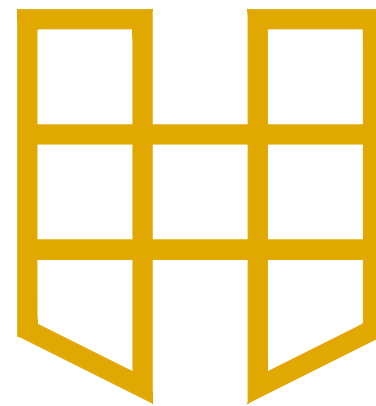
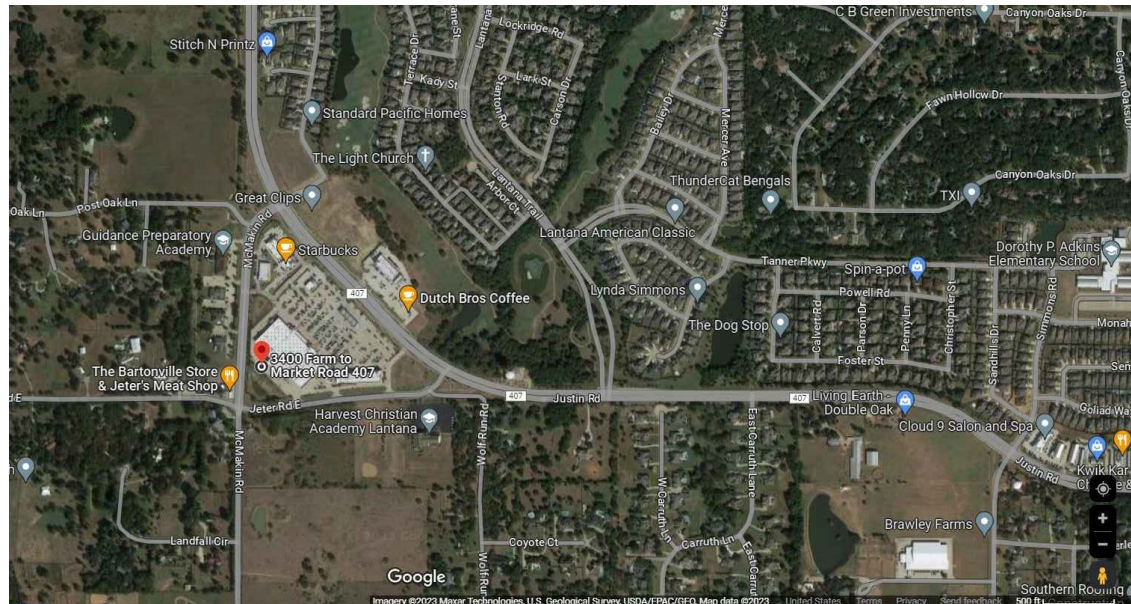
BARTONVILLE

SITE: 1636

130' MONOPOLE TOWER

FOR MULTIPLE WIRELESS CARRIERS

VICINITY MAP



CONSULTING ENGINEER



STS (SPECIALTY
TELECOMMUNICATIONS
CONSULTANTS, LLC)
13431 BROADWAY EXT., SUITE 120.
OKLAHOMA CITY, OK 73114
405-753-7167

PROJECT DATA

SITE NUMBER	1636
SITE NAME	BARTONVILLE
SITE ADDRESS	BARTONVILLE, TX
COUNTY	DENTON
ZONING CLASS	
POWER COMPANY	RELIANT ENERGY
CONTACT NAME	
TELEPHONE	866-222-7100
TELCO COMPANY	AT&T
CONTACT NAME	
TELEPHONE	800-288-2020
PROPERTY OWNER	KROGER L.P.
TELEPHONE	
HEMPHILL CONTACT	JOHN HEMPHILL
TELEPHONE	918-605-5639
SURVEY CONTACT	SAM COMPANIES
TELEPHONE	214-631-7888

2C COORDINATES

LAT 33° 04' 28.26" LONG -97° 07' 51.52"
SURVEY AND 2C PROVIDED BY SAM COMPANIES
AND INCLUDED IN THIS SET OF DRAWINGS FOR REFERENCE ONLY.

DIRECTIONS

FROM CHICKASAW NATION, OKLAHOMA, DRIVE SOUTH ON INTERSTATE 35S. CONTINUE INTERSTATE I-35S ENTERING TEXAS. TAKE EXIT 465B TOWARD US-377/FT WORTH DR, IN 0.2MI. TURN RIGHT ONTO US-377 S/FORT WORTH DR, IN 1.4MI. TURN LEFT ONTO COUNTRY CLUB RD, IN 2.4MI. CONTINUE ONTO FM1830, IN 3.1MI. TURN LEFT ONTO FM 407 E, IN 2.2MI. TURN RIGHT ONTO MCKAMIN RD, IN 0.1MI. TURN LEFT, IN 295FT. TURN RIGHT, IN 499FT. SITE AND ACCESS WILL BE ON THE RIGHT.

PROJECT NOTES

HEMPHILL TOWER SITE DEVELOPMENT SPECIFICATIONS SUPPLEMENT THE CONSTRUCTION DRAWINGS. FACILITY IS NOT STAFFED AND NORMALLY NOT OCCUPIED.

CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE CONSTRUCTION MANAGER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR THE SAME

ENGINEER OF RECORD

SAMUAL T. CURTIS
PROFESSIONAL ENGINEER - TEXAS
REGISTRATION NO.: 117377

DRAWING INDEX

SHEET	SHEET TITLE	REV.
TS	TITLE SHEET	0
C1-1	SITE SURVEY	0
C1-2	SITE SURVEY	0
C1-3	OVERALL SITE PLAN	0
C1-4	VICINITY ZONING MAP	0
C1-5	VICINITY ZONING TABLE	0
C1-6	PARKING SPACE ANALYSIS	0
C1-7	WATER PLAN	0
C1-8	STORM SEWER PLAN	0
C1-9	SANITARY SEWER PLAN	0
C2-1	COMPOUND LAYOUT	0
C3-1	TOWER ELEVATION	0
C3-3	GROUND EQUIPMENT DETAILS	0
C3-6	TRENCHING DETAILS	0
C4-1	ROADWAY AND COMPOUND DETAILS	0
C6-1	COMPOUND WALL AND GATE DETAILS	0
E1-1	ELECTRIC, LIGHTING, AND TELCO PLAN	0
E2-1	ELECTRICAL DETAILS	0
E3-1	GROUNDING PLAN	0
E4-1	GROUNDING DETAILS	0
G1-1	GENERAL NOTES	0
G1-2	GENERAL NOTES	0

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE CODE ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THE FOLLOWING CODES:

- 2018 INTERNATIONAL BUILDING CODE
- 2017 NATIONAL ELECTRIC CODE
- 2018 INTERNATIONAL FIRE CODE

ONE CALL SYSTEM



BEFORE YOU DIG, CALL TEXAS LINE LOCATION FOR LOCATION OF UNDERGROUND UTILITIES. CALL 811



Item E6.

HEMPHILL

1305 NORTH LOUISVILLE AVE
TULSA, OK 74115
(918) 834-2200



DRAFTING SERVICES
9 E 4TH ST. SUITE C-4
TULSA, OK 74103
918-215-7575

PROJECT NO:	1636
PROJECT NAME:	BARTONVILLE
911 ADDRESS:	TBD
DRAWN BY:	LSV
CHECKED BY:	RGH/MK/SLT

ISSUED FOR:

APPROVAL

REV	DATE	DESCRIPTION
0	01/15/24	FOR APPROVAL

SAMUAL T. CURTIS
PROFESSIONAL ENGINEER - TEXAS
REGISTRATION NO.: 117377

SCALE

N.T.S.

TITLE SHEET

SHEET NUMBER: REVISION:

TS

68



Item E6.

HEMPHILL

1305 NORTH LOUISVILLE AVE
TULSA, OK 74115
(918) 834-2200

SURVEY PROVIDED BY:

SAM COMPANIES
1341 W. MOCKINGBIRD
LANE SUITE 400W,
DALLAS, TX 75247
214-631-7888

PROJECT NO: 1636

PROJECT NAME: BARTONVILLE

911 ADDRESS: TBD

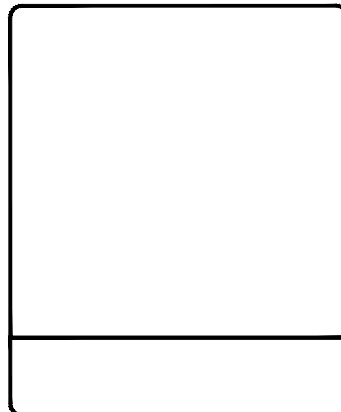
DRAWN BY: LSV

CHECKED BY: RGH/MK/SLT

ISSUED FOR:

APPROVAL

REV	DATE	DESCRIPTION
0	01/15/24	FOR APPROVAL



SCALE

N.T.S.

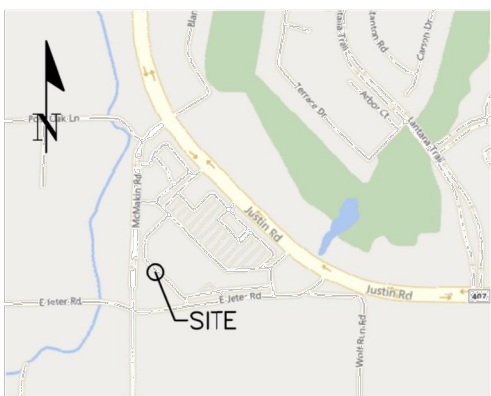
SITE SURVEY

SHEET NUMBER: REVISION:

C1-1

0

69



LOCATION MAP
(NOT TO SCALE)



GRAPHIC SCALE
1" = 40'

EXHIBIT "A"

BLOCK A,
LOT 1

DCFWS#7 RETAIL CENTER ADDITION,
INSTRUMENT NO. 2015-29,
O.P.R.D.C.I.

W. MCDANIEL SURVEY,
ABSTRACT NO. 385

PROPOSED POLE LOCATION:
LAT: = 33°04'28.25"
LONG: = -97°07'51.51"
ELEV: 662.74'

BLOCK A,
LOT 1
DCFWS#7 RETAIL CENTER ADDITION
INSTRUMENT NO. 2015-29
OFFICIAL PUBLIC RECORDS
DENTON COUNTY, TEXAS

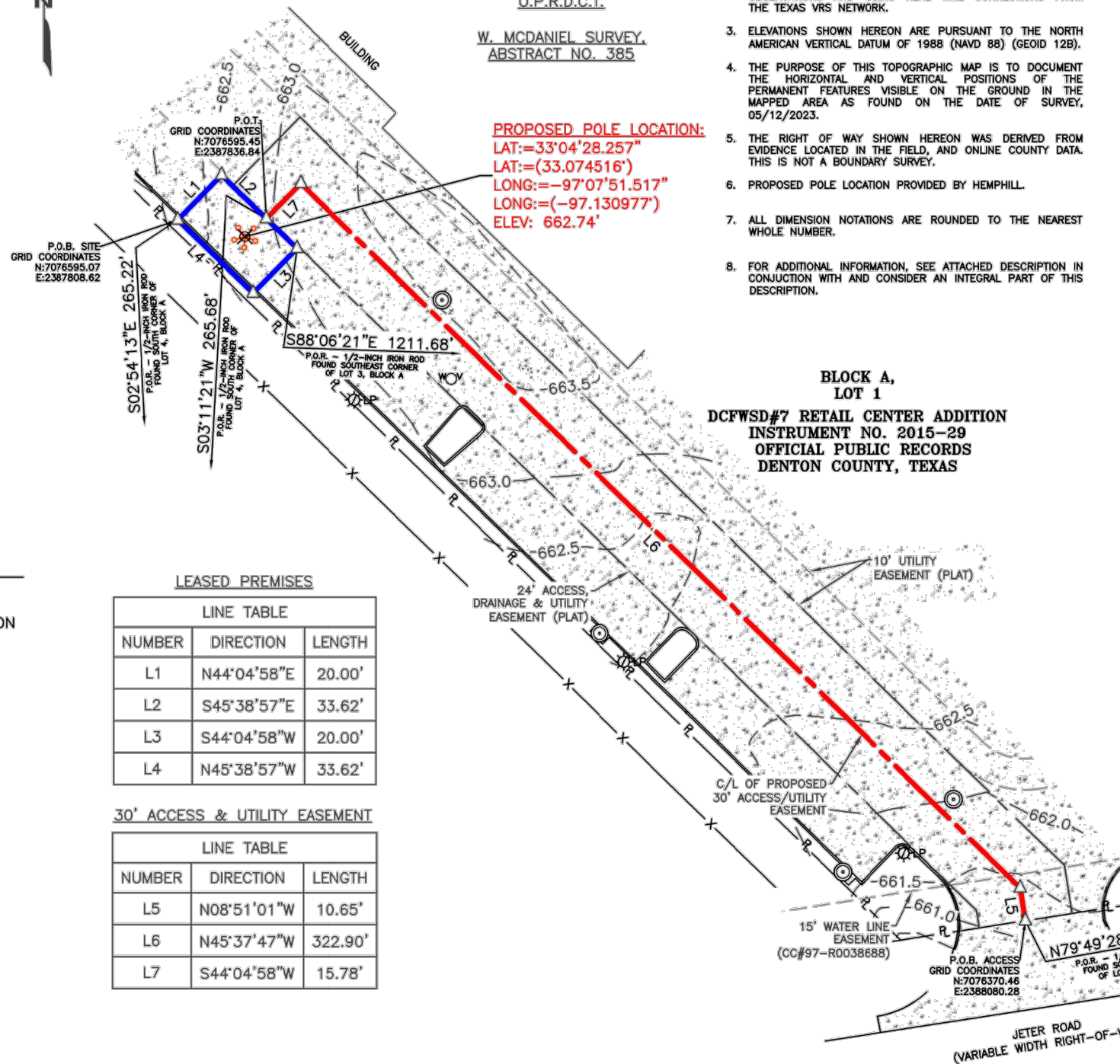
NOTES:

- BEARING BASIS: BEARINGS, DISTANCES, AND COORDINATES SHOWN HEREON ARE GRID, BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83(2011), NORTH CENTRAL ZONE.
- THE SURVEYED INFORMATION HEREON FOR THE LOCATION OF THE PROPOSED TOWER IS BASED ON THE GEOGRAPHIC COORDINATES OF WGS 84 AS DERIVED THROUGH GNSS OBSERVATIONS AND USING REAL TIME CORRECTIONS FROM THE TEXAS VRS NETWORK.
- ELEVATIONS SHOWN HEREON ARE PURSUANT TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) (GEOID 12B).
- THE PURPOSE OF THIS TOPOGRAPHIC MAP IS TO DOCUMENT THE HORIZONTAL AND VERTICAL POSITIONS OF THE PERMANENT FEATURES VISIBLE ON THE GROUND IN THE MAPPED AREA AS FOUND ON THE DATE OF SURVEY, 05/12/2023.
- THE RIGHT OF WAY SHOWN HEREON WAS DERIVED FROM EVIDENCE LOCATED IN THE FIELD, AND ONLINE COUNTY DATA. THIS IS NOT A BOUNDARY SURVEY.
- PROPOSED POLE LOCATION PROVIDED BY HEMPHILL.
- ALL DIMENSION NOTATIONS ARE ROUNDED TO THE NEAREST WHOLE NUMBER.
- FOR ADDITIONAL INFORMATION, SEE ATTACHED DESCRIPTION IN CONJUNCTION WITH AND CONSIDER AN INTEGRAL PART OF THIS DESCRIPTION.

SCHEDULE B ITEMS:

- THE SURVEYOR DID NOT OBSERVE ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE WHILE CONDUCTING THE SURVEY.
- THE FOLLOWING BUILDING LINE AND EASEMENTS RECORDED IN CABINET U, PAGE 684, OF THE PLAT RECORDS OF DENTON COUNTY, TEXAS, (DOES NOT AFFECT THIS SITE AND EASEMENT) PARENT TRACT APPEARS CONTROLLED BY INSTRUMENT NO. 2015-29 AND PLAT RECORDED IN CAB. U, PG. 684, APPEARS TO HAVE BEEN VACATED)
- EASEMENT EXECUTED BY RAYZOR INVESTMENTS, LTD TO BARTONVILLE WATER SUPPLY CORPORATION, DATED 5, 1997, RECORDED IN DOCUMENT NO. 97-R0038688, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS.
- (AFFECTS AS SHOWN HEREON)
- EASEMENT EXECUTED BY RAYZOR RANCH, L.P. TO THE BARTONVILLE WATER SUPPLY CORPORATION, DATED OCTOBER 22, 1999, FILED OCTOBER 22, 1999, RECORDED IN DOCUMENT NO. 99-R0108311, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS. (DOES NOT AFFECT THIS SITE AND EASEMENT)
- EASEMENT EXECUTED BY RAYZOR RANCH, L.P., A TEXAS LIMITED PARTNERSHIP, ACTING THROUGH ITS GENERAL PARTNER, RAYZOR G.P., INC. TO DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 7, DATED MARCH 28, 2002, FILED APRIL 1, 2002, RECORDED IN DOCUMENT NO. 2002-R0040006, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS. (AFFECTS SHOWN HEREON)
- EASEMENT EXECUTED BY RAYZOR RANCH, L.P., A TEXAS LIMITED PARTNERSHIP, ACTING THROUGH ITS GENERAL PARTNER, RAYZOR G.P., INC. TO DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 7, DATED DECEMBER 16, 2003, FILED DECEMBER 31, 2003, RECORDED IN DOCUMENT NO. 2003-208892, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS. (DOES NOT AFFECT THIS SITE AND EASEMENT)
- (DOES NOT AFFECT THIS SITE AND EASEMENT)
- EASEMENT EXECUTED BY RAYZOR RANCH, L.P., A TEXAS LIMITED PARTNERSHIP, ACTING THROUGH ITS GENERAL PARTNER, RAYZOR G.P., INC. TO DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 7, DATED DECEMBER 16, 2003, FILED DECEMBER 31, 2003, RECORDED IN DOCUMENT NO. 2003-208893, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS. (DOES NOT AFFECT THIS SITE AND EASEMENT)
- EASEMENT EXECUTED BY RAYZOR RANCH, L.P., MAGNOLIA/LANTANA III, L.P.; DENTON COUNTY FRESH WATER SUPPLY DISTRICT #6; AND DENTON COUNTY FRESH WATER SUPPLY DISTRICT #7 TO DENTON INDEPENDENT SCHOOL DISTRICT (DISD), DATE MARCH 31, 2005, FILED APRIL 8, 2005, RECORDED IN DOCUMENT NO. 2005-40738, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS. (DOES NOT AFFECT THIS SITE AND EASEMENT)
- (DOES NOT AFFECT THIS SITE AND EASEMENT)
- TERMS, PROVISIONS, AND CONDITIONS OF DEVELOPMENT AGREEMENT EXECUTED BY AND BETWEEN RAYZOR RANCH L.P. AND C/RPG COMPANY, L.P., EACH A TEXAS LIMITED PARTNERSHIP AND THE TOWN OF BARTONVILLE, DATED AUGUST 3, 2006, FILED JUNE 8, 2012, RECORDED IN DOCUMENT NO. 2012-61294, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS. (AFFECTS NOT PLOTTABLE)
- TERMS, CONDITIONS AND STIPULATIONS AS SET FORTH IN DEVELOPER RIGHTS AGREEMENTS EXECUTED BY AND BETWEEN A-S 114 LANTANA TOWN CENTER, L.P., A TEXAS LIMITED PARTNERSHIP AND KROGER TEXAS, L.P., AN OHIO LIMITED PARTNERSHIP (KROGER), DATED FEBRUARY 15, 2013, FILED FEBRUARY 15, 2013, RECORDED IN DOCUMENT NO. 2013-18969, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS. (AFFECTS NOT PLOTTABLE)
- STORM WATER DRAINAGE EASEMENT AGREEMENT EXECUTED BY KROGER TEXAS L.P., AN OHIO LIMITED PARTNERSHIP AND A-S 114 LANTANA TOWN CENTER, L.P., A TEXAS LIMITED PARTNERSHIP, DATED FEBRUARY 15, 2013, FILED FEBRUARY 15, 2013, RECORDED IN DOCUMENT NO. 2013-18971, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS. (DOES NOT AFFECT THIS SITE AND EASEMENT)

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
GF NO. 01-22047265
EFFECTIVE DATE: OCTOBER 14, 2022



LEASED PREMISES

NUMBER	DIRECTION	LENGTH
L1	N44°04'58"E	20.00'
L2	S45°38'57"E	33.62'
L3	S44°04'58"W	20.00'
L4	N45°38'57"W	33.62'

30' ACCESS & UTILITY EASEMENT

NUMBER	DIRECTION	LENGTH
L5	N08°51'01"W	10.65'
L6	N45°37'47"W	322.90'
L7	S44°04'58"W	15.78'

Michael J. Segroves 06/30/2023
MICHAEL J. SEGROVES DATE: 06/30/2023
REGISTERED PROFESSIONAL
LAND SURVEYOR
TEXAS REGISTRATION NO. 6932



HEMPHILL

ACCESS/UTILITY EASEMENT
& LEASED PREMISES

SITE ADDRESS:
3400 FM 407 E,
BARTONVILLE, TX 76226

SAM

1341 W. Mockingbird Lane,
Suite 400W, Dallas, Texas, 75247
Ofc: 214.631.7888 email: info@sam.biz
Texas Firm Registration No. 10064300

PROJECT: 1022074733
SHEET 1 OF 3

PATH: \\SAMINC\DAL\PROJECTS\1022074733\100\SURVEY\03EXHIBITS\06-30-2023\74733-1636 BARTONVILLE SITE SURVEY.DWG DRAWN BY: JOSE.RICO

HEMPHILL, LLC.
1636 BARTONVILLE SITE SURVEY
LEASED PREMISES

SAM JOB NO. 74733
PAGE 2 OF 3

EXHIBIT "A"

BEING A DESCRIPTION OF A PROPOSED LEASED PREMISES SITE, LOCATED IN THE W. MCDANIEL SURVEY ABSTRACT NO. 385, AND BEING ON A TRACT OF LAND DESCRIBED AS LOT 1, BLOCK A, OF THE DCFWSD #7 RETAIL CENTER ADDITION OF DENTON COUNTY, TEXAS, RECORDED IN INSTRUMENT NO. 2015-29, OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS, AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A CALCULATED POINT LOCATED IN LOT 1, BLOCK A OF SAID DCFWSD#7 RETAIL CENTER ADDITION, FROM WHICH A 1/2-INCH ROD FOUND AT THE SOUTH CORNER OF LOT 4, BLOCK A, OF SAID DCFWSD #7 RETAIL CENTER ADDITION, BEARS SOUTH 02 DEGREES 54 MINUTES 13 SECONDS EAST, A DISTANCE OF 265.22 FEET; SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N: 7076595.07, E: 2387808.62;

THENCE NORTH 44 DEGREES 04 MINUTES 58 SECONDS EAST, 20.00 FEET TO A POINT FOR CORNER;

THENCE SOUTH 45 DEGREES 38 MINUTES 57 SECONDS EAST, 33.62 FEET TO A POINT FOR CORNER; FROM WHICH A 1/2-INCH ROD FOUND AT THE SOUTHEAST CORNER OF LOT 3, BLOCK A, OF SAID DCFWSD #7 RETAIL CENTER ADDITION, BEARS SOUTH 88 DEGREES 06 MINUTES 21 SECONDS EAST, A DISTANCE OF 1,211.68 FEET;

THENCE SOUTH 44 DEGREES 04 MINUTES 58 SECONDS WEST, 20.00 FEET TO A POINT FOR CORNER;

THENCE NORTH 45 DEGREES 38 MINUTES 57 SECONDS EAST, 33.62 FEET TO THE POINT OF BEGINNING.

THIS DESCRIPTION BEING A TOTAL OF 0.015 ACRES OF LAND (672 SQ FT), MORE OR LESS.

BEARING BASIS: BEARINGS, DISTANCES, AND COORDINATES SHOWN HEREON ARE GRID, BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83 (2011), NORTH CENTRAL ZONE.

NOTE: AN EXHIBIT OF SAME DATE ACCOMPANIES THIS DESCRIPTION.

DATE OF SURVEY: 05-12-2023


MICHAEL J. SEGROVES DATE: 06/30/2023
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6932
SURVEYING AND MAPPING, LLC.
1341 W MOCKINGBIRD LANE, SUITE 400W,
DALLAS, TEXAS 75247
OFC: 214.631.7888



HEMPHILL, LLC.
1636 BARTONVILLE SITE SURVEY
30' ACCESS & UTILITY EASEMENT

SAM JOB NO. 74733
PAGE 3 OF 3

EXHIBIT "A"

BEING A CENTERLINE DESCRIPTION OF A PROPOSED 30' ACCESS & UTILITY EASEMENT, LOCATED IN THE W. MCDANIEL SURVEY ABSTRACT NO. 385, AND BEING ON A TRACT OF LAND DESCRIBED AS LOT 1, BLOCK A OF DCFWSD#7 RETAIL CENTER ADDITION OF DENTON COUNTY, TEXAS, RECORDED IN INSTRUMENT NO. 2015-29, OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS, AND MEASURING 15 FEET EACH SIDE OF CENTERLINE, THE SIDE LINES OF WHICH ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE AT POINTS ON THE NORTHEASTERLY LINE OF LEASED PREMISES AND THE SOUTH LINE OF SAID LOT 1, SAID CENTERLINE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CALCULATED POINT ON THE SOUTH LINE OF SAID LOT 1, AND THE OCCUPIED NORTH RIGHT OF WAY OF JETER ROAD (VARIABLE WIDTH ROW), FROM WHICH AN 1/2-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF LOT 3, BLOCK A, OF DCFWSD#7 RETAIL CENTER ADDITION, BEARS NORTH 79 DEGREES 49 MINUTES 28 SECONDS EAST, 992.94 FEET, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N: 7076370.46, E: 2388080.28;

THENCE NORTH 08 DEGREES 51 MINUTES 01 SECONDS WEST, 10.65 FEET TO A POINT FOR CORNER;

THENCE NORTH 45 DEGREES 37 MINUTES 47 SECONDS WEST, 322.90 FEET TO A POINT FOR CORNER;


THENCE SOUTH 44 DEGREES 04 MINUTES 58 SECONDS WEST, 15.78 FEET TO THE POINT OF TERMINUS IN THE NORTHEASTERLY LINE OF LEASED PREMISES, FROM WHICH AN 1/2-INCH IRON ROD FOUND AT THE SOUTH CORNER OF LOT 4, BLOCK A, OF DCFWSD#7 RETAIL CENTER ADDITION, BEARS SOUTH 03 DEGREES 11 MINUTES 21 SECONDS WEST, 265.68 FEET SAID POINT OF TERMINUS HAVING GRID COORDINATES OF N: 7076595.45, E: 2387836.84;

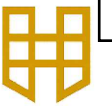
THIS DESCRIPTION BEING A TOTAL OF 0.241 ACRES OF LAND (10,480 SQ FT), MORE OR LESS.

BEARING BASIS: BEARINGS, DISTANCES, AND COORDINATES SHOWN HEREON ARE GRID, BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83 (2011), NORTH CENTRAL ZONE.

NOTE: AN EXHIBIT OF SAME DATE ACCOMPANIES THIS DESCRIPTION.

DATE OF SURVEY: 05-12-2023


MICHAEL J. SEGROVES DATE: 06/30/2023
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6932
SURVEYING AND MAPPING, LLC.
1341 W MOCKINGBIRD LANE, SUITE 400W,
DALLAS, TEXAS 75247
OFC: 214.631.7888



Item E6.

HEMPHILL

1305 NORTH LOUISVILLE AVE
TULSA, OK 74115
(918) 834-2200

SURVEY PROVIDED BY:

SAM COMPANIES
1341 W. MOCKINGBIRD
LANE SUITE 400W,
DALLAS, TX 75247
214-631-7888

PROJECT NO:	1636
PROJECT NAME:	BARTONVILLE
911 ADDRESS:	TBD
DRAWN BY:	LSV
CHECKED BY:	RGH/MK/SLT

ISSUED FOR:

APPROVAL

REV	DATE	DESCRIPTION
0	01/15/24	FOR APPROVAL

SCALE

N.T.S.

SITE SURVEY

SHEET NUMBER: REVISION:

C1-2

0



Item E6.

HEMPHILL®

1305 NORTH LOUISVILLE AVE
TULSA, OK 74115
(918) 834-2200

SURVEY PROVIDED BY:

SAM COMPANIES
1341 W. MOCKINGBIRD
LANE SUITE 400W,
DALLAS, TX 75247
214-631-7888

PROJECT NO:	1636
PROJECT NAME:	BARTONVILLE
911 ADDRESS:	TBD
DRAWN BY:	LSV
CHECKED BY:	RGH/MK/SLT

ISSUED FOR:

APPROVAL

REV	DATE	DESCRIPTION
0	01/15/24	FOR APPROVAL

SCALE

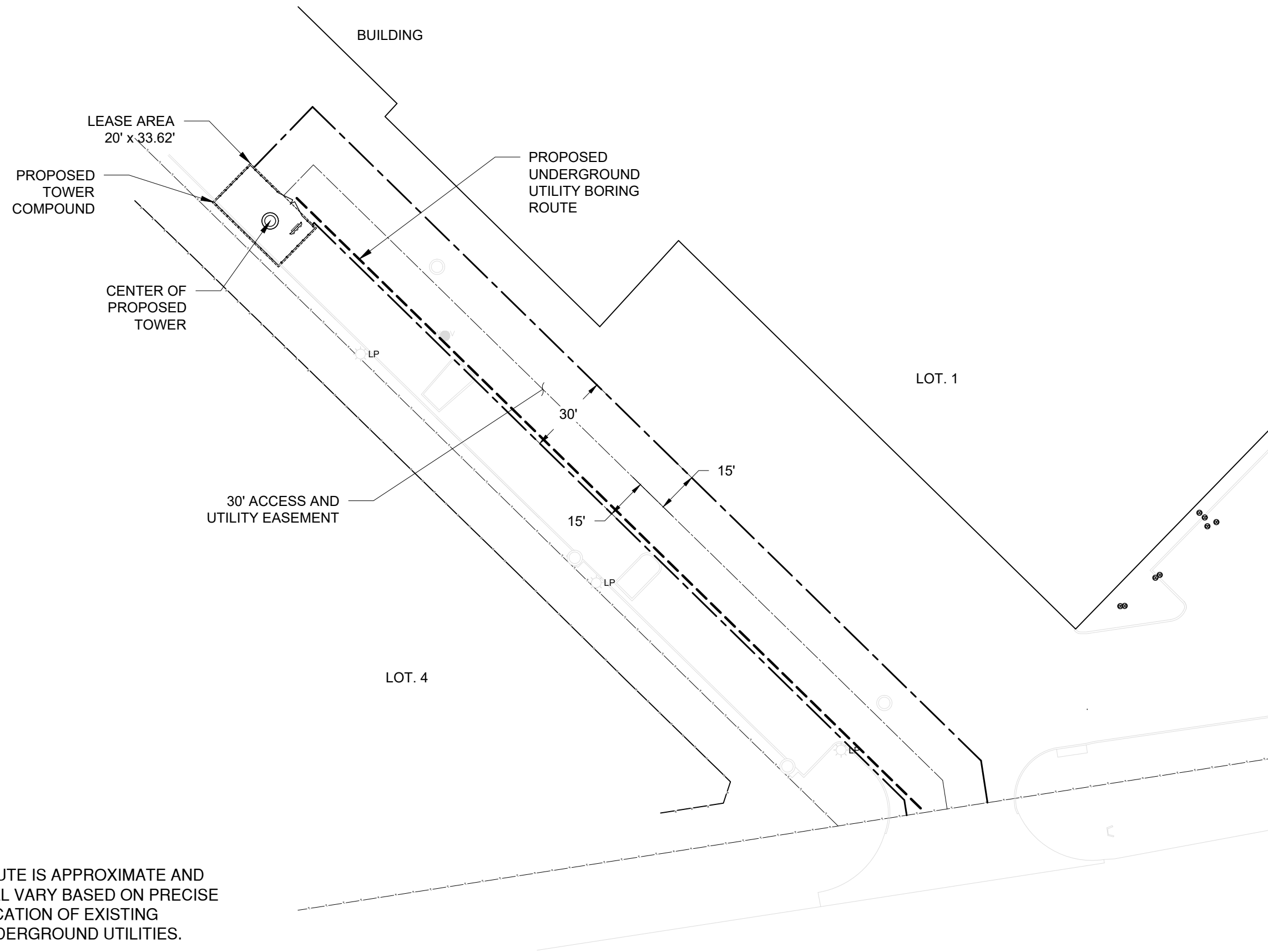
N.T.S.

OVERALL SITE PLAN

SHEET NUMBER: REVISION:

C1-3

0

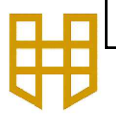


NOTES:

- ROUTE IS APPROXIMATE AND WILL VARY BASED ON PRECISE LOCATION OF EXISTING UNDERGROUND UTILITIES.



Item E6.



HEMPHILL

1305 NORTH LOUISVILLE AVE
TULSA, OK 74115
(918) 834-2200

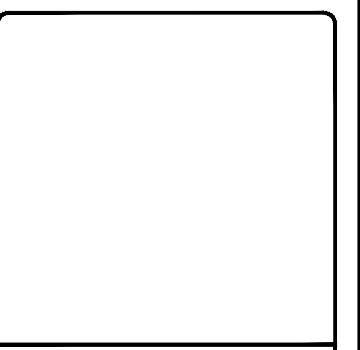


STS (SPECIALTY
TELECOMMUNICATIONS
CONSULTANTS, LCC)
13431 BROADWAY EXT., SUITE
120, OKLAHOMA CITY, OK 73114
405-753-7167

PROJECT NO:	1636
PROJECT NAME:	BARTONVILLE
911 ADDRESS:	TBD
DRAWN BY:	LSV
CHECKED BY:	RGH/MK/SLT

ISSUED FOR:
APPROVAL

REV	DATE	DESCRIPTION
0	01/15/24	FOR APPROVAL



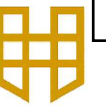
SAMUAL T. CURTIS
PROFESSIONAL ENGINEER - TEXAS
REGISTRATION NO.: 117377

SCALE
N.T.S.

VICINITY
ZONING MAP

SHEET NUMBER:	REVISION:
C1-4	0

PARCEL No.	SITUS	LEGAL DESCRIPTION	ACREAGE	ZONING	LAND USE	OWNER NAME	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIPCODE
20953	1487 POST OAK LN BARTONVILLE, TX 76226-9463	GREEN OAKS ESTATES SEC 1 LOT 39 ACRES 5.033	5.0330	RE-2 - RESIDENTIAL ESTATES 2		FRICK, RONNIE & 1995 FRICK FAMILY TRUST	1487 POST OAK LN	BARTONVILLE	TX	76226-9463
37553	124 MCKAMIN RD BARTONVILLE, TX 76226-9416	A0152A BBB & CRR, TR 20, 2.177 ACRES, OLD DCAD TR 12,12A,13B	2.1770	RB - RURAL BUSINESS		NTH4 RESOURCES LLC	1800 EMERSON LN	DENTON	TX	76209-1314
38051	FM 407 BARTONVILLE, TX 76226	A0645A E.P. HOLMAN, TR 1, 7.7974 ACRES	7.7974	GC - GENERAL COMMERCIAL (PD ONLY DISTRICT)	DRIVE-THRU COFFEE SHOP	DENTON COUNTY FRESH WATER SUPPLY DIST NO 7	19 BRIAR HOLLOW LN STE 245	HOUSTON	TX	77027-2858
86072	190 WOLF RUN RD BARTONVILLE, TX 76226-8422	WOLF HILL EST LOT 1	2.0330	RE-2 - RESIDENTIAL ESTATES 2		LONGEWAY, KENNETH & LORI	190 WOLF RUN RD	BARTONVILLE	TX	76226-8422
105581	141 WOLF RUN RD BARTONVILLE, TX 76226-8427	WOLF HILL EST 2 BLK A LOT 1	2.0000	RE-2 - RESIDENTIAL ESTATES 2		STUDER, RONALD H & BARBARA K	141 WOLF RUN RD	BARTONVILLE	TX	76226-8427
241296	88 MCKAMIN RD BARTONVILLE, TX 76226-9711	ACKLIE ADDN BLK A LOT 1	1.1908	RB - RURAL BUSINESS		CC88 HOLDINGS LLC	921 CRIMSON RD	LANTANA	TX	76226-6977
241297	80 MCKAMIN RD BARTONVILLE, TX 76226-9711	ACKLIE ADDN BLK A LOT 2	1.3361	RB - RURAL BUSINESS		MCCRAY, J GREGORY	80 MCKAMIN RD	BARTONVILLE	TX	76226-8438
241298	74 MCKAMIN RD BARTONVILLE, TX 76226	ACKLIE ADDN BLK A LOT 3	1.3149	RB - RURAL BUSINESS		JANKE OFFICE BUIILDING LTD	145 S FOREST LN	LEWISVILLE	TX	75077-8284
277887	220 E JETER RD BARTONVILLE, TX 76226-8437	KINCADE LOT 2R	10.0090	AG - AGRICULTURAL		FIRST CHURCH NAZARENE	2200 E JETER RD	BARTONVILLE	TX	76226-8439
557523	3501 FM 407 BARTONVILLE, TX 76226	CARLISLE ADDITION PHASE C BLK 2C LOT 1R(CO&SCH)(SEE 567474 FOR W13)	2.0549	GC - GENERAL COMMERCIAL (PD ONLY DISTRICT)		A-S 114 LANTANA TC PHASE 2 LP	8827 W SAM HOUSTON PKWY N STE 200	HOUSTON	TX	77040-5383
584973	64 MCKAMIN RD BARTONVILLE, TX 76226-9711	ACKLIE ADDN BLK A LOT 4R	4.2210	RB - RURAL BUSINESS		TFLH LLC	64 MCKAMIN RD	BARTONVILLE	TX	76226-8438
637911	FM 407 BARTONVILLE, TX 76226	A0385A W. MCDANIEL, TR 1F(1), 0.244 ACRES	0.2440	GC - GENERAL COMMERCIAL (PD ONLY DISTRICT)		DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO 7	19 BRIAR HOLLOW LN STE 245	HOUSTON	TX	77027-2858
669033		A0385A W. MCDANIEL, TR 1G, 1.4276 ACRES	1.4276	GC - GENERAL COMMERCIAL (PD ONLY DISTRICT)		DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO 7	19 BRIAR HOLLOW LN STE 245	HOUSTON	TX	77027-2858
692393	3230 FM 407 BARTONVILLE, TX 76226	BARTONVILLE STORE ADDITION BLK 1 LOT 1	1.4310	RB - RURAL BUSINESS	RESTAURANT/ RETAIL STORE/ FARMERS MKT.	BLUE PUP PUB, LLC	240 MCKAMIN RD	LEWISVILLE	TX	75077-8202
714513	3501 FM 407 E BARTONVILLE, TX 76226	LANTANA TOWN CENTER PHASE II BLK 1 LOT 1 (PT)	7.1784	GC - GENERAL COMMERCIAL (PD ONLY DISTRICT)		A-S 114 LANTANA TC PHASE 2 LP	8827 W SAM HOUSTON PKWY N STE 200	HOUSTON	TX	77040-5383
1021595	147 MCKAMIN RD BARTONVILLE, TX 76226	KINCADE LOT 1R		RB - RURAL BUSINESS		WACKER, ALEXANDER MICHAEL	353 COUNTY ROAD 2510	DECATUR	TX	76234-1168
1024378		LANTANA TOWN CENTER PHASE II BLK 1 LOT 1 (BRAKES PLUS)	1.0000	GC - GENERAL COMMERCIAL (PD ONLY DISTRICT)		A-S 114 LANTANA TC PHASE 2 LP	8827 W SAM HOUSTON PKWY N STE 200	HOUSTON	TX	77040-5383
1024379		LANTANA TOWN CENTER PHASE II BLK 1 LOT 1 (WHATABURGER)	1.9586	GC - GENERAL COMMERCIAL (PD ONLY DISTRICT)		A-S 114 LANTANA TC PHASE 2 LP	8827 W SAM HOUSTON PKWY N STE 200	HOUSTON	TX	77040-5383
1026796		LANTANA TOWN CENTER PHASE II BLK 1 LOT 1 (DUTCH BROS)	0.6840	GC - GENERAL COMMERCIAL (PD ONLY DISTRICT)		A-S 114 LANTANA TC PHASE 2 LP	8827 W SAM HOUSTON PKWY N STE 200	HOUSTON	TX	77040-5383



Item E6.

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STS (SPECIALTY
TELECOMMUNICATIONS
CONSULTANTS, LCC)
13431 BROADWAY EXT., SUITE
120, OKLAHOMA CITY, OK 73114
405-753-7167

PROJECT NO:	1636
PROJECT NAME:	BARTONVILLE
911 ADDRESS:	TBD
DRAWN BY:	LSV
CHECKED BY:	RGH/MK/SLT

ISSUED FOR:
APPROVAL

REV	DATE	DESCRIPTION
0	01/15/24	FOR APPROVAL

SAMUAL T. CURTIS
PROFESSIONAL ENGINEER - TEXAS
REGISTRATION NO.: 117377

SCALE
N.T.S.

**VICINITY
ZONING TABLE**

SHEET NUMBER:	REVISION:
C1-5	0



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STS (SPECIALTY
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13431 BROADWAY EXT., SUITE
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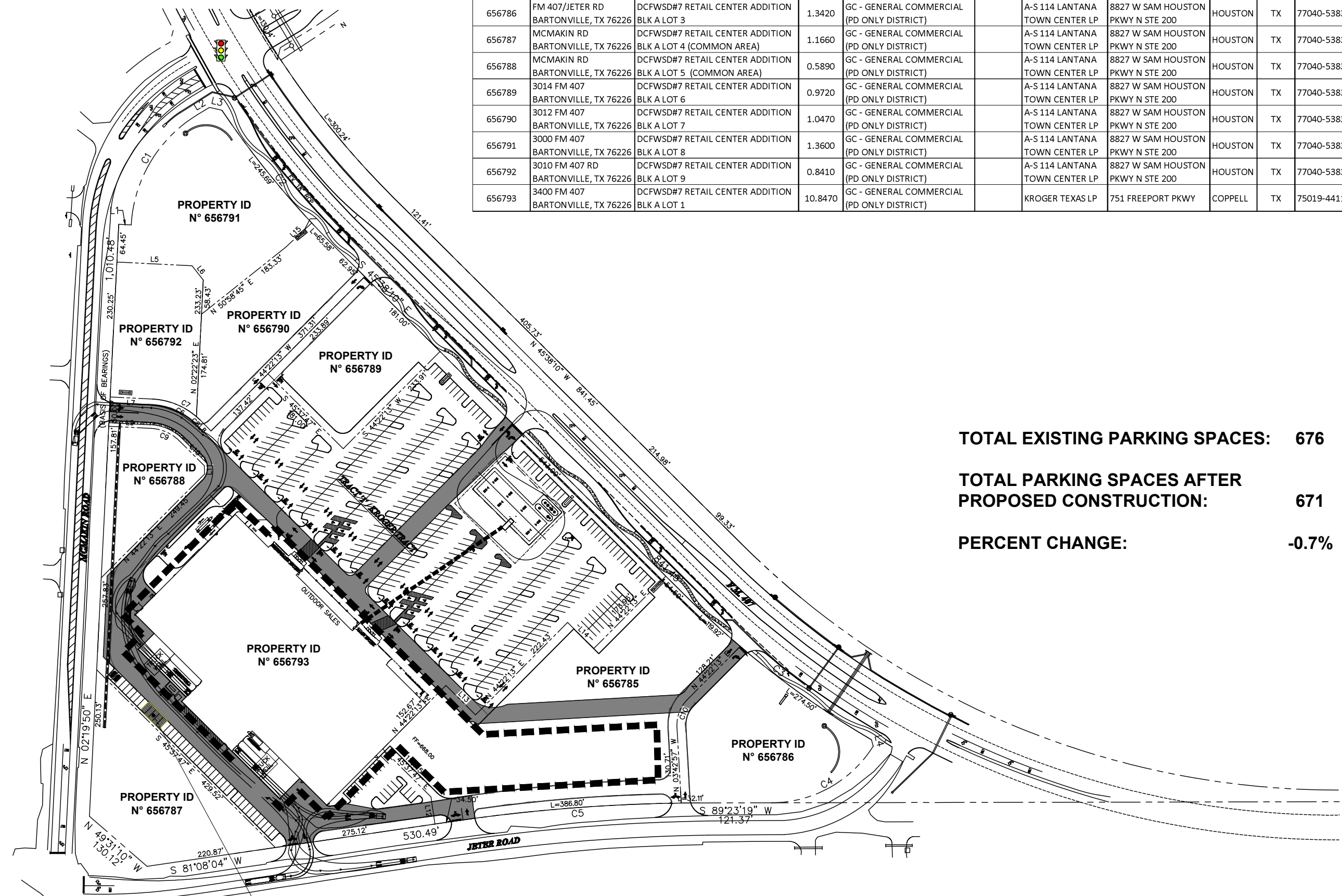
SAMUAL T. CURTIS
PROFESSIONAL ENGINEER - TEXAS
REGISTRATION NO.: 117377

SCALE
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PARKING SPACE
ANALYSIS

SHEET NUMBER:	REVISION:
C1-6	0

PROPERTY ID	SITUS	LEGAL DESCRIPTION	ACREAGE	ZONING	LAND USE	OWNER NAME	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIPCODE
656785	3400-3600 FM 407 BARTONVILLE, TX 76226	DCFWS#7 RETAIL CENTER ADDITION BLK A LOT 2	3.0610	GC - GENERAL COMMERCIAL (PD ONLY DISTRICT)		A-S 114 LANTANA TOWN CENTER LP	8827 W SAM HOUSTON PKWY N STE 200	HOUSTON	TX	77040-5383
656786	FM 407/JETER RD BARTONVILLE, TX 76226	DCFWS#7 RETAIL CENTER ADDITION BLK A LOT 3	1.3420	GC - GENERAL COMMERCIAL (PD ONLY DISTRICT)		A-S 114 LANTANA TOWN CENTER LP	8827 W SAM HOUSTON PKWY N STE 200	HOUSTON	TX	77040-5383
656787	MCMAKIN RD BARTONVILLE, TX 76226	DCFWS#7 RETAIL CENTER ADDITION BLK A LOT 4 (COMMON AREA)	1.1660	GC - GENERAL COMMERCIAL (PD ONLY DISTRICT)		A-S 114 LANTANA TOWN CENTER LP	8827 W SAM HOUSTON PKWY N STE 200	HOUSTON	TX	77040-5383
656788	MCMAKIN RD BARTONVILLE, TX 76226	DCFWS#7 RETAIL CENTER ADDITION BLK A LOT 5 (COMMON AREA)	0.5890	GC - GENERAL COMMERCIAL (PD ONLY DISTRICT)		A-S 114 LANTANA TOWN CENTER LP	8827 W SAM HOUSTON PKWY N STE 200	HOUSTON	TX	77040-5383
656789	3014 FM 407 BARTONVILLE, TX 76226	DCFWS#7 RETAIL CENTER ADDITION BLK A LOT 6	0.9720	GC - GENERAL COMMERCIAL (PD ONLY DISTRICT)		A-S 114 LANTANA TOWN CENTER LP	8827 W SAM HOUSTON PKWY N STE 200	HOUSTON	TX	77040-5383
656790	3012 FM 407 BARTONVILLE, TX 76226	DCFWS#7 RETAIL CENTER ADDITION BLK A LOT 7	1.0470	GC - GENERAL COMMERCIAL (PD ONLY DISTRICT)		A-S 114 LANTANA TOWN CENTER LP	8827 W SAM HOUSTON PKWY N STE 200	HOUSTON	TX	77040-5383
656791	3000 FM 407 BARTONVILLE, TX 76226	DCFWS#7 RETAIL CENTER ADDITION BLK A LOT 8	1.3600	GC - GENERAL COMMERCIAL (PD ONLY DISTRICT)		A-S 114 LANTANA TOWN CENTER LP	8827 W SAM HOUSTON PKWY N STE 200	HOUSTON	TX	77040-5383
656792	3010 FM 407 RD BARTONVILLE, TX 76226	DCFWS#7 RETAIL CENTER ADDITION BLK A LOT 9	0.8410	GC - GENERAL COMMERCIAL (PD ONLY DISTRICT)		A-S 114 LANTANA TOWN CENTER LP	8827 W SAM HOUSTON PKWY N STE 200	HOUSTON	TX	77040-5383
656793	3400 FM 407 BARTONVILLE, TX 76226	DCFWS#7 RETAIL CENTER ADDITION BLK A LOT 1	10.8470	GC - GENERAL COMMERCIAL (PD ONLY DISTRICT)		KROGER TEXAS LP	751 FREEPORT PKWY	COPPELL	TX	75019-4411



TOTAL EXISTING PARKING SPACES: 676

TOTAL PARKING SPACES AFTER PROPOSED CONSTRUCTION: 671

PERCENT CHANGE: -0.7%

(5) EXISTING
PARKING SPACES
(TO BE REMOVED)

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STS (SPECIALTY TELECOMMUNICATIONS CONSULTANTS, LCC)
 13431 BROADWAY EXT., SUITE 120
 OKLAHOMA CITY, OK 73114
 405-753-7167

PROJECT NO: 1636
 PROJECT NAME: BARTONVILLE
 911 ADDRESS: TBD
 DRAWN BY: LSV
 CHECKED BY: RGH/MK/SLT

ISSUED FOR:
 APPROVAL

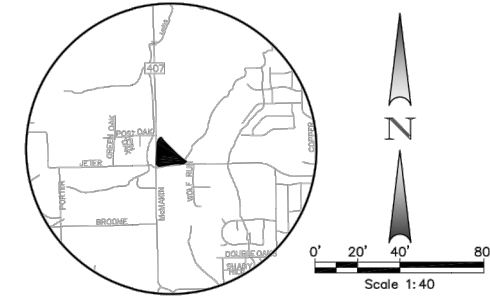
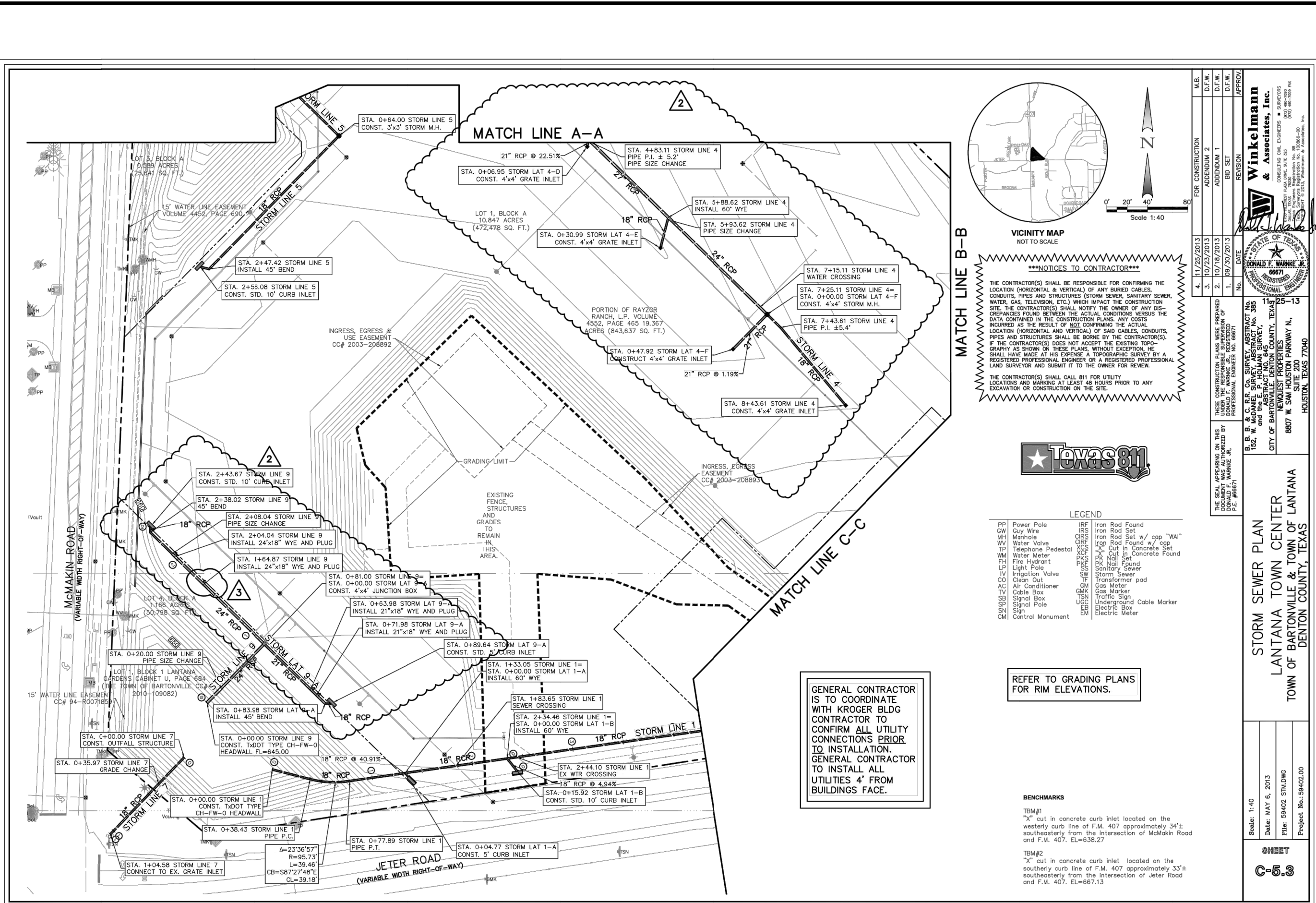
REV	DATE	DESCRIPTION
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SAMUEL T. CURTIS
 PROFESSIONAL ENGINEER - TEXAS
 REGISTRATION NO.: 117377

SCALE
 N.T.S.

STORM SEWER PLAN

SHEET NUMBER: **C1-8** REVISION: **0**



VICINITY MAP
 NOT TO SCALE

****NOTICES TO CONTRACTOR****

THE CONTRACTOR(S) SHALL BE RESPONSIBLE FOR CONFIRMING THE LOCATION (HORIZONTAL & VERTICAL) OF ANY BURIED CABLES, CONDUITS, PIPES AND STRUCTURES (STORM SEWER, SANITARY SEWER, WATER, GAS, TELEVISION, ETC.) WHICH IMPACT THE CONSTRUCTION SITE. THE CONTRACTOR(S) SHALL NOTIFY THE OWNER OF ANY DISCREPANCIES FOUND BETWEEN THE ACTUAL CONDITIONS VERSUS THE DATA CONTAINED IN THE CONSTRUCTION PLANS. ANY COSTS INCURRED AS THE RESULT OF NOT CONFIRMING THE ACTUAL LOCATION (HORIZONTAL AND VERTICAL) OF SAID CABLES, CONDUITS, PIPES AND STRUCTURES SHALL BE BORNE BY THE CONTRACTOR(S). IF THE CONTRACTOR(S) DOES NOT ACCEPT THE EXISTING TOPOGRAPHY AS SHOWN ON THESE PLANS, WITHOUT EXCEPTION, HE SHALL HAVE MADE AT HIS EXPENSE A TOPOGRAPHIC SURVEY BY A REGISTERED PROFESSIONAL ENGINEER OR A REGISTERED PROFESSIONAL LAND SURVEYOR AND SUBMIT IT TO THE OWNER FOR REVIEW.

THE CONTRACTOR(S) SHALL CALL 811 FOR UTILITY LOCATIONS AND MARKING AT LEAST 48 HOURS PRIOR TO ANY EXCAVATION OR CONSTRUCTION ON THE SITE.



LEGEND

PP	Power Pole	IRF	Iron Rod Found
GW	Guy Wire	IRS	Iron Rod Set
MH	Manhole	CIRS	Iron Rod Set w/ cap "WAI"
WV	Water Valve	IRF	Iron Rod Found w/ cap
TP	Telephone Pedestal	XCS	"X" Cut in Concrete Set
WM	Water Meter	XCF	"X" Cut in Concrete Found
FH	Fire Hydrant	PKS	PK Nail Set
LP	Light Pole	PKF	PK Nail Found
IV	Irrigation Valve	SS	Sanitary Sewer
CO	Clean Out	SW	Storm Sewer
AC	Air Conditioner	TF	Transformer pad
TV	Cable Box	GM	Gas Meter
SB	Signal Box	GMK	Gas Marker
SP	Signal Pole	TSN	Traffic Sign
SN	Sign	UGC	Underground Cable Marker
CM	Control Monument	EM	Electric Meter

GENERAL CONTRACTOR IS TO COORDINATE WITH KROGER BLDG CONTRACTOR TO CONFIRM ALL UTILITY CONNECTIONS PRIOR TO INSTALLATION. GENERAL CONTRACTOR TO INSTALL ALL UTILITIES 4' FROM BUILDINGS FACE.

REFER TO GRADING PLANS FOR RIM ELEVATIONS.

BENCHMARKS

TBM#1
 "X" cut in concrete curb inlet located on the westerly curb line of F.M. 407 approximately 34'± southeasterly from the intersection of McMakin Road and F.M. 407. EL=638.27

TBM#2
 "X" cut in concrete curb inlet located on the southerly curb line of F.M. 407 approximately 33'± southeasterly from the intersection of Jeter Road and F.M. 407. EL=667.13

SHEET
C-5.3

Winkelmann & Associates, Inc.
 CONSULTING CIVIL ENGINEERS
 1125-13
 152 W. McMane P. HOUSTON SURVEY, ABSTRACT NO. 645
 CITY OF BARTONVILLE, DENTON COUNTY, TEXAS
 NEWQUEST PROPERTIES
 8807 W. SAM HOUSTON PARKWAY N., SUITE 200
 HOUSTON, TEXAS 77040

REGISTERED PROFESSIONAL ENGINEER
 DONALD F. WARNE, JR.
 66671

M.B.	D.F.W.	D.F.W.	D.F.W.	APPROV.
FOR CONSTRUCTION	ADDENDUM 2	ADDENDUM 1	BID SET	
4. 11/25/2013	3. 10/23/2013	2. 10/18/2013	1. 09/30/2013	

THESE CONSTRUCTION PLANS WERE PREPARED UNDER THE RESPONSIBLE SUPERVISION OF DONALD F. WARNE, JR., REGISTERED PROFESSIONAL ENGINEER NO. 66671

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY DONALD F. WARNE, JR., P.E. #66671

STORM SEWER PLAN
 LANTANA TOWN CENTER
 TOWN OF BARTONVILLE & TOWN OF LANTANA
 DENTON COUNTY, TEXAS

Scale: 1:40
 Date: MAY 6, 2013
 File: 59402_STM.DWG
 Project No.: 59402.00

S:\59402\ENGINEERING\CONSTRUCTION PLANS\KROGER PHASE 1\59402_STM.dwg



HEMPHILL

1305 NORTH LOUISVILLE AVE
TULSA, OK 74115
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STS (SPECIALTY
TELECOMMUNICATIONS
CONSULTANTS, LCC)
13431 BROADWAY EXT., SUITE
120, OKLAHOMA CITY, OK 73114
405-753-7167

PROJECT NO: 1636
PROJECT NAME: BARTONVILLE
911 ADDRESS: TBD
DRAWN BY: LSV
CHECKED BY: RGH/MK/SLT

ISSUED FOR:
APPROVAL

REV	DATE	DESCRIPTION
0	01/15/24	FOR APPROVAL

SAMUAL T. CURTIS
PROFESSIONAL ENGINEER - TEXAS
REGISTRATION NO.: 117377

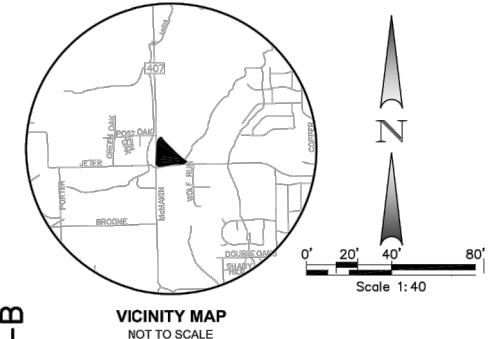
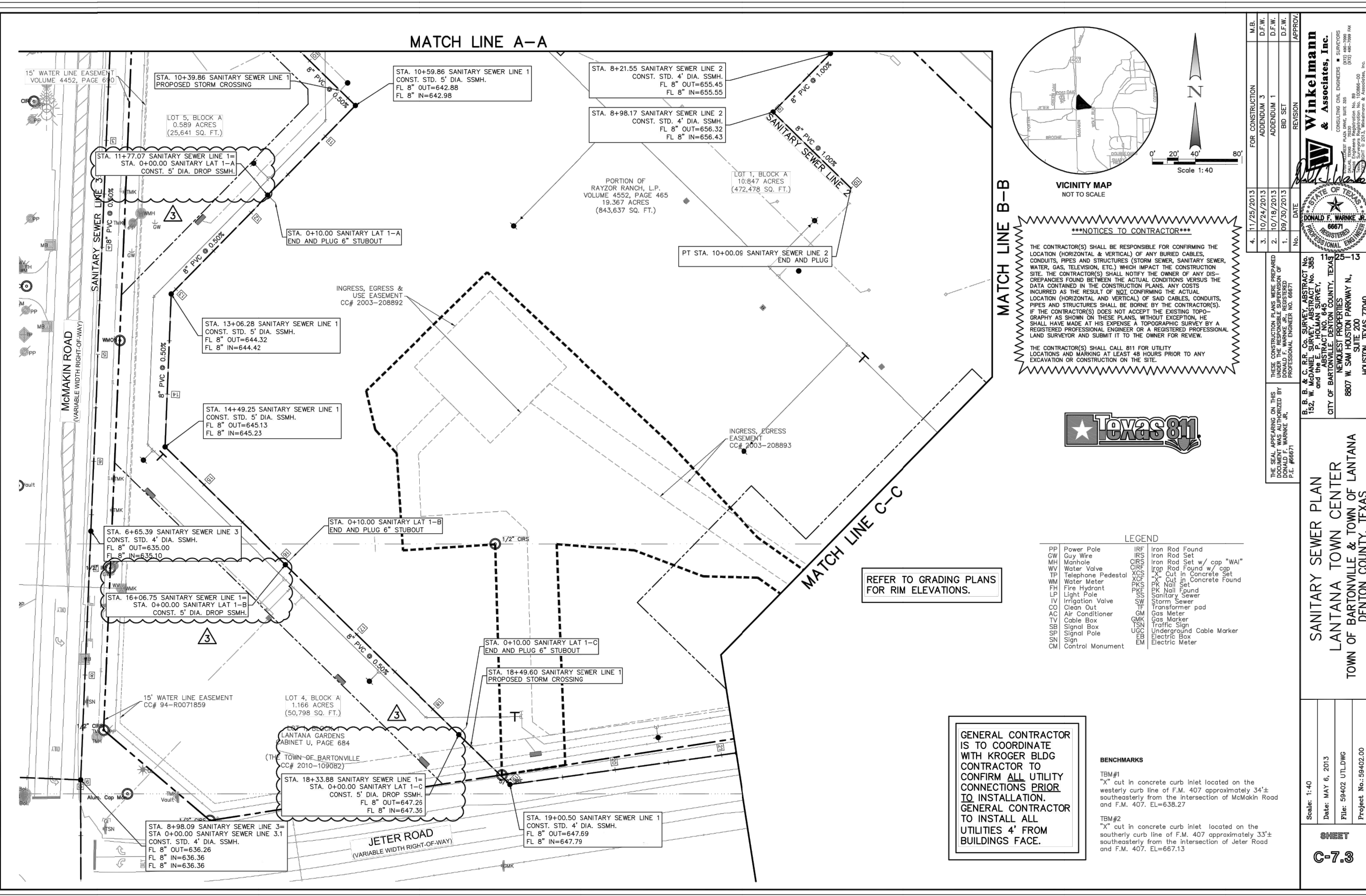
SCALE
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SANITARY
SEWER PLAN

SHEET NUMBER: REVISION:

C1-9

77



M.B.	D.F.W.	FOR CONSTRUCTION
		ADDENDUM 3
		ADDENDUM 1
		BID SET
NO.	DATE	REVISION
1.	09/30/2013	
2.	10/18/2013	
3.	10/24/2013	
4.	11/25/2013	

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY DONALD F. WARNE, JR., P.E. #66671

THESE CONSTRUCTION PLANS WERE PREPARED UNDER THE RESPONSIBLE SUPERVISION OF DONALD F. WARNE, JR., P.E. #66671

B. B. & C. R.R. CO. SURVEY, ABSTRACT NO. 152, W. McMakin Rd. & Jeter Rd., CITY OF BARTONVILLE, DENTON COUNTY, TEXAS

NEWQUEST PROPERTIES 8807 W. SAM HOUSTON PARKWAY N., SUITE 200 HOUSTON, TEXAS 77040

11/25/13

11/25/13

SANITARY SEWER PLAN
LANTANA TOWN CENTER
TOWN OF BARTONVILLE & TOWN OF LANTANA
DENTON COUNTY, TEXAS

Scale: 1:40
Date: MAY 6, 2013
File: 59402 UTIL.DWG
Project No.: 59402.00

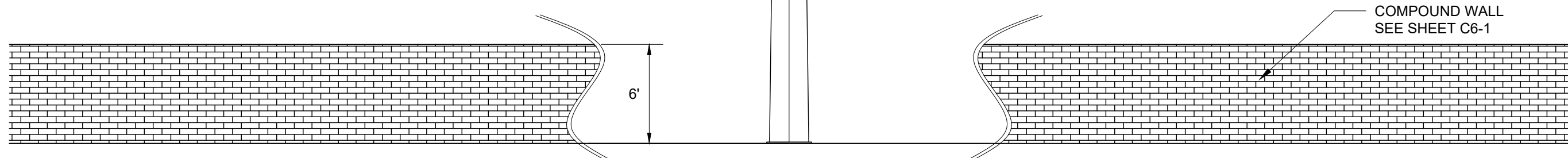
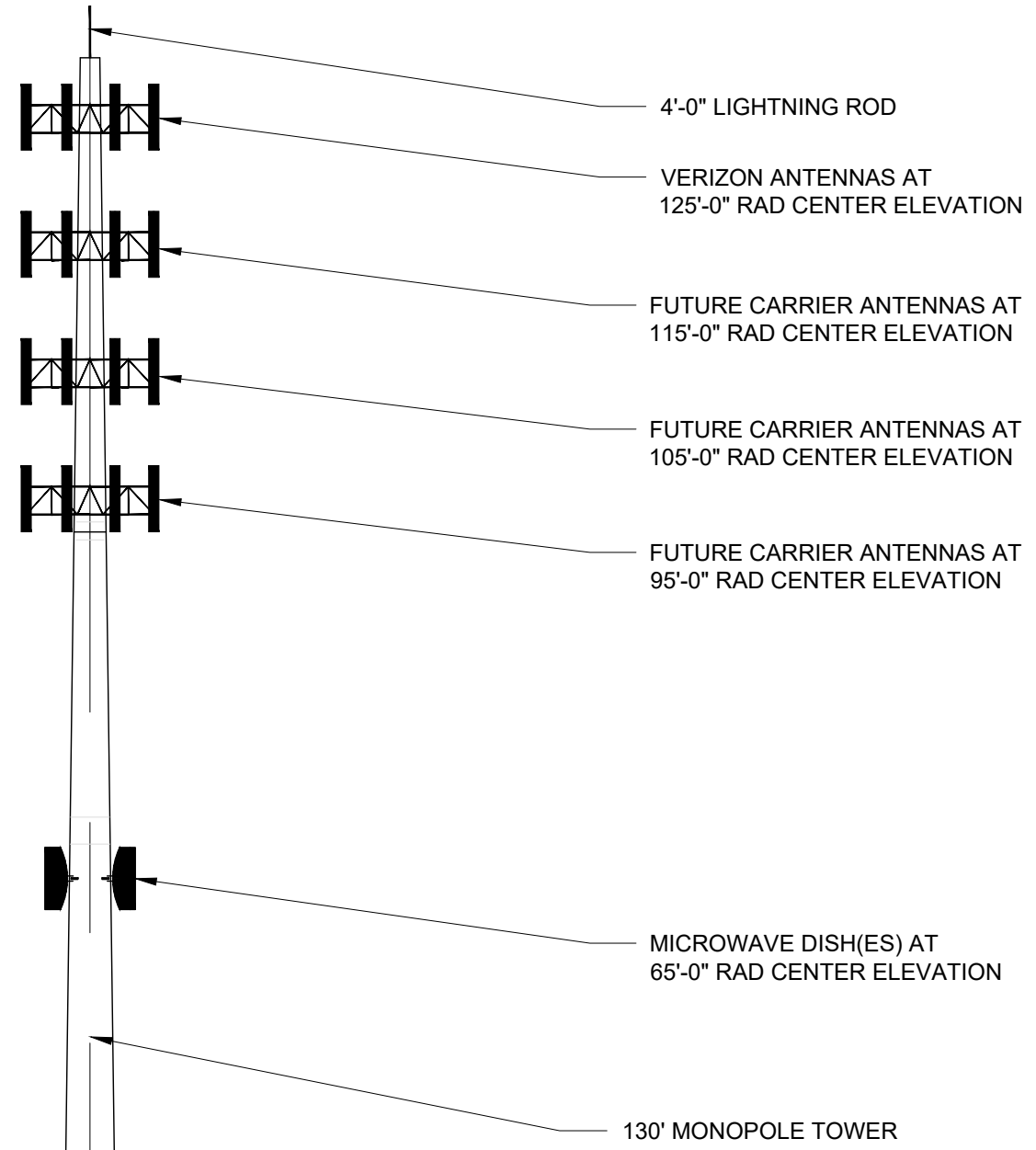
SHEET
C-7.3



Winkelmann & Associates, Inc.
CONSULTING CIVIL ENGINEERS & SURVEYORS
1720 N. WILSON AVE., SUITE 300
TULSA, OKLAHOMA 74119
(918) 482-7999 FAX
Professional Engineer Registration No. 00086-00
Surveyor Registration No. 00086-00
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THESE DRAWINGS ARE NOT INTENDED TO REFLECT THE STRUCTURAL INTEGRITY OF THE TOWER. THE PROPOSED ANTENNAS AND TRANSMISSION LINES SHOWN ARE REPRESENTATIVE IN NATURE AND DO NOT REFLECT THE ACTUAL CONFIGURATIONS REQUIRED. THE CONTRACTOR SHALL REFER TO THE STRUCTURAL ANALYSIS OF THIS TOWER SITE FOR THE APPROVED LOCATION AND CONFIGURATION OF ALL ANTENNAS AND TRANSMISSION LINES. ALL ANTENNAS MUST BE MOUNTED AND THE TRANSMISSION LINES CONFIGURED IN STRICT ACCORDANCE WITH THE STRUCTURAL ANALYSIS.

134'-0" TOTAL HEIGHT WITH APPURTENANCES
 130'-0" TOP OF TOWER



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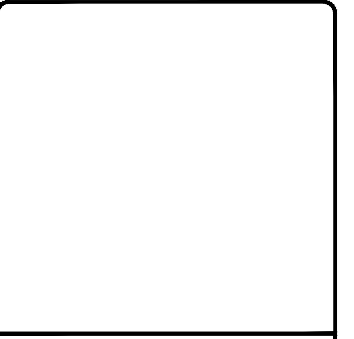


STS (SPECIALTY
 TELECOMMUNICATIONS
 CONSULTANTS, LCC)
 13431 BROADWAY EXT., SUITE
 120, OKLAHOMA CITY, OK 73114
 405-753-7167

PROJECT NO:	1636
PROJECT NAME:	BARTONVILLE
911 ADDRESS:	TBD
DRAWN BY:	LSV
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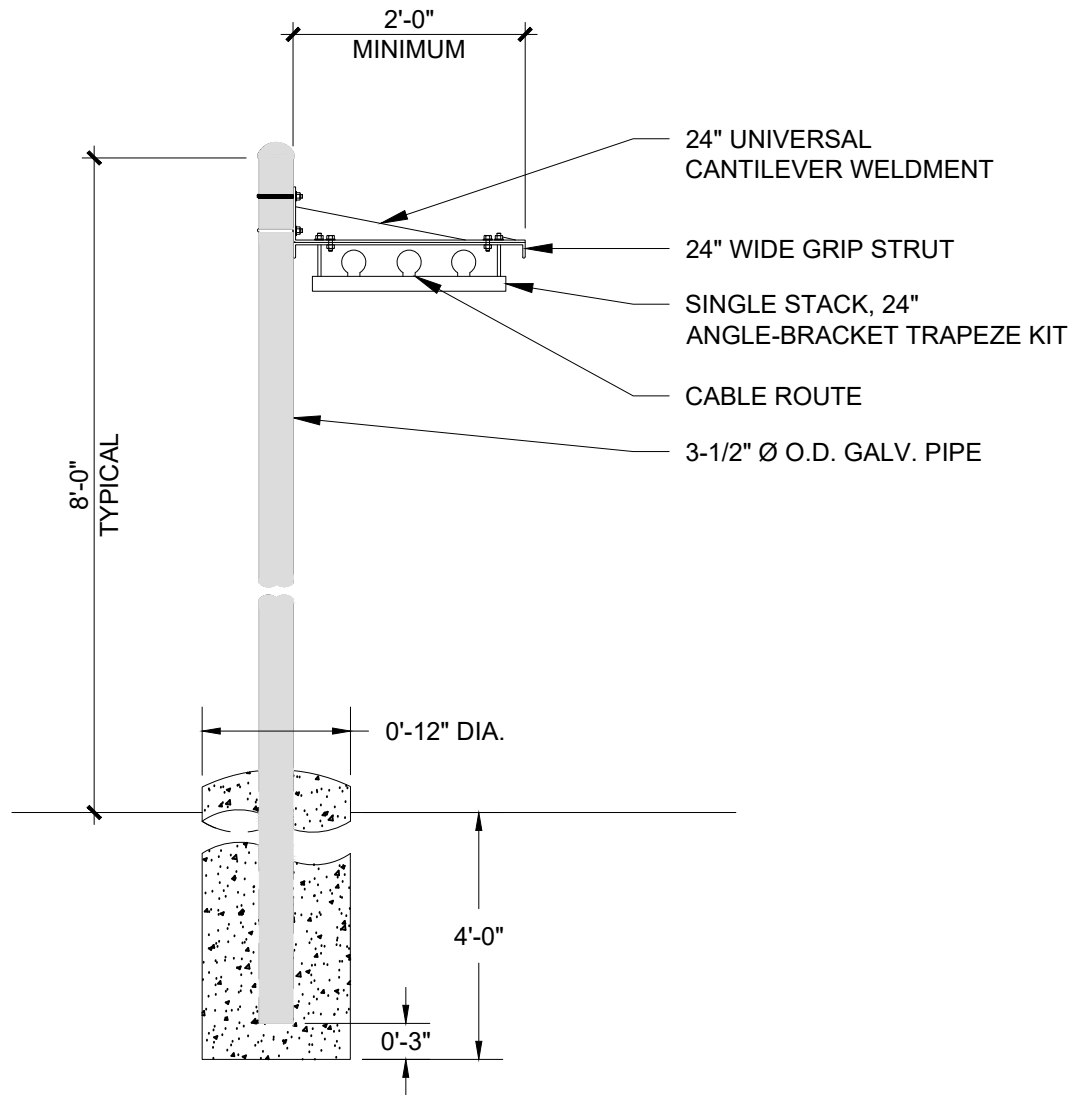
SAMUAL T. CURTIS
 PROFESSIONAL ENGINEER - TEXAS
 REGISTRATION NO.: 117377

SCALE
 N.T.S.

TOWER
 ELEVATION

SHEET NUMBER:	REVISION:
C3-1	0

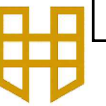
POSTS TO BE SPACED MINIMUM 4'-0" O.C. AND MAXIMUM 10'-0" O.C.



WAVEGUIDE BRIDGE DETAIL

SCALE: N.T.S.

1
C3-3



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STS (SPECIALTY TELECOMMUNICATIONS CONSULTANTS, LCC)
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405-753-7167

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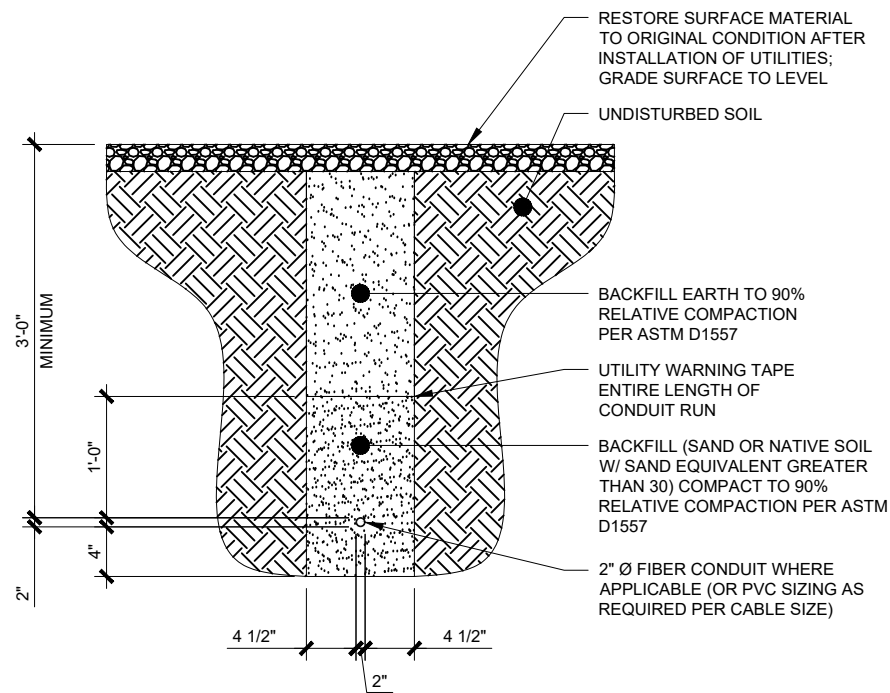


SAMUAL T. CURTIS
PROFESSIONAL ENGINEER - TEXAS
REGISTRATION NO.: 117377

SCALE
N.T.S.

GROUND
EQUIPMENT DETAILS

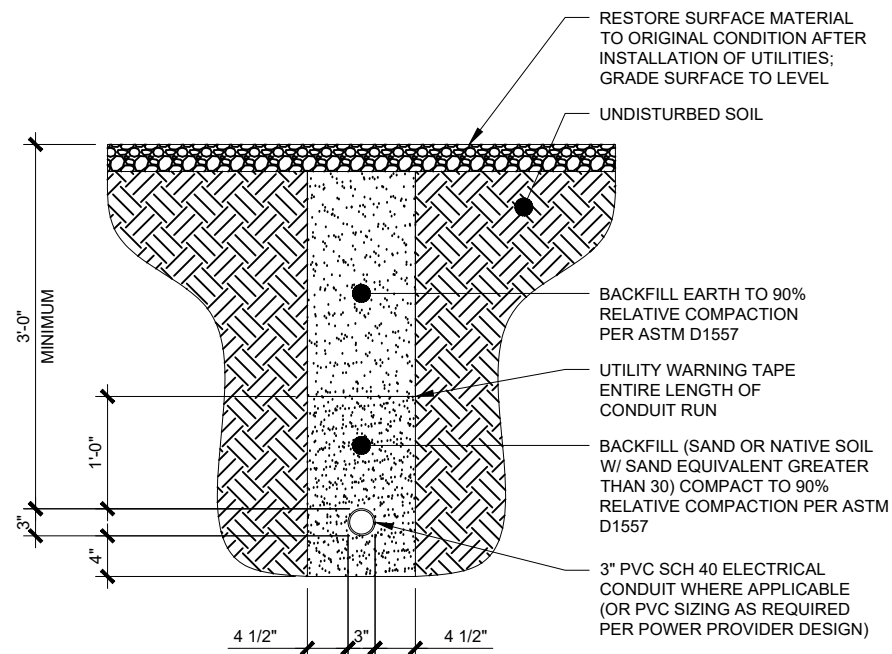
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C3-3	0



FIBER TRENCH DETAIL

SCALE: N.T.S.

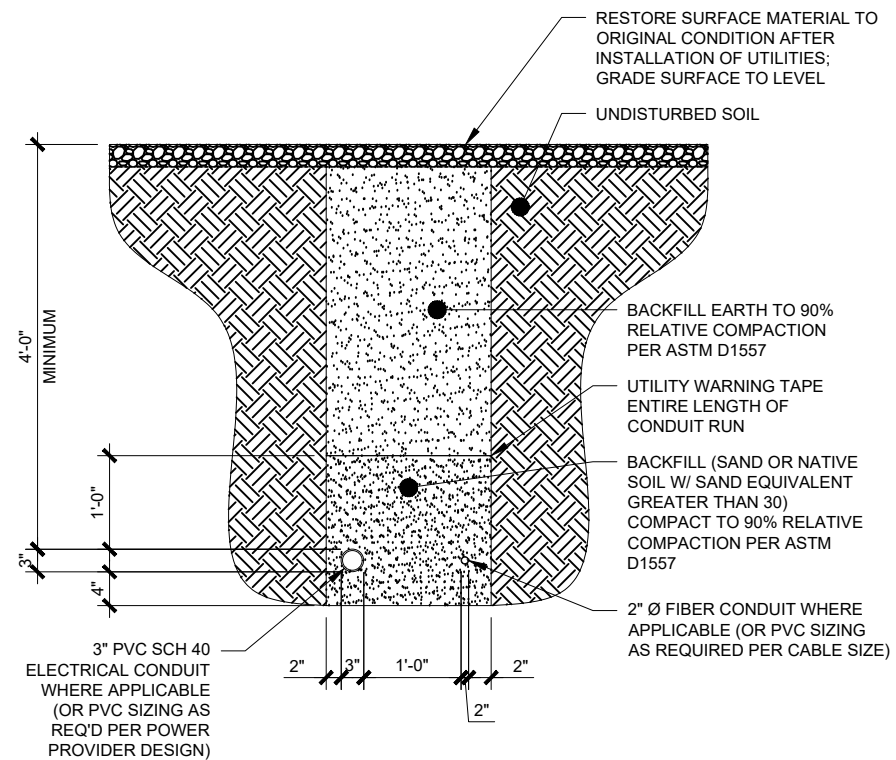
1
C3-6



ELECTRICAL TRENCH DETAIL

SCALE: N.T.S.

2
C3-6



DUAL TRENCH DETAIL

SCALE: N.T.S.

3
C3-6



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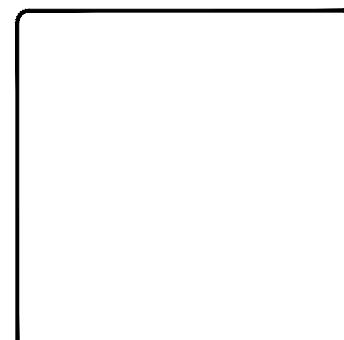


STS (SPECIALTY
TELECOMMUNICATIONS
CONSULTANTS, LCC)
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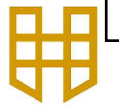


SAMUAL T. CURTIS
PROFESSIONAL ENGINEER - TEXAS
REGISTRATION NO.: 117377

SCALE
N.T.S.

TRENCHING
DETAILS

SHEET NUMBER: C3-6
REVISION: 0
81



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SAMUAL T. CURTIS
PROFESSIONAL ENGINEER - TEXAS
REGISTRATION NO.: 117377

SCALE

N.T.S.

ROADWAY AND
COMPOUND DETAILS

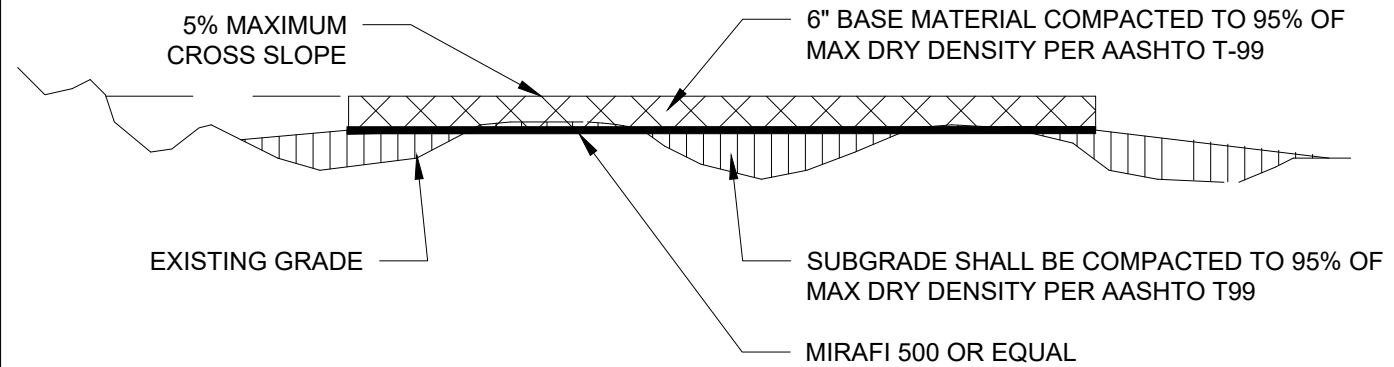
SHEET NUMBER:

C4-1

REVISION:

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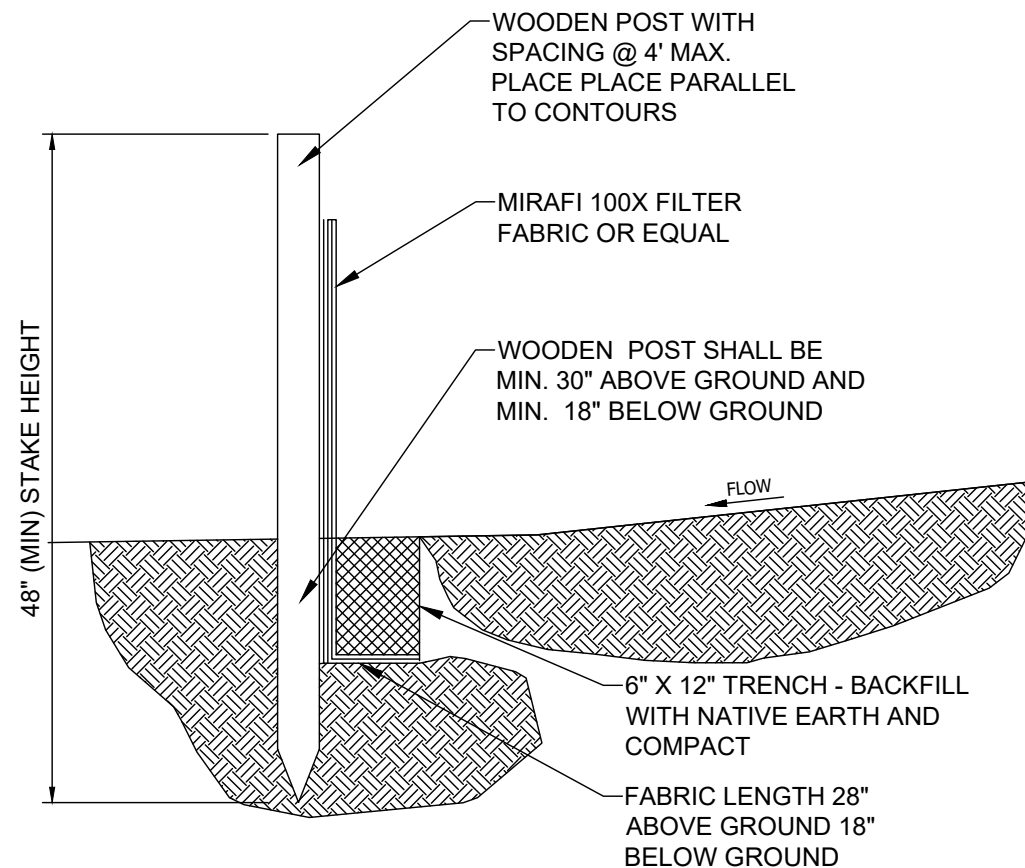
82



COMPOUND DETAIL

SCALE: N.T.S.

2
C4-1



SILT FENCE DETAIL

SCALE: N.T.S.

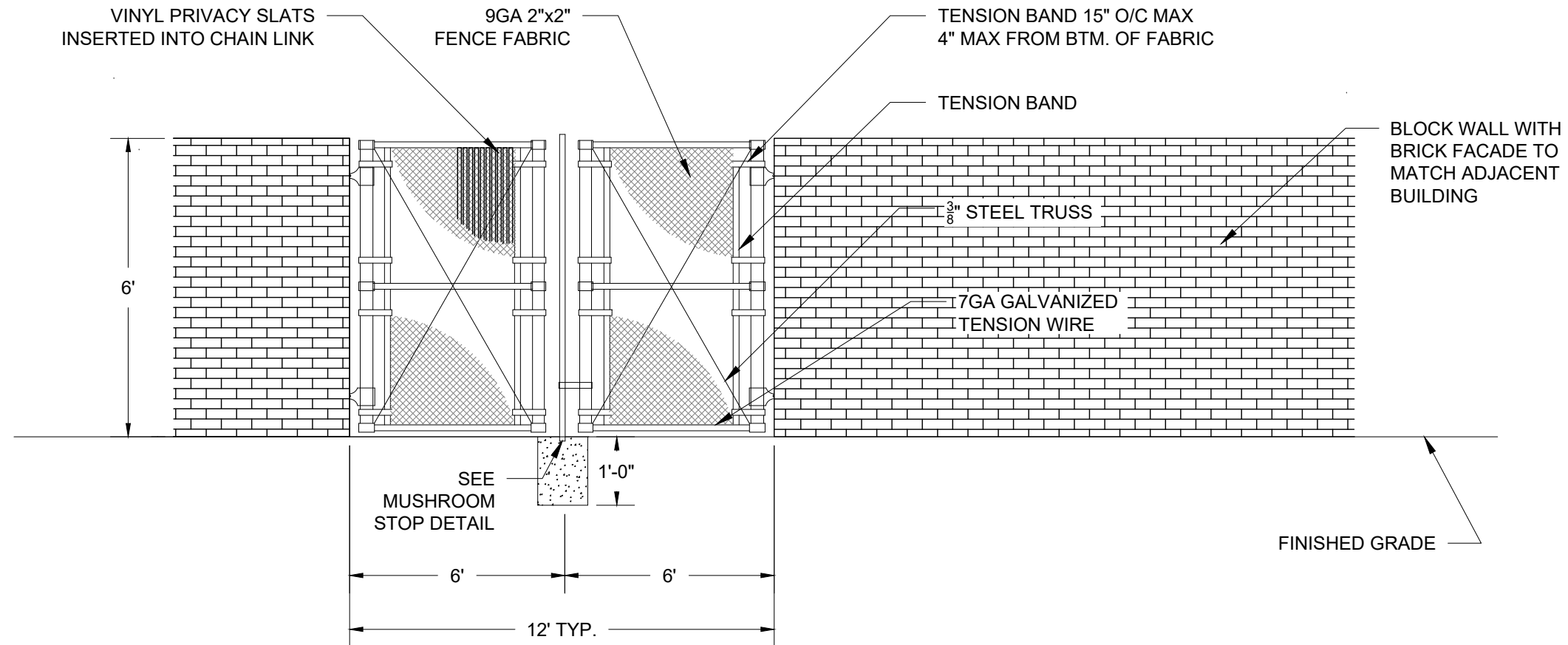
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C4-1

CONSTRUCTION SEQUENCE

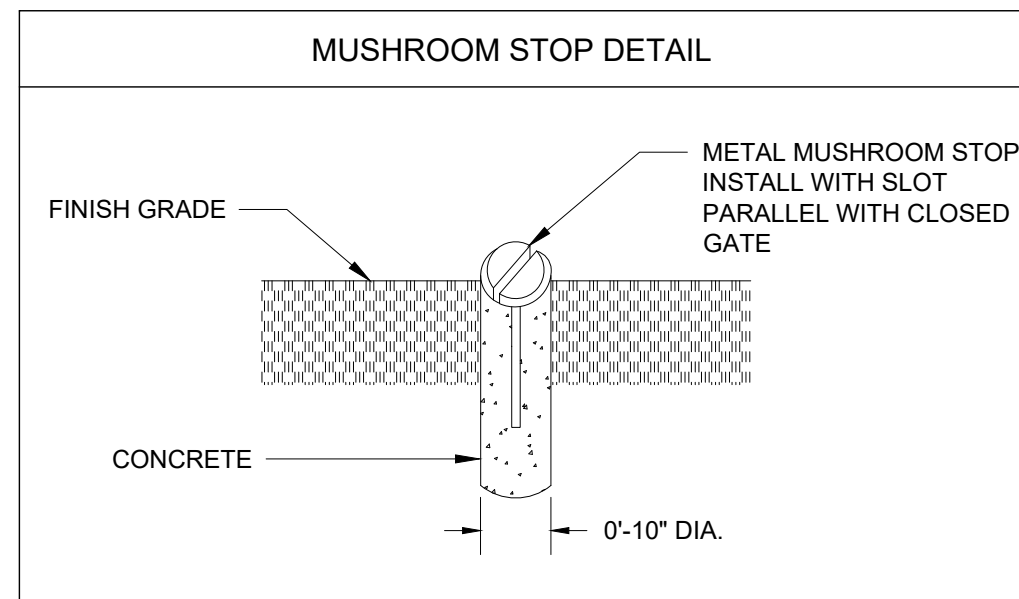
- 1- INSTALLATION OF SILT FENCE - PRIOR TO ANY EARTH MOVING OPERATIONS, AS REQUIRED.
- 2- INSTALLATION OF STABILIZED CONSTRUCTION ENTRANCE.
- 3- STRIPPING AND STOCK PILING OF TOPSOIL AND ROUGH GRADING. TEMPORARY STABILIZATION WITHIN 15 DAYS.
- 4- CONSTRUCTION OF UNDERGROUND IMPROVEMENTS.

NOTES:

1. REFER TO SHEETS G1-1 AND G1-2 FOR ADDITIONAL INFORMATION
2. MATERIALS AND FINAL DIMENSIONS OF EACH WALL SECTION TO BE VERIFIED AND CHOSEN TO MATCH EXISTING ADJACENT KROGER FACADE

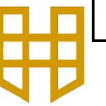


ELEVATION VIEW
SCALE: N.T.S.



NOTES:

1. PROPOSED WALL TO FEATURE 8" BLOCK WITH 4" FACADE TYPICAL.



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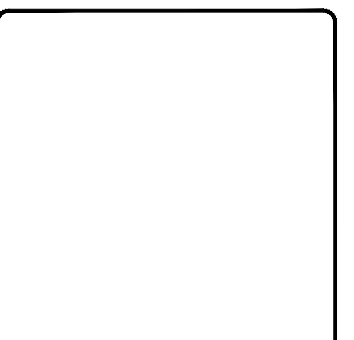


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405-753-7167

PROJECT NO:	1636
PROJECT NAME:	BARTONVILLE
911 ADDRESS:	TBD
DRAWN BY:	LSV
CHECKED BY:	RGH/MK/SLT

ISSUED FOR:
APPROVAL

REV	DATE	DESCRIPTION
0	01/15/24	FOR APPROVAL

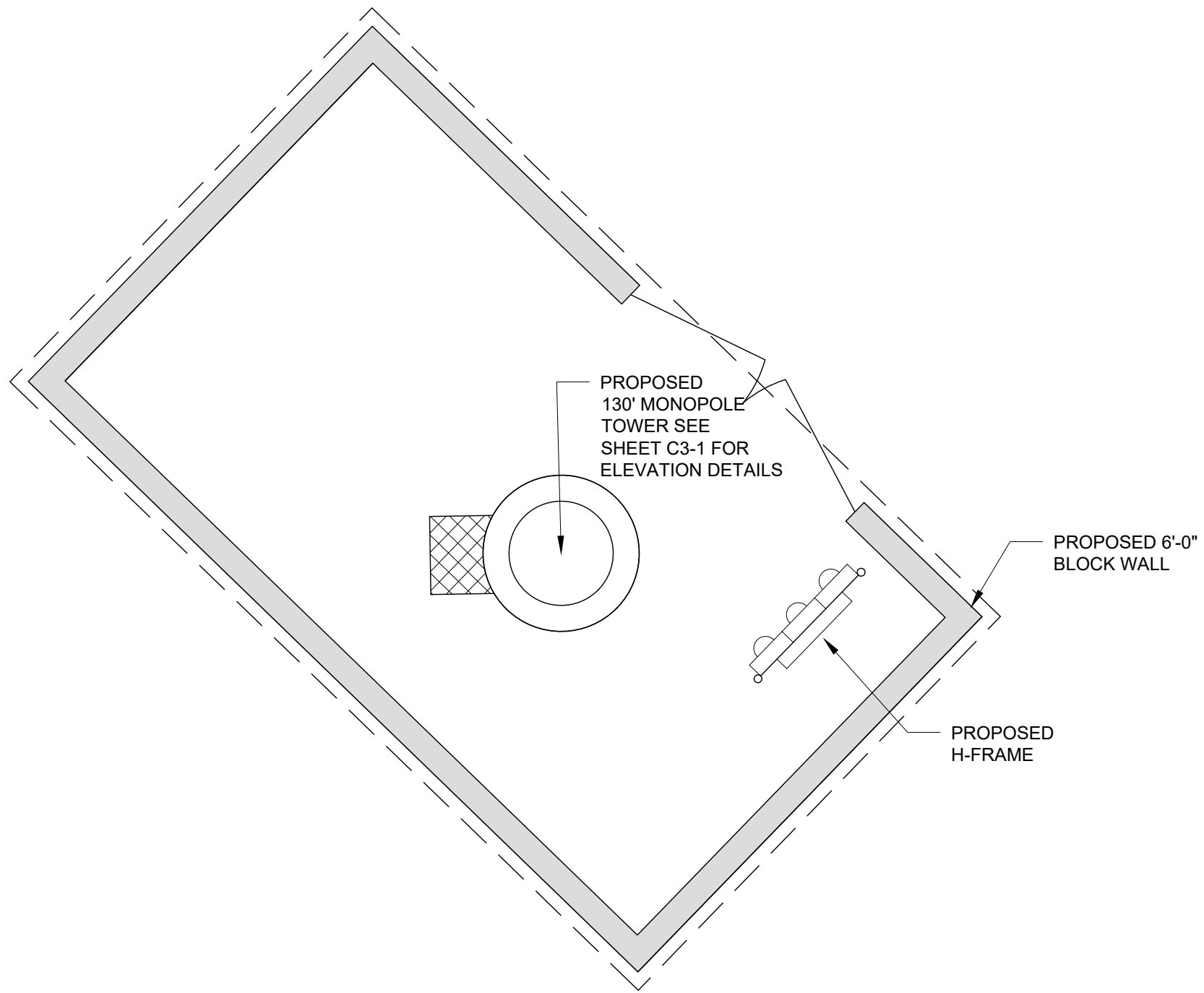


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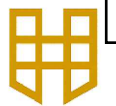
COMPOUND WALL
AND GATE DETAILS

SHEET NUMBER:	REVISION:
C6-1	0



NOTES:

- 1. FOR ADDITIONAL INFORMATION REFERENCE C2-1
- 2. COMPLETION OF ELECTRICAL SERVICE SHALL BE PERFORMED BY LICENSED ELECTRICAL CONTRACTOR



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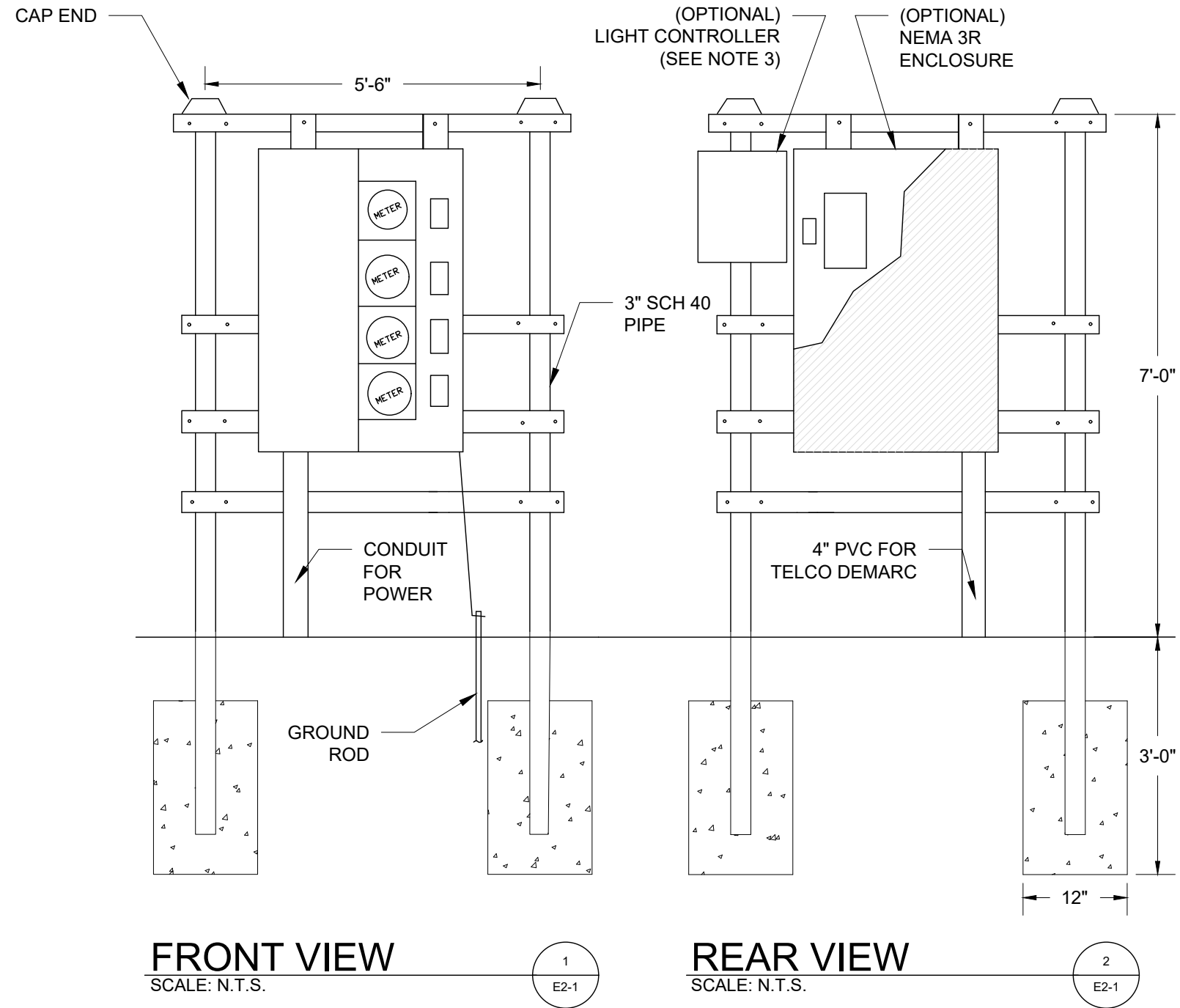
SCALE
3/16" = 1'-0"

ELECTRIC, LIGHTING AND TELCO PLAN

SHEET NUMBER:	REVISION:
E1-1	0

NOTES

- 1 CONTRACTOR SHALL PROVIDE AND INSTALL MODULAR METERING MAIN, 120/240V, 400A, NEMA 3R WITH FOUR METER SOCKETS. METER CENTER SHALL BE FURNISHED WITH 200A METER AND 200A CIRCUIT BREAKER. CIRCUIT BREAKERS SHALL BE COVERED WITH LEXAN METER COVER.
- 2 SHOULD CLIENT REQUEST A TELCO DEMARCATION BOX, CONTRACTOR SHALL PROVIDE AND INSTALL TELCO DEMARCATION BOX TO INCLUDE 48" X 48" X 12" NEMA 3R ENCLOSURE WITH BACKPLATE AND GFI RECEPTACLE (120V, 5A).
- 3 TOWER LIGHTING SHALL BE REQUIRED ON ALL TOWERS EXCEEDING 200' IN HEIGHT OR AS OTHERWISE REQUIRED BY FAA.
- 4 DIMENSIONS SHOWN ARE APPROXIMATE AND MAY BE ALTERED IN THE FIELD TO BETTER SUIT ACTUAL CONDITIONS OR EQUIPMENT RECEIVED.
- 5 ALL CONDUIT SHALL BE SCH. 40 PVC UNDERGROUND.
- 6 ALL MATERIALS AND EQUIPMENT SHALL BE NEW AND IN GOOD WORKING CONDITION WHEN INSTALLED AND SHALL BE OF THE BEST GRADE AND BY THE SAME MANUFACTURER THROUGHOUT FOR EACH CLASS OR GROUP OF EQUIPMENT. MATERIALS SHALL MEET WITH APPROVAL OF ALL GOVERNING ENTITIES HAVING JURISDICTION. MATERIALS SHALL BE MANUFACTURED IN ACCORDANCE WITH APPLICABLE STANDARDS AS ESTABLISHED BY ANSI, NEMA, NSFU, AND "UL" LISTED.
- 7 ALL CONDUIT SHALL HAVE A PULL STRING.
- 8 THE ENTIRE ELECTRICAL INSTALLATION SHALL BE GROUNDED AS REQUIRED BY IBC, NEC, AND APPLICABLE CODES.
- 9 UNDERGROUND AND/OR OVERHEAD LINES SHALL BE OF THE SIZE AND MATERIAL NECESSARY TO MEET THE LOCAL CODE REQUIREMENTS.
- 10 ALL FRAME MEMBERS TO BE 1-5/8" X 1-5/8" P1000 UNISTRUT (EXCEPT FOR LEGS). CONNECT TO LEGS WITH U BOLTS



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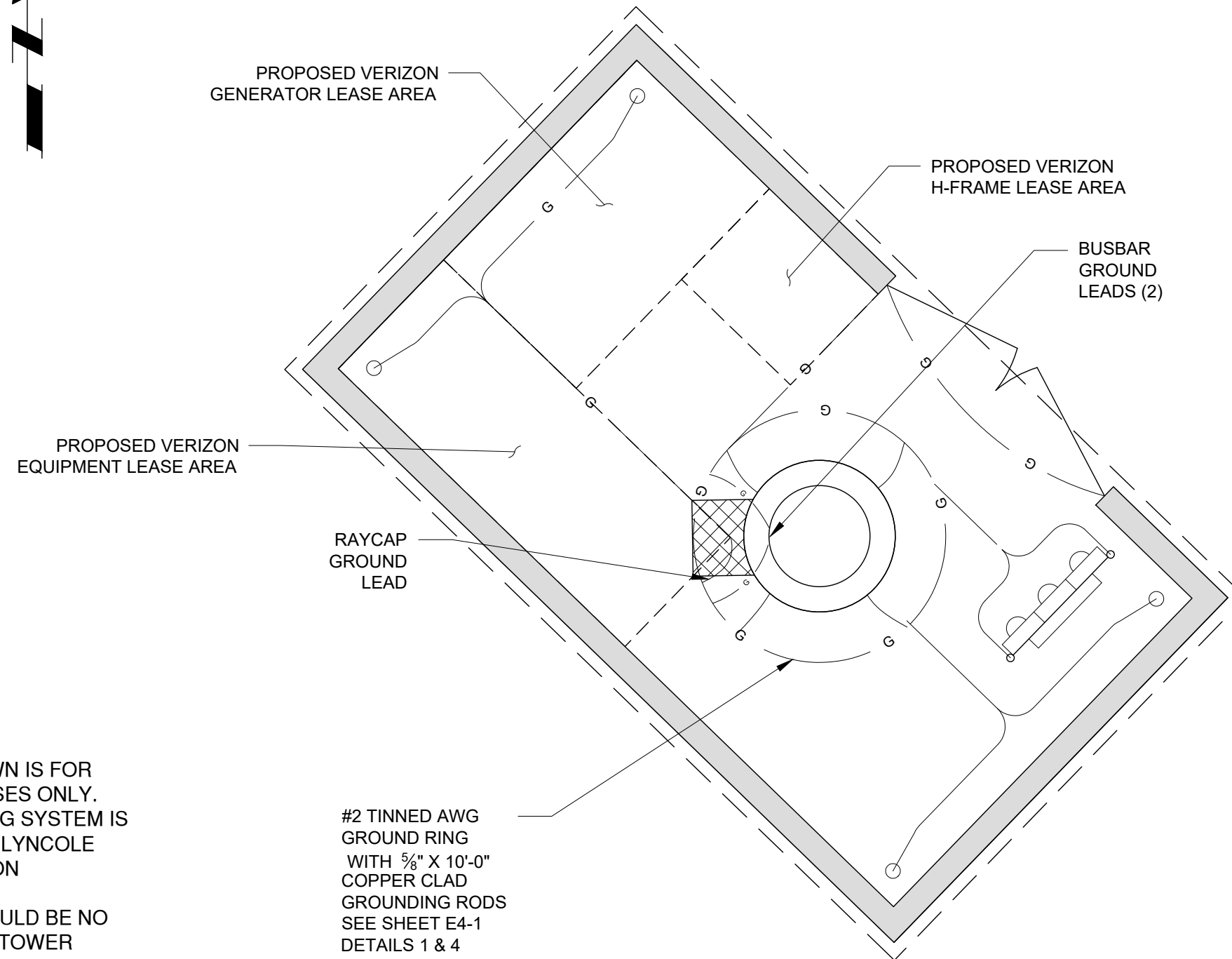
REV	DATE	DESCRIPTION
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SCALE
 N.T.S.

**ELECTRICAL
 DETAILS**

SHEET NUMBER:	REVISION:
E2-1	0



NOTES:

1. INFORMATION SHOWN IS FOR INFORMATION PURPOSES ONLY. DESIGN OF GROUNDING SYSTEM IS TO BE CONFIRMED BY LYNCOLE PRIOR TO INSTALLATION

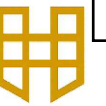
2. GROUND RODS SHOULD BE NO CLOSER THAN 2FT TO TOWER FOUNDATION

3. TOWER GROUND RODS SHALL BE PLACED 20FT APART AT MINIMUM FOR TOWER GROUND RING, AND 8FT APART AT MINIMUM FOR ALL OTHER GROUND LEADS

2. REFERENCE SHEET C2-1 FOR ADDITIONAL INFORMATION

#2 TINNED AWG GROUND RING WITH 5/8" X 10'-0" COPPER CLAD GROUNDING RODS SEE SHEET E4-1 DETAILS 1 & 4

THIS PLAN IS PROPOSED CONSTRUCTION FOR THE SUBJECT SITE.



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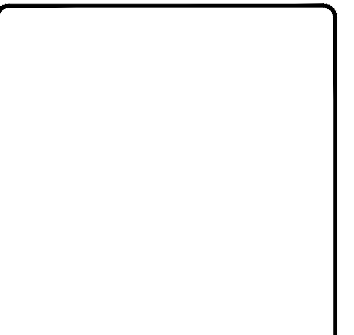


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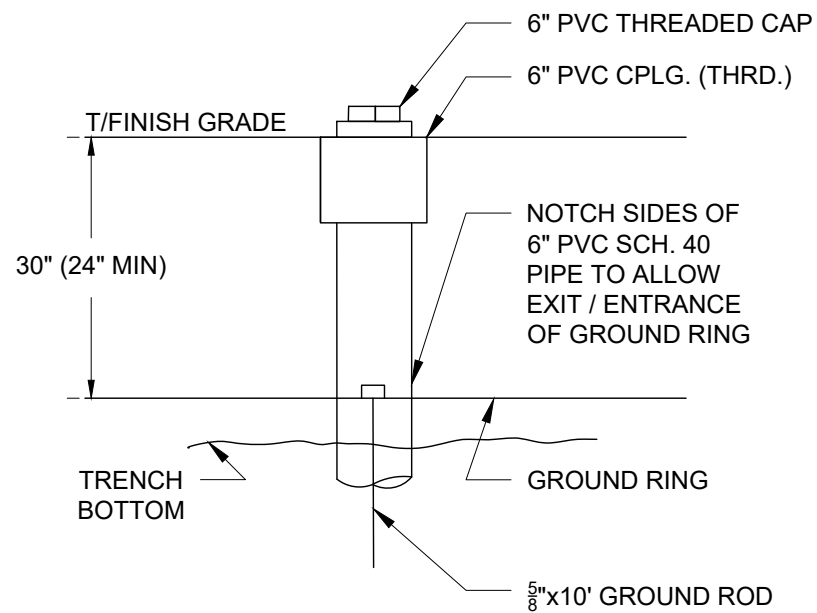


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SCALE
3/16" = 1'-0"

GROUNDING PLAN

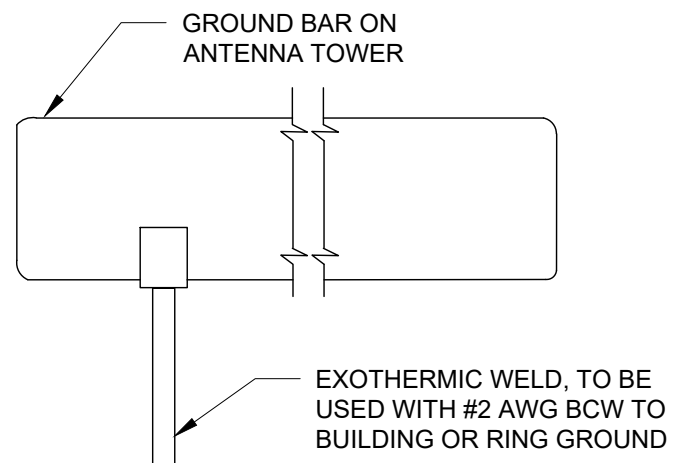
SHEET NUMBER:	REVISION:
E3-1	0



GROUNDING WELL

SCALE: N.T.S.

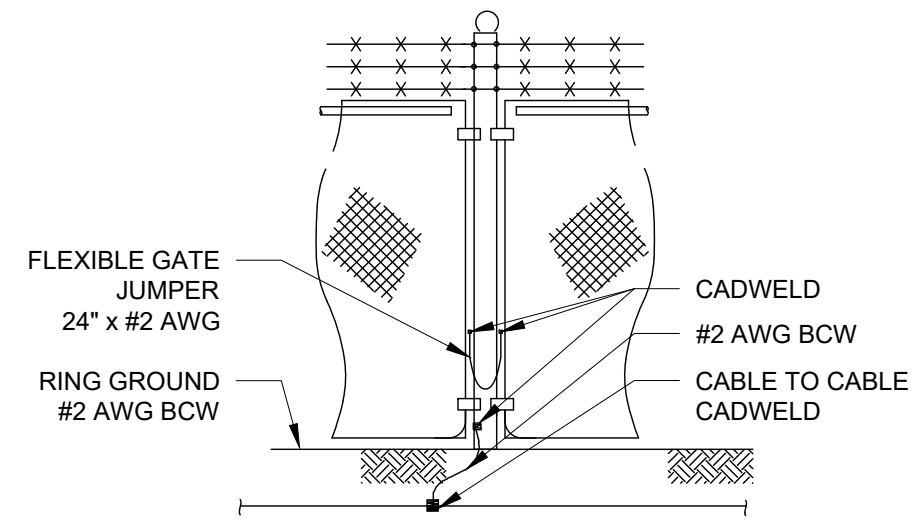
1
E4-1



INSTALLATION OF GROUND WIRE TO GROUND BAR

SCALE: N.T.S.

2
E4-1

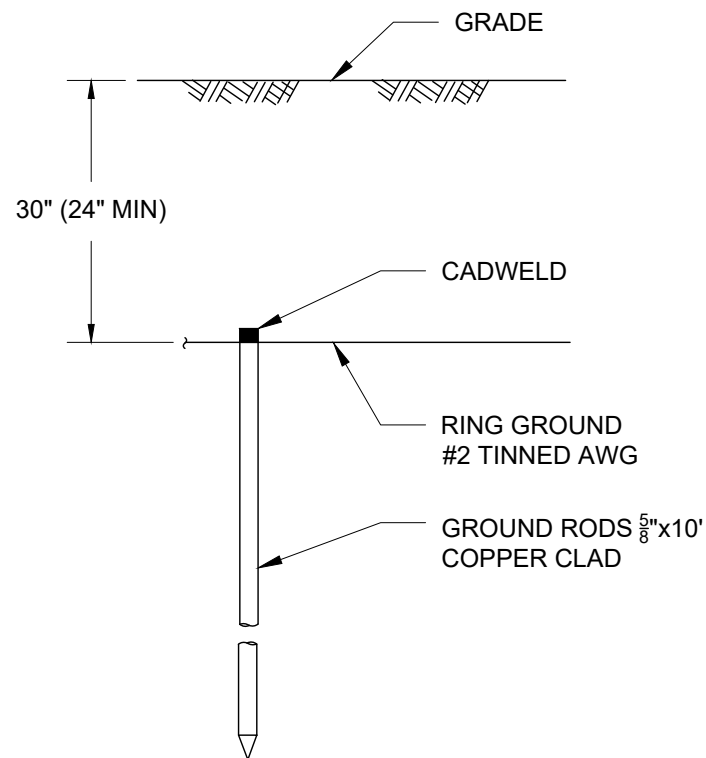


1. THE #2 AWG, BCW, FROM THE RING GROUND SHALL BE CADWELDED TO THE POST, ABOVE GRADE
2. VERTICAL POST SHALL BE BONDED TO THE RING AT EACH CORNER AND AT EACH GATE POST. AS A MINIMUM, ONE VERTICAL POST SHALL BE BONDED TO THE GROUND RING IN EVERY 100 FEET
3. INSTALLATION OF FLEXIBLE GATE JUMPERS IS REQUIRED FOR ALL COMPOUND ACCESS GATES

FENCE GROUNDING

SCALE: N.T.S.

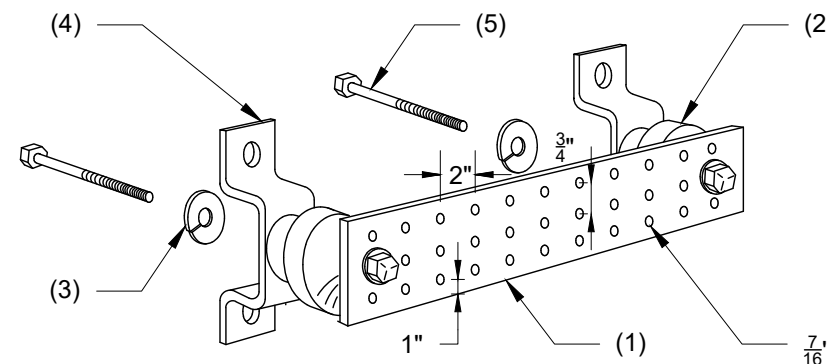
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E4-1



ROD AND RING GROUNDING

SCALE: N.T.S.

4
E4-1



LEGEND

- (1) COPPER GROUND BAR, 1/4"x4"x20". HOLE CENTERS TO MATCH NEMA DOUBLE LUG CONFIGURATION
- (2) INSULATORS
- (3) 5/8" LOCKWASHERS
- (4) WALL MOUNTING BRACKET
- (5) 5/8-11x1" H.H.C.S. BOLTS

GROUND BAR DETAIL

SCALE: N.T.S.

5
E4-1



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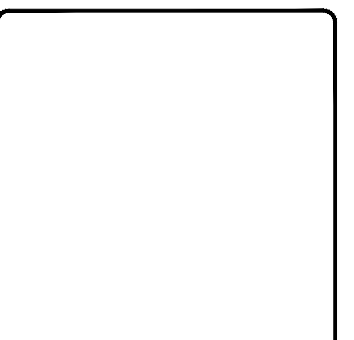


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GROUNDING
DETAILS

SHEET NUMBER:	REVISION:
E4-1	0

CONSTRUCTION

GENERAL

General construction, electrical, tower and foundation drawings are interrelated. In performance of the work each contractor must refer to all drawings. Coordination is the responsibility of the general contractor.

SITE WORK

PART 1 - GENERAL

1. Work included: See Site Plan

2. Access road, turnaround areas and sites are constructed to provide a well-drained, easily maintained, even surface for material and equipment deliveries and maintenance personnel access.

3. SEQUENCING

- Confirm survey stakes and set elevation stakes prior to any construction.
- Grub the complete road (if applicable) and site area prior to foundation construction or placement of backfill or subbase materials.
- Construct temporary construction zone along access drive.
- Bring the site area to subbase course elevation and bring the access road to base course elevation prior to forming foundation.
- Soil stabilizer shall be Mirafi - 500X or equal.
- Grade, seed, fertilize and mulch disturbed areas immediately after bringing site and access road to base course elevation.
- Remove gravel from temporary construction zone to an authorized area or as directed by the owner's representative.

4. SUBMITTALS

- Before construction:
 - If landscaping is applicable to contract, submit two copies of the landscape plan under nursery letterhead. If a landscape allowance was included in the contract, provide an itemized listing of proposed costs on nursery letterhead (refer to plans for landscaping requirements).

5. WARRANTY

- In addition to the warranty on all construction covered in the contract documents, the contractor shall repair all damage and restore area as close to original condition as possible at site and surroundings.
- Disturbed area will reflect growth of new grass cover prior to final inspection.

PART 2 - PRODUCTS

1. MATERIALS

- Road and site materials shall conform to DOT specifications fill material - acceptable select fill shall be in accordance with State Department of Highway and Transportation standard specifications and approved by the owner's representative.
- Soil stabilizer shall be Mirafi - 500X or equal.

PART 3 - EXECUTION

1. INSPECTIONS

Local building inspectors shall be notified no less than 24 hours in advance of concrete pours, unless otherwise specified by jurisdiction.

2. PREPARATION

- Clear trees, brush and debris from site area and access road right-of-way.
- Prior to other excavation and construction, grub organic material to a minimum of six (6) inches below grade.
- Prior to placement of fill or base materials, roll the soil.
- Where unstable soil conditions are encountered, line the areas with stabilizer mat prior to placement of fill or base material.

3. INSTALLATION

- The site and turnaround areas shall be at the subbase course elevation prior to forming foundation. Grade or fill the site and access road as required in order that upon distribution of spoils resulting from foundation excavations, the resulting grade will correspond with said subbase course, elevations are to be calculated from finished grades or slopes indicated.
- Clear excess spoils, if any, from job site and do not spread beyond the limits of project area unless authorized by the owner's representative and agreed to by landowner.
- Bring the access road to base course elevations prior to use to permit construction and observation during construction of the site.
- Avoid creating depressions where water may pond.
- The contract shall include grading, banking and ditching, unless otherwise indicated.
- When improving an existing access road, grade the existing road to remove any organic matter and smooth the surface before placing fill or stone.
- Place fill or stone in six inch maximum lifts and compact before placing next lift.
- The top surface course shall extend a minimum of six inches beyond the site fence and shall cover the area as indicated.
- Apply riprap gravel to the slopes of all fenced areas and parking areas and all other slopes greater than 2:1.
- Apply seed, fertilizer and straw cover to all other disturbed areas, ditches, drainage and swales not otherwise ripped.
- Apply seed and fertilizer to surface conditions which will encourage rooting. Rake areas to be seeded to even the surface and loosen the soil.
- Sow seed in two directions to twice the quantity recommended by the seed producer.

4. PROTECTION

- Protect seeded areas from erosion by spreading straw to a uniform loose depth of 1 - 2 inches, stake and tie down as required. Use of erosion control mesh or mulch net will be an acceptable alternate.
- Protect all exposed areas against washouts and soil erosion, place straw bales at the inlet approaches to all new or existing culverts. Where the site or road areas have been elevated immediately adjacent to the rail line, stake erosion control fabric full length in the swale to prevent contamination of the rail ballast.
- The required structural fill operation to the grades indicated for PCS equipment shelters shall be performed as follows:
 - The structural fill material shall be placed in lifts not exceeding six inches in loose thickness.
 - Each layer of structural fill material placed shall be compacted to a minimum of 95° of maximum density obtainable by ASTM compaction test designation D-337-66T for cohesive fill or 75% relative as determined by ASTM D-2049-64T for cohesionless fill, whichever is greater.
 - The final grade of structural fill for all footings shall be capable of supporting the design soil bearing pressure load of 3,000 lbs. per square foot minimum.

FENCING AND GATE(S)

PART 1 - GENERAL

1. Work included: See plan for location of fence and gate(s).

2. QUALITY ASSURANCE

All steel materials utilized in conjunction with this specification will be galvanized or stainless steel. Weight of zinc coating of the fabric shall not be less than 12 ounces per square foot of material covered. Posts shall be hot-dipped galvanized.

3. SEQUENCING

If the site has been brought up to surface course elevation prior to the fence construction, fence post excavation spoils must be controlled to preclude contamination of said surface course.

4. SUBMITTALS

- Manufacturer's descriptive literature.
- Certificate or statement of compliance with the specifications.

PART 2 - PRODUCTS

1. FENCE MATERIAL

- All fabric wire, rails, hardware and other steel materials shall be hot-dipped galvanized.
- Fabric shall be six-foot height two-inch chain link mesh of No. 9 gauge wire. The fabric shall have a knuckled finish for the top selvages. Fabric shall conform to the specifications of ASTM A-392 Class 1.
- Barbed wire shall be double-strand, 12-1/2 gauge twisted wire strand with 14-gauge, 4-point round barbs spaced on five-inch centers, conforming to ASTM A121 Design # 12-4-5-14R Type 2.
- All posts shall be mechanical service pipe and shall be Type 1 ASTM F1083, High Strength (50 Ksi) Schedule 40 pipe, ASTM F1043 Group 1A, and of the following diameter (I.D. per fence industry standards).

Line	2 inches
Corner	3 inches
Gate	4 inches
- Gate posts shall be extended 12 inches, including dome cap, to provide for attachment of barbed wire.
- All top and brace rails shall be 1-1/2" diameter mechanical service pipe. Frames shall have welded corners.
- Gate frame and braces shall be 1-5/8" diameter Schedule 40 mechanical service pipe. Frames shall have welded corners.
- Gate frame shall have a full height vertical brace and a full width horizontal brace, secured in place by use of gate brace clamps.
- Gate hinges shall be Merchants Metal Model 6-4386-hinge adapter with Model 6-409, 188 degree attachment.
- The guide (latch assembly) shall be heavy industrial gate latch. Master Halco #17221.
- Latches and stops shall be provided for all gates.
- All stops shall have keepers capable of holding the gate leaf in the open position.
- A No. 7 gauge zinc coated tension wire shall be used at the bottom of the fabric terminated with bank clips at corner and gateposts, conforming to ASTM A824 Type II.
- A six-inch by 1/2-inch diameter eyebolt to hold tension wire shall be placed at the line posts.
- Stretcher bars shall be 3/16-inch by 3/4-inch or have equivalent cross-sectional area, and conform to ASTM F626, having a minimum zinc coating of 1.2oz/sq-ft.
- All corner gate and panels shall have a 3/8-inch truss rod with turnbuckles.
- All posts except gateposts shall have a combination cap and barbed wire supporting arm. Gateposts shall have a dome cap.
- Other hardware includes but may not be limited to the clips, band clips and tension band clips.
- Barbed wire gate guards shall be fitted with dome caps.
- Barbed wire support arms shall be cast iron with set bolt and lock wire in the arm.
- All caps shall be cast steel.
- Where the use of concertina has been specified, 24-inch diameter coil barbed tape, stainless steel, cyclone fence model gap to Type III shall be furnished. It shall be supported above the top rail by use of six wire barbed wire arms positioned atop each line/corner post.



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REGISTRATION NO.: 117377

SCALE

N.T.S.

GENERAL NOTES

SHEET NUMBER:

G1-1

REVISION:

0

88

PART 3 - EXECUTION

1. INSPECTION

To confirm proper depth and diameter of post hole excavations, all post holes will be excavated as per construction documents.

2. INSTALLATION

- A. Foundations shall have a minimum six-inch concrete cover under post.
- B. All fence posts shall be vertically plumb plus/minus one-quarter inch.
- C. At corner posts, gateposts and sides of gate frame, fabric shall be attached with stretcher and tension band-clips at fifteen inch intervals.
- D. At line posts, fabric shall be attached with band-clips at fifteen inch intervals.
- E. Fabric shall be attached to brace rails, tension wire and truss rods with tie clips at two foot intervals.
- F. A maximum gap of two inches will be permitted between the chain link fabric and the final grade.
- G. Gate shall be installed so locks are accessible from both sides.
- H. Gate hinge bolts shall have their threads peened or welded to prevent unauthorized removal.
- I. Concrete to be a minimum of 3,000 psi.

3. PROTECTION

Upon completion of erection, inspect fence material and paint field cuts or galvanizing breaks with zinc-based paint, color to match the galvanized metal.

Applicable Standards:

- ASTM-A120 Specification for pipe, steel black and hot-dipped, zinc coated (galvanized) welded and seamless.
- ASTM-A123 Zinc (hot-dipped galvanized) coated steel chain link fence fabric.
- ASTM-A153 Specification for zinc coating (hot-dip) on iron and steel hardware.
- ASTM-A392 Specification for zinc-coated steel chain link fence fabric.
- ASTM-A431 Specification for aluminum-coated steel chain link fence fabric.
- ASTM-A525 Standard specification for steel sheet zinc coated (galvanized) by the hot-dipped process.
- ASTM-A535 Specification for aluminum coated steel barbed wire.
- ASTM-A570 Specification for hot-rolled carbon steel sheet and strip, structural quality.
- Federal Specification RR-F-191 Fencing Wire and Post Metal (and Gates, Chain Link Fence Fabric and Accessories)

ELECTRICAL

- 1. Contractor shall review the contract documents prior to the ordering of the electrical equipment and starting the actual construction. Contractor shall issue a written notice of all findings to the architect listing any discrepancies or conflicting information.
- 2. Verify exact locations and mounting heights of electrical equipment with owner prior to installation.
- 3. All materials and equipment shall be new and in good working condition when installed and shall be of the best grade and of the same manufacturer throughout for each class or group of equipment. Materials shall be listed "J" where applicable. Materials shall meet with approval of all governing bodies having jurisdiction. Materials shall be manufactured in accordance with applicable standards established by ANSI, NEMA, NSFU and "UL" listed.
- 4. All conduit shall have a pull string.
- 5. Provide Project Manager with one set of complete electrical "As Installed" drawings at the completion of the job showing actual dimensions, routing and circuits.
- 6. The entire electrical installation shall be grounded as required by IBC, NEC and all applicable codes.
- 7. Patch, repair and paint any area that has been damaged in the course of the electrical work.
- 8. Wire and cable conductors shall be copper 600 amp, type THHN or THWN with a minimum size of #2 AWG color-coded. All rectifier drops shall be stranded to accept crimp connectors.
- 9. All chemical ground rods shall be "UL" approved.
- 10. Meter socket amperes, voltage, number of phases shall be as noted on the drawings, manufactured by Milbank or approved equal and shall be utility company approved.
- 11. **CONDUIT**
 - A. Electrical metallic tubing shall have UL label; fitting shall be gland ring compression type.
 - B. Flexible metallic conduit shall have UL listed label and may be used where permitted by code. Fittings shall be "Jake" or "Squeeze" type. All flexible conduits shall have full length ground wire.
 - C. All underground conduit shall be PVC Schedule 40 with UV protection (unless noted otherwise) at a minimum depth of 24" below grade.
- 12. Contractor to coordinate with utility company for connection of temporary and permanent power to the site. The temporary power and all hookup costs are to be paid by the contractor.

13. All electrical equipment shall be labeled with permanent engraved plastic labels with white on blue background lettering (minimum letter height shall be 1/4"). Nameplates shall be fastened with stainless steel screws, not adhesive.

14. GROUNDING ELECTRODE SYSTEM

A. PREPARATION

- i. Surface Preparation:
 - All connections shall be made to bare metal. All painted surfaces shall be field inspected and modified to ensure proper contact. No washers are allowed between the items being grounded. All connections are to have a non-oxidizing agent applied prior to installation.
- ii. Ground Bar Preparation:
 - All copper ground bars shall be cleaned, polished and a non-oxidizing agent applied. No fingerprints or discolored copper will be permitted.
- iii. All grounding conductors shall run through seal tight wherever conductors run through walls, floors or ceilings. If conductors must run through EMT, both ends of conduit shall be grounded. Seal both ends of conduit with silicone caulk.

B. GROUND BARS

- i. All ground bars shall be 1/4" thick copper and of size indicated on drawings.

C. EXTERNAL CONNECTIONS

- i. All grounding connections shall be made by the exothermic weld process. Connections shall include all cable, splices, tee's, x's, etc. All cable to ground rods, ground rod splices and lightning protection systems are to be as indicated. All materials used (molds, welding metal, tools, etc.) shall be cadweld and installed per manufacturer's recommended procedures.

D. GROUND RODS

- i. All ground rods shall be 5/8" diameter by 10'-0" long "copperweld" or approved equal of the number and locations indicated. Ground rods shall be driven full length vertically in undisturbed earth.

E. GROUND CONDUCTORS

- i. All ground conductors shall be standard tinned, solid bare copper, annealed and size indicated on drawings.

F. GROUND RING

- i. The external ground ring encircling the tower (if applicable) and future carrier shall be minimum size of No. 2 AWG solid tinned, bare copper conductor in direct contact with the earth at a depth specified on plan sheets and details. Conductor bends shall have a minimum bending radius of eight inches.
- ii. All external ground rings are to be joined together and all connections must be cadwelded. No lugs or clamps will be accepted.

G. FENCE / GATE

- i. Ground each gatepost, corner post and gate as indicated on drawing. Ground connections to fence posts and all other connections for the ground grid system shall be made by exothermic weld process and installed per manufacturer's recommendations and procedures and sprayed and cold-galvanized paint.



Item E6.

HEMPHILL®

1305 NORTH LOUISVILLE AVE
TULSA, OK 74115
(918) 834-2200



STS (SPECIALTY
TELECOMMUNICATIONS
CONSULTANTS, LCC)
13431 BROADWAY EXT., SUITE
120, OKLAHOMA CITY, OK 73114
405-753-7167

PROJECT NO:	1636
PROJECT NAME:	BARTONVILLE
911 ADDRESS:	TBD
DRAWN BY:	LSV
CHECKED BY:	RGH/MK/SLT

ISSUED FOR:
APPROVAL

REV	DATE	DESCRIPTION
0	01/15/24	FOR APPROVAL



SAMUAL T. CURTIS
PROFESSIONAL ENGINEER - TEXAS
REGISTRATION NO.: 117377

SCALE
N.T.S.

GENERAL NOTES

SHEET NUMBER:	REVISION:
G1-2	0





March 28, 2024

«OWNER»
Property Owner
«ADDRESS»
«CITY», «STATE» «ZIP»

Re: Proposed Variance, Hemphill Kroger Telecommunications Facility

Dear Property Owner:

The Board of Adjustment for the Town of Bartonville, Texas will conduct a Public Hearing at 6:00 p.m. on April 11, 2024, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and a variance to the following regulations: Bartonville Zoning Ordinance Sections 22.3.D., L., and R., relating to telecommunications facility setback requirements.

The property subject to the variance request is located on land situated in the DCFWSD #7 Retail Center Addition, Block A, Lot 1, in the Town of Bartonville, Denton County, Texas. The applicant is Ralph Wyngarden of Faulk & Foster. The Town of Bartonville file number for this application is VAR-2024-005.

All interested parties are encouraged to attend.

Sincerely,

Thad Chambers, CPM
Town Administrator
Town of Bartonville

OWNER	ADDRESS	CITY	STATE	ZIP
A-S 114 LANTANA TC PHASE 2 LP	8827 W SAM HOUSTON PKWY N STE 200	HOUSTON	TX	77040-5383
A-S 114 LANTANA TOWN CENTER LP	8827 W SAM HOUSTON PKWY N STE 200	HOUSTON	TX	77040-5383
BLUE PUP PUB, LLC	240 MCMAKIN RD	LEWISVILLE	TX	75077-8202
CC88 HOLDINGS LLC	921 CRIMSON RD	LANTANA	TX	76226-6977
FIRST CHURCH NAZARENE	2200 E JETER RD	BARTONVILLE	TX	76226-8439
JANKE OFFICE BUIILDING LTD	145 S FOREST LN	LEWISVILLE	TX	75077-8284
KROGER TEXAS LP, C/O REAL ESTATE DEPARTMENT	751 FREEPORT PKWY	COPPELL	TX	75019-4411
MCCRAY, J GREGORY	80 MCMAKIN RD	BARTONVILLE	TX	76226-8438
TFLH LLC	64 MCMAKIN RD	BARTONVILLE	TX	76226-8438
WACKER, ALEXANDER MICHAEL	353 COUNTY ROAD 2510	DECATUR	TX	76234-1168

**Denton Record-Chronicle
2413 Fort Worth Dr
(940) 387-7755**

I, Nicole Riegert, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Denton Record-Chronicle, a publication that is a "legal newspaper" as that phrase is defined for the city of Denton, for the County of Denton, in the state of Texas, that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:
Mar. 23, 2024

Notice ID: IYZXzaUwkiWaaUe46JHX
Notice Name: 03.23.2024 BOA PH Notice for 04.11.24 Meeting

PUBLICATION FEE: \$94.32

I declare under penalty of perjury that the foregoing is true and correct.

Nicole Riegert

Agent

SHANNEA H HOLMES
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires August 1, 2026

VERIFICATION

State of New Jersey
County of Hudson

Signed or attested before me on this: 03/27/2024

Shannea H. Holmes

Notary Public
Notarized remotely online using communication technology via Proof.

**TOWN OF BARTONVILLE
BOARD OF ADJUSTMENT
NOTICE OF PUBLIC
HEARINGS**

The Board of Adjustment for the Town of Bartonville, Texas will conduct Public Hearings beginning at 6:00 pm on April 11, 2024, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider the following items:

- a variance to regulations found in Bartonville Zoning Ordinance Section 19.3.J., relating to maximum distance of an accessory dwelling from the primary building. The property subject to the variance request is located on land situated in the Meadowlakes Farm Addition, Lot 3R-2, in the Town of Bartonville, Denton County, Texas. The site address is 531 W Jeter Road. The applicants are Audelino Melgar and Elizabeth Anaya. [Town File No. VAR-2024-001].
- a variance to the following regulations: Bartonville Zoning Ordinance (BZO) Appendix F (Technical Design Standards) Section F.1, relating to parking technical design standards for nonresidential districts; BZO Section 12.3.C., relating to the compatibility buffer requirements; and BZO Section 18.J.2., relating to perimeter landscaping requirements. The property subject to the variance request is located on land situated in the Yeti Addition, Block A, Lot 1R, in the Town of Bartonville, Denton County, Texas. The site address is 1001 I.T. Neely Road. The applicant is BryFam Properties, LLC. [Town File No. VAR-2024-002].
- a variance to the following regulations: Bartonville Zoning Ordinance Section 4.7., relating to single-family dwelling setback requirements. The property subject to the variance request is located on land situated in the Eagle Ridge Addition, Block A, Lot 21, in the Town of Bartonville, Denton County, Texas. The site address is 1209 Pitner Court. The applicant is Bartonville South 1031, LLC. [Town File No. VAR-2024-003].
- a variance to the following regulations: Bartonville Zoning Ordinance Section 19.4.A., relating to accessory building setback requirements. The property subject to the variance request is located on land situated in the Fuller Addition III, Block A, Lot 1, in the Town of Bartonville, Denton County, Texas. The applicant is Jonathan King. [Town File No. VAR-2024-004].
- a variance to the following regulations: Bartonville Zoning Ordinance Sections 22.3.D., L., and P., relating to telecommun

ications facility setback requirements. The property subject to the variance request is located on land situated in the DCFWSD #7 Retail Center Addition, Block A, Lot 1, in the Town of Bartonville, Denton County, Texas. The applicant is Ralph Wyngarden of Faulk & Foster. [Town File No. VAR-2024-005.] All interested parties are encouraged to attend.

drc 03/23/2024

Item E6.