



# PLANNING AND ZONING COMMISSION MEETING AGENDA

October 02, 2024 at 6:30 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 Commission, 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 Commission 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 Commission during the Public Participation portion of the meeting or when the item is considered by the Planning & Zoning Commission.*

## D. PRESENTATIONS

1. Statement of Appointed Official and Oath of Office to newly reappointed Commissioners.

## E. APPOINTMENT OF OFFICERS

1. Appointment of Chair.
2. Appointment of Vice Chair.

## F. APPROVAL OF MINUTES

1. Discuss and consider the approval of the August 7, 2024, Planning & Zoning Commission Regular Meeting Minutes.

## G. PUBLIC HEARINGS AND REGULAR ITEMS

1. Discuss and make a recommendation regarding a Final Plat for a 101.467-acre property situated in the Daniel Cook Survey, Abstract Number 230, and A.M. Feltus Survey, Abstract Number 1594, in the Town of Bartonville, Denton County, Texas. The property is located on the north side of E Jeter Road, approximately 2,185 feet east of the intersection of E Jeter Road and Country Court, in Bartonville, Texas. This application constitutes a revision of an approved Final Plat (Town Project File FP-2024-003) The applicant is Mycoskie & Associates, Inc., on behalf of Knight Development Group, LLC. [Town of Bartonville File Number FP-2024-004.]
2. Conduct a Public Hearing to hear public comment, discuss, and make a recommendation regarding an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 8, Section 8.02.001.(b). (Exceptions), to add a new subpart 5 that would permit the discharge of blank cartridges from firearms on Agricultural zoned property with prior notice to the Town Marshal. The applicants are Stacey and Ronnie Smith. [Town of Bartonville File Number ZC-2024-003.]

**H. FUTURE ITEMS**

**I. ADJOURNMENT**

*The Planning and Zoning Commission 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, September 26, 2024, prior to 4:00 pm.

*Agenda Removed from Town of Bartonville Bulletin Board on:* \_\_\_\_\_

*By:* \_\_\_\_\_, *Title:* \_\_\_\_\_



# PLANNING & ZONING COMMISSION COMMUNICATION

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**DATE:** October 2, 2024

**FROM:** Shannon Montgomery, Town Secretary

**AGENDA ITEM:** Statement of Appointed Official and Oath of Office to newly reappointed Commissioners.

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**SUMMARY:**

Town Secretary Montgomery to administer the Statement of Appointed Official and Oath of Office to the newly reappointed Commissioners:

- Ralph Arment
- Brenda Hoyt-Stenovitch
- Gloria McDonald
- Pat Adams



# PLANNING & ZONING COMMISSION COMMUNICATION

**DATE:** October 2, 2024

**FROM:** Shannon Montgomery, Town Secretary

**AGENDA ITEM:** Appointment of Officers:

1. Appointment of Chair
2. Appointment of Vice Chair

## **SUMMARY:**

At the first meeting of each year, the Commission shall elect the Chair and Vice-Chair.

1.04.035 Meetings and organization.

The planning and zoning commission shall meet once each month and at such other times as the chairman or the majority of the members of the commission may direct. The commission shall appoint its own chairman and vice-chairman and shall adopt rules for the conduct of meetings and such other activities as may be appropriate. No person shall serve as chair for more than two (2) successive one-year terms beginning with the appointment of the chair in October 2020. Three members of the commission shall constitute a quorum. However, no portion of the comprehensive plan shall be adopted by less than the affirmative vote of a majority of the entire commission.

(Ordinance 116 adopted 3/8/83; 2004 Code, sec. 14.105; Ordinance 684-20 adopted 3/17/20)

## **FISCAL INFORMATION:**

N/A

## **RECOMMENDED MOTION OR ACTION:**

## **ATTACHMENTS:**

None



# PLANNING & ZONING COMMISSION COMMUNICATION

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**DATE:** October 2, 2024

**FROM:** Shannon Montgomery, Town Secretary

**AGENDA ITEM:** Discuss and consider the approval of the August 7, 2024, Planning & Zoning Commission Regular Meeting Minutes.

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**SUMMARY:**

Minutes from August 7, 2024, Planning & Zoning Commission Regular Meeting.

**FISCAL INFORMATION:**

N/A

**RECOMMENDED MOTION OR ACTION:**

Approve as presented.

**ATTACHMENTS:**

- August 7, 2024, Planning & Zoning Commission Regular Meeting Minutes.

**THE PLANNING AND ZONING COMMISSION OF THE TOWN OF BARTONVILLE MET IN REGULAR SESSION ON THE 7TH DAY OF AUGUST 2024 AT THE TOWN OF BARTONVILLE TOWN HALL, LOCATED AT 1941 E JETER ROAD, BARTONVILLE, TEXAS WITH THE FOLLOWING COMMISSIONERS PRESENT, CONSTITUTING A QUORUM:**

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

*Town Staff Present:*

Thad Chambers, Town Administrator  
 Shannon Montgomery, Town Secretary  
 Ed Voss, Town Attorney  
 Shari Borth, Permit Technician  
 Ryan Wells, Planning Consultant

**A. CALL MEETING TO ORDER**

Chair McDonald called the meeting to order at 6:30 pm.

**B. PLEDGE OF ALLEGIANCE**

Chair McDonald led the Pledge of Allegiance.

**C. PUBLIC PARTICIPATION**

*If you wish to address the Commission, 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 Commission 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 Commission during the Public Participation portion of the meeting or when the item is considered by the Planning & Zoning Commission.*

There was no public participation.

**D. APPROVAL OF MINUTES**

- 1. Discuss and consider the approval of the June 5, 2024, Planning & Zoning Commission Regular Meeting Minutes.**

Motion made by Commissioner Hoyt-Stenovitch, seconded by Commissioner Abernathy, to approve the June 5, 2024, Planning & Zoning Commission Regular Meeting Minutes as presented.

**VOTE ON THE MOTION**

AYES: McDonald, Arment, Abernathy, Hayes, and Hoyt-Stenovitch

NAYS: None

VOTE: 5-0

**E. PUBLIC HEARINGS AND REGULAR ITEMS**

1. Discuss and make a recommendation regarding a Preliminary Plat for 461.858 acres of property situated in the Pinson Wiles Survey, Abstract Number 1339, and A.M. Feltus Survey, Abstract Number 1595, in the western Extraterritorial Jurisdiction (ETJ) of the Town of Bartonville, Denton County, Texas. The property is located generally east of State Highway 377 between Keith Road and Smoot Lane. The applicant is Old WR Ranch I Hacker, LP. [Town of Bartonville File Number PP-2024-002.]

Motion made by Commissioner Arment, seconded by Commissioner Abernathy, to recommend APPROVAL of a Preliminary Plat for 461.858 acres of property situated in the Pinson Wiles Survey, Abstract Number 1339, and A.M. Feltus Survey, Abstract Number 1595, in the western Extraterritorial Jurisdiction (ETJ) of the Town of Bartonville, Denton County, Texas. The property is located generally east of State Highway 377 between Keith Road and Smoot Lane with the following conditions:

1. On the final plat, a minimum 15-foot public utility easement for water and sewer utilities shall be established on the following lots to correspond with either or both utilities traversing the lot:
  - a. Block 48, Lot 1X (water, sewer)
  - b. Block 48, Lot 2X (water, sewer)
  - c. Block 14, Lot 8 (sewer)
  - d. Block 1, Lot 5 (sewer)
  - e. Block 47, Lot 1X (sewer)
  - f. Block 25, Lot 25 (sewer)
  - g. Block 25, Lot 40 (sewer)
2. On the final plat, a 10-foot-wide utility easement shall be located along the front property line (i.e., street frontage) of all lots and adjacent to a right-of-way.
3. The final plat shall show Marigold Trail and Peppervine Lane meeting as a four-way intersection at Brushlands Trail, rather than creating an offset of less than 300 feet.
4. A second access point from State Highway 377, other than High Plains Trail, shall be constructed, installed, or otherwise established on the final plat for the first phase of the development, and this secondary access shall be maintained until such time as another secondary access road (e.g., Street A) is completed.
5. In the preliminary sewer layout, the sewer section in the vicinity of Blocks 25, 26, 27, and 35 (located within Streets BB, CC, DD, and JJ) is not connected to the greater system. Check grades and provide for a positive drainage connection to the remainder of the system within the civil design set.
6. On the final plat, the 20-foot-wide water easement located on Block 14, lots 48 & 49 shall be labeled "20' W.E. by this plat"
7. On the final plat, the Notes section on Sheet 8 of 8 of the preliminary plat shall have a new Note 7, which shall read, "All parcels ending in 'X', with the exception of Block 48, Lot 1X, are

open space parcels to be owned and maintained by the HOA. Said parcels shall be encumbered with a public access and utility easement over their entirety."

8. The final plat shall show a drainage easement over the entirety of all open space lots containing the revised 100-year floodplain, as determined by the Flood Study performed by GM Civil, dated July 2024.

9. A Letter of Map Revision (LOMR) shall be submitted to FEMA for the revised Zone AE flood plain for the portion of Whites Branch as established in the Flood Study performed by GM Civil, dated July 2024. The zone AE floodplain boundary shall be reflected on the final plat.

10. General correction: Under the Owner's Certification, the fifth to last "Thence" appears to be superfluous.

**VOTE ON THE MOTION**

AYES: McDonald, Arment, Abernathy, Hayes, and Hoyt-Stenovitch

NAYS: None

VOTE: 5-0

**2. Discuss and consider Planning and Zoning Commission Meeting start time.**

Motion made by Commissioner Hoyt-Stenovitch, seconded by Commissioner Hayes, to keep the meeting start time of 6:30 pm.

**VOTE ON THE MOTION**

AYES: McDonald, Arment, Abernathy, Hayes, and Hoyt-Stenovitch

NAYS: None

VOTE: 5-0

**F. FUTURE ITEMS**

Discussion only, no action taken.

**G. ADJOURNMENT**

Chair McDonald adjourned the meeting at 7:21 pm.

**APPROVED this the 2nd day of October 2024.**

**APPROVED:**

\_\_\_\_\_  
Chair

**ATTEST:**

\_\_\_\_\_  
Shannon Montgomery, TRMC, Town Secretary





# PLANNING & ZONING COMMISSION COMMUNICATION

**DATE:** October 2, 2024

**FROM:** Thad Chambers, Town Administrator

**AGENDA ITEM:** Discuss and make a recommendation regarding a Final Plat for a 101.467-acre property situated in the Daniel Cook Survey, Abstract Number 230, and A.M. Feltus Survey, Abstract Number 1594, in the Town of Bartonville, Denton County, Texas. The property is located on the north side of E Jeter Road, approximately 2,185 feet east of the intersection of E Jeter Road and Country Court, in Bartonville, Texas. This application constitutes a revision of an approved Final Plat (Town Project File FP-2024-003) The applicant is Mycoskie & Associates, Inc., on behalf of Knight Development Group, LLC. [Town of Bartonville File Number FP-2024-004.]

## **LAND USE AND ZONING:**

Current land use category is Residential Estates – 5 Acre Lots (RE-5). Current zoning is Residential Estates 5 (5-Acre Lots; RE-5).

## **SUMMARY:**

The applicant is the owner of four tracts of land, totaling 178.763 acres, located on the north side of E Jeter Road, approximately 2,185 feet east of the intersection of E Jeter Road and Country Court. The legal description of the property is A1594A A.M. Feltus, TR 3, 10.0 acres, Old DCAD TR #1; A1594A A.M. Feltus, TR 2, 30.0 acres, Old DCAD TR #1A, A1594A A.M. Feltus, TR 1, 78.763 acres, Old DCAD TR #2, and A0230A Cook, TR 8, 60.0 acres, Old DCAD TR #4. The corresponding Denton CAD parcel numbers are 64602, 65099, 65101, and 65110. The preliminary plat for this project was approved by the Bartonville Town Council on February 20, 2024. The applicant originally applied for a final plat on 101.467 total acres in order to facilitate large lot residential development; this final plat was approved by the Bartonville Town Council on May 21, 2024. The applicant has submitted a revised version of the final plat (see Exhibit A) that changes Wiesen Way from a 60-foot public right-of-way to a private road to be owned and maintained by the homeowner's association.

The subject property is part of a former agricultural tract. The property is largely undeveloped, save an apparent energy installation near its northwest corner.

### *Final Plat*

Bartonville Development Ordinance (BDO) Section 2.5.g lists the criteria of approval for a preliminary plat:

1. The plat substantially conforms with the approved preliminary plat or other studies and plans, as applicable;

2. The complete engineering/construction plans for all required public improvements and Town utilities have been submitted to the Town for review/approval by the Town's Engineer (whether specifically stated or not, final plat approval shall always be subject to any additions and/or alterations to the engineering/construction plans as deemed necessary by the Town Engineer, as needed, to ensure the safe, efficient and proper construction of public improvements within the subdivision); and
3. The plat conforms to applicable zoning and other regulations.
4. The plat has been approved by the Permitting Authority, as defined in Chapter 285 of the Texas Administrative Code, in accordance with Title 30, Texas Administrative Code, Chapter 285, Section 285.4(c) relating to the review of subdivision plans prior to the application for a permit for an on-site sewage facility.

The Bartonville Town Council approved the Knight's Landing Preliminary Plat with conditions on February 20, 2024. The submitted final plat conforms to the conditionally approved preliminary plat, which has been designed to create 15 legal lots totaling 101.467 acres. The resulting lots will range from 6.003 to 8.381 acres. The applicant previously submitted construction plans with the previous final plat application. The construction plans are under review by the Town Engineer; with the road becoming private, the only public improvement in the revised development is the public water line to be located within the 15' water easement along Wiesen Way. The zoning district for the subject property is Residential Estates 5 (RE-5), which has a 5-acre minimum lot size. The proposed resulting lots will exceed the zoning district standards for minimum size and lot dimensions. In order to meet all conditions from the preliminary plat approval (many of which have been met through the submittal of this final plat), the plat and accompanying planning materials shall be reviewed and approved by the registered sanitarian for the Town of Bartonville prior to final plat recordation.

**STAFF RECOMMENDATION:**

Approve with Conditions.

**Staff's Recommended Conditions of Approval:**

1. Prior to recordation of the final plat, the plat and accompanying planning materials shall be reviewed and approved by the registered sanitarian for the Town of Bartonville, in accordance with Title 30, Texas Administrative Code, Chapter 285, Section 285.4(c).
2. In accordance with BDO Section 2.6.5., the final plat shall not be recorded until either:
  - a. All required public improvements have been constructed and accepted by the Town; or
  - b. The Town has received an appropriate surety from the applicant guaranteeing the construction of the required public improvements.
3. Prior to recordation, the Town approval signature box shall be updated to read "Final Plat".
4. Prior to recordation, the Owner's Dedication section shall remove all references to the dedication of the street in fee simple for public use.
5. Prior to recordation, the Owner's Dedication section shall be corrected to reference "Lot 1X, Lots 1-7, Block 1, and Lots 1-8, Block 2, Knight's Landing".

**ATTACHMENTS:**

- Final Plat Application Packet

# Exhibit 1



# TOWN OF BARTONVILLE DEVELOPMENT APPLICATION

Item G1.

Application Type (check all applicable):

- Sketch Plat                       Land Study                       Preliminary                       Final  
 Development                       Replat                       Amending Plat

Current Legal Description: Tract 1 A.M. Feltus Survey; Abstract 1594A

Proposed Subdivision Name: Knight's Landing Bartonville                       In Town Limits                       In ETJ

Current Zoning: RE-5                      Concurrent Zoning Change Req.?                       Yes (zoning change request attached)                       No

Proposed Zoning (if applicable): NA                      No. Proposed Lots: 15                      Total Acres: 101.467

Seeking Waiver/Suspension:                       Yes                       No                      If yes, please submit required information pursuant to Sec. 1.11 of Ordinance No. 336-03

Owner: Knight Development Group LLC - Rob Knight                      Phone: 469-774-8172

Address: 3451 Serendipity Hill Trail                      Fax: \_\_\_\_\_

Applicant: Mycoskie & Associates, Inc. - Jacob Sumpter, AICP                      Phone: 817-469-1671

Address: 519 E. Border Street, Arlington, TX 76010                      Fax: 817-274-8757

*Please Note: If applicant is different from current owner a notarized statement, authorizing the applicant to act as owner's agent, must accompany this application along with submittal fees in accordance with the Town's adopted Fee Schedule.*

I understand that it is unlawful for any person to knowingly or willfully misrepresent, or fail to include, any information required by the Development Ordinance on this application. I further understand that misrepresentation, or deliberate omission, of facts pertaining to the land study or plat shall constitute grounds for denial of the land study or plat.

                     09/03/2024  
Applicant Signature                      Date

|  |  |  |  |
|--|--|--|--|
| Office Use Only:   | Fee Pd: _____  | Check # _____                          | Date: _____                                  |
| Schedule:  | DRC: _____   | P&Z: _____                             | TC: _____                                    |
| Zoning Change? <input type="checkbox"/> Y <input type="checkbox"/> N | From _____ to _____  | Publish Date: _____                    | Hearing Date: _____                          |
| <input type="checkbox"/> Street Construction                         | <input type="checkbox"/> Public Improvements                           | <input type="checkbox"/> Easements     | <input type="checkbox"/> Simultaneous Submit |
| Hearing Req? <input type="checkbox"/> Y <input type="checkbox"/> N   | Tax Certificate? <input type="checkbox"/> Y <input type="checkbox"/> N |  |  |
| Disbursement: <input type="checkbox"/> Gas Co.                       | <input type="checkbox"/> Town Engineer/Planner                         | <input type="checkbox"/> Town Attorney | <input type="checkbox"/> DRC Members         |
| <input type="checkbox"/> Elec Co.                                    | <input type="checkbox"/> Cable Co.                                     | <input type="checkbox"/> Fire Chief    | <input type="checkbox"/> Water Supply        |



Town of Bartonville

NOTARY FORM

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

Dated: October 17, 2023

Re: Knight's Crest - Final Plat

I, Rob Knight, owner of the Property located at East Jeter Road do hereby certify that I have given my permission to Mycoskie & Associates, Inc. - Jacob Sumpter, to make this (check one):

- Variance
- Waiver
- Development Plat
- Zoning Change

Application for Knight's Development Group LLC-Rob Knight (applicant)

Rob Knight  
Print Name

Signature of Owner

3451 Serendipity Hill Trail  
Address

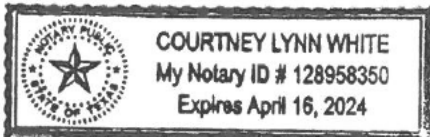
469-774-8172  
Phone No.

10/17/2023  
Date

State of Texas §  
County of Tarrant §

Before me, Courtney White, a Notary Public in and for said County and State, on this day personally appeared Rob Knight 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.

(Seal)



Courtney Lynn White  
Notary



OWNER'S CERTIFICATE

STATE OF TEXAS )(  
COUNTY OF DENTON )(  
)

BEING A 101.467 ACRE TRACT OF LAND SITUATED IN THE DANIEL COOK SURVEY, ABSTRACT NO. 230 AND THE A. M. FELTUS SURVEY, ABSTRACT NO. 1594, DENTON COUNTY, TEXAS, BEING PART OF A CALLED 183.23 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO KNIGHT DEVELOPMENT GROUP LLC, AS RECORDED IN COUNTY CLERK'S INSTRUMENT NO. 2023-50844, OFFICIAL RECORDS, DENTON COUNTY, TEXAS, (ORDCT), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD IN CONCRETE FOUND (DISTURBED) FOR THE NORTHEAST CORNER OF SAID 183.23 ACRE TRACT, THE SOUTHEAST CORNER OF HAT CREEK ESTATES (LOT 1), AN ADDITION TO THE TOWN OF BARTONVILLE, DENTON COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN DOCUMENT NO. 2017-260, ORDCT AND IN THE WEST LINE OF A CALLED 99.8173 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO EDUCATION LEADS TO SUCCESS FOUNDATION, AS RECORDED IN INSTRUMENT NO. 2020-151501, ORDCT;

THENCE SOUTH 00°30'01" EAST, WITH THE COMMON LINE OF SAID 183.23 ACRE TRACT AND SAID 99.8173 ACRE TRACT, A DISTANCE OF 926.45 FEET TO A 5/8" CAPPED IRON ROD STAMPED "MMA" SET FOR CORNER;

THENCE OVER AND ACROSS SAID 183.23 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 89°42'58" WEST, A DISTANCE OF 1,430.64 FEET TO A 5/8" CAPPED IRON ROD STAMPED "MMA" SET FOR THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 570.00 FEET AND A CHORD WHICH BEARS SOUTH 67°05'22" WEST, A DISTANCE OF 438.59 FEET;

IN A SOUTHWESTERLY DIRECTION WITH SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 45°15'12", AN ARC LENGTH OF 450.20 FEET TO A 5/8" CAPPED IRON ROD STAMPED "MMA" SET FOR THE END OF SAID CURVE TO THE LEFT;

SOUTH 44°27'46" WEST, A DISTANCE OF 613.16 FEET TO A 5/8" CAPPED IRON ROD STAMPED "MMA" SET FOR CORNER;

SOUTH 00°29'28" EAST, A DISTANCE OF 1,045.07 FEET TO A 5/8" CAPPED IRON ROD STAMPED "MMA" SET FOR CORNER IN THE SOUTH LINE OF SAID 183.23 ACRE TRACT AND THE NORTH RIGHT-OF-WAY LINE OF JETER ROAD EAST;

THENCE WITH THE SOUTH AND WEST LINE OF SAID 183.23 ACRE TRACT AND THE NORTH AND EAST RIGHT-OF-WAY LINE OF SAID JETER ROAD EAST, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 89°30'32" WEST, A DISTANCE OF 951.35 FEET TO A 1/2" CAPPED IRON ROD STAMPED "KAZ" FOUND FOR THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 100.69 FEET AND A CHORD WHICH BEARS NORTH 45°43'32" WEST, A DISTANCE OF 141.81 FEET;

IN A NORTHWESTERLY DIRECTION WITH SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 89°31'51", AN ARC LENGTH OF 157.34 FEET TO A 1/2" CAPPED IRON ROD STAMPED "KAZ" FOUND FOR THE END OF SAID CURVE TO THE RIGHT;

NORTH 00°51'38" WEST, A DISTANCE OF 314.27 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

NORTH 24°14'34" WEST, A DISTANCE OF 69.09 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

NORTH 00°56'31" WEST, PASSING THE SOUTHEAST CORNER OF A CALLED 26.010 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO LOCKE LIVING TRUST, AS RECORDED IN INSTRUMENT NO. 2000-29231, ORDCT, AT A DISTANCE OF 66.94 FEET, AND CONTINUE WITH THE COMMON LINE OF SAID 183.23 ACRE TRACT AND SAID 26.010 ACRE TRACT, FOR A TOTAL DISTANCE OF 1,096.87 FEET TO A 5/8" IRON ROD FOUND FOR THE MOST WESTERLY NORTHWEST CORNER OF SAID 183.23 ACRE TRACT AND IN THE SOUTH LINE OF DEER HOLLOW (LOT 4, BLOCK B), AN ADDITION TO THE TOWN OF BARTONVILLE, ACCORDING TO THE PLAT RECORDED IN DOCUMENT NO. 2023-18, ORDCT;

THENCE WITH THE COMMON LINE OF SAID 183.23 ACRE TRACT AND SAID DEER HOLLOW, THE FOLLOWING COURSES AND DISTANCES:

NORTH 89°35'32" EAST, A DISTANCE OF 661.66 FEET TO A 5/8" IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID 183.23 ACRE TRACT AND THE SOUTHEAST CORNER OF SAID DEER HOLLOW;

NORTH 00°10'35" EAST, A DISTANCE OF 1,013.37 FEET TO A POINT FOR THE MOST NORTHERLY NORTHWEST CORNER OF SAID 183.23 ACRE TRACT AND THE SOUTHWEST CORNER OF SAID HAT CREEK ESTATES, FROM WHICH A 1/2" IRON ROD FOUND IN CONCRETE BEARS SOUTH 58°52'08" WEST, A DISTANCE OF 0.84 FEET;

THENCE NORTH 89°54'52" EAST, WITH THE COMMON LINE OF SAID 183.23 ACRE TRACT AND SAID HAT CREEK ESTATES, A DISTANCE OF 2,686.26 FEET TO THE POINT OF BEGINNING AND CONTAINING 4,419,898 SQUARE FEET OR 101.467 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT KNIGHT DEVELOPMENT GROUP LLC, ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINABOVE DESCRIBED PROPERTY AS LOTS 1-7, BLOCK 2, AND LOTS 1-8, BLOCK 3, KNIGHT'S LANDING WEST, AN ADDITION TO THE TOWN OF BARTONVILLE, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER, THE STREETS AND EASEMENTS SHOWN THEREON. THE STREETS ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE TOWN OF BARTONVILLE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLICS AND TOWN OF BARTONVILLE'S USE THEREOF. THE TOWN OF BARTONVILLE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE TOWN OF BARTONVILLE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE TOWN OF BARTONVILLE, TEXAS  
WITNESS, MY HAND, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY:

\_\_\_\_\_  
AUTHORIZED SIGNATURE OF OWNER

\_\_\_\_\_  
PRINTED NAME AND TITLE

STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_, OWNER, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.  
GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

\_\_\_\_\_  
MY COMMISSION EXPIRES ON:

SURVEYOR'S CERTIFICATE

THAT I, LON E. WHITTEN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY DECLARE THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN HEREON AS SET WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE DEVELOPMENT ORDINANCE OF THE TOWN OF BARTONVILLE.

**PRELIMINARY**  
This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.  
Released for review by

LON E. WHITTEN DATE: AUGUST 08, 2024  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 5893

STATE OF TEXAS §  
COUNTY OF TARRANT §

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED LON E. WHITTEN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

\_\_\_\_\_  
MY COMMISSION EXPIRES:

FINAL LAT

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# PLANNING & ZONING COMMISSION COMMUNICATION

**DATE:** October 2, 2024

**FROM:** Thad Chambers, Town Administrator

**AGENDA ITEM:** Conduct a Public Hearing to hear public comment, discuss, and make a recommendation regarding an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 8, Section 8.02.001.(b). (Exceptions), to add a new subpart 5 that would permit the discharge of blank cartridges from firearms on Agricultural zoned property with prior notice to the Town Marshal. The applicants are Stacey and Ronnie Smith. [Town of Bartonville File Number ZC-2024-003.]

## **SUMMARY:**

The applicant has requested a text amendment to the Bartonville Code of Ordinances (BCO), Chapter 8, Section 8.02.001.(b). (Exceptions), to add a new subpart 5 that would permit the discharge of blank cartridges from firearms on Agricultural zoned property with prior notice to the Town Marshal. As this exception is not currently found within the BCO, the process described in BCO Section 1.01.007 shall be followed.

The requested BCO text amendment language is proposed to read as follows:

### **Section 8.02.001 Discharge of Firearms**

...

**(b) Exceptions.** This section shall not apply to:

- (1) A licensed peace officer when acting in the performance of his or her official duties;
- (2) Upon prior notification to the town marshal, the use of blank cartridges is permitted for theatrical productions, as a signal for ceremonial or athletic purposes, or by military organizations of the United States of America or the state;
- (3) Those circumstances where the use of deadly force is justified under applicable law, including but not limited to, sections 9.31 through 9.43 of the Texas Penal Code, as amended, and for the protection of life and property against animal predators, wild animals, or marauding animals; and
- (4) The extraterritorial jurisdiction of the town or in an area annexed by the town after September 1, 1981, if the firearm is:
  - A. A shotgun, air rifle or pistol, or BB gun discharged:
    - (i) On a tract of land of 10 acres or more and more than 150 feet from a residence or occupied building located on another property; and
    - (ii) In a manner not reasonably expected to cause a projectile to cross the boundary of the tract; or
  - B. A center fire or rim fire rifle or pistol of any caliber discharged:
    - (i) On a tract of land of 50 acres or more and more than 300 feet from a residence or occupied building located on another property; and



(ii) In a manner not reasonably expected to cause a projectile to cross the boundary of the tract.

(5) Upon prior notification to the town marshal, the use of blank cartridges is permitted when used for training or exhibition on Agricultural zoned properties in a manner not reasonably expected to cause a projectile to cross the boundary of the property.

**STAFF RECOMMENDATION:**

**PUBLIC COMMENT:**

None.

**RECOMMENDED CONDITIONS OF APPROVAL:**

None.

**ATTACHMENTS:**

- Bartonville Code of Ordinances Text Amendment Application Packet
- Published Legal Notice

# Exhibit 1



# Town of Bartonville

## Application for Zoning Text Amendment

All applications must be submitted in accordance with the Submission Schedule attached hereto.

**Applicant: Stacey Smith**

**Mailing Address: 601 McMakin Rd \_\_\_\_\_**

**Phone: \_\_\_\_\_**

**Fax: na**

**Email: \_\_\_\_\_**

**Zoning Text Amendment: 8.02.001 add to (b) \_\_\_\_\_**

I hereby certify that the information concerning this proposed zoning text change is true and correct.

*X Stacey Smith*

09/05/2024

\_\_\_\_\_  
Signature of Applicant/Owner

\_\_\_\_\_  
Date

|                               |                   |
|-------------------------------|-------------------|
| <b>STAFF USE ONLY:</b>        |                   |
| Date Submitted: _____         | Fee Paid: _____   |
| Accepted By: _____            | Check No. : _____ |
| P& Z Public Hearing: _____    |                   |
| Council Public Hearing: _____ |                   |

C. Classification of New/Unlisted Uses - It is recognized that new types of land use will arise in the future, and forms of land use not presently anticipated may seek to locate in the Town of Bartonville. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the Land Use Charts (Appendix C) shall be made as follows:

1. Initiation:

a. A person, Town department, the Planning and Zoning Commission, or the Town Council may propose zoning amendments to regulate new and previously unlisted uses.

b. A person requesting the addition of a new or unlisted use shall submit to the Town Secretary, or his/her designee, all information necessary for the classification of the use, including but not limited to:

1. The nature of the use and whether the use involves dwelling activity, sales, services, or processing; The practice of shooting guns loaded with blanks on

Agricultural property historically has been an accepted as a legally appropriate and accepted practice within the Town of Bartonville, Texas and allowed under Ordinance 8.02(b). As the Town continues growing, a review of the existing language of Ordinance 8.02(b) makes it advisable to revise the language to more clearly reflect and document the historical practice: " Upon prior notification to the town marshal, the use of blank cartridges is permitted when used for training or exhibition on agricultural zoned properties in a manner not reasonably expected to cause a projectile to cross the boundary of the property." and its continued permissibility on Agriculturally zoned properties within the Town and to minimize the expenditure of Town resources regarding the applicability of Ordinance 8.02(b) to this longstanding historical use of Agricultural property.

2. The type of product sold or produced under the use; N/A, Historical use of agricultural property.
  3. Whether the use has enclosed or open storage and the amount and nature of the storage; N/A
  4. Anticipated employment typically anticipated with the use; N/A
  5. Transportation requirements; N/A
  6. The nature and time of occupancy and operation of the premises; N/A
  7. The off-street parking and loading requirements; N/A
  8. The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated; The sound does not exceed existing decibels allowed by existing noise ordinances and does not create any extra fumes, dust, toxic materials or vibration beyond typical historical agricultural uses.
  9. The requirements for public utilities such as sanitary sewer and water and any special public services that may be required; and N/A
  10. Impervious surface coverage. N/A
2. The Town Secretary, or his/her designee, shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in Subsection b. above. An amendment to this Ordinance shall be required as prescribed by [Appendix A](#). N/A- Not change to Zoning Map or New Defined Use Required.
  3. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted (by right or by CUP).N/A- Not change to Zoning Map or New Defined Use Required.
  4. The Planning and Zoning Commission shall transmit its findings and recommendations to the Town Council as to the classification proposed for any new or unlisted use. The Town Council shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such

determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the Zoning Ordinance according to [Appendix A](#). N/A- Not change to Zoning Map or New Defined Use Required.

5. Standards for new and unlisted uses may be interpreted by the Town Secretary, or his/her designee, as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined in Subsection b. above shall be followed for determination of the appropriate district. The decision of the Town Secretary, or his/her designee, may be appealed according to the process outlined in Subsections 2. through 4. above.

Stacey and Ronnie Smith  
601 McMakin Road  
Bartonville, Texas 76226

September 5, 2024

Town of Bartonville  
1941 E. Jeter Road  
Bartonville, Texas 76226

Re: Application for Zoning Text Amendment Town of Bartonville

Dear Town of Bartonville:

Pursuant to this letter and the enclosed completed Application For Zoning Text Amendment, we respectfully request that that the Town of Bartonville amend Ordinance 8.02.001(b), Discharge of firearms, to include a new Part 5 at the end thereof, which would provide as follows (the "Amendment"):

***"(5) Upon prior notification to the town marshal, the use of blank cartridges is permitted when used for training or exhibition on agricultural zoned properties in a manner not reasonably expected to cause a projectile to cross the boundary of the property."***

Initiation. The Amendment to Ordinance 8.02.001 is requested to clarify and document the longstanding continuous historical policy and practice of the Town of Bartonville of interpreting and enforcing Ordinance 8.02.001(a) as inapplicable to the discharge of a gun loaded with blanks on agricultural property with prior notice to the town marshal.

The Town of Bartonville historically consistently has interpreted and enforced Ordinance 8.02.001 as allowing the discharge of weapons loaded with blanks on agricultural land with prior notice to the town marshal. As the Town of Bartonville continues growing, the influx of new residents makes it increasingly likely that agricultural property owners, the Town of Bartonville law enforcement, elected officials and other Town leaders will face questions from residential property owners unaware that weapons loaded with blanks do not emit projectiles that create the safety concerns that are the target of Ordinance 8.02.001 and unfamiliar with the resulting longstanding practice of the Town of Bartonville of treating the discharge of a weapon loaded with blanks as allowed under Ordinance 8.02.001 on agricultural properties. The Amendment to Ordinance 8.02.001 would more clearly document and preserve the longstanding policy and practice by the Town of Bartonville of treating the discharge of weapons loaded with blanks on agricultural property as allowed under Ordinance 8.02.001. Concurrently, by codifying the customary practice of requiring prior notification to the town marshal before the discharge of a weapon loaded with blanks on agricultural property, the Amendment also supports the ability of law enforcement to respond to citizen calls and inquiries about a permitted discharge of a weapon loaded with blanks on Agriculturally zoned properties without the need to dispatch law enforcement to investigate.

Town of Bartonville  
Re: Application for Zoning Text Amendment Town of Bartonville  
September 5, 2024  
Page 2 of 3

With regard to the Application, we represent as follows to the best of our knowledge and understanding:

1. The nature of the use and whether the use involves dwelling activity, sales, services, or processing: *The Town of Bartonville consistently has recognized the discharge of weapons loaded with blanks on agricultural zoned property for training or exhibition for recreational, recreational or other purposes as a legally appropriate and accepted practice on agricultural property within the Town of Bartonville allowed under Ordinance 8.02.001, whether conducted within a building or outside.*
2. The type of product sold or produced under the use: *N/A, Historical use of agricultural property.*
3. Whether the use has enclosed or open storage and the amount and nature of the storage: *N/A as the use requires no additional or special enclosed or open storage.*
4. Anticipated employment typically anticipated with the use: *N/A.*
5. Transportation requirements: *N/A.*
6. The nature and time of occupancy and operation of the premises: *N/A.*
7. The off-street parking and loading requirements: *N/A.*
8. The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated; *The sound from the discharge of weapons loaded with blanks would be subject to generally applicable noise ordinances and based on historical uses by the applicant and of which the applicant is aware, do not exceed existing decibels allowed by existing noise ordinances and does not create any material extra fumes, dust, toxic materials or vibration beyond typical historical agricultural uses.*
9. The requirements for public utilities such as sanitary sewer and water and any special public services that may be required. *N/A.*
10. Impervious surface coverage. *N/A.*
11. The use contemplated by the Amendment would apply only to agriculturally zoned properties and does not modify the nature or performance of the agricultural zoned properties covered by the Amendment or require any zoning change or variance.

Thank you in advance for the consideration and approval of the Town of Bartonville for its prompt consideration and adoption of the Amendment. Should you have any questions or require any additional information, please contact Stacey Smith at [REDACTED] or via telephone at [REDACTED]

Respectfully,

Town of Bartonville  
Re: Application for Zoning Text Amendment Town of Bartonville  
September 5, 2024  
Page 3 of 3

Item G2.

Stacey Smith

Ronnie Smith



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

I, Madeline Vostrejs, 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 1 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:**  
Sep. 14, 2024

**Notice ID:** IUa6Hu4reujX48UiGiHj  
**Notice Name:** 10.02&15.24 PH Notice for 09.14.24 pub

**PUBLICATION FEE:** \$48.56

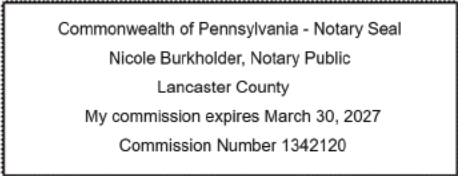
I declare under penalty of perjury that the foregoing is true and correct.

*Madeline Vostrejs*

Agent

**VERIFICATION**

State of Pennsylvania  
County of Lancaster



Signed or attested before me on this: 09/16/2024

*Nicole Burkholder*

Notary Public  
Notarized remotely online using communication technology via Proof.

**TOWN OF BARTONVILLE,  
TEXAS  
NOTICE OF PUBLIC HEARING**  
The Planning and Zoning Commission for the Town of Bartonville, Texas will conduct a Public Hearing at 6:30 p.m. on October 2, 2024, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider recommendations to the Town Council regarding an Ordinance amending the Town of Bartonville Code of Ordinances, Chapter 8, Section 8.02.001.(b) (Exception s), to add a new subpart 5 that would permit the discharge of blank cartridges from firearms on Agricultural zoned property with prior notice to the Town Marshal. The applicants are Stacey and Ronnie Smith. The Town of Bartonville file number for this application is ZC-2024-003.

The Town Council will conduct a second Public Hearing at 6:30 p.m. on October 15, 2024, at Bartonville Town Hall, 1941 E. Jeter Road, Bartonville, Texas, to hear public comment and consider the proposed Zoning Code Amendment and recommendations of the Planning and Zoning Commission.

All interested parties are encouraged to attend.

drc 09/14/2024