

STATE OF TEXAS §
COUNTY OF DENTON §
TOWN OF BARTONVILLE §

The regular monthly meeting of the Planning and Zoning Commission of the Town of Bartonville was held on January 3, 2007, at 7:00 p.m., in the Bartonville Town Hall. This was an OPEN MEETING, open to the public, subject to the open meeting laws of the State of Texas and, as required by law, was duly posted at 3:00 p.m. on December 29, 2006, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:	Absent:
Ralph Arment, Chairperson	Betty Medlock
Gloria McDonald, Vice Chairperson	
Don Abernathy	
Jim Langford (arrived at 8:27 p.m.)	

Also present: Kristi Gilbert, Deputy Town Secretary

This constituting a quorum, the following business took place:

Chairperson Arment called the meeting to order at 7:05 p.m.

Call to Order

The Commissioners considered the December 6, 2006, regular monthly meeting minutes. Gloria McDonald moved to approve the December 6, 2006, minutes as written. Don Abernathy seconded the motion. For: Unanimous. The motion carried 3-0.

Approve Minutes

No one chose to speak.

Open Forum

Commissioners participated in a public hearing to hear public comment and to consider recommendations to the Town Council regarding the proposed re-plat of Lots 1, 2, and 3X, Block A of Badminton Heights, an addition to the Town of Bartonville, Denton County, Texas, located in the Robert Keith Survey, Abstract No. 1643 and the Newton Allsup Survey, Abstract No. 3, as recorded in Cabinet W, Pages 39-41 of the Plat Records of Denton County, Texas. Said property consists of two (2) residential lots and one (1) common area lot for a total of 6.873 acres and is located on the east side of Badminton Drive beginning at the entrance of Badminton Heights on Frenchtown Road. The stated purpose of the re-plat is to create three residential lots being 2.024, 2.003 and 2.013 acres in size, with the fourth lot being a 0.833 acre common area.

**Public Hearing
Badminton Heights
Replat**

Chairperson Arment opened the hearing to public comment.

Hearing Opened

Scott Minnis with G&A Consultants spoke on behalf of Developer Drew Walling. Mr. Minnis stated that the replat met all of the requirements of the development ordinance and the zoning for the property.

Applicant

Town Engineer Gary Vickery stated that the applicant met all of the requirements of development ordinance and stated that he recommended approval.

Staff

Jim Strange, 995 Dyer Rd - Mr. Strange stated that he had concerns about placing a large house on a small lot and wanted to make certain that the spray area from the aerobic system would not carry on to his property.

In Favor/Opposed

Chairperson Arment closed the hearing to public comment.

Hearing Closed

Don Abernathy made the motion to recommend to Town Council the approval of the replat for Badminton Heights. Gloria McDonald seconded the motion. For: Unanimous. The motion carried 3-0.

ACTION: Approve Replat

Commissioners participated in a public hearing to hear public comment and consider recommendations to the Town Council regarding Ordinance 415-07; AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING ARTICLE 14.300, EXHIBIT "A," THE TOWN OF BARTONVILLE COMPREHENSIVE ZONING ORDINANCE, AS AMENDED, BY REPEALING IN ITS ENTIRETY CHAPTER 30, SECTION 30.3, OIL AND GAS DRILLING AND PRODUCTION AND REPLACING IT WITH A NEW SECTION 30.3 TO BE ENTITLED "OIL AND GAS WELL DRILLING AND PRODUCTION"; PROVIDING FOR PURPOSE; PROVIDING DEFINITIONS; PROHIBITING EXPLORATION AND PRODUCTION IN CERTAIN ZONING DISTRICTS; PROVIDING FOR OIL AND GAS WELL DRILLING AND PRODUCTION "BY RIGHT"; PROVIDING FOR OIL AND GAS WELL DRILLING AND PRODUCTION BY CONDITIONAL USE PERMIT, APPLICATION AND REQUIREMENTS; PROVIDING FOR A ROAD DAMAGE REMEDIATION AGREEMENT AND THE PAYMENT OF FEES; PROVIDING STANDARDS FOR OIL AND GAS WELL DRILLING AND PRODUCTION; REQUIRING OIL AND GAS PERMITS; PROVIDING FOR INSURANCE AND INDEMNIFICATION; PROVIDING FOR SECURITY; PROVIDING FOR REVIEW OF APPLICATIONS FOR OIL AND GAS PERMITS; PROVIDING FOR PERIODIC REPORTS; PROVIDING FOR NOTICE OF ACTIVITIES; PROVIDING FOR AMENDED OIL AND GAS PERMITS; PROVIDING FOR TRANSFER OF OIL AND GAS PERMITS; PROVIDING REMEDIES FOR THE TOWN; PROVIDING FOR ENFORCEMENT AND RIGHT OF ENTRY; PROVIDING FOR A PENALTY IN THAT ANY VIOLATION OF THIS ORDINANCE SHALL BE PUNISHED BY A FINE OF NOT MORE THAN TWO THOUSAND DOLLARS (\$2,000) PER DAY, SUBJECT TO THE APPLICABLE STATE LAW AND EACH DAY A VIOLATION OCCURS CONSTITUTES A SEPARATE VIOLATION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL OTHER ORDINANCES OF THE TOWN OF BARTONVILLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE TOWN AND PROVIDING AN EFFECTIVE DATE.

Public Hearing Ord. 415-07

Chairman Arment opened the hearing to public comment.

Hearing Opened

Deputy Town Secretary Kristi Gilbert presented the recommendation by staff which included the changes requested from the December 6, 2006, meeting. Included in the recommendation were two (2) options that had differences in the ambient noise standards.

Staff

Alan Seals, 568 Seals Rd - Mr. Seals presented the Commission with suggestions as to changes to the draft ordinance.

In Favor/Opposed

Chairperson Arment closed the hearing to public comment.

Hearing Closed

Jim Langford arrived at 8:27 p.m.

Discussion was held with regard to amendments to the proposed Ordinance 415-07. The Commission revised the proposed ordinance as follows: to allow for padsites to be constructed within the 100 year flood plain, but not the flood way; to allow for a wellhead to be placed within 200 feet of an accessory structure with a notarized statement provided by the owner on wells allowed by a conditional use permit; and, to remove the requirement of opaque vinyl slats in chain link fencing. Gloria McDonald stated that she had a conversation with a sound expert who indicated the normal ambient noise level in Bartonville during nighttime hours was approximately 30 d(B) to 35 d(B) and the normal daytime ambient noise was approximately 40 d(B) to 45 d(B). The Commission discussed utilizing Option A with the following amendments: the removal of the definition of ambient noise level; the addition of a maximum noise level of 80 d(B) measured at 300 feet during drilling operations; the amendment of the proposed noise standards to specify a nighttime maximum noise level of 35 d(B) and a daytime maximum noise level of 40d(B) for the operation of engines, compressors and any equipment associated with the well; the removal of the requirement of establishing an ambient noise level; the addition of the requirement to make all noise reduction enclosures compatible and complementary in appearance to a rural environment; and, the amendment of permitted increases in the noise level to be allowed only during daytime hours.

Discussion

Gloria McDonald moved to recommend to Town Council the approval of Ordinance 415-07, as amended utilizing an amended Option A. Don Abernathy seconded the motion. For: Unanimous. The motion carried 4-0.

ACTION: Approve Ord 415-07

There being no further business to come before the body, Chairperson Arment declared the meeting adjourned at 9:10 p.m.

ADJOURNMENT

APPROVED this the 7th day of February, 2007.

Approved:

Ralph Arment, Chairperson

Attest:

Kristi Gilbert, Deputy Town Secretary, TRMC

(Seal)