

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 July 6, 2005, 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. July 1, 2005, at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:
Ralph Arment, Chairman
Gloria McDonald, Vice Chairman
Don Abernathy
Betty Medlock
Jim Langford

Absent:
None.

Also present: Debbie E. Millican, Town Secretary
Gary Vickery, Town Engineer
Bob Hager, Town Attorney
Heather Sims, Town Planner

This constituting a quorum, the following business took place:

Chairman Arment called the meeting to order at 7:03 p.m.

Call to Order

The Commissioners considered the June 1, 2005, Regular Monthly Meeting minutes.

Consider Minutes

Don Abernathy moved to approve the June 1, 2005, Regular Monthly Meeting minutes, as presented. Jim Langford seconded the motion. For: Unanimous. The motion carried 5 to 0.

**ACTION: 6-1-05
Regular Minutes
Approved**

No one chose to speak during the Citizen Appearance portion of the agenda.

Citizen Input

The Commission held a public hearing and considered recommendations to the Town Council relative to Ordinance 367-05, an Ordinance amending Town of Bartonville Code of Ordinances, Chapter 14, Article 14.300, Ordinance 361-05, Zoning Regulations for the Town of Bartonville, so as to change the Zoning Designation of two tracts of land situated in the B.B.B. & C.R.R. Company Survey Abstract 152, located within the Corporate Limits of the Town of Bartonville, Denton County, Texas, described as being all that certain called 0.4409 acre tract of land described in deed to Brian Leonard and Jason Leonard recorded in Document No. 04-0165021 and all that certain called 1.951 acre tract of land conveyed to Janvier Gentry and Mark Scott as described by Deed, recorded in Volume 2629, Page 574, of the Real Property Records of Denton County, Texas, being more particularly described in Exhibit "A" attached hereto, from a Zoning Designation of RE2,

**Public Hearing:
Ordinance 367-05**

Residential Estates -2 (2 Acre Lots) to a Zoning Designation of "RB" Rural Business and by amending the Official Zoning Map to reflect such change. The property to be considered for re-zoning is generally described as two separate tracts of land consisting of: 1) a rectangular shaped .4409 acre tract of land having 91.56 feet of frontage on the south side of East Jeter Road approximately 450 feet west of the FM 407, East Jeter Road and McMakin Road intersection; and 2) a rectangular shaped 1.951 acre tract of land having 333.32 feet of frontage on the west side of McMakin Road approximately 350 feet south of the intersection of FM 407, East Jeter Road and McMakin Road, more commonly known as 176 McMakin Road.

Chairman Arment opened the hearing to public comment and asked to hear from the applicant.

Hearing Opened

Sam Pascal, representing applicant Gene Colley, addressed the Commission. Mr. Pascal stated that Mr. Colley, owner of Royal Seal Construction, was seeking a zoning change on the two tracts of land that abut his construction company. Mr. Pascal stated that the basis of the request was that each of the two properties had vacant structures on them and were adjacent to commercially zoned property. He stated that commercial zoning on the two lots would provide a more beneficial use to the owner. Mr. Pascal stated that the residentially zoned tracts were less than the two-acre minimum, constituting a non conforming use. He stated that if the request was granted, the property would be used for office space. Mr. Pascal stated that he would be happy to answer any questions.

Applicant

Chairman Arment asked to hear staff recommendations.

Heather Sims presented staff recommendations to deny the request. Ms. Sims cautioned the commission that the request before them was a straight zoning request and that if granted, the owner of the property could use his land in any manner allowed by the Land Use matrix in the zoning ordinance for RB zoned properties. Town Attorney Bob Hager stated the request was in conflict with the adopted Land Use Plan and that the applicant had not requested, nor did the agenda list, an amendment to the Land Use Plan along with the request for zoning change. Mr. Hager stated that in accordance with the Texas Local Government Code, the request could not be granted unless the Land Use Plan was amended. He suggested it would be more appropriate to deny the request and allow the applicant to resubmit his request or allow him to withdraw the request and resubmit. Mr. Hager stated that if he withdrew the request, the hearings would be canceled, however, the Chairman could allow people to voice their support or opposition to the request.

Staff Recommendations

Sam Pascal stated that the application was not right for consideration without the Land Use amendment. Mr. Pascal formally requested the zoning change request be withdrawn from consideration.

Request Withdrawn

Chairman Arment closed the hearing at 7:20 p.m. He explained that the request had been withdrawn and the hearings canceled regarding the request. Chairman Arment stated that a number of people had signed up to speak at the public hearing. He then asked if there were any of those speakers who wished to give a brief statement in favor or in opposition to request.

Hearing Closed

Merle Lindby-Young, Ian Cleghorn, Don Young, John Dure, Duncan Stewart and Susan Johnson each expressed opposition to the request. No one spoke in Favor of the request. No action was taken.

Citizens Input

Commissioners considered recommendations to the Town Council regarding an Oil and Gas Drilling/Production Permit for proposed gas well, Ginger Hackle #1H, located on the east side of South Gibbons Road and the north side of East Jeter Road. The proposed plat is located on an approximate 171.379 acre tract of land in the M.Tucker Survey, Abt. # 1255, S. Lizenby Survey, Abt. # 787 and the J. Gibbon Survey, Abt. # 1693, Town of Bartonville, Denton County, Texas. The well head site is located in the southeast portion of the property approximately 1500' north of East Jeter Road and approximately 2400' east of South Gibbons Road. The applicant is David H. Arrington Oil and Gas, Inc. The surface and mineral owner of the property is Wilburn H. Seals, et all.

Discussion: Ginger Hackel #1 Drilling Permit

Gloria McDonald signed a Conflict of Interest Affidavit and recused herself from the proceedings by joining the audience and not participating in the discussion, deliberation or consideration of the request. Ms. McDonald resides within 200 feet of the subject property and at one time had discussions with the David H. Arrington Company regarding a lease for her personally owned property. Bobby Dollak of G&A Consultants spoke on behalf of the applicant. He requested that the Commission recommend approval and stated he would answer any questions. Town Engineer, Gary Vickery, presented recommendations to approve the permit conditioned on the execution of a roadway agreement and the posting of security.

Jim Langford moved to recommend that the Council approve the permit, subject to staff recommendations. Betty Medlock seconded the motion. For: Langford, Medlock, Abernathy and Arment. Against: None. Abstain: McDonald. The motion carried 4-0-1.

ACTION: Approve Ginger Hackel #1 Drilling Permit

Commissioners considered approval of a Gas Well Development Plat for proposed gas well plat, Ginger Hackle #2H, located on the east side of South Gibbons Road and the north side of East Jeter Road. The proposed plat is located on an approximate 171.379 acre tract of land in the M.Tucker Survey, Abt. # 1255, S. Lizenby Survey, Abt. # 787 and the J. Gibbon Survey, Abt. # 1693, Town of Bartonville, Denton County, Texas. The well head site is located in the western portion of the property approximately 1538' north of East Jeter Road and approximately 471' east of South Gibbons Road. The applicant is David H. Arrington Oil and Gas, Inc. The surface and mineral owner of the property is Wilburn H. Seals, et all.

Discussion: Ginger Hackel #2 Development Plat

Bobby Dollak of G&A Consultants spoke on behalf of the applicant. He requested that the plat meet the requirements of the Town and requested that the Commission approve the plat. Mr. Dollak stated he would answer any questions. Town Engineer, Gary Vickery, stated that this was the 2nd of two wells to be drilled on the Seals property. He presented recommendations to approve the plat as presented.

Don Abernathy moved to approve the Ginger Hackle #2H Gas Well Plat as recommended by staff. Jim Langford seconded the motion. For: Abernathy, Langford, Medlock and Arment. Against: None. Abstain: McDonald. The motion carried 4-0-1.

**ACTION: Approve
Ginger Hackel #2
Development Plat**

Gloria McDonald returned to the dias and participated in discussion of the remaining agenda item.

**Gloria McDonald
joined the dias**

Commissioners briefly discussed the possibility of revisions to Bartonville Oil and Gas Pipeline Regulations. No action was taken.

**Discussion: Pipeline
Regulations**

There being no further business to come before the body, Chairman Arment declared the meeting adjourned at 8:05 p.m.

ADJOURNMENT

PASSED AND APPROVED this the 3rd day of August, 2005.

Approved:

Ralph Arment, Chairman

(Seal)

Attest:

Debbie E. Millican, Town Secretary