

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

The regular meeting of the Planning and Zoning Commission of the Town of Bartonville was held on April 1, 2009, 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 on Friday, March 27, 2009, at 3:30 p.m., at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:

Ralph Arment, Chairperson
Gloria McDonald, Vice Chairperson
Don Abernathy
Jim Langford
Betty Medlock

Absent:

Kathy Bradham, Alternate

Also present: Kristi Gilbert, Town Secretary
Gary Vickery, Town Engineer

This constituting a quorum, the following business took place:

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

Call to Order

The Commissioners considered the February 4, 2009, regular meeting minutes. Vice Chairperson McDonald moved to approve the minutes as corrected. Commissioner Langford seconded the motion. For: Unanimous. The motion carried 5 to 0.

ACTION: Approve Minutes

No one was signed in to speak.

Open Forum

The Commission conducted a public hearing to hear public comment and to consider recommendations to the Town Council regarding a gas pipeline permit for a proposed natural gas pipeline 6.6 inches in diameter running from the Fuller Family Unit west, crossing under Badminton and Blenheim and terminating on Mary Hager's property to tie in with a Gulftex pipeline. The applicant is Barnett Gathering.

**Public Hearing:
Barnett Gathering
Pipeline Permit**

Chairperson Arment opened the public hearing.

Open Hearing

Applicant Joseph Calva, representing Barnett Gathering, addressed the Commission and stated that the pipeline would run from the Fuller pad site off on Dyer Road, traveling west under Dyer Road, across the Repp's property and then west boring under Badminton Drive and Blenheim Drive to a 100' by 100' valve site, tying into a Gulftex pipeline. Mr. Calva stated that the valve site was relocated

Applicant

to ensure the least amount of trees will be lost. Mr. Calva stated that should trees need to be removed, photographs will be taken and replacement trees will be planted. Ms. Gilbert clarified with the Commission that Barnett Gathering was seeking a permit for the primary route as indicated on the submitted plans.

Town Engineer Gary Vickery referenced his emailed comments dated March 26, 2009. Mr. Vickery stated that the remaining outstanding items were more of an administrative nature.

Jim Strange, 995 Dyer Road, spoke in opposition to the proposed pipeline. Mr. Strange stated that the residents of Dyer Road had appeared before the Commission and the Council when XTO was seeking a permit for the Fuller gas wells. Mr. Strange stated that the residents received promises from XTO, but nothing had been done. Mr. Strange stated that he was concerned about the dangerous pipeline that would be coming through their neighborhood and the safety of the children. Mr. Strange stated that he was concerned about the decreased property value. Mr. Strange stated that the Repp's property will be worth nothing once the pipeline is installed. Mr. Strange stated that Dyer Road had been destroyed, that the trucks had been speeding down the road and that XTO had not posted bonds for the maintenance of Dyer Road. Mr. Strange showed pictures of a gas line that exploded in the area from a resident drilling with an auger.

Mr. Calva responded by stating that he could speak in regards to the pipeline only, not the well. Mr. Calva stated that the proposed line maintained the integrity of the property by following along property lines and utilizing the Town's roads. Mr. Calva stated that he spoke with the Repp's personally and they had agreed to allow the pipeline to be placed on their property.

Chairperson Arment closed the public hearing to public comment.

Town Secretary Kristi Gilbert addressed Mr. Strange's comments and stated that the Town had even less jurisdiction over pipelines than over the gas wells. Ms. Gilbert stated that if the residents had concerns, they needed to contact their representative since the legislature is currently in session. Ms. Gilbert stated that there have been numerous bills that had been filed that would both benefit and harm property owners with regard to the gas wells and the pipelines. Ms. Gilbert stated that the Town was encouraging the companies to utilize the Town's right-of-way to protect adjacent property owners, but there was not a lot that the Town can require the companies to do.

Staff

In Favor/Opposed

Applicant Rebuttal

Hearing Closed

Vice-Chairperson McDonald moved to recommend to the Town Council the approval of Barnett Gathering's pipeline permit contingent upon meeting the requirements of the Town Engineer and submitting a current Certificate of Liability Insurance. Commissioner Langford seconded the motion. For: Unanimous. The motion carried 5-0.

**ACTION:
Approve Barnett
Gathering Pipeline
Permit**

The Commission conducted a public hearing to hear public comment and to consider recommendations to the Town Council regarding AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 14, ZONING, EXHIBIT "A," ZONING ORDINANCE, BY AMENDING CHAPTER 20, SECTION 20.3 FENCES IN RESIDENTIAL AREAS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

**Public Hearing:
Zoning Ordinance
Amendment**

Chairperson Arment opened the public hearing.

Open Hearing

Ms. Gilbert stated that the ordinance was prepared by staff in response to a request by several council members.

Staff

No one was signed in to speak in favor of or in opposition to the proposed ordinance.

In Favor/Opposed

Chairperson Arment closed the public hearing to public comment.

Hearing Closed

Discussion was held with regard to the location, height and setbacks for privacy fences.

Discussion

Chairperson Arment moved the order of the agenda to consider the next item prior to a vote on the ordinance.

**Move Order of
Agenda**

The Commission held discussions relative to recommendations to the Town Council regarding the proposed site plan including civil plans, architectural plans, parking easement agreement, landscape plans and an irrigation plan for the Bartonville Professional Building to be located on Lot 3 of the Acklie Addition.

**Discussion:
Bartonville
Professional
Building Site Plan
& Parking
Easement**

Applicant Keith Acklie stated that he made changes in accordance with the comments from the previous Development Review Committee meetings. The only outstanding items were the size of the sign which Mr. Acklie amended earlier in the day and the irrigation system immediately surrounding the building. Mr. Acklie stated that he would meet Mr. Vickery's requirements for

the irrigation system. Ms. Gilbert stated that, in order to meet the parking requirements of the ordinance, a parking easement must be utilized. Ms. Gilbert stated that Mr. Acklie had an executed parking easement with Premier Academy of Bartonville for the use of seven spaces that has been filed with Denton County. Ms. Gilbert stated that the ordinance provides for the use of an off-site parking easement at the discretion of the Commission and the Council. Vice-Chairperson McDonald stated that she wanted to make certain that the business owner knew that only a portion of the main floor would be allowed to be a medical office due to the parking restrictions. Mr. Acklie stated that his client was aware of that restriction.

Ms. Gilbert provided the Commission with options for considering the site plan. Ms. Gilbert stated that the Commission could recommend approval of the site plan and parking easement; recommend denial of the parking easement and table consideration of the site plan; or, recommend denial of the parking easement and denial without prejudice of the site plan to allow the applicant an opportunity to resubmit with modifications.

**ACTION: Deny
Parking Easement
& Deny Site Plan
Without Prejudice**

Commissioner Medlock moved to recommend to the Town Council the denial of the parking easement and denial without prejudice of the site plan. Vice-Chairperson McDonald seconded the motion. For: Unanimous. The motion carried 5 to 0.

Chairperson Arment returned to agenda item 5. regarding amending the fence regulations. Ms. Gilbert provided the Commission with an illustration of both the current regulations and the proposed regulations.

**Discussion: Amend
Fence Regulations**

Commissioner Langford moved to recommend to the Town Council the approval of the ordinance amending the fence regulations as written. Commissioner Medlock seconded the motion. For: Unanimous. The motion passed 5 to 0.

**ACTION:
Approve
Ordinance
Amending Fence
Regulations**

Commissioner Abernathy moved to table discussion of wind turbines until the May Planning and Zoning meeting. Commissioner Langford seconded the motion. For: Unanimous. The motion passed 5 to 0.

**ACTION: Table
Discussion of Wind
Turbines**

The Commission requested further discussion on wind turbine regulations at a future meeting.

**Future Agenda
Items**

There being no further business, Chairperson Arment adjourned the meeting at 9:15 p.m.

ADJOURNMENT

APPROVED this the 6th day of May, 2009.

Approved:

(Seal)

Ralph Arment, Chairperson

Attest:

Kristi Gilbert, Town Secretary, TRMC, CMC