

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 May 4, 2011, 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, April 29, 2011, at 3:30 p.m., at Bartonville Town Hall giving notice of time, date, place, and agenda thereof.

Present:

Ralph Arment, Chairperson
Don Abernathy
Betty Medlock
Jim Strange
Steve Harris (alternate, voting)

Absent:

Gloria McDonald, Vice Chairperson

Also present: Kristi Gilbert, Town Secretary

This constituting a quorum, the following business took place:

Chairperson Arment called the meeting to order at 7:00 p.m.

Call to Order

The Commissioners considered the April 6, 2011, regular called meeting minutes. Commissioner Abernathy moved to approve the minutes as written. Commissioner Strange seconded the motion. For: Arment, Abernathy, Strange and Harris. Against: None. Abstained: Medlock. The motion carried 4-0-1.

ACTION: Approve Minutes

Zoe Nance, 890 Noble Champions Way, Ms. Nance voiced her health related concerns in regards to the exploration and production of gas, including her concerns with the chemicals involved with the requested Hackle 1H fracing permit. Ms. Nance asked that the Commission deny the fracing permit.

Open Forum

The Commission conducted a public hearing to hear public comment and to consider recommendations to the Town Council regarding Ordinance 518-11 granting Bartonville Town Center's request to amend the zoning regulations to allow for a conditional use permit for property located at 2650 FM 407 to allow for the installation of a center identification monument sign not to exceed twelve feet (12') in height and no greater than ninety-six (96) square feet in area in accordance with Ordinance 508-10.

**Public Hearing:
Conditional Use
Permit for Center
Identification Sign**

Chairperson Arment opened the public hearing to public comment.

Open Hearing

Tommy Bell with Barnett Signs, stated that there were currently three signs at the Bartonville Town Center and their intention was to remove the center sign and replace it with a larger sign to allow for additional visibility and comply with the newly amended ordinance that allows for signs up to twelve (12').

Applicant

Kristi Gilbert stated that the sign ordinance had been amended to allow for a single, larger center identification sign by conditional use permit to grant the other commercial area of town the same visibility as the business owners along McMakin Road. Ms. Gilbert stated that the applicant had originally brought forth an application with an 8'9" tall sign and the Development Review Committee encouraged the land owner to increase the size of the sign to the maximum twelve feet in height to increase visibility for tenants that have continuously requested variances from the sign regulations. Ms. Gilbert stated that the applicant had also amended the application to include an electronic message panel be allowed at the bottom of the sign measuring 22.5" tall by 6' wide to be installed at the bottom of the sign.

Staff

No one signed in to speak in favor of the proposed conditional use permit application.

In Favor

Norma Harrington, 319 Country Court, Ms. Harrington stated that she had been in commercial real estate for 26 years and 12 foot signs were not necessary to accommodate the center. Ms. Harrington stated that there were not 12 foot signs in Highland Village or Flower Mound near the Wal-Mart. Ms. Harrington stated that it was a high quality center with two signs and a third sign would be overkill.

Opposed

Mr. Bell stated that the purpose of the sign would be to increase visibility to draw in traffic at the entrances.

Rebuttal

Chairperson Arment closed the public hearing to public comment.

Hearing Closed

Chairperson Arment asked if it would be the same size as the identification sign at the intersection of FM 407 and McMakin and if the lighting would be a problem.

Ms. Gilbert stated that any lighting would have to meet the requirements of the ordinance.

Commissioner Medlock stated that the purpose of the large sign at the intersection of FM 407 and McMakin was to accommodate the FM 407 bypass. Commissioner Medlock stated that the Planning and Zoning Commission had spent a great deal of time on signage when drafting the zoning regulations and the regulations for the

Bartonville Town Center. She stated that she did not realize that the sign regulations had been changed without the Commission's input. Commissioner Medlock stated that she didn't believe anything has changed for the town center and the proposed sign was egregious when compared to what was initially approved for the overall plan of the town center. Commissioner Medlock stated that she was startled with the fact that it is even before the Commission.

Commissioner Abernathy stated that he had real problems with the electronic message panel and feels that we are opening ourselves up for future issues. He stated that it was not currently allowed in the ordinance.

Commissioner Strange clarified that the ordinance states that the sign can be as tall as 12 feet and 96 square feet in area and that it appeared to meet the ordinance requirement.

Commissioner Medlock asked if the current tenants were aware that they would be limited on their signage when they signed their lease?

Commissioner Abernathy stated that he did not want to approve the sign because it didn't match what was originally approved for the concept plan of the town center.

Alternate Commissioner Harris stated that he was inclined to deny the request for the 12 foot sign and the electronic message panel, but may consider going back to the 8'9" design as originally submitted.

Chairperson Arment stated that he wants to make sure the businesses can be successful and stay open.

Commissioner Medlock moved to deny the conditional use permit. Commissioner Abernathy seconded the motion. For: Abernathy, Harris and Medlock. Against: Arment and Strange. The motion to deny the permit carried 3 to 2.

**ACTION: Deny
Conditional Use
Permit**

The Commission held discussions and considered recommendations to the Town Council regarding a request by XTO Energy, Inc for a fracing permit for the Ginger Hackle 1H gas well. *Note: The application for the fracing permit was submitted prior to the institution of the moratorium.*

**Discussion:
Ginger Hackle 1H
Fracing Permit**

Bob Manthei, XTO Energy Inc., provided the Commission with information regarding the fracing process and the chemicals involved.

Commissioner Abernathy moved to recommend to Town Council the approval of the fracing permit for the Hackle 1H well. Commissioner Medlock seconded the motion. For: Arment, Abernathy, Harris, and Medlock. Against: None. Abstained: Strange. The motion carried 4-0-1.

ACTION:
Approve Hackle
1H Fracing Permit

None.

Future Agenda
Items

There being no further business, Chairperson Arment adjourned the meeting at 8:19 p.m.

ADJOURNMENT

APPROVED this the 3rd day of August, 2011.

Approved:

Ralph Arment, Chairperson

(Seal)

Attest:

Kristi Gilbert, Town Secretary, TRMC, CMC