



# CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice ★ (940) 626-4629 fax

## **AGENDA** **(Zoning) Board of Adjustment Meeting** **Wednesday, January 20, 2016 at 3:30 P.M.** **City Hall Council Chambers** **201 E. Walnut**

### **Call to Order**

- ITEM 1:** Administer Statement of Appointed Official and Oath of Office to Mark Duncum, Will Klose, Dennis McCreary and Don Ogle.
- ITEM 2:** Approval of September 21, 2015 Minutes.
- ITEM 3:** **ZBA2016-01**— The Board to hear public input and consider taking action on a request from Joe Hilliard, on behalf of Corporation for Economic Development (“Property Owner”) and Gatehouse Decatur Development, LLC, (“Applicant”) for a Special Exception from the City of Decatur’s Zoning Ordinance minimum front yard and rear yard setback requirements (Ordinance 2015-03-01, Section 5.1.11 “C-2, Thoroughfare Business District”). Specifically, the Applicant is requesting a Special Exception from the required front yard setback of 25’ and rear yard setback of 10’ to a front and rear yard setback of 5’ in a Commercial Zoning District. The subject property is legally described as a 0.515 acres of land, more or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; the complete legal description is included in the Staff Report and the legal notice.
- ITEM 4:** **ZBA2016-02** —The Board to hear public input and consider taking action on a request from Joe Hilliard, on behalf of Corporation for Economic Development (“Property Owner”) and Gatehouse Decatur Development, LLC, (“Applicant”) for a Special Exception from the City of Decatur’s Zoning Ordinance regarding parking. Specifically, applicant is requesting a Special Exception to the off-street parking provisions (Ordinance 2015-03-01, Section 7.3.2 “Off-Street Parking Provisions”). The subject property is legally described as a 0.515 acres of land, more or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; the complete legal description is included in the Staff Report and the legal notice.
- ITEM 5:** Discuss and Approve 2016 Meeting Schedule.
- ITEM 6:** New and/or future business items.

## Adjournment

Prepared and posted this 15<sup>th</sup> day of January 2016 in accordance with Chapter 551, Texas Government Code.



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Dedra D. Ragland, AICP  
Director of Planning and Development

# STATEMENT OF APPOINTED/ELECTED OFFICER

(Pursuant to Tex. Const. art.XVI, §1(b), amended 2001)

**I, Mark Duncum, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the appointment at which I was appointed or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.**

***UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.***

January 20, 2016

\_\_\_\_\_  
Mark Duncum

**ZBA Regular Member**  
**Position to Which Appointed City of Decatur**

City of Decatur  
Decatur, TX

## **The State of Texas**

### **OATH OF OFFICE**

**I, Mark Duncum, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of (Zoning) Board of Adjustment Regular for the City of Decatur, Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.**

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**Mark Duncum  
ZBA Regular Member**

**SWORN TO and subscribed before me by affiant on this 20<sup>th</sup> day of January, 2016.**

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**Marsha Schaefer, Notary Public**

(seal)

# STATEMENT OF APPOINTED/ELECTED OFFICER

(Pursuant to Tex. Const. art.XVI, §1(b), amended 2001)

**I, Will Klose, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the appointment at which I was appointed or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.**

***UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.***

January 20, 2016

\_\_\_\_\_  
Will Klose

**ZBA Regular Member**  
**Position to Which Appointed City of Decatur**

City of Decatur  
Decatur, TX

## **The State of Texas**

### **OATH OF OFFICE**

**I, Will Klose, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of (Zoning) Board of Adjustment Regular for the City of Decatur, Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.**

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**Will Klose**  
**ZBA Regular Member**

**SWORN TO and subscribed before me by affiant on this 20<sup>th</sup> day of January, 2016.**

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**Marsha Schaefer, Notary Public**

(seal)

# STATEMENT OF APPOINTED/ELECTED OFFICER

(Pursuant to Tex. Const. art.XVI, §1(b), amended 2001)

**I, Dennis McCreary, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the appointment at which I was appointed or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.**

***UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.***

January 20, 2016

\_\_\_\_\_  
Dennis McCreary

**ZBA Alternate Member**  
**Position to Which Appointed City of Decatur**

City of Decatur  
Decatur, TX

## **The State of Texas**

### **OATH OF OFFICE**

**I, Dennis McCreary, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of (Zoning) Board of Adjustment Alternate Member for the City of Decatur, Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.**

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**Dennis McCreary  
ZBA Alternate Member**

**SWORN TO and subscribed before me by affiant on this 20<sup>th</sup> day of January 2016.**

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**Marsha Schaefer, Notary Public**

(seal)

# STATEMENT OF APPOINTED/ELECTED OFFICER

(Pursuant to Tex. Const. art.XVI, §1(b), amended 2001)

**I, Don Ogle, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the appointment at which I was appointed or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.**

***UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.***

**January 20, 2016**

\_\_\_\_\_  
**Don Ogle**

**ZBA Regular Member**  
**Position to Which Appointed City of Decatur**

City of Decatur  
Decatur, TX

## **The State of Texas**

### **OATH OF OFFICE**

**I, Don Ogle, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of (Zoning) Board of Adjustment Regular Member for the City of Decatur, Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.**

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**Don Ogle**  
**ZBA Regular Member**

**SWORN TO and subscribed before me by affiant on this 20<sup>th</sup> day of January 2016.**

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**Marsha Schaefer, Notary Public**

(seal)

**MINUTES  
(ZONING) BOARD OF ADJUSTMENT MEETING  
Monday, September 21, 2015, at 4:00 P.M.  
City Hall Meeting / Council Chambers  
201 E. Walnut**

A meeting of the City of Decatur (Zoning) Board of Adjustment was held at 4:00 p.m. on September 21, 2015, at City Hall with the following in attendance:

**MEMBERS PRESENT:**

Chairman Mark Duncum  
Vice Chairman Don Ogle  
Lisa Caraway  
Wayne Stone (Alternate)

**MEMBERS ABSENT:**

Murvelle Chandler (Alternate)  
William Klose (Alternate)

Others present were: Planning Director Dedra Ragland, Legal Counsel Patricia Adams, and Development Review Coordinator Marsha Schaefer, representing the staff; and Loretta Miner and Mike Herrijgers, representing the applicant.

**Call to Order:** Chairman Duncum called the meeting to order at 4:00 p.m.

**ITEM 1:** Approval of the August 19, 2015 Minutes.

**Board Member Caraway made a motion to approve the August 19, 2015 minutes. Vice Chairman Ogle seconded the motion. The motion passed 4-0.**

**ITEM 2:** **ZBA2015-09**—The Board to hear public input and consider taking action on a request from property owner Loretta Miner (“Applicant”) for a Special Exception from the City of Decatur’s Zoning Ordinance minimum side yard setback requirements for a two family structure in a C-1 Zoning District. (Appendix “B”, entitled “Zoning” of Part 1 of the Code of Ordinances of the City of Decatur Texas, Pt. VII., Article 7. Development Standards, Section 7.6 Regulations.) Specifically, Applicant is proposing a minimum side yard setback of 0’. The subject property is legally described as a part of Block 158, Tarleton Addition (to be replatted as Lot 1, Block 158R, Tarleton Addition) and more commonly referred to as 502 W. Walnut St., Decatur, Texas.

Planning Director Ragland presented the staff report. Applicant is proposing a minimum side yard setback of 0’ in a C-1 Zoning District. A duplex, built in the mid to late 1990’s, sits on the property line. The side yard setback for the duplex does not meet the City’s minimum requirements and requires a Special Exception. The rear or northern portions of the duplex lot (Block 158) and the vacant lot (Block 159) were unlawfully subdivided and are landlocked. (Property owner of those tracts currently accesses that portion of their property by way of Mill Street and the lots fronting Mill Street.) Ms. Miner will have to dedicate an access easement to these landlocked portions. In an effort to rectify the landlocked portions of both Block 158 and Block 159, and meet the bulk of the City’s lot dimension requirements, the Special Exception as requested **and** the replat as

proposed provide the best possible solution with no adverse effects to the surrounding properties. Twenty-five (25) property owners were notified and staff received three (3) notices in favor of the request. Staff recommended approval based on the four required variance conditions having been met.

**Board Member Caraway made a motion to approve ZBA2015-09, Special Exception to allow a minimum side yard setback of 0' in a C-1 Zoning District. Vice Chairman Ogle seconded the motion. The motion passed 4-0.**

**ITEM 3: ZBA2015-10**—The Board to hear public input and consider taking action on a request from property owner Loretta Miner (“Applicant”) for a Special Exception from the City of Decatur’s Zoning Ordinance minimum lot width requirements. Specifically, Applicant is proposing a minimum width of 40.98’ for a two family structure in a C-1 Zoning District. (Appendix “B”, entitled “Zoning” of Part 1 of the Code of Ordinances of the City of Decatur Texas, Pt. VII., Article 5. “Zoning Districts”, Section 5.1.9 “C-1 Restricted Business” Regulations.) The subject property is legally described as part of Block 158, Tarleton Addition (to be replatted as Lot 1, Block 158R, Tarleton Addition) and more commonly referred to as 502 W. Walnut St., Decatur, Texas.

Planning Director Ragland presented the staff report. The applicant is requesting a Special Exception to allow for a minimum width of 40.98’ for a two family structure in a C-1 Zoning District. Ms. Miner would like to replat the two lots so that she can have a larger tract for the vacant lot, which she plans to develop or sell for commercial use. The residential structure that was previously located on the vacant lot burned down about two years ago. Twenty-five (25) property owners were notified and staff received two (2) notices in favor of the request. Staff recommended approval based on the four required variance conditions having been met.

**Vice Chairman Ogle made a motion to approve ZBA2015-10, Special Exception to allow for a minimum width of 40.98’ for a two family structure in a C-1 Zoning District. Board Member Stone seconded the motion. The motion passed 4-0.**

**ITEM 4: New and/or future business items**

Planning Director Ragland stated that due to continued inner-city development there will be more meetings required and they will take place on the 3<sup>rd</sup> Monday of each month at 4:00 p.m. Board members were asked to leave the 3<sup>rd</sup> Monday of each month open.

**The meeting was adjourned at 4:24 p.m.**

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Mark Duncum, Chairman





## STAFF REPORT

*January 20, 2016 – Board of Adjustment Meeting*

**TO:** Zoning Board of Adjustment  
**FROM:** Dedra D. Ragland, AICP, Planning Director  
**DATE:** January 12, 2016

**CASE:** ZBA2016-01  
**APPLICANT:** Joe Hilliard on behalf of Corporation for Economic Development and Gatehouse Decatur Development, LLC  
**REQUEST:** Special Exception - Front and Rear Yard Setbacks

**Subject:**

Board to hear public input and consider taking action on a request from Joe Hilliard, on behalf of The Corporation for Economic Development (“Property Owner”) and Gatehouse Decatur Development, LLC, (“Applicant/Developer”) for a Special Exception from the City of Decatur’s Zoning Ordinance minimum front yard and rear yard setback requirements (Ordinance 2015-03-01, Section 5.1.11 “C-2, Thoroughfare Business District”). Specifically, the Applicant is requesting a Special Exception from the required front yard setback of 25’ and rear yard setback of 10’ to a front and rear yard setback of 5’ in a Commercial Zoning District. The subject property is legally described as a 0.515 acres of land, more or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; said tract being more particularly and fully described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod found, being the most Southerly Southwest corner of said City of Decatur tract, the Southeast corner of a tract of land described in a Deed to C. L. Gage, Jr., Guardian of the Person & Estate of Louis Wayne Gage, an Incapacitated Person/Adult, recorded in Vol. 1040, p. 443, Real Records of Wise County, Texas, and in the Northwest right-of-way line of U. S. Highway No. 380 (a 250-foot right-of-way);

THENCE along the Northwest right-of-way line of U.S. Highway No. 380 as follows:

- (1) North 77° 43' 43" East a distance of 98.67 feet to a Texas Department of Transportation monument found;
- (2) North 61° 51' 07" East a distance of 491.52 feet to a Texas Department of Transportation monument found;
- (3) North 64° 34' 30" East a distance of 48.25 feet to a Texas Department of Transportation monument found;
- (4) North 68° 05' 19" East a distance of 541.45 feet to a Texas Department of Transportation monument found;

THENCE North 15° 30' 49" West, leaving the Northwest right-of-way line of said U.S. Highway No. 380, a distance of 119.72 feet to the Place of Beginning;

THENCE West a distance of 26.23 feet to a point;

THENCE North a distance of 62.41 feet to a point;

THENCE West a distance of 25.24 feet to a point;

THENCE South a distance of 2.85 feet to a point;

THENCE West a distance of 38.15 feet to a point;

THENCE North a distance of 9.88 feet to a point;

THENCE West a distance of 0.85 feet to a point;

THENCE North a distance of 79.08 feet to a point;

THENCE West a distance of 10.01 feet to a point;

THENCE North a distance of 23.02 feet to a point;

THENCE West a distance of 2.71 feet to a point;

THENCE North a distance of 21.72 feet to a point;

THENCE East a distance of 4.28 feet to a point;

THENCE North a distance of 18.67 feet to a point;  
THENCE North 89° 06' 53" East a distance of 9.44 feet to a point;  
THENCE North a distance of 85.71 feet to a point;  
THENCE East a distance of 28.49 feet to a point;  
THENCE North a distance of 3.31 feet to a point;  
THENCE East a distance of 32.90 feet to a point;  
THENCE South a distance of 9.89 feet to a point;  
THENCE East a distance of 0.57 feet to a point;  
THENCE South a distance of 52.90 feet to a point;  
THENCE East a distance of 3.96 feet to a point;  
THENCE South a distance of 12.35 feet to a point;  
THENCE East a distance of 7.82 feet to a point;  
THENCE South a distance of 20.33 feet to a point;  
THENCE East a distance of 8.14 feet to a point;  
THENCE South a distance of 47.79 feet to a point;  
THENCE East a distance of 18.50 feet to a point;  
THENCE South 00° 16' 07" West a distance of 106.64 feet to a point;  
THENCE South 04° 29' 30" West a distance of 21.98 feet to a point;  
THENCE West a distance of 8.68 feet to a point;  
THENCE South a distance of 29.28 feet to the Place of Beginning, and containing 0.515 acres (22,454 square feet) of land, more or less, Wise County, Texas.

#### **Case Notes:**

On Monday, March 23, 2015, the Decatur City Council approved, upon recommendation of the Economic Development Corporation (DEDC), moving into the next phase of the initial period study to include a Fairfield Inn and Suites by Marriott as part of expansion plans for the Decatur Civic Center. The Hotel proposed is a four-story, 107-room facility to be built just east of the Civic Center facility, and where the east parking lot is currently located. The Hotel is planned to be connected to the Civic Center by a covered porte-cochere. The addition of the Hotel is anticipated to open up new opportunities at the Civic Center that are not available now, namely the ability of the staff to book multi-day events. The DEDC has been working on the project with Gatehouse Capital on the initial study since the summer of 2014.

In July 2015, the city and the EDC offered hotel developer Gatehouse Capital just shy of \$2 million in incentives to build a Marriott Fairfield Inn next to the Decatur Civic Center.

In November 2015, the city agreed to put the land where the proposed Fairfield Inn and Suites would be located up for bid with the hope that the DEDC would submit the winning bid. The city opened its one bid Monday, December 14, 2015, which was from the EDC for \$15,465. The bid did meet the appraised value requirement. In addition to awarding the bid to the EDC, the council also approved a mutual easement agreement between the city and the EDC for the property.

The property that the EDC purchased and the tract that the Civic Center is located will require platting. The Developer has submitted a preliminary and final plat. The Hotel tract is intended to be platted as Lot 2, Block 1, Decatur Civic Center Addition. The proposed lot 2 is the actual footprint of the building with a 5' perimeter that also conforms to the building footprint. The reason for this is the City wanted to retain control of most of the Civic Center acreage. However, the real problem dawned on everyone in November; namely, that the EDC had to be the party transferring title to Gateway, and NOT the City. The EDC did not have title to any of the land and there was no way for the City to adequately transfer title to the EDC for this purpose EXCEPT to go through the 'public bidding' process, and which anyone could make a competing bid.

THEREFORE, the City, EDC and Gateway had to find a way to make as certain as possible that the EDC won the bid. And the City Attorney thought the best way to accomplish this was to make the 'bid parcel' as small and 'unappetizing' as possible, in order to diminish the likelihood of other bids.

**Legality:**

According to the Texas Local Government Code, the Board of Adjustment can legally authorize variations to the Zoning Ordinance subject to the conditions listed below (§211.008 010). Each case before the board must be heard by 75 percent of its members (§211.008.d), and the board can only authorize a variation from the terms of the Zoning Ordinance with a concurring vote of 75 percent (§211.009.c).

**Conditions for Approval:**

The applicant must meet all of the following four conditions to be legally granted a variance.

Financial or self-induced hardship cannot be considered:

1. The requested variance **does not** violate the intent and spirit of the ordinance.
2. Special conditions of restricted area, shape, topography or physical features exist that are peculiar to the subject parcel and are not applicable to other parcels of land in the same zoning district.
3. The hardship is not the result of the applicant's actions, and
4. The interpretation of the provisions in this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.

**Deciding Factors:**

The Board of Adjustment reviews the application and the response to the four conditions, and then hears the case to determine if the applicant qualifies. If the Board feels the applicant has met the stated conditions, then the Board may approve the variation as long as it meets these criteria (§211.009.a.3):

- 1) The variation is not contrary to the public interest.
- 2) The variation is due to special conditions.
- 3) A literal enforcement of the ordinance would result in unnecessary hardship.
- 4) The spirit of the ordinance is observed and substantial justice is done.

**Recommendation:**

***Staff has the following findings:***

1. The requested variance **does not** violate the intent and spirit of the ordinance. The lot is proposed for platted as the footprint of the Hotel with a 5' perimeter. This was the only way to make certain as possible that the DEDC won the bid. The 'bid parcel' was made as small and 'unappetizing' as possible, in order to diminish the likelihood of other bids. If a competing bid had occurred, then - even though the City could simply reject all bids - the entire process would be thrown off and there would be no way to meet ANY of the deadlines needed by Gateway. The lot does sit in such a fashion that there is plenty of land between the lot and US Hwy 380 road frontage to the front of the tract and to the existing creek to the rear of the tract.
2. There **are** special considerations of physical features that are peculiar to the subject parcel that are not applicable to other parcels of land in the same zoning district. The lot as proposed was deeded as the footprint of the Hotel with a 5' perimeter. The bid parcel was intended to only attract the DEDC. The original site was to be

platted like a traditional lot, but it was only realized in November 2015, with the inclusion of the City Attorney in the discussions, that the City could not sell the property outright to Gatehouse, but would have to bid the land.

3. The hardship is not a result of the applicant's action. There are a lot of issues that people involved should have been thinking about a year or more ago; but nobody did, and the City Attorney didn't even become involved until early November 2015.
4. The interpretation of the provisions in this ordinance does deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions. The ZBA is being asked to bear in mind that this whole process has been ongoing for a long time now, and all that has been done has been to try to help the DEDC accomplish their objective of obtaining a hotel on the Civic Center acreage, which would support booked activities at the Civic Center. Although business at the Civic Center has improved, it has never been truly 'profitable', largely due to the refusal of other local hotels/motels to agree to 'block booking' by Civic Center customers. Such 'block booking', on the other hand, is Gateway's whole business plan for this facility. If the ZBA should fail to grant the necessary variances, this entire project may very well implode.

Two (2) property owners were notified. The City of Decatur is in favor of this request. To date, staff has not received notice from The State of Texas, the other property owner in favor, neutral or opposed to the request.

**Options:**

Recommend approval:

From the evidence, testimony and plans presented, I move that the Board grant the variance request ZBA2016-01 for Special Exception from the City of Decatur's Zoning Ordinance minimum front yard and rear yard setback requirements (Ordinance 2015-03-01, Section 5.1.11 "C-2, Thoroughfare Business District"). Specifically, the Applicant is requesting a Special Exception from the required front yard setback of 25' and rear yard setback of 10' to a front and rear yard setback of 5' in a Commercial Zoning District for 0.515 acres of land, more or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; said tract being more particularly and fully described by metes and bounds as described in the body of the staff report, Decatur, Texas.

Recommend approval with conditions:

From the evidence, testimony and plans presented, I move that the Board grant the variance request ZBA2016-01 for a Special Exception from the City of Decatur's Zoning Ordinance minimum front yard and rear yard setback requirements (Ordinance 2015-03-01, Section 5.1.11 "C-2, Thoroughfare Business District"). Specifically, the Applicant is requesting a Special Exception from the required front yard setback of 25' and rear yard setback of 10' to a front and rear yard setback of 5' in a Commercial Zoning District for 0.515 acres of land, more or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; said tract being more particularly and fully described by metes and bounds as described in the body of the staff report, Decatur, Texas, with the following conditions:....

Recommend denial:

From the evidence, testimony, and plans presented, I move that the Board deny the variance request ZBA2016-01 for a Special Exception from the City of Decatur's Zoning Ordinance minimum front yard and rear yard setback requirements (Ordinance 2015-03-01, Section 5.1.11 "C-2, Thoroughfare Business District"). Specifically, the Applicant is requesting a Special Exception from the required front yard setback of 25' and rear yard setback of 10' to a front and rear yard setback of 5' in a Commercial Zoning District for 0.515 acres of land, more or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; said tract being more particularly and fully described by metes and bounds as described in the body of the staff report, Decatur, Texas, based on the following findings:....

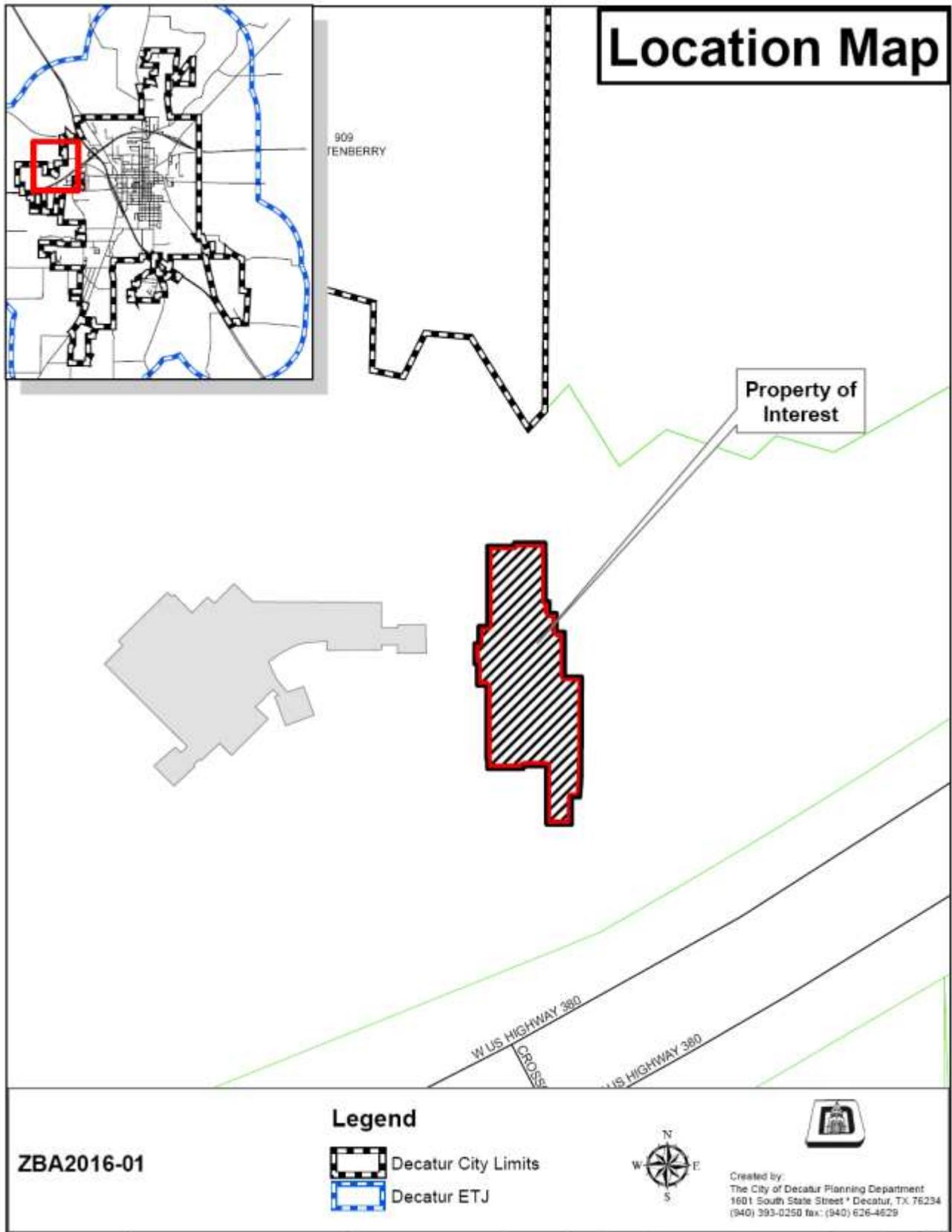
Recommend postponing consideration:

From the evidence, testimony, and plans presented, I move that the Board postpone consideration of the variance to a certain date, and requesting additional information for the variance request ZBA2016-01 for a Special Exception from the City of Decatur's Zoning Ordinance minimum front yard and rear yard setback requirements (Ordinance 2015-03-01, Section 5.1.11 "C-2, Thoroughfare Business District"). Specifically, the Applicant is requesting a Special Exception from the required front yard setback of 25' and rear yard setback of 10' to a front and rear yard setback of 5' in a Commercial Zoning District for 0.515 acres of land, more or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; said tract being more particularly and fully described by metes and bounds as described in the body of the staff report, Decatur, Texas, with additional data being:...

**Attachments**

1. Location Map
2. Application
3. Letter of Intent
4. Proposed Plat Exhibit
5. 200' Property Owner Response Map and Property Owner Responses

Attachment 1  
**Location Map**



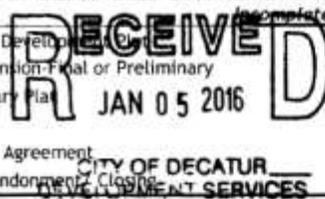
# Attachment 2 Application

## CITY OF DECATUR DEVELOPMENT SERVICES UNIVERSAL APPLICATION

Check box to indicate application type

Incomplete applications will be rejected

<input type="checkbox"/> Annexation Petition <input type="checkbox"/> Amending Plat <input type="checkbox"/> Comprehensive Plan Amendment <input checked="" type="checkbox"/> Conveyance Instrument <input type="checkbox"/> Design Standards Variance <input type="checkbox"/> Final Plat	<input type="checkbox"/> Gas Well Development <input type="checkbox"/> Plat Extension Final or Preliminary <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Replat <input type="checkbox"/> ROW Use Agreement <input type="checkbox"/> ROW Abandonment Closing	<input type="checkbox"/> Special Use Permit <input type="checkbox"/> Subdivision Variance <input type="checkbox"/> Zoning Change <input checked="" type="checkbox"/> Zoning Variance (ZBA) <input type="checkbox"/> Vacation Plat <input type="checkbox"/> Other
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**Application Requirements:** Signed application form, application fees, Copy and filing fees, Proof of Ownership (Recorded Deed or current tax statements), required # of plats / plans, signed checklist and a PDF of all documentation.

**PROJECT INFORMATION:**  Residential  Commercial Is this property platted?  Yes  No  
If this property is not platted, submit a survey with complete metes and bounds description sealed by a licensed surveyor.

Project Name: Fairfield Inn & Suites Total Acres 30.115

Project Address (Location): 2010 W. US 380 Decatur, TX 76234 Parcel(s) Tax ID R #: \_\_\_\_\_

Parent Project Name/Number N/A Parcel(s) Tax ID GEO #: \_\_\_\_\_

Brief Description of Project: 4-story, 107 key, 58,318 S.F. Wood Framed Structure ETJ  Yes

Please waive the identity of any individual(s), or other entities that presently hold a lien upon the real estate which is the subject of this request. Lien holder/assignee must also sign plot for filing of record.

Existing Use: Conference Center Existing Zoning: C-2 # of Existing Lots: 0 # of Existing Units: \_\_\_\_\_

Proposed Use: Hotel Proposed Zoning: C-2 # of Proposed Lots 2 Proposed Units: 107

**APPLICANT INFORMATION:** Please circle your preferred method of contact.

Applicant / Company EDC (Gatehouse Decatur Development LLC) Email \_\_\_\_\_

Address 203 W. Walnut, #102 Phone 940-393-0350 Fax \_\_\_\_\_

City Decatur State TX Zip 76234

Property Owner EDC (Gatehouse Decatur Development LLC) Email \_\_\_\_\_

Address 203 W. Walnut, #102 Phone 940-393-0350 Fax \_\_\_\_\_

City Decatur State TX Zip 76234

Key Contact/Company Joe Hilliard, BOKA Powell Email jhilliard@bokapowell.com

Address 8070 Park Lane, #300 Phone 972-701-9000 Fax \_\_\_\_\_

City Dallas State TX Zip 75231

**(MUST BE SIGNED FOR ALL APPLICATIONS)** - Letter of authorization required if signature is other than property owner, and a letter of authorization is required from lienholder/assignee, if applicable.  
 I hereby certify that I am the owner of the property identified in this application; or, that I am the authorized agent of the owner of said property; and that I am authorized to act in their behalf, and that this application, to the best of my knowledge and belief, is true and correct.

[Signature] SIGNATURE OF LIEN HOLDER

**PLAT WAIVER (MUST BE SIGNED FOR ALL PRELIMINARY, FINAL & REPLATS)**

I waive the statutory time limits in accordance with Section 212 of the Texas Local Government Code.

\_\_\_\_\_  
 SIGNATURE OF PROPERTY OWNER SIGNATURE OF LIEN HOLDER  
Known to me to be the person(s) whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity therein stated. Given under my hand and seal of office on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Notary Public

For Departmental Use  
 Only 20150105-01  
 Case#: 201501  
 Project Mgr: PDR  
 Total Fee(s): \_\_\_\_\_  
 Payment Method: \_\_\_\_\_  
 Submittal Date: 1/5/16  
 Accepted By: [Signature]

Attachment 3  
Letter of Intent



**CITY OF DECATUR, TEXAS**

Development Services ★ 1601 S. State St ★ P.O. Box 1299 ★ Decatur, TX 76234 ★ [www.cityofdecatur.org](http://www.cityofdecatur.org)

RECEIVED  
JAN 05 2016

**Board of Adjustment Application Checklist**

CITY OF DECATUR  
DEVELOPMENT SERVICES

General Requirements:

- A universal application form and the appropriate fees.
- A letter of explanation/justification.
- Submit a total of five (5) copies of site plan (if applicable) for the property. These copies should be individually folded with drawing side out.
- A location map clearly indicating the site in relation to adjacent streets, distance to nearest intersection and other landmarks.
- Submit one (1) copy of proof of ownership (recorded property deed or current year tax statements).
- Submit documentation on any and all liens and lien holders of property.
- One (1) CD-ROM containing the general required documents in Adobe PDF format.
- I have reviewed the checklist and all submittals for completeness and accuracy. If application submittal is determined to be incomplete, additional fees may be assessed.

  
Signature

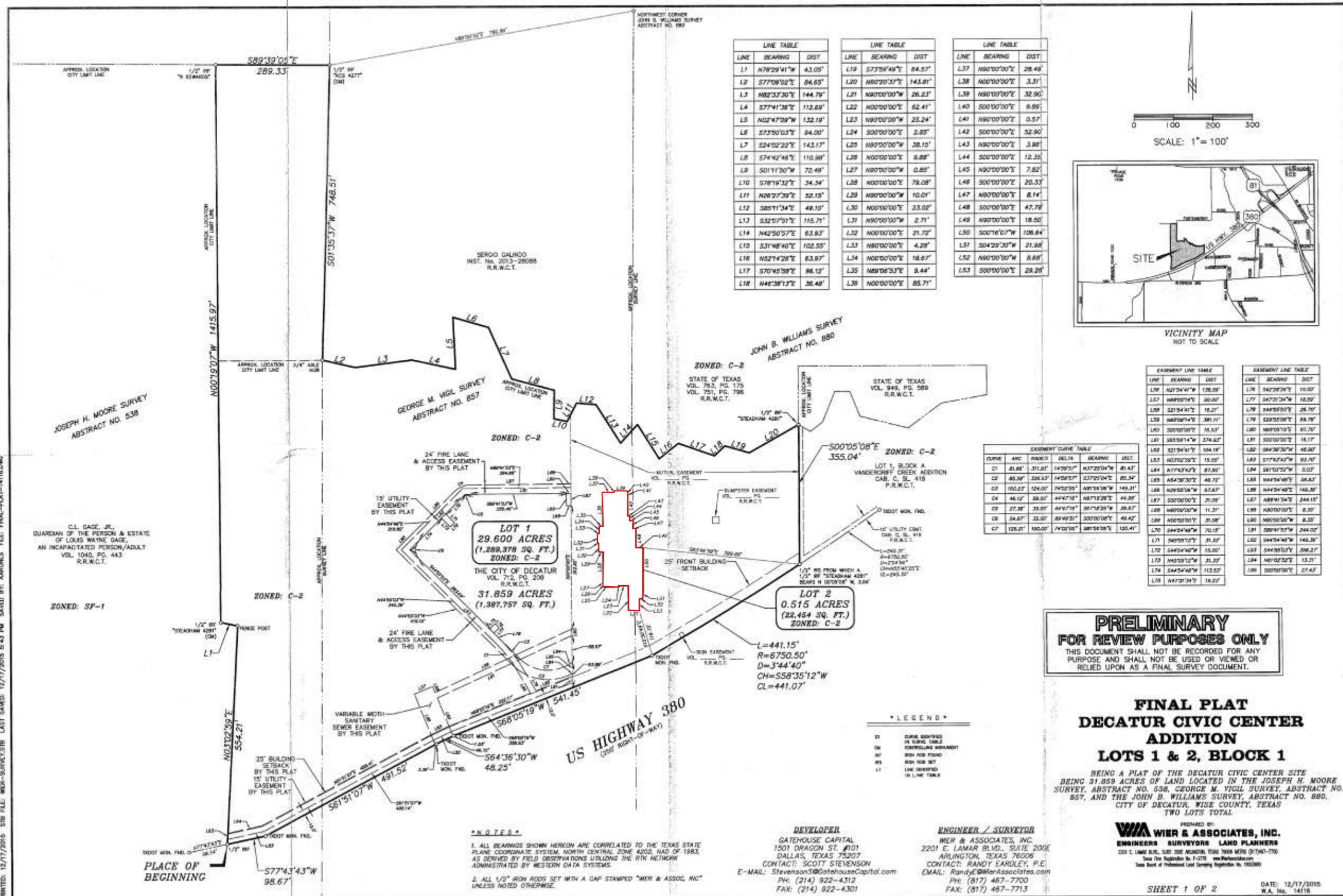
1/5/2016  
Date

Content of the Letter of explanation/justification for a Zoning Variance:

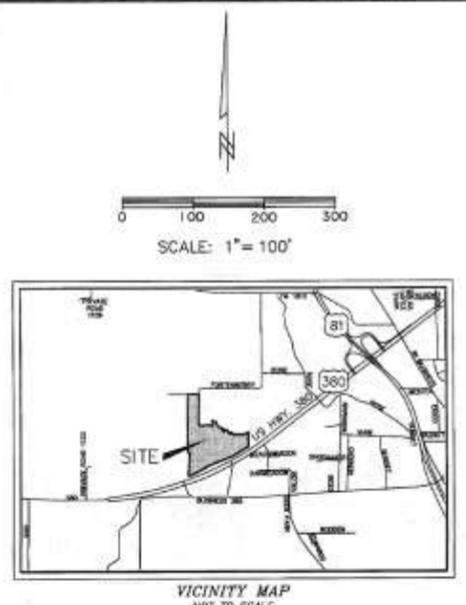
I understand that I am applying for a variance from the Zoning Ordinance of the City of Decatur and that this variance can only be granted if I prove hardship by meeting four of the conditions below. I also understand that financial or self-induced hardship cannot be considered for granting a variance. Below I explain exactly how I meet these four conditions.

1. The requested variance does not violate the intent and spirit of the ordinance:  
Project benefits the community and does not adversely impact the health and safety of public (spirit & intent of the zoning ordinance).  
\_\_\_\_\_  
\_\_\_\_\_
2. Special conditions of restricted area, shape, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to the other parcels of land in the same zoning district:  
Situation occurred because of language in ordinance that allowed EDC to finance/subsidize Civic Center.  
\_\_\_\_\_  
\_\_\_\_\_
3. The hardship is in no way the result of the applicant's action:  
Language in ordinance that allowed EDC to finance/subsidize Civic Center allowed situation to occur.  
\_\_\_\_\_  
\_\_\_\_\_
4. The interpretation of the provisions in this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions:  
If provisions of ordinance were followed, the applicant would be deprived of the development of the hotel and EDC participation in this project.  
\_\_\_\_\_  
\_\_\_\_\_

# Attachment 4 Proposed Plat Exhibit



LINE TABLE			LINE TABLE			LINE TABLE		
LINE	BEARING	DIST	LINE	BEARING	DIST	LINE	BEARING	DIST
L1	N78°29'41"W	43.05'	L19	S73°58'49"E	84.57'	L37	N80°00'00"E	28.48'
L2	S77°09'02"E	84.65'	L20	N80°00'00"E	143.81'	L38	N00°00'00"E	3.31'
L3	N82°33'30"E	144.79'	L21	N80°00'00"W	26.23'	L39	N80°00'00"E	32.90'
L4	S77°41'38"E	112.69'	L22	N00°00'00"E	62.41'	L40	S00°00'00"E	9.89'
L5	N02°47'08"W	132.19'	L23	N80°00'00"W	25.24'	L41	N80°00'00"E	0.57'
L6	S73°50'03"E	84.00'	L24	S00°00'00"E	2.85'	L42	S00°00'00"E	52.90'
L7	S24°02'22"E	143.17'	L25	N80°00'00"W	38.15'	L43	N80°00'00"E	3.88'
L8	S74°42'46"E	110.98'	L26	N00°00'00"E	8.88'	L44	S00°00'00"E	12.35'
L9	S01°11'30"W	72.49'	L27	N80°00'00"W	0.85'	L45	N80°00'00"E	7.82'
L10	S78°19'32"E	34.54'	L28	N00°00'00"E	79.08'	L46	S00°00'00"E	20.33'
L11	N26°27'39"E	52.15'	L29	N80°00'00"W	10.01'	L47	N80°00'00"E	8.14'
L12	S85°11'34"E	48.10'	L30	N00°00'00"E	23.02'	L48	S00°00'00"E	47.79'
L13	S32°07'31"E	115.71'	L31	N80°00'00"W	2.71'	L49	N80°00'00"E	18.50'
L14	N42°50'57"E	83.93'	L32	N00°00'00"E	21.72'	L50	S00°16'07"W	108.64'
L15	S31°48'40"E	102.55'	L33	N80°00'00"E	4.28'	L51	S04°29'30"W	21.98'
L16	N52°42'28"E	63.97'	L34	N00°00'00"E	18.67'	L52	N80°00'00"W	8.88'
L17	S70°45'58"E	96.12'	L35	N80°00'00"E	3.44'	L53	S00°00'00"E	29.28'
L18	N46°38'13"E	36.48'	L36	N00°00'00"E	85.71'			



EASEMENT CURVE TABLE					EASEMENT LINE TABLE						
CURVE	ARC	BEARINGS	CHORD	DIST.	LINE	BEARING	DIST.	LINE	BEARING	DIST.	
C1	81.86'	311.81'	147°07'00"	81.43'	L54	N42°50'57"E	128.59'	L76	S42°28'29"E	15.00'	
C2	80.38'	326.83'	145°05'00"	80.34'	L55	N80°00'00"E	30.00'	L77	S47°21'34"W	18.50'	
C3	100.25'	124.00'	242°00'00"	100.25'	L56	S21°54'41"E	15.21'	L78	S48°58'00"E	26.70'	
C4	48.12'	39.60'	44°47'18"	44.85'	L57	N80°00'00"E	18.11'	L79	S28°55'00"E	99.79'	
C5	27.38'	33.00'	44°47'18"	28.87'	L58	S00°00'00"E	15.93'	L80	N80°00'00"E	91.70'	
C6	54.87'	35.00'	89°49'31"	50.00'00"E	69.42'	L59	S05°09'14"W	374.82'	L81	S00°00'00"E	15.77'
C7	128.21'	180.00'	74°00'00"	128.41'	L60	S21°54'41"E	104.18'	L82	S04°38'30"W	45.80'	
					L61	N03°02'59"E	15.25'	L83	S77°07'43"W	82.70'	
					L62	N77°07'43"W	87.90'	L84	S81°00'50"W	3.00'	
					L63	N54°36'30"E	48.72'	L85	N44°54'48"E	56.83'	
					L64	N29°55'08"W	63.87'	L86	N44°54'48"E	749.38'	
					L65	S00°00'00"E	21.09'	L87	N88°11'34"E	244.15'	
					L66	N80°00'00"W	11.31'	L88	N00°00'00"E	8.30'	
					L67	N00°00'00"E	21.09'	L89	N00°00'00"E	8.30'	
					L68	S44°54'48"W	21.15'	L90	N00°00'00"E	8.30'	
					L69	S00°00'00"E	21.09'	L91	S00°17'33"W	246.02'	
					L70	S44°54'48"W	21.15'	L92	S44°54'48"W	143.25'	
					L71	S44°54'48"W	15.50'	L93	S44°54'48"E	306.27'	
					L72	N48°19'12"W	31.30'	L94	N81°02'32"E	13.31'	
					L73	N48°19'12"W	31.30'	L95	S00°00'00"E	27.48'	
					L74	S44°54'48"W	113.53'				
					L75	N48°19'12"E	18.27'				

**PRELIMINARY**  
FOR REVIEW PURPOSES ONLY  
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

## FINAL PLAT DECATUR CIVIC CENTER ADDITION LOTS 1 & 2, BLOCK 1

BEING A PLAT OF THE DECATUR CIVIC CENTER SITE BEING 31.859 ACRES OF LAND LOCATED IN THE JOSEPH H. MOORE SURVEY, ABSTRACT NO. 638, GEORGE M. YIGL SURVEY, ABSTRACT NO. 857, AND THE JOHN B. WILLIAMS SURVEY, ABSTRACT NO. 880, CITY OF DECATUR, WISE COUNTY, TEXAS  
TWO LOTS TOTAL

PREPARED BY:  
**WIA WIER & ASSOCIATES, INC.**  
ENGINEERS SURVEYORS LAND PLANNERS  
201 E. LAMAR BLVD., SUITE 200, DECATUR, TEXAS 76206 (817) 467-7700  
Fax: (817) 467-7711 www.WierAssociates.com  
Texas Board of Professional Land Surveying Registration No. 1932880

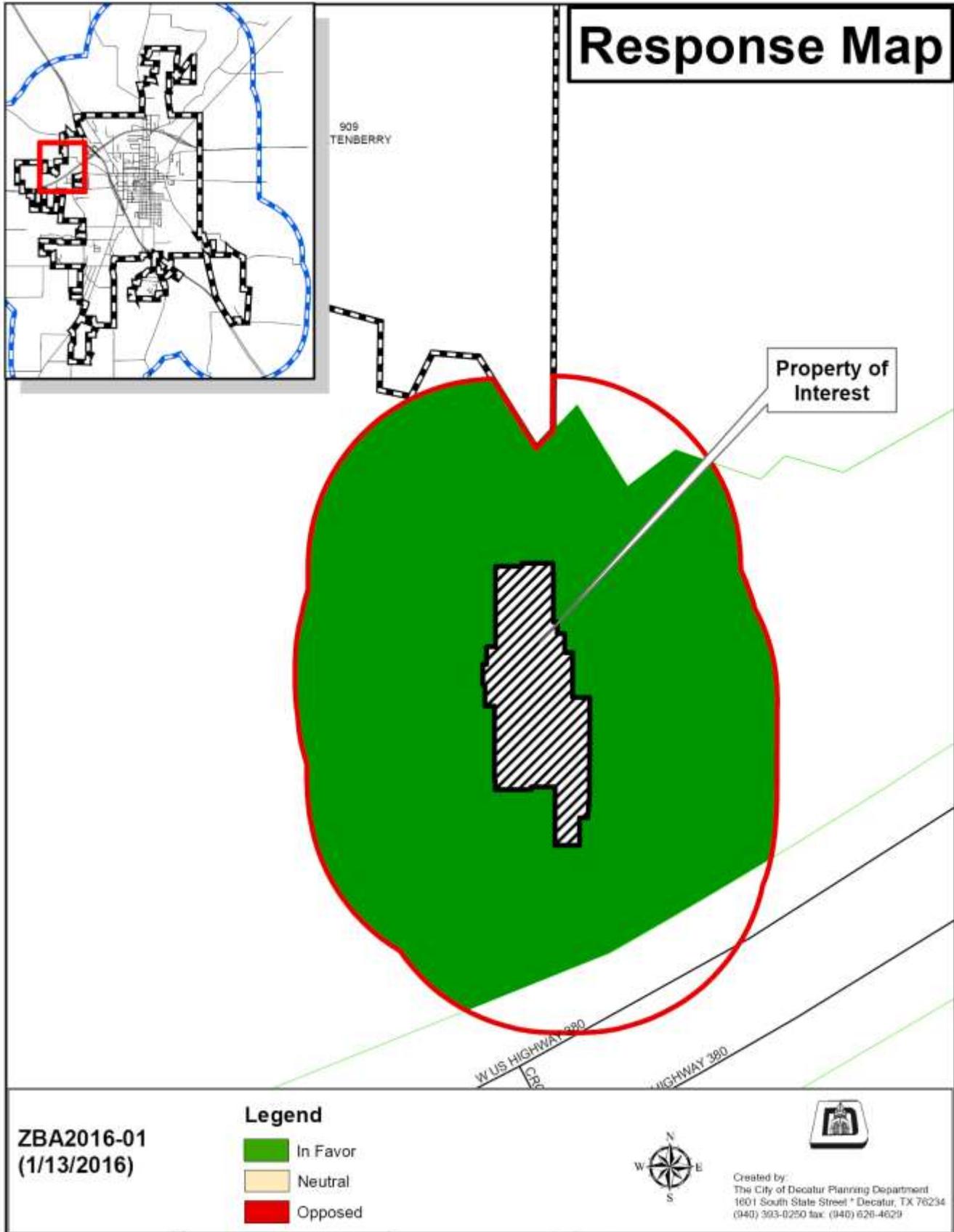
**\*NOTES\***  
1. ALL BEARINGS SHOWN HEREON ARE CORRELATED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD OF 1983, AS DERIVED BY FIELD OBSERVATIONS UTILIZING THE RTK NETWORK ADMINISTERED BY WESTERN DATA SYSTEMS.  
2. ALL 1/2" ROW ROOFS SET WITH A CAP STAMPED "WIER & ASSOC, INC" UNLESS NOTED OTHERWISE.

**DEVELOPER**  
GATEHOUSE CAPITAL  
1501 DRAGON ST., #101  
DALLAS, TEXAS 75207  
CONTACT: SCOTT STEVENSON  
E-MAIL: StevensonS@GatehouseCapital.com  
Ph: (214) 922-4312  
FAX: (214) 922-4301

**ENGINEER / SURVEYOR**  
WIER & ASSOCIATES, INC.  
2201 E. LAMAR BLVD., SUITE 200E  
ARLINGTON, TEXAS 76006  
CONTACT: RANDY EARDLEY, P.E.  
E-MAIL: RandyE@WierAssociates.com  
Ph: (817) 467-7700  
FAX: (817) 467-7713

PRINTED: 12/17/2015 5:43 PM FILE: WIER-SURVEY.DWG LAST SAVED: 12/17/2015 5:43 PM SAVED BY: AIRDONS FILE: FINAL-PLAT-14116.DWG

Attachment 5  
**200' Property Owner Response Map**



# Property Owner Responses



## CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice ★ (940) 626-4629 fax

### NOTICE OF PUBLIC HEARING

ZBA2016-01

The Zoning Board of Adjustment of the City of Decatur will hold a public hearing on **Wednesday, January 20, 2016, at 3:30 p.m.** at the City Hall Council Chambers located at 201 E. Walnut, Decatur Texas, to consider and take action on a request from Joe Hilliard, on behalf of Corporation for Economic Development (“Property Owner”) and Gatehouse Decatur Development, LLC, (“Applicant”) for a Special Exception from the City of Decatur’s Zoning Ordinance minimum front yard and rear yard setback requirements (Ordinance 2015-03-01, Section 5.1.11 “C-2, Thoroughfare Business District”). Specifically, the Applicant is requesting a Special Exception from the required front yard setback of 25’ and rear yard setback of 10’ to a front and rear yard setback of 5’ in a Commercial Zoning District. The subject property is legally described as being a 0.515-acre tract of land located in the Joseph H. Moore Survey, Abstract No. 538, George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, Wise County, Texas, and being a portion of a tract of land described in deed to the City of Decatur, Recorded in Volume 712, Page 208, Real Records, Wise County, Texas (R.R.W.C.T.); the complete legal description is on file at the Development Services Office located at 1601 S. State St., Bldg. C, Decatur, Texas.

By law, the Zoning Board of Adjustment must first hold a public hearing to gather input from interested parties and decide whether or not to allow the variance based on proven hardship as defined in the State Enabling Act.

By law, you have the right to present your views before the Zoning Board of Adjustment during their public hearing. At the hearing, you may speak, have someone speak on your behalf or be represented by legal counsel. You may also present your views in writing or present a petition listing the signatures of people who represent your views. Either way, your input must come before or during the public hearing to be considered.

This letter is sent to all City taxpayers shown on the approved City of Decatur 2016 tax roll who own real property within two hundred (200) feet of property requesting a zoning action. This is your legal notification that these public hearings are being held and your official invitation to attend the public hearing. Please, in order for your opinion to be taken into account, return this form with your comments prior to the date of the public hearing. *(This in no way prohibits you from attending and participating in the public hearing.)* You may fax form to the number located at the top of this page, mail form to the address below, or drop form off in-person:

Planning Department  
1601 S. State Street  
Decatur, Texas 76234

Attn: Dedra D. Ragland, AICP, Planning Director

These forms are used to calculate the percentage of landowners that support and oppose the request. The Board is informed of the percent of responses in support and in opposition.

Please circle one:

In favor of request

Neutral to request

Opposed to request

Reasons for Opposition:

---

---

---

Signature: \_\_\_\_\_

Printed Name: City of Decatur c/o Brett Shannon, City Manager

Mailing Address: P.O. Box 1299

City, State Zip: Decatur TX 76234

Telephone Number: 940 393-0200

Physical Address of Property within 200 feet: Tax ID: R000018917 Address: 2010 W US HIGHWAY 380



# CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice ★ (940) 626-4629 fax

## STAFF REPORT

*January 20, 2016 – Board of Adjustment Meeting*

<b>TO:</b> Zoning Board of Adjustment	<b>CASE:</b> ZBA2016-02
<b>FROM:</b> Dedra D. Ragland, AICP, Planning Director	<b>APPLICANT:</b> Joe Hilliard on behalf of Corporation of Economic Development and Gatehouse Decatur Development, LLC
<b>DATE:</b> January 12, 2016	<b>REQUEST:</b> Special Exception - Off-Street Parking Provisions

**Subject:**

Joe Hilliard, on behalf of Corporation for Economic Development (“Property Owner”) and Gatehouse Decatur Development, LLC, (“Applicant”) for a Special Exception from the City of Decatur’s Zoning Ordinance regarding parking. Specifically, applicant is requesting a Special Exception to the off-street parking provisions (Ordinance 2015-03-01, Section 7.3.2 “Off-Street Parking Provisions”). The subject property is legally described as a 0.515 acres of land, more or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; said tract being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod found, being the most Southerly Southwest corner of said City of Decatur tract, the Southeast corner of a tract of land described in a Deed to C. L. Gage, Jr., Guardian of the Person & Estate of Louis Wayne Gage, an Incapacitated Person/Adult, recorded in Vol. 1040, p. 443, Real Records of Wise County, Texas, and in the Northwest right-of-way line of U. S. Highway No. 380 (a 250-foot right-of-way);

THENCE along the Northwest right-of-way line of U,S. Highway No. 380 as follows:

- (1) North 77° 43' 43" East a distance of 98.67 feet to a Texas Department of Transportation monument found;
- (2) North 61° 51' 07" East a distance of 491.52 feet to a Texas Department of Transportation monument found;
- (3) North 64° 34' 30" East a distance of 48.25 feet to a Texas Department of Transportation monument found;
- (4) North 68° 05' 19" East a distance of 541.45 feet to a Texas Department of Transportation monument found;

THENCE North 15° 30' 49" West, leaving the Northwest right-of-way line of said U.S. Highway No. 380, a distance of 119.72 feet to the Place of Beginning;

THENCE West a distance of 26.23 feet to a point;  
 THENCE North a distance of 62.41 feet to a point;  
 THENCE West a distance of 25.24 feet to a point;  
 THENCE South a distance of 2.85 feet to a point;  
 THENCE West a distance of 38.15 feet to a point;  
 THENCE North a distance of 9.88 feet to a point;  
 THENCE West a distance of 0.85 feet to a point;  
 THENCE North a distance of 79.08 feet to a point;  
 THENCE West a distance of 10.01 feet to a point;  
 THENCE North a distance of 23.02 feet to a point;  
 THENCE West a distance of 2.71 feet to a point;  
 THENCE North a distance of 21.72 feet to a point;

THENCE East a distance of 4.28 feet to a point;  
THENCE North a distance of 18.67 feet to a point;  
THENCE North 89° 06' 53" East a distance of 9.44 feet to a point;  
THENCE North a distance of 85.71 feet to a point;  
THENCE East a distance of 28.49 feet to a point;  
THENCE North a distance of 3.31 feet to a point;  
THENCE East a distance of 32.90 feet to a point;  
THENCE South a distance of 9.89 feet to a point;  
THENCE East a distance of 0.57 feet to a point;  
THENCE South a distance of 52.90 feet to a point;  
THENCE East a distance of 3.96 feet to a point;  
THENCE South a distance of 12.35 feet to a point;  
THENCE East a distance of 7.82 feet to a point;  
THENCE South a distance of 20.33 feet to a point;  
THENCE East a distance of 8.14 feet to a point;  
THENCE South a distance of 47.79 feet to a point;  
THENCE East a distance of 18.50 feet to a point;  
THENCE South 00° 16' 07" West a distance of 106.64 feet to a point;  
THENCE South 04° 29' 30" West a distance of 21.98 feet to a point;  
THENCE West a distance of 8.68 feet to a point;  
THENCE South a distance of 29.28 feet to the Place of Beginning, and containing 0.515 acres (22,454 square feet) of land, more or less, Wise County, Texas.

#### **Case Notes:**

On Monday, March 23, 2015, the Decatur City Council approved, upon recommendation of the Economic Development Corporation (DEDC), moving into the next phase of the initial period study to include a Fairfield Inn and Suites by Marriott as part of expansion plans for the Decatur Civic Center. The Hotel proposed is a four-story, 107-room facility to be built just east of the Civic Center facility, and where the east parking lot is currently located. The Hotel is planned to be connected to the Civic Center by a covered porte-cochere. The addition of the Hotel is anticipated to open up new opportunities at the Civic Center that are not available now, namely the ability of the staff to book multi-day events. The DEDC has been working on the project with Gatehouse Capital on the initial study since the summer of 2014.

In July 2015, the city and the EDC offered hotel developer Gatehouse Capital just shy of \$2 million in incentives to build a Marriott Fairfield Inn next to the Decatur Civic Center.

In November 2015, the city agreed to put the land where the proposed Fairfield Inn and Suites would be located up for bid with the hope that the DEDC would submit the winning bid. The city opened its one bid Monday, December 14, 2015, which was from the EDC for \$15,465. The bid did meet the appraised value requirement. In addition to awarding the bid to the EDC, the council also approved a mutual easement agreement between the city and the EDC for the property.

The property that the EDC purchased and the tract that the Civic Center is located will require platting. The Developer has submitted a preliminary and final plat. The Hotel tract is intended to be platted as Lot 2, Block 1, Decatur Civic Center Addition. The proposed lot 2 is the actual footprint of the building with a 5' perimeter that also conforms to the building footprint. The reason for this is the City wanted to retain control of most of the Civic Center acreage. However, the real problem dawned on everyone in November; namely, that the EDC had to be the party transferring title to Gateway, and NOT the City. The EDC did not have title to any of the land and there was no way for the City to adequately transfer title to the EDC for this purpose EXCEPT to go through the 'public bidding' process, and which anyone could make a competing bid.

Therefore, the City, EDC and Gateway had to find a way to make as certain as possible that the EDC won the bid. And the City Attorney thought the best way to accomplish this was to make the 'bid parcel' as small and 'unappetizing' as possible, in order to diminish the likelihood of other bids.

**Legality:**

According to the Texas Local Government Code, the Board of Adjustment can legally authorize variations to the Zoning Ordinance subject to the conditions listed below (§211.008 010). Each case before the board must be heard by 75 percent of its members (§211.008.d), and the board can only authorize a variation from the terms of the Zoning Ordinance with a concurring vote of 75 percent (§211.009.c).

**Conditions for Approval:**

The applicant must meet all of the following four conditions to be legally granted a variance.

Financial or self-induced hardship cannot be considered:

1. The requested variance **does not** violate the intent and spirit of the ordinance.
2. Special conditions of restricted area, shape, topography or physical features exist that are peculiar to the subject parcel and are not applicable to other parcels of land in the same zoning district.
3. The hardship is not the result of the applicant's actions, and
4. The interpretation of the provisions in this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions.

**Deciding Factors:**

The Board of Adjustment reviews the application and the response to the four conditions, and then hears the case to determine if the applicant qualifies. If the Board feels the applicant has met the stated conditions, then the Board may approve the variation as long as it meets these criteria (§211.009.a.3):

- 1) The variation is not contrary to the public interest.
- 2) The variation is due to special conditions.
- 3) A literal enforcement of the ordinance would result in unnecessary hardship.
- 4) The spirit of the ordinance is observed and substantial justice is done.

**Recommendation:**

***Staff has the following findings:***

1. The requested variance **does not** violate the intent and spirit of the ordinance. All of the landscaping, access, parking and other needs normally contemplated for such a facility will be provided by the City, upon the entirety of the Civic Center acreage. In fact, the 'Mutual Easement Agreement' which has already been executed essentially accomplishes these goals.
2. There **are** special considerations of physical features that are peculiar to the subject parcel that are not applicable to other parcels of land in the same zoning district. The lot as proposed was deeded as the footprint of the Hotel with a 5' perimeter. The bid parcel was intended to only attract the DEDC. The original site was to be platted like a traditional lot, but it was only realized in November 2015, with the inclusion of the City Attorney in the discussions, that the City could not sell the property outright to Gatehouse, but would have to bid the land.
3. The hardship **is not** a result of the applicant's action. There are a lot of issues that people involved should have been thinking about a year or more ago; but nobody did, and the City Attorney didn't even become involved until early November 2015.

4. The interpretation of the provisions in this ordinance does deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions. The ZBA is being asked to bear in mind that this whole process has been ongoing for a long time now, and all that has been done has been to try to help the DEDC accomplish their objective of obtaining a hotel on the Civic Center acreage, which would support booked activities at the Civic Center. Although business at the Civic Center has improved, it has never been truly 'profitable', largely due to the refusal of other local hotels/motels to agree to 'block booking' by Civic Center customers. Such 'block booking', on the other hand, is Gateway's whole business plan for this facility. If the ZBA should fail to grant the necessary variances, this entire project may very well implode. It has always been contemplated in the various negotiations that the costs for all of the landscaping, parking, and etc. would be borne either by the EDC or by the City, so it is appropriate that the land on which those will be situated remain titled in one of those public entities.

Two (2) property owners were notified. The City of Decatur is in favor of this request. To date, staff has not received notice from the State of Texas, the other property owner in favor, neutral or opposed to the request.

**Options:**

Recommend approval:

From the evidence, testimony and plans presented, I move that the Board grant the variance request ZBA2016-02 for a Special Exception from the City of Decatur's Zoning Ordinance regarding parking. Specifically, applicant is requesting a Special Exception to the off-street parking provisions (Ordinance 2015-03-01, Section 7.3.2 "Off-Street Parking Provisions") for 0.515 acres of land, more or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; said tract being more particularly and fully described by metes and bounds as described in the body of the staff report, Decatur, Texas.

Recommend approval with conditions:

From the evidence, testimony and plans presented, I move that the Board grant the variance request ZBA2016-02 for a Special Exception from the City of Decatur's Zoning Ordinance regarding parking. Specifically, applicant is requesting a Special Exception to the off-street parking provisions (Ordinance 2015-03-01, Section 7.3.2 "Off-Street Parking Provisions") for 0.515 acres of land, more or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; said tract being more particularly and fully described by metes and bounds as described in the body of the staff report, Decatur, Texas, with the following conditions:....

Recommend denial:

From the evidence, testimony, and plans presented, I move that the Board deny the variance request ZBA2016-02 for a Special Exception from the City of Decatur's Zoning Ordinance regarding parking. Specifically, applicant is requesting a Special Exception to the off-street parking provisions (Ordinance 2015-03-01, Section 7.3.2 "Off-Street Parking Provisions") for 0.515 acres of land, more

or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; said tract being more particularly and fully described by metes and bounds as described in the body of the staff report, Decatur, Texas, based on the following findings:....

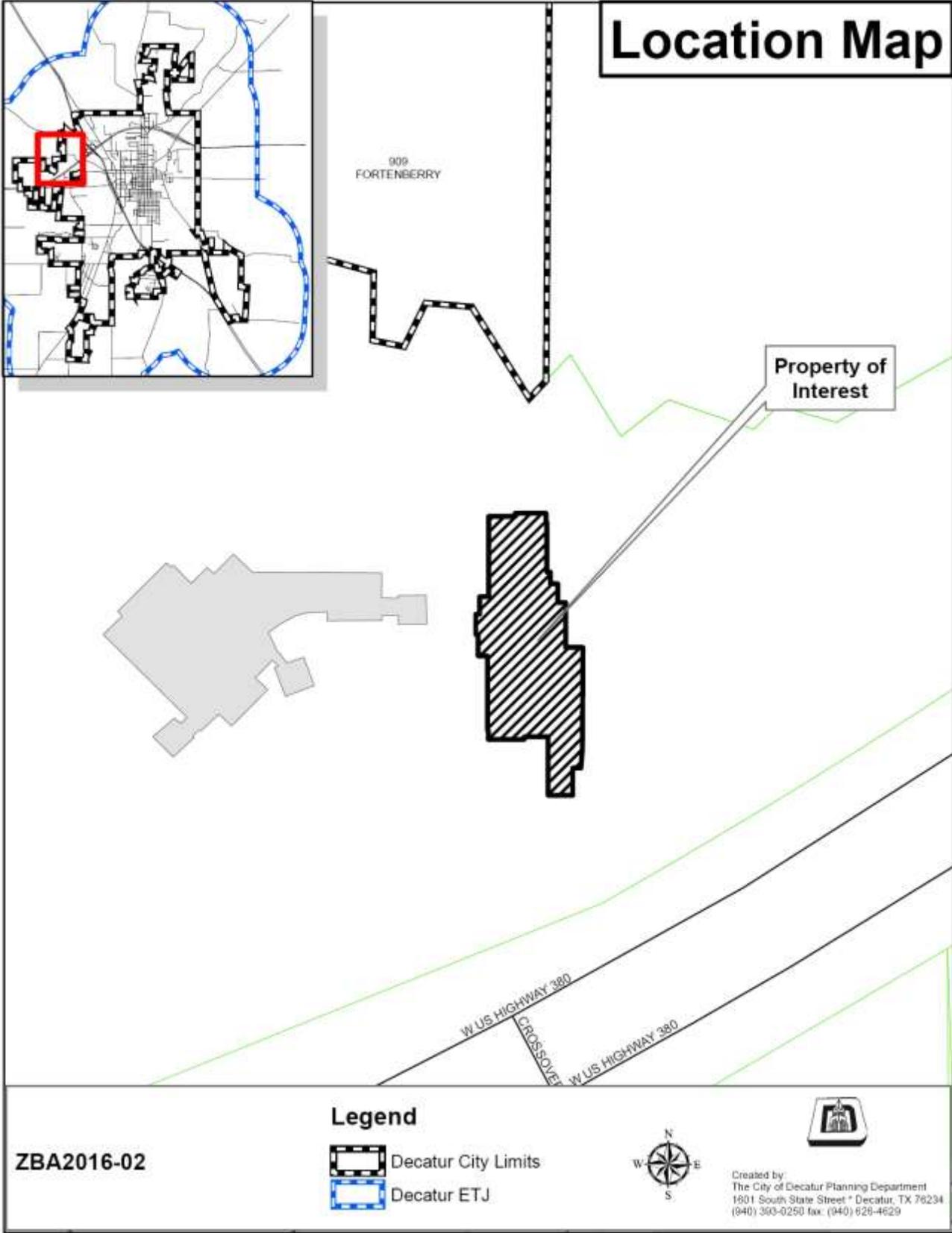
Recommend postponing consideration:

From the evidence, testimony, and plans presented, I move that the Board postpone consideration of the variance to a certain date, and requesting additional information for the variance request ZBA2016-02 for a Special Exception from the City of Decatur's Zoning Ordinance regarding parking. Specifically, applicant is requesting a Special Exception to the off-street parking provisions (Ordinance 2015-03-01, Section 7.3.2 "Off-Street Parking Provisions") for 0.515 acres of land, more or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; said tract being more particularly and fully described by metes and bounds as described in the body of the staff report, Decatur, Texas, with additional data being:...

**Attachments**

1. Location Map
2. Application
3. Letter of Intent
4. Proposed Plat
5. 200' Property Owner Response Map and Property Owner Responses
6. Excerpt from Zoning Regulations concerning Off-Street Parking Requirements

Attachment 1  
**Location Map**



# Attachment 2 Application

## CITY OF DECATUR DEVELOPMENT SERVICES UNIVERSAL APPLICATION

Check box to indicate application type

*Incomplete applications will be rejected*

<input type="checkbox"/> Annexation Petition <input type="checkbox"/> Amending Plat <input type="checkbox"/> Comprehensive Plan Amendment <input type="checkbox"/> Conveyance Instrument <input checked="" type="checkbox"/> Design Standards Variance <input type="checkbox"/> Final Plat	<input type="checkbox"/> Gas Well Development <input type="checkbox"/> Plat Extension-Final or Preliminary <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Replat <input type="checkbox"/> ROW Use Agreement <input type="checkbox"/> ROW Abandonment/Closing	<input type="checkbox"/> Special Use Permit <input type="checkbox"/> Subdivision Variance <input type="checkbox"/> Zoning Change <input checked="" type="checkbox"/> Zoning Variance (ZBA) <input type="checkbox"/> Vacation Plat <input type="checkbox"/> Other _____
---	---	---

RECEIVED  
JAN 05 2016

CITY OF DECATUR  
DEVELOPMENT SERVICES

*Application Requirements: Signed application form, application fees, Copy and filing fees, Proof of Ownership (Recorded Deed or current tax statements), required # of plats / plans, signed checklist and a PDF of all documentation.*

**PROJECT INFORMATION:**       Residential  Commercial      Is this property platted?  Yes  No

*If this property is not platted, submit a survey with complete metes and bounds description sealed by a licensed surveyor*

Project Name: Fairfield Inn & Suites      Total Acres 30.115

Project Address (Location): 2010 W. US 380 Decatur, TX 76234      Parcel(s) Tax ID R #: \_\_\_\_\_

Parent Project Name/Number N/A      Parcel(s) Tax ID GEO #: \_\_\_\_\_

Brief Description of Project: 4-story, 107 key, 58,318 S.F. Wood Framed Structure      ETJ  Yes

*Please state the identity of any individual(s), or other entities that presently hold a lien upon the real estate which is the subject of this request: \_\_\_\_\_ Lien holder/mortgagee must also sign plat for filing of record.*

Existing Use: Conference Center      Existing Zoning: C-2      # of Existing Lots: 0      # of Existing Units: \_\_\_\_\_

Proposed Use: Hotel      Proposed Zoning: C-2      # of Proposed Lots: 2      Proposed Units: 107

**APPLICANT INFORMATION:**      Please circle your preferred method of contact.

Applicant / Company EDC (Gatehouse Decatur Development LLC)      Email \_\_\_\_\_

Address 203 W. Walnut, #102      Phone 940-393-0350      Fax \_\_\_\_\_

City Decatur      State TX      Zip 76234

Property Owner EDC (Gatehouse Decatur Development LLC)      Email \_\_\_\_\_

Address 203 W. Walnut, #102      Phone 940-393-0350      Fax \_\_\_\_\_

City Decatur      State TX      Zip 76234

Key Contact/Company Joe Hilliard, BOKA Powell      Email jhilliard@bokapowell.com

Address 8070 Park Lane, #300      Phone 972-701-9000      Fax \_\_\_\_\_

City Dallas      State TX      Zip 75231

**(MUST BE SIGNED FOR ALL APPLICATIONS)** - Letter of authorization required if signature is other than property owner; and a letter of authorization is required from lienholder/mortgagee, if applicable.  
 I hereby certify that I am the owner of the property identified in this application; or, that I am the authorized agent of the owner of said property; and that I am authorized to act in their behalf, and that this application, to the best of my knowledge and belief, is true and correct.

\_\_\_\_\_  
 SIGNATURE OF PROPERTY OWNER      SIGNATURE OF LIEN HOLDER

**PLAT WAIVER (MUST BE SIGNED FOR ALL PRELIMINARY, FINAL & REPLATS)**

I waive the statutory time limits in accordance with Section 212 of the Texas Local Government Code.

\_\_\_\_\_  
 SIGNATURE OF PROPERTY OWNER      SIGNATURE OF LIEN HOLDER  
 Known to me to be the person(s) whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity therein stated. Given under my hand and seal of office on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Notary Public

*For Departmental Use Only*  
 Case#: 20150102  
 Project Mgr: PDR  
 Total Fees: \_\_\_\_\_  
 Payment Method: \_\_\_\_\_  
 Submittal Date: 1/5/16  
 Accepted By: JA

Attachment 3  
Letter of Intent



**CITY OF DECATUR, TEXAS**

Development Services ★ 1601 S. State St ★ P.O. Box 1299 ★ Decatur, TX 76234 ★ [www.decaturtx.org](http://www.decaturtx.org)



**Board of Adjustment Application Checklist**

**CITY OF DECATUR  
DEVELOPMENT SERVICES**

**General Requirements:**

- A universal application form and the appropriate fees.
- A letter of explanation/justification.
- Submit a total of five (5) copies of site plan (if applicable) for the property. These copies should be individually folded with drawing side out.
- A location map clearly indicating the site in relation to adjacent streets, distance to nearest intersection and other landmarks.
- Submit one (1) copy of proof of ownership (recorded property deed or current year tax statements).
- Submit documentation on any and all liens and lien holders of property.
- One (1) CD-ROM containing the general required documents in Adobe PDF format.
- I have reviewed the checklist and all submittals for completeness and accuracy. If application submittal is determined to be incomplete, additional fees may be assessed.

Nash G. Roberts  
Signature

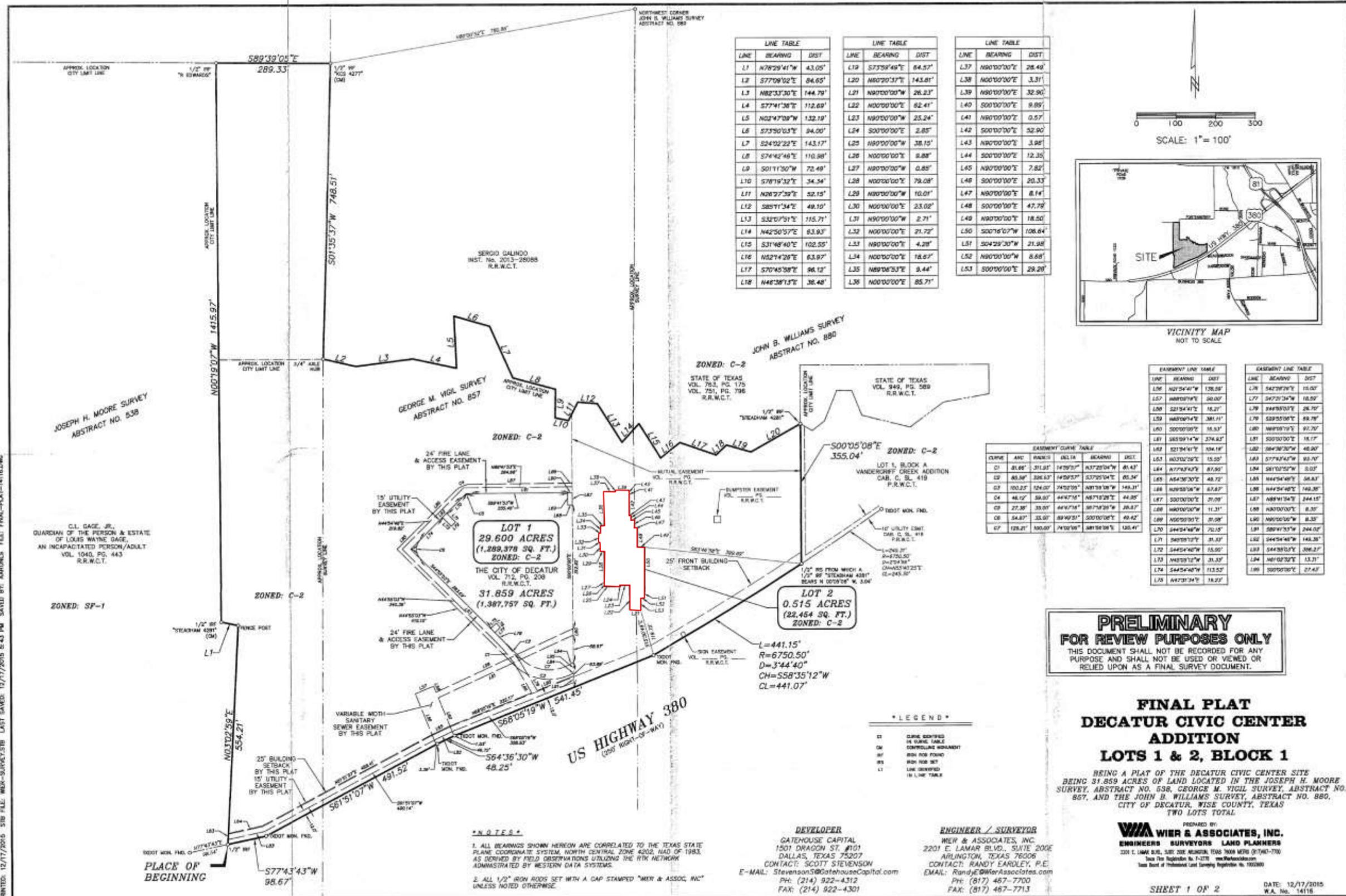
1/5/2016  
Date

**Content of the Letter of explanation/justification for a Zoning Variance:**

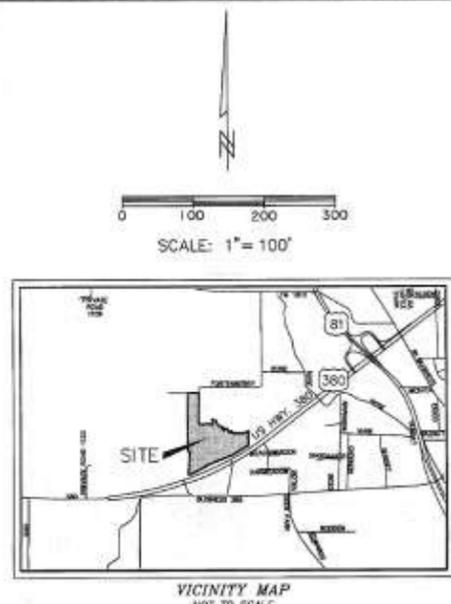
I understand that I am applying for a variance from the Zoning Ordinance of the City of Decatur and that this variance can only be granted if I prove hardship by meeting four of the conditions below. I also understand that financial or self-induced hardship cannot be considered for granting a variance. Below I explain exactly how I meet these four conditions.

1. The requested variance does not violate the intent and spirit of the ordinance:  
Project benefits the community and does not adversely impact the health and safety of public (spirit & intent of the zoning ordinance)
2. Special conditions of restricted area, shape, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to the other parcels of land in the same zoning district:  
Situation occurred because of language in ordinance that allowed EDC to finance/subsidize Civic Center.
3. The hardship is in no way the result of the applicant's action:  
Language in ordinance that allowed EDC to finance/subsidize Civic Center allowed situation to occur.
4. The interpretation of the provisions in this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions:  
If provisions of ordinance were followed, the applicant would be deprived of the development of the hotel and EDC participation in this project.

# Attachment 4 Proposed Plat Exhibit



LINE	BEARING	DIST	LINE	BEARING	DIST	LINE	BEARING	DIST
L1	N78°29'41"W	43.05'	L19	S73°58'49"E	64.57'	L37	N80°00'00"E	28.48'
L2	S77°09'02"E	84.65'	L20	N80°00'00"E	143.81'	L38	N00°00'00"E	3.31'
L3	N82°33'30"E	144.79'	L21	N80°00'00"W	26.23'	L39	N80°00'00"E	32.90'
L4	S77°41'38"E	112.69'	L22	N00°00'00"E	62.41'	L40	S00°00'00"E	9.89'
L5	N02°47'09"W	132.19'	L23	N80°00'00"W	25.24'	L41	N80°00'00"E	0.57'
L6	S73°30'03"E	84.00'	L24	S00°00'00"E	2.85'	L42	S00°00'00"E	52.90'
L7	S24°02'22"E	143.17'	L25	N80°00'00"W	38.15'	L43	N80°00'00"E	3.98'
L8	S74°42'48"E	110.98'	L26	N00°00'00"E	8.88'	L44	S00°00'00"E	12.35'
L9	S01°11'30"W	72.49'	L27	N80°00'00"W	0.85'	L45	N80°00'00"E	7.82'
L10	S78°19'32"E	34.54'	L28	N00°00'00"E	79.08'	L46	S00°00'00"E	20.33'
L11	N28°27'39"E	52.15'	L29	N80°00'00"W	10.01'	L47	N80°00'00"E	8.74'
L12	S85°11'34"E	48.10'	L30	N00°00'00"E	23.02'	L48	S00°00'00"E	47.79'
L13	S32°07'31"E	115.71'	L31	N80°00'00"W	2.71'	L49	N80°00'00"E	18.50'
L14	N42°50'57"E	63.93'	L32	N00°00'00"E	21.72'	L50	S00°00'00"E	108.64'
L15	S31°48'40"E	102.55'	L33	N80°00'00"E	4.28'	L51	S04°29'30"W	21.98'
L16	N52°42'29"E	63.97'	L34	N00°00'00"E	18.67'	L52	N80°00'00"E	8.88'
L17	S70°45'58"E	98.12'	L35	N89°08'53"E	9.44'	L53	S00°00'00"E	29.29'
L18	N46°38'15"E	36.48'	L36	N00°00'00"E	85.71'			



CURVE	ARC	RADIUS	DELTA	BEARING	DIST
C1	81.66'	311.87'	149°55'57"	N37°25'04"W	81.43'
C2	85.89'	326.43'	149°55'57"	S37°25'04"E	81.34'
C3	100.25'	124.07'	242°52'59"	N87°38'38"W	149.31'
C4	48.12'	39.87'	44°47'18"	N87°18'28"E	44.85'
C5	27.38'	39.87'	44°47'18"	S87°18'28"W	39.87'
C6	54.87'	35.01'	89°49'51"	S00°00'00"E	69.42'
C7	128.21'	190.07'	74°02'08"	N89°08'53"E	128.41'

**PRELIMINARY**  
FOR REVIEW PURPOSES ONLY  
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

## FINAL PLAT DECATUR CIVIC CENTER ADDITION LOTS 1 & 2, BLOCK 1

BEING A PLAT OF THE DECATUR CIVIC CENTER SITE BEING 31.859 ACRES OF LAND LOCATED IN THE JOSEPH H. MOORE SURVEY, ABSTRACT NO. 538, GEORGE M. VIGIL SURVEY, ABSTRACT NO. 857, AND THE JOHN B. WILLIAMS SURVEY, ABSTRACT NO. 880, CITY OF DECATUR, WISDOM COUNTY, TEXAS  
TWO LOTS TOTAL

PREPARED BY:  
**WIA WIER & ASSOCIATES, INC.**  
ENGINEERS SURVEYORS LAND PLANNERS  
3301 E. LAMAR BLVD., SUITE 200, ARRLINGTON, TEXAS 76010-7700  
Phone: (817) 467-7700 Fax: (817) 467-7701  
www.wierandassociates.com  
Texas Dept. of Professional Land Surveying Registration No. 1302280

**DEVELOPER**  
GATEHOUSE CAPITAL  
1501 DRAGON ST., #101  
DALLAS, TEXAS 75207  
CONTACT: SCOTT STEVENSON  
E-MAIL: StevensonS@GatehouseCapital.com  
Ph: (214) 922-4312  
FAX: (214) 922-4301

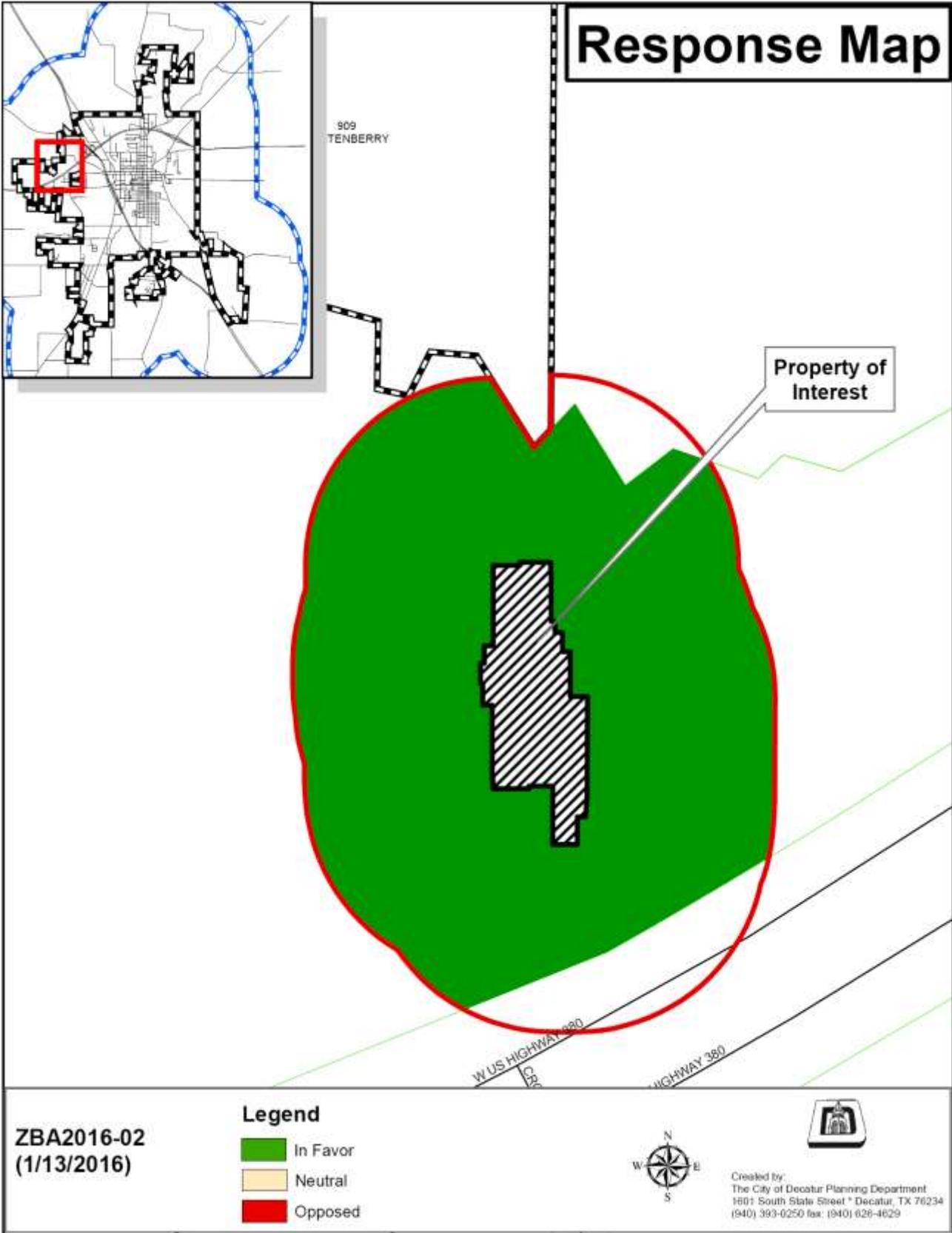
**ENGINEER / SURVEYOR**  
WIER & ASSOCIATES, INC.  
2201 E. LAMAR BLVD., SUITE 200E  
ARLINGTON, TEXAS 76010  
CONTACT: RANDY EARDLEY, P.E.  
E-MAIL: RandyE@WierAssociates.com  
Ph: (817) 467-7700  
FAX: (817) 467-7713

**NOTES**

- ALL BEARINGS SHOWN HEREON ARE CORRELATED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD OF 1983, AS DERIVED BY FIELD OBSERVATIONS UTILIZING THE RTK NETWORK ADMINISTERED BY WESTERN DATA SYSTEMS.
- ALL 1/2" IRON RODS SET WITH A CAP STAMPED "WIER & ASSOC, INC" UNLESS NOTED OTHERWISE.

PRINTED: 12/17/2015 5:18 PM FILE: WIER-SURVEY.DWG LAST SAVED: 12/17/2015 5:43 PM SAVED BY: ARDONS FILE: FINAL-PLAT-14116.DWG

# 200' Property Owner Response Map and Responses



# Property Owner Responses



## CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice ★ (940) 826-4629 fax

### NOTICE OF PUBLIC HEARING

ZBA2016-02

Zoning Board of Adjustment of the City of Decatur will hold a public hearing on **Wednesday, January 20, 2016, at 3:30 p.m.** at the City Hall Council Chambers located at 201 E. Walnut, Decatur Texas, to consider and take action on a request from Joe Hilliard, on behalf of Corporation for Economic Development ("Property Owner") and Gatehouse Decatur Development, LLC, ("Applicant") for a Special Exception from the City of Decatur's Zoning Ordinance regarding parking. Specifically, applicant is requesting a Special Exception to the off-street parking provisions (Ordinance 2015-03-01, Section 7.3.2 "Off-Street Parking Provisions"). The subject property is legally described as being a 0.515-acre tract of land located in the Joseph H. Moore Survey, Abstract No. 538, George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, Wise County, Texas, and being a portion of a tract of land described in deed to the City of Decatur, Recorded in Volume 712, Page 208, Real Records, Wise County, Texas (R.R.W.C.T.); the complete legal description is on file at the Development Services Office located at 1601 S. State St., Bldg. C, Decatur, Texas.

By law, the Zoning Board of Adjustment must first hold a public hearing to gather input from interested parties and decide whether or not to allow the variance based on proven hardship as defined in the State Enabling Act.

By law, you have the right to present your views before the Zoning Board of Adjustment during their public hearing. At the hearing, you may speak, have someone speak on your behalf or be represented by legal counsel. You may also present your views in writing or present a petition listing the signatures of people who represent your views. Either way, your input must come before or during the public hearing to be considered.

**This letter is sent to all City taxpayers shown on the approved City of Decatur 2016 tax roll who own real property within two hundred (200) feet of property requesting a zoning action.** This is your legal notification that these public hearings are being held and your official invitation to attend the public hearing. Please, in order for your opinion to be taken into account, return this form with your comments prior to the date of the public hearing. *(This in no way prohibits you from attending and participating in the public hearing.)* You may fax form to the number located at the top of this page, mail form to the address below, or drop form off in-person:

**Planning Department  
1601 S. State Street  
Decatur, Texas 76234**

**Attn: Dedra D. Ragland, AICP, Planning Director**

**These forms are used to calculate the percentage of landowners that support and oppose the request.** The Board is informed of the percent of responses in support and in opposition.

**Please circle one:**

In favor of request

Neutral to request

Opposed to request

**Reasons for Opposition:**

---

---

Signature: \_\_\_\_\_

Printed Name: City of Decatur c/o Brett Shannon, City Manager

Mailing Address: P.O. Box 1299

City, State Zip: Decatur TX 76234

Telephone Number: 940 393-0200

Physical Address of Property within 200 feet: Tax ID: R000018917 Address: 2010 W US HIGHWAY 380

# Excerpt from Zoning Ordinance regarding Off-Street Parking and

1 Section 7.3 Off-Street Parking and Loading Regulations

2 The minimum off-street parking and loading shall be provided as set forth in the following  
3 schedule.

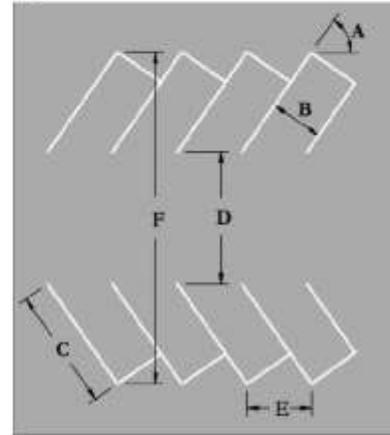
4  
5 Table 10. Minimum Requirements for Parking Space Configuration, Arrangement, Size, and Circulation

A	B	C	D		E	F
Parking Angle (in degrees)	Stall Width (in feet)	Stall Depth (in feet)	Aisle Width for One-Way Traffic (in feet)	Aisle Width for Two-Way Traffic (in feet)	Curb Length Per Car (in feet)	Parking Lot Width (curb-to- curb, in feet)
30°	9.0	17.0	12.0	24.0	18.0	37.5
45°	9.0	19.0	13.0	24.0	12.7	46.5
60°	9.0	21.0	18.0	24.0	10.4	65.5
90°	9.0	19.0	24.0	24.0	9.0	62.0

6  
7 7.3.1 Off-Street Parking

8 All parking shall be off-street and all vehicle  
9 maneuvering on the subject parcel shall not  
10 occur on the street or right-of-way. The space  
11 shall not be located within a public street or  
12 alley, nor shall head-in parking adjacent to a  
13 public street or alley, wherein the maneuvering  
14 is done on a public street or alley, be classified  
15 as off-street parking in computing the parking  
16 requirements for any use.

Figure 21. References for Table 10



17  
18 7.3.2 Off-Street Parking Provisions

19 A. Residential Districts

- 20 (1) All required vehicle parking shall be on a concrete or asphalt paved surface.  
21 (2) All driveways and approaches to parking spaces shall be on a concrete or asphalt  
22 paved surface.  
23 (3) No required parking space, garage, carport, or other automobile storage space shall  
24 be used for the storage of any Heavy Load Vehicle (see Article 3. Definitions).  
25 (4) Additional parking shall be required in accordance with this Section for any  
26 recreational uses, clubhouse, office, sales offices and other similar accessory  
27 structures and uses.



- 1           **B. Nonresidential and Multi-Family Districts**
- 2           **(1)** All parking areas shall be constructed of the same material as the adjoining street, or
- 3           of concrete. All parking areas shall be separated from walkways, sidewalks, streets,
- 4           or alleys by a wall, fence, curbing, or other protection device.
- 5           **(2)** Covered Parking and Density Bonuses
- 6           **(a)** An increase in density of a total of up to twenty-four (24) units per acre is
- 7           permitted when at least fifty (50) percent of the required parking spaces are
- 8           constructed as covered or enclosed spaces.
- 9           **(b)** An increase in density of a total of up to twenty-six (26) units per acre is
- 10          permitted when one hundred (100) percent of the required parking spaces are
- 11          constructed as covered or enclosed spaces.
- 12          **(3)** No parking space may be located closer than six (6) feet from any building or closer
- 13          than two (2) feet from any side or rear lot line.
- 14          **(4)** For safety and fire-fighting purposes, access through to adjacent nonresidential
- 15          parking areas shall be provided in accordance with **7.3.9 Fire Lanes**.
- 16          **(5)** All off-street parking, driveways, maneuvering, and loading areas shall be designed
- 17          in accordance with **Figure 21. References for Table 10 and Table 10. Minimum**
- 18          **Requirements for Parking Space Configuration, Arrangement, Size, and Circulation**,
- 19          shall be paved with a concrete or asphalt surface, and shall be curbed in accordance
- 20          with the City's parking lot paving requirements.
- 21          **(6)** For new construction only, all vehicle maneuvering shall take place on-site. No public
- 22          right-of-way shall be used for backing or maneuvering into or from a parking space
- 23          (except business locations in the downtown area that are already in existence as of
- 24          the effective date of this Ordinance), or for circulation within the parking lot.
- 25          **(a)** All entrances into parking lots shall be a minimum of twenty (20) feet in width,
- 26          or a maximum of forty (40) feet in width.
- 27          **(b)** Divided entrances into parking lots shall have a minimum ingress lane of
- 28          eighteen (18) feet wide, a minimum landscaped median width of five (5) feet for
- 29          an unbroken distance of at least one hundred (100) feet, and a minimum egress
- 30          lane of twenty-two (22) feet wide. All divided entrances shall be a maximum of
- 31          forty-five (45) feet in width.
- 32          **(7)** In all nonresidential and multi-family zoning districts, the perimeter of all parking lots
- 33          and driveways shall be provided with concrete curbs. Parking shall not be permitted
- 34          to encroach upon the public right-of-way.
- 35          **(8)** Refuse storage facilities placed in a parking lot shall not be located in a designated
- 36          parking or loading space. Each refuse facility shall be located so as to facilitate pickup
- 37          by refuse collection agencies and ease of egress from the site without having to back
- 38          up further than twenty (20) feet and without having to go the wrong way in a traffic
- 39          aisle.



- 1                   **(9)** Parking space(s) for persons with disabilities and other associated provisions (e.g.,  
2 clear and unobstructed pathways into building, crosswalks across parking lots, etc.)  
3 shall be provided according to building codes, State laws, and requirements of the  
4 Americans with Disabilities Act (ADA).
- 5                   **(10)** Designated parking and loading areas shall not be used for the repair, storage,  
6 dismantling or servicing (except for normal maintenance of a private vehicle) of  
7 vehicles or equipment, or for the storage of materials or supplies, or for any other  
8 use in conflict with the designated parking and loading areas (i.e., advertising or  
9 outside storage of raw materials).
- 10                  **(11)** At no time after initial approval of the parking area layout shall changes be made in  
11 the location and number of provided spaces without written City approval of a  
12 revised plan.
- 13                  **(12)** A stacking space shall be an area on a site measuring at least eight (8) feet wide by  
14 twenty (20) feet long that has direct forward access to a service window or station of  
15 a drive-through facility and that does not constitute space for any other circulation  
16 driveway, parking space, or maneuvering area. An escape lane of at least eight (8)  
17 feet in width and with negotiable geometric design shall be provided to allow vehicles  
18 to get out of the stacking lane if necessary. Off-street stacking requirements for drive-  
19 through facilities shall be as follows:
- 20                   **(a)** For financial institutions with drive-through facilities, each teller window or  
21 station, human or mechanical, shall be provided with a minimum of five (5)  
22 stacking spaces. One escape lane shall be provided.
- 23                   **(b)** For each service window of a drive-through restaurant, a minimum of five (5)  
24 spaces shall be provided for the first vehicle stop, and two (2) spaces shall be  
25 provided for each additional vehicle stop (order/pick-up windows, etc.). One  
26 escape lane shall be provided from the beginning of the stacking lane to the first  
27 vehicle stop.
- 28                   **(c)** For a full-service car wash, each vacuum or gas pump lane shall be provided with  
29 a minimum of four (4) stacking spaces. For the finish/drying area, adequate  
30 vehicle stacking and storage space shall be provided to keep finished vehicles  
31 out of circulation aisles, access easements, fire lanes, streets, etc.
- 32                   **(d)** For each automated self-service (drive-through/rollover) car wash bay, a  
33 minimum of three (3) stacking spaces, in addition to the wash bay itself, shall be  
34 provided. One stacking space shall be provided at the exit end of each wash bay  
35 for window-drying and other detailing.
- 36                   **(e)** For each wand-type self-service (open) car wash bay, a minimum of two (2)  
37 stacking spaces, in addition to the wash bay itself, shall be provided. One stacking  
38 space shall be provided at the exit end of each wash bay for window-drying and  
39 other detailing, unless a separate area/shade structure is provided (outside of  
40 circulation aisles) for these activities.
- 41                   **(f)** For automobile quick-lube type facilities, a minimum of three (3) stacking spaces  
42 shall be provided for each service bay in addition to the service bay itself.

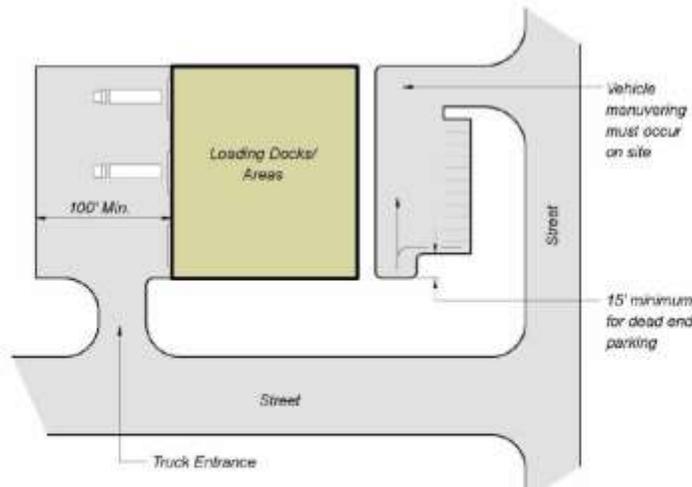


- 1 (g) For all other types of land use that provide drive-up service, a minimum of three
- 2 (3) stacking spaces for each service window shall be provided.
- 3 (13) Dead-end parking areas shall be avoided if possible. If dead-end parking is necessary,
- 4 then it shall be designed such that it is no more than forty-five (45) feet in length,
- 5 unless adequate turnaround space is provided. A minimum hammerhead back-up
- 6 space of at least fifteen (15) feet shall be provided at the end of any dead-end parking
- 7 area.
- 8 (14) All parking structures shall conform to the construction and design standards of the
- 9 zoning district in which they are located.
- 10 (15) A parking analysis and tabulation shall be required on the Site Plan for each
- 11 development and shall be a part of the Site Plan submittal. Each analysis shall include
- 12 an explanation of applicable parking requirement, and as a minimum shall include
- 13 occupancy classification type, building square footages, and number of employees,
- 14 total parking spaces required, total parking spaces provided, required and provided
- 15 Americans with Disabilities Act (ADA) accessible spaces, and required and provided
- 16 ADA van accessible spaces. When the Director of Public Works, or designee
- 17 determines necessary, an additional traffic impact study may be required to
- 18 determine the impacts of a development on the off-site public street system.

C. Off-Street Loading Facilities

All retail and similar nonresidential structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated on-site maneuvering area for trucks (see **Figure 22. Truck and Vehicle Maneuvering**).

Figure 22. Truck and Vehicle Maneuvering





- 1 (a) Off-street loading space may be adjacent to a public alley or private service drive
- 2 or may consist of a truck berth within the structure. Such off-street loading space
- 3 or truck berth shall consist of a minimum area of ten (10) feet by seventy-five
- 4 (75) feet, and such spaces or berths shall be provided in accordance with **Table**
- 5 **11**.
- 6 (b) For normal retail, commercial sales service or industrial use buildings and
- 7 establishments, off-street loading facilities shall be provided in accordance with
- 8 **Table 11**.

**Table 11. Retail, Commercial, and Industrial Off-Street Loading Facilities**

Square feet of gross floor area in structure	Minimum required spaces or berths
0 to 5,000	None
5,000 to 15,000	1
15,000 to 40,000	2
40,000 to 65,000	3
65,000 to 100,000	4
Each Additional 50,000	1 Additional

- 9 (c) For hotels, office buildings, restaurants and similar establishments, off-street
- 10 loading facilities shall be provided in accordance with **Table 12**.
- 11

**Table 12. Hotel, Office, and Restaurant Off-Street Loading Facilities**

Square feet of gross floor area in structure	Minimum required spaces or berths
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each Additional 50,000	1 Additional



- 1           D. Loading docks for any establishment which customarily receives goods between the hours  
2           of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential use or district shall be designed  
3           and constructed so as to minimize the effects of the noise of the operation on adjacent  
4           residences. Other screening/buffering alternatives may be approved on the applicable  
5           required Concept or Site Plan provided that the City makes a finding that the method of  
6           screening/buffering will be adequate to minimize the impact on nearby residences.
- 7           E. Below grade loading docks are required to have operational sump pumps or other  
8           approved drainage.
- 9           F. Kindergartens, elementary schools, day care, and similar child training and care  
10          establishments shall provide one (1) paved off-street pedestrian loading and unloading  
11          space for an automobile on a through, "circular" drive for each ten (10) students cared for  
12          (excluding child care in a residence). An additional lane shall also be required to allow pass-  
13          by or through traffic to move while automobiles waiting or parked to pick up children  
14          occupy loading/unloading areas.
- 15          G. Loading spaces that are adjacent and easily accessible to several buildings or uses,  
16          including buildings and uses on separate lots, shall be allowed to satisfy the loading  
17          requirements for the individual buildings or uses.
- 18          H. Below grade loading docks are required to have operational sump pumps or other  
19          approved drainage.

### 20       7.3.3   **Parking Requirements Based upon Use**

21       The following parking requirements shall apply for all districts with the exception of **C-1A,**  
22       **Decatur Square Business District.**

#### 23       **A. Residential Use Parking Schedule**

- 24           **(1) SF-1, Single-Family Residential District:** Two (2) spaces for each dwelling unit.  
25           **(2) SF-2, Single-Family Residential District:** Two (2) spaces for each dwelling unit.  
26           **(3) TH, Townhouse Residential District:** Two (2) spaces for each dwelling unit.  
27           **(4) 2F, Two-Family Residential District:** Two (2) spaces for each dwelling unit.  
28           **(5) MF, Multiple-Family Residential District:** Two and one-quarter (2 1/4) spaces for  
29           each dwelling unit in apartments, two (2) spaces for all other dwelling units.  
30           **(6) MHD, Manufactured Home District:** Two (2) spaces for each mobile home space. A  
31           minimum parking area of one hundred fifty (150) square feet per manufactured  
32           home space shall be provided in a common area for storage of boats or vehicles in  
33           excess of two (2) per manufactured home space, and for visitors' vehicles, to  
34           minimize on-street parking and to facilitate the movement of emergency vehicles  
35           into and through the park.



- 1           **B. Nonresidential Use Parking Schedule**
- 2           Compliance with the following minimum parking space regulations shall be required:
- 3           **(1)** Bank, Savings and Loan or Similar Financial Establishments: One (1) space for each
- 4           two hundred (200) square feet of floor area.
- 5           **(2)** Bed and Breakfast: One (1) space per guest room in addition to the requirements for
- 6           a normal residential use.
- 7           **(3)** Bowling Alley: Six (6) spaces for each lane.
- 8           **(4)** Churches: One (1) space for each three (3) seats in the main sanctuary in addition to
- 9           the requirements for other uses such as classrooms, offices, gymnasiums, and similar
- 10          ancillary uses.
- 11          **(5)** Clinics or Doctors' Offices: One (1) space for each three hundred (300) square feet of
- 12          floor area (minimum of five spaces).
- 13          **(6)** Commercial Amusement, Indoor: Standalone: 1 space per 100 square feet; In-
- 14          line/strip style: 1 space per 250 square feet.
- 15          **(7)** Commercial Amusement, Outdoor: Twenty (20) spaces plus one (1) space for each
- 16          one hundred (100) square feet of floor area over one thousand (1,000) square feet.
- 17          **(8)** Assisted Living or Acute Care Living Facility: One (1) space for each three (3) beds.
- 18          **(9)** Convenience Store with or without Gasoline Sales: One (1) space for each two
- 19          hundred (200) square feet of Floor Area. Parking in front of pump stations shall be
- 20          counted towards the required parking, however a minimum of six (6) parking spaces
- 21          shall be provided adjacent to the main building.
- 22          **(10)** Golf Course: Minimum of thirty (30) spaces.
- 23          **(11)** High School, College or University: One (1) space for each classroom, laboratory or
- 24          instruction area plus one (1) space for each one and one-half (1 1/2) students
- 25          accommodated in the institution.
- 26          **(12)** Hospitals: One (1) space for every two (2) beds.
- 27          **(13)** Hotel or Motel: One (1) space for each room, unit or guest accommodation, plus
- 28          additional requirements specified for clubs, restaurants and other uses.
- 29          **(14)** Institutions of a Philanthropic Nature: Ten (10) spaces plus one (1) space for each
- 30          employee.
- 31          **(15)** Library or Museum: Ten (10) spaces plus one (1) space for each three hundred (300)
- 32          square feet of floor area.
- 33          **(16)** Manufacturing, Processing or Repairing: One (1) space for each two (2) employees or
- 34          one (1) space for each one thousand (1,000) square feet of floor area, whichever is
- 35          greater.
- 36          **(17)** Offices, General: One (1) space for each three hundred (300) square feet of floor area
- 37          (minimum five [5] spaces).
- 38          **(18)** Places of Public Assembly not listed: One (1) space for each three (3) seats provided.
- 39          **(19)** Recreational, Private or Commercial area or building (other than listed): Standalone:
- 40          1 space per 100 square feet; In-line/strip style: 1 space per 250 square feet.



- 1 (20) Restaurant or Cafeteria: One (1) space for every three (3) seats under maximum  
2 seating arrangement (minimum of five [5] spaces).
- 3 (21) Retail or Personal Service: One (1) space for each two hundred (200) square feet of  
4 floor area (minimum of five [5] spaces).
- 5 (22) Schools, Elementary or Junior High: One (1) space for each classroom plus one (1)  
6 space for each four (4) seats in any auditorium, gymnasium or other place of  
7 assembly.
- 8 (23) Storage or Warehousing: One (1) space for each two (2) employees or one (1) space  
9 for each one thousand (1,000) square feet of floor area, whichever is greater.
- 10 (24) Theaters, Meeting Rooms and Places of Public Assembly: One (1) space for every  
11 three (3) seats.

12 **C. Special Off-Street Parking Regulations**

- 13 (1) In the **SF-1, Single-Family Residential District, SF-2, Single-Family Residential**  
14 **District, TH, Townhouse Residential District, 2F, Two-Family Residential**  
15 **District, MF, Multiple-Family Residential District, MHD, Manufactured Home District, C-O,**  
16 **Office District, C-1, Restricted Business District, and C-1A, Decatur Square Business**  
17 **District, no parking space, garage or carport, or other automobile storage space or**  
18 **structure shall be used for the storage of any truck, truck trailer or van, except panel**  
19 **and pickup trucks not exceeding one (1) ton capacity.**
- 20 (2) Floor area of structure devoted to off-street parking of vehicles shall be excluded in  
21 computing the off-street parking requirements of any use.
- 22 (3) No open parking space or surfaced area shall be located nearer than two (2) feet to  
23 the side lot line.
- 24 (4) No parking requirements are established for the **C-1A, Decatur Square Business**  
25 **District.**

26 **D. Parking Requirements for New and Unlisted Uses**

27 Where questions arise concerning the minimum off-street parking requirements for any  
28 use not specifically listed herein, the requirements may be interpreted by the Planning  
29 Director as those of a similar listed use.

30 **7.3.4 Construction Standards**

31 Minimum construction standards for off-street parking shall include:

- 32 **A.** 3600 psi reinforced concrete with a minimum thickness of 6 inches or 4 inches of Type "B"  
33 and 2 inches of Type "D" HMAc.
- 34 **B.** Subgrade thickness and content shall be determined from a geotechnical report sealed by  
35 a licensed professional engineer registered in Texas provided by the developer.
- 36 **C.** Standard curb and gutter as shown in the NCTCOG standards manual shall be placed  
37 around all landscaping areas and the external boundary of the parking area.



1           D. All off-street parking areas shall be striped in accordance with the latest edition of the  
2           Manual on Uniform Traffic Control Devices (MUTCD) published by the Texas Department  
3           of Transportation.

#### 4           7.3.5   **Parking Access from a Public Street**

5           A. Entrance/exit drive(s) shall be designed and located to minimize traffic congestion or  
6           conflict within the site and with adjoining public streets. Based upon analysis by the City,  
7           if projected volumes of traffic entering or leaving a development are likely to interfere with  
8           the projected peak traffic flow volumes on adjoining streets, additional right-of-way and  
9           paving in the form of a deceleration lane, a turn lane, or other roadway improvements may  
10          be required of a developer in order to reduce such interference and to help ensure traffic  
11          safety and efficiency. The dedication of additional right-of-way or street paving may also  
12          be required, and shall be determined at the time the required plan and final plat are  
13          approved by the City.

14          B. Vehicular access to nonresidential uses shall not be permitted from alleys serving  
15          residential areas, and shall not be configured as "head-in" parking spaces that are accessed  
16          directly from the street.

17          C. Parking space configuration, arrangement, size and circulation in all districts shall be  
18          constructed according to **Table 10. Minimum Requirements for Parking Space**  
19          **Configuration, Arrangement, Size, and Circulation** and **Figure 21. References for Table 10.**

#### 20          7.3.6   **Computing Number of Parking Spaces**

21                 In computing the number of parking spaces required for each of the above uses, the following  
22                 rules shall govern:

23           A. "Floor Area" shall mean the gross floor area of the specific use.

24           B. "Seat" shall be interpreted as follows:

25                 (1) For fixed (e.g., church pews, grandstands, benches, etc.) seating, one seat equals 1.75  
26                 feet of length; and

27                 (2) For flexible (e.g., folding chairs, etc.) seating areas, one seat equals eight (8) square  
28                 feet of floor area occupied by such seating area (includes aisles).

29           C. Where fractional spaces result, the parking spaces required shall be calculated by rounding  
30           up to the nearest whole number.

31           D. Whenever a Building or Use is changed or enlarged in floor area, number of dwelling units,  
32           seating capacity or otherwise, to create a need for an increase of ten percent (10%) or  
33           more in the number of existing parking spaces, such spaces shall be provided on the basis  
34           of the enlargement or change. If a building or use that was in existence prior to the  
35           effective date of this Ordinance is enlarged by more than fifty percent (50%) in floor area,  
36           number of employees, number of dwelling units, seating capacity or otherwise, then such  
37           Building or Use shall be required to conform with the parking requirements herein for the  
38           entire Building or Use.



1 E. For buildings which have a combination of uses within the same structure or on the same  
2 premises (such as retail, office, and other nonresidential uses), the off-street parking  
3 requirement shall be calculated as the summation of the parking requirements for each  
4 use, and no parking space for one particular use shall be allowed to count toward the  
5 parking requirement for some other use on the premises except in the case of a shared  
6 parking arrangement (see F below).

7 F. Shared parking may be allowed in the case of mixed uses (different buildings) under the  
8 following conditions:

9 (1) Up to fifty percent (50%) of the parking spaces required for a theater or other place  
10 of evening entertainment (after 6:00 p.m.), or for a church, may be provided and  
11 used jointly by banks, offices, and similar uses not normally open, used, or operated  
12 during evening hours.

13 (2) Shared parking shall be on the same parking lot.

14 (3) Reduction due to shared parking shall only be allowed if approved by the City on the  
15 applicable required plan (see **Section 4.5 Building Permits, Certificates of Occupancy  
16 and Completion**).

17 (4) To assure retention of the shared parking spaces, each property owner shall properly  
18 draw and execute an irrevocable mutual parking agreement document expressing  
19 the same and after receiving approval as required by Subsection 7.3.7, shall file this  
20 agreement in the County Real Property Records, and shall provide a copy of the filed  
21 agreement to the City prior to issuance of a Certificate of Occupancy for any use that  
22 relies upon the parking agreement.

23 (a) In the event that a parking agreement is terminated, the City may revoke the  
24 Certificate of Occupancy of either use if either use lacks the required amount of  
25 parking after the agreement is terminated.

### 26 7.3.7 Location of Parking Spaces

27 In any case where any additional Parking Spaces are required and are not located on the same  
28 Lot with the Building or Use served, or where such spaces are collectively or jointly provided  
29 and used, approval by the Planning and Zoning Commission and City Council is required  
30 subject to the following conditions:

31 A. Except for location, all other requirements relating to off-street parking shall be met;

32 B. Such space shall be conveniently usable without unreasonable:

33 (1) Hazard to pedestrians;

34 (2) Hazard to vehicular traffic;

35 (3) Traffic congestion; or,

36 (4) Detriment to the appropriate Use of other properties in the vicinity;



1 C. A written agreement shall be drawn to the satisfaction of the City Attorney and executed  
2 by all parties concerned, assuring the continued availability of the off-street parking facility  
3 for the development it is intended to serve.

#### 4 7.3.8 Use of Required Parking Spaces in Nonresidential Districts

5 Off-street parking and loading spaces shall be used only for these respective purposes and  
6 shall not be used for refuse containers, cart corrals, recycling kiosks, signs or sign support  
7 structures, telecommunications towers or support structures, storage or permanent display  
8 of boats, trailers, campers, motor vehicles or other goods, materials, or products for  
9 sale/lease/rent. For temporary display and outdoor sales, see 6.2.5 Outdoor Sales.

#### 10 7.3.9 Fire Lanes

11 Fire lanes shall be provided in all nonresidential, multi-family, single-family, and manufactured  
12 home park developments, as required by the adopted Fire Code of the City and the Subdivision  
13 Ordinance.

#### 14 7.3.10 Special Regulations for Recreational Vehicles or Equipment

15 A. Recreational vehicles shall not be located in a recreational vehicle park or campground for  
16 more than a ninety (90) calendar day time period.

17 B. An owner or tenant of a residential lot may park a recreational vehicle that they own on  
18 the same lot in accordance with City regulations. Such vehicle parking shall also meet all  
19 other required City ordinances.

#### 20 7.3.11 Parking Area Lighting

21 A. To prevent nuisance situations, all parking area lighting shall be designed, shielded and  
22 operated so as not to reflect or shine on adjacent properties and shall be in accordance  
23 with all applicable City ordinances.

24 B. Nonresidential streets and driveways shall be lighted at night with a minimum intensity of  
25 two (2) foot-candles' illumination if off-street parking or loading facilities are to be used at  
26 night.

27 C. All lighting facilities shall be arranged as to reflect the illumination away from any  
28 residentially zoned property. Such lighting facilities shall distribute not more than two-  
29 tenths (0.2) of one (1) foot candle of light upon any adjacent residentially zoned property.

30 D. All lighting facilities shall be placed, masked or otherwise arranged such that illumination  
31 or glare shall not create a hazard to motorists on any street, alley or other public way.

32