



# CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice★ (940) 627-4629 fax

## **AGENDA--CORRECTED**

### **Planning and Zoning Commission Regular Meeting\***

**Tuesday, February 2, 2016, at 6:00 P.M.**

**City Hall Council Chambers**

**201 E. Walnut**

#### **Call to Order**

**ITEM 1:** Consider and take appropriate action regarding approval of December 1, 2015 Planning and Zoning Commission Meeting Minutes.

#### **Public Hearing Items:**

**ITEM 2:** **CP2016-01** Commission to hear and consider and take action to make a recommendation to City Council regarding Comprehensive Plan Amendment Application 2016-01—J.D. Dudley's request, on behalf of QuikTrip and property owner, Cornerstone Baptist Church, to amend the Decatur Long Range Master Plan Land Use Map from an "Medium Density Residential" land use designation to a "Commercial" land use designation on approximately 5.45 acres of land located at the southeast corner of W. Hale Street and US Hwy 81/287 exit ramp, and on approximately 0.54 acres to the centerline of Hale Street and 0.55 acres to the centerline of Trenchard Street, and being more commonly referred to as 701 W. Hale Avenue, Decatur, Texas.

**ITEM 3:** **ZC2015-07** Commission to hear and consider and take action to make a recommendation to City Council regarding Zoning Change Application 2015-07—J.D. Dudley's request, on behalf of QuikTrip and property owner, Cornerstone Baptist Church, to change zoning from a Single Family-1 (SF-1) and a Single Family-2 (SF-2) zoning district to a Thoroughfare Business (C-2) zoning district on a 5.45-acre tract of land located at the southeast corner of W. Hale Street and US Hwy 81/287 exit ramp; and on approximately 0.54 acres to the centerline of W. Hale Street; approximately 0.55 acres to the centerline of S. Trenchard Street and approximately 0.80 acres to the centerline of US Highway 81/287 exit ramp where adjacent to the site and being more commonly referred to as 701 W. Hale Avenue, Decatur, Texas.

**ITEM 4:** **ZC2015-08** Commission to hear and consider and take action to make a recommendation to City Council regarding Zoning Change Application 2015-08, Jody Adams' request, on behalf of Double Creek Capital, to change zoning from a Single Family-1 (SF-1) zoning district to a Single Family-2 (SF-2) zoning district on a 31.024-acre tract of land in the D. Moses Survey, Abstract Number 537, and as legally described by metes and bounds in the staff report and legal notice; and on approximately 0.41 acres to the centerline of Deer Park Road where adjacent to the site, Decatur, Texas.

**ITEM 5:**     **ZC2016-01** Commission to hear and consider and take action to make a recommendation to City Council regarding Zoning Change Application ZC2015-09—Jody Adams’ request, on behalf of Double Creek Capital, Ltd., to amend the Deer Park PD and site plan, Ordinance 2008-06-11, a tract of land approximately 47 acres out of the David Moses Survey, A-537 and the John C. Bullock Survey, A-79 and located on the west side of Deer Park Road and immediately adjacent to Rann Elementary School, Decatur, Texas and previously referred to and approved as ZC2008-02. The proposed amendment will affect the phasing of the multi-family, single-family and commercial land use tracts; the street layouts for the multi-family and single-family land use tracts; and the open space, multi-family and single family acreage. ***To be postponed to the March 1, 2016 Planning and Zoning Commission Meeting.***

**Non Public Hearing Items:**

**ITEM 6:**     **RP2015-14** Commission to hear and consider and take action to make a recommendation to City Council regarding Replat Application 2015-14—Allen Ross’ request, on behalf of Freedom Powersports, to final plat Lot 1, Block A, Freedom Powersports Addition, being a replat of a 2.654 acre tract in the J. W. Walker Survey, Abstract No. 860, Wise County Texas and being all of Lot 1R-3, Block A, Ramada Inn Addition as described in deed to Freedom Powersports Real Estate, LLC., as recorded in Instrument No. 201412598, County Clerk Records, Wise County, Texas.

**ITEM 7:**     New and/or future business items.

**Adjournment**

Prepared and posted this the 29<sup>th</sup> day of January, 2016 in accordance with Chapter 551, Texas Government Code.



Dedra Denée Ragland, AICP  
Planning and Development Director

**MINUTES**

A regular meeting of the City of Decatur Planning and Zoning Commission was held at 6:00 p.m., Tuesday, December 1, 2015 in City Hall Council Chambers with the following in attendance:

**MEMBERS PRESENT:**

William D. Edwards, Chairman  
 John Lanier  
 Eddie Allen  
 Eileen Standridge  
 Curtis Creswell

**ABSENT:**

Cecil LeMond, Vice-Chairman  
 Terry Berube

**OTHERS PRESENT:** Planning and Development Director, Dedra Ragland, Legal Counsel Patricia Adams, and Development Review Coordinator, Marsha Schaefer, representing the staff; and Gary Tanner and Mike Herrijgers representing the applicants.

**Chairman Edwards called the meeting to order at 6:00 p.m.**

**ITEM 1:** Consider and take appropriate action regarding approval of November 3, 2015, Planning and Zoning Commission Meeting Minutes.

**Commissioner Creswell made a motion to approve the November 3, 2015 P&Z Commission Meeting Minutes. Commissioner Standridge seconded the motion. The motion passed 4-0. (Vice-Chairman LeMond and Commissioner Berube absent.)**

**ITEM 2:** **RP2015-13** Commission to hear and consider and take action to make a recommendation to City Council regarding Replat Application 2015-13—Chris Bates and Allen Bates' request to final plat Lot 2R, Block 4, Range "G" and Lot 3R, Block 4, Range "H", Devereux Addition, being a Replat of Part of Lots 4-6, Block 4, Range "F", Lots 2 and 3, and part of lot 1, and an alley (to be closed by this replat), Block 4, Range "G", Lots 3-6 and Part of Lots 2 and 7, Block 4, Range "H" and portions of Henry Street (closed by Ord. 5-97) and North State Street, Devereux Addition (to be closed by this replat), containing 1.59 acres of land and located west of N. Trinity and north of William Allen Lane where State Street dead ends, and more commonly referred to as 1101 N. Trinity and 1101 N. State Street, City of Decatur, Wise County, Texas.

Planning and Development Director Ragland presented the staff report. Mr. Chris Bates requested a permit to install a swimming pool on his property when it was discovered that his house sits across several lots and needed to be replatted into one (1) lot. At that time, he also decided to include his father, Allen Bates' property which dead ends at State Street in his replat application. Twenty-eight (28) property owners were notified and staff received no responses. The plat meets the City's requirements and staff recommends approval.

Chairman Edwards asked whether there was any stipulation by or discussion with the Homeowner's Association in regards to access to the northwest corner portion which fronts the townhomes. Planning Director Ragland stated that that question had come up previously and former Public Works Director Earl Smith had determined that the elevation difference between the lot and where the subdivision is doesn't really affect access. Planning Director Ragland also stated that since it is a city street, no contact with the Homeowner's Association concerning access is required.

Commissioner Standridge asked how much frontage there was to that lot for access. Director Ragland stated there is no frontage off State Street. State Street dead ends into Pastor Bates' lot. Access is not an issue. She also stated that Mark Southard has purchased the lot on the west side of State Street and he is putting in curbs and gutters.

**Commissioner Allen made a motion to approve Replat Application RP2015-13. Commissioner Lanier seconded the motion. The motion passed 4-0. (Vice-Chairman LeMond and Commissioner Berube absent.)**

**ITEM 3: FP2015-06** Commission to hear and consider and take action to make a recommendation to City Council regarding Final Plat Application 2015-06—Gary Tanner's request, on behalf of Bennette Jenkins, to final plat Lots 1 and 2, Block 1, Catlett Creek Estates II, being a 5.00-Acre tract in the B.B.B. and C.R.R. Survey, Abstract No. 118, and located in the city's Extraterritorial Jurisdiction (ETJ) south of Cemetery Road and west of CR2140, Wise County, Texas.

Planning and Development Director Ragland presented the staff report. Mr. Tanner seeks to develop one lot and possibly sell the other lot. He decided to plat the property, which is in the ETJ. This case was also forwarded to the County for review. The plat meets both the County and the City's requirements and staff is recommending approval.

Commissioner Edwards questioned the flood zone on the NE corner of the plat in regards to the Base Flood Elevation, to which Director Ragland stated that the County also had that question in their comments and it has been answered on the plat. Mr. Tanner stated the requirement is a minimum finish floor elevation 2 feet above the Base Flood Elevation (BFE) or an elevation of 919.5 ft., whichever is greater.

**Commissioner Allen made a motion to approve Final Plat Application FP2015-06. Commissioner Standridge seconded the motion. The motion passed 4-0. (Vice-Chairman LeMond and Commissioner Berube absent.)**

**ITEM 4:** Discuss and approve 2016 Meeting Schedule.

The Commissioners reviewed the schedule and there were no issues with the calendar at this time.

**ITEM 5:** New and/or future business items.

The next meeting is January 5, 2016 at 6:00 p.m.

**The meeting adjourned at 6:13 p.m.**

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William D. Edwards, Chairman

ATTEST:

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Dedra Denée Ragland, Planning Director



# CITY OF DECATUR, TEXAS

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## STAFF REPORT

*February 2, 2016 – Planning & Zoning Commission Meeting*

**TO:** Planning & Zoning Commissioners      **CASE:** CP2016-01  
**FROM:** Dedra D. Ragland, AICP, Planning Director      **APPLICANT:** J.D. Dudley's request, on behalf of QuikTrip, and property owner, Cornerstone Baptist Church  
**DATE:** January 26, 2016      **REQUEST:** Amend Long Range Master Plan Land Use from Medium Density Residential to Commercial Land Use

### Case Notes:

Commission to hear and take action to make a recommendation to City Council regarding Comprehensive Plan Amendment Application 2016-01—J.D. Dudley's request, on behalf of QuikTrip, and property owner, Cornerstone Baptist Church, to amend the Decatur Long Range Master Plan Land Use Map from a Medium Density Residential (MDR) land use designation to a Commercial (COM) land use designation on a 5.45-acre tract of land located at the southeast corner of W. Hale Street and US Hwy 81/287 exit ramp; and on approximately 0.54 acres to the centerline of Hale Street and 0.55 acres to the centerline of Trenchard Street, and being more commonly referred to as 701 W. Hale Avenue, Decatur, Texas.

### Legality:

According to the Texas Local Government Code, the land use designation for this property can be legally amended given a public hearing (§213.003(a)(1)), review and recommendation from the Planning & Zoning Commission (§213.003(a)(1)), and approval by City Council (City Charter).

### Analyses:

- Current land use map, amended in August 2006, does not identify the subject site as suitable for Commercial land use. It identifies the subject site as suitable for Medium Density Residential (MDR). Property is currently zoned Single-Family Residential-1 (SF-1) and Single-Family Residential-2 (SF-2).
  - Surrounding tracts' land uses include:
    - North: Commercial (COM)
    - South: Medium Density Residential (MDR)
    - East: Medium Density Residential (MDR) and Commercial (COM)
    - West: Commercial (COM)
- Surrounding tracts' zoning include:
- North: Thoroughfare Business (C-2)
  - South: Thoroughfare Business (C-2) and Single-Family Residential-2 (SF-2)
  - East: Thoroughfare Business (C-2) and Single-Family Residential-2 (SF-2)
  - West: Thoroughfare Business (C-2)

- Applicant is requesting amendment to allow for a rezoning to Thoroughfare Business (C-2) zoning for the purpose of commercial development. This request is being processed concurrently with zoning change application ZC2015-07. Approval of the comprehensive plan amendment must occur before the zoning change can be approved.
- The property will need to be replatted.
- Twenty (20) property owners were notified. Staff has received no letters in favor, in opposition or neutral to the request.

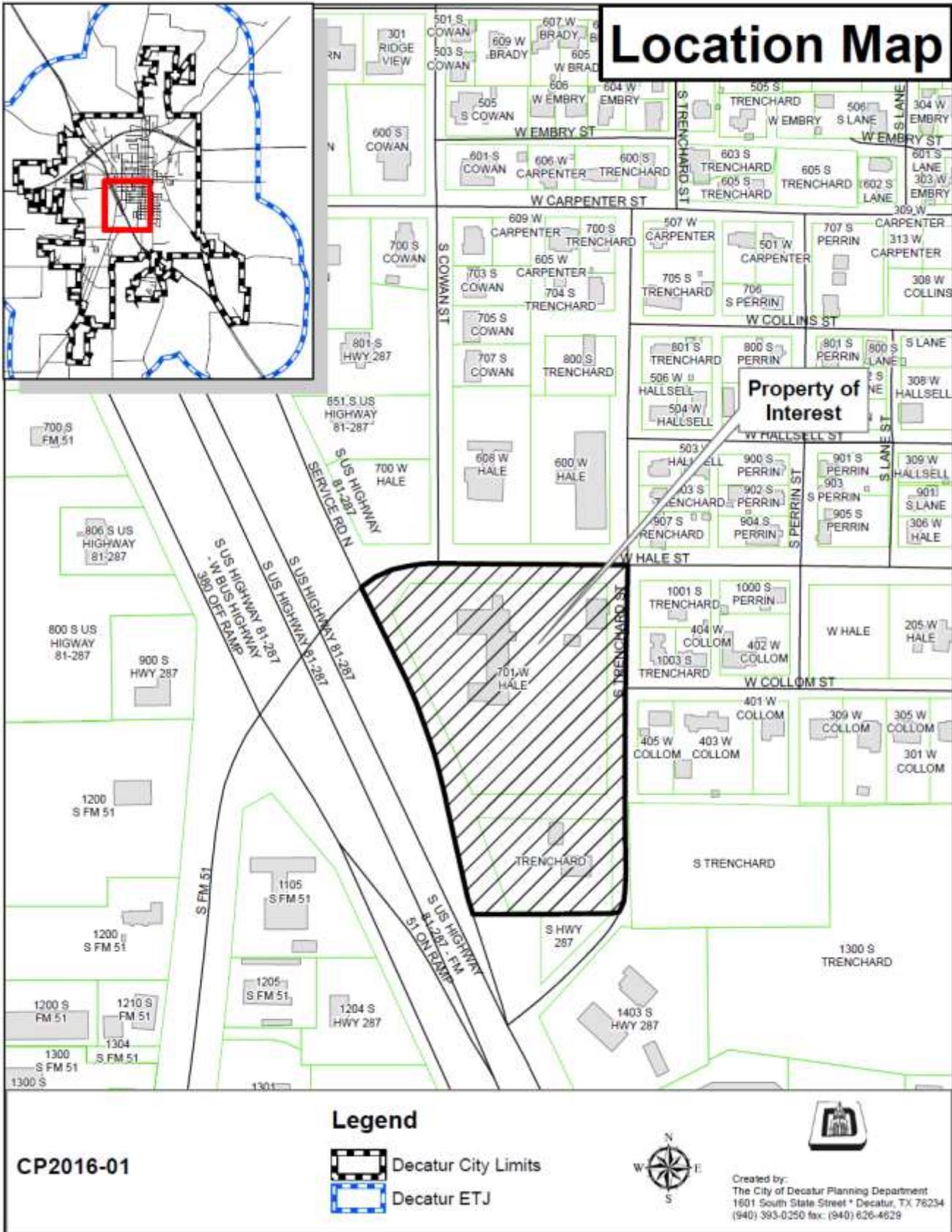
**Recommendation:**

Given that the subject site is located at the intersection of two major thoroughfares (US Hwy. 81/287 and Hale Street), staff recommends approval of the Comprehensive Plan Amendment.

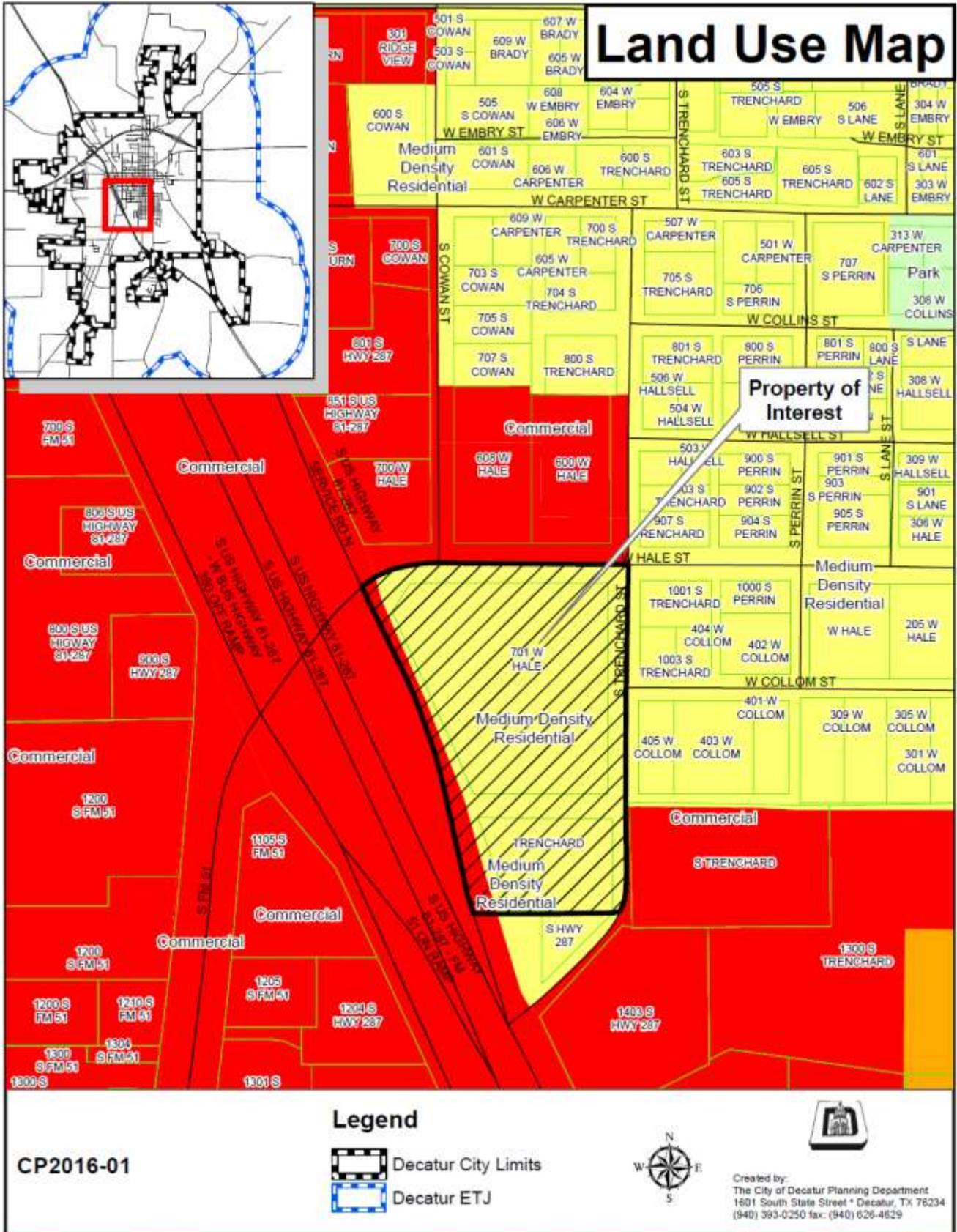
**Attachments:**

1. Location Map
2. Land Use Map
3. Proposed Land Use Map
4. Zoning Map
5. Proposed Zoning Map
6. 200' Notification Map
7. Property Owner Notifications

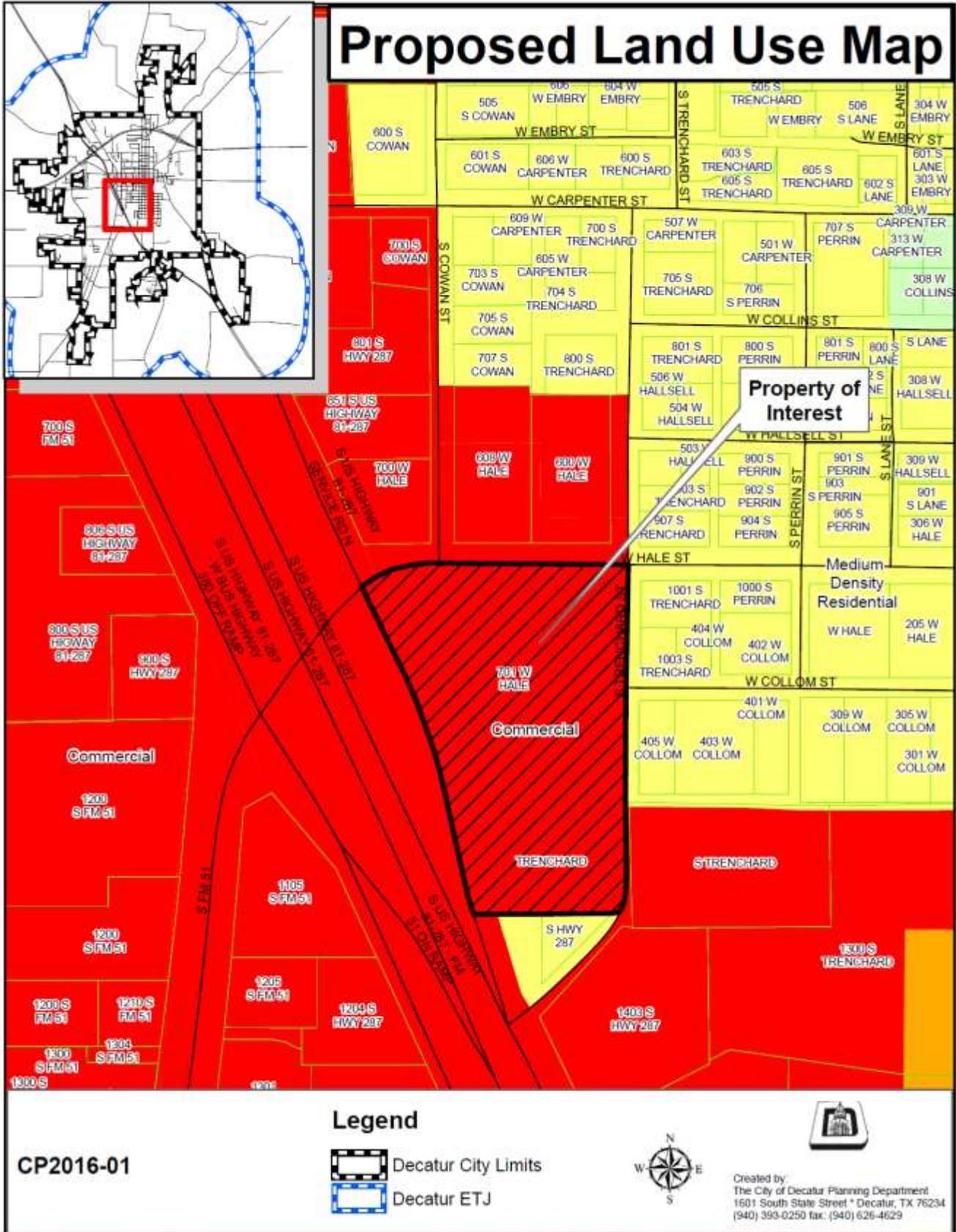
# Attachment 1 Location Map



# Attachment 2 Land Use Map

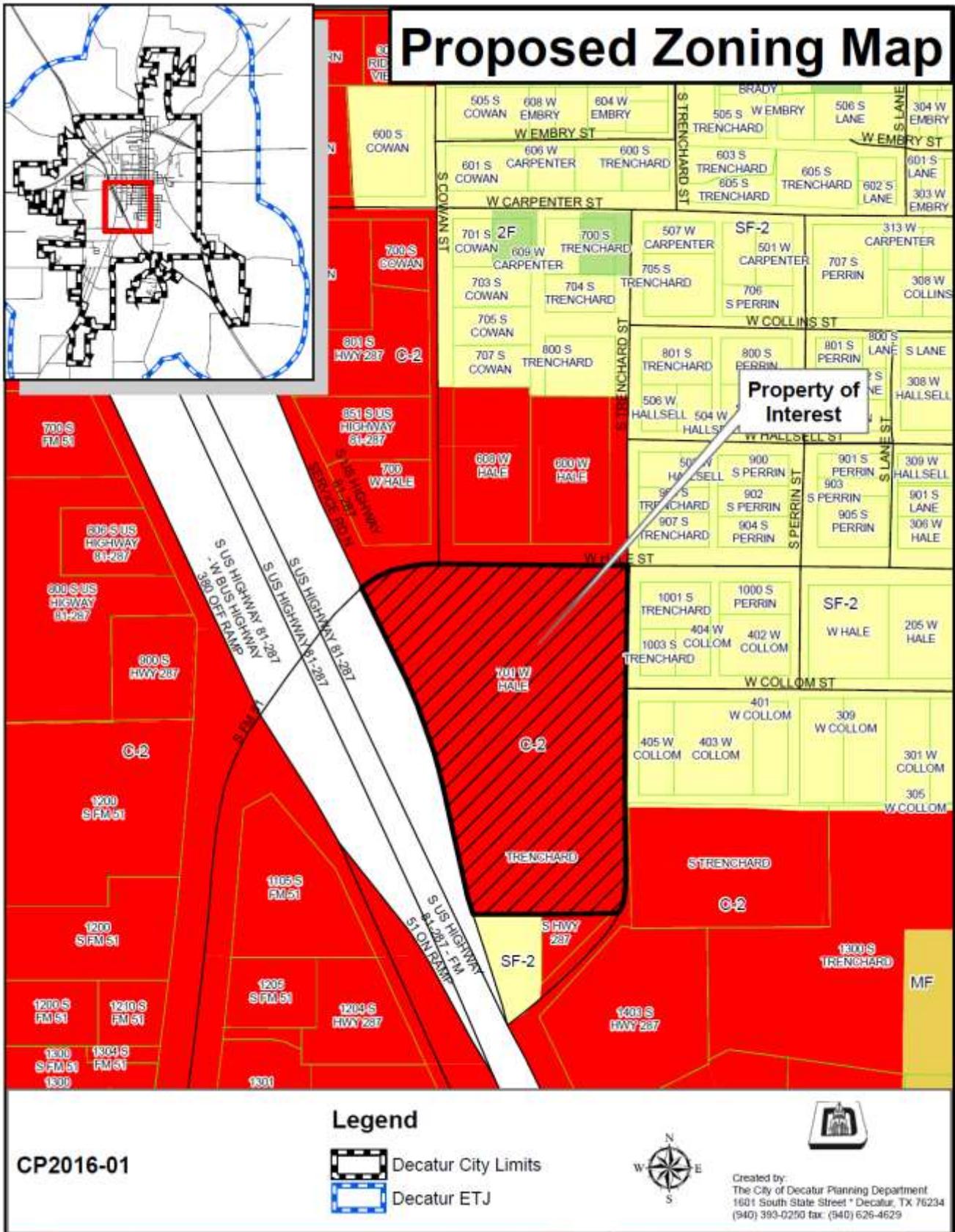


Attachment 3  
**Proposed Land Use Map**

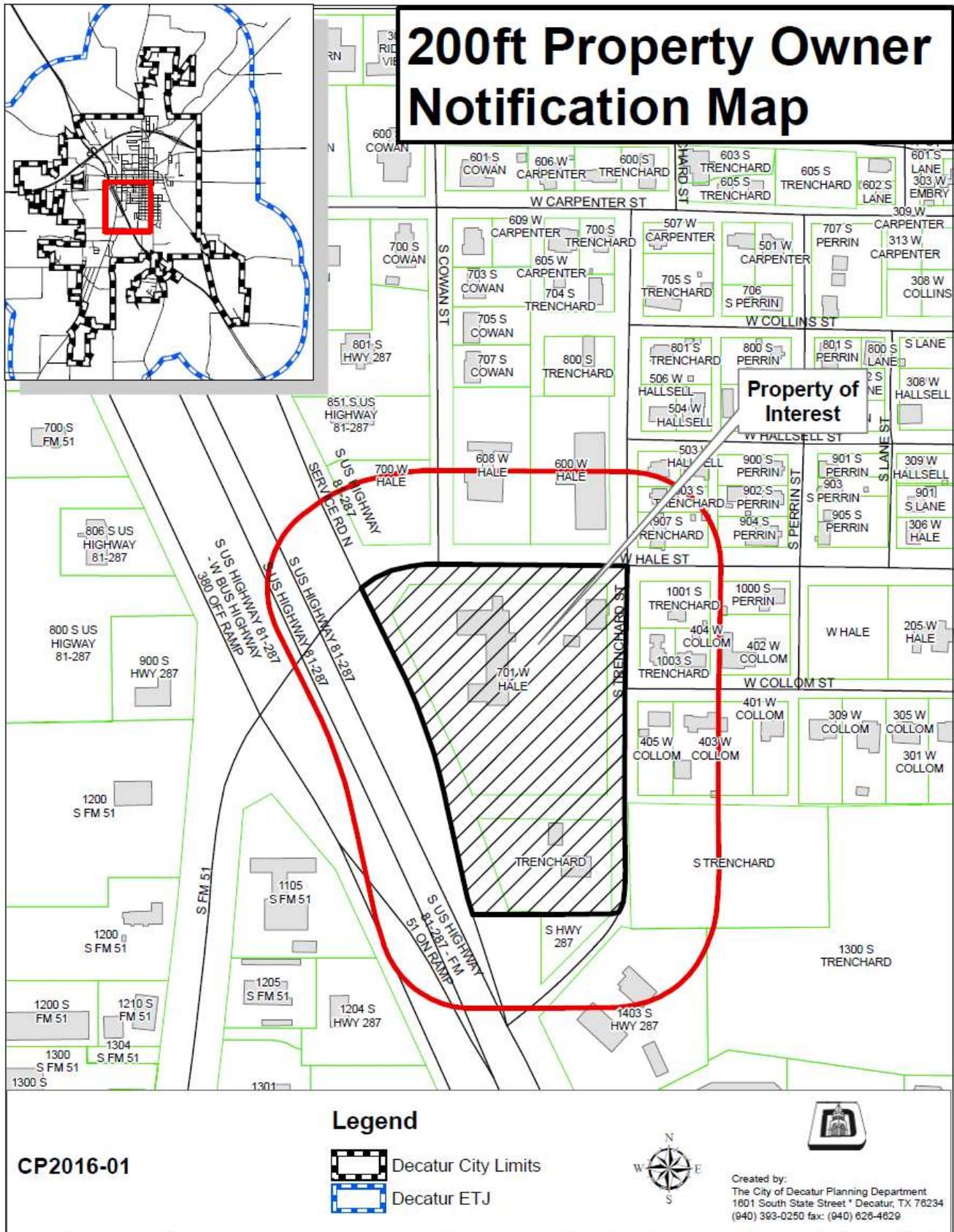




Attachment 5  
**Proposed Zoning Map**



Attachment 6  
**200' Notification Map**



Attachment 7  
**Property Owner Notifications**

**None to date**



# CITY OF DECATUR, TEXAS

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Agenda Item 3

## STAFF REPORT

*February 2, 2016 – Planning and Zoning Commission Meeting*

**TO:** Planning and Zoning Commissioners

**CASE:** ZC2015-07

**FROM:** Dedra Ragland, AICP Planning Director

**APPLICANT:** J.D. Dudley's request on behalf of QuikTrip and property owner, Cornerstone Baptist Church

**DATE:** January 26, 2016

**REQUEST:** Zoning Change from SF-1 and SF-2 to C-2

### Case Notes:

Commission to hear and take action to make recommendation to the City Council regarding Zoning Change Application 2015-07—J.D. Dudley's request on behalf of QuikTrip and property owner, Cornerstone Baptist Church, to change zoning from a Single Family-1 (SF-1) Zoning District and a Single Family-2 (SF-2) Zoning District to a Thoroughfare Business (C-2) Zoning District on a 5.45-acre tract of land located at the southeast corner of W. Hale Street and US Hwy 81/287 exit ramp; and approximately on 0.54 acres to the centerline of W. Hale Street; approximately 0.55 acres to the centerline of S. Trenchard Street and approximately 0.80 acres to the centerline of US Highway 81/287 exit ramp where adjacent to the site and being more commonly referred to as 701 W. Hale Avenue, Decatur, Texas.

### Legality:

According to the *Texas Local Government Code*, this property can be legally rezoned given proper notice (§211.006(a) and 211.007(c)), public hearings (§211.006 (a)), review and recommendation from the Planning & Zoning Commission (§211.007 (b)) and approval by City Council (§211.007 (b)).

### Analysis:

- Property is currently zoned Single-Family Residential-1 (SF-1)/Single-Family Residential-2 (SF-2).
- Surrounding zoning:
  - North: Thoroughfare Business (C-2)
  - South: Single-Family Residential-2 (SF-2) and Thoroughfare Business (C-2)
  - East: Thoroughfare Business (C-2)
  - West: Thoroughfare Business (C-2)
- Current land use map, amended in August 2006, does not identify the subject site as suitable for Commercial land use. It identifies the subject site as suitable for Medium Density Residential (MDR). Property is currently zoned Single-Family Residential-1 (SF-1) and Single-Family Residential-2 (SF-2).
- Applicant is requesting zone change to allow for a rezoning to Thoroughfare Business (C-2) zoning for the purpose of commercial development. This request is being processed concurrently with comprehensive plan amendment application CP2016-01. Approval of the comprehensive plan amendment must occur before the zoning change can be approved.
- A zoning change to Thoroughfare Business (C-2) is not consistent with the current Long Range Master Plan Land Use Map. If Comprehensive Plan Amendment is approved, then the zoning change to Thoroughfare Business (C-2) will be consistent with the Long Range Master Plan Land Use Map.

- Twenty (20) property owners were notified. To date, staff has received no notices in favor, against or neutral to the request.
- Before any development may occur, applicant must replat property; and submit a site plan, building permit and certificate of occupancy applications.

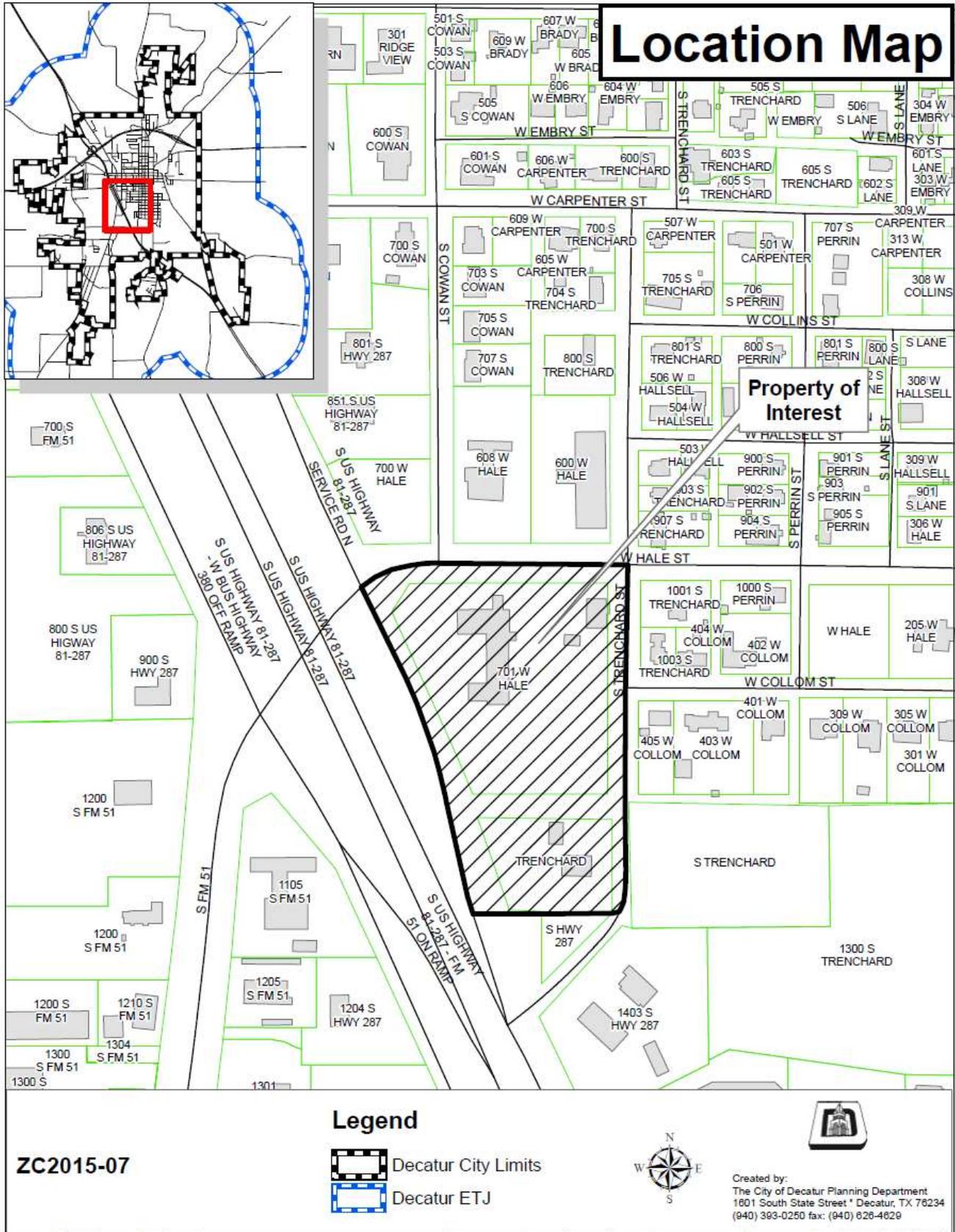
**Recommendation:**

Given that the subject site is located at the intersection of two major thoroughfares (US Hwy. 81/287 and Hale Street), staff recommends approval of a zone change from Single-Family Residential-1 (SF-1) and Single-Family Residential-2 (SF-2) zoning designations to a Thoroughfare Business (C-2) zoning designation.

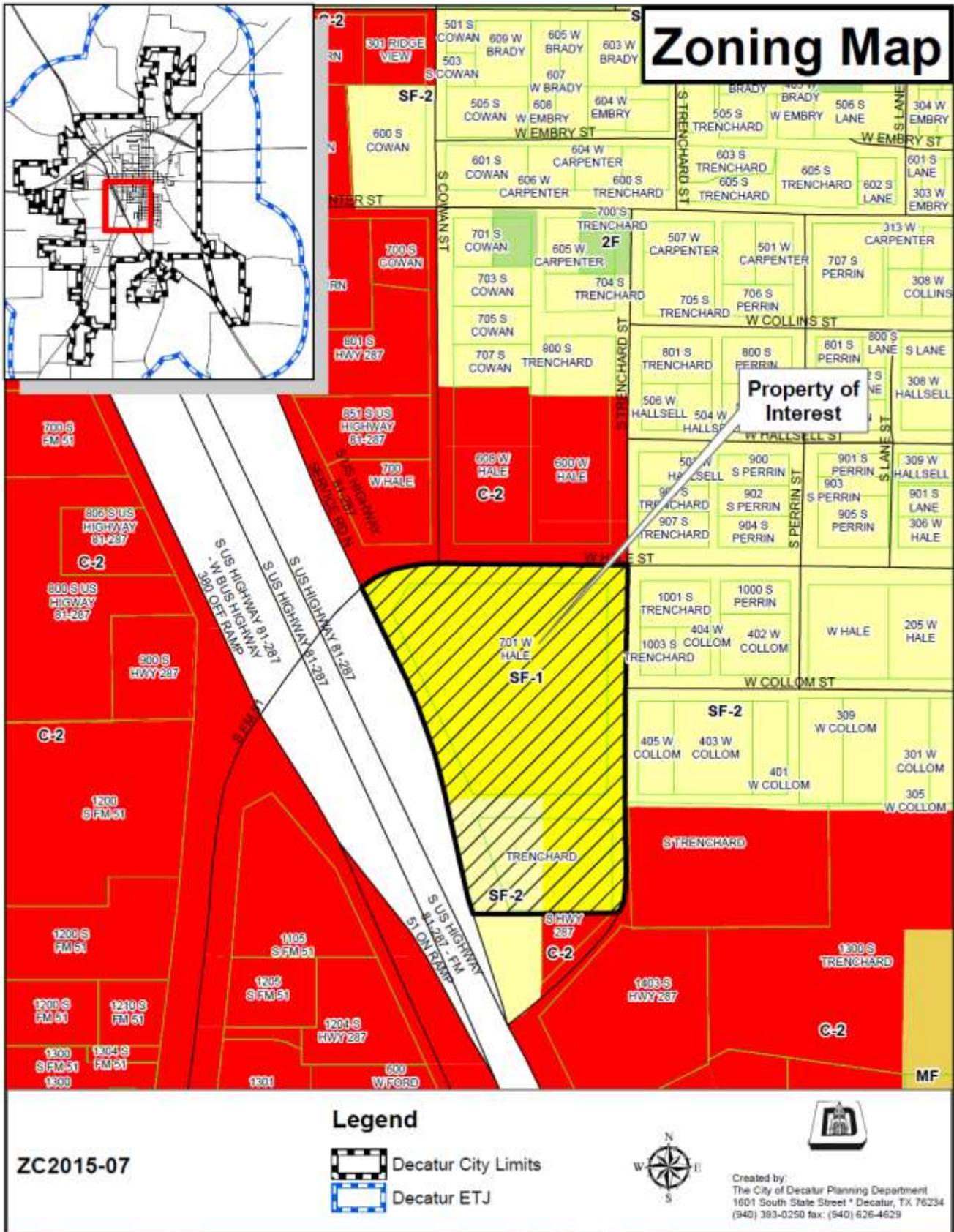
**Attachments:**

1. Location Map
2. Existing Zoning Map
3. Proposed Zoning Map
4. Existing Land Use Map
5. 200' Notification Map
6. Property Owner Notification
7. Draft Ordinance

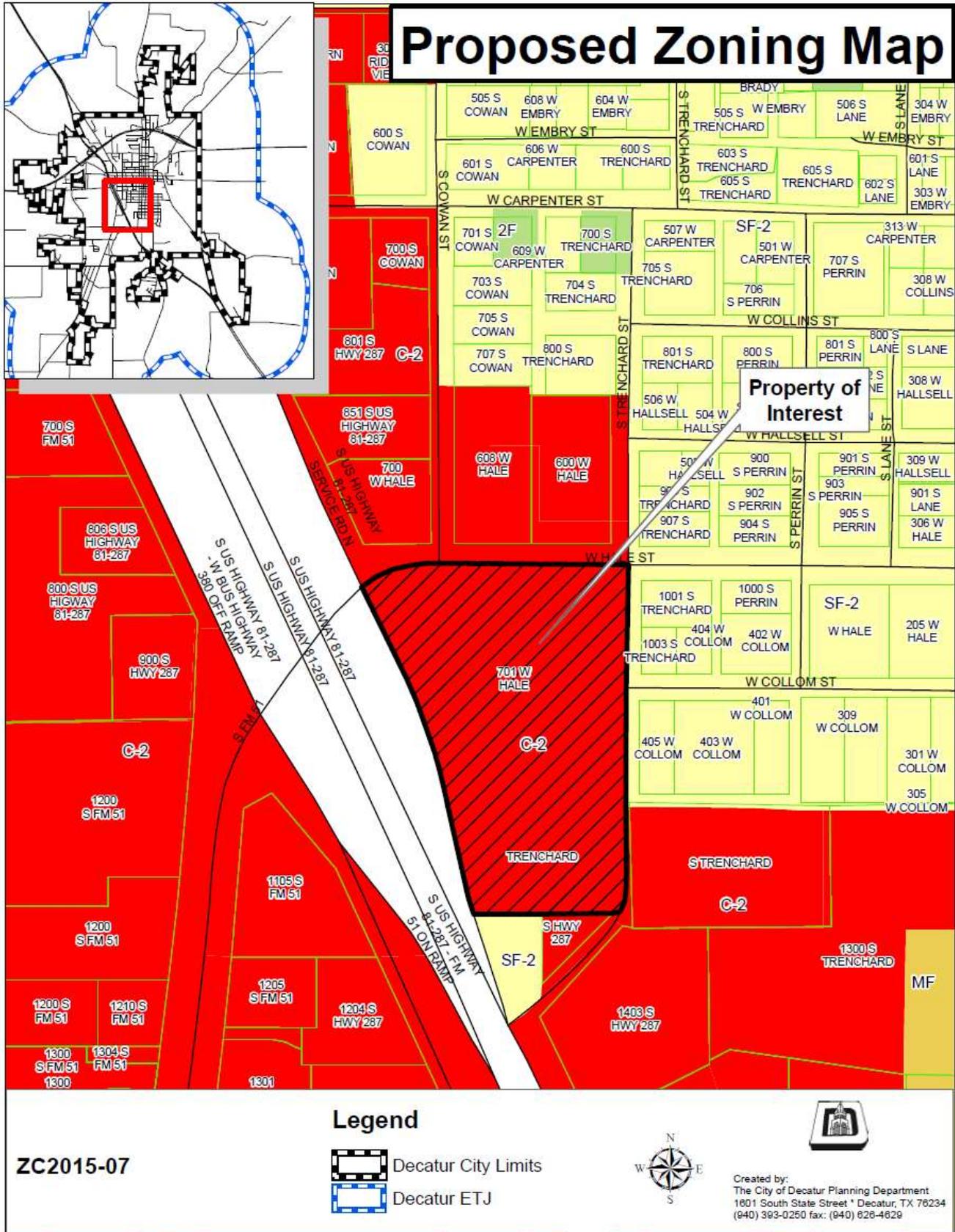
# Attachment 1 Location Map



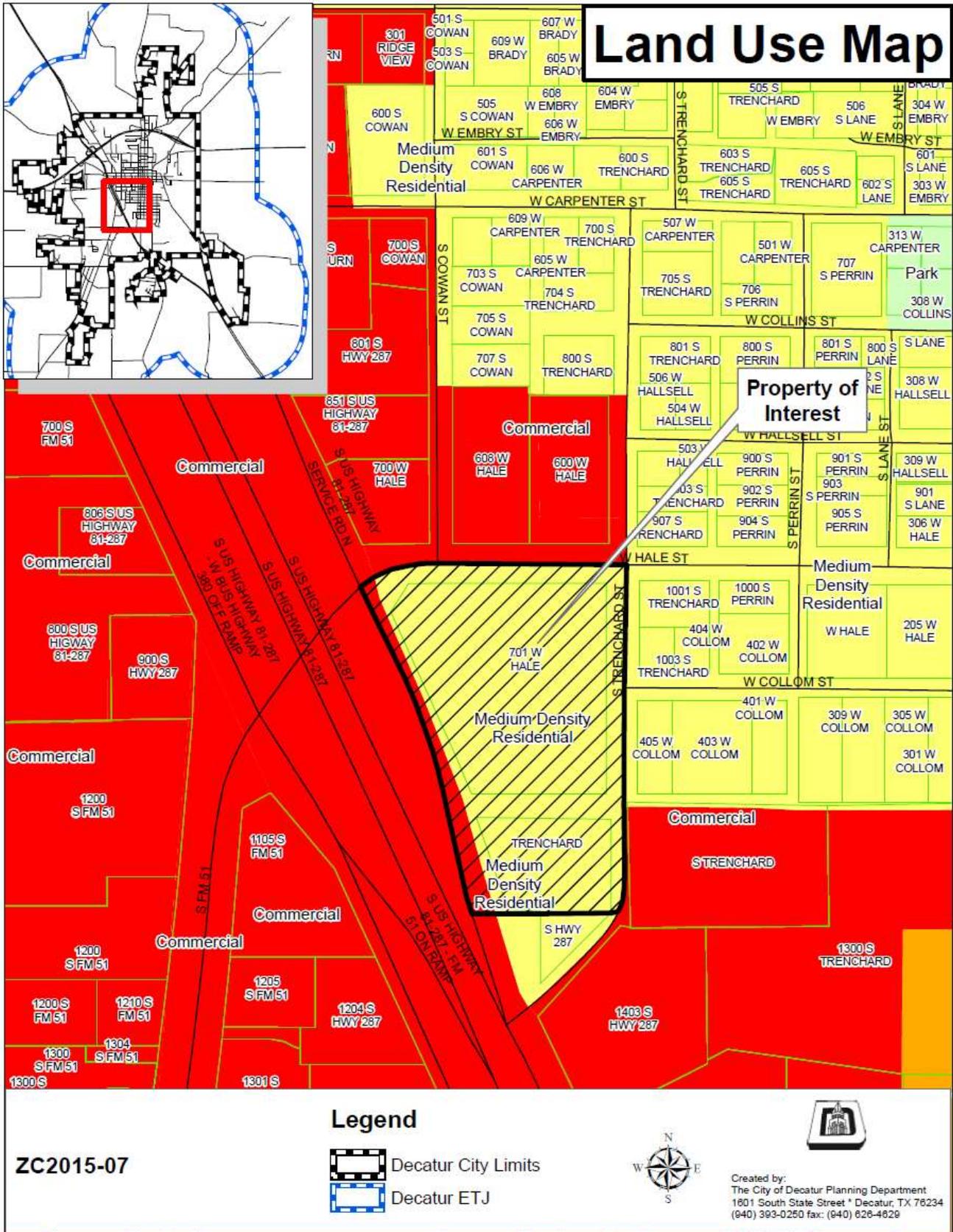
# Attachment 2 Existing Zoning Map



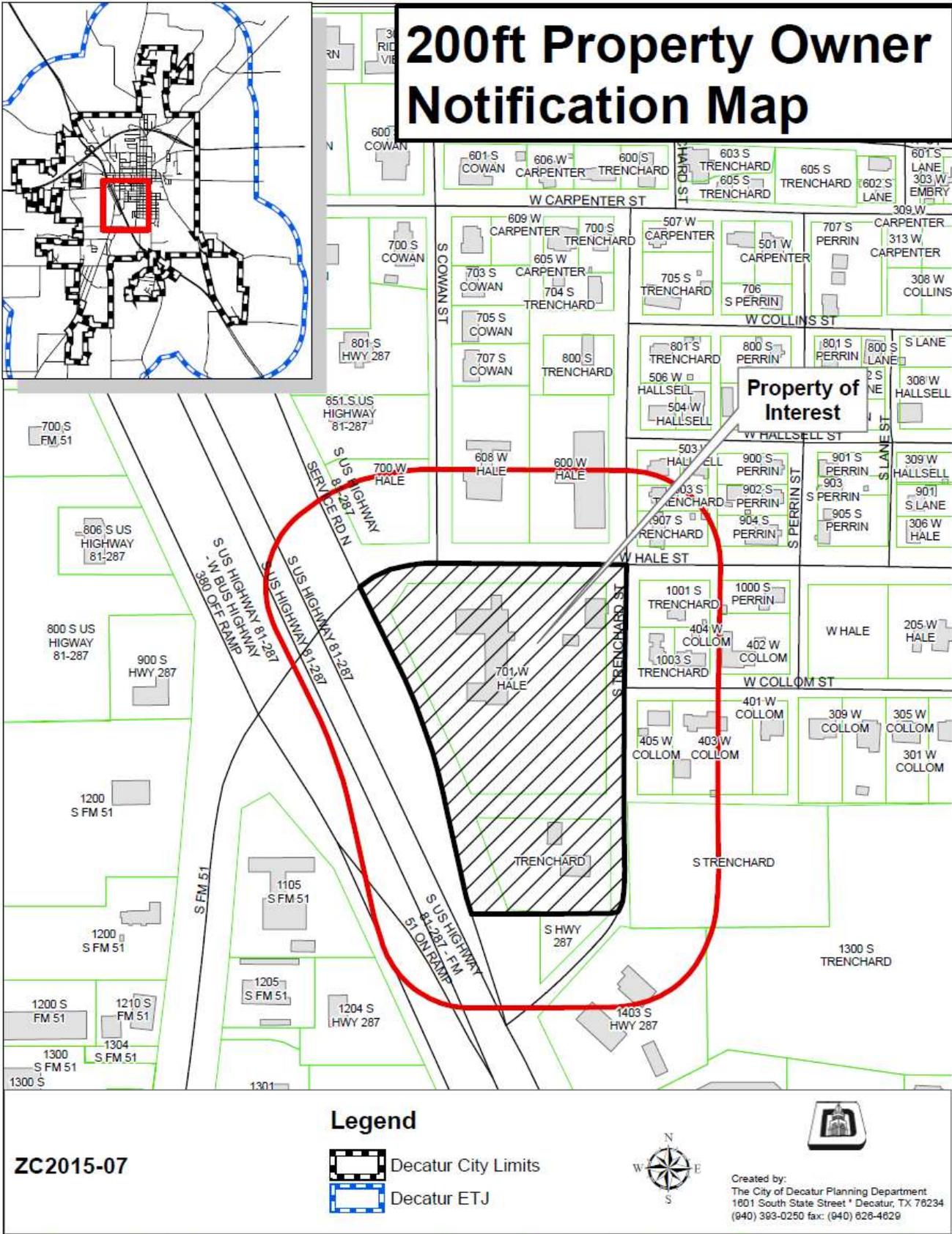
Attachment 3  
**Proposed Zoning Map**



# Attachment 4 Existing Land Use Map



Attachment 5  
**200' Notification Map**



Attachment 6  
**Property Owner Notification**

**None to date**

Attachment 7  
**Draft Ordinance**

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF DECATUR, BY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DECATUR, GRANTING A ZONING CHANGE FROM A SINGLE-FAMILY RESIDENTIAL-1 (SF-1) AND SINGLE-FAMILY RESIDENTIAL-2 (SF-2) ZONING DISTRICT TO A THOROUGHFARE BUSINESS (C-2) ZONING DISTRICT ON A 5.45-ACRE TRACT OF LAND LOCATED AT THE SOUTHEAST CORNER OF W. HALE STREET AND US HWY 81/287 EXIT RAMP; AND APPROXIMATELY ON 0.54 ACRES TO THE CENTERLINE OF W. HALE STREET; APPROXIMATELY 0.55 ACRES TO THE CENTERLINE OF S. TRENCHARD STREET AND APPROXIMATELY 0.80 ACRES TO THE CENTERLINE OF US HIGHWAY 81/287 EXIT RAMP WHERE ADJACENT TO THE SITE AND BEING MORE COMMONLY REFERRED TO AS 701 W. HALE AVENUE, DECATUR, TEXAS.**

**WHEREAS**, the current zoning of the tract of land illustrated in the attached Exhibit “A” is Single-Family Residential-1 (SF-1) and Single-Family Residential-2 (SF-2); and

**WHEREAS**, application has been properly made to amend the Official Zoning Map of the City of Decatur, Texas, requesting that the current zoning of such properties be changed to Thoroughfare Business (C-2) Zoning; and

**WHEREAS**, said applications have been properly heard by the Planning and Zoning Commission of the City of Decatur, Texas, as required by State statutes and the Zoning Ordinance of said City; and

**WHEREAS**, said Planning and Zoning Commission has made recommendation that the change of land use classification and zoning classification as requested be APPROVED, and all legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of said City, after all legal notices, requirements, conditions and prerequisites having been complied with; and

**WHEREAS**, the City Council of the City of Decatur, Texas, at a called public hearing did consider all appropriate factors in determining whether to grant such requested change; and

**WHEREAS**, the City Council of the City of Decatur, Texas does find that the requested change is in the public interest and that the zoning change does not unreasonably invade the rights of adjacent property owners;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DECATUR TEXAS:**

**SECTION 1.** The Zoning Ordinance of the City of Decatur, Texas, be, and the same is hereby amended and changed in that the use of the properties described upon the attached Exhibit “A” (which Exhibit is made a part hereof for all purposes) is hereby changed and

assigned a Thoroughfare Business (C-2) zoning classification.

**SECTION 2.** The Planning Director is hereby directed to correct the official zoning map of the City of Decatur, Texas, to reflect the herein change in zoning.

**SECTION 3.** In all other respects, the use of the tract or tracts of land hereinabove described shall be subject to all the applicable regulations contained in said City of Decatur Zoning Ordinance and all other applicable and pertinent ordinances of the City of Decatur, Texas.

**SECTION 4.** This ordinance shall be cumulative of all other ordinances of the City of Decatur and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

**SECTION 5.** This ordinance shall take effect on its final passage, and it is so ordained.

**PRESENTED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016**

**PRESENTED ON SECOND READING AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016 BY A VOTE OF \_\_\_\_ AYES, \_\_\_\_ NAYS, \_\_\_\_ ABSTENTIONS, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS.**

**APPROVED:**

\_\_\_\_\_  
Martin B. Woodruff, MAYOR

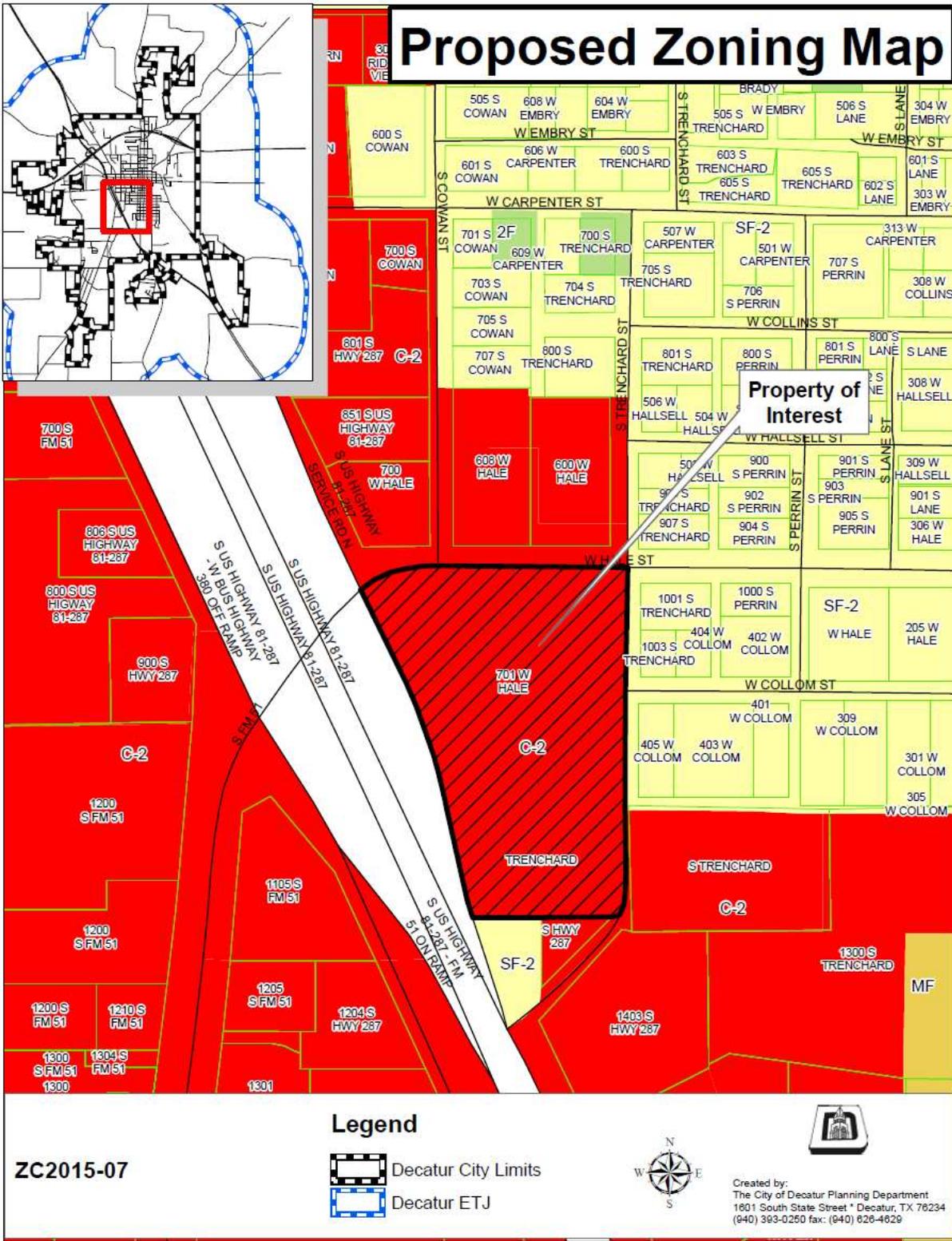
**ATTEST:**

\_\_\_\_\_  
Diane Cockrell, TRMC, CITY SECRETARY

**APPROVED AS TO CONTENT AND FORM:**

\_\_\_\_\_  
Mason L. Woodruff, CITY ATTORNEY

# EXHIBIT "A"





## STAFF REPORT

*February 2, 2016 – Planning and Zoning Commission Meeting*

**TO:** Planning and Zoning Commissioners  
**FROM:** Dedra Ragland, AICP Planning Director  
**DATE:** January 25, 2016

**CASE:** ZC2015-08  
**APPLICANT:** Jody Adams'  
request behalf of  
Double Creek  
Capital  
**REQUEST:** Zoning Change  
from SF-1 to SF-2

### Case Notes:

Commission to hear and take action to make recommendation to the City Council regarding Zoning Change Application 2015-07—Jody Adams' request, on behalf of Double Creek Capital, to change zoning from a Single Family-1 (SF-1) Zoning District to a Single Family-2 (SF-2) Zoning District on a 31.024-acre tract of land situated in the D. Moses Survey, Abstract Number 537, Decatur Wise County, Texas, said 31.024-acre tract being more particularly described by metes and bounds as follows:

BEGINNING AT A 1/2" IRON ROD FOUND, SAID 1/2" IRON FOUND BEING THE SOUTHWESTERLY CORNER OF LOT 1-R1, BLOCK A LA MIRAND MEADOW ESTATES ACCORDING TO THE PLAT RECORDED IN CABINET D, SLIDE 535, PLAT RECORDS, WISE COUNTY, TEXAS, SAID 1/2" IRON ROD FOUND ALSO BEING THE SOUTHEASTERLY CORNER OF LOT 28 MUSTANG CREEK RANCH ESTATES ACCORDING TO THE PLAT RECORDED IN CABINET B, SLIDE 421, PLAT RECORDS, WISE COUNTY, TEXAS;

THENCE NORTH 89 DEGREES 00 MINUTES 41 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID LA MIRAND MEADOW ESTATES AND ALONG THE SOUTHERLY LINE OF A TRACT OF LAND DESCRIBED IN DEED TO DON D. MCDONALD AND PEGGY S. MCDONALD RECODED IN VOLUME 550. PAGE 539, REAL RECORDS, WISE COUNTY, TEXAS A DISTANCE OF 451.33 FEET TO A 1/2" IRON ROD FOUND, SAID 1/2" IRON ROD FOUND BEING THE NORTHWESTERLY CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO FIRST UNITED METHODIST CHURCH DECATUR RECORDED IN VOLUME 329, PAGE 571, REAL RECORDS, WISE COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 11 MINUTES 53 SECONDS EAST ALONG THE WESTERLY LINE OF SAID FIRST UNITED METHODIST CHURCH DECATUR TRACT A DISTANCE OF 160.75 FEET TO A 1/2" IRON ROD FOUND, SAID 1/2" IRON ROD FOUND BEING THE SOUTHWESTERLY CORNER OF SAID FIRST UNITED METHODIST CHURCH DECATUR TRACT;

THENCE NORTH 89 DEGREES 06 MINUTES 14 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID FIRST UNITED METHODIST CHURCH DECATUR TRACT A DISTANCE OF 174.80 FEET TO A RAILROAD SPIKE FOUND, SAID RAILROAD SPIKE FOUND BEING THE SOUTHEASTERLY CORNER OF SAID FIRST UNITED METHODIST CHURCH DECATUR TRACT, SAID RAILROAD SPIKE FOUND ALSO BEING IN DEER PARK ROAD;

THENCE SOUTH 00 DEGREES 11 MINUTES 06 SECONDS EAST ALONG SAID DEER PARK ROAD A DISTANCE OF 149.93 FEET TO A RAILROAD SPIKE FOUND, SAID RAILROAD SPIKE FOUND BEING THE NORTHEASTERLY CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO RICHARD C. GARRISON AND DELONA GARRISON RECORDED IN VOLUME 403. PAGE 839, REAL RECORDS, WISE COUNTY, TEXAS;

THENCE SOUTH 89 DEGREES 12 MINUTES 11 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID GARRISON TRACT A DISTANCE OF 174.84 FEET TO A 1/2" IRON ROD FOND, SAID 1/2" IRON ROD FOUND BEING THE NORTHWESTERLY CORNER OF SAID GARRISON TRACT;

THENCE SOUTH 00 DEGREES 08 MINUTES 58 SECONDS EAST ALONG THE WESTERLY LINE OF SAID GARRISON TRACT A DISTANCE OF 115.10 FEET TO A 1/2" IRON ROD FOUND, SAID 1/2" IRON ROD FOUND BEING THE SOUTHWESTERLY CORNER OF SAID GARRISON TRACT, SAID 1/2" IRON ROD FOUND ALSO BEING ON THE NORTHERLY LINE OF A TRACT OF LAND DESCRIBED IN DEED TO DOYLE A. LOWE AND LORI A. LOWE RECORDED IN VOLUME 1865, PAGE 204, OFFICIAL PROPERTY RECORDS, WISE COUNTY, TEXAS;

THENCE SOUTH 88 DEGREES 54 MINUTES 52 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID LOWE TRACT A DISTANCE OF 142.31 FEET TO A 1/2" IRON ROD FOUND, SAID 1/2" IRON ROD FOUND BEING THE NORTHWESTERLY CORNER OF SAID LOWE TRACT;

THENCE SOUTH 00 DEGREES 16 MINUTES 42 SECONDS WEST ALONG THE WESTERLY LINE OF SAID LOWE TRACT A DISTANCE OF 421.40 FEET TO A 1/2" IRON ROD FOUND, SAID 1/2" IRON ROD FOUND BEING THE SOUTHWESTERLY CORNER OF SAID LOWE TRACT, SAID 1/2" IRON ROD FOUND ALSO BEING ON THE NORTHERLY LINE OF A TRACT OF LAND DESCRIBED IN DEED TO MICHAEL RANN ZEMMIN TRUST RECORDED IN VOLUME 2408, PAGE 47, OFFICIAL PROPERTY RECORDS, WISE COUNTY, TEXAS;

THENCE SOUTH 87 DEGREES 09 MINUTES 57 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID ZEMMIN TRUST A DISTANCE OF 161.17 FEET TO A 3" STEEL FENCE POST FOUND, SAID 3" STEEL FENCE POST FOUND BEING THE NORTHWESTERLY CORNER OF SAID ZEMMIN TRUST TRACT, SAID 3" STEEL FENCE POST FOUND ALSO BEING THE NORTHEASTERLY CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO MICHAEL RANN ZEMMIN TRUST RECORDED IN INSTRUMENT 201508340. OFFICIAL PROPERTY RECORDS, WISE COUNTY, TEXAS;

THENCE SOUTH 88 DEGREES 40 MINUTES 59 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID ZEMMIN TRUST TRACT AND ALONG THE NORTHERLY LINE OF A TRACT OF LAND DESCRIBED IN DEED TO MICHAEL RANN ZEMMIN TRUST RECORDED IN VOLUME 2165, PAGE 802/808, OFFICIAL PROPERTY RECORDS, WISE COUNTY, TEXAS, A DISTANCE OF 1308.21 FEET TO A 1/2" IRON ROD SET, SAID 1/2" IRON ROD SET BEING THE NORTHWESTERLY CORNER OF SAID ZEMMIN TRUST TRACT, SAID 1/2" IRON ROD SET ALSO BEING ON THE EASTERLY LINE OF LOT 11, BLOCK A HOMES OF BRIAR CROSSING ACCORDING TO THE PLAT RECORDED IN CABINET C, SLIDE 486, PLAT RECORDS, WISE COUNTY, TEXAS;

THENCE NORTH 00 DEGREES 35 MINUTES 03 SECONDS EAST ALONG THE EASTERLY LINE OF SAID BLOCK A HOMES OF BRIAR CROSSING AND ALONG THE EASTERLY LINE OF A TRACT OF LAND DESCRIBED IN DEED TO ROGER E. ZEMMIN RECORDED IN VOLUME 577, PAGE 561, REAL RECORDS, WISE COUNTY, TEXAS, A DISTANCE OF 879.09 FEET TO A 3" STEEL FENCE POST FOUND, SAID 3" STEEL FENCE POST FOUND BEING THE NORTHEASTERLY CORNER OF SAID ZEMMIN TRACT, SAID 3" STEEL FENCE POST FOUND ALSO BEING ON THE SOUTHERLY LINE OF LOT 23 MUSTANG CREEK RANCH ESTATES ACCORDING TO THE PLAT RECORDED IN CABINET B, SLIDE 421, PLAT RECORDS, WISE COUNTY, TEXAS;

THENCE NORTH 89 DEGREES 57 MINUTES 42 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID MUSTANG CREEK RANCH ESTATES A DISTANCE OF 1151.66 FEET TO THE POINT OF BEGINNING AND CONTAINING 31.024 ACRES OF LAND, MORE OR LESS;

and on approximately 0.41 acres to the centerline of Deer Park Road where adjacent to the site, Decatur, Texas.

**Legality:**

According to the *Texas Local Government Code*, this property can be legally rezoned given proper notice (§211.006(a) and 211.007(c)), public hearings (§211.006 (a)), review and recommendation from the Planning & Zoning Commission (§211.007 (b)) and approval by City Council (§211.007 (b)).

**Analysis:**

- Property is currently zoned Single-Family Residential-1 (SF-1).
- Surrounding zoning:
  - North: Extraterritorial Jurisdiction (ETJ)
  - South: Single-Family Residential-1 (SF-1)
  - East: Single-Family Residential-1 (SF-1) and Single-Family Residential-2 (SF-2)
  - West: Single-Family Residential-2 (SF-2)

- Current Long Range Master Plan Land Use Map, amended in August 2006, identifies the subject site as being suitable for low density residential uses, built at gross densities less than or equal to 5.2 dwelling units per acre.
- A zoning change to Single Family Residential-2 (SF-2) is consistent with the current Long Range Master Plan Land Use Map.
- Thirteen (13) property owners were notified. To date, staff has received one (1) notice in favor of the request.
- Before any development may occur, applicant must replat property; and submit a site plan, and building permit.

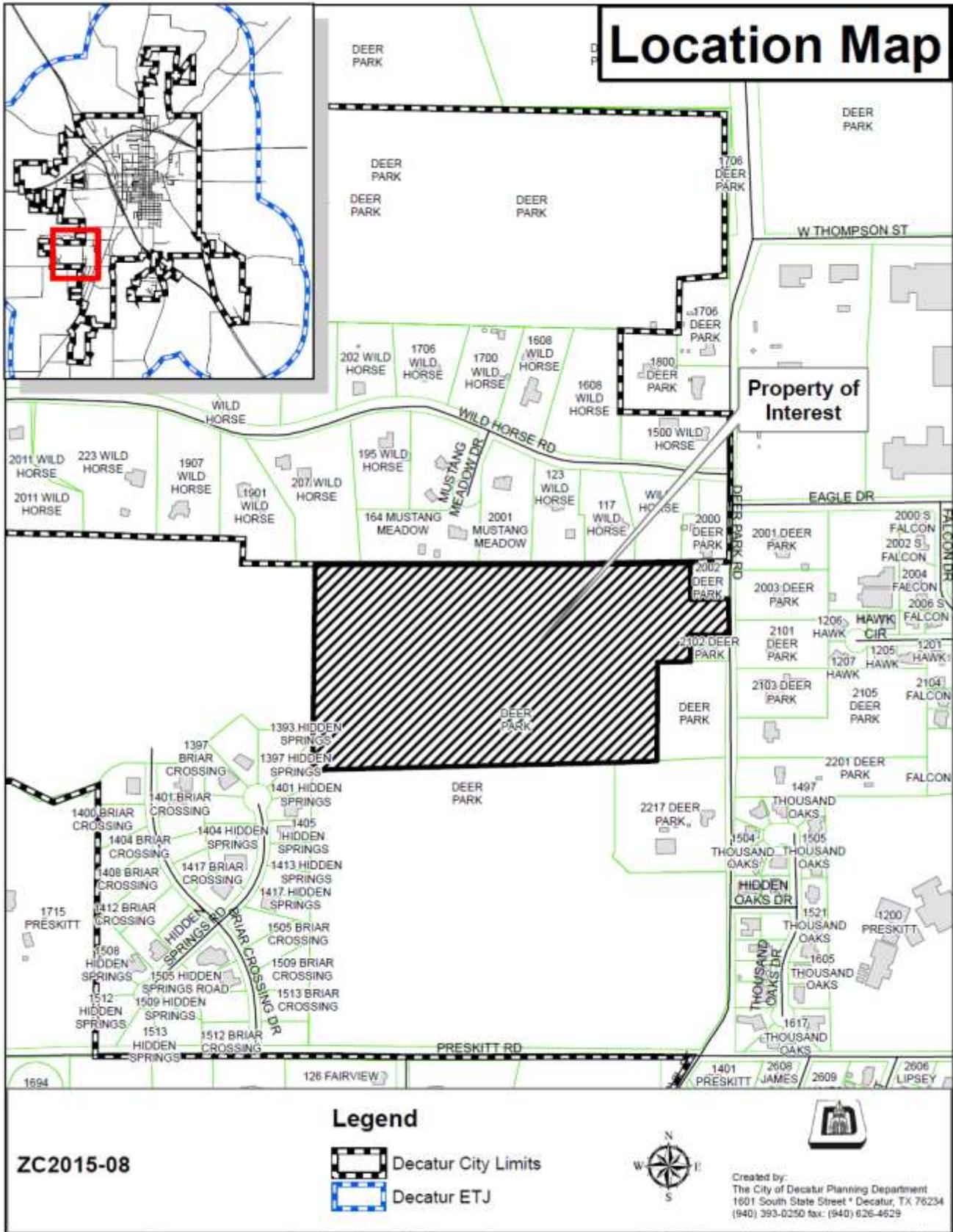
**Recommendation:**

Staff recommends approval of a zone change from a Single-Family Residential-1 (SF-1) zoning designation to a Single-Family Residential-2 (SF-2) zoning designation.

**Attachments:**

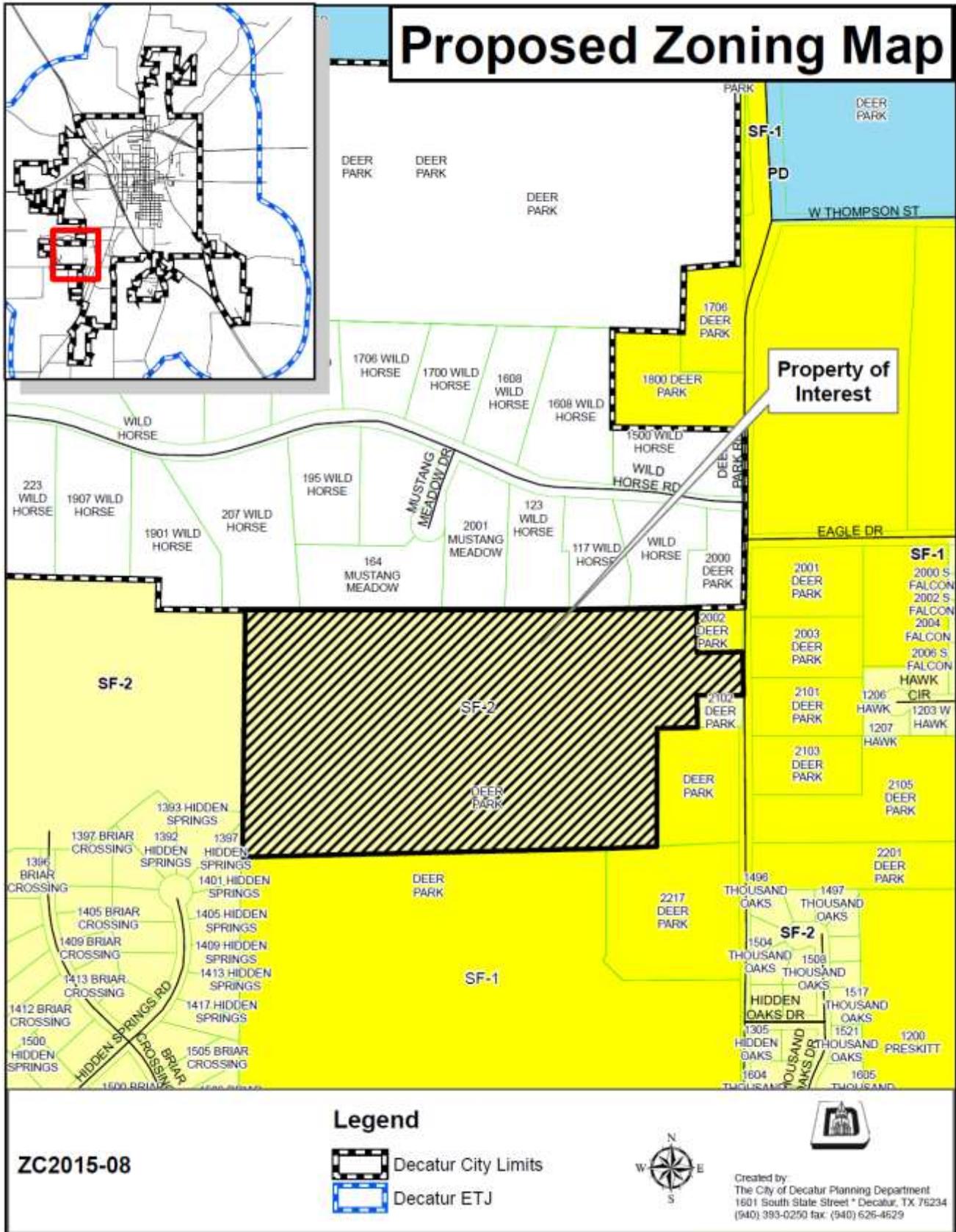
1. Location Map
2. Existing Zoning Map
3. Proposed Zoning Map
4. Existing Land Use Map
5. 200' Notification Map
6. Property Owner Notification
7. Draft Ordinance

Attachment 1  
**Location Map**

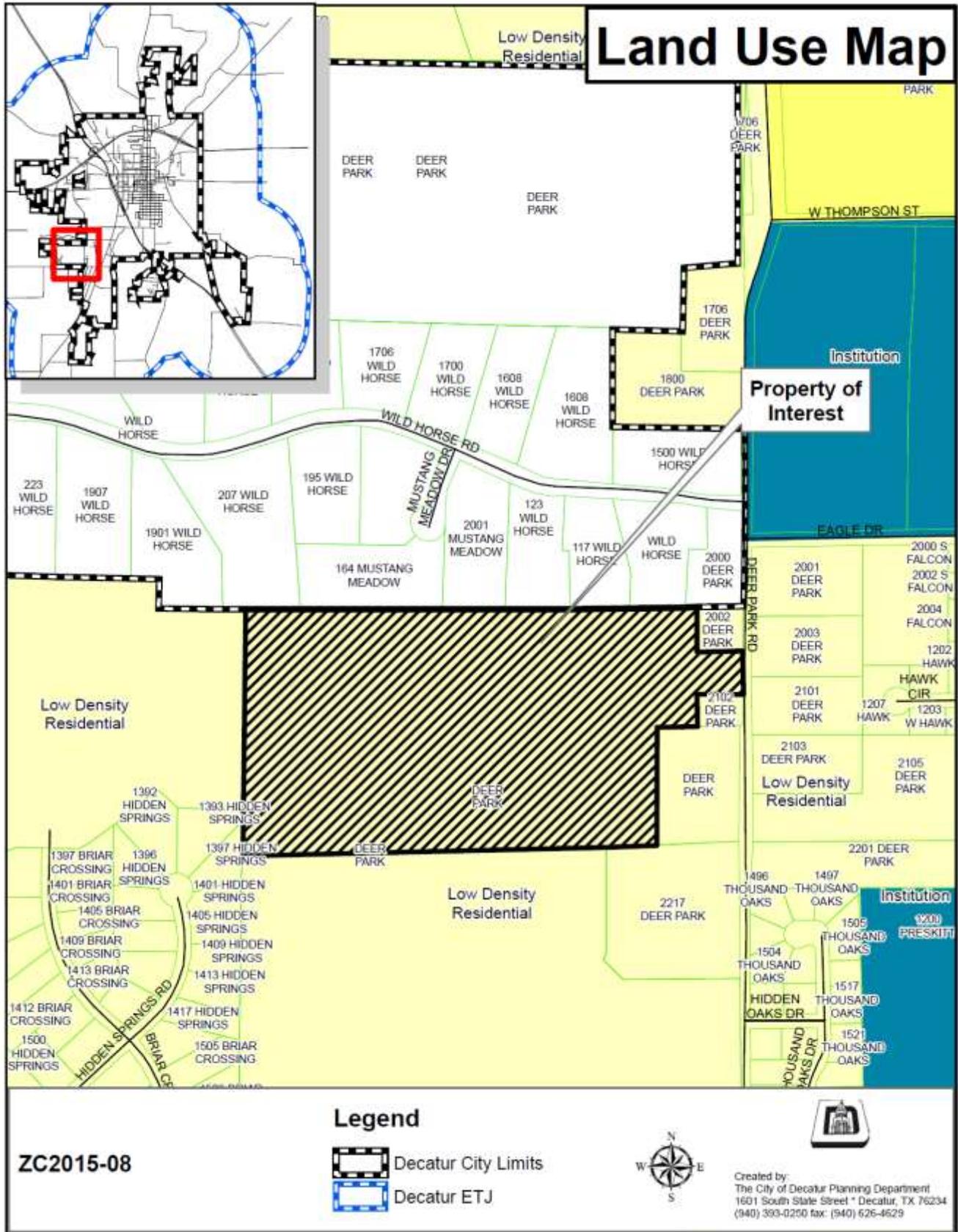




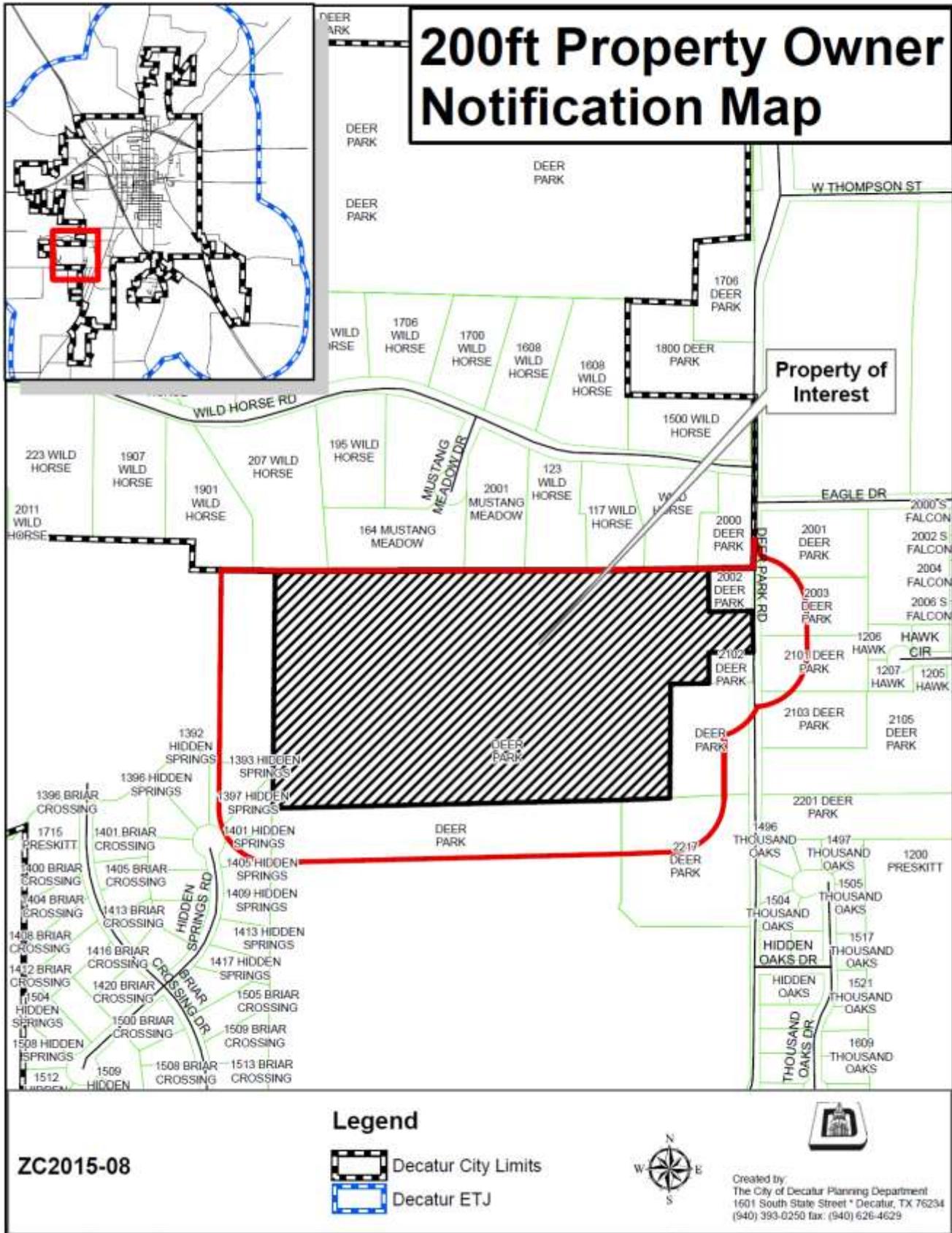
# Attachment 3 Proposed Zoning Map



# Attachment 4 Existing Land Use Map



Attachment 5  
**200' Notification Map**



Attachment 6  
Property Owner Notification



**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**

ZC2015-08

The Planning and Zoning Commission (P&Z) of the City of Decatur will hold a public hearing on Tuesday, February 2, 2016 at 6:00 p.m. at **201 E. Walnut, Decatur TX 76234** for the consideration and recommendation of Zoning Change Application 2015-08—Jody Adam's request, on behalf of Double Creek Capital, to change zoning from a Single Family -1 (SF-1) zoning district to a Single Family-2 (SF-2) zoning district on a 31.024-acre tract of land situated in the D. Moses Survey, Abstract Number 537, Decatur Wise County, Texas, said 31.024-acre tract as described by metes and bounds; the complete legal description is on file at the Development Services Office located at 1601 S. State St., Bldg. C, Decatur, Texas, and on approximately 0.41 acres to the centerline of Deer Park Road where adjacent to the site, Decatur, Texas.

On Monday, February 8, 2016, at 6:00 p.m., the **City Council of the City of Decatur** will hold a public hearing and first reading of an Ordinance regarding Zoning Change Application 2015-08—Jody Adam's request, on behalf of Double Creek Capital, to change zoning from a Single Family -1 (SF-1) zoning district to a Single Family-2 (SF-2) zoning district on a 31.024-acre tract of land situated in the D. Moses Survey, Abstract Number 537, Decatur Wise County, Texas, said 31.024-acre tract as described by metes and bounds; the complete legal description is on file at the Development Services Office located at 1601 S. State St., Bldg. C, Decatur, Texas, and on approximately 0.41 acres to the centerline of Deer Park Road where adjacent to the site, Decatur, Texas. The City Council meeting will be held at **201 E. Walnut, Decatur, TX 76234**. The City Council is scheduled to consider the second reading of the Ordinance and take final action on Monday, February 22, 2016, at 6:00 p.m. in the same location.

By law, the Planning and Zoning Commission must hold public hearings and then make a recommendation to the City Council concerning the requests. The City Council must also hold public hearings and two readings of the zoning ordinance to decide whether or not to approve the requests given public input and the Planning & Zoning Commission's recommendation.

You have the right as a City of Decatur resident and property owner within 200' of the area of interest to present your views before the Planning and Zoning Commission and City Council during their public hearings. At the hearings, 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 taxpayers shown on the approved City of Decatur 2015 tax roll who own real property inside the City Limits within two hundred (200) feet of property requesting the zoning change. This is your legal notification that these public hearings are being held and your official invitation to attend the public hearings. 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, mail or drop off form to the number or address located at the top of this page to the attention of:

**Dedra D. Blanton, AICP, Planning Director**

These forms are used to calculate the percentage of landowners that support and oppose the request. The City Council and Planning and Zoning Commission are 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: [Signature]  
Printed Name: Mark Southard  
Mailing Address: 3460 N. Fwy 51  
City, State, Zip: Decatur TX 76234  
Telephone Number: 940 255 8828

Physical Address of Property within 200 feet: ID: R000326372 Property Address: 1397 HIDDEN SPRINGS

Attachment 7  
**Draft Ordinance**

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF DECATUR, BY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DECATUR, GRANTING A ZONING CHANGE FROM A SINGLE FAMILY -1 (SF-1) ZONING DISTRICT TO A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT ON A 31.024-ACRE TRACT OF LAND SITUATED IN THE D. MOSES SURVEY, ABSTRACT NUMBER 537, DECATUR WISE COUNTY, TEXAS, SAID 31.024-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

BEGINNING AT A 1/2" IRON ROD FOUND, SAID 1/2" IRON ROD FOUND BEING THE SOUTHWESTERLY CORNER OF LOT 1-R1, BLOCK A LA MIRAND MEADOW ESTATES ACCORDING TO THE PLAT RECORDED IN CABINET D, SLIDE 535, PLAT RECORDS, WISE COUNTY, TEXAS, SAID 1/2" IRON ROD FOUND ALSO BEING THE SOUTHEASTERLY CORNER OF LOT 28 MUSTANG CREEK RANCH ESTATES ACCORDING TO THE PLAT RECORDED IN CABINET B, SLIDE 421, PLAT RECORDS, WISE COUNTY, TEXAS;

THENCE NORTH 89 DEGREES 00 MINUTES 41 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID LA MIRAND MEADOW ESTATES AND ALONG THE SOUTHERLY LINE OF A TRACT OF LAND DESCRIBED IN DEED TO DON D. MCDONALD AND PEGGY S. MCDONALD RECORDED IN VOLUME 550. PAGE 539, REAL RECORDS, WISE COUNTY, TEXAS A DISTANCE OF 451.33 FEET TO A 1/2" IRON ROD FOUND, SAID 1/2" IRON ROD FOUND BEING THE NORTHWESTERLY CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO FIRST UNITED METHODIST CHURCH DECATUR RECORDED IN VOLUME 329, PAGE 571, REAL RECORDS, WISE COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 11 MINUTES 53 SECONDS EAST ALONG THE WESTERLY LINE OF SAID FIRST UNITED METHODIST CHURCH DECATUR TRACT A DISTANCE OF 160.75 FEET TO A 1/2" IRON ROD FOUND, SAID 1/2" IRON ROD FOUND BEING THE SOUTHWESTERLY CORNER OF SAID FIRST UNITED METHODIST CHURCH DECATUR TRACT;

THENCE NORTH 89 DEGREES 06 MINUTES 14 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID FIRST UNITED METHODIST CHURCH DECATUR TRACT A DISTANCE OF 174.80 FEET TO A RAILROAD SPIKE FOUND, SAID RAILROAD SPIKE FOUND BEING THE SOUTHEASTERLY CORNER OF SAID FIRST UNITED METHODIST CHURCH DECATUR TRACT, SAID RAILROAD SPIKE FOUND ALSO BEING IN DEER PARK ROAD;

THENCE SOUTH 00 DEGREES 11 MINUTES 06 SECONDS EAST ALONG SAID DEER PARK ROAD A DISTANCE OF 149.93 FEET TO A RAILROAD SPIKE FOUND, SAID RAILROAD SPIKE FOUND BEING THE NORTHEASTERLY CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO RICHARD C. GARRISON AND DELONA GARRISON RECORDED IN VOLUME 403. PAGE 839, REAL RECORDS, WISE COUNTY, TEXAS;

THENCE SOUTH 89 DEGREES 12 MINUTES 11 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID GARRISON TRACT A DISTANCE OF 174.84 FEET TO A 1/2" IRON ROD FOUND, SAID 1/2" IRON ROD FOUND BEING THE NORTHWESTERLY CORNER OF SAID GARRISON TRACT;

THENCE SOUTH 00 DEGREES 08 MINUTES 58 SECONDS EAST ALONG THE WESTERLY LINE OF SAID GARRISON TRACT A DISTANCE OF 115.10 FEET TO A 1/2" IRON ROD FOUND, SAID 1/2" IRON ROD FOUND BEING THE SOUTHWESTERLY CORNER OF SAID GARRISON TRACT, SAID 1/2" IRON ROD FOUND ALSO BEING ON THE NORTHERLY LINE OF A TRACT OF LAND DESCRIBED IN DEED TO DOYLE A. LOWE AND LORI A. LOWE RECORDED IN VOLUME 1865, PAGE 204, OFFICIAL PROPERTY RECORDS, WISE COUNTY, TEXAS;

THENCE SOUTH 88 DEGREES 54 MINUTES 52 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID LOWE TRACT A DISTANCE OF 142.31 FEET TO A 1/2" IRON ROD FOUND,

SAID 1/2" IRON ROD FOUND BEING THE NORTHWESTERLY CORNER OF SAID LOWE TRACT;

THENCE SOUTH 00 DEGREES 16 MINUTES 42 SECONDS WEST ALONG THE WESTERLY LINE OF SAID LOWE TRACT A DISTANCE OF 421.40 FEET TO A 1/2" IRON ROD FOUND, SAID 1/2" IRON ROD FOUND BEING THE SOUTHWESTERLY CORNER OF SAID LOWE TRACT, SAID 1/2" IRON ROD FOUND ALSO BEING ON THE NORTHERLY LINE OF A TRACT OF LAND DESCRIBED IN DEED TO MICHAEL RANN ZEMMIN TRUST RECORDED IN VOLUME 2408, PAGE 47, OFFICIAL PROPERTY RECORDS, WISE COUNTY, TEXAS;

THENCE SOUTH 87 DEGREES 09 MINUTES 57 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID ZEMMIN TRUST A DISTANCE OF 161.17 FEET TO A 3" STEEL FENCE POST FOUND, SAID 3" STEEL FENCE POST FOUND BEING THE NORTHWESTERLY CORNER OF SAID ZEMMIN TRUST TRACT, SAID 3" STEEL FENCE POST FOUND ALSO BEING THE NORTHEASTERLY CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO MICHAEL RANN ZEMMIN TRUST RECORDED IN INSTRUMENT Na 201508340. OFFICIAL PROPERTY RECORDS, WISE COUNTY, TEXAS;

THENCE SOUTH 88 DEGREES 40 MINUTES 59 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID ZEMMIN TRUST TRACT AND ALONG THE NORTHERLY LINE OF A TRACT OF LAND DESCRIBED IN DEED TO MICHAEL RANN ZEMMIN TRUST RECORDED IN VOLUME 2165, PAGE 802/808, OFFICIAL PROPERTY RECORDS, WISE COUNTY, TEXAS, A DISTANCE OF 1308.21 FEET TO A 1/2" IRON ROD SET, SAID 1/2" IRON ROD SET BEING THE NORTHWESTERLY CORNER OF SAID ZEMMIN TRUST TRACT, SAID 1/2" IRON ROD SET ALSO BEING ON THE EASTERLY LINE OF LOT 11, BLOCK A HOMES OF BRIAR CROSSING ACCORDING TO THE PLAT RECORDED IN CABINET C, SLIDE 486, PLAT RECORDS, WISE COUNTY, TEXAS;

THENCE NORTH 00 DEGREES 35 MINUTES 03 SECONDS EAST ALONG THE EASTERLY LINE OF SAID BLOCK A HOMES OF BRIAR CROSSING AND ALONG THE EASTERLY LINE OF A TRACT OF LAND DESCRIBED IN DEED TO ROGER E. ZEMMIN RECORDED IN VOLUME 577, PAGE 561, REAL RECORDS, WISE COUNTY, TEXAS, A DISTANCE OF 879.09 FEET TO A 3" STEEL FENCE POST FOUND, SAID 3" STEEL FENCE POST FOUND BEING THE NORTHEASTERLY CORNER OF SAID ZEMMIN TRACT, SAID 3" STEEL FENCE POST FOUND ALSO BEING ON THE SOUTHERLY LINE OF LOT 23 MUSTANG CREEK RANCH ESTATES ACCORDING TO THE PLAT RECORDED IN CABINET B, SLIDE 421, PLAT RECORDS, WISE COUNTY, TEXAS;

THENCE NORTH 89 DEGREES 57 MINUTES 42 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID MUSTANG CREEK RANCH ESTATES A DISTANCE OF 1151.66 FEET TO THE POINT OF BEGINNING AND CONTAINING 31.024 ACRES OF LAND, MORE OR LESS;

**AND ON APPROXIMATELY 0.41 ACRES TO THE CENTERLINE OF DEER PARK ROAD WHERE ADJACENT TO THE SITE, DECATUR, TEXAS.**

**WHEREAS**, the current zoning of the tract of land illustrated in the attached Exhibit "A" is Single-Family Residential-1 (SF-1) to Single-Family Residential-2 (SF-2).

**WHEREAS**, application has been properly made to amend the Official Zoning Map of the City of Decatur, Texas, requesting that the current zoning of such properties be changed to Single-Family Residential-2 (SF-2); and

**WHEREAS**, said applications have been properly heard by the Planning and Zoning Commission of the City of Decatur, Texas, as required by State statutes and the Zoning Ordinance of said City; and

**WHEREAS**, said Planning and Zoning Commission has made recommendation that the change of land use classification and zoning classification as requested be APPROVED, and all legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of said City, after all legal notices, requirements, conditions and prerequisites having been complied with; and

**WHEREAS**, the City Council of the City of Decatur, Texas, at a called public hearing did consider all appropriate factors in determining whether to grant such requested change; and

**WHEREAS**, the City Council of the City of Decatur, Texas does find that the requested change is in the public interest and that the zoning change does not unreasonably invade the rights of adjacent property owners;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DECATUR TEXAS:**

**SECTION 1.** The Zoning Ordinance of the City of Decatur, Texas, be, and the same is hereby amended and changed in that the use of the properties described upon the attached Exhibit "A" (which Exhibit is made a part hereof for all purposes) is hereby changed and assigned a Single-Family Residential-2 (SF-2) zoning classification.

**SECTION 2.** The Planning Director is hereby directed to correct the official zoning map of the City of Decatur, Texas, to reflect the herein change in zoning.

**SECTION 3.** In all other respects, the use of the tract or tracts of land hereinabove described shall be subject to all the applicable regulations contained in said City of Decatur Zoning Ordinance and all other applicable and pertinent ordinances of the City of Decatur, Texas.

**SECTION 4.** This ordinance shall be cumulative of all other ordinances of the City of Decatur and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

**SECTION 5.** This ordinance shall take effect on its final passage, and it is so ordained.

**PRESENTED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016**

**PRESENTED ON SECOND READING AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016 BY A VOTE OF \_\_\_\_\_ AYES, \_\_\_\_\_ NAYS, \_\_\_\_\_ ABSTENTIONS, AT**

**A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS.**

**APPROVED:**

\_\_\_\_\_  
Martin B. Woodruff, MAYOR

**ATTEST:**

---

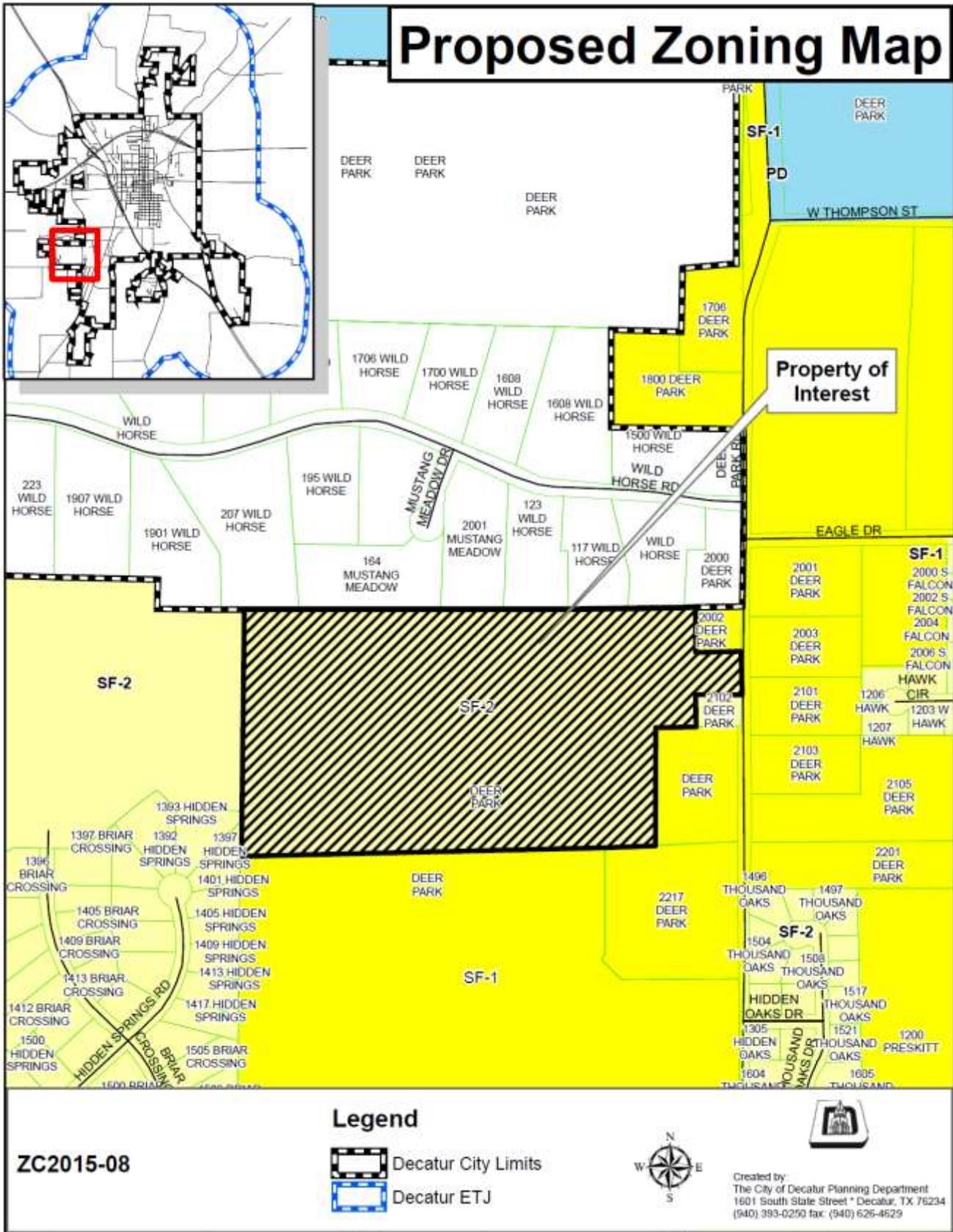
Diane Cockrell, TRMC, CITY SECRETARY

**APPROVED AS TO CONTENT AND FORM:**

---

Mason L. Woodruff, CITY ATTORNEY

# EXHIBIT "A"





# CITY OF DECATUR, TEXAS

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

## STAFF REPORT

*February 2, 2016 – Planning & Zoning Commission Meeting*

**TO:** Planning & Zoning Commissioners

**CASE:** RP2015-14

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

**APPLICANT:** Allen Ross, on behalf of Freedom Powersports

**DATE:** November 25, 2015

**REQUEST:** Replat Application

### Case Notes:

Hear staff report and consider taking action to make a recommendation to City Council regarding Replat Application 2015-14—Allen Ross’ request, on behalf of Freedom Powersports, to final plat Lot 1, Block A, Freedom Powersports Addition, being a replat of a 2.654 acre tract in the J. W. Walker Survey, Abstract No. 860, Wise County Texas and being all of Lot 1R-3, Block A, Ramada Inn Addition as described in deed to Freedom Powersports Real Estate, LLC., as recorded in Instrument No. 201412598, County Clerk Records, Wise County, Texas.

### Legality:

According to the *Texas Local Government Code*, this property can be legally replatted given proper notice (§212.015b), public hearings (§212.014.2), review and recommendation from the Planning & Zoning Commission (§212.006) and approval by City Council (§212.005).

### Issues:

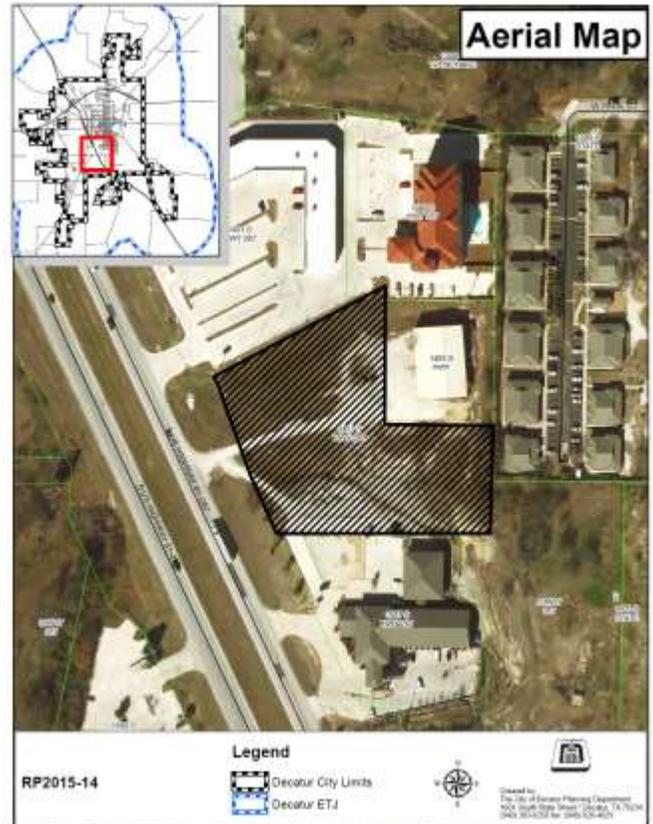
None.

### Recommendation:

The plat meets the minimum requirements of the City of Decatur’s Zoning Ordinance, Subdivision Regulations and the Design Standards. Staff recommends approval.

### Attachment:

1. Final Plat Exhibit
2. Previously Approved Plat



Location Map

# ATTACHMENT 1 Final Plat Exhibit

**Drainage Easement Restriction**  
No construction or filling, without the written approval of the City of Decatur shall be allowed within a drainage easement, and then only after detailed engineering plans and studies show that no flooding will result, that no obstruction to the natural flow of water will result, and subject to all owners of the property affected by such construction becoming a party to the request, where construction is permitted, a finished floor elevation shall be a minimum of two (2) feet above the 100-year flood elevation.

**Utility Easement Restriction**  
Any public utility, including the City of Decatur shall have the right to remove all or part of any building, fence, trees, shrubs, other growths or improvements which in any way encumber or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat, and any public utility, including the City of Decatur, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

**Public Open Space Restriction**  
No structure, object or plant of any type may obstruct vision from a height of thirty (30) inches to a height of ten (10) feet above the top of curb, including, but not limited to buildings, fences, walls, signs, trees, shrubs, cars, trucks, etc., in the Public Open Space Easement.

**Landscape Restriction**  
Landscape areas are strictly reserved as landscaped, open green spaces only and shall never allow intrusions of any kind that are not landscaped related or that in any way lessen the amount of area or landscape material without the expressed, written permission from the City of Decatur.

**Buffer Restriction**  
Buffer areas are strictly reserved as landscaped, open green spaces only and shall never allow intrusions of any kind that are not landscaped related or that in any way lessen the amount of area or landscape material. Buffer walls shall be hereafter and transmission retained until said need diminishes and expressed, written permission from the City is granted to an abutter.

**Green Space Restriction**  
Green space areas are strictly reserved as landscaped, open green spaces only and shall never allow intrusions of any kind that are not landscaped related or that in any way lessen the amount of area or landscape material without the expressed, written permission of the City of Decatur.

**Flood Statement**  
According to the Flood Insurance Rate Map (FIRM) No. 48497C030 D, revised date of December 15, 2011, no portion of this property is located in a special flood hazard zone. This property is in a Zone 'X'.

**GPS Control & Benchmarks**  
Coordinate data and bearing source shown herein is based on the city control network. This data is relative to Texas Coordinate System NAD 83 North Central Texas Zone utilizing GPS measurements listed below. Bearing control scale factor is 0.9999998. All distances and coordinates shown are based on best U.S. datum.

**CITY OF DECATUR GPS SURVEY MONUMENT NO. 3 LOCATED IN GRASS ISLAND AT THE INTERSECTION OF COUNTY ROAD 229 AND OREGONWOOD ROAD. ELEVATION = 964.02 N= 714824.34 E= 2257452.45**

**CITY OF DECATUR GPS SURVEY MONUMENT NO. 10 LOCATED IN SOUTH R.O.W OF US HWY. 380 WITH THE INTERSECTION WITH US HWY. 287. ELEVATION = 1563.87 N= 7134565.83 E= 2243328.57**

STATE OF TEXAS }  
COUNTY OF WISE }

**OWNER'S ACKNOWLEDGMENT & DEDICATION**

Freedom Powersports Real Estate, LLC the owner of the land shown on this plat within the area described by metes and bounds as follows:

BEING a 2.654-acre tract in the J. W. Walker Survey, Abstract No. 860, Wise County, Texas and being all of Lot 1R-3, Block A, Ramada Inn Addition as described in deed to Freedom Powersports Real Estate, LLC as recorded in Instrument No. 2014-2559, County Clerk Records, Wise County, Texas and being more particularly described as follows: BEGINNING at a capped 1/2 inch iron rod found for the southwest corner of said Lot 1R-3 and the northwest corner of Lot 1R-1, Block A of said Ramada Inn Addition and being in the east right-of-way of U. S. Highway 81/287; THENCE North 24 degrees 16 minutes 36 seconds West, along said right-of-way and southerly west line of said Lot 1R-3, 156.74 feet to a capped 1/2 inch iron rod found for corner; THENCE South 19 degrees 55 minutes 40 seconds West, continuing along said right-of-way and a west line of said Lot 1R-3, 162.80 feet to a capped 1/2 inch iron rod found for corner; THENCE North 29 degrees 45 minutes 40 seconds West, continuing along said right-of-way and northerly west line of said Lot 1R-3, 13.90 feet to a capped 1/2 inch iron rod found for corner in the south line of Lot 1, Block 1 of Prospera Place Addition as recorded in Cabinet C, Side 524 Plat Records, Wise County, Texas; THENCE North 62 degrees 03 minutes 22 seconds East, leaving said right-of-way, along the north line of said Lot 1R-3 and the westerly south line of said Prospera Place Addition, 325.42 feet to a capped 1/2 inch iron rod found for corner, and being at an inner ell corner of Lot 2, Block 1, of said Prospera Place Addition; THENCE South 00 degrees 21 minutes 47 seconds West, with the northerly east line of said Lot 1R-3 and the southerly west line of Lot 2, Block 1 of said Prospera Place Addition, passing the southerly southwest corner of said Lot 2 and the northwest corner of a 0.962-acre tract as described in deed as recorded in Volume 788, Page 788, Official Public Records, Wise County, Texas, to all 231.82 feet to a 1/2 inch iron rod found for corner; THENCE South 01 degrees 31 minutes 58 seconds West with the southerly east line of said Lot 1R-3 and the west line of said 0.429-acre tract, at 87.32 feet passing a capped 1/2 inch iron rod found at the southwest corner of said 0.429-acre tract and the northerly northwest corner of Lot 1R-2, Block A, of said Ramada Inn Addition, in all 179.88 feet to a capped 1/2 inch iron rod found for corner; THENCE South 09 degrees 56 minutes 57 seconds West, along the south line of said Lot 1R-3 and the westerly north line of said Lot 1R-2, at 56.70 feet passing the westerly northwest corner of said Lot 1R-2 and the northwest corner of abutted Lot 1R-1, continuing with the north line of said Lot 1R-1 in all 256.60 feet to the POINT OF BEGINNING and containing 2.654 acres of land, more or less, and designated herein as LOT 1, BLOCK A, FREEDOM POWERSPORTS ADDITION to the City of Decatur, Texas, and the representative, whose name is subscribed hereto, hereby dedicate to the use of the public forever, all streets, alleys, parks, water courses, drains, easements, rights-of-way and public places thereon shown for the consideration therein expressed.

Kevin Lackey, CEO  
Freedom Powersports Real Estate, LLC.

STATE OF TEXAS }  
COUNTY OF WISE }

**NOTARY PUBLIC**

Before me, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My commission expires: \_\_\_\_\_

**PLANNING & ZONING CERTIFICATION**

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ this Plat was duly approved by the Planning and Zoning Commission of the City of Decatur, Texas.

By: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Planning Director

**CITY APPROVAL STATEMENT**

The City Council of Decatur, Texas, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, voted affirmatively to adopt this Plat and approve it for filing of record.

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Secretary

**LINE TABLE**

L1 = N 24°16'38" W	105.74'
L2 = N 19°55'40" W	162.80'
L3 = N 28°43'40" W	13.90'

**STATE OF TEXAS  
COUNTY OF WISE  
SURVEYOR'S CERTIFICATE**

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this Plat is true and correct and was prepared from an actual survey of the property made on the ground by me or under my supervision and direction.

Troy Allen Hoop

**Location Map**

Scale: 1" = 40'

**FINAL PLAT OF LOT 1, BLOCK A,  
FREEDOM POWERSPORTS ADDITION  
BEING A RE-PLAT OF LOT 1R-3, BLOCK A  
RAMADA INN ADDITION, CITY OF DECATUR,  
WISE COUNTY, TEXAS**

**Arrow Surveying**  
FIRM REGISTRATION NO. 160408  
P.O. Box 902, Decatur, Texas 76234  
Ph: (940) 626-8034 email: arrowsurvey@aol.com

Revised: 1-27-18  
 Revised: 1-7-18  
 Date: 11-11-15  
 Drawn by: TRS  
 Job No: 1502022-CWP-PLAT  
 All area measurements in 1/4" unless otherwise noted.

**ATTACHMENT 2**  
Previously Approved Plat

According to a copy of the Flood Insurance Rate Map for Wise County, Texas and incorporated areas, Map Number 404970100 C effective date March 19, 1990 no part of subject property appears to be in the 100 year flood zone, said property is in Zone "X".

**GREEN SPACE RESTRICTION (G.S.)**  
Green space areas are strictly reserved as landscaped, open green spaces only and shall never allow intrusions of any kind that are not landscape related or that in any way lessen the amount of area or landscape material without the expressed, written permission of the City of Decatur.

**LANDSCAPE RESTRICTION (LRA)**  
Landscape areas are strictly reserved as landscaped, open green spaces only and shall never allow intrusions of any kind that are not landscape related or that in any way lessen the amount of area or landscape material without the expressed, written permission of the City of Decatur.

**INGRESS & EGRESS NOTE:**  
Maintenance of all ingress and egress easements are the responsibility of the current land owner.

Note: Any underground utility company shall be contacted to verify depth and locations of utilities prior to any excavation occurring on the lot.

**LEGEND:**  
 - - - - - EASEMENT LINE  
 - - - - - BUILDING LINE SET BACK  
 - - - - - FENCE LINE  
 - - - - - SEWER  
 - - - - - WATER  
 - - - - - GRAVEL DRIVE & PARKING  
 - - - - - IRON ROD FOUND  
 - - - - - IRON ROD SET  
 - - - - - VOL. VOLUME  
 P. PAGE

**Drainage Easement Restriction (D.E.)**  
No construction, or filling without the written approval of the City of Decatur, shall be allowed within a drainage easement, and then only after detailed engineering plans and studies show that no flooding will result, that no obstruction of the natural flow of water will result, and subject to all owners of property affected by such construction becoming a party to the request. Where construction is permitted, all finished floor elevations shall be a minimum of one (1) foot above the 100-year flood elevation.

**Utility Easements (U.E.)**  
Any public utility, including the City of Decatur, Wise County, Texas, shall have the right to move and keep moved all or part of any building, fence, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat; and any public utility, including the City of Decatur, Wise County, Texas, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

**OWNER/DEVELOPER**  
Mark and Sue Lin  
1507 Hwy. 237 South  
Decatur, Wise County,  
Texas 76234  
940-627-6262

**AREA SUMMARY**  
3 COMMERCIAL LOTS  
2.856 ACRES

ON THE 5<sup>th</sup> DAY OF May, 2009, THIS PLAT WAS DULY APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF DECATUR, TEXAS.

BY: [Signature]  
CHAIRMAN

ATTN: [Signature]  
PLANNING DIRECTOR

THE CITY COUNCIL OF DECATUR, TEXAS, ON THE 11<sup>th</sup> DAY OF May, 2009, VOTED AFFIRMATIVELY TO ADOPT THIS PLAT AND APPROVE IT FOR FILING OF RECORD.

BY: [Signature]  
CITY SECRETARY

STATE OF TEXAS  
COUNTY OF WISE

OWNER'S ACKNOWLEDGMENT & DEDICATION

We, Mark and Sue Lin, the owners of Lot 1R, Block A, Ramada Inn, an addition to the City of Decatur, Wise County, Texas, according to the plat recorded in Plat Cabinet C, Section 442, Plat Records, Wise County, Texas and being described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found near a fence corner for the Southeast corner of said Lot 1R; THENCE North 89°23'03" West a distance of 307.33 feet to an "X" cut in concrete found for the most Southerly Southwest corner of said Lot 1R, said point also being in the Northeast R.O.W. of U.S. Highway # 81-287;  
 THENCE North 24°22'05" West with said R.O.W. a distance of 55.16 feet to an "X" cut in concrete found for a corner;  
 THENCE North 89°23'03" West with said R.O.W. a distance of 34.60 feet to an "X" cut in concrete found for a corner;  
 THENCE North 43°38'44" West with said R.O.W. a distance of 72.46 feet to an "X" cut in concrete found for a corner;  
 THENCE North 28°43'40" West with said R.O.W. a distance of 13.90 feet to a 1/2" iron rod set for the Northwest corner of said Lot 1R;  
 THENCE North 62°03'28" East a distance of 325.42 feet to a 1/2" iron rod found for the most Northerly Northeast corner of said Lot 1R;  
 THENCE South 09°21'47" West a distance of 231.02 feet to a 1/2" iron rod set for an all corner of said Lot 1R;  
 THENCE South 89°18'51" East a distance of 181.60 feet to a 1/2" iron rod found for a corner of said Lot 1R, said point being in the West line of a certain 6.4316 acre tract described in instrument recorded in Volume 751, Page 261, Real Records, Wise County, Texas;  
 THENCE South 01°21'50" West a distance of 87.32 feet to a 1/2" iron rod found for the Southwest corner of said 6.4316 acre tract;  
 THENCE South 89°20'45" East a distance of 213.96 feet to a 1/2" iron rod found for the most Easterly Northeast corner of said Lot 1R;  
 THENCE South 00°24'48" West a distance of 436.43 feet to the POINT OF BEGINNING and containing 2.856 acres of land.

Now therefore, know all men by these presents:

That Mark & Sue Lin the undersigned authority, do hereby adopt this plat designating the herein above described property as Ramada Inn, Lots 1R-1, 1R-2 and 1R-3, Block A, an addition to the City of Decatur, Wise County, Texas, and do hereby dedicate to the public use forever the streets and alleys shown hereon; and do hereby dedicate the easement strips shown on the plat for mutual use and accommodation of the City of Decatur and all public utilities desiring to use, or using same. No building, fence, trees, shrubs, signs, or other improvements shall be constructed or placed upon, over, or across the easement strips on said plat. The City of Decatur and any public utility shall have the right to remove and keep removed all or part of any buildings, fence, trees, shrubs, signs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on any of these easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective system without the necessity at any time of procuring the permission of anyone.

We do further dedicate, subject to the exceptions and reservations set forth aforesaid (hereinafter, to the public use forever, all public use spaces shown on the face of the plat.

An Easement is hereby dedicated by this plat on all Fire Hydrants, Fire Hydrant Valves, Water Meters, Meter Boxes, Street Lights, and related appurtenances for the purpose of constructing, reconstructing, inspecting and maintaining. Easement area is defined by its location on the ground and having a five foot radius from its common center point.

All lots in the subdivision shall be sold and developed subject to the building lines shown on the plat.

Mark Lin  
MARK LIN  
Date: 4-24-09

Sue Lin  
SUE LIN  
Date: 4-24-09

STATE OF TEXAS  
COUNTY OF WISE

BEFORE ME, the undersigned authority, on this day personally appeared Mr. Mark Lin and Mrs. Sue Lin known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office this 24<sup>th</sup> day of April, 2009.

[Signature]  
NOTARY PUBLIC  
WISE COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF WISE

SURVEYOR'S CERTIFICATION:

I ROGER C. STEADHAM a Registered Professional Land Surveyor in the State of Texas, hereby certify this plat is true and correct and was prepared from an actual survey made on the ground in the month of March 2009, under my personal supervision.

[Signature]  
Roger C. Steadham R.P.L.S. 4361  
Date: 4-24-09

FINAL PLAT SHOWING:  
LOTS 1R-1, 1R-2 and 1R-3, BLOCK A, RAMADA INN, AN ADDITION TO THE CITY OF DECATUR, WISE COUNTY, TEXAS, BEING A REPLAT OF LOT 1R, BLOCK A, RAMADA INN, AN ADDITION TO THE CITY OF DECATUR, WISE COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN PLAT CABINET C, SECTION 442, PLAT RECORDS, WISE COUNTY, TEXAS.

[Signature]  
STEVEN CAGE TRUSTEE  
VOL. 1500, P. 32, O.P.A.R.C.T.  
M-1 ZONING

[Signature]  
MANNING SURVEYING  
608 13TH STREET  
P.O. BOX 391  
BRIDGEPORT, TEXAS 76426  
REV. 04-24-09 TEL: 940-683-5886  
REV. 04-17-09 FAX: 940-683-2023  
00-10-09 0008