



# CITY OF DECATUR, TEXAS

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

## AGENDA

### Planning and Zoning Commission Regular Meeting\*

Tuesday, March 1, 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 February 2, 2016 Planning and Zoning Commission Meeting Minutes.

#### Public Hearing Items:

- ITEM 2:** **ZC2016-01** Commission to hear and consider and take action to make a recommendation to City Council regarding Zoning Change Application ZC2016-01—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. ***(ITEM CONTINUED FROM FEBRUARY 2, 2016 P&Z MEETING)***

- ITEM 3:** **ZC2016-02** Commission to hear and consider and take action to make a recommendation to City Council regarding Zoning Change Application 2016-02—Jose Martinez' request to change zoning from a Single-Family Residential-2 (SF-2) Zoning Designation to a Two-Family (2F) Zoning Designation on approximately 0.153 acres of land being legally described as Lot 13R, Block 13, Range "D", Devereux Addition, and approximately 0.06 acres to the centerline of W. Oak and approximately 0.08 acres to the centerline of W. Mill where adjacent to the site, also more commonly referred to as 600 W. Mill St., Decatur, Texas.

- ITEM 4:** **SUP2016-01** Commission to hear and consider and take action to make a recommendation to City Council regarding Specific Use Permit Application 2016-01—Cary Hardin's request for a Specific Use Permit to allow a Private Club on approximately 0.675 acres of land being legally described as Lot 9R, S.L. Brown Addition or more commonly referred to as 603 W. Main Street, Decatur, Texas. .

#### Non Public Hearing Items:

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

## **Adjournment**

Prepared and posted this the 25<sup>th</sup> day of February, 2016, in accordance with Chapter 551, Texas Government Code.

A handwritten signature in cursive script that reads "Dedra Denée Ragland".

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, February 2, 2016 in City Hall Council Chambers with the following in attendance:

**MEMBERS PRESENT:**

Cecil LeMond, Vice-Chairman  
 Terry Berube  
 Eddie Allen  
 John Lanier  
 Eileen Standridge  
 Curtis Creswell

**ABSENT:**

William D. Edwards, Chairman

**OTHERS PRESENT:** Planning and Development Director Dedra Ragland, Interim Public Works Director Greg Hall and Development Review Coordinator Marsha Schaefer, representing the staff; and J.D. Dudley, Allan Ross and Jody Adams representing the applicants. Also present in the audience were: Brian Knox, *The Wise County Messenger*; Mike Potter and John Pimentel with QuikTrip; C. Brandon, Angelica Padron, David Miles, Eduardo Moncada and Cory Doggett, representing the surrounding property owners.

**Vice-Chairman LeMond called the meeting to order at 6:00 p.m.**

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

**Commissioner Allen made a motion to approve the December 1, 2015 P&Z Commission Meeting Minutes. Commissioner Lanier seconded the motion. The motion passed 6-0. (Chairman Edwards absent.)**

**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.

Planning and Development Director Ragland presented the staff report. This Comprehensive Plan Amendment is being processed concurrently with Zoning Change Application 2015-07. Approval of the amendment must occur before a zoning change can be approved. Applicant is seeking to purchase property for commercial development. Current land use designation is suitable for Medium Density Residential

(MDR). Surrounding land uses include Medium Density to the southeast and Commercial to the north, west and east.

Applicant is also requesting to change the zoning to Thoroughfare Business (C-2).

Twenty (20) property owners were notified as required by State Law and staff didn't receive any responses back.

Given that the subject site is located at the intersection of two major thoroughfares, staff recommends approval of the comprehensive plan amendment to change land use from Medium Density Residential to Commercial Land Use.

***Vice-Chairman LeMond asked if anyone would like to speak in favor of or in opposition to the Comprehensive Plan Amendment Application 2016-01.***

J.D. Dudley, real estate project manager for QuikTrip, presented a PowerPoint presentation outlining their plans for the proposed QuikTrip. Mr. Dudley stated that this new store would be a Generation 3 Store with entries on all three sides of the building which opens up circulation for customers. For example, if you are just stopping in to buy a loaf of bread, you are not competing with people coming in to pay for gas. Another feature includes outdoor seating. Although they are a gas retailer they are trying to get more into the food concept featuring food made in-house. The station has truck fueling but offers no amenities for truck drivers such as showers, overnight parking, etc.

Mr. Dudley stated they are pursuing permission for access off the US Hwy 81/287 ramp from TxDOT, but they do not believe it will be approved. Entrance would be on Trenchard by Allsup's with plans to widen Trenchard about 40' and use concrete instead of asphalt. According to Mr. Dudley, not getting the access off US Hwy 81/287 off ramp will not "kill" the deal.

Mr. Dudley also stated they were very excited about putting a QuikTrip in Decatur.

**Commissioner Allen made a motion to approve Comprehensive Plan Amendment 2016-01. Commissioner Creswell seconded the motion. The motion passed 6-0. (Chairman Edwards absent.)**

**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.

Planning and Development Director Ragland presented the staff report. This is the companion case to CP2016-01 and if City Council agrees with a recommendation to approve, then the zone change will be consistent with the Land Use Map. Currently the Land Use Map shows this as Medium Density Residential and the proposal is to change

it to Thoroughfare Business (C-2) zoning for the purpose of commercial development. Per the State regulations, zoning must be consistent with a city's adopted comprehensive plan.

Twenty (20) property owners were notified and staff received one (1) notice in favor of the request.

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

Mr. David Miles, property owner at 403 W. Collom, approached the Commission with his opposition to the zoning change. He stated that no one wants a gas station next to their house. He said that Allsup's has been there for about 25 years and there is difficulty in getting on US Hwy 287 and that he couldn't imagine how another gas station would affect the area. He also suggested that if this zoning change was approved, a noise wall should be built to protect surrounding properties and a tax reduction given to property owners affected by this gas station as well.

***Vice-Chairman LeMond thanked Mr. Miles for making time to voice his opinion concerning the zoning change.***

**Commissioner Allen made a motion to approve Zoning Change Application 2015-07. Commissioner Lanier seconded the motion. The motion passed 6-0. (Chairman Edwards absent.)**

**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.

Planning and Development Director Ragland presented the staff report. Surrounding Zoning is Single-Family Residential (SF-1) to the south and east and Single-Family Residential-2 (SF-2) to the west and east. Applicant is requesting a zoning change from a Single Family-1 (SF-1) zoning district to a Single Family-2 (SF-2) zoning district. The minimum lot size for SF-1 is half an acre. The minimum lot size for SF-2 is 5,000 s.f. This is consistent with the Long Range Master Plan, which shows this property as suitable for residential low density and even with 5,000 sq. ft. lots, the gross density would still have to be less than or equal to 5.2 dwelling units per acre.

Thirteen (13) property owners were notified and staff received one (1) response in favor of the request.

Before any development can occur the property will have to be replatted and also submit a site plan and building permit application. Staff recommends approval.

**Commissioner Lanier made a motion to approve Zoning Change Application 2015-08. Commissioner Standridge seconded the motion. The motion passed 6-0. (Chairman Edwards absent.)**

**ITEM 5: ZC2016-01** Commission to hear and consider and take action to make a recommendation to City Council regarding Zoning Change Application ZC2016-01—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.***

Planning and Development Director Ragland requested that action on this item be postponed until next month's meeting. This item is on the agenda because it was published in the newspaper. (Applicant did not receive review comments in time to resubmit for placement on Agenda.)

**Commissioner Berube made a motion to postpone Zoning Change Application 2016-01 until the March 1, 2016 Planning and Zoning Commission Meeting. Commissioner Standridge seconded the motion. The motion passed 6-0. (Chairman Edwards absent.)**

**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—Allan 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.

Planning and Development Director Ragland presented the staff report. This is a joint venture that the City of Decatur and the Economic Development Corporation are undertaking. The property needs to be replatted and a sanitary sewer line will need to be relocated.

The plat does meet minimum requirements therefore staff is recommending approval.

***Vice-Chairman LeMond asked about the nature of the Freedom Powersports business.*** Planning Director Ragland deferred to Mr. Allan Ross to explain.

Mr. Allan Ross stated that Freedom Powersports provides sales and maintenance of recreational vehicles, such as jet skis, motorcycles, ATVs, etc. They represent many

brands, i.e. Polaris, Suzuki and Yamaha, just to name a few. They are looking to build two buildings on the site, a 25,000 s.f. main showroom/service facility and an approximately 5,000 s.f. service/warehouse building. Large display areas up front are to be made of a combination of concrete and paved stone. Freedom has grown in the last two years from six locations to sixteen locations and they are now the 2nd largest operation of this kind in the country.

Vice-Chairman LeMond asked if they were doing retail sales, to which Mr. Ross replied they are already in a small facility to the south of this site.

**Commissioner Berube made a motion to approve Replat Application 2015-14. Commissioner Creswell seconded the motion. The motion passed 6-0. (Chairman Edwards absent.)**

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

**No new items. The next meeting is March 1, 2016 at 6:00 p.m.**

**The meeting adjourned at 6:38 p.m.**

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William D. Edwards, Chairman

ATTEST:

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Dedra Denée Ragland, Planning Director



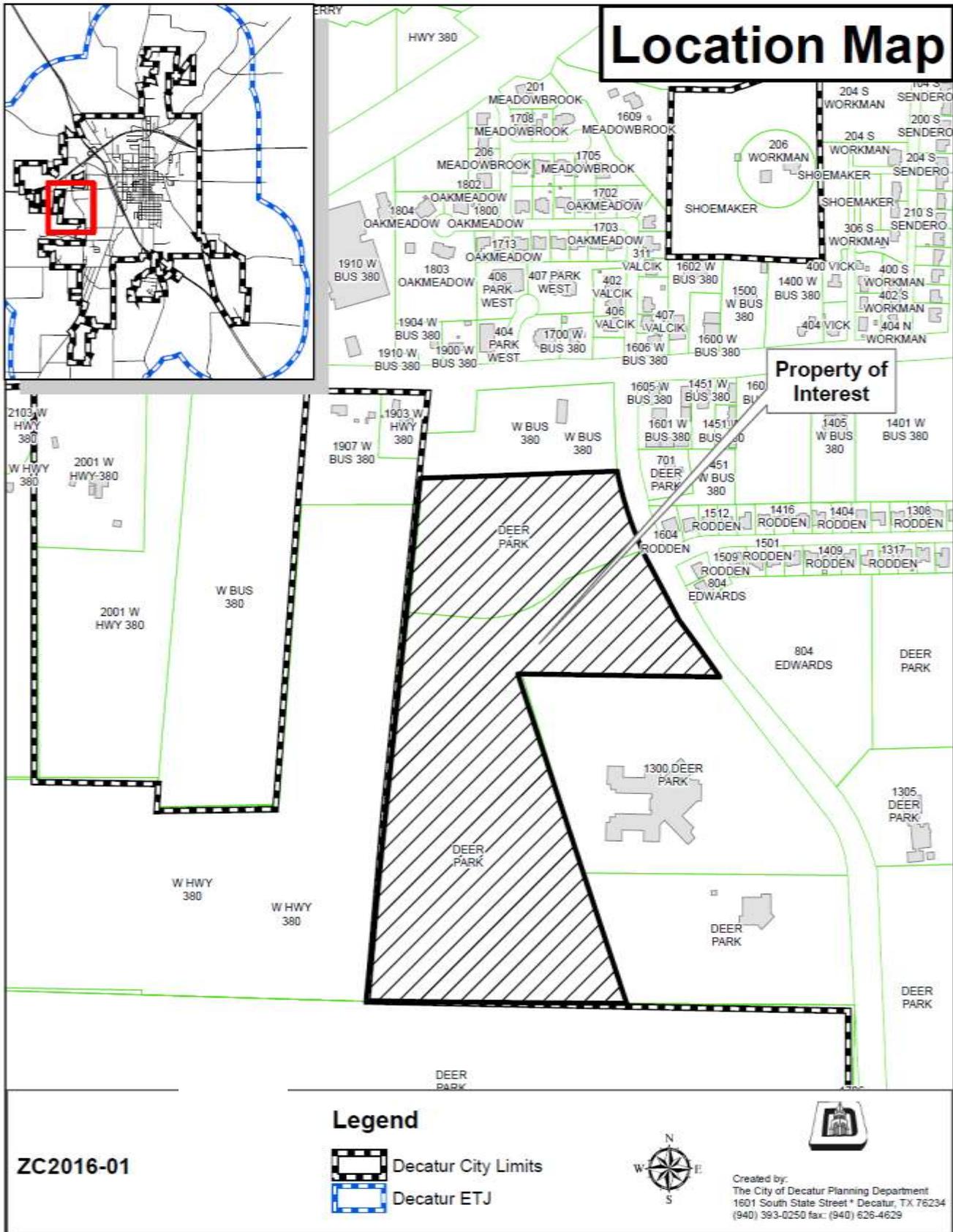
**Recommendation:**

Staff recommends approval of the proposed amendments to Planned Development Ordinance 2008-06-11.

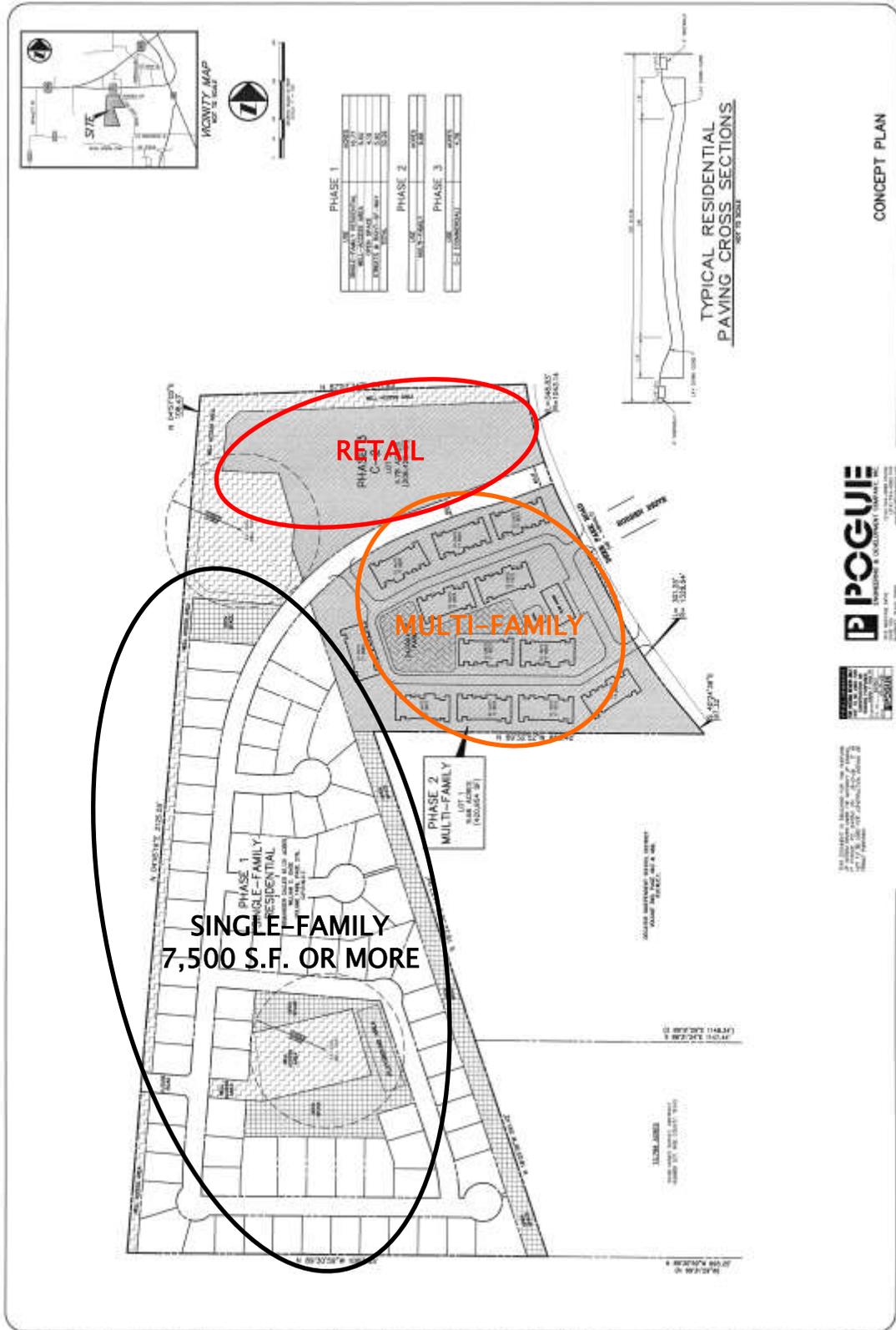
**Attachments:**

1. Location Map
2. Land Use Comparisons, Adopted PD vs. Proposed Amended PD
3. 200' Property Owner Response Map
4. Draft Ordinance

# LOCATION MAP



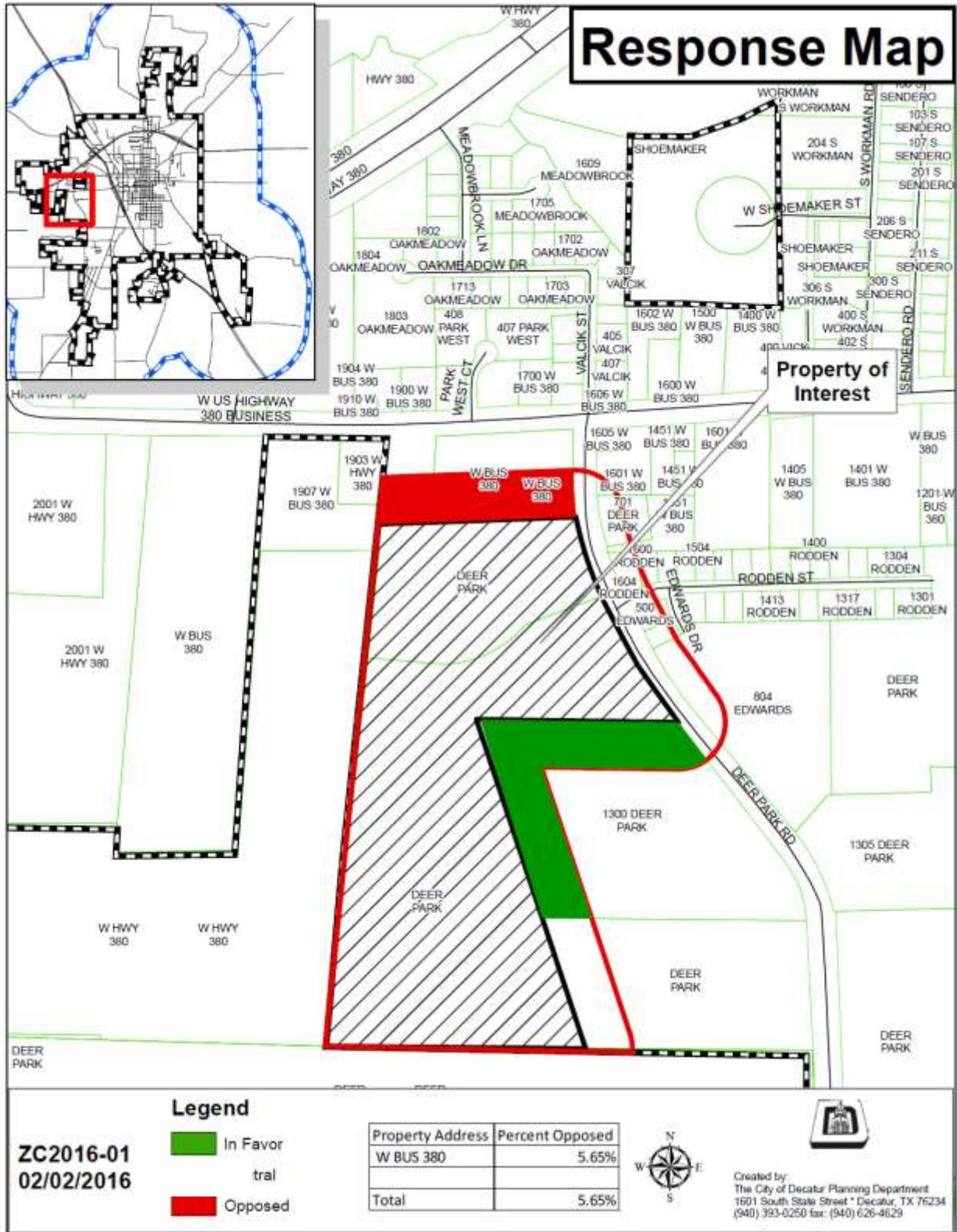
### Land Use Comparisons, Adopted vs. Proposed



Adopted Land Use



## 200' Property Owner Response Map





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## Notice of Public Hearing

ZC2016-01

CITY OF DECATUR  
DEVELOPMENT SERVICES

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 2016-01—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.

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 Zoning Change Application 2016-01— 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. The meeting will be held at the City Hall Council Chamber located 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. Ragland, 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: would like to see water runoff  
plans for flooring of adjacent properties

Signature: [Handwritten Signature]  
Printed Name: A. L. GARDNER  
Mailing Address: 20 BAR 167  
City, State, Zip: DECATUR TX 76234  
Telephone Number: 940 627 5394

Physical Address of Property within 200 feet: ID: R000012450 Property Address: W BUS 380



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**Dedra D. Ragland, 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: \_\_\_\_\_

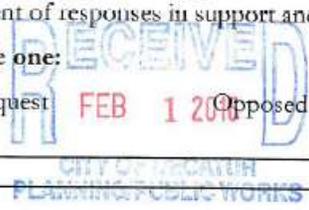
Printed Name: Rod Townsend Superintendent, Decatur ISD

Mailing Address: 307 S. Cates

City, State, Zip: Decatur, TX 76234

Telephone Number: 940, 393-7103

Physical Address of Property within 200 feet: ID: R000012458 Property Address: 1300 DEER PARK



Attachment 4  
**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 MODIFICATION TO THE DEER PARK PLANNED DEVELOPMENT (ZC2008-02), 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, ORDERING AN AMENDMENT FROM PLANNED DEVELOPMENT ZONING DISTRICT ORDINANCE 2008-06-11 BY CHANGING THE MULTI-FAMILY DEVELOPMENT TO PHASE 1, CHANGING THE SINGLE-FAMILY DEVELOPMENT TO PHASE 2, REDUCING THE OPEN SPACE ACREAGE TO 3.61 ACRES, ELIMINATING THE 10' LANDSCAPE STRIP ADJACENT TO ALL PUBLIC AND PRIVATE RIGHTS-OF-WAY, REDUCING THE MINIMUM SEPARATION FOR A TWO-STORY BUILDING ADJACENT TO A ONE-STORY BUILDING TO 15', ELIMINATING THE 6' DECORATIVE FENCE AND LINEAR LANDSCAPE BAND WHERE THE SINGLE-FAMILY DEVELOPMENT AND THE MULTI-FAMILY DEVELOPMENT ABUT, AND AMENDING THE TREE REQUIREMENTS TO: ONE-TWO AND A HALF INCH DIAMETER TREE FOR LOTS LESS THAN 8,000 S.F., ONE-SIX INCH DIAMETER TREE FOR LOTS 8,000 S.F. – 10,000 S.F., AND ONE-FIVE INCH DIAMETER TREE FOR LOTS GREATER THAN 10,000 S.F.; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING FOR THE INCORPORATION OF PREMISES/FINDINGS; PROVIDING AN AMENDMENT TO THE ZONING ORDINANCE; PROVIDING AN AMENDMENT TO THE ZONING MAP; PROVIDING FOR CUMULATIVE REGULATIONS; PROVIDING A SAVINGS AND REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (ZC2016-01)**

**WHEREAS**, the current zoning of the tract of land illustrated in the attached **Exhibit “A”** is designated as Planned Development (PD) Ordinance 2008-06-01, and includes Single-Family, Multi-Family and Commercial Land Uses previously approved as an amendment to the Official Zoning Map (hereinafter the “Property”), a copy of Exhibit “A” is attached hereto and incorporated herein; and

**WHEREAS**, application has been properly made to amend Planned Development (PD) Ordinance No. 2008-06-11 amending the Official Zoning Ordinance and the Official Zoning Map of the City of Decatur, Texas, so that the current PD Zoning of such property be amended to change the phasing of the Multi-Family Development to Phase 1, change the phasing of the Single-Family Development to Phase 2, reduce the open space acreage to 3.61 acres, eliminate the 10' landscape strip adjacent to all public and private rights-of-way, reduce the minimum separation for a two-story building adjacent to a one-story building to 15', eliminate the 6' decorative fence and linear landscape band where the single-family development and the multi-family development abut, and amend the tree requirements to one-two and a half inch diameter tree for lots less than 8,000 s.f.; one-six inch diameter tree for lots 8,000 s.f. – 10,000 s.f.; and one-five inch diameter tree for lots greater than 10,000 s.f. as more fully set forth in the Design Standards, a

copy of which is attached hereto and incorporated herein as **Exhibit “B”**; and

**WHEREAS**, application has also been properly made to amend the PD Zoning Concept Plan illustrated in the attached **Exhibit “C”**; and

**WHEREAS**, a plat of the Deer Park Planned Development will be submitted to the Planning and Zoning Commission and City Council for approval to be consistent with the amended PD Zoning Concept Plan illustrated in the attached **Exhibit “C”**; and

**WHEREAS**, said application has 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 amendment of the PD 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 amendment; and

**WHEREAS**, the City Council of the City of Decatur, Texas does find that the requested amendment is in the public interest and that the zoning changes do 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. Incorporation of Premises/Findings.** The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes. After due deliberations and consideration of the recommendation of the Planning & Zoning Commission and the information and other materials received at the public hearing and public meetings, the City Council has concluded that the adoption of this Ordinance amending Planned Development (PD) Ordinance No. 2008-06-11 amending the Official Zoning Ordinance and the Official Zoning Map of the City serves the best interests of the City of Decatur, Texas, serves the health, safety, welfare and aesthetic concerns of the public, and is consistent with the City’s Long Range Master Plan.

**SECTION 2. Amendment to Zoning Ordinance.** The Zoning Ordinance of the City of Decatur, Texas, be, and the same is hereby amended and changed in that the use of the Property described upon the attached **Exhibit “A”** hereto is hereby changed and the Planned Development (PD) Ordinance No. 2008-06-11 amending the Official Zoning Ordinance and the Official Zoning Map and establishing regulations for the use of the Property is hereby further amended in order change the phasing of the Multi-Family Development to Phase 1, change the phasing of the Single-Family Development to Phase 2, reduce the open space acreage to 3.61 acres, eliminate the 10’ landscape strip adjacent to all public and private rights-of-way, reduce the minimum separation for a two-story building adjacent to a one-story building to 15’, eliminate the 6’ decorative fence and linear landscape band where the single-family development and the multi-family development abut, and amend the tree requirements to one-two and a half inch diameter tree for lots less than 8,000 s.f.; one-six inch diameter tree for lots 8,000 s.f. – 10,000 s.f.; and one-five inch diameter tree for lots greater than 10,000 s.f. as more fully set forth in the Design Standards, attached hereto and incorporated

herein as **Exhibit “B”**, and to include a graphic depiction of the PD identifying the existing and allowable land uses and all major areas planned for public and private use which is required to be filed as part of the PD Ordinance described upon the attached **Exhibit “C”** Concept Plan (which Exhibits are attached hereto and incorporated herein for all purposes).

**SECTION 3. Amendment to Zoning Map.** 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 4. Cumulative Regulations.** In all respects not specifically regulated by Planned Development (PD) Ordinance No. 2008-06-11 and this amendment thereto, the use of the Property herein described shall be subject to all the applicable regulations contained in the City of Decatur Zoning Ordinance and all other applicable and pertinent ordinances of the City of Decatur, Texas.

**SECTION 5. Savings and Repealer.** This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 6. Severability.** If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 7. Penalty.** It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues. Further, if the governing body of the City of Decatur determines that a violation of this Ordinance creates a threat to the public safety, the City may bring suit in the District Court to enjoin such violation and may exercise all available remedies as allowed by law.

**SECTION 8. Publication.** The City Secretary of the City of Decatur is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code and City Charter.

**SECTION 9. Effective Date.** This ordinance shall take effect on its final passage and publication in accordance with the law, and it is so ordered.

**PRESENTED ON FIRST READING THIS 7<sup>th</sup> DAY OF MARCH, 2016**

**PRESENTED ON SECOND READING AND APPROVED THIS 21<sup>st</sup> DAY OF MARCH, 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 FORM:**

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



**EXHIBIT “B”  
DEER PARK  
PLANNED DEVELOPMENT STANDARDS**

Sec. 1. Purpose and Intent.

- (A) Trophy Ridge Apartments (Phase 1), along the Deer Park Road frontage, are designed to meet the current market demands for multi-family development. The Homes of Deer Park (Phase 2) will offer more affordable housing in the Decatur area with traditional single-family homes in a mid-density layout. Phase 3 will be developed as commercial C-2. Such use would be compatible within this Planned Development (“PD”). This document details those architectural and technical standards for the orderly development of this PD.
- (B) When there are conflicts between the standards provided in this document and the provisions of the City’s Zoning Ordinances and Subdivision Ordinances, the provisions herein shall take precedence.
- (C) For all issues not addressed by this PD, the provisions of the City of Decatur’s Zoning Ordinances and Subdivision Ordinances shall take precedence.
- (D) When there are conflicts between the standards provided in this document and the provisions of the City’s Building and Fire Code, the provisions of the Building and Fire Code shall take precedence.

Sec. 2. Project Location.

- (A) The PD is located along Deer Park Road, south of Business Hwy. 380, and on the north and west sides of Rann Elementary. A legal description is attached as Exhibit “C” and shown as the Concept Plan.
- (B) The Preliminary Plat and Final Plat will be submitted separately, pending approval of this Amended PD.

Sec. 3 Design Standards.

- (A) The following design standards and requirements shall be applicable in the PD:
  - (1) All uses and standards in Phases 1 and 3 shall conform to the uses and standards for MF and C-2 zoning districts as listed in the Zoning Ordinance and Design Standards except as noted below:
    - (a) The requirement for a ten (10) foot linear landscape strip adjacent to all public and private streets is removed.
    - (b) The minimum separation between all buildings within MF zoning districts shall be 15 feet.
  - (2) Multi-family development in Phase 1 will have access to Deer Park Road, that is separate and in addition to the access for Phase 2.
  - (3) The following land uses are prohibited in the commercially zoned (C-2) section:  
Gas Stations;

- Pawn Shops;  
 Private Clubs; and  
 Home for care of alcoholic, narcotic or psychiatric patients.
- (4) Phase 2 shall comply with SF-2 zoning, except as noted below:

**LAND USE AND AREA TABLE**

Lot Size (min.)	7500
Lot Area (sq. ft.)	7500
Lot Width (ft.) *	70' (60' for cul de sac lots)
Lot Depth (ft.)	110' (90' for cul de sac lots)
Maximum Lot Coverage (%)	50
<b>Dwelling Regulations</b>	
Minimum Square Footage-Living Area	1600
Average Square Footage-Living Area	1800
<b>Yard Requirements</b>	
Front Yard Setback (ft.)	20
Side Yard Setback (ft.)	5
Side Yard Setback for Corner Lots (ft.)	15 For Residence, 10 For Fencing
Rear Yard Setback (ft.)	10
Minimum Trees Required/ Minimum total diameter required (in.)**	1/ 2.5" for lots less than 8000 Sq. Ft. 1/6" for lots 8000 Sq. Ft. – 10000 Sq. Ft 1/ 5" for lots greater than 10000 Sq. Ft.

\* Lot width shall be measured at front yard set back.

\*\* Reference item number (k) below for landscaping requirements.

- (a) All streets within the development are to measure 31 feet back to back within a 50 foot right of way, with the exception of the entryway. Entry street to the PD will measure 36 feet back to back within a 60 foot right of way. All roadways within the development shall be constructed in conformance with City of Decatur Design Standards and Street Improvement Criteria.
- (b) Exterior Wall Materials - A minimum of 75% of the dwelling's total exterior area, minus windows, doors and porches/patios shall be of brick or stone.
- (c) Driveways - Driveways shall be a minimum of 18' wide.
- (d) Fences - Privacy fences are required and shall be 6 feet in height from grade. Fences must be made of masonry, wood or architectural metal. The use of chain link fencing is prohibited.
- (e) Roofs - Roofs must be covered with composition material and have a minimum roof pitch of 8:12.
- (f) House Elevation - No like floor plans and elevations shall be constructed adjacent to each other. Additionally, there

shall be a minimum of 7 lots skipped on the same side of the street or 4 lots skipped on the opposite side of the street between units with the same floor plan and same elevation.

- (g) Garages - All dwellings are required to have two-car garages. Car ports will not be allowed within the development.
- (h) Street Lighting - Street lighting shall be provided by the developer throughout the development using uniform thematic fixtures.
- (i) Utilities - All proposed utilities within this development shall be placed underground.
- (j) Sidewalks - Sidewalks shall be required throughout the development and shall be constructed in segments at the time of development of each separate lot by the homebuilder. Sidewalks along common area shall be constructed by the developer at the same time as all of the major infrastructure. Sidewalks shall be constructed with a width of 4 feet and in compliance with all requirements of Section 106 of the City of Decatur Design Standards.
- (k) Landscaping - All landscape elements for individual lots shall be completed prior to the initial occupancy:
  - (i) Trees - a minimum of 2.5-inches in total diameter shall be installed for lots less than 8000 Sq.Ft and 5-inches in total diameter for lots greater than 10000 Sq. Ft. This may be accomplished by one (1) 2.5-inch tree or multiple trees with a minimum caliper of 2.5-inches to total 5-inches. At least one of the selected trees shall be of a large canopy variety as indicated within the City approved plant material list per Section 107 of The City of Decatur Design Standards.
  - (ii) Shrubs - In accordance with industry standards for plant spacing, the quantity of shrubs shall equal the width of the house and shall be planted every 2 to 4 feet along the house front except that the portion which abuts the driveway.
  - (iii) Grass - All turf areas within the front yard or adjacent to public right-of-way shall be solid turf sod or hydromulched. All front yards shall be irrigated.
  - (iv) Maintenance - Landscape materials shall be kept in healthy, growing condition at all times. However, should any material die at any time, that material shall be replaced.
- (l) Development Entrances - The developer shall provide enhanced landscape features at the entrance into the

subdivision. Maintenance of all development entrances shall be the responsibility of the Homeowners Association (“HOA”).

- (m) Park Dedication - A minimum of .39 acres (or .005 acre per lot) (see Preliminary Plat) shall be dedicated as common areas in Phase 2. The amenities of the open space shall be provided in accordance with the following schedule:
    - (i) Playground equipment
    - (ii) Fence around the playground area
    - (iii) The HOA will be responsible for the maintenance and upkeep of the common areas.
  - (n) Homeowners Association – A HOA shall be formed by the developer prior to the sale of any lots. The HOA shall own and maintain all open space within the Plat in accordance with the standards set forth in this Planned Development and applicable City ordinances, including without limitation, the City’s Zoning and Subdivision Ordinances. The developer shall provide the City of Decatur with a copy of the HOA Bylaws and Certificate of Formation for review.
- (B) The Declaration of Covenants and Restrictions for the Homes of Deer Park will govern the review, construction, and maintenance of all residences. Notwithstanding the foregoing, in the event of a conflict between the requirements contained within the Declaration of Covenants and Restrictions and the requirements of applicable City Ordinances, Codes, and other state or federal laws or regulations, the stricter standard shall control.

#### Sec. 4. Development Parameters.

The Homes of Deer Park (Phase 2) shall comply with the following development parameters:

- (A) Density. Residential density shall not exceed 85 total single family units in Phase 2.
- (B) General development criteria.
  - (1) All lots shall share a frontage line with a street.
  - (2) All buildings shall have their main entrance opening to a street (except outbuildings).
  - (3) All uses shall be conducted within completely enclosed buildings, unless otherwise specified herein, and no outdoor storage shall be allowed.
- (C) No building or portion thereof shall be less than twenty-nine-and-one-half (29 ½) feet from the curb line of a through street, except for corner lots that may be twenty-four-and-one-half (24 ½) feet from the side yard curb line.
  - (1) Open Space.

- (a) A portion of the open space will include playground equipment and will be shown on construction plans.
- (2) Streets and pedestrian pathways.
  - (a) Traffic control signing shall be established to satisfy intersecting street geometry and installed at entrances and other appropriate locations.
  - (b) Streets shall provide access to all tracts and building lots.
  - (c) All streets and pedestrian pathways shall connect to other streets within the PD and connect to existing and projected streets outside the PD, if applicable.
  - (d) Every building lot shall abut a public sidewalk.
  - (e) All streets shall have a six-inch lay-down curb meeting City Engineering standards.
  - (f) A curb, meeting City Engineering standards, is required at all street intersections. There shall be curb cuts providing handicap access at all intersections and points of pedestrian crossing meeting City Engineering standards.
  - (g) All public sidewalks shall be a minimum of four (4) feet wide. This area shall be unobstructed by utility poles, fire hydrants, benches or any other temporary or permanent structures.
  - (h) Utilities shall run underground.
  - (i) Where district streets intersect through streets, design of the intersections shall meet all appropriate City Engineering standards.
- (3) Parking. Single family units shall each have a minimum of two (2) off street parking spaces.

**Sec. 5. Ownership and Maintenance of Common Areas and Open Space.**

All land designated on approved plans as common area(s), including without limitation parks, open space areas, and all structures devoted to the common use of the inhabitants of the PD shall be owned and/or maintained by the HOA.

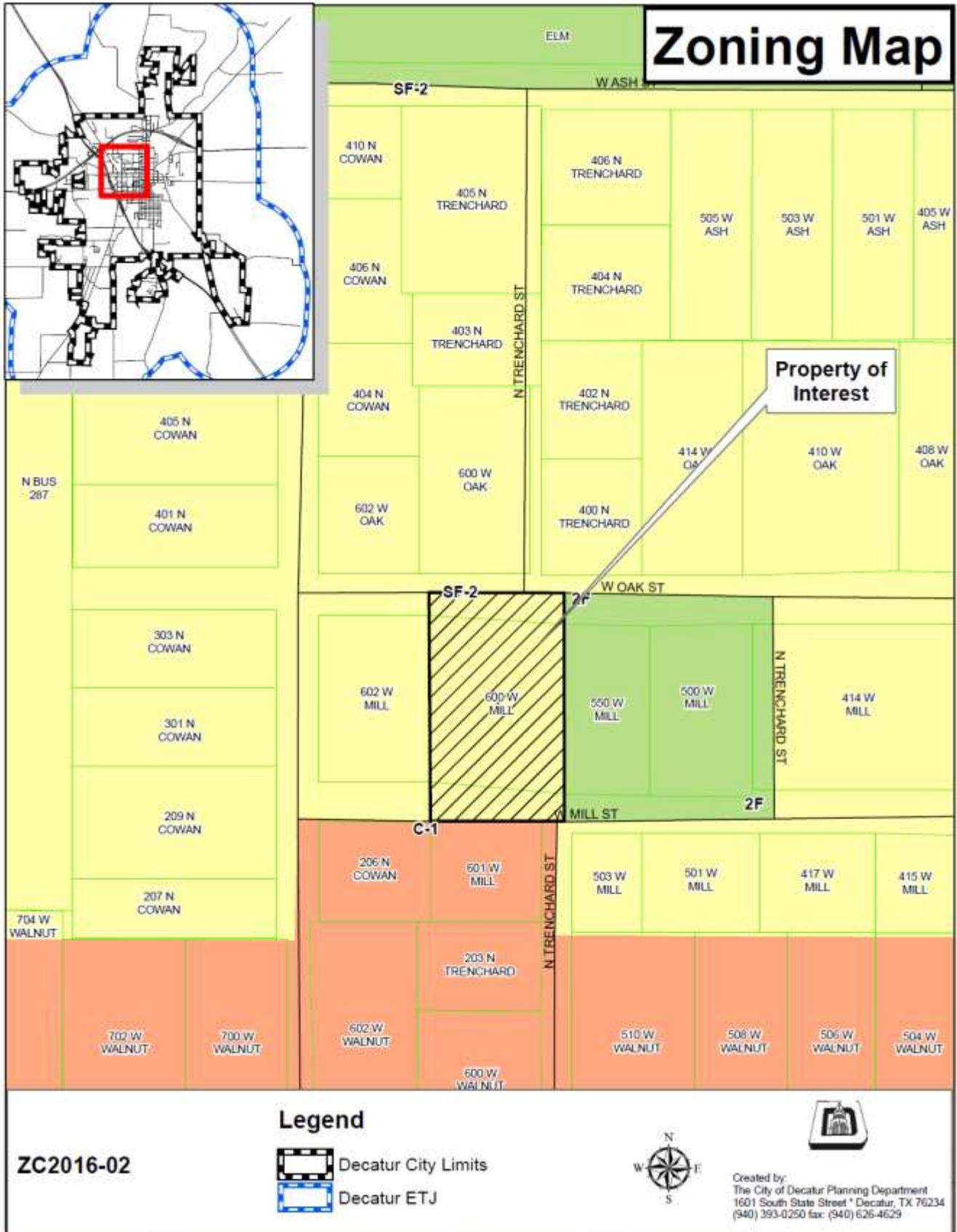




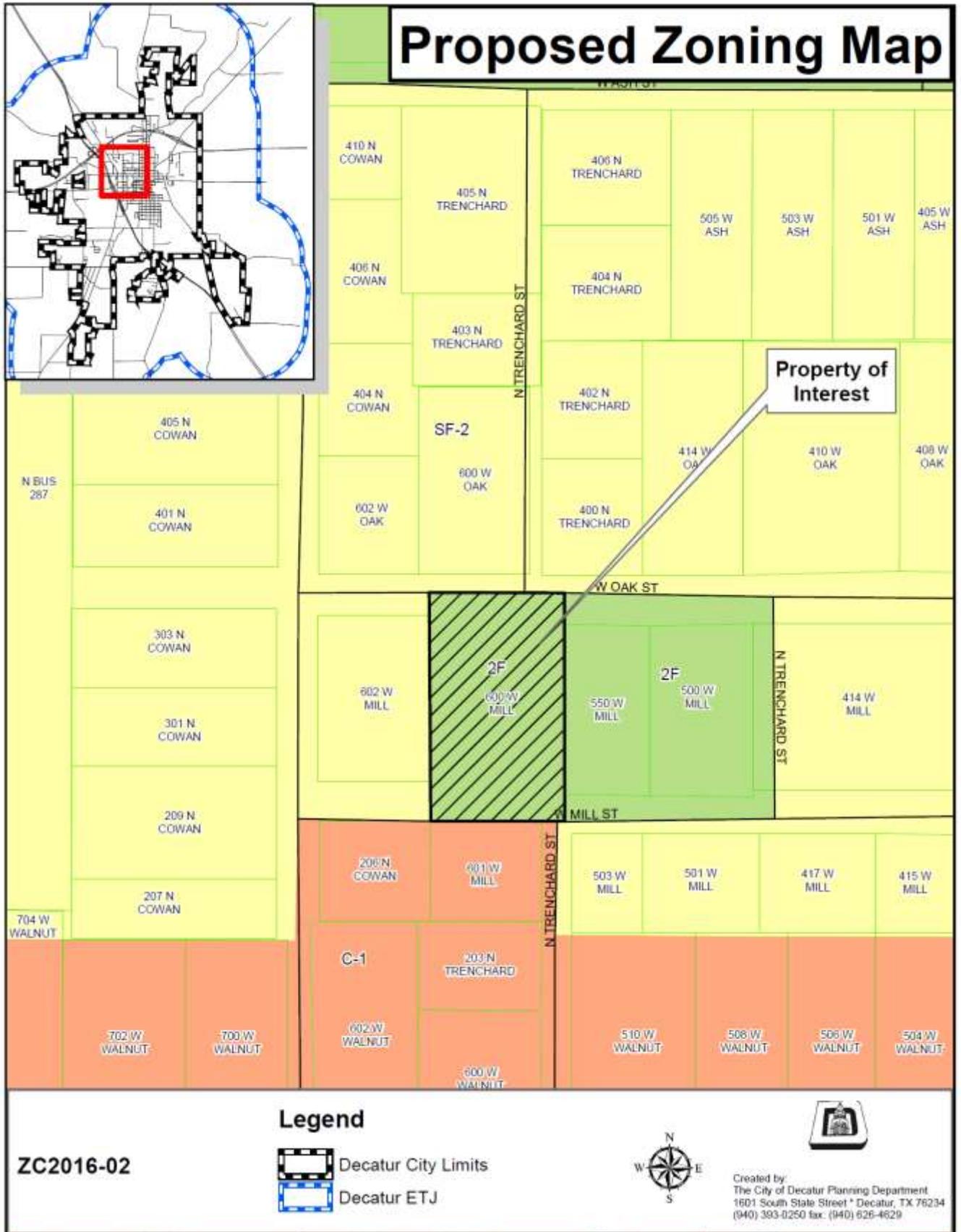




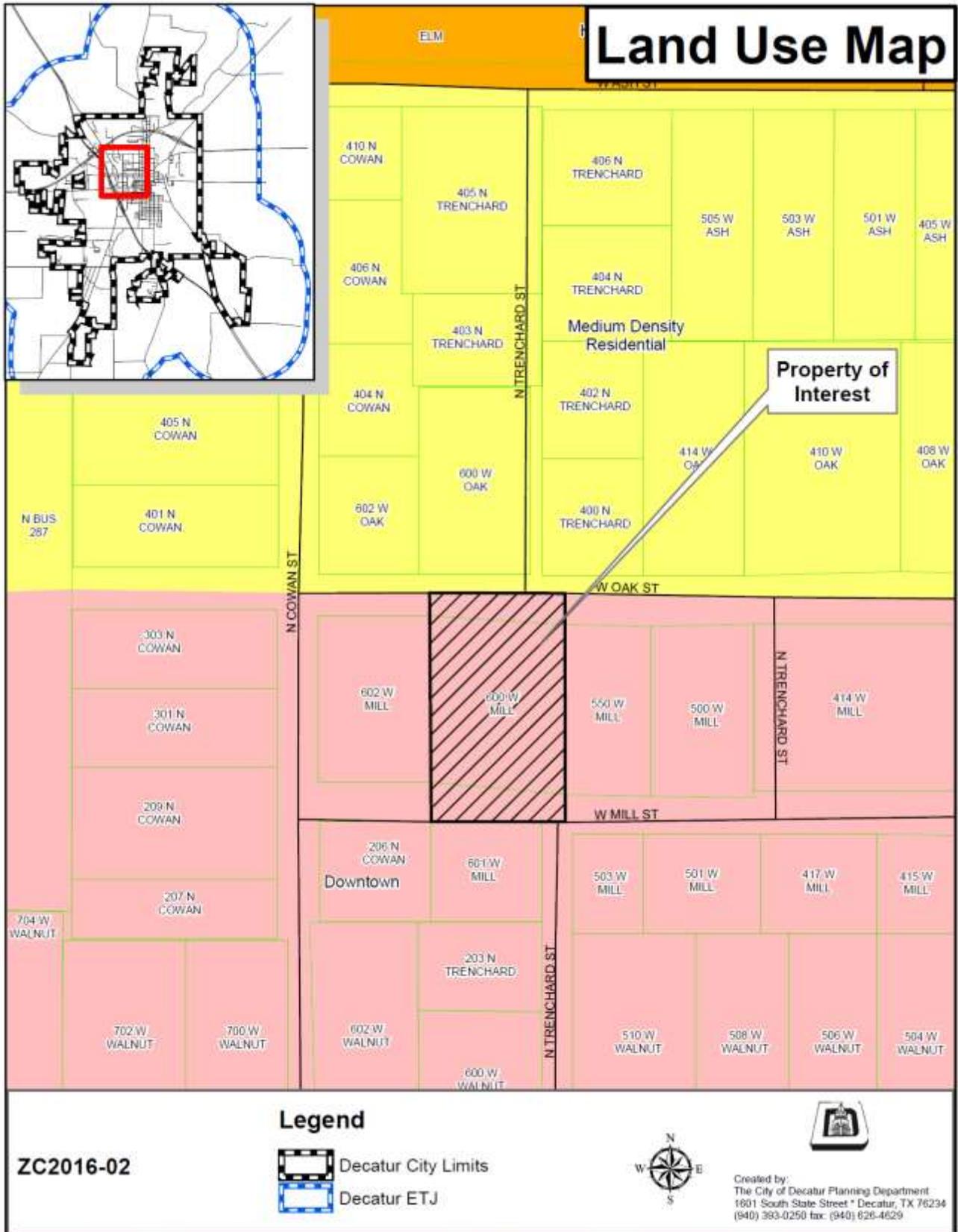
# Existing Zoning Map



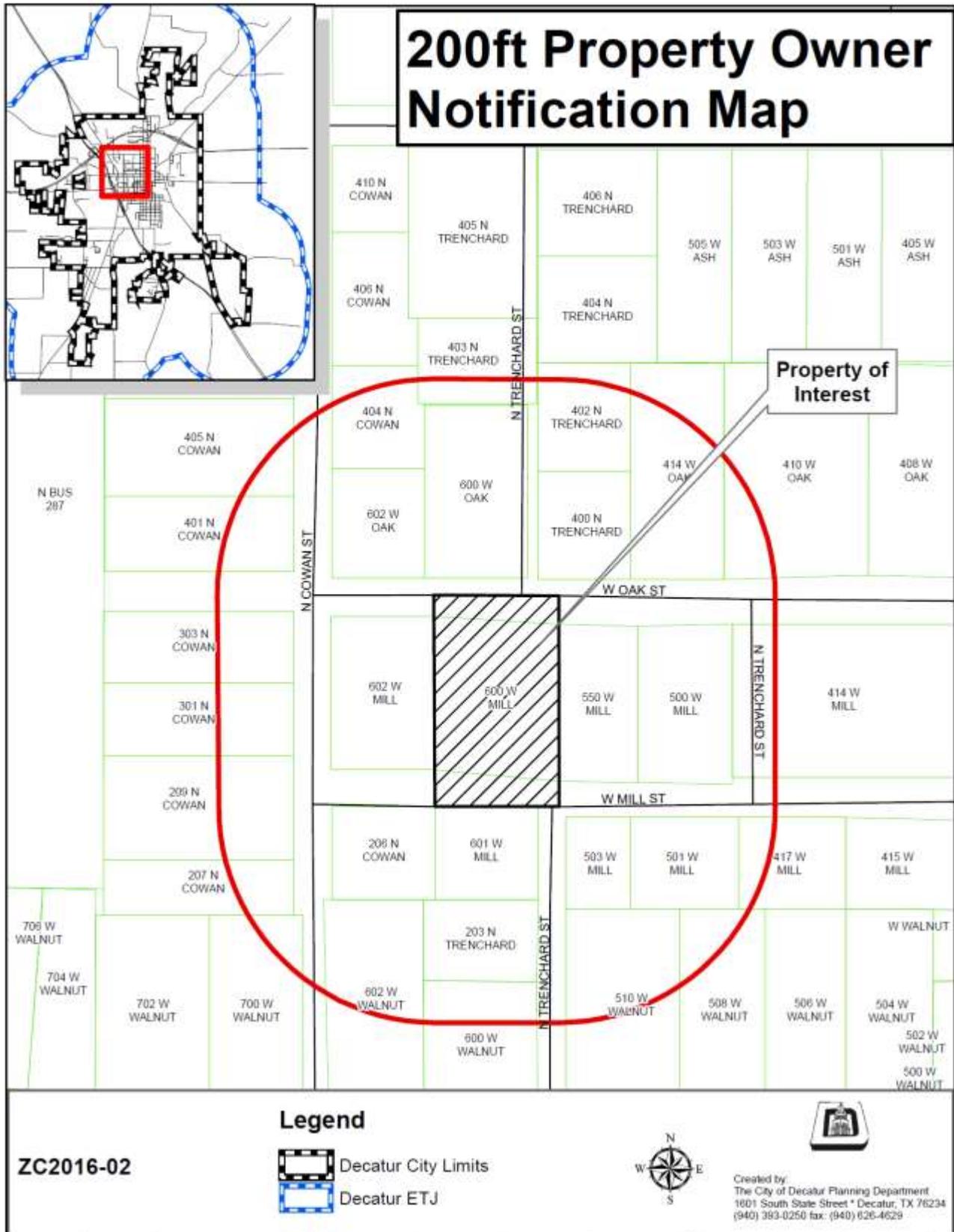
# Proposed Zoning Map



# Land Use Map



# Property Owner Notification



PROPERTY OWNER RESPONSE MAP

**None to date**

## 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-2 (SF-2) ZONING DISTRICT TO A TWO FAMILY (2F) ZONING DISTRICT ON APPROXIMATELY 0.153 ACRES OF LAND BEING LEGALLY DESCRIBED AS LOT 13R, BLOCK 13, RANGE D, DEVEREUX ADDITION AND APPROXIMATELY 0.06 ACRES TO THE CENTERLINE OF W. OAK AND 0.08 ACRES TO THE CENTERLINE OF W. MILL, ALSO MORE COMMONLY REFERRED TO AS 600 W. MILL ST., DECATUR, TEXAS.**

**WHEREAS**, the current zoning of the tract of land illustrated in the attached Exhibit “A” is Single-Family 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 Two-Family (2F) 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 Two-Family (2F) 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

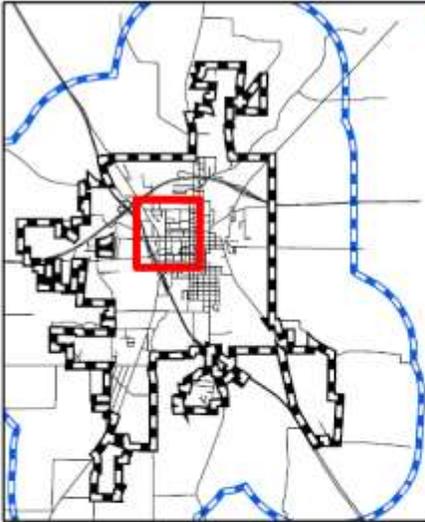
**ATTEST:**

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

**APPROVED AS TO CONTENT AND FORM:**

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

# Proposed Zoning Map



## Legend

ZC2016-02

-  Decatur City Limits
-  Decatur ETJ

Exhibit "A"



Created by:  
The City of Decatur Planning Department  
1601 South State Street \* Decatur, TX 76234  
(940) 393-0250 fax: (940) 626-4629



## STAFF REPORT

*March 1, 2012 – Planning & Zoning Commission Meeting*

**TO:** Planning & Zoning Commissioners                      **CASE:** SUP2016-01  
**FROM:** Dedra D. Ragland, AICP, Planning Director      **APPLICANT:** Cary and Beth Hardin  
**DATE:** February 23, 2016                                      **REQUEST:** Specific Use Permit

### Case Notes:

Commission to take public comment and take action to make a recommendation to City Council regarding Specific Use Permit Application 2016-01—Cary and Beth Hardin’s request for a Specific Use Permit to allow for a Private Club for the sale of Alcoholic Beverages (Beer and Wine) for on-premises consumption in a Restricted Business (C-1) Zoning District. The subject property is approximately 0.675 acres of land being legally described as Lot 9R, S.L. Brown Addition or more commonly referred to as 603 W. Main Street, Decatur, Texas. A private club for the sale of alcoholic beverages for on-premises consumption is an allowable use within the C-1 Zoning District with an SUP.

The SUP is requested so that the restaurant may be permitted to sell alcohol. The applicant is applying to the Texas Alcoholic Beverage Commission for a private club registration permit. A private club registration permit authorizes alcoholic beverages belonging to members of the club to be:

- 1) Stored, possessed, and mixed on the club premises; and
- 2) Served for on-premises consumption only to members of the club and their families and guests by the drink or in sealed, unsealed, or broken containers of any legal size.

### Legality:

According to Article 5 “Zoning Districts,” Subsection 5.2.5 “SUP, Specific Use Permit” of Ordinance 2015-03-01 (Zoning Ordinance has not yet been codified), the City Council of the City of Decatur, Texas, after public hearing and proper notice to all parties affected and after recommendations by the Planning and Zoning Commission may authorize the issuance of specific use permits for the uses indicated by “S” in the Land Use Schedule, shown in Article 6 “Use Regulations,” Section 6.1 “Use Chart.”

Pursuant to 5.2.5.E(6), the Specific Use Permit shall be amended or rescinded if one (1) or more of the following occurs:

1. “There is a violation and conviction of any of the provisions of this Ordinance that occurs on the property for which the Specific Use is granted;
2. The building, premises, or land use authorized by the Specific Use Permit is enlarged greater than ten percent (as noted in (3)(a)(ii)), modified, structurally altered, or otherwise changed in violation of the terms of the Specific Use Permit and/or this Ordinance;
3. No activity or progress has occurred on the property for a period of two (2) years or longer;
4. Violation and correction of any provision of the terms or conditions of a Specific Use Permit, for which ten (10) days written notice of violation has been provided to the owner or occupant, and which violation is not remediated in accordance with the written notice. One (1) or more incidents of recurrence of the same violation(s) for which a correction was rendered within a calendar year period shall be cause for revocation of a SUP without additional notice to the Owner or Occupant, other than notice of date and time of public hearing pursuant to this Section;
5. Ad valorem taxes on the property are delinquent by more than six (6) months; or
6. The Specific Use Permit was obtained by fraud or with deceptions.”

**Analysis:**

- The restaurant and the areas where the beer and wine will be consumed are not within 300' of any church, public or private school, or public hospital. The use as described by the applicant is allowed in the Restricted Business Zoning District with a Specific Use Permit.
- Staff is recommending the following restrictions:
  - (a) The Specific Use Permit granted herein for a restaurant (Down the Alley Café) with the sale of alcoholic beverages (beer and wine) for on-premises consumption only shall be limited to that particular areas designated on the site plan as described upon the attached Exhibit "B" (which Exhibit is made a part hereof for all purposes).
  - (b) No signs advertising sale of alcoholic beverages shall be permitted other than those authorized under the Texas Alcoholic Beverage Commission, and any sign ordinance of the City of Decatur, Texas.
  - (c) If a license or permit to sell alcoholic beverages on property covered by this specific use permit is revoked, terminated or cancelled by proper authorities, the City Council may authorize hearings to be held for the purpose of considering a change of zoning.
  - (d) The establishment shall not use the term "bar", "tavern", or any other terms or graphic depictions that relate to the sale of alcoholic beverages on any signs visible from the exterior of the premises.
- Thirty-five (35) property owners were notified. Staff has received three (3) letters in favor, none neutral, and none opposed to the request.

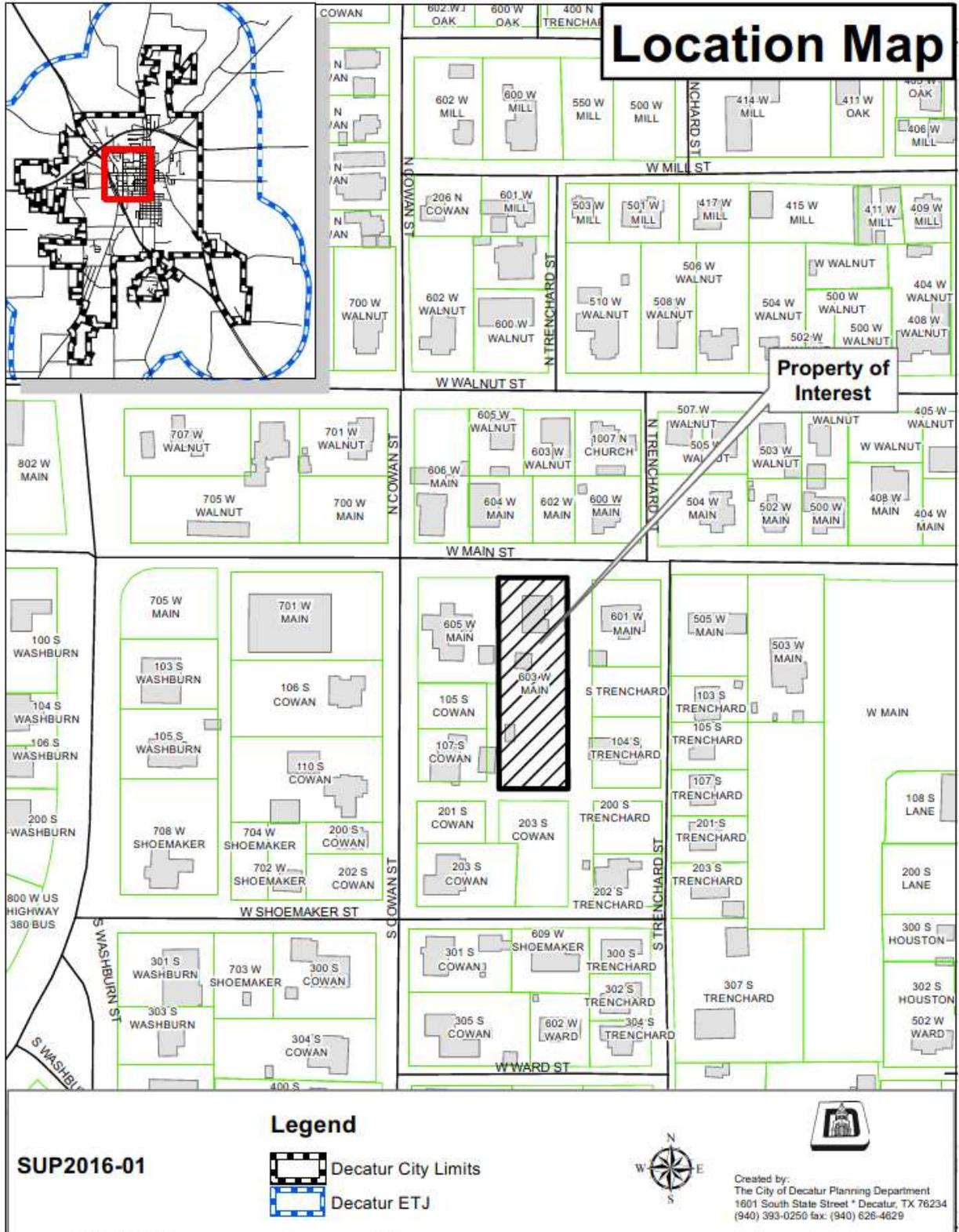
**Recommendation:**

Staff recommends approval.

**Attachments:**

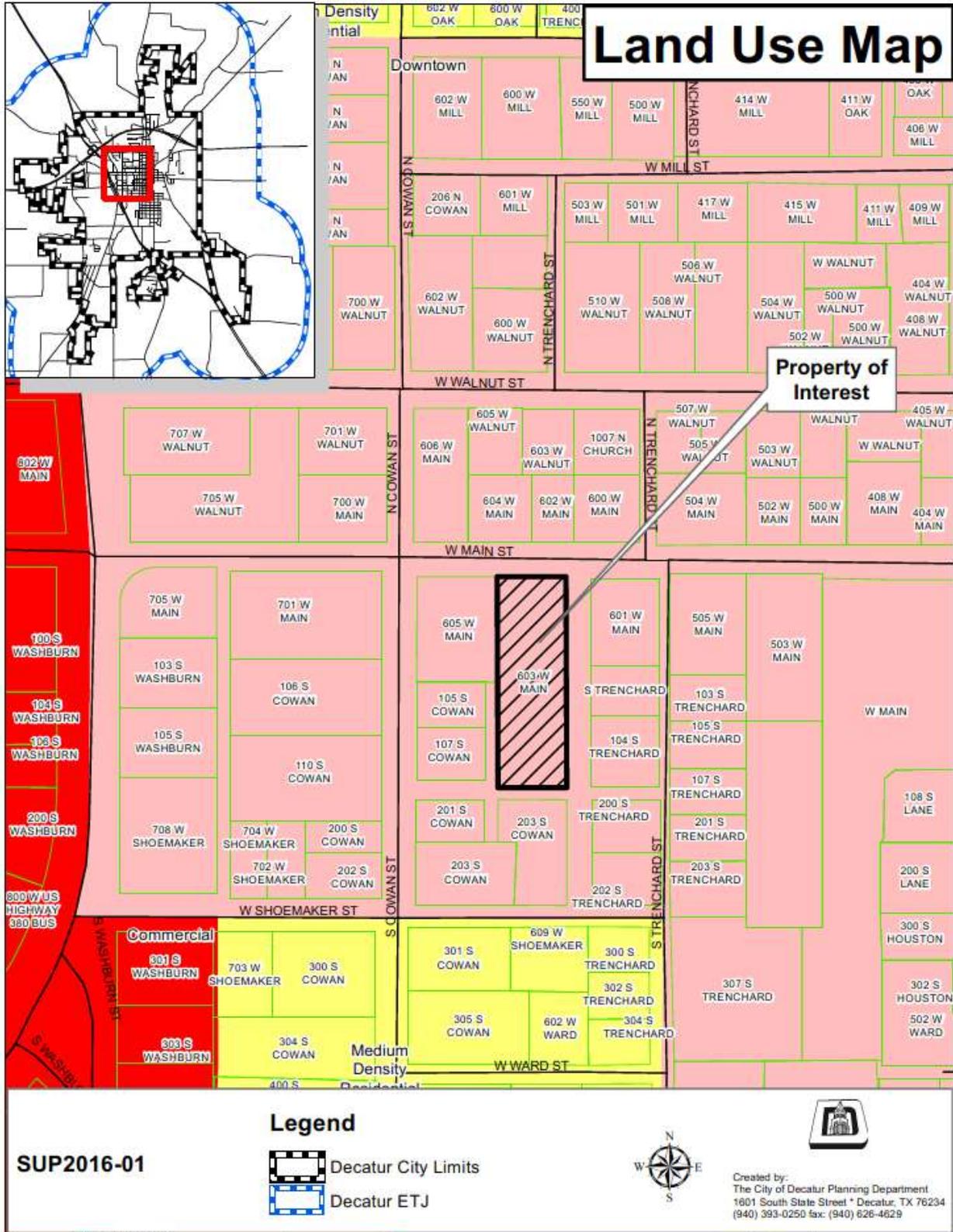
1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. 300' Buffer Zone Map
5. 200' Property Owner Response Map and Notifications
6. Draft Ordinance

# Attachment 1 Location Map

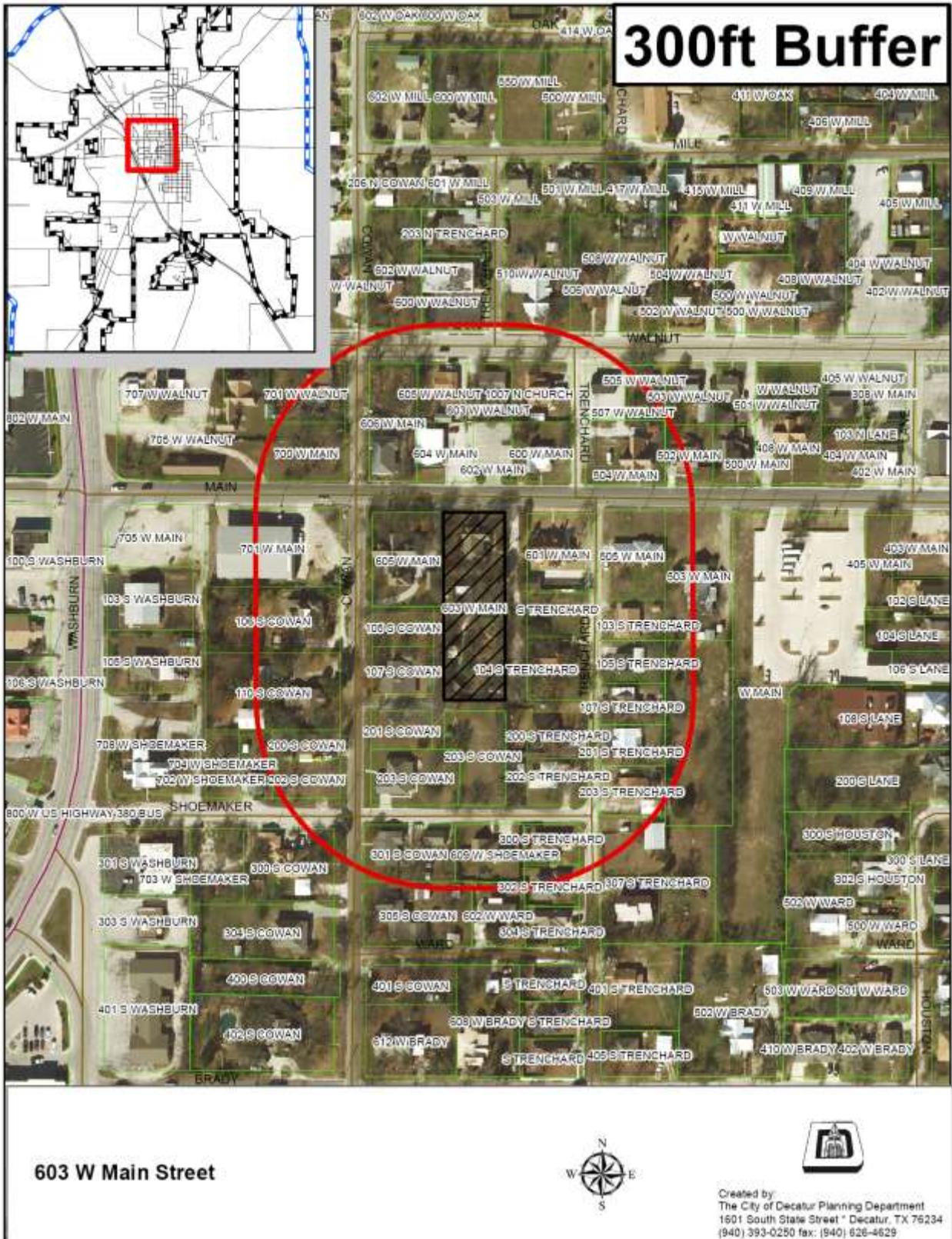




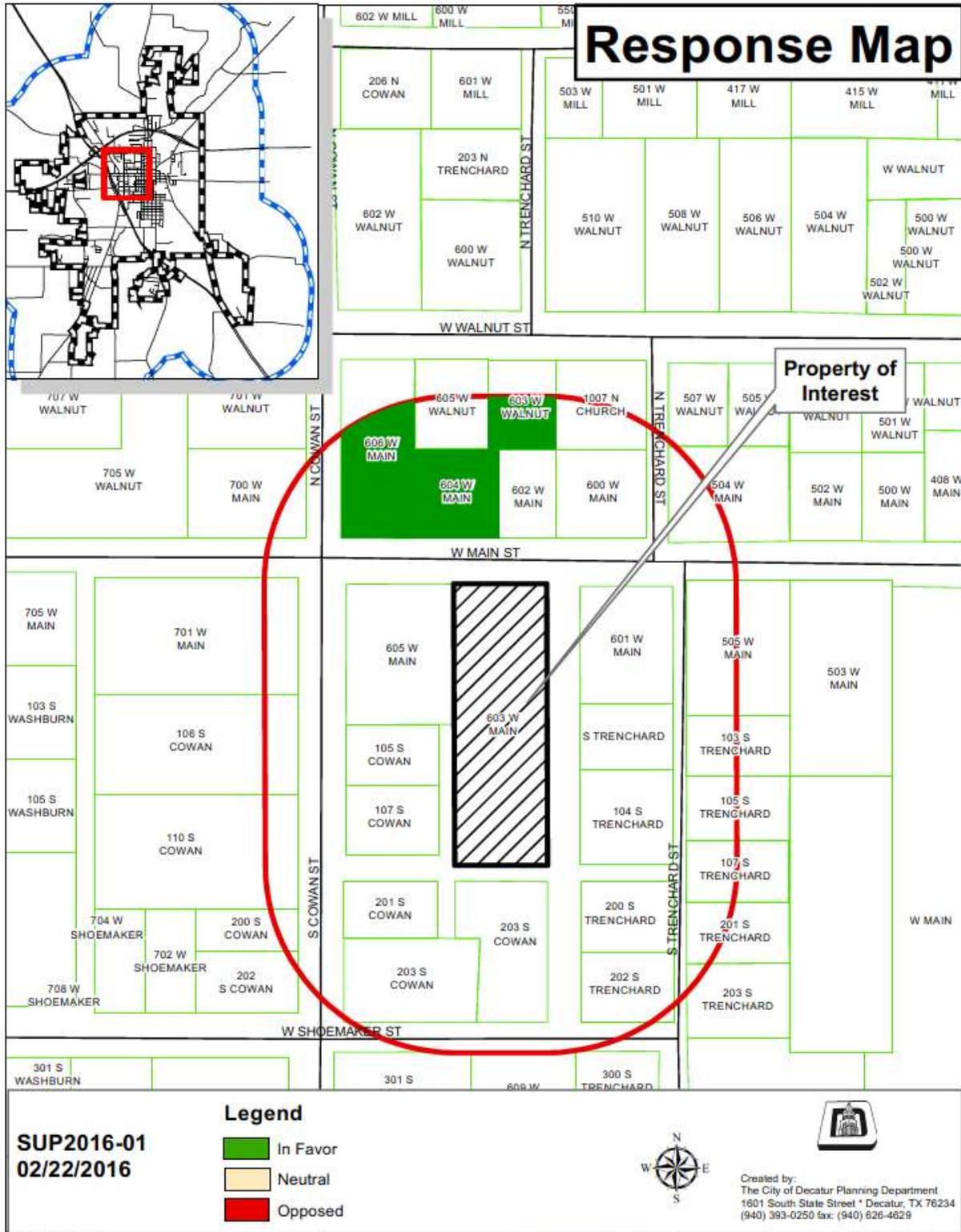
# Attachment 3 Existing Land Use Map



# Attachment 4 300' Buffer Zone



# Attachment 5 200' Property Owner Response Map and Notifications





# CITY OF DECATUR, TEXAS

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

Mailed 2/17/16

## Notice of Public Hearing

SUP2016-01

The Planning and Zoning Commission (P&Z) of the City of Decatur will hold a public hearing on **Tuesday, March 1, 2016, at 6:00 p.m.** at 201 E. Walnut, Decatur TX 76234 for the consideration and recommendation of Specific Use Permit Application 2016-01—Cary Hardin's request for a Specific Use Permit to allow a Private Club on approximately 0.675 acres of land being legally described as Lot 9R, S.L. Brown Addition or more commonly referred to as 603 W. Main Street, Decatur, Texas.

On **Monday, March 7, 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 Specific Use Permit Application 2016-01—Cary Hardin's request for a Specific Use Permit to allow a Private Club on approximately 0.675 acres of land being legally described as Lot 9R, S.L. Brown Addition or more commonly referred to as 603 W. Main Street, Decatur, Texas. The meeting will be held at the City Hall Council Chambers located at 201 E. Walnut, Decatur, Texas 76234. The City Council is scheduled to consider the second reading of the Ordinance and take final action on Monday, March 28, 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 a public hearing to decide whether or not to approve the request 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 2016 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. Ragland, 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: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Physical Address of Property within 200 feet: ID: R000026545 Property Address: 504 W MAIN



Notice of Public Hearing CITY OF DECATUR DEVELOPMENT SERVICES SUP2016-01

The Planning and Zoning Commission (P&Z) of the City of Decatur will hold a public hearing on Tuesday, March 1, 2016, at 6:00 p.m. at 201 E. Walnut, Decatur TX 76234 for the consideration and recommendation of Specific Use Permit Application 2016-01—Cary Hardin's request for a Specific Use Permit to allow a Private Club on approximately 0.675 acres of land being legally described as Lot 9R, S.L. Brown Addition or more commonly referred to as 603 W. Main Street, Decatur, Texas.

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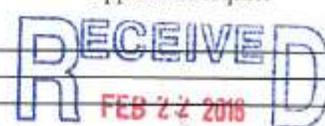
Please circle one:

In favor of request

Neutral to request

Opposed to request

Reasons for Opposition:



Signature: Pam Holland
Printed Name: Pam Holland
Mailing Address: 606 W. Main St.
City, State, Zip: Decatur, TX 76234
Telephone Number: 940-627-5146
Physical Address of Property within 200 feet: ID: R000026551 Property Address: 606 W MAIN

CITY OF DECATUR DEVELOPMENT SERVICES



# CITY OF DECATUR, TEXAS

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

Mailed 2/17/16



## Notice of Public Hearing

SUP2016-01

CITY OF DECATUR  
DEVELOPMENT SERVICES

The Planning and Zoning Commission (P&Z) of the City of Decatur will hold a public hearing on **Tuesday, March 1, 2016, at 6:00 p.m.** at 201 E. Walnut, Decatur TX 76234 for the consideration and recommendation of Specific Use Permit Application 2016-01—Cary Hardin's request for a Specific Use Permit to allow a Private Club on approximately 0.675 acres of land being legally described as Lot 9R, S.L. Brown Addition or more commonly referred to as 603 W. Main Street, Decatur, Texas.

On **Monday, March 7, 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 Specific Use Permit Application 2016-01—Cary Hardin's request for a Specific Use Permit to allow a Private Club on approximately 0.675 acres of land being legally described as Lot 9R, S.L. Brown Addition or more commonly referred to as 603 W. Main Street, Decatur, Texas. The meeting will be held at the City Hall Council Chambers located at 201 E. Walnut, Decatur, Texas 76234. The City Council is scheduled to consider the second reading of the Ordinance and take final action on Monday, March 28, 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 a public hearing to decide whether or not to approve the request 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 2016 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. Ragland, 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: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Physical Address of Property within 200 feet: ID: **R000026550** Property Address: **604 W MAIN**

Attachment 6  
**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 SPECIFIC USE PERMIT ALLOWING FOR A PRIVATE CLUB FOR THE SALE OF ALCOHOLIC BEVERAGES (BEER AND WINE) FOR ON-PREMISES CONSUMPTION FOR PROPERTY LOCATED AT 603 W. MAIN STREET, AN APPROXIMATELY 0.675 ACRES OF LAND BEING LEGALLY DESCRIBED AS LOT 9R, S.L. BROWN ADDITION, DECATUR, TEXAS.**

**WHEREAS**, the current zoning of the tract of land is Restricted Business (C-1) and private clubs for the sale of alcoholic beverages is allowed with a Specific Use Permit (SUP); and

**WHEREAS**, application has been properly made to amend the Official Zoning Map of the City of Decatur, Texas, according to its legend to indicate that the affected area has conditional and limited uses, and such amendment is to indicate the appropriate zoning district for the approved use and prefixed by an “S” designation; and shall be indicated by numerical designation on the Zoning District Map; and issued to the property; 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 amendment; and

**WHEREAS**, the City Council of the City of Decatur, Texas does find that the requested amendment 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 Specific Use Permit for the sale of alcoholic beverages (beer and wine) for on-

premises consumption only, on the property located at 603 W. Main Street, subject to the following conditions:

- a. The Specific Use Permit granted herein for a restaurant (Down the Alley Café) with the sale of alcoholic beverages (beer and wine) for on-premises consumption only shall be limited to that particular areas designated on the site plan as described upon the attached Exhibit “B” (which Exhibit is made a part hereof for all purposes).
- b. No signs advertising sale of alcoholic beverages shall be permitted other than those authorized under the Texas Alcoholic Beverage Commission, and any sign ordinance of the City of Decatur, Texas.
- c. If a license or permit to sell alcoholic beverages on property covered by this specific use permit is revoked, terminated or cancelled by proper authorities, the City Council may authorize hearings to be held for the purpose of considering a change of zoning.
- d. The establishment shall not use the term “bar”, “tavern”, or any other terms or graphic depictions that relate to the sale of alcoholic beverages on any signs visible from the exterior of the premises.

**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:**

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Diane Cockrell, TRMC, CITY SECRETARY

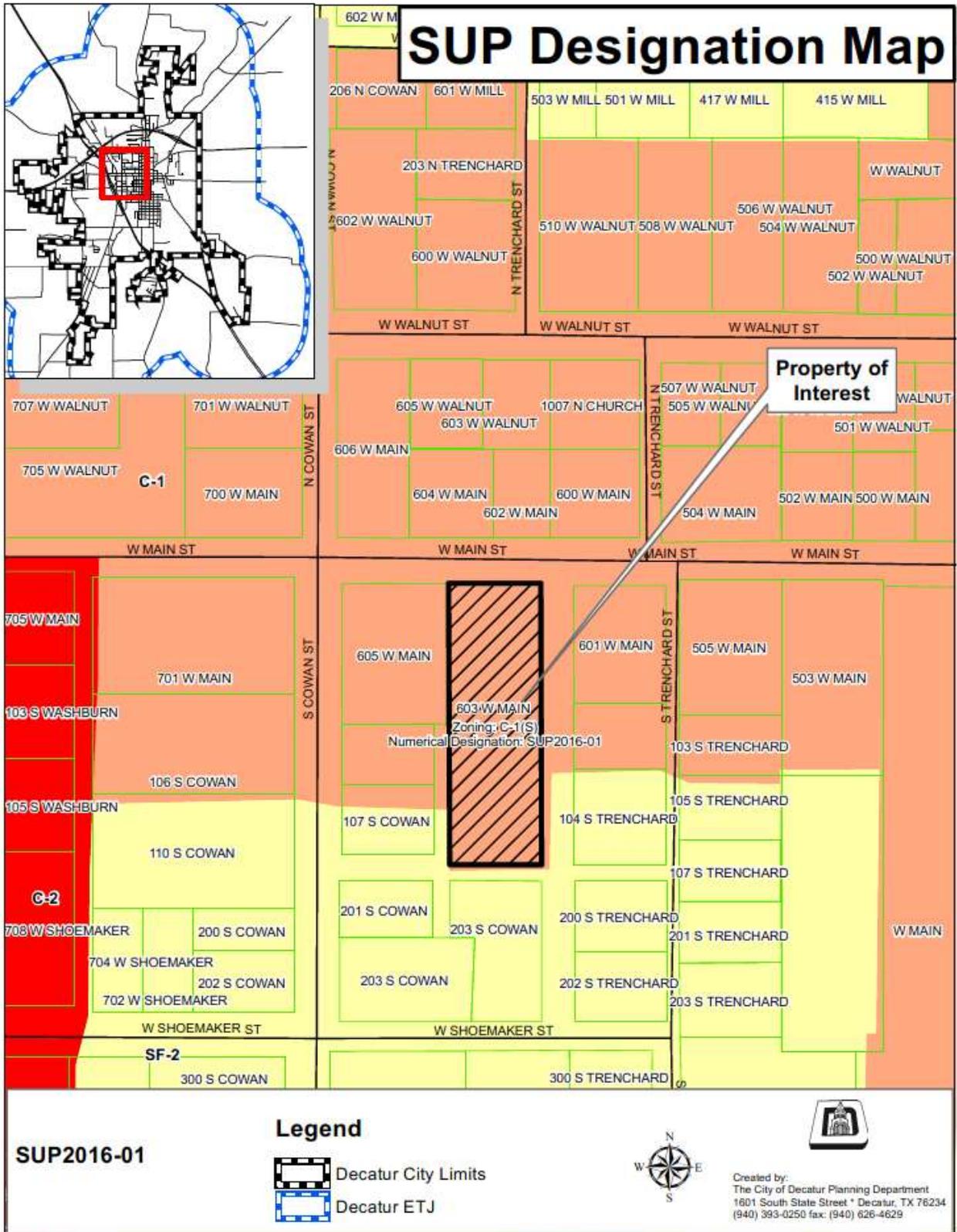
**APPROVED AS TO CONTENT AND FORM:**

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Mason L. Woodruff, CITY ATTORNEY

# EXHIBIT "A"

## SUP Zoning Designation Map



# EXHIBIT "B" Site Plan

