



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, April 5, 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 March 1, 2016 Planning and Zoning Commission Meeting Minutes.

Public Hearing Items:

ITEM 2: **ZC2016-03** Commission to hear and consider and take action to make a recommendation to City Council regarding Zoning Change Application 2016-03—Randy Neighbors request to change zoning from Single-Family-2 (SF-2) Zoning Designation to a Two-Family (2F) Zoning Designation on approximately 0.423 acres of land being legally described as Lot 2 and the north 23 feet of Lot 3, Block 51, South Decatur Addition, and approximately 0.07 acres to the centerline of S. Stratton, approximately 0.16 acres to the centerline of E. Hale St., and 0.03 acres to the centerline of an alley where adjacent to the site, which is also more commonly referred to as 600 E. Hale St., Decatur, Texas.

Non Public Hearing Items:

ITEM 3: **PP2016-01** Commission to hear and consider and take action to make a recommendation to City Council regarding Preliminary Plat Application 2016-01—Todd Smutz's request, on behalf of Retail Connection and Pilot Travel Center, LLC., to preliminary plat Lot 1, Block A, Pilot Travel Center Decatur, being a 11.4494-acre tract of land located in the G. Vigil Survey, Abstract No. 857, and as legally described by metes and bounds on the plat exhibit in the staff report, City of Decatur, Wise County, Texas.

ITEM 4: **FP2016-01** Commission to hear and consider and take action to make a recommendation to City Council regarding Final Plat Application 2016-01—Todd Smutz's request, on behalf of Retail Connection and Pilot Travel Center, LLC., to final plat Lot 1, Block A, Pilot Travel Center Decatur, being a 11.4494-acre tract of land located in the G. Vigil Survey, Abstract No. 857, and as legally described by metes and bounds on the plat exhibit in the staff report, City of Decatur, Wise County, Texas.

ITEM 5: New and/or future business items.

Adjournment

Prepared and posted this the 1st day of April, 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, March 1, 2016 in City Hall Council Chambers with the following in attendance:

MEMBERS PRESENT:

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

OTHERS PRESENT: Planning and Development Director Dedra Ragland, Legal Counsel Patricia Adams and Maritha Gan, representing staff and Jody Adams and Cary Hardin, 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 February 2, 2016 Planning and Zoning Commission Meeting Minutes.

Commissioner Standridge made a motion to approve the February 2, 2016 P&Z Commission Meeting Minutes. Vice-Chairman LeMond seconded the motion. The motion passed 6-0.

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 Adam’s 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).**

Planning and Development Director Ragland presented the staff report. The history of the Planned Development was provided to the Commission. It was amended in 2008. The original Planned Development was adopted in 2005 and again in 2006, as a result of the southern portion being sold to a church. The proposed amendment will affect the phasing of the multi-family and single-family development. Based on

market demands, the applicant is seeking to change the multi-family to phase one, the single-family to phase two, and the commercial will remain phase three. The layout of the single family lots and the multi-family buildings has changed. The plan originally had the single-family lots designed around a gas well. The subdivision has been re-designed so that a street is located on top of the gas well. This has resulted in more lots and a reduction in the green space/open space. In addition, the gas and the electric easement on the eastern property line of the single-family phase can't be counted as open space. In summary, the applicant is requesting the following modifications:

- Due to market demands, change the phasing of the multi-family (from Phase 2 to Phase 1) and single-family (from Phase 1 to Phase 2) development;
- Reduce the Open Space acreage from 4.2 acres to 3.61 acres in the single-family development;
- Eliminate the 10' linear 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 from 20' to 15';
- Eliminate the 6' decorative fence and linear landscape band where the single-family development and the multi-family development abut; and
- Reduce the minimum trees required from 1-6" tree for all lots to:
 - 1-2.5" tree for lots less than 8,000 s.f.
 - 1-6" tree for lots 8,000 s.f. – 10,000 s.f.
 - 1-5" tree for lots greater than 10,000 s.f.

Commissioner Standridge asked about the 5" tree diameter requirement. Mr. Adams replied that the tree size requirements are confusing and need clarification. Mr. Adams stated he wanted to follow the city's tree requirements in the Design Standards:

- 1-2.5" tree for lots less than 8,000 s.f.
- 2-2.5" tree for lots 8,000 s.f. – 10,000 s.f.
- 3-2.5" tree for lots greater than 10,000 s.f.

Commissioner Creswell asked about the distance of the compressor station from the lots and if any trees will be removed. Commissioner Creswell further asked if there was enough of a barrier between the Compressor and the development. Mr. Adams stated there will be some land elevation to deflect the noise. Outside noise is noticeable, but Mr. Adams assured the members that inside noise would be negligible.

Planning and Development Director Ragland stated that notices were sent out to 13 property owners within 200' there was one (1) in opposition and one (1) in favor of the PD Amendment. The notice in opposition had to do with drainage and did not impact the request at this time.

Commissioner Eddie Allen made a motion to approve Zoning change Application ZC2016-01. Commissioner Eileen Standridge seconded the motion. The motion passed 6-0.

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 (2-F) Zoning Designation on approximately 0.153 acres of land being legally described as Lot 13R, Block 13, Range “D”, Devereux Addition, and approximately 9.06 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.

Planning and Development Director Ragland presented the staff report. The request is for Two-family (2-F) Zoning. The tract/lot is located in the Downtown Land Use District, which is suitable for mixed residential uses.

Thirty (30) property owners were notified within 200’ and there were no responses.

Vice-Chairman LeMond asked what is the square footage of the residence. Ms. Ragland stated the house is sizable but did not have the exact measurements available.

Commissioner Standridge asked if firewalls will be installed between the two units. Ms. Ragland stated the house would meet the Fire and Building Codes.

Mr. Martinez plans to leave the outside footprint of the house the same, while converting the inside of the residence into a duplex. If Mr. Martinez does have to change the footprint of the existing building, he will have to apply for building permit and submit a CO application. Mr. Martinez was not in attendance. Staff recommends approval.

Commissioner Creswell made a motion to approve Zoning Change Application 2016-02. Commissioner Berube seconded the motion. The motion passed 6-0.

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 Uses 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.

Planning and Development Director Ragland presented the staff report. The Specific Use Permit is being requested for the on premises sale and consumption of Beer and Wine at the Main Street Home and Gardens business. Planning and Development Director Ragland reminded the Commission of the zoning rewrite and the change from Special Use Permits to Specific Use Permits. Specific Use Permits are treated like zoning changes. SUPs require a site plan identifying precisely where alcoholic

beverages will be sold and consumed. Certain restrictions were added to the SUP, of which the Hardins had no objection. Staff is recommending the following restrictions:

- (a) The Specific Use Permit granted herein for a restaurant (Main Street Home and Gardens) 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 within 200' were notified and staff received four (4) responses in favor of the request.

Ms. Ragland deferred any further questions to Mr. Cary Hardin.

Commissioner Berube asked if Main Street Home and Gardens will be opened for dinner. Mr. Hardin replied that they intend to be open for dinner on Friday and Saturday evenings.

Commissioner Standridge asked if there will be any additional parking or expansion due to this SUP. Mr. Hardin replied that they had no intentions of expanding the restaurant.

Commissioner Lanier made a motion to approve SUP2016-01. Commissioner Berube seconded the motion. The motion passed 6-0.

Non Public Hearing Items:

ITEM 5: New and/or future business items.

Planning and Development Director Ragland discussed upcoming Planning and Development requests. The Commission will see future applications coming soon for Quick Trip, Pilot Travel Centers and Discount Tire. In addition, a couple of people have contacted staff regarding residential subdivisions. Mr. David Fuller has purchased the property north of the Museum for future residential development. There is a pressing

need for more housing in Decatur and the Planning and Development Department is supportive of Mr. Fuller's proposal.

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

The meeting adjourned at 6:35 p.m. by Chairman Davey Edwards.

William D. Edwards, Chairman

ATTEST:

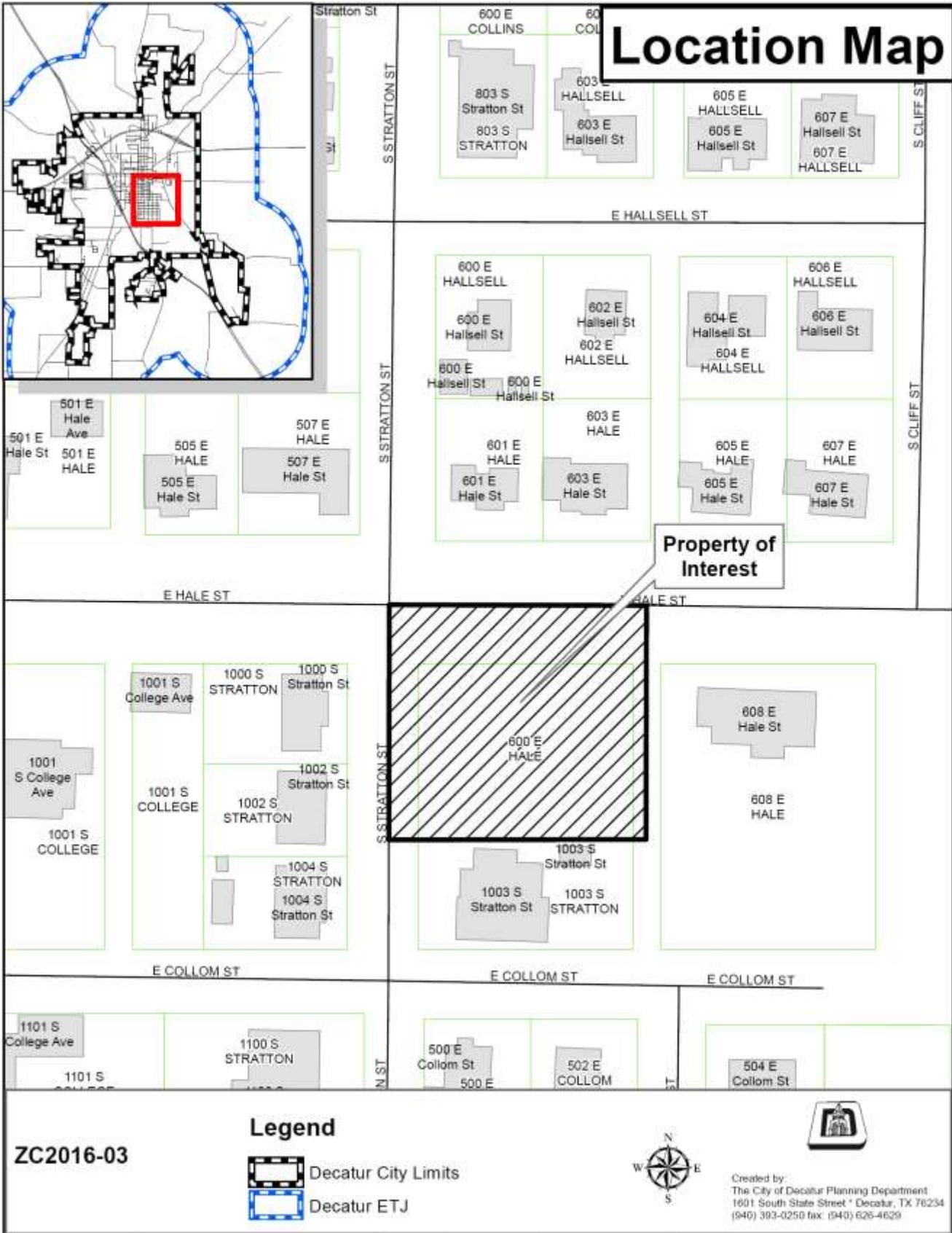
Dedra Denée Ragland, Planning and Development Director

a Two-Family (2-F) zoning designation.

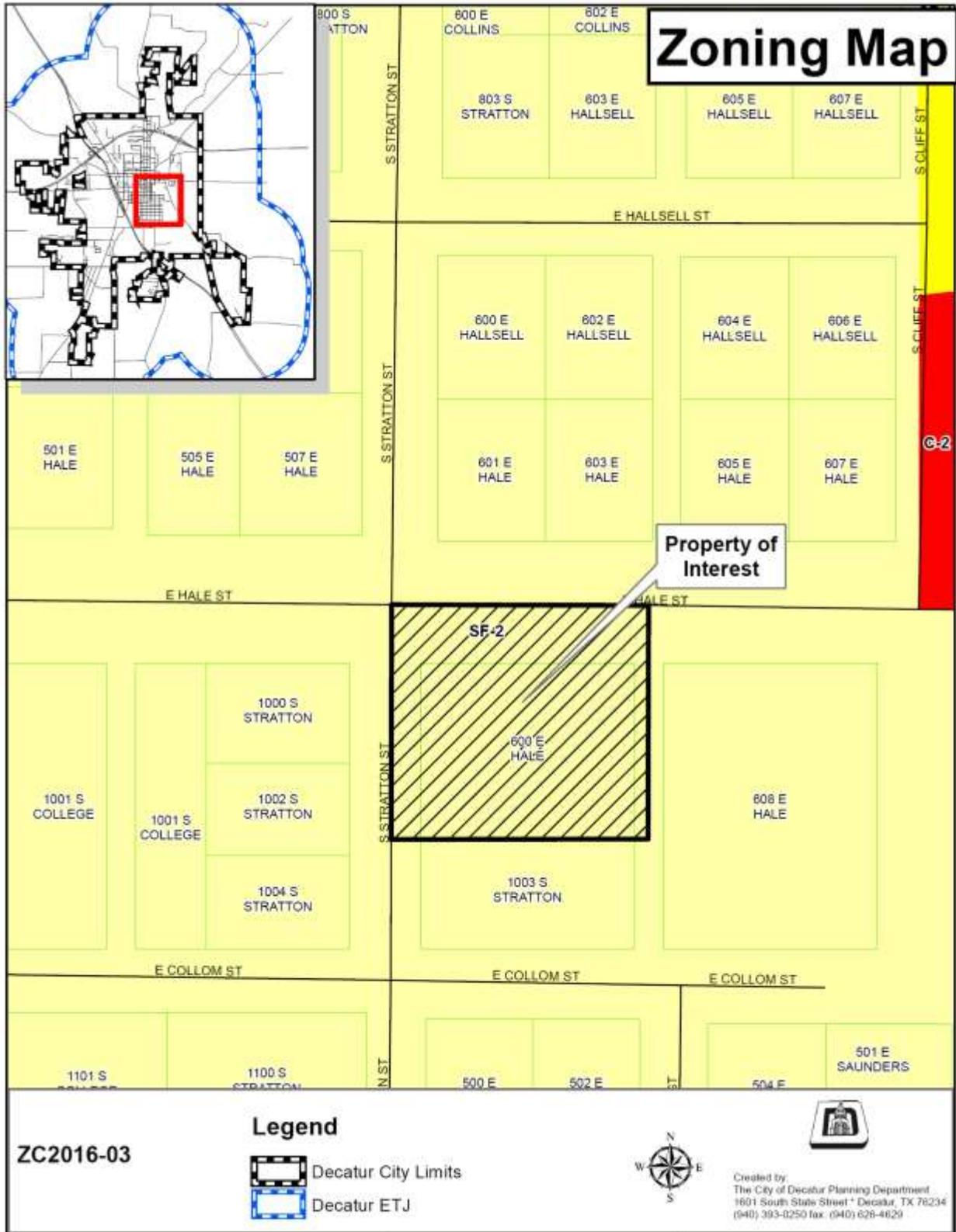
Attachments:

1. Location Map
2. Existing Zoning Map
3. Proposed Zoning Map
4. Existing Land Use Map
5. 200' Property Owner Notification and Response Map
6. Proposed Site Plan
7. Proposed Duplex Design Elevation
8. Draft Ordinance
9. A Planner's Dictionary Definition of Spot Zoning
10. Understanding Spot Zoning

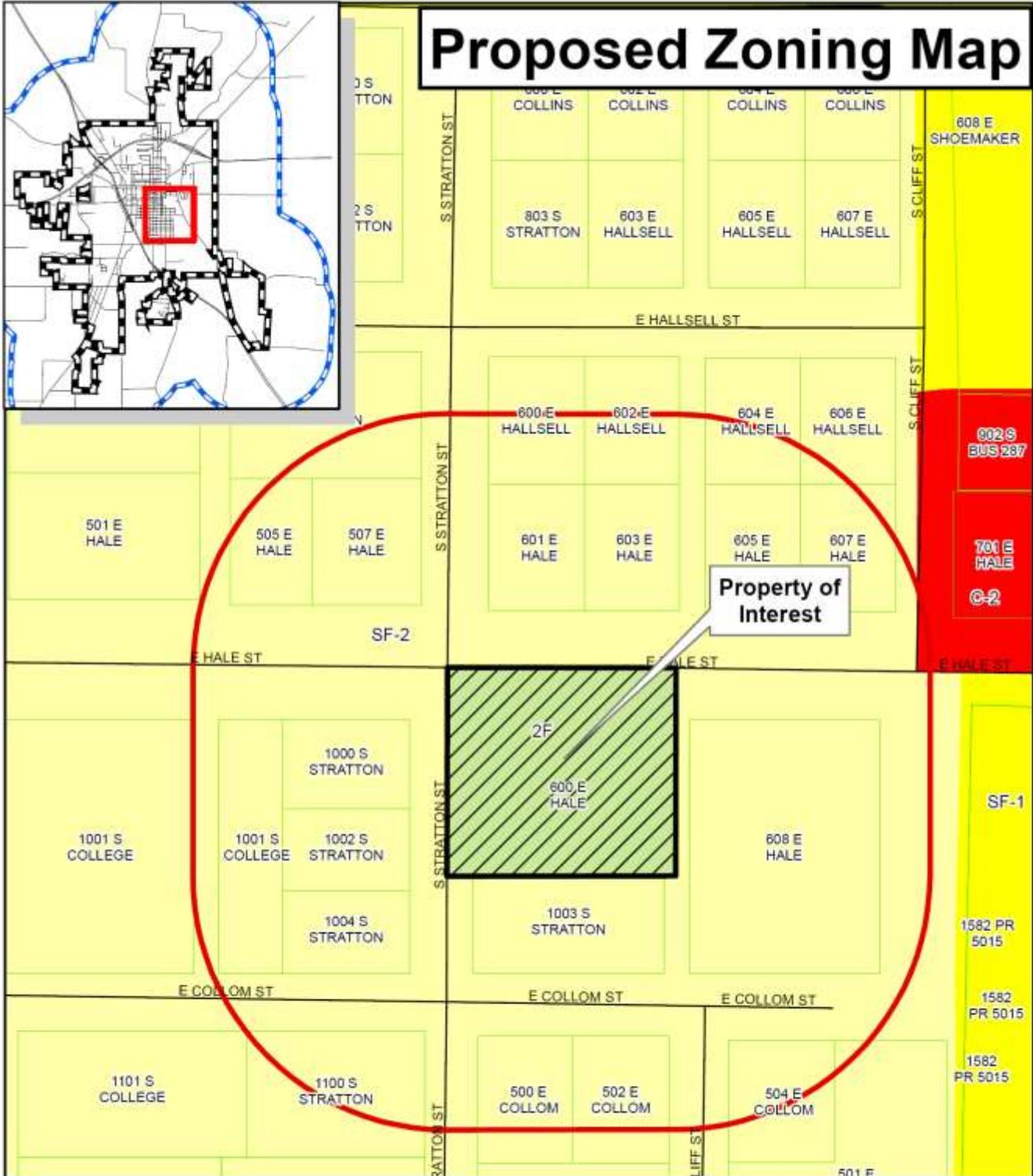
Attachment 1
LOCATION MAP



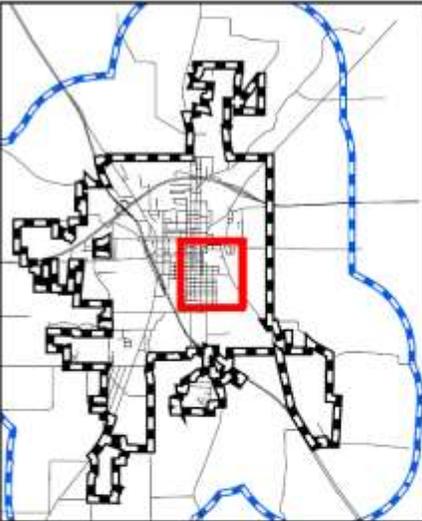
Attachment 2
Existing Zoning Map



Attachment 3
Proposed Zoning Map



Proposed Zoning Map



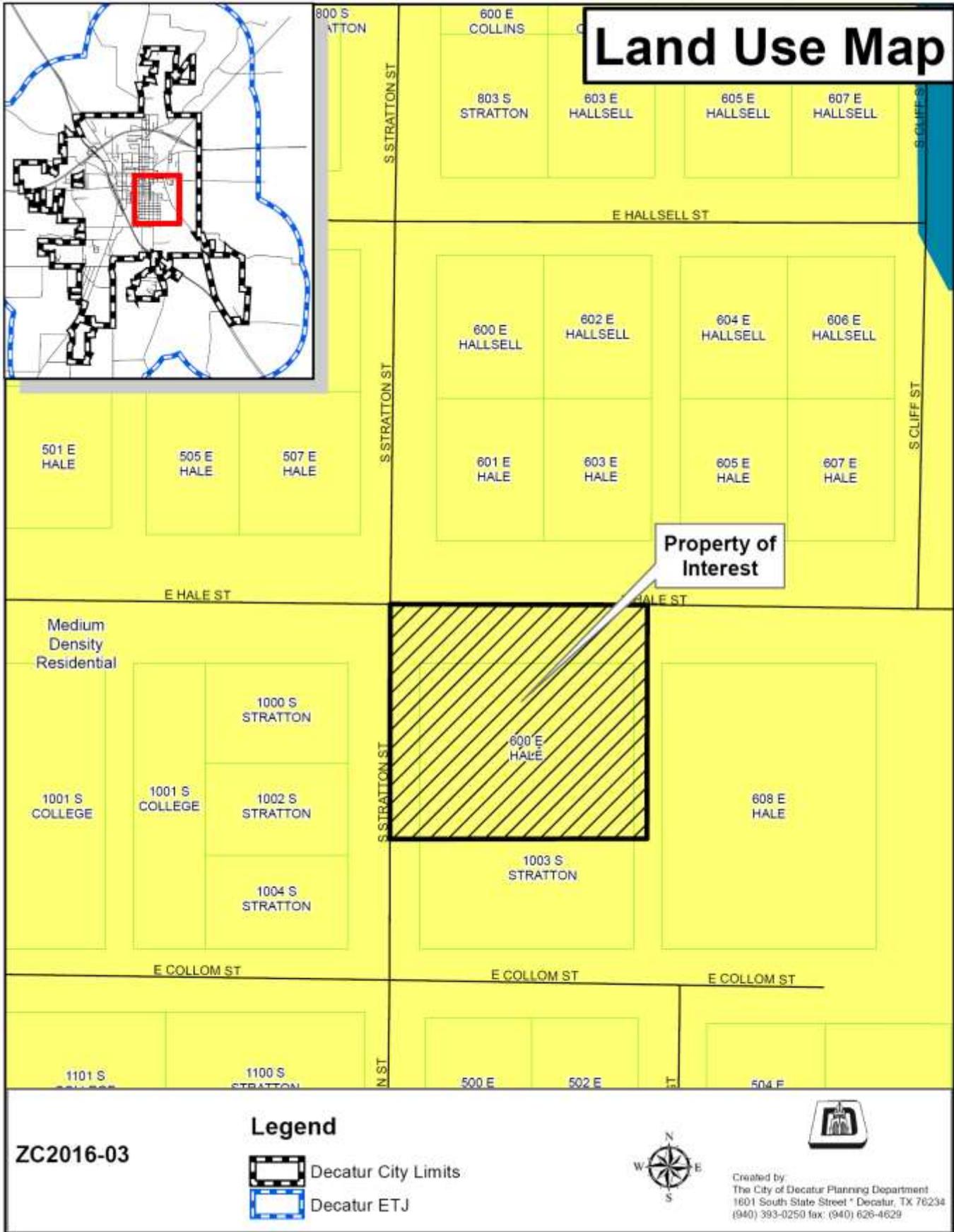
ZC2016-03

- Legend**
-  Decatur City Limits
 -  Decatur ETJ



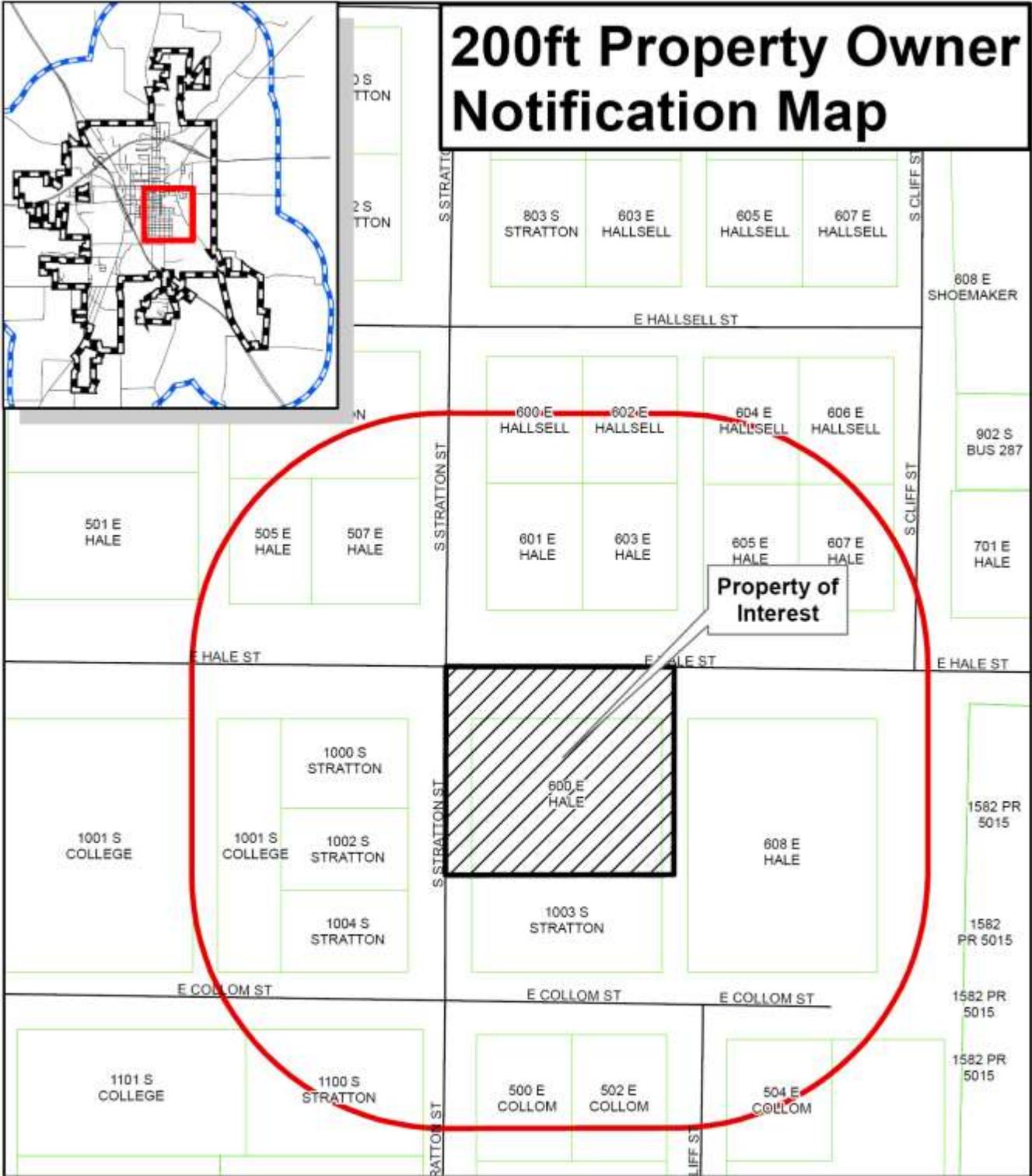
Created by:
 The City of Decatur Planning Department
 1601 South State Street * Decatur, TX 76234
 (940) 393-0250 fax (940) 626-4629

Attachment 4
Land Use Map



Attachment 5
Property Owner Notification

200ft Property Owner Notification Map



ZC2016-03

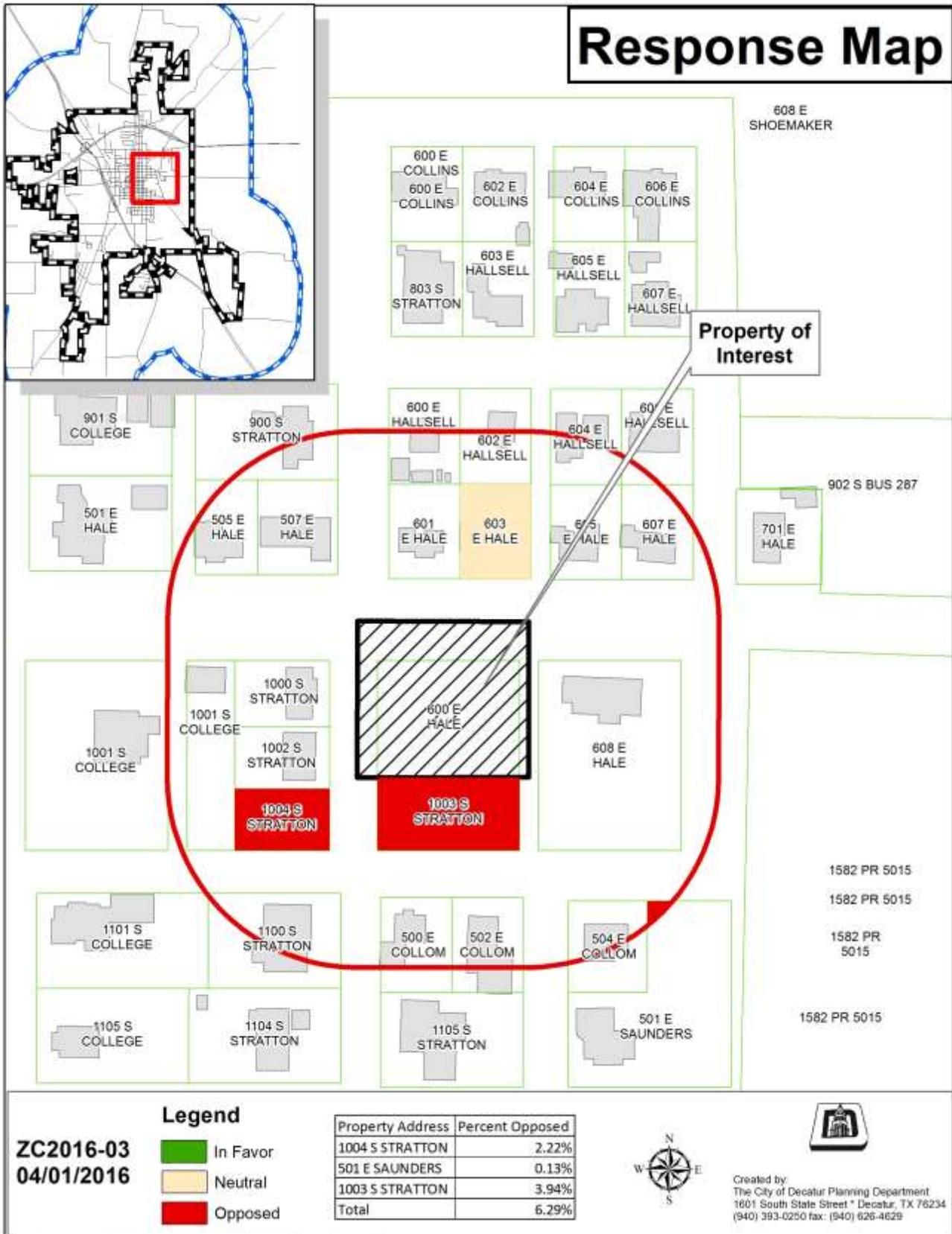
Legend

-  Decatur City Limits
-  Decatur ETJ



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 The City of Decatur Planning Department
 1001 South State Street * Decatur, TX 76234
 (940) 393-0250 fax: (940) 626-4629

PROPERTY OWNER RESPONSE MAP





CITY OF DECATUR, TEXAS

Originally Mailed 3/23/16

Re-sent 3/28/16

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

MAR 21 2016

Notice of Public Hearing--CORRECTION

ZC2016-03

The Planning and Zoning Commission (P&Z) of the City of Decatur will hold a public hearing on **Tuesday, April 5, 2016 at 6:00 p.m.** at **201 E. Walnut, Decatur TX 76234** for the Commission to hear and take action to make recommendation to the City Council regarding Zoning Change Application 2016-03—Randy Neighbor's request to change zoning from a Single-Family Residential-2 (SF-2) Zoning Designation to a Two-Family (2F) Zoning Designation on approximately 0.423 acres of land being legally described as Lot 2 and the north 23 feet of Lot 3, Block 51, South Decatur Addition, and approximately 0.07 acres to the centerline of S. Stratton, approximately 0.16 acres to the centerline of E. Hale St., and 0.03 acres to the centerline of an alley where adjacent to the site, which is also more commonly referred to as 600 E. Hale St., Decatur, Texas.

On **Monday, April 11, 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 **2016-03**—Randy Neighbor's request to change zoning from a Single-Family Residential-2 (SF-2) Zoning Designation to a Two-Family (2F) Zoning Designation on approximately 0.423 acres of land being legally described as Lot 2 and the north 23 feet of Lot 3, Block 51, South Decatur Addition, and approximately 0.07 acres to the centerline of S. Stratton, approximately 0.16 acres to the centerline of E. Hale St., and 0.03 acres to the centerline of an alley where adjacent to the site, which is also more commonly referred to as 600 E. Hale St., Decatur, Texas. The meeting will be held at the City Hall Council Chambers 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, April 25, 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 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: Spot-Zoning, Buildings DO NOT

match existing neighborhood of single family homes, density

issue on lot for buildings, residents, vehicles, Increased traffic, safety, noise

Signature: Dona Silvers Ron Silvers

Printed Name: Dona Silvers Ron Silvers

Mailing Address: 1003 S. Stratton Decatur TX 76234

City, State, Zip: Decatur TX 76234

Telephone Number: 940-389-9683 940 393-9683

Physical Address of Property within 200 feet: ID: R000026123 Property Address: 1003 S STRATTON

HOME
VALUES
DECREASE

Dear Neighbors,

As you now know, the property at 600 E. Hale (corner of South Stratton and Hale) is about to be considered by the Decatur P & Z for re-zoning. This neighborhood has always been zoned for single-family homes. It is currently vacant but a builder plans to build TWO, 2-story duplexes on that one lot. Each of the 4 apartments will have 3 bedrooms and 2-car garages. This results in 12 bedrooms, garages for 8 vehicles and entrances on Stratton St. and the alley by the vacant store next door.

These large structures will have a huge impact on us being next door, but will also impact the rest of our neighbors in several negative ways. They are:

- Existing homes will lose value
- Requested zoning DOES NOT match existing neighborhood characteristics
- Increased traffic – possible 8-12 vehicles, which likely will park on the streets if garages are used for storage, etc.
- Safety issues – more people/vehicles in concentrated area
- Increased noise – non-permanent residents are less likely to avoid offending neighbors, extra vehicles, activities, trash pick-up, etc. in a compact area

If you agree with some or all of these concerns, we plan to develop a petition for signing and will be coming by soon. We also STRONGLY encourage attendance at the P & Z meeting on Tuesday, April 5 along with mailing back the form mailed to you with your comments. We're told that NUMBERS of people attending is THE most effective way to avoid rezoning.

Thank you,
Ron and Dena Silvers, 1003 South Stratton, 627-5080

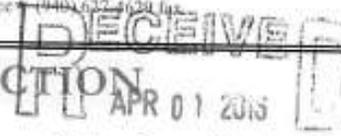


CITY OF DECATUR, TEXAS

Development Services • 1601 S. State Street • Decatur, TX 76234 • (940) 393-0250 voice • (940) 393-1620 fax

Originally Mailed 3/23/16

Re-sent 3/28/16



Notice of Public Hearing--CORRECTION ZC2016-03

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On Monday, April 11, 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 2016-03—Randy Neighbor's request to change zoning from a Single-Family Residential-2 (SF-2) Zoning Designation to a Two-Family (2F) Zoning Designation on approximately 0.423 acres of land being legally described as Lot 2 and the north 23 feet of Lot 3, Block 51, South Decatur Addition, and approximately 0.07 acres to the centerline of S. Stratton, approximately 0.16 acres to the centerline of E. Hale St., and 0.03 acres to the centerline of an alley where adjacent to the site, which is also more commonly referred to as 600 E. Hale St., Decatur, Texas. The meeting will be held at the City Hall Council Chambers 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, April 25, 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 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:

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Please circle one:

In favor of request

Neutral to request

Opposed to request

Reasons for Opposition: This is Single Family Area, will make Property Values Drop
Requested zoning DOES NOT match existing neighbor characteristics, Increased Traffic,
Safety & Increased noise

Signature: Scott White Amy White

Printed Name: Scott + Amy White

Mailing Address: 501 E Saunders

City, State, Zip: Decatur TX 76234

Telephone Number: 940-395-0606 his 940-393-2105 hers

Physical Address of Property within 200 feet: ID: R000026126 Property Address: 501 E SAUNDERS



CITY OF DECATUR, TEXAS

Development Services • 1001 S. State Street • Decatur, TX 76234 • (940) 393-0250 voice • (940) 627-4629 fax

Originally Mailed 3/23/16

RECEIVED
Re-sent 3/28/16
APR 11 2016
CITY OF DECATUR
DEVELOPMENT SERVICES

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ZC2016-03

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Dedra D. Ragland, AICP, Planning Director

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Please circle one:

In favor of request

Neutral to request

Opposed to request

Reasons for Opposition: _____

Signature: _____

Printed Name: JAMES E. LUTTRELL

Mailing Address: 1004 S. STRATTON

City, State, Zip: 76234

Telephone Number: 677 3245

Physical Address of Property within 200 feet: ID: R000026118 Property Address: 1004 S STRATTON



CITY OF DECATUR, TEXAS

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Originally Mailed 3/23/16



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On **Monday, April 11, 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 **2016-03**—Randy Neighbor's request to change zoning from a Single-Family Residential-2 (SF-2) Zoning Designation to a Two-Family (2F) Zoning Designation on approximately 0.423 acres of land being legally described as Lot 2 and the north 23 feet of Lot 3, Block 51, South Decatur Addition, and approximately 0.07 acres to the centerline of S. Stratton, approximately 0.16 acres to the centerline of E. Hale St., and 0.03 acres to the centerline of an alley where adjacent to the site, which is also more commonly referred to as 600 E. Hale St., Decatur, Texas. The meeting will be held at the City Hall Council Chambers 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, April 25, 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 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: Arturo Perez

Mailing Address: 603 E HALE AV

City, State, Zip: Decatur TX 76234

Telephone Number: (956) 222 2205

Physical Address of Property within 200 feet: ID: R000026038 Property Address: 603 E HALE

Proposed Duplex Design Elevation



RECEIVED
MAR 04 2016

CITY OF DECATUR
DEVELOPMENT SERVICES

Attachment 8
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 0.423 ACRES OF LAND BEING LEGALLY DESCRIBED AS LOT 2 AND THE NORTH 23 FEET OF LOT 3, BLOCK 51, SOUTH DECATUR ADDITION, AND APPROXIMATELY 0.07 ACRES TO THE CENTERLINE OF S. STRATTON, APPROXIMATELY 0.16 ACRES TO THE CENTERLINE OF E. HALE ST., AND 0.03 ACRES TO THE CENTERLINE OF AN ALLEY WHERE ADJACENT TO THE SITE, WHICH IS ALSO MORE COMMONLY REFERRED TO AS 600 E. HALE 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

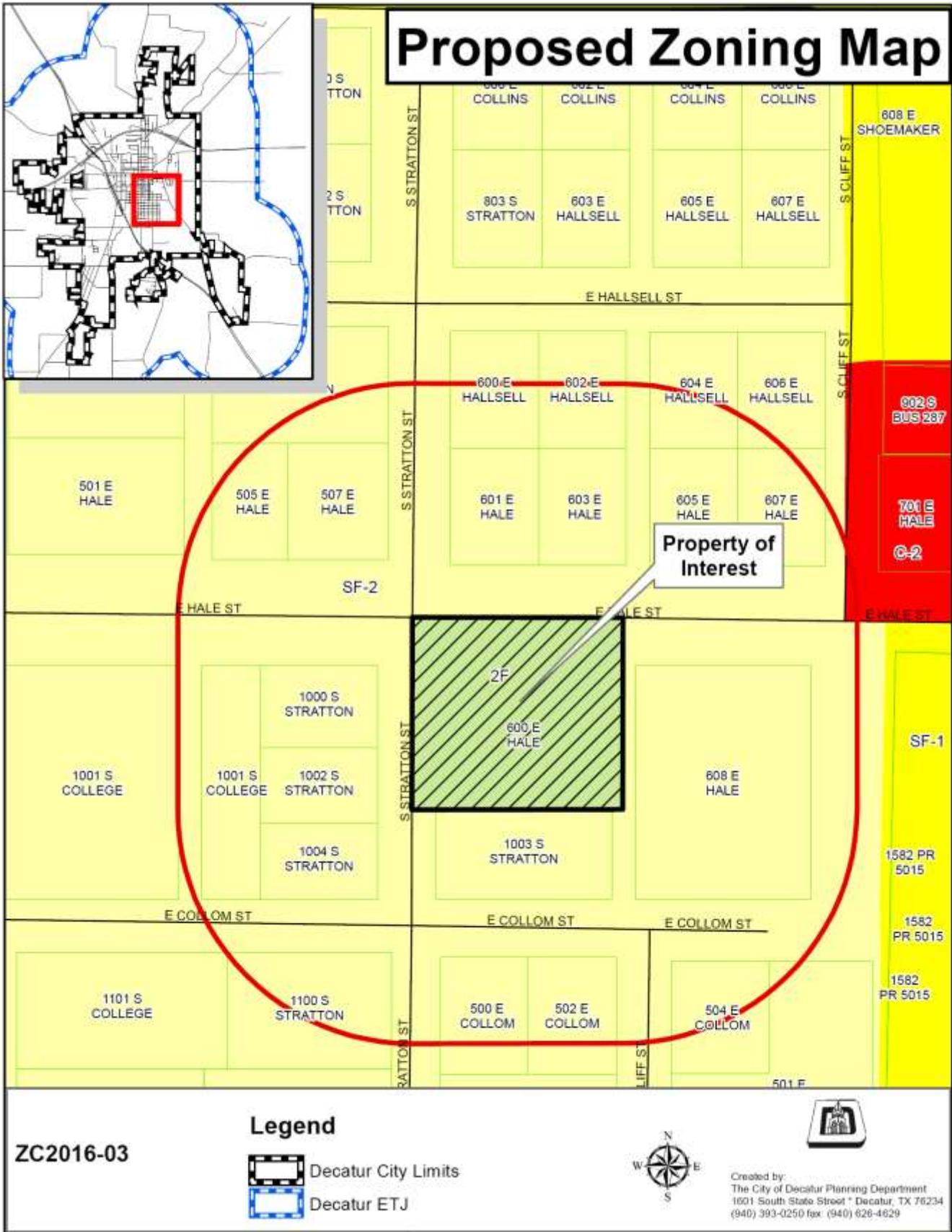
ATTEST:

Diane Cockrell, TRMC, CITY SECRETARY

APPROVED AS TO CONTENT AND FORM:

Mason L. Woodruff, CITY ATTORNEY

Exhibit "A"



A Planners Dictionary Definition of Spot Zoning

■ **spot zoning** (*See also floating zone*) [A] change in district boundaries, variances, and other amendments to the zoning code and use and area maps that violate sound principles of zoning and are characterized by the following: (a) Individuals seek to have property rezoned for their private use. (b) Usually the amount of land involved is small and limited to one or two ownerships. (c) The proposed rezoning would give privileges not generally extended to property similarly located in the area. (d) Applications usually show little or no evidence of, or interest in, consideration of the general welfare of the public, the effect on surrounding property (including adequate buffers), whether all uses permitted in the classification sought are appropriate in the locations proposed, or conformity to the comprehensive plan or to comprehensive planning principles (including alterations to the population density patterns and increase of load on utilities, schools, and traffic.) (*Coral Gables, Fla.*)

The zoning of a small land area for a use which differs measurably from the zoned land use surrounding this area. Land may not merely be so zoned in the interest of an individual or small group, but must be in the general public interest. Such zoning does not conform to the future land use plan and is not otherwise necessary in order to protect the health, safety, welfare, or morals of the community. (*Hot Springs, Ark.*)

A change in the zoning code or area maps that is applicable to no more than a few parcels and generally regarded as undesirable or illegal because it violates equal treatment and sound planning principles. (*Wisconsin Department of Natural Resources*)

Rezoning a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan. (*Temple, Tex.*)

An arbitrary zoning or rezoning of a small tract of land, usually surrounded by other uses or zoning categories that are of a markedly or substantially different intensity, that is not consistent with the comprehensive land use plan, and that primarily promotes the private interest of the owner rather than the general welfare. (*Norfolk, Nehr.*)

A Planners Dictionary



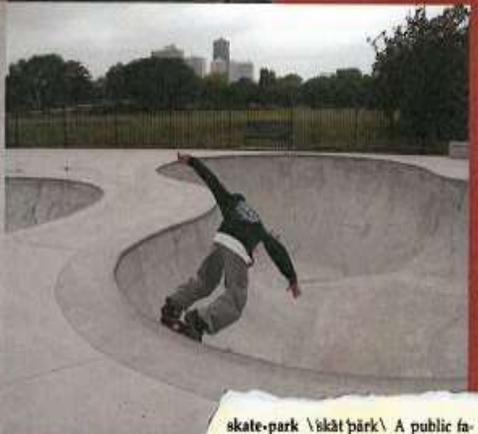
cem-e-tery \se-mə-ter-ē\ Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities.



ar-chi-tec-tur-al fea-ture \är-kə-jek-chər-rol fē-cher\ Part, portion, or projection adding to the beauty or elegance of a building, exclusive of signs, not necessary for the structural integrity or habitability of the building.



fire hy-drant \fir 'hi-drənt\ Provides water for fire-fighting purposes without restriction as to use for that purpose.



skate-park \skāt 'pärk\ A public facility that is designed for use by persons riding skateboards, in-line skates, or roller skates.

Edited by Michael Davidson and Fay Dolnick

APA American Planning Association

PAS Planning Advisory Service
Report Number 5xx/5xx

Article: Understanding Spot Zoning By Daniel Shapiro, Esq.

Issues in Land Use Law & Zoning

Understanding Spot Zoning

by Daniel Shapiro, Esq.

Editor's note: We're pleased to continue offering articles providing an overview of some of the key zoning and land use law issues planners and planning commissioners face. As with all such articles, we encourage you to consult with your municipal attorney as laws and legal practice vary from state to state.

Occasionally, planning boards or commissions are faced with a petitioner's request to re-zone property only to be challenged with an objector's claim that doing so would constitute illegal spot zoning. The plan commission often has a quandary; approve the development and risk making an improper, if not illegal decision, or deny the development which would have financially improved the community. To better assist with this difficult decision, it is beneficial for the commission to understand exactly what "spot zoning" is.

What Constitutes Spot Zoning

The "classic" definition of spot zoning is **"the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners."**¹

Spot zoning is, in fact, often thought of as the very antithesis of plan zoning.² When considering spot zoning, courts will generally determine whether the zoning relates to the compatibility of the zoning of surrounding uses. Other factors may include; the characteristics of the land, the size of the parcel, and the degree of the "public benefit." Perhaps the most important criteria in determining spot zoning is the extent to which the disputed zoning is consistent with the municipality's comprehensive plan.

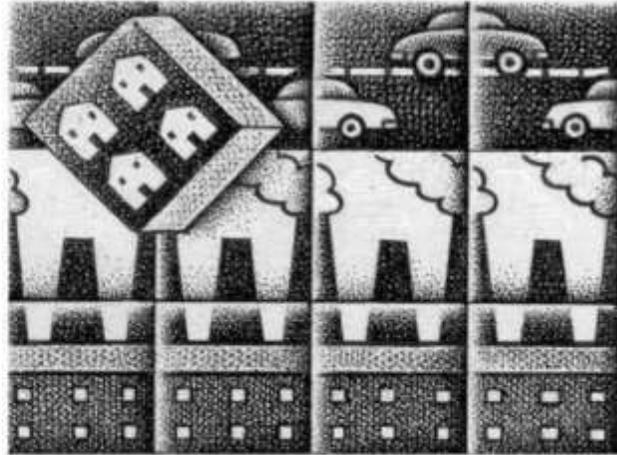
Counties and municipalities both adopt comprehensive plans for the purposes of stating their long term planning objectives, and addressing the needs of the community in one comprehensive document that can be referred to in making many zoning decisions over time.

Comprehensive plans also typically map out the types (and locations) of future land use patterns which the municipality (or county) would like see -- again, these provide guidance for changes in the zoning ordinance and zoning district maps.

The key point: rezonings should be consistent with the policies and land use designations set out in the comprehensive plan.

Importantly, each claim of spot zoning must be considered based upon its own factual scenario. Indeed, some courts engage in a cost/benefit analysis to determine whether the challenged zoning is spot zoning.

For instance, in *Griswold v. Homer*,³ the Alaska Supreme Court found spot zoning to exist by considering a cost benefit analysis, as well as the size of the parcel in question and the rezoning in relationship to the comprehensive plan. Critically, it found that the spot zoning was absent because, among other things, the underlying ordinance resulted in genuine benefits to the City of Homer as a whole, and not just to the particular land owner.



Although courts often find spot zoning where the challenged zone is surrounded by other incompatible zones, spot zoning is less likely to occur when the rezoning has “slopped over” by the extension of the perimeter of an existing zone to include the rezoned area.



illustration by Paul Hoffman for PlannersWeb

Additionally, improper spot zoning is less likely when the disputed area is characterized by mixed uses or transitional areas. In other words, spot zoning is more frequently found in residential than in commercial neighborhoods.

When holding that spot zoning is invalid, some courts will couch their ruling in in terms of substantive due process -- in other words, that the rezoning was not “reasonably related” to a legitimate state interest. Other courts will frame a ruling upon equal protection principles.⁴

Regardless, when courts declare such rezoning invalid they must base their declaration on: (1) the lack of connection of the rezoning to a legitimate power or purpose; (2) the lack of the rezoning’s conformity to the comprehensive plan; or (3) the rezoning’s representing an unreasonable inequality in the treatment of similarly situated lands. See, e.g., *Hanna v. City of Chicago*⁵ (spot zoning occurs when a relatively small parcel or area is rezoned to a classification out of harmony with the comprehensive plan).

Rebutting Spot Zoning

Spot zoning, however, may be rebutted when the challenged zoning is found to be consistent with a municipality’s recent zoning trends in the area, not just with

the present surrounding uses.⁶ To illustrate the importance that each factual scenario must be closely addressed, rather than merely labeled, it should be noted that one Illinois court found that the rezoning of small parcels inconsistent with the zoning of surrounding areas is not necessarily unlawful.⁷ The size of a parcel is just one factor to be considered in determining spot zoning.

A claim of spot zoning may also lack merit, for instance, when the zoning or planning regulations consider the boundaries of the property in dispute to contain a line of demarcation between zoning districts which would appropriately separate one zoning district from another.⁸

Most importantly though, if the zoning is enacted in accordance with a comprehensive plan, it is typically not “spot zoning.”⁹

What's a Planning Commission to Do?

When considering zoning map amendments, the planning commission or board must not only determine whether the petitioner has satisfactorily responded to the traditional standards in support of his or her application, but it should also closely scrutinize whether a potential exists for spot zoning. In doing so, the commission should look at the comprehensive plan and the surrounding uses to the property at issue.

While the commission is not qualified to make legal determinations of spot zoning, it is nonetheless the gatekeeper of identifying that such an issue may exist. It is therefore appropriate for the commission to defer its decision and consult with its municipal attorney *before* voting to approve the rezoning and referring it to the governing body for adoption.

Summing Up:

Spot zoning must be addressed upon the facts and circumstances of each case. As such, when faced with allegations of spot zoning, the courts will closely look at factors such as the size of the parcel; the anticipated public benefit; the consistency with the community's comprehensive plan; and the consistency with surrounding zoning, and uses, to make a determination of the validity of the rezoning.



Dan Shapiro is a partner with the law firm of Robbins, Salomon and Patt, Ltd in Chicago, Illinois. He practices in the areas of land use, zoning, governmental relations, municipal law, and civil litigation.

Dan represents a wide variety of private developers as well as governmental entities and advises his clients closely on issues of concern. As part of his practice, he has successfully presented legislative and administrative matters before plan commissions, zoning boards, and other village, city, and county bodies.

Dan also is an adjunct professor teaching land use at Kent Law School in Chicago, and is the Chairman of the Village of Deerfield (Illinois) Plan Commission.

Notes:

1. Anderson's American Law of Zoning, 4th Edition, § 5.12 (1995).
2. See, e.g., *Jones v Zoning Board of Adjustment of Township of Long Beach*, 32 N.J. Super 397,108 A.2d 498, 502 (1954).
3. *Griswold v. Homer*, 926 P.2d 1015 (Alaska 1996)
4. See, e.g., *Rando v. Town of N. Attleborough*, 692 N.E.2d 544 (Mass. App. Ct. 1998).
5. *Hanna v. City of Chicago* 771 N.E.2d 13 (2002)
6. See e.g., *1350 Lakeshore Associates v. Casalino*, 352 Ill.App.3d 1027, 816 N.E.2d 675 (1st Dist. 2004).
7. See, e.g., *Goffinet v. County of Christian*, 65 Ill.2d 40 357 N.E.2d 442 (1976).
8. See, e.g., *LaSalle National Bank v. City of Highland Park*, 344 Ill.App.3d 259, 799 N.E.2d 781 (2nd Dist. 2003).
9. See, e.g., *Jones v. Zoning Board of Adjustment of Township of Long Beach*, 32 N.J. Super. 397, 108 A.2d 498, 502 (1954).



CITY OF DECATUR, TEXAS

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

STAFF REPORT

April 5, 2016 – Planning & Zoning Commission Meeting

TO: Planning & Zoning Commissioners **CASE:** PP2016-01
FROM: Dedra D. Ragland, AICP, Planning Director **APPLICANT:** Retail Connection/Pilot Travel Center
DATE: March 31, 2016 **REQUEST:** Preliminary Plat Application

Case Notes:

Hear staff report and consider taking action to make a recommendation to City Council regarding Preliminary Plat Application 2016-01—Todd Smutz’s request, on behalf of Retail Connection and Pilot Travel Center, LLC., to preliminary plat Lot 1, Block A, Pilot Travel Center Decatur, being a 11.4494-acre tract of land located in the G. Vigil Survey, Abstract No. 857, and as legally described by metes and bounds on the plat exhibit in the staff report, City of Decatur, Wise County, Texas.

Legality:

This property can be legally platted in accordance with Section 212 of the *Texas Local Government Code*.

Issues:

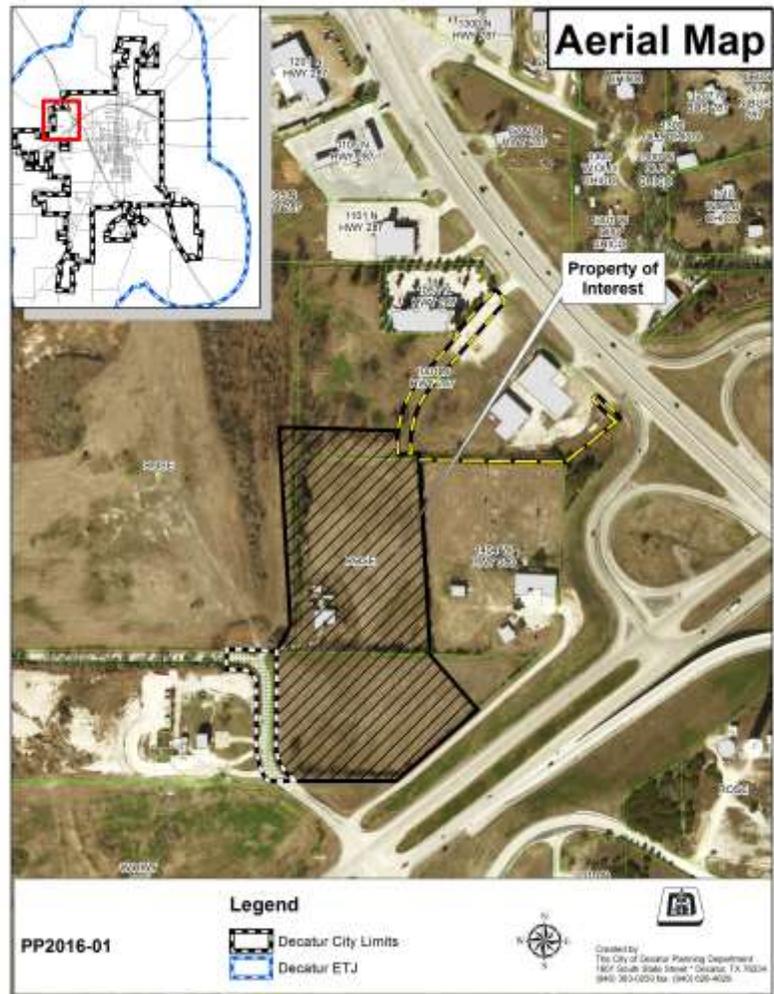
None.

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. Preliminary Plat Exhibit



LOCATION MAP

ATTACHMENT 1

Preliminary Plat Exhibit

NOTES:

1. Two Lots in One Phase. Maximum lot size is 10.7596 acres, minimum lot size is 0.0453 of an acre, and Right of Way Dedicated is 0.6998 of an acre.
2. Property is currently Zoned C-2 (proposed and existing). All adjoining property is Zone C-2.
3. According to Map No. 4849700352D, dated December 16, 2011 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Wise County, Texas, and Incorporated Areas, Federal Emergency Management Agency, Federal Insurance Administration, this property is located in Zone X and is not within a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.
4. Coordinate data and bearing source shown hereon are based on the City of Decatur control network. This data is relative to the Texas State Plane Coordinate System NAD 83 North Central Texas Zone 4202 (U.S. survey feet) utilizing City of Decatur BPS monument #10. Project Combined Scale Factor is 1.00012 and Project Convergence Angle is 00°29'43.86366". All distances shown are horizontal surface distances.
5. Discharge from any detention pond outfall or storm drain outfall may require an off-site drainage easement to accommodate the flow. If an off-site drainage easement is required, a study shall be made of the off-site property to determine the size of the drainage easement to accommodate the flow.
6. Acceptance of the drainage features identified on the Preliminary Plat are subject to change during the final plat process and do not constitute subsequent approval of same. The City reserves the right to require additional data or studies to ensure compliance with City of Decatur's Subdivision Ordinance, Design Standards and Comprehensive Master Drainage Plan.
7. Unless noted otherwise all corners are a capped 5/8" iron rod set marked "KHA".



BEING a tract of land situated in the G. VIGEL SURVEY, Abstract No. 857, situated in the city of Decatur, Wise County, Texas; embracing a portion of the 79.798 acre tract of land described in the deed to 380 & 287 Decatur, LTD., as recorded in Instrument No. 2007-16198 of the Official Records of Wise County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for a southeasterly corner of said 79.798 acre tract and being in the northwesterly line of US Highway No. 380 (having a variable width right-of-way);

THENCE North 89°57'07" West, along a south line of said 79.798 acre tract and said northwesterly line of US Highway No. 380, a distance of 386.89 feet to a capped 5/8" iron rod set marked "KHA" at the beginning of a non-tangent curve to the right;

THENCE departing said south line of 79.798 acre tract and said northwesterly line of US Highway No. 380, northwesterly along said curve to the right, having a central angle of 36°10'07", a radius of 180.00 feet, an arc length of 113.63 feet and a long chord bearing and distance of North 17°43'30" West, 111.75 feet to a capped 5/8" iron rod set marked "KHA";

THENCE North 0°21'33" East, a distance of 182.00 feet to a capped 5/8" iron rod set marked "KHA" at the beginning of a tangent curve to the left;

THENCE in a northwesterly direction, with said curve to the left, having a central angle of 88°10'41", a radius of 45.00 feet, an arc length of 69.25 feet and a long chord bearing and distance of North 43°43'47" West, 62.62 feet to a capped 5/8" iron rod set marked "KHA";

THENCE North 87°49'08" West, a distance of 47.97 feet to a capped 5/8" iron rod set marked "KHA";

THENCE North 2°10'52" East, a distance of 60.00 feet to a point capped 5/8" iron rod set marked "KHA";

THENCE South 87°49'08" East, a distance of 149.68 feet to a capped 5/8" iron rod set marked "KHA";

THENCE North 28°27'36" East, a distance of 86.28 feet to a capped 5/8" iron rod set marked "KHA";

THENCE North 3°16'28" West, a distance of 596.99 feet to a capped 5/8" iron rod set marked "KHA";

THENCE South 68°16'28" East, a distance of 353.34 feet to a capped 5/8" iron rod set marked "KHA";

THENCE South 3°16'28" East, a distance of 70.00 feet to a capped 5/8" iron rod set marked "KHA";

THENCE North 86°43'32" East, a distance of 63.00 feet to a capped 5/8" iron rod set marked "KHA";

THENCE South 3°16'28" East, pass at 21.65 feet an angle iron with silver cap marked "SURVEY POINT TO NOT DISTURB JEFF FOX", for a re-entrant corner of said 79.798 acre tract and the northwest corner of a 5.45 acre tract described in the deed to 6J Real Estate, LTD., as recorded in Instrument No. 2007-4774 of said Official Records, continuing along an easterly line of said 79.798 acre tract and the west line of said 5.45 acre tract, in all a distance of 609.18 feet to an angle iron with silver cap marked "SURVEY POINT TO NOT DISTURB JEFF FOX", for a re-entrant corner of said 79.798 acre tract and the southwest corner of said 5.45 acre tract;

THENCE South 41°01'49" East, departing said easterly line of 79.798 acre tract and said west line of 5.45 acre tract, a distance of 216.82 feet to a capped 5/8" iron rod set marked "KHA" in a southeasterly line of said 79.798 acre tract and said northwesterly line of US Highway No. 380;

THENCE South 48°58'11" West, along said southeasterly line of 79.798 acre tract and said northwesterly line of US Highway No. 380, a distance of 324.91 feet to the POINT OF BEGINNING and containing 11.4494 acres or 498,736 square feet of land.

THE PLANNING AND ZONING COMMISSION OF DECATUR, TEXAS ON THE ____ DAY OF _____, 2016, VOTED AFFIRMATIVELY TO RECOMMEND CONDITIONAL APPROVAL OF THIS PRELIMINARY PLAT, SUBJECT TO CONDITIONS ENUMERATED IN MINUTES OF THIS DATE.

BY: _____
CHAIRMAN

ATTEST: _____
PLANNING DIRECTOR

THE CITY COUNCIL OF DECATUR, TEXAS, ON THE ____ DAY OF _____, 2016, VOTED AFFIRMATIVELY TO CONDITIONALLY APPROVE PREPARATION OF A FINAL PLAT SUBJECT TO CONDITIONS ENUMERATED IN MINUTES OF THIS DATE.

BY: _____
MAYOR

ATTEST: _____
CITY SECRETARY

PRELIMINARY PLAT FOR REVIEW
PURPOSES ONLY

PRELIMINARY PLAT
LOT 1, BLOCK A
PILOT TRAVEL CENTER DECATUR
an addition to the City of Decatur, Wise County,
Texas
G. VIGEL SURVEY, Abstract NO. 857

11.4494 Acres
March 23, 2016

Surveyor:
Kimley-Horn and Associates, Inc.
801 Cherry Street, Unit 11, Suite 950
Fort Worth, TX 76102
James Paul Ward
Registered Professional Land Surveyor No. 5606
Ph. 817-335-6511

Owner:
380 & 287 Decatur, LTD
2525 McKinnon Street, Suite 700
Dallas, TX 75201
Attn: David C. Wilson

Kimley»Horn		12750 Merit Drive, Suite 1000 Dallas, Texas 75251	FIRM # 10115500	Tel. No. (972) 770-1300 Fax No. (972) 239-3620
Scale	Drawn by	Checked by	Date	Project No.
NA	JPW	CC	02/22/2016	061292100
				Sheet No. 1 OF 2



LINE TYPE LEGEND

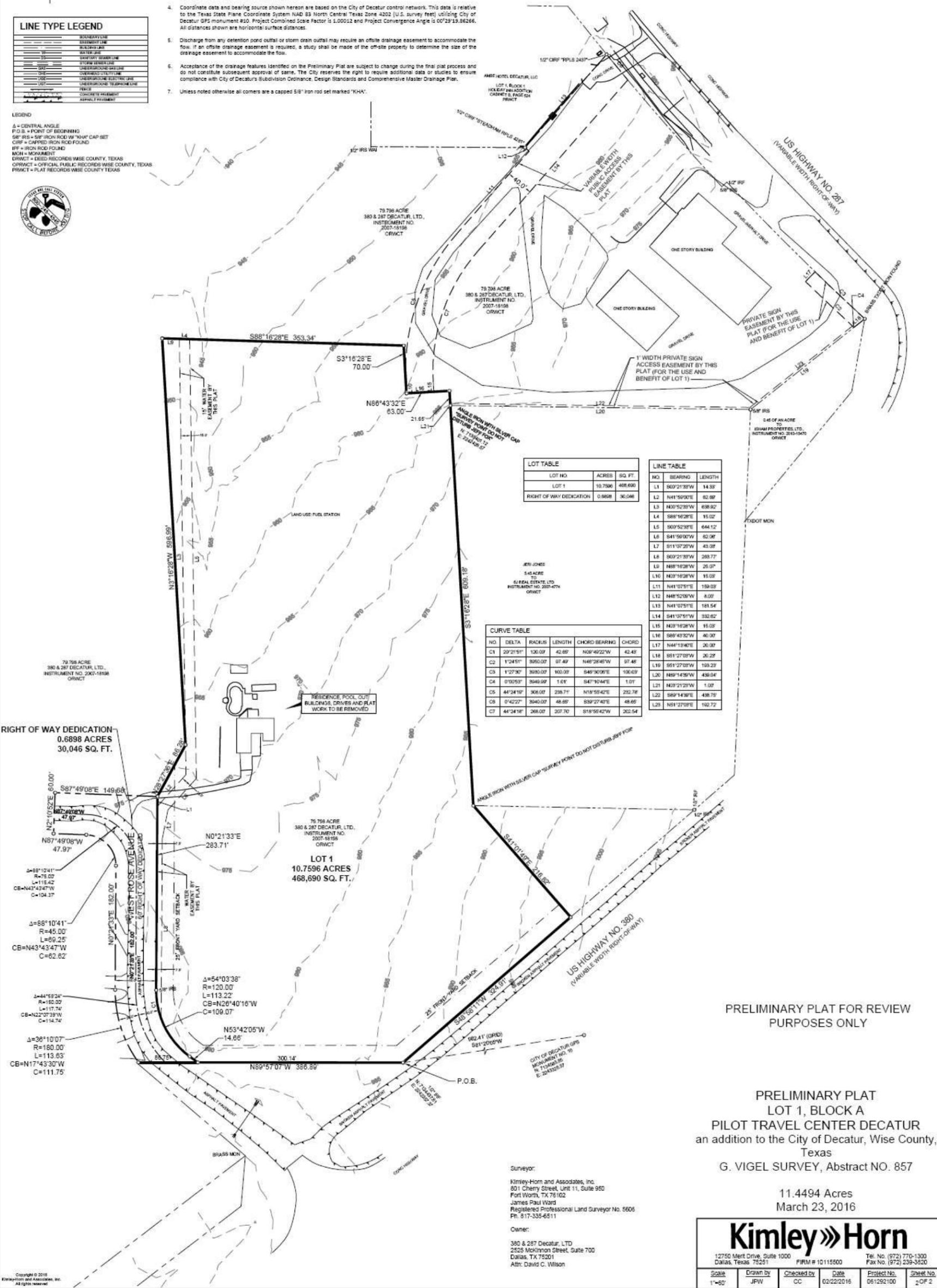
---	BOUNDARY LINE
---	EXISTING CURVE
---	EXISTING STRAIGHT
---	WATER LINE
---	SEWER REARLINE
---	SEWER FRONTLINE
---	OVERHEAD ELECTRIC LINE
---	UNDERGROUND ELECTRIC LINE
---	UNDERGROUND TELEPHONE LINE
---	RAILROAD
---	CONCRETE PAVEMENT
---	ASPHALT PAVEMENT

LEGEND

Δ = CENTRAL ANGLE
 P.O.B. = POINT OF BEGINNING
 S&P = 5/8" IRON ROD W/ 1/4" CAP SET
 CRF = CAPPED IRON ROD FOUND
 IRF = IRON ROD FOUND
 MCH = MONUMENT
 DRWCT = DEED RECORDS WISE COUNTY, TEXAS
 ORFCT = OFFICIAL PUBLIC RECORDS WISE COUNTY, TEXAS
 PRWCT = PLAT RECORDS WISE COUNTY, TEXAS



- NOTES:**
- Two Lots In One Phase. Maximum lot size is 10.7596 acres, minimum lot size is 0.0453 of an acre, and Right of Way Dedicated is 0.6898 of an acre.
 - Property is currently Zoned C-2 (proposed and existing). All adjoining property is Zone C-2.
 - According to Map No. 48457C0350D, dated December 16, 2011 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Wise County, Texas and Incorporated Areas, Federal Emergency Management Agency, Federal Insurance Administration, this property is located in Zone X and is not within a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.
 - Coordinate data and bearing course shown hereon are based on the City of Decatur control network. This data is relative to the Texas State Plane Coordinate System NAD 83 North Central Texas Zone 4202 (U.S. survey feet) utilizing City of Decatur GPS monument #10. Project Combined Scale Factor is 1.00022 and Project Convergence Angle is 00°29'19.86266. All distances shown are horizontal surface distances.
 - Discharge from any detention pond outlet or storm drain outlet may require an off-site drainage easement to accommodate the flow. If an off-site drainage easement is required, a study shall be made of the off-site property to determine the size of the drainage easement to accommodate the flow.
 - Acceptance of the drainage features identified on the Preliminary Plat are subject to change during the final plat process and do not constitute approval of same. The City reserves the right to require additional data or studies to ensure compliance with City of Decatur's Subdivision Ordinance, Design Standards and Comprehensive Master Drainage Plan.
 - Unless noted otherwise all corners are a capped 5/8" iron rod set marked "KHA".



LOT TABLE

LOT NO.	ACRES	SQ. FT.
LOT 1	10.7596	468,690
RIGHT OF WAY DEDICATION	0.6898	30,046

LINE TABLE

NO.	BEARING	LENGTH
L1	S69°21'35"W	14.33
L2	N41°50'00"E	62.89
L3	N30°52'35"W	638.82
L4	S88°16'28"E	15.02
L5	S00°52'38"E	644.12
L6	S41°50'00"W	62.06
L7	S11°07'25"W	43.09
L8	S69°21'35"W	263.77
L9	N88°16'28"W	25.07
L10	N38°16'28"W	15.03
L11	N41°07'51"E	159.03
L12	N48°52'00"W	8.00
L13	N41°07'51"E	181.54
L14	S41°07'51"W	352.62
L15	N28°16'28"W	15.03
L16	S88°16'28"E	40.00
L17	N44°13'40"E	20.00
L18	S91°27'03"W	20.29
L19	S91°27'03"W	135.23
L20	N89°14'35"W	439.04
L21	N29°21'23"W	1.00
L22	S89°14'35"E	438.79
L23	N61°27'03"E	162.72

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	29°21'51"	120.00	42.69	N39°49'22"W	43.45
C2	1°24'51"	3950.00	97.49	N41°29'40"W	97.48
C3	1°27'30"	3980.00	103.03	S49°30'36"E	100.03
C4	0°30'53"	3949.99	1.61	S47°10'44"E	1.61
C5	44°24'19"	308.00	238.71	N18°55'42"E	232.78
C6	0°42'27"	3940.00	48.85	S39°27'40"E	48.65
C7	44°24'16"	268.00	207.70	S18°56'42"W	202.54

RIGHT OF WAY DEDICATION
 0.6898 ACRES
 30,046 SQ. FT.

WEST ROSE AVENUE
 25' FRONT YARD SETBACK
 WATER EASEMENT
 15' WATER EASEMENT
 THIS PLAT

RESIDENCE POOL OUT BUILDINGS, DRIVES AND PLAT WORK TO BE REMOVED

PRELIMINARY PLAT FOR REVIEW PURPOSES ONLY

PRELIMINARY PLAT
 LOT 1, BLOCK A
 PILOT TRAVEL CENTER DECATUR
 an addition to the City of Decatur, Wise County,
 Texas
 G. VIGEL SURVEY, Abstract NO. 857

11.4494 Acres
 March 23, 2016

Kimley»Horn

12750 Merit Drive, Suite 1000 Dallas, Texas 75251 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3820

Scale: 1"=60'	Drawn by: JPW	Checked by: CC	Date: 02/22/2016	Project No.: D61292100	Sheet No.: 2 OF 2
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CITY OF DECATUR, TEXAS

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

STAFF REPORT

April 5, 2016 – Planning & Zoning Commission Meeting

TO: Planning & Zoning Commissioners

CASE: FP2016-01

FROM: Dedra D. Ragland, AICP, Planning Director

APPLICANT: Retail Connection/Pilot Travel Center

DATE: March 31, 2016

REQUEST: Final Plat Application

Case Notes:

Hear staff report and consider taking action to make a recommendation to City Council regarding Preliminary Plat Application 2016-01—Todd Smutz’s request, on behalf of Retail Connection and Pilot Travel Center, LLC., to final plat Lot 1, Block A, Pilot Travel Center Decatur, being a 11.4494-acre tract of land located in the G. Vigil Survey, Abstract No. 857, and as legally described by metes and bounds on the plat exhibit in the staff report, City of Decatur, Wise County, Texas.

Legality:

This property can be legally platted in accordance with Section 212 of the *Texas Local Government Code*.

Issues:

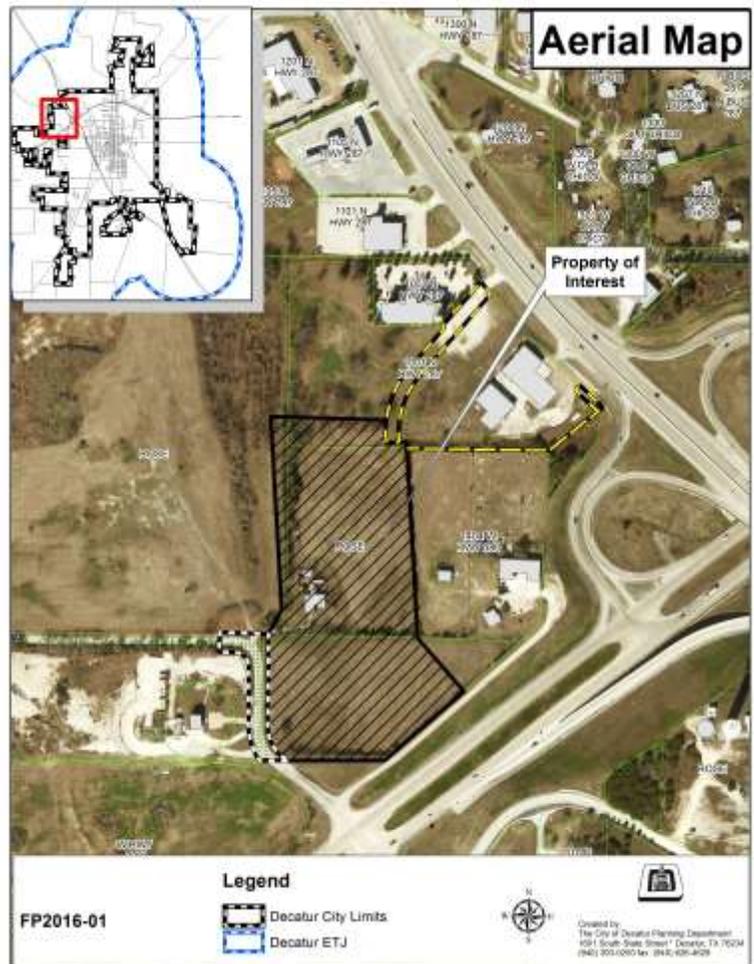
None.

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



LOCATION MAP

ATTACHMENT 1

Final Plat Exhibit

NOTES:

1. One Lot In One Phase. Lot size is 10.7596 acres, and Right of Way Dedicated is 0.6698 of an acre.
2. Property is currently Zoned C-2 (proposed and existing). All adjoining property is Zone C-2.
3. According to Map No. 48497C0350D, dated December 16, 2011 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Wise County, Texas and Incorporated Areas, Federal Emergency Management Agency, Federal Insurance Administration, this property is located in Zone X and is not within a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.
4. Coordinate data and bearing source shown hereon are based on the City of Decatur control network. This data is relative to the Texas State Plane Coordinate System NAD 83 North Central Texas Zone 4202 (U.S. survey feet) utilizing City of Decatur GPS monument #10. Project Combined Scale Factor is 1.00012 and Project Convergence Angle is 00°29'19.86266. All distances shown are horizontal surface distances.
5. Discharge from any detention pond outfall or storm drain outfall may require an offsite drainage easement to accommodate the flow. If an offsite drainage easement is required, a study shall be made of the off-site property to determine the size of the drainage easement to accommodate the flow.
6. Acceptance of the drainage features identified on the Preliminary Plat are subject to change during the final plat process and do not constitute subsequent approval of same. The City reserves the right to require additional data or studies to ensure compliance with City of Decatur's Subdivision Ordinance, Design Standards and Comprehensive Master Drainage Plan.
7. Unless noted otherwise all corners are a capped 5/8" iron rod set marked "KHA".



State of Texas ()
County of Wise ()

We, the undersigned, owners of the land shown on this plat within the area described by metes and bounds as follows:

TRACT 1

BEING a tract of land situated in the G. VIGEL SURVEY, Abstract No. 857, situated in the city of Decatur, Wise County, Texas; embracing a portion of the 79.798 acre tract of land described in the deed to 380 & 287 Decatur, LTD., as recorded in Instrument No. 2007-18198 of the Official Records of Wise County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/4" iron rod found for a southeasterly corner of said 79.798 acre tract and being in the northwesterly line of US Highway No. 380 (having a variable width right-of-way);

THENCE North 89°57'07" West, along a south line of said 79.798 acre tract and said northwesterly line of US Highway No. 380, a distance of 386.89 feet to a capped 5/8" iron rod set marked "KHA" at the beginning of a non-tangent curve to the right;

THENCE departing said south line of 79.798 acre tract and said northwesterly line of US Highway No. 380, northwesterly along said curve to the right, having a central angle of 36°10'07", a radius of 180.00 feet, an arc length of 113.63 feet and a long chord bearing and distance of North 17°43'30" West, 111.75 feet to a capped 5/8" iron rod set marked "KHA";

THENCE North 0°21'33" East, a distance of 182.00 feet to a capped 5/8" iron rod set marked "KHA" at the beginning of a tangent curve to the left;

THENCE in a northwesterly direction, with said curve to the left, having a central angle of 88°10'41", a radius of 45.00 feet, an arc length of 69.25 feet and a long chord bearing and distance of North 43°43'47" West, 62.62 feet to a capped 5/8" iron rod set marked "KHA";

THENCE North 87°49'08" West, a distance of 47.97 feet to a capped 5/8" iron rod set marked "KHA";

THENCE North 2°10'52" East, a distance of 60.00 feet to a point capped 5/8" iron rod set marked "KHA";

THENCE South 87°49'08" East, a distance of 149.68 feet to a capped 5/8" iron rod set marked "KHA";

THENCE North 28°27'36" East, a distance of 86.28 feet to a capped 5/8" iron rod set marked "KHA";

THENCE North 3°16'28" West, a distance of 596.99 feet to a capped 5/8" iron rod set marked "KHA";

THENCE South 88°16'28" East, a distance of 353.34 feet to a capped 5/8" iron rod set marked "KHA";

THENCE South 3°16'28" East, a distance of 70.00 feet to a capped 5/8" iron rod set marked "KHA";

THENCE North 86°43'32" East, a distance of 63.00 feet to a capped 5/8" iron rod set marked "KHA";

THENCE South 3°16'28" East, pass at 21.65 feet an angle iron with silver cap marked "SURVEY POINT TO NOT DISTURB JEFF FOX", for a re-entrant corner of said 79.798 acre tract and the northwest corner of a 5.45 acre tract described in the deed to SJ Real Estate, LTD., as recorded in Instrument No. 2007-4774 of said Official Records, continuing along an easterly line of said 79.798 acre tract and the west line of said 5.45 acre tract. In all a distance of 609.18 feet to an angle iron with silver cap marked "SURVEY POINT TO NOT DISTURB JEFF FOX", for a re-entrant corner of said 79.798 acre tract and the southwest corner of said 5.45 acre tract;

THENCE South 41°01'49" East, departing said easterly line of 79.798 acre tract and said west line of 5.45 acre tract, a distance of 216.82 feet to a capped 5/8" iron rod set marked "KHA" in a southeasterly line of said 79.798 acre tract and said northwesterly line of US Highway No. 380;

THENCE South 48°58'11" West, along said southeasterly line of 79.798 acre tract and said northwesterly line of US Highway No. 380, a distance of 324.91 feet to the POINT OF BEGINNING and containing 11.4494 acres or 498,736 square feet of land.

And designated herein as

PILOT TRAVEL CENTER DECATUR

A subdivision to the City of Decatur, Wise County, Texas and whose names are subscribed hereto, hereby dedicated to the use of the public forever all streets, alleys, parks, water courses, drains, easements, right-of-way, and public places thereon shown for the purpose and consideration therein expressed.

380 & 287 Decatur, LTD

David C. Wilson
380 & 287 Decatur, LTD

STATE OF TEXAS (X)
COUNTY OF DALLAS (X)

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared David C. Wilson, 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 purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 2016.

Notary Public in and for the State of Texas

My Board Expires On:

KNOW ALL MEN BY THESE PRESENTS:

I, James Paul Ward, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I have prepared this plat from an actual on the ground survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with Platting Rules and Regulations of the City Planning Commission of the City of Decatur, Wise County, Texas.



James Paul Ward
RPLS No. 5606

On this _____ day of _____, 2016, this plat was duly approved by the Planning and Zoning Commission of the City of Decatur, Wise County, Texas.

By: _____
Chairman

Attest:

Planning Director

The City Council of Decatur, Wise County, Texas on this the _____ day of _____, 2016, voted affirmatively to adopt this Plat and approve it for filing of record.

By: _____
Mayor

ATTEST: _____
City Secretary

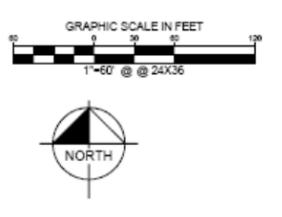
FINAL PLAT
LOT 1, BLOCK A
PILOT TRAVEL CENTER DECATUR
an addition to the City of Decatur, Wise County,
Texas
G. VIGEL SURVEY, Abstract NO. 857

11.4494 Acres
April, 2016

Surveyor:
Kimley-Horn and Associates, Inc.
801 Cherry Street, Unit 11, Suite 950
Fort Worth, TX 76102
James Paul Ward
Registered Professional Land Surveyor No. 5605
Ph. 817-335-6511

Owner:
380 & 287 Decatur, LTD
2525 McKinnon Street, Suite 700
Dallas, TX 75201
Attn: David C. Wilson

Kimley»Horn		801 Cherry Street, Unit 11, # 950 Fort Worth, Texas 76102		Tel. No. (817) 335-6511 www.kimley-horn.com	
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
NA	JPW	CC	04/1/2016	061292100	1 OF 2



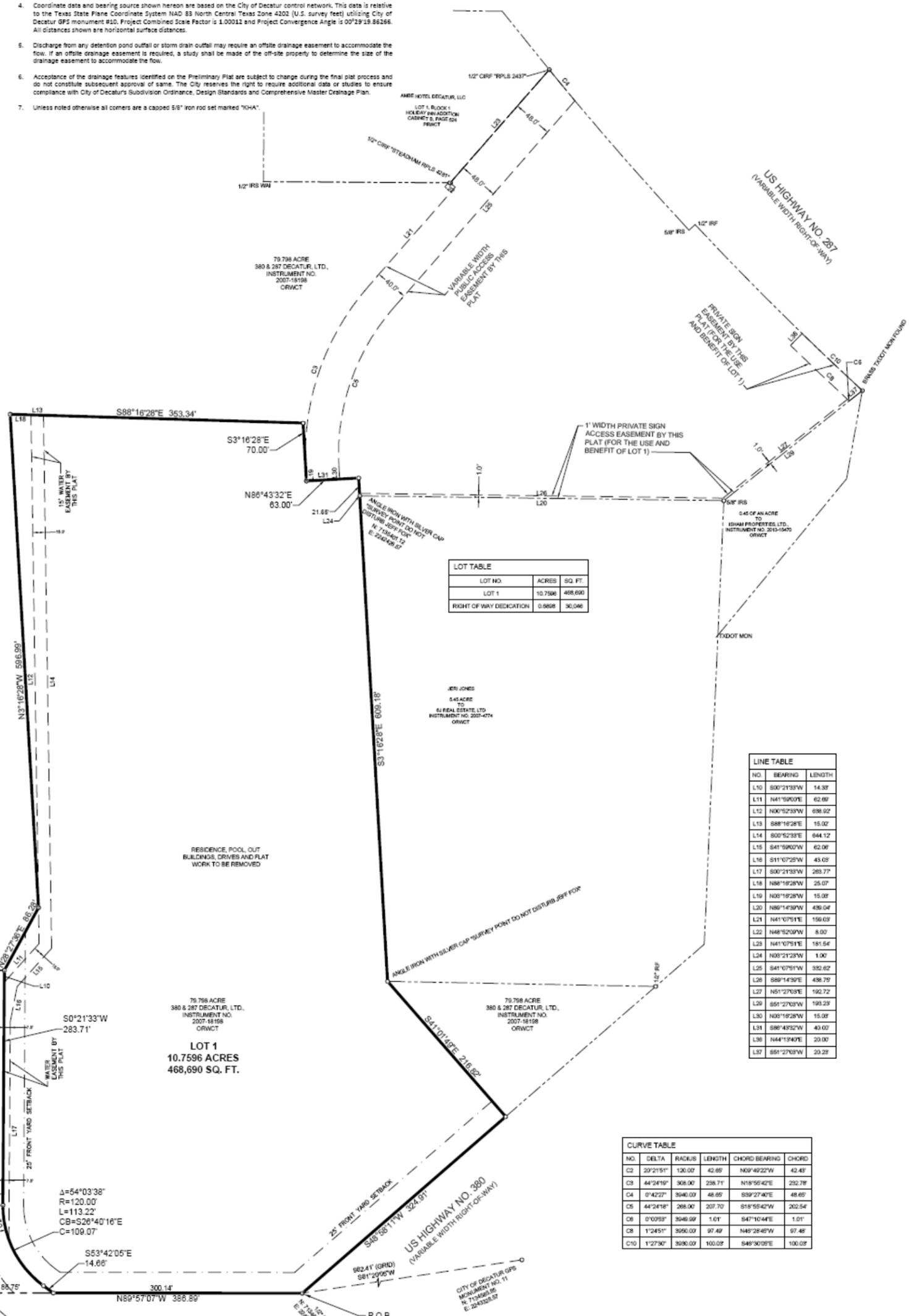
- NOTES:**
- One Lot in One Phase. Lot size is 10.7596 acres, and Right of Way Dedicated is 0.6898 of an acre.
 - Property is currently Zoned C-2 (proposed and existing). All adjoining property is Zone C-2.
 - According to Map No. 48497C0350D, dated December 16, 2011 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Wise County, Texas and Incorporated Areas, Federal Emergency Management Agency, Federal Insurance Administration, this property is located in Zone X and is not within a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.
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 - Acceptance of the drainage features identified on the Preliminary Plat are subject to change during the final plat process and do not constitute subsequent approval of same. The City reserves the right to require additional data or studies to ensure compliance with City of Decatur's Subdivision Ordinance, Design Standards and Comprehensive Master Drainage Plan.
 - Unless noted otherwise all corners are a capped 5/8" iron rod set marked "10HA".

LINE TYPE LEGEND

---	BOUNDARY LINE
---	EASEMENT LINE
---	BUILDING LINE
---	UTILITY LINE
---	SEWER LINE
---	WATER MAIN LINE
---	STORM SEWER LINE
---	OVERHEAD POWER LINE
---	OVERHEAD TELEPHONE LINE
---	UNDERGROUND ELECTRIC LINE
---	UNDERGROUND TELEPHONE LINE
---	FENCE
---	CONCRETE PAVEMENT
---	ASPHALT PAVEMENT

LEGEND

Δ = CENTRAL ANGLE
 P.O.B. = POINT OF BEGINNING
 5/8" IRS = 5/8" IRON ROD W/ "10HA" CAP SET
 CIRP = CAPRIED IRON ROD FOUND
 IFF = IRON ROD FOUND
 MCH = MONUMENT
 DRWCT = DEED RECORDS WISE COUNTY, TEXAS
 ORWCT = OFFICIAL PUBLIC RECORDS WISE COUNTY, TEXAS
 PRWCT = PLAT RECORDS WISE COUNTY TEXAS



LOT TABLE

LOT NO.	ACRES	SQ. FT.
LOT 1	10.7596	468,690
RIGHT OF WAY DEDICATION	0.6898	30,046

LINE TABLE

NO.	BEARING	LENGTH
L10	S00°21'33\"W	14.33'
L11	N41°59'02\"W	62.89'
L12	N00°52'33\"W	836.92'
L13	S88°16'28\"E	15.00'
L14	S00°52'33\"E	844.12'
L15	S41°59'02\"W	62.00'
L16	S11°07'25\"W	43.03'
L17	S00°21'33\"W	283.77'
L18	N88°19'28\"W	25.07'
L19	N00°19'28\"W	15.00'
L20	N86°14'39\"W	436.04'
L21	N41°07'51\"E	156.03'
L22	N48°52'09\"W	8.00'
L23	N41°07'51\"E	181.54'
L24	N00°21'23\"W	1.00'
L25	S41°07'51\"W	332.62'
L26	S88°14'39\"E	436.79'
L27	N51°27'03\"E	192.72'
L28	S51°27'03\"W	193.23'
L29	N00°19'28\"W	15.00'
L30	N86°49'52\"W	40.00'
L31	N44°19'40\"E	20.00'
L32	S51°27'03\"W	20.23'

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C2	20°21'51\"	120.00'	42.65'	N09°49'22\"W	42.43'
C3	44°24'19\"	308.00'	238.71'	N19°56'42\"E	232.78'
C4	0°42'22\"	3640.00'	48.65'	S39°27'47\"E	48.65'
C5	44°24'18\"	268.00'	207.70'	S18°55'42\"W	202.54'
C8	0°00'53\"	3946.99'	1.01'	S47°10'44\"E	1.01'
C8	1°24'51\"	3690.00'	97.49'	N48°28'49\"W	97.48'
C10	1°27'30\"	3690.00'	100.03'	S49°30'09\"E	100.03'

RIGHT OF WAY DEDICATION
 0.6898 ACRES
 30,046 SQ. FT.

LOT 1
 10.7596 ACRES
 468,690 SQ. FT.

FINAL PLAT
LOT 1, BLOCK A
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