



CITY OF DECATUR, TEXAS

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

AGENDA

(Zoning) Board of Adjustment Special Meeting* Monday, August 15, 2016 at 3:30 P.M. City Hall Council Chambers 201 E. Walnut

Call to Order

- ITEM 1:** Administer Statement of Appointed Official and Oath of Office to Alternate Member Dennis McCreary.
- ITEM 2:** Approval of June 1, 2016, Minutes.
- ITEM 3:** **ZBA2016-06**—The Board to hear public input and consider taking action Thom Lambert’s request, on behalf of Decatur Economic Development Corporation, for a variance from the City of Decatur’s Zoning Ordinance regarding the Floor to Area ratio in a Thoroughfare Business (C-2) Zoning District. Specifically, applicant is requesting a variance to the City of Decatur Code of Ordinances, Appendix B, “Zoning,” Article 5, “Zoning Districts,” Section 5.1, “Zoning Districts Established,” Subsection 5.1.11 “C-2, Thoroughfare Business District,” Item D(3)(b) “Area Regulations for Nonresidential Uses Maximum Floor Area Ratio (FAR)” requirement of a 2:1 FAR to a 3:1 FAR. The subject property is legally described as a 0.515-acre tract of land, more or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; the complete legal description is included in the Warranty Deed, filed with the Wise County Clerk’s Office, Document WD201600001.
- ITEM 4:** New and/or future business items.

Adjournment

Prepared and posted this 12th day of August 2016 in accordance with Chapter 551, Texas Government Code.

Dedra D. Ragland, AICP
Director of Planning and Development

City of Decatur
Decatur, TX

The State of Texas

OATH OF OFFICE

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

Name
ZBA Alternate Member

SWORN TO and subscribed before me by affiant on this 15th day of August, 2016.

Codi Delcambre, Notary Public

(seal)

STATEMENT OF APPOINTED/ELECTED OFFICER

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

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

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

August 15, 2016

Name

ZBA Alternate Member

Position to Which Elected/Appointed City of Decatur

MINUTES
(ZONING) BOARD OF ADJUSTMENT MEETING
Tuesday, June 1, 2016 at 3:30 P.M.
City Hall Meeting / Council Chambers
201 E. Walnut

A meeting of the City of Decatur (Zoning) Board of Adjustment was held at 3:30 p.m. on January 20, 2016, at City Hall with the following in attendance:

MEMBERS PRESENT:

Vice Chairman William Klose
Wayne Stone (Alternate)
Murvelle Chandler (Alternate)
Don Ogle

MEMBERS ABSENT:

Chairman Mark Duncum
Lisa Caraway

Others present were: Planning Director Dedra Ragland, Development Review Coordinator Codi Delcambre representing the staff; and Sheila Pelley and Jesse Cober representing the applicants.

Call to Order: Vice-Chairman Klose called the meeting to order at 3:41 p.m.

ITEM 1: Administer Statement of Appointed Official and Oath of Office to Vice-Chairman Will Klose.

Codi Delcambre administered the Statement of Appointed Official and Oath of Office to Vice-Chairman Will Klose.

ITEM 2: Approval of March 21, 2016, Minutes.

Board Member Chandler made a motion to approve the March 21, 2016, minutes. Board Member Stone seconded the motion. The motion passed 4-0.

ITEM 3: ZBA2016-05—The Board to hear public input and consider taking action Steve Summers' request, on behalf of Wise Health System, for a variance from the City of Decatur's Zoning Ordinance regarding the screening of roof mounted electrical equipment. Specifically, applicant is requesting a variance to the City of Decatur Code of Ordinances, Appendix B., Zoning, Article 7, Development Standards, Section 7.5, Screening, Fencing and Buffering, Subsection 7.5.4.B "Roof Mounted Mechanical Equipment," all roof-mounted mechanical equipment shall be screened from view of any adjacent public Right-of-Way. The subject property is described as Lot 1RA1R1, Block A, Decatur Community Hospital Addition and is more commonly referred to as 609 Medical Center Dr., Bldg. 200, Decatur, Wise County, Texas.

Planning Director Ragland presented the staff report. Applicant is requesting a variance to the City of Decatur Code of Ordinances, Appendix B., Zoning, Article 7, Development Standards, Section 7.5, Screening, Fencing and Buffering, Subsection 7.5.4.B "Roof Mounted Mechanical Equipment," all roof-mounted mechanical equipment shall be screened

from view of any adjacent public Right-of-Way. The subject property is described as Lot 1RA1R1, Block A, Decatur Community Hospital Addition and is more commonly referred to as 609 Medical Center Dr., Bldg. 200.

Board Member Chandler made a motion to approve ZBA2016-06, a variance to waive requirement that all roof-mounted mechanical equipment shall be screened from view of any adjacent public Right-of-Way on the highest roof of the Fit N' Wise building being constructed on a portion of Lot 1RA1R1, Block A, Decatur Community Hospital Addition and more commonly referred to as 609 Medical Center Dr., Bldg. 200, Decatur, Wise County Texas. Board Member Stone seconded the motion. The motion passed 4-0.

The meeting was adjourned at 4:10 p.m.

Will Klose, Vice-Chairman

ATTEST:

Dedra Denée Ragland, Planning Director



STAFF REPORT

August 15, 2016 – Board of Adjustment Meeting

TO: (Zoning) Board of Adjustment

CASE: ZBA2016-06

FROM: Dedra D. Ragland, AICP, Planning Director

APPLICANT: Thom Lambert

DATE: August 10, 2016

REQUEST: FAR Variance

Subject:

Board to hear public input and consider taking action on a request from Thom Lambert, on behalf of Decatur Economic Development Corporation, for a variance from the City of Decatur's Zoning Ordinance regarding the Floor to Area Ratio (FAR) in a Thoroughfare Business (C-2) Zoning District. Specifically, applicant is requesting a variance to the City of Decatur Code of Ordinances, Appendix B, "Zoning," Article 5, "Zoning Districts," Section 5.1, "Zoning Districts Established," Subsection 5.1.11 "C-2, Thoroughfare Business District," Item D(3)(b) "Area Regulations for Nonresidential Uses Maximum Floor Area Ratio (FAR)" requirement of a 2:1 FAR to a 3:1 FAR. The subject property is legally described as a 0.515-acre of land, more or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; the complete legal description is included in the Warranty Deed, filed with the Wise County Clerk's Office, Document WD201600001.

Case Notes:

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

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

In November 2015, the city agreed to put the land where the proposed Fairfield Inn and Suites would be located up for bid with the hope that the EDDC would submit the winning bid. The city received one bid on Monday, December 14, 2015, which was from the EDC for \$15,465. The bid did not meet the appraised value requirement. In addition to awarding the bid to the EDC, the council also approved a mutual easement agreement between the city and the EDC for the property.

The property that the EDC purchased and the tract that the Civic Center is located will require platting. The Developer has submitted a preliminary and final plat. The Hotel tract is intended to be platted as Lot 2, Block 1, Decatur Civic Center Addition. The proposed lot 2 is the actual footprint of the building with a 5' perimeter that also conforms to the building footprint. This is an unusual scenario; however, the initial reason for this, had to do with the City wanting to retain control of most of the Civic Center acreage. However, the real problem dawned on everyone in

November; namely, that the EDC had to be the party transferring title to Gateway, and NOT the City. The EDC did not have title to any of the land and there was no way for the City to adequately transfer title to the EDC for this purpose EXCEPT to go through the 'public bidding' process, and which anyone could make a competing bid.

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

By doing this, other areas of the City's regulations were impacted. The requirements for setback, parking and the Floor Area Ratio (FAR) could not be met. Staff recognized the issue with the setback and the parking and required the Developer to obtain variances. On January 20, 2016, the ZBA granted variances for proposed lot two with regards to:

- a. 5' front, rear and side yard setbacks
- b. On-site off-street parking for the hotel waived, with the condition that parking will be shared with the Civic Center

Both staff and the developer failed to recognize the necessity for a variance to the Floor Area Ratio (FAR). Per the City's Zoning Regulations, FAR is defined as "the floor area of a main building or buildings on a lot, divided by the lot area. Gross Floor Area is defined as "the total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding any space where the floor-to-ceiling height is less than six (6) feet, caports, residential garages, open porches, and breezeways. (Attachment 5) The FAR for a Thoroughfare Business (C-2) Zoning Designation is 2:1. The proposed hotel has an FAR of 2.58: The hotel gross floor area is 58,030 sf and the lot area is 22,454 sf (Attachment 6)

Legality:

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

Conditions for Approval:

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

Financial or self-induced hardship cannot be considered:

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

Deciding Factors:

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

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

Recommendation:

Staff has the following findings:

1. The requested variance **does not** violate the intent and spirit of the ordinance. Because of the necessity to adjust lot configuration to transfer the title of the property to the DEDC, this was the only lot configuration alternative. All of the landscaping, access, parking and other needs normally contemplated for such a facility will be provided by the City, on the entirety of the Civic Center acreage. The FAR cannot be adjusted and the City Council and the DEDC believe that this hotel project is necessary for the long term growth and economic viability of the City.
2. There **are** special considerations of physical features that are peculiar to the subject parcel that are not applicable to other parcels of land in the same zoning district. The lot as proposed was deeded as the footprint of the Hotel with a 5' perimeter. The bid parcel was intended to only attract the DEDC. The original site was to be platted like a traditional lot, but it was only realized in November 2015, with the inclusion of the City Attorney in the discussions, that the City could not sell the property outright to Gatehouse, but would have to bid the land.
3. The hardship **is not** a result of the applicant's action. There are a lot of issues that people involved should have been thinking about a year or more ago; but nobody did, and the City Attorney didn't even become involved until early November 2015.
4. The interpretation of the provisions in this ordinance **does** deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions. The ZBA is being asked to bear in mind that this whole process has been ongoing for a long time now, and all that has been done has been to try to help the DEDC accomplish their objective of obtaining a hotel on the Civic Center acreage, which would support booked activities and allow for multi-day activities at the Civic Center. According to the Civic Center Director, although business at the Civic Center has improved, it has never been truly 'profitable', largely due to the refusal of other local hotels/motels to agree to 'block booking' by Civic Center customers. Such 'block booking,' on the other hand, is Gateway's whole business plan for this facility. If the ZBA should fail to grant the necessary variance, this entire project may very well implode. It has always been contemplated in the various negotiations that the costs for all of the landscaping, parking, and etc. would be borne either by the EDC or by the City, so it is appropriate that the land on which those will be situated remain titled in one of those public entities. In addition, the ZBA did support the setback and parking variances in January to help get this project completed.

Three (3) property owners were notified. To date, staff has received no notices in favor of, neutral to or opposed to the request.

Options:

Recommend approval:

From the evidence, testimony and plans presented, I move that the Board grant the variance request ZBA2016-06 to allow a 3:1 FAR for the hotel being constructed on 0.515 acres of land, more or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; the complete legal description is included in the Warranty Deed, filed with the Wise County Clerk's Office, Document WD201600001.

Recommend approval with conditions:

From the evidence, testimony and plans presented, I move that the Board grant the variance request ZBA2016-06 to allow a 3:1 FAR for the hotel being constructed on 0.515 acres of land, more or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; the complete legal description is included in the Warranty Deed, filed with the Wise County Clerk's Office, Document WD201600001 with the following conditions:...

Recommend denial:

From the evidence, testimony, and plans presented, I move that the Board deny the variance request ZBA2016-06 to allow a :1 FAR for the hotel being constructed on 0.515 acres of land, more or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; the complete legal description is included in the Warranty Deed, filed with the Wise County Clerk's Office, Document WD201600001 based on the following findings:...

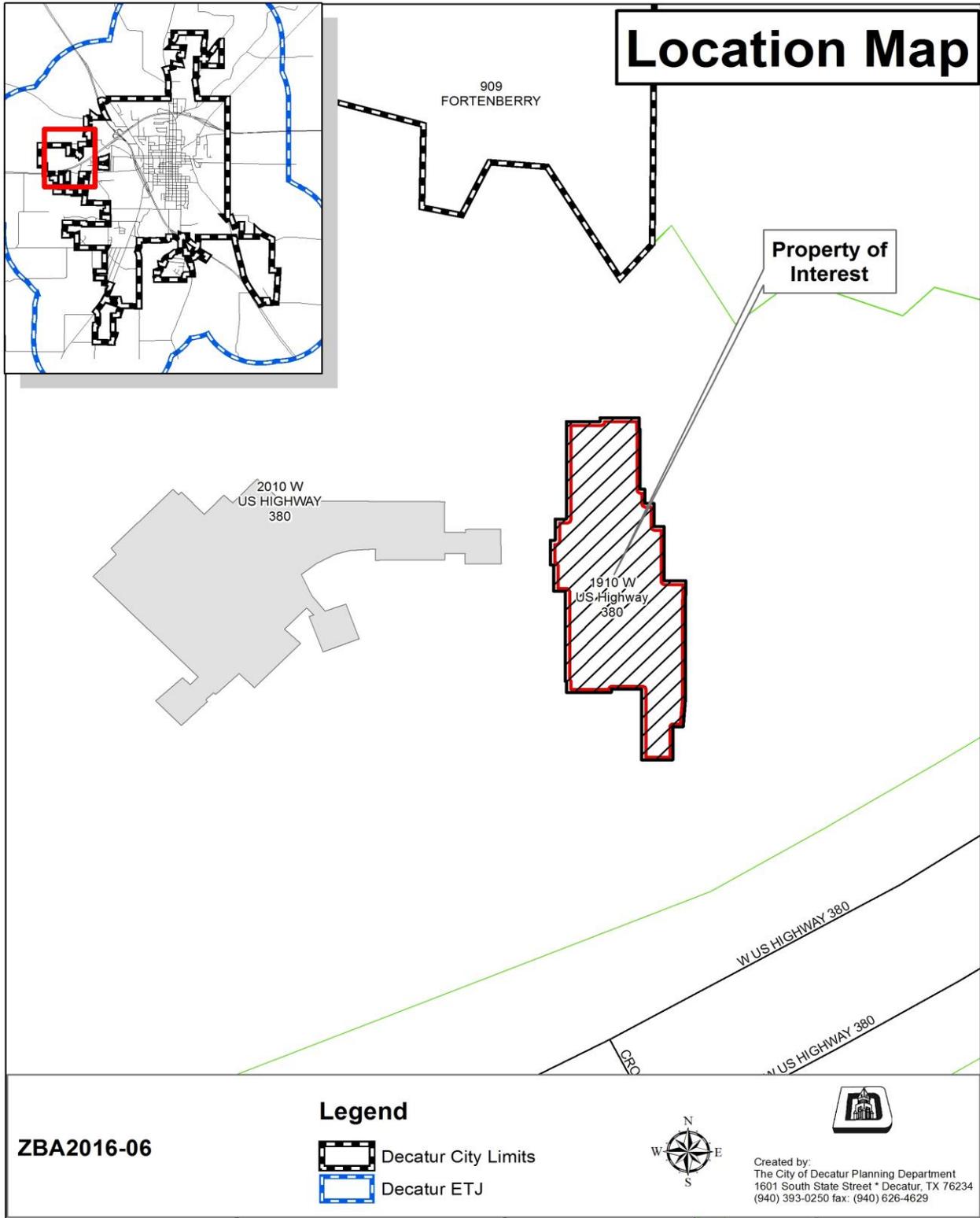
Recommend postponing consideration:

From the evidence, testimony, and plans presented, I move that the Board postpone consideration of variance to a date certain, and requesting additional information for the variance request ZBA2016-06 to allow a 3:1 FAR for the hotel being constructed on 0.515 acres of land, more or less, located in the Joseph H. Moore Survey, Abstract No. 538, the George M. Vigil Survey, Abstract No. 857, and the John B. Williams Survey, Abstract No. 880, in Wise County, Texas; said tract being a portion of a tract of land described in Deed to the City of Decatur recorded in Vol. 712, p. 208, Real Records of Wise County, Texas; the complete legal description is included in the Warranty Deed, filed with the Wise County Clerk's Office, Document WD201600001, additional data being:...

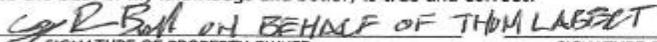
Attachments

1. Location Map
2. Application and Checklist/Letter of Intent
3. 200' Notification Map and Property Owner Responses
4. Proposed Elevations
5. FAR Exhibit- Current Zoning Ordinance
6. FAR Exhibit- Applicant

Attachment 1
Location Map



Attachment 2 Application and Checklist

CITY OF DECATUR DEVELOPMENT SERVICES UNIFORM APPLICATION		
Check box to indicate application type		Incomplete applications will be rejected
<input type="checkbox"/> Annexation Petition <input type="checkbox"/> Amending Plat <input type="checkbox"/> Comprehensive Plan Amendment <input type="checkbox"/> Conveyance Instrument <input type="checkbox"/> Design Standards Variance <input type="checkbox"/> Final Plat	<input type="checkbox"/> Gas Well Development Plat <input type="checkbox"/> Plat Extension-Final or Preliminary <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Replat <input type="checkbox"/> ROW Use Agreement <input type="checkbox"/> ROW Abandonment/ Closing	<input type="checkbox"/> Specific Use Permit <input type="checkbox"/> Subdivision Variance <input type="checkbox"/> Zoning Change <input checked="" type="checkbox"/> Zoning Variance (ZBA) <input type="checkbox"/> Vacation Plat <input type="checkbox"/> Other _____
Application Requirements: Signed application form, application fees, Copy and filing fees, Proof of Ownership (Recorded Deed or current tax statements), required # of plats / plans, signed checklist and a PDF of all documentation.		
PROJECT INFORMATION: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial Is this property platted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <small>If this property is not platted, submit a survey with complete metes and bounds description sealed by a licensed surveyor</small>		
Project Name: <u>Fairfield Inn & Suites</u> Total Acres <u>30.115</u>		
Project Address (Location): <u>2010 W. US 380 Decatur, TX 76234</u> Parcel(s) Tax ID R #: _____ <small>(NOT: BLOCK A SURVEYOR OR SURVEY WITH METES & BOUNDS DESCRIPTION SEALED BY A LICENSED SURVEYOR)</small>		
Parent Project Name/Number <u>N/A</u> Parcel(s) Tax ID GEO #: _____		
Brief Description of Project: <u>4 story, 107 key, 58,318 SF Wood Framed Structure</u> ETJ <input type="checkbox"/> Yes		
Please state the identity of any individual(s), or other entities that presently hold a lien upon the real estate which is the subject of this request: _____, Lien holder/mortgagee must also sign plat for filing of record.		
Existing Use: <u>Conference Center</u> Existing Zoning: <u>C-2</u> # of Existing Lots: <u>0</u> # of Existing Units: _____		
Proposed Use: <u>Hotel</u> Proposed Zoning: <u>C-2</u> # of Proposed Lots <u>2</u> Proposed Units: <u>107</u>		
APPLICANT INFORMATION: Please circle your preferred method of contact.		
Applicant / Company EDC (Gatehouse Decatur Development LLC) _____ Email _____		
Address <u>203 W. Walnut, #102</u> Phone <u>940-393-0350</u> Fax _____		
City <u>Decatur</u> State <u>TX</u> Zip <u>76234</u>		
Property Owner EDC (Gatehouse Decatur Development LLC) _____ Email _____		
Address <u>203 W. Walnut, #102</u> Phone <u>940-393-0350</u> Fax _____		
City <u>Decatur</u> State <u>TX</u> Zip <u>76234</u>		
Key Contact/Company <u>Joe Hilliard, BOKA Powell</u> Email <u>jhilliard@bokapowell.com</u>		
Address <u>8070 Park Lane, #300</u> Phone <u>972-701-9000</u> Fax _____		
City <u>Dallas</u> State <u>TX</u> Zip <u>75231</u>		
(MUST BE SIGNED FOR ALL APPLICATIONS.) Letter of authorization required if signature is other than property owner and a letter of authorization is required from lienholder/mortgagee, if applicable. I hereby certify that I am the owner of the property identified in this application; or, that I am the authorized agent of the owner of said property; and that I am authorized to act in their behalf, and that this application, to the best of my knowledge and belief, is true and correct.  SIGNATURE OF PROPERTY OWNER SIGNATURE OF LIEN HOLDER		For Departmental Use Only Case#: _____ Project Mgr : _____ Total Fee(s): _____ Payment Method: _____ Submittal Date: _____ Accepted By: _____
PLAT WAIVER (MUST BE SIGNED FOR ALL PRELIMINARY, FINAL & REPLATS) I waive the statutory time limits in accordance with Section 212 of the Texas Local Government Code. _____ SIGNATURE OF PROPERTY OWNER SIGNATURE OF LIEN HOLDER Known to me to be the person(s) whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity therein stated. Given under my hand and seal of office on this _____ day of _____ 20____		
Notary Public _____		

FREQUENTLY ASKED QUESTIONS

When will my application be considered?

Your application will be reviewed by the Planning & Zoning Commission (P & Z) and then the City Council. P & Z usually meets the first Tuesday of each month, while Council meets on the 2nd and 4th Mondays of each month.

When should I apply?

By law, your application may require a minimum of two public hearings. These hearings must be advertised in the local newspaper 15 days prior to the meetings. In order to be heard at the next P & Z meeting, you will need to apply a minimum of 40-45 days prior to the meeting to allow the City time to place the ads in the paper.

What happens at the meetings?

The person chairing the meeting will open the public hearing and invite people to speak about your item. After gathering all public comments, the chair will close the public hearing and the commission will make a decision about your application.

So others may talk about my application?

Yes, if your application requires a public hearing, your case will be advertised in the local newspaper. In addition, for most public hearing items, everyone within 200 feet of the property will be mailed a notification letter.

How do they decide?

The P & Z looks at local, state and federal laws as well as the City's long-range plan and makes a recommendation to the City Council. Council considers P & Z's recommendation and may approve, deny or approve with conditions.

How much does it cost?

The application fee is based on the City's current Fee Schedule Ordinance. Check the City's Web Site or the Planning Department for the most current Fee Schedule. Please make checks payable to the "City of Decatur".

What type of Property Drawings do I need?

The applicant must provide a legible and reasonable drawing, to scale, illustrating that which is requested. At a minimum, the drawing must show property in question along with all adjacent properties, streets, street names, north arrow and scale of drawing. Identify lots with lot and block numbers and subdivision name or, if not subdivided, a complete metes and bounds description when addressed. For assistance, contact a surveyor. For additional requirements, please refer to Decatur's Design Standards, Zoning Ordinance and Subdivision Ordinance.

DO NOT WRITE BELOW THIS LINE

<ul style="list-style-type: none"> • Application • Fee Paid • Survey Provided • Plans Provided • Application Accepted 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>	<p>To Be Completed by Staff Accepting Application</p> <p>Key Dates</p> <p>On P&Z ^{ZBA} Agenda: <u>8-15-2016</u></p> <p>On Council Agenda: <u>N/A</u></p> <p>Newspaper Publication Dates:</p> <p style="padding-left: 20px;">P&Z: <u>ZBA 8/3/16</u></p> <p style="padding-left: 20px;">CC: _____</p> <p>Property Owner Notification Date <u>8/3/16</u></p>	
			<p>Recommendations and Decisions</p> <p>Staff: _____</p> <p>P&Z: _____</p> <p>CC: _____</p>	

Last updated 02/01/2016

City of Decatur Board of Adjustment
Development Services
1601 S. State St.
P.O. Box 1299
Decatur, TX 76234

Dear Board of Adjustment,

Gatehouse Decatur Development LLC would like to apply for an FAR variance for the Fairfield Inn & Suites to be build adjacent to the Decatur Civic Center. The current FAR is 2.1, our hotel is designed with a 5' setback around the building and is 2.58. A variance from 2.1 FAR to a FAR of 2.58 is requested.

Sincerely,

Craig Bull
Gatehouse Capital
bullc@gatehousecapital.com
972-978-6911



CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State St ★ P.O. Box 1299 ★ Decatur, TX 76234 ★ www.decaturtx.org

Board of Adjustment Application Checklist

General Requirements:

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

LB ON BEHALF OF THOM LAMBERT 01/16
 Signature Date

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

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

1. The requested variance does not violate the intent and spirit of the ordinance:
Project benefits the community and does not adversely impact the health and safety of public (spirit and intent of the zoning ordinance)

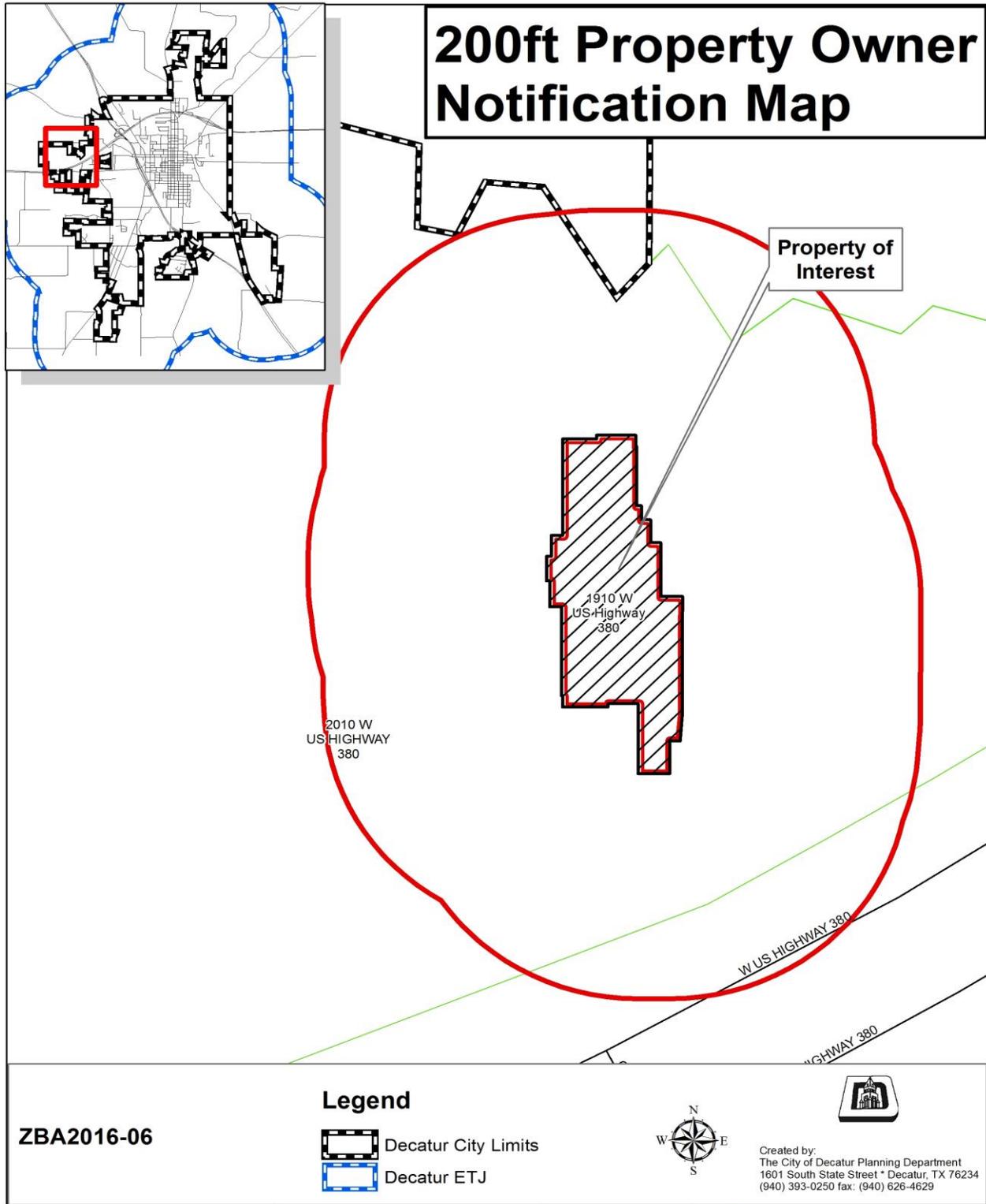
2. Special conditions of restricted area, shape, topography or physical features exist that are peculiar to the subject parcel of land and are not applicable to the other parcels of land in the same zoning district:
FAR of 2.58 was not included in original submittal. Acreage of the building footprint with 5' around the building is .515 acres

3. The hardship is in no way the result of the applicant's action:
The hardship is due to the density of the hotel designed for the site at a 2.58 FAR vs a 2.1 FAR, the 2.58 FAR was not included in the previous submittal.

4. The interpretation of the provisions in this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district that comply with the same provisions:
If provisions of ordinance were followed, the applicant would be deprived of the development of the hotel and EDC participation in this project.

Form Updated 03/2012

200' Notification Map and Property Owner Responses

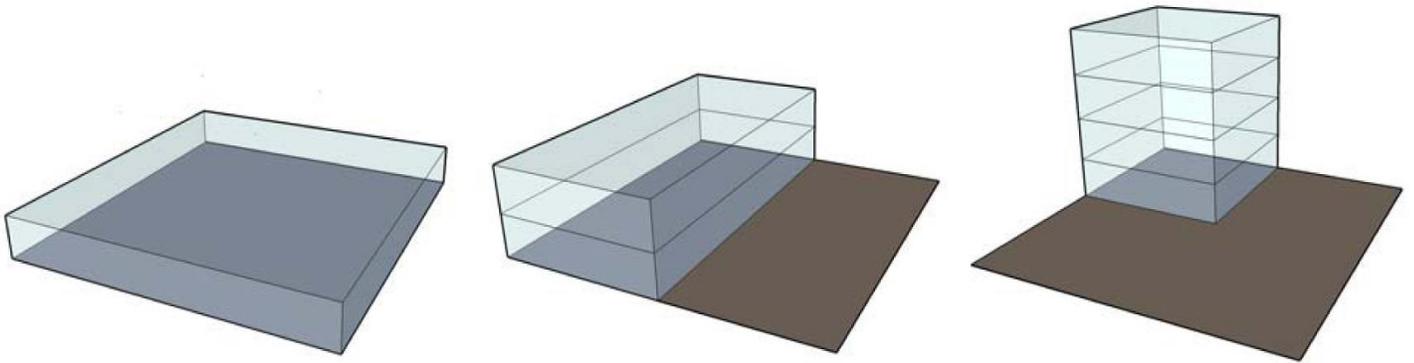


No responses received

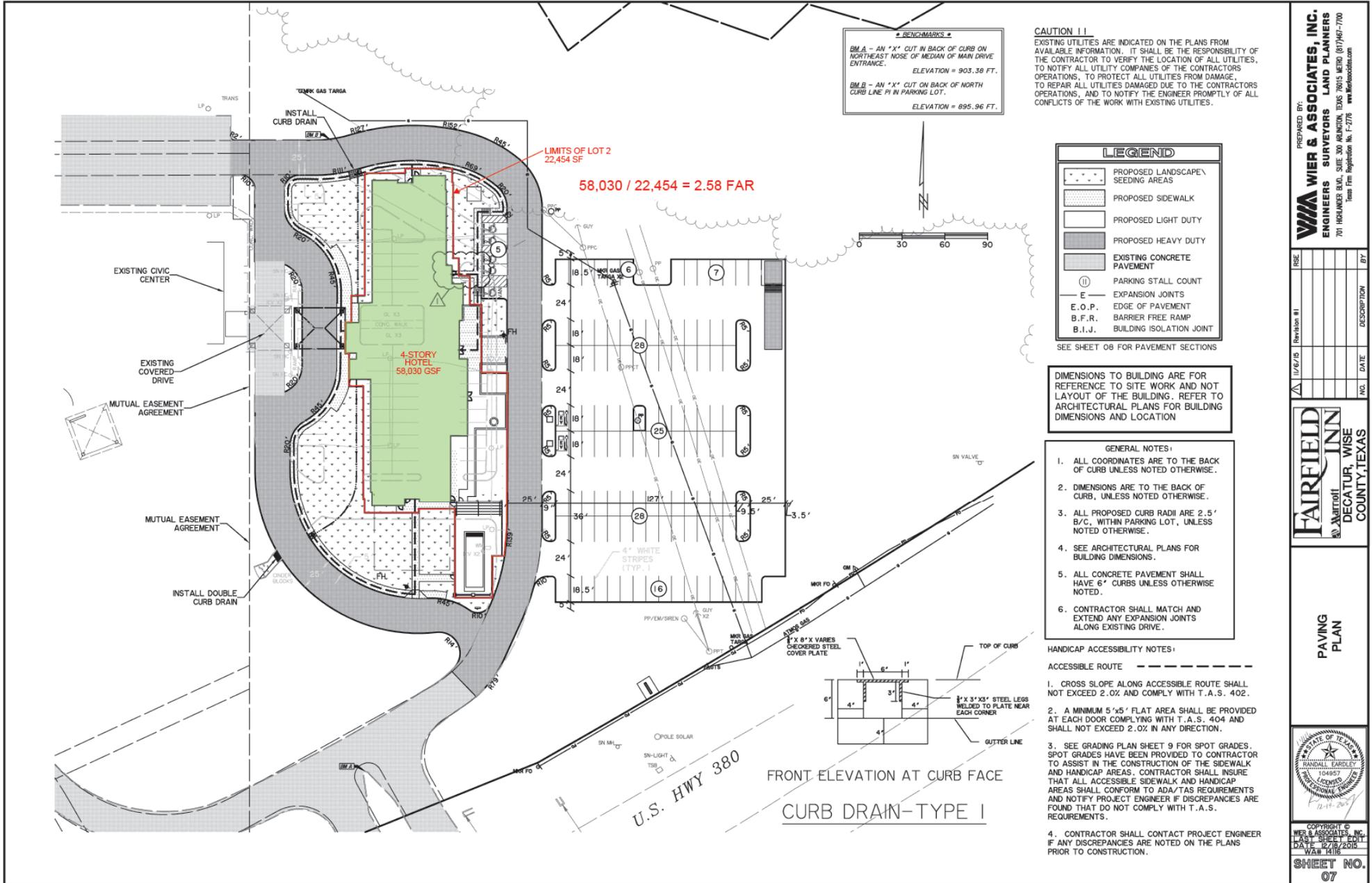
FAR Exhibit- Current Zoning Ordinance

Floor Area Ratio (FAR): The floor area of a main building or buildings on a lot, divided by the lot area (Figure 2. Floor Area Ratio (FAR)).

Figure 2. Floor Area Ratio (FAR)



Attachment 6 FAR Exhibit- Proposed



BENCHMARKS
BM A - AN "X" CUT IN BACK OF CURB ON NORTHEAST NOSE OF MEDIAN OF MAIN DRIVE ENTRANCE.
 ELEVATION = 903.38 FT.
BM B - AN "X" CUT ON BACK OF NORTH CURB LINE IN PARKING LOT.
 ELEVATION = 895.96 FT.

CAUTION !!
 EXISTING UTILITIES ARE INDICATED ON THE PLANS FROM AVAILABLE INFORMATION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION OF ALL UTILITIES, TO NOTIFY ALL UTILITY COMPANIES OF THE CONTRACTORS OPERATIONS, TO PROTECT ALL UTILITIES FROM DAMAGE, TO REPAIR ALL UTILITIES DAMAGED DUE TO THE CONTRACTORS OPERATIONS, AND TO NOTIFY THE ENGINEER PROMPTLY OF ALL CONFLICTS OF THE WORK WITH EXISTING UTILITIES.

LEGEND	
	PROPOSED LANDSCAPE SEEDING AREAS
	PROPOSED SIDEWALK
	PROPOSED LIGHT DUTY
	PROPOSED HEAVY DUTY
	EXISTING CONCRETE PAVEMENT
	PARKING STALL COUNT
	EXPANSION JOINTS
	EDGE OF PAVEMENT
	BARRIER FREE RAMP
	BUILDING ISOLATION JOINT

SEE SHEET 08 FOR PAVEMENT SECTIONS

DIMENSIONS TO BUILDING ARE FOR REFERENCE TO SITE WORK AND NOT LAYOUT OF THE BUILDING. REFER TO ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS AND LOCATION

- GENERAL NOTES:**
- ALL COORDINATES ARE TO THE BACK OF CURB UNLESS NOTED OTHERWISE.
 - DIMENSIONS ARE TO THE BACK OF CURB, UNLESS NOTED OTHERWISE.
 - ALL PROPOSED CURB RADII ARE 2.5' B/C, WITHIN PARKING LOT, UNLESS NOTED OTHERWISE.
 - SEE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS.
 - ALL CONCRETE PAVEMENT SHALL HAVE 6" CURBS UNLESS OTHERWISE NOTED.
 - CONTRACTOR SHALL MATCH AND EXTEND ANY EXPANSION JOINTS ALONG EXISTING DRIVE.

- HANDICAP ACCESSIBILITY NOTES:**
- ACCESSIBLE ROUTE**
- CROSS SLOPE ALONG ACCESSIBLE ROUTE SHALL NOT EXCEED 2.0% AND COMPLY WITH T.A.S. 402.
 - A MINIMUM 5'x5' FLAT AREA SHALL BE PROVIDED AT EACH DOOR COMPLYING WITH T.A.S. 404 AND SHALL NOT EXCEED 2.0% IN ANY DIRECTION.
 - SEE GRADING PLAN SHEET 9 FOR SPOT GRADES. SPOT GRADES HAVE BEEN PROVIDED TO CONTRACTOR TO ASSIST IN THE CONSTRUCTION OF THE SIDEWALK AND HANDICAP AREAS. CONTRACTOR SHALL INSURE THAT ALL ACCESSIBLE SIDEWALK AND HANDICAP AREAS SHALL CONFORM TO ADA/TAS REQUIREMENTS AND NOTIFY PROJECT ENGINEER IF DISCREPANCIES ARE FOUND THAT DO NOT COMPLY WITH T.A.S. REQUIREMENTS.
 - CONTRACTOR SHALL CONTACT PROJECT ENGINEER IF ANY DISCREPANCIES ARE NOTED ON THE PLANS PRIOR TO CONSTRUCTION.

PREPARED BY
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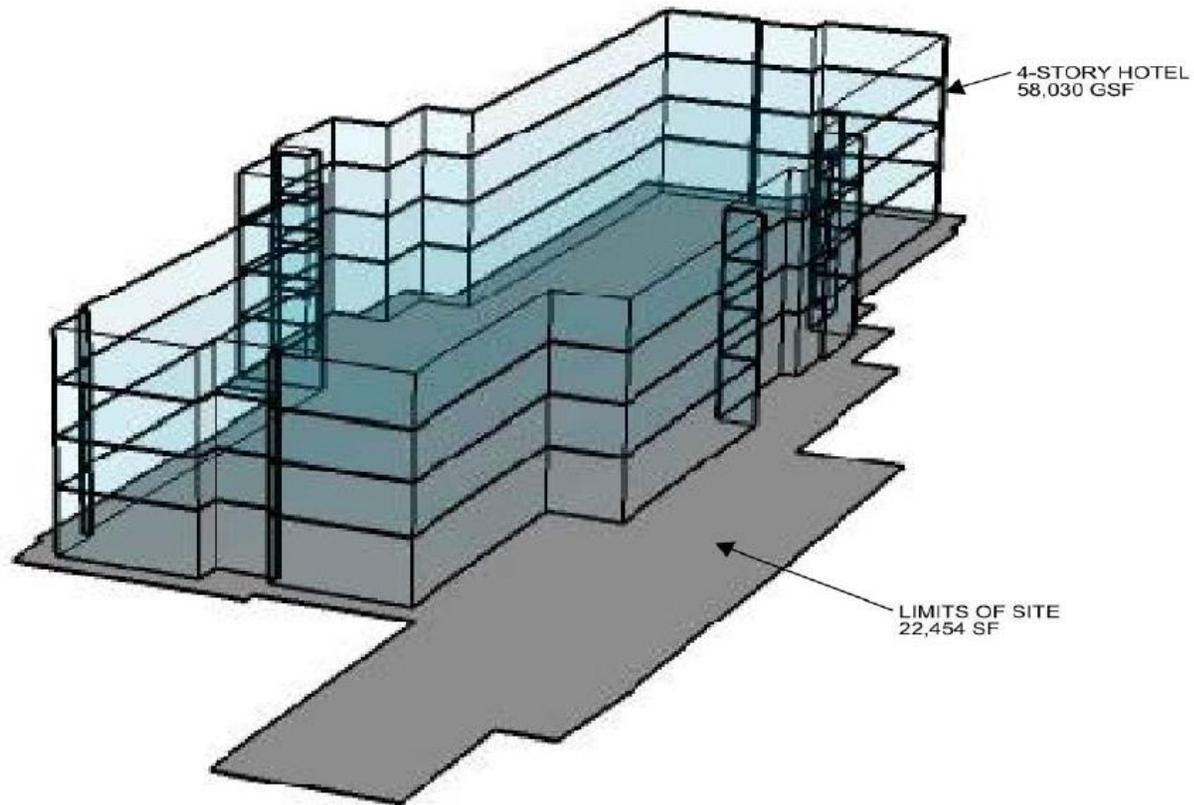
REVISION	DATE	DESCRIPTION

FAIRFIELD
 COUNTY, TEXAS
 WISE
 DECATUR

PAVING PLAN



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FAIRFIELD INN 7 SUITES - DECATUR



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FAR Exhibit
08.11.16
Project No.
14081.100

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