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 Meeting
Decatur City Hall – 201 E. Walnut St., Decatur, TX
Tuesday, January 7, 2025
REGULAR MEETING 5:30 p.m.
IN PERSON AND VIA VIDEOCONFERENCE/TELECONFERENCE

General Agenda Comments

This is an in-person and videoconference meeting. Videoconferencing is being used to allow staff and members of the public to join the meeting in the following manner:

Anyone may join the meeting via videoconference at www.zoom.us/join or via telephone by calling 1-346-248-7799; meeting ID 988 5813 2625; and Password 069758.

If you join the meeting via videoconferencing and want to address the Commission on an agenda item, you will need to have your camera on and hold up your hand when the Chairman calls for public comment and you will be recognized by the Chairman to address the Commission. Virtual and in person non-applicant speakers will be allowed a total of three (3) minutes to provide comments regarding the posted agenda item for which the request to speak was submitted and may speak during this item or during the Commission's consideration of individual items in accordance with City Council Rules of Procedure. The three (3) minute time period will be extended to six (6) minutes if a translator is required for a speaker to communicate his/her comments regarding the posted agenda item for which the request to speak was filed. You may also email your comments to be read at the meeting to: cfuss@decaturtx.org or dragland@decaturtx.org before and during the meeting. Please provide your name, address and the agenda item number.

CALL TO ORDER AND ANNOUNCE A QUORUM

ITEM 1: Consider and take appropriate action regarding approval of the Planning and Zoning Commission Meeting Minutes from November 7, 2024.

PUBLIC HEARING ITEMS:

ITEM 2: RP2024-10 Hold a public hearing and take action to make a recommendation to the Decatur City Council regarding a request to final plat Lot 1R, Block 23, Original Town of Decatur, being a replat of part of Lots 1 and 2, Block 23, and the west half of North Market Street, Original Town of Decatur, City of Decatur, Wise County, Texas. The property is located at 300 N Trinity Street, Decatur, Texas. **(Replat Application 2024-10—Wise Area Relief Mission [WARM], Wise County, Texas)**

Open Public Hearing at: _____ **Close Public Hearing at:** _____

ITEM 3: ZC2024-06 Hold a public hearing and make a recommendation to the Decatur City Council regarding a request to rezone approximately 0.37 acres of land located at 300 N. Trinity Street, 0.07 acres of land generally located to the centerline of North Trinity Street, 0.04 acres of land generally located to the centerline of East Oak Street and 0.04 acres of land generally located to the centerline of North Market Street from Single-Family Residential Zoning District (SF-2) to Restricted Business Zoning District (C-1). The property is located at 300 N Trinity Street, Decatur, Texas. **(Zoning Change Application 2024-06—Wise**

Area Relief Mission [WARM], Wise County, Texas)

C-1 = Restricted Business District SF-2 = Single-Family Residential Zoning District

Open Public Hearing at: _____ Close Public Hearing at: _____

ITEM 4: **SUP2024-12** Hold a public hearing and take action to make a recommendation to the Decatur City Council regarding a request to allow a Philanthropic Use in a C-1, Restricted Business Zoning District, on approximately 0.832 acres of land located at 300 N. Trinity Street, Decatur, Texas. **(Specific Use Permit Application 2024-12—Wise Area Relief Mission [WARM], Wise County, Texas)**

C-1 = Restricted Business District

Open Public Hearing at: _____ Close Public Hearing at: _____

ITEM 5: **RP2024-09** Hold a public hearing and take action to make a recommendation to the Decatur City Council regarding a request to final plat Lot 6R, Block 8, Lipsey Addition, being a replat of part of Lot 5, all of Lot 6, and the Southeast 10 feet of the alley, Block 8 Lipsey Addition, to the City of Decatur, Wise County, Texas. The property is located west of FM51 and south of W. John St. **(Replat Application 2024-09—Jason K Tibbles)**

Open Public Hearing at: _____ Close Public Hearing at: _____

ITEM 6: **RP2024-11** Hold a public hearing and take action to make a recommendation to the Decatur City Council regarding a request to final plat Lot 7-B-1R, Lot 7-B-2R and Lot 7-B-3R, Block 1, Double Creek Retail / Medical Complex Addition being a replat of Lot 7, Block 1, Double Creek Retail / Medical Complex Addition, City of Decatur, Wise County, Texas. The property is located at the northwest corner of Old Reunion Road and Preskitt Rd. **(Replat Application 2024-11—Double Creek Capital, LTD.)**

Open Public Hearing at: _____ Close Public Hearing at: _____

ITEM 7: **RP2024-12** Hold a public hearing and take action to make a recommendation to the Decatur City Council regarding a request to final plat Lot 1R, Block 1, Decatur Shopping Center, being a replat of Lot 1, Block 1, Decatur Shopping Center, an addition to the City of Decatur, Wise County, Texas. The property is located at 1300 FM 51, Decatur, Texas. **(Replat Application 2024-12— David Fuller, FX5 Real Estate, LP)**

Open Public Hearing at: _____ Close Public Hearing at: _____

ITEM 8: **RP2024-13** Hold a public hearing and take action to make a recommendation to the Decatur City Council regarding a request to final plat Lot 10-R1 and Lot 10-R2, Block "J," Mrs. E. O. Cates Addition, being a replat of Lot 10-R, Block "J," Mrs. E.O. Cates Addition, to the City of Decatur, Wise County, Texas. The property is located at 204 S Stratton Street, Decatur, Texas. **(Replat Application 2024-13— Carol Ann Carson)**

Open Public Hearing at: _____ Close Public Hearing at: _____

For Your Information Items:

ITEM 9: Discussion of future agenda new business items, staff requests, and potential special-called meeting and/or workshop requests:

a. As of agenda posting, the February 4, 2025, meeting currently has no (0) new Planning applications. Submittal deadline was January 6, 2025, at 5:00 p.m. (If there is a

meeting, the meeting will be an in-person meeting with potential virtual attendance of staff and members of the public unless otherwise determined.)

Prepared and posted this on the 2nd day of January 2025, in accordance with Chapter 551, Texas Government Code.



Dedra Denée Ragland, AICP
Director of Planning

PURSUANT TO SECTION 551.127, TEXAS GOVERNMENT CODE, ONE OR MORE COMMISSIONERS OR EMPLOYEES MAY ATTEND THIS MEETING REMOTELY USING VIDEOCONFERENCING TECHNOLOGY. THE VIDEO AND AUDIO FEED OF THE VIDEOCONFERENCING EQUIPMENT CAN BE VIEWED AND HEARD BY THE PUBLIC AT THE ADDRESS POSTED ABOVE AS THE LOCATION OF THE MEETING.

*NOTE: THE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO A CLOSED MEETING AT ANY TIME REGARDING ANY ITEM ON THE AGENDA FOR WHICH IT IS LEGALLY PERMISSIBLE **UNDER THE TEXAS OPEN MEETINGS ACT PURSUANT TO LGC 551.071.**

MINUTES
PLANNING AND ZONING COMMISSION REGULAR MEETING
Tuesday, November 7, 2024, at 5:30 P.M.
REGULAR MEETING and VIA - VIDEOCONFERENCING

A regular meeting of the City of Decatur Planning and Zoning Commission was held at 5:30 p.m., Tuesday, November 7, 2024, via in-person and videoconferencing with the following participating:

MEMBERS PRESENT:
Cecil LeMond, Chairman
Will Klose, Vice-Chairman
Terry Berube
Eileen Cross
Mason Woodruff
Shelby Hicks

MEMBERS ABSENT:
John Lanier

OTHERS PRESENT: Chief Building Official Wayne Smith, City Manager Nate Mara, City Attorney Pam Liston (Virtual), City Engineer Earl Smith (Virtual), Senior Planner Lisa Hannon, Assistant Planner Cheryl Fuss and Information Technology Technician Herandi Martinez.

Chairman LeMond called the meeting to order at 5:30 p.m.

ITEM 1: Consider and take appropriate action regarding approval of the Planning and Zoning Commission Meeting Minutes from October 1, 2024.

Commissioner Berube made a motion to approve the October 1, 2024, Planning and Zoning Commission Meeting Minutes. Commissioner Cross seconded the motion. The motion carries 5-0, Commissioner Lanier absent.

General Agenda Comments:

This video-conferencing meeting is being used to allow Commissioners, staff and public participants to join the meeting in the following manner:

Anyone may join the meeting via videoconference at www.zoom.us/join or via telephone by calling 1-346-248-7799; meeting ID 98 5813 2625; and Password 069758.

If you join the meeting via Videoconferencing and want to address the Commission on an agenda item, you will need to have your camera on and hold up your hand when the Chairman calls for public comment and you will be recognized by the Chairman to address the Commission and will be allowed a total of three (3) minutes to provide comments regarding the posted agenda item for which the request to speak was submitted and you may speak during this item or during the Commission's consideration of individual items in accordance with City Council Rules of Procedure. The three (3) minute time period will be extended to six (6) minutes if a translator is required for a non-English speaker to communicate his/her comments regarding the posted agenda item for which the request to speak was filed. You may also email your comments to be read at the meeting to: cfuss@decaturtx.org or dragland@decaturtx.org before and during the meeting. Please provide your name, address and the agenda item number.

Chairman LeMond asked if there is anyone participating in the videoconference that has not signed in and wishes to speak on any of the posted agenda items. There was no one who wished to speak.

Public Hearing Items:

ITEM 2: **RP2024-06** Hold a public hearing and take action to make a recommendation to City Council regarding a request to final plat Lot 4R, Block 26, Original Town of Decatur, being a replat of Lot 4, Block 26, Original Town of Decatur to the City of Decatur, Wise County, Texas. The

property is located at 406 N. Church Street. **(Replat Application 2024-06—Brendan Mitchell)**

Chairman LeMond opened the public hearing on RP2024-06 at 5:32 p.m.

Planning Director Ragland presented the staff report for RP2024-06. She stated that twenty-four (24) property owners were notified. Staff received no (0) responses in favor of, opposed to or neutral to the request.

Staff recommends approval of RP2024-06.

Chairman LeMond asked if there is anyone in the audience wishing to speak. There was none. The public hearing was closed at 5:34 p.m.

Chairman LeMond asked if there are any other questions or comments. There were none, Chairman LeMond asked for a motion for RP2024-03.

Vice-Chairman Klose made a motion to recommend approval of Replat Application 2024-06. Commissioner Woodruff seconded the motion. The motion carries 5-0, Commissioner Lanier absent.

ITEM 3: **SUP2024-08** Hold a public hearing and take action to make a recommendation to City Council regarding a request to allow a detached Accessory Dwelling in a SF-2, Single-Family Residential Zoning District, on approximately 0.22 acres of land located at 406 N. Church Street. a public hearing and take action to make a recommendation to City Council regarding a request to allow a detached Accessory Dwelling in a SF-2, Single-Family Residential Zoning District, on approximately 0.22 acres of land located at 406 N. Church Street. **(Specific Use Permit Application 2024-08—Mr. Brendan Mitchell)**

Chairman LeMond opened the public hearing on SUP2024-08 at 5:35 p.m.

Planning Director Ragland presented the staff report for SUP2024-08. She stated that twenty-four (24) property owners were notified. Staff received no (0) responses in favor of, opposed to or neutral to the request.

Staff recommends approval of SUP2024-08.

Chairman LeMond asked if there is anyone in the audience wishing to speak.

Chairman LeMond asked if there is anyone else in the audience or online wishing to speak. There was none. The public hearing was closed at 5:37 p.m.

Commissioner Woodruff asked how the Accessory Dwelling was going to be used.

Planning Director Ragland stated she believes the Accessory Dwelling will be used as a rental.

Commissioner Woodruff asked Planning Director Ragland if that was allowed.

Planning Director Ragland said yes.

Chairman LeMond asked if there are any other questions or comments. There were none, Chairman LeMond asked for a motion for SUP2024-08.

Commissioner Cross made a motion to recommend approval of Specific Use Permit Application 2024-08. Commissioner Hicks seconded the motion. The motion carries 5-0, Commissioner Lanier absent.

ITEM 4: **SUP2024-09** Hold a public hearing and make a recommendation to City Council regarding a request to allow a day care in a SF-1, Single-Family Residential Zoning District, on approximately 7.56 acres of land located at 2601 S. FM 51. **(Specific Use Permit Application 2023-09—Ms. Alexandria Gillispie, on behalf of Decatur Church of Christ)**

Chairman LeMond opened the public hearing on SUP2024-09 at 5:38 p.m.

Planning Director Ragland presented the staff report for SUP2024-09. She stated that thirteen (13) property owners were notified. Staff received two (2) responses in favor of the request and no (0) responses opposed to or neutral to the request.

Staff recommends approval of SUP2024-09.

Chairman LeMond asked if there is anyone in the audience wishing to speak.

Chairman LeMond asked if there is anyone else in the audience or online wishing to speak. There was none. The public hearing was closed at 5:40 p.m.

Chairman LeMond asked if there are any other questions or comments. There were none, Chairman LeMond asked for a motion for SUP2024-09.

Commissioner Woodruff made a motion to recommend approval of Specific Use Permit Application 2024-08. Commissioner Berube seconded the motion. The motion carries 4-0, Commissioner Hicks recused and Commissioner Lanier absent.

ITEM 5: **SI2024-04** Hold a public hearing and take action to make a recommendation to City Council regarding proposed amendments to the Zoning Ordinance to revise the minimum lot size in the SF-2, TH, 2F, MF, MHD, C-1, C-1A, C-2 and PD Zoning Districts. **(Staff Initiated Application 2024-04—City of Decatur)**

Chairman LeMond opened the public hearing on SI2024-04 at 5:45 p.m.

Planning Director Ragland presented the staff report for SI2024-04.

Staff recommends approval of SI2024-04.

Chairman LeMond asked if there is anyone in the audience wishing to speak.

Chairman LeMond asked if there is anyone else in the audience or online wishing to speak. There was none. The public hearing was closed at 5:49 p.m.

Discussion between Commissioners and Staff was held.

Chairman LeMond asked if there are any other questions or comments. There were none, Chairman LeMond asked for a motion for SI2024-04.

Commissioner Woodruff made a motion to recommend approval of Staff Initiated Application 2024-04 with a proviso that the City Council consider extending the effective date sixty (60) days from adoption of the ordinance. Commissioner Berube seconded the motion. The motion carries 5-0, with a proviso that the City Council consider extending the effective date sixty (60) days from adoption of the ordinance, Commissioner Lanier absent.

Non-Public Hearing Items:

ITEM 6: **CONSENT AGENDA** – All consent agenda items listed are considered to be routine by the Planning and Zoning Commission and will be recommended in one motion. There will be no separate discussion of these items unless a P&Z Commissioner so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

A. **PP2024-02** Consider and make a recommendation to City Council regarding a request to preliminary plat Lot 1, Block 1, Lumberyard Addition being a 8.61-acre tract in the J. Aldridge Survey, Abstract Number 17, in the City of Decatur, Wise County, Texas. **(Preliminary Plat Application 2024-02—Todd Garner, on behalf of G & W Partnership)**

B. **FP2024-04** Consider and make a recommendation to City Council regarding a request to final plat Lot 1, Block 1, Lumberyard Addition being a 8.61-acre tract in the J. Aldridge

Survey, Abstract Number 17, in the City of Decatur, Wise County, Texas. **(Final Plat Application 2024-04—Todd Garner, on behalf of G & W Partnership)**

Planning Director Ragland stated that non-residential plats and plats not requiring public hearings that meet the City's minimum platting requirements are generally placed on the Consent Agenda for approval. The Consent Agenda can be approved with one motion. These items are generally preliminary plats, final plats and replats. She stated that if any of the Commissioners have questions on any one or more of the items, the action is to request that the item be removed from the Consent Agenda. The item that is removed will be a separate item that the Commissioners can discuss and act on individually.

Staff recommends approval of the Consent Agenda.

Chairman LeMond asked the Commissioners if there are any other questions or comments. There were none. Chairman LeMond asked for a motion.

Vice-Chairman Klose made a motion to recommend approval of the Consent Agenda. Commissioner Berube seconded the motion. The motion carries 5-0, Commissioner Lanier absent.

ITEM 7: Discussion of future agenda new business items, staff requests and potential special called meeting and/or workshop requests:

a. As of agenda posting, the December 3, 2024, meeting currently has no (0) new Planning applications. Submittal deadline was November 4, 2024, at 5:00 p.m. (The meeting will be an in-person meeting with potential virtual attendance of staff and members of the public unless otherwise determined.)

Planning Director Ragland said there are currently four (4) planning applications for the December 3, 2024, P&Z meeting.

The meeting adjourned at 6:17 p.m.

_____
Cecil LeMond, Chairman

ATTEST:

_____
Dedra Ragland, Planning Director

Minutes Prepared by:

_____
Cheryl Fuss, Assistant Planner

CITY OF DECATUR, TEXAS

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

STAFF REPORT

January 7, 2025 – Planning and Zoning Commission Meeting

TO: **Planning and Zoning Commissioners**

FROM: **Lisa Hannon, Senior Planner**

DATE: **January 2, 2025**

CASE: **RP2024-10**

APPLICANT: **WARM – Wise County, Texas**

REQUEST: **Replat**

Case Notes:

Hold a public hearing and take action to make a recommendation to the City Council regarding a request to final plat Lot 1R, Block 23, Original Town of Decatur, being a replat of part of Lots 1 and 2, Block 23, and the West half of North Market Street, Original Town of Decatur, City of Decatur, Wise County, Texas. The property is located at 300 N Trinity Street, Decatur, Texas. **(Replat Application 2024-10—WARM, Wise County, Texas)**

Legality:

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

Issues:

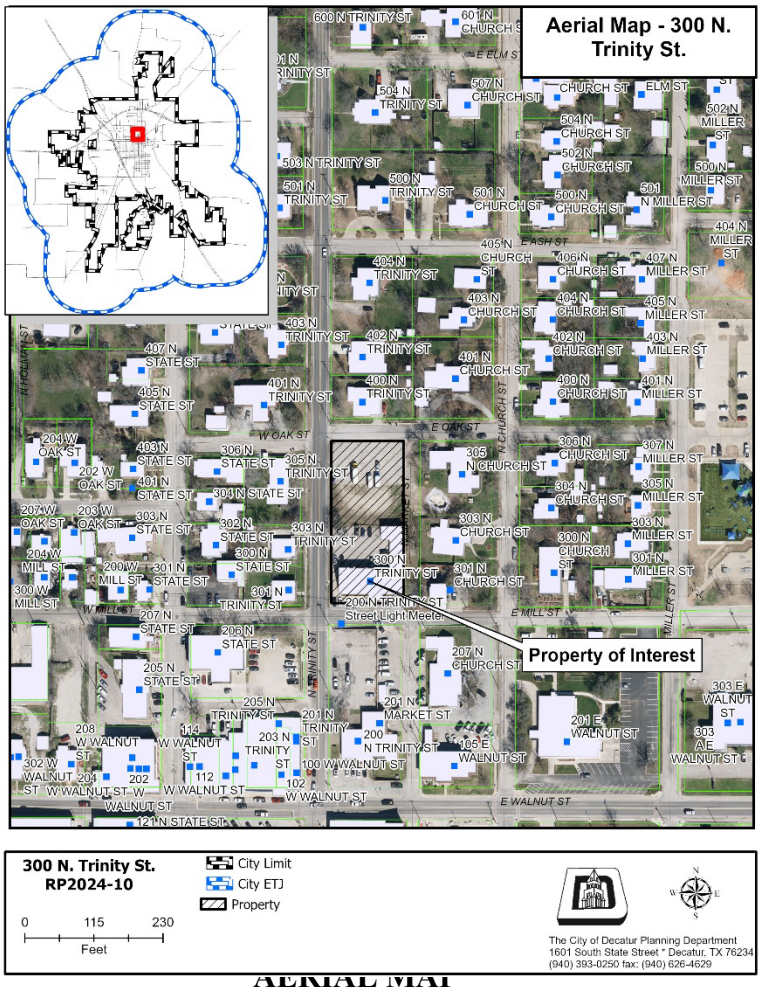
The property will need a Zoning Change, a Specific Use Permit, and a replat. It is currently zoned SF-2 and C-1. The property is being consolidated into one parcel to demolish the existing non-conforming WARM building and replace it with a new food pantry building for the philanthropic organization, WARM. In addition, shared parking is being proposed for the parcel. The shared parking will provide public parking to benefit Decatur events and activities.

Recommendation:

The plat meets or exceeds the minimum requirements of the City of Decatur's Zoning Ordinance, Subdivision Regulations, and the Design Standards. **Staff recommend approval.**

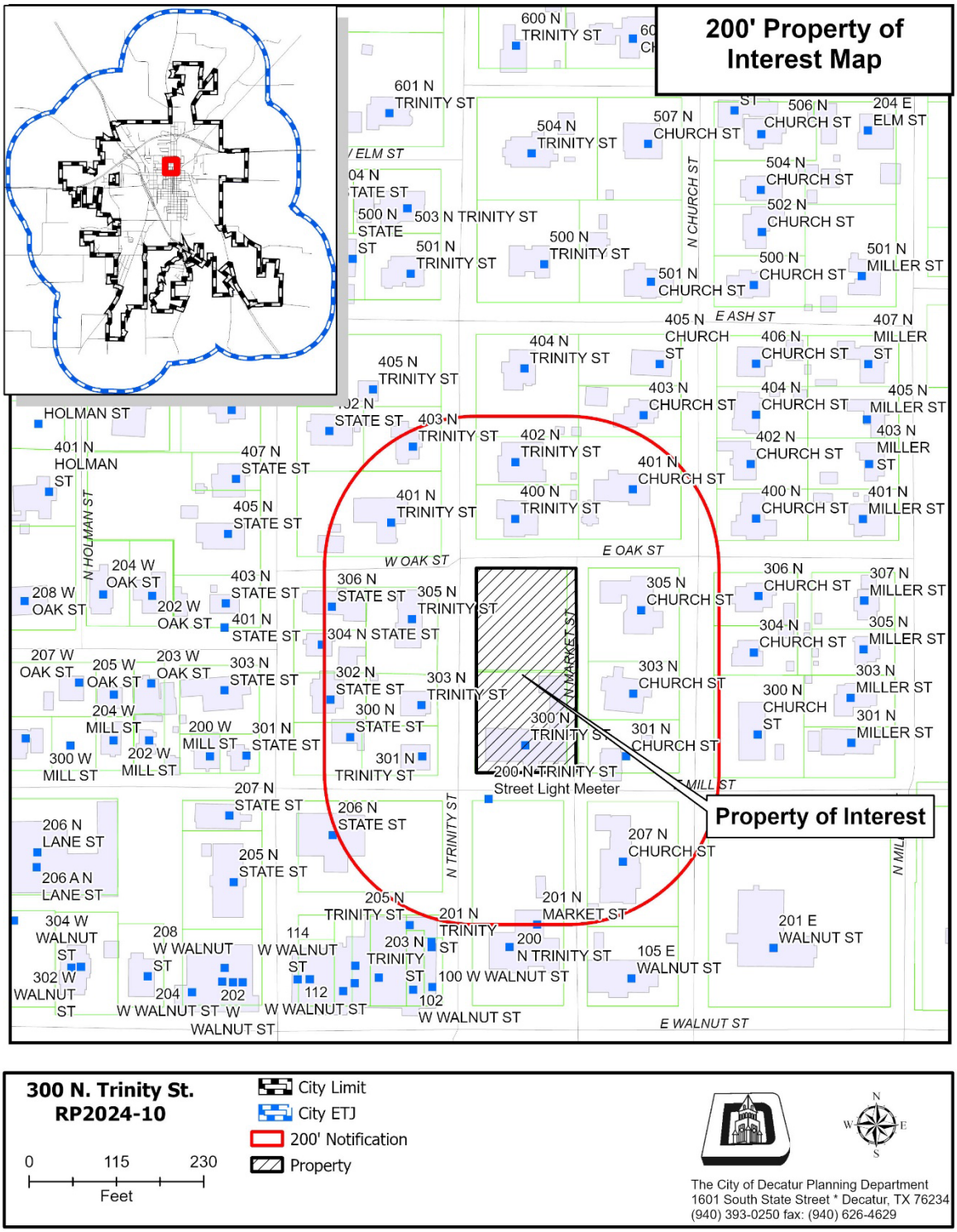
Attachments:

1. 200' Property Owner Notification Map
2. Replat Exhibit

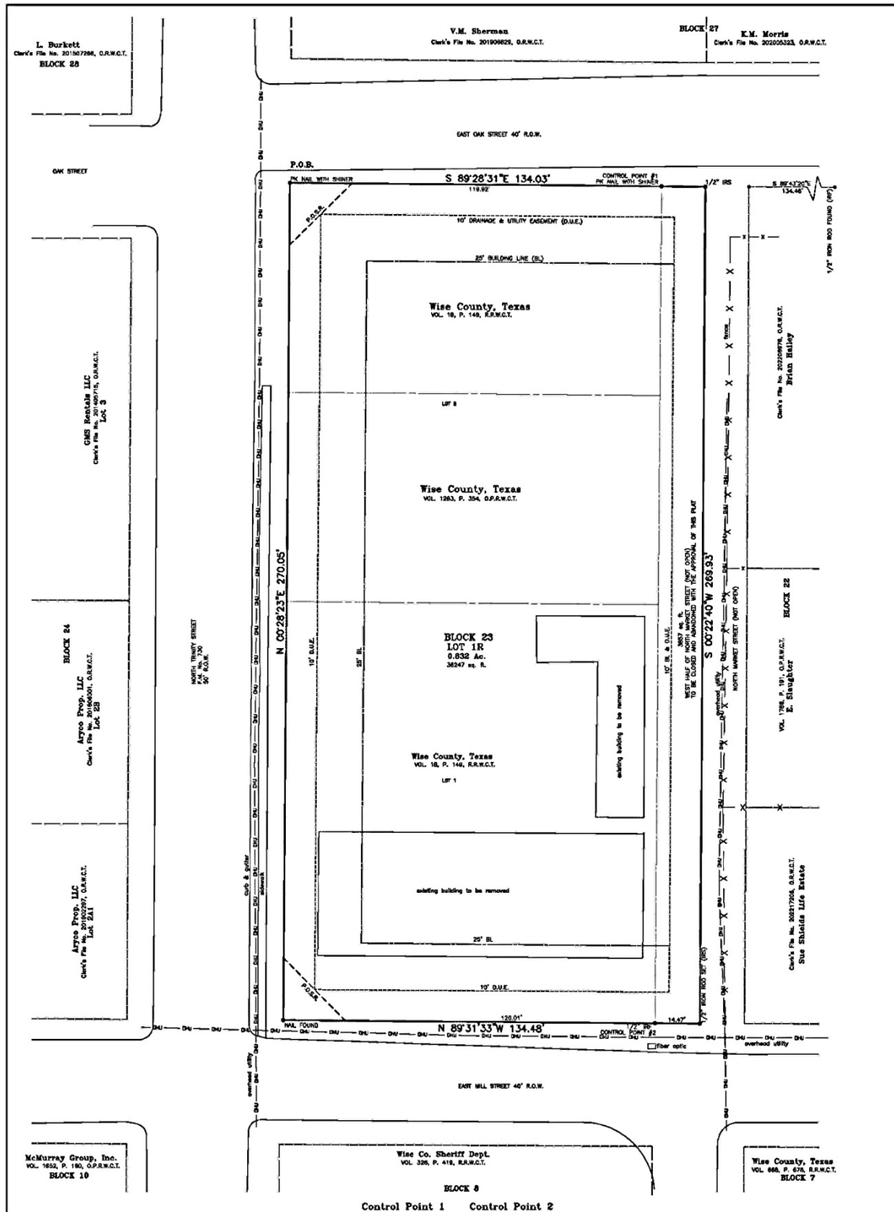


AERIAL MAP

Attachment 1
Property Owner Notification Map



ATTACHMENT 1
REPLAT EXHIBIT



Plat Notes:

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

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

Floodway Easement Restriction:
No construction, without the written approval of the City of Decatur, shall be allowed within a floodway easement, and then only after detailed engineering plans and studies show that no flooding will result, that no obstruction to the natural flow of water will result. Where construction is permitted, all finished floor elevations shall be a minimum of two (2) feet above the 100-year flood elevation.

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

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

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

Public Open Space Restriction (P.O.S.R.):
No structure, object, or plant of any type may obstruct vision from a height of thirty (30) inches to a height of ten (10) feet above the crown of the road, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., in the public open space easement as shown on the plat.



Control Source:
Coordinate data and bearing source shown heron is based on the city control network. This data is relative to the Texas Coordinate System, NAD 83 North Central Texas Zone utilizing GPS monument "City Monument # 9". Bearing control combined scale factor is 0.999877781. All distances and coordinates shown are based on feet-US definition.

According to a copy of the Flood Insurance Rate Map for Wise County, Texas and Incorporated Areas, Map Number 48497C0350 D effective date December 15, 2011 no part of subject property appears to be in the 100 year flood zone, said property is in Zone "X".

STATE OF TEXAS
COUNTY OF WISE

SURVEYOR'S CERTIFICATION:

I, M.D. Herrijgers, a Registered Professional Land Surveyor in the State of Texas, hereby certify this plat is true and correct and was prepared from an actual survey made on the ground in the month of August 2024, under my personal supervision.

_____
M.D. Herrijgers R.P.L.S. 5947

Date: _____

ON THE _____ DAY OF _____, 2025, THIS PLAT WAS DULY APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF DECATUR, TEXAS.

BY: _____
CHAIRMAN

ATTEST: _____
PLANNING DIRECTOR

THE CITY COUNCIL OF DECATUR, TEXAS, ON THE _____ DAY OF _____, 2025, VOTED AFFIRMATIVELY TO ADOPT THIS PLAT AND APPROVE IT FOR FILING OF RECORD.

BY: _____
MAYOR

ATTEST: _____
CITY SECRETARY

STATE OF TEXAS
COUNTY OF WISE

OWNER'S ACKNOWLEDGMENT AND DEDICATION

Whereas Wise County, Texas, the owner of a 0.832 acre tract in the City of Decatur, Wise County, Texas, being Lots 1 and 2 in Block 23, and the West half of North Market Street (not open) in the Original Town of Decatur, a subdivision in the City of Decatur, and being the same tracts conveyed to Wise County, Texas described in Volume 18, Page 149, Real Records, Wise County, Texas and in Volume 1263, Page 354, Official Public Records, Wise County, Texas and being described by metes and bounds as follows:

BEGINNING at a PK nail with shiner found in the East right-of-way of North Trinity Street and the South right-of-way of East Oak Street for the Northwest corner of said Lot 2 and said Block 23, Original Town of Decatur Addition, according to the plat recorded in Cabinet B, Slide 596, Plat Records, Wise County, Texas;

THENCE South 89°28'31" East passing a PK nail with shiner found for the Northeast corner of said Lot 2 and said Block 23 at a distance of 119.92 feet, in all a distance of 134.03 feet to a ½" capped iron rod stamped "MDH RPLS 5947" set in the middle of North Market Street for the Northeast corner of the tract herein described;

THENCE South 00°22'40" West with the middle of said North Market Street a distance of 269.93 feet to a ½" capped iron rod stamped "MDH RPLS 5947" set in the North right-of-way of East Mill Street for the Southeast corner of the tract herein described;

THENCE North 89°31'33" West with the North right-of-way of said East Mill Street, passing a ½" iron rod found for the Southeast corner of said Lot 1 and said Block 23 at a distance of 14.47 feet, in all a distance of 134.48 feet to a nail found in said East right-of-way of North Trinity Street for the Southwest corner of said Lot 1 and said Block 23;

THENCE North 00°28'23" East with the West line of said Block 23 and said East right-of-way a distance of 270.05 feet to the POINT OF BEGINNING and containing 0.832 acres of land and designated herein as Lot 1R, Block 23, Original Town of Decatur, a subdivision to the City of Decatur, Wise County, Texas and whose name is subscribed hereto, hereby dedicate 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.

_____
J.D. Clark
County Judge
Wise County, Texas

Date: _____

STATE OF TEXAS
COUNTY OF WISE

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

Given under my hand and seal of office this _____ day of _____, 2025.

_____
NOTARY PUBLIC
WISE COUNTY, TEXAS

FINAL PLAT
LOT 1R, BLOCK 23
ORIGINAL TOWN OF DECATUR
CITY OF DECATUR, WISE COUNTY, TEXAS.

BEING A RE-PLAT OF LOTS 1 AND 2, BLOCK 23, AND THE WEST HALF OF NORTH MARKET STREET, ORIGINAL TOWN OF DECATUR IN THE CITY OF DECATUR, WISE COUNTY, TEXAS.

2024104

CITY OF DECATUR, TEXAS

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

STAFF REPORT

January 7, 2025 – Planning and Zoning Commission Meeting

TO:	**Planning and Zoning Commissioners**	**CASE:**	**ZC2024-06**
FROM:	**Lisa Hannon, Senior Planner**	**APPLICANT:**	**WARM, Wise County, Texas**
DATE:	**January 2, 2025**	**REQUEST:**	**Zoning Change – SF-2 to C-1**

Case Notes:

Commission to hold a public hearing, hear comments, and consider taking action to make a recommendation to the City Council regarding an ordinance rezoning approximately 0.37 acres of land located at 300 N. Trinity Street, 0.07 acres of land generally located to the centerline of North Trinity Street, 0.04 acres of land generally located to the centerline of East Oak Street and 0.04 acres of land generally located to the centerline of North Market Street from Single-Family Residential Zoning District (SF-2) to Restricted Business Zoning District (C-1). **(Zoning Change Application 2024-06—WARM, Wise County, Texas)**

Legality:

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

Analysis:

Applicant: WARM/Wise County, Texas

- Applicant is requesting a zoning change from Single-Family Residential (SF-2) and Restricted Business (C-1) to Restricted Business (C-1) Zoning District designation, to plat the property into one single parcel, demolish the existing buildings, and construct a new food pantry building, and shared parking facility. A zoning change to Restricted Business (C-1) is consistent with the current **Decatur 2050 Comprehensive Plan** Land Use Map. The Land Use Designation on the property is **Downtown (DT)**.

  Comprehensive Plan Objectives:

  Primary Land Use: Retail, commercial, single-family residential townhomes, condominiums, urban style apartments, offices, and service and office uses in existing structures (adaptive reuse) or new buildings conforming to the character of the area

  Secondary Land Use: Civic and institutional uses, parks and open space

  Indicators and Assumptions: Preferred maximum block size range from 400-600 feet, and connected to public utilities

  Before any development may occur, the applicant will have to submit building permit applications. The property is being replatted to Lot 1R, Block 23, Original Town of Decatur to form a single parcel, located at 300 N Trinity Street.

  Thirty (30) property owners within 200' of the subject area were notified. Staff has received no **(0) responses** in favor of, opposed to, and/ or neutral to the request.

Recommendation:

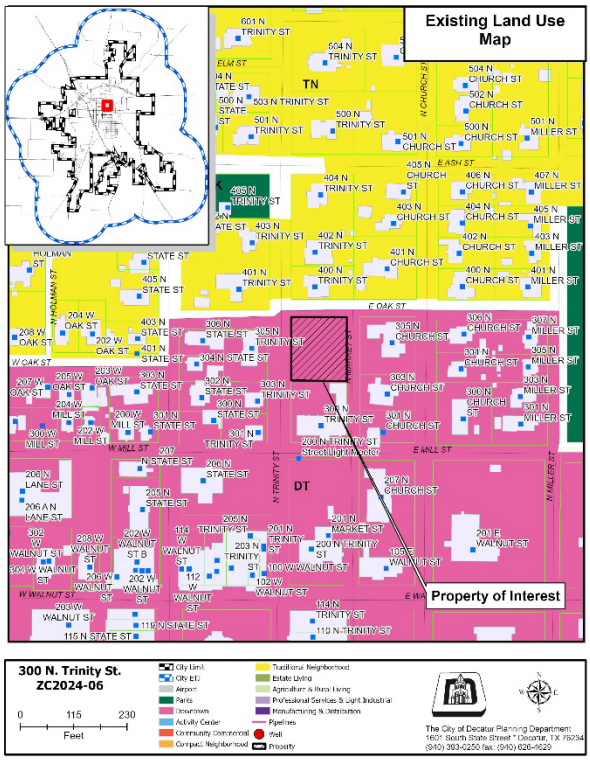
Staff recommends approval of ZC2024-06.

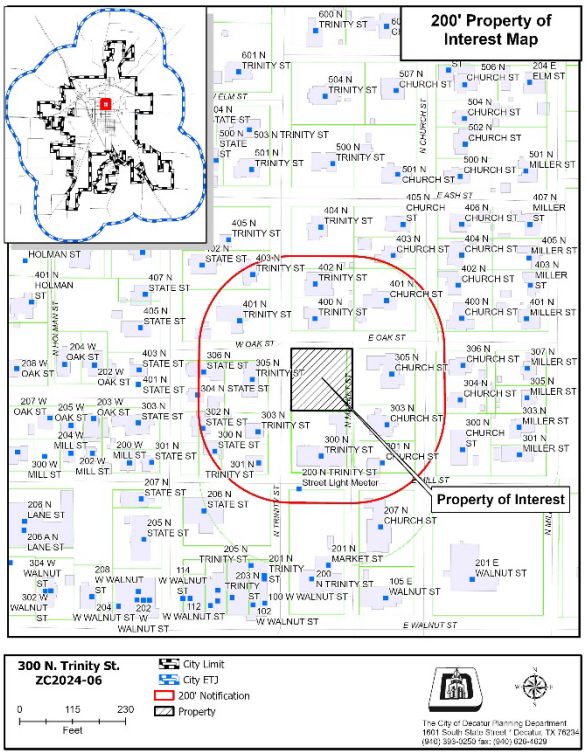
Attachments:

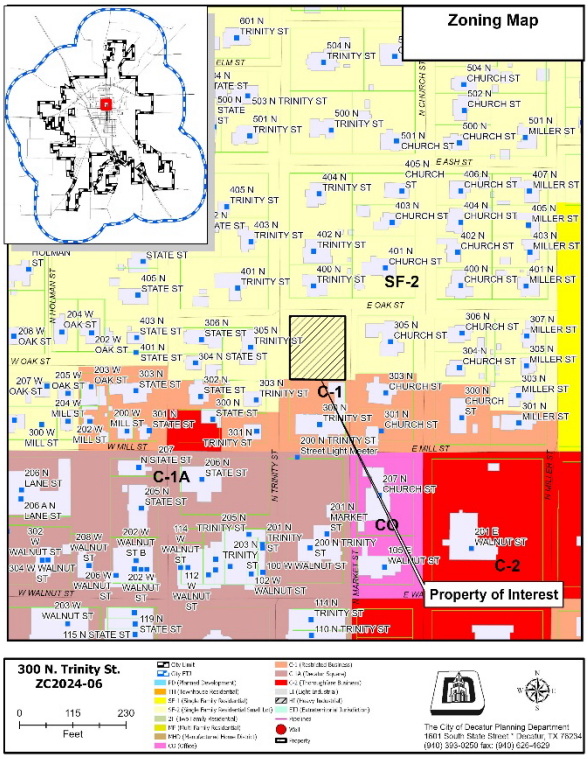
1. Maps
2. Application and Letter of Intent
3. Site Plan and Floor Plan
4. Allowed Uses in C-1 vs SF-2

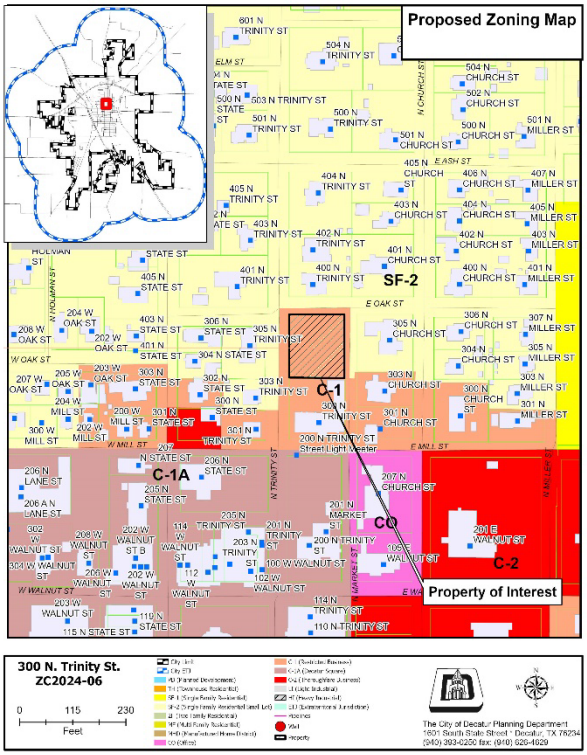
Attachment 1

MAPS









Attachment 2

APPLICATION AND LETTER OF INTENT

CITY OF DECATUR DEVELOPMENT SERVICES UNIVERSAL APPLICATION

Check box to indicate application type — *Incomplete applications will be rejected*

☐ Annexation Petition	☐ Gas Well Development Plat	☑ Specific Use Permit
☐ Amending Plat	☐ Plat Extension-Final or Preliminary	☐ Subdivision Variance
☐ Comprehensive Plan Amendment	☐ Preliminary Plat	☑ Zoning Change
☐ Conveyance Instrument	☑ Replat	☐ Zoning Variance (ZBA)
☐ Design Standards Variance	☐ ROW Use Agreement	☐ Vacation Plat
☐ Final Plat	☐ ROW Abandonment/ Closing	☐ 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: ☐ Residential ☑ Commercial — Is this property platted? ☑ Yes ☐ No
If this property is not platted, submit a survey with complete metes and bounds description sealed by a licensed surveyor

Project Name: WARM — Total Acres: .74

Project Address (Location): 300 N. Trinity (Lot 1-2 Blk 23 Original Decatur) — Parcel(s) Tax ID R #: _____
(LOT, BLOCK, & SUBDIVISION OR SURVEY WITH METES & BOUNDS DESCRIPTION SEALED BY A LICENSED SURVEYOR)

Parent Project Name/Number: _____ — Parcel(s) Tax ID GEO #: D2190.0069.02

Brief Description of Project: New building; shared parking lot — ETJ ☐ Yes

Existing Use: Non Profit Food Pantry — Existing Zoning: C-1; SF-2 — # of Existing Lots: 2 — # of Existing Units: 1

Proposed Use: Non Profit Food Pantry & Public Parking — Proposed Zoning: C-1; SF-2 — # of Proposed Lots 1 — Proposed Units: 1

APPLICANT INFORMATION: WISE COUNTY c/o J.D. CLARK — Please circle your preferred method of contact.

Applicant / Company: WARM c/o TRINA ZAIS — (Email) t7zais@gmail.com; jd.clark@co.wise.tx

Address: 300 N. Trinity — Phone: 817.304.3263 940.627.5743 — Fax: _____

City: Decatur, — State: TX — Zip: 76234

Property Owner: Wise County — Email: jd.clark@co.wise.tx.us

Address: 308 W. Main St — Phone: 940.627.5743 — Fax: _____

City: Decatur — State: TX — Zip: 76234

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 (If applicable): NA — Email: _____

Address: _____ — Phone: _____ — Fax: _____

City: _____ — State: _____ — Zip: _____

Key Contact/Company: TRINA ZAIS; JD Clark — Email: t7zais@gmail.com; jd.clark@co.wise.tx

Address: P.O. Box 1403 — Phone: 817 304 3263 940. 627. 5743 — Fax: _____

City: Decatur — State: TX — Zip: 76234

(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.

PROPERTY OWNERS INFORMATION

County Judge J.D. Clark — PRINT NAME — SIGNATURE OF PROPERTY OWNER

PRINT NAME — SIGNATURE OF PROPERTY OWNER

LIEN HOLDER (MUST BE SIGNED FOR ALL PRELIMINARY, FINAL & REPLATS)
If applicable, Lien holder/mortgagee must also sign plat for filing of record.

PRINT NAME — SIGNATURE OF LIEN HOLDER

For Departmental Use Only

Case#: _____

Project Mgr: _____

Total Fee(s): _____

Payment Method: _____

Accepted By: _____

WARM
WISE AREA RELIEF MISSION

December 6, 2024

City of Decatur Planning & Zoning Commission and City Council
c/o Development Services Department
Via email: cfuss@decaturtx.org

RE: Letter of Intent for Zoning Change and Specific Use Permit

Wise Area Relief Mission (WARM) in partnership with Wise County and the City of Decatur is proposing a zoning change from SF-2 and C-1 to C-1 for the 300 block of north Trinity, as depicted in the attached exhibit and a Specific Use Permit to operate a non-profit food pantry with ancillary assistance programs. The purpose of this request is to accommodate the construction of a new food pantry and provide public parking to benefit Decatur events and activities.

Infrastructure exists to accommodate the proposed building:

- Paved roadway on three sides (platted road on east side), including a state-maintained farm-to-market road
- Water and Sanitary Sewer currently service existing pantry and development on all four sides of the subject parcel
- Storm Sewer is currently accommodated and will be minimally impacted as a result of this proposal
- There is no impact on school population, but help serve school attendees in need

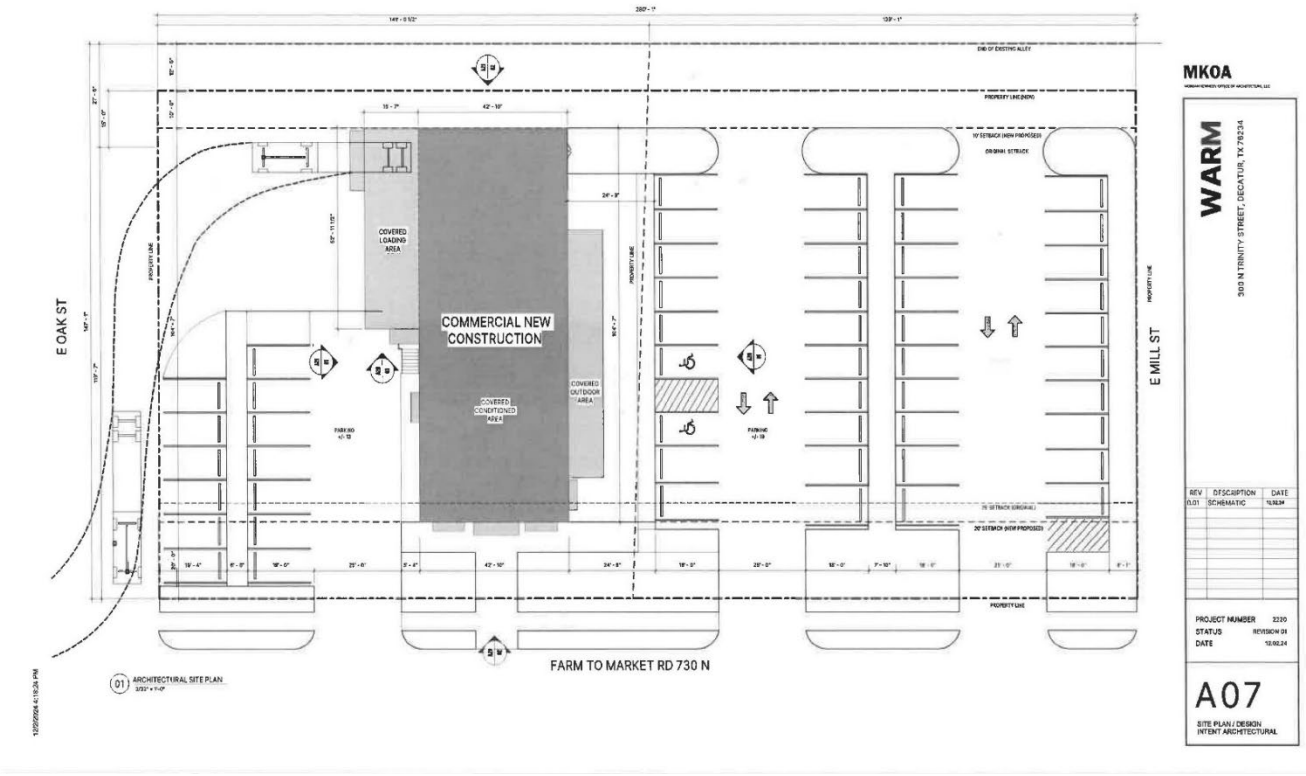
Thank you for your consideration.

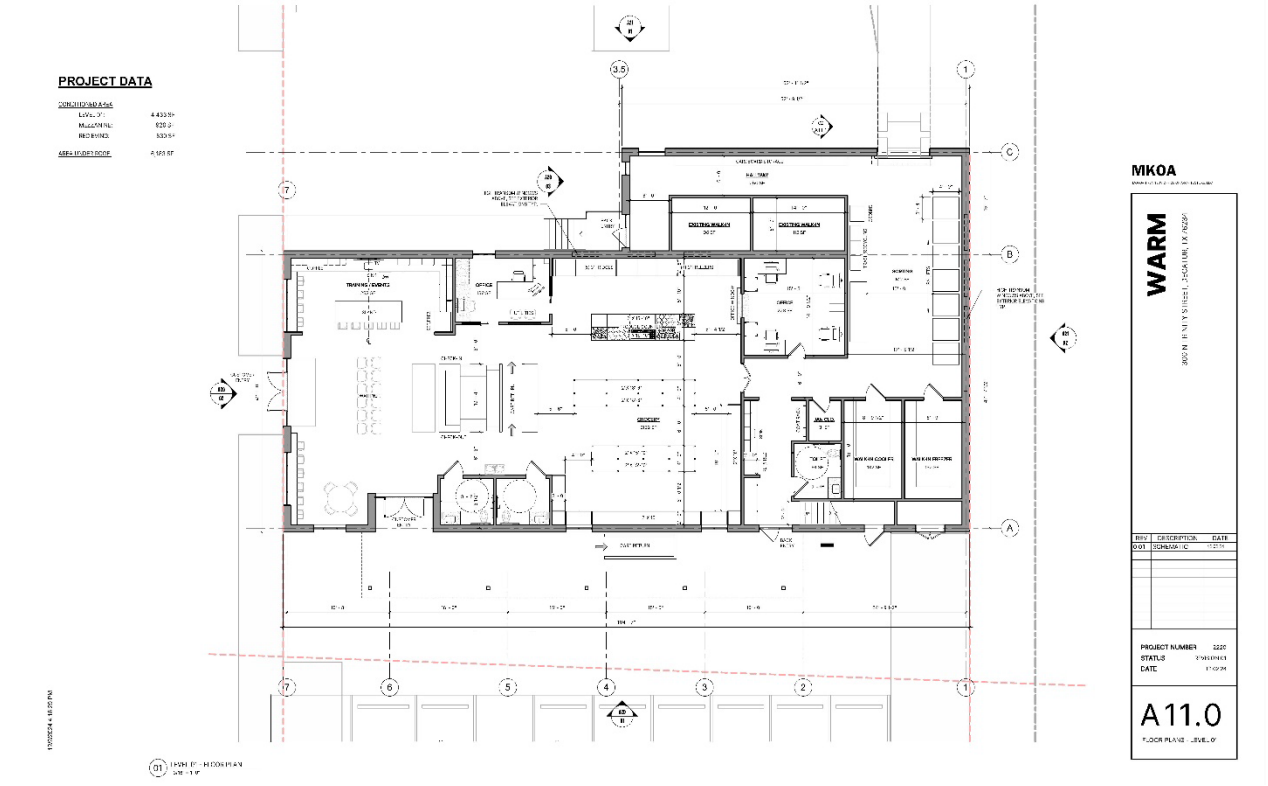
Most sincerely,

Trina Zais
WARM Board Member

Attachment 3

SITE PLAN AND FLOOR PLAN





Attachment 4

PERMITTED USES

Type Use	SF-1	SF-2	TH	2F	MF	MHD	C-O	C-1	C-1A	C-2	LI	HI	PD	CD
Primary Residential Uses														
Dwelling, Accessory	S	S	S	S	S	S		S					S	
Dwelling, Single Family, Detached	•	•	•	•	•	•		•					•	
Dwelling, Single Family, Attached			•	•	•			•		•			•	
Boarding or Rooming House								S		•			•	
Bed and Breakfast Inn	S	S	S	S	S			S	S	S			S	•
Educational, Institutional & Special Uses														
Art Gallery or Museum							S	•	•	•			•	•
Assisted Care or Living Facility				S	S	S	S	S		•			•	
Cemetery or Mausoleum	S	S		S	S	S	S	S		S	•	•	•	
Child-Care: Licensed Child Care Center	S	S	S	S	S		S	S	S	S			S	
Child-Care: Licensed Child-Care Home	S	S	S	S	S			S						
Child-Care: Listed Family Home	S	S	S	S	S			S						
Child-Care: Registered Child-Care Home	S	S	S	S	S			S						
Church, Other Place of Worship, or Rectory	•	•	•	•	•	•	•	•	•	•	•	•	•	•
College or University							•	•		•			•	
Community Center, Public or Community/Social Building	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Community Home	•	•	•	•	•	•		•						
Fraternal Organization or Civic Club Lodge							S	•	•	•	•	•	•	
Hospital, Acute Care					S		•	•		•	•	•	•	

Type Use	SF-1	SF-2	TH	2F	MF	MHD	C-O	C-1	C-1A	C-2	LI	HI	PD	CD
Hospital, Chronic Care					S		S	S		•	•	•	•	
Philanthropic Institutions		S	S	S	S	S	S	S	•	•	•	•	•	
Library, Public	S	S	S	S	S	S	•	•		•	•	•	•	
Monastery or Convent	S	S	S	S	S	S	•	•		•	•	•	•	
Municipal Facility or Use						•	•	•	•	•	•	•	•	•
Rehabilitation Care Home					S	S	S	S		•	•	•	•	
School, Business or Vocational							S	S	•	•	•	•	•	•
School, Elementary or Secondary	•	•	•	•	•	•	•	•	S	•	•	•	•	•
Utility, Accessory and Incidental Uses														
Accessory Building	•	•	•	•	•	•	•	•		•	•	•	•	
Antenna and/or Antenna Support Structure, Commercial (see 6.2.2))							S	S		S	S	S	•	
Antenna and/or Antenna Support Structure, Non-Commercial (see 6.2.2)	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Antenna, Stealth (see 6.2.2)							•	•	•	•	•	•	•	•
Electrical Substation	S	S	S	S	S	S	•	•		•	•	•	•	
Field or Construction Office, Temporary	Subject to Approval and Control by Building Inspector													
Local Utility Distribution Lines	•	•	•	•	•	•	•	•	•	•	•	•	•	
Public Agency Building, Shop, Yard, or Facility			S	S	S	S	S	S	•	•	•	•	•	
Public Safety Building	•	•	•	•	•	•	•	•		•	•	•	•	
Swimming Pool, Private	•	•	•	•	•	•	•	•		•	•	•	•	
Telephone Line and Exchange, Switching or Relay Station	•	•	•	•	•	•	•	•		•	•	•	•	

Type Use	SF-1	SF-2	TH	2F	MF	MHD	C-O	C-1	C-1A	C-2	LI	HI	PD	CD
Utility Distribution or Transmission Lines	•	•	•	•	•	•	•	•		•	•	•	•	
Water Reservoir, Water Pumping Station or Well	•	•	•	•	•	•	•	•		•	•	•	•	
Water Treatment Plant								S		•	•	•	•	
Recreational and Entertainment Uses														
Amusement, Commercial, Outdoor								S		•	•	•	•	S
Amusement, Commercial, Indoor								•		•	•	•	•	S
Bingo Games	S*	S**					S	S	S	S			S	S
Golf Course, Private Country Club	S	S	•	S	S	S	•	•		•	•	•	•	S
Golf Course, Public/Municipal	•	•	•	•	•	•	•	•		•	•	•	•	S
Health Club, Indoor							S	•	S	•	•			S
Park or Playground, Private	S	S	•	S	•	•	•	•		•	•	•	•	S
Park or Playground, Public	•	•	•	•	•	•	S	•	•	•	•	•	•	•
Playfield or Stadium, Private							•	•	•	•	•	•	•	
Playfield or Stadium, Public	•	•	•	•	•	•	S	•		•	•	•	•	
Private Club for Alcohol Sales							S	S	S	S	S	S	•	
Theater or Playhouse, Indoor								•	•	•	•	•	•	•
Transportation Related Uses														
Airport, Landing Field, or Heliport								S		•	•	•	•	
Parking Lot, Heavy Load Vehicle							S	S		•	•	•	•	
Parking Lot or Structure, Commercial							S	S	S	•	•	•	•	
Railroad Passenger Station								•	S	•	•	•	•	

Type Use	SF-1	SF-2	TH	2F	MF	MHD	C-O	C-1	C-1A	C-2	LI	HI	PD	CD
Railroad Track or Right-of-Way	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Automobile and Related Service Uses														
Automobile Accessories and Parts, New Retail Sales								•	•	•	•	•	•	
Automobile Accessories and Parts, Used Retail Sales								•	•	•	•	•	•	
Automobile Dealer, Primarily New Sales							S	S		•	•	•	•	
Automobile Dealer, Primarily Used Sales							S	S		•	•	•	•	
Automobile Repair, Minor							S	S		•	•	•	•	
Automobile Wash, Self-Service								S		•	•	•	•	
Convenience Store, without Gasoline Sales								•		•	•	•	•	
Retail and Service Type Uses														
Antique Shop								•	•	•	•	•	•	
Appliance Service and Repair								•	•	•	•	•	•	
Bakery, Retail								•	•	•	•	•	•	
Beer and Wine Sales (Off Premises Consumption Only)								S	S	•	S	S		
Birthing Centers or Mid-Wife Facilities							S	S		S				
Convenience Store								S	S	•	•	•	•	S
Custom Personal Service Shop								•	•	•	•	•	•	•
Custom Reprographics, Letter, or Sign Shop								•	•	•	•	•	•	
Community/ Farmers Market								•	•	S				
Food Truck Park								S	•	•	•	•	•	•

Type Use	SF-1	SF-2	TH	2F	MF	MHD	C-O	C-1	C-1A	C-2	LI	HI	PD	CD
Funeral Home							S	S		•	•	•	•	
Home Improvement Center								•		•	•	•	•	
Laundromat or Washeteria, Self Service					S			•		•	•	•	•	
Mobile Food Units								S	•	•	•	•	•	•
Offices, Professional and General Business							•	•	•	•	•	•	•	
Pawn Shop								S		•	•	•	•	
Permanent Makeup Application (Secondary Use)							S	S	S	•				
Restaurant or Cafeteria								S	•	•	•	•	•	•
Restaurant, with Drive-in Service								S		•	•	•	•	•
Retail Stores, General								•	•	•	•	•	•	
Sale of Alcoholic or Mixed Beverages in Restaurants by Food and Beverage Certificate Holders Only								S	S	•	S	S		
Sale of Alcoholic or Mixed Beverages for On-Premises Consumption								S	S	•	S	S		
Sale of Alcoholic Beverages for Off-Premises Consumption; Liquor (Package) Store								S	S	•	S	S		
Studio, Art or Dance								•	•	•	•	•	•	
Wedding Chapel							S	•	•	•	•	•	•	
Agricultural Type Uses														
Farm, Ranch, Crops, or Orchard								•		•	•	•	•	
Nursery								S		•	•	•	•	
Veterinarian Clinic or Kennels, Indoor Pens Only								S		S	•	•	•	

Type Use	SF-1	SF-2	TH	2F	MF	MHD	C-O	C-1	C-1A	C-2	LI	HI	PD	CD
Commercial Type Uses														
Building Materials Sales								•		•	•	•	•	
Heavy Machinery Sales and Service								S		•	•	•	•	
Natural Resource Storage and Extraction														
Petroleum and Natural Gas Extraction	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Special Industrial Processes														
Concrete or Asphalt Batching Plant, Temporary	Temporary Plant by Resolution of City Council													

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

STAFF REPORT

January 7, 2025 – Planning and Zoning Commission

TO: **Planning Commission Members**

FROM: **Lisa Hannon, Senior Planner**

DATE: **January 2, 2025**

CASE: **SUP2024-12**

APPLICANT: **WARM, Wise County, Texas**

REQUEST: **Specific Use Permit – Philanthropic Use in C-1, Restricted Business Zoning District**

Case Notes:

Commission to hold a public hearing and take action to make a recommendation to the City Council regarding an ordinance to allow a Philanthropic Use in a C-1, Restricted Business Zoning District, on approximately 0.832 acres of land located at 300 N. Trinity Street, Decatur, Texas. **(Specific Use Permit Application 2024-12—WARM, Wise County, Texas)**

The SUP is requested so that the applicant may be permitted to operate a Philanthropic use, in a C-1, Restricted Business Zoning District.

Legality:

According to Article 5, "Zoning Districts," Subsection 5.2.5, "SUP, Specific Use Permit," the City Council of the City of Decatur, Texas, after public hearing and proper notice to all parties affected and after recommendations by the Planning and Zoning Commission may authorize the issuance of Specific Use Permits for the uses indicated by "S" in the Land Use Schedule, shown in Article 6, "Use Regulations," Section 6.1, "Use Chart."

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

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

Additionally, excerpts from subsection 5.2.5, "SUP, Specific Use Permit", of Article 5 of the Zoning Regulations read as follows:

A. *General Description and Purpose*. The uses listed under the various zoning district classifications set forth in the Ordinance as uses allowed with an approved Specific Use Permit are so classified because they

more intensely dominate the area in which they are located than do other uses permitted in the district, and therefore require additional review and regulation to ensure compatibility with surrounding uses.

B. *Consideration for Compatibility*. With consideration given to setting, physical features, compatibility with surrounding land uses, traffic, and aesthetics, certain Uses requiring a Specific Use Permit may locate in an area where they will be compatible with existing or planned land uses generally allowed within a Zoning District.

C. *Review and Approval Authorities*.
   1) The Planning and Zoning Commission shall recommend to the City Council approval, approval with modifications, or denial for each Specific Use Permit Application.
   2) Upon receipt and consideration of the recommendation from the Planning and Zoning Commission, the City Council shall review each case on its own merit, apply the criteria set forth in this Section and other related factors deemed necessary and appropriate given the facts and circumstances presented, and, if appropriate, authorize said use by granting a Specific Use Permit for the use. The City Council shall have the discretion to impose conditions in addition to those recommended by the Planning and Zoning Commission or to alter or remove such recommended conditions if the City Council determines such action to be necessary and appropriate to ensure compatibility or ensure protection of public health, safety, and welfare.

D. *Application and Site Plan Required.*
   1) Application and public hearing procedures for a Specific Use Permit shall be completed in the same manner as an Application for Rezoning. A Site Plan shall be included with the application.
   2) The Planning and Zoning Commission or City Council may require additional information or drawings including but not limited to building floor plans, operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed as it determines necessary and appropriate to evaluate the application.

Analysis:

Applicant: **WARM, Wise County, Texas**

- Philanthropic uses are permitted with a Specific Use permit in the C-1 Restricted Business zoning district, per the City of Decatur's Zoning Ordinance, Section 6.1.2, Table 7.

C-O = Office Zoning District SF-2 = Single Family Residential Zoning District

- The site plan is in substantial compliance with the criteria for granting a SUP. Staff is not recommending that any additional conditions be imposed for approval of the SUP, and
- **Thirty (30)** property owners were notified. Staff has received no (0) responses in favor of, opposed to or neutral to the request.

Recommendation:

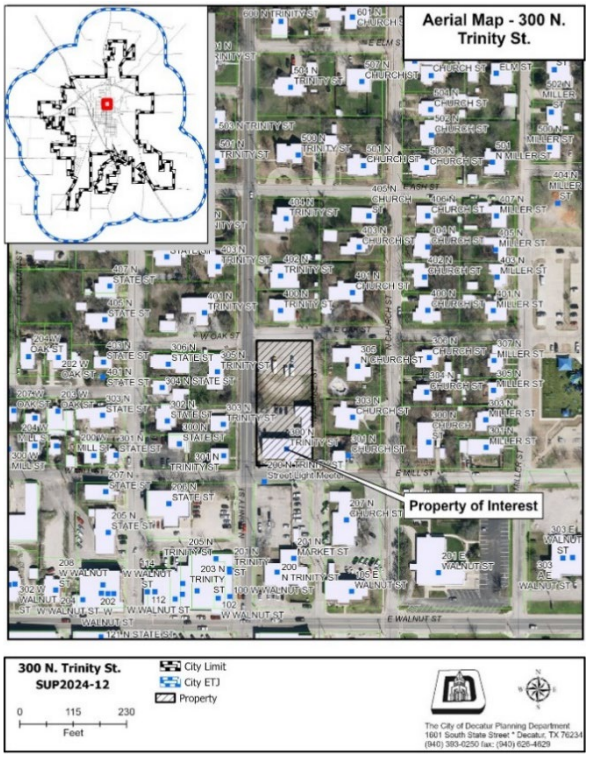
Staff recommend approval of SUP2024-12.

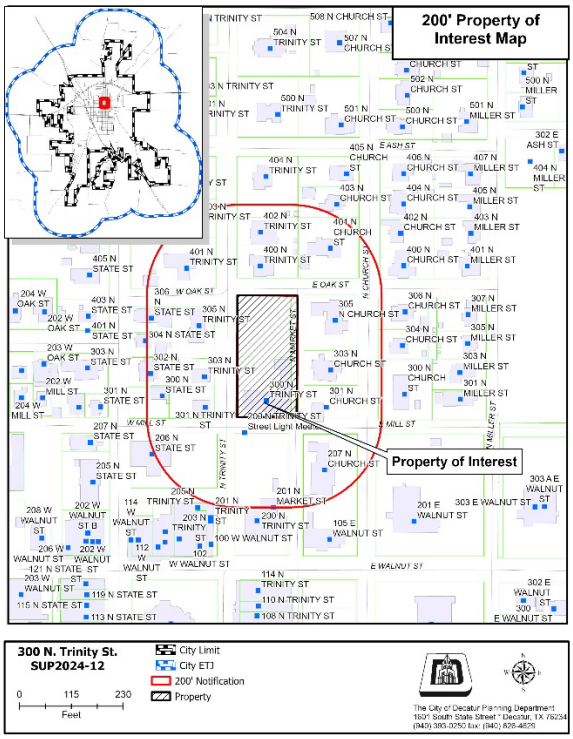
Attachments:

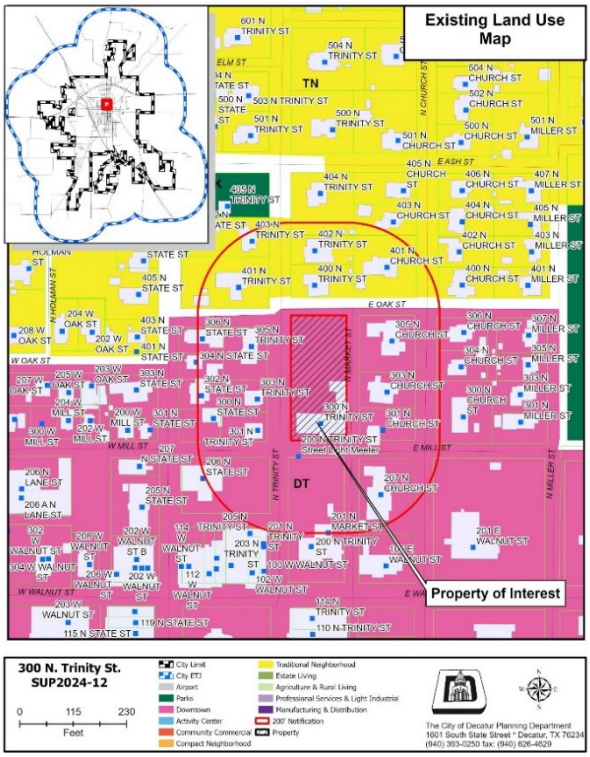
1. Maps
2. Application and Letter of Intent
3. Proposed Site Plan and Floor Plan
4. Legality for SUP

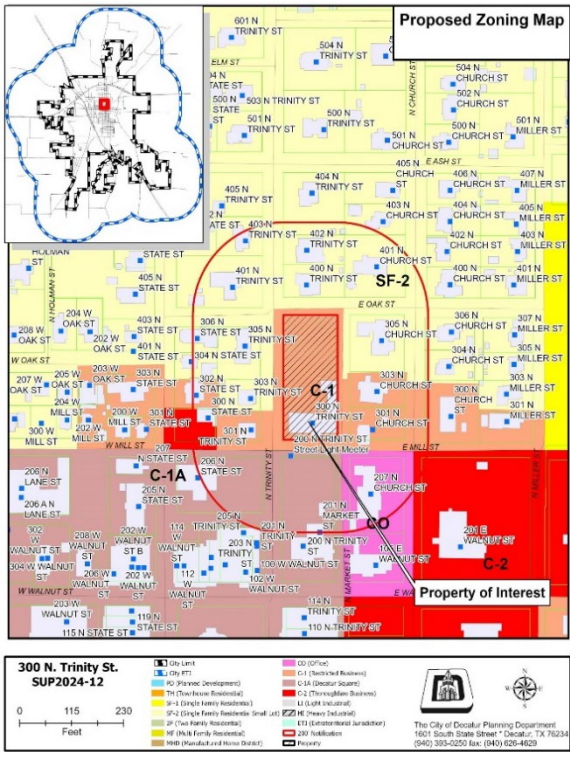
Attachment 1

MAPS









Attachment 2

APPLICATION AND LETTER OF INTENT

CITY OF DECATUR DEVELOPMENT SERVICES UNIVERSAL APPLICATION

Check box to indicate application type — *Incomplete applications will be rejected*

☐ Annexation Petition	☐ Gas Well Development Plat	☑ Specific Use Permit
☐ Amending Plat	☐ Plat Extension-Final or Preliminary	☐ Subdivision Variance
☐ Comprehensive Plan Amendment	☐ Preliminary Plat	☑ Zoning Change
☐ Conveyance Instrument	☑ Replat	☐ Zoning Variance (ZBA)
☐ Design Standards Variance	☐ ROW Use Agreement	☐ Vacation Plat
☐ Final Plat	☐ ROW Abandonment/ Closing	☐ 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: ☐ Residential ☑ Commercial — Is this property platted? ☑ Yes ☐ No
If this property is not platted, submit a survey with complete metes and bounds description sealed by a licensed surveyor

Project Name: WARM — Total Acres .74

Project Address (Location): 300 N. Trinity (Lot 1-2 Blk 23 Original Decatur) — Parcel(s) Tax ID R #: _____
(LOT, BLOCK & SUBDIVISION OR SURVEY WITH METES & BOUNDS DESCRIPTION SEALED BY A LICENSED SURVEYOR)

Parent Project Name/Number _____ — Parcel(s) Tax ID GEO #: D2190.0069.02

Brief Description of Project: New building; shared parking lot — ETJ ☐ Yes

Existing Use: Non Profit Food Pantry — Existing Zoning: C-1; SF-2 — # of Existing Lots: 2 — # of Existing Units: 1

Proposed Use: Non Profit Food Pantry Public Parking — Proposed Zoning: C-1; SF-2 — # of Proposed Lots 1 — Proposed Units: 1

APPLICANT INFORMATION: WISE COUNTY c/o J.D. CLARK — Please circle your preferred method of contact.

Applicant / Company WARM c/o TRINA ZAIS — (Email) t7zais@gmail.com; jd.clark@co.wise.tx

Address 300 N. Trinity — Phone 817.304.3263 940.627.5743 — Fax _____

City Decatur, — State TX — Zip 76234

Property Owner Wise County — Email jd.clark@co.wise.tx.us

Address 308 W. Main St — Phone 940.627.5743 — Fax _____

City Decatur — State TX — Zip 76234

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 (if applicable) NA — Email _____

Address _____ — Phone _____ — Fax _____

City _____ — State _____ — Zip _____

Key Contact/Company TRINA ZAIS; JD Clark — Email t7zais@gmail.com; jd.clark@co.wise.tx

Address P.O. Box 1403 — Phone 817 304 3263 940. 627. 5743 — Fax _____

City Decatur — State TX — Zip 76234

(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.

PROPERTY OWNERS INFORMATION

County Judge J.D. Clark — PRINT NAME — SIGNATURE OF PROPERTY OWNER

PRINT NAME — SIGNATURE OF PROPERTY OWNER

LIEN HOLDER (MUST BE SIGNED FOR ALL PRELIMINARY, FINAL & REPLATS)
If applicable, Lien holder/mortgagee must also sign plat for filing of record.

PRINT NAME — SIGNATURE OF LIEN HOLDER

For Departmental Use Only

Case#: _____

Project Mgr: _____

Total Fee(s): _____

Payment Method: _____

Accepted By: _____

WISE AREA RELIEF MISSION

December 6, 2024

City of Decatur Planning & Zoning Commission and City Council
c/o Development Services Department
Via email: cfuss@decaturtx.org

RE: Letter of Intent for Zoning Change and Specific Use Permit

Wise Area Relief Mission (WARM) in partnership with Wise County and the City of Decatur is proposing a zoning change from SF-2 and C-1 to C-1 for the 300 block of north Trinity, as depicted in the attached exhibit and a Specific Use Permit to operate a non-profit food pantry with ancillary assistance programs. The purpose of this request is to accommodate the construction of a new food pantry and provide public parking to benefit Decatur events and activities.

Infrastructure exists to accommodate the proposed building:

- Paved roadway on three sides (platted road on east side), including a state-maintained farm-to-market road
- Water and Sanitary Sewer currently service existing pantry and development on all four sides of the subject parcel
- Storm Sewer is currently accommodated and will be minimally impacted as a result of this proposal
- There is no impact on school population, but help serve school attendees in need

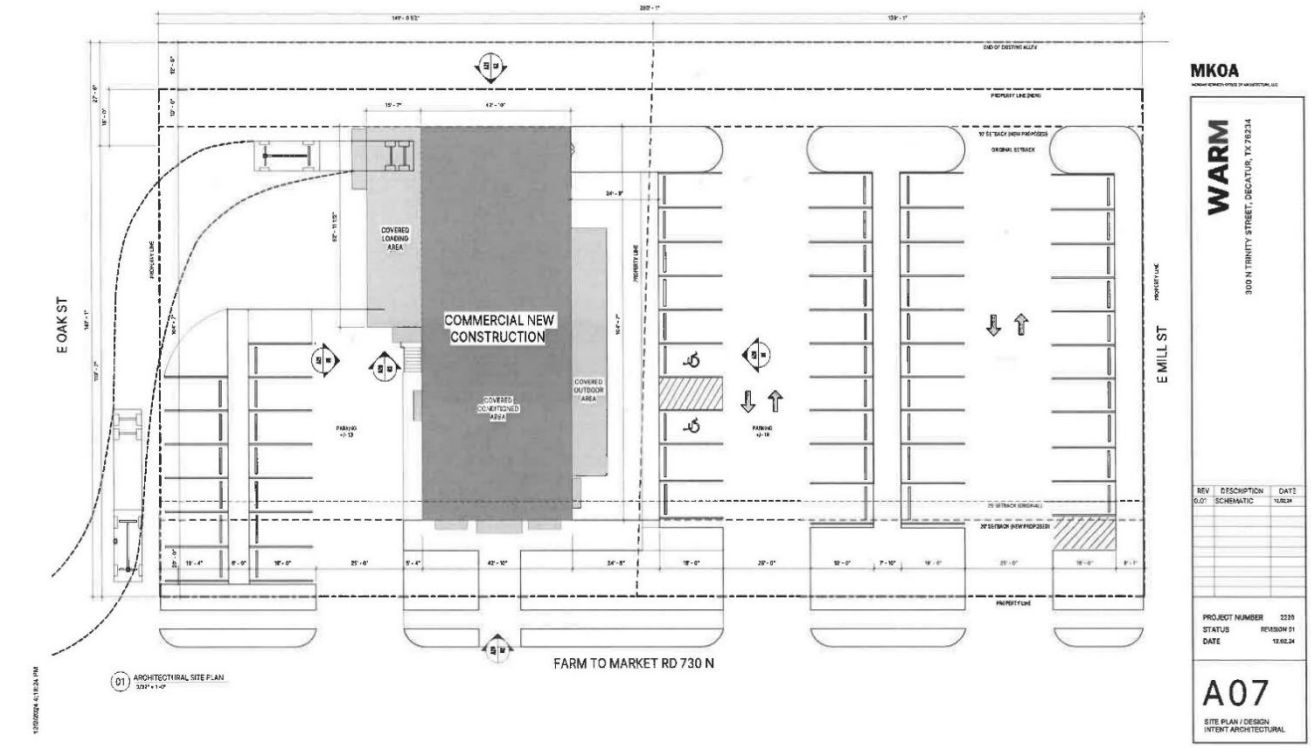
Thank you for your consideration.

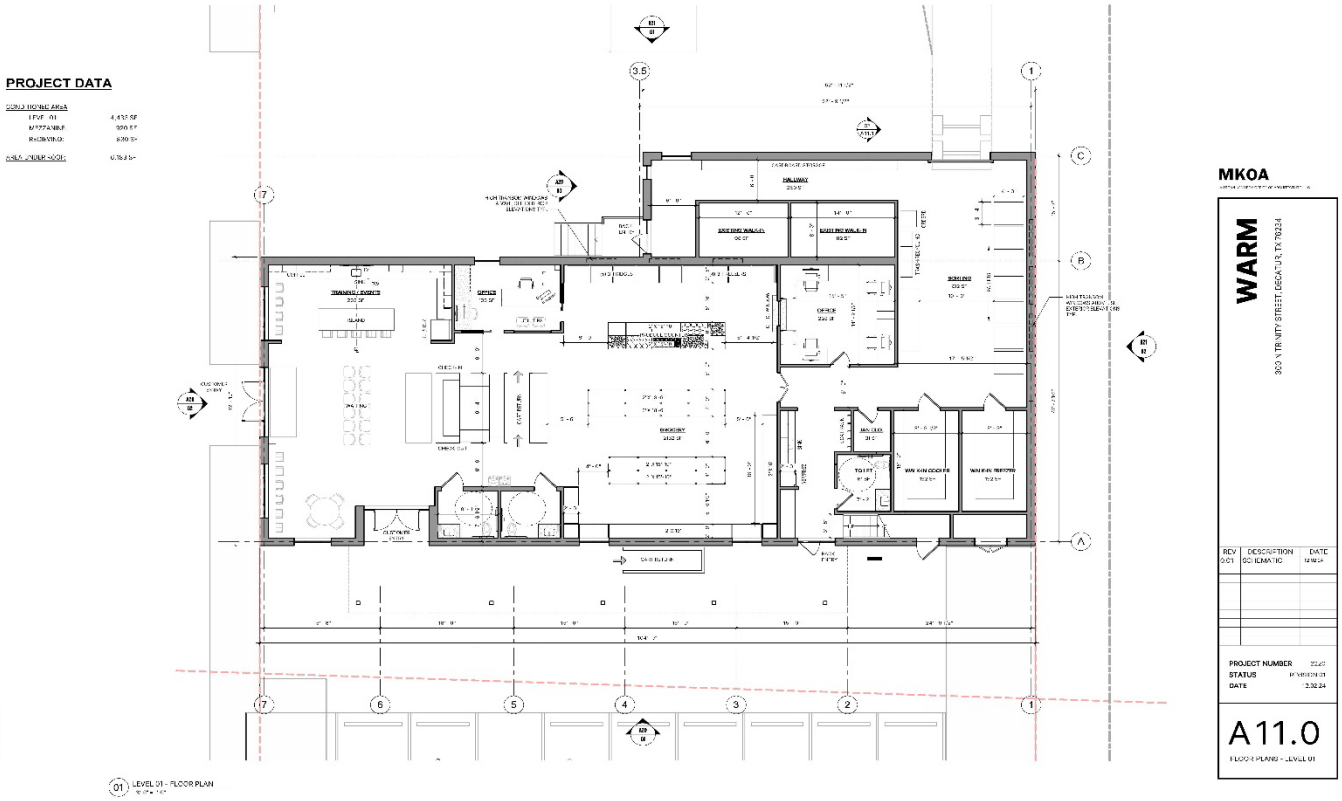
Most sincerely,

Trina Zais
WARM Board Member

Attachment 3

PROPOSED SITE PLAN AND FLOOR PLAN





Attachment 4

LEGALITY FOR SUP

According to Article 5, "Zoning Districts," Subsection 5.2.5, "SUP, Specific Use Permit," the City Council of the City of Decatur, Texas, after public hearing and proper notice to all parties affected and after recommendations by the Planning and Zoning Commission may authorize the issuance of Specific Use Permits for the uses indicated by "S" in the Land Use Schedule, shown in Article 6, "Use Regulations," Section 6.1, "Use Chart."

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

g) "There is a violation and conviction of any of the provisions of this Ordinance that occurs on the property for which the Specific Use is granted;

h) The building, premises, or land use authorized by the Specific Use Permit is enlarged greater than ten percent (as noted in (3)(a)(ii)), modified, structurally altered, or otherwise changed in violation of the terms of the Specific Use Permit and/or this Ordinance;

i) No activity or progress has occurred on the property for a period of two (2) years or longer;

j) Violation and correction of any provision of the terms or conditions of a Specific Use Permit, for which ten (10) days written notice of violation has been provided to the owner or occupant, and which violation is not remediated in accordance with the written notice. One (1) or more incidents of recurrence of the same violation(s) for which a correction was rendered within a calendar year period shall be cause for revocation of a SUP without additional notice to the Owner or Occupant, other than notice of date and time of public hearing pursuant to this Section;

k) Ad valorem taxes on the property are delinquent by more than six (6) months; or

l) The Specific Use Permit was obtained by fraud or with deceptions."

Additionally, excerpts from subsection 5.2.5, "SUP, Specific Use Permit", of Article 5 of the Zoning Regulations read as follows:

E. *General Description and Purpose*. The uses listed under the various zoning district classifications set forth in the Ordinance as uses allowed with an approved Specific Use Permit are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district, and therefore require additional review and regulation to ensure compatibility with surrounding uses.

F. *Consideration for Compatibility*. With consideration given to setting, physical features, compatibility with surrounding land uses, traffic, and aesthetics, certain Uses requiring a Specific Use Permit may locate in an area where they will be compatible with existing or planned land uses generally allowed within a Zoning District.

G. *Review and Approval Authorities*.

3) The Planning and Zoning Commission shall recommend to the City Council approval, approval with modifications, or denial for each Specific Use Permit Application.

4) Upon receipt and consideration of the recommendation from the Planning and Zoning Commission, the City Council shall review each case on its own merit, apply the criteria set forth in this Section and other related factors deemed necessary and appropriate given the facts and circumstances presented, and, if appropriate, authorize said use by granting a Specific Use Permit for the use. The City Council shall have the discretion to impose conditions in addition to those recommended by the Planning and Zoning Commission or to alter or remove such recommended conditions if the City Council determines such action to be necessary and appropriate to ensure compatibility or ensure protection of public health, safety, and welfare.

H. *Application and Site Plan Required.*

3) Application and public hearing procedures for a Specific Use Permit shall be completed in the same manner as an Application for Rezoning. A Site Plan shall be included with the application.

4) The Planning and Zoning Commission or City Council may require additional information or drawings including but not limited to building floor plans, operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed as it determines necessary and appropriate to evaluate the application.

CITY OF DECATUR, TEXAS

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

Agenda Item 5

STAFF REPORT

January 7, 2025 – Planning and Zoning Commission Meeting

TO: **Planning and Zoning Commissioners**

FROM: **Lisa Hannon, Senior Planner**

DATE: **January 2, 2025**

CASE: **RP2024-09**

APPLICANT: **Jason K Tibbels**

REQUEST: **Replat**

Case Notes:

Hold a public hearing and take action to make a recommendation to the City Council regarding a request to final plat Lot 6R, Block 8, Lipsey Addition, being a replat of part of Lot 5, all of Lot 6, and the Southeast 10 feet of the alley, Block 8 Lipsey Addition, to the City of Decatur, Wise County, Texas. The property is located west of FM51 and south of W. John St. **(Replat Application 2024-09—Jason K Tibbels)**

Legality:

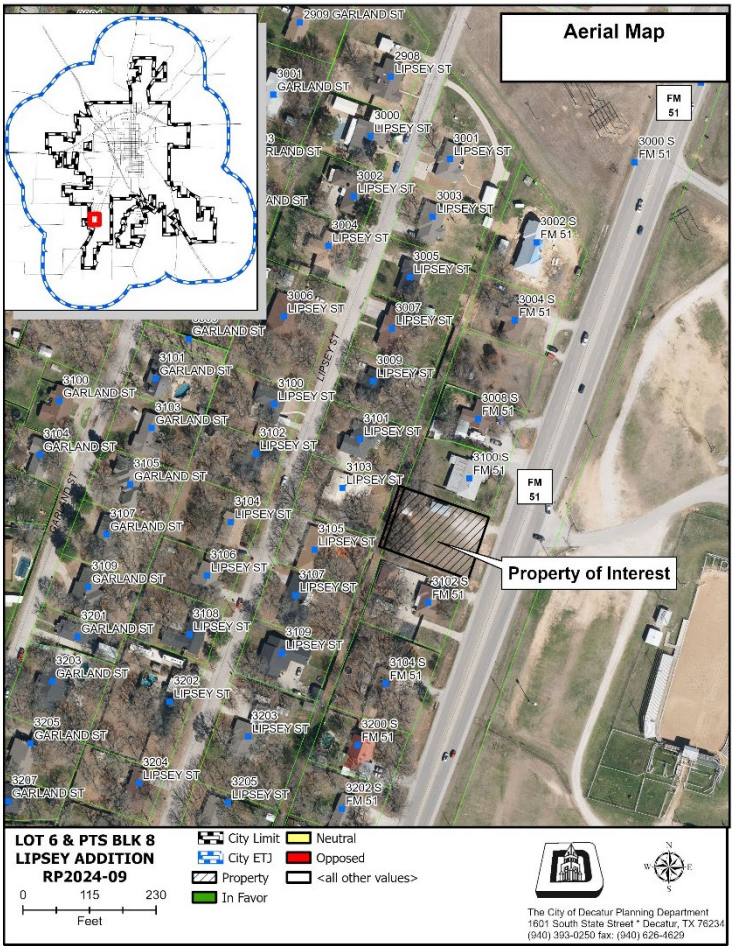
This property can be legally platted in accordance with Section 212 of the *Texas Local Government Code*.

Issues:

None: The lot meets or exceeds the minimum required 5,000 s.f. With the abandonment of 10 feet of the 20-foot alley, the existing metal accessory structure will conform with the City of Decatur's Zoning Ordinance, Appendix B, Section 7.6.1.

Recommendation:

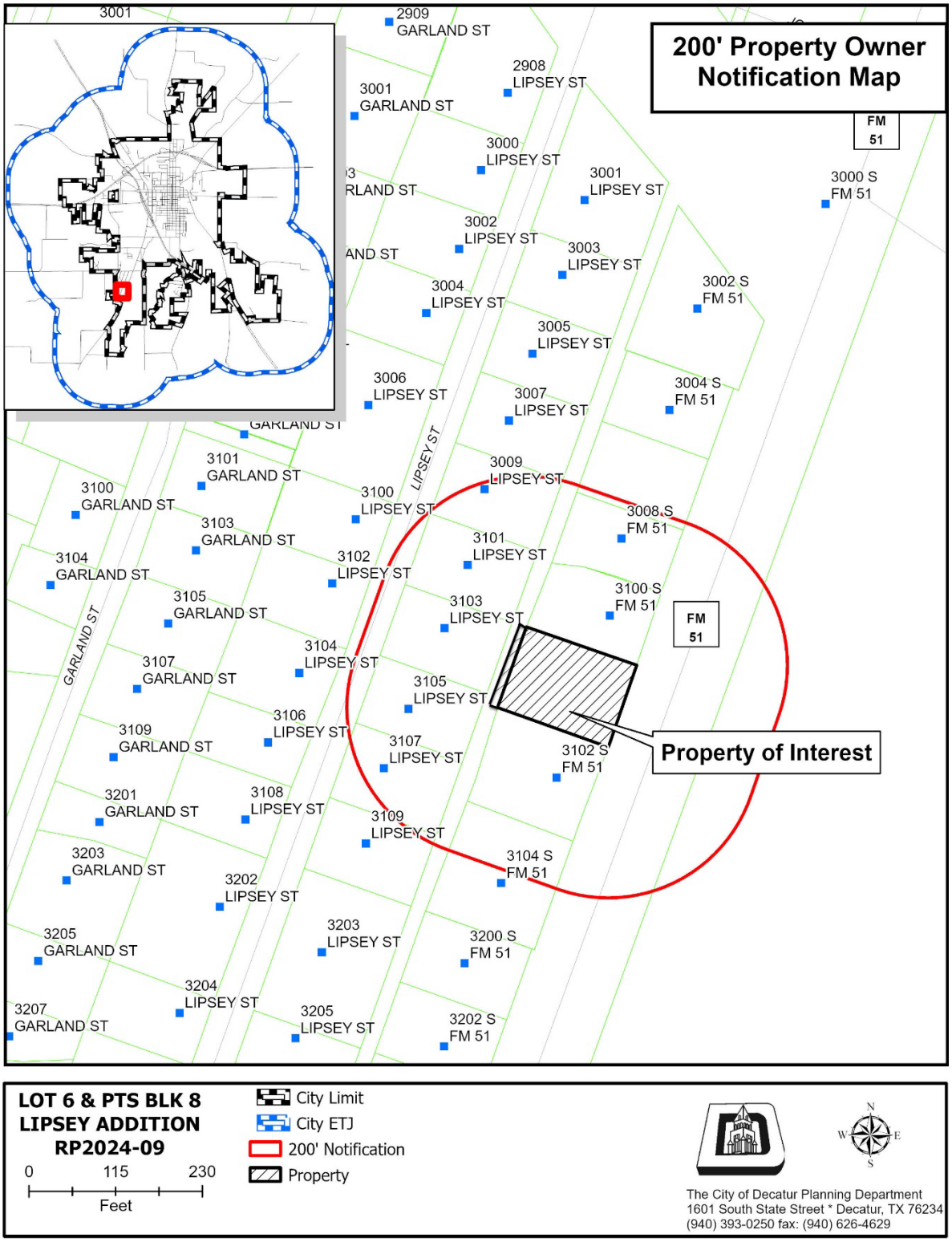
The plat meets or exceeds the minimum requirements of the City of Decatur's Zoning Ordinance, Subdivision Regulations, and the Design Standards. **Staff recommend approval.**



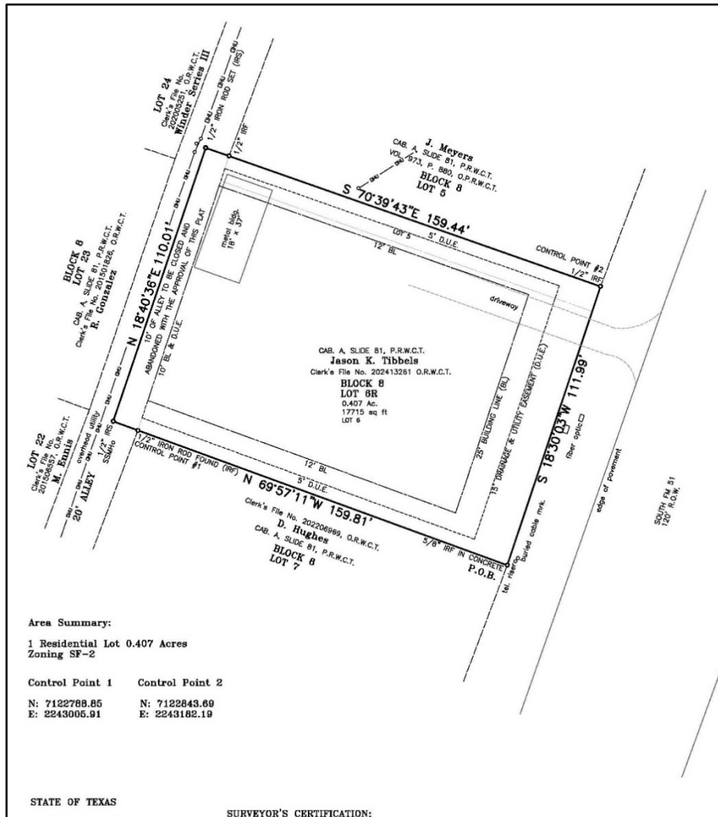
Attachments:

1. 200' Property Owner Response Map
2. Replat Exhibit

Attachment 1
Property Owner Notification Map



ATTACHMENT 2
REPLAT EXHIBIT



Area Summary:

1 Residential Lot 0.407 Acres
Zoning SF-2

Control Point 1	Control Point 2
N: 7122788.85	N: 7122843.69
E: 2243005.91	E: 2243182.19

STATE OF TEXAS
COUNTY OF WISE

SURVEYOR'S CERTIFICATION:

I, M.D. Herrijgers, a Registered Professional Land Surveyor in the State of Texas, hereby certify this plat is true and correct and was prepared from an actual survey made on the ground in the month of August 2024, under my personal supervision.

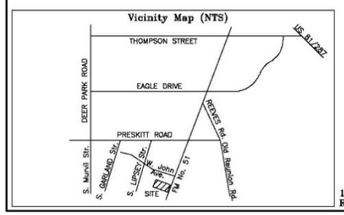
M.D. Herrijgers R.P.L.S. 5947

Date: _____

OWNER/DEVELOPER:

Jason K. Tibbels
181 CR 1326
Bridgeport, TX 76426
940-577-3109

30 0 30 60 90
GRAPHIC SCALE - FEET



MDH SURVEYING
348 CUNDIFF-CRAFTON RD.
CHICO, TX 76431
940-644-2800
mdhsurveying@hotmail.com
Texas Registration No. 10163500

11-22-2024
Revised: 12-12-2024

Plat Notes:

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

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

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

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

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

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

Public Open Space Restriction (P.O.S.R.):
No structure, object, or plant of any type may obstruct vision from a height of thirty (30) inches to a height of ten (10) feet above the crown of the road, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., in the public open space easement as shown on the plat.

Control Source:
Coordinate data and bearing source shown heron is based on the city control network. This data is relative to the Texas Coordinate System, NAD 83 North Central Texas Zone utilizing GPS monument "City Monument # 9". Bearing control combined scale factor is 0.9999762306. All distances and coordinates shown are based on feet-US definition.

According to a copy of the Flood Insurance Rate Map for Wise County, Texas and Incorporated Areas, Map Number 48497C0350 D effective date December 16, 2011 no part of subject property appears to be in the 100 year flood zone, said property is in Zone "X".

All iron rods set are 1/2" iron rods with an orange plastic cap stamped MDH RPLS 5947.

ON THE _____ DAY OF _____, 2025, THIS PLAT WAS DULY APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF DECATUR, TEXAS.

BY: _____
CHAIRMAN

ATTEST: _____
PLANNING DIRECTOR

THE CITY COUNCIL OF DECATUR, TEXAS, ON THE _____ DAY OF _____, 2025, VOTED AFFIRMATIVELY TO ADOPT THIS PLAT AND APPROVE IT FOR FILING OF RECORD.

BY: _____
MAYOR

ATTEST: _____
CITY SECRETARY

STATE OF TEXAS
COUNTY OF WISE

OWNER'S ACKNOWLEDGMENT AND DEDICATION

Whereas Jason K. Tibbels, the owner of a 0.407 acre tract in the City of Decatur, Wise County, Texas, being Lot No. 6, part of Lot No. 5 and part of the alley (not open) in Block 8, Lipsey Addition, a subdivision in the City of Decatur, said Lot 6 and part of Lot 5, Block 8, Lipsey Addition, being described in Clerk's File Number 202413261, Official Records, Wise County, Texas and being described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod found in the Northwest right-of-way of South FM Number 51 for the Southeast corner of said Lot 6, Block 8, Lipsey Addition, according to the plat recorded in Plat Cabinet A, Slide 81, Plat Records, Wise County, Texas, said point also being the Northeast corner of Lot 7 of said Block 6;

THENCE North 69°57'11" West, pass a ½" iron rod found in the southeast line of a 20' wide alley for the Southwest corner of said Lot 6 and the Northwest corner of said Lot 7 at a distance of 149.81 feet, in all a distance of 159.81 feet to a ½" capped iron rod stamped "MDH RPLS 5947" set in the middle of said alley for the Southwest corner of the tract herein described;

THENCE North 18°40'36" East with the middle of said alley a distance of 110.01 feet to a ½" capped iron rod stamped "MDH RPLS 5947" set for the Northwest corner of the tract herein described;

THENCE South 70°39'43" East passing a ½" iron rod found for the Northwest corner of said Tibbels tract and the Southwest corner of a tract conveyed to J. Meyers recorded in Volume 973, Page 880, Official Public Records, Wise County, Texas, in all a distance of 159.44 feet to a ½" iron rod found in said right-of-way and the Southeast line of said Lot 5 for the Northeast corner of said Tibbels tract and the Southeast corner of said Meyers tract;

THENCE South 18°30'03" West with said right-of-way a distance of 111.99 feet to the POINT OF BEGINNING and containing 0.407 acres of land and designated herein as Lot 6R, Block 8, Lipsey Addition, to the City of Decatur, Wise County, Texas and whose name is subscribed hereto, hereby dedicate 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.

_____
Jason K. Tibbels

Date: _____

STATE OF TEXAS
COUNTY OF WISE

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

Given under my hand and seal of office this _____ day of _____, 2025.

_____
NOTARY PUBLIC
WISE COUNTY, TEXAS

FINAL PLAT

LOT 6R, BLOCK 8

LIPSEY ADDITION

CITY OF DECATUR, WISE COUNTY, TEXAS.

BEING A RE-PLAT OF PART OF LOT 5, ALL OF LOT 6, AND THE SOUTHEAST 10 FEET OF THE ALLEY, BLOCK 8, LIPSEY ADDITION TO THE CITY OF DECATUR, WISE COUNTY, TEXAS.

2024209

CITY OF DECATUR, TEXAS

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

Agenda Item 6

STAFF REPORT

January 7, 2025 – Planning and Zoning Commission Meeting

TO: **Planning and Zoning Commissioners**

FROM: **Lisa Hannon, Senior Planner**

DATE: **January 2, 2025**

CASE: **RP2024-11**

APPLICANT: **WARM – Wise County, Texas**

REQUEST: **Replat**

Case Notes:

Hold a public hearing and take action to make a recommendation to the City Council regarding a request to final plat Lot 7-B-1R, Lot 7-B-2R and Lot 7-B-3R, Block 1, Double Creek Retail / Medical Complex Addition being a replat of Lot 7, Block 1, Double Creek Retail / Medical Complex Addition, City of Decatur, Wise County, Texas. The property is located at the northwest corner of Old Reunion Road and Preskitt Rd. (900 Preskitt Road). **(Replat Application 2024-11—Double Creek Capital, LTD.)**

Legality:

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

Issues:

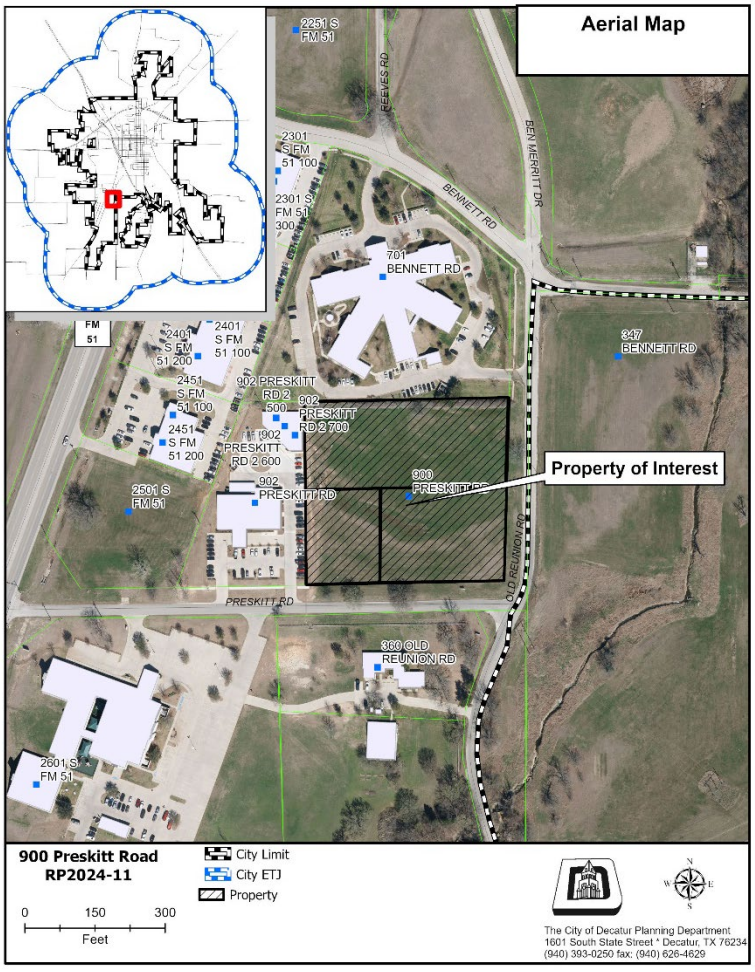
None: The property is currently zoned C-1 and meets or exceeds the minimum requirements of the City of Decatur's Zoning Ordinance.

Recommendation:

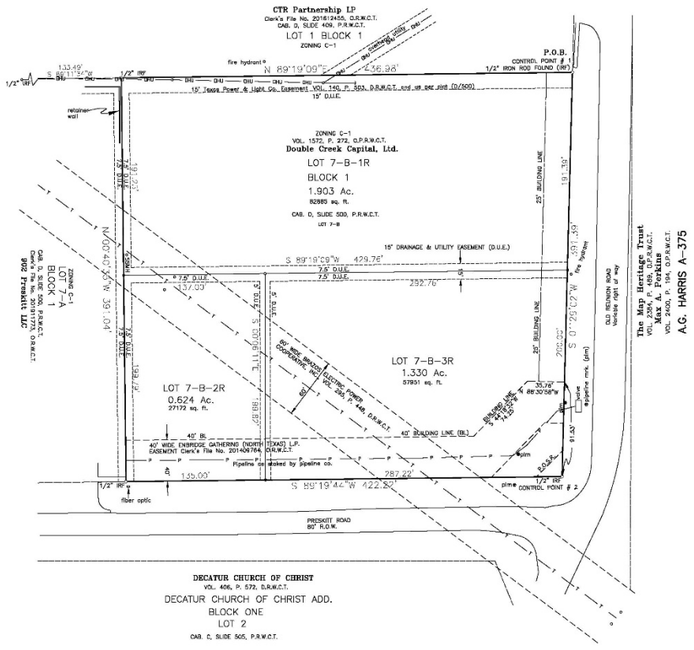
The plat meets the minimum requirements of the City of Decatur's Zoning Ordinance, Subdivision Regulations, and the Design Standards. **Staff recommends approval.**

Attachments:

1. Replat Exhibit



ATTACHMENT 1
REPLAT EXHIBIT



Control Point 1	Control Point 2
N: 7125531.18	N: 7125139.92
E: 2245172.30	E: 2245162.16

LEGEND

Survey line	———
Boundary line	———
Adjoiner line	———
Fence line	—X—X—X—
Overhead utility	—OHU—OHU—
Transmission line	—T—T—
Pipeline	—P—P—
Building line	———
Easement line	- - - - -

IRF: iron rod found
FND.: found
N: North
E: East
S: South
W: West
WTR.MTR.: water meter
O.P.R.W.C.T.: Official Public Records, Wise County, Texas
R.R.W.C.T.: Real Records, Wise County, Texas
D.R.W.C.T.: Deed Records, Wise County, Texas
VOL.: Volume
P.: Page
AC: air conditioner
plm: Pipeline Marker

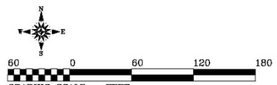
STATE OF TEXAS
COUNTY OF WISE

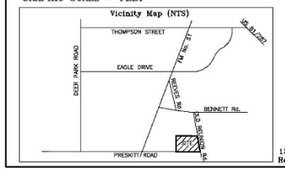
SURVEYOR'S CERTIFICATION:

I, M.D. Herrijgers, a Registered Professional Land Surveyor in the State of Texas, hereby certify this plat is true and correct and was prepared from an actual survey made on the ground in the month of November 2024, under my personal supervision.

_____
M.D. Herrijgers R.P.L.S. 5947

Date: _____





OWNERS/DEVELOPERS:

Double Creek Capital Ltd.
2201 S. FM 51, Ste. 600
Decatur, TX 76234
940-627-6000

MDH SURVEYING
348 CUNDIFF-CRAFTON RD.
CHICO, TX 76431
940-644-2800
mdhsurveying@hotmail.com
Texas Registration No. 10163500

12-01-2024
Revised: 12-19-2024

Plat Notes:

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

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

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

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

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

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

Public Open Space Restriction (P.O.S.R.):
No structure, object, or plant of any type may obstruct vision from a height of thirty (30) inches to a height of ten (10) feet above the crown of the road, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., in the public open space easement as shown on the plat.



Control Source:
Coordinate data and bearing source shown heron is based on the city control network. This data is relative to the Texas Coordinate System, NAD 83 North Central Texas Zone utilizing GPS monument "City Monument # 9". Bearing control combined scale factor is 0.99987655598. All distances and coordinates shown are based on feet-US definition.

According to a copy of the Flood Insurance Rate Map for Wise County, Texas and Incorporated Areas, Map Number 48497C0350 D effective date December 16, 2011 no part of subject property appears to be in the 100 year flood zone, said property is in Zone "X".

All iron rods set are 1/2" iron rods with an orange plastic cap stamped MDH RPLS 5947.

ON THE _____ DAY OF _____, 2025, THIS PLAT WAS DULY APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF DECATUR, TEXAS.

BY: _____
CHAIRMAN

ATTEST: _____
PLANNING DIRECTOR

THE CITY COUNCIL OF DECATUR, TEXAS, ON THE _____ DAY OF _____, 2025, VOTED AFFIRMATIVELY TO ADOPT THIS PLAT AND APPROVE IT FOR FILING OF RECORD.

BY: _____
MAYOR

ATTEST: _____
CITY SECRETARY

STATE OF TEXAS
COUNTY OF WISE

OWNER'S ACKNOWLEDGMENT AND DEDICATION

Whereas Double Creek Capital, Ltd., the owner of Lot 7-B, Block 1, Double Creek Retail / Medical Complex, according to the plat recorded in Plat Cabinet D, Slide 500, Plat Records, Wise County, Texas, also being part of the same tract described in Volume 1572, Page 272, Official Public Records, Wise County, Texas and being described by metes and bounds as follows:

BEGINNING at a ½" iron rod found in the West right-of-way of Old Reunion Road for the Northeast corner of said Lot 7-B, and the Southeast corner of Lot 1, Block 1, Double Creek Retail / Medical Complex according to the plat recorded in Plat Cabinet D, Slide 409, Plat Records, Wise County, Texas;

THENCE South 01°29'02" West with said West right-of-way a distance of 391.39 feet to a ½" iron rod found in the North right-of-way of Preskitt Road for the Southeast of said Lot 7-B;

THENCE South 89°19'44" West with said North right-of-way a distance of 422.22 feet to a ½" iron rod found for the Southwest corner of said Lot 7-B and the Southeast corner of Lot 7-A, Block 1, Double Creek Retail / Medical Complex, according to the plat recorded in Plat Cabinet D, Slide 500, Plat Records, Wise County, Texas;

THENCE North 00°40'35" West a distance of 391.04 feet to a ½" iron rod found in the South line of said Lot 1, Block 1 for the Northwest corner of said Lot 7-B and the Northeast corner of said Lot 7-A;

THENCE North 89°19'09" East a distance of 436.98 feet to the POINT OF BEGINNING and containing 3.857 acres of land and designated herein as Lots 7-B-1R, 7-B-2R and 7-B-3R, Block 1, Double Creek Retail / Medical Complex, an addition to the City of Decatur, Wise County, Texas and whose name is subscribed hereto, hereby dedicate 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.

_____
J. Mark Duncum
President
Double Creek Capital, Ltd.

Date: _____

STATE OF TEXAS
COUNTY OF WISE

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

Given under my hand and seal of office this _____ day of _____, 202_.

_____
NOTARY PUBLIC
WISE COUNTY, TEXAS

FINAL PLAT

DOUBLE CREEK RETAIL / MEDICAL COMPLEX ADDITION

Lot 7-B-1R, 7-B-2R and 7-B-3R, Block 1

CITY OF DECATUR, WISE COUNTY, TEXAS.

BEING A REPLAT OF LOT 7-B, BLOCK 1, DOUBLE CREEK RETAIL / MEDICAL COMPLEX ADDITION, CITY OF DECATUR, WISE COUNTY, TEXAS.

2024208

CITY OF DECATUR, TEXAS

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

Agenda Item 7

STAFF REPORT

January 7, 2025 – Planning and Zoning Commission Meeting

TO:	**Planning and Zoning Commissioners**	**CASE:**	**RP2024-12**
FROM:	**Dedra D. Ragland, Planning Director**	**APPLICANT:**	**David Fuller, FX5 Real Estate, LP**
DATE:	**January 2, 2025**	**REQUEST:**	**Replat**

Case Notes:

Hold a public hearing and take action to make a recommendation to the City Council regarding a request to final plat Lot 1R, Block 1, Decatur Shopping Center, being a replat of Lot 1, Block 1, Decatur Shopping Center, an addition to the City of Decatur, Wise County, Texas. The property is located at 1300 FM 51, Decatur, Texas. **(Replat Application 2024-12— David Fuller, FX5 Real Estate, LP)**

Legality:

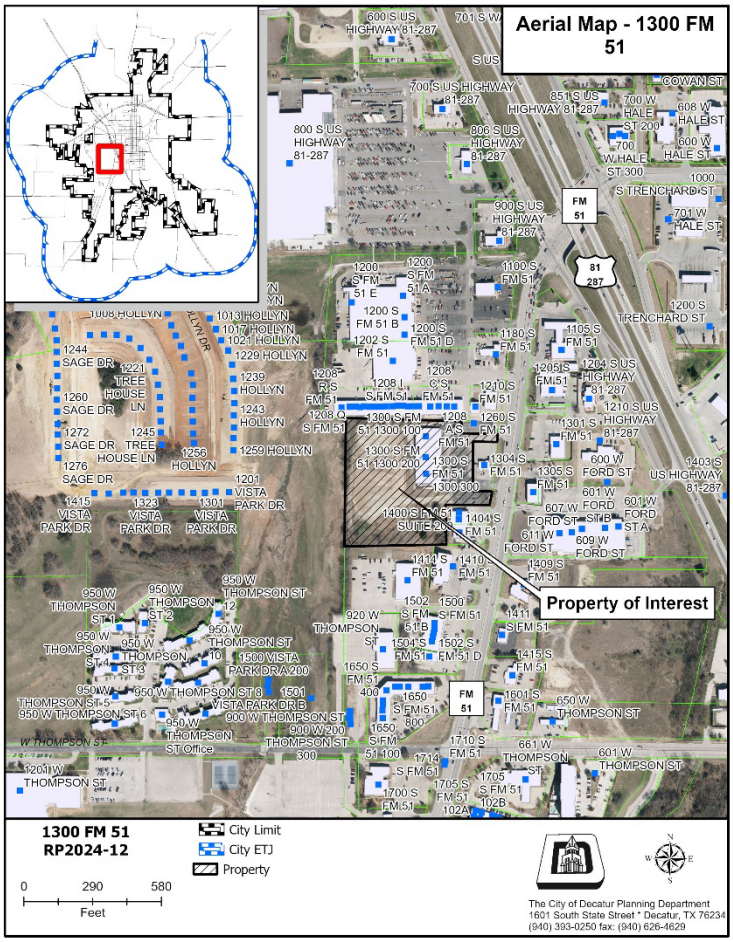
This property can be legally platted in accordance with Section 212 of the *Texas Local Government Code*.

Issues:

The property is zoned C-2 and is being replatted for new commercial development. The required parking for the entire property must be addressed when the building permit package is submitted.

Recommendation:

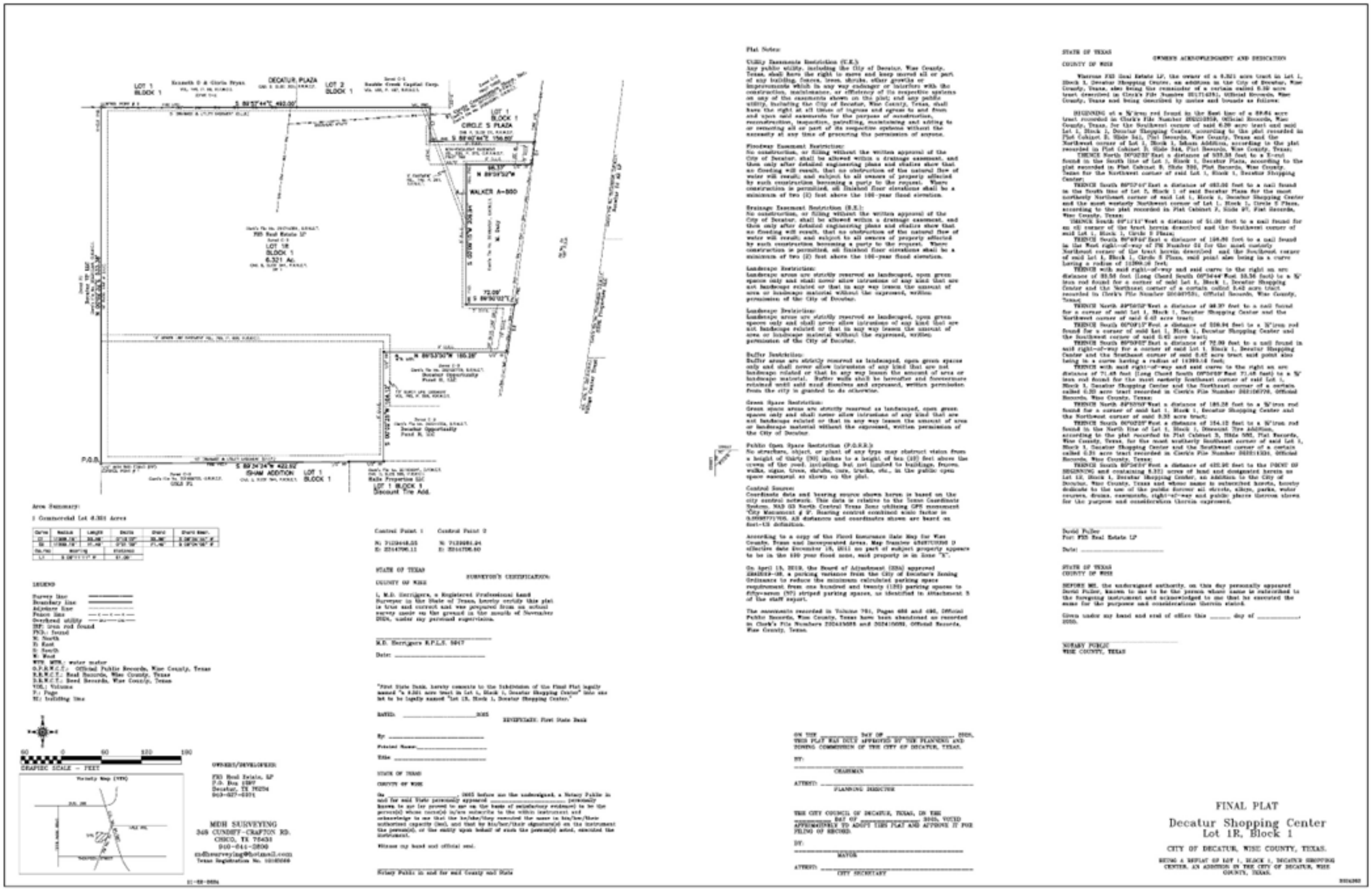
The plat meets the minimum requirements of the City of Decatur's Zoning Ordinance, Subdivision Regulations, and the Design Standards. **Staff recommends approval with the above-stated condition.**



Attachments:

1. Replat Exhibit

ATTACHMENT 1
REPLAT EXHIBIT



Plat Notes:

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

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

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

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

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

Buffer Restriction:
Buffer areas are strictly reserved as landscaped, open green spaces only and shall never allow intrusions of any kind that are not landscape material. Buffer walls shall be horrorflex and fiberreinforce reinforced model solid wood fenceless and expressed, written permission from the city is granted to do otherwise.

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

Public Open Space Restriction (P.O.S.R.):
No structure, object, or plant of any type may obstruct vision from a height of thirty (30) inches to a height of ten (10) feet above the crown of the road, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., in the public open space easement as shown on the plat.

Control Sources:
Coordinate data and bearing source shown hereon is based on the city control network. This data is relative to the Texas Coordinate System, NAD 83 North Central Texas Zone utilizing GPS measurement "City Monument # 9". Bearing control combined scale factor is 0.99987711765. All distances and coordinates shown are heard on feet-US definition.

According to a copy of the Flood Insurance Rate Map for Wise County, Texas and Incorporated Areas, Map Number 48497C0350E D effective date December 18, 2011 no part of subject property appears to be in the 100 year flood zone, said property is in Zone "X".

On April 15, 2019, the Board of Adjustment (BOA) approved #BA2019-08, a parking variance from the City of Decatur's Zoning Ordinance to reduce the minimum calculated parking space requirement from one hundred and twenty (120) parking spaces to fifty-seven (57) striped parking spaces, as identified in Attachment 5 of the staff report.

The easements recorded in Volume 781, Pages 488 and 490, Official Public Records, Wise County, Texas have been abandoned as recorded in Clerk's File Numbers 2024150S5 and 2024150S6, Official Records, Wise County, Texas.

Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	11500.16'	30.34'	0°10'07"	30.34'	S 89°52'40" E
C2	11500.16'	77.48'	0°23'08"	77.48'	S 89°29'56" E

Line No.	Bearing	Distance
L1	S 89°57'44" E	57.00'

Control Point 1
N: 7123048.55
E: 2314790.13

Control Point 2
N: 7123081.94
E: 2314708.80

STATE OF TEXAS
COUNTY OF WISE

SURVEYOR'S CERTIFICATION:

I, M.D. Herrigave, a Registered Professional Land Surveyor in the State of Texas, hereby certify this plat is true and correct and was prepared from an actual survey made on the ground in the month of November 2024, under my personal supervision.

M.D. Herrigave R.P.L.S. 5847

Date: _____

"First State Bank, hereby consents to the Subdivision of the Final Plat legally named "a 6.321 acre tract in Lot 1, Block 1, Decatur Shopping Center" into one lot to be legally named "Lot 1R, Block 1, Decatur Shopping Center."

DATED: _____, 2025

BENEFICIARY: First State Bank

By: _____

Printed Name: _____

Title: _____

STATE OF TEXAS
COUNTY OF WISE

On _____, 2025 before me the undersigned, a Notary Public in and for said State personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribe to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of with the person(s) acted, executed the instrument.

Witness my hand and official seal.

Notary Public in and for said County and State

ON THIS _____ DAY OF _____, 2025, THIS PLAT WAS DULY APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF DECATUR, TEXAS.

BY: _____
CHAIRMAN

ATTEST: _____
PLANNING DIRECTOR

THE CITY COUNCIL OF DECATUR, TEXAS, ON THE _____ DAY OF _____, 2025, VOTED APPROPRIATELY TO ADOPT THIS PLAT AND APPROVE IT FOR FILING OF RECORD.

BY: _____
MAYOR

ATTEST: _____
CITY SECRETARY

STATE OF TEXAS
COUNTY OF WISE

OWNER'S ACKNOWLEDGMENT AND DEDICATION

Whereas FEI Real Estate LP, the owner of a 6.321 acre tract in Lot 1, Block 1, Decatur Shopping Center, an addition in the City of Decatur, Wise County, Texas, also being the remainder of a certain called 6.50 acre tract described in Clerk's File Number 2017142R1, Official Records, Wise County, Texas and being described by metes and bounds as follows:

BEGINNING at a 5/8"iron rod found in the East line of a 89.84 acre tract recorded in Clerk's File Number 2002020508, Official Records, Wise County, Texas, for the Southwest corner of said 6.50 acre tract and said Lot 1, Block 1, Decatur Shopping Center, according to the plat recorded in Plat Cabinet B, Slide 341, Plat Records, Wise County, Texas and the Northwest corner of Lot 1, Block 1, Isham Addition, according to the plat recorded in Plat Cabinet B, Slide 548, Plat Records, Wise County, Texas;

THENCE North 00°02'20" East a distance of 535.58 feet to a 5/8"rod found in the South line of Lot 1, Block 1, Decatur Plaza, according to the plat recorded in Plat Cabinet B, Slide 930, Plat Records, Wise County, Texas for the Northwest corner of said Lot 1, Block 1, Decatur Shopping Center;

THENCE South 89°57'44" East a distance of 460.00 feet to a nail found in the South line of Lot 2, Block 1 of said Decatur Plaza for the most northerly Northwest corner of said Lot 1, Block 1, Decatur Shopping Center and the most westerly Northwest corner of Lot 1, Block 1, Circle S Plaza, according to the plat recorded in Plat Cabinet J, Slide 97, Plat Records, Wise County, Texas;

THENCE South 89°13'13" West a distance of 51.00 feet to a nail found for an ell corner of the tract herein described and the Southwest corner of said Lot 1, Block 1, Circle S Plaza;

THENCE South 89°40'44" East a distance of 156.00 feet to a nail found in the West right-of-way of FM Number 51 for the most easterly Northwest corner of the tract herein described and the Southeast corner of said Lot 1, Block 1, Circle S Plaza, said point also being in a curve having a radius of 11500.16 feet;

THENCE with said right-of-way and said curve to the right an arc distance of 30.34 feet (Long Chord South 00°34'44" West 30.34 feet) to a 5/8" iron rod found for a corner of said Lot 1, Block 1, Decatur Shopping Center and the Northeast corner of a certain called 0.62 acre tract recorded in Clerk's File Number 2016R0958, Official Records, Wise County, Texas;

THENCE North 89°56'02" West a distance of 98.37' feet to a nail found for a corner of said Lot 1, Block 1, Decatur Shopping Center and the Northwest corner of said 0.62 acre tract;

THENCE South 00°08'17" West a distance of 259.84 feet to a 5/8"iron rod found for a corner of said Lot 1, Block 1, Decatur Shopping Center and the Northeast corner of said 0.62 acre tract;

THENCE South 89°56'02" East a distance of 72.00 feet to a nail found in said right-of-way for a corner of said Lot 1, Block 1, Decatur Shopping Center and the Southeast corner of said 0.62 acre tract said point also being in a curve having a radius of 11500.16 feet;

THENCE with said right-of-way and said curve to the right an arc distance of 77.48 feet (Long Chord South 00°50'59" East 77.48 feet) to a 5/8" iron rod found for the most easterly Southeast corner of said Lot 1, Block 1, Decatur Shopping Center and the Northeast corner of a certain called 0.20 acre tract recorded in Clerk's File Number 2021R0758, Official Records, Wise County, Texas;

THENCE North 89°53'07" West a distance of 180.28 feet to a 5/8"iron rod found for a corner of said Lot 1, Block 1, Decatur Shopping Center and the Northwest corner of said 0.20 acre tract;

THENCE South 00°02'20" East a distance of 154.12 feet to a 5/8"iron rod found in the North line of Lot 1, Block 1, Dimensional Tire Addition, according to the plat recorded in Plat Cabinet B, Slide 580, Plat Records, Wise County, Texas, for the most southerly Southeast corner of said Lot 1, Block 1, Decatur Shopping Center and the Southwest corner of a certain called 0.01 acre tract recorded in Clerk's File Number 2021R1324, Official Records, Wise County, Texas;

THENCE South 89°34'34" West a distance of 422.92 feet to the POINT OF BEGINNING and containing 6.321 acres of land and designated herein as Lot 1R, Block 1, Decatur Shopping Center, an addition to the City of Decatur, Wise County, Texas and whose name is subscribed hereto, hereby dedicate 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 considerations therein expressed.

David Fuller
For: FEI Real Estate LP

Date: _____

STATE OF TEXAS
COUNTY OF WISE

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

Given under my hand and seal of office this _____ day of _____, 2025.

NOTARY PUBLIC
WISE COUNTY, TEXAS

FINAL PLAT

Decatur Shopping Center
Lot 1R, Block 1

CITY OF DECATUR, WISE COUNTY, TEXAS.

BEING A REPLAT OF LOT 1, BLOCK 1, DECATUR SHOPPING CENTER, AN ADDITION IN THE CITY OF DECATUR, WISE COUNTY, TEXAS.

CITY OF DECATUR, TEXAS

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

Agenda Item 8

STAFF REPORT

January 7, 2025 – Planning and Zoning Commission Meeting

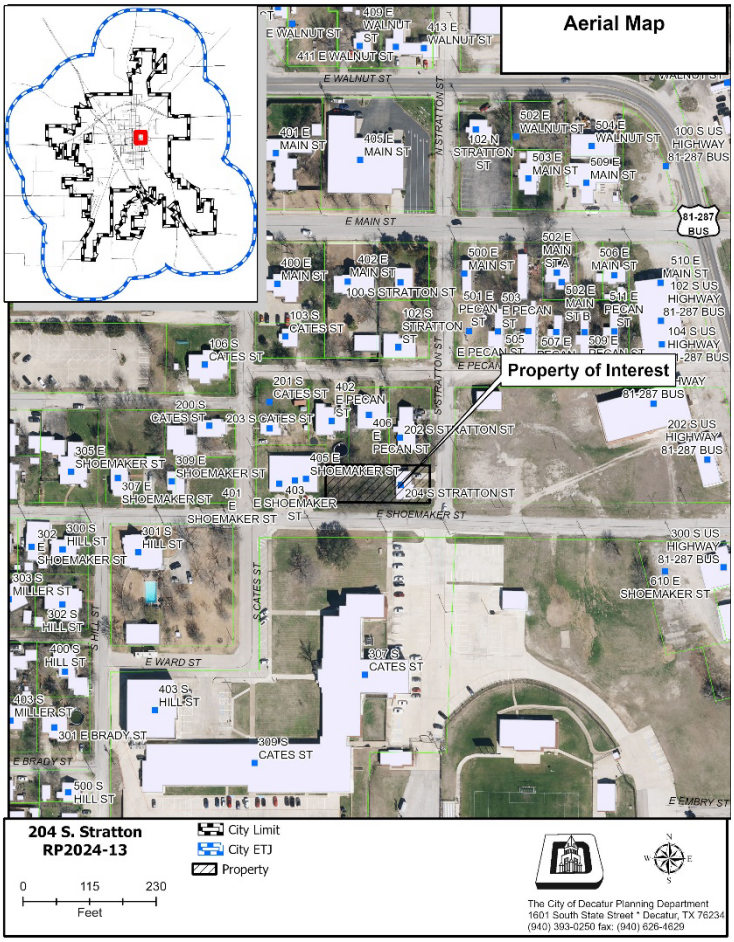
TO:	**Planning and Zoning Commissioners**	**CASE:**	**RP2024-13**
FROM:	**Lisa Hannon, Senior Planner**	**APPLICANT:**	**Carol Ann Carson**
DATE:	**January 2, 2025**	**REQUEST:**	**Replat**

Case Notes:

Hold a public hearing and take action to make a recommendation to the City Council regarding a request to a request for a replat of approximately 0.268 acres of land located at 204 S. Stratton in the City of Decatur, Wise County, Texas. **(Replat Application 2024-13—Carol Ann Carson)**

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

Issues:
Special Exceptions by the Board of Adjustments is required, for the right side setbacks for the structure and air-conditioning compressor on Parcel 10-R1 and the depth of the newly formed lot. The property is currently zoned SF-2. The property is being replatted into two separate parcels. Parcel 10-R1 has a lot area of 5,852 square feet, and Parcel 10-R2 has a lot area of 5,855 square feet. Both parcels conform to the City of Decatur's Zoning Ordinance, Appendix B, Section 5.1.3 (2).

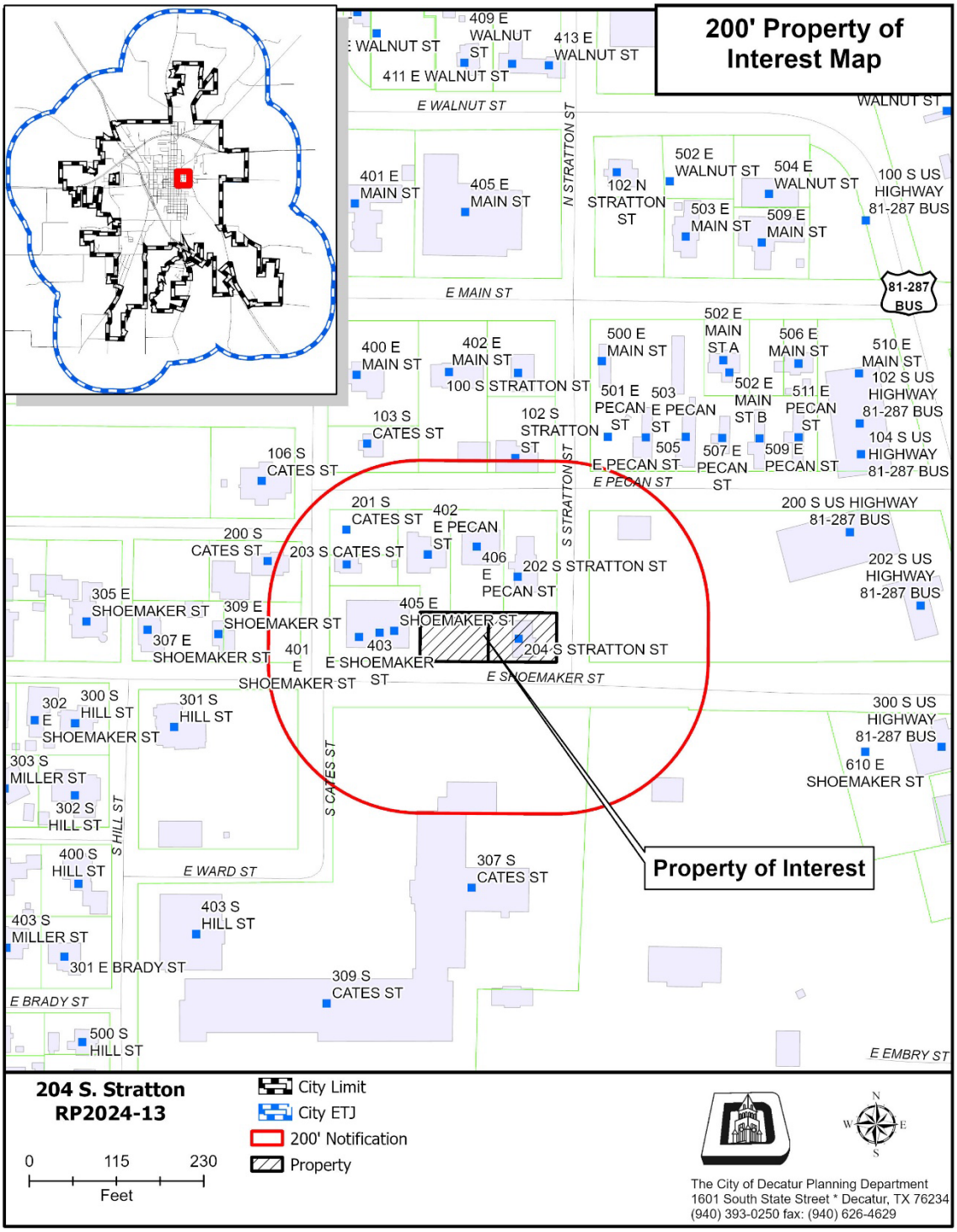


Recommendation:
Both proposed parcels meet the minimum requirement of lot sizes per the City of Decatur's Zoning Ordinance, Appendix B, Section 5.1.3 (2), when the application was submitted on December 6, 2024, which was **prior to** City Council approval of the Zoning Amendment, SI2024-04, on December 9, 2024. ***Staff recommends approval contingent on the outcome of the BOA meeting on January 22, 2025, for three Special Exception requests.***

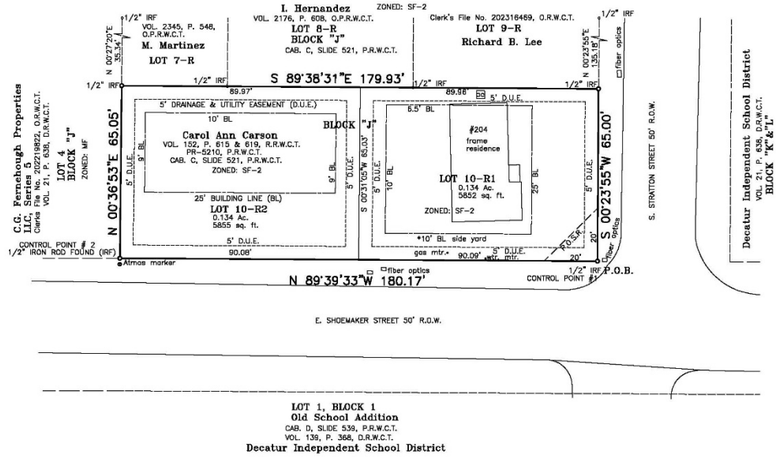
Attachments:

1. 200' Property Owner Notification Map
2. Replat Exhibit

Attachment 1
Property Owner Notification Map



ATTACHMENT 1
REPLAT EXHIBIT



Area Summary:

2 Residential Lots 0.268 Acres
Zoning SF-2

Control Point 1	Control Point 2
N: 7122788.85	N: 7122843.69
E: 2243005.91	E: 2243162.19

STATE OF TEXAS

COUNTY OF WISE

SURVEYOR'S CERTIFICATION:

I, M.D. Herrijgers, a Registered Professional Land Surveyor in the State of Texas, hereby certify this plat is true and correct and was prepared from an actual survey made on the ground in the month of November 2024, under my personal supervision.

_____
M.D. Herrijgers R.P.L.S. 5947

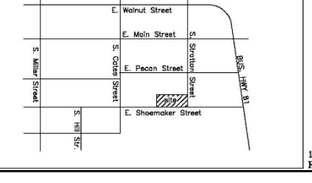
Date: _____

OWNER/DEVELOPER:

C.A. Carson
101 W. Main Street
Decatur, TX 76234
940-627-8080

30 0 30 60 90
GRAPHIC SCALE - FEET

Vicinity Map (NTS)



MDH SURVEYING
348 CUNDIFF-CRAFTON RD.
CHICO, TX 76431
940-644-2800
mdhsurveying@hotmail.com
Texas Registration No. 10163500

12-02-2024
Revised: 12-19-2024

Plat Notes:

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

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

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

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

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

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

Public Open Space Restriction (P.O.S.R.):
No structure, object, or plant of any type may obstruct vision from a height of thirty (30) inches to a height of ten (10) feet above the crown of the road, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., in the public open space easement as shown on the plat.



Control Source:
Coordinate data and bearing source shown heron is based on the city control network. This data is relative to the Texas Coordinate System, NAD 83 North Central Texas Zone utilizing GPS monument "City Monument # 9". Bearing control combined scale factor is 0.9998775952. All distances and coordinates shown are based on feet-US definition.

According to a copy of the Flood Insurance Rate Map for Wise County, Texas and Incorporated Areas, Map Number 48497C0350 D effective date December 15, 2011 no part of subject property appears to be in the 100 year flood zone, said property is in Zone "X".

All iron rods set are 1/2" iron rods with an orange plastic cap stamped MDH RPLS 5947.

*The yard of Lot 10-R1 is being dedicated as a side yard per Section 7.1.1(7) "Residential Lot Dimensions," of the Zoning Regulations.

ON THE _____ DAY OF _____, 2025, THIS PLAT WAS DULY APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF DECATUR, TEXAS.

BY: _____
CHAIRMAN

ATTEST: _____
PLANNING DIRECTOR

THE CITY COUNCIL OF DECATUR, TEXAS, ON THE _____ DAY OF _____, 2025, VOTED AFFIRMATIVELY TO ADOPT THIS PLAT AND APPROVE IT FOR FILING OF RECORD.

BY: _____
MAYOR

ATTEST: _____
CITY SECRETARY

STATE OF TEXAS
COUNTY OF WISE

OWNER'S ACKNOWLEDGMENT AND DEDICATION

Whereas Carol Ann Carson, the owner of Lot 10-R, Block "J", Mrs. E. O. Cates Addition, according to the plat recorded in Plat Cabinet C, Slide 521, Plat Records, Wise County, Texas, also being the same tract described in Probate Record PR-5210, Probate Records, Wise County, Texas and being described by metes and bounds as follows:

BEGINNING at a ½" iron rod found in the West right-of-way of South Stratton Street and the North right-of-way of East Shoemaker Street for the Southeast corner of said Lot 10-R;

THENCE North 89°39'33" West with said North right-of-way a distance of 180.17 feet to a ½" iron rod found for the Southwest corner of said Lot 10-R and the Southeast corner of Lot 4, Block "J" Mrs. E. O. Cates Addition, according to the plat recorded in Volume 21, Page 638, Deed Records, Wise County, Texas;

THENCE North 00°36'53" East a distance of 65.05 feet to a ½" iron rod found for the Northwest corner of said Lot 10-R and the Southwest corner of Lot 7-R of said Block "J";

THENCE South 89°38'31" East passing a ½" iron rod found for the Southeast corner of said Lot 7-R and the Southwest corner of Lot 8-R of said Block "J" at a distance of 39.86 feet, passing a ½" iron rod found for the Southeast corner of said Lot 8-R and the Southwest corner of Lot 9-R of said Block "J" at a distance of 109.94 feet, in all a distance of 179.93 feet to a ½" iron rod found in said West right-of-way for the Northeast corner of said Lot 10-R and the Southeast corner of said Lot 9-R;

THENCE South 00°23'55" West with said West right-of-way a distance of 65.00 feet to the POINT OF BEGINNING and containing 0.268 acres of land and designated herein as Lots 10-R1 and 10-R2, Block "J", Mrs. E. O. Cates Addition, an addition to the City of Decatur, Wise County, Texas and whose name is subscribed hereto, hereby dedicate 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.

_____
Carol Ann Carson

Date: _____

STATE OF TEXAS
COUNTY OF WISE

BEFORE ME, the undersigned authority, on this day personally appeared Carol Ann Carson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office this _____ day of _____, 2025.

_____
NOTARY PUBLIC
WISE COUNTY, TEXAS

FINAL PLAT

LOT 10-R1 & 10-R2, BLOCK "J"

MRS. E. O. CATES ADDITION

CITY OF DECATUR, WISE COUNTY, TEXAS.

BEING A RE-PLAT OF LOT 10-R, BLOCK "J", MRS. E. O. CATES ADDITION TO THE CITY OF DECATUR, WISE COUNTY, TEXAS.

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