



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 Special Meeting *
Decatur City Hall – 201 E. Walnut St., Decatur, TX
Wednesday, November 3, 2021

REGULAR MEETING 5:30 p.m.

AND VIA VIDEOCONFERENCE/TELECONFERENCE

Call to Order

ITEM 1: Consider and take appropriate action regarding approval of the Planning and Zoning Commission Meeting Minutes from October 5, 2021.

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 on Wednesday, November 3rd. Please provide your name, address and the agenda item number.

Non-Public Hearing Items:

ITEM 2: **V2021-14** Commission to hear staff comments and take action to make a recommendation to City Council regarding a request for a variance from Chapter 1, Section 106, "Sidewalks," of the City of Decatur's Design Standards on approximately 29,237.22 linear feet of property located along Enterprise Dr., adjacent to the east boundary of Lots 1R, 4X, 5, 6 & 7, Block 1, the south boundary of Lot 2R-1, Block 1 and the west boundary of Lots 3R & 3R-1, Block 1, Eagles Landing Business Park Addition, and more commonly referred to as Eagles Landing Business Park, Decatur, Texas. A complete legal description of the subject property is found on the plat exhibit located in the staff report. **(Application V2021-14—Mr. Kevin Holzbog, on behalf of Decatur Economic Development Corporation and Cardinal Paints)**

ITEM 3: **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. PP2021-07 Commission to take action to make a recommendation to City Council regarding a request to preliminary plat Lot 1, Block 1, CEFCO Addition, to the City of Decatur, Wise County, Texas being an approximate 6.7245-acre tract of land in the Joseph H. Moore Survey, Abstract No. 538, City of Decatur, Wise County, Texas, and

more commonly referred to as 2202 W. US Highway 380, Decatur, Texas. A complete legal description of the property is found on the plat exhibit located in the staff report. **(Application PP2021-07—Mr. Jordan Schaefer, on behalf of C.L. Gage, George Gage and CEFCO)**


- B. RP2021-04** Commission to take action to make a recommendation to City Council regarding a request to final plat Lots 3R and 3R-1, Block 1, Eagles Landing Business Park Addition, to the City of Decatur, Wise County, Texas, being a replat of Lot 3, Block 1, Eagles Landing Business Park Addition, to the City of Decatur, Wise County, Texas, and more commonly referred to as 3601 Enterprise Dr., Decatur, Texas. A complete legal description of the property is found on the plat exhibit located in the staff report. **(Application RP2021-04—Mr. Kevin Holzbog, on behalf of Decatur Economic Development Corporation and Omega Research)**

For Your Information Items:

ITEM 4: New and/or future business items:

- a. Interview potential P&Z Candidates at the Tuesday, November 9, 2021, meeting.
- b. As of agenda posting, the December 7, 2021, meeting currently has no (0) new Planning applications. Submittal deadline is November 8, 2021, at 11:00 a.m. **(The meeting will be an in person meeting with potential virtual attendance of staff and members of the public unless otherwise determined.)**
- c. Future Zoning Amendments:
 1. Building Standards Commission creation
 2. Stand-alone automated teller machines (ATMs) with SUP
 3. ZBA Criteria for Undue Hardships pursuant to HB1475

Prepared and posted this the 29th day of October, 2021, in accordance with Chapter 551, Texas Government Code.



Dedra Denée Ragland, AICP
Planning and Development Director

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 MEETING
Tuesday, October 5, 2021, 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, October 5, 2021, via videoconferencing with the following participating:

MEMBERS PRESENT:

Cecil LeMond, Chairman
Curtis Creswell, Vice-Chairman
Terry Berube
John Lanier
Eileen Cross
Will Klose

MEMBERS ABSENT:

OTHERS PRESENT: Planning Director Dedra Ragland (Virtual), Legal Counsel Patricia Adams, City Engineer Earl Smith (Virtual) and Development Review Coordinator Cheryl Fuss, representing Staff.

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

ITEM 1: Consider and take appropriate action regarding approval of the Planning & Zoning Commission Meeting Minutes from August 3, 2021.

Vice-Chairman Creswell made a motion to approve the September 7, 2021, Planning and Zoning Commission Meeting Minutes. Commissioner Berube seconded the motion. The motion carries 5-0.

General Agenda Comments:

Chairman LeMond read the following regarding General Agenda Comments:

This videoconferencing 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: dragland@decaturtx.org before and during the meeting on Tuesday, September 7th. 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.

Non-Public Hearing Items:

- ITEM 2:** **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. PP2021-06** Commission to take action to make a recommendation to City Council regarding a request to preliminary plat Lot 1, Block 1, Decatur Waste Management Addition, to the City of Decatur, Wise County, Texas being an approximate 21.26-acre tract of land in the S. Perrin Survey, Abstract No. 684 and the A.G. Harris Survey, Abstract No. 375, City of Decatur, Wise County, Texas. A complete legal description of the property is found on the plat exhibit located in the staff report. **(Application PP2021-06—Mr. Greg Hall, on behalf of City of Decatur)**
- B. FP2021-06** Commission to take action to make a recommendation to City Council regarding a request to final plat Lot 1, Block 1, Decatur Waste Management Addition, to the City of Decatur, Wise County, Texas being an approximate 21.26-acre tract of land in the S. Perrin Survey, Abstract No. 684 and the A.G. Harris Survey, Abstract No. 375, City of Decatur, Wise County, Texas. A complete legal description of the property is found on the plat exhibit located in the staff report. **(Application FP2021-06—Mr. Greg Hall, on behalf of City of Decatur)**

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 recommend approval of the Consent Agenda.

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

Commissioner Cross made a motion to recommend approval of the Consent Agenda. Commissioner Berube seconded the motion. The motion carries 5-0.

- ITEM 3:** **V2021-11** Commission to hear staff comments and take action to make a recommendation to City Council regarding a request for a variance from Chapter 2, Section 201, "Street Improvements (curb/gutter)," of the City of Decatur's Design Standards on approximately 1,334.0 linear feet of property located along Bennett Road, where adjacent to the southern boundary of proposed Lot 1, Block 1, Decatur Waste Management Addition, and more commonly referred to as 300 Bennett Road, Decatur, Texas. A complete legal description of the subject property is found on the plat exhibit located in the staff report. **(Application V2021-11—Mr. Greg Hall, on behalf of City of Decatur)**
- ITEM 4:** **V2021-12** Commission to hear staff comments and take action to make a recommendation to City Council regarding a request for a variance from Chapter 1, Section 106, "Sidewalks," of the City of Decatur's Design Standards on approximately 1,334.0 linear feet of property located along Bennett Road, where adjacent to the southern boundary of proposed Lot 1, Block 1, Decatur Waste Management Addition, and more commonly referred to as 300 Bennett Road,

Decatur, Texas. A complete legal description of the subject property is found on the plat exhibit located in the staff report. **(Application V2021-12—Mr. Greg Hall, on behalf of City of Decatur)**

City Engineer Smith presented the staff findings for V2021-11 and V2021-12, since the applications pertain to the same property. He reminded the Commissioners that separate action is required. City Engineer Smith summarized each variance as follows:

- The first application, V2021-11, is for approximately 1,334.0 linear feet of curb/gutter along Bennett Rd., along the southern boundary of 300 Bennett Rd.; and
- The second application, V2021-12, is for approximately 1,334.0 linear feet of sidewalk along Bennett Rd., along the southern boundary of 300 Bennett Rd.

Chairman LeMond asked if there are any questions or comments.

Commissioner Berube stated it is a little ironic that the City of Decatur is asking for a variance from their own regulations. She asked City Engineer Smith how the City gets away with not taking care of their side of the road when a new development coming in on the south side of the street would be required to have curb, gutter and sidewalks. Commissioner Berube said she has a problem with this but on the other hand, P&Z does recommend approval for variance requests from citizens when they have the same kind of situation with this type of road. She stated it is a tough situation.

Commissioner Klose stated he doesn't see a need for a sidewalk along Bennett Road; however, he is inclined to deny the variance request for curb and gutter. Commissioner Klose asked if the City will install curb & gutter when Bennett Road became a thoroughfare. He also mentioned that the City does not want to follow their own guidelines that they make tax payers and citizens abide by.

City Engineer Smith stated curb & gutter will cause a drainage issue. He said the drainage ditch along Bennett Road is very deep. City Engineer Smith said the reason the City is platting the property now is to add a building to the site to facilitate some maintenance items. He said there will be a future waste water facility and they could include this improvement at that time.

Commissioner Berube stated the comments do state that granting of the variance could be considered a conflict with the Decatur 2050 Long Range Master Plan. She said citizens come and request a variance because they don't want to spend the money either and commissioners are not able to consider that in granting their variances.

Commissioner Cross stated the pictures in the staff report are misleading. She said when you are driving down Bennett Road, if you move too far to the right, you might need a tow truck to help get you out of the ditch.

Planning Director Ragland stated state law states that you cannot consider financial hardship; however, she doesn't think that is what the City is offering as a reason for not wanting to construct the curb and gutter. She said she thinks it is about creating an additional drainage issue as being of primary concern.

Planning Director Ragland asked City Engineer Smith if he was claiming a financial hardship.

City Engineer Smith said he is not claiming a financial hardship. He said doing spot construct of curb and gutter could create drainage issues and he does believe they will. City Engineer Smith said there is a creek at the far end that will need additional considerations to fix the drainage. He said he will install curb and gutter once the larger project is underway.

City Engineer Smith asked City Attorney Adams if the Commission can postpone the curb and gutter construction until the waste treatment facility is built.

City Attorney Adams asked City Engineer Smith if there are drainage issues now that will be solved with adding curb and gutter.

City Engineer Smith stated some of the drainage issues will be resolved. He said if he were designing the curb and gutter improvements, he would eliminate the deep ditch by adding a storm water system.

City Attorney Adams asked if curb and gutter was installed now, would it have to be redone at a later date for the larger expansion.

City Engineer Smith said if the Bennett Road thoroughfare boundaries changed, then a portion of the curb and gutter will need to be redone.

City Attorney Adams stated to the commissioners that the ordinance does not provide any type of conditional approval. She said the only option is if the commissioners grant the variance for this project only and as new projects came up, they will have to address them individually.

Chairman LeMond asked if there are any additional questions or comments. There were none, Chairman LeMond asked for a motion for V2021-11.

Commissioner Klose made a motion to recommend denial of Variance Application 2021-11. Commissioner Berube seconded the motion. The motion carries 3-2, Vice-Chairman Creswell and Commissioner Lanier opposed.

Chairman LeMond asked if there are any questions or comments. There were none, Chairman LeMond asked for a motion for V2021-12.

Commissioner Klose made a motion to recommend approval of Variance Application 2021-12. Vice-Chairman Creswell seconded the motion. The motion carries 5-0.

ITEM 5: Receive candidate applications to fill vacant Planning and Zoning Commission seat, report on selection criteria scoring and methodology, and provide staff with direction for scheduling special meeting to conduct candidate “interviews”.

Two applicants expressing an interest in serving on the Commission:

A. Mark Ary

B. Mason Woodruff

Applications and selection criteria scoring sheet provided.

Planning Director Ragland stated there are two applicants that have submitted for the vacant Planning and Zoning Commission seat.

Commissioners had some discussion and came to a consensus to hold the interviews for the open P&Z Commissioner position at the rescheduled Planning and Zoning Commission meeting Tuesday, November 9, 2021.

For Your Information Items:

ITEM 6: Discuss and approve moving the November 2, 2021, meeting to Wednesday, November 3, 2021, due to election voting occurring in the City Council Chambers on November 2, 2021.

Vice-Chairman Creswell made a motion to move the November 2, 2021, meeting to Tuesday, November 9, 2021, at 5:30 pm. Commissioner Berube seconded the motion. The motion carries 5-0.

NOTE: Due to the platting requirements mandated by the state, there will also be a special meeting on Wednesday, November 3, 2021.

ITEM 7: New and/or future business items:

- a. As of agenda posting, the November 3, 2021, and November 9, 2021, meetings currently have no (0) new Planning applications. Submittal deadline was October 4, 2021, at 11:00 a.m. (The meeting will be an in person meeting with potential virtual attendance of staff and members of the public unless otherwise determined.)
- b. Future Zoning Amendments:
 - a. ~~Building Standards Commission creation~~ (Not a Zoning Amendment)
 - b. Stand-alone automated teller machines (ATMs) with SUP
 - c. ZBA Criteria for Undue Hardships pursuant to HB1475

The meeting adjourned at 6:28 p.m.

Cecil LeMond, Chairman

ATTEST:

Dedra Denée Ragland, Planning Director

Minutes Prepared by:

Cheryl Fuss, Development Review Coordinator



**City of Decatur
City Engineer**

Memo

To: Cheryl Fuss
Dedra Ragland

Cc: Greg Hall
Katherine Griffith

From: Earl Smith, P.E., CFM, City Engineer

Date: 10/22/2021

Re: 2021-14; Variance Request, Sidewalk along Enterprise Drive; Eagles Landing Business Park Addition

Comments on Variance Request:

From Subdivision Ordinance: 103.8 - Conditions for Approval.

No variance shall be granted unless the Council finds that all of the following conditions exist:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land;

Property is located and bounded by Heavy Industry on the west side. Property to the north, east and south sides is not in city limits. Property was obtained by the Corporation for Economic Development of the City of Decatur in 2017 for the sole purpose of developing a business/industrial park and the site and has been used for that purpose since. No sidewalks exist within any reasonable distance. The entire property will function as a work place.

And;

2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

No sidewalks exist in the area. The addition of sidewalks should not affect property rights of owner although no sidewalks exists to tie to and it is not expected that a project will occur that would require construction of such improvements. Property developed outside of the city limits is governed by Wise County Development Rules and Regulations. Wise County does not require sidewalks nor do they want them due to maintenance issues.

And;

3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area;

It could be believed that the absence of sidewalks has not necessarily adversely impacted pedestrian safety. Also, it could be believed that sidewalks in an industrial setting could place pedestrians in a hazardous conflict with heavy transportation vehicles. The entire property will function strictly as a work place. Enterprise Dr. is considered a local street. Therefore, granting of the variance would not be considered a conflict with Decatur 2050 Long Range Master Plan.

And;

4. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance.

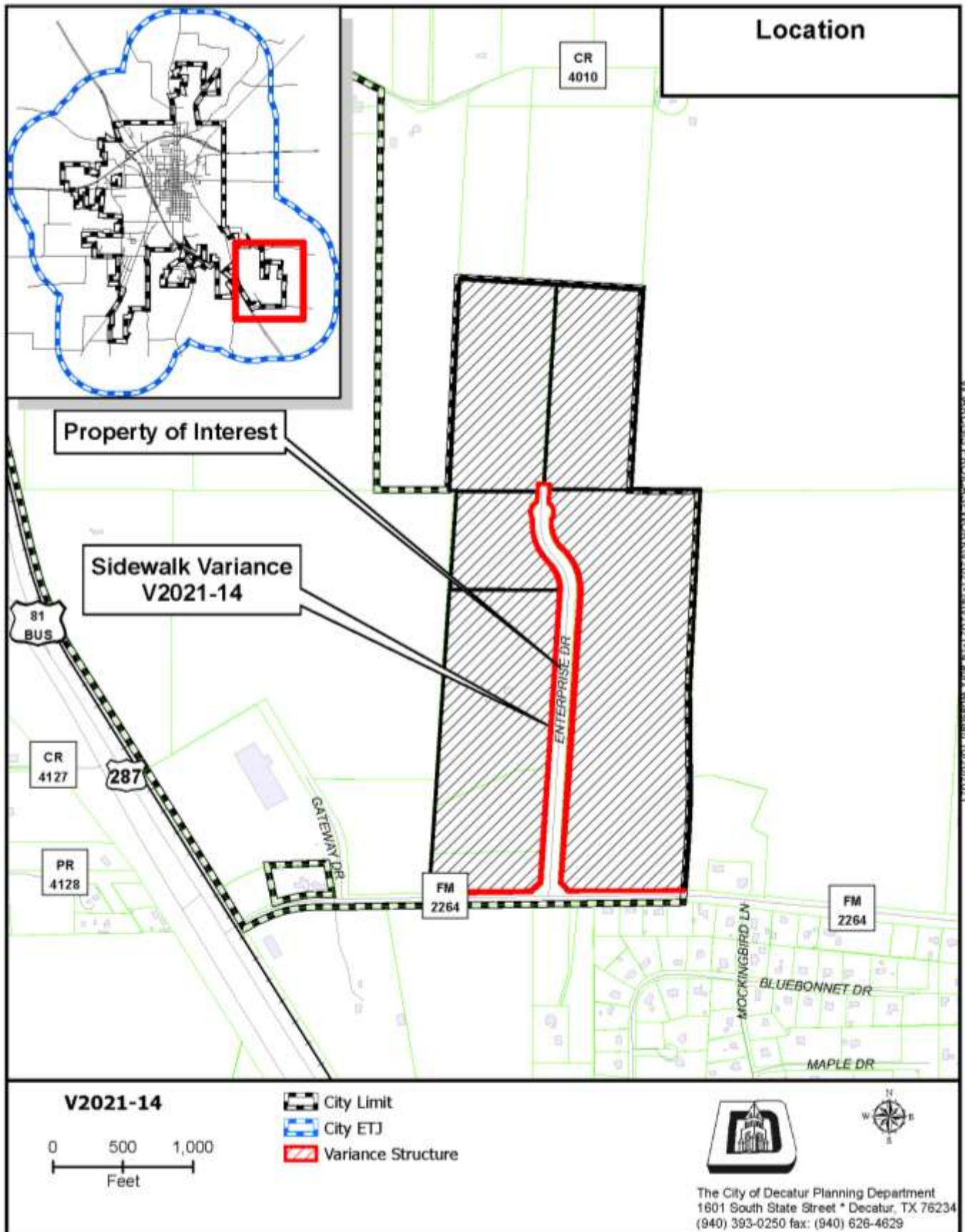
Future platting of surrounding properties that would require construction of sidewalks will not occur unless properties annexed into city.

NOTE: The findings included in this memo are presented to the decision making bodies as evidence, to support the bodies to make a decision. The City Engineer makes no recommendation concerning this specific issue.

Attachment:

1. Location Map

Attachment 1 Location Map





STAFF REPORT

November 3, 2021 – Planning & Zoning Commission Meeting

TO: Planning & Zoning Commissioners

CASE: PP2021-07

FROM: Dedra D. Ragland, AICP, Planning Director

APPLICANT: Jordan Schaefer, on behalf of
C.L. Gage, George Gage,
Reggie Hickerson and CEFCO

DATE: October 29, 2021

REQUEST: Preliminary Plat Application

Case Notes:

Consider taking action to make a recommendation to City Council regarding a request to preliminary plat Lot 1, Block 1, CEFCO Addition, to the City of Decatur, Wise County, Texas being an approximate 6.7245-acre tract of land in the Joseph H. Moore Survey, Abstract No. 538, City of Decatur, Wise County, Texas, and more commonly referred to as 2202 W. US Highway 380, Decatur, Texas. A complete legal description of the property is found on the plat exhibit located in this staff report. **(Application PP2021-07—Mr. Jordan Schaefer, on behalf of C.L. Gage, George Gage, Reggie Hickerson and CEFCO)**

Legality:

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

Issues:

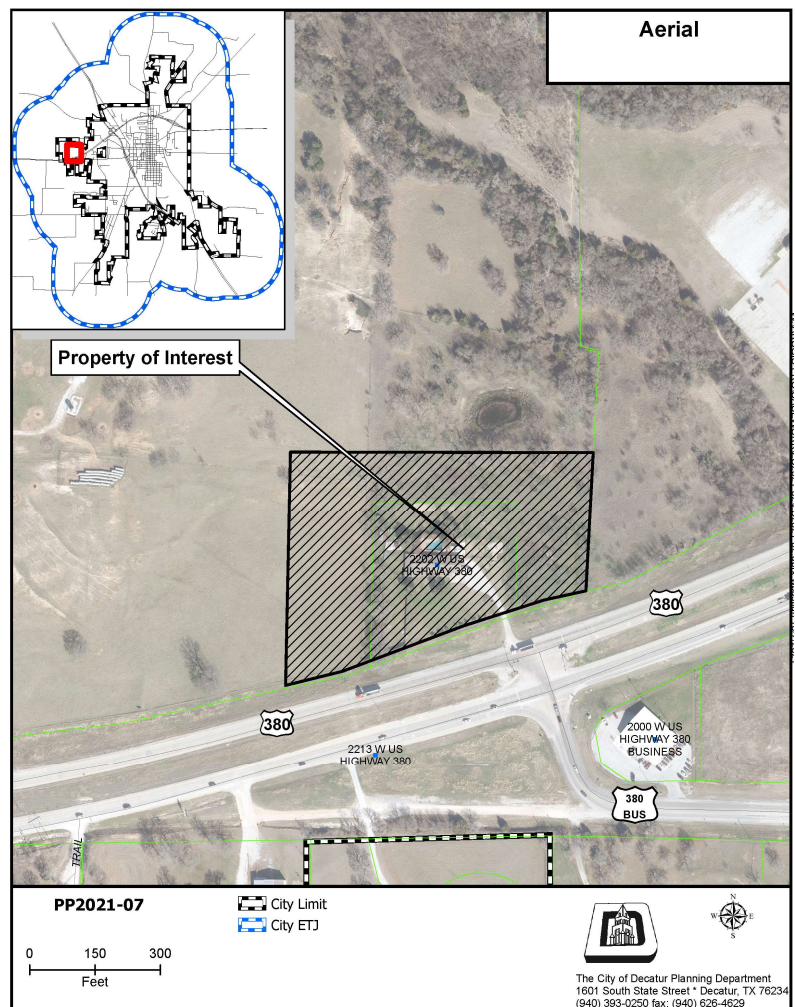
None. Property is being platted for a new truck stop.

Recommendation:

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

Attachment:

1. Preliminary Plat Exhibit



AERIAL



CITY OF DECATUR, TEXAS

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

STAFF REPORT

November 3, 2021 – Planning & Zoning Commission Meeting

TO: Planning & Zoning Commissioners

CASE: RP2021-04

FROM: Dedra D. Ragland, AICP, Planning Director

APPLICANT: Kevin Holzbog's request, on behalf of Decatur Economic Development Corporation and Omega Research

DATE: October 29, 2021

REQUEST: Replat Application

Case Notes:

Consider taking action to make a recommendation to City Council regarding a request to final plat Lots 3R and 3R-1, Block 1, Eagles Landing Business Park Addition, to the City of Decatur, Wise County, Texas, being a replat of Lot 3, Block 1, Eagles Landing Business Park Addition, to the City of Decatur, Wise County, Texas, and more commonly referred to as 3601 Enterprise Dr., Decatur, Texas. A complete legal description of the property is found on the plat exhibit located in this staff report. **(Application RP2021-04—Mr. Kevin Holzbog, on behalf of Decatur Economic Development Corporation and Cardinal Paints)**

Legality:

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

Issues:

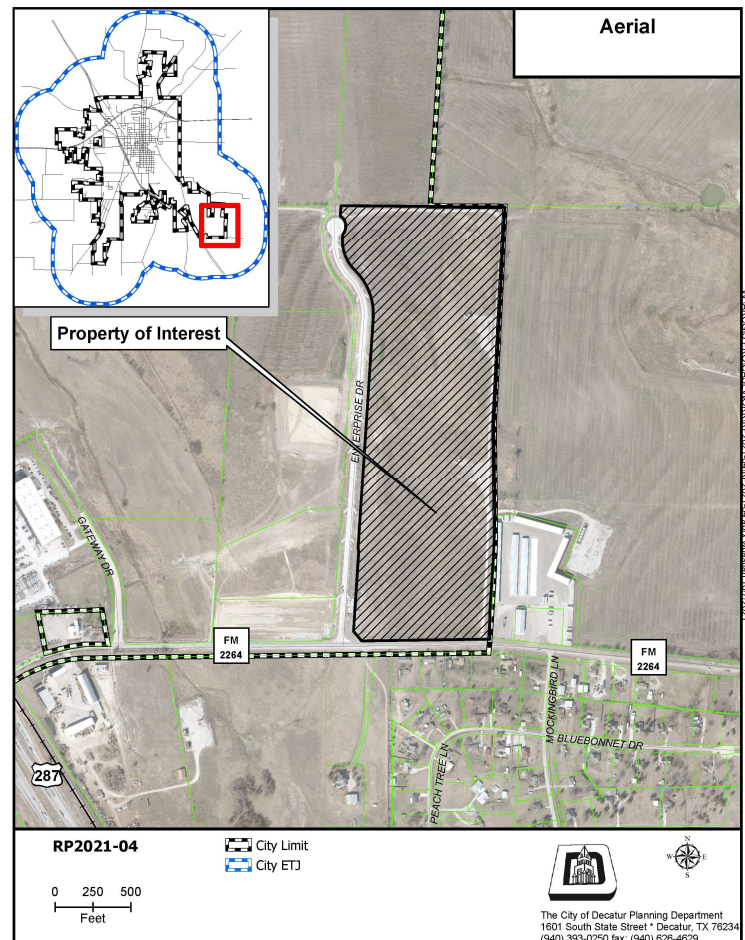
None. Property is being replatted to accommodate a new development – Omega Research.

Recommendation:

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

Attachment:

1. Replat Exhibit



AERIAL MAP

