



May 18, 2021

Notice is hereby given of a Regular Meeting of Nacogdoches City Council to be held on the above date via videoconference, with the opportunity to appear in person in the City Council Chambers of City Hall, 202 East Pilar Street, Nacogdoches, Texas, with a Work Session beginning at 4:30 p.m. and Regular Session beginning at 5:30 p.m. for the purpose of considering the following agenda items.

In accordance with Orders of the Governor due to the COVID-19 pandemic, the City of Nacogdoches City Council meeting will be deemed as being conducted via teleconference or videoconference. However, some City Council Members may attend virtually, while others may be present in the above stated physical location. Regardless, the meeting will be streamed live at <https://www.nactx.us/21> There will be an opportunity for the public to comment on agenda items either by teleconference or in person in Council Chambers. For those attending in person, strict adherence to COVID-19 related CDC guidelines will be enforced at all times.

Members of the public who wish to submit comments by telephone on a listed agenda item must contact the City Secretary's office by email at vinsonj@nactx.us or by calling 936-559-2506 and providing their name, telephone number and relevant agenda item upon which they wish to speak. All requests to make comments by telephone must be received by 12:00 p.m. on May 18, 2021. For all timely requests received, staff will call the submitted phone numbers directly during the meeting when the corresponding item comes up for comment. NOTE: The incoming phone call from City staff will be an unfamiliar number.

**PLEASE LIMIT PRESENTATIONS TO THREE MINUTES
(UNLESS PRIOR APPROVAL IS OBTAINED)**

1. Call to order.
2. Pledge of Allegiance.
3. WORK SESSION:
 - A. Receive an update, hold a discussion and give staff direction regarding a list of planning studies and strategies to assist the City's planning and economic development efforts. (City Planner and City Manager)
4. Open Forum.
5. Items to be removed from Consent Agenda.
6. **CONSENT AGENDA:** Items included under Consent Agenda require little or no deliberation by Council. Approval of Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations as reflected in the minutes of this meeting.
 - A. Consider approval of minutes from May 4, 2021 regular meeting and May 11, 2021 special meeting. (City Secretary)
 - B. Consider approval of an interlocal agreement between the City of Nacogdoches and Nacogdoches County relating to COVID-19 vaccine administration, outreach

and assistance. (Fire Chief)

- C. Consider an ordinance establishing temporary maximum speeds of motor vehicles in certain areas associated with the TxDOT US 59 Direct Connect Project (Assistant Director of Public Works)
- D. Consider approving a gift/donation to the City of Nacogdoches, for the exclusive benefit of the City of Nacogdoches Animal Shelter, from the Estate of GLENDA HERBERT WATTERS, DECEASED. (City Attorney)
- E. Consider a resolution designating an authorized official and signatory for contractual documents pertaining to a multiple use agreement with Texas Department of Transportation to permit the City of Nacogdoches to construct, maintain, and operate a public speed and camera trailer within U.S. Hwy 59 right-of-way.(Police Chief)

7. **REGULAR AGENDA:**

- A. **Public Hearing:** Discuss and consider a request for approval of historic overlay for Lots 29 and 5-B, City Block 35, located at 500 Forbes Street. Historic Overlay #2021-002. (Assistant Community Services Director)
- B. **Public Hearing:** Consider an ordinance amending the boundaries of a zoning district within the City of Nacogdoches from B-2 General Business to R-1 Single Family for Lot 2, Block 2 of the Linden Grange Addition located at 120 Karle Street. This request has been submitted by Linda Holmes Sisk. Case File ZON2021-03. (City Planner)
- C. **Public Hearing:** Consider an ordinance amending the boundaries of a zoning district within the City of Nacogdoches from R-1 Single Family to B-2 General Business for Lot OL 49, City Block 43, as described in a deed dated July 17, 2020, recorded in Document Number 2020-4460 of the Real Property Records of Nacogdoches County, located on the south side of West Main Street, approximately 200 feet west of Bremond Street. This request has been submitted by Brent Ivy of Ivy Gott Property LLC. Case File ZON2021-04. (City Planner)
- D. **Public Hearing:** Consider an ordinance amending the boundaries of a zoning district within the City of Nacogdoches from R-1, Single Family to B-2, General Business, for approximately 10.9 acres, being Lot 1-A, City Block 64, located at 2827 Railroad Street. This request has been submitted by Warren Sparks. Case File ZON2021-01. (City Planner)

Council may conduct Executive Session deliberation, reconvening open session for action, if any, on Executive Session items. Regular Session agenda items appropriate for Executive Session consideration may be moved into Executive Session for deliberation, but not action, upon proper announcement at the meeting by presiding officer.

8. EXECUTIVE SESSION:

- A. Consultation with City Attorney - Pursuant to Texas Government Code Section 551.071, deliberation regarding attorney's advice concerning pending or contemplated litigation or a settlement offer, or on a matter in which the duty of the attorney to the governmental body under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. The subject of this Executive Session relates Shannon Williams versus The City of Nacogdoches, Texas, its former police officer Josh Anders, and The Overlook at Nacogdoches (apartment complex).

9. Open for action, if any, on Executive Session item(s).

10. Adjourn.



Jan Vinson, City Secretary



This agenda is posted as required under G. C. Section 551.041. For more information or a copy of the Open Meetings Act, please contact Attorney General of Texas at 1-800-252-8011; City Secretary at 936/559-2506 or visit City of Nacogdoches web site at www.nactx.us.

CERTIFICATION

I certify the notice of meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas on May13, 2021 at 2 p.m. and remained posted until meeting convened.

Jan Vinson, City Secretary

PRESENTER: Mario Canizares, City Manager, Alaina Chafin, City Planner

ITEM/SUBJECT: Receive an update, hold a discussion and give staff direction regarding a list of planning studies and strategies to assist the City's planning and economic development efforts. (City Planner and City Manager)

SUMMARY/BACKGROUND: The Project:

During the December 15, 2020 and January 19, 2021 City Council meetings, Staff presented a list of long range studies and strategies that would assist the City in creating long-term, strategic action-plans to help further current and future planning, engineering and economic development efforts. Based on input received from City Council at both work sessions, Staff was provided direction to move forward with the advancement of these initiatives, including conducting the procurement process of the following two proposals:

1. Hire a consultant to create a Downtown Master Plan; and
2. Hire a consultant to update to the City's Comprehensive Plan.

The Downtown Master Plan would create a vision for downtown Nacogdoches and act as a framework for future ordinances and initiatives with strategies to help reinvigorate the downtown area. This plan would also include a market analysis to explore how much, and what type of new retail, entertainment, and housing, etc. exists, and might be needed in the years ahead. A comprehensive design plan for downtown was last completed in 1974.

The Comprehensive Plan update would include a review of current conditions of land uses, recommend future land uses, a future transportation plan, and implementation strategies. The update would include a in-depth study of the proposed I-69 Corridor which would include more specific future land use, utility, and design suggestions. The update would also incorporate a housing needs assessment, which would include a review of the City's current housing stock and project housing needs for the near and long term. The Comprehensive Plan was last updated in 2003.

Procurement Process:

Based on the direction from City Council to proceed with these studies, the City initiated a request for qualifications (RFQ) in early March 2021. The submittal deadlines for both projects were received on March 26, 2021. A total of 13 firms submitted for the Downtown Master Plan and 10 firms submitted for the Comprehensive Plan.

A review panel that consisted of the Director of Community Services, the Historic Sites Manager, the NEDCO President, the Chair of the Economics and Finance for SFASU, and the City Manager met to review and score all RFQ submittals; attached to this item please find the average score for each submittal. As a result of this review, three firms for each study were selected as finalists for further review which included an interview with each firm. The

interviews for both projects were scheduled for May 11 and May 13. Once the interviews are completed, the panel will evaluate the material presented and will make a recommendation for a lone finalist for each study. At that time, contract negotiations will begin for these projects with a final recommendation presented to City Council in mid-June.

Citizen Engagement:

A major component of these studies is community engagement on the front end of the project to obtain the feedback from city residents regarding their current observations, their concerns, and their vision for the future of our community. The feedback from our community is critical to the success of these studies. Therefore, staff is recommending the following:

- A public meeting on June 8 to provide the community an update on these initiatives and provide answers to any questions brought forward.
- That the City Council appoint a committee/task force for each initiative.

The committees would work directly with the staff and the consultant at the beginning and throughout the study period. Whichever consultant is selected, they would seek community feedback prior to working on the project in earnest. Also, the task force can and should provide guidance and communicate community sentiment to staff and the consultant throughout the projects. Once the projects are completed, the committees/task forces would be dissolved.

FINANCIAL:

No financial impact associated with this item.

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Community Engagement/Diverse Environment; Downtown Entertainment and Destination District; Neighborhood Revitalization and Attainable Housing; Infrastructure; I-69 Development; Economic Development; and Value-Driven Education and Job Training.

CITY CONTACT: Alaina Chafin, City Planner
chafina@nactx.us
(936) 559-2572

Mario Canizares, City Manager
canizaresm@nactx.us
(936) 559-2501

ATTACHMENTS: 1. RFQ Submissions & Scores
2. Presentation

RFQ Submissions & Average Score

Comprehensive Plan RFQ Submissions	
Consultant	Average Score
Verdunity	487
DTJ Design	407
Stantec	379
Kending Keast	350
Fregonese Asso.	330
Design Workshop	322
Houseal Lavigne	320
Halff Asso.	320
Kimley-Horn	307
Gap Strategy	283

Downtown Masterplan RFQ Submissions	
Consultant	Average Score
DTJ Design	433
Design Workshop	383
Gunda Corporation	376
Fregonese Asso.	359
Stantec	325
Downtown Redevelopment	325
Kimley-Horn	322
Houseal Lavigne	316
Halff Asso.	310
Asakura Robinson	308
Benchmark Planning	299
CallisonRTKL	299
Gap Strategy	285

Update on Plans & Studies for Planning & Economic Development Strategies

Plans & Studies Recap

Status	General Fund
Complete	Fire Station Study
RFQ	Comprehensive Plan (including I-69 Corridor)
RFQ	Downtown Master Plan
RFQ	Housing Needs Study (scope included in Comp. Plan project)
Underway	Drainage CIP Study
Future	Hazard Mitigation Action Plan
Future	Fiscal Study & Strategy
Future	Unified Development Code
Future	Multi-Modal Transportation Plan
Future	Small Area Plans (optional only as needed)
	Utility Fund
Complete	Return on Investment Study
Underway	Sewer Master Plan
Underway	Water Master Plan
Underway	(AWIA) Risk and Resilience Assessment and Emergency Response Plan
	Private Donation or NEDCO
Complete	Terminal Area Plan
Future	Retail Study
	No Cost/In House
May 18	Incentive Policy (Update)

Why do the studies?

- **Comprehensive Plan**
 - **Current one was completed in 2003**
 - **Based on 2000 Census demographics (i.e. population, age, income, race & ethnicity, housing)**
 - **Based on 1997 Economic Census (i.e. industry, occupation, employment)**
 - **Alignment of I-69 was incomplete and timing was uncertain**
 - **Annexation and tax laws have changed**
 - **ISD has expanded facilities**
 - **Changes in development patterns**
- **Downtown Master Plan**
 - **Current plan was completed in 1974**
 - **Heritage Development Plan (1998) - Urban Image & Economic Analysis**
 - **Streetscape Improvements Plan (2017) - Includes designs for future sidewalks and central square**

Scope - Proposed Plans

Comprehensive Plan – *Update*: (12-16 months)

- Create vision for the future
- Evaluate current conditions
- Establish long range goals and objectives
- Include implementation strategies
- Includes: future land use plan, a future transportation plan, park and community facilities plans
- Develop a proposed I-69 corridor plan
- Develop a housing needs assessment
- Last updated the comprehensive plan in 2003

Downtown Master Plan: (7-9 months)

- Create a vision for downtown
- Review facades, streetscapes, pedestrian access, parking and other public amenities and provide recommendations
- Provide a market analysis
- Last completed in 1974

What has happened so far

- Staff presented at City Council Workshops
 - December 15, 2020 & January 19, 2020
 - City Council provided direction to proceed with Request for Qualification (RFQ) process
- RFQ process update
 - RFQ's submittals due on March 26, 2021
 - 13 submittals received for Downtown Master Plan
 - 10 submittals received for Comprehensive Land Use Plan Update
- Staff interviewed 3 finalists for each study

Plans - Estimated Costs (\$700K over 3 years)

Funded	Funding Fiscal Year	2019-2020	2020-2021	2021-2022	2022-2023	Staff Oversight	Est. Start Date/ RFQ	Est. Completion Date
✓	Fire Station Study		\$18,000			Fire	Fall 2020	(Complete) Winter 2021
✓	Return on Investment Study	\$50,000				Engineering/P&Z	Summer 2020	(Complete) Winter 2021
✓	Sewer Master Plan		\$44,000			Engineering	Winter 2020	Summer 2021
✓	Water Master Plan		\$75,000			Engineering	Winter 2020	Fall 2021
✓	(AWIA) Risk and Resilience Assessment and Emergency Response Plan		\$31,500			Engineering	Winter 2020	Summer 2021
	Downtown Master Plan		\$100,000			Main Street/P&Z	Immediate	Summer 2021
	Comprehensive Plan --> I-69 Corridor Study --> Housing Needs Study		\$300,000			P&Z	Immediate	Spring 2022
	Drainage CIP Study		\$50,000			Engineering	Winter 2021	Summer 2021
	Hazard Mitigation Action Plan		\$50,000			Fire	Winter 2021	Summer 2021
	Fiscal Study & Strategy		\$50,000			Finance	Spring 2021	Fall 2021
	Unified Development Code			\$75,000		P&Z	Spring 2021	Fall 2022
	Multi-Modal Transportation Plan				\$75,000	Engineering	N/A	N/A
	Small Area Plans				\$50,000	P&Z	N/A	N/A
City Investment Subtotal		\$ 50,000	\$718,500	\$75,000	\$125,000			
City Investment Total					\$968,500			
Private Donation or NEDCO								
✓	Terminal Area Plan			\$0		Engineering/NEDCO	Summer 2020	(Complete) Winter 2020
	Retail Study			\$25,000		NEDCO	N/A	Winter 2022
No Cost/In House								
	Incentive Policy (Update)			\$0		NEDCO	N/A	Winter 2022

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Recommended Next Steps

- City to host a public input meeting on June 8.
- That City Council appoint a 9-member task force for each study on June 16.
 - **Comp Plan**
 - CC Member, PZC Member, SFASU, NEDCO, and 5 community members.
 - **Downtown Master Plan**
 - CC Member, PZC Member, SFASU, CVB, and 5 community members.
- City Council consider contract awards in mid-June
- Kick-off projects in July
- Thank you! Any Questions?



City Council Meeting

Date: May 18, 2021

Agenda Item: 6.A.

PRESENTER: Jan Vinson, City Secretary

ITEM/SUBJECT: Consider approval of minutes from May 4, 2021 regular meeting and May 11, 2021 special meeting. (City Secretary)

SUMMARY/BACKGROUND:

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Jan Vinson, City Secretary
vinsonj@nactx.us
936-559-2506

ATTACHMENTS:

1. May 4th Minutes
2. May 11th Minutes



**Regular Session
Nacogdoches City Council
May 4, 2021 – 5:30 p.m.
Videoconference**

DRAFT

City Council present in person: Mayor Shelley Brophy, Council Members Roy Boldon, Amelia Fischer and Jay Anderson. **Absent:** Council Member Garth Hinze

1. Called to order at 5:31 p.m.

2. Pledge of Allegiance.

3. **ELECTION:**

- A. Canvass results of the May 1, 2021 City Council Regular Election and consider adopting a resolution declaring results.

Due to an outstanding military mail ballot Item 3.A was pulled from the agenda. A Special City Council meeting will be called on May 11, 2021 to canvass the election results. The Nacogdoches County Elections Office will not submit a canvass report to the City Secretary until all ballots are received or the deadline has passed. The deadline to receive military mail ballots is 5 p.m. on Friday, May 7, 2021.

- B. Administer Statement of Officer and Oath of Office for newly elected Mayor and City Council Members.

City Secretary Jan Vinson administered the Statement of Officer and Oath of Office to Jimmy Mize. Mr. Mize ran unopposed for the office of Mayor and was declared elected by Ordinance No. 1852-03-21 at the March 2, 2021 City Council Meeting. Mayor Brophy presented Mayor Mize with a Certificate of Election.

Mayor Mize took his position at the dais and presided over the remainder of the meeting.

4. **RECOGNITIONS:**

5. Nancy Niehaus spoke during open forum about the Emergency Planning Town Hall Meeting scheduled for May 6, 2021 from 6:30 – 8 p.m. in Festival Park hosted by the Texas Observer and 21/7.

6. No items removed from Consent Agenda.

7. **CONSENT AGENDA:** Items included under Consent Agenda require little or no deliberation by Council. Approval of Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations as reflected in the minutes of this meeting.

- A. Consider approval of minutes from April 20, 2021 regular meeting.
- B. Annual review and adoption of a resolution approving the City’s Investment Policy.
- C. First quarter investment report.

Council Member Roy Boldon moved approval; motion duly seconded by Council Member Jay Anderson and carried by unanimous vote.

8. **REGULAR AGENDA:**

- A. Receive a report and consider acceptance of the 2019/2020 Annual Audit.

John Manning, CPA, with Pattillo, Brown and Hill LLP stated the City has received a Certificate of Achievement for Excellence in Financial Reporting from Government Finance Officers Association for many years for its Comprehensive Annual Financial Report and this year should be no different. Pattillo, Brown and Hill, LLP has rendered an unmodified opinion, or clean opinion, of the financial

Minutes unofficial until approved by City Council

statements that were audited. Mr. Manning reviewed findings of the 2019/2020 annual audit discussing comparisons, fund balances, financial statements, internal services fund and health insurance fund. The one recurring finding regarding internal controls from 2019 will be resolved in 2021 when payroll will be moved from the Human Resourced Department to the Finance Department.

Council Member Jay Anderson moved approval; motion duly seconded by Council Member Amelia Fischer and carried by unanimous vote.

9. **EXECUTIVE SESSION:**

- A. Deliberations regarding Economic Development negotiations under Government Code Section 551.087 as follows:
 - 1. Discuss or deliberate regarding commercial or financial information the City has received from business projects the City body seeks to have locate in the City of Nacogdoches and with which the City is conducting economic development negotiations; and
 - 2. Deliberate offer of financial or other incentive to business prospects described above.

10. City Council reconvened in Open Session at 6:39 p.m. taking no action.

11. Meeting adjourned at 6:40 p.m.

ATTEST:

Mayor Jimmy Mize
City Council
City of Nacogdoches

Jan Vinson, City Secretary



**Regular Session
Nacogdoches City Council
May 11, 2021 – 5 p.m.
Videoconference**

DRAFT

City Council present in person: Mayor Pro Tem Roy Boldon, Council Members Amelia Fischer and Jay Anderson. **Absent:** Mayor Jimmy Mize and Council Member Garth Hinze.

1. Called to order at 5:01 p.m.
2. Pledge of Allegiance.
3. No one spoke during Open Forum.

4. REGULAR AGENDA:

- A. Canvass results of the May 1, 2021 City Council Regular Election and consider adopting a resolution declaring the results.

City Secretary Jan Vinson read the results of the May 1, 2021 Regular Election from the canvassing report submitted by Nacogdoches County Election Office as follows:

There are 5,484 registered voters in the Northeast Ward and 919 votes were cast. Garth Hinze received 3 absentee votes, 285 early votes, 107 Election Day votes for a total of 395 votes. Kathleen Belanger received 13 absentee votes, 344 early votes, 167 Election Day votes for a total of 524 votes.

There are 4,415 registered voters in the Northwest Ward and 258 votes were cast. Albert Thomas Lasater was deemed ineligible to serve due to his residence not being located in the city limits of Nacogdoches. Mr. Lasater’s name remained on the ballot because the deadline to remove it had passed. Albert Thomas Lasater received 0 absentee votes, 43 early votes, 20 Election Day votes for a total of 63 votes. Amelia Fischer received 9 absentee votes, 123 early votes, 63 Election Day votes for a total of 195 votes.

Council Member Amelia Fischer moved approval of the resolution declaring the results of the May 1, 2021 Regular Election; motion duly seconded by Council Member Jay Anderson and carried by unanimous vote.

- B. Administer Statement of Officer and Oath of Office for newly elected City Council members.

City Secretary Jan Vinson administered the Statement of Officer and Oath of Office to newly elected Council Members Kathleen Belanger, Northeast Ward and Amelia Fischer, Northwest Ward. Council Members Belanger and Fischer were presented with a Certificate of Election and took their positions at the dais.

Mayor Pro Tem Boldon congratulated both Council Member Belanger and Fischer. Mayor Pro Tem Boldon reminded them to keep all citizens’ wishes in mind as they make decisions for the City, not just the ones that voted for each of them.

5. Meeting adjourned at 5:15 p.m.

ATTEST:

Jan Vinson, City Secretary

Mayor Pro Tem Roy Boldon
City Council
City of Nacogdoches

Minutes unofficial until approved by City Council



City Council Meeting

Date: May 18, 2021

Agenda Item: 6.B.

PRESENTER: Keith Kiplinger, Fire Chief

ITEM/SUBJECT: Consider approval of an interlocal agreement between the City of Nacogdoches and Nacogdoches County relating to COVID-19 vaccine administration, outreach and assistance. (Fire Chief)

SUMMARY/BACKGROUND: City staff has worked with Stephen F. Austin State University (SFASU) on an agreement to continue utilizing student workers through the summer months. The proposed interlocal agreement will allow City resources, along with SFASU student workers to perform work in unincorporated areas of Nacogdoches County. The City is only allowed to request FEMA reimbursement for costs incurred within the City. This agreement will allow the City to bill the County for any services performed (at the County's request) outside of the City. The County will then be able to seek reimbursement for these services.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Community Engagement/Diverse Environment

CITY CONTACT: Keith Kiplinger
kiplingerk@nactx.us
936-559-2540

ATTACHMENTS: 1. Interlocal City County COVID Final

INTERLOCAL COOPERATION CONTRACT

This Agreement is entered into by and between Nacogdoches County, Texas ("County"), a political subdivision of the State of Texas, and the Local Government Body, City of Nacogdoches, Texas ("City"), pursuant to the authority granted and in compliance with the provisions of the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code.

I. Contracting Parties:

Receiving Agency: Nacogdoches County

Performing Agency: City of Nacogdoches

II. Statement of Purpose:

The contracting parties enter into this Interlocal Cooperating Agreement in order to assist Nacogdoches County in COVID-19 outreach, public awareness, and vaccination efforts within Nacogdoches County that are performed solely outside the corporate city limits of Nacogdoches

III. Statement of Services to be Performed:

The Performing Agency agrees to support Nacogdoches County COVID-19 outreach, public awareness and vaccination efforts as requested by the County when city personnel, contractors, student workers, supervising faculty and necessary equipment when assets are available. Services may include outreach related to COVID-19 and the Global Pandemic, vaccination assistance including registration, inoculation, patient monitoring, vaccine delivery and system management.

IV. Contract Amount:

Fees related to this contract will include any costs to the City for contractual services including student workers and faculty supervision, cost of employee overtime including ordinary and customary fringe benefit costs, mileage documented and billed at the current IRS rate and any necessary supplies and equipment. No supplies or equipment will be charged by the City without prior authorization by the County. All costs will be detailed and will relate to work performed outside the City and within Nacogdoches County. Total contract sum shall not exceed \$150,000.

V. Payment for Services:

Receiving Agency will pay for services received from appropriation items or account of Receiving Agency from which like expenditures would normally be paid, based upon vouchers drawn by Receiving Agency payable to Performing Agency.

Payments for services performed will be billed monthly and Receiving Agency shall make payments to Performing Agency within a reasonable time from Receiving Agency's receipt of monthly invoices prepared to Performing Agency's usual format and detail (including appropriate certification).

Payments received by Performing Agency will be credited to its current appropriation item(s) or account(s) from which the expenditures of that character were originally made.

VI. Term of Agreement:

This contract shall begin on May 10, 2021 and shall terminate on December 31, 2021 with an option to renew for an additional 60 days as mutually agreed.

VII. Termination:

Either party may, by providing written notice to the other party thirty (30) days in advance, terminate this Agreement in whole or in part at any time. Upon notice, Performing Agency shall immediately discontinue all services affected (unless the notice directs otherwise) and deliver to Receiving Agency all reports for and/or accumulated by Performing Agency in performing this Agreement, whether completed or in process. All equipment acquisitions purchased and/or paid for by or through the Receiving Agency, either directly or indirectly including reimbursement to Performing Agency by Receiving Agency pursuant to this Agreement is and shall remain the property of the Receiving Agency. Performing Agency shall be reimbursed for services performed before termination date and reasonable costs associated with delivery requirements set forth above.

VIII. Confidentiality:

During the course of the work and/or services to be provided under this agreement, Receiving Agency and/or Performing Agency may come in contact with confidential information of the other. The Parties agree to treat as confidential the information or knowledge that becomes known to them during performance of this Agreement and not to use, copy, or disclose such information to any third party unless authorized in writing by the other party. This provision does not restrict the disclosure of any information that is required to be disclosed under applicable law. The Parties shall promptly notify the other party of any misuse or unauthorized disclosure of the confidential information and upon expiration of this agreement shall return to the other party all confidential information in its possession or control.

IX. Access to Public Information:

The City and County are required to make any information created or exchanged pursuant to this Agreement, and not otherwise excepted from disclosure under the Texas Public Information Act, available in PDF or other format that is accessible by the public at no additional charge.

X. General Provisions:

This Agreement, as well as the rights of each of the parties, shall be governed by the laws respecting local governmental agencies of the State of Texas.

To the extent authorized by the laws and constitution of the State of Texas, the Performing Party shall not be liable to the Receiving Party for any lost profits, special, incidental, consequential or punitive damages, whether for breach of any express or implied warranties or otherwise. In no event shall the Performing Party's liability for damages, caused or arising out of its failure to supply material or perform services in a proper or timely manner exceed the amount paid to the Performing Party under this agreement. Performing Party does not warrant that services shall be without defect, interruption, or suited for particular purposes. Receiving Party agrees to work cooperatively with the Performing Party to maintain services to the best of both parties' abilities.

In case any provision hereof be held illegal, invalid or unenforceable in any respect, such illegality, invalidity or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been included in this Agreement.

This Agreement constitutes the entire agreement hereto with respect to the subject matter hereof, and supersedes any prior understanding or written or oral agreements between the parties with respect to the subject matter of this Agreement. No amendment, modification or alteration of the terms of the Agreement shall be binding on either party unless the same is in writing, dated subsequent to the date hereof, and is duly executed by the party against whom enforcement is sought. Each person signing this Agreement on behalf of a party hereby confirms for the benefit of the other party to this Agreement that any requisite approvals from the governing body of such party have been obtained, and all prerequisites to the execution, delivery and performance hereof have been obtained by or on behalf of that party.

Any dispute between Performing Agency and Receiving Agency regarding this Agreement will be governed by Alternative Dispute Resolution for Use by Governmental Bodies, Chapter 2009, *Texas Government Code*, and any applicable Model Rules promulgated by the Office of the Attorney General and/or the State Office of Administrative Hearing of the State of Texas. Any notice of dispute tendered by Performing Agency should be addressed to the County Judge of the Receiving Agency. Any notice of dispute tendered by Receiving Agency should be addressed to the City Manager of the Performing Agency.

Neither party hereto will be liable or responsible to the other for any loss or damage or for any delays or failure to perform arising out of or caused, directly or indirectly, by circumstances beyond its reasonable control including acts of God, strikes, epidemics, war, riots, flood, fire, sabotage, governmental authority, or any other circumstances ("Force Majeure Occurrence"). Provided, however, in the event of a Force Majeure Occurrence, the City and County agree to use their best efforts to mitigate the impact of the occurrence so that both parties may continue to provide mission critical services during the Force Majeure Occurrence.

The undersigned contracting parties certify that (i) the services specified above are necessary and essential for activities that are properly within the statutory functions of the affected agencies of Local Government; (ii) the proposed arrangements serve the interest of efficient and economical administration of Local Government; and (iii) the services, supplies, or materials contracted for are not required by the laws of the Constitution of the State of Texas to be supplied under contract given to the lowest responsible bidder.

Receiving Agency

Performing Agency

Nacogdoches County

City of Nacogdoches

By: _____ By: _____

(Authorized Signature)

(Authorized Signature)

Name: _____ Name: _____

Title: _____ Title: _____

Date: _____ Date: _____

PRESENTER: Case Opperman, Public Works Asst Director

ITEM/SUBJECT: Consider an ordinance establishing temporary maximum speeds of motor vehicles in certain areas associated with the TxDOT US 59 Direct Connect Project (Assistant Director of Public Works)

SUMMARY/BACKGROUND: In order to protect workers and drivers during construction activities, TxDOT has requested that a speed change be adopted to reduce the speed limit to 45 mph in the construction zone for the US 59 Direct Connect Project within the City limits, from just north of Highway 7 on the west loop to the southern City limit on Highway 59. This speed limit would remain for the duration of the project, expected to be completed in the summer of 2023.

The study for this proposed speed has been approved by the Austin TxDOT office. The City's Traffic Committee recommends adoption of the attached ordinance establishing these changes. To make the new speed limit zone effective, City Council must adopt said ordinance.

The speed limit change will become effective after posting of the new speed limit signs.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

I-69 Development
Infrastructure

CITY CONTACT: Case Opperman - Assistant Director of Public Works
oppermanc@nactx.us
(936) 559-2515

ATTACHMENTS:

1. Ordinance Construction Speed Change US 59
2. Speed Change Ordinance Map 2021
3. Letter for Construction Speed Change US 59
4. US 59 Speed Change PowerPoint

**AN ORDINANCE ESTABLISHING MAXIMUM SPEEDS OF
MOTOR VEHICLES IN CERTAIN AREAS AS DESIGNATED**

WHEREAS, the Texas Department of Transportation has made its recommendations to this Council for such speed zone areas, and

WHEREAS, the City Council of Nacogdoches has studied such recommendations and believe them to be realistic and proper for the City of Nacogdoches,

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Nacogdoches, that the maximum speed for the duration of the construction project 0176-01-081 (US 59 Direct Connect) for the areas applicable shall be as follows:

US HIGHWAY 59

From 0.339 miles South of Spradley St. (MP 25.148) to 0.279 miles North of SH 7 (MP 8.758), a point approximately 12,507 feet, the construction speed zone limit shall be forty-five (45) miles per hour in either direction.

BE IT ORDAINED that this Ordinance shall become effective immediately upon approval and publication and remain effective until the completion and/or acceptance of construction project 0176-01-081 in the applicable areas, at which point the speed zone limit shall return to fifty (50) miles per hour in either direction.

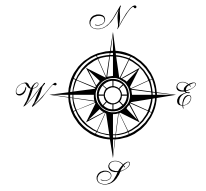
PASSED and APPROVED this the 18th day of May 2021.

Jimmy Mize, Mayor
City of Nacogdoches

ATTEST:

Jan Vinson, City Secretary

Approved as to form: _____
Robert Davis, Interim City Attorney



1 inch = 4,000 feet

Speed Limit
Current: 55 mph on Loop 224
50 mph on Bus. 59
Proposed: 45 mph

Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

April 30, 2021

The Honorable Jimmy Mize
Mayor
City of Nacogdoches
P.O. Box 635030
Nacogdoches, Texas 75963-5030

Subject: Construction Speed Zoning
US Highway 59
Nacogdoches, Nacogdoches County

Dear Mayor Mize:

TxDOT has recently begun a construction project (CSJ 0176-01-081) on the south side of Nacogdoches and received approval from our Austin Office to set a temporary speed limit for the duration of the construction project as follows:

From 0.279 miles North of SH 7 to the South Nacogdoches city limits, a distance of 2.369 miles, the speed limit shall be forty-five (45) miles per hour in either direction for the duration of construction project 0176-01-081 (US 59 Direct Connect).

For the above mentioned speed zone to be official, it will be necessary for the City Council to execute an Ordinance establishing it. Attached for the City's use is a sample ordinance to accomplish this. Once the ordinance has been executed, please return a copy to this office for our files and use. When the executed ordinance has been received, instructions will be issued to have the required signs installed.

If you have any questions, please contact this office at 936/633-4486

Sincerely,

Seth D. Franks, P.E.
Traffic Engineer
Lufkin District

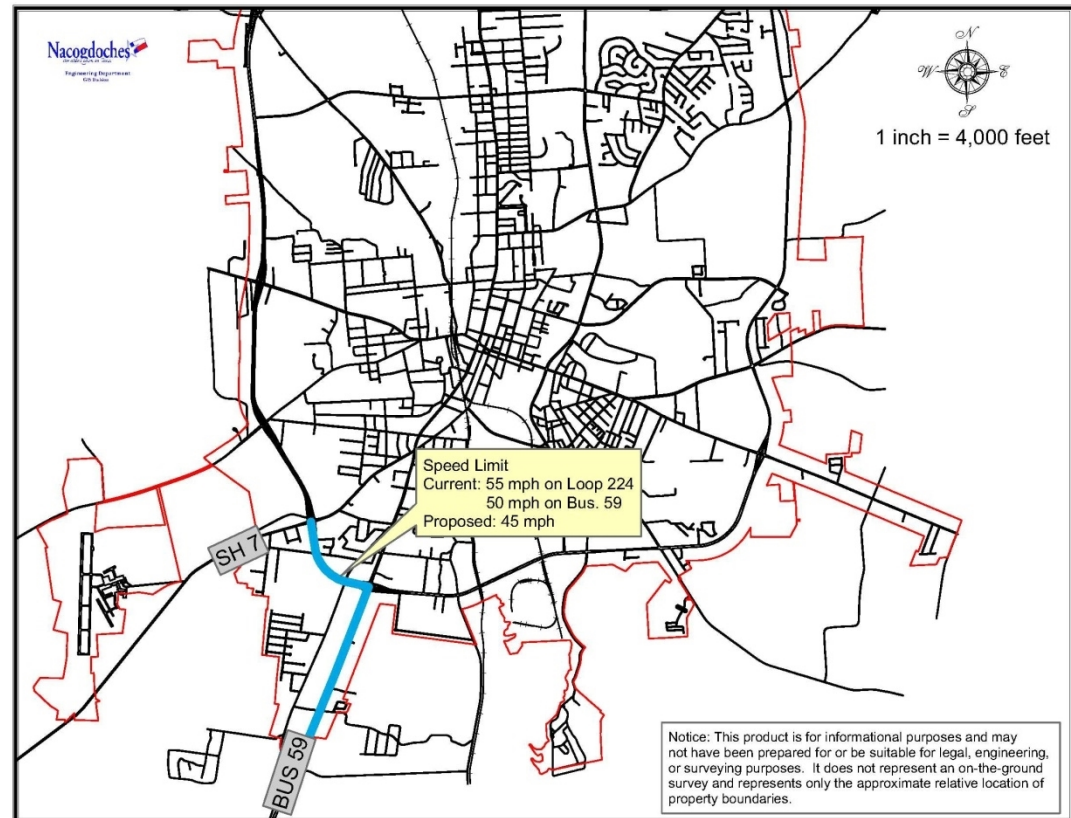
OUR VALUES: *People • Accountability • Trust • Honesty*

OUR MISSION: *Connecting You With Texas*

An Equal Opportunity Employer

SPEED CHANGE ORDINANCE – US 59

- US 59 – SH 7 to City Limits
- Speed:
Loop – 55 mph to 45 mph
Bus. 59 – 50 mph to 45 mph
- Construction zone
dangerous for workers and
drivers



PRESENTER: Robert Davis, City Attorney

ITEM/SUBJECT: Consider approving a gift/donation to the City of Nacogdoches, for the exclusive benefit of the City of Nacogdoches Animal Shelter, from the Estate of GLENDA HERBERT WATTERS, DECEASED. (City Attorney)

SUMMARY/BACKGROUND: This is a gift/donation to the City of Nacogdoches, for the exclusive benefit of the City of Nacogdoches Animal Shelter, from the Estate of GLENDA HERBERT WATTERS, DECEASED, by and through Jerry Baker and Sylvia Baker, in their capacity as Executors of the Will and of the Estate of Glenda Herbert Watters, admitted to probate in the County Court at Law Nacogdoches County, Texas, and styled Cause No. PB2013316; Estate of Glenda Herbert Watters, DECEASED, of an undivided one-half (1/2) interest in and to all of the oil, gas and other minerals, mineral rights and/or royalties belonging to GLENDA HERBERT WATTERS at the time of her death, conveyed to her by Executor's Deed, dated January 31, 1997, by the Estate of Edmond H. Hebert, and recorded in the Deed Records, Shelby County, Texas. Said conveyance includes any and all of Decedent's interest in such minerals, mineral rights and/or royalties in, on, under or appertaining to the following described property and premises, to-wit:

First: 84-1/2 acres of land, more or less, situated in PANOLA COUNTY, TEXAS, on the W.T. ENGLISH SURVEY, described in the Mineral Deed from Abbie E. Gray to E.H. Hebert, dated March 5, 1931, recorded in Volume 87, page 546, Deed Records, Panola County, Texas;

Second: 13 acres of land, more or less, situated in SHELBY COUNTY, TEXAS, under lease on March, 1983, to Atlantic Richfield;

Third: 50 acres of land, more or less, in SHELBY COUNTY, TEXAS, on the W.H. TAYLOR SURVEY, described in the Deed from Carl Neal, et al., to E.H. Hebert, dated June 13, 1966, recorded in Volume 440, page 422, Deed Records, Shelby County, Texas;

Fourth: 37.8 acres of land, more or less, in SHELBY COUNTY, TEXAS, on the JAMES STEVENS SURVEY;

Fifth: 50 acres of land, more or less, in SHELBY COUNTY, TEXAS, on the EPHRIAM STORY SURVEY, being the East one-half of the 100 acre tract of land described in the Mineral Deed from J.M. Johnston, et ux., to E.H. Hebert, et al., recorded in Volume 148, page 352, Deed Records, Shelby County, Texas;

Sixth: 146 acres of land, more or less, in SHELBY COUNTY, TEXAS, on the J.W. CULBERSON SURVEY, and being the same land described in the Mineral Deed from B.J. Hawthorne to E.H. Hebert, dated April 8, 1931, recorded in Volume 151, page 455, Deed Records, Shelby County, Texas;

Seventh: 57.82 acres of land, more or less, in SHELBY COUNTY, TEXAS, on the JOHN RICHARDS SURVEY, described in the Deed from J.D. Hairston, et al., to E.H. Hebert, recorded in Volume 154, page 75, Deed Records, Shelby County, Texas.

FINANCIAL:

No financial impact associated with this item.

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Jan Vinson, City Secretary
vinsonj@nactx.us
936-559-2506

ATTACHMENTS: 1. Draft Deed - Watters Estate

EXECUTORS' DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Date: May __, 2021

Grantor: ESTATE OF GLENDA HERBERT WATTERS, DECEASED, by and through Jerry Baker and Sylvia Baker, in their capacity as Executors of the Will and of the Estate of Glenda Herbert Watters, admitted to probate in the County Court at Law Nacogdoches County, Texas, and styled Cause No. PB2013316; *Estate of Glenda Herbert Watters, DECEASED*.

Grantor's Mailing Address: 232 CR 2153, Nacogdoches, Texas 75965

Grantee: CITY OF NACOGDOCHES

Grantee's Mailing Address: 202 E Pilar St, Nacogdoches, TX 75961

Consideration: For good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged.

Property: An undivided one-half (1/2) interest in and to all of the oil, gas and other minerals, mineral rights and/or royalties belonging to GLENDA HERBERT WATTERS at the time of her death, conveyed to her by Executor's Deed, dated January 31, 1997, by the Estate of Edmond H. Hebert, and recorded in the Deed Records, Shelby County, Texas. Said conveyance includes any and all of Decedent's interest in such minerals, mineral rights and/or royalties in, on, under or appertaining to the following described property and premises, to-wit:

First: 84-1/2 acres of land, more or less, situated in PANOLA COUNTY, TEXAS, on the W.T. ENGLISH SURVEY, described in the Mineral Deed from Abbie E. Gray to E.H. Hebert, dated March 5, 1931, recorded in Volume 87, page 546, Deed Records, Panola County, Texas;

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Reservations from Conveyance: None.

Exceptions to Conveyance and Warranty: None.

Grantors, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grant and convey to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's successors and assigns forever. Grantors bind the Estate of Glenda Herbert Watters to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantors, but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

GRANTORS:

Jerry Baker,
Executor of the Will and of the Estate of Glenda
Herbert Watters

Sylvia. Baker,
Executor of the Will and of the Estate of Glenda
Herbert Watters

STATE OF TEXAS

§

COUNTY OF NACOGDOCHES

§

§

BEFORE ME, the undersigned, a Notary Public in and for said county and state, on this day personally appeared Jerry Baker and Sylvia Baker, known to me to be the persons who executed the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration herein expressed.

GIVEN UNDER MY HAND SEAL OF OFFICE this the _____ day of _____, 2021.

NOTARY PUBLIC – STATE OF TEXAS

PRESENTER: Jim Sevey, Police Chief

ITEM/SUBJECT: Consider a resolution designating an authorized official and signatory for contractual documents pertaining to a multiple use agreement with Texas Department of Transportation to permit the City of Nacogdoches to construct, maintain, and operate a public speed and camera trailer within U.S. Hwy 59 right-of-way.(Police Chief)

SUMMARY/BACKGROUND: In order to use a portion of the highway right of way other than for highway purposes the City may enter into a Multiple Use Agreement with the Texas Department of Transportation (TxDOT). Other purposes may include parking areas, parks, recreational areas, law enforcement functions, etc.

The City is requesting to construct, maintain and operate a public speed and camera trailer on U.S. Highway 59 (south) right-of-way therefore a Multiple Use Agreement with TxDOT is required. These devices are used to make drivers aware of their speed and are effective in reducing vehicle speeds.

If approved this resolution will authorize the City Manager to execute a Multiple Use Agreement with Texas Department of Transportation for the aforementioned public speed and camera trailer.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

I-69 Development

CITY CONTACT: Jim Sevey, Chief of Police
jsevey@nactx.us
936-559-2607

ATTACHMENTS: 1. Resolution

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF NACOGDOCHES, TEXAS DESIGNATING AUTHORIZED OFFICIAL AND SIGNATORY FOR CONTRACTUAL DOCUMENTS PERTAINING TO A MULTIPLE USE AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION TO PERMIT THE CITY TO CONSTRUCT, MAINTAIN, AND OPERATE A PUBLIC SPEED AND CAMERA TRAILER WITHIN U.S. HIGHWAY 59 RIGHT-OF-WAY.

WHEREAS, the City of Nacogdoches, Texas has requested Texas Department of Transportation (TXDOT) to permit the City to construct, maintain, and operate a public speed and camera trailer on U.S. Highway 59 right-of-way and;

WHEREAS, City Council authorizes the execution of a Multiple Use Agreement with TXDOT for the purposes provided above and;

WHEREAS, City Council finds it to be in the public interest to authorize the City Manager to sign the agreement referenced above;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NACOGDOCHES TEXAS, AS FOLLOWS:

The City Manager, Mario Canizares, is authorized to execute a Multiple Use Agreement with the Texas Department of Transportation which will permit the city to construct, maintain, and operate a public speed and camera trailer on U.S. Highway 59 right-of-way.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF NACOGDOCHES, TEXAS
on this ____ day of May 2021.

By: _____
Jimmy Mize, Mayor

ATTEST:

APPROVED AS TO FORM:

Jan Vinson, City Secretary

Robert Davis, City Attorney

PRESENTER: Hanna Andersen, Community Services Asst Director

ITEM/SUBJECT: Public Hearing: Discuss and consider a request for approval of historic overlay for Lots 29 and 5-B, City Block 35, located at 500 Forbes Street. Historic Overlay #2021-002. (Assistant Community Services Director)

SUMMARY/BACKGROUND: David W. Peterson Jr. has requested the property located at 500 Forbes Street be included in the Historic Overlay. The residence was constructed in 1899, builder unknown.

From the applicant:

"The Burrows House embodies the "folk Victorian" architectural style and effectively provides a historic anchor for the neighborhood at the crest of Virginia Avenue. Despite the communal optimism of intermittent historic homeowners in this neighborhood, many structures have succumbed to "rental decline," including several folk Victorians... The 500 Forbes house was part of the George Weaver estate and was built for his daughter. It remains one of few Victorian examples in town displaying original bric-a-brac, of an intricate design notable to Diedrich Rulfs, as expressed by several authorities and evident in other Rulfs structures."

City ordinance requires at least one of the six criteria below be met in order to achieve designation in a historic overlay district. Staff has visited with the applicant and found that the residence at 500 Forbes meets number 4 of the criteria for designation.

Section 50-130. Criteria for designation

- (1) Possesses significance in history, architecture, archaeology, or culture.
- (2) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
- (3) Is associated with the lives of persons significant in the city's past.
- (4) Embodies the distinctive characteristics of a type or period of architecture, or method of construction.
- (5) Represents the work of a master designer, builder, or craftsman.
- (6) Represents an established and familiar visual feature of the city.

Historic Overlay case #2021-002 was heard by Historic Landmark Preservation Committee May 3, 2021 and members unanimously approved recommendation. Planning and Zoning heard the case on May 10, 2021 and members unanimously approved recommendation.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Neighborhood Revitalization and Attainable Housing

CITY CONTACT: Hanna Andersen, Assistant Community Services Director
andersenh@nactx.us
936-559-2940

ATTACHMENTS:

1. Application Packet
2. Virginia Avenue Historic District Map
3. Location Map
4. Notification Map
5. Zoning Map
6. Aerial Photograph

MUNICIPAL ZONING APPLICATION

PROPERTY INFORMATION

Street Address 500 Forbes St.

Legal Description

Lot(s) 29 and 5-B City Block 35

Subdivision George H. Weaver Homestead Subdivision Block _____

PROPERTY OWNER INFORMATION:

Name (as listed on the deed) David W. Peterson Jr.

Mailing Address 500 Forbes

City Nacogdoches State TX Zip 75964

Daytime Phone Number (936) 676-6341 Signature [Signature]

APPLICANT INFORMATION

Name Same

Mailing Address _____

City _____ State _____ Zip _____

Daytime Phone Number () _____ Signature [Signature]

Description of Request:

Current Zoning:											
A	R-1	R-2	R-3	R-4	M	B-1	B-2	B-3	I-1	I-2	
☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	
Requested Zoning:											
A	R-1	R-2	R-3	R-4	M	B-1	B-2	B-3	I-1	I-2	N/A (SUP or HO)
☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Type of Request:											
Specific Use Permit				Zone Change				Historic Overlay			
\$300.00				\$300.00				No Fee			
☐				☐				☒			

Note: This request **WILL NOT** be accepted by the City **UNLESS** it is accompanied by the appropriate filing fee in the form of a check made payable to **The City of Nacogdoches** or by cash and the most current copy of the property deed, showing the owner listed on this application as the owner of the property.

Date fee paid: _____ Case Number _____

You will need to determine which category you wish to apply under and explain that under the DESCRIPTION OF REQUEST on the application. You will also need to provide the date of construction for your property. You may use additional pages if you need more room.

Code of Ordinances, City of Nacogdoches, Texas

Sec 50-130. Criteria for designation.

Upon meeting any one of the following criteria, a historical landmark or district may be designated if it:

- (1) Possesses significance in history, architecture, archaeology, or culture.
- (2) Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
- (3) Is associated with the lives of persons significant in the city's past.
- (4) Embodies the distinctive characteristics of a type or period of architecture, or method of construction.
- (5) Represents the work of a master designer, builder, or craftsman.
- (6) Represents an established and familiar visual feature of the city.

(Ord. No. 1130, art. XI, § 6, 11-3-1998)

Criteria for Designation

1899 "Burrows House" - 500 Forbes St

(4) Embodies the distinctive characteristics of a type or period of architecture, or method of construction.

The Burrows House embodies the "folk Victorian" architectural style and effectively provides a historic anchor for the neighborhood at the crest of Virginia avenue. Despite the communal optimism of intermittent historic homeowners in this neighborhood, many structures have succumbed to "rental decline," including several folk Victorians. It seems only important to validate the remaining structures in order to establish a buffer of continuum around the Virginia Street Historic District.

The 500 Forbes house was part of the George Weaver estate and was built for his daughter. It remains one of few Victorian examples in town displaying original gable bric-a-brac, of an intricate design notable to Diedrich Rulfs, as expressed by several authorities and evident in other Rulf's structures. This house ties in well to the adjacent George Weaver house that appears to be in the overlay (noted with X below).



**Neighboring properties individually designated under Historic Overlay -
designated as "OUTSIDE" on previous page**



312 Weaver - C. 1900-1910

Photo by Ray Robberson, 8-1-2011



709 W. Cox - C. 1890-1910

Photo by Jake McAdams, 9-7-2012



416 Bremond - C. 1890

Photo by Ray Robberson, 8-1-2011



702 W. Cox - C. 1915

Photo by Ray Robberson, 8-1-2011



122 S. Sanders - C. 1910

Photo by Ray Robberson, 8-1-2011

City of Nacogdoches



4/8/2021, 8:44:06 AM

Historic Districts



DOWNTOWN



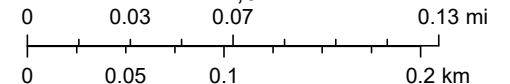
OUTSIDE



City Limits

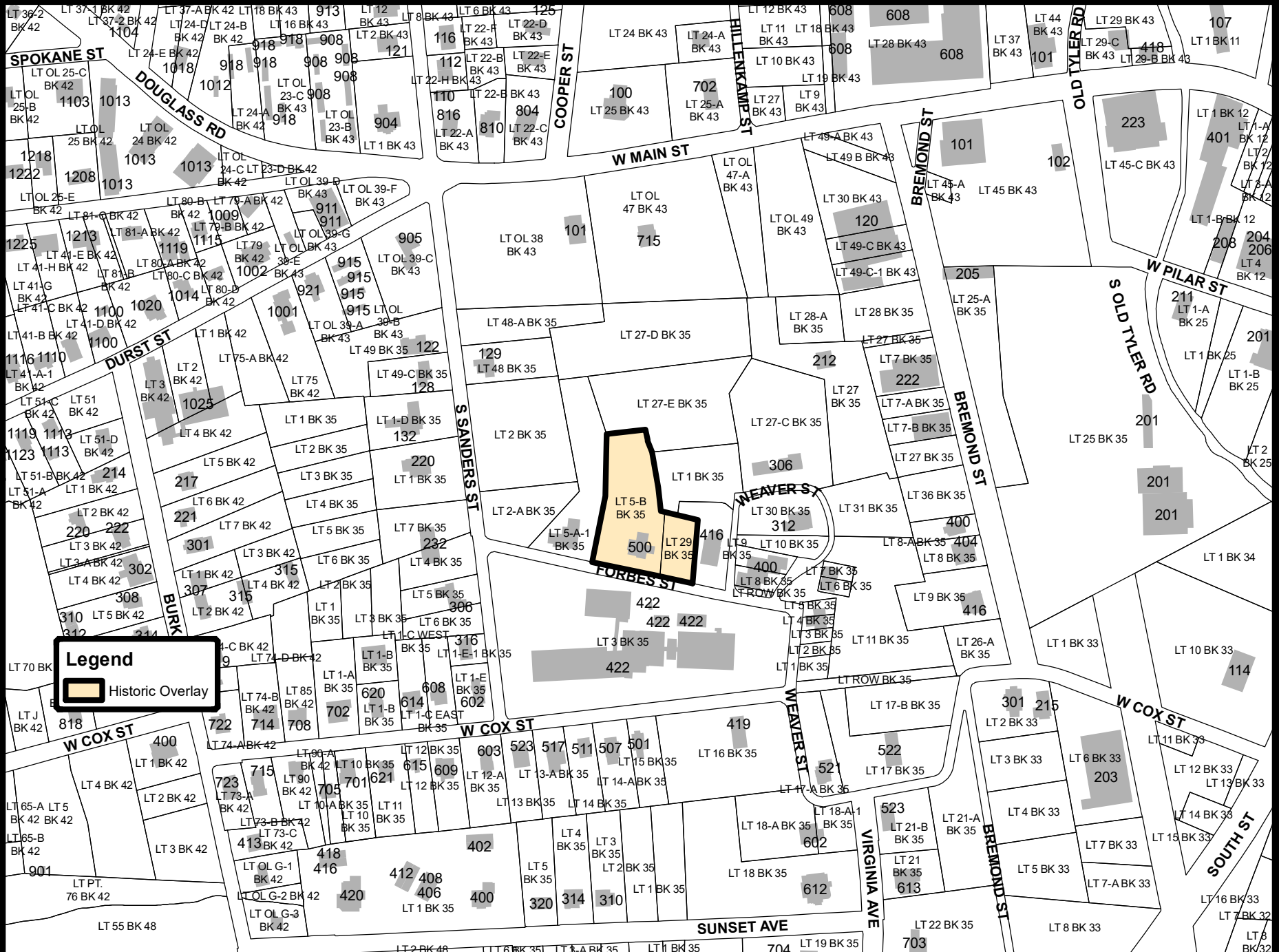
VIRGINIA AVE

1:4,514



Esri Community Maps Contributors, City of Nacogdoches, Texas Parks & Wildlife, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

500 Forbes St



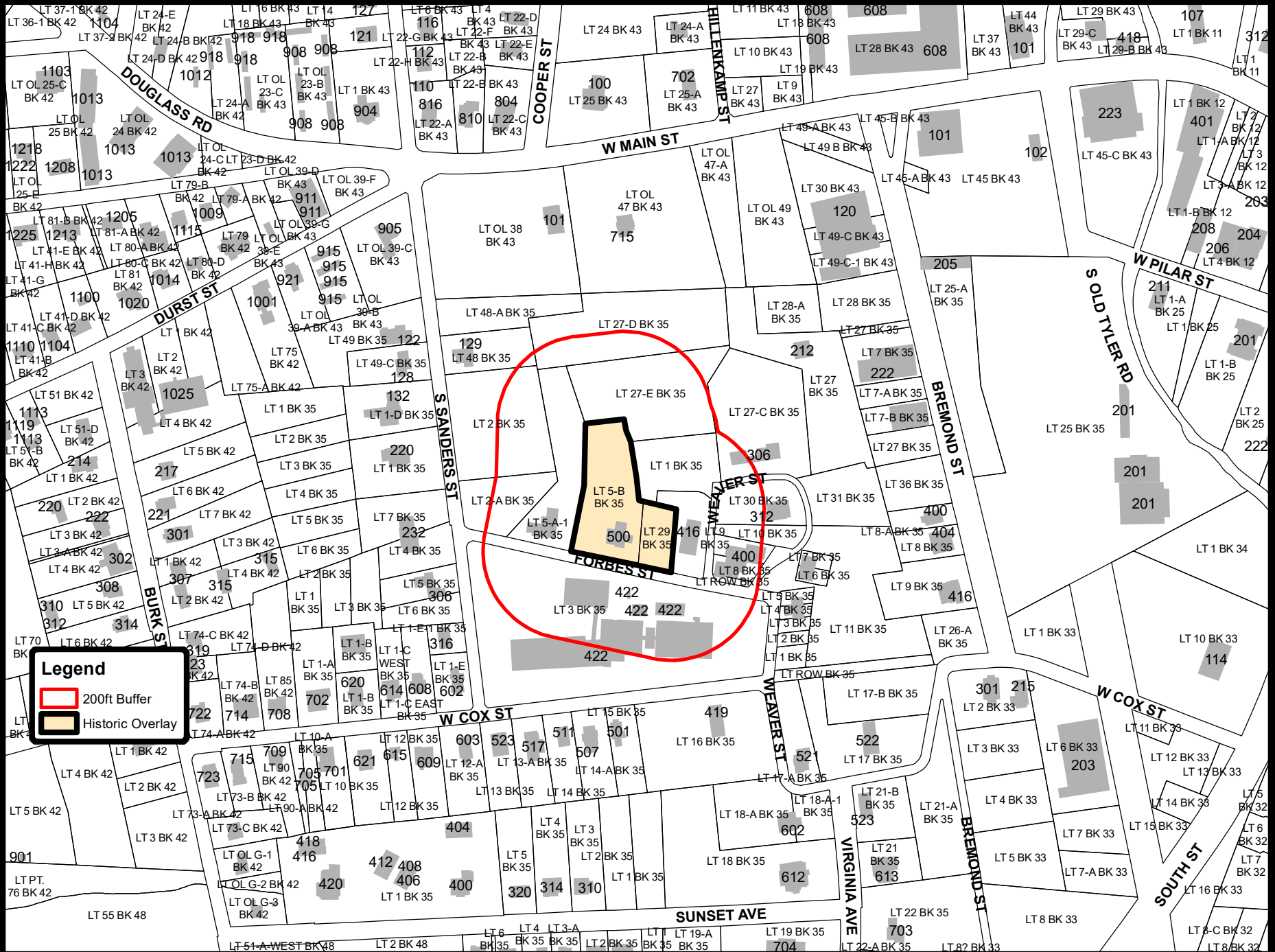
Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



0 75 150 300 Feet

Date Created: April 9, 2021 Software: ArcGIS 10.8.1

500 Forbes St



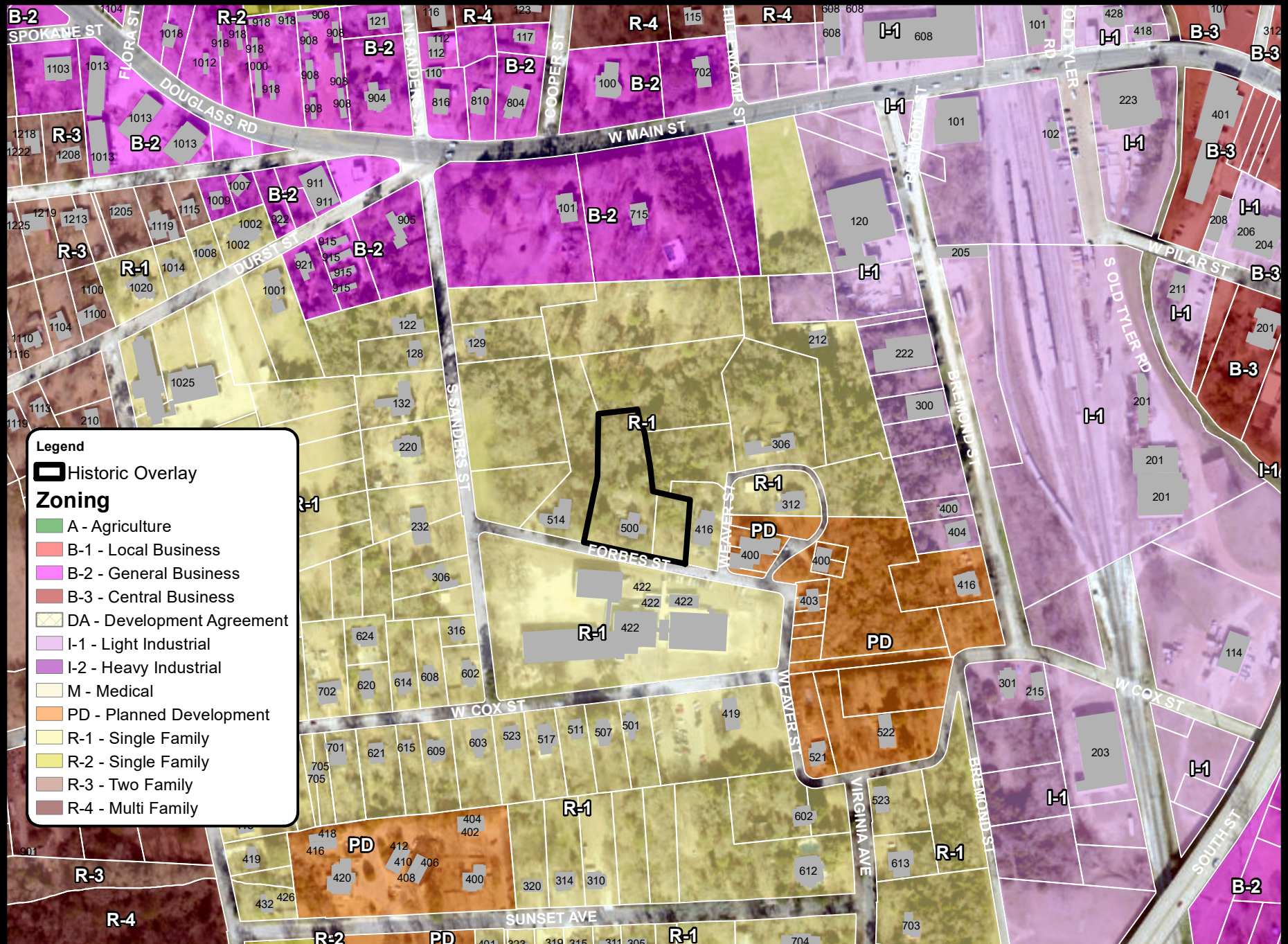
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0 75 150 300 Feet

Date Created: April 9, 2021 Software: ArcGIS 10.8.1

500 Forbes St



Legend

Historic Overlay

Zoning

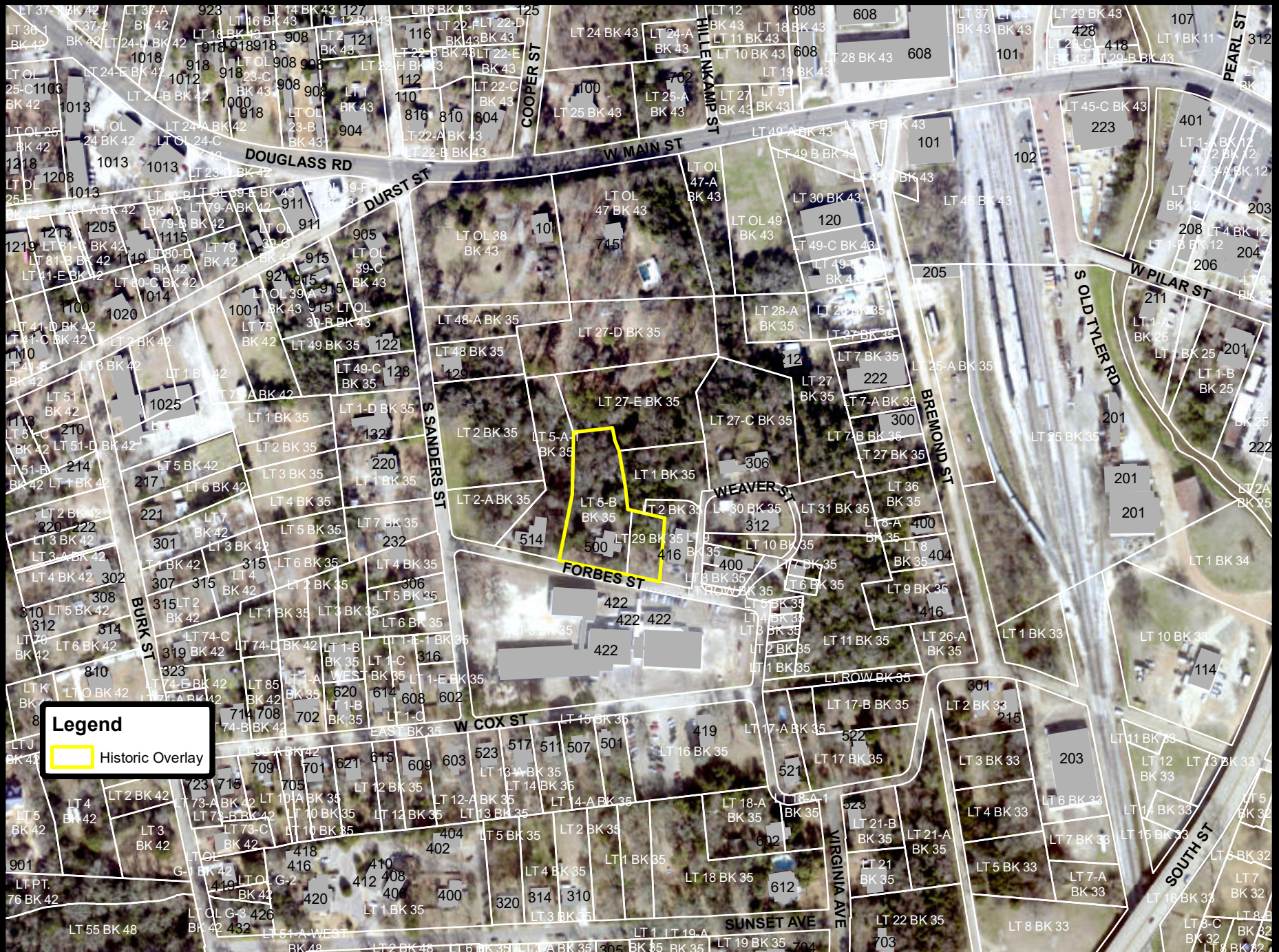
- A - Agriculture
- B-1 - Local Business
- B-2 - General Business
- B-3 - Central Business
- DA - Development Agreement
- I-1 - Light Industrial
- I-2 - Heavy Industrial
- M - Medical
- PD - Planned Development
- R-1 - Single Family
- R-2 - Single Family
- R-3 - Two Family
- R-4 - Multi Family

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0 75 150 300 Feet

Date Created: April 9, 2021 Software: ArcGIS 10.8.1

500 Forbes st



Legend

Historic Overlay

Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



0 75 150 300 Feet

Date Created: April 9, 2021 Software: ArcGIS 10.8.1

PRESENTER: Alaina Chafin, City Planner

ITEM/SUBJECT: Public Hearing: Consider an ordinance amending the boundaries of a zoning district within the City of Nacogdoches from B-2 General Business to R-1 Single Family for Lot 2, Block 2 of the Linden Grange Addition located at 120 Karle Street. This request has been submitted by Linda Holmes Sisk. Case File ZON2021-03. (City Planner)

SUMMARY/BACKGROUND:

Background: The request is for a zone change from B-2, General Business to R-1, Single Family for approximately 0.3 acres of land located at 120 Karle Street. The R-1 district is intended as an area for low density single-family use, and lots in this district must be 8,250 square feet and larger. The applicant owns the subject property, which is part of the Linden Grange Addition, and intends to develop the lot as a single family residence.

The Linden Grange Addition is located at the intersection of North Street and Karle Street, and was established as a residential subdivision in 1968. Deed restrictions for the subdivision were then established to limit development of the area to single family residences. In 1970, when the City of Nacogdoches adopted the first zoning ordinance and zoning map, properties with frontage along North Street were subsequently rezoned by the City to B-2, General Commercial. The last remaining undeveloped lots in the subdivision include the subject property and the two lots that front North Street which are owned by the homeowners association (HOA). These two lots have been reserved and maintained by the HOA as a green space and buffer for the neighborhood.

Adjacent Land Use & Zoning: The subject property is zoned R-1, Single Family and is currently vacant. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North (across Karle St.)	Single Family Residential	R-1, Single Family	Single Family
South	Commercial	R-1, Single Family	Single Family
East	Single Family Residential	R-1, Single Family	Single Family
West	Commercial	B-2, General Business	Vacant

--	--	--	--

The Linden Grange Addition is primarily zoned R-1 and developed as single family residences, with the exception of the two lots that front North Street which are owned and maintained by the neighborhood homeowners association (HOA). Property to the east and south are also zoned and developed as single family, with property to the north developed primarily as single family, with commercial uses developed along North Street.

REVIEW CRITERIA: Per Section 118.139 of the Nacogdoches Zoning Ordinance, the following conditions shall be considered when reviewing an application for zoning change:

Compatibility. The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;

The subdivision is primarily zoned R-1 and developed as single family residences, with the exception of the two lots that front North Street which are owned by the neighborhood homeowners association (HOA), and have been reserved and maintained by the HOA as a green space and buffer for the neighborhood. Property to the east and south are also zoned and developed as single family.

The subject property consists of approximately 0.3 acres. The zoning ordinance requires at least 0.19 acres for each dwelling unit in an R-1, Single Family neighborhood. The construction of a single family residence to this lot will not significantly affect the density of the neighborhood, and thus is compatible with the surrounding single family properties.

Orderly growth and development. The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;

The lot located immediately to the west of the subject is vacant, and is owned by the neighborhood HOA. This lot and the vacant lot to the north have been reserved and maintained by the HOA as a green space and buffer for the neighborhood. All other surrounding property is developed.

Supporting Facilities. Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;

The subject property takes direct access from Karle Street. The property has access to public utilities, with 6-inch water and sewer mains located along Karle Street. Per the FEMA Floodplain Map, there is no floodplain located on the subject property.

Drives and Parking. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

All future driveways and parking areas will meet the City's current land development design standards.

Nuisances. Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;

The proposed use of a single family residence is compatible with development in the area and should not create a nuisance.

Lighting. Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;

Outdoor lighting must meet the City’s lighting ordinance restrictions, i.e. only downlighting, no spillover lighting onto neighboring properties.

Landscaping. Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided;

Properties zoned single family residential are not required to comply with the landscaping ordinance.

Comprehensive Plan. The proposed use is in accordance with the comprehensive plan.

Per the 2003 Nacogdoches Comprehensive Plan, the Future Land Use Plan designates the subject property and the surrounding area as *Commercial*, with the remainder of the subdivision designated at *Single Family Residential*.

The *Commercial* Future Land Use category is described as, “Shopping and service facilities for the sale of goods and services, including small shops and larger retail stores and centers, restaurants, hotels and motels, service stations, and various other customer-oriented establishments.” The *Single Family Residential* Future Land Use category is described as, “Conventional one-family detached dwellings (also includes duplexes).”

The Comprehensive Plan outlines that the Future Land Use map, “...is not a rigid, parcel-specific mandate for how land shall be developed...”, rather it’s a guide to help visualize the desired development pattern in a given area. The proposed R-1, Single Family zoning district is consistent with the land uses described in the *Single Family Residential* Future Land Use designation; and while the subject property itself is designated as *Commercial* on the Future land Use Map, the majority of the subdivision is designated and developed as *Single Family Residential*.

Notices

Staff mailed nine notices to property owners within the 200 foot notification area; which included the neighborhood HOA. Since the time of this report, Staff has received four contacts regarding the request. Three of these contacts were written letters of support for the zone change request, one of which was from the neighborhood HOA. The other contact was received via telephone from the neighboring resident immediately to the east of the subject property, who is also in favor of the request.

This zoning application was also subject to the additional noticing practices approved by City Council in January, 2021. These include a zoning sign located on the subject property, notices posted on the City webpage and social media platforms, and courtesy notices mailed to property owners within 500 feet of the subject property.

Staff Recommendation

Based on the above findings, Staff recommends approval of a change of zoning for the subject property from R-1, Single Family to B-2, General Business.

P&Z Recommendation

The Planning & Zoning Commission heard this item at their regular meeting held on May 10th, 2021, and voted to recommend approval of the zone change request unanimously (4-0).

FINANCIAL:

No financial impact associated with this item.

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE

FOLLOWING CITY COUNCIL PRIORITIES

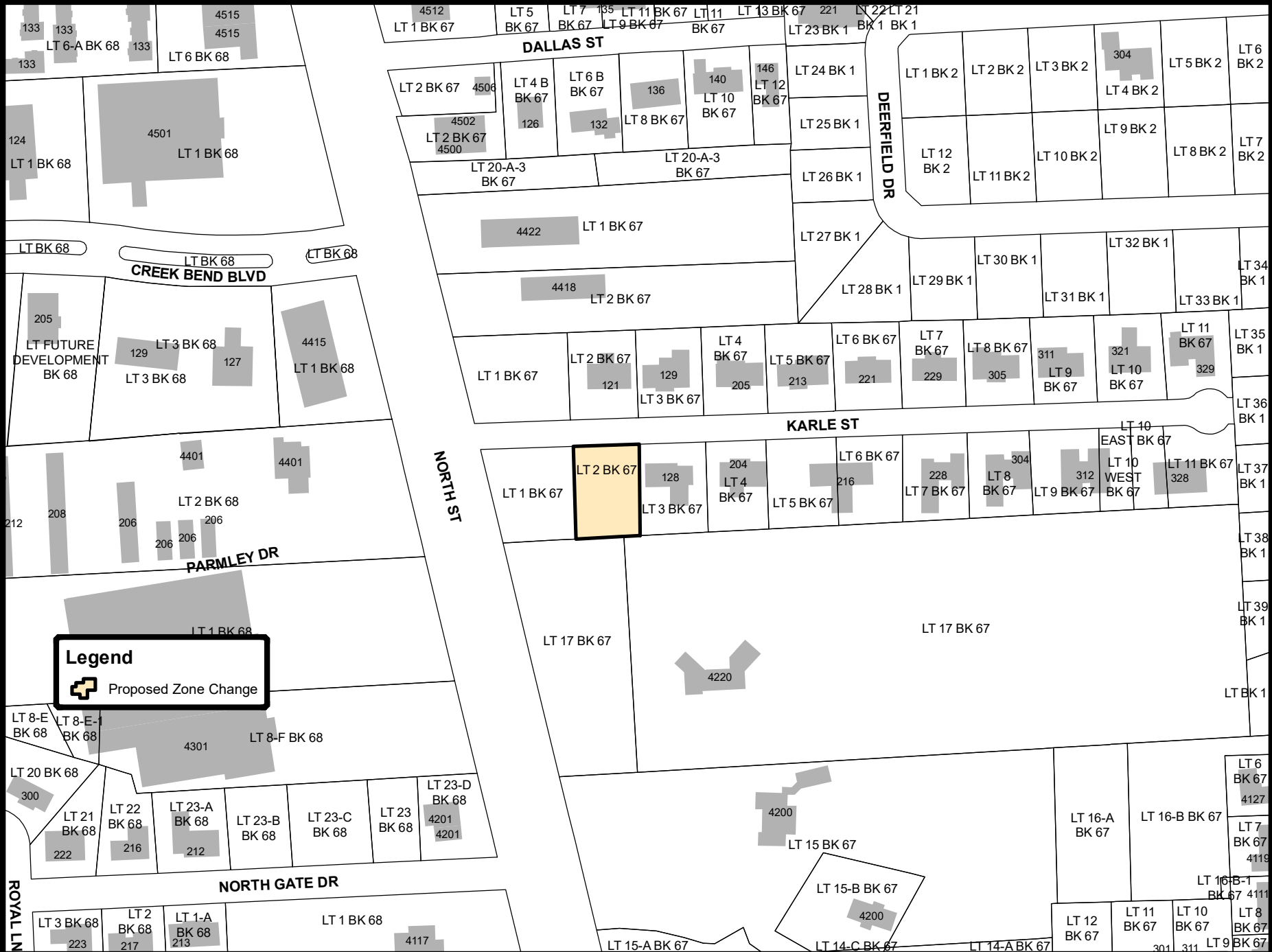
Neighborhood Revitalization and Attainable Housing

CITY CONTACT: Alaina Chafin, AICP, City Planner
chafina@nactx.us
(936) 559-2572

ATTACHMENTS:

1. Location Map
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Site Photos
7. Response Letters
8. Ordinance

ZON 2021-03



Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Date Created: May13, 2021 Software: ArcGIS 10.8.1

ZON 2021-03



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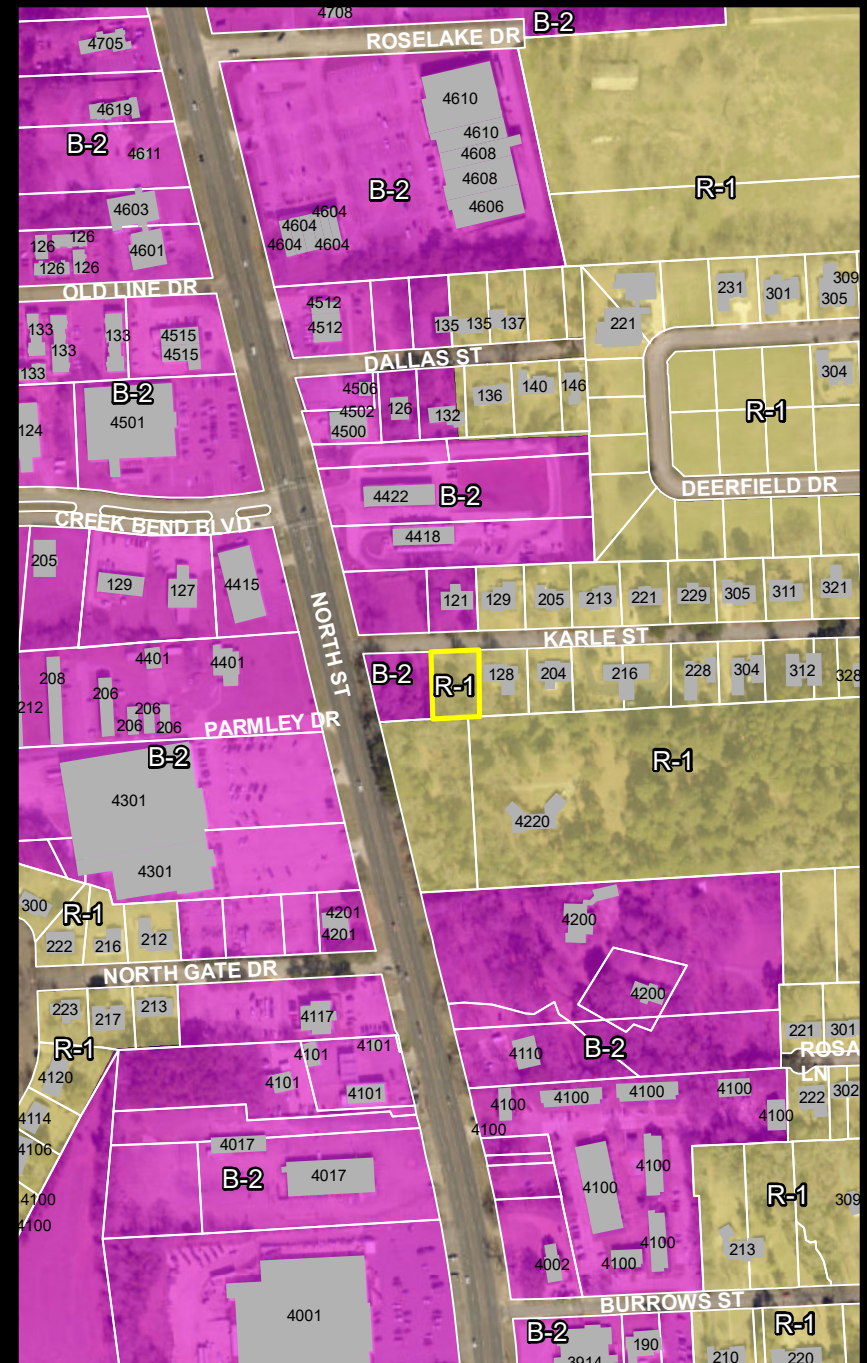
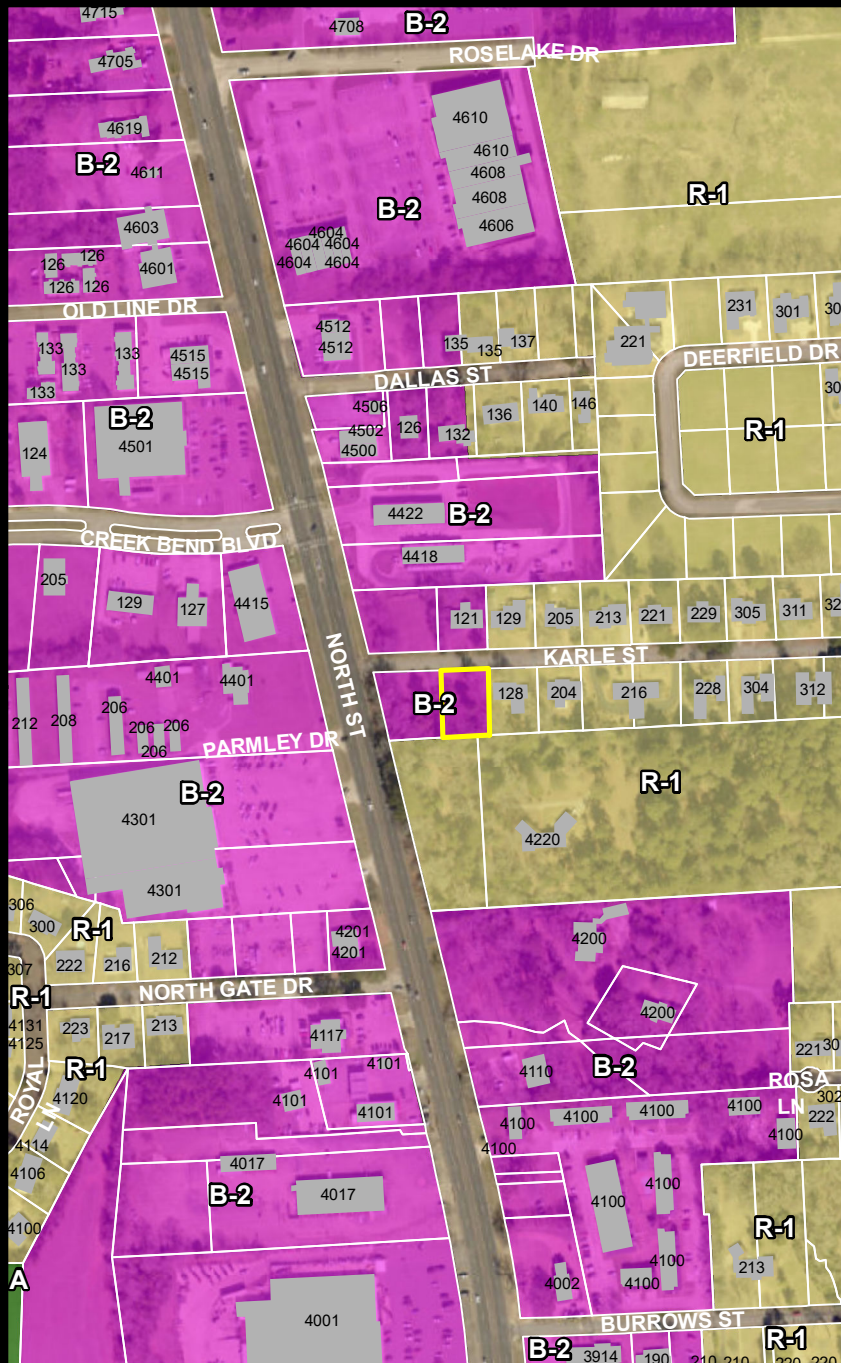
0 50 100 200 Feet

Date Created: May 3, 2021 Software: ArcGIS 10.8.1

Existing Zoning

ZON 2021-03

Proposed Zoning



Notice: This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

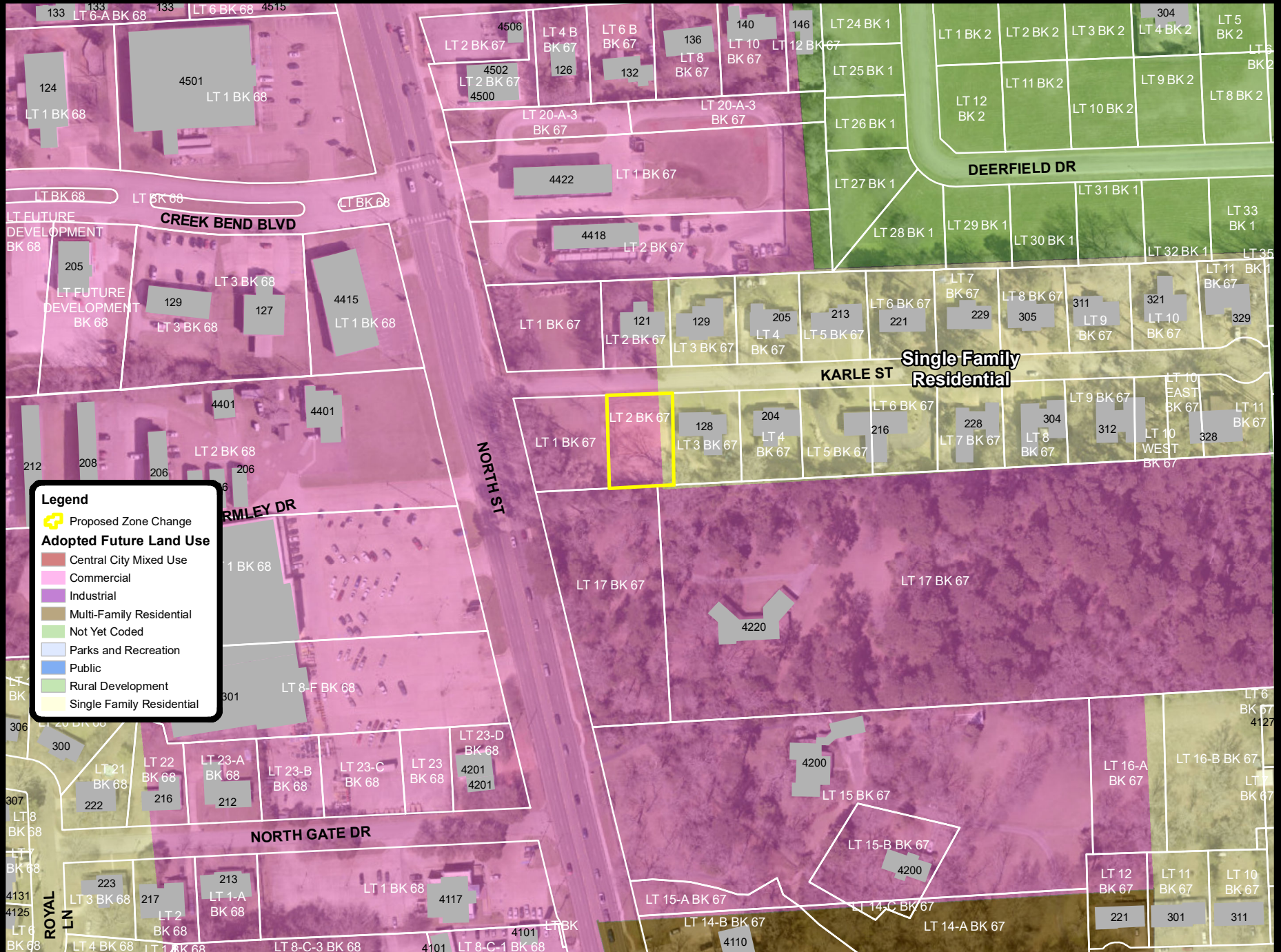


Date Created: May 3, 2021 Software: ArcGIS 10.8.1

0 100 200 400 Feet



ZON 2021-03



Legend

-  Proposed Zone Change
- Adopted Future Land Use**
-  Central City Mixed Use
-  Commercial
-  Industrial
-  Multi-Family Residential
-  Not Yet Coded
-  Parks and Recreation
-  Public
-  Rural Development
-  Single Family Residential

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0 50 100 200 Feet

Date Created: May 3, 2021 Software: ArcGIS 10.8.1

SUP2021-03 120 Karle St.

Legend

200 foot buffer



Proposed zone change



Vacant



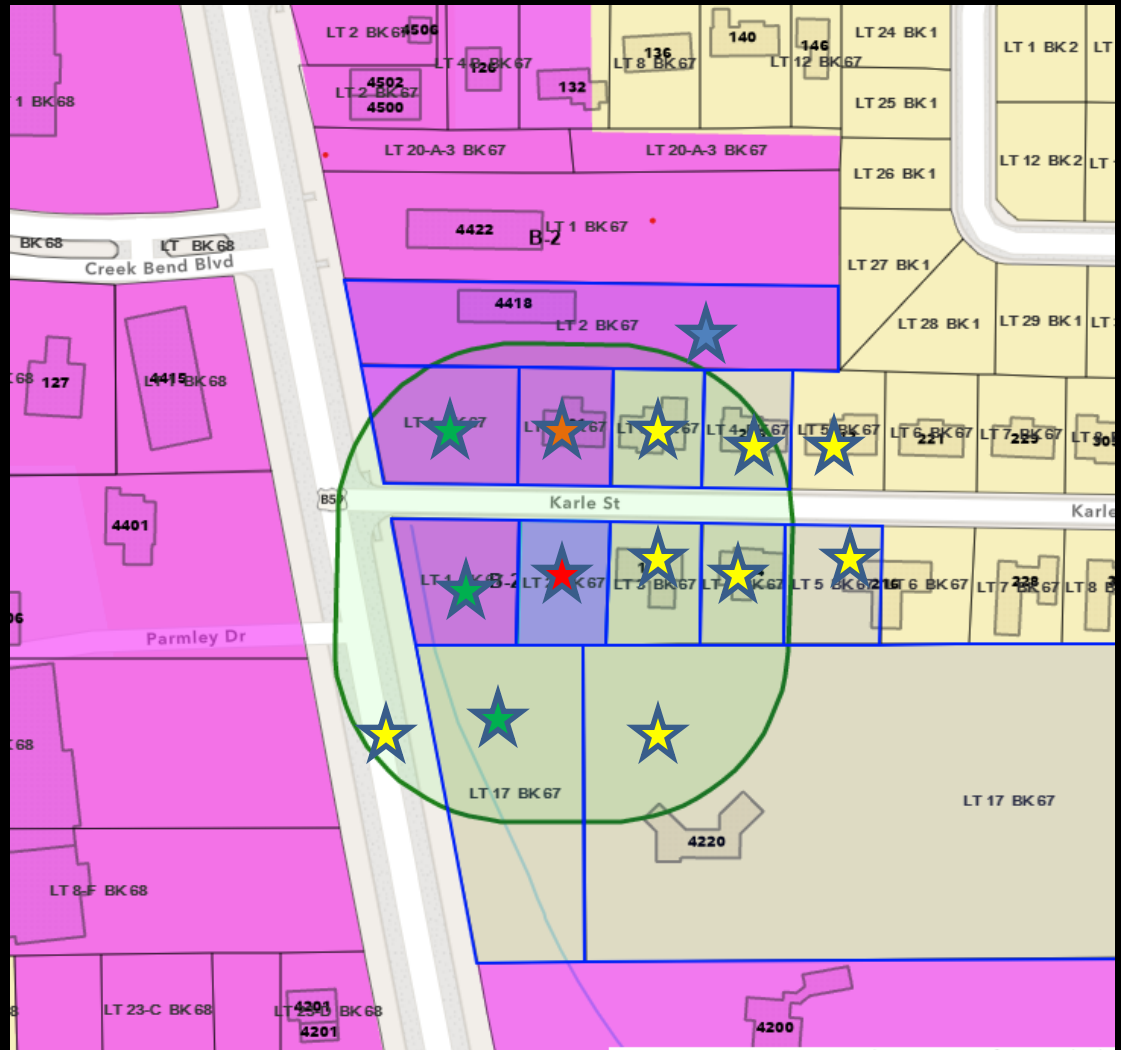
Single Family-
Owner Occupied



Commercial



Rental Property



120 Karle Street



120 Karle Street





Response Form

Project Number: ZON2021-03
120 Karle Street

You may make your views known by completing this form and returning it to the planning & zoning department. You may also make your views known in person by attending the public hearings. **Please complete and return form to:**

City of Nacogdoches Planning & Zoning Department
Attn: Juan Pollette
PO Drawer 635030
Nacogdoches, TX 75963

You may also email a copy to Juan Pollette, pollettej@nactx.us

Project Number: ZON2021-03

Please circle one: ☒ In favor of request ☐ Opposed to request

Comments:

Signature: Steve Nelson Kerry Nelson

Printed Name: Steve Nelson Kerry Nelson

Street Address: 216 Karle St

City, State and Zip Code: Nacogdoches TX 75965

Phone Number: 936-645-1244 936-675-0155

Email Address: Snelson100909@gmail.com

Physical Address of Property within 200 Feet: 120 Karle St. Nacogdoches TX

City of Nacogdoches

202 E. Pilar – PO Drawer 635030 – Nacogdoches, TX 75963
936-559-2574 Fax 936-559-2910 www.nactx.us
Home of Stephen F. Austin State University www.sfasu.edu

Nacogdoches

the oldest town in Texas

Response Form

Project Number: ZON2021-03
120 Karle Street

You may make your views known by completing this form and returning it to the planning & zoning department. You may also make your views known in person by attending the public hearings. **Please complete and return form to:**

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Attn: Juan Pollette
PO Drawer 635030
Nacogdoches, TX 75963

You may also email a copy to Juan Pollette, pollettej@nactx.us

Project Number: ZON2021-03

Please circle one:

☒ In favor of request

☐ Opposed to request

Comments:

The Linden Grange Architectural Control Committee (signatures below) is in favor of this rezoning request in accordance with paragraph (2) of our Restrictive Covenants attached.

Signature: *David Stanley* *Jim Burrows* *Donna Moore* *JCSisk*

Printed Name: *David Stanley* *Jim Burrows* *Donna Moore* *JCSisk*

Street Address: *329 Karle* *305 Karle* *312 Karle* *311 Karle*

City, State and Zip Code: *Nacogdoches, TX 75965*

Phone Number: *936-560-5905*

Email Address: *ddstanley@sbcglobal.net*

Physical Address of Property within 200 Feet: *n/a Architectural Control Committee*

City of Nacogdoches

202 E. Pilar – PO Drawer 635030 – Nacogdoches, TX 75963
936-559-2574 Fax 936-559-2910 www.nactx.us
Home of Stephen F. Austin State University www.sfasu.edu

THE STATE OF TEXAS, X RESTRICTIVE COVENANTS FOR
COUNTY OF NACOGDOCHES. I LINDEN GRANGE ADDITION

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, I, Roger Montgomery, Trustee, have heretofore filed for record with the County Clerk in the County of Nacogdoches, and State of Texas, a Plat of LINDEN GRANGE ADDITION, a subdivision of Lot Eighteen (18), City Block Sixty-seven (67) of the City of Nacogdoches, County of Nacogdoches, and State of Texas, which Plat is now recorded in the County Clerk's office for Nacogdoches County, Texas, in Vol. 1, Page 85, Plat Book Records, and the said Dedication is now recorded in the said County Clerk's office for Nacogdoches County, Texas, in the records of Deeds in Vol. 351, at Page 21-22, inclusive, and are by reference thereto incorporated into and made a part of this Dedication;

NOW, THEREFORE, I, the said Roger Montgomery, Trustee, do herenow create and establish the restrictive covenants and conditions for all buildings and other structures to be hereafter constructed in said Addition by persons subsequently owning Lots in said Addition, as follows, to-wit:

(1) No sign shall be displayed to the public view on any lot except such sign as may be necessary for any speculative builder to advertise his project for sale, and other identification signs or markers identifying the owner of residence constructed on any lot that are artistically compatible with the architecture of the buildings in said Subdivision,

(2) No lot shall be used except for residential, single family occupancy.

(3) Not more than one dwelling shall be erected on any one lot, but multiple lots or one lot and a part of an adjoining lot

may be used for one single family dwelling.

(4) No dwelling erected in said Addition shall have a living area of less than Eighteen Hundred (1800) square feet, the exterior of which shall be 80% brick, and the roof of which shall be covered with wood shingles, wood shakes, or some like roof covering material.

(5) No building shall be erected closer to the side property lines and the rear property lines than Five (5) feet, and no building shall be closer to the front curb than Twenty-five (25) feet.

(6) Any detached structure intended to be placed on any lot shall be approved by the Architectural Control Committee prior to erection.

(7) No livestock or poultry of any kind shall be grazed, bred or kept on any lot, but dogs and cats as household pets may be kept, provided they are not bred or maintained for any commercial purpose.

(8) No trash or rubbish shall be allowed to remain on any lot, and any trash, garbage or other waste container shall be kept in a sanitary condition.

(9) No oil drilling or development, or other mining operation, shall be allowed on any lot.

(10) Sight lines shall be maintained at a distance from the ground of Two (2) feet to a height of Six (6) feet above the roadway, as required for traffic safety on all Streets.

(11) No public street may be opened on or across any of the said lots, or any drives be created for any purpose other than private drive-ways, serving private residences.

(12) These restrictive covenants shall run with the land and shall continue in force until a majority of the owners of lots (each lot shall be entitled to one vote) shall vote to modify, amend or withdraw the said restrictive covenants.

(13) No overhead utility service connection, radio or TV
aerials may be erected or maintained.

(14) The enforcement of these restrictive covenants shall
be vested in the Architectural Control Committee, and no building
or other structure shall be erected in said Addition without prior
approval of the said Committee, and Roger Montgomery and Charlotte
Baker Montgomery shall constitute said Committee.

IN WITNESS WHEREOF I have hereunto set my hand on this 28th
day of October, 1968

Roger Montgomery Trust
Roger Montgomery, Trustee

THE STATE OF TEXAS, X
 :
COUNTY OF NACOGDOCHES. X

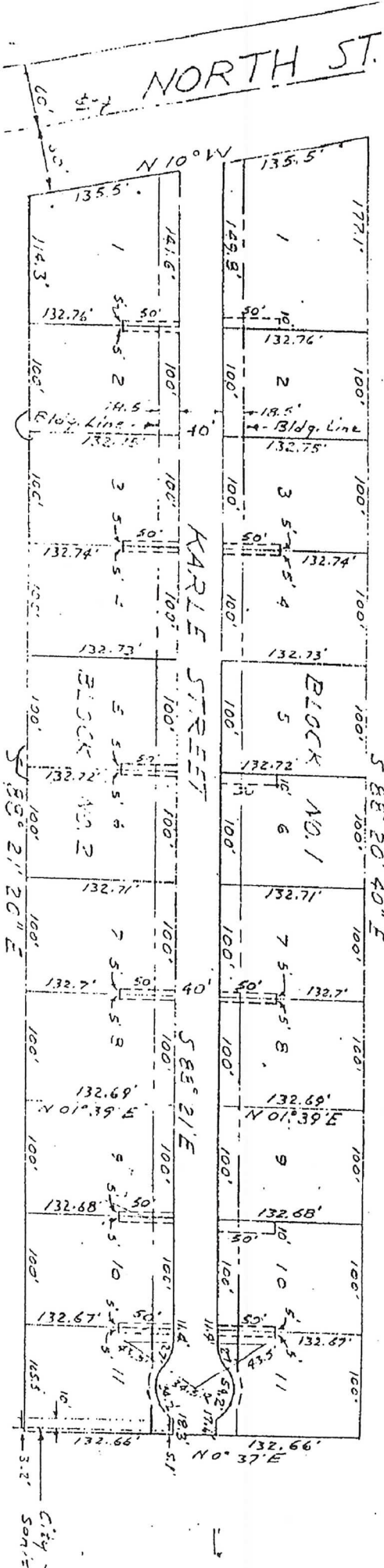
BEFORE ME, THE UNDERSIGNED AUTHORITY, a Notary Public in and
for Nacogdoches County, Texas, on this day personally appeared
Roger Montgomery, Trustee, known to me to be the officer and person
whose name is subscribed to the foregoing instrument, and acknow-
ledged to me that he executed the same for the purposes and con-
sideration therein express, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 28th day of
October, 1968.



John White
Notary Public in and for Nacogdoches
County, Texas

ed Nov. 13, 1968 at 3:15 P. M.
orded November 20, 1968 at 4:00 P. M.,
E SKIPPER, Clerk, County Court,
ogdoches, Texas.



NOTARY PUBLIC IN & FOR THE STATE OF TEXAS

OR TRAIL AND SW BELL UTILITY EASEMENT

TO WHOM IT MAY CONCERN

I, Fred Emerson, a duly Registered Public Surveyor and County of Nacogdoches, do hereby certify that is true and correct to the best of my knowledge.

WITNESS MY HAND AND SEAL THIS 3rd

of

me the undersigned authority on this day personally appeared Fred Emerson, known to be the person whose name is subscribed to the foregoing instrument and declared that he executed the same for the purposes therein expressed.

SUBSCRIBED AND SWORN TO before me this 3rd day of

NOTARY PUBLIC IN & FOR NACOGDOCHES CO. TEXAS

NOTARY PUBLIC IN & FOR NACOGDOCHES CO. TEXAS



Response Form

Project Number: ZON2021-03
120 Karle Street

You may make your views known by completing this form and returning it to the planning & zoning department. You may also make your views known in person by attending the public hearings. **Please complete and return form to:**

City of Nacogdoches Planning & Zoning Department
Attn: Juan Pollette
PO Drawer 635030
Nacogdoches, TX 75963

You may also email a copy to Juan Pollette, pollettej@nactx.us

Project Number: ZON2021-03

Please circle one:

☒ In favor of request

☐ Opposed to request

Comments:

I would hoping that the zoning Ordinance of the City of Nacogdoches takes a look at the "200 feet" matter which is not clearly informed & unfair to other residents live closer by wanted to know.

Signature:

Printed Name:

Street Address:

City, State and Zip Code:

Phone Number:

Email Address:

Physical Address of Property within 200 Feet:

City of Nacogdoches
202 E. Pilar – PO Drawer 635030 – Nacogdoches, TX 75963
936-559-2574 Fax 936-559-2910 www.nactx.us
Home of Stephen F. Austin State University www.sfasu.edu

ORDINANCE NO. 1869-05-21

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING THE BOUNDARIES OF A ZONING DISTRICT WITHIN THE CITY OF NACOGDOCHES FROM B-2, GENERAL BUSINESS TO R-1, SINGLE FAMILY FOR LOT 2, BLOCK 2, OF THE LINDEN GRANGE ADDITION, LOCATED AT 120 KARLE STREET IN NACOGDOCHES, TEXAS; CONTAINING FINDINGS; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Zoning Ordinance of the City of Nacogdoches allows the City Council to amend the official zoning map; and

WHEREAS, the property described above and depicted in “**Exhibit A**” is currently zoned B-2, General Business; and

WHEREAS, the property owner has requested the zoning classification of said property to be changed to R-1, Single Family; and

WHEREAS, the City Council of the City has conducted, in the time and manner and after the notice required by law and the Zoning Ordinance of the City, a public hearing on such request for change in zoning classification; and

WHEREAS, the City Council now deems it appropriate to grant such requested change in classification.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NACOGDOCHES, TEXAS:

SECTION I

Findings.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct, and same are deemed to be in furtherance of a public purpose.

SECTION II

Approval of Zoning Change

Pursuant to the requirements of Chapter 118 of the Code of Ordinances of the City of Nacogdoches, Texas, a change in Zoning Classification from B-2, General Business to R-1, Single Family is hereby approved by the City Council.

SECTION III

Repeal

This Ordinance shall in no manner repeal, amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting change in Zoning Classification as herein provided.

SECTION IV

Effective Date

This Ordinance shall take effect following its passage and publication as may be required by governing law.

SECTION V

Severability

If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION VI

Proper Notice and Open Meetings

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VII

Filing

The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches, Texas.

PASSED AND APPROVED, this the ____ day of _____, 2021, by a vote of ____ (ayes) to ____ (nays) of the City Council of the City of Nacogdoches, Texas.

CITY OF NACOGDOCHES

By: _____
JIMMY MIZE, Mayor

ATTEST:

APPROVED AS TO FORM:

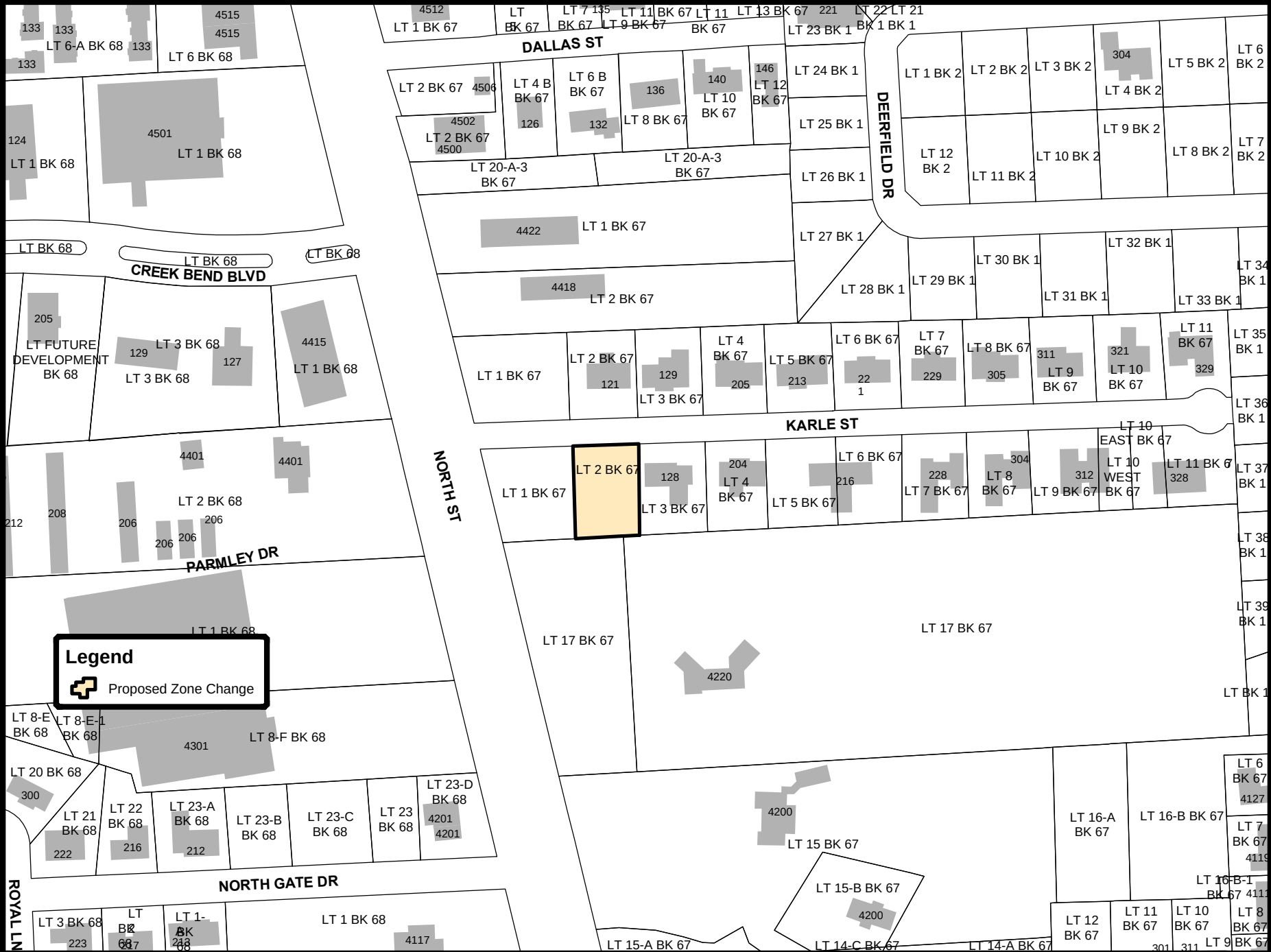
JAN VINSON, City Secretary

ROBERT S. DAVIS, City Attorney

APPROVED AS TO CONTENT:

ALAINA CHAFIN, City Planner

ZON 2021-03



Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

PRESENTER: Alaina Chafin, City Planner

ITEM/SUBJECT: Public Hearing: Consider an ordinance amending the boundaries of a zoning district within the City of Nacogdoches from R-1 Single Family to B-2 General Business for Lot OL 49, City Block 43, as described in a deed dated July 17, 2020, recorded in Document Number 2020-4460 of the Real Property Records of Nacogdoches County, located on the south side of West Main Street, approximately 200 feet west of Bremond Street. This request has been submitted by Brent Ivy of Ivy Gott Property LLC. Case File ZON2021-04. (City Planner)

SUMMARY/BACKGROUND:

Background: The request is for a zone change from R-1, Single Family to B-2, General Business for approximately 1 acre of land located on the south side of West Main Street, a major corridor leading in and out of Nacogdoches. The General Business zoning district, "...is intended to accommodate those business activities that are oriented toward the automobile, or whose operations may require limited truck access. Generally this district is located along major traffic arteries where strip business development exists."

The applicant owns the subject property and the tracts located immediately to the east and west, for a total of 2.2 acres. The applicant intends to develop the property with commercial uses.

Adjacent Land Use & Zoning: The subject property is zoned R-1, Single Family and is currently vacant. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North	Single Family Residential	I-1, Light Industrial & B-2, General Business	General Business
South (across W. Main St.)	Single Family Residential	I-1, Light Industrial & R-1, Single Family	Vacant & Industrial
East	Rural Development	I-1, Light Industrial	Industrial
West	Single Family Residential	B-2, General Business	Vacant & Single Family

The area consists of a mix of zoning districts and land uses, including commercial and industrial development, and several legal nonconforming single family residences located along W. Main Street that are also zoned B-2, General Business. The property located immediately to the south is vacant, but was previously developed as an industrial use, taking access from Bremond Street.

REVIEW CRITERIA: Per Section 118.139 of the Nacogdoches Zoning Ordinance, the

following conditions shall be considered when reviewing an application for zoning change:

Compatibility. The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;

If the zone change request is approved it may adversely affect adjacent properties, as properties immediately to the east and west are already zoned for commercial uses. The property immediately to the south is currently vacant, but was previously developed with industrial uses.

Orderly growth and development. The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;

The tracts located immediately to the east and west of the subject are owned by applicant, who intends to develop the property with commercial uses. The property located immediately to the south is vacant, but was previously developed as an industrial use, with direct access to Bremond Street.

Supporting Facilities. Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;

The subject property takes direct access from W. Main Street. The property has access to public utilities, with 6-inch water main located along W. Main Street, and a 4-inch sewer main that runs along the southern boundary of the subject property. The roadway adequate to accommodate the nature and volume of traffic typically generated by the commercial uses permitted under the B-2, General Business zoning district.

Per the FEMA Floodplain Map, there is a portion of the subject property along the eastern boundary that falls within the 500-Year Flood Zone. There are no structures or improvements proposed in the floodplain area.

Drives and Parking. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

All future driveways and parking areas will meet the City's current land development design standards.

Nuisances. Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;

If the zone change request is approved, any new construction would be subject to current development regulation, including Zoning Ordinance Section 118-429. - *Commercial sites with residential adjacency*, which requires a solid screening wall and landscape buffer to be installed along the property lines where nonresidential sites are immediately adjacent to residentially zoned properties.

Lighting. Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;

If the zone change request is approved, any new outdoor lighting would be subject to the City's current standards for nonresidential development, which requires light fixtures to utilize a downlighting design, and prohibits fixtures that directly project light in all directions.

Landscaping. Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided;

If the zone change request is approved, any new construction would be subject to current commercial district landscaping requirements.

Comprehensive Plan. The proposed use is in accordance with the comprehensive plan.

Per the 2003 Nacogdoches Comprehensive Plan, the Future Land Use Plan designates the subject property and the surrounding area as *Single Family Residential*, with property to the east designated as *Rural Development*; this *Rural* designation is likely due to the proximity to Banita Creek and the significant floodplain in this area.

The *Rural Development* Future Land Use category is described as, “Sparsely-populated areas with limited development that are still distinct from more urbanized areas. This typically encompasses relatively large tracts of unsubdivided land used for agriculture, forestry...widely-scattered homesteads...natural open space, or activities not requiring permanent structures or improvements. Also includes areas that are gradually transitioning into urban uses and development.” The *Single Family Residential* Future Land Use category is described as, “Conventional one-family detached dwellings (also includes duplexes).”

While the subject property and surrounding area is designated as *Single Family Residential*, the Comprehensive Plan outlines that the Future Land Use map, “...is not a rigid, parcel-specific mandate for how land shall be developed...”, rather it’s a guide to help visualize the desired development pattern in a given area. In the desire to harmonize land uses in an area, it is always relevant to consider the predominant use or zoning and then allocate future use or zoning that will blend and integrate better. And although the subject property itself is designated as *Single Family Residential* on the Future land Use Map, the majority of the property fronting W. Main Street is zoned and developed with commercial uses.

Per the 2003 Nacogdoches Comprehensive Plan, the Thoroughfare Plan designates W. Main Street as a Major Arterial. These streets are designed and intended to have greater capacity to accommodate the high volume of traffic typically generated by the commercial uses permitted under the B-2, General Business zoning district.

Additionally, this request furthers the goals and objectives of the Comprehensive Plan; specifically, the goal to encourage *Growth Inward- Long-term growth in appropriate areas to achieve an efficient, diverse and balanced pattern of land uses both within the City and urbanizing portions of its extraterritorial jurisdiction*. Some of the targeted objectives include:

- Encourage infill development where appropriate (utilities, compatibility, etc.).
- Plan for mixing and/or separation of land use types based on desired, location, density and pattern of development.
- Promote growth where adequate infrastructure exists.

Notices

Staff mailed eight notices to property owners within the 200 foot notification area. Since the time of this report, Staff has received two contacts regarding the request. Both of these contacts included written responses and are in favor of the request.

This zoning application was also subject to the additional noticing practices approved by City Council in January, 2021. These include a zoning sign located on the subject property, notices posted on the City webpage and social media platforms, and courtesy notices mailed to property owners within 500 feet of the subject property. There is no active neighborhood association in this area.

Staff Recommendation

Based on the above findings, Staff recommends approval of a change of zoning for the subject

property from R-1, Single Family to B-2, General Business.

P&Z Recommendation

The Planning & Zoning Commission heard this item at their regular meeting on May 10th, 2021, and recommended approval of the zone change request unanimously (4-0).

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

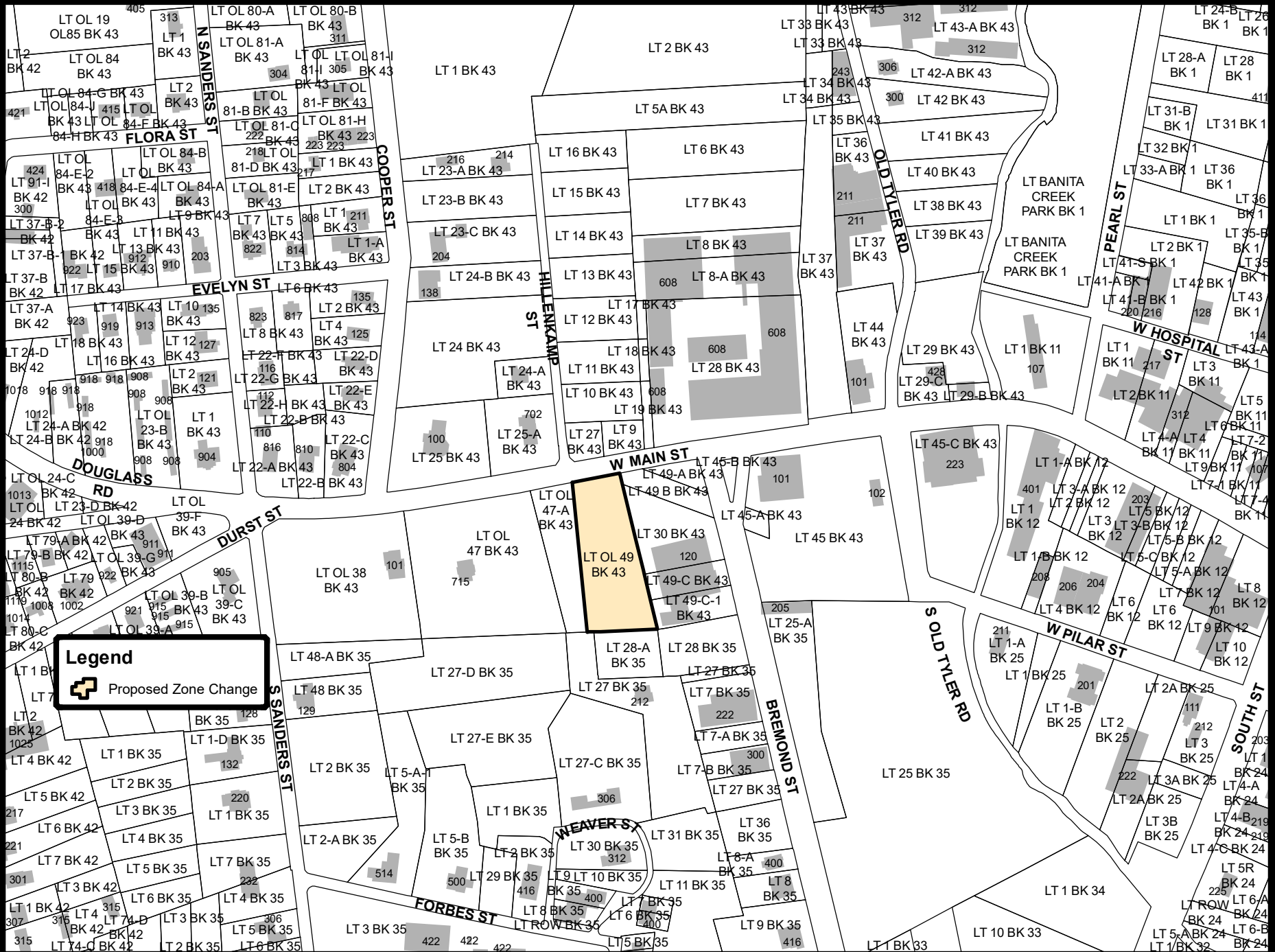
Downtown Entertainment and Destination District

CITY CONTACT: Alaina Chafin, AICP, City Planner
chafina@nactx.us
(936) 559-2572

ATTACHMENTS:

1. Location Map
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Site Photos
7. Response Letters
8. Ordinance

ZON 2021-04



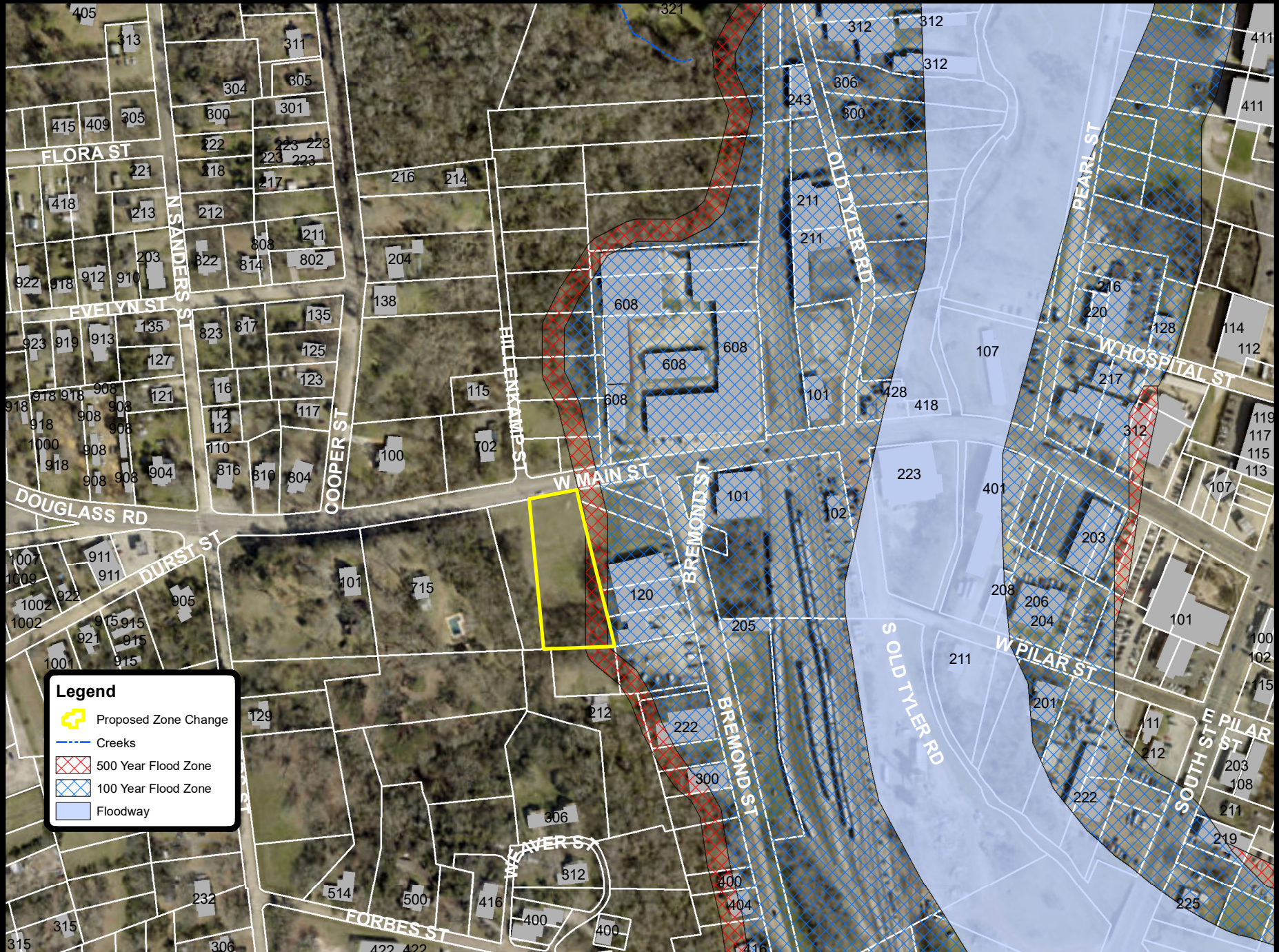
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0 75 150 300 Feet

Date Created: May 3, 2021 Software: ArcGIS 10.8.1

ZON 2021-04



Legend

- Proposed Zone Change
- Creeks
- 500 Year Flood Zone
- 100 Year Flood Zone
- Floodway

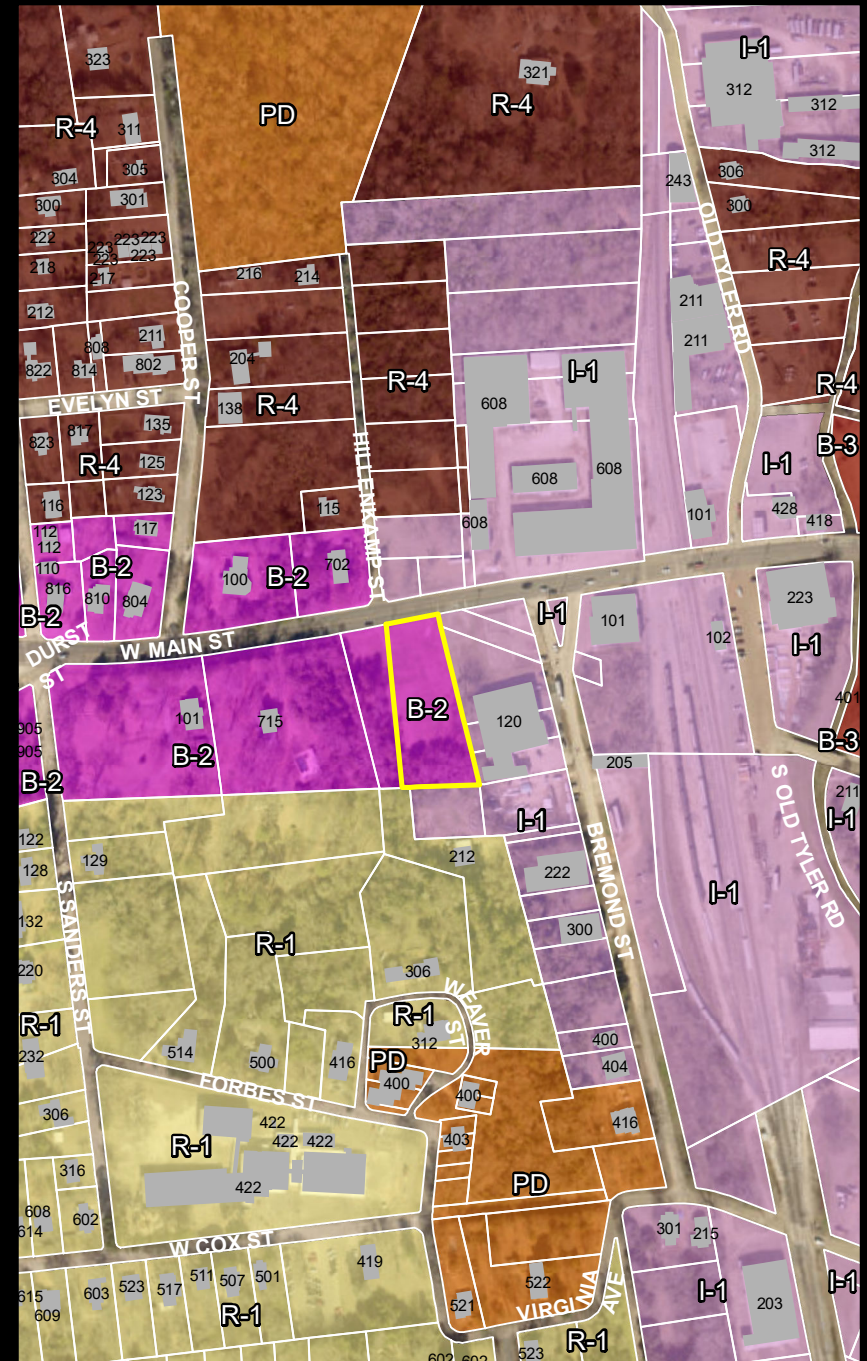
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Date Created: May 3, 2021 Software: ArcGIS 10.8.1

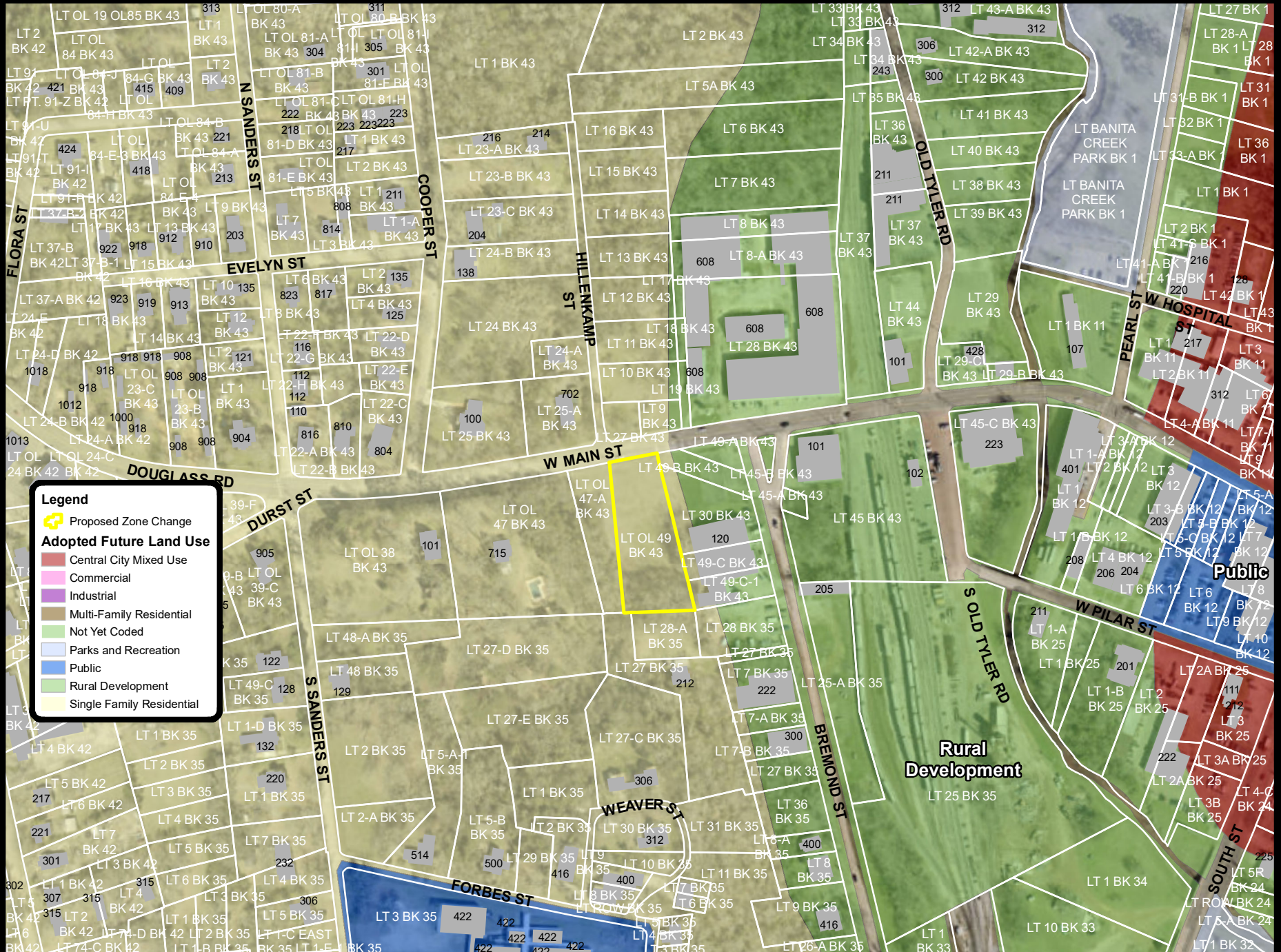


Proposed Zoning



0 100 200 400 Feet

ZON 2021-04



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0 75 150 300 Feet

Date Created: May 3, 2021 Software: ArcGIS 10.8.1

ZON2021-04 W. Main Street

Legend

200 foot buffer



Proposed zone change



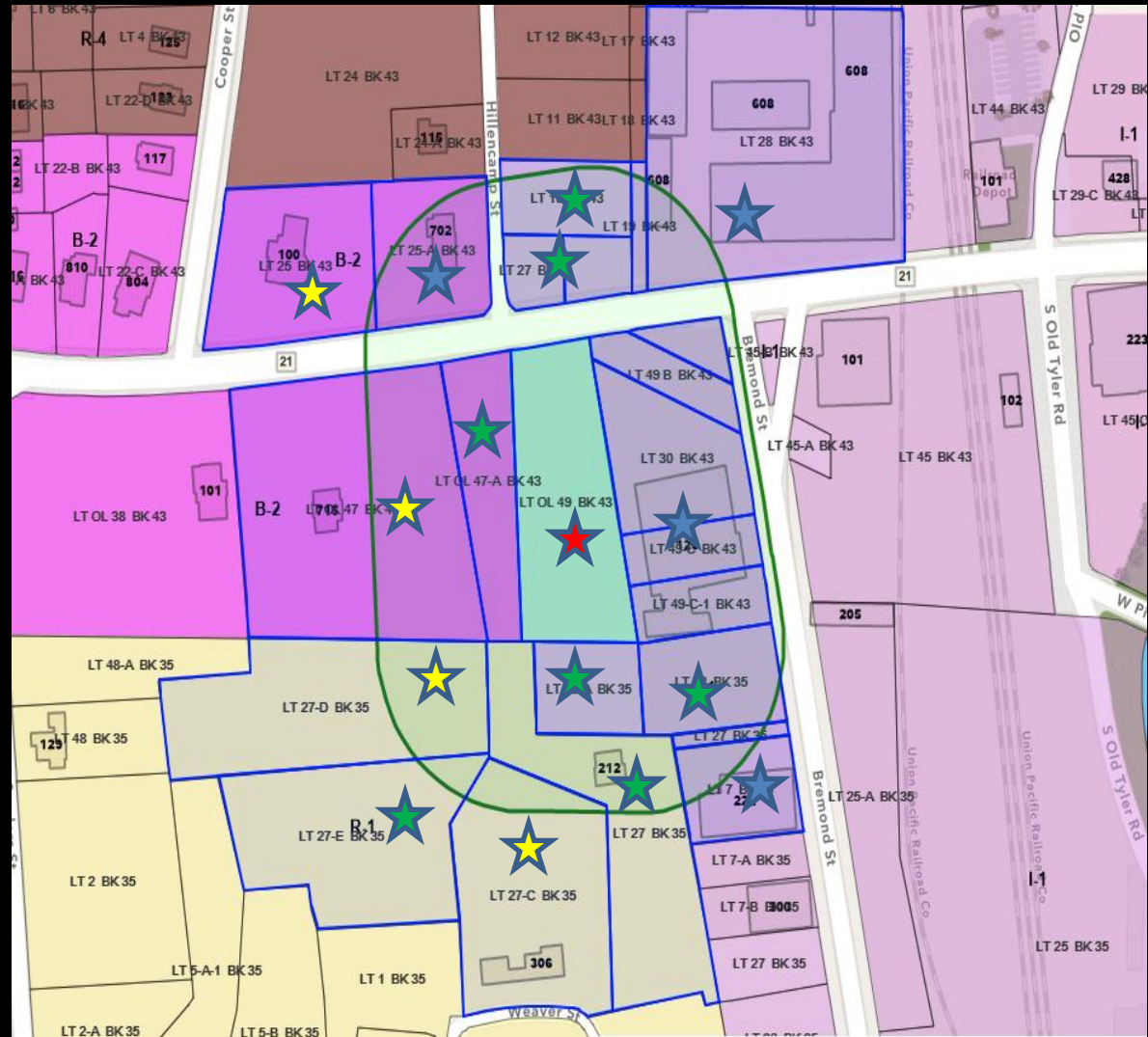
Vacant



Single Family-Owner Occupied



Commercial



W. Main Street



W. Main Street



View to the north





Response Form

Project Number: ZON2021-04

W. Main Street

You may make your views known by completing this form and returning it to the planning & zoning department. You may also make your views known in person by attending the public hearings. **Please complete and return form to:**

City of Nacogdoches Planning & Zoning Department

Attn: Juan Pollette

PO Drawer 635030

Nacogdoches, TX 75963

You may also email a copy to Juan Pollette, pollettej@nactx.us

Project Number: ZON2021-04

Please circle one:

☒ In favor of request

☐ Opposed to request

Comments:

Signature: _____

Printed Name: _____

Street Address: _____

City, State and Zip Code: _____

Phone Number: _____

Email Address: _____

Physical Address of Property within 200 Feet: _____

City of Nacogdoches
202 E. Pilar – PO Drawer 635030 – Nacogdoches, TX 75963
936-559-2574 Fax 936-559-2910 www.nactx.us
Home of Stephen F. Austin State University www.sfasu.edu



Response Form

Project Number: ZON2021-04
W. Main Street

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Nacogdoches, TX 75963

You may also email a copy to Juan Pollette, pollettej@nactx.us

Project Number: ZON2021-04

Please circle one: ☒ In favor of request ☐ Opposed to request

Comments: We are Very Much in Favor
of this improvement. We look
Forward to this!

Signature:

Printed Name: Blake Westmoreland

Street Address: 120 Bremond

City, State and Zip Code: Nacogdoches TX 75964

Phone Number: 936-564-8331

Email Address: Blake.Westmoreland@mooreSupply.com

Physical Address of Property within 200 Feet: Y/S

City of Nacogdoches
202 E. Pilar – PO Drawer 635030 – Nacogdoches, TX 75963
936-559-2574 Fax 936-559-2910 www.nactx.us
Home of Stephen F. Austin State University www.sfasu.edu

ORDINANCE NO. 1870-05-21

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING THE BOUNDARIES OF A ZONING DISTRICT WITHIN THE CITY OF NACOGDOCHES FROM R-1, SINGLE FAMILY TO B-2, GENERAL BUSINESS FOR LOT OL 49, CITY BLOCK 43, AS DESCRIBED IN A DEED DATED JULY 17, 2020, RECORDED IN DOCUMENT NUMBER 2020-4460 OF THE REAL PROPERTY RECORDS OF NACOGDOCHES COUNTY, LOCATED ON THE SOUTH SIDE OF WEST MAIN STREET, APPROXIMATELY 200 FEET WEST OF BREMOND STREET IN NACOGDCHES, TEXAS; CONTAINING FINDINGS; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Zoning Ordinance of the City of Nacogdoches allows the City Council to amend the official zoning map; and

WHEREAS, the property described above and depicted in “**Exhibit A**” is currently zoned R-1, Single Family; and

WHEREAS, the property owner has requested the zoning classification of said property to be changed to B-2, General Business; and

WHEREAS, the City Council of the City has conducted, in the time and manner and after the notice required by law and the Zoning Ordinance of the City, a public hearing on such request for change in zoning classification; and

WHEREAS, the City Council now deems it appropriate to grant such requested change in classification.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NACOGDOCHES, TEXAS:

SECTION I

Findings.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct, and same are deemed to be in furtherance of a public purpose.

SECTION II

Approval of Zoning Change

Pursuant to the requirements of Chapter 118 of the Code of Ordinances of the City of Nacogdoches, Texas, a change in Zoning Classification from R-1, Single Family to B-2, General Business is hereby approved by the City Council.

SECTION III

Repeal

This Ordinance shall in no manner repeal, amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting change in Zoning Classification as herein provided.

SECTION IV

Effective Date

This Ordinance shall take effect following its passage and publication as may be required by governing law.

SECTION V

Severability

If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION VI

Proper Notice and Open Meetings

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VII

Filing

The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches, Texas.

PASSED AND APPROVED, this the ____ day of _____, 2021, by a vote of ____ (ayes) to ____ (nays) of the City Council of the City of Nacogdoches, Texas.

CITY OF NACOGDOCHES

By: _____
JIMMY MIZE, Mayor

ATTEST:

APPROVED AS TO FORM:

JAN VINSON, City Secretary

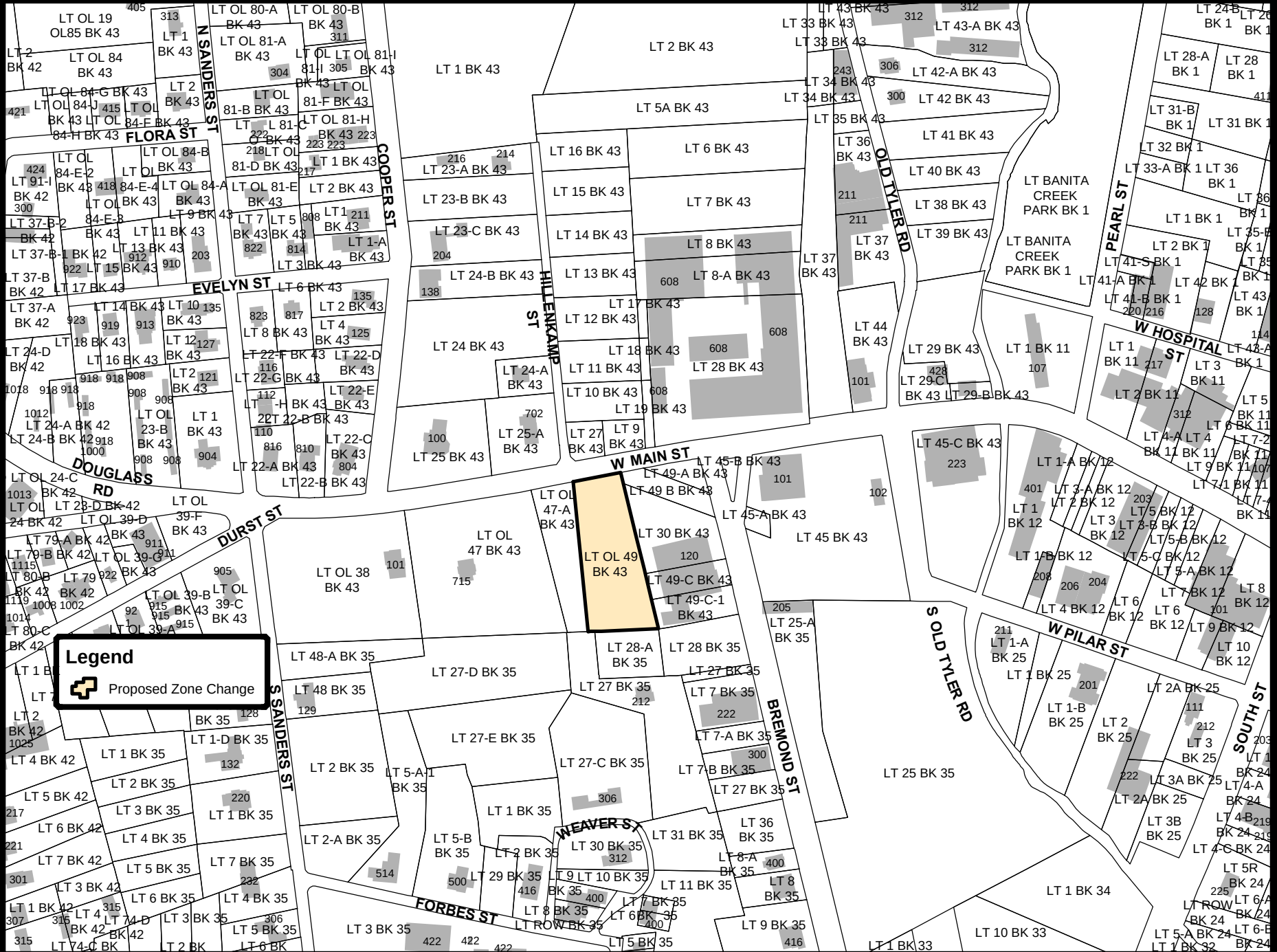
ROBERT S. DAVIS, City Attorney

APPROVED AS TO CONTENT:

ALAINA CHAFIN, City Planner

Exhibit A

ZON 2021-04



Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

8

Date Created: May 3, 2021 Software: ArcGIS 10.8.1



PRESENTER: Alaina Chafin, City Planner

ITEM/SUBJECT: Public Hearing: Consider an ordinance amending the boundaries of a zoning district within the City of Nacogdoches from R-1, Single Family to B-2, General Business, for approximately 10.9 acres, being Lot 1-A, City Block 64, located at 2827 Railroad Street. This request has been submitted by Warren Sparks. Case File ZON2021-01. (City Planner)

SUMMARY/BACKGROUND: *Please note that at the regular meeting of the City Council held on April 20th, 2021, the Council, upon request of the applicant, voted unanimously to postpone the public hearing to the regular meeting of the Council on May 18th, 2021.

Background: The request is for a zone change from R-1, Single Family to B-2, General Business for 10.9 acres of land located at 2827 Railroad Street. The General Business zoning district, "...is intended to accommodate those business activities that are oriented toward the automobile, or whose operations may require limited truck access. Generally this district is located along major traffic arteries where strip business development exists."

The applicant owns the subject property and the lots located immediately to the north, east and west, including a private lake. The lot to the north of the subject property (2807 Railroad St.) is currently developed as single family and is the applicant's primary residence. The applicant has been using the subject property (2827 Railroad St.) as a *Contractor Yard*, for the purpose of openly storing equipment and materials for his personal construction business. The applicant owns a roadway/pavement repair and construction business, which includes the transportation and storage of roadway construction materials and equipment on the subject property.

The applicant has been operating this business at this location for over 10 years, however a *Contractor Yard* is only permitted in the B-2, General Business, the I-1, Light Industrial, and I-2, Heavy Industrial zoning districts. This zone change request is a response to a zoning violation that was issued for conducting commercial activities in a residential zoning district. The applicant is requesting a zone change from R-1, Single Family to B-2, General Business in order to continue operating this business at this location.

Adjacent Land Use & Zoning

The subject property is zoned R-1, Single Family and is currently being used as a *Contractor Yard*. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North	Rural Development	R-3, Two Family	Single Family & a Private Lake

South (across Railroad St.)	Rural Development	R-1, Single Family & R-3, Two Family	Single Family & Vacant
East	Rural Development & Public	R-1, Single Family & R-3, Two Family	Vacant
West	Rural Development	R-2, Single Family	Vacant

The area consists primarily of low to medium density residential zoning districts, including R-3, Two Family to the north, R-1, Single Family and R-3, Two Family to the east and south, and R-2, Single Family to the west. Surrounding land uses include single family and undeveloped properties, as well as Carpenter Elementary located just to the west of the subject property. The B-2, General Business zoning district is not compatible with the zoning or the developed uses in the area.

Future Land Use

Per the 2003 Nacogdoches Comprehensive Plan, the Future Land Use Plan designates the property and the surrounding area as Rural Development, which is described as, “Sparsely-populated areas with limited development that are still distinct from more urbanized areas. This typically encompasses relatively large tracts of unsubdivided land used for agriculture, forestry...widely-scattered homesteads...natural open space, or activities not requiring permanent structures or improvements. Also includes areas that are gradually transitioning into urban uses and development.”

The proposed B-2, General Business zoning district is not consistent with the land uses described in the Rural Development Future Land Use designation.

Access & Utilities

The subject property has access to water utilities, with a 6-inch water main located along Railroad Street. The property is currently being served by an on-site septic system, however there is an 8-inch sanitary sewer line located on the adjacent tract to the west (Lot 12-A), which could be extended to the subject property for future commercial development.

Railroad Street is a Local residential street with a 12-foot pavement width, and open ditches on each side. Local streets are intended to carry lower volumes of traffic and serve as direct access to residential and neighborhood-scale commercial development. The City’s current construction standards for high volume Local streets require a minimum pavement width of 32 feet with two travel lanes, and a right-of-way (ROW) width of 50 feet.

General Business zoning districts are intended to be located along Collector and Arterial streets, which have greater capacity to accommodate the high volume of traffic typically generated by the commercial uses permitted under this zoning district. The minimum pavement width for a Collector street is 37 feet with two travel lanes, and a ROW width of 60 feet; which is much larger than the 12-foot pavement width for this section of Railroad Street.

Flood Damage Prevention

Per the FEMA Floodplain Map, there is no floodplain located on the subject property. However, the subject property is adjacent to a private lake located to the north, which is designated by the U.S. Fish & Wildlife (USFW) Service as a freshwater pond which may be subject to State and Federal regulations and permitting for activities in or adjacent to these designated waterways.

REVIEW CRITERIA

Per Section 118.139 of the Nacogdoches Zoning Ordinance, the following conditions shall be considered when reviewing an application for zoning change:

Compatibility. The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;

The current land use of a *Contractor Yard* consists of the open storage of equipment and materials for a roadway/pavement repair and construction business, which includes the transportation and storage of roadway construction materials (gravel, earth, asphalt, etc.), heavy construction equipment and trucks (dump truck, dozer, front-end loader, etc.) on the subject property. The noise and commercial traffic generated by the heavy trucks and commercial equipment that access the subject property may not be compatible with the adjacent, low-density residential uses developed in the area.

If the zone change request is approved, other commercial activities that could be permitted under the B-2, General Business zoning district include, but are not limited to: Multifamily; Indoor Commercial Amusement; Billiard/Pool Hall; Night Club; Theater; Office; Animal Hospital; Medical Clinic; Beauty Parlor; Trade Shows or Exhibits; Household Appliance and Equipment Repair; Laundry/Dry Cleaning; Tattoo Salon/Piercing Studio; Food and Beverage Services (Restaurants and Bars); Retail; Auto Dealer/Repair; Truck Stop, Including Gas Sales; Wholesale Trade; Warehouse/Storage; Cabinet & Woodworking Manufacturing; and, Medical Lab. Based on the nature of the current use, and the potential for additional commercial uses permitted under the proposed B-2, General Business zoning district, Staff finds that the zone change request is not compatible with the current zoning and land uses surrounding the property. If the zone change request is approved it may adversely affect adjacent properties, and may interfere with current quality of life of the nearby residential developments.

Orderly growth and development. The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;

The use of a *Contractor Yard* may not impede or directly obstruct the development of surrounding vacant property. However, the commercial activities that would be permitted under the B-2, General Business zoning district may delay or deter the development of surrounding residential zoning districts due to its proximity and potential nuisances.

Supporting Facilities. Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;

The site has direct access to water but not sanitary sewer service, and is currently utilizing an on-site sewer disposal system. The existing street is only one lane wide in some areas, thinly paved, and in moderate to poor condition. The roadway is not adequate to accommodate the nature and volume of traffic typically generated by the commercial uses permitted under the B-2, General Business zoning district.

Drives and Parking. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

This section of Railroad Street is asphalt and has a pavement width of 12 feet with open ditches on each side. The private driveway that serves the property consists of a mix of gravel and compacted dirt, and serves as the sole access for both the existing commercial business, and the private residence located on the lot to the north. The heavy equipment and vehicle storage surface area is also compacted dirt. The public street and private drive are not adequate to

support the heavy construction equipment and dump trucks that access this property.

Nuisances. Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;

As stated previously, the noise and commercial traffic generated by the heavy trucks and commercial equipment that access the subject property may create a nuisance for residential uses in the area. Planning Staff has received complaints from a nearby resident with concerns about the noise from heavy trucks during the early morning hours.

If the zone change request is approved, the applicant will be required to screen any outside storage areas with a fence or wall to create an effective visual screen of the storage from the adjacent properties and view from the street. The applicant would also have to comply with Zoning Ordinance Section 118-429. - *Commercial sites with residential adjacency*, which requires a solid screening wall and landscape buffer to be installed along the property lines where nonresidential sites are immediately adjacent to residentially zoned properties. The property has several mature trees onsite which create a partial, visual barrier of the commercial activity from the public street.

Lighting. Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;

Based on Staff's site inspection, there is currently no commercial outdoor lighting installed on the property, with the exception of a wall-mounted fixture located on the exterior of a storage building. If the zone change request is approved, any new outdoor lighting would be subject to the City's current standards for nonresidential development, which requires light fixtures to utilize a downlighting design, and prohibits fixtures that directly project light in all directions.

Landscaping. Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided;

If the zone change request is approved, any new construction or parking additions that meet those thresholds as outlined in the Zoning Ordinance would be subject to current commercial district landscaping requirements. The property has several mature trees onsite which may be credited towards landscape requirements.

Comprehensive Plan. The proposed use is in accordance with the comprehensive plan.

Per the 2003 Nacogdoches Comprehensive Plan, the Future Land Use Plan designates the property and the surrounding area as Rural Development.

Additionally, this zone change request does not fit into the goals outlined in the Comprehensive Plan; specifically, the goal to *Avoiding Undesirable Development Outcomes*. This goal encourages, "High-quality development that respects community character and the natural environment and does not overburden public services and infrastructure." Some of the targeted objectives of this goal include ensuring,, "... compatible development when differing land use types or intensities are located in close proximity."

The proposed B-2, General Business zoning district will create an undesirable outcome by overburdening the public street infrastructure in this area. Therefore, Staff finds that the request is not in line with the Future Land Use Map, and is not consistent with the land use policies as outlined in the Comprehensive Plan.

Notices

Staff sent out 6 notices to property owners within the 200 foot notification area. Since the time of this report, Staff has received four contacts regarding the request. These contacts include two

written responses in opposition to the request, one written response in support, and one response via telephone that was also in opposition of the request. The written responses are attached to this item.

***Please note that this zoning application was not subject to the additional noticing practices that were approved by City Council during their regular meeting on January 19, 2021. The additional noticing practices will be applied to all zoning applications received on or after March 1, 2021.**

Staff Recommendation

Based on the above findings, Staff recommends denial of a change of zoning for the subject property from R-1, Single Family to B-2, General Business.

P&Z Recommendation

The Planning & Zoning Commission heard this item at their regular meeting held on April 12th, 2021, and recommended denial of the zone change request (4-1), with Commissioner Mills voting in opposition of the recommendation.

FINANCIAL:

No financial impact associated with this item.

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

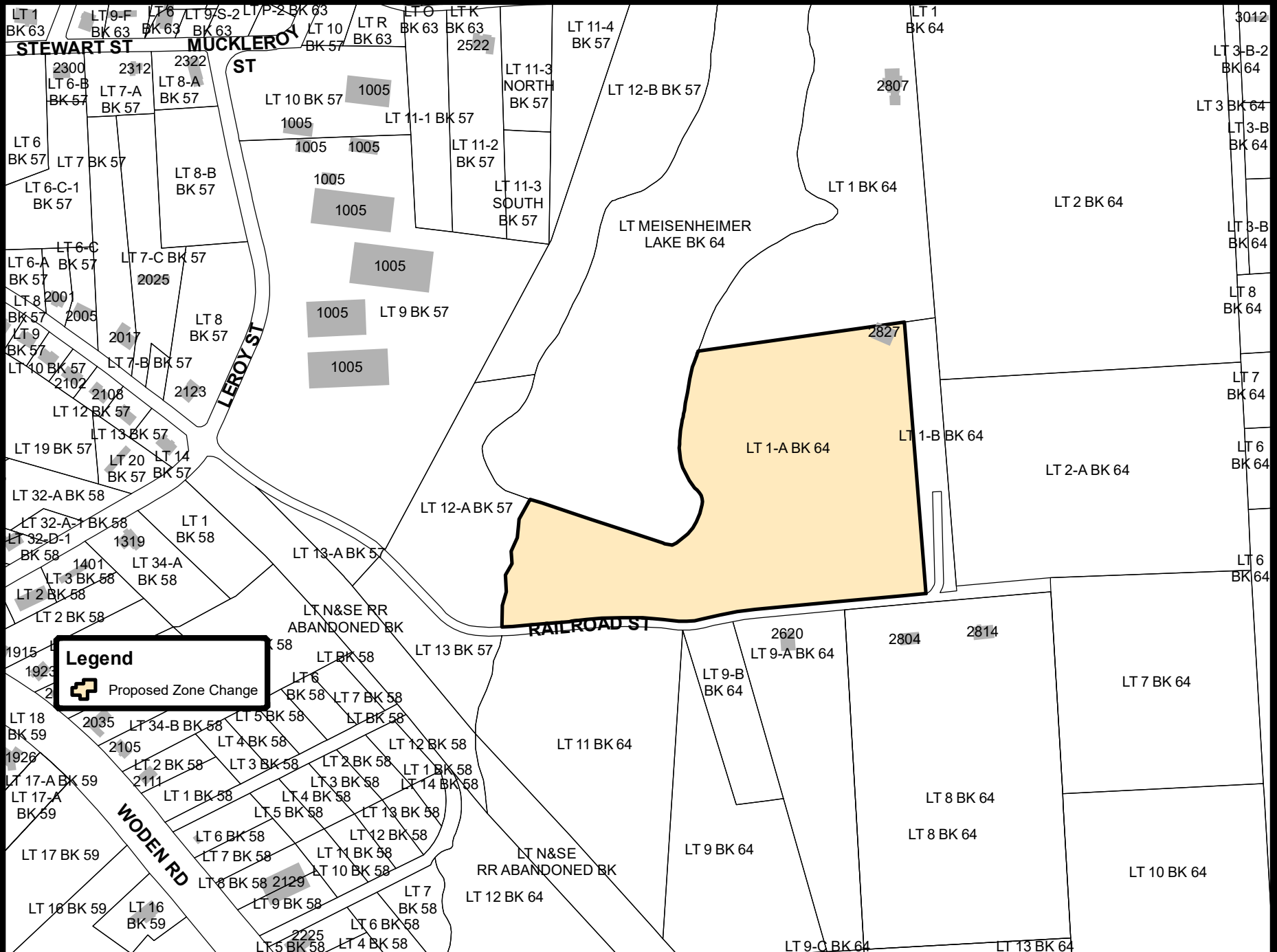
Not Applicable

CITY CONTACT: Alaina Chafin, AICP, City Planner
chafina@nactx.us
(936) 559-2572

ATTACHMENTS:

1. Location Map
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Site Photos
7. Response Letters
8. Ordinance

ZON 2021-01



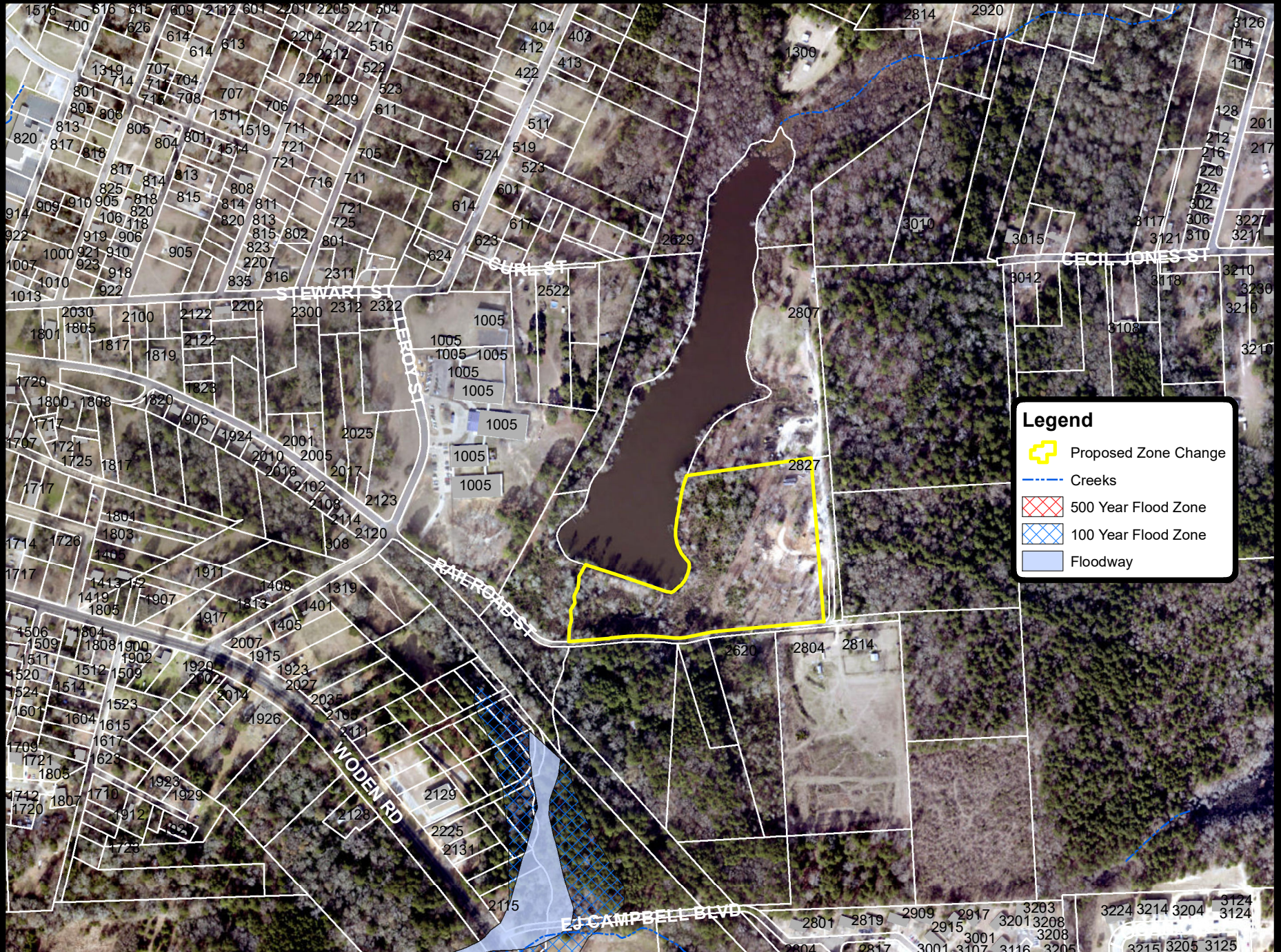
Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



0 75 150 300 Feet

Date Created: January 29, 2021 Software: ArcGIS 10.8.1

ZON 2021-01



Legend

- Proposed Zone Change
- Creeks
- 500 Year Flood Zone
- 100 Year Flood Zone
- Floodway

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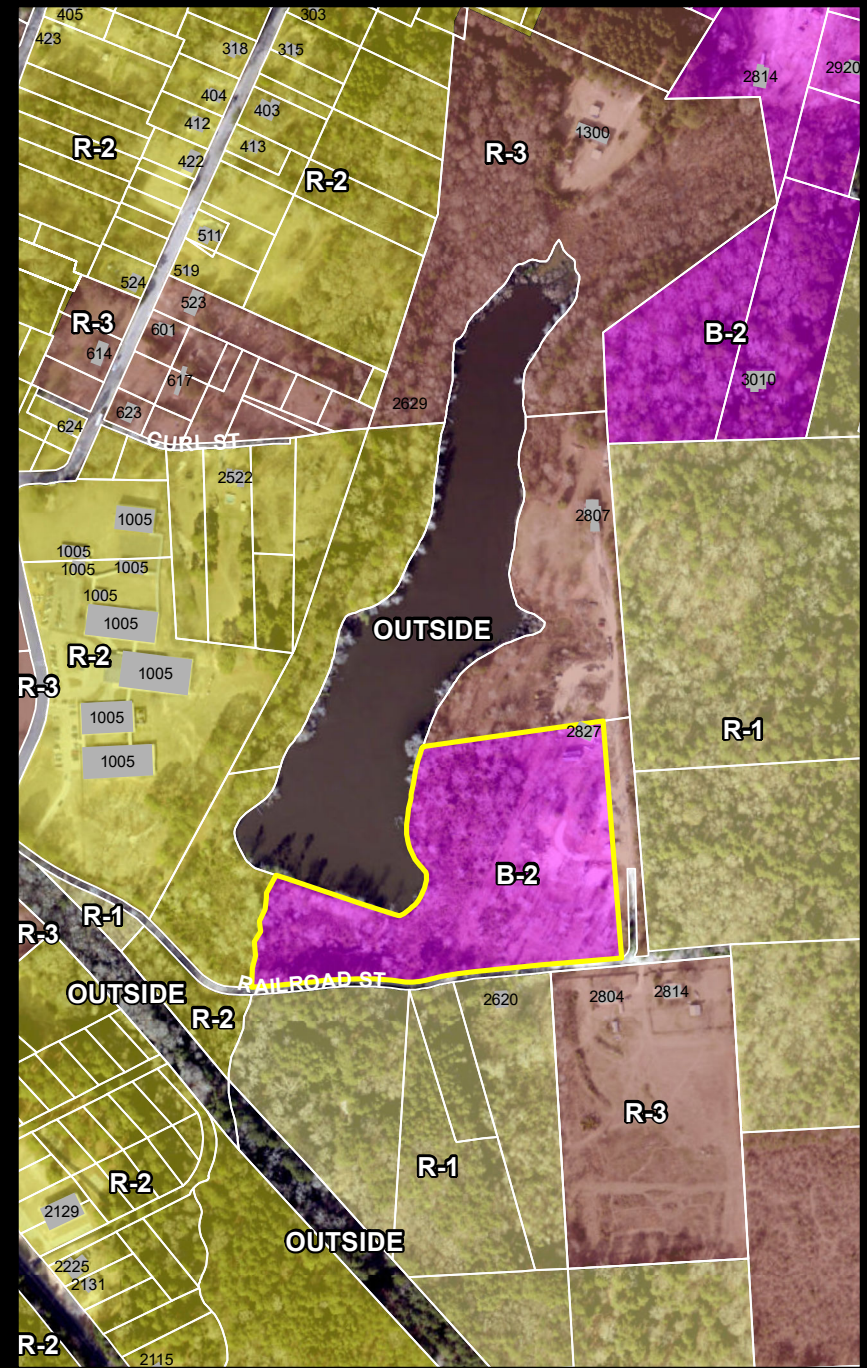
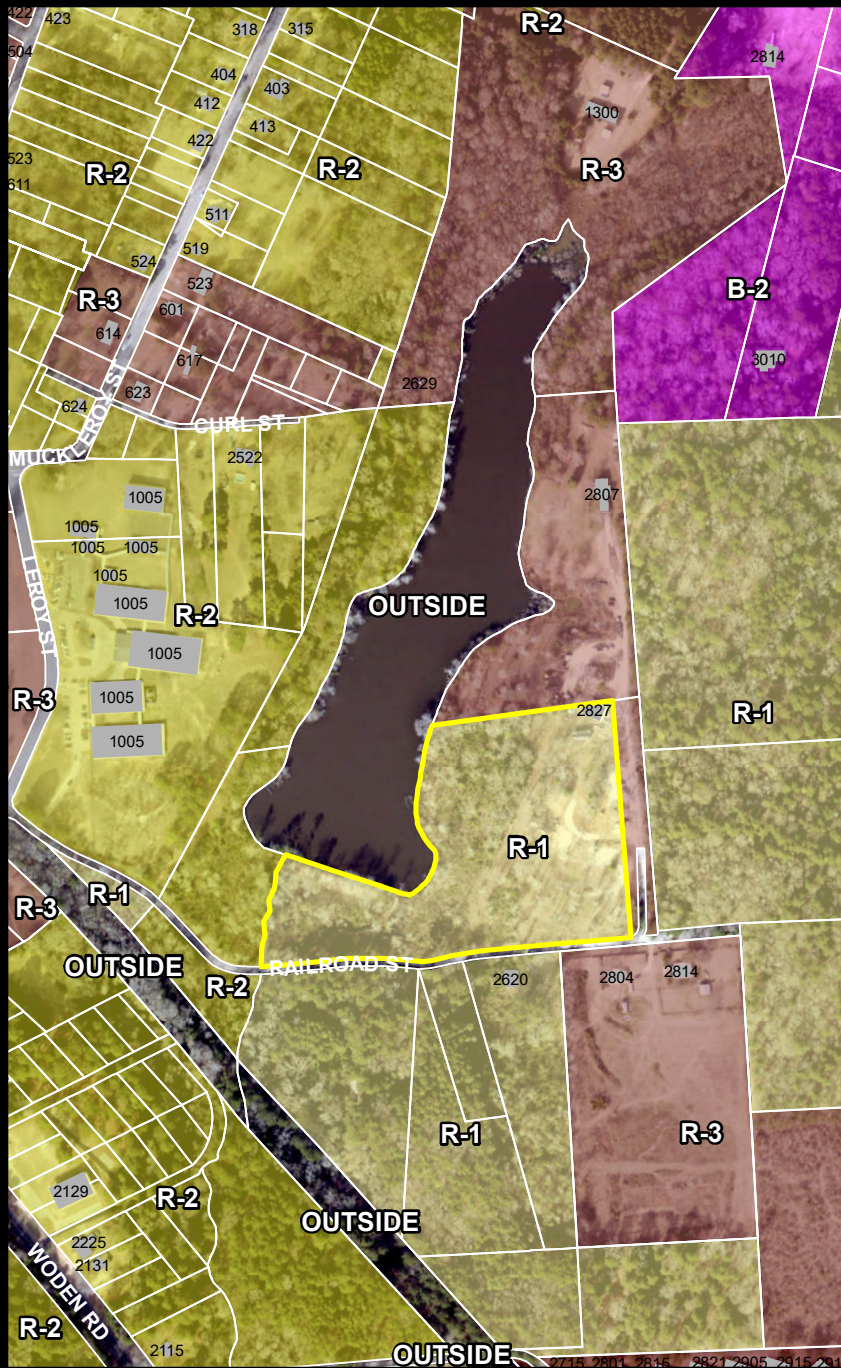


Date Created: January 29, 2021 Software: ArcGIS 10.8.1

Existing Zoning

ZON 2021-01

Proposed Zoning



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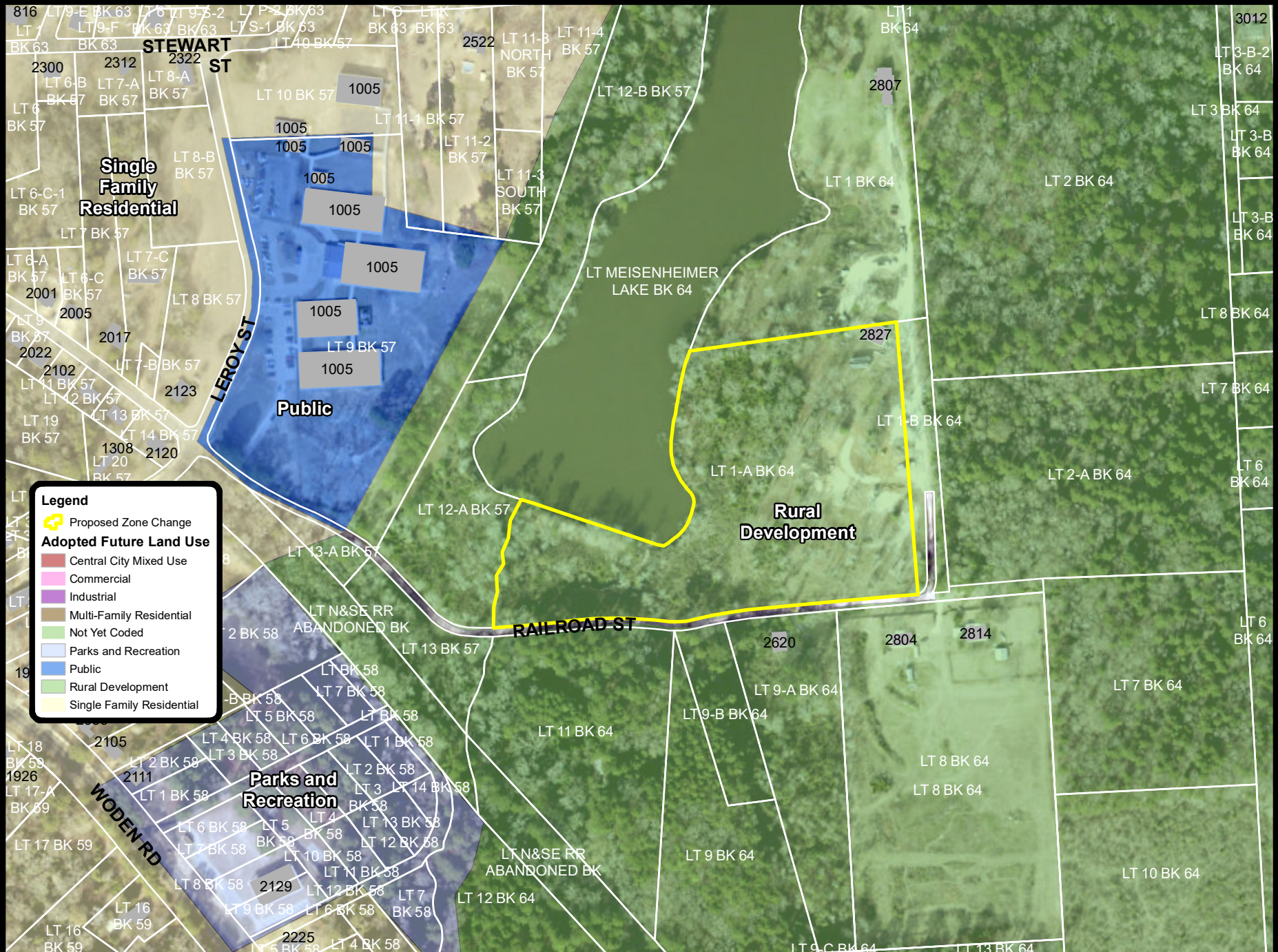


Date Created: January 29, 2021 Software: ArcGIS 10.8.1

0 125 250 500 Feet



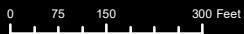
ZON 2021-01



Legend

- Proposed Zone Change
- Adopted Future Land Use
 - Central City Mixed Use
 - Commercial
 - Industrial
 - Multi-Family Residential
 - Not Yet Coded
 - Parks and Recreation
 - Public
 - Rural Development
 - Single Family Residential

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Date Created: January 29, 2021 Software: ArcGIS 10.8.1



ZON2021-01 2827 Railroad Street

Legend

200 foot buffer



Proposed zone change



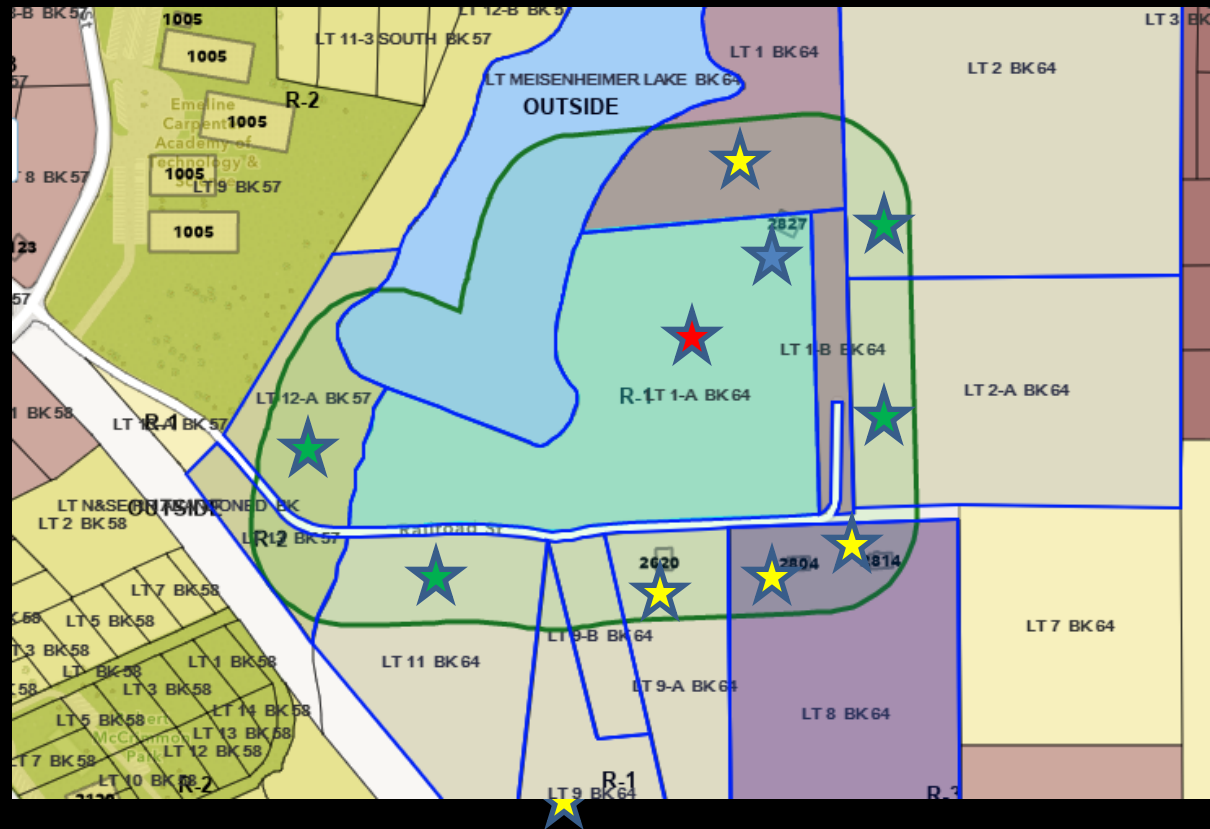
Vacant



Single Family-
Owner Occupied



Shop



Railroad Street



Private Driveway



Truck Ruts



Street View from Driveway Entrance



View from Railroad Street



Site Photos



Site Photos





Chafin, Alaina <chafina@nactx.us>

Zone Change Request on Railroad Street

1 message

John Fleming <johnthomasfleming@yahoo.com>
To: "chafina@nactx.us" <chafina@nactx.us>

Mon, Feb 8, 2021 at 1:13 PM

Ms. Chafin - Good visiting with you today!

I do not object to the zone change from residential to general business requested by Warren Sparks. Please feel free to contact me should you need additional information!

Tks!

John



Chafin, Alaina <chafina@nactx.us>

Fwd: Zoning Committee regarding #ZON2021-01

2 messages

Vinson, Jan <vinsonj@nactx.us>
To: Alaina Chafin <chafina@nactx.us>

Fri, Feb 5, 2021 at 7:41 AM

----- Forwarded message -----

From: **Janice Waggoner** <janice.waggoner1967@gmail.com>
Date: Thu, Feb 4, 2021 at 9:35 PM
Subject: Zoning Committee regarding #ZON2021-01
To: <vinsonj@nactx.us>

To whom it may concern:

I would like to submit my objection regarding the zone change of Lot 1-A City Block 64, located at 2827 Railroad St. The request to change that location from R-1 (single family) to B-2 (general business) Case file #ZON2021-01 would devalue my property and thus also devalue property in the vicinity.

I am submitting my dissent to the zone change due to the devaluation of the surrounding property. I have consulted with a real estate company and they have stated that this zone change would "negatively impact the value of my property and the surrounding area."

I hope that the zoning committee will find that changing the zoning of the property in this case would only have a negative impact on the value of property in our community and therefore keep this property zoned R-1.

Thank you for your consideration,

Brenda Waggoner
[3010 Cecil Jones](mailto:3010CecilJones@nactx.us)
Nacogdoches, TX 75961

--
Jan Vinson, City Secretary
City of Nacogdoches, Texas
vinsonj@nactx.us
936-559-2506

Chafin, Alaina <chafina@nactx.us>
To: "Pollette, Juan" <pollettej@nactx.us>

Fri, Feb 5, 2021 at 10:36 AM

For the case file
[Quoted text hidden]



Chafin, Alaina <chafina@nactx.us>

Zoning change application

1 message

David Connolly <davennac@sbcglobal.net>

Fri, Feb 5, 2021 at 3:57 PM

To: "chafina@ci.nacogdoches.tx.us" <chafina@ci.nacogdoches.tx.us>, "pollettej@nactx.us" <pollettej@nactx.us>

I will speak at the meeting, but I also submit this written comment>

As members of the Planning and Zoning Commission should know, the impact of Mr. Sparks operating a business selling and hauling gravel road base and fill-dirt on Railroad St. is already known, as it has been in operation for many years. I was prompted to finally complain about the zoning violation because Mr. Sparks indicated he had renewed his effort to buy the Thurman property at the end of the street in order to mine fill-dirt from it, an expansion of the business which would've increased the nuisances I suffer as a result of tail-dump dump trucks, belly-dump 18-wheelers, and/or flat-bed trailers hauling a back-hoe, excavator, or bulldozer going in and out almost every business day. Noise is the worst nuisance, primarily the noise of the gates on the belly-dumpers rattling as they cross a damaged, uneven section of the street my property fronts, which they sometimes do as early as 3:30 in the morning. My bedroom is in the front of the house, so this noise frequently disturbs my sleep, especially in the spring, summer, and fall months when I usually sleep with the window adjacent to my head open. There is always considerable engine noise from the big trucks, especially when they are returning and are chugging uphill. If tail-dumpers are hauling dirt in, some of them use a bed vibrator to loosen stuck dirt which makes a horrendous loud noise, or, with the bed raised, they pull forward and hit the brakes to make the tailgate swing and hit the bed, making a very loud banging noise. If that doesn't work, he will hit the bed with the shovel on his backhoe, creating an even louder noise.

Dirt and dust is the other nuisance affecting me. According to the "Measure Distance" feature in Google Maps, the area when limestone gravel road base is unloaded and loaded is approximately 263 feet from the street, and it is approximately 200 feet from there to my house. The dirt in the road base material mixes with the powdery sand already there and creates very mushy mud after a rain, which may remain muddy for several days when he have several days of rainy weather and/or high humidity. Trucks come out of there with tires packed with mud, which falls off as they gain speed on the street. Then when the dirt is dry, dust is stirred up they stir up when trucks pass by, even if they are going just 15- 20 MPH, and if the wind is northerly at all, it blows toward my house.

As a taxpayer, I share in the cost of repair to damage to the street, including severe damage anytime one of Mr. Sparks' truck encounters another vehicle, especially another large truck(city garbage, street repair, or limb/brush pickup truck, or UPS or Fedex truck) and pulls to the edge of the street, sometimes right on/off the edge of the street, which frequently breaks the asphalt.

These large trucks create a hazard to other vehicles, and if there's an accident in which someone is killed or horribly injured in a collision with one of these trucks, the city could be sued for millions of dollars for allowing them to operate on a regular basis on this narrow street.

I hate having to take this action, but I'm sure that Mr. Sparks, with all the people he knows and has worked with/ for, including the Drewerys and Suzanne Patterson at Cal-tex, will be able to at least find a temporary location for his business while he looks for property to buy.

David Connolly

ORDINANCE NO. 1866-05-21

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING THE BOUNDARIES OF A ZONING DISTRICT WITHIN THE CITY OF NACOGDOCHES FROM R-1, SINGLE FAMILY TO B-2, GENERAL BUSINESS FOR LOT 1-A, CITY BLOCK 64, LOCATED AT 2827 RAILROAD STREET IN NACOGDOCHES, TEXAS; CONTAINING FINDINGS; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Zoning Ordinance of the City of Nacogdoches allows the City Council to amend the official zoning map; and

WHEREAS, the property described above and depicted in “**Exhibit A**” is currently zoned R-1, Single Family; and

WHEREAS, the property owner has requested the zoning classification of said property to be changed to B-2, General Business; and

WHEREAS, the City Council of the City has conducted, in the time and manner and after the notice required by law and the Zoning Ordinance of the City, a public hearing on such request for change in zoning classification; and

WHEREAS, the City Council now deems it appropriate to grant such requested change in classification.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NACOGDOCHES, TEXAS:

SECTION I

Findings.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct, and same are deemed to be in furtherance of a public purpose.

SECTION II

Approval of Zoning Change

Pursuant to the requirements of Chapter 118 of the Code of Ordinances of the City of Nacogdoches, Texas, a change in Zoning Classification from R-1, Single Family to B-2, General Business is hereby approved by the City Council.

SECTION III

Repeal

This Ordinance shall in no manner repeal, amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting change in Zoning Classification as herein provided.

SECTION IV

Effective Date

This Ordinance shall take effect following its passage and publication as may be required by governing law.

SECTION V

Severability

If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION VI

Proper Notice and Open Meetings

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VII

Filing

The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches, Texas.

PASSED AND APPROVED, this the ____ day of _____, 2021, by a vote of ____ (ayes) to ____ (nays) of the City Council of the City of Nacogdoches, Texas.

CITY OF NACOGDOCHES

By: _____
JIMMY MIZE, Mayor

ATTEST:

APPROVED AS TO FORM:

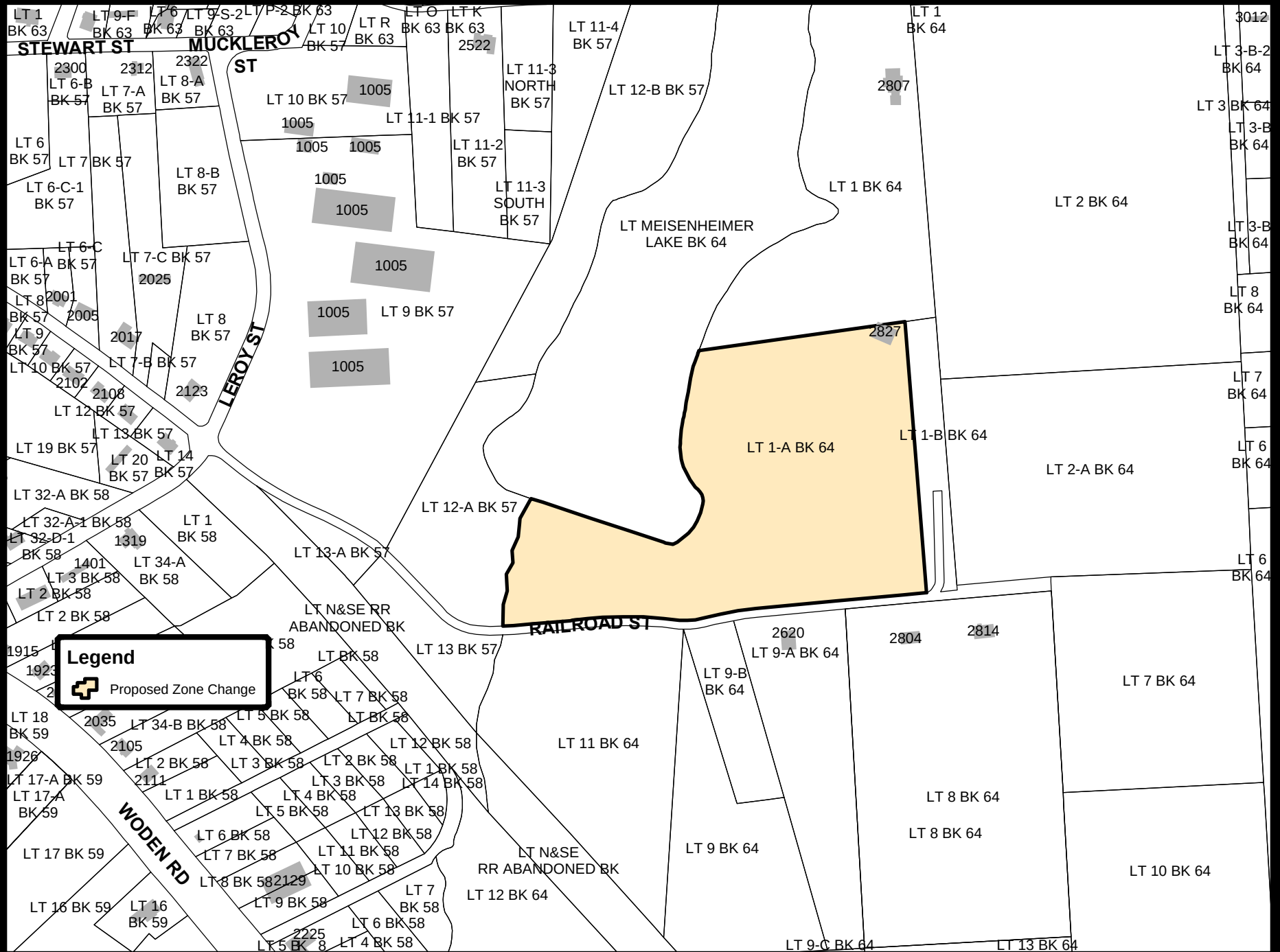
JAN VINSON, City Secretary

ROBERT S. DAVIS, City Attorney

APPROVED AS TO CONTENT:

ALAINA CHAFIN, City Planner

ZON 2021-01



Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

PRESENTER: Robert Davis, Interim City Attorney

ITEM/SUBJECT: Consultation with City Attorney - Pursuant to Texas Government Code Section 551.071, deliberation regarding attorney's advice concerning pending or contemplated litigation or a settlement offer, or on a matter in which the duty of the attorney to the governmental body under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. The subject of this Executive Session relates Shannon Williams versus The City of Nacogdoches, Texas, its former police officer Josh Anders, and The Overlook at Nacogdoches (apartment complex).

SUMMARY/BACKGROUND: Texas Government Code Subchapter D. EXCEPTIONS TO REQUIREMENT THAT MEETINGS BE OPEN Sec. 551.071. CONSULTATION WITH ATTORNEY; CLOSED MEETING. A governmental body may not conduct a private consultation with its attorney except:

- (1) when the governmental body seeks the advice of its attorney about:
 - (A) pending or contemplated litigation; or
 - (B) a settlement offer; or
- (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Mario Canizares, City Manager
canizaresm@nactx.us
936-559-2501

ATTACHMENTS: