



Planning & Zoning Commission January 12, 2026

Notice is hereby given of a Regular Meeting of the Nacogdoches Planning & Zoning Commission to be held on the above date in the City Council Chambers of City Hall, 202 E. Pilar Street, Nacogdoches, Texas, beginning at 5:00 p.m. for the purpose of considering the following agenda items. Some Commission members may attend via videoconference, but a quorum of the Commission and the Presiding Officer will be present at the above-stated physical location. 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 in person at the specified location.

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

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. Open Forum: In accordance with the Texas Open Meetings Act, members of the Commission shall not discuss, deliberate, or make any decisions on topics not posted as an agenda item. Speakers should address all remarks to the Commission and limit your remarks to no more than 3 minutes.
4. CONSENT AGENDA: All matters listed under the Consent Agenda are considered routine by the Commission and will be enacted by one motion. These items include final plats found to be in compliance with all minimum subdivision regulations. All items approved by Consent are approved with any and all staff recommendations.
 - A. Consider approval of minutes from the Planning and Zoning Commission meeting held on November 10, 2025.
5. REGULAR AGENDA: City Council will receive staff recommendations and public input on the following items, and may deliberate and take formal action on the item.
 - A. **Public Hearing:** Discuss and consider action on Zoning Case ZON2025-14 regarding a zone change from B-2, General Business to R-2, Single Family, on one (1) parcel of land approximately 1.79 acres $\pm$ in size, more particularly described by Nacogdoches Central Appraisal District Parcel 33096; and generally located on the southeast corner of Old Tyler Road and Jeffries Street, Nacogdoches, Texas.
 - B. **Public Hearing:** Discuss and consider action on Specific Use Permit Case SUP2025-07 regarding a Specific Use Permit request for Liquor By the Drink in a B-2, General Business district on one (1) parcel of land approximately 0.38 acres $\pm$ in size, more particularly described by Nacogdoches Central Appraisal District Parcel 23487; and located at 1426 Douglass Road, Nacogdoches, Texas.
 - C. **Public Hearing:** Consider approval of an Ordinance of the City of Nacogdoches, Texas, amending Chapter 118 "Zoning"; Article I "In General", Section 118-1 "Definitions"; Article III "District Regulations", Section 118-273 "Land use schedule"; and Article IV "Supplementary District Regulations", adding Section 118-327 "Energy Storage System - Industrial (ESS-I)", of the Code of



Ordinances of the City of Nacogdoches, Texas; providing a severability clause; providing a continuation clause; providing a repeal clause; and providing an effective date.

6. Future Agenda Items. A Commissioner may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.
7. ADJOURN.

CERTIFICATION

This meeting will be conducted pursuant to Chapter 551 of the Texas Government Code. The Commission reserves the right to adjourn into Executive Session at any time during the meeting to discuss any of the above posted agenda, as authorized by Texas Government Code Section 551.071 [consultation with attorney]. The City of Nacogdoches is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications may be provided upon request. Please contact the City Secretary at (936) 559-2506 for information. I certify the notice of meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas 75961 by 5:00 p.m. on January 6, 2026, and remained posted until the meeting convened.

A handwritten signature in black ink, which appears to read "Jasmine Flores".

Jasmine Flores, Planning Coordinator



Planning and Zoning Commission

Date: January 12, 2026

Agenda Item: 4.A.

PRESENTER:

ITEM/SUBJECT: Consider approval of minutes from the Planning and Zoning Commission meeting held on November 10, 2025.

OVERVIEW:

STAFF REVIEW:

CITY CONTACT:

ATTACHMENTS: 1. PZ Minutes 11.10.2025



Regular Meeting Minutes
Nacogdoches Planning and Zoning Commission
November 10, 2025 – 5:00 p.m.
City Council Chambers, 202 E. Pilar Street, Nacogdoches, TX

Commissioners present: Shannon Conklin, Lily Phou, Matthew Perry, Bridget Arrant

1. CALL TO ORDER.

Chair Conklin called the meeting to order at 5:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. OPEN FORUM

There were no public comments.

4. CONSENT AGENDA

Commissioner Perry moved to approve the Consent Agenda. Commissioner Phou seconded. The motion passed unanimously (4-0).

5. REGULAR AGENDA:

Chair Conklin moved to consider Agenda Item 5D before other items. Commissioner Phou seconded. The motion passed unanimously (4-0).

- D. Consider and make a recommendation concerning an Ordinance of the City of Nacogdoches, Texas, Amending Chapter 34—"Environment", Article V—"Noise and Vibrations", and Chapter 118— Zoning", Article VII—"Performance Standards", of the Code of Ordinances of the City of Nacogdoches, Texas; providing a severability clause; providing a continuation clause; providing a repeal clause; and providing an effective date. (City Attorney)

City Attorney Jerry Baker presented an amendment to move all noise and vibration regulations from Chapter 118 (Zoning) to Chapter 34 (Environment) so that enforcement is handled by Police and Code Enforcement. He explained that the current split between the two chapters caused confusion and that the update removes duplicates and clarifies standards. Assistant Police Chief Bill Kennedy commented that using decibel levels as measurement was unenforceable for multiple reasons, including ambient noise, and sample measurements were taken at busy intersections in attempts to validate the ordinance. Executive Director of Development and Infrastructure Mike Neu commented on the City's enforcement of noise through land use regulations. Commissioner Phou asked about how the Nacogdoches would regulate vibrations if removed from Chapter 118. Baker commented that Code Enforcement would be responsible for enforcing noise regulations under Chapter 34.

Commissioner Phou moved to approve the item as presented. Commissioner Perry seconded. The motion passed unanimously (4-0).

- A. Public Hearing: Discuss and consider action on Zoning Case ZON2025-13 regarding a zone change from A, Agriculture to B-1, Local Business, on a portion of two (2) tracts of land

approximately 4.31 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 24725, being Lots 44-D and 44-F, City Block 54; and generally located northwest of the intersection of Park Street and N.E. Stallings Drive, Nacogdoches, Texas.

City Planner Juan Pollette presented a staff report of the item noting that the applicant, Harbor Hospice and HGT Group LP, intends to develop the combined site with an office facility for their local operations.

Ed Poole of Charles Poole Real Estate located at 3505 North Street, representing Harbor Hospice, commented to confirm the property owner's and developer's intentions for the site.

Chair Conklin opened the public hearing.

Gary Newman, residing at 925 Village Gate Circle and representing as the president of Village Gate Homeowners Association, commented that the zoning map handed out at the neighborhood meeting did not match the map of the lots being proposed under the current agenda item. Village Gate homeowners would not support zoning changes to the lots outside of Stallings Drive loop. Pollette responded that the GIS tracts identified in the neighborhood meeting map were incorrect, but Commissioners would be considering the correct version.

Chair Conklin closed the public hearing.

Commissioner Perry moved to approve the item as presented. Commissioner Phou seconded. The motion passed unanimously (4-0).

- B. Public Hearing: Discuss and consider action on Specific Use Permit Case SUP2025-05 regarding a Specific Use Permit request for the expansion of an existing Mini Warehouse Storage facility in a B-2, General Business district on one (1) parcel of land approximately 2.35 acres ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 82326; and located at 5210 S.E. Stallings Drive, Nacogdoches, Texas.

Pollette presented a staff report of the item noting that the subject property was developed as an existing mini-warehouse storage facility constructed in 2017, and while mini-warehouse storage facilities are permitted within the B-2 District upon approval of a Specific Use Permit (SUP), records indicate that an SUP was not obtained prior to construction. The applicant and property owner, Stephen Cox, intends to bring the existing facility into conformance with the zoning ordinance and to allow the construction of two additional storage buildings on the site.

Chair Conklin opened the public hearing.

Kenneth Jones, residing at 4720 E. Main Street, commented that he is representing Stephen Cox and is available to answer questions from the Commission, if asked.

Chair Conklin closed the public hearing.

Commissioner Phou asked about the Future Land Use overlay for public designation near the subject property. Pollette confirmed the overlay and commented that staff would review future land use designations in the area in the near future to reduce existing conflicts and errors.

Commissioner Phou moved to approve the item as presented. Chair Conklin seconded. The motion passed unanimously (4-0).

- C. Discuss and consider action on Sign Variance Case SV2025-02 regarding a variance to Section 78-101 of the Nacogdoches Sign Ordinance for a freestanding sign with a reduced minimum setback requirement on one (1) parcel of land approximately 2.12 acres ± in size, more particularly

described by Nacogdoches Central Appraisal District Parcel 51767; and located at 4501 North Street, Nacogdoches, Texas.

Pollette presented a staff report of the item noting that the applicant, Cameron Ott, representing NNN Reit LP, is requesting a sign variance for a free-standing sign associated with construction of a Chick-fil-A restaurant to allow a 9.7-foot reduction from the required 52.5-foot setback from North Street.

Commissioner Phou asked staff to clarify the request distance, as the written report and oral comments were slightly different. Pollette confirmed the variance request is approximately 10 feet, which would allow a 42.8-foot sign setback. Chair Conklin asked about the right-of-way distance from the back of curb on North Street, and where the sign setback starts. Pollette confirmed the sign base determines setback, and that right-of-way is 30 feet from back of curb at this location. Commissioner Phou asked what was obstructing the preferred sign location. Pollette commented that a large tree would have obstructed view of the sign if installed as originally prescribed.

Commissioner Phou moved to approve the request as presented. Commissioner Perry seconded. Motion passed unanimously (4-0).

6. SUBCOMMITTEE REPORT

Neu presented a summary of Zoning Ordinance Subcommittee discussions on October 29. Commissioner Phou asked about landscaping requirements as a part of off-street parking regulation changes. Neu responded that staff would consider landscaping regulations in conjunction with parking. No action taken.

7. FUTURE AGENDA ITEMS

Commissioner Phou requested that staff consider Post Oak tree plantings as an element of the city's landscaping requirements, or at least in conjunction with some beautification efforts to enhance the city's major corridor gateways. No action taken.

8. ADJOURN.

Chair Conklin adjourned the meeting at 6:03 p.m.

Video Archive: A video recording of the Planning and Zoning Commission regular meeting held on November 10, 2025, may be viewed online at <https://www.youtube.com/watch?v=9cwU5e1qArc>.

ATTEST:

Shannon Conklin, Chair
Planning and Zoning Commission
City of Nacogdoches

Jasmine Flores, Planning Coordinator
City of Nacogdoches

PRESENTER: Juan Pollette, City Planner

ITEM/SUBJECT: Public Hearing: Discuss and consider action on Zoning Case ZON2025-14 regarding a zone change from B-2, General Business to R-2, Single Family, on one (1) parcel of land approximately 1.79 acres $\pm$ in size, more particularly described by Nacogdoches Central Appraisal District Parcel 33096; and generally located on the southeast corner of Old Tyler Road and Jeffries Street, Nacogdoches, Texas.

OVERVIEW: The applicant, Fileman Gonzalez, is requesting a zone change from B-2, General Business, to R-2, Single Family Residential, for the purpose of constructing a single-family home on the subject property. The property is currently undeveloped and fronts Old Tyler Road to the west and Jeffries Street to the north. Old Tyler Road is a designated collector street and Jeffries Street is a local Street. The R-2 zoning district is intended to provide for slightly higher density residential areas. Lots in this area must be 6,000 square feet or larger.

Adjacent Land Use & Zoning

The subject property is zoned B-2, General Business and is undeveloped. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North (across Jeffries St.)	Single Family Residential	R-3, Two Family	Undeveloped & Single Family Residential
South	Single Family Residential	B-2, General Business	Undeveloped
East	Single Family Residential	R-2, Single Family	Undeveloped
West (across Old Tyler Rd.)	Single Family Residential	B-2, General Business & R-3, Two Family	Undeveloped & Single Family Residential

The subject property is surrounded by commercial and residential zoning districts with the land uses being primarily single family residential and undeveloped land.

STAFF REVIEW:

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;

While the subject property is currently zoned B-2, General Business, the immediate vicinity includes a mix of zoning designations, with many nearby properties developed with single-family homes despite being zoned for commercial use. The introduction of a single-family residence on an undeveloped lot aligns with the existing residential development pattern in the area and is not expected to negatively impact surrounding property values.

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 proposed rezoning to R-2, Single Family Residential, is not expected to impede the normal and orderly development of surrounding vacant properties. The subject property is located along Old Tyler Road and Jeffries Street which serves the residential development in the area. Given that many nearby properties are mostly developed with single-family homes, despite being zoned for commercial use, the requested zoning would be consistent with the existing development pattern and may help encourage compatible residential development in the immediate area. The proposed residential use is appropriate and would not hinder future development on nearby vacant parcels, whether for residential or commercial purposes, in accordance with existing zoning and infrastructure.

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

Adequate supporting facilities are available to serve the proposed use. The subject property has direct access to Old Tyler Road, a collector street with an 80-foot right-of-way, as well as Jeffries Street, a local road with a 30-foot right-of-way. Public utilities are available at the site, including a 6-inch water main located along Old Tyler Road and Jeffries Street and a 6-inch sewer main located along Jeffries Street. The existing infrastructure is sufficient to support the development of a single-family residence.

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;

The proposed single-family residential use will require only a single driveway and on-site parking, which can be accommodated on the subject property without adversely impacting adjacent developments or public traffic flow. The design and placement of the driveway and parking areas will be reviewed at the time of permitting to ensure compliance with city standards for safety, visibility, and separation from adjacent driveways.

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 as a single-family residence is not anticipated to generate offensive odors, fumes, dust, noise, or vibration. Single-family residential uses are generally considered low-impact and compatible with surrounding residential and mixed-use areas. Any future development on the site will be required to comply with applicable building codes and city ordinances designed to minimize potential nuisances.

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

As a single-family residential use, any exterior lighting installed on the property will be typical of residential development and is not expected to adversely affect neighboring properties. Any lighting fixtures will be required to be directional or shielded as necessary to minimize glare and prevent light spillover onto adjacent properties, ensuring compatibility with the surrounding residential and mixed-use context.

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

The City of Nacogdoches does not require specific landscaping or screening standards for single-family residential development.

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

Future Land Use

Per the 2003 Comprehensive Plan, the Future Land Use Plan (FLUP) Map designates the subject property as *Single Family Residential*. The *Single Family Residential* FLUP category is described as, “Conventional one-family detached dwellings (also includes duplexes).” R-2 meets this Comprehensive Plan designation.

Land Use Policies, Goals & Objectives

This rezoning is a response to the current needs for single-family residential growth and therefore Staff believes it fits into the goals of the Comprehensive Plan; specifically, the goal to encourage *Growing Inward – Long-term growth in appropriate areas to achieve an efficient, diverse, and balanced pattern of land uses*. Some of the targeted objectives include:

- Promote growth where adequate infrastructure exists.
- Encourage infill development where appropriate (utilities, compatibility, etc.)

Staff believes the FLUP designation of the property is consistent with the proposed zoning, and the request is in compliance with the Comprehensive Plan.

PUBLIC ENGAGEMENT:

- December 23, 2025 – Staff mailed thirteen (13) public meeting notice letters to property owners within 200 feet and four (4) notice postcards to property owners within 200-500 feet. Staff has not received any letters in opposition or in favor of the request from the neighboring residents.
- December 28, 2025 – Legal ad published in the Daily Sentinel newspaper.

NOTE – This application is subject to additional notification procedures, including signage posted on the subject property, as well as notices on the City website and social media pages.

This item is scheduled to be heard by the City Council on Tuesday January 20, 2026.

CITY CONTACT: Juan Pollette, City Planner

ATTACHMENTS:

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Site Photos

ZON2025-14 Aerial Map



Legend

Buildings

City Limit

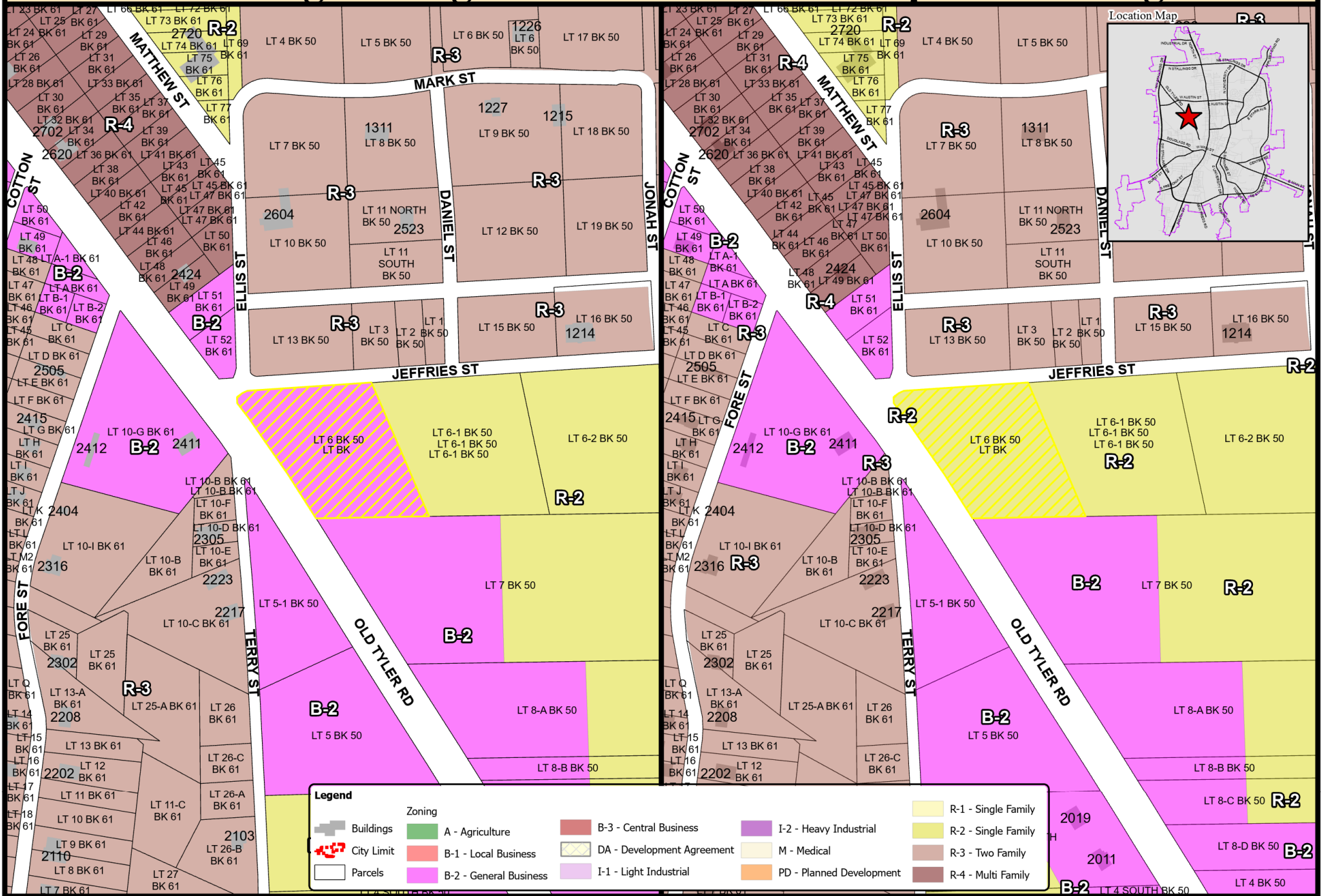
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Area of Interest

Existing Zoning

ZON2025-14

Proposed Zoning



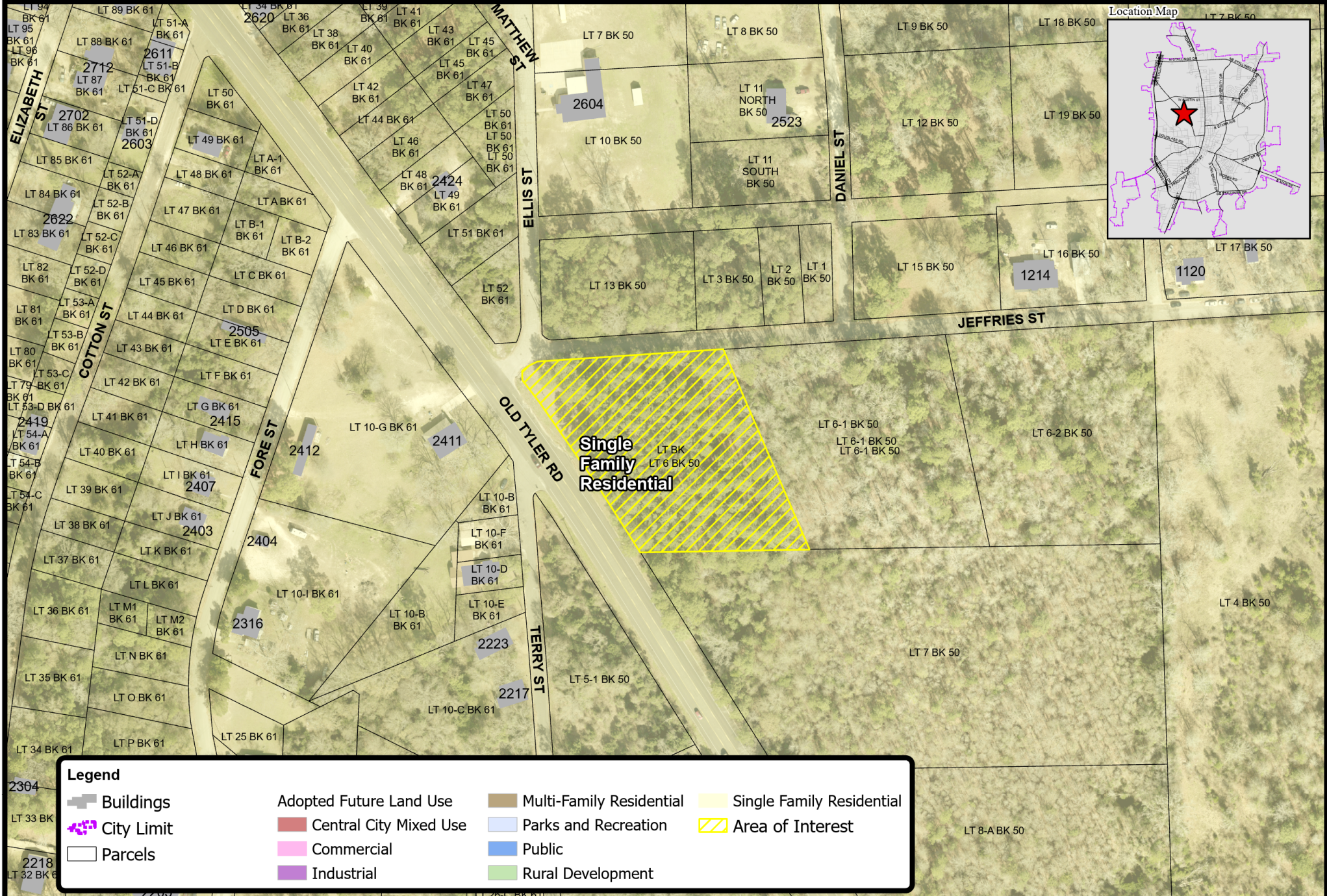
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Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location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

Nacogdoches
Engineering Department
City of Nacogdoches

ZON2025-14 Future Land Use Map

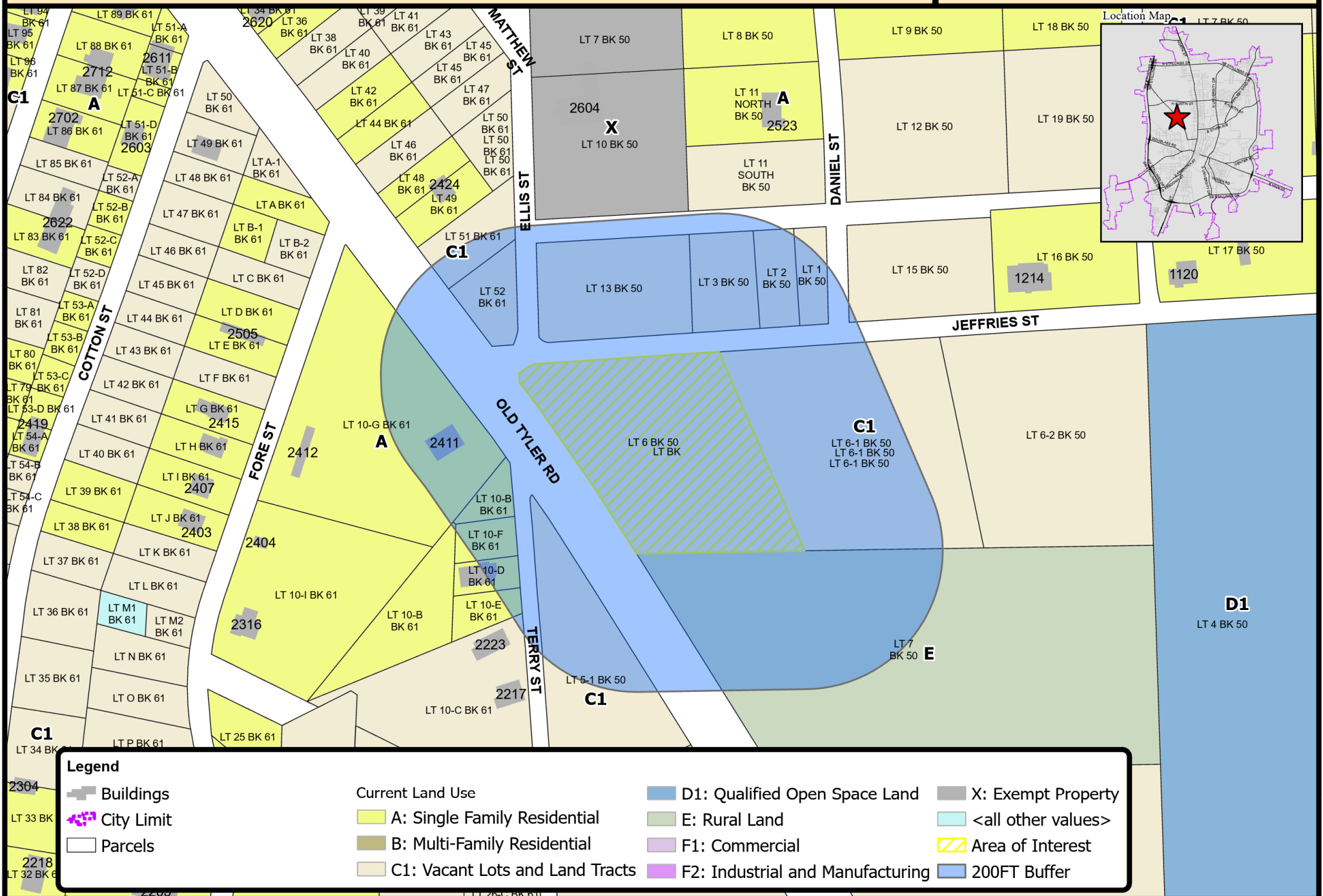


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ZON2025-14 Notification Map



Legend

- Buildings
- City Limit
- Parcels

Current Land Use

- A: Single Family Residential
- B: Multi-Family Residential
- C1: Vacant Lots and Land Tracts

- D1: Qualified Open Space Land
- E: Rural Land
- F1: Commercial
- F2: Industrial and Manufacturing
- X: Exempt Property
- <all other values>
- Area of Interest
- 200FT Buffer

ZON2025-14 Site Photos

Subject property



Residential home across Old Tyler Road





PRESENTER: Juan Pollette, City Planner

ITEM/SUBJECT: Public Hearing: Discuss and consider action on Specific Use Permit Case SUP2025-07 regarding a Specific Use Permit request for Liquor By the Drink in a B-2, General Business district on one (1) parcel of land approximately 0.38 acres $\pm$ in size, more particularly described by Nacogdoches Central Appraisal District Parcel 23487; and located at 1426 Douglass Road, Nacogdoches, Texas.

OVERVIEW:

The request is for approval of a Specific Use Permit (SUP) for Liquor by the Drink for an existing restaurant located in a B-2, General Business District at 1426 Douglass Road. While restaurants are permitted by right in the B-2 zoning district, approval of a Specific Use Permit is required when Liquor by the Drink service is proposed within 300 feet of a residentially zoned property.

The subject property is located along a commercially developed corridor on Douglass Road; however, the property backs up to a parcel zoned R-1, Single-Family Residential. Although this adjacent parcel is zoned residential, it has historically been used for non-residential purposes, including a commercial salvage yard, and contains existing oil storage tanks associated with an oil company.

The restaurant is new construction and recently opened at this location in August 2025, having previously operated at the adjacent property to the east. The subject property also contains an existing single-family residence fronting Douglass Road that was established prior to the adoption of the City's zoning ordinance, with the restaurant located toward the rear of the property behind the residence.

The applicant, Carrollynn French, representing the property owner, Diana Hernandez of Taqueria El 21, is proposing Liquor by the Drink service as an accessory use to the existing restaurant. No expansion of the building footprint or exterior site modifications are proposed as part of this request.

The need for this Specific Use Permit was identified during the applicant's application process for a Texas Alcoholic Beverage Commission (TABC) Mixed Beverage Permit, which requires a location certification letter from the City confirming zoning compliance. The SUP process provides staff, the Planning and Zoning Commission, and the City Council the opportunity to review the request and impose reasonable conditions, if necessary, to ensure compatibility with surrounding land uses.

Adjacent Land Use & Zoning

The subject property is zoned B-3, Central Business. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning District	Current Land Use
North	Single Family Residential	R-2, Single Family	Commercial

South (Across Douglass Rd.)	Single Family Residential	B-2, General Business	Commercial
East	Single Family Residential	B-2, General Business	Commercial
West	Single Family Residential	B-2, General Business	Residential

The property is flanked by General Business zoning with residential zoning to the north and south. Land uses in the immediate area reflect a mix of commercial and residential development, including restaurants, retail and service-oriented businesses, as well as single-family residential properties.

STAFF REVIEW:

Per Section 118.139 of the Nacogdoches Zoning Ordinance, the following conditions shall be considered when reviewing an application for a Specific Use Permit:

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 proposed Liquor by the Drink service is accessory to an existing restaurant located in a B-2, General Business District along Douglass Road. The request does not involve any expansion of the building footprint or changes to the overall site layout. The surrounding area along Douglass Road is characterized by a mix of commercial and residential uses, with the corridor zoned primarily as a commercial area.

While the subject property abuts a parcel zoned R-1, Single-Family Residential to the rear, that parcel has historically been used for non-residential purposes. The proposed use maintains the existing commercial character of the site and does not introduce a new land use to the area.

Based on the nature of the request and the surrounding land use pattern, staff finds that the specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor will it significantly diminish or impair property values within the immediate vicinity.

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 subject property is located within an established commercial corridor along Douglass Road and is currently developed with an existing restaurant use.

No new construction, expansion, or site modifications are proposed as part of this request. Surrounding properties are either already developed or function as established uses, and approval of the Specific Use Permit would not limit or restrict the ability of adjacent properties to develop or redevelop in accordance with their respective zoning districts. Staff finds that approval of the proposed Specific Use Permit will not negatively impact the orderly growth and development of the surrounding area.

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

The subject property has direct access from Douglass Road, a four-lane arterial roadway that functions as the primary access to the property. The roadway has an 80-foot right-of-way width and is adequate to accommodate the proposed expansion. Public water and sanitary sewer service are available at the site, with existing 6-inch water and sanitary sewer lines located along Douglass Road.

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

Access to the subject property is provided from Douglass Road, and the existing driveway configuration adequately serves the restaurant use. Off-street parking has been provided on-site in accordance with the requirements of the B-2, General Business District. Staff finds that the existing drives and parking are adequate to serve the proposed specific use without creating traffic or safety concerns.

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

The proposed Liquor by the Drink service is accessory to an existing restaurant use, with all activities occurring indoors. The applicant has indicated that no live music is proposed as part of this request. The proposed hours of operation are Thursday from 11:00 a.m. to 11:00 p.m., Friday and Saturday from 11:00 a.m. to 12:00 a.m., and Sunday from 11:00 a.m. to 10:00 p.m. Based on the nature of the use, the request is not anticipated to create nuisance impacts to adjacent properties.

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

There is no new lighting proposed with this SUP. Outdoor lighting must meet the City's lighting ordinance restrictions, i.e. only down lighting with no spillover onto neighboring properties.

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

This proposed use is located within an existing commercial property and no expansions are being proposed requiring the installation of commercial district landscaping beyond what is already established.

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

Future Land Use

Per the 2003 Comprehensive Plan, the Future Land Use Plan (FLUP) Map designates the subject property as Single Family Residential. The Single Family Residential FLUP category is described as, "Conventional one-family detached dwellings (also includes duplexes)."

Although the Future Land Use designation is Residential, the subject property is zoned B-2, General Business and is located along an established commercial corridor on Douglass Road. The proposed Liquor by the Drink service is accessory to an existing restaurant use and does not involve any expansion of the building footprint or intensification of site development.

Based on these factors, staff finds the request to be generally consistent with the goals and policies of the Comprehensive Plan.

PUBLIC ENGAGEMENT:

- December 9, 2025 – Staff mailed out twenty-eight (28) neighborhood meeting notice postcards to property owners within 500 feet of the subject property.
- December 22, 2025 - Staff coordinated a neighborhood meeting at the City Council Chambers on behalf of the applicant to receive input from surrounding property owners. None of the neighboring residents attended the meeting.
- December 23, 2025 - Staff mailed thirteen (13) public meeting notice letters to property owners within 200 feet and fifteen (15) notice postcards to property owners within 200-500 feet. Staff has not received any letters in opposition or in favor of the request from the neighboring residents.
- December 28, 2025 – Legal ad published in the Daily Sentinel newspaper.

NOTE – This application is subject to additional notification procedures, including signage posted on

the subject property, as well as notices on the City website and social media pages

This item is scheduled to be heard by the City Council on Tuesday, January 20, 2026.

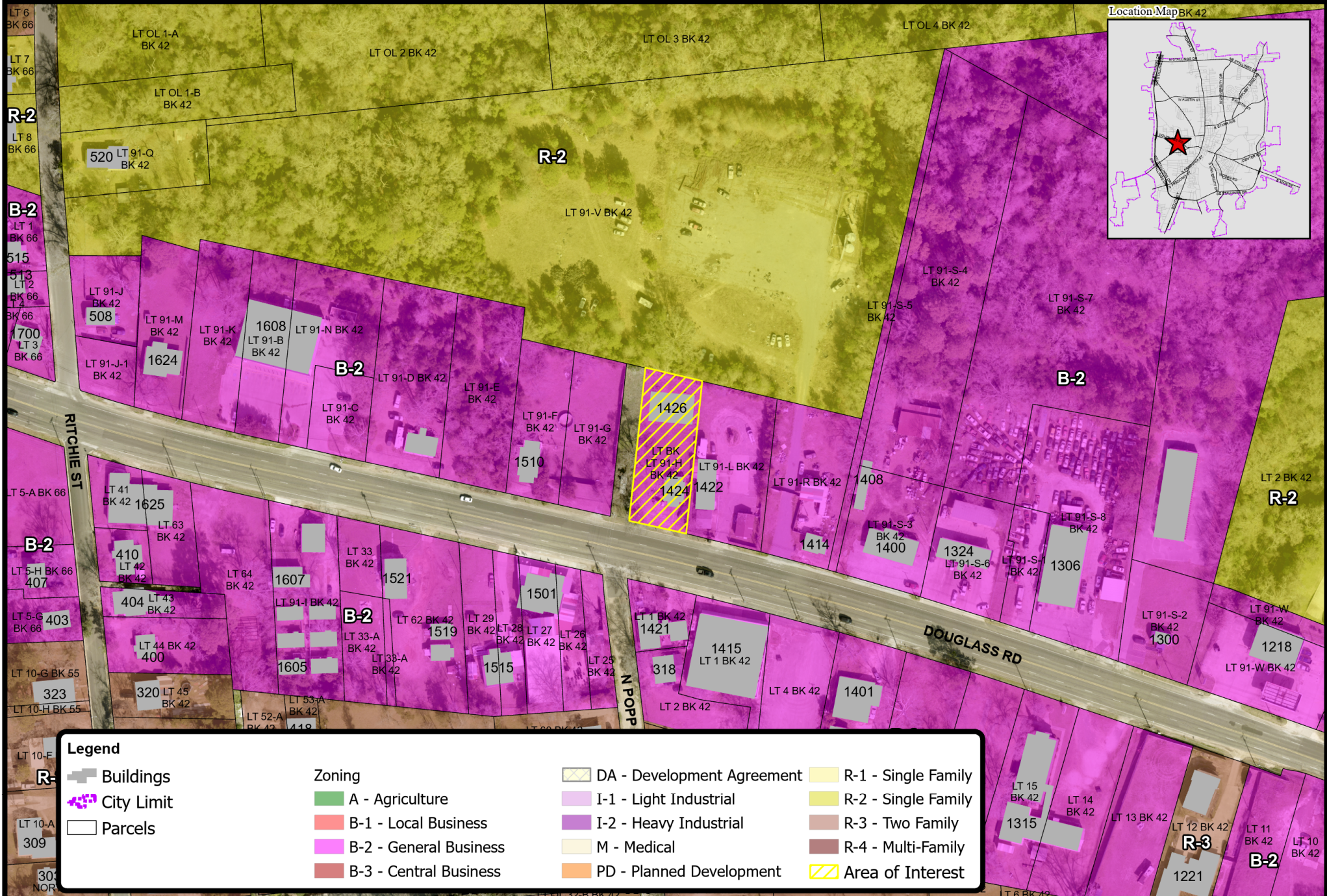
CITY CONTACT:

- ATTACHMENTS:**
1. Aerial Map
 2. Zoning Map
 3. Future Land Use Map
 4. Notification Map 200ft
 5. Site Photos

SUP2025-07 Aerial Map



SUP2025-07 Zoning Map

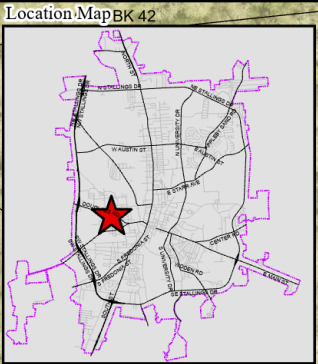
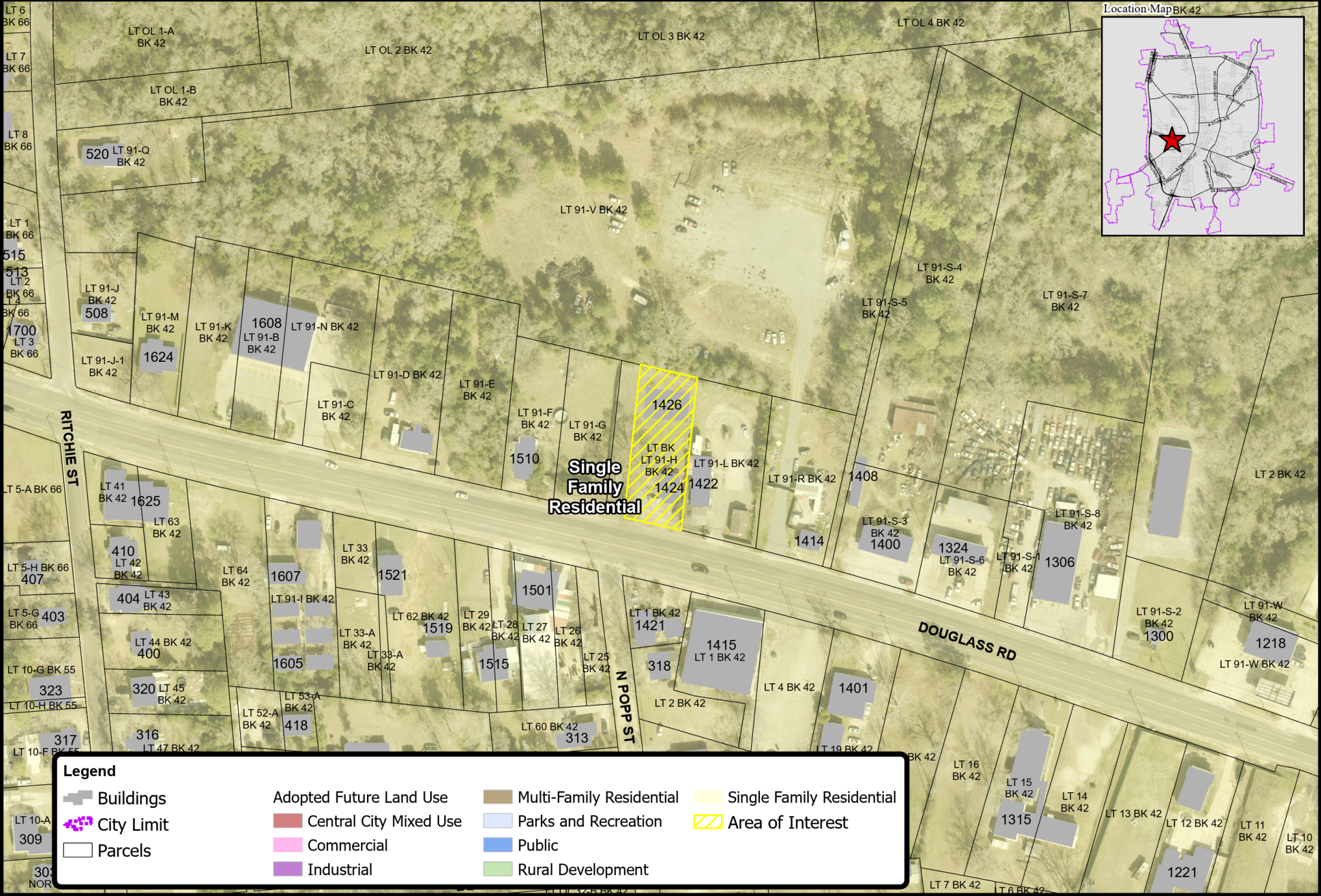


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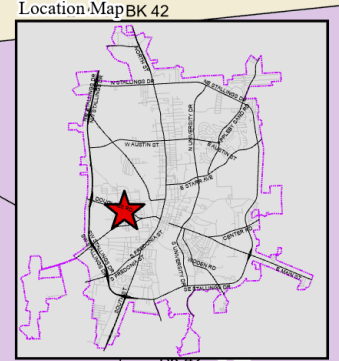
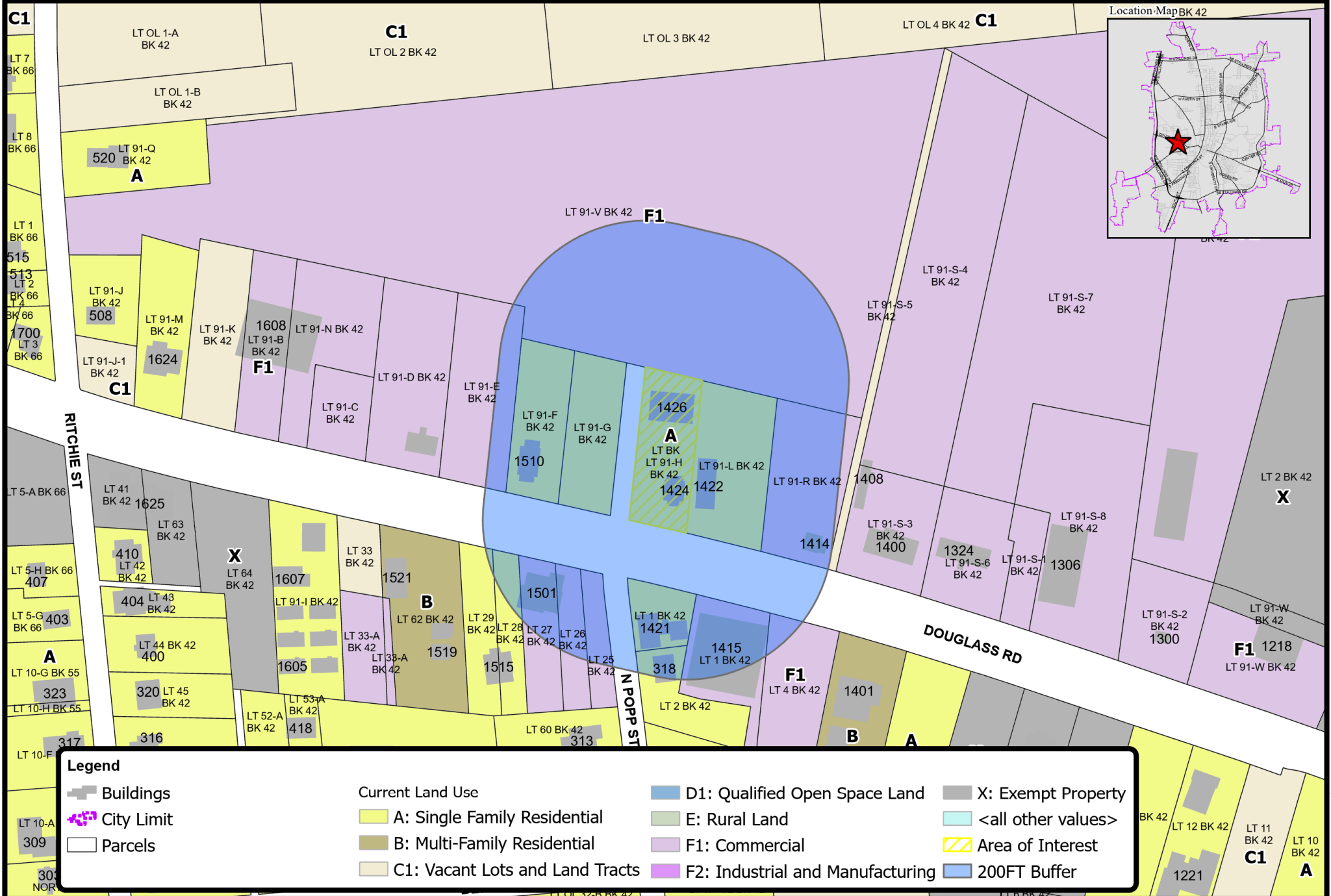
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SUP2025-07 Future Land Use Map



SUP2025-07 Notification Map



Legend

- Buildings
- City Limit
- Parcels

Current Land Use

- A: Single Family Residential
- B: Multi-Family Residential
- C1: Vacant Lots and Land Tracts

Land Use Legend

- D1: Qualified Open Space Land
- E: Rural Land
- F1: Commercial
- F2: Industrial and Manufacturing
- X: Exempt Property
- <all other values>
- Area of Interest
- 200FT Buffer

SUP2025-07 Site Photo

Subject property



PRESENTER: Mike Neu, Executive Director of Development and Infrastructure

ITEM/SUBJECT: Public Hearing: Consider approval of an Ordinance of the City of Nacogdoches, Texas, amending Chapter 118 "Zoning"; Article I "In General", Section 118-1 "Definitions"; Article III "District Regulations", Section 118-273 "Land use schedule"; and Article IV "Supplementary District Regulations", adding Section 118-327 "Energy Storage System - Industrial (ESS-I)", of the Code of Ordinances of the City of Nacogdoches, Texas; providing a severability clause; providing a continuation clause; providing a repeal clause; and providing an effective date.

OVERVIEW:

According to Texas Gov. Greg Abbott, the state has increased its energy supply by 35% over the last four years, and 92% has come from solar, wind and battery storage. Texas also added more battery storage capacity than any other state in 2024. Now with Texas seeing rapid grid-scale deployment of energy storage systems (ESS), particularly lithium-ion battery systems, municipalities are evaluating their local land use, zoning, and permitting implications. However, many still do not define ESS, forcing staff to treat them as generic “utility” or “industrial” uses. Given the unique safety profile of battery systems in particular (thermal runaway, fire behavior, toxic emissions potential), this gap can create uncertainty for communities and developers.

STAFF REVIEW:

After receiving input and discussion from the Zoning Ordinance Subcommittee over several meetings in 2025, City staff are seeking the proposed ordinance to (1) define ESS in the Zoning Ordinance to establish a clear acknowledgment of this land use; (2) identify an appropriate zoning district to establish viable locations within the city for future development; and (3) provide for supplementary regulations to address the unique safety profile of large-scale systems. Key takeaways:

- The proposed ESS-I definition seeks to distinguish between large-scale systems and more common small-scale residential systems like EV chargers.
- The proposed ESS-I land use of Heavy Industrial with Specific Use Permit assigns the use to a district that aligns more with its industrial-intensive nature.
- The proposed ESS-I supplementary regulations allow the City to account for the unique characteristics of ESS, particularly battery systems. Requirements for decommissioning, for instance, align with new state regulations effective September 1, 2025 ([HB 3809](#)).

CITY CONTACT: Mike Neu, Executive Director of Development and Infrastructure

ATTACHMENTS: 1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING CHAPTER 118 "ZONING"; ARTICLE I "IN GENERAL", SECTION 118-1 "DEFINITIONS"; ARTICLE III "DISTRICT REGULATIONS", SECTION 118-273 "LAND USE SCHEDULE"; AND ARTICLE IV "SUPPLEMENTARY DISTRICT REGULATIONS", ADDING SECTION 118-327 "ENERGY STORAGE SYSTEM - INDUSTRIAL (ESS-I)", OF THE CODE OF ORDINANCES OF THE CITY OF NACOGDOCHES, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONTINUATION CLAUSE; PROVIDING A REPEAL CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the City of Nacogdoches is authorized under Chapter 211 of the Texas Local Government Code to adopt zoning regulations for the purpose of promoting public health, safety, morals, or general welfare, and protecting and preserving areas of historical, cultural, or architectural significance; and

WHEREAS, the City Council of the City of Nacogdoches has adopted ordinances for the purpose of promoting health, safety, and the general welfare of the City, with reasonable consideration of the character of each zoning district, its suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, in order to further these objectives, the City Council has determined the need to amend certain portions of these ordinances as set forth herein;

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

SECTION I

All above premises are hereby found to be true and correct legislative and factual findings.

SECTION II

CHAPTER 118 – “ZONING”, ARTICLE II. – “IN GENERAL, “SECTION 118-1- “DEFINITIONS” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 118-1. Definitions.

(Add definition to read as follows while all else unchanged.)

Energy Storage System – Industrial (ESS-I) means one or more devices, assembled together, capable of storing energy at an industrial grade power rating of 1MWh or more, in order to discharge later when the power/electricity is needed to ensure adequate grid capacity and resiliency.

Sec. 118-273. Land use schedule.

(Add land use under INSTITUTIONAL, UTILITY and GOVERNMENT USES, Government/Utility, to read as follows while all else unchanged. Table headers shown for reference only.)

LAND USE SCHEDULE											
(*) Signifies Uses with Special Guidelines											
<i>(Italic)</i> Signifies a Defined Term											
Residential					Permitted Use P=Permitted, A=Accessory Use, S=SUP	Commercial				Industrial	
AG	R1	R2	R3	R-4		B1	B2	B-3	MD	I1	I2
					INSTITUTIONAL, UTILITY and GOVERNMENTAL USES						
					Government/Utility						
					Energy Storage System – Industrial (ESS-I)*						S

Secs. 118-327—118-350. - Reserved.*(Add and amend sections to read as follows.)***Sec. 118-327. - Energy Storage System – Industrial (ESS-I).**

The following factors shall be considered when determining whether to grant a specific use permit for an ESS-I:

- (1) *Lot size requirements.* The ESS-I shall be located on a lot with a minimum area of one (1) acre.
- (2) *Additional setback requirements.* For any property that is occupied by an ESS-I, all front, side, and rear setbacks shall be a minimum of 50 feet.
- (3) *Perimeter fencing required.* All ESS-I shall be enclosed by a minimum 6-foot-tall security fence, and must be equipped with an appropriate anticleimbing device.
- (4) *Landscape and screening.* ESS-I facilities shall be landscaped with plant materials that effectively screen the developed site from view of the public right-of-way. Screening shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the facility. It is the responsibility of the ESS-I owner to maintain any required landscaping.
- (5) *Separation requirements.*
 - a. The ESS-I shall not be located on a property that is within 500 feet from any other property in which an ESS-I is located.
 - b. The ESS-I shall not be located on a property that is within 1,000 feet from any residential zoning district or detached residential dwelling.
- (6) *Decommissioning plan.* Any application for an ESS-I shall be required to include a decommissioning plan to describe the procedure for dismantling and removing the ESS-I from service in accordance with state law. The decommissioning plan shall include:

- a. The anticipated life of the ESS-I;
 - b. A description of procedures that will be taken to remove all equipment, components, and structures of the ESS-I, including a plan for disposal of all solid and hazardous waste, and a description of how the site will be restored to its original condition;
 - c. A decommissioning cost assessment describing the estimated total cost of decommission and all required expenses; and
 - d. A projected timeline for decommissioning the ESS-I.
- (7) *Penalty.* In addition to the penalties and other relief provided in this Code, any violation of this article, and any failure to comply with the decommissioning plan upon the closing of the facility or the cessation of consistent operation for more than one year, is an offense and is hereby declared to be a nuisance and may be abated as provided in chapter 34, sections 31-33 of this Code.

Secs. 118-328—118-350. - Reserved.

SECTION III

Severability. If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be held to be invalid or unconstitutional, such holding shall in no way affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end provisions of this Ordinance are declared to be severable.

SECTION IV

Continuation. All provisions of Chapter 118 of the Code of Ordinances existing prior to the date of passage of this Ordinance remain in full force and effect.

SECTION V

Repeal. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Nacogdoches, and this Ordinance shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with provisions of this Ordinance, in which such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION VI

Effective Date. This Ordinance shall take effect ten (10) days from its passage and publication as may be required by governing law.

SECTION VII

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

SECTION VIII

Official Public Records. 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.

PASSED AND APPROVED, this the _____ day of January, 2026, by a vote of _____ (ayes) to _____ (nays) of the City Council of the City of Nacogdoches.

CITY OF NACOGDOCHES

Randy Johnson, Mayor

ATTEST:

APPROVED AS TO FORM:

Karen Hadnot, City Secretary

Jerry Baker, City Attorney

APPROVED AS TO CONTENT:

Michael Neu, Executive Director of Development
and Infrastructure