



May 23, 2022

Notice is hereby given of a Regular Meeting of the Planning and Zoning Commission to be held on May 23, 2022 at 5:00 p.m., via videoconference, with the opportunity to appear in person in the **Council Chambers, Room 119 of City Hall, 202 East Pilar Street, Nacogdoches, Texas**, for the purpose of considering the following agenda items. All agenda items are subject to action.

The City of Nacogdoches Planning & Zoning meeting will be deemed as being conducted via videoconference. However, some Board Members may attend virtually, while others may be present in the above stated physical location. Regardless, the meeting will be streamed live at www.nactx.us/1200/Channel-21. There will be an opportunity for the public to comment on agenda items either by teleconference or in person in Council Chambers.

Members of the public who wish to submit comments on a listed agenda item in writing or via teleconference must contact the Planning & Zoning office by email at lewisr@nactx.us or by calling 936-559-2574 and providing their name, telephone number and relevant agenda item upon which they wish to speak. All requests to make comments via teleconference must be received by 12:00 p.m. on Monday, May 23, 2022. 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. Open Forum: In addition to public comment on agenda items, the Commission offers an open forum whereby citizens may comment on governance issues over which the City of Nacogdoches has domain. 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 where staff has found compliance with all minimum subdivision regulations. All items approved by Consent are approved with any and all staff recommendations. Since there will not be separate discussion of these items, citizens wishing to address the Commission regarding one or more items on the Consent Agenda may address the Commission at this time as well. If any Commissioner desires to discuss an item on the Consent Agenda it may be moved to the Regular Agenda for further consideration.
 - A. Approval of Minutes: Consider approval of minutes from the May 9, 2022 Planning & Zoning Commission meeting.

City of Nacogdoches Planning Department
202 E. Pilar – PO Box 635030 – Nacogdoches, TX 75963
936-559-2574 · Fax 936-559-2912 · www.nactx.us
Home of Stephen F. Austin State University · www.sfasu.edu



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. Consideration, discussion, and possible action on items removed from the Consent Agenda by Commission action.
 - B. **Public Hearing:** Consider approval of a Zone Change from R-1, Single Family to R-4, Multi-Family for approximately 0.3 acres, being Lot 1, Block 3, of the Banita Subdivision, located at 1905 Pearl Street. This request has been submitted by Mario Wesley. Case File ZON2022-05.
6. City Council decisions on Planning & Zoning cases: On May 17, 2022 City Council took the following action on the items listed below.
 - A. Approved 5-0: Specific Use Permit for a accessory Apartment located at 504 N. Mound Street.
 - B. Postponed: Zone Change from PD Planned Development District to R-4, Multi-Family for approximately 3 acres, being Lots 5 and 6, Block 4, of the Creek Bend Subdivision.
 - C. Approved 5-0: Zone Change from R-2, Single Family to R-3, Two Family for approximately 1.5 acres, being lots 1-10, of the Berger Hill Addition.
7. Discussion and possible action on future agenda items: A Planning & Zoning Member 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.
8. ADJOURN.

Rhonda Lewis, Office Assistant II

The City Council Chambers is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Planning Department at (936) 559-2574 or FAX (936) 559-2910 for further information.

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CERTIFICATION

I certify that the above notice was posted on the public notice board at City Hall, 202 East Pilar Street, on Wednesday, May 18, 2022 at 5:00 p.m. I further certify that the News Media were properly notified of this meeting as stated above.

Rhonda Lewis, Office Assistant II

**MINUTES TO THE
PLANNING & ZONING COMMISSION
May 9, 2022 – 5:00 p.m.
Regular Hybrid Meeting**

Members Present: Don Mills, Ruth Carroll, Shannon Conklin, and Lily Phou

Members Absent: Ken Deppisch

Staff Present: City Planner, Alaina Helton; Planning Technician, Juan Pollette; Assistant Director of Community Services, Jessica Sowell

Others Present: Resident, Mable Cannings; Resident, Travis Davis; Resident Matt Moore; Applicant Mario Wesley; Resident, Daniel Weaver

1. Call to Order: Commissioner Mills called the meeting to order at 5:00 p.m.

2. Pledge of Allegiance.

3. Work Session:

- A. Presentation, discussion, and possible action regarding educational series related to Downtown Revitalization.

City Planner (CP) Helton introduced Assistant Director (AD) of Community Services and Main Street and Historic Sites Manager, Jessica Sowell, to give a presentation on Downtown Revitalization. AD Sowell presented on the current efforts for the Nacogdoches revitalization plans.

- B. Policy discussion regarding zone change applications, deadlines and meetings.

CP Helton presented on this continuation item to the Commission. She stated that P&Z has incorporated requiring neighborhood meetings for certain zone change applications and being proactive in increasing neighborhood participation in the zone change process.

Commissioner Phou asked what City members showed up to the neighborhood meeting. CP Helton informed her Ken Deppisch attended to view how the meeting was conducted.

Commissioner Phou asked in what format the meeting was held. CP Helton explained the location and setup of the meeting.

4. Open Forum: Commissioner Mills opened the floor for public comment.

Matt Moore stated that there is a need for regulatory enforcement within the City of Nacogdoches.

5. 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 where staff has found compliance with all minimum subdivision regulations.

All items approved by Consent are approved with any and all staff recommendations. Since there will not be separate discussion of these items, citizens wishing to address the Commission regarding one or more items on the Consent Agenda may address the Commission at this time as well. If a Commissioner desires to discuss an item on the Consent Agenda it may be moved to the Regular Agenda for further consideration.

- a. **Approval of Minutes:** Consider approval of minutes from the April 11, 2022, Planning & Zoning Commission meeting.

Commissioner Mills called for a motion to approve the minutes as written. Commissioner Phou made a motion to approve and Commissioner Carroll seconded the motion. The minutes were approved unanimously 4-0.

6. Regular Agenda:

- A. Consideration, discussion, and possible action on items removed from the Consent Agenda by Commission action.

No items were removed from the Consent Agenda.

- B. Consider approval of a Specific Use Permit (SUP) for an Accessory Apartment for Lot 3, City Block 4, located at 504 North Mound Street. This request has been submitted by Michael and Marianne Elliot Keller. Case File SUP2022-02.

CP Helton presented this item to the Commission, giving a description of the property that is in a Historic District. CP Helton mentioned that the HLPC approved the proposed SUP on April 9, 2022.

Commissioner Mills asked if there were any questions from the public.

Matt Moore stated that he was in favor of the proposed SUP.

Commissioner Mills called for a motion to approve. Commissioner Carroll made a motion to approve this item, and Commissioner Conklin seconded the motion. The SUP was approved unanimously 4-0.

- C. Consider approval of a Zone Change from PD, Planned Development District to R-4, Multi Family for approximately 3 acres, being Lots 5 and 6, Block 4, of the Creek Bend Subdivision – Unit 2, generally located at the southeast corner of South Steen Drive and Creek Bend Blvd. This request has been submitted by Mario Wesley. Case File ZON2022-03.

CP Helton presented this request for a zone change to the Commission stating that a PD is unique from other zone districts in that they have a specific plan for the property which includes a general concepts, land use permits, and layouts of roadways. The zone change would allow the applicant to develop the property with some flexibility in timing in the development. CP Helton stated that Staff received one response form within the 200ft. buffer of

the property in favor of the request and one letter of opposition. CP Helton also presented letters of opposition from residents outside of the 200ft. buffer.

Commissioner Mills asked if there was a neighborhood meeting held for this item.

CP Helton answered, no that Staff did not require a neighborhood meeting.

Commissioner Mills opened the floor for public comment.

Travis Davis stated that he is in opposition of the zone change with concerns of the broad nature of development that can occur with R-4, and the devaluation of the surrounding properties.

Mable Cannings addressed the Commission and expressed concerns of a crime element, noise, and low quality, high-density properties, which the zone change might bring.

Daniel Weaver addressed the Commission and was opposed to the zone change due to the increase in noise and the decrease in property values.

Commissioner Mills suggested a neighborhood meeting would be beneficial to the property owners and the applicant.

Commissioner Phou made a motion to postpone this item until June 13, 2022, Planning and Zoning Meeting. Commissioner Conklin seconded the motion and the postponement was approved unanimously 4-0.

- D. Consider approval of a Zone Change from R-2, Single Family to R-3, Two Family for approximately 1.5 acres, being lots 1-10, of the Berger Hill Addition, generally located at the southeast corner of Nash and Dolph Street. This request has been submitted by Rolando Rodriguez. Case File ZON2022-04.

CP Helton presented this item to the Commission stating that the applicant intends to develop the property for duplexes. She also stated that the request is compatible with the Future Land Use Plan. CP Helton informed the Commission that Staff received one opposition letter from a property owner.

Commissioner Mills opened the floor for public comment. There were no comments on this item.

The Commission discussed the land use for this item.

Commissioner Mills called for a motion to approve this item. Commissioner Phou made a motion to approve and was seconded by Commissioner Carroll. The motion was approved unanimously 4-0.

7. City Council decisions on Planning & Zoning cases, April 19, 2022:

- a. ZON2022-02 Denied 2-2: Zone Change from PD Planned Development District to R-1, single Family for approximately 32 acres, being Lots 1, 2, 3, 4R, 5 and 6R-1, City block 54, of the Timber springs Subdivision.

Commissioner Phou asked why this item was denied. CP Helton informed the Commission that concerns included traffic, density, crime, noises, nuisances, and awaiting the Comprehensive Plan.

- b. HO2022-001 Approved 5-0: Historic Overlay for Lots 49 and 51 generally located at 403 South Shawnee Street.

8. Discussion and possible action on future agenda items: A Planning & Zoning Member 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.

CP Helton reminded the Commission of the P&Z Meeting on May 23, 2022.

Regarding ZON2022-03, Mario Wesley asked the Commission why the item was postponed and a neighborhood meeting required.

CP Helton answered that the request had overwhelming opposition due to the flexibility the request will allow should it be approved.

Matt Moore requested the Commission to speak with DTJ on incorporating more beautification in the residential plans.

9. Adjourned:

Meeting was adjourned at 6:38 p.m.

Commissioner, Don Mills

Attest: Rhonda Lewis, Office Assistant II

PRESENTER: Alaina Helton, City Planner

ITEM/SUBJECT: Public Hearing: Consider approval of a Zone Change from R-1, Single Family to R-4, Multi-Family for approximately 0.3 acres, being Lot 1, Block 3, of the Banita Subdivision, located at 1905 Pearl Street. This request has been submitted by Mario Wesley. Case File ZON2022-05.

OVERVIEW:

The request is for a zone change from R-1, Single Family to R-4, Multi-Family for approximately 0.3 acres located at the northwest corner of Ellington and Pearl Street. The R-4, Multi-Family Dwelling District is intended for higher density residential areas which may contain a mixture of single-family, two-family, and multiple-family dwellings. The applicant has stated that the property owner intends to maintain the current single family residence located on the property, and construct a duplex on the west side of the lot, behind the existing residence.

Adjacent Land Use & Zoning

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

Direction	Comprehensive Plan	Zoning	Land Use
North	Single Family Residential	R-1, Single Family	Single Family
South (Across Ellington St.)	Single Family Residential	R-1, Single Family	Single Family
East (Across Pearl St.)	Single Family Residential	R-1, Single Family	Single Family
West	Rural Development	R-4, Multi-Family	Multifamily

This area includes a mix of low and high density residential zoning and development. Other lots fronting along this portion of Pearl St. (1800 & 1900 Block) are primarily zoned R-1 and developed with single family residences, with the exception of adjacent property to the west zoned R-4, Multi-Family and developed as a multifamily apartment complex known as Riverside Park Apartments. This area also includes multifamily zoning and development located in close proximity to the east along Ellington St. (Ellington Court Apts.), and to the north along Pearl St., just south of W. College St.

The subject property is located on the northeast corner of Pearl Street and Ellington Street, where Ellington St. dead-ends into the adjacent apartment complex to the west. The property is larger than typical lots that are zoned R-1, and other lots located within the subdivision, having a lot area of approximately 13,500 square feet (R1 min. is 8,250 sq. ft). The lot sizes within the

subdivision vary, with smaller lots to the north (11–12,000 sq. ft.), and larger lots located to south along Pearl Street (15–16,000 sq. ft.).

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;

This area includes a mix of low and high density residential zoning and land uses. The properties within the immediate vicinity of the subject property are primarily zoned and developed with single family residences, with the exception of adjacent property to the west zoned and developed as multifamily. This area also includes multifamily zoning and development located in close proximity to the east along Ellington St., and to the north along Pearl St. just south of W. College St.

The applicant has stated that the property owner intends to maintain the existing residence and construct a new duplex on the west of the property. If the existing residence is removed and the property redeveloped under the R-4 district, the density maximums allowed by City Code would permit up to two (2) duplex structures (4 dwelling units), or a multifamily structure with up to 9 dwelling units. Based on the existing multifamily development in the area, the additional dwelling units permitted by the R-4 zoning district would not significantly impact the overall density of the neighborhood, but would be an increase in density compared to other properties fronting onto Pearl St. in the immediate vicinity. This request would also provide affordable housing within walking distance to the SFA campus and nearby restaurants and businesses.

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 surrounding properties are all developed. The rezoning would not impede the orderly growth of adjacent properties.

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

The subject property currently takes direct access from Ellington St. The property has access to public utilities, with 12-inch water and 6-inch sewer mains located along Pearl and Ellington St.

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;

Future development will meet all current driveway and parking requirements.

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

Future development will comply with City regulations regarding the prevention of offensive odor, fumes, dust, noise and vibrations.

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, which requires light fixtures to utilize a down lighting 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;

Single family and duplex construction is not subject to commercial district landscaping requirements. If the owner decides to construct a multifamily structure, commercial district landscaping and residential screening requirements will apply.

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

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

Thoroughfare Plan

Pearl and Ellington St. are minor roads that serve as direct access for the other residential uses in the area. The roadway is adequate to accommodate the nature and volume of traffic typically generated by the proposed use.

Land Use Policies, Goals & Objectives

This rezoning is a response to current needs for residential growth and therefore fits into the goals 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.

This request also furthers the Land Use Policies of the 2003 Comprehensive Plan, specifically:

- Compatibility with existing uses should be maintained. Well planned, mixed uses which are compatible are to be encouraged.
- Schools, parks and community facilities should be located close to or within residential neighborhoods.

Staff finds that the request is in compliance with the stated Goals and Objectives of the 2003 Comprehensive Plan.

NOTICES:

Of the 12 notices mailed to property owners within the 200 foot notification area, Staff has received one (1) written response in opposition to the zone change, citing the potential for noise, lighting and overcrowding issues.

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

Neighborhood Input: The applicant held a neighborhood meeting for the property owners within 500 feet of the subject property on April 27, 2022 to discuss the rezoning request. The applicant, property owner, City staff and two (2) residents attended the meeting. The residents in attendance did not express opposition to the zone change, but one resident did express a concern that the zone change approval could prompt additional multi-family zoning requests from other property owners located along Pearl Street.

STAFF REDOMMENDATION:

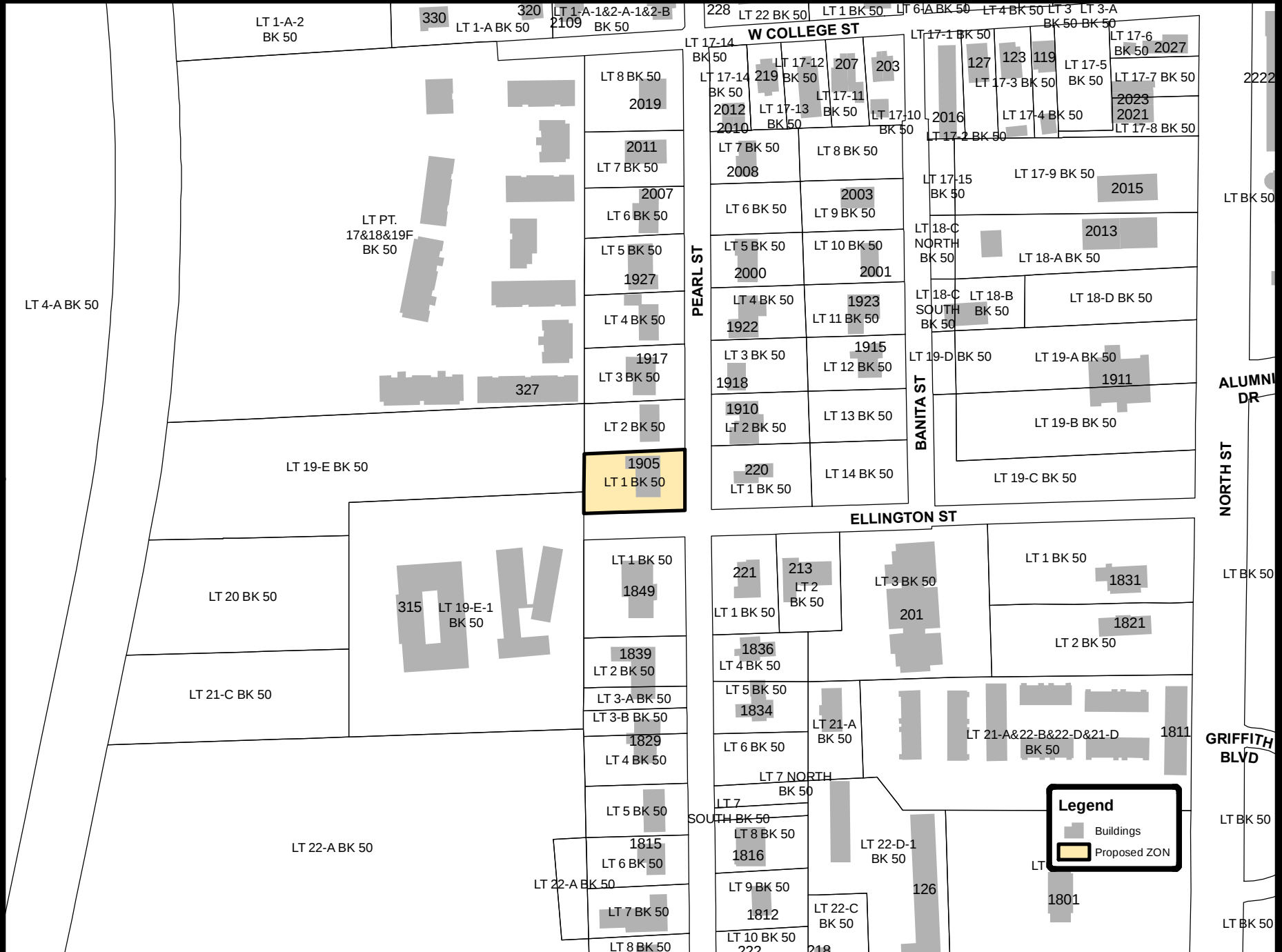
Based on the above findings, Staff recommends approval of a change of zoning for the subject property from R-1, Single Family to R-4, Multi-Family. This item is scheduled to be heard by City Council on Tuesday, June 7th.

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

ATTACHMENTS:

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

ZON 2022-05



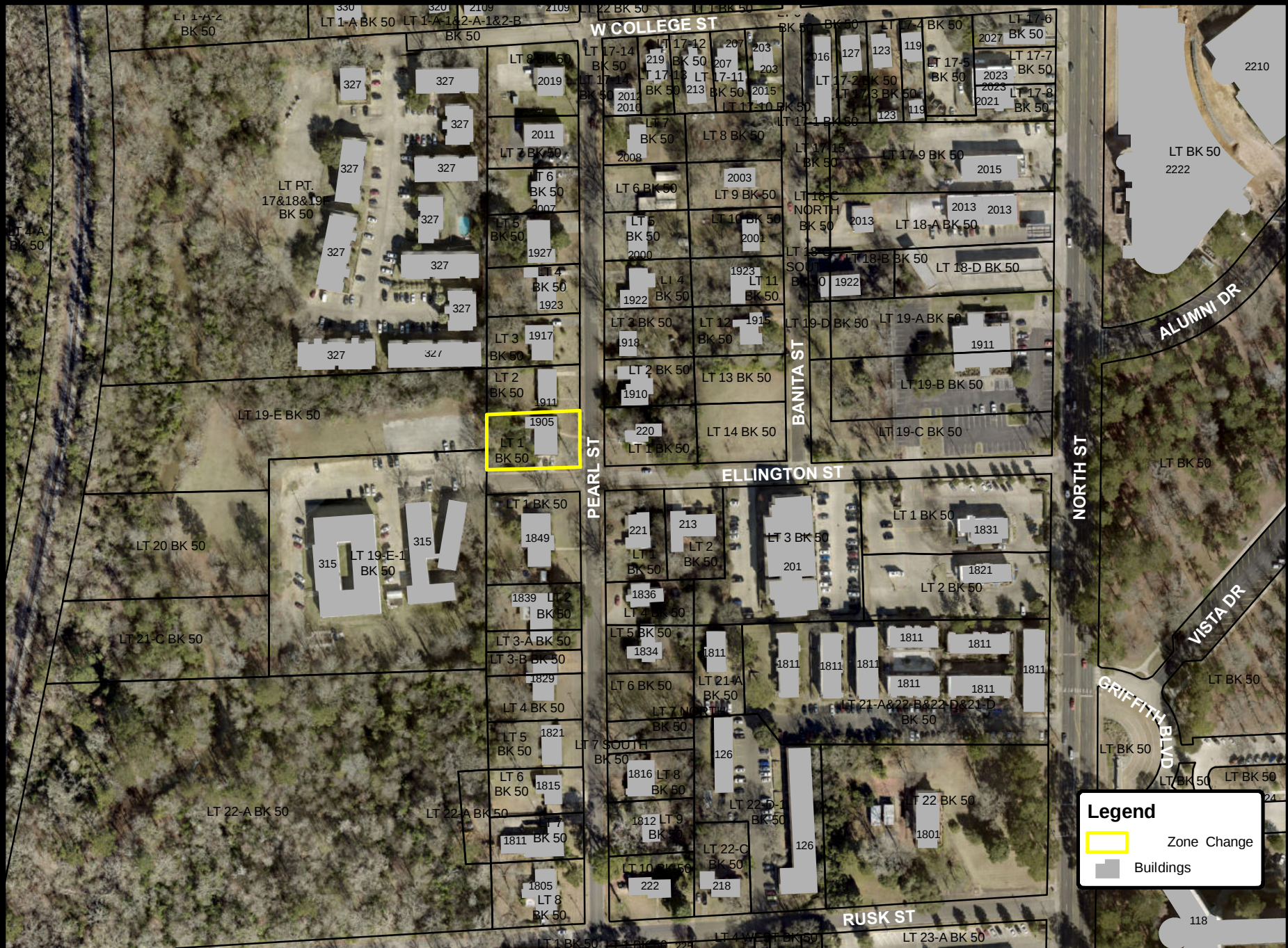
Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

8

0 50 100 200 Feet

Date Created: February 28, 2022 Software: ArcGIS 10.8.1

ZON 2022-05

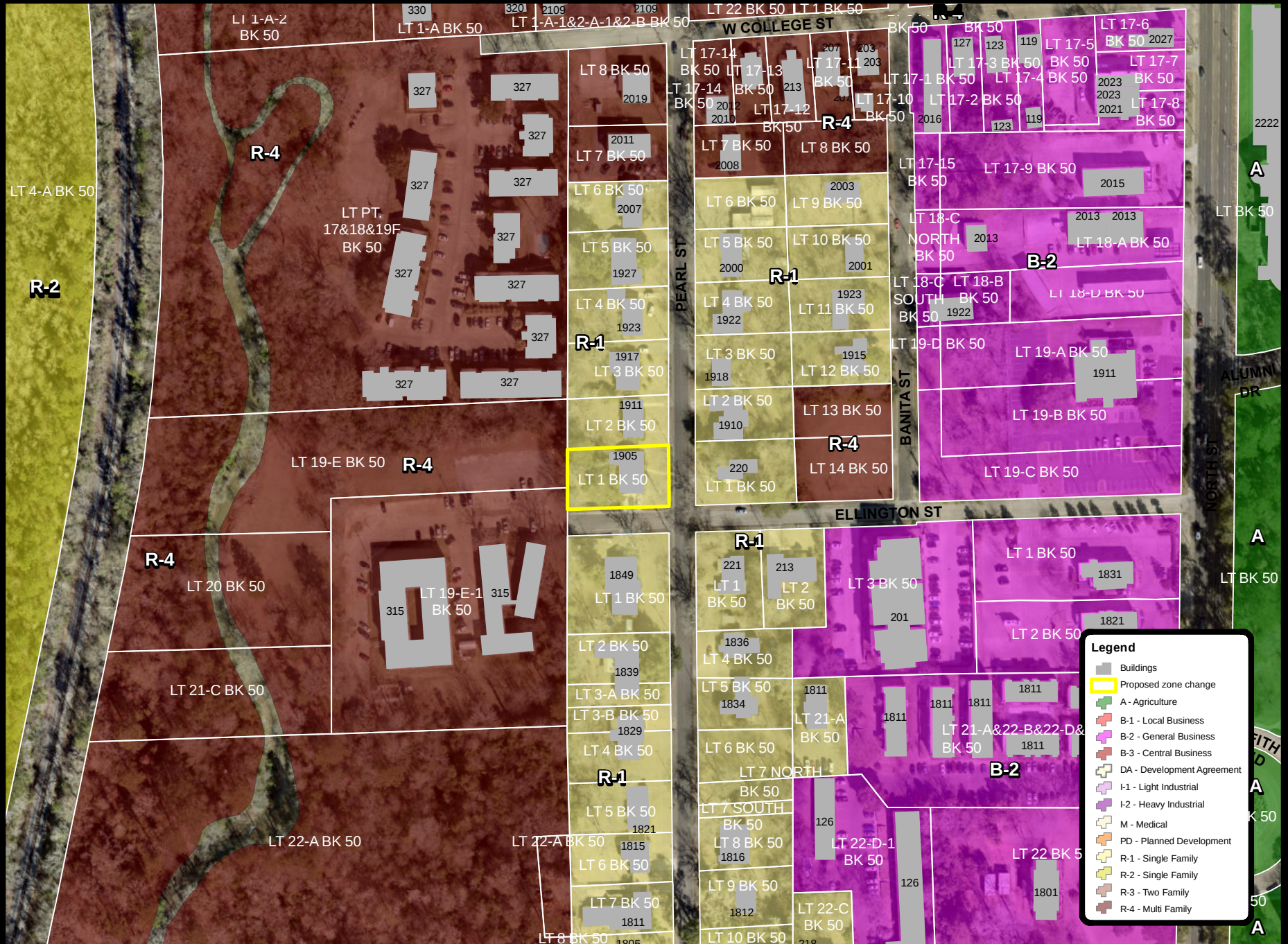


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8

Date Created: December 14, 2021 Software: ArcGIS 10.8.1

ZON 2022-05



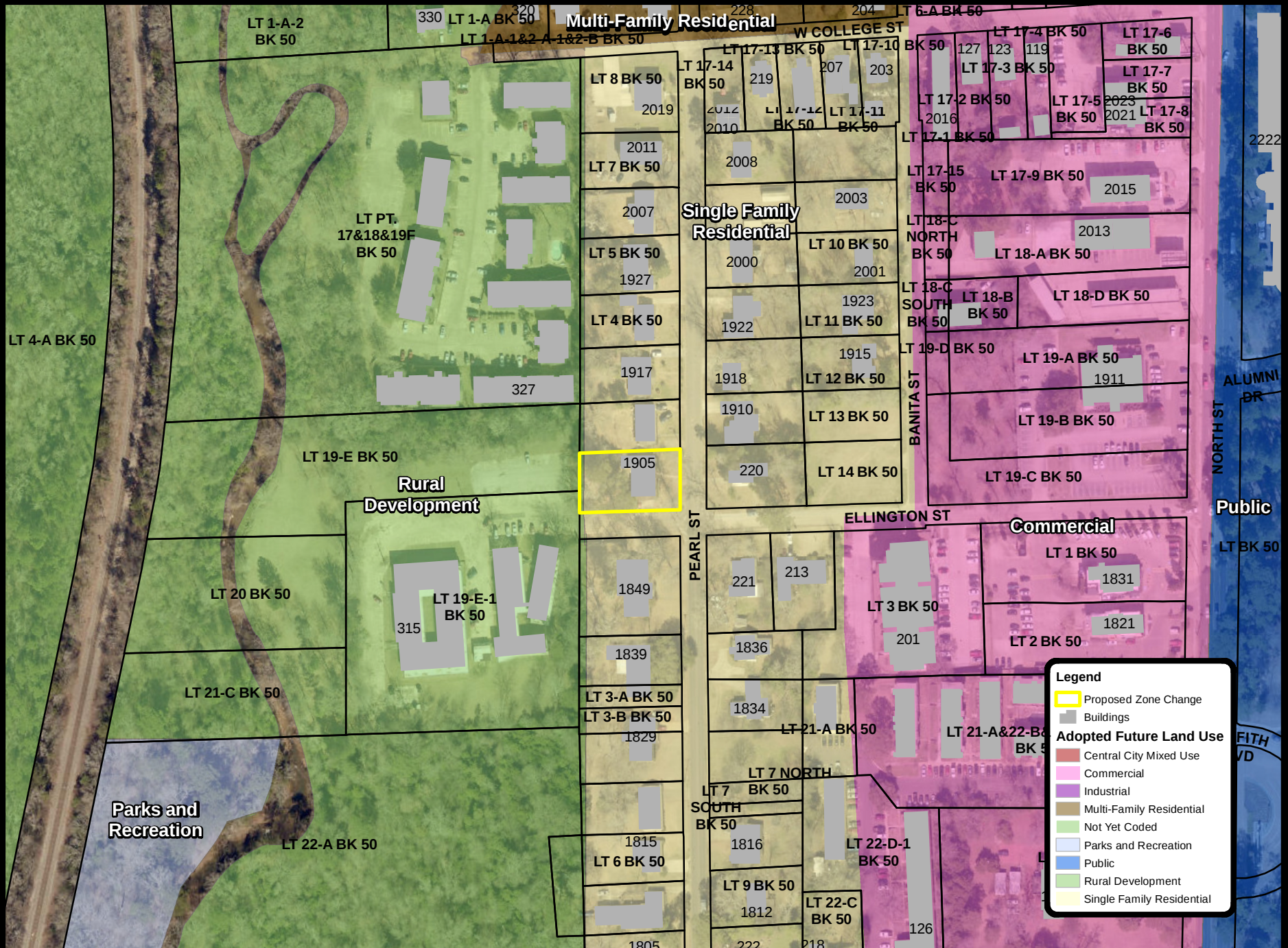
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0 50 100 200 Feet

Date Created: February 28, 2022 Software: ArcGIS 10.8.1

ZON 2022-05



Legend

- Proposed Zone Change
- Buildings
- 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

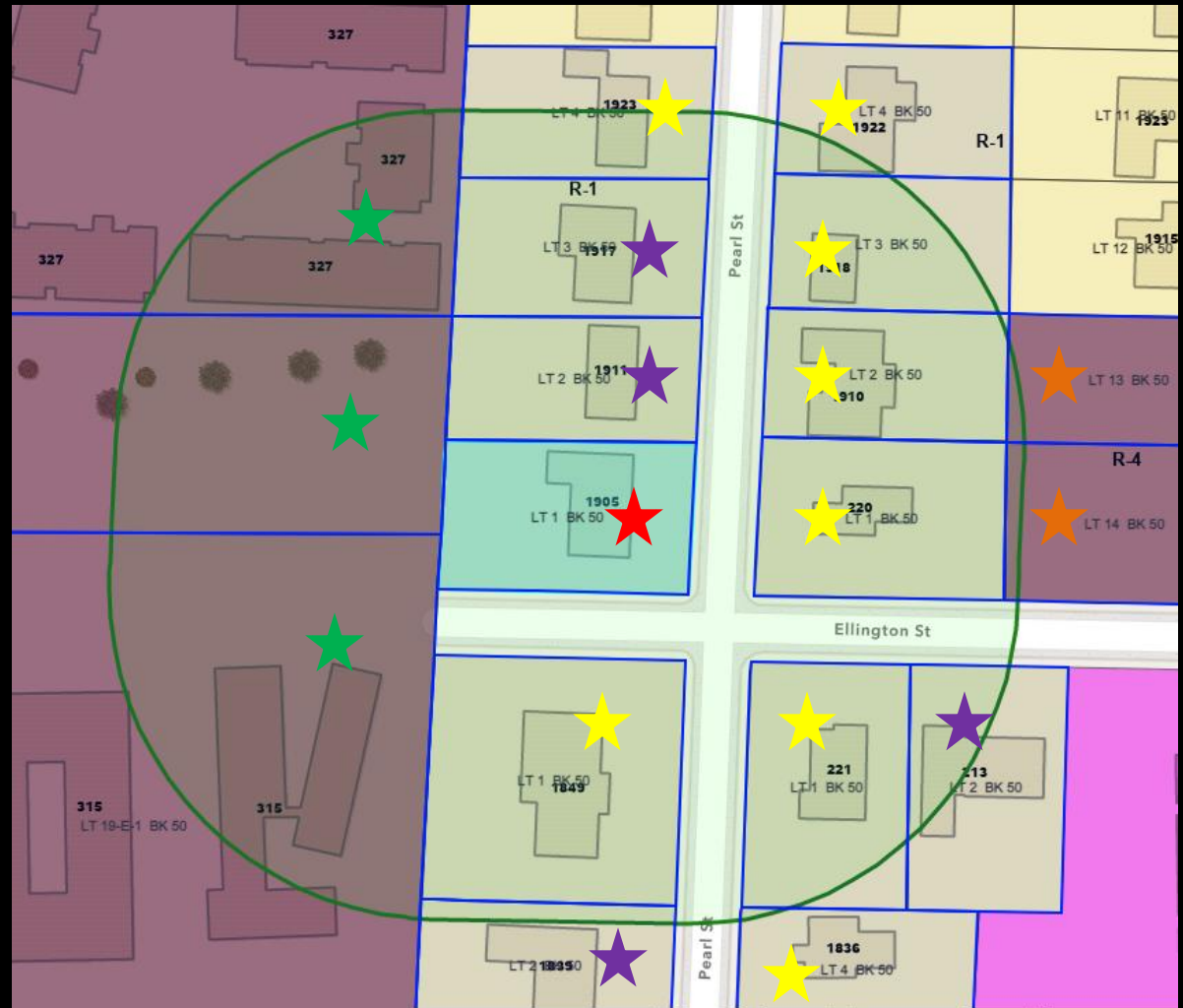
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200 Foot Notification Map

ZON2022-05: 1905 Pearl St.

Legend

-  200 Foot Buffer
-  Proposed Variance
-  Single Family- Rental
-  Single Family- Owner Occupied
-  Undeveloped/Vacant
-  Multi-Family Rental





Response Form

Project Number: ZON2022-05

1905 Pearl 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: Rhonda Lewis

PO Drawer 635030

Nacogdoches, TX 75963

You may also email a copy to Rhonda Lewis, lewisr@nactx.us

Project Number: ZON2022-05

Please circle one:

☐ In favor of request

☒ Opposed to request

Comments:

I am opposed to zone change from R-1 to R-4 because of potential noise, lighting, and overcrowding issues. This would not bode well for property values.

Signature: Bonnie Tubbe

Printed Name: Bonnie Tubbe

Street Address: 1917 PEARL ST.

City, State and Zip Code: NACOGDOCHES, TEXAS 75965

Phone Number: 936-564-0196

Email Address: writerd@hotmail.com

Physical Address of Property within 200 Feet: 1917 PEARL ST.

City of Nacogdoches

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ZON2022-05: 1905 Pearl Street



View of subject
property from
Ellington St.

View of subject
property from
Pearl St.



View looking north
along Pearl St.



View looking south
along Pearl St.



View looking west at
terminus of Ellington
St.



View looking east down Ellington St.

