



June 13, 2022

Notice is hereby given of a Regular Meeting of the Planning and Zoning Commission to be held on June 13, 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, June 13, 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. **WORK SESSION:**

A. Presentation, discussion, and possible action regarding future work sessions and an educational series related to Neighborhood Planning.

4. 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.

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

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



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 23, 2022 Planning & Zoning Commission meeting.
6. 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. Final Plat: Presentation, discussion, and possible action regarding a Final Replat for the OTR Place Subdivision. This request has been submitted by Irie Montes of Jim/RB LLC.
 - C. **Public Hearing:** Consider a request to amend and/or revoke the Specific Use Permit, pursuant to Section 118-174 of the Code of Ordinances, for a 'Garden Shop & Plant Sales – Display or Greenhouse', in a B-1 Local Business zoning district, for Lot 1, Block 1 of The Plant Shed Subdivision, located at 3123 Appleby Sand Rd. This request has been initiated by the Nacogdoches City Planner.
 - D. **Public Hearing:** 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.
7. City Council decisions on Planning & Zoning cases: On June 7, 2022 City Council took the following action on the items listed below.
 - A. Denied 0-4: 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.
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.
9. 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.

CERTIFICATION

I certify that the above notice was posted on the public notice board at City Hall, 202 East Pilar Street, on Wednesday, June 8, 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



City Council Meeting

Date: June 13, 2022

Agenda Item: 5.A.

PRESENTER:

ITEM/SUBJECT: Approval of Minutes: Consider approval of minutes from the May 23, 2022 Planning & Zoning Commission meeting.

SUMMARY/BACKGROUND:

FINANCIAL:

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

CITY CONTACT:

ATTACHMENTS: 1. P&Z Minutes May 23, 2022

**MINUTES TO THE
PLANNING & ZONING COMMISSION
May 23, 2022 – 5:00 p.m.
Regular Hybrid Meeting**

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

Members Absent: None

Staff Present: City Planner, Alaina Helton; City Engineer, Steve Bartlett, Office Assistant, Rhonda Lewis, Planning Intern, McKenzie Rogers

Others Present: Brandon Rowell; Gary Woods; Sirinan Chantornsaeng; Applicant Mario Wesley;

1. Call to Order: Chairman Deppisch called the meeting to order at 5:01 p.m.

2. Pledge of Allegiance.

3. Open Forum: Chairman Deppisch opened the floor for public comment.

There were none.

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 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 May 9, 2022, Planning & Zoning Commission meeting.

Chairman Deppisch called for a motion to approve the minutes as written. Commissioner Phou made a motion to approve and Commissioner Mills seconded the motion. The minutes were approved unanimously 5-0.

5. 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 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.

CP Helton presented the item and stated that the applicant plans to maintain the existing home and build a duplex in the rear. CP Helton informed the Commission that there was a neighborhood meeting held on April 27, 2022, and two of the residences attended this meeting.

Chairman Deppisch asked what the current occupancy of the River Oaks Apartments was. CP Helton answered that residential occupancy across the community is at an all time high.

Chairman Deppisch opened the floor for public comment.

Milton Moorner stated that he is a previous resident of the neighborhood and is opposed to the zone change. Mr. Moorner also brought up past issues with lack of compliance with the City's occupancy restrictions for single family development.

Chairman Deppisch asked Mr. Moorner what type of non-compliance with R-1 zoning he had witnessed. Mr. Moorner stated that past staff did not enforce the zoning rules and holding the property owners responsible.

Gary Woods addressed the Commission and read a statement in opposition of the zone change.

The applicant, Mario Wesley, presented the development plans for the property and stated the development would have minimal impact on traffic.

Commissioner Carroll asked if the applicant could achieve the same plans with R-2 or R-3 zoning instead of R-4.

Mr. Wesley stated that he could not.

Commissioner Phou asked what type of rental unit would be built and how much parking was required.

Mr. Wesley presented a site drawing of what he proposed for the property, which included a 2-story duplex.

Commissioner Phou asked if the rentals would be long or short term. Mr. Wesley stated that they would sign year-long leases.

Commissioner Carroll asked if there would be adequate parking. Mr. Wesley stated yes there would be four parking spaces.

Chairman Deppisch stated that the some of the opposition is that if the zone change is granted, that the applicant could build to the extreme of the R-4 zoning, changing the character of the area.

Chairman Deppisch asked the applicant if he thought foot traffic would increase in the area if the change was granted. Mr. Wesley said no, that he did not think it would be noticeable.

Chairman Deppisch asked if the applicant would be willing to add a sidewalk.

CP Helton asked the City Engineer, Steve Bartlett, to add his opinion on the walkability in the area. The City Engineer informed the Commission that there would be hurdles and constraints that would go into a discussion on implementing sidewalks.

Brandon Rowell whose property is next door to the applicant spoke to the Commission and expressed his support for the zone change.

Gary Woods stated to the Commission that he does not understand the change from R-1 to R-4 and that the change is too extreme.

Chairman Deppisch asked the Commission for a discussion. Commissioner Phou stated that she thought the lot size was small and understood the concerns that there was no past enforcement of the single family zoning occupancy in the area.

Chairman Deppisch stated he did not think that there was a possibility of a larger structure would be placed on the property.

Commissioner Conklin stated that the Commission should consider the zone change carefully.

Chairman Deppisch called for a motion for or against the zone change. Commissioner Conklin made a motion to deny the zone change and was seconded by Commissioner Carroll. Commissioners Mills, Phou, and Deppisch voted against the denial of the zone change.

Commissioner Deppisch made a motion to approve the zone change and was seconded by Commissioner Phou. The zone change was approved 3-2.

7. City Council decisions on Planning & Zoning cases, May 17, 2022. CP Helton stated that City Council:
- a. Approved 5-0: Specific Use Permit for an 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.
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 Creek Bend Subdivision Neighborhood Meeting at the C.L. Simon Recreation Center on June 1, 2022 at 5:30.

Commissioner Phou asked where the City Planner was with the Comprehensive Plan Update. CP Helton gave an overview of recent and upcoming Comprehensive Plan Committee meetings.

9. Adjourned:

Meeting was adjourned at 5:20 p.m.

Chairman, Ken Deppisch

Attest: Rhonda Lewis, Office Assistant II

PRESENTER:

ITEM/SUBJECT: Final Plat: Presentation, discussion, and possible action regarding a Final Replat for the OTR Place Subdivision. This request has been submitted by Irie Montes of Jim/RB LLC.

OVERVIEW:

The subdivision includes the creation of two (2) lots, being approximately 0.37 acres in size. The property is generally located in the southwest quadrant of the city, and bound by N. Sanders Street along the west side of the property, and by Powers Street on the south side of the property. The subdivision is a replat of Lot 4A of the OTR Subdivision, which is intended to be used as a conservation and preservation lot with the exception of two (2) single family residences constructed in 2021. The purpose of this replat is to subdivide the property so that the 2 existing residences are located on separate, stand-alone lots. Lot 4A will continue to be used for conservation, wildlife habitat, agriculture, and/or erosion control.

STAFF REVIEW:

Plat Design & Proposed Development

Lot 4A will remain a conservation and preservation lot. The proposed final plat complies with the subdivision regulations of the zoning district.

Zoning Issues

The subject property is zoned R-4, Multi-Family. The proposed lot sizes and dimensions comply with the City's zoning regulations.

Drainage, Utility, and Access Issues

The Engineering Department has reviewed the plat and determined there are adequate utilities in the area. There are currently no drainage issues. Any new development that occurs must meet the City's drainage ordinance requirements. Access drives must meet the City's driveway guidelines.

Review and Approval by Planning and Zoning Commission

This subdivision plat must be reviewed by the Planning and Zoning Commission based on the condition of approval of the OTR Subdivision on September 13, 2021, which states that any changes in the permitted activities and/or boundary of Lot 4 must be approved by the Planning & Zoning Commission.

Staff recommends approval.

STAFF REDOMMENDATION:

CITY CONTACT: Alaina Helton, AICP, City Planner

heltona@nactx.us
(936) 559-2572

ATTACHMENTS: 1. Aerial Map
2. Plat Exhibit

OTR PLACE LOT 4 RE-PLAT

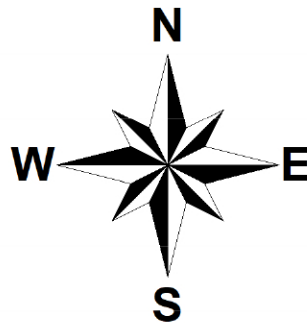


Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



0 100 200 400 Feet

Date Created: December 6, 2021 Software: ArcGIS 10.8.1



Scale = 1 : 100.00 (In : US Feet)

OTR PLACE LOT 4A RE-PLAT

OWNERS CERTIFICATE

WHEREAS JIM/RB, LLC is the owner of all that certain tract or parcel of land lying and situated in Nacogdoches county, Texas, out of the S. MORELAND SURVEY, ABSTRACT NO. 372 and the C.S. TAYLOR SURVEY, ABSTRACT NO. 562 and being all of that certain 30.578 acre tract shown as LOT 4 on a subdivision plat for OTR PLACE as shown on a subdivision plat filed as Instrument #2020-8341 in the Official Public Records of Nacogdoches County, Texas, to which reference is hereby made for any and all purposes and the said tract or parcel being described by metes and bounds as follows, to-wit:

BEGINNING at the most western Southeast corner of this tract, in the North margin of Powers Street, a 1/2" steel reinforcing rod found for corner;

THENCE S 84° 18' 48" W with the second most western South boundary line of this tract, and the North margin of Powers Street, at 551.77 feet the most Eastern Southwest corner of this tract, and the Southeast corner of Lot 1 of the Schott Subdivision, Section No. 1, a subdivision of record in Volume 7 on Page 30 of the Plat Records of Nacogdoches County, Texas, a 1/2" reinforcing rod found for corner;

THENCE N 25° 53' 58" W with the most southern West boundary line of this tract, and the East boundary line of the said Lot 1, at 293.17 feet an angle corner of this tract, and the Northeast corner of the said Lot 1, a 1/2" steel reinforcing rod found for corner;

THENCE S 82° 39' 28" W with the third most eastern South boundary line of this tract, and the North boundary line of the said Lot 1, at 7.13 feet the second most eastern Southwest corner of this tract, and the Southeast corner of that certain 0.497 acre tract described in a deed from Ronnie Lee Green to Dorsey Lee Green et ux dated February 9, 2001 and recorded in Volume 1542 on Page 176 of the Deed Records of Nacogdoches County, Texas, at 180.11 feet an interior ell corner of the said 34.217 acre tract and the Northeast corner of the said 0.497 acre tract (V. 1553, P. 63), a chain linked fence corner post found for corner;

THENCE N 05° 15' 52" W with the second most southern West boundary line of this tract, and in part with the East boundary line of the said 0.497 acre tract, and the East boundary line of that certain 0.497 acre tract described in a deed from Dorsey Lee Green to Ronnie Lee Green et ux dated March 5, 2001 and recorded in Volume 1553 on Page 63 of the Deed Records of Nacogdoches County, Texas, at 180.11 feet an interior ell corner of the said 34.217 acre tract and the Northeast corner of the said 0.497 acre tract (V. 1553, P. 63), a chain linked fence corner post found for corner;

THENCE S 84° 28' 17" W with the third most eastern South boundary line of this tract, and the North boundary line of the said 0.497 acre tract (V. 1553, P. 63), at 89.17 feet the Southeast corner of LOT 1 of the said OTR PLACE subdivision a 1/2" steel pipe found for the third most northern Southwest corner of this tract;

THENCE N 05° 53' 23" W with the third most southern West boundary line of this tract, and the East boundary lines of LOT 1, LOT 2, and LOT 3 of the said OTR PLACE subdivision at 159.97 feet a 1/2" steel pipe found for an ell corner of this tract, and the Northeast corner of the said LOT 3;

THENCE S 84° 04' 44" W with the most western South boundary line of this tract, and the North boundary line of the said LOT 3 at 152.96 feet a 1/2" steel pipe found in the East margin of North Sanders Street for the second most northern Southwest corner of this tract, and the Northwest corner of the said LOT 3;

THENCE N 05° 57' 59" W with a West boundary line of this tract, and the East margin of the said North Sanders street at 106.12 feet a 1/2" steel pipe found for a Northwest corner of this tract, and the Southwest corner of LOT 4B of the OTR PLACE LOT 4 RE-PLAT as shown on a subdivision plat recorded as Instrument #2021-10643 of the Official Public Records of Nacogdoches County, Texas;

THENCE N 84° 03' 06" E with a North boundary line of this tract, and the South boundary line of the said LOT 4B, at 376.57 feet a 1/2" steel reinforcing rod found for an ell corner of this tract, and the Southeast corner of the said LOT 4B;

THENCE N 05° 58' 38" W with a West boundary line of this tract, and the East boundary line of the said LOT 4B, at 319.89 feet a 1/2" steel reinforcing rod found for an ell corner of this tract, and the Northeast corner of the said LOT 4B;

THENCE S 83° 58' 24" W with a South boundary line of this tract, and the North boundary line of the said LOT 4B, at 217.70 feet a 1/2" steel reinforcing rod found for a Southwest corner of this tract, and the most western Northwest corner of the said LOT 4B in the East boundary line of that certain tract described in a deed from Doris Faye King to Perry Ann King et al dated September 11, 2019 and recorded in Instrument No. 1309 of the Deed Records of Nacogdoches County, Texas;

THENCE N 03° 55' 54" W with a West boundary line of this tract, and the East boundary line of the said King tract, at 13.77 feet an interior ell corner of this tract, and the Northeast corner of the said King tract, a 1/2" rod found for corner at a fence corner;

THENCE S 83° 58' 24" W with a South boundary line of this tract, and the North boundary line of the said King tract, at 153.34 feet a Southwest corner of this tract, and the Northwest corner of the said King tract in the East margin of North Sanders Street, a 3/4" pipe found for corner at the back of curb of North Sanders Street;

THENCE N 03° 54' 17" W with a West boundary line of this tract and the East margin of North Sanders Street, at 227.96 feet a 3/4" pipe found for corner at the back of curb of North Sanders Street;

THENCE N 00° 36' 2146" W continuing with a West boundary line of this tract, at 380.43 feet the Southeast corner of that certain 24.29 acre tract described in a deed from Gayle E. Ammons et al to William E. Daniels et al dated October 5, 1992 and recorded in Volume 826 on Page 164 of the Deed Records of Nacogdoches County, Texas, a 1/2" pipe found for corner, said corner witnessed by a fence corner bearing N 69° W 1.0 feet;

THENCE N 01° 45' 58" W continuing with a West boundary line of this tract, and in part with the East boundary line of the said 24.29 acre tract, at 410.41 feet pass on line a 1/2" rod found for the Northeast corner of the said 24.29 acre tract, at 464.16 feet pass on line a 3/4" pipe found for reference, at 478.70 feet the Northwest corner of this tract in the centerline of Mill Branch, a point for corner;

THENCE twelve calls with the Northeast boundary line of this tract and the centerline of Mill Branch as follows:

- 1) S 73° 16' 38" E, at 5.99 feet a point for corner;
- 2) S 58° 17' 30" E, at 122.00 feet a point for corner;
- 3) S 30° 05' 01" E, at 54.26 a point for corner;
- 4) S 46° 32' 11" E, at 25.44 feet a point for corner;
- 5) S 46° 13' 00" E, at 75.98 feet a point for corner;
- 6) S 37° 17' 45" E, at 148.32 feet a point for corner;
- 7) S 78° 28' 40" E, at 40.79 feet a point for corner;
- 8) S 64° 15' 40" E, at 94.40 feet a point for corner;
- 9) S 54° 48' 57" E, at 94.21 feet a point for corner;
- 10) S 47° 09' 26" E, at 57.06 feet a point for corner;
- 11) S 50° 42' 54" E, at 40.78 feet a point for corner;
- 12) N 87° 55' 48" E, at 100.41 feet the West corner of that certain 1.558 acre tract described as Second Tract in a deed from Nacogdoches Steel Fabricators, Inc. to Homer Joe Fitts and Carolyn Fitts, Co—Trustees of the Homer Joe Fitts and Carolyn Fitts Family Trust dated September 12, 2000 and recorded in Volume 1497 on Page 196 of the Deed Records of Nacogdoches County, Texas, a point for corner;

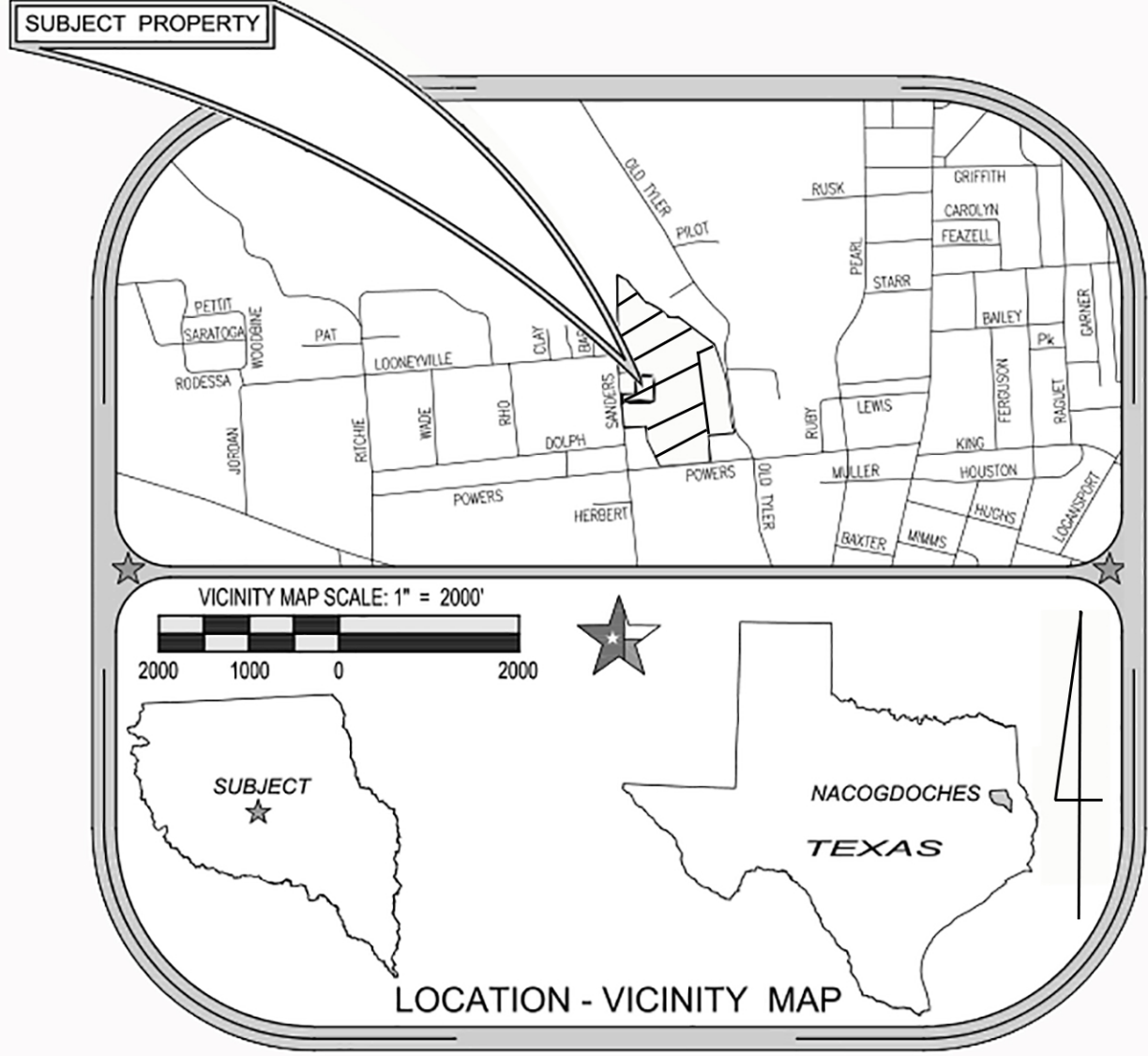
THENCE S 53° 03' 037" E continuing with the Northeast boundary line of this tract, and with the Southwest boundary line of the said 1.558 acre tract, at 10.00 feet pass on line a 1/2" pipe set for reference, at 491.84 feet the Northeast corner of this tract, and the Northeast corner of LOT 5 of the said OTR PLACE subdivision in the West right-of-way line of F.M. Highway No. 1638 (right-of-way width varies), a 1/2" rod (bent) found for corner;

THENCE S 76° 19' 48" W with a South boundary line of this tract, and the North boundary line of the said LOT 5, at 300.00 feet an interior ell corner of this tract, and the Southwest corner of the said LOT 5, a 1/2" steel pipe found for corner;

THENCE S 13° 40' 01" W with an East boundary line of this tract, and the West boundary line of the said LOT 5, at 960.28 an angle corner of this tract, a 60D nail found;

THENCE S 05° 40' 56" E with the most southern East boundary line this tract, at 7.31 feet pass on line a 1/2" rod, at 282.13 feet the **point and place of beginning** and containing 30.578 acres of land, more or less.

Basis of Bearings: The Texas State Plane Coordinate System, Central Zone #4203, NAD 83, theta angle = 3° 03' 07" East.



I, Bill E. Rasbeary, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the above plat and field note description of the OTR PLACE LOT 4 RE-PLAT in the S. MORELAND SURVEY, ABSTRACT NO. 372, are true and correct, and were prepared from a survey made by me, or under my supervision, on the ground, without the benefit of a title commitment, on the 24th day of November, 2021.

Bill E. Rasbeary
Registered Professional Land Surveyor No. 1857

STATE OF TEXAS
COUNTY OF TRINITY

BEFORE ME, the undersigned authority on this day personally appeared Bill E. Rasbeary, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed same for the purposes and considerations therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2022.

Notary Public in and for The State of Texas

I, _____, Authorized Representative for JM/RB, LLC owner of the property subdivided in the above and foregoing map of OTR PLACE LOT 4A RE-PLAT do hereby make subdivision of said property according to the lines, lots, and easements thereon shown, and designate said subdivision as OTR PLACE LOT 4A RE-PLAT in the S. MORELAND SURVEY, ABSTRACT NO. 372, Nacogdoches County, Texas, and dedicate to public use, as such the parks and easements shown thereon forever, and do hereby bind ourselves, our successors, and assigns, to warrant and forever defend the title to the land so dedicated.

Witness my hand in Nacogdoches, Nacogdoches County, Texas, this ____ day of _____, 2022.

Authorized Representative for
JM/RB, LLC

STATE OF TEXAS
COUNTY OF NACOGDOCHES

BEFORE ME, the undersigned authority on this day personally appeared _____, Authorized Representative for JM/RB, LLC known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein set forth,

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 2022.

Notary Public, in and for The State of Texas

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

This is to certify that the Planning Commission of the City of Nacogdoches, Texas, has approved this plat, and subdivision of OTR PLAT LOT 4A RE-PLAT as shown herein.

IN TESTIMONY WHEREOF, witness the official signature of the Chairman and the City Secretary of the City Planning Commission of the City of Nacogdoches, Texas, this ____ day of _____, 2022.

Secretary

Chairman

BILL RASBEARY AND ASSOCIATES, LLC
FIRM #10194100
1150 LACEY FOUR RD.
GROVETON, TX 75845
(936) 366-7516

FINAL PLAT
OTR PLACE LOT 4A RE-PLAT
A SUBDIVISION OF 28.204 ACRES
OWNER: JIM/RB, LLC
S. MORELAND SURVEY, ABSTRACT NO. 372
NACOGDOCHES COUNTY, TEXAS

Sheet

1

of

1

NOTE: THE PRIMARY PURPOSE OF LOT 4 IS TO ENABLE THE PROPERTY TO REMAIN IN CONSERVATION USE FOR WILDLIFE HABITAT, AGRICULTURAL, AND/OR EROSION CONTROL. LOT 4A WILL BE PRESERVED AND PROTECTED IN PERPETUITY AND NO USE, DEVELOPMENT, OR ACTIVITY SHALL BE PERMITTED THAT WOULD SIGNIFICANTLY IMPAIR AND INTERFERE WITH ITS PRIMARY PURPOSE OF CONSERVATION AND PRESERVATION ACTIVITIES NOT PERMITTED ON THE PROPERTY INCLUDE SURFACE MINING, AND/OR SITE IMPROVEMENTS FOR RESIDENTIAL OR COMMERCIAL ACTIVITIES CHANCES IN THE PERMITTED ACTIVITIES AND/OR BOUNDARY OF LOT 4A SHALL BE APPROVED BY THE CITY OF NACOGDOCHES PLANNING & ZONING COMMISSION.

CERTIFICATE OF REGISTRATION

STATE OF TEXAS
KNOWN ALL MEN BY THESE PRESENTS
COUNTY OF NACOGDOCHES

I, June Clifton, County Clerk of Nacogdoches County, Texas, do hereby certify that this foregoing instrument in writing, with its certificate of authentication, was filed and duly recorded in my office on this ____ day of _____, 2022 A.D., at _____ o'clock _____ m. in Clerk's Document Number _____ of the Real Property Records for said County.

WITNESS my hand and seal of office, at Nacogdoches, Texas, the day and date last above written

June Clifton Country Clerk
Nacogdoches County, Texas

By: _____ Deputy Clerk

PRESENTER: Alaina Helton, City Planner

ITEM/SUBJECT: Public Hearing: Consider a request to amend and/or revoke the Specific Use Permit, pursuant to Section 118-174 of the Code of Ordinances, for a ‘Garden Shop & Plant Sales – Display or Greenhouse’, in a B-1 Local Business zoning district, for Lot 1, Block 1 of The Plant Shed Subdivision, located at 3123 Appleby Sand Rd. This request has been initiated by the Nacogdoches City Planner.

OVERVIEW:

***Please note that due to scheduling conflicts the property owner has requested to postpone this item to the regular meeting of the Planning & Zoning Commission on July 11th, 2022. The adjacent neighbors are also amendable to this request.**

On May 19, 2020, the City Council granted approval of a Specific Use Permit (SUP) for the operation of a “Garden Shop & Plant Sales - Display or Greenhouse” at the location referenced above. The approving ordinance (Ord.1826-05-20) for this SUP allows the construction and operation of a “Garden Shop & Plant Sales - Display or Greenhouse” facility at the above described location, with the following conditions:

1. The applicant will provide a plan to control sediment and runoff that is acceptable to the City Engineering Department.

Upon approval of the SUP, development plans were submitted to the City for review and the City Engineer determined that the development satisfied the conditions of the SUP. These development plans were approved by Staff in July, 2020.

STAFF REVIEW:

Since the initial development of the project, City Staff has received multiple complaints of substantial drainage and sediment runoff issues from a number of the residents located northwest of the subject property. City Staff met with the property owner onsite to observe the drainage patterns on the property at which time Staff noted substantially more semi-impervious gravel installed on the property than what was depicted on the approved development plans.

Upon completion of the site visit Staff has requested additional documentation from the property owner to demonstrate the property drainage and runoff is still functioning in accordance with the development plans. Based on the summary letter of the inspection by the engineering firm who designed the site, the development is no longer in compliance with the conditions of the SUP. City Staff has requested that the property owner provide a plan for compliance that must address the addition of impervious surface since the original approval of the SUP and show a plan to mitigate the increased drainage to surrounding properties.

Since this initial request, the property owner has failed to respond in a timely manner which

resulted in two (2) violation notices. Since the property owner has failed to rectify the violation, pursuant to Section 118-174(c) of the Code of Ordinances, City Staff has initiated proceedings to revoke and/or amend the terms of the SUP.

Zoning & Existing Land Use

The subject property is zoned B-1 Local Business and is currently vacant. The surrounding zoning and land uses are as follows:

Direction	Zoning	Land Use
North	B-1 Local Business	Hair Salon
East (Across Appleby Sand Rd.)	R-1 Single Family	Single Family & Civic/Office Building
South (Across East Austin St.)	B-1 Local Business	Duplex & Convenient Store with Gasoline Pumps
West	B-1 Local Business & R-1 Single Family	Vacant & Single Family

Property located immediately the north of the subject property is zoned B-1 and is currently being used as a hair salon. A portion of the property to the west located along East Austin Street is zoned B-1 and is vacant, while the remaining property to the west is zoned R-1 Single Family and is developed as a single family neighborhood known as the Colonial Hills Subdivision. The subject property abuts Appleby Sand Road to the east and East Austin Street to the south.

COMMUNITY INPUT:

Staff sent out 14 notices to property owners within the 200 foot notification area. At the time of this report, Staff has received four (4) written responses from property owners within the 200-foot notice area, citing specific concerns about drainage. City Staff also mailed courtesy notices to property owners within 500 feet of the subject property.

STAFF REDOMMENDATION:

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

ATTACHMENTS:

1. Aerial Map
2. Zoning Map
3. Site Photos
4. Plant Shed Owner Response Letter
5. Notification Map
6. Written Responses
7. Ordinance 1826-05-20
8. Approved Site Plan

SUP 2020-03

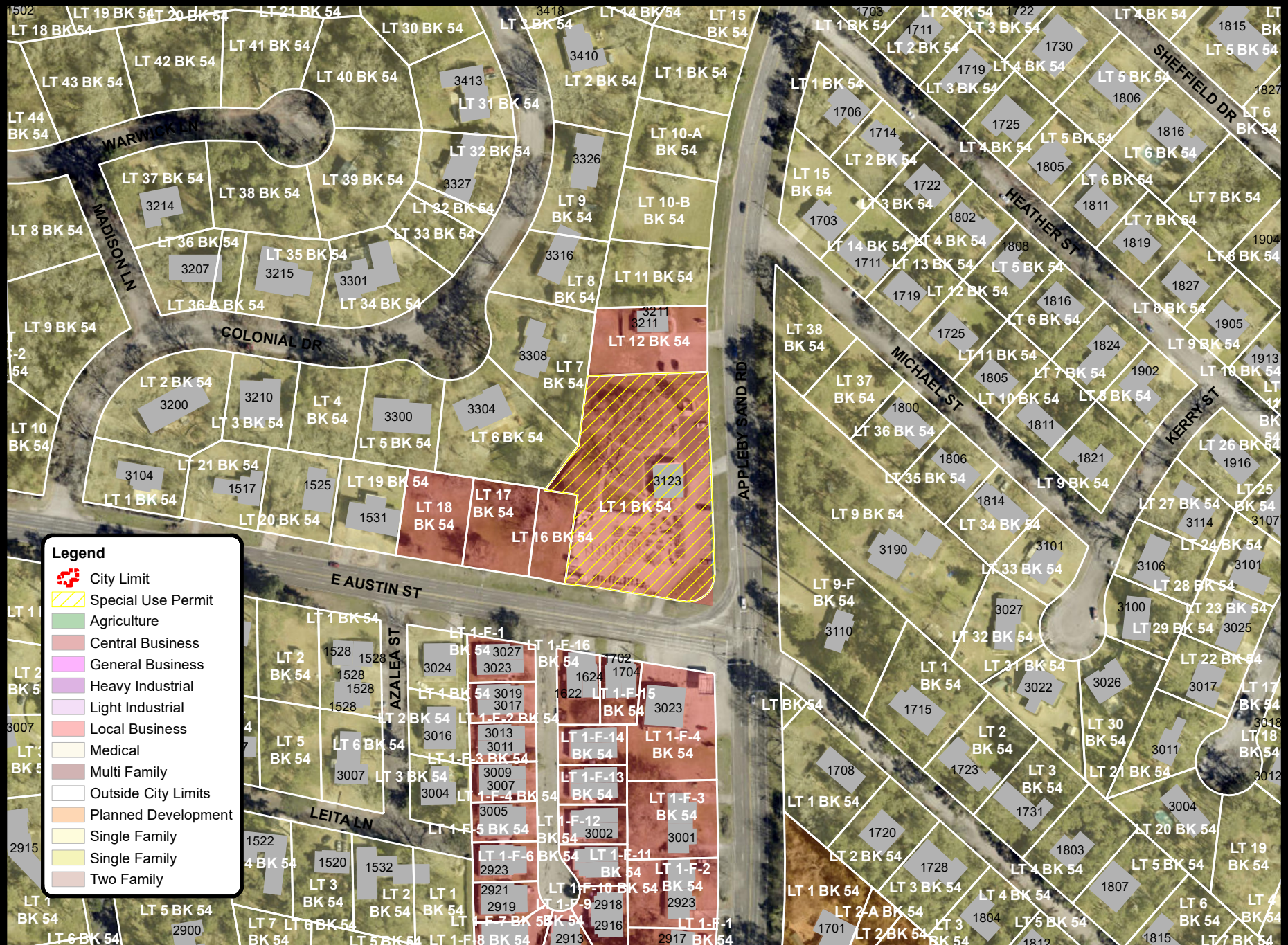


Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Date Created: May 25, 2022 Software: ArcGIS 10.8.1

SUP 2020-03



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0 50 100 200 Feet

Date Created: June 7, 2022 Software: ArcGIS 10.8.1

SUP2020-03: Site Photos

Street View: Corner of Appleby Sand & E. Austin St.



Street View: E. Austin St.



Street View: Appleby Sand Rd.



Office/Sales Building



Parking Area



Outdoor Sales Area: Facing E. Austin St.



Gravel walkway: South/ West side of building



Silt fencing & drainage area: West side of property





StarTex Ventures LLC
dba: The Plant Shed
3123 Appleby Sand Rd.
PO BOX 632171
Nacogdoches, TX 75963

May 13, 2022

Director of Planning & Neighborhood Services
Alaina Helton
202 E. Pilar. PO BOX 635030
Nacogdoches, TX 75963

Dear Alaina Helton,

In response to your letter dated April 29, 2022, StarTex Ventures LLC secured the services of Two Fifteen Consulting LLC in October 2021. They will be addressing the drainage concerns and analysis of the property in question. They expect to have recommendations/results of the analysis in 4 – 6 weeks. We will update the Director of Planning and Neighborhood Services when this report is completed.

Sincerely,

Charles E. Shugart

CC: Two Fifteen Consulting LLC

200 Foot Notification Map

SUP2020-03: 3123 Appleby Sand Rd.

Legend



200 Foot Buffer



Existing SUP



Single Family-Rental



Two Family- Rental



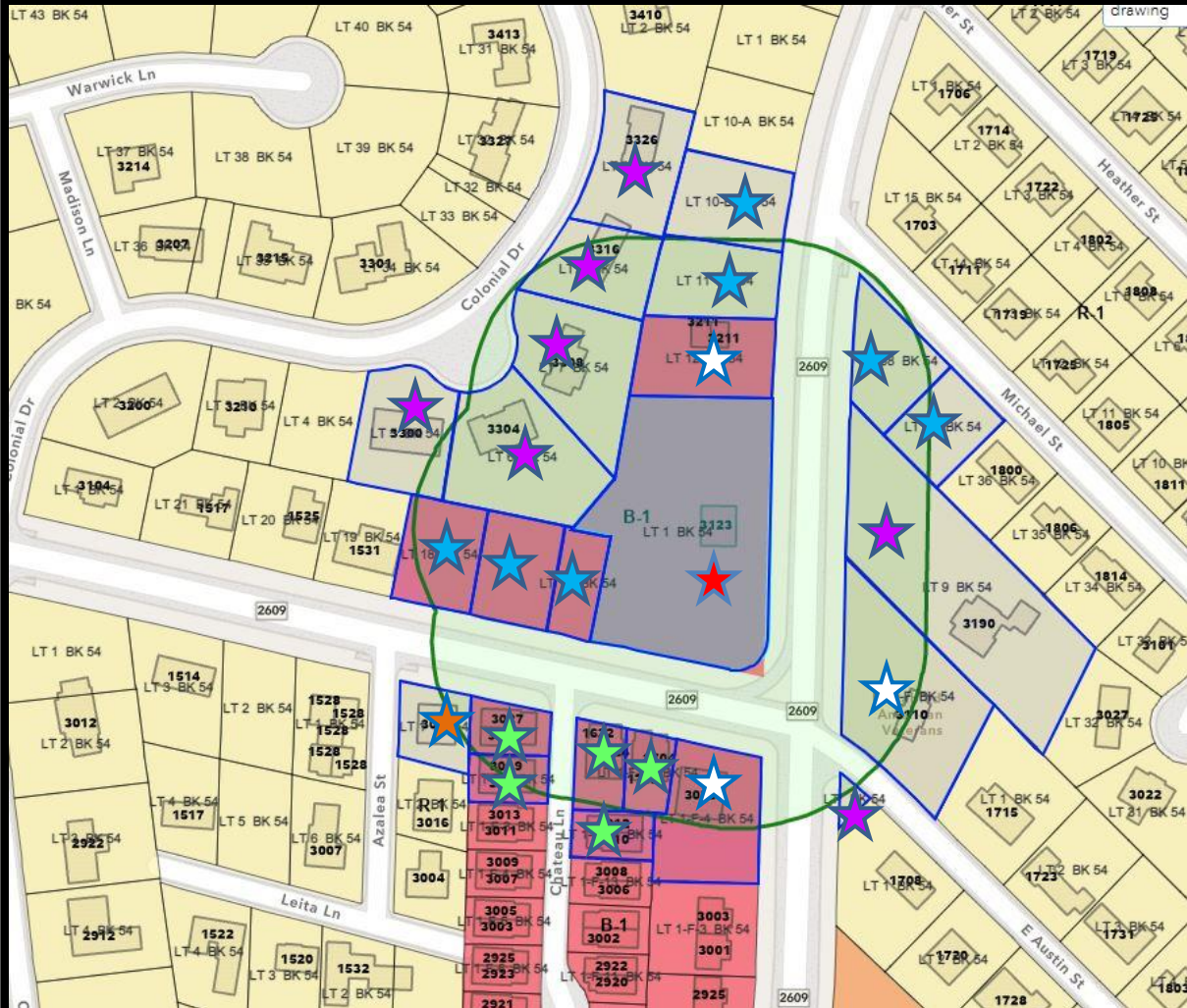
Single Family-
Owner Occupied



Commercial



Undeveloped





Response Form

Project Number: SUP2020-03: The Plant Shed
3123 Appleby Sand Rd.

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: SUP2020-03: The Plant Shed

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

Comments:

I recommend the business work
with an engineer to develop ~~xxx~~ and
implement a viable plan to properly
deal with this.

Signature: Bud Wright

Printed Name: Bud Wright, Mgr: Five Star Real Estate

Street Address: 915 S. Fredonia

City, State and Zip Code: Nacogdoches, Tx 75964

Phone Number: 936-554-4455

Email Address: bwright@tfnutrition.com

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

Project Number: SUP2020-03: The Plant Shed

Please circle one:

☒ In favor of request

☐ Opposed to request

Comments:

My home suffers continual damage from the ongoing water and sand runoff from the lots on Appleby Sand Rd. and East Austin St. behind my property. I have spent approx. \$9000. on a drainage system repair.

Signature:

Janet Wyatt Fults

Printed Name:

Janet Wyatt Fults

Street Address:

3316 Colonial Drive

City, State and Zip Code:

Nacogdoches, TX 75965

Phone Number:

936) 615-4540 (cell)

Email Address:

jbrad01@suddenlink.net

Physical Address of Property within 200 Feet:

3316 Colonial Dr.

LT 8 BK 1 Colonial H:
Section 1

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: SUP2020-03: The Plant Shed
3123 Appleby Sand Rd.

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, lewisl@nactx.us

Project Number: SUP2020-03: The Plant Shed

Please circle one:

☒ In favor of request

☐ Opposed to request

Comments:

I have incurred many expenses, especially my backyard retaining wall landscape timbers have rotted, fell off - I put in concrete steps at back porch years ago, drains installed in back yard + on lots 4 + 5. Blk 54.

Signature: Vera C. Schwab

Printed Name: Vera C. Schwab

Street Address: 3300 Colonial Dr.

City, State and Zip Code: Nacogdoches, TX 75965-3079

Phone Number: 936-564-4527 (home); 936-615-6335 (cell)

Email Address: mimschwab@suddenlink.net

Physical Address of Property within 200 Feet: 3300 Colonial Dr.

Lots 4 + 5 BK 1
Colonial Hills
Section 1

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

Lots 4 + 5 in Blk. 54 are mine, were shown separately but now together in Nacogdoches appraisal district. See attachd.



Legend

- Special Use Permit
- City Limit

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0 50 100 200 Feet



Nacogdoches Central Appraisal District
216 W HOSPITAL ST
NACOGDOCHES, TX 75961
Phone: (936)560-3447
Fax: (936)560-1894

NOTICE OF APPRAISED VALUE

This is NOT a Tax Statement - Do NOT Pay From This Notice.

Appraisal Year - 2022

Location of ARB Hearings:

216 W HOSPITAL ST

NACOGDOCHES, TX 75961

IF YOU HAVE GENERAL QUESTIONS

PLEASE CALL THE CENTRAL APPRAISAL DISTRICT

AT: (936) 560-3447

Protest Deadline: 06/10/2022

ARB Hearings to Begin: 6/7/2022 9:00:00AM

Owner ID: 65109

Website: www.nacocad.org

Postmark Date: 05/11/2022

Dear Property Owner:

We have appraised the property listed below for the 2022 tax year. The appraisal is for the following property:

Beginning August 7th, visit [Texas.gov/PropertyTaxes](https://www.texas.gov/PropertyTaxes) to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information regarding the amount of taxes that each entity that taxes your property will impose if the entity adopts its proposed tax rate. Your local property tax database will be updated regularly during August and September as local elected officials propose and adopt the property tax rates that will determine how much you pay in property taxes.

Percent difference from 2017 is a 28.00% increase.

APPRAISAL INFORMATION	LAST YEAR	PROPOSED THIS YEAR	PROPOSED 2022 TAXABLE VALUE	ACCOUNT NUMBER / PROPERTY DESCRIPTION
Total Market Value	210,240	252,270		ACCT #: 18-148-5401-005000 PARCEL: 28214
HS Land Market Value	59,620	71,540		ADDR: 3300 COLONIAL DR
HS Structures(Buildings) Value	150,620	180,730		NACOGDOCHES, TX
Total Homestead Cap Value	210,240	231,260	231,260	ABST/Block/Lot: COLONIAL HILLS SEC 1-01/089 1-4,5
Total Proposed Taxable Value (with Homestead Limit)	210,240		231,260	LEGAL: LTS 4 & 5 BK 1 COLONIAL HILLS SECTION 1
Exemptions: OVER 65		* HOMESTEAD CAP APPLIED		ACRES: 0.000 INTEREST: 1.000000
				CATEGORY: A1

Taxing Units	Exemption Type for Last Year	Exemption Amount for Last Year	Exemption Type for Current Year	Exemption Amount for Current Year	Exemption Amount Cancelled or Reduced from Last Year	Last Year Taxable Value (less exemptions)	Current Year Taxable Value (less exemptions)
NAC COUNTY - HS Ceiling Freeze	OVER65	82,050	OVER65	86,250	0	128,190	145,010
CITY OF NAC	OVER65	62,050	OVER65	66,250	0	148,190	165,010
NAC ISD I&S - HS Ceiling Freeze	OVER65	87,050	OVER65	91,250	0	123,190	140,010
NAC ISD M&O - HS Ceiling Freeze	OVER65	87,050	OVER65	91,250	0	123,190	140,010

The Texas Legislature does not set the amount of your local taxes. Your property tax burden is decided by your locally elected officials, and all inquiries concerning your taxes should be directed to those officials.

If you qualified your home for an age 65 or older or disabled person homestead exemption for school taxes, the school taxes on that property cannot increase as long as you own and live in that home. The tax ceiling is the amount you pay in that year that you qualified for the age 65 or older or disabled person exemption. The school taxes on your home may not go above the amount of the ceiling, unless you improve the home (other than normal repairs or maintenance).

Enclosed are copies of the following documents published by the Texas Comptroller of Public Accounts: (1) Property Taxpayer Remedies; and (2) notice of protest. The Appraisal Review Board will begin hearing protests on 6/7/2022 9:00:00AM. To file a protest, complete the notice of protest form by following the instructions included on the form and, no later than 06/10/2022, mail or deliver the form to the appraisal review board at the following address: 216 W HOSPITAL ST, NACOGDOCHES, TX 75961.

Property owners who file a notice of protest with the appraisal review board (ARB) may request an informal conference with the appraisal district to attempt to resolve a dispute prior to a formal ARB hearing. In counties with populations of 1 million or more, property owners may request an ARB special panel for certain property protests. Contact your appraisal district for further information.

Sincerely,
Chief Appraiser - Nacogdoches Central Appraisal District

If you currently receive a residence homestead exemption, the exemption amounts shown on this notice are those provided by law as of the date of this notice. If Texas voters approve the proposed constitutional amendment to increase the general residence homestead exemption for school taxes from \$25,000 to \$40,000, your exemption amount will automatically increase, and school districts will compute your taxes using the greater exemption amount.

Cynthia Pettit German

3308 Colonial Dr.

Nacogdoches, TX 75965

I am writing in regards to the June 13, 2022 Planning & Zoning meeting. I will be in Washington State, have a two hour time difference, and where I am staying internet is unavailable.

I am definately in favor of revoking the Plant Shed's license to do business until they correct the problem. I don't even know what the purpose of the meeting. The Plant Shed owner's engineer's were allowed to open with certain conditions. An approved engineer plan and design was supposed to be submitted before they opened in November of 2020. These conditions have not been met. The Plant Shed is in clear violation and has been.

I would like to know who approved and signed off on what they have done? I have had a four inch PVC pipe pointed directly at my yard since May 10, 2021 that is causing flooding my yard and home as well as Katheryn Cox's home at 3304 Colonial Dr. I sent pictures and a video on 5-10-2021 of the water shooting out of the pipe showing the water's path to Steve, and he told me there were no pipes on site plan. Another sign that no one from the City was following through with checking for an acceptable plan presented by an engineer. The pipe is still there, funnelling massive amounts of water into my yard with each rain. Since the Plant Shed went in, it has been a constant ongoing battle.

On 4-13-2022, we flooded again so I called Alaina again to inquire what The Plant Shed had done to correct the problem. She apologized and told me the city had "dropped the ball", and that no one had been there to check. She told me she was going to meet with Steve. On 4-21-2022 Steve came to my home to look again. He also apologized on behalf of himself and the city. He told me he had talked to Alaina, and the city would be sending a letter to Plant Shed that would give them fifteen days to come up with an inspection letter ASAP. After Alaina, Steve, the City Manager and City Attorney met, I was told the zoning meeting has to happen first. We shouldn't have to start over. It's been over a year and a half so far.

The following is a list of dates where I contacted Steve or Alaina. I can provide texts, pictures and videos if needed.

5-20-21 I forwarded video of flooding as well as pipe pointing at me. Part of Steve's response was "the site has changed since it was first occupied. We will be working with them to get it back to approved condition". When I asked about a time frame, he stated he wasn't sure but that it needed immediate attention.

6-1-21 I texted Steve again asking about Plant Shed's pipe pointing at us.

6-3-21 I received a message from Steve stating that Alaina and Case Opperman were going to meet with Charles about the excursions from the approved plan. He also stated they have an evaluation and remediation plan.

6-29-21 Steve sent me an update that Plant Shed received their engineering report and would be forwarding to the city to review.

8-18-21 Reached out to Steve again and he referred me to Alaina. I called her office and left multiple messages with no response.

The city has been well aware of the problem and have done nothing to enforce the decisions they made.

My parents bought this home in 2002, and it had runoff issues on the north side of backyard. My dad paid over \$10,000 to install a retaining wall and catch basins. My basins were working until we flooded, and they filled up with sand. My retaining wall is leaning, and I need to replace it but it's a \$13,000.00 investment I don't want to make until the issues are addressed with the Plant Shed. Since they have gone into business, and have paved and/or covered so much square footage, I have spent close to \$3000.00 on rocks, grass, topsoil, and labor.

On 5-24-22, I went to CAD office to protest my property tax increase. I showed Paul the pictures and he told me it will be reduced, and I'm still suffering the effects of erosion and flooding, and the consequences of nothing being done to correct the situation. I also found out the Plant Shed bought .81 acre which measures out at 35,283.6 square feet. It now is well covered over half of the property. Another violation? I forwarded the information to Alaina and Kathleen Balenger. Any help with this matter is greatly appreciated.

Please circle one:

☒ In favor of request

☐ Opposed to request

Comments:

I will be out of state but have provided my neighbor + Kathleen Belanger a copy of my letter and concerns - Please let me know before

Please on 6th

Signature:

Cathy German

Printed Name:

Cynthia Pettit GERMAN

Street Address:

3308 Colonial Dr.

City, State and Zip Code:

Nacogdoches, TX 75965

Phone Number:

360-941-0869

Email Address:

cp9german2000@yahoo.com

Physical Address of Property within 200 Feet:

3123 Appleby Sand Rd

City of Nacogdoches

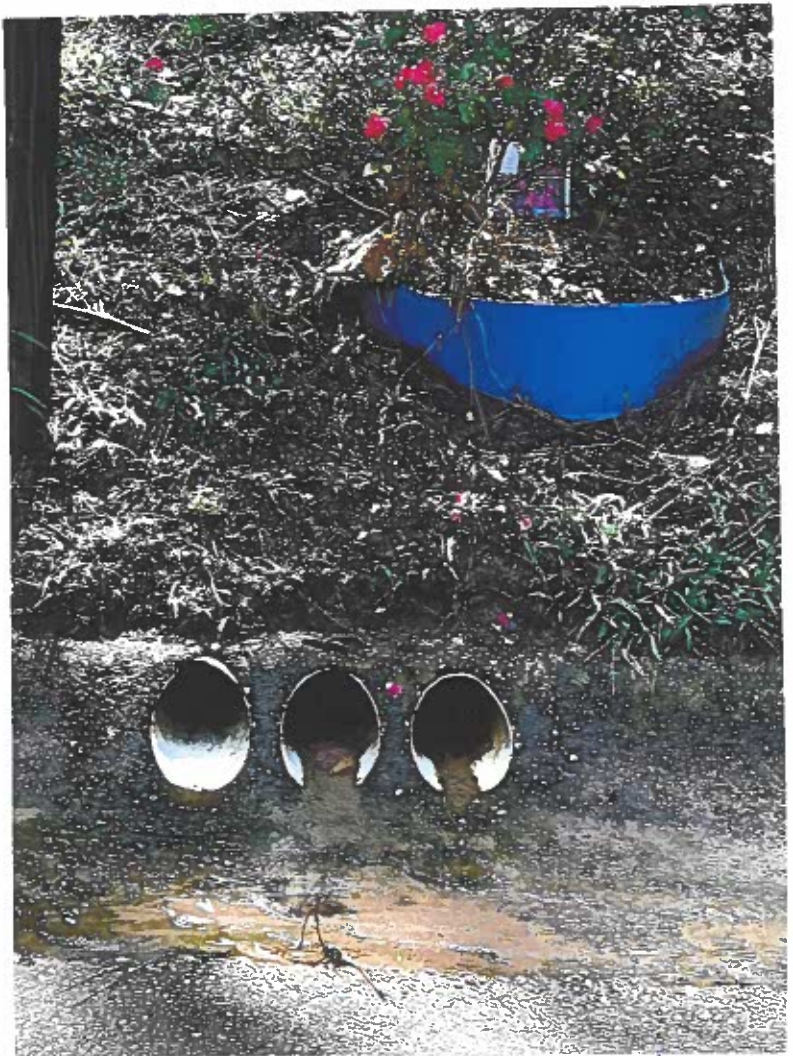
202 E. Pilar – PO Drawer 635030 – Nacogdoches, TX 75963

936-559-2574 Fax 936-559-2910 www.nactx.us

Home of Stephen F. Austin State University www.sfasu.edu



TAKEN FROM MY FENCE



3 CATCH BASINS FILLED WITH SAND - HAVE TO REPLACE



RETAINING WALL IS COMING DOWN DUE TO RUN OFF
HAVE A \$13,500.00 BID TO REPLACE



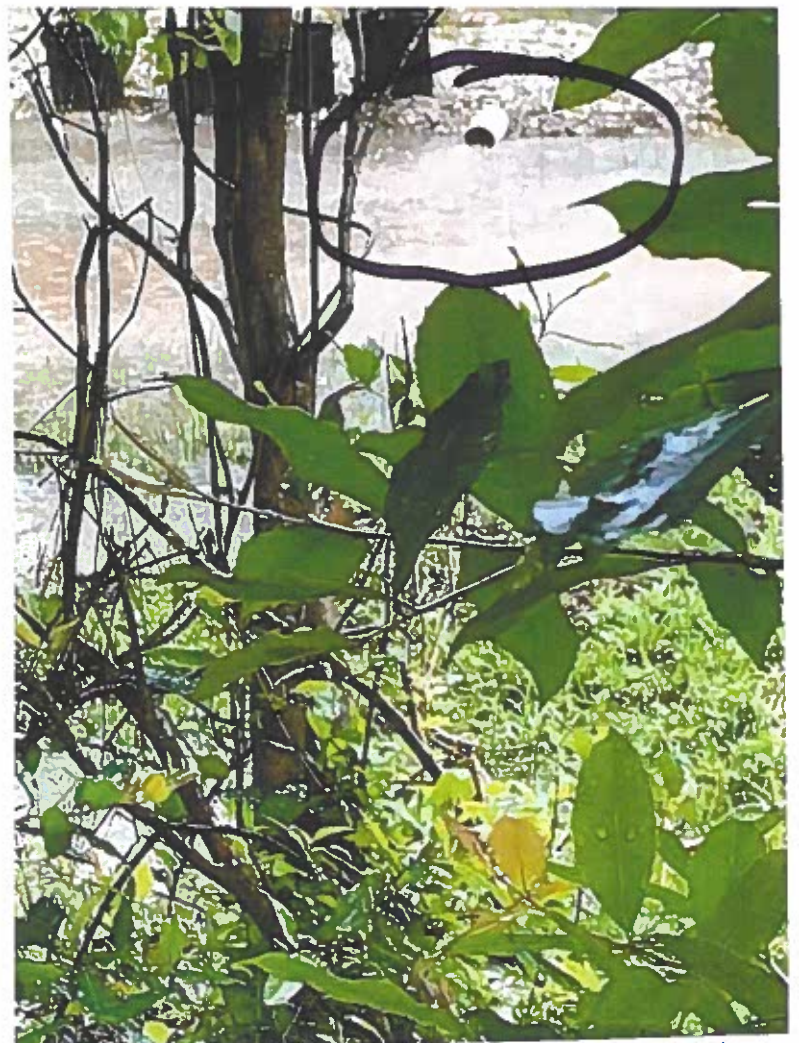
WATER COMES OVER AND UNDER RETAINING WALL



RUN OFF



RUN OFF between 3304 + 3308
Colonial Dr.



TAKEN FROM MY back yard
fence. PIPE POINTED AT US.



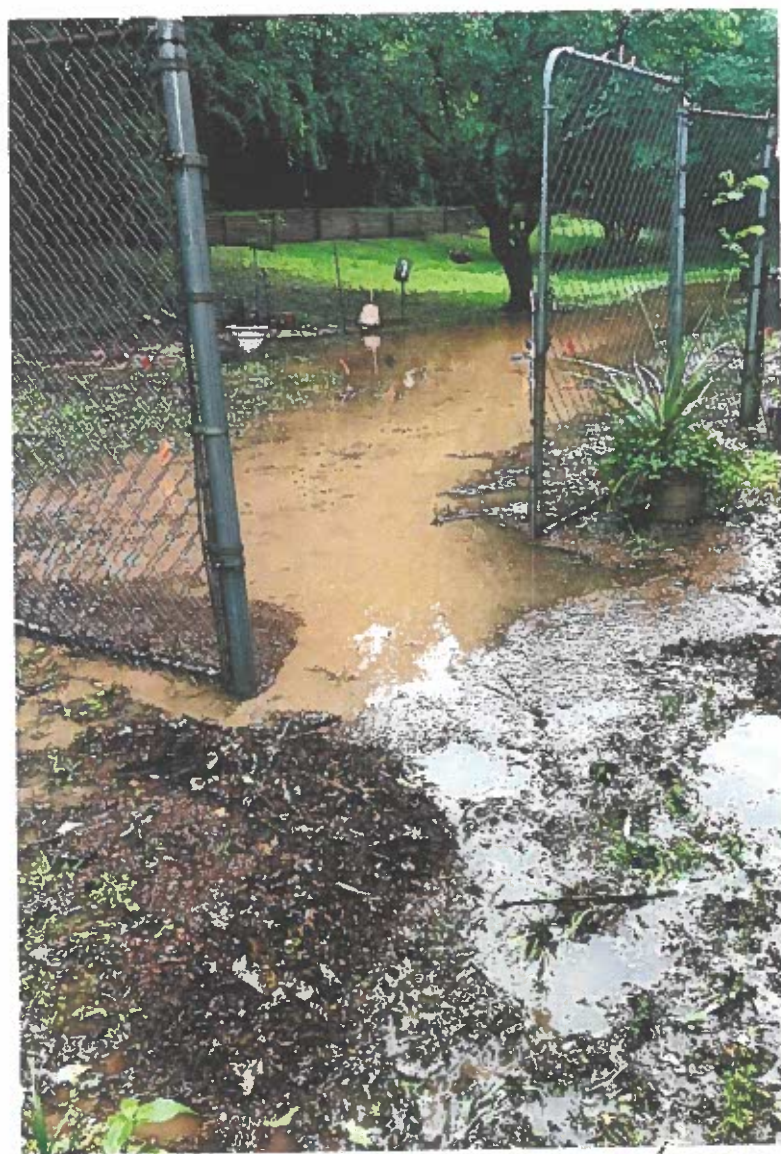
12/30/21 - PLANT SHED HAD BEEN
OPENED SINCE NOV 2020



NOTE AMOUNT OF SAND ON driveway
WE NEVER HAD A PROBLEM
WITH STANDING WATER



BACK PORCH FLOODING
4-13-2022



RUNOFF FILLED CATCH BASIN
LAST YEAR



4/14/2022



4/14/22



SUP 2020-03



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0 50 100 200 Feet

Date Created: May 25, 2022 Software: ArcGIS 10.8.1

ORDINANCE NO. 1826-05-20

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, GRANTING AN AMENDMENT TO A SPECIFIC USE PERMIT FOR A GARDEN SHOP AND PLANT SALES – DISPLAY OR GREENHOUSE, LOCATED AT THE NORTHWEST CORNER OF APPLEBY SAND ROAD AND EAST AUSTIN STREET WITHIN THE B-1 LOCAL BUSINESS ZONING DISTRICT, SAID TRACT BEING LOTS 13, 14, 15 AND A PORTION OF LOT 16, BLOCK 1, SECTION 1 OF THE COLONIAL HILLS SUBDIVISION RECORDED IN VOLUME 2536, PAGE 264 OF THE DEED OF RECORDS OF NACOGDOCHES COUNTY, TEXAS, CONTAINING APPROXIMATELY 8.1 ACRES LOCATED IN NACOGDOCHES, TEXAS, PROVIDING REQUIREMENTS AND CONDITIONS FOR SAID SPECIFIC USE PERMIT; CONTAINING FINDINGS; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Specific Use Permit process allows the Planning and Zoning Commission and City Council to consider the conditions specific to individual tracts of land and operational characteristics of various businesses; and

WHEREAS, Charles Shugart of StarTex Ventures, filed an application for a Specific Use Permit for a Garden Shop & Plant Sales - Display or Greenhouse facility on property that is currently zoned as Local Business (B-1); located at the northwest corner of Appleby Sand Road and Ease Austin Street, said tract being legally described as Lots 13, 14, 15 and a portion of Lot 16, Block 1, Section 1, of the Colonial Hills Subdivision recorded in Volume 2536, Page 264 of the Deed of Records of Nacogdoches County, Texas (the “Property”), and situated within the corporate limits of the City of Nacogdoches, Texas (the “City”), being more particularly described in **Exhibit “A”** and **Exhibit “B”**, attached hereto and made a part hereof for all purposes; and

WHEREAS, the Owner of the Property, through its above mentioned and duly authorized representatives, has presented an application to the City for the granting a Specific Use Permit to use said Property for the purpose of a Garden Shop & Plant Sales - Display or Greenhouse facility (the “Specific Use”), as authorized by the City's Zoning Ordinance; and

WHEREAS, after satisfaction of all conditions precedent required by law, the Planning and Zoning Commission held a public hearing and did make recommendation to City Council for approval of the Specific Use Permit application submitted for the above referenced site; and

WHEREAS, after satisfaction of all conditions precedent required by law and receiving the recommendation of the Planning and Zoning Commission, the City Council conducted a public hearing, and immediately thereafter approved the application for a Specific Use Permit allowing for the construction, operation and maintenance of a Mini Warehouse facility.

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 Specific Use Permit

Pursuant to the requirements of Chapter 118 of the Code of Ordinances of the City of Nacogdoches, Texas, a Specific Use Permit is hereby approved allowing for the construction, operation and maintenance of a Garden Shop & Plant Sales - Display or Greenhouse facility at the above described location, with the following conditions:

1. The applicant will provide a plan to control sediment runoff that is acceptable to the City Engineering Department.

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 of the Specific Use Permit 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

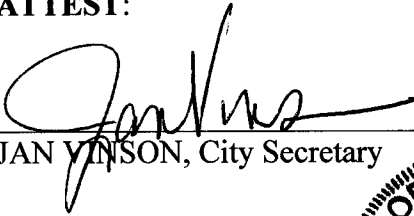
The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches, Texas.

PASSED AND APPROVED, this the 19 day of May, 2020, by a vote of 5 (ayes) to 0 (nays) of the City Council of the City of Nacogdoches, Texas.

CITY OF NACOGDOCHES

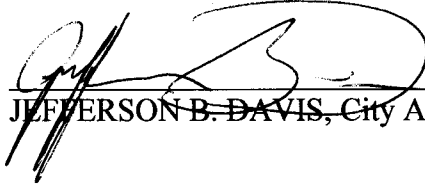
By: 
SHELLEY BROPHY, Mayor

ATTEST:

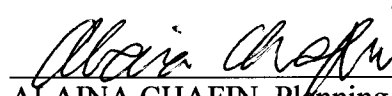

JAN VINSON, City Secretary



APPROVED AS TO FORM:

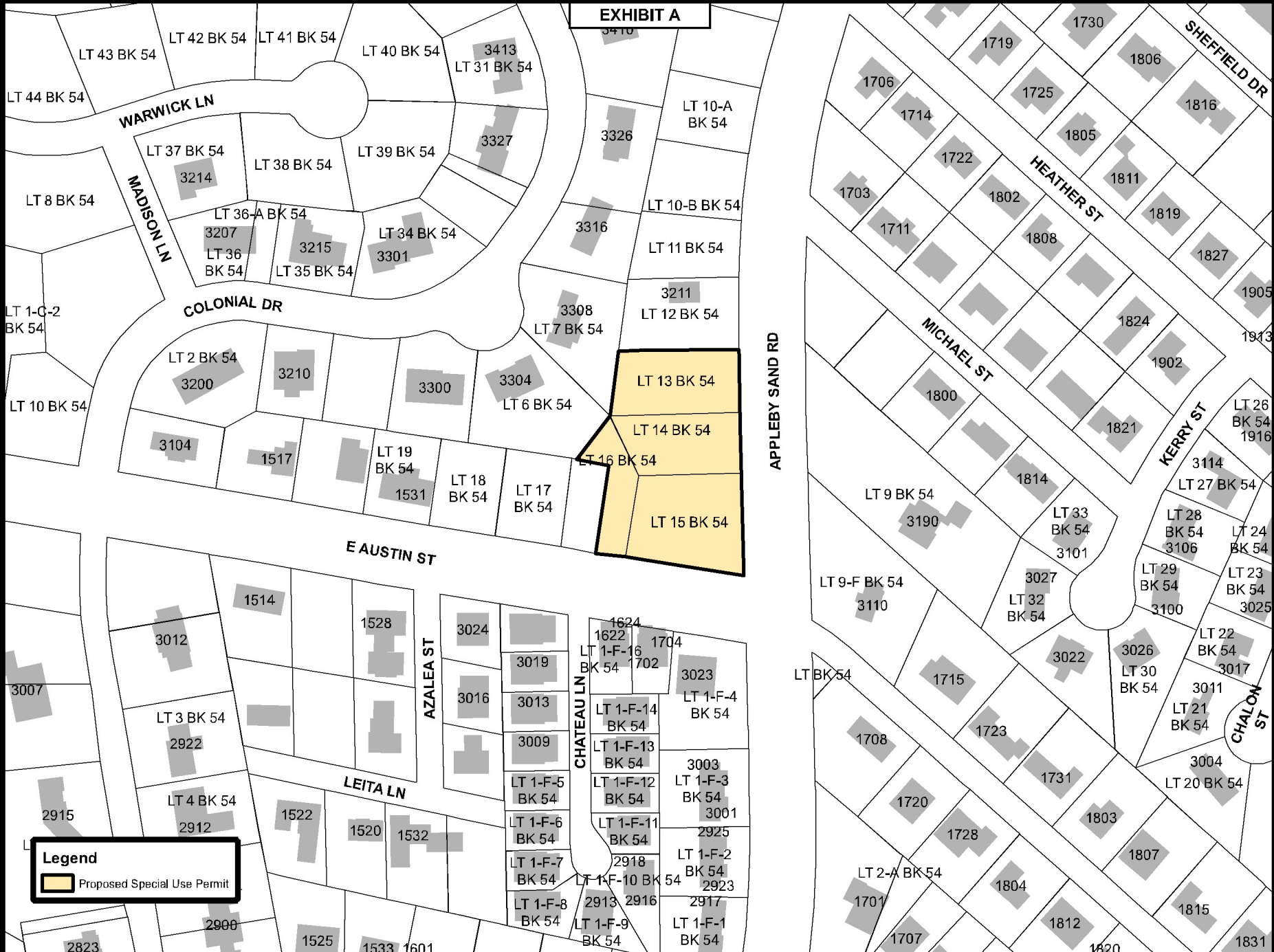

JEFFERSON B. DAVIS, City Attorney

APPROVED AS TO CONTENT:


ALAINA CHAFIN, Planning Director

SUP 2020-03

EXHIBIT A



Legend

Proposed Special Use Permit

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.



0 50 100 200 Feet

Date Created: April 24, 2020 Software: ArcGIS 10.7.1

Proposed Site Plan

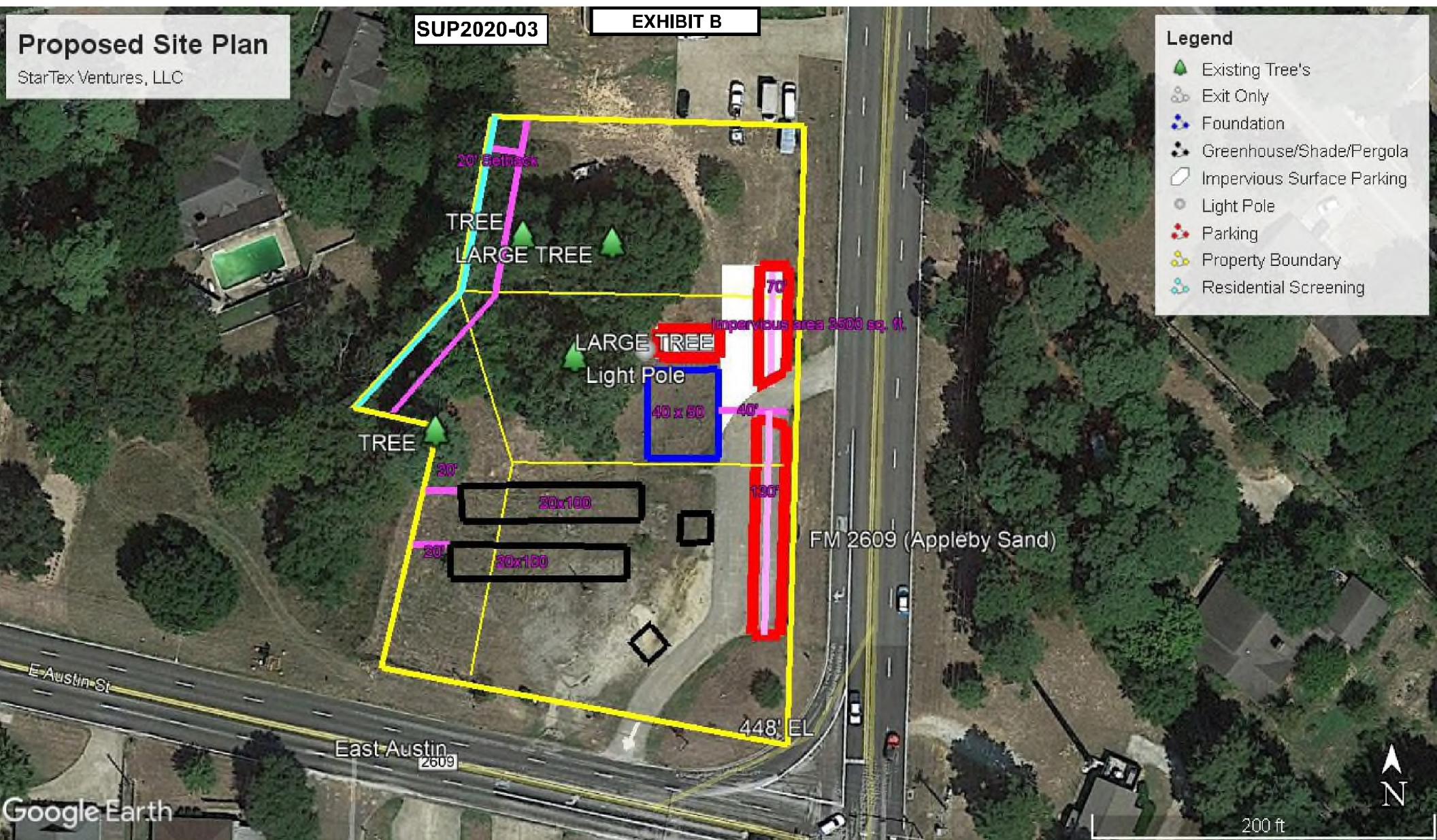
StarTex Ventures, LLC

SUP2020-03

EXHIBIT B

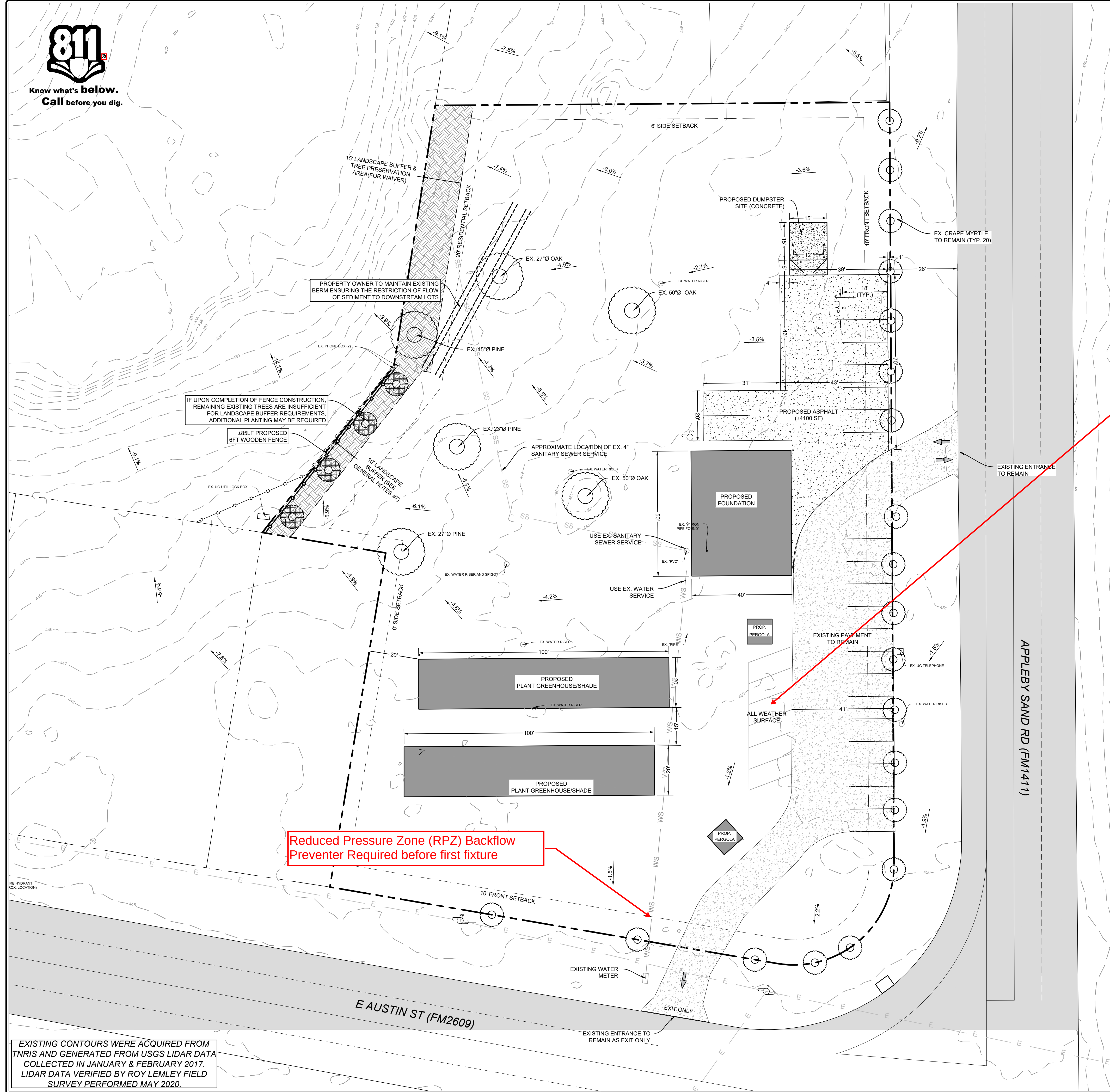
Legend

- Existing Tree's
- Exit Only
- Foundation
- Greenhouse/Shade/Pergola
- Impervious Surface Parking
- Light Pole
- Parking
- Property Boundary
- Residential Screening





Know what's below.
Call before you dig.

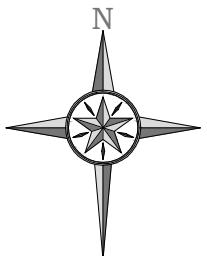


EXISTING CONTOURS WERE ACQUIRED FROM
TNRIS AND GENERATED FROM USGS LIDAR DATA
COLLECTED IN JANUARY & FEBRUARY 2017.
LIDAR DATA VERIFIED BY ROY LEMLEY FIELD
SURVEY PERFORMED MAY 2020.



AKRON CONSULTING, LLC.
431 N. CENTER ST.
LONGVIEW, TX 75601
TBE Firm Reg. # 14014
(O) 903-236-9744
(F) 903-236-9745
www.akron-consulting.com

0 20' 40'
1"=20'
CONTOUR INTERVAL 1 FOOT



NO.	REVISION	BY	DATE

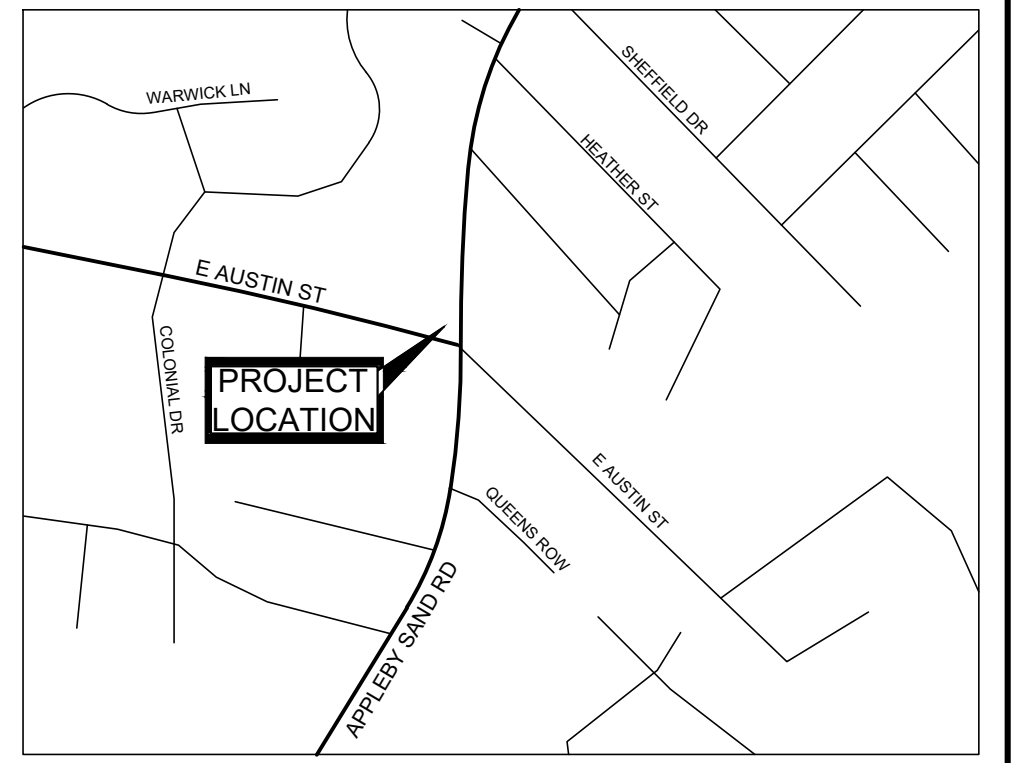
PIPE AND FITTING SCHEDULE
ALL 2" - 3" PVC WATER PIPE SHALL BE ASTM D-2241 SDR 21
ALL PVC SANITARY SEWER PIPE SHALL BE SDR 26 ASTM D-3034
ALL PVC SANITARY SEWER FITTINGS SHALL BE SDR 26

PARKING COUNT		
PARKING SPACES	REQUIRED	PROVIDED
	31	28

*1 SPACE PER 1,000 SQ FT OF
SITE AREA (330,000 SQ FT)
*LANDSCAPE CREDIT
REDUCTION OF 10% (3
SPACES)

Planning Review:
Alaina Chafin
Approved
as Noted

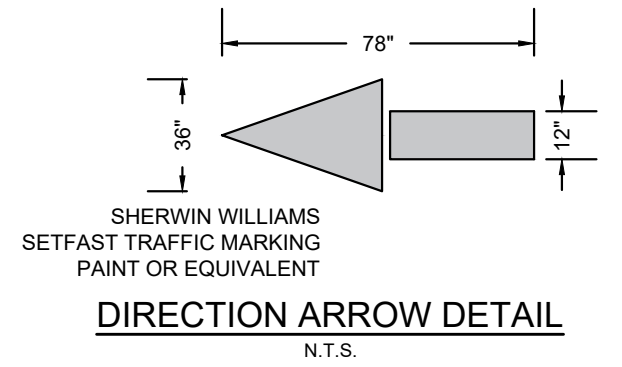
REVIEWED
By Case at 11:39 am, 7/17/20



VICINITY MAP
N.T.S.

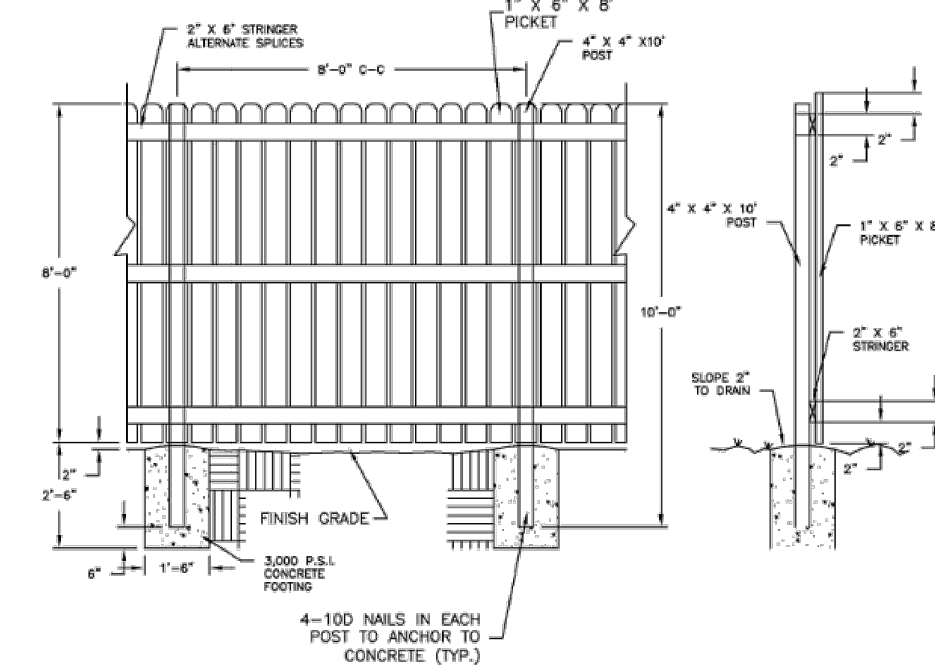
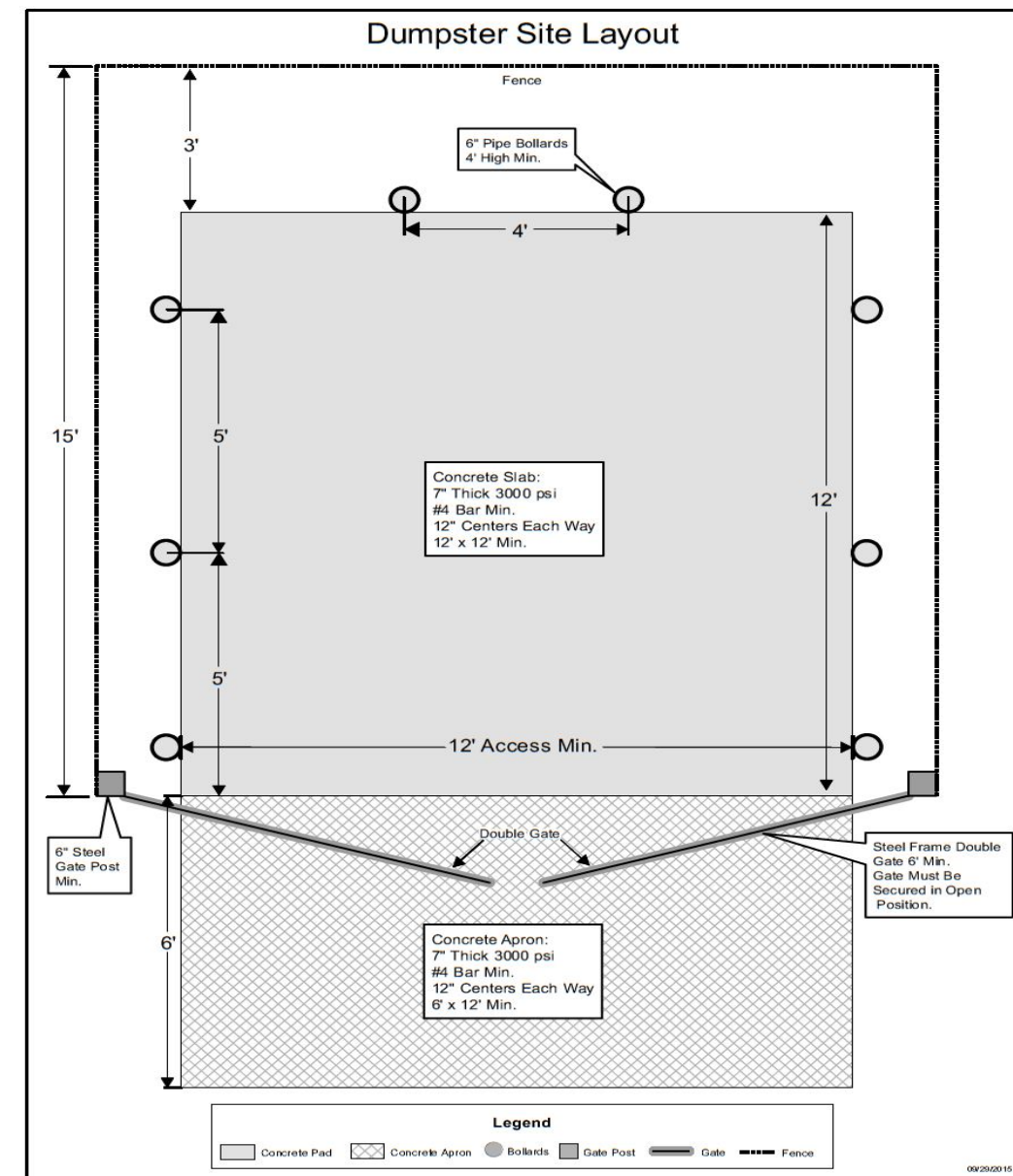
STRIPING GENERAL NOTES

- ALL PAVEMENT STRIPING SHALL UTILIZE SHERWIN WILLIAMS SETFAST TRAFFIC MARKING PAINT OR EQUIVALENT.
- ALL PAVEMENT STRIPING SHALL BE WHITE IN COLOR UNLESS OTHERWISE NOTED.



SHERWIN WILLIAMS
SETFAST TRAFFIC MARKING
PAINT OR EQUIVALENT
DIRECTION ARROW DETAIL
N.T.S.

All required parking must be hard surface pavement
(ex. asphalt, concrete)



GENERAL NOTES

- PRIOR TO STARTING CONSTRUCTION, THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION SHALL BEGIN UNTIL ALL PERMITS HAVE BEEN RECEIVED.
- IF THE CONTRACTOR, IN THE COURSE OF THE WORK, FINDS ANY DISCREPANCIES BETWEEN THE PLANS AND THE PHYSICAL CONDITIONS OF THE LOCALITY, OR ANY ERRORS OR OMISSIONS IN THE PLANS OR IN THE LAYOUT AS GIVEN BY THE ENGINEER, IT SHALL BE HIS DUTY TO IMMEDIATELY INFORM THE ENGINEER, IN WRITING, AND THE ENGINEER WILL PROMPTLY VERIFY THE SAME. ANY WORK DONE AFTER SUCH DISCOVERY, UNTIL AUTHORIZED, WILL BE AT THE CONTRACTOR'S RISK.
- CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL SETBACKS, EASEMENTS, AND DIMENSIONS SHOWN HEREON BEFORE BEGINNING CONSTRUCTION.
- ALL CONSTRUCTION MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE STATE AND AUTHORITY HAVING JURISDICTION'S LATEST CONSTRUCTION SPECIFICATIONS AND DETAILS.
- ALL HANDICAP SITE FEATURES SHALL BE CONSTRUCTED TO MEET ALL FEDERAL AND STATE CODES.
- THE CONTRACTOR SHALL CAREFULLY PRESERVE BENCHMARKS, REFERENCE POINTS, AND STAKES.
- CONTRACTOR SHALL MAINTAIN THE SITE IN A MANNER TO PREVENT INJURY TO WORKMEN AND THE PUBLIC AND TO PREVENT DAMAGE ON ADJOINING PROPERTY.
- CONTRACTOR IS RESPONSIBLE FOR DAMAGE TO ANY EXISTING ITEM AND/OR MATERIAL INSIDE OR OUTSIDE CONTRACT LIMITS DUE TO THE CONSTRUCTION OPERATION.
- CONTRACTOR SHALL CONTACT DIGTESS (811) PRIOR TO ANY CONSTRUCTION ACTIVITIES.
- CONTRACTOR TO FIELD VERIFY ALL EXISTING UTILITIES..
- DIMENSIONS SHOWN ARE FROM FACE OF CURB TO FACE OF CURB, UNLESS OTHERWISE NOTED.
- SIZE AND LOCATION OF EXISTING TREES WERE PROVIDED BY THE OWNER.
- IN ACCORDANCE WITH SECTION 118-429 OF THE ZONING ORDINANCE, EXISTING TREES SHOULD BE PRESERVED IN THE 10-FOOT LANDSCAPE BUFFER REQUIRED ALONG THE PROPERTY LINE ADJACENT RESIDENTIAL NEIGHBORHOOD TO MEET THE COMMERCIAL SCREENING PLANTING REQUIREMENTS. HOWEVER, THESE TREES (NEW OR EXISTING) MUST BE NON-DECIDUOUS (EVERGREEN) IN ORDER TO PROVIDE YEAR-ROUND SCREENING AND SHALL BE OF A TYPE AND SPECIES LISTED IN SUBSECTION 118-430(F)(2).

THIS DOCUMENT IS RELEASED
FOR REVIEW PURPOSES ONLY
UNDER THE AUTHORITY OF
LANE D. ROBERTS, P.E. 105135
IN JULY, 2020. IT IS NOT TO BE
USED FOR CONSTRUCTION.

THE PLANT SHED
3123 APPLEBY SAND RD
MACDOUGHERS, TEXAS

SITE & UTILITY PLAN

DR. BY DE DATE 07/13/2020 DWG. NAME c1.0 site plan.dwg SHEET: C1.0

PRESENTER: Alaina Helton, City Planner

ITEM/SUBJECT: Public Hearing: 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.

OVERVIEW:

SUMMARY/BACKGROUND: The request is for a zone change from PD, Planned Development District to R-4, Multi-Family for approximately 3 acres located at the southeast corner of S. Steen Drive and Creek Bend Blvd. The R-4, Multi Family district is intended for higher density residential areas which may contain a mixture of single-family, two-family, and multiple-family dwellings. District regulations are designed to protect residential characteristics of the area and to prevent the overcrowding of land.

This property is part of a larger area that was zoned from R-1 to PD in the 1980's for high density residential development. The original plans for development of the area have lapsed, necessitating the approval of new development plans, or a change in zoning in order for the property to be developed. Since the original approval of the PD, the area included in the original concept plan has seen little development.

Adjacent Land Use & Zoning

The subject property is zoned PD, Planned Development and is currently undeveloped. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North (Across Creek Bend Blvd.)	Multi-Family Residential	PD, Planned Development	Sorority Houses
South	Single Family Residential	A, Agricultural	Undeveloped
East	Commercial	B-2, General Business	Office & Multi-Family
West	Multi-Family Residential	PD, Planned Development	Fraternity House & Undeveloped

The large tracts to the north across Creek bend Blvd. have been developed for sorority houses with a couple of duplexes located on the north side of N. Steen Drive. The remainder of the property in the PD are undeveloped, with the exception of a vacant fraternity house to the west along S. Steen Drive. Property to the south is zoned Agriculture and undeveloped, and property to the east is zoned Commercial and is developed as office and multifamily.

STAFF REVIEW:

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 proposed R-4, Multi Family zoning district permits similar land uses as those approved for the original PD development plans, as well as the existing development located along Creek Bend Blvd.

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 property is bounded by Creek Bend Blvd. to the north and S. Steen Drive to the west. Property to the east is developed, and property to the south has access to a public street and utilities.

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

The subject properties take direct access from Creek Bend Blvd. and S. Steen Drive, which functions as primary access for the property and adjacent development. The property also has access to public utilities, with a 8-inch water main and 6-inch sewer main and a 8-inch water line along the public streets.

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;

Multifamily construction is subject to commercial district landscaping requirements and the screening requirements for commercial sites with residential adjacency.

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 *Multi Family Residential*. This FLUP category is described as, “Attached dwellings with three or more units, including apartments, townhouses, condominiums, patio homes, rooming/ boarding houses, and nursing homes and assisted-living developments.”

Thoroughfare Plan

This section of Creek Bend Drive is built as a minor collector road, with the section of Creek Bend Blvd. to the east of the subject property designated as a future major collector.

COMMUNITY INPUT:

Staff mailed 12 notices to property owners within the 200-foot notification area. Of these 12 notices, Staff has received one (1) written response in favor of the zone change, and one (1) written response in opposition of the zone change request.

The applicant held a neighborhood meeting for the property owners within 500 feet of the subject property on June 1, 2022 to discuss the rezoning request. The applicant, City Staff, and six (6) residents from the North Gate Subdivision attended the meeting, one (1) of which resides within the 200-foot notification area. The residents in attendance expressed opposition to the zone change, citing concerns regarding privacy, noise, and traffic. The neighborhood residents expressed the desire for the applicant to maintain the property as Planned Development and amend the PD Development Plan to incorporate the development. Based on input from the neighborhood, Planning Staff encouraged the applicant to withdraw the zone change request and submit a PD amendment application. The applicant has chosen to move forward with the request to change the zoning to R-4, Multi-Family. This item is scheduled to be heard by City Council on Tuesday, June 21st.

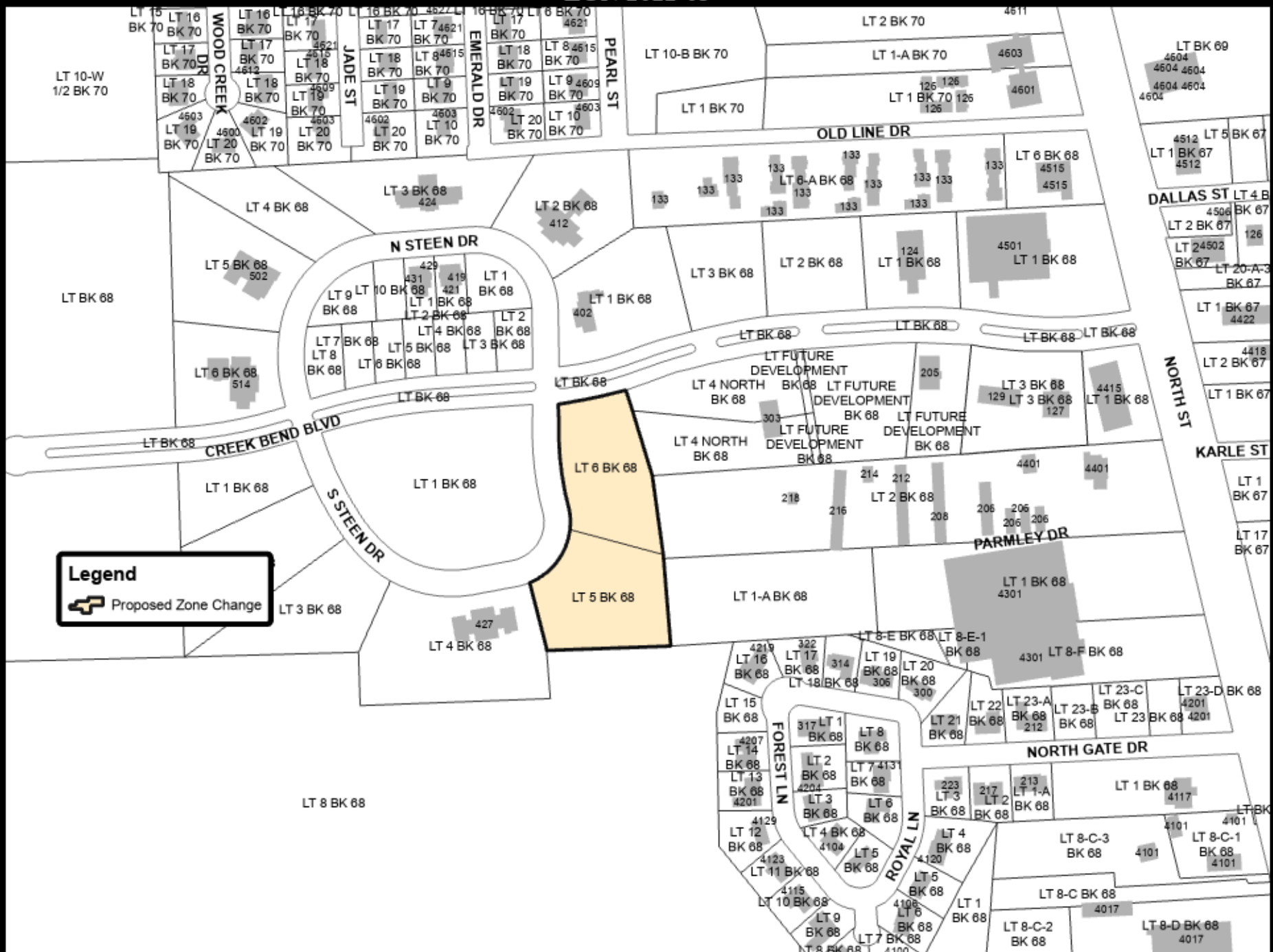
STAFF REDOMMENDATION:

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

ATTACHMENTS:

1. Location Map
2. Aerial Map
3. Future Land Use Map
4. Notification Map
5. Written Responses
6. Site Photos

ZON 2022-03



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.



A horizontal scale bar with four major tick marks labeled 0, 75, 150, and 300 Feet. There are three smaller tick marks between each major tick mark, dividing each 75-foot segment into four 18.75-foot segments.

Date Created: April 20, 2022 Software: ArcGIS Pro 2.9.2



ZON 2022-03



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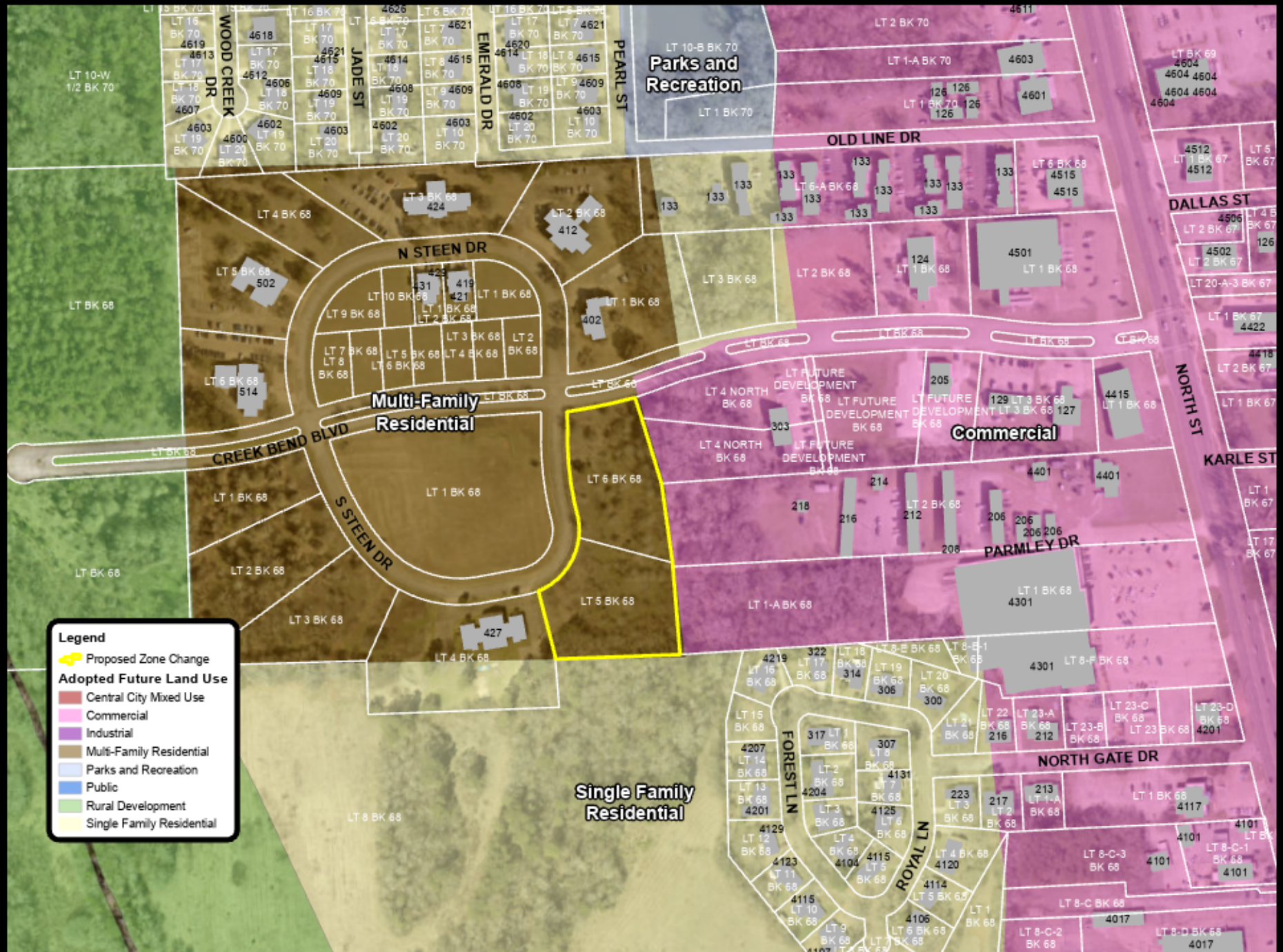


0 75 150 300 Feet

Date Created: April 19, 2022 Software: ArcGIS Pro 2.9.2



ZON 2022-03



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.



0 75 150 300 Feet

Date Created: April 20, 2022 Software: ArcGIS Pro 2.9.2



200 Foot Notification Map

Legend



200 Foot Buffer



Proposed Zone Change



Commercial



Sorority/Fraternity



Multifamily

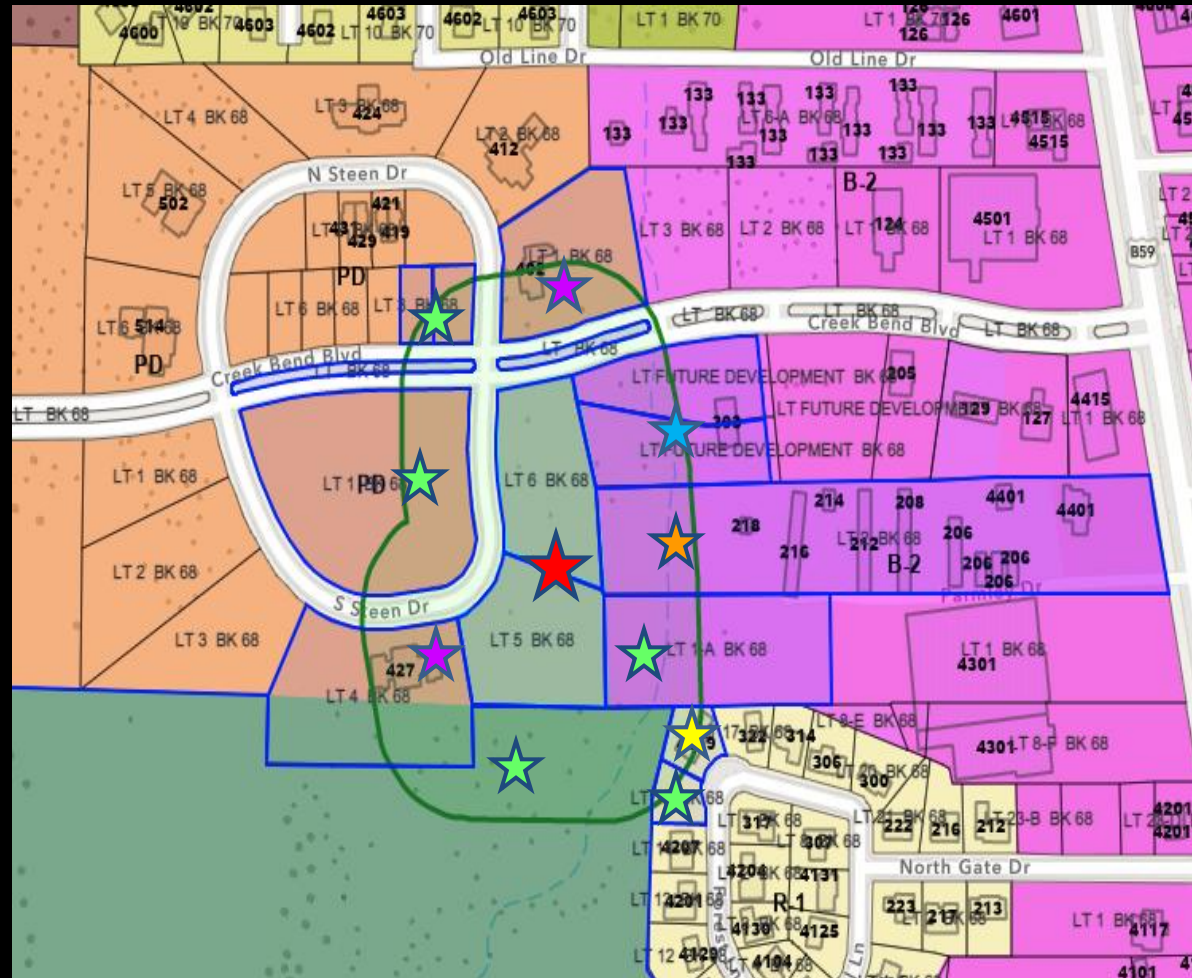


Single Family-Owner Occupied



Undeveloped

ZON2022-03: Lots 5&6 S. Steen Dr.





Response Form

Project Number: ZON2022-03
S. Steen Drive – Creek Bend Subdivision

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:**

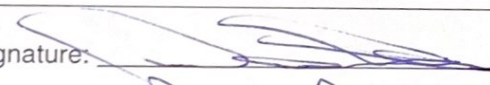
City of Nacogdoches Planning & Zoning Department
Attn: Rhonda Lewis
PO Drawer 635030
Nacogdoches, TX 75963

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

Project Number: ZON2022-03

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

Comments:

Signature: 

Printed Name: DAVID COWEE

Street Address: 303 CREEK BEND BLVD STE B

City, State and Zip Code: NACOGDOCHES TX 75965

Phone Number: 936-559-1123

Email Address: DAVID@PIKEWOODSFINANCIAL.COM

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

Nacogdoches

the oldest town in Texas

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Attn: Rhonda Lewis
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Nacogdoches, TX 75963

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

Project Number: ZON2022-03

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

Comments:

I have resided at 216 Northgate Dr. for 50 years. I am the Neighbor Hood Watch Coordinator, and I oppose the zone change from P.D. to R4 multi family, because of noise increase, crime, Lower Property values.

Signature: Daniel Weaver Jr.

Printed Name: Daniel Weaver Sr.

Street Address: 216 Northgate Dr.

City, State and Zip Code: Nacogdoches, Texas 75965

Phone Number: 936-569-7688

Email Address: None

Physical Address of Property within 200 Feet: (NOT WITHIN 200 FT) BUT CONCERNED RESIDENT OF NEIGHBOR HOOD.

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

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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Nacogdoches, TX 75963

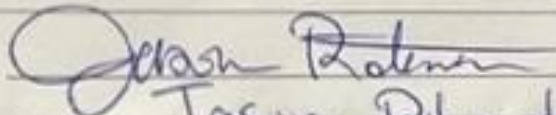
You may also email a copy to Rhonda Lewis, lewisr@nactx.us

Project Number: ZON2022-03

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

Comments:

Signature:



Printed Name:

Jason Robertson

Street Address:

303 Creekbend St A

City, State and Zip Code:

Nacogdoches TX 75965

Phone Number:

936 - 615-6264

Email Address:

jason@applebytxas.com

Physical Address of Property within 200 Feet:

303 Creekbend Blvd.

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



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PO Drawer 635030

Nacogdoches, TX 75963

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

Project Number: ZON2022-03

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

Nacogdoches

the oldest town in Texas

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S. Steen Drive – Creek Bend Subdivision

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Nacogdoches, TX 75963

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

Project Number: ZON2022-03

Please circle one: ☐ In favor of request

☒ Opposed to request

Comments: As a new homeowner with two children
we do not want to increase traffic & noise nor
do we want decreased security & privacy

Signature: Alyssa Dietrich

Printed Name: Alyssa Dietrich

Street Address: 306 Northgate

City, State and Zip Code: Nacogdoches, TX 75965

Phone Number: 936-652-2572

Email Address: alyssa.dietrich24@gmail.com

Physical Address of Property within 200 Feet: 306 Northgate, Nac, TX 75965

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

Northgate Subdivision

We the undersigned, as residents and homeowners, rigorously,
Oppose the proposed zoning change as identified in Project
number ZON2022-03

- | | NAME | ADDRESS | CELL# |
|----|--------------------|------------------|----------------|
| 1. | Mahli Canning | 4207 Forest Lane | 936-652-7801 |
| 2. | Glo Maner | 213 Northgate | 564-3940 |
| 3. | Darrell W Benjamin | 4130 FOREST LN | 936-554-6092 |
| 4. | John Canning | 4207 Forest Ln | (936) 615-3877 |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |



Pollette, Juan <pollettej@nactx.us>

Fwd: Project #ZON2022-03. S. Steen Drive-Creek Bend Subdivision

1 message

Lewis, Rhonda <lewisr@nactx.us>
To: Juan Pollette <pollettej@nactx.us>

Wed, May 11, 2022 at 8:36 AM

*Rhonda K. Lewis
Office Assistant II
Planning & Zoning Department
City of Nacogdoches
(936) 559-2574
lewisr@nactx.us*

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

From: **Judith Cooper** <jacooper0344@gmail.com>
Date: Sat, May 7, 2022 at 1:49 PM
Subject: Project #ZON2022-03. S. Steen Drive-Creek Bend Subdivision
To: <lewisr@nactx.us>

Please seriously consider that the neighborhood within 200 feet of this proposal is now a secure area where children are free to play within this subdivision. This neighborhood is a treasure here in Nacogdoches. It is peaceful and quiet with only one entrance/exit. Ordinarily, the only people who enter here are residents or guests except for service vehicles needed to maintain homes. The properties are surrounded by vacant green areas where nature like deer, raccoons, opossums, and birds may safely live. Presently, it is not a neighborhood with criminal disturbances. With this proposed change building an apartment complex in this neighborhood would create many unpleasant issues for all concerned such as decreased property values and increased crime, etc. There are many apartment complexes from which to choose as a residence here in Nacogdoches. This proposed change doesn't appear to be positive for the neighborhood or for Nacogdoches. We have grave concerns about the continued safety in this neighborhood and those involved in making this proposed change should, too. Our vote would be a resounding "NO". Judith Cooper [4106 Royal Lane, Nacogdoches 75965](https://www.google.com/maps/place/4106+Royal+Lane,+Nacogdoches,+TX+75965)

ZON2022-03 Site Photos

Street view from Creek Bend Blvd.



Vacant fraternity house
to the southwest along S.
Steen Dr.





Sorority houses &
duplexes to the north
on N. Steen Dr.

