



July 25, 2022

Notice is hereby given of a Regular Meeting of the Planning and Zoning Commission to be held on July 25, 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, July 25, 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 July 11, 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 a request for a Specific Use Permit, to operate a Tattoo Salon/Body Piercing Studio in a B-2, General Business District, on Lots 6-A, 7 and 8, City Block 68, located at 3701, 3703 and 3705 North Street in the Northview Plaza Shopping Center. This request has been made by Steven Buelow. Case Number SUP2022-03.
6. City Council decisions on Planning & Zoning cases: On July 19, 2022 City Council took the following action on the items listed below.
 - A. Postponed to the August 16th City Council meeting: Consider a request to amend 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.
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.

CERTIFICATION

I certify that the above notice was posted on the public notice board at City Hall, 202 East Pilar Street, on Wednesday, July 20, 2022 at 5:00 p.m. I further certify that the News Media were properly notified of this

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



meeting as stated above.

Rhonda Lewis, Office Assistant II

**CITY OF NACOGDOCHES
PLANNING & ZONING COMMISSION MEETING MINUTES
JULY 11, 2022 AT 5:00 P.M.
REGULAR HYBRID MEETING**

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

Members Absent: None

Staff Present: City Planner, Alaina Helton; Planning Technician, Juan Pollette; Office Assistant, Rhonda Lewis; Planning Intern, McKenzie Rogers; City Engineer, Steve Bartlett; CEO and President of NEDCO, Larissa Philpot

Others Present: Two Fifteen Consulting, Michael Delaney; The Plant Shed, Charles Shugart; Danny Hays, KSA-Lufkin; Jonathan Landrum, Landworks Landscapes; Cindy German; Janet Fults; Christi and Kathryn Cox

1. Call to Order: Commissioner Mills called the meeting to order at 5:10 p.m.

2. Pledge of Allegiance.

3. Work Session:

A. Presentation, discussion, and possible action regarding educational series related to Economic Development and Planning.

City Planner (CP) Helton introduced Larissa Philpot, President and CEO of NEDCO. Ms. Philpot provided information on planning principals and best practices relating to long-range economic development and planning efforts.

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

There were no comments from the public.

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 June 13, 2022, Planning & Zoning Commission meeting.

Chairman Deppisch made a motion to approve the minutes as written. Commissioner Carroll seconded the motion. The minutes were approved unanimously 5-0.

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. **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.

CP Helton explained that the property owner received approval of a Specific Use Permit (SUP) for a Plant Nursery with Outdoor Sales in May, 2020. The initial application was approved with conditions, including that the applicant submit a plan to control sediment run-off, preservation of trees, and that the outdoor sales area be located close to the street.

CP Helton stated that the development was no longer in compliance with the conditions of the SUP due to the expansion of the outdoor sales area and the addition of gravel that was not shown on their building permit. CP Helton stated that the residents in this area have been experiencing drainage issues for quite some time, even before The Plant Shed was constructed. However, the additional gravel and hard surface area has created drainage issues that were not accounted for in their approved development plans. Staff proposes to amend the SUP and adopt the property owner's proposed drainage plan to remedy the issue.

Michael Delaney from Two Fifteen Consulting provided an overview of the proposed drainage improvement plan to alleviate the issues with the sediment run-off into the neighboring residential area. Mr. Delaney stated that the proposed plan will improve the drainage of the property to pre-development conditions.

Charles Shugart, owner of The Plant Shed, addressed the Commission and proposed a 6-month timeline for construction of the proposed drainage improvements.

Chairman Deppisch opened the public hearing for public comment.

Christi Cox, who resides at 3304 Colonial Drive (Lot 6, Colonial Hills Subdivision), addressed the Commission and described the drainage and sediment run-off issues she's had due to the additional improvements from The Plant Shed. Ms. Cox said that the 6-month timeline proposed by Mr. Shugart was acceptable.

Cindy German, who resides at 3308 Colonial Drive (Lot 7, Colonial Hills Subdivision), presented the Commission with photos of drainage damage on her property. Ms. German stated that 6 months was too long and the improvements should be made sooner.

Janet Fults, 3316 Colonial Drive (Lot 8, Colonial Hills Subdivision), addressed the Commission and described the drainage issues she's had due to the additional improvements from The Plant Shed.

City Engineer Bartlett addressed the Commission and clarified that run-off from The Plant Shed does not directly impact Janet Fults' property (3316 Colonial Drive), and the source of the drainage run-off her property is experiencing is coming from the commercial development located directly to the north (3211 Appleby Sand Road).

Chairman Deppisch called for a motion. Commissioner Mills made a motion to accept the amended SUP and accept the drainage plan proposed by the property owner with a timeline of 6 months to complete. Commissioner Phou seconded the motion. There was discussion amongst the Commissioners about the proposed timeline for making the drainage improvements. The motion was approved unanimously 5-0.

7. City Council decisions on Planning & Zoning cases, June 21, 2022:

- A. Denied 4-0: 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.

City Planner Helton informed the Commission that the applicant withdrew this request and has already submitted an amendment to the PD, Planned Development District.

- 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.

City Planner Helton reminded the P&Z Commission of the upcoming July 25 meeting for a Specific Use Permit for a Tattoo and Piercing Parlor. She also reminded the Commission that Staff would bring forward additional Work Session items to discuss amendments to the Zoning Ordinance.

9. Adjourned:

Meeting was adjourned at 6:57 p.m.

Ken Deppisch, Chairman

Attest: Rhonda Lewis, Office Assistant II

PRESENTER: Alaina Helton, City Planner

ITEM/SUBJECT: Public Hearing: Consider a request for a Specific Use Permit, to operate a Tattoo Salon/Body Piercing Studio in a B-2, General Business District, on Lots 6-A, 7 and 8, City Block 68, located at 3701, 3703 and 3705 North Street in the Northview Plaza Shopping Center. This request has been made by Steven Buelow. Case Number SUP2022-03.

OVERVIEW:

The request is for a Specific Use Permit (SUP) for the operation of a Tattoo Salon & Body Piercing Studio at 3701, 3703, and 3705 North Street. The property is zoned B-2, General Business and is developed as an retail shopping center with a mix of uses. Per the Zoning Ordinance, a Tattoo Salon/Body Piercing Studio is allowed in the B-2, General Business zoning district with approval of an SUP. The SUP process allows Staff, the Commission, and the City Council the opportunity to review, and impose conditions if necessary on such development.

The applicant is proposing to utilize an existing 1,800 square foot tenant space (Suite-1) in the Northview Plaza shopping center located at northwest corner of North St. and W. Parker Rd. The applicant has proposed business operating hours between 2 p.m. and 10 p.m., Tuesday through Saturday.

Adjacent Land Use & Zoning

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

Direction	Comprehensive Plan	Zoning	Land Use
North	Commercial	B-2, General Business	Commercial
South (across W. Parker St.)	Commercial	B-2, General Business	Commercial
East (across North St.)	Commercial	B-2, General Business	Commercial
West (across Pearl St.)	Single Family Residential	A, Agricultural	Agriculture

The surrounding areas are zoned and developed as commercial properties, with the exception of an agricultural property to the west across Pearl St. The Northview Plaza shopping center is made up of a mix of uses, including, retail, restaurant, indoor recreation/entertainment, office, civic, and medical uses. The proposed SUP will not change the allowed uses permitted under the current B-2 zoning district.

STAFF REVIEW:

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

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

The proposed SUP is located within one of the City's main commercial corridors, and will utilize existing 1,800 square foot tenant space that fronts North Street, with operating hours between 2 p.m. and 10 p.m. Tuesday through Saturday. There are two existing tattoo parlors along this same commercial corridor on South Street that have not appeared to impair the use of the surrounding properties.

Orderly Growth and Development: The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;

The proposed SUP is located within an existing shopping center and no new construction is proposed. There is no vacant property located adjacent to the property.

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

The subject property takes direct access from North Street, a major collector street which functions as the primary access for the property and adjacent development. The roadway is adequate to accommodate the proposed use.

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

The new use will not require a redesign of any drives or parking. The existing parking is adequate for the proposed use.

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

All activities will be limited to the interior of the buildings, with hours of operation limited to no later than 10 p.m. The proposed use should not produce any offensive odor, fumes, dust, noise, or vibration.

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

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

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

This proposed use is located within an existing commercial center and all activities will take place entirely within the structure. The property is bound by commercial development to the north, and public streets on the east, south and west.

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

Future Land Use

The 2003 Comprehensive Plan designates this area as *Commercial* on the Future Land Use Plan (FLUP). This Land Use category is defined as "Shopping and service facilities for the sale of goods and services, including small shops and larger retail stores and centers, restaurants, hotels and motels."

service stations, and various other customer-oriented establishments...Also appropriate for places worship and other nongovernment facilities where people frequently gather (private schools, lodg meeting halls).”

Staff finds that the FLUP designation is consistent with the current underlying B-2, General Busir zoning of the subject property. Approval of the SUP will not change the land uses permitted by B zoning district.

NOTICES:

Of the 15 notices mailed to property owners within the 200 foot notification area, Staff has received (1) written response in opposition of the request from the owner of a commercial property located the south side of W. Parker Rd. The stated concern of the property owner is that the proposed tattoo parlor will reduce overall tenant quality of the shopping center.

Neighborhood Input: The applicant held a neighborhood meeting for the property owners within 500 feet on July 13, 2022 to discuss and answer questions about the request. None of the surrounding property owners attended the meeting.

This zoning application was also subject to the additional noticing practices that were approved by 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.

RECOMMENDATION

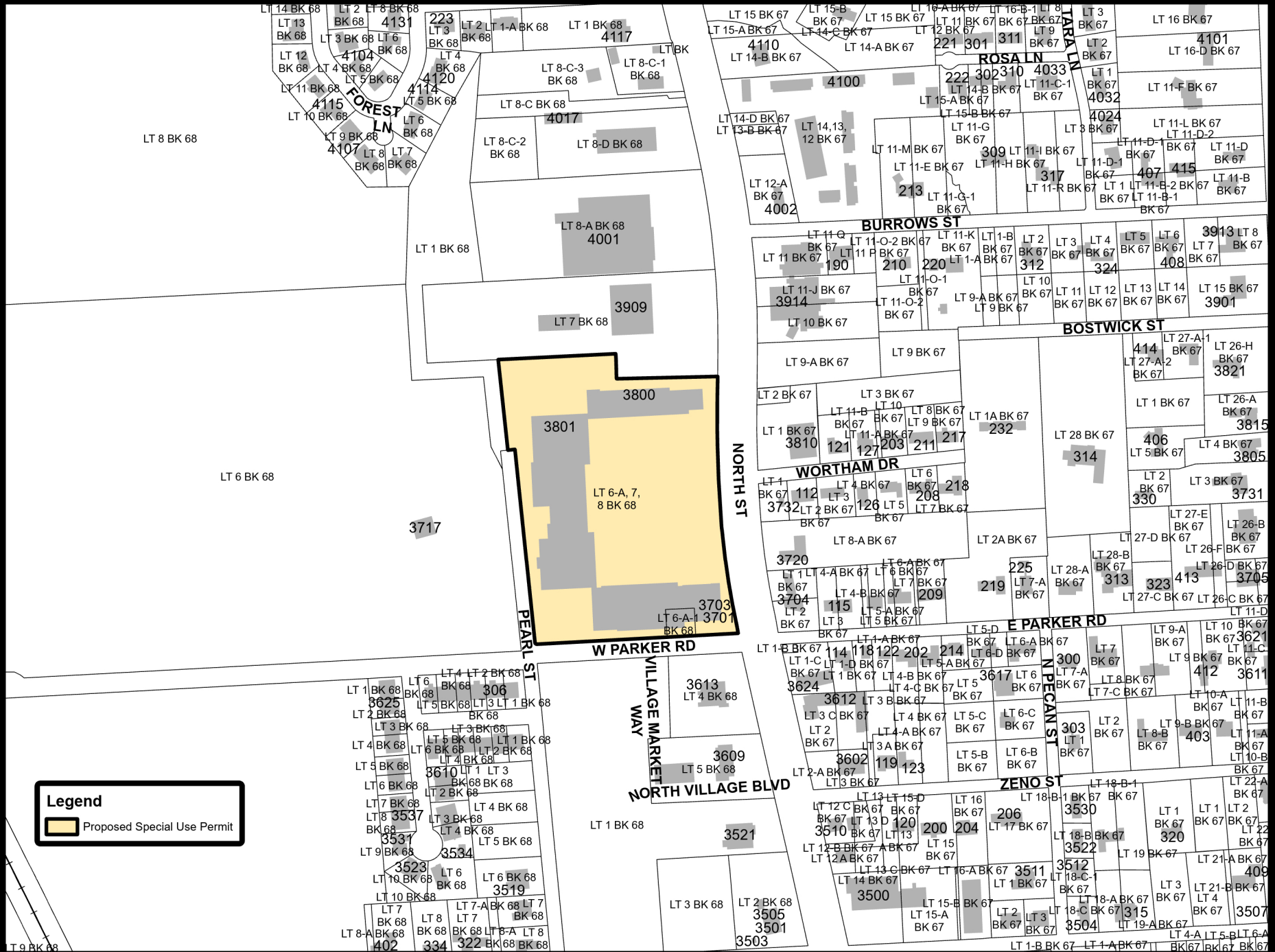
Based on the above findings, Staff recommends approval of the Specific Use Permit. This item is scheduled to be heard by City Council on Tuesday, August 2nd.

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. Response Form
6. Notification Map
7. Site Photos

SUP 2022-03



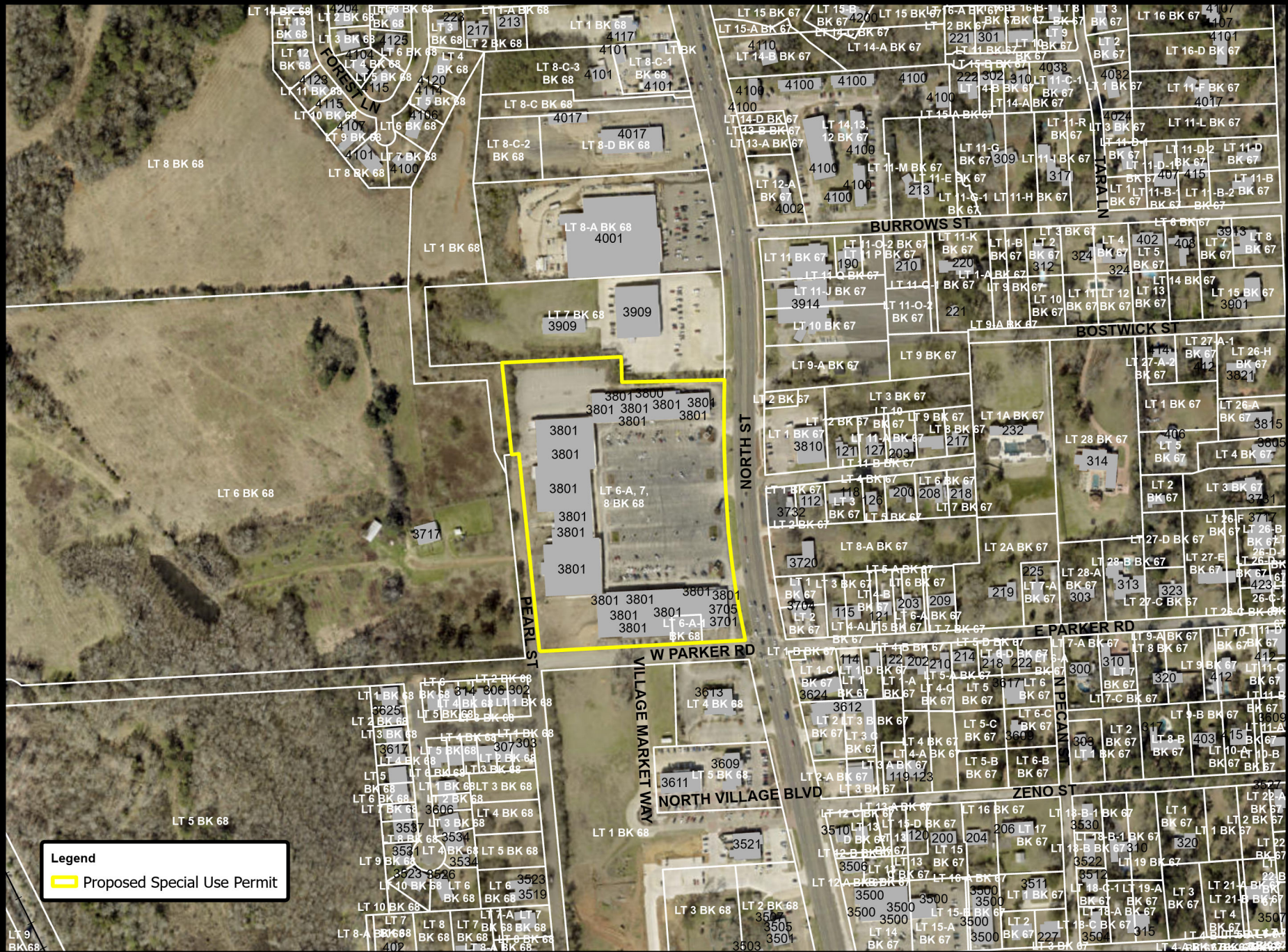
Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



0 100 200 400 Feet

Date Created: June 28, 2022 Software: ArcGIS Pro 2.9.3





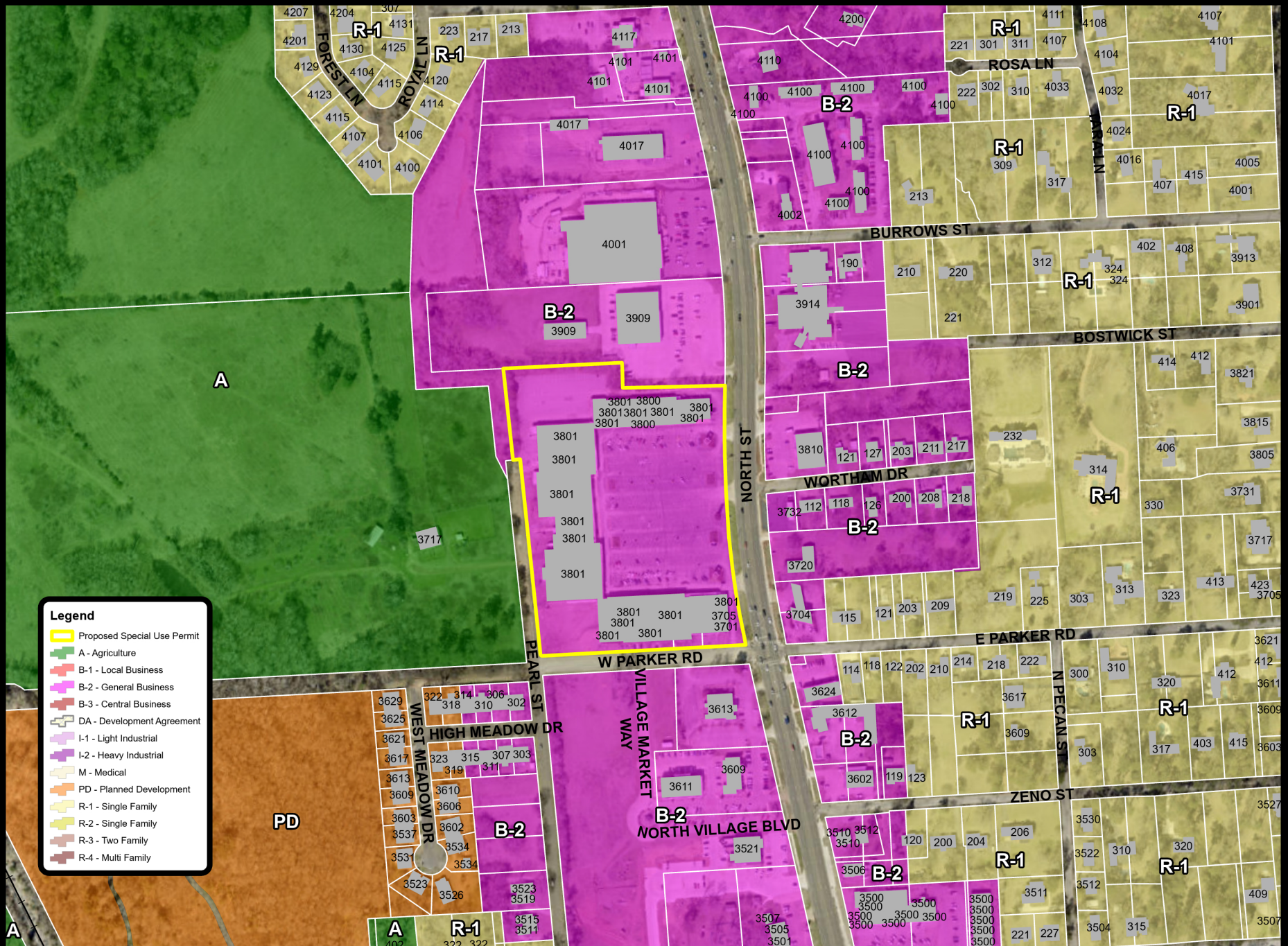
Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



0 100 200 400 Feet

Date Created: June 28, 2022 Software: ArcGIS Pro 2.9.3

SUP 2022-03



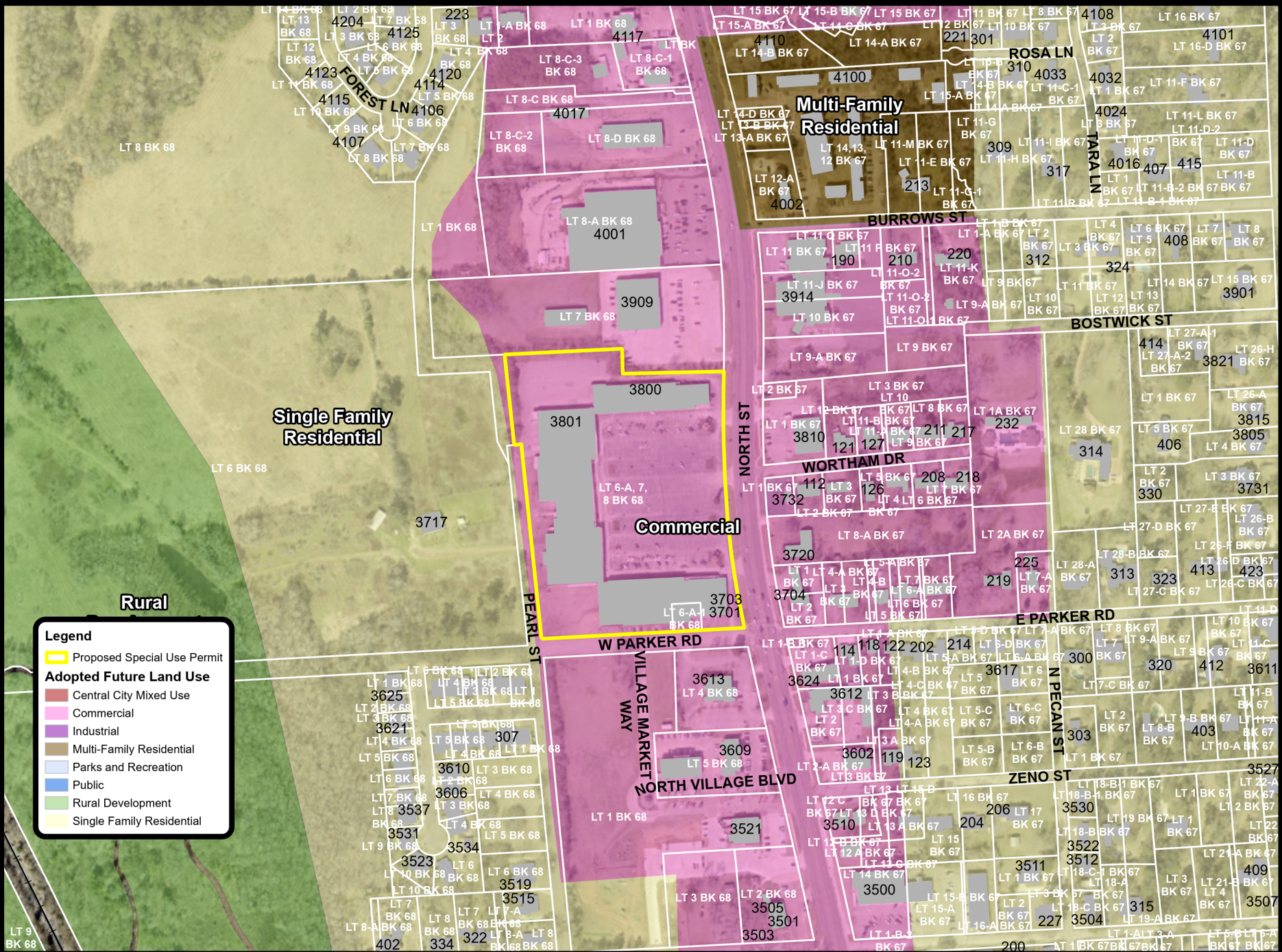
Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



0 100 200 400 Feet

Date Created: June 28, 2022 Software: ArcGIS Pro 2.9.3

SUP 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.



0 100 200 400 Feet

Date Created: June 28, 2022 Software: ArcGIS Pro 2.9.3



Response Form

Project Number: SUP2022-03

3701, 3703 & 3705 North Street, Suite 1-Northview Plaza

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: SUP2022-03

Please circle one:

☐ In favor of request

☒ Opposed to request

Comments:

We have had bad experiences with tattoo shops in the past. We have also found that it generally reduces the overall tenant quality of the shopping center. Many national tenants will not lease space next to tattoo parlors

Signature: JJ McDermott

Printed Name: JJ McDermott - Manager of THREE NAC LLC (owner)

Street Address: ~~3613 North St.~~ 3003 W Alabama St.

City, State and Zip Code: ~~Nacogdoches, TX 75965~~ Houston, TX 77098

Phone Number: 713 818 8459

Email Address: jmcdermott@streetwiseretail.com

Physical Address of Property within 200 Feet: 3613 North St. Nacogdoches, TX 75965

City of Nacogdoches

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

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

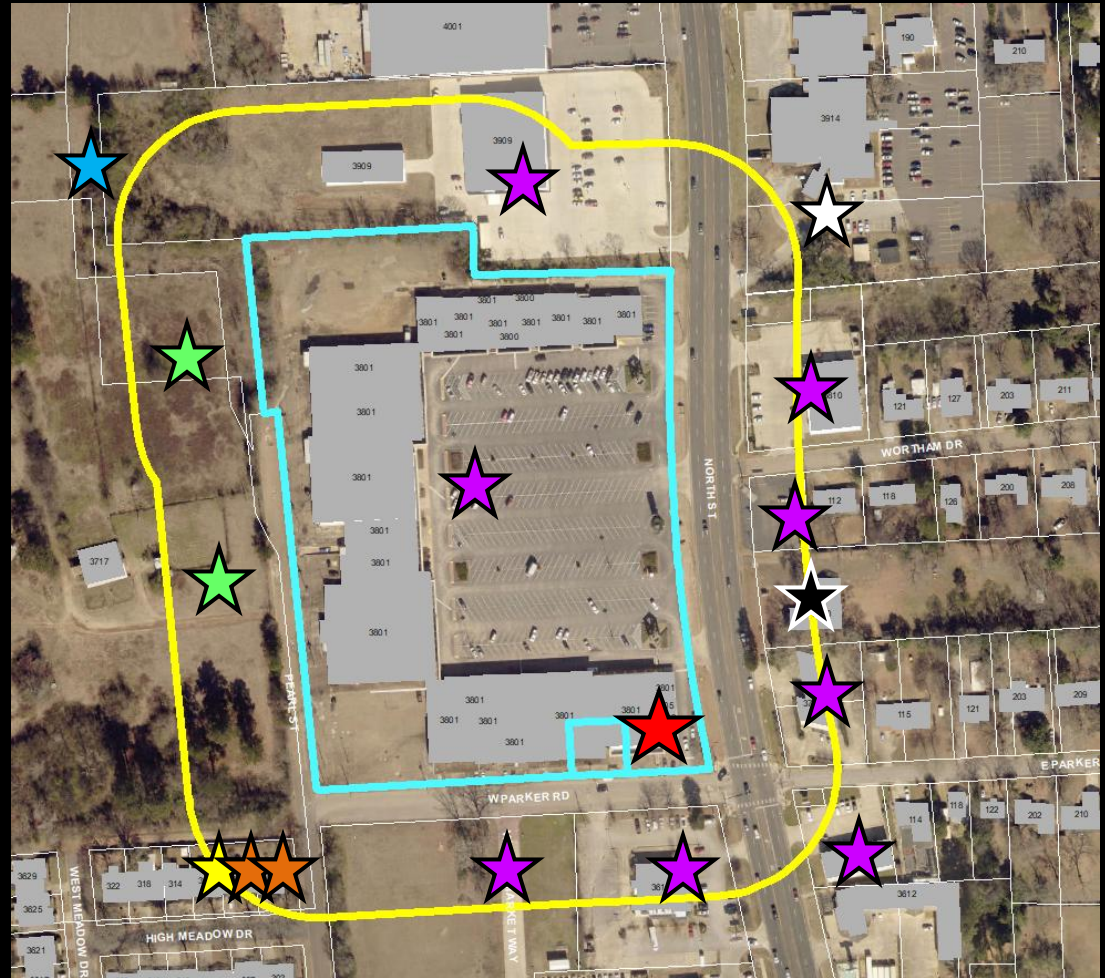
Home of Stephen F. Austin State University www.sfasu.edu

200 Foot Notification Map

Legend

-  200 Foot Buffer
-  Proposed SUP
-  Undeveloped
-  Single Family- Rental
-  Single Family- Owner Occupied
-  Agriculture
-  Commercial
-  Vacant

SUP2022-03: 3701 North St.



SUP2022-03 Site Photos



Street view from
North St.

Tenant space in
yellow



Entry & shared parking for shopping center to the north.





Commercial
properties to
the east (across
North St.)

Commercial property
to the south (across
W. Parker Rd.)

