



August 8, 2022

Notice is hereby given of a Regular Meeting of the Planning and Zoning Commission to be held on August 8, 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, August 8, 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. Administer Statement of Officer and Oath of Office for newly appointed Planning & Zoning Commission members.
4. Public service recognition to honor Commissioners' service to the citizens of Nacogdoches.
5. **WORK SESSION:**
 - A. Presentation, discussion, and possible action regarding future work sessions and an educational series related to principles and best practices of municipal planning.
6. 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.

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



7. **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 25, 2022 Planning & Zoning Commission meeting.

8. **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 Zone Change from I-2, Heavy Industrial to R-4, Multi-Family for approximately 3 acres, being a portion of Lot 5 of the OTR Place Subdivision, generally located on the west side of Old Tyler Road, approximately 850 feet north of Powers Street. This request has been made by Universal Construction & Remodeling, LLC. Case Number ZON2022-07.

9. City Council decisions on Planning & Zoning cases: On August 2, 2022 City Council took the following action on the items listed below.

- A. Approved 4-0: Specific Use Permit to operate a Tattoo & 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.

10. 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.

11. 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, August 3, 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 OF NACOGDOCHES
PLANNING & ZONING COMMISSION MEETING MINUTES
JULY 25, 2022 AT 5:00 P.M.
REGULAR HYBRID MEETING**

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

Members Absent: Shannon Conklin

Staff Present: City Planner, Alaina Helton; Planning Technician, Juan Pollette; Office Assistant, Rhonda Lewis;

Others Present: Steven Buelow

- 1. Call to Order:** Chairman Deppisch called the meeting to order at 5:02 p.m.
- 2. Pledge of Allegiance.**
- 3. Open Forum:** Chairman Deppisch opened the floor for public comment.

There were no comments from the public.

- 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 July 11, 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 4-0.

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. 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.

City Planner (CP) Helton presented this item to the Commission and stated that the proposed use is allowed with the approval of a Specific Use Permit (SUP) with the current zoning being B-2, General Business. CP Helton clarified the operating hours for the studio, and stated that 15 notices were sent with one response received in opposition of the request. CP Helton stated that staff recommends approval of the request with the hours of operation proposed by the application.

Chairman Deppisch opened the floor for public comment.

There were no comments.

Chairman Deppisch called for a motion. Commissioner Phou made a motion to approve the request and Chairman Deppisch seconded the motion. The request was approved unanimously 4-0.

6. City Council decisions on Planning & Zoning cases: On July 19, 2022, city council took the following action on the item listed below:

- A. Case number SUP2020-03, Postponed to the August 16 City Council meeting.

CP Helton informed the Commission that City Council did not have a quorum to take action on this item.

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.

CP Helton reminded the P&Z Commission of the swearing in of two new Commissioners on August 8, 2022. Commissioners Mills and Deppisch will be presented with plaques in appreciation for their service to the City and the public. There will also be a work session to discuss future topics in the educational series.

8. Adjourned:

Meeting was adjourned at 5:14 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 Zone Change from I-2, Heavy Industrial to R-4, Multi-Family for approximately 3 acres, being a portion of Lot 5 of the OTR Place Subdivision, generally located on the west side of Old Tyler Road, approximately 850 feet north of Powers Street. This request has been made by Universal Construction & Remodeling, LLC. Case Number ZON2022-07.

OVERVIEW:

The request is for a zone change from I-2, Heavy Industrial to R-4, Multi-Family for approximately 3 acres of the northern portion of Lot 5, of the OTR Place Subdivision. The majority of the 7-acre tract is already zoned R-4, and the applicant has stated that they would like to have a consistent zoning across the entire tract for a future residential development. The R-4, Multi-Family Dwelling District is intended for higher density residential areas which may contain a mixture of single-family, two-family, and multiple-family dwellings.

Adjacent Land Use & Zoning

The subject property is zoned I-2, Heavy Industrial and is currently undeveloped. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North	Single Family Residential & Rural Development	I-2, Heavy Industrial	Undeveloped
South	Single Family Residential	R-4, Multi-Family	Single Family & Undeveloped
East (Across Old Tyler Rd.)	Rural Development	I-2, Heavy Industrial	Vacant & Residential
West	Single Family Residential	R-4, Multi-Family	Undeveloped

This area is primarily zoned R-4, Multi Family and I-2, Heavy Industrial, with the majority of the surrounding property being undeveloped or sparsely populated. The property to the north is zoned I-2, Heavy Industrial and is part of a 30-acre conservation and preservation lot. Property to the east across Old Tyler Rd. is zoned I-2, Heavy Industrial and developed with a few single family residences and a vacant commercial tract. Property to the south is zoned R-4, Multi Family and includes a single family residence and an undeveloped tract. The property to the west is zoned R-4, and includes the remainder of the 30-acre conservation lot referenced above.

STAFF REVIEW:

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

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

The subject property is part of a larger 7-acre tract, with approximately 4 acres currently zoned R-4 Multi Family. Property to the south and west is also zoned R-4, including a 30-acre conservation and preservation lot that is intended to be maintained in its natural state. This conservation lot also serves as a natural buffer for the existing single family residences that front N. Sanders St. farther to the west. While the property to the north is zoned I-2, it is significantly encumbered by a tributary of Banita Creek and FEMA regulated floodplain, rendering it undevelopable. The property is bounded by Old Tyler Rd. to the east. Staff finds that the request should not significantly impair the property values, or use and enjoyment of property in the immediate vicinity. This request also provides additional housing in close proximity to a public school, with Brooks-Quinn-Jones Elementary located to the west along N. Sanders St.

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

Property to the north and west is part of a 30-acre conservation lot that is intended to be maintained in its natural state, with property to the north also being encumbered with significant floodplain. The property is bound by Old Tyler Rd. to the east, and property to the south has direct access to Old Tyler Rd. The rezoning would not impede the orderly growth of adjacent properties.

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

The subject property has approximately 1,000 feet of frontage along Old Tyler Rd. The property has access to public utilities, with an 8-inch water main and 6-inch sewer main located along Old Tyler Rd.

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

Future development will meet all current driveway and parking requirements.

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

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

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

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

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

Single family and duplex construction is not subject to commercial district landscaping

requirements. If the owner decides to construct a multifamily structure, commercial district landscaping and residential screening requirements will apply.

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

Future Land Use

Per the 2003 Comprehensive Plan, the Future Land Use Plan (FLUP) Map designates the subject property as *Single Family Residential*. This FLUP category is described as, “Conventional one-family detached dwellings (also includes duplexes).” While the subject property has a FLUP designation of Single Family Residential, the current zoning in the area includes a mix of both high density residential and industrial districts. Additionally, the Comprehensive Plan states that the FLUP Map “*is not a rigid, parcel-specific mandate for how land should be developed... and when proposed development differs somewhat from the generalized land use pattern depicted for an area, it is the responsibility of the P&Z Commission, supported by City staff, to determine whether the development will otherwise be in keeping with the goals and objectives of the City’s Comprehensive Plan, as well as the Land Use Policies included later in this chapter.*”

Thoroughfare Plan

Old Tyler Road is a collector road that serves as direct access for the other residential uses in the area. The roadway is adequate to accommodate the nature and volume of traffic typically generated by the proposed use.

Land Use Policies, Goals & Objectives

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

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

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

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

NOTICES:

10 notices were mailed to property owners within the 200-foot notification area. As of the date of this report, Staff has not received any written responses in opposition or in favor of the zone change request. This zoning application was also subject to the additional noticing practices that were approved by City Council in 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.

Staff Recommendation

Based on the above findings, Staff recommends approval of a change of zoning for the subject property from I-2, Heavy Industrial to R-4, Multi Family. This item is scheduled to be heard by

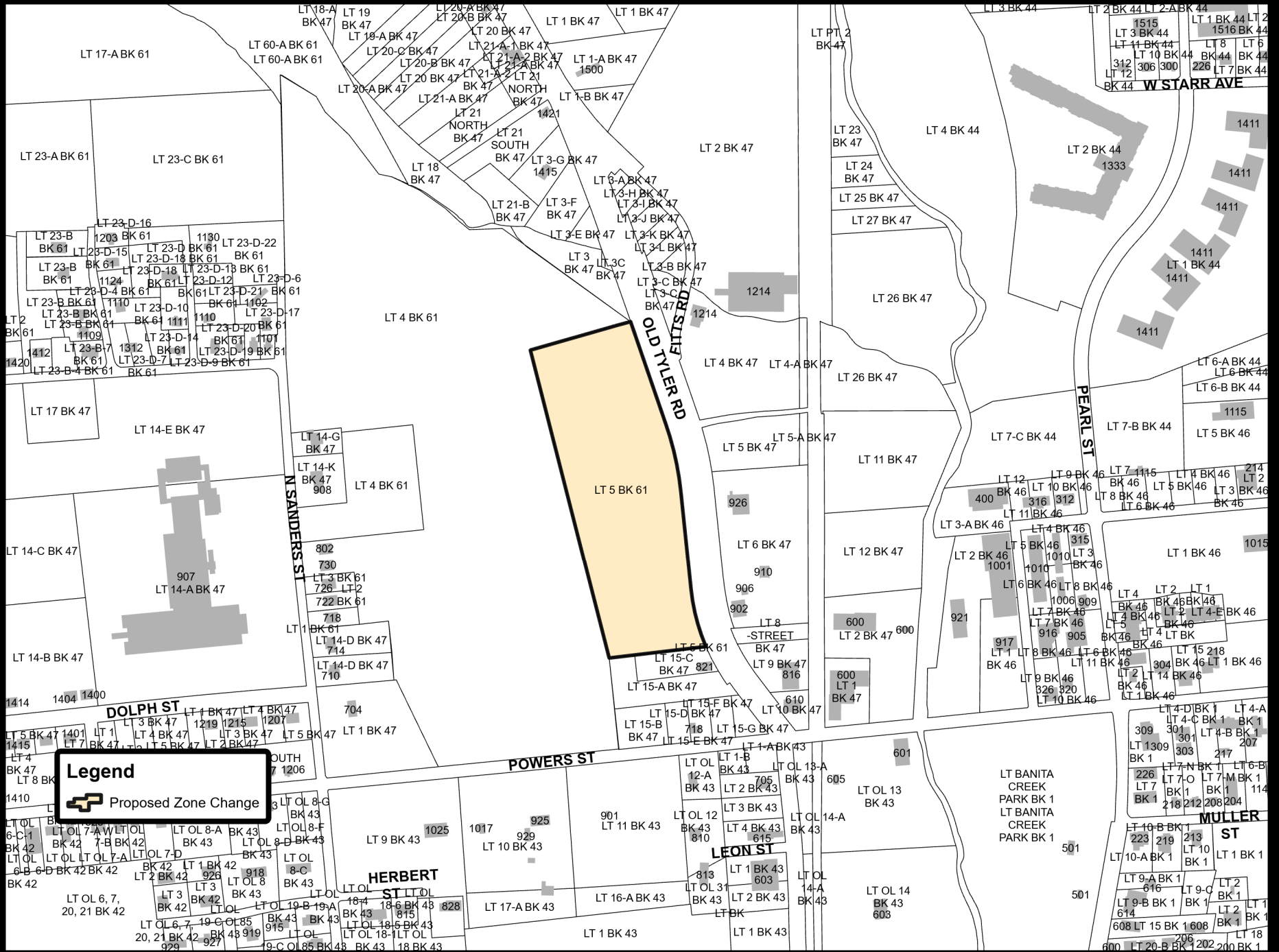
City Council on Tuesday, August 16th.

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

ATTACHMENTS:

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

ZON 2022-07



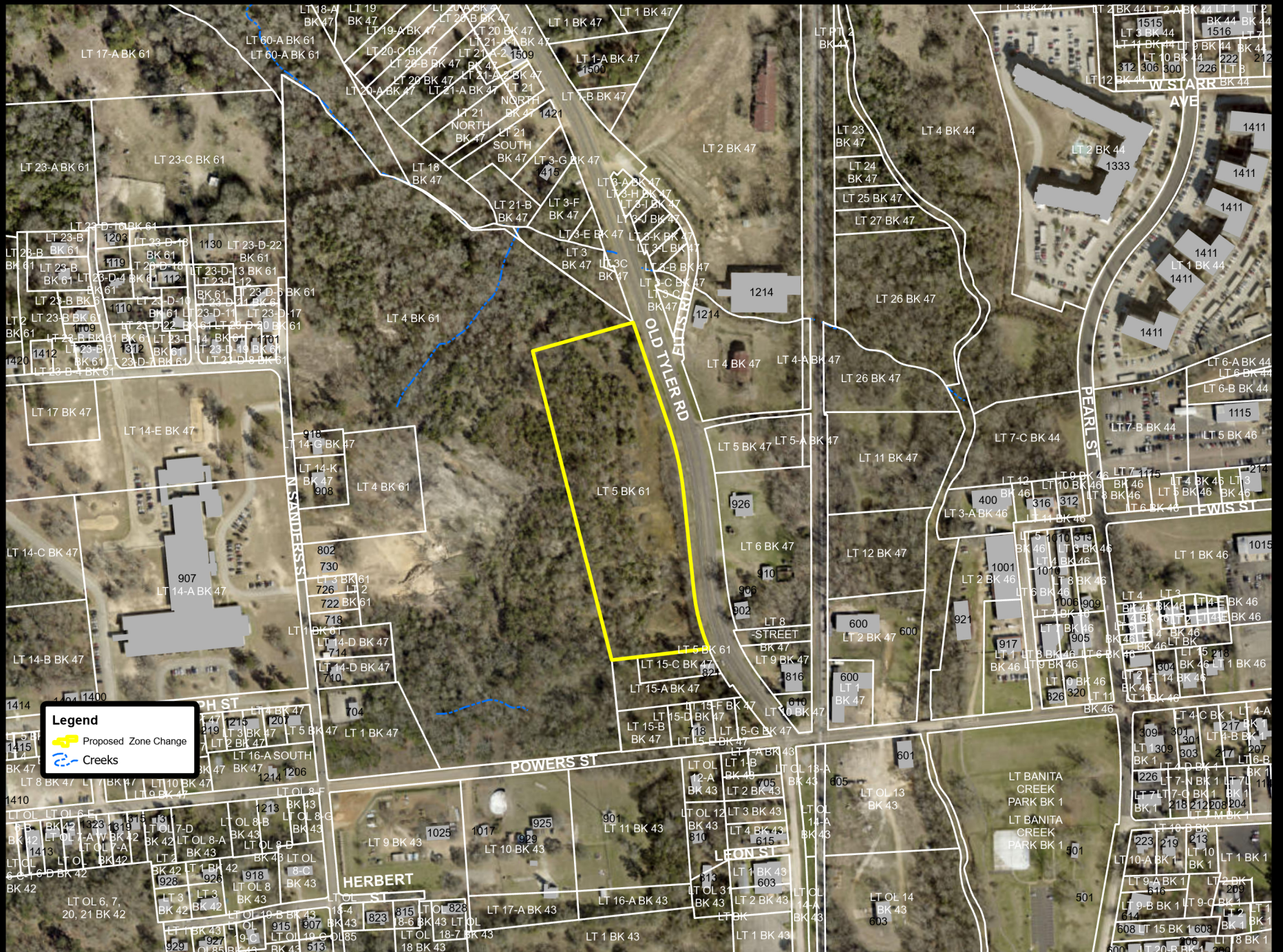
Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



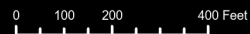
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ZON 2022-07



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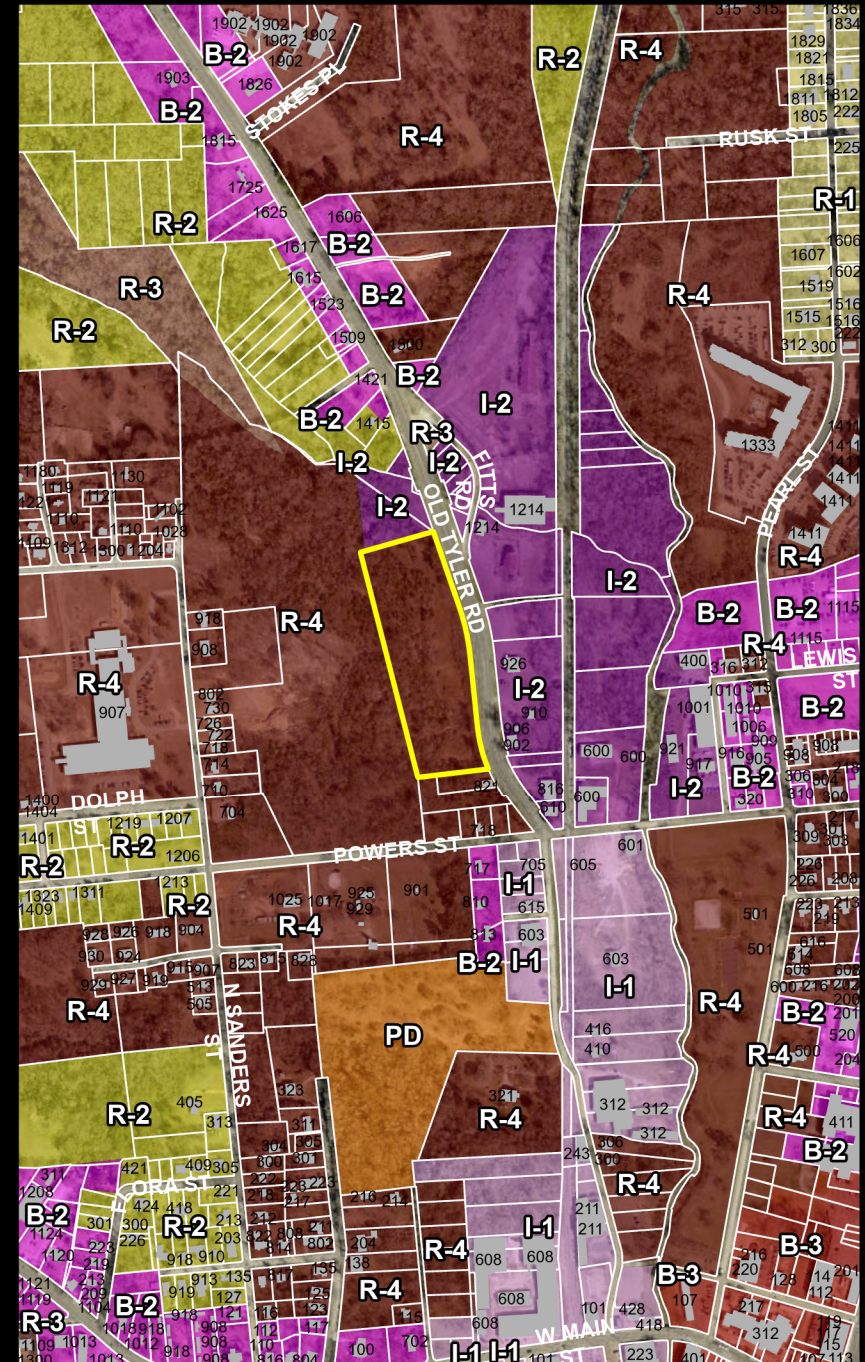
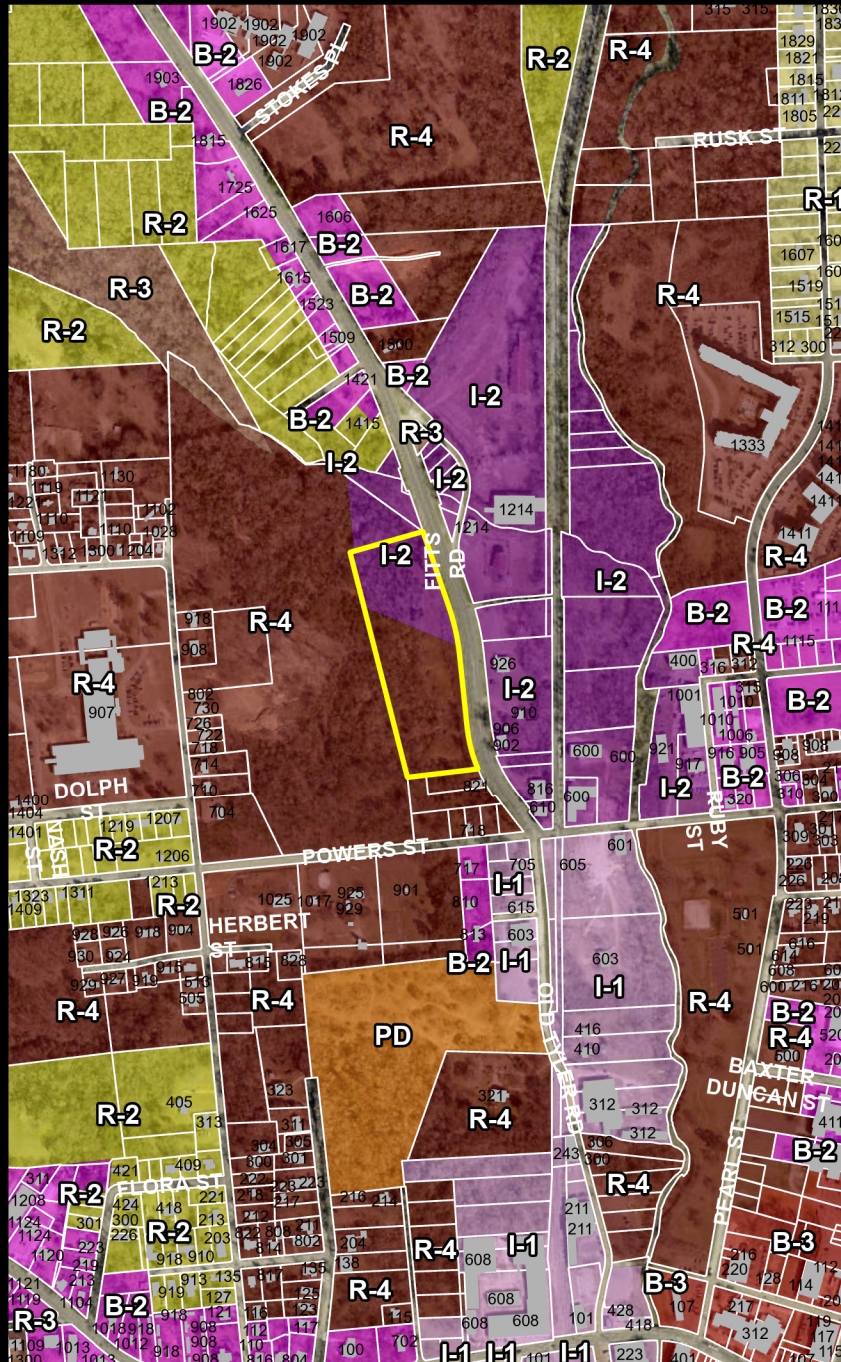


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Existing Zoning

ZON 2022-07

Proposed Zoning



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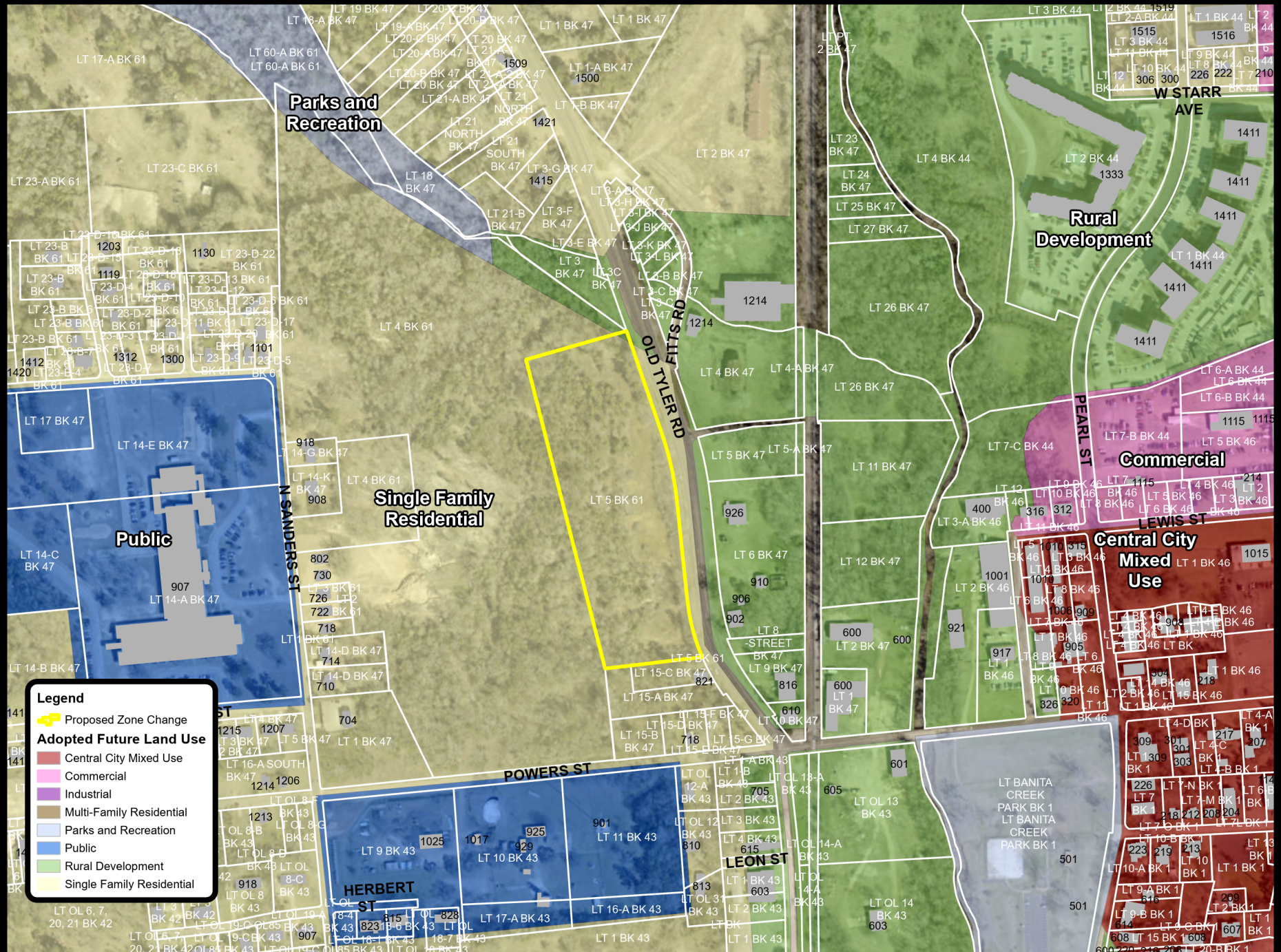


Date Created: July 21, 2022 Software: ArcGIS Pro 2.9.3

0 200 400 800 Feet



ZON 2022-07



Legend

- Proposed Zone Change
- Adopted Future Land Use**
 - Central City Mixed Use
 - Commercial
 - Industrial
 - Multi-Family Residential
 - Parks and Recreation
 - Public
 - Rural Development
 - Single Family Residential

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Date Created: July 20, 2022 Software: ArcGIS Pro 2.9.3



ZON2022-07: Site Photos



Street view
from Old Tyler
Rd.





Street view looking
south along Old
Tyler Rd.

Street view looking
north along Old
Tyler Rd.



Vacant commercial
buildings across Old
Tyler Rd.

Residential
buildings across
Old Tyler Rd.

