



September 12, 2022

Notice is hereby given of a Regular Meeting of the Planning and Zoning Commission to be held on September 12, 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, September 12, 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 and discussion regarding an overview of various elements of the Texas Open Meetings Acts and cities' police powers related to the regulation of land use and development as outlined in the Texas Local Government Code.

B. Presentation and discussion regarding Chapter 4 (Environment and Natural Resources) of the 2003 Nacogdoches Comprehensive Plan, and the City of Nacogdoches ordinances and regulations related to development in the FEMA-regulated floodplain.

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.

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. **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 August 22, 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. **Public Hearing:** Consider a request for a Specific Use Permit, to operate a Tattoo Salon in a B-2, General Business District, on Lots 11-J-1 and 11-J-15, of the North Loop Business Park Subdivision, located at 5016 Justin Street. This request has been made by Krysta Robertson. Case Number SUP 2022-04.

7. City Council decisions on Planning & Zoning cases: On September 6, 2022 City Council took the following action on the item listed below.

- A. Approved 5-0: Amend the Development Plan of a Planned Development District 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 Dr. and Creek Bend Blvd.

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, September 7, 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
AUGUST 22, 2022 AT 5:00 P.M.
REGULAR HYBRID MEETING**

Members Present: Shannon Conklin; Ruth Carroll; Lily Phou; Margaret Forbes (via Google Meet), and Matthew Perry

Members Absent:

Staff Present: City Planner, Alaina Helton; Planning Technician, Juan Pollette; Office Assistant, Rhonda Lewis; City Engineer, Steve Bartlett; Applicant, Makhani (Mike) Ali; and Mario Wesley

Others Present: Jim Flaming; James Aston; Clarence Riddle; Jo Johnston; David Henson; Jenny Henson; Jeff Lengli; Kathy Redman; Vicki Lunell; and KeiAndré Haywood

1. Call to Order: Chairman Conklin called the meeting to order at 5:02 p.m.

2. Pledge of Allegiance:

3. Open Forum: Chairman Conklin 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 August 8, 2022, Planning & Zoning Commission meeting.

Chairman Conklin called for a motion to approve the minutes as written. Commissioner Phou made a motion to approve and Commissioner Carroll seconded the motion. The minutes were approved unanimously 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. Public Hearing:** Consider a request for a Zone Change from A, Agricultural to R-4, Multi Family for approximately 18 acres, being Lots 10-A and 12, City Block 50, generally located at the southwest corner of W. Austin St. and Pearl St. This request has been submitted by Z Prepay Communications Services, LLC. Case File ZON2022-08.

City Planner (CP) Helton presented this item to the Commission and stated that Staff received an additional five (5) responses from the public and would address those comments and questions. CP Helton stated that the area has a mix of uses and zoning districts, with the area being primarily high density residential. CP Helton stated that the city's Floodplain Ordinance does not permit development in the floodway; however, limited development is permitted within the floodplain including parking, site improvements and some habitable structures built one foot above the base flood elevation. At the request of Staff, the applicant has agreed to the condition of limited development in the floodplain, including no vertical structures, if the request is approved.

CP Helton introduced City Engineer (CE) Steve Bartlett, to clarify the city's floodplain restrictions. CE Bartlett explained to the Commission that vertical structures are restricted from the floodway.

Chairman Conklin asked if there were any questions from the Commission.

Commissioner Forbes inquired about the sidewalks in the area and the development of walkability; she inquired about the access from Pearl St.; the comments made by residents at the neighborhood meeting; how the request is consistent with the Comprehensive Plan and the Future Land Use Plan.

CP Helton stated that several of the questions and comments posed at the neighborhood meeting were of similar nature and that Staff would provide additional detail if needed. Regarding the Comprehensive Plan, CP Helton explained that if the zone change request is not consistent with the Future Land Use Map, then the applicant is required to submit a letter stating why the area should be zoned different from Future Land Use Plan.

Commissioner Forbes asked about environmental reviews and environmental impacts on Banita Creek.

CP Helton introduced the applicant to address questions. The applicant clarified the entry and exit access on Austin Street and a single access point on Pearl St. In addition, there is an existing walking track shown on the proposed concept plan. He also clarified that there will be no structures in the floodway area. Mr. Ali stated that he conducted a standard environmental study.

Commissioner Forbes asked if the parking lot would require fill. CE Bartlett stated the parking lot would follow the City guidelines and permitting standards for fill in this area. Nothing is required by FEMA.

Commissioner Forbes asked if there were any storm water retention required.

CP Helton stated that onsite storm water retention would be required.

Commissioner Phou asked the applicant when the market data for the project was performed and who conducted the study.

The applicant stated the data was collected from the ESRI online database and was collected 2-3 months prior.

Commissioner Phou asked about the applicant's interest in Nacogdoches.

The applicant stated that he has participated in several commercial developments in the city.

Commissioner Phou asked if the applicant would consider a Planned Development (PD) district by submitting a formal development plan.

The applicant stated he would provide anything the R-4, Multi Family district requires.

Chairman Conklin asked when the applicant would start construction.

The applicant stated in February 2023, and construction would take close to 18 months to complete

Chairman Conklin opened the floor for public comment.

Jim Flaming asked what type of construction and aesthetics would be utilized, who would manage the building, and if the applicant was receiving tax incentives.

CP Helton stated that the applicant is not receiving any incentives from the City.

David Henson stated he would like to see better access onto Pearl Street.

Jeff Lengl commented that he thinks the residents living very close to the development would be affected greatly by the project.

Clarence Riddle stated that there has been an escalation in crime in the area.

The applicant stated that the development would be very secure and that the project would be good for the area and help motivate the surrounding apartment owners to upgrade their properties.

Jenny Henson commented on the parking within the floodplain.

Jo Johnston asked if Union Pacific is aware of the project and how many units are proposed.

The applicant stated that 100 units are proposed.

Vicki Lunell commented on the beauty of the area including the creek and the recreation in Nacogdoches.

Chairman Conklin closed the public hearing and called for a motion on the item. Commissioner Forbes made a motion to postpone the request until the regular P&Z meeting on October 10, 2022 to explore additional ways the creek and floodplain can be protected. Commissioner Phou seconded the motion. Commissioner Carroll made a motion to amend the postponement to September 26, 2022 and the motion was seconded by Chairman Conklin. The motion to postpone this item to the September 26, 2022 Planning & Zoning Commission was approved 4-1, with Commissioner Conklin dissenting.

- C. **Public Hearing:** Consider a request to amend the Development Plan of a Planned Development District 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 Dr. and Creek Bend Blvd. This request has been submitted by SFA Creek Bend Homes, LLC. Case File PD2022-03.

CP Helton stated that this property was presented to the Commission in August for a zone change request from PD, Planned Development to R-4, Multi Family, and at that time the applicant was requested to keep the property as PD and amend the Development Plan.

CP Helton stated that the applicant is proposed to amend the PD Development for the 3 acres to allow for the construction of four (4) duplex buildings.

Commissioner Forbes asked about the trees on the site plan. CP Helton stated they are existing trees.

The applicant, Mario Wesley, stated that the development would leave any mature trees as a natural buffer.

Chairman Conklin opened the floor for public comment.

Mr. Cuy stated he and his company did not want HUD housing in the area.

Chairman Conklin closed the public hearing and called for a motion. Commissioner Phou made a motion to approve the request as presented as the motion was seconded by Commissioner Perry. The motion was approved unanimously 5-0.

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

- a. Approved 4-0: 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.

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.

There were none.

8. Adjourned:

Meeting was adjourned at 6:55 p.m.

Shannon Conklin, 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 in a B-2, General Business District, on Lots 11-J-1 and 11-J-15, of the North Loop Business Park Subdivision, located at 5016 Justin Street. This request has been made by Krysta Robertson. Case Number SUP 2022-04.

OVERVIEW:

The request is for a Specific Use Permit (SUP) for the operation of a Tattoo Salon at 5016 Justin Street. The property is zoned B-2, General Business and is developed as a Beauty Parlor. Per the Zoning Ordinance, a Tattoo Salon is allowed in the B-2, General Business zoning district with approval of an SUP. The SUP process allows City 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 200 square foot tenant space in the Special FX Hair Salon located at 5016 Justin Street. The applicant has proposed that all tattoo services will be by appointment only, with business operating hours between 9 a.m. and 5 p.m., Tuesday through Friday, and from 10 a.m. to 2 p.m. on Saturdays. The Tattoo Salon will be closed on Sunday and Monday.

Adjacent Land Use & Zoning

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

Direction	Comprehensive Plan	Zoning	Land Use
North	Commercial	B-2, General Business	Commercial
South	Commercial	B-2, General Business	Undeveloped
East	Commercial	I-1, Light Industrial	Commercial
West (across Justin St.)	Commercial	B-2, General Business & PD, Planned Development	Commercial & Single Family

The surrounding areas are zoned and developed as commercial properties, with the exception of a single family Planned Development to the northwest. Commercial uses in the area include retail, restaurant, and offices. 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 an existing 200 square foot tenant space that fronts Justin Street, with all tattoo services provided by appointment only and the following operating hours: 9 a.m. to 5 p.m., Tuesday through Friday, and 10 a.m. to 2 p.m. on Saturdays. There are two existing tattoo parlors 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 Beauty Parlor and no new construction is proposed. There are two vacant lots located to the south 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 Justin Street, a minor collector street which functions as 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 5 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 property and all activities will take place entirely within the structure. The property is bound by commercial development to the north, east and west and by public streets on the west and south. All of the required commercial district landscaping was installed with the construction of the Beauty Parlor.

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 of worship and other nongovernment facilities where people frequently gather (private schools, lodges, meeting halls)."

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

NOTICES:

Of the 15 notices mailed to property owners within the 200 foot notification area, Staff has received one (1) written response in support of the request from the owner of a commercial property located on the west side of Justin Street.

Neighborhood Input: The applicant held a neighborhood meeting for the property owners within 500 feet on August 10, 2022 to discuss and answer questions about the request. Five (5) of the surrounding property owners attended the meeting. All of the attendees were from the single family community located northwest of the subject property. There was general discussion regarding potential increases in traffic and the operations of the business. The residents were generally supportive of the SUP with the restrictions on operating hours outlined above.

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

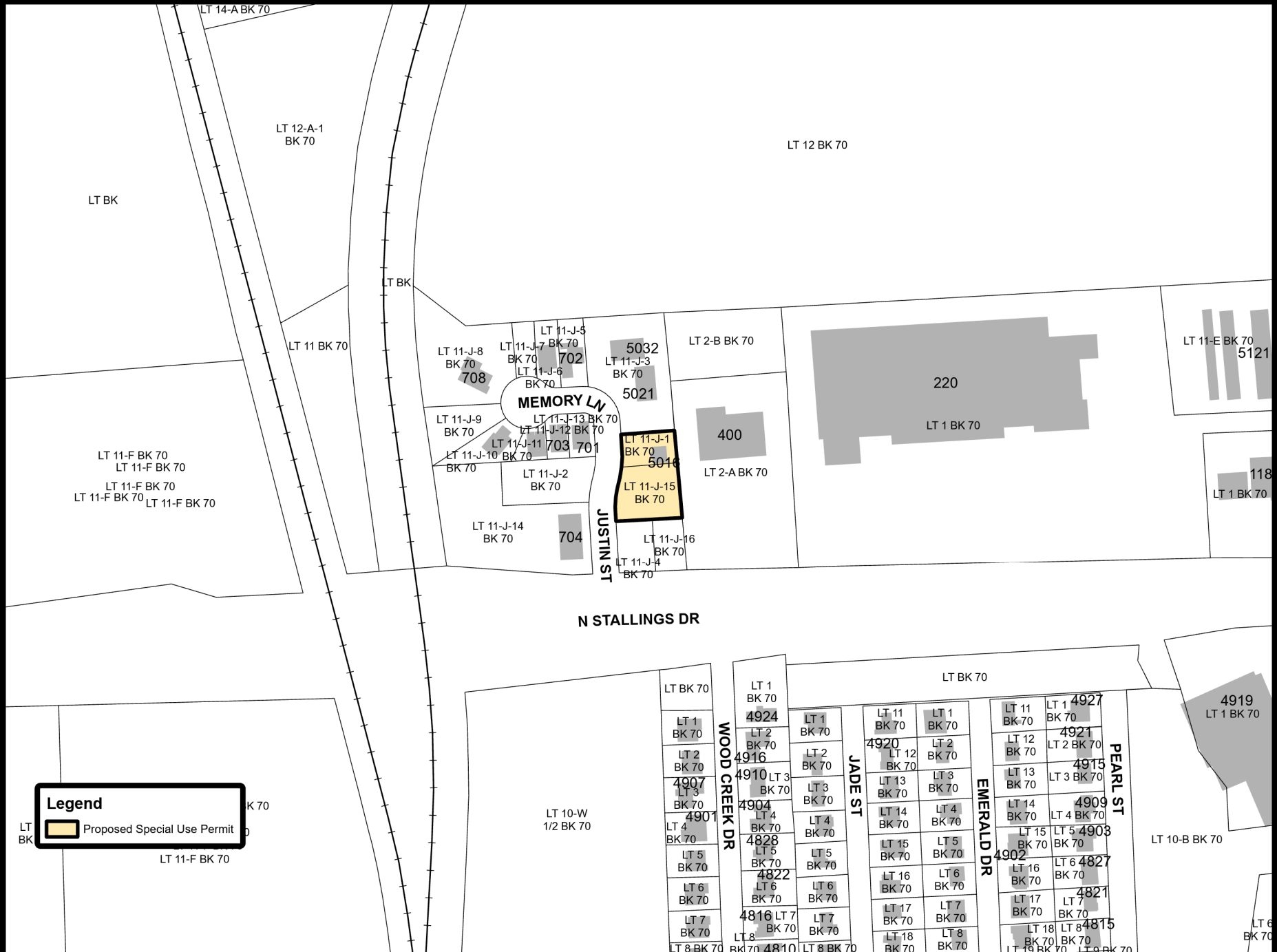
RECOMMENDATION:

Based on the above findings, Staff recommends approval of the Specific Use Permit, with the conditions that all tattoo services will be by appointment only, with business operating hours between 9 a.m. and 5 p.m., Tuesday through Friday, and from 10 a.m. to 2 p.m. on Saturdays. This item is scheduled to be heard by City Council on Tuesday, October 11th.

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

ATTACHMENTS:

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



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 75 150 300 Feet

Date Created: August 23, 2022 Software: ArcGIS Pro 2.9.4

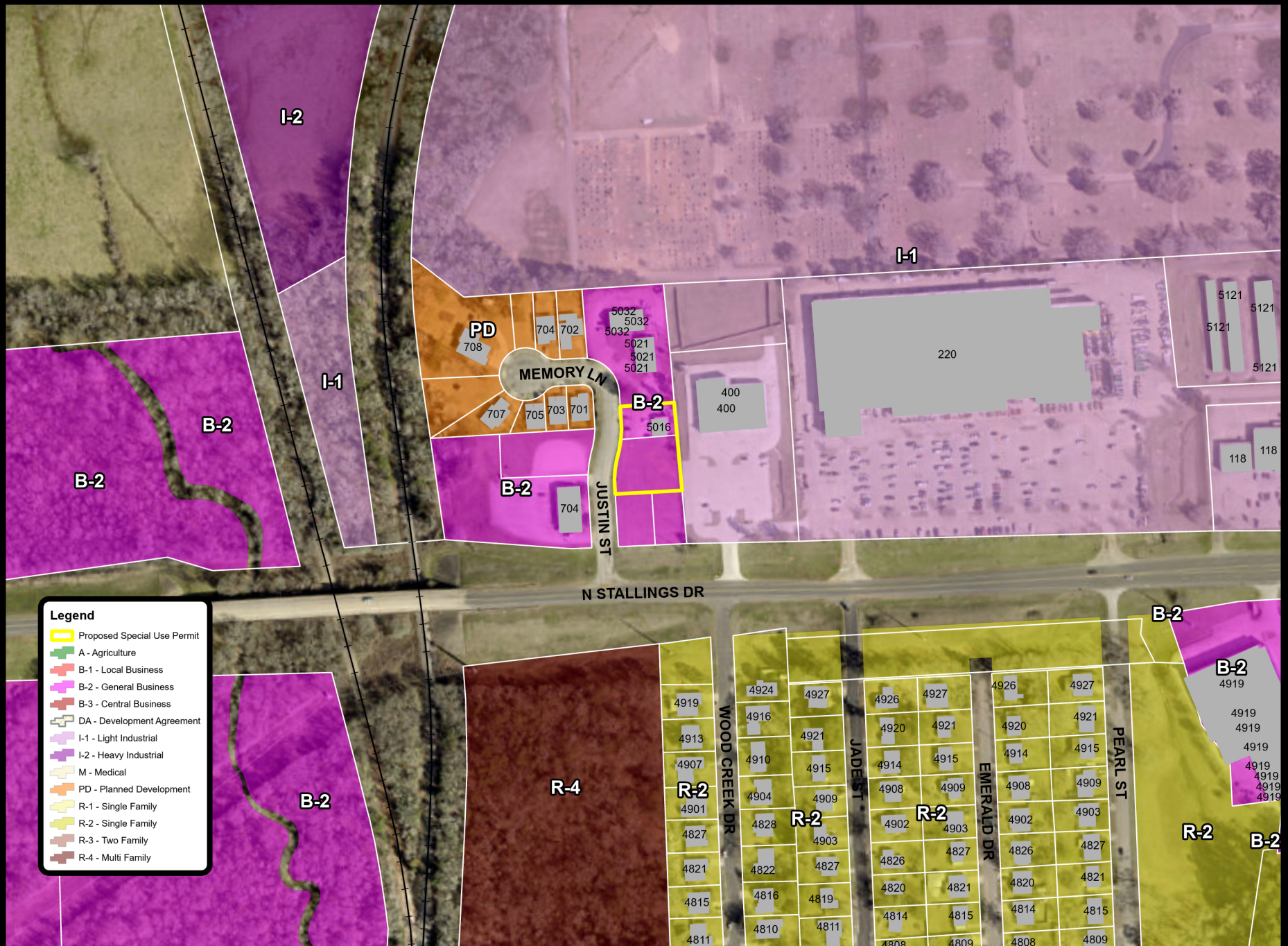


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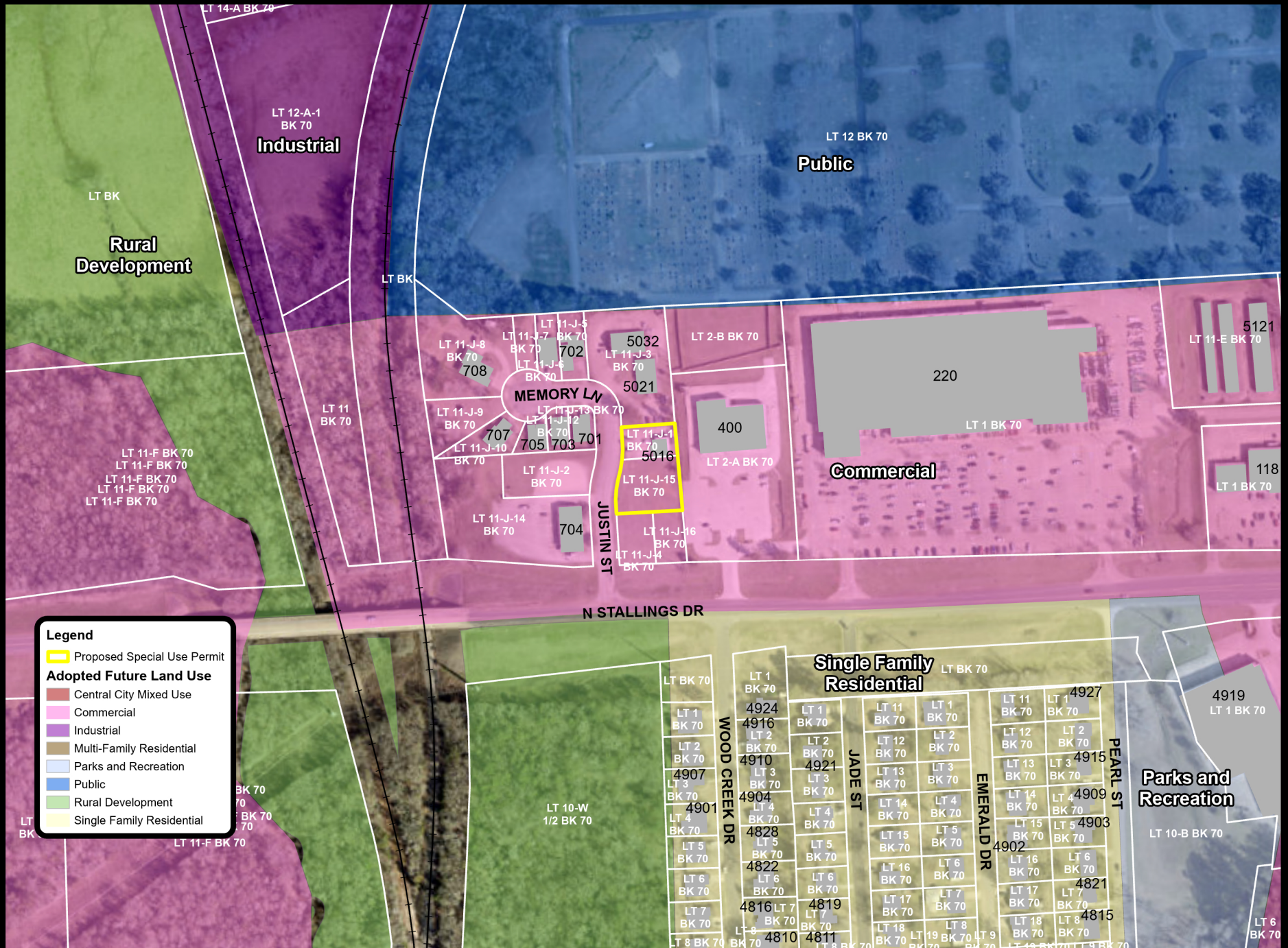
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200 Foot Notification Map

Legend

 200 Foot Buffer

 Proposed SUP

 Undeveloped

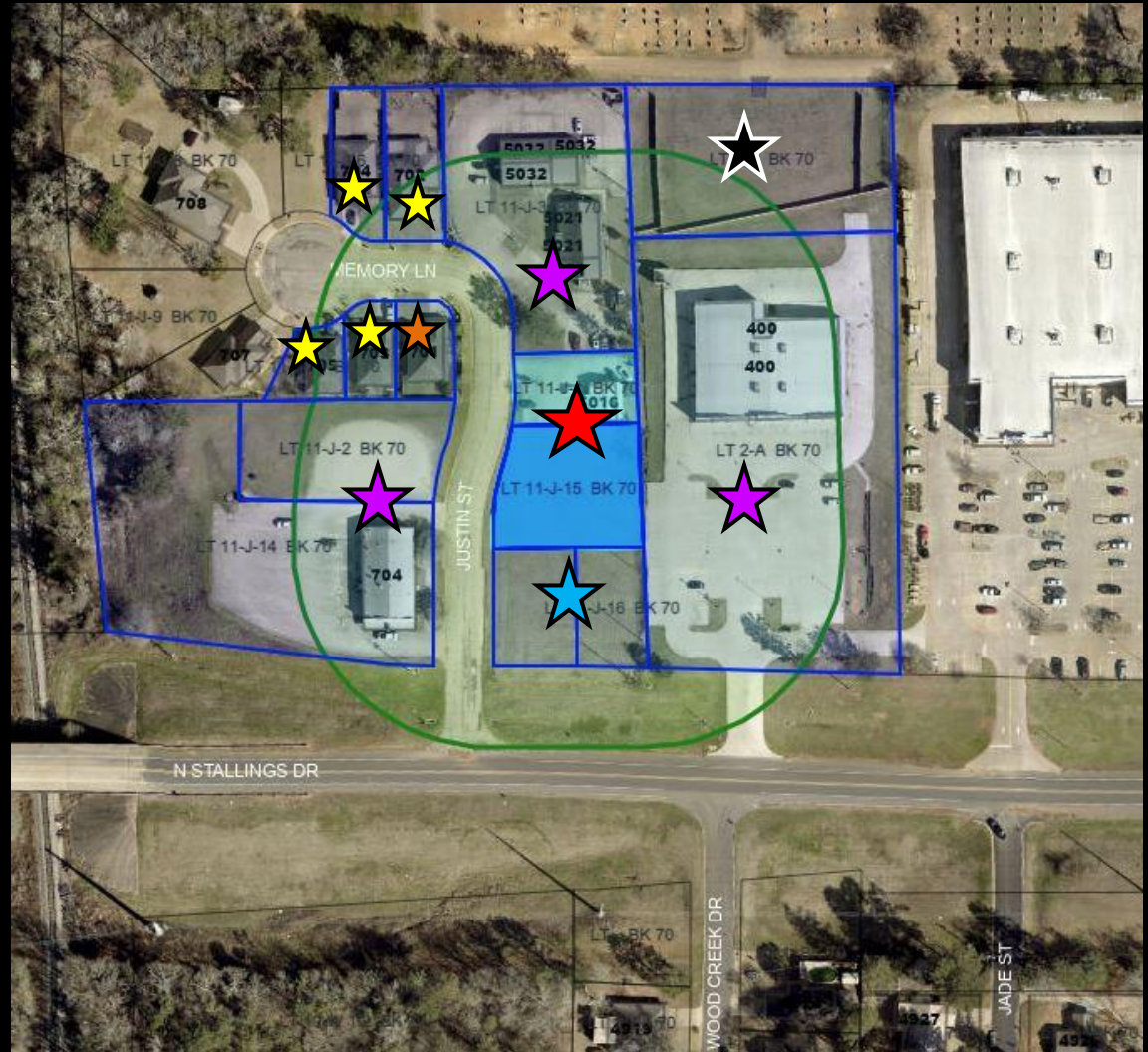
 Single Family- Rental

 Single Family-
Owner Occupied

 Commercial

 City Property

SUP2022-04: 5016 Justin St.



Project Number: SUP2022-04

Please circle one:

☒ In favor of request

☐ Opposed to request

Comments:

Signature: John McClellan

Printed Name: John McClellan

Street Address: 704 North ~~St~~ Stallings Dr.

City, State and Zip Code: Nacogdoches, TX 75965

Phone Number: 936-554-0863

Email Address: _____

Physical Address of Property within 200 Feet: 704 North Stallings Dr.

City of Nacogdoches

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

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SUP2022-04 Site Photos



Street view from
Justin St.





Tenant space
in yellow

Inside tenant
space





Commercial property
to the north along
Justin St.

Residential
properties to the
northwest along
Justin St.





Commercial
properties to the east
along N. Stallings Dr.

Commercial
property to the west
along N. Stallings Dr.





Street view
looking east along
N. Stallings Dr.

Street view looking
west along N.
Stallings Dr.



Wood Creek Subdivision south of subject property across N. Stallings Dr.

