



September 26, 2022

Notice is hereby given of a Regular Meeting of the Planning and Zoning Commission to be held on September 26, 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 26, 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 September 12, 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. **Subdivision Waiver:** Presentation, discussion, and possible action regarding a waiver requests to the Subdivision Ordinance Section 90-218. – ‘Minimum lot sizes’, and a presentation, discussion, and possible action regarding a Final Plat for the FM 1638 Subdivision. This request has been submitted by Joshua Busch of East Texas Truck Center, Inc.
 - C. **Public Hearing:** Consider a request for a Specific Use Permit, to operate a Piercing Studio in a B-2, General Business District, on Lot 16-A, Block 67, of the North Heights Addition Subdivision, located at 3500 North Street, Suite 10. This request has been made by Primal Piercing & Jewelry. Case Number SUP 2022-05.
 - D. **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. **(PLEASE NOTE THAT THIS ITEM WAS POSTPONED FROM THE REGULAR MEETING OF THE CITY COUNCIL ON AUGUST 22, 2022.)**
6. City Council decisions on Planning & Zoning cases: On September 20, 2022 City Council took the following action on the item listed below.
 - A. Approved 5-0: 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.
 - B. Approved 4-0: 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.
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, September 21, 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
SEPTEMBER 12, 2022 AT 5:00 P.M.
REGULAR HYBRID MEETING**

Members Present: Shannon Conklin; Ruth Carroll; Lily Phou; Margaret Forbes, and Matthew Perry

Members Absent:

Staff Present: City Planner, Alaina Helton; Planning Technician, Juan Pollette; Office Assistant, Rhonda Lewis; City Engineer, Steve Bartlett; City Attorney, Steve Kirkland

Others Present: Novice Barta; Vicki Lunell, Applicant, Krysta Robertson; Robert Anthony; Autumn Anthony

1. **Call to Order:** Chairman Conklin called the meeting to order at 5:05 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 22, 2022, Planning & Zoning Commission meeting.

Chairman Conklin called for a motion to approve the minutes as written. Commissioner Carroll made a motion to approve and Commissioner Phou 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 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 SUP2022-04.

City Planner (CP) Helton presented this item to the Commission and stated that the salon is to be located in an existing business, Special FX Hair Salon. The operating hours are Tuesday – Friday from 9:00 a.m. to 5:00 p.m., Saturday 10:00 a.m. to 2:00 p.m., and closed Sunday and Monday.

Chairman Conklin opened the floor for public comment.

Autumn Anthony, owner of the salon at 5016 Justin Street addressed the Commission stating that she has been in business at the location since 2004, it has doubled in size since then, and she's added more stylist and services. She also stated that she fully supports the tattoo salon.

Chairman Conklin closed the public hearing and called for a motion. Commissioner Forbes made a motion to approve and was seconded by Commissioner Phou. The motion was approved unanimously 4-0. *(Commissioner Perry joined the meeting late and abstained from the vote.)*

6. 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.



CP Helton and Steve Kirkland presented the item to refresh the Commissioners on the Texas Open Meetings Act and the Texas Local Government Code and the authority that the City has regarding land use, subdivisions, proportionality, and applying conditions to zone change requests.

- 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.

CP Helton and Steve Bartlett presented this item to the Commission stating how this work session relates to zoning and the Comprehensive Plan. CP Helton stated the current development codes are all tools used to implement the Comprehensive Plan.

Steve Bartlett gave a presentation over the City's current floodplain regulations and how they are applied to private development.

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.

Commissioner Phou proposed to return to the one meeting per month. CP Helton stated that P&Z would place this on a future agenda item.

9. Adjourned:

Meeting was adjourned at 7:46 p.m.

Shannon Conklin, Chairman

Attest: Rhonda Lewis, Office Assistant III

PRESENTER: Alaina Helton, City Planner

ITEM/SUBJECT: Subdivision Waiver: Presentation, discussion, and possible action regarding a waiver requests to the Subdivision Ordinance Section 90-218. – ‘Minimum lot sizes’, and a presentation, discussion, and possible action regarding a Final Plat for the FM 1638 Subdivision. This request has been submitted by Joshua Busch of East Texas Truck Center, Inc.

OVERVIEW:

FM 1638 Subdivision is generally located in the northwest quadrant of the City, and bound by FM 1638 (Old Tyler Road) along the south side of the property and by NW Stallings Dr. on the east side of the property. The subdivision includes 2 lots, one of which (Lot 2) is in the Nacogdoches Extra Territorial Jurisdiction (ETJ). The purpose of this subdivision is to separate the single family residence in the ETJ from the portion of the property located inside the city limits and zoned B-2, General Business.

STAFF REVIEW:

The proposed subdivision meets the city’s subdivision regulations with the exception of the minimum lot width required for subdivisions located in the ETJ.

Plat Design & Proposed Development

The subdivision consists of two (2) lots being 8.8 acres. Lot 1 includes 6.9 acres of undeveloped land located inside the city limits, and zoned B-2, General Business. Lot 2 is a 1.8 acre tract located in the ETJ with a single family residence.

The proposed final plat complies with the subdivision regulations, with the exception of a waiver being requested for the following section of the Subdivision Ordinance: Section 90 – 218. – ‘Minimum lot sizes’.

The regulations found under this section outline that the minimum lot width in a subdivision shall be no less than 75 feet in width or less than 110 feet in depth, unless otherwise provided. This provision applies specifically to subdivisions in the ETJ since subdivisions inside the City Limits are subject to zoning district development standards, which include lot dimensions.

Zoning Issues

The majority of the subject property is zoned B-2, General Business while the rest is in the ETJ.

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 on the property, and any new development that occurs must meet the City’s drainage ordinance requirements. Lot 1 will take access from NW Stallings Drive, and Lot 2 will take access to FM 1638.

Subdivision Variance Requests

The Subdivision Ordinance allows a minimum lot width of 75 feet in the ETJ. The property has street frontage on NW Stallings Dr., which is designated as an Existing Major Arterial, and also has 51 feet of street frontage on FM 1638, which serves as the primary access for other residential uses in the area.

Staff finds that there are special circumstances or conditions affecting the land involved and therefore, recommends approval of the variances as outlined below.

Subdivision Ordinance Section 90-218. – Minimum lot sizes – This section permits a minimum lot width of 75 feet.

1. Lot 2 has a lot width of 51 feet along FM 1638 – The minimum lot width is 75 feet, which is deficient by 24 feet.

In accordance with the Subdivision Regulations, when considering a variance the Planning and Zoning Commission should make the following findings to approve the variances (Staff findings are in italics):

1. There are special circumstances or conditions affecting the land involved such that the strict application of this chapter would deprive the applicant of the reasonable use of his land; *The applicant purchased the property in its shape and size, and is proposing to subdivide the property along the city limit boundary, separating the residential structure in the ETJ from the B-2, General Business district inside the city limits. Based on a public records search, the property has been conveyed in its current configuration prior to the adoption of the City' Subdivision Ordinance in 1969.*

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; *The waiver is necessary to allow for the continuing use and access to the existing residence.*

3. The granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and *Granting this variance is not detrimental or injurious to other property. This property has been conveyed in this configuration way since the 1960's with no issues. The variance should not impact other adjacent or surrounding properties.*

4. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with this chapter. *As stated, this property has been conveyed this way since the 1960's with no issues. Granting of the variance will not prevent the orderly subdivision of adjacent tracts.*

Review and Approval by Planning and Zoning Commission

This subdivision plat must be reviewed by the Planning and Zoning Commission because it requires a variance to the Subdivision Ordinance.

STAFF RECOMMENDATION:

Staff recommends approval.

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

- ATTACHMENTS:**
1. Aerial Map
 2. Zoning Map
 3. Plat Exhibit

FM 1638 Subdivision



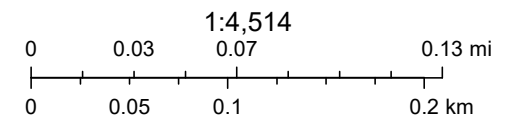
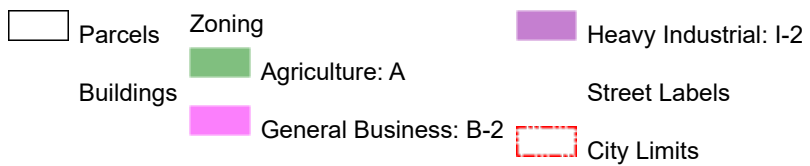
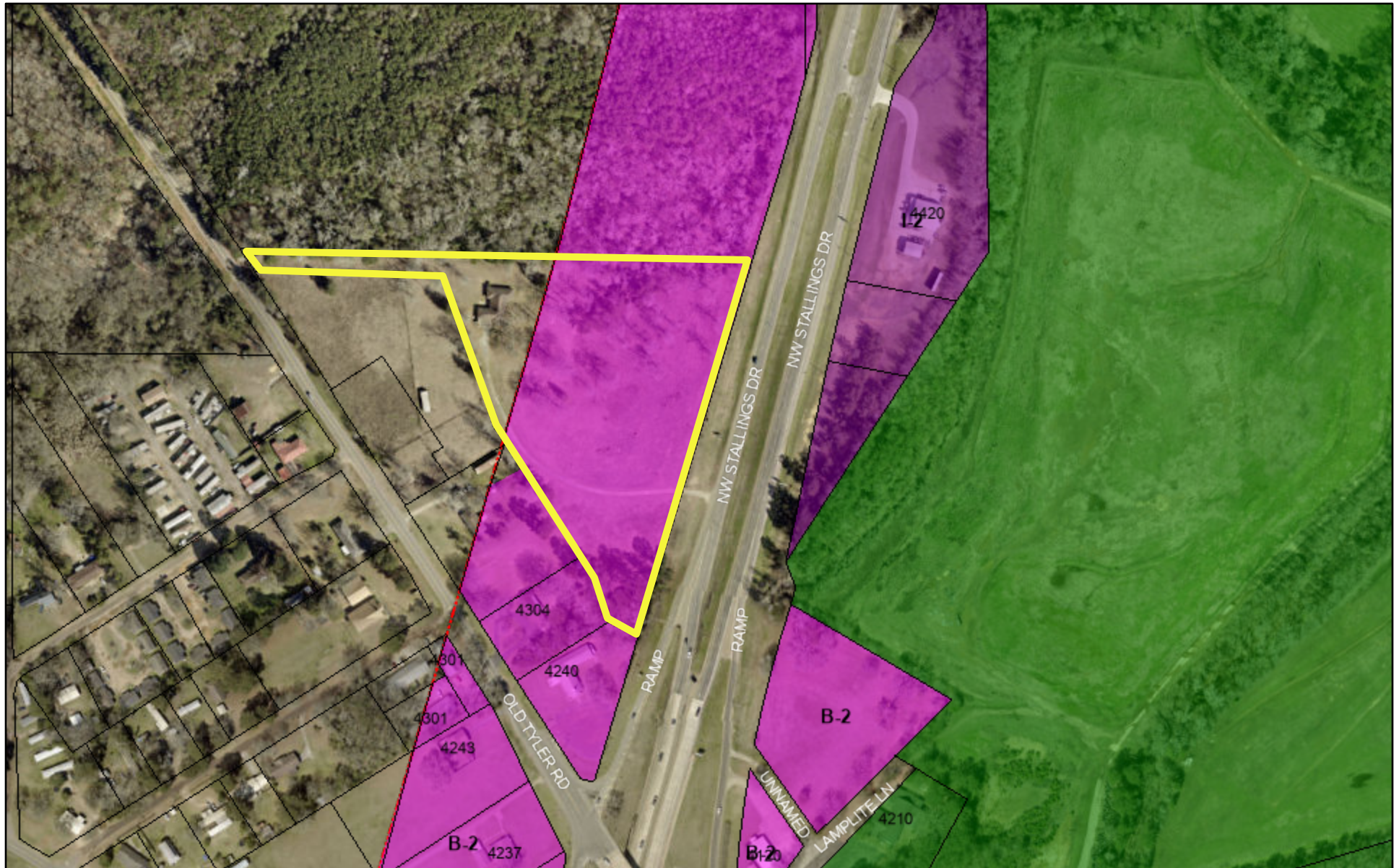
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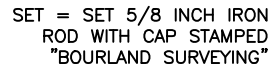
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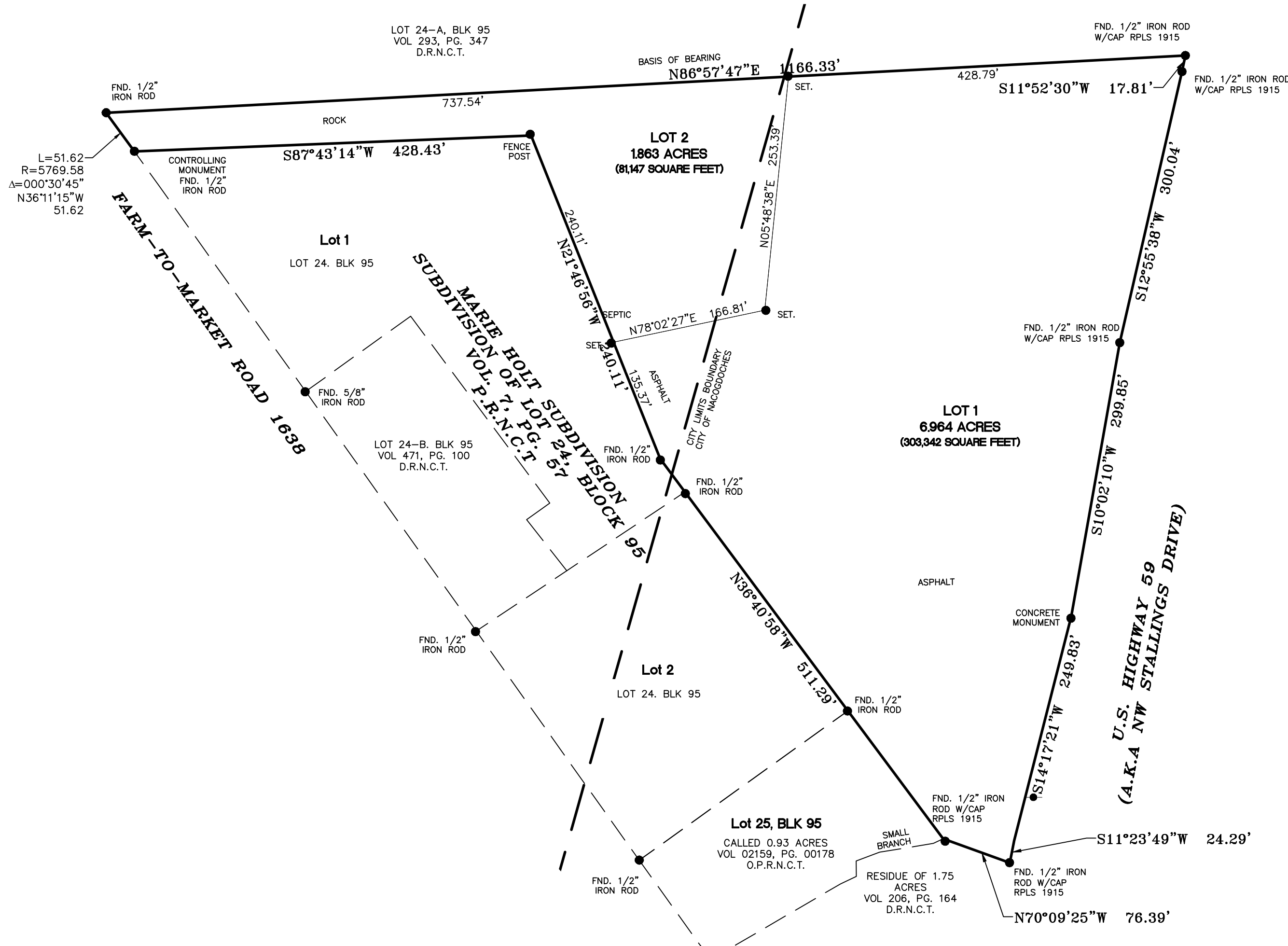
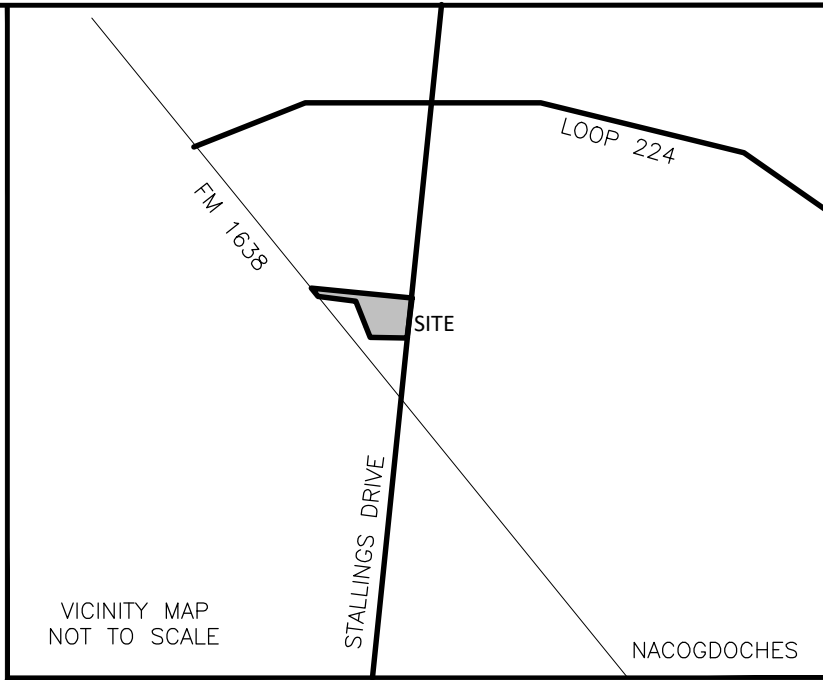
FM 1638 Subdivision



My Commission expires _____



M.G. WHITAKER SURVEY, ABSTRACT 591



Phillip W. Bourland
Registered Professional Land Surveyor No. 6468

5. THERE MAY BE EASEMENTS, SETBACKS AND OTHER BUILDING RESTRICTIONS SET FORTH IN THE DEED RESTRICTIONS NOT SHOWN HEREON. IT IS THE OWNERS RESPONSIBILITY TO ENSURE THAT ALL RESTRICTIONS ARE SATISFIED PRIOR TO BUILDING.

Chariman

TBPLS FIRM REG # 10194525
PROJECT NO. 22085-01

PRESENTER: Alaina Helton, City Planner

ITEM/SUBJECT: Public Hearing: Consider a request for a Specific Use Permit, to operate a Piercing Studio in a B-2, General Business District, on Lot 16-A, Block 67, of the North Heights Addition Subdivision, located at 3500 North Street, Suite 10. This request has been made by Primal Piercing & Jewelry. Case Number SUP 2022-05.

OVERVIEW:

The request is for a Specific Use Permit (SUP) for the operation of a Piercing Studio at 3500 North Street, Suite 10. The property is zoned B-2, General Business and is developed as a retail shopping center with a mix of commercial uses. Per the Zoning Ordinance, a 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 Piercing Studio will operate as part of a jewelry store located in a 1,200 square foot tenant space (Suite-10) in the building located along the eastern perimeter of the shopping center.

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	Single Family	R-1, Single Family	Single Family
South (Across E. Lakewood St.)	Single Family	B-2, General Business	Commercial
East	Single Family	R-1, Single Family	Single Family
West	Single Family & Commercial	B-2, General Business	Commercial

The surrounding areas to the west and south are zoned and developed as commercial properties, with the properties to the north and east zoned and developed with single family residences. The shopping center is made up of a mix of uses, including medical, retail, office and service-oriented businesses. The proposed SUP will not change the 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 1,200 square foot tenant space that fronts North Street. The proposed operating hours are between 2 p.m. and 9 p.m., Wednesday through Sunday.

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 land 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 primary access for the property and other commercial uses in the area. The property takes secondary access to E. Lakewood Street.

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 SUP 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 building, with hours of operation limited to no later than 9 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. Any new 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 with the structure. No renovations or additions are proposed, therefore no additional landscaping is required.

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

Future Land Use

The 2003 Comprehensive Plan designates this area as *Residential* on the Future Land Use Plan (FLUP). This Land Use category is defined as "Conventional one-family detached dwellings (also includes duplexes)."

Staff finds that the FLUP designation is not consistent with the developed uses or the underlying

B-2, General Business zoning of the subject property. Approval of the SUP will not change the land uses permitted by current B-2, General Business zoning designation.

NOTICES:

Of the 9 notices mailed to property owners within the 200 foot notification area Staff has received no response forms in opposition or in favor of the request.

Neighborhood Input: The applicant held a neighborhood meeting for the property owners within 500 feet of the subject property on August 24, 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 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.

Staff Recommendation

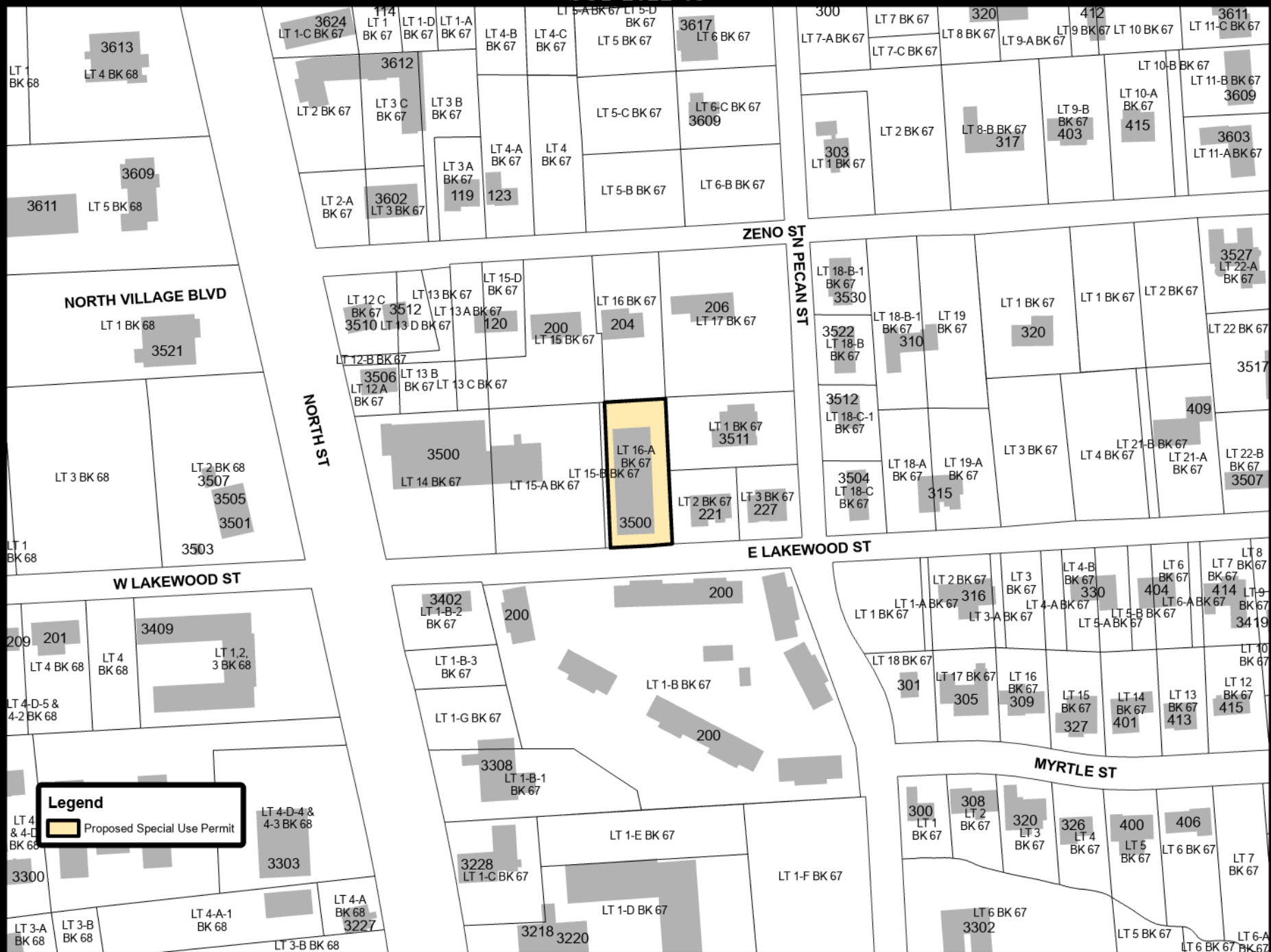
Based on the above findings, Staff recommends approval of the Specific Use Permit. This item is scheduled to be heard by City Council on Tuesday, October 11th.

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. Site Photos

SUP 2022-05



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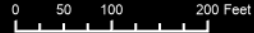
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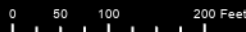


Legend

- Proposed Special Use Permit
- A - Agriculture
- B-1 - Local Business
- B-2 - General Business
- B-3 - Central Business
- DA - Development Agreement
- I-1 - Light Industrial
- I-2 - Heavy Industrial
- M - Medical
- PD - Planned Development
- R-1 - Single Family
- R-2 - Single Family
- R-3 - Two Family
- R-4 - Multi Family

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Nacogdoches
the wild life in Texas
Engineering Department
625 Division

SUP2022-05 – Site Photos



Subject property view
from parking lot





Street view from E.
Lakewood St.

West side of the
shopping center





Commercial property
to the south across E.
Lakewood St.



Multifamily property to
the south across E.
Lakewood St.



Street view looking
north along North St.

Street view looking
south along North St.



PRESENTER: Alaina Helton, City Planner

ITEM/SUBJECT: 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. **(PLEASE NOTE THAT THIS ITEM WAS POSTPONED FROM THE REGULAR MEETING OF THE CITY COUNCIL ON AUGUST 22, 2022.)**

OVERVIEW:

The request is for a zone change from A, Agricultural to R-4, Multi Family for approximately 18 acres located at the southwest corner of W. Austin and Pearl Street. The R-4, Multi Family Dwelling District is intended for higher density residential areas which may contain a mixture of single-family, two-family, and multiple-family dwellings. The applicant has submitted a letter and preliminary concept plan (see attached) for an apartment complex, including up to 100 units. The plan includes amenities such as a club house, swimming pool, basketball court, green space, and a walking track around the perimeter of the property.

The applicant has stated that they intend to utilize the floodplain area adjacent to Banita Creek as a recreational green space to serve as an amenity for the future residents of the development. Additionally, the applicant has stated that they intend to build all structures and parking areas outside of the FEMA-designated floodplain.

Adjacent Land Use & Zoning

The subject property is zoned A, Agriculture and is mainly undeveloped except for a vacant single family structure. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North (Across W. Austin St.)	Rural Development & Multi-Family Residential	A, Agricultural	Vacant
South	Rural Development & Multi-Family Residential	R-4, Multi Family	Apartments
East (Across Pearl St.)	Single Family & Multi-Family Residential	R-4, Multi Family	Single Family & Duplex
West	Rural Development	A, Agricultural	Union Pacific Railroad

The properties in the immediate vicinity are primarily zoned R-4, Multi Family with a mix of

older residential uses, most of which were constructed in the 1970s and early 80s. The adjacent property to the south is zoned R-4, Multi Family and is developed with a large apartment complex known as University Club Apartments. The area to the east, across Pearl Street, is zoned R-4 and is developed with a mix of residential uses including single family, accessory dwelling unit, duplex, and small multifamily buildings. The property to the north and west are zoned A, Agricultural and are mostly undeveloped due to the location of Banita Creek and the significant floodplain running along the western property lines.

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 properties within the immediate vicinity are primarily zoned R-4, Multi Family, with a large apartment complex to the south, and a mixed-use residential neighborhood to the east across Pearl Street. The property is bounded by W. Austin Street to the north, and by Banita Creek and the Union Pacific Railroad to the west.

The zone change request is consistent with the existing multifamily zoning and development pattern in the area. The additional 100 dwelling units proposed by the applicant will trigger the need for a Traffic Impact Analysis (TIA), which is required for 70 or more apartment units, and is a study of the degree to which the traffic generated by the proposed development will affect the adjacent or surrounding transportation system.

Banita Creek runs along the western boundary of the property, with approximately half of the property within FEMA-regulated floodplain. The applicant has stated that they intend to utilize the floodplain area adjacent to Banita Creek as a recreational green space with a walking trail to serve as an amenity for the future residents of the development. Additionally, the applicant has stated that they intend to build all structures and parking areas outside of the floodplain.

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 bound by W. Austin Street to the north and Pearl Street to the east. Property to the south is developed, and the property is bound on the west side by Banita Creek and the Union Pacific Railroad. The rezoning should not impede the orderly growth of adjacent properties.

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

The subject property currently takes direct access from Pearl St. The property has access to public utilities, with 12-inch water main along W. Austin St. and a 6-inch water and sewer main along Pearl St.

The number of apartment units proposed by the applicant will require the need for a TIA to address any possible deficiencies and to insure the roadway is adequate to accommodate the nature and volume of traffic typically generated by the proposed use. A sidewalk is also located on the north side of W. Austin Street, connecting Pearl to North Street.

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.

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 *Rural Development*. This FLUP category is described as, "sparsely-populated areas with limited development that are still distinct from more urbanized areas. This typically encompasses relatively large tracts of unsubdivided land used for agriculture, forestry, resource extraction, widely-scattered homesteads and business establishments, natural open space, or activities not requiring permanent structures or improvements. Also includes areas that are gradually transitioning into urban uses and development."

The property is designated as *Rural* due to the location of Banita Creek and its associated floodplain, which encompasses approximately half of the western portion the property. The applicant has stated that he intends to locate all buildings and parking areas outside of the FEMA-designated floodplain.

Thoroughfare Plan

Pearl Street is a minor road that serves as direct access for the other residential uses in the area. W. Austin Street is an arterial roadway that connects to freeways and other express roadways. The number of apartment units proposed by the applicant will require the need for a TIA to insure the roadway is adequate to accommodate the proposed development.

Land Use Policies, Goals & Objectives

The applicant has stated that this rezoning is a response to current needs for newer multifamily development with amenities. The request fits into the Goals of the Comprehensive Plan by encouraging *Growth Inward*, which includes promoting long-term growth in appropriate areas to achieve an efficient, diverse and balanced pattern of land uses, including infill development where appropriate (utilities, compatibility, etc.).

NOTICES & COMMUNITY INPUT:

Staff mailed 18 notices to property owners within the 200-foot notification area. To date, staff has received two (2) written response in opposition to the zone change, citing concerns regarding the potential for increased traffic and possible lack of property maintenance in the future. In addition, Staff also received written responses in opposition to the request from five (5) residents who do not own property or reside in either the 200-foot or 500-foot notification area.

One of the primary concerns expressed in these additional responses is the potential impact the proposed developed may have on Banita Creek.

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

Neighborhood Meeting: A neighborhood meeting was held for the property owners within 500 feet of the subject property on July 27, 2022 to discuss the rezoning request. The applicant, City staff, and 14 residents of the Austin Hills subdivision attended the meeting. Some of the concerns raised by several of the residents included the potential increase in traffic along W. Austin Street, increases in noise, and the lack of walkability in the area.

Staff Recommendation

The applicant has stated that they are willing to place conditions on the development that would limit construction in the floodplain to recreational and drainage improvements, and locate all new buildings and parking areas outside of the FEMA-designated floodplain. However, based on direction from the City Attorney, these types of conditions could be considered "contract zoning", which is an illegal agreement between the city and a property owner to adopt a certain zoning classification in exchange for certain promises by the property owner. Because contract zoning usurps the governmental body's legislative function, it cannot enter into such a contract.

Therefore, while the request meets the review criteria as outlined above, City Staff does not have a mechanism to enforce the conditions put forth by the applicant; outside of a Planned Development District.

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. Applicant Letter
2. Concept Plan
3. Location Map
4. Aerial & Floodplain Map
5. Zoning Map
6. Future Land Use Map
7. Comprehensive Plan Amendment Letter
8. Notification Map
9. Written Responses
10. Site Photos

Multi-Family Development Opportunity



ZARA APARTMENTS

3007 Pearl Street | Nacogdoches, Texas 75965

Mike
214-869-7309
mbicompany@aol.com

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Multi-Family Development Opportunity

3007 Pearl Street | Nacogdoches, Texas 75965



THE OPPORTUNITY:

MBI Company is please to announce the opportunity to invest in a brand new multifamily development at the southwest corner of Austin St and Pearl St, just west of North Street in the heart of Nacogdoches. The subject property is located in the central portion of Nacogdoches along North St, a primary thoroughfare for the city. Major traffic carriers in the subject neighborhood are Loop 224/Stallings Dr, University Dr, North St, State Hwy 21 & State Hwy 7. The Nacogdoches downtown market is revitalizing with many of the downtown buildings being redeveloped for office, retail, and loft conversions. The renewed demand of the downtown market is enhancing to this area and the growth of new businesses and activity has created a positive marketability factor for the area.

THE PROPERTY:

- Ten (10) 3-Story Buildings (10,000 SF each) - 100,000 SF Total
- Two & Three Bedroom Units with Covered Parking
- Amenities to include: Club House, Swimming Pool, Basketball Court & Greenspace, and Sidewalk / Walking Track all around the Property
- Asking Rents: \$1.60 per square foot

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Multi-Family Development Opportunity

3007 Pearl Street | Nacogdoches, Texas 75965

Nacogdoches
Texas Starts Here



AREA ANALYSIS:

Nacogdoches is a 300-year-old city known as “The Oldest Town in Texas.” It’s located in the heart of Deep East Texas almost equidistant between Dallas/Fort Worth, Houston and Shreveport, Louisiana. Nestled between three national forests and only a short drive from two of the largest lakes in Texas, Nacogdoches is home to Stephen F. Austin State University and has a population of 33,000. Also designated the Garden Capital of Texas, Nacogdoches is recognized for its natural beauty, creeks and trails. Nacogdoches County is located 130 miles north of Houston, 95 miles southwest of Shreveport and 180 miles southeast of Dallas/Fort Worth.

MULTI-FAMILY HOUSING MARKET:

The majority of the current multi-family inventory in Nacogdoches is dated, with the most recent development occurring in 2007. That development commands rents that far exceed the market average, with a 2 bedroom and 3 bedroom units asking rents of \$1,460 and \$1,859, respectively. The majority of the inventory was constructed in the 1980’s or prior. We believe that there is significant upside for a new development.

GROWTH:

Nacogdoches continues to be well-positioned for growth due to a number of positive factors: the location of Stephen F. Austin University, a central location near population centers of the state; the availability of affordable land for development; and a highly skilled and educated work force with a strong work ethic. The long range outlook is favorable.

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Multi-Family Development Opportunity

3007 Pearl Street | Nacogdoches, Texas 75965

EMPLOYMENT:

The area contains a wide diversity of businesses and industry including agriculture, timber, retail, manufacturing, and petroleum related businesses. Some of the largest employers in the area are Stephen F. Austin University, Pilgrim's Pride, International Paper and other forest/wood related businesses, Nacogdoches area school districts, as well as other government entities such as Nacogdoches city and county governments.

EDUCATION:

Nacogdoches is home to Stephen F. Austin State University, with more than 12,000 students enrolled. SFA boasts a campus that is recognized as one of the most beautiful in Texas. For almost 100 years, SFA has had an extraordinary academic influence on community, the region and the state. Nestled in a breathtaking pine forest, SFA offers more than 120 degree opportunities and is known throughout the South for excellence in the Colleges of Education, Forestry and Nursing. The local influence is very dependent on the annual economic impact from the university, not only from the influx of students that require housing, retail products and services, but also for the major employer status that the university represents.

UTILITIES:

The subject neighborhood is located within the City of Nacogdoches and therefore, public utilities are generally available throughout. Public water, sanitary sewer and garbage collection are provided by the City of Nacogdoches. Natural gas service is available and TXU Energy provides electricity. Telephone services are provided by Southwestern Bell Telephone. Further city services include police and fire protection, which are considered adequate.



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Multi-Family Development Opportunity

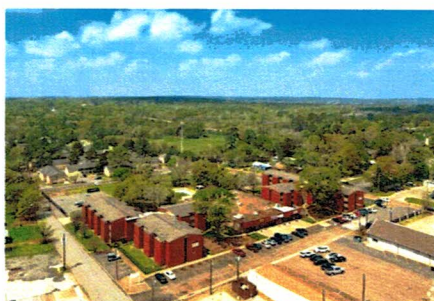
3007 Pearl Street | Nacogdoches, Texas 75965

AREA COMPS



The Overlook at Nacogdoches

1602 Cardinal St
261 Units / 4 Stories
Rent/SF \$1.60, Vacancy 8.1%
Owner: Campus Realty Management...



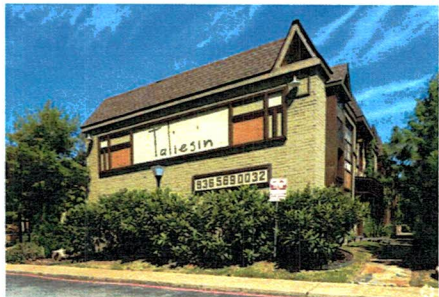
Brick Maze Apartments

2805 North St
131 Units / 2 Stories
Rent/SF \$1.52, Vacancy 15.3%
Owner: Class A Management



3220 North

3220 North St
96 Units / 2 Stories
Rent/SF \$1.48, Vacancy 2.1%
Owner: Hunter W Wheeler



Taliesin Apartments

1811 North St
116 Units / 2 Stories
Rent/SF \$1.33, Vacancy 0%
Owner: Three Skies Management



The Californian of Nacogdoches

728 E Starr Ave
131 Units / 2 Stories
Rent/SF \$1.25, Vacancy 0%
Owner: Three Skies Management



Sunridge Apartments

4502 N University Dr
208 Units / 2 Stories
Rent/SF \$1.20, Vacancy 1.9%
Owner: AMBO Properties



Stone Creek Apartments

4541 NE Stallings Dr
120 Units / 2 Stories
Rent/SF \$1.16, Vacancy 5.0%
Owner: AMBO Properties



Northview Condos

4100 North St
72 Units / 2 Stories
Rent/SF \$1.07, Vacancy 6.9%
Owner: Northview Condos



Windhill Apartments

1324 Pruitt Hill Dr
172 Units / 2 Stories
Rent/SF \$0.99, Vacancy 0%
Owner: Windhill Apartments



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Multi-Family Development Opportunity

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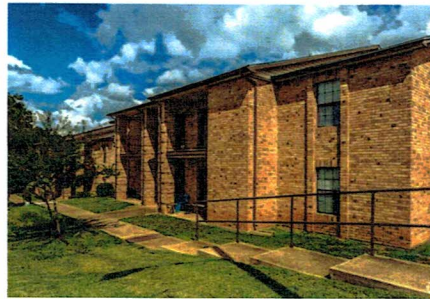
AREA COMPS



The Colonial



3409 North St
32 Units / 2 Stories
Rent/SF \$0.91, Vacancy 6.3%
Owner: James E & Micah M Krauskopf
★★



Chevy Chase Apartments



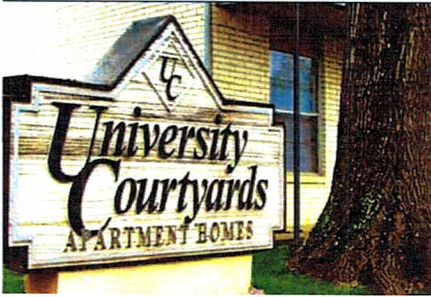
1710 E Starr Ave
120 Units / 2 Stories
Rent/SF \$0.90, Vacancy 5.8%
Owner: LACAL Family LLC
★★★★



University Club Apartments



2807 Pearl St
252 Units / 2 Stories
Rent/SF \$0.89, Vacancy 3.2%
Owner: Dti Investments
★★★★



University Courtyard Apart...



3022 N Pecan St
85 Units / 2 Stories
Rent/SF \$0.87, Vacancy 0%
Owner: Dti Investments
★★



Banita Creek



327 W College St
78 Units / 2 Stories
Rent/SF \$0.86, Vacancy 2.6%
Owner: Banita Creek Properties
★★



Arbor Pines Apartments



3413 E Main St
200 Units / 3 Stories
Rent/SF \$0.84, Vacancy 10.5%
Owner: Post Investment Group
★★★★



Northstar Apartment Homes



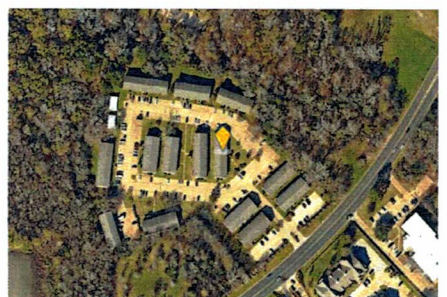
133 Old Line Dr
79 Units / 2 Stories
Rent/SF \$0.83, Vacancy 2.5%
Owner: Gain Management
★★★★



Northeast Hills Apartments



2912 Chimney Rock Dr
83 Units / 2 Stories
Rent/SF \$0.69, Vacancy 0%
Owner: davisRE
★★★★



Whisper Oaks Apartments



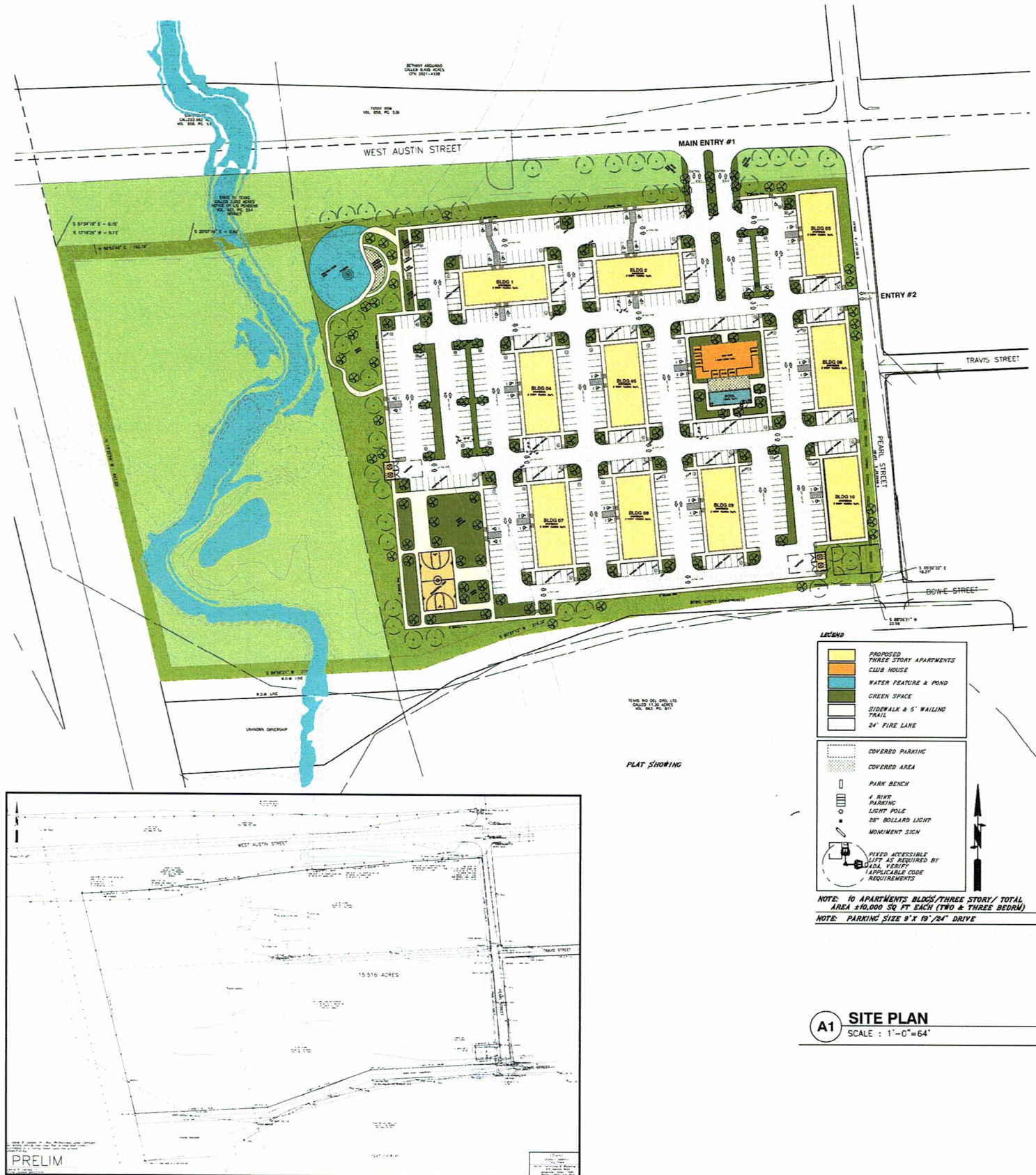
4721 N University Dr
152 Units / 2 Stories
Rent/SF -, Vacancy -
Owner: James S Morrow; Kenneth Ro...
★★

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Multi-Family Development Opportunity

3007 Pearl Street | Nacogdoches, Texas 75965



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Multi-Family Development Opportunity

3007 Pearl Street | Nacogdoches, Texas 75965



Executive Summary

3007 Pearl St, Nacogdoches, Texas, 75965
Rings: 1, 3, 5 mile radii

Prepared by Esri

Latitude: 31.83108

Longitude: -94.68722

	1 mile	3 miles	5 miles
Population			
2000 Population	7,971	25,321	35,252
2010 Population	8,729	27,557	38,717
2021 Population	8,757	28,424	40,065
2026 Population	8,875	28,859	40,672
2000-2010 Annual Rate	0.91%	0.85%	0.94%
2010-2021 Annual Rate	0.03%	0.28%	0.30%
2021-2026 Annual Rate	0.27%	0.30%	0.30%
2021 Male Population	45.0%	46.2%	46.9%
2021 Female Population	55.0%	53.8%	53.1%
2021 Median Age	21.9	25.6	27.8

In the identified area, the current year population is 40,065. In 2010, the Census count in the area was 38,717. The rate of change since 2010 was 0.30% annually. The five-year projection for the population in the area is 40,672 representing a change of 0.30% annually from 2021 to 2026. Currently, the population is 46.9% male and 53.1% female.

Median Age

The median age in this area is 21.9, compared to U.S. median age of 38.5.

Race and Ethnicity

2021 White Alone	58.0%	58.8%	58.4%
2021 Black Alone	29.5%	26.9%	24.8%
2021 American Indian/Alaska Native Alone	0.5%	0.5%	0.5%
2021 Asian Alone	2.2%	2.0%	1.8%
2021 Pacific Islander Alone	0.1%	0.1%	0.1%
2021 Other Race	6.6%	8.9%	11.7%
2021 Two or More Races	3.1%	2.7%	2.7%
2021 Hispanic Origin (Any Race)	15.7%	18.6%	22.5%

Persons of Hispanic origin represent 22.5% of the population in the identified area compared to 18.9% of the U.S. population. Persons of Hispanic Origin may be of any race. The Diversity Index, which measures the probability that two people from the same area will be from different race/ethnic groups, is 73.8 in the identified area, compared to 65.4 for the U.S. as a whole.

Households

2021 Wealth Index	29	38	42
2000 Households	2,255	9,562	13,043
2010 Households	2,203	10,261	14,133
2021 Total Households	2,333	10,811	14,835
2026 Total Households	2,385	11,009	15,091
2000-2010 Annual Rate	-0.23%	0.71%	0.81%
2010-2021 Annual Rate	0.51%	0.47%	0.43%
2021-2026 Annual Rate	0.44%	0.36%	0.34%
2021 Average Household Size	2.10	2.20	2.38

The household count in this area has changed from 14,133 in 2010 to 14,835 in the current year, a change of 0.43% annually. The five-year projection of households is 15,091, a change of 0.34% annually from the current year total. Average household size is currently 2.38, compared to 2.38 in the year 2010. The number of families in the current year is 8,123 in the specified area.

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Multi-Family Development Opportunity

3007 Pearl Street | Nacogdoches, Texas 75965



Executive Summary

3007 Pearl St, Nacogdoches, Texas, 75965
Rings: 1, 3, 5 mile radii

Prepared by Esri

April 10, 2018
10:25 AM CDT

	1 mile	3 miles	5 miles
Mortgage Income			
2021 Percent of Income for Mortgage	19.4%	17.8%	16.1%
Median Household Income			
2021 Median Household Income	\$30,547	\$36,533	\$38,380
2026 Median Household Income	\$33,726	\$38,090	\$40,247
2021-2026 Annual Rate	2.00%	0.84%	0.95%
Average Household Income			
2021 Average Household Income	\$44,314	\$51,504	\$54,027
2026 Average Household Income	\$47,731	\$54,902	\$58,160
2021-2026 Annual Rate	1.50%	1.29%	1.49%
Per Capita Income			
2021 Per Capita Income	\$13,044	\$19,808	\$20,281
2026 Per Capita Income	\$14,059	\$21,148	\$21,859
2021-2026 Annual Rate	1.51%	1.32%	1.51%

Households by Income

Current median household income is \$38,380 in the area, compared to \$64,730 for all U.S. households. Median household income is projected to be \$40,247 in five years, compared to \$72,932 for all U.S. households

Current average household income is \$54,027 in this area, compared to \$90,054 for all U.S. households. Average household income is projected to be \$58,160 in five years, compared to \$103,679 for all U.S. households

Current per capita income is \$20,281 in the area, compared to the U.S. per capita income of \$34,136. The per capita income is projected to be \$21,859 in five years, compared to \$39,378 for all U.S. households

Housing

2021 Housing Affordability Index	116	123	137
2000 Total Housing Units	2,565	10,523	14,387
2000 Owner Occupied Housing Units	548	3,899	6,225
2000 Renter Occupied Housing Units	1,707	5,663	6,818
2000 Vacant Housing Units	310	961	1,344
2010 Total Housing Units	2,585	11,515	15,888
2010 Owner Occupied Housing Units	571	3,881	6,303
2010 Renter Occupied Housing Units	1,632	6,380	7,830
2010 Vacant Housing Units	382	1,254	1,755
2021 Total Housing Units	2,710	12,160	16,738
2021 Owner Occupied Housing Units	551	3,668	6,056
2021 Renter Occupied Housing Units	1,782	7,144	8,778
2021 Vacant Housing Units	377	1,349	1,903
2026 Total Housing Units	2,784	12,471	17,157
2026 Owner Occupied Housing Units	578	3,797	6,293
2026 Renter Occupied Housing Units	1,807	7,211	8,798
2026 Vacant Housing Units	399	1,462	2,066

Currently, 36.2% of the 16,738 housing units in the area are owner occupied; 52.4%, renter occupied; and 11.4% are vacant. Currently, in the U.S., 57.3% of the housing units in the area are owner occupied; 31.2% are renter occupied; and 11.5% are vacant. In 2010, there were 15,888 housing units in the area - 39.7% owner occupied, 49.3% renter occupied, and 11.0% vacant. The annual rate of change in housing units since 2010 is 2.34%. Median home value in the area is \$147,526, compared to a median home value of \$264,021 for the U.S. In five years, median value is projected to change by 3.02% annually to \$171,168.

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501 PRESTON RD., SUITE 1820, DALLAS, TX, 75240
(214) 730 0666, (214) 738 3618 (Cell)
e-mail: mdewan@d1architect.com

ALI MIKHANI

Proposed ZARA APARTMENTS

E AUSTIN ST.
NACOGDOCHES, TX 75965

AL:

VISIONS:

DATE:

THE PLAN

3/30/2022

GB

PROJECT #

A-2022

HEET NO:

A-1.01



I, David R. Collins, Jr., Reg. Professional Land Surveyor, do hereby certify that this Plat is true and correct according to a survey made upon the ground

PRELIM

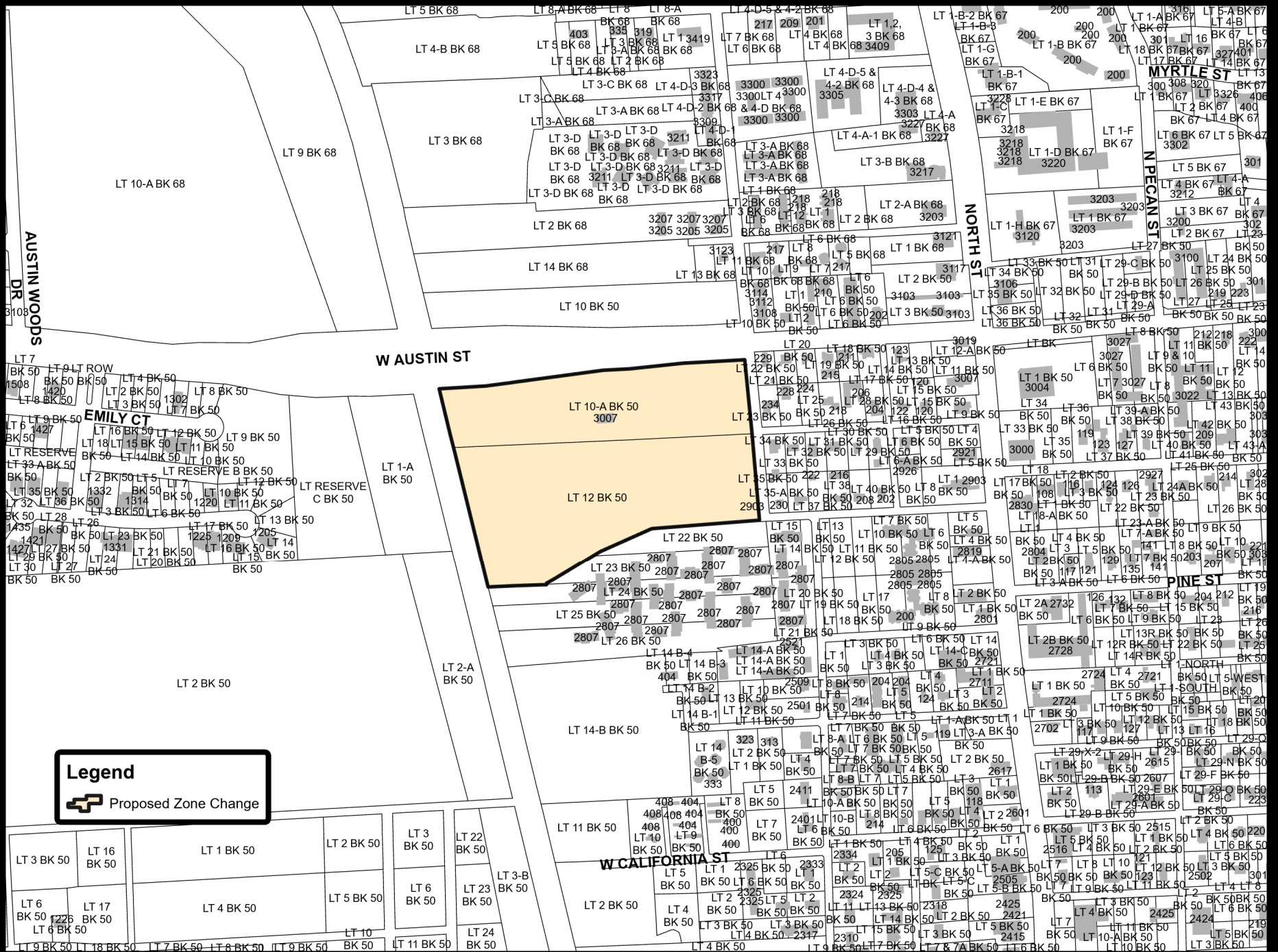
David R. Collins, Jr.

PLAT SHOWING

Collins Surveying & Mapping, Inc.
910 Judson Road
Longview, Texas 75601
Phone: (903) 234-8051

Job Number.

ZON 2022-08



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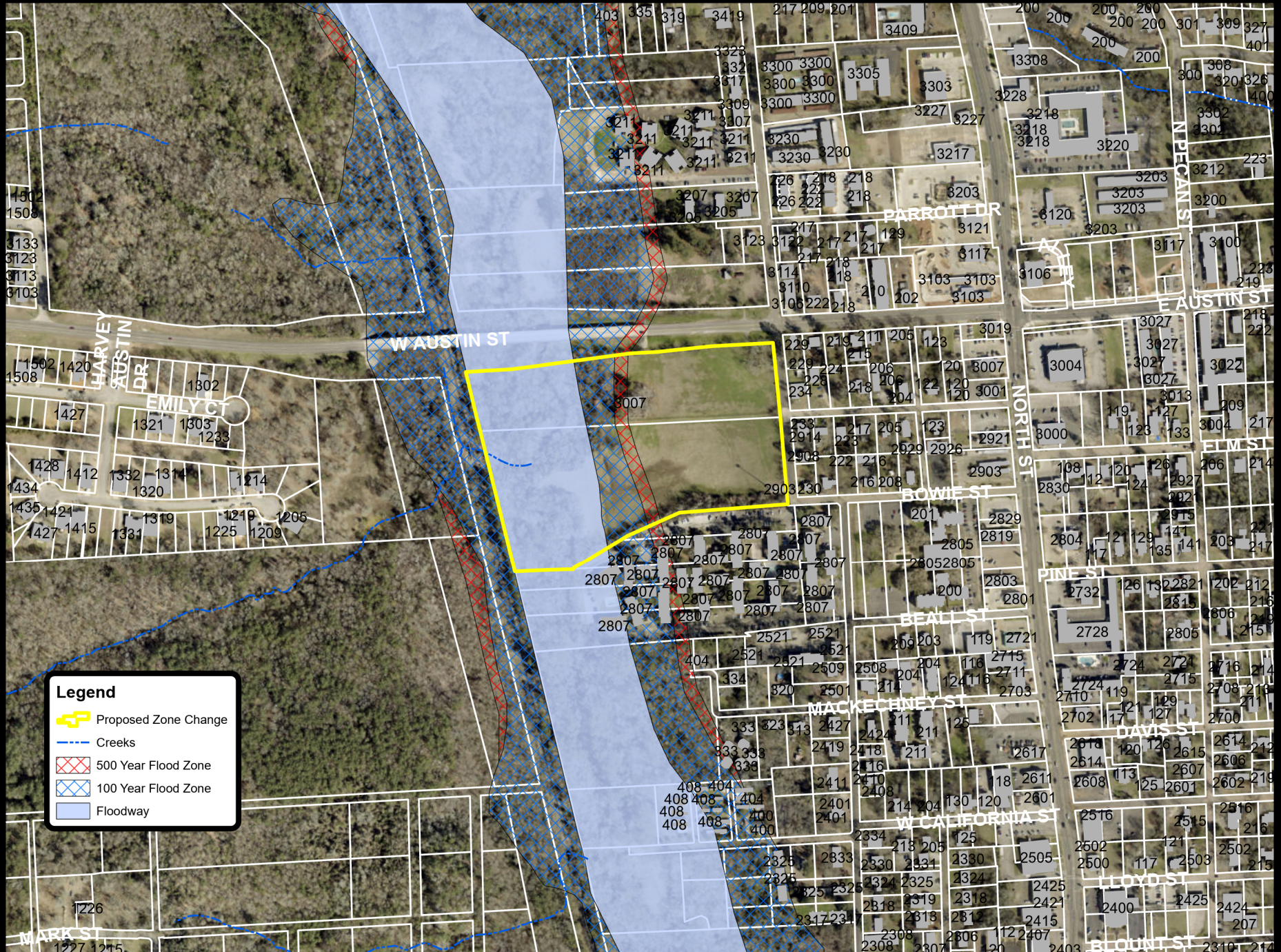


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Date Created: July 21, 2022 Software: ArcGIS Pro 2.9.3



ZON 2022-08



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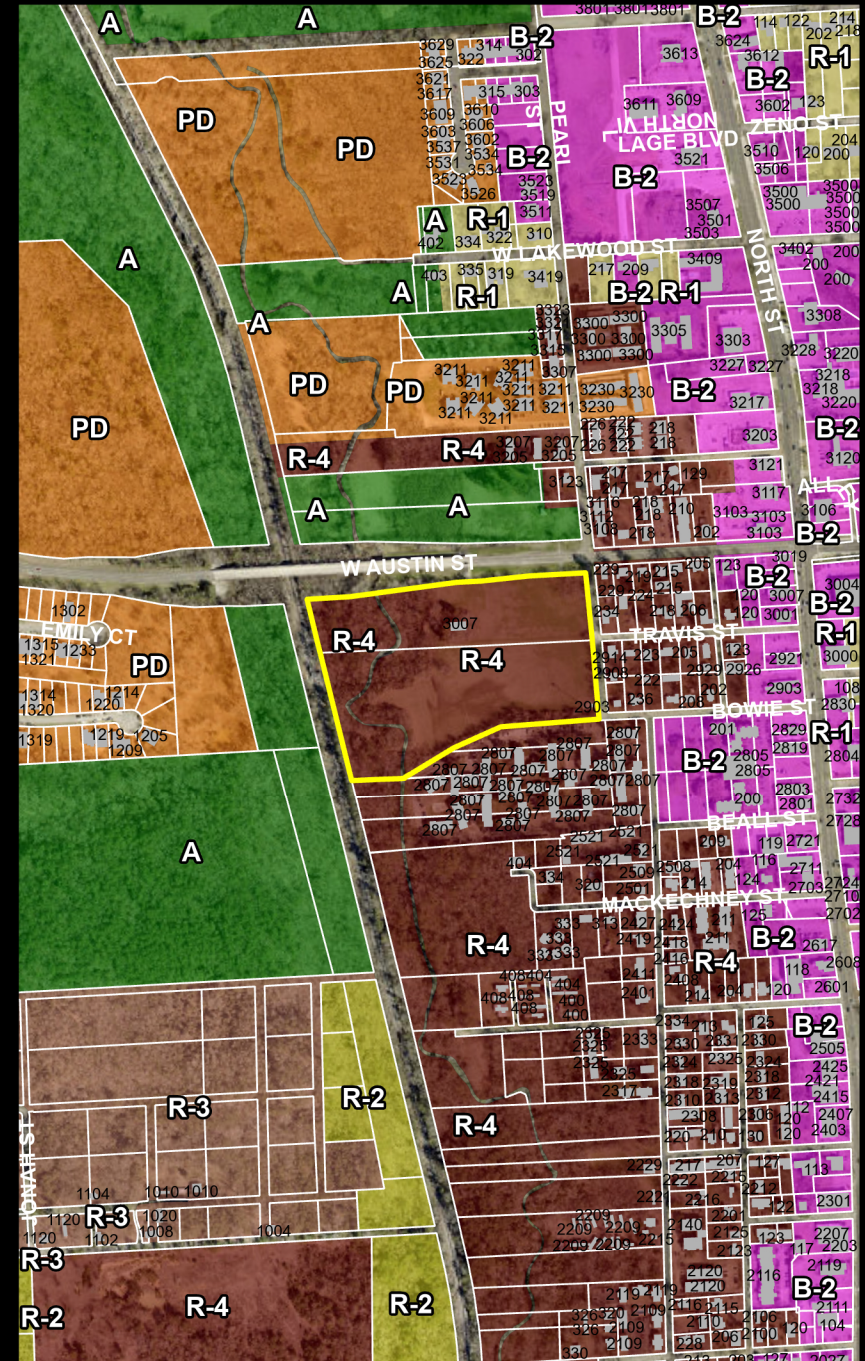
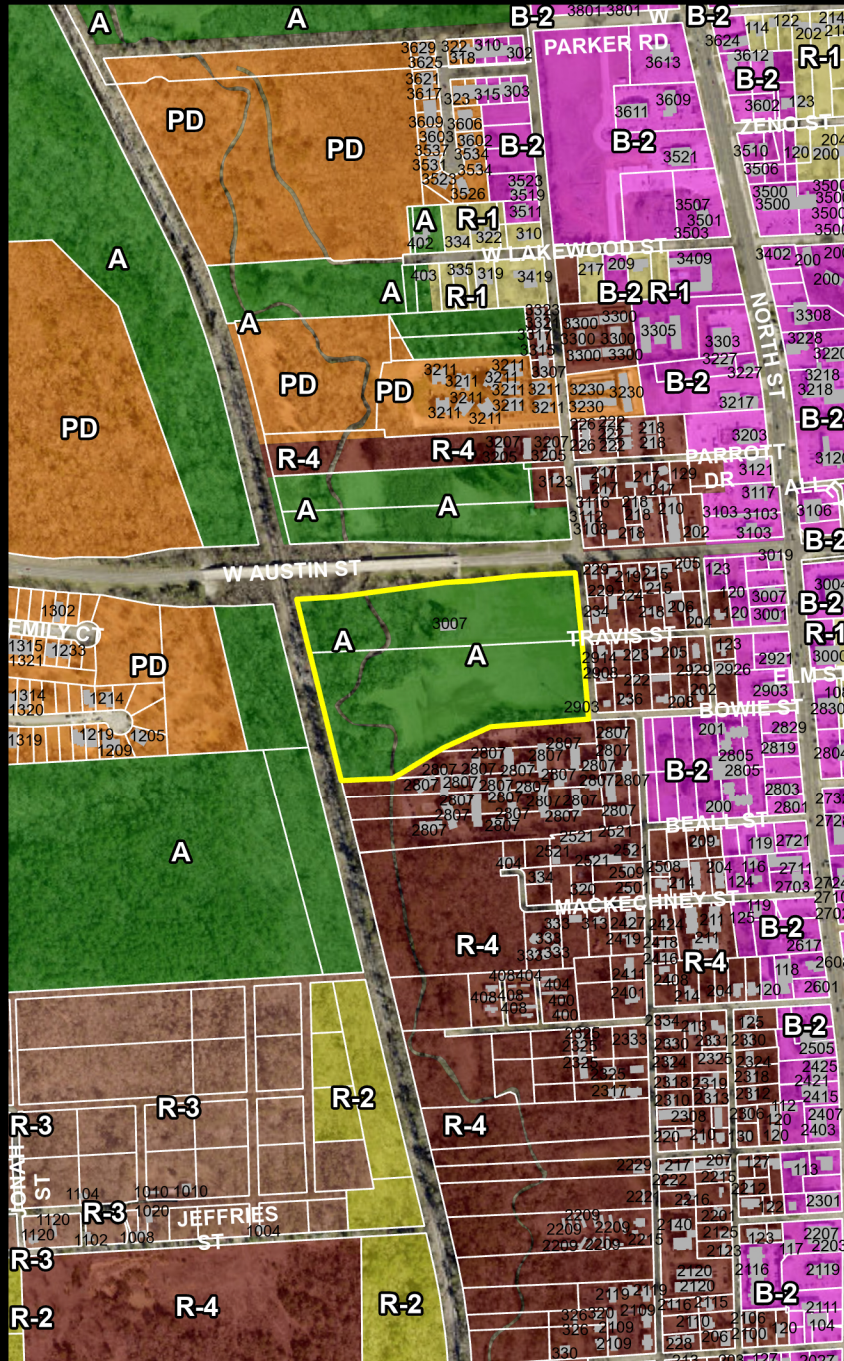
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Date Created: July 21, 2021 Software: ArcGIS Pro 2.9.3

Existing Zoning

ZON 2022-08

Proposed Zoning



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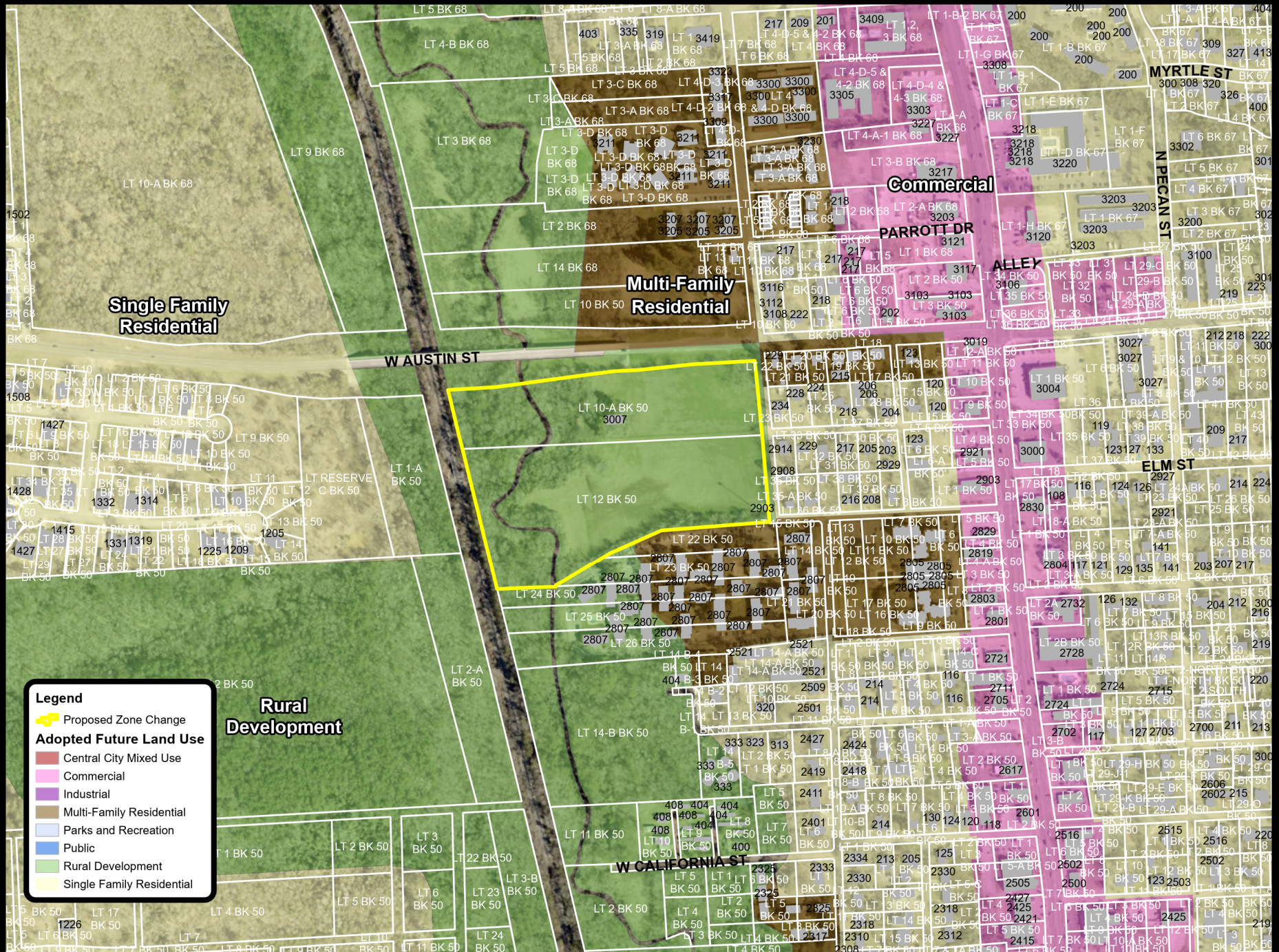


Date Created: July 21, 2022 Software: ArcGIS Pro 2.9.3

0 200 400 800 Feet



ZON 2022-08



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0 125 250 500 Feet

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



ZON CASE NO.: _____

DATE SUBMITTED: _____

STAFF: _____

COMPREHENSIVE PLAN AMENDMENT LETTER

(Check all applicable)

☒ Related to Future Land Use ☐ Related to Transportation ☐ Related to Other _____

ZO Sec. 118-4. - Relationship to comprehensive plan and thoroughfare plan.

"If a zoning or rezoning request differs from what the comprehensive plan recommends for that area, the city planner will advise the applicant of this and will request the applicant to submit a written letter stating the reasons the comprehensive plan should be changed, if he wishes to proceed with the zoning request."

PROPERTY INFORMATION:

Address: 3007 Pearl St Total Acres: 15.516

Legal Description: Lot(s): 10-A & 12 City Block: 50

Subdivision (If Platted): CITY OF NAC Subdivision Block: _____

APPLICANT / PROJECT MANAGER'S INFORMATION (Primary contact for the project):

Name(s): Z PREPAY COMMUNICATION SERVICES LLC DBA ZARA

Phone Number: 214-869-7309 E-mail: mbicompany@aol.com

Street Address: 5721 ADAMS LN City: PURNO State: TX Zip Code: 75024

Signature: _____

PROPERTY OWNER'S INFORMATION:

Name(s): DW CLARK LAND INVESTMENTS LLC

Phone Number: 806-676-4750 E-mail: dclark@icamagrillo.com

Street Address: 6505 GLENWOOD City: AMARILLO State: TX Zip Code: 79119

Signature: _____

DESCRIPTION OF REQUEST:

1. Present zoning classification: ☒ A ☐ R-1 ☐ R-2 ☐ R-3 ☐ R-4 ☐ M ☐ B-1 ☐ B-2
☐ B-3 ☐ I-1 ☐ I-2 ☐ PD

2. Proposed zoning of property: ☐ A ☐ R-1 ☐ R-2 ☐ R-3 ☒ R-4 ☐ M ☐ B-1 ☐ B-2
☐ B-3 ☐ I-1 ☐ I-2 ☐ PD

3. Present zoning classification of all abutting property:

North: AGRICULTURE
East: R-4, MULTI-FAMILY
South: R-4 " "
West: AGRICULTURE

4. Current Future Land Use Map classifications and proposed classifications of property:

☒ Rural Development ☐ Single Family Residential ☒ Multi-Family Residential
☐ Commercial ☐ Industrial ☐ Central City Mixed Use ☐ Public
☐ Parks & Recreation

5. Current Future Land Use Map classifications of all abutting property:

North: RURAL DEVELOPMENT & MULTI-FAMILY
East: SINGLE FAMILY
South: R-4, MULTI-FAMILY & RURAL DEVELOPMENT
West: RURAL DEVELOPMENT

6. Current and proposed thoroughfare alignments:

Expressway: ✓
Major Arterial: ✓
Minor Arterial: E-AUSTIN ST.
Major Collector: ✓
Minor Collector: PEARL ST

ANSWER ALL OF THE FOLLOWING:

1. What specific element of the Comprehensive Plan (for example, Future Land Use designation, Thoroughfare Plan, or thoroughfare alignment) and at what specific location (if applicable) is requested to be amended?

RURAL DEVELOPMENT TO MULTIFAMILY

2. What is the amendment request?

3. Explain the reason for this amendment.

DEVELOPER WANTS TO BUILD AN APARTMENT COMPLEX

4. Identify the conditions that have changed to warrant this change to the existing Comprehensive Plan.

GROWING NEED FOR MORE HOUSING

5. Explain why the existing element of the Comprehensive Plan in question is no longer appropriate.

INCREASING DEMAND FOR MORE HOUSING

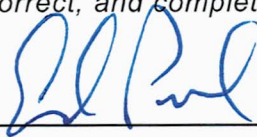
6. How does the requested amendment further the goals and objectives of the Comprehensive Plan?

SEE ANSWER 4 & 5

7. What other information are you providing to support the proposed amendment (for example, transportation impact study)?

N/A

The applicant has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true, correct, and complete.

Signature and title: 

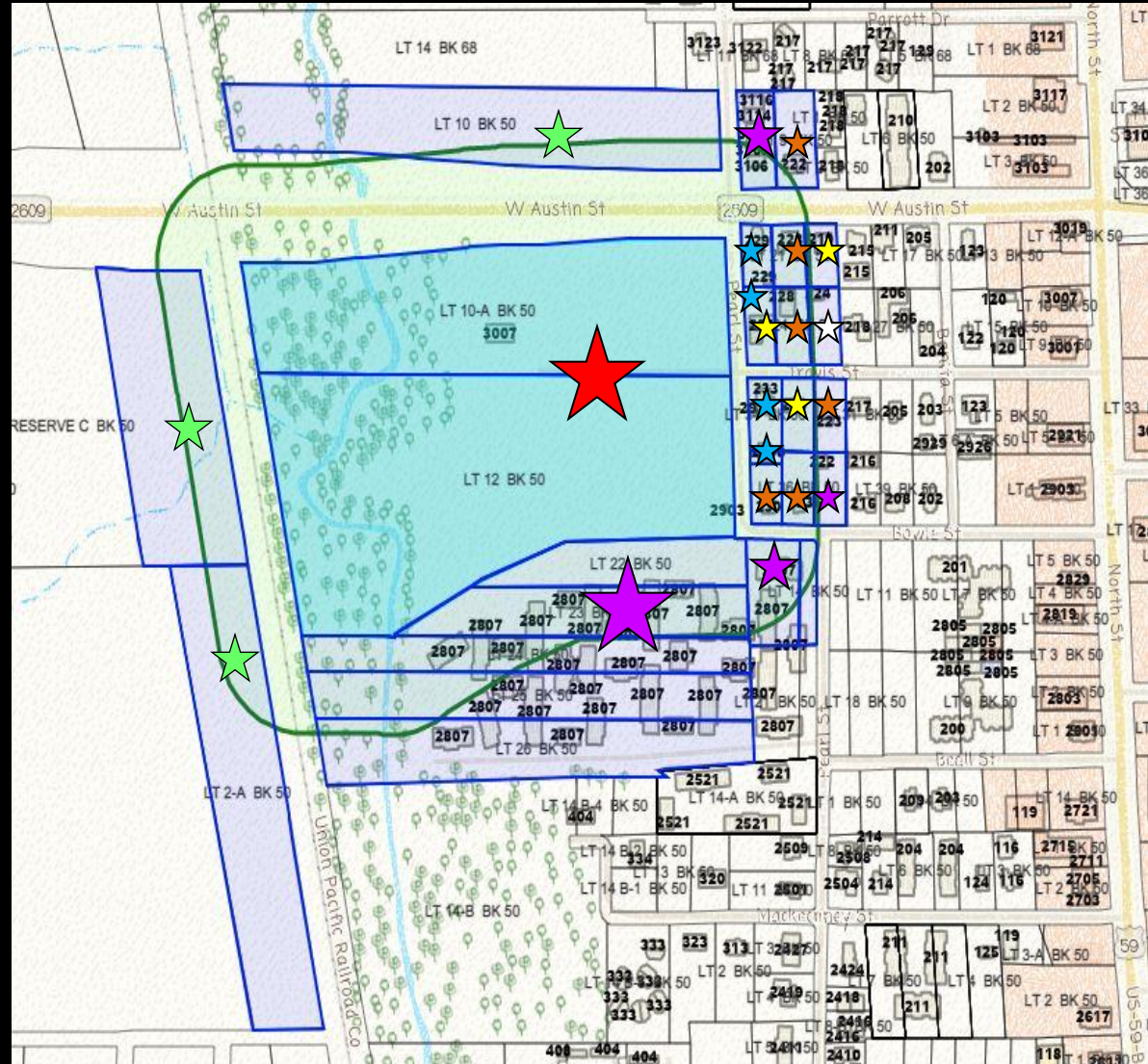
Date: 7/11/22

200 Foot Notification Map

ZON2022-08: Pearl & Austin St.

Legend

-  200 Foot Buffer
-  Zone Change
-  Duplex
-  Single Family- Rental
-  Single Family- Owner Occupied
-  Agriculture
-  Apartments
-  Vacant





OWNS PROPERTY WITHIN
200-FOOT NOTICE AREA

Response Form

Project Number: ZON2022-08
W. Austin St. and Pearl St.

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: ZON2022-08

Please circle one:

☐ In favor of request

☒ Opposed to request

Comments:

Signature: John D. Cortines

Printed Name: John D. Cortines

Street Address: 228 Travis St

City, State and Zip Code: Nacogdoches, Texas 75964

Phone Number: 936-556-1583

Email Address: Doug.Cortines@yahoo.com

Physical Address of Property within 200 Feet: 228 Travis St
Nacogdoches, Tx

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



Helton, Alaina <heltona@nactx.us>

Re: Zoning Change at West Austin and Pearl ZON2022-08

Lewis, Rhonda <lewizr@nactx.us>

Tue, Sep 20, 2022 at 8:01 AM

To: stephen ford <stephen1396@hotmail.com>

Cc: "fischera@nactx.us" <fischera@nactx.us>, "boldonr@nactx.us" <boldonr@nactx.us>, Alaina Helton <heltona@nactx.us>

Dear Mr. Ford,

Thank you for your email response to the requested zone change for ZON2022-08 -W. Austin and Pearl. The Planning and Zoning department has taken note of your response. I have copied Ms. Alaina Helton, City Planner, on this email so she is aware of your concerns and will address them accordingly.

Thank you,

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

On Mon, Sep 19, 2022 at 7:44 PM stephen ford <stephen1396@hotmail.com> wrote:

Hi,

I own property within 200 feet of the subject zone at West Austin and Pearl. I am against the zoning change.

Thank you,
Stephen Ford ([222 West Austin Street](#)).



Helton

**DOES NOT OWN
PROPERTY WITHIN 200 OR
500-FOOT NOTICE AREA**

Fwd: zoning change pearl/austin streets

1 message

Lewis, Rhonda <lewisl@nactx.us>

Thu, Aug 4, 2022 at 1:26 PM

To: Alaina Helton <heltona@nactx.us>, Juan Pollette <pollettej@nactx.us>

Email response from the email notifications for the folks outside of the 500 ft area of Ed Pool's project, Pearl and Austin streets.

Adding to the case and electronic files.

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

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

From: **J Henson** <hensonjl77@yahoo.com>

Date: Thu, Aug 4, 2022 at 12:07 PM

Subject: zoning change pearl/austin streets

To: lewisl@nactx.us <lewisl@nactx.us>

One more thing - I did not hear listed at the previous zoning meeting. Currently, I am concerned about a lack of a safe way to walk from that corner of Pearl to North St. I have seen people having to walk in the street because the incline is too great. If this complex is constructed I am concerned this it will just increase the dangers to pedestrians. I am sure this is too early in this process for this discussion and that there are many streets with this issue in Nacogdoches (W. Starr to Pearl comes to mind) but I just wanted to put it on the 'list'.

Thank you,

Jenny Henson

[1314 East McLemore Ct](#)

Multiple Questions not fully Addressed

- (1) 10 blds + 10 apt (2-3 bdrm) # People/cars
 - traffic to Roads, safety cars/people walking,
 - noise, pollution, Runoff @ creek
 - flood zone (100yr) $\frac{1}{4}$ of proposal [parking: tennis courts]
- (2) Zone Change = $\uparrow$ Revenue for City
 - " " = No control over build up of Apt size
- (3) Why not do less large build ($\frac{1}{2}$ the size = Multifamily)
 - " " do duplex zone change (still $\uparrow$ Property Value - even by more in ~~20~~ Future)
- (4) Will there ever be a Banita trail to match Llananna trail
 - Isn't the west side as important as the NE side?



Helton, Alaina <heltona@nactx.us>

Letter input from public. Re Agenda Item 5b

2 messages

Margaret Forbes <mforbes04@gmail.com>

Sun, Aug 21, 2022 at 10:55 PM

To: "Helton, Alaina" <heltona@nactx.us>, "Lewis, Rhonda" <lewisl@nactx.us>

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

From: **Denise McDonald** <denisedarlene409@gmail.com>

Date: Wed, Aug 17, 2022 at 12:13 PM

Subject: Re: Pearl and West Austin

To: Margaret Forbes <mforbes04@gmail.com>

Dear Planning and Zoning Commission member Maggie Forbes, I'm writing to you concerning the potential zoning change to R4 of what is now agriculture zoning on the corner of W. Austin St. and Pearl St. I believe, and one only needs to reference the current comprehensive plan (that we have continued to ignore) to see that the experts hired to assess and write the plan recommend that we do not build in the floodplains. In addition, with climate change flooding events are predicted to become larger and more frequent which makes building in the floodplain an insurance nightmare. And more importantly we want to keep the areas around our creeks clear for future trail development. The trails along the creeks increase the quality of life here for so many of its residents and visitors. Please vote no to changing the zoning change on W. Austin and Pearl St.

Denise McDonald

Maggie Forbes
(361) 332-1364



Helton, Alaina <heltona@nactx.us>

zoning change

2 messages

ohredkat@gmail.com <ohredkat@gmail.com>
To: heltona@nactx.us, rlewis@nactx.us

Sun, Aug 21, 2022 at 1:37 PM

I am writing in opposition to the zoning change request for lot(s) that are presently zoned Agriculture (A) at the corner of Pearl and West Austin to R4.

This location is in the Banita Creek floodplain.

High density development along our Nacogdoches creeks will damage something that is an important resource to everyone who lives in Nacogdoches.

I've talked to others who like myself hike and run the trail beside Banita Creek and the consensus is that apartments built in this floodplain and so close to the creek would be detrimental to the health of the creek.

I am asking the members of the Planning and Zoning committee to vote against the change from A (agriculture) to R-4 (apartments) in this location at the corner of Pearl and West Austin.

Thank you,
Kathy Redman
[516 Burk St](#)
[Nacogdoches, Tx 75964](#)

Helton, Alaina <heltona@nactx.us>
To: Steve Bartlett <bartletts@nactx.us>

Mon, Aug 22, 2022 at 3:06 PM

Alaina Helton, AICP, CNU-A, CPM

City Planner & Director of Planning & Neighborhood Services

City of Nacogdoches, Texas

Direct: 936-559-2572

Main: 936-559-2574

heltona@nactx.us



Visit the [NacTogether website!](#)

[Quoted text hidden]



Helton, Alaina - heltona@nactx.us

ZON2022-08: Pearl St and W. Austin Street Rezoning

3 messages

Matt Moore <matt.moore@waterstreetengineering.com>

Sun, Aug 21, 2022 at 10:44 AM

To: Alaina Helton <heltona@nactx.us>, Lily Phou <lilyphou@gmail.com>, Maggie Forbes <mforbes04@gmail.com>, drbobc@suddenlink.net, shannon@shannonconklin.com

Cc: Francois de Kock <fdekock@dtjdesign.com>

Chair and Members of Planning and Zoning Commission:

I do not support this rezoning from Agriculture to Multifamily because it shows no respect for and barely acknowledges the impact on **Banita Creek**. I don't think there is even a drawing showing the relationship of the proposed development to the floodplain in your packet. You don't get more basic than showing that relationship unless of course you wish to obfuscate rather than inform. To say there will be no vertical development in the floodplain, as the item's back-up material does, is just another way of saying that is where the parking is going.

The City is in the middle of a massive rewrite of our Comprehensive Plan (was DTJ even consulted over this), There has been a La Nana Bayou Watershed planning process going on for several months, probably over a year now. This has never been mentioned, to the best of my knowledge, in any P and Z commission, Council, or any other City meeting. The Planning Consultants, DTJ, were not even aware it was going on.

How is this even possible?!

If you, as our planning and zoning commission, do not care about protection of our creeks and watersheds then by all means go ahead and recommend to Council that they approve another cookie cutter development by a Dallas developer. If, on the other hand, you see your position as a chance to stick up for the environment and think long term about what is best for future generations then do not support this rezoning. Instead, **begin at tomorrow's meeting**, a process of advocating for the environment and demand that the Comprehensive Plan have a substantial environmental and water quality component included.

I hope to do the right thing.

Respectfully,

Matt Moore, P.E.

shannon conklin <Shannon@shannonconklin.com>

Sun, Aug 21, 2022 at 12:00 PM

To: Alaina Helton <heltona@nactx.us>

Cc: Lily Phou <lphou@cbtx.com>

Alaina - FYI

Thanks,
Shannon

Begin forwarded message:

From: Matt Moore <matt.moore@waterstreetengineering.com>

Date: August 21, 2022 at 10:44:52 AM CDT

To: Alaina Helton <heltona@nactx.us>, Lily Phou <lilyphou@gmail.com>, Maggie Forbes <mforbes04@gmail.com>, drbobc@suddenlink.net, shannon conklin <Shannon@shannonconklin.com>

Cc: Francois de Kock <fdekock@dtjdesign.com>

Subject: ZON2022-08: Pearl St and W. Austin Street Rezoning



Helton,

**DOES NOT OWN
PROPERTY WITHIN 200 OR
500-FOOT NOTICE AREA**

Zoning Change from Agriculture to R4 multi family

3 messages

Pat Castella <lubechaypat@gmail.com>

Mon, Aug 22, 2022 at 11:36 AM

To: "Chafin, Alaina" <heltona@nactx.us>, MAGGIE FORBES <mforbes04@gmail.com>

I have many concerns about this zoning request:

Zprepay communications llc Plano mde the request site plan done by MBI and owner DWClark land investments Amarillo are the principals involved
What is their reputation? Also in the site plan it is mentioned that this would be a good investment (is this just being presented before they have the necessary funds to follow through).

Next it is in violation of Flood Plain ordinance.

No vertical buildings in flood plain (this is vague and does not explain what will be in flood plain).

Comprehensive Plan it does not comply as evidenced by amendment signed by owner DW Clark land investment

Supporting Facilities mentions TIA and various other needs will these be paid for by developers or will the citizens of Nacogdoches be taxed

The plan uses about 17 apartment complexes as their Comps for this project

the math does not compute Instead by their very own statistics It shows that Nacogdoches has a strong need for Affordable Single Family owned housing. This is just another complex geared toward student housing.

Please do not talk about infill etc We need to address the need for permanent residents. If you look at site plan it is obvious that there are more than enough Multi family housing units in Nacogdoches.

Words such as landscaping, Environmental needs etc. mean nothing unless they are specific.

I am opposed to this development for many reasons.

Primarily because of the flood plain danger and the fact that this is not for the good of Nacogdoches but as an investment by those that do not live here.

Please deny this request.

Sincerely

Pat Castella

1009 Logansport ST

Nacogdoches, Texas 759 61

Helton, Alaina <heltona@nactx.us>

Mon, Aug 22, 2022 at 11:54 AM

To: Juan Pollette <pollettej@nactx.us>, Steve Bartlett <bartletts@nactx.us>

Fyi

[Quoted text hidden]

Margaret Forbes <mforbes04@gmail.com>

Mon, Aug 22, 2022 at 12:34 PM

To: "Lewis, Rhonda" <lewisl@nactx.us>, "Helton, Alaina" <heltona@nactx.us>

Please see concerns from P Castellan email below

ZON2022-08 - Site Photos



Subject property
along Pearl St.

Subject property
along W. Austin St.





Looking east at the
Austin & Pearl St.
intersection

Looking west along
W. Austin St.





Multi-Family apartments
at the northeast corner of
Austin & Pearl St.

Single Family home at
the south east corner of
Austin & Pearl St.





Multi-Family Apartments
south of the subject
property

Multi-Family Apartments
southeast of the subject
property





Single family and Duplex houses east of Pearl St.

Cell phone tower on the southeast corner of the subject property

