



**February 13, 2023**

## **Planning & Zoning Commission**

Notice is hereby given of a Regular Meeting of the Planning and Zoning Commission to be held on February 13, 2023 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](http://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 [cloutiera@nactx.us](mailto:cloutiera@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, February 13, 2023. 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.

**City of Nacogdoches Planning Department**  
202 E. Pilar – PO Box 635030 – Nacogdoches, TX 75963  
936-559-2574 □ Fax 936-559-2912 □ [www.nactx.us](http://www.nactx.us)  
Home of Stephen F. Austin State University □ [www.sfasu.edu](http://www.sfasu.edu)



- A. Approval of Minutes: Consider approval of minutes from the January 9, 2023 Planning & Zoning Commission meeting.
  - B. Approval of Minutes: Consider approval of minutes from the January 25, 2023 Planning & Zoning Commission meeting.
5. REGULAR AGENDA: City Council will receive staff recommendations and public input on the following items, and may deliberate and take formal action on the item.
- A. Consideration, discussion, and possible action on items removed from the Consent Agenda by Commission action.
  - B. **Public Hearing:** Consider a request for approval of a Zone Change from A, Agricultural, to R-1, Single Family, for approximately 2.7 acres of land located along the eastern boundary of the city limits, being part of a 64.1 acre tract conveyed by HGT Group, LP, to JBSC Development, LLC, as described in Warranty Deed dated March 22, 2022, and recorded in Clerk's Document Number 2022-3135 of the Real Property Records of Nacogdoches County, Texas. This request has been submitted by JBSC Development. Case File ZON2023-01.
  - C. **Public Hearing:** Consider a request for approval of a Specific Use Permit (SUP) for an Accessory Apartment, for Lots 18-A and 19-A, City Block 67, located at 315 East Lakewood Street. This request has been submitted by Lidia Harber, Case File SUP2023-01.
6. City Council decisions on Planning & Zoning cases: On January 17, 2023 City Council took the following action on the items listed below.
- A. Approved 5-0: Request for approval of a Zone Change from PD, Planned Development, to R-1 Single Family, for approximately 61 acres of land, generally located at the eastern terminus of Park 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.
8. ADJOURN.

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Aimee Cloutier, Office Assistant III



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, February 8, 2023 at 5:00 p.m. I further certify that the News Media were properly notified of this meeting as stated above.

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Aimee Cloutier, Office Assistant III



**CITY OF NACOGDOCHES  
PLANNING & ZONING COMMISSION MEETING MINUTES  
JANUARY 9, 2023 AT 5:00 P.M.  
REGULAR HYBRID MEETING**

**MEMBERS PRESENT:** Ruth Carroll; Margaret Forbes; Lily Phou; and Matthew Perry;

**MEMBERS ABSENT:** Shannon Conklin;

**STAFF PRESENT:** City Planner, Alaina Helton; Planning Technician, Juan Pollette; Office Assistant, Aimee Cloutier; and, City Engineer Steve Bartlett;

**OTHERS PRESENT:** James Newman; Janice Newman; Bob Peel; Phil Eby; Dennis Eby; Applicant, Jacob Crawford; Paul Moor; Anna Middlebrook; and Applicant, Warren Sparks;

1. **Call to Order:** Chairwoman Phou called the meeting to order at 5:01 p.m.
2. **Pledge of Allegiance:** Chairwoman Phou led the Pledge of Allegiance.
3. **Open Forum:** Chairwoman Phou 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 a 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 December 12, 2022 Planning and Zoning Commission meeting.

Commissioner Carroll made the motion to approve the minutes from the December 12, 2022 meeting as written, Commissioner Perry 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 approval of a Zone Change from PD, Planned Development, to R-1, Single Family, for approximately 61.4 acres of land, being all of a 64.1 acre tract conveyed by HGT Group, LP, to JBSC Development, LLC, as described in Warranty Deed dated March 22, 2022, and recorded in Clerk's Document Number 2022-3135 of the Real Property Records of Nacogdoches County, Texas, SAVE & EXCEPT, 2.7 acres that lies outside of the City Limits of Nacogdoches, generally located at the eastern terminus of Park Street. This request has been submitted by JBSC Development, LLC. Case File ZON2022-09.

City Planner (CP), Alaina Helton addressed the Commission and went into detail about the applicant's request to zone 61 acres of undeveloped property located at the end of Park Street from Planned Development (PD) to R-1, Single Family.

CP Helton explained the PD was established and approved by City Council in the year 2000, but has since expired due to no development activity. CP Helton disclosed that the PD originally consisted of 217 acres and was annexed into the city limits, then subsequently zoned PD with a concept and master plan. Since then, there has not been any type of development activity on the property, making the PD expired and development not authorized unless there is a zone change or an updated PD.

CP Helton explained to the Commission that the requested zone change to R-1, Single Family is consistent with the density of the lots in the Village Gate Subdivision.

CP Helton stated that in 2022 the City Council approved a Chapter 380 agreement with the applicant for a 143-lot single-family subdivision and the extension of Park Street.

CP Helton stated the Future Land Use is designation of the property is single-family housing, which is consistent with the general area and complies with the Comprehensive Plan, therefore staff recommends approval for the zone change.



Chairwoman Phou asked if there were any questions or comments from the Commission.

Commissioner Forbes asked if the builder intended to build all 143 homes on the property.

CP Helton explained that the zone change boundaries reflect the proposed subdivision boundaries in the 380 agreement and future subdivision plans would go before the Planning and Zoning Commission for approval before the property was developed.

Chairwoman Phou asked the applicant, Jacob Crawford, if he would like to speak.

Jacob Crawford addressed the Commission and explained he was there to answer any questions.

Commissioner Carroll asked Mr. Crawford who would be building the homes and what the size of the homes would be.

Mr. Crawford stated that he is still in the engineering phase and provided an overview of the proposed lot and home sizes in the future subdivision.

Commissioner Forbes asked the applicant if he was going to have an HOA, if there were going to be any lots set aside for a park, and if there were any streams on the property.

Mr. Crawford told the Commission the future subdivision will be required to have an HOA for the landscaping requirements being proposed and his plan is to have a walking trail as well as a park. Mr. Crawford stated there were no streams on the property.

Chairwoman Phou asked if there was any public comment.

Gary Newman, a Village Gate resident, asked if Park Street was going to be a one-way in, one-way out type street into the new subdivision being proposed.

CP Helton stated as development occurs in the future, Park Street will extend but as it is shown now, the street will be stopping in the subdivision.



Mr. Newman asked if the HOA of the future subdivision is going to have responsibility for the extension of Park Street and if there was a way they could tie the maintenance together. He stated his main concern is the entrance into his subdivision and that the streets are maintained and clean during construction.

Mr. Crawford told the Commission that the HOA will have maintenance responsibility and he is open to any discussions with Village Gate HOA.

CP Helton told the Commission that once the extension of Park Street was constructed, the City would be taking over ownership and maintenance of the street.

City Engineer (CE) Seve Bartlett addressed the Commission stating there is an agreement between the City and Village Gate regarding the street lighting, landscaping, and irrigation for a section of Park Street, but that the street is City-owned and City-maintained.

Commissioner Forbes asked Mr. Bartlett if the same arrangements would apply to the extension of Park Street.

(CE) Bartlett stated the answer is premature because at this point, only the land use is being presented and not the design.

Chairwoman Phou asked if there was anyone else from the public that would like to speak on behalf of the zone change.

Robert Peel, a resident of Village Gate, stated his property backs up to the proposed new development site, and that he was told there was a 75-foot easement along his property and nothing could be built close to his house.

CP Helton stated there were no easements on the subdivision plat shown, but there may be a private franchise utility easement.



CE Bartlett addressed the Commission and explained there was not a 75-foot easement recorded outside of Mr. Peel's yard but that the subdivision plat shows a 35-foot buffer zone for landscaping.

Chairwoman Phou asked if there was any more public comment or comments from the commission. There was none, so she asked for a motion.

Commissioner Carroll made the motion to approve the zoning request from Planned Development (PD) to R-1, Single Family as presented. Chairwoman Phou seconded the motion and stated there does need to be more single family housing within the City and asked if there were any other comments from the Commission.

Commissioner Forbes asked the applicant why he wanted to change the zone from PD to R-1. Mr. Crawford explained he was doing what his surveyor told him to do and it is his understanding that R-1 zoning is for single-family housing.

CP Helton explained to the Commission that Planned Development (PD) is normally for unique developments that don't fit into a certain zoning district and that this development is appropriate for a straight zone change.

Dennis Eby, a Village Gate resident, asked the Commission if the zone change was approved, what would happen to the PD that is not included in the zone change for the 61 acres.

CP Helton explained that the PD is expired and until a zone change or updated PD is approved, the property is not entitled for development. CP Helton stated that if there was a zone change or PD request, the public would be informed of such.

Janice Newman, a Village Gate resident, asked if everything on the zoning map in orange is considered PD and what was allowed to be built surrounding her neighborhood.

CP Helton explained the PD is expired and the other PD being questioned is not involved in the zone change request.

Chairwoman Phou reminded the Commission that Commissioner Carroll made the motion to approve the zone change request from Planned Development (PD) to R-1,



Single Family, and she seconded the motion. Chairwoman Phou called for the vote and the request was approved unanimously (4-0).

**Public Hearing:** Consider a request for approval of a Site Plan for a PD, Planned Development District for Lots 1, 1-A & 1-B, City Block 64, located at 2827 Railroad Street. This request has been submitted by Warren Sparks. Case File PD2022-04.

(CP) Helton addressed the Commission and stated that the PD site plan is the final step of the three-phase PD process and stated the first phase was approved in 2021 and the second phase was approved in 2022. (CP) Helton explained the PD site plan is consistent with the PD development plan. (CP) Helton stated that staff recommends approval of the PD site plan.

Chairwoman Phou asked if there were any comments or questions from the Commission.

Commissioner Forbes asked what the difference was between the second and third amendments to the PD and what has changed.

CP Helton explained the PD site plan is essentially more detailed than the PD development plan and the PD site plan will be used for the construction phase. CP Helton informed the Commission that the engineering department has reviewed all plans and finds them sufficient for the proposed development.

Chairwoman Phou asked the applicant, Warren Sparks, if he wanted to speak.

Mr. Sparks addressed the Commission and said he appreciated the Commission working with him on the project.

Chairwoman Phou asked if there was any public comment. There was none.

Commissioner Forbes pointed out that the ordinance calls for a vicinity map for the PD site plan and moving forward, she would like that presented to the Commission.

Chairwoman Phou called for a motion. Commissioner Forbes made the motion to approve the PD site plan as presented. Commissioner Carroll seconded the motion. The PD site plan was approved unanimously (4-0).

- 6. Discussion and possible action on future agenda items: A Planning & Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any**



**deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.**

CP Helton stated she received a request from Commissioner Forbes requesting a future workshop to speak about different types of designs for single-family subdivisions and a way to provide preservation for waterways and natural areas.

Chairwoman Phou stated she would like to talk about mixed-use in a future workshop as well as the green belt overlays.

## **7. Adjourn**

Chairwoman Phou adjourned the meeting at 5:59 p.m.

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Chairwoman Phou

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Attest: Aimee Cloutier, Office Assistant III





**CITY OF NACOGDOCHES**  
**PLANNING & ZONING COMMISSION MINUTES**  
**JANUARY 25, 2023 AT 5:30 P.M.**  
**SPECIAL SESSION**  
C.L. Simon Recreation Center  
1112 North Street

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**City Council present in person:** Mayor Jimmy Mize, Council Members Amelia Fischer, Kathleen Belanger and Chad Huckaby. **Virtual Attendees:** Council Member Roy Boldon

**Planning and Zoning Commission present in person:** Shannon Conklin, Lily Phou, Matt Perry, Ruth Carroll and Margaret Forbes.

**DTJ Designs present in person:** Keith Walzak, Jay Narayana and Chad Sharrard. **Virtual Attendees:** Jason Claunch

1. Chairman Conklin called the Planning and Zoning Commission meeting to order at 5:31 p.m.

2. **Pledge of Allegiance.** Mayor Mize led the Pledge of Allegiance.

3. **Open Forum:** No one spoke during Open Forum.

4. **WORK SESSION:**

- A. Joint work session with the City Council and Planning & Zoning Commission, led by DTJ Design, to discuss local housing needs.

Keith Walzak, DTJ Designs Project Manager, stated that a draft comprehensive plan, downtown plan and the I-69 Corridor plan will be delivered by the end of March 2023. Mr. Walzak discussed housing needs in the City including planned development, affordable housing, student housing, independent living facilities and public private ventures. He also reviewed what the citizen housing focus groups identified as opportunities, challenges, priorities and measures of success.

Jason Claunch, DTJ Designs subconsultant, discussed analyzing the existing housing market, identifying housing gaps, housing inventory and housing trends. He also reviewed population trends, inflation, interest rates, rentals, vacant lots, neighborhood revitalization and housing demand. Other discussions included code compliance, streamlining the permitting process, home improvement incentive programs and better connectivity.

Jay Narayana, DTJ Designs subconsultant, discussed land use and development regulations that are affecting housing costs. She also discussed updating and simplifying zoning regulations, challenges regarding existing zoning, flexibility, development costs and balancing needs of the community with development interests.

Karen Allen spoke during public comment stating that housing options are not limited to the City of Nacogdoches. Ms. Allen stated that these studies should consider Nacogdoches County and neighboring counties.

Commissioner Forbes, discussed the City's role in neighborhood revitalization.

Chairman Shannon Conklin, inquired about information that had been gathered regarding the needs of the university students.

Commissioner Phou discussed gathering housing market data from local realtors instead of using census data. She said she would like to have a detailed analysis of Nacogdoches rather than generic information. She also discussed active non-profits in the City.

Council Member Chad Huckaby discussed student housing and other changes that might occur during the university's transitions to the University of Texas system. He also discussed increased rental demands and how it might impact the City.

Keith Walzak, DTJ Designs Project Manager, discussed how important it was that the university and the City discuss long term plans and goals. He also stated that the university has been participating in this process.



Council Member Belanger stated that she was concerned about relying on ESRI data because it can be misleading. She also discussed home ownership versus rental property and what the proportions are in other university towns.

Council Member Boldon said that the City does not want to be known as a rental community. He also discussed homeowner associations.

Council Member Huckaby discussed walkability across the City and what might be the best way to address that issue.

Jay Narayana, DTJ Designs subconsultant, stated that prioritizing connectivity in a phased approach is the best way to address sidewalks.

Council Member Fischer inquired about neighborhood revitalization for those who don't have the time or the resources to do it themselves.

Jay Narayana, DTJ Designs subconsultant, discussed rental inspection programs which require the rental property to be inspected every year. She said that rental demand is high because the inventory to buy homes is not available.

Ed Pool, local realtor, discussed increasing material costs, affordable new homes and incentives for developers to build in the City. He also discussed incentives for those who do infill development and demolishing dilapidated houses.

Commissioner Phou, discussed opportunity zones and how the City might attract new businesses.

Keith Walzak, DTJ Designs Project Manager, said that having clear goals and objectives is the most important in order to know which areas need the most work.

Commissioner Forbes, stated that the City does not have a sidewalk ordinance and one is needed.

Council Member Belanger discussed the number of owner occupied homes that are now rentals for student housing in the northeast ward.

Mable Cannings spoke during public comment regarding home ownership through the Community Reinvestment Act for low to moderate income citizens. She also discussed community cleanup programs and revitalization programs.

Commissioner Phou addressed City Council stating that it is up to us to determine quality of life. She also stated that sidewalks are very important and should be required as part of the development of new homes and new businesses. She also encouraged City Council to listen to the citizens when they say walkability and housing revitalization is important.

Keith Walzak, DTJ Designs Project Manager, discussed additional public surveys, upcoming meetings and public hearings.

City Council requested another work session to discuss incentives and development.

**5. Adjourn**

Chairman Conklin adjourned the Planning and Zoning Commission meeting at 7:52 p.m.

\_\_\_\_\_  
Chairman Shannon Conklin

ATTEST:

\_\_\_\_\_  
Aimee Cloutier, Office Assistant III

**PRESENTER:** Alaina Helton, City Planner

**ITEM/SUBJECT: Public Hearing:** Consider a request for approval of a Zone Change from A, Agricultural, to R-1, Single Family, for approximately 2.7 acres of land located along the eastern boundary of the city limits, being part of a 64.1 acre tract conveyed by HGT Group, LP, to JBSC Development, LLC, as described in Warranty Deed dated March 22, 2022, and recorded in Clerk's Document Number 2022-3135 of the Real Property Records of Nacogdoches County, Texas. This request has been submitted by JBSC Development. Case File ZON2023-01.

**OVERVIEW:** The request is for a zone change from A, Agricultural to R-1, Single Family for approximately 2.7 acres located along the eastern boundary of the City Limits, being part of a 64.1 acre tract more generally located at the east end of Park Street. The R-1, Single Family district is intended as an area for low density single-family uses. Lots in this district must be 8,250 square feet in lot area, or larger.

The subject property was recently annexed and is part of a larger 64.1 acre tract that was rezoned from PD, Planned Development to R-1, Single Family in January of this year. The applicant is requesting a zone change to R-1, Single Family in order to match the remainder of the tract for a residential development.

In addition, the City Council approved a Chapter 380 economic development agreement in March of 2022, for the development of a single family residential subdivision. In the agreement the developer has proposed to build a 143 lot subdivision and associated infrastructure, including the extension of Park Street.

Adjacent Land Use & Zoning

The subject property is zoned A, Agricultural and is undeveloped. The surrounding zoning and land uses are as follows:

| Direction | Comprehensive Plan        | Zoning              | Land Use      |
|-----------|---------------------------|---------------------|---------------|
| North     | Single Family Residential | R-1, Single Family  | Undeveloped   |
| South     | Rural Development         | Outside City Limits | Single Family |
| East      | Rural Development         | R-1, Single Family  | Undeveloped   |
| West      | Single Family Residential | R-1, Single Family  | Undeveloped   |

The subject property is located on the east side of the city and more generally located at the eastern terminus of Park Street. The surrounding property is zoned R-1, Single Family and is mostly undeveloped. The property to the south is located outside the City Limits and is developed with a single family residence.

## **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 and developed with single family residential uses, including the Village Gate subdivision to the west. Staff finds that the zone change request is consistent with the existing single family zoning and development pattern in the area.

**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 majority of the surrounding property is undeveloped, with the exception of a single family residence to the south that takes direct access to State Highway 7 East. 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 is part of a larger 64.1 acre track that is planned to take direct access from Park Street. When the property develops, water and sanitary sewer service will be provided to the area in accordance with the City development codes and departmental policy.

**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;

If the zone change is approved, future development will comply with City regulations regarding the prevention of offensive odor, fumes, dust, noise and vibrations.

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

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

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

Single family construction is not 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 land use category is described as, "Sparsely-populated areas with limited development that are still distinct from more urbanized areas." This definition also includes areas that are gradually transitioning into urban uses and development.

### Thoroughfare Plan

Park Street is a collector road that will serve as direct access for this property and the other residential uses in the area. Future development of the property will include the extension of Park Street.

### Land Use Policies, Goals & Objectives

The applicant has stated that this rezoning is a response to current needs for new single family development. 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 3 notices to property owners within the 200-foot and 500-foot notification area, including a mailed letter to the Village Gate HOA. To date, staff has not received any written responses in opposition or in favor of the zone change.

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; and notices published on the City's webpage and social media platforms.

### Staff Recommendation

Staff finds that the request meets the review criteria as outlined above. Therefore, Staff recommends approval of the zone change from A, Agricultural to R-1, Single Family.

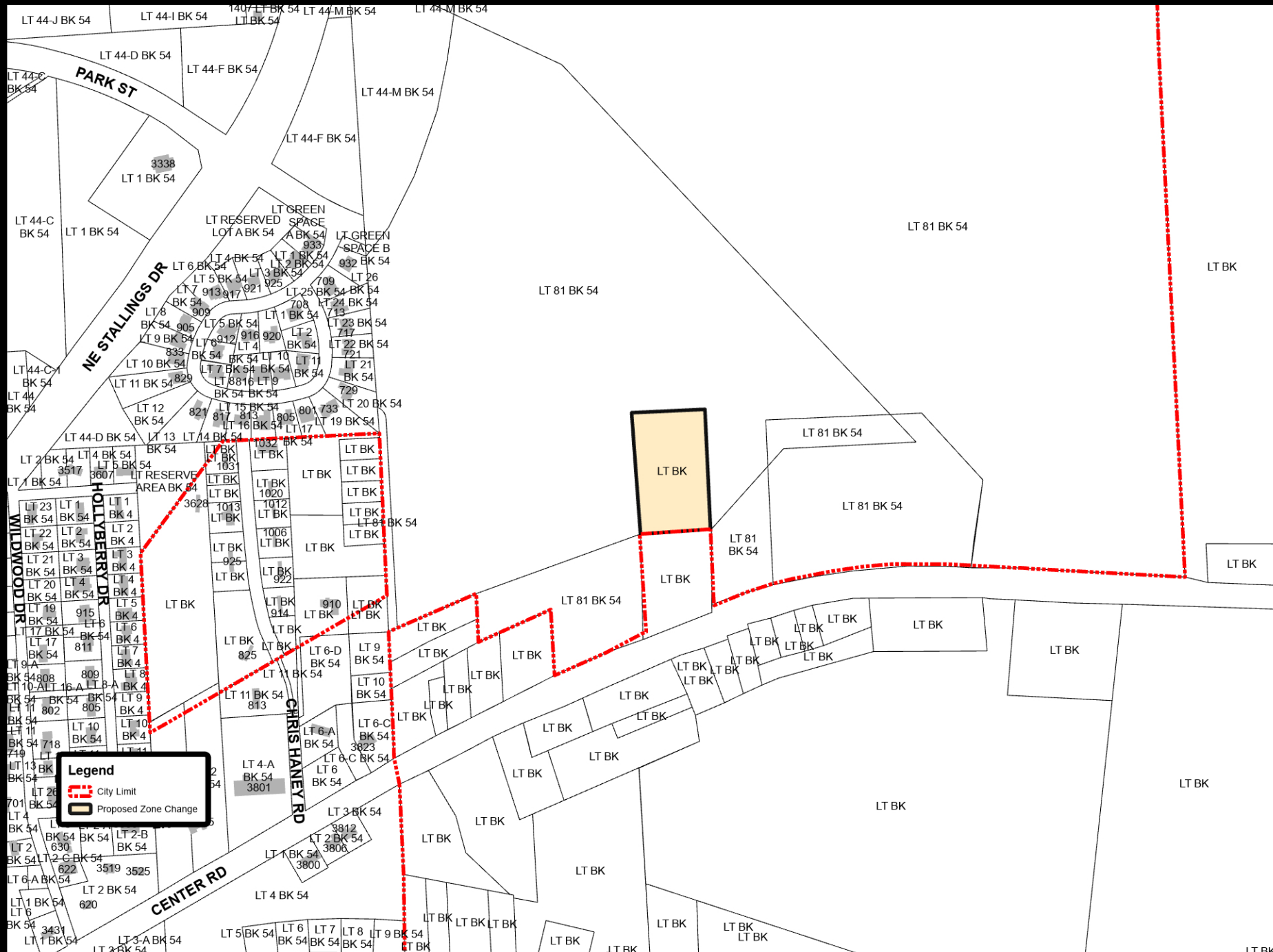
This item is scheduled to be heard by City Council on Tuesday, February 21st.

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

**ATTACHMENTS:**

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

## ZON 2023-01



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

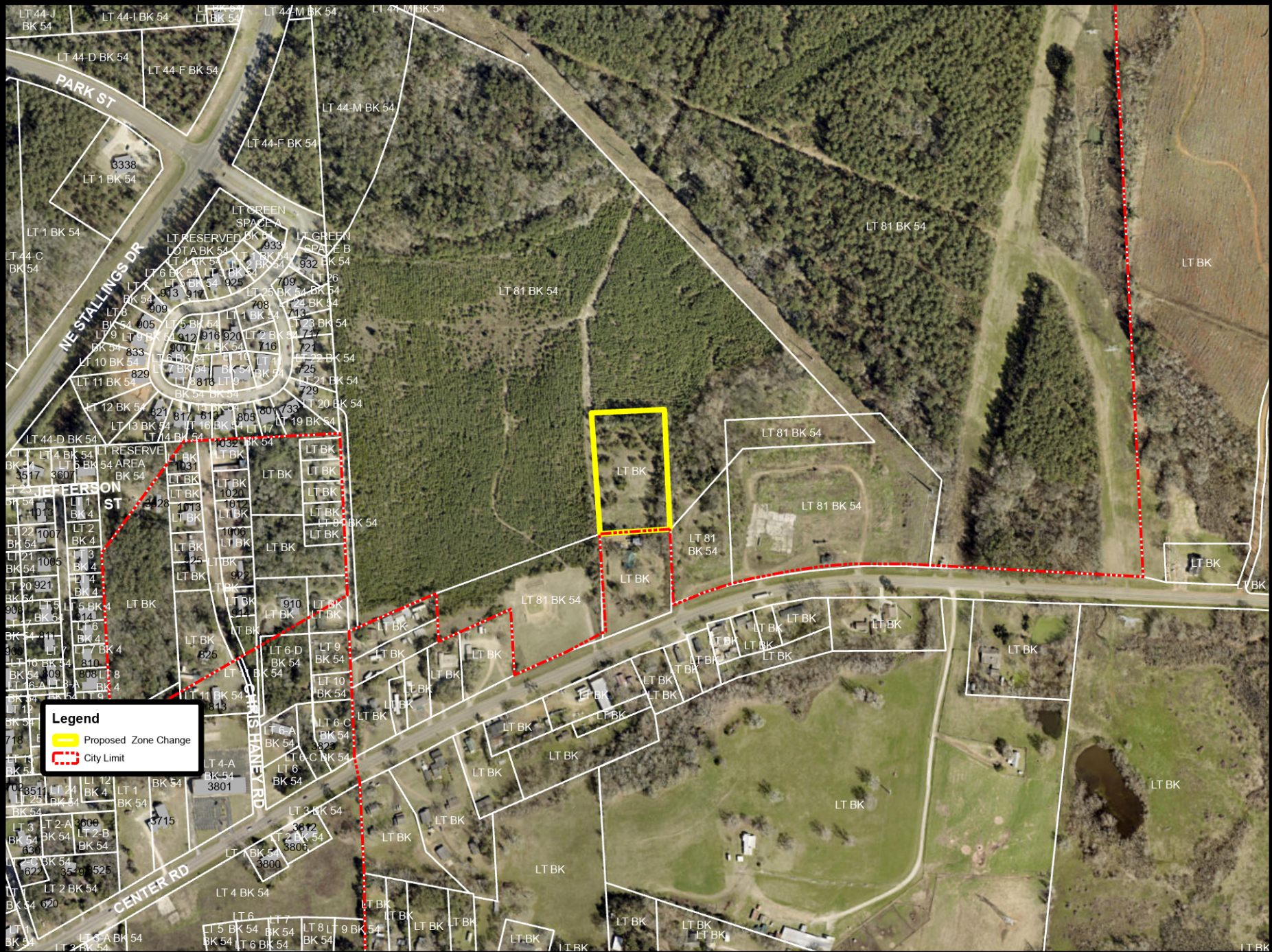


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Date Created: February 7, 2023 Software: ArcGIS Pro 3.0.3



## ZON 2023-01



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



A horizontal scale bar with tick marks at 0, 125, 250, and 500 Feet. The text "0", "125", "250", and "500 Feet" is positioned above the corresponding tick marks.

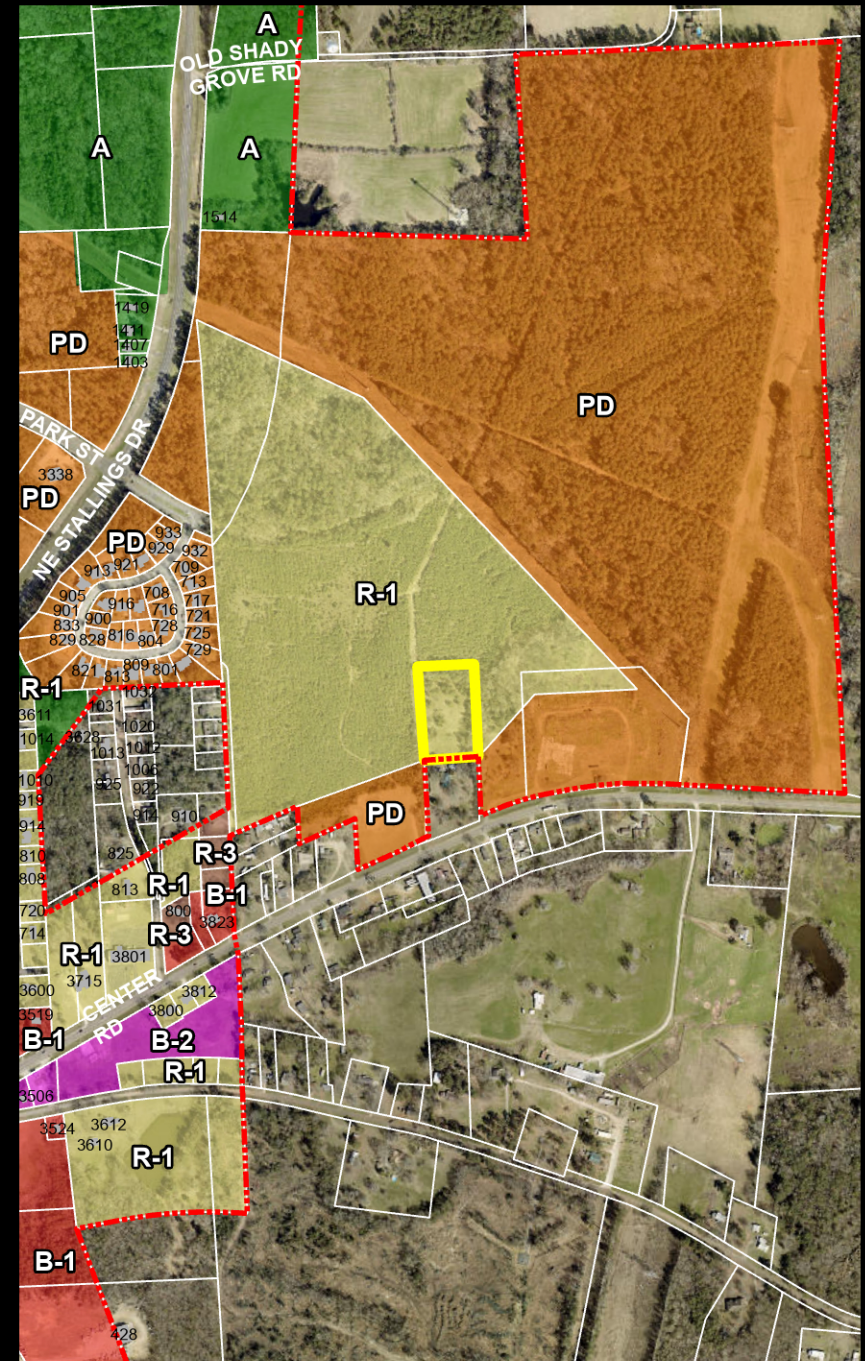
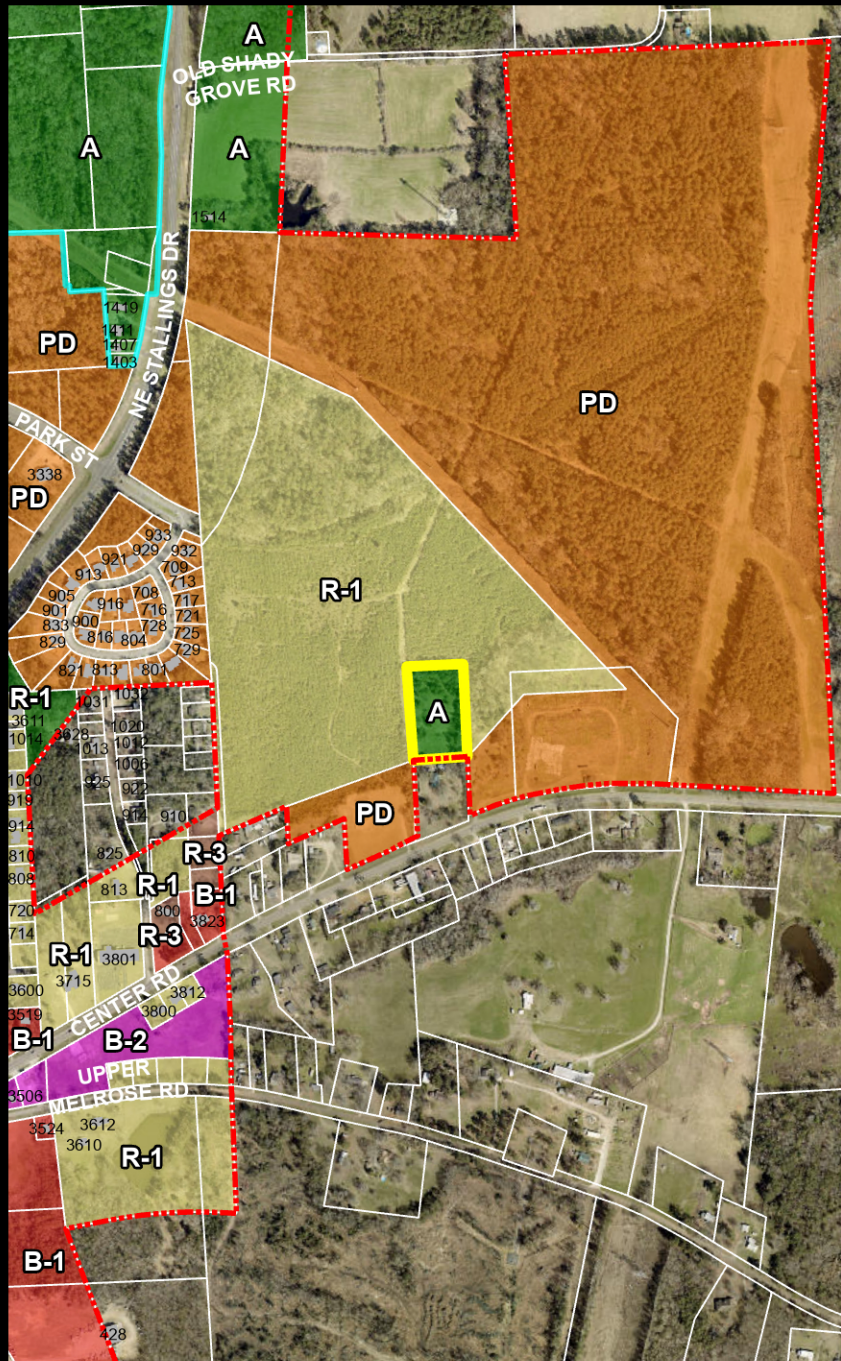
Date Created: February 7, 2023 Software: ArcGIS Pro 3.0.3



# Existing Zoning

ZON 2023-01

# Proposed Zoning



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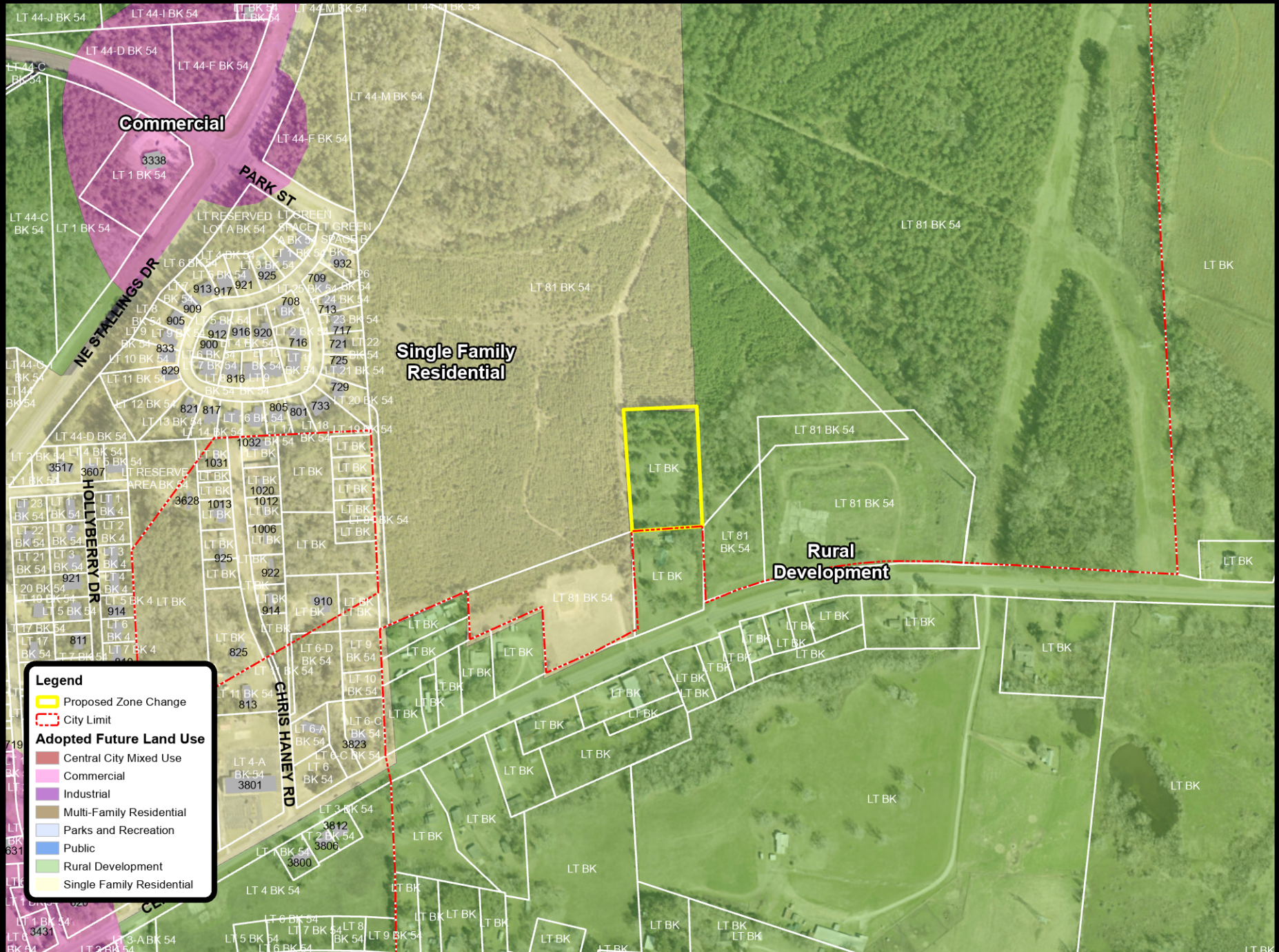
Date Created: February 7, 2023 Software: ArcGIS Pro 3.0.3

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# ZON 2023-01



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Date Created: February 7, 2023 Software: ArcGIS Pro 3.0.3



# 200 Foot Notification Map

ZON2023-01: Park Street

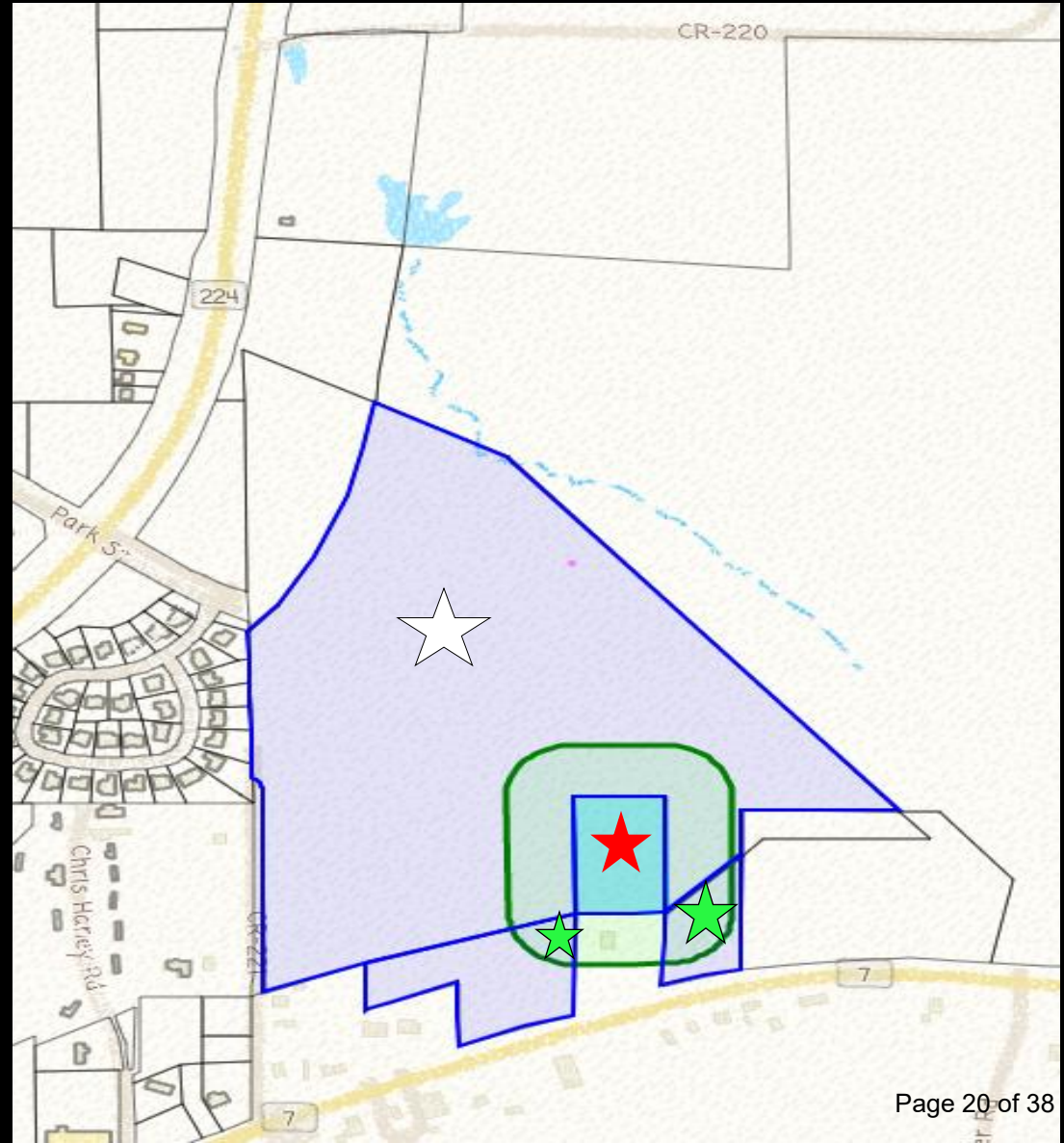
## Legend

 200 Foot Buffer

 Zone Change

 Agriculture

 Undeveloped



# Site Photos: ZON2023-01



Village Gate  
subdivision sign

Eastern end of Park St.







## Beginning of Subject Property







## Subject Property





Entrance to Village  
Gate Subdivision

Single Family Homes  
in the Village Gate  
Subdivision





**PRESENTER:** Alaina Helton, City Planner

**ITEM/SUBJECT: Public Hearing:** Consider a request for approval of a Specific Use Permit (SUP) for an Accessory Apartment, for Lots 18-A and 19-A, City Block 67, located at 315 East Lakewood Street. This request has been submitted by Lidia Harber, Case File SUP2023-01.

**OVERVIEW:** The request is for a Specific Use Permit (SUP) for an Accessory Apartment at 315 E. Lakewood Street. The property is zoned R-1, Single Family, and is developed as a single family residence with a detached storage building/shop. Per the Zoning Ordinance, an Accessory Apartment is allowed in the R-1, Single Family 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 purpose of the SUP is to convert the existing storage building into a small dwelling unit. The storage building is approximately 600 square feet in size. The applicant is proposing to convert the building into a 656 square foot one-bedroom apartment, slightly expanding the existing footprint on the rear of the structure by 6 feet. The main living area will be on the first floor, with a small bedroom located in an upper-level loft. The maximum area permitted for accessory apartments is no more than 30% of the main structure. The total square feet of the proposed apartment will be approximately 25.5% of the area of the main home, well within the maximum permitted.

There will be no separate utility meters or connections for the new dwelling unit. The applicant, Lidia Harber, currently lives in the main home. She has stated that she plans to use the accessory apartment as her new primary residence and her daughter will occupy the main house.

Adjacent Land Use & Zoning

The subject property is zoned R-1, Single Family and is currently developed as a single family residence with a detached storage building. The surrounding zoning and land uses are as follows:

| Direction                     | Comprehensive Plan        | Zoning            | Land Use      |
|-------------------------------|---------------------------|-------------------|---------------|
| North                         | Single Family Residential | R-1 Single Family | Single Family |
| East                          | Single Family Residential | R-1 Single Family | Single Family |
| South<br>(across E. Lakewood) | Single Family Residential | R-1 Single Family | Single Family |
| West                          | Single Family Residential | R-1 Single Family | Single Family |



The surrounding area is predominately zoned and developed with single family residences. The proposed SUP will not change the uses permitted under the current R-1 zoning district.

#### **STAFF REVIEW:**

Per Section 118.139 of the Zoning Ordinance, a Specific Use Permit may be approved if all of the following conditions have been found:

**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 accessory apartment is to be located on a 0.7 acre lot, behind the existing residence. The zoning ordinance requires at least 0.19 acres for each dwelling unit in an R-1, Single Family neighborhood. The addition of an accessory dwelling unit to this tract will not significantly affect the density of the neighborhood, and thus is compatible with the surrounding single family properties. The accessory apartment will also be designed to match the building materials and architectural style of the main home.

**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 SUP will not impede the development of the adjacent vacant property to the east.

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

Utilities and road access already exist, and there will be no separate public utility connections for the accessory apartment. The proposed SUP adds just over 100 square feet of additional impervious area to the property; therefore drainage will not be negatively affected.

**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 proposed accessory apartment is located at the end of the existing driveway. The main house has an attached 2-car garage, and the existing driveway is large enough to accommodate parking for the accessory apartment as well as guest parking.

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

The applicant is proposing to utilize the existing footprint of the storage building and increase the height of the structure by adding a small bedroom loft and pitched roof to match the architectural style of the main house. The entrance into the dwelling area will be facing the street, and there will be transom windows added to the upper-level of the front facade to allow light and air in the bedroom/loft space. No additional openings or lighting are proposed on the upper level of the building.

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

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;

The property has several large mature trees in the front and back yard. Properties zoned single

family are not required to comply with the landscaping ordinance.

**Comprehensive Plan.** The proposed use is in accordance with the comprehensive plan.  
**Future Land Use**

The 2003 Future Land Use Plan designates this area as Single Family Residential. The Comprehensive Plan describes the Single Family Residential future land use designation as, “Conventional one-family detached dwellings (also includes duplexes).” The Future Land Use designation in this area is consistent with the current R-1 zoning of the property. Approval of the SUP will not change the land uses permitted by the current underlying zoning district.

**Notices:**

Staff mailed 17 notices to property owners within the 200 foot notification area. At the time that this report was written, Staff has received one (1) written response in opposition of the request from the property owner residing at 227 E. Lakewood St. The resident stated that she is concerned the apartment will be used for rental purposes and doesn’t want any additional lease properties in the neighborhood.

**Neighborhood Input:** The applicant held a neighborhood meeting for the property owners within 500 feet of the subject property on January 24, 2023 to discuss and answer questions about the request. Seven (7) of the surrounding property owners attended the meeting. There was general discussion regarding the SUP process and the accessory apartment. The residents were generally supportive of the SUP. The resident of 227 E. Lakewood St. was not in attendance.

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

**Staff Recommendation**

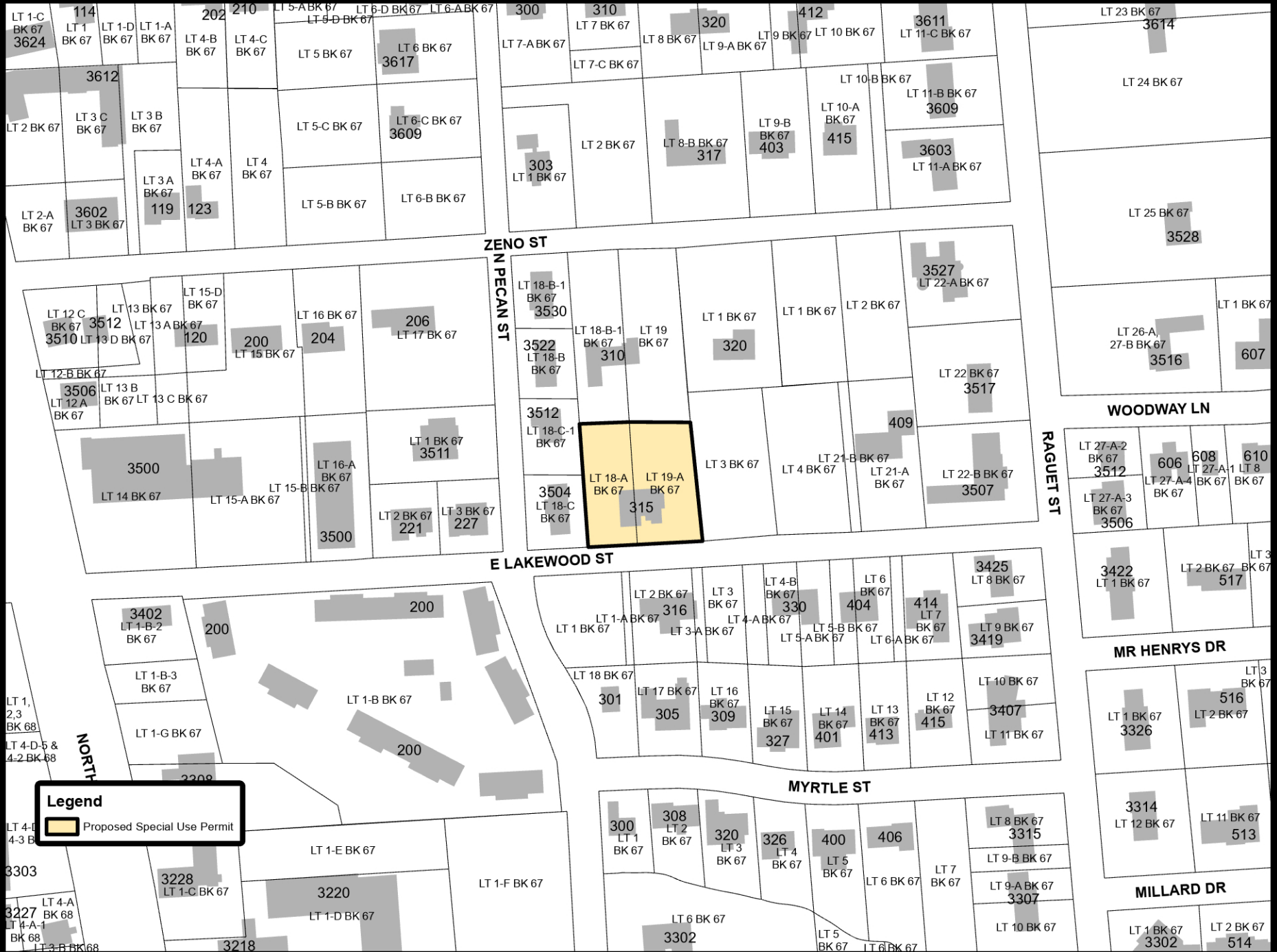
Based on the above findings, Staff recommends approval of the Specific Use Permit. This item is scheduled to be heard by City Council on Tuesday, February 21st.

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

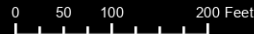
**ATTACHMENTS:**

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

# SUP 2023-01



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

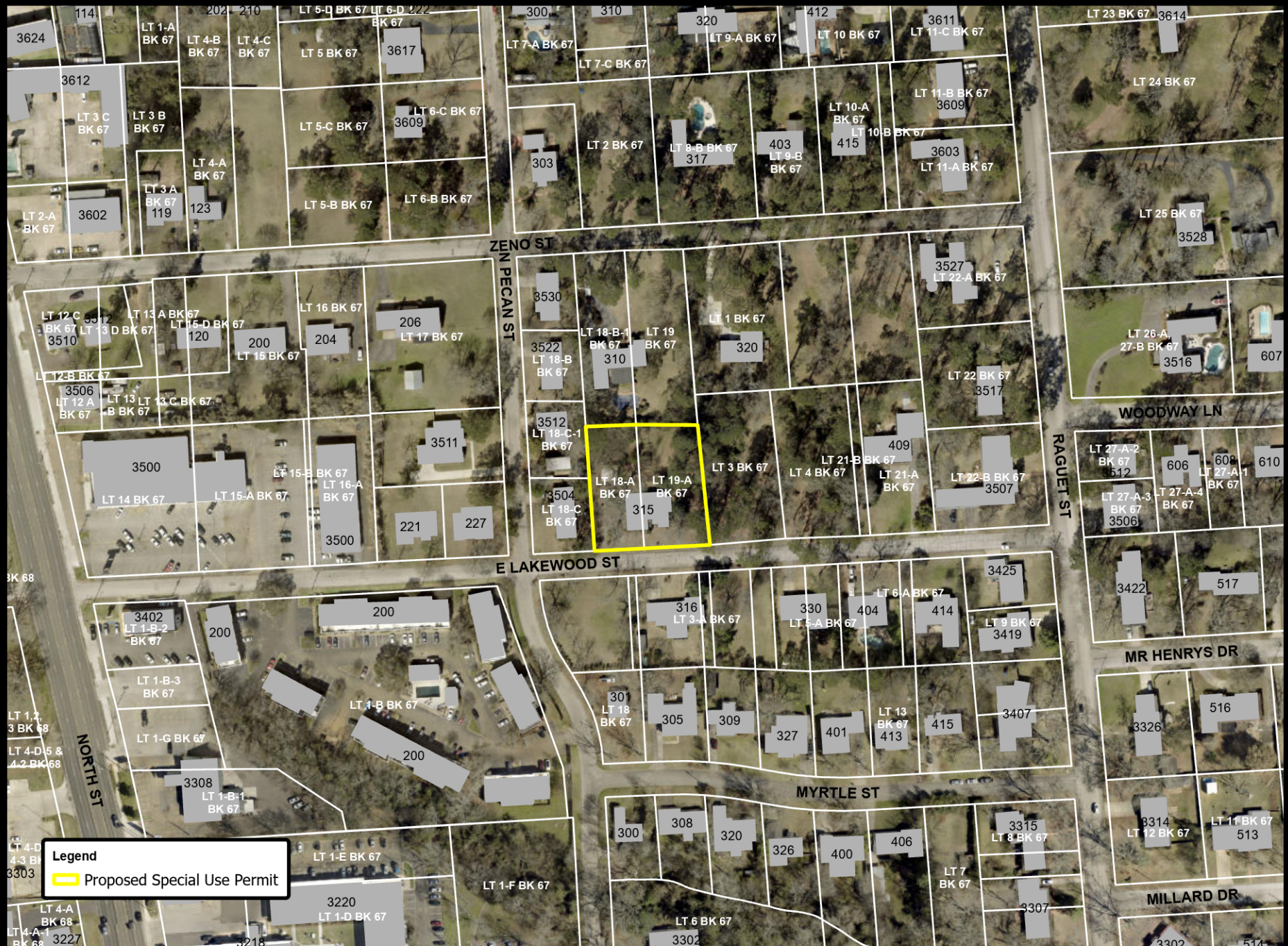


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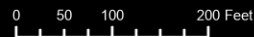




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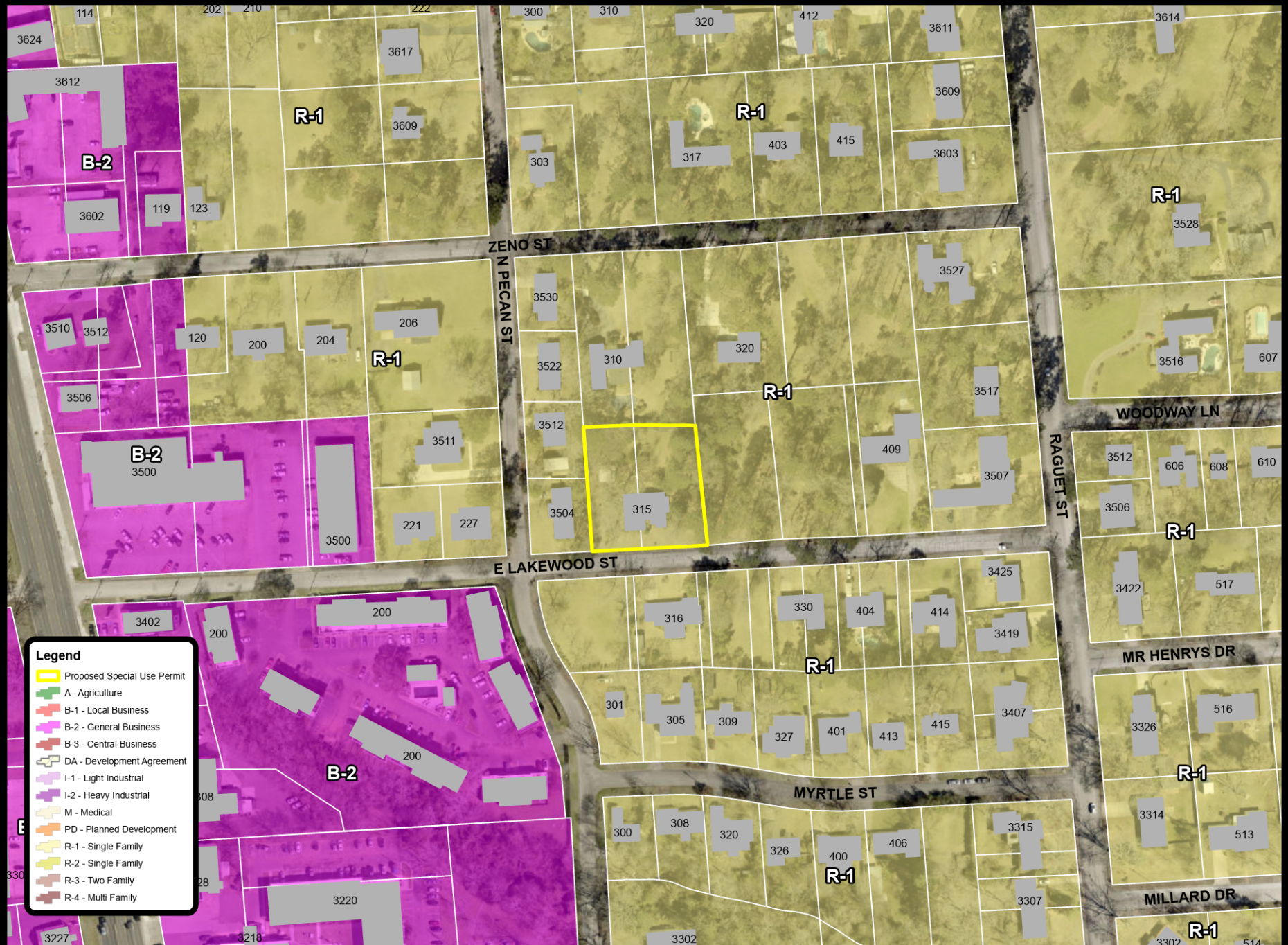


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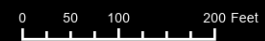


# SUP 2023-01



- 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

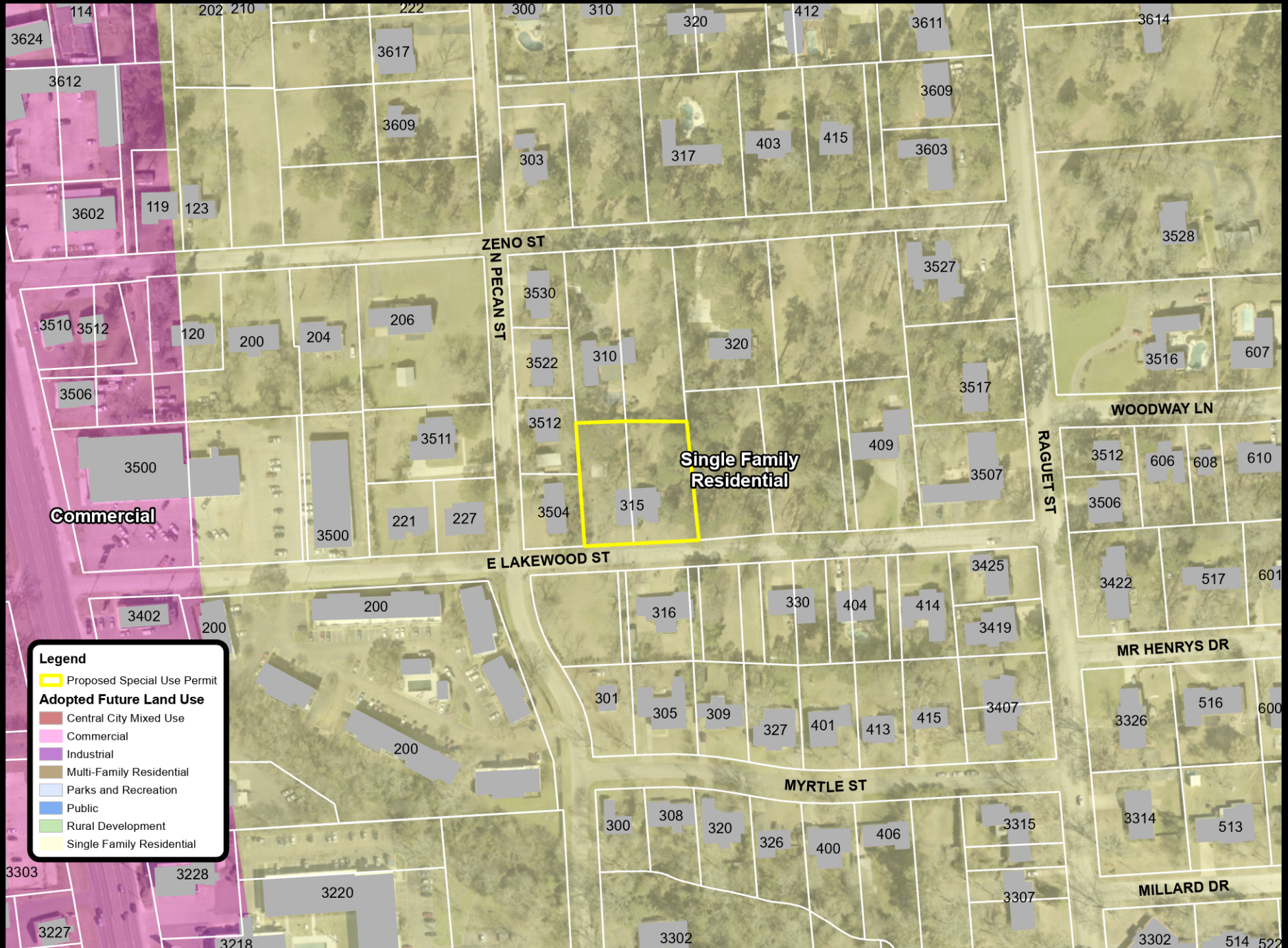
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**Legend**

Proposed Special Use Permit

**Adopted Future Land Use**

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

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0 50 100 200 Feet

Date Created: January 19, 2023 Software: ArcGIS Pro 3.0.3



# 200 Foot Notification Map

## Legend



200 Foot Buffer



Proposed Zone Change



Multifamily



Single Family- Rental

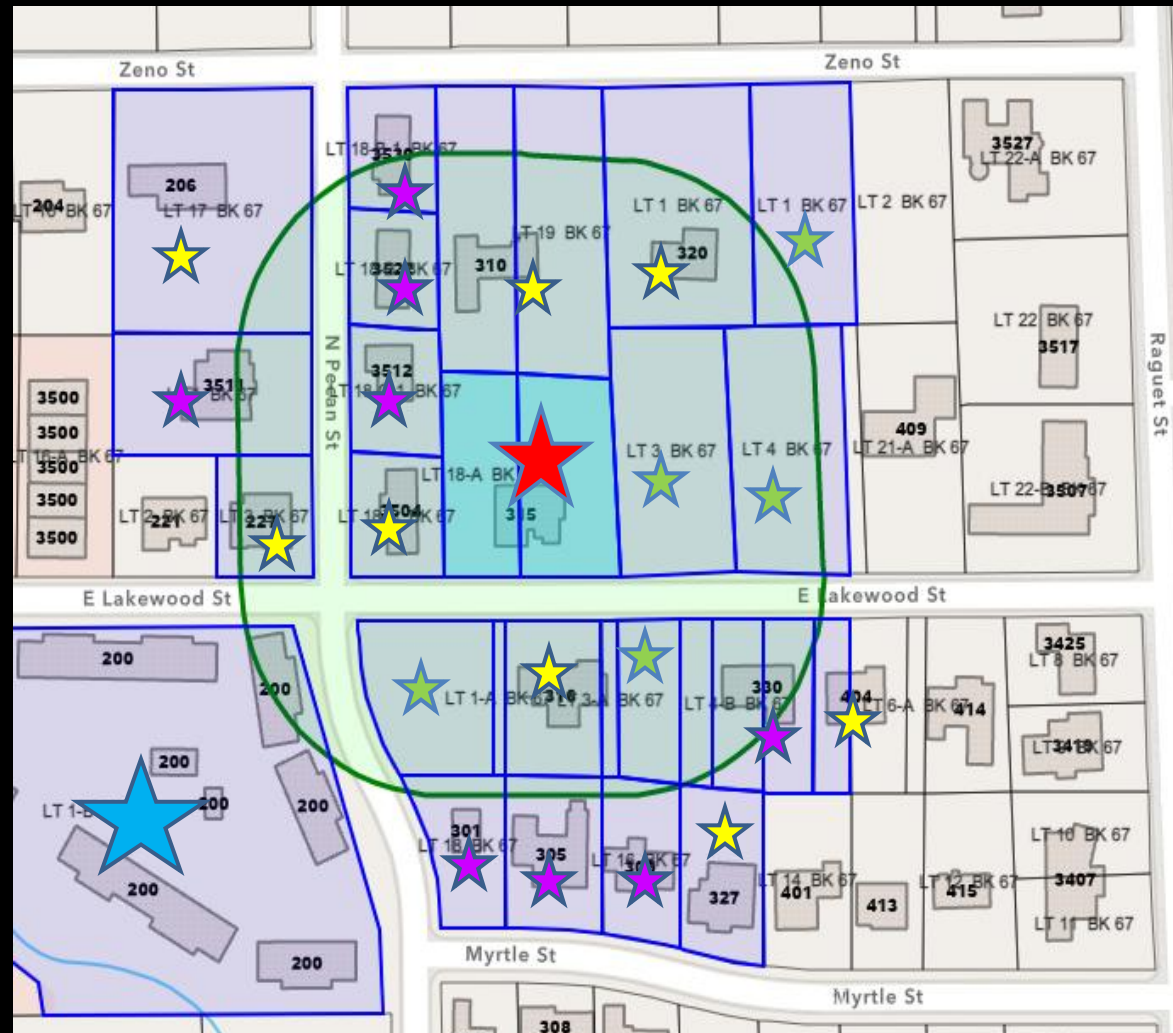


Single Family-  
Owner Occupied



Undeveloped

SUP2023-01: 315 E. Lakewood St.





#17

## Response Form

Project Number: SUP2023-01  
315 East Lakewood Street

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: Aimee Cloutier  
PO Drawer 635030  
Nacogdoches, TX 75963

You may also email a copy to Rhonda Lewis, [cloutiera@nactx.us](mailto:cloutiera@nactx.us)

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**Project Number: SUP2023-01**

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

**Comments:**

Signature: [Handwritten Signature]

Printed Name: KARRISSA TRUBET

Street Address: 227 E Lakewood St

City, State and Zip Code: Nac, TX 75945

Phone Number: 409-742-1593

Email Address: KARRISSA\_30@yahoo.com

Physical Address of Property within 200 Feet: \_\_\_\_\_

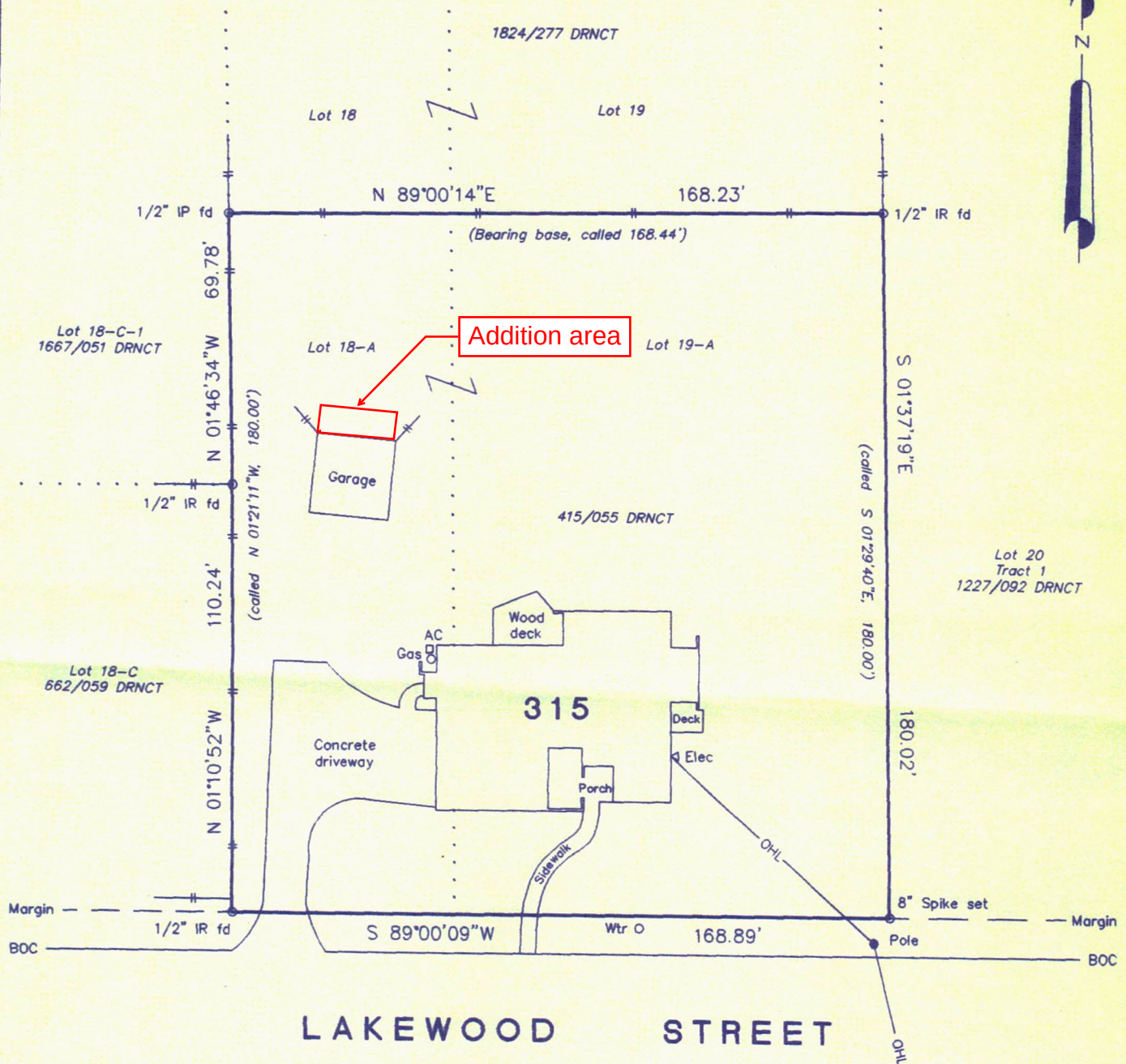
### City of Nacogdoches

202 E. Pilar – PO Drawer 635030 – Nacogdoches, TX 75963  
936-559-2574 Fax 936-559-2910 [www.nactx.us](http://www.nactx.us)  
Home of Stephen F. Austin State University [www.sfasu.edu](http://www.sfasu.edu)



# SUP2023-01: Site Plan

THIS LOT DOES NOT LIE WITHIN A FEMA "SPECIAL FLOOD HAZARD AREA".  
 COMMUNITY PANEL NO. 480497 0005B 02/18/81  
 SANITARY SEWER EASEMENT RESERVED IN 415/055 DRNCT.  
 SURVEYOR UNABLE TO LOCATE SANITARY SEWER EASEMENT (415/55 DRNCT).  
 REFER TO FIELD NOTES PREPARED ON SAME DATE.

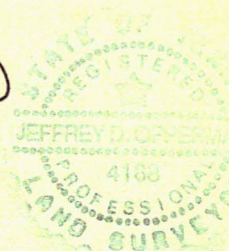


LAKEWOOD STREET

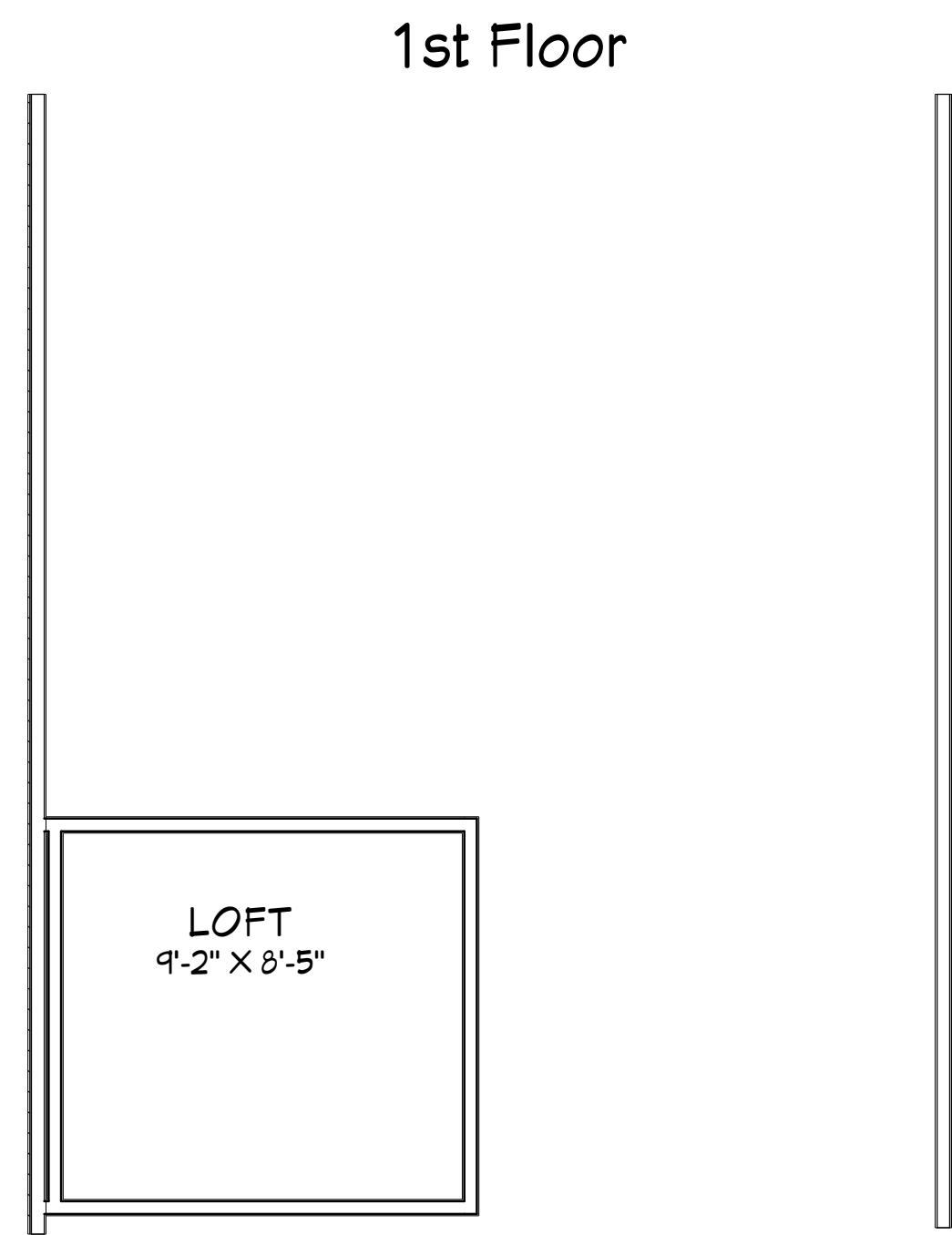
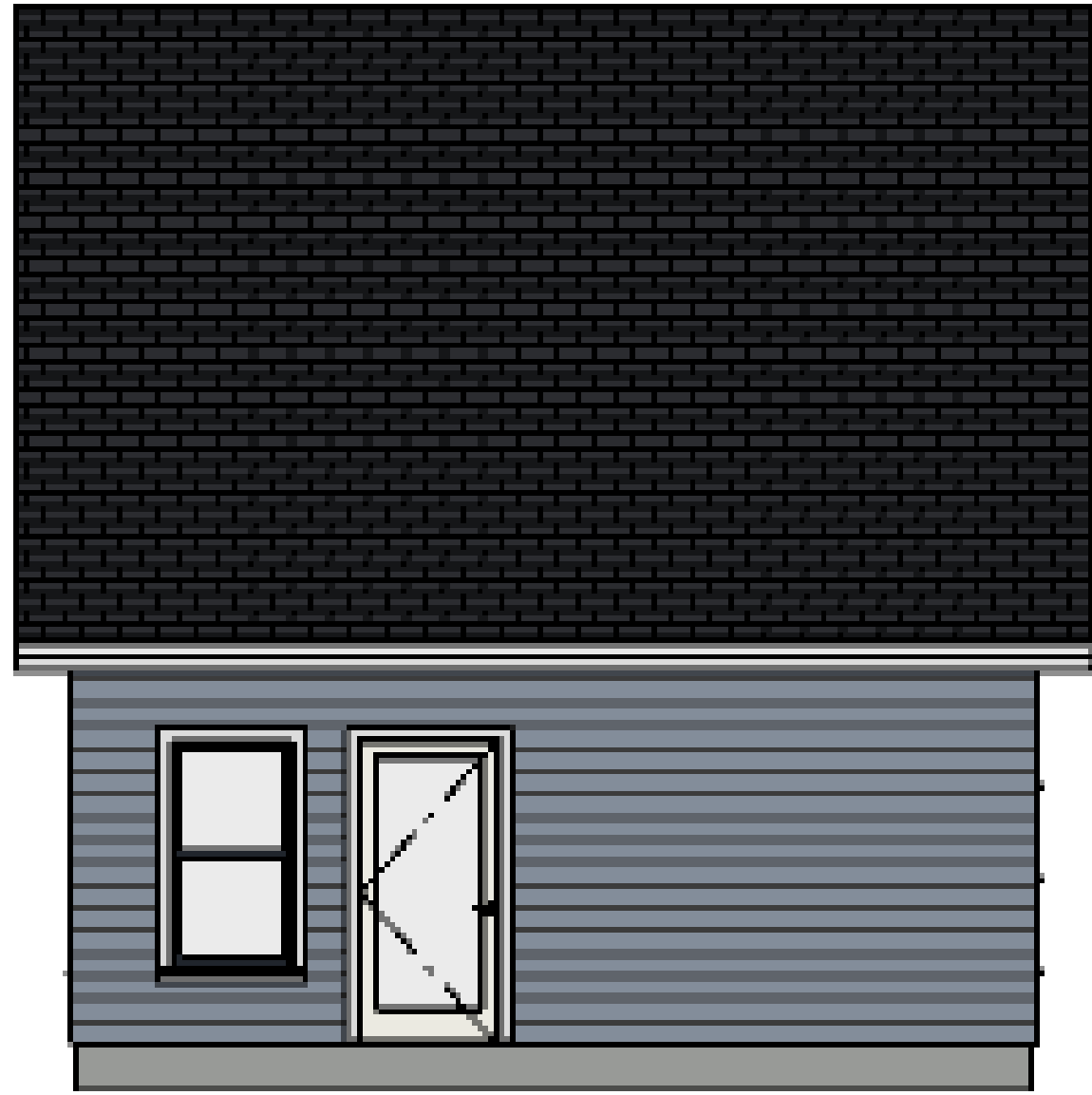
SURVEYED FOR  
 LIDIA AND GREG HARBER  
 LOTS 18-A AND 19-A (2/33 PRNCT)  
 NORTH HEIGHTS ADDITION  
 NACOGDOCHES, TEXAS  
 SCALE: 1" = 40' APRIL 8, 2003

I, Jeffrey D. Opperman, a duly Registered Professional Land Surveyor for the State of Texas, hereby certify that the above plat of the property surveyed for LIDIA AND GREG HARBER and being LOTS 18-A AND 19-A of the NORTH HEIGHTS ADDITION in the City of Nacogdoches, Texas is true and correct and was drawn from a survey made by me on the ground the 8th day of April, 2003.

*Jeffrey D. Opperman*  
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4168







LIVING AREA  
89 SQ FT

[illegible]

PAGE TITLE

DRAWINGS PROVIDED BY:

DATE:

2/9/2023

SCALE:

SHEET:

P-1



# Site Photos: SUP2023-01



Subject  
property.







Detached  
garage to be  
renovated.







Street view of  
adjacent  
residential  
properties.

