



April 10, 2023

Notice is hereby given of a Regular Meeting of the Nacogdoches Planning & Zoning Commission to be held on the above date via videoconference beginning at 5:00 p.m. for the purpose of considering the following agenda items.

The City of Nacogdoches Planning & Zoning meeting will be deemed as being conducted via teleconference or 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. 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 by telephone on a listed agenda item must contact the Planning and Zoning office by email at pz@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 telephone must be received by 12:00 p.m. on April 10, 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.
 - A. Approval of Minutes: Consider approval of minutes from the March 13, 2023 Planning and Zoning Commission meeting.
5. REGULAR AGENDA: City Council will receive staff recommendations and public input on the following

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



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 an ordinance amending Chapter 118 "Zoning," Article I. "In General," Section 118-1 "Definitions," and Article III. "District Regulations," Section 118-273 "Land Use Schedule" and Article VI. "Development Standards," Section 118-466 "Off-Street Parking Requirements" of the Code of Ordinances to allow for the development of 'Distillation of Liquors, Spirits, etc. - Craft'.

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.

7. ADJOURN.

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 the notice of meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas on March 29, 2023 at 3 p.m. and remained posted until the meeting convened.

Aimee Cloutier, Office Assistant III



**CITY OF NACOGDOCHES
PLANNING & ZONING COMMISSION MEETING MINUTES
MARCH 13, 2023 AT 5:00 P.M.
REGULAR HYBRID MEETING**

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

MEMBERS ABSENT: None

STAFF PRESENT: City Planner, Alaina Helton; & Office Assistant III, Aimee Cloutier;

OTHERS PRESENT: Tim Ward, Applicant,]; Dale Collier; and, Keith Walzak (via remote);

1. **Call to Order:** Chairman Conklin called the meeting to order at 5:01 p.m.
2. **Pledge of Allegiance:** Chairman Conklin led the 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 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 February 13, 2023 Planning and Zoning Commission meeting.

Commissioner Carroll made a motion to approve the minutes from the February 13, 2023 meeting as written. Commissioner Perry seconded the motion, and the minutes were approved unanimously (5-0).

5. **REGULAR AGENDA:**

- a. **Consideration, discussion, and possible action on items removed from the Consent Agenda by Commission action.**

No items were removed from the Consent Agenda.

- b. **Public Hearing:** Consider a request for approval of a Zone Change from PD, Planned Development, to R-1, Single Family, for approximately .5 acres, being Lot 54-A-1, City Block 54, generally located along Post Oak Road, approximately 1,200 feet south of Sir Galahad Drive. This request has been submitted by Tim Ward. Case File ZON2023-01.

City Planner (CP), Alaina Helton addressed the Commission and went into detail about the applicant's request to rezone approximately .5 acres of undeveloped property located along Post Oak Road from PD, Planned Development to R-1, Single Family. CP Helton stated the PD dated back to the 70s, but it is expired due to no development being activity. The surrounding residences are consistent with single-family zoning, therefore staff recommends approval of the zone change.

Commissioner Forbes asked the applicant if he was the potential buyer of the property or the seller of the property.

Applicant, Tim Ward, stated the property owner is his mother and he was the power of attorney over the estate and selling the property.

Commissioner Carroll asked the applicant if the intent was is to sell the lot for a single-family home.

Mr. Ward stated yes, and he is currently marketing the property as for single family.

There was discussion about how many houses the property would be able to fit and the size of the lot.

Commissioner Conklin opened the public hearing for public comment. There was none so he closed the public hearing.

Commissioner Phou made a motion to approve the zone change request. Commissioner Forbes seconded the motion, and the motion passed unanimously (5-0).

6. Work Session:

A. Receive an update on the NacTogether Master Planning project.

CP Helton explained to the Commission what the Comprehensive Plan Advisory Committee (CPAC) has done since the December 12th Planning and Zoning Commission update. CP Helton stated DTJ Designs has been compiling public feedback and has started to draft policies, plans, and implementation documents. CP Helton informed the Commission that the tentative completion date for the Comprehensive Plan is going to be around May or June 2023.

There was a discussion between the Commission and Keith Walzak with DTJ Designs regarding his background and the transition since he started on the project in October 2022.

Commissioner Forbes asked how the policy and strategies process works concerning changing the ordinances and who reviews this.

CP Helton explained that the policies and strategies would direct city staff and City Council to do certain things such as audits of the development regulations or review certain things within the city code.

Keith Walzak stated that the Comprehensive Plan is a guiding document that is advisory and is not in the same category as a legally binding ordinance. He explained that DTJ takes information from the community and summarizes the key values and then turns those into the guiding principles to implement them into the plans.

There was discussion regarding the future land use plan and how it is reviewed as well as discussion regarding zoning initiations and how they occurred.

Commissioner Forbes asked if the Comprehensive Plan draft was available and CP Helton stated it was not available to the public yet as it is in review by the Committees. CP Helton said they will be publishing the finalized version of the draft once revisions have been made and accepted by the CPAC.

There was general discussion among the Commission regarding sidewalk improvements and connecting neighborhoods with retail.

B. Presentation and discussion of various subdivision design standards.

CP Helton gave a brief overview of various types of subdivision regulations; including cluster, cottage, and small-lot residential developments.

There was discussion among the Commission and city staff regarding how annexation, city services, and the ETJ work.

There was discussion regarding lot coverage, lot sizes, open spaces, etc., and diversity features of subdivisions.

Chairman Conklin asked if there would be allocated zoning for certain types of subdivisions.

CP Helton answered no, that the subdivision designs presented could be adopted as a voluntary option for developers but the City also could develop a new zone for mixed residential uses.

There was further discussion regarding mixed-use within certain areas of the City and Commissioner Conklin asked if city staff had done any outreach to builders to talk about different subdivision design standards.

CP Helton stated not to her knowledge, but that city staff could look into doing something in the future.

Commissioner Forbes made the motion to present the various subdivision design standards to the City Council. Commissioner Phou seconded the motion, and the motion passed unanimously (5-0).

7. 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 A, Agriculture, to R-1 Single Family, for approximately 2.7 acres of land located along the eastern boundary of the city limits.
- B. Approved 5-0: 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.

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 information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.**

9. **Adjourn**

Chairman Conklin adjourned the meeting at 6:41 p.m.

Chairman Conklin

Attest: Aimee Cloutier, Office Assistant III

PRESENTER: Alaina Helton, City Planner

ITEM/SUBJECT: Public Hearing: Consider an ordinance amending Chapter 118 “Zoning,” Article I. “In General,” Section 118-1 “Definitions,” and Article III. “District Regulations,” Section 118-273 “Land Use Schedule” and Article VI. “Development Standards,” Section 118-466 “Off-Street Parking Requirements” of the Code of Ordinances to allow for the development of 'Distillation of Liquors, Spirits, etc. - Craft'.

OVERVIEW:

Planning staff have received inquiries regarding the potential location of craft distilleries in Nacogdoches. A craft distillery is a small, specialized distillery with limited production. There are several successful craft distilleries in Texas. Most craft distilleries offer tours to demonstrate the distilling practice, and are strong tourist attractions. The change of the zoning ordinance to allow the location of a craft distillery is an economic development tool that may encourage an entrepreneur to locate a business that will provide both jobs and a tourist draw.

The zoning ordinance currently does not define, nor regulate the operation of craft distilleries. However, there is an allowance for large-scale beverage manufacturing and canning in the I-2, Heavy Industrial zoning district. A craft distillery is a much smaller operation than a large-scale beverage manufacturer, producing a fraction of the product. The smaller operation means lighter traffic and fewer deliveries from heavy trucks and equipment. Additionally, craft distilleries typically encourage tours of the facility, encouraging tourists to visit, and large beverage manufacturers do not. The I-2, Heavy Industrial zoning district is not an appropriate district for land uses that attract visitors other than employees.

STAFF REVIEW:

The proposed ordinance amendments would allow craft distilleries with a Specific Use Permit (SUP) in a B-2, General Business, and a B-3 Central Business zoning district, and by right in I-1, Light Industrial, and I-2, Heavy Industrial zoning districts. This will encourage the location of craft distilleries in appropriate areas where tourism and entertainment are encouraged. Certain B-2 and B-3 zoning district areas which might not be suitable for this type of use will be protected by the SUP requirement.

Current Texas law allows for alcohol sales for on-premise consumption at a distillery with restrictions. The proposed land use definition (shown in red below) for craft distilleries is based upon TABC definitions as well as regulations utilized by other Texas cities.

Section 118-1 (Definitions)

Distillation of Liquors, Spirits, etc. - Craft shall mean a business which:

1. *Is permitted to manufacture distilled spirits and rectify, purify, and refine distilled spirits, mix liquor, bottle and package finished products and sell to wholesalers and qualified individuals outside this state and import from nonresident seller distilled spirits for*

- manufacturing and rectifying purposed in compliance with state and federal law.
2. The operation is authorized to sell distilled spirits to the ultimate consumer for consumption on the licensed premises (up to 3,000 gallons annually) and for consumption off the premises (up to 3,500 gallons annually, no more than two 750 ml bottles to a person in a 30-day period) in compliance with state and federal law.
 3. Does not produce or generate any generally obnoxious odors.

Section 118-273 “Land Use Schedule”

Permitted Use	Commercial				Industrial	
P=Permitted, A=Accessory Use, S= SUP	B-1	B-2	B-3	MD	I-1	I-2
Distillation of Liquors, Spirits, etc. - Craft		S	S		P	P

Section 118-466 “Off-Street Parking Requirements”

Permitted Use	Parking Requirement
Distillation of Liquors, Spirits, etc. - Craft	1 for each 1,000 sf (no consumption), 1 for each 100 sf (with consumption)

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

ATTACHMENTS: 1. Amendment Summary

Zoning Ordinance Amendment Summary – Craft Distillery
(Changes in Red)

Section 118-1 (Definitions)

Distillation of Liquors, Spirits, etc. - Craft shall mean a business which:

- (1) Is permitted to manufacture distilled spirits and rectify, purify, and refine distilled spirits, mix liquor, bottle and package finished products and sell to wholesalers and qualified individuals outside this state and import from nonresident seller distilled spirits for manufacturing and rectifying purposed in compliance with state and federal law.
- (2) The operation is authorized to sell distilled spirits to the ultimate consumer for consumption on the licensed premises (up to 3,000 gallons annually) and for consumption off the premises (up to 3,500 gallons annually, no more than two 750 ml bottles to a person in a 30-day period) in compliance with state and federal law.
- (3) Does not produce or generate any generally obnoxious odors.

Section 118-273 “Land Use Schedule”

Permitted Use	Commercial				Industrial	
P=Permitted, A=Accessory Use, S= SUP	B-1	B-2	B-3	MD	I-1	I-2
Distillation of Liquors, Spirits, etc. - Craft		S	S		P	P

Section 118-466 “Off-Street Parking Requirements”

Permitted Use	Parking Requirement
Distillation of Liquors, Spirits, etc. - Craft	1 for each 1,000 sf (no consumption), 1 for each 100 sf (with consumption)