



May 8, 2023

Planning & Zoning Commission

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 May 8, 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 April 10, 2023, Planning and 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. **Preliminary Subdivision Plan:** Consider approval of a Preliminary Plan for the Park Ridge and Park Reserve Subdivisions, consisting of approximately 64 acres, located at the eastern terminus of Park Street. This request has been submitted by JBSC Development, LLC.
 - C. **Public Hearing:** Consider a Zone Change for Lot 3, City Block 54 from B-2, General Business to R-3, Two Family District, and a Zone Change request for Lot 3-C, City Block 54 from A, Agriculture to R-3, Two Family District, located at 2603 John Richardson Road. This request has been submitted by Bryan Moore. Case File ZON2023-03.
6. City Council decisions on Planning & Zoning cases: On April 18, 2023 City Council took the following action on the item listed below.
 - A. Approved 5-0: Request for approval of an ordinance amending Chapter 118 "Zoning," Article I. "In General," Section 118-1 "Definitions," and Article II. "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'.
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.

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.

City of Nacogdoches Planning Department
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CERTIFICATION

I certify the notice of the meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas on May 3, 2023, at 3:00 p.m. and remained posted until the meeting convened.

Aimee Cloutier, Office Assistant III



**CITY OF NACOGDOCHES
PLANNING & ZONING COMMISSION MEETING MINUTES
APRIL 10, 2023, AT 5:00 P.M.
REGULAR HYBRID MEETING**

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

MEMBERS ABSENT: Ruth Carroll;

STAFF PRESENT: City Planner, Alaina Helton; Office Assistant III, Aimee Cloutier; & Planning Technician, Juan Pollette;

OTHERS PRESENT: None Present

1. **Call to Order:** Chairman Conklin called the meeting to order at 5:03 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 March 13, 2023 Planning and Zoning Commission meeting.

Commissioner Phou made a motion to approve the minutes from the March 13, 2023 meeting as written. Commissioner Perry seconded the motion, and 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 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'.

CP Helton presented the ordinance amendment to the Commission. CP Helton stated the request is staff initiated and the proposed changes to the zoning ordinance included the definition for a craft distillery, off-street parking requirements, and where craft distilleries would be allowed with a Specific Use Permit (SUP). CP Helton

proposed that a SUP would be required in the B-2 and B-3 zoning districts, and allowed by right in I-1 and I-2 by right.

Chairman Conklin asked what the difference was between a brewery and a distillery and CP Helton explained.

Commissioner Phou asked if there were existing businesses asking to open a tasting room or new business inquiring.

CP Helton stated there have only been inquiries and one business is looking for property.

There was discussion amongst the Commission and staff regarding the production of spirits, allowable production amounts, and permitting.

There was discussion amongst the Commission and staff regarding off-street parking requirements within the downtown district and what products can be sold.

Chairman Conklin opened the floor for public comment. There were no comments from the public.

Chairman Conklin called for a motion.

Commissioner Perry made a motion to approve the ordinance amendment as presented. Commissioner Forbes seconded the motion, and the ordinance amendment 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 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 there would be a zone change request for next month's meeting.

Commissioner Phou asked for a workshop regarding the green belt overlay and form-based code.

CP Helton stated she could send information to the Commission regarding the request.

Chairman Conklin requested for the information to be sent out and then if a workshop was needed, it could be scheduled in the future.

7. Adjourn

Chairman Conklin adjourned the meeting at 5:30 p.m.

Chairman Conklin

Attest: Aimee Cloutier, Office Assistant III

PRESENTER: Alaina Helton, City Planner

ITEM/SUBJECT: Preliminary Subdivision Plan: Consider approval of a Preliminary Plan for the Park Ridge and Park Reserve Subdivisions, consisting of approximately 64 acres, located at the eastern terminus of Park Street. This request has been submitted by JBSC Development, LLC.

OVERVIEW:

The subject property is zoned R-1, Single Family, and is located along the eastern boundary of the City Limits at the terminus of Park Street. The proposed Preliminary Plan includes the extension of Park Street, two single family subdivisions (Park Ridge and Park Reserve) with a total of 138 lots, and private open space. The Plan will be constructed in three (3) phases. Phase one will include the extension of a portion of Park Street, the storm water detention facility, and 41 single family lots within the Park Ridge subdivision. Phase two will include the remaining portion of Park Street and all 47 single family lots of the Park Reserve. The third and final Phase will include the remaining 88 single family lots in the Park Ridge subdivision and the proposed private park. The Plan requires variances to the Subdivision Ordinance: Section 90-216. – ‘Blocks’ regarding block length; and, Section 90-181. – ‘General standards’ regarding street projection.

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

STAFF REVIEW:

The City Planner and City Engineer have reviewed the proposal and found that the design conforms to City standards, with the exception of the requested variances to the Subdivision Ordinance.

Plat Design & Proposed Development

The Plan includes the extension of Park Street, two subdivisions consisting of 138 single family residential lots, a private park, and a 25-foot “greenbelt” area located along the south and western property boundaries which is proposed to include a walking trail. The Plan complies with the subdivision regulations, with the exception of variances being requested for the following sections of the Subdivision Ordinance: Section 90-216. – ‘Blocks’ regarding block length, and Section 90-181. – ‘General standards’ regarding street projections.

Zoning Issues

The property is zoned R-1, Single Family, and the Plan meets all of the standards outlined for residential lot size and layout for the zoning district. However, the storm water detention facility is currently shown in an area that is zoned Planned Development (PD). The PD was established for single family residential uses; however, the PD is now expired due to development inactivity.

Staff is recommending approval of the Plan, with the condition that the storm water detention facility area be rezoned from PD, Planned Development to R-1, Single Family prior to completion and approval of Phase one of the Plan. If the zone change is approved, the final plat approval for these subdivisions will also be submitted.

Drainage, Utility, and Access Issues

The Engineering Department has reviewed the plan and determined that the proposed utilities and infrastructure are adequate for the development. The Plan meets the City's drainage ordinance requirements, and the developer is proposing a regional storm water detention facility which is designed to accommodate the existing and future developments. The Plan also shows the proposed location for the extension of Park Street.

Subdivision Variance Requests

In accordance with the Subdivision Ordinance, the Planning and Zoning Commission may authorize a variance to the subdivision regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary to, or desirable in, the public interest. In making the findings required in this section, the Planning and Zoning Commission shall take into account the nature of the proposed use of the land involved; existing uses of land in the vicinity; the number of persons who will reside or work in the proposed subdivision; and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

Subdivision Ordinance Section 90-216. - Blocks (Block Length for Residential Areas)

The subdivision ordinance states that block length in residential areas in a subdivision shall not exceed 1,200 feet or be less than 600 feet. These requirements ensure adequate traffic circulation is provided in the subdivision, improving traffic flow and fire response times.

1. North and south side of Jakelynn Street - Block length is approximately 1,425 feet (exceeds by 225 ft).
2. North and south side of Rhonda Street - Block length is approximately 1,275 feet (exceeds by 75 ft).

Subdivision Ordinance Section 90-181. - Blocks (projection of streets)

The Subdivision Ordinance states that where adjoining areas are not subdivided, the arrangement of streets in a subdivision shall make provision for the proper projection of streets into such unsubdivided areas. These requirements ensure adequate traffic circulation is provided inside and outside of the subdivision, reducing traffic volume on major streets and improving fire response times.

3. There are no street projections provided to the unsubdivided area adjoining the proposed development to the north.
4. There are no street projections provided to the unsubdivided area adjoining the proposed development to the south.

Staff finds that 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; therefore, staff recommends approval of the variances as outlined below.

Review Criteria for Variances:

In accordance with the subdivision regulations, when considering a variance, the Planning and Zoning Commission should make the following findings to approve the variance (Staff findings

are underlined). Each variance request is addressed individually in the order listed above:

Variance 1 - Jakelynn Street block length

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;
There are no special circumstances or conditions affecting the land that would deprive the applicant of reasonable use of the land.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

Introducing a connecting street in the middle of this block could deprive the applicant of a reasonable use of this land and would not provide a tangible benefit to the proposed development. The depth between the parallel streets (Rhonda & Jakelynn Street) does not provide sufficient space to allow lots to front it, which would result in this connection acting more like an alleyway than a street. In addition, the block length is within 225 feet (18%) of the required 1,200-foot block length, so the strict application of this section could deprive the applicant of reasonable use of the land by requiring the introduction of a street within the block.

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

The Fire Department has reviewed the Preliminary Plan and finds that it meets the International Fire Code for single family subdivisions and should not negatively impact fire response times.

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.

This block is located interior to the development, therefore granting the variance will not prevent the orderly subdivision of other land in the area.

Variance 2 - Rhonda Street block length

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;

Introducing a connecting street would deprive the applicant of a reasonable use of this land and would not provide a tangible benefit to the proposed development now or in the future. The depth between the parallel streets does not provide sufficient space to allow lots to front, which would result in this connection to act as an alley.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

This variance to block length along the north side of Rhonda Street is necessary for the preservation and enjoyment of a substantial property right given that the applicant's intent is to create a private park to the north, just behind the lots facing this section of Rhonda Street. Introducing a street within this block would likely conflict with the private park for the development. Additionally, the block is within 75 feet (6%) of the required 1,200-foot block length, so the strict application of this section could deprive the applicant of reasonable use of the land by requiring the introduction of a street within the block.

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,

The Fire Department has reviewed the Preliminary Plan and finds that it meets the International Fire Code for single family subdivisions and should not negatively impact fire response times.

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.

This block is located interior to the development, therefore granting the variance will not prevent the orderly subdivision of other land in the area.

Variance 3 - Northern street projection

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;

Street projections to the north are restricted due to topography and private utilities. The land is largely undevelopable, and Park Street will serve as a single crossing point to limit the disturbance to this natural buffer. The applicant has stated that future developments would then spur off of Park Street (as was proposed in the original Planned Development for this area).

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

While a street projection to the north would allow for future connectivity and further subdivision of the tracts, street projections in this area are restricted due to topography and private utilities, rendering the property largely undevelopable. Park Street will serve as a single crossing point to limit the disturbance to this natural buffer. The applicant has stated that future developments would then spur off of Park Street (as was proposed in the original Planned Development for this area).

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,

The Fire Department has reviewed the Preliminary Plan and finds that it meets the International Fire Code for single family subdivisions and should not negatively impact fire response times.

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.

Street projection to the north will not prevent the orderly subdivision of this tract since it has direct access to N. Stallings Drive. However, it will limit connectivity and access to and from the subdivision.

Variance 4 - Southern street projection

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;

A portion of the properties to the south are part of an expired Planned Development and are undeveloped. The remaining properties are located outside of the City Limits and are developed for residential uses. Street projections for the tracts located outside the City Limits may not be extended in the future given the existing development. Street projections to the tracts zoned PD could be provided in the future if PD is updated or a zone change is approved for a similar land use.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;

This street projection variance is not necessary for the preservation and enjoyment of the property. Providing street projection to the south will allow for traffic to be distributed on other major thoroughfares and reduce the overall concentration of traffic on Park Street.

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

The Fire Department has reviewed the Preliminary Plan and finds that it meets the International

Fire Code for single family subdivisions and should not negatively impact fire response times.

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.

Granting the variance for street projections to the south will not prevent the orderly subdivision of this tract since it has direct access to State Highway (SH) 7. However, it will limit connectivity and access to and from the subdivision. Future access to SH 7 is possible through a connection to an existing county road (CR 221), via a 50' wide reserve shown in Phase one along the western boundary of the property, should this area ever be annexed and redeveloped in a similar manner that's compatible with the proposed development.

Review and Approval by Planning and Zoning Commission

Preliminary Subdivision Plans must be reviewed and approved by the Planning and Zoning Commission. In order for the Plan to be approved, the requested variances must also be approved. If any of the variances are denied, the Plan must also be denied.

STAFF RECOMMENDATION:

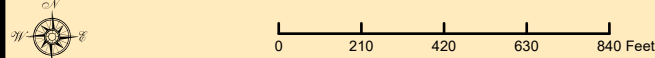
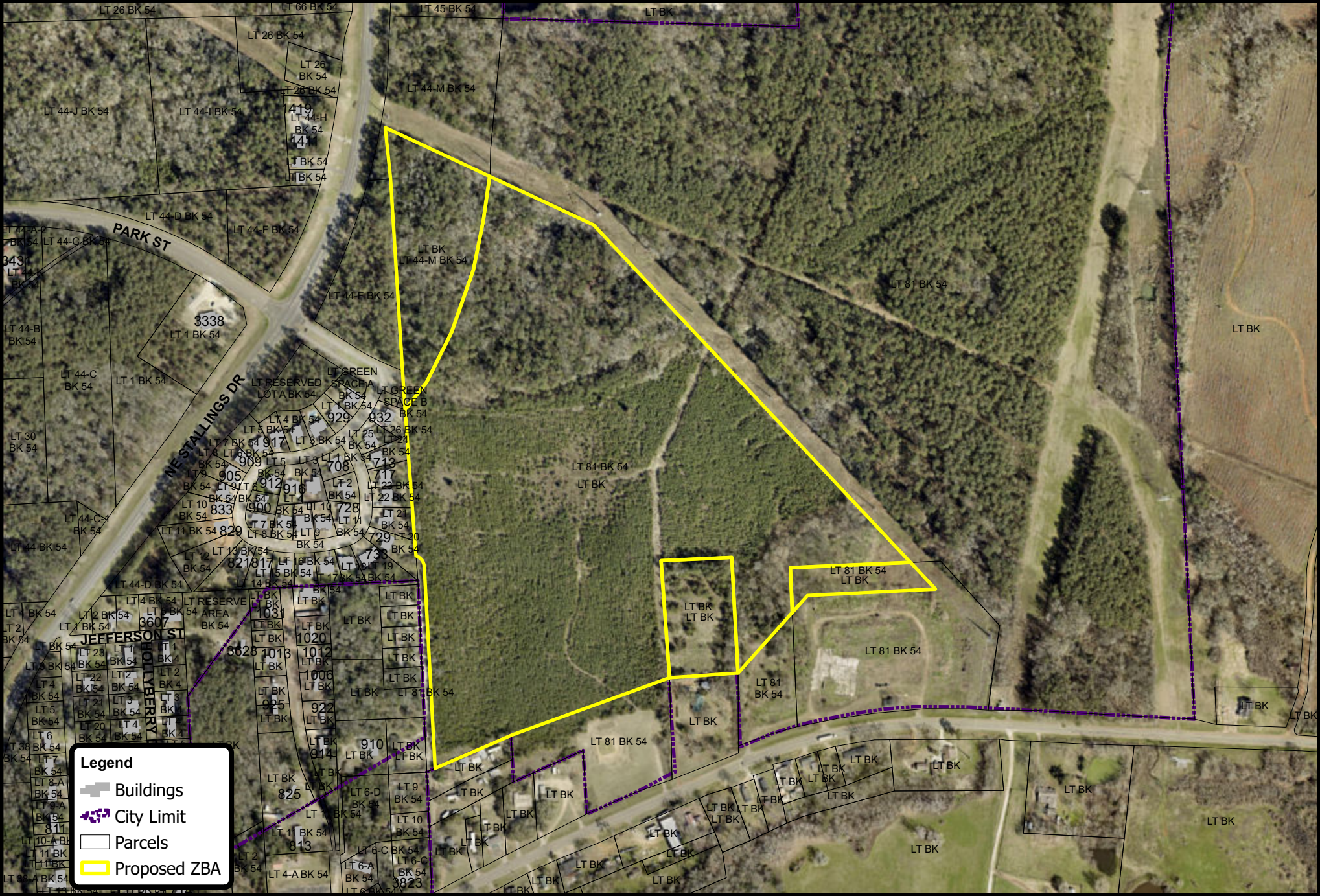
Based on the above findings, Staff recommends approval of the Preliminary Plan and variances with the following condition: The area depicted as the storm water detention facility must be rezoned from PD, Planned Development to R-1, Single Family prior to completion and approval of Phase one.

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

ATTACHMENTS:

1. Aerial Map
2. Zoning Map
3. Preliminary Plan Exhibit

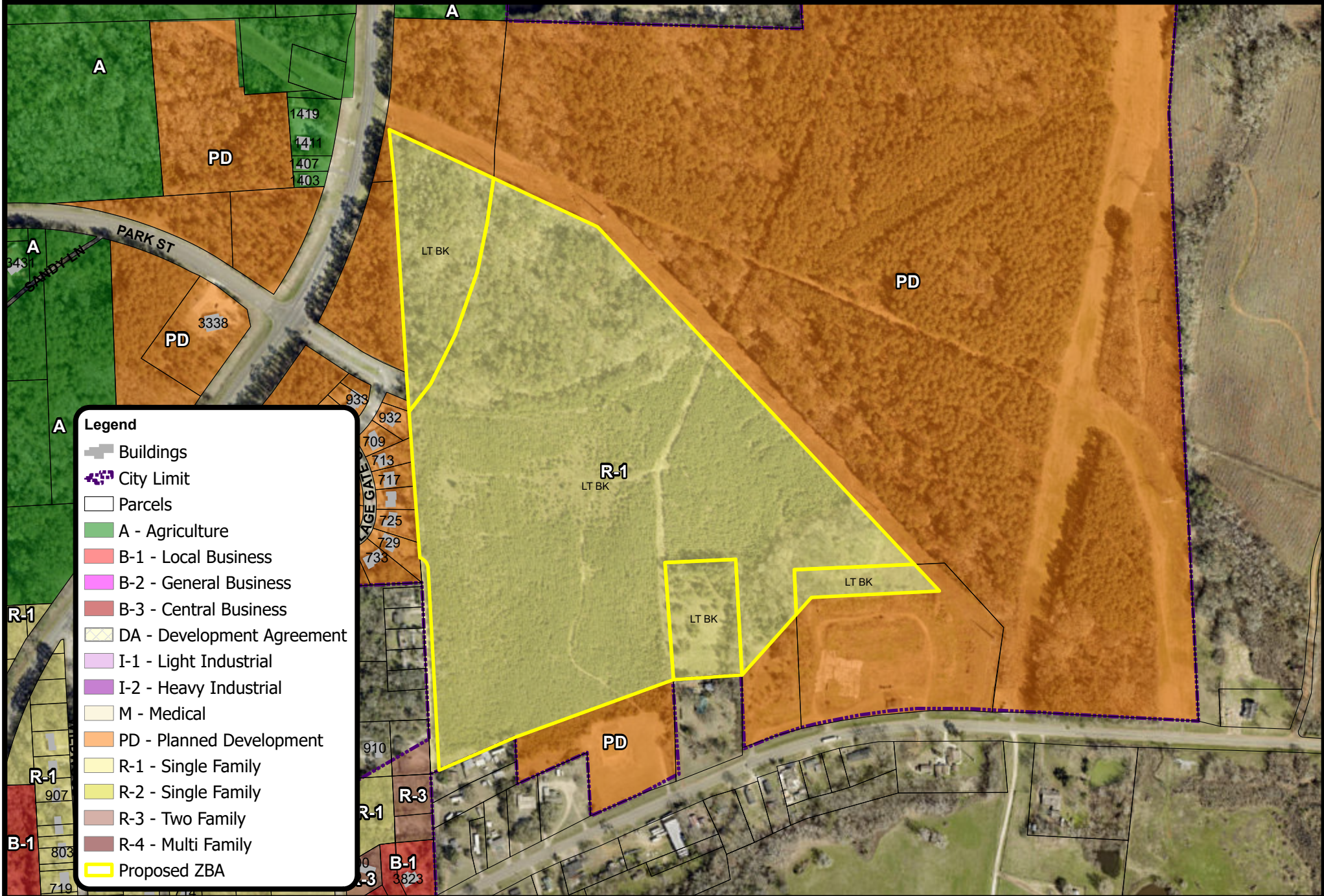
Preliminary Plat



Date Created: 05/03/23 16:58 | Document Generated Automatically

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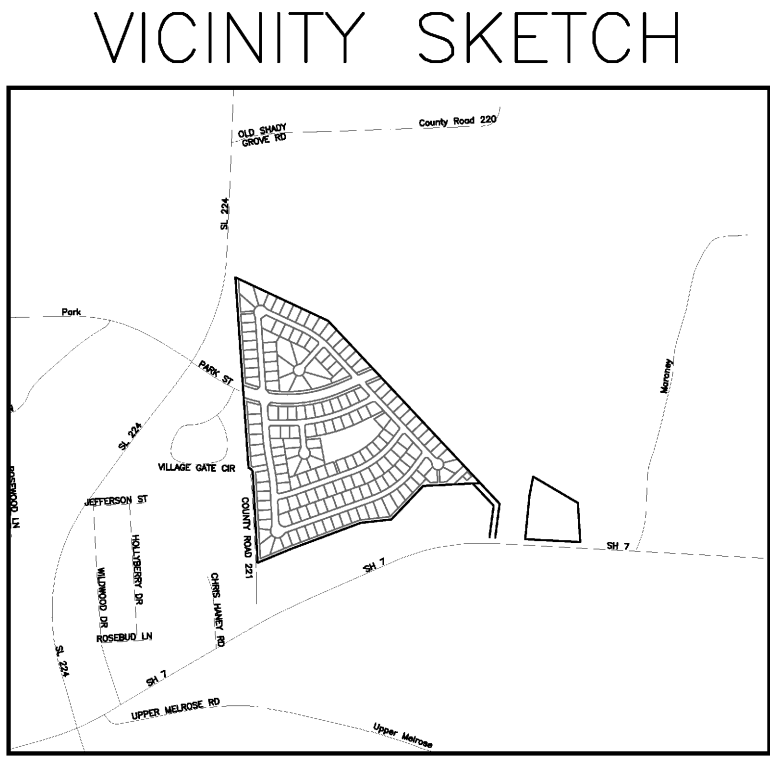
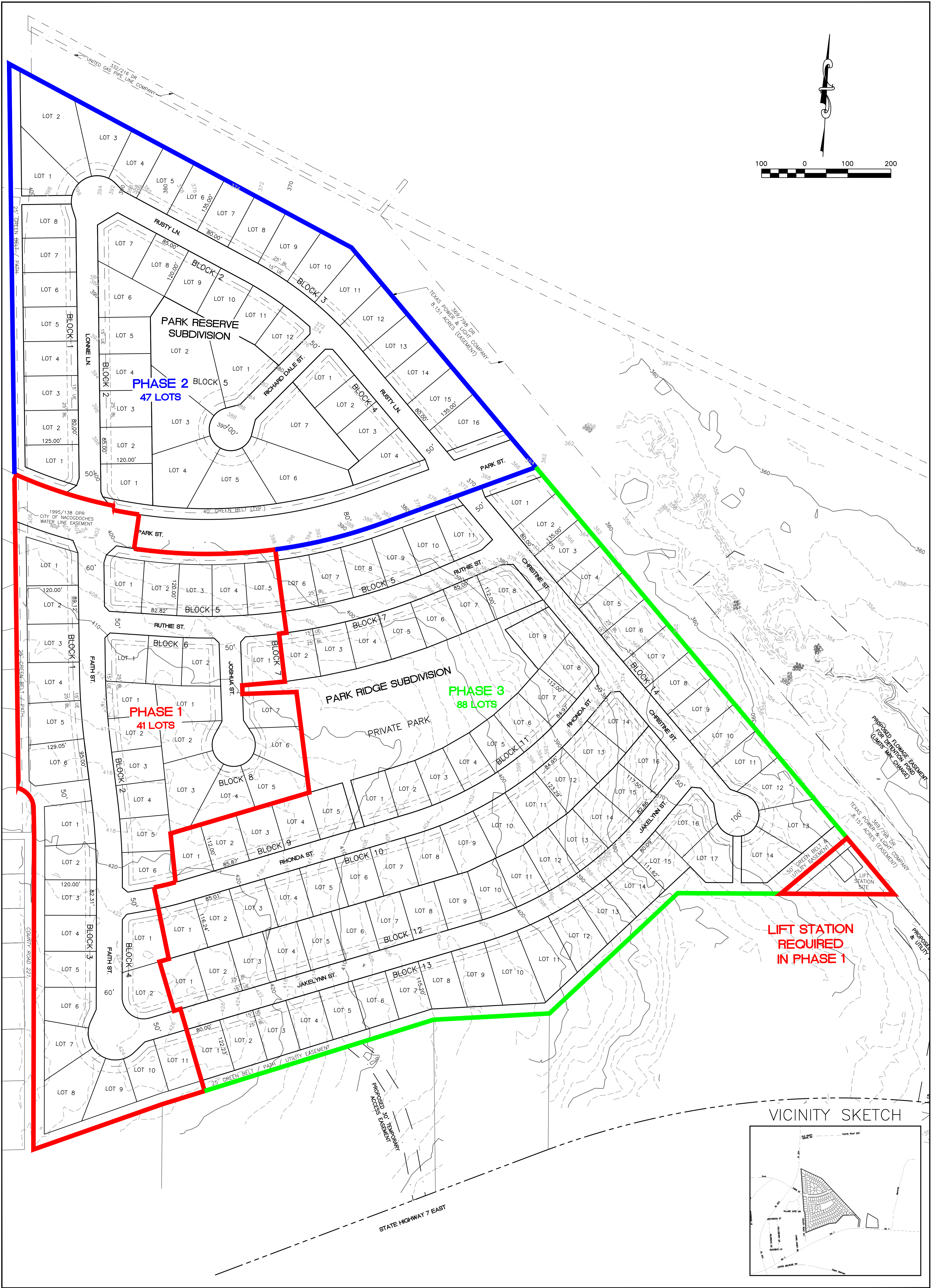
Preliminary Plat



0 210 420 630 840 Feet

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General Notes

1. Surveyor did not abstract for easements or ownership.
2. Survey prepared without benefit of title commitment.

Surveyor Certification:

PRELIMINARY
FOR REVIEW

PRELIMINARY. THIS DOCUMENT SHALL NOT BE
RECORDED FOR ANY PURPOSE AND SHALL NOT BE
USED OR VIEWED OR RELIED UPON AS A FINAL
SURVEY DOCUMENT.

GEORGE F. MIDDLEBROOK, IV, RPLS 5875
RELEASED FOR REVIEW
ON 5/3/2023

Surveyed for:

JBSC DEVELOPMENT, LLC

**PRELIMINARY PLAN FOR
PARK RIDGE SUBDIVISION &
PARK RESERVE SUBDIVISION**

**CITY OF NACOGDOCHES
NACOGDOCHES COUNTY, TEXAS**

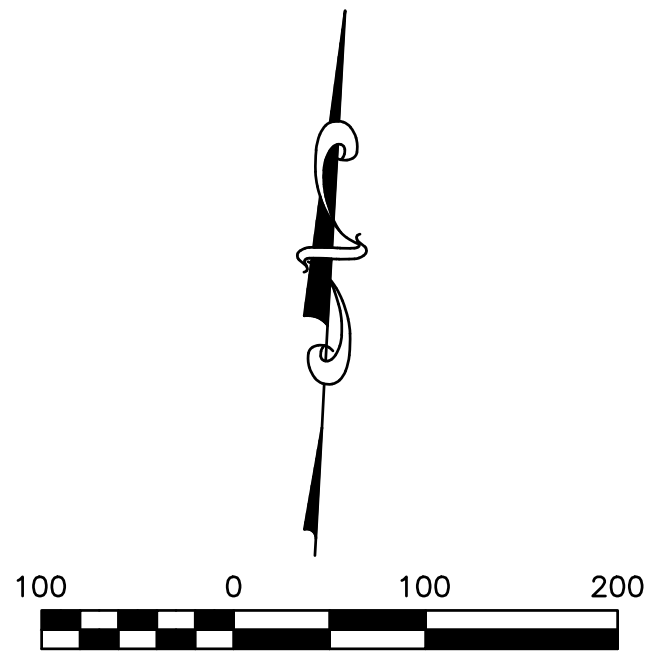
**TWO FIFTEEN
CONSULTING**
ENGINEERS + SURVEYORS

412 North St.
Nacogdoches, TX 75561
p: 836-569-0505

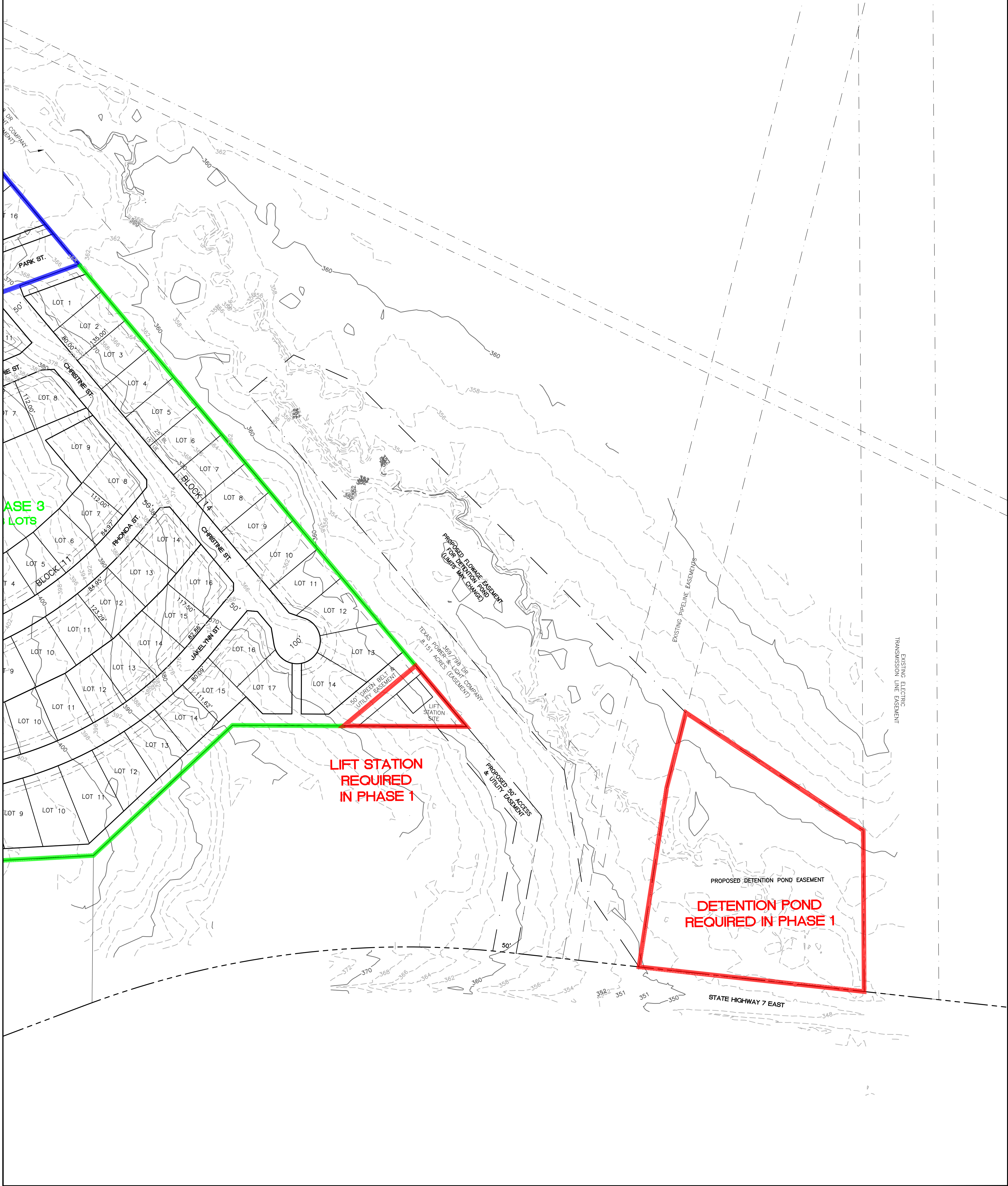
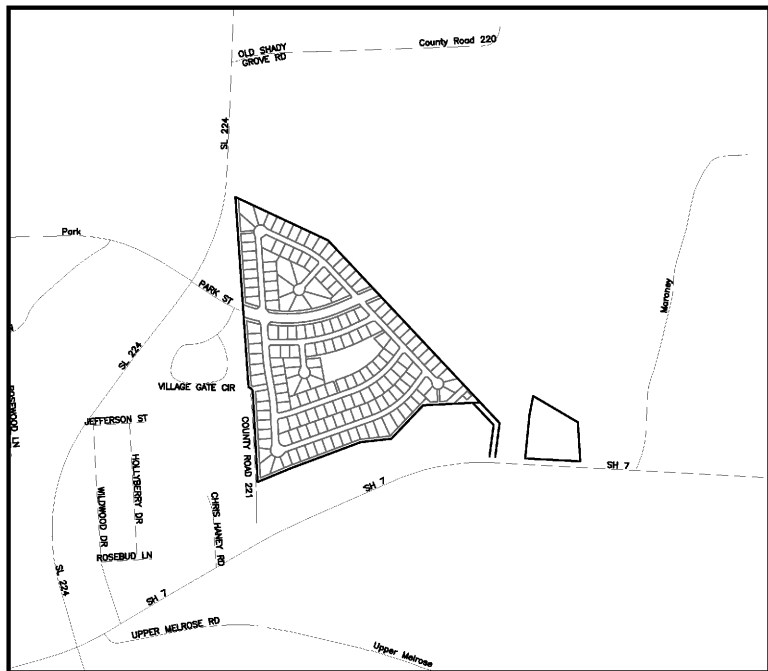
TBPE F-17461
TBPLS 10194339

Scale: 1" = 100'	Issue Date: 5/3/2023
Drawn By: GFM	Checked By: GFM
File: 22063_050.dwg	Drawing No. V-005

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RESULT OF SUCH UNAUTHORIZED USE OR CHANGES.



VICINITY SKETCH



General Notes

1. Surveyor did not abstract for easements or ownership.
2. Survey prepared without benefit of title commitment.

Surveyor Certification:

PRELIMINARY
FOR REVIEW

PRELIMINARY. THIS DOCUMENT SHALL NOT BE
RECORDED FOR ANY PURPOSE AND SHALL NOT BE
USED OR VIEWED OR RELIED UPON AS A FINAL
SURVEY DOCUMENT.

GEORGE F. MIDDLEBROOK, IV, RPLS 5875
RELEASED FOR REVIEW
ON 5/3/2023

Surveyed for:

JBSC DEVELOPMENT, LLC

**PRELIMINARY PLAN FOR
PARK RIDGE SUBDIVISION &
PARK RESERVE SUBDIVISION**

**CITY OF NACOGDOCHES
NACOGDOCHES COUNTY, TEXAS**

**TWO FIFTEEN
CONSULTING**
ENGINEERS + SURVEYORS

412 North St.
Nacogdoches, TX 75961
p: 836-569-0505

TBPE F-17461
TBPLS 10194339

Scale:
1" = 100'

Drawn By:
GFM

File:
22063_050.dwg

Issue Date:
5/3/2023

Checked By:
GFM

Drawing No.
V-006

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CONSULTING SHALL BE INDEMNIFIED FROM LIABILITY ARISING FROM THE CONSTRUCTION, USE, OR
RESULT OF SUCH UNAUTHORIZED USE OR CHANGES.

PRESENTER: Alaina Helton, City Planner

ITEM/SUBJECT: Public Hearing: Consider a Zone Change for Lot 3, City Block 54 from B-2, General Business to R-3, Two Family District, and a Zone Change request for Lot 3-C, City Block 54 from A, Agriculture to R-3, Two Family District, located at 2603 John Richardson Road. This request has been submitted by Bryan Moore. Case File ZON2023-03.

OVERVIEW: The request is a zone change for two adjoining lots (Lot 3 and Lot 3-C) to R-3, Two Family in order to make the zoning consistent with the zoning of the adjacent lots to the north and west. The R-3, Two Family district is intended for residential uses for single-family and two-family housing.

The zone change for Lot 3 is from B-2, General Business, to R-3, Two Family for approximately 8 acres located at 2603 John Richardson Road. Lot 3 is developed with a single family residence and a mobile home. The zone change for Lot 3-C is for the adjoining tract to the east for approximately 1 acre from A, Agriculture, to R-3, Two Family. The A, Agriculture district has a minimum lot size of two acres, so the current lot size does not meet the minimum requirements for the zoning district it's located in. Lot 3-C is currently undeveloped, and the applicant has stated that they intend to build a single family residence on the property.

Adjacent Land Use & Zoning

The subject properties are zoned B-2, General Business, and A, Agriculture. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North	Rural Development	R-3, Two Family	Undeveloped & Single Family
South (Across John Richardson Rd.)	Rural Development	B-2, General Business & A, Agriculture	Undeveloped & Middle School
East	Rural Development	A, Agricultural	Undeveloped
West	Rural Development	R-3, Two Family	Undeveloped & Single Family

The adjacent lots to the north are also zoned R-3, Two Family and owned by the applicant. The adjacent lot to the west is zoned R-3, Two Family and is owned by the applicant's relatives in a family trust. Property to the east is zoned A, Agriculture and mostly undeveloped with the exception of a single family residence located at the intersection of John Richardson Road and Crisp Road. Property to the south, across John Richardson Road, is zoned A, Agriculture and B-2, General Business and is mostly undeveloped with the exception of Mike Moses Middle School located off of Park Street.

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 area is sparsely populated with limited development, with the exception of a few single family and mobile home residences. The properties within the immediate vicinity are primarily undeveloped and zoned A, Agriculture, with some single family residential uses located to the west and along the north section of John Richardson Road.

Lot 3 is currently developed with a single family and mobile home residence, and is zoned B-2, General Business. Staff finds that the zone change request for this lot to R-3, Two Family is more appropriate for the area than B-2, and is more consistent with the existing zoning in the immediate area.

Lot 3-C is undeveloped, and the applicant has stated that they intend to build a single family residence on the property. The A, Agriculture district has a minimum lot size of two acres, so the current lot size one one acre does not meet the minimum requirements for the zoning district it's located in. Staff finds that the zone change request to R-3 is consistent with the existing zoning in the immediate 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 few single family residences on large tracks of land. 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 properties will take direct access from John Richardson Road, a local street which serves as direct access for other residential uses in the area. This is an older, more narrow road than typical residential streets, with 40 feet of right-of-way and a pavement width of approximately 16 feet. Due to the current configuration of the street, any new development would be limited to low-density uses unless the street is improved to increase current capacity.

This section of John Richardson Road has supporting water utilities via an 8 inch water line along John Richardson Road. There is currently no sewer line in the area and the existing single family residents have been approved for sewer septic systems. Because of the lack of city sewer utilities in the area, any new development would be required to extend city sewer utilities to the area, or would be limited to single family development on half-acre lots.

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 and two 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

John Richardson Road is a local street that will serve as direct access for this property and the other residential uses in the area.

Land Use Policies, Goals & Objectives

The request fits into the Goals of the Comprehensive Plan by *Avoiding Undesirable Development Outcomes*, by ensuring compatible development when differing land use types or intensities are located in close proximity. The applicant has stated that the purpose of this request is to develop Lot 3-C as a single family residence, and make the zoning of both lots consistent with that of the adjacent lots to the north and west.

The B-2, General Business zoning district (located on Lot 3) is intended to accommodate those business activities that are oriented toward the automobile, or whose operations may require limited truck access and is generally located along major traffic arteries where strip business development exists. This zoning district is not appropriate for this area, and the change to R-3, Two Family will be much more compatible with the uses in the immediate vicinity.

NOTICES & COMMUNITY INPUT:

Staff mailed five (5) notices to property owners within the 200-foot notification area. To date, staff has received one (1) written response in favor of the zone change request.

This zoning application was also subject to the additional noticing practices that were approved by City Council in 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

Staff finds that the request meets the review criteria as outlined above. Therefore, Staff recommends approval of the zone change request from B-2, General Business, to R-3, Two Family for Lot 3, and the zone change from A, Agricultural to R-3, Two Family for Lot 3-C.

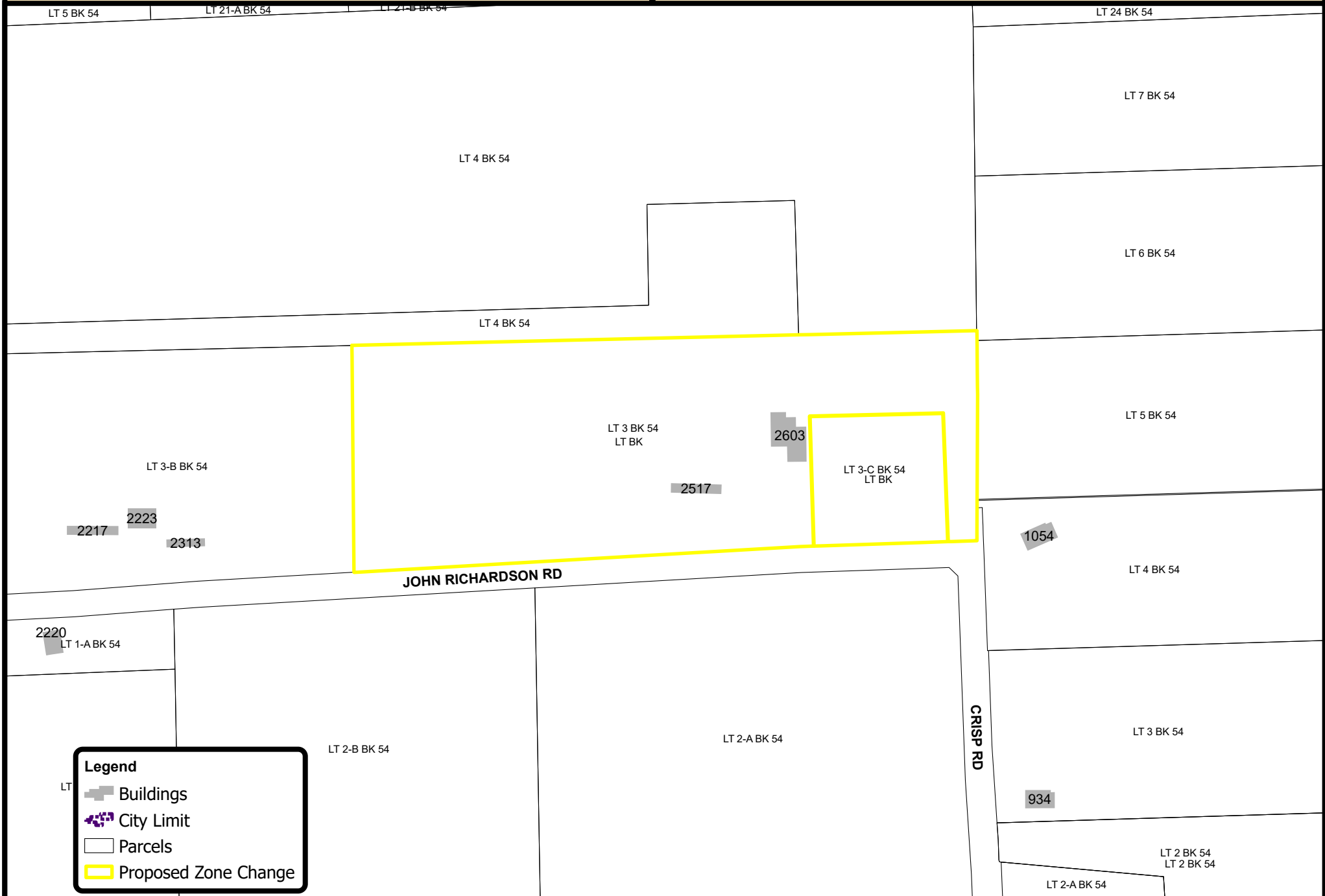
This item is scheduled to be heard by the City Council on Tuesday, May 16, 2023.

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

ATTACHMENTS:

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

Location Map ZON2023-03



Aerial Map ZON 2023-03



0 80 160 240 320 Feet

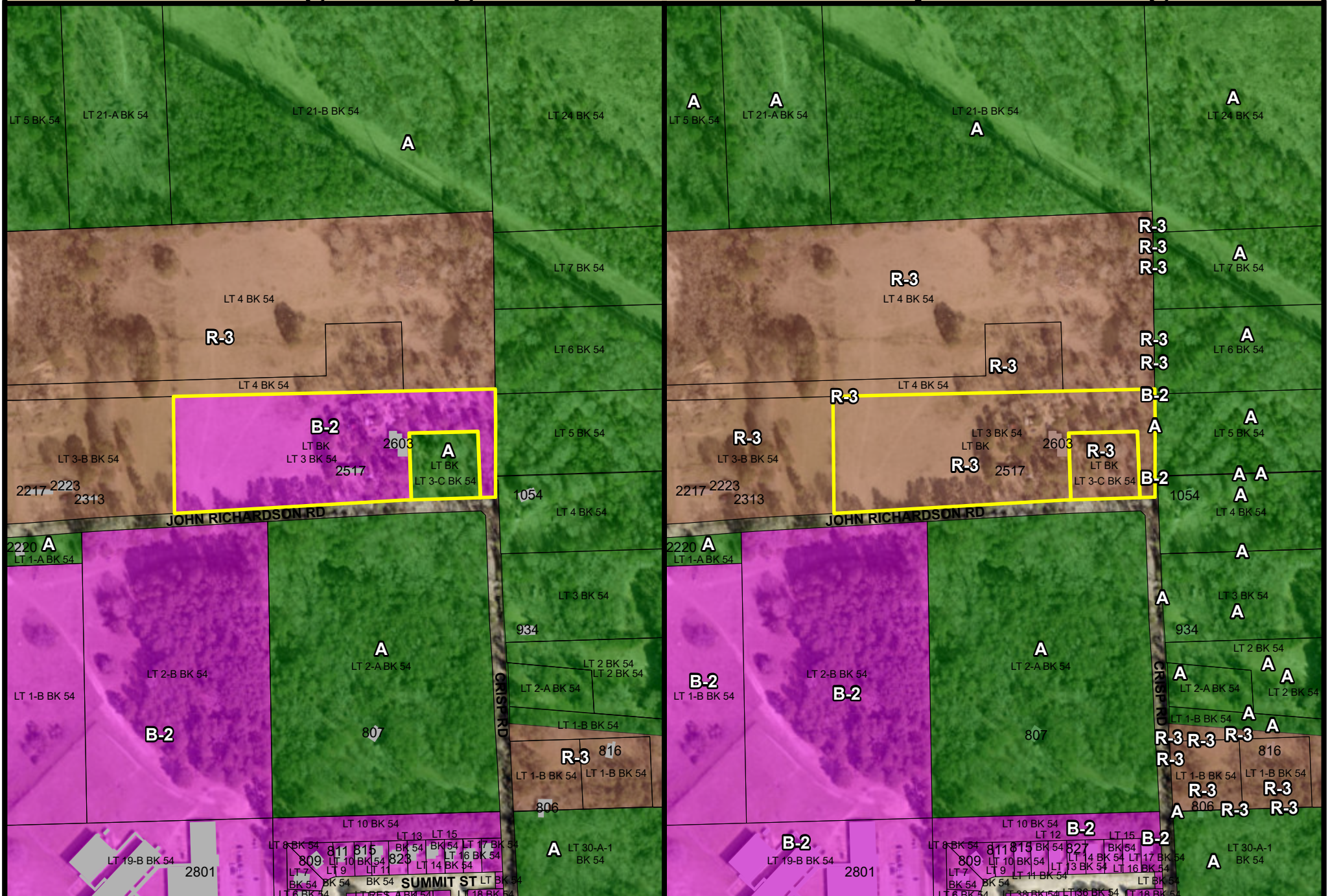
Date Created: 03/28/23 09:58 | Document Generated Automatically

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Existing Zoning

ZON2023-03

Proposed Zoning

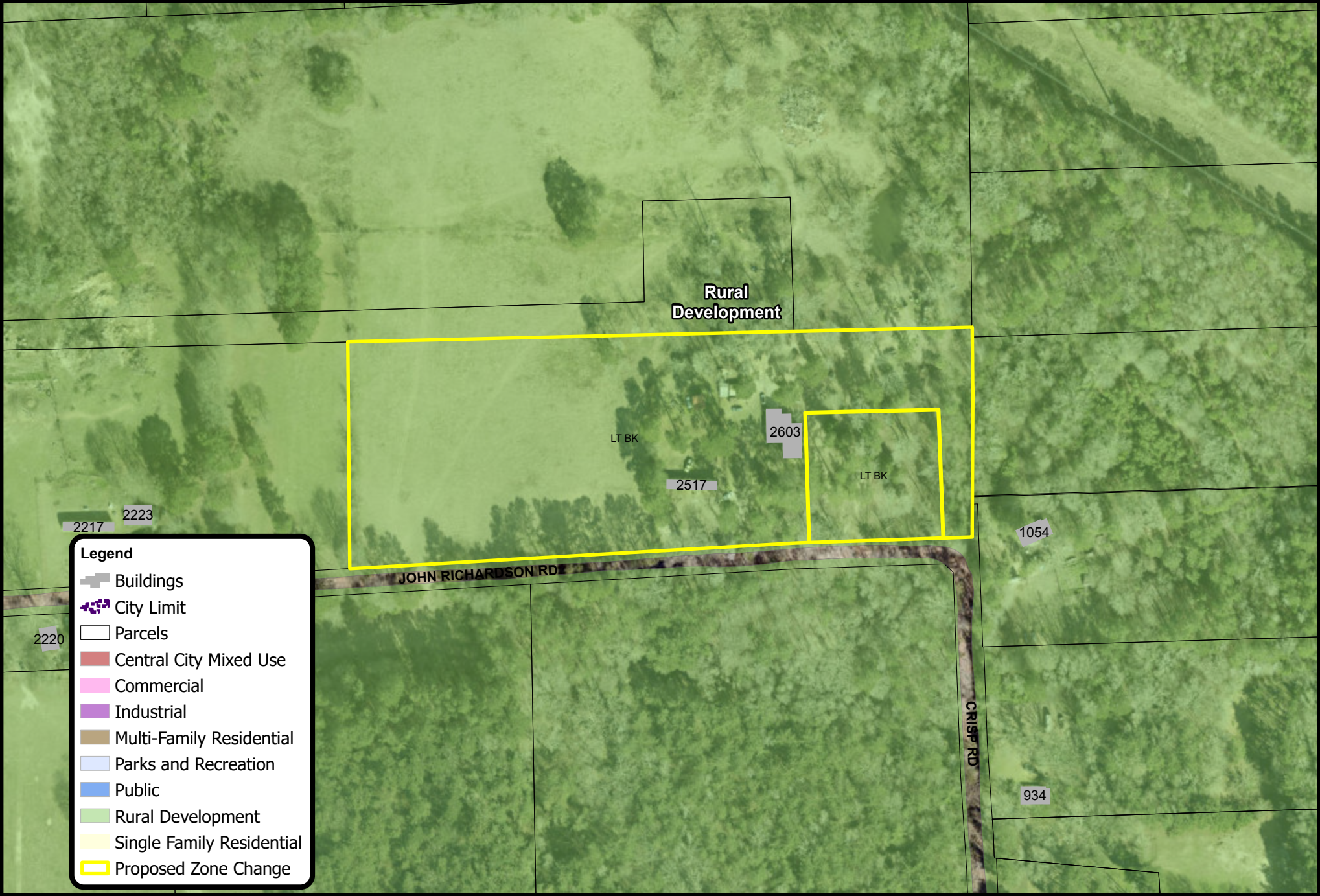


0 160 320 480 640 Feet

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Future Land Use Map ZON 2023-03



0 80 160 240 320 Feet

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Project Number: ZON2023-03

Please circle one:



In favor of request

☐ Opposed to request

Comments:

Signature:

Printed Name:

Curtis Jean Mallory (maiden name - Yarbrough)

Street Address:

3529 Texas Trail

City, State and Zip Code:

Hurst, Texas 76054

Phone Number:

817-658-5027

Email Address:

curtis.mallory@sbcglobal.net

Physical Address of Property within 200 Feet:

1054 Crisp Road, Nacogdoches TX
75961

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

ZON2023-03 Site Photos

Subject Property (Lot 3)



Subject Property (Lot 3-C)

Undeveloped



Property frontage along John Richardson Road



Residential uses in the area

