



September 11, 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 September 11, 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 August 14, 2023, Planning & Zoning Commission meeting.

City of Nacogdoches Planning Department
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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. **Public Hearing:** Consider approval for a Specific Use Permit for Light Manufacturing/Assembly in a B-2, General Business district, on Lots 4 & 5 of the Reese J E Subdivision located at 2524 South Street and Lot 77-B-1, City Block 56, located at 2516 South Street. This request has been submitted by Cesar Escalante. Case Number SUP2023-04
 - C. **Preliminary Subdivision Plan:** Consider approval of a preliminary plat for the Kew Gardens Subdivision, consisting of approximately 19.5 acres, located on the north side of State Highway 7, immediately east of Humphrey Road. This request has been submitted by Benefield Estates, LLC.
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.

Aimee Cloutier, Office Assistant III

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**CITY OF NACOGDOCHES
PLANNING & ZONING COMMISSION MEETING MINUTES
AUGUST 14, 2023, AT 5:00 P.M.
REGULAR HYBRID MEETING**

MEMBERS PRESENT: Shannon Conklin; Lily Phou; Ruth Carroll; Matt Perry (remote); Margaret Forbes (remote);

MEMBERS ABSENT: None

STAFF PRESENT: Office Assistant III, Aimee Cloutier; Planning Technician, Juan Pollette; City Engineer & Interim Planner, Steve Bartlett; Planning Intern, Torrey Brown

OTHERS PRESENT: Applicant, Krysta Robertson; Applicant Courtney & Stephen Martin; Applicant, Grant Menzies with Primal Piercing; Robert Hurf; Brandi Cartwright; Daniel Sponberg; Brigitte Kozash; Ethan Fatheree; Ben Idom; Charity Ravespun; Grant Howarth; Bryan Stoka; Dwayne Shinn; Sharon Shinn; Charles Shugart; Ricky Taylor; Hallie Wurth; Ricardo Estrada; Diana Walker; Jim Elder; Cindy Denman; Janet Fults; Barb Robertson; Thomas Moses; Brittney Holden; Alex Rancy; Jack Sullivan; Sydney Kroll; Paul Murray; Breat Burt; Emily Dodson; Danielle LaBeaue; Janie Huggins; Patricia Huggins; Bailey McGan; Diane McGan; Bret Arrant; Mario Torres; Christopher Patton; Deborah Bush;

1. **Call to Order:** Chairman Conklin called the meeting to order at 5:19 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 May 8, 2023 Planning and Zoning Commission meeting.

Commissioner Phou made a motion to approve the minutes from the May 8, 2023 meeting as written. Commissioner Carroll 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.
 - B. **Public Hearing:** Consider a Specific Use Permit to operate a Tattoo Salon/Piercing Studio in a B-2, General Business District, on Lot 6-B, City Block 6, located at 507 East Main Street. This request has been submitted by Krysta Robertson. Case Number SUP2023-05.

Planning Technician (PT), Juan Pollette presented the requested Specific Use Permit (SUP) to the commission stating the applicant is requesting to operate a tattoo salon/piercing studio in a 1,000 sq foot space located at 507 East Main Street. PT Pollette stated the hours of operation for the business would be from 1 p.m. to 7 p.m. Tuesday through Saturday and tattoos would be by appointment only. PT Pollette stated that 15 notices were sent to property owners within 200 feet of 507 E. Main St. and as of the meeting, four (4) responses in opposition and one (1) response in support have been submitted.

Applicant, Krysta Robertson addressed the commission stating she is a professional tattoo artist and her business is in line with boutiques and art studios. Ms. Robertson presented the commission with her business hours and expressed she only does tattoos by appointment and is booked out three months in advance. The applicant spoke of her current business being located in FX Salon owned by Autumn Anthony and is family-oriented. Ms. Robertson stated she would not take away from the historical charm of the theater building and the signage would be minimal with displays of what is happening in downtown Nacogdoches. Ms. Robertson provided client demographics to the commission showing the array of ages and occupations of her clients. The applicant stated she has spoken with several local realtors and they have all stated the tattoo salon would not bring property values down for the surrounding properties.

Commissioner Phou asked the applicant if anyone in the neighborhood where the current tattoo salon is located has complained to which the applicant answered no.

There was discussion regarding the changing of hours and how it would affect her business as well as how many employees she would have.

Chairman Conklin opened the meeting up for public comment.

Autumn Anthony who resides at 8448 E. St., Hwy stated she is the owner of Special FX Salon which the applicant is renting space to operate her tattoo studio. Mrs. Anthony stated the applicant has been very respectful of her business and has been an amazing tenant. Mrs. Anthony expressed her full support of the approval of the SUP and stated that the applicant being downtown, would bring support to other downtown businesses.

Emily Dodson who resides at 2299 CR 711, expressed her support of approval for the SUP stating she is familiar with the downtown area as she has worked with current downtown businesses on marketing. Mrs. Dodson presented statistics to the commission in regards to how many people in America have tattoos and the applicant's business will promote tourism to the downtown area which in return will positively impact the downtown community.

Diana Walker who resides at 2807 Raguet St., expressed her opposition to the SUP stating she is not against tattoos but does not want a tattoo shop in the downtown historic district. Ms. Walker expressed that people come to downtown Nacogdoches for the history and it is important to have retail in the old Main Street Theater and not a tattoo shop.

Ricardo Estrada who resides at 516 E. Main St., stated he lives directly across the street from the proposed SUP and is in opposition. Mr. Estrada expressed that having a tattoo shop there will negatively impact his property value.

Brittney Holden who resides at 2318 Pearl St., stated she is the piercer for Golden Cicada and she would like the city to be more diverse. Ms. Holden expressed that she recently joined Fire House Nac. which is an organization that bridges the gap between the art community and SFA to accept all forms of art. She expressed that she would like the city to become more diverse and leave bias out of the commission's decision.

Jodi Rakestraw who resides at 411 Richardson St., stated she is a local historian and believes the applicant is about preserving the façade of the building. Ms. Rakestraw expressed support for the applicant and stated history is about the whole community not just a few.

Alex Ranc who resides at 3432 Canterbury St., stated she loves the idea of the applicant being downtown. Ms. Ranc shared that many historic downtowns in Texas have tattoo parlors and are successful.

Jim Elder, who resides at 707 North Woods Circle, expressed opposition to the proposed SUP. Mr. Elder stated he owns the building directly across the street and is concerned about his property value decreasing if the SUP is approved. Mr. Elder stated the area has improved over many years due to people investing in this block of downtown and he is afraid of what will happen if the tattoo shop is allowed.

Hallie Wurth who resides at 516 E. Main St., expressed opposition to the proposed SUP stating her property value will decrease. Ms. Wurth stated she does not want to see a tattoo parlor across the street from the home and thinks another location for the business would be appropriate.

Danielle LaBeaue who resides at 522 E Main St., stated she does not think a tattoo shop is compatible with downtown especially since it will be the first business coming in from the east which in turn sets a bad tone for tourists.

Ben Idom who resides at 3211 Pearl St., expressed his support for the SUP stating the applicant has expressed that she will preserve the historic charm of the building and is a family-friendly business as he has known her for eight (8) years.

Bridgette Kozash who resides at 410 Harris St., stated she is the manager for Fire House Nac. and is a stained glass artist who works full-time thanks to people like Krysta and Brittney. Ms. Kozash stated she watched them being able to be an artist full time which made her realize she can continue down the art path full time. Ms. Kozash stated she is in full support of the approval of the SUP.

Robert Irk who resides at 412 E. Main St., expressed his support of the applicant's business moving downtown as he thinks it will increase property values, not decrease them.

Grant Menzies who resides at 319 St. Hwy 7 E., stated he was a local business owner of a piercing studio and is in support of the SUP. Mr. Menzies stated the demographics have changed and downtown is the perfect location for her business.

Paul Murray who resides at 605 Sarah Ann St., expressed his full support for the proposed SUP, stating the applicant's business will be a benefit for downtown. Mr. Murray stated her business will bring friends and families downtown to purchase things locally. Mr. Murray also

stated that having a business downtown that cares about the aesthetics of the building is very important and the applicant is that business.

Chairman Conklin asked if there were any more public comments. Public comment was closed and the meeting was opened for discussion amongst the commission.

Commissioner Phou expressed that historic preservation is important but it can look and feel in different ways. Commissioner Phou stated that economically, if a building is being rented and the renter is willing to do something tastefully and preserve historic preservation, then she does not see a problem. Commissioner Phou explained that the applicant has been running her business with the utmost respect and family-friendly means a person with a good heart and takes care of their family but may look different.

Commissioner Carroll stated that her only concern was that her son lives in a small, West Texas town, and their downtown is filled with tattoo parlors and bars which draws no tourism. Commissioner Carroll also stated she is not sure the city needs the image of tattoo parlors in the downtown area.

Commissioner Forbes stated after she read through all the letters of support, she realized she had a biased opinion on tattoo parlors and realized they are not what they were before and it would not be a detriment to the downtown and would bring growth for the younger generation. Commissioner Forbes stated that the building sitting empty is an eye sore versus a well-presented tattoo salon.

There was discussion regarding the cost of tattoos and the average amount of tattoos the applicant performs in one day.

There was more discussion amongst the applicant and commission regarding downtown events and how the applicant's business could be a part of those events and what she would be selling at her business besides piercings and tattoos.

Chairman Conklin stated he is a big supporter of small business owners, especially women-owned businesses. Chairman Conklin stated he is not biased with tattoos and loves the diversity of the community but when it comes down to property owner opinions, there is a high bar that needs to be met with a SUP.

Chairman Conklin called for a vote. Commissioner Perry made the motion to approve the SUP as presented, Commissioner Phou seconded the vote. The SUP was approved (3-2) with Chairman Conklin and Commissioner Carroll voting against the approval of the SUP.

- C. Public Hearing:** Consider amending a previously approved Specific Use Permit for a Piercing Studio to also include a Tattoo Salon in a B-2, General Business District, on Lot 16-A, Block 67, of the North Heights Addition Subdivision, located at 3500 North Street, Suite 10. This request has been submitted by Primal Piercing & Jewelry. Case Number SUP2023-03.

PT Pollette presented the amended Specific Use Permit (SUP) for Primal Piercing & Jewelry stating the applicant would like to add a tattoo salon to the existing SUP that was approved by the city council in October 2022. PT Pollette stated the applicant is proposing to have a guest artist or a permanent artist with a maximum of two piercers and two tattoo artists at one time. PT Pollette stated the operation hours for the jewelry store would be from Tuesday through Saturday from 10 am to 9 pm and the hours for the tattoo salon and piercing studio would be the same days from 1 pm to 9 pm. PT Pollette stated staff has received one (1) written response in support for the SUP and one (1) written response in opposition.

The applicant, Grant Menzies with Primal Piercing & Jewelry addressed the commission and presented his vision regarding a tattoo salon being added to SUP. Mr. Menzies stated his customers are requesting the tattoo services as they are already comfortable with his shop and would love that service to be offered.

There was a discussion between the commission and the applicant regarding the current hours of operation versus the new hours being requested, who the tattoo artist is going to be, and if the clientele would be walk-ins or appointments only.

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

Chairman Conklin called for discussion amongst the commission.

There was discussion regarding other businesses in the shopping center the proposed SUP would be located in and how late they stayed open.

Chairman Conklin called for a motion. Commissioner Perry made the motion to approve the SUP as presented. Commissioner Phou seconded the motion. The SUP was approved unanimously (5-0).

- D. Public Hearing:** Consider a Zone Change from R-1, Single Family to B-1, Local Business for approximately 1.32 acres, being of Lot(s) 1 of Block 8, 10-A, 10-B, & 11 of Block 1, of the Colonial Hills Subdivision, Section 1, generally located on the west side of Appleby Sand



Road, 440 feet north of the intersection at East Austin Street and Appleby Sand Road. This request has been submitted by Courtney & Stephen Martin. Case Number ZON2023-05.

PT Pollette presented the zone change request to the commission stating the proposed use goes against the future land use designated by the comprehensive plan. PT Pollette stated the applicant is proposing to build small business offices on the property. PT Pollette informed the commission that the city council has allocated funds to design and install proper stormwater drainage facilities for the properties downhill from the lots in the proposed zone change. PT Pollette expressed staff recommends conditioning the zone change if approved. The conditions would include requiring detention and connection to the city-initiated storm drainage system, providing commercial district landscaping along the front of the property, and building a 6-foot wooden fence as well as creating a 10-foot landscape buffer along the property lines that abut residential zoning districts. PT Pollette stated staff encourages tree preservation.

There was discussion amongst the commission on what was allowed in a B-1, Local Business zoning district.

Applicant, Stephen Martin addressed the commission stating he would like to construct a building that will hold small businesses and his office in it. Mr. Martin expressed his goal was to tie into the city storm drainage system which will be designed by the same engineer the city is using. Mr. Martin stated the drainage system he will install on his property will help the abutting residents with their current drainage issues, and not make it worse.

There was discussion amongst the commission and the application regarding the HOA deed restrictions amongst the commission and the applicant.

There was a discussion between the commission and Staff regarding the present drainage issue in Colonial Hills.

City Engineer (CE) Bartlett explained to the commission that the city does not intend to install any drainage collection systems for property that is not developed.

Commissioner Carroll asked if the zoning was changed if the city installed the drainage system before the property was built.

CE Bartlett stated the city would coordinate with the applicant to design and install the drainage system to ensure it would tie into the city's designated stormwater drainage system.

There was more discussion regarding the proposed drainage system and how it will work.

Commissioner Phou asked the applicant if he thought about adding rainwater collection or a green space roof to the building for water to be collected and not drained out into the water collection system.

The applicant stated he has not, but it is something he could look into.

Chairman Conklin opened the meeting for public comment.

Janet Fults who resides at 3316 Colonial Dr., expressed her concern and opposition to the zone change request. Ms. Fults stated her residence is located directly behind the applicant's property and the current runoff water is damaging her property which has caused her to spend \$10,000 in repairs due to the drainage issues. Ms. Fults stated she wanted the lots to stay undeveloped.

Cindy German who resides at 3308 Colonial Dr., expressed her opposition to the zone change request because the current drainage problems have not been fixed. Ms. German stated she is not for any development until the current drainage issues have been fixed. Ms. German also expressed that she would like to keep the neighborhood single-family.

Dwain Shinn who resides at 3410 Colonial Dr., expressed his opposition to the zone change due to the drainage issues. Mr. Shinn also stated the office buildings the applicant is proposing could become vacant and be an eye-sore to adjoining residents' properties in the Colonial Hill Subdivision. Mr. Shinn stated residents in the subdivision can't sell their homes due to the drainage issues and the stormwater drainage drains uphill and will not work.

CE Bartlett addressed the commission and clarified the drainage is not draining uphill and re-explained how the drainage plan will work.

Mario Torres who resides at 3327 Colonial Dr., expressed his opposition to the zone change stating there are three million dollars worth of homes in the direct path of the runoff water due to there not being any stormwater drains in the immediate area. Mr. Torres stated the property should become a floodplain or a no-build area. Mr. Torres stated he was not against building on the lots, he just wanted the drainage fixed first.

Phillip Blackburn who resides at 819 Logansport St., stated zone changes that have a significant jump should not be presented during the summer. Mr. Blackburn stated the city council directed staff that they were to not allow zone change applications with a significant jump.

Barbara Winfield who resides at 1703 Heather, stated her concern is the traffic. Ms. Winfield expressed her concerns with the current traffic on Appleby Sand Rd moving at a fast rate of speed. and adding another business would only make things worse. Ms. Winfield also stated she is worried about how the business would affect her property value.

Chairman Conklin closed public comment and opened the meeting up for discussion amongst the commission.

Commissioner Phou addressed the concerns about Phillip Blackburn's suggestion of not having meetings during the summer or accepting certain zone changes. Commissioner Phou stated the processes have changed which require additional neighborhood meetings and signage so all residents are aware of what is happening.

Commissioner Forbes stated the residents moved to the area for residential purposes and they want to keep it residential, therefore she supports the residents.

Commissioner Perry stated the pictures that have been submitted do not lose their power and he is in agreeance with the residents of the subdivision.

Chairman Conklin stated he would love to see the property developed and has full confidence in CE Steve Bartlett and staff. Chairman Conklin discussed that property owners have weight in decisions and it is very clear there needs to be a solution to the drainage problems before there is any development.

Chairman Conklin called for a motion.

Commissioner Phou made a motion to deny the zone change. Commissioner Carroll seconded the motion. The zone change request was denied unanimously (5-0).

- E. Final Plat:** Presentation, discussion, and possible action regarding a Final Plat for Lot 1R & 2R Of The Bipin & Ritesh Subdivision. This request has been submitted by Krishna Nacogdoches Investments LLC.

CE Steve Bartlett presented the final plat to the commission stating the applicant wants to split the property into two (2) lots and develop hotels on them. CE Bartlett addressed the utilities stating the sewer ends just south of the property but the previous City Planner stated the plat needed to go before P&Z, so staff is honoring that. CE Bartlett stated by the definitions, the utilities are not being extended. CE Bartlett stated staff has been in contact with TxDot and has reviewed the plat.

There was no discussion amongst the commission and Chairman Conklin called for a motion.

Commissioner Phou made a motion to approve the final plat with Chairman Conklin seconding the motion. The final plat was approved unanimously (5-0).

- F. Sign Variance:** Consider a variance to Section 78-101 of the Sign Ordinance for an existing legal nonconforming freestanding sign that fails to meet the minimum sign setback requirements for a property located at 1326 North University Drive. This request has been submitted by Olivia Kiritsy of Loblolly Properties LLC. Case Number SVO2023-02.

PT Pollette presented the sign variance to the commission explaining the current sign was grandfathered due to it being installed on the property before the current ordinance was adopted. PT Pollette stated the applicant is requesting to add 12 square feet to the overall sign area which will increase the sign height from 27 feet to 30 feet and will cause an encroachment into the allowable setback. PT Pollette stated the applicant is requesting a 21-foot setback variance.

There was a discussion on the calculations of the additional area of the sign.

Applicant, Tommy Cordova with CorCraft Signs addressed the Commission stating the current sign is an eye sore and they wanted to beautify it. He has designed the new sign with a removable panel so if the business decided to move, the sign would be able to go back to its original size.

After discussion among the commission, Chairman Conklin called for a motion.

Commissioner Phou made the motion to approve the variance with Commissioner Forbes seconding the motion.

The variance was approved unanimously (5-0).

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.

There was no discussion or action on future agenda items.

7. Adjourn

Chairman Conklin adjourned the meeting at 7:58 p.m.

Chairman Conklin

Attest: Aimee Cloutier, Office Assistant III

PRESENTER: Juan Pollette, Planning Tech

ITEM/SUBJECT: Public Hearing: Consider approval for a Specific Use Permit for Light Manufacturing/Assembly in a B-2, General Business district, on Lots 4 & 5 of the Reese J E Subdivision located at 2524 South Street and Lot 77-B-1, City Block 56, located at 2516 South Street. This request has been submitted by Cesar Escalante. Case Number SUP2023-04

OVERVIEW: The request is for a Specific Use Permit (SUP) for Light Manufacturing/Assembly at 2524 and 2516 South Street. The property is zoned B-2, General Business, and was originally opened as a car audio installation shop in 2011. Within this year, the owner has begun to assemble and distribute metal carports in the back of the car audio installation business located at 2524 South St. Since then, the owner has purchased the property to the north, located at 2516 South Street, with plans to expand his carport business to that location. Per the Zoning Ordinance, Light Manufacturing/Assembly is allowed in the B-2, General Business zoning district with approval of an SUP. The SUP process allows Staff, the Commission, and the City Council the opportunity to review, and impose conditions if necessary on such development.

The purpose of this SUP is to allow for the continued use of light manufacturing and assembly of metal carports at these locations. The building located at 2524 South Street (car audio shop) is approximately 1,900 square feet in size. The adjacent building to the north located at 2516 South Street is approximately 2,400 square feet. Both properties also have frontage along Old Lufkin Road. The combined acreage of the three lots is just under one acre.

Adjacent Land Use & Zoning

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

Direction	Comprehensive Plan	Zoning	Land Use
North	Commercial	B-2, General Business	Commercial
East	Commercial	B-2, General Business	Commercial
South	Commercial	B-2, General Business	Commercial
West	Single Family	R-1 Single Family	Single Family

	Residential		
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This property has frontage along South Street to the east and frontage along Old Lufkin Road to the west. The area is predominately zoned and developed as commercial with the exception of an R-1, Single Family Residential zoning district to the west across Old Lufkin Road. The proposed SUP will not change the uses permitted under the current B-2 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 area is located along a major commercial corridor that has a mix of commercial uses such as auto repair, banks, churches and mixed retail. The property is adjacent to residential properties to the west but is separated by Old Lufkin Road. Staff believes that the SUP will not significantly affect the density of the area, and thus is compatible with the existing commercial and single family properties.

Orderly growth and development. The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;

The proposed SUP is located within one of the city's main commercial corridors and the surrounding properties are fully developed. The approval of the SUP would not impede the normal development of the surrounding properties.

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

The site is adequately served with all basic utilities. All modifications such as renovation, driveways, parking, etc. will conform to current development standards. The applicant is proposing to construct a 7 foot tall metal panel fence the west side of the property, adjacent to the residential properties across Old Lufkin Road to act as a noise buffer and hide the view of the daily operations.

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;

There is currently sufficient on-site parking to serve the current car audio installation shop and the proposed light manufacturing/assembly of carports. Any modifications to the driveways or parking will meet current standards.

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 planing to utilize the newly purchased property to the north as a storage area and assembly/holding area to assist with the shipping and receiving area in order to self contain all operations inside the property. The applicant is proposing to no longer stage vehicles along Old Lufkin Road. The applicant is also proposing following hours of operation:

Monday thru Friday, 8:00a.m. – 6:00p.m.

Saturday 8:00a.m. – 12:00p.m. Closed on Sunday's.

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 down lighting, 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 applicant is not proposing to expand the existing footprint of the buildings, therefore, is not required to comply with the landscaping ordinance.

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

Although the Future Land Use Plan calls for the area to be commercial, staff believes the proposed use is a lower intensity industrial use and with the applicants proposed conditions, would therefore fit into a commercial zone.

Per the 2003 Comprehensive Plan, this development achieves the objectives of promoting:

"Vibrant and viable commercial and industrial areas, supported by a quality community offering many assets and opportunities for economic development"

Access & Utilities

The subject property has access to utilities, with a 6-inch water and sewer main located along South St. The property takes direct access from South St.

Flood Damage Prevention:

Per the FEMA Floodplain Map, there is no FEMA regulated floodplain or floodway located on the subject property.

Notices:

Staff sent out 11 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 a property owner residing within the 200 foot notification area. The resident stated that he is concerned about the noise and the vehicles parked along Old Lufkin Rd.

Neighborhood Input: The applicant held a neighborhood meeting for the property owners within 500 feet of the subject property on July 17, 2023 to discuss and answer questions about the request. None of the surrounding property owners attended the meeting.

This zoning application was also subject to the additional noticing practices that were approved by City Council in January, 2021. These 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.

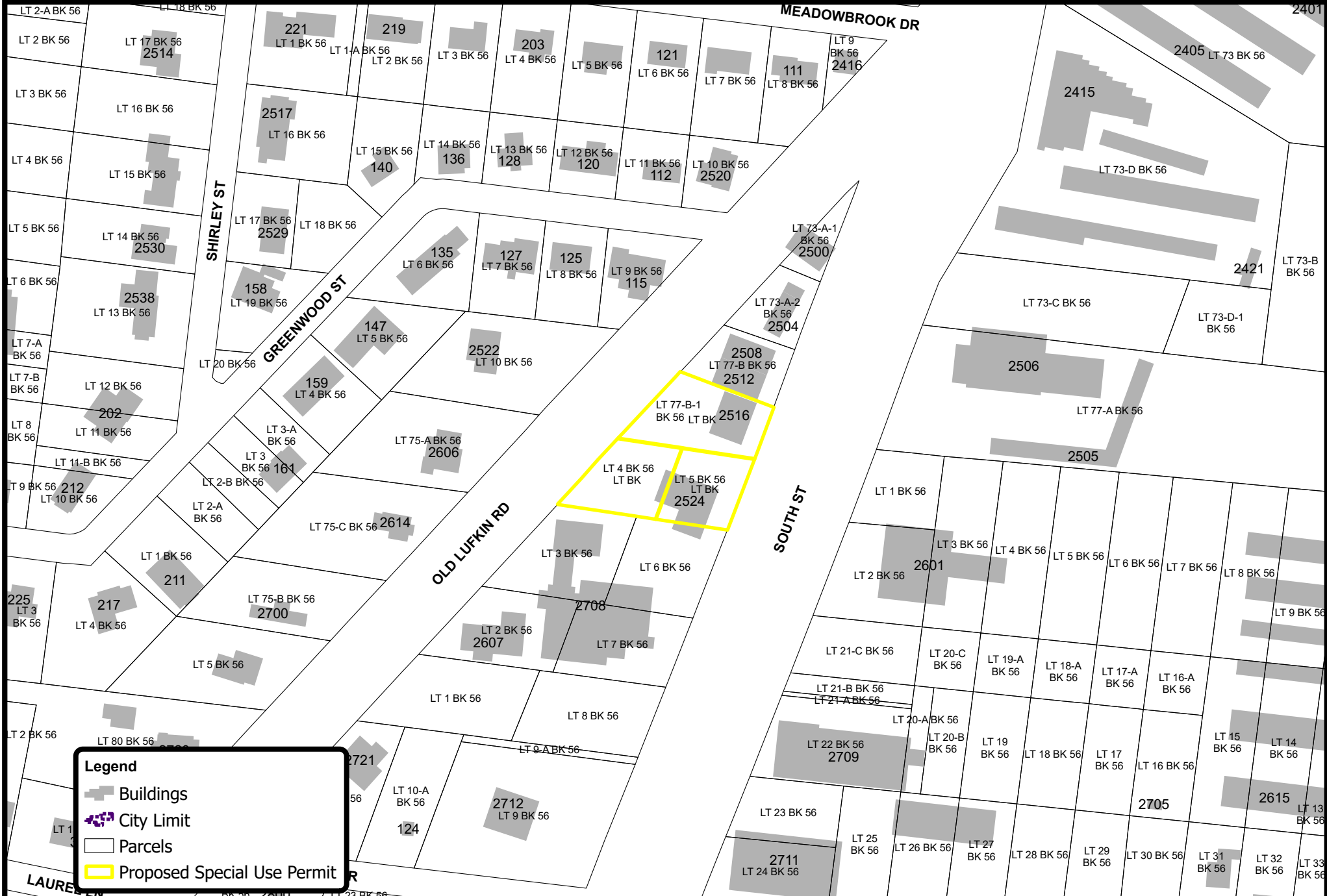
This item is scheduled to be heard by City Council on Tuesday, September 19, 2023.

CITY CONTACT: Juan Pollette, Planning Technician
pollettej@nactx.us
936-559-2559

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
8. Site Photos

Location Map SUP2023-04



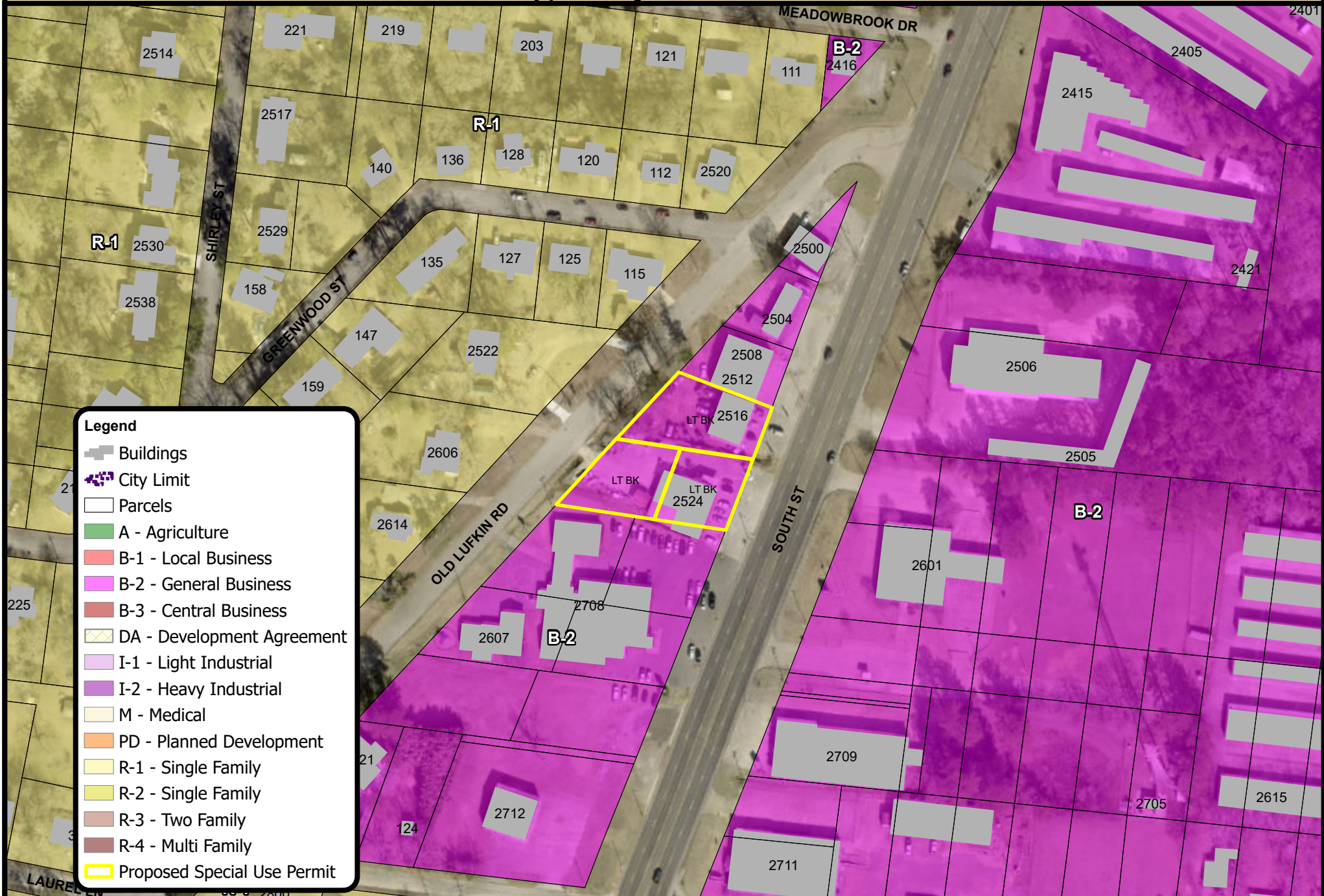
Aerial Map SUP 2023-04



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Zoning Map SUP 2023-04



Legend

- Buildings
- City Limit
- Parcels
- 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
- Proposed Special Use Permit

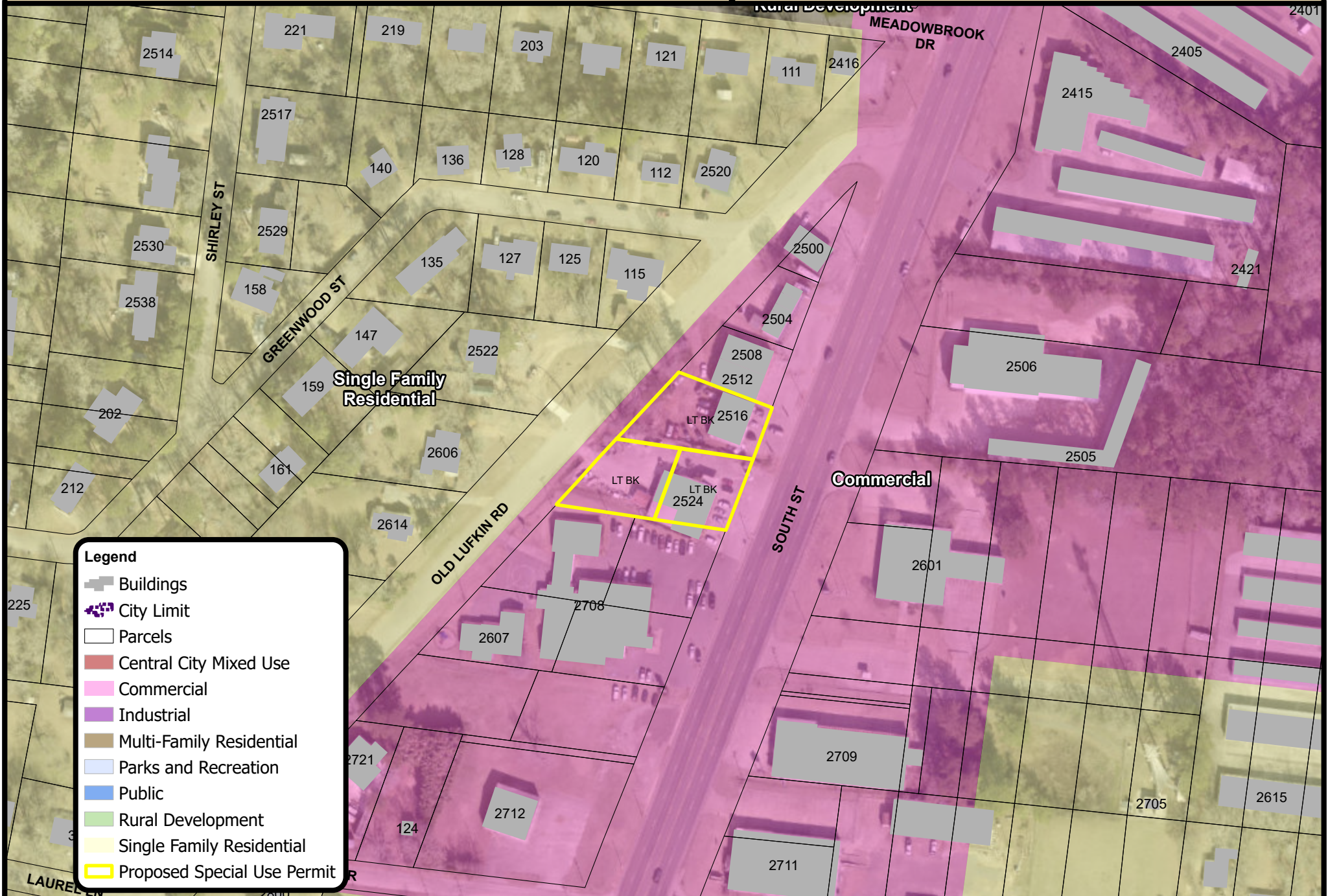


0 70 140 210 280 Feet

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Future Land Use Map SUP 2023-04



Legend

- Buildings
- City Limit
- Parcels
- Central City Mixed Use
- Commercial
- Industrial
- Multi-Family Residential
- Parks and Recreation
- Public
- Rural Development
- Single Family Residential
- Proposed Special Use Permit



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Concerned resident

2 messages

Slim Pickens <jasoninnac76@gmail.com>
To: pz@nactx.us

Tue, Jul 25, 2023 at 8:27 AM

To whom this concerns, I am emailing in regards to a letter I received in the mail titled "Public / Neighborhood Meeting". I have been out of town on vacation and missed the meeting so I thought I would send an email. This letter states Project Location: 2524 South Street lot(s) 4& 5, & 77-B-1 CB 5 Applicant: Ceasars Escalante. My email may be too late to be considered for your decision, and that's fine, but I wanted to be able to at least give my concerns and opinions about this matter. I have been a resident at my house for 46 years. I grew up in this town and this neighborhood. I'm a proud product of our community's public school system and a local business owner now. I have seen plenty of businesses come and go on the south side of town. I have always been a go along to get along person, but there are a few concerns I have. Ever since Mr. Escalante moved in years ago, we have quietly put up with his car audio business. Loud music and bass at all hours, especially hard to deal with while raising infants and young children needing sleep. Now he has expanded his business into manufacturing carports and everything that goes along with that. My most current concern, is that it has made it impossible to sit on our front porch anymore and relax and enjoy our surroundings. Cars, trucks, scrap metal trailers and goose neck trailers stay parked up and down the street, along with constant beating and banging of hammers, grinders, and the noise of saws and welders. The workers almost always have music playing loud enough for us to clearly hear every word and note. It's turning the neighborhood that I have a great deal of love for, into a manufacturing complex and I'm not thrilled. There is nobody that is a bigger proponent of entrepreneurs and business than me, but there is also a time and place for everything. I would love to live back on a quiet peaceful street again, but I know this probably won't happen again at this location, and it makes me sad. I'm not here trying to cause any problems, and if the decision is made to grant Mr. Escalante his "light assembly" permit, I will quietly keep to myself and continue to do my best where I'm at to raise and support my family. I would ask, if business continues, that the city do something about all the vehicles and trailers that constantly stay parked in the street and also maybe limit work to certain business hours. I know I don't live in the nicest neighborhood, but what little bit I do have, I want it to stay somewhat nice and clean. I also have no idea what all of this is doing to my property value, but what little bit of curb appeal I might of had, is gone with all of this manufacturing in my front yard. Thank you for your time and consideration.

Sincerely,
Jason Hawthorne
2606 Old Lufkin Rd.
Nacogdoches, TX 75964

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You received this message because you are subscribed to the Google Groups "Planning & Zoning" group.
To unsubscribe from this group and stop receiving emails from it, send an email to pz+unsubscribe@nactx.us.
To view this discussion on the web visit https://groups.google.com/a/nactx.us/d/msgid/pz/CAAYOxU2kkRAJa3aD0M%3Dxg44kH5d6JL5-kbTf7wU_gdWpzi4NMA%40mail.gmail.com.

Cloutier, Aimee <cloutiera@nactx.us>
To: Slim Pickens <jasoninnac76@gmail.com>
Cc: Juan Pollette <pollettej@nactx.us>

Tue, Jul 25, 2023 at 4:15 PM

Mr. Hawthorne,
We have received your email and it has gone into the case file for the Planning and Zoning Commission and City Council to review it. Planning and Zoning will meet on Monday, September 11, 2023, at 5 p.m. and City Council will vote on the specific use permit on Tuesday, September 19, 2023, at 5:30 p.m. You will receive another notice regarding these meetings in the near future. If you have any questions, please don't hesitate to reach out.

Respectfully,
[Quoted text hidden]

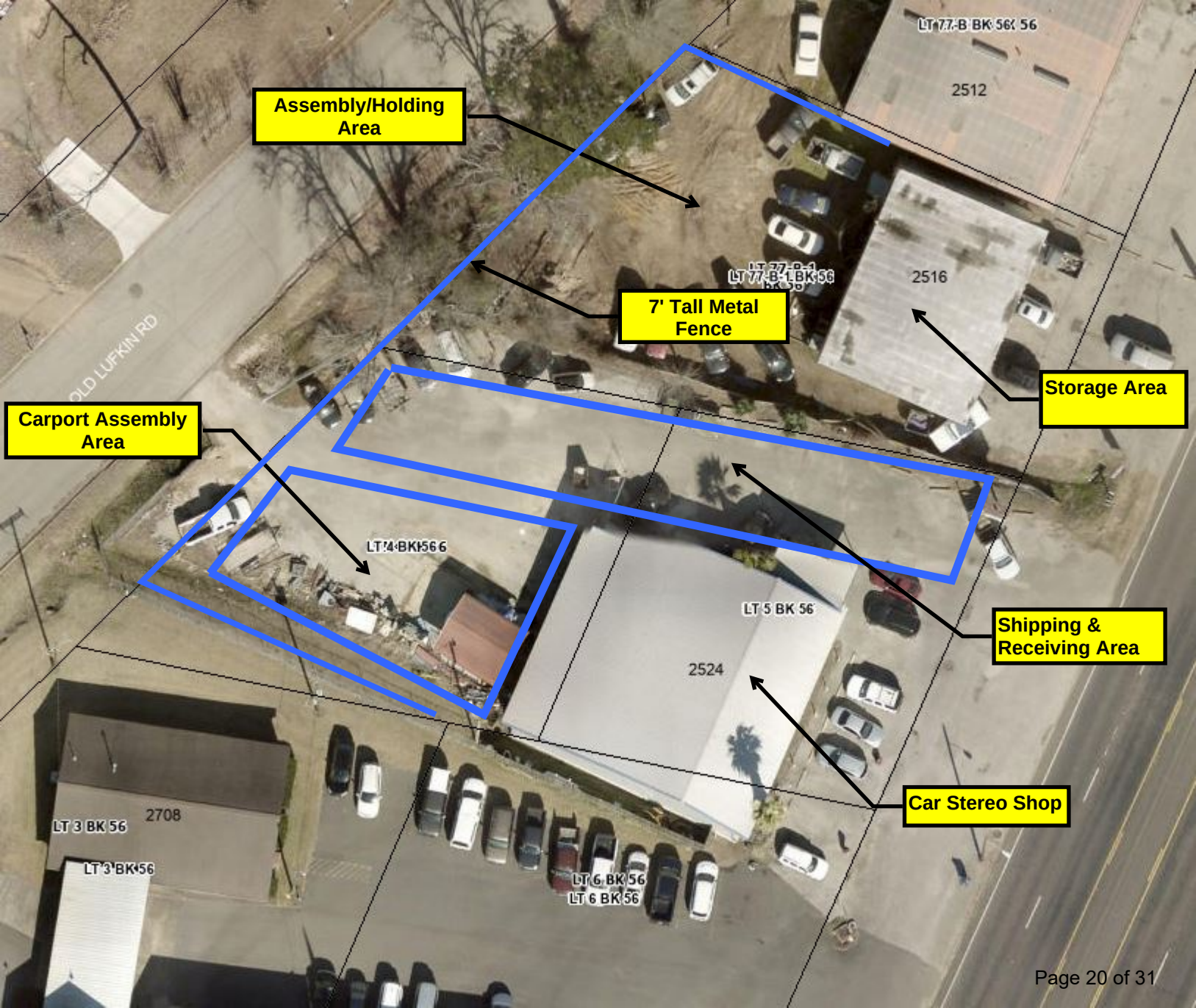
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Aimee Cloutier
Planning and Zoning
City of Nacogdoches

(936) 559-2574

cloutiera@nactx.us





**Assembly/Holding
Area**

**7' Tall Metal
Fence**

Storage Area

**Shipping &
Receiving Area**

Car Stereo Shop

**Carport Assembly
Area**

Site Photos: SUP2023-04

Subject Property to
the south

Subject property
to the north



Assembly/Holding Area



Carport
assembly area

Shipping &
Receiving Area



Front View of
Shipping &
Receiving area

View of Car Audio
Installation Area



Looking south along Old Lufkin Rd.



PRESENTER: Juan Pollette, Planning Tech

ITEM/SUBJECT: Preliminary Subdivision Plan: Consider approval of a preliminary plat for the Kew Gardens Subdivision, consisting of approximately 19.5 acres, located on the north side of State Highway 7, immediately east of Humphrey Road. This request has been submitted by Benefield Estates, LLC.

OVERVIEW:

The subject property is zoned R-3, Two Family, and is located on State Highway 7, immediately east of Humphrey Road. The proposed Preliminary Plan includes the construction of a 600 foot Minor street, one single family subdivision (Kew Gardens) with a total of 30 lots and a private common area. The Plan will be constructed in two (2) phases. Phase one will include the construction of Kew lane, utilities, as well as the storm water detention facility. Phase two will include the Kew Gardens Subdivision.

In addition, the Plan is also consistent with the Chapter 380 economic development agreement approved by the City Council in May of 2023, for the development of a single family residential subdivision. In the agreement, the developer has proposed to build a single family subdivision and associated infrastructure, including the construction of Kew Lane.

STAFF REVIEW:

The City Planner and City Engineer have reviewed the proposal and found that the layout generally conforms to City standards.

Plat Design & Proposed Development

The Plan includes the construction of Kew Lane that ends in a cul-de-sac, a subdivision consisting of 30 single family residential lots, a common area, and a 50-foot “vegetative buffer” area located along the east and west property boundaries. The proposed Plan complies with the subdivision regulations.

Zoning Issues

The property is zoned R-3, Two Family, and the Plan meets all of the standards outlined for residential lot size and layout for the zoning district.

Drainage, Utility, and Access Issues

The Engineering Department has reviewed the plan and determined that the proposed utilities and infrastructure is 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.

Subdivision Variance Requests

In accordance with the Subdivision Ordinance, the Planning and Zoning Commission may authorize a variance to the subdivision regulation 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.

The proposed Plan generally complies with the subdivision regulations. The front set-back line on lots 12 through 19 has been moved back to 47 feet, from the minimum required 20 feet, to meet the 50 foot lot width criteria for R-3, which is measured at the setback line. These lots are also deeper than required so the additional set-back does not offer any significant constraints to building a normal residential structure. The length of the cul-de-sac is shown as 600.53 feet which is about 6" longer than allowed. Staff has reviewed this and determined that the excess length is de minimis.

Review and Approval by Planning and Zoning Commission

Preliminary Plans must be reviewed and approved by the Planning and Zoning Commission.

STAFF RECOMMENDATION:

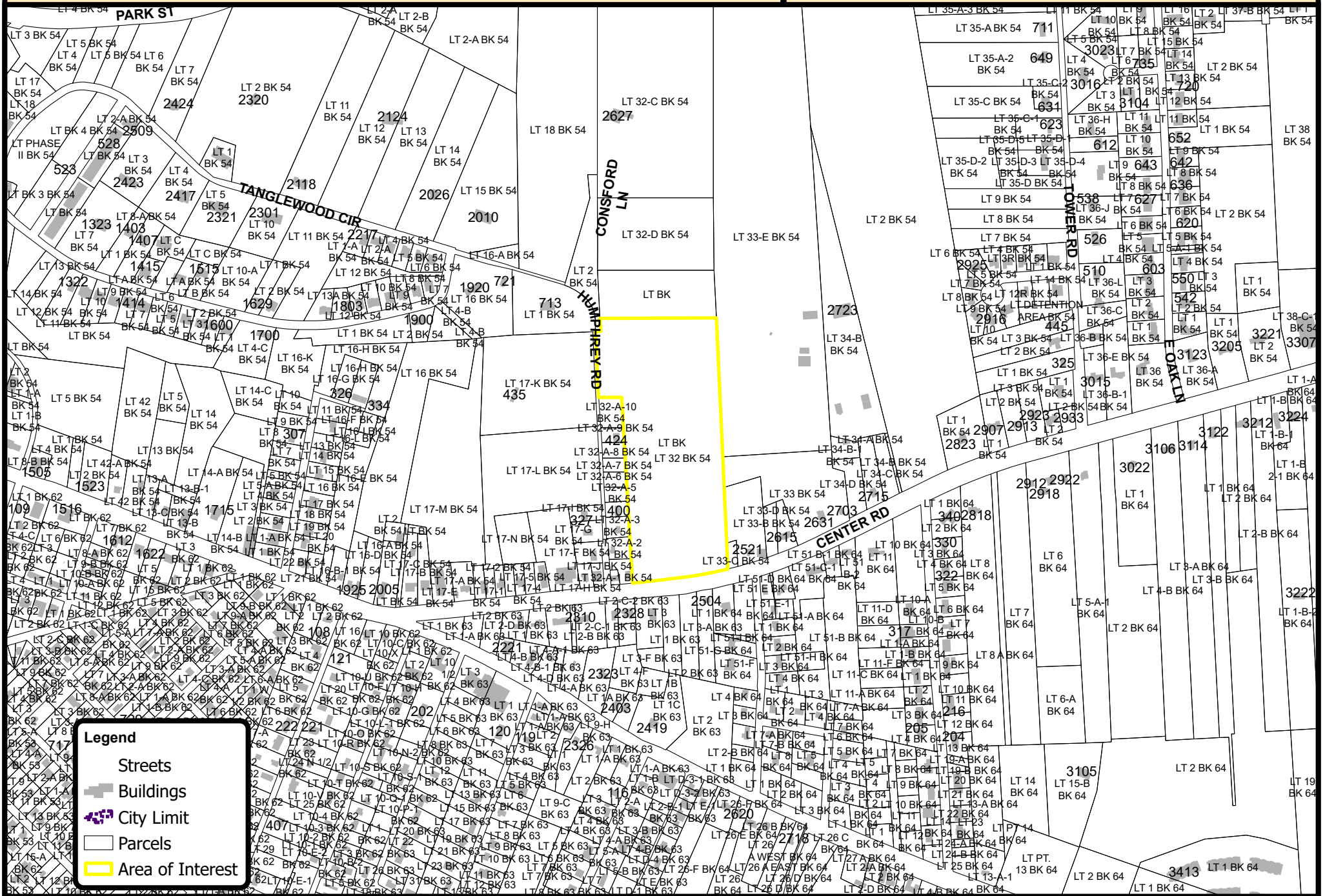
Based on the above findings, Staff recommends approval of the Preliminary Plan.

CITY CONTACT: Juan Pollette, Planning Technician

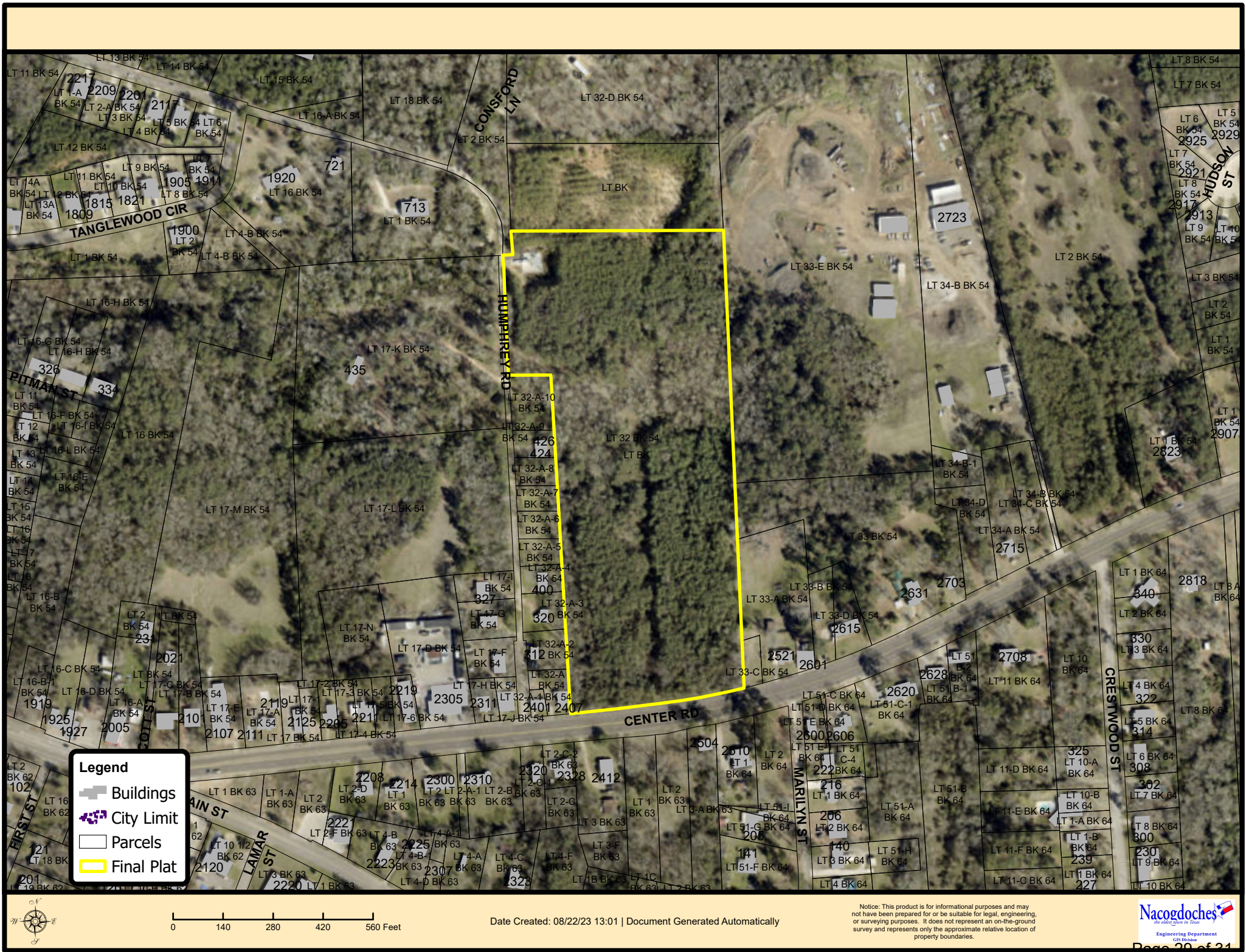
ATTACHMENTS:

1. Location Map
2. Aerial Map
3. TOPO Exhibit
4. Kew Gardens Preliminary Plat

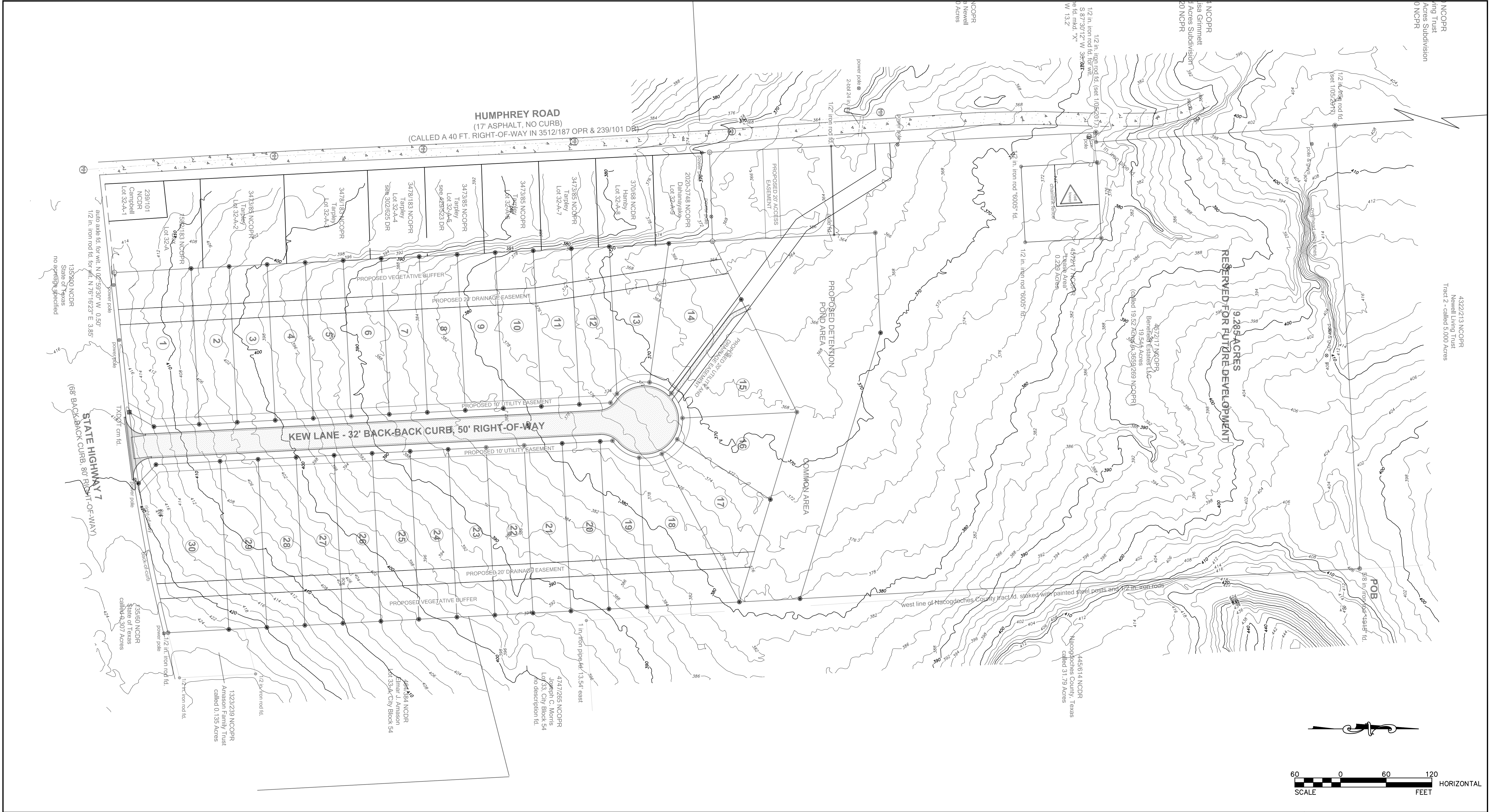
Location Map



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General Notes

- EXISTING UTILITY LOCATIONS AND/OR MATERIALS SHOWN ON THE PLANS ARE APPROXIMATE. THE CONTRACTOR IS HEREBY NOTIFIED THAT ALL EXISTING UTILITIES, WHETHER BURIED OR OVERHEAD, MAY OR MAY NOT BE SHOWN AND THAT THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND PROTECTING ALL UTILITIES WITHIN THE PROJECT AREA. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR REPAIRING AND/OR REPLACING ANY AND ALL UTILITIES DAMAGED BY THE CONTRACTOR'S OPERATIONS AND THE COST(S) FOR WHICH SHALL BE BORNE BY THE CONTRACTOR.
- THE CONTRACTOR IS HEREBY NOTIFIED THAT DANGEROUS UTILITIES MAY EXIST IN THE PROJECT AREA. THESE MAY INCLUDE BUT ARE NOT LIMITED TO: OVERHEAD OR UNDERGROUND ELECTRIC LINES, TELEPHONE LINES, FIBER-OPTIC LINES, AND GAS LINES.
- THIS IS NOT A BOUNDARY SURVEY. REFERENCE PRELIMINARY PLAT DATED 9/07/2023 BY GLENN HOFFPAUR SURVEYING, PLLC FOR BOUNDARY DATA.
- TOPOGRAPHIC DATA SHOWN HEREIN IS PRODUCED FROM THE USGS 2016 70cm NECHES RIVER BASIN DATASET OBTAINED THROUGH THE TEXAS NATURAL RESOURCES INFORMATION SYSTEM (TNRIS). United States Geological Survey (USGS). Neches River Basin Lidar, 2017-02-22. Web. 2023-09-07.

1	ISSUE FOR PRELIMINARY REVIEW	09/07/23
No.	Revision/Issue	Date

TWO FIFTEEN CONSULTING
ENGINEERS + SURVEYORS

412 North St.
Nacogdoches, TX 75961
p: 936-568-0505

TBPE F-17461
TBPLS 10194339

Engineer Seal:

PRELIMINARY
FOR REVIEW

THIS DOCUMENT IS RELEASED FOR THE PURPOSES OF INTERIM REVIEW UNDER THE AUTHORITY OF MICHAEL P. DELANEY, P.E. 120455 ON 9/7/2023. IT IS NOT TO BE USED FOR BIDDING, PERMIT OR CONSTRUCTION PURPOSES.

EXISTING TOPOGRAPHY EXHIBIT

KEW GARDENS SUBDIVISION

NACOGDOCHES COUNTY, TEXAS

Scale: SEE PLAN	Issue Date: 9/7/2023
Drawn By: MPD	Checked By: MPD
File: KEWGARDENS_TOPO Exhibit.dwg	Drawing No. C-100
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