



November 13, 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 November 13, 2023. For all timely requests received, staff will call the submitted phone numbers directly during the meeting when the corresponding item comes up for comment. NOTE: The incoming phone call from City staff will be an unfamiliar number.

**PLEASE LIMIT PRESENTATIONS TO THREE MINUTES
(UNLESS PRIOR APPROVAL IS OBTAINED)**

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. Open Forum: In addition to public comment on agenda items, the Commission offers an open forum whereby citizens may comment on governance issues over which the City of Nacogdoches has domain. In accordance with the Texas Open Meetings Act, members of the Commission shall not discuss, deliberate, or make any decisions on topics not posted as an agenda item. Speakers should address all remarks to the Commission and limit your remarks to no more than 3 minutes.
4. **CONSENT AGENDA:**
All matters listed under the Consent Agenda are considered routine by the Commission and will be enacted by one motion. These items include final plats where staff has found compliance with all minimum subdivision regulations. All items approved by Consent are approved with any and all staff recommendations. Since there will not be separate discussion of these items, citizens wishing to address the Commission regarding one or more items on the Consent Agenda may address the Commission at this time as well. If any Commissioner desires to discuss an item on the Consent Agenda it may be moved to the Regular Agenda for further consideration.
 - A. Approval of Minutes: Consider approval of minutes from the October 9, 2023, Planning & 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 approval of a Specific Use Permit to operate a Tattoo Salon/Piercing Studio in a B-2, General Business District, on Lot 16-H, City Block 50, located at 2311 North Street. This request has been made by Krysta Robertson. Case Number SUP2023-06.
 - C. **Public Hearing:** Consider approval of a Zone Change from R-4, Multi-Family to R-1, Single-Family for approximately 0.5 acres, being Lot 12, City Block 40 located at 803 North Mound Street. This request has been submitted by Brad Maule. Case File ZON2023-08.
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.

This agenda is posted as required under G. C. Section 551.041. For more information or a copy of the Open Meetings Act, please contact Attorney General of Texas at 1-800-252-8011; City Secretary at (936) 559-2506 or visit City of Nacogdoches web site at www.nactx.us.

CERTIFICATION

I certify the notice of the meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas on November 7, 2023, by 4:00 p.m. and remained posted until the meeting convened.

Aimee Cloutier, Office Assistant III

City of Nacogdoches Planning Department
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**CITY OF NACOGDOCHES
PLANNING & ZONING COMMISSION MEETING MINUTES
OCTOBER 09, 2023, AT 5:00 P.M.
REGULAR HYBRID MEETING**

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

MEMBERS ABSENT: None

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

OTHERS PRESENT: Applicant, Ed Pool; Andrew Middlebrook; Troy Massey; Abby Massey; Al Greule;

1. **Call to Order:** Chairman Conklin called the meeting to order at 5:00 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 September 11, 2023 Planning and Zoning Commission meeting.

Commissioner Perry moved to approve the minutes from the September 11, 2023, meeting as written. Commissioner Forbes 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 approval for a Zone Change from PD, Planned Development District, to R-1, Single-Family, for approximately 32 acres, being of Lots 1,2,3,4R, and 6R-1 of the Timber Springs Subdivision. This request has been made by Lone Star Breeder Farms, Inc. Case File ZON2023-06.

Planning Technician (PT), Juan Pollette presented the zone change request to the Commission stating the property was initially zoned R-1, Single-Family before being rezoned to PD, Planned Development many years ago. PT Pollette stated the property was never developed under the PD; therefore, it is now expired. PT Pollette stated the request for the zone change to revert back to R-1, Single-Family is to make the property more marketable. PT Pollette expressed staff support for the zone change request stating all the conditions for approval have been met.

Commissioner Phou asked if there was a neighborhood meeting with PT Pollette replying no, due to the request being a less intense use.

There was discussion amongst the Commission and Staff regarding the lots included in the zone change request.

Ed Pool addressed the Commission stating he is representing the applicants, Lone Star Breeder Farms. Mr. Pool stated the property is under contract and the potential buyers of the property are proposing to construct a single-family home on the property and will not be subdividing the property.

Chairman Conklin opened the meeting for public comment.



Al Gruele who resides at 4121 Kenbrook addressed the Commission stating he just wanted clarification on the zone change request and what was being built on the property.

After no more comments from the public were made, Chairman Conklin closed the public comment and opened the meeting up for Commission discussion.

Chairman Conklin moved to approve the zone change with Commissioner Perry seconding the motion. The requested zone change 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.

Commissioner Phou wanted to know the application process for the City Planner. City Engineer (CE), Steve Bartlett explained there have not been any qualified applicants out of the 40 applications received. CE Bartlett explained the city has hired a search firm to attract qualified applicants.

Commissioner Forbes stated she would like to add the Commissioner's email addresses to the website so the community could reach out to them.

Commissioner Forbes stated she would like to revisit the presentation that the previous planner presented to the Commission regarding zoning, cluster zoning, and cottage-style houses. It was agreed there would be a workshop in the near future.

7. Adjourn

Chairman Conklin adjourned the meeting at 5:28 p.m.

Chairman Conklin

Attest: Aimee Cloutier, Office Assistant III



Planning and Zoning Commission

Date: November 13, 2023

Agenda Item: 5.B.

PRESENTER: Juan Pollette, Planning Tech

ITEM/SUBJECT: Public Hearing: Consider approval of a Specific Use Permit to operate a Tattoo Salon/Piercing Studio in a B-2, General Business District, on Lot 16-H, City Block 50, located at 2311 North Street. This request has been made by Krysta Robertson. Case Number SUP2023-06.

OVERVIEW:

The request is for a Specific Use Permit (SUP) for the operation of a Tattoo Salon/Piercing Studio at 2311 North Street. The property is zoned B-2, General Business, and is situated along one of the City's major commercial corridors. Per the Zoning Ordinance, a Tattoo Salon and Piercing Studio is only allowed in the B-2, General Business zoning district with approval of a SUP. The SUP process allows Staff, the Commission, and the City Council the opportunity to review and impose reasonable conditions, if necessary, on the development.

The applicant is proposing to utilize the existing 1,700-square-foot building located at 2311 North Street. The applicant will be sharing space with a licensed body piercer and has proposed that all tattoo services will be by appointment only, with business operating hours between 11 a.m. and 8 p.m., Tuesday through Saturday. The Tattoo Salon/Piercing Studio will be closed on Sunday and Monday.

Adjacent Land Use & Zoning

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

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

The surrounding areas are zoned and developed as commercial properties. Commercial uses in the area include retail, restaurants, and offices. The proposed SUP will not change the allowed uses permitted under the current B-2 zoning district.

STAFF REVIEW:

Per Section 118.139 of the Nacogdoches Zoning Ordinance, the following conditions shall be considered when reviewing an application for a Specific Use Permit:

Compatibility: The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;

The proposed SUP is located within one of the city's main commercial corridors and will utilize an existing 1,700-square-foot tenant space that fronts North Street. All tattoo services will be by appointment only and business operating hours will be between 11 a.m. and 8 p.m., Tuesday through Saturday, and closed on Sunday and Monday. There are two existing tattoo salons/piercing studios located approximately a mile north of the subject property along North Street that have been in operation for over a year without any incidents. Staff verified this with Code Enforcement and Police Records Department.

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 will be located in an existing 1,700-square foot building. This use will occupy a currently vacant lease space on a highly visible corner lot. Maintaining occupancy in these buildings is important for the City's tax base and the vibrancy of this commercial corridor.

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

The subject property takes direct access from North Street, a major arterial street that functions as the primary access for the property. The roadway is adequate to accommodate the proposed use.

Drives and Parking: The design, location, and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

The new use will not require a redesign of any drives or parking. The existing parking is adequate for the proposed use.

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

All activities will be limited to the interior of the buildings, with hours of operation limited to no earlier than 11 a.m. and no later than 8 p.m. The proposed use should not produce any offensive odor, fumes, dust, noise, or vibration.

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

There is no new lighting proposed with this SUP. Outdoor lighting must meet the City's lighting ordinance restrictions, i.e. only down lighting with no spillover onto neighboring properties.

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

This proposed use is located within an existing commercial property and no renovations or expansions are being proposed requiring the installation of commercial district landscaping.

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

The 2003 Comprehensive Plan designates this area as *Commercial* on the Future Land Use Plan

(FLUP). This Land Use category is defined as “Shopping and service facilities for the sale of goods and services, including small shops and larger retail stores and centers, restaurants, hotels and motels, service stations, and various other customer-oriented establishments.

Staff believes that the FLUP designation is consistent with the current underlying B-2, General Business zoning of the subject property. Approval of the SUP will not change the land uses permitted by the B-2 zoning district.

NOTICES:

Staff mailed out 14 notices to property owners within 200 feet of the subject property. Staff has received no responses at the time the report was written.

Staff held a neighborhood meeting for the property owners within 500 feet on September 23, 2023, to discuss and answer questions about the request. There were four (4) community members in support of the request and one (1) owner of the surrounding properties that was in opposition. The owner of the nearby property in opposition to the SUP expressed that the neighborhood has declined over the years and does not feel that this land use will improve the neighborhood. Concerned with these comments, staff reached out to both the Police and Code enforcement departments and inquired to see if there was elevated nefarious activity or a correlation between these types of land uses to not meeting City codes. There were no code violations or elevated police activity in these areas.

This zoning application was also subject to the additional noticing practices that were approved by the 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.

Recommendation

Based on the above findings, Staff recommends approval for the Specific Use Permit, with the additional conditions:

Hours of operation will be 11 a.m. to 8 p.m., Tuesday through Saturday, closed Sunday and Monday.

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

ATTACHMENTS:

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Property Owner Consent Form
6. Site Photos

SUP2023-06 Aerial Map



Legend

Streets

Buildings

City Limit

Parcels

Area of Interest

0 60 120 180 240 Feet

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Nacogdoches
Engineering Department
City of Nacogdoches

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SUP2023-06 Zoning Map



Legend

- Streets
- 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
- Area of Interest

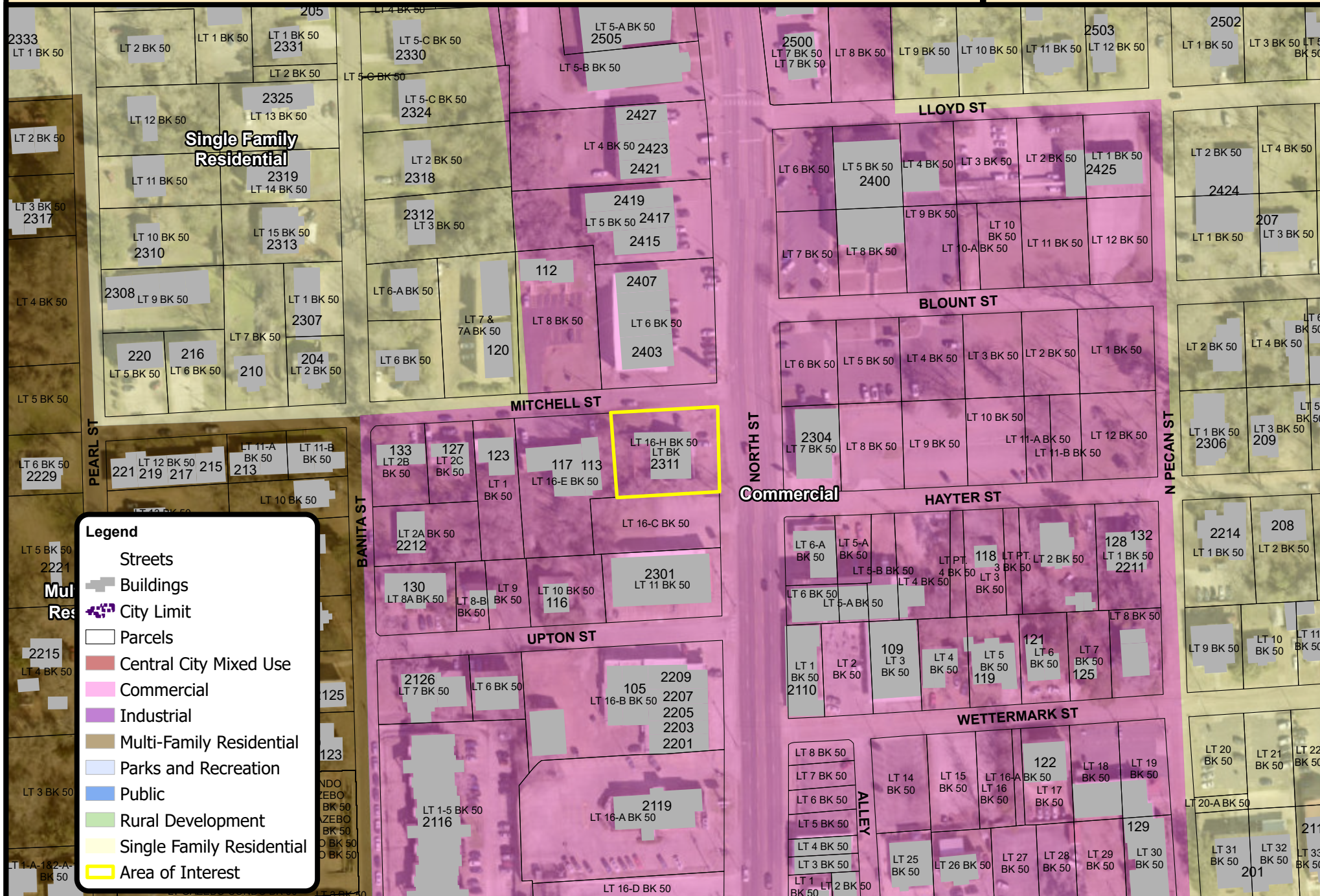


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SUP2023-06 Future Land Use Map



200 Foot Notification Map

SUP2023-06: 2311 North St.

Legend

 200 Foot Buffer

 Proposed SUP

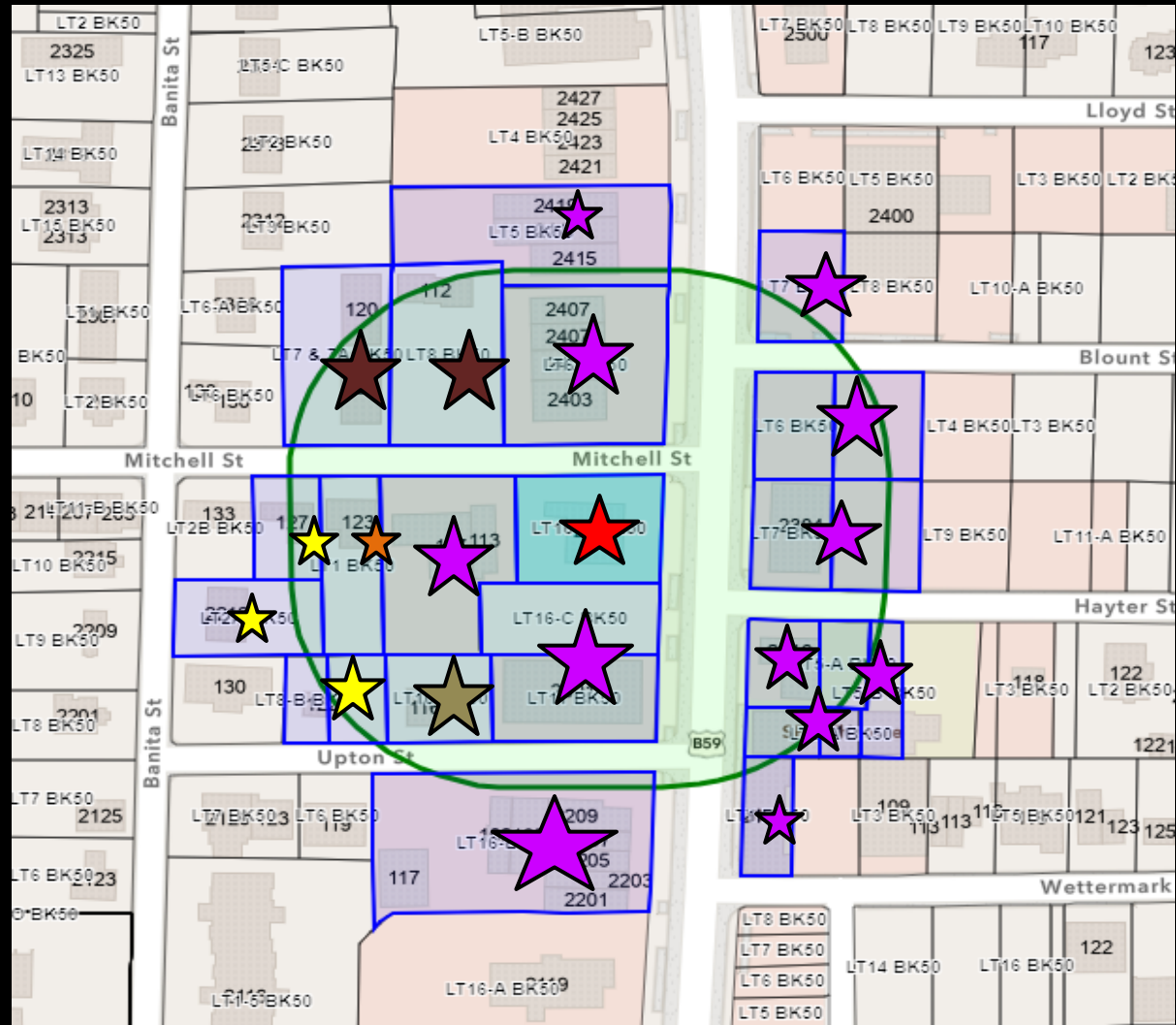
 Single Family- Rental

 Single Family-
Owner Occupied

 Commercial

 Duplex- Rental

 Multi-Family



November 2, 2023

To whom it may concern,

I, Robbie Beck, am the owner of the property located at 2311 North Street, Nacogdoches, Texas 75965. I have granted Krysta Robertson, owner of Golden Cicada Tattoo, consent to open and operate a Tattoo Salon/Piercing Studio at this location.

Solely for the purposes of the Application for Special Use Permit, I designate Krysta Robertson as my authorized representative as provided under City of Nacogdoches Zoning Ordinance Sec. 118-137.

Sincerely,

A handwritten signature in cursive script that reads "Robbie Beck". The signature is written in black ink and is positioned above the printed name.

Robbie Beck

SUP2023-06 – Site Photos

Subject property view from
North Street.





View Looking North

View Looking South



View Across North Street of subject property



PRESENTER: Juan Pollette, Planning Tech

ITEM/SUBJECT: Public Hearing: Consider approval of a Zone Change from R-4, Multi-Family to R-1, Single-Family for approximately 0.5 acres, being Lot 12, City Block 40 located at 803 North Mound Street. This request has been submitted by Brad Maule. Case File ZON2023-08.

OVERVIEW: The request is for a zone change from R-4, Multi-Family to R-1, Single Family for Lot 12, City Block 40 located at 803 North Mound Street, consisting of 0.5 acres. The R-1, Single Family district is intended as an area for low-density single-family use. Lots in this area must be a minimum of 8,250 square feet or larger.

The property is currently developed with a single-family home and is occupied as a rental property. The owner plans to sell the property and wants to ensure the use remains single-family and the density does not increase. There are no current compatibility issues and any other future additions or changes to the adjacent properties would have to follow any and all compatibility requirements when it concerns lighting, parking and fencing.

Adjacent Land Use & Zoning

The subject property is zoned R-4, Multi-Family, and is developed with a single-family home. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North	Central City Mixed-Use	P-D, Planned Development	Commercial
South	Central City Mixed-Use	R-2, Single Family	Single-Family
East	Central City Mixed-Use	R-4, Multi-Family	Single & Multi-Family
West	Central City Mixed-Use	R-4, Multi-Family	Commercial & Single Family

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 proposed R-1, Single-Family zoning district is compatible with the zoning in the area and will not adversely impact the adjacent land uses.

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 surrounding properties are currently developed. The approval of this zone change 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 subject property is on a corner lot and has approximately two hundred feet of street frontage along Houston Street and approximately one hundred feet along North Mound Street that function as primary access for the property. The roadways are adequate to accommodate the nature and volume of traffic typically generated by the uses permitted under the R-1, Single Family zoning district.

The property has access to public utilities, with a 6-inch water main and 8-inch sewer main located along North Mound Street and Houston Street.

Drives and Parking: The design, location and arrangement of all driveways and parking spaces provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

The existing driveways meet the City's dimensional and design standards for residential driveways.

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, any future development will need to 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 require light fixtures to utilize a down lighting design and prohibit 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 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 Nacogdoches Comprehensive Plan, the Future Land Use Plan (FLUP) Map designates the subject property as *Central City Mixed Use*. The *Central City Mixed Use* FLUP category is described as, the "Central core of the City, in and around the traditional downtown, where a mix of retail, office, residential and public uses is permitted and encouraged subject to development and compatibility standards."

Thoroughfare Plan

North Mound Street is a collector road and Houston Street is a local road. The roadways are

adequate to accommodate the nature and volume of traffic typically generated by the proposed use.

Land Use Policies, Goals & Objectives

This request furthers the Land Use Policies of the 2003 Comprehensive Plan, specifically:

- Compatibility with existing uses should be maintained. Well-planned, mixed uses which are compatible are to be encouraged.

Staff finds that the request is in compliance with the FLUP and the stated Goals and Objectives of the 2003 Comprehensive Plan.

NOTICES:

Staff mailed 18 notices to property owners within the 200-foot notification area. At the time of this report, Staff received one (1) response in favor of the request at the time this was written.

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

Upon further assessment, staff recommends amending the zoning to R-2 instead of the requested R-1 Zoning. R-2 Single Family is situated to the south of the subject property across Houston Street and is contiguous and in closer proximity than the requested R-1 zoning.

This adjustment facilitates a zoning transition in land use, effectively transitioning from the more intense R-4, Multi-Family designation, to the less intense R-2, Single Family category, before transitioning back to the least intense of districts, R-1, as you move further east of the area. Both districts only allow single-family detached construction but R-2 allows for a slight increase in density. More importantly, it aligns with the owner's original intent for the zone change while also maintaining the compatibility of mixed uses as outlined in the 2003 Comprehensive Plan and relieving any possibility of spot zoning.

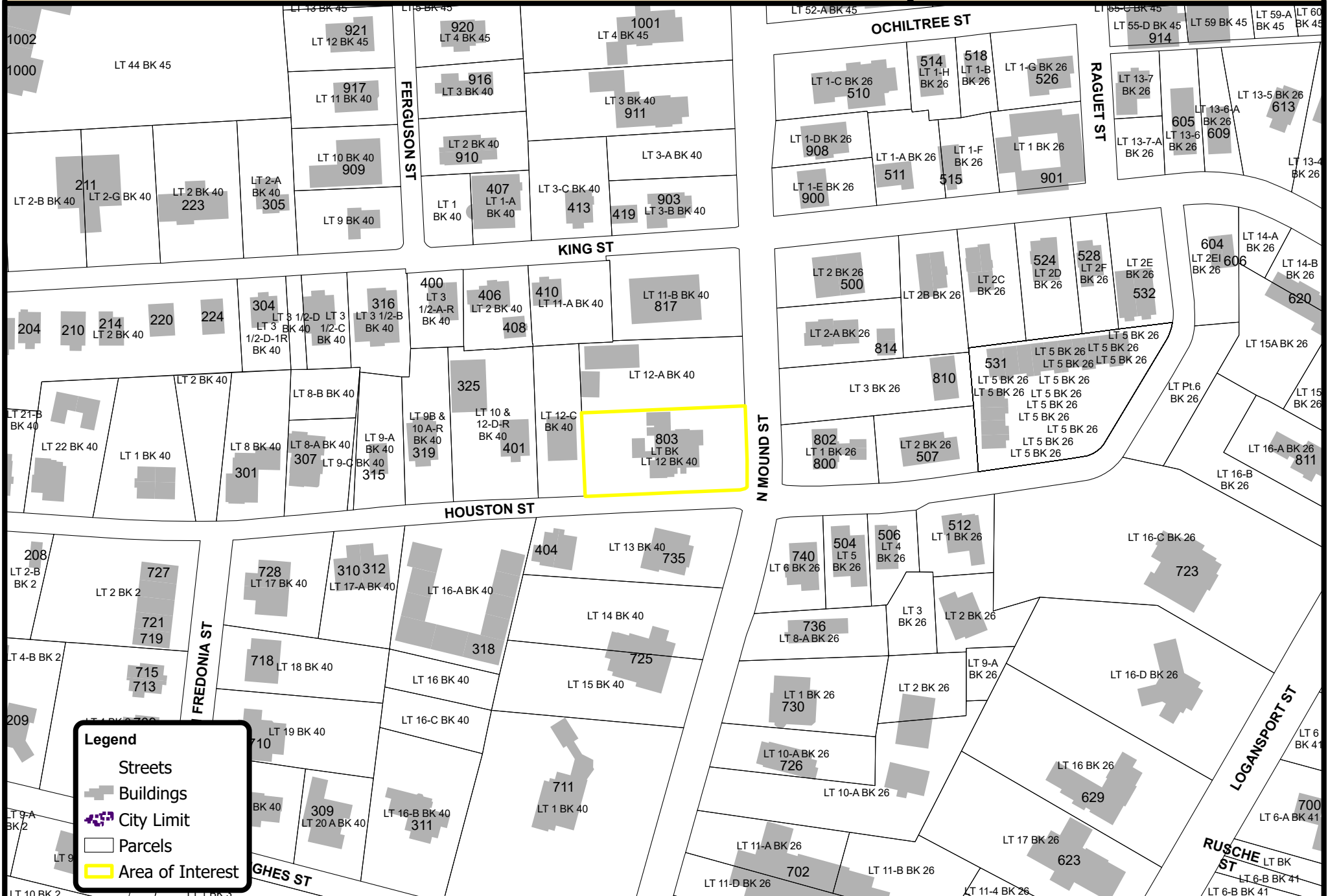
This proposal is scheduled for deliberation by the City Council on Tuesday, December 5, 2023.

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. Site Photos

ZON2023-08 Location Map



- Legend**
- Streets
 - Buildings
 - City Limit
 - Parcels
 - Area of Interest

0 60 120 180 240 Feet

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Nacogdoches
Engineering Department
City of Nacogdoches

ZON2023-08 Aerial Map



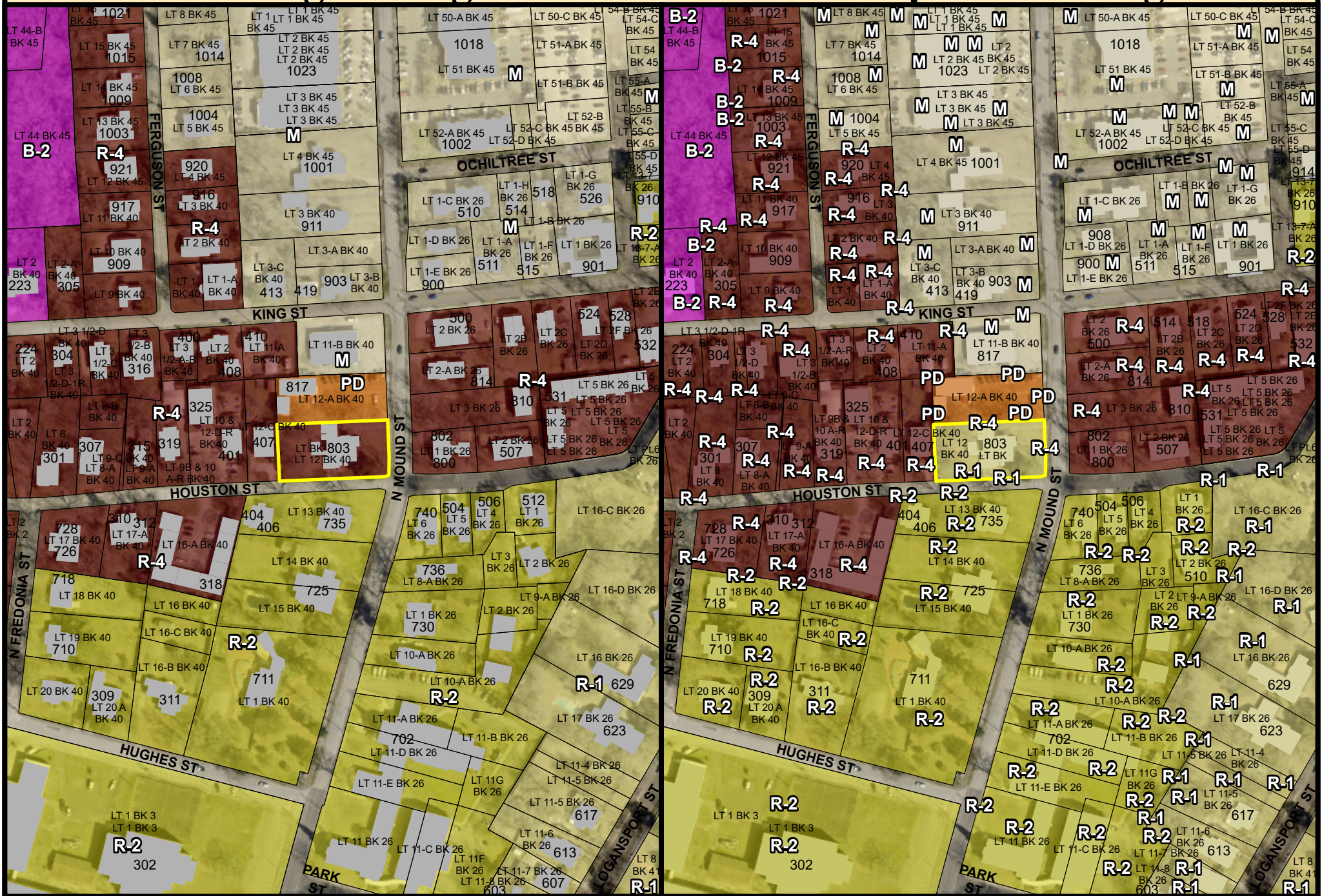
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Existing Zoning

ZON2023-08

Proposed Zoning

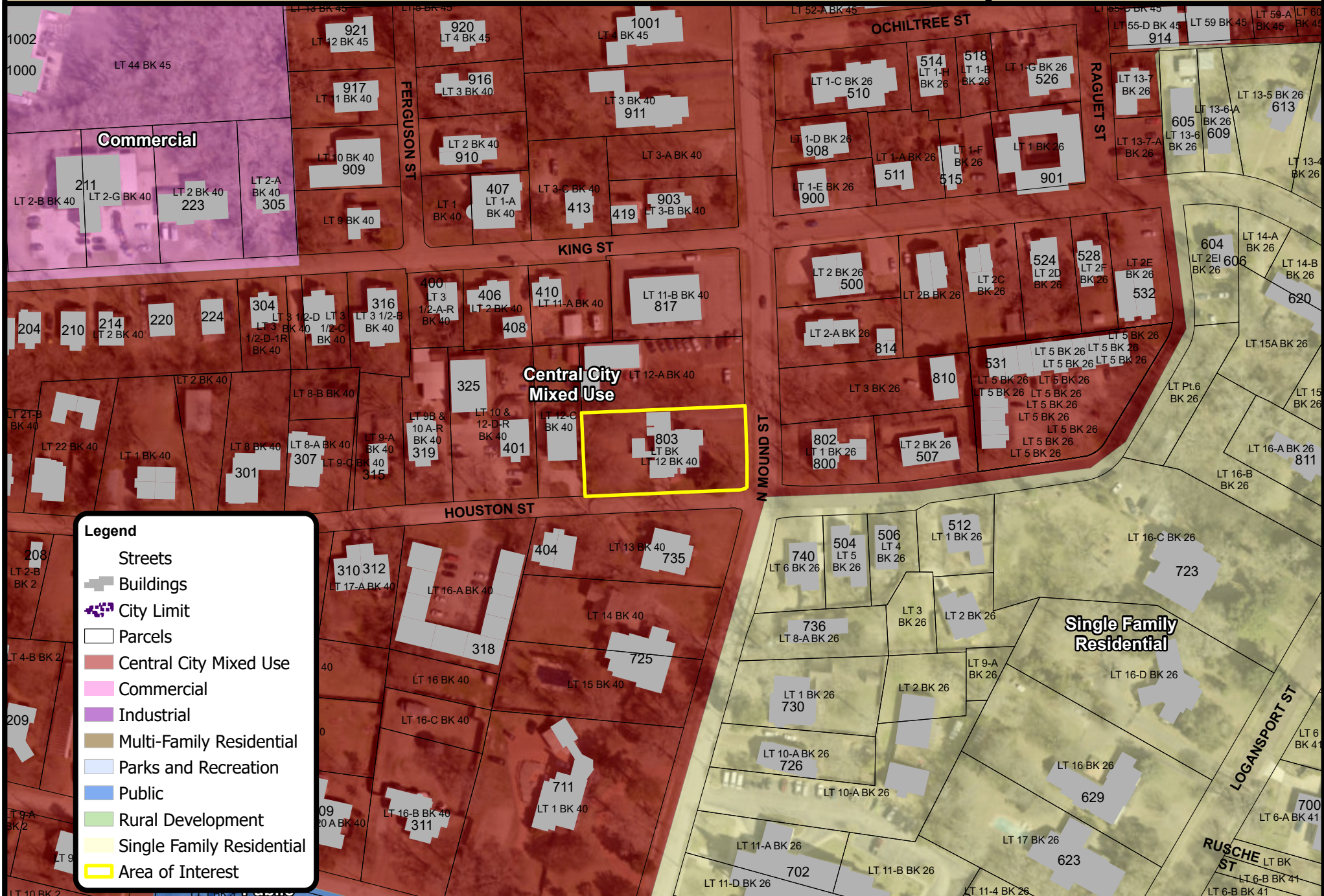


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ZON2023-08 Future Land Use Map



0 60 120 180 240 Feet

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200 Foot Notification Map- ZON2023-08- 803 North Mound

Legend



200 Foot Buffer



Proposed Zone Change



Single Family- Rental



Single Family-
Owner Occupied



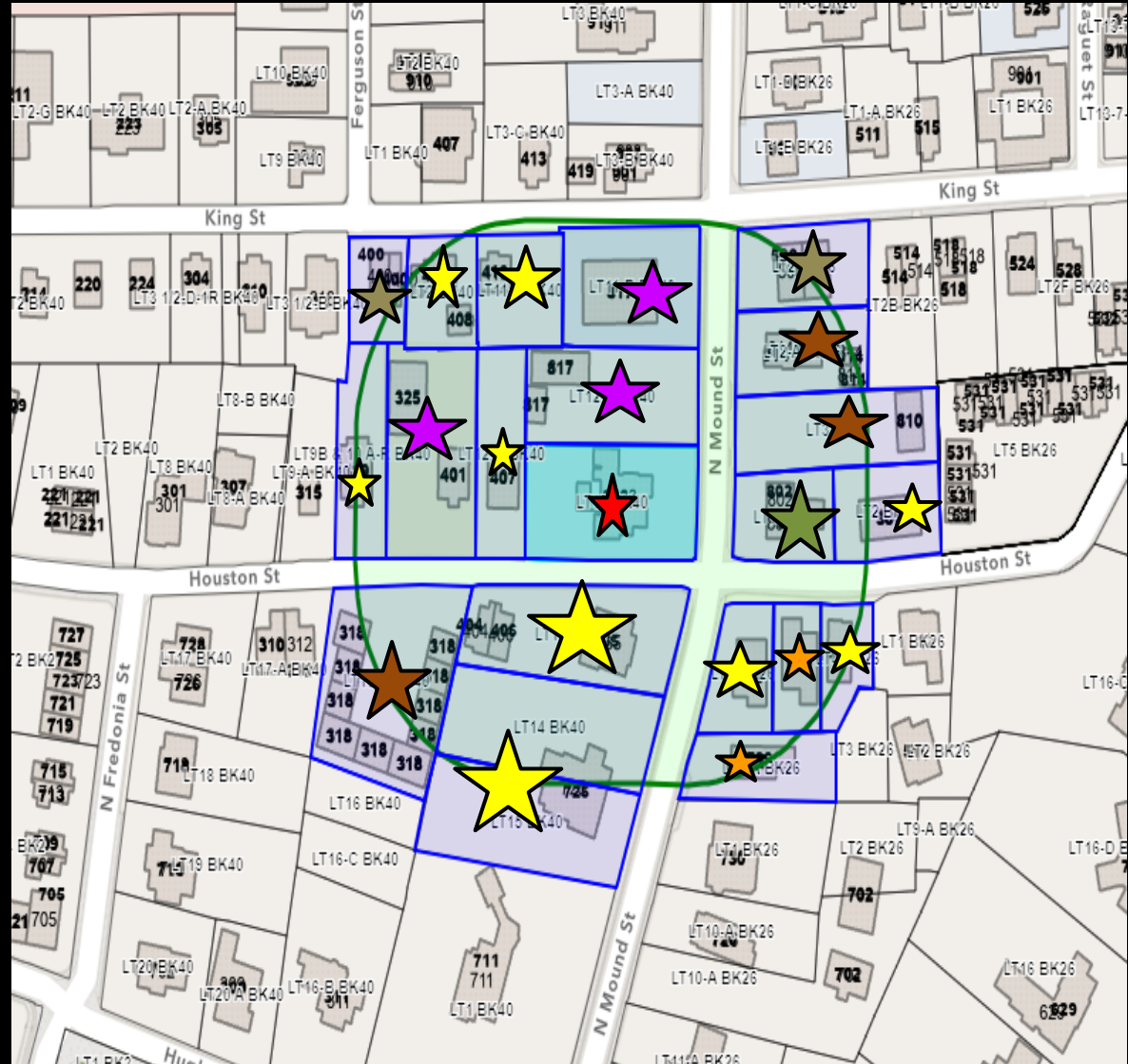
Commercial



Multi-Family
Apartments



Duplex



Site Photos: ZON2023-08



Subject property from
North Mound Street

Subject property from
Houston Street



Hettie Legg OT
to the north

Duplex east from subject
property





Single family
to the east

Single family to the south

