



December 5, 2023

Notice is hereby given of a Regular Meeting of Nacogdoches City Council to be held on the above date in the City Council Chambers of City Hall, 202 E. Pilar Street, Nacogdoches, Texas, beginning at 5:30 p.m. for the purpose of considering the following agenda items.

Some City Council Members may attend via videoconference but a quorum of the City Council and the Presiding Officer will be present at the above-stated physical location. The meeting will be streamed live at: <https://www.nactx.us/21>. There will be an opportunity for the public to comment on agenda items either by teleconference or in person in Council Chambers.

Members of the public who wish to submit comments on a listed agenda item by telephone must contact the City Secretary's office by email at lewisr@nactx.us or by calling (936) 559-2506 and providing their name, telephone number and relevant agenda item upon which they wish to speak. All requests to make comments must be received by 12:00 p.m. on Tuesday, December 5, 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. Open Forum is an opportunity for citizens to address the City Council about items listed on the agenda, as well as on matters that are not specifically listed on the agenda. Alternatively, a citizen may address the City Council about an agenda item when the item comes up for consideration during the meeting. In order to address the City Council, please complete the Public Comment Form and submit it to the City Secretary prior to the start of the meeting. In accordance with the Texas Open Meetings Act, the City Council will not discuss, deliberate, or make any decisions on items not listed on the agenda. Comments are limited to 3 minutes per person.
4. ITEMS TO BE REMOVED FROM CONSENT AGENDA.
5. CONSENT AGENDA: Items included under Consent Agenda require little or no deliberation by Council. Approval of Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations as reflected in the minutes of this meeting.
 - A. Consider approval of an ordinance amending Ordinance No. 1929-09-22 appropriating various amounts in accordance with the budget adopted for the ensuing fiscal year beginning October 1, 2022, and ending September 30, 2023 (Acting Finance Director).
 - B. Consider approval of an ordinance amending Ordinance No. 1978-08-23 appropriating various amounts in accordance with the budget adopted for the ensuing fiscal year beginning October 1, 2023, and ending September 30, 2024

(Acting Finance Director).

- C. Consider approval of the appointment of City Engineer. (City Manager)
 - D. Consider approval of minutes for the November 28, 2023, Special City Council meeting (Deputy City Secretary).
 - E. Consider approval of a resolution for the Texas Department of Transportation (TxDOT) Municipal Maintenance Agreement (City Attorney).
6. 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. **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 (Planning Technician).
 - B. **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 (Planning Technician).

7. ADJOURN.



Rhonda Lewis
Deputy City Secretary



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 meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas on November 30, 2023 at 5:00 p.m. and remained posted until the meeting convened.

Rhonda Lewis, Deputy City Secretary



City Council Meeting

Date: December 5, 2023

Agenda Item: 5.A.

PRESENTER:

ITEM/SUBJECT: Consider approval of an ordinance amending Ordinance No. 1929-09-22 appropriating various amounts in accordance with the budget adopted for the ensuing fiscal year beginning October 1, 2022, and ending September 30, 2023 (Acting Finance Director).

SUMMARY/BACKGROUND:

FINANCIAL:

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

CITY CONTACT: Martie Simpson
simpsonm@nactx.us
(936) 559-2529

ATTACHMENTS: 1. FY2023 Budget EOY Ordinance
2. Detail Listing

ORDINANCE NO. 1989-12-23

AN ORDINANCE AMENDING ORDINANCE NO. 1929-09-22 APPROPRIATING VARIOUS AMOUNTS IN ACCORDANCE WITH BUDGET ADOPTED FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023.

WHEREAS, the City Council of the City of Nacogdoches, Texas has approved and adopted the budget for said city for the ensuing fiscal year beginning October 1, 2022 and ending September 30, 2023.

WHEREAS, the City Manager of the City of Nacogdoches has submitted to the City Council a proposed budget amendment of the City of Nacogdoches for the fiscal year ending September 30, 2023, and

WHEREAS, the City Council of the City of Nacogdoches desires to amend the approved Budget Ordinance of the 2022-2023 Fiscal Year;

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Nacogdoches that sums of money as herein set forth in said budget are hereby appropriated and amended for the receipt of funds/payment of operations/capital outlays of the city government of the City of Nacogdoches as follows:

Fund	Department	Description	Amt.
		SEE ATTACHED DETAIL	

PASSED AND APPROVED this the 5th day of December, 2023.

Randy Johnson, Mayor
City of Nacogdoches

ATTEST:

Rhonda Lewis, Interim City Secretary

Approved as to form: _____
Jerry Baker, City Attorney

Approved as to content: _____
Martie Simpson, Interim Director of Finance

**CITY OF NACOGDOCHES
YEAR END BUDGET AMENDMENT
2022-2023**

Fund/Dept Name	Department	Current Budget
GENERAL FUND		
Various Accounts	City Council	26,500.00
Various Accounts	City Manager	300,471.00
Various Accounts	Municipal Court	312,321.00
Various Accounts	City Secretary	190,000.00
Various Accounts	Financial Services	685,375.00
Various Accounts	Information Technology Services	547,523.00
Various Accounts	Human Resources	437,665.00
Various Accounts	Legal Services	276,260.00
Various Accounts	Planning & Zoning	265,240.00
Various Accounts	Building Maintenance	378,893.00
Various Accounts	Communications	88,905.00
Various Accounts	Vehicle Maintenance	333,906.00
Various Accounts	Police	9,250,315.00
Various Accounts	Code Enforcement	264,212.00
Various Accounts	Fire	6,879,088.00
Various Accounts	Inspection Services	232,960.00
Various Accounts	Animal Control	602,009.00
Various Accounts	Historic Sites & Main Street	393,395.00
Various Accounts	Library	632,276.00
Various Accounts	Recreation	695,799.00
Various Accounts	Parks & Cemeteries	1,617,847.00
Various Accounts	Public Works	129,044.00
Various Accounts	Streets	1,658,938.00
Various Accounts	Conventions & Tourism	329,518.00
Various Accounts	Engineering	605,363.00
Various Accounts	Economic Development	265,759.00
Various Accounts	Non-Departmental	1,623,516.00
Various Accounts	Transfers	366,586.00
Various Accounts	Committed Reserves	7,035,598.00
Various Accounts	PEG Cable Access Funds	200,000.00
Various Accounts	Child Safety	3,000.00
Various Accounts	Municipal Court Bldg Security	20,813.00
Various Accounts	Office Equipment & IT Maintenance	8,050.00
Total General Fund:		36,657,145.00
SANITATION FUND		
Various Accounts	Sanitation Non-Departmental	412,695.00
Total Sanitation Fund:		412,695.00
OTHER FUNDS		
Various Accounts	Forfeiture - Federal	-
Various Accounts	Hotel Motel Tax Fund	1,557,752.00
Various Accounts	Airport FBO Services	603,155.00
		2,160,907.00

YTD Expenditures	Budget Amendment	Amended Budget
26,534.00	34.00	26,534.00
282,156.00	-	300,471.00
295,077.00	-	312,321.00
209,363.00	19,363.00	209,363.00
661,451.00	-	685,375.00
469,074.00	-	547,523.00
420,670.00	-	437,665.00
466,616.00	190,356.00	466,616.00
248,026.00	-	265,240.00
392,040.00	13,147.00	392,040.00
64,664.00	-	88,905.00
288,012.00	-	333,906.00
8,900,834.00	-	9,250,315.00
265,779.00	1,567.00	265,779.00
7,030,119.00	151,031.00	7,030,119.00
212,458.00	-	232,960.00
600,153.00	-	602,009.00
386,086.00	-	393,395.00
587,473.00	-	632,276.00
720,017.00	24,218.00	720,017.00
1,567,996.00	-	1,617,847.00
128,908.00	-	129,044.00
1,035,039.00	-	1,658,938.00
271,101.00	-	329,518.00
539,649.00	-	605,363.00
261,972.00	-	265,759.00
1,628,009.00	4,493.00	1,628,009.00
376,149.00	9,563.00	376,149.00
3,055,117.00	-	7,035,598.00
17,345.00	-	200,000.00
7,389.00	4,389.00	7,389.00
5,555.00	-	20,813.00
-	-	8,050.00
-	-	-
31,420,831.00	418,161.00	37,075,306.00
485,337.00	72,642.00	485,337.00
485,337.00	72,642.00	485,337.00
289,726.00	289,726.00	289,726.00
1,588,260.00	30,508.00	1,588,260.00
811,381.00	208,226.00	811,381.00
2,689,367.00	528,460.00	2,689,367.00



City Council Meeting

Date: December 5, 2023

Agenda Item: 5.B.

PRESENTER:

ITEM/SUBJECT: Consider approval of an ordinance amending Ordinance No. 1978-08-23 appropriating various amounts in accordance with the budget adopted for the ensuing fiscal year beginning October 1, 2023, and ending September 30, 2024 (Acting Finance Director).

SUMMARY/BACKGROUND:

FINANCIAL:

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

CITY CONTACT: Martie Simpson
simpsonm@nactx.us
(936) 559-2529

ATTACHMENTS: 1. Budget Amend. Ordinance 2024
2. Detail Listing 2023 2024

ORDINANCE NO. 1988-12-23

AN ORDINANCE AMENDING ORDINANCE NO. 1978-08-23 APPROPRIATING VARIOUS AMOUNTS IN ACCORDANCE WITH BUDGET ADOPTED FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024.

WHEREAS, the City Council of the City of Nacogdoches, Texas has approved and adopted the budget for said city for the ensuing fiscal year beginning October 1, 2023 and ending September 30, 2024.

WHEREAS, the City Manager of the City of Nacogdoches has submitted to the City Council a proposed budget amendment of the City of Nacogdoches for the fiscal year ending September 30, 2024, and

WHEREAS, the City Council of the City of Nacogdoches desires to amend the approved Budget Ordinance of the 2023-2024 Fiscal Year;

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Nacogdoches that sums of money as herein set forth in said budget are hereby appropriated and amended for the receipt of funds/payment of operations/capital outlays of the city government of the City of Nacogdoches as follows:

Fund	Department	Description	Amt.
		SEE ATTACHED DETAIL	

PASSED AND APPROVED this the 5th day of December, 2023.

Randy Johnson, Mayor
City of Nacogdoches

ATTEST:

Rhonda Lewis, Interim City Secretary

Approved as to form: _____
Jerry Baker, City Attorney

Approved as to content: _____
Martie Simpson, Interim Director of Finance

**CITY OF NACOGDOCHES
YEAR END BUDGET AMENDMENT
2023-2024**

Fund/Dept Name	Department	Description	Current Budget	Budget Amendment	Amended Budget
GENERAL FUND					
Various Accounts	Building Maintenance	Library Wall Painting		700.00	
Various Accounts	Building Maintenance	Pressure Washer		2,500.00	
Various Accounts	Building Maintenance	Alarm Communicator Installation		800.00	
Total			381,693.00	4,000.00	385,693.00
Various Accounts	Information Technology Services	Symphony Contract with SFSAU		16,020.00	16,020.00
Various Accounts	Information Technology Services	ADA for Website		10,000.00	10,000.00
Various Accounts	Information Technology Services	Salary Increases		20,000.00	20,000.00
Total			498,696.00	46,020.00	544,716.00
Various Accounts	Financial Services	Salary Increase Including Interim Support		150,000.00	150,000.00
Total			699,936.00	150,000.00	849,936.00
Various Accounts	Human Resources	New Employee		50,000.00	
Total			461,390.00	50,000.00	511,390.00
Various Accounts	Police	SafariLand		5,528.00	
Total			9,791,616.00	5,528.00	9,797,144.00
Various Accounts	Parks	Basketball Court Painting		3,000.00	
Various Accounts	Parks	Sunset Security System		2,400.00	
Total			1,673,069.00	5,400.00	1,678,469.00

Various Accounts	Recreation	Air Conditioner	24,000.00	
Various Accounts				
		Total	619,462.00	24,000.00
				643,462.00

SPECIAL GRANT FUND

Various Accounts	Special Grant Fund	Generator for Animal Shelter from Grant Fund	24,000.00	24,000.00
		Total	32,000.00	24,000.00
				56,000.00



City Council Meeting

Date: December 5, 2023

Agenda Item: 5.C.

PRESENTER: Rick Beverlin, City Manager

ITEM/SUBJECT: Consider approval of the appointment of City Engineer. (City Manager)

SUMMARY/BACKGROUND: Consider approval of City Manager's appointment of Case Opperman to the position of City Engineer in accordance with Article V, Sec. 5 of the Charter of the City of Nacogdoches, Texas.

FINANCIAL:

Item is budgeted:

Account No.: 01.28 601.10

Account Name: *Operational Salaries*

Amount: \$135,030

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Rick Beverlin, City Manager
beverlinr@nactx.us
(936) 559-2506

ATTACHMENTS:



City Council Meeting

Date: December 5, 2023

Agenda Item: 5.D.

PRESENTER:

ITEM/SUBJECT: Consider approval of minutes for the November 28, 2023, Special City Council meeting (Deputy City Secretary).

SUMMARY/BACKGROUND:

FINANCIAL:

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

CITY CONTACT: Rhonda Lewis, Deputy City Secretary
lewisr@nactx.us
(936) 559-2506

ATTACHMENTS: 1. City Council Meeting Minutes 11.28.23



Special Session
Nacogdoches City Council
November 28, 2023 – 5:00 p.m.
City Council Chambers – City Hall
202 East Pilar Street

DRAFT

City Council present in person: Mayor Randy Johnson, Council Members, Chad Huckaby, Brad Maule, Kathleen Belanger and Mayor Pro Tem Roy Boldon

1. Called to order at 5:30 p.m.
2. Pledge of Allegiance.
3. Open Forum:

There were no comments for Open Forum.

4. ITEMS TO BE REMOVED FROM CONSENT AGENDA.

Councilman Huckaby removed Item 5.A. for further consideration and moved to approve the balance of the Consent Agenda.

Councilman Boldon duly seconded the motion, and the balance of the Consent Agenda was approved unanimously.

5. CONSENT AGENDA:

- A. Consider approval of a contract by and between the City of Nacogdoches and Schaumburg & Polk, Inc. for professional engineering services for ARPA Drainage Improvements in a not-to-exceed amount of \$265,650.00 (Director of Public Works).

Case Opperman, Assistant Public Works Director, was asked by Councilman Huckaby what the plans were for the ARPA money in relation to this project. Mr. Opperman stated that there is a total of \$2.9MM allocated to drainage improvements in the city. He also stated that this contract will include projects on Kenbrook Drive and Colonial Drive and about six (6) additional pre-designed projects.

Councilwoman Belanger asked what the deadline was for using the ARPA funds.

Mr. Opperman stated the end of year 2026.

Councilman Huckaby made a motion to approve Item 5.A. Councilwoman Belanger duly seconded the motion and the motion passed by unanimous vote.

- B. Consider approval of minutes for the November 7, 2023 Regular City Council meeting and the November 14, 2023 Special City Council meeting.
- C. Consider approval of an Interlocal Agreement between the City of Nacogdoches and the Texas Division of Emergency Management (TDEM) for purposes of granting a location to TDEM for the coordination of state emergency response, recovery, preparedness, and mitigation efforts.

6. REGULAR AGENDA:

- A. Presentation and recognition of the outgoing City Engineer/Director of Public Works, Steve Bartlett.

Mayor Randy Johnson, along with Council, presented Mr. Steve Bartlett with a recognition of his hard work and dedication to the City. City Council and staff congratulated Mr. Bartlett and wished him a happy retirement.

- B. Receive a report, hold a discussion and give staff direction regarding timelines for General Obligation Bond and Utility Infrastructure projects.

Steve Bartlett, City Engineer, updated Council on what is to come with the process of the recently approved Bonds. He introduced John and Michael Martin with Hilltop Securities, who informed Council

Minutes unofficial until approved by City Council

on how to best process the funds. Mr. Martin went over a schedule and the issuance of all \$44MM at one time. He also informed them of the current interest rates.

Mr. Bartlett approached and went over a timeline of projects. He stated that staff would like to start the process with procuring engineers, architects, environmental firms and surveyors, which will require Requests For Qualifications.

- C. Consider approval of a resolution for the formation of a Capital Needs Advisory Committee for the purpose of evaluating the utility system needs of the City of Nacogdoches and making recommendations to the City Council regarding potential funding options, and discuss and appoint the initial members of the Committee.

City Attorney, Jerry Baker, proposed a resolution to reboot the Capital Needs Advisory Committee. He went over the various sections and exhibits of the resolution and received suggestions from Council.

Councilman Huckaby made a motion to approve the resolution with the noted changes on the candidacy with the addition of Councilman Boldon, the noted change to the language from “or” to “and”, and appointing James Standley as Chair and the Vice Chair as Margaret Forbes.

Mayor Johnson duly seconded the motion and the motion passed by a vote of 3 ayes (Belanger, Johnson, and Huckaby), and 2 nays (Boldon, and Maule).

Council convened in Executive Session at 6:40 p.m.

7. **EXECUTIVE SESSION:**

Personnel Matters – Pursuant to Texas Government Code Section 551.074, deliberations regarding the appointment or employment of a public officer or employee. The subject of this executive session is City Engineer and Finance Director.

Council reconvened in regular session at 8:00 p.m.

No action was taken in Executive Session.

8. **ADJOURNED:** 8:00 p.m.

ATTEST:

Mayor Randy Johnson
City Council
City of Nacogdoches

Rhonda Lewis, Deputy City Secretary



City Council Meeting

Date: December 5, 2023

Agenda Item: 5.E.

PRESENTER: Jerry Baker, City Attorney

ITEM/SUBJECT: Consider approval of a resolution for the Texas Department of Transportation (TxDOT) Municipal Maintenance Agreement (City Attorney).

SUMMARY/BACKGROUND: Consider approval of a resolution for the proposed Municipal Maintenance Agreement between the State of Texas and the City of Nacogdoches related to the maintenance, control, supervision, and regulation of certain state highways and/or portions of state highways in the City of Nacogdoches in accordance with Texas Transportation Code §221.002.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Infrastructure

CITY CONTACT: Jerry Baker, City Attorney
baker@nactx.us
(936) 559-2503

ATTACHMENTS: 1. Resolution_State Highway Maintenance Agreement (1)
2. Nacogdoches Tx MMA 2023

RESOLUTION NO. 1357-12-23

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NACOGDOCHES, TEXAS
APPROVING THE AGREEMENT DATED DECEMBER 5, 2023 BETWEEN THE
STATE OF TEXAS AND THE CITY OF NACOGDOCHES FOR THE MAINTENANCE,
CONTROL, SUPERVISION, AND REGULATION OF CERTAIN STATE HIGHWAYS
AND/OR PORTIONS OF STATE HIGHWAYS IN THE CITY OF NACOGDOCHES**

WHEREAS, the City of Nacogdoches has requested the State of Texas to assist in the maintenance and operation of state highways located within in the municipality; and

WHEREAS, a Municipal Maintenance Agreement has been presented in accordance with Texas Transportation Code §221.002 which provides for such agreements for the maintenance, control, supervision, and regulation of designated state highways located within in a municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NACOGDOCHES, TEXAS:

SECTION 1. The facts and recitations set forth in the Municipal Maintenance Agreement are hereby found to be true and correct.

SECTION 2. The City of Nacogdoches designates Rick Beverlin, City Manager, as the authorized city official to act in all matters in connection with the Municipal Maintenance Agreement.

SECTION 3. The meeting at which this resolution was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

SECTION 4. Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Resolution shall be effective immediately upon adoption.

APPROVED AND ADOPTED at a regular meeting of the Nacogdoches City Council on this _____ day of _____ 2023.

CITY OF NACOGDOCHES

By: _____
Randy Johnson, Mayor

ATTEST:

APPROVED AS TO FORM:

Rhonda Lewis, Deputy City Secretary

Jerry Baker, City Attorney



125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

October 30, 2023

The Honorable Randy Johnson
Mayor, City of Nacogdoches
202 E. Pilar Street
Nacogdoches, TX 75961

Subject: Municipal Maintenance Agreement

Dear Mayor Johnson:

Jurisdiction of highways, streets, or roads within an incorporated city rests with the governing body of the incorporated city except on those declared as controlled access highways by the Texas Transportation Commission, according to Transportation Code §203.003. It is necessary for the Texas Department of Transportation (TxDOT) to enter into a Municipal Maintenance Agreement (MMA) with each incorporated city for authority to construct, reconstruct, maintain, control, supervise, and regulate the designated highways within the city's limits and to establish the responsibilities of the department and the city, in accordance with Minute Order 58588.

Due to some slight revisions in the MMA and a new 2020 census count, we are requesting that a new agreement be executed. The MMA is attached, as well as the exhibit listing the State Maintained Highways in your city. Please sign and return the agreement to my office at 1805 N. Timberland Drive, Lufkin, TX 75901. Once the MMA is fully executed, we will email you a final copy for your records. If you have any questions about the agreement, please feel free to contact Randal Cooper, Area Engineer at 936-585-7043.

Sincerely,

DocuSigned by:

Kelly O. Morris, P.E.

F044211639424B4...
Kelly O. Morris, P.E.

Lufkin District Engineer

DS
JK

DS
KB

Enclosure

cc: Randal Cooper, P.E.

OUR VALUES: People • Accountability • Trust • Honesty

OUR MISSION: Connecting You With Texas

An Equal Opportunity Employer



MUNICIPAL MAINTENANCE AGREEMENT

This Municipal Maintenance Agreement ("Agreement") is made this _____ day of _____, 2023, by and between the State of Texas through the Texas Department of Transportation ("State"), and the City of _____ Nacogdoches (population _____ 32,099, 2020, latest Federal Census) acting by and through its duly authorized officers ("City").

RECITALS

A. Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and

B. Section 221.002 of the Transportation Code authorizes the State, at its discretion, to enter agreements with cities to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of such cities; and

C. The Executive Director, acting for and on behalf of the Texas Transportation Commission, has made it known to the City that the State will assist the City in the maintenance and operation of State highways within the City, conditioned that the City will enter into agreements with the State for the purpose of determining the respective responsibilities of the parties; and

D. The City has requested the State to assist in the maintenance and operation of State highways within the City as described herein. The Municipal Ordinance or Resolution authorizing the undersigned City Official to execute this Agreement on behalf of the City is attached as **Exhibit C**.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, it is agreed as follows:

ARTICLE I. COVERAGE

1. State assumption of maintenance and operations described in this Agreement shall be effective on the date of execution of this agreement by the Texas Department of Transportation.
2. In this Agreement, the use of the words "State Highway" shall be construed to mean all numbered highways that are part of the State's Highway System.

3. This Agreement is intended to cover and provide for State participation in the maintenance and operation of the following classifications of State Highways within the City:
 - A. Non-Controlled Access highways or portions thereof which are described as "State Maintained and Operated" highways in the document attached and incorporated as **Exhibit A**.
 - B. All State highways or portions thereof which have been designated by the Texas Transportation Commission, or are maintained and operated, as Controlled Access Highways and which are described in the document attached and incorporated as **Exhibit B**.
4. In the event that the present system of State highways within the City is changed by cancellation, modified routing, new routes, or a change to City boundaries, the State shall terminate maintenance and operation and this Agreement shall become null and void on those portions of the highways which are no longer on the State Highway System; and this Agreement shall apply to the new highways on the State Highway System within the City; and they shall be classified as "State Maintained and Operated" under paragraph 3 above, unless the execution of a new agreement on the changed or new portions of the highways is requested by either the City or the State.
5. Exhibits that are a part of this Agreement may be changed with both parties' written concurrence. Additional exhibits may also be added with both parties' written concurrence. The Parties shall periodically update any exhibits to reflect changes to the State Highway System under paragraph 3. Paragraph 4 shall apply to changes to the State Highway System regardless of whether an exhibit has been updated under this Paragraph.
6. The terms of the Agreement apply to a State Highway described by paragraphs 2-4 of this Article, unless provided otherwise in a specific project agreement.

ARTICLE II. GENERAL CONDITIONS

1. The City authorizes the State to maintain and operate the State highways covered by this agreement in the manner set out herein.
2. This agreement is between the State and the City only. No person or entity may claim third party beneficiary status under this contract or any of its provisions, nor may any non-party sue for personal injuries or property damage under this contract.
3. This agreement is for the purpose of defining the authority and responsibility of both parties for maintenance and operation of State highways through the City. This agreement shall supplement any special agreements between the State and the City for the maintenance, operation, and/or construction of the State highways covered herein, and this agreement shall supersede any existing Municipal Maintenance Agreements.

4. Traffic regulations, including speed limits, shall be established only after traffic and engineering studies have been completed by the State or City, as applicable and in accordance with 43 Tex. Admin. Code Ch. 25, Subch. B, and approved by the State.
5. The State shall install, maintain, and operate, when required, all traffic signs and associated pavement markings necessary to regulate, warn, and guide traffic on State highways within the State right-of-way, including main lanes and frontage roads, except as otherwise provided in this paragraph and elsewhere in this Agreement.
 - A. At the intersections of off-system approaches to State highways, the City shall install and maintain (1) all stop signs, yield signs, and one-way signs to regulate, warn, and guide traffic on the off-system street, even if such signs are to be installed on State right-of-way, and (2) any necessary stop or yield bars and pedestrian crosswalks outside the main lanes or outside the frontage roads, if such exist. These signs and markings must meet or exceed the latest State breakaway standards, if applicable, and be in accordance with the latest edition/revision of the Texas Manual on Uniform Traffic Control Devices
 - B. The City shall install and maintain all street name signs except for those mounted on State-maintained traffic signal poles or arms or special advance street name signs on State right-of-way.
 - C. Any other signs or pavement markings desired by the City on State right-of-way shall require prior written authorization by the State, and shall be installed and maintained by the City.
 - D. All signs and markings installed by the City under this Paragraph must meet or exceed the latest State breakaway standards, if applicable, and be in accordance with the latest edition/revision of the Texas Manual on Uniform Traffic Control Devices. All existing signs or markings shall be upgraded on a maintenance replacement basis to meet these requirements.
6. Traffic control devices such as signs, traffic signals, and pavement markings, with respect to type of device, points of installation, and necessity, shall be determined by traffic and engineering studies as provided by regulation in the Texas Administrative Code.
 - A. The City shall not install, maintain, or permit the installation of any type of traffic control device which will affect or influence the use of State highways unless approved in writing by the State. Traffic control devices installed prior to the date of this agreement are hereby made subject to the terms of this agreement and the City agrees to the removal of such devices which affect or influence the use of State highways unless their continued use is approved in writing by the State.
 - B. It is understood that basic approval for future installations of traffic control signals by the State or as a joint project with the City, shall be indicated by the

proper City official's signature on the title sheet of the plans. Both parties should retain a copy of the signed title sheet or a letter signed by both parties acknowledging which signalized intersections are covered by this agreement. Any special requirements not covered within this agreement shall be covered under a separate agreement.

- C. This Agreement satisfies the agreement requirements of 43 Tex. Admin. Code § 25.5 concerning traffic signal installation, unless the parties determine a separate agreement is necessary to address project-specific issues that are not otherwise addressed by this Agreement.
7. Subject to approval by the State, any State highway lighting system may be installed by the City provided the City shall pay or otherwise provide for all cost of installation, maintenance, and operation, except in those installations specifically covered by separate agreements between the City and State.
 - A. For all highway lighting system projects, including those covered by separate agreements unless provided otherwise therein, (1) costs shall include the electricity required to construct and operate the lighting system, (2) the State shall not begin the trial phase of a newly installed lighting system until the applicable utility account is established by the City.
 - B. Attached as **Exhibit D** is a list of lighting installations subject to this Agreement, but which do not have a separate agreement. Exhibit D shall be updated as necessary pursuant to Article 1, Section 6.
 8. The City shall enforce the State laws governing the movement of loads which exceed the legal limits for weight, length, height, or width as prescribed by Chapters 621, 622, and 623 of the Transportation Code for public highways outside corporate limits of cities. The City shall also, by ordinance/resolution and enforcement, prescribe and enforce lower weight limits when mutually agreed by the City and the State that such restrictions are needed to avoid damage to the highway and/or for traffic safety.
 9. The City shall prevent future encroachments within the right-of-way of the State highways and assist in removal of any present encroachments when requested by the State except where specifically authorized by separate agreement; and prohibit the planting of trees or shrubbery or the creation or construction of any other obstruction within the right-of-way without prior approval in writing from the State. Permitted landscaping and public art installations shall be handled through separate agreements.
 10. New construction of sidewalks, shared use pathways, curb ramps, or other accessibility-related items by either Party shall comply with current ADA standards. Except as otherwise provided in this paragraph, the City is responsible for the maintenance of these items, regardless of whether the City or the State constructed the item. Maintenance includes keeping sidewalks clear of debris and vegetation, but does not

include pavement work except as provided in the next sentence. If a Party's highway project is considered an "alteration" under the ADA that triggers the requirement to construct or upgrade accessibility-related items, that Party is responsible for the construction or upgrade, unless provided otherwise in a separate agreement.

11. If the City has a driveway permit process that has been submitted to and approved by the State, the City shall issue permits for access driveways on State highway routes and shall assure the grantee's conformance, for proper installation and maintenance of access driveway facilities, with either a Local Access Management Plan that the City has adopted by ordinance and submitted to the State or, if the City has not adopted by ordinance and submitted to the State a Local Access Management Plan, the State's Access Management Manual. If the City does not have an approved city-wide driveway permit process, the State shall issue access driveway permits on State highway routes in accordance with the City's Local Access Management Plan, adopted by city ordinance and submitted to the State or, if the City has not adopted by ordinance and submitted a Local Access Management Plan, the State's Access Management Manual.
12. The use of unused right-of-way and areas beneath structures for public functions, such as parking, recreation, and law enforcement use, shall be determined by a separate agreement.
13. The State shall be responsible for installation, repair, and maintenance of any mailbox supports installed on the State highway system, including any markings needed on the mailbox supports.
14. The State shall be responsible for installation, repair, and maintenance of any roadside barriers including guardrail, guardrail end treatments, cable barriers, and concrete barriers needed for traffic safety on the state highway system.
15. The State shall be responsible for any structural repairs needed at bridges, culverts, drainage pipes, embankments, and retaining walls on the state highway system.
16. For purposes of this Agreement, "grade separation structure" is defined as any bridge, overpass, or similar structure that raises the roadway above ground level, regardless of what is underneath the structure.

ARTICLE III. NON-CONTROLLED ACCESS HIGHWAYS

The following specific conditions and responsibilities shall apply to the non-controlled access State highways described in Exhibit A, in addition to the General Conditions in Article II above.

1. State's Responsibilities (Non-Controlled Access)

- A. Maintain the traveled surface and foundation beneath such traveled surface necessary for the proper support of vehicular loads encountered, and maintain the shoulders.

- B.** Assist in mowing and litter pickup within the right of way to supplement City resources, when requested by the City and if State resources are available.
- C.** Assist in sweeping and otherwise cleaning the traveled surface and shoulders to supplement City resources, when requested by the City and if State resources are available.
- D.** Assist in snow and ice control to supplement City resources, when requested by the City and if State resources are available.
- E.** Structural maintenance and repairs of drainage facilities within the limits of the right-of-way and State drainage easements. This does not relieve the City of its responsibility for drainage of the State highway facility outside of the right of way or State easements but within its corporate limits.
- F.** In cities with less than 50,000 population, the State shall install and maintain school safety devices, school crosswalks, and crosswalks installed in conjunction with pedestrian signal heads. This does not include other pedestrian crosswalks.
- G.** Install, operate, and maintain traffic signals in cities with less than 50,000 population.
- H.** In cities equal to or greater than 50,000 population, the State may provide for installation of traffic signals when the installation is financed in whole or in part with federal-aid funds, if the City agrees to enter into an agreement setting forth the responsibilities of each party.

2. City's Responsibilities (Non-Controlled Access)

- A.** Prohibit angle parking, except upon written approval by the State after traffic and engineering studies have been conducted to determine if the State highway is of sufficient width to permit angle parking without interfering with the free and safe movement of traffic.
- B.** Install and maintain all parking restriction signs, pedestrian crosswalks (except as provided in Art. II.5), parking stripes, and special guide signs when agreed to in writing by the State. Cities greater than or equal to 50,000 population shall also install, operate, and maintain all school safety devices and school crosswalks.
- C.** Signing and marking of intersecting city streets with State highways shall be the full responsibility of the City (except as provided under Art. II.5).
- D.** Require installations, repairs, removals or adjustments of publicly or privately owned utilities or services to be performed in accordance with Texas Department of Transportation specifications and subject to approval of the State in writing.

- E.** Regular cleanups and litter control to ensure drainage facilities are clear. Further, State structural maintenance and repair of drainage facilities within the right-of-way does not relieve the City of its responsibility for drainage of the State highway facility outside of the right-of-way or State easements but within its corporate limits, except where participation by the State is specifically covered in a separate agreement between the City and the State.
- F.** Install, maintain, and operate all traffic signals in cities equal to or greater than 50,000 population. Any variations shall be handled by a separate agreement.
- G.** Perform mowing and litter pickup.
- H.** Sweep and otherwise clean the pavement, including grade separation structures. This includes cleaning and removing litter, trash, discarded personal property, unauthorized temporary shelters, or any other unauthorized item from all areas within the right of way, including underneath a grade separation structure.
- I.** Perform snow and ice control.
- J.** Retain all functions and responsibilities for maintenance and operations which are not specifically described as the responsibility of the State.

ARTICLE IV. CONTROLLED ACCESS HIGHWAYS

The following specific conditions and responsibilities shall apply to the controlled access State highways described in Exhibit B, in addition to the General Conditions in Article II above.

1. State's Responsibilities (Controlled Access)

- A.** Maintain the traveled surface and foundations of the main lanes, ramps, and frontage necessary for the proper support of vehicular loads encountered.
- B.** Mow and clean up litter within the outermost curbs of the frontage roads or the entire right-of-way width where no frontage roads exist. Assist in performing these operations between the right-of-way line and the outermost curb or crown line of the frontage roads on the City's request and if State resources are available.
- C.** Sweep and otherwise clean the traveled surface and shoulders of the main lanes, ramps, grade separation structures, and frontage roads.
- D.** Remove snow and control ice on the main lanes and ramps. Assist in these operations on the frontage roads and grade separation structures on the City's request and if State resources are available.

- E. Install and maintain school safety devices, school crosswalks, and crosswalks installed in conjunction with pedestrian signal heads on frontage roads. This does not include other pedestrian crosswalks.
- F. Install, operate and maintain traffic signals at ramps and frontage road intersections, unless covered by a separate agreement.
- G. Structural maintenance and repair of drainage facilities within the limits of the right-of-way and State drainage easements. This does not relieve the City of its responsibility for drainage of the State highway facility outside of the right-of-way or State easement but within its corporate limits.

2. City's Responsibilities (Controlled Access)

- A. Prohibit, by ordinance or resolution and through enforcement, all parking on frontage roads except when parallel parking on one side is approved by the State in writing. Prohibit all parking on main lanes and ramps and at such other places where such restriction is necessary for satisfactory operation of traffic, by passing and enforcing ordinances or resolution and taking other appropriate action in addition to full compliance with current laws on parking.
- B. When considered necessary and desirable by both the City and the State, the City shall pass and enforce an ordinance or resolution providing for one-way traffic on the frontage roads except as may be otherwise agreed to by separate agreements with the State.
- C. Secure the approval of the State before any utility installation, repair, removal or adjustment is undertaken, crossing over or under the highway facility or entering the right-of-way. In the event of an emergency, it being evident that immediate action is necessary for protection of the public and to minimize property damage and loss of investment, the City, without the necessity of approval by the State, may at its own responsibility and risk make necessary emergency utility repairs, notifying the State of this action as soon as practical.
- D. Pass necessary ordinances or resolutions and retain responsibility for enforcing the control of access to an expressway/freeway facility.
- E. Sweep and otherwise clean the pavement other than the traveled surface and shoulders, including underneath grade separation structures. This includes cleaning and removing litter, trash, discarded personal property, unauthorized temporary shelters, or any other unauthorized item.
- F. Mow and clean up litter between the right-of-way line and the outermost curb or crown line of the frontage roads, including drainage facilities in this area.

- G. Install and maintain all parking restriction signs, pedestrian crosswalks (except as provided by Art. II.5), and parking stripes when agreed to by the State in writing.
- H. Signing and marking of intersecting city streets to State highways shall be the full responsibility of the City (except as provided by Art. II.5).
- I. Retain all functions and responsibilities for maintenance and operations which are not specifically described as the responsibility of the State. State maintenance of drainage facilities within the right-of-way does not relieve the City of its responsibility for drainage of the State highway facility outside of the right-of-way but within its corporate limits except where participation by the State is specifically covered in a separate agreement between the City and the State.

ARTICLE V. TERMINATION

- 1. All obligations of the State to maintain and operate a State highway covered by this agreement shall terminate if and when such highway ceases to be designated as part of the State highway system.
- 2. Should either party fail to properly fulfill its obligations under this Agreement, the other party may terminate this agreement upon 30 days written notice.
- 3. Upon termination, all maintenance and operation duties on non-controlled access State highways shall revert to City responsibilities, except that the State shall retain all maintenance and operation responsibilities on controlled access State highways.

City of Nacogdoches

State of Texas

Signature

TxDOT District Engineer

Randy Johnson, Mayor

Kelly O. Morris, P.E.

Name

Name

Mayor of Nacogdoches

Title

Date

Date

EXHIBIT A
MUNICIPAL MAINTENANCE AGREEMENT

NON-CONTROLLED ACCESS HIGHWAYS
WITHIN THE CORPORATE LIMITS
OF THE CITY OF NACOGDOCHES

STATE MAINTAINED HIGHWAY ROUTES

1. BS 7
2. BS 21
3. U.S. HIGHWAY 59
4. BU 59F
5. STATE HIGHWAY 7*
6. STATE HIGHWAY 21 *
7. LOOP 224
8. FARM TO MARKET ROAD 225
9. FARM TO MARKET ROAD 343
10. FARM TO MARKET ROAD 1411
11. FARM TO MARKET ROAD 1275
12. FARM TO MARKET ROAD 1638
13. FARM TO MARKET ROAD 1878
14. FARM TO MARKET ROAD 2259
15. FARM TO MARKET ROAD 2609
16. FARM TO MARKET ROAD 3314

* SH 7 from Southwest City Limits to Jct. BU 59F
SH 7 from Jct. SH 21 to East City Limits

* SH 21 from West City Limits to Jct. BU 59F
SH 21 from Mound Street to East City Limits

CITY MAINTAINED HIGHWAY ROUTES

1. BS 21/7 from Business 59F (North Street) to Mound Street.

EXHIBIT B
CONTROLLED ACCESS HIGHWAYS WITHIN THE
CORPORATE LIMITS OF **NACOGDOCHES**

1. U.S. 59 – From SH 7 to south city limits, upon completion of current overpass project.

EXHIBIT D
SAFETY LIGHTING SYSTEMS WITHIN THE
CORPORATE LIMITS OF **NACOGDOCHES**

N/A

PRESENTER: Juan Pollette, Interim City Planner

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 (Planning Technician).

SUMMARY/BACKGROUND: 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 and 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 and at 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 B-2 zoning district.

NOTICES:

Staff mailed out 14 notices to property owners within 200 feet of the subject properties. 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 of these types of land uses to not meeting City codes. There were no code violations or elevated police activity in these areas.

Recommendation

P&Z Recommendation

The P&Z Commission heard this item on November 13, 2023, and voted unanimously (5-0) to approve 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. Tattoos by appointment only.

FINANCIAL:

No financial impact associated with this item.

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

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

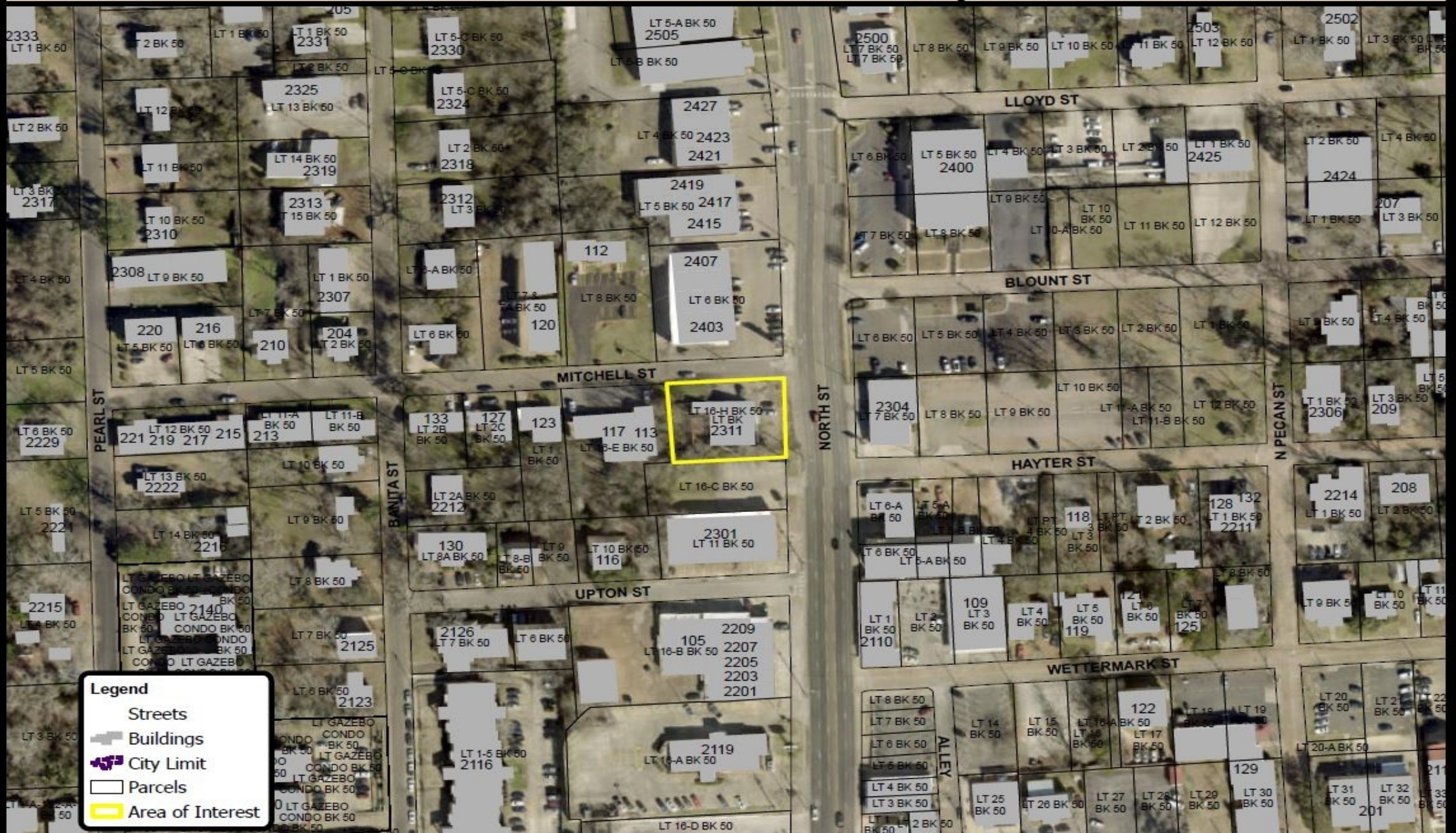
ATTACHMENTS:

1. Item Report 6.A Presentation
2. Future Land Use Map
3. Ordinance

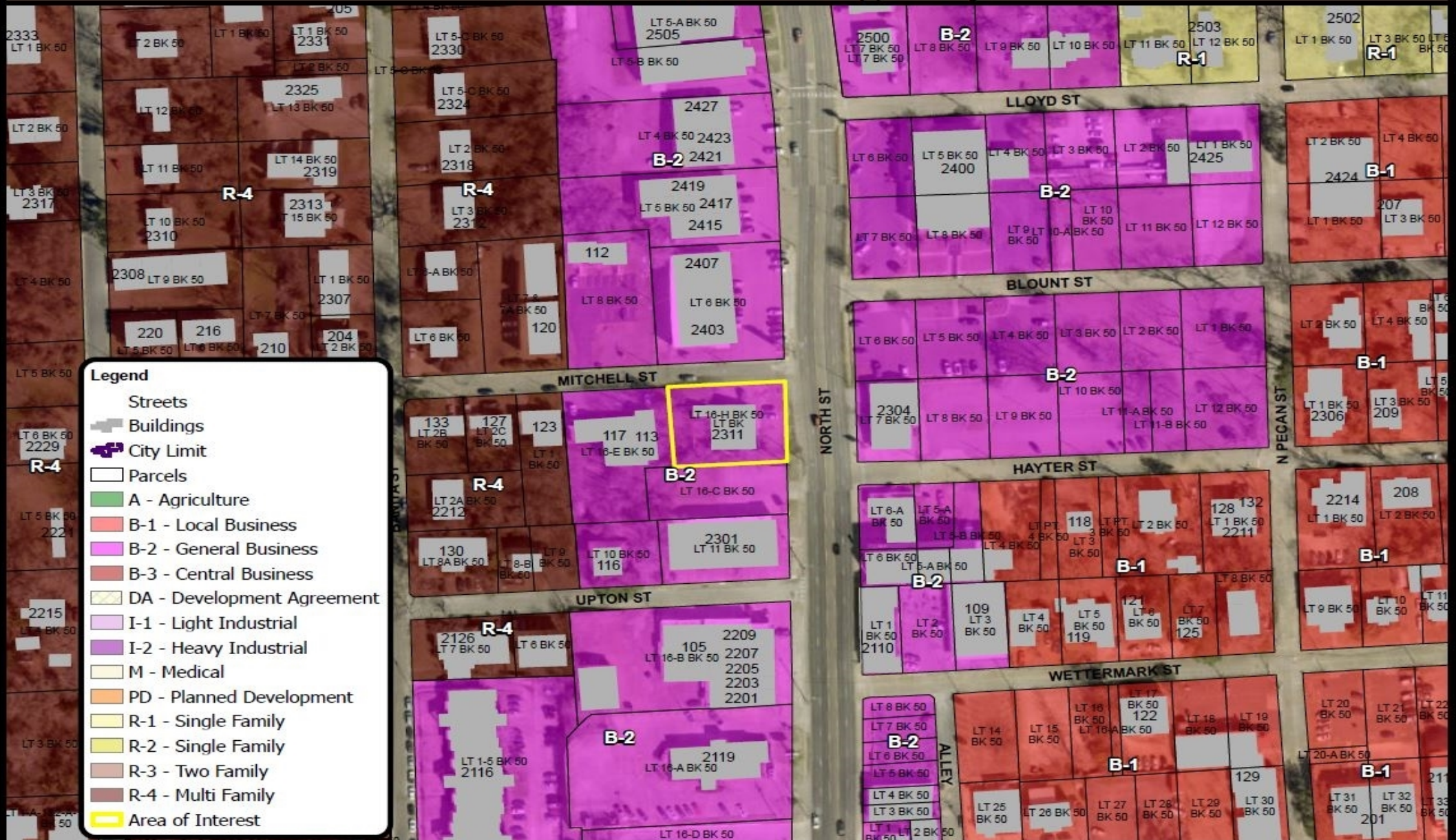
Agenda Item #6.A

2311 North Street - Specific Use Permit
Tattoo Salon/Piercing Studio

SUP2023-06 Aerial Map



SUP2023-06 Zoning Map



Proposed SUP Conditions

- Hours of Operation: 11 a.m. – 8 p.m.
- Tuesday through Saturday
- Closed Sunday & Monday
- Tattoo's by appointment only

Proposed wall signage





Before

Interior renovations



After

Before



After



Before



After

SUP2023-06 – Site Photos

Subject property view from North Street





Street view north and south
from subject property



View across North St. from subject property



200' Notification Map

SUP2023-05: 507 East Main St.

Legend

 200 Foot Buffer

 Proposed SUP

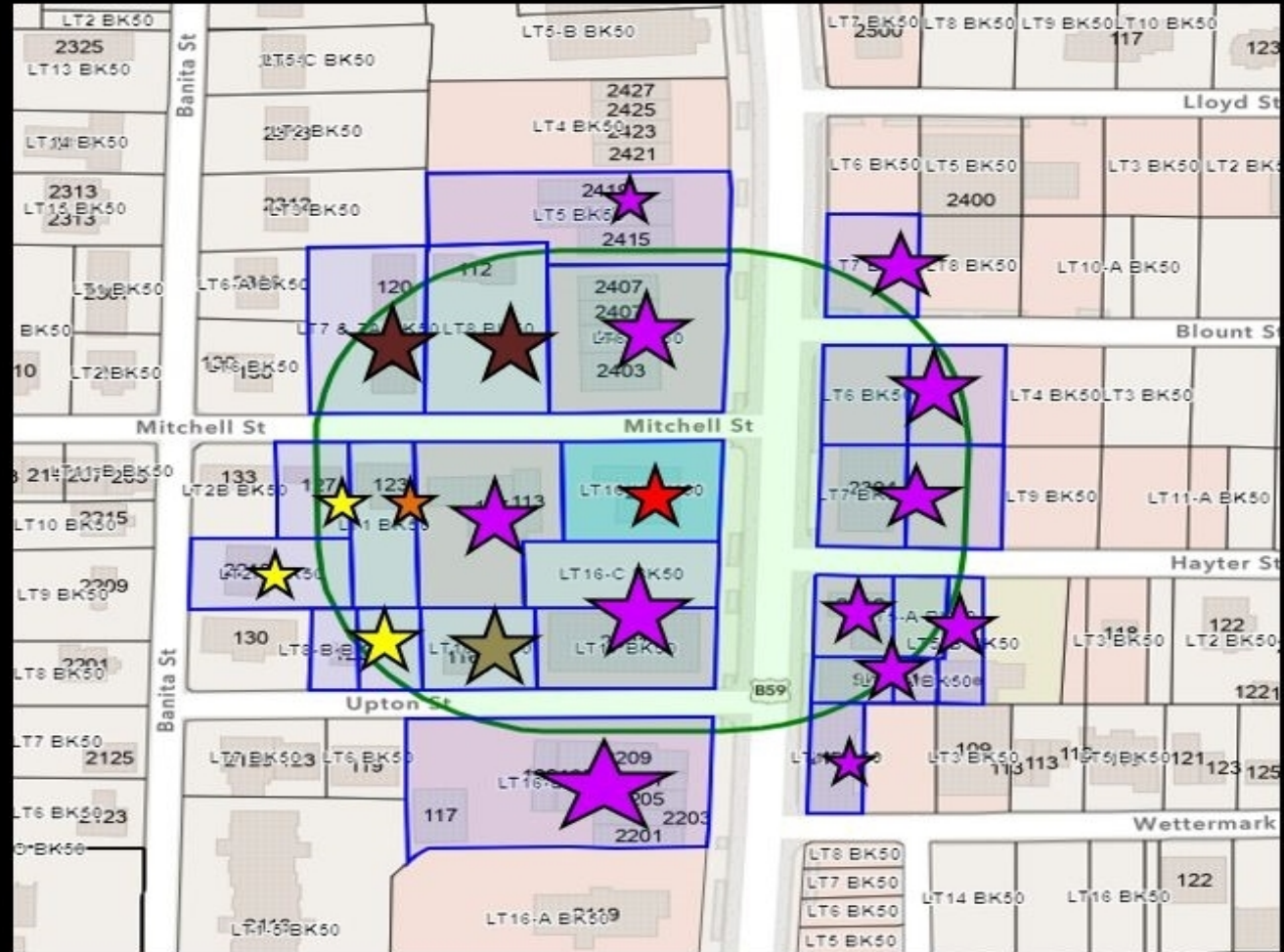
 Single Family- Rental

 Single Family-
Owner Occupied

 Commercial

 Duplex- Rental

 Multi-Family



Conditions for Approval

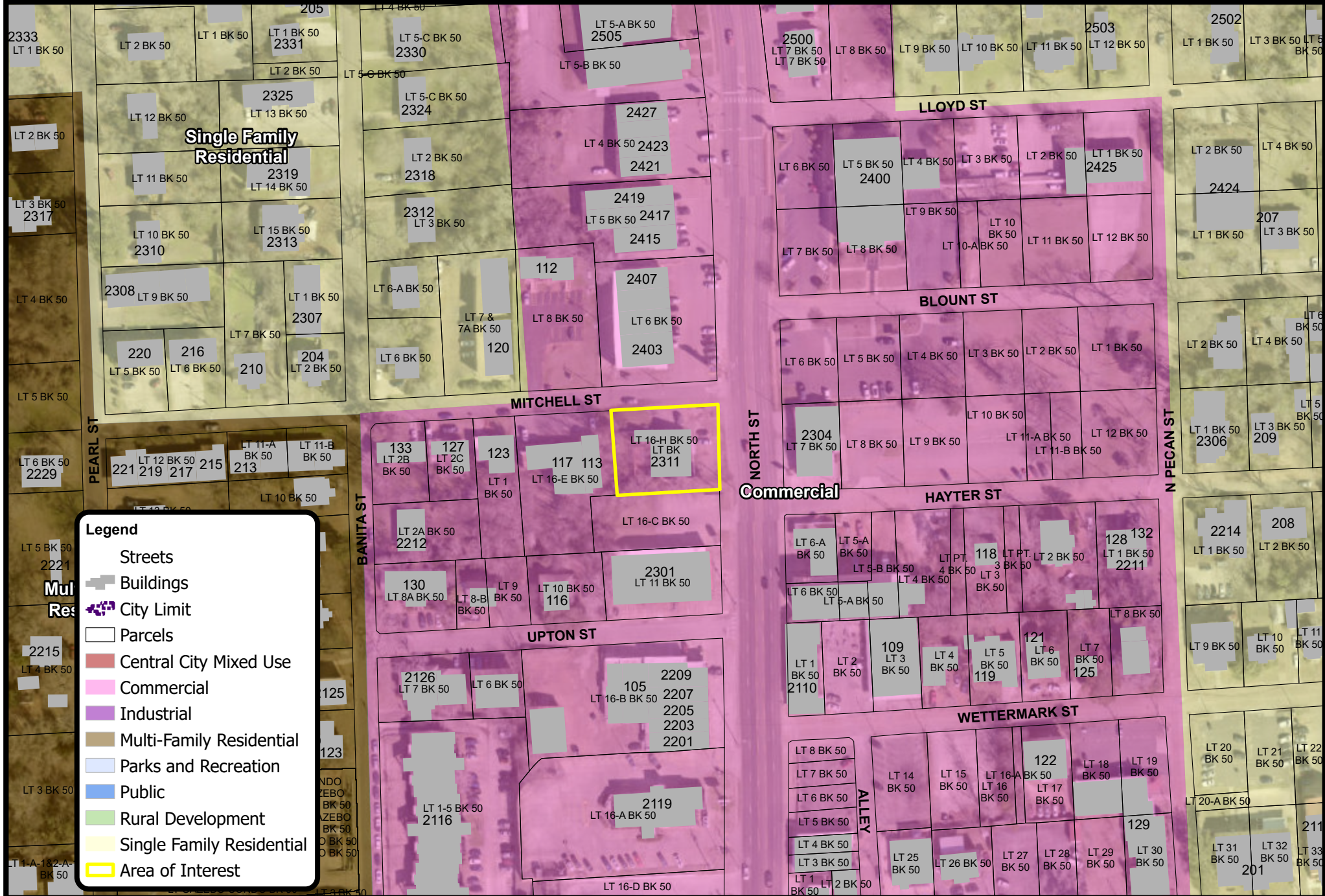
- (1) Compatibility. The...use will be compatible with and not injurious to the use and enjoyment of...property in the...vicinity, nor significantly diminish...property values within the...vicinity;
- (2) Orderly growth and development. The...use will not impede the normal and orderly development and improvement of surrounding vacant property;
- (3) Supporting facilities. Adequate utilities, access roads, drainage and other necessary...facilities have been or will be provided;
- (4) Drives and parking. The design...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;
- (5) Nuisances. Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
- (6) Lighting. Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;
- (7) Landscaping. Sufficient landscaping and screening to ensure...compatibility with adjacent property exists or will be provided; &
- (8) Comprehensive plan. The proposed use is in accordance with the comprehensive plan.

P&Z Commission Recommendation:

On November 13th, the Commission voted unanimously (5-0) to approve the SUP with the following conditions:

- Hours of Operation: 11 a.m. – 8 p.m.
- Tuesday through Saturday
- Closed Sunday & Monday
- Tattoos by appointment only

SUP2023-06 Future Land Use Map



ORDINANCE NO.

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, GRANTING A SPECIFIC USE PERMIT FOR A TATTOO SALON/BODY PIERCING STUDIO LOCATED WITHIN THE B-2, GENERAL BUSINESS ZONING DISTRICT, BEING LOT 16-H, CITY BLOCK 50, LOCATED AT 2311 NORTH STREET IN NACOGDOCHES, TEXAS, PROVIDING REQUIREMENTS AND CONDITIONS FOR SAID SPECIFIC USE PERMIT; CONTAINING FINDINGS; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Specific Use Permit process allows the Planning and Zoning Commission and City Council to consider the conditions specific to individual tracts of land and operational characteristics of various businesses; and

WHEREAS, Krysta Robertson, filed an application for a Specific Use Permit for a Tattoo Salon/Body Piercing Studio on property that is currently zoned as B-2, General Business; located at 507 East Main Street, said tract being legally described as Lot 16-H, City Block 50 (the “Property”), and situated within the corporate limits of the City of Nacogdoches, Texas (the “City”), being more particularly described in **Exhibit “A”**, attached hereto and made a part hereof for all purposes; and

WHEREAS, the Owner of the Property, through its above mentioned and duly authorized representatives, has presented an application to the City for the granting a Specific Use Permit to use said Property for the purpose of a Tattoo Salon/Body Piercing Studio (the “Specific Use”), as authorized by the City's Zoning Ordinance; and

WHEREAS, after satisfaction of all conditions precedent required by law, the Planning and Zoning Commission held a public hearing and did make recommendation to City Council for approval of the Specific Use Permit application submitted for the above referenced site; and

WHEREAS, after satisfaction of all conditions precedent required by law and receiving the recommendation of the Planning and Zoning Commission, the City Council conducted a public hearing, and immediately thereafter approved the application for a Specific Use Permit allowing for the construction, operation and maintenance of a Tattoo Salon and Body Piercing Studio.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NACOGDOCHES, TEXAS:

SECTION I
Findings.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct, and same are deemed to be in furtherance of a public purpose.

SECTION II

Approval of Specific Use Permit

Pursuant to the requirements of Chapter 118 of the Code of Ordinances of the City of Nacogdoches, Texas, a Specific Use Permit is hereby approved allowing for the construction, operation and maintenance of a Tattoo Salon/ Piercing Studio at the above described location, with the following conditions: The Tattoo Salon shall not exceed 1,700 square feet in size, tattoos by appointment only and comply with the hours of operation outlined as follows:

Hours of Operation

- a) Tuesday through Saturday – 11 am - 8pm
- b) Sunday & Monday – Closed

SECTION III Repeal

This Ordinance shall in no manner repeal, amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting of the Specific Use Permit as herein provided.

SECTION IV Effective Date

This Ordinance shall take effect following its passage and publication as may be required by governing law.

SECTION V Severability

If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION VI Proper Notice and Open Meetings

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VII Filing

The Deputy City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches, Texas.

PASSED AND APPROVED, this the ____ day of _____, 2023, by a vote of ____ (ayes) to ____ (nays) of the City Council of the City of Nacogdoches, Texas.

CITY OF NACOGDOCHES

By:

Randy Johnson, Mayor

ATTEST:

APPROVED AS TO FORM:

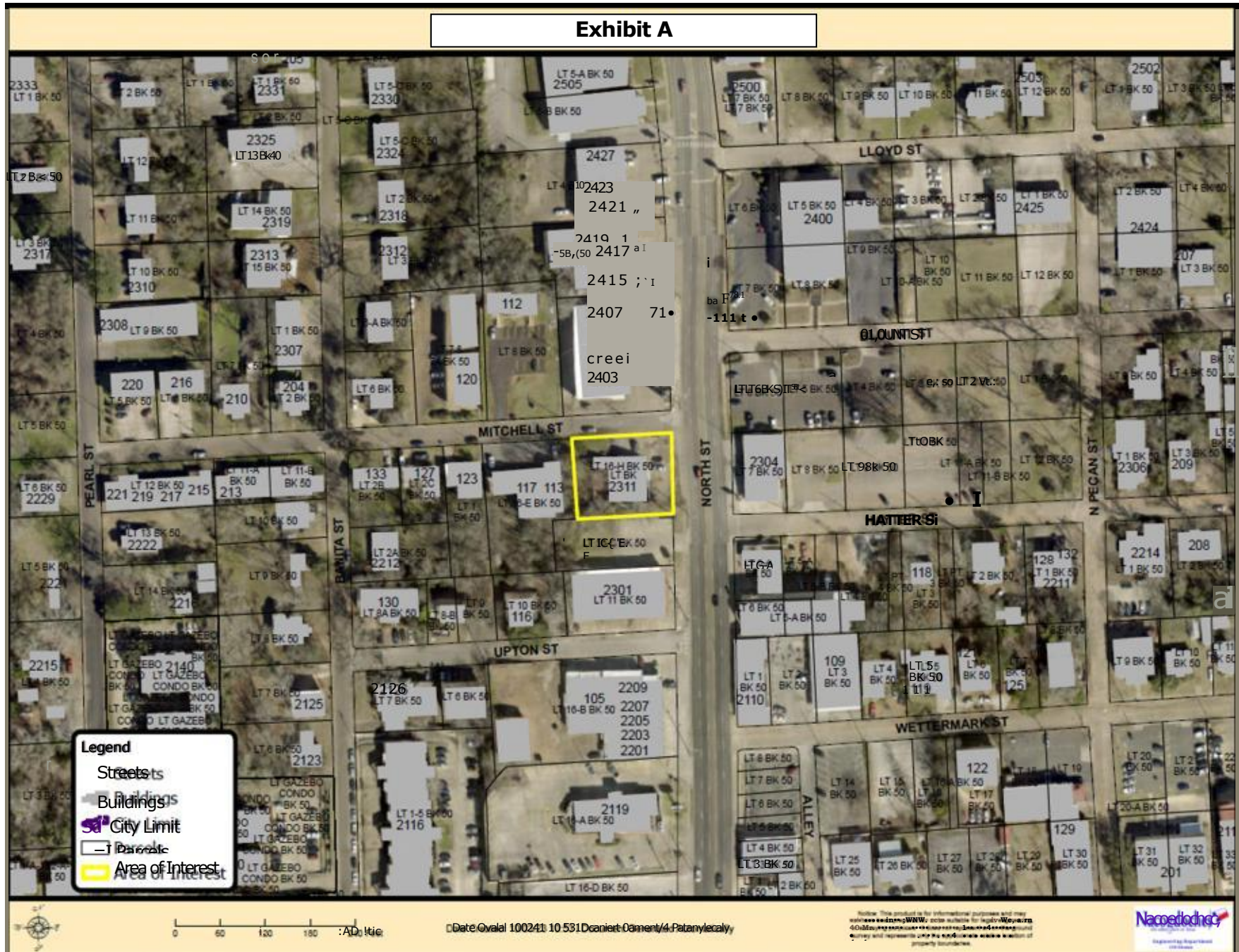
Rhonda Lewis, Deputy City Secretary

Jerry Baker, City Attorney

APPROVED AS TO CONTENT:

Steve Bartlett, Interim City Planner

Exhibit A



PRESENTER: Juan Pollette, Interim City Planner

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 (Planning Technician).

SUMMARY/BACKGROUND: 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

REVIEW CRITERIA: 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, "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 has 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 than 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.

P&Z Recommendation

The P&Z Commission heard this item on November 13, 2023 and voted unanimously (5-0) to approve the Zone Change from R-4, Multi-Family to R-2, Single Family.

FINANCIAL:

No Financial Impact associated with this item.

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

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

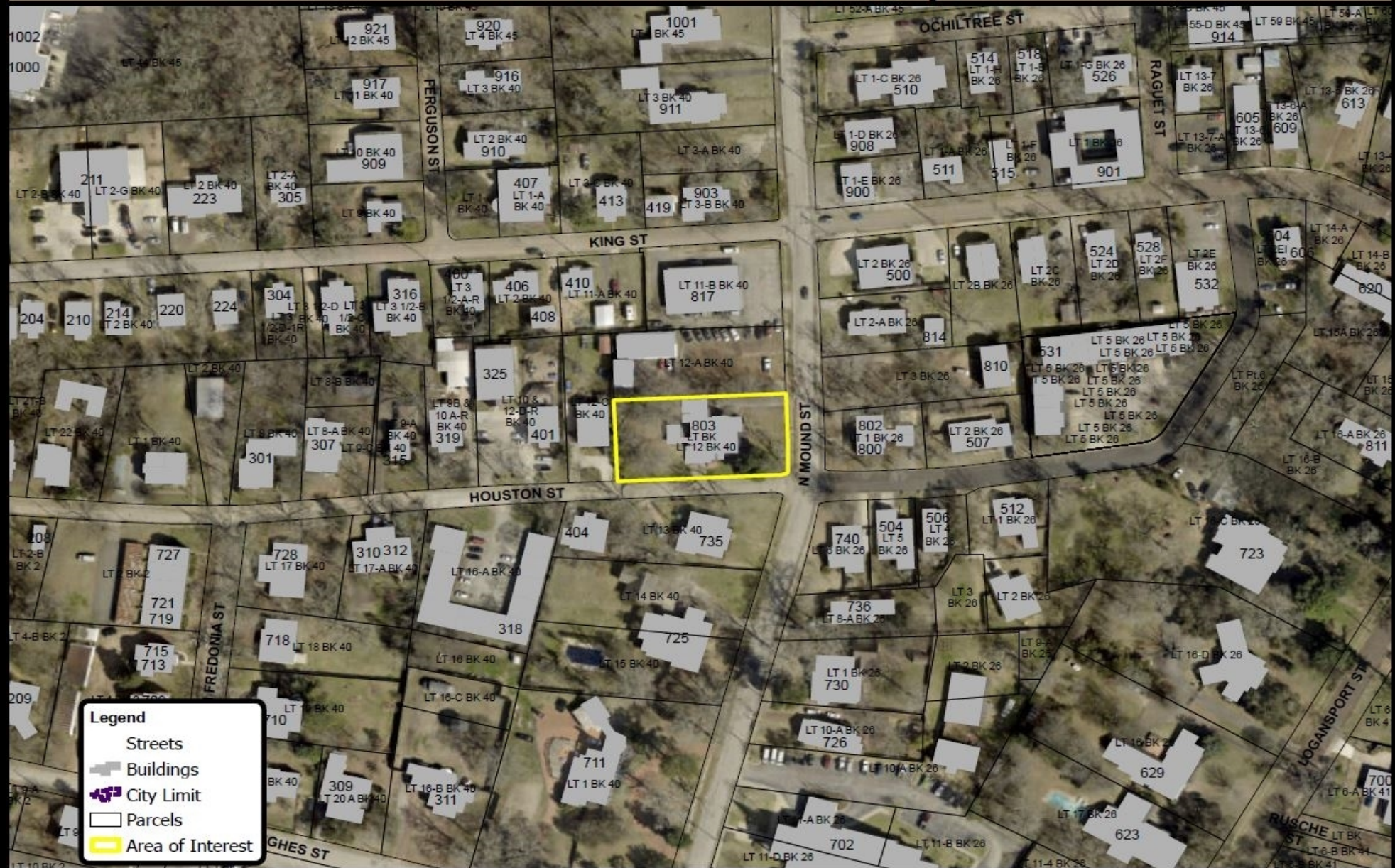
ATTACHMENTS:

1. Item Report 6.B Presentation
2. Response Form
3. Ordinance

Agenda Item #6.B

Zone Change from R-4, Multi-Family to R-1, Single Family
803 N. Mound St.

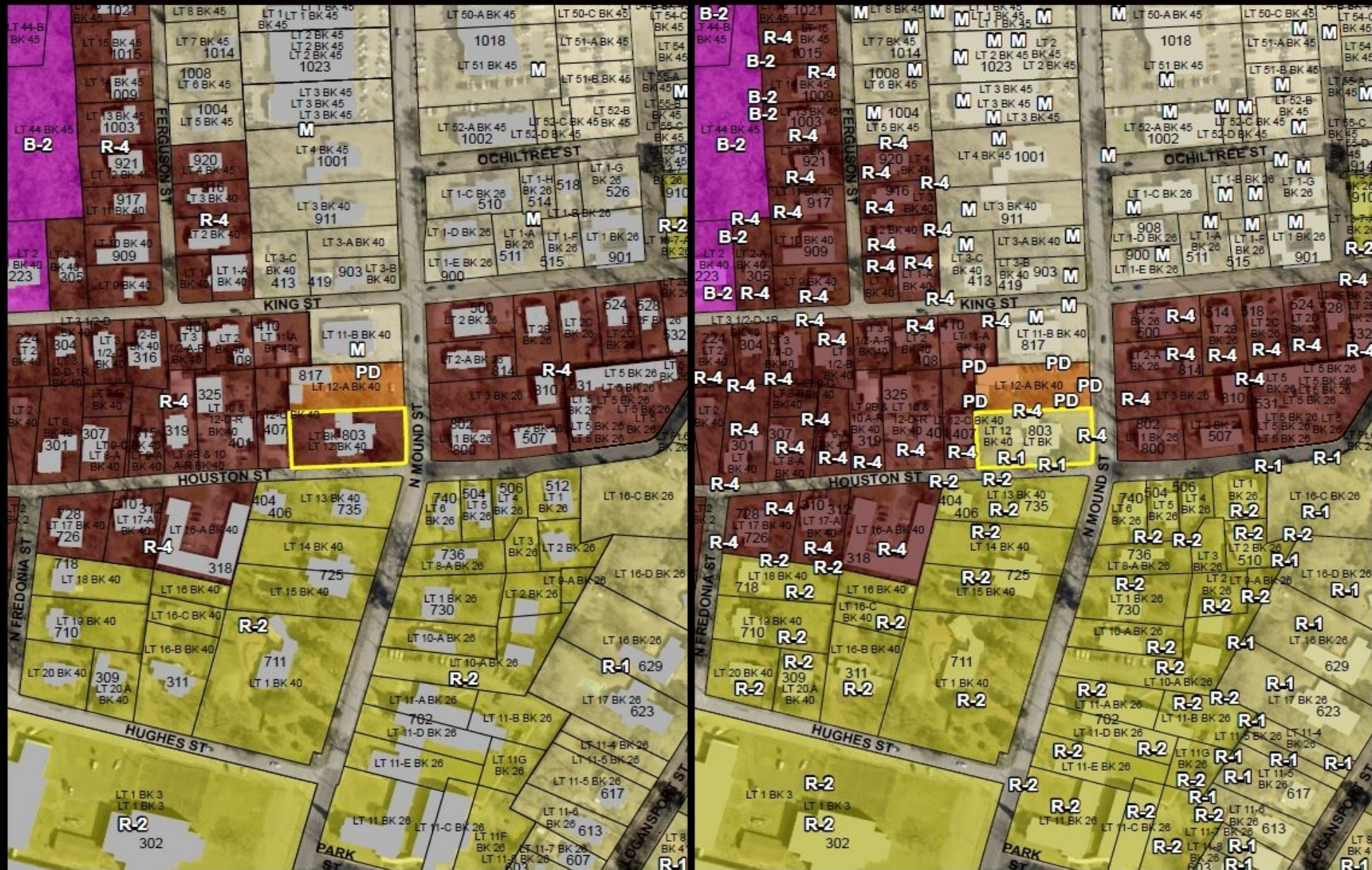
ZON2023-08 Aerial Map



Existing Zoning

ZON2023-08

Proposed Zoning



ZON2023-08 Future Land Use Map



ZON2023-08 – Site Photos

Subject property view from
N. Mound St.



Subject property view
from Houston St.



Commercial property
north of subject property

Duplex east of
subject property

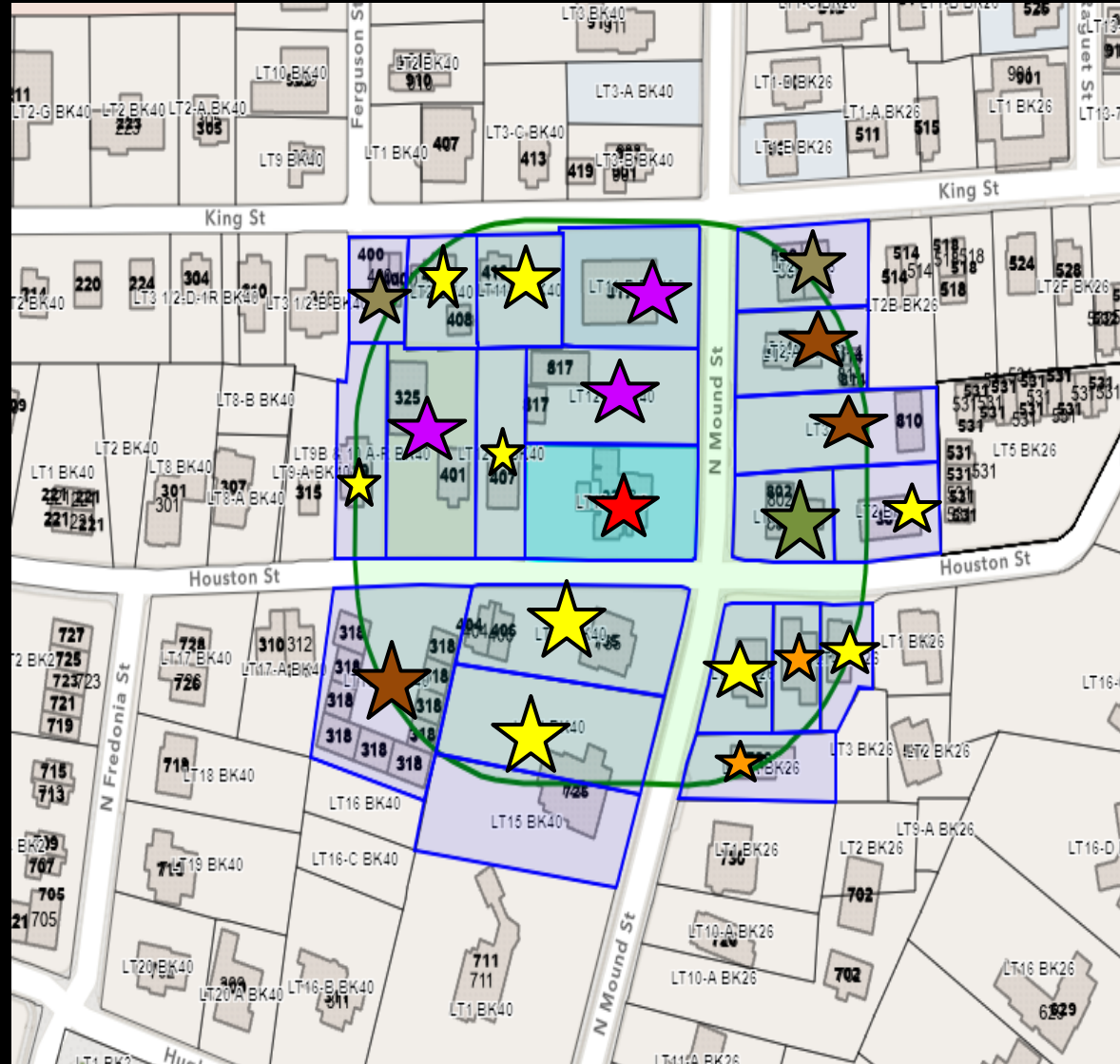
Single family homes south of subject property



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



Conditions for Approval

- (1) Compatibility. The...use will be compatible with and not injurious to the use and enjoyment of...property in the...vicinity, nor significantly diminish...property values within the...vicinity;
- (2) Orderly growth and development. The...use will not impede the normal and orderly development and improvement of surrounding vacant property;
- (3) Supporting facilities. Adequate utilities, access roads, drainage and other necessary...facilities have been or will be provided;
- (4) Drives and parking. The design...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;
- (5) Nuisances. Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
- (6) Lighting. Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;
- (7) Landscaping. Sufficient landscaping and screening to ensure...compatibility with adjacent property exists or will be provided; &
- (8) Comprehensive plan. The proposed use is in accordance with the comprehensive plan.

P&Z Commission Recommendation:

On November 13th, the Commission voted unanimously (5-0) to approve the zone change from R-4 Multi-Family to R-2, Single Family.



Response Form

Project Number: ZON2023-08
803 North Mound Street

You may make your views known by completing this form and returning it to the Planning & Zoning Department. You may also make your views known in person by attending the public hearings. **All response forms and written protest must be submitted no later than Monday, November 13, 2023, at 12:00 p.m. Protests and responses submitted after this deadline will not be accepted.**

Please complete and return the form to:

City of Nacogdoches Planning & Zoning Department
Attn: Aimee Cloutier
PO Drawer 635030
Nacogdoches, TX 75963

You may also email a copy to Aimee Cloutier at pz@nactx.us

Project Number: ZON2023-08

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

Comments:

We have no objection to this request

Signature:

Printed Name:

Street Address:

City, State and Zip Code:

Phone Number:

Email Address:

Physical Address of Property within 200 Feet:

City of Nacogdoches
202 E. Pilar – PO Drawer 635030 – Nacogdoches, TX 75963
936-559-2574 Fax 936-559-2910 www.nactx.us
Home of Stephen F. Austin State University www.sfasu.edu

Rec'd
11/11/2023
@ 3:30 pm
Aimee Cloutier

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING THE BOUNDARIES OF A ZONING DISTRICT WITHIN THE CITY OF NACOGDOCHES FROM R-4, MULTI-FAMILY TO R-2, SINGLE FAMILY FOR APPROXIMATELY 0.5 ACRES OF LAND, BEING LOT 12, CITY BLOCK 40, LOCATED AT 803 NORTH MOUND STREET, LOCATED IN NACOGDOCHES, TEXAS; CONTAINING FINDINGS; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Zoning Ordinance of the City of Nacogdoches allows the City Council to amend the official zoning map; and

WHEREAS, the property described above and depicted in “**Exhibit A**” is currently zoned R-4, Multi-Family; and

WHEREAS, the property owner has requested the zoning classification of said property to be changed to R-2, Single Family; and

WHEREAS, the City Council of the City has conducted, in the time and manner and after the notice required by law and the Zoning Ordinance of the City, a public hearing on such request for change in zoning classification; and

WHEREAS, the City Council now deems it appropriate to grant such requested change in classification.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NACOGDOCHES, TEXAS:

SECTION I

Findings.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct, and same are deemed to be in furtherance of a public purpose.

SECTION II

Approval of Zoning Change

Pursuant to the requirements of Chapter 118 of the Code of Ordinances of the City of Nacogdoches, Texas, a change in Zoning Classification from R-4, Multi-Family to R-2, Single Family is hereby approved by the City Council.

SECTION III

Repeal

This Ordinance shall in no manner repeal, amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting change in Zoning Classification as herein provided.

SECTION IV

Effective Date

This Ordinance shall take effect following its passage and publication as may be required by governing law.

SECTION V

Severability

If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION VI

Proper Notice and Open Meetings

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VII

Filing

The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches, Texas.

PASSED AND APPROVED, this the ____ day of _____, 2023, by a vote of ____ (ayes) to ____ (nays) of the City Council of the City of Nacogdoches, Texas.

CITY OF NACOGDOCHES

By: _____
RANDY JOHNSON, Mayor

ATTEST:

APPROVED AS TO FORM:

RHONDA LEWIS, Deputy City Secretary

JERRY BAKER, City Attorney

APPROVED AS TO CONTENT:

STEVE BARTLETT, Interim City Planner

EXHIBIT A

