



May 13, 2024

Planning & Zoning Commission

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

Some Commission Members may attend via videoconference but a quorum of the Commission 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 in person at the specified location.

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

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. Open Forum: In addition to public comment on agenda items, the Commission offers an open forum whereby citizens may comment on governance issues over which the City of Nacogdoches has domain. In accordance with the Texas Open Meetings Act, members of the Commission shall not discuss, deliberate, or make any decisions on topics not posted as an agenda item. Speakers should address all remarks to the Commission and limit your remarks to no more than 3 minutes.
4. **CONSENT AGENDA:**
All matters listed under the Consent Agenda are considered routine by the Commission and will be enacted by one motion. These items include final plats where staff has found compliance with all minimum subdivision regulations. All items approved by Consent are approved with any and all staff recommendations. Since there will not be separate discussion of these items, citizens wishing to address the Commission regarding one or more items on the Consent Agenda may address the Commission at this time as well. If any Commissioner desires to discuss an item on the Consent Agenda it may be moved to the Regular Agenda for further consideration.
 - A. Approval of Minutes: Consider approval of minutes from the March 11, 2024, Planning & Zoning Commission meeting.
5. REGULAR AGENDA: City Council will receive staff recommendations and public input on the following items, and may deliberate and take formal action on the item.

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



- A. Consideration, discussion, and possible action on items removed from the Consent Agenda by Commission action.
- B. **Public Hearing:** Consider a recommendation to the City Council for a Specific Use Permit for the Distillation of Liquors, Spirits, etc. -Crafts in B-3, Central Business District, on Lot 17, City Block 3, located at 403 East Hospital Street. The applicant is proposing to operate an approximately 1,200-square-foot craft distillery with a tasting room in an existing shopping center. This request has been submitted by Sheri Hatt with Mad Hatter Distillery. Case File SUP2024-02.
- C. **Public Hearing:** Consider a recommendation to the City Council for a Specific Use Permit for Liquor By the Drink for Lots 30, 49, 49-A & 49-B, and Outlot 47-A, City Block 43, as described in a deed dated July 17, 2020, recorded in Document Number 2020-4460 of the Real Property Records of Nacogdoches County, located on the southwest corner of Bremond Street and W. Main Street. This request has been submitted by Brent Ivy with Ivy Gott Property LLC. Case File SUP2024-03.
- D. **Public Hearing:** Consider a recommendation to the City Council for a Specific Use Permit for a Tattoo Salon/Piercing Studio in the North half Lot no Eight (8) in Block Forty-Two (42) of the Robert Berger Subdivision, of the City of Nacogdoches, a plat of which is recorded in Volume 126, Page 432, of the Deed Records of Nacogdoches County, Texas, located at 1203 Douglass Road, Suite 101. The applicant is proposing to use the existing 800 sf building for a tattoo salon. This request has been submitted by Caitlin Stabinski. Case File SUP2024-04.
- E. **Public Hearing:** Consider a recommendation to the City Council for a Zone Change from R-4, Multi-Family to R-2, Single-Family for approximately 1.0 acres, being Lot 12, City Block 41, located at 1102 Logansport St. This request has been submitted by Rudy Bohac. Case File ZON2024-01.
6. City Council Decisions on Planning & Zoning cases: On March 19, 2024, City Council took the following action on the items listed below:
 - A. Approved 5-0: Request for approval of Halfway House in an R-4, Multi-Family District, on Lot 8, Block 3 of the Banita Subdivsion, located at 2019 Pearl Street.
7. Discussion and possible action on future agenda items: A Planning & Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.
8. ADJOURN.



Aimee Cloutier

Aimee Cloutier, Planning Coordinator

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 the Attorney General of Texas at 1-800-252-8011; the City Secretary at (936) 559-2506 or visit the 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 May 8, 2024, by 4:00 p.m. and remained posted until the meeting convened.

Aimee Cloutier, Planning Coordinator



**CITY OF NACOGDOCHES
PLANNING & ZONING COMMISSION MEETING MINUTES
MARCH 11, 2024, AT 5:00 P.M.
REGULAR HYBRID MEETING**

COMMISSIONERS PRESENT: Shannon Conklin; Lily Phou; Ruth Carroll; Margaret Forbes;

COMMISSIONERS ABSENT: Matt Perry;

STAFF PRESENT: Planning Coordinator, Aimee Cloutier; Interim City Planner, Juan Pollette; City Attorney, Jerry Baker; Planning Consultant, Nathan Dietrich (virtual);

OTHERS PRESENT: Applicant, David Rhodes; Fay Rhodes; Misty McLaurin; John Langston; Bob Inselmann; Dennis White; Brad Maule; Vanessa Johnson;

1. **Call to Order:** Chairman Conklin called the meeting to order at 5:05 p.m.
2. **Pledge of Allegiance:** Chairman Conklin led the Pledge of Allegiance.
3. **Open Forum:** Chairman Conklin opened the floor for public comment. The following person spoke under open forum:

Judge Bob Inselmann, the 217th District Court Judge addressed the Commission stating he has been a drug court judge for 12 of the 17 years of his tenure on the bench. He stated he runs the substance abuse felony program and two sober living houses. Judge Inselmann gave background information on the requirements to live in the sober living house, and what kind of offenses residents are not allowed to have.

Ed Pool stated he was the listing agent for the property. He gave the house's history and stated it was used as a similar use previously. Mr. Pool stated the Burke Center housed people who had alcohol and chemical dependencies from 2012 to recently.

Rebecca Kite stated she works with the Christian Men and Women's Job Core in Nacogdoches who work with individuals with addiction issues. Ms. Kite expressed that they would love to work with the applicant and offer their services. Ms. Kite stated there is a need for a sober living house in Nacogdoches, as the city is very underserved and Nacogdoches residents have to find this service out of town.

Misty McLaurin stated she is a graduate of the Christian Women's Job Core and expressed how she had to go all the way to Fort Worth to find a sober living house to begin her recovery process. She went into detail about the expectations of the house she stayed in.

Dennis White stated he owns multiple properties in the area of the requested Specific Use Permit. He stated he was neither in support nor opposition to the request but had concerns and wanted more information.

Patty Miller stated in 2009, Judge Kline saved her life after ordering her to attend a sober living house due to previous drug charges. Ms. Miller is currently a Registered Nurse and said alcohol and drug addiction is a terrible disease and this type of housing would be great for the area and would not pose any danger to the area. She went into detail regarding the strenuous requirements of sober house living and stated multiple residents in Nacogdoches need this type of housing.

John Langston stated he has been in recovery for 26 years and actively takes part in the recovery group in Nacogdoches. He stated before Covid, he helped with the Mantooth sober living house in Lufkin and is in support of the requested Specific Use Permit.

4. **CONSENT AGENDA:** All matters listed under the Consent Agenda are considered routine by the Commission and will be enacted by one motion. These items include final plats where staff has found compliance with all minimum subdivision regulations. All items approved by Consent are approved with any and all staff recommendations. Since there will not be a separate discussion of these items, citizens wishing to address the Commission regarding one or more items on the Consent Agenda may address the Commission at this time as well. If any Commissioner desires to discuss an item on the Consent Agenda, it may be moved to the Regular Agenda for further consideration.

- A. **Approval of Minutes:** Consider approval of minutes from the February 12, 2024, Planning and Zoning Commission meeting.

Commissioner Carroll moved to approve the minutes as written from the February 12, 2024, meeting. Commissioner Phou 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.

There were no items moved to the regular agenda from the consent agenda to be voted on.

- B. **Public Hearing:** Consider approval for a Specific Use Permit to operate a Halfway House in an R-4, Multi-Family District, on Lot 8, Block 3 of the Banita Subdivision, located at 2019 Pearl Street. This request has been submitted by New Hope Communities of Texas, Inc. Case Number 2024-01.

Interim City Planner (ICP), Juan Pollette addressed the Commission and gave a brief recap of the Specific Use Permit (SUP) that was presented and tabled at last month's meeting. ICP Pollette presented the following conditions to go along with the SUP:

- 1) No individual may be allowed to reside at the property if they have had a conviction in the past ten (10) years in one of the following Texas Penal Code felonies:
 - a. Chapter 19- Criminal Homicide
 - b. Chapter 20- Kidnapping, Unlawful Restraint, Smuggling Offenses
- 2) No individual may be allowed to reside at the property if they have ever been convicted of a felony in Chapter 21- Sexual Offenses of the Texas Penal Code

- 3) Submit a quarterly report to the City of Nacogdoches Confirming continued compliance with agreed stipulations with the following information:
 - a. List of individuals (names redacted);
 - b. Full report of the resident's criminal history, current or pending criminal legal matters;
 - c. Admittance date and projected discharge date;
 - d. Any other pertinent information the city may request
- 4) Security Cameras will be installed around the premises;
- 5) Residents will be required to be drug and alcohol tested, cell phones monitored, and a zero tolerance for curfew violations;

After the presentation, there was discussion amongst the Commission and Staff regarding expirations, revoking, and transfers of a SUP.

Chairman Conklin asked if the proposed SUP was restricted to alcohol and drug use and ICP Pollette stated no.

Commissioner Phou requested Judge Inselmann answer some questions from the Commission. There was discussion amongst Judge Inselmann and the Commission regarding the locations of the two recovery houses he runs in Lufkin, the managers on-site, and the programs available. Commissioner Phou stated she recently visited the recovery homes located in Lufkin.

Commissioner Phou and Judge Inselmann discussed the program ADAC concerning their programs and transportation services they provide. There was also discussion regarding liquor stores being near the sober living houses.

Commissioner Forbes stated Commissioner Carroll stated last meeting that the Nacogdoches community is full of different people struggling with types of addiction and it would be a better place if there was a stable environment for them to go and get support.

Applicant, David Rhodes addressed the Commission and discussed the requirements of participation in the recovery home. He also stated the home would only be for alcohol and drug recovery but it is not specifically listed in the SUP. Mr. Rhodes also stated Brazos Transit has a bus stop close to the proposed recovery home for residents who need transportation.

Commissioner Forbes made the motion to approve the SUP worded as Halfway House for Drug and Alcohol abuse with the conditions as stated except for omitting the last ten years and making it permanent for the listed criminal offenses.

Applicant, David Rhodes addressed the Commission and expressed his opposition to permanently excluding residents for certain crimes Commissioner Forbes stated in her motion. He stated he thinks the Commission is being unreasonably restrictive on the requested conditions.

City Attorney, Jerry Baker addressed the Commission and explained in detail the legality of the 10-year rule of evidence.

Judge Inselmann addressed the Commission proposing conditions that he would and not allow in his recovery home.



There was discussion amongst the Commission surrounding the motion presented and the conditions.

Commissioner Forbes went on to strike her motion.

Commissioner Carroll stated the conditions being proposed are making it so hard for people to get accepted into the house. She suggested not allowing any sexual convictions period, and leaving the conditions as they were presented by staff.

Commissioner Phou made a motion to approve the SUP with the name of drug and alcohol in it and omitting all conditions except Chapter 21 of the Penal Code involving sexual offenses.

Judge Inselmann addressed the commission stating how they should word their motion.

Commissioner Phou retracted her motion and offered different scenarios regarding some of the offenses and restrictions.

Commissioner Forbes stated she was swayed by the Judge's statement and that she trusts the applicant and the operations of the proposed halfway house.

Chairman Conklin moved to make the recommendation to the City Council to approve the SUP being limited to drugs and alcohol with the proposed conditions presented by staff but not allow residents that have ever been convicted of a sexual offense in Chapter 21 of the Penal Code and remove assaultive offenses. Commissioner Carroll seconded the motion and was approved unanimously (5-0).

Chairman Conklin adjourned the meeting at 6:13 p.m.

Chairman Shannon Conklin

Attest: Aimee Cloutier, Planning Coordinator

PRESENTER: Juan Pollette, Interim City Planner

ITEM/SUBJECT: Public Hearing: Consider a recommendation to the City Council for a Specific Use Permit for the Distillation of Liquors, Spirits, etc. -Crafts in B-3, Central Business District, on Lot 17, City Block 3, located at 403 East Hospital Street. The applicant is proposing to operate an approximately 1,200-square-foot craft distillery with a tasting room in an existing shopping center. This request has been submitted by Sheri Hatt with Mad Hatter Distillery. Case File SUP2024-02.

OVERVIEW:

The request is for a SUP to operate a distillery with a tasting room at 403 East Hospital Street. Per the Zoning Ordinance, Distillation of Liquors, Spirits, etc. -Crafts are permitted in the B-3, Central Business zoning district with the 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 originally came to the Planning & Zoning Department last year inquiring about opening a craft distillery, but that land use was not listed in the Land Use Matrix. Staff saw this as an opportunity and researched how craft distilleries were integrated in other communities. Utilizing best practices, staff presented an amendment to the ordinance to add a definition, land use (with specific use exceptions), and other requirements outlined for this land use. In April of last year, City Council approved the ordinance allowing this land use by right in I-1 Light Industrial and I-2 Heavy Industrial and with the approval of an SUP in B-2, General Business and B-3, Central Business. Current Texas law allows for sales for on-premise consumption at a distillery with restrictions. The operation is authorized to sell distilled spirits to the ultimate consumer for consumption on the licensed premises (up to 3,000 gallons annually) and for consumption off the premises (up to 3,500 gallons annually, no more than two 750 ml bottles to a person in a 30-day period) in compliance with state and federal law. The applicant is proposing to utilize the existing 1,200-square-foot tenant space located on the northeast corner of East Hospital Street and North Church Street.

Adjacent Land Use & Zoning

The subject property is zoned B-3, Central Business, and is currently vacant. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning District	Current Land Use
North	Central City Mixed-Use	B-3, Central Business	Commercial
South	Central City Mixed-Use	B-3, Central Business	Commercial
East	Central City Mixed-Use	B-3, Central Business	Commercial
West	Central City	B-3, Central Business	Commercial

	Mixed-Use		
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The property is adjacent to a mix of commercial uses such as retail, offices, hotels, and eating establishments. There are also several legal non-conforming single family residential homes to the north in close proximity of the subject property with the closes being approximately 75 feet away. The subject property is not in a historical district, but it is adjacent to the Downtown Historical district to the south and the Washington Historical District to the north.

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 meets the requirement that prohibits the sale of alcoholic beverages (liquor by the drink) within 300 feet of a church, public school or public hospital. This property is located near similar uses such as the Rusty Spur, Fredonia Brewery and the Nine Flags Bar. Staff believes this use is in line with the 2003 Comprehensive Plan by supporting economic development and keeping a vibrant and viable commercial area, and if successful, would add to the tourist attractions in the downtown area.

Orderly Growth and Development: The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property.

The proposed SUP will be located in an existing 1,200-square-foot tenant space and the surrounding properties are fully developed. No new construction is being proposed. The approval of the SUP would not impede the normal development of the surrounding properties.

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

The subject property takes direct access from East Hospital Street, a two-lane collector street that functions as the primary access for the property. The roadway has a 35 foot right of way width and 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 driveways or parking. The existing parking area is adequate for the proposed use. The parking requirements in the B-3, Central Business District state “Off-street parking space for all buildings shall be provided at the ratio of one space for each 2,000 square feet of floor area; provided, however, if the computed number of required off-street parking spaces is less than ten spaces, no off-street parking spaces need be provided.”

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

The proposed use should not create any nuisances to adjacent properties. Solid wastes will be donated to local farmers and liquid wastes will basically be water that can be discarded in the waste water system.

All activities will be limited to the interior of the building and no live music is proposed. Hours of operation will be 2 p.m. to 9 p.m., Monday through Friday, 11:00 a.m. to 9:00 p.m. Saturday and 11:00 a.m. to 6:00 p.m. on Sunday.

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 *Central City Mixed Use* in the Future Land Use Plan (FLUP). This Land Use category is defined 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."

Staff believes that the FLUP designation is consistent with the current underlying B-3, Central Business zoning district. Approval of the SUP will not change the land uses permitted by the B-3 zoning district.

NOTICES:

Staff mailed out nine (9) notices to property owners within 200 feet of the subject property. Since the time of this report, Staff has received one (1) written response in support of the request.

Neighborhood Input:

Staff held a neighborhood meeting for the property owners within 500 feet on April 2, 2024, to discuss and answer questions about the request. Two (2) of the surrounding property owners that live in one of the adjacent single-family homes to the north attended the meeting with concerns about noise from the possibility of live music and outdoor seating in the back of the building. The applicant explained that all business operations would be contained to the interior of the building and no live music was being proposed. The property owners were fine with the proposal.

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 notice sign located on the subject property; notices published on the City's web page and social media platforms; and, mailed courtesy notices to property owners within 500 feet of the subject property.

Staff Recommendation

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

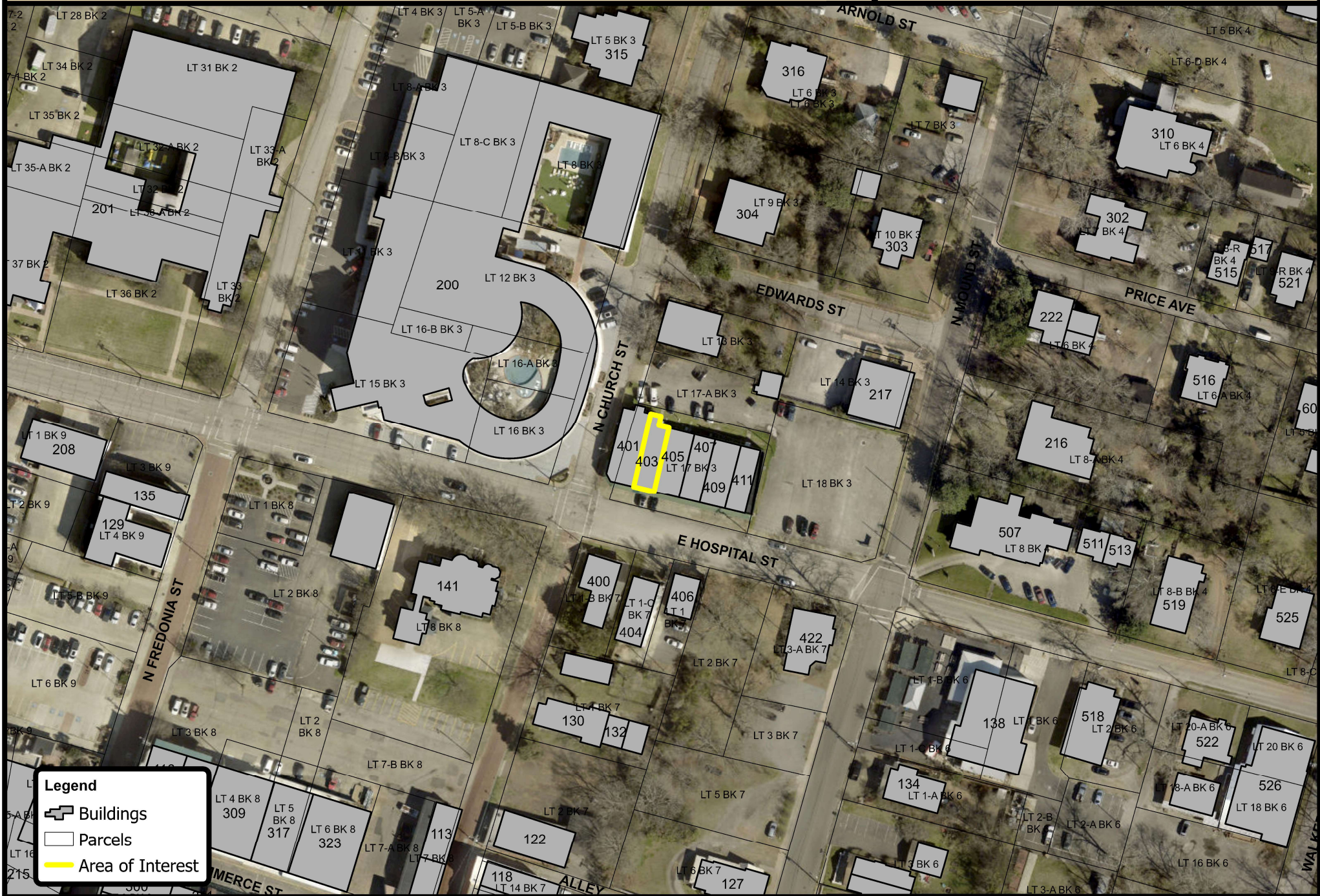
Hours of operation will be 2 p.m. to 9 p.m., Monday through Friday, 11:00 a.m. to 9:00 p.m. Saturday and 11:00 a.m. to 6:00 p.m. on Sunday.

This item is scheduled to be heard by the City Council on Tuesday, May 21, 2024.

CITY CONTACT: Juan Pollette, Interim City Planner
pollettej@nactx.us
(936) 559-2559

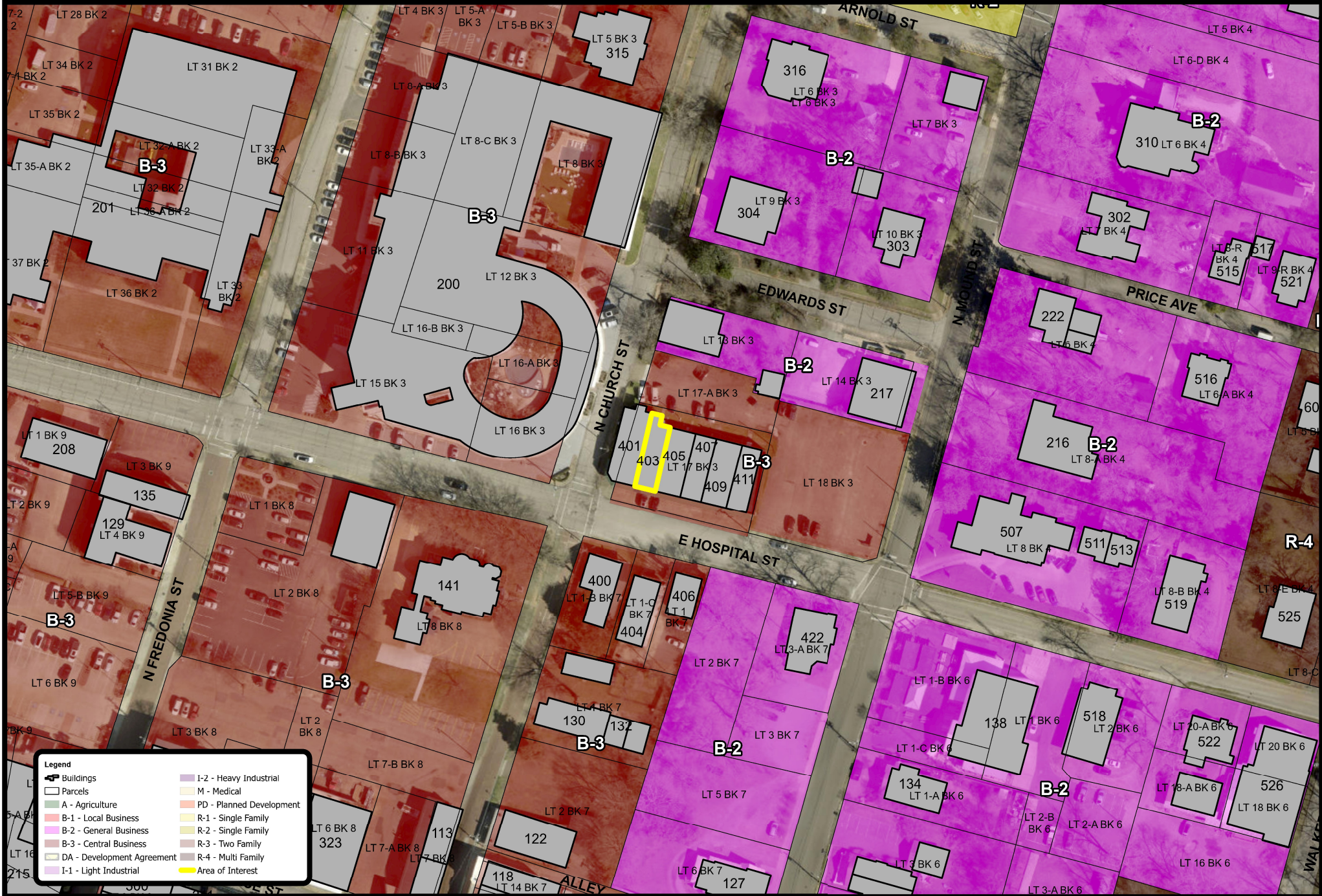
- ATTACHMENTS:**
1. Aerial Map
 2. Zoning Map
 3. Future Land Use Map
 4. Notification Map
 5. Property Owner Consent Form
 6. Site Photos
 7. Response Form

SUP2024-02 Aerial Map



Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

SUP2024-02 Zoning Map



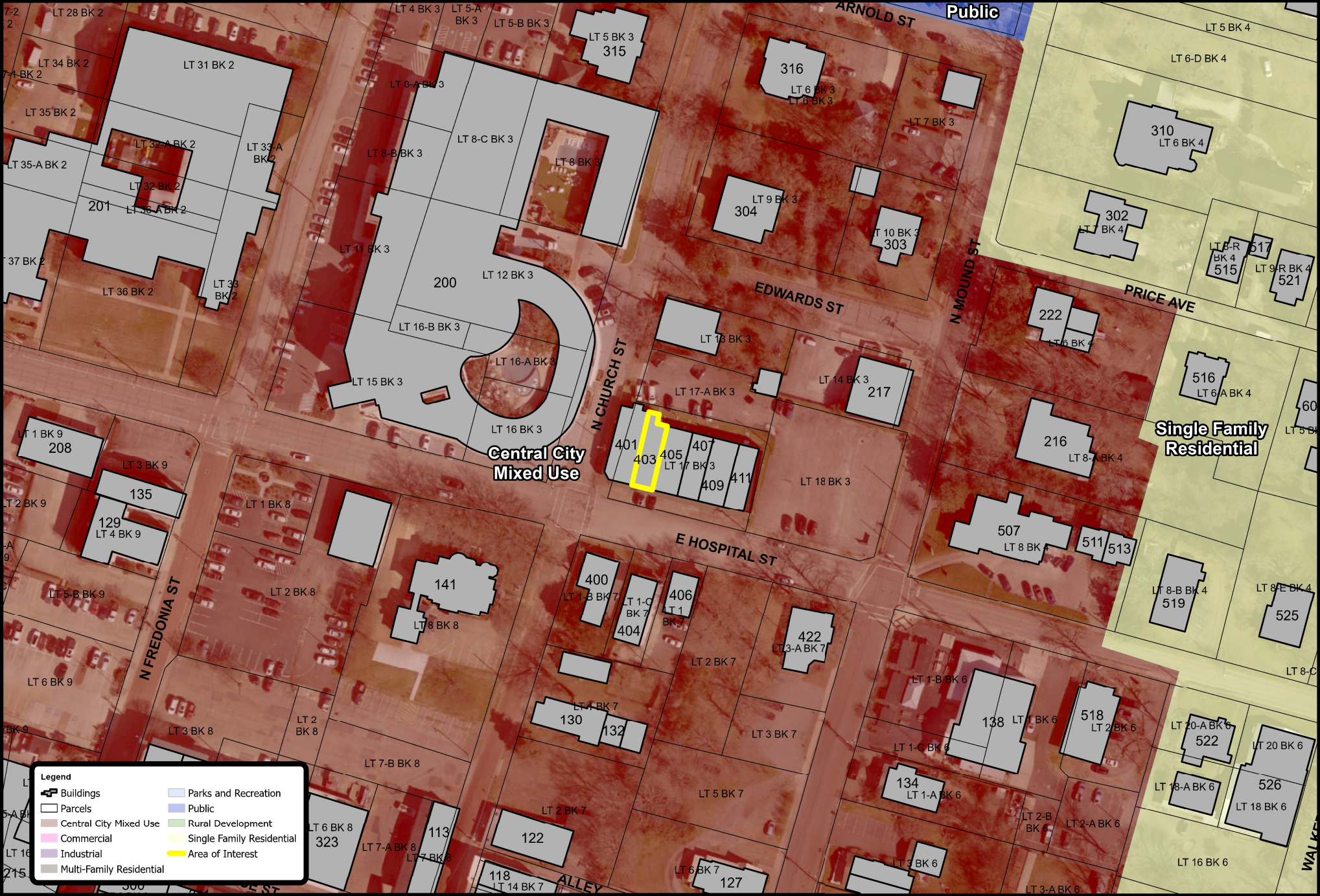
0 50 100 150 200 Feet

Date Created: 04/03/24 | Software: ArcGIS Pro

Notice: This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Nacogdoches
Engineering Department
GIS Division

SUP2024-02 Future Land Use Map



200 Foot Notification Map

SUP2024-0: 403 E. Hospital Street

Legend



200 Foot Buffer



Proposed SUP



Single-Family- Rental



Single-Family- Owner Occupied



Vacant



Multi-Family



Commercial



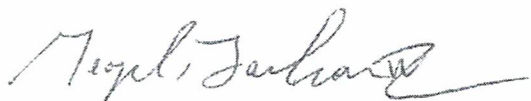
Barham Properties

3/15/2024

City of Nacogdoches,

As landlord and owner of the property located at 403 E. Hospital Street, I am in full support of Sheri Hatt opening a distillery and taste room. She will be occupying our rental space at 403 E. Hospital. Please let me know the date and time of the neighborhood meeting so I may attend.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "George Barham IV", written in dark ink.

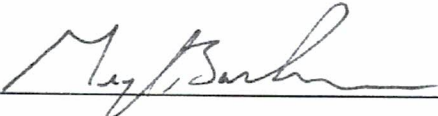
George Barham IV



PROPERTY OWNER CONSENT LETTER FOR SPECIFIC USE PERMIT

I George Barham am the owner of the property located at
(Property owner)
403 E. Hospital, Nacogdoches, Texas. I have granted
(Property address)
Sheri Platt of The Mad Hatter Distillery, consent to
(Applicant) (Applicant's business name)
open and operate a Distillery & Taste Room at this
(Type of operation requiring permit)
location.

Solely for the purposes of the application for a Specific Use Permit, I
designate Sheri Platt as my authorized representative
(Name of applicant)
as provided under the City of Nacogdoches Zoning Ordinance Section
118-137.

<u></u>	<u>3/20/24</u>
Property Owner Signature	Date

Form updated 12/28/2023

SUP2024-02 Site Photos

Subject property view from
E. Hospital Street.





Fredonia Hotel west of
subject property

South of subject property





Bed & Breakfast to the
south

Interior view of Subject
Property



Response Form

Project Number: SUP2024-02

Mad Hatter Distillery- 403 E. Hospital St.

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 protests must be submitted no later than Monday, May 13, 2024, 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: SUP2024-02

Please circle one:

☒ In favor of request

☐ Opposed to request

Comments:

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
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Home of Stephen F. Austin State University www.sfasu.edu

PRESENTER: Juan Pollette, Interim City Planner

ITEM/SUBJECT: Public Hearing: Consider a recommendation to the City Council for a Specific Use Permit for Liquor By the Drink for Lots 30, 49, 49-A & 49-B, and Outlot 47-A, City Block 43, as described in a deed dated July 17, 2020, recorded in Document Number 2020-4460 of the Real Property Records of Nacogdoches County, located on the southwest corner of Bremond Street and W. Main Street. This request has been submitted by Brent Ivy with Ivy Gott Property LLC. Case File SUP2024-03.

OVERVIEW: The request is for a Specific Use Permit (SUP) for Liquor by the Drink. The property is zoned B-2, General Business, and I-1, Light Industrial, and is currently vacant. Per the Zoning Ordinance, should the location at which liquor by the drink is closer than 300 feet from a single-family zoning district, the owner must first obtain an SUP. The subject property abuts R-1, Single Family to the south, therefore a SUP is required. The SUP process allows Staff, the Commission, and the City Council the opportunity to review and impose conditions, if necessary, on such development.

The purpose of the SUP is to develop the property into an indoor/outdoor bar and food service establishment with a family-friendly outdoor recreation area. The applicant is also proposing to accommodate local food trucks.

This request was originally approved by City Council on September 7, 2021. Due to the shortage and rising cost of building materials at the time, the applicant had to postpone the project. Sec. 118-174 of the ordinance states “A specific use permit issued under this section shall be valid for a period of 180 days from the date of issuance and shall become null and void unless construction or use is substantially underway during such 180-day period...”

Adjacent Land Use & Zoning

The subject property is zoned B-2, General Business, and I-1, Light Industrial, and is currently undeveloped. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North (across W. Main St.)	Single Family Residential	I-1, Light Industrial & B-2, General Business	Office & Undeveloped
South	Single Family Residential	I-1, Light Industrial & R-1, Single Family	Vacant & Commercial
East (across Bremond)	Rural Development	I-1, Light Industrial	Industrial

St.)			
West	Single Family Residential	B-2, General Business	Single Family & Undeveloped

The area consists of a mix of zoning districts and land uses, including commercial and industrial development, and a number of legal nonconforming single-family residences located along W. Main Street that are also zoned B-2, General Business and I-1, Light Industrial. The property located immediately to the south is vacant, but was previously developed as an industrial use, taking access from Bremond Street.

STAFF REVIEW:

Per Section 118.173 of the Zoning Ordinance, a Specific Use Permit may be approved if all of the following conditions have been found:

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

The applicant intends to develop the property as an indoor/outdoor bar and food service establishment with a family-friendly outdoor recreation area. The bar and food service area will be approximately 1,500 sq. ft., with 2,500 sq. ft. of outdoor covered seating area. The outdoor recreation area will be approximately 2,000 square feet and will include games such as corn hole, washers, darts, bocce ball, etc. The applicant is also proposing to accommodate local food trucks on the property. The proposed operating hours for this establishment are between 11:00 a.m. and 10:30 p.m. Monday through Sunday.

Common nuisances associated with these types of uses include light and noise that could be generated by music and outdoor activities. These nuisances may have a greater impact when they are located in close proximity to residential areas. Property located immediately to the west of the subject property is currently developed as a single-family residence, as well as properties located farther south along Weaver Street.

The applicant is proposing to mitigate any adverse impacts from the proposed outdoor activities by preserving the existing large trees and vegetated area located along the southern and western boundaries of the property as a natural buffer. This natural buffer will range from 30 to 70 feet in width, and should provide a more effective barrier than would be required by the screening standards found in Zoning Ordinance ***Sec. 118-429. - Commercial sites with residential adjacency***, which requires the installation of a six-foot-tall wooden screening fence and 10-foot landscape buffer

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 properties located immediately to the south include both developed and vacant industrial sites (a portion of which is zoned R-1, Single Family) taking direct access to Bremond Street. Property to the west is zoned B-2, General Business, but is developed as a single-family residence. The SUP should not impede the normal and orderly development of surrounding vacant property.

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

The subject property fronts onto W. Main Street and takes direct access from Bremond Street. W.

Main Street is designated as an Existing Major Arterial in the City's Thoroughfare Plan, and functions as the primary access for the residential and commercial uses in the area. This section of W. Main Street is constructed as a four-lane arterial street, with a right-of-way (ROW) ranging from 65-75 feet, curb and gutter drainage design, and 45 feet of pavement width. The roadway is adequate to accommodate the nature and volume of traffic typically generated by the proposed use.

Bremond Street is a local street that functions as the primary access for commercial uses in the area. Bremond Street is a two-lane curbed street with 60 feet of ROW and 27 feet of pavement width.

The property has access to public utilities, with a 6-inch water main located along W. Main Street, and a 4-inch sewer main that runs along the southern boundary of the subject property.

Additionally, per the FEMA Floodplain Map, there is a portion of the subject property along the eastern boundary that falls within the 500-Year Flood Zone. There are no structures proposed in the floodplain area.

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

The applicant is utilizing the existing driveway and parking lot along Bremond Street with 35 proposed parking spaces. The number of required spaces is forty (40) and the applicant has a parking agreement with the adjacent business to the south for the remaining spaces. All the proposed driveways and parking areas comply with the City's current land development design standards.

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

The applicant is proposing to mitigate any nuisances from light and noise that might be generated by the development by preserving the existing large trees and vegetated area located along the southern and western boundary of the property as a natural buffer. The size of this natural buffer will range from 30 to 70 feet in width..

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

Outdoor lighting must meet the City's lighting ordinance restrictions and will be reviewed at the time plans are submitted, i.e. only down lighting, no spillover lighting onto neighboring properties is permitted.

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

This development will be subject to Zoning Ordinance *Sec. 118-430. - Commercial district landscaping*, which requires the installation of trees to be planted along the street frontage. This development will also be subject to *Sec. 118-429. - Commercial sites with residential adjacency*, which requires the installation of a screening fence and 10-foot landscape buffer along shared property lines where nonresidential sites are immediately adjacent to residentially zoned properties; this standard would only apply to the portion of the southern property boundary abutting R-1, Single Family zoning districts.

The property has a large vegetated area with several large mature trees located along the southern and western boundary lines of the property. In lieu of the fencing and a 10-foot landscape buffer referenced above, the applicant is proposing to preserve this vegetated area as a natural buffer.

This natural buffer will range from 30 to 70 feet in width, and should provide a more effective barrier than would be required by the screening standards found in Zoning Ordinance ***Sec. 118-429. - Commercial sites with residential adjacency.***

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 designates the subject property and the surrounding area as *Single Family Residential*, with property to the east designated as *Rural Development*; this *Rural* designation is likely due to the proximity to Banita Creek and the significant floodplain in this area.

The *Rural Development* Future Land Use category is described as, “Sparsely-populated areas with limited development that are still distinct from more urbanized areas. This typically encompasses relatively large tracts of unsubdivided land used for agriculture, forestry...widely-scattered homesteads...natural open space, or activities not requiring permanent structures or improvements. The *Single Family Residential* Future Land Use category is described as, “Conventional one-family detached dwellings (also includes duplexes).”

The Future Land Use designation is not consistent with the current zoning of the property, as well as the majority of the properties fronting W. Main Street, which are zoned and developed with commercial uses. Approval of the SUP will not change the land uses permitted by the current underlying zoning district.

Staff finds that while the FLUP designation of the majority of the property is not consistent with the current zoning of the property, the request is otherwise in compliance with the Comprehensive Plan.

NOTICES:

Staff mailed 11 notices to property owners within the 200-foot notification area.

NEIGHBORHOOD INPUT:

Staff held a neighborhood meeting for the property owners within 500 feet on February 27, 2024, at 5:30 p.m., to discuss and answer questions about the request. None of the surrounding property owners attended the meeting.

This zoning application was also subject to the additional noticing practices that were approved by the City Council in January 2021. These included: a zoning notice sign located on the subject property; notices published on the City’s Planning & Zoning web page and social media platforms; and, mailed courtesy notices to property owners within 500 feet of the subject property.

At the time that this report was written, there was one (1) response received in favor of the request.

Staff Recommendation

Based on the above findings, Staff recommends approval of the Specific Use Permit with the following conditions:

1. Hours of operation be from 11:00 a.m. through 10:30 p.m., Monday through Sunday.
2. Preserve the existing vegetative buffer as shown in the SUP Exhibit.

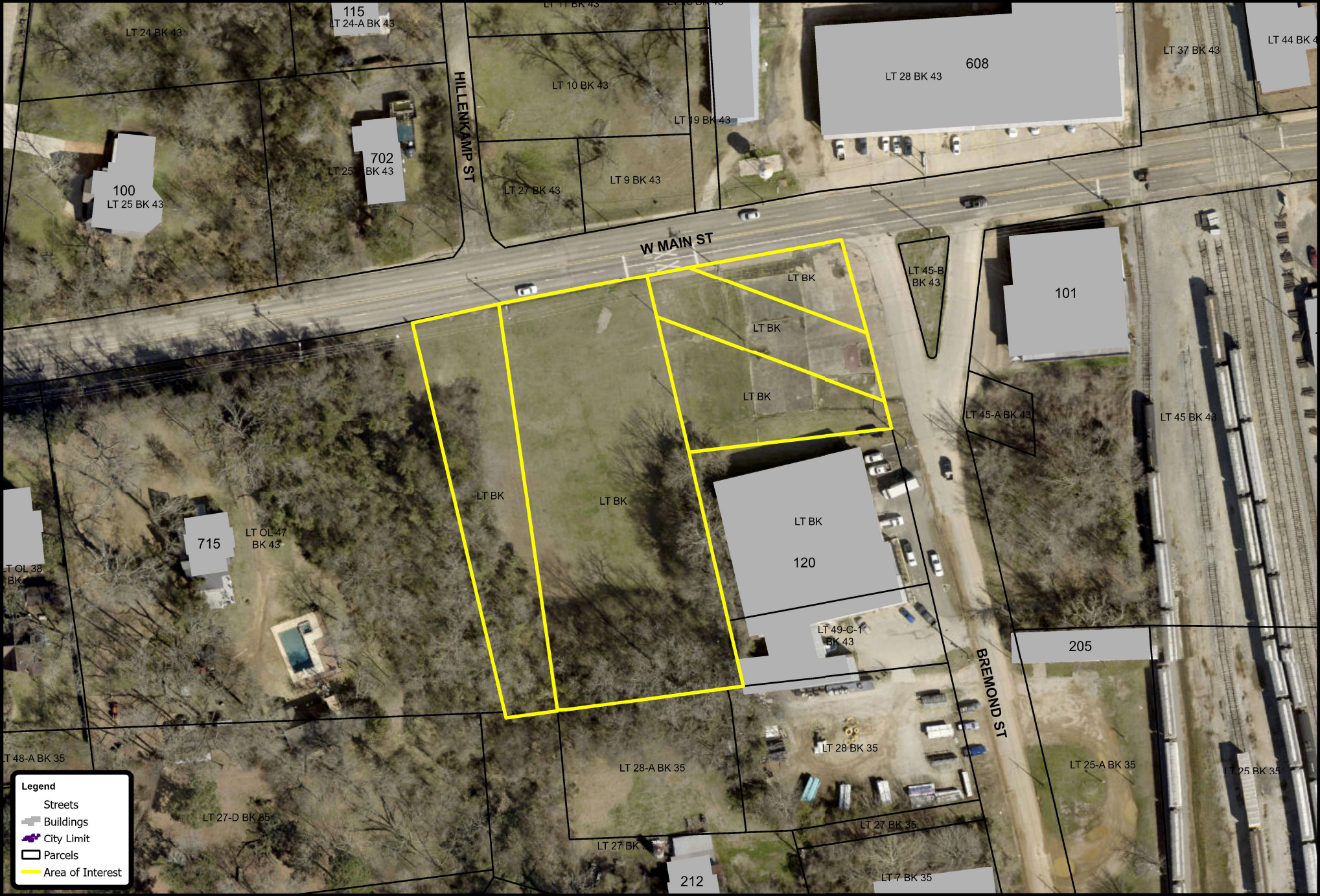
This item is scheduled to be heard by the City Council on Tuesday, May 21, 2024.

CITY CONTACT: Juan Pollette, Interim City Planner
pollettej@nactx.us
(936) 559-2559

ATTACHMENTS:

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Site Plan Exhibit
6. Exterior Elevations
7. Additional Parking
8. Proposal
9. Site Photos
10. Response Form
11. Original Ordinance Approved 2021

SUP2024-03 Aerial Map



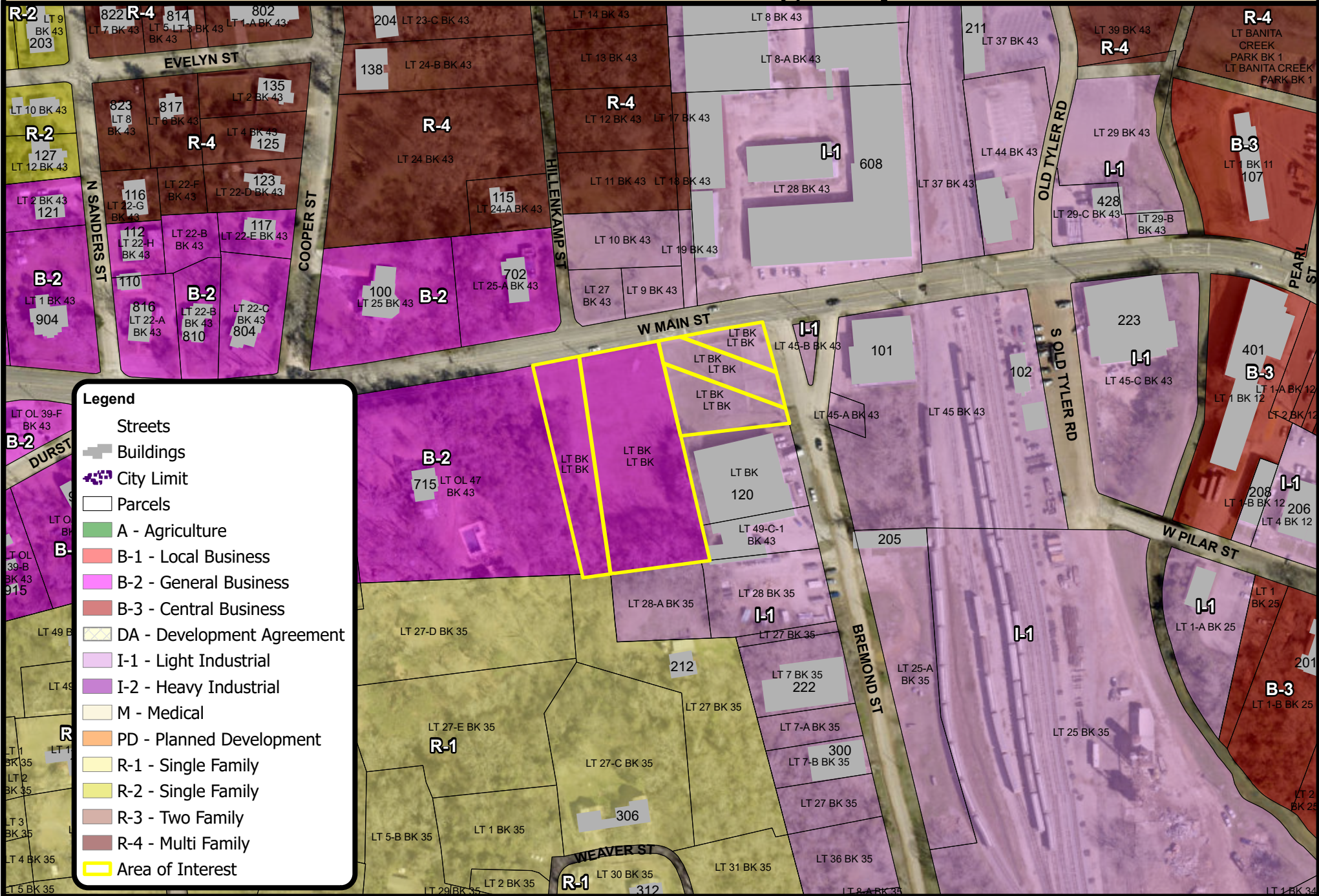
0 40 80 120 160 Feet

Date Created: 05 08,2024 | Automatically Generated | Software: ArcGIS Pro

Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



SUP2024-03 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

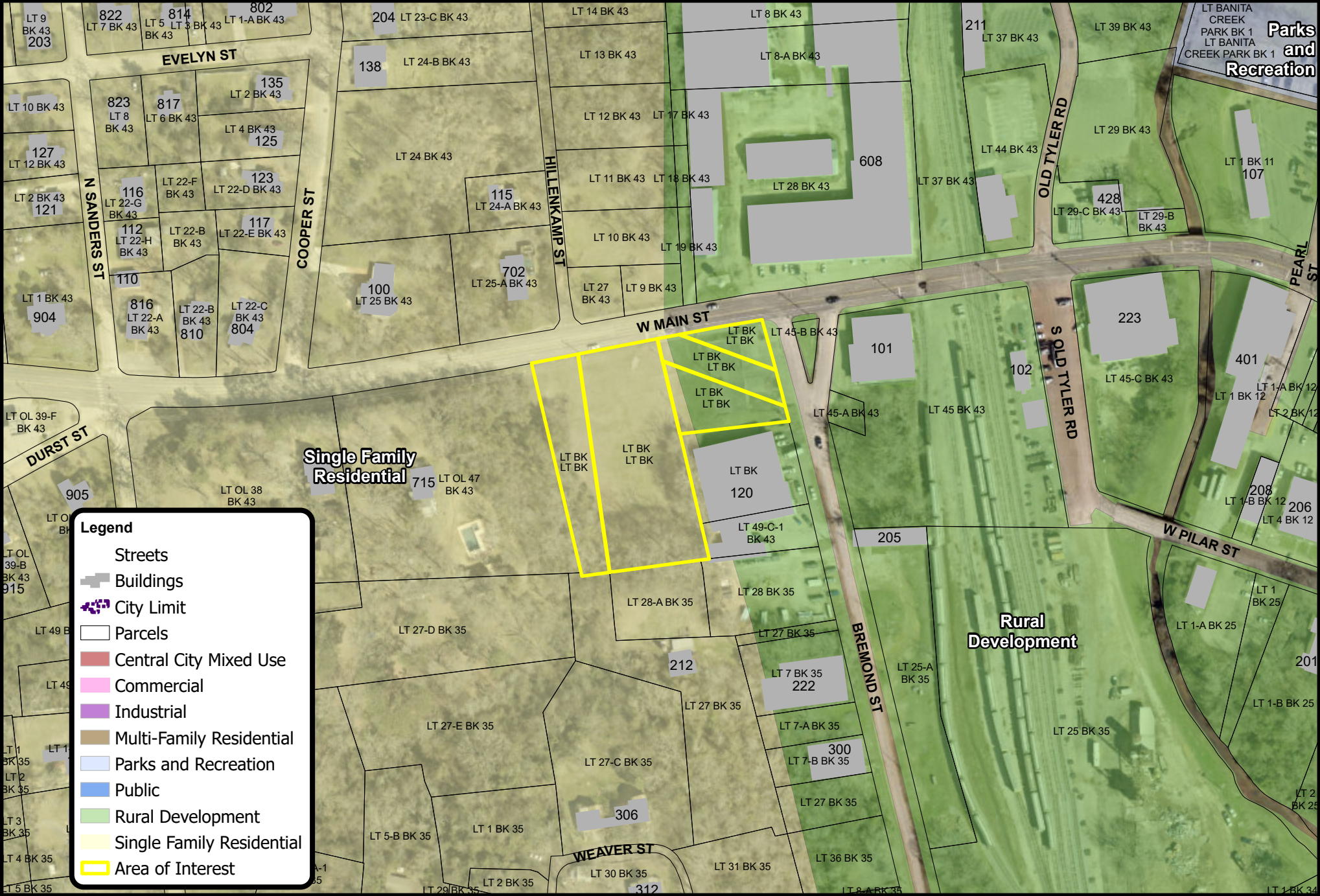


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Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

SUP2024-03 Future Land Use Map



Legend

Streets

Buildings

City Limit

Parcels

Central City Mixed Use

Commercial

Industrial

Multi-Family Residential

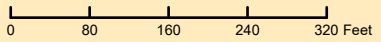
Parks and Recreation

Public

Rural Development

Single Family Residential

Area of Interest



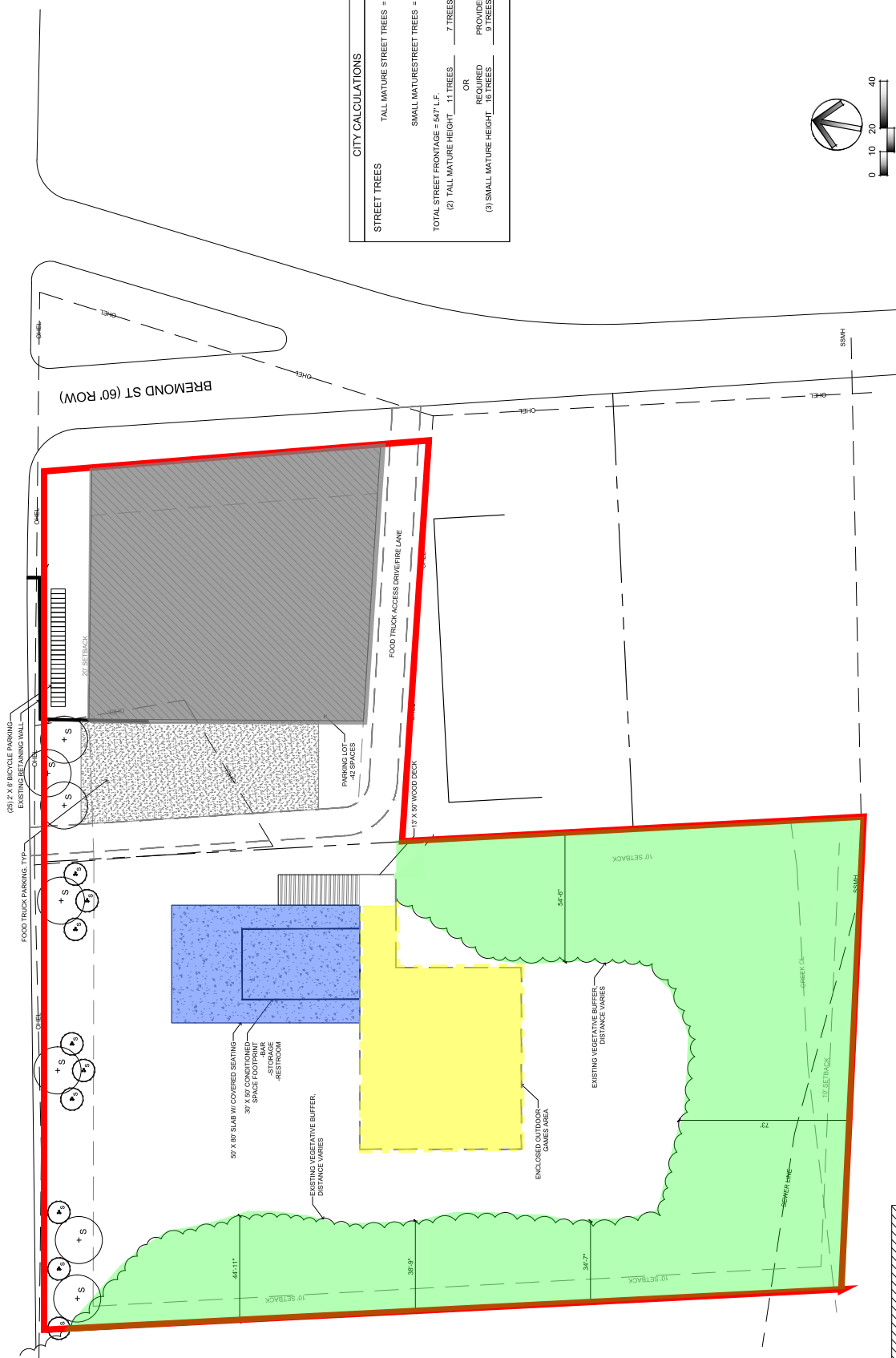
Date Created: 04/09/24 15:22 | Document Generated Automatically

Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





W MAIN STREET (ROW VARIES)



CITY CALCULATIONS

STREET TREES

TALL MATURE STREET TREES = 

SMALL MATURE STREET TREES = 

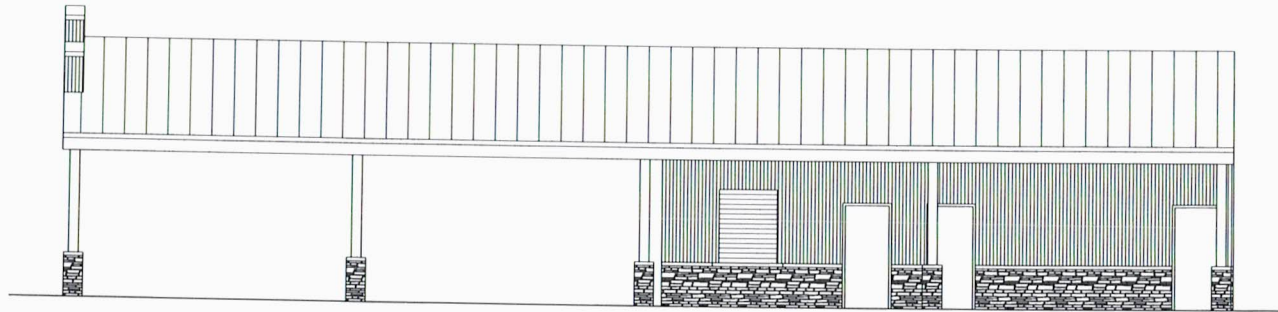
TOTAL STREET FRONTAGE = 47' LF.

(2) TALL MATURE HEIGHT 11 TREES 7 TREES

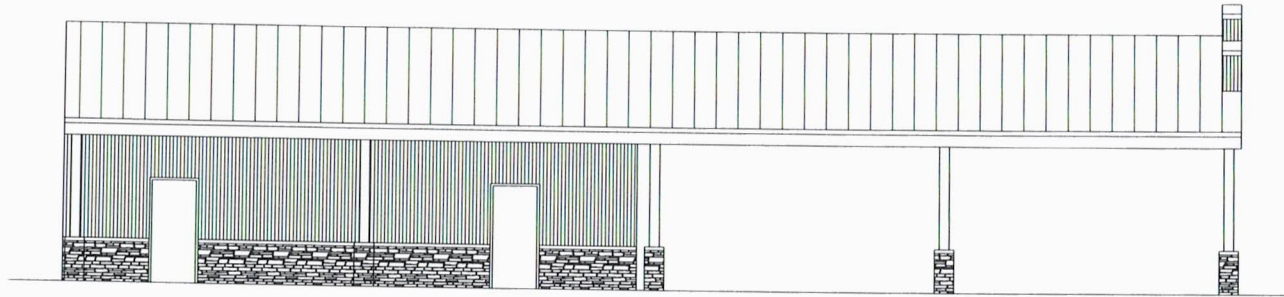
OR

(3) SMALL MATURE HEIGHT 16 TREES PROVIDED 9 TREES

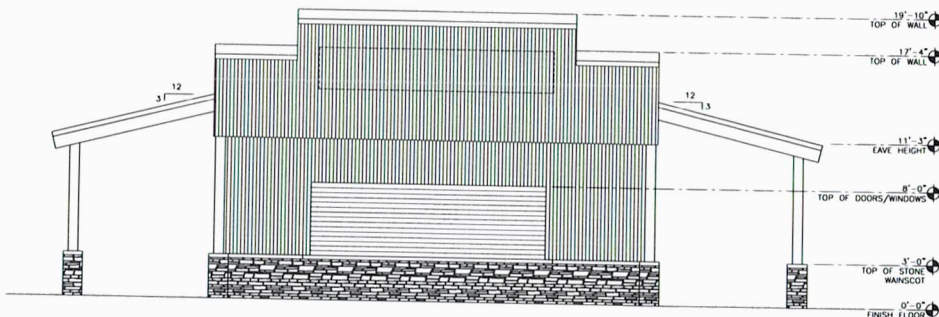
THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY OCCUR BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL



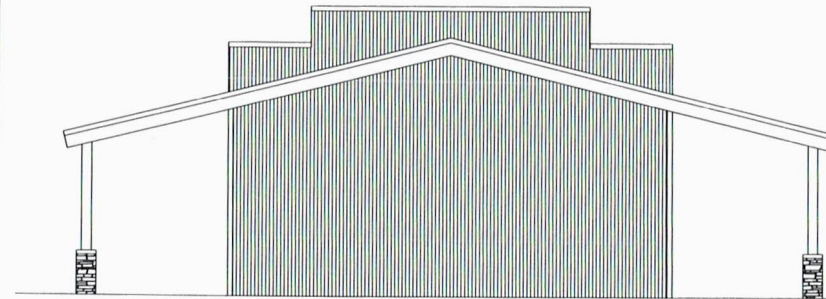
3 ELEVATION
1/4" = 1'-0"



2 ELEVATION
1/4" = 1'-0"



9 ELEVATION
1/4" = 1'-0"



1 ELEVATION
1/4" = 1'-0"

PRELIMINARY - NOT FOR CONSTRUCTION

DATE	BY	CHKD	APPD
1/22/2021			

z design
4622 AVENUE N 1/2
GALVESTON, TEXAS 77551
ph: 936.239.7296 f: 888.958.6693
email: jeremy@myzdesign.com
www.myzdesign.com

PROJECT TITLE
CANTINA 1778
OWNER
GUY GOTT PROPERTIES
LOCATION
NACOGDOCHES, TX 75961
SHEET TITLE
ELEVATIONS

DATE
2021-10-28
DRAWN BY
CHECKED BY

PROJECT NO.
2021-104

SHEET NO.

A2.1



Main Parking Area

Additional Parking

LT 45-B BK 43

101

LT 45-A BK 43

LT 45 BK 43

120

LT 49-C-1 BK 43

LT 28-A BK 35

LT 28 BK 35

212

LT 27 BK 35

LT 7 BK 35

222

LT 7-A BK 35

LT 27 BK 35

LT 27-C BK 35

300

LT 27 BK 35

205

LT 25-A BK 35

300

Specific Use Permit Application

627 West Main Street

"Cantina 1779"

Proposal for Specific Use Permit – CANTINA 1779:

Our vision is to create a family-friendly destination with outdoor seating, where patrons can enjoy multiple options for food and drink (alcoholic and non-alcoholic), regardless of weather conditions. Children and adults can enjoy the outdoor recreational green space (cornhole, washers, darts, bocce ball, etc.). While most of the neighboring properties are businesses that close by 5:00 PM during the week and noon on weekends, there is a residential neighborhood nearby. As such, we intend to operate between the hours of 11:00 AM and 10:30 PM. Since beginning this process nearly three years ago, we have spoken with several residents who live in the vicinity and all expressed support for our plans.

There are many "food truck park" style venues in Texas but very few have the space and selection of food and beverages we plan to offer. Most of these places are in busy urban areas, with little to no green space that is truly kid or pet friendly. Others are in rural areas with no covered area to enjoy food or beverage, and the restrooms are often port-a-potties. In the last few years, we visited multiple food and beverage "parks" around Texas and even one in Belize. We have seen what works—and what does not. In the process we met many proprietors willing to share stories of success and failure, including what they would do differently if given a second chance. We also surveyed mobile food units operating in East Texas and received great feedback to help create a symbiotic relationship. Through many miles, meals, and drinks, we believe we designed the perfect destination for Nacogdoches residents and tourists—Cantina 1779 on El Camino Real.

Here are some examples of breweries, bars, and parks with outdoor seating and dining options:

- Deacon Baldy's – Magnolia (<https://www.deaconbaldys.com/>)
- The Picnic – Austin (<https://www.thepicnicaustin.com/>)
- Moontower Saloon – Austin (<https://lostinaustin.org/listing/moontower-saloon/>)
- The Point – Boerne (<https://parkatthepoint.com/>)
- Street Fare – San Antonio (<https://streetfaresa.com/>)
- True Vine Brewing – Tyler (<https://www.truevinebrewing.com/>)
- Truck Stop – San Pedro, Belize (<https://truckstopbz.com/>)

Property Description:

Approximately 2.17 acres at the corner of West Main and Bremond, with over 500 feet of street frontage. The property is located on the south side of West Main, across from Lone Star Farm & Home Center and next to Moore Supply. The property is "L" shaped, bordering Moore Supply to the north and west. The property is made of parts of several lots, which are zoned general business (B-2) or light industrial (I-1). Part of the property was originally zoned residential (R-1)

but in May 2021, P&Z and City Council approved a zoning change to B-2 based on the proposed development of the property as described herein.

The property's perimeter measures over 1,400 linear feet; with over 375 feet of street frontage on West Main and 150 feet on Bremond. The parcels to the west are zoned B-2 and to the east are zoned I-1. The parcels to the south are zoned mostly I-1, except for approximately sixty (60) feet in the southwest corner that is zoned R-1. Aside from the street frontage on West Main, Bremond, and one side of the parking lot that borders Moore Supply's building, there is a large vegetation buffer of mature trees that ranges in thickness from 30' – 50', which extends even further on the adjoining properties.

The foot of the L, which is on the corner of West Main and Bremond is already paved and will serve as a parking area for patrons and a space for mobile food units (food trucks/trailers) to park. This tract is .60 acres, consisting of parts of LOTS 30, 49-A, 49-B, BLOCK 43 ("Tract 1").

The larger part of the property is rectangular, with the shorter side fronting West Main. This tract is 1.57 acres, consisting of part of LOTS 49, BLOCK 43 and OUTLOT 47-A ("Tract 2"). There is a large, rectangular green space in the middle of the lot. This lot is where the proposed building, seating, and recreational area will be situated.

Property Development (see attached site layout):

Tract 1

Tract 1 is mostly covered in concrete or asphalt but will need to be repaired and resurfaced in some areas. It will be used as the ingress/egress and parking area for patrons. It will also include a separate area for mobile food units to access, park, and sell food items. We intend to offer electrical outlets to the mobile units to eliminate the need for noisy generators.

Tract 2

Most of the development will be on Tract 2. It will be used for seating, dining, and entertainment for patrons. Patrons will be able to purchase food items from the mobile vendors and eat in the seating area on Tract 2. Patrons can also purchase alcohol from a full bar (TABC mixed beverage permit) located on Tract 2. A large, covered slab (approx. 80' x 50') will be used for patron seating. The covered pavilion will also house restrooms, the bar, cold storage, and a commissary kitchen for use by the mobile food vendors.

We intend to have a divided recreational area for patrons to enjoy the outdoors. A smaller enclosed area where patrons can eat, drink, and play outdoor games will be to the south of the building. A larger enclosed area will be to the west side of the building where we hope adults, children, and leashed pets will enjoy the greenspace.

The vegetation buffer of mature trees on the east, south, and west sides of Tract 2 will remain largely intact. We intend to clean out some of the low scrub brush around the edges to minimize bug and pest nesting areas. We will only remove larger trees if they are structurally compromised and present a danger of falling into the areas accessible by patrons. This will also give the property a cleaner look around the edges of the planned development.

Parking:

On-site Parking (36 parking spots)

As illustrated on the site layout, we should be able to put thirty-six (36) car spots on the slab on Tract 1. We can also fit numerous bicycle spots on the property between Tract 1 and 2—for parking spot credits. This results in a minimum of thirty-six (36) parking spots, including two (2) handicap parking spots.

Off-site Parking (by agreement)

Additionally, I have spoken to Moore Supply (next door; Parcel ID 23651) and Morgan Oil (across Bremond; Parcel ID 23257) and both indicated a willingness to share parking with Cantina 1779. Both properties are (1) within the requisite 500 feet for parking agreements and (2) zoned light industrial, which is properly zoned to be covered by a parking agreement. See attached illustrations for location, distance, and zoning.

Moore Supply (18 - 20 parking spots)

Moore Supply told me they have 18 - 20 spots and will give them to us after they close at 4:30 PM during the week and all day during the weekends.

Morgan Oil (40+ parking spots)

Morgan Oil is a much larger open lot (.63-acre rectangle) that does not have an operating business, which will allow for shared parking all day, every day. In looking at Google Earth, roughly 28,000 square feet of the lot could be used for parking (easily more than 40 spots). This is more than twice the size of applicant's parking lot, which holds thirty-six (36) spots.

With parking agreements from the adjacent property owners, there is more than enough parking to meet code requirements.

SUP2024-03 Site Photos

Subject property view from W. Main St.





Lone Star Feed to the
north

Industrial building to
the east





Response Form

Project Number: SUP2024-03

Ivy Gott Property- 627 W. Main 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 protests must be submitted no later than Monday, May 13, 2024, 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: SUP2024-03

Please circle one:

☒ In favor of request

☐ Opposed to request

Comments:

we approve & hope it is granted;
we sold the property to the
applicant who is a reputable person.

Signature:

Bud Wright

Printed Name:

Bud Wright for TFP Nutrition / Texas Farm Products

Street Address:

915 So. Fredonia

Co.

City, State and Zip Code:

Nacogdoches, Tx 75964

Phone Number:

936-560-8201:0

936-554-4455

Email Address:

bwright@tfpnutrition.com

Physical Address of Property within 200 Feet:

608 W. Main St.

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

ORDINANCE NO. 1875-08-21

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, GRANTING AN AMENDMENT TO A SPECIFIC USE PERMIT FOR LIQUOR BY THE DRINK LOCATED WITHIN THE B-2, GENERAL BUSINESS AND I-1, LIGHT INDUSTRIAL ZONING DISTRICT, BEING LOTS 30, 49, 49-A & 49-B, AND OUTLOT 47-A, CITY BLOCK 43, AS DESCRIBED IN A DEED DATED JULY 17, 2020, RECORDED IN DOCUMENT NUMBER 2020-4460 OF THE REAL PROPERTY RECORDS OF NACOGDOCHES COUNTY, LOCATED ON THE SOUTHWEST CORNER OF BREMOND STREET AND W. MAIN 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, Brent Ivy of Ivy Gott Property LLC, filed an application for a Specific Use Permit for Liquor By the Drink on property that is currently zoned as B-2, General Business and I-1, Light Industrial; located at the southwest corner of Bremond Street and W. Main Street, said tract being legally described as Lots 30, 49, 49-A & 49-B, and Outlot 47-A, City Block 43, as described in a deed dated July 17, 2020, recorded in Document Number 2020-4460 of the Real Property Records of Nacogdoches County (the "Property"), and situated within the corporate limits of the City of Nacogdoches, Texas (the "City"), being more particularly described in **Exhibit "A"** and **Exhibit "B"**, 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 Liquor By the Drink (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 Liquor By the Drink.

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 Liquor By the Drink at the above described location, as outlined in **“Exhibit B”**, with the following conditions:

1. The operating hours of the Liquor By the Drink establishment will be from 11:00AM to 10:00PM.
2. The restrictions and noise limits outlined in Zoning Ordinance Section. 118-504. – Noise, will apply to 715 W. Main Street as a residential property.
3. The outdoor stage area will be located along the east side of the bar structure, in order to create a physical barrier between the stage area and 715 W. Main Street.

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 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 7 day of Sept., 2021, by a vote of 4 (ayes) to 0 (nays) of the City Council of the City of Nacogdoches, Texas.



CITY OF NACOGDOCHES

By: _____

JIMMY MIZE, Mayor

ATTEST:

JAN VINSON, City Secretary

APPROVED AS TO FORM:

STEVEN KIRKLAND, City Attorney

APPROVED AS TO CONTENT:

ALAINA HELTON, City Planner

PRESENTER: Juan Pollette, Interim City Planner

ITEM/SUBJECT: Public Hearing: Consider a recommendation to the City Council for a Specific Use Permit for a Tattoo Salon/Piercing Studio in the North half Lot no Eight (8) in Block Forty-Two (42) of the Robert Berger Subdivision, of the City of Nacogdoches, a plat of which is recorded in Volume 126, Page 432, of the Deed Records of Nacogdoches County, Texas, located at 1203 Douglass Road, Suite 101. The applicant is proposing to use the existing 800 sf building for a tattoo salon. This request has been submitted by Caitlin Stabinski. Case File SUP2024-04.

OVERVIEW:

The request is for a Specific Use Permit (SUP) for the operation of a Tattoo Salon/Piercing Studio at 1203 Douglass Road, Suite 101. The property is zoned B-2, General Business, and is situated along a major arterial roadway that runs east to west and passes through the center of downtown. 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 conditions, if necessary, on such development.

The applicant is proposing to utilize the existing 800-square-foot tenant space located at 1203 Douglass Road, Suite 101 offering “hand-poke” tattoos. Hand poke tattoos are created without a machine. Instead, a needle is dipped in ink and then poked into the skin dot by dot. The applicant has proposed that all tattoo services will be by appointment only, with business operating hours from 3 p.m. to 7 p.m., Monday and Tuesday, and 1 p.m. to 8 p.m. Wednesday through Saturday. The Tattoo Salon/Piercing Studio will be closed on Sunday.

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 (Across Douglass Rd.)	Single-Family	B-2, General Business	Commercial
South	Single-Family	B-2, General Business	Residential
East (Across Rudolph St.)	Single-Family	B-2, General Business	Undeveloped & Residential
West	Single-Family	B-2, General Business	Residential

The surrounding areas are zoned commercial and developed with a mix of commercial and several legal non-conforming residential properties due to the area being in a more established area of town that abuts a residential neighborhood. Commercial uses in the area include retail, restaurants, churches, 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 in an established commercial corridor and will utilize an existing 800-square-foot tenant space that fronts Douglass Road. All tattoo services will be by appointment only and business operating hours will be from 3 p.m. to 7 p.m., Monday and Tuesday, and 1 p.m. to 8 p.m. Wednesday through Saturday, closed on Sunday. There are two existing tattoo salons/piercing studios located approximately two miles east of the subject property along South Street. Staff contacted the City of Nacogdoches records department for any prior incidents at those locations and there were none.

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 800-square-foot building. This use will occupy a currently vacant lease space, improving the City's tax base and increasing the vitality 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 Douglass Road, a four-lane major arterial roadway with a 70 foot right of way that functions as the primary access for the property. The property has secondary access from Rudolph Street, a two-lane local street with a 30 foot right of way. The roadways are 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 requiring three parking spaces with 5 spaces provided.

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 1 p.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 *Single-Family* on the Future Land Use Plan (FLUP). This Land Use category is defined as “Conventional one-family detached dwellings (also includes duplexes)”.

The FLUP designation is not consistent with the current underlying B-2, General Business zoning of the subject property. However, this application is not a request for a new zoning district. The requirement for an SUP is required per the existing zoning district and does not have the opportunity of realigning the Comprehensive plan land uses for the area. Approval of the SUP will not change the land uses permitted by the B-2 zoning district.

NOTICES:

Staff mailed out 11 notices to property owners within 200 feet of the subject properties. Staff has received no responses at the time the report was written.

NEIGHBORHOOD INPUT:

Staff held a neighborhood meeting for the property owners within 500 feet on April 9, 2024, at 5:30 p.m., to discuss and answer questions about the request. None of the surrounding community members attended the meeting.

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 notice 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

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

Hours of operation will be from 3 p.m. to 7 p.m., Monday and Tuesday, 1 p.m. to 8 p.m. Wednesday through Saturday, closed on Sunday.

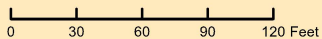
This item is scheduled to be heard by the City Council on Tuesday, May 21, 2024.

CITY CONTACT: Juan Pollette, Interim City Planner
pollettej@nactx.us
(936)559-2559

ATTACHMENTS: 1. Aerial Map

2. Zoning Map
3. Future Land Use Map
4. Site Photos

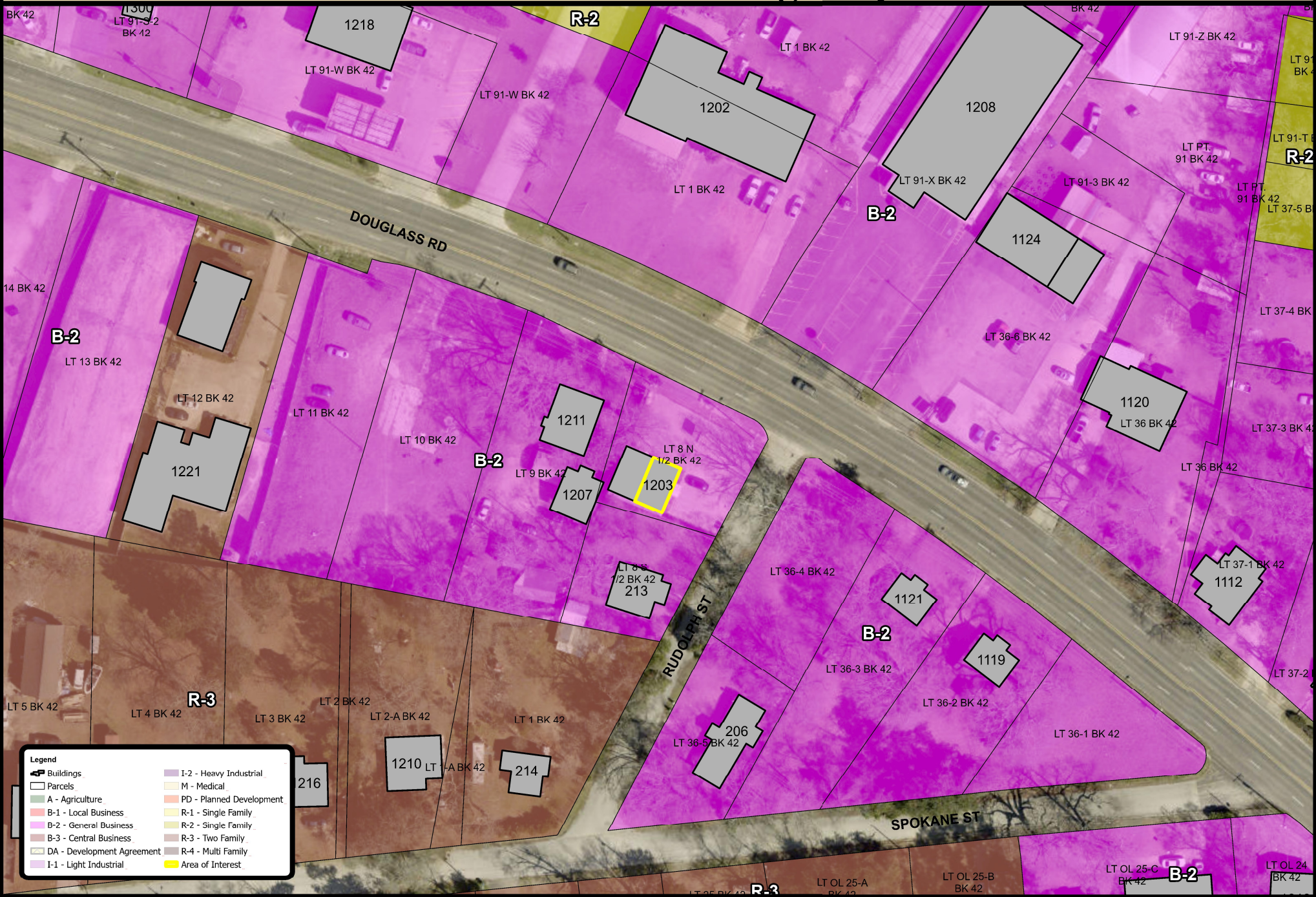
SUP2024-04 Aerial Map



Date Created: 04/10/2024 | Software: ArcGIS Pro

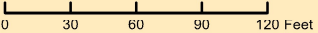
Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

SUP2024-04 Zoning Map



Legend

Buildings	B-2 - General Business	R-2 - Single Family
Parcels	B-3 - Central Business	R-3 - Two Family
A - Agriculture	DA - Development Agreement	R-4 - Multi Family
B-1 - Local Business	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		



Date Created: 04/10/2024 | Software: ArcGIS Pro

Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



SUP2024-04 Future Land Use Map



SUP2024-04 Site Photos

Subject property view from Douglass Highway.



View west along
Douglass Rd.

View north of subject
property

View south along
Rudolph St.

Adjacent SFR west of
Subject Property



PRESENTER: Juan Pollette, Interim City Planner

ITEM/SUBJECT: Public Hearing: Consider a recommendation to the City Council for a Zone Change from R-4, Multi-Family to R-2, Single-Family for approximately 1.0 acres, being Lot 12, City Block 41, located at 1102 Logansport St. This request has been submitted by Rudy Bohac. Case File ZON2024-01.

OVERVIEW: The request is for a zone change from R-4, Multi-Family to R-2, Single Family for Lot 12, City Block 41, located at 1102 Logansport St., consisting of 1 acre. The R-2, Single Family district is a less dense development district than R-4. Lots in this area must be single family detached lots, a minimum of 6,000 square feet or larger.

The property was originally zoned R-2 Single Family, and was rezoned to R-4 Multi-Family in August 2020. Last month, the property owner applied for a lot dimensional variance to develop the property since the property is deficient in the minimum lot depth requirement for any residential district. The request was denied by the Zoning Board of Adjustment. The property is currently developed with a single-family home and its current land use is a rental property. If the zone change is approved, the owner plans to subdivide the property into three single family lots and construct two single-family residences on either side of the existing home.

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	Parks & Recreation	R-2 Single Family	Pecan Acres Park
South	Single Family Residential	R-2 Single Family & R-4 Multi-Family	Single-Family
East	Single Family Residential	R-2 Single Family	Vacant
West	Single Family Residential	R-3 Two Family & R-4 Multi-Family	Vacant & Single Family

The area includes a mix of both low- and high-density residential zoning districts. Surrounding land uses include single-family, vacant land and Pecan Acres Park to the north. There is a mix of R-2, R-3, and R-4 Multi-Family in the area. R-2 Single-family zoning is compatible with the zoning in the area and will not adversely impact the adjacent land uses.

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-2, 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;
Most of the surrounding properties are currently developed except for a few small tracts of land to the west and one large 4.8-acre tract of adjacent land to the east. 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 has four hundred eighty six feet of street frontage along Logansport Street that would function as primary access for the properties.

The roadway is a two-lane local street with a 50-foot right of way and is adequate to accommodate the nature and volume of traffic typically generated by the uses permitted under the R-2, Single Family zoning district.

The property has access to public utilities, with a 4-inch water main and 12-inch sewer main located along Logansport 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 *Single Family Residential*. The *Single Family Residential* FLUP category is described as, “Conventional one-family detached dwellings (also includes duplexes).” And R-2 meets this Comprehensive Plan designation.

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 15 notices to property owners within the 200-foot notification area. Staff has not received any responses in favor or in opposition of the request since the time this report 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

Based on the above findings, Staff recommends approval of a change of zoning for the subject property from R-4, Multi-Family to R-2, Single Family.

This item is scheduled to be heard by City Council on Tuesday, May 21, 2024.

CITY CONTACT: Juan Pollette, Interim City Planner
pollettej@nactx.us
(936)559-2559

ATTACHMENTS:

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Survey with Proposed structures
6. Site Photos

ZON2024-01 Aerial Map



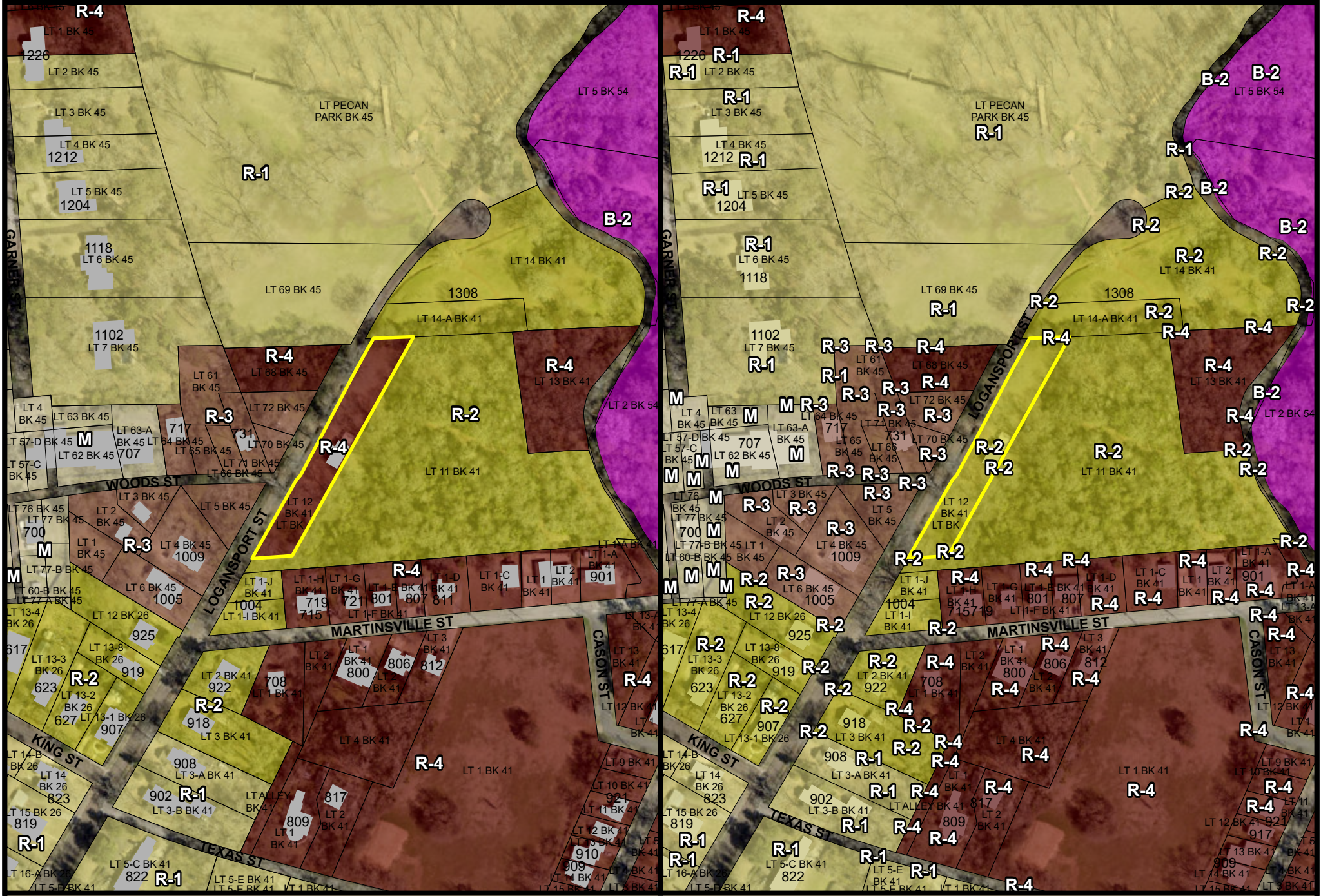
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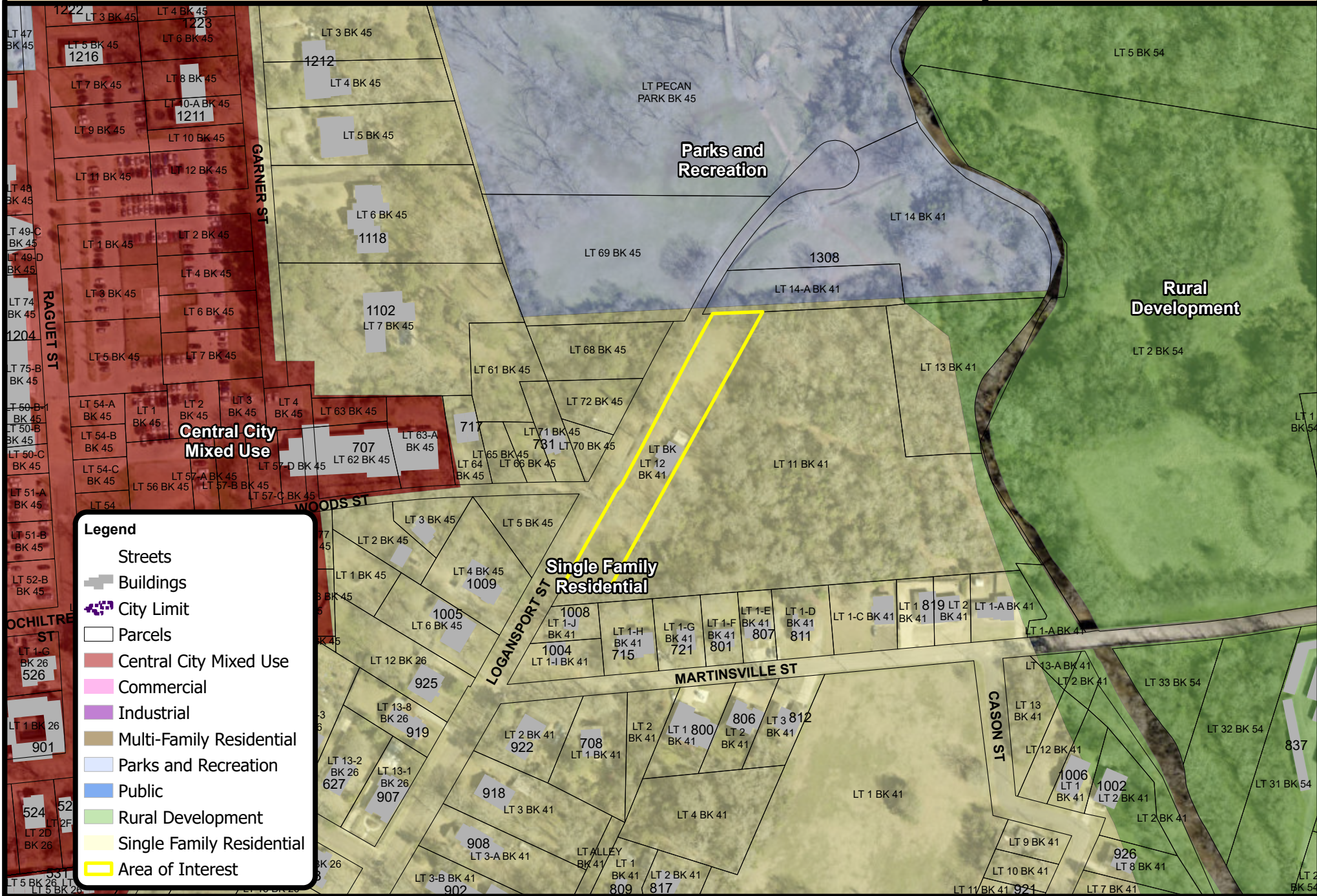
Existing Zoning

ZON2024-01

Proposed Zoning



ZON2024-01 Future Land Use Map

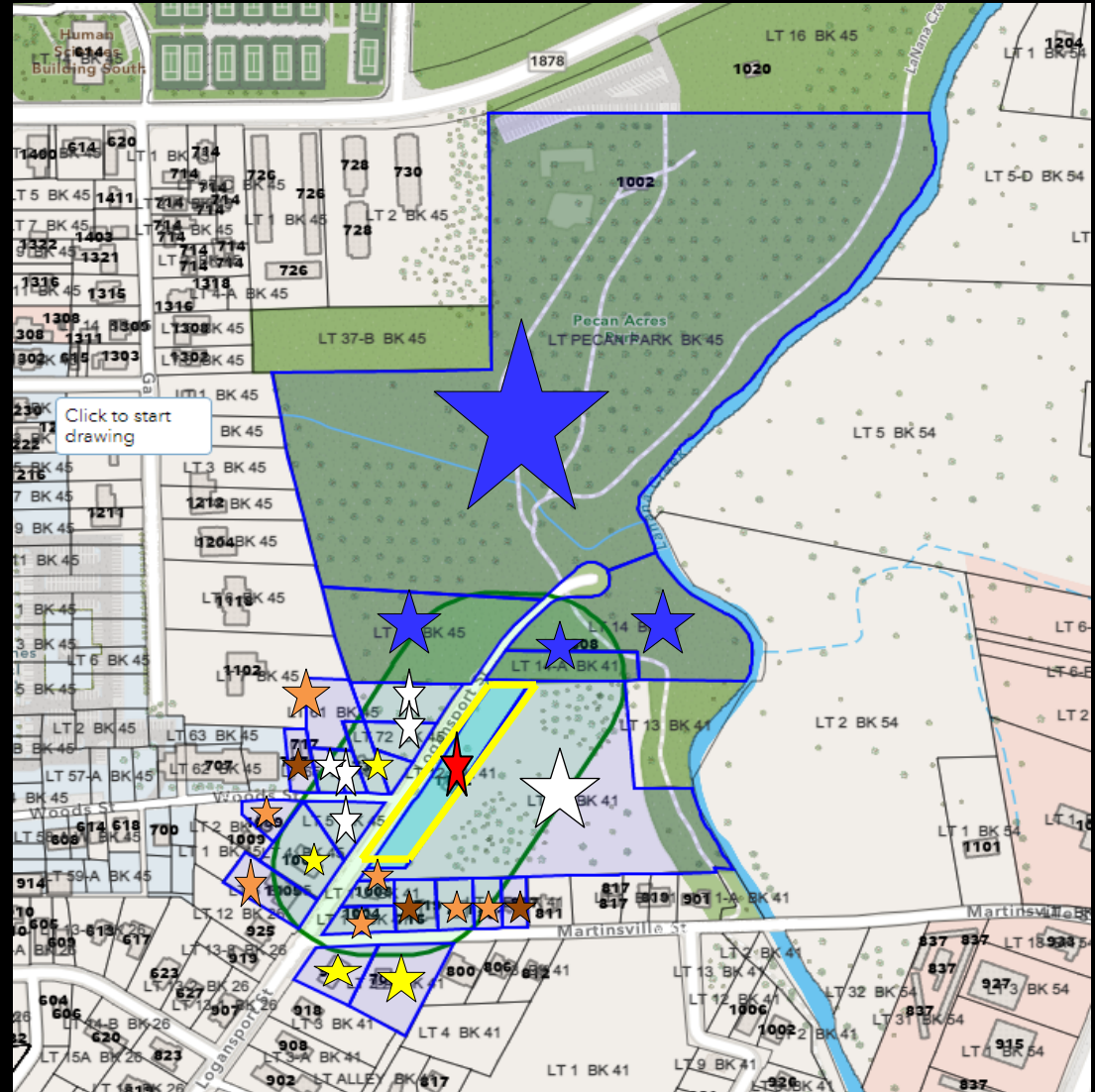


200 Foot Notification Map

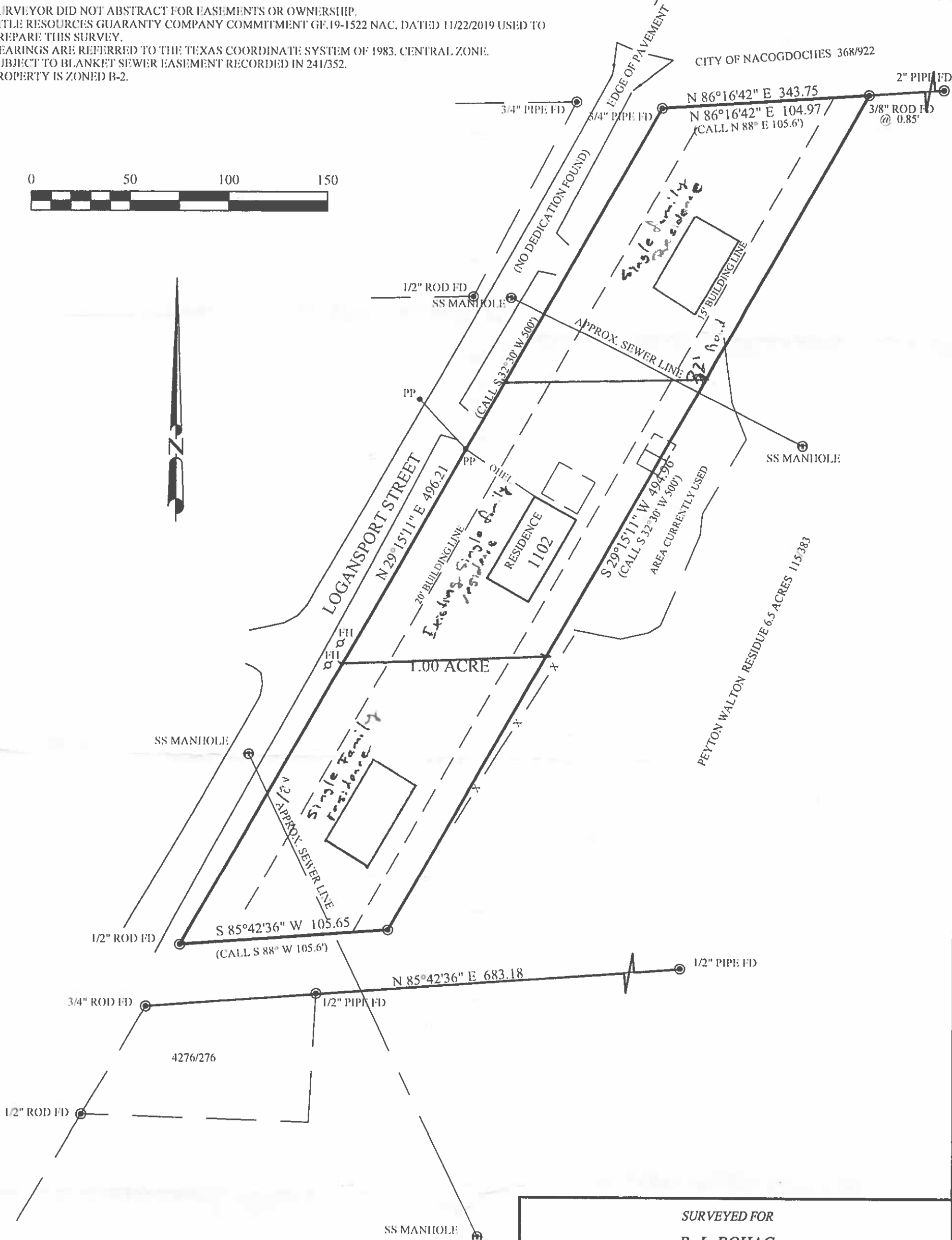
ZON2024-01: 1102 Logansport

Legend

-  200 Foot Buffer
-  Proposed Interpretation
-  Single Family- Rental
-  Single Family- Owner Occupied
-  Undeveloped/ Vacant
-  Duplex Rental
-  Park- City Owned



SURVEYOR DID NOT ABSTRACT FOR EASEMENTS OR OWNERSHIP.
TITLE RESOURCES GUARANTY COMPANY COMMITMENT GF-19-1522 NAC, DATED 11/22/2019 USED TO
PREPARE THIS SURVEY.
BEARINGS ARE REFERRED TO THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE.
SUBJECT TO BLANKET SEWER EASEMENT RECORDED IN 241/352.
PROPERTY IS ZONED B-2.



PRELIMINARY

FOR REVIEW THIS DOCUMENT MAY NOT BE RECORDED
FOR ANY PURPOSE AND SHOULD NOT BE USED
OR VIEWED AS A FINAL SURVEY DOCUMENT

SURVEYED FOR R. J. BOHAC		
N. T. SAMSON & ASSOCIATES FIRM NUMBER 1008 1200		
1001 PARK STREET NACOGDOCHES, TEXAS 75961 PHONE (936) 564-6402 FAX (936) 564-7992		
LOT 12, BLOCK 41 NACOGDOCHES, TEXAS		
REVISIONS		DATE: 1/28/2020
NO.	DATE	REMARKS
		SCALE: 1" = 50'
		JOB NO: 509/118
		SHEET NO. 1 OF 1

Site Photos: ZON2024-01

Street view looking north at
subject property.



Street view looking south
(subject property on left)

