



Notice is hereby given of a Regular Meeting of the Nacogdoches City Council to be held **January 6, 2015, beginning at 5:30 p.m.** in the Council Chambers of City Hall, 202 E. Pilar Street, Nacogdoches, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action.

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

1. Call to order.
2. **PRESENTATIONS AND RECOGNITIONS:**
3. Items to be removed from Consent Agenda.
4. **CONSENT AGENDA:** Items included under the Consent Agenda require little or no deliberation by the Council. Approval of the 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 minutes from regular session of December 16, 2014. (City Secretary)

REGULAR AGENDA:

5. **PUBLIC HEARING:** Consider the request for a specific use permit to construct an accessory apartment in an R-1, Single Family Residential zoning district, for Lots 22 and 23, Block 1, Raguet Reserve Subdivision, City Block 67, located on Deerfield Drive. This request has been submitted by John and Jenell Harkrider. SUP2014-003. (City Planner)
6. Receive presentation regarding accessory apartments. (City Planner)

For the convenience of the audience, the Council may conduct Executive Session deliberation in the first floor conference room, Room 112, of City Hall. Re-opening of the open session for action, if any, on Executive Session items will be in City Council Chambers. Regular Session agenda items appropriate for Executive Session consideration may be moved into Executive Session for deliberation, but not action, upon proper announcement at the meeting by the presiding officer.

7. **EXECUTIVE SESSION:**

- A. Deliberation regarding Economic Development negotiations under Local Government Code Section 551.087 as follows:
 1. Discuss or deliberate regarding commercial or financial information that the City has received from a business projects that the City body seeks to have locate in the City of Nacogdoches and with which the City is conducting economic development negotiations; and
 2. Deliberate the offer of a financial or other incentive to business prospects described by Subdivision 1 above.

8. Open for action, if any, on Item 7-A-1.
9. Open for action, if any, on Item 7-A-2.
10. Adjourn.




Lila Fuller, 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 the Attorney General of Texas at 1-800-252-8011; the City Secretary at 936/559-2504 or visit the City of Nacogdoches web site at www.ci.nacogdoches.tx.us.

The Nacogdoches City Council Chambers are 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 Secretary's office at (936) 559-2504 or FAX (936) 559-2912 for further information.

CERTIFICATION

I certify that the notice of meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas on Friday, January 2, 2015 at 5:00 p.m.

Lila Fuller, City Secretary

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the directory outside of City Hall on the ____ day of January 2015.

Name: _____ Title: _____

ITEM NO. 4-A

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: CONSENT AGENDA: Consider approval of minutes from regular meeting of December 16, 2014.

MEETING DATE: January 6, 2015

CITY CONTACT: Lila Fuller, City Secretary - 559-2504

ATTACHMENTS: Minutes

MINUTES
Regular Session
Nacogdoches City Council
December 16, 2014 – 5:30 p.m.
City Council Room – City Hall
202 E. Pilar Street

DRAFT

Regular Session:

Those Present:

Mayor Roger Van Horn; Council members Shelley Brophy, Roy Boldon, Mike Keller and David Norton; City Manager Jim Jeffers, City Attorney Rob Atherton and City Secretary Lila Fuller.

1. Call to Order.

Mayor Van Horn at 5:30 p.m. A quorum was established.

2. PRESENTATIONS AND RECOGNITIONS:

None.

3. Items to be removed from Consent Agenda.

Mayor Van Horn announced items 3-D and 3-E would not be considered at this time.

4. CONSENT AGENDA: Items included under the Consent Agenda require little or no deliberation by the Council. Approval of the 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 minutes from the regular session of December 2, 2014.

Approved as presented.

- B. Consider abandonment of a portion of an undeveloped alley located west of Burk Street.

Approved as submitted; further described as a 25' wide alley approximately 213 feet in length west of Burk Street and lying between the properties of Bessie Wade and John Anderson.

- C. Consider award of contract to Environmental Systems Research Institute (ESRI) for the site license of ArgGIS software.

Approved in the amount of \$35,000 for a one-year license.

- D. Clarify and/or partially release City sanitary sewer easements possibly affecting the two (2) HEB tracts at the SE and SW corners of the intersection of NE Stallings Drive (Loop 224) and N. University Drive.

Withdrawn from consideration.

- E. Accept easement from HEB as to the City's 12" water line affecting the two (2) HEB tracts at the SE and SW corners of the intersection of NE Stallings Drive (Loop 224) and N. University Drive.

Withdrawn from consideration.

Minutes unofficial until approved by City Council

Council member Keller moved to approve the consent agenda as presented. The motion was seconded by Council member Norton and unanimously passed.

REGULAR AGENDA:

5. Consider Revolving Loan Fund agreement with Etech, Inc.

City Manager Jeffers explained the proposed RLF agreement with Etech, Inc. was a \$350,000 loan over a 10-year term. He stated Etech contracted with Verizon for a campaign that would employ a minimum of 14 jobs, but they anticipated over 20 jobs to be created. Jeffers further explained that if all positions could not be filled in their facility here in Nacogdoches, they would be filled from other locations, but at least 14 were required to be from Nacogdoches and meet the low income requirements.

Mr. Jeffers reviewed with the council the requirements of the revolving loan fund and that it could only be used to make loans to create and/or retain jobs within the community. He stated Etech, Inc. had participated in the RLF program previously and met all requirements of the program.

Rick Klein, comptroller for Etech, Inc., appeared and stated the Verizon campaign was for chat board agents and reviewed the employment parameters.

Council member Keller moved to authorize the city manager to negotiate a RLF agreement with Etech, Inc. in the amount of \$350,000 over a 10-year period to create a minimum of 14 jobs meeting the RLF program criteria. The motion was seconded by Council member Brophy and passed unanimously.

6. Consider resolution supporting the Texas Department of Transportation's (TxDOT) recommendation to upgrade existing US 59 alignment to interstate standards through Nacogdoches, Texas to US 259.

Mr. Jeffers stated TxDOT was recommending the I-69 alignment continue along the US 59 footprint as a result of public input, stating the exact route was not finalized.

Jeffers reviewed the "direct connect" portion that would consist of a flyover where US 59 intersects with South Loop 224 to help alleviate traffic congestion and the timetable for that construction.

Council member Brophy moved to adopt a resolution supporting TxDOT's recommendation to upgrade existing US 59 alignment to interstate standards through Nacogdoches to US 259 as proposed. The motion was seconded by Council member Boldon and passed unanimously. (Resolution No. 1166-12-14)

7. Consider resolution requesting State legislature to permit a local option election to increase road and bridge fees with revenues to fund local share of I-69 right-of-way construction.

City Manager Jeffers explained that right-of way costs for the City and Nacogdoches County were estimated to be over \$21 million. He stated the city and county have received support from Senator Nichols and Representative Clardy to request the legislature to permit a local option election in Nacogdoches County to increase the road and bridge fee from \$10 to \$20 per year to assist with the right-of-way funding facing both entities. He stated the additional fee would generate approximately \$500,000 annually and would be assessed until I-69 was complete through Nacogdoches County.

Jeffers stated the proposition would require a county-wide election.

Council member Norton moved to adopt a resolution requesting the State legislature to permit a local option election to increase the road and bridge fees with revenues to fund the local share of I-69 right-of-way construction. The motion was seconded by Council member Keller and unanimously passed. (Resolution No. 1167-12-14)

8. Consider adoption of an ordinance regulating a no parking zone on Rusk Street from North Street to Pearl Street.

Larissa Philpot, city planner stated staff had received a request for a no parking zone for the block of Rusk Street located between North Street and Pearl Street. She explained the angle and traffic volume for this street warrants the no parking designation. She further explained the angle parking on the east end of Rusk Street would not be affected, only on-street parking.

Council member Boldon moved to adopt an ordinance regulating parking on Rusk Street from North Street to Pearl Street as presented. The motion was seconded by Council member Keller and unanimously passed. (Ordinance No. 1686-12-14)

9. Consider selection process for Convention and Visitors Bureau board members.

City Manager Jeffers presented a staff proposal for the CVB selection process as follows:

- Remove current board
- Appoint 7 new board members
- Establish a selection committee composed of one elected official, the City Manager and the HR Director who will make specific recommendations for CVB appointments by the city council.

The city council discussed how interviews would be held, the importance of the individuals who would serve on the board and the need to not rush through the process.

Jeffers stated that he envisioned the interviews to be held individually and privately, stating that a recommendation would be presented to the city council with a list of names of seven (7) individuals, however all applicant names would be submitted for council consideration.

Mayor Van Horn moved to accept and encourage the proposed process for selection of CVB board members, appointing Shelley Brophy to be the city council representative on the selection committee. The motion was seconded by Council member Keller and unanimously passed.

No Executive Session was held.

10. EXECUTIVE SESSION:

A. Deliberation regarding Economic Development negotiations under Local Government Code Section 551.087 as follows:

1. **Discuss or deliberate regarding commercial or financial information that the City has received from a business projects that the City body seeks to have locate in the City of Nacogdoches and with which the City is conducting economic development negotiations; and**
2. **Deliberate the offer of a financial or other incentive to business prospects described by Subdivision 1 above.**

11. Open for action, if any, on Item 10-A-1.

No action.

12. Open for action, if any, on Item 10-A-2.

No action.

13. Adjourn.

Mayor Van Horn adjourned meeting at 6:20 p.m.

ATTEST:

Mayor Roger Van Horn
City Council
City of Nacogdoches

Lila Fuller, City Secretary

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Public Hearing: Consider the request for specific use permit to construct an accessory apartment in an R-1, Single Family Residential zoning district, for Lots 22 and 23, Block 1, Raquet Reserve Subdivision, City Block 67, located on Deerfield Drive. This request has been submitted by John and Jenell Harkrider. SUP2014-003.

MEETING DATE: December 8, 2014

DESCRIPTION: The applicant has requested a specific use permit to construct an accessory apartment at the time he constructs his home on Deerfield Drive. The zoning ordinance defines as accessory apartment as an "accessory dwelling for the use and occupancy by any person employed on the premises on a full-time basis for domestic or medical help or family members to the second degree of consanguinity and affinity. Such dwelling shall not have separate utility services or meters." The property owners plan to utilize the structure as an apartment for family members. A specific use permit is required in this circumstance, because the property owners wish to include a kitchen in the accessory structure. The zoning ordinance uses the inclusion of a kitchen in a structure to differentiate between a structure's status as a dwelling unit (an accessory apartment is a type of dwelling unit) or a pool house or simple storage building. The rationale behind this is that having a kitchen defines a separate living space. The specific use permit process allows this structure to be constructed as a secondary dwelling unit (accessory apartment) on the lot, and family members to reside in the structure. Without the specific use permit process, only one single family home may exist on the property.

COST: N/A

BUDGET AMENDMENT REQUIRED?: No

<u>FUNDING FROM CURRENT BUDGET</u>				
FUNDING:	Acct. Name & No.	Adopted Budget	Balance	Requested
	N/A			

SCHEDULE: If approved, the request will be effective 10 days after approval.

RECOMMENDED ACTION: The Planning and Zoning Commission unanimously recommended approval of the request. Conditions for approval to be considered (staff comments are underlined):

- (1) 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 home and proposed accessory apartment is to be located two lots containing a total of 0.7 acres. The zoning ordinance requires at least 0.19 acres for each dwelling unit in this zoning district. The addition of a secondary accessory apartment to this large property will not

significantly affect the density of the neighborhood, and thus is compatible with the surrounding properties.

- (2) The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property.
The accessory apartment is a use compatible with the surrounding vacant residential property.
- (3) Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
Utilities and roads already exist. Adequate drainage is addressed by the City's drainage standards.
- (4) 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;
Any new driveways and parking spaces will have to meet the requirements of the zoning ordinance and driveway guidelines.
- (5) Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;
Outdoor lighting must meet the City's lighting ordinance restrictions, i.e. only downlighting, no spillover lighting onto neighboring properties.
- (6) Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided; and
Properties in residential zoning districts are not required to provide any landscaping improvements.
- (7) The proposed use is in accordance with the comprehensive plan.
The comprehensive plan recommends single family use for this property.

CITY CONTACT:

Larissa Philpot, City Planner; 559-2572, philpotl@ci.nacogdoches.tx.us

ATTACHMENTS:

Letter from applicant
Zoning map
Aerial photo

The building plans are available for review in the Planning Department.

November 11, 2014

Re: Request for Specific Use Permit
Lots 22 & 23, Block 1, Raguet Reserve Subdivision
Nacogdoches, Texas

Dear Sirs,

We are requesting a **Specific Use Permit** for the subject property be granted that allows for the installation of a gas/electric stove in the cottage portion of our new home.

In September 2013, we purchased Lots 22 & 23 in the Raguet Reserve Subdivision with the intent of combining the lots and building our home with an adjacent cottage. The main home and cottage are to be connected via a "breezeway", so essentially it's a single structure. The purpose of the design was to allow for my widowed mother to live in the cottage, having some degree of independence yet close for obvious health reasons as she ages. We also had intentions of providing a place for my grandfather, JD Harkrider who at the time was residing at the Fredonia Hotel.

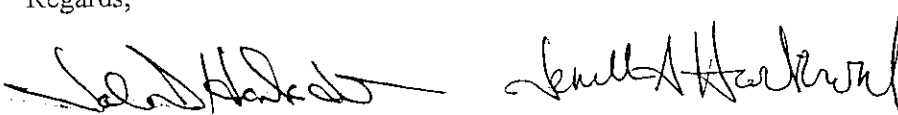
Prior to purchasing the lots, we discussed our intentions with Mr. John Kingham who represented the seller/developer, Kingham Development, LLC. Mr Kingham agreed to our proposal of combining the lots and building a structure that would consist of a main house and a cottage. Before submitting the building permit to the city of Nacogdoches, we shared our architectural drawings with Mr. Kingham and received his approval of our design.

We understand the purpose of the zoning laws and completely concur. We have no intention of sub-letting the cottage at any time. The configuration of the main home and cottage are for private, non-commercial use only.

Thank you for your consideration in this matter. If you have any questions, please feel free to contact me on my cell phone at (303) 570-0889.

We look forward to joining the Nacogdoches community.

Regards,



John D. Harkrider and Jenell Harkrider



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 SUP2014-003

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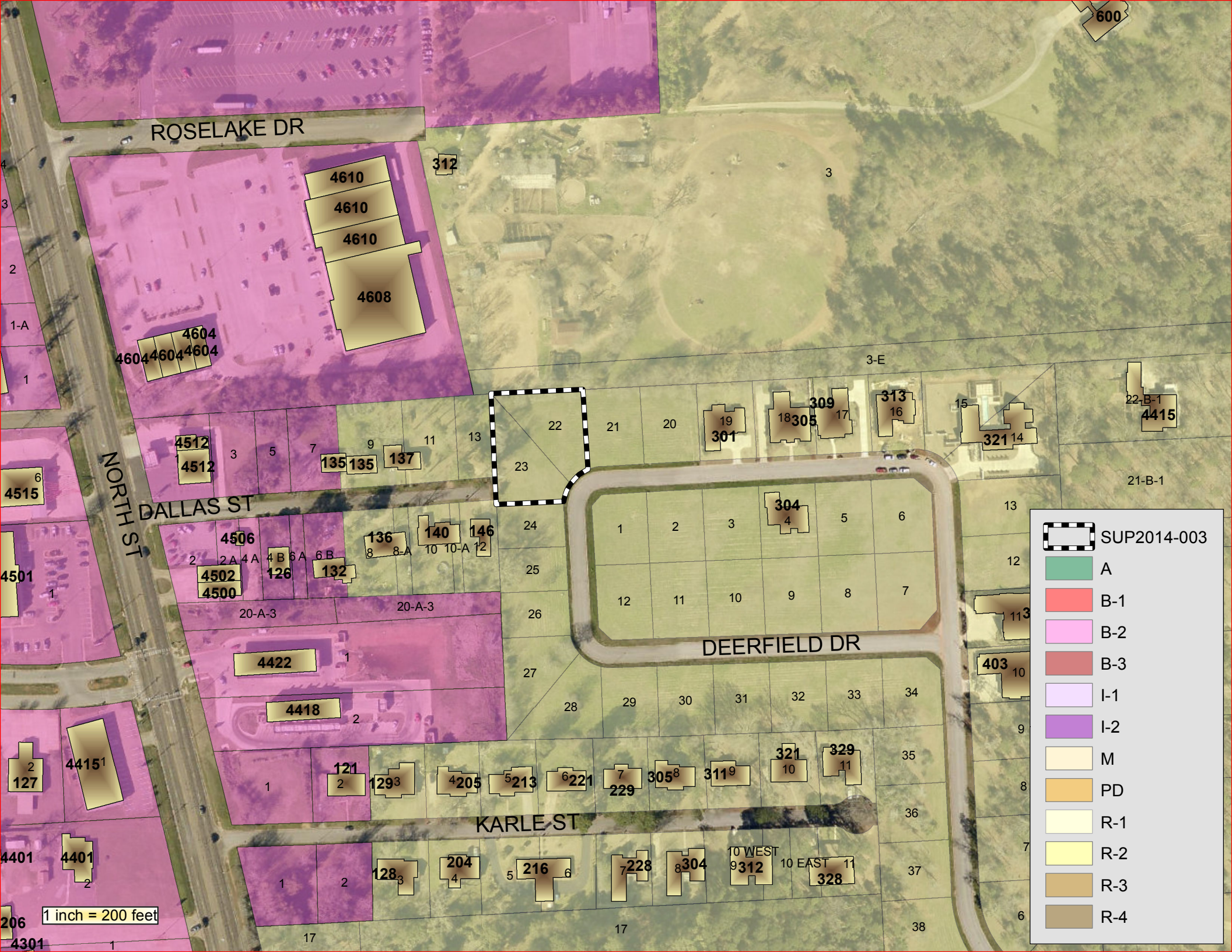
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DALLAS ST

DEERFIELD DR

KARLE ST

SUP2014-003

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- PD
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- R-3
- R-4

1 inch = 200 feet



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CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: Receive presentation regarding accessory apartments

MEETING DATE: January 6, 2015

DESCRIPTION:

In response to several requests for accessory dwelling units, staff would like the Planning and Zoning Commission and City Council to review our current ordinances, to ensure the zoning ordinance effectively addresses this land use.

Accessory dwelling units are known by many names, such as multi-generational homes, granny flats, in-law cottage, garage apartment. The City of Nacogdoches' zoning ordinance simply refers to them as accessory apartments. That term is general enough to contain all the possible architectural forms of this dwelling type (garage, pool house, cottage, etc). The general idea is that it is a secondary dwelling unit, located on the same lot or premises as a primary single family home. The term secondary is an important distinction. The accessory dwelling unit should be smaller than the primary structure and less visible from the street.

There is a long history of accessory dwelling units in the United States. They informally developed as a means of providing housing for family members or domestic employees. They also evolved as a source of additional income for property owners.

As baby boomers age, baby boomer's children delay having children, and new college graduates struggle to find jobs, the demand for smaller dwellings is increasing. Accessory dwelling units can fill this demand affordably.

Currently, the zoning ordinance requires a specific use permit in all residential zoning districts. The ordinance limits accessory structures to 30% of the area of the main house, and also limits the occupancy to domestic employees and relatives of the occupants of the main house. Accessory apartments must utilize the same utility meters as the main house.

Some questions to consider:

- Should accessory apartments be permitted "by right?" That means without a specific use permit. Other limitations may still apply, such as size and occupancy.
- Should the occupancy of accessory apartments be statutorily limited? The initial occupants typically are family members of the occupants of the main house. This regulation is difficult to enforce.
- Should accessory apartment permits be related to the lot size and resulting density? Many requests for accessory structures are for very large lots. The most recent three accessory apartment applications were for lots which were all at least three times the required minimum lot size.

Staff will make a presentation at the meeting, providing information about accessory apartment regulations in other cities.

COST: \$0

BUDGET AMENDMENT REQUIRED?: No

FUNDING FROM CURRENT BUDGET

FUNDING:	Acct. Name & No.	Adopted Budget	Balance	Requested
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N/A

SCHEDULE: N/A

RECOMMENDED

ACTION: Receive presentation. Planning and Zoning Commission received the presentation at their January meeting, and encouraged staff to review San Antonio's ordinance as a model for Nacogdoches.

CITY CONTACT: Larissa Philpot, City Planner; 559-2571, philpotl@ci.nacogdoches.tx.us

ATTACHMENTS: None.