



**PLANNING AND ZONING COMMISSION MEETING**

July 11, 2024 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

**Commissioners Present:**

Chairman Tommy Tolson  
Vice-Chairman Joe Williams  
Alternate Commissioner Sean Alwardt  
Alternate Commissioner John Awezec

**Staff Present:**

City Manager John Whitsell  
City Attorney Courtney Morris  
Development Services Director Joe Hilbourn  
Communications Specialist Joshua Menhennett

**Commissioners Absent:**

Commissioner James Foster  
Commissioner Frank Hise

**City Council Liaison Present:**

Mayor Dusty Kuykendall

**Call to Order**

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The meeting was called to order at 6:30 pm and the Pledge of Allegiance was recited.

Chairman Tolson indicated both alternate commissioners will act as voting members.

**Consent Agenda**

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**1. Consent Agenda:**

- A. Approval of the minutes of the April 11, 2024 Planning and Zoning Commission meeting.**

**MOTION:** A motion was made by Alternate Commissioner Alwardt, seconded by Vice-Chairman Williams to approve the consent agenda. The motion passed unanimously by a 4 to 0 vote.

**Public Hearing**

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- 2. Conduct a Public Hearing and consider a request by Michael Westfall, property owner at 2300 Songbird Trail, ABS A0506 JOHN W KERBY SURVEY, TRACT 34, 4.92 ACRES, Lucas, Texas for a specific use permit to allow a private school in a residential zone of R1.**

- A. Presentation by Development Services Director Joe Hilbourn**
- B. Conduct Public Hearing**
- C. Take action regarding the proposed specific use permit request**

Development Services Director Joe Hilbourn gave a presentation on this item, addressing the location, total land available, layout of the plot, current plans for expansion, and proposed restrictions of an SUP if accepted.

Alternate Commissioner Alwardt asked where the proposed restriction of 40 students came from. Development Services Director Joe Hilbourn advised that he made assumptions based on general standards for a building this size. Alternate Commissioner Awezec asked if the SUP can have a time limit placed on it. Mr. Hilbourn advised that you can, and this request is atypical so the City will elect to impose a time limit. Alternate Commissioner Awezec asked what the plan would be for prepared meals given that the home is not commercial grade. Mr. Hilbourn advised that a commercial kitchen would have to be installed if meals are served.

Chairman Tolson opened the Public Hearing at 6:38 pm.

Michael and Mandy Westfall, 2300 Songbird Trail, advised the Commission on their decision to seek a SUP for their property. Mr. Westfall described that the growth of their homeschooling caused them to have to seek a SUP. The SUP will allow them to operate the homeschool on a wider scale. Mrs. Westfall advised that the plan is to be very small and will likely cause little bother to neighboring residents.

Deborah Jacobs, 1415 Ford Lane, Lucas, spoke in opposition of the item. Ms. Jacobs advised the Commission of a decision made in 2021 regarding land use alignment with the Comprehensive Plan. Ms. Jacobs warned that making a decision in support of the SUP may not meet the goals of the Comprehensive Plan.

Morgan Buchek, 860 Timberwood Lane, Fairview, spoke in favor of the item. Ms. Buchek advised that her daughter will be going to the school in the fall.

Patricia Meehlhouse, 390 W. Forest Grove Road, Lucas, spoke in favor of the item. Ms. Meehlhouse advised that the family has good intentions and have no intention to create large traffic on the road.

Dan and Val Espinoza, 2535 Hendrix Avenue W., Lucas, spoke in opposition of the item. The Espinoza's expressed concern regarding foliage in the fall, noise of Forest Grove Road, and noise increase due to larger student base.

Paul Thomas, 2451 Hendrix Avenue S., Lucas, spoke in opposition of the item. Mr. Thomas stated that they put much time researching and finding their current lot to build a home and an SUP at the location would negatively impact where they live.

Mike Jarboe, 2485 Hendrix Avenue S., Lucas, spoke in opposition of the item. Mr. Jarboe stated that the impact on privacy, risk and liability of the area, and installation of fencing or other barrier would cause an appearance concern.

Becca Novotny, 2680 Hendrix Avenue W., Lucas, spoke in favor of the item. Ms. Novotny advised that the family intends the best for the community and has no intention of making a huge private school.

Aaron De Los Santos, 885 W. Forest Grove Road, Lucas, spoke in favor of the item. Mr. De Los Santos has spoken to the family about their mission and feels they are a strong benefit to the community as a private school.

Kathrin Ondrusek, 1500 Ford Lane, Lucas, spoke in opposition of the item.

Shawn Tolleson, 1031 Country Trail, Fairview, spoke in favor of the item. Mr. Tolleson stated that he believed that this family means well for the Lucas community and that the homeschool will help benefit the community.

Chairman Tolson read the concerns submitted via email of Mayron and Ruth Herrera, 2685 Hendrix Avenue W., Lucas, Andrea Flinchbaugh, 1950 Mary Lee Lane, Lucas, and Ruth DeLeon into the record.

Chairman Tolson closed the Public Hearing at 7:12pm.

Chairman Tolson asked if a fire truck would be able to navigate down the driveway of the property safely. Development Services Director Joe Hilbourn advised that there are other gravel roads in the City that are navigated on by fire apparatus. Mr. Westfall advised that he has had building materials delivered using the roadway and has encountered no issues. Chairman Tolson asked if other adjustments would need to be made under the SUP to gain compliance with non-residential zoning requirements. Mr. Hilbourn advised that is true. Mr. Hilbourn advised that if a new structure is constructed on the property, then a concrete road has to be constructed with an 80,000 pound weight limit.

Development Services Director Joe Hilbourn advised that if there is a change to the main structure of the home then they will have to change the site plan and bring all other aspects of the property up to standards. Mr. Hilbourn advised the Commission that the requested SUP comes as a result of some of the practices that the owners are taking as the school begins to grow past a residential use.

Chairman Tolson asked how many students and staff are expected to be on site each day. Michael Westfall advised that the max would be 40 individuals at a time.

Alternate Commissioner Alwardt asked for clarification on the long-term plan for the property. Mr. Westfall advised that there is no intention to operate the school past his son's graduation. Mr. Westfall advised that all students attending are in the same age group as their children.

Alternate Commissioner Awezec asked for background regarding the decision referred to by Ms. Jacobs. Development Services Director Joe Hilbourn advised that a group asked for an SUP for a special need's facility for residents, of which staff supported the approval of but the Commission denied. Alternate Commissioner Awezec asked if this request conforms with the Comprehensive Plan. Mr. Hilbourn advised that it does match the zoning use chart, and that with an SUP, it would conform correctly to its new assigned use.

Alternate Commissioner Awezec asked why the time limit of two years was created. Development Services Director Joe Hilbourn advised that this allows ample time to test the SUP and decide whether to continue in the future.

Vice-Chairman Williams, Alternate Commissioner Alwardt, and Alternate Commissioner Awezec expressed concern for safety and suitability of the location for the proposed use.

**MOTION:** I make a motion to recommend to the City Council to deny the request by Michael Westfall, property owner of 2300 Songbird Trail, ABS A0506 JOHN W KERBY SURVEY, TRACT 34, 4.92 ACRES, Lucas, Texas for a specific use permit to allow a private school in a residential zone of R1. The motion passed unanimously by a 4 to 0 vote.

## Regular Agenda

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3. **Discuss a request by property owners Robert and Dana Boatright for an amendment to the zoning use chart to permit a residential assisted living facility in a residential area zoned R2.**

Development Services Director Joe Hilbourn gave a presentation on this item, addressing the location, total land available, layout of the plot, and history of changes to the zoning use chart.

Vice-Chairman Williams asked if there was a request for an amendment for assisted living on Estates Road in the past. Development Services Director Joe Hilbourn advised that that request was made in a commercial district.

Bob Boatright, 11 Edgefield Lane, Lucas, advised that they have had intentions to build on the lot for the many years they have lived in Lucas. Mr. Boatright indicated that Lucas Fire-Rescue does not believe there is a threat for fire response at the proposed location they want to build a home.

Deborah Jacobs, 1415 Ford Lane, Lucas, reminded the Commission that the selection of Cornerstone should be applied to this decision to prevent this zoning use being applied for different uses in the future.

Vice-Chairman Williams advised that a past request for an SUP on Estates Road was turned down on the basis that the amount of people who lived in the area could not truly be controlled by the City.

The Commission took no action on making an amendment to the zoning use chart.


**MOTION:** No motion made.

## Executive Session

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4. **Executive Session: There was not an executive session scheduled for this meeting.**
5. **Adjournment.**

Chairman Tolson adjourned the meeting at 7:55 pm.



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Tommy Tolson, Chairman



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Joshua Menhennett, Communications Specialist