



MINUTES

PLANNING AND ZONING COMMISSION MEETING

October 10, 2024 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

Commissioners Present:

Chairman Tommy Tolson
Vice-Chairman Joe Williams
Commissioner Frank Hise
Commissioner Sean Alwardt
Commissioner James Foster
Alternate Commissioner Brian Dale

Staff Present:

City Secretary Toshia Kimball
City Attorney Courtney Morris
Development Services Director Joe Hilbourn

Staff Absent:

City Manager John Whitsell

Commissioners Absent:

Alternate Commissioner John Awezec

City Council Liaison Absent:

Mayor Dusty Kuykendall

Call to Order

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

Consent Agenda

1. Consent Agenda:

- A. Approval of the minutes of the September 12, 2024 Planning and Zoning Commission meeting.**

MOTION: A motion was made by Commissioner Alwardt, seconded by Commissioner Foster to approve the consent agenda with corrections. The motion passed unanimously by a 5 to 0 vote.

Regular Agenda

2. Discuss accessory building regulations in the City of Lucas.

Development Services Director, Joe Hilbourn presented on this item.

Chairman Tolson informed attendees that he plans to consult with Development Services and then gather input individually from each commissioner, as well as any citizens present who wish to share their perspectives on this item, specific to Chapter 14.

Kenneth Cranfill, 2 Hickory Hill, Lucas Texas, 75002, requested that awnings not be included in the calculation of the total square footage for accessory buildings.

Janean McLaughlin, 3 Skyview Drive, Lucas Texas, 75002, expressed support for excluding awnings from the total square footage of accessory buildings. She also recommended that the City impose a size limit of 1,200 square feet for accessory buildings and restrict their use to prevent any accessory structure from serving as a second residence, due to potential stress on the City's infrastructure.

Patrick Coleman, 5 Edgefield Lane, Lucas Texas, 75002, sought clarification on whether he could construct an addition on his two-acre property if the new structure would be located in front of his existing home.

Recommended Changes to Chapter 14:

- **Highlighted** text denotes new additions.
- ~~Strikethrough~~ text denotes deletions.
- **Red** text denotes grammatical adjustments.

Industrial zoning district change:

§ 14.03.472 Building regulations.

~~(a)~~ All drive-through, drive-in and drive-up businesses shall require a specific use permit.

~~(b)~~ All mechanical equipment shall be screened from public view either by landscaping materials or materials that blend with the building.

~~(c)~~ Refuse collection areas shall be screened from public view.

~~(d)~~ Parking and drives to be weather-impervious surface. Parking and fire lanes shall be a minimum of three thousand five hundred pounds per square inch (3,500 psi) concrete of six inches (6") thick with six inches (6") of flex base material compacted to ninety-five percent (95%).

~~(e)~~ Outside storage as allowed by specific use permit.

~~(f)~~ Loading docks to be at rear or side of building and shall be screened from public view or residential zoning districts.

~~(g)~~ A specific use permit shall be required when the total square footage of the principal building and/or any accessory buildings exceeds fifty thousand square feet (50,000 sq. ft.).

~~(h)~~ Replacement of buffering/screening/fencing: all existing buffering, screening, and fencing that is replaced is required to be replaced with materials required by code for new construction. If there is no material listed for the application then the replacement will match existing material for buffering, screening, or fencing, of the item being replaced

(i) Impervious coverage. The maximum impervious coverage shall not exceed sixty-five percent (65%) of the total lot area.

Accessory Building definition change:

Accessory buildings and structures.

Buildings or structures located on the same lot as a dwelling or other principal building, the use of which is subordinate in area, volume, and extent as well as incidental in use to the use of the dwelling or other principal building. An accessory building or use is:

- (1) Subordinate to and serves a principal building or principal use;
- (2) Subordinate in area, extent, or purpose to the principal building or principal use served.
- (3) Contributes to the comfort, convenience, and necessity of occupants of the principal building or principal use served; and
- (4) Located on the same building lot as the principal use served.
- (5) "Accessory" when used in the text shall have the same meaning as accessory use.

§ 14.04.301 Purpose.

The purpose and intent of the accessory building, accessory structures and accessory use regulations is to:

- (1) Maintain neighborhood and community integrity and preserve the existing character of neighborhoods by encouraging compatible land uses.
- (2) Provide the residents of the city the opportunity to use their property to enhance the quality of life and/or fulfill personal objectives as long as the use of the property is compatible with the land uses or character of the neighborhood.
- (3) Assure that public and private services such as streets, water, stormwater drainage, and electrical systems are not burdened by accessory uses to the extent that the accessory usage exceeds that which is normally associated with the principal use of the property.

§ 14.04.302 Accessory buildings, structures, and uses permitted.

- (a) Accessory buildings and structures may be erected, maintained, and used for purposes which are clearly subordinate to the principal building, structure, or use permitted on the premises.
- (b) Accessory buildings, structures, and uses shall be so constructed, maintained, and utilized so that the use of the building, structure or equipment located therein does not produce excessive noise, vibration, concussion, dust, dirt, smoke, odors, noxious gases, heat, traffic, glare from artificial illumination or from reflection of light that may be offensive to persons of ordinary sensibilities that occupy surrounding properties.
- (c) The total square footage of the principal building or structure and any accessory buildings or structures shall not exceed the lesser of fifty thousand (50,000) square feet or thirty percent (30%) of the lot square footage without a specific use permit. Additionally, the total square footage of an accessory dwelling unit (ADU) shall not exceed six hundred (600) square feet without a specific use permit. A specific use permit for an ~~accessory dwelling unit~~ (ADU) in excess of six hundred (600) square feet may be **Ppermitted** by the city council when such property owner can show the following:

(1) Does not contain or support a use inconsistent with the zoning district regulation applicable to the property;

(2) Use of structure does not cause traffic congestion;

(3) Does not support use by any person other than owner or occupant of the principal building, structure, or dwelling; and

(4) That size and mass of the structure is consistent with the surrounding uses.

(d) Except as provided herein, no trailers, containers, commercial boxes or other similar prefabricated containers shall be used as accessory buildings or structures. Exceptions to this subsection (d) are as follows:

(1) Agriculture uses with five (5) acres or more may utilize trailers, containers, or commercial boxes for permanent storage located behind the principal building or structure and completely obscured from public view; or

(2) In industrial and commercial zoned districts, trailers, containers, or commercial boxes for temporary storage facilities may be used for a period not to exceed ninety (90) days total in any one calendar year. Such industrial or commercial temporary storage facilities shall be located behind the principal building or structure and completely obscured from public view. The director of development services may extend the allowable time in thirty (30) day increments up to a maximum of one hundred and eighty (180) days, provided the property owner provides just cause for the extension.

(e) Except in the agricultural use district (AO), accessory buildings shall be built after the principal building or structure is substantially complete. Accessory buildings used for agricultural purposes that may be built before the principal building or structure in AO districts:

(1) Include, but are not limited to: pole barns, livestock barns, riding arenas, implement storage facilities, and loafing sheds.

(2) Shall not contain area(s) designed or intended to be used for human habitation for living, sleeping, cooking and/or eating.

(f) Game/party room, art studio, or pool house may be a standalone structure, attached but not interconnected to the principal building, structure, or dwelling. All areas associated with, or providing support to a Game/party room, art studio, or pool house shall be used in calculating the square footage of the Game/party room, art studio, or pool house. These areas include but are not limited to habitable spaces, closets, halls, corridors, bathrooms, porches, patios, storage rooms, covered vehicle storage areas, utility rooms, and similar spaces. Game/party room, art studio, or pool house shall comply with the following:

(i) In R-2, R-1.5, R-1, ED, and AO zoning districts, a maximum of six hundred (600) square feet. An additional nine hundred (900) square feet may be permitted with a specific use permit. Total area of ADU shall not exceed one thousand and five hundred (1,500) square feet.

§ 14.04.303 Exemptions.

The following accessory structures are exempt from this division:

- (1) Retaining walls;
- (2) Air-conditioning mechanical equipment;
- (3) Uncovered flatwork (such as, but not limited to, patios, sidewalks, concrete pool decking and driveways);
- (4) Playhouses less than one hundred and twenty-five (125) square feet without running water or electricity, playground equipment, tree forts, and similar structures located behind the front of the principal building or structure; and
- (5) Temporary (less than seven (7) days) membrane structures (such as, but not limited to, tents and bounce houses).

§ 14.04.304 General accessory buildings and structures regulations.

In all residential **zoning** districts, accessory buildings and structures shall comply with the following standards except as may be otherwise specifically provided for in this code:

(1) Types of accessory buildings and structures.

(A) Attached accessory buildings and structures. Accessory buildings and structures that are physically attached to a principal building ~~or structure or located less than ten feet (10') from the principal building or structure~~ shall be considered attached accessory buildings or structures.

(B) Detached accessory buildings and structures. Accessory buildings and structures which are physically ~~located ten feet (10') or more~~ **detached** from a principal building ~~or structure~~ and a minimum of ten feet (10') behind the ~~required front setback line~~ **main structure** **principal building** shall be considered detached accessory buildings.

(2) Design.

(A) Attached accessory buildings and structures shall be designed to be architecturally compatible with the principal building, structure or dwelling and constructed of similar materials as the principal building.

(B) Detached accessory buildings shall be constructed of materials designed for construction and have a minimum life expectancy of at least twenty (20) years.

(C) Accessory buildings shall not have spaces for cooking, eating, or sleeping areas except as provided in 14.04.304 (4)

(3) Setbacks.

(A) Accessory buildings:

(i) Front yard setback: Attached accessory buildings or structures shall meet the required setback of the principal building or structure. Detached accessory buildings or structures shall be **set back** a minimum of ten feet (10') behind the rear build line of the principal building, structure or dwelling. A

specific use permit may be **permitted** to allow a detached accessory building or structure to be located in front of the principal building, structure or dwelling in AO and R-2 (Residential 2-acre) zoned districts and shall require a **minimum** three-hundred foot (300') front yard setback.

(ii) Rear yard setback: Accessory building and structures shall have a minimum setback of twenty feet (20').

(iii) Side yard setbacks: Accessory building and structures shall be twenty feet (20') unless the side yard is adjacent to a street. Side yards adjacent to a street shall meet the required side yard setbacks as the principal building or structure.

(iv) Where a build line is established on a plat, which is not consistent with this article, the build line that is the greater distance from the front property line shall be observed.

(v) No required parking shall be allowed within the required front yard setback.

(B) In-ground swimming pools, sports courts, tennis courts and similar uses shall maintain a minimum rear yard setback of ~~twenty-five feet (25')~~ **fifty feet (50')**, a minimum side yard setback of ~~twenty feet (20')~~ **twenty-five feet (25')**. ~~and if the An~~ **An in-ground pool is located** in front of the principal building ~~it~~ shall maintain a **minimum** front yard setback of ~~a minimum of~~ **three hundred feet (300')**. In-ground swimming pool setbacks shall be measured from the inside wall of said pool.

(C) The inside wall of an ~~above-ground~~ **above-ground** swimming pool and any elevated decking associated with an **above-ground** swimming pool shall be located behind the principal building and shall maintain a minimum rear yard setback of fifty feet (50') and a minimum side yard setback of twenty-five feet (25').

(4) Accessory dwelling units (ADUs). ADUs may only be used and/or occupied by the owner/occupant of the principal building, structure, or dwelling unit, their family, invited guests and/or domestic staff. ~~An ADU may be a standalone structure, attached but not~~ **ADU is considered part of the principal building provided it is interconnected to or attached by a breezeway a minimum of twenty feet (20') wide and not greater than twenty-four feet (24') long, the principal building, structure, or dwelling, or be a part of a permitted accessory building.** ADU's may be standalone structures, attached but not interconnected to the principal building, structure, or dwelling, or be part of a permitted accessory building. All areas associated with, or providing support to an ADU shall be used in calculating the square footage of the ADU. These areas include but are not limited to habitable spaces, closets, halls, corridors, bathrooms, porches, patios, storage rooms, ~~and~~ covered vehicle storage areas, **toilet rooms, utility spaces, and similar areas.** The calculation of area associated with an ADU is not intended to include areas of accessory buildings that are isolated and/or delineated for other uses, including but not limited to areas used as a barn, workshop, game/party room, art studio, or pool house. ADUs shall comply with the following:

(A) General regulations for ADUs:

(i) Only one (1) ~~accessory dwelling unit~~ **ADU** may be constructed or maintained on a lot.

(ii) ADUs shall meet the requirements for safety and occupancy of the International Residential Code as adopted by the city from time-to-time.

(iii) ADUs may not be rented, bartered, leased, or exchanged separate and apart from the principal building or structure.

(iv) ~~Detached~~ ADUs that are standalone structures shall be limited to a maximum height of twenty-five feet (25') measured to the peak of the roof of the structure.

(v) ADUs shall have a minimum rear yard setback of fifty feet (50'), a side yard setback of twenty-five feet (25'), and a minimum of ten feet behind the ~~main structure~~ principal building.

(B) Specific regulations for ADU square footage based on zoning district:

(i) In R-2, R-1.5, R-1, and AO zoning districts, a maximum of six hundred (600) square feet. An additional nine hundred (900) square feet may be permitted with a specific use permit. Total area of ADU shall not exceed one thousand and five hundred (1,500) square feet.

~~(ii) In R-1.5 zoning districts, a maximum of six hundred (600) square feet. An additional six hundred (600) square feet may be permitted with a specific use permit. Total area of ADU shall not exceed one thousand and two hundred (1,200) square feet.~~

~~(iii) In R-1 and AO zoning districts, a maximum of six hundred (600) square feet. An additional four hundred (400) square feet may be permitted with a specific use permit. Total area of ADU shall not exceed one thousand (1,000) square feet.~~

MOTION: There was no motion on this item. Chairman Tolson requested a review of the revisions made to Chapter 14 by each Commissioner before presenting to City Council.

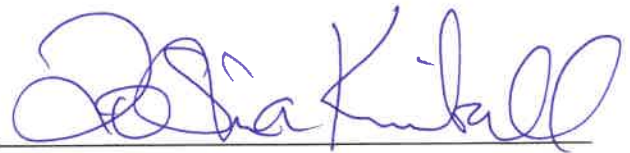
3. Executive Session: There was not an executive session scheduled for this meeting.

4. Adjournment.

Chairman Tolson adjourned the meeting at 7:50 pm.



Tommy Tolson, Chairman



Toshia Kimball, City Secretary

