



City of Lucas  
Planning & Zoning Commission  
Regular Meeting  
July 9, 2015  
7:00 PM  
City Hall – 665 Country Club Road  
Minutes

Call to Order

Chairman Rusterholtz called the meeting to order at 7:00p.m.

**Present:**

Chairman, Peggy Rusterholtz  
Vice Chairman, David Keer  
Commissioner, Andre Guillemaud  
Commissioner, Joe Williams  
Commissioner, Brian Blythe  
Alternate Commissioner, Scott Sperling

**Staff:**

City Manager, Joni Clarke  
Development Services Director, Joe Hilbourn  
City Secretary, Stacy Henderson  
City Attorney, Joe Gorfida

**Absent:**

Alternate Commissioner, Kevin Wier

**Council Liaison:**

Mayor, Jim Olk

It was determined that a quorum was present. Everyone was reminded to turn off or silence cell phones and Commissioner Sperling led the Pledge of Allegiance.

Public Hearings

1. **Consider the request by Brian Reed on behalf of M. Christopher Homes for approval of a specific use permit for a refueling station for the property located at Lot 2 of the Forest Grove Addition, more commonly known as 2710 Country Club Road.**

Chairman Rusterholtz announced that M. Christopher Homes had submitted a written request to have their item withdrawn from the agenda and no public input would be taken.

2. **Consider the request by Robert Kubicek for approval of a zoning change request from R-2 to C, Commercial Business for a parcel of land situated in the Jas M Snider Survey, Abstract A0824, Tract 34, being all of 2.333 acres, also known as 2205 Estates Parkway.**

Development Services Director Joe Hilbourn gave a presentation stating the property was annexed in 2005 and had an existing storage building on site making the parcel legal non-conforming with the district requirements. Since 2005, additional self-storage buildings have been added to the property without permits. The additional storage buildings placed on site without building permits changed the classification of the property to illegal non-conforming.

Mr. Hilbourn stated in order for the property owner to continue running the self-storage business with the additional buildings, the property must be rezoned from R-2 to Commercial. If the rezoning is approved, building permits would be required; however, should the request be denied, the buildings must be removed.

Commissioner Guillemaud asked if the additional storage buildings met current code requirements.

Mr. Hilbourn stated that the self-storage buildings and driveways did not meet code requirements and one building was located over an existing water line easement.

Chairman Rusterholtz opened the public hearing at 7:07pm.

Susan Oliver, 2080 Claremont Drive asked if the property was zoned commercial, would any business be allowed at this location.

Chairman Rusterholtz stated that once the property was zoned commercial, any allowable commercial use within that zoning district could locate on the property.

Diane Dercks, 820 Maplewood Lane, asked that should the City rezone this property commercial, that landscaping requirements be enforced to shield any residential property from the commercial use in their neighborhood.

Bill Kelley, 2175 Estates Parkway, stated that had he known there was property near his home zoned commercial, he would not have purchased the house. Mr. Kelley stated that due to the additional buildings located on site, there were now issues with water runoff, decreased property values and was not aesthetically pleasing to the neighborhood.

Mr. Kubicek, property owner of 2205 Estates Parkway, stated that when he originally purchased the property many years ago, it was zoned commercial and he had a permit from Collin County for the commercial use.

Chairman Rusterholtz reminded Mr. Kubicek that once a property was annexed into the City, all City permitting and code requirements must be met.

City Attorney, Joe Gorfida advised the Commission to review the zoning as a whole, not one particular use, and what was most compatible with the Comprehensive Plan now, not in previous years.

Chairman Rusterholtz closed the public hearing at 7:17pm.

The Commission discussed zoning in place and current Comprehensive Plan requirements.

**MOTION:** *A motion was made by Commissioner Blythe, seconded by Commissioner Williams to recommend denial of the zoning change request from R-2 to Commercial Business. The motion passed unanimously by a 5-0 vote.*

## Regular Agenda

3. **Consider approval of the minutes of the June 11, 2015 Planning and Zoning Commission meeting.**

**MOTION:** *A motion was made by Chairman Rusterholtz, seconded by Vice Chairman Keer to approve the minutes as submitted. The motion passed unanimously by a 5-0 vote.*

4. **Consider the request by Brian Reed on behalf of M. Christopher Homes for approval of an amended Architectural Plan for Phase 3, Lot 2 of the Forest Grove Addition, more commonly known as 2710 Country Club Road.**

Chairman Rusterholtz announced that M. Christopher Homes had submitted a written request to have this item withdrawn from the agenda.

5. **Consider the request by Brian Reed on behalf of M. Christopher Homes for approval of an amended site plan for Phase 3, Lot 2 of the Forest Grove Addition, more commonly known as 2710 Country Club Road.**

Chairman Rusterholtz announced that M. Christopher Homes had submitted a written request to have this item withdrawn from the agenda.

6. **Consider the request by Todd Wintters on behalf of Cleve Adamson Custom Homes for approval of a preliminary plat for a subdivision of land called Tokalaun Equestrian Addition, Tract Two, being 27.652 acres, for a proposed 12 lot subdivision on a tract of land situated**

Chairman Rusterholtz announced that the applicant, Todd Wintters, submitted a written request to have this item withdrawn from the agenda.

7. **Consider updates as it relates to the Comprehensive Plan and receive comments based on the updated Land Use Map and Comprehensive Zoning Map.**

A presentation was given by Development Services Director Joe Hilbourn discussing the updated Zoning Map that was submitted to the Commission with changes from Metropolitan Infrastructure. Mr. Hilbourn also discussed parks and open spaces and dedicated park land.

The Commission also discussed zoning on the lots located along Estates Parkway near Lovejoy High School as well as potential traffic issues and future development of these lots.

Rebecca Mark, 2550 Estates Parkway, stated she was in agreement with the Comprehensive Plan to zone the property along Angel Parkway commercial. She stated that it was unforeseen that a high school would be built in its current location, and had created a difficult situation for homeowners in the area. Residents in that area have commercial properties located on three sides of their property. Ms. Mark also stated that the lift stations located at the intersection near Angel Parkway and Estates Parkway also cause an odor in the area and that property values have also been affected due to the high school and lift stations.

Delvin Dupuy, 2450 Estates Parkway stated that the construction noise at the high school was a constant problem as well as noise from the high school football games. Traffic was also a concern and quality of life has been affected.



Dallas Robinson, 2630 Estates Parkway, stated that he was in agreement with developing the property in such a way that allows for trails and could assist with alleviating traffic issues on Estates Parkway.

Mr. Hilbourn asked if the homeowners would consider placing deed restrictions on the eight lots near the high school that requires all properties to be developed commercial or not at all.

Ms. Mark stated that suggestion could help the situation, but she would need additional time to review the terms of the deed restrictions.

Commissioner Guillemaud asked if a PD district could be created.

Mr. Hilbourn stated that it could be made into a Planned Development zoning district with specific requirements, and that those options could be discussed as well.

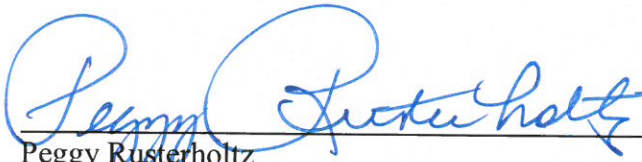
Chairman Rusterholtz stated that staff's suggestion could be a good compromise; however, additional research was needed and suggested this item be brought before the Commission at a later date to be discussed further.

Chairman Rusterholtz stated that in general she approved the zoning map and comprehensive plan map, and the Commission would continue to review the property surrounding Lovejoy High School. She also asked that zoning be reviewed that was applicable for the City's ETJ areas.

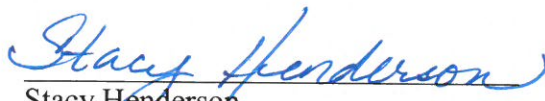
This item was for discussion only, no formal action taken.

## **8. Adjournment.**

***MOTION:** A motion was made by Commissioner Williams, seconded by Commissioner Blythe to adjourn the meeting at 8:23pm. The motion passed unanimously with a 5-0 vote.*

  
Peggy Rusterholtz  
Chairman

ATTEST:

  
Stacy Henderson  
City Secretary

