



City of Lucas
Planning and Zoning Commission
Regular Meeting
July 14, 2016
7:00 PM
City Hall – 665 Country Club Road

MINUTES

Call to Order

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

Commissioners Present:

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

Commissioners Absent:

Chairman Peggy Rusterholtz

Staff:

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

City Council Liaison

Mayor Jim Olk

It was determined that a quorum was present. Everyone was reminded to turn off or silence cell phones and Vice Chairman Keer announced that Alternate Member Scott Sperling would be seated as a voting member.

Public Hearing

1. **Consider the request by BlueSky Development for a zoning change from AO to R-2 for a parcel of land situated along Orr Road and Winningkoff Road proposing 17 lots on 63.686 acres in the Calvin Boles Survey, Abstract No. 28.**
 - A. Presentation by Development Services Director Joe Hilbourn
 - B. Conduct Public Hearing
 - C. Take Action

Development Services Director Joe Hilbourn gave a presentation stating the request proposed to change zoning from AO agriculture to residential R-2. The applicant was proposing 17 lots averaging three-plus acres in size. Mr. Hilbourn stated that a development agreement had been approved for this site that stipulates Lots 1, 6 and 7 would have their frontage reduced from 200 feet to 25 feet and the applicant would make improvements to Orr Road once 75 percent of the lots had been sold.

Vice Chairman Keer opened the public hearing at 7:03 pm and called the following individuals to speak that had filled out comments cards.

Debra Gulickson, 200 Doris Drive, stated that she did not feel this was the best use for the property and was not in favor of the zoning change request.

Donna Yearsley, 1980 N. Winningkoff, stated that the change in zoning would cause increased traffic, lack of privacy and more trash and debris in the area. Ms. Yearsley stated that the applicant had placed for sale signs on the property before the zoning case had been decided and she was opposed to the request.

Justin Lamothe, BlueSky Development, stated that they increased the lot size to over 3 acres to keep the country feel for the area and he apologized for placing for sale signs out too early.

Vice Chairman Keer noted that two emails had been received in opposition to the request from Donna Yearsley and Rebecca Moore.

There being no one else wanting to speak, the public hearing was closed at 7:10 pm.

Commissioner Blythe noted that the request meets the guidelines of the Comprehensive Plan, proposed larger than the 2-acre minimum lot size, and was in favor of the rezoning request.

MOTION: *A motion was made by Commissioner Blythe, seconded by Commissioner Williams to approve the zoning change request from AO to R-2 for a parcel of land situated along Orr Road and Winningkoff Road proposing 17 lots on 63.686 acres. The motion passed unanimously by a 5 to 0 vote.*

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

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct Public Hearing
- C. Take Action

Development Services Director Joe Hilbourn gave presentation stating the request proposes to change current zoning of R-2 to Commercial Business. The property currently has a section of legal non-conforming self-storage units and another section of illegal non-conforming self-storage units that were constructed without a permit. The zoning change request would allow the illegal non-conforming self-storage units placed on site without a permit to remain. Mr. Hilbourn stated that should the zoning request be approved, a specific use permit would still be required for the property where conditions could be placed between the residential and commercial properties.

City Attorney Joe Gorfida stated that should the Planning and Zoning Commission approve the request, the applicant must still obtain City Council approval. If the request was denied by the Planning and Zoning Commission, the applicant has 30 days to appeal his request to the City Council. Mr. Gorfida stated that if the zoning was approved, screening would be required between the residential and commercial properties; however, should the request be denied, no screening was required, but the illegal non-conforming self-storage units would have to be removed.

Vice Chairman Keer opened the public hearing at 7:22 pm and called the following individuals to speak that had filled out comments cards.

Bob Jarvis, representing Robert Kubicek, 2205 Estates Parkway, stated that the self-storage buildings were used as a business on site for income. He noted that when Mr. Kubicek was annexed into the City, it was assumed that the entire property and its contents could remain and operate as he had been. Mr. Jarvis noted that the property had been cleaned up and improvements made and showed pictures of improvements made to the Commission. Mr. Jarvis noted that Collin County has the property zoned commercial.

Richard Scanlan, 2085 Claremont Drive, Lucas, stated changing the zoning to Commercial allows for other commercial business to move into the property should it ever be sold. Mr. Scanlan stated he was opposed to the zoning change request.

Mike Oliver, 2080 Claremont Drive, Lucas, stated the new buildings placed on the property were considerably higher, the use creates noise and the use creates an industrial feel in a residential neighborhood. Mr. Oliver stated he was opposed to the request.

Susan Oliver, 2080 Claremont Drive, stated she too was opposed to the request and the buildings were high enough, that a privacy fence would not block the view of the structures.

Nancy Scanlan, 2085 Claremont Drive, stated she was opposed to the commercial use within a residential neighborhood.

Diane Dercks, 820 Maplewood Lane, Lucas, stated she had concerns related to adequate fencing that would block the view of the storage units, the potential for other commercial uses for the property should it ever be sold, and she was opposed to the zoning change request.

David Hooper, 821 Maplewood Lane, Lucas, stated that the commercial use creates constant noise, fire hazards with various chemicals on site, unsightly trash and debris and he was opposed to the request.

Aninuddha Sant, 2115 Claremont Drive, Lucas, stated that she was opposed to the request.

Suvesh Tripathi, 815 Serenity Court, Lucas, stated that she was also opposed to the request.

There being no one else wanting to speak, Vice Chairman Keer closed the public hearing at 7:45 pm.

The Commission discussed various options available if the property were zoned commercial or residential, the fact that the request did not meet the guidelines of the Comprehensive Plan, and the potential for other commercial uses to be used on the property should it ever be sold.

MOTION: *A motion was made by Commissioner Guillemaud, seconded by Commissioner Williams to deny the request by Robert Kubicek for a zoning change from R-2 to C, Commercial Business for a parcel of land located at 2205 Estates Parkway. The motion to deny passed by a 4 to 1 vote with Commissioner Blythe voting in opposition.*

3. Consider amendments to the Code of Ordinances, Division 8 - Accessory Buildings, Structures and Uses regarding requirements for habitable space and accessory buildings.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct Public Hearing
- C. Take Action

Development Services Director Joe Hilbourn gave a brief presentation discussing the amendments proposed to Division 8 related to replacing the term guest/servants quarters with the term habitable space and adding requirements requiring accessory buildings with habitable space to meet minimum standards required by the International Residential Code and providing for permitted uses. Mr. Hilbourn also noted that requirements related to deed restrictions had been placed in the section.

The Commission discussed with the City Attorney the deed restriction requirements proposed in Division 8 related to habitable space. The Commission agreed that this requirement should remain in place to notify homeowners that accessory buildings cannot be used as a rental unit and can be enforced through the Code of Ordinances.

Vice Chairman Keer opened the public hearing at 8:02 pm, there being no one wishing to speak, the public hearing was closed.

MOTION: *A motion was made by Commissioner Williams, seconded by Commissioner Sperling to recommend approval of the amendments to the Code of Ordinances, Division 8 - Accessory Buildings, Structures and Uses by replacing the term guest/servants quarters with the term habitable space and adding requirements requiring accessory buildings with habitable space to meet minimum standards required by the International Residential Code and providing for permitted uses. The motion passed unanimously by a 5 to 0 vote.*

4. Consider amendments to the Code of Ordinances, Schedule Use Chart related to guest/servant quarters and accessory buildings with habitual space.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct Public Hearing
- C. Take Action

Development Services Director Joe Hilbourn gave a brief presentation stating that the use chart would be updated to reflect the new language and permitted uses within the allowable zoning districts.

Vice Chairman Keer opened the public hearing at 8:04 pm, there being no one wishing to speak, the public hearing was closed.

MOTION: *A motion was made by Commissioner Sperling, seconded by Commissioner Blythe to recommend approval of the amendments to the Schedule Use Chart to change guest/servant quarters to accessory buildings with habitable space. The motion passed by a 5 to 0 vote.*

Regular Agenda

5. **Consider approval of the minutes of the June 9, 2016 Planning and Zoning Commission meeting.**

MOTION: *A motion was made by Commissioner Williams, seconded by Commissioner Guillemaud to approve the minutes of the June 9, 2016 Planning and Zoning Commission meeting as presented. The motion passed unanimously by a 5 to 0 vote.*

6. **Consider a request by Roome Land Surveying, Inc., on behalf of Nancy Hoke for approval of a minor plat subdividing a 5.092 acre tract of land from the 25 acre parcel, leaving a remainder of 19 +/- acres situated in the Witsaul Fisher Survey, Abstract A0323, Tract 11, more commonly known as 1590 Rock Ridge Road.**

Development Services Director Joe Hilbourn gave a brief presentation discussing the subdivision of the property and the code requirements related to properties greater than five acres, with no public improvements and have access to the property, do not require platting.

MOTION: *A motion was made by Commissioner Blythe, seconded by Vice Chairman Keer to approve a minor plat subdividing 5.092 acres of land from the 25 acre parcel located at 1590 Rock Ridge Road. The motion passed by a 5 to 0 vote.*

7. **Consider the request by Todd Wintters on behalf of Cleve Adamson Custom Homes for approval of a final plat for a parcel of land situated in the John W. Kerby Survey, Abstract No. 506, being part of Tract 1 and Tract 2 of Tokalaun Equestrian Addition, containing 25.492 acres of land more commonly known as a tract of land adjacent to Mary Lee Lane, north of the intersection of Mary Lee Lane and Blondy Jhune Road.**

Development Services Director Joe Hilbourn gave a brief presentation discussing details of the final plat stating 12 lots were proposed with a minimum lot size of two acres.

MOTION: *A motion was made by Commissioner Williams, seconded by Commissioner Blythe to approve the final plat of Cleve Adamson Custom Homes for a parcel of land situated in the John W. Kerby Survey, Abstract No. 506, being part of Tract 1 and 2 of the Tokalaun Equestrian Addition. The motion passed by a 5 to 0 vote.*

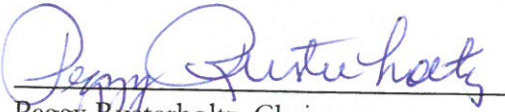
8. **Discuss and provide direction to staff regarding updates to the Comprehensive Plan, Chapter 5 Economic Development.**

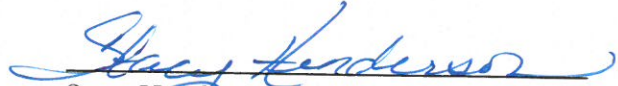
Development Services Director Joe Hilbourn discussed and reviewed with the Commission amendments to Chapter 5, Economic Development.

Vice Chairman Keer submitted and reviewed his recommended changes to Mr. Hilbourn.

9. Adjournment.

MOTION: *A motion was made by Commissioner Guillemaud, seconded by Commissioner Williams to adjourn the meeting at 8:24 p.m. The motion passed with a 5 to 0 vote.*


Peggy Rusterholtz, Chairman


Stacy Henderson, City Secretary

