



City of Lucas  
Planning and Zoning Commission  
Regular Meeting  
August 11, 2016  
7:00 PM  
City Hall – 665 Country Club Road

## MINUTES

### Call to Order

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

**Commissioners Present:**

Chairman Peggy Rusterholtz  
Vice Chairman David Keer  
Commissioner Joe Williams  
Commissioner Andre Guillemaud  
Commissioner Brian Blythe

**Staff Present:**

City Manager Joni Clarke  
Development Services Director Joe Hilbourn  
Public Works Director/City Engineer Stanton Foerster  
Administrative Assistant Linda West

**Commissioners Absent:**

Alternate Commissioner Scott Sperling

**City Council Liaison Present:**

Mayor Jim Olk

**Staff Absent:**

Attorney Joe Gorfida

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

### Regular Agenda

1. **Consider approval of the minutes of the July 14, 2016 Planning and Zoning Commission meeting.**

Commissioner Guillemaud and Chairman Rusterholtz noted the following corrections to the minutes:

Page 4, paragraph 3, add a period "." to the last sentence. The sentence should read, "Mr. Hilbourn also noted that requirements related to deed restrictions had been placed in the section."

Page 4, paragraph 4, add the wording "as rental units" in place of "as habitable space". The sentence should read "The Commission agreed that this requirement should remain in place to notify homeowners that accessory buildings cannot be used as rental units and can be enforced through the Code of Ordinances."

**MOTION:** *A motion was made by Commissioner Blythe, seconded by Vice Chairman Keer to approve the minutes of the July 14, 2016 Planning and Zoning Commission meeting as amended. The motion passed unanimously by a 5 to 0 vote.*

2. **Consider the request by BlueSky Development for final plat approval for Five Oaks Estates, a parcel of land situated along Orr Road and Winningkoff Road proposing 17 lots on 63.686 acres located in the Calvin Boles Survey, Abstract No. 28.**

A presentation was given by Development Services Director Joe Hilbourn outlining the components of the final plat. The final plat proposed 17 lots with no additional improvements and gave consideration to frontage for three lots reducing the required frontage from 200 feet to 25 feet. The developer would repave Orr Road adjacent to the development with consideration of impact fees in the amount not to exceed the amount collected, when 75% of the permits had been issued. Mr. Hilbourn noted that all lots would face existing roadways and the request meets the City's Comprehensive Plan and all City requirements.

The Commission and Mr. Hilbourn discussed procedures for staff to submit proposed development agreements for future agenda items to the Planning and Zoning Commission for their review.

**MOTION:** *A motion was made by Commissioner Williams, seconded by Commissioner Guillemaud to approve the request by BlueSky Development for final plat for Five Oaks Estates a parcel of land situated along Orr Road and Winningkoff Road proposing 17 lots on 63.686 acres located in the Calvin Boles Survey, Abstract No. 28. The motion passed unanimously by a 5 to 0 vote.*

3. **Consider amendments to the Code of Ordinances, Chapter 14, Article 14.04, Division 8 - Accessory Buildings, Structures, and Uses regarding square footage requirements for habitable space and accessory buildings; and amendments to the Code of Ordinances, Schedule Use Chart related to guest/servant quarters and accessory buildings with habitable space.**

Development Services Director Joe Hilbourn stated that the proposed amendments to the Code of Ordinances for accessory buildings, structures, and uses were brought before the Planning and Zoning Commission at their July 14, 2016 meeting for consideration. The item was then brought forward to the City Council on July 21, 2016. The City Council recommended deferring the item back to the Planning and Zoning Commission for consideration of habitable space regarding square footage, and providing relief to property owners for the use of storage containers for agricultural use in residentially zoned areas.

Mr. Hilbourn gave a presentation summarizing the proposed amendments to the Code of Ordinances relating to accessory buildings that contain habitable space. Mr. Hilbourn noted the exclusion of trailers and storage containers for use as accessory buildings, and the addition of an exception to this exclusion for agricultural, industrial, and commercial properties use of trailers, containers, or commercial boxes for temporary storage. Mr. Hilbourn also reviewed the proposed amendments regarding square footage for accessory buildings with habitable space in residentially zoned areas.

The Commission discussed the proposed amendments relating to use of the structures for temporary storage, the proposed square footage, the definition of habitable space, and clarification

of the regulations pertaining to accessory buildings with and without an allowance for a kitchen area within the different residential zones.

The Commission along with City Council liaison Mayor Jim Olk directed staff to restructure the amendments to further clarify the regulations for the use of accessory buildings with habitable space in R-1 and R1.5 that currently do not allow for kitchen areas within accessory buildings. The Commission was in agreement with the square footage proposed by Mr. Hilbourn and Chairman Rusterholtz commented that Section 14.04.304(4)(I) of the ordinance, the wording “guest/servant quarters” should be changed to “habitable space”.

**4. Discuss and give staff direction regarding updates to the Comprehensive Plan, Chapter 6 Parks, and Open Space, including maps for trails and parks.**

Development Services Director Joe Hilbourn explained that this item was originally before the Planning and Zoning Commission at their June 9, 2016 meeting for their review to provide staff direction on drafting updates to Chapters 5 and 6 of the Comprehensive Plan. Chapter 5, Economic Development, was discussed at the July 14, 2016 Planning and Zoning Commission meeting.

The Commission discussed with Mr. Hilbourn the location of the trail map on the Comprehensive Plan as it relates to future development. The Commission also requested clarification on the total number of six parks represented in the section “Existing Parks and Open Space”, four of which were developed by the City of Lucas.

This was a discussion item only, no action was taken.

**5. Discuss and give direction to staff regarding proposed amendments to the Code of Ordinances, Chapter 10, Section 10.03.123 (i) Streets and Drainage for changes to street lighting requirements.**

A presentation was given by Development Services Director Joe Hilbourn outlining the existing Code of Ordinances which states that street lighting shall be provided at street intersections within new subdivisions, at streets connecting to new subdivisions, and shall conform to the latest edition of the Illuminating Engineering Society Handbook and the City’s Code of Ordinances. Mr. Hilbourn added that this section also does not allow certain types of lights and the City Engineer may, based on field conditions, modify the requirements of this section.

Mr. Hilbourn highlighted the changes and proposed amendments including an appeal process, the ownership, associated installation costs, utility service, maintenance of the street lights, and the requirement of street lighting in subdivisions and intersections as deemed necessary by the City Engineer for safety purposes.

The Commission discussed the street lighting costs and expenses that may be imposed on the City, HOAs, and homeowners, and the consequences if those costs are not paid. The street light requirements and compliance in regards to the City’s Dark Sky ordinance were also reviewed.

Public Works Director/City Engineer Stanton Foerster explained the background of the City correcting discrepancies regarding the ongoing cost of maintenance and electrical service for street lights throughout the City. As a part of that process, review of requests for safety lighting and complaints about the discontinuance of the City paying for the upkeep of street lights that were the

responsibility of HOAs throughout the City, the City Council directed staff to bring this code section to the Planning and Zoning Commission for review. Mr. Foerster further explained the current process of reviewing the need and requests for street lighting in various areas of the City, the associated costs, the different street light options available, and the responsibilities of utility companies and developers.

Chairman Rusterholtz called the following individual forward to speak regarding this item:

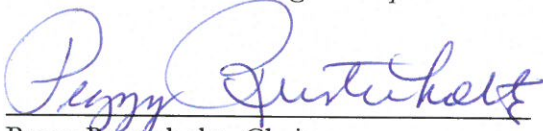
Diane Diercks, 820 Maplewood Lane, spoke regarding the dangers she had experienced at Ingram Lane and West Lucas Road since that street light was turned off by the City, and stated various safety issues for the reason of her request to have the street light turned back on.

Chairman Rusterholtz stated that Ms. Diercks' request would be passed on to staff to address since the ordinance for an appeal process is yet to be in place.

The Commission directed Mr. Hilbourn to move forward with the proposed amendments.

#### 6. Adjournment.

**MOTION:** *A motion was made by Commissioner Guillemaud, seconded by Commissioner Williams to adjourn the meeting at 7:59p.m. The motion passed with a 5 to 0 vote.*

  
Peggy Rusterholtz, Chairman

  
Stacy Henderson, City Secretary

