



City of Lucas
Planning and Zoning Commission
Regular Meeting
September 8, 2016
7:00 PM
City Hall – 665 Country Club Road

MINUTES

Call to Order

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

Commissioners Present:

Chairman Peggy Rusterholtz
Vice Chairman David Keer
Commissioner Andre Guillemaud
Commissioner Joe Williams (*arrived at 7:10pm*)
Alternate Commissioner Scott Spertling (*arrived at 7:13pm*)

Commissioners Absent:

Commissioner Brian Blythe

Staff Present:

Development Services Director Joe Hilbourn
City Attorney Joe Gorfida
Permit Technician Donna Bradshaw

City Council Liaison Present:

Mayor Jim Olk

Staff Absent:

City Manager Joni Clarke
City Secretary Stacy Henderson

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.

Public Hearing

- 1. Public hearing to recommend 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 habitual space.**

Development Services Director Joe Hilbourn updated the Commission stating that recommended changes from the last Planning and Zoning meeting had been incorporated into the proposed ordinance.

Chairman Rusterholtz opened the public hearing at 7:02 pm. The following individuals came forward to speak regarding the request.

Jaclynn Cauthorn, 1622 Snider Lane, stated that she was not in favor of adding additional regulations regarding accessory buildings, and believed that the City should allow residents to make their own decisions related to their property.

Mark Horton, 1895 Sawmill Drive, noted his concerns related to placing restrictions on who can live in the accessory building/guest quarters and believed the City was overregulating what should be allowed.

Kevin Bradshaw, 16 Carey Lane, stated that he was in favor of the amendments noting that his property was zoned Residential-2 that allows for one home on a lot, not two homes. He stated that he believed eventually these accessory buildings would be used as rental space and was not in favor of using guest quarters as rentable space.

Lisa Chapman, 2285 Lucas Creek Drive, stated that she was opposed to the amendments expressing concern related to the definition of containers. She noted that the definition was not adequately defined and should be amended to clearly identify what classified as a container. Ms. Chapman also expressed concern regarding amendments to habitable space and noted that the same square footage requirements should be allowed within each residential zoning district. Lastly, Ms. Chapman stated that a property owner should be allowed to choose who could occupy the accessory building.

Leon Luckey, 1065 Wendy Lane, noted that he was neither for nor against the amendments, but wanted whatever restrictions that were put in place to be kept to a minimum.

Laura Strain, 1760 Winningkoff, shared her concerns related to the restrictions on who may live in the guest quarters, and she believed that any restrictions placed on a property would be better served through the Homeowners Association and not the City.

There being no one else wishing to speak, Chairman Rusterholtz closed the public hearing at 7:19 pm.

City Attorney Joe Gorfida explained that should the ordinance be passed, any existing accessory building legally placed on a property under the current ordinance would be grandfathered. He also noted that if a building permit was filed for an accessory building, prior to the ordinance being passed, the accessory building would also be grandfathered. Mr. Gorfida stated that under State Statute, the City was required to place in ordinances the maximum amount of penalty that could be assessed. For all zoning ordinance penalties, the maximum assessed amount was \$2,000 a day. Mr. Gorfida noted that the Judge sets the fine amount. Mr. Gorfida also explained that the existing accessory building ordinances does not allow for accessory buildings to be rented, and while rental restrictions cannot be placed on the main structure; the home, under State law, rental restrictions were allowed to be placed on accessory buildings.

Mr. Hilbourn discussed the different square footage requirements proposed for accessory buildings within residential zoning districts. He noted that the size of the accessory building varies depending on the size of the lot.

Commissioner Guillemaud asked how the 25 foot maximum height requirement for accessory buildings was established.

Mr. Hilbourn stated that amendments to the accessory building ordinance occurred in 2006 after complaints were received from homeowners regarding large accessory buildings blocking views in residential neighborhoods.

Commissioner Guillemaud explained that the definition outlined in the ordinance related to who may live in accessory buildings was very broad and the definition was designed to allow for single family use, and not to allow for renters.

The Commission discussed the square footage requirements currently allowed in residential zoning districts that consist of:

Current Ordinance Requirements:

- R-1: 1,000 square feet
- R-1.5: 1,250 square feet
- R-2: 1,500 square feet

The Commission discussed proposing the following square foot requirements:

- R-1: 600 square feet
- R-1.5: 800 square feet
- R-2: 1,000 square feet

MOTION: *A motion was made by Vice Chairman Keer, seconded by Commissioner Williams to recommend approval of an ordinance amending Chapter 14 of the Code of Ordinances as presented with the following changes:*

- 1) *Section 14.04.302(d) change 45 days to 90 days related to industrial, commercial and agriculture use of trailers, containers or commercial boxes for temporary storage;*
- 2) *Section 14.04.304(c) change square footage requirements from 600 to 800 square feet for Residential 1.5 zoning.*

The motion passed unanimously by a 4 to 0 vote.

Chairman Rusterholtz noted that at this time Alternate Member Scott Sperling would be seated as a voting member for the remainder of the items on the agenda.

2. Public hearing to recommend amendments to the City's Code of Ordinances Chapter 10, Section 10.03.123 (i) Streets and Drainage for changes to street lighting requirements regarding where street lights are to be located and including an appeal process.

Mr. Hilbourn noted that all recommended changes from the previous Planning and Zoning Commission meeting had been incorporated into the proposed ordinance. Mr. Hilbourn explained the two amendments to the ordinance included 1) removing the requirement that all subdivisions have street lighting, and were required only when safety precautions exist; 2) Give citizens an appeal process if street lighting had been turned off by the City.

Chairman Rusterholtz opened the public hearing at 7:44 pm and asked if anyone wished to speak regarding this item. There being none, the public hearing was closed.

MOTION: *A motion was made by Commissioner Williams, seconded by Commissioner Guillemaud to recommend approval of an ordinance amending the City's Code of Ordinance, Chapter 10, Section 10.03.123 (i) Streets and Drainage for changes to street lighting requirements regarding where street lights are to be located and including an appeal process. The motion passed unanimously by a 5 to 0 vote.*

Regular Agenda

3. Consider approval of the minutes of the August 11, 2016 Planning and Zoning Commission meeting.

MOTION: *A motion was made by Commissioner Sperling, seconded by Commissioner Guillemaud to approve the minutes of the August 11, 2016 Planning and Zoning Commission meeting. The motion passed unanimously by a 5 to 0 vote.*

4. Discuss and give staff direction regarding updates to the Comprehensive Plan, Chapter 7 – Streets and Drainage, including the Thoroughfare Plan.

Chairman Rusterholtz asked if anyone in the audience wanted to speak regarding this item. There was no one wishing to speak.

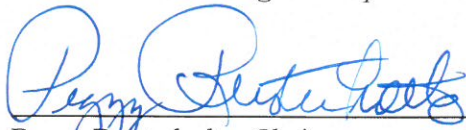
Chairman Rusterholtz noted that the Thoroughfare Plan depicted roundabout designations on the Plan and would like them removed.

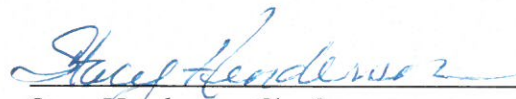
Vice Chairman Keer noted that on page 1, paragraph 4, the term “adequate facilities” should be clarified to state “adequate streets and drainage”.

There was no formal action on this item, it was for discussion purposes only.

5. Adjournment.

MOTION: *A motion was made by Commissioner Williams, seconded by Commissioner Sperling to adjourn the meeting at 7:54 pm. The motion passed unanimously with a 5 to 0 vote.*


Peggy Rusterholtz, Chairman


Stacy Henderson, City Secretary

