



City of Lucas
Planning and Zoning Commission
Regular Meeting
June 8, 2017
7:00 PM

City Hall – 665 Country Club Road – Lucas, Texas

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 Scott Sperling
Commissioner Joe Williams
Alternate Commissioner Tim Johnson
Alternate Commissioner Tommy Tolson

Staff Present:

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

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 the Commission recited the Pledge of Allegiance.

Public Hearings

1. **Public Hearing to consider the request of Ryan and Tammie Sharp, property owners of 2250 E. Hendrix Avenue for a specific use permit to allow a kitchen and food preparation area in an accessory building with habitable space.**

Development Services Director Joe Hilbourn gave a presentation explaining that the property owners would like to amend their approved building plans to allow for a kitchen and food preparation area in an accessory building with habitable space containing approximately 1,250 square feet. Mr. Hilbourn stated that the property was zoned R-2 and the use was allowed with a specific use permit.

Chairman Rusterholtz opened the public hearing at 7:05pm, there being no one wishing to speak, the public hearing was closed.

MOTION: A motion was made by Vice Chairman Keer, seconded by Commissioner Williams to recommend approval of the specific use permit allowing a kitchen and food preparation area in an accessory building with habitable space for the property located at 2250 E. Hendrix Avenue. The motion passed unanimously by a 5 to 0 vote.

2. **Public Hearing to consider the request by Rutledge Haggard on behalf of the Steven W. Hendrick Trust for a request to rezone approximately 73.35 acres of land currently zoned R-2 to a residential Planned Development with R-2 remaining as the base zoning, located on the north and south sides of Blondy Jhune and Country Club Roads, being part of the Peter Lucas Survey A-537; J.W. Kerby Survey A-506; James Grayum Survey A-506; Tracts 1, 2 and 3.**

***Error Correction:** The following error was made in the heading of Agenda Item 2 above which states “73.35 acres of land currently zoned R-2”, and should be corrected to state “73.35 acres of land currently zoned Agricultural”.*

Development Services Director Joe Hilbourn gave a presentation stating that the property contained approximately 73 acres and was currently zoned Agricultural. The zoning request proposed to create a Planned Development overlay with R-2 as the base zoning. Mr. Hilbourn noted that the proposed zoning request changes the lot size from two-acres to 1.5 acres and would allow development signs at each entrance. Mr. Hilbourn noted that staff was recommending denial of this request.

Chairman Rusterholtz opened the public hearing at 7:11pm.

Rutledge Haggard, 800 Central Parkway, Suite 100, applicant representing the property owner, stated he had been a longtime friend of the family and has been working with the family regarding the development of the property.

Sarah Scott with Kimley-Horn and Associates, discussed the layout of the site, including design plans along the creek area. Ms. Scott stated the average lot size would be from 1.5-acres to 1.7-acres and the development would include pocket parks for additional green space. Ms. Scott discussed the proposed realignment of Blondy Jhune Road approaching Country Club Road and the repaving proposed for Blondy Jhune Road.

Terry Hendrick, 8406 Columbia Drive, Rowlett, adjacent property owner to the development stated his concerns related to the development of their family owned land would not provide enough pasture for his cattle, and a higher density development may not find it conducive living near a cattle farm.

The following individuals came forward to speak in opposition to the zoning change request referencing concerns related to maintaining the R-2 zoning of two-acre lots, smaller lot sizes being incompatible with the character of Lucas, and the development would cause additional traffic in the area:

1. John Ballis, 1820 Winningkoff
2. Alma Dixon, 4 Skyview Drive
3. John Crowder, 8 White Rock Trail
4. Tom Redman, 1930 Mary Lee
5. Dianne Redman, 1930 Mary Lee
6. Cheraina Dunn, 1625 Tokalaun
7. Janean McLaughlin, 3 Skyview Drive
8. Tom Grisak, 1190 Ramsay Drive
9. Mathew Whalen, 790 Blondy Jhune Road

10. Josh Burton, 850 Blondy Jhune Road
11. Thomas Kaufman, 1600 Tokalaun
12. Michael King, 1200 Bloom Street
13. Maureen Miller, 317 McMillan

Chairman Rusterholtz noted the following emails that were received in opposition to the zoning change request, stating concerns that related to maintaining the R-2 zoning per the Comprehensive Plan, additional traffic that would be generated, maintaining the country feel of Lucas, and were also opposed to the realignment of Blondy Jhune Road:

1. Joy Koepke, 1426 Sudan Circle
2. Chad Engbrock, 242 E. Estelle Lane
3. Sonia Duggan, 242 Estelle Lane
4. Jennifer and Steve Blumer, 345 Bee Caves
5. Ryan Cole, 2701 Bauer Court
6. Karen and Bill George, 5 Manor Lane
7. Catherine Gleason, 1 Manor Lane
8. Bob and Carol Winston, 315 E. Blondy Jhune Road
9. Ryan George, 7 Manor Lane
10. David Terrell, 8 Rollingwood Drive
11. Leon Luckey, 1065 Wendy Lane
12. Val Turnbow, 550 Honeysuckle
13. Mike Chase, 1890 Mary Lee
14. Shari Nederhoff, 1160 Snider Lane
15. Michael Hayenga, 1540 Asbury Lane
16. Maureen Miller, 317 McMillan
17. Brenda and Buddy Martin, 211 McMillen
18. Anne Lewis, 1600 Tokalaun
19. Russell Bass, 1080 Snider Lane
20. Adam Sussman, 940 Winningkoff
21. Victoria Howard, 2145 Lucas Creek Drive
22. Steven and Magda Grunin, 102 McMillan

Chairman Rusterholtz closed the public hearing at 7:53pm.

Commissioner Williams and Commissioner Guillemaud stated their support for the Comprehensive Plan and were not in favor of deviating from the Plan and allowing lots less than two acres in size.

Paul McCracken with Kimley-Horn and Associates stated that they would like to enhance certain items on their proposal and resubmit given the comments they had heard. However, the improvements proposed to Blondy Jhune Road would still require lot sizes to be proposed at 1.5-acres. Mr. McCracken requested the item be tabled to address those concerns.

The Commission discussed tabling the request versus denying the request. The Commission was not in favor of reducing the lot size.

The City Attorney discussed with the Commission Planned Development requirements and the deviations that can be requested as part of a Planned Development.

The Commission discussed with the applicant that should a new proposal be considered it should include a submission with two-acre lots that was compatible with the City's Comprehensive Plan.

MOTION: A motion was made by Commissioner Williams, seconded by Chairman Rusterholtz to recommend denial of the request by Rutledge Haggard on behalf of the Steven W. Hendrick Trust for a request to rezone approximately 73.35 acres of land currently zoned R-2 to a residential Planned Development with R-2 remaining as the base zoning, located on the north and south sides of Blondy Jhune and Country Club Roads. The motion to deny passed unanimously by a 5 to 0 vote.

***Error Correction:** The following error was made in the motion of Agenda Item 2 above which states "73.35 acres of land currently zoned R-2", and should be corrected to state "73.35 acres of land currently zoned Agricultural".*

3. Public hearing to consider a request by JBI Partners, Inc on behalf of Kenneth Prater to rezone Stinson Highlands Phase 3 from AO to R-1 consisting of 47.392 acres of 78.943 acres, and being part of the John Gray Survey, Abstract No. 349; George Gunnell Survey, Abstract No. 352; Ann S. Hurt Survey, Abstract No. 428; James Lovelady Survey; Abstract No. 538, and the Lewis P. Turner Survey; Abstract No. 901.

Development Services Director Joe Hilbourn discussed with the Commission the proposed zoning change request noting that the parcel consisted of 47.392 acres of the 78.943-acre property, with an approved development agreement that included a time frame for annexation. Mr. Hilbourn stated that the developer for Stinson Highlands Phase 3 has applied for voluntary annexation as agreed to in the development agreement and the property had an approved preliminary plat, final plat, and has been completely developed. Mr. Hilbourn stated that the parcel complies with the R-1 zoning district requirements.

Mr. Hilbourn explained that the Stinson Highlands Phase 3 began construction in 2006 and at that time was located outside the City limits. Phase 3 was annexed into the City on June 1, 2017 and now zoning requirements were being established for the development.

Chairman Rusterholtz opened the public hearing at 8:30pm and noted that two emails were received from the following residents in opposition to any lot size smaller than two acres:

- Chad Engbrock, 242 E. Estelle Lane
- Joy Koepke, 1426 Sudan Circle

There being no one in the audience at the meeting wishing to speak, the public hearing was closed at 8:31pm.

Mr. Hilbourn discussed with Commissioner Tolson how the property was developed using County building requirements as it was in the City's extraterritorial jurisdiction in 2006. Mr. Hilbourn also discussed having zoning established now allows for zoning regulations to be enforced.

MOTION: A motion was made by Commissioner Guillemaud, seconded by Vice Chairman Keer to recommend approval to rezone Stinson Highlands Phase 3 from AO to R-1 consisting of 47.392 acres of 78.943 acres, and being part of the John Gray Survey, Abstract No. 349; George Gunnell Survey, Abstract No. 352; Ann S. Hurt Survey,

Abstract No. 428; James Lovelady Survey; Abstract No. 538, and the Lewis P. Turner Survey; Abstract No. 901. The motion passed unanimously by a 5 to 0 vote.

4. **Public hearing to consider a request by JBI Partners, Inc on behalf of Kenneth Prater to rezone Stinson Highlands Phase 3 from R1.5 to R-2 consisting of 31.556 acres of 78.943 acres and being part of the John Gray Survey, Abstract No. 349; George Gunnell Survey, Abstract No. 352; Ann S. Hurt Survey, Abstract No. 428; James Lovelady Survey; Abstract No. 538, and the Lewis P. Turner Survey; Abstract No. 901.**

Development Services Director Joe Hilbourn stated that this parcel contained 31.556 acres of the 78.943-acre property part of the Stinson Highlands Phase 3 addition. A voluntary annexation has been filed as agreed in the development agreement and the property has an approved preliminary plat, final plat, and the site was completely developed and complies with the R-2 zoning district requirements.

Mr. Hilbourn explained that the Stinson Highlands Phase 3 development began construction in 2006, and at that time was located outside the City limits. Phase 3 was annexed into the City on June 1, 2017 and now zoning requirements were being established for the development.

Chairman Rusterholtz opened the public hearing at 8:40 pm, there being no one in the audience wishing to speak, the public hearing was closed.

MOTION: A motion was made by Commissioner Guillemaud, seconded by Commissioner Sperling to recommend approval to rezone Stinson Highlands Phase 3 from R-1.5 to R-2 consisting of 31.556 acres of 78.943 acres and being part of the John Gray Survey, Abstract No. 349; George Gunnell Survey, Abstract No. 352; Ann S. Hurt Survey, Abstract No. 428; James Lovelady Survey; Abstract No. 538, and the Lewis P. Turner Survey; Abstract No. 901. The motion passed unanimously by a 5 to 0 vote.

5. **Public hearing to consider amendments to the City's zoning use chart regarding the uses permitted by right, permitted by Specific Use Permit, and prohibited within the City's zoning districts.**

Development Services Director Joe Hilbourn and the Commission discussed regulations within various zoning districts related to uses such as to mobile homes, caretaker/guard residence in commercial districts, driving schools, printing shops and other miscellaneous uses within the zoning use chart.

Chairman Rusterholtz opened the public hearing at 9:17pm, there being no one in the audience wishing to speak, the public hearing was closed.

Commissioner Guillemaud reviewed with the Commission several items for discussion related uses allowed within the zoning use chart.

Chairman Rusterholtz reviewed the recommended updates the Commission made to the zoning use chart:

- Add the letter "e" to mobile home
- Change doggie day care to pet day care with a specific use permit in C and LI districts

- Add amateur communication tower in MH district
- Remove the words college and university from the Education heading
- Add caretaker/guard residence as an allowable use with specific use permit in C district
- Remove museum as allowable use in MH district
- Remove religious designation from philanthropic designation
- Remove communication antenna use in MH district
- Add radio, TV and antenna as an allowable use with specific use permit in C and LI districts
- Add public schools as allowable use by right in all zoning districts
- Add church as allowable use by right in all zoning districts

MOTION: A motion was made by Chairman Rusterholtz, seconded by Commissioner Williams to recommend approval of the zoning use chart with the changes outlined below. The motion passed unanimously by a 5 to 0 vote.

- Add the letter “e” to mobile home
- Change doggie day care to pet day care with a specific use permit in C and LI districts
- Add amateur communication tower in MH district
- Remove the words college and university from the Education heading
- Add caretaker/guard residence as an allowable use with specific use permit in C district
- Remove museum as allowable use in MH district
- Remove religious designation from philanthropic designation
- Remove communication antenna use in MH district
- Add radio, TV and antenna as an allowable use with specific use permit in C and LI districts
- Add public schools as allowable use by right in all zoning districts
- Add church as allowable use by right in all zoning districts

Regular Agenda

6. Consider approval of the minutes of the May 11, 2017 Planning and Zoning Commission meeting.

MOTION: *A motion was made by Commissioner Sperling, seconded by Commissioner Williams to approve the minutes as corrected. The motion passed unanimously by a 5 to 0 vote.*

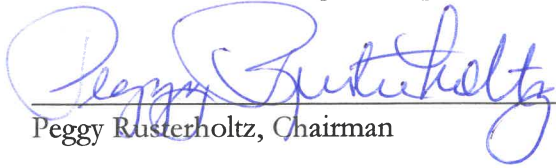
Executive Session

The Planning and Zoning Commission may convene in a closed Executive Session pursuant to Chapter 551.071 of the Texas Government Code.

The Planning and Zoning Commission did not go into Executive Session at this meeting.

7. Adjournment.

MOTION: *A motion was made by Commissioner Williams, seconded by Commissioner Guillemaud to adjourn the meeting at 9:28 pm. The motion passed unanimously by a 5 to 0 vote.*


Peggy Rusterholtz, Chairman


Stacy Henderson, City Secretary

