



City of Lucas
Planning and Zoning Commission
Regular Meeting
September 13, 2018
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.

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.

Commissioners Present:

Chairman Peggy Rusterholtz
Commissioner Joe Williams
Alternate Commissioner Tim Johnson
Alternate Commissioner Tommy Tolson

Staff Present:

Development Services Director Joe Hilbourn
City Engineer Stanton Foerster
Special Projects Coordinator Cathey Bonczar

Commissioners Absent:

Vice Chairman David Keer
Commissioner Andre Guillemaud
Commissioner Scott Sperling

City Council Liaison Present:

Mayor Jim Olk

Due to the absence of several regular members, Alternate member Tommy Tolson and Alternate member Tim Johnson served as voting members.

Regular Agenda

- 1. Consider approval of the minutes of the August 9, 2018 Planning and Zoning Commission meeting.**

MOTION: A motion was made by Commissioner Johnson, seconded by Commissioner Williams to approve the minutes with the noted corrections to the attendance list. The motion passed unanimously by a 4 to 0 vote.

- 2. Consider the request by Chris Leavell with Legacy Alliance Holdings on behalf of Pennington Partners for site plan approval for a parcel of land being 1.3237 acres of an 18.3263-acre tract of land in the William Snider Survey ABS 0821, tract 16, Collin County Texas, in the City of Lucas.**

Development Services Director Joe Hilbourn explained that this is the second phase of a two-building project. He presented the details and noted that the two deficiencies that were in the packet sent to the Commission had been corrected.

MOTION: A motion was made by Commissioner Williams, seconded by Commissioner Tolson to approve the request by Chris Leavell with Legacy Alliance Holdings on behalf of Pennington Partners for site plan approval for a parcel of land being 1.3237 acres of an 18.3263-acre tract of land in the William Snider Survey ABS 0821, tract 16, Collin County Texas, in the City of Lucas. The motion passed unanimously by a 4 to 0 vote.

3. **Consider the request by Chris Leavell with Legacy Alliance Holdings on behalf of Pennington Partners for approval of architectural plans for a parcel of land being 1.3237 acres of an 18.3263-acre tract of land in the William Snider Survey, ABS 0821, Tract 16, Collin County Texas, in the City of Lucas.**

Development Services Director Joe Hilbourn explained that this is the second phase and is an exact duplicate of phase one.

MOTION: A motion was made by Commissioner Johnson, seconded by Commissioner Tolson to approve the request by Chris Leavell with Legacy Alliance Holdings on behalf of Pennington Partners for approval of architectural plans for a parcel of land being 1.3237 acres of an 18.3263-acre tract of land in the William Snider Survey, ABS 0821, Tract 16, Collin County Texas, in the City of Lucas. The motion passed unanimously by a 4 to 0 vote.

4. **Consider the request by Chris Leavell with Legacy Alliance Holdings on behalf of Pennington Partners for approval of landscape plans for a parcel of land being 1.3237 acres of an 18.3263-acre tract of land in the William Snider Survey ABS 0821, Tract 16, Collin County Texas, in the City of Lucas.**

Development Services Director Joe Hilbourn explained that this is the second phase of the proposed project. Mr. Hilbourn described the landscaping, shade trees and shrubs, parking lot screening, and irrigation. Staff asked that some of the proposed trees be moved from the front of the lot to the rear to create a visual buffer between residential and commercial districts.

MOTION: A motion was made by Commissioner Williams, seconded by Commissioner Tolson to approve the request by Chris Leavell with Legacy Alliance Holdings on behalf of Pennington Partners for approval of landscape plans for a parcel of land being 1.3237 acres of an 18.3263-acre tract of land in the William Snider Survey ABS 0821, Tract 16, Collin County Texas, in the City of Lucas. The motion passed unanimously by a 4 to 0 vote.

5. **Consider the request by Jacobs Engineering on behalf of Saint Paul Inspiration LLC for approval of a final plat for Inspiration Phase 7, a tract of land being part of the L. Farmer Survey ABS# 334, and the O. Shelby Survey ABS# 799 being 62.205 acres in the City of Lucas ETJ creating 159 lots.**

Development Services Director Joe Hilbourn explained that this project is located within the City of Lucas ETJ, has water and sewer services supplied by a Municipal Utility District, and has both an approved development agreement and concept plan. The City's only responsibility is plat approval. The final plat is for Inspiration Phase 7 and consists of 159 lots, 152 of which are residential lots. The lots vary in size from 8,000 square feet on the southern end to 10,000 square feet on the northern end of the subdivision. These lots conform to both the approved development agreement and the approved concept plan, and the plat conforms to the City of Lucas Code of Ordinances. The seven lots that are not residential are common areas intended for retention and open areas for pocket parks.

MOTION: A motion was made by Commissioner Williams, seconded by Commissioner Johnson to approve the request by Jacobs Engineering on behalf of Saint Paul Inspiration LLC for approval of a final plat for Inspiration Phase 7, a tract of land being part of the L. Farmer Survey ABS# 334, and the O. Shelby Survey ABS# 799 being 62.205 acres in the City of Lucas ETJ creating 159 lots. The motion passed unanimously by a 4 to 0 vote.

6. Discuss the request by Dr. Amin Ashfour to rezone approximately 7.23 acres of land currently zoned Village Center to a Planned Development, located at 2690 Country Club, being part of Lot 3, of the Forest Grove Addition and Tract 9 of the Gabriel Fitzhugh Survey of Abstract A0318 Gabriel Fitzhugh Survey.

Development Services Director Joe Hilbourn gave a presentation explaining that this property consists of in approximately 7.23 +/- acres of land. The property is currently zoned Village Center and the applicant is requesting that a Planned Development district be created. Several deviations are being requested from the current Village Center requirements related to height and area regulations. They are requesting the following changes:

- Building height be changed from the maximum height of twenty-five (25) feet to a maximum of thirty-five (35) feet
- Area regulation be changed from the minimum of three (3) acres to one point two (1.2) acres
- Streets and drainage private drive requirements be changed from requiring a private drive be dedicated to a homeowners association, to dedicating it as an access easement and fire lane

Mr. Hilbourn explained that the Developer moved the buildings further away from Wolf Creek as requested, reduced the building density and the parking, removed the southern entrance, and added landscaping on most of the property.

Chairman Rusterholtz questioned the building setback lines noting the 20 feet shown between the buildings should be 50 feet minimum by ordinance.

Mr. Hilbourn stated that Jessica Lane would remain a public street used for ingress and egress, and he recommends adding a gated entrance keeping commercial traffic out of the neighborhood. The gate would have a Knox lock giving access to emergency vehicles.

The Commissioners asked about the roof, building height, adequate parking, and emergency response concerns. Mr. Hilbourn explained that the buildings are planned to be two story with the peak of the roof included in the total height of the building, fire suppression would be required, and there should be adequate parking for each building.

The following residents spoke in opposition to the request:

Sean McCaffity of 2801 Jessica Lane stated his opposition to the property being turned into a Planned Development and voiced his concerns about increased traffic on Country Club Road and Jessica Lane with this being a commercial development. He asked that the Commissioners reconsider changing this to a Planned Development and stay with the Village Center look and feel.

Ken Schafenberg of 2808 Robert Sender Court also spoke in opposition to the request, and voiced concerns about increased traffic, noise issues, and the potential for this to become a parking hangout for kids. He felt that blocking off Jessica Lane could potentially cause damage to his property with drivers attempting to turn around in that area coming on to his property and was concerned that the dumpsters would generate odors and attract rodents.

Lindsey Young of 2806 Jessica Lane spoke in opposition to the request. Ms. Young seconded Mr. McCaffity's concerns about gate access, increased traffic, and talked about her concerns for her children's safety. Ms. Young also spoke about the building height creating a lack of privacy in her backyard, and the potential of the trash/garbage attracting animals to the area.

Chairman Rusterholtz read emails received prior to the meeting from citizens all speaking in opposition to the request.

- Maureen Miller, 317 McMillen Road
- Leon Lucky, 1065 Wendy Lane
- Steve and Magda Grunin
- Bill and Cathy Phillips
- Mike Matteucci
- Agnes Sztajnert
- Jennie Tissing
- Francois Tenhoppen, 340 Holly Lane
- Victoria Howard, 2145 Lucas Creek Drive
- Cathy Gleason, 1 Manor Lane
- Michelle Reed, resident of Wolf Creek subdivision
- Gina Ellis, 2810 Ginny Court
- Darrell and Joy Koepke, 1425 Susan Circle
- April Schreurs, 447 Long Cove, Fairview
- Jason Potts, resident of Wolf Creek subdivision
- David Finn and Gina Ferrall, 980 Wendy Lane
- Kim and Maurice Berbel, 1518 Silver Creek Circle

Commissioner Johnson asked for clarification about the gate, the height of the buildings just north of the property, and dumpster locations. Mr. Hilbourn explained that the gate is highly recommended by City staff, but not a requirement. The intent would be to restrict vehicle traffic, not pedestrian traffic. He clarified that the height of the buildings just north of the property are 34.5 feet, and there has been an ordinance change since that time. Mr. Hilbourn explained that the Planning and Zoning Commission can apply reasonable restrictions including the location of the dumpsters.

Chairman Rusterholtz spoke of the number of residents that voiced their displeasure with the height of the building, which drove a change in the ordinance. Ms. Rusterholtz stated her opposition to changing the ordinance and believes it should remain a Village Center.

Questions were asked regarding the best area to access the property. City Engineer Stanton Foerster explained that anything on 1378 requires TxDOT approval and explained that there was no other permitted access to this property and Jessica Lane is the best option.

Niam Khan, Civil Engineer for AD & Associates spoke on behalf of Dr. Amin Ashfour. He felt that the traffic concerns were explained very well, and they will do a traffic study if this moves forward. He explained changes that were implemented based on comments at the previous meeting and removed the shared parking. Mr. Khan stated that they would address traffic concerns in a manner that will not have an adverse impact on citizens in the area and felt that the noise concerns can be addressed by controlling the allowed tenants.

Commissioners discussed their concerns with Mr. Khan about dividing the property into four lots and creating a need for more parking, and with two story buildings privacy issues for the neighboring community was a concern. They spoke about the work already done by the Planning and Zoning Commission and the City Council regarding Village Centers and believe that a Village Center was the best use for this area.

Chairman Rusterholtz reminded everyone that this item was for discussion only and asked what direction they would like to give the applicant on this item. Commissioners Williams, Tolson, Johnson, and Rusterholtz were in favor of keeping the development of the property as Village Center. Mr. Khan asked if it could be divided into two lots, and Chairman Rusterholtz stated that would be acceptable. Mr. Khan asked about the 35-foot height noting that the buildings just north of the property were almost 35 feet. Chairman Rusterholtz explained that the ordinance was changed after that structure was built based on citizens inputs in opposition to that height, and that the citizens remain in opposition to raising the height near residential neighborhoods.

Commissioner Williams left the meeting at 8:10 pm.

Chairman Rusterholtz reminded everyone that this item could possibly come back in the form of discussion or as a public hearing.

7. Consider amending the City's Code of Ordinances Chapter 10, Subdivisions, Section 10.03.123 Streets and Drainage by decreasing right of way requirements for residential streets from 50 feet to 30 feet, and amending Chapter 13, Utilities, Section 13.02.098 Easements, by increasing required easements adjacent to the right of way from 20 feet to 30 feet on each side of the roadway.

Development Services Director Joe Hilbourn gave a presentation explaining that Staff is recommending a change in the Code of Ordinances to reduce right of way (ROW) from 50 feet to 30 feet on residential and private streets and increasing the size of required drainage easements to 30 feet adjacent to roadways.

Chairman Rusterholtz stated her opposition to the proposal, believing that reducing the ROW and increasing easements was not a solution to the drainage problem. She feels that the bar ditches along

the road are for the good of everyone and the City should have some responsibility of maintaining them.

Mr. Hilbourn explained that staff is recommending this for residential streets only, and the City can still maintain drainage easements. With very few exceptions, the City isn't currently maintaining bar ditches and to make this happen would involve a significant change in property taxes.

Commissioners discussed homeowner's responsibility for mowing and maintaining the bar ditch to the street, the overall impact when they are not maintained, and the impact on the tax rolls.

The Commission requested Mr. Hilbourn bring it back next month for further discussion.

8. Consider amendments to the City's land use assumptions, capital improvements plan and impact fees and provide comments in the capacity as the Advisory Committee pursuant to Section 395.058 of the Texas Local Government Code.

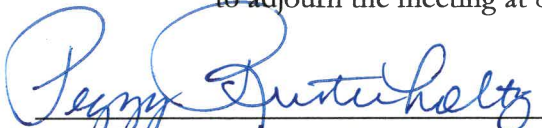
Mr. Hilbourn gave a presentation explaining that the City began the process of updating the Comprehensive Plan, Capital Improvement Plan, and land use assumptions in 2014. The Comprehensive Plan was approved by the Planning and Zoning Commission in February 2017. The Planning and Zoning Commission was also given the Capital Improvement Plan for review in 2017, and all changes recommended by the Commission were incorporated into the document. The only changes to the Capital Improvement Plan since that date are progress on projects and updated timeframes for projects.

Chairman Rusterholtz stated that she would give her notes to City Engineer Stanton Foerster reflecting corrections needed, including typos, date changes, and referrals to completed jobs. Mr. Foerster explained how the plan was developed originally and agreed with the changes needed.

MOTION: A motion was made by Chairman Rusterholtz, seconded by Commissioner Tolson to send the amendments of the City land use assumptions, capital improvements plan and impact fees to City Council along with the corrections as submitted to Mr. Hilbourn. The motion passed unanimously by a 3 to 0 vote.

9. Adjournment.

MOTION: A motion was made by Commissioner Johnson, seconded by Commissioner Tolson to adjourn the meeting at 8:33 pm. The motion passed unanimously by a 3 to 0 vote.


Peggy Rusterholtz, Chairman


Cathey Bonczar, Special Projects Coordinator

