



**AGENDA**  
**City of Lucas**  
**Planning and Zoning Commission**  
**May 9, 2019**  
**7:00 PM**  
**City Hall – Council Chambers**  
**665 Country Club Road – Lucas, Texas**

*Notice is hereby given that a City of Lucas Planning and Zoning Commission meeting will be held on Thursday, May 9, 2019 at 7:00 pm at the Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002 at which time the following agenda will be discussed.*

### **Call to Order**

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- Roll Call
- Determination of Quorum
- Reminder to turn off or silence cell phones
- Pledge of Allegiance

### **Public Hearing Agenda**

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1. Public hearing to consider approving the specific use permit request by Jaclynn and Donnie Cauthorn, property owners of 1622 Snider Lane to allow a kitchen and food preparation area in an accessory building with habitable space. (**Development Services Director Joe Hilbourn**)
  - A. Presentation by Development Services Director Joe Hilbourn
  - B. Conduct public hearing
  - C. Take action regarding the proposed specific use permit request

### **Regular Agenda**

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2. Consider approval of the minutes of the March 14, 2019 Planning and Zoning Commission meeting. (**Development Services Director Joe Hilbourn**)

3. Consider the request by Michelle Tillotta with LGA engineering on behalf of the Collin County Water Control and Improvement District No. 3 for approval of a minor plat for the extension of Osage Lane for access to Inspiration Phases 6 and 7a, a tract of land being part of the Leroy Farmer Survey ABS# 334, being 1.821 acres partially in the City of Lucas, and partially in the City of Lucas ETJ creating a variable width right of way dedicated for public use. **(Development Services Director Joe Hilbourn)**
4. Consider the request by David K. Kochalka, P.E. with Kimley Horn and Associates on behalf of Wendy Farms Estates for approval of a minor replat changing two lots of record into three lots located in the John W. Kerby Survey, ABS #505, and being 10.641 acres of land, currently known as Lots 2 and 3 Tokalaun Park and Estuary. **(Development Services Director Joe Hilbourn)**

### **Executive Session Agenda**

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*As authorized by Section 551.071 of the Texas Government Code, the Planning and Zoning Commission may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney regarding any item on the agenda at any time during the meeting. This meeting is closed to the public as provided in the Texas Government Code.*

5. Executive Session: An Executive Session is not scheduled for this meeting.
6. Adjournment.

### **Certification**

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*I do hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002 and on the City's website at [www.lucastexas.us](http://www.lucastexas.us) on or before 5:00 p.m. on May 2, 2019.*

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*Stacy Henderson, City Secretary*

*In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services should be directed to Stacy Henderson at 972-912-1211 or by email at [shenderson@lucastexas.us](mailto:shenderson@lucastexas.us) at least 48 hours prior to the meeting.*



Item No. 01

**City of Lucas**  
**Planning and Zoning Commission**  
**Agenda Request**  
**May 9, 2019**

Requester: Development Services Director Joe Hilbourn

### **Agenda Item Request**

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Public hearing to consider approving the specific use permit request by Jaclynn and Donnie Cauthorn, property owners of 1622 Snider Lane to allow a kitchen and food preparation area in an accessory building with habitable space.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct public hearing
- C. Take action regarding the proposed specific use permit request

### **Background Information**

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This lot is currently zoned R-2 and has a building permit to construct an accessory building with habitable space that meets the City's requirements. The owners would like to amend the approved building plans to allow a kitchen in the accessory building under construction.

Section 14.04.304 (a) of the City's Code of Ordinances requires that an addition of a kitchen/food preparation area requires a specific use permit in R-2 or AO zoning districts that contain a single-family home and states the following:

Kitchen, cooking or a food preparation area may be permitted on property with a specific use permit. The specific use permit may only be granted provided the owners of the property enact a deed restriction with the city as party to the deed restriction that prohibits the use of the habitable space to be used for lease/barter agreement other than that of the full-time domestic staff providing support to the property.

### **Attachments/Supporting Documentation**

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- 1. Public Notice
- 2. Location Map
- 3. Deed restrictions
- 4. Site plan, and kitchen layout

### **Budget/Financial Impact**

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NA

### **Recommendation**

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Staff recommends approving the specific use permit request as presented.



**City of Lucas**  
**Planning and Zoning Commission**  
**Agenda Request**  
**May 9, 2019**

Item No. 01

**Motion**

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I make a motion to approve/deny the specific use permit request by Jaclynn and Donnie Cauthorn, property owners of 1622 Snider Lane to allow a kitchen and food preparation area in an accessory building with habitable space.



## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Planning & Zoning Commission of the City of Lucas, Texas will conduct a public hearing on Thursday, May 09, 2019 at 7:00 p.m. and City Council will conduct a second public hearing on Thursday, May 16, 2019 at 7:00 p.m. at Lucas City Hall, 665 Country Club, Lucas, Texas to consider a Specific Use Permit (SUP) application to permit a kitchen and food preparation area more particularly described as follows:

*The property owners Jaclynn and Donnie Cauthorn at 1622 Snider Lane Block A, Lot 2R of Eastlake Estates Lucas, Texas 75002 has submitted an application for a SUP to permit a kitchen and food preparation area in an accessory building with habitable space required by code section Sec. 14.04.304 General accessory buildings and structures regulations*

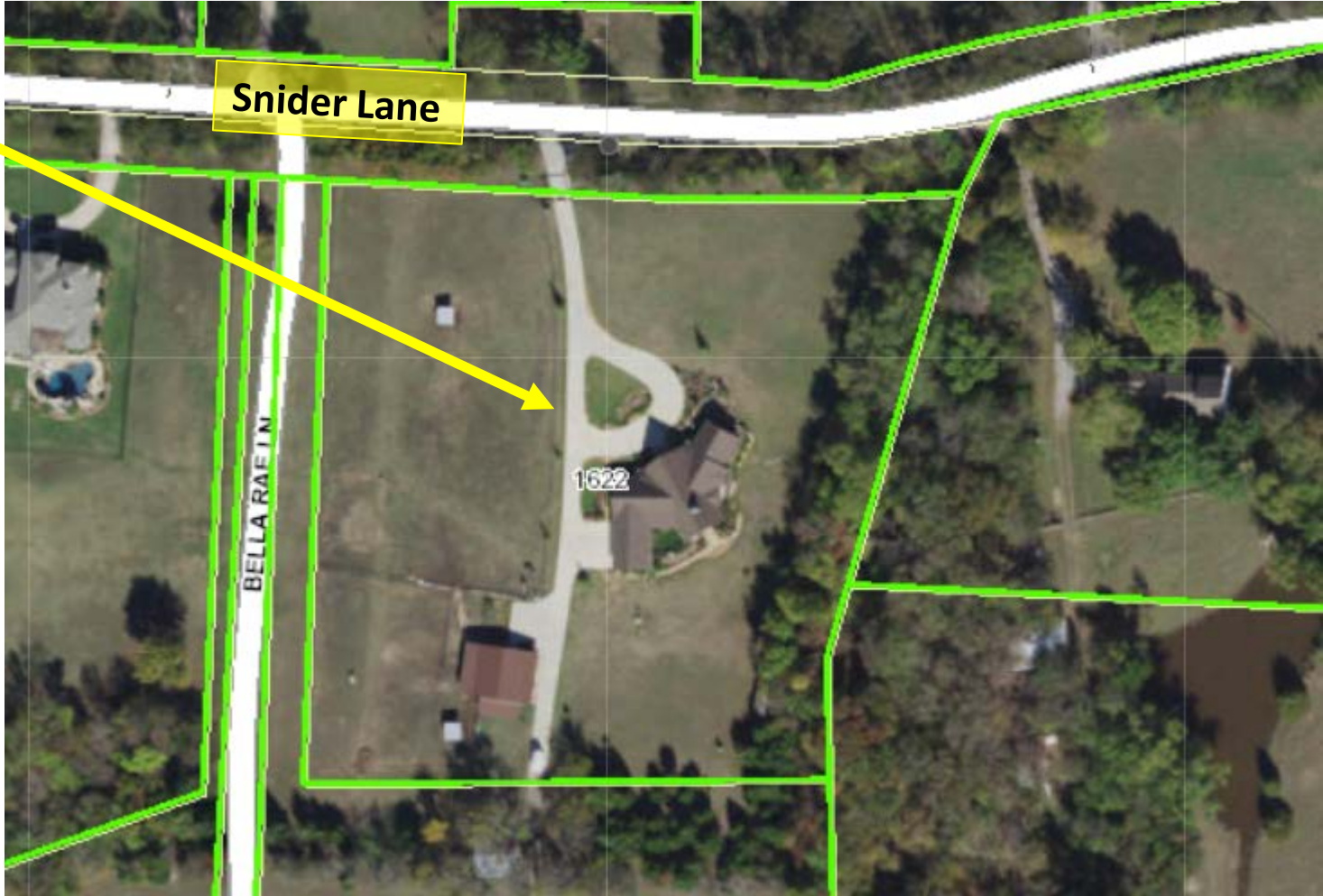
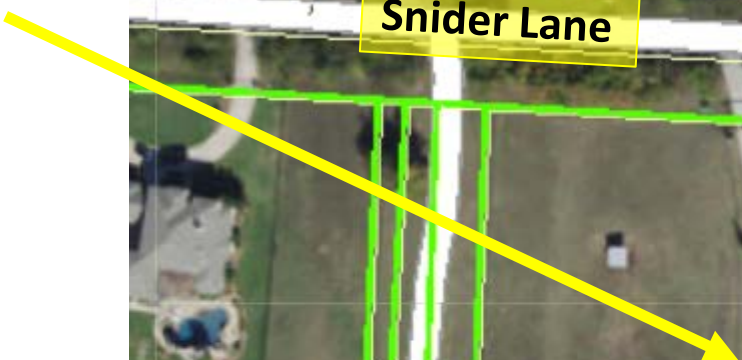
*i) In R-2 or AO zoning districts that contain a single-family home:*

*a. Kitchen, cooking or a food preparation area may be permitted on property with a specific use permit. The specific use permit may only be granted provided the owners of the property enact a deed restriction with the city as party to the deed restriction that prohibits the use of the habitable space to be used for lease/barter agreement other than that of the full-time domestic staff providing support to the property.*

Those wishing to speak FOR or AGAINST the above item are invited to attend. If you are unable to attend and have comments you may send them to City of Lucas, Attention: City Secretary, 665 Country Club Road, Lucas, Texas 75002, email [shenderson@lucastexas.us](mailto:shenderson@lucastexas.us) and it will be presented at the Hearing. If you have any questions about the above hearing you may contact [jhilbourn@lucastexas.us](mailto:jhilbourn@lucastexas.us).

# Location Map

1622 Snider Lane



**DEED RESTRICTION COVENANT REQUIRED FOR USE OF ACCESSORY STRUCTURE  
FOR FOOD PREPARATION FACILITIES IN RESIDENTIAL ACCESSORY BUILDING**

1. Attached is the Deed Restrictions form required by the City of Lucas under Section 14.04.304 of the City's Zoning Ordinance for approval of a Specific Use Permit ("SUP") for food preparation facilities in an accessory building. See Section 14.04.304 of the Zoning Ordinance.
2. All blanks on the attached form must be completed.
3. Three (3) originally signed copies of the attached form should be taken to Collin County Records Building located at Collin County Administration Building, 2300 Bloomdale Rd., Suite 2106, McKinney, Texas 75071, and filed. The owner should maintain a file-marked copy of the form.

A file-marked copy must be returned to the City of Lucas' Development Services, located at 665 Country Club Road, Lucas, Texas 75002-7651.

4. If you have further questions, please contact Joe Hilbourn, Development Services Director, City of Lucas; phone: (972) 912-1207; email: [jhilbourn@lucastexas.us](mailto:jhilbourn@lucastexas.us).

**DEED RESTRICTIONS**

**THE STATE OF TEXAS**                    §  
   §                    **KNOW ALL MEN BY THESE PRESENTS:**  
**COUNTY OF COLLIN**                    §

I.

The undersigned, \_\_\_\_\_ and \_\_\_\_\_ ("the Owner"), is the Owner of the following described property: Lot \_\_\_\_\_, Block, \_\_\_\_\_, an Addition to the City of Lucas ("City"), Collin County, Texas, and being that same tract of land conveyed to \_\_\_\_\_ by \_\_\_\_\_, by deed dated \_\_\_\_\_, and recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, in the Deed Records of Collin County, Texas, and being more commonly described as \_\_\_\_\_ (street address) (the "Property").

II.

In consideration of the granting of a Special Use Permit ("SUP") by the City to the Owner to construct, remodel, or make addition to a residential accessory building to provide kitchen, cooking or food preparation facilities, the Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

The residential accessory building for which the Special Use Permit is issued shall not at any time be used for rental purposes or barter exchange and may be occupied only by immediate family members of the Owner and/or full time domestic servant or servants of the Owner. In case of a live-in servant family, all adult members must be employed by the Owner or occupant of the main residence.

III.

These restrictions shall continue in full force and effect from the date of execution until amended or terminated in the manner specified in this document.

IV.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

V.

The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the



City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any permit, certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

VI.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.

VII.

The provisions of this document are hereby declared covenants running with the land and are binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.

VIII.

Notwithstanding any provision hereof to the contrary, if the zoning ordinance of the City is amended to permit the use of the Property for rental or barter exchange, these restrictions shall be of no further force or effect and shall be released by the City upon request of the Owner.

IX.

The Owner understands and agrees that this document shall be governed by the laws of the State of Texas.

X.

The invalidation of any provision in this document by any court shall in no way affect any other provision, which shall remain in full force and effect, and to this end the provisions are declared to be severable.

*(signature page to follow)*

**EXECUTED** at the City of Lucas, Collin County, Texas, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Owner**

By: \_\_\_\_\_  
Name: \_\_\_\_\_

**EXECUTED** at the City of Lucas, Collin County, Texas, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Owner**

By: \_\_\_\_\_  
Name: \_\_\_\_\_

(ACKNOWLEDGEMENTS)

STATE OF TEXAS §

§

COUNTY OF COLLIN §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ . (Owner)

(seal)

\_\_\_\_\_  
Notary Public, State of Texas

My commission expires: \_\_\_\_\_

STATE OF TEXAS §

§

COUNTY OF COLLIN §

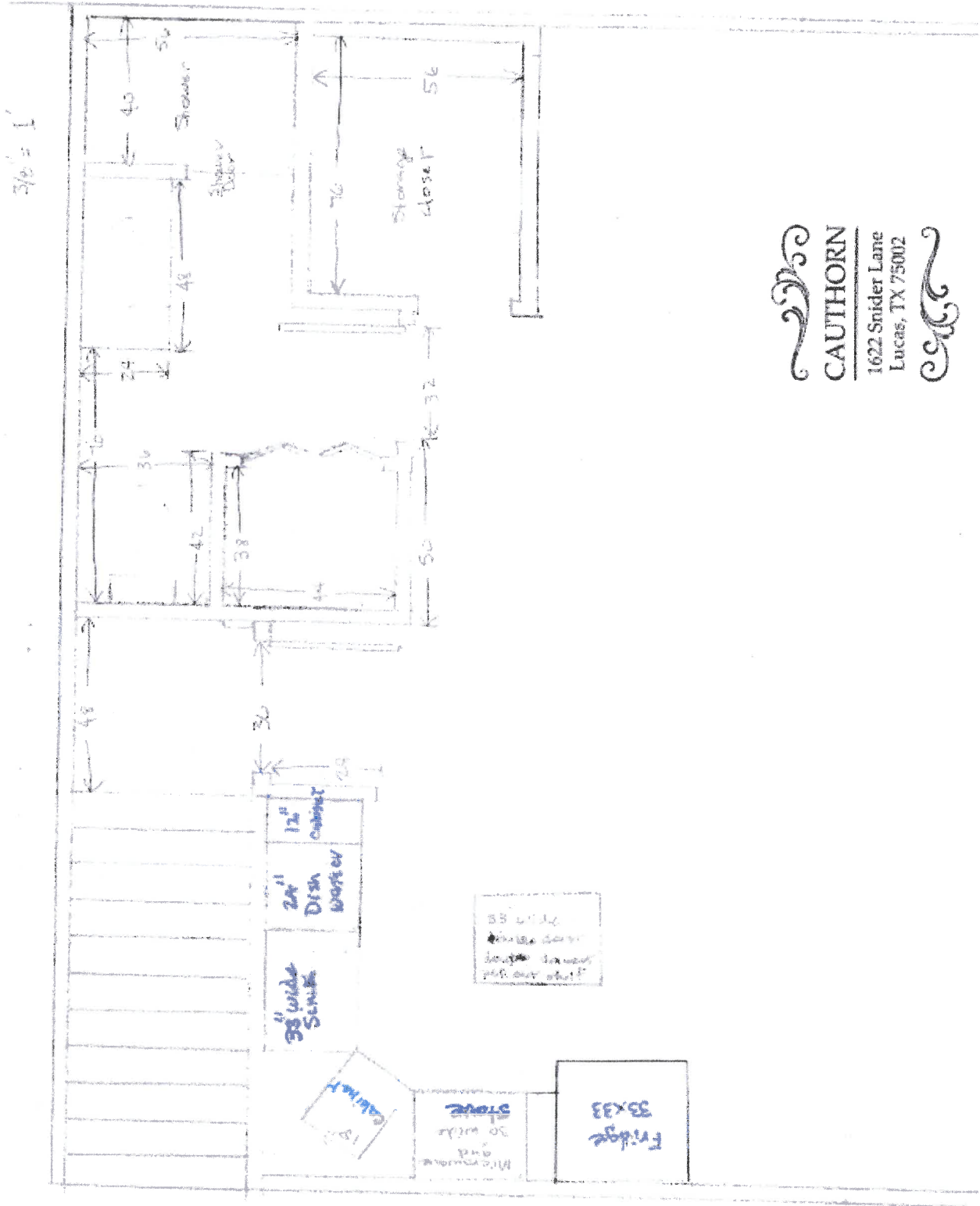
This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ . (Owner)

(seal)

\_\_\_\_\_  
Notary Public, State of Texas

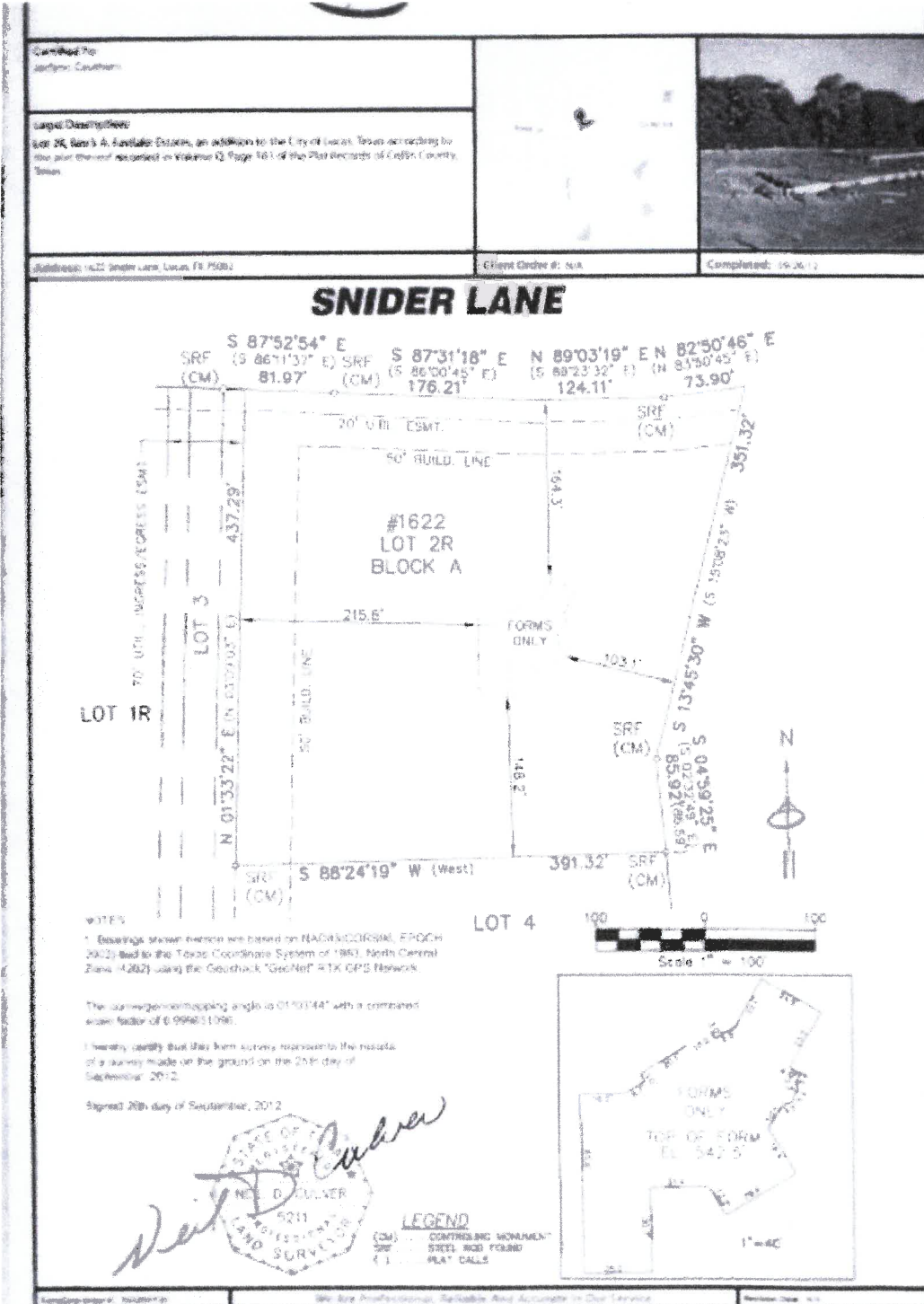
My commission expires: \_\_\_\_\_

EXHIBIT "C"  
FLOOR PLAN



CAUTHORN  
1622 Snider Lane  
Lucas, TX 75002

# EXHIBIT "B" SITE PLAN





# City of Lucas

## Planning and Zoning Agenda Request

### May 9, 2019

Requester: City Secretary Stacy Henderson

#### **Agenda Item Request**

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Consider approval of the minutes of the March 14, 2019 Planning and Zoning Commission meeting.

#### **Background Information**

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NA

#### **Attachments/Supporting Documentation**

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1. March 14, 2019 Planning and Zoning Commission minutes

#### **Budget/Financial Impact**

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NA

#### **Recommendation**

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NA

#### **Motion**

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I make a motion to approve the minutes of the March 14, 2019 Planning and Zoning Commission meeting.



City of Lucas  
**Planning and Zoning Commission**

Regular Meeting

March 14, 2019

7:00 PM

City Hall – 665 Country Club Road – Lucas, Texas

**MINUTES**

**Call to Order**

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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  
Vice Chairman David Keer  
Commissioner Scott Sperling  
Alternate Commissioner Tim Johnson  
Alternate Commissioner Tommy Tolson

**Staff Present:**

City Manager Joni Clarke  
Special Projects Coordinator Kent Souriyasak  
Development Services Director Joe Hilbourn

**City Council Liaison Present:**

Mayor Jim Olk

**Commissioners Absent:**

Commissioner Andre Guillemaud  
Commissioner Joe Williams

Due to regular members being absent, Alternate Commissioners Tim Johnson and Tommy Tolson will serve as a voting members.

**Regular Agenda**

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1. **Consider approval of the minutes of the February 14, 2019 Planning and Zoning Commission meeting.**

**MOTION:** A motion was made by Vice-Chairman David Keer, seconded by Commissioner Scott Sperling to approve the minutes as presented.

The motion passed unanimously by a 5 to 0 vote.

2. **Consider the request by Dr. Amin Ashfour for the site plan, landscape plan, and architectural elevations approval for Lot 3R-1 of the Lucas Ranch Addition being 3.029 acres of a 7.234-acre tract of land zoned VC (Village Center) and located in the Gabriel**

**Fitzhugh Survey of Abstract A0318, Tract 9, otherwise known as 2690 Country Club Road, Lucas, Texas.**

Development Services Director Joe Hilbourn presented information pertaining to the Lucas Ranch development located at 2690 Country Club Road. Mr. Hilbourn reviewed the elements of the site plan, landscape plan and architectural plan.

**Site Plan:**

- The site is 3.03 acres and zoned VC (Village Center) with a proposed use of office space.
- Four buildings being proposed, buildings one and two are 7,497 square feet, building three is 6,630 square feet and building four is 4,891 square feet. The total square footage is 26,515 square feet.
- Impervious cover shown is 62.5 %, 70 % is permitted.
- Eighty-eight parking spaces are required, 150 proposed.
- Site stormwater runoff detention is accounted for and shown, it is dedicated as a drainage easement for protection.
- A photometric lighting plan is included showing compliance with the City's lighting ordinances.

**Landscape Plan:**

- Total site area is 131,953 square feet and the building footprint is 26,515 square feet.
- Total landscape area is 46,800 square feet, required 15% and proposed 35%.
- Number of large trees provided is 43 and number of small trees provided is 23, required total is 28 for parking and landscape edge.
- 763 shrubs and vines are also provided, 454 required.
- Interior landscape required is 1,352 square feet, 4,352 square feet is provided.
- Irrigation is required for all provided landscape elements; the irrigation plan is provided showing compliance.

**Architectural Plan:**

- The proposed building height is 25 feet tall, maximum permitted is 25 feet tall.
- The proposed building has 100% masonry with a wainscot of Austin stone, the remainder being brick, 75% is required.
- Each occupancy proposes three entrances, with a 5 x 2 wall sign above each, estimated at 10 square feet.
- Each occupancy is permitted one wall sign. A wall sign may be up to ten percent of the front facade or 100 square feet maximum.

The property owner is currently going through the platting process. It is a minor plat with less than four lots, no right-of way-dedications and is staff approval only.

Commissioner Tim Johnson asked if the east side of the property was involved.

Mr. Hilbourn indicated that it was not, and the developer is only moving forward with one lot at this time and the proposed septic system for the site would be inspected and approved by Collin County.



Commissioner Scott Sperling asked about a monument sign for the development and Mr. Hilbourn indicated that the owner did not want a monument sign.

Chairman Peggy Rusterholtz asked about the overhanging colonnades and noted that the building is “straight-across” and would prefer more architectural interest on the front and side so the design would look more like a house instead of a plain, straight-across design.

Mr. Hilbourn suggested bringing the entrance out four-feet and Chairman Rusterholtz thought that would improve the aesthetics of the building.

Vice Chairman David Keer agreed that the developer should add some architectural detail to improve the overall appearance. Vice Chairman Keer wants it to look more interesting and complement the overall look of the community.

Commissioner Sperling mentioned the overall architectural feel and that it does appear to be very dense. Commissioner Sperling is concerned about the perception of the citizens regarding this development and overall, he thought it looked good and the developer really improved the overall look.

Mr. Hilbourn indicated that 27,000 square feet over three acres is not extremely dense.

Chairman Rusterholtz indicated that the developer is meeting the requirements, but the architectural portion does fall under P&Z purview

Commissioner Tommy Tolson asked for clarification on whether the Commission has this type of authority. Commissioner Tolson indicated that the developer complies with the City’s requirements.

Chairman Rusterholtz indicated that this zoning was a little different with language that states the development should blend into the community.

Commissioner Tolson stated that he does not feel qualified to give architectural modifications since he is not an architect. Commissioner Tolson also stated that the applicant has been here three times and has met all the requirements.

Chairman Rusterholtz said we can approve it with some minor architectural changes, and have it move on to the City Council.

Commissioner Tolson would like to hear from the applicant on this request and whether it is acceptable.

Mr. Naim Kahn, the Civil Engineer on this project, addressed the Commission. Engineer Kahn indicated that the architect can make the recommended modifications.

Chairman Rusterholtz said she does not want to make it difficult but would request that they look at the Wolf Creek development as a model to modify the front of the building.

Commissioner Tolson requested that the applicant clarify the Commission’s expectations to insure there was no ambiguity.

Engineer Kahn indicated that the building looks flat and they believe that they understand the direction of the Commission.

Vice Chairman Keer stated that his understanding of village center zoning is to have a commercial area that complements the architecture of the neighborhood.

Commissioner Johnson asked about the dormers on the front and wanted clarification whether they were decorative, and the Engineer Kahn indicated that there were decorative. Commissioner Johnson also asked about the proposed gate for Jessica Lane and Mr. Hilbourn indicated that the citizens were opposed to a gate. Commissioner Tim Johnson questioned if Jessica Lane is going to be a dead-end street and Mr. Hilbourn indicated that it was not.

Commissioner Sperling asked if there was any way to limit the number of monument signs and Mr. Hilbourn indicated that there was a limit.

Mr. Hilbourn asked the Commission what they would like to see on the sides of the building and Chairman Rusterholtz indicated a bay window would be adequate.

**MOTION:** A motion was made by Chairman Peggy Rusterholtz, seconded by Commissioner Scott Sperling to approve the request by Dr. Amin Ashfour for the site plan, landscape plan, and architectural plan for Lot 3R-1 of the Lucas Ranch Addition being 3.029 acres of a 7.234-acre tract of land zoned VC (Village Center) and located in the Gabriel Fitzhugh Survey of Abstract A0318, Tract 9, otherwise known as 2690 Country Club Road, Lucas, Texas with the architectural modifications that were discussed.

The motion passed unanimously by a 5 to 0 vote.

**3. Consider the request by Neelakantan R. Srivasta for the Final Plat approval for a tract of land located in the James Grayum Survey, Abstract Number 354, Tract Number 8, being all of a 5.078-acre tract of land and creating lots one and two of the Sri Tara Ma Dham addition, otherwise known as 21 Graham Lane, Lucas, Texas.**

Development Services Director Joe Hilbourn presented a proposed development located on 21 Graham Lane and reviewed the elements of the site plan.

**Site Plan:**

- The site is currently zoned R-2 and contains one lot that is 5.078 acres.
- Two lots are being proposed, with lot one being 3.078 acres and lot two being 2 acres. The lots meet the City's requirements for size and frontage.
- The lots do not meet the City's sub-division requirements for number of homes permitted on a dead-end street, and there is no means an existing sub-division to meet the requirements to extend the number of homes on a dead-end street.
- There is also concern creating additional lots with an undersized water main transitioning in that area from 6" to 4", and the water main is not looped.
- There is also no turn around proposed for the dead end extending to lot two of the proposed sub-division. A dead end exceeding 150 feet in length is required to dedicate enough right-of-way for a 60-foot radius, and a 45-foot radius turn around.

Chairman Peggy Rusterholtz asked about if the total number of homes on Graham Lane is 10 homes and Mr. Hilbourn indicated that yes, it is all the homes on Graham Lane.

Commissioner Tim Johnson asked that if the issues could be readily fixed and Mr. Hilbourn indicated no. Mr. Hilbourn said the waterlines may be looped in the future but could not determine a specific timeline.

Commissioner Scott Sperling asked if the lots are five acres and Mr. Hilbourn said the lots varied in size.

Applicant Neelakantan R. Srivasta addressed the Commission and Chairman Rusterholtz asked the applicant about the obstacles before him and if he considered adding on to his residence.

Mr. Hilbourn indicated that he would need to review the ordinance regarding this suggestion.

Commissioner Johnson asked about the recent changes to the City's accessory or out building ordinance.

Vice Chairman David Keer indicated that he was sympathetic to the applicant, but Mr. Hilbourn explained that the proposed development does not meet our requirements. Vice Chairman Keer asked if there was any possibility that the applicant would be grand-fathered.

Mr. Hilbourn indicated no, as the applicant is required to comply with today's standards. It is a self-imposed hardship and the applicant cannot seek a variance.

**MOTION:** A motion was made by Commissioner Scott Sperling, seconded by Commissioner Tim Johnson to deny the request by Neelakantan R. Srivasta for the Final Plat approval for a tract of land located in the James Grayum Survey, Abstract Number 354, Tract Number 8, being all of a 5.078-acre tract of land and creating lots one and two of the Sri Tara Ma Dham addition, otherwise known as 21 Graham Lane, Lucas, Texas.

The motion passed unanimously by a 5 to 0 vote.

Chairman Rusterholtz announced that Commissioner Scott Sperling is relocating outside the City of Lucas and is therefore, resigning his position on the Planning and Zoning Commission. The Commission and Mayor Olk thanked Mr. Sperling for his service to the City of Lucas.

#### **4. Adjournment.**

**MOTION:** A motion was made by Commissioner Tim Johnson, seconded by Commissioner Scott Sperling to adjourn the meeting at 7:41 pm.

The motion passed unanimously by a 5 to 0 vote.

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Chairman Rusterholtz, Chairman

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Joni Clarke, City Manager



# City of Lucas

## Planning and Zoning Agenda Request

### May 9, 2019

Item No. 03

Requester: Development Services Director Joe Hilbourn

### **Agenda Item Request**

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Consider the request by Michelle Tillotta with LGA engineering on behalf of the Collin County Water Control and Improvement District No. 3 for approval of a minor plat for the extension of Osage Lane for access to Inspiration Phases 6 and 7a, a tract of land being part of the Leroy Farmer Survey ABS# 334, being 1.821 acres partially in the City of Lucas, and partially in the City of Lucas ETJ creating a variable width right of way dedicated for public use.

### **Background Information**

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This project is located within the City of Lucas and the ETJ and has both an approved development agreement and an approved concept plan. This project is part of a Municipal Utility District that supplies roads, sewer and water service for Inspiration. The City of Lucas does not review the construction plans or inspect any civil infrastructure for this project. The City's only responsibility is plat approval.

The minor plat is for right of way dedication to access Inspiration Phases 6 and 7a. This access point was not on the approved concept plan. This plat meets the City's requirements for a plat.

### **Attachments/Supporting Documentation**

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1. Minor Plat
2. Location Map

### **Budget/Financial Impact**

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NA

### **Recommendation**

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Staff recommends approval of the minor plat as presented.

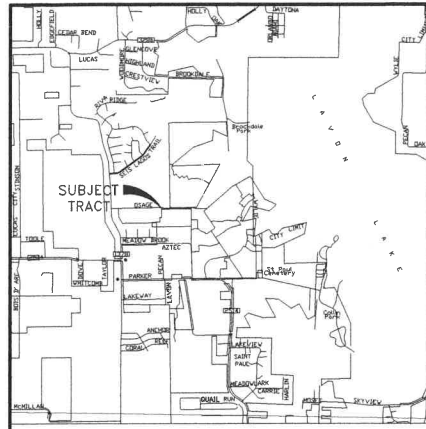
### **Motion**

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I make a motion to approve/deny the request by Michelle Tillotta with LGA engineering on behalf of the Collin County Water Control and Improvement District No. 3 for a minor plat for the extension of Osage Lane for access to Inspiration Phases 6 and 7a, a tract of land being part of the Leroy Farmer Survey ABS# 334, being 1.821 acres partially in the City of Lucas, and partially in the City of Lucas ETJ creating a variable width right of way dedicated for public use.

# Inspiration (Osage Lane) ~ Minor Plat





VICINITY MAP NOT TO SCALE

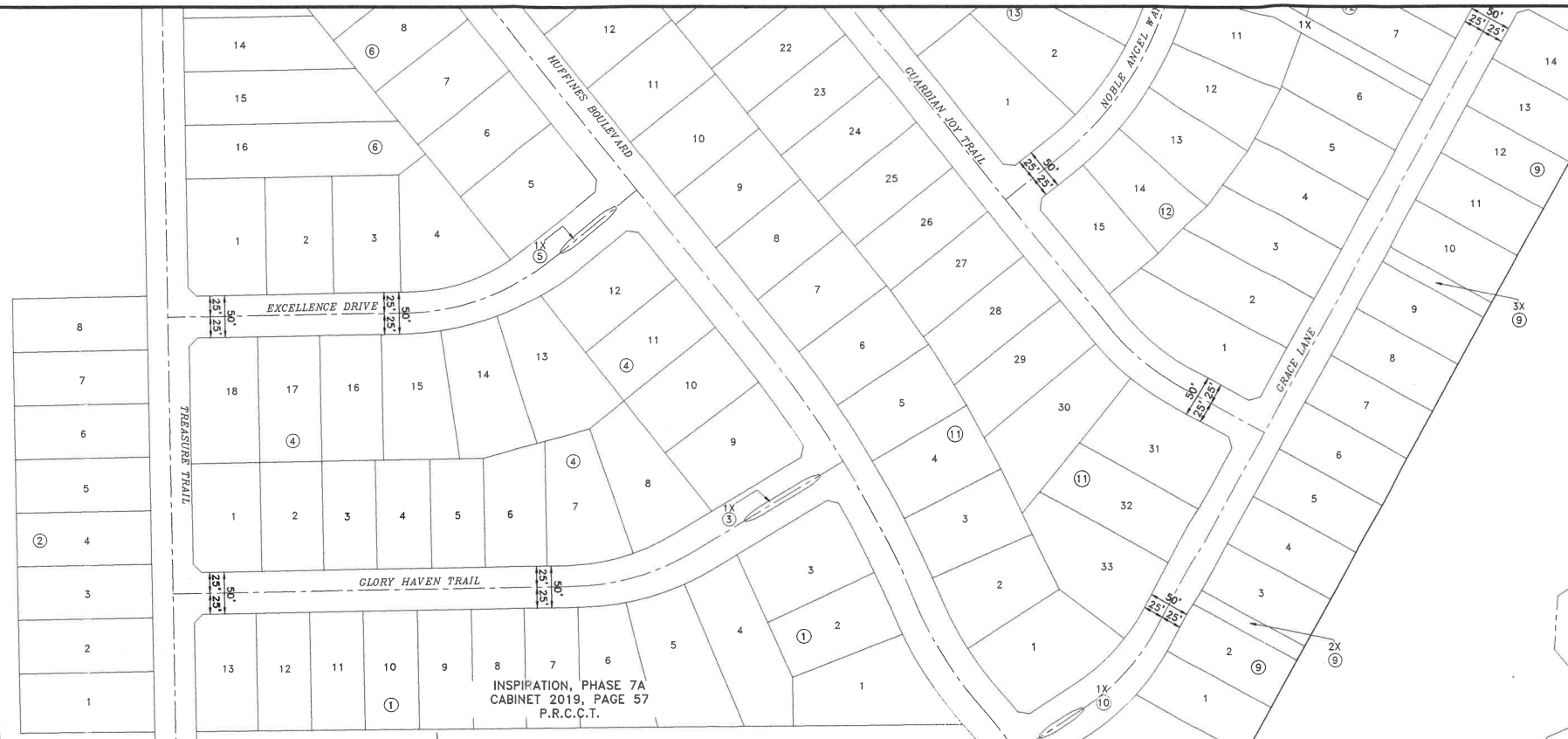
TRACT 1  
73.31 ACRES  
SCOTT WILLIAM ERICKSON AND  
ERICA LYNN ERICKSON  
C.C.# 20140829000937040  
O.P.R.C.C.T.

10.00 ACRES  
KAI HANDT  
C.C.# 2004-0181293  
O.P.R.C.C.T.

34.5118 ACRES  
NORTH TEXAS EQUESTRIAN  
CENTER, INC.  
C.C.# 94-0106479  
O.P.R.C.C.T.

5.000 ACRES  
RICHARD M. &  
SHARON PRENTICE  
C.C.# 95-0049789  
O.P.R.C.C.T.

2.0013 ACRES  
TRACT 1  
JOHN MUIR AND WIFE  
SHERRY B. MUIR  
VOLUME 4111, PAGE 512  
O.P.R.C.C.T.



APPROXIMATE LOCATION  
100YR FLOODPLAIN  
PER FEMA MAP 48085C0410J  
REVISED JUNE 2, 2009  
AND FEMA MAP 48085C0420J  
REVISED JUNE 2, 2009

TRACT NO. 4424  
UNITED STATES OF AMERICA  
VOLUME 736, PAGE 833  
D.R.C.C.T.

250 TEXAS POWER &  
LIGHT COMPANY EASEMENT  
VOLUME 879, PAGE 418  
D.R.C.C.T.  
(21.236 ACRES)

1.821 ACRES  
COLLIN COUNTY WATER CONTROL AND  
IMPROVEMENT DISTRICT NO. 03  
C.C.# 20181115001414590  
O.P.R.C.C.T.

REMAINDER  
38.190 ACRES  
OSVALDO MORALES, JR. AND  
ELIZABETH MORALES  
C.C.# 20110314000273340  
O.P.R.C.C.T.

L. FARMER SURVEY  
ABSTRACT NO. 334

(DIRECTIONAL CONTROL LINE)  
N89°14'23"E 1111.20'

OSAGE LANE  
(VARIABLE WIDTH RIGHT-OF-WAY)  
N89°39'16"W 1112.96'

LINE	BEARING	DISTANCE
L1	S00°09'24"E	72.66'
L2	N00°54'13"W	23.24'
L3	N01°00'18"W	27.93'
L4	S00°54'13"E	443.22'

### MINOR PLAT OSAGE LANE

1.821 ACRES

OUT OF THE  
LEROY FARMER SURVEY, ABSTRACT NO. 334  
IN THE  
CITY OF LUCAS, COLLIN COUNTY, TEXAS

OWNER/DEVELOPER: COLLIN COUNTY WATER CONTROL AND  
IMPROVEMENT DISTRICT NO. 03  
C/O COATS ROSE  
14755 PRESTON ROAD, SUITE 600  
DALLAS, TEXAS 75254

S:\NTR-LAND\0001\200 SURVEY\200 MAPPING\OSAGE LANE\0001P01-OSAGE.DWG 4/12/2019 3:58 PM

LEGEND  
O.P.R.C.C.T. OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS  
D.R.C.C.T. DEED RECORDS, COLLIN COUNTY, TEXAS  
P.R.C.C.T. PLAT RECORDS, COLLIN COUNTY, TEXAS  
"JACOBS" 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" FOUND  
IRF IRON ROD FOUND  
C.C.# COUNTY CLERK'S FILE NUMBER  
(CM) CONTROLLING MONUMENT

- NOTES:
- BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (NAD83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (FD-DF8984) AND DENTON CORS ARP (PID-DF8986). COORDINATE VALUES SHOWN ARE GRID VALUES.
  - ALL CORNERS ARE 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING", UNLESS OTHERWISE SPECIFIED.
  - EASEMENTS NOT RESEARCHED BY SURVEYOR.
  - FLOOD ZONE DESIGNATION FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 48085C0410J, WITH AN EFFECTIVE DATE OF 06/02/2009. SUBJECT TRACT LIES WITHIN ZONE X DEFINED AS AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN AND ZONE A DEFINED AS NO BASE FLOOD ELEVATIONS DETERMINED.

REMAINDER OF A  
CALLED 5.000 ACRES  
TRACI MILLER, (20%)  
C.C.# 20140321000266230  
ROBERT H. SIMMONS, (20%)  
RECORD NOT FOUND  
MIKE REIL (20%)  
C.C.# 20140321000266220  
PETER CROW, (20%)  
C.C.# 20091021001291820  
AND TOMMY THOMAS (20%)  
C.C.# 20091021001291830  
O.P.R.C.C.T.

**LJA Surveying, Inc.**  
6060 North Central Expressway Suite 440  
Dallas, Texas 75206  
Date: APRIL 2019  
Phone 469.621.0710  
T.B.P.L.S. Firm No. 10194465  
JOB NO. 0001

THIS PLAT FILED IN \_\_\_\_\_



# City of Lucas

## Planning and Zoning Agenda Request

### May 9, 2019

Requester: Development Services Director Joe Hilbourn

### **Agenda Item Request**

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Consider the request by David K. Kochalka, P.E. with Kimley Horn and Associates on behalf of Wendy Farms Estates for approval of a minor replat changing two lots of record into three lots located in the John W. Kerby Survey, ABS #505, and being 10.641 acres of land, currently known as Lots 2 and 3 Tokalaun Park and Estuary.

### **Background Information**

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The proposed tract is zoned R-2, with a minimum lot size permitted of two acres. All three proposed lots are equal to or greater than two acres. The proposed minor replat will convert two existing lots of record into three. This subdivision is currently part of Tokalaun Park and Estuary and the current owners are converting the name of the subdivision for the proposed three new lots to Wendy Farms Estates. The proposed plat conforms to the City's requirements.

### **Attachments/Supporting Documentation**

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1. Minor Plat

### **Budget/Financial Impact**

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NA

### **Recommendation**

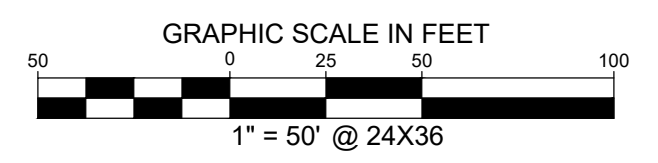
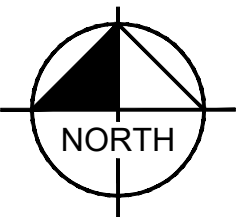
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Staff recommends approval of the minor plat as presented.

### **Motion**

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I make a motion to approve/deny the request by David K. Kochalka, P.E. with Kimley Horn and Associates on behalf of Wendy Farms Estates for a minor replat changing two lots of record into three lots located in the John W. Kerby Survey, ABS #505, and being 10.641 acres of land, currently known as Lots 2 and 3 Tokalaun Park and Estuary.

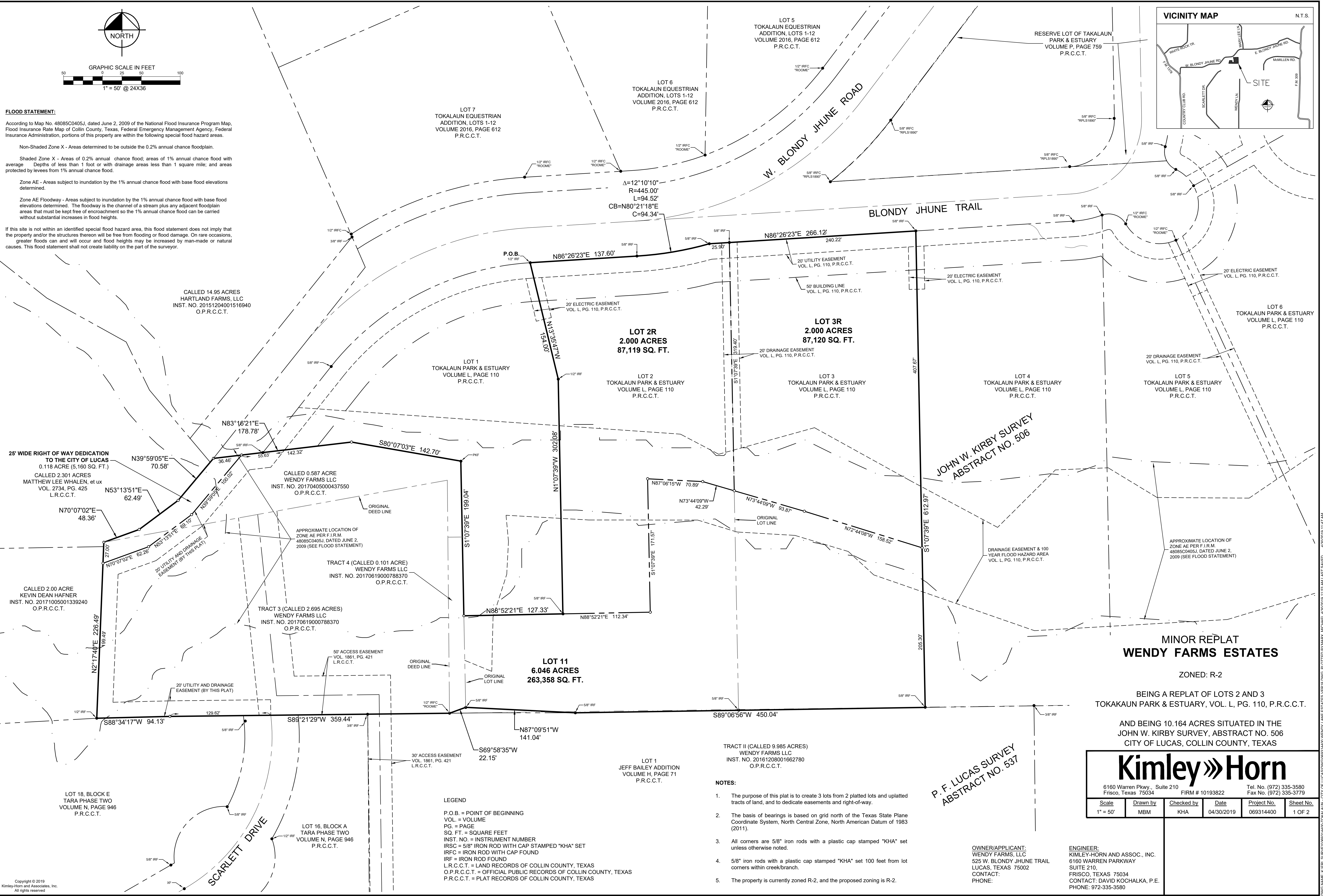
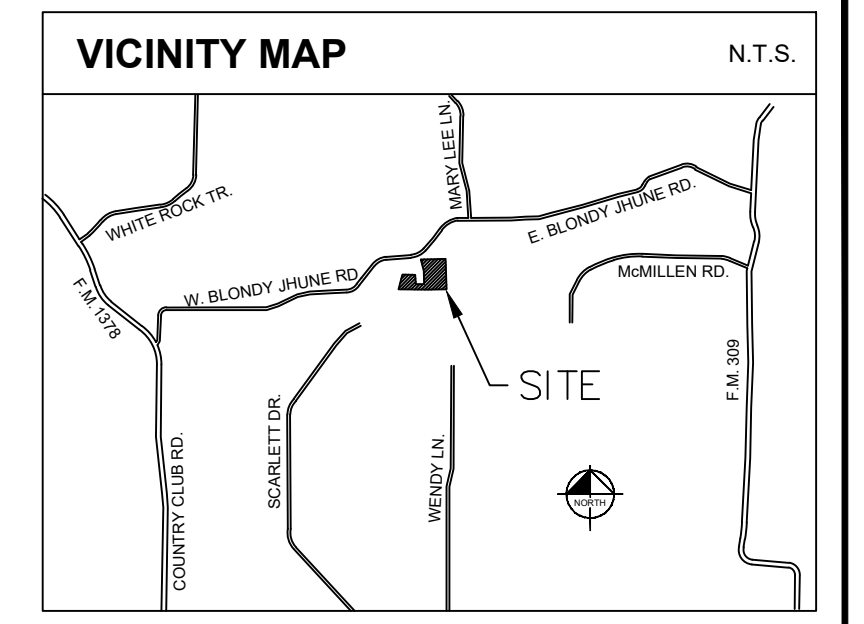


**FLOOD STATEMENT:**

According to Map No. 48085C0405J, dated June 2, 2009 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Collin County, Texas, Federal Emergency Management Agency, Federal Insurance Administration, portions of this property are within the following special flood hazard areas.

- Non-Shaded Zone X - Areas determined to be outside the 0.2% annual chance floodplain.
- Shaded Zone X - Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
- Zone AE - Areas subject to inundation by the 1% annual chance flood with base flood elevations determined.
- Zone AE Floodway - Areas subject to inundation by the 1% annual chance flood with base flood elevations determined. The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so the 1% annual chance flood can be carried without substantial increases in flood heights.

If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.



**MINOR REPLAT  
WENDY FARMS ESTATES**

ZONED: R-2

BEING A REPLAT OF LOTS 2 AND 3  
TOKALAUN PARK & ESTUARY, VOL. L, PG. 110, P.R.C.C.T.

AND BEING 10.164 ACRES SITUATED IN THE  
JOHN W. KIRBY SURVEY, ABSTRACT NO. 506  
CITY OF LUCAS, COLLIN COUNTY, TEXAS

**Kimley»Horn**

6160 Warren Pkwy., Suite 210 Frisco, Texas 75034		FIRM # 10193822		Tel. No. (972) 335-3580 Fax No. (972) 335-3779	
Scale 1" = 50'	Drawn by MBM	Checked by KHA	Date 04/30/2019	Project No. 069314400	Sheet No. 1 OF 2

P. F. LUCAS SURVEY  
ABSTRACT NO. 537

JOHN W. KIRBY SURVEY  
ABSTRACT NO. 506

- NOTES:**
- The purpose of this plat is to create 3 lots from 2 platted lots and upplatted tracts of land, and to dedicate easements and right-of-way.
  - The basis of bearings is based on grid north of the Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 (2011).
  - All corners are 5/8" iron rods with a plastic cap stamped "KHA" set unless otherwise noted.
  - 5/8" iron rods with a plastic cap stamped "KHA" set 100 feet from lot corners within creek/branch.
  - The property is currently zoned R-2, and the proposed zoning is R-2.

**LEGEND**

P.O.B. = POINT OF BEGINNING  
VOL. = VOLUME  
PG. = PAGE  
SQ. FT. = SQUARE FEET  
INST. NO. = INSTRUMENT NUMBER  
IRSC = 5/8" IRON ROD WITH CAP STAMPED "KHA" SET  
IRFC = IRON ROD WITH CAP FOUND  
IRF = IRON ROD FOUND  
L.R.C.C.T. = LAND RECORDS OF COLLIN COUNTY, TEXAS  
O.P.R.C.C.T. = OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS  
P.R.C.C.T. = PLAT RECORDS OF COLLIN COUNTY, TEXAS



OWNERS CERTIFICATE

STATE OF TEXAS §

COUNTY OF COLLIN §

WHEREAS, WENDY FARMS LLC is the owner of a tract of land situated in the John W. Kirby Survey, Abstract No. 506, City of Lucas, Collin County, Texas, and being a replat of Lots 2 and 3 of Tokalaun Park & Estuary, an addition to the City of Lucas, according to the Final Plat, recorded in Volume L, Page 110 of the Plat Records of Collin County, Texas, and being all of Tracts 1, 2, 3 and 4, conveyed to Wendy Farms LLC, as evidenced in a Special Warranty Deed, recorded in Instrument No. 20170619000788370 of the Official Public Records of Collin County, Texas, and all of a called 0.587-acre tract of land, conveyed in a Special Warranty Deed, recorded in Instrument No. 20170405000437550 of the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found for the northwest corner of Lot 2 and the northeast corner of Lot 1 of said Tokalaun Park & Estuary, same being on the southerly right of way line of W. Blondy Jhune Road, a called 90' wide right of way as dedicated in said Tokalaun Park & Estuary;

THENCE North 86°26'23" East, along the northerly line of said Lot 2 and the southerly right of way line of said W. Blondy Jhune Road, a distance of 137.60 feet to a 5/8-inch iron rod found for the point of curvature of a tangent curve to the left;

THENCE in an easterly direction, continuing along the along the northerly line of said Lot 2 and the southerly right of way line of said W. Blondy Jhune Road, and along the arc of said curve to the left, through a central angle of 12°10'10", having a radius of 445.00 feet, a chord bearing of North 80°2'11" East, a chord distance of 94.34 feet and an arc length of 94.52 feet to a 5/8-inch iron rod found for the end of said curve, same being the intersection of the southerly right of way line of said W. Blondy Jhune Road with the southerly right of way line of Blondy Jhune Trail, a 70' wide right of way as dedicated in said Tokalaun Park & Estuary;

THENCE North 86°26'23" East, continuing along the northerly line of said Lot 2, the northerly line of aforesaid Lot 3, and along the southerly right of way line of said Blondy Jhune Trail, a distance of 266.12 feet to a 5/8-inch iron rod found for the northeast corner of said Lot 3 and the northwest corner of Lot 4 of said Tokalaun Park & Estuary;

THENCE South 01°07'39" East, departing the southerly right of way line of said Blondy Jhune Trail and along the common line of said Lots 3 and 4, a distance of 612.97 feet to a 5/8-inch iron rod found for the southeast corner of said Lot 3 and the southwest corner of said Lot 4;

THENCE South 89°06'56" West, along the southerly line of said Lot 3 and aforesaid Lot 2, a distance of 450.04 feet to a 5/8-inch iron rod found for a corner;

THENCE North 87°09'51" West, continuing along the southerly line of said Lot 2, a distance of 141.04 feet to a 5/8-inch iron rod found for the southwest corner of said Lot 2, same being the southeast corner of aforesaid Tract 4 as conveyed to Wendy Farms LLC;

THENCE South 69°58'35" West, along the southerly line of said Tract 4, a distance of 22.15 feet to a 1/2-inch iron rod with a yellow plastic cap, stamped "ROOME" found for the southwest corner of said Tract 4, same being the southeast corner of aforesaid Tract 3 as conveyed to Wendy Farms LLC;

THENCE South 89°21'29" West, along the southerly line of said Tract 3, a distance of 359.44 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for a corner;

THENCE South 88°34'17" West, continuing along the southerly line of said Tract 3, a distance of 94.13 feet to a 1/2-inch iron rod found for the southwest corner of said Tract 3, same being the southeast corner of a called 2.00-acre tract of land, conveyed to Kevin Dean Hafner, as evidenced in a General Warranty Deed, recorded in Instrument No. 20171005001339240 of the Official Public Records of Collin County, Texas;

THENCE North 02°17'40" East, along the westerly line of said Tract 3 and the easterly line of said 2.00-acre tract, passing the northeast corner of said 2.00-acre tract and the southerly, southeast corner of a called 2.301-acre tract, conveyed to Matthew Lee Whalen, and wife Deborah Whalen, as evidenced in a Warranty Deed, recorded in Volume 2734, Page 425 of the Land Records of Collin County, Texas, continuing along the southerly line of said 2.301-acre tract for a total distance of 226.49 feet to a PK nail set for the northwest corner of said Tract 3, same being the southwest corner of aforesaid 0.587-acre Wendy Farms LLC tract, same also being in the approximate center of aforesaid W. Blondy Jhune Road, an apparent public use road, no record found at this point;

THENCE North 70°07'02" East, along the northwesterly line of said 0.587-acre tract and the southeasterly line of said 2.301-acre tract, and along said W. Blondy Jhune Road, a distance of 48.36 feet to a PK nail set for a corner;

THENCE North 53°13'51" East, continuing along the northwesterly line of said 0.587-acre tract and the southeasterly line of said 2.301-acre tract, and said W. Blondy Jhune Road, a distance of 62.49 feet to a PK nail set for a corner;

THENCE North 39°59'05" East, continuing along the northwesterly line of said 0.587-acre tract and the southeasterly line of said 2.301-acre tract, and said W. Blondy Jhune Road, passing the easterly, southeast corner of said 2.301-acre tract and the southwest corner of a called 14.95-acre tract of land, conveyed to Hartland Farms, LLC, as evidenced in a Warranty Deed, recorded in Instrument No. 20151204001516940 of the Official Public Records of Collin County, Texas, continuing along the southeasterly line of said 14.95-acre tract, a total distance of 70.58 feet to a PK nail set for the northwest corner of said 0.587-acre tract;

THENCE North 83°16'21" East, departing the southeasterly line of said 14.95-acre tract and said W. Blondy Jhune Road, along the northerly line of said 0.587-acre tract, passing the southerly right of way line of said W. Blondy Jhune Road as dedicated in said Tokalaun Park & Estuary and the westerly, southwest corner of aforesaid Lot 1, continuing along the southerly line of said Lot 1, a total distance of 178.78 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for a corner;

THENCE South 80°07'03" East, continuing along the northerly line of said 0.587-acre tract and the southerly line of said Lot 1, a distance of 142.70 feet to a PK nail found for the northeast corner of said 0.587-acre tract;

THENCE South 01°07'39" East, along the easterly line of said 0.587-acre tract and the westerly line of said Lot 1, passing the southeast corner of said 0.587-acre tract and the northeast corner of aforesaid Tract 4 as conveyed to Wendy Farms LLC, continuing along the easterly line of said Tract 4, a total distance of 199.04 feet to a 5/8-inch iron rod with a red plastic cap, stamped "KHA" set for the southerly, southwest corner of said Lot 1 and the westerly, northwest corner of aforesaid Lot 2;

THENCE North 88°52'21" East, along the southerly line of said Lot 1 and a northerly line of said Lot 2, a distance of 127.33 feet to a 5/8-inch iron rod found for the southeast corner of said Lot 1 and an inner ell corner of said Lot 2;

THENCE North 01°07'39" West, along the easterly line of said Lot 1 and a westerly line of said Lot 2, a distance of 302.08 feet to a 1/2-inch iron rod found for a corner;

THENCE North 13°35'47" West, continuing along the easterly line of said Lot 1 and a westerly line of said Lot 2, a distance of 154.00 feet to the POINT OF BEGINNING and containing 10.164 acres (442,757 square feet) of land, more or less.

OWNER'S DEDICATION

STATE OF TEXAS §

COUNTY OF COLLIN §

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That WE, WENDY FARMS LLC, Owner, do hereby bind themselves and their heirs, assignees and successors of title this plat designating the hereinabove described property as WENDY FARMS ESTATES, an addition to the City of Lucas, and do hereby dedicate to the public use forever the streets, alleys, and right-of-way easements shown thereon, and do hereby reserve the easement strips shown on this plat for the mutual use and accommodation of garbage collection agencies and all public utilities desiring to use or using same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements strips, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, without the necessity at any time of procuring the permission of anyone. Additionally, we certify that we are the sole owners of the dedicated property and that no other's interest is attached to this property unless otherwise indicated on the required Mortgage Holder Certification that is included on this plat.

Furthermore, as the owner of the property described herein, and in consideration of establishing the subdivision described herein, we agree to the following:

- Every owner of fee simple title to every individual lot within the subdivision shall be a member of the homeowners' association;
• The homeowners' association shall have the authority to collect membership fees;
• As applicable as it pertains to conditions shown herein, the homeowners' association shall be responsible for the maintenance of all common areas, screening walls, landscaped areas, private streets and alleys.
• The homeowners' association shall grant the City the right of access to any areas to abate any nuisances on such areas, and attach a lien upon each individual lot for the prorated costs of abatement.
• The homeowners' association shall indemnify and hold the City harmless from any and all costs, expenses, suits, demands, liabilities, damages, or otherwise, including attorney fees and costs of suit, in connection with the City's maintenance of common areas.
• The homeowners' association shall, where additional rights-of-way has been dedicated for the purpose of providing landscaping, additional areas for sidewalks, walls or other amenities, enter into a license agreement with the City and shall be responsible for the installation and maintenance of all landscape areas in the public rights-of-way.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Lucas, Texas.

BY: WENDY FARMS LLC

By: \_\_\_\_\_
Name:

STATE OF TEXAS §

COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_ day of \_\_\_\_\_, 2019.

Notary Public in and for the State of Texas

SURVEYORS CERTIFICATE

THAT I, Michael B. Marx, do hereby certify, that I prepared this plat from an actual on the ground survey of the land as described and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of Lucas Planning and Zoning Commission.

Dated the \_\_\_\_ day of \_\_\_\_\_, 2019.

PRELIMINARY PLAT
FOR INSPECTION PURPOSES ONLY

Michael B. Marx
Registered Professional Land Surveyor No. 5181
Kimley-Horn and Associates, Inc.
6160 Warren Parkway, Suite 210
Frisco, Texas 75034
Ph. 972-335-3580
michael.marx@kimley-horn.com

STATE OF TEXAS §

COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared Michael B. Marx known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_ day of \_\_\_\_\_, 2019.

Notary Public in and for the State of Texas

CERTIFICATE OF APPROVAL

This plat is hereby approved by the Planning and Zoning Commission of the City of Lucas.

Chairman, Planning and Zoning Commission Date

ATTEST:

Signature Date

Print Name & Title

The Director of Public Works of the City of Lucas, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Lucas Development Code and with engineering construction standards and processes adopted by the City of Lucas, Texas as to which his approval is required.

Director of Public Works Date

The Director of Planning and Community Development hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Code of Ordinances, or as may have been amended or modified, as allowed, by the Planning and Zoning Commission as to which his/her approval is required.

Director of Planning and Community Development Date

MINOR REPLAT
WENDY FARMS ESTATES

ZONED: R-2

BEING A REPLAT OF LOTS 2 AND 3
TOKAKAUN PARK & ESTUARY, VOL. L, PG. 110, P.R.C.C.T.

AND BEING 10.164 ACRES SITUATED IN THE
JOHN W. KIRBY SURVEY, ABSTRACT NO. 506
CITY OF LUCAS, COLLIN COUNTY, TEXAS

Table with Kimley Horn logo and contact information: 6160 Warren Pkwy., Suite 210, Frisco, Texas 75034, FIRM # 10193822, Tel. No. (972) 335-3580, Fax No. (972) 335-3779. Includes a small table with Scale, Drawn by, Checked by, Date, Project No., and Sheet No.

OWNER/APPLICANT:
WENDY FARMS, LLC
525 W. BLONDY JHUNE TRAIL
LUCAS, TEXAS 75002
CONTACT:
PHONE:

ENGINEER:
KIMLEY-HORN AND ASSOC., INC.
6160 WARREN PARKWAY
SUITE 210,
FRISCO, TEXAS 75034
CONTACT: DAVID KOCHALKA, P.E.
PHONE: 972-335-3580