



City of Lucas
Planning and Zoning Commission
Regular Meeting
November 14, 2019
7:00 PM
City Hall – 665 Country Club Road – Lucas, Texas
MINUTES

Call to Order

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

It was determined that a quorum was present. Vice Chairman Keer stated that Alternate Member Tommy Tolson would be seated as a voting member. Everyone was reminded to turn off or silence their cell phones and the Pledge of Allegiance was recited.

Commissioners Present:

Vice Chairman David Keer
Commissioner Tim Johnson
Commissioner Joe Williams
Alternate Commissioner Tommy Tolson

Staff Present:

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

Commissioners Absent:

Chairman Peggy Rusterholtz
Commissioner Andre Guillemaud
Alternate Commissioner Adam Sussman

Regular Agenda

- 1. Consider approval of the minutes of the October 10, 2019 Planning and Zoning Commission meeting.**

MOTION: A motion was made by Commissioner Williams, seconded by Commissioner Johnson, to approve the minutes of the October 10, 2019 Planning and Zoning Commission meeting. The motion passed unanimously by a 4 to 0 vote.

- 2. Consider the request by OW Homes, LLC for final plat approval for Farmstead Estates, a tract of land being 11.941 acres situated in the James Grayum Survey, Abstract Number 354 otherwise known as 1890 Estates Parkway.**

Development Services Director Joe Hilbourn gave an overview of the final plat noting that the property was zoned R-2, contained five lots, all being two acres in area. The subdivision contains two retention ponds and conformed to all City requirements.

Mr. Hilbourn noted that the Code of Ordinances requires culvert charts to be identified on the final plat. However, this requirement was from when Lucas was a General Law city and final plats were approved prior to construction of the site. Mr. Hilbourn stated that culvert charts were now located on the construction plans instead of the final plat and the ordinance needs to be updated with the new amendments.

Because it was a code requirement, Vice Chairman Keer asked that the motion reflect the culverts be shown on the construction plans.

MOTION: A motion was made by Vice Chairman Keer, seconded by Commissioner Williams to approve the final plat for Farmstead Estates, being 11.941 acres situated in the James Grayum Survey, Abstract Number 354 otherwise known as 1890 Estates Parkway, and including the condition that culvert specifications as required on the final plat be shown on the construction plans. The motion passed unanimously by a 4 to 0 vote.

3. **Discuss stormwater ordinance regulations regarding drainage challenges in the City of Lucas and provide direction to staff on any recommended amendments to install, maintain and promote drainage on private and public property and rights-of-way, and provide direction to staff on amendments to consider for the January 9, 2020 Planning and Zoning Commission meeting.**

Mr. Hilbourn discussed the City's current design manual that gave engineers a choice between design-based drainage methods for a development or prescriptive drainage methods. Mr. Hilbourn explained that a prescriptive drainage method was a step by step guide on how to conform to the City's requirements, where a design-based method called for a licensed engineer to design a subdivisions drainage by using generally accepted engineering principles. The concern associated with using the prescriptive method was that it required an engineer to make every drainage situation fit a certain design. The design for a subdivision at upper elevations should be different from the subdivision design at lower elevations.

Mr. Hilbourn further explained that a prescriptive design method calls for 200 acres of drainage area, and 50 acres of retention, with more than 50 acres, the required method is to have retention with soil conservation hydrologic methods. With design-based methods, engineers could propose a drainage system design to the City Engineer prior to construction.

Development Services Director Joe Hilbourn discussed challenges related to stormwater regulations throughout the City and asked the Commission for a recommendation on how to manage and update the stormwater ordinance relating to the items 1 – 7 outlined below.

1. Remove/amend Code of Ordinances, Section 10.04.005 (1) and (2) as these sections currently exempt single-family subdivisions with five or less lots, or commercial development that does not increase stormwater runoff rates by more than 10 percent predevelopment rate and no more than five cubic feet per second.

The Commission discussed the benefits of having all developers regardless of lot size or subdivision size to comply with ordinance standards. The Commission also discussed if the ordinance needed to address lots that had no improvements on site, but once improvements were placed on the property, compliance with the ordinance would be required. It was the consensus that both of these sections be deleted in their entirety.

2. The design manual currently requires HOAs to maintain ponds in the original design condition, and Section 10.04.024 outlines that HOAs must initiate maintenance of ponds within 14 days of notice, and complete required maintenance within 45 days. The Code of Ordinances does not address maintenance if there is no HOA or if the HOA has failed.

The Commission had a lengthy discussion as to who was responsible for the maintenance of retention ponds and who would pay for the maintenance should the HOA fail. The Commission discussed how property owners would be notified of their responsibility for maintenance and how cost for maintenance would be disbursed equally amongst homeowners within the subdivision. The Commission also discussed the potential negative impact to residents receiving a bill for maintenance of a detention pond that they had no idea they were responsible for.

3. The Code of Ordinances does not currently address ditch maintenance, or who is required to maintain drainage ditches adjacent to roads or on property lines.

The Commission discussed how there was currently no requirements for maintenance and some property owners have filled in their ditches that cause additional drainage problems. The Commission agreed that some form of maintenance by property owners needed to be required.

4. Items related to enforcement, penalties, fines, assessments, and required notice and timeframes for compliance need to be addressed.
5. There are no regulations in place to address illicit discharges.

The Commission asked for clarification on the definition of illicit discharge. Mr. Hilbourn explained that illicit discharge pertained to any discharge into the storm sewer system that was not composed of stormwater, such as oils, pesticides or fertilizers. It was the consensus that a code section should be created to address illicit discharges.

6. The development of a fee schedule is needed to fund work associated with maintenance of drainage within easements dedicated to the City and/or the public. Staff recommends a flat fee for residential, between \$5.00 per month and \$10.00 per month. Non-residential fees should be based on percent of impervious cover at \$1.10 per thousand square feet.

Mr. Hilbourn explained that a fee could be assessed to each property every month as part of a residents utility bill. The Commission discussed the potential negative impact the assessment could have on residents having to pay for drainage issues they were not experiencing on their property but were being assessed a fee for drainage issues in other parts of the City. The Commission discussed how the collected funds would be used, and how there would not be adequate funds collected from the assessed fee to repair drainage problems throughout the City. There was also concern with special assessments and the burden on individual homeowners that may not be able to pay the assessment.

Mr. Hilbourn stated that each year the collected assessed fee could be used towards a subdivision that needed drainage repairs. Mr. Hilbourn also noted that funds collected could be used to reduce bond debt should bonds be considered as a possible solution to repair drainage throughout the City.

The Commission also discussed not assessing a fee and allowing property owners to hire an engineer and fix any drainage problems they were having on their property.

Commissioner Tolson stated that before putting forth an assessed fee to each property owner, it should be brought to the voters to decide.

7. Section 14.04.038 related to driveways

- (a) The driveway entry radius must not overlap the common property lines as projected to the street.
- (b) Driveway culverts must be sized for each specific application. For new development, culvert size and material will be specified on construction drawings for each lot.

Mr. Hilbourn asked the Commission to forward any comments or recommended changes regarding the stormwater ordinance to him so that he could prepare an update for the January Planning and Zoning Commission meeting.

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

4. **Executive Session.**


There was no Executive Session held at this meeting.

5. **Adjournment.**

MOTION: A motion was made by Commissioner Williams, seconded by Commissioner Tolson to adjourn the meeting at 7:55pm. The motion passed unanimously by a 4 to 0 vote.



David Keer, Vice Chairman



Stacy Henderson, City Secretary

