



City of Lucas
Planning and Zoning Commission
March 12, 2020
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, March 12, 2020 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

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

Regular Agenda

1. Consider approval of the minutes of the January 9, 2020 Planning and Zoning Commission meeting. **(City Secretary Stacy Henderson)**
2. Consider the appointment of a Chairman and Vice Chairman for the Planning and Zoning Commission with a term extending through December 31, 2020. **(Vice Chairman David Keer)**
3. Consider amending the City's Code of Ordinances, Chapter 10, Subdivisions, Article 10.04 Stormwater Runoff Regulations and Control, Section 10.04.005 relating to deleting specific requirements for stormwater detention; and amending Section 10.04.024 by adding Responsibilities of Owners. **(Development Services Director Joe Hilbourn)**

Executive Session Agenda

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.

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

Certification

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 on or before 6:00 p.m. on March 6, 2020.

A stylized, handwritten signature of Stacy Henderson in blue ink, with a decorative outline of a city skyline behind the text.

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 at least 48 hours prior to the meeting.



City of Lucas

Planning and Zoning Agenda Request

March 12, 2020

Requester: City Secretary Stacy Henderson

Agenda Item Request

Consider approval of the minutes of the January 9, 2020 Planning and Zoning Commission meeting.

Background Information

NA

Attachments/Supporting Documentation

1. January 9, 2020 Planning and Zoning Commission minutes

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve the minutes of the January 9, 2020 Planning and Zoning Commission meeting.



City of Lucas
Planning and Zoning Commission
Regular Meeting
January 9, 2020
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 Members Tommy Tolson and Adam Sussman would be seated as voting members. 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 Andre Guillemaud
Commissioner Tim Johnson
Alternate Commissioner Tommy Tolson
Alternate Commissioner Adam Sussman

Staff Present:

City Manager Joni Clarke
Development Services Director Joe Hilbourn
City Attorney Julie Doshier
Permit Technician Donna Bradshaw

Commissioners Absent:

Commissioner Joe Williams

City Council Liaison:

Mayor Jim Olk

Regular Agenda

- 1. Consider approval of the minutes of the December 12, 2019 Planning and Zoning Commission meeting.**

MOTION: A motion was made by Commissioner Johnson seconded by Commissioner Guillemaud, to approve the minutes of the December 12, 2019 Planning and Zoning Commission meeting. The motion passed unanimously by a 5 to 0 vote.

- 2. Consider the request by Preston Walhood for final plat approval for a parcel of land situated in ABS A0349 John Gray Survey, Tract 10, being 30.6018 ± acres, located at the southwest corner of the intersection of Highland Drive and Stinson Road.**

Development Services Director Joe Hilbourn discussed the final plat request noting that the development was within the City's ETJ. There was an approved development agreement in place

with zoning designated as R-1 and voluntary annexation would occur within ten days of final plat approval, as well as the following special conditions:

1. Lot size minimum one acre, with a minimum of 150 feet of road frontage
2. Setbacks: 50-foot front, 30-foot rear, 20 foot each side (or ten percent of lot width whichever is less)
3. Accessory building not to exceed 50% of the first-floor air-conditioned space of the main residence, must be made of the same materials as the main residence, and must be behind the main residence

Changes from the preliminary to the final plat included 22 residential lots reduced to 21 lots, with 19 residential lots and two retention pond lots. Mr. Hilbourn stated that staff recommended approval of the final plat.

The Commission discussed maintenance of the retention ponds. Mr. Hilbourn clarified that retention ponds would be maintained by the homeowners association.

MOTION: A motion was made by Commissioner Guillemaud, seconded by Vice Chairman Keer to approve the final plat for a parcel of land situated in ABS A0349 John Gray Survey, Tract 10, being 30.6018 +/- acres, located at the southwest corner of the intersection of Highland Drive and Stinson Road. The motion passed unanimously by a 5 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.**

Commissioner Tolson discussed his presentation with the Commission and shared pictures of channel designs, temporary culverts, water flow design, partially blocked culverts, and backfilled channels. Mr. Tolson also discussed the possibility of requiring permits for temporary and permanent culverts, as well as requiring concrete culverts.

Mr. Hilbourn explained that contractors obtain permits from the City for any temporary culverts installed during the construction process to gain access to a property. Once the project was complete, the contractor was required to remove the culvert unless the property owner requests it remain. Mr. Hilbourn stated that the metal culvert and dirt/gravel used to cover the culvert was not designed to handle large vehicle loads. Mr. Hilbourn stated that the City does not currently require driveways to be constructed of concrete but do require concrete headwalls at each end of the culvert or safety end treatments.

Vice Chairman Keer reviewed with the Commission the following six items that staff recommended be addressed within the Stormwater Ordinance:

1. Remove/adjust 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% predevelopment rate and no more than five cubic feet per second.

The Commission was in agreement to remove Section 10.04.005 (1) and (2).

2. The design manual currently requires HOA's to maintain stormwater detention ponds in its original design condition, and Section 10.04.024 lays out that HOA's must initiate maintenance of stormwater detention ponds within 14 days of notice, and complete required maintenance within 45 days. However, the code does not address maintenance if there is no HOA, or the HOA has failed.

Vice Chairman Keer read requirements from the Town of Fairview's stormwater ordinance, Article 4, Section B, Responsibilities of the Owners.

The owner or developer of property to be developed shall be responsible for all storm drainage flowing through or abutting such property. This responsibility also includes drainage directed to that property by ultimate development as well as the drainage naturally flowing through the property by reason of topography. It is the intent of this ordinance that provision be made for storm drainage at such time as any property affected is proposed for development, use, or modification.

Where the improvement or construction of a storm drainage facility is required along a property line common to two or more owners, the owner hereafter proposing development of the property shall be responsible for the required improvements at the time of development, including the dedication of all necessary rights-of-way or easements, to accommodate the improvements.

Where a property owner proposes development or use of only a portion of the property, provision for storm drainage shall only be required in that portion of the property proposed for immediate development, except as construction or improvements of a drainage facility outside that designated portion of the property is deemed essential to the development of that designated portion.

Owners shall provide for stormwater runoff and design drainage related facilities in accordance with and/or in a compatible manner with any future Town of Fairview master drainage study and plan in effect at the time when plans for drainage facilities are submitted to the Town for approval.

Owners and Associations shall provide the dedication of drainage easements and shall perform maintenance activities within the dedicated easements as required by this ordinance.

In addition, owners may be required to provide at their expense a preliminary drainage study for the total area to be ultimately developed. This study shall be submitted to the Town engineer as a part of the submitted data for consideration of preliminary plat or site plan approval for the portion of the property proposed for immediate development.

The Commission was in agreement to incorporate the Town of Fairview's requirements above as a model to address Item No. 2. Mr. Hilbourn stated that he would like to defer to the homeowners association first, then the property owners.

3. Currently the Code of Ordinances does not address ditch maintenance in any form. Currently there is no designation as to who is required to maintain drainage ditches adjacent to roads or on property lines.

The Commission discussed enforcement, fines and assessing a fee with the water bill for each resident.

The Commission then discussed options to ensure ditch maintenance was performed. The Commission agreed that property owners would be notified of required maintenance, if the maintenance items were not addressed, the City would perform the required maintenance to the ditch and assess a lien to the property for work performed.

4. Enforcement, penalties, fines, assessments, and required notice and time frames for compliance needs to be addressed.

The Commission was in agreement that the options outlined in No. 3 would also address items needed for No. 4.

5. The ordinance does not properly address illicit discharges.

Mr. Hilbourn stated that he would prepare and bring back to the Commission an ordinance pertaining to illicit discharges for further review and recommendations.

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 would recommend 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.

Vice Chairman Keer asked what options were available should a neighborhood request drainage improvements from the City.

City Attorney Julie Doshier stated that a Public Improvement District would have to be created that assesses a fee to that particular neighborhood with those funds to be used specifically for public improvements.

Mayor Olk stated that the fee schedule was not under the purview of the Planning and Zoning Commission and the City Council would review this item further.

This item was for discussion purposes only, no formal action was taken.

- 4. Consider the appointment of a Chairman and Vice Chairman to serve for a period of one (1) year with a term ending December 31, 2020.**

MOTION: A motion was made by Vice Chairman Keer, seconded by Commissioner Johnson to table this item to the March Planning and Zoning Commission meeting. The motion passed unanimously by a 5 to 0 vote.

- 5. Executive Session.**

There was no Executive Session held at this meeting.

6. Adjournment.

MOTION: A motion was made by Commissioner Sussman, seconded by Commissioner Guillemaud to adjourn the meeting at 7:57pm. The motion passed unanimously by a 5 to 0 vote.

David Keer, Vice Chairman

Stacy Henderson, City Secretary



City of Lucas

Planning and Zoning Agenda Request

March 12, 2020

Requester: Vice Chairman David Keer

Agenda Item Request

Consider the appointment of a Chairman and Vice Chairman for the Planning and Zoning Commission with a term extending through December 31, 2020. (Vice Chairman David Keer)

Background Information

NA

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to appoint _____ as Chairman of the Planning and Zoning Commission with a term extending through December 31, 2020.

I make a motion to appoint _____ as Vice Chairman of the Planning and Zoning Commission with a term extending through December 31, 2020.



City of Lucas

Planning and Zoning Commission

Agenda Request

March 12, 2020

Item No. 03

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Consider amending the City's Code of Ordinances, Chapter 10, Subdivisions, Article 10.04 Stormwater Runoff Regulations and Control, Section 10.04.005 relating to deleting specific requirements for stormwater detention; and amending Section 10.04.024 by adding Responsibilities of Owners.

Background Information

On September 12, 2019, the Planning and Zoning Commission and City Council held a joint drainage workshop to discuss challenges throughout the City regarding drainage and consider possible solutions. At the budget workshop, the City Council and Commission discussed current City ordinances to enforce or update, floodplain development and maintenance, and budgeting options. On October 10, 2019, the Planning and Zoning Commission discussed drainage during a regularly scheduled meeting including discussions of Fairview's drainage ordinance. On November 14 the Planning and Zoning Commission made the following recommendations:

Existing Section 10.04.005 – Specific Requirements **with proposed deletions:**

Sediment shall be maintained on site and excess stormwater runoff shall be detained in connection with any new construction, development, redevelopment, or land use change occurring within the city in accordance with the requirements set forth in this article. Notwithstanding the foregoing, exceptions to this requirement are as follows:

- ~~1) For stormwater detention, the development of any subdivision of five or less single-family lots.~~
- ~~2) For stormwater detention, the development of commercial or industrial property in which the increase in runoff is less than ten percent (10%) of the pre-development runoff rate and less than five (5) cubic feet per second.~~
- 3) A determination by the city that the excess runoff from the proposed construction, development, redevelopment, or land use change will be insufficient to adversely effect the carrying capacity of the receiving body or watercourse. In this connection and should the city's determination of insufficient adverse effect be sought; the developer shall make available to the city such hydraulic or hydrologic computations as will support the requested exception.
- 4) In the event it is determined to the city manager's satisfaction, after consultation with appropriate engineering consultants, that the goals of this article will be better met by the owner or developer of the site paying to the city an amount equal to the cost of the detention



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Item No. 03

pond(s) required herein. Such cost shall be determined by the actual construction cost amount, if known, or as estimated by the design engineer and approved by the city. This agreement and payment will be completed before the city's approval of the development's construction plans.

Existing Section 10.04.024 – Maintenance **with proposed additions highlighted in blue:**

Designs of detention facilities will incorporate features which facilitate their inspection and maintenance. The designer shall submit an operation and maintenance (O&M) plan for any detention facility prior to its approval by the city. All privately owned detention facilities may be inspected by representatives of the city at such times as they deem necessary. If deficiencies, or conditions creating nuisances, are found, the owner or homeowners' association shall be required to initiate the necessary corrections within fourteen (14) days, and all deficiencies shall be corrected within forty-five (45) days.

Responsibilities of Owners

- a) The owner or developer of property to be developed shall be responsible for all storm drainage flowing through or abutting such property. This responsibility also includes drainage directed to that property by ultimate development as well as the drainage naturally flowing through the property by reason of topography. It is the intent of this ordinance that provision be made for storm drainage at such time as any property affected is proposed for development, use, or modification.
- b) Where the improvement or construction of a storm drainage facility is required along a property line common to two or more owners, the owner hereafter proposing development of the property shall be responsible for the required improvements at the time of development, including the dedication of all necessary rights-of-way or easements, to accommodate the improvements.
- c) Where a property owner proposes development or use of only a portion of the property, provision for storm drainage shall only be required in that portion of the property proposed for immediate development, except as construction or improvements of a drainage facility outside that designated portion of the property is deemed essential to the development of that designated portion.
- d) Owners shall provide for stormwater runoff and design drainage related facilities in accordance with and/or in a compatible manner with any future City of Lucas master drainage study and plan in effect at the time when plans for drainage facilities are submitted to the City for approval.
- e) Owners and Associations shall provide the dedication of drainage easements and shall perform maintenance activities within the dedicated easements as required by this ordinance.
- f) In addition, owners may be required to provide at their expense a preliminary drainage study for the total area to be ultimately developed. This study shall be submitted to the



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Item No. 03

City engineer as a part of the submitted data for consideration of preliminary plat or site plan approval for the portion of the property proposed for immediate development.

Attachments/Supporting Documentation

NA

Budget/Financial Impact

NA

Recommendation

Staff recommends approving the changes as proposed.

Motion

I make a motion to recommend amendments to the City's Code of Ordinances, Chapter 10, Subdivisions, Article 10.04 Stormwater Runoff Regulations and Control, Section 10.04.005 by deleting the requirements as outlined for stormwater detention; and amending Section 10.04.024 by adding Responsibilities of Owners as outlined.