



City of Lucas
Planning and Zoning Commission
Video Conference Regular Meeting
April 9, 2020
7:00 PM
City Hall – 665 Country Club Road – Lucas, Texas
MINUTES

Call to Order

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

It was determined that a quorum was present. 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 Peggy Rusterholtz
Commissioner Andre Guillemaud
Commissioner Joe Williams
Commissioner Tim Johnson
Alternate Commissioner Tommy Tolson

Staff Present:

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

City Council Liaison:

Mayor Jim Olk

Commissioner Absent:

Alternate Commissioner Adam Sussman

Public Hearing Agenda

- 1. Public hearing to consider the request for a specific use permit submitted by the property owner Bill Shipley on behalf of Home Run Alley for indoor batting cages and an outdoor baseball infield for practice facilities on a 3.08 acre tract of land in the William Snider Survey, Abstract Number 821, situated in the City of Lucas, Collin County, Texas.**

Development Services Director Joe Hilbourn gave a presentation explaining that the specific use permit request proposed a 15,950 square foot indoor batting cage with an area for outdoor batting cages, and an outdoor infield for practice. The outdoor practice field does require a specific use permit and the property is zoned Commercial Business. Staff recommended approval of the specific use permit with a correction to the site plan requiring a 40-inch wainscot of stone around the perimeter of the building.

Matt Moore with Clay Moore Engineering representing the applicant stated he was available to answer any questions.

Chairman Keer opened the public hearing at 7:06 pm, there being no one requesting to speak via the video conference links or registering to speak before the meeting, the public hearing was closed.

Commissioner Rusterholtz asked the hours of operation and the age range of the clientele.

Mr. Moore stated that the average age range is from persons 10 to 18 years of age that would host a combination of private lessons as well as group lessons. Mr. Moore stated the hours of operation would be longer in the summertime, but during the spring and fall it would be from late afternoon to 9 pm.

Commissioner Guillemaud asked if there would be outdoor lighting and fencing proposed.

Mr. Moore stated that no stadium lights were planned for the outdoor field and it was not a full field where games would be held, it was for infield practice only; therefore, no fencing was proposed.

The Commission discussed the need for fencing, such as chain link, and if a backstop was needed around the home plate area. The height of the fencing was also discussed along with the typical height of backstops.

Mr. Moore stated that the field was for defensive drills only, no hitting practice would take place and a backstop was not being proposed.

Commissioner Rusterholtz discussed her concern regarding the noise that would be generated from outdoor batting cages.

Mr. Moore explained that netting would be placed inside the batting cages to assist in absorbing the noise before the ball before it would hit a chain link fence.

Commissioner Guillemaud expressed his concern with the lack of fencing around the perimeter of the property, and that a condition to the specific use permit was needed that no batting practice would take place on the field to protect the nearby residential area and surrounding businesses.

The Commission discussed the need to ensure that no batting practice took place on the infield area, and no pitching machines would be used on the infield area. Mr. Hilbourn also discussed that hours of operation should be included with the specific use permit that included from 6 am to 10 pm.

Mr. Hilbourn summarized the conditions the Commission would like to see in place with the specific use permit request:

- Infield area to be used for defensive practice only, no live batters on the infield
- Chain link fence, six feet in height, to be placed on the north, south and west sides of the property with limited access gates
- No infield lighting allowed without amending the specific use permit
- Hours of operation from 6 am to 10 pm

MOTION: A motion was made by Chairman Keer, seconded by Vice Chairman Johnson to recommend approval of the specific use permit by Home Run Alley for indoor batting cages and an outdoor baseball infield for practice facilities on a 3.08 acre tract of land in the William Snider Survey, Abstract Number 821, situated in the City of Lucas, Collin County, Texas with the following conditions:

- Infield area to be used for defensive practice only, no live batters on the infield
- Chain link fence, six feet in height, to be placed on the north, south and west sides of the property with limited access gates
- No infield lighting allowed without amending the specific use permit
- Hours of operation from 6 am to 10 pm

The motion passed by a 4 to 1 vote with Commissioner Rusterholtz voting in opposition.

2. **Public hearing to consider the request for a specific use permit submitted by the property owner Walmart Real Estate on behalf of Ladera Properties for a 11,838 square foot tenant building to include a drive through window and outdoor dining area on a 1.426 acre tract of land in the William Snider Survey, Abstract Number 821, situated in the City of Lucas, Collin County, Texas, otherwise known as 2650 West Lucas Road, Lot 4, Block A of the Walmart Addition.**

Development Services Director Joe Hilbourn gave a presentation noting that the specific use permit request included a 11,838 square foot brick and stucco tenant building that would include a drive through window and outdoor dining area. The lot was 1.426 acres and zoned Commercial Business.

Mr. Don Sopranzi with DFW Architects, representing the applicant stated that he did have a tenant for the west end portion of the building and was working with Walmart to finalize details. Mr. Sopranzi stated that he was available to answer any questions.

Chairman Keer opened the public hearing at 7:49 pm, there being no one requesting to speak via the video conference links or registering to speak before the meeting, the public hearing was closed.

Commissioner Rusterholtz asked where the outdoor seating was proposed at the west end of the building. Mr. Hilbourn responded that seating was proposed in front of the building on the sidewalk area. The sidewalk area was approximately 18-20 feet wide.

Mr. Sopranzi stated that there would be limited seating on the sidewalk area and would leave approximately 13 feet of walkway on the sidewalk remaining.

Commissioner Rusterholtz recommended that the dining area should not encroach into the required minimum five-foot walkway area.

MOTION: A motion was made by Vice Chairman Johnson, seconded by Commissioner Rusterholtz to recommend approval of the specific use permit on behalf of Ladera Properties for a 11,838 square foot tenant building to include a drive through window and outdoor dining area on a 1.426 acre tract of land in the William Snider Survey, Abstract Number 821 located at 2650 West Lucas Road with the condition

that the dining area on the west end of the building does not encroach into the required five-foot sidewalk area. The motion passed unanimously by a 5 to 0 vote.

Regular Agenda

3. Consider approval of the minutes of the March 12, 2020 Planning and Zoning Commission meeting.

MOTION: A motion was made by Commissioner Guillemaud, seconded by Commissioner Williams to approve the minutes of the March 12, 2020 Planning and Zoning Commission meeting as presented. The motion passed unanimously by a 5 to 0 vote.

4. Consider an application for a preliminary plat submitted by the property owner Bill Shipley on behalf of Home Run Alley for use as indoor batting cages and an outdoor baseball infield for practice facilities on a 3.08 acre tract of land in the William Snider Survey, Abstract Number 821, situated in the City of Lucas, Collin County, Texas.

Development Services Director Joe Hilbourn gave a presentation regarding the preliminary plat explaining that the site was 3.08 acres and zoned for Commercial Business. The lot had no road frontage, and none was required as the property was accessed by cross access through a fire lane between Lucas Plaza Phase 1 and Phase 2. The lot exceeds the minimum size lot in the district of 30,000 square feet, and the plat provides easements for drainage, utilities and stormwater detention. Mr. Hilbourn stated that the plat meets the City's requirements for a preliminary plat and staff recommends approval as presented.

Commissioner Tolson asked if the stormwater management plan was adequate to move forward. Mr. Hilbourn stated that the City Engineer has asked for some modifications to the stormwater management plan, but overall, the plan was adequate and would be approved before the final plat was submitted. Mr. Hilbourn stated that the applicant has gone above and beyond what is required to meet the City's drainage requirements.

MOTION: A motion was made by Chairman Keer, seconded by Commissioner Guillemaud to recommend approval of the preliminary plat for Home Run Alley for use as indoor batting cages and an outdoor baseball infield for practice facilities on a 3.08 acre tract of land in the William Snider Survey, Abstract Number 821, situated in the City of Lucas, Collin County, Texas. The motion passed by a 4 to 1 vote with Commissioner Rusterholtz voting in opposition.

5. Consider an application for a site plan, landscape plan, and elevations submitted by the property owner Bill Shipley on behalf of Home Run Alley for use as indoor batting cages and an outdoor baseball infield for practice facilities on a 3.08 acre tract of land in the William Snider Survey, Abstract Number 821, situated in the City of Lucas, Collin County, Texas.

Development Services Director Joe Hilbourn gave a presentation on the site plan elements noting that the site proposed adequate stormwater runoff detention, minimal impervious cover and complies with the City's site plan requirements, including lighting. The total site requires 15 percent landscape or 20,139 square feet of landscape, 100,431 square feet of landscape was proposed.

There is 8,365 square feet of parking lot coverage, the parking lot requires five percent interior landscape or 576 square feet, and 627 square feet is provided or 7.5 percent. The perimeter parking lot requirements included one tree and eight shrubs for every 20 lineal feet of perimeter edge, and 150 lineal feet of parking lot perimeter requires eight shade trees and 64 shrubs. Staff recommends approving the site plan, landscape plan, and architectural plans as submitted.

Vice Chairman Johnson asked if a monument sign was proposed. Mr. Hilbourn stated that the only signage proposed was on the building.

MOTION: A motion was made by Vice Chairman Johnson, seconded by Commissioner Guillemaud to recommend approval of the site plan, landscape plan, and elevations for Home Run Alley for indoor batting cages and an outdoor baseball infield for practice facilities on a 3.08 acre tract of land in the William Snider Survey, Abstract Number 821, situated in the City of Lucas, Collin County, Texas. The motion passed by a 4 to 1 vote with Commissioner Rusterholtz voting in opposition.

6. **Consider an application for a site plan, landscape plan, and elevations submitted by property owner Walmart Real Estate on behalf of Ladera Properties consisting of an 11,838 square foot tenant occupied restaurant, which will include a drive-through window and an outdoor dining space on a 1.426 acre tract of land in the William Snider Survey, Abstract Number 821, situated in the City of Lucas, Collin County, Texas, otherwise known as 2650 West Lucas Road, Lot 4, Block A of the Walmart Addition.**

Mr. Hilbourn asked that this item be tabled as the plans were not yet ready to be considered.

MOTION: A motion was made by Chairman Keer, seconded by Commissioner Williams to table this request to a later meeting. The motion passed unanimously by a 5 to 0 vote.

7. **Consider changes to Section 6.02.002 Prohibited Acts, and Section 6.02.003, Abatement, making it a violation of the City of Lucas Code of Ordinances to obstruct or fail to maintain drainage on properties in the City.**

Development Services Director Joe Hilbourn gave a presentation discussing the review that had taken place thus far with the Commission regarding drainage in the City and updating the City's stormwater runoff requirements. Mr. Hilbourn noted that an area of concern discussed was homeowner maintenance of drainage on private property. Mr. Hilbourn stated that Staff has brought the following changes outlined below for consideration to be added to the Code of Ordinances:

Section 6.02.002 Prohibited Acts:

- (d) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property in the city, including any adjacent and contiguous rights-of-way or easements, to permit or allow a ditch, water course, culvert, or other earthen structure, to obstruct, contribute to obstructions, through either direct action or failure to maintain and prevent flooding, or the accumulation or ponding of standing, stagnant, or non-maintained water thereon.

Section 6.02.003 Abatement:

- (b) Draining, filling or re-grading any lots, cleaning/repairing/replacing driveway culverts, ground, or yards which have standing or stagnant water thereon

Commissioner Rusterholtz recommended the following additional changes to be considered:

Section 6.02.002 (a) – remove the redundant language stating “including any contiguous right of way or easements. Mr. Hilbourn stated that he would check with the City Attorney as to whether that language was needed in both locations because it may be referring to two separate violations.

Commissioner Rusterholtz asked why Section 6.02.002 (c) “except for approved retention areas and reservoirs, was being exempted.

Mr. Hilbourn stated that because detention ponds are designed to restrict the flow of water it could not be considered a violation. Mr. Hilbourn stated that the Subdivision Ordinance handles the requirements associated with stagnation of detention ponds.

The Commission discussed right of way and easement maintenance, definition of obstruction in an easement, and requirements for maintenance.

The Commission was in agreement to move forward with the items presented in (a) and (b) above and include those as a recommendation to the City Council.

8. Discuss and provide direction to staff regarding the creation of regulations on private and public property for illicit discharge into the City’s stormwater drainage system.

Development Services Director Joe Hilbourn gave a presentation outlining proposed regulations for illicit discharge containing substances that may not be introduced into the City’s Municipal Separate Storm Sewer System (MS4) that included:

- a. No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the City to violate a water quality standard, the City's Texas Pollutant Discharge Elimination System (TPDES) permit, or any state-issued discharge permit for discharges from its MS4.
- b. No person shall dump, drain, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, throw, place or otherwise introduce or cause, allow, or permit to be introduced any of the following substances in or on any public street, alley, storm sewer, drainage structure, drainage channel, stream, river, pond or any other public property.

Commissioner Rusterholtz stated that currently there was not a definition for MS4 in the Code of Ordinances and suggested a definition be added for clarification and read the following definition for consideration:

“Definition for the City’s Municipal Separate Storm Sewer System (MS4): A conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains and similar means of collecting or conveying water runoff.”

The Commission was in agreement with the proposed illicit discharge regulations outlined above and asked that the definition for MS4 also be included with the additional requirements.


9. Executive Session.

An Executive Session was not held at this meeting.

10. Adjournment.

MOTION: A motion was made by Commissioner Williams, seconded by Commissioner Guillemaud to adjourn the meeting at 8:44pm. The motion passed unanimously by a 5 to 0 vote.



David Keer, Chairman

Stacy Henderson, City Secretary