



City of Lucas
Planning and Zoning Commission
Video Conference Regular Meeting
May 14, 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.

Alternate Commissioner Adam Sussman was asked to be a voting member due to the absence of a regular member position.

Commissioners Present:

Chairman David Keer
Vice Chairman Tim Johnson
Commissioner Peggy Rusterholtz
Commissioner Joe Williams
Alternate Commissioner Tommy Tolson
Alternate Commissioner Adam Sussman

Staff Present:

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

City Council Liaison:

Mayor Jim Olk

Public Hearing Agenda

- 1. Public hearing to consider the request by Alvin and Kimberly Harrison to rezone a 3-acre tract of land situated in the Lewis P. Turner 160 acre Survey, Abstract No. 901, Collin County, Texas, same being a portion of that tract of land conveyed to Hugh McCreery and Dorothy C. McCreery, by deed recorded in Volume 1124, Page 871, Deed Records of Collin County, Texas from Residential (R1.5) to Commercial (C). The parcel of land is located on the north side of Parker Road approximately 800 feet west of Stinson Road located at 7403 Parker Road.**

Development Services Director Joe Hilbourn gave a presentation noting that the applicant was requesting to rezone a 3-acre lot located at 7403 Parker Road that was currently zoned Residential R-1.5, with an existing home on the lot that was 1,793 square feet. Mr. Hilbourn stated that the owners would like to convert the existing home into a state licensed childcare facility operating from 7 am to 6 pm, Monday through Friday.

The applicant, Mr. Harrison informed the Commission that they were Lucas residents and purchased the property in February to convert into a childcare facility. Mr. Harrison stated that there were other commercial uses nearby, such as the cabinetry shop, and he believed it was a good location for a childcare facility that would focus on outdoor activities such as small farming.

Chairman Keer opened the public hearing at 7:08 pm, and read the following emails into the record:

Dan Rigdon, resident of Lucas, stated that he was opposed to the rezoning request, as his residence adjoined the property and did not want his property subject to other commercial uses should the daycare use discontinue.

Neville Newman, 8 Janna Way, expressed his concern with the growing commercial development in the area and was opposed to having a residential property rezoned to commercial.

There being no further public comment, the public hearing was closed at 7:19 pm.

Vice Chairman Johnson asked the zoning of the surrounding parcels.

Mr. Hilbourn stated that the wood cabinet shop and landscaping business were zoned commercial when they were annexed into the City. The remaining parcels were zoned Residential 1.5.

Vice Chairman Johnson asked if the property could obtain a specific use permit. Mr. Hilbourn explained that the property must first be rezoned before a specific use permit can be obtained.

Commissioner Sussman asked if Littles Academy was operating currently. Mr. Harrison stated yes, they were operating currently, had been in business for ten years and were looking to expand their current operations.

Commissioner Rusterholtz stated that she did not believe this was an appropriate place to change zoning to a commercial use given its proximity to a residential area. Commissioner Rusterholtz noted that if this parcel were zoned commercial, any commercial use allowed within the Code of Ordinances would be allowed to locate on this property.

MOTION: A motion was made by Commissioner Rusterholtz, seconded by Commissioner Williams to deny the request to rezone a 3-acre tract of land situated in the Lewis P. Turner 160 acre Survey, Abstract No. 901, Collin County, Texas from Residential (R1.5) to Commercial (C) for the property located at 7403 Parker Road. The motion to deny passed unanimously by a 5 to 0 vote.

Regular Agenda

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

MOTION: A motion was made by Chairman Keer, seconded by Vice Chairman Johnson to approve the minutes as submitted. The motion passed unanimously by a 5 to 0 vote.

3. **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, to 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.**

Development Services Director Joe Hilbourn gave a presentation discussing site plan elements related to landscaping, parking lot area, building materials, square footage and building tenants that included a restaurant with a drive-through window. Mr. Hilbourn stated that staff recommends approval of the site plan, landscape plan and elevations as submitted.

MOTION: A motion was made by Commissioner Rusterholtz, seconded by Vice Chairman Johnson to recommend approval of the site plan, landscape plan, and elevations consisting of an 11,838 square foot tenant occupied restaurant, including 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, Lot 4, Block A of the Walmart Addition located at 2650 West Lucas Road. The motion passed unanimously by a 5 to 0 vote.

4. **Discuss and provide direction to staff regarding amending the City's Code of Ordinances, Chapter 14 Zoning, Article 14.04 Supplementary Regulations, Division 8. Accessory Buildings, Structures and Uses, Section 14.04.302 Accessory structures, buildings and uses permitted and Section 14.04.304 General accessory buildings and structures regulations.**

Development Services Director Joe Hilbourn gave a presentation explaining that due to changes in State law, the City can no longer prohibit building materials that are permitted by the State adopted building code. Mr. Hilbourn explained that he has recommended changes to the Code of Ordinances that would place accessory structures behind the main structure and obscured from public view since materials can no longer be regulated. Mr. Hilbourn stated that the proposed amendment would keep structures using materials such as metal or storage pods out of public view.

The Commission discussed whether the requirement to have the accessory building use the same material as the home was still required. Mr. Hilbourn stated that only if the accessory building was attached to the structure.

The Commission discussed the difference between attached and detached structures, and how to address properties that had oddly shaped lots that may not be able to meet the proposed requirement. Mayor Olk noted that should a property have an oddly shaped lot and want to place an accessory structure in another location than behind the main structure, they could bring a request before the Board of Adjustment.

The Commission was in agreement with the proposed changes recommended by Staff. There was no formal action on this item, it was for discussion purposes only.

5. **Discuss and provide direction to staff regarding amending the City's Code of Ordinances, Chapter 14 Zoning, Article 14.04 Supplementary Regulations, Division 2 Off-street parking and loading, Section 14.04.038 Driveways, and Chapter 10 of the Stormwater Design Manual.**

Development Services Director Joe Hilbourn reviewed with the Commission recommended changes to Chapter 10 and Chapter 14 related to culverts that were submitted by Commissioner Tolson.

Commissioner Tolson stated that after speaking with City staff further regarding the proposed regulations, he suggested the following updated amendments:

Chapter 10, Paragraph J Culvert Design (changes highlighted in red):

Change the last sentence of the second paragraph to read:

Under private driveways, permanent culverts (those with reinforced concrete or asphalt paving over the culvert) and temporary culverts (those without paving over the culvert) shall be constructed with reinforced concrete or minimum 16 gauge galvanized corrugated steel pipe. Temporary culverts must be removed within 18 months of permit issuance and the open channel reconstructed to its original design. Under public roads reinforced concrete culverts are required.

Change the second sentence of the second paragraph to read:

Consideration shall be given to the discharge velocity from culverts with the limitation that culvert pipe diameter shall be minimum 18".

Add the following sentence at the end of the second paragraph:

Permanent culvert design shall include minimum embedment of Class B+ per the North Central Texas Council of Governments (NCTCOG) design manual drawing 3020 dated October 2004."

Section 14.04.038 Driveways (changes highlighted in red):

(b) Driveway culverts must be sized for each specific application. For new development, culvert size and material will be specified on the civil construction plans for each lot. For all other applications, the culvert size and material will be specified by the city at the time of the building permit or at the time a drive entry is required by the property owner. Culvert material shall be either reinforced concrete or 16 gauge galvanized corrugated steel.

(1) Embedment of Class B+ or better per NCTCOG design manual drawing 3020 dated October 2004 for all permanent culvert installations.

(2) Minimum extension beyond the edge of the driveway. If a header is used, no extension is required.

(3) No header is required for temporary culverts

Commissioner Tolson discussed differences between temporary culverts and permanent culverts, noting that permanent culverts had a hard surface over them. Materials to be used to meet standards were discussed as well as removing temporary culverts within 18 months once completed with a construction project.

Commissioner Rusterholtz suggested language be added that states temporary culverts must be operational while in use.

Mr. Hilbourn pointed out that the way the proposed changes were written would require a hard surface or concrete to be placed over the culvert from the time it was approved moving forward. Mr. Hilbourn stated that the encroach would be the only hard surface required, not the entire driveway.

The Commission discussed concrete driveways versus asphalt driveways as well as maintenance associated with an asphalt or aggregate driveway.

The Commission was in agreement to table this item to the June 11, 2020 meeting to allow the Commission additional time to consider the proposed amendments.

Executive Session Agenda

6. Executive Session.


An Executive Session was not held at this meeting.

7. Adjournment.

MOTION: A motion was made by Vice Chairman Johnson, seconded by Commissioner Rusterholtz to adjourn the meeting at 8:30 pm. The motion passed unanimously by a 5 to 0 vote.



David Keer, Chairman



Stacy Henderson, City Secretary

