



**City of Lucas**  
**Planning and Zoning Commission**  
**Video Conference Regular Meeting**  
**August 13, 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, August 13, 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.*

On March 16, 2020 Governor Abbott suspended some provisions of the Open Meetings Act in response to the COVID-19 emergency. To comply with Governor Abbott's latest Executive Order and to practice safe social distancing, City of Lucas Planning and Zoning Commission meetings will not be open to on-site visitors. In the interim, Planning and Zoning Commission meetings will be available through Zoom Webinar from your computer or smartphone. To join the meeting, go to

<https://zoom.us/j/92691972860?pwd=cWJxTnZGWW1hZDhDVlFNSXJwZFpTQT09>  
and enter your name and e-mail address. You may also join by phone at 1-346-248-7799  
Webinar ID: 926 9197 2860, Passcode: 813188

If the public desires to speak during a specific agenda item, **they must email shenderson@lucastexas.us by 4:30 pm on the day of the meeting.** The email must contain the person's name, address, phone number, and the agenda item(s) for which comments will be made.

## **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 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 to require storage containers in a residential district to be located a minimum of 10 feet behind the

main structure, to require storage containers in the commercial business, and light industrial district to be behind the main structure, and to require detached accessory buildings to be a minimum of 10 feet behind the main structure unless they are architecturally compatible with the main structure. **(Development Services Director Joe Hilbourn)**

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct Public Hearing
- C. Take action regarding the proposed amendments

## **Regular Agenda**

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- 2. Consider approval of the minutes of the May 14, 2020 Planning and Zoning Commission meeting. **(City Secretary Stacy Henderson)**

## **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.*

- 3. Executive Session: An Executive Session is not scheduled for this meeting.
- 4. 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 6:00 p.m. on August 7, 2020.*

  
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.*



# City of Lucas

## Planning and Zoning Commission Request

### August 13, 2020

Item No. 01

Requester: Development Services Director Joe Hilbourn

#### **Agenda Item Request**

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Public hearing to consider 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 to require storage containers in a residential district to be located a minimum of 10 feet behind the main structure, to require storage containers in the commercial business, and light industrial district to be behind the main structure, and to require detached accessory buildings to be a minimum of 10 feet behind the main structure unless they are architecturally compatible with the main structure.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct Public Hearing
- C. Take action regarding the proposed amendments

#### **Background Information**

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Due to changes in State law, the City can no longer prohibit building materials that are permitted by the State adopted building code. The question is do we want accessory buildings made from metal in front yards? Storage pods in front yards? Below is the current adopted code with the recommended changes highlighted in yellow.

#### **Section 14.04.302 Accessory structures, buildings and uses permitted**

- (a) Accessory structures or buildings may be erected, maintained, and used for purposes which are clearly accessory to the principal or main structure, building or use permitted on the premises. Except in the agriculture district accessory buildings shall be built after the main building or structure. (Ordinance 2016-10-00845 adopted 10/20/16)
- (b) Accessory structures, buildings and uses shall be so constructed, maintained and utilized so that the use of the building or equipment located does not produce excessive noise, vibration, concussion, dust, dirt, smoke, odors, noxious gases, heat, traffic, glare from artificial illumination or from reflection of natural light and shall be on the premises of the principal or main use, structure, or building except as may be specifically provided herein.
- (c) For any accessory structure, a special exception may be required when the total square footage of the main building and any accessory buildings exceeds 50,000 square feet.



# City of Lucas

## Planning and Zoning Commission Request

### August 13, 2020

Item No. 01

Special exceptions may be granted by the city council when such property owner can show the following:

- (1) Does not contain or support a use inconsistent with the zoning district regulation applicable to the property.
  - (2) Use of structure does not cause traffic congestion.
  - (3) Does not support use by any person other than owner or occupant of the main structure; and
  - (4) That size and mass of the structure is consistent with the surrounding uses.
- (d) Except as provided herein, no trailers, containers, commercial boxes or other similar structures shall be used as accessory structures or buildings. Exceptions to this subsection (d) are as follows:
- (1) Agriculture uses with five (5) acres or more may use trailers, containers, or commercial boxes for permanent storage **located behind the main structure and obscured from public view**; or
  - (2) Industrial and commercial users may use trailers, containers, or commercial boxes for temporary storage **located behind the main structure obscured from public view** for a period not to exceed ninety (90) days total in any one calendar year. The director of community development may extend the allowable time in thirty (30) day increments up to a maximum of 180 days, provided the property owner provides just cause for the extension.

#### **Section 14.04.304 General accessory buildings and structures regulations**

In all residential districts, accessory structures shall comply with the following standards except as may be otherwise specifically provided for in this code:

- (1) Types of accessory buildings and structures.
  - (A) Attached accessory building and structures. Accessory buildings and structures that are physically attached to a main building or located less than ten feet (10') from the main building shall be considered attached accessory buildings and shall meet the requirements set forth for attached accessory buildings. These may include but are not limited to garages, carports, guest/servants quarters, patio covers, outdoor kitchens or living areas, decks that exceed 30" in height, deck covers, shops, tool houses, pool houses, and other incidental accessory structures.



# City of Lucas

Item No. 01

## Planning and Zoning Commission Request

August 13, 2020

- (B) Detached accessory buildings and structures. Accessory buildings and structures which are physically located ten feet (10') or more from a main building and a minimum of ten feet (10') behind the required front setback line may be considered detached accessory buildings and shall be required to meet the requirements set forth for detached accessory buildings. These may include but are not limited to garages, carports, guest/servants quarters, patio covers, outdoor kitchens or living areas, decks that exceed 30" in height, deck covers, shops, tool houses, pool houses, and other incidental accessory structures.
- (2) Design.
    - (A) Attached accessory buildings and structures shall be designed to be architecturally compatible with the main building and constructed of similar materials as the main building.
    - (B) Detached accessory buildings shall be constructed of materials designed for construction and have a minimum life expectancy of at least twenty (20) years.
- (3) Setbacks.
    - (A) Accessory buildings.
      - (i) Front yard setback, a minimum of ten feet behind the rear build line of the main structure unless the building **is attached and** is designed to be architecturally compatible with the main building and constructed of similar materials as the main building. Then a fifty-foot front yard setback is required.

### **Attachments/Supporting Documentation**

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- 1. Public hearing notice

### **Budget/Financial Impact**

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NA

### **Recommendation**

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Staff recommends approving the proposed code changes.



# City of Lucas

Item No. 01

## Planning and Zoning Commission Request

August 13, 2020

### **Motion**

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I make a motion to approve/deny 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. To require storage containers in a residential district to be located a minimum of 10 feet behind the main structure, to require storage containers in the commercial business, and light industrial district to be behind the main structure, and to require detached accessory buildings to be a minimum of 10 feet behind the main structure.



## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Planning & Zoning Commission of the City of Lucas, Texas (the “City”), will conduct a Public Hearing on Thursday, August 13, 2020 at 7:00 p.m. and City Council will conduct a second Public Hearing on Thursday, August 20, 2020 at 7:00 p.m. at Lucas City Hall, 665 Country Club, Lucas, Texas to consider 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. To require storage containers in a residential district to be located a minimum of 10’ behind the main structure, to require storage containers in the commercial business, and light industrial district to be behind the main structure, and to require detached accessory buildings to be a minimum of 10’ behind the main structure unless they are architecturally compatible with the main structure. More particularly described as follows:.

### **Section 14.04.302 Accessory structures, buildings and uses permitted**

- (d) Except as provided herein, no trailers, containers, commercial boxes or other similar structures shall be used as accessory structures or buildings. Exceptions to this subsection (d) are as follows:
  - (1) Agriculture uses with five (5) acres or more may use trailers, containers, or commercial boxes for permanent storage located behind the main structure and obscured from public view; or
  - (2) Industrial and commercial users may use trailers, containers, or commercial boxes for temporary storage located behind the main structure obscured from public view for a period not to exceed ninety (90) days total in any one calendar year. The director of community development may extend the allowable time in thirty (30) day increments up to a maximum of 180 days, provided the property owner provides just cause for the extension.

### **Section 14.04.304 General accessory buildings and structures regulations**

In all residential districts, accessory structures shall comply with the following standards except as may be otherwise specifically provided for in this code:

- (3) Setbacks.
  - (A) Accessory buildings.
    - (i) Front yard setback, a minimum of ten feet behind the rear build line of the main structure unless the building is attached and is designed to be architecturally compatible with the main building and constructed of similar materials as the main building. Then a fifty-foot front yard setback is required.

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 request, please contact Joe Hilbourn at [jhilbourn@lucastexas.us](mailto:jhilbourn@lucastexas.us).



# City of Lucas

## Planning and Zoning Commission Request

### August 13, 2020

Item No. 02

Requester: City Secretary Stacy Henderson

#### **Agenda Item Request**

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Consider approval of the minutes of the May 14, 2020 Planning and Zoning Commission meeting.

#### **Background Information**

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NA

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

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1. May 14, 2020 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 May 14, 2020 Planning and Zoning Commission meeting.





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**

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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**

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- 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**

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### **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, to be replaced with a permanent culvert.

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**

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### **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.

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David Keer, Chairman

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Stacy Henderson, City Secretary