



## AGENDA

### Planning and Zoning Commission Meeting

July 14, 2022 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

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*Notice is hereby given that a meeting of the City of Lucas Planning and Zoning Commission will be held on July 14, 2022, at 6:30 pm at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002-7651, at which time the following agenda will be discussed. 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 on any item on the agenda at any time during the meeting.*

If you would like to watch the meeting live, you may go to the City's live streaming link at <https://www.lucastexas.us/live-streaming-videos/>.

#### **How to Provide Input at a Meeting:**

**Speak In Person:** Request to Speak forms will be available at the meeting. Please fill out the form and give to the City Secretary prior to the start of the meeting. This form will also allow a place for comments.

**Submit Written Comments:** If you are unable to attend a meeting and would like to submit written comments regarding a specific agenda item, email the City Secretary at [shenderson@lucastexas.us](mailto:shenderson@lucastexas.us) by no later than 3:30 pm 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. Any requests received after 3:30 pm will not be included at the meeting.

#### **Call to Order**

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

#### **Public Hearing Agenda**

1. Public hearing to consider amendments to building setbacks, lot line definition, building line definition, and lot width requirements in all residential zoning districts. **(Development Services Director Joe Hilbourn)**
  - A. Presentation by Development Services Director Joe Hilbourn
  - B. Conduct public hearing
  - C. Take action regarding proposed zoning amendments

#### **Regular Agenda**

2. Consider approval of the Declaration and Protective Covenants for New Castle Estates, a 17.646-acre parcel of land being part of the Jas Grayum Survey, Abstract CO-354 located on the west side of Country Club Road and north of Graham Lane at 2115 and 2125 Country Club Road. **(Development Services Director Joe Hilbourn)**

3. Consider the request by Brian Umberger on behalf of Pankaj Srivastava for approval of a final plat for New Castle Estates, a 17.646-acre parcel of land being part of the Jas Grayum Survey, Abstract CO-354 located on the west side of Country Club Road and north of Graham Lane at 2115 and 2125 Country Club Road. **(Development Services Director Joe Hilbourn)**
4. Consider approval of an application for elevations submitted by the property owner, Mahmoud Properties, for use as a commercial retail and office center on a 2.25-acre tract of land in the Jas Lovelady Survey, Abstract Number ABS A0538, Tract 14 situated in the City of Lucas, Collin County, Texas, located at 995 West Lucas Road. **(Development Services Director Joe Hilbourn)**
5. Consider the request by Michelle Tilotta with LJA Engineering on behalf of Inspiration West, LLC. for approval of a preliminary plat for a parcel of land being 73.159 acres, part of the James Anderson Survey, Abstract No. 17 and the Dennis Kinsaul Survey, Abstract No. 502, more commonly known as Inspiration Phase 10 within the City of Lucas Extraterritorial Jurisdiction (ETJ). **(Development Services Director Joe Hilbourn)**
6. Discuss accessory buildings with habitable space (guest/servant quarters) in all residential zoning districts and provide guidance to staff. **(Development Services Director Joe Hilbourn)**
7. Discuss the Attorney General Opinion regarding professional engineers signing subdivision plats and provide direction to City staff if needed. **(Vice Chairman Tommy Tolson)**
8. Consider approval of the minutes of the June 9, 2022, Planning and Zoning Commission meeting. **(City Secretary Stacy Henderson)**

## **Executive 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.*

9. Executive Session: An Executive Session is not scheduled for this meeting.
10. 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 5:00 p.m. on July 8, 2022.*

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*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 Agenda Request

### July 14, 2022

Item No. 01

Requester: Development Services Director Joe Hilbourn

#### **Agenda Item Request**

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Public hearing to consider amendments to building setbacks, lot line definition, building line definition, and lot width requirements in all residential zoning districts.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct public hearing
- C. Take action regarding proposed zoning amendments

#### **Background Information**

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Staff was directed to evaluate the City's building setbacks, lot line definition, building line definition, and lot width requirements in all residential zoning districts. Recommendations were brought to the Planning and Zoning Commission at their February 10, 2022 meeting. The Commission asked staff to provide clearer definitions and to further define setbacks for accessory buildings; definition of lot width at the front and back of a lot; and side yard setbacks related to corner lots. Staff brought forward recommendations at the March 10, 2022, Planning and Zoning Commission meeting. Following the Commission meeting, staff met with Mayor Olk and City Attorney Joe Gorfida regarding the proposed amendments.

At the April 14, 2022 Planning and Zoning Commission meeting, the Commission approved the proposed amendments that are attached with this item. Amendments to the Code of Ordinances require two public hearings.

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

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1. Proposed changes to the City's setback, building line, and lot width requirements.
2. Public Notice

#### **Budget/Financial Impact**

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NA

#### **Recommendation**

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Staff recommends approval of the proposed amendments as presented.

#### **Motion**

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I make a motion to recommend to the City Council to approve/deny amendments to building setbacks, lot line definition, building line definition, and lot width requirements in all residential zoning districts.

Building line (setback line). A line parallel or approximately parallel to the centerline of a street or to a property line when not adjacent to a street and having the street line or property line at a specific minimum distance as established by this code based on the zoning district in which the property is located delineating where therefrom marking the minimum distance from the street line or property line that a building may be erected.

Building lot. A single tract of land located within a single block which (at the time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. Therefore, a “building lot” may be subsequently subdivided into two or more “building lots” or a number of “building lots,” subject to the provisions of this chapter and the subdivision ordinance.

Courtyard. An open, occupied space bounded on more than two (2) sides by the walls of a building. An inner courtyard is entirely surrounded by the exterior walls of a building. An outer courtyard is a court having one side open to a street, alley, yard, or other permanent open space.

Lot. Land occupied or to be occupied by a building and its accessory building including such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved place.

Lot lines. The lines bounding a lot as defined herein.

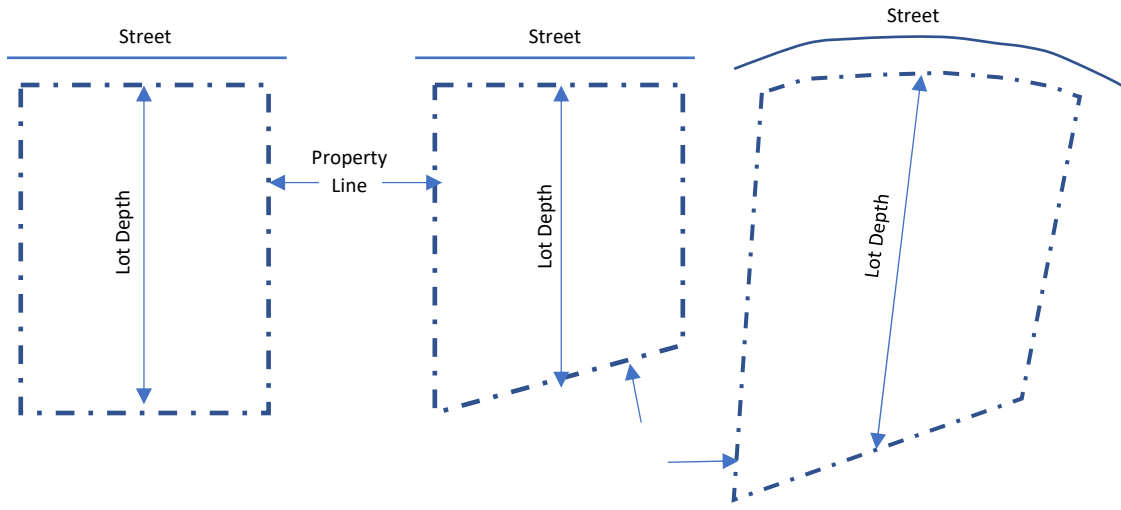
- (1) Lot line, front. A “front lot line” is that boundary of a building lot which is the line of an existing or dedicated street. Upon corner lots, either street line may be selected as the front lot line providing that a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.
- (2) Lot line, rear. The “rear lot line” is that boundary of a building lot which is the most distant from and is, or is most nearly, parallel to the front lot line.
- (3) Lot line, side. A “side lot line” is that boundary of a building lot which is not a front lot line or a rear lot line.

Lot of record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerk prior to the adoption of this chapter.



Lot depth. The distance, measured in a straight line, between the front lot line and the rear lot line measured at the respective midpoints of the front lot line and the rear lot line.

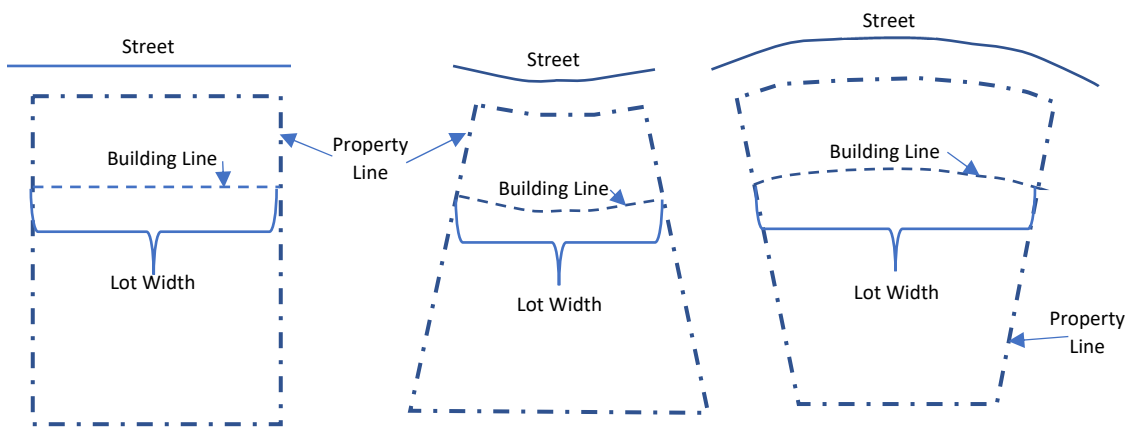
### Lot Depth Illustration

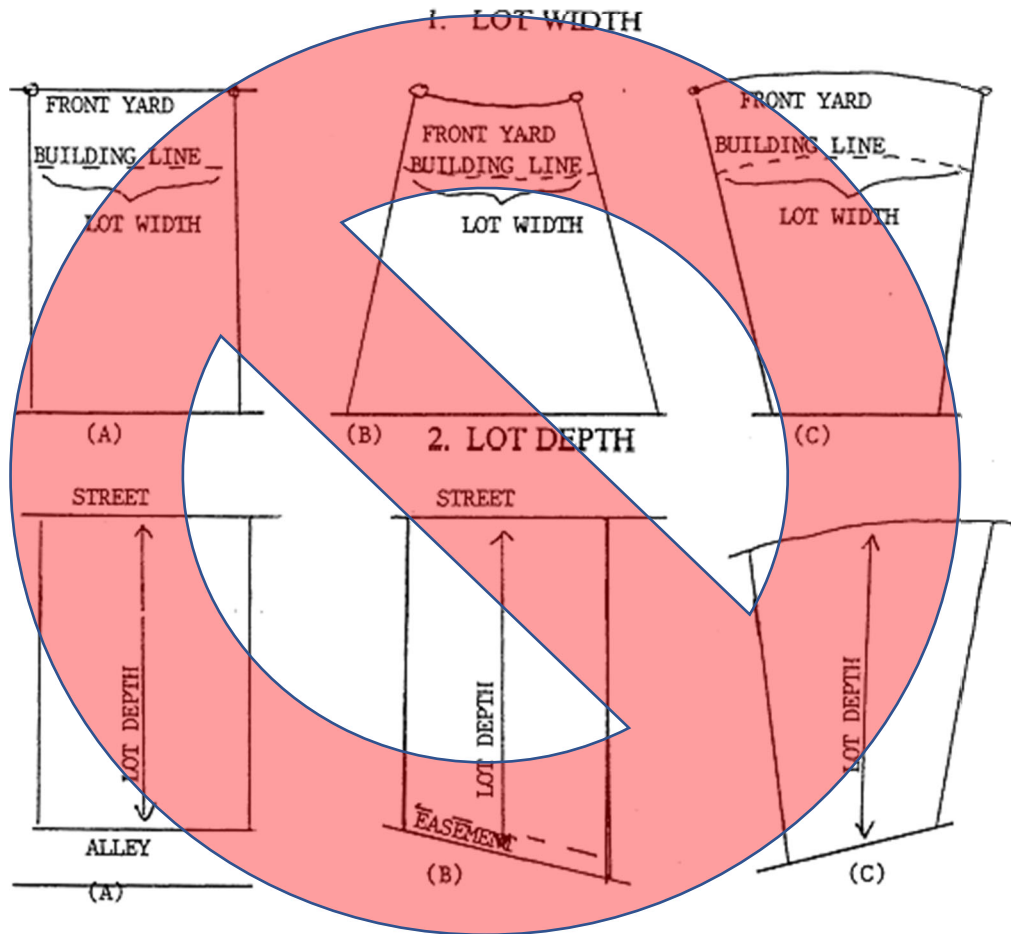


Lot flag. A lot of irregular shape with reduced frontage along a public or private street with dimensions that are otherwise adequate at the building lines.

Lot width. The width of a lot, measured in a line generally parallel to the front property line at the front building line/~~or~~ setback line.

### Lot Width Illustration





Open space or open areas. Area included in any side, rear, or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, or porches.

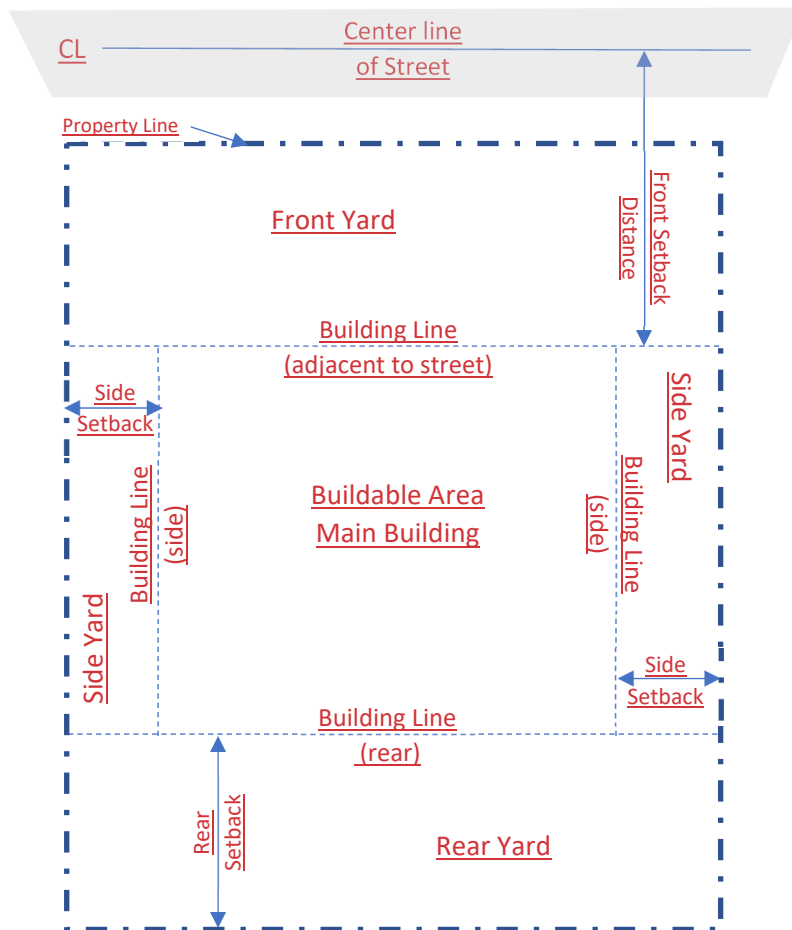
Yard. An open space other than a courtyard, on the lot on which a building is situated and which is open and not unobstructed from a point forty (40) inches above the general ground level of the graded lot to the sky, except as provided for roof overhang, and similar special building features and other accessory structures as provided for in this code.

Yard, front. An open, unoccupied space on a lot facing a street extending across the front of the lot between the side lot lines and from the main front building line to the front lot or street line and the main building line as specified for the district in which it is located.



Yard, rear. An open, unoccupied space, ~~except for accessory building as herein permitted, from the rear building line~~ extending across the rear of a lot from one side lot line to the other side lot line ~~to the rear property line and having a depth between the buildings and the rear lot line as specified in the district in which the lot is located.~~

Yard, side. An open, unoccupied space or spaces ~~between the property line and the side building line that would not be consider front yard or rear yard on that one or two sides of a main building and on the same lot with the building, situated extends~~ between the ~~front building line and the rear building line and a side line of the lot and extending through from the front yard to the rear. Any lot line not the rear line or a front line shall be deemed a side line.~~

### Yard & Building Line Illustration




  **Division 3. R2 Single-Family Residential District**

  **Sec. 14.03.111 Use regulations**



No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in [section 14.03.801](#), schedule of uses, and [article 14.02 division 4](#), specific use permits.

- (1) No mobile homes or HUD-code manufactured homes as defined herein shall be permitted.
- (2) A special exception shall be required when the total combined square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.

(Ordinance 2008-11-00634 adopted 11/20/08)

  **Sec. 14.03.112 Height regulations**

No building shall exceed thirty-five feet (35') or two and one-half (2-1/2) stories in height. (1995 Code, sec. 9-36)

  **Sec. 14.03.113 Area regulations**

(a) Size of yards.

(1) Front yard. ~~The building line adjacent to a street shall be established at seventy five feet (75') from the centerline of the street right-of-way or street reflected as type C or D roadway on the Master Thoroughfare Plan. (85' for type B, and 110' for Type A). There shall be a front yard having a depth of not less than fifty feet (50'). Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. Where a building line is established on a plat, which is not consistent with this ordinance, the building line is a greater distance from the front property line shall be observed.~~ No required parking shall be allowed within the required front yard.

(2) Side yard. ~~The building line adjacent to the side property line(s) There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width, [or] twenty feet (20'), whichever is less. A side yard adjacent to a side street shall not be less than twenty-five feet (25').~~ No

side yard for allowable nonresidential uses shall be less than twenty-five feet (25').

(3) Rear yard. ~~The building line adjacent to the rear property line There~~ shall be ~~a rear yard having a depth of~~ not less than fifty feet (50').

(1995 Code, sec. 9-37)

(b) Size of lot.

(1) Lot area. No building shall be constructed on any lot of less than two (2) acres (87,120 square feet).

(2) Lot width. The width of the lot shall be not less than two hundred feet (200') at the front street property line, nor shall its average width be less than two hundred feet (200'). The minimum width of a lot on a cul-de-sac shall be not less than forty feet (40') at the property line, nor shall its average width be less than two hundred feet (200'). The minimum width of a lot on a curve exceeding thirty degrees shall be not less than one hundred feet (100') at the property line, nor shall its average width be less than two hundred feet (200').

(3) Lot depth. The average depth of the lot shall not be less than one hundred eighty feet (180').

(4) Where a lot having less area, width, and/or depth than herein required exists in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit the erection of a one-family dwelling thereon.

(c) Minimum dwelling size. The minimum floor area of any dwelling shall be two thousand square feet (2,000 sq. ft.), exclusive of garages, breezeways, and porches. Dwellings shall have a minimum seventy-five percent (75%) of the exterior walls of masonry construction or the heartwood of a natural decay resistance wood, cementitious siding, stucco, cultured stone exterior or combination of these materials. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures.



(d) Lot coverage. In no case shall more than thirty percent (30%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

(e) Roof pitch. Residential dwelling structures shall have a roof pitch of not less than 6" vertical for each 12" horizontal (6:12). Alternative roof design and roof pitches may be considered and approved by the design review committee (DRC).



(f) Exterior walls and foundation. The exterior walls of residential dwellings shall be supported on a continuous solid concrete beam or slab; or on a fully grouted masonry foundation designed to carry the imposed loads. Exterior and load bearing walls shall be secured to the foundation as required by the adopted residential building code.

(g) A specific use permit shall be required when the total square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.



(Ordinance 2015-08-00816 adopted 8/20/15)

  Secs. 14.03.114–14.03.170 Reserved



  **Division 4. R1.5 Single-Family Residential District**

  Sec. 14.03.171 Use regulations

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in [section 14.03.801](#), schedule of uses, and [article 14.02 division 4](#), specific use permits. (Ordinance 2008-11-00634 adopted 11/20/08)

  Sec. 14.03.172 Height regulations

No building shall exceed thirty-five feet (35') or two and one-half (2-1/2) stories in height. (1995 Code, sec. 9-41)

  Sec. 14.03.173 Area regulations

(a) Size of yards.

(1) Front yard. The building line adjacent to a street shall be established at seventy five feet (75') from the centerline of the street right-of-way or street reflected as type C or D roadway on the Master Thoroughfare Plan. (85' for type B, and 110' for Type A). Where a building line is established on a plat, which is not consistent with this ordinance, the building line is a greater distance from the front property line shall be observed. No required parking shall be allowed within the required front yard.

(2) Side yard. The building line adjacent to the side property line(s) shall be not less than ten percent (10%) of the lot width, [or] twenty feet (20'), whichever is less. No side yard for allowable nonresidential uses shall be less than twenty-five feet (25').

(3) Rear yard. The building line adjacent to the rear property line shall be not less than fifty feet (50').

~~(a) Size of yards. See [Error! Hyperlink reference not valid.](#) (1995 Code, sec. 9-42)~~

(b) Size of lot.

(1) Lot area. No building shall be constructed on any lot of less than one and one-half (1-1/2) acres (65,340 square feet).

(2) Lot width. The width of the lot shall be not less than one hundred sixty feet (160') at the front street property line, nor shall its average width be less than one hundred seventy-five feet (175'). The minimum width of a lot on a cul-de-sac shall be not less than thirty-five feet (35') at the property line, nor shall its average width be less than one hundred seventy-five feet (175'). The minimum width of a lot on curve exceeding thirty degrees shall be not less than thirty-five feet (35') at the property line, nor shall its average width be less than one hundred seventy-five feet (175').

(3) Lot depth. The average depth of the lot shall not be less one hundred eighty feet (180').

(4) Where a lot having less area, width, and/or depth than herein required exists in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit the erection of a one-family dwelling thereon.

(c) Minimum dwelling size. The minimum floor area of any dwelling shall be eighteen hundred square feet (1,800 sq. ft.), exclusive of garages, breezeways, and porches. Dwellings shall have a minimum seventy-five percent (75%) of the exterior walls of masonry construction or the heartwood of a natural decay resistance wood, cementitious siding, stucco, cultured stone exterior or combination of these materials. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures.

(d) Lot coverage. In no case shall more than thirty percent (30%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.



(e) A specific use permit shall be required when the total square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.

(f) Accessory building and structures shall comply with [article 14.04, division 8](#), of this chapter.



(g) Roof pitch. Residential dwelling structures shall have a roof pitch of not less than 6" vertical for each 12" horizontal (6:12). Alternative roof design and roof pitches may be considered and approved by the design review committee (DRC).

(h) Exterior walls and foundation. The exterior walls of residential dwellings shall be supported on a continuous solid concrete beam or slab; or on a fully grouted masonry foundation designed to carry the imposed loads. Exterior and load bearing walls shall be secured to the foundation as required by the adopted residential building code.



(Ordinance 2015-08-00816 adopted 8/20/15)

  Secs. 14.03.174–14.03.230 Reserved



  **Division 5. R1 Single-Family Residential District**

  Sec. 14.03.231 Use regulations

No land shall be used and no building shall be erected, altered, converted or used for a use other than those specified in [section 14.03.801](#), schedule of uses, and [article 14.02 division 4](#), specific use permits. (Ordinance 2008-11-00634 adopted 11/20/08)

  Sec. 14.03.232 Height regulations

No building shall exceed thirty-five feet (35') or two and one-half (2-1/2) stories in height. (1995 Code, sec. 9-51)

  Sec. 14.03.233 Area regulations

(a) Size of yards.

(1) Front yard. The building line adjacent to a street shall be established at seventy five feet (75') from the centerline of the street right-of-way or street reflected as type C or D roadway on the Master Thoroughfare Plan. (85' for type B, and 110' for Type A). Where a building line is established on a plat, which is not consistent with this ordinance, the building line is a greater distance from the front property line shall be observed. No required parking shall be allowed within the required front yard.

(2) Side yard. The building line adjacent to the side property line(s) shall be not less than ten percent (10%) of the lot width, [or] twenty feet (20'), whichever is less. No side yard for allowable nonresidential uses shall be less than twenty-five feet (25').



(3) Rear yard. The building line adjacent to the rear property line shall be not less than fifty feet (50').

~~(a) Size of yards. See Error! Hyperlink reference not valid. (Ordinance 2016-02-00829 adopted 2/4/16)~~

(b) Size of lot.

(1) Lot area. No building shall be constructed on any lot of less than one (1) acre (43,560 square feet).

(2) Lot width. The width of the lot shall be not less than one hundred forty feet (140') at the front street property line, nor shall its average width be less than one hundred sixty feet (160'). The minimum width of a lot on a cul-de-sac shall be not less than thirty feet (30') at the property line, nor shall its average width be less than one hundred sixty feet (160'). The minimum width of a lot on a curve exceeding 30 degrees shall be not less than thirty feet (30') at the property line, nor shall its average width be less than one hundred sixty feet (160').

(3) Lot depth. The average depth of the lot shall not be less than one hundred eighty feet (180').

(4) Where a lot having less area, width, and/or depth than herein required exists in separate ownership upon the effective date of this chapter, the above regulations shall not prohibit the erection of a one-family dwelling thereon.

(Ordinance 2015-08-00816 adopted 8/20/15)

(c) Minimum dwelling size. The minimum floor area of any dwelling shall be eighteen hundred square feet (1,800 sq. ft.), exclusive of garages, breezeways, and porches. Dwellings shall have a minimum eighty-five percent (85%) of the exterior walls of masonry construction, stucco, cultured stone exterior or combination of these materials. Alternate materials may be approved by the DRC so as to maintain the architectural compatibility with existing structures. (Ordinance 2016-02-00829 adopted 2/4/16)

(d) Lot coverage. In no case shall more than thirty percent (30%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

(e) A specific use permit shall be required when the total square footage of the main building and/or any accessory buildings exceeds 50,000 square feet.

(f) Accessory building and structures shall comply with [article 14.04, division 8](#), of this chapter.

(g) Roof pitch. Residential dwelling structures shall have a roof pitch of not less than 6" vertical for each 12" horizontal (6:12). Alternative roof design and roof pitches may be considered and approved by the design review committee (DRC).

(h) Exterior walls and foundation. The exterior walls of residential dwellings shall be supported on a continuous solid concrete beam or slab; or on a fully grouted masonry foundation designed to carry the imposed loads. Exterior and load bearing walls shall be secured to the foundation as required by the adopted residential building code.

(Ordinance 2015-08-00816 adopted 8/20/15)

#### **Sec. 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.

(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.

(C) Accessory buildings housing guest/servants quarters (habitable space) shall be considered attached accessory buildings and shall meet

the requirements for attached accessory buildings as prescribed by this code.

(Ordinance 2008-06-00617 adopted 7/19/08)

(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. Vehicle bodies, truck boxes, trailer boxes, motorhomes, recreational vehicles, boats, and similar equipment shall not be permitted as accessory buildings/structures. Shipping containers may be permitted only as allowed in this code.

(C) Accessory buildings housing guest/servants quarters (habitable space) shall be considered attached accessory buildings and shall meet the requirements for attached accessory buildings as prescribed by this code.

(Ordinance 2006-10-00577, sec. 1, adopted 10/16/06)

(3) Setbacks.

(A) Accessory buildings.

(i) Front yard setback, attached accessory buildings that are shall comply with the required setback for the main building in the district where located. No portion of a detached accessory buildings shall be located in front of the main building and shall be setback a minimum of ten feet behind the rear build line of the front of the main structure building. 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. (Ordinance 2020-08-00920 adopted 8/20/20)

(ii) Rear yard setback, attached accessory buildings shall meet the same setback as the main building. Detached accessory

structures shall have a rear setback of a minimum of twenty feet (20') unless adjacent to a street. Detached accessory structures adjacent to a street shall meet the required setback for the main building.

(iii) Side yard setbacks, detached accessory structures located entirely in the rear yard adjacent to an interior side property line shall be setback a minimum of twenty feet (20') from the side property line. Detached accessory structures located in a yard (side or rear) adjacent to the street shall be setback the minimum distance required for the main structure. Detached accessory structures located in the yard between the main structure and the side property line shall be setback the minimum distance required for the main structure. -

(Ordinance 2015-08-00816 adopted 8/20/15)

(B) In-ground swimming pools, sports courts, tennis courts and similar uses shall maintain a minimum rear yard setback of 25 feet, a minimum side yard setback of 20 feet and if the in-ground pool is in front of the main building it shall maintain a front setback of 300 feet. In-ground swimming pool setbacks shall be measured from the inside wall of said pool.

(C) The inside wall of an aboveground swimming pool and any elevated decking associated with an aboveground swimming pool shall be located behind the main building and shall maintain a minimum rear yard setback of 50 feet and a minimum side yard setback of 25 feet.

(Ordinance 2008-06-00617 adopted 7/19/08)

(4) An accessory building may contain habitable space as defined by the International Residential Code adopted by the city and may be occupied provided it is in compliance with the following:

(A) General regulations for accessory buildings containing habitable space. Any accessory building containing habitable space shall comply with the following:

(i) Accessory buildings containing habitable space shall meet the requirements of the International Residential Code as adopted by the city from time to time.

(ii) Accessory buildings containing habitable space may not be rented out separate and apart from the main structure.

(iii) Detached accessory buildings containing habitable space shall be limited to a maximum height of 25 feet measured to the peak of the roof of the structure.

(iv) Accessory buildings containing habitable space shall not contain a kitchen, cooking or food preparation area except as provided for in subsection (B)(i)a. below.

(v) Accessory buildings housing guest/servants quarters (habitable space) shall be considered attached accessory buildings and shall meet the requirements for attached accessory buildings as prescribed by this code.

(B) Specific regulations for an accessory building containing habitable space.

(i) In R-2 or AO zoning districts that contain a single-family home:

a. Kitchen, cooking or a food preparation area may be permitted on property with a specific use permit. The specific use permit may only be granted provided the owners of the property enact a deed restriction with the city as party to the deed restriction that prohibits the use of the habitable space to be used for lease/barter agreement other than that of the full-time domestic staff providing support to the property.

b. One (1) accessory building may contain up to 1,500 square feet of habitable space.

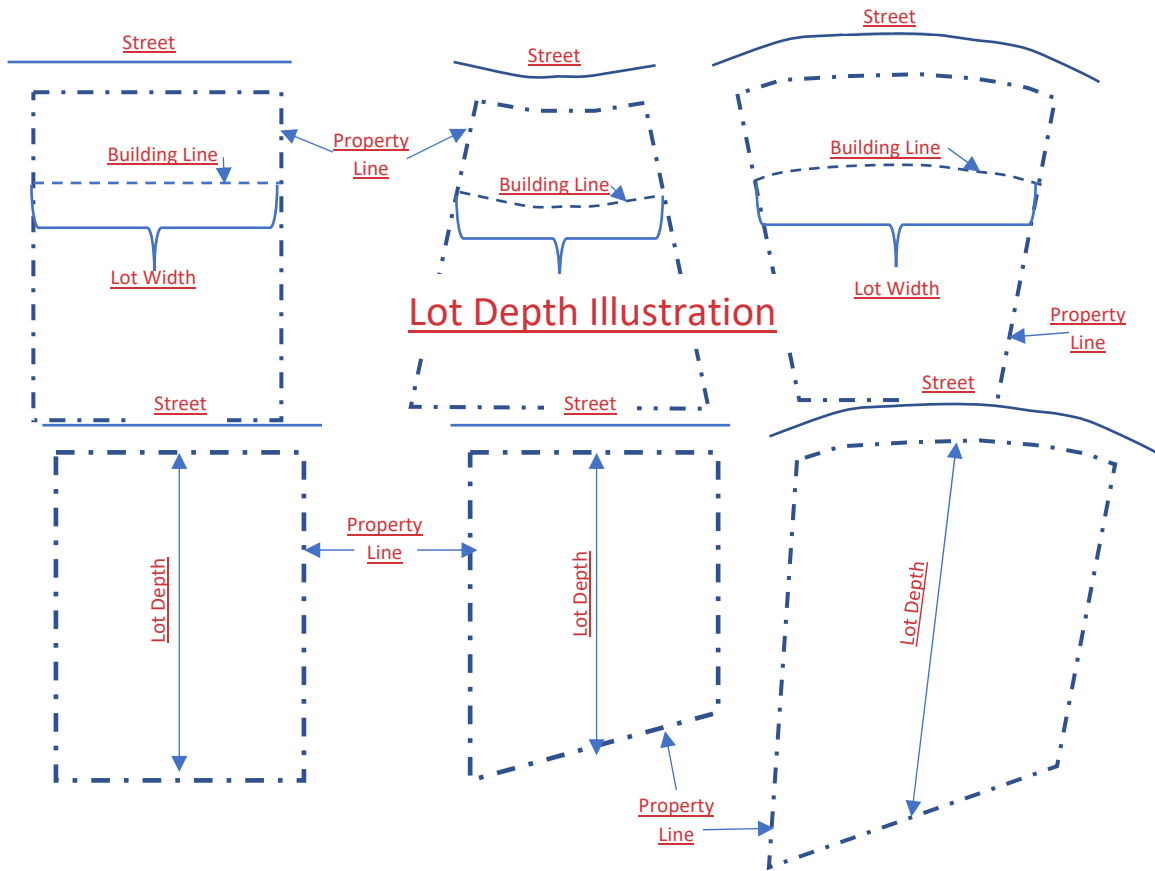
(ii) In R-1.5 zoning districts:

a. One (1) accessory building may contain up to 1,200 square feet of habitable space.

(iii) In R-1 zoning districts:

a. One (1) accessory building may contain up to 1,000 square feet of habitable space.

## Lot Width Illustration





## NOTICE OF PUBLIC HEARING

Notice is hereby given, that the Planning & Zoning Commission of the City of Lucas, Texas will hold a public hearing on Thursday, July 14, 2022, at 6:30 p.m. and City Council will conduct a second public hearing on Thursday, August 4, 2022 at 6:30 p.m. at Lucas City Hall, 665 Country Club, Lucas, Texas to consider changes to the City's Code of Ordinances, Chapter 14 Zoning Ordinance, by amending the definitions and provide clearer definitions and to further define setbacks for accessory buildings; definition of lot width at the front and back of a lot; and side yard setbacks related to corner lots in all residential zoning districts.

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, 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 above hearing you may contact [jhilbourn@lucastexas.us](mailto:jhilbourn@lucastexas.us)



# City of Lucas

## Planning and Zoning Agenda Request

### July 14, 2022

Item No. 02

Requester: Development Services Director Joe Hilbourn

#### **Agenda Item Request**

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Consider approval of the Declaration and Protective Covenants for New Castle Estates, a 17.646-acre parcel of land being part of the Jas Grayum Survey, Abstract CO-354 located on the west side of Country Club Road and north of Graham Lane at 2115 and 2125 Country Club Road.

#### **Background Information**

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The Homeowners Association (HOA) documents have been amended due to New Castle Court becoming a private street. This document has been reviewed by the City Attorney.

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

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1. Declaration and Protective Covenants for New Castle Estates

#### **Budget/Financial Impact**

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NA

#### **Recommendation**

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City staff recommends approving the HOA documents.

#### **Motion**

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I make a motion to approve/deny the Declaration and Protective Covenants for New Castle Estates, a 17.646-acre parcel of land being part of the Jas Grayum Survey, Abstract CO-354 located on the west side of Country Club Road and north of Graham Lane at 2115 and 2125 Country Club Road.



**DECLARATION AND PROTECTIVE  
COVENANTS FOR NEW CASTLE ESTATES**

STATE OF TEXAS

COUNTY OF COLLIN

eVANTAGE VENTURES, LLC and RAMON LOEZA (“Developer”) are the owners of the real property in Collin County, Texas, known New Castle Estates, as shown on Exhibit A (the “Land”).

Developer desires to create and carry out a uniform plan for the improvement, development and sale of all lots in New Castle Estates for the benefit the present and future owners of lots, and for the protection of property values therein. To that purpose, Developer adopts and establishes with respect to the Land the following restrictions, covenants, easements, and liens to apply uniformly to the use, improvements, occupancy, and conveyance of any lot in New Castle Estates, including the roads, streets, pathways, waterways, and drainage ways therein.

Developer has organized New Castle Estates Association, Inc. as a Texas non-profit corporation (the “Association”). The certificate of formation and the by-laws of the Association provide for membership therein, elections of directors and officers, the purpose, and powers of the Association, and for such other conditions as to make effective the rights, privileges, obligations, and duties imposed upon the Association by these declarations, covenants, and agreements.

Developer delegates and assigns to the Association the powers of administration and enforcement of the covenants, restrictions, collection, and disbursement of any assessments and charges created herein. All owners of property in New Castle Estates will be members of the Association.

**ARTICLE 1  
RESTRICTIVE COVENANTS**

1.1. No more than one residential dwelling is allowed to be constructed on any lot in New Castle Estates.

1.2. No lot may be subdivided.

1.3. All residences must be site-built and contain a minimum of 3,500 sq. ft. in the living area. No mobile homes are allowed in New Castle Estates. All residences must be at least 70% brick or stone on the front and side surfaces.

1.4. No motor vehicles are permitted to remain on the lot without current registrations and plates for a period more than thirty (30) days. Farm type machinery is not in the category.

1.5. No lot may be used as a dumping ground for rubbish. All trash and other waste must be kept except in sanitary containers.

1.6. All septic systems must comply with local and state health regulations and each owner must maintain the system in accordance with applicable laws. All plumbing and drains must be connected to watertight septic tanks of approved construction. Each owner must promptly correct any unsanitary condition at the owner's expense.

1.7. Easements are reserved and set back lines are to be observed according to the plat for New Castle Estates as filed in the Collin County Records.

1.8. No noxious or offensive activity may be maintained or permitted on any lot in New Castle Estates.

1.9. The lots are to be used for residential purpose only and no commercial type of business activity may be conducted on the property. This restriction does not apply to home offices that do not have customers coming to the residence.

## ARTICLE 2 COVENANTS FOR ASSESSMENT

Developer covenants, and each owner of property in the Land, by acceptance of the warranty deed, is deemed to covenant and agree to pay to the Association such assessments and charges established herein and must pay the same in manner herein provided. All assessments together with interest thereon and cost of collection of same, will be a charge on the lot and will be a continuing lien upon the lot against which such assessment is made, and is a personal obligation of the owner of the lot at the time when assessment is due.

### 2.1. General Assessment.

(a) The assessments are for the expenses of the Association, including maintenance, operating expenses, insurance, and the establishment of reserve funds to accomplish any purpose provided herein.

(b) The Board will adopt an annual budget. Each lot will be assessed one-eighth (1/8th) of the total budget. Until the budget is adopted there are no assessments on the lots.

(c) The Association may levy a special assessment, should the need arise, provided that such a special assessment is approved by two-thirds (2/3rds) of the members of the Association attending and voting at a meeting called for that purpose.

(d) Developer will pay to the Association a one-time assessment of \$250.00 per lot promptly after the Association has its first organizational meeting.

### 2.2. Non-Payment of Assessment.

(a) Any assessment not paid when due will bear interest at the rate of 10% per annum from the date due until the date paid. The Association may bring an action at law against any owner personally obligated to pay the assessment or may foreclose the lien against the

property. The Association is entitled to reasonable attorney's fees and court costs incurred pursuant to any action taken by law under this action.

(b) The lien of the assessments provided herein is subordinate to the lien of any first lien mortgage. Any sale or transfer of any lot will not affect the assessment lien except that the sale or transfer of any lot pursuant to mortgage foreclosure or proceeding in lieu thereof will extinguish the assessment lien as to the payments which become due prior to the date of such sale or transfer. No sale or transfer will relieve any lot from liability for any assessment thereafter becoming due or from the lien thereof.

### 2.3. General Provisions.

(a) The Association's lien for assessments is created by recordation of this Declaration, which constitutes record notice and perfection of the lien. No other recordation of a lien or notice of lien is required to create or perfect the lien. However, the Association, at its option, may record a notice of the lien in the Official Public Records of Collin County, Texas. If the assessment is paid after a notice has been recorded, the Association will record a release of the notice at the expense of the curing owner. The Association may require reimbursement of its costs of preparing and recording the notice before granting the release.

(b) By accepting an interest in or title to a lot, each owner grants to the Association a private power of nonjudicial sale in connection with the Association's assessment lien. The Board may appoint, from time to time, any person, including an officer, agent, trustee, substitute trustee, or attorney, to exercise the Association's lien rights on behalf of the Association, including the power of sale. The appointment must be in writing and may be in the form of a resolution recorded in the minutes of a Board meeting.

(c) The Board may enforce an assessment lien by judicial or nonjudicial foreclosure. The Board must conduct a nonjudicial foreclosure in accordance with the provisions applicable to the exercise of powers of sale as set forth in Section 51.002 of the Texas Property Code, or in any manner permitted by law. In any foreclosure, the owner must pay the Association's costs and expenses for the proceedings, including reasonable attorneys' fees. The Association has the power to bid on the Unit at foreclosure sale and to acquire, hold, lease, mortgage, and convey same.

## ARTICLE 3 DRAINAGE SYSTEM, ROADWAY, AND LIGHT POLES

3.1. The City of Lucas required the installation of a private Drainage System (herein so called) for the development of New Castle Estates. The City of Lucas is not responsible for the long-term care or maintenance of the Drainage System. The Drainage System consists of the 30-foot and 35-foot drainage and utility easements along New Castle Court and the 50-foot drainage and utility easement beside Lot 8, and the two (2) 41-foot drainage and utility easements, all as shown on the plat of New Castle Estates. The Drainage System also includes the culvert under New Castle Court.

3.2. The road for the Development (called New Castle Court on the Plat) is a private road and is owned by the Association (“New Castle Court”). The City of Lucas is not responsible for the long-term care or maintenance of New Castle Court.

3.3. All lot owners in New Castle Estates their guests and invitees, and members of the public with business in the Development are granted access to use the Road for ingress and egress through the Development. No person may cause the blocking of the Road. All vehicles and trailers of any type of any lot owner must be parked in the owner’s lot. However, visitors can temporarily park on the Road without blocking transit, for periods not to exceed five (5) days, without approval from the Board.

3.4. Developer grants a non-exclusive easement in, over, and to the Drainage System for the benefit of all lot owners in New Castle Estates and the Association for purpose of allowing storm water to drain into the Drainage System and holding storm water pursuant to the City of Lucas requirements. The non-exclusive drainage easement includes ingress, egress, maintenance, repair, or replacement, and to do anything else necessary to properly maintain the Drainage System. Except for this non-exclusive easement, the area of the Drainage System on any lot is the private property of the owner of such lot and no general rights are granted to the other lot owners, the Association, or the public.

3.5. Developer grants a non-exclusive easement for the benefit of all lot owners in New Castle Estates to, over, and across the Road for the free and uninterrupted pedestrian and vehicular ingress to, egress from, and access across the Road. Another party, not an owner of a lot in New Castle Estates, has a non-exclusive right to use the road for access.

3.6. Lot owners in New Castle Estates may not impede the water flow within the Drainage System in any manner. Lot owners are responsible for mowing and providing any irrigation to the Drainage System on their lots. Lot owners are responsible to maintain the correct elevation and slope of the swales on the owner’s lot along New Castle Court to ensure appropriate storm water flow.

3.7. The Association must provide long-term maintenance of the Drainage System, the Road, and the Light Poles, as the Board determines to be necessary or desirable and as required by the City of Lucas.

3.8. The Board will consider providing liability insurance for the Drainage System and the Road and will make a recommendation to the owners regarding obtaining such insurance.

3.9. The Association owns the light poles along New Castle Court (the “Light Poles”) and the cost of electricity and maintenance will be included in the Assessments.

3.10 If in the future the City of Lucas will accept the obligation to maintain the Roadway and the Light Poles, or either of them, then the Board can execute such required documentation to remove the Roadway of the Light Poles from the Association to the City of Lucas, with the approval of the lot owners in New Castle Estates.

ARTICLE 4  
GENERAL PROVISIONS

4.1. The provisions of this Declaration will apply uniformly throughout New Castle Estates.

4.2. These covenants are to run with the land and will be binding on all parties and all persons claiming under them for a period of thirty (30) years from the day these covenants are recorded after which time said covenants will be automatically extended for successive period of ten (10) years unless an instrument signed by a two-third majority of the then owners of the track has been recorded agreeing to change set covenant in whole or in part.

4.3. If the owner of any lot in New Castle Estates, or any other person, violates any of the covenants herein, it will be lawful for the Association, or any other person owning any lot in New Castle Estates to prosecute in proceeding at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them than from doing so or to recover damages or other dues for such violation.

4.4. Invalidation of any one of these covenants by judgment or court order will not affect any of the other provisions which will remain in full force in effect.

4.6 This Declaration may be amended during the first ten (10) year period by an instrument signed by not less than 100 percent of the owners of the lots in New Castle Estates and thereafter by and instrument signed by not less than 75 percent of the owners. No such amendment will be effective until recorded in the Real Property Records of Collin County, Texas. Any amendment is subject to the approval of any governmental regulatory body which is required.

Executed to be effective as of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Ramon Loeza

eVantage Ventures, LLC,  
a Texas limited liability company

By: \_\_\_\_\_  
Mahendra Patil, Manager

STATE OF TEXAS

COUNTY OF COLLIN

This instrument was acknowledged before me on \_\_\_\_\_, 2022 by Ramon Loeza.

\_\_\_\_\_  
Notary Public, State of Texas

STATE OF TEXAS

COUNTY OF COLLIN

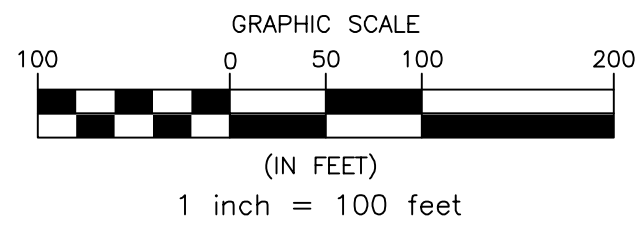
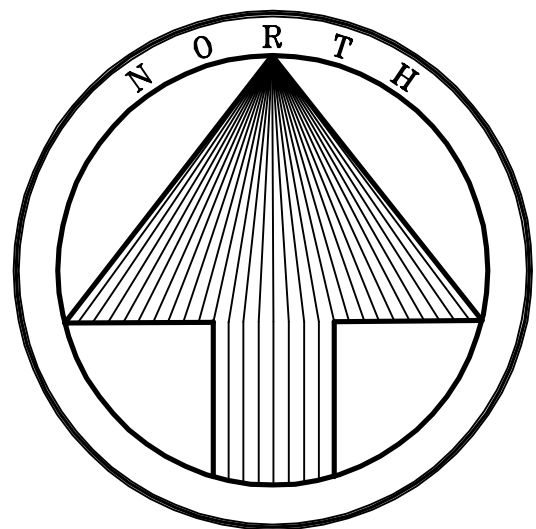
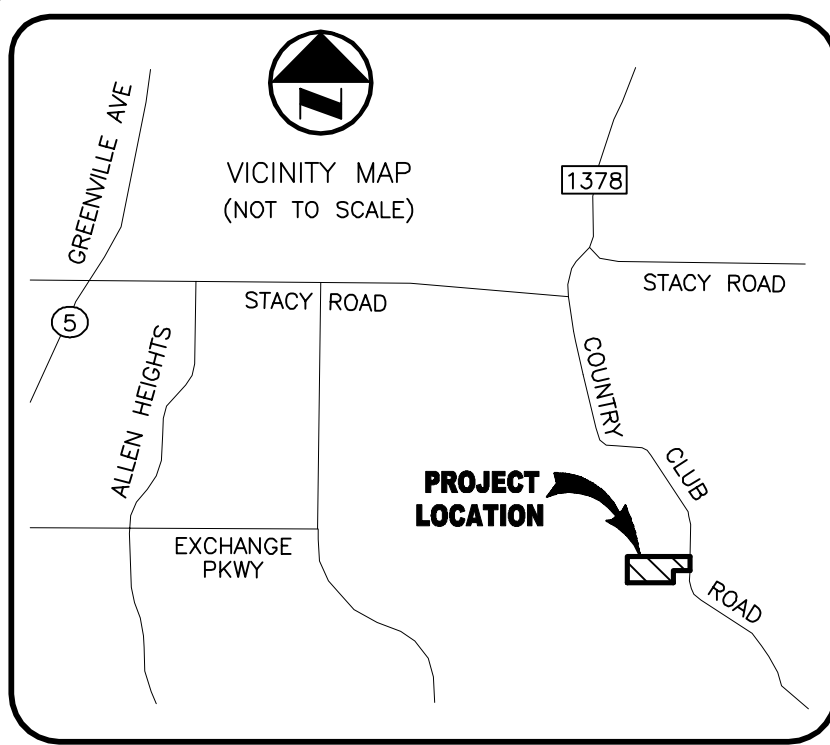
This instrument was acknowledged before me on \_\_\_\_\_, 2022 by Mahendra Patil, the Manager of eVantage Ventures, LLC, a Texas limited liability company, on behalf of the limited liability company and for the purposes and consideration therein expressed.

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Notary Public, State of Texas

Exhibit A  
Real Property





**LEGEND**

B.L.	=	BUILDING LINE
D.U.E.	=	DRAINAGE AND UTILITY EASEMENT
I.P.F.	=	IRON PIPE FOUND
I.R.F.	=	IRON ROD FOUND
I.R.S.	=	IRON ROD SET WITH BLUE CAP STAMPED "HINE THOMPSON"

**C1**  
 RADIUS = 61.50'  
 DELTA = 291°35'59"  
 CHORD BEARING = S 19°59'56" E  
 CHORD LENGTH = 69.14'  
 ARC LENGTH = 313.00'

**OWNERS CERTIFICATE**

STATE OF TEXAS  
 COUNTY OF COLLIN

WHEREAS eVantage Ventures LLC is the owner of two tracts of land situated in the James Grayum Survey, Abstract Number 354, Collin County, Texas, and being all of a called 2.998 acre tract of land and all of a called 7.001 acre tract of land described as Tract 1 and Tract 2 in a deed to eVantage Ventures LLC, recorded as Instrument Number 20190530000615410 in the Official Public Records of Collin County, Texas; and Ramon Loeza is the owner of five tracts of land situated in the James Grayum Survey, Abstract Number 354, Collin County, Texas, being all of a called 2.0 acre tract of land, all of a called 2.0 acre tract of land, and all of a called 2.0 acre tract of land described as Tract 1, Tract 2, and Tract 3 in a deed to Ramon Loeza recorded as Instrument Number 20170907001206100 in the Official Public Records of Collin County, Texas, and all of a called 0.80 acre tract of land described as Tract 4 in a deed to Ramon Loeza recorded as Instrument Number 202110200214010 in the Official Public Records of Collin County, Texas, and all of a called 0.81 acre tract of land described in a deed to Ramon Loeza recorded as Instrument Number 20211028002206330 in the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for corner in the West right-of-way line of Country Club Road (FM 1378) (90' right-of-way) at the Northeast corner of said 2.998 acre tract;

Thence South 00°40'51" East along the West right-of-way line of said Country Club Road, a distance of 335.14 feet to a 1/2" iron rod with a blue cap stamped "HINE THOMPSON" set for corner in the North line of a called 1.20 acre tract of land described in a deed to Eric Lambert and Misty Lambert recorded as Instrument Number 20140826000915220 in the Official Public Records of Collin County, Texas;

Thence North 89°48'29" West along the North line of said Lambert tract, a distance of 367.71 feet to a 3/8" iron rod found for corner at the Northwest corner thereof;

Thence South 00°19'29" East along the West line of said Lambert tract and the West line of a called 1.2 acre tract of land described in a deed to Aurora Espinosa recorded as Instrument Number 20190416000407380 in the Official Public Records of Collin County, Texas, a distance of 278.09 feet to a 1/2" iron rod with a blue cap stamped "HINE THOMPSON" set for corner in the North line of a called 2.781 acre tract of land described in a deed to Thomas Harry Jones and wife, Diane Irene Jones recorded as Volume 1877, Page 943 in the Official Public Records of Collin County, Texas;

Thence North 89°56'04" West along the North line of said Jones tract, the North line of a called 4.00 acre tract of land described in a deed to Jane C. Ridgway recorded as Instrument Number 96-0081366 in the Official Public Records of Collin County, Texas, the North line of a called 2.469 acre tract of land described in a deed to Carlos Diaz, Monica Diaz, and Gerardo Gonzalez recorded as Instrument Number 20190214000156460 in the Official Public Records of Collin County, Texas, and the North line of a called 2.47 acre tract of land described in a deed to Jackie F. Ostrander and Judith A. Ostrander, Trustees recorded as Instrument Number 94-0018682 in the Official Public Records of Collin County, Texas, a distance of 1056.21 feet to a 3/4" iron pipe found for corner at the Southwest corner of said Loeza Tract 3;

Thence North 00°15'21" West along the West line of said Loeza Tract 3, a distance of 305.70 feet to a 1/2" iron rod found for corner at the Northwest corner thereof, same being the Southwest corner of said 7.001 acre tract of land;

Thence North 00°41'15" West along the West line of said 7.001 acre tract, a distance of 305.33 feet to a 1/2" iron rod found for corner at the Northwest corner thereof;

Thence South 89°59'25" East along the North line of said 7.001 acre tract, and the North line of said 2.998 acre tract, a distance of 1423.39 feet to the POINT OF BEGINNING and containing 17.646 acres of land.

**DEDICATION STATEMENT**

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, eVantage Ventures LLC and Ramon Loeza, do hereby bind themselves and their heirs, assigns and successors of title this Plat designating the herein described property as **NEW CASTLE ESTATES**, an addition to the City of Lucas, Texas. New Castle Court shall be a Privately owned roadway, owned and maintained by the Home Owners Association. New Castle Court has not been dedicated to the Public, for Public access nor has it been accepted by the town as public improvements. New Castle Court shall always be open to emergency vehicles, law enforcement, public and private utility maintenance and service personnel, garbage collection agencies, the U.S. postal and governmental employees in pursuit of their official duties. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths that in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easement strips. This Plat approved Subject to all platting ordinances, rules, regulations and resolutions of the City of Lucas.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Lucas.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

Pankaj Srivastava (eVantage) Ramon Loeza

STATE OF TEXAS  
 COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Pankaj Srivastava, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Notary Public in and for the State of Texas. My Commission Expires: \_\_\_\_\_

STATE OF TEXAS  
 COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Ramon Loeza, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Notary Public in and for the State of Texas. My Commission Expires: \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

KNOW ALL MEN BY THESE PRESENTS:

That I, Jason D. Thompson, hereby certify, that I prepared this plat from an actual on the ground survey of the land as described and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of Lucas Planning and Zoning Commission.

**PRELIMINARY**  
 07/05/2022 FOR REVIEW ONLY AND SHALL NOT BE RECORDED FOR ANY PURPOSE.

JASON D. THOMPSON  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 6096

STATE OF TEXAS  
 COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Jason D. Thompson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Notary Public in and for the State of Texas. My Commission Expires: \_\_\_\_\_

**ON-SITE SEWAGE FACILITIES (OSSF) NOTES:**

- All lots must utilize alternative type On-Site Sewage Facilities.
- Must maintain state-mandated setback of all On-Site Sewage Facility components from any/all easements and drainage areas, water distribution lines, sharp breaks and/or creeks/rivers/ponds, etc. (Per State regulations).
- Any existing OSSFs on any of the new lots must be legally abandoned prior to development of the individual lot.
- Tree removal and/or grading for OSSF may be required on individual lots.
- Individual site evaluations and OSSF design plans (meeting all State and County requirements) must be submitted to and approved by Collin County for each lot prior to construction of any OSSF system.
- There are no water wells noted in this subdivision and no water wells are allowed without prior approval from Collin County Development Services.

**HEALTH DEPARTMENT CERTIFICATION**

I hereby certify that the on-site sewage facilities described on this plat conform to the applicable OSSF laws of the State of Texas, that site evaluations have been submitted representing the site conditions in the area in which on-site sewage facilities are planned to be used.

Registered Sanitarian or Designated Representative  
 Collin County Development Services

**CITY APPROVAL CERTIFICATE**

This plat is hereby approved by the Planning and Zoning Commission of the City of Lucas, Texas.

Chairman, Planning and Zoning Commission Date \_\_\_\_\_

ATTEST:

Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Name \_\_\_\_\_ Date \_\_\_\_\_

The Director of Public Works of the City of Lucas, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Code of Ordinances and with engineering construction standards and processes adopted by the City of Lucas, Texas as to which his/her approval is required.

Director of Public Works Date \_\_\_\_\_

The Director of Planning and Community Development of the City of Lucas, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Code of Ordinances, or as may have been amended or modified, as allowed, by the Planning and Zoning Commission as to which his/her approval is required.

Director of Planning and Community Development Date \_\_\_\_\_

**FINAL PLAT**  
**NEW CASTLE ESTATES**  
 17.646 ACRES  
 8 RESIDENTIAL LOTS  
 1 H.O.A. LOT (PRIVATE ROAD)  
 JAMES GRAYUM SURVEY, ABSTRACT NUMBER 354  
 CITY OF LUCAS, COLLIN COUNTY, TEXAS

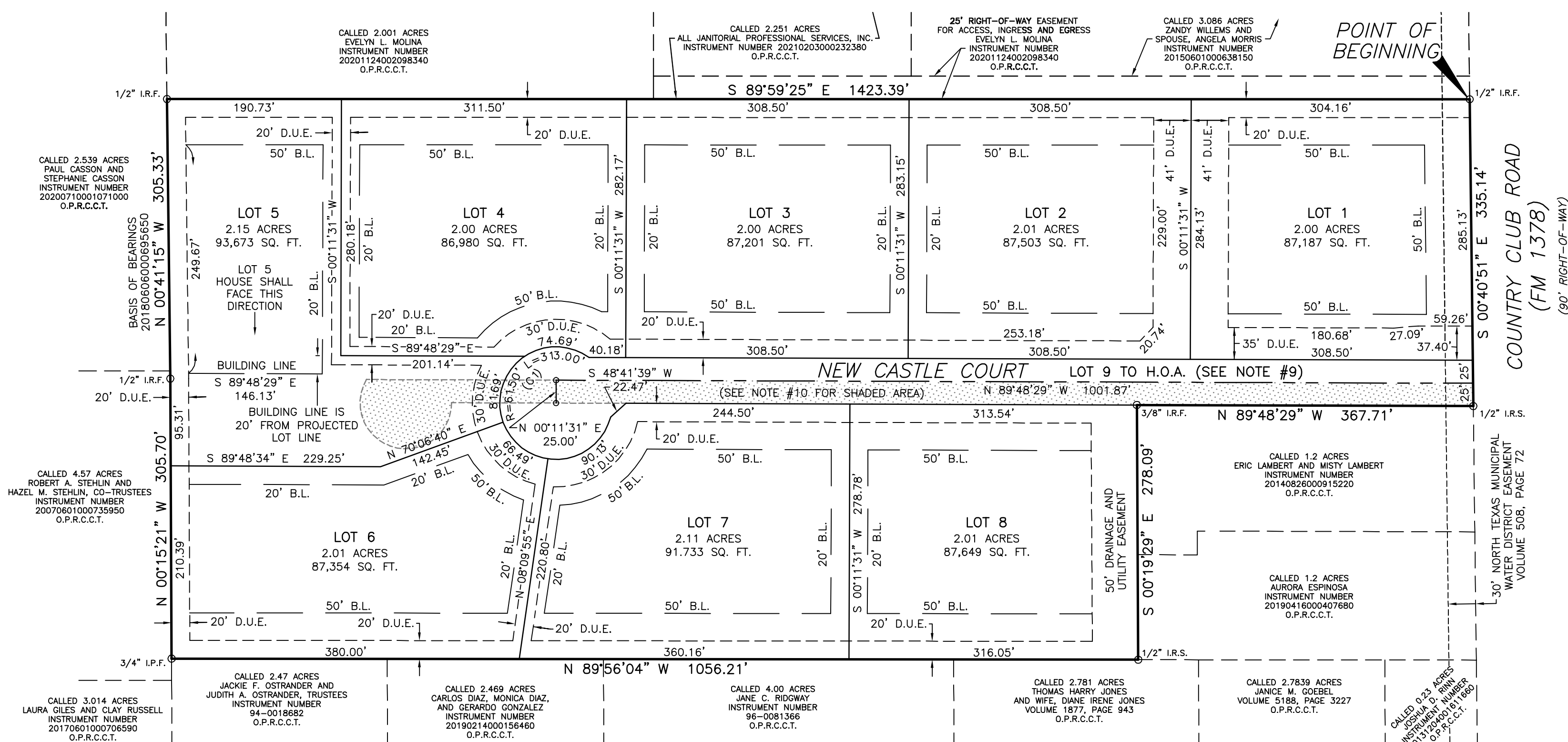
ZONING: R-2 JULY 2022

**SURVEYOR**  
 HINE-THOMPSON  
 LAND SURVEYING  
 508 CRESTRIDGE ROAD  
 HEATH, TEXAS 75032  
 JASON D. THOMPSON, RPLS  
 (214) 498-8757



**NOTES**

- By graphical platting, the parcel described hereon does not lie within a Special Flood Hazard Area, as delineated on the Collin County, Texas and Incorporated Areas, Flood Insurance Rate Map, Map Number 48085C0405 J, dated June 02, 2009, as published by the Federal Emergency Management Agency. The above flood statement does not imply that the property and/or structures will be free from flooding or flood damage. On occasion, greater floods can and will occur and flood heights may be increased by man-made or natural causes. The above flood statement shall not create liability on the part of the surveyor.
- Property owners are required to maintain property within rights-of-way adjacent to their lot, drainage and utility easements within their lot to the edge of pavement.
- Only wrought iron fences are permitted within drainage easements.
- A 1/2-inch iron rod with a blue cap stamped "HINE THOMPSON" will be set at all boundary corners and lot corners, points of curvature, points of tangency and angle points in public rights-of-way unless otherwise shown or noted in this drawing after development is completed.
- Selling a portion of any lot within this addition by metes and bounds is a violation of state law and city ordinance and is subject to fines and withholding of utilities and building permits.
- Source bearing is based on the West line of the deed recorded in Instrument Number 2018060600695650 in the Official Public Records of Collin County, Texas.
- Lot 1 shall not have direct access to Country Club Road (FM 1378).
- Existing Zoning is R2
- New Castle Court (Lot 9) (1.36 acres/59,393 sq. ft.) shall be a private road dedicated to and maintained by the Home Owners Association (H.O.A.)
- The shaded area depicts a 25' Roadway Easement described in a deed to Eric Lambert and Misty Lambert recorded as Instrument Number 20140826000915220 in the Official Public Records of Collin County, Texas. Lamberts will not be responsible for private road maintenance.



**OWNER**  
 eVANTAGE VENTURES LLC  
 PANKAJ SRIVASTAVA  
 1143 HOLFORD DRIVE  
 FRISCO, TEXAS 75036  
 (805) 304-0144

**OWNER**  
 RAMON LOEZA  
 1529 CROSS BEND ROAD  
 FRISCO, TEXAS 75023  
 (214) 680-9625

**HOME OWNERS ASSOCIATION**  
 MAHENDRA PATIL  
 1143 HOLFORD DRIVE  
 FRISCO, TEXAS 75036  
 (312) 350-2734

CALLER 0.4 ACRES  
 INSTRUMENT NUMBER  
 2017060100070690  
 O.P.R.C.C.T.

CALLER 1.2 ACRES  
 INSTRUMENT NUMBER  
 20190416000407380  
 O.P.R.C.C.T.

CALLER 2.781 ACRES  
 THOMAS HARRY JONES  
 AND WIFE, DIANE IRENE JONES  
 VOLUME 1877, PAGE 943  
 O.P.R.C.C.T.

CALLER 4.00 ACRES  
 JANE C. RIDGWAY  
 INSTRUMENT NUMBER  
 96-0081366  
 O.P.R.C.C.T.

CALLER 2.469 ACRES  
 CARLOS DIAZ, MONICA DIAZ,  
 AND GERARDO GONZALEZ  
 INSTRUMENT NUMBER  
 20190214000156460  
 O.P.R.C.C.T.

CALLER 2.47 ACRES  
 JACKIE F. OSTRANDER AND  
 JUDITH A. OSTRANDER, TRUSTEES  
 AND GERARDO GONZALEZ  
 INSTRUMENT NUMBER  
 94-0018682  
 O.P.R.C.C.T.

CALLER 3.014 ACRES  
 LAURA GILES AND CLAY RUSSELL  
 INSTRUMENT NUMBER  
 2017060100070690  
 O.P.R.C.C.T.

CALLER 4.57 ACRES  
 ROBERT A. STEHLIN AND  
 HAZEL M. STEHLIN, CO-TRUSTEES  
 INSTRUMENT NUMBER  
 20070601000735950  
 O.P.R.C.C.T.

CALLER 2.539 ACRES  
 PAUL CASSON AND  
 STEPHANIE CASSON  
 INSTRUMENT NUMBER  
 20200715001071000  
 O.P.R.C.C.T.

CALLER 2.001 ACRES  
 EVELYN L. MOLINA  
 INSTRUMENT NUMBER  
 20201124002098340  
 O.P.R.C.C.T.

CALLER 2.251 ACRES  
 ALL UNITS/RESOURCES, INC.  
 INSTRUMENT NUMBER  
 20210203000232380  
 O.P.R.C.C.T.

25' RIGHT-OF-WAY EASEMENT  
 FOR ACCESS, INGRESS AND EGRESS  
 EVELYN L. MOLINA  
 INSTRUMENT NUMBER  
 20201124002098340  
 O.P.R.C.C.T.

CALLER 3.086 ACRES  
 ZANDY WILLEMS AND  
 SPOUSE, ANGELA MORRIS  
 INSTRUMENT NUMBER  
 20190601000638150  
 O.P.R.C.C.T.

CALLER 1.2 ACRES  
 ERIC LAMBERT AND MISTY LAMBERT  
 INSTRUMENT NUMBER  
 20140826000915220  
 O.P.R.C.C.T.

CALLER 1.2 ACRES  
 AURORA ESPINOSA  
 INSTRUMENT NUMBER  
 20190416000407380  
 O.P.R.C.C.T.





# City of Lucas

## Planning and Zoning Agenda Request

### July 14, 2022

Requester: Development Services Director Joe Hilbourn

#### **Agenda Item**

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Consider the request by Brian Umberger on behalf of Pankaj Srivastava for approval of a final plat for New Castle Estates, a 17.646-acre parcel of land being part of the Jas Grayum Survey, Abstract CO-354 located on the west side of Country Club Road and north of Graham Lane at 2115 and 2125 Country Club Road.

#### **Background Information**

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This parcel of land is currently zoned Residential 2-acre (R-2), containing 17.646 acres of land, and proposes eight new residential lots. The developers have decided to make the following alterations to the proposed final plat due to ongoing concerns of an adjoining property owner that has rights to a nonexclusive access easement:

1. The subdivision roadway will be a private road.
2. The non-exclusive mutual roadway easement will be plainly shown on the plat, with appropriate footnotes.
3. The private road, not just the easement, will be shown as a separate lot and dedicated to the Homeowners Association.
4. The adjoining property owner will be granted access to the private road and easement as non-members of the HOA.
5. The adjoining property owner will not be required to sign the plat.
6. The HOA will sign the plat, accepting the private road and its maintenance.

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

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1. Minimum Requirements Checklist
2. Final Plat
3. Location Map

#### **Budget/Financial Impact**

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NA

#### **Recommendation**

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Staff recommends approval of the plat as presented.

#### **Motion**

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I make a motion to approve/deny the final plat for New Castle Estates, a 17.646-acre parcel of land being part of the Jas Grayum Survey, Abstract CO-354 located on the west side of Country Club Road and north of Graham Lane at 2115 and 2125 Country Club Road.



## PRELIMINARY AND FINAL PLAT Minimum Requirements Checklist

Project Name New Castle Estates Preparer Jason Thompson

This checklist is provided to assist you in addressing the minimum requirements for Preliminary Plat submission. Confirm that all information is included on the submitted plans by checking the box next to the required information. Checking the box certifies to the City that you have completely and accurately addressed the issue. This completed form must be returned at the time of application submittal.

If an exception or modification to the regulations is requested, the reason and/or request for each shall be provided both directly on the plan and on a separate sheet on letterhead with sufficient details as to allow a determination by the appropriate approving body. Additional information may be required. Reference the specific requirement. Plans are to be submitted complete in all detail as shown by the checklist. Should plans be determined to be incomplete, they may either be returned to the applicant without further review or marked up with needed changes. If a preliminary plat is required, a Tree Survey/Preservation Plan is also required as part of the submittal requirements with and at the time of preliminary plat submittal. Refer to the Development Plan Application packet for the needed application and checklist.

- I have made the decision NOT to waive the statutory time limits (30 days) in accordance with section 212 of the Texas Local Government Code. I understand and acknowledge that the City may DENY my plat application if not complete as determined by staff within the 30-day time period.
- The required number of copies of the preliminary plat and the approved engineering and construction plans for all public infrastructure improvements in accordance with the design standards of the City, to include all streets, water mains and services, sewer system and services, and drainage systems required to develop the proposed subdivision.
- The name, address and telephone number of the owner, the surveyor, and engineer responsible for the preparation of the final plat.
- The name of the subdivision and location map showing adjacent subdivisions, street names (which shall conform, whenever possible, to existing street names and be approved by the Post Office) and lot and blocks numbers in accordance with a systematic arrangement.
- An accurate boundary survey description of the property, with bearings and distances, referenced to survey lines, existing property descriptions and established subdivisions, and showing the lines of adjacent tracts, the layout, dimensions and names of adjacent streets and alleys and lot lines shown in dashed lines.
- Existing boundary of adjacent street, and alley rights-of-way and boundaries of right-of-way (ROW) dedication are indicated, street names are labeled, and ROW widths are dimensioned.
- Scale, north point, date, lot and block numbers.
- The name and location of adjacent subdivisions or unplatted tracts drawn to scale shown in dotted lines and in sufficient detail to accurately show the existing streets, alleys and other features that may influence the layout and development of the propose subdivision. The abstract name and number, and name of the owner of the adjacent unplatted tracts should be shown.
- Exact location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimal fractions of feet, with the length of radii and of arcs of all curves, internal angles, points of curvatures, length and bearings of the tangents, and with all other surveyor information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points.
- All lots on building sites shall conform to the minimum standards for area, width and depth prescribed by the zoning district or districts in which the subdivision is located and state the area size of each lot. Internal lot lines are clearly indicated, shown to scale, and labeled with bearings and distances.
- Building setback lines and the location of utility easements.
- Topographic information showing contour lines with intervals up to one (1') foot indicating the terrain, drainage pattern of the area, and the drainage basin areas within the proposed subdivision. Topographic information showing contour lines with intervals up to two (2) feet indicating the terrain, the drainage pattern of the area, and the drainage basin areas outside the boundaries of the proposed subdivision.
- The layout and dimensions of proposed storm drainage areas, easements and rights-of-way necessary for drainage within and outside the boundaries of the proposed subdivision.
- The location and purpose of all proposed parks or other areas offered for dedication to public use.



## PRELIMINARY AND FINAL PLAT Minimum Requirements Checklist

- The location of all existing property lines, buildings, sewer or water mains, storm drainage areas, water and wastewater facilities, fire hydrants, gas mains or other underground structures, easements of record or other existing features.
- The location, size and identification of any physical features of the property, including water courses, ravines, bridges, culverts, existing structures, drainage or other significant topographic features located on the property or within one hundred fifty feet (150') of the proposed subdivision.
- Copy of any deed restrictions, restrictive covenants, special use permit or planned development district ordinance regulating the property.
- The angle of intersection of the centerlines of all intersecting streets which are intended to be less than ninety (90°) degrees.
- In accordance with the city floodplain management regulations, of the Code of Ordinances, as amended, the floodplain and floodway lines and base flood elevations as shown on the current effective flood insurance rate maps for the city shall be shown, where applicable. A notation shall be shown on the face of the preliminary plat stating: "Lots or portions of lots within the floodplain or areas of special flood hazard require a development permit prior to issuance of a building permit or commencement of construction including site grading, on all or part of those lots".
- Floodplain and floodway lines and base flood elevations as shown on the current effective flood insurance rate maps for the City should be shown, where applicable.
- For a preliminary plat of land located outside the city limits where sanitary sewer does not exist or where street improvement standards vary from those specified by the city, such differences shall be noted.
- A certificate of ownership and dedication of all streets, alleys, easements, parks and other land intended for public use, signed and acknowledged before a Notary Public by the owner and lien holders of the property, along with complete and accurate metes and bounds description of the land subdivided and the property dedicated to public use.
- Receipt showing all taxes on the subject property are paid.
- Certification by a surveyor, to the effect that the preliminary plat represents a survey made by the Surveyor, and that all the necessary survey monuments are correctly shown thereon.
- A preliminary plat provided in multiple sheets shall include a key map showing the entire subdivision at smaller scale with lot and block numbers and street names on one (1) of the sheets or on a separate sheet of the same size.
- Copy of any proposed property owner or homeowners' association agreements, covenants and restrictions.
- Front and exterior side or corner setback lines are shown and labeled.
- Abstract lines, survey lines, county lines, school ISD boundary and corporate boundaries are shown and clearly labeled.
- A title block is provided in the lower right corner that includes large, boldly printed:

(Subdivision Name)

Preliminary Plat

Lot(s) \_\_\_\_\_, Block(s) \_\_\_\_\_ (survey, abstract and tract number)

If a replat, include:

Replat of Lot(s) \_\_\_\_\_, Block(s) \_\_\_\_\_

- A log of submittal/revision dates since submitted to the City.
- The purpose of a replat or amending plat is stated on the face of the plat document.
- If the proposal is a replat or amending plat, the existing lot numbers and block numbers or letters are shown as light dotted lines, with lot number designation followed by R for replats or an A for amending plats.
- Location of property lines, owner or subdivision name(s) and recording information of abutting properties is indicated. Unplatted property or any streets or alleys within a 500-foot radius of subject property are shown and identified/labeled as appropriate.



## PRELIMINARY AND FINAL PLAT Minimum Requirements Checklist

- Medians, median openings; turn lanes, deceleration/acceleration lanes and stacking distance is indicated within 200 feet of the property. The entire median, left-turn lane and/or deceleration lane and median opening serving a site is shown.
- Each lot is dimensioned, and the square footage of each lot is indicated.
- Each lot is numbered, and block groups are assigned a letter. Homeowner's association and other open space areas are identified with tract number.
- The location of existing underground and above ground utilities, flood plain boundaries and state or federally protected areas, such as wetlands, are indicated.
- The location of existing structures or other features proposed to remain and those proposed for removal.
- Existing easements are indicated by a light, dashed line and labeled indicating dimension, purpose and County recording information.
- Location, dimension, and purpose of proposed easements are indicated by a medium-weight, dashed line. Required and proposed ingress/egress or access easements are shown, clearly labeled and tied down, as appropriate.
- Existing zoning is shown.
- Location and area of parks, drainage ways, creeks and open space is indicated and labeled.
- Legal description/metes and bounds description is included.
- Include any notes required by the various affected agencies/utilities.
- Residential minor streets shall be designed and platted so that no street segment shall have a straight line for more than 1,000 feet before altering its course by at least 20 degrees.
- Sites to be reserved or dedicated for parks, playgrounds and/or other public uses are indicated and labeled.
- Preliminary water plans are included with this submittal.
- Contours are indicated with intervals of two (2) feet for property five acres or less and five (5) feet for property more than five acres.
- A note is included that states whether or not the property is in the 100-year flood plain, with the FIRM Community Panel reference number and map date.
- A note shall be added to the plat stating: **"Preliminary Plat - For Inspection Purposes Only."**



# FINAL PLAT

## Minimum Requirements Checklist

**Project Name** New Castle Estates

**Preparer** Jason Thompson

This checklist is provided to assist you in addressing the minimum requirements for final plat submission. An application is incomplete unless all applicable information noted below is submitted to the Development Services Department. Confirm that all information is included on the submitted plans by checking the box next to the required information. **Checking the box certifies to the City that you have completely and accurately addressed the issue.**

This completed form must be returned at the time of application submittal. If an exception or modification to the regulations is requested, the reason and/or request for each shall be provided on a separate sheet on letterhead with sufficient details as to allow a determination by the appropriate approving body. Additional information may be required. Reference the specific requirement. All exception/modification requests must also be specifically listed on the plans.

Plans are expected to be submitted complete in all detail as included by the checklist. Should plans be determined to be incomplete, they may either be returned to the applicant without further review or marked up with needed changes. **If a preliminary plat was not required, a Tree Survey/Preservation Plan is required as part of the submittal requirements with and at the time of submittal of the final plat. Refer to the Development Plan Application for the needed application and checklist.**

### Items to be Included:

- All information required for a Preliminary Plat.
- Record drawings, construction plans including one set of mylars and a digital copy in DWG or DGN format, and two sets of bluelines, where applicable.
- All information required for a preliminary plat.
- The improvement agreement and security if required, in a form satisfactory to the city attorney and in an amount established by the city council upon recommendation of the city engineer and shall include a provision that the owner shall comply with all the terms of the final plat approval as determined by the commission.
- Formal irrevocable offers of dedication to the public of all streets, alleys, utilities, easements and parks in a form approved by the city attorney.
- An owner may, at the discretion of the commission, obtain approval of a phase of a subdivision for which a preliminary plat was approved provided such phase meets all the requirements of this article in the same manner as is required for a complete subdivision.
- If applicable, copy of agreements, covenants and restrictions establishing and creating the homeowners' association approved by the commission based on recommendation of the city attorney.
- I have made the decision NOT to waive the statutory time limits (30 days) in accordance with section 212 of the Texas Local Government Code. I understand and acknowledge that the City may DENY my Plat Application if not complete as determined by staff within the 30-day time period.
- Location map clearly showing the location of the proposed final Plat with cross streets is included. Indicate scale or not to scale (NTS) and provide north arrow.
- Written and bar graph scale and north arrow are indicated. North shall be oriented to the top or left side of the sheet.
- Abstract lines, survey lines, corporate boundaries are shown and clearly labeled.
- A title block is provided in the lower right corner that includes large, boldly printed  
(SUBDIVISION NAME)  
FINAL PLAT (or REPLAT, AMENDING PLAT, MINOR PLAT as applicable)  
LOT(S) \_\_\_\_\_, BLOCK(S) \_\_\_\_\_  
(survey, abstract and tract number)  
If a replat, include:  
REPLAT OF LOT(S) \_\_\_\_\_, BLOCK(S) \_\_\_\_\_
- The owner and surveyor's name, address and phone number, gross and net areas as applicable, submission date, and a log of submittal/revision dates since submitted to the City.



## FINAL PLAT Minimum Requirements Checklist

- Location of property lines, owner or subdivision name(s) and recording information of abutting properties is shown.
- Abutting properties are indicated by a light solid line.
- Existing boundary of street rights-of-way adjacent to the property and boundaries of right-of-way dedication are indicated by a medium weight solid line, intermittent with two dashed lines, and widths are dimensioned.
- Existing and proposed internal alleys and streets ROW are indicated by a medium weight solid line, intermittent with two dashed lines.
- Streets are named and ROW dimensioned.
- Streets and alleys ROW within 200 feet of the subject property boundary are accurately located, dimensioned, and named/labeled.
- Residential minor streets shall be designed and platted so that no street segment shall have a straight line for more than 1,000 feet before altering its course by at least 20 degrees.
- The length and bearing of all straight lines, radii, arc lengths, tangent length and central angles of all curves are indicated along the lines of each lot. The curve data pertaining to block or lot boundary may be placed in a curve table at the base of the plat and prepared in a tabular form with the following information:
  - Curve number
  - Delta
  - Radius
  - Tangent length
  - Tangent offset
  - Arc length
  - Chord
- The description and location of all survey monuments placed in the subdivision or immediately adjacent to it are shown.
- In all subdivisions, corners are established at the corner of each block in the subdivision consisting of an iron rod or pipe not less than three-quarter inches (3/4") in diameter and twenty-four inches (24") deep, flush with the top of the sidewalk or other paving, surface, etc. All lot corners shall be installed prior to the final inspection of the subdivision.
- Lot corner monuments are placed at all lot corners except corners which are also block corners, consisting of iron rods or pipes of a diameter of not less than one-half inch (1/2") and eighteen inches (18") deep set flush with the top of the sidewalk. All lot corners shall be installed prior to the final inspection of the subdivision.
- Curve point markers are established using the same specifications as lot corners. All lot corners shall be installed prior to the final inspection of the subdivision.
- Internal lot lines are clearly indicated and shown to scale.
- Each lot is dimensioned with bearings and distances, as applicable, and the square footage of each lot is indicated.
- Each lot is numbered, and block groups are assigned a letter.
- The location of flood plain boundaries and state or federally protected areas, such as wetlands, are indicated.
- Existing easements are indicated by a light, dashed line and labeled indicating dimension, purpose, and County recording information.
- Proposed easements are indicated by a medium weight, dashed line and labeled indicating dimension and purpose.
- Required cross access or ingress/egress easements are shown, dimensioned, labeled, and properly tied down.
- Existing zoning of the subject property is indicated.
- Location and area of parks, drainage ways, and open space is indicated. Open space/Homeowner's Association (HOA) areas are to be labeled with tract number/s.
- A legal description/metes and bounds description is included.
- Include any notes required by the various affected agencies/utilities.
- Sites to be reserved or dedicated for parks, playgrounds and/or other private or public use are indicated.
- A note is included that states whether or not the property is in the 100-year flood plain, with the F.I.R.M. Community Panel reference number and map date indicated.



# FINAL PLAT

## Minimum Requirements Checklist

- Applicable notes have been added to the plat. Any change from the wording shown herein shall be approved by the City of Lucas.
- The Improvement Agreement and security, if required, in a form satisfactory to the City Attorney and in an amount established by the City Council upon recommendation of the City Engineer and should include a provision that the owner will comply with all the terms of the final plat approval as determined by the Commission.
- At the discretion of the Commission, obtain approval of a phase of a subdivision for which a Preliminary Plat was approved provided such phase meets all the requirements of the subdivision ordinance.
- Copy of agreements, covenants and restrictions establishing and creating the homeowners' association approved by the Commission based on recommendation of the City Attorney. (if applicable)
- The purpose of a Replat or Amending Plat is specifically noted on the face of the drawing.
- Homeowner Association Covenants, Conditions, and Restrictions (CCR's) are submitted for review and include statements for perpetual maintenance and provisions for maintenance by City of Lucas should the homeowner's association (HOA) dissolve.
- The Improvement Agreement and security, if required, in a form satisfactory to the City Attorney and in an amount established by the City Council upon recommendation of the City Engineer and should include a provision that the owner will comply with all the terms of the final Plat approval as determined by the Commission.
- The following certificates shall be placed on the final plat in a manner that will allow them to be clearly visible on the final plat.

APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF LUCAS, TEXAS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
Chairperson, Planning and Zoning Commission

\_\_\_\_\_  
Zoning Secretary

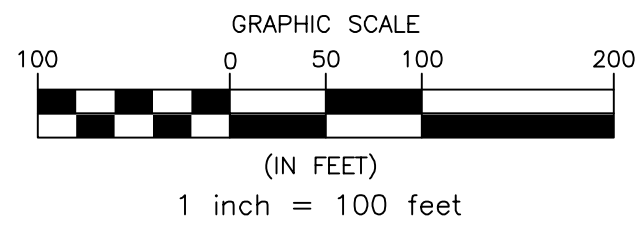
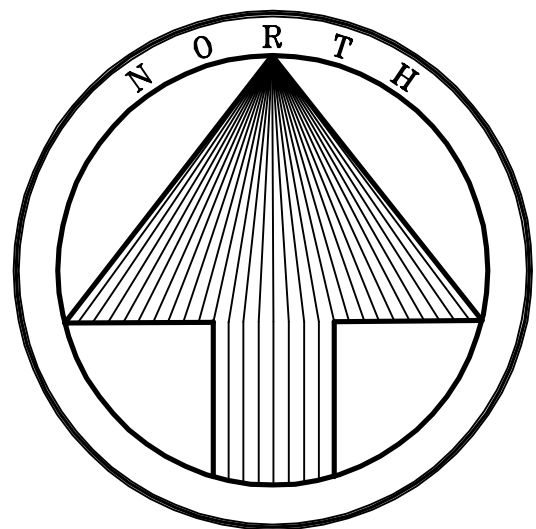
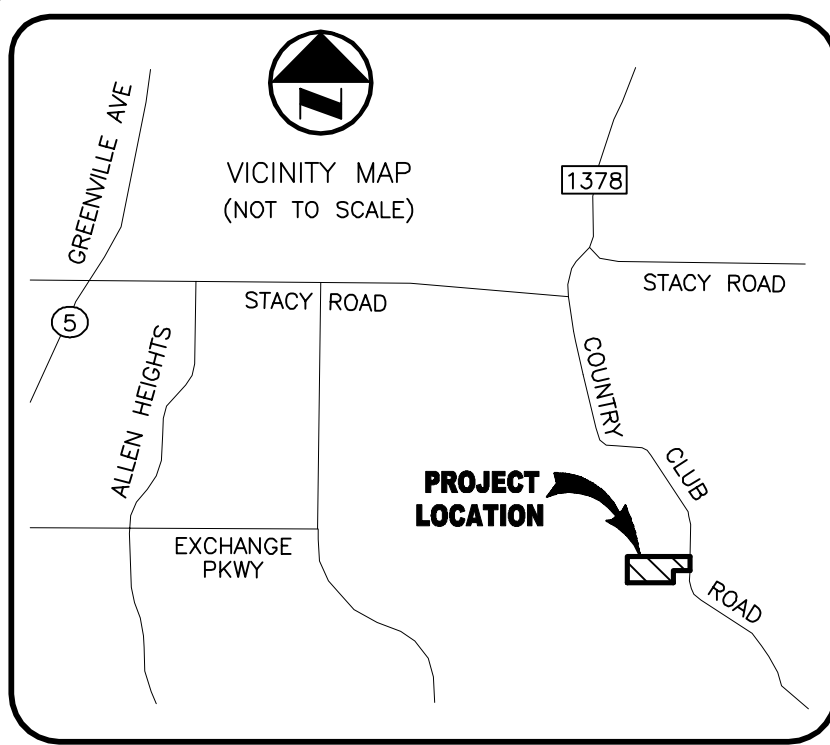
“APPROVED FOR PREPARATION OF FINAL PLAT”

\_\_\_\_\_  
Chairman, City of Lucas  
Planning and Zoning Commission Date

\_\_\_\_\_  
Development Services Director Date

\_\_\_\_\_  
Director of Public Works Date





**LEGEND**

B.L.	=	BUILDING LINE
D.U.E.	=	DRAINAGE AND UTILITY EASEMENT
I.P.F.	=	IRON PIPE FOUND
I.R.F.	=	IRON ROD FOUND
I.R.S.	=	IRON ROD SET WITH BLUE CAP STAMPED "HINE THOMPSON"

**C1**  
 RADIUS = 61.50'  
 DELTA = 291°35'59"  
 CHORD BEARING = S 19°59'56" E  
 CHORD LENGTH = 69.14'  
 ARC LENGTH = 313.00'

**OWNERS CERTIFICATE**

STATE OF TEXAS  
 COUNTY OF COLLIN

WHEREAS eVantage Ventures LLC is the owner of two tracts of land situated in the James Grayum Survey, Abstract Number 354, Collin County, Texas, and being all of a called 2.998 acre tract of land and all of a called 7.001 acre tract of land described as Tract 1 and Tract 2 in a deed to eVantage Ventures LLC, recorded as Instrument Number 20190530000615410 in the Official Public Records of Collin County, Texas; and Ramon Loeza is the owner of five tracts of land situated in the James Grayum Survey, Abstract Number 354, Collin County, Texas, being all of a called 2.0 acre tract of land, all of a called 2.0 acre tract of land, and all of a called 2.0 acre tract of land described as Tract 1, Tract 2, and Tract 3 in a deed to Ramon Loeza recorded as Instrument Number 20170907001206100 in the Official Public Records of Collin County, Texas, and all of a called 0.80 acre tract of land described as Tract 4 in a deed to Ramon Loeza recorded as Instrument Number 202110200214010 in the Official Public Records of Collin County, Texas, and all of a called 0.81 acre tract of land described in a deed to Ramon Loeza recorded as Instrument Number 20211028002206330 in the Official Public Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for corner in the West right-of-way line of Country Club Road (FM 1378) (90' right-of-way) at the Northeast corner of said 2.998 acre tract;

Thence South 00°40'51" East along the West right-of-way line of said Country Club Road, a distance of 335.14 feet to a 1/2" iron rod with a blue cap stamped "HINE THOMPSON" set for corner in the North line of a called 1.20 acre tract of land described in a deed to Eric Lambert and Misty Lambert recorded as Instrument Number 20140826000915220 in the Official Public Records of Collin County, Texas;

Thence North 89°48'29" West along the North line of said Lambert tract, a distance of 367.71 feet to a 3/8" iron rod found for corner at the Northwest corner thereof;

Thence South 00°19'29" East along the West line of said Lambert tract and the West line of a called 1.2 acre tract of land described in a deed to Aurora Espinosa recorded as Instrument Number 20190416000407380 in the Official Public Records of Collin County, Texas, a distance of 278.09 feet to a 1/2" iron rod with a blue cap stamped "HINE THOMPSON" set for corner in the North line of a called 2.781 acre tract of land described in a deed to Thomas Harry Jones and wife, Diane Irene Jones recorded as Volume 1877, Page 943 in the Official Public Records of Collin County, Texas;

Thence North 89°56'04" West along the North line of said Jones tract, the North line of a called 4.00 acre tract of land described in a deed to Jane C. Ridgway recorded as Instrument Number 96-0081366 in the Official Public Records of Collin County, Texas, the North line of a called 2.469 acre tract of land described in a deed to Carlos Diaz, Monica Diaz, and Gerardo Gonzalez recorded as Instrument Number 20190214000156460 in the Official Public Records of Collin County, Texas, and the North line of a called 2.47 acre tract of land described in a deed to Jackie F. Ostrander and Judith A. Ostrander, Trustees recorded as Instrument Number 94-0018682 in the Official Public Records of Collin County, Texas, a distance of 1056.21 feet to a 3/4" iron pipe found for corner at the Southwest corner of said Loeza Tract 3;

Thence North 00°15'21" West along the West line of said Loeza Tract 3, a distance of 305.70 feet to a 1/2" iron rod found for corner at the Northwest corner thereof, same being the Southwest corner of said 7.001 acre tract of land;

Thence North 00°41'15" West along the West line of said 7.001 acre tract, a distance of 305.33 feet to a 1/2" iron rod found for corner at the Northwest corner thereof;

Thence South 89°59'25" East along the North line of said 7.001 acre tract, and the North line of said 2.998 acre tract, a distance of 1423.39 feet to the POINT OF BEGINNING and containing 17.646 acres of land.

**DEDICATION STATEMENT**

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, eVantage Ventures LLC and Ramon Loeza, do hereby bind themselves and their heirs, assigns and successors of title this Plat designating the herein described property as **NEW CASTLE ESTATES**, an addition to the City of Lucas, Texas. New Castle Court shall be a Privately owned roadway, owned and maintained by the Home Owners Association. New Castle Court has not been dedicated to the Public, for Public access nor has it been accepted by the town as public improvements. New Castle Court shall always be open to emergency vehicles, law enforcement, public and private utility maintenance and service personnel, garbage collection agencies, the U.S. postal and governmental employees in pursuit of their official duties. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths that in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easement strips. This Plat approved Subject to all platting ordinances, rules, regulations and resolutions of the City of Lucas.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Lucas.

WITNESS MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

Pankaj Srivastava (eVantage) Ramon Loeza

STATE OF TEXAS  
 COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Pankaj Srivastava, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Notary Public in and for the State of Texas. My Commission Expires: \_\_\_\_\_

STATE OF TEXAS  
 COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Ramon Loeza, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Notary Public in and for the State of Texas. My Commission Expires: \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

KNOW ALL MEN BY THESE PRESENTS:

That I, Jason D. Thompson, hereby certify, that I prepared this plat from an actual on the ground survey of the land as described and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of Lucas Planning and Zoning Commission.

**PRELIMINARY**  
 07/05/2022 FOR REVIEW ONLY AND SHALL NOT BE RECORDED FOR ANY PURPOSE.

JASON D. THOMPSON  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 6096

STATE OF TEXAS  
 COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Jason D. Thompson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Notary Public in and for the State of Texas. My Commission Expires: \_\_\_\_\_

**ON-SITE SEWAGE FACILITIES (OSSF) NOTES:**

- All lots must utilize alternative type On-Site Sewage Facilities.
- Must maintain state-mandated setback of all On-Site Sewage Facility components from any/all easements and drainage areas, water distribution lines, sharp breaks and/or creeks/rivers/ponds, etc. (Per State regulations).
- Any existing OSSFs on any of the new lots must be legally abandoned prior to development of the individual lot.
- Tree removal and/or grading for OSSF may be required on individual lots.
- Individual site evaluations and OSSF design plans (meeting all State and County requirements) must be submitted to and approved by Collin County for each lot prior to construction of any OSSF system.
- There are no water wells noted in this subdivision and no water wells are allowed without prior approval from Collin County Development Services.

**HEALTH DEPARTMENT CERTIFICATION**

I hereby certify that the on-site sewage facilities described on this plat conform to the applicable OSSF laws of the State of Texas, that site evaluations have been submitted representing the site conditions in the area in which on-site sewage facilities are planned to be used.

Registered Sanitarian or Designated Representative  
 Collin County Development Services

**CITY APPROVAL CERTIFICATE**

This plat is hereby approved by the Planning and Zoning Commission of the City of Lucas, Texas.

Chairman, Planning and Zoning Commission Date \_\_\_\_\_

ATTEST:

Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Name \_\_\_\_\_ Date \_\_\_\_\_

The Director of Public Works of the City of Lucas, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Code of Ordinances and with engineering construction standards and processes adopted by the City of Lucas, Texas as to which his/her approval is required.

Director of Public Works Date \_\_\_\_\_

The Director of Planning and Community Development of the City of Lucas, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Code of Ordinances, or as may have been amended or modified, as allowed, by the Planning and Zoning Commission as to which his/her approval is required.

Director of Planning and Community Development Date \_\_\_\_\_

**FINAL PLAT**  
**NEW CASTLE ESTATES**  
 17.646 ACRES  
 8 RESIDENTIAL LOTS  
 1 H.O.A. LOT (PRIVATE ROAD)  
 JAMES GRAYUM SURVEY, ABSTRACT NUMBER 354  
 CITY OF LUCAS, COLLIN COUNTY, TEXAS

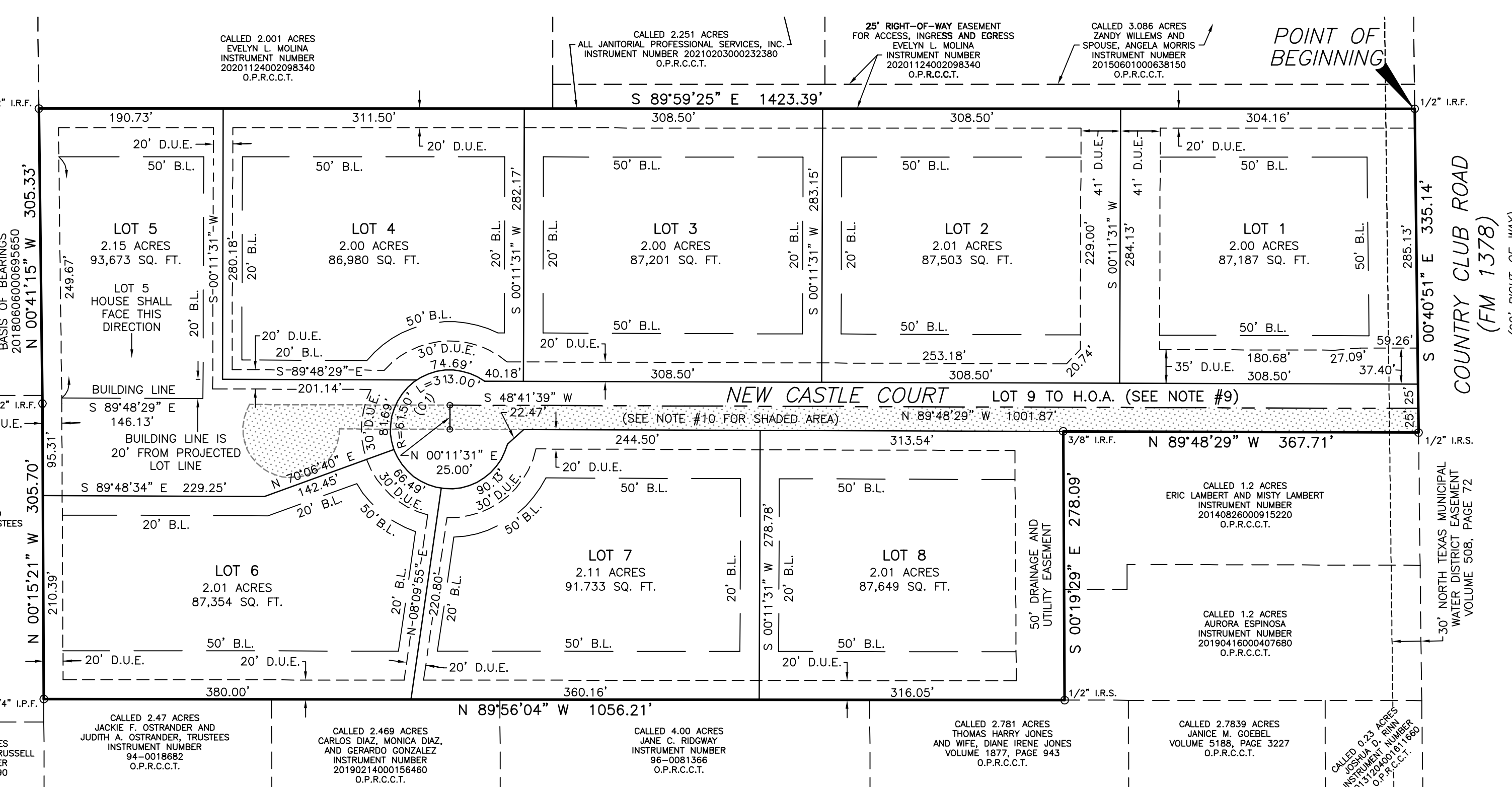
ZONING: R-2 JULY 2022

**SURVEYOR**  
 HINE-THOMPSON  
 LAND SURVEYING  
 508 CRESTRIDGE ROAD  
 HEATH, TEXAS 75032  
 JASON D. THOMPSON, RPLS  
 (214) 498-8757

**HOME OWNERS ASSOCIATION**  
 MAHENDRA PATIL  
 1143 HOLFORD DRIVE  
 FRISCO, TEXAS 75036  
 (312) 350-2734

**OWNER**  
 RAMON LOEZA  
 1529 CROSS BEND ROAD  
 PLANO, TEXAS 75023  
 (214) 680-9625

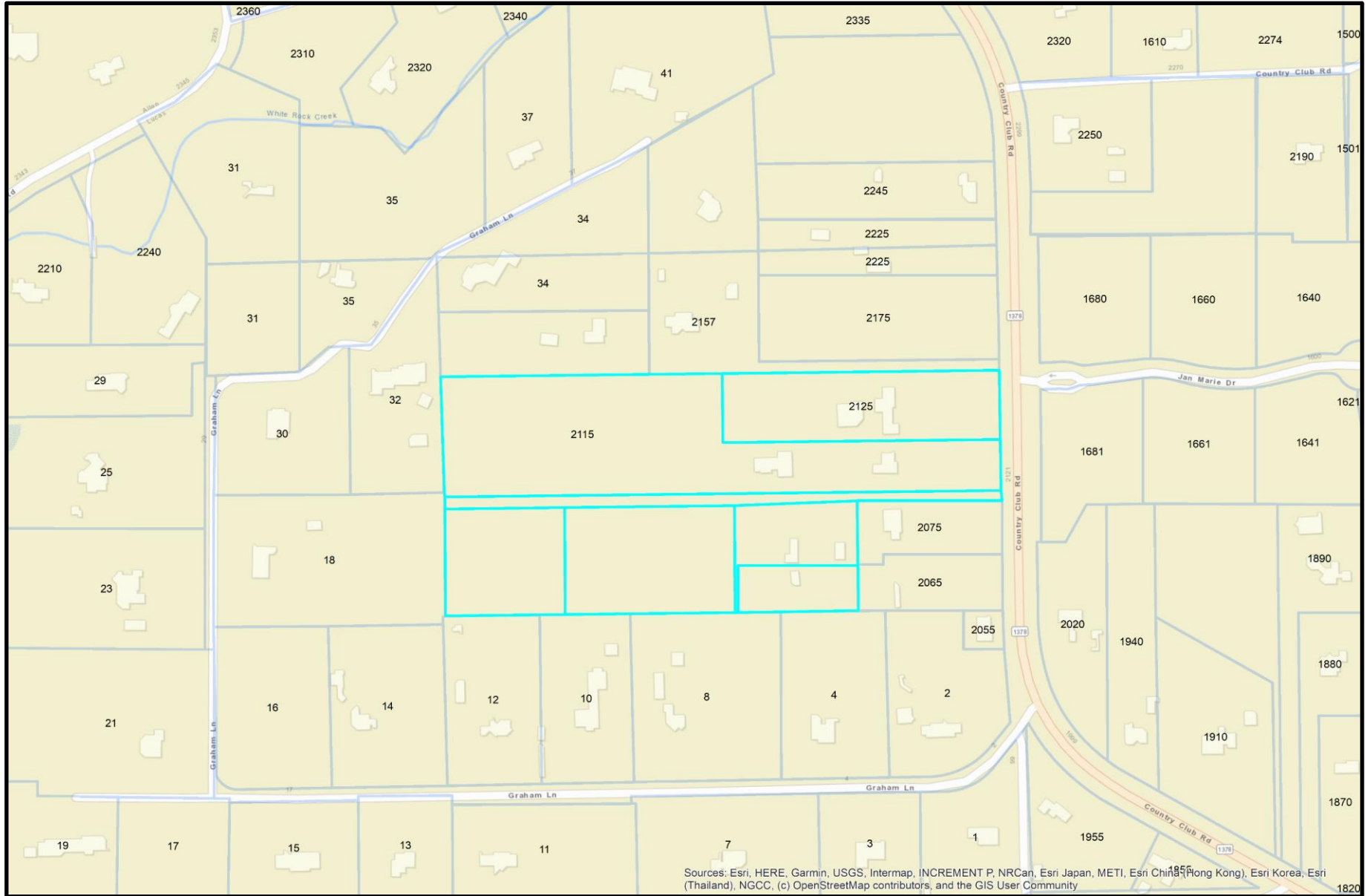
**OWNER**  
 eVANTAGE VENTURES LLC  
 PANKAJ SRIVASTAVA  
 1143 HOLFORD DRIVE  
 FRISCO, TEXAS 75036  
 (805) 304-0144







# LOCATION MAP: NEW CASTLE ESTATES





# City of Lucas

## Planning and Zoning Agenda Request

### July 14, 2022

Item No. 04

Requester: Development Services Director Joe Hilbourn

### **Agenda Item Request**

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Consider approval of an application for elevations submitted by the property owner, Mahmoud Properties, for use as a commercial retail and office center on a 2.25-acre tract of land in the Jas Lovelady Survey, Abstract Number ABS A0538, Tract 14 situated in the City of Lucas, Collin County, Texas, located at 995 West Lucas Road.

### **Background Information**

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Mahmoud Properties is proposing three buildings with retail space and office space. The plans show Building A, Building B, and Building C. The site is currently zoned Commercial Business, and the use fits the area.

#### Building A

First floor area: 7564 square feet

Second floor area: 7564 square feet

Total area for Building A is 15,128 square feet

#### Building B

First floor area: 7564 square feet

Second floor: 4487 square feet

Total area for Building B is 12,051 square feet

#### Building C

Total area for Building C is 2664 square feet

The proposed height of Building A is 28 feet, 6 inches, with architectural elements to 37 feet, 6 inches; maximum permitted is 35 feet. The proposed building has 100% masonry. The length of the building is just over 183.6 feet wide and meets the City's requirements for a change of direction in an elevation every 60 feet.

The proposed height of Building B is 28 feet, 6 inches, with architectural elements to 37 feet, 6 inches; maximum permitted is 35 feet. The proposed building has 100% masonry. The length of the building is approximately 183.6 feet wide and meets the City's requirements for a change of direction in an elevation every 60 feet.

The proposed height of Building C is 16 feet, with architectural elements to 21 feet; maximum permitted is 35 feet. The proposed building has 100% masonry. The length of the building is approximately 64 wide and meets the City's requirements for a change of direction in elevation every 60 feet.



Item No. 04

**City of Lucas**  
**Planning and Zoning Agenda Request**  
**July 14, 2022**

**Attachments/Supporting Documentation**

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1. Development Application
2. Elevations
3. Location Map

**Budget/Financial Impact**

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NA

**Recommendation**

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Staff recommends approving the Elevations.

**Motion**

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I make a motion to recommend to City Council to approve/deny the elevations submitted by the property owner, Mahmoud Properties, for use as a commercial retail and office center on a 2.25-acre tract of land in the Jas Lovelady Survey, Abstract Number ABS A0538, Tract 14 situated in the City of Lucas, Collin County, Texas, located at 995 West Lucas Road.



# DEVELOPMENT APPLICATION City of Lucas, Texas

NAME OF SUBDIVISION AND/OR PROJECT: Lucas Square

ITEM SUBMITTED	APPLICATION FEE
<b>Site Plan</b> \$300 + \$10 per acre (i.e. \$500 for a 20 acre site plan)	_____
<b>Tree Survey/Conservation Plan</b>	N/A
<b>Tree Removal &amp; Site Clearing Permit</b> \$250	N/A
<b>Architectural Plan</b> \$250 + \$50 for any reviews or presentations of amended plans	_____
<b>Landscape Plan</b> \$200 + \$50 for any reviews or presentations of amended plans	_____
<b>Park Site Dedication</b> \$1,000 per lot or land dedication per Lucas City Ordinance Sec. 10.03.122	_____
<b>TOTAL FEES SUBMITTED</b>	_____

Collin County Appraisal District Short Account Number(s): \_\_\_\_\_

Physical Location of Property: 995 W. Lucas Rd. Lucas, TX  
(Address and General Location – approximate distance to nearest existing street corner)

Brief Legal Description of Property (must also attach accurate metes and bounds description):  
\_\_\_\_\_  
(Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block)

Acreage: 2.25 Existing # of Lots/Tracts: \_\_\_\_\_ Existing Zoning: Retail & Office

OWNER'S NAME: Mahmoud Properties LLC Contact Phone: 313-377-7015

Applicant/Contact Person: Saleh Mahmoud Title: President

Company Name: Mahmoud Properties LLC

Street/Mailing Address: 844 Elgin Ct.

City: Rockwall State: TX Zip code: 75032

Phone: (313) 377-7015 Fax: ( ) Email Address: mahmoudpropertiesllc@gmail.com

ENGINEER/REPRESENTATIVE'S NAME: Dardari Consulting & Remodeling, LLC.

Contact Person: Ahmed A. Dardari Title: General Contractor

Street/Mailing Address: 1537 Englewood Dr.

City: Rockwall State: TX Zip code: 75032

Phone: (469) 434-8625 Fax: ( ) Email Address: [REDACTED]







NAME OF SUBDIVISION and/or PROJECT: Lucas Square

**\*\*READ BEFORE SIGNING BELOW:** If there is more than one property owner, complete a separate sheet with the same wording as below. The City requires all original signatures. If applicant is other than the property owner, a "Power of Attorney" with original, notarized signatures is required. (Notaries are available upon submittal)

**ALL APPLICATIONS MUST BE COMPLETE, ACCOMPANIED BY THE APPLICABLE CHECKLIST AND TAX CERTIFICATE SHOWING TAXES PAID, BEFORE THEY WILL BE SCHEDULED FOR P&Z AGENDA.** It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that may be required from City staff), including the number of plans to be submitted, application fees, etc. Please contact City staff in advance for submittal requirements. [Drawings will not be returned to applicant.]

**ALL PARCELS/PROPERTIES MUST MATCH IN ACREAGE ALL OTHER DOCUMENTS SUBMITTED WITH NO AMBIGUITY. SUBMISSIONS:** Failure to submit all materials to the City with this application will result in delays scheduling the agenda date.

**NOTICE OF PUBLIC RECORDS.** The submission of plans/drawings/etc. with this application makes such items public record, and the applicant understands that these items may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings/etc.) will be considered consent by the applicant that the general public may view and/or reproduce (i.e., copy) such documents.

Applicant agrees to pay any and all monies due to the City including but not limited to park pro rata fee, Tree Removal Permit fee, 3% of construction cost (developer to provide contracts for verification) and including but not limited to other fees that may be required prior to final plat approval.

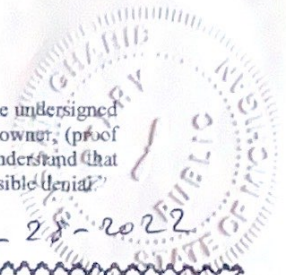
STATE OF ~~TEXAS~~ Michigan  
COUNTY OF ~~COLLIN~~ Wayne

BEFORE ME, a Notary Public, on this day personally appeared SALEH MAHMOUD the undersigned who, under oath, stated the following: "I hereby certify that I am the owner, or duly authorized agent of the owner, (proof attached) for the purposes of this application; that all information submitted herein is true and correct. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial."

[Signature]  
\*\*Owner / Agent (circle one)

SUBSCRIBED AND SWORN TO before me, this the 28 day of June, 2022

Notary Public in and for the State of Texas: Michigan



6-28-2022  
Bassam Ali Ghanib  
Notary Public of Michigan  
Wayne County  
Expires 01/01/2023  
Acting in the County of Wayne

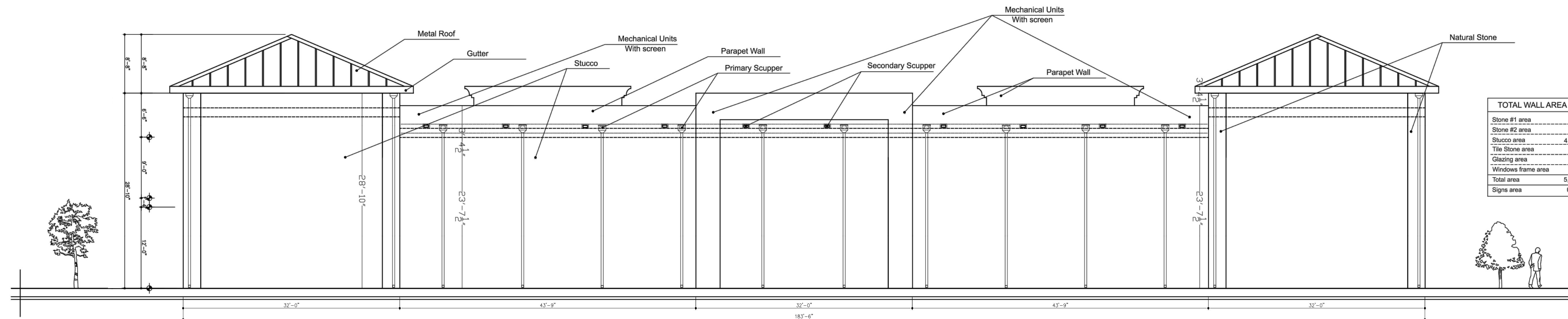
<b>Official Use Only:</b>	<b>Action Taken</b>
Planning & Zoning: _____	Date: _____
City Council: _____	Date: _____
Applicant Withdrew: Yes or No	Applicant Made a Written Withdrawal: Yes or No
	Date: _____





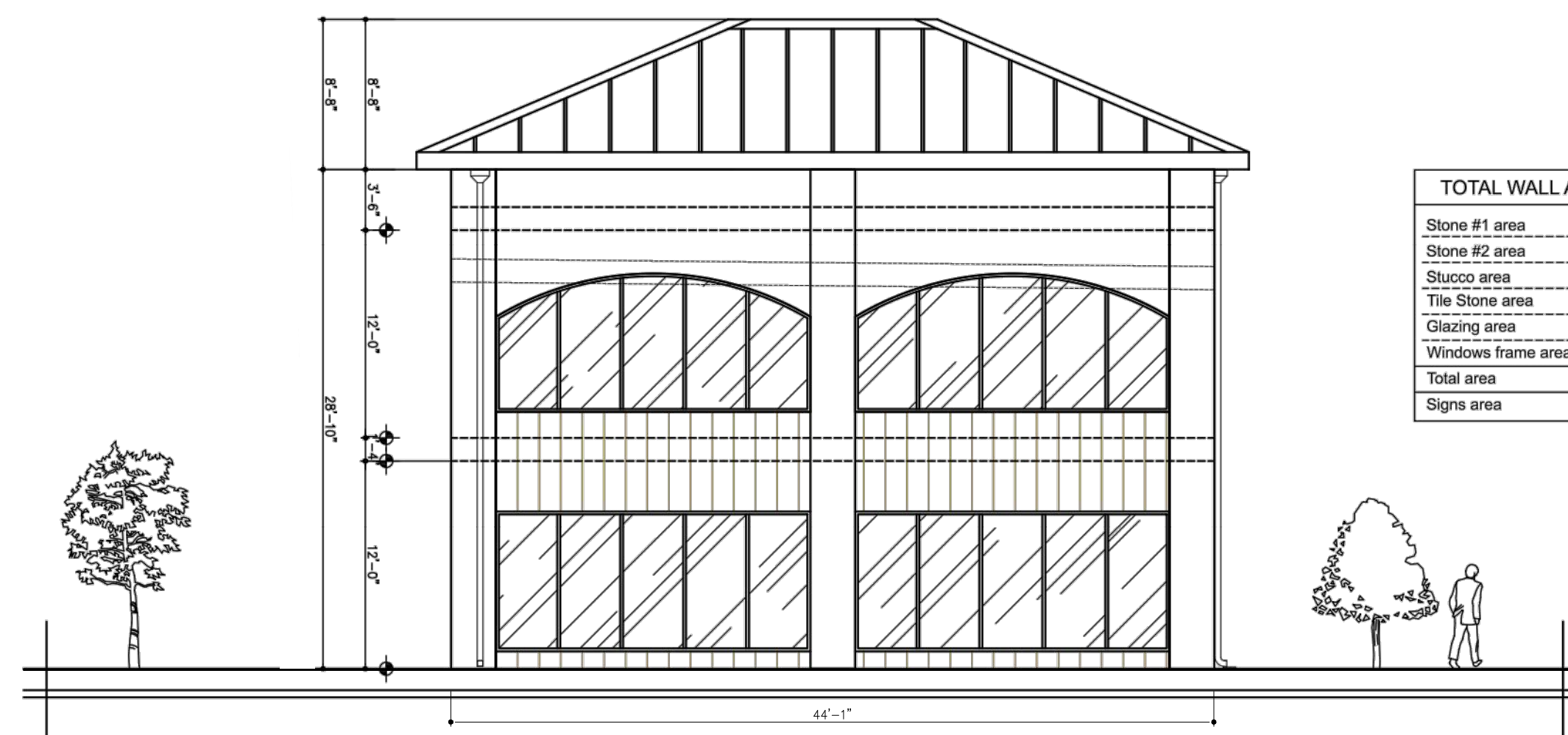
**01 MAIN ELEVATION**  
SCALE : 1/8" = 1'-0"

TOTAL WALL AREA		
Stone #1 area	490 SF	8.98%
Stone #2 area	482 SF	8.83%
Stucco area	2,128 SF	39.00%
Tile Stone area	560 SF	10.26%
Glazing area	1,646 SF	30.15%
Windows frame area	152 SF	2.78%
Total area	5,458 SF	100%
Signs area	157 SF	



**02 BACK ELEVATION**  
SCALE : 1/8" = 1'-0"

TOTAL WALL AREA		
Stone #1 area	490 SF	8.98%
Stone #2 area	0 SF	0.00%
Stucco area	4,968 SF	91.02%
Tile Stone area	0 SF	0.00%
Glazing area	0 SF	0.00%
Windows frame area	0 SF	0.00%
Total area	5,458 SF	100%
Signs area	0.00 SF	



**03 SIDE ELEVATION**  
SCALE : 1/8" = 1'-0"

TOTAL WALL AREA		
Stone #1 area	225 SF	17.70%
Stone #2 area	0.00 SF	0.00%
Stucco area	380 SF	29.90%
Tile Stone area	123 SF	9.68%
Glazing area	496 SF	39.02%
Windows frame area	47 SF	3.70%
Total area	1,271 SF	100%
Signs area	0.00 SF	

**NOTE:**  
 - This Facade Plan is for conceptual purposes only. All building plans require review and approval of the Building Inspection Department.  
 - All mechanical units shall be screened from public view.  
 - When permitted, exposed utility boxes and conduits shall be painted match the building.  
 - All signage areas and locations are subject to approval by the Building Inspection Department.  
 - Roof access shall be provided internally, unless otherwise permitted by the Building Office.

Building -A

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE ARCHITECT OF ANY DIMENSIONAL ERRORS, OMISSIONS BEFORE FABRICATING ANY WORK. DO NOT SCALE DRAWINGS.

**F&L**  
 DESIGN & CONSTRUCTION L.L.C.  
 8202 Woodside Rd | Fidesign11@gmail.com  
 Rowlett Tx, 75088 | 214-4781488

DRAWING TITLE :  
**ELEVATION BUILDING A**

PROJECT NAME :  
**LUCAS COMMERCIAL CENTER  
 995 WEST LUCAS ROAD  
 ALLEN , TX 75002**

ARCHITECT'S SEAL

REVISION DATE

SHEET NUMBER  
**A2.1**

PLOT DATE  
 06/23/22



CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE ARCHITECT OF ANY DIMENSIONAL ERRORS, OMISSIONS BEFORE FABRICATING ANY WORK. DO NOT SCALE DRAWINGS.

**F&L**  
 DESIGN & CONSTRUCTION L.L.C.  
 8202 Woodside Rd Fldesign11@gmail.com  
 Rowlett Tx, 75088 214-4781488

DRAWING TITLE :  
**ELEVATION BUILDING B**

PROJECT NAME :  
**LUCAS COMMERCIAL CENTER  
 995 WEST LUCAS ROAD  
 ALLEN , TX 75002**

ARCHITECT'S SEAL

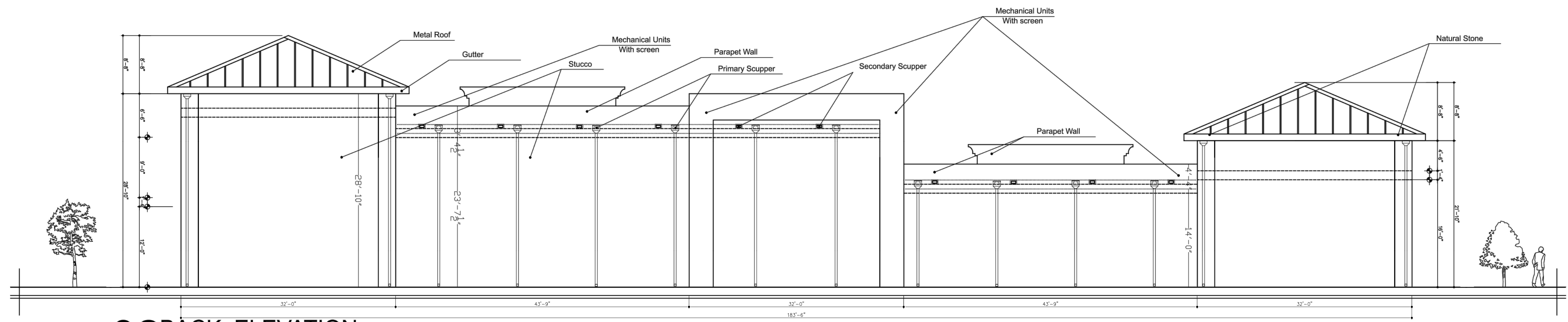
REVISION DATE

SHEET NUMBER  
**A2.2**

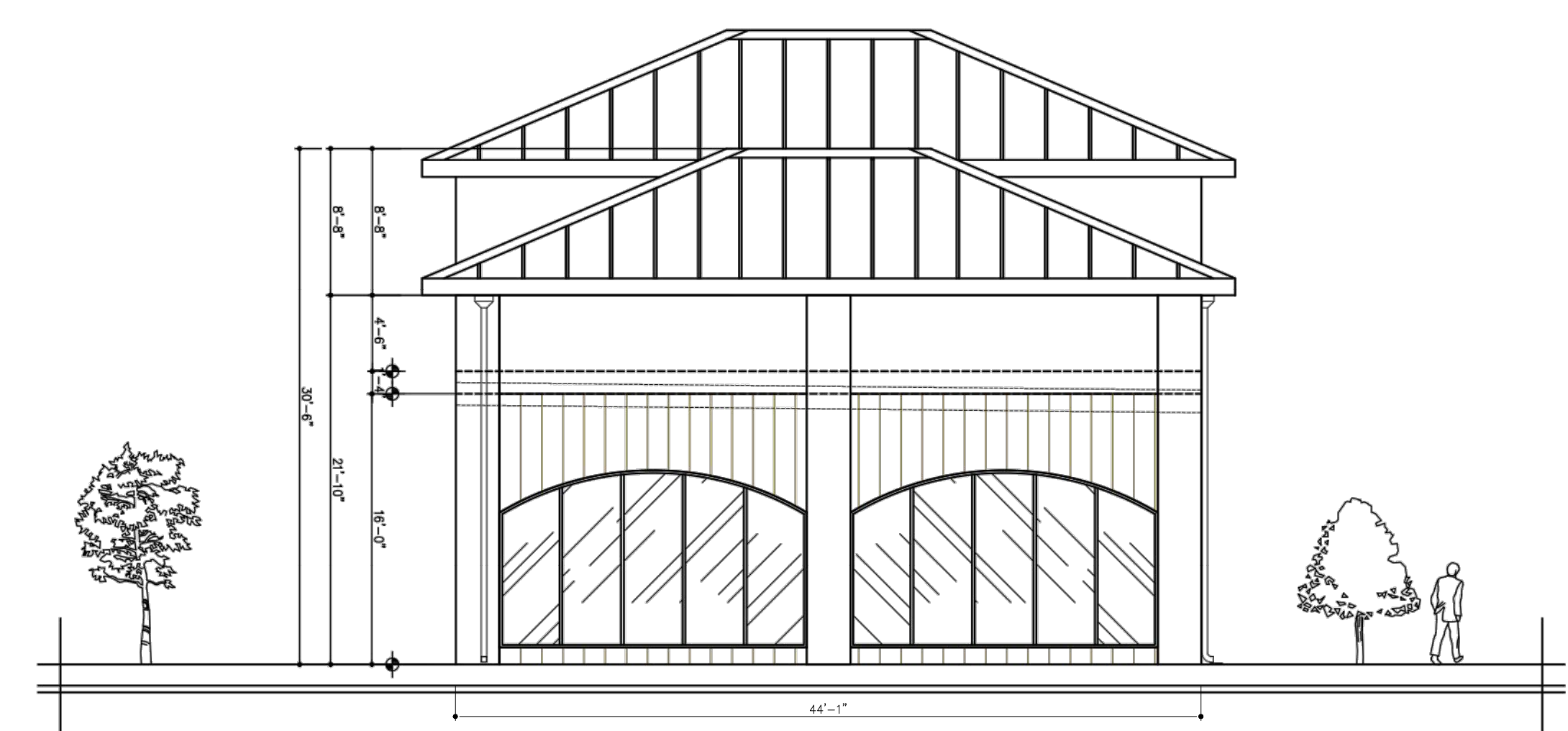
PLOT DATE  
 06/23/22



**01 MAIN ELEVATION**  
 SCALE : 1/8" = 1'-0"



**02 BACK ELEVATION**  
 SCALE : 1/8" = 1'-0"



**03 SIDE ELEVATION**  
 SCALE : 1/8" = 1'-0"

**Building -B**

**NOTE:**  
 - This Facade Plan is for conceptual purposes only. All building plans require review and approval of the Building Inspection Department.  
 - All mechanical units shall be screened from public view.  
 - When permitted, exposed utility boxes and conduits shall be painted match the building.  
 - All signage areas and locations are subject to approval by the Building Inspection Department.  
 - Roof access shall be provided internally, unless otherwise permitted by the Building Office.

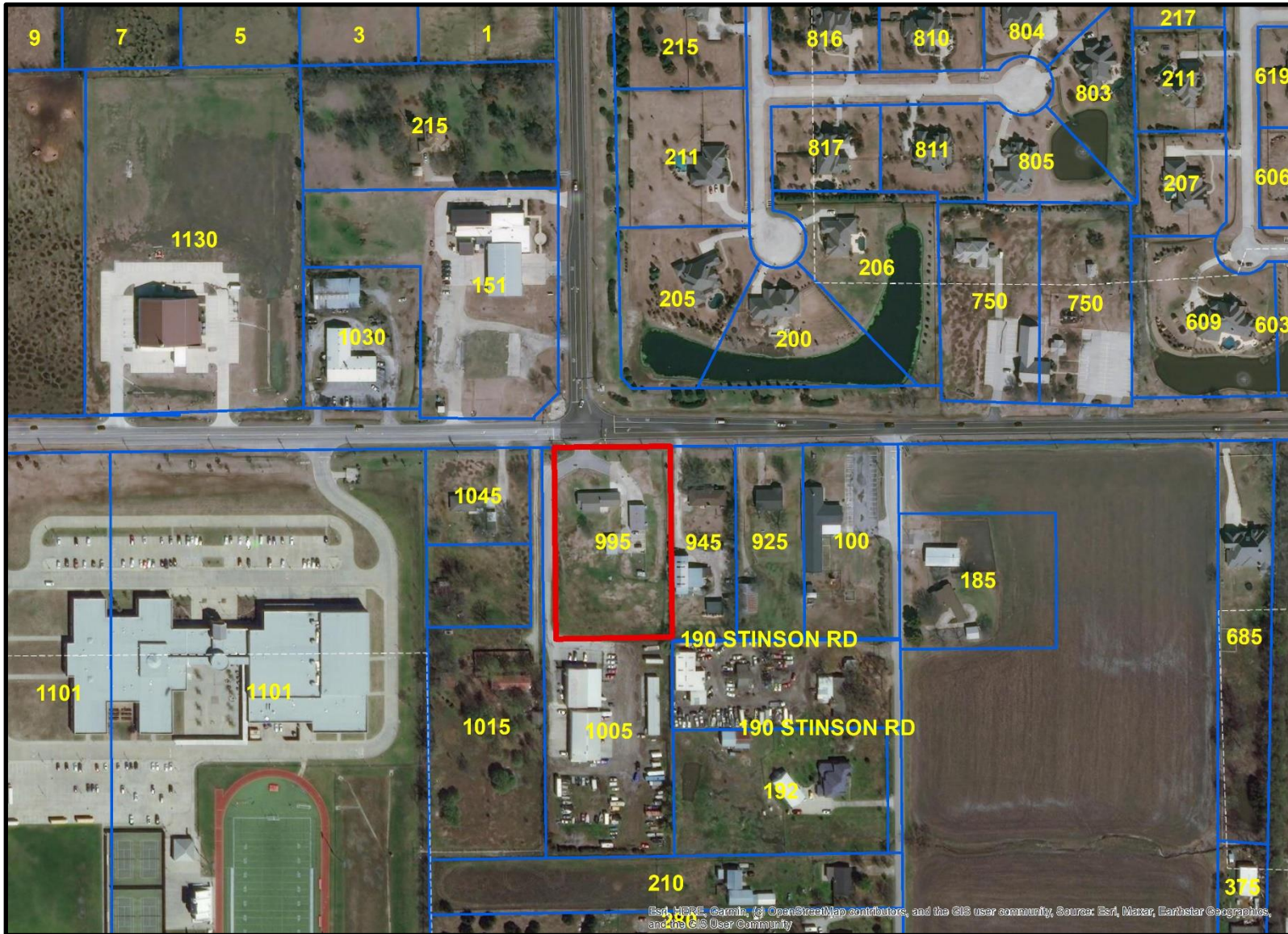








# LOCATION MAP: 995 W Lucas Rd





# City of Lucas

## Planning and Zoning Agenda Request

### July 14, 2022

Requester: Development Services Director Joe Hilbourn

#### **Agenda Item**

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Consider the request by Michelle Tilotta with LJA Engineering on behalf of Inspiration West, LLC for approval of a preliminary plat for a parcel of land being 73.159 acres, part of the James Anderson Survey, Abstract No. 17 and the Dennis Kinsaul Survey, Abstract No. 502, more commonly known as Inspiration Phase 10 within the City of Lucas Extraterritorial Jurisdiction (ETJ).

#### **Background Information**

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This project is located within the City of Lucas ETJ and has both an approved development agreement and an approved concept plan. This project is part of a Municipal Utility District that supplies sewer and water service for this project. The City of Lucas does not review the construction plans or inspect any civil infrastructure for this project. The City's only responsibility is plat approval.

The plat consists of 73.159 acres of land, 287 residential lots, and 8 non-residential lots. The City does not have the authority to enforce density in the ETJ.

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

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1. Preliminary Plat
2. Location Map

#### **Budget/Financial Impact**

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NA

#### **Recommendation**

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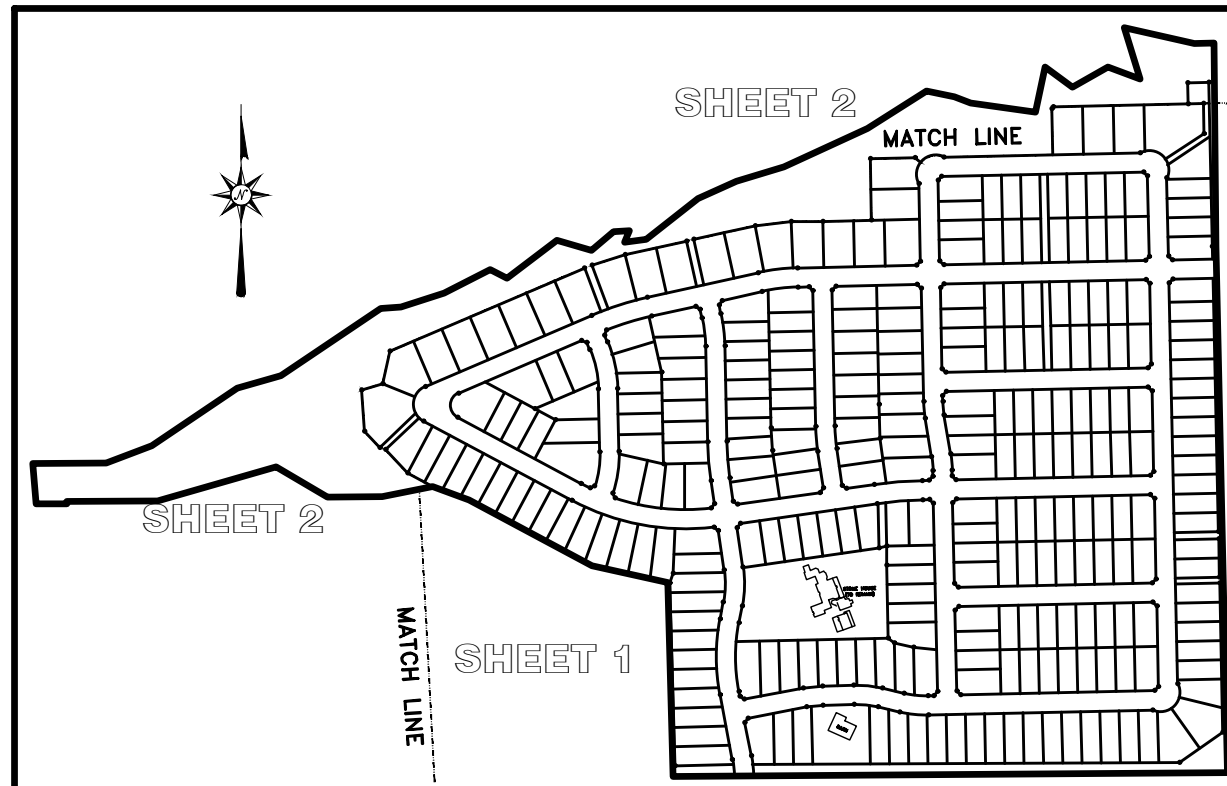
Staff recommends approval of the preliminary plat.

#### **Motion**

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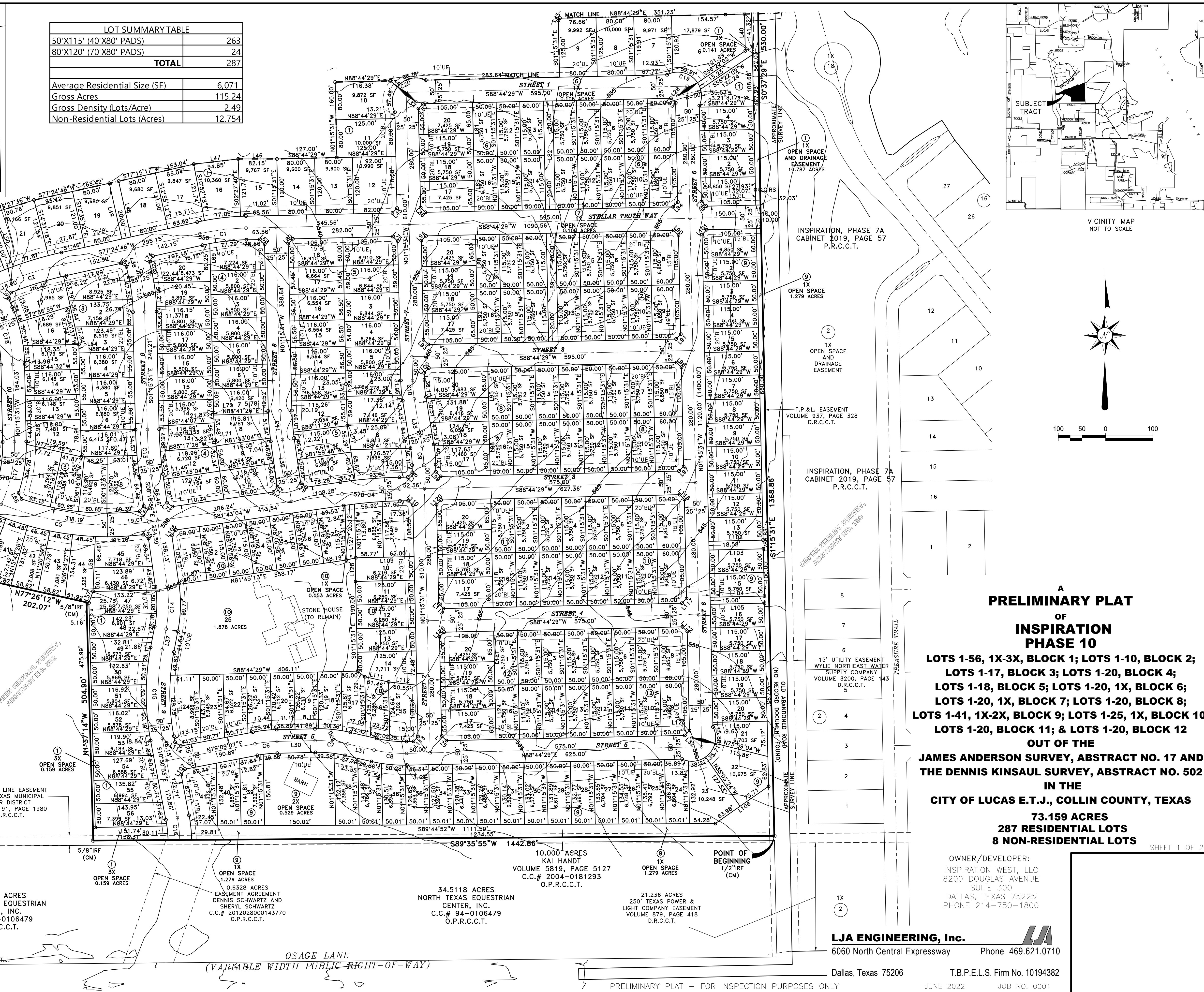
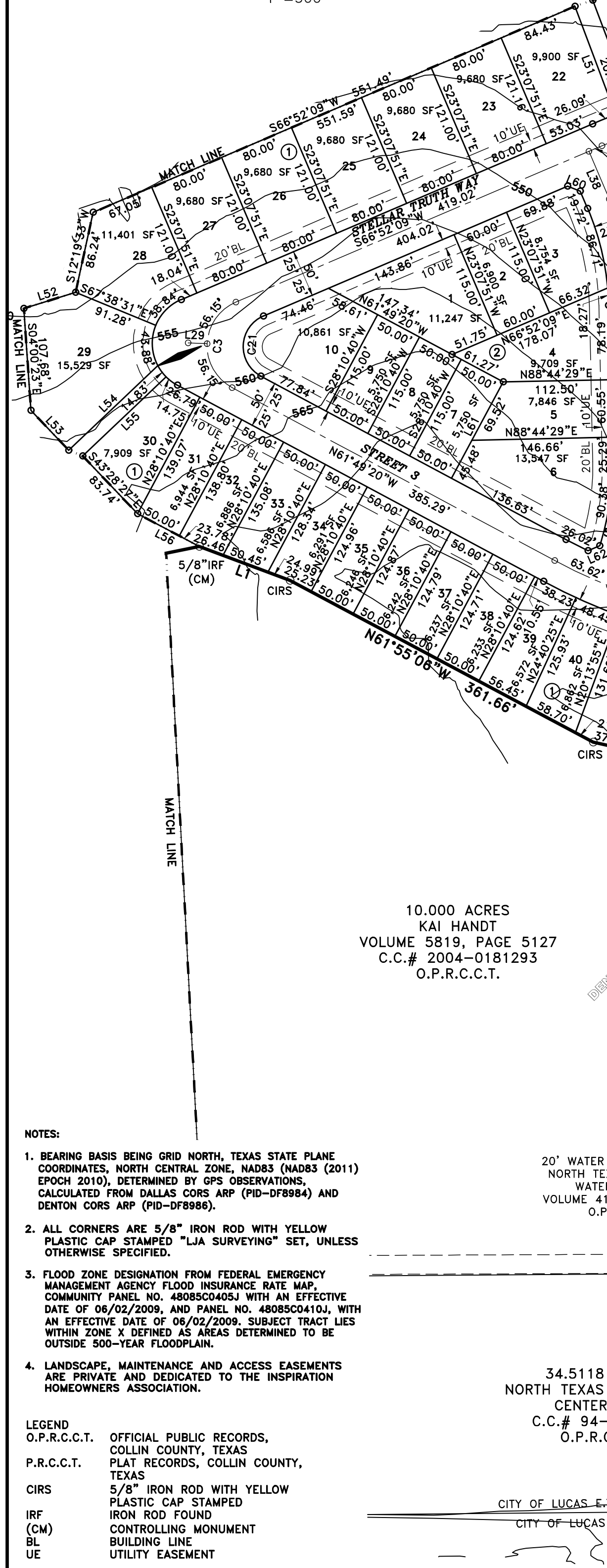
I make a motion to recommend to City Council to approve/deny the request for a preliminary plat for a parcel of land being 73.159 acres, part of the James Anderson Survey, Abstract No. 17 and the Dennis Kinsaul Survey, Abstract No. 502, more commonly known as Inspiration Phase 10 within the City of Lucas Extraterritorial Jurisdiction (ETJ).





LOT SUMMARY TABLE	
50'X115' (40'X80' PADS)	263
80'X120' (70'X80' PADS)	24
<b>TOTAL</b>	<b>287</b>
Average Residential Size (SF) 6,071	
Gross Acres 115.24	
Gross Density (Lots/Acre) 2.49	
Non-Residential Lots (Acres) 12.754	

KEY MAP  
1"=500'



**A  
PRELIMINARY PLAT  
OF  
INSPIRATION  
PHASE 10**  
**LOTS 1-56, 1X-3X, BLOCK 1; LOTS 1-10, BLOCK 2;  
LOTS 1-17, BLOCK 3; LOTS 1-20, BLOCK 4;  
LOTS 1-18, BLOCK 5; LOTS 1-20, 1X, BLOCK 6;  
LOTS 1-20, 1X, BLOCK 7; LOTS 1-20, BLOCK 8;  
LOTS 1-41, 1X-2X, BLOCK 9; LOTS 1-25, 1X, BLOCK 10;  
LOTS 1-20, BLOCK 11; & LOTS 1-20, BLOCK 12**  
**OUT OF THE**  
**JAMES ANDERSON SURVEY, ABSTRACT NO. 17 AND  
THE DENNIS KINSAUL SURVEY, ABSTRACT NO. 502**  
**IN THE**  
**CITY OF LUCAS E.T.J., COLLIN COUNTY, TEXAS**  
**73.159 ACRES**  
**287 RESIDENTIAL LOTS**  
**8 NON-RESIDENTIAL LOTS**

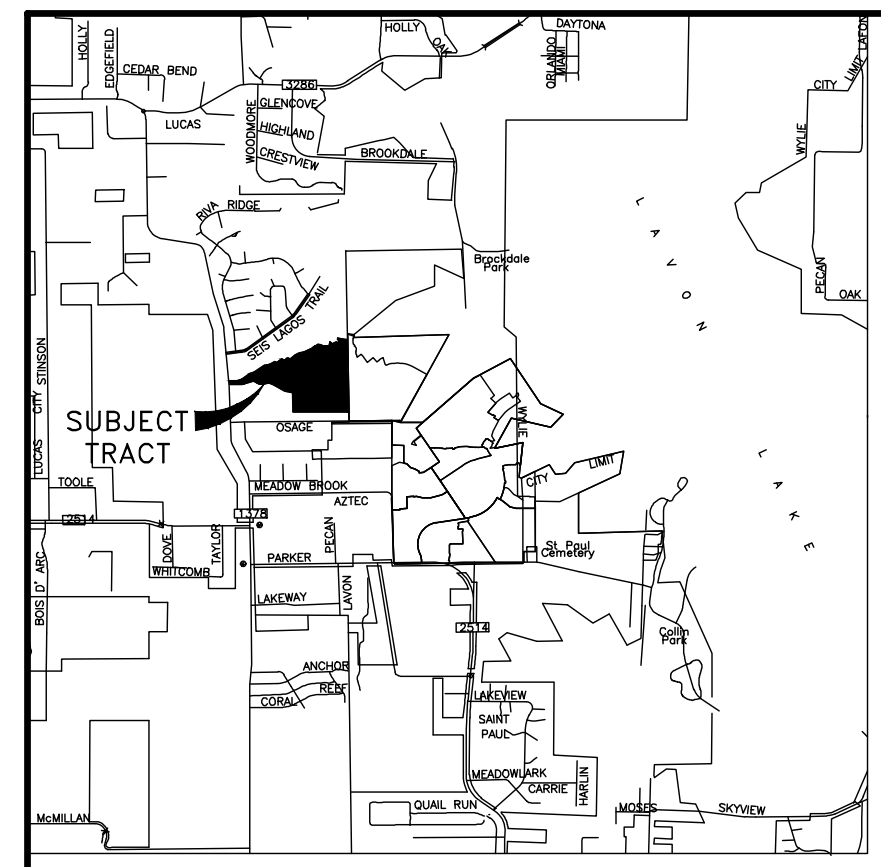
OWNER/DEVELOPER:  
INSPIRATION WEST, LLC  
8200 DOUGLAS AVENUE  
SUITE 300  
DALLAS, TEXAS 75225  
PHONE 214-750-1800

**LJA ENGINEERING, Inc.**  
6060 North Central Expressway Phone 469.621.0710

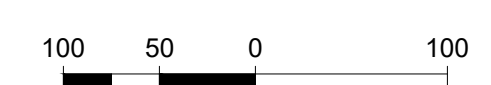
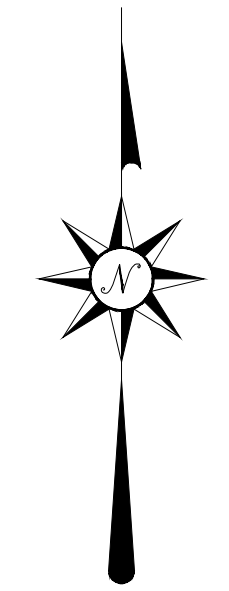
- NOTES:
- BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (NAD83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND DENTON CORS ARP (PID-DF8986).
  - ALL CORNERS ARE 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET, UNLESS OTHERWISE SPECIFIED.
  - FLOOD ZONE DESIGNATION FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 48085C0405J WITH AN EFFECTIVE DATE OF 06/02/2009, AND PANEL NO. 48085C0410J, WITH AN EFFECTIVE DATE OF 06/02/2009. SUBJECT TRACT LIES WITHIN ZONE X DEFINED AS AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN.
  - LANDSCAPE, MAINTENANCE AND ACCESS EASEMENTS ARE PRIVATE AND DEDICATED TO THE INSPIRATION HOMEOWNERS ASSOCIATION.
- 20' WATER LINE EASEMENT  
NORTH TEXAS MUNICIPAL  
WATER DISTRICT  
VOLUME 4191, PAGE 1980  
O.P.R.C.C.T.
- 34.5118 ACRES  
NORTH TEXAS EQUESTRIAN  
CENTER, INC.  
C.C.# 94-0106479  
O.P.R.C.C.T.
- 0.6328 ACRES  
EASEMENT AGREEMENT  
DENNIS SCHWARTZ AND  
SHERYL SCHWARTZ  
C.C.# 2012028000143770  
O.P.R.C.C.T.
- 10.000 ACRES  
KAI HANDT  
VOLUME 5819, PAGE 5127  
C.C.# 2004-0181293  
O.P.R.C.C.T.
- 34.5118 ACRES  
NORTH TEXAS EQUESTRIAN  
CENTER, INC.  
C.C.# 94-0106479  
O.P.R.C.C.T.
- 10.000 ACRES  
KAI HANDT  
VOLUME 5819, PAGE 5127  
C.C.# 2004-0181293  
O.P.R.C.C.T.
- 21.236 ACRES  
250' TEXAS POWER &  
LIGHT COMPANY EASEMENT  
VOLUME 879, PAGE 418  
D.R.C.C.T.

LEGEND  
O.P.R.C.C.T. OFFICIAL PUBLIC RECORDS,  
COLLIN COUNTY, TEXAS  
P.R.C.C.T. PLAT RECORDS, COLLIN COUNTY,  
TEXAS  
CIRS 5/8" IRON ROD WITH YELLOW  
PLASTIC CAP STAMPED  
IRF IRON ROD FOUND  
(CM) CONTROLLING MONUMENT  
BL BUILDING LINE  
UE UTILITY EASEMENT





VICINITY MAP NOT TO SCALE



OWNER'S CERTIFICATE
WHEREAS INSPIRATION WEST, LLC IS THE SOLE OWNER OF A 73.159 ACRE TRACT OF LAND SITUATED IN THE JAMES ANDERSON SURVEY, ABSTRACT NO. 17 AND THE DENNIS KINSAUL SURVEY, ABSTRACT NO. 502, CITY OF LUCAS E.T.J., COLLIN COUNTY, TEXAS, AND BEING ALL OF SAID 73.159 ACRE TRACT OF LAND, CONVEYED AS 'TRACT 1' TO INSPIRATION WEST, LLC, AS RECORDED IN COUNTY CLERK'S FILE NO. 2021122202580750, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS. SAID 73.159 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (NAD83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS COORS ARP (PID-DF8884) AND DENTON COORS ARP (PID-DF8886), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID 73.159 ACRE TRACT AND A COMMON NORTHEAST CORNER OF A 10.000 ACRE TRACT OF LAND CONVEYED TO KAI HANDT, AS RECORDED IN VOLUME 5819, PAGE 5127 AND IN COUNTY CLERK'S FILE NO. 2004-0181293, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS. SAID POINT BEING ON THE WEST END OF AN OLD ABANDONED ROAD, (NO RECORD DOCUMENT FOUND);
THENCE, ALONG THE COMMON LINES OF SAID 73.159 ACRE TRACT AND SAID 10.000 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:
SOUTH 89 DEGREES 35 MINUTES 55 SECONDS WEST, A DISTANCE OF 1442.86 FEET TO A 5/8" IRON ROD FOUND FOR AN EXTERIOR ELL CORNER OF SAID 73.159 ACRE TRACT AND A COMMON INTERIOR ELL CORNER OF SAID 10.000 ACRE TRACT;
NORTH 01 DEGREE 37 MINUTES 14 SECONDS WEST, A DISTANCE OF 504.90 FEET TO A 5/8" IRON ROD FOUND FOR AN INTERIOR ELL CORNER OF SAID 73.159 ACRE TRACT AND THE COMMON NORTHEAST CORNER OF SAID 10.000 ACRE TRACT;
NORTH 77 DEGREES 26 MINUTES 12 SECONDS WEST, A DISTANCE OF 202.07 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED 'LJA SURVEYING' SET FOR CORNER;
NORTH 61 DEGREES 55 MINUTES 06 SECONDS WEST, A DISTANCE OF 361.66 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED 'LJA SURVEYING' SET FOR CORNER;
NORTH 69 DEGREES 30 MINUTES 06 SECONDS WEST, A DISTANCE OF 101.90 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;
SOUTH 78 DEGREES 29 MINUTES 46 SECONDS WEST, A DISTANCE OF 134.30 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;
SOUTH 89 DEGREES 48 MINUTES 45 SECONDS WEST, A DISTANCE OF 141.84 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;
NORTH 59 DEGREES 50 MINUTES 37 SECONDS WEST, A DISTANCE OF 154.90 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;
SOUTH 73 DEGREES 57 MINUTES 18 SECONDS WEST, A DISTANCE OF 321.28 FEET TO A 5/8" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID 10.000 ACRE TRACT. SAID POINT BEING ON THE SOUTH LINE OF SAID 73.159 ACRE TRACT AND THE COMMON NORTH LINE OF A 34.5118 ACRE TRACT OF LAND CONVEYED TO NORTH TEXAS EQUESTRIAN CENTER, INC., AS RECORDED IN COUNTY CLERK'S FILE NO. 94-0106479, OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS;
THENCE, SOUTH 89 DEGREES 49 MINUTES 24 SECONDS WEST, ALONG SAID COMMON LINE, A DISTANCE OF 236.18 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED 'LJA SURVEYING' SET FOR CORNER;
THENCE, CONTINUING ALONG THE SOUTH LINE OF SAID 73.159 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:
SOUTH 00 DEGREES 35 MINUTES 54 SECONDS EAST, A DISTANCE OF 6.00 FEET TO A POINT FOR CORNER;
SOUTH 89 DEGREES 24 MINUTES 06 SECONDS WEST, A DISTANCE OF 79.05 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID 73.159 ACRE TRACT AND THE COMMON EAST RIGHT-OF-WAY LINE OF FARM TO MARKET ROAD NO. 1378, ALSO KNOWN AS SOUTHWEST DRIVE, (A 90' RIGHT-OF-WAY);
THENCE, NORTH 05 DEGREES 04 MINUTES 59 SECONDS WEST, ALONG THE WEST LINE OF SAID 73.159 ACRE TRACT AND SAID EAST RIGHT-OF-WAY LINE, PASSING AT A DISTANCE OF 6.61 FEET A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED 'LJA SURVEYING' SET AND CONTINUING ALONG THE WEST LINE OF SAID 73.159 ACRE TRACT AND SAID COMMON EAST RIGHT-OF-WAY LINE, IN ALL A TOTAL DISTANCE OF 106.59 FEET TO A POINT FOR CORNER;
SOUTH 69 DEGREES 13 MINUTES 46 SECONDS EAST, A DISTANCE OF 89.02 FEET TO A POINT FOR CORNER;
NORTH 16 DEGREES 42 MINUTES 18 SECONDS WEST, A DISTANCE OF 139.50 FEET TO A POINT FOR CORNER;
SOUTH 77 DEGREES 30 MINUTES 05 SECONDS EAST, A DISTANCE OF 186.75 FEET TO A 3/4" IRON ROD FOUND FOR A SOUTHEAST CORNER OF SAID SEIS LAGOS, PHASE FOUR;
NORTH 88 DEGREES 56 MINUTES 04 SECONDS EAST, A DISTANCE OF 50.14 FEET TO A 3/4" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 73.159 ACRE TRACT. SAID POINT BEING ON THE WEST LINE OF AFORESAID OLD ABANDONED ROAD;
THENCE, ALONG THE EAST LINE OF SAID 73.159 ACRE TRACT AND THE WEST LINE OF SAID OLD ABANDONED ROAD, THE FOLLOWING COURSES AND DISTANCES:
SOUTH 00 DEGREES 37 MINUTES 29 SECONDS EAST, A DISTANCE OF 530.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED 'LJA SURVEYING' SET FOR CORNER;
SOUTH 01 DEGREE 15 MINUTES 31 SECONDS EAST, A DISTANCE OF 1388.86 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 73.159 ACRES OF LAND.

THENCE, ALONG THE COMMON LINES OF SAID 73.159 ACRE TRACT AND SAID SEIS LAGOS, PHASE FOUR, AND WITH SAID CREEK, THE FOLLOWING COURSES AND DISTANCES:
NORTH 89 DEGREES 55 MINUTES 00 SECONDS EAST, A DISTANCE OF 191.06 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;
NORTH 69 DEGREES 00 MINUTES 54 SECONDS EAST, A DISTANCE OF 127.39 FEET TO A POINT FOR CORNER;
NORTH 56 DEGREES 01 MINUTE 31 SECONDS EAST, A DISTANCE OF 267.46 FEET TO A POINT FOR CORNER;
NORTH 73 DEGREES 59 MINUTES 41 SECONDS EAST, A DISTANCE OF 119.15 FEET TO A POINT FOR CORNER;
NORTH 56 DEGREES 01 MINUTE 47 SECONDS EAST, A DISTANCE OF 315.15 FEET TO A POINT FOR CORNER;
NORTH 86 DEGREES 23 MINUTES 43 SECONDS EAST, A DISTANCE OF 82.20 FEET TO A POINT FOR CORNER;
NORTH 71 DEGREES 41 MINUTES 29 SECONDS EAST, A DISTANCE OF 118.13 FEET TO A POINT FOR CORNER;
NORTH 63 DEGREES 13 MINUTES 42 SECONDS EAST, A DISTANCE OF 135.03 FEET TO A POINT FOR CORNER;
SOUTH 82 DEGREES 33 MINUTES 09 SECONDS EAST, A DISTANCE OF 48.79 FEET TO A POINT FOR CORNER;
NORTH 52 DEGREES 49 MINUTES 29 SECONDS EAST, A DISTANCE OF 163.10 FEET TO A POINT FOR CORNER;
SOUTH 73 DEGREES 57 MINUTES 28 SECONDS EAST, A DISTANCE OF 94.11 FEET TO A POINT FOR CORNER;
NORTH 49 DEGREES 39 MINUTES 35 SECONDS EAST, A DISTANCE OF 74.73 FEET TO A POINT FOR CORNER;
NORTH 85 DEGREES 37 MINUTES 56 SECONDS EAST, A DISTANCE OF 41.03 FEET TO A POINT FOR CORNER;
SOUTH 21 DEGREES 12 MINUTES 52 SECONDS WEST, A DISTANCE OF 32.12 FEET TO A POINT FOR CORNER;
NORTH 83 DEGREES 13 MINUTES 47 SECONDS EAST, A DISTANCE OF 56.02 FEET TO A POINT FOR CORNER;
NORTH 51 DEGREES 42 MINUTES 47 SECONDS EAST, A DISTANCE OF 171.60 FEET TO A POINT FOR CORNER;
NORTH 65 DEGREES 48 MINUTES 47 SECONDS EAST, A DISTANCE OF 110.39 FEET TO A POINT FOR CORNER;
NORTH 73 DEGREES 06 MINUTES 11 SECONDS EAST, A DISTANCE OF 129.24 FEET TO A POINT FOR CORNER;
NORTH 65 DEGREES 28 MINUTES 01 SECOND EAST, A DISTANCE OF 238.79 FEET TO A POINT FOR CORNER;
NORTH 57 DEGREES 16 MINUTES 44 SECONDS EAST, A DISTANCE OF 181.86 FEET TO A POINT FOR CORNER;
SOUTH 78 DEGREES 15 MINUTES 15 SECONDS EAST, A DISTANCE OF 74.40 FEET TO A POINT FOR CORNER;
SOUTH 68 DEGREES 26 MINUTES 13 SECONDS EAST, A DISTANCE OF 45.75 FEET TO A POINT FOR CORNER;
SOUTH 82 DEGREES 01 MINUTE 43 SECONDS EAST, A DISTANCE OF 170.76 FEET TO A POINT FOR CORNER;
NORTH 11 DEGREES 42 MINUTES 47 SECONDS EAST, A DISTANCE OF 119.86 FEET TO A POINT FOR CORNER;
SOUTH 53 DEGREES 51 MINUTES 53 SECONDS EAST, A DISTANCE OF 87.53 FEET TO A POINT FOR CORNER;

THENCE, ALONG THE EAST LINE OF SAID 73.159 ACRE TRACT AND THE WEST LINE OF SAID OLD ABANDONED ROAD, THE FOLLOWING COURSES AND DISTANCES:
SOUTH 00 DEGREES 37 MINUTES 29 SECONDS EAST, A DISTANCE OF 530.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED 'LJA SURVEYING' SET FOR CORNER;
SOUTH 01 DEGREE 15 MINUTES 31 SECONDS EAST, A DISTANCE OF 1388.86 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 73.159 ACRES OF LAND.

THENCE, ALONG THE EAST LINE OF SAID 73.159 ACRE TRACT AND THE WEST LINE OF SAID OLD ABANDONED ROAD, THE FOLLOWING COURSES AND DISTANCES:
SOUTH 00 DEGREES 37 MINUTES 29 SECONDS EAST, A DISTANCE OF 530.00 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED 'LJA SURVEYING' SET FOR CORNER;
SOUTH 01 DEGREE 15 MINUTES 31 SECONDS EAST, A DISTANCE OF 1388.86 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 73.159 ACRES OF LAND.

THIS PLAT IS HEREBY APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF LUCAS, TEXAS
CHAIRMAN, CITY OF LUCAS DATE
PLANNING AND ZONING COMMISSION DATE
ATTEST:
SIGNATURE DATE
NAME & TITLE DATE
THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF LUCAS, TEXAS HEREBY CERTIFIES THAT TO THE BEST OF HIS HIGHER KNOWLEDGE OR BELIEF, THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE CODE OF ORDINANCES AND WITH ENGINEERING CONSTRUCTION STANDARDS AND PROCESSES ADOPTED BY THE CITY OF LUCAS, TEXAS AS TO WHICH HIS/HER APPROVAL IS REQUIRED.
DIRECTOR OF PUBLIC WORKS DATE
THE DEVELOPMENT SERVICES DIRECTOR OF THE CITY OF LUCAS, TEXAS HEREBY CERTIFIES THAT TO THE BEST OF HIS HIGHER KNOWLEDGE OR BELIEF, THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE CODE OF ORDINANCES AND WITH ENGINEERING CONSTRUCTION STANDARDS AND PROCESSES ADOPTED BY THE CITY OF LUCAS, TEXAS AS TO WHICH HIS/HER APPROVAL IS REQUIRED.
DEVELOPMENT SERVICES DIRECTOR DATE

SURVEYORS CERTIFICATE
I, CHRIS MATTEO, OF LJA SURVEYING, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY DECLARE THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY ON THE LAND, UNDER MY DIRECTION AND SUPERVISION, AND UPON COMPLETION OF CONSTRUCTION, 5/8" IRON RODS WITH YELLOW PLASTIC CAP STAMPED 'LJA SURVEYING' WILL BE SET AT ALL SUBDIVISION BOUNDARY CORNERS AND 'X' CUTS PLACED AT RIGHT-OF-WAY CENTERLINE INTERSECTIONS AND POINTS OF CURVATURE UNLESS OTHERWISE NOTED. THE MONUMENTS OR MARKS SET, OR FOUND, ARE SUFFICIENT TO ENABLE RETRACEMENT.
PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT
CHRIS MATTEO
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6501



THE STATE OF TEXAS §
COUNTY OF DALLAS §
BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED CHRIS MATTEO, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.
GIVEN UNDER MY HAND AND SEAL THIS \_\_\_ DAY OF \_\_\_\_\_, 2022.
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES: \_\_\_\_\_

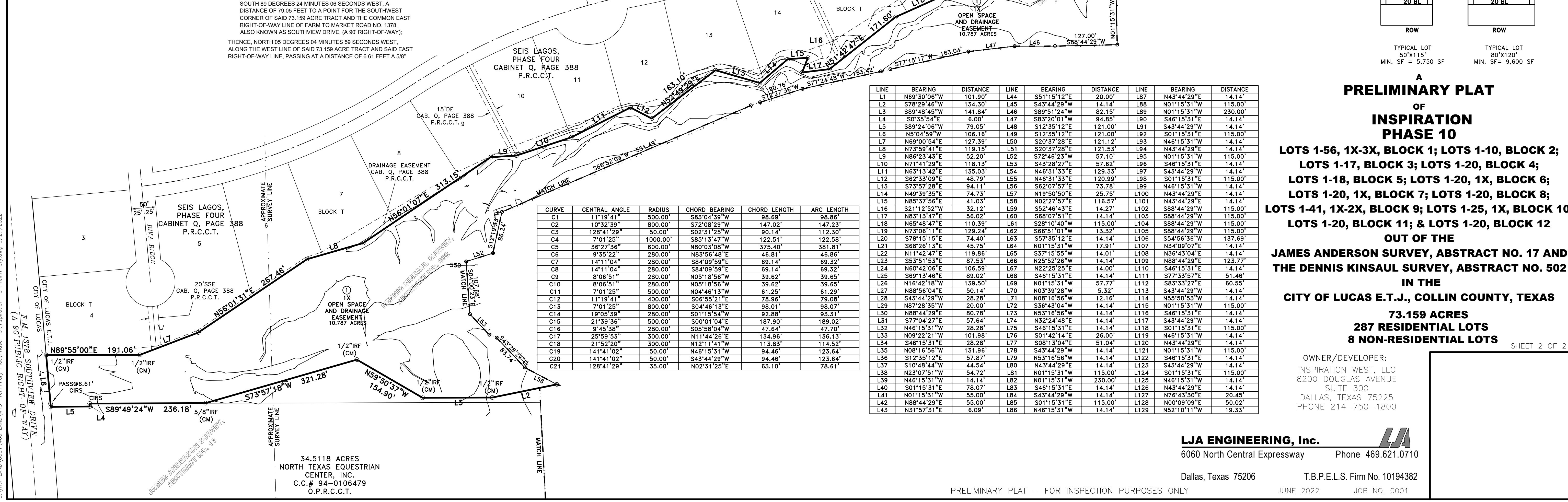
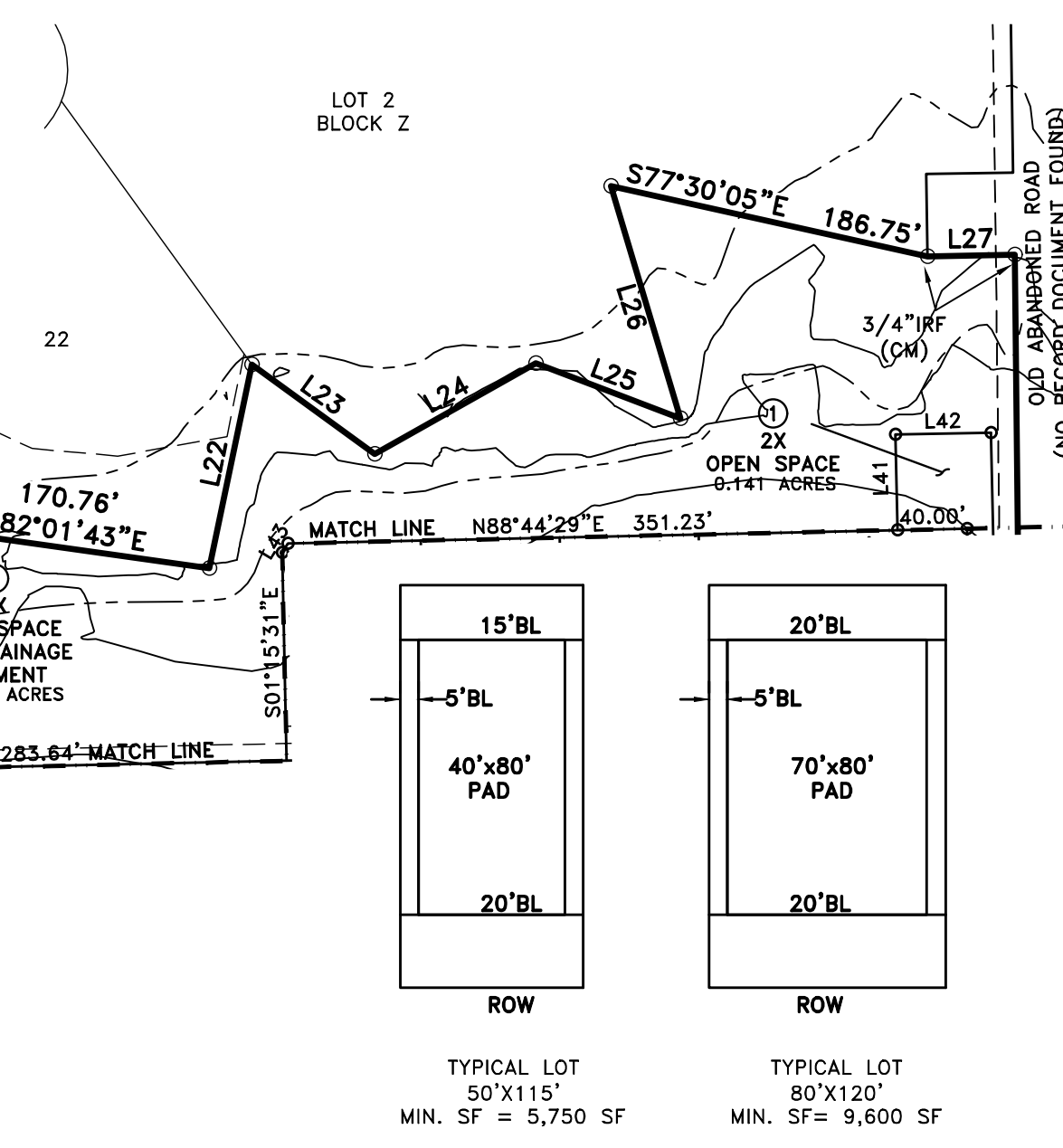


Table with 6 columns: CURVE, CENTRAL ANGLE, RADIUS, CHORD BEARING, CHORD LENGTH, ARC LENGTH. Lists curve data for various points along the boundary.

Table with 8 columns: LINE, BEARING, DISTANCE. Lists line data for lots 1 through 129.



A PRELIMINARY PLAT OF INSPIRATION PHASE 10
LOTS 1-56, 1X-3X, BLOCK 1; LOTS 1-10, BLOCK 2;
LOTS 1-17, BLOCK 3; LOTS 1-20, BLOCK 4;
LOTS 1-18, BLOCK 5; LOTS 1-20, 1X, BLOCK 6;
LOTS 1-20, 1X, BLOCK 7; LOTS 1-20, BLOCK 8;
LOTS 1-41, 1X-2X, BLOCK 9; LOTS 1-25, 1X, BLOCK 10;
LOTS 1-20, BLOCK 11; & LOTS 1-20, BLOCK 12
OUT OF THE
JAMES ANDERSON SURVEY, ABSTRACT NO. 17 AND
THE DENNIS KINSAUL SURVEY, ABSTRACT NO. 502
IN THE
CITY OF LUCAS E.T.J., COLLIN COUNTY, TEXAS
73.159 ACRES
287 RESIDENTIAL LOTS
8 NON-RESIDENTIAL LOTS

OWNER/DEVELOPER:
INSPIRATION WEST, LLC
8200 DOUGLAS AVENUE
SUITE 300
DALLAS, TEXAS 75225
PHONE 214-750-1800

LJA ENGINEERING, Inc.
6060 North Central Expressway Phone 469.621.0710

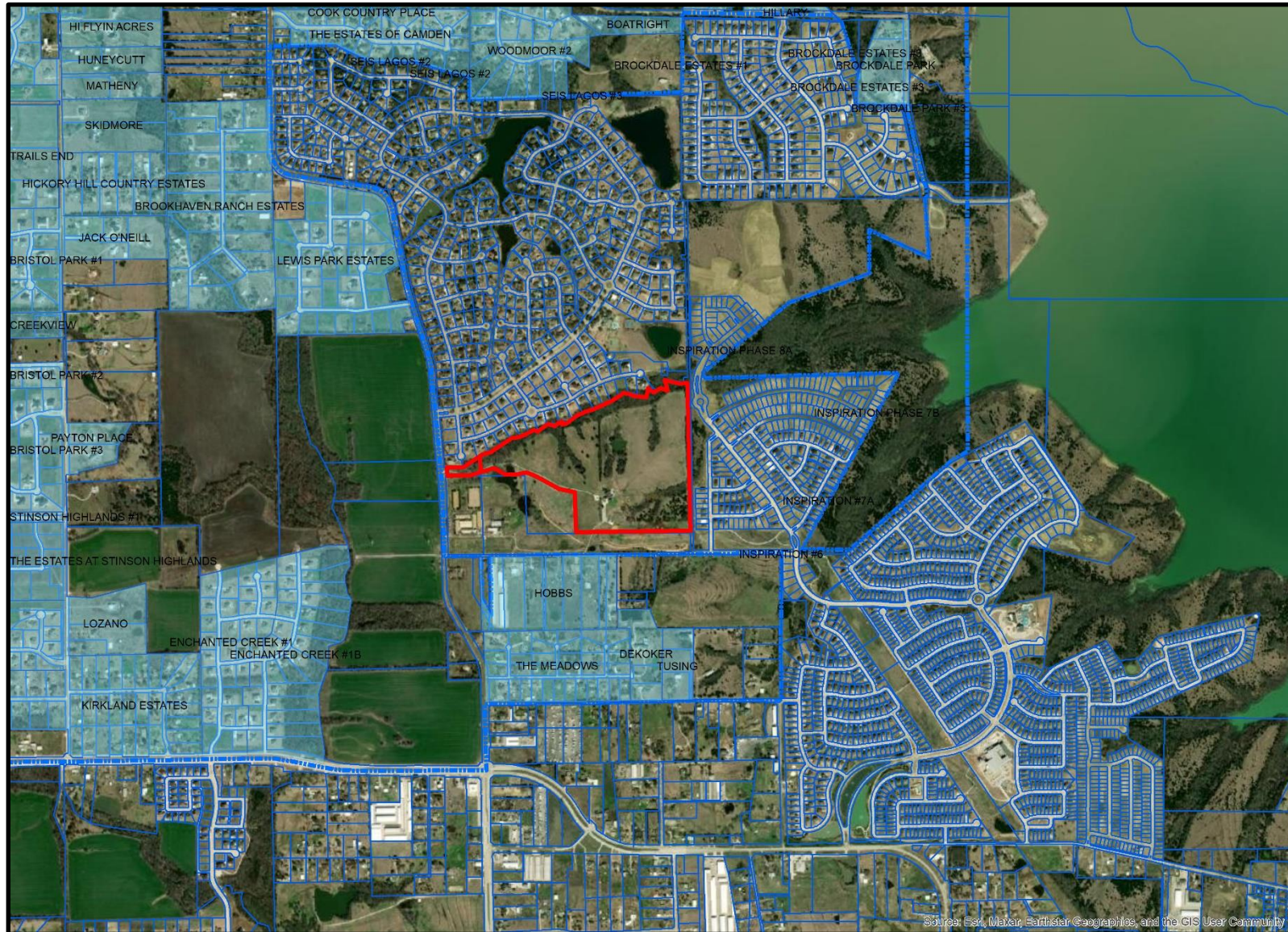
Dallas, Texas 75206 T.B.P.E.L.S. Firm No. 10194382

S:\NTX-LAND\0001\400 LAND\415 Preliminary Plat\Phase 10\Inspiration 10 Preliminary.dwg 6/27/2022





# LOCATION MAP: INSPIRATION PHASE 10





# City of Lucas

## Planning and Zoning Agenda Request

### July 14, 2022

Item No. 06

Requester: Development Services Director Joe Hilbourn

#### **Agenda Item Request**

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Discuss accessory buildings with habitable space (guest/servant quarters) in all residential zoning districts and provide guidance to staff.

#### **Background Information**

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There have been ongoing concerns expressed from both the Planning and Zoning Commission and the City Council regarding accessory buildings with habitable space. At the June 2, 2022, Lucas City Council meeting, a discussion occurred relating to the size of accessory buildings allowed in residential and agricultural zoning districts. The City Council recommended that the Planning and Zoning Commission evaluate the allowable size of accessory buildings and the number of allowable homes and/or accessory buildings per acre.

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

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1. Code of Ordinances, Article 14.04 Supplementary Regulations, Section 14.04.304 General accessory buildings and structures regulations, paragraph (4)
2. Proposed revisions to the allowable square feet of accessory building with habitable space.

#### **Budget/Financial Impact**

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NA

#### **Recommendation**

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NA

#### **Motion**

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There is no motion required as this item is for discussion purposes only.

## **Current accessory building requirements for habitable space**

### **Chapter 14, Article 14.04, Division 8, Section 14.04.304**

(4) An accessory building may contain habitable space as defined by the International Residential Code adopted by the city and may be occupied provided it is in compliance with the following:

(A) General regulations for accessory buildings containing habitable space. Any accessory building containing habitable space shall comply with the following:

- (i) Accessory buildings containing habitable space shall meet the requirements of the International Residential Code as adopted by the city from time to time.
- (ii) Accessory buildings containing habitable space may not be rented out separate and apart from the main structure.
- (iii) Detached accessory buildings containing habitable space shall be limited to a maximum height of 25 feet measured to the peak of the roof of the structure.
- (iv) Accessory buildings containing habitable space shall not contain a kitchen, cooking or food preparation area except as provided for in subsection (B)(i)a. below.

(B) Specific regulations for an accessory building containing habitable space.

- (i) In R-2 or AO zoning districts that contain a single-family home:
  - a. Kitchen, cooking or a food preparation area may be permitted on property with a specific use permit. The specific use permit may only be granted provided the owners of the property enact a deed restriction with the city as party to the deed restriction that prohibits the use of the habitable space to be used for lease/barter agreement other than that of the full-time domestic staff providing support to the property.
  - b. One (1) accessory building may contain up to 1,500 square feet of habitable space.
- (ii) In R-1.5 zoning districts:
  - a. One (1) accessory building may contain up to 1,200 square feet of habitable space.
- (iii) In R-1 zoning districts:
  - a. One (1) accessory building may contain up to 1,000 square feet of habitable space.

## Proposed edits to the accessory building requirements for habitable space

### Chapter 14, Article 14.04, Division 8, Section 14.04.304

- (4) An accessory building may contain habitable space as defined by the International Residential Code adopted by the city and may be occupied provided it is in compliance with the following:
- (A) General regulations for accessory buildings containing habitable space. Any accessory building containing habitable space shall comply with the following:
- (i) Accessory buildings containing habitable space shall meet the requirements of the International Residential Code as adopted by the city from time to time.
  - (ii) Accessory buildings containing habitable space may not be rented out separate and apart from the main structure.
  - (iii) Detached accessory buildings containing habitable space shall be limited to a maximum height of 25 feet measured to the peak of the roof of the structure.
  - (iv) Accessory buildings containing habitable space shall not contain a kitchen, cooking or food preparation area except as provided for in subsection (B)(i)a. below.
- (B) Specific regulations for an accessory building containing habitable space.
- (i) In R-2 or AO zoning districts that contain a single-family home:
    - a. Kitchen, cooking, or a food preparation area may be permitted on property with a specific use permit. The specific use permit may only be granted provided the owners of the property enact a deed restriction with the city as party to the deed restriction that prohibits the use of the habitable space to be used for lease/barter agreement other than that of the full-time domestic staff providing support to the property.
    - b. One (1) accessory building may contain up to 1,000 square feet of habitable space, and up to 500 square feet of attached garages, porches, and patios.
  - (ii) In R-1.5 zoning districts:
    - a. One (1) accessory building may contain up to 800 square feet of habitable space and up to 400 square feet of attached garages, porches and patios.
  - (iii) In R-1 zoning districts:
    - a. One (1) accessory building may contain up to 600 square feet of habitable space and up to 400 square feet of attached garages, porches and patios.





# City of Lucas

## Planning and Zoning Agenda Request

### July 14, 2022

Item No. 07

Requester: Vice Chairman Tommy Tolson

### **Agenda Item Request**

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Discuss the Attorney General Opinion regarding professional engineers signing subdivision plats and provide direction to City staff if needed.

### **Background Information**

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An Attorney General opinion was released on June 6, 2022, regarding a potential conflict between the Professional Land Surveying Practices Act and a statutory provision relating to county subdivision platting. The Attorney General Opinion provides an analysis and summary regarding professional engineers signing subdivision plats.

### **Attachments/Supporting Documentation**

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1. Attorney General Opinion

### **Budget/Financial Impact**

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NA

### **Recommendation**

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NA

### **Motion**

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There is no motion required as this item is for discussion purposes only.



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

June 6, 2022

Lance Kinney, Ph.D., P.E.  
Executive Director  
Texas Board of Professional Engineers and Land Surveyors  
1917 South Interstate 35  
Austin, Texas 78741-3702

**Opinion No. KP-0409**

Re: Whether a licensed professional engineer is authorized to certify a subdivision plat in specific circumstances (RQ-0440-KP)

Dear Dr. Kinney:

On behalf of the Texas Board of Professional Engineers and Land Surveyors, you ask about a potential conflict between the Professional Land Surveying Practices Act (the “Act”) and a statutory provision relating to county subdivision platting.<sup>1</sup> As background, subsection 232.023 of the Local Government Code provides that in certain counties, subdividing land into two or more lots primarily for residential use requires the preparation of a plat under certain circumstances. *See* TEX. LOC. GOV’T CODE §§ 232.022(a)–(b), .023(a). Subsection 232.023(b)(1) requires the plat to “be certified by a surveyor *or* engineer,” but you explain that the Act “reserves the platting of subdivision . . . land to only registered professional land surveyors.” *Id.* § 232.023(b)(1) (emphasis added); Request Letter at 3; *see also* TEX. OCC. CODE § 1071.251(b). Thus, you suggest that if an engineer certifies a plat in accordance with subsection 232.023(b)(1), the engineer might be engaged in the unauthorized practice of land surveying in violation of the Act. *See* Request Letter at 1. You ask four questions in relation to this quandary, but the underlying issue is how to reconcile the apparent conflict between the two statutes. *Id.* at 3–4. We direct our analysis accordingly, focusing first on what it means for a plat to “be certified” for purposes of subsection 232.023(b)(1).

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<sup>1</sup>*See* Letter from Lance Kinney, Ph.D., P.E., Exec. Dir., Tex. Bd. of Prof’l Eng’rs & Land Surveyors, to Honorable Ken Paxton, Tex. Att’y Gen. at 1–4 (Nov. 16, 2021), <https://www2.texasattorneygeneral.gov/opinions/opinions/51paxton/rq/2021/pdf/RQ0440KP.pdf> (“Request Letter”).

We begin with the text of subsection 232.023(b), which sets forth the requirements for a plat<sup>2</sup> under section 232.023:

(b) A plat required under this section must:

(1) be certified by a surveyor or engineer registered to practice in this state;

(2) define the subdivision by metes and bounds;

(3) locate the subdivision with respect to an original corner of the original survey of which it is a part;

(4) describe each lot, number each lot in progression, and give the dimensions of each lot;

(5) state the dimensions of and accurately describe each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part;

(6) include or have attached a document containing a description in English and Spanish of the water and sewer facilities and roadways and easements dedicated for the provision of water and sewer facilities that will be constructed or installed to service the subdivision and a statement specifying the date by which the facilities will be fully operable;

(7) have attached a document prepared by an engineer registered to practice in this state certifying that the water and sewer service facilities proposed under Subdivision (6) are in compliance with the model rules adopted under Section 16.343, Water Code, and a certified estimate of the cost to install water and sewer service facilities;

(8) provide for drainage in the subdivision to:

(A) avoid concentration of storm drainage water from each lot to adjacent lots;

(B) provide positive drainage away from all buildings; and

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<sup>2</sup>For purposes of county subdivision regulations, a “plat” is “a map, chart, survey, plan, or replat containing a description of the subdivided land with ties to permanent landmarks or monuments.” TEX. LOC. GOV’T CODE § 232.021(8).

- (C) coordinate individual lot drainage with the general storm drainage pattern for the area;
- (9) include a description of the drainage requirements as provided in Subdivision (8);
- (10) identify the topography of the area;
- (11) include a certification by a surveyor or engineer registered to practice in this state describing any area of the subdivision that is in a floodplain or stating that no area is in a floodplain; and
- (12) include certification that the subdivider has complied with the requirements of Section 232.032 and that:
  - (A) the water quality and connections to the lots meet, or will meet, the minimum state standards;
  - (B) sewer connections to the lots or septic tanks meet, or will meet, the minimum requirements of state standards;
  - (C) electrical connections provided to the lot meet, or will meet, the minimum state standards; and
  - (D) gas connections, if available, provided to the lot meet, or will meet, the minimum state standards.

TEX. LOC. GOV'T CODE § 232.023(b). Subsection 232.023(b) uses the word “certify” or “certification” in several subparts which specify the person doing the certifying and the information being certified. *See id.* §§ 232.023(b)(7) (requiring an attached document prepared by an engineer “certifying that the water and sewer service facilities proposed under Subdivision (6) are in compliance with” certain model rules adopted under the Water Code), .023(b)(11) (requiring “a certification by” a registered surveyor or engineer regarding whether any area of the subdivision is in a floodplain), .023(b)(12) (providing for a “certification that the subdivider has complied with” the overall requirements of section 232.032 and that minimum state standards for water, sewer, electric and gas connections are, or will be, met). But subsection 232.023(b)(1), the subpart you ask about, states generally that the plat must “be certified,” including no further information or context and no definition by the Legislature that would explain the scope of term’s meaning. *Id.* § 232.023(b)(1).

When the Legislature does not define a term, a court uses the plain and ordinary meaning of the term and interprets it within the context of the statute. *Hogan v. Zoanni*, 627 S.W.3d 163, 169 (Tex. 2021). To “certify” means to “attest or confirm in a formal statement” or to “officially recognize (someone or something) as possessing certain qualifications or meeting certain standards.” NEW OXFORD AMERICAN DICTIONARY 284 (3rd. ed. 2010); *see also* BLACK’S LAW DICTIONARY 275 (10th ed. 2014) (defining the term to mean “authenticate or verify in writing; to

attest as being true or as meeting certain criteria”). This meaning is consistent with the portions of subsection 232.023(b) mentioned above, in which the Legislature identified the specific information to be attested to or confirmed and the person who must provide the attestation or confirmation.

But other subparts of subsection 232.023(b), such as subpart (b)(2) (defining the subdivision by metes and bounds) and subpart (b)(3) (locating the subdivision with respect to an original corner of the original survey), constitute professional land surveying. *See* TEX. OCC. CODE § 1071.002(6)(A)(ii) (defining professional surveying to include applying specialized knowledge to the measurement or location of various elements to determine areas and volumes for “platting and laying out land and subdivisions of land”). And the Legislature provided that professional surveying tasks may be performed only by a professional land surveyor and not by an engineer. *See id.* §§ 1071.251(b) (restricting the practice of land surveying to persons registered, licensed, or certified under the Act), 1071.351(b) (requiring land surveyors to obtain an authorized seal for their professional work), 1001.003(a)(2), (c)(6) (providing that an engineering survey otherwise permitted under the Texas Engineering Practice Act “does not include the surveying of real property or other activity regulated under [the Professional Land Surveying Practices Act]”). Thus, reading subsection 232.023(b)(1) to allow a land surveyor *or* an engineer to attest that the land surveying tasks meet the professional standards for the practice of land surveying would be inconsistent with the legislative intent restricting such tasks to land surveyors only.

In construing a statute, a court’s goal is to ascertain the Legislature’s intent and give it effect. *El Paso Educ. Initiative, Inc. v. Amex Props., LLC*, 602 S.W.3d 521, 531 (Tex. 2020). A court interprets statutes together and harmonizes them, if possible, to give effect to all the statutory provisions. *See State v. Wood*, 575 S.W.3d 929, 935 (Tex. App.—Austin 2019, pet. ref’d). Apparent from the face of the statute, the subdivision platting process in subsection 232.023(b) requires the participation of a land surveyor—because of the specific land surveying tasks required—and an engineer, because subsection 232.023(b)(7) expressly requires an engineer. Furthermore, subsection 232.023 is part of subchapter B, a subchapter which the Legislature added to the Local Government Code to address the proliferation of certain economically distressed subdivisions. *See* Act of May 23, 1995, 74th Leg., R.S., ch. 979, § 4, 1995 Tex. Gen. Laws 4895, 4896–4906. The Legislature made a number of findings in the bill that added subchapter B, noting the lack of adequate water and sewer services in these areas and declaring that the location, proliferation, and conditions in the unregulated subdivisions posed “a clear and substantial threat to the environment” that required “adequate remedial steps” in order to address the “compelling crisis.” *Id.* § 1 at 4895–96. Given this context, it is unlikely the Legislature intended to permit a regulated profession such as land surveying to be performed or certified by someone other than a member of that profession. While “the terms ‘and’ and ‘or’ are not interchangeable in general, they may be interpreted as synonymous when necessary to effectuate the legislature’s intent or to prevent an ambiguity, absurdity, or mistake.” *State v. Gammill*, 442 S.W.3d 538, 541 (Tex. App.—Dallas 2014, pet. ref’d). A court would likely construe subsection 232.023(b)(1) to require both a land surveyor *and* an engineer to formally attest to the requirements of the subdivision platting process corresponding to their respective areas of professional expertise or as otherwise provided in other subparts of subsection 232.023(b). Accordingly, no conflict exists between subsection 232.023(b)(1) and the Act.

**S U M M A R Y**

Subsection 232.023(b) of the Local Government Code establishes county subdivision platting requirements under certain circumstances and provides in subsection 232.023(b)(1) that the plat must be certified by a land surveyor or an engineer. Given the context of subsection 232.023(b) as a whole, a court would likely construe subsection 232.023(b)(1) to require both a land surveyor *and* an engineer to formally attest to the portions of the subdivision platting requirements corresponding to their respective areas of professional expertise or as otherwise provided in other subparts of subsection 232.023(b). Accordingly, no conflict exists between subsection 232.023(b)(1) and the Professional Land Surveying Practices Act.

Very truly yours,

A handwritten signature in black ink that reads "Ken Paxton". The signature is written in a cursive, flowing style.

KEN PAXTON  
Attorney General of Texas

BRENT E. WEBSTER  
First Assistant Attorney General

LESLEY FRENCH  
Chief of Staff

MURTAZA F. SUTARWALLA  
Deputy Attorney General for Legal Counsel

VIRGINIA K. HOELSCHER  
Chair, Opinion Committee

BECKY P. CASARES  
Assistant Attorney General, Opinion Committee



**City of Lucas**  
**Planning and Zoning Agenda Request**  
**July 14, 2022**

Item No. 08

Requester: City Secretary Stacy Henderson

**Agenda Item Request**

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Consider approval of the minutes of the June 9, 2022, Planning and Zoning Commission meeting.

**Background Information**

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NA

**Attachments/Supporting Documentation**

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1. June 9, 2022, 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 June 9, 2022, Planning and Zoning Commission meeting.



## MINUTES

### PLANNING AND ZONING COMMISSION MEETING

June 9, 2022 | 6:30 PM

Council Chambers | Video Conference

City Hall | 665 Country Club Road, Lucas, Texas

#### Call to Order

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The meeting was called to order at 6:31 pm and the Pledge of Allegiance was recited. Due to the absence of Chairman Dusty Kuykendall, Vice Chairman Tommy Tolson led the meeting.

##### **Commissioners Present:**

Chairman Dusty Kuykendall (*absent*)  
Vice Chairman Tommy Tolson  
Commissioner Peggy Rusterholtz  
Commissioner Joe Williams  
Commissioner Adam Sussman (*absent*)  
Alternate Commissioner James Foster (*absent*)  
Alternate Commissioner Chris Bierman (*voting member*)

##### **Staff Present:**

City Manager Joni Clarke  
Development Services Director Joe Hilbourn  
City Secretary Stacy Henderson  
Management Analyst Kevin Becker

##### **City Council Liaison Present:**

Mayor Jim Olk

#### Regular Agenda

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1. **Consider the request by Brian Umberger on behalf of Pankaj Srivastava for approval of a final plat for New Castle Estates, a 17.646-acre parcel of land being part of the Jas Grayum Survey, Abstract CO-354 located on the west side of Country Club Road and north of Graham Lane at 2115 and 2125 Country Club Road.**

Vice Chairman Tommy Tolson announced that the item would be removed from the agenda as this was requested by the property owner's representative.

2. **Consider Chapter 8, Water System of the City of Lucas Comprehensive Plan and recommend proposed amendments if needed.**

Development Services Director Joe Hilbourn gave a presentation regarding Chapter 8 and stated that if anybody would like to make adjustments to the chapter, then to please have it by next week.

The Planning and Zoning Commission had no recommended changes to Chapter 8.

There was no motion required for this item, it was for discussion purposes only.

3. **Consider approval of the minutes of the May 12, 2022, Planning and Zoning Commission meeting.**

**MOTION:** A motion was made by Commissioner Joe Williams, seconded by Alternate Commissioner Chris Bierman to approve the minutes as presented. The motion passed unanimously by a 4 to 0 vote.



**4. Executive Session.**

An Executive Session was not held at this meeting.

**5. Adjournment.**

**MOTION:** A motion was made by Commissioner Williams, seconded by Commissioner Rusterholtz to adjourn the meeting at 6:36 pm. The motion passed unanimously by a 4 to 0 vote.

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Dusty Kuykendall, Chairman

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Stacy Henderson, City Secretary