



AGENDA

Planning and Zoning Commission Meeting

August 11, 2022 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

Notice is hereby given that a meeting of the City of Lucas Planning and Zoning Commission will be held on August 11, 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 Management Analyst Kevin Becker at kbecker@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

Regular Agenda

1. Consider the request by Todd Winters on behalf of Barrett Owens for approval of a final plat for an 18.858-acre parcel of land being part of the Jas Grayum Survey, Abstract 354 located on the north side of Estates Parkway and east of Orchard Road, at 1900 Estates Parkway more commonly known as Farmstead Phase Two. **(Development Services Director Joe Hilbourn)**
2. Discuss accessory buildings with habitable space regarding guest quarters in all residential zoning districts and provide guidance to staff. **(Development Services Director Joe Hilbourn)**
3. Consider approval of the minutes of the July 14, 2022, Planning and Zoning Commission meeting. **(Management Analyst Kevin Becker)**

Executive Agenda

As authorized by Section 551.071 of the Texas Government Code, the Planning and Zoning Commission may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney regarding any item on the agenda at any time during the meeting. This meeting is closed to the public as provided in the Texas Government Code.

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

Certification

I do hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002 and on the City's website at www.lucastexas.us on or before 5:00 p.m. on August 4, 2022.

Kevin Becker, Management Analyst

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 Management Analyst Kevin Becker at 972-912-1214 or by email at kbecker@lucastexas.us at least 48 hours prior to the meeting.



City of Lucas

Planning and Zoning Agenda Request

August 11, 2022

Requester: Development Services Director Joe Hilbourn

Agenda Item

Consider the request by Todd Winters on behalf of Barrett Owens for approval of a final plat for an 18.858-acre parcel of land being part of the Jas Grayum Survey, Abstract 354 located on the north side of Estates Parkway and east of Orchard Road, at 1900 Estates Parkway more commonly known as Farmstead Phase Two.

Background Information

This parcel of land is currently zoned Residential 2-acre (R-2), containing 18.858 acres of land, and proposes seven new residential lots. This subdivision has a private road that will be shared with Farmstead Phase One. Public improvements include some modifications to the existing turn around and to bring the lateral water service lines to the existing water main on the east side of Farmstead.

The preliminary plat was first brought to the Planning and Zoning Commission at the December 9, 2021, meeting. The Commission recommended approval of the preliminary plat, which the City Council approved at the February 17, 2022, City Council meeting. At this meeting, City Council requested that the developer provide drainage plans to City staff prior to the final plat submittal, as well as abide by the City's Code of Ordinances for plat approval. The developer has met all of the requirements set forth by the City and is seeking approval of the final plat.

Attachments/Supporting Documentation

1. Application Checklist
2. Final Plat
3. Location Map

Budget/Financial Impact

NA

Recommendation

Staff recommends approval of the final plat as presented.

Motion

I make a motion to approve/deny the final plat for an 18.858-acre parcel of land being part of the Jas Grayum Survey, Abstract 354 located on the north side of Estates Parkway and east of Orchard Road, at 1900 Estates Parkway more commonly known as Farmstead Phase Two.



FINAL PLAT Minimum Requirements Checklist

Project Name The Farmstead Phase 2 Preparer Todd Winters

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.**

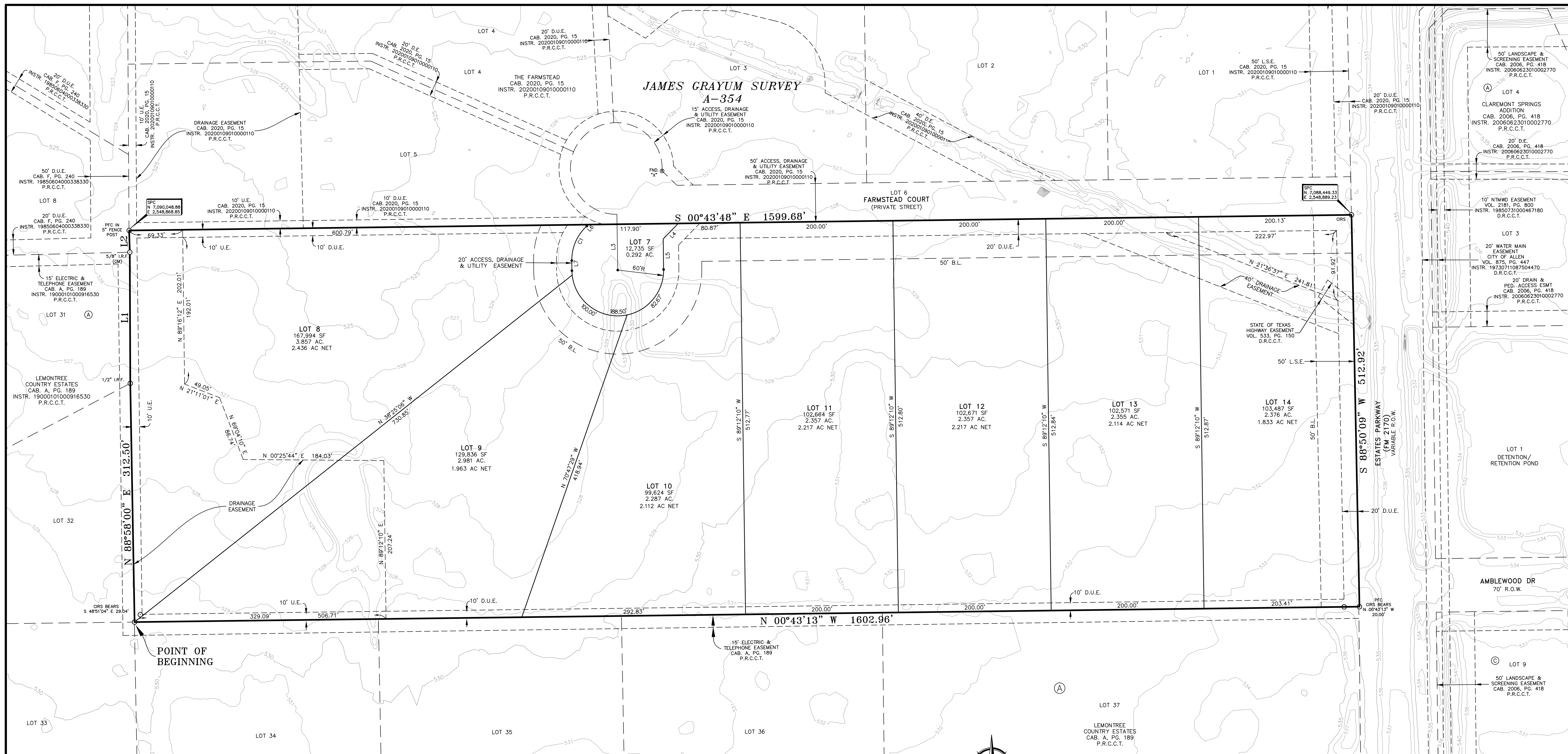
Items to be Included:

- 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 blueprints, 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.

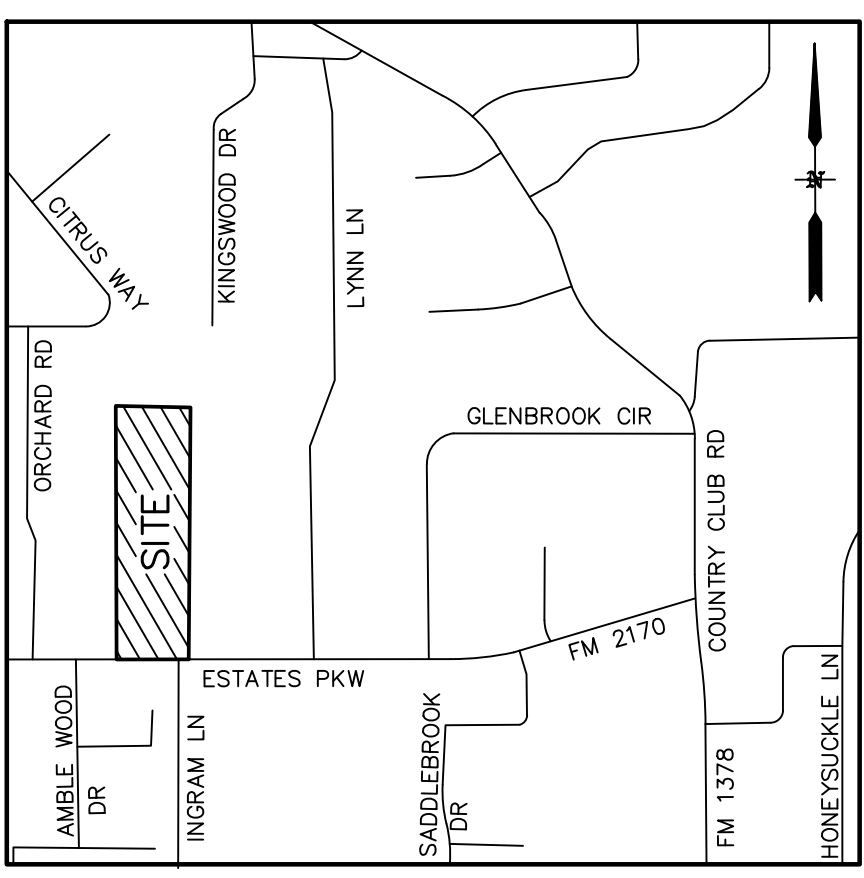


FINAL PLAT Minimum Requirements Checklist

- 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.



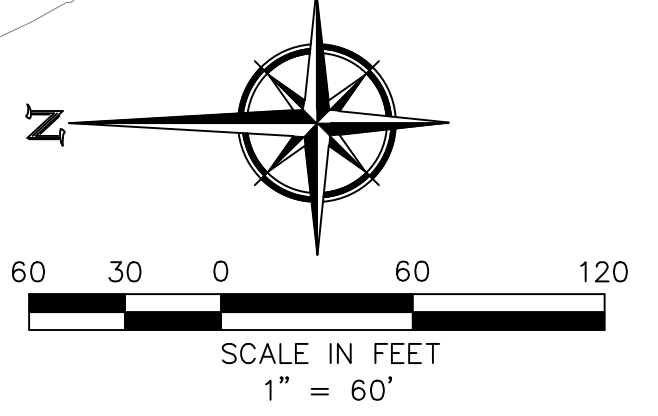
CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD BEARING	CHORD
C1	048°24'39"	60.00'	26.97'	50.70'	S 66°31'29" E	49.20'



LEGEND	
CIRS	1/2" IRON ROD WITH YELLOW CAP STAMPED "RPLS 3963" SET
PFC	POINT FOR CORNER
IRF	IRON ROD FOUND
B.L.	BUILDING SETBACK LINE
D.U.E.	DRAINAGE & UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
L.S.E.	LANDSCAPE EASEMENT
U.E.	UTILITY EASEMENT
(CM)	CONTROLLING MONUMENT
D.R.C.C.T.	DEEDS RECORDS COLLIN COUNTY TEXAS
P.R.C.C.T.	PLAT RECORDS COLLIN COUNTY TEXAS
SPC	STATE PLANE COORDINATES

LINE TABLE		
NO.	DIRECTION	DISTANCE
L1	N 89°47'16" E	171.67'
L2	N 88°14'55" E	28.48'
L3	N 89°04'49" E	60.00'
L4	S 45°43'48" E	28.28'
L5	N 89°16'12" E	40.00'
L6	N 46°16'09" W	2.76'
L7	S 89°16'12" W	13.16'

- NOTES:
- Basis of Bearings = State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, Adjustment Realization (CORS 2011).
 - A 5/8" iron rod with a yellow cap stamped "RPLS 3963" will be set at all lot corners and/or at reference points to lot corners, wherever possible, after the completion of all utilities and subdivision construction.
 - According to my interpretations of the Collin County, Texas and Incorporated Areas, Flood Insurance Rate Map Number 48085C0405 J, dated June 02, 2009, the subject property lies within flood zone "X" and is not shown to be within a Special Flood Hazard Area. This statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This statement shall not create liability on the part of the surveyor.
 - 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.
 - The Private Road Lot (Lot 7) is dedicated to and will be maintained by the Homeowners Association.



EXISTING ZONING: R-2
PROPOSED ZONING: R-2
7 RESIDENTIAL LOTS
1 HOMEOWNERS ASSOCIATION LOT
DENSITY: 0.37 LOTS/ACRE
AVG. LOT SIZE: 2.65 ACRE
MIN. LOT SIZE: 2.00 ACRE

OWNER/DEVELOPER
OW HOMES, LLC
 313 S JUPITER ROAD, STE 105
 ALLEN, TX 75002-3032

PROPERTY ADDRESS
 1900 ESTATES PARKWAY
 LUCAS, TX 75002

LAND SURVEYOR
R.C. MYERS SURVEYING, LLC
 488 ARROYO COURT
 SUNNYVALE, TX 75182
 (214) 532-0636
 FAX (972) 412-4875
 EMAIL: rcmsurveying@gmail.com
 FIRM NO. 10192300 JOB NO. 442

FINAL PLAT
THE FARMSTEAD
PHASE TWO
 LOTS 7-14, BLOCK A
 7 RESIDENTIAL LOTS
 BEING 18.856 ACRES
 SITUATED IN THE
 JAMES GRAYUM SURVEY, ABSTRACT NO. 354
 CITY OF LUCAS, COLLIN COUNTY, TEXAS

ENGINEERING CONCEPTS & DESIGN, L.P.
 ENGINEERING/PROJECT MANAGEMENT/CONSTRUCTION SERVICES
 201 WINDCO CIRCLE, SUITE 200, WYLE TEXAS 75098
 (972) 941-8400 FAX (972) 941-8401

OWNER'S CERTIFICATE & DEDICATION

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS, OW HOMES, LLOC BEING the owner of 18.856-acre tract of land situated in the James Grayum Survey, Abstract No. 354, City of Lucas, Collin County, Texas, and being all of that certain called 18.858-acre tract of land described in deed to OW Homes, LLC recorded as Instrument No. 20220404000540240, Deed Records, Collin County (DRCT), Texas, said 18.856-acre tract being more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of said OW Homes tract, same being the common south corner of Lots 32 and 33 in Block A of Revised Plat of Lemontree County Estates, an Addition to the City of Lucas, Collin County, Texas, according to the map thereof recorded in Volume A, Page 189, Map Records, Collin County, Texas, from which a 5/8-inch iron rod with cap stamped "RPLS 3963" set bears South 48 degrees 51 minutes 04 seconds East, a distance of 29.04 feet;

THENCE North 88 degrees 58 minutes 00 seconds East, along the north line of said OW Homes tract and along the south line said Lot 32, a distance of 312.50 feet to a 1/2-inch iron rod found for at the southeast corner of said Lot 32 and the southwest corner of Lot 31 of said Block A of Lemontree County Estates;

THENCE North 89 degrees 47 minutes 16 seconds East, continuing along the north line of said OW Homes tract and along the south line of said Lot 31, a distance of 171.87 feet to a 5/8-inch iron rod found at the southeast corner of said Lot 31 and the southwest corner of Lot 8 of Kingswood Estates, an addition to the City of Lucas, Collin County, Texas, according to the map thereof recorded in Volume A, Page 240, Map Records, Collin County, Texas;

THENCE North 88 degrees 14 minutes 55 seconds East, continuing along the north line of said OW Homes tract and along the south line of said Lot 8, a distance of 28.48 feet to a point for corner in a 5" wood fence post at the common north corner of said OW Homes tract and The Farmstead, an addition to the City of Lucas, Collin County, Texas, according to the map thereof recorded in Volume 2020, Page 15, Map Records, Collin County, Texas;

THENCE South 00 degrees 43 minutes 48 seconds East, along the east line of said OW Homes tract and the west boundary line of said The Farmstead, a distance of 1599.68 feet to a 5/8-inch iron rod with cap stamped "RPLS 3963" set in the north line of Estates Parkway, AKA F.M. Highway 2170 at the southwest corner of said The Farmstead and the southeast corner of said OW Homes tract;

THENCE South 88 degrees 50 minutes 09 seconds West, along the north line of said Estates Parkway and the south line of said OW Homes tract, a distance of 512.92 feet to a point for corner at the southwest corner of said OW Homes tract from which a 5/8-inch iron rod with cap stamped "RPLS 3963" set bears North 00 degrees 43 minutes 13 seconds West, a distance of 20.00 feet;

THENCE North 00 degrees 43 minutes 13 seconds West, along the west line of said OW Homes tract and the southerly east line of Block A of said Lemontree County Estates, a distance of 1602.96 feet to the PLACE OF BEGINNING and containing 821,366 square feet or 18.856 acres of land.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT OW HOMES, LLC does hereby bind themselves and their heirs, assignees and successors of title this plat designating the hereinabove described property as THE FARMSTEAD, PHASE TWO, an addition to the City of Lucas, and does hereby dedicate to the public use forever the streets, alleys, and right-of-way easements shown thereon, and does hereby reserve the easement strips shown on this plat for the mutual use and accommodation of garbage collection agencies and all public utilities desiring to use or using same. 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 easements strips, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, without the necessity at any time of procuring the permission of anyone. Additionally, OW Homes, LLC certifies that it is the sole owner of the dedicated property and that no other's interest is attached to this property unless otherwise indicated on the required Mortgage Holder Certification that is included on this plat. Furthermore, as the owner of the property described herein, and in consideration of establishing the subdivision described herein, it agrees to the following:

- Every owner of fee simple title to every individual lot within the subdivision shall be a member of the homeowners' association;
• The homeowners' association shall have the authority to collect membership fees;
• As applicable as it pertains to conditions shown herein, the homeowners' association shall be responsible for the maintenance of all common areas, screening walls, landscaped areas, private streets and alleys.
• The homeowners' association shall grant the City the right of access to any areas to abate any nuisances on such areas and attach a lien upon each individual lot for the prorated costs of abatement.
• The homeowners' association shall indemnify and hold the City harmless from any and all costs, expenses, suits, demands, liabilities, damages, or otherwise, including attorney fees and costs of suit, in connection with the City's maintenance in common areas.
• The homeowners' association shall, where additional rights-of-way has been dedicated for the purpose of providing landscaping, additional areas for sidewalks, walls or other amenities, enter into a license agreement with the City and shall be responsible for the installation and maintenance of all landscape areas in the public rights-of-way.

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

FOR: OW HOMES, LLC

BY: Signature Name: Title:

STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared 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.

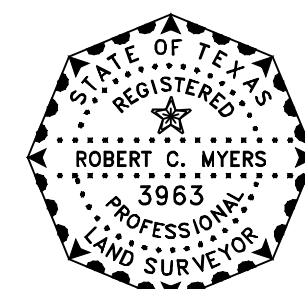
Notary Public in and for the State of Texas

SURVEYOR'S CERTIFICATE

I, Robert C. Myers, Registered Professional Land Surveyor, State of Texas, hereby certify that the description and plat hereon are taken from actual measurements upon the ground and are true and correct to the best of my knowledge and belief the 16th day of June, 2021 and the monuments shown thereon have been found or set under my supervision and their location, size and material description are correctly shown.

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. This Final Plat is released on 6/8/2022 for review by the City of Lucas and other parties for comments and progression to an approved Final Plat.

ROBERT C. MYERS
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 3963



STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this date personally appeared Robert C. Myers, 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 purpose and consideration therein expressed and in the capacity therein stated.

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

Notary public for the State of Texas
My commission expires:

CITY APPROVAL CERTIFICATE

This plat is hereby approved by the Development Services Director of the City of Lucas, Texas, in accordance with the Lucas Code of Ordinances, review and approval procedures.

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

Director of Public Works/City Engineer Date

ATTEST:

Signature Date

Name & Title Date

On-Site Sewage Facilities (OSSF) Notes:

- 1. All lots must utilize alternative type On-Site Sewage Facilities. Presence of fractured rock may further limit type of alternative type On-Site Sewage Facilities to Aerobic Treatment with Surface Application on lot.
2. All lots 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).
3. There were no permitted/approved existing structures with associated OSSF(s) on the property at the time of approval. Any existing structures or OSSFs must be reviewed and permitted by Collin County Development Services prior to any use.
4. Tree removal and/or grading for OSSF may be required on individual lots.
5. There are no water wells noted in this subdivision and no water wells are allowed without prior approval from Collin County Development Services.
6. Each lot is limited to a maximum of 5,000 gallons of treated/disposed sewage each day.
7. 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.

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 & Title Date

OWNER/DEVELOPER
OW HOMES, LLC
313 S JUPITER ROAD, STE 105
ALLEN, TX 75002-3032

PROPERTY ADDRESS
1900 ESTATES PARKWAY
LUCAS, TX 75002

LAND SURVEYOR
R.C. MYERS SURVEYING, LLC
488 ARROYO COURT
SUNNYVALE, TX 75182
(214) 532-0636
FAX (972) 412-4875
EMAIL: rcmsurveying@gmail.com
FIRM NO. 10192300 JOB NO. 442

FINAL PLAT
THE FARMSTEAD
PHASE TWO

LOTS 7-14, BLOCK A
7 RESIDENTIAL LOTS
BEING 18.856 ACRES
SITUATED IN THE
JAMES GRAYUM SURVEY, ABSTRACT NO. 354
CITY OF LUCAS, COLLIN COUNTY, TEXAS

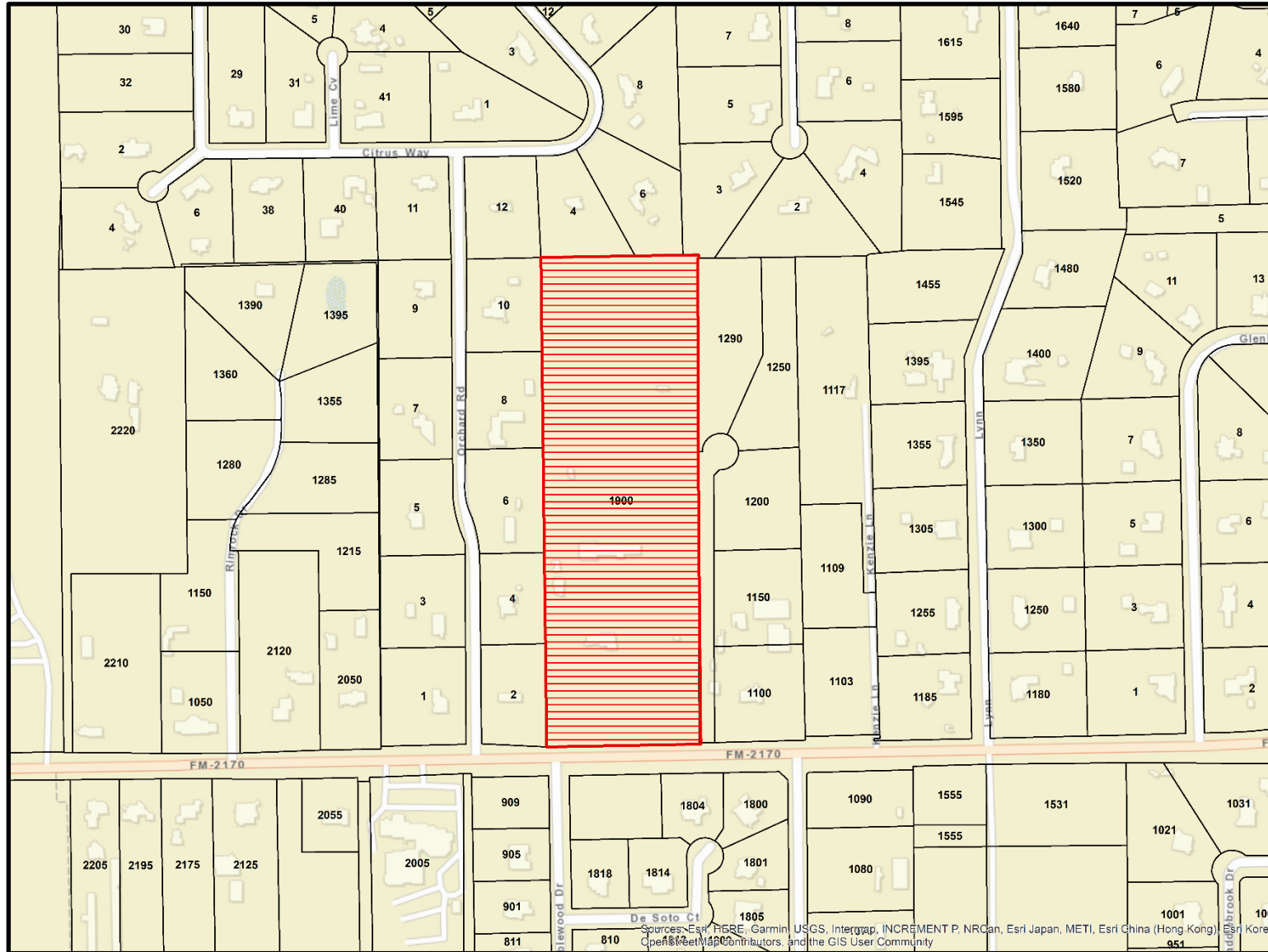
ENGINEERING/PROJECT MANAGEMENT/CONSTRUCTION SERVICES
R.C. MYERS SURVEYING, LLC
TEXAS FIRM REG. NO. 001145
201 WINDCO CIRCLE, SUITE 200, WYLIE, TEXAS 75086
(972) 941-8400 FAX (972) 941-8401

DATE: 6/8/2022

SHEET 2 OF 2



LOCATION MAP: FARMSTEAD PHASE 2



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Swire, and the GIS User Community



City of Lucas

Planning and Zoning Agenda Request

August 11, 2022

Item No. 02

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Discuss accessory buildings with habitable space regarding guest quarters in all residential zoning districts and provide guidance to staff.

Background Information

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, 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.

At the July 14, 2022, Planning and Zoning Commission meeting, the following recommendations were made regarding AO (Agricultural), R1 (Single-Family Residential 1-acre), R1.5 (Single-Family Residential 1.5-acres), and R2 (Single-Family Residential 2-acres):

- Accessory buildings with habitable space in AO Zoning District shall meet the Zoning District of R1.
- R1 and AO: 550 square feet of habitable space plus an additional 400 square feet of attached garage, porch, and patio.
- R1.5: 700 square feet of habitable space plus an additional 400 square feet of attached garage, porch, and patio.
- R2: 900 square feet of habitable space plus an additional 450 square feet attached garage, porch, and patio.

The Zoning Districts MHD (Manufactured Home District) and ED (Estate Development) do not permit accessory building with habitable space per the Zoning Use Chart.

Attachments/Supporting Documentation

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

NA



City of Lucas
Planning and Zoning Agenda Request
August 11, 2022

Item No. 02

Recommendation

NA

Motion

There is no motion required.

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 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 900 square feet of habitable space, and up to 450 square feet of attached garages, porches, and patios.
 - (ii) In R-1.5 zoning districts:
 - a. One (1) accessory building may contain up to 700 square feet of habitable space and up to 400 square feet of attached garages, porches, and patios.
 - (iii) In R-1 or AO zoning districts:
 - a. One (1) accessory building may contain up to 550 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
August 11, 2022

Item No. 03

Requester: Management Analyst Kevin Becker

Agenda Item Request

Consider approval of the minutes of the July 14, 2022, Planning and Zoning Commission meeting.

Background Information

NA

Attachments/Supporting Documentation

1. July 14, 2022, Planning and Zoning Commission minutes.

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve the minutes of the July 14, 2022, Planning and Zoning Commission meeting.



MINUTES

PLANNING AND ZONING COMMISSION MEETING

July 14, 2022 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

Call to Order

The meeting was called to order at 6:30 pm and the Pledge of Allegiance was recited.

Commissioners Present:

Chairman Dusty Kuykendall
Vice-Chairman Tommy Tolson
Commissioner Peggy Rusterholtz
Commissioner Adam Sussman

Staff Present:

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

Commissioners Absent:

Commissioner Joe Williams
Alternate Commissioner James Foster
Alternate Commissioner Chris Bierman

City Council Liaison Present:

Mayor Jim Olk (arrived at 6:45 pm)

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 gave a presentation on this agenda item.

The Planning and Zoning Commission deliberated on this item with City Attorney Joe Gorfida and Mr. Hilbourn and noted changes that should be made to the City's setback, building line, and lot width requirements.

The public hearing was opened at 6:43 pm. There was no one requesting to speak.

The public hearing was closed at 6:43 pm.

MOTION: A motion was made by Commissioner Sussman, seconded by Commissioner Rusterholtz to recommend to the City Council to approve the amendments to building setbacks, lot line definition, building line definition, and lot width requirements in all residential zoning districts with the stipulations noted in the meeting such as:

- Page 6, 8, and 10, item (b)(2), change "street property line" to "build line"
- Page 4, add the front/adjacent to street
- Page 13, add graphic for the side yard setback

The motion passed unanimously by a 4 to 0 vote.

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 gave a presentation on this agenda item.

Steve Watten, 7620 Castle Bridge, The Colony, attorney of the Lamberts spoke in opposition of this agenda item.

Misty Lambert, 2075 Country Club Road, spoke in opposition of this agenda item.

John Rosenberg, 6306 Brooklake Drive, Dallas, attorney for Ramon Loeza, spoke in favor of this agenda item. Mr. Rosenberg stated they will install another ditch along the edge of the Lambert's property to help ease drainage issues.

Roman Loeza, 1529 Carlsbad Road, Plano, co-owner of the development, spoke in favor of this agenda item.

Brian Umberger, 4888 Pecan Place, McKinney, engineer for Ramon Loeza, stated he would like to speak on agenda item 3.

Eric Lambert, 2075 Country Club Road, spoke in opposition of this agenda item.

City Attorney Joe Gorfida spoke to the Planning and Commission stating that the language in the Declaration and Protective Covenants should be updated.

Vice-Chairman Tolson inquired about section 3.10 in the Declaration and Protective Covenants. The Planning and Zoning Commission indicated this section can be taken out because this is already in the City's Code of Ordinances.

MOTION: A motion was made by Commissioner Rusterholtz, seconded by Commissioner Sussman to approve 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 with provision that section 3.10 be removed, the 10.03.126 F(4), F(6), and F(7) be installed into this, and that these ordinances are approved with the conditions that the City Attorney reviews and approves all of it. The motion passed unanimously by a 4 to 0 vote.

- 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 spoke on this agenda item. Mr. Hilbourn stated the drainage meets City standards, and that the County requires the Development Services Director, Public Works Director, and the Collin County Development Services to sign on the plat.

Eric Lambert, 2075 Country Club Road, indicated he built the road and has receipts and pictures to prove that he made the road that was already at the location.

Brian Umberger, 4888 Pecan Place, McKinney, engineer for Ramon Loeza, discussed a detailed breakdown of the drainage issues that are being addressed.

Roman Loeza, 1529 Carlsbad Road, Plano, spoke in favor of this agenda item.

Misty Lambert, 2075 Country Club Road, spoke in opposition of this agenda item indicating that the project is causing flooding issues on their property.

Steve Watten, 7620 Castle Ridge, The Colony, attorney for the Lamberts, indicated there is an issue regarding the language of exclusivity of the easement.

Vice-Chairman Tolson asked Brian Umberger, engineer for Ramon Loeza, if water is being diverted onto the Lambert's property. Mr. Umberger indicated they are diverting water away from the property on the west side and moving it north. Commissioner Sussman asked if the elevation of the road is having an effect on the water issues for the Lambert's. Mr. Umberger stated there is a small number of problems that are caused by the height of the road and the developer can build drainage areas along the road on the Lambert's property side to ease potential drainage issues.

Chairman Kuykendall stated that the concerns of the Planning and Zoning Commission are regarding drainage. Mr. Kuykendall asked Mr. Hilbourn if the plat meets the City's requirements. Mr. Hilbourn indicated the plat does meet the City's requirements.

MOTION: A motion was made by Commissioner Sussman, seconded by Commissioner Rusterholtz to approve 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. The motion passed unanimously by a 4 to 0 vote.

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 gave a presentation on this agenda item.

Commissioner Rusterholtz stated that she is not in favor of going over 35 feet for height. The Planning and Zoning Commission was in agreement with wanting to see the site plan first, as well as having the building be 35 feet or less.

MOTION: A motion was made by Commissioner Rusterholtz, seconded by Commissioner Sussman to deny approval of the application for elevations submitted by the property owner, Mahmoud Properties, for use as a commercial retail and office center on 995 West Lucas Road because it does not conform with the City's maximum height of 35 feet. The motion was denied unanimously by a 4 to 0 vote.

- 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 gave a presentation on this agenda item.

MOTION: A motion was made by Commissioner Rusterholtz, seconded by Commissioner Sussman to approve the request by Michelle Tilotta with LJA Engineering on behalf of Inspiration West, LLC for approval of the preliminary plat as presented. The motion passed unanimously by a 4 to 0 vote.

- 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 gave a presentation on this agenda item.

Mayor Olk indicated the City Council expressed concerns regarding a lot of Specific Use Permits (SUP) being passed. Mayor Olk indicated the City Council wants the Planning and Zoning Commission to look at property sizes and zoning.

The Planning and Zoning Commission deliberated on this item and presented the following recommendations:

- Accessory Buildings with habitable space in AO Zoning District shall meet the Zoning District of R1.
- R1 and AO: 550 square feet of habitable space plus an additional 400 square feet of attached garage, porch, and patio.
- R1.5: 700 square feet of habitable space plus an additional 400 square feet of attached garage, porch, and patio.
- R2: 900 square feet of habitable space plus an additional 450 square feet attached garage, porch, and patio.

There was no motion taken on this agenda item as it was for discussion purposes only.

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

Vice-Chairman Tolson and City Attorney Joe Gorfida discussed a brief summary of the Attorney General Opinion regarding professional engineers signing subdivision plats.

There was no motion taken on this agenda item as it was for discussion purposes only.

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

MOTION: A motion was made by Commissioner Rusterholtz, seconded by Vice-Chairman Tolson to approve the minutes of the June 9, 2022, Planning and Zoning Commission meeting. The motion passed unanimously by a 4 to 0 vote.

9. Executive Session.

An Executive Session was not held at this meeting.

10. Adjournment.

MOTION: A motion was made by Vice-Chairman Tolson, seconded by Commissioner Sussman to adjourn the meeting at 8:51 pm. The motion passed unanimously by a 4 to 0 vote.

Dusty Kuykendall, Chairman

Kevin Becker, Management Analyst