



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
City Attorney Joe Gorfida

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 item.

The Planning and Zoning Commission deliberated on this item with the City Attorney Joe Gorfida and with 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.

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 as such:

- 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 item.

The following individuals spoke regarding this item:

- Steve Watten, 7620 Castle Bridge, The Colony, attorney of the Lamberts spoke in opposition of this item.
- Misty Lambert, 2075 Country Club Road, spoke in opposition of this item.
- John Rosenberg, 6306 Brooklake Drive, Dallas, attorney for Ramon Loeza, spoke in favor of this item and handed out a document to the commissioners. Mr. Rosenberg stated that they will install another ditch along the edge of the Lambert's property to help ease drainage issues.
- Roman Loeza, 1529 Carlsban Road, Plano, co-owner of the development spoke in favor of approving the covenants
- Brian Umberger, 4888 Pecan Place, McKinney, engineer for Ramon Loeza, stated he would like to speak on item 3.
- Eric Lambert, 2075 Country Club Road, spoke in opposition of this item.

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

Vice-Chairman Tommy Tolson asked about 3.10. Commission spoke and stated this 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 item. Mr. Hilbourn stated that 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.

The following individuals spoke regarding this item:

- Eric Lambert, 2075 Country Club Road, stated that 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, spoke on this item and gave a detailed breakdown of the drainage issues that are being addressed.
- Ramon Loeza, spoke in favor of approving the final plat.
- Misty Lambert, 2075 Country Club Road, spoke in opposition of this item stating that the project is causing flooding issue on their property.
- Steve Watten, 7620 Castle Ridge, The Colony, attorney for the Lamberts, stated that there is an issue regarding the language of exclusivity of the easement.

Vice Chairman Tolson asked the engineer Brian Umberger if water is being diverted onto the Lambert's property. Mr. Umberger stated that 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 that there is a small number of problems that are caused by the height of the road and that 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 commission are regarding drainage. Mr. Kuykendall asked Joe Hilbourn if the plat meets the City's requirements. Mr. Hilbourn stated that 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 item.

Commissioner Rusterholtz stated that she is not in favor of going over 35 feet for height. The 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 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 for the 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 item.

Mayor Olk stated that the City Council had expressed concerns regarding a lot of Specific Use Permits (SUP) being passed. Mayor Olk state that 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 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 Attorney Joe Gorfida gave a brief summary of the Attorney General Opinion regarding professional engineers signing subdivision plats.

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

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

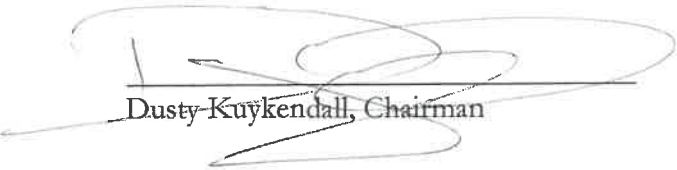
MOTION: A motion was made by Commissioner Rusterholtz, seconded by Vice Chairman Tolson to approve the minutes of the June 9, 2022, Planning and Zoning Commission meeting. The motion passed unanimously by a 4 to 0 vote.

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

