



MINUTES PLANNING AND ZONING COMMISSION MEETING

October 13, 2022 | 6:45 PM

(or immediately following the Capital Improvements Advisory Committee Meeting)

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

Call to Order

The meeting was called to order at 6:53 pm.

Commissioners Present:

Chairman Dusty Kuykendall
Vice Chairman Tommy Tolson
Commissioner Peggy Rusterholtz
Commissioner Joe Williams
Alternate Commissioner James Foster
Alternate Commissioner Chris Bierman (*selected as a voting member for the meeting*)

Commissioners Absent:

Commissioner Adam Sussman

Staff Present:

City Manager Joni Clarke
Assistant City Manager Kent Souriyasak
City Secretary Erin Day
Development Services Director Joe Hilbourn
Public Works Director Scott Holden
CIP Manager Patrick Hubbard
Management Analyst Kevin Becker
Contract Engineer Joe Grajewski
City Attorney Courtney Morris

City Council Liaison Present:

Mayor Jim Olk

Public Hearing Agenda

1. **Public hearing to consider a request made by Andrea Bedell on behalf of property owner James Irwin to rezone a parcel of land from Residential 2-acres (R2) to Agricultural (AO), being 22.661 acres, situated in the James Lovelady Survey, Abstract No. 538, in the City of Lucas, Collin County, Texas.**

Development Services Director Joe Hilbourn gave a presentation on this item and recommended denial due to farming being able to take place in both R-2 and AO, agriculture exemptions being able to be obtained on both R-2 and AO, and that the property will develop in the future and will be brought back for a zoning change again.

Chairman Kuykendall opened the public hearing at 6:56 pm.

With no further comments, the public hearing was closed at 6:57 pm.

MOTION: A motion was made by Commissioner Rusterholtz, seconded by Alternate Commissioner Bierman, to deny a request made by Andrea Bedell on behalf of property owner James Irwin to rezone a parcel of land from Residential 2-acres (R2) to Agricultural (AO). The motion passed unanimously by a 5 to 0 vote.

2. **Consider the request by Randy Helmburger on behalf of Christopher White for a preliminary plat for a parcel of land, being 10.83 acres, part of the Thomas D. James Survey, Abstract 477, City of Lucas, Collin County Texas, located on the south side of East Winningkoff Road and east of Welborn Lane, more commonly known as 1110 East Winningkoff Road.**

Development Services Director Joe Hilbourn informed the Planning and Zoning Commission that this item was going to be pulled from the agenda due to an error with releasing the public notices. The minor plat that was submitted would be approved by law due to the plat meeting the 30-day deadline without any action from the Planning and Zoning Commission. Mr. Hilbourn answered the Commission's questions regarding minor plat requirements, setbacks, and surveyor signatures. Mr. Hilbourn also let the Commission know that the zoning on the lot will be brought forward to the City Council for a zoning change.

There was no motion taken on this item.

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

Development Services Director Joe Hilbourn spoke on this item and answered questions from the Planning and Zoning Commission regarding accessory buildings with habitable space.

Vice-Chairman Tommy Tolson asked about the code compliance behind habitable space and non-habitable space and asked for clarification regarding what defines habitable space and non-habitable space. Mr. Hilbourn clarified that if there is a bedroom or a kitchen, it becomes habitable space.

Dana Palmer, 1715 Travis Ranch Road, spoke in opposition of this item stating that he has multiple buildings on his property and wants to have the opportunity to put more structures on his land unrestricted. Mr. Palmer also stated that the City should look at ordinances that can help restrict rental units.

Cleve Adamson, 27 Manor Lane, spoke in opposition of this item stating that he is a builder and developer in the City and sees that there are a lot of people who want to build accessory structures on their lot. Mr. Adamson added to the belief that there should be greater restrictions on rental units if that is the major concern behind accessory buildings. He spoke on limited garage sizes and how that would be a hinderance to residents and that he would like to be able to use his second acre to build a residence for his aging parents, and this ordinance would prevent that. Mr. Hilbourn clarified that a resident can have accessory buildings up to one square foot less than the primary residence.

Bob Wade, 1621 Jan Marie Drive and 1415 Stinson Road, spoke stating that he supports Mr. Adamson's comments and that he objects to the discussion around having a kitchen makes a space habitable because it is difficult to regulate. Mr. Wade believes that the City should put more focus on stopping rental units if that is the concern, and that reducing the square footage is not the right answer.

Christine Hughes, 821 Saddlebrook Drive, spoke in opposition of this item stating that she is a realtor in the area and believes that putting restrictions on what people do with their land will have a negative impact on home values in the City. Mrs. Hughes also added that accessory structures are a great way to keep families close together and that the City should look at regulating leasing in the City.

Danny De Hoyos, 2713 Wolf Creek Drive, stated his opposition to this item, but did not come to the podium to speak further.

Wayne Millsap, 318 McMillen Road, spoke in opposition of this item and stated that he understands that the concern appears to be regarding rental properties, and stated that regulating rental properties is very difficult. Mr. Millsap also advised that he disagrees with the reduction in size for accessory building and the limits placed on attached garages, porches, and patios. He advised he thinks we should step back and get more citizen input and better define the problem.

Cindy Thompson, 185 Stinson Road, stated that her concern with accessory buildings is that these buildings are being turned into rentals and Airbnb's that are causing noise issues as well as people parking up against her property line. She wanted to express her concerns that more and more Airbnb's will start popping up with no regulation.

Allison Burchett, 211 Forest View Drive, spoke in opposition of this item stating that she moved to the area to have the freedom to do what she wants on her land. Mrs. Burchett does not want to be restricted as to what she can do on her land and believes that clarification between habitable and non-habitable space would help ease the confusion surrounding this topic.

Aaron Aldape, 121 Estelle Lane, spoke in opposition of this item and wanted to state that he agrees with the sentiments stated by the other citizens. Mr. Aldape also stated that he moved to this area to get away from the Airbnb's, and that his family understood there to be a 1500 square feet limit on habitable buildings for R2, which is what they were looking for so that they can build a residence for their aging parents. He advised he believes that the City will not be able to restrict Airbnb's and rentals simply by reducing the size of a building.

The Planning and Zoning Commission further discussed the item and stated there is further discussion that is needed to help clarify what the concerns of the citizens are and how to go about addressing those concerns, as well as include comments on the total number of accessory buildings on a lot and the total amount of square footage for the footprint of the accessory buildings.

City Attorney Courtney Morris advised the Commission that it is difficult to regulate short-term rentals, but that there are some cities that do have ordinances on short-term rentals that we can use as a guide.

City Manager Joni Clarke stated that the Commission can submit input to City staff, and that citizens can input comments to City staff, City Council, and the Commission to bring forward ideas on this item for discussion at the December Planning and Zoning Commission meeting.

Dana Palmer, 1715 Travis Ranch Road, came back to the podium to advise he is a trial attorney, and that Airbnb's can be tracked on their website.

Mayor Olk spoke to the Commission and stated that further discussion can be had to clarify definitions and actual issues being addressed, and that policies can be included in the next packet relating to accessory buildings so that the Commission is being transparent with the public regarding what is being discussed.

There was no motion taken on this item.

4. **Consider approval of the minutes of the September 8, 2022, Planning and Zoning Commission meeting.**

MOTION: A motion was made by Commissioner Williams, seconded by Commissioner Rusterholtz to approve the minutes of the September 8, 2022, Planning and Zoning Commission meeting. The motion passed unanimously by a 4 to 0 vote. Vice Chairman Tolson voted “present” as he was not at the September 8, 2022 Planning and Zoning Commission meeting.

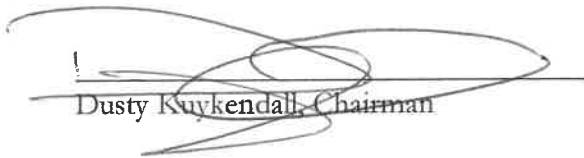
5. **Executive Session.**

An Executive Session was not held at this meeting.

6. **Adjournment.**

MOTION: A motion was made by Alternate Commissioner Bierman, seconded by Commissioner Williams to adjourn the meeting at 8:18 pm. The motion passed unanimously by a 4 to 0 vote.

Chairman Kuykendall adjourned the meeting at 8:18 pm.


Dusty Kuykendall, Chairman


Kevin Becker, Management Analyst

