



MINUTES PLANNING AND ZONING COMMISSION MEETING

January 12, 2023 | 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:

Vice-Chairman Tommy Tolson
Commissioner Peggy Rusterholtz
Commissioner Joe Williams
Commissioner Adam Sussman
Alternate Commissioner Chris Bierman

Staff Present:

City Manager Joni Clarke
Assistant City Manager Kent Souriyasak
Development Services Director Joe Hilbourn
Public Works Director Scott Holden
CIP Manager Patrick Hubbard
City Attorney Courtney Morris

Commissioners Absent:

Chairman Dusty Kuykendall
Alternate Commissioner James Foster

City Council Liaison Present:

Mayor Jim Olk

Citizen Input

Alec Morris, 1229 Highland Drive, thanked the Planning and Zoning Commission for their hard work and for listening to his plea to the Commission to not extend Highland Drive to connect to Lewis Lane in the proposed Thoroughfare Plan.

Public Hearing Agenda

1. **Public hearing to consider approving the updates to the City of Lucas Comprehensive Plan, including Chapters 1 through 8, the Wastewater System Master Plan, Water Distribution Master Plan, Thoroughfare Plan, Future Land Use Map, Zoning Map, and Trails Master Plan.**

The Planning and Zoning Commission discussed amending the Comprehensive Plan with the following:

- On page 35, remove the extra “a” in the last sentence of the second paragraph which states, “It was a previously a gravel road.”
- On page 44, remove the last sentence at the bottom of the page that states, “Included in Appendix is a water system map showing the existing dead end water lines.”
- On the Future Land Use Map, designate the tract of land that is Hart Elementary School and the adjacent triangle lot as R2 (Residential 2-acre lot).
- On the Zoning Map, update the parcel of land at Stinson Road and Parker Road to reflect the recent zoning change from R1.5 (Residential 1.5-acre lot) to R1 (Residential 1-acre lot) that was approved at the January 5, 2023 City Council meeting.

Vice-Chairman Tolson opened the public hearing at 6:40 pm.

With no further comments, the public hearing was closed at 6:41 pm.

MOTION: A motion was made by Commissioner Sussman, seconded by Alternate Commissioner Bierman, to approve the updates to the City of Lucas Comprehensive Plan, including Chapters 1 through 8, the Wastewater System Master Plan, Water Distribution Master Plan, Thoroughfare Plan, Future Land Use Map, Zoning Map, and Trails Master Plan with the proposed amendments. The motion passed unanimously by a 5 to 0 vote.

2. **Public hearing to consider a request by the City of Lucas to rezone a tract of land on the Southeast corner of the intersection of Estelle Lane and Country Club Road from Commercial Business to ED (Estates District) and abandon an existing SUP (Specific Use Permit) that permits a 3000 square foot commercial business, situated in the Ben Sparks Survey, Abstract No. A0813, Tract 74, 0.95 acres.**

The public hearing was canceled.

Regular Agenda

3. **Discuss accessory building regulations in the City of Lucas.**

Development Services Director Joe Hilbourn gave a presentation on this agenda item and discussed proposed changes which included recommendations by Mayor Olk.

City Attorney Courtney Morris indicated that the accessory dwelling unit definition was newly added. Mr. Hilbourn explained the definition indicating the proposed change would result in more specific use permits related to habitable space greater than 500 square feet.

Mr. Hilbourn explained he is in favor of Mayor Olk's recommendations, except the fact that there will be more requests for specific use permits. The Planning and Zoning Commission questioned why there would be more specific use permits. Mr. Hilbourn explained he sees a lot of accessory buildings or dwelling units that do not have a kitchen. Mr. Hilbourn indicated essentially anything over 500 square feet would require a specific use permit.

The Planning and Zoning Commission discussed the definition of sanitation. Ms. Morris indicated the sanitation language is referring to bathrooms.

Commissioner Sussman indicated limiting the space by tiers is fine but having to manage the circumstances for specific use permits is not what the Planning and Zoning Commission intended.

Mayor Olk discussed conflicting definitions related to accessory dwellings and indicated there was previous testimony from people to establish accessory dwellings like guest houses. Mayor Olk explained the City Council saw specific use permits coming forward and thought this may be an issue that the Planning and Zoning Commission can help with. Mayor Olk indicated when someone requested a specific use permit for a kitchen, the City Council did not have parameters to deny it. Mayor Olk provided a definition for accessory building as living space as defined by the International Residential Code. Mayor Olk clarified it was not the City Council's intent to address space such as garages, mancaves, party rooms, pool rooms, or home offices. Mayor Olk indicated this is to address buildings that were meant to be additional dwelling units. Mayor Olk explained if the space exceeds 500 square feet, it would need to go to the Planning and Zoning Commission to review the intent and provide a recommendation to City Council.

Commissioner Rusterholtz asked if a living space excludes different areas that are not considered a living space such as a large barn or shop that will subsequently have a living space and exceeds 500 square feet. Commissioner Rusterholtz asked if the Planning and Zoning Commission will look at the 500 square feet or the whole building. Mayor Olk explained this does not look at the whole building based on how it is written, only the 500 square feet. Mayor Olk indicated a need to make sure we address the language, so they match and read well.

Commissioner Rusterholtz explained if someone truly wants a habitable area, it may be best accomplished by doing it all on the main building and with common rooflines. Commissioner Rusterholtz suggested allowing detached accessory dwelling units on three acres or more, but anything less than three acres they must be attached, advising that this could reduce the possibility of it becoming a rental situation. Commissioner Rusterholtz explained that we need to provide a definition for what exactly defines a kitchen in an accessory dwelling unit.

Mayor Olk indicated there is nothing that stops someone from having multiple kitchens unless it has multiple dwelling units.

Commissioner Rusterholtz indicated once someone builds a space with plumbing, it doesn't take long to convert it into a building with a kitchen. Commissioner Williams indicated he is more inclined to review the specific use permits as this gives an opportunity for the Planning and Zoning Commission to review.

Commissioner Sussman suggested to limit the size of habitable space and what is driving them. Commissioner Sussman agreed with Mayor Olk's separations for maximum number of square footage and indicated most people will select the maximum space based on economics. Commissioner Sussman explained he does not want to manage someone else's decision for square footage and that the habitable space definition could be retrofitted in reverse. Commissioner Sussman indicated he does not care what someone does with the habitable space as long as it's within the space requirements. Commissioner Rusterholtz commented that we should find a balance and what people can do on their property. Commissioner Rusterholtz indicated once we have large second homes, then the zoning is gone. Commissioner Sussman agreed with Mayor Olk's recommendations to cut down the space on manageable habitable space.

Alternate Commissioner Bierman asked if the Planning and Zoning Commission should set a limit on habitable space.

Commissioner Sussman indicated Mayor Olk's recommendations are a good compromise and does not want to get involved with specific use permits for incremental habitable space and let people make their own decisions.

Alternate Commissioner Bierman indicated that secondary homes are addressed by square footage limits and references the pushback from people that they cannot build a 3,000 square foot space.

Commissioner Rusterholtz discussed conditions to prove if someone rents out a space that is creating a nuisance, that the rental agreement would have to be presented in order to prove it is the renter causing a nuisance. Mayor Olk indicated these are conditions of a specific use permit and that the nuisance could be addressed by the nuisance ordinance. Mayor Olk discussed that the accessory dwelling unit definition could be adopted as a secondary self-contained structure but this would need clarification if the structure is detached, attached, or separate from the primary home.

Commissioner Rusterholtz asked if it is permissible or considered a duplex for a single-family dwelling to have an additional separate ensuite with a second kitchen in the main house. Mr. Hilbourn indicated it is permissible as long as it is connected, open, and you cannot walk through a wall.

The Planning and Zoning Commission discussed issues related to the definition of habitable space that creates problems for people, such as those who are building pool houses and workshops.

Commissioner Rusterholtz indicated an opposition to the common utilities in the definition.

Vice-Chairman Tolson commented that the ordinance suggestions do not limit the number of accessory buildings or dwelling units and recommending allowing only one unit with habitable space. Vice-Chairman Tolson discussed restricting utility meters and putting accessory buildings on the same meter as the primary home to make it more difficult as a standalone home. Vice-Chairman Tolson provided examples that meet the requirements for Residential 2-acres and asked if kitchens or cooking areas are allowed in Residential 1-acre and 1.5-acres. Mr. Hilbourn indicated kitchens and cooking areas are only allowed in Residential 2-acres.

Vice-Chairman Tolson indicated he is on board with specific use permits exceeding 500 square feet and that it would not be used for guest quarters or family members based on his reading. Mayor Olk clarified if someone is coming as a guest, they are just coming into the house. Vice-Chairman Tolson indicated he would not want to limit the owners or occupants of a property and prefers that the spaces can be used for guest quarters.

The Planning and Zoning Commissions discussed the restrictions and process for reviewing specific use permits. Mayor Olk indicated a specific use permit is a use that would normally be or not be allowed in a specific zoning unit.

The Planning and Zoning Commission provided the following recommendations:

- One additional dwelling unit per lot
- Tighter definition of additional dwelling unit that is separate from accessory buildings
- Not limiting the number of accessory buildings
- Include utilities language for water, gas and internet, but remove electrical
- Allow occupancy of guests
- Consider space area limitations
- Create a clearer definition for accessory buildings related to habitable space
- Remove information referring to attached accessory buildings indicating it is either part of the main structure or 10 feet away as detached

City Manager Joni Clarke indicated staff will send revised updates for feedback.

There was no motion or action taken on this item.

4. **Consider the appointment of a Chairman and Vice Chairman of the Planning and Zoning Commission to serve for a period of one (1) year with a term ending December 31, 2023.**

MOTION: A motion was made by Commissioner Williams, seconded by Alternate Commissioner Bierman to nominate Dusty Kuykendall as Chairman and Tommy Tolson as Vice-Chairman of the Planning and Zoning Commission to serve for a period of one (1)

year with a term ending December 31, 2023. The motion passed unanimously by a 5 to 0 vote.

5. **Consider the approval of the minutes of the December 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 December 8, 2022 Planning and Zoning Commission meeting as presented. The motion passed unanimously by a 5 to 0 vote.

6. **Adjournment.**

MOTION: A motion was made by Commissioner Williams, seconded by Alternate Commissioner Bierman to adjourn the meeting at 8:17 pm. The motion passed unanimously by a 5 to 0 vote.


Dusty Kuykendall, Chairman


Erin Day, City Secretary