



MINUTES
CITY COUNCIL AND PLANNING AND ZONING
COMMISSION SPECIAL CALLED MEETING

February 23, 2023 | 6:02 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

City Councilmembers Present:

Mayor Jim Olk
Councilmember Tim Johnson
Councilmember David Keer
Councilmember Tim Baney
Councilmember Debbie Fisher

City Staff Present:

City Manager Joni Clarke
City Attorney Courtney Morris
Development Services Director Joe Hilbourn
City Secretary Erin Day
Management Analyst Joshua Menhennett

City Councilmembers Absent:

Mayor Pro Tem Kathleen Peele
Councilmember Phil Lawrence

Planning and Zoning Commission Member Present:

Chairman Dusty Kuykendall
Vice Chairman Tommy Tolson
Commissioner Peggy Rusterholtz

The joint special called meeting of the City Council and Planning and Zoning Commission meeting was called to order at 6:02 pm.

Executive Agenda

1. Discuss Accessory Dwelling Unit Regulations in the City of Lucas.

Mayor Olk gave a list of points regarding accessory dwelling units that are up for discussion including:

- How many accessory dwelling units should be allowed per lot.
- Standalone accessory dwelling units versus accessory dwelling units as part of an existing or larger accessory building.
- Allowable size of an accessory dwelling unit.
- Allowing a kitchen to be part of an accessory dwelling unit.
- If other accessory building regulations should remain as they are.
- If home additions that may resemble an accessory dwelling unit should be considered differently than detached structures.
- If utilities should be required to be supplied only to the main building on a lot.
- Definition of accessory dwelling unit needs to be better defined.
- Redefine accessory building, accessory use, and primary building and use.
- Conditions for approving or disapproving special use permits for kitchens in accessory dwelling units.
- If accessory buildings adjacent to streets should have the same setback requirements as the main building.

- If accessory dwelling units should be prohibited from being rented separate from the main structure.

Mayor Olk advised the Planning and Zoning Commission were unanimous that there should only be one allowable accessory dwelling unit on a lot. Only one accessory dwelling unit allowed per residence.

Mayor Olk explained the Planning and Zoning Commission had mixed views regarding accessory dwelling units as a standalone building versus being part of an existing or larger accessory building. Commissioner Rusterholtz advised that the Planning and Zoning Commission is trying to finalize what size an accessory dwelling unit should be. Councilmember Johnson asked if an accessory dwelling unit is part of an existing house, if that would just be an addition to the house.

Mayor Olk advised there was strong public testimony regarding limiting the size of other accessory buildings. Councilmember Fisher asked if there is a size limit on attached accessory buildings. Mr. Hilbourn advised there is not, and that attached accessory buildings increase the square footage of the house, which also increases the allowable size of detached accessory buildings. Mayor Olk advised that regulation should be looked at as well.

Mayor Olk discussed the need for definitions of accessory dwelling unit, accessory buildings, accessory use, and primary buildings.

Councilmember Fisher advised that she is not a big supporter of approving special use permits. Commissioner Rusterholtz advised that if special use permits are done away with, then it would eliminate the ability to force residents to have a deed restriction preventing a homeowner from renting out an accessory dwelling unit. Councilmember Fisher advised that people are getting accessory dwelling units without a kitchen and then adding a kitchen after the City is done with the approval process.

Councilmember Baney asked City Attorney Courtney Morris what other cities regulations are regarding accessory dwelling units. Mrs. Morris advised other cities do not have this issue because their lot sizes are smaller and there is no uniformity, and that Lucas is unique because people have the resources and the space to build another dwelling unit. Councilmember Baney advised he is in favor of putting a max allowable size on accessory dwelling units. Vice Chairman Tolson advised that they did look at other city's regulations and both Celina and Parker had similar ordinances regarding Airbnbs. Vice Chairman Tolson advised the sizes that some of the current accessory buildings with habitable space are currently being built at makes them a second single-family home.

Mayor Olk advised there were two more things that the Planning and Zoning Commission were unanimous about, one being accessory buildings that are adjacent to the street have to meet the same setbacks as the main building, and the second being that accessory building units be prohibited from being rented out separate from the main structure.

Mayor Olk went through the changes he and City Attorney Courtney Morris had come up with for the current ordinance including:

- Change definition of accessory dwelling unit to suggested verbiage regarding interconnection with primary dwelling. Councilmember Johnson asked if that includes houses with drive-through breezeways that have a building on the other side. Mayor Olk advised most of those have a connecting hallway, but if one did not, then it would be counted as detached.

- Add definition of accessory buildings and structures to include language regarding a building being subordinate in area, volume and extent, as well as incidental in use to the use of the main dwelling or other principal building.
- Sentence under Section 14.04.302 regarding accessory buildings in agriculture districts should be moved to another area that makes more sense.
- Under Section 14.04.302, add language regarding use prohibited from being offensive to persons of ordinary sensibilities.
- Change the allowable size of an accessory dwelling unit to 500 square feet unless a specific use permit is obtained.
- Other clean-up type corrections need to be made, including the language regarding setbacks.
- Clarify that structures that support the accessory dwelling unit count as part of the square footage.
- Add in Section 4 that accessory dwelling units “may” only be used/occupied by the owner/occupant, their family, invited guests, and/or domestic staff.

Mayor Olk advised language regarding utilities to accessory dwelling units needs to be considered.

Councilmember Fisher asked if the total square footage of an accessory dwelling unit would include garages. Mayor Olk advised it would. Councilmember Johnson advised we may need to clarify the verbiage regarding attached accessory dwelling units.

Chairman Kuykendall asked Vice Chairman Tolson if the International Residential Code clearly define what is and is not habitable space. Vice Chairman Tolson advised it does not define non-habitable space.

Mayor Olk gave options regarding maximum square footage allowed in specific zoning districts. Vice Chairman Tolson asked if the City Council would like to see the allowable sizes on a tier system based on zoning districts. Mayor Olk advised that is what the Planning and Zoning Commission should look at, with Agriculture District considered separately.

MOTION: There was no motion needed.

2. Executive Session:

There was no executive session during this meeting.

2. Reconvene from Executive Session and take any action necessary as a result of the Executive Session.

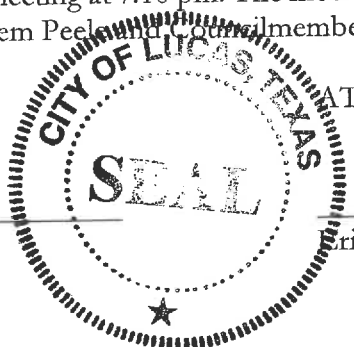
3. Adjournment.

MOTION: A motion was made by Councilmember Baney, seconded by Chairman Kuykendall, to adjourn the meeting at 7:10 pm. The motion passed unanimously by a 5 to 0 vote, with Mayor Pro Tem Peel and Councilmember Lawrence absent.

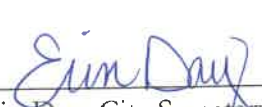
APPROVED:



 Mayor Jim Olk



ATTEST:



 Erin Day, City Secretary