



# MINUTES PLANNING AND ZONING COMMISSION MEETING

April 13, 2023 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

## Call to Order

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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 Joe Williams  
Commissioner Adam Sussman

### Staff Present:

City Manager Joni Clarke  
Development Services Director Joe Hilbourn  
City Attorney Courtney Morris (*video conference*)  
City Secretary Erin Day  
Management Analyst Joshua Menhennett

### Commissioners Absent:

Alternate Commissioner James Foster  
Alternate Commissioner Chris Bierman

### City Council Liaison Present:

Mayor Jim Olk

## Public Hearing Agenda

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1. **Conduct a public hearing and consider approving updates to the City of Lucas Thoroughfare Plan.**
  - A. **Presentation by Development Services Director Joe Hilbourn**
  - B. **Conduct public hearing**
  - C. **Take action on Thoroughfare Plan**

Development Services Director Joe Hilbourn presented on modifications to the Thoroughfare Plan. The changes included a modification to Stinson Road as it aligns to West Lucas Road. Commissioner Adam Sussman asked for clarification on the change being made. Mr. Hilbourn specified the area where changes would be made.

Chairman Kuykendall opened the public hearing at 6:33 pm. There were no members of the public wishing to address the Planning and Zoning Commission. Chairman Kuykendall closed the public hearing at 6:34 pm.

**MOTION:** A motion was made by Commissioner Rusterholtz, seconded by Vice-Chairman Tolson to approve the update to the City of Lucas Thoroughfare Plan as presented. The motion passed unanimously by a 5 to 0 vote.

2. **Conduct a public hearing and consider changes to the City's Code of Ordinances by amending Chapter 14 titled "Zoning", Article 14.01 titled "General Provisions", Division 1 titled "Generally", Section 14.01.004 titled "Definitions", and amending Chapter 14 titled "Zoning", Article 14.04 titled "Supplementary Regulations", Division 8 titled "Accessory Buildings, Structures and Uses".**

- A. Presentation by Development Services Director Joe Hilbourn**
- B. Conduct public hearing**
- C. Take action on amendments to Accessory Building Regulations**

Development Services Director Joe Hilbourn presented the proposed changes to be made to the referenced Code. City Attorney Courtney Morris advised that the changes that were made were not consistent for legal purposes. Commissioner Peggy Rusterholtz noted that there is inconsistency with numbers and wording in sections of the referenced Code. Commissioner Peggy Rusterholtz recommended technical corrections to other parts of the same Code, including consistency in reference words used, in addition to the location of certain wording in the Code. Mayor Jim Olk advised the Commission on the purpose of the present verbiage. Commissioner Adam Sussman opined that he has concern with added administrative requirements as a result of requiring special use permits for increased square footage.

Chairman Kuykendall opened the public hearing at 6:43 pm. There were no members of the public wishing to address the Planning and Zoning Commission. Chairman Kuykendall closed the public hearing at 6:43 pm.

**MOTION:** A motion was made by Vice-Chairman Tommy Tolson, seconded by Commissioner Rusterholtz to recommend to the City Council to approve changes to the City Code of Ordinances by amending Chapter 14 titled “Zoning”, Article 14.01 titled “General Provisions”, Division 1 titled “Generally”, Section 14.01.004 titled “Definitions”, and amending Chapter 14 titled “Zoning”, Article 14.04 titled “Supplementary Regulations”, Division 8 titled “Accessory Buildings, Structures and Uses” with the following modifications:

- In Section 14.04.302, Subsection 1 in the second line, change the word “accessory” to “subordinate”.
- In Section 14.04.304, Subsection 4(B)(ii), delete the words “and AO” and in Subsection 4(B)(iii), add the words “AO” after the designation of “R-1”.

The motion passed unanimously by a 5 to 0 vote.

- 3. Conduct a public hearing and consider approving a request for a change in zoning from AO (Agricultural and Open Space) to R-2 (Residential 2-acre) on a 23+/- parcel of land generally located at 355 Winningkoff Road.**

- A. Presentation by Development Services Director Joe Hilbourn**
- B. Conduct public hearing**
- C. Take action on Zoning Change Request**

This agenda item was pulled from the agenda as a result of an error in the public notice.

**MOTION:** There was no motion needed for this item.

- 4. Conduct a public hearing and consider approving changes to the City of Lucas Code of Ordinances, Chapter 14 titled “Zoning”, by amending Article 14.02 titled “Administration”, Division 3 titled “Changes and Amendments”, Section §14.02.063 titled “Procedure”.**

- A. Presentation by Development Services Director Joe Hilbourn**
- B. Conduct public hearing**
- C. Take action on amendments to the Zoning Appeals Process**

Development Services Director Joe Hilbourn presented on the recommended changes to the zoning appeals process, including striking of text that was not necessary and the addition of words to improve specificity. City Attorney Courtney Morris advised the Commission that stricken language was never required by statute. Commissioner Peggy Rusterholtz opined that the Code now reads much cleaner.

Chairman Kuykendall opened the public hearing at 6:48 pm. There were no members of the public wishing to address the Planning and Zoning Commission. Chairman Kuykendall closed the public hearing at 6:49 pm

**MOTION:** A motion was made by Commissioner Joe Williams, seconded by Vice-Chairman Tommy Tolson to recommend to City Council to approve changes to the City of Lucas Code of Ordinances, Chapter 14 titled "Zoning", by amending Article 14.02 titled "Administration", Division 3 titled "Changes and Amendments", Section §14.02.063 titled "Procedure". The motion passed unanimously by a 5 to 0 vote.

## Regular Agenda

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- 5. Consider the request by Majed Khalaf on behalf of Mahmoud Properties for a site plan, landscape plan, and elevations 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 presented the proposed site plan, landscape plan, and construction elevations. The requestor, Majed Khalaf (650 East Tripp Road, Sunnyvale, TX 75182) addressed the Commission. Mr. Khalaf noted that the addition of trees on the east and west side of the proposed plan were made to accommodate for the lack of a masonry wall. Commissioner Adam Sussman asked Development Services Director Joe Hilbourn if a commercial property development is held to certain motor traffic flow requirements. Mr. Hilbourn advised that an access lane and minimum turning radius is required. Mr. Hilbourn advised Commissioner Sussman that the property on the east side is zoned R-2 and the property on the west side is R-2 with a special use permit. Mr. Hilbourn advised that if the land is sold on the west side then the special use permit also carries with it.

Commissioner Peggy Rusterholtz asked for specifications on the distance of the site from the nearest residential district. Mr. Hilbourn advised that Building B does not meet the setback requirements. Commissioner Peggy Rusterholtz noted that the site plan will need to be modified to fix this issue. Commissioner Rusterholtz also noted that the east end of Building A would need to be modified as well. Chairman Kuykendall asked for the height of Building A. Mr. Hilbourn advised that the east end of Building A was 19 feet, four inches. Commissioner Rusterholtz also recommended a clear path from the parking lot be created using concrete as opposed to grass. Commissioner Rusterholtz and Chairman Dusty Kuykendall opined that wax myrtles would be more favorable than a wall on the east side.

**MOTION:** A motion was made by Commissioner Rusterholtz, seconded by Commissioner Williams to table the request to allow the developer to make the necessary changes to bring it in conformance with the ordinances. The motion passed unanimously by a 5 to 0 vote.

- 6. Discuss updates on the Barrett Lakes Estates Addition.**

Development Services Director Joe Hilbourn presented on the updates and changes made to the addition at Barrett Lakes Estates, including photos outlining corrections made to the grout, riprap, outfall, outflow, and pipes on the property. Vice-Chairman Tommy Tolson asked which set of stormwater management variables were used for the plans. Mr. Hilbourn advised that the management variables used were those in place at the time of filing.

**MOTION:** There was no motion needed for this item.

7. **Consider the 88th Legislative Session and discuss any proposed bill or significant resolution that may have an impact on the City of Lucas and provide guidance to the City Attorney and City Manager.**

City Attorney Courtney Morris advised the Commission on various legislative items in the 88<sup>th</sup> Texas Legislative Session. Commissioner Peggy Rusterholtz asked what it means for a bill to be “pending” in committee. City Attorney Courtney Morris clarified that this means that the committee did not vote on the bill or change the text of the bill, and it could come back up for a decision later.

**MOTION:** There was no motion needed for this item.

8. **Consider approval of the minutes of the March 9, 2023 Planning and Zoning Commission meeting.**

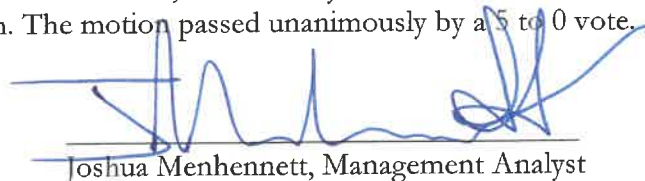
**MOTION:** A motion was made by Commissioner Williams, seconded by Commissioner Sussman to approve the minutes of the March 9, 2023 Planning and Zoning Commission meeting. The motion passed unanimously by a 5 to 0 vote.

9. **Adjournment.**

**MOTION:** A motion was made by Commissioner Sussman, seconded by Commissioner Williams to adjourn the meeting at 7:32 pm. The motion passed unanimously by a 5 to 0 vote.



Dusty Kuykendall, Chairman



Joshua Menhennett, Management Analyst