



MINUTES PLANNING AND ZONING COMMISSION MEETING

June 8, 2023 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

Commissioners Present:

Vice-Chairman Tommy Tolson
Commissioner Peggy Rusterholtz
Commissioner Joe Williams
Alternate Commissioner Chris Bierman
Alternate Commissioner Frank Hise

Commissioners Absent:

Commissioner James Foster
Commissioner Adam Sussman

Staff Present:

City Manager Joni Clarke
Assistant City Manager Kent Souriyasak
Development Services Director Joe Hilbourn
City Attorney Courtney Morris
City Secretary Erin Flores
Management Analyst Joshua Menhennett

City Council Liaison Present:

Mayor Jim Olk

Call to Order

The meeting was called to order at 6:30 pm and the Pledge of Allegiance was recited.

Regular Agenda

1. **Consider the request by Dave Wilcox (on behalf of Liberty Bank) for a final plat for Hendrick Estates, a parcel of land being 73.4268 acres of land located on the north and south sides of Blondy Jhune Road and east of Country Club Road, being part of the Peter Lucas Survey, A-537; J.W. Kerby Survey, A-506; James Grayum Survey, A-506, Tracts 1, 2, & 3.**

Development Services Director Joe Hilbourn presented the proposed final plat for the Dave Wilcox plot of land. There were no additional comments or questions.

MOTION: A motion was made by Commissioner Rusterholtz, seconded by Commissioner Williams to approve the request by Dave Wilcox as presented. The motion passed unanimously by a 5 to 0 vote.

2. **Consider the approval of the Declaration and Protective Covenants for Hendrick Estates, a parcel of land being 73.4268 acres of land being part of the Peter Lucas Survey, A-537; J.W. Kerby Survey, A-506; James Grayum Survey, A-506, Tracts 1, 2, & 3.**

Development Services Director Joe Hilbourn spoke to the Commission regarding the Housing Association documents that have been provided.

Alternate Commissioner Chris Bierman asked what the role of the City was in regards to the document. Development Services Director Joe Hilbourn said that City staff and the City Attorney reviewed and edited the documents in order to meet regulations. City Attorney Courtney Morris advised that she has reviewed them, and the presented documents are in compliance.

MOTION: A motion was made by Commissioner Williams, seconded by Alternate Commissioner Bierman to approve the Declaration and Protective Covenants for Hendrick Estates, a parcel of land being 73.4268 acres of land being part of the Peter Lucas Survey, A-537; J.W. Kerby Survey, A-506; James Grayum Survey, A-506, Tracts 1, 2, & 3. The motion passed unanimously by a 5 to 0 vote.

3. Discuss updating the City of Lucas Code of Ordinances, Chapter 14 titled “Zoning.”

Development Services Director Joe Hilbourn asked the Commission how they would like to proceed on the review of Chapter 14 of the City’s Code of Ordinances. Commissioner Peggy Rusterholtz opined that the Commission review Chapter 14 page by page using the calendar of review that was provided. The Commission agreed to proceed on the review of the chapter in this manner.

The following changes were suggested and will be brought before the Planning and Zoning Commission on July 13, 2023:

- Provide draft definitions for “pool houses” and “art studios.”
- Specification of cottage food laws and preparation in regard to “Farmers market.”
- Make the use of “accessory building” in the definition of “Lot” plural and put parentheses around the “s.”
- Specification of adoption dates for Chapter 14 definitions.
- In the definition of “Lot of record” make mention that the plat be approved by the City of Lucas and change the word “country” to the word “county.”
- Eliminate the definition of “Main building” or move it to “Primary building” to match with recent changes to code regarding Accessory Dwelling Units.
- Change the fourth instance of the word “of” in the definition of “Nonconforming” to “or.”
- Combine the definition of “Park, playground, community center” with the definition of “Public park” into one definition.
- Adding the definition of “Nuisance” to this chapter.
- Section 14.02.032 “Meetings” should be corrected to reflect the proper staff member who is recording the minutes of the meeting.
- Section 14.02.036 (a) and 14.02.036 (d) should be corrected to reflect the proper staff member in charge of filing decisions of the Board of Adjustment.
- Section 14.02.060 (c) should be corrected from “ ‘A’ ” to “ ‘AO’ ”.

Development Services Director Joe Hilbourn advised the Commission on some details regarding athletic facilities in residential areas. Commissioner Rusterholtz advised Mr. Hilbourn that if he can provide a list of nuisances that go along with various construction projects then the Commission can react accordingly when reviewing Chapter 14. Mr. Hilbourn advised if excessive noise and lights can be limited or removed then most problems in regard to regulations would be alleviated.

There was no motion required for this item.

4. Consider the appointment of a Chair of the Planning and Zoning Commission to serve for a term ending December 31, 2023 and appoint a Vice-Chair if needed.

Vice Chairman Tolson opened the floor for nominations.

Commissioner Williams nominated Vice Chairman Tolson to serve as Chairman.

MOTION: A motion was made by Commissioner Williams, seconded by Alternate Commissioner Bierman to appoint Vice Chairman Tolson as the Chairman of the Planning and Zoning Commission. The motion passed unanimously by a 4 to 0 vote.

Chairman Tolson advised the Commission that the position of Vice Chairman must now be filled and opened the floor for nominations.

Alternate Commissioner Bierman nominated Commissioner Williams to serve as Vice Chairman.

MOTION: A motion was made by Alternate Commissioner Bierman, seconded by Chairman Tolson to appoint Commissioner Williams as the Vice Chair. The motion passed unanimously by a 4 to 0 vote.

5. **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 Manager Joni Clarke advised the Commission that the 88th General Legislative Session is coming to an end, thus, Assistant City Manager Kent Souriyasak will be traveling to Georgetown to attend the Texas Municipal League Legislative Workshop to review the summary of bills that will be affecting cities once they are signed by the Governor.

There was no motion required for this item.

6. **Consider approval of the minutes of the May 11, 2023 Planning and Zoning Commission Meeting.**

MOTION: A motion was made by Commissioner Rusterholtz, seconded by Vice Chairman Williams to approve the minutes from the May 11, 2023 Planning and Zoning Commission Meeting. This motion was passed unanimously with a 5 to 0 vote.

Public Hearing Agenda

7. **Conduct a public hearing and consider a Specific Use Permit (SUP) application to permit an accessory building in the front of the main structure at 253 East Blondy Jhune Road, Lot 5 of Rock Creek Acres, Lucas, Texas zoned R-2 (Residential 2-Acre).**
 - A. **Presentation by Development Services Director Joe Hilbourn**
 - B. **Conduct public hearing**
 - C. **Take action on Zoning Change Request**

Before the presentation and for the duration of the agenda item, Commissioner Rusterholtz recused herself from participation.

Development Services Director Joe Hilbourn gave a presentation highlighting the background information on the item, location map, site plan, proposed building plans, proposed elevation plan, and staff recommendations. Mr. Hilbourn noted that the siding requirement would allow for any siding that is horizontal. Mr. Hilbourn also advised that by tying the plans to the SUP, the requestor would have to request for any changes to be made to the structure in the future.

The Public Hearing was opened by Chairman Tolson at 7:41. Chairman Tolson closed the Public Hearing at 7:42 pm.

Chairman Tolson asked why the recommendation is written to have 75% minimum masonry. Development Services Director Joe Hilbourn advised that this was to allow the requestor to add any additional siding that may not be listed in case it comes up, as in vents or other decorative features. Chairman Tolson requested that the new structure stay consistent to others on the property (75% masonry). Chairman Tolson also requested a certain panel not be used. Mr. Hilbourn suggested specifying siding materials to be used. Mr. Hilbourn advised that all the buildings already on the property were 100% masonry. Alternate Commissioner Bierman advised that the guidelines remain consistent based on previous construction. Mr. Hilbourn advised that the precedent for these buildings in the future would be made based on the Commission's decision on this SUP.

Chairman Tolson advised that the roofing material of the new construction remain consistent with the dwellings on the property. Chairman Tolson also advised that a new land survey be conducted that shows the 300-foot setback and the person who conducted the survey. Mr. Tolson also stated that lighting on the exterior of the building should be shielded and pointed downward.

The Public Hearing was reopened by Chairman Tolson at 7:51 pm.

The owner, Jared Bunn, 253 East Blondy Jhune Road advised the Commission on the decision to plan for brick to go up the side of the building. Development Services Director Joe Hilbourn clarified to the Commission the specific material being used on the higher portion of the building. Mr. Bunn advised the Commission that the two lights planned to be put on the building are the same as the other buildings on the property, shielded and pointed downward.

Vice Chairman Williams advised that no matter the direction the hope is that the new construction matches, in style, the other buildings on the property.

The Public Hearing was closed by Chairman Tolson at 7:56 pm.

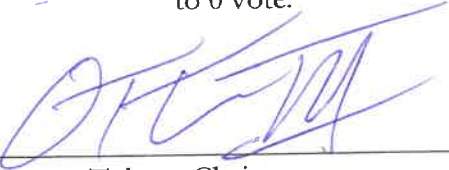
Chairman Tolson advised that two options could be used. The first being 100% brick veneer, or 75% brick veneer and 100% masonry. The Commission agreed that the second option would work for owner flexibility.

MOTION: A motion was made by Vice Chairman Williams, amended by Chairman Tolson, and seconded by Alternate Commissioner Bierman to approve a Specific Use Permit (SUP) application to permit an accessory building in the front of the main structure at 253 East Blondy Jhune Road, Lot 5 of Rock Creek Acres, Lucas, Texas zoned R-2 (Residential 2-Acre). The motion was amended to include 75% brick veneer and 100% masonry perimeter walls, the roofing material be 30-year composition asphalt shingles, a revised notation date, a line showing the distance from the corner of the building to the property line, and a name of the surveyor, along with noting that the SUP only applies to the building presented.

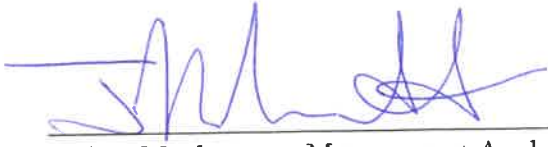
Commissioner Peggy Rusterholtz rejoined the meeting at 8:00 pm.

8. **Adjournment.**

MOTION: A motion was made by Vice Chairman Williams, seconded by Alternate Commissioner Bierman to adjourn the meeting at 8:01 pm. The motion passed unanimously by a 5 to 0 vote.



Tommy Tolson, Chairman



Joshua Menhennett, Management Analyst