



# MINUTES PLANNING AND ZONING COMMISSION MEETING

August 10, 2023 | 6:30 PM

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

## **Commissioners Present:**

Chairman Tommy Tolson  
Vice-Chairman Joe Williams  
Commissioner Rusterholtz  
Commissioner Chris Bierman

## **Commissioners Absent:**

Commissioner James Foster  
Alternate Commissioner Frank Hise

## **Staff Present:**

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

## **City Council Liaison Present:**

Mayor Jim Olk

## **Call to Order**

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

## **Public Hearing**

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- 1. Conduct a public hearing and consider a Specific Use Permit (SUP) application submitted by Bill Shipley on behalf of Caliber Collision to permit a Caliber Collision paint and body shop with minor automotive located in the William Snider Survey, Abstract Number 821, Tract 16, being 1.75 acres of a 5.7601 acres tract of land, more commonly known as a tract of land on McGarity Lane 500' east of the intersection of Angel Parkway and McGarity Lane.**

Development Services Director Joe Hilbourn presented on this item. Mr. Hilbourn indicated tying the site plan to the SUP. Commissioner Rusterholtz asked for clarification of entryways into the location. Mr. Hilbourn advised that the shown designs was predictive of another proposed future development. Commissioner Rusterholtz asked if there was a drive that corresponded to the site plan. Mr. Hilbourn advised the drive will be visible in the final plat later in the meeting.

Chairman Tommy Tolson opened up the Public Hearing at 6:36 pm.

Chairman Tommy Tolson read the email of Erika Busey, 425 Pennington Drive, which included her concerns regarding traffic risks, accessibility, environmental concerns, noise levels, along with value loss of the community and nearby homes.

Julie Judd, 445 Pennington Drive, expressed concern on possible noise, chain link fence on the property, current and future concerns for McGarity Lane, and if there is a way to prevent traffic damaging property in the area.

Curtis Helton, 2300 McGarity Lane, expressed concern that the business would not be a productive business for Lucas, McGarity Lane may not hold the increased traffic in its current state, present businesses causing congestion in the area, chain link fence, along with the lack of current demand in Lucas that may cause customers from Allen and McKinney.

Ken Judd, 455 Pennington Drive, expressed concern on the current state of McGarity Lane to support the traffic that the business will bring, restrictions turning onto Angel Parkway, property destruction caused by construction already in the area, noise and visuals that will be created by wrecked vehicles on the property.

Jack Zanger, 2949 Parkwood Boulevard, Frisco, Texas, is a representative of the applicant and spoke regarding the qualifications of Caliber Collision in providing service without causing issues especially noise and visual disturbances. Mr. Zanger asked whether there was another more specific site plan available to review. Development Services Director Joe Hilbourn indicated he did not receive any such document.

Chairman Tolson asked for clarification as to where on the presented location map the business would be constructed and what the applicant is purchasing from the tract of land. Mr. Zanger advised they are purchasing the northwest corner of the depicted tract with enough space for 70 parked vehicles.

Commissioner Rusterholtz asked when the proposed operating business hours would be. Mr. Zanger indicated the times would be 8:00 am to 6:00 pm on Monday through Friday. Commissioner Rusterholtz asked whether the autobody shop would need to receive a separate SUP for holding cars on the property for storage. Mr. Hilbourn advised they wouldn't need one for this purpose. Commissioner Bierman asked whether Caliber Collision has a written policy on performing work indoors. Mr. Zanger indicated that indoor work is a standard practice of Caliber Collision.

Jake Seaton, 521 Meravan Drive, Palm Harbor, Florida, is a representative of the applicant and advised the Commission on specifics regarding Caliber Collisions business practices including storage, noise, waste management, and ecological impact handled by an external party.

Chairman Tolson discussed the Caliber Collision locations present in the City of Allen and noted the locations often store vehicles on the roadway. Vice-Chairman Williams asked what the plans were for areas of the land perpendicular to the proposed development. Mr. Seaton noted there are plans for retail in that area.

Chairman Tolson closed the Public Hearing at 6:58 pm.

Commissioner Bierman asked whether the present location map was an accurate representation of the land. Development Services Director Joe Hilbourn advised it is and represents the 5.7-acre tract of land that is being divided into a 1.75-acre tract of land. Commissioner Bierman asked whose responsibility it is to cover the cost of road repair when the building is constructed. Mr. Hilbourn advised there are proposed changes to Angel Parkway that staff are looking to predict in order to avoid future repairs of McGarity Lane.

Commissioner Rusterholtz indicated some concerns with the location specifically with noise, infrastructure of McGarity Lane, and traffic.

Vice-Chairman Williams indicated concerns with storage of vehicles at the location.

Commissioner Bierman asked what would happen to a business that violated the use of the SUP by parking outside of the assigned areas. Development Services Director Joe Hilbourn indicated the location owner can be cited for the infraction or their SUP could be removed.

Chairman Tolson indicated the application does not match the current infrastructure and need of the area.

**MOTION:** A motion was made by Commissioner Rusterholtz, seconded by Vice-Chairman Williams to deny a Specific Use Permit (SUP) application submitted by Bill Shipley on behalf of Caliber Collision to permit a Caliber Collision paint and body shop with minor automotive located in the William Snider Survey, Abstract Number 821, Tract 16, being 1.75 acres of a 5.7601 acres tract of land, more commonly known as a tract of land on McGarity Lane 500' east of the intersection of Angel Parkway and McGarity Lane. The motion passed unanimously by a 4 to 0 vote.

## Regular Agenda

- 2. Consider approving an application for an amended site plan submitted by Kristi Burk with BRR Architecture, Inc. on behalf of Walmart Real Estate Business Trust for the Walmart Lucas Addition, Block A, Lot 1 situated in the City of Lucas, Collin County, Texas, located at 2662 West Lucas Road.**

Development Services Director Joe Hilbourn presented on this item. Commissioner Bierman asked what the City would do in the case that the store management does not maintain it. Mr. Hilbourn indicated the owner could be cited or the management must clean it up, as the City would not clean it up.

Chairman Tolson discussed several reasons as to why he would not support an SUP for this location.

Commissioner Bierman indicated the prospect is hopeful but the likelihood of success at a high level would be unlikely.

Commissioner Rusterholtz indicated cities in the surrounding area have a form of recycling and the City should not pursue this.

Vice-Chairman Williams advised he is worried that the rate of cleaning of the unit would not meet the amount of problems that the receptacle would face.

Chairman Tommy Tolson indicated the immediate area around the facility will benefit nonresidents and would be a large detriment to Lucas citizens.

**MOTION:** A motion was made by Commissioner Rusterholtz, seconded by Vice-Chairman Williams to deny an application for an amended site plan submitted by Kristi Burk with BRR Architecture, Inc. on behalf of Walmart Real Estate Business Trust for the Walmart Lucas Addition, Block A, Lot 1 situated in the City of Lucas, Collin County, Texas, located at 2662 West Lucas Road. The motion passed unanimously by a 4 to 0 vote.

- 3. Consider approving an application for a final plat submitted by Dave Carter on behalf of NDC Holdings, LP, for Lucas Retail Addition, a retail center on a 1.619-acre tract of land located in the William Snider Survey, Abstract Number 821, situated in the City of Lucas, Collin County, Texas, located at 2695 McGarity Lane.**

Development Services Director Joe Hilbourn presented on this item. There was no discussion.

**MOTION:** A motion was made by Vice-Chairman Williams, seconded by Commissioner Bierman to approve an application for a final plat submitted by Dave Carter on behalf of NDC Holdings, LP, for Lucas Retail Addition, a retail center on a 1.619-acre tract of land located in the William Snider Survey, Abstract Number 821, situated in the City of Lucas, Collin County, Texas, located at 2695 McGarity Lane. The motion was passed unanimously by a 4 to 0 vote.

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

Development Services Director Joe Hilbourn advised the Commission that the City Council has requested the City Attorney to review definitions such as “she-shed”, “man-cave”, and among others for further review.

Commissioner Bierman asked what should be done with definitions that the Commission may want to propose. Mr. Hilbourn advised that the Commission should send him the proposed definitions.

Commissioner Rusterholtz asked if the definitions and terms can be limited to avoid overusing definitions. Mayor Olk indicated the City Council requested to revisit definitions as the specifics of the definitions began to become entangled when discussing accessory dwelling units (ADU) and that definitions should be general and encompassing.

Commissioner Rusterholtz asked whether the definitions are being used to hinder residents from using their ADU as a business enterprise. Mr. Hilbourn advised that when discussing ADU’s in the context of the ordinance, the City exempted certain uses. Mr. Hilbourn indicated his office has received applications for large buildings in the name of these exemptions. Commissioner Rusterholtz asked why definitions such as “pool house” has to be used. Mr. Hilbourn advised that no such definition has to be used.

Chairman Tolson opened up discussion regarding Chapter 14.04, Division 5. The following changes were suggested:

- Revise Section 14.03.535, Article 3, Article 4, and Article 7 as they are duplicates of provisions listed earlier in the same chapter.
- Revise Section 14.03.535, Article 5, change “site plan approval” with “plat approval.”

Chairman Tolson asked why a section of the code regarding lot size in Estate District (ED) was rewritten from half-acre lot size to one-and-a-half-acre lot size. Commissioner Rusterholtz indicated this was done due to sizes already present at the Travis Ranch subdivision.

Chairman Tolson advised the Commission to move on to the review of the planned section. Commissioner Rusterholtz asked about the references regarding the adoption date under certain areas of the chapter. Ms. Morris advised this was the codifier’s note that the section has not been revised since 1995.

The Commission discussed the following changes:

- In the last sentence of Section 14.01.003, rewrite as “Where other ordinances impose a great restriction than is imposed herein, the provisions of such other ordinances, covenants, or agreements shall govern.”

- In the first sentence of Section 14.01.005, Article 9, add the text “, unless provided for elsewhere in this code” following the word “line” and before the period.

Chairman Tolson recommended adding Councilmember Fisher’s five concerns regarding Chapter 14 to the next agenda.

There was no motion needed for this item.

**5. Discuss Planning and Zoning Commission meeting logistics and attendance.**

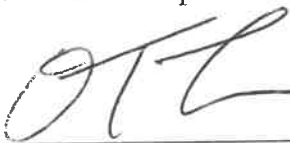
Chairman Tolson asked the Commission if there is a more convenient time and/or day for the Planning and Zoning Commission meeting to see if it maximizes the attendance of all Commissioners. Chairman Tolson provided recommendations to adjust meeting protocols to improve efficiency such as announcing a quorum and eliminating roll call, no introduction of city staff, add consent agenda for minutes, easy ordinance changes and final plats with an approved preliminary plat, and announce adjournment with no call for a motion to adjourn. Chairman Tolson would like consensus from the Planning and Zoning Commission regarding a convenient meeting time and/or day to maximize attendance.

There was no motion needed for this item.


**6. Consider approving the minutes of the July 13, 2023 Planning and Zoning Commission Meeting.**

**MOTION:** A motion was made by Commissioner Rusterholtz, seconded by Commissioner Bierman to approve the minutes of the July 13, 2023 Planning and Zoning Commission Meeting. The motion passed unanimously by a 4 to 0 vote.

Closed at 7:51 pm.

  
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Tommy Tolson, Chairman



  
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Kent Souriyasak, Assistant City Manager