



AGENDA

Planning and Zoning Commission Meeting

October 13, 2022 | 6:45 PM

(or immediately following the Capital Improvements Advisory Committee Meeting)

Council Chambers

City Hall | 665 Country Club Road, Lucas, Texas

Notice is hereby given that a meeting of the City of Lucas Planning and Zoning Commission will be held on October 13, 2022, at 6:45 pm (or immediately following the Capital Improvements Advisory Committee) at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002-7651, at which time the following agenda will be discussed. As authorized by Section 551.071 of the Texas Government Code, the Planning and Zoning Commission may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

If you would like to watch the meeting live, you may go to the City's live streaming link at <https://www.lucastexas.us/live-streaming-videos/>.

How to Provide Input at a Meeting:

Speak In Person: Request to Speak forms will be available at the meeting. Please fill out the form and give to the Management Analyst prior to the start of the meeting. This form will also allow a place for comments.

Submit Written Comments: If you are unable to attend a meeting and would like to submit written comments regarding a specific agenda item, email Management Analyst Kevin Becker at kbecker@lucastexas.us by no later than 3:30 pm the day of the meeting. The email must contain the person's name, address, phone number, and the agenda item(s) for which comments will be made. Any requests received after 3:30 pm will not be included at the meeting.

Call to Order

- Roll Call
- Determination of Quorum
- Reminder to turn off or silence cell phones
- Pledge of Allegiance

Public Hearing Agenda

1. Public hearing to consider a request made by Andrea Bedell on behalf of property owner James Irwin to rezone a parcel of land from Residential 2-acres (R2) to Agricultural (AO), being 22.661 acres, situated in the James Lovelady Survey, Abstract No. 538, in the City of Lucas, Collin County, Texas. (**Development Services Director Joe Hilbourn**)
 - A. Presentation by Development Services Director Joe Hilbourn
 - B. Conduct public hearing
 - C. Take action regarding the proposed rezoning request

Regular Agenda

2. Consider the request by Randy Helmburger on behalf of Christopher White for a preliminary plat for a parcel of land, being 10.83 acres, part of the Thomas D. James Survey, Abstract 477, City of Lucas, Collin County Texas, located on the south side of East Winningkoff Road and east of Welborn Lane, more commonly known as 1110 East Winningkoff Road. **(Development Services Director Joe Hilbourn)**
3. Discuss accessory buildings with habitable space regarding guest quarters in all residential zoning districts and provide guidance to staff. **(Development Services Director Joe Hilbourn)**
4. Consider approval of the minutes of the September 8, 2022, Planning and Zoning Commission meeting. **(Management Analyst Kevin Becker)**

Executive Agenda

As authorized by Section 551.071 of the Texas Government Code, the Planning and Zoning Commission may convene into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney regarding any item on the agenda at any time during the meeting. This meeting is closed to the public as provided in the Texas Government Code.

5. Executive Session: An Executive Session is not scheduled for this meeting.
6. Adjournment.

Certification

I do hereby certify that the above notice was posted in accordance with the Texas Open Meetings Act on the bulletin board at Lucas City Hall, 665 Country Club Road, Lucas, Texas 75002 and on the City's website at www.lucastexas.us on or before 5:00 p.m. on October 7, 2022.



Kent Souriyasak, Assistant to the City Manager

In compliance with the American with Disabilities Act, the City of Lucas will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services should be directed to Management Analyst Kevin Becker at 972-912-1214 or by email at kbecker@lucastexas.us at least 48 hours prior to the meeting.



City of Lucas

Planning and Zoning Agenda Request

October 13, 2022

Item No. 01

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Public hearing to consider a request made by Andrea Bedell on behalf of property owner James Irwin to rezone a parcel of land from Residential 2-acres (R2) to Agricultural (AO), being 22.661 acres, situated in the James Lovelady Survey, Abstract No. 538, in the City of Lucas, Collin County, Texas.

- A. Presentation by Development Services Director Joe Hilbourn
- B. Conduct public hearing
- C. Take action regarding the proposed rezoning request

Background Information

This lot is currently zoned Residential 2-acres (R2), and the applicant is requesting a zoning change to Agricultural (AO). The parcel was zoned R2 at the owner's request and approved by the Planning and Zoning Commission at the August 12, 2021, meeting and by City Council on the September 2, 2021 meeting.

Attachments/Supporting Documentation

- 1. Location Map
- 2. Public Notice
- 3. Depiction

Budget/Financial Impact

NA

Recommendation

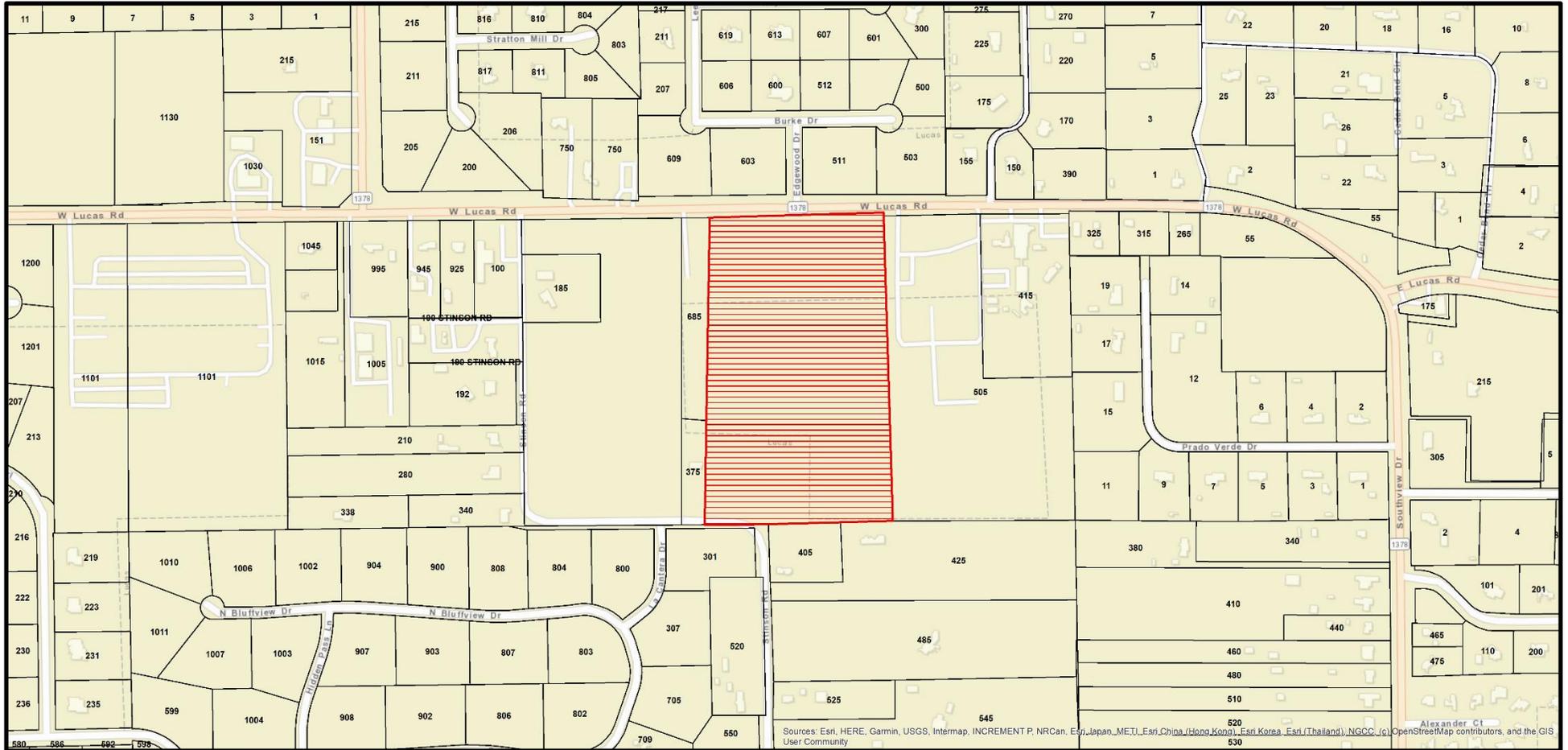
Staff does not recommend approval of the zoning request as presented.

Motion

I make a motion to recommend to the City Council to approve/deny a request made by Andrea Bedell on behalf of property owner James Irwin to rezone a parcel of land from Residential 2-acres (R2) to Agricultural (AO), being 22.661 acres, situated in the James Lovelady Survey, Abstract No. 538, in the City of Lucas, Collin County, Texas.



LOCATION MAP





NOTICE OF PUBLIC HEARING

Notice is hereby given, that the Planning & Zoning Commission of the City of Lucas, Texas will hold a public hearing on Thursday, October 13, 2022, at 6:30 p.m. at Lucas City Hall, 665 Country Club, Lucas, Texas to consider changing the zoning on a parcel of land from R-2 to AO more particularly described as follows:

Being a tract of land, situated in the James Lovelady Survey, Abstract No. 538, in the City of Lucas, Collin County, Texas, and being all of that called 22.661 acre tract of land, described by deed to Gus Gibson, Jr. and Walter G. Bedell, as recorded in Volume 1889, Page 283, of the Deed Records, Collin County, Texas (D.R.C.C.T.), said tract being more particularly described, as follows:

BEGINNING at a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" found for the northwesterly corner of said 22.661 acre tract, same being the northeasterly corner of a tract of land, described by deed to Chris Koerner and Jessica Koerner, as recorded under Document No. 20160725000950450, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), same being in the southerly monumented line of W. Lucas Road (F.M. 1378);

THENCE South 89°43'16" East, along said southerly monumented line of W. Lucas Road, a distance of 739.61' to a 5/8" iron rod found for the northeasterly corner of said 22.661 acre tract, same being the northwesterly corner of a right-of-way dedication, dedicated by plat recorded in Vol. 2009, Pg. 224, O.P.R.C.C.T. (LUCAS CHURCH ADDITION);

THENCE South 00°19'15" East, along the common line between said 22.661 acre tract and said LUCAS CHURCH ADDITION, passing a 1/2" iron rod found for the northwesterly corner of Lot 1, Block A, of said LUCAS CHURCH ADDITION, at a distance of 15.00', and continuing in all, a total distance of 1283.67' to a point for corner, being the southeasterly corner of said 22.661 acre tract, same being in the northerly line of Lot 3, of HI FLYIN' ACRES, an addition to the City of Parker, as recorded in Volume J, Page 929, of the Map Records, Collin County, Texas (M.R.C.C.T.), from which a 5/8" iron rod found bears, South 00°34'004" East, a distance of 3.60';

THENCE North 89°38'41" West, along the southerly line of said 22.661 acre tract, same being along the northerly line of said Lot 3, passing a 1/2" iron rod found, at a distance of 212.71', for the northwesterly corner of said Lot 3, same being the northeasterly corner of Lot 2, of said HI FLYIN' ACRES, and continuing along the northerly line of said Lot 2, a total distance of 516.44' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" set for the northwesterly corner of said Lot 2;

THENCE North 89°49'30" West, along the southerly line of said 22.661 acre tract, a distance of 283.67' to a 1" iron rod found for the southwesterly corner of said 22.661 acre tract, same being on the southerly side of Stinson Road, said corner also being the southeasterly corner of a tract of land,

described by deed to Adagio Investments, Inc., as recorded under Document No. 20180111000049020, O.P.R.C.C.T.;

THENCE North 02°22'44" East, along the westerly line of said 22.661 acre, same being the easterly line of said Adagio Investments, LLC tract, passing a 1/2" iron rod found, at a distance of 44.70' and continuing a distance of 390.43' (total easterly line of said Adagio tract: 435.13') a 1/2" iron rod found for the northeasterly corner of said Adagio Investments, LLC tract, same being the southeasterly corner of the aforementioned Koerner tract, and continuing, in all, a total distance of 1284.29' to the POINT OF BEGINNING and containing 987,894 square feet or 22.679 acres of land, more or less.

Those wishing to speak FOR or AGAINST the above item are invited to attend. If you are unable to attend and have comments you may send them to City of Lucas, City Secretary, 665 Country Club Road, Lucas, Texas 75002, email kbecker@lucastexas.us, and it will be presented at the Hearing. If you have any questions about the above hearing, you may contact jhilbourn@lucastexas.us

Metes and Bounds Description: (22.679 Acres)

Being a tract of land, situated in the James Lovelady Survey, Abstract No. 538, in the City of Lucas, Collin County, Texas, and being all of that called 22.661 acre tract of land, described by deed to Gus Gibson, Jr. and Walter G. Bedell, as recorded in Volume 1889, Page 283, of the Deed Records, Collin County, Texas (D.R.C.C.T.), said tract being more particularly described, as follows:

BEGINNING at a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" found for the northwesterly corner of said 22.661 acre tract, same being the northwesterly corner of a tract of land, described by deed to Chris Koerner and Jessica Koerner, as recorded under Document No. 20160729000950450, of the Official Public Records, Collin County, Texas (O.P.R.C.C.T.), same being in the southerly monumented line of W. Lucas Road (F.M. 137B);

THENCE South 85°43'16" East, along said southerly monumented line of W. Lucas Road, a distance of 739.61' to a 5/8" iron rod found for the northeasterly corner of said 22.661 acre tract, same being the northwesterly corner of a right-of-way dedication, dedicated by plot recorded in Vol. 2009, Pg. 224, O.P.R.C.C.T. (LUCAS CHURCH ADDITION);

THENCE South 00°19'15" East, along the common line between said 22.661 acre tract and said LUCAS CHURCH ADDITION, passing a 1/2" iron rod found for the northwesterly corner of Lot 1, Block A, of said LUCAS CHURCH ADDITION, at a distance of 15.00', and continuing in all, a total distance of 1283.67' to a point for corner, being the southeasterly corner of said 22.661 acre tract, same being in the northerly line of Lot 3, of HI FLYIN' ACRES, an addition to the City of Parker, as recorded in Volume 4, Page 929, of the Map Records, Collin County, Texas (M.R.C.C.T.), from which a 5/8" iron rod found bears, South 00°34'00" East, a distance of 3.60';

THENCE North 80°36'41" West, along the southerly line of said 22.661 acre tract, same being along the northerly line of said Lot 3, passing a 1/2" iron rod found, at a distance of 212.71', for the northwesterly corner of said Lot 3, same being the northeasterly corner of Lot 2, of said HI FLYIN' ACRES, and continuing along the northerly line of said Lot 2, a total distance of 516.44' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" set for the northwesterly corner of said Lot 2;

THENCE North 89°49'30" West, along the southerly line of said 22.661 acre tract, a distance of 283.67' to a 1" iron rod found for the southwesterly corner of said 22.661 acre tract, same being on the southerly side of Stinson Road, said corner also being the southeasterly corner of a tract of land, described by deed to Adagio Investments, Inc., as recorded under Document No. 20180111000049020, O.P.R.C.C.T.;

THENCE North 02°22'44" East, along the westerly line of said 22.661 acre, same being the easterly line of said Adagio Investments, LLC tract, passing a 1/2" iron rod found, at a distance of 44.70' and continuing a distance of 390.43' (total easterly line of said Adagio tract: 435.13') a 1/2" iron rod found for the northeasterly corner of said Adagio Investments, LLC tract, same being the southeasterly corner of the aforementioned Koerner tract, and continuing, in all, a total distance of 1284.29' to the POINT OF BEGINNING and containing 987,894 square feet or 22.679 acres of land, more or less.

ABBREVIATIONS

- I.R.F. = Iron Rod Found
- (C.M.) = Controlling Monument
- C.I.R.F. = Capped Iron Rod Found
- C.I.R.S. = 1/2" iron rod with yellow plastic cap stamped "RPLS 5686" set
- M.R.C.C.T. = Map Records, Collin County, Texas
- D.R.C.C.T. = Deed Records, Collin County, Texas
- O.P.R.C.C.T. = Official Public Records, Collin County, Texas

General Notes:

1. According to the Flood Insurance Rate Map of Collin County, Texas, Map No. 45085C0405J, Map Revised June 02, 2009, the herein described property is located in Zone "X", described by said map to be, "areas determined to be outside the 0.2% annual chance floodplain". This flood statement does not imply that the property and/or the structure thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor in any way.
2. The surveyor has relied on the herein described subject deed with regard to any easements, restrictions, or rights-of-way affecting the herein described Property. No additional research regarding said easements, restrictions or rights-of-way has been performed by the surveyor.
3. Bearings are based on the northerly tract of land, described by deed to Gus Gibson, Jr. and Walter G. Bedell, as recorded in Volume 1889, Page 283, of the Deed Records, Collin County, Texas.
4. Easement to the State of Texas, recorded in Volume 450, Page 373, D.R.C.C.T., affects the herein described property, as shown.
5. Easement to the City of Lucas, recorded in Volume 5562, Page 1941, D.R.C.C.T., affects the herein described property, as shown.

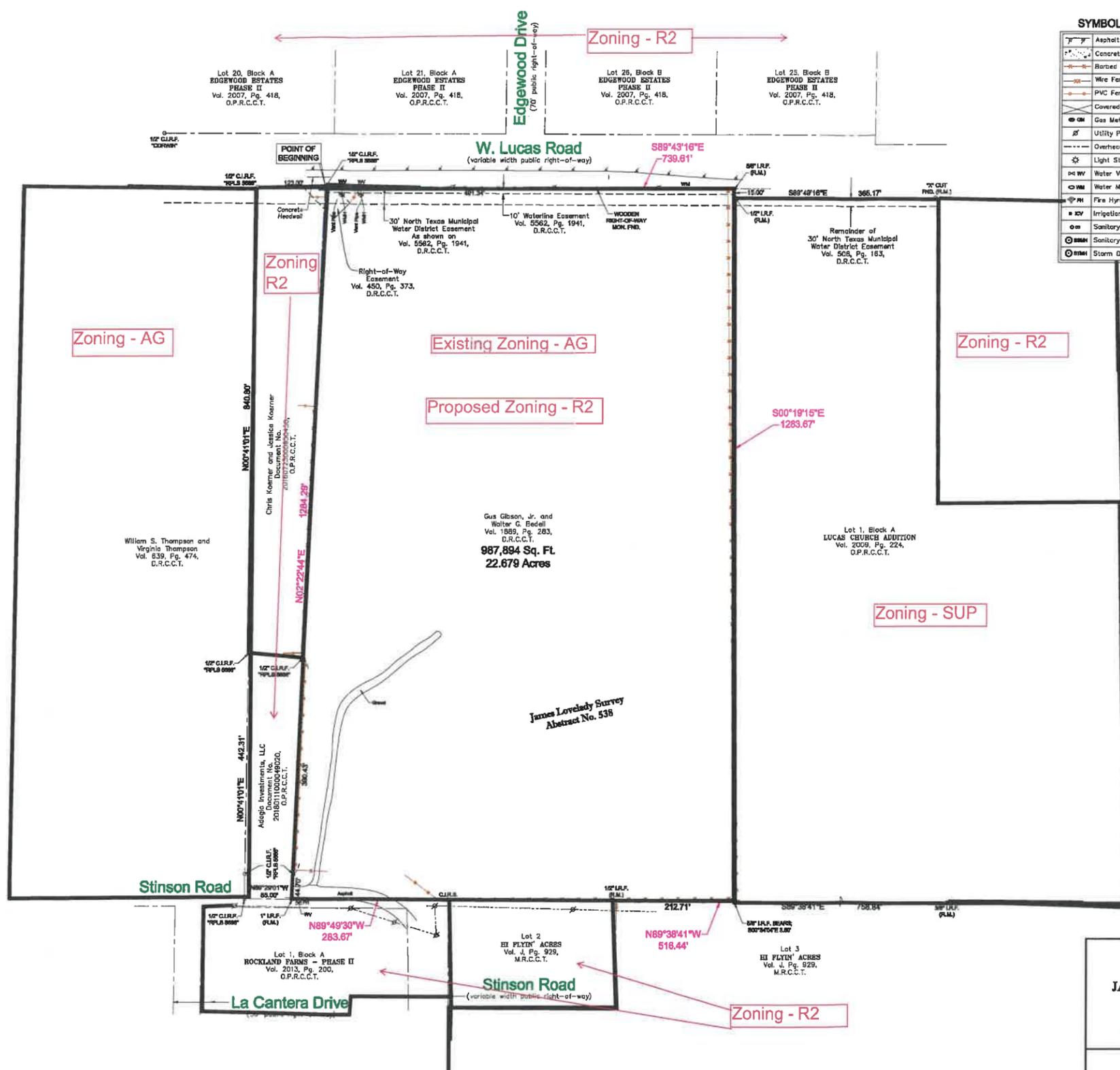
The development of the site will be in accordance with the City of Lucas development standards.

The purpose of this exhibit is to change the zoning from AG to R-2 for the use of a residential subdivision approximately 10 lots. This change will not impact transportation, water, or wastewater utilities.

Surveyor's Certification:

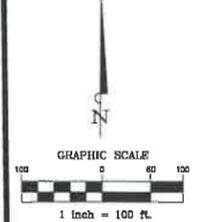
TO: Fidelity National Title Insurance Company (C.F. No. 1901332100037); James Irwin; Patricia Gibson and Walter G. Bedell;

I, Michael B. Arthur, Registered Professional Land Surveyor in and for the State of Texas, hereby certify that the plot hereon represents an actual survey made on the ground and that all lines and dimensions shown are correct to the best of my knowledge. There were no visible conflicts found during the time of this survey, except as shown.



SYMBOLS LEGEND

- Asphalt
- Concrete
- Barbed Wire Fence
- Wire Fence
- PVC Fence
- Covered Area
- Gas Meter
- Utility Pole
- Overhead Wires
- Light Standard
- Water Valve
- Water Meter
- Fire Hydrant
- Irrigation Control Valve
- Sanitary Sewer Cleanout
- Sanitary Sewer Manhole
- Storm Drain Manhole



BOUNDARY SURVEY
22.679 ACRES
JAMES LOVELADY SURVEY
ABSTRACT NO. 538
CITY OF LUCAS,
COLLIN COUNTY, TEXAS

North Texas
Surveying, L.L.C.
 Registered Professional Land Surveyors
 1010 West University
 McKinney, Tx. 75069
 Ph. (469) 424-2074 Fax: (469) 424-1997
 www.northtexasurveying.com
 First Registration No. 10074200



City of Lucas

Planning and Zoning Agenda Request

October 13, 2022

Requester: Development Services Director Joe Hilbourn

Agenda Item

Consider the request by Randy Helmburger on behalf of Christopher White for a preliminary plat for a parcel of land, being 10.83 acres, part of the Thomas D. James Survey, Abstract 477, City of Lucas, Collin County Texas, located on the south side of East Winningkoff Road and east of Welborn Lane, more commonly known as 1110 East Winningkoff Road.

Background Information

At the September 8, 2022, Planning and Zoning Commission meeting, the Commission made a recommendation to City Council to approve a zoning change for this property from MHD (Manufactured Home District) to Residential 2-acre (R2). The requestor was seeking approval of a preliminary plat during this meeting, but the item requesting approval of the preliminary plat was pulled.

The applicant Christopher White has requested to bring this item for consideration of the preliminary plat for this property. The applicant intends to subdivide the acreage into two parcels to create a two-acre parcel and an 8.43-acre tract. The net acreage will be 10.508 acres following platting.

Attachments/Supporting Documentation

1. Preliminary Plat
2. Location Map
3. Plat Application

Budget/Financial Impact

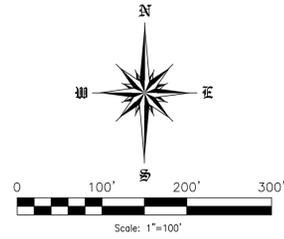
NA

Recommendation

Staff recommends approval of the preliminary plat.

Motion

I make a motion to recommend to City Council to approve/deny the request by Randy Helmburger on behalf of Christopher White for a preliminary plat for a parcel of land, being 10.83 acres, part of the Thomas D. James Survey, Abstract 477, City of Lucas, Collin County Texas, located on the south side of East Winningkoff Road and east of Welborn Lane, more commonly known as 1110 East Winningkoff Road.



Legend

CM	Controlling Monument
IRF	Iron rod found
RCIRF	Roome Capped Iron Rod Found
RCIRS	Roome Capped Iron Rod Set
PROCT	Plat Records Collin County Texas
DRCT	Deed Records Collin County Texas

CITY APPROVAL CERTIFICATE

This plat is hereby approved by the Planning and Zoning Commission of the City of Lucas, Texas.

Chairman, Planning and Zoning Commission _____ Date _____
 Dusty Kuykendall

ATTEST:
 Signature _____ Date _____
 Name & Title _____

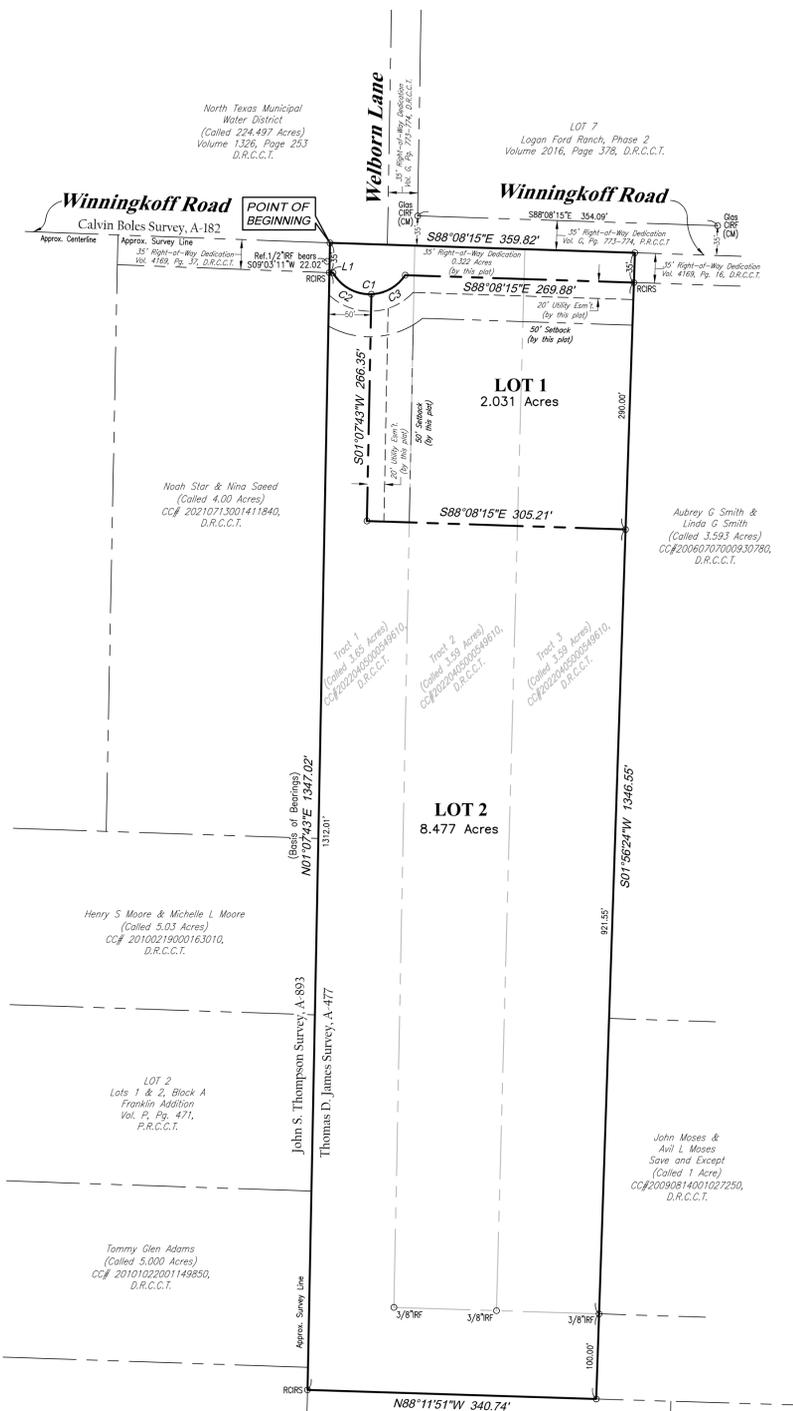
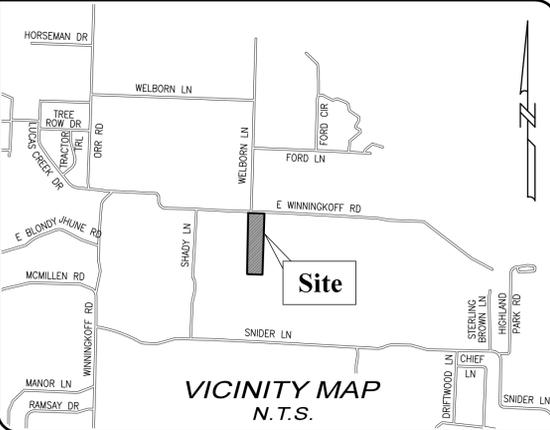
The Director of Public Works of the City of Lucas, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Lucas Development Code and with engineering construction standards and processes adopted by the City of Lucas, Texas as to which his approval is required.

Scott Holden, Director of Public Works _____ Date _____

The Development Services Director of the City of Lucas, Texas hereby certifies that to the best of his/her knowledge or belief, this subdivision plat conforms to all requirements of the Code of Ordinances, or as may have been amended or modified, as allowed, by the Planning and Zoning Commission as to which his/her approval is required.

Joseph Hilbourn, Development Services Director _____ Date _____

- Notes:
- 1) Notice: Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits.
 - 2) This survey has been performed without the benefit of a title commitment.
 - 3) CM is a controlling monument.
 - 4) Bearings based on Texas State Plane Coordinates System, Texas North Central Zone (4202), NAD 83;
 - 5) No part of the subject property is shown to lie in a 100-yr. flood plain per F.E.M.A. Panel No. 48085C0410J for Collin County, Texas and Incorporated Areas dated June 2, 2009 (Zone X).



Line Table

LINE	BEARING	DISTANCE
L1	S88°08'15"E	4.28'

Curve Table

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	101.90'	85.16'	S88°08'15"E	116°46'21"
C2	50.00'	54.40'	51.76'	S60°55'13"E	62°20'17"
C3	50.00'	47.50'	45.74'	N60°41'36"E	54°26'04"

OSSE NOTES

HEALTH DEPARTMENT CERTIFICATION

I, as a representative of Collin County Development Services, do hereby certify that the on-site sewage facilities described on this plat conform to the applicable OSSE laws of the State of Texas, that site evaluations have been submitted representing the site conditions in the area in which on-site sewage facilities are planned to be used.

Designated Representative for Collin County Development Services

OWNER'S DEDICATION AND ACKNOWLEDGMENT

STATE OF TEXAS §
 COUNTY OF COLLIN §

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, **Christopher White**, Owner, does hereby bind themselves and their heirs, assignees and successors of title this plat designating the hereinabove described property as Preliminary Plat of **White Addition Lots 1 & 2, Block A**, an addition to the City of Lucas, and do hereby dedicate to the public use forever the streets, alleys, and right-of-way easements shown thereon, and do hereby reserve the easement strips shown on this plat for the mutual use and accommodation of garbage collection agencies and all public utilities desiring to use or using same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths that in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements strips, and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, without the necessity at any time of procuring the permission of anyone. Additionally, I certify that I am the sole owner of the dedicated property and that no other's interest are attached to this property unless otherwise indicated on the required Mortgage Holder Certification that is included on this plat. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Lucas, Texas.

Witness our hands at LUCAS, Texas, this ____ day of _____, 2022.

Christopher White

STATE OF TEXAS §
 COUNTY OF COLLIN §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared **Christopher White**, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ____ day of _____, 2022.

Notary Public in and for the State of Texas

Printed Name _____

MORTGAGE HOLDER CERTIFICATION

That I, **Christopher White**, hold a mortgage or represent holders of a mortgage on the described property herein, do hereby consent to the submission and filing of this plat designating the hereinabove described property as **White Addition Lots 1 & 2, Block A**, an addition to the City of Lucas and do hereby dedicate to the public use forever the streets, alleys, and right-of-way easements shown thereon and do hereby reserve the easements shown on this plat for the mutual use and accommodation of garbage collection agencies, public utilities desiring to use or using same and fire and access easements. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strips for the purpose of constructing, reconstructing, inspecting, patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Lucas, Texas. Witness our hands at, Texas, this ____ day of _____, 2022.

Signature _____

Title _____

Company _____

STATE OF TEXAS §
 COUNTY OF COLLIN §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ____ day of _____, 2022.

Notary Public in and for the State of Texas

OWNER'S CERTIFICATE

STATE OF TEXAS §
 COUNTY OF COLLIN §

WHEREAS **Christopher White** is the owner of three tracts of land situated in the State of Texas, County of Collin and City of Lucas, being part of the Thomas D. James Survey, Abstract No. 477, and being all of a called 3.65 acre Tract 1, all of a called 3.59 acre Tract 2, and all of a called 3.59 acre Tract 3, described in Warranty Deed as recorded under County Clerk's File No. 20220405000549610 of the Deed Records of Collin County, Texas, with said premises being more particularly described as follows:

BEGINNING at a point in the approximate center of Winnickoff Road, same being in the south line of a called 224.497 acre tract of land as recorded in Volume 1326, Page 253 of the Deed Records of Collin County, Texas, marking the northeast corner of a called 4.00 acre tract of land as recorded under County Clerk's File No. 20210713001411840 of the Deed Records of Collin County, Texas, same being the northeast corner of a 35' Right-of-Way Dedication for Winnickoff Road as recorded in Volume 4169, Page 37 of the Deeds Records of Collin County, Texas, and marking the northwest corner of said 3.65 acre Tract 1 and the herein described premises, from which a 1/2" iron rod found for reference bears South 09°03'11" West, 22.02 feet;

THENCE with the approximate centerline of Winnickoff Road, the south line of said 224.497 acre tract, the south line of Lot 7 of Logan Ford Ranch, Phase 2 as recorded in Volume 2016, Page 378 of the Deed Records of Collin County, Texas, the north line of said 3.65 acre Tract 1, the north line of said 3.59 acre Tract 2 and the north line of said 3.59 acre Tract 3, South 88°08'15" East, 359.82 feet to a point marking the northwest corner of a called 3.593 acre tract of land as recorded under County Clerk's File No. 20060707000930780 of the Deed Records of Collin County, Texas, same being in the northwest corner of a 35' Right-of-Way Dedication for Winnickoff Road as recorded in Volume 4169, Page 16 of the Deed Records of Collin County, Texas, and marking the northeast corner of said 3.59 acre Tract 3 and said premises;

THENCE with the west line of said 35' Right-of-Way Dedication, the west line of said 3.593 acre tract, the east line of a called 1.00 acre tract of land as recorded under County Clerk's File No. 20090814001027250 of the Deed Records of Collin County, Texas, crossing through a called 4.512 acre tract of land as recorded in Volume 1063, Page 592 of the Deed Records of Collin County, Texas, the east line of said 3.59 acre Tract 3 and an east line of said 3.65 acre Tract 1, South 01°56'24" West, passing at 1,246.55 feet a 3/8" iron rod found marking the southwest corner of said 1.00 acre tract and the easterly most northeast corner of said 3.65 acre Tract 1, and continuing for a total distance of 1,346.55 feet to a point in the north line of a called 13.050 acre tract of land as recorded under County Clerk's File No. 20130816001163530 of the Deed Records of Collin County, Texas, the southeast corner of said 3.65 acre Tract 1 and of said premises;

THENCE with the north line of said 13.050 acre tract and the south line of said 3.65 acre Tract 1, North 88°11'51" West, 340.74 feet to a point in the east line of a called 32.80 acre tract of land as recorded under County Clerk's File No. 20160407000413150 of the Deed Records of Collin County, Texas, marking the northwest corner of said 13.050 acre tract, the southwest corner of said 3.65 acre Tract 1 and said premises;

THENCE with the east line of said 32.80 acre tract, the east line of a called 5.000 acre tract of land as recorded under County Clerk's File No. 20101022001149850 of the Deed Records of Collin County, Texas, the east line of Lot 2 of Lots 1 & 2, Block A, Franklin Addition as recorded in Volume P, Page 471 of the Plat Records of Collin County, Texas, the east line of a called 5.03 acre tract of land as recorded under County Clerk's File No. 20100219000163010 of the Deed Records of Collin County, Texas, the east line of the aforementioned 4.00 acre tract, the east line of the aforementioned 35' right-of-way dedication and the west line of said 3.65 acre Tract 1, North 01°07'43" East (Basis of Bearings), 1,347.02 feet to the place of beginning and containing 10,830 gross acres of land, of which 0.322 acres is dedicated for Right-of-Way for Winnickoff Road, leaving 10,508 net acres of land.

SURVEYOR'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS:

That I, F. E. Bemenderfer, do hereby certify, that I prepared this plat from an actual on the ground survey of the land as described and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the Platting Rules and Regulations of the City of Lucas Planning and Zoning Commission.

NOT FOR RECORDING

F. E. Bemenderfer Jr.
 Registered Professional Land
 Surveyor No. 4051

PRELIMINARY
 THIS DOCUMENT SHALL
 NOT BE RECORDED FOR
 ANY PURPOSE AND
 SHALL NOT BE USED OR
 VIEWED OR RELIED
 UPON AS A FINAL
 SURVEY DOCUMENT

STATE OF TEXAS §
 COUNTY OF COLLIN §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared **F. E. Bemenderfer Jr.**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ____ day of _____, 2022.

Notary Public in and for the State of Texas

Printed Name _____

Preliminary Plat
White Addition
Lots 1 & 2, Block A
Zoned: MHD
10.830 Gross Acres / 10.508 Net Acres
Thomas D. James Survey, Abstract No. 477
City of Lucas, Collin County, Texas
July 2022

Roome Land Surveying
 2000 Avenue G, Suite 810
 Plano, Texas 75074
 Phone (972) 423-4372 / Fax (972) 423-7523
 www.roomesurveying.com / Firm No. 10013100

Revised: 07.19.22	Owner: Christopher White 205 Saint James Drive Lucas, Tx 75002 (214) 808-4465 Attn: Chris White cwhite.2015@yahoo.com	Engineer: Helmbarger & Associates 1525 Batzman Road Wylie, Tx 75098 (972) 442-7459 Attn: Randy Helmbarger randyhelmbarger@verizon.net	Surveyor: Roome Land Surveying 2000 Ave G, Suite 810 Plano, Tx 75074 (972) 423-4372 Attn: Fred Bemenderfer fredb@roomeinc.com
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P:/AC/202202/ACB93900.dwg



PLATTING APPLICATION

Name of Subdivision and/or Project: White Addition

Items Submitted	Filing Fee
<input type="checkbox"/> Preliminary Plat	
▪ Single Family Residential Subdivision Development	<u>\$805.00</u>
○ \$750 + \$5 per acre with 20 acres or less (i.e. \$850 for 20 acres) excluding minor plats of five (5) acres or less.	
○ \$750 + \$5 per acre with 21 - 30 acres (i.e. \$900 for 30 acres)	
○ \$800 + \$5 per acre with 31 - 45 acres (i.e. \$1,025 for 45 acres)	
○ \$900 + \$5 per acre with 46+ acres (i.e. \$1,130 for 46 acres)	
▪ Estate Residential Subdivision Development	_____
○ \$1,000 + \$7 per acre for all size parcels (i.e. \$1,140 for 20 acres)	
▪ Minor Plats	_____
○ \$500 + \$5 per acre with 5 acres or less (i.e. \$525 for 5 acres)	
▪ Non-residential District Plats	_____
○ \$800 + \$10 per acre with 30 acres or less	
○ \$850 + \$10 per acre with 31 - 45 acres	
○ \$950 + \$10 per acre with 46+ acres	
<input type="checkbox"/> Final Plat	
▪ Single Family Residential Subdivision Development	_____
○ \$800 + \$5 per acre with 30 acres or less	
○ \$850 + \$5 per acre with 31 - 45 acres	
○ \$950 + \$5 per acre with 46+ acres	
<i>Any additional development fees will be charged at final plat rates.</i>	
▪ Estate residential Subdivision Development	_____
○ \$950 + \$7 per lot for all size parcels	
▪ Minor Plat	_____
○ \$350 + \$5 per acre with 5 acres or less	
▪ Non-residential District Plats	_____
○ \$850 + \$10 per acre for up to 30 acres	
○ \$900 + \$10 per acre with 31 - 45 acres	
○ \$1,000 + \$10 per acre with 46+ acres	
▪ Replat	_____
○ Minor Plat (5 acres or less) \$450 + \$5 per acre (\$475 for 5 acres)	
○ All others - \$600 + \$10 per acre	
▪ Amended Plat	_____
○ Minor Plats (5 acres or less) - \$300 + \$7 per acre (i.e. \$300 for an amended plat for 5 acres)	
○ All others - \$500 + \$10 per acre (i.e. \$700 for an amended plat for 20 acres)	
<input type="checkbox"/> Storm Water Run-Off Permit	
○ Developments 0 - 3 acres \$75	
○ Developments 4 - 10 acres \$150	
○ Developments 10+ acres \$500	_____
<input type="checkbox"/> Vacation of Plat	_____
○ \$500 + \$10 per acre	
<input type="checkbox"/> Concept Plan (Optional Land Study)	_____
○ \$150 per session with Planning & Zoning and/or City Council	
<input type="checkbox"/> Tree Survey/Conservation Plan	<u>No Fee</u>
<input type="checkbox"/> Tree Removal & Site Clearing Permit	_____
○ \$ 250	
<input type="checkbox"/> Park Site Dedication	_____
○ \$ 1,000 per lot or land dedication	
TOTAL	<u>\$805.00</u>



PLATTING APPLICATION

Physical Location of Property: 1110 E. Winningkoff Rd.
(Address and general location – approximate distance to nearest existing street intersection)

Legal Description of Property: T.D. James Survey, Abstr. No. 477, a 3.65 acre Tract 1, 3.59 acre Tract 2, and 3.59 acre Tract 3
(Survey/ Abstract Number and Tracts/Platted Subdivision Name with Lots/Block – Must attach metes and bounds description)

Comprehensive Zoning Designation(s): Manufactured Home District (MHD)

Existing Zoning Designation(s): Manufactured Home District (MHD)

Description of Project Use: residential

Acres: 10.83 Existing # of Lots/Tracts: 3

OWNERS NAME: Christopher C. White Contact Number: (214) 808-4465

Applicant/Contact Person same Title: N/A

Company Name N/A

Street Address 205 Saint James Dr., Lucas, TX 75002

Mailing Address Same

Phone: (214) 808-4465 Fax: None Email: [REDACTED]

OWNERS NAME: Contact Number:

Applicant/Contact Person Title:

Company Name

Street Address

Mailing Address

Phone: Fax: Email:

ENGINEER REPRESENTATIVE: Contact Number:

Applicant/Contact Person Randy Helmberger Title: Engineer

Company Name Helmberger Associates, Inc.

Street Address 1525 Bozman Road, Wylie, TX 75098

Mailing Address Same

Phone: (972) 442-7459 Fax: (972) 442-1428 Email: [REDACTED]

Read before signing below: If there is more than one property owner complete a separate sheet with the same wording as below. The City requires all original signatures. If applicant is other than the property owner a "Power of Attorney" with original, notarized signatures are required. (notaries are available)

ITEMS REQUIRED PRIOR TO FINAL PLAT APPROVAL:

ALL APPLICATIONS MUST BE COMPLETE, ACCOMPANIED BY THE APPLICABLE CHECKLIST AND TAX CERTIFICATE SHOWING TAXES PAID BEFORE BEING SCHEDULED ON THE P&Z AGENDA. It is the applicant's responsibility to be familiar with, and to comply with, all City submittal requirements (in the Zoning & Subdivision Ordinances, and any separate submittal policies, requirements and/or checklists that may be required from City staff), including the number of plans to be submitted, application fees, etc. Please contact City staff in advance for submittal requirements. Drawings will not be returned to applicant.

ALL PARCELS/PROPERTIES MUST MATCH IN ACREAGE ALL OTHER DOCUMENTS SUBMITTED WITH NO AMBIGUITY.

SUBMISSIONS: Failure to submit all materials to the City with this application will result in delays scheduling the agenda date.

NOTICE OF PUBLIC RECORDS: The submission of plans/drawings with this application makes such items public record, and the applicant understands that these items may be viewed by the public unless they are copyrighted.



PLATTING APPLICATION

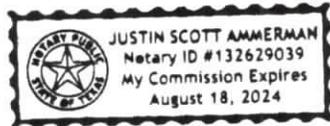
- Applicant agrees to pay any and all monies due to the City including but not limited to Park Site fee, Tree Removal Permit fee, 3% of Construction cost (developer to provide contracts for verification) and including but not limited to other fees that may be required prior to final plat approval.
- Maintenance Bond for City Improvements, 2 year – 10% Bond to be verified by submitting contract.
- Construction as-built record drawings (mylar)
- Engineering construction test reports.
- Walk-through with Public Works personnel completed with satisfactory outcome.
- HOA (covenants, conditions & restrictions) documentation approved by City Attorney before submittal to Planning & Zoning.

By signing this application, staff is granted access to your property to perform work related to your case. I waive the statutory time limits in accordance with Texas Local Government Code, Section 212.

STATE OF TEXAS }
 COUNTY OF COLLIN }

BEFORE ME, a Notary Public, on this day personally appeared Christopher C. White the undersigned applicant, who, under oath, stated the following: "I hereby certify that I am the owner, or duly authorized agent of the owner, (**proof must be attached, e.g. "Power of Attorney"**) for the purposes of this application; that all information submitted herein is true and correct. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial."

CC White
 Owner / Agent (circle one)



SUBSCRIBED AND SWORN TO before me, this the 2nd day of August, 2022

Notary Public in and for the State of Texas: Justin Ammerman

Official Use Only:	
Planning & Zoning: _____	Date: _____
City Council: _____	Date: _____
Applicant Withdrew: Yes or No	Date: _____
Applicant Made a Written Withdrawal: Yes or No	Date: _____



City of Lucas

Planning and Zoning Agenda Request

October 13, 2022

Item No. 03

Requester: Development Services Director Joe Hilbourn

Agenda Item Request

Discuss accessory buildings with habitable space regarding guest quarters in all residential zoning districts and provide guidance to staff.

Background Information

There have been ongoing concerns expressed from both the Planning and Zoning Commission and the City Council regarding accessory buildings with habitable space. At the June 2, 2022, City Council meeting, a discussion occurred relating to the size of accessory buildings allowed in residential and agricultural zoning districts. The City Council recommended that the Planning and Zoning Commission evaluate the allowable size of accessory buildings and the number of allowable homes and/or accessory buildings per acre.

At the August 11, 2022, Planning and Zoning Commission meeting, the Commission discussed square footage of accessory buildings being allowed on properties and agreed with the changes to the square footage of habitable space and making the square footage of attached garages, porches, and patios to equal 400 square feet combined for R1 (Residential 1-acre), AO (Agricultural), R1.5 (Residential 1.5-acres), and R2 (Residential 2-acres).

This item was brought back at the September 8, 2022, Planning and Zoning Commission meeting as a public hearing item but was denied in order to have further discussions on the item.

Attachments/Supporting Documentation

1. Code of Ordinances, Article 14.04 Supplementary Regulations, Section 14.04.304 General accessory buildings and structures regulations, paragraph (4)
2. Proposed revisions to the allowable square feet of accessory building with habitable space

Budget/Financial Impact

NA

Recommendation

NA

Motion

There is no motion required.

Current accessory building requirements for habitable space

Chapter 14, Article 14.04, Division 8, Section 14.04.304

(4) An accessory building may contain habitable space as defined by the International Residential Code adopted by the city and may be occupied provided it is in compliance with the following:

(A) General regulations for accessory buildings containing habitable space. Any accessory building containing habitable space shall comply with the following:

- (i) Accessory buildings containing habitable space shall meet the requirements of the International Residential Code as adopted by the city from time to time.
- (ii) Accessory buildings containing habitable space may not be rented out separate and apart from the main structure.
- (iii) Detached accessory buildings containing habitable space shall be limited to a maximum height of 25 feet measured to the peak of the roof of the structure.
- (iv) Accessory buildings containing habitable space shall not contain a kitchen, cooking or food preparation area except as provided for in subsection (B)(i)a. below.

(B) Specific regulations for an accessory building containing habitable space.

- (i) In R-2 or AO zoning districts that contain a single-family home:
 - a. Kitchen, cooking or a food preparation area may be permitted on property with a specific use permit. The specific use permit may only be granted provided the owners of the property enact a deed restriction with the city as party to the deed restriction that prohibits the use of the habitable space to be used for lease/barter agreement other than that of the full-time domestic staff providing support to the property.
 - b. One (1) accessory building may contain up to 1,500 square feet of habitable space.
- (ii) In R-1.5 zoning districts:
 - a. One (1) accessory building may contain up to 1,200 square feet of habitable space.
- (iii) In R-1 zoning districts:
 - a. One (1) accessory building may contain up to 1,000 square feet of habitable space.

Proposed edits to the accessory building requirements for habitable space

Chapter 14, Article 14.04, Division 8, Section 14.04.304

- (4) An accessory building may contain habitable space as defined by the International Residential Code adopted by the city and may be occupied provided it is in compliance with the following:
- (A) General regulations for accessory buildings containing habitable space. Any accessory building containing habitable space shall comply with the following:
- (i) Accessory buildings containing habitable space shall meet the requirements of the International Residential Code as adopted by the city from time to time.
 - (ii) Accessory buildings containing habitable space may not be rented out separate and apart from the main structure.
 - (iii) Detached accessory buildings containing habitable space shall be limited to a maximum height of 25 feet measured to the peak of the roof of the structure.
 - (iv) Accessory buildings containing habitable space shall not contain a kitchen, cooking or food preparation area except as provided for in subsection (B)(i)a. below.
- (B) Specific regulations for an accessory building containing habitable space.
- (i) In R-2 zoning districts that contain a single-family home:
 - a. Kitchen, cooking, or a food preparation area may be permitted on property with a specific use permit. The specific use permit may only be granted provided the owners of the property enact a deed restriction with the city as party to the deed restriction that prohibits the use of the habitable space to be used for lease/barter agreement other than that of the full-time domestic staff providing support to the property.
 - b. One (1) accessory building may contain up to 900 square feet of habitable space, and up to 400 square feet of attached garages, porches, and patios.
 - (ii) In R-1.5 zoning districts:
 - a. One (1) accessory building may contain up to 700 square feet of habitable space and up to 400 square feet of attached garages, porches, and patios.
 - (iii) In R-1 or AO zoning districts:
 - a. One (1) accessory building may contain up to 550 square feet of habitable space and up to 400 square feet of attached garages, porches, and patios.



City of Lucas
Planning and Zoning Agenda Request
October 13, 2022

Item No. 04

Requester: Management Analyst Kevin Becker

Agenda Item Request

Consider approval of the minutes of the September 8, 2022, Planning and Zoning Commission meeting.

Background Information

NA

Attachments/Supporting Documentation

1. September 8, 2022, Planning and Zoning Commission minutes.

Budget/Financial Impact

NA

Recommendation

NA

Motion

I make a motion to approve the minutes of the September 8, 2022, Planning and Zoning Commission meeting.



MINUTES

PLANNING AND ZONING COMMISSION MEETING

September 8, 2022 | 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:

Chairman Dusty Kuykendall
Commissioner Peggy Rusterholtz
Commissioner Adam Sussman
Commissioner Joe Williams

Staff Present:

City Manager Joni Clarke
Development Services Director Joe Hilbourn
Management Analyst Kevin Becker
City Attorney Courtney Morris (*arrived 6:40 pm*)

Commissioners Absent:

Vice Chairman Tommy Tolson
Alternate Commissioner James Foster
Alternate Commissioner Chris Bierman

City Council Liaison Present:

Mayor Jim Olk

Regular Agenda

1. Public hearing to consider amendments to allowable size of accessory buildings with habitable space regarding guest quarters in all residential zoning districts.

Development Services Director Joe Hilbourn gave a presentation on this item and answered questions from the Commission. Mr. Hilbourn stated that this item should be either tabled or denied bringing the item back for further discussion.

The Commission discussed the definitions of the building code and habitable space and wanted to look at adding information regarding the number of allowable homes and accessory buildings per acre.

Mayor Olk spoke to the Commission and stated that the Commission can review and discuss the possibility of creating new definitions to present to City Council for changes.

Chairman Kuykendall opened the public hearing at 6:47 pm.

With no further comments, the public hearing was closed at 6:47 pm.

MOTION: A motion was made by Commissioner Rusterholtz, seconded by Commissioner Sussman, to deny the consideration of amendments to allowable size of accessory buildings in order to have another discussion on the item. The motion passed unanimously by a 4 to 0 vote.

2. **Public hearing to consider a request by Christopher White, property owner of 1110 East Winningkoff Road, to rezone a parcel of land from MHD (Manufactured Home District) to Residential 2-acres, situated in the Thomas D. James Survey, Abstract No. 477, a 3.65 acre Tract 1, 3.59 acre Tract 2, and 3.59 acre Tract 3.**

Development Services Director Joe Hilbourn gave a presentation on this item.

Chairman Kuykendall opened the public hearing at 6:50 pm.

With no further comments, the public hearing was closed at 6:50 pm.

MOTION: A motion was made by Commissioner Sussman, seconded by Commissioner Williams, to recommend to the City Council to approve the request by Christopher White, property owner of 1110 East Winningkoff Road, to rezone a parcel of land from MHD (Manufacture Home District) to Residential 2-acres, situated in the Thomas D. James Survey, Abstract No. 477, a 3.65 acre Tract 1, 3.59 acre Tract 2, and 3.59 acre Tract 3. The motion passed unanimously by a 4 to 0 vote.

3. **Consider the request by Randy Helmburger on behalf of Christopher White for a preliminary plat for a parcel of land, being 10.83 acres, part of the Thomas D. James Survey, Abstract 477, City of Lucas, Collin County Texas, located on the south side of East Winningkoff Road and east of Welborn Lane, more commonly known as 1110 East Winningkoff Road.**

There was no discussion on this item as it was pulled from the Agenda.

4. **Consider a request by Karl D. Williams, to vacate the existing plat of Wendy Farms Addition creating 13 single family lots being all of a 53.788 tract of land situated in the John W. Kirby Survey, Abstract 506, Peter F. Lucas Survey Abstract 537, and the Benjamin Sparks Survey Abstract 813 located on the north end of Wendy Lane, more commonly known as 1355 Wendy Lane..**

Development Services Director Joe Hilbourn gave a presentation on this item.

MOTION: A motion was made by Commissioner Rusterholtz, seconded by Commissioner Sussman, to approve vacating the existing plat of Wendy Farms Addition creating 13 single family lots being all of a 53.788 tract of land situated in the John W. Kirby Survey, Abstract 506, Peter F. Lucas Survey Abstract 537, and the Benjamin Sparks Survey Abstract 813 located on the north end of Wendy Lane, more commonly known as 1355 Wendy Lane. The motion passed unanimously by a 4 to 0 vote.

5. **Consider approval of the minutes of the August 11, 2022, Planning and Zoning Commission meeting.**

MOTION: A motion was made by Commissioner Sussman, seconded by Commissioner Williams to approve the minutes of the July 14, 2022, Planning and Zoning Commission meeting. The motion passed unanimously by a 4 to 0 vote.

4. **Executive Session.**

An Executive Session was not held at this meeting.

5. Adjournment.

Chairman Kuykendall adjourned the meeting at 6:54 pm.

Dusty Kuykendall, Chairman

Kevin Becker, Management Analyst