



PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
March 7, 2023, at 6:30 PM
2801 Ranch RD 1869 Liberty Hill, Texas 78642

Commissioners Present:

Chair Steve Messana
Secretary Diane Williams
Jon Mathiasen
Bryan Rivera

Commissioners Absent:

Vice-Chair Chad Cormack

City Staff Present:

Jerry Millard, Director of Planning
Lynn DeLorenzo, Planning Technician

1) CALL TO ORDER

The Planning and Zoning Commission meeting was called to order by Chair Steve Messana at 6:30 PM on Tuesday, March 7, at 2801 Ranch Road 1869, Liberty Hill, Texas. Quorum was established and all members were present, except for Vice-Chair Chad Cormack.

2) PUBLIC COMMENTS

There were no public comments.

3) PUBLIC HEARING

- a) Discussion, consideration, and recommendation to City Council on a request for a variance of Section 6.03.01, Thresholds of Development Requiring Site Development Permit, pertaining to the requirement for a site plan for the construction or expansion of a building other than a single-family or duplex residential building, with a floor area expansion of more than one thousand (1,000) square feet or more on the following property:

Block 29, Lots 1-8 Smith's Addition to Liberty Hill, Williamson County, Texas; and identified as Assessor's Parcel R315609. The requested variance is for a portion of the property addressed as 204 Young Street, Liberty Hill, Tx 78642.

City Council will hold a public hearing on this matter on March 22, 2023 at 6pm at 2801 Ranch Rd 1869, Liberty Hill, TX 78642.

i.) Introduction and staff report.

Director Jerry Millard presented the staff report advising the Commissioners that this is a variance to Section 6.03.01 and that the School District is remodeling and needs to have a temporary housing for 18+ Access Students. Director Millard further advised that there is a gap in our ordinance so it is not possible to do a conditional use and that the intent of staff is to expand upon the ordinance in the future for the conditional use or special use permit. Director Millard highlighted and covered each of the Unified Development Code (UDC) conditions for a variance, also noting that conditions cannot be placed on the approval because it was a variance, but that this variance is for this instance only.

Director Millard noted that, while there was no written response to the notice for surrounding properties, Mr. Scott was here to speak on the matter.

Staff recommends approval of the variance.

ii.) Hold a Public Hearing.

Chair Messana opened the Public Hearing at 6:43PM.

Ms. Sabra Scott, 107 Forrest Street, addressed the Commission, noting that they also owned property on Young Street. Ms. Scott advised the Commissioners that her and her husband fully support the zoning change but wanted to speak to the amount of traffic coming through Young Street, with the majority of it coming from the baseball fields and cages, which hinders their ability to get out of their driveway. Ms. Scott further expressed concern that some of the traffic drives onto their property in order to accommodate the 2-way flow on the narrow street and it poses a safety hazard for children.

Mr. Daniel Scott further added the concern that the location of the building proposed might impact the baseball field parking, as well as concern for any expansion of the baseball fields. There were also discussions of the historical Limestone structure.

Director Millard advised he would reach out to the Public Works Department to see what is there and to see if any road improvements can be done and have further discussions with Mr. Scott.

Chair Messana closed the Public Hearing at 6:49PM.

iii.) Recommendation regarding requested variance.

Chair Messana stated that the traffic is a problem and that there are cars off Loop 332 as well but was not certain on the specifics associated with this request for variance.

Secretary Diane Williams stated that she could appreciate the traffic concern as she can see the traffic coming off Young Street from her home, however, was uncertain as well if the parking aspect would be adding to the traffic.

Commissioner Jon Mathiasen expressed concerns and stated he believed that the School District should have to go through a site plan. Secretary Williams clarified that she believes that the traffic is more related to the baseball fields, not this program.

Commissioner Bryan Rivera inquired if this program drops children off in front of the building. Director Millard advised that the School transports them.

Chair Messana inquired if the School District put a portable building on the property in the past, if they did a site plan. Director Millard advised no, the School District had previously just moved the buildings around and were only required to do a site plan if there was an additional building added. Chair Messana asked if there was a site plan for this renovation. Director Millard advised that the renovations were not to the extent to necessitate a site plan. Chair Messana confirmed with Director Millard that if there was a site plan required now, it would only be for this portable building, summarizing that in essence, this variation was to waive the site plan requirement.

Commissioner Mathiasen stated that everyone agrees that there is a traffic issue that necessitates a bigger look at this when the School District puts in a temporary building because temporary buildings can become permanent buildings. Director Millard reiterated that a condition cannot be placed on this variation but that he could get a letter from the School District stating that the building was temporary, if the Commission wanted it. Commissioner Mathiasen stated that he would like to see the request come back given the traffic issue and wants to ensure that the building is indeed temporary. Secretary Williams reiterated that she does not believe that the building is the cause of the traffic concerns. Director Millard advised that even if a site plan was required, the traffic volume was not significant enough to trigger a traffic impact analysis.

Chair Messana clarified that this decision is about zoning at this time. Commissioner Mathiasen advised that he strongly objected.

Motion: Secretary Williams moved, and Commissioner Rivera seconded, to approve the variance. **Motion carried by a vote of 3-1.** Ayes: Messana, Williams, and Rivera, and. Nays: Mathiasen. Abstentions: 0. Vice-Chair Cormack was absent.

- b) Discussion, consideration, and recommendation to the City Council on a request for a Zone Map Amendment from an Agricultural (A) classification to a General Light Industrial (I1) zoning classification on the following property:

Being Lot 5, Barmor Inc., Section II, as shown in the public records of Williamson County, Texas; and identified as Assessor's Parcels R484155. The property is addressed as 117 Jonathan Drive, Liberty Hill, Tx 78642. (J. Millard)

City Council will hold a public hearing on this matter on March 22, 2023 at 6pm at 2801 Ranch Rd 1869, Liberty Hill, TX 78642.

- i.) Introduction and staff report.

Director Millard addressed the Commission and presented the staff report, noting that this one is another cleanup action on this street, and while the City cannot enforce deed restrictions, there were deed restrictions on this property as it was the intent for this area to have commercial use. Director Millard noted that Mr. Jon Brannigan was present to represent the property owners and that the one concern received from a nearby property owner was the potential for a bar or tavern being placed on the properties if the zoning is changed.

Director Millard stated that the current businesses will remain but wish to clean up the zoning to address the current legal non-conforming use. Director Millard stated that there are no trees on site, but if there were, any would fall under the tree ordinance and reviewed the various sections of the staff report. Director Millard advised that the Future Land Use Map states it will be Industrial and noted that staff had not received any responses from nearby property owners at the time the report was written.

Staff recommends approval.

- ii.) Hold a Public Hearing.

Chair Messana opened the Public Hearing at 7:09PM.

Ms. Kelly Bell Schutter, 121 Independence Drive, addressed the Commission, stressing her concerns that if the zoning change is approved, that a bar, tavern, etc. would be allowed causing a noise issue. Ms. Schutter further noted all the traffic around the two streets creating a safety concern for her family. Ms. Schutter concluded that she noted that there were no plans for these establishments at this time but wanted to express her concern.

Mr. Brannigan, property owner representative, stated that the property should not have been in agriculture in the beginning and if the zoning was not changed, it would

put restrictions on property owners if they cannot use it as intended. Chair Messana asked what the deed restrictions stated. Mr. Brannigan responded commercial.

Chair Messana closed the Public Hearing at 7:14PM.

iii.) Consideration of recommendation(s)

Secretary Williams clarified that 1) it was her understanding that in the past, when property was brought into the City, it came in as agriculture and is later to be changed; 2) that even though it is stated that the existing businesses will remain, that a bar or tavern could indeed go in later if the zoning is changed, and 3) that the Future Land Use Map states it is planned for Industrial and Light Industrial was a better option than Industrial. Secretary Williams requested that staff put up the map to review the various properties on Jonathan Drive in relation to the ones on Independence Drive. Director Millard highlighted the various properties on the map on the screen.

Director Millard reiterated his concerns if the Commission doesn't recommend approval but civilly the use of it as agriculture has been disallowed, stressing again that currently right now, there is legally non-conforming use. Commissioner Mathiasen acknowledged concern but stressed that the City should not discriminate against the smaller communities. Secretary Williams pointed out that there is a business there now.

Mr. Brannigan stated that his previous company built the house that Ms. Schutter lived in and they built it with those buyers being fully aware it was commercial. Commissioner Mathiasen argued the point.

Motion: Chair Messana moved, and Commissioner Rivera seconded, to approve the request for a Zone Map Amendment from an Agricultural classification to a General Light Industrial zoning classification on Lot 5, Barmor Inc., Section II, as shown in the public records of Williamson County, Texas; identified as Assessor's Parcels R484155 and addressed as 117 Jonathan Drive, Liberty Hill, Tx 78642. **Motion carried by a vote of 3-1.** Ayes: Messana, Williams, and Rivera. Nays: Mathiasen. Abstentions: 0. Vice-Chair Cormack was absent.

c) Discussion, consideration, and recommendation to the City Council on a request for a Zone Map Amendment from an Agricultural (A) classification to a General Light Industrial (I1) zoning classification on the following property:

Being Lot 6, Barmor Inc., Section II, as shown in the public records of Williamson County, Texas; and identified as Assessor's Parcels R484156. The property is addressed as 121 Jonathan Drive, Liberty Hill, Tx 78642. (J. Millard)

City Council will hold a public hearing on this matter on March 22, 2023 at 6pm at 2801 Ranch Rd 1869, Liberty Hill, TX 78642.

i.) Introduction and staff report.

Director Millard presented the staff report, advising the Commission that this request was similar to the previous one, noting that there was one (1) opponent as listed on the previous property.

Staff recommends approval.

ii.) Hold a Public Hearing.

Chair Messana opened the Public Hearing at 7:32PM.

There were no public comments.

Chair Messana closed the Public Hearing at 7:32PM.

iii.) Consideration of recommendation(s)

Motion: Secretary Williams moved, and Commissioner Rivera seconded, to approve the request for a Zone Map Amendment from an Agricultural classification to a General Light Industrial zoning classification on Lot 6, Barmor Inc., Section II, as shown in the public records of Williamson County, Texas; identified as Assessor's Parcels R484156 and addressed as 121 Jonathan Drive, Liberty Hill, Tx 78642.. **Motion carried by a vote of 3-1.** Ayes: Messana, Williams, and Rivera. Nays: Mathiasen. Abstentions: 0. Vice-Chair Cormack was absent.

d) Discussion, consideration, and recommendation to the City Council on a request to amend Section 4.12, Accessory Uses and Table 4-2, to the Unified Development Code (UDC) for the City of Liberty Hill to create the requirements for Accessory Dwelling Units and add them to the use table.

City Council will hold a public hearing on this matter on March 22, 2023 at 6pm at 2801 Ranch Rd 1869, Liberty Hill, TX 78642.

i.) Introduction and staff report.

Director Millard presented the staff report advising the Commission that this was a new ordinance due to another gap being discovered in the UDC which needs changed. Director Millard noted that, while there is a definition for an Accessory Dwelling Unit in the code, there is no allowance for it.

Director Millard highlighted that he would like to change the information in the packet given the C2 zoning is a mix of residential and commercial, noting he wanted to change the use table to allow it to be conditional, versus disallowed, for C2.

Chair Messina requested clarification on the strike through text in the draft ordinance presented, asking if this was a strike through of text in an existing ordinance, or made by staff. Director Millard clarified.

Secretary Williams expressed concern for the fees imposed as it seemed expensive to require the ones stated in 5b. Director Millard explained that it is intended to discourage them, or at least discourage as a rental.

Director Millard stressed the new ordinance was also intended to ensure there were building code requirements, highlighting those presented in the staff report and draft ordinance.

ii.) Hold a Public Hearing.

Chair Messina opened the Public Hearing at 7:44PM.

Mr. Scott mentioned the need for height relative to setbacks and if it was driven by the zoning ordinance, or could it also be sight line. Director Millard responded both.

Chair Messina closed the Public Hearing at 7:46PM.

iii.) Consideration of recommendation(s)

Commissioner Mathiasen noted that he had been able to have an extra house in their neighborhood but the extra unit has to be contiguous, for example he has a breezeway connecting it to his home, and by doing it that way, it is hard to rent. Director Millard advised that it can be detached and he has seen, in some cities, that this approach is used as a work around.

Secretary Williams again expressed her concern for the additional fees charged under 5b. Director Millard elaborated that this was intended to also help capture extra water and sewer use given the current concerns. Chair Messina inquired if the fees would be applied if an extra bedroom, for example, was added to the existing residence. Director Millard advised that it would not. Commissioner Mathiasen sought further clarifications.

Secretary Williams inquired if this was considered one of the priorities from the current Consultant and Director Millard advised that it was not and staff was doing it to save money.

Commissioner Mathiasen again requested clarification on what it considered separate for the purposes of the fees. Director Millard further clarified the requirements, elaborating on the various definitions of single family versus multi-family.

Motion: Secretary Williams moved, and Commissioner Rivera seconded, to approve the request to amend Section 4.12, Accessory Uses and Table 4-2, to the UDC for the City of Liberty Hill to create the requirements for Accessory Dwelling Units and add them to the use table, with the correction to the use table for conditional use in C2 as recommended by staff. **Motion carried by a vote of 3-0, with 1 abstention.** Ayes: Messana, Williams, and Rivera. Nays: 0. Abstentions: Mathiasen. Vice-Chair Cormack was absent.

4) CONSENT AGENDA

Consent Agenda items are considered to be routine and will be enacted by one motion. There will be no separate discussion of those items unless requested by the Commission, in which event the item(s) will be removed from Consent Agenda and considered under Regular Agenda.

- a) Approve the Planning and Zoning Commission meeting minutes from 2-21-2023.

Motion: Chair Messana moved, and Commissioner Rivera seconded, to approve the Consent Agenda. **Motion carried unanimously by a vote of 4-0.** Ayes: Messana, Williams, Rivera, and Mathiasen. Nays: 0. Abstentions: 0. Vice-Chair Cormack was absent.

5) REGULAR AGENDA

- a) Discussion related to the fees associated with signage located in the City limits and Extraterritorial Jurisdiction. This item is requested by Commissioner Mathiasen.

Commissioner Mathiasen introduced the topic and opened the discussion, highlighting he did not recall the Commission requiring a fee, like for flag signs, and that this was brought to his attention when he and his wife were visiting some local businesses. Commissioner Mathiasen noted that some cities would not allow them, and some would allow. Here, someone mentioned they had to pay \$50/month to have it, clarifying with Director Millard that this was the fee under the category of temporary signs in the fee schedule provided.

Commissioner Mathiasen expressed concern that small communities that have special events are being charged this amount and why the ordinance couldn't be specific to allow it for a specified timeframe without the fees. Commissioner Mathiasen further expressed concern that the focus of staff time was on minor things versus major things. Director Millard advised that permits are required for temporary signs and the Code Officer has to go out to see where it is going, and his time cost money, noting that it is a regulatory concern because of the view of the sign.

There was extensive discussion on the sign ordinance relative to these types of signs. Concerns were noted that there was discussion of a temporary sign but the definition did not seem to fit, and that further clarifications and definitions might be warranted. Therefore, it was determined that this should be a future agenda item.

6) FUTURE AGENDA ITEMS

Director Millard advised that he had no items for the future agenda at this time.

Secretary Williams highlighted the need for the following agenda items:

1. Sign Ordinance amendment previously discussed. Chair Messana requested that one (1) of the Commissioners help with the drafting of any potential amendment.
2. Adult/Sexually Oriented Business Ordinance. Chair Messana requested that it be placed on the agenda for the meeting after next.
3. Bylaws amendment. It was noted that variances needed to be added and the workshop with Council scheduled. Chair Messana will also discuss with Paul Brandenburg, City Administrator.
4. Update on the Comprehensive Plan on a monthly basis. Director Millard indicated it would be put on the agenda for the 2nd meeting of each month.
5. Briefing from Vice-Chair Cormack on the coordination meetings with other Boards and Committees.
6. Guiding Development Principles (approved by Council). Director Millard will send out to all Commissioners via email and it will be placed on the agenda for any discussions.
7. Action Plan Status. Secretary Williams volunteered to prepare a tracking table and work with staff to update it on their progress on items.

Commissioner Mathiasen expressed concern regarding the Comprehensive Plan, noting that he had not received any response from the comments he had sent in on the workshop. Director Millard advised that the 2nd trip of the Consultant would be in April.

7) ADJOURNMENT

On motion by Chair Messana, and seconded by Commissioner Rivera, the Planning and Zoning Commission meeting was adjourned at 8:36PM.

Motion passed on vote of 4 ayes, 0 nays, 0 Abstentions. Ayes: Messana, Williams, Rivera, and Mathiasen. Vice-Chair Cormack was absent.

PASSED AND APPROVED by the Planning and Zoning of the City of Liberty Hill, Texas on March 21st, 2023, on vote of 4 ayes, 0 nays, and 0 abstentions.


Steve Messana Chair


City Secretary

