



PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
May 16, 2023 at 6:30 PM
City Council Chamber/Municipal Court Room
2801 Ranch RD 1869
Liberty Hill, Texas
78642

Commissioners Present:

Steve Messana, Chair
Chad Cormack, Vice Chair – 7:14PM
Diane Williams, Secretary
Bryan Rivera

City Staff Present:

Liz Branigan, Mayor
Paul Brandenburg, City Administrator
Elaine Simpson, City Secretary
Jerry Millard, Director of Planning
McKenzi Hicks, Planner II
Marianella Joseph, City Attorney

1. CALL TO ORDER

The Planning and Zoning Commission meeting was called to order by Chair Steve Messana at 6:30 PM on Tuesday, May 16, 2023, at 2801 Ranch Road 1869, Liberty Hill, Texas. Quorum was established and all members were present, except for Vice-Chair Chad Cormack, who joined the meeting at 7:14PM.

Chair Steve Messana led the invocation, and led the pledges of allegiance to US and Texas flags, respectively.

2) PUBLIC COMMENTS

Public Comments are welcome. You may submit Public Comments in person, or you may submit to the City Secretary at esimpson@libertyhilltx.gov before 3:00 PM the day of the meeting.

There were no citizen comments.

3) PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Liberty Hill has been asked to review and approve the following application(s), to wit:

a) Discussion, consideration, and recommendation made for a request regarding a Zoning Map Amendment from the Agricultural (A) zoning district to the Light Industrial/Warehousing (I1) zoning district on the following property: PLANNING & ZONING COMMISSION REGULAR MEETING TUESDAY - MAY 16, 2023 - 6:30 PM Notice of AGENDA Council Chamber at Municipal Court - 2801 Ranch Road 1869, Liberty Hill, Texas 1 Being Lot 3, Barmor Inc., Section II, as shown in the public records of Williamson County, Texas, and identified as Assessor's Parcel R484153. The property is addressed as 109 Jonathan Drive, Liberty Hill, TX 78642. City Council will hold a public hearing on this matter on May 24, 2023 at 6pm at 2801 Ranch Rd 1869, Liberty Hill, TX 78642.

i) Introduction and staff report.

Ms. McKenzi Hicks, Planner II, presented the staff report highlighting that when property is annexed there is a default zoning of agriculture and that this request is another cleanup item for Jonathan Drive. Ms. Hicks noted that this property is undeveloped.

Staff recommends recommending approval of the zoning change.

ii) Hold a Public Hearing.

Chair Messana opened the Public Hearing at 6:35PM.

There were no citizen comments.

Chair Messana closed the Public Hearing at 6:35PM.

iii) Recommendation regarding requested variance

Motion: Secretary Diane Williams moved, and Commissioner Bryan Rivera seconded, to recommend approval of the request for a Zoning Map Amendment from the Agricultural (A) zoning district to the Light Industrial/Warehousing (I1) zoning district on the property identified as Assessor's Parcel R484153. **Motion carried by a vote of 3-0.** Ayes: Messana, Williams, and Rivera. Nays: 0. Abstentions: 0. Vice-Chair Cormack was absent.

b) Discussion, consideration, and recommendation made for a request regarding a Zoning Map Amendment from the Agricultural (A) zoning district to the Light Industrial/Warehousing (I1) zoning district on the following property: Being Lot 4, Barmor Inc., Section II, as shown in the public records of Williamson County, Texas, and identified as Assessor's Parcel R484154. The property is addressed as 113 Jonathan Drive, Liberty Hill, TX 78642. City Council will hold a public hearing on this matter on May 24, 2023 at 6pm at 2801 Ranch Rd 1869, Liberty Hill, TX 78642.

j) Introduction and staff report.

Ms. Hicks presented the staff report highlighting that this request is similar to the one before and another cleanup item for Jonathan Drive.

Staff recommends recommending approval of the zoning change.

iv) Hold a Public Hearing.

Chair Messana opened the Public Hearing at 6:39PM.

There were no citizen comments.

Chair Messana closed the Public Hearing at 6:39PM.

v) Recommendation regarding requested variance

Motion: Secretary Williams moved, and Commissioner Rivera seconded, to recommend approval of the request for a Zoning Map Amendment from the Agricultural (A) zoning district to the Light Industrial/Warehousing (I1) zoning district on the property identified as Assessor's Parcel R484154. **Motion carried by a vote of 3-0.** Ayes: Messana, Williams, and Rivera. Nays: 0. Abstentions: 0. Vice-Chair Cormack was absent.

c) Discussion, consideration, and a recommendation made to City Council for a request regarding a Zoning Map Amendment from the Agricultural (AG) zoning classification to the Multifamily Residential (MF1) zoning classification for 197.50 acres; and a request for a Zone Map Amendment from the Agricultural (AG) zoning classification to the Park zoning classification for 53.84 acres of the following property: A 251.34-acre tract of land situated in the Richard West Survey, Abstract No. 643, Williamson County, Texas, out of a 242.30-acre tract described in a special warranty deed recorded as Document No. 2022014863 in the Official Public Records of Williamson County, Texas, and being all of a called 9.04-acre tract of land described in a General Warranty Deed recorded as Document No. 2022034057 in the Official Public Records of Williamson County, Texas. City Council will hold a public hearing on this matter on May 24, 2023 at 6pm at 2801 Ranch Rd 1869, Liberty Hill, TX 78642.

k) Introduction and staff report.

Ms. Hicks presented the staff report highlighting that the property had been recently annexed; reminding the Commissioners that agriculture is the default zoning in annexing; noting that 53 acres of parkland dedication was the idea of the developer and that it was appreciated by the City; and water and wastewater would be provided by the City of Liberty Hill, among others.

Staff recommends recommending approval of the zoning change.

vi) Hold a Public Hearing.

Chair Messana opened the Public Hearing at 6:45PM.

There were no citizen comments.

Chair Messana closed the Public Hearing at 6:45PM.

vii) Recommendation regarding requested variance

Chair Messana inquired if there was a tree survey done as the basis for the development agreement wherein it was agreed that the tree preservation requirements were satisfied by the parkland dedication. Director Jerry Millard advised that there was no survey and that Council had agreed with this. Chair Messana asked when the development agreement had been done and Director Millard advised in January. There was discussion on the location of the parkland on the map, noting it was to the north. Chair Messana requested clarification on the staff report which indicates it will serve as a buffer for the High School, given it will not. Staff noted the correction. Secretary Williams noted that the development agreement has already been done which limits any action that can be taken by the Commission at this time.

Chair Messana noted that this is one of the cases, given the development agreement has already been done, where the Commission is stuck between a rock and a hard place, and if he had had input into the development agreement, he would have wanted more on tree preservation as there does not appear to be any teeth in the agreement for tree preservation wherein it states "the developer will make good faith efforts to maximize the preservation of healthy specimens, etc.". Chair Messana stated it felt as if it was double dipping, which is frustrating. Secretary Williams echoed the Chair's concerns, further adding that while she did not feel the request was consistent with the Future Land Use Map (FLUM) as indicated in the staff report, the FLUM is being updated as part of the Comprehensive Plan and she does not feel Industrial is appropriate near the High School.

Motion: Commissioner Rivera moved, and Secretary Williams seconded, to recommend approval of the request for a Zone Map Amendment from the Agricultural (AG) zoning classification to the Multifamily Residential (MF1) zoning classification for 197.50 acres; and the request for a Zone Map Amendment from the Agricultural (AG) zoning classification to the Park zoning classification for 53.84 acres. **Motion carried by a vote of 3-0.** Ayes: Messana, Williams, and Rivera. Nays: 0. Abstentions: 0. 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) Approval of the meeting minutes of the Planning and Zoning Commission Regular Called Meeting April 4, 2023.

b) Approval of the meeting minutes of the Planning and Zoning Commission Special Called Joint Meeting with City Council on April 18, 2023, for discussion with representatives from Verdunity regarding the upcoming Comprehensive Plan.

c) Approval of the meeting minutes of the Planning and Zoning Commission Regular Called Meeting on May 2, 2023.

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

5) REGULAR AGENDA

a) Discussion regarding a request to add Article 5.05, Sexually Oriented Businesses to Chapter 5, Business Regulations to the Code of Ordinances for the City of Liberty Hill to add requirements for Sexually Oriented Businesses within the City. The Commission and City Council will hold public hearings on this matter at a later date once the ordinance is ready for final approvals.

Director Millard addressed the Commission, noting that the format for this ordinance had changed, and while it was now under Chapter 5 as a Business Regulation and not the Unified Development Code (UDC), he still wants the Planning and Zoning Commission to review. Director Millard noted that he would like to disregard the previous comments and start a fresh review, noting that when the ordinance is ready, there will be public hearings held.

The draft ordinance was discussed and the following highlights key discussions and changes to be made:

1. The ordinance would give the Planning and Zoning Commission overall authority, which would also need to be added to the bylaws, subject to Council approval.
2. Wording on Notice by Sign is the same as the Texas Alcoholic and Beverage Commission (TABC).
3. The wording on the definitions section enables different definitions for overlapping terms and no reconciliation with other ordinances is needed per Director Millard.
4. Discussion on the appropriate zoning and if conditional use was allowed resulted in decision on page 97 to move #3 to #1, #1 to #2, and #2 to #3. On the current #3 wording, the "commercial zoning designation" phrase will be corrected and the word "only" will also be inserted.

5. On #4, page 97 (and any other references), 500 feet will be changed to 1000 feet, which is allowed per the City Attorney.
6. For separation between businesses, it was agreed that 1000 feet could remain.
7. The City Attorney noted that in the 5.05 Exception section, the city could have a sexually oriented business zone.
8. ON 5.508B page 92. Commissioner Rivera asked if siblings should apply. The City Attorney advised that the wording cannot be stricter in that regard than it currently is in this draft.
9. Secretary Williams asked about the potential to change the age from 18 to 21 and the City Attorney advised that the age cannot be raised to 21.
10. The City Attorney advised that wording must take into consideration the Local Government Code and that only convictions, not current charges, as raised by Commissioner Rivera, could be considered.
11. Vice-Chair Cormack inquired about what would happen if a sexually oriented business was in the county and then annexed by the city, in terms of any grandfathering. Director Millard noted it would continue to operate as non-conforming unless something changes and the City Attorney noted that it would be considered a change anytime a permit is requested. Vice-Chair Cormack requested that whatever language is appropriate, it be added so this is clear. Director Millard asked if there should be a grace period, and if so, noted it would be in the agreement for annexation. The City Attorney will research the appropriate wording.
12. Page 98, #B the fine will be increased for \$2,000 to \$4,000, which the City Attorney agreed was allowed.
13. It was noted that the fine could go up to a Class A but that the Municipal Court could not handle it and it would have to go to County.
14. The fee schedule will be broken out and the City Attorney will research and have a draft for further discussion at the next meeting.
15. Director Millard will change signage and the City Attorney stressed that it must fall under the Sign Ordinance, noting it can regulate size and location, but not content. It was noted that the current draft ordinance does have some content type wording. The City Attorney will research.
16. Secretary Williams suggested that page 98 include the Harris County wording on the 3rd from the bottom bullet regarding human tracking, as discussed in the previous review. Director Millard located the Harris County wording and it was agreed that it would be added, with signs in the locations noted in Harris County. Who would provide the signs for posting is still to be determined.
17. The City Attorney noted that the exemptions included are enforceable.
18. The City Attorney noted that any bring your own beer (BYOB) issues will be case by case and that there is no need to add any specific wording in this regard because BYOB cannot be regulated.
19. Director Millard noted he would have the application ready for review at the next meeting.
20. Page 96 numbering will be fixed.
21. The City Attorney will prepare the associated ordinance.

The ordinance, revised Chapter 5 attachment, application, and fee schedule will be prepared for review at the next meeting. No action was taken.

b) Discussion regarding the ongoing Dark Skies designation process and status.

Chair Messina introduced the item, noting it had been requested by Secretary Williams. Secretary Williams advised the Commissioners that in a discussion between Councilmember Amanda Young, Ms. Hicks, and herself, Councilmember Young had mentioned that her Dark Skies contact had previously indicated that assistance might be available for a nominal fee. Secretary Williams recommended pursuing the assistance to move this important item along. Director Millard indicated that he had a consultancy budget wherein he could pursue this, and the idea was concurred by City Administrator Paul Brandenburg.

Director Millard advised he would look into the details of obtaining consultancy services.

No action was taken.

6) DIRECTOR OF PLANNING COMMENTS

Director's comments to include updates to projects and future agenda item scheduling. There can be no deliberation or action taken on these items.

Director Millard advised that he is interviewing an applicant for the Planning Technician position, and that the maps in the staff reports in the packets are not produced by Ms. Hicks using the geographic information system (GIS).

Based on discussions, the following future agenda items were noted:

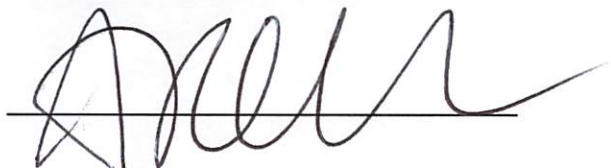
1. Vice-Chair briefing on previous two (2) coordination meetings.
2. Comp Plan Update.
3. Sign Ordinance.
4. Action Plan Update (Secretary Williams will send another update before posting)
5. Joint Workshop with Council on bylaws – June 1st was proposed. Secretary Williams will add Traffic Impact Analysis (TIA), Sexually Oriented Business (SOB), and Board of Adjustment (BOA) to Commission roles for further discussion with Council.
6. Joint Workshop with the Economic Development Corporation (EDC).
7. Applications for Commissioner.

It was noted that any items not yet addressed in a future agenda would be carried forward in this section to avoid anything falling through the cracks, even if there was no progress on the item.

7) ADJOURNMENT

Given there were no further agenda items and hearing no objections from the members, Chair Messana adjourned the meeting 8:11PM.

PASSED AND APPROVED by the Planning and Zoning of the City of Liberty Hill, Texas on 6th June, 2023, on vote of 3 ayes, 0 nays, and 0 abstentions.



Steve Messana
Chair



City Secretary