



PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
JUNE 20, 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
Diane Williams, Secretary
Bryan Rivera
Sarah Novo – 6:34PM after taking oath

City Staff Present:

Paul Brandenburg, City Administrator
Elaine Simpson, City Secretary
Jerry Millard, Director of Planning
McKenzi Hicks, Planner II
Shelby Claridge, Planning Technician
Marc Calderaro, 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, June 20, 2023, at 2801 Ranch Road 1869, Liberty Hill, Texas. Quorum was established and all four (4) current members were present.

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

2) INTRODUCE AND SWEAR IN COMMISSIONER SARAH NOVO

- a) Introduction of and administration of Oath to Sarah Novo, P&Z Commissioner appointed by City Council June 14, 2023. (E. Simpson)

City Secretary Elaine Simpson introduced new Commissioner Sarah Novo, making note that Ms. Novo had filed her oath of office. The City Secretary went through the other required paperwork with Ms. Novo before swearing her in as Commissioner.

3) 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.

Mr. Jeff Mayes introduced himself to the Commission, noting that a Commissioner had commented at a function that he had not attended any Planning and Zoning Commission Meetings and he wanted to join since his schedule allowed. Mr. Mayes advised that he was a Real Estate Broker and also the current President of the Chamber of Commerce. Mr. Mayes invited the Commissioners to the 1st Friday Breakfast, suggesting that a Commissioner come once a quarter to speak. Mr. Mayes also highlighted other activities of the Chamber of Commerce and noted that people can be in the Chamber even if they do not own a business.

4) PUBLIC HEARING

- a) Discussion, consideration, and recommendation to the City Council on a request to create Chapter 5, Business Regulations, Article 5.05, Sexually Oriented Businesses of the City of Liberty Hill's Code of Ordinance and amend Chapter 9, Planning And Development Regulations, Exhibit A, Unified Development Code Chapter 8, Appendix: References And Definitions, Article 8.02, Definitions, Section 8.02.01, Definitions and Chapter 4, Zoning Districts, Use Regulations, and Lot Design Standards, Section 4.09, Use Table, Table 4-2 of the City of Liberty Hill's Unified Development Code.

City Council will hold a public hearing on this matter on July 12, 2023 at 6pm at 2801 Ranch Rd 1869, Liberty Hill, TX 78642

- i) Introduction and staff report.

Director Jerry Millard introduced the topic and gave the staff report, highlighting that this is intended to be the final public hearing of the Commission on the matter. Director Millard also highlighted the information provided from various surrounding areas, noting that he had added the requirement for an employee license like Pflugerville and also pulled from other cities if he thought it was good. Director Millard reviewed the other changes, noting that the numbering scheme was done to align with the future ordinance recodification effort. Director Millard also called the Commissioners attention to the fact that Cedar Park had a \$10,000 fee, and went over the recommended fees for Liberty Hill.

Staff recommends recommending approval of the creation of Article 5.05, Sexually Oriented Business regulations and text amendments to the definitions, Section 8.02, and Table 4-2 of the UDC as presented.

ii) 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.

iii) Recommendation regarding requested ordinance change.

Chair Messana inquired if the business and employee licensing fees were good for one (1) year. Director Millard confirmed. Secretary Williams noted that Section 5.05.08 for the Business license does not mention annual. Commissioner Sarah Novo noted that Section 5.05.09 for Employee license states annual renewal. Vice-Chair Cormack asked if the Planning Department really wanted to take on the workload of reviewing and approving employee licenses, and what if some were merely the janitor, for example. Vice-Chair Cormack asked which cities did this, stating it seems excessive. Director Millard advised various cities did and that his Department would make the time as it could help prevent human trafficking. Chair Messana noted the point of the Vice-Chair but stated that he would like to see everyone licensed. Secretary Williams echoed her support for requiring employee licenses. Following discussions of the associated sections, the following changes were agreed upon:

- *Section 5.05.08 Business License Fee – insert “An annual” before non-refundable at the start of the sentence.*
- *Section 5.05.09 D. – Change “non-refundable application fee” to “non-refundable annual license application fee”; and in 2nd sentence, insert “license” between “annual” and “renewal”.*
- *Section 5.05.15 – reword to add employee license.*

Chair Messana also stated that he thought on the zoning use table that the Commission wanted to make both conditional. The City Attorney advised that per Marianella Joseph (City Attorney), this is okay to do. Director Millard noted that this should also be changed in Section 5.05.18. Secretary Williams also made note in Section 5.05.18 of previous changes not applied. As a result of the discussion, the following changes were agreed upon:

- *Section 5.05.18 - #3 moves to the top of the list as #1 and the word “conditionally” is to be inserted after “only be” and before “sited”, current #1 and #2 shift down to #2 and #3 accordingly.*
- *Table 4-2 Zoning Use Table, Sexually Oriented Businesses – Both zones will be C (conditional use).*

Secretary Williams highlighted the following changes needed:

- *Section 5.05.07 A. 2 – spell out NCIC and TCIC since 1st use.*
- *Section 5.05.07 B – wording needs to be revised given the City Council wants to be the final approval/disapproval. The Planning and Zoning Commission will review and make recommendation for approval/disapproval to the City Council.*
- *Section 5.05.14 needs same change for role of the Commission.*

Commissioner Rivera inquired as to the previous discussions on changing the age in Section 5.05.07 B #1 from 18 to 21 and it was advised that the City Attorney had previously told the Commissioners this could not be done due to state law.

Secretary Williams noted in Section 5.05.09 #3 and #8 that age and drivers license Identification (ID) number are required in the ordinance but missing from the application, and noted the need to add checkboxes for attachment requirements outlined in the ordinance. As a result, the following change is needed:

- *Individual/Employee Application – age and ID number will be added.*
- *Individual/Employee Application - the checkboxes for attachments required in the ordinance should be added (like on the Business license).*

Vice-Chair Cormack highlighted in Section 5.05.10 C. 3 that the wording was confusing and thought some wording should be deleted. Marc Calderaro, City Attorney, advised that if there were any existing businesses, this wording should remain. Director Millard advised that there was not and the following change was agreed upon:

- *Section 5.05.10 C.3 - the wording “, other than the offense of operating a Sexually Oriented Business without a license,” will be deleted.*

There was discussion on Section 5.05.13 regarding if it would go through the Planning and Zoning Commission to the City Council, or stop with the Planning Department. The following was agreed upon:

- *Section 5.05.13 - Suspensions would be handled at the Planning Department level, and the Commission draft Bylaws would be amended accordingly.*

Secretary Williams noted that Section 5.05.16 Appeal needs to also change given the City Council’s desire to be the final authority on licenses. The City Attorney noted that he does not recommend convening a different body, suggesting instead an Administrative Appeals process. Following discussions, the following change was agreed upon:

- *Section 5.05.16 A. and B. – Director Millard will research and reword to align with the other process wherein an appeal goes to the Mayor, Mayor Pro Tem, and the City Administrator.*
- *Section 5.05.17 A. B. and H. – same change as 5.05.16 to be Mayor, Mayor Pro Tem, and the City Administrator.*

Regarding a previous inquiry of Vice-Chair Cormack on if there could be a grace period for an SOB business coming in during annexation, Director Millard advised that this was not possible due to vested rights.

Secretary Williams asked what application would be used for a renewal and Director Millard advised that the following change would be made:

- *All applicable applications will have a checkbox to indicate if it is a new application or renewal.*

Secretary Williams inquired as to the related ordinance requirement for Individual/Employee Participation in SOB (Sexually Oriented Business) and the associated definitions that is on the application. Chair Messana indicated it can make sense to have this on the employee application to address the previous concern noted by the Vice-Chair. There was a discussion of Section 5.05.07 A which does require this for Partnerships, Corporations, and Associations. It was determined that Section 5.05.07 A did not require a change as it was merely defining when the associated application was required but the following change was agreed upon:

- *Individual/Employee Application – remove the line for Participation in the SOB for the individual and the spouse.*
- *Partnership, Corporation, Association Application – Partner Information and Spouse Information Sections – remove the line for Participation in the SOB.*

Secretary Williams asked the City Attorney if the statement in the Application for the Partnership, Corporation, Association declaration section, 4th sentence, is sufficient only referencing partnership. Following advice from the City Attorney, the following change was agreed upon:

- *Partnership, Corporation, Association Application, 2nd page, Signature and Declaration Section, 4th line, “partnership” should be changed to ‘partnership/corporation/association”.*

Chair Messana noted a change needed on the Approval/Denial checklist referencing the Commission, and Secretary Williams noted that the signature line on the 2nd page for the Commission Chair also needs changed. The following changes were agreed upon:

- *Approval/Denial Checklist, page 1, bolded sentence related to completing the checklist, remove reference to the Planning and Zoning Commission.*
- *Approval/Denial Checklist, page 2, change the signature lines and reword the Planning and Zoning Commission portion to recommends, and add the City Council process.*
- *SOB Permit – change the signature line, removing the Chair of the Commission and changing it to the Mayor.*

Following discussion of the associated fees, the following changes were agreed upon:

- *Addition of an appeals fee of \$1,000 as a fee and make the associated change in Section 5.05.16 Appeal section.*

Mr. Jeff Mayes, who signed up for comment on this item, asked if a state ID would also be acceptable if there was no Driver’s License and it was noted that the ordinance allows for it. Mr. Mayes asked if there were concerns on the wording deleted in Section 5.05.10 given some existing business could come in during annexation as also noted. Chair Messana advised that there were vested rights.

Commissioner Rivera asked for if there was a process to require that an application be resubmitted every time one is arrested, or will that not be caught until the annual renewals. Director Millard advised he was not sure how staff could catch that. Commissioner Rivera stressed the need for the City to be able to enforce it in the ordinance. Vice-Chair Cormack noted that Section 5.05.13 indicates that the license can be suspended and Director Millard highlighted it would not be a case for the need to reapply because the license would be suspended. Vice-Chair Cormack noted that it really comes down to enforcement and the annual application process to catch. Commissioner Rivera stressed he wants to give the police a way to do it. Commissioner Novo pointed out that Section 5.05.12 Inspection does establish that authority. Commissioner Novo suggested the following change:

- *Section 5.05.12 B. last sentence, change at the end “and state laws” to “, state laws, and licenses”.*

Chair Messana noted the need for the following changes:

- *Section 5.05.14 #4 has an incorrect reference – change reference to 5.05.08 to 5.05.07.*
- *Ensure all references to approval by the Planning and Zoning Commission are changed.*

Motion: Vice-Chair Cormack moved, and Commissioner Rivera seconded, to recommend approval of the creation of Article 5.05, Sexually Oriented Business regulations and text amendments to the definitions, Section 8.02, and Table 4-2 of the Unified Development Code (UDC) subject to the changes being made and reviewed by the Commission Chair and Secretary. **Motion carried by a vote of 5-0.** Ayes: Messana, Cormack, Williams, Rivera and Novo. Nays: 0. Abstentions: 0.

5) 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 June 6th, 2023 P&Z Commission Regular called Meeting Minutes (Secretary Williams)
- b) Consider recommending approval to the City Council regarding the final action of the OXF Liberty Hill Preliminary Plat, being approximately 81.52 acres of land, legally described as Lots 3, 12, and 13 and Part of Lot 11, Twenty-nine Ranch Subdivision and Lots 5A and 5B, Poldrack Estates Subdivision (Replat of Lot 5, Twenty-nine Ranch Subdivision), Liberty Hill, Williamson County, Texas. (M. Hicks)

Motion: Chair Messana moved, and Commissioner Rivera seconded, to approve the Consent Agenda. **Motion carried unanimously by a vote of 5-0.** Ayes: Messana, Cormack, Williams, Rivera, and Novo. Nays: 0. Abstentions: 0.

6) REGULAR AGENDA

- a) Discussion, consideration, and possible action regarding the Planning and Zoning Commission's review of the draft Bylaws. (J. Millard)

Director Millard introduced the topic and Secretary Williams noted that the redlined version handed out at the dais was for additional grammatical corrections only.

Director Millard highlighted that wording had been added to Section 5.1 to address the desire of the City Council to get three (3) applicant recommendations from the Commission in the event of a vacancy. Following discussions, it was agreed that wording would be inserted as follows: "if sufficient number of qualified applications are received". Secretary Williams noted that in Section 4.1 o., the word 'suspensions' needs to be deleted given the recommended changes to the SOB ordinance in this regard.

Motion: Secretary Williams moved, and Vice-Chair Cormack seconded, to recommend approval of the bylaws to the City Council. **Motion carried unanimously by a vote of 5-0.** Ayes: Messana, Cormack, Williams, Rivera, and Novo. Nays: 0. Abstentions: 0.

- b) Receive an update and possible discussion regarding the planning department's subdivision application process changes as a result of the potential Planning & Zoning Commission Bylaws update

Ms. McKenzi Hicks briefed the Commissioners on the anticipated changes to the subdivision application process as a result of the change in the Commission bylaws wherein the preliminary and final plat approvals will be the responsibility of the Commission. All other aspects will remain the same. Chair Messana inquired about Development Agreements and it was acknowledged that Development Agreements would come through the Commission with the change of bylaws under a different process.

Director Millard noted that there will be a lot of sections in various ordinances that will have to change beyond just the Unified Development Code (UDC). Director Millard also reminded the Commissioners that the website has a flowchart of the process, which will also change, noting that plat signature lines will reflect the name of Chair Messana to be ready following the City Council approval of the bylaws.

Vice-Chair Cormack asked that Ms. Hicks send the table of the changes and also suggested training at one of the meetings. Director Millard advised he also intended to add more funds for Planning and Zoning Commission training in the next budget, and noted the current training that the Planning Technician is taking online.

No action was taken.

- c) Discussion and possible action regarding the Planning and Zoning Commission's 2023 Work Plan.
(J. Millard)

Director Millard introduced the topic and advised the Commissioners that there had been some updates and information added to the version that Secretary Williams had provided. Secretary Williams noted that the Coordination Briefing item edited to indicate that there was a briefing on May 2, 2023 is incorrect, noting that while it was on the agenda for that meeting, the briefing was postponed.

Secretary Williams indicated the need to discuss the UDC update targets with the Consultant to determine if all of the updates outlined will happen in 2023, and thus be a measure for the Commission's 2023 efforts, or if some will be in 2024. Director Millard advised that Phase 6 goes from October 2023 to February 2024 and he will ask the Consultant to determine if any should move to 2024. Chair Messina echoed the need to determine which items should move into 2024 in terms of targets.

Secretary Williams highlighted and complimented the staff for the Geographic Information System (GIS) progress indicated in the workplan.

No action was taken.

- d) Receive an update and possible discussion of the Boards & Commission coordination meeting(s).
(Vice Chair Cormack)

Vice-Chair Cormack advised the Commission that the most recent coordination meeting was the 4th one conducted and he was the only member who had been there twice, noting that the members of the other Boards are rotating people. Vice-Chair Cormack asked if the Commission might want to do the same and all members expressed interests in rotating into the meeting, which is the 3rd Thursday at 4PM.

Regarding meeting notes, Vice-Chair Cormack indicated he thought it was a great idea but a challenge for him to be engaged in the meeting and take notes. Vice-Chair Cormack asked if any staff could be made available to do that. City Administrator Paul Brandenburg advised that staff was extremely busy, and suggested instead that each attendee write-up their respective briefing notes and staff could consolidate them for the Commission. The City Administrator noted he would send out something for the City Secretary to get to all attendees for these to be collected. Vice-Chair Cormack expressed concerns that there could be some sensitive information that has been shared, asking how that would be shared. The City Administrator advised it would be in a folder but not for release.

Vice-Chair Cormack indicated that the Economic Development Corporation (EDC) and the Parks Board did not make it to the last session, only the Downtown Revitalization Committee (DRC). Vice-Chair Cormack advised that the DRC was progressing on the Downtown Master Plan. The City

Administrator advised that there would be an addendum for streetscape. Vice-Chair Cormack indicated that the DRC is working on wayfinding signage and the DRC Chair, Daniel Scott, had asked for the input of other Boards and Commission members. Vice-Chair Cormack noted that he had sent it to all the Commissioners for comment and asked if that was permissible. Director Millard advised that it could constitute a walking quorum and the City Secretary advised that it should instead be placed as an agenda item. Vice-Chair Cormack advised he would ask the DRC Chair to come to the meeting. Secretary Williams suggested it be placed on the July 18th meeting agenda since that is the next scheduled meeting of the Commission.

No action was taken.

7) 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.

- a. Dark Skies Update
- b. LHTX 2040 Comprehensive Plan Update
- c. Sign Ordinance Update
- d. P&Z - EDC Joint Meeting Update

Director Millard updated the Commission on the above items noting the following:

- Sign Ordinance will be coming to the Commission on July 18th as a workshop item. Vice-Chair Cormack also noted that there is a similar need for an agenda item for the Parks Board given the Commission has the overall responsibility for the sign ordinance.
- Dark Skies Update – Ms. Hicks advised that staff had reached out to the President of the organization and was advised that there was a monthly meeting to go over the application process, with the next one being July 5th at 6PM via zoom. Ms. Shelby Claridge will send out the invitation to all Commissioners.
- LHTX 2040 Comprehensive Plan Update – Director Millard noted that the meeting with Verdunity for last week had to be postponed due to a member of the team having COVID, noting that the new schedule is for July 26th and 27th. Director Millard went over the itinerary for the visit, noting that public interaction #2 location is still pending. Director Millard again encouraged all Commissioners to review and share the videos on the website. Director Millard advised that the update meeting with Verdunity will be held on the following day at 4 PM and he would ask about the Work Plan targets at that time.
- P&Z-EDC Joint Meeting Update – Director Millard advised that it was a challenge setting a joint meeting date and he would try again this week to get it scheduled.

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

1. Coordination Meeting briefing on July 18th given that is the only meeting in July. The new format of getting reports from each group will be done, but per Chair Messana there should also be an item on the agenda in the event any discussion is needed.
2. Appoint/Reappoint Commission Officers – Secretary Williams noted that this annual bylaw requirement to elect officers was moved from October to July with the change in term expirations.

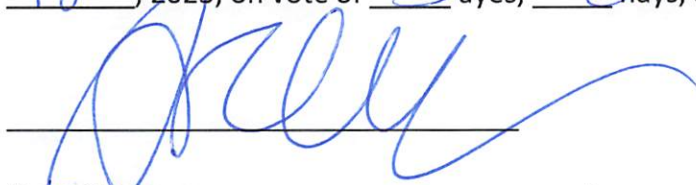
3. Downtown Revitalization Commission and Parks Board discussion on signs as noted earlier.

Director Millard thanked the City Secretary for helping with the Commission meetings, noting that Ms. Claridge, the Planning Technician, would be taking over at future meetings. The Commissioners echoed the thanks.

8) ADJOURNMENT

Given there were no further agenda items and hearing no objections from the members, Chair Messana adjourned the meeting 8:54PM.

PASSED AND APPROVED by the Planning and Zoning of the City of Liberty Hill, Texas on July
18, 2023, on vote of 5 ayes, 0 nays, and 0 abstentions.



Steve Messana
Chair



City Secretary

