



PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
August 1, 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

City Staff Present:

Liz Branigan, Mayor
Jerry Millard, Director of Planning
McKenzi Hicks, Planner II
Shelby Claridge, 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, August 1, 2023, at 2801 Ranch Road 1869, Liberty Hill, Texas. Quorum was established and all members were present.

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 to the City Council on a request to amend Appendix A, Chapter 2.00 Review Authority and Procedures, Article 2.03 Administrative Officials and Review Entities, Section 2.03.06 Planning and Zoning Commission, Section 2.03.07 City Council (Council), Chapter 3 Applications and Permits, Table 3-1 Applications and Permits, Section 3.09.01 General Requirements for Approval of Plats, section 3.09.02 Administrative Plat Review, section 3.09.03 Preliminary Plat Review, section 3.09.04 Final Plat Approval, and Chapter 6.00 Site Development and Design Standards, Article 6.11 Assessment and Improvement of Transportation Network, Section 6.11.03 Administration of the Unified Development Code (UDC) for the City of Liberty Hill to incorporate the changes to the duties and responsibilities of the Planning and Zoning Commission in accordance with the recent by-law change adoption. (J. Millard)

City Council will hold a public hearing on this matter on August 23rd, 2023 at 6pm at 2801 Ranch Rd 1869, Liberty Hill, TX 78642.

i) Introduction and staff report.

Director Jerry Millard introduced the topic, presented the staff report, and highlighted some of the changes made in the ordinance. Director Millard noted that the trigger for this update was the updating of the Commission bylaws and stated that the City Attorney had advised that the update could be handled in this manner. Director Millard further acknowledged that the overall Boards and Commission ordinance had been changed to only refer to the bylaws so nothing else was needed in that regard.

Director Millard noted the reference is now Chapter 9 in anticipation of the new codification, and advised that other changes had also been made to clean up aspects like the title change from City Administrator to City Manager. Regarding page 12, item c, Director Millard explained he had added this to coincide with the Traffic Impact Analysis (TIA) ordinance.

On the table, Director Millard highlighted the change to the Parks Board review, noting that it had been discussed before so he had added a note limiting their role, adding that they have an advisory role. Director Millard advised that the Parks Board bylaws are not done yet but it will be anything related to parkland or open spaces, and that they would have the same role for development agreements that contained any related areas. Director Millard noted that he had removed minor plats from the table because he didn't think it was needed, and said there would be some replats.

Director Millard also noted he had removed the “order of design compliance”, cleaned up building permit to sign permit, and added the Sexually Oriented Business application.

On 6.11.03, Director Millard noted that B had been added for the TIA, and concluded that this would not go to Council until August 23rd to allow time for another Planning and Zoning Commission meeting to review any changes.

ii) Hold a Public Hearing.

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

There were no citizen comments.

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

iii) Recommendation regarding requested variance

Chair Messana asked for staff recommendation since that portion of the staff report had not been presented earlier. Director Millard advised that staff recommended that the Commission recommend approval.

Secretary Diane Williams requested that the staff report be corrected to outline that all the changes being presented are not related to the bylaws only, as currently stated in the report.

On the change from City Administrator to City Manager, Secretary Williams expressed concern that section 2.03.02, which establishes the roles, would still be City Administrator, and therefore, City Manager would not have that basis in code. The challenges were also discussed that there are many other references to City Administrator as well, which might pose a problem if that section was changed to only City Manager. It was agreed that this would be discussed with the City Attorney, and Director Millard noted that it might necessitate another public hearing at the next meeting if this section also needs changed.

Highlights of clarifications and changes raised by Secretary Williams include the following:

- Page 7, Section 2.03.06 B, this entire paragraph seems to have been added and therefore it should all be redlined, and also explained in staff report.
- Page 9, Section 2.03.07 B,
 - 1 - delete the word “request” to be consistent with other text and the table.
 - 4 – why isn’t this in the table? Director Millard noted he would add it.
- Page 9, Section 2.03.07 F. - why was this deleted as it is not related to bylaws and is still accurate? Director Millard advised he had deleted it because it seemed redundant.
- 3.08.06G – which is not included in this update discusses variances. Should this also be updated? Director Millard advised that he thought it should at least be clarified as to which type of variance was being referenced.
- Page 11, Section 3.09.02 I - why was the term administrative plat deleted? Director Millard noted that he didn’t think it was necessary there since the section was about administrative plats but that he would leave the term there.

- Page 52 of the packet - while a later agenda item, this notes that the role of the staff for administrative plats would change, and while staff would still approve them, disapproval would be at Planning and Zoning Commission. Director Millard noted that he was unaware of that change but a change was needed to accommodate it. Chair Messana noted that this would also necessitate a change in Section 2.03.06.
- Page 13 3.09.04 B – the sentence deleted should remain with City Council being changed to Planning and Zoning Commission.
- Page 14, Table:
 - Why is there a need to add a footnote for Parks when their review is already listed in the current table and the concern before was really because they had not been included in reviews? Furthermore, why is it changing before their bylaws are approved when the changes were not made for Planning and Zoning Commission until after the bylaws were approved? Based on discussions, the footnote is to be removed.
 - Vice-Chair Cormack raised concerns on the deletion of the County footnote, and following discussions it was agreed to leave a footnote stating County has review when in the ETJ.
 - Sexually Oriented Business – before the Commission was advised that this was a business regulation so is it appropriate to add it to this table? Director Millard advised that it was not and it would be removed.
 - Removal of replat – earlier Director Millard advised there would be replats so why was this removed from the table? Director Millard explained residential replat. Secretary Williams expressed concern with the removal of all these terms from the table which are still in the text in this update, as well as text not in this update.
 - In response to Director Millard stating that some of the terms removed were because they fell under Administrative Plat Review, Commissioner Novo asked if the definition of Administrative Plat included these items. Director Millard noted that these items were under section 2.03.09.02 Administrative Plat Review but acknowledged, upon checking, that the definition did not include the items and would need updating at some point.
 - Page 15, 6.11.03 A – if the change is going to be made, then the occurrence of City Administrator here should also be changed to City Manager. Director Millard asked what the Commission wanted to do, and it was reiterated that a discussion should be held with the City Attorney.

Vice-Chair Cormack requested that the “Xs” and “Os” be consistently centered in the table.

Commissioner Novo noted on page 12, 3.09.03 C, Director Millard had noted it came from somewhere else, and requested the source. Director Millard elaborated on what some developers were doing and how it was a loophole for a TIA. Commissioner Novo asked if it was cited from somewhere else in the code, to which Director Millard advised it was from the TIA ordinance.

Chair Messana noted that the staff report should be amended to include and separate out the changes not related to the bylaws, noting that staff will clean up the document and bring it back for review.

Director Millard advised that the Commission could recommend approval with changes and it would be brought back.

No action was taken and staff was directed to make changes and bring back to the Commission.

Secretary Williams asked if the question of Commissioner Novo at the last meeting could now be addressed, which was can the update to the interlocal agreement now progresses to the County once this is approved by Council. Director Millard responded that he and the City Manager decided that the update would wait until the UDC rewrite is complete. Secretary Williams asked for confirmation that this would mean that the only role of the Commission that could not go into effect now was the subdivision variances in the ETJ. This was confirmed by Director Millard who elaborated that the rewrite with the County has started and how things would be handled in the interim.

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) Consider approving the July 18th, 2023 P&Z Commission Regular Called Meeting minutes. (Secretary Williams)

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.

5) REGULAR AGENDA

a) Receive an update regarding the passage of recent bills as a result of the 2023 Texas Legislative Session - primarily HB 2127, HB 3699, SB 2038, and HB 3492. (M. Hicks)

Planner McKenzi Hicks provided updates on the recent bills which will be effective September 1, 2023, along with planned process changes as a result of the bill, noting that this most recent session had more than typical since 2019.

HB 2127 Texas Regulatory Consistency Act– It was noted that in the event of a conflict with any ordinances, the statute would prevail. There were discussions regarding the impact of this bill and how others are responding.

HB 3699 Platting Shot Clock– It was noted that this puts a “shot clock” on certain applications to 30 days and there were discussions on what will, and will not, fall under this timeframe.

Secretary Williams inquired as to the impact of the text amendment to TLGC Section 212.01(c) from prohibiting cities from requiring land dedication within a subdivision for future street or alley that is not intended by the owner or not included within an adopted capital improvement plan. Planner Hicks advised that this was her biggest concern and provided examples on how it could impact the

city. Chair Messana asked if this could still be required in a Development Agreement (DA) and if the impact was only to a regular plat. Director Millard advised that there was a lot of gray area and many cities are trying to get clarification, providing examples on how the city could get around it, and also noting that the developer could still choose to do it. Director Millard concluded that some clarification was still needed.

Planner Hicks also noted that the definition for filing was changed, noting the city had previously defined it as after staff had gone through the document and it went to the Commission, to now being the date of when it is actually filed. She noted that staff will prepare a revised calendar, and provided examples.

SB 2038 Extraterritorial Jurisdiction (ETJ) Release - It was noted that the only one to-date impacted was related to CR 277. Clarifications were provided and Commissioner Bryan Rivera noted that many were getting ready for September 1st when this goes into effect. Director Millard noted that some will come out of the ETJ and some will have to do a petition, further elaborating with examples.

HB 3492 Value-Based Fees - It was noted that staff is working with the City Attorney as there will have to be a fee schedule update by September 1st. Planner Hicks went over the process changes and things being considered on how to handle as outlined in her presentation. Clarifications were provided.

No action was taken.

b) DarkSkies update and review of DarkSky Consultant Proposal from Ms. Amy Jackson. (S. Claridge)

Ms. Shelby Claridge, Planning Technician, addressed the Commission and advised the Commissioners that she had also handed out an email which shows that the \$250 application fee for International Dark Skies has now been paid, which means the process can start, and she has access to all the resources available.

On the Consultant Proposal of Amy Jackson in the packet, Ms. Claridge noted that the original proposal had included things already in progress by staff, providing examples, and highlighted that removal of these items had saved around \$1,500. Ms. Claridge noted in the current proposal, the first item for pre-inquiry also needed to be removed, which will save some more money. Mr. Claridge reviewed the scope of work outlined in the proposal.

Vice-Chair Cormack asked for clarification on where the city was in the 1–3-year process mentioned, and Chair Messana advised at the beginning. Ms. Claridge noted that while the City did have an ordinance, the Consultant will go over the ordinance to determine if it is consistent with the latest requirements.

Ms. Claridge advised that the money for the Consultant will be placed in next year's budget. Secretary Williams asked if that meant the Consultant could not be brought on board for another 2 months. Claridge advised that she would check. Secretary Williams requested clarification on what Director Millard had advised in a previous meeting with regards to funds being available in this year's budget for this effort, and therefore there was no need to request funds at that time from Council. Director Millard advised that there were none, as those funds were for engineers and had been used, noting that this is how the City Manager had said to handle this consultancy. Ms. Claridge advised that she would talk to Amy Jackson and see what could be worked out in terms of starting before and timing billings after the budget goes into effect, if allowed.

Ms. Claridge highlighted she had been in discussions with Dark Skies representative Donna Leonard, and Chair Messana asked if there were any plans for events during the eclipse. Ms. Claridge noted that she would check into that.

No action was taken.

6) REPORTS/UPDATES

- a) Cross-Committee Communications group meeting notes from Thursday, July 20, 2023. (J. Millard/Vice-Chair Cormack)

Vice-Chair Cormack introduced the item and thanked Commissioner Novo for attending it. Commissioner Novo provided some highlights from the reports.

Chair Messana asked if there were any updates on the YMCA, to which Commissioner Novo responded that it had not been discussed in detail. Chair Messana advised that the last he had heard was that they were not ready to have a YMCA building here at this time but there would be some collaborations to do some activities here.

No action was taken.

- b) Receive revised P&Z Roles and Responsibilities Chart. (M. Hicks)

Planner McKenzi Hicks addressed the Commission and noted that this was an updated chart, as requested in the last meeting. Secretary Williams noted that this chart is the one for the applications and was very helpful in the review of the ordinance earlier. Secretary Williams further noted that a separate chart had also been requested for the other roles and responsibilities of the Commission that are not associated with applications, using the same format. Secretary Williams stressed that some of the roles and responsibilities from the previous bylaws had not ever been implemented so this additional chart was intended to ensure they were now. Direction was given to staff prepare the 2nd chart for this purpose.

No action was taken.

7) DIRECTOR OF PLANNING AND DEVELOPMENT COMMENTS

Items for a future agenda may be identified and scheduled. There can be no deliberation or action taken on these items.

a. City Council Update - P&Z Items (J. Millard) Director Millard advised the Commission that there were no new items to report.

b. LHTX 2040 Comprehensive Plan Update (J. Millard) Director Millard advised the Commission that the next Consultant trip would be on August 22-23, 2023 and the schedule is being finalized for the joint session, which will start earlier. Director Millard briefly highlighted the activities being progressed by the Consultant, noting that video #9 was now available on the website, and encouraging the Commission to review it and keep up with the site. Director Millard also noted that video #10 would be out in August, along with a draft document of the plan.

c. List of Potential Variances Requested by Chair Messana (postponed until a later date)

d. Parks & Recreation Board Signage Coordination (postponed until a later date)

Secretary Williams, while noting that the Director did not have any City Council Updates at this meeting, highlighted for future reference the request of Chair Messana at the July 18th meeting to include an itemized list under this item in the future.

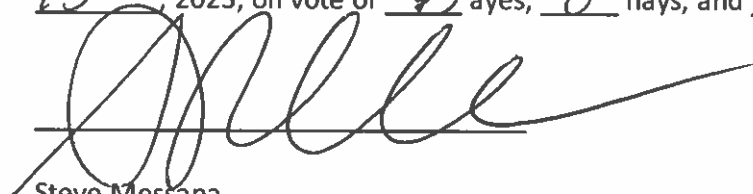
Secretary Williams also referenced the July 18th minutes in the packet noting the following future agenda items that had not been carried forward under this item, and/or addressed at this meeting as planned. These include the following:

1. Verdunity scope of work for the UDC update, along with updates to the associated items on the Annual Workplan (requested for this meeting).
2. Bylaw Implementation Updates (progress which was partially covered under Agenda Item 6b)
3. Sign Ordinance Stop Gap (requested for this meeting).
4. Future Land Use Map (FLUM) (discussion as requested by Vice-Chair Cormack).

8) ADJOURNMENT

Given there were no further agenda items and hearing no objections from the members, Chair Messana adjourned the meeting 8:08 PM.

PASSED AND APPROVED by the Planning and Zoning of the City of Liberty Hill, Texas on August
15, 2023, on vote of 93 ayes, 0 nays, and 2 abstentions.



Steve Messana
Chair

City Secretary