



PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
SEPTEMBER 5, 2023 at 5:30 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
Paul Brandenburg, City Manager
McKenzi Hicks, Planner II
Shelby Claridge, Planning Technician
Ethan Harwell, Kimley-Horn
Madison Graham, Kimley-Horn
AJ Fawver, Verdunity (via zoom)
Marshall Hines, Verdunity (via zoom)

1) CALL TO ORDER

The Planning and Zoning Commission meeting was called to order by Chair Steve Messana at 5:31 PM on Tuesday, September 5, 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.

Chair Messina advised that there would be some changes in the order of the agenda items to ensure that the Public Hearing in Agenda Item 4.a starts at 6:30 PM to align with the Public Notice, which might also necessitate moving agenda items 5, 6, and 7 ahead of Agenda Item 4.a., noting that Verdunity would be joining via zoom to review the draft Comprehensive Plan.

The Consultants from Kimley-Horn were introduced.

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) CONSENT AGENDA

- a) Consider approving the minutes for the July 19, 2023, Planning and Zoning Commission Joint Meeting with Liberty Hill Economic Development Board of Directors. (Secretary Williams)
- b) Consider approving the minutes for the August 15, 2023, Planning and Zoning Commission Regular Called Meeting. (Secretary Williams)
- c) Consider approving the minutes for the August 22, 2023, Planning and Zoning Commission Special Meeting with Verdunity. (Secretary Williams)
- d) Consider approving the minutes for the August 23, 2023, Planning and Zoning Commission Special Meeting with City Council and Verdunity. (Secretary Williams)
- e) ***Pulled from Consent Agenda by Vice-Chair Chad Cormack** Consider disapproving the Omega Ranch Phase 1 Amending Plat, consisting of approximately 22.61 acres of land, generally located along View Drive and the intersection of View Drive and Morning Dawn Lane, more particularly described by Williamson Central Appraisal District Parcels R621839 and R621876, and legally described as Lots 6 and 43, Block E, Omega Ranch Phase 1 Final Plat, Liberty Hill Extraterritorial Jurisdiction (ETJ), Williamson County, Texas. (M. Hicks)
- f) ***Pulled from Consent Agenda by Vice-Chair Cormack** Consider disapproving the Live Oak Ranch Unit 2 Minor Plat, consisting of approximately 4.59 acres of land, addressed as 2950 CR 279, more particularly described by Williamson Central Appraisal District Parcel R023980, part of and out of the Joseph Lee Survey, Abstract No. 393, Liberty Hill Extraterritorial Jurisdiction (ETJ), Williamson County, Texas. (M. Hicks)

Motion: Commissioner Bryan Rivera moved, and Commissioner Sarah Novo seconded, to approve the Consent Agenda **with the exception of item 3.e and 3.f. Motion carried unanimously by a vote of 5-0. Ayes: Messina, Cormack, Williams, Rivera, and Novo Nays: 0. Abstentions: 0.**

e) Consider disapproving the Omega Ranch Phase 1 Amending Plat, consisting of approximately 22.61 acres of land, generally located along View Drive and the intersection of View Drive and Morning Dawn Lane, more particularly described by Williamson Central Appraisal District Parcels R621839 and R621876, and legally described as Lots 6 and 43, Block E, Omega Ranch Phase 1 Final Plat, Liberty Hill Extraterritorial Jurisdiction (ETJ), Williamson County, Texas. (M. Hicks)

City Planner McKenzi Hicks introduced the item and provided a background of the intent of the amendment.

Vice-Chair Cormack inquired as to why this amending plat was coming to the Commission and if the County had reviewed it. Chair Messana explained the process now wherein disapproval of administrative plats must come to the Commission, and Planner Hicks advised that the County had not reviewed this amendment.

Chair Messana noted that there was a lot of comments, and stated he assumed that is why it needed to be disapproved to enable it to go back for corrections. Vice-Chair Cormack commented that there were a lot of comments for an amending plat, and inquired if this was because things had not been caught before. Planner Hicks advised that the comments were mostly formatting, but that there were comments from the Engineer and Williamson County (Wilco). Vice-Chair Cormack noted that there were still a lot of comments if the previous one had already been reviewed, noting he had always felt confident in Wilco and also was glad that Kimley-Horn is now looking at it. Mr. Ethan Harwell of Kimley-Horn advised that this was a new document, prepared by a new person, and clarified again that the comments were mostly related to formatting.

Vice-Chair Cormack discussed his observations about the floodplain lines but noted he assumed this would be addressed with the Site Plan.

Motion: Vice-Chair Cormack moved, and Commissioner Rivera seconded, to disapprove the Omega Ranch Phase 1 Amending Plat. **Motion carried unanimously by a vote of 5-0.** Ayes: Messana, Cormack, Williams, Rivera, and Novo Nays: 0. Abstentions: 0.

f) Consider disapproving the Live Oak Ranch Unit 2 Minor Plat, consisting of approximately 4.59 acres of land, addressed as 2950 CR 279, more particularly described by Williamson Central Appraisal District Parcel R023980, part of and out of the Joseph Lee Survey, Abstract No. 393, Liberty Hill Extraterritorial Jurisdiction (ETJ), Williamson County, Texas. (M. Hicks)

Planner Hicks explained the purpose of the amendment and Mr. Harwell added that the surveyor left off some important dimensions that needed to be addressed.

Motion: Chair Messana moved, and Commissioner Rivera seconded, to disapprove the Live Oak Ranch Unit 2 Minor Plat. **Motion carried unanimously by a vote of 5-0.** Ayes: Messana, Cormack, Williams, Rivera, and Novo Nays: 0. Abstentions: 0.

Regular Agenda Items 4.b, 5, 6, and 7 were covered before Item 4.a and 4.c.

4) REGULAR AGENDA

- a) Consider request for a zoning variance from the minimum side setback of seven (7) feet for an accessory structure within the C2 (Downtown Commercial/Retail Zoning District) as outlined in Section 4.11.06 and Table 4-4 of the City of Liberty Hill Unified Development Code, to allow a minimum distance of two (2) feet from the southern property line at the following property: Legally described as Lot 30, Purser Estates II Replat, consisting of approximately 0.83 acres of land, addressed as 107 Barrington Drive, more particularly described by Williamson Central Appraisal District Parcel R042168, Liberty Hill, Williamson County, Texas. (M. Hicks)

This agenda item started at 6:33 PM.

- i) Introduction and staff report.

Planner Hicks addressed the Commission and covered the items in the presentation included in the meeting packet, concluding with the following staff recommendation:

Based on staff's analysis of this variance request, staff recommends two options for conditional approval for the variance to Section 4.11.06 and Table 4-4 of the City of Liberty Hill UDC:

1. Staff recommends approval of the zoning variance with the condition that the C2 zoning district side yard setback requirement (with respect to the side yard setback from the southern property line only) is reduced from 7 feet to 5 feet. Staff Recommendation Figure 2: Table R302.1(1) within the 2015 International Residential Code (IRC)

OR

2. Staff recommends approval of the zoning variance with the condition that the C2 zoning district side yard setback requirement (with respect to the side yard setback from the southern property line only) is reduced from 7 feet to 2 feet if the property owner provides a firewall on at least one side of the proposed accessory structure

- ii) Hold a Public Hearing.

Chair Messana opened the Public Hearing at 6:42 PM.

There were no citizen comments.

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

iii) Recommendation regarding requested variance

Chair Messina noted that the goal was not to encumber the neighbor and restated the recommendations of staff, noting that if not granted, the presentation implies it would impact a tree but it isn't clear if it would require the tree removal or not. There was discussion on the concept plan and Chair Messina advised that he would prefer to have an actual drawing to know if the tree would have to be cut or it would be put at risk due to impact on its root structure.

Vice-Chair Cormack discussed the drawings related to public utility and draining easements and Planner Hicks clarified that it had been estimated early on that it would be out of the easements. There were further discussions regarding the easements and Vice-Chair Cormack inquired as to when the non-conforming structure had been built. Vice-Chair Cormack expressed concerns that even if it is off easement there could still be issues.

Secretary Diane Williams noted that per the staff report, the variance was inconsistent with three (3) of the required criteria.

Commissioner Novo inquired as to the response of the neighbor, to which Planner Hicks advised that the neighbor had responded favorably.

Chair Messina stated there was not enough detail to support a variance and there was further discussion on the concerns and the options. Commissioner Novo reiterated concern for fire safety.

Chair Messina instructed staff that when an application is submitted with a lot of vagueness to push them to solidify it.

Motion: Chair Messina moved, and Commissioner Novo seconded, to recommend disapproval to Council for the zoning variance from the minimum side setback of seven (7) feet for an accessory structure on the property addressed as 107 Barrington Drive, Williamson Central Appraisal District Parcel R042168. **Motion carried unanimously by a vote of 5-0.** Ayes: Messina, Cormack, Williams, Rivera, and Novo. Nays: 0. Abstentions: 0.

b) Discussion, consideration, and possible direction related to the proposed fiscal year (FY) 2023-2024 City of Liberty Hill Fee Schedule for the Planning and Development Department. (M. Hicks)

Planner Hicks addressed the Commission and advised that a new fee schedule was being submitted for consideration, noting that if it isn't on the schedule, it cannot be charged.

Vice-Chair Cormack asked if Legal had looked into recovering attorney and legal fees, to which Planner Hicks advised that they had not. Vice-Chair Cormack asked if there had been any consideration of a cap when charging for professional fees, noting that while he agreed that they should be recouped, he just wanted to make sure there is no trouble in that regard.

Commissioner Rivera asked Secretary Williams if there was a missing Sexually Oriented Business (SOB) Fee, to which Secretary Williams advised that the associated appeal fee was missing from the schedule.

There were further discussions to get clarification on items such as the technology fee and missing Living Unit Equivalent (LUE) fee, and why the sign permit was no longer under this schedule.

Commissioner Novo asked if a cost study had been done and Planner Hicks advised that Ms. Claridge had looked into fees in surrounding areas, stating that could be shared with the Commissioners.

Secretary Williams stated that Planner Hicks had advised that there were no conflicting areas in the Unified Development Code (UDC), and highlighted her comparison against the existing fee schedule.

Chair Messana requested that the table be left justified.

Chair Messana expressed his concern on how the tree replacement fees were presented, noting it was more complex than what was stated. Following discussion, Chair Messana advised that he would provide staff with a "cheat sheet" to hand out but doesn't think it belongs in the fee schedule.

Commissioner Novo noted that this schedule is for Planning and Development and asked if there were others elsewhere, like the sign permit. Planner Hicks confirmed.

Vice-Chair Cormack clarified the addition of stormwater fees, separate fees for site plans, and if the fees going into the general fund. Planner Hicks confirmed.

Vice-Chair Cormack asked if there had to be a fee charged for voluntary annexation. City Manager Paul Brandenburg advised that he thought a fee should be charged and elaborated on some of the current challenges with annexations.

The following summarizes the instructions to staff during the discussions:

1. Redlined document.
2. Attorney review.
3. Cost Study to Commissioners.
4. Remove Tree replacement fee and add SOB appeal fee.
5. Decide on how LUEs will be handled.

No action was taken

- c) Discussion and review of the first draft of the proposed 2040 City of Liberty Hill Comprehensive Plan (M. Hicks/Verdunity)

The Consultants from Verdunity introduced the item and Mr. Marshall Hines gave a brief overview of the document. Ms. AJ Fawver discussed the goal of the session and the desired focus of the review.

Chair Messana facilitated the review, and there were discussions on potential changes between the Commissioners and Verdunity. The review stopped on page 80 for this session.

Verdunity requested that the Commissioners finish inputting their comments into the provided spreadsheet prior to the next meeting to aid in finishing the review in that session.

No action was taken.

5) REPORTS/UPDATES

- a) Receive the monthly Director's Report as provided by EDC Director, Mary Poché. (M. Hicks)

Planner Hicks reminded the Commission that this report is being included as discussed in the joint workshop with the Economic Development Corporation (EDC).

City Manager Brandenburg advised that there is finally a downtown study and plan being prepared, and that staff has put together recommendations on issues and what needs to be done with wastewater, water, fire, etc. Manager Brandenburg added that someone looking at a property downtown had been told there was an issue, which is not the case, and advised that the report would be going to the City Council first, and then the Commission.

No action was taken.

- b) Receive the August 2023 Cross-Committee Communication Report. (Vice-Chair Cormack/M. Hicks)

Chair Messana inquired as to the status of the YMCA and City Manager Brandenburg provided an update, highlighting that there are plans to scope a study on what to do, which would dictate the next steps.

No action was taken.

- c) Dark Skies Update (S. Claridge)

Ms. Shelby Claridge, Planning Technician, advised the Commission that not too much had happened since the previous meeting but that she had reached out to some businesses and had gotten letters of support, with many wanting to know more about how to get in compliance. Ms. Claridge further advised that the Consultant won't begin work until October 1st and explained the Consultant's billing cycle and what the Consultant would start working on.

Secretary Williams highlighted the work of Ms. Claridge on social media, which included information to people on how to get their homes certified. Chair Messana suggested getting a broader outreach by including something in the PEC (Pedernales Electric Corporation) bills and Vice- Cormack added it could also be in the water bills. Secretary Williams noted that the information on the downtown plan was being included in the water bills. Chair Messana instructed staff to work to see if the information on Dark Skies, like what was shared on homes, could be included like the others.

No action was taken.

6) PLANNING DEPARTMENT COMMENTS

There can be no deliberation or action taken on these items.

Planner Hicks highlighted the following two (2) items to the Commission:

- a. City Council Update - P&Z Items
 - i. UDC Text Amendment for By-laws Update - Approved
 - ii. Stonewall Ranch North Section 14 Final Plat – Approved

Vice-Chair Cormack highlighted that the new webmap is fantastic and Planner Hicks told the Commissioners to let her know if any changes were needed.

7) Future Items

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

Planner Hicks introduced the item and covered the following future agenda items:

- a. Sign Ordinance Update – Planner Hicks thanked Secretary Williams for her efforts on this item and Chair Messana added that the review had revealed that there were more areas to be addressed to get the ordinance to look like it did before it was messed up.
- b. Parks & Recreation Board Signage Coordination - Currently on-hold.
- c. Impact Fee Discussion (postponed for Staff & City Attorney coordination) – Meeting with staff planned to iron out some items before it comes to the Commission.

Secretary Williams added the following items for future agendas:

1. Bylaw Implementation – Continuation of the efforts related to the previous table discussed. Secretary Williams noted that the Comprehensive Plan Action Items will fill in a lot of the current gaps.
2. Development Agreements – Process and Content. Secretary Williams noted there were some related action items in the Comprehensive Plan. Planner Hicks shared that while the bylaws seem to restrict Commission review, she wants to bring all Development Agreements to the Commission.
3. Annual Workplan – at the next meeting, as usual.

8) ADJOURNMENT

Given there were no further agenda items and hearing no objections from the members, Chair Messana adjourned the meeting 9:39 PM.

PASSED AND APPROVED by the Planning and Zoning of the City of Liberty Hill, Texas on Sept. 19, 2023, on vote of 5 ayes, 0 nays, and 0 abstentions.



Steve Messana
Chair



City Secretary

