



**PLANNING & ZONING COMMISSION REGULAR MEETING
TUESDAY - AUGUST 17, 2021 - 6:30 PM
AGENDA**

**Council Chambers at Municipal Court
2801 Ranch Road 1869, Liberty Hill, Texas**

**Steve Messana
Jon Mathiasen
Wes Griffin**

**Diane Williams
Chad Cormack**

1) CALL TO ORDER

- a) Establish Quorum**
- b) Invocation**
- c) Pledge of Allegiance**

"I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with Liberty and Justice for all."

d) Texas Pledge

"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."

2) PUBLIC COMMENTS

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

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:

4) REGULAR AGENDA

- a) Discuss and consider approval of minutes of June 15, 2021 Planning and Zoning Commission meeting minutes.

- b) Discuss and consider approval of minutes of July 6, 2021 Planning and Zoning Commission meeting minutes.
- c) Discuss and consider approval of July 20, 2021 Planning and Zoning Commission meeting minutes.
- d) Discussion, consideration, and possible recommendation to City Council on a request for a Zone Map Amendment for General Commercial / Retail (C3) to the Multi-Family Residential (MF2) zoning classification.
- e) Presentation on duties and responsibilities of the Planning and Zoning Commission with discussion on procedural expectations for future meetings.
- f) Discussion, consideration, and possible recommendation to City Council on a request to amend Section 1 of the Unified Development Code (UDC).

5) DIRECTOR'S COMMENTS

6) COMMISSIONERS' COMMENTS

7) ADJOURNMENT

The City Council, Boards, and Commissions reserve the right to reconvene, recess, realign, change the order of business, or adjourn into Executive Session at any time during the course of the meeting, prior to adjournment, to discuss any item listed above, as authorized by Texas Government Code Section §551.071 (Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), and §551.087 (Development). In compliance with the Americans with Disabilities Act, the City of Liberty Hill will provide reasonable accommodation for persons attending meetings. To better serve you, requests need to be received 48 hours prior to the meeting. Contact the City Secretary at 512-778-5449 – Extension 112.

POSTING CERTIFICATION: I, NANCY SAWYER – CITY SECRETARY – CITY OF LIBERTY HILL certify that the attached notice of meeting was duly posted on the bulletin board at Council Chambers located at 2801 Ranch Road 1869 in Liberty Hill, Texas and on the City website (www.libertyhilltx.gov) on the 13th day of August, 2021 at 4:45 PM. Nancy Sawyer – City Secretary. *nbs*

REMOVAL CERTIFICATION: I NANCY SAWYER – CITY SECRETARY – CITY OF LIBERTY HILL certify that the attached notice of meeting was removed from the bulletin board at Municipal Court / Council Chambers located at 2801 Ranch Road 1869 in Liberty Hill, Texas on the _____ day of _____, 2021 at _____. INITIALS _____



**PLANNING AND ZONING COMMISSION
PLANNING & ZONING COMMISSION
REGULAR MEETING
TUESDAY - AUGUST 17, 2021
2801 Ranch Road 1869 - Liberty Hill**

AGENDA ITEM 4.a

Discuss and consider approval of minutes of June 15, 2021 Planning and Zoning Commission meeting minutes.



Planning and Zoning Commission Minutes
Tuesday – June 15, 2021 – 6:30 PM
Liberty Hill Municipal Court
2801 Ranch Road 1869 – Liberty Hill

CALL TO ORDER

The Planning and Zoning Commission meeting was called to order by Brian Williams on Tuesday – June 15, 2021, at 6:30 PM at 2801 Ranch Road 1869, Liberty Hill, Texas. Quorum was established. Invocation was given followed by the Pledge of Allegiance and Texas Pledge.

Planning and Zoning Commissioners present:
Steve Messina, Diane Williams, Brian Williams.

PUBLIC COMMENTS

None

PUBLIC HEARING

PUBLIC HEARING #1

Brian Williams opened Public Hearing #1 at 6:32 PM stating:

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

A request for a Zone Map Amendment from the Agricultural (AG) zoning classification to the Multi-family Residential (MF2) zoning classification on the following property:

AW0643 WEST, R. SUR., ACRES 10.52, (MHP-M1012) Williamson County, Texas;

specifically, generally located along the west side of SH 29, between CR 277 and Bevers Rd, and identified as Assessor's Parcels Number R-023043.

In accordance with Section 211.006, Texas Local Government Code, a public hearing on this application will be conducted by the Planning and Zoning Commission at the Liberty Hill Municipal Courthouse 2801 Ranch Road 1869, Liberty Hill, Texas 78642 on Tuesday, June 15, 2021 at 6:30 PM. Upon receiving a recommendation from the Commission, the City Council will

conduct its own public hearing and take final action on this matter on Wednesday, June 23, 2021 at 6:30 PM at the Liberty Hill Municipal Courthouse 2801 Ranch Road 1869, Liberty Hill, TX 78642. For more information, you may either visit the Development Services Department at 100 Forrest Street, call (512) 778-5449, or send an email to planning@libertyhilltx.gov.

There were no comments. Public Hearing #1 was closed at 6:33 PM.

PUBLIC HEARING #2

Brian Williams opened Public Hearing #2 at 6:33 PM stating:

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

A request for a Zone Map Amendment from the General Commercial (C3) zoning classification to the Light Industrial/Warehousing (I1) zoning classification on the following property:

S11488 – Kennedy SUB, BLOCK A, LOT 3 ACRES 0.691, Williamson County, Texas; specifically, generally located along the west side of SH 29, between Bevers Rd and CR 277, and identified as Assessor's Parcels Number R-562347.

In accordance with Section 211.006 of Texas' Local Government Code, a public hearing on this application will be conducted by the Planning and Zoning Commission. This hearing will begin at 6:30 PM on Tuesday, June 15, 2021 at the Liberty Hill Municipal Courthouse, 2801 Ranch Rd 1869, Liberty Hill, TX 78642. The Planning and Zoning Commission will then forward its recommendations to the City Council, who will conduct its own public hearing at 6:30 PM on Wednesday, June 23, 2021 at the Liberty Hill Municipal Courthouse, 2801 Ranch Rd 1869, Liberty Hill, TX 78642, at which time a final decision will be made on this matter.

There were no comments. Public Hearing #2 was closed at 6:34 PM

REGULAR AGENDA

DISCUSS AND CONSIDER APPROVAL OF MINUTES OF PLANNING AND ZONING COMMISSION HELD JUNE 1, 2021.

On motion by Diane Williams and second by Steve Messana, the minutes of the meeting held June 1, 2021, were approved.

Motion passed on vote of 3 ayes, 0 nays, and 0 abstentions.

DISCUSS AND CONSIDER A REQUEST FOR A ZONE MAP AMENDMENT FROM AGRICULTURAL (AG) ZONING CLASSIFICATION TO MULTI-FAMILY RESIDENTIAL (MF2) ZONING CLASSIFICATION ON THE FOLLOWING PROPERTY:

AW0643 WEST, R. SUR., ACRES 10.52, (MHP-M1012) Williamson County, Texas; specifically, generally located along the west side of SH 29, between CR 277 and Bevers Rd. and identified as Assessor's Parcel Number R-023043.

Joe Mundo with Mundo and Associates presented stating this falls within the parameters of the city's comprehensive plan. The development takes up approximately the northern one-half of the property. Approximately one-half of the southern portion is in the flood plain. Mundo endorses

recommending approval to Council for changing the zoning from AG to MF2. The price point is unknown at this time. Diane Williams would like safety at the intersection of SH 29 emphasized to the developer.

On motion by Steve Messina and second by Diane Williams, the Commission approved recommendation to Council of a zone map amendment from Agricultural (AG) to Multifamily (MF2) for the property identified as Assessor's Parcel Number R-023043.

Motion passed on vote of 3 ayes, 0 nays, and 0 abstentions.

DISCUSS AND CONSIDER A REQUEST FOR A ZONE MAP AMENDMENT FROM GENERAL COMMERCIAL (C3) ZONING CLASSIFICATION TO LIGHT INDUSTRIAL/WAREHOUSING (I1) ZONING CLASSIFICATION ON THE FOLLOWING PROPERTY: S11488 – Kennedy SUB, BLOCK A, LOT 3 ACRES 0.691, Williamson County, Texas; specifically, generally located along the west side of SH 29, between Bevers Rd. and CR 277, and identified as Assessor's Parcel Number R-562347.

Joe Mundo with Mundo and associates presented stating this also falls within the parameters of the city's comprehensive plan. The Planning Department recommends light industrial use, and this applicant is proposing a wood furniture manufacturing business with eventual showroom. The current zoning of General Commercial does not really fit the light industrial of this proposal. The Planning Department recommends the Planning and Zoning Commission approve recommendation to City Council.

On motion by Diane Williams and second by Steve Messina, The Planning and Zoning Commission approved recommendation to Council of a zone map amendment from General Commercial (C3) to Light Industrial / Warehousing (I1) for the property identified as Assessor's Parcel Number R-562347.

Motion passed on vote of 3 ayes, 0 nays, and 0 abstentions.

DISCUSSION AND RECOMMENDATION OF CANDIDATES TO THE CITY COUNCIL FOR THE PLANNING AND ZONING COMMISSION VACANCY.

John Byrum, Director of Planning presented stating Council put this on the agenda since Josh McGinty resigned. There was discussion among commissioners with the general opinion being that there was a lack of parameters and direction set by Council. The Commission felt it was somewhat wrong to make a decision based on that lack of criteria. The Commission decided not to make a specific recommendation; rather, they put the decision back to Council.

No action was taken.

ADJOURNMENT

On motion by Steve Messina and second by Diane Williams, the Planning and Zoning Commission meeting was adjourned at 7:15 PM.

Motion passed on vote of 3 ayes, 0 nays, and 0 abstentions.

PASSED AND APPROVED by the Planning and Zoning Commission of the City of Liberty Hill, Texas on Tuesday, August 17, 2021, on vote of ___ ayes, ___ nays, and ___ abstentions.

Nancy Sawyer
City Secretary



**PLANNING AND ZONING COMMISSION
PLANNING & ZONING COMMISSION
REGULAR MEETING
TUESDAY - AUGUST 17, 2021
2801 Ranch Road 1869 - Liberty Hill**

AGENDA ITEM 4.b

Discuss and consider approval of minutes of July 6, 2021 Planning and Zoning Commission meeting minutes.



Planning and Zoning Commission Minutes
Tuesday – July 6, 2021 – 6:30 PM
Liberty Hill Municipal Court
2801 Ranch Road 1869 – Liberty Hill

CALL TO ORDER

The Planning and Zoning Commission meeting was called to order by Wes Griffin on Tuesday – July 6, 2021, at 6:30 PM at 2801 Ranch Road 1869, Liberty Hill, Texas. Quorum was established. Invocation was given by Wes Griffin followed by the Pledge of Allegiance and Texas Pledge.

Planning and Zoning Commissioners present:

Brian Williams, Steve Messana, Diane Williams, and Wes Griffin.

PUBLIC COMMENTS

None

REGULAR AGENDA

SWEARING IN OF CHAD CORMACK AS BOARD MEMBER.

Chad Cormack was sworn in and took his place at the dais.

DISCUSSION AND RECOMMENDATION TO THE CITY COUNCIL ON FINAL ACTION OF THE OMEGA RANCH REVISED PRELIMINARY PLAT.

John Byrum, Planning Director presented stating there have been several submissions for Omega Ranch which is part of MUD 22. This property is approximately 530 acres, 200 of which was purchased by MA Partners in 2014. The Development Agreement for Omega Ranch was for the 200 acres with 1400 single family and 400 multifamily homes with 115 acres of mixed use. The revised preliminary plat is included in the packet. Staff recommends approval.

On motion by Diane Williams and second by Brian Williams, the Planning and Zoning Commission approved recommendation to Council of the final action of the Omega Ranch Revised Preliminary Plat.

Motion passed on vote of 5 ayes, 0 nays, and 0 abstentions.

DISCUSSION AND RECOMMENDATION TO THE CITY COUNCIL ON FINAL ACTION OF THE FINAL PLAT OF CAUGHFIELD PHASE 12.

Commissioner Brian Williams stepped out of the meeting citing possible conflict of interest
John Byrum presented stating Staff recommends approval with stipulation that the tree survey plan sheets for Phase 2 be provided with the Final Plats along with the required tree survey and tree mitigation plan per the Development Agreement with Larkspur.
On motion by Diane Williams and second by Steve Messana, the Commission recommended approval by Council with the condition of addition of tree survey.
Motion passed on vote of 4 ayes, 0 nays, and 1 abstention. Brian Williams abstained from voting citing possible conflict of interest. Mr. Williams completed the Potential Conflict of Interest form with the City Secretary.

DISCUSSION AND RECOMMENDATION TO THE CITY COUNCIL ON THE FINAL ACTION OF THE FINAL PLAT APPLICATION FOR CAUGHFIELD PHASE 13.

Commissioner Brian Williams stepped out of the meeting citing possible conflict of interest.
John Byrum presented stating this property is a little over 176 acres with 78 lots, 75 being residential. Like the previous item, Staff recommends approval with stipulation that the tree survey plan sheets for Phase 13 be provided with the final plats with the required tree survey and tree mitigation plan per the Development Agreement with Larkspur.
On motion by Steve Messana and second by Diane Williams, the Commission recommended approval by Council with the condition of addition of tree survey.
Motion passed on vote of 4 ayes, 0 nays, and 1 abstention. Brian Williams abstained from voting citing possible conflict of interest. Mr. Williams completed the Potential Conflict of Interest form with the City Secretary.

DISCUSS AND CONSIDER A REQUEST FOR APPROVAL FOR THE TREE REMOVAL AT LEGACY AT LIBERTY HILL.

John Byrum presented stating staff recommends approval of this. Councilmember Chris Pezold presented his layout exhibit of the subject property. Mr. Pezold explained that any request for removal of a tree 19" in diameter or larger requires Planning and Zoning approval. Lacie Hale, City Administrator said city staff recommends approval contingent on acceptance of the site plan.

Diane Williams stated she would like consistency in applications. There is no tree mitigation policy. She stated she is all about transparency and is concerned about perception. The online agenda packet does not have the list of trees; those were provided at the meeting. She wanted to make note that she'd like the City to get better at providing backup material.

Chris Pezold stated he was just now providing Staff and the Commission with the tree list, and that following Ms. Williams' comments, he would like to pull the request until a later meeting.

The commissioners and staff discussed a future workshop with Council regarding draft ordinances for outdoor lighting and tree mitigation.

ADJOURNMENT

On motion by Steve Messana and second by Chad Cormack, the Planning and Zoning Commission meeting was adjourned at 7:06 PM.

Motion passed on vote of 5 ayes, 0 nays, and 0 abstentions.

PASSED AND APPROVED by the Planning and Zoning Commission of the City of Liberty Hill, Texas on Tuesday, August 17, 2021, on vote of _____ ayes, _____ nays, and _____ abstentions.

Nancy Sawyer
City Secretary



**PLANNING AND ZONING COMMISSION
PLANNING & ZONING COMMISSION
REGULAR MEETING
TUESDAY - AUGUST 17, 2021
2801 Ranch Road 1869 - Liberty Hill**

AGENDA ITEM 4.c

Discuss and consider approval of July 20, 2021 Planning and Zoning Commission meeting minutes.



PLANNING & ZONING COMMISSION REGULAR
MEETING MINUTES

TUESDAY - JULY 20, 2021 - 6:30 PM

Council Chambers at Municipal Court
2801 Ranch Road 1869, Liberty Hill, Texas

1) CALL TO ORDER

Planning and Zoning commission was called to order by commission chair Wes Griffin on Tuesday, July 20th at 6:30 pm. At 2801 Ranch Road 1869, Liberty Hill, Texas

a) Establish Quorum

A quorum was established with members Chad Cormack, Jon Mathiasen, Steve Messana, Diane Williams, and Wes Griffin in attendance.

b) Invocation

Given by Commission Chair Wes Griffin

c) Pledge of Allegiance

"I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with Liberty and Justice for all."

d) Texas Pledge

"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."

2) PUBLIC COMMENTS

None

3) PUBLIC HEARING

Wes Griffin – opened Public Hearing #1 at 6:32 pm.

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

a)
Public Hearing #1

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

A request for a Zone Map Amendment from the General Commercial (C3) zoning classification to the Light Industrial/Warehousing (I1) zoning classification on the following property:

AW0510 – Proposed Industrial – 1 rezoning from C-3 General Commercial/Retail for Lot 2 being proposed as 4.498 acres. The proposed lot being a part of a proposed 2 lot minor plat of a 6.450 - acre tract of the Thomas Plasters Survey ABS 410 at SH 29 and Bronco Blvd. and being Williamson County tax parcel R-402517, known as being within the Sundance Ranch Commercial, Section Two.

In accordance with Section 211.006 of Texas' Local Government Code, a public hearing on this application will be conducted by the Planning and Zoning Commission. This hearing will begin at 6:30 PM on Tuesday, July 20, 2021, at the Liberty Hill Municipal Courthouse, 2801 Ranch Rd 1869, Liberty Hill, TX 78642. The Planning and Zoning Commission will then forward its recommendations to the City Council, who will conduct its own public hearing at 6:30 PM on Wednesday, July 28, 2021, at the Liberty Hill Municipal Courthouse, 2801 Ranch Rd 1869, Liberty Hill, TX 78642, at which time a final decision will be made on this matter

City Secretary Nancy Sawyer read comments for those that did not want to speak in person.

Vicci Conway –688 Speed Horse

- Opposed to both of the zone map amendments.
- Smoke and smell do not belong next to a residential neighborhood. Scrubbers sound nice, but in reading about them they are not really effective
- Land should remain C-3 as there are many things in L-1 that are not good to be outside of a residential community. It is best to have light industrial where zoning already permits.
- Thanks to Amanda May for this sentence: Please decline the request for rezoning of the properties surrounding Sundance Estates and honor the promise of responsible development for both residents and businesses that have already chosen to call Liberty Hill their home.

Kathleen Bassi – 109 Stallion Way

- Did not receive a notice and must not be within the 200 feet.
- She stated she has a background in pollution control and knows what a scrubber is in general terms and a scrubber is not there to scrub odors and is there for emissions and to prevent them from going into the atmosphere.
- Scrubber probably would be effective against smoke, but this facility offers odor in several different ways. There is odor from the smoking process and odor from meat.
- Mrs. Bassi would prefer the committee recommended against the zoning change. She stated it was inappropriate to have a meat packing facility next to a residential neighborhood, but if they do propose it and if council does adopt it, she would hope they impose sufficient regulations to ensure that the waste is taken care of.
- Noise is another thing that should be addressed. Scrubbers and refrigerated trucks are noisy.
- Also, low level pollution coming from all the vehicles that will be coming and going from the facility. Placement here of this facility would be inappropriate.

Ann Miller –229 Bronco Bend

- Understands as the city grows, balance is needed.
- Create a city we want to live in, want to learn in and want to work in together.
- Feels it is in the best interest of everyone involved, that we do not have this business. It is not appropriate where it is being located and it is not aesthetically consistent.
- The proposed zoning recommendation should be delayed until this commission has more information from the prospective buyer.
- Referenced Golf Cart meeting, stating the architect came and mitigated many concerns, such as, easements, low lighting, space between the building and resident it impacts, and landscaping.
- Compatibility concern of a two-story building looming over the businesses on 29 and our homes in the back neighborhood. Two of the designs were very industrial.
- Strong air currents in the neighborhood and smoke would impact the health of some residents and the home values and the ability to enjoy the property we have purchased.
- Scrubbers seem to be an afterthought; those should be a part of the design.
- Concern about the driveways and traffic going into already congested areas.
- Lighting was never addressed.
- Asked for additional information that responds to concerns before a recommendation to city council

Amanda May -105 Hobby Horse

- 15 years ago, built their dream home in Sundance Estates
- Over a decade there has been a design for that property that is satisfactory for a residential neighborhood.
- She is concerned about smells and smoke, not temporary but permanent
- Owners of Smokey Denmark moved to a Georgetown address a short time ago and are not planning this for their own neighborhood.

- Asking that planning and zoning decline this request for a change in zoning for any lots in the Sundance Ranch areas and decline the application for Smokey Denmark meats to operate its desired warehouse.
- It will produce excessive unwanted odors and undesirable smells.
- Example of Terry Blacks’ restaurant in Austin that has scrubbers. It has been a constant nightmare for neighborhood located behind it. Smoke permeates homes walls, closets, and clothes.
- It adversely affects their health with multiple lawsuits. This should serve as warning to us.
- By changing zoning, you would be knowingly welcoming a major disaster to the residents of your own community.
- Smokey Denmark has a food truck as well with open smokers. They have their own delivery trucks that would be an eye sore.
- Change of zoning raises concerns for the long-term possibilities

C-3	I-1
Hospital - Permitted	conditional
Adult business - Not Permitted	conditional
Commercial parking - conditional	permitted
Industrial testing - Not Permitted	permitted
waste related - Not Permitted	conditional
kennel - Not Permitted	permitted

- Decision today will impact the community forever and there is no going back if this mistake is made
- Referenced article in Liberty Hill Digest: Matt Powell was quoted as saying “I believe we can do our part to help raise the quality of life here, while providing protections to areas like downtown that we want to see prosper.” She would hope these protections would apply to the citizens of Liberty Hill in general and not just downtown.
- Referenced article in Liberty Hill Digest: The EDC’s goal is to change Liberty Hill’s status from a bedroom community by bringing primary jobs to the area.
- Smokey Denmark meats are moving location and no jobs will be created.
- Matt Powell was also quoted as saying: “Liberty Hill is being filled with people that are seeking a better life for themselves and their families.” Adding an industrial meat smoking facility and changing retail zoning to industrial warehousing is reducing the quality of life and property values.
- I ask you just say No. Honor the promise of responsible development for the residences and the businesses that have already chosen to call Liberty Hill home.

Michelle and Brian Hawley – 100 Hobby Horse

Michelle spoke

- Thanked council, for hearing our points.

- Health risk from smoke inhalation and skin absorption over time.
- BBQ smokes contain polycyclic aromatic hydrocarbons (PAH).
- PAH – carcinogenic and are easily absorbed through the lungs and skin. PAH have been linked to developmental abnormalities.
- Smoke from charcoal and wood also produce hydrocarbons, a type of volatile organic compound and soot particles which are inhaled deep into the lungs and contribute to respiratory illnesses, even lung cancer.
- High winds are very heavy into our back yard, and we would be smelling it all day.
- Environmentally – industrial warehouse distribution business should undergo environmental impact assessments and made available for all residents.
- Scrubbers should be a requirement, but don't take care of the issue in full.
- How will garbage and waste products of the meat be handled?
- Visual impact and property value this rezoning would change the dynamics of our neighborhood. Traffic, parking, work hours, noise pollution and pollution caused by the number of idling trucks.
- Property owner cut down trees year ago. Trees play a vital role not only in the noise sound boards and removing pollutants for the air and provided additional filtering.
- This line of defense was removed; would it be required and replenished?
- 100% oppose this rezoning from C-3 to I-1 because it would have a negative impact on Sundance Estates and Liberty Hill community.
- Counter propose that we rezone these areas to C-1 zoning which includes neighborhood commercial retail – this rezoning intended to provide small scale limit impact retail office uses that are compatible with low and medium density residential neighborhoods. The uses permitted in the C-1 zone are meant to serve the retail and personal service needs of residents.
- No visual or environmental impact and would blend.

James Vanarsdau – 121 Hobby Horse

- Union Elevator Construction, frequently in basements of buildings.
- One recently serviced has to do with meats – even with regulations saying everything has to be clean the entire building is rat infested.
- Waste is not maintained properly, and cockroaches and varmints can't be controlled. It's there every day.
- Homes back up to it.

Aaron Hubbard – 205 Hobby Horse

- Had notes but has nothing after what Amanda had to say.
- 4 kids – would not have moved in knowing anything about C-3 and I-1 environment
- Grew up in real estate business and knows 16 acres between Bertram and Burnet, more than happy to make them a deal.

Commission Chair Wes Griffin asked if they did have or could have any further speakers.

City Administrator Lacie Hale instructed the commission that we could have more speakers that weren't already signed up because it was a public hearing.

City Secretary Nancy Sawyer read the list of those that did not want to speak but were opposed to the rezoning.

Kimberly & Doug Franzen - Opposed

Steven Pipkin – Opposed

Laurie Lee - Opposed

Apryl Kuhn - Opposed

Karen & Gary Goodman – Opposed

Kasey Samela – Opposed

Randy & Jennifer Brown – Opposed

Kathryn Martin – Opposed

D'lene & Brian Sandalback – Opposed

Baltazar & Mariana Gutierrez - Opposed

Unknown resident stated there were more in the back.

Commission Chair Wes Griffin asked we could take signups after the meeting has started? City Secretary Nancy Sawyer stated you can for a public hearing. City Administrator Lacie Hale stated, "That for a Public Hearing if there are individuals in the audience that want to speak, this is the time to do so. If they want to submit a comment in opposition, they can do that as well."

Michael & Laurie Prater opposed

Michael Prater came forth to speak - 117 Hobby Horse

- Moved 11 years ago.
- Opposed to this recommendation.
- No desire to see Industrial and two-story building in front of our neighborhood.
- Not interested in going through traffic on Bronco with an additional 40 employees on one side of the street, not to mention what might go on with the other side of the street.
- The entrances to our gates stay open. Not interested in anyone tailgating in. There is a security concern. There are a lot of children, and I would hate to see something happen.
- Hope you do not recommend this at all. It would make me have second thoughts about living in this neighborhood or in Liberty Hill if these are the kinds of decisions that are made.

Casey Revaile – 100 Stallion Way

- Received notice and is very concerned.
- There are 4 children and 2 adults; 4 out of the 6 have asthma.
- The winds are very strong.
- Has three teenagers, traffic is already bad and adding traffic would make worse.
- We all like to ride bikes and walk to Sonic or to get mail.
- Opposes this and it is not the right spot.
- From Liberty Hill class of 2001, wants to raise her kids here.
- Retail is fine, not industrial meat packing with smell, smoke and traffic concerns.

John Newberg – 229 Hobby Horse

- There is a lot of opposition to this.
- Planners did a good job changing; would make a lot of residents upset.
- You are going to get a lot of push back.

Commission Chair Wes Griffin called for any other speakers

No others at this time.

Wes Griffin closed Public Hearing #1 at 7:08 pm

b)

Public Hearing #2

Wes Griffin opened Public Hearing #2 at 7:08 pm

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

A request for a Zone Map Amendment from the General Commercial (C3) zoning classification to the Light Industrial/Warehousing (I1) zoning classification on the following property:

S11406 – JKB Construction Yard, Block A, Lot 2 Acres 5.465, Williamson County, Texas; specifically, generally located along the west side of SH 29, between Bronco BLVD. and CR 200, and identified as Assessor’s Parcel Number R-559256.

In accordance with Section 211.006 of Texas’ Local Government Code, a public hearing on this application will be conducted by the Planning and Zoning Commission. This hearing will begin at 6:30 PM on Tuesday, July 20, 2021, at the Liberty Hill Municipal Courthouse, 2801 Ranch Rd

1869, Liberty Hill, TX 78642. The Planning and Zoning Commission will then forward its recommendations to the City Council, who will conduct its own public hearing at 6:30 PM on Wednesday, July 28, 2021, at the Liberty Hill Municipal Courthouse, 2801 Ranch Rd 1869, Liberty Hill, TX 78642, at which time a final decision will be made on this matter.

No others, but Kathleen Bassi had a question.

Commission Chair Wes Griffin stated it was out of order but would take the question.

Kathleen Bassi wanted to know if the second rezoning lot was in the same general location as the first.

Commission Chair Wes Griffin stated it was to the west. Commissioner Steve Messina stated it was about 5 lots west of the one we were just talking about.

Commission Chair Wes Griffin asked if anyone was signed up to speak for item (b)

City Secretary Nancy Sawyer stated several people were opposed to both items but if anyone wanted to speak directly to item (b) please step up. There were no written comments.

Kathleen Bassi

- When area was platted and planned out, it was to be C- 3 general commercial and that is how we would like it to stay.
- Exception for golf cart king, but they gave, very detailed plans that did not seem disruptive.
- If you generally rezone it all, it opens the door for all sorts of things to come in and I and many others oppose this.

Kari Quick – 316 Polo Pony

- Very upset that this was even being considered.
- Just moved here 1 year ago to get away from cities that let this happen to residents. This is devastating and feels she could cry thinking of what could come here and what it could do, not only our neighborhood, but to our city.
- Would like one good reason that this is good for the city?
- I would not like to see y'all entertain this any further.
- I would like to see y'all have our backs.

Sherry (inaudible)

- Thought this was a small town.
- Driving by light factories to get home.

City Secretary Nancy Sawyer read names of residents that were opposed to item (b)

John Newberg – 229 Hobby Horse – Opposed

Everette Lee – 304 Bronco Blvd. – Opposed

Katie Reid – 204 Hobby Horse – Opposed

Jean and J.D. Davis – 108 Hobby Horse – Opposed

Cassie Revaile - 100 Stallion Way – Opposed

Jeffery Martin – 700 Speed Horse - Opposed

Chris & Emily Hanson – 317 Bronco Blvd. - Opposed

Michael & Laurie Prater – 117 Hobby Horse - Opposed

Michael Prater - 117 Hobby Horse

- just wanted to be really clear, opposed to both of these.

Glen Reid – 204 Hobby Horse – Opposed

Chris & Robyn Graf – 637 Speed Horse - Opposed

Julie Messenger – 305 Polo Pony - Opposed

Nathan & Kelli Smith - 201 Polo Pony - Opposed

Bridgette Lee – 320 Bronco Blvd. - Opposed

- Doesn't agree with this.
- Lives in Sundance Ranch Estates for 14 or 15 years.
- City does not do a good job of planning, hiring too many people they know.
- There is a lot of traffic, we don't have enough space in the school, and we are going to put a manufacturing plant right next to a neighborhood.
- People come out the wrong way consistently.
- Not giving Liberty Hill people a job.
- City needs to do their job and start planning properly.
- Tells how they are going to manage their waste and traffic. Where are the trucks going to come in?
- There needs to better planning and better information.

Celeste Ragsdale – 404 Speed Horse – Opposed

Susan Correra - 101 Hobby Horse - Opposed

Sheri Paul – 136 Sundown Trl. - Opposed

Patricia Waters 100 Arabian Ave. - Opposed

Molly Evans - 161 Appaloosa Run - Opposed

Nick Page – 240 Buckskin - Opposed to rezoning, supports dark skies

Jean & J.D Davis – 108 Hobby Horse – Opposed 1 & 2

Commission Chair Wes Griffin called for anyone that wanted to speak at the public hearing.

No others came forth.

Commission Chair Wes Griffin closed public hearing #2 at 7:21 pm

4)

REGULAR AGENDA

a)

Discussion, consideration, and recommendation to the City Council on a request for a Zone Map Amendment from General Commercial/Retail (C3) zoning classification to Light Industrial/Warehousing (I1) zoning classification on the following property:

AW0510 – Proposed Industrial – 1 rezoning from C-3 General Commercial/Retail for Lot 2 being proposed as 4.498 acres. The proposed lot being a part of a proposed 2 lot minor plat of a 6.450 - acre tract of the Thomas Plasters Survey ABS 410 at SH 29 and Bronco Blvd. and being Williamson County tax parcel R-402517, known as being within the Sundance Ranch Commercial, Section Two. Presented by Jerry Millard.

Commission Chair called for the presentation

Director of Planning John Byrum - Good evening commissioners and citizens. I think it's great you all came out. Current zoning for this, Smokey Denmark is currently zoned C-3 which is General Commercial retail. They are proposing to change it to I-1, which is light industrial warehousing. To the north is the ETJ, that is going to be Sundance subdivision. To the south, east and west is zoned C-3. The owner is subdividing this property and is looking to sell it to Smokey Denmark.

They are looking to rezone 4.498 acres out of the 6.7496 acres. They have submitted for their plat, and they are in that process. Should this rezoning be approved, it would allow for that manufacturing sausage company to go there.

The I-1 district is intended to provide for low intensity light industrial limited impact industrial uses which may include office warehousing, wholesaling, product assembly and light

manufacturing conducted primarily within the confines of the building. This development would be in close proximity to the new Golf Cart King, that was recently approved. The applicant has informed staff of the following: that all raw ingredients for the sausage making will be delivered to the facility. It's not going to be a slaughterhouse, so no live animals will be there.

There will be 2 to 4 trucks delivering the raw material and/or taking the sausage or finished products, in usually a semi or a box truck. Their business hours are going to be Monday – Friday, 7:30 am to 4 pm, with no hours on the weekend. There will be a small retail business for walk in customers. Currently they have 1 to 4 customers per day.

The smoke generated from smoking sausage can be eliminated with the use of scrubbers. Currently there are 27 employees. They potentially are looking to have 30 to 40 employees. They are currently located in East Austin. They have outgrown their location. They are looking to come to Liberty Hill, and they have some employees that live in this area.

The relationship to the most recent Comprehensive Plan to the City of Liberty Hill, which was adopted in August of 2014; states within the land use classifications that industrial use (I) is intended to allow for clean manufacturing or assembly type industry, which can be compatible with commercial uses. Section 3.8 which is the summary of the Comprehensive Plan states that light industrial uses shall be along major corridors. The site is located immediately off a state highway 29. The request for light industrial warehouse zoning is surrounding with similar uses being undeveloped and nearby warehouses or similar intensity. The proposed land use will expand the availability of jobs to citizens and increase the tax base.

For the Public notification, the staff notified 22 surrounding properties. The state requires that we notify 200 ft within the property that is being rezoned. The city recognizes that 200 ft. and that is in section 2.11006 of the local government code. Going on about other notification purposes, we have to notify in the paper, The Liberty Hill Independent, and it has to be posted 15 days prior to when this case is to be heard and mail out notices are 10 days prior to when this case is heard. Then the agenda is posted online 72 hours prior to the hearing.

After hearing the comments, staff right now is going to recommend to table not only this item but the other item. That way we can do what we did with Golf Cart King. We can have an open house. We can have the citizens come, we can have the applicant come, and we can further discuss. That way we can address any concerns that there may be and potentially rezone as a planned unit development.

There are some pictures that are in your packet. The first one shows the current property, the next 3 images are just potentially what the building could look like. In Figure 5, you have the entire property and the yellow or orange dotted line that is showing the subdivided property. Then the one that Smokey Denmark is interested in. You can see below showing the location. Then we also located where Golf Cart King is.

Then Figure 7 shows the uses that surround the property and below that is the future land use map.

Then to answer just a couple of questions. I know one concern is that if you go to I-1 it would allow for an adult oriented business. That would only be allowed by a conditional use, so conditions would have to be put on that. Then it would have to come to P & Z and council for a recommendation and/or approval and then y'all could deny it. It is not permitted by right. I just wanted to clarify that and then there was another thing about architecture standards. In 2009

there was House Bill passed by the State Legislature. House Bill 2439 that doesn't allow cities to basically have those architecture standards. That is in chapter 3000 of the Texas Government Code.

Smokey Denmark has been where they are since 1969, they have received no code violations. There is a neighborhood right near where they are currently located. I know with that some representatives from Smokey Denmark are here and they would like to talk, but again the recommendation from staff is to go ahead and table both items, that way we can have a workshop or an open house to further discuss this.

Commission Chair Wes Griffin asked if we wanted to allow the Smokey Denmark people to offer their input at this time.

John Byrum responded with, "They are here, so I would say yes."

Commission Chair Wes Griffin first wanted to recognize Mr. Byrum's recommendation to table the two items and wanted to make sure all board members understand and are in agreement with that. Commissioner Diane Williams interjected that she would like to make a point. Commission Chair Wes Griffin stated that he would first like to know that the board agrees with the concept. The board agreed. Commission Chair Wes Griffin stated he did not want to draw it out any further, but he did want to give the Smokey Denmark people an opportunity to offer whatever they would like to say today.

Smokey Denmark representative Marlis Oliver thanked everyone for the opportunity to speak and stated that they know they are not very popular here tonight. He said, "We want to build in an area that welcomes us, and we will not force this on the community. I just wanted to state that upfront. What I would like to do is share some of the points I plan to share prior, just to make our case."

Introduced himself, "My name is Marlis Oliver, I am the president of Smokey Denmark.

Johnathon Pace is here, and he is the owner. My background, I was president of Rudy's BBQ and Mighty Fine Burgers for 22 years. I have a lot of experience with smoke at Rudy's."

"That will play into some of this information here, but let me start with addressing the smoke, as possibly one of the primary concerns. I understand that there are many concerns. Honestly more than I realized. We work in this facility everyday and as it was described this evening. It is nothing like that, but I am not here to honestly force anything down anyone's throat.

Johnathon just texted me clarifying the point I want to make with y'all. We are not going to force anything on you guys. We want to be welcomed wherever we go."

So, the way the ovens work at Smokey Denmark is very different than Blacks' BBQ and Rudy's BBQ and very different than your smoker in your back yard. All of those you light the fire with usually oak and immediately it starts producing smoke out the stack. These commercial ovens that we use, it's a 3 hour cook process. You roll the raw sausage in, you shut it, it's a completely sealed oven. There is heat that is generated by steam and that is the first two hours of this process. Then smoke is injected into this sealed recirculating oven. Again, zero emissions at this point. After the 3 hour cook cycle then that steam and smoke exits at that point. It is different in that it doesn't just constantly smoke.

We are closed every Saturday and Sunday. We are open for business from 7:30 am to 3:30 in the afternoon. It does release that smoke, but it is much less than any BBQ restaurant you have ever eaten at. I know I worked at Rudy's for 22 years. That is why we have never received a complaint in the 52 years that Smokey Denmark has been on East 5th St.

We have a half-acre there, we are crammed in. It doesn't allow us any growth opportunity. We thought Liberty Hill might be a good opportunity for us. We are on a zero-lot line there, meaning that on each side of us and behind us. The commercial building next to us is literally a foot away. They have never had any issue. Directly across the street. East 5th St. is a two-lane road and directly across the street is a neighborhood. They are in the North of us with that South prevailing wind blows any smell from Smokey Denmark is going straight to those homes. And again, never any complaints.

As far as waste, that's a good point. Raw blood, smelling waste and everything, that is a non-issue. Any waste that we have is minimal because we bring in boxed meat that is already trimmed and we take it from that point. Any waste that we have stays in a refrigerated cooler at 38 degrees and approximately every 10 days that is disposed of with a truck that picks that up. That truck is in and out and is similar to a trash truck you would see in your neighborhood. Let me refer to my notes. As far as fencing, if we were allowed to build there, it would be attractive barrier fencing. It wouldn't be ugly. The building would be a one-story building. It will not be a two-story building. I submitted those pictures, one or two of them are of a two-story building. My intent there was to give an idea. I will be a one-story building. In fact, you can't even do a two-story building with a facility like this. You could, but it would not make sense. It will be tilt wall. It would be as attractive as we could possibly make it. We desire, Johnathon the owner, would desire to add to the community to make it better, not worse.

We have and would have if given the opportunity a retail meat market up front. We sell a variety of smoked sausages, beef jerky, summer sausage. We thought that would be a cool thing for Liberty Hill. We don't have a food truck. Years ago, that was sold. You mentioned the number of trucks that come and go but its 2 to 4 box trucks or semi that come and go and that sounds like a lot, but it is less than any restaurant in town. Restaurants have drink delivery, chip delivery, meat delivery, Sysco. This is less than restaurants.

(Unknown) Resident ask, "so you guys are moving because you have no room to grow?" Mr. Oliver said. "Correct." Unknown resident stated, "All these things you are talking about right now. (inaudible) You are coming here you are getting 3 or 4 times the land; you have to assume the company is going to grow 3 or 4 times the size. So, if you are using 2 or 3 trucks a day now. You come here it's safe to assume in 6 months to a year it will be 5 trucks. Two or three years down the road it could be 10 trucks. We don't have the space where we live to deal with that traffic and there is no way to fix that. It's not that we don't welcome you. We don't welcome the rezoning because we don't welcome what comes from rezoning the area." (inaudible) "once we change the area, we can't go back to that." (inaudible) Mr. Oliver stated, "I understand."

Mr. Oliver stated, we have 28 employees now. We could do multiple shifts; we could work weekends. We don't desire to run that type of business, so it will never be that huge. That's why 30 to 40 employees is our best guess in the future, knowing what our desire is for that business long term.

Unknown second resident ask a question.

Question was (inaudible)

Mr. Oliver answered, we chose Liberty Hill because we love Liberty Hill. Specific to that spot, it is a large piece of land. Meaning 4.5 acres. It is way more than we need, but we have been so land locked, in our minds it gave us that breathing room. You could see it from 29, we have a retail meat market that would be fun for the community, we felt. People could stop in and get beef jerky and this and that opposed to being off in a corner in an industrial area.

Commission Chair Wes Griffin interjected and stated that we will not be taking any more discussion at this time. Its going to be an ongoing discussion and we are not going to finish tonight, but I didn't want to get out of hand with the questions and answer. He asked Mr. Oliver if he had anymore more information.

Mr. Oliver stated, No that's it. I end by saying we desire to be welcomed wherever we go. We don't desire to force this down a neighborhood. If given an opportunity; those are some of the things I wanted to mention.

Commission Chair Wes Griffin thanked Mr. Oliver and stated he appreciated all their involvement with Planning and Zoning this evening. I am going to take the recommendation to table these two items. There will be further discussions and I am sure y'all will know when its going to happen and we will gather again and have a good discussion.

Residents asked if the meeting on the 28th is off?

Commission Chair Wes Griffin stated it was tabled so it would not be going to council.

Diane Williams interjected stating she would still like to make a comment.

Commission Chair Wes Griffin said Okay.

Diane Williams stated she appreciates that she is new to the commission by evidence of Wes trying to cut off her comments. That said, while the challenge indeed is how somebody pointed out. That we are challenged to balance these needs at Planning & Zoning. Someone asked the benefits. The benefits the tax base, right. So, when an ETJ doesn't contribute to that tax base business do. We want all these things for parks and city and growth and sustainable growth etc. If we don't have the business for that tax base. Then that tax burden falls on the those of us within the city limits that do pay city taxes. That said, I wouldn't want light industrial behind my home either. So, with that in mind, I encourage the planning and zoning commission to work with the city staff, to look at the land use map and let's figure out a place that better suits light industrial.

b)

Discussion, consideration, and recommendation to the City Council on a request for a Zone Map Amendment from General Commercial/Retail (C3) zoning classification to Light Industrial/Warehousing (I1) zoning classification on the following property:

14500 Highway 29 with a legal description of S11406 – JKB CONSTRUCTION YARD BLOCK A, LOT 2, Williamson County, Texas; specifically, generally located along the northwest side of

State Highway 29 and identified as Assessor's Parcel Number R – 559256. Presented by Jerry Millard.

5)
ADJOURNMENT

Commission Chair Wes Griffin asked for a motion to table. Steve Messana made the motion to table and John Mathiasen seconded. Motion passed on a vote of 5 ayes and 0 nays and 0 abstentions.

Commission Chair Wes Griffin asked for a motion to adjourn. Chad Cormack made the motion to close. Steve Messana second the motion.

Motion passed on vote of 5 ayes 0 nays and 0 abstentions.

The Planning and Zoning Commission meeting was adjourned.

PASSES AND APPROVED by
the Planning and Zoning Commission of the City of Liberty Hill, Texas on Tuesday,
August 17, 2021, on a vote of ____ ayes, _____ nays, and ____ abstentions.

Nancy Sawyer
City Secretary



**PLANNING AND ZONING COMMISSION
PLANNING & ZONING COMMISSION
REGULAR MEETING
TUESDAY - AUGUST 17, 2021
2801 Ranch Road 1869 - Liberty Hill**

AGENDA ITEM 4.d

Discussion, consideration, and possible recommendation to City Council on a request for a Zone Map Amendment for General Commercial / Retail (C3) to the Multi-Family Residential (MF2) zoning classification.



Planning and Development Department Planning and Zoning Commission

To: City of Liberty Hill Planning and Zoning Commission

Subject: Discussion, consideration, and recommendation to the City Council on a request for a Zone Map Amendment from General Commercial/Retail (C3) to the Multi-family Residential (MF2) zoning classification.

The property is generally located along the north right-of-way of State Highway 29 West to the east of Holmes Road, being approximately 2.70 acres out of the Robinson, J. B. Survey, abstract 521 and a portion of Lot 1, Bean Industrial Park. The parcels are further identified as Assessor's Parcel Numbers R-432452, R-432454, and R-478897, Liberty Hill, Williamson County, Texas.

Meeting: August 17, 2021

Staff: Jerry Millard, City Planner

BACKGROUND INFORMATION:

Current Zoning: General Commercial/Retail (C3)

Proposed Zoning: Multi-family Residential (MF2)

Surrounding Land Use and Zoning:

North: Multi-family Residential (MF2) – Vacant / Undeveloped Property

South: General Commercial/Retail (C3) – Vacant / Undeveloped Property

East: General Commercial/Retail (C3) – Heavy Equipment Rentals

West: General Commercial/Retail (C3) – Low Density Strip Mall / Fueling Station

Summary of Request

This request, submitted by Holmes 29, LLC, is to rezone approximately 2.70 acres out of the Robinson, J. B. Survey, abstract 521 and a portion of Lot 1, Bean Industrial Park, from General Commercial/Retail (C3) to the Multi-family Residential (MF2). Should this request be approved, the applicant intends to build a nine building multi-family development on the site. They intend to demolish the existing commercial structures on the southeast corner of the property.

Multi-family Residential (MF2) zoning allows for twenty (20) dwelling units per acre with a maximum impervious and lot cover of sixty (60) percent each. The Multi-family Residential (MF2) is intended to allow smaller and more financially-accessible dwelling units than the SF districts.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The most recently adopted Comprehensive Plan for the City of Liberty Hill (adopted August 2014), states within the Land Use Classifications (Section 3.7.1) that there is very little multi-family housing presently in the City of Liberty Hill, in any of its forms (townhome, duplex, triplex, fourplex or apartments/condominiums). Further, multi-family development could be well placed along Highway 29, Parmer Lane, and US 183, behind commercial properties at major intersections, and as a transition to higher intensity use single-family residential areas. Enabling a better offering for this type of housing will help market choice and affordability issues in the City.

The property is designated as 'Residential' on the Future Land Use Map (FLUM) of the Comprehensive Plan.

PUBLIC NOTIFICATION:

Staff notified nine surrounding property owners regarding this request. To date, no responses have been received in opposition or in favor of this request. All property owners notified are within the 200-foot notification boundary required by the State.

RECOMMENDATIONS:

The Planning and Zoning Commission may:

- Recommend disapproval of the applicant's request to rezone the property to Multi-family Residential (MF2).
- Recommend approval of the applicant's request to rezone the property to Multi-family Residential (MF2).

Staff finds that the applicant's request to rezone the property to Multi-family Residential (MF2) is compatible with the Comprehensive Plan. Further, staff finds that approval of this request would not negatively affect the surrounding community and is suitable at this location. Staff recommends approval of the applicant's request.

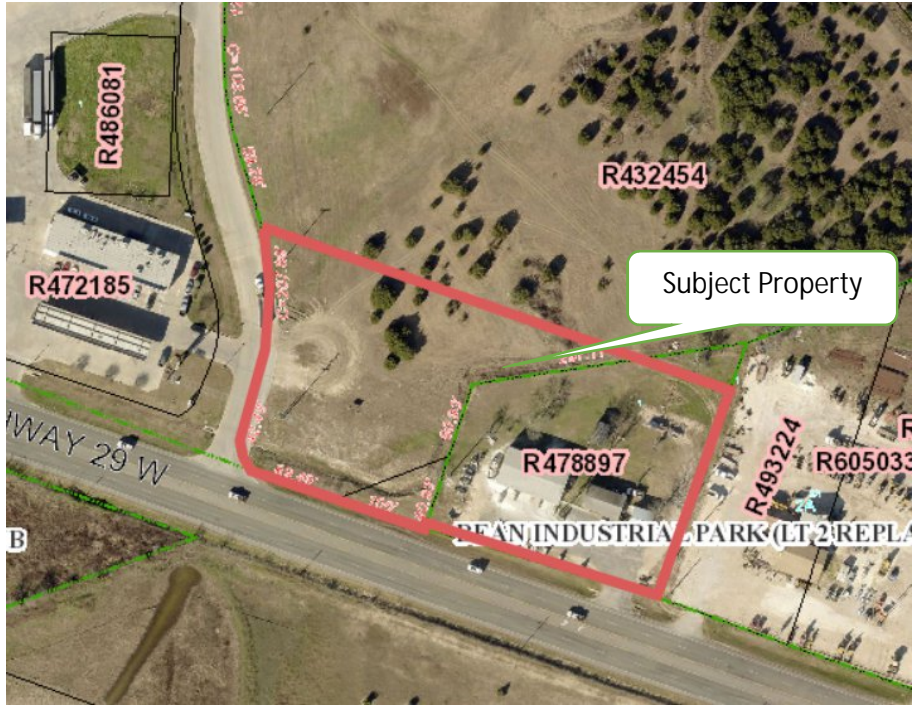


Figure 1: Subject property

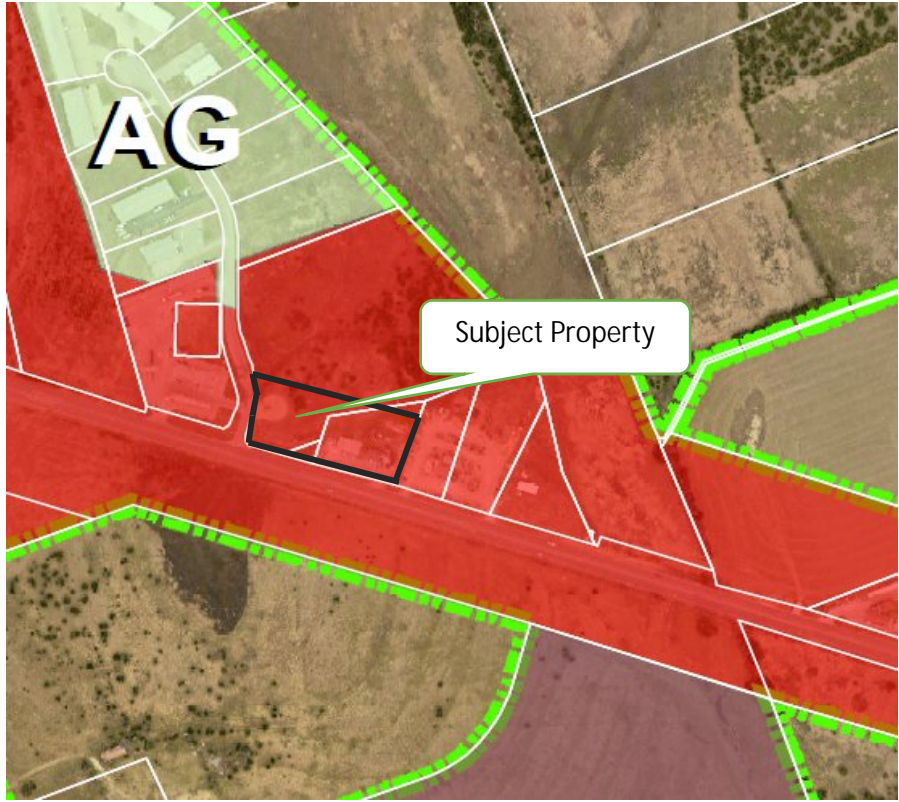


Figure 2: Subject property with C3 zoning classification



Figure 5: Subject property general concept plan (provided by the applicant)



**PLANNING AND ZONING COMMISSION
PLANNING & ZONING COMMISSION
REGULAR MEETING
TUESDAY - AUGUST 17, 2021
2801 Ranch Road 1869 - Liberty Hill**

AGENDA ITEM 4.f

**Discussion, consideration, and possible recommendation to City Council on a request to amend
Section 1 of the Unified Development Code (UDC).**

1.00 General Provisions *

1.01 Title

This Ordinance is hereby officially known and cited as the Unified Development Code of the City of Liberty Hill, Texas. References to "this Code," or "this UDC" shall be interpreted as references to this Unified Development Code. In the interpretation of provisions in this Code, certain terms and words are defined in Chapter 16 or, if not, resort to their customary usage and meaning. For the purposes of using this Code, words used or defined in one tense or form shall include other tenses and derivative forms, words in the singular number shall include the plural number and words in the plural number shall include the singular number. The word "shall" is mandatory. The word "may" is permissive. The word "City" means the City of Liberty Hill, Texas. In the case of any difference of meaning or implication between the text of this Code and any caption, number, illustration or table, the text shall control, unless otherwise specifically noted herein.

1.01.010 Purpose and Intent

This Unified Development Code is adopted for the purpose of promoting the public health, safety and general welfare of the present and future citizens of the City of Liberty Hill and promoting the safe orderly and healthful development of the City. The City of Liberty Hill's Comprehensive Plan (the "Plan") is the fundamental guide to all decisions made under this Code. In order to implement the broad goals of the Plan, this Code regulates land development in order to achieve objectives of the plan that include, but are not limited to, the following:

- A. Lessen congestion in the streets;
- B. Secure safety from fire, panic and other dangers;
- C. Promote health and general welfare;
- D. Provide adequate light, air and privacy;
- E. Prevent the overcrowding of land;
- F. Avoid concentration of population;
- G. Promote the beneficial and appropriate development of all land and the most desirable use of land in accordance with a well-considered plan;
- H. Protect the character and the established pattern of desirable development in each area;
- I. Prevent or minimize land use incompatibilities and conflicts among different land uses;
- J. Facilitate adequate provision of transportation, water, sewerage, parks and other public requirements;
- K. Facilitate erosion protection and water pollution management by reducing stormwater runoff;
- L. Maintain property values by stabilizing expectations and ensuring predictability in development; and
- M. Establish a process that effectively and fairly applies the regulations and standards of this Code and respects the rights of property owners and the interests of citizens.

1.01.020 Consistency with Comprehensive Plan

The City of Liberty Hill's Comprehensive Plan, as adopted and as amended and periodically updated, is the policy guide for the development of the Unified Development Code. The following General Land Use Policies from the Comprehensive Plan have been used in the development of this Code in order to ensure that land development within the City of Liberty Hill jurisdictional area is in accordance with the City of Liberty Hill Comprehensive Plan:

1.01.030 Manage Growth that is compatible with the Vision of Liberty Hill

- A. New developments must be compatible with existing development and community character.
- B. New development must maintain small town character, look and feel of community.
- C. New development must occur in a fiscally responsible manner for the City.
- D. Priority Growth Areas should be recognized and planned for by developing an infrastructure plan to encourage development in specific areas of the community.
- E. The City should encourage desirable development and construct infrastructure in the following Priority Growth Areas:
 - a. Downtown
 - b. East End – The area between Seward Junction and CR 213
 - c. West End – The area west of Seward Junction
 - d. Ronald Reagan

1.01.040 Protect the environment

- A. Preserve and protect waterways and floodplains.
- B. Preserve and protect surface and groundwater resources and hydrologically-active areas.
- C. Cooperate with area governmental entities to ensure water quantity.
- D. Preserve and protect air quality.
- E. Promote and incentivize water conservation practices.
- F. Promote awareness and implementation of Best Management Practices (BMPs) for purposes of water quality and land conservation.

1.01.050 Design of Buildings should be compatible with existing buildings and Vision for Liberty Hill

Architectural control is important, within reason, and should encourage growth by giving protection to investors who are considering investing in commercial development in Liberty Hill.

1.01.060 How to Use This Code

- A. If you need to subdivide or plat your land:

Whether you live inside or outside the city limits, you may not develop or disturb your land (see Section 8.00, et seq. for definition of "land disturbance") until you have properly subdivided or platted your parcel. The procedures that you will need to follow are described in Section 5.00, et seq.
- B. If you want to build or establish a particular use on your property:
 - 1. Step One: You should first determine what kind of use you desire to establish. You can usually determine the use by referencing the use categories and specific uses found in Section 4.00, et seq. Refer to the definitions of the specific uses in Section 4.00, et seq. to help you determine the use that best describes what you want to establish.
 - 2. Step Two: You should next determine the zoning district (and any overlay districts) that applies to your property. The official zoning map, available at the Planning and Development Office, depicts the zoning designation for every parcel of land in the City limits of Liberty Hill. If your property is not in the City limits, no zoning designations or requirements apply, but some development standards and requirements do apply.
 - 3. Step Three: For properties in the City limits, locate the use tables in Section 4.00, et seq. Find the row that lists the specific use you are interested in. Match this row to your

zoning district designation (across the top of the table) to determine whether the use you want to establish is permitted in the district.

4. Step Four: If your use is permitted, you must get the appropriate applications approved and comply with the applicable development standards of this Code before building the structure or establishing the use.

These requirements are intended to help you and the City ensure that your project is legally established and that it matches the development vision that the City of Liberty Hill, as a community, desires.

- C. If you own or lease property and want to know what rules apply:

Follow steps two through four above, to identify your zoning district and the permitted uses. You can find the specific details for the uses in your zoning district in Section 4.00, et seq. and the definitions found in Section 8.00, et seq. You can also find the various development standards that apply to your property in Sections 4.00 through 8.00.

- D. If you want to change your Zoning District:

Only the City Council may rezone property, following public notice and hearings at meetings of the Planning and Zoning Commission and the City Council. See Section 4.00 Section 4.00, et seq. for public notice requirements rezoning requirements.

1.03 Authority

This Unified Development Code is adopted under authority of the constitution and laws of the State of Texas, including particularly Texas Local Government Code chapters 211, 212, 216 and 242.

1.04 Jurisdiction

1.04.01 Within City Limits and Extraterritorial Jurisdiction (ETJ)

The City and Williamson County shall exercise joint jurisdiction to regulate subdivision plats and approve all related permits within the City's ETJ. As authorized by Texas Local Government Code chapters 212 and 216, the City shall apply the applicable subdivision and sign provisions of this Code to the City's extraterritorial jurisdiction. Further information about how procedures and regulations of this Code apply to the extraterritorial jurisdiction is found in Chapter 3.

1.04.02 Within City Limits

All provisions of this Unified Development Code shall apply to all land within the City limits.

1.05 Applicability

1.05.01 Future Development

This Code shall apply to all matters pertaining to the use and development of land within the jurisdiction described in Section 1.04 above. The Code applies to all public and private buildings and land, and uses thereon, over which the City has jurisdiction under the constitution and laws of the State of Texas and of the United States.

1.05.02 Existing Development

Hereafter, no building or structure shall be erected, demolished, remodeled, reconstructed, altered, enlarged, or relocated in the City of Liberty Hill except in compliance with the provisions of this Code; and then only after securing all required permits and licenses. Any legal nonconformity under the previous zoning regulations shall also be a legal nonconformity under this Unified Development Code, as long as the situation that resulted in the nonconforming status under the previous zoning

regulations continues to exist. If a nonconformity under the previous ordinances and regulations becomes conforming because of the adoption of this Code, then the situation shall no longer be treated as a nonconformity.

1.06 Minimum Requirements

The provisions of this Code shall be interpreted and applied as the minimum requirements for the promotion of public health, safety, and general welfare.

Whenever the requirements of this Code are in conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the requirement that is most restrictive or that imposes higher standards as determined by the City Council will apply.

The issuance of any permit, certificate or approval in accordance with the standards and requirements of this Code shall not relieve the recipient of such permit, certificate or approval from the responsibility of complying with all other applicable requirements the City or of any other municipality, special district, state or federal agency having jurisdiction over the structures or land uses for which the permit, certificate or approval was issued.

1.07 Effective Date

This Code shall become effective and be in full force and effect immediately following its passage and approval by the City Council, as duly attested by the Mayor and City Secretary.

1.08 Severability

If any section or part of this Code is held by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Code but shall be confined in its operation to the specific sections of this Code that are held unconstitutional or invalid. The invalidity of any section of this Code in any one or more instances shall not affect or prejudice in any way the validity of this Code in any other instance.

1.09 Projects in Transition

The purpose of this section is to provide guidance to those development projects that have received some form of municipal approval prior to the date of enactment of this Code. More detailed information regarding Vested Rights and Nonconforming uses can be found in Chapter 4.

1.09.01 Projects in Construction

A. Building Permits - Nothing in this Code shall require any change in plans, construction, size or designated use of any building, structure or part thereof that has been granted a building permit prior to the effective date of this Code, or any amendment to this Code, provided construction shall begin consistent with the terms and conditions of the building permit and proceed to completion in a timely manner.

B. Approved Site Plans - Nothing in this Code shall require a change in site plan approved prior to the effective date of this Code, provided a building permit is issued prior to expiration of the site plan, and construction begins consistent with the terms and conditions of the building permit and proceeds to completion in a timely manner.

C. Violations Continue - Any violation of the previous zoning and sign ordinances or subdivision and site development regulations of the City shall continue to be a violation under this Code and shall be subject to penalties and enforcement under Chapter 7, Enforcement, unless the use, development, construction or other activity is consistent with the express terms of this Code, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred

prior to the effective date of this Code.

1.09.02 Expiration of Plats

Any minor plat, replat, amending plat, preliminary plat, or final plat approved pursuant to Subdivision Regulations in effect prior to the date of enactment of this Code that is dormant according to the provisions of Texas Local Government Code §245.005 will expire within three years of the first adoption of this Code.

1.10 Annual Updates or Amendments

The purpose of this section is to provide guidance for annual updates to the Code in order to modify procedures and standards for workability and administrative efficiency, eliminate unnecessary development costs, and to update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design.

In the sixty (60) day period prior to September 1st of each year, any person may provide a request for amendment to the Code to the City Secretary. The request for amendment shall be labeled an “Annual Update Request” and shall include a summary of the proposed changes, the reason for the proposed changes, and suggested text amendments. Annual Update Requests shall serve a legitimate purpose.

The City Secretary shall receive the proposed amendments within the sixty (60) days preceding September 1st and shall refer the proposed amendments to the Planning and Zoning Commission by October 1st of each year.

The Planning and Zoning Commission may conduct workshops to informally discuss the Annual Update Requests with interested neighborhoods, developers, homebuilders, design professionals, and other stakeholders in the development process.

The Planning and Zoning Commission shall refer the Annual Update Requests to the City Council with recommendations for amendments to the Code by December 1st of each year.

1.11 Compliance Required

No land shall be used and no structure shall be constructed, occupied, enlarged, altered or moved until the following requirements are met:

- A. All applicable development review and approval processes have been followed.
- B. All applicable approvals have been obtained.
- C. All required permits or authorizations to proceed have been issued.

1.12 Validity

The issuance or granting of a permit or approval of plans or plats, site or facility designs, or specifications shall not be construed to be a permit for, or an approval of, any violation of any provision of this Code or any other City ordinance. No permit purporting to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use that it authorizes is lawful and conforms to the requirements of this Code or a variance or modification granted pursuant to this Code.