



The City of Liberty Planning & Zoning Commission

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Meeting ~ Agenda ~

April Gilliland
City Secretary
936-336-3684

Wednesday, February 21, 2024

12:00 PM

City Council Chambers

The Planning and Zoning Commission of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
President Tyler Jackson				
Commission Member Emily Cook				
Commission Member Lindsay Lawrence				
Commission Member Barry Jones				
Commission Member Lauren Lozano				

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / CITIZENS FORUM

The Citizen's Forum is reserved for members of the public who would like to address the Planning and Zoning Commission Members regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Commissioners may not deliberate or take any action during citizens' comments about items not on the agenda. In some situations, City Staff may be able to respond to the public's comments with a factual statement or clarification. The Commissioners may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

III. CONSENT AGENDA

All consent items listed are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Commission Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

A. Minutes Approval

1. January 31, 2024

IV. REGULAR AGENDA

A. Regular Session

1. Consider rezoning 4505 Sandune to allow manufactured homes to be placed on the property.

V. ADJOURNMENT

A. Motion To: Adjourn

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 16th day of February, 2024 at 5:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

April Gilliland
April Gilliland, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, _____.



The City of Liberty Planning & Zoning Commission

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Meeting ~ Minutes ~

April Gilliland
City Secretary
936-336-3684

Wednesday, January 31, 2024

12:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on January 31, 2024, in the City Council Chambers, 1829 Sam Houston Street, Liberty, Texas at 12:03 p.m. by President Tyler Jackson.

A.

Attendee Name	Present	Absent	Late	Arrived
President Tyler Jackson	X			
Commission Member Emily Cook	X			
Commission Member Lindsay Lawrence	X			
Commission Member Barry Jones	X			
Commission Member Lauren Lozano	X			

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / CITIZENS FORUM

The Citizen's Forum is reserved for members of the public who would like to address the Planning and Zoning Commission Members regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Commissioners may not deliberate or take any action during citizens' comments about items not on the agenda. In some situations, City Staff may be able to respond to the public's comments with a factual statement or clarification. The Commissioners may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

President Jackson welcomed guests and visitors in attendance, opening the floor for public comment to those individuals wishing to address the board. There were no comments.

III. CONSENT AGENDA

All consent items listed are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Commission Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

A. Minutes Approval

1. July 12, 2023

A motion was made by Commission Member Lawrence to approve all items on the consent agenda. The motion was seconded by Commission Member Cook. The motion passed 5 to 0.

IV. REGULAR AGENDA

A. Regular Session

- 1. Consider a variance request from ETEC Realty to allow more than one dwelling unit per lot in the McManus Manufactured Home Park.

The McManus Manufactured Home Park was recently purchased by ETEC Realty. The park is limited to 16 spaces, of which no more than six can be manufactured homes. The owner intends to use a one-time change out to replace the six manufactured homes and install tiny homes (416 sf) on the remaining 10 spaces.

Due to their small size, ETEC Realty is requesting approval to install two tiny homes per space. The proposed property layout is attached for your review.

The Planning Commission has previously denied a request to allow more than six manufactured homes on the property.

A motion was made by Commission Member Lawrence to deny the variance request to install two tiny homes per lot. The motion was seconded by Commission Member Cook. The motion passed 5 to 0.

- 2. Consider amending the Code of Ordinances by adding section 3.01.009 to require a primary structure to be built before an accessory structure can be built.

On April 12, 2023, the Planning Commission held a work session to review accessory building requirements. Currently, the city allows accessory buildings to be constructed on vacant lots as stand-alone structures. Staff is recommending an amendment to the code of ordinances to require a primary structure to be built before an accessory structure can be built.

A motion was made by Commission Member Cook to amend the presented language to read that no accessory Storage/Garage building shall be permitted in the absence of a main building, unless a variance request is approved. The motion was seconded by Commission Member Lozano. The motion passed 5 to 0. The Ordinance change will move to the City Council for final approval.

V. ADJOURNMENT

A. Motion To: Adjourn

With no further business to discuss, President Jackson adjourned the meeting at 12:23 p.m.

Tyler Jackson, President

ATTEST:

April Gilliland, City Secretary

CITY OF LIBERTY

Planning & Zoning Commission Agenda Item Form

Meeting Date: February 21, 2024

Agenda Wording: Regular Session

Department: Council and Board

Subject:

Background:

Funding Source:

Staff Recommendation:

CITY OF LIBERTY

Planning & Zoning Commission Agenda Item Form

Meeting Date: February 21, 2024

Agenda Wording: Consider rezoning 4505 Sandune to allow manufactured homes to be placed on the property.

Department: Community Development

Subject: Rezoning Request

Background: John Zolfaghari has applied to rezone the property located at 4505 Sandune (Property ID 18107). Mr. Zolfaghari is requesting a zone change in order to bring in manufactured homes beyond the one-time change out allowance.

Funding Source: n/a

Staff Recommendation: n/a



ZONE CHANGE APPLICATION

City of Liberty Community Development Department
1829 Sam Houston, Liberty, Texas 77575

Phone: 936-336-3684 | Fax: 936-336-9846 | Email: permits@cityofliberty.org

APPLICATION OF ZONING CHANGE FOR

Manufactured Home Zone

Recreational Vehicle Zone

APPLICANT INFORMATION

Name: John Zolfaghari

Address: 2801 N Main St Liberty TX 77575

Telephone: 805-889-3016 Email: John@Empirervmarine.com

OWNER INFORMATION (IF DIFFERENT FROM APPLICANT)

Name: _____

Address: _____

Telephone: _____ Email: _____

PROPERTY DESCRIPTION

Address: 4505 Sandune

Subdivision: GEO ORR Tract 154

Block No. _____ OR Plat _____

Lot No. _____ Survey _____

Number of Acres: 3 Number of Acres: _____

REQUIREMENTS

1. Applicant must attach a letter stating the reasons for the zone change (EXHIBIT A).

NOTICE AND SIGNATURE

The applicant has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true and correct. The applicant will hold the City of Liberty harmless, and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such zone change.

Signature

1-31-24

Date

EXHIBIT A

The property at 4505 Sandune Road has been a Legal non conforming Mobile Home Park for over 20 years (Pinckard MPH) for this reason alone it should have been included in the Manufactured home zone Map in the City of Liberty. We currently have 9 families living in this Mobile Home Community, the majority of them have lived in this community for 10 years. The first question I was asked by them when I took over this property was if I would allow them to bring a new home. There is a problem here...Currently since this property was somehow left out of the manufactured home zone, I can not allow these 9 Families to improve their living conditions because I have been told that I am allowed a one time replacement, So if they upgrade their living conditions with a new home on my property. I now run the risk of them moving there home and I will be left the proud owner of a Mobile home Community with no homes and no ability to bring homes of my own. This replacement limitation doesn't necessarily impact me because I can evict all of the families there and bring in fresh new units that will last over 30 years. I think the City of Liberty and I can both agree that this is not fair or right and should simply add this property to the Manufactured home Zone.

I have also been informed by the Texas Mobile Home association that there has been Legislature Passed to protect the property rights of Manufactured Home Community Owners S.B NO. 1245 (see attached Exhibit B)

I have also attached (Exhibit C) showing that this property is listed with the Appraisal District as MH Park.

Lastly I would like to add that I understand the stigma surrounding Mobile home Communities but I have already begun the necessary clean up on this property and plan to improve it in a way that it can be used as an example for all other operators in the city of what a Mobile Community Should be and will not allow this property to be apart of the stigma that surround these communities .

I appreciate the City taking the time to review this zone change application.

X


John Zolfaghari

AN ACT

relating to municipal regulation of manufactured home communities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 211, Local Government Code, is amended by adding Section 211.018 to read as follows:

Sec. 211.018. CONTINUATION OF LAND USE REGARDING MANUFACTURED HOME COMMUNITIES. (a) In this section, "manufactured home," "manufactured home community," and "manufactured home lot" have the meanings assigned by Section 94.001, Property Code.

(b) The governing body of a municipality may not require a change in the nonconforming use of any manufactured home lot within the boundaries of a manufactured home community if:

(1) the nonconforming use of the land constituting the manufactured home community is authorized by law; and

(2) at least 50 percent of the manufactured home lots in the manufactured home community are physically occupied by a manufactured home used as a residence.

(c) For purposes of Subsection (b), requiring a change in the nonconforming use includes:

(1) requiring the number of manufactured home lots designated as a nonconforming use to be decreased; and

(2) declaring that the nonconforming use of the manufactured home lots has been abandoned based on a period of continuous abandonment of use as a manufactured home lot of any lot for less than 12 months.

(d) A manufactured home owner may install a new or used manufactured home, regardless of the size, or any appurtenance on a manufactured home lot located in a manufactured home community for which a nonconforming use is authorized by law, provided that the manufactured home or appurtenance and the installation of the manufactured home or appurtenance comply with:

(1) nonconforming land use standards, including standards relating to separation and setback distances and lot size, applicable on the date the nonconforming use of the land constituting the manufactured home community was authorized by law; and

(2) all applicable state and federal law and standards in effect on the date of the installation of the manufactured home or appurtenance.

(e) A municipality that prohibits the construction of new single-family residences or the construction of additions to existing single-family residences on a site located in a designated floodplain may, notwithstanding Subsection (b), (c), or (d), prohibit the installation of a manufactured home in a manufactured home community on a manufactured home lot that is located in an equivalently designated floodplain.

SECTION 2. Subchapter Z, Chapter 214, Local Government Code, is amended by adding Section 214.906 to read as follows:

Sec. 214.906. REGULATION OF MANUFACTURED HOME COMMUNITIES. (a) "Manufactured home" has the meaning assigned by Section 1201.003, Occupations Code.

(b) Notwithstanding any other law, the governing body of a

municipality may not regulate a tract or parcel of land as a manufactured home community, park, or subdivision unless the tract or parcel contains at least four spaces offered for lease for installing and occupying manufactured homes.

SECTION 3. This Act takes effect September 1, 2017.

Exhibit B

Property Details

Exhibit C

Account

Property ID:	18107	Geographic ID:	000091-000313-000
Type:	Real	Zoning:	
Property Use:		Condo:	

Location

Situs Address:	4505 SANDUNE, PINCKARD MHP LIBERTY, TX		
Map ID:	52 B	Mapsco:	808-9 908-9 1008-9
Legal Description:	000091 GEO ORR, TRACT 154, ACRES 3.0		
Abstract/Subdivision:	000091 - GEO ORR		
Neighborhood:	LISD01		

Owner

Owner ID:	2103497
Name:	PINCKARD STEVEN LEE
Agent:	
Mailing Address:	819 ROBBIE ST LIBERTY, TX 77575
% Ownership:	100.0%
Exemptions:	For privacy reasons not all exemptions are shown online.

Property Values

Improvement Homesite Value:	\$0 (+)
Improvement Non-Homesite Value:	\$63,020 (+)
Land Homesite Value:	\$0 (+)
Land Non-Homesite Value:	\$152,680 (+)
Agricultural Market Valuation:	\$0 (+)
Market Value:	\$215,700 (=)
Agricultural Value Loss:	\$0 (-)