



NOTICE OF MEETING OF THE GOVERNING BODY OF THE CITY OF BURNET

Notice is hereby given that a **Special City Council Meeting** will be held by the governing body of the City of Burnet on the **7th day of May 2024**, at **5:00 p.m.**, in the City of Burnet Council Chambers located at 2402 S. Water Street (Hwy. 281 South, Burnet Municipal Airport) Burnet, TX.

This notice is posted pursuant to the Texas Government Code, Chapter §551-Open Meetings.

The following subjects will be discussed, to wit:

CALL TO ORDER:

ROLL CALL:

INVOCATION:

PLEDGES (US & TEXAS):

1. ACTION ITEMS:

1.1) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF REMOVING THE USE "MANUFACTURED HOUSING AND SERVICES" FROM HEAVY COMMERCIAL – DISTRICT "C-3" AND RESTRICTING "MANUFACTURED HOMES SALES AND SERVICES" USES TO HEAVY COMMERCIAL – DISTRICT "C-3" AND LIGHT INDUSTRIAL "I-1" WITH A CONDITIONAL USE PERMIT; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

2. PUBLIC HEARINGS/ACTION:

2.1) Public Hearing and Action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "MANUFACTURED HOME SALES AND SERVICE" IN A HEAVY COMMERCIAL – DISTRICT "C-3" FOR A FIVE ACRE

PORTION OF PROPERTY KNOW AS 3720 E. HWY 29, LOCATED ALONG THE NORTH SIDE OF HIGHWAY 29 EAST (LEGAL DESCRIPTION: BEING 5.0519 ACRES TRACT OF LAND, OUT OF THE TCRR CO. SURVEY, NO. 83, ABS. NO. 1402); PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Proceedings shall be conducted as follows:

- (1) Staff Presentation
- (2) Public Hearing
- (3) Consideration and action

3. REQUESTS FROM COUNCIL FOR FUTURE REPORTS: In accordance with Resolution 2020-28 Council Members may request the City Manager to prepare and present future reports on matter of public interest.

4. ADJOURN:

Dated this 2nd day of May 2024

City of Burnet

Mayor Gary Wideman

I, the undersigned authority, do hereby certify that the above NOTICE OF MEETING of the governing body of the above named City, BURNET, is a true and correct copy of said NOTICE and that I posted a true and correct copy of said NOTICE on the bulletin board, in the City Hall of said City, BURNET, TEXAS, a place convenient and readily accessible to the general public at all times, and said NOTICE was posted on May 2nd, 2024 at or before 6 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Maria Gonzales, Assistant City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

The City of Burnet Council Chambers is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's office (512.756.6093) at least two working days prior to the meeting. Requests for information may be faxed to the City Secretary at 512.756.8560.

RIGHT TO ENTER INTO EXECUTIVE SESSION:

The City Council for the City of Burnet reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 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 (Economic Development).



Development Services

ITEM 1.1

Leslie Kimbler
Planner
512-715-3215
lkimbler@cityofburnet.com

Action Item

Meeting Date: May 7, 2024

Agenda Item: Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF REMOVING THE USE "MANUFACTURED HOUSING AND SERVICES" FROM HEAVY COMMERCIAL – DISTRICT "C-3" AND RESTRICTING "MANUFACUTRED HOMES SALES AND SERVICES" USES TO HEAVY COMMERCIAL – DISTRICT "C-3" AND LIGHT INDUSTRIAL "I-1" WITH A CONDITIONAL USE PERMIT; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: Currently, the use "Manufactured Housing and Services" is authorized in the Heavy Commercial – District "C-3". This conflicts with the prohibition against single-family dwellings within the commercial districts. Additionally, the use of property for the sale of manufactured homes is not addressed in the zoning code. Such a use may be appropriate in some, but not all, areas classified as Heavy Commercial District "C-3" or Light Industrial – "I-1", therefore a conditional use permit would be appropriate to provide flexibility.

Information: After discussion at the March 26, 2024, meeting, Council directed staff to initiate a zoning amendment process to authorize the sale of manufactured homes as an allowable conditional use in the Heavy Commercial District "C-3" and the Light Industrial District "I-1" Zoning District and remove manufactured housing and service from the Heavy Commercial District "C-3" use table. The proposed amendment finds that the requirement that Manufactured Home Sales and Services permitted uses in Heavy Commercial – District "C-3" and Light Industrial "I-1" by Conditional Use Permit affords the opportunity to assure that Manufactured Home Sales and Services are located at such locations and under such conditions that preserve and protect the health, safety and general welfare of the city and its present and future residents.

Fiscal Impact: No direct fiscal impact is anticipated.

P&Z Report: Planning and Zoning will meet on Monday, April 15th; staff will present P&Z's recommendation at the City Council meeting.

Recommendation: Approve and adopt Ordinance 2024-12 as presented.

ORDINANCE NO. 2024-12

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”) FOR THE PURPOSE OF REMOVING THE USE “MANUFACTURED HOUSING AND SERVICES” FROM HEAVY COMMERCIAL – DISTRICT “C-3” AND RESTRICTING “MANUFACTURED HOMES SALES AND SERVICES” USES TO HEAVY COMMERCIAL – DISTRICT “C-3” AND LIGHT INDUSTRIAL “I-1” WITH A CONDITIONAL USE PERMIT; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Code provides that Manufactured Housing and Services are permitted uses in Heavy Commercial – District “C-3” as a matter of right; and

WHEREAS, City Council finds that the use of properties designated with the Heavy Commercial – District “C-3” as Manufactured Housing conflicts with the prohibition against single-family dwellings within the commercial districts; and

WHEREAS, the sale of manufactured homes is an intensive commercial endeavor and may not be appropriate in all districts classified as Heavy Commercial – District “C-3” or Light Industrial “I-1”; and

WHEREAS, City Council finds that the requirement that Manufactured Home Sales and Services permitted uses in Heavy Commercial – District “C-3” and Light Industrial – District “I-1” by Conditional Use Permit affords the opportunity to assure that Manufactured Home Sales and Services are located within the City at such locations and under such conditions that preserve and protect the health, safety and welfare of the City; and

WHEREAS, on, April 15, 2024, the Planning and Zoning Commission conducted a public hearing for the purpose of taking public comment regarding the proposed amendments; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission made a recommendation to City Council as to the merits of the proposed amendments; and

WHEREAS, on April 23, 2024, City Council conducted a public hearing for the purpose of taking public comment regarding the proposed amendments; and

WHEREAS, based on due consideration of the Planning and Zoning Commission recommendation and citizen testimony, as well as its own deliberations, City Council finds that the requirement that Manufactured Home Sales and Services permitted uses in

Heavy Commercial – District “C-3” and Light Industrial “I-1” by Conditional Use Permit affords the opportunity to assure that Manufactured Home Sales and Services are located at such locations and under such conditions that preserve and protect the health, safety and general welfare of the city and its present and future residents; and

WHEREAS, City Council, finds, determines, and declares that to correct the conflict of allowing single-family dwellings in commercial districts, the use of Manufactured Housing and Services shall be removed from the Heavy Commercial District “C-3” use table; and

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and.

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section one. Amendment. The Code of Ordinances, Chapter 118 (entitled “Zoning”) Section 118-47 (entitled “Heavy Commercial – District “C-3”) is hereby amended by deleting the language that is italics stricken (~~stricken~~) from Section 118-47(a) as follows:

~~*(10) Manufactured housing and service.*~~

Note to Publisher: Existing subsections 118-47(a)(11) to 118-46(a)(22) shall be recodified as subsections 118-46(a)(10) to 118-46(a)(21).

Section two. Amendment. The Code of Ordinances, Chapter 118 (entitled “Zoning”) Section 118-47 (entitled “Heavy Commercial – District “C-3”) is hereby amended by adding the language that is underlined (underlined) to subsection 118-48(a)(22) as follows:

(22) Manufactured Sales and Services with conditional use permit.

Section three. Amendment. The Code of Ordinances, Chapter 118 (entitled “Zoning”) Section 118-48 (entitled “Light Industrial – I-1”) is hereby amended by adding the language that is underlined (underlined) to subsection 118-48(a)(16) as follows:

(16) Manufactured Sales and Services with conditional use permit.

Section four. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section five. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled “*general penalty*”).

Section six. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled “*Repealer*”) shall be controlling.

Section seven. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section eight. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section nine. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof.

Passed on first reading on the 23rd day of April, 2024

Passed, Approved and Adopted on the 14th day of May, 2024

CITY OF BURNET

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary

SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”) FOR THE PURPOSE OF REMOVING THE USE “MANUFACTURED HOUSING AND SERVICES” FROM HEAVY COMMERCIAL – DISTRICT “C-3” AND RESTRICTING “MANUFACTURED HOMES SALES AND SERVICES” USES TO HEAVY COMMERCIAL – DISTRICT “C-3” AND LIGHT INDUSTRIAL “I-1” WITH A CONDITIONAL USE PERMIT; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE



- Current allowable use:
 - “Manufactured House and Service”
 - Conflicts with prohibition against single-family dwellings within commercial districts
- Missing from allowable uses:
 - “Manufactured Sales and Services”
- Discussion with City Council March 26, 2024
- Amendment
 - Removes: “Manufactured House and Service”
 - Adds: “Manufactured Sales and Services” with Conditional Use Permit
 - Allowable in Heavy Commercial – District “C-3” AND Light Industrial “I-1”



Public Hearing

- ▶ Public hearing opened by Chair
- ▶ Limit 3 minutes per speaker

Discussion

- ▶ Discuss and consider the first reading of ordinance 2024-12 as presented.



Development Services

ITEM 2.1

Leslie Kimbler
Planner
512-715-3215
lkimbler@cityofburnet.com

Public Hearing and Action Item

Meeting Date: May 7, 2024

Agenda Item: Public Hearing and Action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "MANUFACTURED HOME SALES AND SERVICE" IN A HEAVY COMMERCIAL – DISTRICT "C-3" FOR A FIVE ACRE PORTION OF PROEPRTY KNOW AS 3720 E. HWY 29, LOCATED ALONG THE NORTH SIDE OF HIGHWAY 29 EAST (LEGAL DESCRIPTION: BEING 5.0519 ACRES TRACT OF LAND, OUT OF THE TCRR CO. SURVEY, NO. 83, ABS. NO. 1402); PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: This property is located along the north side of East Highway 29. The property is currently undeveloped and zoned Heavy Commercial – District "C-3". The applicant is requesting a Conditional Use Permit to allow for the development of a sales and storage lot for manufactured homes. Under the City of Burnet's Code of Ordinances, Sec. 118-47 Manufactured Home Sales is an allowable use in a Heavy Commercial – District "C-3" zoning with a Conditional Use Permit.

Information: The Conditional Use Permit approval process is established by Code of Ordinances Sec. 118-64; Subsection (e). Per the cited section in making its recommendation the Commission should consider the following:

- **Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;**
- **Proposed use will not adversely affect value of surrounding properties nor impede their proper development;**
- **Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of property or operation of business;**

- **Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;**
- **Comply with other applicable ordinances and regulations.**

Staff Analysis: Staff has reviewed the criteria in Sec. 118-64(e) and have made the following observations:

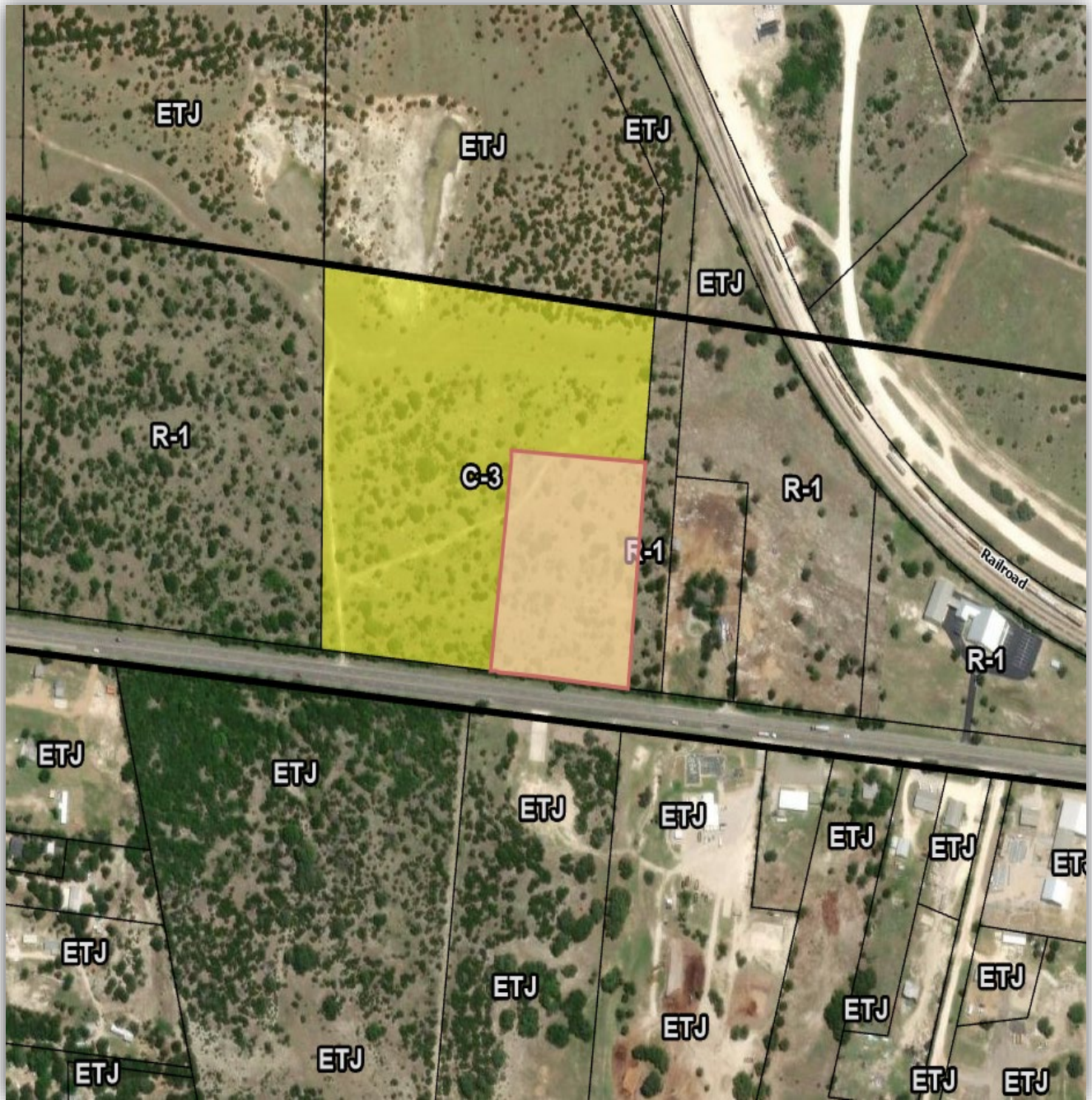
- This property is in an under-utilized area where there is a mix of commercial businesses as well as undeveloped raw land. When looking at the existing development in this area, most are businesses that are allowable under the “C-3” or “I-1” zoning districts; therefore, this use could be considered as compatible for surrounding uses.
- Properties directly abutting this property are undeveloped; however, when considering the existing developed areas, the uses are of similar nature. Staff do not feel, by approving the Conditional Use Permit, this use would adversely affect the value of surrounding properties.
- The proposed use should not create a nuisance nor interfere with neighboring properties enjoyment.
- This property abuts the highway; the traffic generated by this use should not create nor add significantly to the existing traffic patterns.

Public Notification: Written notices were mailed to four (4) surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

P&Z Report: Planning and Zoning will meet on May 6th; staff will present P&Z’s recommendation at the City Council meeting.

Recommendation: Open the public hearing. At the conclusion of the public hearing, discuss and consider the first reading of Ordinance 2024-15.

Exhibit A – Location and Current Zoning



ORDINANCE NO. 2024-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN “MANUFACTURED HOME SALES AND SERVICE” IN A HEAVY COMMERCIAL – DISTRICT “C-3” FOR A FIVE ACRE PORTION OF PROEPRTY KNOW AS 3720 E. HWY 29, LOCATED ALONG THE NORTH SIDE OF HIGHWAY 29 EAST (LEGAL DESCRIPTION: BEING 5.0519 ACRES TRACT OF LAND, OUT OF THE TCRR CO. SURVEY, NO. 83, ABS. NO. 1402); PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

WHEREAS, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

WHEREAS, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

WHEREAS, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section one. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

Section two. Property. The Property that is the subject to this Zoning District Reclassification is property legally described as: **BEING 5.0519 ACRES TRACT OF**

LAND, OUT OF THE TCRR CO. SURVEY, NO. 83, ABS. NO. 1402 as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. Heavy Commercial – District “C-3” Zoning District Classification with a Conditional Use Permit for “Manufactured Home Sales and Services” is hereby assigned to the Property described in section two.

Section four. Zoning Map Revision. The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

Section five. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

Section six. Severability. This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

Section seven. Effective Date. This ordinance is effective upon final passage and approval.

PASSED on First Reading the 7th day of May 2024.

PASSED AND APPROVED on this the 14th day of May 2024.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
Subject Property



FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "MANUFACTURED HOME SALES AND SERVICE" IN A HEAVY COMMERCIAL – DISTRICT "C-3" FOR A FIVE ACRE PORTION OF PROEPRTY KNOW AS 3720 E. HWY 29, LOCATED ALONG THE NORTH SIDE OF HIGHWAY 29 EAST (LEGAL DESCRIPTION: BEING 5.0519 ACRES TRACT OF LAND, OUT OF THE TCRR CO. SURVEY, NO. 83, ABS. NO. 1402); PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler



- Property located East Hwy 29
- 5 acres out of overall 20-acre tract

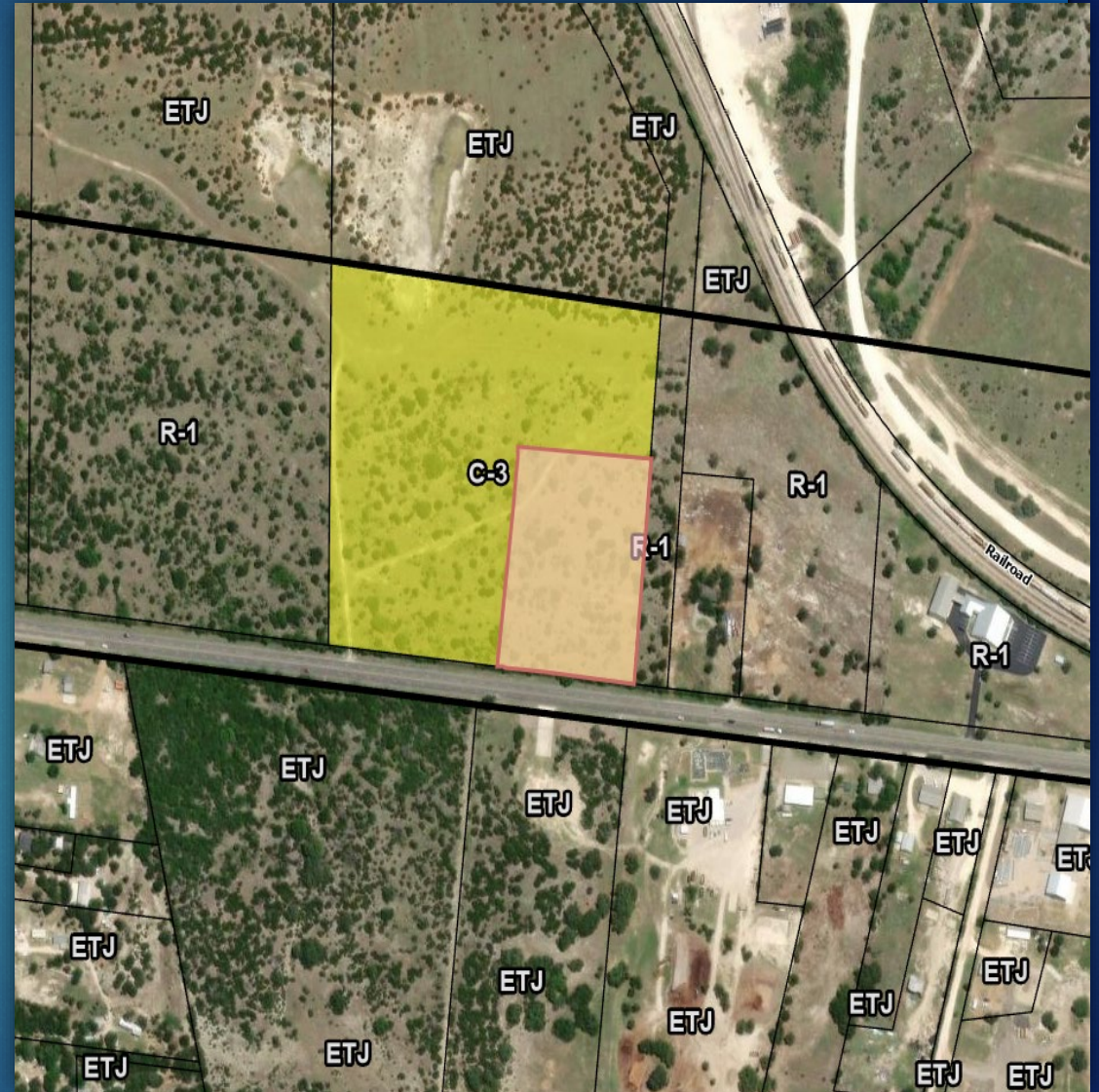


Current Zoning:

HEAVY COMMERCIAL – DISTRICT
“C-3”

Request:

HEAVY COMMERCIAL – DISTRICT “C-3” WITH A
CONDITIONAL USE PERMIT TO ALLOW FOR
MANUFACTURED HOME SALES AND SERVICES





▶ **Conditional Use Permit Criteria Considerations:**

- ▶ Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;
- ▶ Proposed use will not adversely affect value of surrounding properties nor impede their proper development;
- ▶ Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of property or operation of business;
- ▶ Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;
- ▶ Comply with other applicable ordinances and regulations.

► **Staff Analysis of Code Criterion:**

- This property is in an under-utilized area where there is a mix of commercial businesses as well as undeveloped raw land. When looking at the existing development in this area, most are businesses that are allowable under the “C-3” or “I-1” zoning districts; therefore, this use could be considered as compatible for surrounding uses.
- Properties directly abutting this property are undeveloped; however, when considering the existing developed areas, the uses are of similar nature. Staff do not feel, by approving the Conditional Use Permit, this use would adversely affect the value of surrounding properties.
- The proposed use should not create a nuisance nor interfere with neighboring properties enjoyment.
- This property abuts the highway; the traffic generated by this use should not create nor add significantly to the existing traffic patterns.

Public Notification:

Notices were mailed to 4 surrounding property owners. Zero responses have been received in favor or opposition

P&Z Report:

Planning and zoning will meet on May 6th; staff will present P&Z's recommendation at the City Council meeting.



Public Hearing

- ▶ Public hearing opened by Chair
- ▶ Limit 3 minutes per speaker

Discussion

- ▶ Discuss and consider the first reading of the draft ordinance 2024-15.

