



NOTICE OF MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BURNET, TEXAS

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

Notice is hereby given that the **Public Hearing and Regular Meeting of the Planning and Zoning Commission** of the City of Burnet, Texas will be held on Monday, **March 7, 2022**, at **6:00 p.m.** at the City of Burnet's Council Chambers located at 2402 S Water St., Burnet, Texas 78611 at which time the following subjects will be discussed, to-wit:

1. CALL TO ORDER:

The meeting was called to order at 6:00 p.m. by Chairman Gaut

2. ROLL CALL:

Members Present: Tommy Gaut, Calib Williams, Glen Teague, Glen Gates, Derek Fortin

Members Absent: None

Guests: Mark Kincaid, Benjamin Farmer, Joseph Theriot, Aaron Rivers, Alexis Rivera, Jason Fry, Gary Dillard.

Others Present: Habib Erkan Jr, Assistant City Manager
 Leslie Kimbler, Planning Manager
 Matt Imrie, Community Development Coordinator

3. CONSENT AGENDA ITEMS: All the following items on the Consent Agenda are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these items unless a Commission member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Commission when the Consent Agenda is opened for Commission action.

- 3.1) Minutes of the meeting of the Planning and Zoning Commission of the City of Burnet, Texas held on February 7, 2022.

A motion was made by Chairman Gaut to approve the minutes from the February 7, 2022 meeting with an amendment to item 4.1(h). The motion was seconded by Commissioner Williams and carried with a vote of 5 to 0.

4. PUBLIC HEARINGS:

- 4.1) Public Hearing and Consideration of the following: Preliminary Plat Applications, Adoption and Amendments of the Zoning Ordinance, Future Land Use Plan and Zoning Classifications presented by Habib Erkan Jr., Assistant City Manager, Leslie Kimbler, City Planner, and Matt Imrie, Community Development Coordinator.

- (a) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED AS 200 BURNET HILLS DRIVE (LEGAL DESCRIPTION: BEING A 0.190 ACRE TRACT OUT OF THE MISS SARAH ANN GUEST SURVEY NO. 1503, ABSTRACT NO. 1525) FROM ITS' CURRENT DESIGNATION OF "COMMERCIAL" TO A DESIGNATION OF "RESIDENTIAL"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – M. Imrie
- (2) Public Hearing
- (3) Consideration and action.

- (b) Matt Imrie, Community Development Coordinator presented staff's report on an ordinance amending the City's Future Land Use Map for 200 Burnet Hills Drive, from its' present designation of "Commercial" to a designation of "Residential".

Chairman Gaut then opened the floor for public comment at 6:06 p.m.

Mark Kincaid stated that he was representing Hill Country Fellowship Church who are helping the homeowner with a new residence. Kincaid spoke in favor of the ordinance.

There being no other comments, Chairman Gaut closed the public hearing.

Commissioner Teague made a motion to approve the ordinance as read, the motion was seconded by Chairman Gaut. The motion carried with a vote of 5 to 0.

- (b) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED 200 BURNET HILLS DRIVE (Legal Description: BEING A 0.190 ACRE TRACT OUT OF THE MISS SARAH ANN GUEST SURVEY NO. 1503, ABSTRACT NO. 1525) WITH MANFACUTRED HOME-DISTRICT "M-1" CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – M. Imrie
- (2) Public Hearing
- (3) Consideration and action

Matt Imrie, Community Development Coordinator presented staff's report regarding the request to rezone property located at 200 Burnet

Hills Drive, from its' present designation of Single Family Residential-District "R-1" to a designation of Manufactured Home- District "M-1".

Chairman Gaut opened the floor for public comment at 6:13 p.m.

There being no public comment, Chairman Gaut closed the public hearing at 6:13 p.m.

Commissioner Gates made a motion to approve the ordinance as read, the motion was seconded by Commissioner Fortin. The motion carried with a vote of 5 to 0.

- (c) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING A DESIGNATION OF "RESIDENTIAL" FOR THE PROPERTY AT 1402 N WATER STREET (LEGAL DESCRIPTION: LOT 2, BLOCK 10, OAKS ADDITION); PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action

Leslie Kimbler, Planning Manager, presented staff's report on amending the City's Future Land Use Map for 1402 North Water Street, from its' present designation of "Commercial" to a designation of "Residential".

Chairman Gaut opened the floor for public comment at 6:17 p.m.

There being no public comment, Chairman Gaut closed the public hearing at 6:17 p.m.

Commissioner Williams made a motion to approve the ordinance as read, the motion was seconded by Commissioner Gates. The motion carried with a vote of 5 to 0.

- (d) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED 1402 North Water Street (Legal Description: LOT 2, BLOCK 10, OAKS ADDITION) WITH MULTI-FAMILY RESIDENTIAL – DISTRICT "R-3" CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action

Leslie Kimbler, Planning Manager, presented staff's report on a request to rezone property located at 1402 North Water Street from its' current designation of Single Family Residential -District "R-1" to a designation of Multi-Family Residential- District "R-3".

Chairman Gaut opened the floor for public comment at 6:23 p.m.

Alexis Rivera spoke in favor of the ordinance. Alexis stated that she and her husband moved to Burnet and noticed a lack of apartment housing that was not subsidized, or income controlled. Alexis stated that this development will add affordable housing to the city.

With no other public comments, Chairman Gaut closed the public hearing at 6:25 p.m.

Commissioner Williams made a motion to approve the ordinance as read, the motion was seconded by Commissioner Gates. The motion carried with a vote of 5 to 0.

- (e) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING A DESIGNATION OF "RESIDENTIAL" FOR THE PROPERTY AT 1404 N WATER STREET (LEGAL DESCRIPTION: LOT 3 & 4, BLOCK 10, OAKS ADDITION); PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE
- (1) Staff Presentation – L. Kimbler
 - (2) Public Hearing
 - (3) Consideration and action

Leslie Kimbler, Planning Manager, presented staff's report on amending the City's Future Land Use Map for 1404 North Water Street, from its' present designation of "Commercial" to a designation of "Residential".

Chairman Gaut opened the floor for public comment at 6:27 p.m.

There being no public comment, Chairman Gaut closed the public hearing at 6:27 p.m.

Commissioner Gates made a motion to approve the ordinance as read, the motion was seconded by Commissioner Teague. The motion carried with a vote of 5 to 0.

- (f) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED 1404 N WATER STREET (Legal Description: LOT 3 & 4, BLOCK 10, OAKS ADDITION) WITH MULTI-FAMILY RESIDENTIAL – DISTRICT "R-3" CLASSIFICATION; PROVIDING A REPEALER CLAUSE;

PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action

Leslie Kimbler, Planning Manager, presented staff's report on a request to rezone property located at 1404 North Water Street from its' current designation of Single Family Residential -District "R-1" to a designation of Multi-Family Residential- District "R-3".

Chairman Gaut opened the floor for public comment at 6:29 p.m.

There being no public comment, Chairman Gaut closed the public hearing at 6:29 p.m.

Commissioner Gates made a motion to approve the ordinance as read, the motion was seconded by Commissioner Williams. The motion carried with a vote of 5 to 0.

- (g) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS THE NORTHWEST CORNER OF EAST JOHNSON AND NORTH RHOMBERG STREETS (Legal Description: 0.37-ACRE TRACT OUT OF THE JOHN HAMILTON SURVEY NO. 1, BEING A PORTION OF LOT 2, BLOCK 37 OF THE PETER KERR PORTION) WITH DUPLEX-DISTRICT "R-2" CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – M. Imrie
- (2) Public Hearing
- (3) Consideration and action

Matt Imrie, Community Development Coordinator, presented staff's report on a request to rezone property generally described as the northwest corner of East Johnson Street and North Rhomberg Street from its' current designation of Single Family Residential-District "R-1" to a designation of Duplex-District "R-2".

Chairman Gaut opened the floor for public comment at 6:32 p.m.

Benjamin Farmer, the applicant, spoke in favor of the rezoning.

Jason Fry who owns neighboring property had questions about the number of units on that would be built on the lot. He spoke neither in favor, nor opposition.

With no other comments, Chairman Gaut closed the public hearing.

Commissioner Teague made a motion to approve the ordinance as read, the motion was seconded by Commissioner Fortin. The motion carried with a vote of 5 to 0.

- 4.2) The Planning & Zoning Commission shall conduct a public hearing to receive public testimony and comments on the merits of a proposed "Preliminary Plat" for approximately 60.53 acres out of Sarah Ann Guest Survey No. 1503, Abs. No. 1525. The proposed "Preliminary Plat" will establish Creekfall Subdivision, Phase Three and Four, consisting of 180 residential lots: L. Kimbler

Leslie Kimbler, Planning Manager, presented staff's report on the proposed "Preliminary Plat" that will establish Creekfall Subdivision, Phase Three and Phase Four.

Chairman Gaut opened the floor for public comment at 6:36 p.m.

There being no public comments, Chairman Gaut closed the public hearing at 6:37 p.m.

- 4.3) The Planning & Zoning Commission shall conduct a public hearing to receive public testimony and comments on the merits of a proposed "Preliminary Plat" for approximately 11.58 acres out of Sarah Ann Guest Survey No. 1503, Abs. No. 1525. The proposed "Preliminary Plat" will establish Westfall Village Subdivision, Phase Three, consisting of 45 residential lots: L. Kimbler

Leslie Kimbler, Planning Manager, presented staff's report on the proposed "Preliminary Plat" that will establish the Westfall Subdivision, Phase Three.

Chairman Gaut opened the floor for public comment at 6:39 p.m.

There being no public comments, Chairman Gaut closed the public hearing at 6:39 p.m.

- 4.4) The Planning & Zoning Commission shall conduct a public hearing to receive public testimony and comments on the merits of a proposed "Preliminary Plat" for approximately 326.63 acres out of Abs. A0398 Susano Hernandez, Tract Pt. of 6, 14.87 Acres; Abs. A1018 Francisco Ybarbo, 140.95 Acres; Abs. A0398 Susano Hernandez, Tract & Abs. 1018 Francisco Ybarbo, 17.34 Acres; Abs. A1018 Francisco Ybarbo, 150.47 Acres. The proposed "Preliminary Plat" will establish Honey Rock Subdivision consisting of 388 residential lots: L. Kimbler

Leslie Kimbler, Planning Manager, presented staff's report on the proposed "Preliminary Plat" that will establish Honey Rock Subdivision.

Chairman Gaut opened the floor for public comment at 6:43 p.m.

There being no public comments, Chairman Gaut closed the public hearing at 6:43 p.m.

5. ACTION ITEMS:

- 5.1) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE PRELIMINARY PLAT ESTABLISHING CREEKFALL SUBDIVISION, PHASE THREE AND FOUR, CONSISTING OF APPROXIMATELY 179 RESIDENTIAL LOTS ON 55.77 ACRES OUT OF THE SARAH ANN GUEST SURVEY NO. 1503, ABS. NO. 1525: L. Kimbler

Commissioner Fortin made a motion to approve the preliminary plat establishing Creekfall Subdivision Phase Three and Four consisting of approximately 179 residential lots on 55.77 acres. The motion was seconded by Commissioner Williams. The motion carried with a vote of 5 to 0.

- 5.2) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES, SECTION 98-48 – BLOCKS AND LOTS FOR THE PROPOSED PRELIMINARY PLAT OF WESTFALL VILLAGES, PHASE THREE: L. Kimbler

Commissioner Fortin made a motion to approve the variance to the Code of Ordinances, Section 98-48- Blocks and Lots for the preliminary plat of Westfall Villages, Phase Three. The motion was seconded by Commissioner Williams. The vote was not unanimous, so a roll call vote was requested. The results of the roll call vote are as follows:

For: Commissioners Fortin, Williams, Gates
Against: Chairman Gaut, Commissioner Teague.

The motion carried with a vote of 3 to 2.

- 5.3) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING WESTFALL VILLAGE, PHASE 3, CONSISTING OF APPROXIMATELY 45 RESIDENTIAL LOTS ON APPROXIMATELY 11.58 ACRES OUT OF THE SARAH ANN GUEST SURVEY NO. 1503, ABS. NO. 1525.: L. Kimbler

Commissioner Fortin made a motion to conditionally approve the Preliminary Plat establishing Westfall Village Phase 3, consisting of approximately 45 residential lots on approximately 11.58 acres subject to the applicant resolving the following matter:

1. Revise the geometry of Cactus Street to be compliant with City of Burnet TCSS Section 213-Alignment.

Chairman Gaut seconded the motion and it carried with a vote of 5 to 0.

- 5.4) Discuss and consider action: The Planning and Zoning Commission shall discuss and consider action on a request for a variance to the Code of Ordinances, Section

98-22 – Preliminary Plat, for the proposed Preliminary Plat of Honey Rock Subdivision.: L Kimbler

Commissioner Teague made a motion to approve the variance request to the Code of Ordinances, Section 98-22-Preliminary Plat for the proposed Preliminary Plat of Honey Rock Subdivision. The motion was seconded by Chairman Gaut and carried with a vote of 5 to 0.

- 5.5) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING HONEY ROCK SUBDIVISION CONSISTING OF APPROXIMATELY 299 SINGLE-FAMILY RESIDENTIAL LOTS, TWO MULTI-FAMILY RESIDENTIAL LOTS, AND TWO COMMERCIAL LOTS ON APPROXIMATELY 326.63 ACRES OUT OF ABS A0398 SUSANO HERNANDEZ, TRACT PT OF 6, 14.87 ACRES, ABS A1018 FRANCISCO YBARBO, 140.95 ACRES, ABS A0398 SUSANO HERNANDEZ, TRACT AND ABS 1018 F YBARABO, 17.64 ACRES, ABS A1018 FRANCISCO YBARBO, 150.47 ACRES: L. Kimbler

Commissioner Gates made a motion to conditionally approve the Preliminary Plat, establishing Honey Rock Subdivision consisting of approximately 299 single family residential lots, 2 multi-family residential lots and 2 commercial lots on approximately 326.63 acres subject to the following condition:

1. The applicant shall receive TXDOT approval, and the water and sewer studies are completed prior to the first construction plan submittal of the first phase of development (Sec. 98-44(E))

The motion was seconded by Commissioner Williams and carried with a vote of 5 to 0.

6. STAFF REPORTS:

None

7. REQUESTS FOR FUTURE AGENDA ITEMS:

None

ADJOURN

There being no further business, Chairman Gaut adjourned the meeting at 7:09 p.m.



Tommy Gaut, Chair

City of Burnet Planning and Zoning Commission



Attest:

Herve Derek Fortin, Secretary