



## 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, **February 6, 2023** 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, Derek Fortin, Calib Williams, Glen Gates, Glen Teague

Members absent: None

Guests: Austin Shell, David Bowen, Hal Ferguson, Travis Spaulding, Rick Lantis, Joseph King, David Beardsley

Others present: Habib Erkan- Assistant City Manager, Carly Kehoe-Pearson- Director of Public Works and Development Services, Leslie Kimbler- Planning Manager, Bryce Van Arsdale- Planner

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 December 5, 2022.

There being no objections, Chairman Gaut approved the minutes as presented.

### 4. PUBLIC HEARINGS:

- 4.1) Public Hearing and Consideration of the following: Zoning Classifications presented by Leslie Kimbler, Planning Manager, and Bryce Van Arsdale, Planner.

- (a) 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 805 NORTHINGTON (Legal Description: 0.22-ACRE TRACT LOT NUMBER 3, LUNA PARK). WITH SINGLE-FAMILY RESIDENTIAL "R-1" PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – B. Van Arsdale
- (2) Public Hearing
- (3) Consideration and action.

Bryce Van Arsdale presented staff's report regarding the draft ordinance.

Chairman Gaut opened the floor for public comment at 6:02 p.m.

There being no comment, Chairman Gaut closed the public hearing at 6:03 p.m.

Commissioner Williams moved to approve the draft ordinance; the motion was seconded by Commissioner Gates. 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 LOCATED AT 5409 S US HWY 281 (LEGALLY DESCRIBED AS: BEING 16.72 ACRES OF LAND (INSIDE CITY LIMITS), MORE OR LESS, OUT OF AND PART OF THE FRANCISCO YBARBO SURVEY NO. 39, ABST. NO. 1018, AND THE SUSANO HERNANDEZ SURVEY NO 40, ABST. NO 398) WITH HEAVY COMMERCIAL – DISTRICT “C-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 presented staff's report regarding the draft ordinance.

Chairman Gaut opened the floor for public comment at 6:07 p.m.

David Beardsley, applicant for the request, spoke in favor of the proposed rezone.

There being no further comment, Chairman Gaut closed the public hearing at 6:11 p.m.

Chairman Gaut requested clarification regarding the proposed rezone, recommending C-2 zoning with a CUP, rather than proposed C-3.

Commissioner Williams moved to approve the motion: Medium Commercial - C-2 zoning with a Conditional Use Permit allowing for Landscape and Materials Yard; the motion was seconded by Commissioner Gates. The motion carried with a vote of 5 to 0.

## **5. ACTION ITEMS:**

- 5.1) Discuss and consider: A RESOLUTION BY THE BURNET PLANNING AND ZONING COMMISSION DENYING A PRELIMINARY PLAT APPLICATION FOR THE HILLTOP OAKS SUBDIVISION: L. Kimbler

Leslie Kimbler presented staff's report regarding the proposed resolution.

Chairman Gaut opened the floor for public comment at 6:22 p.m.

David Bowen, Rick Lantis, Austin Shell, and Travis Spaulding spoke against the denial of the preliminary plat application.



Habib Erkan addressed the commission regarding some of the public's questions and comments pertaining to the plat and the reason for the denial.

Chairman Gaut closed the floor at 6:55 p.m.

Chairman Gaut asked for clarification regarding the meaning of the resolution and confirm the path forward for the applicants.

Chairman Gaut moved to approve resolution denying the preliminary plat application for the Hilltop Oaks Subdivision.

Commissioner Teague seconded the motion. The motion passed with a vote of 5 to 0.

5.2) Discuss and consider: Amendments to the Planning and Zoning By-Laws

Chairman Gaut opened the floor for Commissioner comments regarding proposed by-laws.

There being none, Chairman Gaut moved to approve the proposed by-laws.

Commissioner Gates seconded the motion. The motion carried with a vote of 5 to 0.

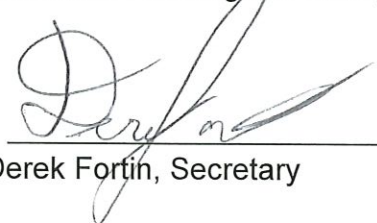
**6. STAFF REPORTS:**

**7. REQUESTS FOR FUTURE AGENDA ITEMS:**

**ADJOURN:**

There being no further business, Chairman Gaut adjourned the meeting at 6:59 p.m.

  
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Tommy Gaut, Chair  
City of Burnet Planning and Zoning Commission

  
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**Attest:**  
Herve Derek Fortin, Secretary