



## 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, **June 5, 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: Derek Fortin, Tommy Gaut, Calib Williams, Glen Gates, Glean Teague (arrived at 6:41pm)

Members absent:

Guests: Kristen Jones, Tony Plumlee, Keith Howard, Renee Meredith, Lucas Bruntner, Mary Jane Shanes, Anthony Munayco, John & Carol Will, Bonita Maxwell, Ruby Mitchell, Case Hollub, Rita Gooch, Judy Humphreys, Rod & Carolyn Griffin, Sherry Ray, Natalie Bruns, Michael Bullard, Betha Kent, Jadis Molina, Kari Beth Langbein, Cassandra Doyal

Others present: David Vaughn, City Manager, Habib Erkan, Assistant City Manager, Carly Pearson, Director of Public Works and Development Services, and Leslie Kimbler, Planning Manager

### 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 May 1, 2023.

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

### 4. PUBLIC HEARINGS:

4.1) Public Hearing and Consideration of the following: Zoning Amendments and Zoning Classifications presented by David Vaughn, City Manager, Habib Erkan, Asst. City Manager, and Leslie Kimbler, Planning Manager:

(a) AN ORDINANCE OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF ESTABLISHING THE FOLLOWING NEW RESIDENTIAL SINGLE-FAMILY ZONING CLASSIFICATIONS: "R-1-17"; "R-1-10"; "R-1-4"; "R-1-4E"; "R-1-3"; "R-1-3E"; "R-1-2"; AND "R-1-2E"

- (1) Staff Presentation – D. Vaughn
- (2) Public Hearing
- (3) Consideration and action.

City Manager, David Vaughn, presented staff's report regarding the proposed zoning amendments. Chairman Gaut opened the public hearing at 6:06 p.m. There being no one present to speak on the topic, Chairman Gaut closed the public hearing at 6:07 p.m. Commissioner Fortin made a motion to approve the proposed zoning amendments. The motion was seconded by Commissioner Gates. The motion carried with a vote of 4 to 0.

- (b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING THE CODE OF ORDINANCE TO RECODIFY HISTORIC PRESERVATION REGULATIONS IN CHAPTER 118 (ENTITLED "ZONING") AND MAKING SUBSTANTIVE REVISIONS TO ESTABLISH THE POSITION OF HISTORIC PRESERVATION OFFICER TO ADMINISTER THE REGULATIONS AND ESTABLISHING A CERTIFICATE OF APPROPRIATENESS PERMIT FEE; MAKING REVISIONS TO CITY CODE CHAPTERS 2 (ENTITLED "ADMINISTRATION") AND CHAPTER 22 (ENTITLED "SIGNS") TO COMPORT WITH THE RECODIFICATION

- (1) Staff Presentation – H. Erkan
- (2) Public Hearing
- (3) Consideration and action.

Asst. City Manager, Habib Erkan, presented staff's report regarding the proposed amendments to the Historic Preservation code and the accompanied administrative codes. Chairman Gaut opened the public hearing at 6:11 p.m. There being no one present to speak on the topic, Chairman Gaut closed the public hearing at 6:12 p.m. Commissioner Gates made a motion to approve the proposed zoning amendments. The motion was seconded by Commissioner Williams. The motion carried with a vote of 4 to 0.

- (c) 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 "MINI STORAGE WAREHOUSE" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY LOCATED AT THE CORNER OF NORTH US HIGHWAY 281 AND TAMI DRIVE, LEGALLY DESCRIBED AS: LOT NO. 1, BLOCK NO. 10, PHASE ONE, HIGHLAND OAKS

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

Planning Manager, Leslie Kimbler, and Director, Carly Pearson, presented staff's report regarding the proposed zoning amendments. Chairman Gaut opened the public hearing at 6:20 p.m. Guests Lucas Bruntner, Kristen Jones, Anthony Munayco, Betha Kent and Sherry Ray all addressed the Commission and spoke in opposition to the request. Each guest expressed their concerns regarding traffic congestion at the entrance to the subdivision; concerns with safety and security; concerns with whether the proposed use would create a nuisance factor and devalue their property. Multiple times the concern for the children at the neighboring park were mentioned as well as the concern regarding the location of the school bus pick



up and drop off. After one last guest spoke in the audience reiterating the opposition previously spoken, Chairman Gaut closed the public hearing at 6:32 p.m. At this time, Commissioner Gaut made a motion to deny the request for the Conditional Use Permit to allow Storage Units and wanted the record to reflect that there was mention of the previous zoning denial at this location with similar concerns and there are some uncertainties regarding what would be suitable for this lot. The motion was seconded by Commissioner Fortin. The motion carried with a vote of 4 to 0.

(d) 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 ASSIGNING THE PROPERTY CURRENTLY ZONED SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1”, LOCATED AT THE CORNER OF EAST BRIER LANE AND NORTH WOOD STREET, LEGALLY DESCRIBED AS: LOT 3-A, BLOCK 11, PETER KERR DONATION, WITH DUPLEX – DISTRICT “R-2”

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

Planning Manager, Leslie Kimbler, presented staff’s report regarding the proposed request for zoning change. Chairman Gaut opened the public hearing at 6:43 p.m. There being no one present to speak on the topic, Chairman Gaut closed the public hearing at 6:43 p.m. Commissioner Fortin made a motion to approve the proposed request for zoning change. 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 THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY CURRENTLY ZONED HEAVY COMMERCIAL – DISTRICT “C-3”, LEGALLY DESCRIBED AS: LOT 2B, BLOCK B, THE CROSSINGS AT 281 SUBDIVISION, WITH LIGHT COMMERCIAL – DISTRICT “C-1”

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

Planning Manager, Leslie Kimbler, presented staff’s report regarding the proposed request for zoning change. Chairman Gaut opened the public hearing at 6:46 p.m. There being no one present to speak on the topic, Chairman Gaut closed the public hearing at 6:46 p.m. Commissioner Williams made a motion to approve the proposed request for zoning change. The motion was seconded by Commissioner Gates. The motion carried with a vote of 5 to 0.

(f) 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 LEGALLY DESCRIBED AS: S4150 KERR DONATION, BLOCKS 2 AND 7, 8.75 ACRES FROM ITS’ CURRENT DESIGNATION OF “AGRIGULTURE” TO A DESIGNATION OF “GOVERNMENT”:

- (1) Staff Presentation – L. Kimbler

- (2) Public Hearing
- (3) Consideration and action.

Planning Manager, Leslie Kimbler, presented staff's report regarding the proposed request for FLUM amendment. Chairman Gaut opened the public hearing at 6:48 p.m. There being no one present to speak on the topic, Chairman Gaut closed the public hearing at 6:48 p.m. Commissioner Gates made a motion to approve the proposed request for FLUM amendment. 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 THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY CURRENTLY ZONED LIGHT COMMERCIAL – DISTRICT "C-1" AND AGRICULTURE – DISTRICT "A" LEGALLY DESCRIBED AS: S4150 KERR DONATION, BLOCKS 2 AND 7, 8.75 ACRES WITH GOVERNMENT – DISTRICT "G"

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

Planning Manager, Leslie Kimbler, presented staff's report regarding the proposed request for zoning change. Chairman Gaut opened the public hearing at 6:50 p.m. There being no one present to speak on the topic, Chairman Gaut closed the public hearing at 6:51 p.m. Commissioner Gates made a motion to approve the proposed request for zoning change. The motion was seconded by Commissioner Teague. The motion carried with a vote of 5 to 0.

- (h) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 98 (ENTITLED "SUBDIVISIONS") BY AMENDING THE REQUIREMENT FOR BUILDING SETBACK LINES ON PLATS; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

Planning Manager, Leslie Kimbler, presented staff's report regarding the proposed subdivision amendments. Chairman Gaut opened the public hearing at 6:52 p.m. There being no one present to speak on the topic, Chairman Gaut closed the public hearing at 6:52 p.m. Commissioner Gaut made a motion to approve the proposed ordinance with the amendment to remove the regulatory setbacks from the plat, but allow the developer to include CCR setbacks for property to be restricted. The motion was seconded by Commissioner Williams. 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 32.31 acres out of John Hamilton Survey No. 1503, Abs. No.



405. The proposed "Preliminary Plat" will establish Patriot Oaks Subdivision, consisting of 12 residential lots: C. Pearson

Director of Public Works and Development Services, Carly Pearson, presented staff's report regarding the proposed Patriot Oaks Subdivision Preliminary Plat. She also discussed the requested variances during this time. Chairman Gaut opened the public hearing at 7:13 p.m. There being no one present to speak on the topic, Chairman Gaut closed the public hearing at 6:07 p.m.

## **5. ACTION ITEMS:**

- 5.1) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING VARIANCES TO THE CODE OF ORDINANCES, SECTION 98-48 – BLOCKS AND LOTS AND SECTION 98-42 – TRANSPORTATION IMPROVEMENTS FOR THE PROPOSED PRELIMINARY PLAT OF PATRIOT OAKS SUBDIVISION: L. Kimbler

Commissioner Teague made a motion to approve the variances to Patriot Oaks Subdivision Preliminary Plat. The motion was seconded by Commissioner Fortin. 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, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING PATRIOT OAKS SUBDIVISION, CONSISTING OF 12 RESIDENTIAL LOTS ON APPROXIMATELY 32.31 ACRES OUT OF THE JOHN HAMILTON SURVEY, ABS. NO. 405: L. Kimbler

Commissioner Teague made a motion to approve the proposed Patriot Oaks Subdivision Preliminary Plat. The motion was seconded by Commissioner Williams. The motion carried with a vote of 5 to 0.

## **6. STAFF REPORTS:**

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

As previously mentioned, Commissioner Gaut is requesting to codify the by-laws into an ordinance to be presented to the Commission, as well as Council, for consideration.

Commissioner Gaut also requests permission from the City Manager to allow each item for consideration to reflect a staff recommendation.

## **ADJOURN:**

There being no further business, Chairman Gaut adjourned the meeting at 7:17 p.m.

  
\_\_\_\_\_  
Tommy Gaut, Chair  
City of Burnet Planning and Zoning Commission

Attest:

  
\_\_\_\_\_  
Herve Derek Fortin, Secretary