



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, **September 11, 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, Calib Williams, Glen Gates, Glean Teague

Members absent: Derek Fortin

Guests: Russell Scott, Darrell Sargent, Judy Humphry, Kathy Baucom, Steven Merritt, Greg Fagot, Mark Blankenship, Sondra Mobley, Julia Perkins, Caryn Paye, Kenny Adair, Janet Widmer, Bob Erchinger, Terry & Kade Stanley

Others present: David Vaughn, City Manager, Habib Erkan, Jr., Asst. City Manager, 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 July 10, 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 and Leslie Kimbler, Planning Manager:

- (a) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING"); SEC.118-20 (ENTITLED "GENERAL REQUIRMENTS AND LIMITATIONS") PROVIDING FOR PERMISSIONS FOR SHORT TERM RENTAL USES

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

City Manager, David Vaughn, presented staff's report regarding the proposed ordinance amendment for requirements and limitations for Short Term Rental Uses. Chairman Gaut opened the public hearing at 6:06 p.m. Guest, Judy Humphrey

spoke to the Commission in regard to concerns of added traffic and parking to which short term rentals cause in neighborhoods. Guest, Russell Scott, spoke in opposition of the proposed ordinance amendments as he was concerned that these regulations would take away homeowner's property rights. Guest, Mark Blankenship, spoke in favor of the regulations as he feels this is typical in most areas. Guest, Sondra Mobley, spoke in favor of regulations as she has seen the negative impacts of short-term rentals in other communities. After all public comments were presented, Chairman Gaut closed the public hearing at 6:15 p.m. After much discussion amongst the Commission in regard to amending the proposed ordinance, Commissioner Gaut made a motion to approve the proposed ordinance subject to future amendments to add a process for a type of permit to be issued for residential zoned properties and to address grandfathering provisions for current properties utilized as Short Term Rentals. 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 ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY KNOWN AS: 104 COUNTY ROAD 108 (LEGALLY DESCRIBED AS: BEING 0.973 ACRES, OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABS. NO. 405) FROM AGRICULTURE – DISTRICT "A" TO NEIGHBORHOOD COMMERCIAL – DISTRICT "NC" CLASSIFICATION.

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

Note for Minutes – Item B was moved to be presented prior to Item A on the agenda Planning Manager, Leslie Kimbler, presented staff's report regarding the proposed request for zoning change. Chairman Gaut opened the public hearing at 6:04 p.m. There being no one present to speak on the topic, Chairman Gaut closed the public hearing at 6:04 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 ASSIGNING THE PROPERTY LEGALLY DESCRIBED AS: LOT 2, BLOCK 4, CHEATHAM SUBDIVISION, FROM SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" TO LIGHT COMMERCIAL – DISTRICT "C-1" CLASSIFICATION.

- (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. Mark Blakenship, owner of 704, 7011, 716 & 722 N West Street, spoke in opposition to the request for zoning change stating the street is a nice and quiet residential street and he hoped that it would stay as such. There being no further comment, Chairman Gaut opened the public hearing at 6:46 p.m. Commissioner Williams made a motion to deny the request for zoning change. The

motion was seconded by Commissioner Teague. 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 PROPERTY KNOWN AS 507 E JACKSON & 310 S SILVER ST (LEGALLY DESCRIBED AS: BEING LOTS ONE, TWO, THREE AND FOUR, BLK SIX, PETER KERR DONATION PORTION) FROM ITS PRESENT DESIGNATION OF LIGHT INDUSTRIAL – DISTRICT “I-1” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT “NC”; PROPERTY LEGALLY DESCRIBED AS: EAST PART OF LOTS 1 & 2 (0.67 ACRE), BLOCK 15, VANDEVEER/ALEXANDER ADDITION FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT “NC”; PROPERTY KNOWN AS 404 E MARBLE ST (LEGALLY DESCRIBED AS: BEING A PORTION OF LOTS TWO AND THREE, BLK 15, VANDEVEER ADDITION), FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT “NC”; PROPERTY KNOWN AS 801 E PECAN STREET (LEGALLY DESCRIBED AS: LOT 4, BLK 4, JOHNSON ADDITION) FROM ITS PRESENT DESIGNATION OF LIGHT INDUSTRIAL – DISTRICT “I-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1”; AND PROPERTY KNOWN AS 607 S RHOMBERG STREET (LEGALLY DESCRIBED AS: S8450 VANDEVEER/ALEXANDER LOT PT OF 3, BLK 44) FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” CLASSIFICATION

- (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 7:01 p.m. Guest, Russell Scott, spoke in opposition to the zoning change to his property legally described as being a portion of lots two and three, Blk 15, Vandever addition. Mr. Scott stated that he purchased the property as an investment property and wished to keep the commercial zoning. There being no further comments, Chairman Gaut closed the public hearing at 7:08 p.m. Commissioner Teague made a motion to approve the proposed request zoning changes except for property legally described as being a portion of lots two and three, Blk 15, Vandever addition to the recommendation was for Light Commercial – District “C-1”. The motion was seconded by Commissioner Gaut. The motion carried with a vote of 4 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 KNOWN AS 1402 N. WATER ST (LEGALLY DESCRIBED AS: LOT 2, AND THE EAST 15 FT OF LOT 7, BLOCK 10, OAKS ADDITION), FROM MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” TO SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” CLASSIFICATION.

- (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 7:17 p.m. Guest and owner of subject property, Janet Widmer, spoke in favor to the Commission regarding this property stating that the property was sold under the pretext that it could still be renovated and occupied as a single-family home. There being no further comment, Chairman Gaut closed the public hearing at 7:18 p.m. Commissioner Teague 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 4 to 0.

- (f) 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 HEAVY COMMERCIAL – DISTRICT "C-3" FOR PROPERTY KNOWN AS 2435 W HWY 29, LEGALLY DESCRIBED AS: 6.06 ACRE TRACT, MORE OR LESS (INSIDE CITY LIMITS), OUT OF THE JOHN HAMILTON SURVEY, ABS. NO. 405.

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

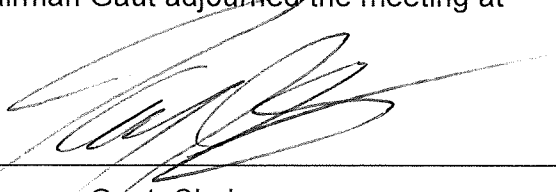
Planning Manager, Leslie Kimbler, presented staff's report regarding the proposed zoning change. Chairman Gaut opened the public hearing at 7:21 p.m. There being no one present to speak on the topic, Chairman Gaut closed the public hearing at 7:21 p.m. Commissioner Gates made a motion to approve the proposed request for zoning change. The motion was seconded by Commissioner Teague. The motion carried with a vote of 4 to 0.

5. STAFF REPORTS: There were no staff reports presented.

6. REQUESTS FOR FUTURE AGENDA ITEMS:

ADJOURN:

There being no further business, Chairman Gaut adjourned the meeting at 7:22 p.m.



Tommy Gaut, Chair
City of Burnet Planning and Zoning Commission

Attest:



Herve Derek Fortin, Secretary