



## 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, **October 3, 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:

### 2. ROLL CALL:

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 August 3, 2022.

### 4. PUBLIC HEARINGS:

- 4.1 Public Hearing and Consideration of the following: Adoption and Amendments of the Zoning Ordinance and Zoning Classifications presented by Leslie Kimbler, City Planner, and Habib Erkan, Assistant City Manager.

- 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 AT 2947 E HWY 29 (LEGALLY DESCRIBED AS: 8.05 ACRES OUT OF THE SARAH ANN GUEST SURVEY, ABS. NO. 1525, AND THE JOSEPH BAKER SURVEY, NO. 28, ABS. NO. 125) WITH LIGHT COMMERCIAL – DISTRICT "C-1" 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.

### 5. STAFF REPORTS:

### 6. REQUESTS FOR FUTURE AGENDA ITEMS:

## **ADJOURN**

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission of the City of 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 September 30, 2022 at or before 5 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said meeting.

**Dated this the 30<sup>th</sup> day of September 2022**

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Leslie Kimbler, Asst. City Secretary

### ***NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:***

The City of Burnet Council Chambers is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the Development Services Department at (512) 715-3215, FAX (512) 756-8560 or e-mail at [lkimbler@cityofburnet.com](mailto:lkimbler@cityofburnet.com) for information or assistance.



## 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, **August 1, 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, Derek Fortin, and Glen Gates

Members Absent: Calib Williams, Glen Teague

Guests: Josh Godwin, Glen Morris

Others: Bryce Van Arsdale, Planner I, Carly Kehoe Pearson, Director of Public Works and Development Services, and Habib Erkan, Jr., Assistant City 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 11, 2022.

A motion was made by Commissioner Fortin to approve the minutes from July 11, 2022. The motion was seconded by Commissioner Gates and carried with a vote of 3 to 0.

### 4. PUBLIC HEARINGS:

#### 4.1 Public Hearing and Consideration of the following: Adoption and Amendments of the Zoning Ordinance and Zoning Classifications presented by Leslie Kimbler, City Planner, and Habib Erkan, Assistant City Manager.

- a) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF RESTRICTING TRAILER CAMPS AND RV PARK USES TO HEAVY COMMERCIAL – DISTRICT "C-3" WITH A CONDITIONAL USE PERMIT

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

Habib Erkan, assistant city manager, presented staff's report for the proposed ordinance.

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

Josh Godwin stood in strong opposition to the proposed ordinance, reading a written statement.

Carly Kehoe Pearson and Habib Erkan offered clarification regarding the process for the proposed ordinance going forward.

There being no further comments, Chairman Gaut closed the floor for comment at 6:16p

Commissioner Fortin made a motion to approve the ordinance as read, the motion was seconded by Commissioner Gates. The motion carried with a vote of 3 to 0.

Following the completion of the vote, Chairman Gaut moved to amend the minutes from July 11<sup>th</sup>, 2022. Instead of reading that the proposed ordinance "failed" it should read "no action". The motion was seconded by Commissioner Fortin and passed unanimously.

b) **AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES CHAPTER 118 (ENTITLED "ZONING") BY ADDING A NEW SECTION A NEW SECTION 118-9 ESTABLISHING A PROCESS TO CHANGE ZONING CLASSIFICATION AND ZONING CLASSIFICATION RULES**

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

Habib Erkan presented staff's comments on proposed ordinance.

Chairman Gaut opened the floor for public comment at 6:44 p.m.

Glen Morris requested a copy of the statutes

There being no further comment, Chairman Gaut closed the floor for public comment at 6:45 p.m.

Chairman Gaut asked for clarifications regarding the process if the proposed ordinance is adopted

Commissioner Gates moved to approve the ordinance as read, the motion was seconded by Commissioner Gates, and the vote passed 3 to 0

**5. STAFF REPORTS:**

None

**6. REQUESTS FOR FUTURE AGENDA ITEMS:'**

Chairman Gaut requested amendments of bylaws should ordinance 4.2 pass council

**ADJOURN:**

There being no further business, Chairman Gaut adjourned the meeting at 6:50 p.m.

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

**Attest:** \_\_\_\_\_  
Herve Derek Fortin, Secretary



**Development Services**

**ITEM 4.1 (a)**

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

**Agenda Item Brief**

**Meeting Date:** October 3, 2022

**Agenda Item:** 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 AT 2947 E HWY 29 (LEGALLY DESCRIBED AS: 8.05 ACRES OUT OF THE SARAH ANN GUEST SURVEY, ABS. NO. 1525, AND THE JOSEPH BAKER SURVEY, NO. 28, ABS. NO. 125) WITH LIGHT COMMERCIAL – DISTRICT “C-1” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

**Background:** The subject property is approximately 8 acres located along State Highway 29 East (Exhibit A). The property is currently zoned as Single-Family Residential – District “R-1” with an un-occupied single-family home located on the lot. The property abuts the city limits as well as the Texas Department of Transportation office and laydown yard.

**Information:** The applicant is seeking the requested zoning for marketing purposes. Additionally, due to other commercial uses that abut the property or are in the general area, the applicant feels they reduce the residential value substantially. Surrounding property are currently zoned Single-family Residential – “R-1” however, some of the uses are commercial or industrial like uses.

**Staff Analysis:** The Future Land Use Map (Exhibit B) designation for the area is Commercial. The request for the Commercial designation is appropriate.

Properties adjacent to the subject property are zoned as follows:

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Zoning</b>	“R-1”	“ETJ”	“R-1”	“R-1”
<b>FLUM</b>	Commercial	Residential	Commercial	Commercial
<b>Land Use</b>	Residential	Cell Tower	TxDOT property	Undeveloped

Light Commercial – District “C-1” is governed by code of ordinances, Sec. 118-45, and allows for a mix of commercial uses including retail, office, light commercial, and similar uses excluding residential and multifamily. This district also includes those uses permitted in the “NC” Neighborhood Commercial district.

An example of some allowable uses would be:

- Banks
- Personal Services uses including barber shops, beauty parlors, etc.
- Restaurant or other drive-in eating establishment
- Retail sale of goods and products

Section 118-20, Chart 1, states properties zoned “C-1” must be a minimum of 10,000 square feet with a minimum lot width of 50 feet. The subject property does exceed both requirements.

Currently, the property is serviced by an existing well and on-site septic facility; it is also serviced by PEC Electric as it is not inside the City of Burnet’s electrical service area.

**Public Notification:** Written notices were mailed to eleven (11) surrounding property owners within 200 feet of the subject property within the city limits. There have been zero responses in favor and zero responses in opposition.

**Recommendation:** Open the public hearing. At the conclusion of the public hearing, discuss and consider the first reading of the draft ordinance.

Exhibit "A"  
Location & Current Zoning Map

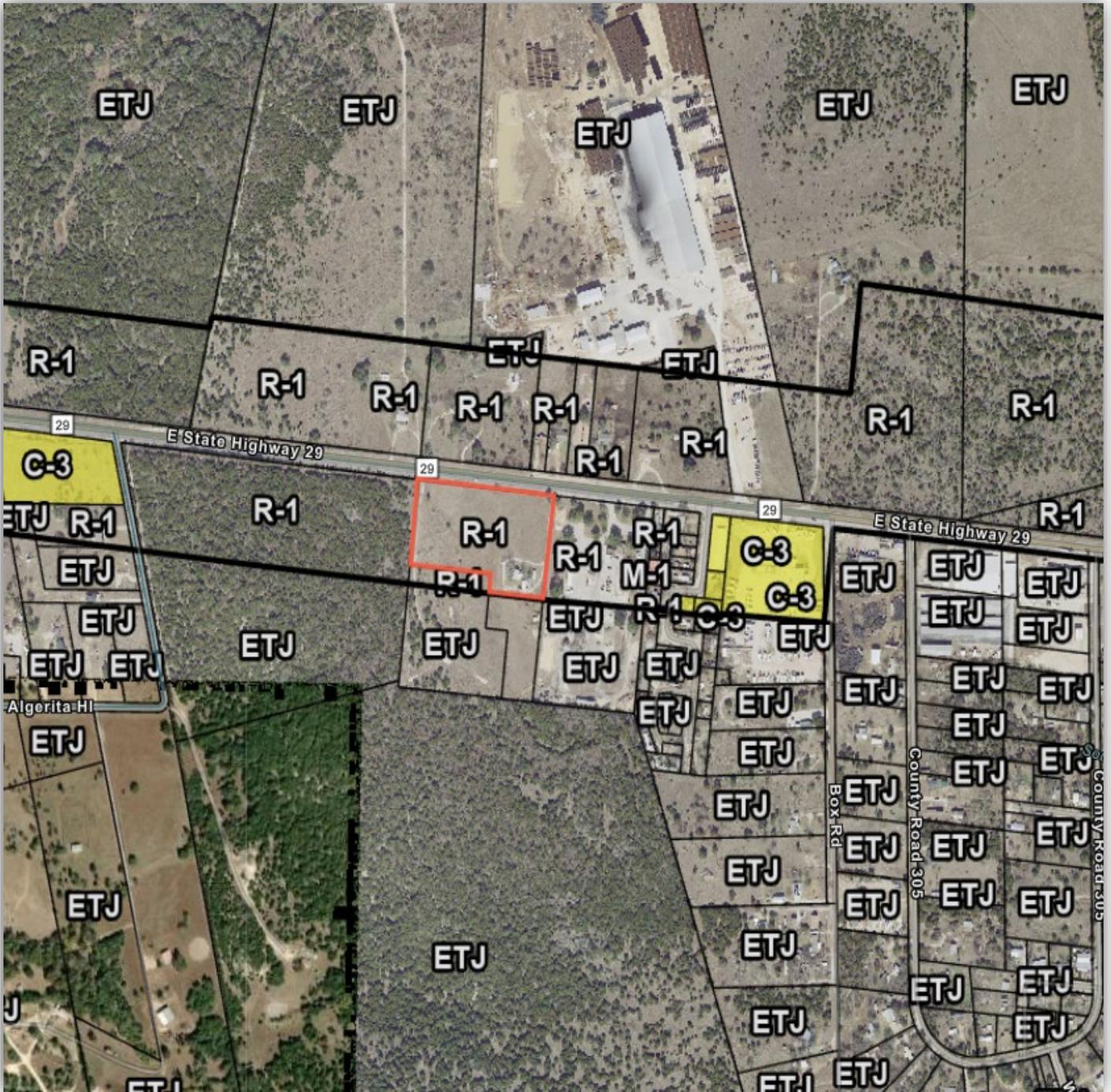
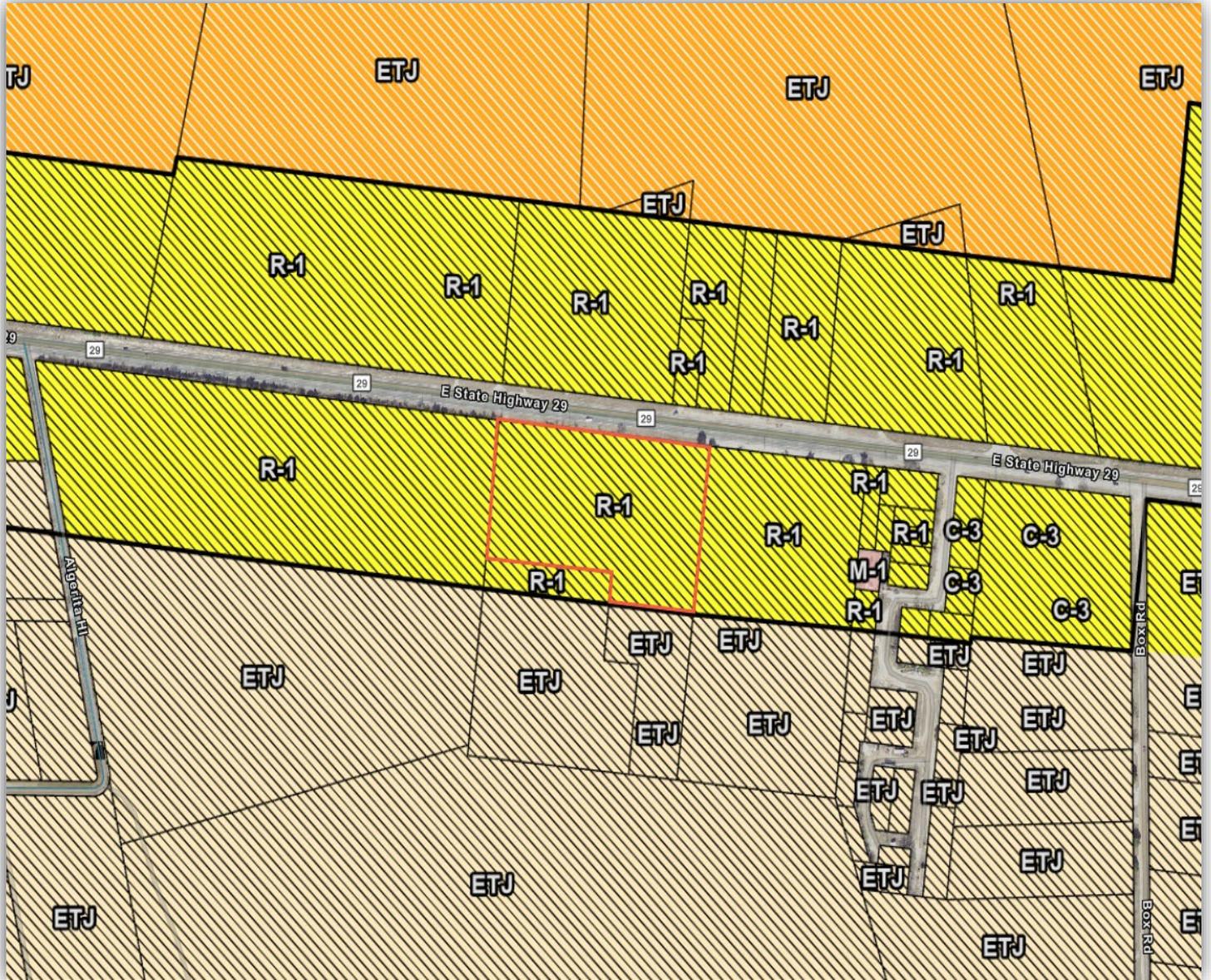


Exhibit "B"  
Future Land Use Map



**ORDINANCE NO. 2022-XX**

**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 AT 2947 E HWY 29 (LEGALLY DESCRIBED AS: 8.05 ACRES OUT OF THE SARAH ANN GUEST SURVEY, ABS. NO. 1525, AND THE JOSEPH BAKER SURVEY, NO. 28, ABS. NO. 125) WITH LIGHT COMMERCIAL – DISTRICT “C-1” CLASSIFICATION; 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 2947 E Highway 29 (LEGALLY DESCRIBED AS: 8.05 ACRES OUT

OF THE SARAH ANN GUEST SURVEY, ABS. NO. 1525, AND THE JOSEPH BAKER SURVEY, NO. 28, ABS. NO. 125) as shown on **Exhibit "A"** hereto.

**Section three Zoning District Reclassification.** LIGHT COMMERCIAL – DISTRICT "C-1" Zoning District Classification 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 25<sup>th</sup> day of October 2022

**PASSED AND APPROVED** on this the 8<sup>th</sup> day of November 2022.

**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Crista Goble Bromley, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

Exhibit "A"  
Location

