



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, **July 10, 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:

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 June 5, 2023.

4. PUBLIC HEARINGS:

4.1) Public Hearing and Consideration of the following: Plat applications, Zoning Amendments and Zoning Classifications presented by Carly Pearson, Director of Public Works & Development Services, and Leslie Kimbler, Planning Manager:

(a) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 98 (ENTITLED “SUBDIVISIONS”), SECTION 98-7 (ENTITLED “DEFINITIONS”), BY AMENDING THE DEFINITION OF SIGNIFICANT TREE

- (1) Staff Presentation – C. Pearson
- (2) Public Hearing
- (3) Consideration and action.

(b) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”), ARTICLE II (ENTITLED “ZONING DISTRICTS”), BY REMOVING THE USE “MINI STORAGE WAREHOUSE AND STORAGE GARAGE” FROM MEDIUM COMMERCIAL – DISTRICT “C-2” AND AUTHORIZING THE USE MINI STORAGE WAREHOUSE AND STORAGE GARAGE IN THE LIGHT INDUSTRIAL – DISTRICT “I-1”

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

(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: BEING 26.085 ACRES, OUT OF EUGENIO PEREZ SURVEY NO. 41, ABS. NO. 672 WITH SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1-4” CLASSIFICATION; AND PROPERTY LEGALLY DESCRIBED AS: BEING 16.610 ACRES, OUT OF EUGENIO PEREZ SURVEY NO. 41, ABS. NO. 672 WITH SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1-2” CLASSIFICATION

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

(d) 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: ABS A0187 BB CASTLEBERRY, TRACT 76, 18.47 ACRES FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; PROPERTY LEGALLY DESCRIBED AS: ABS A0187 BB CASTLEBERRY, TRACT 69, 6.06 ACRES FROM ITS PRESENT DESIGNATION OF OPEN SPACE TO A DESIGNATION OF GOVERNMENT; PROPERTY LEGALLY DESCRIBED AS: ABS A0187 BB CASTLEBERRY, 4.5 ACRES FROM ITS PRESENT DESIGNATION OF OPEN SPACE TO A DESIGNATION OF GOVERNMENT; AND PROPERTY KNOWN AS THE BURNET CEMETERY, OLD BURNET CEMETERY AND IOOF CEMETERY FROM ITS PRESENT DESIGNATION OF OPEN SPACE TO A DESIGNATION OF GOVERNMENT

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

(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 LEGALLY DESCRIBED AS: ABS A0187 BB CASTLEBERRY, TRACT 76, 18.47 ACRES WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION; PROPERTY LEGALLY DESCRIBED AS: PROPERTY LEGALLY DESCRIBED AS: ABS A0187 BB CASTLEBERRY, TRACT 76, 18.47 ACRES WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION; PROPERTY LEGALLY DESCRIBED AS: PROPERTY LEGALLY DESCRIBED AS: ABS A0187 BB CASTLEBERRY, 4.5 ACRES WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION; WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION; PROPERTY KNOWN AS THE BURNET CEMETERY, OLD BURNET CEMETERY AND IOOF CEMETERY AS IDENTIFIED ON THE CITY OF BURNET PLAT ACCEPTED

BY ORDINANCE NO. 320 WITH GOVERNMENT – DISTRICT “G”
CLASSIFICATION; WITH GOVERNMENT – DISTRICT “G”
CLASSIFICATION

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

(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 LOCATED AT 1811 E POLK STREET (LEGALLY DESCRIBED AS: ABS A1525 SARAH ANN GUEST, 20.82 ACRES) FROM ITS PRESENT DESIGNATION OF INDUSTRIAL TO A DESIGNATION OF RESIDENTIAL; 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.

(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 KNOWN AS: 1811 E POLK STREET (LEGALLY DESCRIBED AS: ABS A1525 SARAH ANN GUEST, 20.82 ACRES) WITH SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” CLASSIFICATION

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

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 76.06 acres out of John Hamilton Survey Abs. No. 405. The proposed “Preliminary Plat” will establish Hilltop Oaks Subdivision, consisting of 92 residential lots: L. Kimbler

4.3) The Planning & Zoning Commission shall conduct a public hearing to receive public testimony and comments on the merits of a proposed “Re-plat” for approximately 10.686 acres. The proposed plat will establish lots 17-A, 19-A, 21-B and 22-B of Highland Acres East, Section No. Four, and Lots 1-A and 2-A out of John Hamilton Survey No. 1, Abs. No. 405, consisting of 6 residential lots: L. Kimbler

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 HILLTOP OAKS SUBDIVISION: L. Kimbler

- 5.2) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE "PRELIMINARY PLAT" OF HILLTOP OAKS SUBDIVISION, A PROPOSED 92-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 76.06 ACRES: L. Kimbler
- 5.3) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE "REPLAT" OF lots 17-A, 19-A, 21-B AND 22-B OF HIGHLAND ACRES EAST, SECTION NO. FOUR, AND LOTS 1-A AND 2-A OUT OF JOHN HAMILTON SURVEY NO. 1, ABS. NO. 405, A PROPOSED 6-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 10.686 ACRES: L. Kimbler

6. STAFF REPORTS:

7. 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 July 7, 2023 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 7th day of July 2023

Kelly Dix, 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 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, **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



Development Services

ITEM 4.1 (a)

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

Public Hearing and Action

Meeting Date: July 10, 2023

Agenda Item: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 98 (ENTITLED "SUBDIVISIONS"), SECTION 98-7 (ENTITLED "DEFINITIONS"), BY AMENDING THE DEFINITION OF SIGNIFICANT TREE; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: C. Pearson

Background: City Code, Section 98-22 (Entitled "Preliminary Plat") provides the content required when an applicant submits a preliminary plat for consideration. A part of these requirements is a tree survey of "significant trees", which currently requires applicants to include cedar trees and chinaberry trees. This ordinance amends the definition of "significant tree" by removing cedar (ashe juniper) and chinaberry trees from these requirements.

Information: This ordinance amends the definition of "Significant tree", removing cedar and chinaberry trees from requirements.

Fiscal Impact: No direct fiscal impact is anticipated.

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

ORDINANCE NO. 2023-XX

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 98 (ENTITLED "SUBDIVISIONS"), SECTION 98-7 (ENTITLED "DEFINITIONS"), BY AMENDING THE DEFINITION OF SIGNIFICANT TREE; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Council seeks to amend the Code of Ordinances, Chapters 98, incorporating amendments regarding tree preservation to remove Ashe Juniper and Chinaberry trees from preservation requirements; and

WHEREAS, the City Council determines that the amendment provided for herein promotes the health, safety, morals and protects and preserves the general welfare of the community; and

WHEREAS, on July 10, 2023, the Planning and Zoning Commission conducted a public hearing to receive comments and testimony on the merits of the code amendments proposed by this ordinance; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission made a recommendation to City Council as to the merits of the proposed amendments; and

WHEREAS, on June 11, 2023, City Council conducted a public hearing for the purpose of taking public comment regarding the proposed amendments; and

WHEREAS, The City Council, based on due consideration of the Planning and Zoning Commission recommendation and citizen testimony, as well as its own deliberations, determine that enacting said Code of Ordinance amendments will serve to promote the public health, safety, morals, and the general welfare of the city and its present and future residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section one. Amendment. The Code of Ordinances, Chapter 98 (entitled "Subdivisions"), Section 98-7 (entitled "Definitions"), is hereby amended by adding the language that is underlined (underline) and deleting the language that is stricken (~~stricken~~) as follows:

Significant tree means a native, living tree that is equal to or greater than 8 inches in diameter as measured at breast height, 4.5 feet above ground (DBH)~~the city requires~~

~~preservation of to the greatest extent possible, not to include Ashe Juniper and Chinaberry trees. A list of significant trees can be provided by city staff.~~

Section two. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section three. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled “general penalty”).

Section four. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled “Repealer”) shall be controlling.

Section five. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section six. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section seven. TOMA Compliance. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was conducted in compliance with the Texas Open Meeting Act as modified by Executive Orders of the Governor of the State of Texas in response to the COVID-19 pandemic.

Section eight. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section nine. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

Passed on first reading on the 11th day of July, 2023

Passed and Adopted on the 12th day of July, 2023

CITY OF BURNET

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.1 (b)

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

Public Hearing and Action

Meeting Date: July 10, 2023

Agenda Item: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING"), ARTICLE II (ENTITLED "ZONING DISTRICTS"), BY REMOVING THE USE "MINI STORAGE WAREHOUSE AND STORAGE GARAGE" FROM MEDIUM COMMERCIAL – DISTRICT "C-2" AND AUTHORIZING THE USE MINI STORAGE WAREHOUSE AND STORAGE GARAGE IN THE LIGHT INDUSTRIAL – DISTRICT "I-1"

Background: Currently, the use "Mini Storage Warehouse and Storage Garage" is authorized in the Medium Commercial – District "C-2". This amendment will allow Council to approve the use in a more suitable district where impacts on surrounding property future developments would be less.

Information: This ordinance moves the use "Mini Storage Warehouse and Storage Garage" to Light Industrial – District "I-1" where similar uses currently are allowed. Examples of similar allowable "I-1" uses are:

- Warehouse, storage, and distribution centers
- Frozen food lockers and cold storage

Fiscal Impact: No direct fiscal impact is anticipated.

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

ORDINANCE NO. 2023-XX

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING"), ARTICLE II (ENTITLED "ZONING DISTRICTS"), BY REMOVING THE USE "MINI STORAGE WAREHOUSE AND STORAGE GARAGE" FROM MEDIUM COMMERCIAL – DISTRICT "C-2" AND AUTHORIZING THE USE MINI STORAGE WAREHOUSE AND STORAGE GARAGE IN THE LIGHT INDUSTRIAL – DISTRICT "I-1"; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Zoning Administrator proposed certain amendments to the zoning districts and regulations in Section 118-20 of the City Code; and

WHEREAS, on July 10, 2023, the Planning and Zoning Commission conducted a public hearing for the purpose of taking public comment regarding the proposed amendments; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission made a recommendation to City Council as to the merits of the proposed amendments; and

WHEREAS, on July 11, 2023, City Council conducted a public hearing for the purpose of taking public comment regarding the proposed amendments; and

WHEREAS, The City Council, based on due consideration of the Planning and Zoning Commission recommendation and citizen testimony, as well as its own deliberations, determine that enacting said Code of Ordinance amendments will serve to promote the public health, safety, morals, and the general welfare of the city and its present and future residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section one. Amendment. The Code of Ordinances, Chapter 118 (entitled "Zoning") Section 118-46 (entitled "Medium Commercial – District 'C-2'") is hereby amended by deleting the language that is italics stricken (~~stricken~~) from Section 118-46(a) as follows:

~~(25) Mini storage warehouse and storage garage.~~

Note to Publisher: Existing subsections 118-46(a)(26) to 118-46(a)(39) shall be recodified as subsections 118-46(a)(25) to 118-46(a)(38).

Section two. Amendment. The Code of Ordinances, Chapter 118 (entitled “Zoning”) Section 118-48 (entitled “Light Industrial – I-1”) is hereby amended by adding the language that is underlined (underlined) to subsection 118-48(a)(15) as follows:

(15) Mini storage warehouse and storage garage.

Section three. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section four. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled “general penalty”).

Section five. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled “Repealer”) shall be controlling.

Section six. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section seven. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section eight. TOMA Compliance. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was conducted in compliance with the Texas Open Meeting Act as modified by Executive Orders of the Governor of the State of Texas in response to the COVID-19 pandemic.

Section nine. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section ten. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

Passed on first reading on the 11th day of July, 2023.

Passed and Adopted on the 12th day of July, 2023.

CITY OF BURNET

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.1 (c)

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

Public Hearing and Action

Meeting Date: July 10, 2023

Agenda Item: 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: BEING 26.085 ACRES, OUT OF EUGENIO PEREZ SURVEY NO. 41, ABS. NO. 672 WITH SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1-4” CLASSIFICATION; AND PROPERTY LEGALLY DESCRIBED AS: BEING 16.610 ACRES, OUT OF EUGENIO PEREZ SURVEY NO. 41, ABS. NO. 672 WITH SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1-2” CLASSIFICATION: L. Kimbler

Background: The properties for consideration are currently zoned Single-Family Residential – District “R-1”; they are located to the west of the City of Burnet Airport and the Delaware Springs Golf Course, located between holes 5 and 6.

Information: The applicant is preparing to submit a preliminary plat and prior to doing so, is requesting to rezone the property to accommodate the types of lots they will be creating. The applicant is requesting to rezone the hourglass shaped property, located between holes 4, 5 and 6 on the golf course, to District “R-1-2” which is a minimum of half-acre lots and minimum of square footage living area of 1750. The property bordering the airport and the golf course hole 4, they are requesting District “R-1-4” allowing for a minimum lot of 10,890 square feet (approximately .25 acres) lots and minimum of square footage living area of 1750.

Staff Analysis: The Future Land Use Map designation for the area is residential; therefore, the requested Single-Family zoning districts continue to be appropriate.

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on May 24, 2023, and written notices were mailed to 19 surrounding property owners within 200 feet of the subject property. 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



ORDINANCE NO. 2023-XX

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: BEING 26.085 ACRES, OUT OF EUGENIO PEREZ SURVEY NO. 41, ABS. NO. 672 WITH SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1-4” CLASSIFICATION; AND PROPERTY LEGALLY DESCRIBED AS: BEING 16.610 ACRES, OUT OF EUGENIO PEREZ SURVEY NO. 41, ABS. NO. 672 WITH SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1-2” 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 LEGALLY DESCRIBED AS: 26.085 ACRES, OUT OF EUGENIO PEREZ SURVEY NO. 41, ABS. NO. 672 as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL DISTRICT “R-1-4” Zoning District Classification is hereby assigned to the Property described in section two.

Section four. Property. The Property that is the subject to this Zoning District Reclassification is LEGALLY DESCRIBED AS: 16.610 ACRES, OUT OF EUGENIO PEREZ SURVEY NO. 41, ABS. NO. 672 as shown on **Exhibit “B”** hereto.

Section five. Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL DISTRICT “R-1-2” Zoning District Classification is hereby assigned to the Property described in section four.

Section six. 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 seven. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

Section eight. Severability. This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

Section nine. Effective Date. This ordinance is effective upon final passage and approval.

PASSED on First Reading the 11th day of July 2023

PASSED AND APPROVED on this the 12th day of July 2023.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit A
PROPERTY TO BE ZONED SINGLE-FAMILY RESIDENTIAL DISTRICT "R-1-4"



Exhibit B
PROPERTY TO BE ZONED SINGLE-FAMILY RESIDENTIAL DISTRICT "R-1-2"





Development Services

ITEM 4.1 (d)

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

Public Hearing and Action Item

Meeting Date: July 10, 2023

Agenda Item: 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: ABS A0187 BB CASTLEBERRY, TRACT 76, 18.47 ACRES FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; PROPERTY LEGALLY DESCRIBED AS: ABS A0187 BB CASTLEBERRY, TRACT 69, 6.06 ACRES FROM ITS PRESENT DESIGNATION OF OPEN SPACE TO A DESIGNATION OF GOVERNMENT; PROPERTY LEGALLY DESCRIBED AS: ABS A0187 BB CASTLEBERRY, 4.5 ACRES FROM ITS PRESENT DESIGNATION OF OPEN SPACE TO A DESIGNATION OF GOVERNMENT; AND PROPERTY KNOWN AS THE BURNET CEMETERY, OLD BURNET CEMETERY AND IOOF CEMETERY FROM ITS PRESENT DESIGNATION OF OPEN SPACE TO A DESIGNATION OF GOVERNMENT: L. Kimbler

Information: One of the properties for consideration is owned by the State of Texas Department of Transportation. This was previously the location of the roadside park located on Highway 281 South, next to Galloway Hammond and the railroad. The remaining properties for consideration are owned by the City of Burnet. Two properties abut Galloway Hammond YMCA property, and the others are the city owned cemeteries located along South Rhomberg and Cemetery Street.

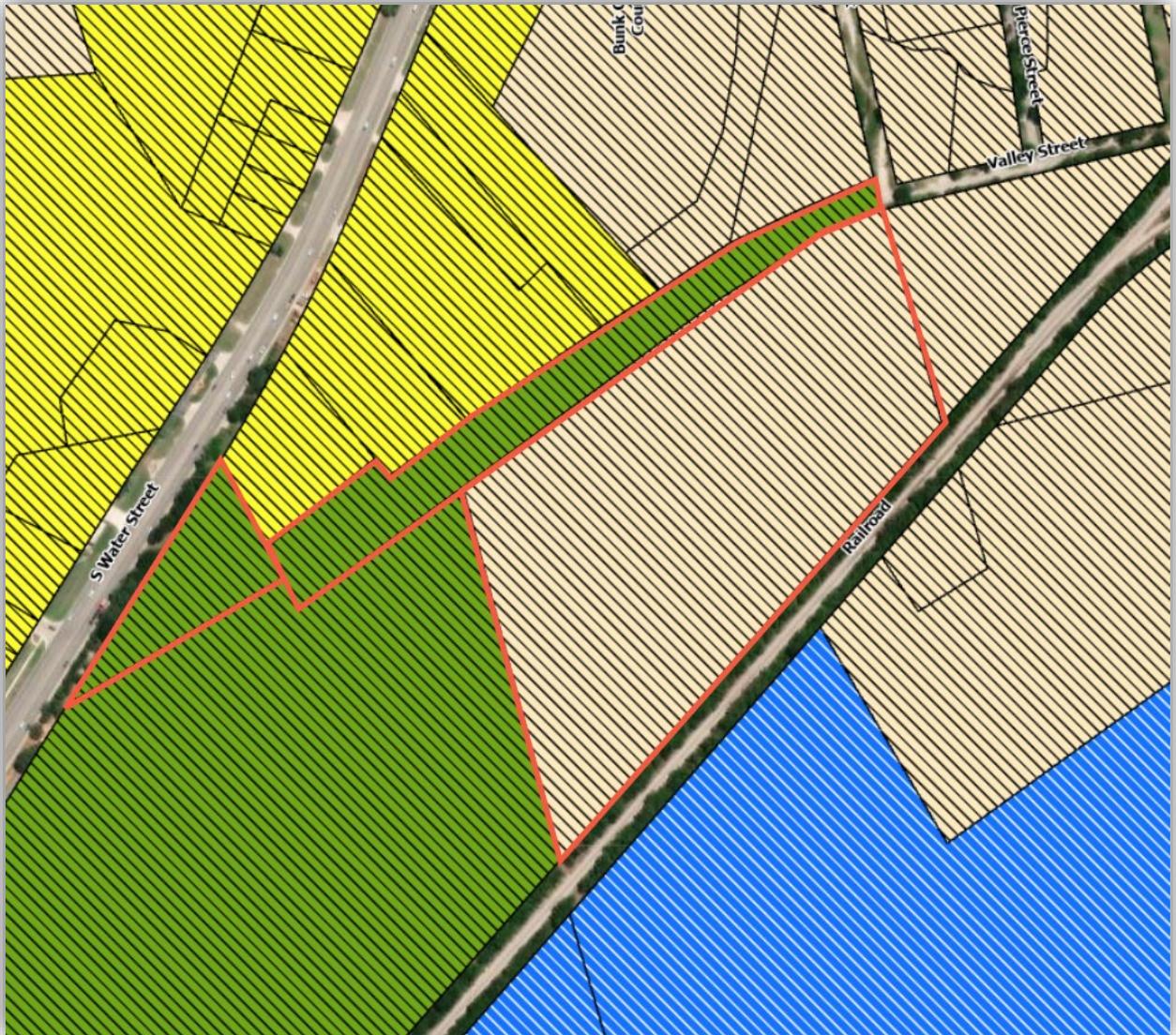
The City's Future Land Use Plan for the property which abuts the railroad, and the baseball fields is designated as Residential. The Future Land Use Plan for the remaining properties is designated as Open Space. These are city initiated requests in order to allow the properties to be appropriately zoned; therefore, the requested Future Land Use amendment must be approved before the zoning change request can be approved (next item on the agenda).

Public Notice: Notices were mailed to 52 surrounding property owners within 200' of the subject property and staff has received no comments in opposition to the proposed amendment to the City's Future Land Use Plan.

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

Exhibit A – Future Land Use Map

ABS A0187 BB Castleberry, Tract 76, 18.47 acres,
ABS A0187 BB Castleberry, Tract 69, 6.06 acres
ABS A0187 BB Castleberry, 4.5 acres



Government



Commercial



Residential



Open Space

Burnet Cemetery, Old Burnet Cemetery and IOOF Cemetery



Government



Commercial



Residential



Open Space

ORDINANCE NO. 2023-XX

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: ABS A0187 BB CASTLEBERRY, TRACT 76, 18.47 ACRES FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; PROPERTY LEGALLY DESCRIBED AS: ABS A0187 BB CASTLEBERRY, TRACT 69, 6.06 ACRES FROM ITS PRESENT DESIGNATION OF OPEN SPACE TO A DESIGNATION OF GOVERNMENT; PROPERTY LEGALLY DESCRIBED AS: ABS A0187 BB CASTLEBERRY, 4.5 ACRES FROM ITS PRESENT DESIGNATION OF OPEN SPACE TO A DESIGNATION OF GOVERNMENT; AND PROPERTY KNOWN AS THE BURNET CEMETERY, OLD BURNET CEMETERY AND IOOF CEMETERY FROM ITS PRESENT DESIGNATION OF OPEN SPACE TO A DESIGNATION OF GOVERNMENT; 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. 2012-09, did assign Future Land Use classifications for property located within the city in accordance with the Official Future Land Use Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Future Land Use Map by amending the Future Land Use 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 Future Land Use 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, 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 Future Land Use Reclassification is legally described as: ABS A0187 BB CASTLEBERRY, TRACT 76, 18.47 ACRES as shown on **Exhibit “A”** hereto.

Section three. Future Land Use Map. “Government” Future Land Use is hereby assigned to the Property described in section two.

Section four. Property. The Property that is the subject to this Future Land Use Reclassification is legally described as: ABS A0187 BB CASTLEBERRY, TRACT 69, 6.06 ACRES as shown on **Exhibit “B”** hereto.

Section five. Future Land Use Map. “Government” Future Land Use is hereby assigned to the Property described in section two.

Section six. Property. The Property that is the subject to this Future Land Use Reclassification is legally described as: ABS A0187 BB CASTLEBERRY, 4.5 ACRES as shown on **Exhibit “C”** hereto.

Section seven. Future Land Use Map. “Government” Future Land Use is hereby assigned to the Property described in section two.

Section eight. Property. The Property that is the subject to this Future Land Use Reclassification is property known as: THE BURNET CEMETERY, OLD BURNET CEMETERY AND IOOF CEMETERY as shown on **Exhibit “D”** hereto.

Section nine. Future Land Use Map. “Government” Future Land Use is hereby assigned to the Property described in section two.

Section ten. Future Land Use Map Revision. The City Secretary is hereby authorized and directed to revise the Official Future Land Use Map to reflect the change in Future Land Use Classification approved by this Ordinance.

Section eleven. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

Section twelve. Severability. This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

Section thirteen. Effective Date. This ordinance is effective upon final passage and approval.

PASSED on First Reading the 11th day of July 2023.

FINALLY PASSED AND APPROVED on the 25th day of July 2023.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
ABS A0187 BB Castleberry, Tract 76, 18.47 acres

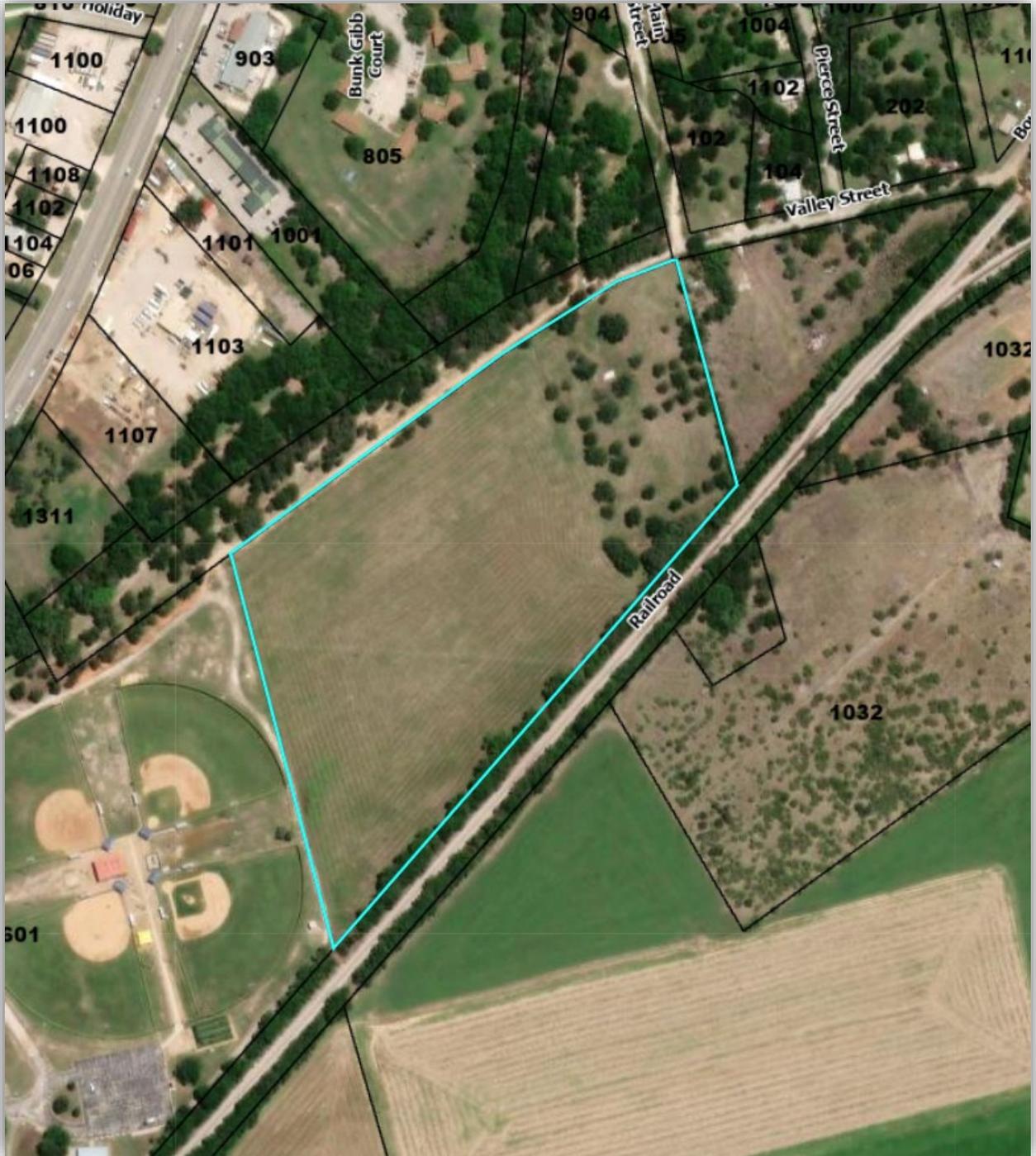


Exhibit "B"
ABS A0187 BB CASTLEBERRY, TRACT 69, 6.06 ACRES



Exhibit "C"
ABS A0187 BB CASTLEBERRY, 4.5 ACRES



Exhibit "D"
Burnet Cemetery, Old Burnet Cemetery and IOOF Cemetery





Development Services

ITEM 4.1 (e)

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

Public Hearing and Action Item

Meeting Date: July 10, 2023

Agenda Item: 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: ABS A0187 BB CASTLEBERRY, TRACT 76, 18.47 ACRES WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION; PROPERTY LEGALLY DESCRIBED AS: PROPERTY LEGALLY DESCRIBED AS: ABS A0187 BB CASTLEBERRY, TRACT 76, 18.47 ACRES WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION; PROPERTY LEGALLY DESCRIBED AS: PROPERTY LEGALLY DESCRIBED AS: ABS A0187 BB CASTLEBERRY, 4.5 ACRES WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION; WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION; PROPERTY KNOWN AS THE BURNET CEMETERY, OLD BURNET CEMETERY AND IOOF CEMETERY AS IDENTIFIED ON THE CITY OF BURNET PLAT ACCEPTED BY ORDINANCE NO. 320 WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION; WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION: L. Kimbler

Background: One of the properties for consideration is owned by the State of Texas Department of Transportation. This was previously the location of the roadside park located on Highway 281 South, next to Galloway Hammond and the railroad. The remaining properties for consideration are owned by the City of Burnet. Two properties abut Galloway Hammond YMCA property, and the others are the city owned cemeteries located along South Rhomberg and Cemetery Street.

Information: This request is a city-initiated request to bring the property into compliance with the current zoning code. The requested District “G” (Government and Public Institutional District) is for properties “intended to provide appropriate areas for uses that provide important community services often requiring large amounts of land.”

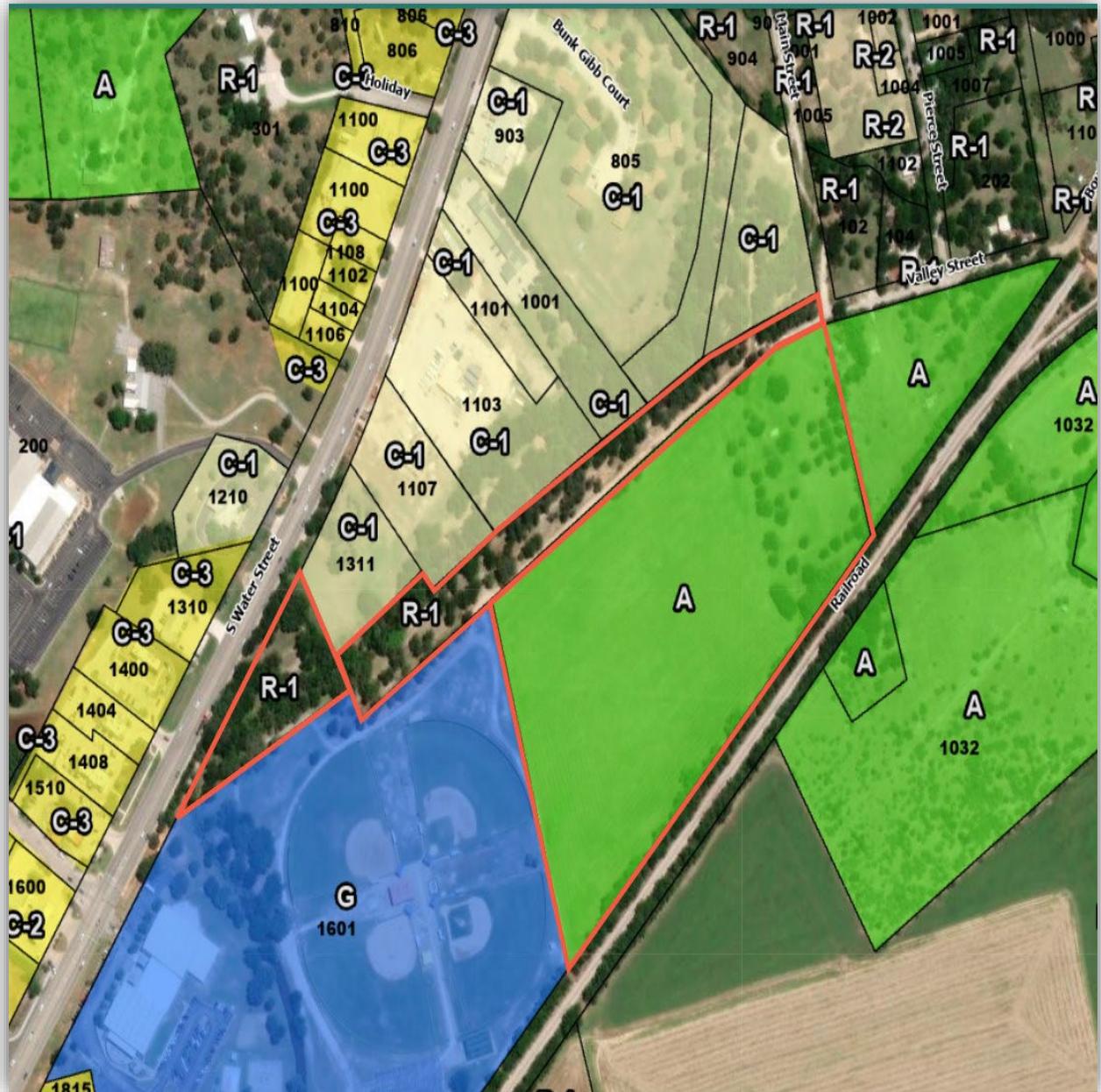
Staff Analysis: The item prior to this item on the agenda is a request to amend the City’s Future Land Use Map. If approved Government – District “G” would be appropriate for this area.

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on June 22, 2023, and written notices were mailed to 52 surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

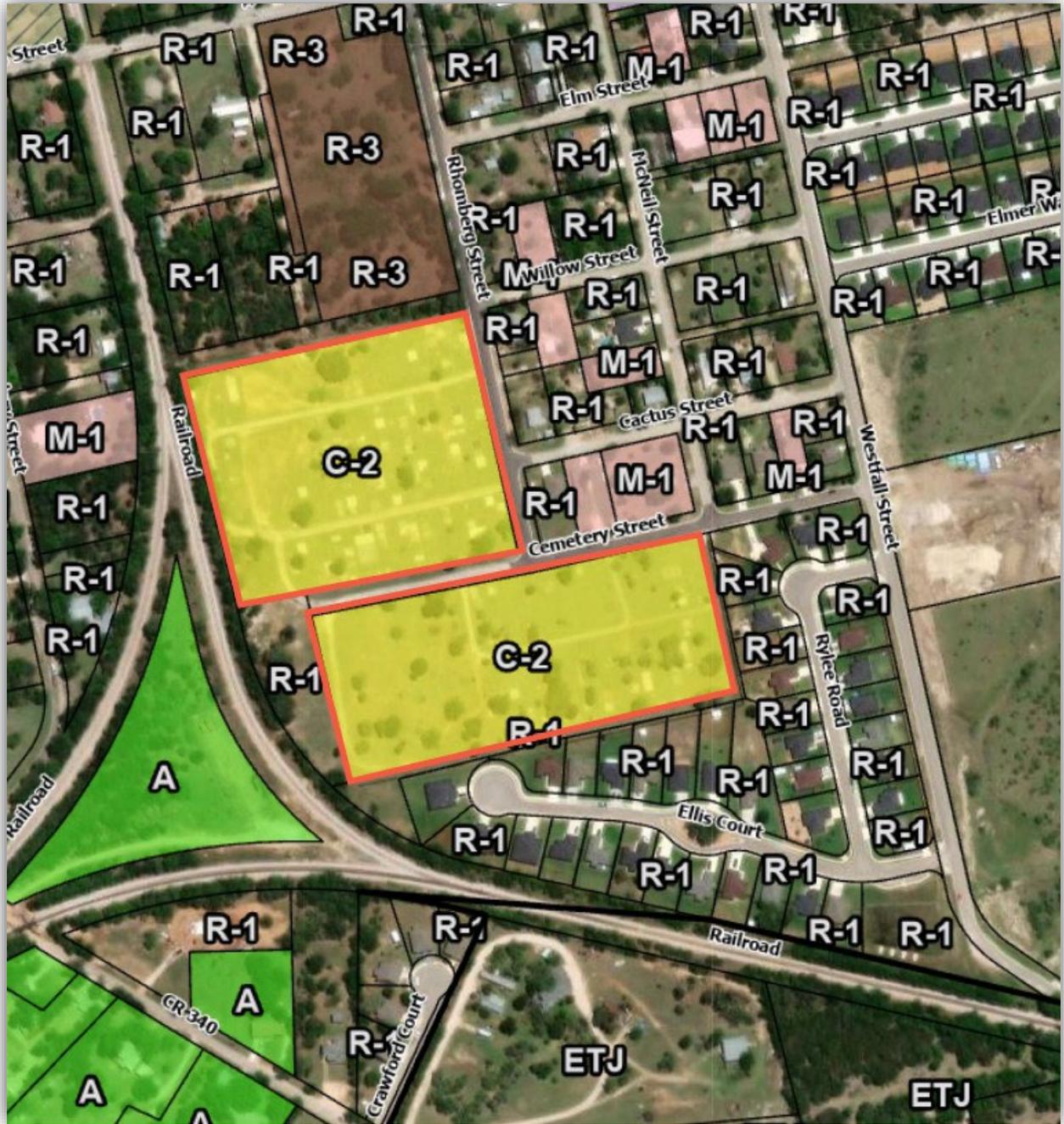
Recommendation: Open the public hearing. At the conclusion of the public hearing, discuss and consider the first reading of the draft ordinance.

Exhibit A – Location and Current Zoning

ABS A0187 BB Castleberry, Tract 76, 18.47 acres,
ABS A0187 BB Castleberry, Tract 69, 6.06 acres
ABS A0187 BB Castleberry, 4.5 acres



Burnet Cemetery, Old Burnet Cemetery and IOOF Cemetery



ORDINANCE NO. 2023-XX

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: ABS A0187 BB CASTLEBERRY, TRACT 76, 18.47 ACRES WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION; PROPERTY LEGALLY DESCRIBED AS: ABS A0187 BB CASTLEBERRY, TRACT 69, 6.06 ACRES WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION; PROPERTY LEGALLY DESCRIBED AS: ABS A0187 BB CASTLEBERRY, 4.5 ACRES WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION; PROPERTY KNOWN AS THE BURNET CEMETERY, OLD BURNET CEMETERY AND IOOF CEMETERY WITH GOVERNMENT – DISTRICT “G” 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 the required amendment to the Future Land Use Plan was, prior to this action, passed and approved by ordinance of this Council; 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 legally described as: ABS A0187 BB CASTLEBERRY, TRACT 76, 18.47 ACRES as shown on **Exhibit “A”** hereto.

Section three. Zoning District Reclassification. GOVERNMENT – DISTRICT “G” Zoning District Classification is hereby assigned to the Property described in section two.

Section four. Property. The Property that is the subject to this Zoning District Reclassification is legally described as: S4150 KERR DONATION, BLOCKS 2 AND 7, 8.75 ACRES as shown on **Exhibit “B”** hereto.

Section five. Zoning District Reclassification. GOVERNMENT – DISTRICT “G” Zoning District Classification is hereby assigned to the Property described in section two.

Section six. Property. The Property that is the subject to this Zoning District Reclassification is legally described as: ABS A0187 BB CASTLEBERRY, TRACT 69, 6.06 ACRES as shown on **Exhibit “C”** hereto.

Section seven. Zoning District Reclassification. GOVERNMENT – DISTRICT “G” Zoning District Classification is hereby assigned to the Property described in section two.

Section eight. Property. The Property that is the subject to this Zoning District Reclassification is legally described as: ABS A0187 BB CASTLEBERRY, 4.5 ACRES as shown on **Exhibit “D”** hereto.

Section nine. Zoning District Reclassification. GOVERNMENT – DISTRICT “G” Zoning District Classification is hereby assigned to the Property described in section two.

Section ten. Property. The Property that is the subject to this Zoning District Reclassification is property known as: BURNET CEMETERY, OLD BURNET CEMETERY AND IOOF CEMETERY as shown on **Exhibit “E”** hereto.

Section eleven. Zoning District Reclassification. GOVERNMENT – DISTRICT “G” Zoning District Classification is hereby assigned to the Property described in section two.

Section twelve. 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 thirteen. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

Section fourteen. Severability. This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

Section fifteen. Effective Date. This ordinance is effective upon final passage and approval.

PASSED on First Reading the 11th day of July 2023

PASSED AND APPROVED on this the 25th day of July 2023.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
ABS A0187 BB Castleberry, Tract 76, 18.47 acres

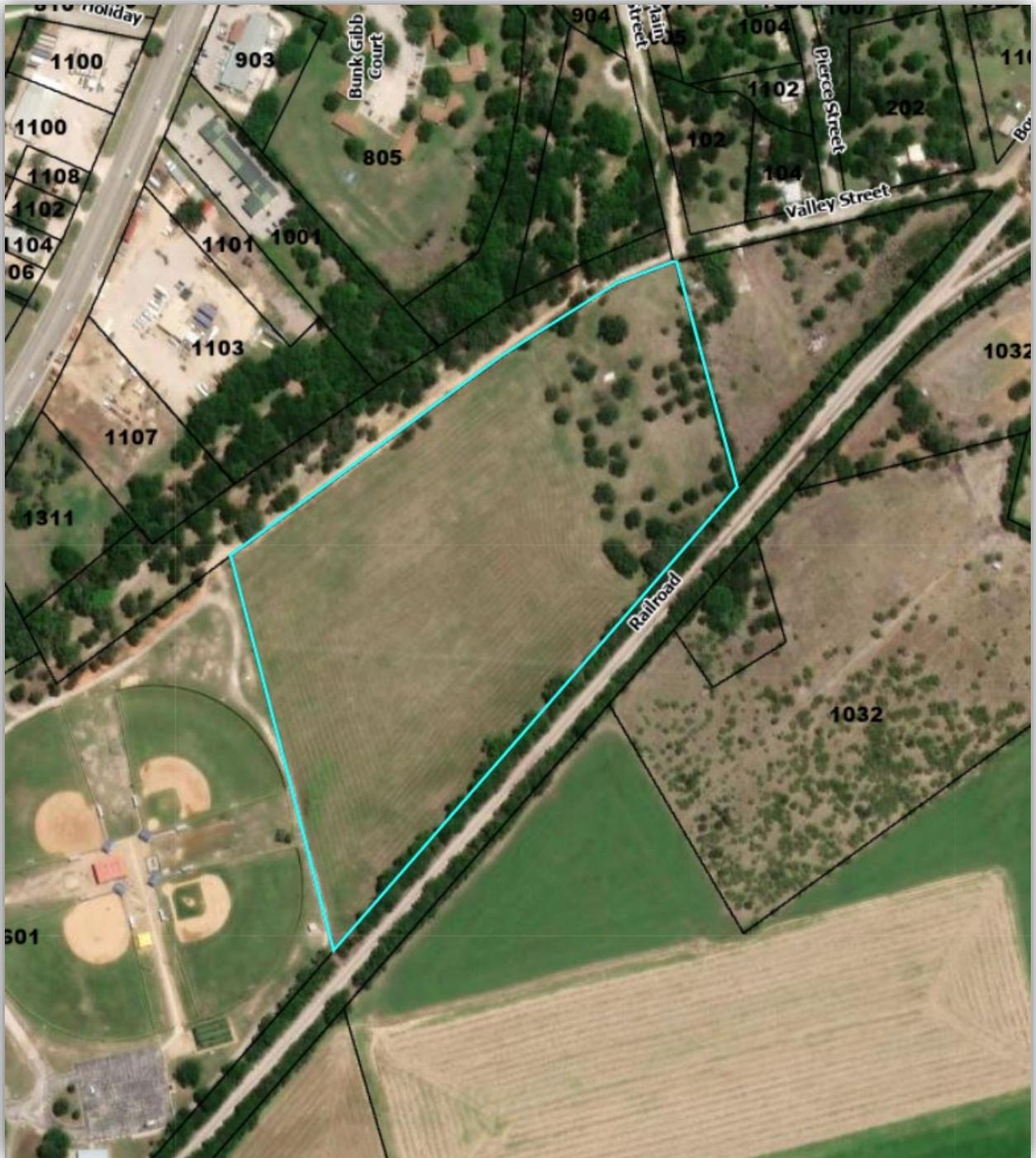


Exhibit "B"
ABS A0187 BB CASTLEBERRY, TRACT 69, 6.06 ACRES

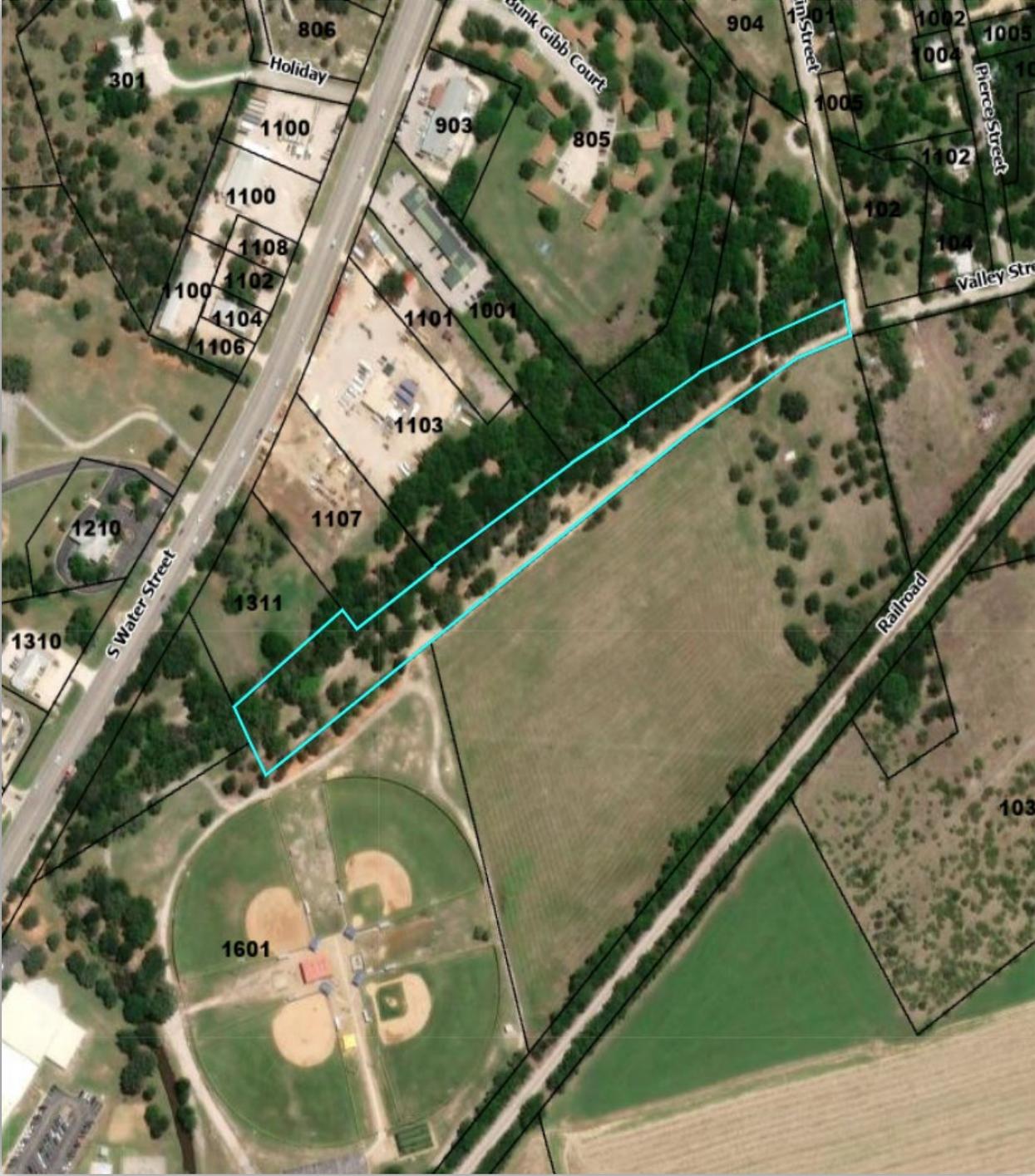


Exhibit "C"
ABS A0187 BB CASTLEBERRY, 4.5 ACRES



Exhibit "D"
Burnet Cemetery, Old Burnet Cemetery and IOOF Cemetery





Development Services

ITEM 4.1 (f)

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

Public Hearing and Action

Meeting Date: July 10, 2023

Agenda Item: 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 LOCATED AT 1811 E POLK STREET (LEGALLY DESCRIBED AS: ABS A1525 SARAH ANN GUEST, 20.82 ACRES) FROM ITS PRESENT DESIGNATION OF INDUSTRIAL TO A DESIGNATION OF RESIDENTIAL; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

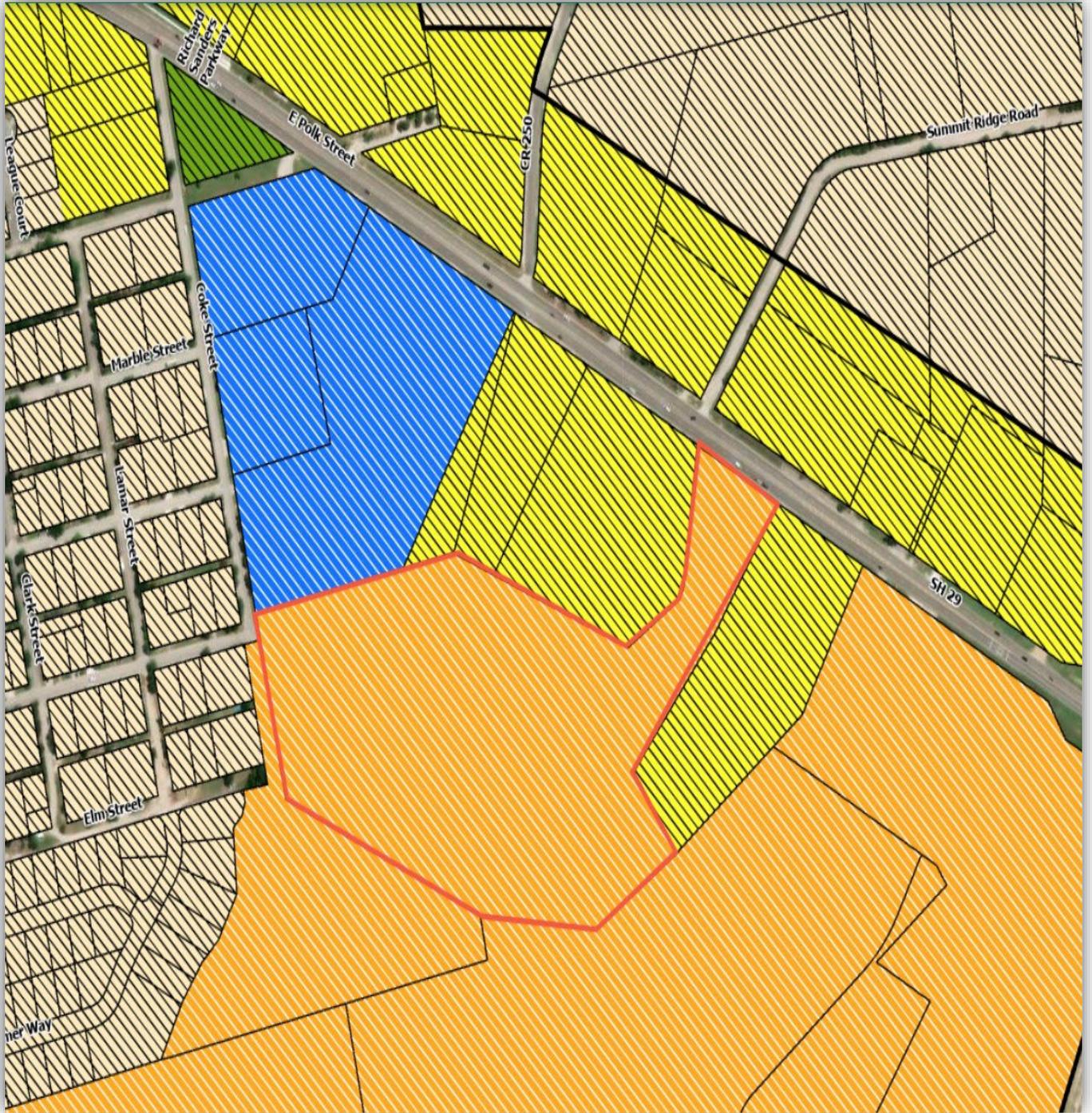
Information: This is a city initiated request to bring the property into compliance with the zoning code. The subject property is a single-family residential property. This property abuts the new residential subdivisions, Westfall Villages and Creekfall Subdivision. The current future land use plan of Industrial is not in alignment with the current use or any future use of this property.

Prior to approval of the request for rezone, the Future Land Use Map must be amended.

Public Notice: Notices were mailed to 20 surrounding property owners within 200' of the subject property and staff has received no comments in opposition to the proposed amendment to the City's Future Land Use Plan.

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 & FLUM



ORDINANCE NO. 2023-XX

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 LOCATED AT 1811 E POLK STREET (LEGALLY DESCRIBED AS: ABS A1525 SARAH ANN GUEST, 20.82 ACRES) FROM ITS PRESENT DESIGNATION OF INDUSTRIAL TO A DESIGNATION OF RESIDENTIAL; 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. 2012-09, did assign Future Land Use classifications for property located within the city in accordance with the Official Future Land Use Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Future Land Use Map by amending the Future Land Use 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 Future Land Use 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, 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 Future Land Use Reclassification is property located at 1811 E Polk Street (legally described as: Abs A1525 Sarah Ann Guest, 20.82 acres) as shown on **Exhibit "A"** hereto.

Section three. Future Land Use Map. "Residential" Future Land Use is hereby assigned to the Property described in section two.

Section four. Future Land Use Map Revision. The City Secretary is hereby authorized and directed to revise the Official Future Land Use Map to reflect the change in Future Land Use 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 11th day of July 2023.

FINALLY PASSED AND APPROVED on the 25th day of July 2023.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit A
SUBJECT PROPERTY





Development Services

ITEM 4.1 (g)

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

Public Hearing and Action

Meeting Date: July 10, 2023

Agenda Item: 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: 1811 E POLK STREET (LEGALLY DESCRIBED AS: ABS A1525 SARAH ANN GUEST, 20.82 ACRES) WITH SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” CLASSIFICATION: L. Kimbler

Background: The subject property is located along East State Highway 29, also known as East Polk Street, just west the railroad tracks. The current zoning of the property is Light Industrial – District “I-1”; however, the property has been utilized as a residential property with no prospects of any industrial use. Additionally, if the property continues to be zoned as Industrial, it could be detrimental to the newly developed residential uses that surround it.

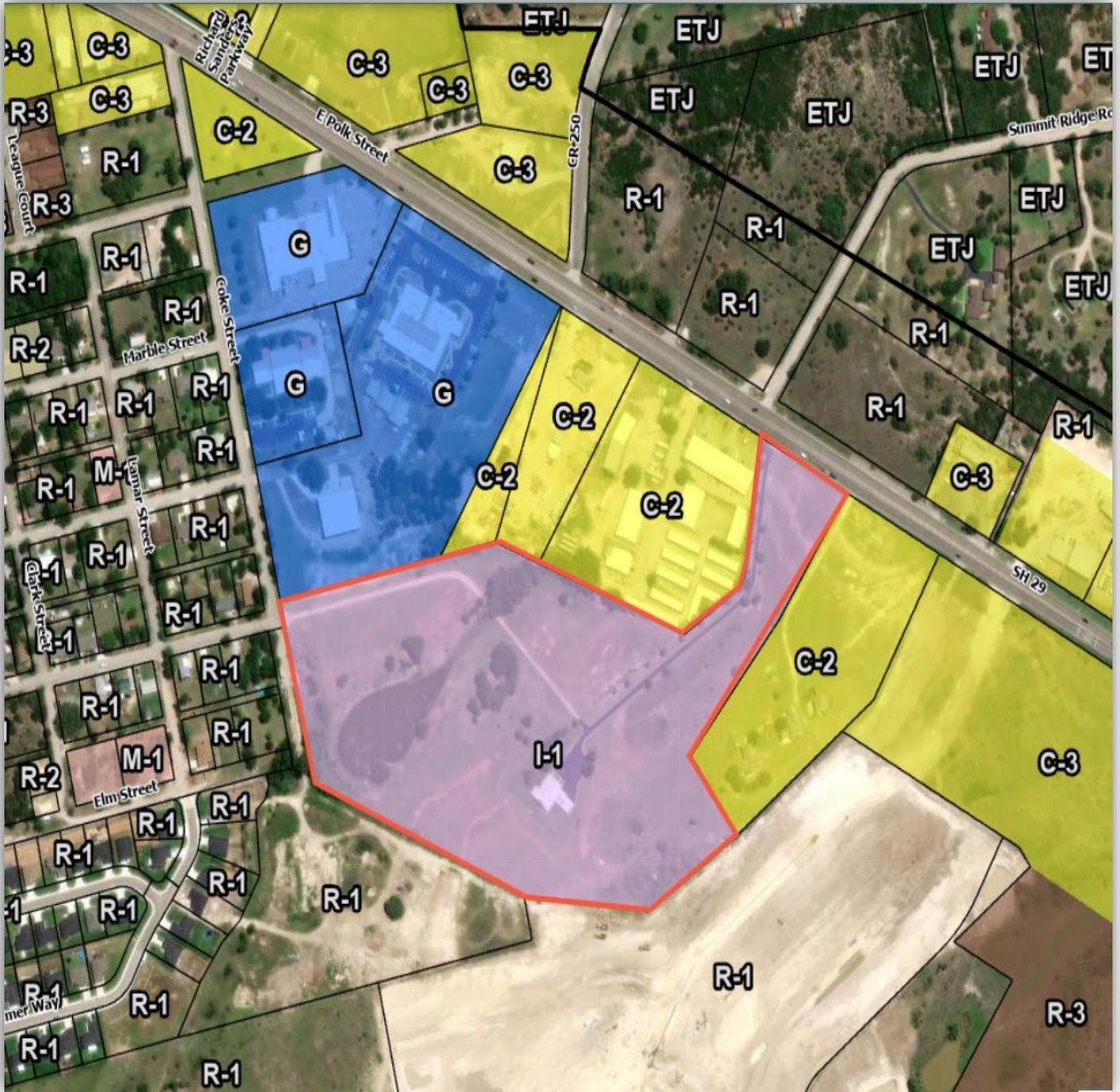
Information: This request is a city-initiated request to bring the property into compliance with the current zoning code.

Staff Analysis: The item prior to this item on the agenda is a request to amend the City’s Future Land Use Map. If approved, the requested Single-family Residential – District “R-1” zoning would be appropriate for this area.

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on June 22, 2023, and written notices were mailed to 20 surrounding property owners within 200 feet of the subject property. 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 and Current Zoning



ORDINANCE NO. 2023-XX

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: 1811 E POLK STREET (LEGALLY DESCRIBED AS: ABS A1525 SARAH ANN GUEST, 20.82 ACRES) WITH SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-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 property known as: 1811 E POLK STREET (LEGALLY DESCRIBED AS: ABS A1525 SARAH ANN GUEST, 20.82 ACRES) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-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 11th day of July 2023

PASSED AND APPROVED on this the 25th day of July 2023.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
Subject Property





Development Services

ITEM 4.2

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

Public Hearing

Meeting Date: July 10, 2023

Public Hearing: 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 76.06 acres out of John Hamilton Survey Abs. No. 405. The proposed "Preliminary Plat" will establish Hilltop Oaks Subdivision, consisting of 92 residential lots: L. Kimbler

Information: The proposed subdivision, zoned with a Planned Unit Development/Manufactured Housing, is located south of West Highway 29 at the southern termination of Southland Drive (Exhibit A). The applicant is proposing to subdivide the tract to create 92 residential lots, for manufactured housing, with two detention ponds (Exhibit B).

All lots within the subdivision are a minimum of half-acre. Three private streets will be created to be maintained by the subdivision's POA. The subdivision block lengths do exceed the allowable length in the City of Burnet's code of ordinances, Sec. 98-42, and therefore will require approval of a subdivision variance.

Water service will be provided to the subdivided lots by the extension of the City of Burnet water line which runs adjacent to the property. All lots will be served by On-Site Septic Facilities and will receive electricity with Pedernales Electric Coop.

Staff Analysis: City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 (entitled "Preliminary Plats") and have found the plat does generally meet the requirements as outlined in the code.

Recommendation: Open the public hearing.

Exhibit "A"
Tract





Development Services

ITEM 4.3

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

Public Hearing

Meeting Date: July 10, 2023

Public Hearing: The Planning & Zoning Commission shall conduct a public hearing to receive public testimony and comments on the merits of a proposed "Re-plat" for approximately 10.686 acres. The proposed plat will establish lots 17-A, 19-A, 21-B and 22-B of Highland Acres East, Section No. Four, and Lots 1-A and 2-A out of John Hamilton Survey No. 1, Abs. No. 405, consisting of 6 residential lots: L. Kimbler

Information: The proposed properties have previously been platted; however, LGC 212.0065 does not allow replats involving more than four lots to be approved as minor plats and therefore must go before the governing body for approval.

Currently, there is a strip of land at the backs of lots 17-22 and lots 1, 2 and 3 which was reserved by the developer of the lots. Additionally, several owners have purchased more than one lot and their home has been built in the middle of two, or more, of the lots. This plat cleans up the lots where the homes have been built in between lots. In addition, the developer is now deeding the strip of land at the back of the lots to all the property owners and the plat is properly platting the land. This plat is also combining lots 2 and 3 into Lot 2-A.

No new roads or infrastructure is required to accommodate this re-plat.

Staff Analysis: City staff and city engineer have reviewed the plat in accordance with Chapter 98 (entitled "Subdivision") and have found the plat does generally meet the requirements as outlined in the code.

Recommendation: Open the public hearing.

Exhibit "A"
Tract

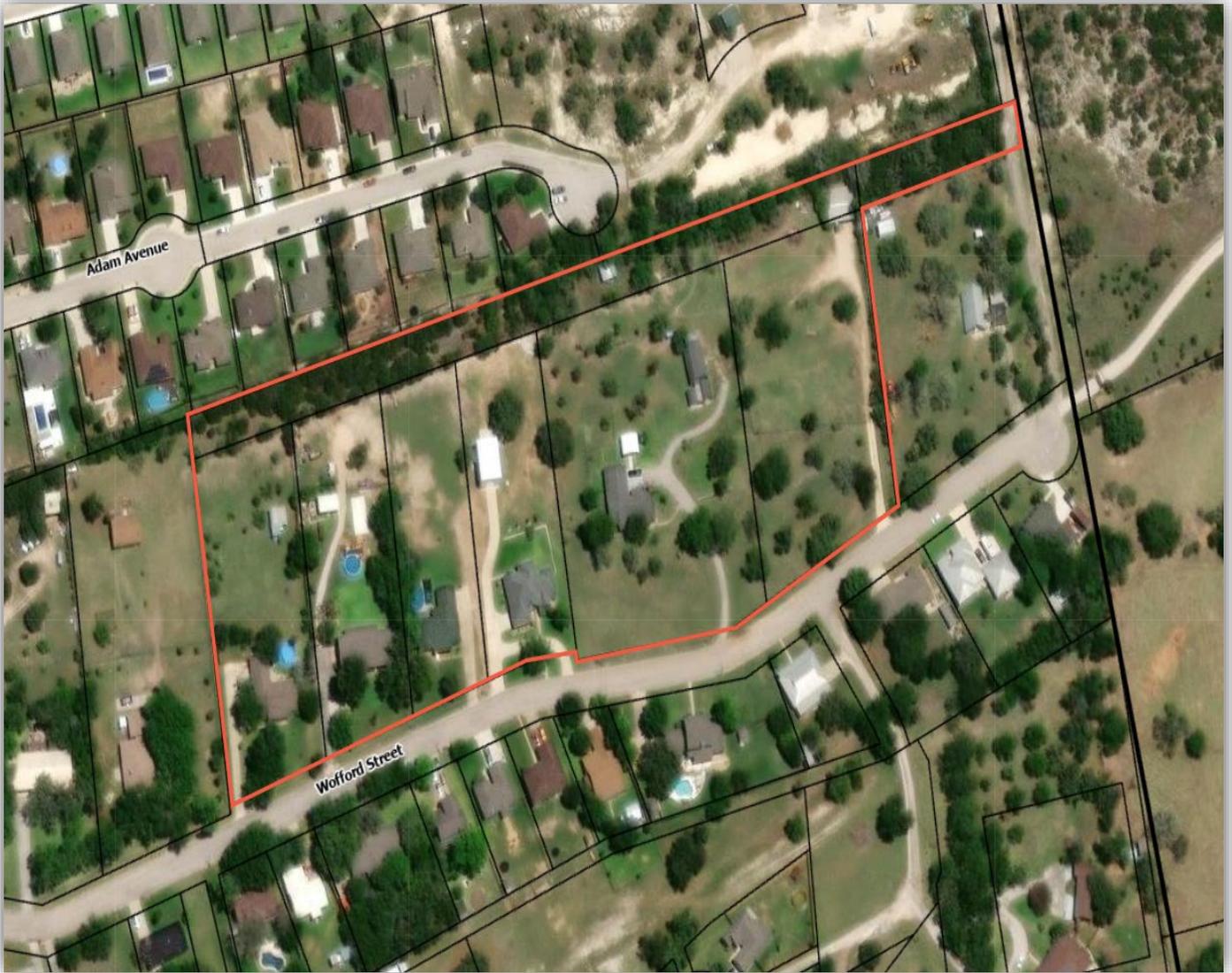
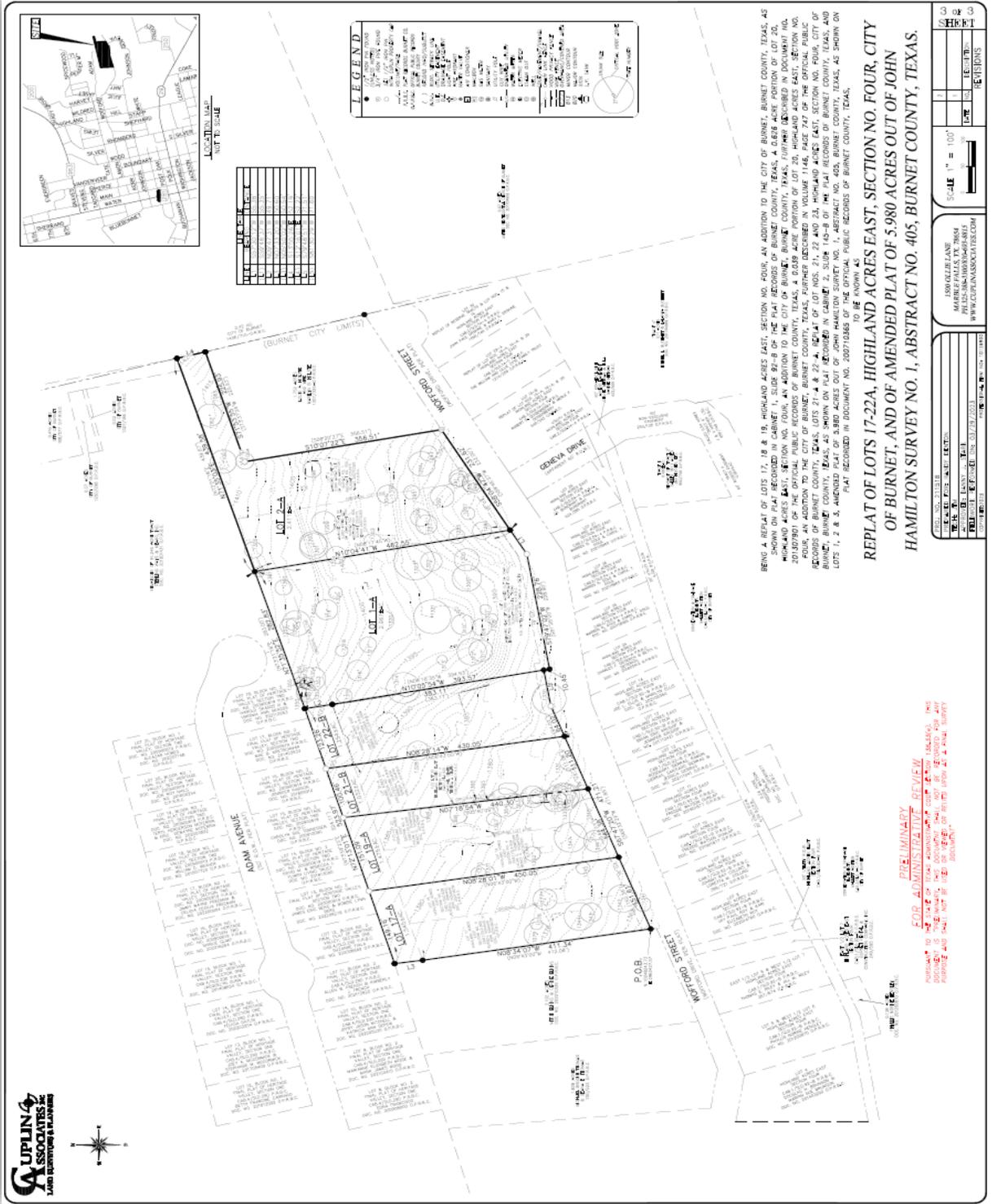


Exhibit "B" Plat





Development Services

ITEM 5.1

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

Action Item

Meeting Date: July 10, 2023

Action Item: 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 HILLTOP OAKS SUBDIVISION: L. Kimbler

Background: The proposed Preliminary Plat of Hilltop Oaks Subdivision (Exhibit A) is a single-family manufactured home subdivision on approximately 75 acres of property west of the city limits and south of Hwy 29 (Exhibit A). The proposed subdivision will create 92 half-acre residential manufactured home lots.

This subdivision was annexed into the City limits in September 2021. The land to be subdivided is a symmetrical property that will gain access from one private road, called Southland Drive which is a private road located outside the city limits, and a private easement that will be required to be developed to City code.

Information: The requested variance pertains to the requirements outlined in Code of Ordinances Sec. 98-48(1)(b) which states: "Residential blocks shall not exceed 600 feet nor be less than 300 feet in length." The City of Burnet Code of Ordinances Sec. 98-82 states the following regarding variances to the subdivision standards:

"In granting approval of a request for variance, the Commission and Council shall conclude that the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the variance observes the spirit of this chapter and concludes that substantial justice is done. The Commission and Council shall meet these requirements by making findings that:

a. The public convenience and welfare will be substantially served;

- b. The appropriate use of surrounding property will not be substantially or permanently impaired or diminished;
- c. The applicant has not created the hardship from which relief is sought;
- d. The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property;
- e. The hardship from which relief is sought is not solely of an economic nature;
- f. The variance is not contrary to the public interest;
- g. Due to special conditions, the literal enforcement of this chapter would result in an unnecessary hardship; and
- h. In granting the variance the spirit of the ordinance is observed and substantial justice is done.

Staff Analysis: Staff has evaluated the variance requests and has determined that, the applicant has made additional accommodations for future connectivity and provided adequate circulation within the subdivision; and due to the property's symmetrical shape and configuration, the limited access onto the property, the agreement with the City and the Developer to which the roads to be developed will be private roads, and the rural nature of the surrounding properties, the requested variance would meet the criterion of the code.

Recommendation: Staff recommends approval of the applicant's request for the variance to the Code of Ordinances, Section 98-48 – Blocks and Lots for the proposed Preliminary Plat of Patriot Oaks Subdivision.

RESOLUTION NO. R2023-XX

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 HILLTOP OAKS SUBDIVISION.

Whereas, Code of Ordinances, Section 98-48, imposes lengths for residential blocks within the Subdivision; and

Whereas, the applicant has petitioned for a variance to allow for future connectivity with surrounding properties and to provide for better circulation within the subdivision; and

Whereas, the Planning and Zoning Commission has recommended the variance be granted:

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section one. Recitals. That the recitals to this Resolution are incorporated herein for all purposes.

Section two. Findings. As required by City Code Sec. 98-82 City Council finds:

- Granting the variance is not contrary to the public interest: **the proposed design provides for adequate circulation within the subdivision and future connection which is not contrary to the public interest.**
- The literal enforcement of this chapter would result in unnecessary hardship: **as the City and the Developer have entered into an agreement for the streets to be private streets, maintained by the property owners of the subdivision; approving the variance ensures there is no unnecessary hardship placed on the property owners.**
- The variance observes the spirit of the ordinance and concludes that substantial justice is done: **staff has determined that all other requirements of the code are adhered to and therefore, the spirit of the ordinance is observed and substantial justice is done.**

Section three. Approval. The variance request is hereby approved and granted.

Section four. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

Section five. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 11th day of July 2023.

CITY OF BURNET, TEXAS

ATTEST:

Gary Wideman, Mayor

Kelly Dix, City Secretary



Development Services

ITEM 5.2

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

Action Item

Meeting Date: July 10, 2023

Agenda Item: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE "PRELIMINARY PLAT" OF HILLTOP OAKS SUBDIVISION, A PROPOSED 92-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 76.06 ACRES: L. Kimbler

Information: The proposed subdivision, zoned with a Planned Unit Development/Manufactured Housing, is located south of West Highway 29 at the southern termination of Southland Drive (Exhibit A). The applicant is proposing to subdivide the tract to create 92 residential lots, for manufactured housing, with two detention ponds (Exhibit B).

All lots within the subdivision are a minimum of half-acre. Three private streets will be created to be maintained by the subdivision's POA. The subdivision block lengths do exceed the allowable length in the City of Burnet's code of ordinances, Sec. 98-42, and therefore will require approval of a subdivision variance.

Water service will be provided to the subdivided lots by the extension of the City of Burnet water line which runs adjacent to the property. All lots will be served by On-Site Septic Facilities and will receive electricity with Pedernales Electric Coop.

Staff Analysis: City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 (entitled "Preliminary Plats") and have found the plat does generally meet the requirements as outlined in the code.

Recommendation: Staff recommends approval of the Preliminary Plat of Hilltop Oaks Subdivision and Resolution R2023-XX.

RESOLUTION NO. R2023-XX

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE “PRELIMINARY PLAT” OF HILLTOP OAKS SUBDIVISION, A PROPOSED 92-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 76.06 ACRES

Whereas, the Planning and Zoning Commission conducted a public hearing on this application on July 10, 2023; and

Whereas, the Planning and Zoning Commission recommended approval of the application on July 10, 2023; and

Whereas, City Council conducted a public hearing on this application on July 11, 2023.

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section 1. Findings. That the recitals to this Resolution are incorporated herein for all purposes.

Section 2. Approval. The preliminary plat of the Hilltop Oaks Subdivision is hereby approved.

Section 3. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

Section 4. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 11th day of July 2023.

CITY OF BURNET, TEXAS

ATTEST:

Gary Wideman, Mayor

Kelly Dix, City Secretary



Development Services

ITEM 5.3

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

Action Item

Meeting Date: July 10, 2023

Agenda Item: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE "REPLAT" OF lots 17-A, 19-A, 21-B AND 22-B OF HIGHLAND ACRES EAST, SECTION NO. FOUR, AND LOTS 1-A AND 2-A OUT OF JOHN HAMILTON SURVEY NO. 1, ABS. NO. 405, A PROPOSED 6-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 10.686 ACRES: L. Kimbler

Information: The proposed properties have previously been platted; however, LGC 212.0065 does not allow replats involving more than four lots to be approved as minor plats and therefore must go before the governing body for approval.

Currently, there is a strip of land at the backs of lots 17-22 and lots 1, 2 and 3 which was reserved by the developer of the lots. Additionally, several owners have purchased more than one lot and their home has been built in the middle of two, or more, of the lots. This plat cleans up the lots where the homes have been built in between lots. In addition, the developer is now deeding the strip of land at the back of the lots to all the property owners and the plat is properly platting the land. This plat is also combining lots 2 and 3 into Lot 2-A.

No new roads or infrastructure is required to accommodate this re-plat.

Staff Analysis: City staff and city engineer have reviewed the plat in accordance with Chapter 98 (entitled "Subdivision") and have found the plat does generally meet the requirements as outlined in the code.

Recommendation: Staff recommends approval of the replat of lots 17-A, 19-A, 21-B and 22-B of Highland Acres East, Section No. Four, and Lots 1-A and 2-A out of John Hamilton Survey No. 1, Abs. No. 405 and Resolution R2023-XX.

RESOLUTION NO. R2023-XX

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE “REPLAT” OF lots 17-A, 19-A, 21-B AND 22-B OF HIGHLAND ACRES EAST, SECTION NO. FOUR, AND LOTS 1-A AND 2-A OUT OF JOHN HAMILTON SURVEY NO. 1, ABS. NO. 405, A PROPOSED 6-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 10.686 ACRES

Whereas, the Planning and Zoning Commission conducted a public hearing on this application on July 10, 2023; and

Whereas, the Planning and Zoning Commission recommended approval of the application on July 10, 2023; and

Whereas, City Council conducted a public hearing on this application on July 11, 2023.

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section 1. Findings. That the recitals to this Resolution are incorporated herein for all purposes.

Section 2. Approval. The Replat of Lots 17-A, 19-A, 21-B and 22-B of Highland Acres East, Section No. Four, and Lots 1-A and 2-A out of John Hamilton Survey No. 1, Abs. No. 405 is hereby approved.

Section 3. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

Section 4. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 11th day of July 2023.

CITY OF BURNET, TEXAS

ATTEST:

Gary Wideman, Mayor

Kelly Dix, City Secretary