



## 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, **January 8, 2024**, at **6:00 p.m.** at the City of Burnet's Council Chambers located at 2402 S Water St., Burnet, Texas 78611 at which time the following subjects will be discussed, to-wit:

### 1. CALL TO ORDER:

The meeting was called to order at 6:00 p.m. by Chairman Gaut.

### 2. ROLL CALL:

Members present: Tommy Gaut, Calib Williams, Glen Gates, Glean Teague, and Derek Fortin

Guests: Preston Shell, Peggy Shell, Ken & Beverly Graham, John Goble, Larry Hartwell, Stephen & Cody Cox, Ann Jackson

Others present: David Vaughn, City Manager, Carly Pearson, Public Works and Development Director, 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 November 6, 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 Carly Pearson, Public Works and Development Director, and Leslie Kimbler, Planning Manager:

(a) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 118 (ENTITLED ZONING"), SECS. 118-5 & 118-68 PROVIDING FOR DEFINITIONS AND REGULATIONS FOR SHORT TERM RENTAL USES; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Public Works and Development Director, Carly Pearson, presented staff's report regarding the proposed amendment to Chapter 118 provided for definitions and regulations for short term rentals. Chairman Gaut opened the public hearing at 6:02 p.m. Guest, Ken Graham, provided a handout to the Commission which he read regarding the economic costs and benefits of short-term rentals. All though Mr. Graham did speak in favor of the proposed amendments, he did caution the commission to understand what they were recommending adopting and to be aware of court cases and other litigations regarding regulations of short-term rentals. Guest, John Goble, spoke in favor of the proposed amendment, but did state that there should be great consideration in the rules to ensure they would not be a burden to the citizens who would like to participate in the STR business. There being no further public comment, Chairman Gaut closed the public hearing at 6:11 p.m. Commissioner Teague made a motion to approve the proposed amendment to Chapter 118 provided for definitions and regulations for short term rentals. The motion was seconded by Commissioner Gates. The motion carried with a vote of 5 to 0.

(b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY KNOWN AS 506 E LEAGUE ST. AND 410 S SILVER ST. FROM ITS PRESENT DESIGNATION OF LIGHT INDUSTRIAL – “I-1” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – “NC”; PROPERTY KNOWN AS 801 NORTHINGTON FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – “R-1”; PROPERTY KNOWN AS 303 S BOUNDARY FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 208 S VANDEVEER ST. FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 403 S SILVER ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – “NC”; PROPERTY KNOWN AS THE RANDY LONGORIA PARK FROM ITS PRESENT DESIGNATION OF AGRICULTURE – “A” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 800 AND 802 S VANDEVEER ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF DUPLEX – “R-2”; AND PROPERTY KNOWN AS 808 S BOUNDARY ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – “R-1”.

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

Planning Manager, Leslie Kimbler, presented staff's report regarding the request to rezone certain properties to be more compatible with the surrounding uses. Chairman Gaut opened the public hearing at 6:18 p.m. Guests, Preston and Peggy Shell spoke to the Commission to ensure the current use of their property would continue to be

allowed. After staff addressed their concern, neither guest had any further comments. There being no further comments, Chairman Gaut closed the public hearing at 6:20 p.m. Commissioner Williams made a motion to approve the request to rezone certain properties to be more compatible with the surrounding uses. The motion was seconded by Commissioner Gates. The motion carried with a vote of 5 to 0.

(c) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY KNOWN AS 611 S WATER STREET FROM SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO 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 request to rezone the property known as 611 S Water Street to Light Commercial District “C-1”. Chairman Gaut opened the public hearing at 6:22 p.m. There being comments, Chairman Gaut closed the public hearing at 6:22 p.m. Commissioner Teague made a motion to approve the request to rezone the property known as 611 S Water Street to Light Commercial District “C-1”. 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 25.88 acres out of Abstract A0398 Susano Hernandez Tract and Abstract 1018 & 29. The proposed “Preliminary Plat” will establish The Ranch at Delaware Creek, Phase 5, consisting of 52 residential lots: L. Kimbler

Planning Manager, Leslie Kimbler, presented staff’s report regarding the proposed Preliminary Plat of The Ranch at Delaware Creek, Phase 5. Chairman Gaut opened the public hearing at 6:24 p.m. There being comments, Commission Gaut closed the public hearing at 6:24 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 FOR THE PROPOSED PRELIMINARY PLAT OF THE RANCH AT DELAWARE CREEK, PHASE 5 SUBDIVISION: L. Kimbler

Planning Manager, Leslie Kimbler, presented staff’s report regarding the proposed variance to Code of Ordinances, Sect. 98-48 - Blocks. Commissioner Fortin made a motion to approve the requested variance to Code of Ordinances, Sect. 98-48. The motion was seconded by Commissioner Teague. 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, APPROVING THE PRELIMINARY PLAT OF THE RANCH AT DELAWARE CREEK, PHASE 5 SUBDIVISION, A PROPOSED 52-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 25.88 ACRES: L. Kimbler

Planning Manager, Leslie Kimbler, presented staff's report regarding the proposed Preliminary Plat of The Ranch at Delaware Creek, Phase 5. Commissioner Teague made a motion to approve. 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:** Commissioner Gaut requested a report on the City's water supply.

**ADJOURN:**

There being no further business, Chairman Gaut adjourned the meeting at 6:33 p.m.

  
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Tommy Gaut, Chair  
City of Burnet Planning and Zoning Commission

**Attest:**   
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Herve Derek Fortin, Secretary