



## 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, **April 15, 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:

### 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 February 12, 2024.

### 4. PUBLIC HEARINGS:

- 4.1) Public Hearing and Consideration of the following: Plat applications, Zoning Amendments and Zoning Classifications presented by Habib Erkan, Assistant City Manager, and Leslie Kimbler, Planning Manager:

- (a) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF REMOVING THE USE "MANUFACTURED HOUSING AND SERVICES" FROM HEAVY COMMERCIAL – DISTRICT "C-3" AND RESTRICTING "MANUFACTURED HOMES SALES AND SERVICES" USES TO HEAVY COMMERCIAL – DISTRICT "C-3" AND LIGHT INDUSTRIAL "I-1" WITH A CONDITIONAL USE PERMIT; PROVIDING FOR PENALTY; 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.

- (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 PROPERTIES KNOWN AS THE 101 HAMILTON CREEK CIRCLE, 103 HAMILTON CREEK CIRCLE,

105 HAMILTON CREEK CIRCLE, 109 HAMILTON CREEK CIRCLE, 113 HAMILTON CREEK CIRCLE, 117 HAMILTON CREEK CIRCLE, 119 HAMILTON CREEK CIRCLE, 108 HAMILTON CREEK CIRCLE, 104 HAMILTON CREEK CIRCLE, 100 HAMILTON CREEK CIRCLE, 800 HAMILTON CREEK DRIVE, 900 HAMILTON CREEK DRIVE, 800 HAMILTON CREEK #12, 800 HAMILTON CREEK DRIVE, AND 906 HAMILTON CREEK CIRCLE FROM THEIR PRESENT DESIGNATION OF HEAVY COMMERCIAL – DISTRICT “C-3” TO A DESIGNATION OF MANUFACTURED HOME – DISTRICT “M-1”; AND PROPERTY KNOWN AS 100 S HAMILTON CREEK DRIVE FROM ITS PRESENT DESIGNATION OF HEAVY COMMERCIAL – DISTRICT “C-3” TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-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 PROPERTY KNOWN AS 1736 W HWY 29 FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF HEAVY COMMERCIAL – DISTRICT “C-3” WITH A CONDITIONAL USE PERMIT TO ALLOW THE USE “MINI STORAGE WAREHOUSE”.

- (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 11.76 acres out of Eugenio Perez Subdivision No. 41, Abs. No. 672, and the Susano Hernandez Survey No. 40, Abs. No. 398. The proposed “Preliminary Plat” will establish Delaware Springs Subdivision, Section 25, consisting of 27 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 98-42 – TRANSPORTATION IMPROVEMENTS AND SECTION 98-48 – BLOCKS AND LOTS FOR THE PROPOSED PRELIMINARY PLAT OF DELAWARE SPRINGS SUBDIVISION, SECTION 25: 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 DELAWARE SPRINGS SUBDIVISION, SECTION 25, A PROPOSED 26-LOT RESIDENTIAL SUBDIVISION CONSISTING OF

APPROXIMATELY 11.76 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 April 12, 2024 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 12<sup>th</sup> day of April 2024**

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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) 715-3209, FAX (512) 756-8560 or e-mail at [kdix@cityofburnet.com](mailto:kdix@cityofburnet.com) for information or assistance.



## PLANNING AND ZONING COMMISSION MINUTES

On this the **12<sup>th</sup> of February 2024**, the Planning and Zoning Commission of the City of Burnet convened in Regular Session, 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 were discussed:

### 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, Glean Teague, and Derek Fortin

Members absent: Glen Gates

Guests: Benjamin Farmer

Others present: Habib Erkan, Asst. City Manager, and Leslie Kimbler, Planning Manager

### 3. **CONSENT AGENDA ITEMS:** All the following items on the Consent Agenda are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these items unless a Commission member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Commission when the Consent Agenda is opened for Commission action.

3.1) Minutes of the meeting of the Planning and Zoning Commission of the City of Burnet, Texas held on 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 Leslie Kimbler, Planning Manager:

(a) 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 105 E THIRD STREET AND 300 E THIRD STREET FROM LIGHT COMMERCIAL – DISTRICT “C-1” TO MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3”.

- (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 6:01 p.m. There being no public comment, Chairman Gaut closed the public hearing at 6:02 p.m. Commissioner Williams made a motion to approve the p request to rezone certain properties to be more compatible

with the surrounding uses. The motion was seconded by Commissioner Teague. The motion carried with a vote of 4 to 0.

(b) A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE "FINAL PLAT" OF WESTFALL VILLAGE SUBDIVISION, PHASE 3, A PROPOSED 44-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 14.68 ACRES; AND ACCEPTING A LETTER OF CREDIT ASSURING COMPLETION OF SUBDIVISION INFRASTRUCTURE

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

Planning Manager, Leslie Kimbler, presented staff's report regarding the Final Plat of Westfall Village Subdivision, Phase 3. Chairman Gaut opened the public hearing at 6:04 p.m. There being no comments, Commission Gaut closed the public hearing at 6:04 p.m. Commissioner Teague made a motion to approve. The motion was seconded by Commissioner Fortin. The motion carried with a vote of 4 to 0.

**5. STAFF REPORTS:**

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

**ADJOURN:**

There being no further business, Chairman Gaut adjourned the meeting at 6:08 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

**Meeting Date:** April 15, 2024

**Agenda Item:** AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”) FOR THE PURPOSE OF REMOVING THE USE “MANUFACTURED HOUSING AND SERVICES” FROM HEAVY COMMERCIAL – DISTRICT “C-3” AND RESTRICTING “MANUFACTURED HOMES SALES AND SERVICES” USES TO HEAVY COMMERCIAL – DISTRICT “C-3” AND LIGHT INDUSTRIAL “I-1” WITH A CONDITIONAL USE PERMIT; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

**Background:** Currently, the use “Manufactured Housing and Services” is authorized in the Heavy Commercial – District “C-3”. This conflicts with the prohibition against single-family dwellings within the commercial districts. Additionally, the use of property for the sale of manufactured homes is not addressed in the zoning code. Such a use may be appropriate in some, but not all, areas classified as Heavy Commercial District “C-3” or Light Industrial – “I-1”, therefore a conditional use permit would be appropriate to provide flexibility.

**Information:** After discussion at the March 26, 2024, meeting, Council directed staff to initiate a zoning amendment process to authorize the sale of manufactured homes as an allowable conditional use in the Heavy Commercial District “C-3” and the Light Industrial District “I-1” Zoning District and remove manufactured housing and service from the Heavy Commercial District “C-3” use table. The proposed amendment finds that the requirement that Manufactured Home Sales and Services permitted uses in Heavy Commercial – District “C-3” and Light Industrial “I-1” by Conditional Use Permit affords the opportunity to assure that Manufactured Home Sales and Services are located at such locations and under such conditions that preserve and protect the health, safety and general welfare of the city and its present and future residents.

**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. 2024-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”) FOR THE PURPOSE OF REMOVING THE USE “MANUFACTURED HOUSING AND SERVICES” FROM HEAVY COMMERCIAL – DISTRICT “C-3” AND RESTRICTING “MANUFACTURED HOMES SALES AND SERVICES” USES TO HEAVY COMMERCIAL – DISTRICT “C-3” AND LIGHT INDUSTRIAL “I-1” WITH A CONDITIONAL USE PERMIT; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Code provides that Manufactured Housing and Services are permitted uses in Heavy Commercial – District “C-3” as a matter of right; and

**WHEREAS**, City Council finds that the use of properties designated with the Heavy Commercial – District “C-3” as Manufactured Housing conflicts with the prohibition against single-family dwellings within the commercial districts; and

**WHEREAS**, the sale of manufactured homes is an intensive commercial endeavor and may not be appropriate in all districts classified as Heavy Commercial – District “C-3” or Light Industrial “I-1”; and

**WHEREAS**, City Council finds that the requirement that Manufactured Home Sales and Services permitted uses in Heavy Commercial – District “C-3” and Light Industrial – District “I-1” by Conditional Use Permit affords the opportunity to assure that Manufactured Home Sales and Services are located within the City at such locations and under such conditions that preserve and protect the health, safety and welfare of the City; and

**WHEREAS**, on, April 15, 2024, 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 April 23, 2024, City Council conducted a public hearing for the purpose of taking public comment regarding the proposed amendments; and

**WHEREAS**, based on due consideration of the Planning and Zoning Commission recommendation and citizen testimony, as well as its own deliberations, City Council finds that the requirement that Manufactured Home Sales and Services permitted uses in Heavy Commercial – District “C-3” and Light Industrial “I-1” by Conditional Use Permit affords the opportunity to assure that Manufactured Home Sales and Services are located



at such locations and under such conditions that preserve and protect the health, safety and general welfare of the city and its present and future residents; and

**WHEREAS**, City Council, finds, determines, and declares that to correct the conflict of allowing single-family dwellings in commercial districts, the use of Manufactured Housing and Services shall be removed from the Heavy Commercial District “C-3” use table; and

**WHEREAS**, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and.

**WHEREAS**, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

**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 118-47 (entitled “Heavy Commercial – District “C-3”) is hereby amended by deleting the language that is italics stricken (~~stricken~~) from Section 118-47(a) as follows:

~~*(10) Manufactured housing and service.*~~

**Note to Publisher:** Existing subsections 118-47(a)(11) to 118-46(a)(22) shall be recodified as subsections 118-46(a)(10) to 118-46(a)(21).

**Section two. Amendment.** The Code of Ordinances, Chapter 118 (entitled “Zoning”) Section 118-47 (entitled “Heavy Commercial – District “C-3”) is hereby amended by adding the language that is underlined (underlined) to subsection 118-48(a)(22) as follows:

*(22) Manufactured Sales and Services with conditional use permit.*

**Section three. 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)(16) as follows:

*(16) Manufactured Sales and Services with conditional use permit.*

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

**Section six. 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 seven. 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 eight. 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 nine. Effective Date.** This Ordinance shall be effective upon the date of final adoption hereof.

**Passed** on first reading on the 23<sup>rd</sup> day of April, 2024

**Passed, Approved and Adopted** on the 14<sup>th</sup> day of May, 2024

CITY OF BURNET

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**Gary Wideman, Mayor**

**ATTEST:**

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**Kelly Dix, City Secretary**



## Development Services

## ITEM 4.1 (b)

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

### Public Hearing and Action Item

**Meeting Date:** April 15, 2024

**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 PROPERTIES KNOWN AS THE 101 HAMILTON CREEK CIRCLE, 103 HAMILTON CREEK CIRCLE, 105 HAMILTON CREEK CIRCLE, 109 HAMILTON CREEK CIRCLE, 113 HAMILTON CREEK CIRCLE, 117 HAMILTON CREEK CIRCLE, 119 HAMILTON CREEK CIRCLE, 108 HAMILTON CREEK CIRCLE, 104 HAMILTON CREEK CIRCLE, 100 HAMILTON CREEK CIRCLE, 800 HAMILTON CREEK EAST DRIVE, 900 HAMILTON CREEK DRIVE, 800 HAMILTON CREEK #12, 800 HAMILTON CREEK WEST DRIVE, AND 906 HAMILTON CREEK CIRCLE FROM THEIR PRESENT DESIGNATION OF HEAVY COMMERCIAL – DISTRICT “C-3” TO A DESIGNATION OF MANUFACTURED HOME – DISTRICT “M-1”; AND PROPERTY KNOWN AS 100 S HAMILTON CREEK DRIVE FROM ITS PRESENT DESIGNATION OF HEAVY COMMERCIAL – DISTRICT “C-3” TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1”. L. Kimbler

**Background:** This request is a city-initiated request to bring the properties into compliance with the current zoning code.

**Information:** In the continued effort to clean up the zoning map to ensure each property is zoned appropriately for the use as well as the surrounding area, staff is bringing this request forward for consideration.

**Public Notification:** Written notices were mailed to 120 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

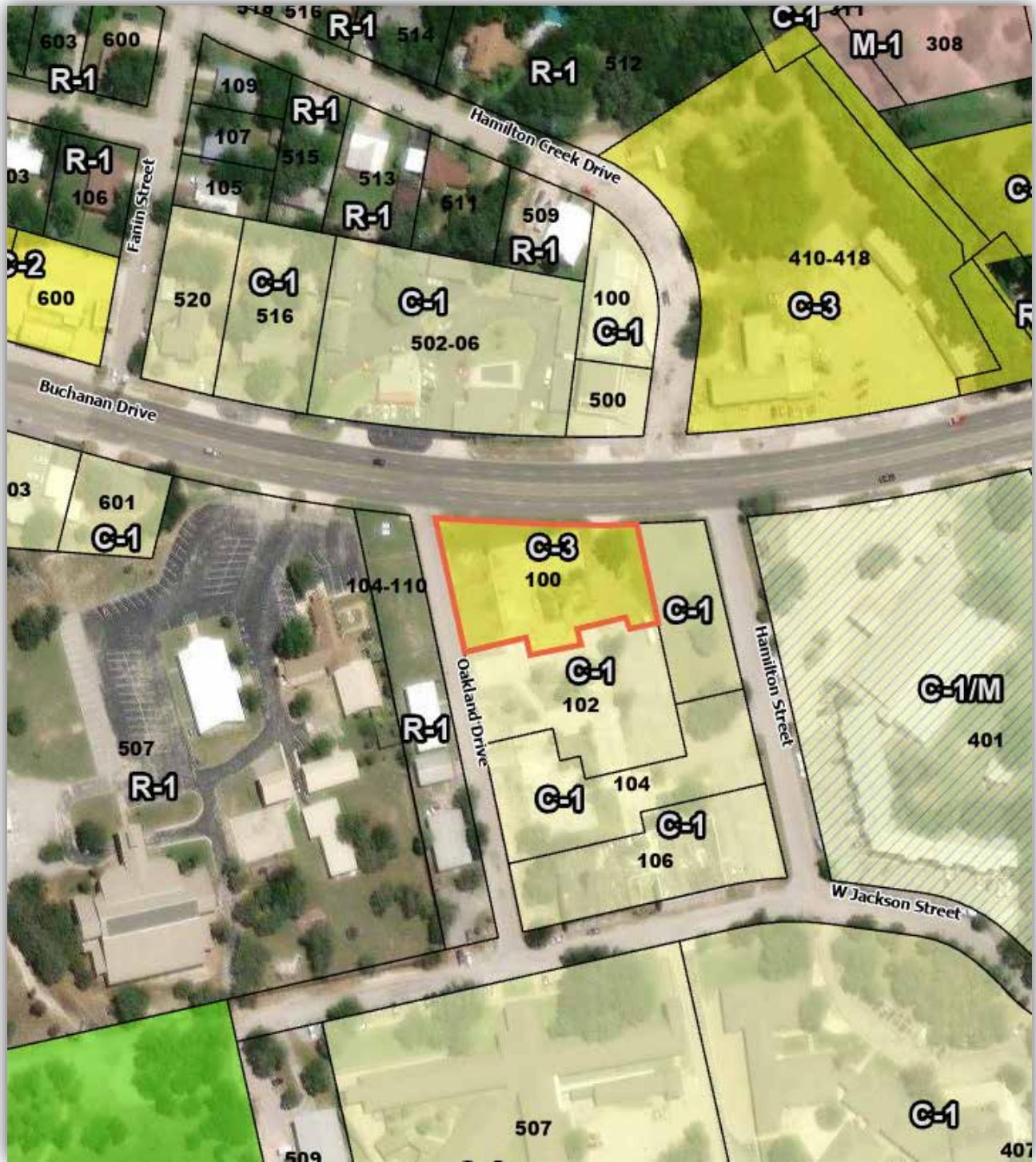
101 HAMILTON CREEK CIRCLE, 103 HAMILTON CREEK CIRCLE, 105 HAMILTON CREEK CIRCLE, 109 HAMILTON CREEK CIRCLE, 113 HAMILTON CREEK CIRCLE, 117 HAMILTON CREEK CIRCLE, 119 HAMILTON CREEK CIRCLE, 108 HAMILTON CREEK CIRCLE, 104 HAMILTON CREEK CIRCLE, 100 HAMILTON CREEK CIRCLE, 800 HAMILTON CREEK EAST DRIVE, 900 HAMILTON CREEK DRIVE, 800 HAMILTON CREEK #12, 800 HAMILTON CREEK WESTDRIVE, AND 906 HAMILTON CREEK CIRCLE





Exhibit A – Location and Current Zoning (cont.)

100 S HAMILTON CREEK DRIVE



**ORDINANCE NO. 2024-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 PROPERTIES KNOWN AS THE 101 HAMILTON CREEK CIRCLE, 103 HAMILTON CREEK CIRCLE, 105 HAMILTON CREEK CIRCLE, 109 HAMILTON CREEK CIRCLE, 113 HAMILTON CREEK CIRCLE, 117 HAMILTON CREEK CIRCLE, 119 HAMILTON CREEK CIRCLE, 108 HAMILTON CREEK CIRCLE, 104 HAMILTON CREEK CIRCLE, 100 HAMILTON CREEK CIRCLE, 800 HAMILTON CREEK EAST DRIVE, 900 HAMILTON CREEK DRIVE, 800 HAMILTON CREEK #12, 800 HAMILTON CREEK WEST DRIVE, AND 906 HAMILTON CREEK CIRCLE FROM THEIR PRESENT DESIGNATION OF HEAVY COMMERCIAL – DISTRICT “C-3” TO A DESIGNATION OF MANUFACTURED HOME – DISTRICT “M-1”; AND PROPERTY KNOWN AS 100 S HAMILTON CREEK DRIVE FROM ITS PRESENT DESIGNATION OF HEAVY COMMERCIAL – DISTRICT “C-3” TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1”**

**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 known as: 101 HAMILTON CREEK CIRCLE (LEGALLY DESCRIBED AS: WESTSIDE ADDITION, LOT 1) as shown on **Exhibit “A”** hereto.

**Section three. Zoning District Reclassification.** MANUFACTURED HOME – DISTRICT “M-1” 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 known as: 103 HAMILTON CREEK CIRCLE (LEGALLY DESCRIBED AS: WESTSIDE ADDITION, LOT 2) as shown on **Exhibit “B”** hereto.

**Section five. Zoning District Reclassification.** MANUFACTURED HOME – DISTRICT “M-1” Zoning District Classification is hereby assigned to the Property described in section four.

**Section six. Property.** The Property that is the subject to this Zoning District Reclassification is known as 105 HAMILTON CREEK CIRCLE, (LEGALLY DESCRIBED AS: WESTSIDE ADDITION, LOT 3) as shown on **Exhibit “C”** hereto.

**Section seven. Zoning District Reclassification.** MANUFACTURED HOME – DISTRICT “M-1” Zoning District Classification is hereby assigned to the Property described in section six.

**Section eight. Property.** The Property that is the subject to this Zoning District Reclassification is known as: 109 HAMILTON CREEK CIRCLE (LEGALLY DESCRIBED AS: WESTSIDE ADDITION, LOT 4) as shown on **Exhibit “D”** hereto.

**Section nine. Zoning District Reclassification.** MANUFACTURED HOME – DISTRICT “M-1” Zoning District Classification is hereby assigned to the Property described in section eight.

**Section ten. Property.** The Property that is the subject to this Zoning District Reclassification is known as: 113 HAMILTON CREEK CIRCLE, (LEGALLY DESCRIBED AS: WESTSIDE ADDITION, LOT 5) as shown on **Exhibit “E”** hereto.

**Section eleven. Zoning District Reclassification.** MANUFACTURED HOME – DISTRICT “M-1” Zoning District Classification is hereby assigned to the Property described in section ten.

**Section twelve. Property.** The Property that is the subject to this Zoning District Reclassification known as: 117 HAMILTON CREEK CIRCLE, (LEGALLY DESCRIBED AS: WESTSIDE ADDITION, LOT 6, UNIT 7) as shown on **Exhibit “F”** hereto.

**Section thirteen. Zoning District Reclassification.** MANUFACTURED HOME – DISTRICT “M-1” Zoning District Classification is hereby assigned to the Property described in section twelve.

**Section fourteen. Property.** The Property that is the subject to this Zoning District Reclassification is known as: 119 HAMILTON CREEK CIRCLE (LEGALLY DESCRIBED AS: WESTSIDE ADDITION, LOT 7) as shown on **Exhibit “G”** hereto.

**Section fifteen. Zoning District Reclassification.** MANUFACTURED HOME – DISTRICT “M-1” Zoning District Classification is hereby assigned to the Property described in section fourteen.

**Section sixteen. Property.** The Property that is the subject to this Zoning District Reclassification is known as: 108 HAMILTON CREEK CIRCLE (LEGALLY DESCRIBED AS: WESTSIDE ADDITION, LOT 8) as shown on **Exhibit “H”** hereto.

**Section seventeen. Zoning District Reclassification.** MANUFACTURED HOME – DISTRICT “M-1” Zoning District Classification is hereby assigned to the Property described in section sixteen.

**Section eighteen. Property.** The Property that is the subject to this Zoning District Reclassification is known as: 104 HAMILTON CREEK CIRCLE (LEGALLY DESCRIBED AS: WESTSIDE ADDITION, LOT 9, NO MH#) as shown on **Exhibit “I”** hereto.

**Section nineteen. Zoning District Reclassification.** MANUFACTURED HOME – DISTRICT “M-1” Zoning District Classification is hereby assigned to the Property described in section eighteen.

**Section twenty. Property.** The Property that is the subject to this Zoning District Reclassification is known as: 100 HAMILTON CREEK CIRCLE (LEGALLY DESCRIBED AS: NORTH 37’ OF LOT 10, WESTSIDE ADDITION) as shown on **Exhibit “J”** hereto.

**Section twenty-one. Zoning District Reclassification.** MANUFACTURED HOME – DISTRICT “M-1” Zoning District Classification is hereby assigned to the Property described in section twenty.

**Section twenty-two. Property.** The Property that is the subject to this Zoning District Reclassification is known as: 800 HAMILTON CREEK EAST DRIVE (LEGALLY DESCRIBED AS: SOUTH ONE-HALF LOT NO. 10, 75’, WEST SIDE ADDITION) as shown on **Exhibit “K”** hereto.

**Section twenty-three. Zoning District Reclassification.** MANUFACTURED HOME – DISTRICT “M-1” Zoning District Classification is hereby assigned to the Property described in section twenty-two.



**Section twenty-four. Property.** The Property that is the subject to this Zoning District Reclassification is known as: 900 HAMILTON CREEK DRIVE (LEGALLY DESCRIBED AS: LOT 11, WESTSIDE ADDITION) as shown on **Exhibit “L”** hereto.

**Section twenty-five. Zoning District Reclassification.** MANUFACTURED HOME – DISTRICT “M-1” Zoning District Classification is hereby assigned to the Property described in section twenty-four.

**Section twenty-six. Property.** The Property that is the subject to this Zoning District Reclassification is known as: 800 HAMILTON CREEK #12 (LEGALLY DESCRIBED AS: WESTSIDE ADDITION LOT 12) as shown on **Exhibit “M”** hereto.

**Section twenty-seven. Zoning District Reclassification.** MANUFACTURED HOME – DISTRICT “M-1” Zoning District Classification is hereby assigned to the Property described in section twenty-six.

**Section twenty-eight. Property.** The Property that is the subject to this Zoning District Reclassification is known as: 800 HAMILTON CREEK WEST DRIVE (LEGALLY DESCRIBED AS: .3347 AC., ABS. 405, JOHN HAMILTON SURVEY AKA LOT 14, WESTSIDE ADDITION) as shown on **Exhibit “N”** hereto.

**Section twenty-nine. Zoning District Reclassification.** MANUFACTURED HOME – DISTRICT “M-1” Zoning District Classification is hereby assigned to the Property described in section twenty-eight.

**Section thirty. Property.** The Property that is the subject to this Zoning District Reclassification is known as: 906 HAMILTON CREEK CIRCLE (LEGALLY DESCRIBED AS: WESTSIDE ADDITION, LOT 13) as shown on **Exhibit “O”** hereto.

**Section thirty-one. Zoning District Reclassification.** MANUFACTURED HOME – DISTRICT “M-1” Zoning District Classification is hereby assigned to the Property described in section thirty.

**Section thirty-two. Property.** The Property that is the subject to this Zoning District Reclassification is known as: 100 S HAMILTON CREEK DRIVE (LEGALLY DESCRIBED AS: OAKLAND ESTATES LOT 1, UNIT 1) as shown on **Exhibit “P”** hereto.

**Section thirty-three. Zoning District Reclassification.** LIGHT COMMERCIAL – DISTRICT “C-1” Zoning District Classification is hereby assigned to the Property described in section thirty-two.

**Section thirty-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 thirty-five. Repealer.** Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

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

**Section thirty-seven. Effective Date.** This ordinance is effective upon final passage and approval.

**PASSED** on First Reading the 23<sup>rd</sup> day of April 2024.

**PASSED AND APPROVED** on this the 14<sup>th</sup> day of May 2024.

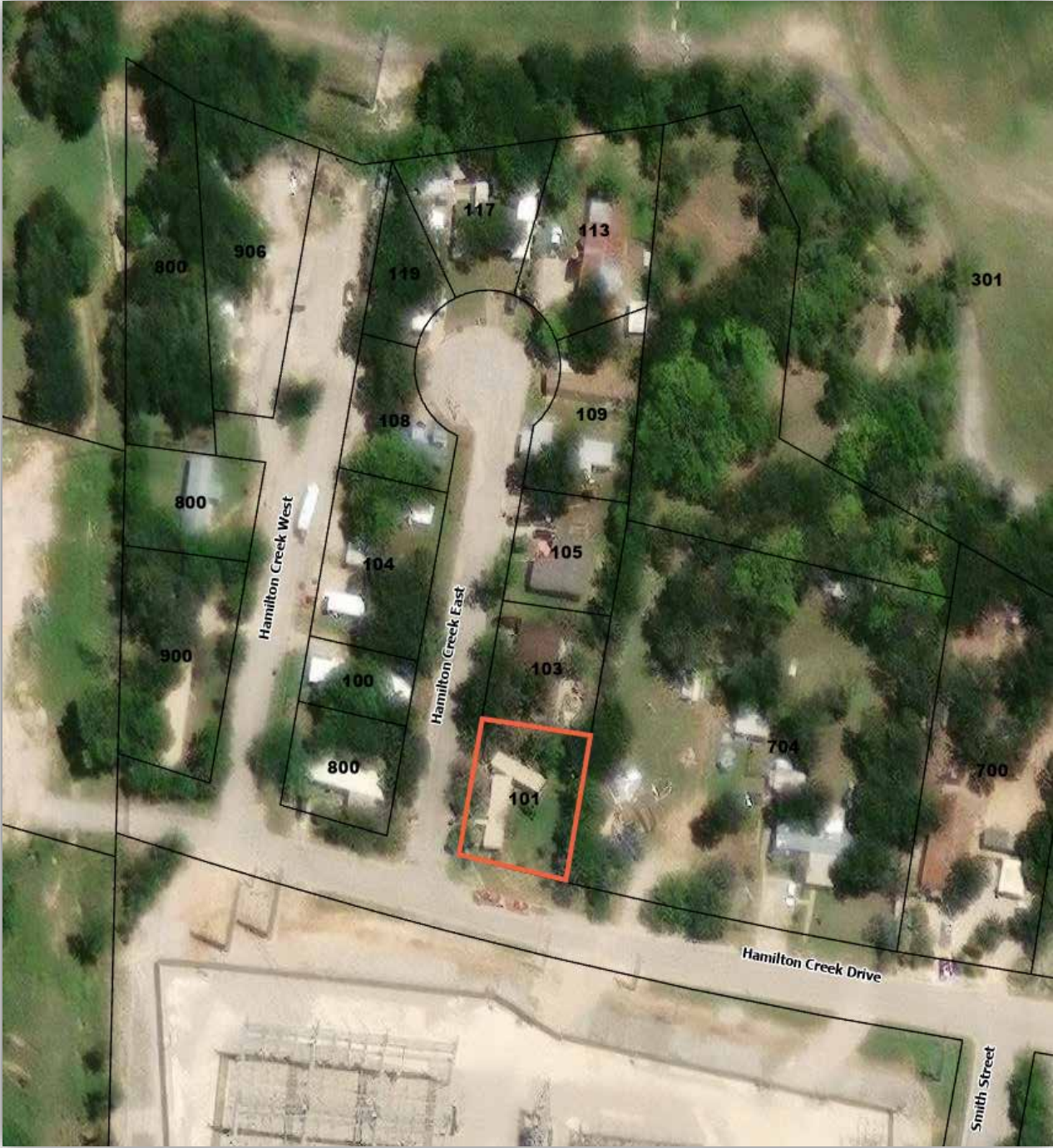
**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Gary Wideman, Mayor

**ATTEST:**

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

**Exhibit "A"**  
**101 HAMILTON CREEK CIRCLE**



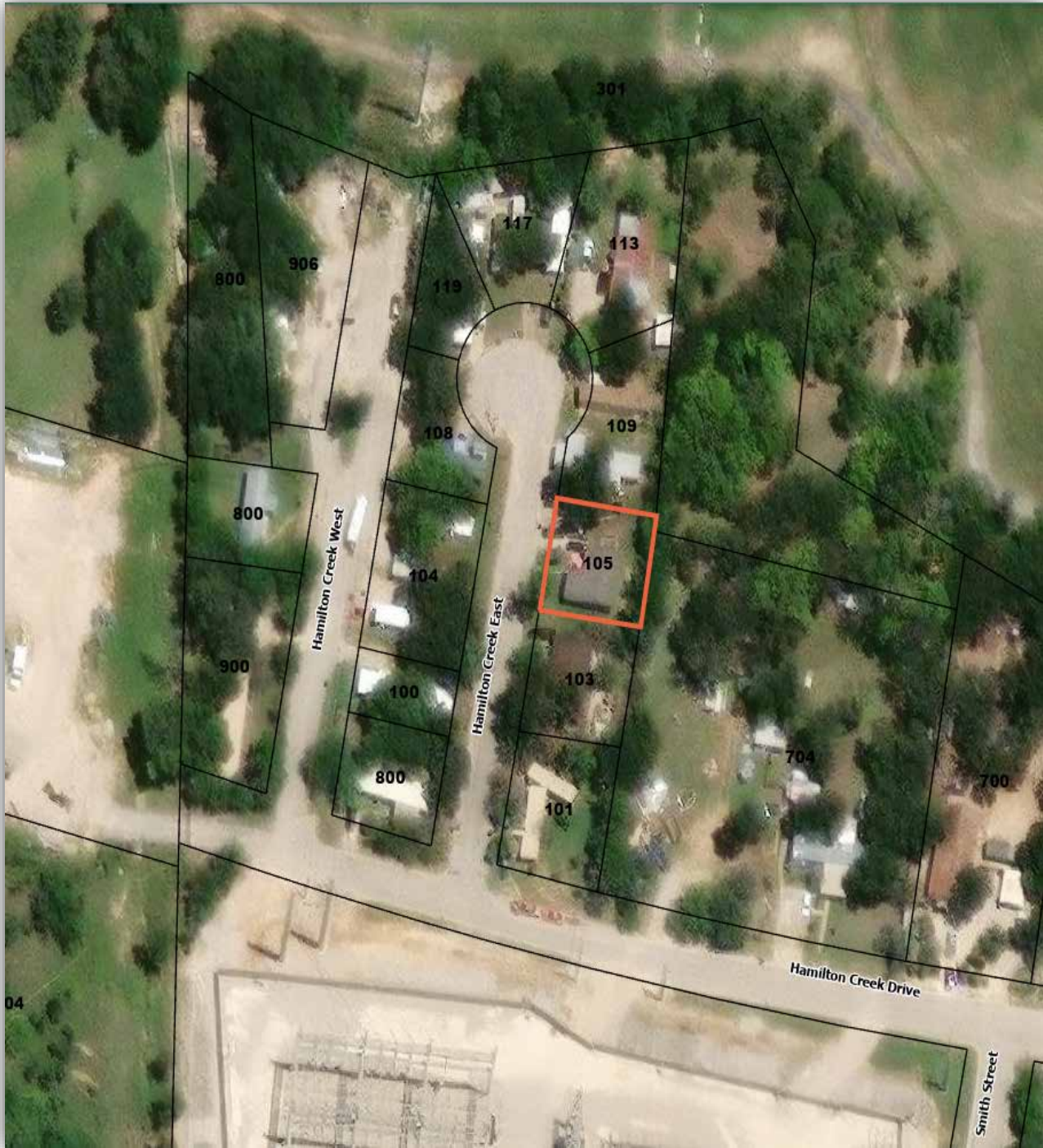


**Exhibit "B"**  
**103 HAMILTON CREEK CIRCLE**



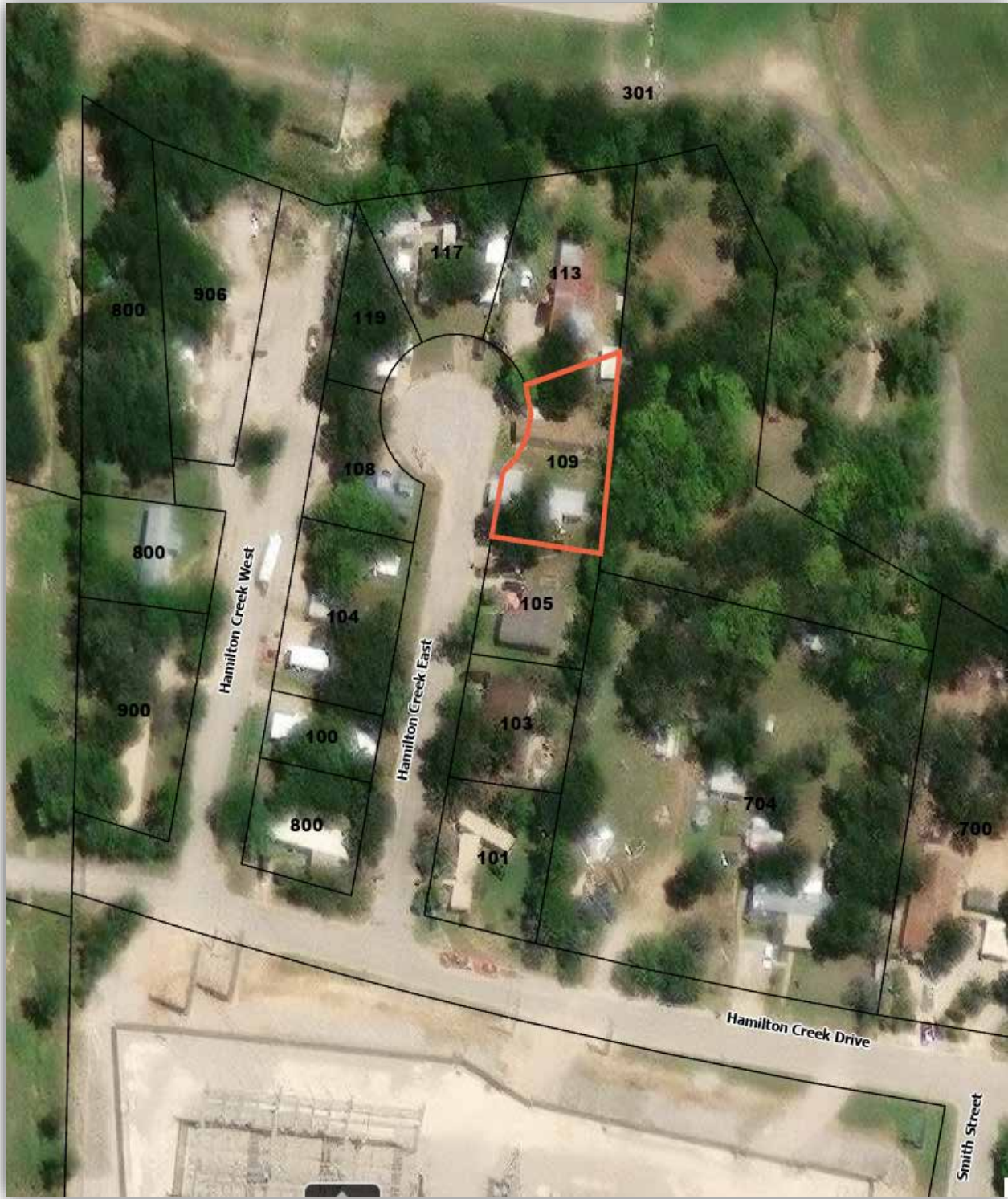


**Exhibit "C"**  
**105 HAMILTON CREEK CIRCLE**



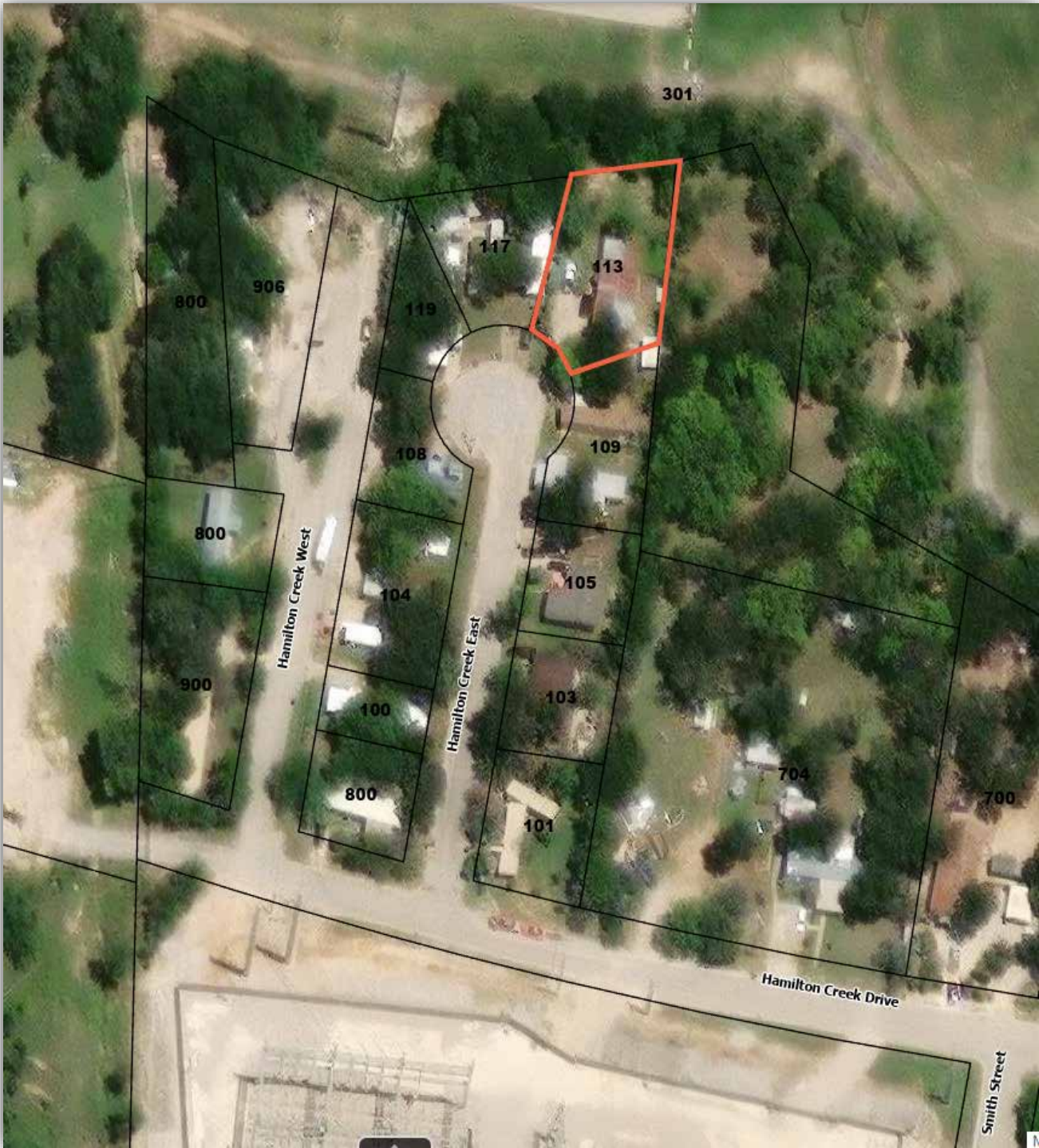


**Exhibit "D"**  
**109 HAMILTON CREEK CIRCLE**





**Exhibit "E"**  
**113 HAMILTON CREEK CIRCLE**



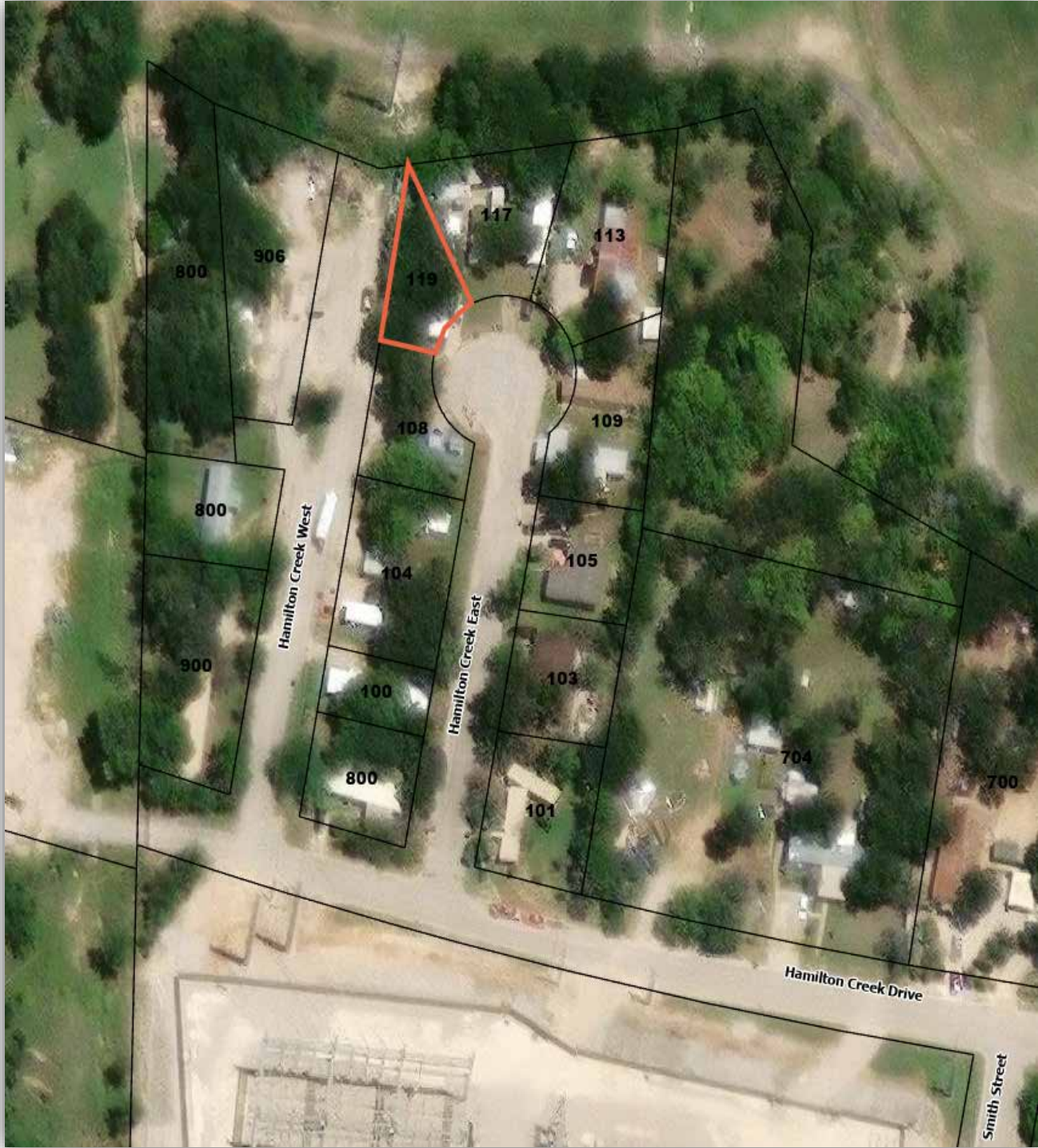


**Exhibit "F"**  
**117 HAMILTON CREEK CIRCLE**





**Exhibit "G"**  
**119 HAMILTON CREEK CIRCLE**





**Exhibit "H"**  
**108 HAMILTON CREEK CIRCLE**





**Exhibit "I"**  
**104 HAMILTON CREEK CIRCLE**





**Exhibit "J"**  
**100 HAMILTON CREEK CIRCLE**





**Exhibit "K"**  
**800 HAMILTON CREEK EAST DRIVE**





**Exhibit "L"**  
**900 HAMILTON CREEK DRIVE**





**Exhibit "M"**  
**800 HAMILTON CREEK #12**





**Exhibit "N"**  
**800 HAMILTON CREEK WEST DRIVE**





**Exhibit "O"**  
**906 HAMILTON CREEK CIRCLE**





**Exhibit "P"**  
**100 S HAMILTON CREEK DRIVE**





## Development Services

## ITEM 4.1 (c)

Leslie Kimbler  
Planning Manager  
512-715-3215  
lkimbler@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** April 15, 2024

**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 PROPERTY KNOWN AS 1736 W HWY 29 FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF HEAVY COMMERCIAL – DISTRICT “C-3” WITH A CONDITIONAL USE PERMIT TO ALLOW THE USE “MINI STORAGE WAREHOUSE”: L. Kimbler

**Background:** This property is located on the north side of west State Highway 29, also known as Buchanan Drive (Exhibit A). The property is currently developed with mini storage units and is zoned Medium Commercial – District “C-2”. The property owner has recently obtained a site development permit to expand their mini storage unit business. At the time of their application, the use “Mini Storage Warehouse” was an allowable use in District “C-2”. Due to the recent zoning amendment which moved the use “Mini Storage Warehouse” to Light Industrial – “I-1” this property is now a pre-existing non-conforming property. Since their application was submitted at a time when their property was still compliant with the zoning code, they would not be required to go through the zoning process prior to construction; however, in a continued effort to clean up our zoning map, staff is bringing forward this zoning request.

**Information:** The Conditional Use Permit approval process is established by Code of Ordinances Sec. 118-64; Subsection (e). Per the cited section in making its recommendation the Commission should consider the following:

- § Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;
- § Proposed use will not adversely affect value of surrounding properties nor impede their proper development;
- § Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of property or operation of business;
- § Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;

§ Comply with other applicable ordinances and regulations.

- Staff Analysis:** Staff has reviewed the criteria in Sec. 118-64(3) and can confirm the general criteria for a Conditional Use Permit will be met.
- The property is an existing mini storage warehouse unit business; therefore, the operating characteristics will continue to be compatible with surrounding uses.
  - Surrounding properties are already developed; approving a Conditional Use Permit for the existing use of “Mini Storage Warehouse” will not adversely affect the surrounding properties.
  - The continued use of the existing property will not interfere with the operation of neighboring businesses.
  - This property abuts the highway; the traffic generated by this use should not create nor add significantly to the existing traffic patterns.

**Public Notification:** Written notices were mailed to 8 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.

**ORDINANCE NO. 2024-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 PROPERTY KNOWN AS 1736 W HWY 29 FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF HEAVY COMMERCIAL – DISTRICT “C-3” WITH A CONDITIONAL USE PERMIT TO ALLOW THE USE “MINI STORAGE WAREHOUSE”**

**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 1736 W HWY 29 (LEGAL DESCRIPTION: NORTH CLEAN STORAGE, LOT 1, 1.59 ACRES) as shown on **Exhibit “A”** hereto.

**Section three Zoning District Reclassification.** Heavy Commercial- District “C-3” with a Conditional Use Permit for “Mini-Storage Warehouse” 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 23<sup>rd</sup> day of April 2024.

**PASSED AND APPROVED** on this the 14<sup>th</sup> day of May 2024.

**CITY OF BURNET, TEXAS**

---

Gary Wideman, Mayor

**ATTEST:**

---

Kelly Dix, City Secretary



Exhibit "A"  
Location Map





## Development Services

## ITEM 4.2

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

### Public Hearing

**Meeting Date:** April 15, 2024

**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 11.76 acres out of Eugenio Perez Subdivision No. 41, Abs. No. 672, and the Susano Hernandez Survey No. 40, Abs. No. 398. The proposed “Preliminary Plat” will establish Delaware Springs Subdivision, Section 25, consisting of 27 residential lots: L. Kimbler

**Information:** The proposed subdivision, zoned Single-family Residential – District “R-1”, is located along Delaware Springs Blvd. with the entrances into the new subdivision across from Delaware Springs, Section 19 (Exhibit A). The applicant is proposing to subdivide the tract to create 26 residential lots, all over a quarter acre, with one detention pond (Exhibit B).

Two new roads will be created within the subdivision to be named Byron Nelson Way and Ben Hogan Drive; Ben Hogan Drive is a cul-de-sac road which does 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. Also, block A, along Ben Hogan Road is a length of 962 feet which exceeds the allowable length as set forth in the code and requires a subdivision variance. Additionally, lots 2, 3, 4, 5, 6, 12, 13, 14, 15, 16, and 17, along Ben Hogan Drive exceed the allowable depth to width ratio as outlined in Sec. 98-48 and will also require an approval of a subdivision variance prior to the plat’s acceptance.

All lots will be provided with City of Burnet electric, water, and sewer.

**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 with one outstanding comment to coordinate with USPS for the location of the mail kiosk.

**Recommendation:** Open the public hearing.



Exhibit "A"  
Tract









## Development Services

## ITEM 5.1

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

### Action Item

**Meeting Date:** April 15, 2024

**Action Item:** Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING VARIANCES TO THE CODE OF ORDINANCES, SECTION 98-42 – TRANSPORTATION IMPROVEMENTS AND SECTION 98-48 – BLOCKS AND LOTS FOR THE PROPOSED PRELIMINARY PLAT OF DELAWARE SPRINGS SUBDIVISION, SECTION 25: L. Kimbler

**Background:** The proposed Delaware Springs Subdivision, Section 25, is a single-family residential subdivision of approximately 11 acres (Exhibit A). The proposed subdivision will create 26 residential lots, all of which are over 0.33 acres (14,300 sf).

The proposed subdivision will gain access from Delaware Springs Blvd, via a new road, to be called Byron Nelson Way. This short road then intersects into a proposed cul-de-sac road, Ben Hogan Drive. Ben Hogan Drive exceeds the allowable length for cul-de-sacs in the City of Burnet's code of ordinances, Sec. 98-42, and the allowable block length as set forth in Sec. 98-48, which necessitates the requested variance.

Additionally, lots 2, 3, 4, 5, 6, 12, 13, 14, 15, 16, and 17, exceed the allowable depth to width ratio as outlined in Sec. 98-48 and require an approval of a subdivision variance prior to the plat's acceptance.

**Information:** The first requested variance pertains to the requirements outlined in Code of Ordinances Sec. 98-42(b)(8), which states: "In general, cul-de-sac shall not exceed 600 feet in length and shall have a turnaround of not less than 96 feet in diameter in residential areas, and not less than 100 feet in diameter in commercial and industrial areas and be in compliance with the city's adopted fire code."

The second requested variance, outlined in Code of Ordinances Sec. 98-48(1)(b), states: "Residential blocks shall not exceed 600 feet nor be less than 300 feet in length, except as otherwise provided for herein."

The third requested variance is to Code of Ordinances Sec. 98-48(2)(g): "The ratio of average depth to average width shall not exceed two and one-half to one nor be less than one and one-half to one...."

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 request, as well as the information provided by the applicant, and has determined that, due to the irregular shape of the property, and the surrounding golf course, 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 98-42 Transportation Improvements and Section 98-48 – Blocks and Lots for the proposed Preliminary Plat of Delaware Springs, Section 25.

## RESOLUTION NO. R2024-XX

### A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING VARIANCES TO THE CODE OF ORDINANCES, SECTION 98-42 – TRANSPORTATION IMPROVEMENTS AND SECTION 98-48 – BLOCKS AND LOTS FOR THE PROPOSED PRELIMINARY PLAT OF DELAWARE SPRINGS SUBDIVISION, SECTION 25

**Whereas**, Code of Ordinances, Section 98-42, imposes lengths for cul-de-sacs within the Subdivision; and

**Whereas**, Code of Ordinances, Section 98-48, imposes requirements for the depth to width ratio of residential lots; and

**Whereas**, the applicant has petitioned for a variance to the Code of Ordinances; 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: **approving the variance allows the property to be developed in the most advantageous way and is not contrary to the public interest.**
- The literal enforcement of this chapter would result in unnecessary hardship: **due to the surrounding golf course, which created the property to be landlocked, and the irregular shap of the property, the literal enforcement would result in unnecessary hardship.**
- 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 23<sup>rd</sup> day of April 2024.

**CITY OF BURNET, TEXAS**

**ATTEST:**

\_\_\_\_\_  
Gary Wideman, Mayor

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





## Exhibit "B" – Requested Variance



April 12, 2024

Mayor Crista Goble Bromley  
City of Burnet  
1001 Buchanan Drive, Suite 4  
Burnet, TX 78611

**RE: DELAWARE SPRINGS SECTION 25  
CITY OF BURNET, TEXAS  
CCL: 21-284**

**SUBJECT: BLOCK LENGTH, LOT WIDTH/DEPTH RATIO, AND CUL-DE-SAC LENGTH  
VARIANCE REQUEST**

Dear Mayor Bromley,

On behalf of our Client, Delaware Springs Ranch Investments, LLC, represented by Jordan Shipley, we respectfully request a variance from the City of Burnet. The City of Burnet Subdivision Regulations require a maximum block length of 600 feet [Section 98-48(1)(b)], a maximum lot depth/width ratio of 2.5:1 [Section 98-48(2)(g)], and a maximum cul-de-sac length of 600 feet [Section 98-42(b)(8)].

- a. Delaware Springs Section 25 has less than thirty (30) residential lots. Therefore, one entrance meets Fire Code and substantially serves the public convenience and welfare.
- b. By not providing a connection to the Golf Course, the adjacent property will not be substantially or permanently impaired or diminished.
- c. The applicant has not created a hardship. The proposal of one connection to Delaware Springs Boulevard was recommended by City Staff and stub outs to the Golf Course are prohibited.
- d. These variances do not confer a special right or privilege upon the Applicant. Section 25 does not provide a right-of-way connection to the golf course, as this is typical for the Delaware Springs Development.
- e. The requested variances are not of an economic nature.
- f. The proposed layout utilizes similar lot sizes/features found in Delaware Springs and follows recommendations by City Staff. Therefore, the variances are not contrary to the public interest.
- g. Due to the irregular shape of this tract and request made by City Staff, the requested variances make it achievable for the remainder of this development to maintain compliance with City of Burnet Subdivision Regulations.
- h. The alternate design generally achieves the intent of the City of Burnet Subdivision Regulations and aligns with other section of Delaware Springs.



## Development Services

## ITEM 5.2

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

### Action Item

**Meeting Date:** April 15, 2024

**Agenda Item:** Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT OF DELAWARE SPRINGS SUBDIVISION, SECTION 25, A PROPOSED 26-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 11.76 ACRES: L. Kimbler

**Information:** The proposed subdivision, zoned Single-family Residential – District “R-1”, is located along Delaware Springs Blvd. with the entrances into the new subdivision across from Delaware Springs, Section 19 (Exhibit A). The applicant is proposing to subdivide the tract to create 26 residential lots, all over a quarter acre, with one detention pond (Exhibit B).

Two new roads will be created within the subdivision to be named Byron Nelson Way and Ben Hogan Drive; Ben Hogan Drive is a cul-de-sac road which does 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. Also, block A, along Ben Hogan Road is a length of 962 feet which exceeds the allowable length as set forth in the code and requires a subdivision variance. Additionally, lots 2, 3, 4, 5, 6, 12, 13, 14, 15, 16, and 17, along Ben Hogan Drive exceed the allowable depth to width ratio as outlined in Sec. 98-48 and will also require an approval of a subdivision variance prior to the plat’s acceptance.

All lots will be provided with City of Burnet electric, water, and sewer.

**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 with one outstanding comment to coordinate with USPS for the location of the mail kiosk.

**Recommended Motion:**

Staff recommends the following motion:



Conditionally approve the Preliminary Plat of Delaware Springs Subdivision, Section 25 subject to the applicant resolving the following matter:

- Coordinate with USPS to show the location of the mail kiosk as required by Sec. 98-22(d)(3)(h).

**RESOLUTION NO. R2024-25**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT OF DELAWARE SPRINGS SUBDIVISION, SECTION 25, A PROPOSED 26-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 11.76 ACRES**

**Whereas**, the Planning and Zoning Commission conducted a public hearing on this application on April 15, 2024; and

**Whereas**, the Planning and Zoning Commission recommended approval of the application on April 15 2024; and

**Whereas**, City Council conducted a public hearing on this application on April 23, 2024

**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. Conditional Approval.** The Preliminary Plat Establishing Westfall Village, Phase Three is hereby conditionally approved; subject to the condition recommended by the Planning and Zoning Commission as follow:

- Coordinate with USPS to show the location of the mail kiosk as required by Sec. 98-22(d)(3)(h).

**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 23rd day of April 2024.

**CITY OF BURNET, TEXAS**

**ATTEST:**

\_\_\_\_\_  
Gary Wideman, Mayor

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

Exhibit "A"  
Tract





