



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, **May 6, 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 April 15, 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 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 "MANUFACTURED HOME SALES AND SERVICE" IN A HEAVY COMMERCIAL – DISTRICT "C-3" FOR A FIVE ACRE PORTION OF PROEPRTY KNOW AS 3720 E. HWY 29, LOCATED ALONG THE NORTH SIDE OF HIGHWAY 29 EAST (LEGAL DESCRIPTION: BEING 5.0519 ACRES TRACT OF LAND, OUT OF THE TCRR CO. SURVEY, NO. 83, ABS. NO. 1402); PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

5. STAFF REPORTS:

6. REQUESTS FOR FUTURE AGENDA ITEMS:

ADJOURN:

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission of the City of Burnet, is a true and correct copy of said notice and that I posted a true and correct copy of said notice on the bulletin board, in the City Hall of said City, Burnet, Texas, a place convenient and readily accessible to the general public at all times, and said notice was posted on May 3, 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 3rd day of May 2024

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 for information or assistance.



PLANNING AND ZONING COMMISSION MINUTES

On this the **15th of April 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, Glen Teague, Derek Fortin and Glen Gates

Members absent:

Guests: Bonnie Talamantez, Elsa Lara, Glenn Morris and Sondra Mobley

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 February 12, 2024. There being no objections, Chairman Gaut approved the minutes as presented.

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.

Planning Manager, Leslie Kimbler, presented staff's report regarding the request to amend the code of ordinances, Chapter 118 (entitled "Zoning"). Chairman Gaut opened the public hearing at 6:03 p.m. Guest, Sondra Mobley spoke to the Commission to ensure the zoning request would not affect office buildings. Guest, Glenn Morris stated he was only interested in selling his property and was against anything that would prevent him from selling. There being no further comment, Chairman Gaut closed the public hearing at 6:15 p.m. Chairman Gaut announced Commissioner Teague arrived at 6:05 p.m. Commissioner Gates made a motion to approve the proposed request to amend the Code of Ordinances, Chapter 118 (entitled "Zoning"). The motion was seconded by Commissioner Teague. 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 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.

Planning Manager, Leslie Kimbler, presented staff's report regarding the City initiated request to zone certain properties. Chairman Gaut opened the public hearing at 6:19 p.m. Guest Elsa Lara spoke to the Commission to ensure the amendment would not affect people who currently have mobile homes in this area. Guest, Glenn Morris asked if storage buildings would be allowed. There being no further comments, Chairman Gaut closed the public hearing at 6:22 p.m. Commissioner Gates made a motion to approve. The motion was seconded by Commissioner Teague. 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 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.

Planning Manager, Leslie Kimbler, presented staff's report regarding the request to rezone property to Heavy Commercial – District "C-3" with a Conditional Use Permit. Chairman Gaut opened the public hearing at 6:26 p.m. There being no public comments, Chairman Gaut closed the public hearing at 6:26 p.m. Commissioner Fortin made a motion to approve. 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 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

Planning Manager, Leslie Kimbler, presented staff's report regarding the proposed Preliminary Plat of Delaware Springs Subdivision, Section 25. Chairman Gaut opened the public hearing at 6:28 p.m. There being no public comments, Chairman Gaut closed the public hearing at 6:29 p.m.T

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

Planning Manager, Leslie Kimbler, presented staff's report regarding the proposed variance to Code of Ordinances, Sect. 98-42 – Transportation improvements and Sect. 98-48 - Blocks. Commissioner Williams made a motion to approve. 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 DELAWARE SPRINGS SUBDIVISION, SECTION 25, A PROPOSED 26-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 11.76 ACRES: L. Kimbler

Planning Manager, Leslie Kimbler, presented staff's report regarding the proposed Preliminary Plat of Delaware Springs Subdivision, Section 25. Commissioner Gates made a motion to approve. The motion was seconded by Commissioner Fortin. The motion carried with a vote of 5 to 0.

6. STAFF REPORTS:

Habib Erkan announced his impending retirement and said his good-byes.

7. REQUESTS FOR FUTURE AGENDA ITEMS:

None

ADJOURN:

There being no further business, Chairman Gaut adjourned the meeting at 6:37 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: May 6, 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 GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "MANUFACTURED HOME SALES AND SERVICE" IN A HEAVY COMMERCIAL – DISTRICT "C-3" FOR A FIVE ACRE PORTION OF PROEPRTY KNOW AS 3720 E. HWY 29, LOCATED ALONG THE NORTH SIDE OF HIGHWAY 29 EAST (LEGAL DESCRIPTION: BEING 5.0519 ACRES TRACT OF LAND, OUT OF THE TCRR CO. SURVEY, NO. 83, ABS. NO. 1402); PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: This property is located along the north side of East Highway 29. The property is currently undeveloped and zoned Heavy Commercial – District "C-3". The applicant is requesting a Conditional Use Permit to allow for the development of a sales and storage lot for manufactured homes. Under the City of Burnet's Code of Ordinances, Sec. 118-47 Manufactured Home Sales is an allowable use in a Heavy Commercial – District "C-3" zoning with a Conditional Use Permit.

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.**

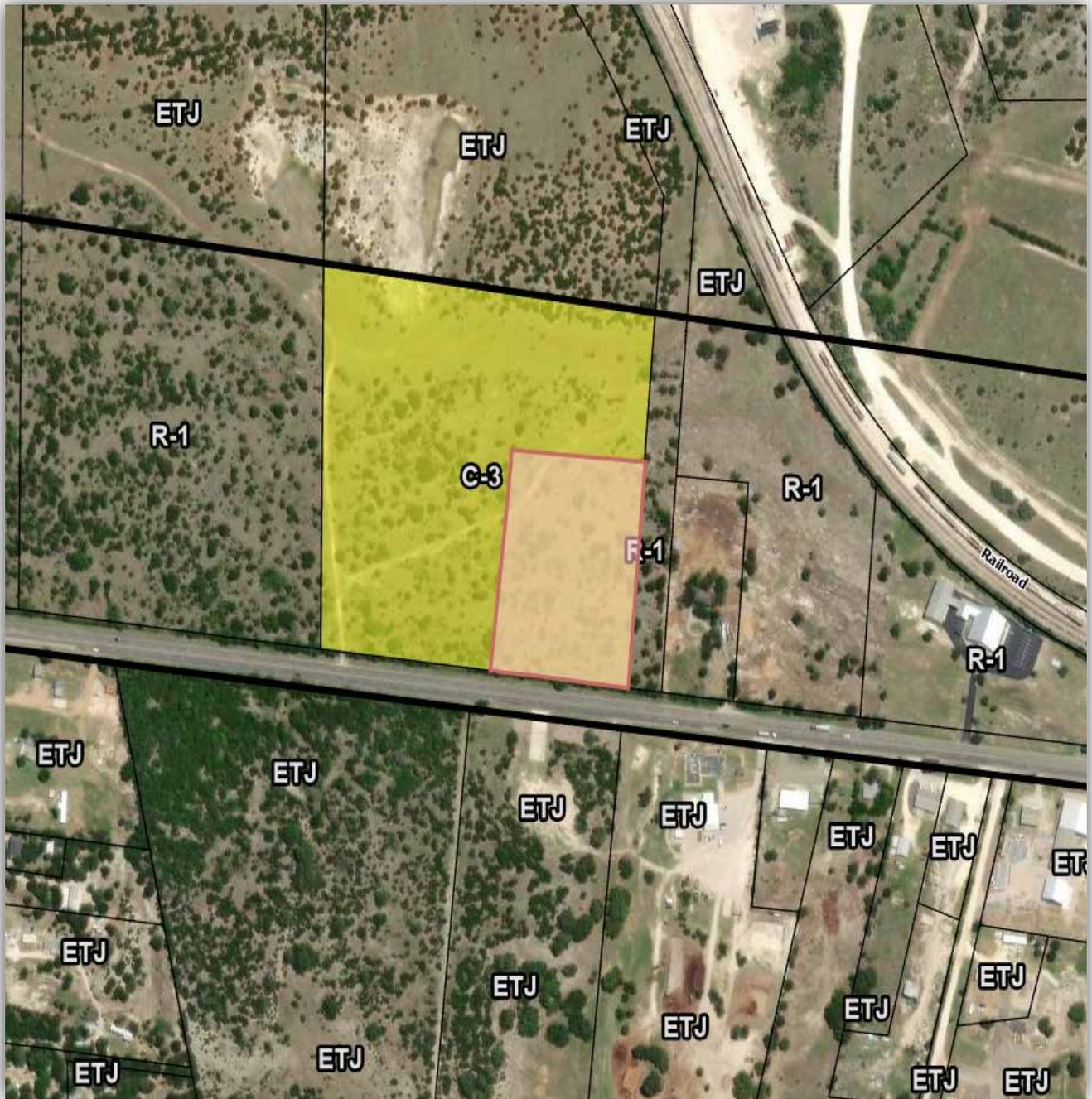
Staff Analysis: Staff has reviewed the criteria in Sec. 118-64(e) and have made the following observations:

- This property is in an under-utilized area. Inside the city limits, there is undeveloped raw land; just outside the city limits, there is a mix of commercial businesses. When looking at the existing development in this area, most are businesses that are allowable under the “C-3” or “I-1” zoning districts; therefore, this use could be considered as compatible for surrounding uses.
- Properties directly abutting this property are undeveloped; however, when considering the existing developed areas, the uses are of similar nature. Staff do not feel, by approving the Conditional Use Permit, this use would adversely affect the value of surrounding properties.
- The proposed use should not create a nuisance nor interfere with neighboring properties enjoyment.
- 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 four (4) 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. 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 GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN “MANUFACTURED HOME SALES AND SERVICE” IN A HEAVY COMMERCIAL – DISTRICT “C-3” FOR A FIVE ACRE PORTION OF PROEPRTY KNOW AS 3720 E. HWY 29, LOCATED ALONG THE NORTH SIDE OF HIGHWAY 29 EAST (LEGAL DESCRIPTION: BEING 5.0519 ACRES TRACT OF LAND, OUT OF THE TCRR CO. SURVEY, NO. 83, ABS. NO. 1402); 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 legally described as: **BEING 5.0519 ACRES TRACT OF LAND, OUT OF THE TCRR CO. SURVEY, NO. 83, ABS. NO. 1402** as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. Heavy Commercial – District “C-3” Zoning District Classification with a Conditional Use Permit for “Manufactured Home Sales and Services” 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 7th day of May 2024.

PASSED AND APPROVED on this the 14th day of May 2024.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
Subject Property

