



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 a **Public Hearing and Regular Meeting of the Planning and Zoning Commission** of the City of Burnet, Texas will be held on the **1st day of July, 2019**, at **6:00 p.m.**, in the City Council Chambers at 2402 South Water Street, 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 of 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 regular meeting of the Planning and Zoning Commission of the City of Burnet, Texas held on June 10, 2019.

4. ACTION ITEMS:

- 4.1) The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action on a determination regarding allowable uses in the Medium Commercial – District “C-2” zoning district, as required by the City of Burnet Code of Ordinances, Section 118-46(a)(34).
- 4.2) The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action on a proposed amendment to the City of Burnet Code of Ordinances, Chapter 118 – Zoning, Section 118-20, Chart 1, as this section relates to minimum lot width, depth, and area in all zoning districts within the City of Burnet.

6. STAFF REPORTS

7. REQUESTS FOR FUTURE AGENDA ITEMS

8. 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 June 28, 2019 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 28th day of June, 2019

Kelly Dix, City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

The City Council Chambers are 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) 715-3206, FAX (512) 756-8560 or e-mail at wmeshier@cityofburnet.com for information or assistance.



PLANNING & ZONING COMMISSION MINUTES

On this the 10th day of June, 2019, the Planning and Zoning Commission of the City of Burnet, convened in Regular Session at 6:00 p.m. at the regular meeting place thereof with the following persons present, to-wit:

1. CALL TO ORDER:

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

2. ROLL CALL:

Members Present: Craig Lindholm, Tommy Gaut, Derek Fortin, Calib Williams and Ricky Langley

Members Absent: None

Guests: Cesar Arreaza, Mary Jane Shanes, Brian Fraus, Cindy Brown, John & Nancy Irving, Stephani & Roger Smith, Mike & Sharon Childers, Ann Riddell, Rachel Holcomb, Adelle Wood and Janet Burnets

Others Present: Wallis Meshier, Director of Development Services
Leslie Kimbler, Development Services Admin.Tech.

3. CONSENT AGENDA:

3.1) Minutes of the meeting held May 6, 2019 Regular Zoning Commission Meeting.

A motion to approve the consent agenda was made by Commissioner Gaut. The motion was seconded by Commissioner Fortin and carried by a vote of 5 to 0.

4. PUBLIC HEARINGS:

4.1) The Planning and Zoning Commission of the City of Burnet, Texas will hold a public hearing regarding a request to rezone approximately 0.96 acres legally described as Lots 1 and 2 of the Fox N. 281 Properties subdivision from their present designation of Light Commercial – District “C-1” to a designation of Medium Commercial – District “C-2,” said properties being generally located on the northeast corner of North Water Street (Hwy. 281) and East Kerr Street.

Wallis Meshier, Director of Development Services, presented staff's report regarding the request to rezone approximately 0.96 acres legally described as Lots 1 and 2 of the Fox N. 281 Properties subdivision from their present designation of Light Commercial – District "C-1" to a designation of Medium Commercial – District "C-2."

Chairman Lindholm then opened the floor for public comment.

Ms. Adele Wood, resident of 404 N Main St., spoke in opposition to the zone change.

There being no further public comment, Chairman Lindholm closed the public hearing.

- 4.2) The Planning and Zoning Commission of the City of Burnet, Texas will hold a public hearing regarding a request to rezone approximately 0.2336 acres legally described as Lot 1A of the Short Form Replat of the South One-Half of Lot Number 2, Wallis Addition from its present designation of Single-Family Residential – District "R-1" to a designation of Medium Commercial – District "C-2," said property being generally located on the east side of North Water Street (Hwy. 281), approximately 550 feet south of the intersection with East Taggard Street.

Wallis Meshier, Director of Development Services, presented staff's report regarding the request to rezone approximately approximately 0.2336 acres legally described as Lot 1A of the Short Form Replat of the South One-Half of Lot Number 2, Wallis Addition from its present designation of Single-Family Residential – District "R-1" to a designation of Medium Commercial – District "C-2."

Chairman Lindholm opened the floor for public comment.

Mr. Brian Fraus, resident of 702 N Main St., spoke in opposition of the zone change request.

There being no further public comment, Chairman Lindholm closed the public hearing.

- 4.3) The Planning and Zoning Commission of the City of Burnet, Texas will hold a public hearing regarding a proposed Preliminary Plat of a Replat of Lots 80-83, 95-99, and 130 of the Oak Vista Subdivision, a proposed residential subdivision consisting of approximately 105.08 acres and 24 residential lots, being generally located north of County Road 100 (Scenic Oaks Drive), south and west of County Road 100 (Oak Vista Drive), and east of Billy Joe Fox Drive.

Wallis Meshier, Director of Development Services, presented staff's report regarding a proposed Preliminary Plat of a Replat of Lots 80-83, 95-99, and 130 of the Oak Vista Subdivision, a proposed residential subdivision consisting of approximately 105.08 acres and 24 residential lots.

Chairman Lindholm then opened the floor for public comment.

Ms. Sharon Childers, resident of 115 Billy Joe Fox, spoke her concerns in regards to the property Preliminary Plat of the Replat, but did not speak either for or against the item.

There being no further public comment, Chairman Lindholm closed the public hearing.

5. ACTION ITEMS:

- 5.1) The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action on a request to rezone approximately 0.96 acres legally described as Lots 1 and 2 of the Fox N. 281 Properties subdivision from their present designation of Light Commercial – District “C-1” to a designation of Medium Commercial – District “C-2,” said properties being generally located on the northeast corner of North Water Street (Hwy. 281) and East Kerr Street.

Commissioner Langley made a motion to approve the request to rezone approximately 0.96 acres legally described as Lots 1 and 2 of the Fox N. 281 Properties subdivision from their present designation of Light Commercial – District “C-1.” The motion was seconded by Commissioner Williams, and carried by a vote of 5 to 0.

- 5.2) The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action on a request to rezone approximately 0.2336 acres legally described as Lot 1A of the Short Form Replat of the South One-Half of Lot Number 2, Wallis Addition from its present designation of Single-Family Residential – District “R-1” to a designation of Medium Commercial – District “C-2,” said property being generally located on the east side of North Water Street (Hwy. 281), approximately 550 feet south of the intersection with East Taggard Street.

Commissioner Fortin made a motion to deny the request to rezone approximately 0.2336 acres legally described as Lot 1A of the Short Form Replat of the South One-Half of Lot Number 2, Wallis Addition from its present designation of Single-Family Residential – District “R-1” to a designation of Medium Commercial – District “C-2.” The motion was seconded by Commissioner Gaut, and failed by a vote of 2 to 3 with Commissioners Langley, Williams, and Lindholm voting against the motion.

Commissioner Langley then made a motion to approve the request to rezone approximately 0.2336 acres legally described as Lot 1A of the Short Form Replat of the South One-Half of Lot Number 2, Wallis Addition from its present designation of Single-Family Residential – District “R-1” to a designation of Medium Commercial – District “C-2.” The motion was seconded by Commissioner Williams, and carried by a vote of 3 to 2. Commissioners Langley, Williams, and Lindholm voted for the motion and Commissioners Gaut and Fortin voted against the motion to approve the request to rezone.

- 5.3) The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action on a request for a variance to Code of Ordinances, Chapter 98, Section 98-42 for the proposed Preliminary Plat of a Replat of Lots 80-83, 95-99, and 130 of the Oak Vista Subdivision, for the purpose of exceeding the maximum length of a cul-de-sac.

Commissioner Gaut made a motion to approve a request for a variance to Code of Ordinances, Chapter 98, Section 98-42 for the proposed Preliminary Plat of a Replat of Lots 80-83, 95-99, and 130 of the Oak Vista Subdivision. The motion was seconded by Commissioner Fortin, and carried by a vote of 5 to 0.

- 5.4) The Planning and Zoning Commission of the City of Burnet, Texas will consider and take action on a proposed Preliminary Plat of a Replat of Lots 80-83, 95-99, and 130 of the Oak Vista Subdivision, a proposed residential subdivision consisting of approximately 105.08 acres and 24 residential lots, being generally located north of County Road 100 (Scenic Oaks Drive), south and west of County Road 100 (Oak Vista Drive), and east of Billy Joe Fox Drive.

Commissioner Gaut made a motion to approve the proposed Preliminary Plat of a Replat of Lots 80-83, 95-99, and 130 of the Oak Vista Subdivision, a proposed residential subdivision consisting of approximately 105.08 acres and 24 residential lots with the condition that the Base Flood Elevation (BFE) of all lots within the 100-year floodplain be notated on the plat. The motion was seconded by Commissioner Langley, and carried by a vote of 5 to 0.

6. STAFF REPORTS:

7. REQUESTS FOR FUTURE AGENDA ITEMS:

None.

8. ADJOURN:

Commissioner Fortin made a motion to adjourn the meeting; Commissioner Gaut seconded, and the motion carried by a vote of 5 to 0.

There being no further business, Chairperson, Craig Lindholm adjourned the meeting at 6:45 p.m.

Craig Lindholm, Chair
City of Burnet Planning and Zoning Commission

Attest: _____
Herve Derek Fortin, Secretary



Planning and Zoning Commission

ITEM 4.1

Wallis Meshier
Director of Development Services
(512) 715-3215
wmeshier@cityofburnet.com

Agenda Item Brief

Meeting Date: July 1, 2019

Agenda Item: The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action on a determination regarding allowable uses in the Medium Commercial – District “C-2” zoning district, as required by the City of Burnet Code of Ordinances, Section 118-46(a)(34).

Background: Sec. 118-46 of the City of Burnet Code of Ordinances outlines the allowed uses in the Medium Commercial – District “C-2” zoning district. Allowed uses include, but are not limited to the following:

- Automobile service stations, gas stations (full and limited), filling stations, and retail service stations
- Convenience stores, grocery stores and supermarkets
- Hospitals
- Outdoor amusement parks
- Hotels and motels
- Commercial parking lots
- Radio and television broadcasting stations and studios
- Recycling collection facilities
- Heliports
- Laundromats
- Baseball parks and stadiums
- Taxi cab stations
- Automobile part sales
- Wholesale warehouses

As noted above, the “C-2” district allows automobile service stations, full service gas stations, and retail service stations. However, it does not explicitly list “car washes” as a permitted use. In fact, “car washes” are not listed as a permitted use in any zoning district in Burnet.

Sec. 118-46(a)(34) states that “uses as determined by the Commission and the Council which are closely related and similar to those listed [...]” are permitted in the “C-2” district. This means that uses which are not explicitly listed can be determined to be similar to, and in keeping with, the other types of uses that are already permitted within the “C-2” district.

Information: Sec. 118-5 includes definitions for most of the use categories listed in the zoning chapter. This section defines “auto repair (minor)” as “a business specializing in minor, routine, periodic, preventive maintenance of a

motor vehicle conducted entirely within an enclosed building, including the following:

1. Servicing of spark plugs, batteries, distributors and distributor parts and including minor engine tune-ups;
2. Tire servicing and flat repair but not recapping or regrooving;
3. Radiator cleaning and flushing (on vehicle);
4. Fuel pump, oil pump and related maintenance;
5. Minor servicing of carburetors;
6. Emergency wiring repairs;
7. Minor motor adjustment not involving removal of head or crankcase;
8. Quick oil and filter change;
9. Servicing hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat belts, windshield wipers, mirrors, and installation of vehicle accessories such as radios;
10. Lubrication, greasing and washing;
11. Disc pad replacement and minor brake adjustment.”

As noted above, “washing” of a motor vehicle is considered by this definition to be included under the “auto repair (minor)” use category. However, “auto repair (minor)” is not explicitly listed as a use category in any of the commercial zoning districts. The most closely related use category is “automobile service stations, gas stations (full and limited), filling stations, and retail service stations,” which is permitted in the “C-2” district.

Due to the minor discrepancies in verbiage within the code, staff is requesting the Commission’s determination regarding car washes in the Medium Commercial – District “C-2” zoning district.

Recommendation: Staff recommends that the Commission recommend a zoning determination in favor of car washes as a permitted use in the “C-2” (Light Commercial) zoning district. Car washes are closely related and similar to the “automobile service station, gasoline station (full and limited), filling or retail service station” use category, which is already permitted in “C-2.” In addition, car washes are a less intense use than heliports, outdoor amusement parks, stadiums, recycling collection facilities, and other uses which are already permitted in the Medium Commercial – District “C-2” zoning district.



Planning and Zoning Commission

ITEM 4.2

Wallis Meshier
Director of Development Services
(512) 715-3215
wmeshier@cityofburnet.com

Agenda Item Brief

Meeting Date: July 1, 2019

Agenda Item: The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action on a proposed amendment to the City of Burnet Code of Ordinances, Chapter 118 – Zoning, Section 118-20, Chart 1, as this section relates to minimum lot width, depth, and area in all zoning districts within the City of Burnet.

Background: At the June 11th City Council meeting, there were two requests to rezone property on the east side of North Water Street (Hwy. 281) to Medium Commercial – District “C-2.” At that meeting, an issue was raised regarding the minimum lot depth for “C-2” lots. Sec. 118-20, Chart 1 states that the minimum lot depth for a “C-2” lot is 150 feet. However, many of the existing parcels along parts of Hwy. 281 and Hwy. 29 are less than 150 feet in depth. This is particularly true along the east side of North Water Street (Hwy. 281) and for several lots on the north and south sides of Buchanan Drive (Hwy. 29).

Based on direction from the City Attorney, any lot less than 150 feet deep is not eligible to be rezoned to “C-2.” This effectively precludes many of the lots along the two main commercial corridors in Burnet from being rezoned or developed as anything higher than Light Commercial – District “C-1.” In addition, many of the existing Heavy Commercial – District “C-3” lots along east Polk Street (Hwy. 29) and South Water Street (Hwy. 281) do not meet the 250 ft. minimum lot depth for the “C-3” district. Therefore, the current minimum lot depth for “C-3” would preclude any Heavy Commercial uses from utilizing these properties, even though they are located on a major highway.

A discussion was held during the regular City Council meeting on June 25, 2019 regarding potential modifications to Chart 1. At that meeting, the Council gave direction to staff to draft updates to Chart 1 for review and recommendation by the Planning and Zoning Commission. The Council also directed staff to draft buffering requirements for commercial uses adjacent to residential districts

Information: Attached are draft revisions to Chart 1, as well as proposed buffer yard standards. The attached documents are not meant to be final drafts, but rather are intended for discussion purposes.

Recommendation: To be determined. Staff is seeing the Commission’s direction regarding possible changes to Chart 1, as well as the possible addition of buffer yard standards.

Sec. 118-20. - General requirements and limitations.

Chart 1

Zoning District	Front Yard Setback	Side Yard Setback	Street Side Yard Setback	Rear Yard Setback	Min. Lot S.F. Area	Min. Lot Depth	Min. Lot Width	Max. Height Limit
R-1	20 ft. for any road over 31 ft. of pavement 25 ft. for roads less than 31 ft.	7½ ft.	15 ft.	15 ft.	7,600 s.f.	90 ft.	60 ft. at building setback	35 ft. for structures over 1,500 s.f. 30 ft. for structures under 1,500 s.f.
R-1 E	30 ft.	15 ft.	15 ft.	15 ft.	60,000 s.f. <u>1 acre</u>	250 ft.	150 ft.	30 ft.
R-2	25 ft. for two unit 30 ft. for three and four unit	10 ft.	15 ft.	10 ft. 15 ft. when abutting R-1	4,500 s.f. per unit	115 ft.	75 ft.	35 ft.
R-2 A	25 ft. for two connected units 30 ft. for three or four connected units	10 ft. between structures	15 ft.	10 ft. 15 ft. when abutting R-1	4,500 s.f. per unit	115 ft.	75 ft.	35 ft.
R-3	50 ft.	10 ft. and one foot per unit	15 ft.	10 ft. 15 ft. when abutting R1	4,000 s.f. per unit	150 ft.	150 ft.	35 ft.
M-1	20 ft. for any road over 31 ft. of pavement 25 ft. for roads less than 31 ft.	7½ ft.	15 ft.	15 ft.	7,600 s.f.	90 ft.	60 ft. at building setback	35 ft. for structures over 1,500 s.f. 30 ft. for structures under 1,500 s.f.

M-2	50 ft.	10 ft. and one foot per unit	15 ft.	10 ft. 15 ft. when abutting R-1	4,000 s.f. per unit	250 ft.	150 ft.	35 ft.
OS	25 ft.	10 ft.	15 ft.	25 ft.	7,500 s.f.	90 ft.	60 ft.	35 ft.
A	25 ft.	25 ft.	15 ft.	25 ft.	2 Acres	600 ft.	150 ft.	35 ft.
Gov	25 ft.	15 ft.	15 ft.	15 ft.	7,600 s.f.	90 ft.	60 ft.	35 ft.
NC	20 ft. for any road over 31 ft. of pavement 25 ft. for roads of less than 31 ft.	7½ ft.	15 ft.	15 ft.	7,600 [s.f.]	90 ft.	60 ft. at building setback	35 ft.
C-1	30 ft.	15 ft.	15 ft.	15 ft.	4,500 s.f. <u>10,000 s.f.</u>	90 ft.	50 ft.	35 ft.
C-2	40 ft.	15 ft.	20 ft.	15 ft.	7,600 s.f. <u>10,000 s.f.</u>	150 ft.	60 ft.	35 ft.
C-3	50 ft.	15 ft. for single tenant 25 ft. for multi-tenant	20 ft.	15 ft.	7,600 s.f. for single tenant 10,000 s.f. for multi-tenant	250 ft.	60 ft. for single-tenant 100 ft. for multi-tenant	35 ft.
I-1	25 ft.	25 ft.	25 ft.	25 ft.	5,750 s.f. <u>10,000 s.f.</u>	100 ft.	50 ft.	60 ft.
I-2	25 ft.	25 ft.	25 ft.	25 ft.	7,500 s.f. <u>10,000 sf.</u>	150 ft.	60 ft.	60 ft.
PUD	n/a	n/a	15 ft. <u>n/a</u>	n/a	3 acres <u>n/a</u>	n/a	n/a	n/a

Sec. 118-52. - Buffer yard standards.

Buffer yards are intended to minimize or eliminate conflicts between potentially incompatible, but otherwise permitted land uses on adjoining lots. Buffering may include a combination of landscaped setbacks and visual buffers or barriers.

- a) *Required buffer yards.* Buffer yards shall be provided in accordance with the chart below. Letters A, B, and C correspond to the type of buffer yard required and the specific situations in which the buffer yard is required. A box with “-” indicates that a buffer yard is not required between those development types.

		Adjacent District															
		A	OS	R-1E	R-1	R-2	R-2A	R-3	M-1	M-2	NC	C-1	C-2	C-3	G	I-1	I-2
Development Providing Buffer Yard	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	OS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	R-1E	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	R-1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	R-2	A	A	A	B	-	-	-	-	-	-	-	-	-	-	-	-
	R-2A	A	A	A	B	-	-	-	-	-	-	-	-	-	-	-	-
	R-3	B	B	B	B	A	A	-	-	-	-	-	-	-	-	-	-
	M-1	-	-	-	A	-	-	-	-	-	-	-	-	-	-	-	-
	M-2	B	B	B	C	B	B	A	-	-	-	-	-	-	-	-	-
	NC	-	-	A	A	A	A	A	A	-	-	-	-	-	-	-	-
	C-1	A	A	A	B	B	B	A	B	A	-	-	-	-	-	-	-
	C-2	A	A	A	B	A	A	A	B	A	-	-	-	-	-	-	-
	C-3	B	B	B	C	B	B	A	B	B	A	-	-	-	-	-	-
	G	-	-	-	A	-	-	-	-	-	-	-	-	-	-	-	-
	I-1	B	B	A	C	C	C	B	C	B	B	A	A	A	B	-	-
	I-2	C	C	C	C	C	C	B	C	C	B	A	A	A	B	A	-

- b) A type “A” buffer yard shall consist of the following:
1. A 10 ft. wide planting area; or a 5 ft. wide planting area plus an 8 ft. tall masonry wall;
 2. Two (2) trees per every fifty (50) linear feet of buffer yard.
 3. For buffer yards where the optional 8 ft. tall masonry wall is not provided, a continuous landscape hedge not less than 3 ft. in height is required.
- c) A type “B” buffer yard shall consist of the following:
1. A 20 ft. wide planting area; or a 15 ft. wide planting area plus an 8 ft. tall masonry wall;
 2. Two (2) trees per every fifty (50) linear feet of buffer yard.
 3. For buffer yards where the optional 8 ft. tall masonry wall is not provided, a continuous landscape hedge not less than 3 ft. in height is required.
- d) A type “C” buffer yard shall consist of the following:
1. A 30 ft. wide planting area; or a 25 ft. wide planting area plus an 8 ft. tall masonry wall;
 2. Two (2) trees per every fifty (50) linear feet of buffer yard.
 3. For buffer yards where the optional 8 ft. tall masonry wall is not provided, a continuous landscape hedge not less than 3 ft. in height is required.
- e) No site development shall be permitted within a required buffer yard. This includes, but is not limited to, parking, drive aisles, accessory buildings, dumpsters, storage, or light fixtures.

- f) Passive recreation, including pedestrian trails and seating areas may be permitted within required buffer yards provided that the required depth of the buffer yard and all required plantings are provided.
- g) A non-residential use developed in a residential zoning district will be required to provide a type "A" buffer yard adjacent to residential development.
- h) Detention or retention ponds may be permitted within up to 25% of the required buffer yard if it is determined by the City Manager or his or her designee that there is no other feasible option for the detention of stormwater.
- i) If detention or retention is located within the required buffer yard, the requirements of this section shall be met in full within the remaining buffer yard area, and additional screening or aesthetic treatment of the pond may be required depending on the location and circumstances of the site.
- j) The City Manager or his or her designee may approve up to a 50% buffer yard reduction for properties abutting a dedicated drainage easement or other designated open space.
- k) Development within or adjacent to a PUD shall be subject to the buffer yard requirements for the most appropriate zoning district based on the use of the property.
- l) The City Manager or his or her designee may require a masonry wall within a required buffer yard in order to mitigate nuisances caused by light, noise, odor, or any other source.