



## 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 **2<sup>nd</sup> December, 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 November 4, 2019.

### 4. PUBLIC HEARINGS:

- 4.1) The Planning & Zoning Commission of the City of Burnet, Texas will conduct a public hearing regarding the Preliminary Plat of Westfall Village, a 51-lot single-family residential subdivision to be generally located in the southeastern quadrant of the intersection of Elm and Westfall Streets.
- 4.2) The Planning & Zoning Commission of the City of Burnet, Texas will conduct a public hearing regarding the Preliminary Plat of Sky View Hill, a nine-lot subdivision located in the 1200-1500 blocks of CR 250.

### 5. ACTION ITEMS:

- 5.1) The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action regarding a variance to the 600-foot maximum block length requirements established by Code of Ordinances Chapter 98, Sec. 98-48 requested for the purpose of allowing Elmer Avenue, a local

residential street to be located in the Westfall Village Subdivision, to be constructed with a block length of 900 feet.

- 5.2) The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action regarding the Preliminary Plat of Westfall Village, a 51-lot single-family residential subdivision to be generally located in the southeastern quadrant of the intersection of Elm and Westfall Streets.
- 5.3) The Planning and Zoning Commission of the City of Burnet, will discuss and consider action regarding the Preliminary Plat of Sky View Hill, a nine-lot subdivision located in the 1200-1500 blocks of CR 250.
- 5.4) The Planning and Zoning Commission of the City of Burnet, will discuss and consider action regarding the Final Plat of Sky View Hill, Phase 1, a nine lot subdivision located in the 1200-1500 blocks of CR 250.

## **6. STAFF REPORTS**

- 6.1) January 14, 2020 Joint Planning and Zoning Commission/City Council Workshop

## **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 November 27, 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 27<sup>th</sup> day of November, 2019**

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Leslie Kimbler, Asst. 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 [mlewis@cityofburnet.com](mailto:mlewis@cityofburnet.com) for information or assistance.



## **PLANNING & ZONING COMMISSION MINUTES**

On this the 9<sup>th</sup> day of September, 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 Gaut.

### **2. ROLL CALL:**

Members Present: Tommy Gaut, Derek Fortin, Ricky Langley, Calib Williams, and Jennifer Wind

Members Absent: Cesar Arreaza

Guests: John Day, Wade Langley, Bret Burton, Gary Dillard, Veronica Ponce

Others Present: Mark Lewis, Interim Planner  
Leslie Kimbler, Development Services Admin.Tech.

### **3. CONSENT AGENDA:**

3.1) Minutes of the meeting held October 7, 2019 Regular Zoning Commission Meeting.

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

### **4. PUBLIC HEARINGS:**

4.1) The Planning & Zoning Commission of the City of Burnet, Texas will conduct a public hearing regarding a request to rezone 21.97 acres out of the Sarah Ann Guest Survey, No 150, Abstract 1525 from its current designation of Light Industrial—District I-1, to Single-family Residential—District R-1, said 21.97 acres being further described as being generally located in the southeastern quadrant of the intersection of Elm and Westfall Streets.

Mark Lewis, Interim Planner, presented staff's report regarding the request to rezone 21.97 acres out of the Sarah Ann Guest Survey, No 150, Abstract 1525 from its current designation of Light Industrial—District I-1, to Single-family Residential—District R-1.

Chairman Gaut then opened the floor for public comment. There being no further public comment, Chairman Gaut closed the public hearing.

- 4.2) The Planning & Zoning Commission of the City of Burnet, Texas will conduct a public hearing regarding a plat vacating Blocks 9-12, 21-28 and 37-40, of the Johnson Addition City of Burnet, Burnet County, Texas, said blocks being generally located in the southeastern quadrant of the intersection of Elm and Westfall Streets.

Mark Lewis, Interim Planner, presented staff's report regarding a plat vacating Blocks 9-12, 21-28 and 37-40, of the Johnson Addition City of Burnet, Burnet County, Texas.

Chairman Gaut then opened the floor for public comment.

Guest, John Day, day spoke to the Commission and stated that he has no opposition to the proposed plat vacation.

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

## **5. ACTION ITEMS:**

Prior to the presentation of the action items, Chairman Gaut made the Commission aware that Commissioner Langley had filed an Affidavit of Conflict of Interest; at which point Commissioner Langley recused himself from the Council meeting room. Commissioner Langley was not present at any time during the Commission's discussion and action regarding action item 5.1 or action item 5.2.

- 5.1) The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action regarding a request to rezone 21.97 acres out of the Sarah Ann Guest Survey, No 150, Abstract 1525 from its current designation of Light Industrial—District I-1, to Single-family Residential—District R-1, said 21.97 acres being further described as being generally located in the southeastern quadrant of the intersection of Elm and Westfall Streets.

Commissioner Fortin made a motion to approve the request to rezone 21.97 acres out of the Sarah Ann Guest Survey, No 150, Abstract 1525 from its current designation of Light Industrial—District I-1, to Single-family Residential—District R-1. The motion was seconded by Commissioner Wind, and carried by a vote of 4 to 0.

- 5.2) The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action regarding a plat vacating Blocks 9-12, 21-28 and 37-40, of the Johnson Addition City of Burnet, Burnet County, Texas, said blocks being generally located in the southeastern quadrant of the intersection of Elm and Westfall Streets.

Commissioner Williams made a motion to approve a plat vacating Blocks 9-12, 21-28 and 37-40, of the Johnson Addition City of Burnet, Burnet County, Texas. The motion was seconded by Commissioner Gaut, and carried by a vote of 4 to 0.

- 5.3) The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action regarding the Pepper Mill, Phase One Final Plat, an 8.86-acre, a 27-lot residential subdivision located at the eastern terminations of Spicewood Drive and Applewood Drive East.

Commissioner Gaut made a motion to approve Pepper Mill, Phase One, Final Plat with the following condition:

*“The Pepper Mill, Phase One, Final Plat shall not be recorded until all improvements have been accepted by the City, or until the City has been provided with a surety instrument in a form specified by Code of Ordinances, Chapter 98, Sec. 98-61 – Assurances for completion of improvements.”*

The motion was seconded by Commissioner Wind, and carried by a vote of 5 to 0.

- 5.4) The Planning and Zoning Commission of the City of Burnet, will discuss and consider action regarding the Pepper Mill, Phase Two, Final Plat of a 5.39, acre, 23-lot, residential subdivision located immediately north of the Heritage Valley Subdivision.

Commissioner Wind made a motion to approve Pepper Mill, Phase Two, Final Plat with the following condition:

*“The Pepper Mill, Phase Two, Final Plat shall not be recorded until all improvements have been accepted by the City, or until the City has been provided with a surety instrument in a form specified by Code of Ordinances, Chapter 98, Sec. 98-61 – Assurances for completion of improvements.”*

The motion was seconded by Commissioner Williams, and carried by a vote of 5 to 0.

**6. STAFF REPORTS:**

Mr. Lewis informed the Commission of the need for a December Planning and Zoning meeting

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

None.

**8. ADJOURN:**

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

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

\_\_\_\_\_  
Tommy Gaut, Chair  
City of Burnet Planning and Zoning Commission

**Attest:** \_\_\_\_\_  
Herve Derek Fortin, Secretary



## Planning & Zoning

### Agenda Item Brief

#### ITEM 4.1

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

**Meeting Date:** December 2, 2019

**Agenda Item:** The Planning & Zoning Commission of the City of Burnet, Texas will conduct a public hearing regarding the Preliminary Plat of Westfall Village, a 51-lot single-family residential subdivision to be generally located in the southeastern quadrant of the intersection of Elm and Westfall Streets.

**Background:** The Westfall Village will consist of 50-single-family residential lots plus one lot dedicated to stormwater management (See Exhibits A & B). The subdivision will contain two internal streets, one of which—Elmer Avenue—will require a variance due to its proposed 900-foot block length.

The subdivision will have three points of access. “Warner Way” will connect to the existing Westfall right-of-way. “Elmer Avenue” will connect to both Westfall and Elm Streets. Warner Way and Elmer Avenue also intersect within the subdivision.

The plat was determined to be administratively complete on November 5, 2019.

**Information:** The Westfall Village preliminary plat has been reviewed for conformance with Chapter 98 of the City of Burnet Code of Ordinances. Except as noted below, the plat has been found to conform with applicable provisions of Chapter 98, Sec. 98-22 Preliminary Plat.

- The property is being platted to facilitate development as a residential subdivision. City Council has approved the first reading of an ordinance changing the zoning from Light Industrial—District I-1 to Single-family Residential—District R-1. This ordinance must be approved at final reading in order for the plat to be in compliance with applicable zoning regulations.

- Block Length: Elmer Avenue, as designed, exceeds the 600-foot maximum residential block length established by Sec. 98-48.1.b. Item 5.1 to this agenda is a request for variance to the 600-foot block length limitation. A recommendation for approval of the variance is a prerequisite for a recommendation to approve the preliminary plat.
- The drainage study required by Sec. 98-22.d.4 is currently under review. In advance of the City Engineer's approval of this plan, a recommendation for plat approval must be conditioned on the City Engineer's approval of the drainage study.

Under the terms of Texas Local Government Code Sec. 212.009, the City must *“approve, approve with conditions, or disapprove a plan, or plat within 30 days after the date the plan or plat is filed.”* This section continues to state that *“a plan or plat is approved by the governing body of the municipality unless it is disapproved in that period.”*

In the case of the Westfall Village Subdivision, the appropriate action is to approve the plat subject to satisfaction of the conditions outlined in the preceding paragraphs.

Once a plat is approved with condition, no additional Planning and Zoning Commission, or City Council is necessary. Staff will be authorized to release the plat for recordation once conditions have been satisfied.

**Recommendation:** Recommend City Council approval of the Westfall Village Subdivision Preliminary Plat subject to satisfaction of the following conditions:

- City Council approval of the ordinance assigning Single-family Residential—District R-1 zoning to the property being platted; and
- City Council approval of the Elmer Avenue block length variance; and
- City Engineer's approval of the subdivision drainage study.

**EXHIBIT "A"**  
**Location**



# Exhibit B Plat 1 of 2

CITY OF BURNET  
COUNTY OF BURNET  
THE ATTACHED PRELIMINARY PLAT OF THE CITY OF BURNET AT WESTFALL VILLAGE SUBDIVISION HAS BEEN SUBMITTED TO AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BURNET TEXAS AT A MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.  
THE PRELIMINARY PLAT SHALL NOT BE FILED IN THE CLERK AND RECORDS OFFICE FOR BURNET COUNTY TEXAS.

CITY CLERK OF BURNET TEXAS

OWNER	WESTFALL VILLAGE SUBDIVISION
PREPARED BY	1500 OLIVE LANE MABLE FALLS, TX 78544 TEL: 936.291.1111 WWW.WESTFALLVILLAGE.COM
DATE	11/15/2018
SCALE	AS SHOWN
PROJECT NO.	1500 OLIVE LANE
PLAT NO.	1500 OLIVE LANE
SECTION	1
SHEET NO.	1 OF 2

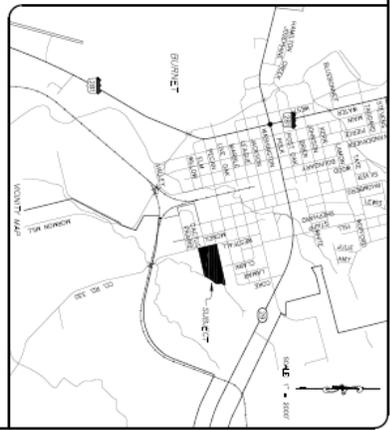


DATE	11/15/2018
SCALE	AS SHOWN
PROJECT NO.	1500 OLIVE LANE
PLAT NO.	1500 OLIVE LANE
SECTION	1
SHEET NO.	1 OF 2

OWNER:  
WESTFALL VILLAGE SUBDIVISION  
1500 OLIVE LANE  
MABLE FALLS, TX 78544  
TEL: 936.291.1111  
WWW.WESTFALLVILLAGE.COM

ENGINEER:  
LUPIN & ASSOCIATES, INC.  
1500 OLIVE LANE  
MABLE FALLS, TX 78544  
TEL: 936.291.1111  
WWW.LUPINANDASSOCIATES.COM

A PRELIMINARY PLAT OF  
WESTFALL VILLAGE SUBDIVISION  
14.09 ACRES  
SARAH ANN GUEST SURVEY NO. 1563  
CITY OF BURNET  
BURNET COUNTY, TEXAS



- NOTES:
1. THE PRELIMINARY PLAT OF THE CITY OF BURNET AT WESTFALL VILLAGE SUBDIVISION IS A PRELIMINARY PLAT OF THE CITY OF BURNET AT WESTFALL VILLAGE SUBDIVISION. THE PLAT NO. IS 1500 OLIVE LANE. THE DATE OF THE PLAT IS 11/15/2018.
  2. THE PLAT IS SUBJECT TO THE CITY OF BURNET AT WESTFALL VILLAGE SUBDIVISION. THE PLAT IS SUBJECT TO THE CITY OF BURNET AT WESTFALL VILLAGE SUBDIVISION.
  3. ALL PROPERTY HEREIN IS SUBJECT TO THE CITY OF BURNET AT WESTFALL VILLAGE SUBDIVISION. THE PLAT IS SUBJECT TO THE CITY OF BURNET AT WESTFALL VILLAGE SUBDIVISION.
  4. THE PLAT IS SUBJECT TO THE CITY OF BURNET AT WESTFALL VILLAGE SUBDIVISION. THE PLAT IS SUBJECT TO THE CITY OF BURNET AT WESTFALL VILLAGE SUBDIVISION.
  5. THE PLAT IS SUBJECT TO THE CITY OF BURNET AT WESTFALL VILLAGE SUBDIVISION. THE PLAT IS SUBJECT TO THE CITY OF BURNET AT WESTFALL VILLAGE SUBDIVISION.
  6. THE PLAT IS SUBJECT TO THE CITY OF BURNET AT WESTFALL VILLAGE SUBDIVISION. THE PLAT IS SUBJECT TO THE CITY OF BURNET AT WESTFALL VILLAGE SUBDIVISION.
  7. THE PLAT IS SUBJECT TO THE CITY OF BURNET AT WESTFALL VILLAGE SUBDIVISION. THE PLAT IS SUBJECT TO THE CITY OF BURNET AT WESTFALL VILLAGE SUBDIVISION.
  8. THE PLAT IS SUBJECT TO THE CITY OF BURNET AT WESTFALL VILLAGE SUBDIVISION. THE PLAT IS SUBJECT TO THE CITY OF BURNET AT WESTFALL VILLAGE SUBDIVISION.

# Exhibit B Plat 1 of 2



PROJECT NO. 1503  
 PREPARED FOR: LIBERTY HOMES, INC.  
 PROJECT LOCATION: 1500 OLDFIELD LANE, MARBLE FALLS, TX 78644  
 FILE NUMBER: 1503  
 DATE: 08/14/2018

1500 OLDFIELD LANE  
 MARBLE FALLS, TX 78644  
 PROJECT NO. 1503



SCALE 1" = 100'  
 SHEET 2 OF 2  
 REVISIONS

2 OF 2

LINE	BEARING	DISTANCE	AREA	PERIMETER	AREA	PERIMETER
1	N 0° 0' 0" E	100.00	100.00	100.00	100.00	100.00
2	N 45° 0' 0" E	70.71	100.00	100.00	100.00	100.00
3	N 90° 0' 0" E	100.00	100.00	100.00	100.00	100.00
4	N 135° 0' 0" E	70.71	100.00	100.00	100.00	100.00
5	N 180° 0' 0" E	100.00	100.00	100.00	100.00	100.00
6	N 225° 0' 0" E	70.71	100.00	100.00	100.00	100.00
7	N 270° 0' 0" E	100.00	100.00	100.00	100.00	100.00
8	N 315° 0' 0" E	70.71	100.00	100.00	100.00	100.00
9	N 360° 0' 0" E	100.00	100.00	100.00	100.00	100.00
10	N 0° 0' 0" E	100.00	100.00	100.00	100.00	100.00

LINE	BEARING	DISTANCE	AREA	PERIMETER	AREA	PERIMETER
11	N 0° 0' 0" E	100.00	100.00	100.00	100.00	100.00
12	N 45° 0' 0" E	70.71	100.00	100.00	100.00	100.00
13	N 90° 0' 0" E	100.00	100.00	100.00	100.00	100.00
14	N 135° 0' 0" E	70.71	100.00	100.00	100.00	100.00
15	N 180° 0' 0" E	100.00	100.00	100.00	100.00	100.00
16	N 225° 0' 0" E	70.71	100.00	100.00	100.00	100.00
17	N 270° 0' 0" E	100.00	100.00	100.00	100.00	100.00
18	N 315° 0' 0" E	70.71	100.00	100.00	100.00	100.00
19	N 360° 0' 0" E	100.00	100.00	100.00	100.00	100.00
20	N 0° 0' 0" E	100.00	100.00	100.00	100.00	100.00



## Planning & Zoning

### Agenda Item Brief

## ITEM 4.2

Mark Lewis  
Development Services  
(512)-715-3215  
mlewis@cityofburnet.com

**Meeting Date:** December 2, 2019

**Agenda Item:** The Planning & Zoning Commission of the City of Burnet, Texas will conduct a public hearing regarding the Preliminary Plat of Sky View Hill, a nine-lot subdivision located in the 1200-1500 blocks of CR 250.

**Background:** The property being platted as Sky View Hill is located in the City's Extra Territorial Jurisdiction (ETJ) (See Exhibit A). Just over twenty-seven acres out of a larger parent tract are to be developed as a nine-lot subdivision (See Exhibit B).

All nine subdivision lots will front on CR 250. The 69.23 remaining acres of the parent tract will retain three points of frontage onto CR 250. No additional roads are proposed for construction in conjunction with the development of this subdivision.

Each lot, when developed, will be served by an individual well and septic (or other form of on-site sanitary facility) system. No new public water or sewer infrastructure are proposed in conjunction with the development of this subdivision.

The Sky View Hill preliminary was determined to be administratively complete on November 20, 2019 and is being brought forward at this time to ensure compliance with applicable provisions of Code of Ordinances, Chapter 98, and applicable provisions of the Texas Local Government Code.

**Information:** Burnet County and the City of Burnet have entered into an Interlocal Agreement that, within its ETJ, grants sole platting authority to the City. This interlocal agreement is the basis for bringing the Sky View Hill plats to the City for review and action.

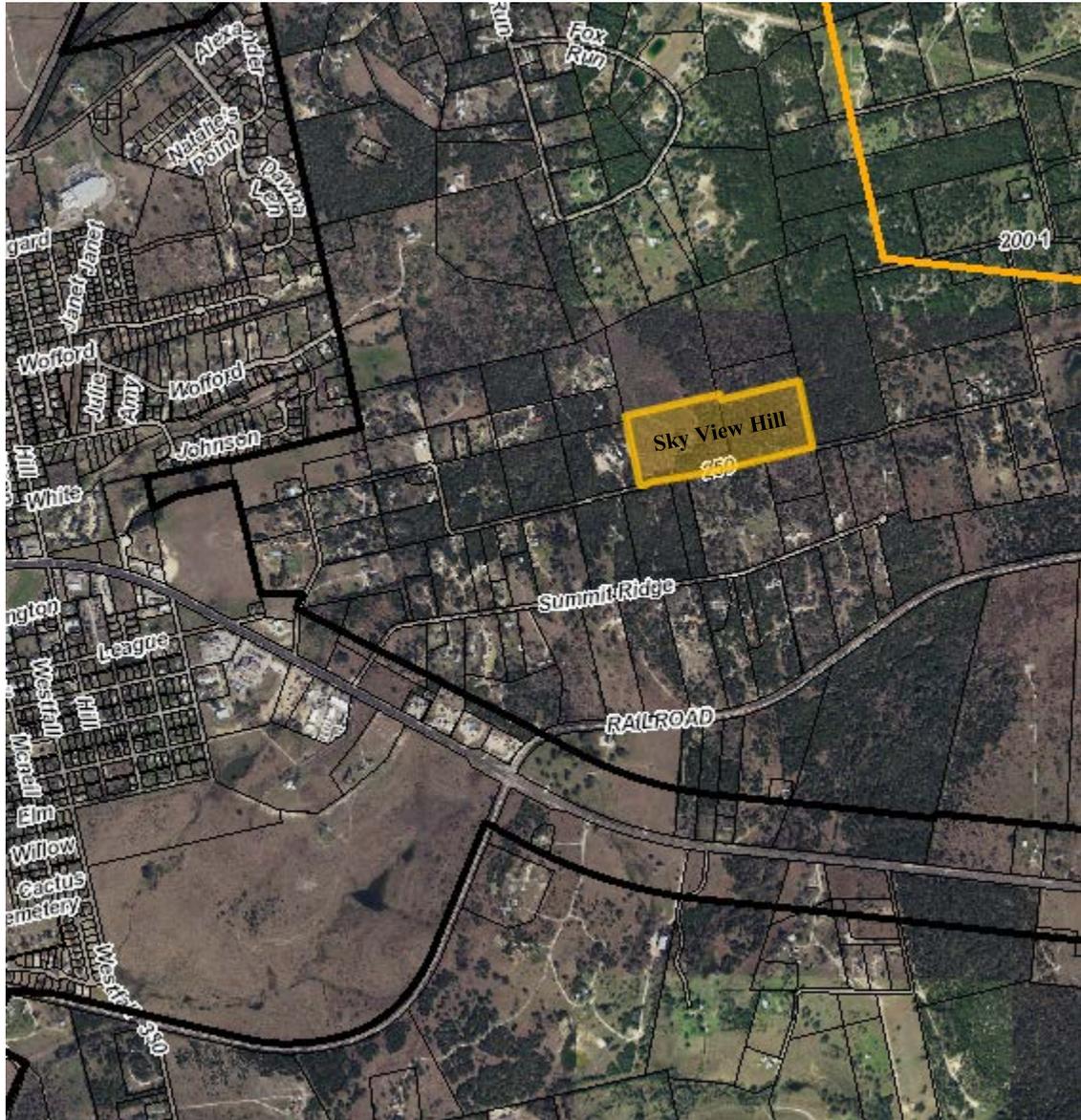
Even though Sky View Hill is located in the ETJ, it is subject to the provisions of Burnet Code of Ordinances Chapter 98—Subdivision. It will not however, be subject to any of the City's zoning regulations.

Building setback regulations, lot size and configuration standards and other land use regulations established through the City's zoning authority are not applicable in the City's ETJ.

The Sky View Hill has been reviewed and determined to be in conformance with Code of Ordinances provisions that are applicable in the City's ETJ.

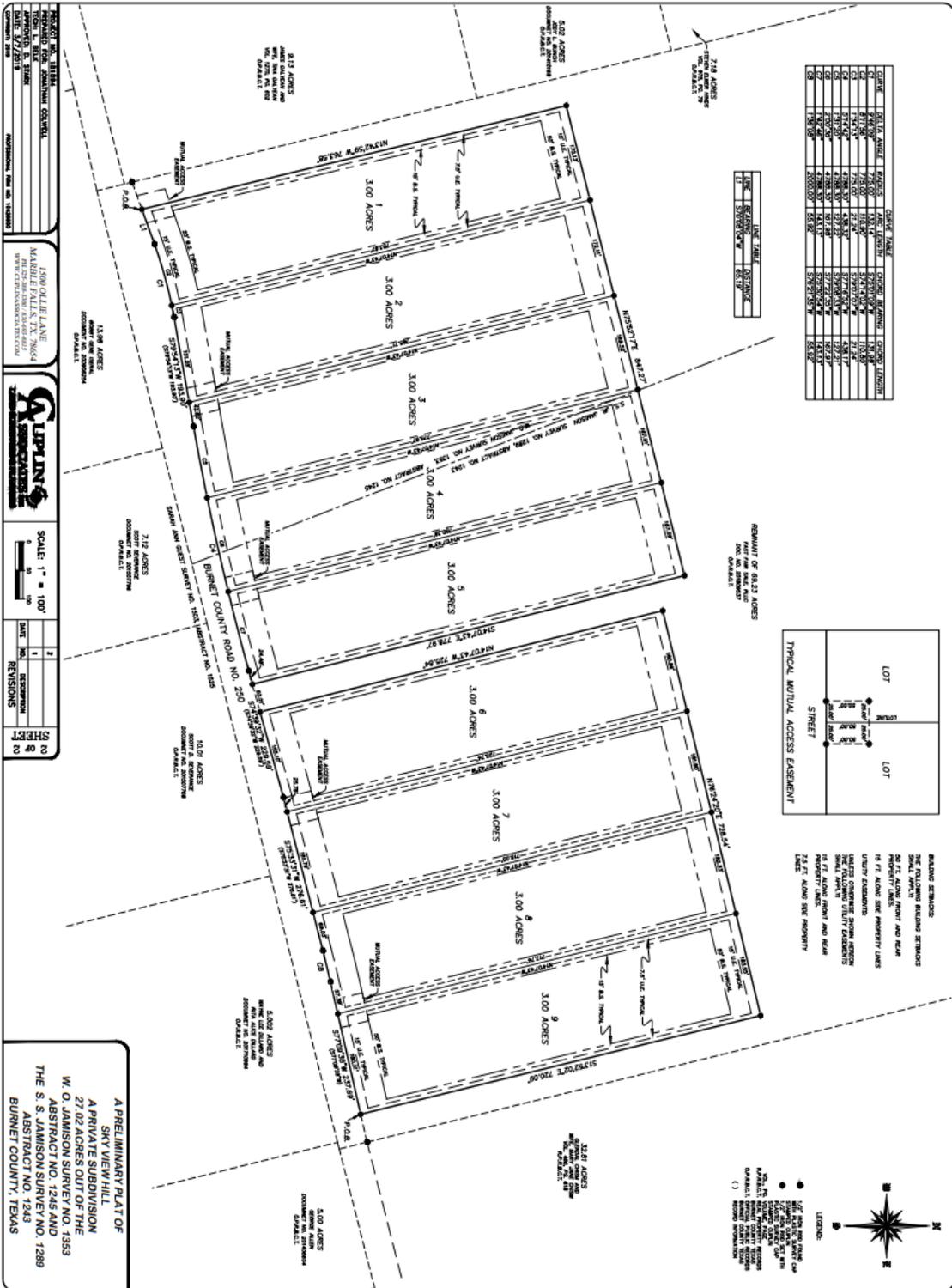
**Recommendation:** Recommend City Council approval of the Sky View Hill Preliminary Plat.

**EXHIBIT "A"**  
**Location**





# Exhibit B Plat 2 of 2





## Planning & Zoning

### Agenda Item Brief

#### ITEM 5.1

Mark S. Lewis  
Development Services  
(512)-715-3215  
mlewis@cityofburnet.com

**Meeting Date:** December 2, 2019

**Agenda Item:** The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action regarding a variance to the 600-foot maximum block length requirements established by Code of Ordinances Chapter 98, Sec. 98-48 requested for the purpose of allowing Elmer Avenue, a local residential street to be located in the Westfall Village Subdivision, to be constructed with a block length of 900 feet.

**Background:** Westfall Village is a 14.03-acre tract that is being platted as a single-family residential subdivision (See Exhibit A).

Langley Homes, Inc., the property owner, is requesting a subdivision variance to allow Elmer Avenue, a street within the proposed subdivision, to be dedicated and constructed as proposed (See Exhibit B).

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.*

Elmer Avenue will be a local residential street within the proposed Westfall Village subdivision. The street's length, as measured from its intersection with Westfall Street to its intersection with Warner Way is approximately 900-feet (See Exhibit C).

A subdivision variance is needed to allow Elmer Avenue to be constructed as designed.

**Information:** Subdivision variances are governed by Code of Ordinance Sec. 98-82. Under the terms of this section, a variance can be requested when *"a tract to be developed is... surrounded by development of such unusual conditions that the strict application of the requirements contained in this chapter would result in hardship or inequity."*

The circumstances relating to this request are as follows:

- Westfall Village, including Elmer Avenue has been designed to provide efficient connection with the existing street system that borders to the north and west (See Exhibits A & C).
- To the east, the subdivision is bordered by a dry creek channel that will be contained within a dedicated “Water Quality Buffer Zone Easement (See Exhibits A & C).”
- Block length has the effect of limiting the number of home-sites that can be located along a single block. The property in question is being zoned Single-family Residential—District R-1. This comes into play as follows:
  - Minimum R-1 lot width has been set a 60ft.
  - The minimum lot width standard effectively sets a 20-lot per block cap (10-lots per street side)
  - Due to proposed widths of lots intended as home-sites (70ft or more) and the presence of lot 10, a one-acre water quality pond, the section of Elmer Avenue in question will contain 20 ½ buildable lots.

The Planning and Zoning Commission and City Council are authorized to grant a subdivision variance if the following findings can be made.

- *The public convenience and welfare will be substantially served;*

Because of lot width and the presence of the Lot 19 water quality pond, the number of homesites served by Elmer Avenue are consistent with the number of minimum width lots that could be served by a 600-foot block. This means that traffic patterns and volumes will be consistent with ordinance design parameters. In this regard, granting the variance will be consistent with the public convenience and welfare.

- *The appropriate use of surrounding property will not be substantially or permanently impaired or diminished;*

The Westfall Village subdivision design is driven by constraints imposed by topographic features, existing

street system, and the subject property's size and configuration. The subdivision's design smoothly meshes with the existing street system and topographic features. This meshing will help ensure that the use of surrounding properties will not be substantially, or permanently impaired or diminished.

- *The applicant has not created the hardship from which relief is sought;*

Design constraints are imposed by topography, property configuration, and an existing street network. The hardship is therefore, not self-imposed.

- *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;*

Granting the variance will allow for a subdivision design that meshes with existing street and drainage patterns. In this way it will preserve the right of development or use afforded to other developments within the City.

- *The hardship from which relief is sought is not solely of an economic nature;*

The subdivision design is based on topographic constraints, property size and configuration, and existing street patterns. These factors are not economic in nature.

- *The variance is not contrary to the public interest;*

Based on factors already addressed in this report, granting the variance will not be contrary to the public interest.

- *Due to special conditions, the literal enforcement of this chapter would result in an unnecessary hardship; and*

This is a relatively small and hemmed in property. The subdivision design is intended to provide efficient use of the land available to the property owners, while protecting the value, use, and enjoyment of surrounding properties.

Strict enforcement of block length standards would significantly impact drainage design and require a street reconfiguration that could significantly impact overall project viability. This would impose an unnecessary hardship.

- *In granting the variance the spirit of the ordinance is observed and substantial justice is done.*

Granting the variance observes the spirit of the City's development regulations and will maintain the quality of development sought by City regulations.

**Recommendation:** Recommend approval of a variance allowing the portion of Elmer Avenue located between Westfall Street and Warner Way to be constructed with a 900-foot block length.

**EXHIBIT "A"**  
**Subdivision and Creek Location**



**EXHIBIT B**  
**Request for Variance**



Ricky Langley, President  
ricky@langleyhomesinc.com

(512) 734-3171  
717 N Water Street  
Burnet, TX 78611

Wade Langley, Vice President  
wade@langleyhomesinc.com

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Building Quality Homes Since 1985

October 1, 2019

Mark Lewis  
Development Director  
City of Burnet, TX

RE: Block Length Variance Westfall Village

Langley Homes, Inc. would like to request a variance to the block length requirement listed in the City of Burnet ordinances.

Our designers and consultants have orchestrated our proposed streets to maximize usable space and better align proposed streets with current improved roads owned and maintained by the City of Burnet.

Please contact us with any questions that you may have, and we look forward to following the request through the appropriate channels.

Thank you,

A handwritten signature in blue ink, appearing to read "Wade Langley", is written over a light blue circular stamp.

Wade Langley  
Langley Homes, Inc.

# Exhibit C Block Length





## Planning & Zoning

### Agenda Item Brief

## ITEM 5.2

Mark Lewis  
Development Services  
(512)-715-3206  
Mlewis@cityofburnet.com

**Meeting Date:** December 2, 2019

**Agenda Item:** The Planning and Zoning Commission of the City of Burnet, Texas will discuss and consider action regarding the Preliminary Plat of Westfall Village, a 51-lot single-family residential subdivision to be generally located in the southeastern quadrant of the intersection of Elm and Westfall Streets.

**Background:** The Planning and Zoning Commission is asked to take action regarding Public Hearing Item 4.1.

**Information:** Please refer to Agenda item 4.1 for information regarding the Westfall Village Preliminary Plat.

**Recommendation:** Recommend City Council approval of the Westfall Village Subdivision Preliminary Plat subject to satisfaction of the following conditions:

- City Council approval of the ordinance assigning Single-family Residential—District R-1 zoning to the property being platted; and
- City Council approval of the Elmer Avenue block length variance; and
- City Engineer's approval of the subdivision drainage study.



## Planning & Zoning

### Agenda Item Brief

### ITEM 5.3

Mark Lewis  
Development Services  
(512)-715-3206  
Mlewis@cityofburnet.com

**Meeting Date:** December 2, 2019

**Agenda Item:** The Planning and Zoning Commission of the City of Burnet, will discuss and consider action regarding the Preliminary Plat of Sky View Hill, a nine-lot subdivision located in the 1200-1500 blocks of CR 250.

**Background:** The Planning and Zoning Commission is asked to take action regarding Public Hearing Item 4.2.

**Information:** Please refer to Agenda item 4.2 for information regarding the Westfall Village Preliminary Plat.

**Recommendation:** Recommend City Council approval of the Sky View Hill Preliminary Plat.



## Planning & Zoning

### Agenda Item Brief

#### ITEM 5.4

Mark Lewis  
Development Services  
(512)-715-3215  
mlewis@cityofburnet.com

**Meeting Date:** December 2, 2019

**Agenda Item:** The Planning and Zoning Commission of the City of Burnet, will discuss and consider action regarding the Final Plat of Sky View Hill, Phase 1, a nine-lot subdivision located in the 1200-1500 blocks of CR 250.

**Background:** The property being platted as Sky View Hill is located in the City's Extra Territorial Jurisdiction (ETJ) (See Exhibit A). Just over twenty-seven acres out of a larger parent tract are to be developed as a nine-lot subdivision (See Exhibit B).

All nine subdivision lots will front on CR 250. The 69.23 remaining acres of the parent tract will retain three points of frontage onto CR 250. No additional roads are proposed for construction in conjunction with the development of this subdivision.

Each lot, when developed, will be served by an individual well and septic (or other form of on-site sanitary facility) system. No new public water or sewer infrastructure are proposed in conjunction with the development of this subdivision.

The Sky View Hill Final Plat was determined to be administratively complete on November 20, 2019 and is being brought forward at this time to ensure compliance with applicable provisions of Code of Ordinances, Chapter 98, and applicable provisions of the Texas Local Government Code.

The Sky View Hill **Preliminary** Plat is also under consideration. A Planning and Zoning Commission recommendation for approval of the preliminary plat is a prerequisite for a recommendation to approve the Sky View Hill **Final** Plat.

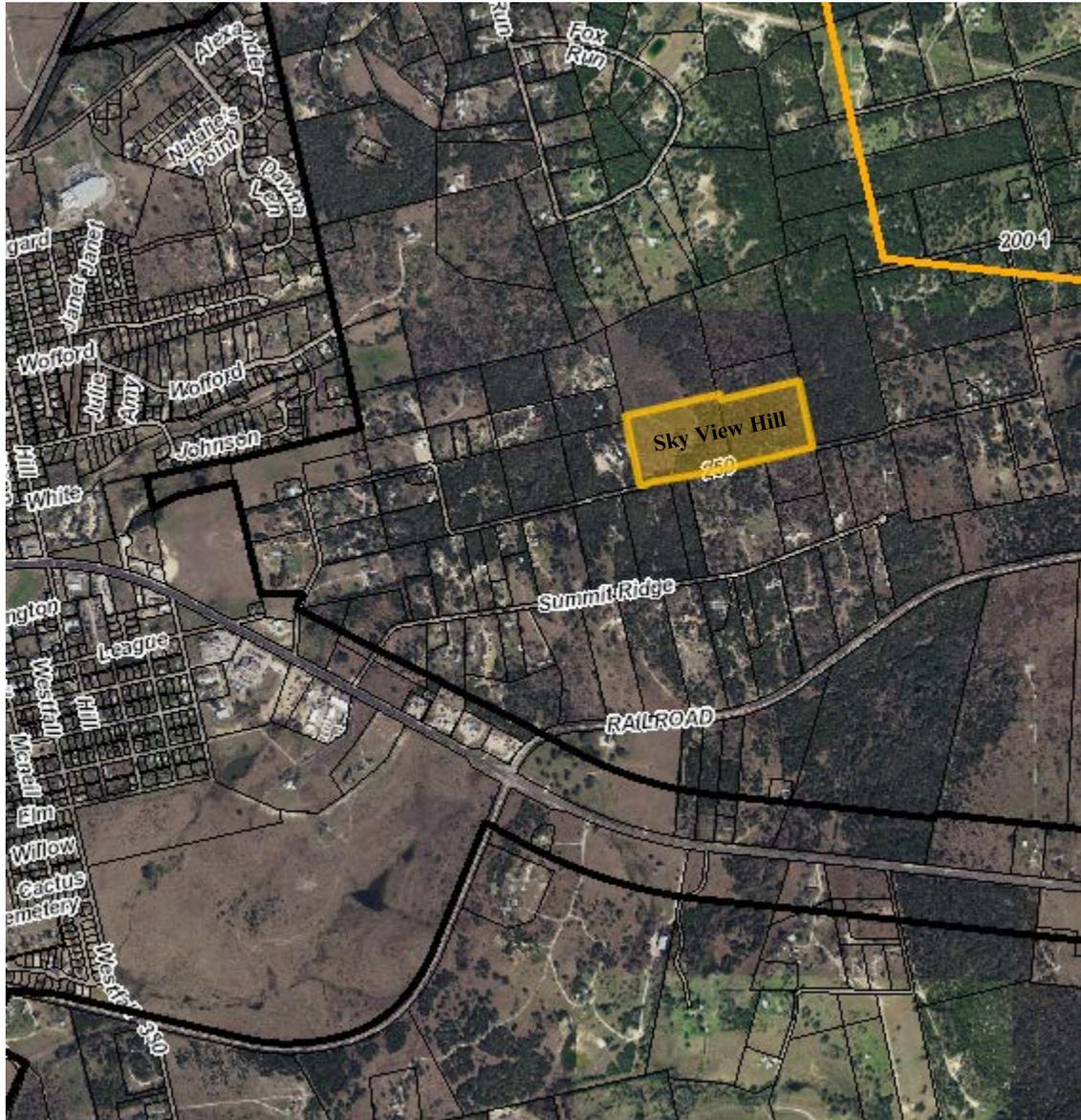
**Information:** Burnet County and the City of Burnet have entered into an Interlocal Agreement that, within its ETJ, grants sole platting authority to the City. This interlocal agreement is the basis for bringing the Sky View Hill plats to the City for review and action.

Even though Sky View Hill is located in the ETJ, it is subject to the provisions of Burnet Code of Ordinances Chapter 98—Subdivision. It will not however, be subject to any of the City's zoning regulations. Building setback regulations, lot size and configuration standards and other land use regulations established through the City's zoning authority are not applicable in the City's ETJ.

The Sky View Hill Final Plat, been reviewed and determined to be in compliance with all Code of Ordinances provisions applicable in the City's ETJ.

**Recommendation:** Recommend City Council approval of the Sky View Hill Final Plat.

**EXHIBIT "A"**  
**Location**









## Planning & Zoning

### Agenda Item Brief

## ITEM 6.1

Mark Lewis  
Development Services  
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**Meeting Date:** December 2, 2019

**Agenda Item:** January 14, 2020 Joint Planning and Zoning Commission/City Council Workshop

**Background:** Mayor Bromley has called a Planning and Zoning Commission/City Council joint workshop for January 14, 2020. The meeting is called for 5PM and will be conducted in in the City Council Chambers at 2402 South Water Street, Burnet, Texas 78611.

The workshop is being conducted for the purpose of discussing Code of Ordinance amendments pertaining to tree protection/preservation.

**Information:**

**Recommendation:**