



## 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 3, 2023** at **6:00 p.m.** at the City of Burnet's Council Chambers located at 2402 S Water St., Burnet, Texas 78611 at which time the following subjects will be discussed, to-wit:

### 1. CALL TO ORDER:

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

### 2. ROLL CALL:

Members present: Tommy Gaut, Derek Fortin, Glen Gates, Glen Teague

Members absent: Calib Williams

Guests: Lee Carney, Bret Burton, Miguel Leon, Lori Krizan, David Krizan, Glenn Patterson, Ivan Leon

Others present: Habib Erkan- Assistant City Manager, Leslie Kimbler- Planning Manager, Bryce Van Arsdale- Planner

### 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 6, 2022.

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

### 4. PUBLIC HEARINGS:

- 4.1) Public Hearing and Consideration of the following: Zoning Classifications presented by Habib Erkan, Asst. City Manager, Leslie Kimbler, Planning Manager, and Bryce Van Arsdale, Planner.

(a) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CITY CODE OF ORDINANCES CHAPTER 118 (ENTITLED "ZONING") SECTION 118-63 (ENTITLED "MUNICIPAL GOLF COURSE VEGETATIVE BUFFER REQUIREMENTS") BY IMPLEMENTING TREE PRESERVATION REGULATIONS WITHIN THE MUNICIPAL GOLF COURSE VEGETATIVE BUFFER ZONE AND REQUIRING SUBDIVIDERS OF AFFECTED LOTS TO INCLUDE A PLAT NOTE

- (1) Staff Presentation – H. Erkan
- (2) Public Hearing
- (3) Consideration and action.

Habib Erkan presented staff's report regarding the amendment to the vegetative buffer ordinance

Chairman Gaut opened the public hearing at 6:04 p.m.

Lee Carney and David Krizan spoke in opposition to the proposed amendment.

Habib Erkan requested to clarify intent and impact of proposed amendment.

There being no further comment, Chairman Gaut closed the public hearing at 6:14p.m.

Chairman Gaut observed that the provided copy of the proposed ordinance did not include section regarding plat note requirements.

Commissioner Teague asked for clarification regarding setbacks and slab location.

Commissioner Teague made a motion to approve the proposed ordinance with a section regarding plat note requirements. Commissioner Gates seconded; the motion carried with a vote of 4 to 0.

(b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 302 SOUTH HILL STREET (Legal Description: S6127 LUNA PARK LOT 4) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – B. Van Arsdale
- (2) Public Hearing
- (3) Consideration and action.

Bryce Van Arsdale presented staff's report regarding the requested rezone.

Chairman Gaut opened the floor for public comment at 6:21 p.m.

There being no comment, the floor was closed at 6:21 p.m.

Commissioner Gates made a motion to approve the proposed rezone, Commissioner Fortin seconded. The motion passed with a vote of 4 to 0.

(c) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 308 SOUTH HILL STREET (Legal Description: S4150 KERR DONATION (5 AC BLOCKS) BLK 8 (PT OF 5 AC) KNOWN AS TR D (70X103) 1655) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE



- (1) Staff Presentation – B. Van Arsdale
- (2) Public Hearing
- (3) Consideration and action.

Bryce Van Arsdale presented staff's report regarding the requested rezone.

Chairman Gaut opened the floor for public comment at 6:23 p.m.

There being no comment, the floor was closed at 6:23 p.m.

Commissioner Teague made a motion to approve the proposed rezone,  
Commissioner Fortin seconded. The motion passed with a vote of 4 to 0.

- (d) 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 GENERALLY DESCRIBED AS 310 SOUTH HILL STREET (Legal Description: S4150 KERR DONATION (5 AC BLOCKS) BLK 8 (PT OF 5 AC) KNOWN AS TR C (70X103) .1655) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – B. Van Arsdale
- (2) Public Hearing
- (3) Consideration and action.

Bryce Van Arsdale presented staff's report regarding the requested rezone.

Chairman Gaut opened the floor for public comment at 6:25 p.m.

There being no comment, the floor was closed at 6:25 p.m.

Commissioner Gates made a motion to approve the proposed rezone,  
Commissioner Teague seconded. The motion passed with a vote of 4 to 0.

- (e) 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 GENERALLY DESCRIBED AS THE CORNER LOT OF SOUTH WEST STREET AND WEST LEAGUE STREET (Legal Description: BEING ALL OF LOT NO. 3, BLOCK NO. 1 OF THE PETER KERR PORTION) WITH LIGHT COMMERCIAL "C-1" 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.

Leslie Kimbler presented staff's report regarding the requested rezone.

Chairman Gaut opened the floor for public comment at 6:28 p.m.

Ivan Leon spoke in favor of the proposed rezone.

There being no further comment, the floor was closed at 6:30 p.m.

Commissioner Gates made a motion to approve the proposed rezone, Commissioner Teague seconded. The motion passed with a vote of 4 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 Replat of Lot 3 and a Portion of Lot 4, Block 11, Peter Kerr Donation, City of Burnet. The proposed "Replat" will consist of 3 residential lots: L. Kimbler

This item was passed on by the Commission due to the applicant withdrawing their plat application.

## **5. ACTION ITEMS:**

- 5.1) A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES, SECTION 118-20, CHART 1, FOR LOT WIDTHS AND SETBACKS FOR THE PROPOSED PRELIMINARY REPLAT OF LOT 3 AND A PORTION OF LOT 4, BLOCK 11, PETER KERR DONATION, CITY OF BURNET: L. Kimbler

This item was passed on by the Commission due to the applicant withdrawing their plat application.

- 5.2) RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE REPLAT OF LOT 3 AND A PORTION OF LOT 4, BLOCK 11, PETER KERR DONTATION, CITY OF BURNET: L. Kimbler

This item was passed on by the Commission due to the applicant withdrawing their plat application.

- 5.3) A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING SOUTH HWY 281 DELAWARE COMMERCIAL PLAT, CONSISTING OF APPROXIMATELY 3 COMMERCIAL LOTS ON 19.65 ACRES OUT OF ABST A0398 SUSANO HERNANDEZ & ABST 1018 FRANCICO YBARRO, ABST. 29 WASHINGTON TRACT: L. Kimbler

Leslie Kimbler presented staff's report regarding the preliminary plat.

Commissioner Gates requested clarification regarding number of lots.

Commissioner Fortin made a motion to approve the proposed rezone, Commissioner Teague seconded. The motion passed with a vote of 4 to 0.

## **6. STAFF REPORTS:**

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

Updates to come regarding by-laws and potential ordinance regarding them.

**ADJOURN:**

There being no further business, Chairman Gaut adjourned the meeting at 6:35 p.m.



~~Tommy Gaut, Chair~~ *Calib Williams, vice chair*  
City of Burnet Planning and Zoning  
Commission



**Attest:**

Herve Derek Fortin, Secretary