



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 Special Meeting of the Planning and Zoning Commission** of the City of Burnet, Texas will be held on Monday **December 7, 2020**, at **6:00 p.m.**, in the City Council Chambers, Burnet Municipal Airport, 2402 S. Water, Burnet, TX. In order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19), a Declaration of a Public Health Emergency was executed by Mayor Bromley on March 19, 2020. The Council Chambers will be closed to public attendance. A Zoom Webinar with toll free conference call capability has been established for access as follows:

Computer: Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81138046026?pwd=M2xLUzBPbFBDcnExWE5ZVm82WmpgZz09>

OR: Go to: www.zoom.us

Enter Webinar ID when prompted: **824 1911 6347**

Enter Password when prompted: **729358**

If you would like to address the Commission with a Public Comment while logged-in online, please use the “raise your hand” feature.

By Telephone Call: 888-475-4499 or 877-853-5257 (Toll Free Numbers)

Enter Webinar ID when prompted: **824 1911 6347**

Enter Password when prompted: **729358**

If you would like to address the Commission with a Public Comment while dialed in via telephone, please use the “raise your hand” feature, by pressing *9 while on the phone.

This notice is posted pursuant to the Texas Government Code, Chapter §551-Open Meetings.

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 special meeting of the Planning and Zoning Commission of the City of Burnet, Texas held on October 26, 2020.

4. PUBLIC HEARINGS:

- 4.1) to receive public testimony and comments on the merits of a proposed "Preliminary Plat" for approximately 25.954 acres out of the Eugenio Perez Survey, No. 41, Abstract No. 672, The Susano Hernandez Survey No. 40, Abstract 398 and Washington Anderson Survey 10, abstract 29, and located approximately 830 feet west of the intersection of US Hwy 281 and Delaware Springs Blvd. The proposed "Preliminary Plat" will establish Section 24 of the Delaware Springs Subdivision, consisting of approximately 51 residential lots: J. Lutz
- 4.2) The Planning & Zoning Commission shall conduct a public hearing to receive public testimony and comments on the merits of a proposed amendment to the City's Code of Ordinances Chapter 118 (entitled "Zoning") Section 118-64 (entitled "Conditional Use Permit"). The proposed amendment would expand City Council's authority to grant conditional use permits in all commercial and industrial districts and provide a criteria for granting a conditions use permit: J. Lutz

5. ACTION ITEMS:

- 5.1) The Planning & Zoning Commission will discuss and consider action regarding a proposed "Preliminary Plat" for approximately 25.954 acres out of the Eugenio Perez Survey, No. 41, Abstract No. 672, The Susano Hernandez Survey No. 40, Abstract 398 and Washington Anderson Survey 10, abstract 29, and located approximately 830 feet west of the intersection of US Hwy 281 and Delaware Springs Blvd. The proposed "Preliminary Plat" will establish Section 24 of the Delaware Springs Subdivision, consisting of approximately 51 residential lots: J. Lutz
- 5.2) The Planning & Zoning Commission shall discuss and consider action regarding a proposed amendment to the City's Code of Ordinances Chapter 118 (entitled "Zoning") Section 118-64 (entitled "Conditional Use Permit"). The proposed amendment would expand City Council's authority to grant conditional use permits in all commercial and industrial districts and provide a criteria for granting a conditions use permit: J. Lutz

- 5.3) The Planning & Zoning Commission shall discuss and consider action regarding proposed regulations governing the use and operation of Mobile Food Establishments and providing feedback and direction to City staff regarding the proposed regulations: J. Lutz

6. STAFF REPORTS.

- 6.1) Addendum to the Planning & Zoning Agenda: Department and Committee Reports/Briefings: The Planning & Zoning Commission may or may not receive a briefing dependent upon activity or change in status regarding the matter. The listing is provided to give notice to the public that a briefing to the Commission on any or all subjects may occur.

6.1.A) Discussion regarding the January 4, 2020 regular meeting.

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 October 23, 2020 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 4th day of December, 2020

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 jlutz@cityofburnet.com for information or assistance.



PLANNING & ZONING COMMISSION MINUTES

Notice is hereby given that the **Public Hearing and Special Meeting of the Planning and Zoning Commission** of the City of Burnet, Texas will be held on Monday, Monday **October 5, 2020**, at **6:00 p.m.**, in the City Council Chambers, Burnet Municipal Airport, 2402 S. Water, Burnet, TX. In order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19), a Declaration of a Public Health Emergency was executed by Mayor Bromley on March 19, 2020. The Council Chambers will be closed to public attendance. A Zoom Webinar with toll free conference call capability has been established for access. 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, Jennifer Wind and Calib Williams

Members Absent: Cesar Arreaza, Ricky Langley

Guests: Chris VanTuinen, David Paschal, and David Rojas

Others Present: Jason Lutz, Director of Development Services
Leslie Kimbler, Development Services Admin.Tech.

3. CONSENT AGENDA:

- 3.1) Minutes of the regular meeting of the Planning and Zoning Commission of the City of Burnet, Texas held on October 5, 2020.

A motion to approve the consent agenda was made by Commissioner Fortin. The motion was seconded by Commissioner Williams and carried by a vote of 4 to 0.

4. PUBLIC HEARINGS:

- 4.1) The Planning & Zoning Commission shall conduct a public hearing to receive public testimony and comments on the merits of a request to rezone property located at 608 Buchanan Drive (Legal Description: S5100 HAMILTON CREEK ADTN. LOT 9B BLK 4). The requested rezoning is from its present designation of Light Commercial—District "C-1" to a designation of Heavy Commercial—District "C-3": J. Lutz

Jason Lutz, Director of Development Services, presented staff's report regarding the request to rezone property located at 608 Buchanan Dr. from its present designation of Light Commercial—District "C-1" to a designation of Heavy Commercial—District "C-3":

Chairman Gaut then opened the floor for public comment.

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

- 4.2) The Planning & Zoning Commission shall conduct a public hearing to receive public testimony and comments on the merits of a request for a Conditional Use Permit to allow the land use of "Machine shop without outdoor storage" as permitted in Sec. 118-47. - Heavy commercial—District "C-3" of the City's Code of Ordinances, for property located at 608 Buchanan Drive (Legal Description: S5100 HAMILTON CREEK ADTN. LOT 9B BLK 4): J. Lutz

Jason Lutz, Director of Development Services, presented staff's report regarding a request for a Conditional Use Permit to allow the land use of "Machine shop without outdoor storage" as permitted in Sec. 118-47. - Heavy commercial—District "C-3" of the City's Code of Ordinances, for property located at 608 Buchanan Drive.

Chairman Gaut then opened the floor for public comment.

Chris VanTuinen, applicant for the conditional use permit, spoke in regards to the type of work that were to be performed as well as hours of operation of the business.

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

- 4.3) The Planning & Zoning Commission shall conduct a public hearing to receive public testimony and comments on the merits of a request to rezone property located at 1006 E. Marble St. (Legal Description: S5550 JOHNSON ADDITION LOT 7 & 8 BLK 17). The requested rezoning is from its present designation of Single-family residential 1—District "R-1" to a designation of Townhomes—District "R-2 A": J. Lutz

Jason Lutz, Director of Development Services, presented staff's report regarding a request to rezone property located at 1006 E. Marble St. from its present designation of Single-family residential 1—District "R-1" to a designation of Townhomes—District "R-2 A":

Chairman Gaut then opened the floor for public comment.

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

5. ACTION ITEMS:

- 5.1) The Planning & Zoning Commission will discuss and consider a request to rezone property located at 608 Buchanan Drive (Legal Description: S5100 HAMILTON CREEK ADTN. LOT 9B BLK 4). The requested rezoning is from its present designation of Light Commercial—District "C-1" to a designation of Heavy Commercial—District "C-3": J. Lutz

Commissioner Williams made a motion to approve the request to rezone property located at 608 Buchanan Dr. from its present designation of Light Commercial—District "C-1" to a designation of Heavy Commercial—District "C-3": The motion was seconded by Commissioner Wind, and carried by a vote of 4 to 0.

- 5.2) The Planning & Zoning Commission shall discuss and consider a request for a Conditional Use Permit to allow the land use of "Machine shop without outdoor storage" as permitted in Sec. 118-47. - Heavy commercial—District "C-3" of the City's Code of Ordinances, for property located at 608 Buchanan Drive (Legal Description: S5100 HAMILTON CREEK ADTN. LOT 9B BLK 4): J. Lutz

Commissioner Gaut made a motion to approve the request for a Conditional Use Permit to allow the land use of "Machine shop without outdoor storage" as permitted in Sec. 118-47. - Heavy commercial—District "C-3" of the City's Code of Ordinances, for property located at 608 Buchanan Drive. The motion was seconded by Commissioner Williams, and carried by a vote of 4 to 0.

- 5.3) The Planning & Zoning Commission shall discuss and consider a request to rezone property located at 1006 E. Marble St. (Legal Description: S5550 JOHNSON ADDITION LOT 7 & 8 BLK 17). The requested rezoning is from its present designation of Single-family residential 1—District "R-1" to a designation of Townhomes—District "R-2 A": J. Lutz

Commissioner Fortin made a motion to approve the request to rezone property located at 1006 E. Marble St. from its present designation of Single-family residential 1—District "R-1" to a designation of Townhomes—District "R-2 A": The motion was seconded by Commissioner Wind, and carried by a vote of 4 to 0.

6. **STAFF REPORTS:** Director of Development Services, Jason Lutz, gave a report of the City's parks compared to other surrounding city's. Commissioner Wind then asked to see a report on the parkland fees that are paid to the city in lieu of parkland dedication.
7. **REQUESTS FOR FUTURE AGENDA ITEMS:** Director of Development Services, Jason Lutz, informed the Commission that the November 2nd meeting has been cancelled.
8. **ADJOURN:**

Commissioner Gaut made a motion to adjourn the meeting; Commissioner Wind seconded, and the motion carried by a vote of 4 to 0.

There being no further business, Chairperson, Tommy Gaut adjourned the meeting at 7:02 p.m.

Tommy Gaut, Chair
City of Burnet Planning and Zoning Commission

Attest: _____
Herve Derek Fortin, Secretary



Development Services

ITEM 4.1

Jason Lutz
Development Services
(512) 715-3215
jlutz@cityofburnet.com

Agenda Item Brief

Meeting Date: December 7, 2020

Agenda Item: Public Hearing: The Planning & Zoning Commission will conduct a public hearing to receive public testimony and comments on the merits of a proposed "Preliminary Plat" for approximately 25.954 acres out of the Eugenio Perez Survey, No. 41, Abstract No. 672, The Susano Hernandez Survey No. 40, Abstract 398 and Washington Anderson Survey 10, abstract 29, and located approximately 830 feet west of the intersection of US Hwy 281 and Delaware Springs Blvd. The proposed "Preliminary Plat" will establish Section 24 of the Delaware Springs Subdivision, consisting of approximately 51 residential lots: J. Lutz

Information: The property is currently zoned R-1 and consists of approximately 25+ acres of unplatted property. The applicant is proposing to subdivide the existing tract in order to create a 51 lot single-family residential subdivision which will establish Section 24 of the Delaware Springs Subdivision.

The property will be accessed via two locations. The 1st access point will be off of Oak Vista Dr. and the 2nd point of access will be off of Delaware Springs Blvd. Both access points are along streets with 50' of public rights-of-way that are sufficient to handle the proposed additional traffic. The properties will be serviced via two 50' wide public rights-of-way, Tom Kite Dr. and Crenshaw Ct.

The access point off of Oak Vista Drive will cross city owned property. The City has previously provided the property an access easement as recorded in Document No. 202002970. This easement will need to be relocated to align with the new proposed Tom Kite Drive.

All lots will be 0.30 acres or greater, with most lots falling in the range of 0.30-0.40 acres in size with an expected impervious cover calculation of approximately 30%.

Water will be provided by the City of Burnet with a proposed 8" water line to serve the properties that will connect to an existing 12" water line along the south and west side of the property.

Sewer will also be provided by the City of Burnet with a proposed 8" sewer line servicing the properties that will connect to existing sewer infrastructure along the southwest and eastern portion of the properties.

A 25' City of Burnet Greenbelt Easement (C.O.B.G.E.) is provided along all property lines adjacent to the golf course. This easement will be maintained by the property owners and will prohibit the construction of fences, improvements, or other impervious cover. An additional 20' irrigation line easement has been provided between lots 1 & 2 of Block B in order to allow the City's irrigation line to be relocated into this easement.

A portion of the property is located in a floodplain, but the proposed floodplain analysis shows no detention improvements would be required based on the impervious cover and location to the floodplain. Staff must note that the flood study is still being reviewed by K.C. Engineering and they are reviewing several additional pieces of information submitted by the applicant. K.C. Engineering has stated that the outstanding comments/information should not change the results of the study or require the plat to be modified.

A tree survey will be provided in the future with the submittal of the proposed construction plans for staff review and mitigation requirements.

Staff Analysis: Staff has reviewed the proposed preliminary plat and found it to be in compliance with the City's adopted Subdivision Ordinance.

Public Hearing: Open the Public Hearing and receive comments.

Exhibit A – Location Map



DELAWARE SPRINGS
SECTION 24
PRELIMINARY PLAT
DELAWARE SPRINGS BLVD
BURNET, TEXAS



SYSTEMS PLAN NUMBER:
 SUBMITAL DATE: SEPTEMBER, 2000
 PROJECT NUMBER: CELEANT SERVICES BLDG.
 ZONING: BUREAU, TEXAS
 USE: R-1
 SINGLE FAMILY RESIDENCE

BEARS A 25.00-ACRE TRACT OF LAND (THE 24.10-ACRE DOWNEY FOREST TRACT NO. 41, ABSTRACT NO. 672, THE SUMNER-HENNINGSEN SURVEY, NO. 40, ABSTRACT NO. 258 AND THE WASHINGTON JACKSON SURVEY, NO. 35, ABSTRACT NO. 28, ALL OF WHICH ARE SITUATED IN BARNETT COUNTY, TEXAS, AND BEING A PORTION OF THE RETURNED 1862-13 ACRE TRACT OF LAND AS CONVEYED BY JOSEPH WASSHART DEED TO DOUGLASS SERVICES INVESTMENTS, L.L.C. AS RECORDED IN DOCUMENT NO. 2020028705 OF THE OFFICIAL PUBLIC RECORDS OF BARNETT COUNTY, TEXAS.

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6600 N. NEW HOPEFIELD AVE.
EAST ANTONIO, TEXAS 78209

CLUNING CONSULTANTS, LTD.
2601 KYLE CROSSING, SUITE A
KEPLER, TEXAS 75640
1512 212-5040
1512 212-5099 FAX

CELCO SURVEYING, FIRM REGISTRATION NO. 0016075
GARON E. LUCK, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4166
2005 STONEYBROOK PARK
NEW BRUNSWICK, NEW JERSEY 08901
(908) 633-4657

CLAYTON D. STUBBS, JR.
2001 WYCK CHURCH RD
SUITE 100
CLAYTON, NC 28427
(704) 332-2040
(704) 332-2049 FAX

6020 E. GREENE, #
8700
NORTH

10/17/00

1366 JOURNAL OF CLIMATE

4400N. IRT, SECTION OF PLUMBING AND DESIGN/TEST SERVICES
CITY OF HOUSTON, TEXAS
SERIAL NO. 104 FOR ONE (1) YEAR

DOI/Chapter/Item number	Date

[illegible]

4 CUATRO
Consultants, LTD.
Registration No. F-4504

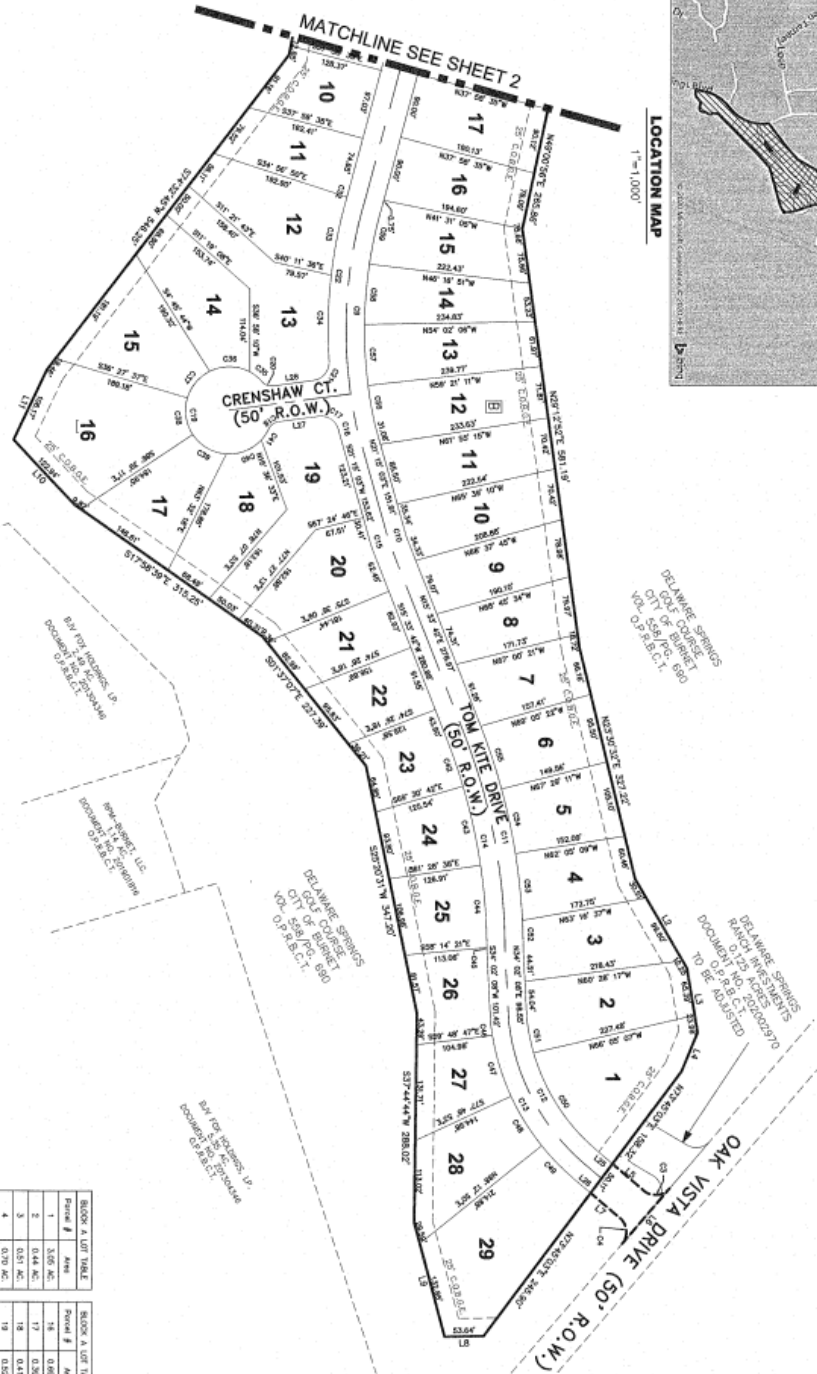
1001 Kala Crossing, Suite A Phone (214) 754-8000 Fax (214) 754-0999
Kala, Texas 76060 e-mail: quattro@cuatroconsultants.com

DELAWARE SPRINGS TRACT 24
BURNET, TEXAS 78611
BURNET COUNTY

CLIENT:
JORDAN SHIPLEY
DULLNIG RANCH SALES
8606 N. NEW BRAUNFELS AVE.
SAN ANTONIO, TEXAS 78209



PRELIMINARY PLAT OF
DELAWARE SPRINGS SUBDIVISION
SECTION 24
25.95 ACRES
OUT OF THE EUGENIO PEREZ SURVEY, SURVEY NO. 41, ABSTRACT NO. 672
BURNET COUNTY, TEXAS

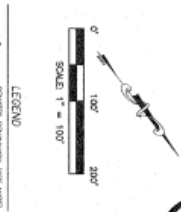


NAME	OWNER	INTEREST	DATE	STATUS
LAND LONE	LAND LONE	2.40	2017	2017
LAND LONE	LAND LONE	2.40	2017	2017
LAND LONE	LAND LONE	2.40	2017	2017

SHEET 1 OF 3

Block A LOT TABLE	Block A LOT TABLE	Block A LOT TABLE	Block A LOT TABLE
Lot #	Area	Lot #	Area
1	0.04 AC.	16	0.04 AC.
2	0.04 AC.	17	0.04 AC.
3	0.04 AC.	18	0.04 AC.
4	0.04 AC.	19	0.04 AC.
5	0.04 AC.	20	0.04 AC.
6	0.04 AC.	21	0.04 AC.
7	0.04 AC.	22	0.04 AC.
8	0.04 AC.	23	0.04 AC.
9	0.04 AC.	24	0.04 AC.
10	0.04 AC.	25	0.04 AC.
11	0.04 AC.	26	0.04 AC.
12	0.04 AC.	27	0.04 AC.
13	0.04 AC.	28	0.04 AC.
14	0.04 AC.	29	0.04 AC.

NOTES
UNLESS SHOWN OTHERWISE
INDICATE THE FOLLOWING
APPLY:
FRONT YARD - 20 FT.
SIDE YARD - 10 FT.
REAR YARD - 10 FT.
FRONT WIND - 10 FT.
SIDE WIND - 10 FT.
REAR WIND - 10 FT.
FRONT WIND - 10 FT.
SIDE WIND - 10 FT.
REAR WIND - 10 FT.



[illegible]

CHORD TABLE													
CLONE #	RIBTYPE	ARC LENGTH	BEARING	CHORD LENGTH	INCHES	DEG.	CLONE #	RIBTYPE	ARC LENGTH	BEARING	CHORD LENGTH	INCHES	DEG.
C1	52.4.40	286.34	N262W23.7E	277.64	20.48	120.48	C2	66.1.1	237.78	S43.9W10.3W	234.88	12.01	102.71
C2	53.6.47	442.91	N262W23.7E	354.64	34.33	149.42	C3	59.4.1	107.70	S23.9W12.5W	104.86	13.10	107.71
C3	50.0.0	41.35	S62.0W10.0W	36.73	27.06	148.32	C4	20.0.2	35.82	S62.0W10.0W	32.45	22.92	148.32
C4	22.0.0	44.25	S23.1W11.0W	38.73	27.06	148.32	C5	60.0.1	166.63	S46.0W10.7W	160.41	98.78	117.92
C5	21.0.0	34.34	S23.0W10.7W	30.52	13.17	102.70	C6	59.4.1	101.45	S23.9W12.5W	94.31	12.01	102.71
C6	23.0.0	34.88	N262W13.9E	29.62	42.76	102.70	C7	59.4.1	98.37	S23.9W12.5W	94.31	44.57	102.71
C7	22.0.0	34.88	N262W14.1W	29.57	22.45	102.70	C8	59.4.1	94.48	S23.9W12.5W	88.46	38.59	102.71
C8	45.0.1	146.24	N262W14.2E	133.22	11.56	104.32	C9	53.6.1	242.57	S43.9W10.3W	240.46	26.89	104.32
C9	45.0.1	146.24	N262W14.2E	133.22	11.56	104.32	C10	53.6.1	174.87	S43.9W10.3W	174.46	26.89	104.32
C10	46.6.1	11.87	N262W11.1E	11.87	5.65	102.70	C11	53.6.1	8.81	S23.1W13.0W	8.81	4.67	102.71
C11	46.6.1	11.87	N262W11.1E	11.87	5.65	102.70	C12	53.6.1	8.81	S23.1W13.0W	8.81	4.67	102.71
C12	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C13	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C13	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C14	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C14	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C15	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C15	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C16	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C16	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C17	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C17	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C18	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C18	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C19	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C19	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C20	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C20	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C21	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C21	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C22	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C22	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C23	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C23	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C24	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C24	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C25	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C25	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C26	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C26	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C27	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C27	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C28	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C28	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C29	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C29	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C30	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C30	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C31	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C31	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C32	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C32	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C33	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C33	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C34	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C34	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C35	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C35	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C36	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C36	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C37	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C37	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C38	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C38	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C39	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C39	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C40	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C40	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C41	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C41	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C42	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C42	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C43	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C43	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C44	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C44	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C45	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C45	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C46	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C46	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C47	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C47	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C48	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C48	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C49	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C49	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C50	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C50	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C51	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C51	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C52	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C52	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C53	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C53	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C54	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C54	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C55	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C55	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C56	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C56	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C57	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C57	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C58	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C58	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C59	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C59	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C60	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C60	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C61	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C61	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C62	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C62	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C63	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C63	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C64	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C64	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C65	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C65	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C66	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C66	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C67	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C67	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C68	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C68	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C69	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C69	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C70	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C70	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C71	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C71	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C72	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C72	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C73	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C73	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C74	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C74	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C75	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C75	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C76	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C76	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C77	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C77	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C78	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C78	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C79	64.0.1	150.87	N262W13.1E	146.06	106.67	107.13
C79	37.7.00	204.67	N262W13.1E	213.87	19.88	107.13	C80	64.0.1	150.87	N262W13.1E	146.06	106.67	1



Development Services

ITEM 5.1

Jason Lutz
Development Services
(512) 715-3215
jlutz@cityofburnet.com

Agenda Item Brief

Meeting Date: December 7, 2020

Agenda Item: Discuss and consider action: The City Planning & Zoning Commission will discuss and consider action regarding a proposed "Preliminary Plat" for approximately 25.954 acres out of the Eugenio Perez Survey, No. 41, Abstract No. 672, The Susano Hernandez Survey No. 40, Abstract 398 and Washington Anderson Survey 10, abstract 29, and located approximately 830 feet west of the intersection of US Hwy 281 and Delaware Springs Blvd. The proposed "Preliminary Plat" will establish Section 24 of the Delaware Springs Subdivision, consisting of approximately 51 residential lots: J. Lutz

Information: The property is currently zoned R-1 and consists of approximately 25+ acres of unplatted property. The applicant is proposing to subdivide the existing tract in order to create a 51 lot single-family residential subdivision which will establish Section 24 of the Delaware Springs Subdivision.

The property will be accessed via two locations. The 1st access point will be off of Oak Vista Dr. and the 2nd point of access will be off of Delaware Springs Blvd. Both access points are along streets with 50' of public rights-of-way that are sufficient to handle the proposed additional traffic. The properties will be serviced via two 50' wide public rights-of-way, Tom Kite Dr. and Crenshaw Ct.

The access point off of Oak Vista Drive will cross city owned property. The City has previously provided the property an access easement as recorded in Document No. 202002970. This easement will need to be relocated to align with the new proposed Tom Kite Drive.

All lots will be 0.30 acres or greater, with most lots falling in the range of 0.30-0.40 acres in size with an expected impervious cover calculation of approximately 30%.

Water will be provided by the City of Burnet with a proposed 8" water line to serve the properties that will connect to an existing 12" water line along the south and west side of the property.

Sewer will also be provided by the City of Burnet with a proposed 8" sewer line servicing the properties that will connect to existing sewer infrastructure along the southwest and eastern portion of the properties.

A 25' City of Burnet Greenbelt Easement (C.O.B.G.E.) is provided along all property lines adjacent to the golf course. This easement will be maintained by the property owners and will prohibit the construction of fences, improvements, or other impervious cover. An additional 20' irrigation line easement has been provided between lots 1 & 2 of Block B in order to allow the City's irrigation line to be relocated into this easement.

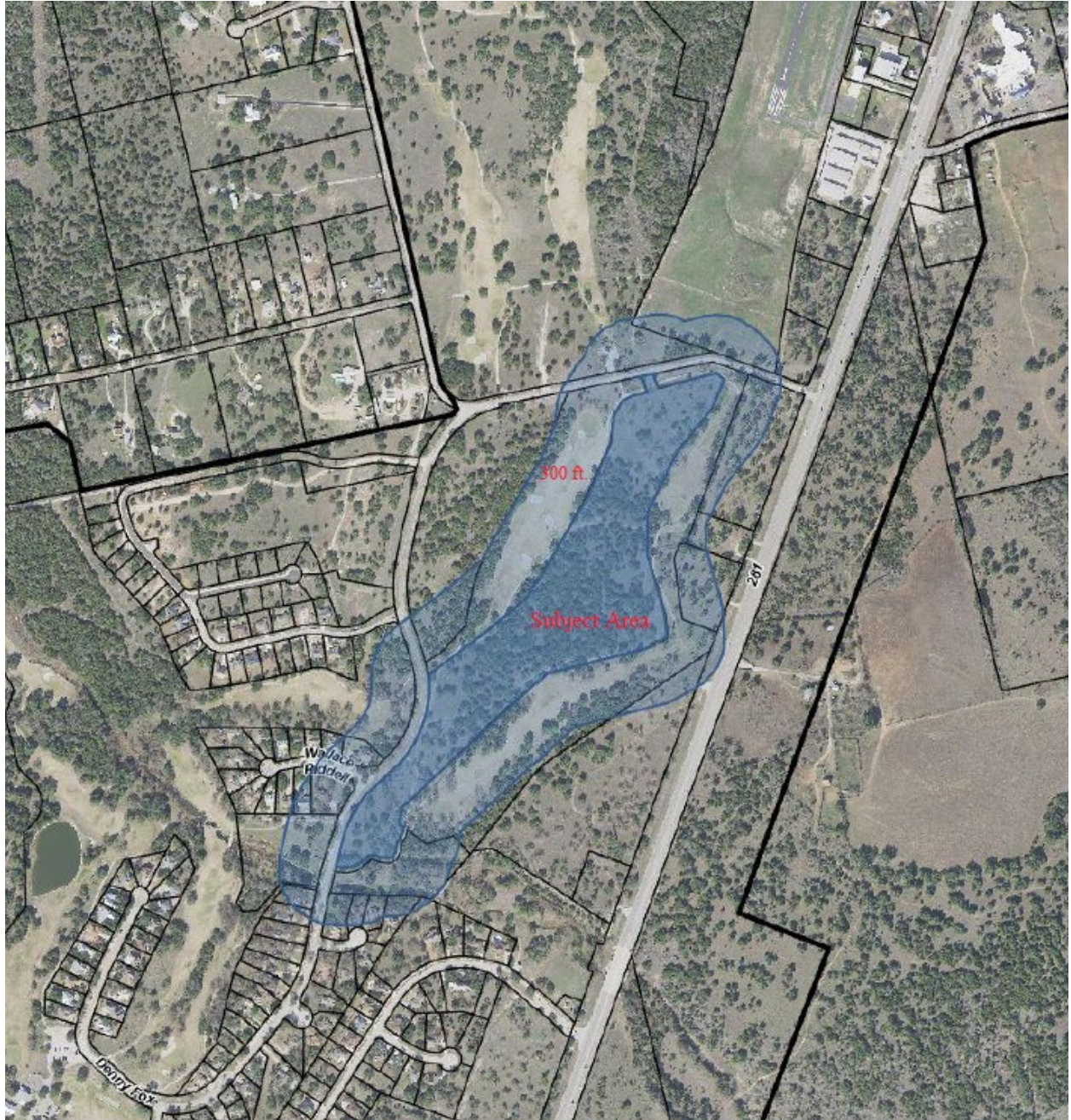
A portion of the property is located in a floodplain, but the proposed floodplain analysis shows no detention improvements would be required based on the impervious cover and location to the floodplain. Staff must note that the flood study is still being reviewed by K.C. Engineering and they are reviewing several additional pieces of information submitted by the applicant. K.C. Engineering has stated that the outstanding comments/information should not change the results of the study or require the plat to be modified.

A tree survey will be provided in the future with the submittal of the proposed construction plans for staff review and mitigation requirements.

Staff Analysis: Staff has reviewed the proposed preliminary plat and found it to be in compliance with the City's adopted Subdivision Ordinance.

Recommendation: Approve the Preliminary Plat.

Exhibit A – Location Map



DELAWARE SPRINGS
SECTION 24
PRELIMINARY PLAT
DELAWARE SPRINGS BLVD
BURNET, TEXAS



SYSTEMS PLAN NUMBER:	
SUBMITAL DATE:	SEPTEMBER, 2000
PROJECT ADDRESS:	CELANESE SERVICES BLDG.
OWNER:	SHAWMUT, TEXAS
DESIGNER:	3-1
USE:	SINGLE FAMILY RESIDENTIAL

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6600 N. NEW BRUNSWICK AVE.
EAST AUSTIN, TEXAS 78704

CLUNING CONSULTANTS, LTD.
2601 KYLE CROSSING, SUITE A
KEPLER, TEXAS 75640
1512 212-5040
1512 212-5099 FAX

CELCO SURVEYING, FIRM REGISTRATION NO. 0016075
GARON E. LUCK, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4166
2005 STONEYBROOK PARK
NEW BRUNSWICK, NEW JERSEY 08901
(908) 633-4657

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1366 JOURNAL OF CLIMATE

4400N. IRT, SECTION OF PLUMBING AND DESIGN/TEST SERVICES
CITY OF HOUSTON, TEXAS
SERIAL NO. 104 FOR ONE (1) YEAR

DOI/Chapter/Item number	Date

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4 CUATRO
Consultants, LTD.
Registration No. F-5594

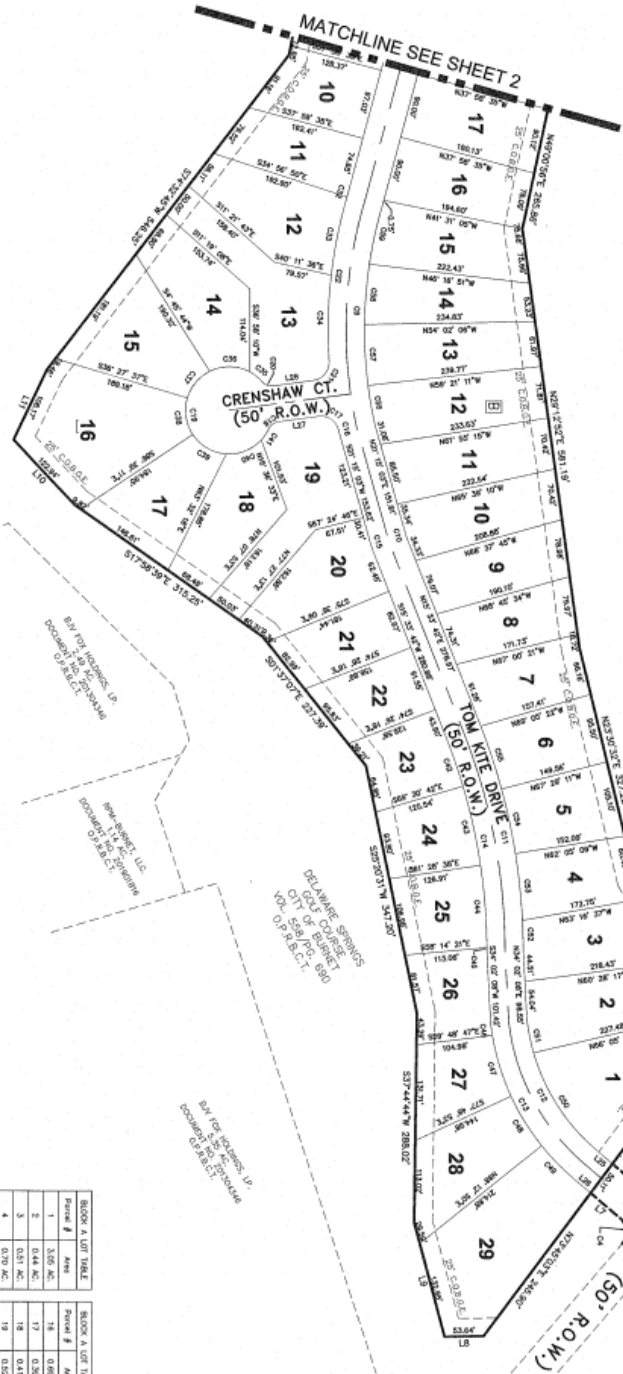
1001 Kyle Crossing, Suite A Phone (714) 444-0000 Fax (714) 444-1099
E-Mail: info@cuatroconsultants.com
Web: www.cuatro.com

DELAWARE SPRINGS TRACT 24
BURNET, TEXAS 78611
BURNET COUNTY

CLIENT:
JORDAN SHIPLEY
DULLNIG RANCH SALES
8606 N. NEW BRAUNFELS AVE.
SAN ANTONIO, TEXAS 78209

The map shows the study area (hatched area) located between the city of Baku and the Caspian Sea. The city of Garmy is also shown. A scale bar indicates distances up to 10 km. A north arrow is present in the bottom right corner.

1"=1,000'



NAME	CLASS	R.O.M.	TRAVEL, ANY TYPE	CLIM. ZONE	SPEED
LAKE LAKE	LAKE2 LOT 2-40 D.L.	50'	20'	12'	30 MPH
SILVER CIRCLE	LAKE2 LOT 2-40 D.L.	50'	20'	12'	30 MPH

BLOCK 4 LEFT TAIL			BLOCK 4 LEFT TAIL			BLOCK 4 LEFT TAIL		
Percent	Area	Percent	Area	Percent	Area	Percent	Area	Percent
1	0.0044	74	0.7903	1	0.0044	76	0.8106	1
2	0.0540	75	0.6915	2	0.0540	77	0.8288	2
3	0.0044	76	0.6415	3	0.0044	78	0.8463	3
4	0.0715	77	0.5915	4	0.0715	79	0.8629	4
5	0.0242	78	0.5415	5	0.0242	80	0.8779	5
6	0.0385	79	0.4915	6	0.0385	81	0.8913	6
7	0.0242	80	0.4415	7	0.0242	82	0.9032	7
8	0.0122	81	0.3915	8	0.0122	83	0.9144	8
9	0.0122	82	0.3415	9	0.0122	84	0.9249	9
10	0.0232	83	0.2915	10	0.0232	85	0.9347	10
11	0.0385	84	0.2415	11	0.0385	86	0.9438	11
12	0.0644	85	0.1915	12	0.0644	87	0.9521	12
13	0.0844	86	0.1415	13	0.0844	88	0.9596	13
14	0.0844	87	0.0915	14	0.0844	89	0.9663	14
15	0.0644	88	0.0415	15	0.0644	90	0.9713	15

LEGEND

DONKEY ISLAND (SEE MAP)
 SHIPWRECK
 LIGHTHOUSE
 ISLAND
 REEF
 SHOAL
 BANK
 POINT
 HEAD
 BAY
 STRAIT
 CHANNEL
 RIVER
 STREAM
 LAKE
 POND
 SWAMP
 MARSH
 FIELD
 FOREST
 MOUNTAIN
 HILL
 VALLEY
 PLAIN
 DESERT
 TUNDRA
 GLACIER
 ICEBERG
 ICE SHELF
 ICE CAP
 ICE SHEET
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 ICE BAY
 ICE STRAIT
 ICE CHANNEL
 ICE RIVER

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CHORD							CLONE BEARING							CLONE CHORD						
CLONE #	RIBTYPE	ARC LENGTH	BEARING	CHORD LENGTH	INCHES	DEG.	CLONE #	RIBTYPE	ARC LENGTH	BEARING	CHORD LENGTH	INCHES	DEG.	CLONE #	RIBTYPE	ARC LENGTH	BEARING	CHORD LENGTH	INCHES	DEG.
C1	52.4.42	286.34	N262W23.7E	277.64	20.48	120.48	C2	66.1.1	237.78	S43.9W10.3W	234.88	12.01	102.71	C3	79.6.8	113.59	N26.2W70.7E	111.49	59.67	102.60
C3	53.9.47	441.91	N262W23.7E	354.46	54.33	141.54	C4	20.0.0	41.95	S62.6W10.7W	36.73	27.06	48.32	C5	20.0.0	41.95	S62.6W10.7W	36.73	27.06	48.32
C4	20.0.0	41.95	S62.6W10.7W	36.73	27.06	48.32	C5	20.0.0	41.95	S62.6W10.7W	36.73	27.06	48.32	C6	22.0.0	44.7	S52.1W11.7W	38.13	27.06	48.32
C5	22.0.0	44.7	S52.1W11.7W	38.13	27.06	48.32	C6	22.0.0	44.7	S52.1W11.7W	38.13	27.06	48.32	C7	22.0.0	44.7	S52.1W11.7W	38.13	27.06	48.32
C6	22.0.0	44.7	S52.1W11.7W	38.13	27.06	48.32	C7	22.0.0	44.7	S52.1W11.7W	38.13	27.06	48.32	C8	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C7	22.0.0	44.7	S52.1W11.7W	38.13	27.06	48.32	C8	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C9	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C8	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C9	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C10	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C9	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C10	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C11	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C10	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C11	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C12	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C11	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C12	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C13	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C12	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C13	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C14	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C13	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C14	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C15	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C14	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C15	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C16	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C15	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C16	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C17	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C16	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C17	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C18	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C17	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C18	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C19	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C18	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C19	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C20	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C19	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C20	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C21	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C20	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C21	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C22	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C21	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C22	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C23	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C22	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C23	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C24	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C23	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C24	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C25	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C24	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C25	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C26	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C25	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C26	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C27	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C26	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C27	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C28	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C27	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C28	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C29	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C28	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C29	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C30	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C29	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C30	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C31	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C30	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C31	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C32	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C31	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C32	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C33	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C32	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C33	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C34	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C33	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C34	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C35	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
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C35	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C36	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C37	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C36	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C37	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C38	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C37	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C38	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C39	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C38	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C39	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C40	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C39	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C40	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C41	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C40	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C41	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C42	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C41	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C42	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C43	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C42	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C43	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C44	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C43	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C44	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C45	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
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C48	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C49	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C50	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C49	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C50	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C51	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
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C51	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C52	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C53	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C52	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C53	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C54	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
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C55	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C56	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C57	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71
C56	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C57	23.0.0	56.34	N262W13.9E	76.62	42.76	102.71	C58	2					



Development Services

ITEM 5.3

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Development Services
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Agenda Item Brief

Meeting Date: December 7, 2020

Agenda Item: Discuss and consider action: Discussion and action regarding proposed regulations governing the use and operation of Mobile Food Establishments and providing feedback and direction to City staff regarding the proposed regulations: J. Lutz

Background: Currently the City has one location in the City located at the corner of E. Polk St. and S. Rhomberg St. (Mojo's Coffee) which allows food trucks. At this time the City does not have any existing regulations which govern the use, development, or safety of such vehicles.

Mobile food establishments are currently permitted through the Peddler/Vendor ordinance under the special events section. These regulations were not designed for such a use and do not directly address several issues dealing with this type of facility.

Staff has also seen an increase in the number of calls wanting to operate mobile food establishments and other mobile type businesses.

City staff has provided a draft copy of regulations for the Commission's consideration and feedback (see Exhibit A).

Information: The attached regulations represent staff's 1st attempt at addressing some of the major issues associated with Mobile Food Establishments.

Most of the regulations are regarding definitions, development standards (setbacks & parking), inspections, and fire/life safety.

Staff is seeking specific direction regarding the following issues:

1. Zoning Districts
 - Staff is proposing allowing by right in all commercial districts and would consider them the same land use as restaurants.
2. Setbacks
 - Front setbacks would be the same as the commercial zoning district regulations of the property.

- Side and rear yards would also be the same as the zoning district regulations of the property, if located adjacent to a residential zone. If the property is adjacent to other commercial zones the setbacks would be reduced to 10 feet.

3. Definitions

- While these regulations directly revolve around Mobile Food Establishments, they would also prohibit other mobile vendors & businesses.
- Staff would like specific feedback regarding the prohibition of other mobile vendors/businesses.
- Staff has seen an increase in questions regarding the ability to use RVs or Connex/shipping containers as offices, if modified and attached to trailers. The code does not specifically address these types of vehicles but the sections of code that may apply, and when viewed in their totality trend towards prohibition without specifically stating so.

Recommendation: Provide staff with direction on moving forward with the regulations, with modifications for adoption, and provide recommendations for changes or other concerns you would like addressed.

Exhibit A – Draft Mobile Food Establishments Ordinance

Sec. 118-69. - Mobile Food Establishments

(A) *Purpose and Intent.* It is the purpose of this section of section to regulate Mobile Food Establishments to promote the public health, safety, morals and general welfare of the citizens of the city, and to establish reasonable and uniform regulations of Mobile Food Establishments within the city.

- (1) Any person desiring to operate a Mobile Food Establishment (MFE) must obtain a permit for each MFE from the City. The City will issue each permit only after an inspection reveals satisfactory compliance with state and local laws, including this section. Such permit remains the property of the city.
- (2) It is unlawful for a person to operate or cause to be operated any MFE, which does not possess a valid permit issued by the City. Any person, firm, or establishment who is found to have operated or caused to be operated a MFE without a valid mobile food Establishment permit may be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this section. An MFE operating within the city must have onsite at least one employee who possesses a food manager certification.
- (3) This section does not apply to vendors under contract with the City of Burnet or Burnet County to provide food and beverage services at properties owned and operated by the City or Burnet County.

(B) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

- (1) “MOBILE FOOD COURT” means a site, parcel of land, or facility designed to allow 2 or more MFEs to congregate in order to offer food or beverages for sale to the public.
- (2) “MOBILE FOOD ESTABLISHMENT” means a self-propelled or towed unit that offers prepackaged food in individual servings; beverages that are not potentially hazardous and are dispensed from covered urns or other protected vessels; and packaged frozen foods; OR may cook, prepare and assemble a full menu of food items; that is

permitted to do business within the City of Burnet on a schedule typical of a brick and mortar restaurant.

- (3) "TEMPORARY MOBILE FOOD ESTABLISHMENT" means a self-propelled or towed unit that offers prepackaged food in individual servings; beverages that are not potentially hazardous and are dispensed from covered urns or other protected vessels; and packaged frozen foods; OR may cook, prepare and assemble a full menu of food items; that is permitted to do business within the City of Burnet for no more than six events or celebrations, and for a total of 84 days or less in a calendar year.
- (4) "OTHER MOBILE VENDORS OR SERVICES" means any other business but not limited to, offices, salons, other personal services, and retail sales that operates from a mobile vehicle, trailer, or recreational vehicle (RV) are prohibited from operating within the City.

(C) *Development Standards.* MFEs shall be adhere to the following development standards and are permitted by right in any commercial zone.

- (1) It is unlawful for the operator of a MFE to remove any food from the MFU to vend from a stand or other temporary structure located upon any public street, sidewalk, right-of-way, or other adjacent public area.
- (2) It is unlawful to operate an MFE from the public right-of-way. The operation of a mobile food unit near a street must not create a traffic hazard.
- (3) An MFE may apply for permission to operate within a city park subject to applicable park regulations and conditions placed on them by the City.
- (4) Unless written permission is granted by the appropriate school, it is unlawful for a person to operate a MFE within 300 feet of the property line of any public or private elementary, middle, or high school one hour before, during, and after school hours.
- (5) No person shall operate a MFE within or twenty five (25') feet of any residential zoning district, unless approved for temporary peddlers permit associated with a community event or special event permit.
- (6) Temporary Mobile Food Establishments may be located in existing commercial lots provided they do not reduce the number of off-street parking spaces below the minimum required amount for the existing facility.
- (7) Setbacks shall adhere to the following regulations.

- a. Front yard setbacks shall be in accordance with the applicable setbacks of the zoning district with which they are located.
 - b. Side and rear yard setbacks shall be in accordance with the applicable setbacks of the zoning district with which they are located, when adjacent to a residential zone.
 - 1. Side and rear yard setbacks adjacent to other commercial properties shall be ten (10').
 - c. A minimum of ten (10') of separation shall be provided between all MFEs, structures, fences, or other combustible materials.
- (8) No vendor participating in the sale shall impede access to the entrance or driveway of an adjacent building, or operate within the public right-of-way.
- (9) All vendors selling food or beverages must provide at least one (1) appropriately sized trash receptacle adjacent to or as a part of their stand/operation.
- (10) Bathroom facilities within a building(s) on the premises authorized by written consent of the building owner/tenant are required.
- (11) Mobile food vendors/vehicles shall not have permanent connections for electricity, potable water and sewage disposal. Mobile food vendors/vehicles must provide independent self-contained systems to adequately provide these services to each unit.
- (12) The sale, distribution or consumption of alcoholic beverage is prohibited within mobile food courts.
- (13) MFEs must provide complete contact information such as name, address, phone number, and any other information reasonably required by the city manager or his/her designee for a designated on-call person to be a principal point of contact for city staff and the individual vendors/vehicles.
- (14) Residing and/or dwelling within a vendor/vehicle unit(s) overnight is prohibited.
- (15) Vendors shall be allowed one (1) single temporary detached sign to advertise. The sign must remain temporary and no permanent installation shall be allowed. One (1) sign may be attached to a structure per vendor. The sign should be anchored or stabilized to prevent wind damage. Overall sign dimensions shall not exceed twenty-four (24) square feet. Sign may be dual sided.

(16) Failure to comply with these standards may result in termination or suspension of the temporary use permit.

- a. The city manager or his/her designee shall have the authority to revoke a permit upon violation of the conditions or standards for issuance as set forth in this section or when temporary uses create, refuse to mitigate, or otherwise have an adverse effect upon the health, safety, or welfare of the public, persons or property.
- d. "MOBILE FOOD COURTS" shall be required to adhere to these regulations in addition to those found in this section.
- a. Vendors shall be allowed to engage in the business of vending only between the hours of 6:30 a.m. and 10:00 p.m. or as otherwise approved by the city manager or his/her designee.
- b. A minimum twenty (20) foot wide fire apparatus access route shall be provided, if required by the fire chief or designee.
- c. On-site bathroom facilities, which meet ADA requirements shall be provided. This requirement can be met through one (1) of the following methods.
 - 1. Bathroom facilities within a building(s) on the premises.
 - i. Number of water closets required shall be a minimum of four (4).
 - 2. Bathroom facility trailer or mobile trailer with bathrooms and self-contained water and wastewater facilities within it, maintained by a licensed company.
 - 3. Port-o-potties located on the premises, at the farthest reasonable distance from public right-of-way, parking areas, residential zones, and maintained by a licensed company.
- e. Permitted mobile food vendors/vehicles located within the court shall be exempt from having to remove the vehicle from the site during non-operating hours so long as such operation is in compliance the applicable rules and regulations.
- f. Mobile food courts must comply with the setbacks listed in subsection (c)(7) of this code.

- g. Mobile food courts must provide a paved parking area, at a ratio of three (3) parking spaces per individual vendor/vehicle.
- h. Mobile food courts must provide outside seating consisting of a table and a seating capacity of four (4), per mobile food vendor/vehicle unit.
- i. Mobile food vendors/vehicles shall not have permanent connections for electricity, potable water and sewage disposal. Mobile food vendors/vehicles must provide independent self-contained systems to adequately provide these services to each unit.
- j. No mobile food vendor/vehicle unit, structures associated with the mobile food court use, nor any seating areas shall be located in a required setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement and/or fire lane unless authorized by the city manager or his/her designee.

(D) *Inspections & Safety.* All MFEs shall adhere to the following regulations.

(1) Fire Safety.

- a. If a person who operates a mobile food establishment maintains food at a hot holding temperature by mechanical means, that person shall comply with fire and explosion safety standards established by the fire marshal.
- b. If a person uses a pressurized fuel system or container in conjunction with the mobile food establishment, that person shall comply with fire and explosion safety standards established by the fire marshal.
- c. PORTABLE FIRE EXTINGUISHERS
 - 1. At least one 2A10BC (5lb) fire extinguisher must be provided for the MFE.
 - 2. At least one Class K extinguisher must be provided for the MFE's using oil or grease fryers.
 - 3. All provided portable fire extinguishers must be charged, unobstructed and possess a current and valid inspection tag attached to the unit.
- d. COMMERCIAL HOOD FIRE SUPPRESSION SYSTEM
 - 1. Required in MFE units utilizing any form of deep fat frying, including but not limited to commercial deep fat fryers, commercial or

residential grade table top fryers, commercial or residential stoves heating vessels used to deep fat fry consumer items.

2. MFEs equipped with Hood fire suppression systems shall be fully functioning and possess a current and valid inspection tag.

e. Fuel and Power Sources

1. Propane

- i. Documentation showing a leak test on the propane plumbing system has been successfully conducted.
- ii. Flexible connectors must be used between the regulator outlet and the fixed piping system.
- iii. Propane tanks are secured in an upright position.
- iv. Propane tanks are within their hydrostatic test date.
- v. Propane system must be in good condition, (i.e. no leaks, rust).
- vi. The main shut-off must be marked, in plain view and easily assessable.
- vii. Fuel supply must be shut off when not in use or while in transit.

2. ELECTRICAL

- i. Electrical wire and equipment must be in accordance with the electric code and in good working condition.
- ii. Extension cords must be adequate gauge and in good condition.

3. GENERATORS

- i. Generators shall be placed at least 10 feet from buildings, structures, vehicles and combustibles.
- ii. Generator exhaust shall be directed away from mobile cooking vehicle, vehicles, buildings, structures, exits and openings.
- iii. Generators shall be protected from contact by the public.

- iv. Generators shall be shut down for refueling.

4. SOLID FUEL

- i. Combustible solid fuel shall be stored properly and away from heat producing appliances.
- ii. Ashes, cinders, and other fire debris shall be removed at the end of the day and stored in an approved ash bucket with lid away from the vehicle, buildings and combustibles.
- iii. Ashes, cinders and other fire debris shall not be discarded in plastic trash receptacles or metal dumpster without being "cold to the touch."

(2) Inspections. The fire marshal is authorized to conduct periodic inspections as necessary to determine the extent of compliance at any time.

- a. An operator of a MFE must possess a valid driver's license. In addition, the MFE must display valid license plates and a state registration sticker and must be in good working order.
- b. All cooking appliances in the mobile food unit must be of an approved type, listed, and labeled for the use intended. Appliances must be installed in accordance with the manufacturer's instructions. All cooking appliances must have an approved, labeled, and listed on-off valve. Camp stoves or the equivalent are prohibited.
- c. All propane and natural gas appliances must be pressure tested annually and contain only approved parts. Rubber hoses are prohibited. All piping must comply with National Fire Protection Association 58 and be protected from physical damage. Mounting and placement of containers must comply with National Fire Protection Association 58 and Texas Department of Transportation regulations. The capacity limit of propane and natural gas containers or cylinders will be determined by the fire marshal after

consideration of features that secure and protect the container. Upon request of the fire marshal, the owner/operator of the MFU shall produce documentation illustrating that an annual gas test was performed and passed by a licensed individual or firm.

- d. Cooking surfaces in the mobile food unit must remain clean of grease build-up. Trash containers and debris must be emptied regularly. Appliances shall be plugged directly into electrical outlets and extension cords may not be utilized for appliances.

(E) Penalty. Any person who violates any of the provisions of this section may have their permit revoked and incur daily fines of not less than \$100.00 or greater than \$2,000.00 per day.