

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, **February 1, 2021,** at **6:00 p.m.** by teleconference pursuant to the Coronavirus (COVID-19), Declaration of Public Health Emergency by Mayor Bromley and executive orders of Governor Abbott. Pursuant to the declaration and order the meeting will be open to public attendance by Zoom Webinar or by Telephone. Toll free conference call capability has been established for access as follows:

By Computer:

Please click the link below to join the webinar:

https://us02web.zoom.us/j/82689186627?pwd=SDM1NFo1UVRCbklEUTVjVW82MS8xZz09

OR: Go to: www.zoom.us

Enter Webinar ID when prompted: 826 8918 6627

Enter Password when prompted: 043201

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: 826 8918 6627

Enter Password when prompted: 043201

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 telephone.

The **Agenda** for this **Public Hearing** and **Regular Meeting** is as follows:

- 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 meeting of the Planning and Zoning Commission of the City of Burnet, Texas held on January 4, 2021.

4. PUBLIC HEARINGS:

- 4.1) Public Hearing: The Planning & Zoning Commission shall conduct a public hearing to receive public testimony and comments on the merits of a request to rezone approximately 6.56 acres of land from its current designation of Medium Commercial—District "C-2" to a designation of Heavy Commercial—District "C-3" for property located at 2435 W. Hwy 29: H. Erkan
- 4.2) 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 44.64 acres out of the Sarah Ann Guest Survey, Abstract 1525, generally located south of Hwy. 29, east of Westfall St., and west of the Railroad track. The proposed "Preliminary Plat" will establish Creekfall Subdivision, Phases 1 and 2, consisting of approximately 135 residential lots: H. Erkan

5. ACTION ITEMS:

- 5.1) The Planning & Zoning Commission shall discuss and consider action regarding a request to rezone approximately 6.56 acres of land from its current designation of Medium Commercial—District "C-2" to a designation of Heavy Commercial—District "C-3" for property located at 2435 W. Hwy 29: H. Erkan
- 5.2) The Planning & Zoning Commission will discuss and consider action regarding a proposed "Preliminary Plat" for approximately 44.64 acres out of the Sarah Ann Guest Survey, Abstract 1525, generally located south of Hwy. 29, east of Westfall St., and west of the Railroad track. The proposed "Preliminary Plat" will establish Creekfall Subdivision, Phases 1 and 2, consisting of approximately 135 residential lots: H. Erkan

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.
 - 6.1A) Discussion and direction to staff regarding future planning and zoning workshops.

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 January 29, 2021 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 29" day of January, 2021	
Leslie Kimbler, Assist. City Secretary	

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

When reopened 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 herkaan@cityofburnet.com for information or assistance.



PLANNING & ZONING COMMISSION MINUTES

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 **January 4, 2020**, at **6:00 p.m.**, at the City of Burnet's Community Center located at 401 E Jackson Street, Burnet, Texas 78611. 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 meeting will be open to public attendance or 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 6:07 p.m. by Chairman Gaut.

2. ROLL CALL:

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

Williams and Cesar Arreaza

Guests: Jonny Simons, Laura Reutter, Stephanie Reutter, James

Herbert, Alan Snider, Williams Johns, Juan Shepperd, Jim Simons, Bob Shonk, Hill Country Conference, Jordan, Diane Brummell. Eric Wind. Vinton Stanfield. Capt. Jason Davis

Others Present: Jason Lutz, Director of Development Services

Leslie Kimbler, Development Services Admin. Tech.

Habib Erkan, Jr. – Assistant City Manager

3. CONSENT AGENDA:

3.1) Minutes of the regular meeting of the Planning and Zoning Commission of the City of Burnet, Texas held on December 7, 2020.

A motion to approve the consent agenda was made by Commissioner Wind with the correction adding the recusal to item 5.3. The motion was seconded by Commissioner Fortin and carried by a vote of 6 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 rezoning all real property within the City of Burnet by the readoption of the official City of Burnet Zoning Map in its entirety as currently published: J. Lutz

Jason Lutz, Director of Development Services, presented staff's report regarding the rezoning of all real property within the City of Burnet by the readoption of the official City of Burnet Zoning Map in its entirety as currently published.

Chairman Gaut then opened the floor for public comment.

Guest, Jonny Simons, addressed the Commission and spoke in opposition of the proposed zoning.

There being no further 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 to amend the City's Future Land Use Plan for approximately 2 acres of land from its current designation of "Commercial" to a designation of "Residential" for property located in the 700 Block of White St. (south side of street) between Rhomberg and Shepperd Streets: J. Lutz

Jason Lutz, Director of Development Services, presented staff's report regarding the request to amend the City's Future Land Use Plan for approximately 2 acres of land from its current designation of "Commercial" to a designation of "Residential" for property located in the 700 Block of White St.

Chairman Gaut then opened the floor for public comment.

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 approximately 2 acres of land from its current designation of Single-family residential 1—District "R-1" and Light commercial—District "C-1" to a designation of Multi-family residential—District "R-3" for property located in the 700 Block of White St. (south side of street) between Rhomberg and Shepperd Streets: J. Lutz

Jason Lutz, Director of Development Services, presented staff's report regarding the request to rezone approximately 2 acres of land from its current designation of Single-family residential 1—District "R-1" and Light commercial—District "C-1" to a designation of Multi-family residential—District "R-3" for property located in the 700 Block of White St.

Chairman Gaut then opened the floor for public comment.

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

5. ACTION ITEMS:

5.1) The Planning & Zoning Commission will discuss and consider action regarding rezoning all real property within the City of Burnet by the readoption of the official City of Burnet Zoning Map in its entirety as currently published: J. Lutz

Commissioner Wind made a motion to approve the rezoning of all real property within the City of Burnet by the readoption of the official City of Burnet Zoning Map in its entirety as currently published with a recommendation to extend the date in which landowners can provide evidence or documentation to the city of a previous zoning change. The motion was seconded by Commissioner Williams, and carried by a vote of 6 to 0.

5.2) The Planning & Zoning Commission shall discuss and consider action regarding a request to amend the City's Future Land Use Plan for approximately 2 acres of land from its current designation of "Commercial" to a designation of "Residential" for property located in the 700 Block of White St. (south side of street) between Rhomberg and Shepperd Streets: J. Lutz

Commissioner Langley made a motion to approve the request to amend the City's Future Land Use Plan for approximately 2 acres of land from its current designation of "Commercial" to a designation of "Residential" for property located in the 700 Block of White St. The motion was seconded by Commissioner Fortin, and carried by a vote of 6 to 0.

5.3) The Planning & Zoning Commission shall discuss and consider action regarding a request to rezone approximately 2 acres of land from its current designation of Single-family residential 1—District "R-1" and Light commercial—District "C-1" to a designation of Multi-family residential—District "R-3" for property located in the 700 Block of White St. (south side of street) between Rhomberg and Shepperd Streets: J. Lutz

Commissioner Fortin made a motion to approve the request to rezone approximately 2 acres of land from its current designation of Single-family residential 1—District "R-1" and Light commercial—District "C-1" to a designation of Multi-family residential—District "R-3" for property located in the 700 Block of White St. The motion was seconded by Commissioner Langley, and carried by a vote of 6 to 0.

5.4) The Planning & Zoning Commission shall discuss and consider action regarding a request to allow an accessory structure to be placed on adjacent lot, without the requirement to replat the property, located at 600 S. Main St.: J. Lutz

Commissioner Langley made a motion to approve the request to allow an accessory structure to be placed on adjacent lot, without the requirement to replat the property, located at 600 S. Main St The motion was seconded by Commissioner Fortin, and carried by a vote of 6 to 0.

6.	STAFF REPORTS: REQUESTS FOR FUTURE AGENDA ITEMS: N/A		
7.			
8.	ADJOURN:		
	There being no further business, Chairperson, Tommy Gaut adjourned the meeting at 7:45 p.m.		
	T	Ocat Obsis	
		ny Gaut, Chair f Burnet Planning and Zoning Commission	
	Attes	t: Derek Fortin, Secretary	
	Herve	Defect of this, Secretary	



ITEM 4.3 Jason Lutz Development Services (512) 715-3215 jlutz@cityofburnet.com

Agenda Item Brief

Meeting Date: February 1, 2021

Agenda Item: Public Hearing: The Planning & Zoning Commission shall conduct a

public hearing to receive public testimony and comments on the merits of a request to rezone approximately 6.56 acres of land from its current designation of Medium Commercial—District "C-2" to a designation of Heavy Commercial—District "C-3" for property located at 2435 W. Hwy

29: J. Lutz

Background: The property is currently zoned Medium commercial—District "C-2" and

consists of a 6.56 acre tract of unplatted property. The applicant is requesting to rezone the property in order to develop a "Trailer camp or RV park", which is only permitted in C-3 or with a conditional use permit in

C-2.

The property was annexed into the City in 2004 and the adopted service plan for this property required that public utilities be provided in

accordance with the adopted rules and regulations.

Staff Analysis: Staff has reviewed the requested zoning change and found that the

proposed use is only permitted by right in a C-3 or with a CUP in a C-2

zoning district.

The applicant is proposing to utilize the property as a Trailer camp or RV park. However, the C-3 zoning would allow any use permitted by right

under that zoning district.

Currently there are no utilities (water or sewer) in place to serve the property. According to the service plan included with the Annexation ordinance, the applicant would be required to extend services to the property at their own expense or find alternate means of service, allowed by the code. The closest water main is located approximately 550 ft to the

west.

At this time no site plan applications for development of the property have been submitted to the City, which are required by code. Any site plan approval would need to coordinate with TxDOT regarding access location and possible improvements, pending the results of any Traffic Impact

Analysis done on the site for the proposed use.

The City's Future Land Use Plan for this property is designated as commercial and the requested zoning change would be in line with the

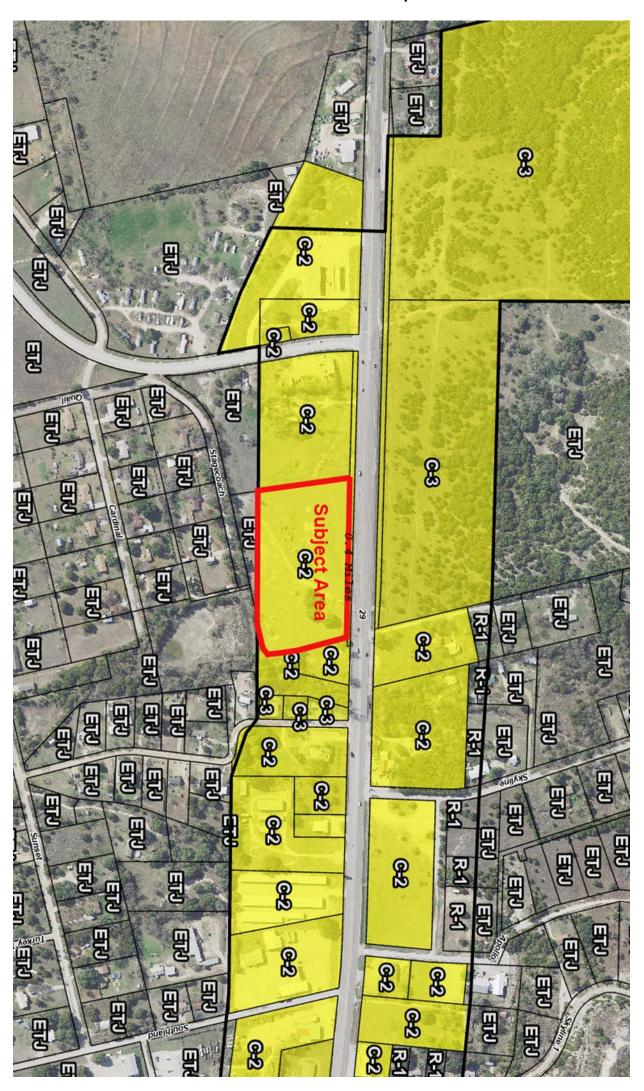
City's adopted Future Land Use Plan.

At the time this packet was distributed staff has received no comments in

opposition to the proposed zoning change.

Public Hearing: Open the public hearing and receive comments.

Exhibit A - Location Map





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

Agenda Item Brief

Meeting Date: February 1, 2021

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 44.64 acres out of the Sarah Ann Guest Survey, Abstract 1525, generally located south of Hwy. 29, east of Westfall St., and west of the Railroad track. The proposed "Preliminary Plat" will establish Creekfall Subdivision, Phases 1 and 2,

consisting of approximately 135 residential lots.: J. Lutz

Background: The subject property was rezoned from Single-family residential to Heavy

commercial—District "C-3" and Light industrial—District "I-1" in 2010.

The property was then rezoned from Heavy commercial—District "C-3" and Light industrial—District "I-1" designations to Heavy commercial—District "C-3", Single-family residential 1—District "R-1", and Multi-family

residential—District "R-3" designations in September of 2020.

Staff Analysis: The preliminary plat is for the newly zoned Single-family residential areas.

This plat will establish Phases I and II of the Creekfall Subdivision. This subdivision will consist of 135 residential lots and 2 drainage/water quality lots. Each residential lot has a minimum lot frontage of 60' as required by

code.

Available Utilities: There are existing water and sewer lines that may be connected to in order to serve the property. Some upgrades to the existing infrastructure and additional electrical, water, and sewer utilities or

relocation of existing utilities may be required.

The infrastructure and any off-site improvements required to service this property shall be addressed in the Construction Plan Process, once the

preliminary plat is approved.

Access: The applicant will construct additional streets to access the proposed multi-family and single-family developments. The subdivision will access the site via Hwy 29 through a 36' wide street and have a secondary means of access off Westfall Street.

A TIA will most likely be required by TxDOT as they control access off Hwy 29. Staff has had a preliminary conversation regarding access and possible improvements to Hwy 29. At this time the applicant has not provided any documentation regarding TxDOT and access approval.

One of the side streets located in the subdivision (Coke St.) is being provided and would allow for an extension of the existing Coke St. to the north. At this time staff has not discussed this street extension with an adjacent landowner to see if this would match with their development plans. This street may end up being renamed if a connection cannot be made.

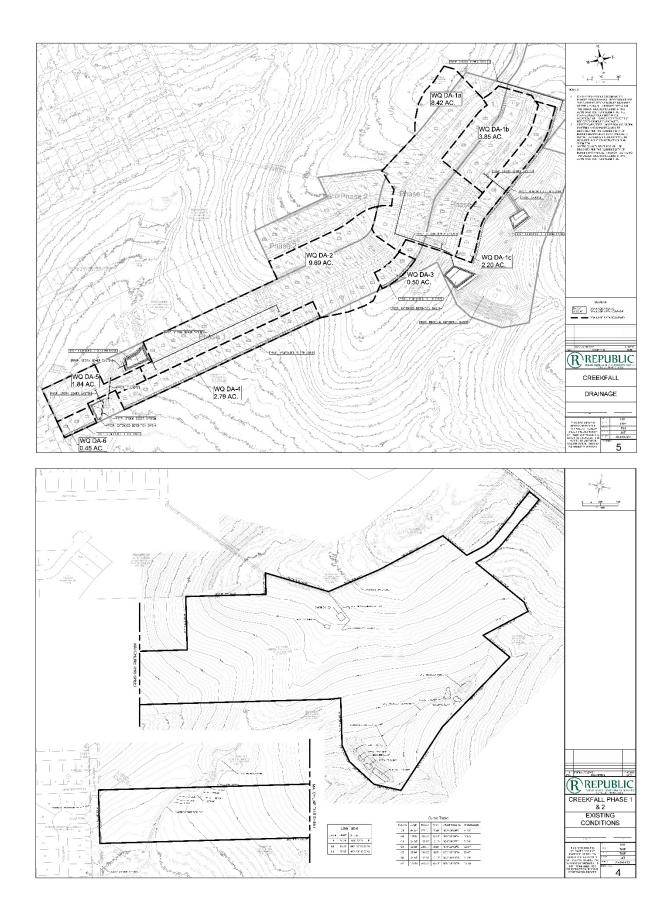
While the preliminary plat generally meets the regulations found in the City's subdivision ordinance, staff has several outstanding comments that must be addressed prior to approval of the plat.

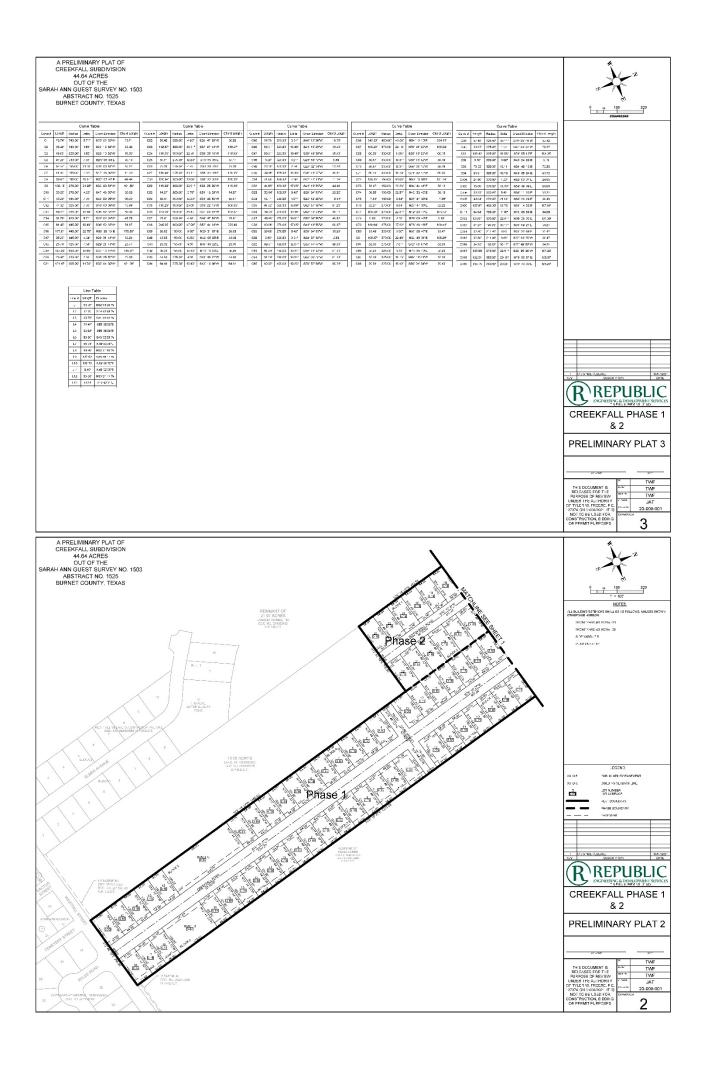
Most of staff comments are in regard to drainage and run-off calculations, but the most important information still outstanding are the comments, concerns, and requirements from TxDOT regarding the access point.

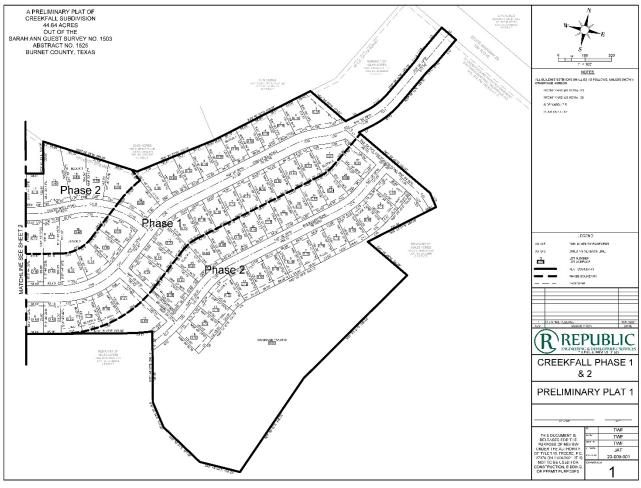
Public Hearing: Open the public hearing.

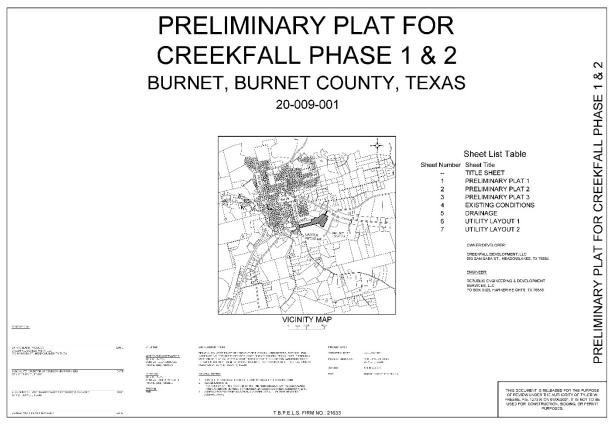
Exhibit "A"
Proposed Preliminary Plat













ITEM 5.3
Jason Lutz
Development Services
(512) 715-3215
jlutz@cityofburnet.com

Agenda Item Brief

Meeting Date: February 1, 2021

Agenda Item: Discuss and consider action: The Planning & Zoning Commission shall

discuss and consider action regarding a request to rezone approximately 6.56 acres of land from its current designation of Medium Commercial—District "C-2" to a designation of Heavy Commercial—District "C-3" for

property located at 2435 W. Hwy 29: J. Lutz

Background: The property is currently zoned Medium commercial—District "C-2" and

consists of a 6.56 acre tract of unplatted property. The applicant is requesting to rezone the property in order to develop a "Trailer camp or RV park", which is only permitted in C-3 or with a conditional use permit

in C-2.

The property was annexed into the City in 2004 and the adopted service

plan for this property required that public utilities be provided in

accordance with the adopted rules and regulations.

Staff Analysis: Staff has reviewed the requested zoning change and found that the

proposed use is only permitted by right in a C-3 or with a CUP in a C-2

zoning district.

The applicant is proposing to utilize the property as a Trailer camp or RV park. However, the C-3 zoning would allow any use permitted by right

under that zoning district.

Currently there are no utilities (water or sewer) in place to serve the property. According to the service plan included with the Annexation ordinance, the applicant would be required to extend services to the property at their own expense or find alternate means of service, allowed by the code. The closest water main is located approximately 550 ft to

the west.

At this time no site plan applications for development of the property have been submitted to the City, which are required by code. Any site plan approval would need to coordinate with TxDOT regarding access location and possible improvements, pending the results of any Traffic

Impact Analysis done on the site for the proposed use.

The City's Future Land Use Plan for this property is designated as commercial and the requested zoning change would be in line with the

City's adopted Future Land Use Plan.

At the time this packet was distributed staff has received no comments in

opposition to the proposed zoning change.

Staff

Recommendation: Staff recommends ???? of the requested zoning change.

Exhibit A - Draft Ordinance

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING HEAVY COMMERCIAL—DISTRICT "C-3", DESIGNATIONS TO APPROXIMATELY 6.56 ACRES OF LAND LOCATED AT 2435 W. HWY 29, AS SHOWN IN EXHIBIT A,; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The Planning and Zoning Commission of the City of Burnet, on February 1, 2021, did conduct a public hearing for the purpose of taking public comment regarding the proposal to assign Heavy Commercial—District "C-3", zoning to property located at 2435 W. Hwy 29, as shown in Exhibit A; and

WHEREAS, The Planning and Zoning Commission in open deliberation found that applying Heavy Commercial—District "C-3" zoning to the subject property would be consistent with the City's Future Land Use Plan, consistent with existing development patterns in the area, and consistent with the best public interest; and

WHEREAS, The Planning and Zoning Commission did then, by a 5-0 vote of members present, recommend approval zoning said property to Heavy Commercial—District "C-3"; and

WHEREAS, The City Council of the City of Burnet, on February 9, 2021 did conduct its own public hearing for the purpose of taking public comment regarding the proposal to assign Heavy Commercial—District "C-3" zoning to said property; and

WHEREAS, The City Council, based on due consideration of the Planning and Zoning Commission recommendation, as well as its own deliberations, did determine that assigning Heavy Commercial—District "C-3" zoning to the subject property to be consistent with Future Land Use Plan intent, and therefore consistent the public health, safety, morals, and the general welfare of the city and its present and future residents;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

<u>Section 1. Findings.</u> The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

- <u>Section 2. Zoning Changed</u>. Heavy Commercial—District "C-3" Zoning is hereby assigned to property located at 2435 W. Hwy 29, as shown in Exhibit A.
- <u>Section 3. Zoning Map Revision</u>. The City Manager is hereby authorized and directed to revise the Official Zoning Map to reflect the rezoning approved by this Ordinance.
- <u>Section 4. Repealer.</u> Other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.
- <u>Section 5. Severability.</u> Should any provisions of this ordinance be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.
- <u>Section 6. Effective Date.</u> This ordinance is effective upon final passage and approval.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was conducted in compliance with the Texas Open Meeting Act as modified by Executive Orders of the Governor of the State of Texas in response to the COVID-19 pandemic.

PASSED AND APPROVED on First Reading this the 9th day of February 2021.

FINALLY PASSED AND APPROVED on this the 23rd day of February 2021.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit A - Subject Property

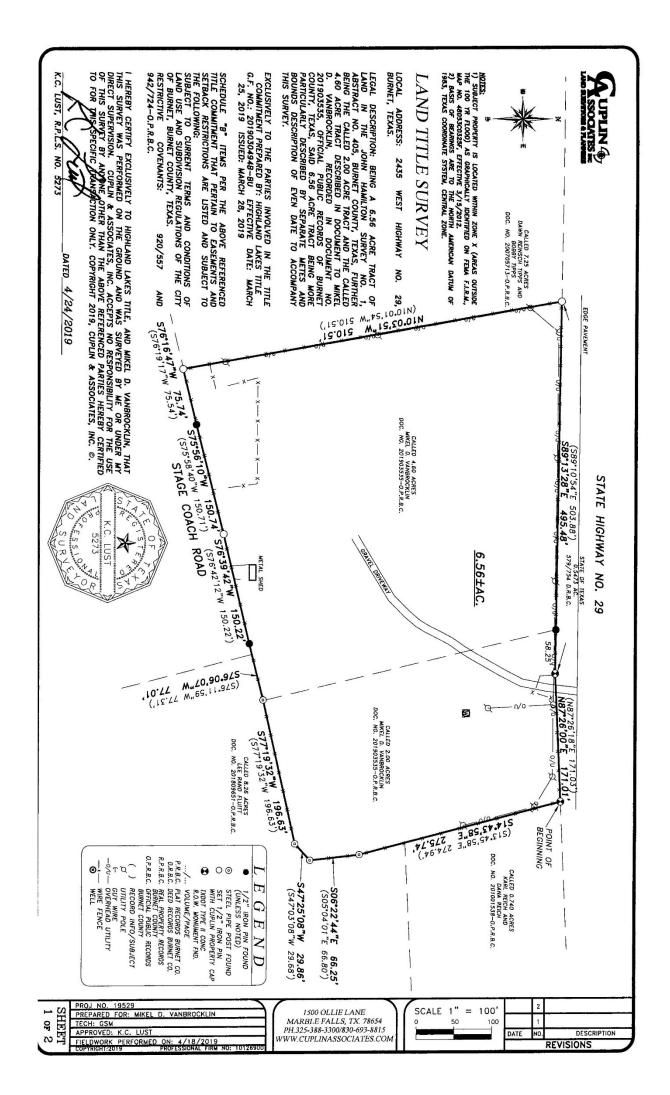
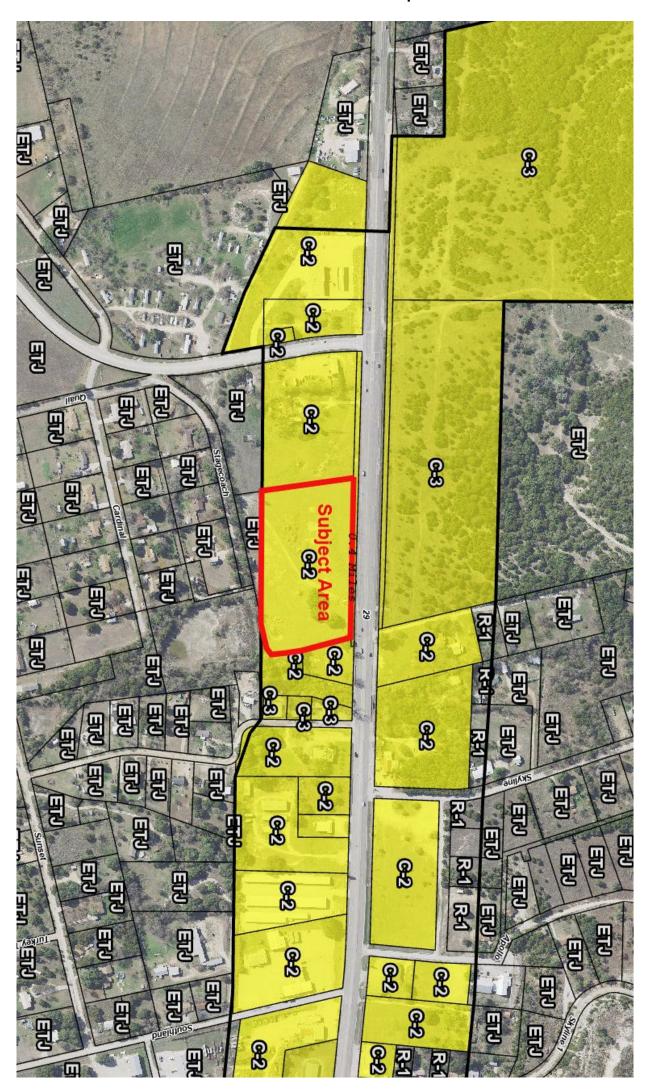


Exhibit B - Location Map





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

Agenda Item Brief

Meeting Date: February 1, 2021

Agenda Item: Discuss and Consider Action: The Planning & Zoning Commission will

discuss and consider action regarding a proposed "Preliminary Plat" for approximately 44.64 acres out of the Sarah Ann Guest Survey, Abstract 1525, generally located south of Hwy. 29, east of Westfall St., and west of the Railroad track. The proposed "Preliminary Plat" will establish Creekfall Subdivision, Phases 1 and 2, consisting of approximately 135 residential

lots: J. Lutz

Background: The subject property was rezoned from Single-family residential to Heavy

commercial—District "C-3" and Light industrial—District "I-1" in 2010.

The property was then rezoned from Heavy commercial—District "C-3" and Light industrial—District "I-1" designations to Heavy commercial—District "C-3", Single-family residential 1—District "R-1", and Multi-family

residential—District "R-3" designations in September of 2020.

Staff Analysis: The preliminary plat is for the newly zoned Single-family residential areas.

This plat will establish Phases I and II of the Creekfall Subdivision. This subdivision will consist of 135 residential lots and 2 drainage/water quality lots. Each residential lot has a minimum lot frontage of 60' as required by

code.

Available Utilities: There are existing water and sewer lines that may be connected to in order to serve the property. Some upgrades to the existing infrastructure and additional electrical, water, and sewer utilities or

relocation of existing utilities may be required.

The infrastructure and any off-site improvements required to service this property shall be addressed in the Construction Plan Process, once the

preliminary plat is approved.

Access: The applicant will construct additional streets to access the proposed multi-family and single-family developments. The subdivision will access the site via Hwy 29 through a 36' wide street and have a

secondary means of access off Westfall Street.

A TIA will most likely be required by TxDOT as they control access off Hwy 29. Staff has had a preliminary conversation regarding access and possible improvements to Hwy 29. At this time the applicant has not provided any documentation regarding TxDOT and access approval.

One of the side streets located in the subdivision (Coke St.) is being provided and would allow for an extension of the existing Coke St. to the north. At this time staff has not discussed this street extension with an adjacent landowner to see if this would match with their development plans. This street may end up being renamed if a connection cannot be made.

While the preliminary plat generally meets the regulations found in the City's subdivision ordinance, staff has several outstanding comments that must be addressed prior to approval of the plat.

Most of staff comments are in regard to drainage and run-off calculations, but the most important information still outstanding are the comments, concerns, and requirements from TxDOT regarding the access point.

Staff

Recommendation: Considering the outstanding comments and information needed from TxDOT, staff recommends denial of the preliminary plat.

Exhibit "A"
Proposed Preliminary Plat



