



## 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, **March 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/84352759679?pwd=clNYeFV1VjJDTm8veitXT2ZwL2VPZz09>

OR: Go to: [www.zoom.us](http://www.zoom.us)

Enter Webinar ID when prompted: **843 5275 9679**

Enter Password when prompted: **456726**

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: **843 5275 9679**

Enter Password when prompted: **456726**

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 **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 February 1, 2021.

**4. ACTION ITEMS:**

- 4.1) The Planning and 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
- 4.2) The Planning and Zoning Commission will discuss and consider action regarding a proposed "Final Plat" of Wandering Oaks, a proposed 23-lot residential subdivision consisting of approximately 105.08 acres, being generally located north of County Road 100 (Scenic Oaks Drive), south and west of County Road 100 (Oak Vista Drive), and east of Billy Joe Fox Drive: H. Erkan

**5. STAFF REPORTS:**

- 5.1) Update Commission on a proposed amendment to the sign code addressing variances, appeals and administrative matters not covered in current code.

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

**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 26<sup>th</sup> day of February, 2021**

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Kelly Dix, 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](mailto: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, **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. 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, Ricky Langley, Jennifer Wind and Cesar Arreaza

Members Absent: Calib Williams

Guests: Jonny Simons, Linda Creager, AB Walters, Ivan

Others Present: Habib Erkan, Jr., Assist. City Manager  
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 January 4, 2021.

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

### 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

Habib Erkan, Jr., Assist. City Manager, presented staff's report regarding the 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.

Leslie Kimbler, Development Services Admin Tech., read a letter of opposition from Linda Creager to the Commission.

Chairman Gaut then opened the floor for public comment.

Guest, Jonny Simons, applicant of the rezone, spoke to the Commission in favor of the rezone.

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

- 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

Habib Erkan, Jr., Assist. City Manager, presented staff's report regarding the proposed "Preliminary Plat" establishing Creekfall Subdivision, Phases 1 and 2, consisting of approximately 135 residential lots. Mr. Erkan did inform the Commission of the applicant's request for a 30 day extension and that no action would be taken on the plat at this time.

Chairman Gaut then opened the floor for public comment.

Guest, AB Walters, addressed the Commission, but did not speak in favor nor against the proposed "Preliminary Plat".

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

## **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

Commissioner Langley made a motion to approve the 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. The motion was seconded by Commissioner Fortin, and carried by a vote of 5 to 0.

- 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

Commissioner Gaut made a motion to table the proposed "Preliminary Plat" establishing Creekfall Subdivision, Phases 1 and 2, consisting of approximately 135 residential lots. The motion was seconded by Commissioner Arreaza, and carried by a vote of 5 to 0.

**6. STAFF REPORTS:**

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

The Commission discussed future planning and zoning workshops in regards to three different trainings that will be scheduled prior to regular scheduled Planning and Zoning meetings starting after June 2021.

- 7. REQUESTS FOR FUTURE AGENDA ITEMS:** Commissioner Wind requested an opportunity for the Commission to discuss the allowable uses in different zoning districts as well as any laws that pertain to buffers for residential properties that abut the City of Burnet's city limits.

**8. ADJOURN:**

There being no further business, Chairperson, Tommy Gaut adjourned the meeting at 7:04 p.m.

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Tommy Gaut, Chair  
City of Burnet Planning and Zoning Commission

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



## Development Services

### ITEM 4.1

Habib Erkan Jr.  
Community Development Services  
(512) 725-3201  
herkan@cityofburnet.com

## Agenda Item Brief

**Meeting Date:** March 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: H. Erkan Jr.

**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.

A public hearing was held on February 1, 2021. At the request of the applicant, consideration and action was deferred to the next meeting after the date of public hearing.

**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.

The applicant will provide a TxDOT as they control access off Hwy 29. Staff has had a preliminary conversation regarding access and possible improvements to Hwy 29. An application for a driveway permit is under review by TxDOT.

It is the applicant's intent to extend Coke St. into the subdivision. The applicant is coordinating with the adjoining developer on this matter.

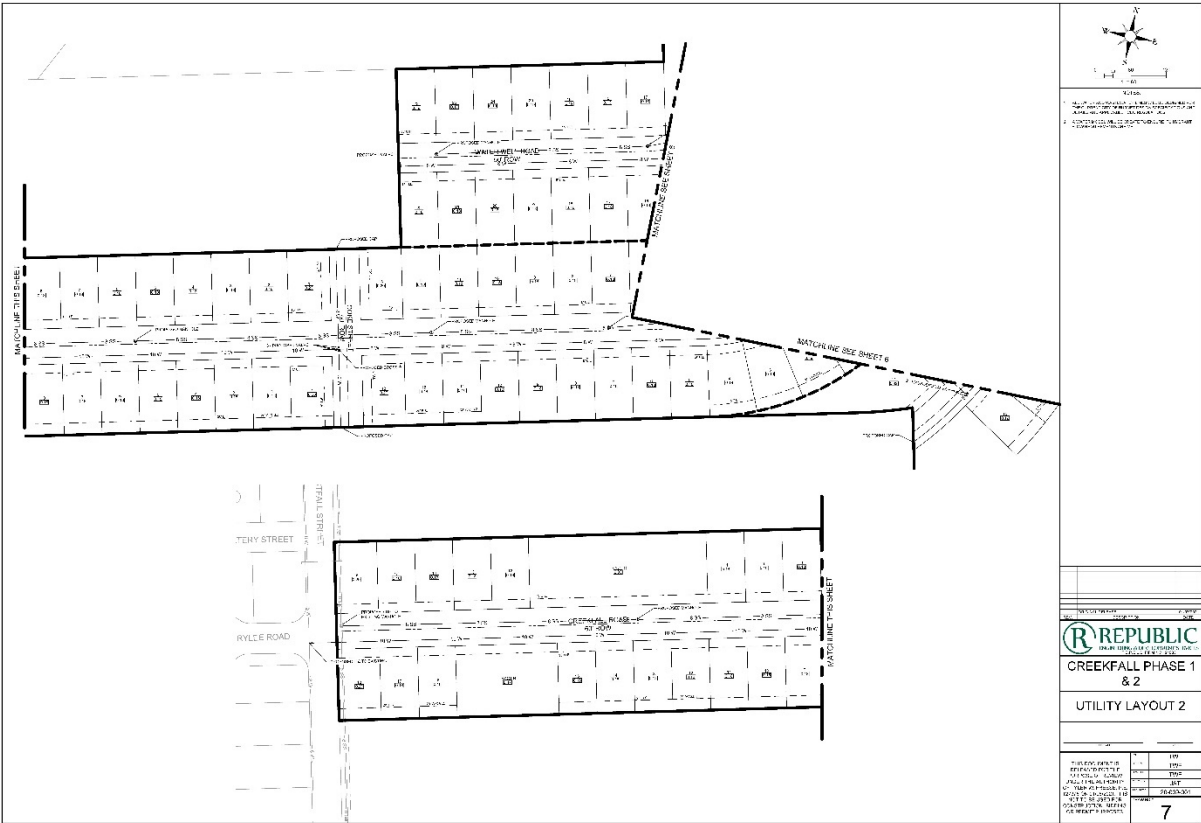
At the time this brief was drafted the preliminary plat generally meets the regulations found in the City's subdivision ordinance; however, the applicant has not yet addressed outstanding comments in regard to water quality, drainage and run-off calculations and requirements TxDOT may impose as a condition to access to Hwy 29.

**Recommended  
Motion:**

Conditionally recommend approval of the Preliminary Plat establishing the Creekfall Subdivision, Phases 1 and 2; subject to applicant resolving the following matters:

- City Engineer comment number 12 by providing Water Quality Treatment for the lots north of Water Well Road;
- City Engineer comment number 14 by production of a traffic impact analysis satisfactory to the Texas Department of Transportation and addressing requirements necessary to receive a driveway permit as well as the City Engineer's comments and concerns; and
- Applicant resolves Community Development Services comment number iv regarding provision of information on connectivity with Coke Street.

Exhibit "A"  
Proposed Preliminary Plat








[illegible]

NO.	DESIGN #	DATE
1	1001	10/1/80



**REPUBLIC**  
ENGINEERING & DEVELOPMENT SERVICES  
1001 W. HAWK DR. S.W.  
ALBUQUERQUE, N.M. 87102

# CREEKFAHLL PHASE 1

## & 2

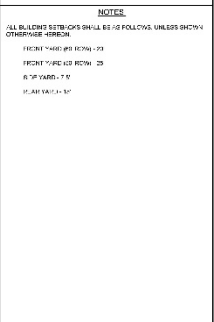
# PRELIMINARY PLAT 3

22' 21"	50' 11"
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THIS DOCUMENT IS  
RELEASED FOR THE  
PURPOSE OF REVIEW  
UNDER THE AUTHORITY  
OF TITLE 19, CHAPTER 2  
§ 2-203(a) TO INSURE THAT  
IT IS NOT TO BE USED FOR  
CONSTRUCTION. B.D. GOS.  
OF PRELIMINARY PLAT 3055

BY	DATE	TIME
REVIEWED BY	DATE	TIME
NO. OF REV.	DATE	TIME
DATE	JAN 1981	
NO.	20-009-001	
REVISIONS		

3

[illegible]







## Development Services

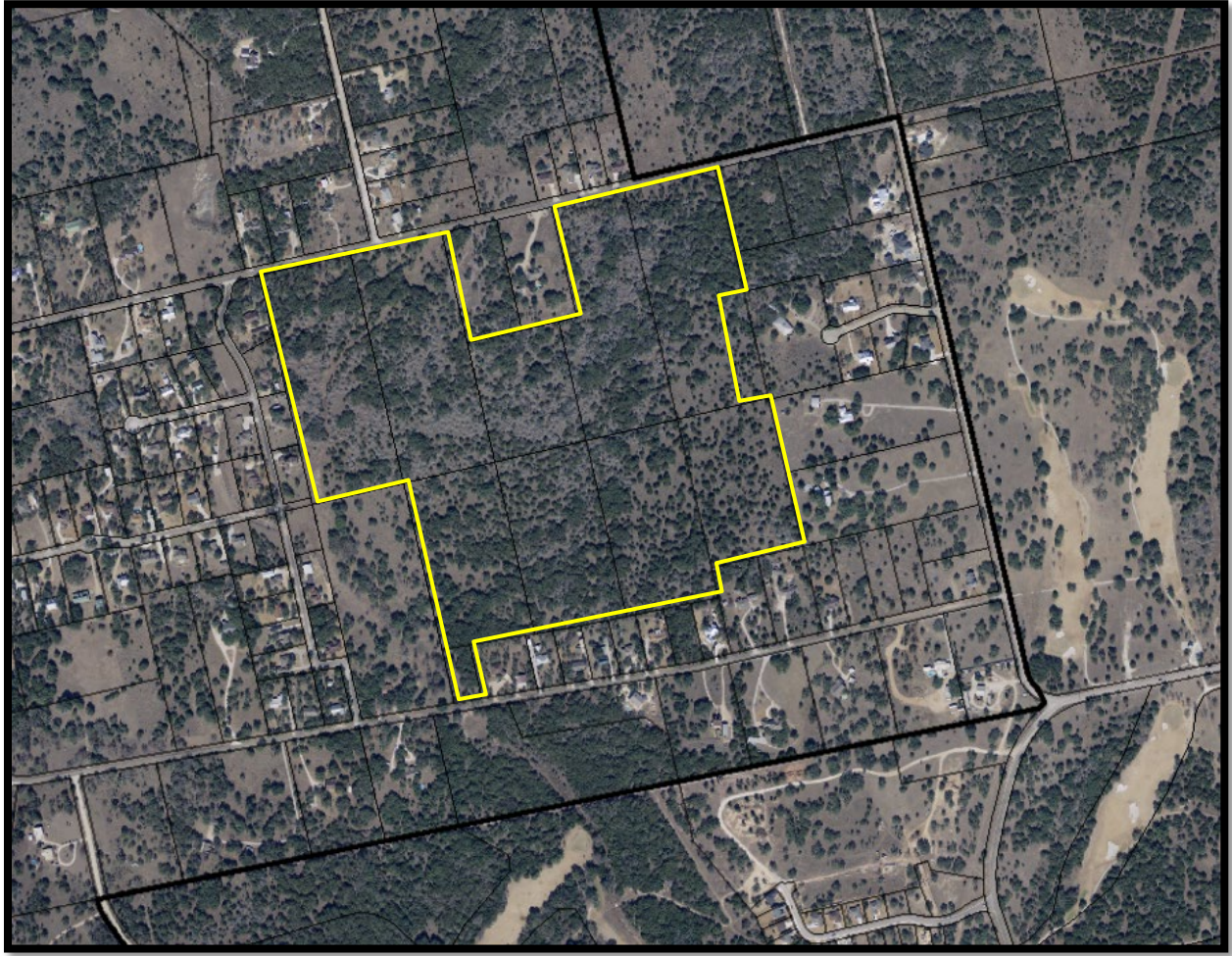
### ITEM 4.2

Habib Erkan, Jr.  
Development Services  
(512) 715-3215  
herkan@cityofburnet.com

### Agenda Item Brief

- Meeting Date:** March 1, 2021
- Agenda Item:** Consideration and action on a proposed “Final Plat” of Wandering Oaks, a proposed 23-lot residential subdivision consisting of approximately 105.08 acres, being generally located north of County Road 100 (Scenic Oaks Drive), south and west of County Road 100 (Oak Vista Drive), and east of Billy Joe Fox Drive: H. Erkan Jr.
- Background:** The proposed project is a residential subdivision consisting of approximately 105.08 acres located north of County Road 100 (Scenic Oaks Drive), south and west of County Road 100 (Oak Vista Drive), and east of Billy Joe Fox Drive. The plat shall establish 23 residential lots ranging in size from 2.97 to 6.01 acres. Water shall provide by separate wells on each lot. Sanitary sewer shall be provided by separate onsite septic systems on each lot. Internal roads shall be dedicated. to and maintained by, a homeowners’ association.
- Information:** Wandering Oak Circle is proposed 2,686 linear foot dead-end cul-de-sac. As Code Sec. 98-42, prescribes a 600-foot maximum cul-de-sac length the preliminary plat was granted a variance. At the time this brief was prepared the project engineer was working on the required water availability and quality report and drainage summary. The delay in receiving this information is due to the severe weather conditions central Texas experience between February 11 and February 19.
- Recommendation:** As the project engineer has not responded to all of staff’s comments at the time this brief was prepare staff does not yet have a recommendation. Speaking with the consultant engineer, it is possible that the necessary responses may be made available to staff on the day of the meeting in sufficient time for staff to make a recommendation. In the event this does not take place it is understood the applicant shall request action on this application be postponed for 30 days.

**Exhibit A – Location Map**



## Exhibit B – Proposed Final Plat

[illegible]









PROJECT NO. 100  
 SHEET NO. 4  
 DATE: 1/1/2010  
 DRAWN BY: J. B. BROWN  
 CHECKED BY: J. B. BROWN  
 APPROVED BY: J. B. BROWN

1500 CIRCLE LANE  
 MARIETTA, GA 30067  
 (770) 426-1234  
 WWW.CENTURY21.COM



SCALE 1" = 200'  
 0 100 200  
 FEET

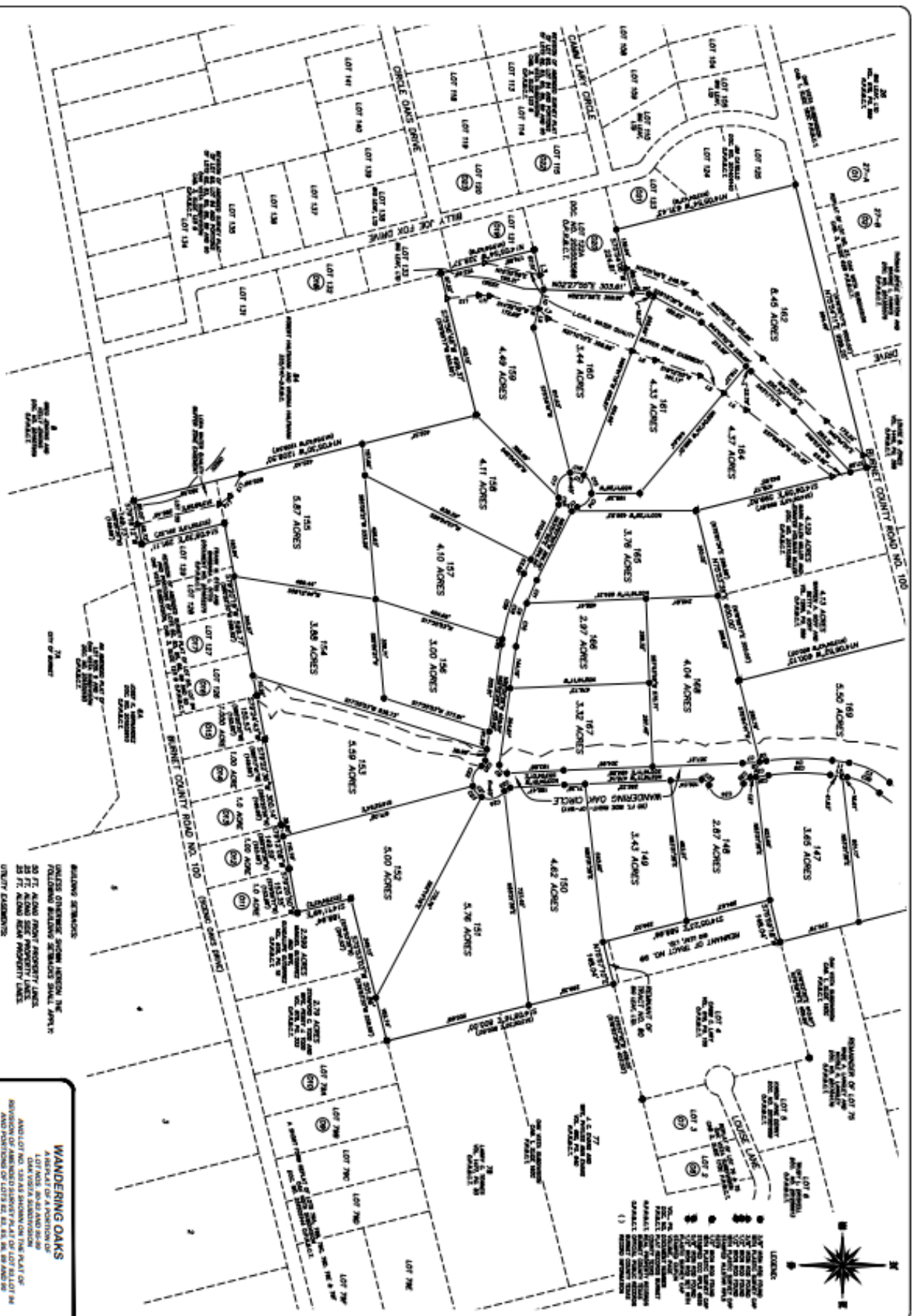
NO.	DESCRIPTION
1	REVISION
2	REVISION

SHEET 4 OF 4

BOUNDING STRUCKS  
 LINES OUTLINE THE REGION THE  
 FOLLOWING BOUNDING STRUCKS SHALL APPLY:  
 20 FT. ALONG FROM PROPERTY LINES  
 20 FT. ALONG FROM PROPERTY LINES  
 20 FT. ALONG FROM PROPERTY LINES  
 20 FT. ALONG FROM PROPERTY LINES  
 20 FT. ALONG FROM PROPERTY LINES

LINES OUTLINE THE REGION THE  
 FOLLOWING BOUNDING STRUCKS SHALL APPLY:  
 20 FT. ALONG FROM PROPERTY LINES  
 20 FT. ALONG FROM PROPERTY LINES  
 20 FT. ALONG FROM PROPERTY LINES  
 20 FT. ALONG FROM PROPERTY LINES  
 20 FT. ALONG FROM PROPERTY LINES

WANDERING OAKS  
 A SUBSET OF A LARGER LOT  
 1500 CIRCLE LANE  
 MARIETTA, GA 30067  
 (770) 426-1234  
 WWW.CENTURY21.COM





## Development Services

### ITEM 5.1

Habib Erkan Jr.  
Community Development Services  
(512) 725-3201  
herkan@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** March 1, 2021

**Agenda Item:** Briefing: Proposed amendment to the Sign Code addressing variances, appeal and administrative matters not covered in the current code: H. Erkan Jr.

**Background:** Effective February 23<sup>rd</sup> sign regulations were recodified in Chapter 21 of the Code of Ordinances. This effectively removed sign regulations from the zoning code and established a standalone sign code. The move of sign regulations from the zoning code enhances the city's ability to enforce sign regulations in the extraterritorial jurisdiction. Additionally, it provides an opportunity to place appeals of administrative decisions and requests for variances within the jurisdiction of the commission and not the board of adjustment.

**Proposed amendment:**

The propose amendments:

- codifies the sign permit application process;
- provides for civil enforcement of the sign code, in addition to criminal enforcement already established;
- authorizes the code compliance officer to remove signs encroaching in public spaces;
- requires approved signage to be properly maintained; and
- authorizes the commission to hear appeals from administrative decisions and requests for variances from code requirements.

**Discussion and direction:**

Staff is looking for commission direction on proceeding forward with the proposed amendment. Particularly, staff seeks commission confirmation that it is appropriate and desirable for the commission to hear and decide appeals from administrative decisions and requests for variances from code requirements