



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 7, 2022**, at **6:00 p.m.** at the City of Burnet's Community Center located at 401 East Jackson Street, Burnet, Texas 78611 at which time the following subjects will be discussed, to-wit:

1. CALL TO ORDER:

2. ROLL CALL:

3. CONSENT AGENDA ITEMS:

All 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 3, 2022.

3.2) Minutes of the Workshop meeting of the Planning and Zoning Commission of the City of Burnet, Texas held on January 5, 2022.

4. PUBLIC HEARINGS:

4.1) Public Hearing and Consideration of the following: Adoption and Amendments of the Zoning Ordinance, Future Land Use Plan and Zoning Classifications presented by Habib Erkan Jr., Assistant City Manager and Leslie Kimbler, City Planner.

(a) AN ORDINANCE AMENDING CITY CODE OF ORDINANCES CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF AMENDING THE SINGLE-FAMILY RESIDENTIAL —DISTRICT "R-1" BY INCREASING THE MINIMUM LOT WIDTH REQUIREMENT TO 75- FEET AND INCREASING THE MINIMUM LOT SIZE TO 9000 SQUARE FEET; AND ESTABLISHING A NEW SINGLE-FAMILY RESIDENTIAL —DISTRICT "R-6" WITH MINIMUM LOT WIDTH REQUIREMENT OF 60- FEET AND MINIMUM LOT SIZE REQUIREMENT OF 7600 SQUARE FEET

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

- (b) AN ORDINANCE AMENDING CITY CODE OF ORDINANCES CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF ESTABLISHING A NEW SINGLE-FAMILY RESIDENTIAL —DISTRICT "R-5" WITH MINIMUM LOT WIDTH REQUIREMENT OF 50-FEET AND INCREASING THE MINIMUM LOT SIZE TO 6000 SQUARE FEET
 - (1) Staff Presentation – H. Erkan Jr.
 - (2) Public Hearing
 - (3) Consideration and action
- (c) AN ORDINANCE AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") BY AMENDING SECTION 118-35 (ENTITLED "MULTI-FAMILY RESIDENTIAL—DISTRICT 'R-3'") BY INCREASING THE MAXIMUM STORIES TO THREE, CLARIFYING THE MAXIMUM UNITS PER ACRE ARE 20, AND AMENDING THE OPEN SPACES REQUIREMENTS
 - (1) Staff Presentation – H. Erkan Jr.
 - (2) Public Hearing
 - (3) Consideration and action
- (d) AN ORDINANCE AMENDING CITY CODE OF ORDINANCES CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF ADOPTING A NEW SECTION 118-63 (ENTITLED "MUNICIPAL GOLF COURSE VEGETATIVE BUFFER REQUIREMENTS") THAT SHALL ESTABLISH A 25 FOOT BUFFER ZONE ON CERTAIN PROPERTIES ABUTTING THE MUNICIPAL GOLF COURSE
 - (1) Staff Presentation – H. Erkan Jr.
 - (2) Public Hearing
 - (3) Consideration and action
- (e) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "AIRPLANE HANGAR" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY DESCRIBED AS 2802 S WATER STREET (LEGALLY DESCRIBED AS HIGHERPOWER SUBDIVISION, UNIT 1) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE
 - (1) Staff Presentation – L. Kimbler
 - (2) Public Hearing
 - (3) Consideration and action
- (f) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "AIRPLANE HANGAR" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY DESCRIBED AS 3242 S WATER STREET (LEGALLY DESCRIBED AS FLIGHT LINE BOULEVARD SUBDIVISION, LOT 1D) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action

- (g) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN “AIRPLANE HANGAR” IN A LIGHT COMMERCIAL – DISTRICT “C-1” FOR PROPERTY DESCRIBED AS 3214 S WATER STREET (LEGALLY DESCRIBED AS FLIGHT LINE BOULEVARD SUBDIVISION, LOT 1C) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action

- (h) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF A “HELIPORT” IN A LIGHT COMMERCIAL – DISTRICT “C-1” FOR PROPERTY DESCRIBED AS 3214 S WATER STREET (LEGALLY DESCRIBED AS FLIGHT LINE BOULEVARD SUBDIVISION, LOT 1C) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – L. Kimbler
- (2) Public Hearing
- (3) Consideration and action

- 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 11.35 acres out of the Susano Hernandez Survey, No .40, Abs. No. 398. The proposed “Preliminary Plat” will establish The Ranch at Delaware Creek Subdivision, Phase Two, consisting of approximately 29 residential lots: L. Kimbler

5. ACTION ITEMS:

- 5.1) Discuss and consider action: The Planning and Zoning Commission shall discuss and consider action on a proposed “Preliminary Plat” for approximately 11.35 acres out of the Susano Hernandez Survey, No .40, Abs. No. 398. The proposed “Preliminary Plat” will establish The Ranch at Delaware Creek Subdivision, Phase Two, consisting of approximately 29 residential lots: L. Kimbler

6. STAFF REPORTS:

7. 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 February 4, 2022 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 2nd day of February 2022

Kelly Dix, City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

The City of Burnet Community Center is 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) 715-3215, FAX (512) 756-8560 or e-mail at lkimble@cityofburnet.com for information or assistance.



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, **January 3, 2022**, at **6:00 p.m.** at the City of Burnet's Council Chambers located at 2402 S Water St., Burnet, Texas 78611 at which time the following subjects will be discussed, to-wit:

1. CALL TO ORDER:

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

2. ROLL CALL:

Members Present: Tommy Gaut, Calib Williams, Glen Teague, Derek Fortin

Members Absent: Glen Gates

Guests: Sondra Mobley, Glen Morris, James Mooney, Chris Ward

Others Present: Habib Erkan Jr, Assistant City Manager
Leslie Kimbler, Planner I
Matt Imrie, Community Development Coordinator

3. CONSENT AGENDA ITEMS:

All the following items on the Consent Agenda are considered to be self-explanatory by the Commission and will be enacted with one motion. There will be no separate discussion of these items unless a Commission member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Commission when the Consent Agenda is opened for Commission action.

- 3.1) Minutes of the meeting of the Planning and Zoning Commission of the City of Burnet, Texas held on December 6, 2021.

A motion was made to approve the minutes from the December 6, 2021 meeting by Commissioner Fortin and the motion was seconded by Chairman Gaut. The motion carried with 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 proposed "Preliminary Plat" for approximately 28.556 acres out of the H.M. Babcock Survey No. 1388, Abs. No. 1372, and the Samuel M. Bingham Survey, Abs. No. 86. The proposed "Preliminary Plat" will establish Headwaters of the San Gabriel, Phase Two, consisting of 26 residential lots: L. Kimbler

Leslie Kimbler, Planner I, presented staff's report regarding the proposed "Preliminary Plat" for approximately 28.556 acres out of the H.M. Babcock Survey No. 1388, Abs. No. 1372, and the Samuel M. Bingham Survey, Abs.

No. 86. The proposed "Preliminary Plat" will establish Headwaters of the San Gabriel, Phase Two, consisting of 26 residential lots

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 hold a public hearing to receive testimony and comments from members of the public on the merits of a request to rezone property located at 900 County Lane (Legal Description: ABS A0672 EUGENIO PEREZ, TRACT INCLUDING OAK VISTA LOTS PTS OF 60-67, 75.0 ACRES). The request is to rezone the property from its present designation of Medium Commercial – District "C-2" to a designation of Government- District "G".: M. Imrie

Matt Imrie, Community Development Coordinator, presented staff's report on the request to rezone property located at 900 County Lane (Legal Description: ABS A0672 EUGENIO PEREZ, TRACT INCLUDING OAK VISTA LOTS PTS OF 60-67, 75.0 ACRES). The request is to rezone the property from its present designation of Medium Commercial – District "C-2" to a designation of Government- District "G".

Chairman Gaut then opened the floor for public comment.

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

- 4.3) The Planning & Zoning Commission will hold a public hearing to receive testimony and comments from members of the public on the merits of a request to rezone property located at 800 Ellen Halbert Drive (Legal Description: ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE, 119.06 ACRES and ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE FROM OAK VISTA LOTS 45-52 & PTS OF LOTS 60-67, 103.68 ACRES,). The request is to rezone the property from its present designation of Medium Commercial – District "C-2" to a designation of Government- District "G".

Matt Imrie, Community Development Coordinator, presented staff's report on the request to rezone property located at 800 Ellen Halbert Drive (Legal Description: ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE, 119.06 ACRES and ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE FROM OAK VISTA LOTS 45-52 & PTS OF LOTS 60-67, 103.68 ACRES,). The request is to rezone the property from its present designation of Medium Commercial – District "C-2" to a designation of Government- District "G".

Chairman Gaut then opened the floor for public comment

Jim Mooney asked if the prison had any plans to expand. Staff advised Mr. Mooney that there were no plans that Staff was aware of to expand and explained that the reason for the zoning change was to correct an erroneous zoning. Mooney expressed no opposition or favor of the change.

There being no other speakers, Chairman Gaut closed the public hearing.

- 4.4) The Planning & Zoning Commission will hold a public hearing to receive testimony and comments from members of the public on the merits of a request to rezone property located at 3202 S Water Street (Legal Description: S4540 FLIGHT LINE BOULEVARD SUBDIVISION LOT 1B). The request is to rezone the property from its present designation of Medium Commercial – District “C-1” to a designation of Neighborhood Commercial- District “NC”: M. Imrie

Matt Imrie, Community Development Coordinator, presented staff’s report on the request to rezone property located at 3202 S Water Street (Legal Description: S4540 FLIGHT LINE BOULEVARD SUBDIVISION LOT 1B). The request is to rezone the property from its present designation of Medium Commercial – District “C-1” to a designation of Neighborhood Commercial- District “NC”

Chairman Gaut opened the floor for public comment.

Sandra Mobley who owns property adjacent to the property in question spoke with the applicant regarding entry to property and parking. Mobley expressed no opposition or favor to the change.

Glen Morris asked why the zoning had to be changed. Morris expressed no opposition or favor to the change.

There being no other speakers, Chairman Gaut closed the public hearing.

5. ACTION ITEMS:

Prior to the presentation of the action items, Chairman Gaut made the Commission aware that Commissioner Teague had filed an Affidavit of Conflict of Interest; at which point Commissioner Teague recused himself. Commissioner Teague did not participate in the Commissions discussion regarding action item 5.1 or action item 5.2.

- 5.1) Discuss and consider action: The Planning and Zoning Commission shall discuss and consider action on a request for a variance to the Code of Ordinances, Section 98-42 – Transportation Improvements and the Technical Construction Standards, Section 290 – Street lights, for the proposed Preliminary Plat of Headwaters of the San Gabriel.: L Kimbler

Commission Williams made a motion to accept the variance to the Code of Ordinances, Section 98-42 – Transportation Improvements and the Technical Construction Standards, Section 290 – Street lights, for the proposed Preliminary Plat of Headwaters of the San Gabriel. The motion was seconded by Chairman Gaut. t. A roll call vote was taken with the following results:

Chairman Gaut: For

Commissioner Williams: For

Commissioner Fortin: Abstain

- 5.2) Discuss and consider action: The Planning and Zoning Commission shall discuss and consider action of a proposed "Preliminary Plat" for approximately 28.556 acres out of the H.M. Babcock Survey No. 1388, Abs. No. 1372, and the Samuel M. Bingham Survey, Abs. No. 86. The proposed "Preliminary Plat" will establish Headwaters of the San Gabriel, Phase Two, consisting of 26 residential lots: L. Kimbler

Commissioner Williams made a motion to conditionally recommend approval of the Preliminary Plat establishing The Headwaters of the San Gabriel, Phase Two; subject to applicant securing the easement into the subdivision and final approval of the water layout from the City of Bertram.

Chairman Gaut seconded the motion and it carried with a vote of 3 to 0.

- 5.3) Discuss and consider action: The Planning & Zoning Commission shall discuss and consider action of a request to rezone property located at 900 County Lane (Legal Description: ABS A0672 EUGENIO PEREZ, TRACT INCLUDING OAK VISTA LOTS PTS OF 60-67, 75.0 ACRES). The request is to rezone the property from its present designation of Medium Commercial – District "C-2" to a designation of Government- District "G".: M. Imrie

Chairman Gaut made a motion to approve the request to rezone property located at 900 County Lane (Legal Description: ABS A0672 EUGENIO PEREZ, TRACT INCLUDING OAK VISTA LOTS PTS OF 60-67, 75.0 ACRES). The request is to rezone the property from its present designation of Medium Commercial – District "C-2" to a designation of Government- District "G". The motion was seconded by Commissioner Williams and passed with a vote of 4 to 0.

- 5.4) Discuss and consider action: The Planning & Zoning Commission shall discuss and consider action of a request to rezone property located at 800 Ellen Halbert Drive (Legal Description ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE, 119.06 ACRES and ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE FROM OAK VISTA LOTS 45-52 & PTS OF LOTS 60-67, 103.68 ACRES,). The request is to rezone the property from its present designation of Medium Commercial – District "C-2" to a designation of Government- District "G".

Commissioner Teague made a motion to approve the request to rezone property located at 800 Ellen Halbert Drive (Legal Description ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE, 119.06 ACRES and ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE FROM OAK VISTA LOTS 45-52 & PTS OF LOTS 60-67, 103.68 ACRES,). The request is to rezone the property from its present designation of Medium Commercial – District "C-2" to a designation of Government- District "G". The motion was seconded by Commissioner Fortin and passed with a vote of 4 to 0.

- 5.5) Discuss and consider action: The Planning & Zoning Commission shall discuss and consider action of a request to rezone property located at 3202 S Water Street (Legal Description: S4540 FLIGHT LINE BOULEVARD SUBDIVISION LOT 1B). The request is to rezone the property from its present designation of Medium Commercial – District "C-1" to a designation of Neighborhood Commercial- District "NC": M. Imrie

Commissioner Fortin made a motion to approve the request to rezone property located at 3202 S Water Street (Legal Description: S4540 FLIGHT LINE

BOULEVARD SUBDIVISION LOT 1B). The request is to rezone the property from its present designation of Medium Commercial – District “C-1” to a designation of Neighborhood Commercial- District “NC”: the motion was seconded by Chairman Gaut and passed with a vote of 4 to 0.

6. STAFF REPORTS:

Discuss P&Z calendar, specifically holidays that fall on Mondays. The board decided to move those meetings that fall on holidays to Tuesdays.

7. REQUESTS FOR FUTURE AGENDA ITEMS:

Chairman Gaut requested that staff research the official voting rules for the commission.

ADJOURN

There being no further business, Chairman Gaut adjourned the meeting at 6:40 p.m.

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 December 3, 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.

Tommy Gaut, Chair
City of Burnet Planning and Zoning Commission

Attest: _____
Herve Derek Fortin, Secretary
City of Burnet Planning and Zoning Commission



PLANNING & ZONING COMMISSION MINUTES

Notice is hereby given that the **Workshop Meeting of the Planning and Zoning Commission** of the City of Burnet, Texas will be held on Wednesday, **January 5, 2022 at 2:00 p.m.** at the City of Burnet's Council Chambers located at 2402 S Water Street, Burnet, Texas 78611 at which time the following subjects will be discussed, to-wit:

1. CALL TO ORDER:

The meeting was called to order at 2:05 p.m. by Chairman Gaut.

2. ROLL CALL:

Members Present: Tommy Gaut, Calib Williams, Glen Teague, Derek Fortin, Glen Gates

Others Present: Habib Erkan Jr, Assistant City Manager

Leslie Kimbler, Planner I

Hugo Elizondo, City's Engineer

3. DISCUSS AND CONSIDER:

- 3.1) Discuss and consider action: The Planning and Zoning Commission shall discuss and consider action regarding a proposed amendment to the City of Burnet's Code of Ordinances Chapter 50 (Entitled "Flood Damage Prevention") Section 50-56 (Entitled "Elevation and lot grading standards for structures located in Zone X").: H. Erkan

Hugo Elizondo, City's Engineer, spoke to the Commission regarding the draft ordinance amendment to Section 50-56 and answered Commission's questions.

Commission Fortin made a motion to approve the amendment to the City of Burnet's Code of Ordinances Chapter 50 (Entitled "Flood Damage Prevention") Section 50-56 (Entitled "Elevation and lot grading standards for structures located in Zone X"). Chairman Williams seconded the motion and it carried with a vote of 4-0.

ADJOURN:

There being no further business, Chairperson, Tommy Gaut adjourned the meeting at 2:30 p.m.

Tommy Gaut, Chair
City of Burnet Planning and Zoning Commission

Attest: _____
Herve Derek Fortin, Secretary



Development Services

ITEM 4.1 (a)

Habib Erkan Jr.
Assistant City Manager
512-715-3201
herkan@cityofburnet.com

Public Hearing and Action Item

Meeting Date: February 7, 2021

Agenda Item: AN ORDINANCE AMENDING CITY CODE OF ORDINANCES CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF AMENDING THE SINGLE-FAMILY RESIDENTIAL —DISTRICT "R-1" BY INCREASING THE MINIMUM LOT WIDTH REQUIREMENT TO 75-FEET AND INCREASING THE MINIMUM LOT SIZE TO 9000 SQUARE FEET; AND ESTABLISHING A NEW SINGLE-FAMILY RESIDENTIAL —DISTRICT "R-6" WITH MINIMUM LOT WIDTH REQUIREMENT OF 60-FEET AND MINIMUM LOT SIZE REQUIREMENT OF 7600 SQUARE FEET.(H. Erkan, Assistant City Manager)

Background: On November 9, 2021, City Council directed staff to prepare an ordinance increasing the lot width in District "R-1" to 70 or 75 feet may enable subdivision densities more in harmony with the City's agrarian heritage; and to include in the ordinance a new "R-6" ordinance which would incorporate the 60-foot width/7600 square feet area dimensions of the current District "R-1"

Information: This ordinance amends District R-1 to require 75-foot lot widths. It also establishes a new R-6 district which incorporates the existing District R-1 dimensions. Upon adoption, staff will initiate rezoning of existing lots that do not conform to the new R-1 dimensions. During the interim such lots shall be considered legally conforming lots.

Recommendation: Open the public hearing. At the conclusion of the public hearing, pass and approve first reading of the draft ordinance.

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF AMENDING THE SINGLE-FAMILY RESIDENTIAL —DISTRICT "R-1" BY INCREASING THE MINIMUM LOT WIDTH REQUIREMENT TO 75-FEET AND INCREASING THE MINIMUM LOT SIZE TO 9000 SQUARE FEET; AND ESTABLISHING A NEW SINGLE-FAMILY RESIDENTIAL —DISTRICT "R-6" WITH MINIMUM LOT WIDTH REQUIREMENT OF 60-FEET AND MINIMUM LOT SIZE REQUIREMENT OF 7600 SQUARE FEET; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, at the November 9, 2021, City Council discussed the merits of increasing the Single-family "R-1" lot width minimums to 70 or 75 feet; and

WHEREAS, City Council finds that 60-foot width minimum lots are not conducive to maintaining the community's hill country environment; and

WHEREAS, City Council deems it appropriate to increase the lot width in District "R-1" to 75 feet to enable subdivision densities to be more in harmony with the City's agrarian heritage; and make stormwater management more controllable; and

WHEREAS, City Council finds in specific instances there is a place for 60-foot width minimum lots and deems it appropriate to create a new zoning district to accommodate such developments; and

WHEREAS, City Council finds that existing 60-foot width minimum lots should not become non-conforming due to this ordinance; and

WHEREAS, on February 7, 2022, the Planning and Zoning Commission conducted a public hearing to receive comments and testimony on the merits of the code amendments proposed by this ordinance; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission made a recommendation to City Council as to the merits of the proposed code amendments; and

WHEREAS, on February 8, 2022, City Council conducted a public hearing; to receive comments and testimony on the merits of the proposed code amendments; and

WHEREAS, The City Council, after due consideration of the Planning and Zoning Commission recommendation; the comments and testimony of public; and the recommendation of City staff; finds adoption of the proposed code amendments will promote the public health, safety, morals, and the general welfare; and

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and.

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

Section one. Amendment. The City Code of Ordinances Sec. 118-20 (entitled “general requirements and limitations”) is hereby amended by amending Chart 1, therein, by adding to the row entitled “R-1” the language that is underlined (underline) and deleting the language that is stricken (~~stricken~~); and adding a new row entitled “R-6”, and adding to the “R-6” row the language that is underlined (underline) as follows:

Sec. 118-20. General requirements and limitations.

Chart 1

Zoning District	Front Yard Setback	Side Yard Setback	Street Side Yard Setback	Rear Yard Setback	Min. Lot S.F. Area	Min. Lot Width	Max. Height Limit
R-1	20 ft. for any road over 31 feet of pavement. 25 ft. for roads shorter than 31 ft.	7½ ft.	15 ft.	15 ft.	9000 ft. 7,600 s.f.	60 ft. <u>75 ft.</u>	35 ft. for structures over 1,500 s.f. 30 ft. for structures under 1,500 s.f.
<u>R-6</u>	<u>20 ft. for any road over 31 feet of pavement.</u> <u>25 ft. for roads shorter than 31 ft.</u>	<u>7½ ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>7,600</u> <u>s.f.</u>	<u>60 ft.</u>	<u>35 ft.</u>

Section two. Amendment. The City Code of Ordinances Sec. 118-20 (entitled “general requirements and limitations”) is hereby amended by amending Chart 2, therein, by adding to the second row abbreviated zoning designation “R-6” as shown in bold (**bold**) below:

Chart 2

District	Coverage Main Buildings and all Accessory Buildings
OS, A, R1 E	10%
R1, R2, R-2, R-6 , A, NC, M1	40%
M-2,C-1, C-2, G	50%
C-3, I-1, I-2	60%
PUD	N/A

Section three. Amendment. The City Code of Ordinances Sec. 118-21 (entitled “establishment of zoning districts”) is hereby amended by amending the table, found therein, by adding rows therein the zoning district names for the abbreviated designation “R-6” as shown in bold (**bold**) below:

Abbreviated Designation	Zoning District Name
R-6	Single-family residential —District "R-6"

Note to publisher: Except as expressly amended in sections one, two and three of this ordinance, Section 118-20, and charts 1 and 2 therein; as well as Section 118-21, and the undesignated table therein, shall remain in full force and effect as stated prior to the adoption of this ordinance. This note shall not be published in Code.

Section five. Amendment. The City Code of Ordinances Sec. 118-25 (entitled “Single-family residential 1—District ‘R-1’”) is hereby amended by replacing subsection (a) in its entirety with the following:

Sec. 118-25. Single-family residential — District "R-1" and District “R-6”.

- (a) *Purpose and permitted uses.* Single-family residential District "R-1" and District “R-6” permits detached single-family dwellings with a minimum living area and minimum lot size as follows:

Table 118-25(1)

Single-family residential — District "R-1"	Minimum living area: 1100 square feet	Minimum lot size: 9000 square feet
Single-family residential — District "R-6"	Minimum living area: 1100 square feet	Minimum lot size: 7600 square feet

Note to publisher: Section 118-25 subsections (b) and (c) shall remain in full force and effect as stated prior to the adoption of this ordinance. This note shall not be published in Code.

Section six. Amendment. The City Code of Ordinances Sec. 118-25 (entitled “Single-family residential 1—District ‘R-1’ and District “R-6””) is hereby amended by adding a new subsection (d) to read as follows:

- (d) *Preexisting lots.* Any Single-Family lot established by a subdivision plat recorded on or before February 22, 2022, that was in compliance with the Single-family residential —District “R-1” lot dimensions in effect prior to that date but made non-conforming due to the adoption of new lot dimensions after that date shall be entitled to a city initiated zoning reclassification to Single-family residential — District “R-6” and shall be considered a legally conforming lot, for all purposes, until such zoning reclassification is final.

Section seven. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section eight. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled “general penalty”).

Section nine. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled “Repealer”) shall be controlling.

Section ten. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section eleven. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section twelve. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section thirteen. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

Passed on first reading on the 8th day of February 2022

Passed, Approved and Adopted on the 22nd day of February 2022

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelley Dix, City Secretary



Development Services

ITEM 4.1 (b)

Habib Erkan Jr.
Assistant City Manager
512-715-3201
herkan@cityofburnet.com

Public Hearing and Action Item

Meeting Date: February 7, 2021

Agenda Item: AN ORDINANCE AMENDING CITY CODE OF ORDINANCES CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF FOR THE PURPOSE OF ESTABLISHING A NEW SINGLE-FAMILY RESIDENTIAL —DISTRICT "R-5" WITH MINIMUM LOT WIDTH REQUIREMENT OF 50- FEET AND INCREASING THE MINIMUM LOT SIZE TO 6000 SQUARE FEET

Background: This ordinance is presented to City Council in request by a number of developers for permission to develop higher density single family subdivisions. One argument made for higher density subdivisions is homes can be offered at lower price points so that people like teachers, police officers, and emergency service officers can live in the community they serve. Another argument is that such developments can offer low maintenance which would be attractive to older home buyers and single professions.

Information: This ordinance establishes a Single-Family District R-5, with minimum lot widths of 50 feet and minimum lot size of 6000 square feet. The adoption of this ordinance does not designate any property as Single-Family District R-5. Rather a developer wishing to designate property as Single-Family District R-5 would be required to apply for a change in zoning classification and make a case to Council why the Single-Family District R-5 designation would be appropriate for the property.

Recommendation: Open the public hearing. At the conclusion of the public hearing, pass and approve first reading of the draft ordinance.

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”); FOR THE PURPOSE OF ESTABLISHING A NEW SINGLE-FAMILY RESIDENTIAL —DISTRICT “R-5” WITH MINIMUM LOT WIDTH REQUIREMENT OF 50-FEET AND INCREASING THE MINIMUM LOT SIZE TO 6000 SQUARE FEET PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, City Council finds as a general rule single family development with 75-foot width minimum lots are vital to maintaining the community’s hill country environment and managing stormwater generated by development; and

WHEREAS, City Council finds in specific instances there may be place for higher density developments to provide workforce housing and to provide subdivisions with low maintenance lawns; and

WHEREAS, deems it appropriate to create a new zoning district allowing 50-foot width minimum lots; and

WHEREAS, on February 7, 2022, the Planning and Zoning Commission conducted a public hearing to receive comments and testimony on the merits of the code amendments proposed by this ordinance; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission made a recommendation to City Council as to the merits of the proposed code amendments; and

WHEREAS, on February 8, 2022, City Council conducted a public hearing; to receive comments and testimony on the merits of the proposed code amendments; and

WHEREAS, The City Council, after due consideration of the Planning and Zoning Commission recommendation; the comments and testimony of public; and the recommendation of City staff; finds adoption of the proposed code amendments will promote the public health, safety, morals, and the general welfare; and

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and.

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

Section two. Amendment. The City Code of Ordinances Sec. 118-20 (entitled “general requirements and limitations”) is hereby amended by amending Chart 1, therein, by adding to the row entitled “R-5” to the existing language as follows:

Sec. 118-20. General requirements and limitations.

Chart 1

Zoning District	Front Yard Setback	Side Yard Setback	Street Side Yard Setback	Rear Yard Setback	Min. Lot S.F. Area	Min. Lot Width	Max. Height Limit
R-5	20 ft: roads equal to or more than 31 feet of pavement. 25 ft: roads with less than 31 ft. of pavement	6 ft.	15 ft.	15 ft.	5500 s.f.	50 ft.	30 ft.

Section three. Amendment The City Code of Ordinances Sec. 118-20 (entitled “general requirements and limitations”) is hereby amended by amending Chart 2, therein, by adding to the second row the abbreviated zoning designations “R-5” as shown in bold (**bold**) below:

Chart 2

District	Coverage Main Buildings and all Accessory Buildings
OS, A, R1 E	10%
R1, R2, R-2, R-5 , A, NC, M1	40%
M-2,C-1, C-2, G	50%
C-3, I-1, I-2	60%
PUD	N/A

Section four. Amendment. The City Code of Ordinances Sec. 118-21 (entitled “establishment of zoning districts”) is hereby amended by amending the table, found therein, by adding a row therein as follows:

Abbreviated Designation	Zoning District Name
R-5	Single-family residential —District "R-5"

Section five. Amendment. The City Code of Ordinances Sec. 118-25 (entitled “Single-family residential 1—District ‘R-1 and R-6’”) is hereby amended by adding the language the phrase “District R-5” to the title and adding a row to the table as follows:

Sec. 118-25. Single-family residential — District "R-1"; District “R-5” and District “R-6”.

- (a) *Purpose and permitted uses.* Single-family residential District "R-1"; District “R-5” and District “R-6” permits detached single-family dwellings with a minimum living area and minimum lot size as follows:

Single-family residential — District "R-5"	Minimum living area: 1100 square feet	Minimum lot size: 5500 square feet
-----------------------------------------------	---------------------------------------------	---------------------------------------

Section six. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section seven. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled “general penalty”).

Section eight. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled “Repealer”) shall be controlling.

Section nine. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section ten. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section eleven. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section twelve. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

Passed on first reading on the 8th day of February 2022

Passed, Approved and Adopted on the 22nd day of February 2022

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelley Dix, City Secretary



Development Services

ITEM 4.1 (e)

Habib Erkan Jr.
Assistant City Manager
512-715-3201
herkan@cityofburnet.com

Public Hearing and Action Item

Meeting Date: February 7, 2021

Agenda Item: AN ORDINANCE AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”) SECTION 118-35 (ENTITLED MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3”); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (H. Erkan, Assistant City Manager)

Background: Multi-family housing is allowed in District “R-3” pursuant to City Code Section 118-35. This ordinance addresses three issues with the current application of certain subsections of Section 118-35. First, the maximum height of structures in District “R-3” is 35 feet while the maximum allowed stories is only two. However, as a practical matter a height of 35-feet will accommodate three stories. Second the existing language in Sec. 118-35 states both the maximum dwelling units per acre is 20, and minimum lot size is 4000 square feet per unit. These two statements are incongruent. And, finally, Section 118-35 requires parkland dedication where it is City policy to require a fee in lieu of parkland dedication in order to promote regional parks and discourage pocket parks.

Information: The fire marshal has no objection to the amendment increasing maximum number of stories from two to three. Additionally, this ordinance clarifies that maximum density in the R-3 district is 20 units per acre; and adds a minimum lot size requirement of 10,000 square feet for a multi-family project. Further, this ordinance amends Section 118-35(b)(3) by requiring payment of a fee of \$200.00 per unit, instead of parkland dedication; but retains council discretion to allow land dedication in place of the fee. In addition to resolving the aforementioned ambiguities and policy directives this ordinance amends Sec. 118-35 to allow Single-family residential District R-1; Single-family District R-1 E; Duplex District R-2; and Townhomes – District “R-2 A in a Multi-family residential—District “R-3” provided the lot dimension requirements for the respective single-family duplex, or townhome district are adhered to.

Recommendation: Open the public hearing. At the conclusion of the public hearing, pass and approve first reading of the draft ordinance.

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") by AMENDING SECTION 118-35 (ENTITLED "MULTI-FAMILY RESIDENTIAL—DISTRICT 'R-3'"); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, City Council, by adoption of City Code Sec. 118-35, established the multi-family residential—District "R-3" to allow multi-family housing which serves as a transitional zone between single-family residential and less intense commercial uses; and

WHEREAS, the fire marshal has no objection in increasing the number of maximum stories in the "R-3" District from two to three, provide the maximum height of 35 feet is not increased; and

WHEREAS, City Council determines it appropriate to clarify that the maximum allowed density in the "R-3" district is 20 units per acre; and

WHEREAS, City Council determines it appropriate to impose a minimum lot size for a multi-family project in the "R-3" district; and

WHEREAS, City Council determined that resources for parkland maintenance and enhancement can be more efficiently and effectively spent on regional parks instead of "pocket parks"; and

WHEREAS, in setting the fee in lieu of parkland dedication City Council takes legislative notice that the average price for an acre of land in Burnet exceeds \$30,000.00; and

WHEREAS, City Council determines it appropriate to allow Single-family residential District R-1; Single-family District R-1 E; Duplex District R-2; and Townhomes – District "R-2 A uses in a Multi-family residential—District "R-3" provided the lot dimension requirements for the respective district are adhered to; and

WHEREAS, on February 7, 2022, the Planning and Zoning Commission conducted a public hearing to receive comments and testimony on the merits of the code amendments proposed by this ordinance; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission made a recommendation to City Council as to the merits of the proposed code amendments; and

WHEREAS, on February 8, 2022, City Council conducted a public hearing; to receive comments and testimony on the merits of the proposed code amendments; and

WHEREAS, The City Council, after due consideration of the Planning and Zoning Commission recommendation; the comments and testimony of public; and the recommendation of City staff; finds adoption of the proposed code amendments will promote the public health, safety, morals, and the general welfare; and

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and.

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

Section one. Amendment. The Code of Ordinances, Chapter 118 (entitled “Zoning”) Section 118-35 (entitled “*Multi-family residential—District ‘R-3’*”) is hereby amended by adding the language that is underlined (underlined) deleting the language that is stricken (~~stricken~~) as follows:

Sec. 118-35. Multi-family residential—District "R-3.

(a) *Permitted uses.*

- (1) Single-family residential District R-1; Single-family District R-1 E; Duplex District R-2; and Townhomes – District “R-2 A uses are allowed in a Multi-family residential—District "R-3" provided the lot dimension requirements for the respective single-family duplex, or townhome district district are adhered to.
- (2) Attached single family structures with a minimum of 500 square feet of living area and permitted accessory structures generally known as apartments, with buildings not exceeding two three stories, ~~on a minimum lot size of 4,000 square feet per unit.~~

(b) *Conditions and limitations.*

- (1) More than one building or structure may be located upon a lot.
- (2) All buildings and structures shall be separated by a minimum horizontal distance of ten feet or meet the separation requirements of the adopted fire code.
- (3) Recreation open space. ~~Unless otherwise satisfied pursuant to the city's subdivision ordinance, A park land dedication fee of \$200.00 per dwelling unit shall be required prior to issuance of a building permit. Provided however, council may, at its discretion, allow on-site~~

recreational dedication at one acre per 100 dwelling units, or five percent of the total site area subject to the following requirements; provided that the council may, at its discretion, require the payment of the established fee in lieu of land dedication for each such dwelling unit.

(A) Such recreational open space shall be located or arranged so as to function as a recreational area and be uniformly beneficial to all of the dwelling units in the project or development; and

(B) Open space required to separate structures shall not be considered to be a part of the required recreational open space.

(4) *Parking.*

a. There shall be a minimum five-foot setback from the rear most wall of any garage, and from the curb line of any parking area, to the nearest property line.

b. Private garages and covered parking, if any, may be attached or detached.

c. A minimum of two off-street parking spaces shall be provided for each living unit. All off-street parking and driveways shall be improved with all-weather asphalt, concrete, or paving stones, and curb and gutter.

(5) *Driveways.*

a. All ingress and egress must be located on major collectors or arterials as designated in the comprehensive plan.

b. Ingress and egress shall be through driveways designed to convey residents, visitors, and staff of the apartment over a common driveway.

c. There shall be no head-in parking on any public collector or arterial streets abutting the lot.

(6) The commission and the council may consider number of units proposed, the availability of mass-transit and the impact the development may have on existing traffic patterns, with respect to any application for multi-family zoning.

(7) See Chart 1.

(8) See Chart 3.

(c) *Site development regulations.* The following site development regulations shall be applicable to apartment buildings and property zoned multi-family residential, district "R-3":

(1) Maximum dwelling units per acre: 20 units.

(2) Minimum lot size shall be 10,000 square feet for a multi-family project.

Section two. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section three. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled “general penalty”).

Section four. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled “Repealer”) shall be controlling.

Section five. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section six. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section seven. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section eight. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

Passed on first reading on the 8th day of February 2022

Passed, Approved and Adopted on the 22nd day of February 2022

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelley Dix, City Secretary



Development Services

ITEM 4.1 (d)

Habib Erkan Jr.
Assistant City Manager
512-715-3201
herkan@cityofburnet.com

Public Hearing and Action Item

Meeting Date: February 7, 2021

Agenda Item: AN ORDINANCE AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING"); FOR THE PURPOSE OF ADOPTING A NEW SECTION 118-63 (ENTITLED "MUNICIPAL GOLF COURSE VEGETATIVE BUFFER REQUIREMENTS") THAT SHALL ESTABLISH A 25 FOOT BUFFER ZONE ON CERTAIN PROPERTIES ABUTTING THE MUNICIPAL GOLF COURSE (H. Erkan, Assistant City Manager)

Background: The municipal golf course was established pursuant to a development agreement dated December 21st 1990, by and between the City and Oaks Vista Inc, Billy Joe Fox and Mark Fox for the development of Delaware Springs. Through subsequent development agreements and easement agreements vegetative buffers have been established on fully developed golf course lots within Delaware Springs. These vegetative buffers provide reciprocal protection for golf course lot owners unobstructive view of the golf course. The buffers also protect the operation of the golf course. However, there is undeveloped property abutting the golf course on which no buffer easements presently exist.

Information: This ordinance imposes a 25-foot vegetative buffer on designated undeveloped tracks or lots that protect and preserve the function and aesthetics of the municipal golf course; and the rights and interest of owners of properties abutting the municipal golf course to unobstructive views of the course from their properties. The ordinance allows the golf course vegetation buffer to be included in the calculation of code requirements for: (i) minimum lot size under the code; (ii) minimum setbacks and (iii) impervious cover requirements.

Recommendation: Open the public hearing. At the conclusion of the public hearing, pass and approve first reading of the draft ordinance.

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”) FOR THE PURPOSE OF ADOPTING A NEW SECTION 118-63 (ENTITLED “MUNICIPAL GOLF COURSE VEGETATIVE BUFFER REQUIREMENTS”) THAT SHALL ESTABLISH A 25 FOOT BUFFER ZONE ON CERTAIN PROPERTIES ABUTTING THE MUNICIPAL GOLF COURSE; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City owns and operates the Delaware Springs municipal golf course; and

WHEREAS, City Council deems a Municipal Golf Course Vegetative Buffer applicable to lots abutting the golf course is mutually beneficial to the owners of golf course lots, by assuring unobstructive views of course from golf course lots, and to operation of the golf course; and

WHEREAS, City Council finds and determines that buffer easements on fully developed golf course lots have been established pursuant to development agreements or the recordation of easement instruments; and

WHEREAS, it is City Council’s intent to implement a Municipal Golf Course Vegetative Buffer as prescribed herein for the mutual benefit of golf course lot owners and for the operation of the golf course; and

WHEREAS, on February 7, 2022, the Planning and Zoning Commission conducted a public hearing to receive comments and testimony on the merits of the code amendments proposed by this ordinance; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission made a recommendation to City Council as to the merits of the proposed code amendments; and

WHEREAS, on February 8, 2022, City Council conducted a public hearing; to receive comments and testimony on the merits of the proposed code amendments; and

WHEREAS, The City Council, after due consideration of the Planning and Zoning Commission recommendation; the comments and testimony of public; and the recommendation of City staff; finds adoption of the proposed code amendments will promote the public health, safety, morals, and the general welfare; and

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and.

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

Section one. Amendment. The Code of Ordinances, Chapter 118 (entitled “Zoning”) Section is hereby amended by adding to Section 118 (entitled “Definitions”) the language that is underlined (underlined) as follows:

Sec. 118-5. - Definitions.

Boundary Agreement means that certain written instrument recorded in the Public Records of Burnet County as Document No. 2014086.

Golf Course Lot means any lot, parcel, tract or other division of property located within those tracts described in Boundary Agreement as Tracts 1, 7, 14, 15, 16, 17, 21, 22, 23, 24, 25, 26 or 27 sharing a property line with the municipal golf course.

Municipal golf course means the 18-hole championship golf course operated by the City.

Section two. Amendment. The Code of Ordinances, Chapter 118 (entitled “Zoning”) Section is hereby amended by adding a new Section 118-63 to read as follows:

Sec. 118-63. – Municipal golf course vegetative buffer requirements.

- (a) Purpose. These requirements are imposed to protect and preserve the function and aesthetics of the municipal golf course; and to protect the rights and interest of owners of properties abutting the municipal golf course to unobstructive views of the course from their properties.
- (b) Scope. As illustrated by the green borders in Map 118-63, below, these requirements are applicable to each any every Golf Course Lot, as defined in Sec. 118-5, abutting any part of the municipal golf course property.

Map 118-63 – Boundary Agreement Tracts 1, 7, 14, 15, 16, 17, 21, 22, 23, 24, 25, 26 and 27 borders outlined in green



- (c) Established. There is hereby established a municipal golf course vegetative buffer running along the lot line a Golf Course Lot shares with the municipal golf course. The width of the municipal golf course vegetative buffer for golf course lots shall be twenty-five feet (25') measured from the common property line with the municipal golf course.
- (d) Use limitations. The use of the municipal golf course vegetation buffer shall be restricted to a vegetation buffer and no fence or structure shall be permitted therein. The municipal golf course vegetation buffer may be maintained in its natural state or may be landscaped by the planting of non-native vegetation and decorative stones; provided such stones do not create a wall or other barrier between the buffer and municipal golf course.

- (e) Credits. The golf course vegetation buffer may be included in the calculation of code requirements for: (i) minimum lot size under the code; (ii) minimum setbacks and (iii) impervious cover requirements.

Section three. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section four. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled “general penalty”).

Section five. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled “Repealer”) shall be controlling.

Section six. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section seven. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section eight. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section nine. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

Passed on first reading on the 8th day of February 2022

Passed, Approved and Adopted on the 22nd day of February 2022

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelley Dix, City Secretary



Development Services

ITEM 4.1 (e)

Leslie Kimbler
Planner
512-715-3206
lkimbler@cityofburnet.com

Public Hearing and Action Item

Meeting Date: February 7, 2022

Agenda Item: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "AIRPLANE HANGAR" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY DESCRIBED AS 2802 S WATER STREET (LEGALLY DESCRIBED AS HIGHERPOWER SUBDIVISION, UNIT 1) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

Background: The subject property is located on South Highway 281 and adjacent to the Kate Craddock Municipal Airport (Exhibit A). It is currently zoned as Light Commercial – District "C-1". An airplane hangar was developed on the property in 2014. The request to allow an Airplane Hangar is a City initiated request to align the zoning map with current land use.

Section 118-63 of the City of Burnet's Code of Ordinances allows for a use in a Medium Commercial – District "C-2" to be authorized in a Light Commercial – District "C-1" with a conditional use permit approved by the City Council.

All though an airplane hangar is not specifically outlined as an allowable use, staff has determined that the intent of the hangar, which is to be utilized as storage for an airplane, is consistent with "Mini Storage Warehouse and Storage Garage" that is an allowable use in Medium Commercial – District "C-2".

Information: The Conditional Use Permit approval process is established by Code of Ordinances Sec. 118-64; Subsection (e). Per the cited section in making its recommendation the Commission should consider the following:

- Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;
- Proposed use will not adversely affect value of surrounding properties nor impede their proper development;
- Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of property or operation of business;

- Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;
- Comply with other applicable ordinances and regulations.

The Future Land Use Map (Exhibit B) designation for the subject property is Commercial.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"C-3" & "I-1"	"C-1"	"C-3"	"C-3"
FLUM	Commercial	Commercial	Commercial	Government
Land Use	Machine Shop & Light Manufacturing	Single-Family Residential	Church	Airport

Staff Analysis: When considering the request for the Conditional Use Permit, staff has made the following observations:

- The current airplane hangar has been in existence since 2014.
- The property is adjacent to the airport and does have an existing "through the fence" agreement with the City of Burnet.
- The surrounding properties are a mix of uses along the highway and abutting the airport. Approving the CUP for the existing airplane hangar should not adversely affect surrounding properties value nor impede any future development.
- The subject property is in a commercial zoned area, surrounded by other commercial zoned properties.
- The existing use of the property will not generate any additional traffic.

Recommendation: Open the public hearing. At the conclusion of the public hearing, pass and approve first reading of the draft ordinance.

Exhibit "A"
Location & Current Zoning Map

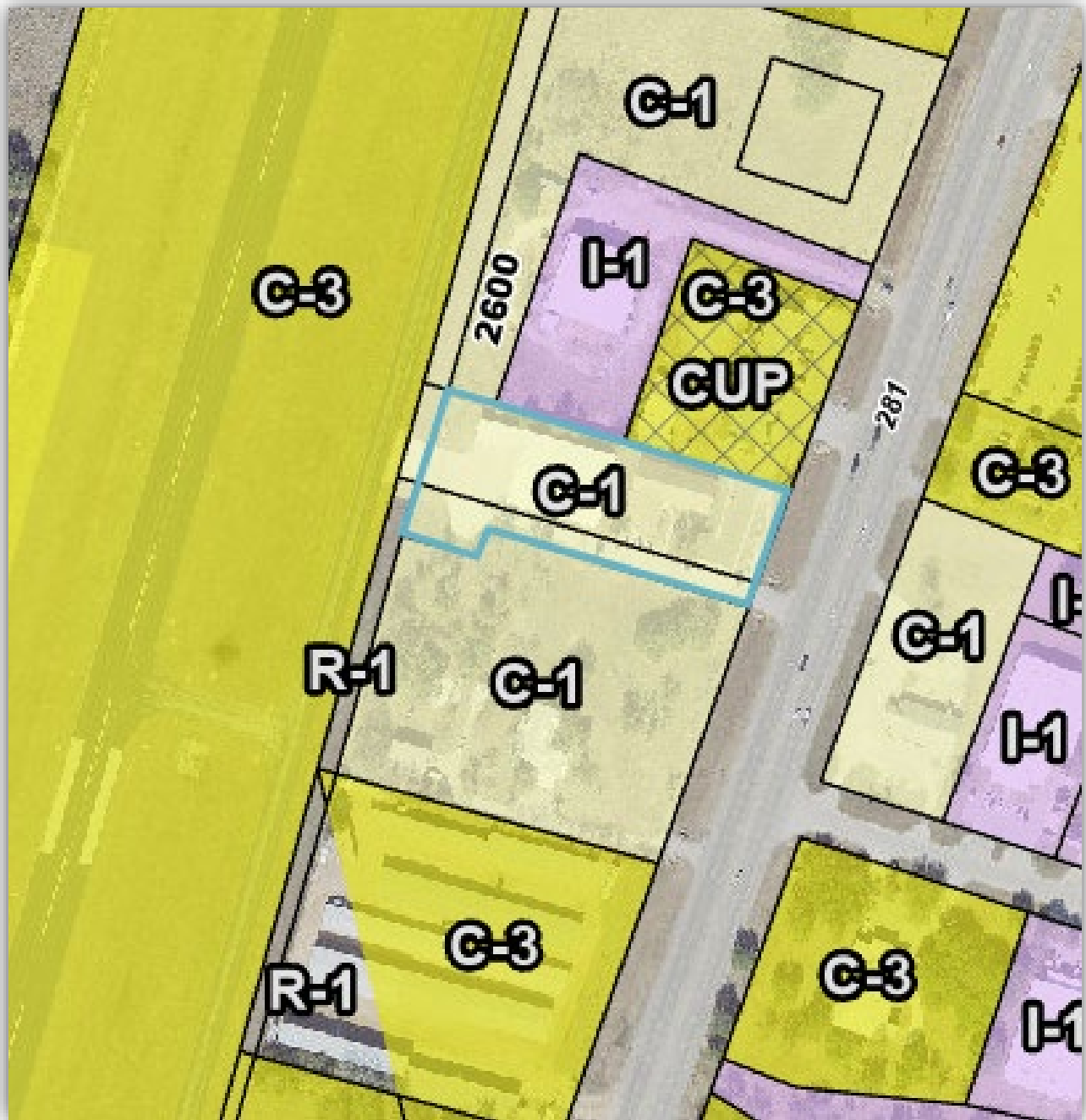
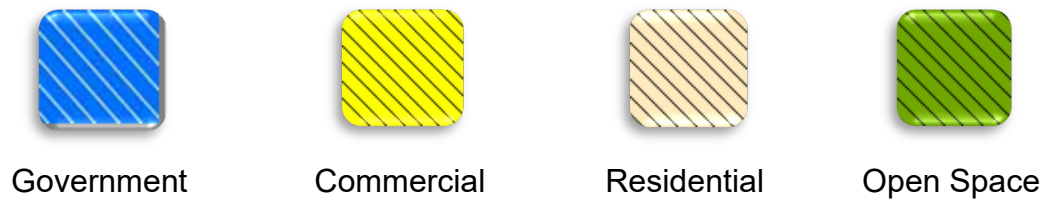
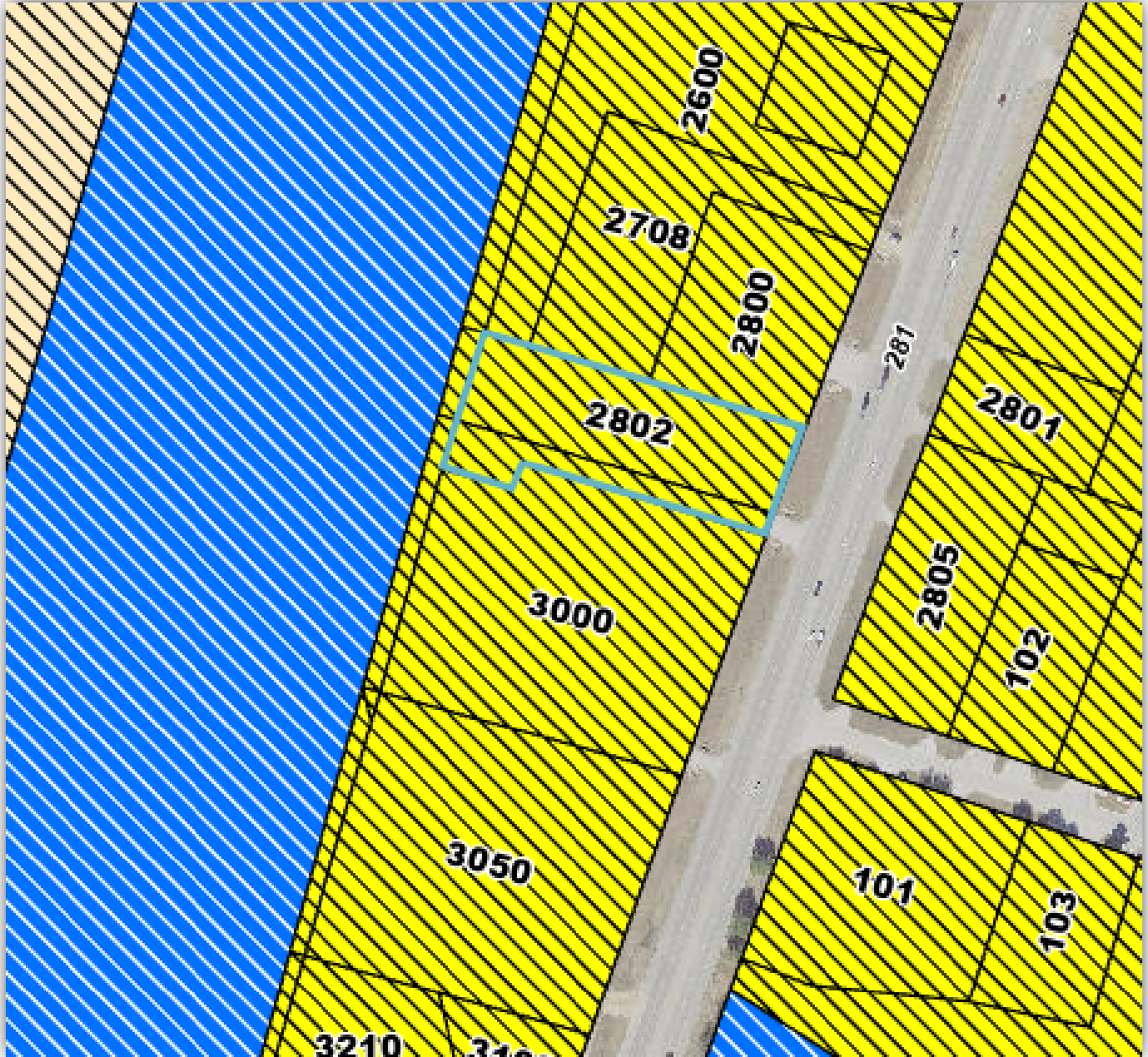


Exhibit "B"
Future Land Use Map



ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN “AIRPLANE HANGAR” IN A LIGHT COMMERCIAL – DISTRICT “C-1” FOR PROPERTY DESCRIBED AS 2802 S WATER STREET (LEGALLY DESCRIBED AS HIGHERPOWER SUBDIVISION, UNIT 1) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

WHEREAS, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551; the City Charter; and Chapter 118, of the Code of Ordinances; and

WHEREAS, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

WHEREAS, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety and welfare.

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

Section one. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

Section two. Property. The Property that is the subject to this Zoning District Reclassification is 2802 S Water St (legally described as Higherpower Subdivision, Unit 1) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. Conditional Use Permit to allow the use of a, “Airplane Hangar” in a Light Commercial – District “C-1”, Zoning District Classification is hereby assigned to the Property described in section two.

Section four. Zoning Map Revision. The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

Section five. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

Section six. Severability. This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

Section seven. Effective Date. This ordinance is effective upon final passage and approval.

PASSED on First Reading the 8th day of February 2022.

PASSED AND APPROVED on this the 22nd day of February 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A" – Property





Development Services

ITEM 4.1 (f)

Leslie Kimbler
Planner I
512-715-3206
lkimbler@cityofburnet.com

Public Hearing and Action Item

Meeting Date: February 7, 2022

Agenda Item: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "AIRPLANE HANGAR" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY DESCRIBED AS 3242 S WATER STREET (LEGALLY DESCRIBED AS FLIGHT LINE BOULEVARD SUBDIVISION, LOT 1D) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

Background: The subject property is located on South Highway 281 and adjacent to the Kate Craddock Municipal Airport (Exhibit A). It is currently zoned as Light Commercial – District "C-1". An airplane hangar was developed on the property in 2019 along with an Aircraft Simulator Training Facility. The request to allow an Airplane Hangar is a City initiated request to align the zoning map with current land use.

Section 118-63 of the City of Burnet's Code of Ordinances allows for a use in a Medium Commercial – District "C-2" to be authorized in a Light Commercial – District "C-1" with a conditional use permit approved by the City Council.

All though an airplane hangar is not specifically outlined as an allowable use, staff has determined that the intent of the hangar, which is to be utilized as storage for an airplane, is consistent with "Mini Storage Warehouse and Storage Garage" that is an allowable use in Medium Commercial – District "C-2".

Information: The Conditional Use Permit approval process is established by Code of Ordinances Sec. 118-64; Subsection (e). Per the cited section in making its recommendation the Commission should consider the following:

- Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;
- Proposed use will not adversely affect value of surrounding properties nor impede their proper development;
- Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of property or operation of business;

- Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;
- Comply with other applicable ordinances and regulations.

The Future Land Use Map (Exhibit B) designation for the subject property is Commercial.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"C-1"	"C-1"	"C-3"	"C-3"
FLUM	Commercial	Commercial	Government	Government
Land Use	Office/Hangar	Vacant	Hospital	Airport

Staff Analysis:

When considering the requested for both Conditional Use Permits, staff has made the following observations:

- The current airplane hangar has been in existence since 2019
- The property is adjacent to the airport and does have an existing "through the fence" agreement with the City of Burnet.
- This property, as well as the property to the north and south of this property, abuts the airport. The neighboring property also has an existing airplane hangar. Approving the CUP would not adversely affect their values or future development.
- The subject property is in a commercial zoned area, surrounded by other commercial zoned properties.
- Approving the conditional use permit will not generate any additional traffic.

Exhibit "A"
Location & Current Zoning Map

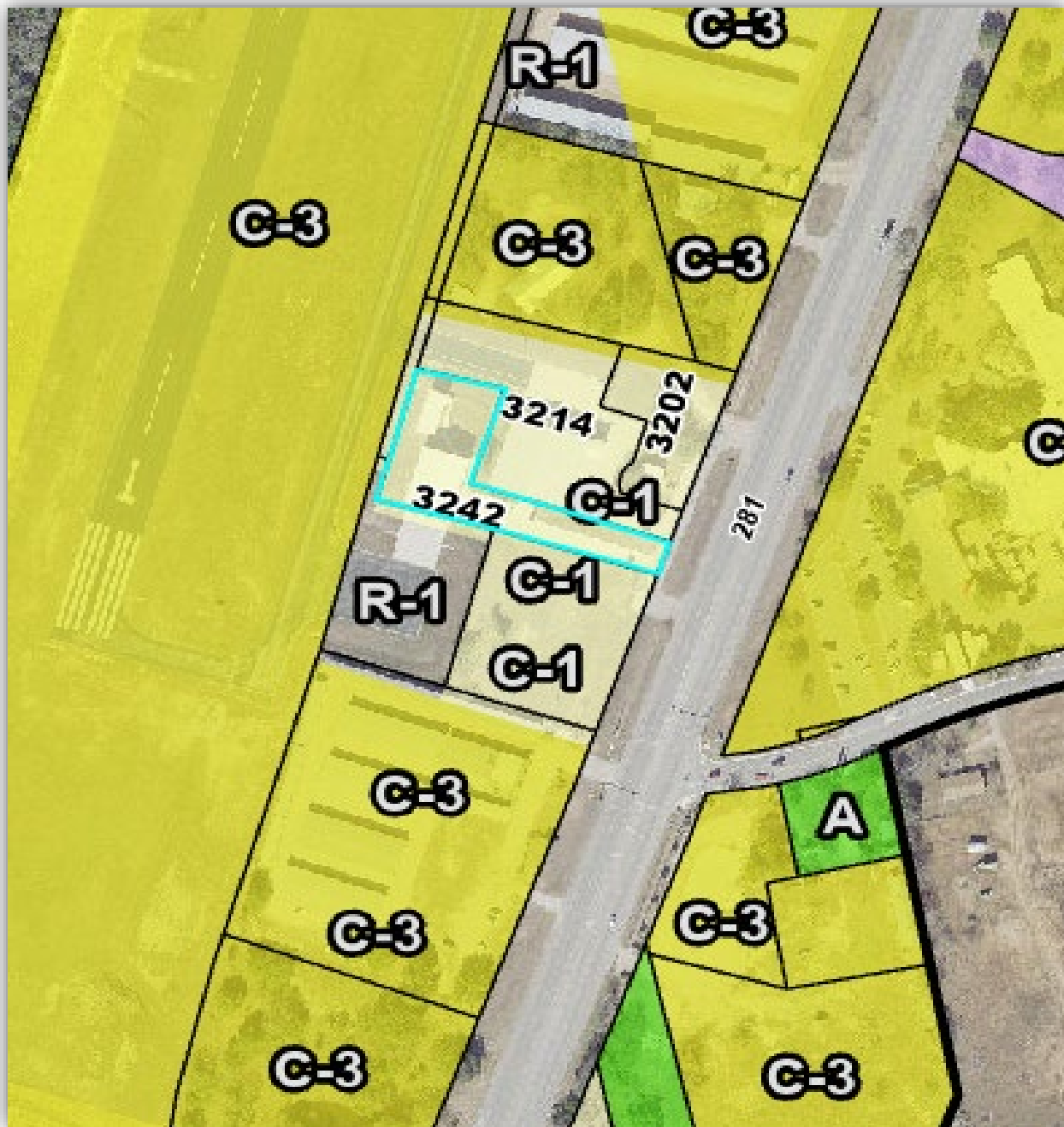
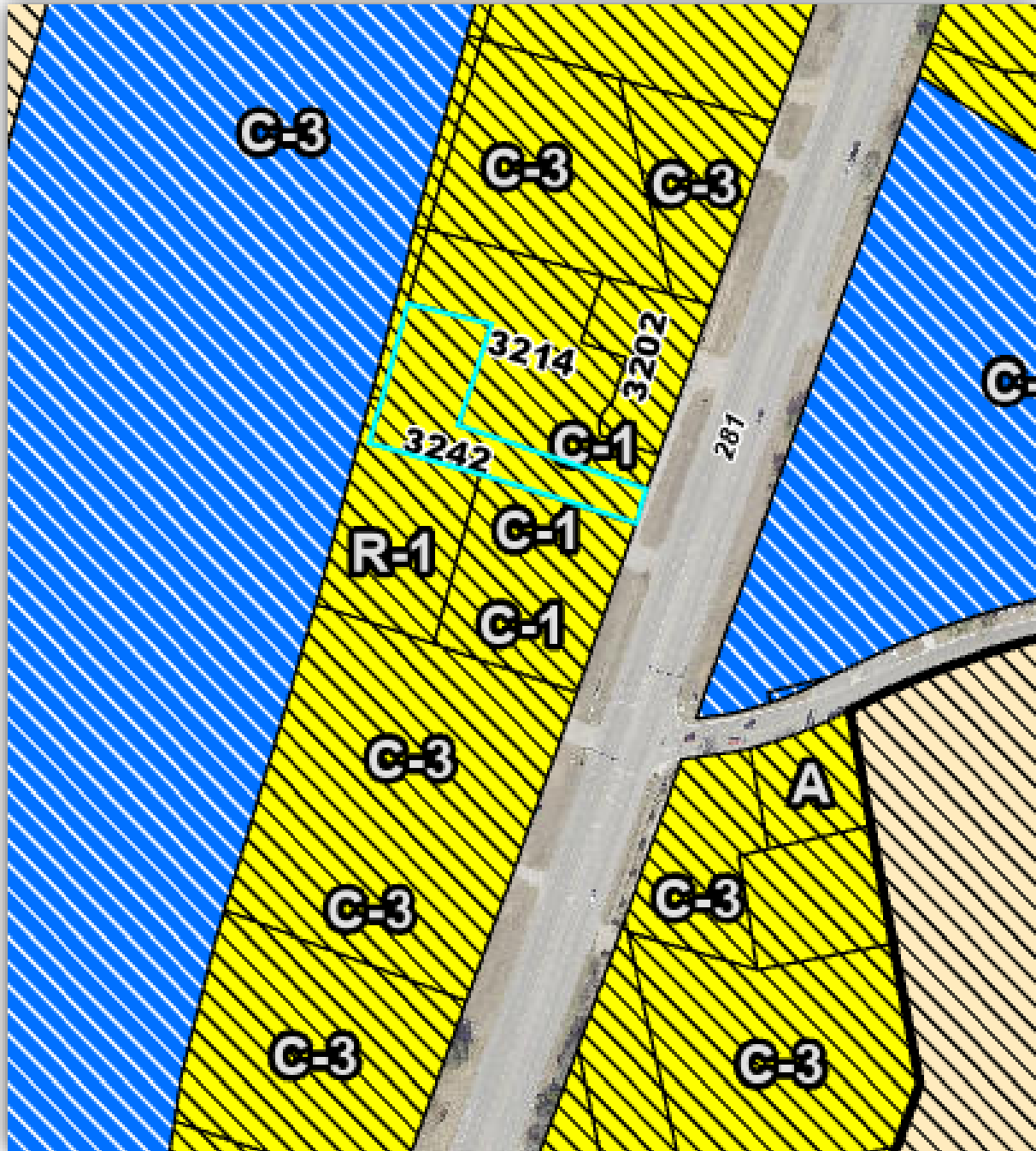


Exhibit "B"
Future Land Use Map





Government



Commercial



Residential



Open Space

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN “AIRPLANE HANGAR” IN A LIGHT COMMERCIAL – DISTRICT “C-1” FOR PROPERTY DESCRIBED AS 3242 S WATER STREET (LEGALLY DESCRIBED AS FLIGHT LINE BOULEVARD SUBDIVISION, LOT 1D PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

WHEREAS, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551; the City Charter; and Chapter 118, of the Code of Ordinances; and

WHEREAS, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

WHEREAS, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety and welfare.

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

Section one. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

Section two. Property. The Property that is the subject to this Zoning District Reclassification is 3242 S Water St (legally described as Flight Line Boulevard Subdivision, Lot 1D) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. Conditional Use Permit to allow the use of a, “Airplane Hangar” in a Light Commercial – District “C-1”, Zoning District Classification is hereby assigned to the Property described in section two.

Section four. Zoning Map Revision. The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

Section five. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

Section six. Severability. This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

Section seven. Effective Date. This ordinance is effective upon final passage and approval.

PASSED on First Reading the 8th day of February 2022.

PASSED AND APPROVED on this the 22nd day of February 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit “A” – Property





Development Services

ITEM 4.1 (g)

Leslie Kimbler
Planner I
512-715-3206
lkimbler@cityofburnet.com

Public Hearing and Action Item

Meeting Date: February 7, 2022

Agenda Item: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "AIRPLANE HANGAR" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY DESCRIBED AS 3214 S WATER STREET (LEGALLY DESCRIBED AS FLIGHT LINE BOULEVARD SUBDIVISION, LOT 1C) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

Background: The subject property is located on South Highway 281 and adjacent to the Kate Craddock Municipal Airport (Exhibit A). It is currently zoned as Light Commercial – District "C-1". An airplane hangar was developed on the property in 2012 which is currently in use today. The request to allow an Airplane Hangar as Storage is a City initiated request to align the zoning map with current land use.

All though an airplane hangar is not specifically outlined as an allowable use, staff has determined that the intent of the hangar, which is to be utilized as storage for an airplane, is consistent with "Mini Storage Warehouse and Storage Garage" that is an allowable use in Medium Commercial – District "C-2".

Information: The Conditional Use Permit approval process is established by Code of Ordinances Sec. 118-64; Subsection (e). Per the cited section in making its recommendation the Commission should consider the following:

- Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;
- Proposed use will not adversely affect value of surrounding properties nor impede their proper development;
- Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of property or operation of business;
- Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;

- Comply with other applicable ordinances and regulations.

The Future Land Use Map (Exhibit B) designation for the subject property is Commercial.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"C-3"	"C-1"	"C-3"	"C-3"
FLUM	Commercial	Commercial	Government	Government
Land Use	Single-Family Residential	Office/Hangar	Hospital	Airport

Staff Analysis:

When considering the requested for both Conditional Use Permits, staff has made the following observations:

- The current airplane hangar has been in existence since 2012.
- The property owner has a "through the fence" agreement with the City of Burnet allowing the airplane to move from the hangar to the airport; by approving the conditional use permit for the hangar, it would not create any additional nuisances.
- The subject property is in a commercial zoned area, surrounded by other commercial zoned properties.
- Approving the conditional use permit will not generate any additional traffic.

Exhibit "A"
Location & Current Zoning Map

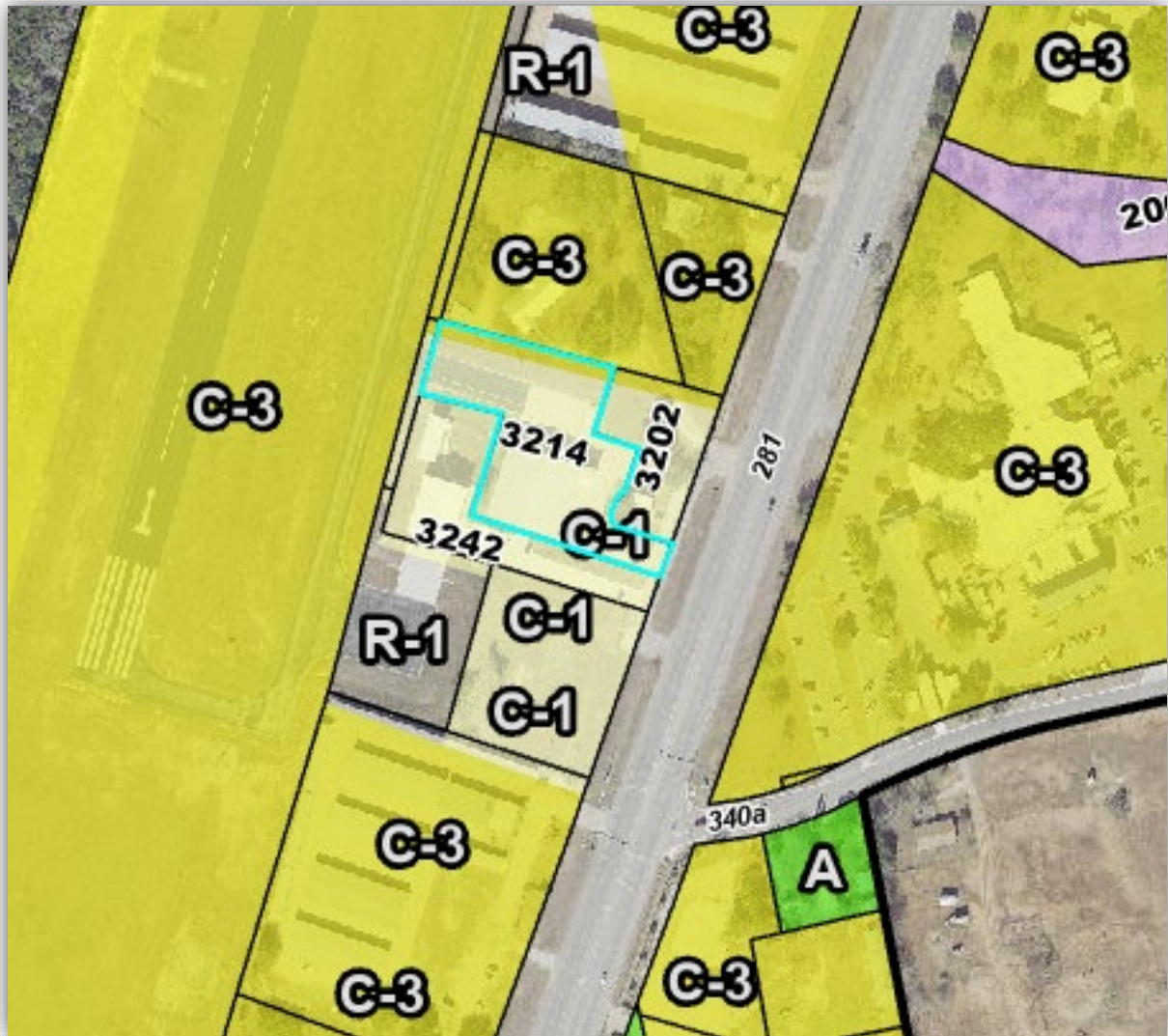
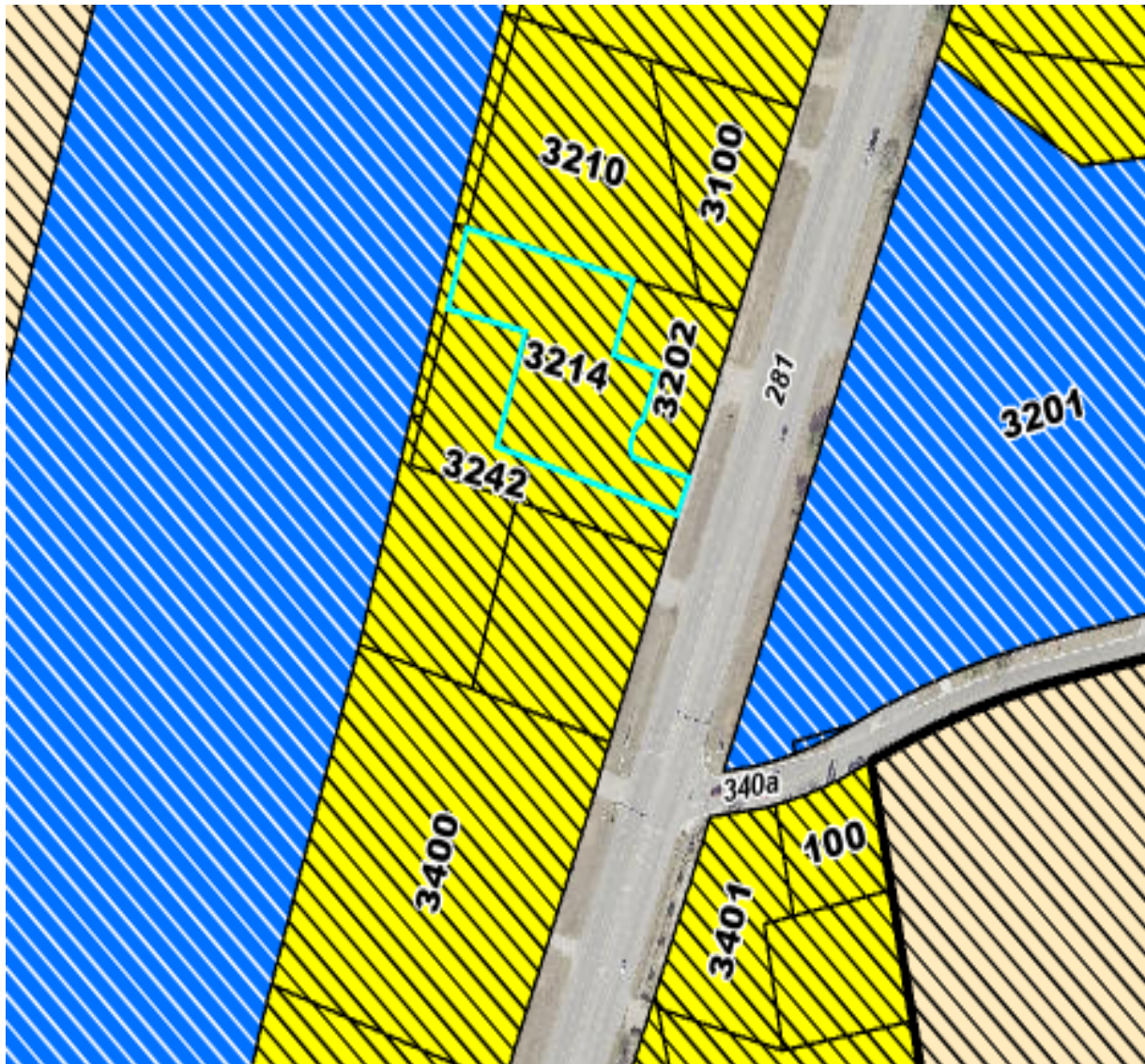


Exhibit "B"
Future Land Use Map



Government



Commercial



Residential



Open Space

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN “AIRPLANE HANGAR” IN A LIGHT COMMERCIAL – DISTRICT “C-1” FOR PROPERTY DESCRIBED AS 3214 S WATER STREET (LEGALLY DESCRIBED AS FLIGHT LINE BOULEVARD SUBDIVISION, LOT C) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

WHEREAS, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551; the City Charter; and Chapter 118, of the Code of Ordinances; and

WHEREAS, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

WHEREAS, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety and welfare.

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

Section one. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

Section two. Property. The Property that is the subject to this Zoning District Reclassification is 3214 S Water St (legally described as Flight Line Boulevard Subdivision, Lot 1C) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. Conditional Use Permit to allow the use of a, “Airplane Hangar” in a Light Commercial – District “C-1”, Zoning District Classification is hereby assigned to the Property described in section two.

Section four. Zoning Map Revision. The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

Section five. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

Section six. Severability. This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

Section seven. Effective Date. This ordinance is effective upon final passage and approval.

PASSED on First Reading the 8th day of February 2022.

PASSED AND APPROVED on this the 22nd day of February 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit “A” – Property





Development Services

ITEM 4.1 (h)

Leslie Kimbler
Planner I
512-715-3215
lkimbler@cityofburnet.com

Public Hearing and Action Item

Meeting Date: February 7, 2022

Agenda Item: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF A "HELIPORT" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY DESCRIBED AS 3214 S WATER STREET (LEGALLY DESCRIBED AS FLIGHT LINE BOULEVARD SUBDIVISION, LOT 1C) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: The subject property is located on South Highway 281 and adjacent to the Kate Craddock Municipal Airport (Exhibit A). The property currently zoned as Light Commercial – District "C-1". The applicant is requesting a Condition Use Permit to allow a Heliport for the CareFlight Helicopter to take off and land on the property when responding to emergency calls.

The property has an existing airplane hangar that has existed on the property since 2012. The previous item for consideration was a city initiated request to approve a Conditional Use Permit to allow for the current airplane hangar.

Information: The Conditional Use Permit approval process is established by Code of Ordinances Sec. 118-64; Subsection (e). Per the cited section in making its recommendation the Commission should consider the following:

- Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;
- Proposed use will not adversely affect value of surrounding properties nor impede their proper development;
- Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of property or operation of business;
- Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;
- Comply with other applicable ordinances and regulations.

The Future Land Use Map (Exhibit B) designation for the subject property is Commercial.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"C-3"	"C-1"	"C-3"	"C-3"
FLUM	Commercial	Commercial	Government	Government
Land Use	Single-Family Residential	Office/Hangar	Hospital	Airport

Staff Analysis: When considering the requested for both Conditional Use Permits, staff has made the following observations:

- The appearance, size and density of the property will not be changed by approving the conditional use permit.
- The subject property is in a commercial zoned area, surrounded by other commercial zoned properties.
- The surrounding properties are all located along the airport that already generates a significant amount of noise. The use of the heliport will not create an additional noise nuisance. However, additional wind from the "rotor wash" may affect surrounding properties.
- Additional traffic will not be generated by approving the conditional use permit

Public Notice: Written notices were mailed to seven (7) surrounding property owners. Staff did speak to one neighboring property owner who is opposed to the conditional use permit. The neighbor expressed their concerns regarding the nuisance and safety of allowing a helicopter to land in close proximity to other buildings and properties.

Exhibit "A"
Location & Current Zoning Map

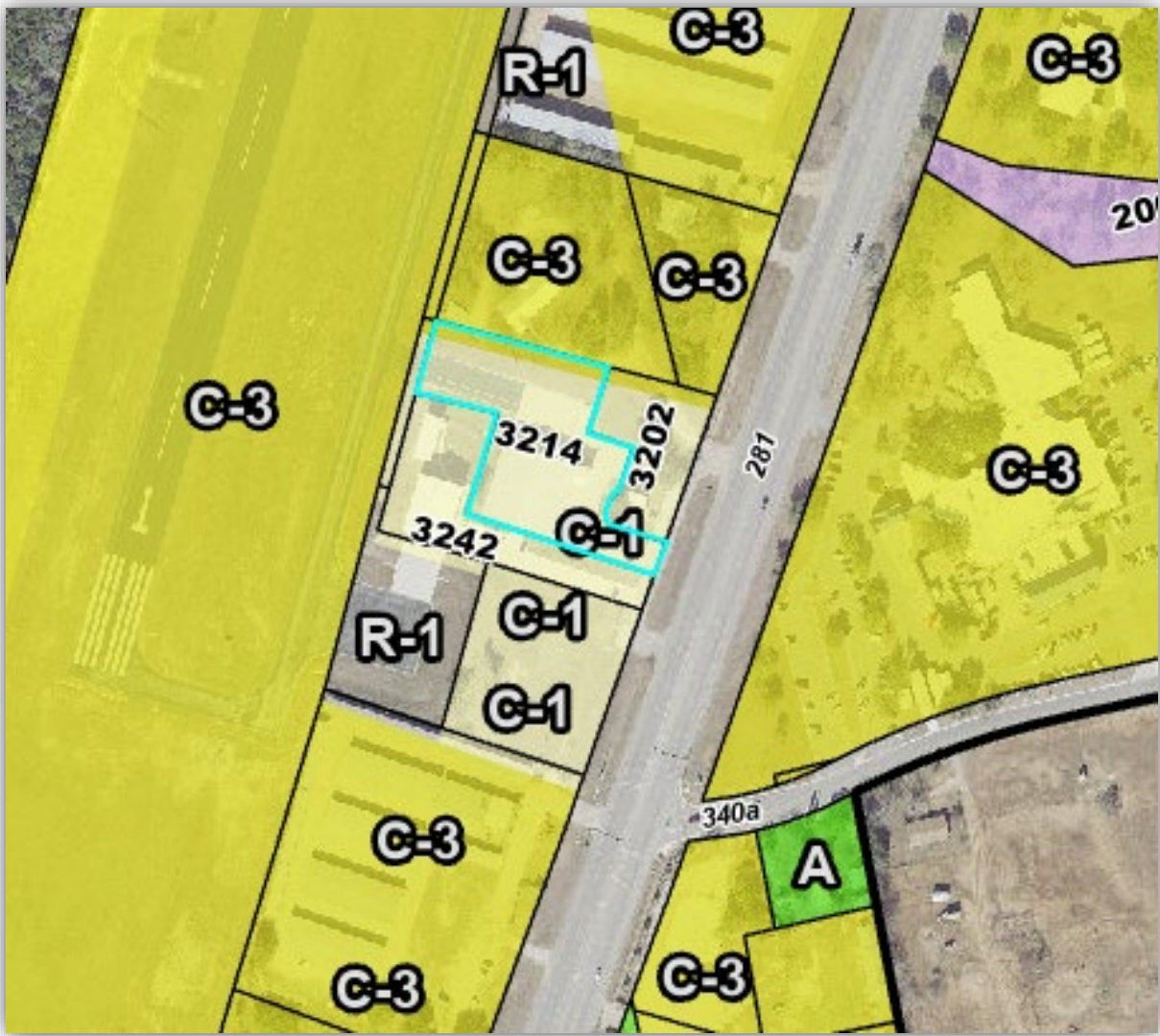
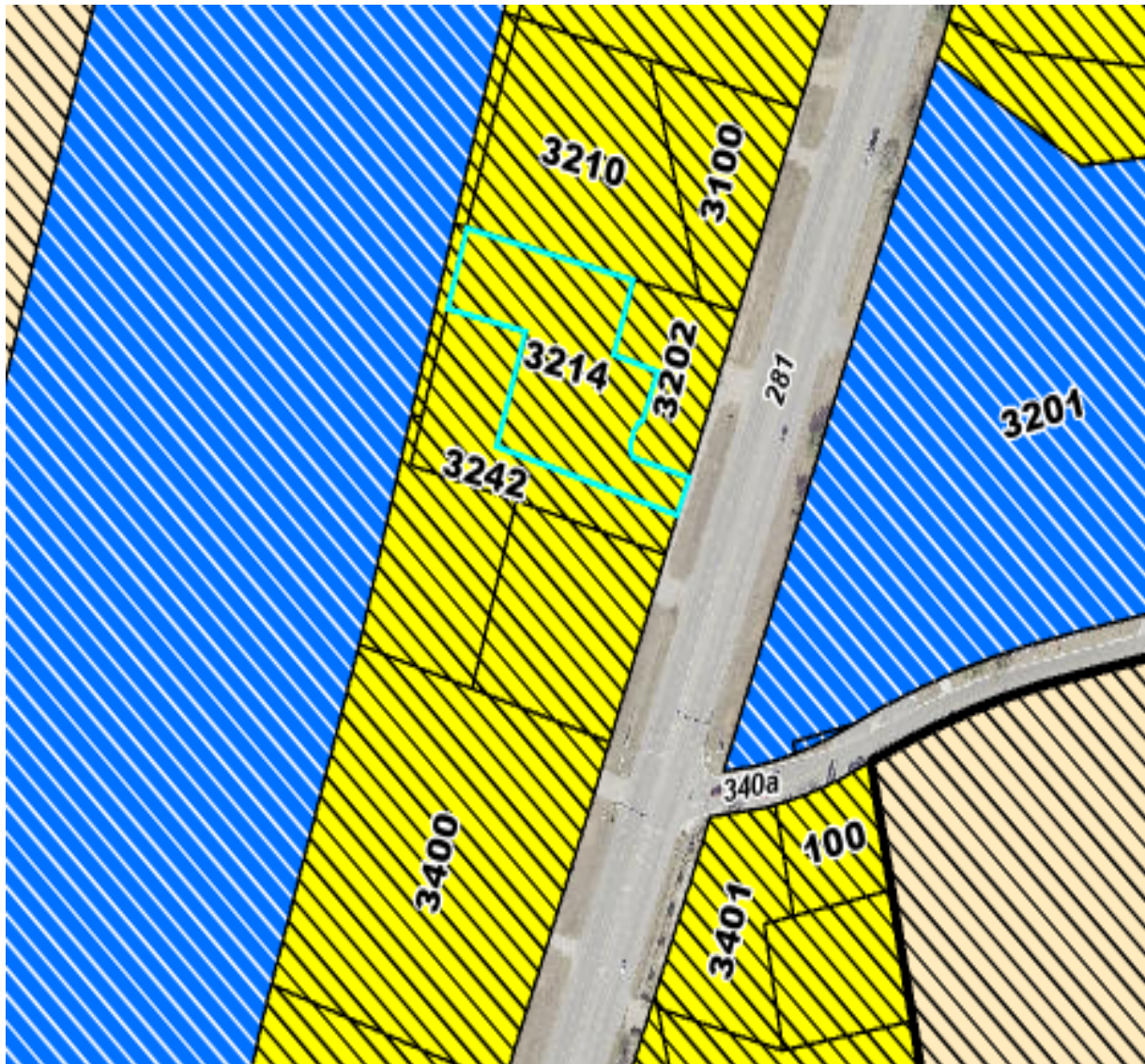


Exhibit "B"
Future Land Use Map



Government



Commercial



Residential



Open Space

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF A “HELIPORT” IN A LIGHT COMMERCIAL – DISTRICT “C-1” FOR PROPERTY DESCRIBED AS 3214 S WATER STREET (LEGALLY DESCRIBED AS FLIGHT LINE BOULEVARD SUBDIVISION, LOT C) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

WHEREAS, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551; the City Charter; and Chapter 118, of the Code of Ordinances; and

WHEREAS, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

WHEREAS, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety and welfare.

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

Section one. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

Section two. Property. The Property that is the subject to this Zoning District Reclassification is 3214 S Water St (legally described as Flight Line Boulevard Subdivision, Lot 1C) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. Conditional Use Permit to allow the use of a, “Heliport” in a Light Commercial – District “C-1”, Zoning District Classification is hereby assigned to the Property described in section two.

Section four. Zoning Map Revision. The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

Section five. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

Section six. Severability. This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

Section seven. Effective Date. This ordinance is effective upon final passage and approval.

PASSED on First Reading the 8th day of February 2022.

PASSED AND APPROVED on this the 22nd day of February 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit “A” – Property





Development Services

ITEM 4.2 & 5.1

Leslie Kimbler
Planner
512-715-3215
lkimbler@cityofburnet.com

Agenda Item Brief

Meeting Date: February 7, 2022

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 11.35 acres out of the Susano Hernandez Survey, No .40, Abs. No. 398. The proposed "Preliminary Plat" will establish The Ranch at Delaware Creek Subdivision, Phase Two, consisting of approximately 29 residential lots: L. Kimbler

Action Item: Discuss and consider action: The Planning and Zoning Commission shall discuss and consider action regarding a proposed "Preliminary Plat" for approximately 11.35 acres out of the Susano Hernandez Survey, No .40, Abs. No. 398. The proposed "Preliminary Plat" will establish The Ranch at Delaware Creek Subdivision, Phase Two, consisting of approximately 29 residential lots: L. Kimbler

Information: The tract (Exhibit A) is currently zoned R-1 located between the southern termination of Yellow Ribbon Trail and Ramsey's Way. The subdivision will consist of approximately 11.35 acres. The applicant is proposing to subdivide the tract to create a 29 lot single-family residential subdivision which will establish The Ranch at Delaware Creek Subdivision, Phase Two (Exhibit B).

The new subdivision will extend the existing Yellow Ribbon Trail to connect to Ramsey's Way as well as create one new cul-de-sac street within the subdivision, Austerra Way. The lots will range in size from 0.35 acres to 0.60 acres.

Staff Analysis: City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 and have found the plat does generally meet the requirements as outlined in the code with only a few minor outstanding items.

Recommended Motion:

Staff recommends the following motion:

Move to approve the Preliminary Plat of The Ranch at Delaware Creek Subdivision, Phase Two with the following conditions:

- Provide tree mitigation – Sec. 98-22 (3)(h)
- Provide justification for using 83 as the existing CN value – Sec. 98-111
- Use CN Value of 86 for proposed lots as required by the drainage criteria manual – Sec. 98-111

Exhibit "A"
Tract

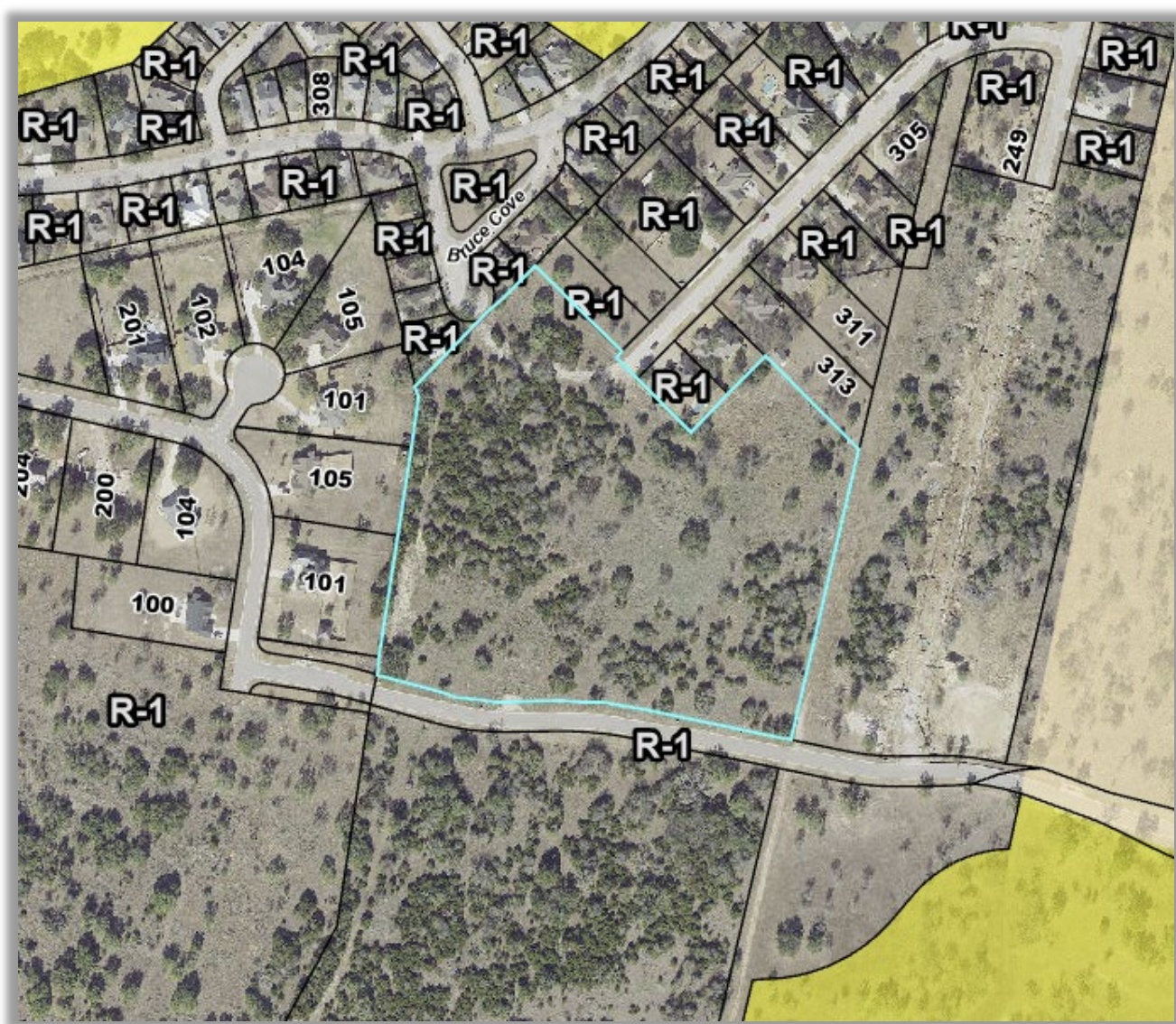


Exhibit “B” Plat

