



NOTICE OF MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BURNET, TEXAS

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

Notice is hereby given that the **Public Hearing and Regular Meeting of the Planning and Zoning Commission** of the City of Burnet, Texas will be held on Monday, **March 7, 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:

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 February 7, 2022.

4. PUBLIC HEARINGS:

- 4.1) Public Hearing and Consideration of the following: Preliminary Plat Applications, Adoption and Amendments of the Zoning Ordinance, Future Land Use Plan and Zoning Classifications presented by Habib Erkan Jr., Assistant City Manager, Leslie Kimbler, City Planner, and Matt Imrie, Community Development Coordinator.

- (a) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED AS 200 BURNET HILLS DRIVE (LEGAL DESCRIPTION: BEING A 0.190 ACRE TRACT OUT OF THE MISS SARAH ANN GUEST SURVEY NO. 1503, ABSTRACT NO. 1525) FROM ITS' CURRENT DESIGNATION OF "COMMERCIAL" TO A DESIGNATION OF "RESIDENTIAL"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – M. Imrie
- (2) Public Hearing
- (3) Consideration and action.

- (b) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED 200 BURNET HILLS DRIVE (Legal Description: BEING A 0.190 ACRE TRACT OUT OF THE MISS SARAH ANN GUEST SURVEY NO. 1503,

ABSTRACT NO. 1525) WITH MANFACUTRED HOME-DISTRICT “M-1” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – M. Imrie
- (2) Public Hearing
- (3) Consideration and action

- (c) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING A DESIGNATION OF “RESIDENTIAL” FOR THE PROPERTY AT 1402 N WATER STREET (LEGAL DESCRIPTION: LOT 2, BLOCK 10, OAKS ADDITION); 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

- (d) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED 1402 North Water Street (Legal Description: LOT 2, BLOCK 10, OAKS ADDITION) WITH MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” CLASSIFICATION; 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

- (e) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING A DESIGNATION OF “RESIDENTIAL” FOR THE PROPERTY AT 1404 N WATER STREET (LEGAL DESCRIPTION: LOT 3 & 4, BLOCK 10, OAKS ADDITION); 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 ASSIGNING THE PROPERTY DESCRIBED 1404 N WATER STREET (Legal Description: LOT 3 & 4, BLOCK 10, OAKS ADDITION) WITH MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” CLASSIFICATION; 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 ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS THE NORTHWEST CORNER OF EAST JOHNSON AND NORTH RHOMBERG STREETS (Legal Description: 0.37-ACRE TRACT OUT OF THE JOHN HAMILTON SURVEY NO. 1, BEING A PORTION OF LOT 2, BLOCK 37 OF THE PETER KERR PORTION) WITH DUPLEX-DISTRICT “R-2” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – M. Imrie
- (2) Public Hearing
- (3) Consideration and action

- 4.2) 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 60.53 acres out of Sarah Ann Guest Survey No. 1503, Abs. No. 1525. The proposed “Preliminary Plat” will establish Creekfall Subdivision, Phase Three and Four, consisting of 180 residential lots: L. Kimbler
- 4.3) 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 11.58 acres out of Sarah Ann Guest Survey No. 1503, Abs. No. 1525. The proposed “Preliminary Plat” will establish Westfall Village Subdivision, Phase Three, consisting of 45 residential lots: L. Kimbler
- 4.4) 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 326.63 acres out of Abs. A0398 Susano Hernandez, Tract Pt. of 6, 14.87 Acres; Abs. A1018 Francisco Ybarbo, 140.95 Acres; Abs. A0398 Susano Hernandez, Tract & Abs. 1018 Francisco Ybarbo, 17.34 Acres; Abs. A1018 Francisco Ybarbo, 150.47 Acres. The proposed “Preliminary Plat” will establish Honey Rock Subdivision consisting of 388 residential lots: L. Kimbler

5. ACTION ITEMS:

- 5.1) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING CREEKFALL SUBDIVISION, PHASE THREE AND FOUR, CONSISTING OF APPROXIMATELY 179 RESIDENTIAL LOTS ON 55.77 ACRES OUT OF THE SARAH ANN GUEST SURVEY NO. 1503, ABS. NO. 1525: L. Kimbler
- 5.2) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES, SECTION 98-48 – BLOCKS AND LOTS FOR THE

PROPOSED PRELIMINARY PLAT OF WESTFALL VILLAGES, PHASE THREE: L. Kimbler

- 5.3) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING WESTFALL VILLAGE, PHASE 3, CONSISTING OF APPROXIMATELY 45 RESIDENTIAL LOTS ON APPROXIMATELY 11.58 ACRES OUT OF THE SRAH ANN GUEST SURVEY NO. 1503, ABS. NO. 1525.: L. Kimbler
- 5.4) 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 98-22 – Preliminary Plat, for the proposed Preliminary Plat of Honey Rock Subdivision.: L Kimbler
- 5.5) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING HONEY ROCK SUBDIVISION CONSISTING OF APPROXIMATELY 299 SINGLE-FAMILY RESIDENTIAL LOTS, TWO MULTI-FAMILY RESIDENTIAL LOTS, AND TWO COMMERCIAL LOTS ON APPROXIMATELY 326.63 ACRES OUT OF ABS A0398 SUSANO HERNANEZ, TRACT PT OF 6, 14.87 ACRES, ABS A1018 FRANCISCO YBARBO, 140.95 ACRES, ABS A0398 SUSANO HERNANDEZ, TRACT AND ABS 1018 F YBARABO, 17.64 ACRES, ABS A1018 FRANCISCO YBARBO, 150.47 ACRES: 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 December 30, 2021 at or before 5 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this the 4th day of March 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 lkimbler@cityofburnet.com for information or assistance.



NOTICE OF MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF BURNET, TEXAS

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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:

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, Glen Gates

Members Absent: Derek Fortin

Guests: Staci McGuire, Jessica Ogden, Mary Jane Shanes, Christopher Ward, Cathy Flowers, Holly Diemer, Jody Perry, Lynn Lail, Kenny Adair, Alexis Rivera, Aaron Rivera, Reed McIntire, Sondra Mobley, Glenn Morris, Reed Frimire, Wade Langley, Mike Drake

Others Present: Habib Erkan Jr, Assistant City Manager
Leslie Kimbler, Planning Manager
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 January 3, 2022.

A motion was made to approve the minutes from the January 3, 2022 meeting by Commissioner Williams and was seconded by Chairman Gaut. The motion carried with a vote of 4 to 0.

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

A motion was made to approve the minutes from the January 5, 2022 Workshop Meeting by Commissioner Williams and was seconded by Commissioner Teague. The motion carried with a vote of 4 to 0.

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.

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

Chairman Gaut then opened the floor for public comment.

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

Chairman Gaut made a motion to approve the ordinance as read, the motion was seconded by Commissioner Williams. The motion carried with a vote of 4 to 0.

- (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

Habib Erkan Jr, Assistant City Manager, presented staff's report regarding 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

Chairman Gaut then opened the floor for public comment.

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

Commissioner Gates made a motion to approve the ordinance as read and was seconded by Commissioner Williams. The motion carried with a vote of 4 to 0.

- (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

Habib Erkan Jr, Assistant City Manger presented staffs report on 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.

Chairman Gaut then opened the floor for public comment.

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

Commissioner Gates made a motion to approve the ordinance as read and was seconded by Chairman Gaut. The motion carried by a vote of 4 to 0.

- (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

Habib Erkan Jr, Assistant City Manager, presented staff's report on 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.

Chairman Gaut then opened the floor for public comment.

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

Commissioner Gates made a motion to approve the ordinance as read and was seconded by Commissioner Teague. The motion carried with a vote of 4 to 0.

- (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

Leslie Kimbler, Planning Manager, presented staff's report on 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 Higher Power Subdivision, Unit 1).

Chairman Gaut then opened the floor for public comment.

Glen Morris stated that he had no objection to the zoning but was unclear of the actual location. Staff was able to show Mr. Morris the location in question.

There being no other speakers, Chairman Gaut closed the public hearing. Commissioner Teague made a motion to accept the ordinance as read and was seconded by Commissioner Williams. The motion carried with a vote of 4 to 0.

- (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

Leslie Kimbler, Planning Manager, presented staff's report on 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).

Chairman Gaut then opened the floor for public comment.

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

Commissioner Gates made a motion to approve the ordinance as read and was seconded by Commissioner Williams. The motion carried with a vote of 4 to 0.

- (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

Leslie Kimbler, Planning Manager, presented staff's report on 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)

Chairman Gaut then opened the floor for public comment.

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

Commissioner Williams made a motion to accept the ordinance as read and was seconded by Chairman Gaut. The motion carried with a vote of 4 to 0.

- (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

Leslie Kimbler, Planning Manager, presented staff's report on 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).

Chairman Gaut then opened the floor for public comment.

Matt Imrie, Community Development Coordinator read to letters that were provided to staff. One from Tres Clinton and one from Staci McGuire.

Sondra Mobley spoke asking if this ordinance only allow the CareFlite helicopter to use this location or would recreational helicopters be able to land here too.

Gary Lash spoke and stated that he was not opposed but expressed his concerns about rotor wash and the possibility of the helicopter crashing that close to a building.

Chris Ward spoke and stated that CareFlite is a great asset to the community and that he understands the concerns, but the U.S. Army routinely flies to the Burnet Municipal Airport as well with no issues.

Staci McGuire then spoke and stated that she is very concerned about the safety of her employees and her students in her building adjacent to the location that the helicopter could be landing. She stated that CareFlite's own policy for landing areas is violated by this request. She states that she welcomes them to the community but thinks that they should build their own hangar on airport property and that the proposed location has limited space and is very loud.

Sondra Mobley spoke again and asked about minimum spacing from buildings.

Reed Frimire spoke and stated that his office at another airport is 32 feet from the nose of the helicopter to his office window and that he has no noise, rocks, or dirt hitting his office window. He stated that CareFlite wants to be a good neighbor to the community.

Lyn Lail spoke and stated that CareFlite has a commitment to the community, that they have been in business since 1979 and are the second oldest helicopter ambulance service in the state. She stated they have had no serious accidents and that they have no minimum number of flights. She stated that they want to become part of the community. Lail also stated that CareFlite is a not for profit organization and that all money collected goes back into patient care and their equipment. Lail went on to state that by their policy they need a 60 by 60 foot landing area and that they use a "Category A" type take off and landing, meaning that they go straight up and come straight down.

No other speakers came forward and Chairman Gaut closed the public hearing.

Chairman Gaut asked if the Airport Advisory Board had been consulted on this matter and was advised they had not.

Chairman Gaut made a motion to table the item until a difference between a heliport and a helipad can be brought before the commission and after the Airport Advisory Board had been consulted. The motion was seconded by Commissioner Williams and carried with a vote of 4 to 0.

- 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

Leslie Kimbler, Planning Manager, presented staff's report 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.

Chairman Gaut Chairman Gaut then opened the floor for public comment.

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

5. ACTION ITEMS:

- 5.1) 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

Commissioner Gates made a motion to approve 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. The motion as seconded by Commissioner Teague and the motion carried with a vote of 4 to 0.

6. STAFF REPORTS:

7. REQUESTS FOR FUTURE AGENDA ITEMS:

ADJOURN

There being no further business, Chairman Gaut adjourned the meeting at 7:17 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



Development Services

ITEM 4.1(a)

Matt Imrie
Community Development
Coordinator
512-715-3206
mimrie@cityofburnet.com

Agenda Item

Meeting Date: March 7, 2022

Agenda Item: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED AS 200 BURNET HILLS DRIVE (LEGAL DESCRIPTION: BEING A 0.190 ACRE TRACT OUT OF THE MISS SARAH ANN GUEST SURVEY NO. 1503, ABSTRACT NO. 1525) FROM ITS' CURRENT DESIGNATION OF "COMMERCIAL" TO A DESIGNATION OF "RESIDENTIAL"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.: M. Imrie

Background: The property is 0.19 acres on Burnet Hills Drive. The property is located on Burnet Hills Drive just off East State Highway 29 (East Polk Street).

The applicant is requesting a rezone to allow the current manufactured home that was built in the 1960's to be replaced with a new one. Texas Government Code Chapter 1201.008 requires that if the current home is not HUD approved, the municipality may prohibit the addition of a manufactured home unless a zoning change is approved.

The City's Future Land Use Plan for this property is designated as Commercial and the requested Future Land Use amendment must be approved before the zoning change request can be approved (next item on the agenda).

Staff Analysis: The property has been utilized as a residential lot for some time and is surrounded by other residential lots.

The Future Land Use Plan calls for the subject tract to be Commercial, however the area in question is mainly residential except for a Commercial property to the West. (see Exhibit B).

Public Notice: Notices were mailed to 11 surrounding property owners within 200' of the subject property and staff has received no comments in opposition to the proposed amendment to the City's Future Land Use Plan.

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

Exhibit A – Zoning Map

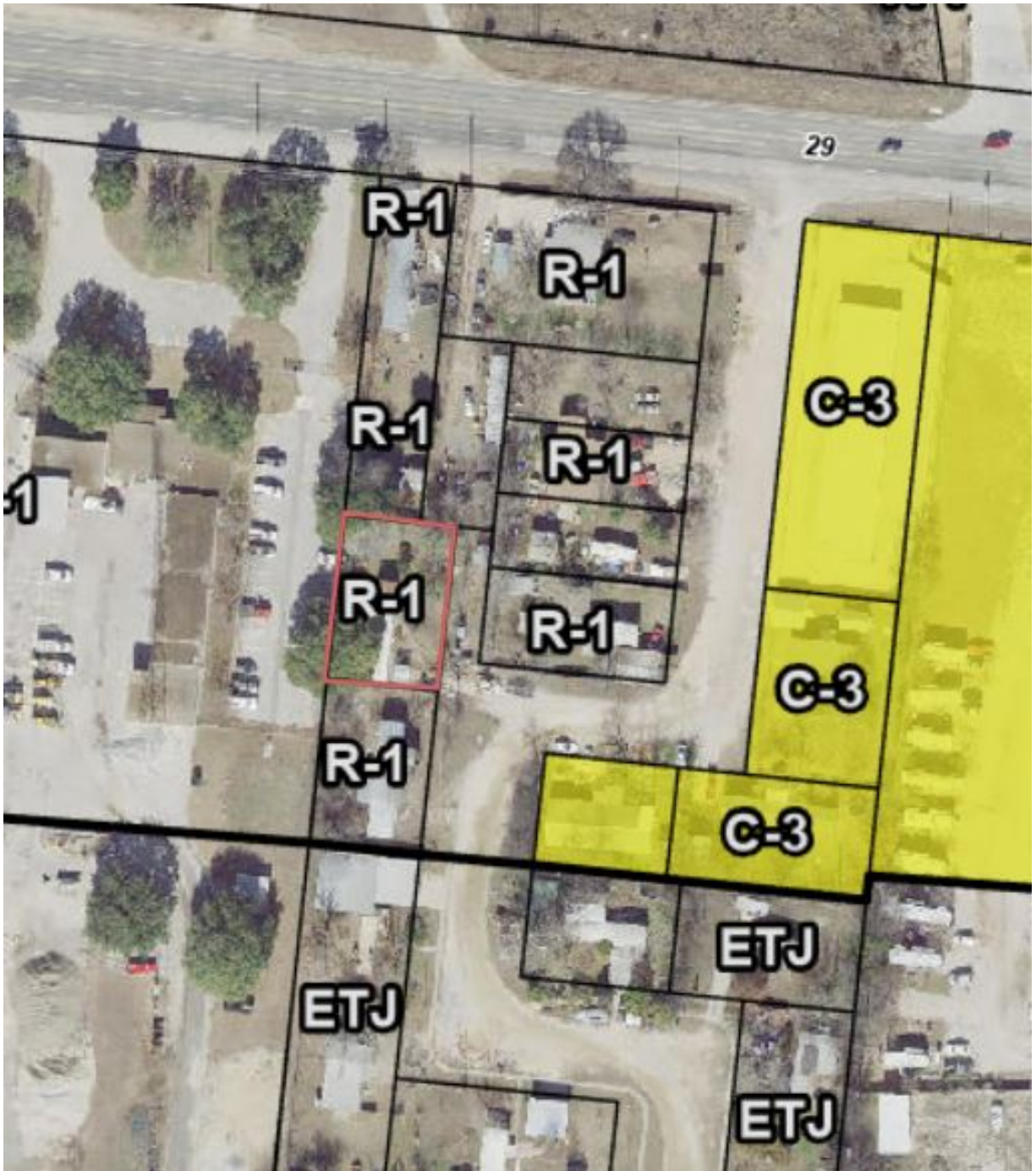
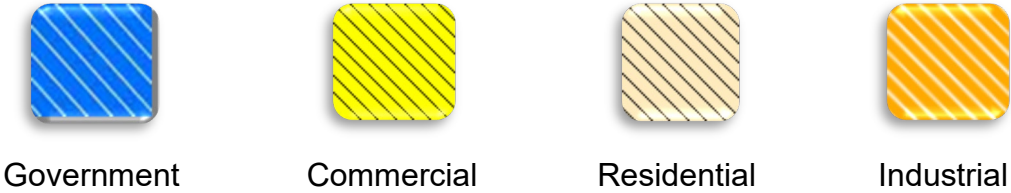


Exhibit B – Future Land Use Map



ORDINANCE NO. 2022-19

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED AS 200 BURNET HILLS DRIVE (LEGAL DESCRIPTION: BEING A 0.190 ACRE TRACT OUT OF THE MISS SARAH ANN GUEST SURVEY NO. 1503, ABSTRACT NO. 1525)" TO A DESIGNATION OF "RESIDENTIAL"; 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 2012-09, did assign Future Land Use classifications for property locate within the city in accordance with the Official Future Land Use Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Future Land Use Map by amending the Future Land Use 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 Future Land Use 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, 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 Future Land Use Reclassification is 200 BURNET HILLS DRIVE (BEING A 0.190 ACRE TRACT OUT OF THE MISS SARAH ANN GUEST SURVEY NO. 1503, ABSTRACT NO. 1525) as shown on **Exhibit "A"** hereto.

Section three Future Land Use Map. “Residential” Future Land Use is hereby assigned to the Property described in section two.

Section four. Future Land Use Map Revision. The City Secretary is hereby authorized and directed to revise the Official Future Land Use Map to reflect the change in Future Land Use 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 March 2022.

FINALLY PASSED AND APPROVED on the 22nd day of March 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.1 (b)

Matt Imrie
Community Development Services
Coordinator
512-715-3206
mimrie@cityofburnet.com

Agenda Item Brief

Meeting Date: March 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 ASSIGNING THE PROPERTY DESCRIBED 200 BURNET HILLS DRIVE (Legal Description: BEING A 0.190 ACRE TRACT OUT OF THE MISS SARAH ANN GUEST SURVEY NO. 1503, ABSTRACT NO. 1525) WITH MANFACUTRED HOME-DISTRICT "M-1" CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE M. Imrie

Background: The property is 0.19 acres on Burnet Hills Drive. The property is located on Burnet Hills Drive just off of East State Highway 29 (East Polk Street).

Information: The applicant is requesting a rezone to allow the current manufactured home that was built in the 1960's to be replaced with a new one. Texas Government Code Chapter 1201.008 requires that if the current home is not HUD approved, the municipality may prohibit the addition of a manufactured home. This is the need for the zoning change.

Staff Analysis: The Future Land Use Map (Exhibit B) designation for the area is Commercial as the property is bordered by other Commercial areas. The previous agenda item would change the FLUM designation from Commercial to Residential.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"R-1"	"R-1"	"R-1"	"R-1"
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Residential	Residential	Residential	Government

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on February 16, 2022, and written notices were mailed to eleven (11) surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

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

Exhibit "A"
Location & Current Zoning Map

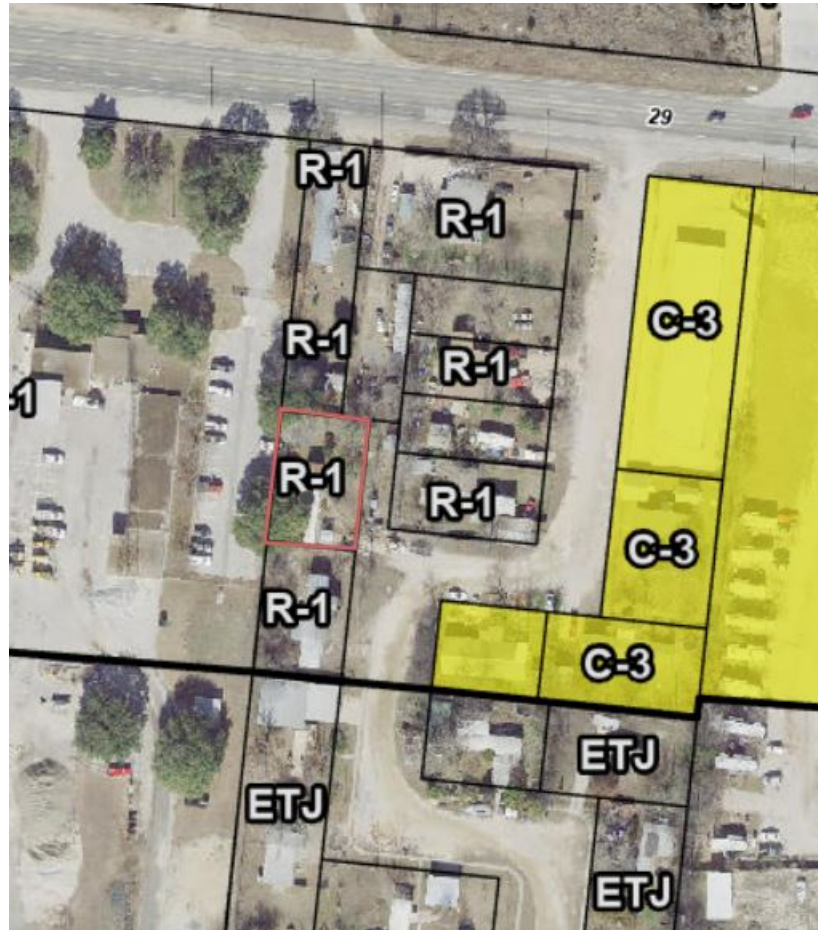


Exhibit "B"
Future Land Use Map



Government



Commercial



Residential



Industrial

ORDINANCE NO. 2022-20

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED 200 BURNET HILLS DRIVE (Legal Description: BEING A 0.190 ACRE TRACT OUT OF THE MISS SARAH ANN GUEST SURVEY NO. 1503, ABSTRACT NO. 1525) WITH MANFACUTRED HOME-DISTRICT “M-1” CLASSIFICATION; 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 200 Burnet Hills Drive (Legal Description: BEING A 0.190 ACRE TRACT

OUT OF THE MISS SARAH ANN GUEST SURVEY NO. 1503, ABSTRACT NO. 1525) as shown on **Exhibit "A"** hereto.

Section three Zoning District Reclassification. MANUFACTURED HOME- DISTRICT "M-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 March 2022

PASSED AND APPROVED on this the 22ND day of March 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.1 (c)

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

Agenda Item

Meeting Date: March 7, 2022

Agenda Item: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING A DESIGNATION OF "RESIDENTIAL" FOR THE PROPERTY AT 1402 N WATER STREET (LEGAL DESCRIPTION: LOT 2, BLOCK 10, OAKS ADDITION); PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L Kimbler

Background: The subject property is located on North US Highway 281 (Exhibit A). It is currently zoned as Single-Family Residential – District "R-1" with a vacant single-family residence located on the property.

Information: The applicant is seeking the requested amendment to the FLUM to obtain a zoning change to allow for the development of a multi-family apartment building.

The City's Future Land Use Map (Exhibit B) for this property is designated as Commercial and the requested Future Land Use amendment must be approved before the zoning change request can be approved (next item on the agenda).

Staff Analysis: The property abuts a major arterial road and the existing water, sewer, and electric services in the area are adequate to serve the proposed project.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"R-1"	"R-1"	"R-1"	"R-1"
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Vacant	Single-Family Residential	Single-Family Residential	Single-Family Residential

All though the Future Land Use Map calls for Commercial in this area, the current primary land use is Residential.

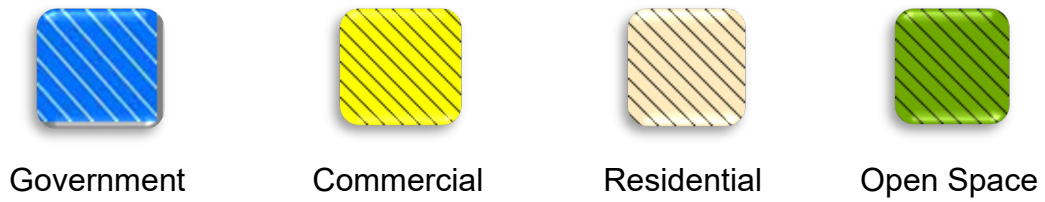
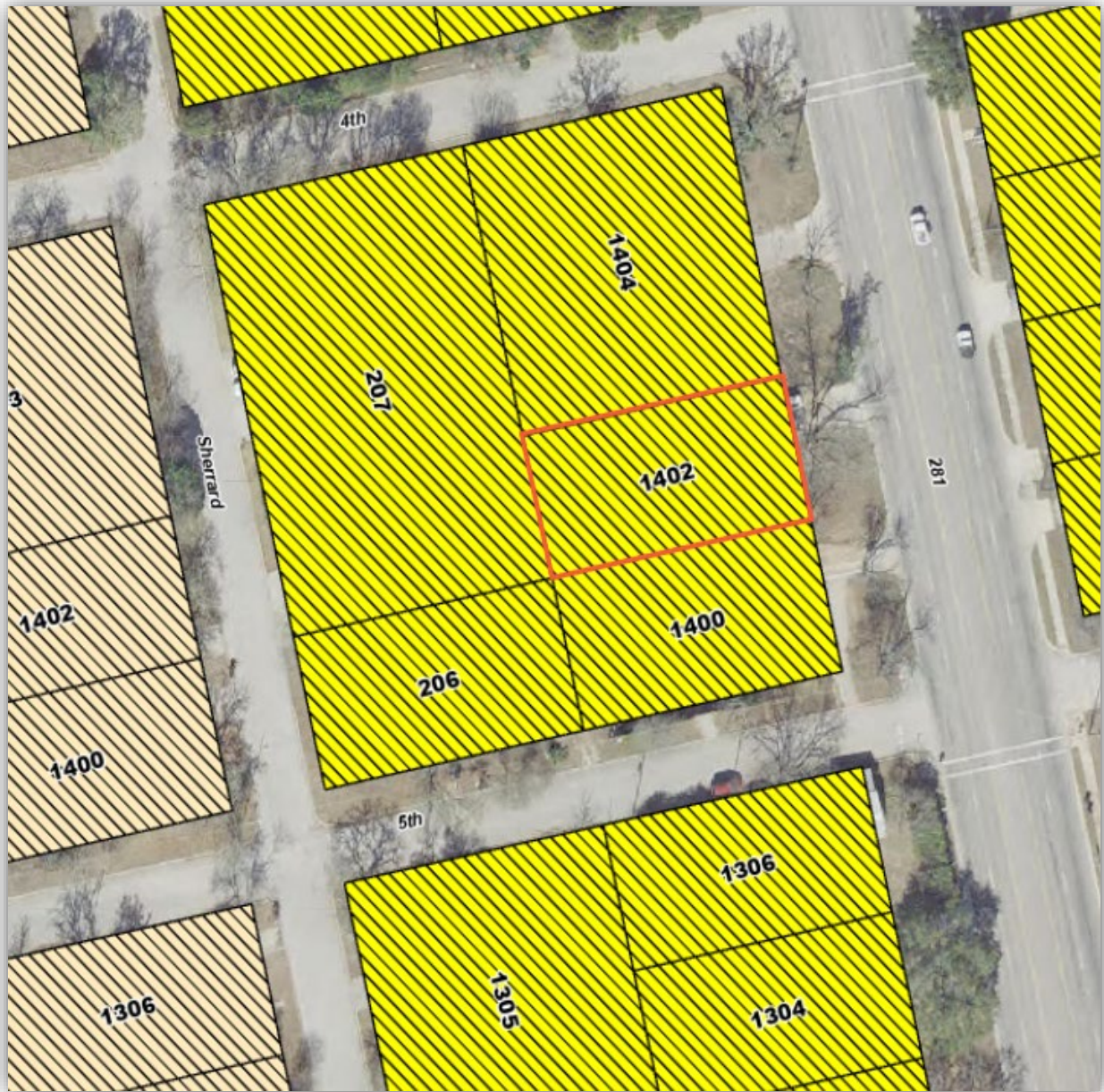
Public Notice: Written notices were mailed to 16 surrounding property owners. There have been zero responses in favor and zero responses in opposition.

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

Exhibit "A"
Location & Current Zoning Map



Exhibit "B"
Future Land Use Map



ORDINANCE NO. 2022-21

FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING A DESIGNATION OF “RESIDENTIAL” FOR THE PROPERTY AT 1402 N WATER STREET (LEGAL DESCRIPTION: LOT 2, BLOCK 10, OAKS ADDITION); 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. 2012-09, did assign Future Land Use classifications for property located within the city in accordance with the Official Future Land Use Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Future Land Use Map by amending the Future Land Use 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 Future Land Use 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, 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 Future Land Use Reclassification is 1402 N WATER STREET (LEGAL DESCRIPTION: LOT 2, BLOCK 10, OAKS ADDITION) as shown on **Exhibit “A”** hereto.

Section three. Future Land Use Map. “Residential” Future Land Use is hereby assigned to the Property described in section two.

Section four. Future Land Use Map Revision. The City Secretary is hereby authorized and directed to revise the Official Future Land Use Map to reflect the change in Future Land Use 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 March 2022.

FINALLY PASSED AND APPROVED on the 22nd day of March 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.1 (d)

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

Agenda Item

Meeting Date: March 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 ASSIGNING THE PROPERTY DESCRIBED 1402 North Water Street (Legal Description: LOT 2, BLOCK 10, OAKS ADDITION) WITH MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L Kimbler

Background: The subject property is located on North US Highway 281 (Exhibit A). It is currently zoned as Single-Family Residential – District “R-1” with a vacant single-family residence located on the property.

Information: The applicant is seeking the requested amendment to the FLUM to obtain a zoning change to allow for the development of a multi-family apartment building with the possibility of 12-24 units.

Multi-Family Residential – District “R-3” is governed by code of ordinances, Sec. 118-35 and allows attached single family structures with a minimum of 500 square feet of living are on a minimum lot size of 10,000 square feet. The subject property is 12,500 square feet. The code also states the maximum dwelling units per acre are 20 units. All though currently, the lot is not of adequate size for the proposed number of units, the applicant has stated the intent is to replat the property with the property located directly to the north if the rezone is approved.

The property abuts a major arterial road and the existing water, sewer, and electric services in the area are adequate to serve the proposed project.

Staff Analysis: The Future Land Use Map (Exhibit B) designation for the area is Commercial. The item prior to this item on the agenda is a request to amend the City’s Future Land Use Map. If approved Multi-Family Residential – District “R-3” would be appropriate for this area.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"R-1"	"R-1"	"R-1"	"R-1"
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Vacant	Single-Family Residential	Single-Family Residential	Single-Family Residential

All though the FLUM for the area is currently commercial, the current land use in the area is residential.

Additionally, Multi-Family can be considered a good buffer between the major arterial roads and single-family homes.

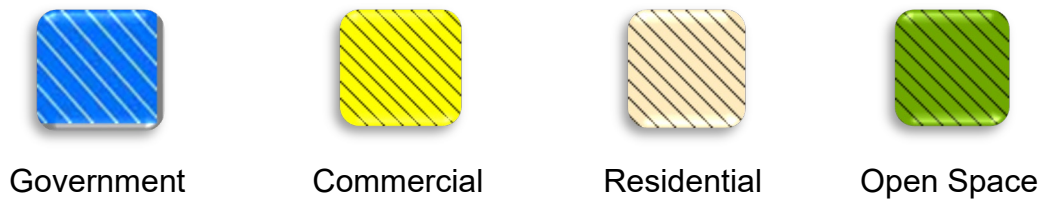
Public Notice: Written notices were mailed to 16 surrounding property owners. There have been zero responses in favor and zero responses in opposition.

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

Exhibit "A"
Location & Current Zoning Map



Exhibit "B"
Future Land Use Map



ORDINANCE NO. 2022-22

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED 1402 North Water Street (Legal Description: LOT 2, BLOCK 10, OAKS ADDITION) WITH MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” CLASSIFICATION; 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 the required amendment to the Future Land Use Plan was, prior to this action, passed and approved by ordinance of this Council; 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 1402 North Water Street (Legal Description: LOT 2, BLOCK 10, OAKS ADDITION) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” 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 March 2022

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

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.1 (e)

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

Agenda Item

Meeting Date: March 7, 2022

Agenda Item: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING A DESIGNATION OF "RESIDENTIAL" FOR THE PROPERTY AT 1404 N WATER STREET (LEGAL DESCRIPTION: LOT 3 & 4, BLOCK 10, OAKS ADDITION); PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L Kimbler

Background: The subject property is a vacant lot located at the corner of East 4th Street and North US Highway 281 (Exhibit A). It is currently zoned as Single-Family Residential – District "R-1".

Information: The applicant is seeking the requested amendment to the FLUM to obtain a zoning change to allow for the development of a multi-family apartment building.

The City's Future Land Use Map (Exhibit B) for this property is designated as Commercial and the requested Future Land Use amendment must be approved before the zoning change request can be approved (next item on the agenda).

Staff Analysis: The property abuts a major arterial road and the existing water, sewer, and electric services in the area are adequate to serve the proposed project.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"R-1"	"R-1"	"R-1"	"R-1"
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Vacant	Single-Family Residential	Single-Family Residential	Single-Family Residential

All though the Future Land Use Map calls for Commercial in this area, the current primary land use is Residential.

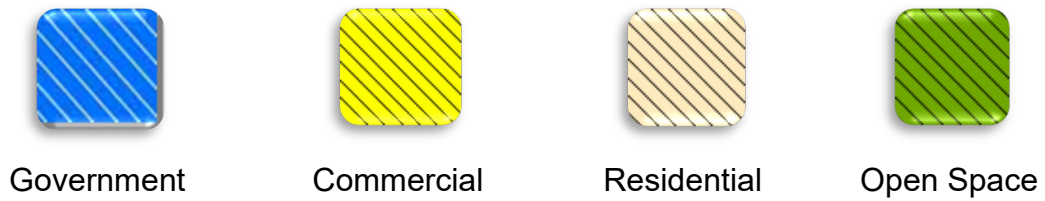
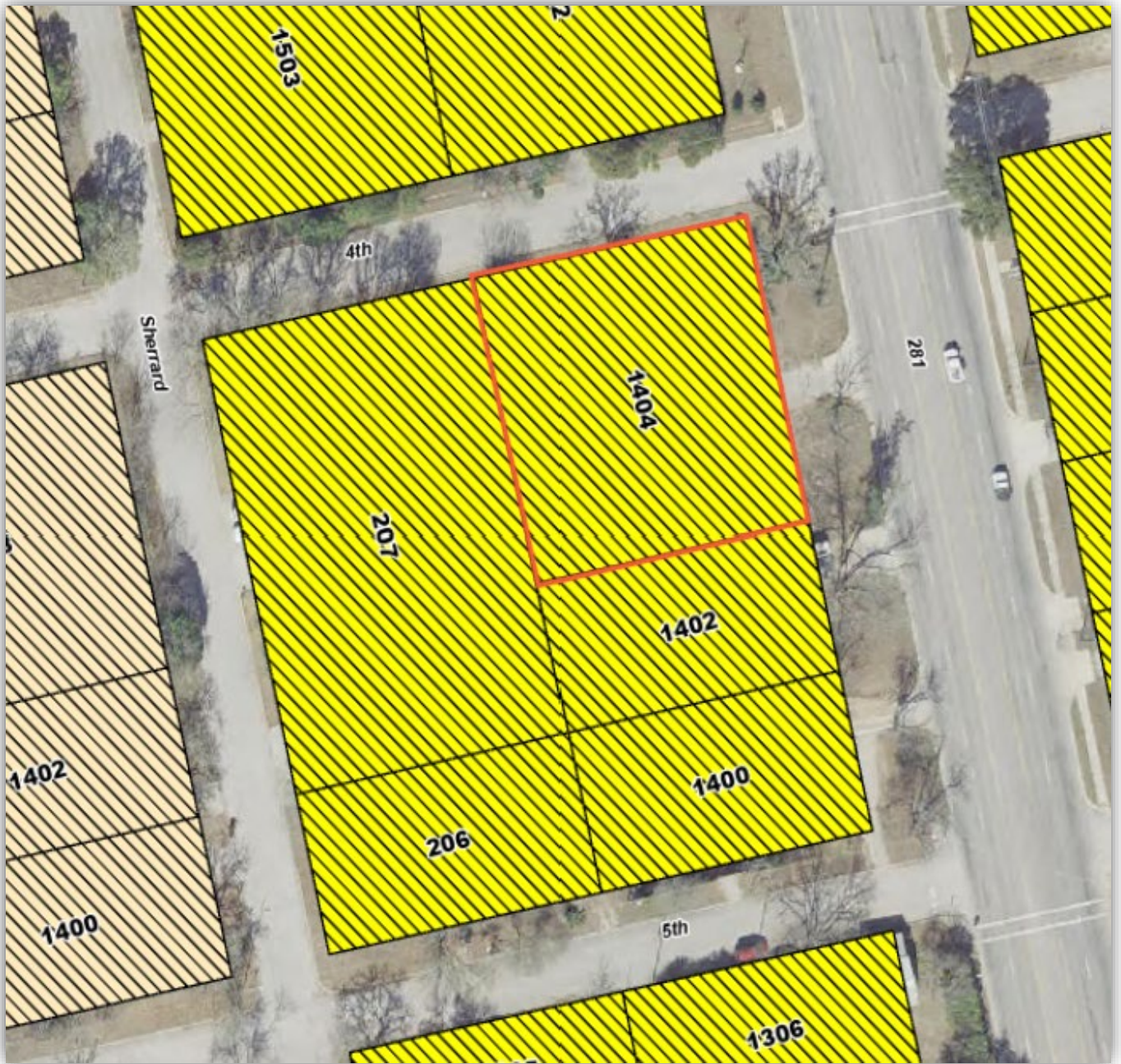
Public Notice: Written notices were mailed to 25 surrounding property owners. There have been zero responses in favor and zero responses in opposition.

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

Exhibit "A"
Location & Current Zoning Map



Exhibit "B"
Future Land Use Map



ORDINANCE NO. 2022-23

FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING A DESIGNATION OF “RESIDENTIAL” FOR THE PROPERTY AT 1404 N WATER STREET (LEGAL DESCRIPTION: LOT 3 & 4, BLOCK 10, OAKS ADDITION 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. 2012-09, did assign Future Land Use classifications for property located within the city in accordance with the Official Future Land Use Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Future Land Use Map by amending the Future Land Use 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 Future Land Use 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, 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 Future Land Use Reclassification is 1404 N WATER STREET (LEGAL DESCRIPTION: LOT 3 & 4, BLOCK 10, OAKS ADDITION) as shown on **Exhibit “A”** hereto.

Section three. Future Land Use Map. “Residential” Future Land Use is hereby assigned to the Property described in section two.

Section four. Future Land Use Map Revision. The City Secretary is hereby authorized and directed to revise the Official Future Land Use Map to reflect the change in Future Land Use 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 March 2022.

FINALLY PASSED AND APPROVED on the 22nd day of March 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.1 (f)

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

Agenda Item

Meeting Date: March 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 ASSIGNING THE PROPERTY DESCRIBED 1404 N WATER STREET (Legal Description: LOT 3 & 4, BLOCK 10, OAKS ADDITION) WITH MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L Kimbler

Background: The subject property is a vacant lot located at the corner of East 4th Street and North US Highway 281 (Exhibit A). It is currently zoned as Single-Family Residential – District “R-1”.

Information: The applicant is seeking the requested amendment to the FLUM to obtain a zoning change to allow for the development of a multi-family apartment building with the possibility of 12-24 units.

Multi-Family Residential – District “R-3” is governed by code of ordinances, Sec. 118-35 and allows attached single family structures with a minimum of 500 square feet of living are on a minimum lot size of 10,000 square feet. The subject property is 12,500 square feet. The code also states the maximum dwelling units per acre are 20 units. All though currently, the lot is not of adequate size for the proposed number of units, the applicant has stated the intent is to replat the property with the property located directly to the north if the rezone is approved.

The property abuts a major arterial road and the existing water, sewer, and electric services in the area are adequate to serve the proposed project.

Staff Analysis: The Future Land Use Map (Exhibit B) designation for the area is Commercial. The item prior to this item on the agenda is a request to amend the City’s Future Land Use Map. If approved Multi-Family Residential – District “R-3” would be appropriate for this area.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"R-1"	"R-1"	"R-1"	"R-1"
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Vacant	Single-Family Residential	Single-Family Residential	Single-Family Residential

All though the FLUM for the area is currently commercial, the current land use in the area is residential.

Additionally, Multi-Family can be considered a good buffer between the major arterial roads and single-family homes.

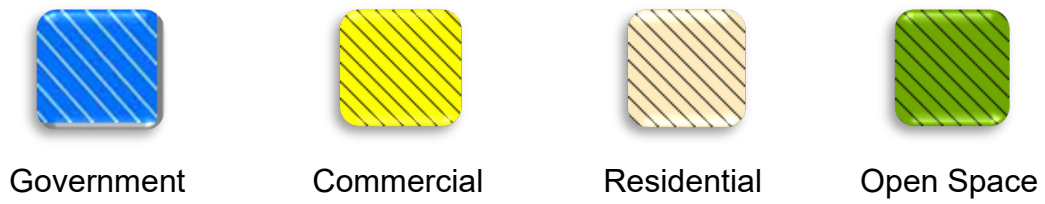
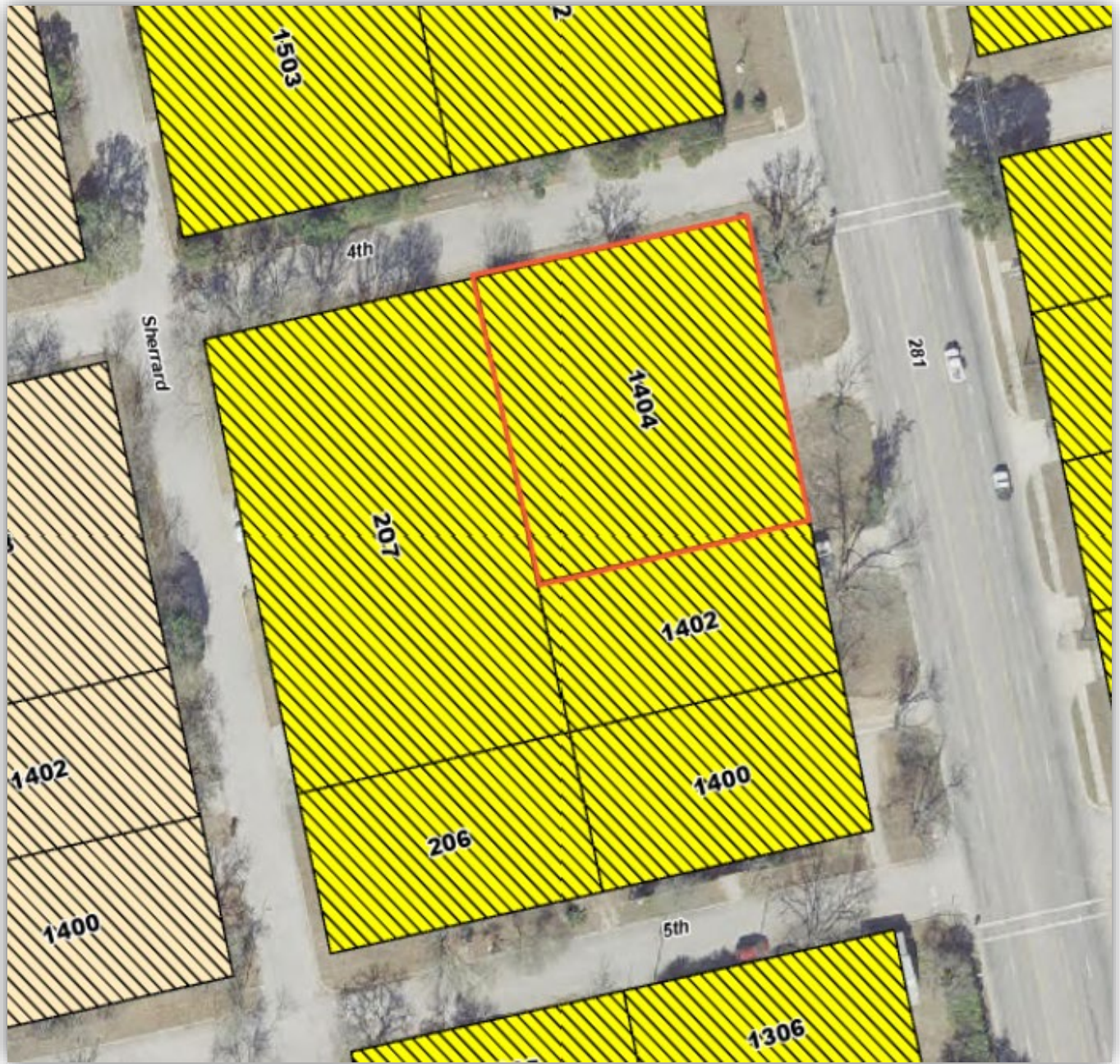
Public Notice: Written notices were mailed to 25 surrounding property owners. There have been zero responses in favor and zero responses in opposition.

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

Exhibit "A"
Location & Current Zoning Map



Exhibit "B"
Future Land Use Map



ORDINANCE NO. 2022-24

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED 1404 North Water Street (Legal Description: LOT 3 & 4, BLOCK 10, OAKS ADDITION) WITH MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” CLASSIFICATION; 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 the required amendment to the Future Land Use Plan was, prior to this action, passed and approved by ordinance of this Council; 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 1404 North Water Street (Legal Description: LOT 3 & 4, BLOCK 10, OAKS ADDITION) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” 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 March 2022

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

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.1(g)

Matt Imrie
Community Development Services
Coordinator
512-715-3206
mimrie@cityofburnet.com

Agenda Item Brief

Meeting Date: March 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 ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS THE NORTHWEST CORNER OF EAST JOHNSON AND NORTH RHOMBERG STREETS (Legal Description: 0.37-ACRE TRACT OUT OF THE JOHN HAMILTON SURVEY NO. 1, BEING A PORTION OF LOT 2, BLOCK 37 OF THE PETER KERR PORTION) WITH DUPLEX – DISTRICT “R-2” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: M. Imrie

Background: The property is a vacant lot located at the northwest corner of Johnson Street and Rhomberg Street.

Information: The applicant is requesting to rezone the property to Duplex – District “R-2” to allow for the construction of a duplex with two units. The applicant is proposing each unit having three bedrooms and two bathrooms with a single car garage. One unit will face East Johnson Street and one unit will face North Rhomberg Street.

District “R-2” requires a minimum of 4500 square feet per unit, this lot is 16,117 square feet and therefore meets the requirements for minimum size.

Infrastructure (water/wastewater and electric) are in place and are sufficient for the proposed project.

Staff Analysis: The Future Land Use Map (Exhibit B) designation for the area is Residential as the property is bordered by other Residential areas. The Residential designation is appropriate.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	“R-1”	“C-3”	“R-1”	“R-1”
FLUM	Residential	Commercial	Residential	Residential
Land Use	Residential	Commercial	Residential	Residential

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on February 16, 2022, and written notices were mailed to seventeen (17) surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

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

Exhibit "A"
Location & Current Zoning Map



Exhibit “B”
Future Land Use Map



Government



Commercial



Residential



Industrial

ORDINANCE NO. 2022-25

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS THE NORTHWEST CORNER OF EAST JOHNSON AND NORTH RHOMBERG STREETS (Legal Description: 0.37-ACRE TRACT OUT OF THE JOHN HAMILTON SURVEY NO. 1, BEING A PORTION OF LOT 2, BLOCK 37 OF THE PETER KERR PORTION) WITH DUPLEX-DISTRICT “R-2” CLASSIFICATION; 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 generally located at the northwest corner of East Johnson and North Rhomberg Streets (Legal Description: 0.37-acre tract out of the John Hamilton Survey No. 1, being a portion of Lot 2, Block 37 of the Peter Kerr Portion) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. Duplex - District “R-2” 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 March 2022

PASSED AND APPROVED on this the 22ND day of March 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.2 & 5.1

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

Agenda Item Brief

Meeting Date: March 7, 2022

Public Hearing: 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 60.53 acres out of Sarah Ann Guest Survey No. 1503, Abs. No. 1525. The proposed "Preliminary Plat" will establish Creekfall Subdivision, Phase Three and Four, consisting of 116 residential lots: L. Kimbler

Action Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING CREEKFALL SUBDIVISION, PHASE THREE AND FOUR, CONSISTING OF APPROXIMATELY 116 RESIDENTIAL LOTS ON 55.77 ACRES OUT OF THE SARAH ANN GUEST SURVEY NO. 1503, ABS. NO. 1525: L. Kimbler

Information: The tract (Exhibit A) is currently zoned R-1 located between East Highway 29 and Westfall Street and abuts the railroad tracks. The applicant is proposing to subdivide the tract to create a 116-lot single-family residential subdivision, with 3 drainage tracts, and one future tract which will establish Creekfall Subdivision, Phase Three and Four (Exhibit B). Creekfall Subdivision, Phase One and Two preliminary plats were approved by City Council in March 2021 and construction plans were approved in October 2021.

The new subdivision will connect to Westfall Street by the means of a new road named Gristmill Road. The subdivision will create four new roads within the subdivision; one of which named Gristmill, the others being named Big Sugar Road, Wheel Horse Road, and Prairie Dew Road. The subdivision will also connect to Coke Street which is being extended by the Westfall Village, Phase Three subdivision just to the north of Creekfall, Phase One.

All the lots will range in size from 0.18 acres to 0.33 acres with a majority of the lots having a minimum lot width of 64'.

Staff Analysis: City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 (entitled "Preliminary Plats") and have found the plat does generally meet the requirements as outlined in the code.

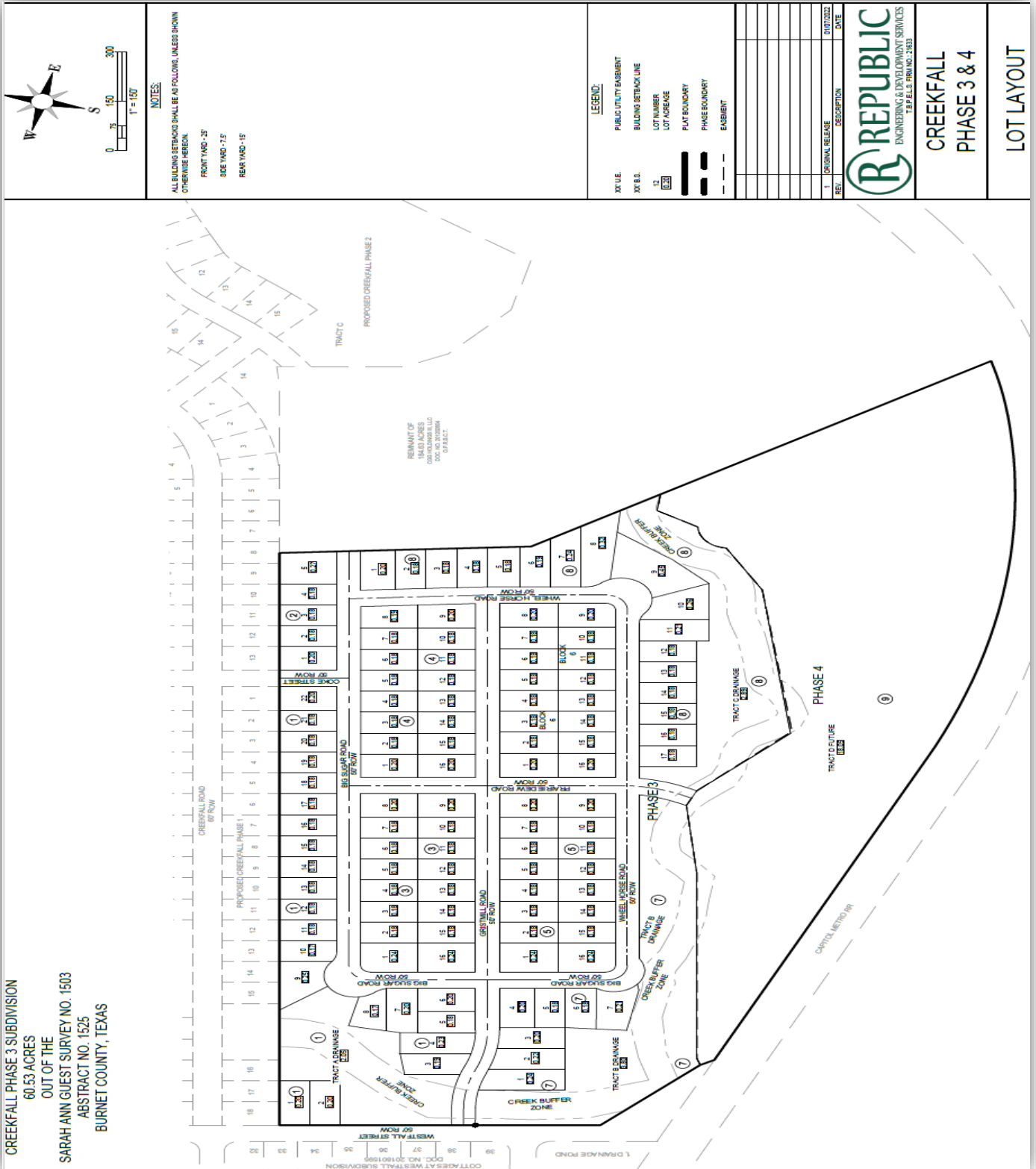
**Recommended
Motion:**

Staff recommends approval of the Preliminary Plat of Creekfall Sudivision, Phase Three and Four, and Resolution R2022-26.

Exhibit "A"
Tract



Exhibit “B” Plat



RESOLUTION NO. R2022-26

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING CREEKFALL SUBDIVISION, PHASE THREE AND FOUR, CONSISTING OF APPROXIMATELY 116 RESIDENTIAL LOTS ON 55.77 ACRES OUT OF THE SARAH ANN GUEST SURVEY NO. 1503, ABS. NO. 1525

Whereas, the Planning and Zoning Commission conducted a public hearing on this application on March 7, 2022; and

Whereas, the Planning and Zoning Commission conditionally recommended approval of the application on March 7, 2022; and

Whereas, City Council conducted a public hearing on this application on March 8, 2022.

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

Section 1. Findings. That the recitals to this Resolution are incorporated herein for all purposes.

Section 2. Approval. The Preliminary Plat Establishing Creekfall Subdivision, Phases Three and Four is hereby approved.

Section 3. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

Section 4. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 8th day of March 2022.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary



Development Services

ITEM 4.3 & 5.3

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

Agenda Item Brief

Meeting Date: March 7, 2022

Public Hearing: 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 11.58 acres out of Sarah Ann Guest Survey No. 1503, Abs. No. 1525. The proposed "Preliminary Plat" will establish Westfall Village Subdivision, Phase Three, consisting of 45 residential lots: L. Kimbler

Action Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING WESTFALL VILLAGE, PHASE 3, CONSISTING OF APPROXIMATELY 45 RESIDENTIAL LOTS ON APPROXIMATELY 11.58 ACRES OUT OF THE SRAH ANN GUEST SURVEY NO. 1503, ABS. NO. 1525.: L. Kimbler

Information: The proposed subdivision (Exhibit A), zoned R-1, is located along Westfall Street just south of Westfall Villages, Phases One and Two and north of the Railroad tracks. The applicant is proposing to subdivide the tract to create 45 single-family residential lots with one drainage pond and two water quality ponds.

The subdivision will create two streets; the applicant is proposing to extend Cactus Street, from across Westfall, through the center of the proposed subdivision as well as extending Coke Street, located north of the subdivision, down through the subdivision to connect to the Creekfall Subdivision. Cactus Street exceeds the allowable length in the City of Burnet's code of ordinances, Sec. 98-42, and therefore will require approval of a subdivision variance prior to the plat's consideration.

All the lots within the subdivision have a minimum square footage of 8750 square feet and a lot width of 70'.

Staff Analysis: City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 (entitled "Preliminary Plats") and have found the plat does generally meet the requirements as outlined in the code with only one outstanding comment.

**Recommended
Motion:**

Staff recommends the following motion:

Conditionally approve the Preliminary Plat of Westfall Village, Phase Three subject to the applicant resolving the following matter:

- Revise the centerline geometry of Cactus Street to be compliant with the City of Burnet TCSS Section 213 - Alignment

Exhibit "A"
Tract



[illegible]

RESOLUTION NO. R2022-27

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING WESTFALL VILLAGES, PHASE 3, CONSISTING OF APPROXIMATELY 45 RESIDENTIAL LOTS ON APPROXIMATELY 11.58 ACRES OUT OF THE SRAH ANN GUEST SURVEY NO. 1503, ABS. NO. 1525.

Whereas, the Planning and Zoning Commission conducted a public hearing on this application on March 7, 2022; and

Whereas, the Planning and Zoning Commission conditionally recommended approval of the application on March 7, 2022; and

Whereas, City Council conducted a public hearing on this application on March 8, 2022.

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

Section 1. Findings. That the recitals to this Resolution are incorporated herein for all purposes.

Section 2. Conditional Approval. The Preliminary Plat Establishing Westfall Village, Phase Three is hereby conditionally approved; subject to the condition recommended by the Planning and Zoning Commission as follow:

- Revise the centerline geometry of Cactus Street to be compliant with the City of Burnet TCSS Section 213 - Alignment

Section 3. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

Section 4. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 8th day of March, 2022.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary



Development Services

ITEM 4.4 & 5.5

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

Agenda Item Brief

Meeting Date: March 7, 2022

Public Hearing: 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 326.63 acres out of Abs. A0398 Susano Hernandez, Tract Pt. of 6, 14.87 Acres; Abs. A1018 Francisco Ybarbo, 140.95 Acres; Abs. A0398 Susano Hernandez, Tract & Abs. 1018 Francisco Ybarbo, 17.34 Acres; Abs. A1018 Francisco Ybarbo, 150.47 Acres. The proposed "Preliminary Plat" will establish Honey Rock Subdivision, consisting of 299 single-family residential lots, two multi-family lots and two commercial lots: L. Kimbler

Action Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING HONEY ROCK SUBDIVISION CONSISTING OF APPROXIMATELY 299 SINGLE-FAMILY RESIDENTIAL LOTS, TWO MULTI-FAMILY RESIDENTIAL LOTS, AND TWO COMMERCIAL LOTS ON APPROXIMATELY 326.63 ACRES OUT OF ABS A0398 SUSANO HERNANEZ, TRACT PT OF 6, 14.87 ACRES, ABS A1018 FRANCISCO YBARBO, 140.95 ACRES, ABS A0398 SUSANO HERNANDEZ, TRACT AND ABS 1018 F YBARABO, 17.64 ACRES, ABS A1018 FRANCISCO YBARBO, 150.47 ACRES: L. Kimbler

Information: The tract (Exhibit A) is located along South Highway 281 and is currently a mixed zoned tract with 103.87 acres designated as Single-Family Residential "R-1", 19.91 acres zoned as Multi-Family "R-3" and 26.58 acres zoned Commercial. Additionally, there is 168.67 acres designated as "Future Development" that is outside of the city limits within the ETJ.

The applicant is proposing to subdivide the tract into five phases. The first phase to be completed will extend from South Highway 281 towards the middle of the tract; the second phase will extend from the existing Honey Rock Boulevard and the third phase will connect the three phases in the middle of the subdivision (Exhibit B).

The subdivision will create fifteen new roads within the subdivision. Proposed street names are: Hive Loop, Worker Court, Drone Court, Killer Bee Court, Nectar Court and Lane, Royal Jelly Loop, Mining Bee Court, Honeycomb Drive, Pollen Court, Bumblebee Lane, Stinger Loop and Court, Honey Bee Drive, Mead Drive, Queen Bee Lane, and Antenna Loop. The subdivision will also connect to the existing Cobblestone Court, in Honey Rock Subdivision, Phase Two.

The plat is also proposing two HOA parkland tracts with an "Amenity Center" to be located on one.

There is a mixture of lot sizes throughout the subdivision; lots will range in size from 0.18 acres to 1.26 acres with most of the lots having a minimum lot width of 60'.

The applicant has agreed to perform all required water and sewer utility studies for the Honey Rock Subdivision Preliminary Plat, but requests that these studies be a condition to the City Council's decision on the Preliminary Plat. These studies will begin after the preliminary platting process and are to be completed before the first construction plan submittal of the first phase of development. The developer also agrees to pay their share of any required utility infrastructure that may be a result of the water and sewer studies.

The developer has also requested a variance to the City of Burnet's code of ordinances, Sec. 98-22, to allow for the delay of the tree survey and mitigation plan requirement from the preliminary platting stage to the construction plan stage. This variance will require approval prior to the plat's consideration.

Staff Analysis:

City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 and have found that it does generally meet the code criteria; however, the applicant has not satisfied the requirement of receiving TxDOT approval.

Recommended Motion:

Staff recommends the following motion:

Conditionally approve the Preliminary Plat of Honey Rock Subdivision subject to the applicant receiving TxDOT approval and the water and sewer studies are completed prior to the first construction plan submittal of the first phase of development (Sec. 98-44 (e)).

Exhibit "A"
Tract

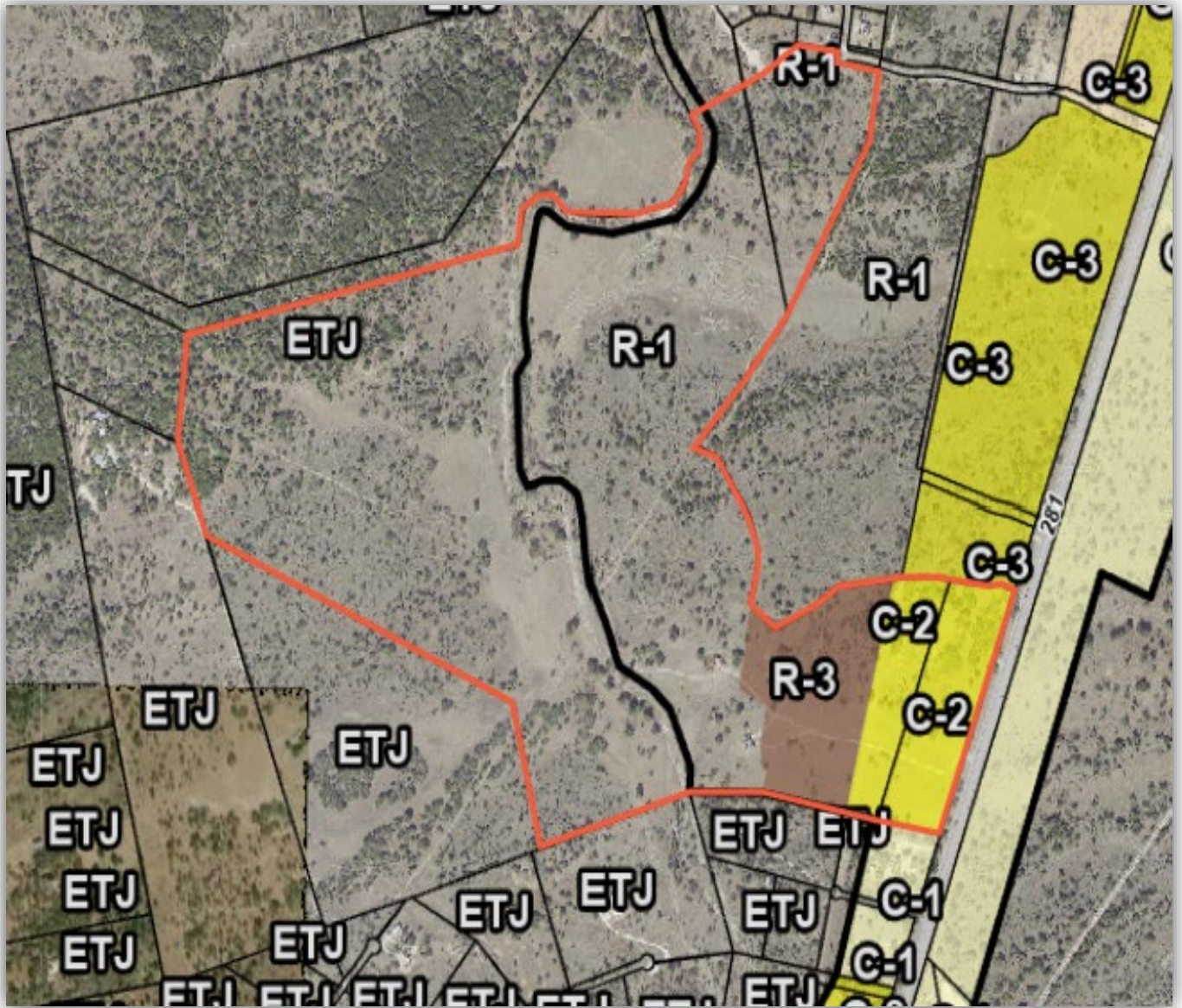
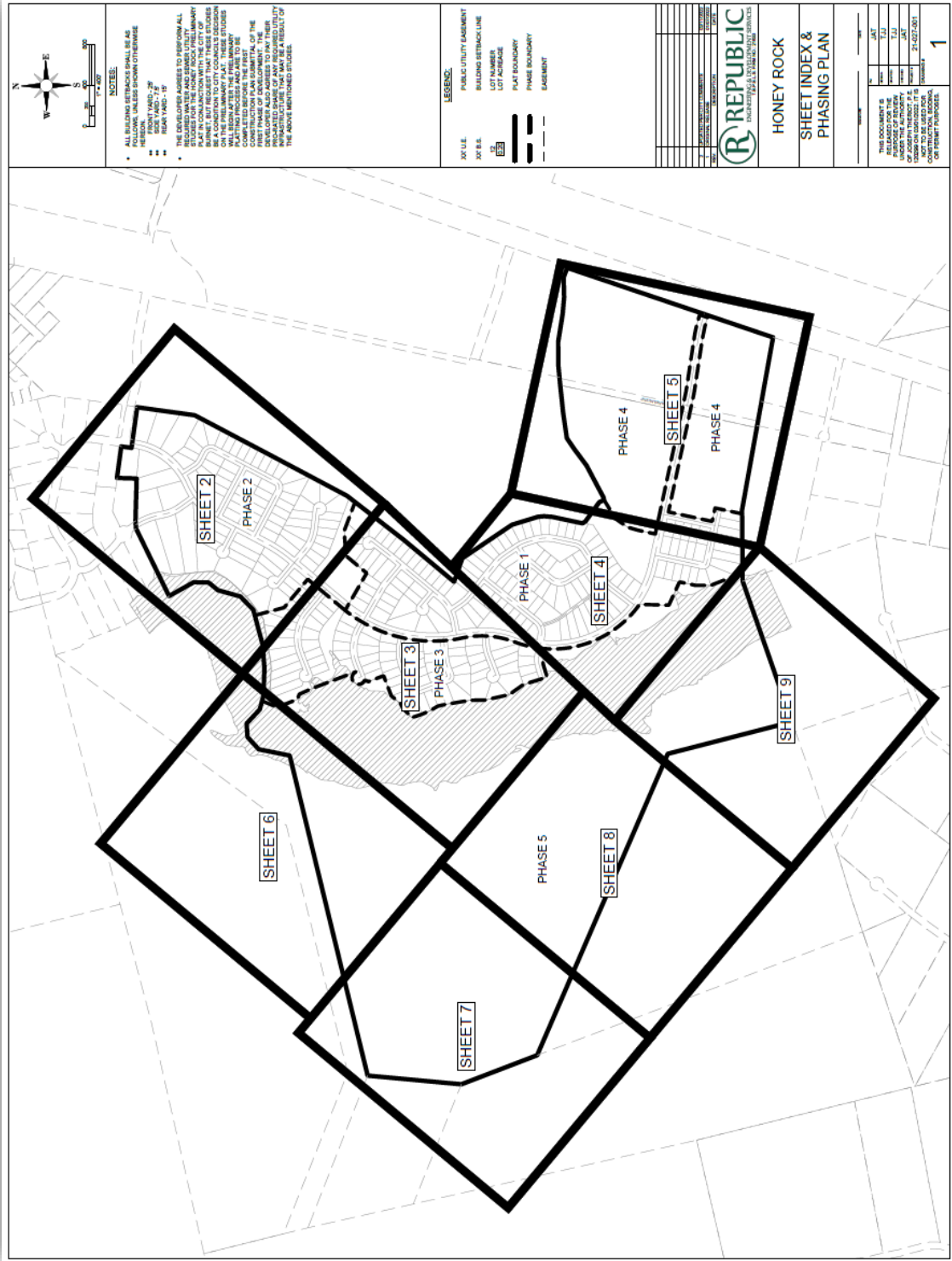


Exhibit "B"
Plat



RESOLUTION NO. R2022-29

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING HONEY ROCK SUBDIVISION CONSISTING OF APPROXIMATELY 299 SINGLE-FAMILY RESIDENTIAL LOTS, TWO MULTI-FAMILY RESIDENTIAL LOTS, AND TWO COMMERCIAL LOTS ON APPROXIMATELY 326.63 ACRES OUT OF ABS A0398 SUSANO HERNANDEZ, TRACT PT OF 6, 14.87 ACRES, ABS A1018 FRANCISCO YBARBO, 140.95 ACRES, ABS A0398 SUSANO HERNANDEZ, TRACT AND ABS 1018 F YBARABO, 17.64 ACRES, ABS A1018 FRANCISCO YBARBO, 150.47 ACRES

Whereas, the Planning and Zoning Commission conducted a public hearing on this application on March 7, 2022; and

Whereas, the Planning and Zoning Commission conditionally recommended approval of the application on March 7, 2022; and

Whereas, City Council conducted a public hearing on this application on March 8, 2022.

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

Section 1. Findings. That the recitals to this Resolution are incorporated herein for all purposes.

Section 2. Conditional Approval. The Preliminary Plat Establishing Westfall Village, Phase Three is hereby conditionally approved; subject to the condition recommended by the Planning and Zoning Commission as follow:

- Applicant should receive TxDOT approval
- The water and sewer studies should be completed prior to the submittal of the first construction plans submittal (Sec. 98-44(e))

Section 3. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

Section 4. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 8th day of March, 2022.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary



Development Services

ITEM 5.2

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

Agenda Item Brief

Meeting Date: March 7, 2022

Action Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES, SECTION 98-48 – BLOCKS AND LOTS FOR THE PROPOSED PRELIMINARY PLAT OF WESTFALL VILLAGES, PHASE THREE: L. Kimbler

Background: The proposed Preliminary Plat of Westfall Villages, Phase Three (Exhibit A) is a single-family residential subdivision on 11.58 acres of property located along South Westfall Street just north of the Railroad tracks. The proposed subdivision will create 45 residential lots.

The subdivision will extend the existing Cactus Street, from across South Westfall, to connect to Coke Street. Coke Street is an existing street that the applicant is proposing to extend through their subdivision to provide inter-connectivity with the subdivision and existing streets. For Cactus Street to connect with Coke Street, this creates a block length of approximately 1400 linear feet.

Information: The requested variance pertains to the requirements outlined in Code of Ordinances Sec. 98-48(1)(b) which states: "Residential blocks shall not exceed 600 feet nor be less than 300 feet in length." The City of Burnet Code of Ordinances Sec. 98-82 states the following regarding variances to the subdivision standards:

"In granting approval of a request for variance, the Commission and Council shall conclude that the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the variance observes the spirit of this chapter and concludes that substantial justice is done. The Commission and Council shall meet these requirements by making findings that:

- a. The public convenience and welfare will be substantially served;
- b. The appropriate use of surrounding property will not be substantially or permanently impaired or diminished;
- c. The applicant has not created the hardship from which relief is sought;

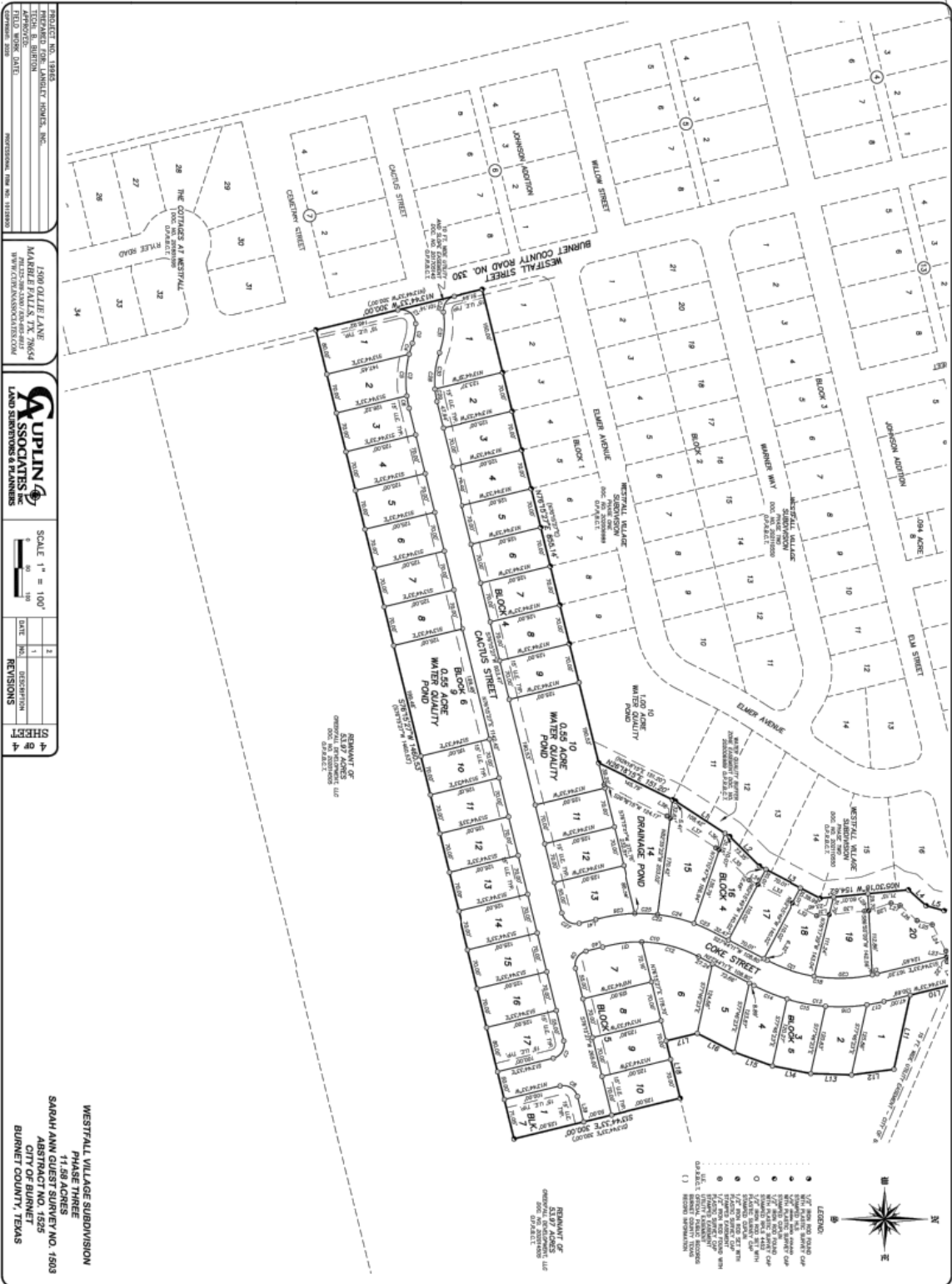
- d. The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property;
- e. The hardship from which relief is sought is not solely of an economic nature;
- f. The variance is not contrary to the public interest;
- g. Due to special conditions, the literal enforcement of this chapter would result in an unnecessary hardship; and
- h. In granting the variance the spirit of the ordinance is observed and substantial justice is done.”

Staff Analysis: Staff has evaluated the variance requests and has determined that, due to existing development of streets in the area and the existing topography of the property, a variance to the code criteria is necessary to ensure safe and efficient movement of traffic while still preserving the natural features of the area while ensuring an appropriate subdivision design.

Recommendation: Staff recommends approval of the applicant’s request for the variance to the Code of Ordinances, Section 98-48 – Blocks and Lots.

Exhibit "A"

Plat



RESOLUTION NO. R2022-21

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES, SECTION 98-48 – BLOCKS AND LOTS FOR THE PROPOSED PRELIMINARY PLAT OF WESTFALL VILLAGES, PHASE THREE

Whereas, Code of Ordinances, Section 98-48, imposes lengths for residential blocks within the Subdivision; and

Whereas, the applicant has petitioned for a variance to allow for inter-connectivity with surrounding streets and subdivisions; and

Whereas, the Planning and Zoning Commission has recommended the variance be granted:

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

Section one. Recitals. That the recitals to this Resolution are incorporated herein for all purposes.

Section two. Findings. As required by City Code Sec. 98-82 City Council finds:

- Granting the variance is not contrary to the public interest: **approving the variance serves the public interest by allowing for the street to connect to an existing street and providing inter-connectivity with surrounding streets and subdivisions.**
- The literal enforcement of this chapter would result in unnecessary hardship: **as existing streets in the area have already been developed and approving the variance allows for the most advantageous use of topography and natural physical features to ensure safe and efficient traffic movement.**
- The variance observes the spirit of the chapter and concludes that substantial justice is done: **By granting this variance, the spirit of the code is observed, ad substantial justice is done**

Section three. Approval. The variance request is hereby approved and granted.

Section four. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

Section five. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 8th day of March 2022.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary



Development Services

ITEM 5.4

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

Agenda Item Brief

Meeting Date: March 7, 2022

Action Item: 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 98-22 – Preliminary Plat, for the proposed Preliminary Plat of Honey Rock, Phase.: L Kimbler

Background: The proposed Preliminary Plat of Honey Rock, Phase is a single-family residential subdivision just under 327 acres of property located on South Highway 281 (Exhibit A). The proposed subdivision will create 299 residential lots, two commercial lots and two multi-family residential lots.

The proposed subdivision will consist of five phases that are proposed to be completed over the next five years.

Information: The requested variance (Exhibit B) pertains to the requirements outlined in Code of Ordinances Sec. 98-22(d)(3)(g) and 98-22(d)(3)(h) which requires the applicant to show significant trees to remain during construction and replacements trees for trees that are to be mitigated during the preliminary plat stage. Because of the sheer size of this preliminary plat and the timing of development for each phase, if a tree survey and mitigation plan were to be performed at the preliminary platting stage of development, it would not account for all the changes that would occur by the time each phase is constructed.

The City of Burnet Code of Ordinances Sec. 98-82 states the following regarding variances to the subdivision standards:

“In granting approval of a request for variance, the Commission and Council shall conclude that the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the variance observes the spirit of this chapter and concludes that substantial justice is done. The Commission and Council shall meet these requirements by making findings that:

- a. The public convenience and welfare will be substantially served;
- b. The appropriate use of surrounding property will not be substantially or permanently impaired or diminished;

- c. The applicant has not created the hardship from which relief is sought;
- d. The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property;
- e. The hardship from which relief is sought is not solely of an economic nature;
- f. The variance is not contrary to the public interest;
- g. Due to special conditions, the literal enforcement of this chapter would result in an unnecessary hardship; and
- h. In granting the variance the spirit of the ordinance is observed and substantial justice is done."

Staff Analysis:

When considering the requested variance, staff considered the amount of acreage the preliminary plat covers, as well as the number of trees that could change within the proposed timeframe to complete the different phases of the subdivision. The applicant is proposing to include the tree survey and mitigation plan in the construction plans of each phase; the construction plans could not be approved until all requirements for tree mitigation has been met. The requested variance would still meet the intent of the code, would not diminish surrounding properties, and is not contrary to the public's interest. Additionally, since most of the trees in the area have been damaged by oak wilt, granting the variance would allow the applicant time to appropriately preserve healthy trees while ensuring the spirit of the ordinance is observed and substantial justice is done.

Recommendation: Staff recommends approval of the applicant's request for the variance to the Code of Ordinances, Section 98-22 – Preliminary Plat, for the proposed Preliminary Plat of Honey Rock, Phase.

LEGEND

- PROPERTY BOUNDARY
- CITY LIMITS
- EXISTING ROAD
- EXISTING DRAINAGE
- EXISTING UTILITY
- EXISTING POWER LINE
- EXISTING WATER LINE
- EXISTING GAS LINE
- EXISTING TELEPHONE LINE
- EXISTING FIBER OPTIC LINE
- EXISTING CABLE TV LINE
- EXISTING SATELLITE DISH
- EXISTING ANTENNA
- EXISTING LIGHTING
- EXISTING SIGNAGE
- EXISTING FENCE
- EXISTING GATE
- EXISTING DRIVEWAY
- EXISTING PORCH
- EXISTING PATIO
- EXISTING DECK
- EXISTING BALCONY
- EXISTING TERRACE
- EXISTING STAIRS
- EXISTING WALKWAY
- EXISTING BIKEWAY
- EXISTING TRAIL
- EXISTING PATH
- EXISTING BRIDGE
- EXISTING TUNNEL
- EXISTING UNDERPASS
- EXISTING OVERPASS
- EXISTING VIADUCT
- EXISTING EMBANKMENT
- EXISTING CUT
- EXISTING FILL
- EXISTING RETAINING WALL
- EXISTING EROSION CONTROL
- EXISTING SLOPE PROTECTION
- EXISTING LANDSCAPE
- EXISTING PLANTING
- EXISTING TREES
- EXISTING SHRUBS
- EXISTING GRASS
- EXISTING SOIL
- EXISTING ROCK
- EXISTING CLIFF
- EXISTING CANYON
- EXISTING VALLEY
- EXISTING MOUNTAIN
- EXISTING HILL
- EXISTING RIDGE
- EXISTING SADDLE
- EXISTING PASS
- EXISTING GAP
- EXISTING CREEK
- EXISTING RIVER
- EXISTING LAKE
- EXISTING POND
- EXISTING STREAM
- EXISTING BROOK
- EXISTING CULVERT
- EXISTING DRAINAGE
- EXISTING IRRIGATION
- EXISTING FLOOD CONTROL
- EXISTING WIND BREAK
- EXISTING SOUND BARRIER
- EXISTING NOISE BARRIER
- EXISTING VISIBILITY TRIANGLE
- EXISTING STOP SIGN
- EXISTING YIELD SIGN
- EXISTING SPEED LIMIT SIGN
- EXISTING WARNING SIGN
- EXISTING INFORMATION SIGN
- EXISTING ART SIGN
- EXISTING MONUMENT
- EXISTING MARKER
- EXISTING BENCHMARK
- EXISTING CONTROL POINT
- EXISTING ADJUSTMENT POINT
- EXISTING OBSERVATION POINT
- EXISTING TARGET POINT
- EXISTING REFERENCE POINT
- EXISTING CHECK POINT
- EXISTING TURN POINT
- EXISTING END POINT
- EXISTING START POINT
- EXISTING ORIGIN POINT
- EXISTING DESTINATION POINT
- EXISTING INTERSECTION POINT
- EXISTING JUNCTION POINT
- EXISTING CONFLUENCE POINT
- EXISTING DIVERSION POINT
- EXISTING BYPASS POINT
- EXISTING DETOUR POINT
- EXISTING SHORTCUT POINT
- EXISTING FASTER ROUTE POINT
- EXISTING SLOWER ROUTE POINT
- EXISTING SAFER ROUTE POINT
- EXISTING EASIER ROUTE POINT
- EXISTING BETTER ROUTE POINT
- EXISTING WORSE ROUTE POINT
- EXISTING LONGER ROUTE POINT
- EXISTING SHORTER ROUTE POINT
- EXISTING DEEPER ROUTE POINT
- EXISTING SHALLOWER ROUTE POINT
- EXISTING HIGHER ROUTE POINT
- EXISTING LOWER ROUTE POINT
- EXISTING COLDER ROUTE POINT
- EXISTING WARMER ROUTE POINT
- EXISTING DRIER ROUTE POINT
- EXISTING WETTER ROUTE POINT
- EXISTING SUNNIER ROUTE POINT
- EXISTING SHADEDER ROUTE POINT
- EXISTING WINDIER ROUTE POINT
- EXISTING CALMER ROUTE POINT
- EXISTING NOISIER ROUTE POINT
- EXISTING QUIETER ROUTE POINT
- EXISTING BUSIER ROUTE POINT
- EXISTING LESS BUSY ROUTE POINT
- EXISTING MORE BUSY ROUTE POINT
- EXISTING FASTER TRAVEL TIME POINT
- EXISTING SLOWER TRAVEL TIME POINT
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HONEY ROCK

EXISTING CONDITIONS

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Exhibit “B” Requested Variance



January 17, 2022

City of Burnet Development Services Department 1001 Buchanan Drive, Suite 4

Burnet, TX 78611

Re: Honey Rock Tree Variance

To whom it may concern,

info@RepublicEDS.com

This letter is addressing the situation and reason for requesting a variance to delay the tree survey and mitigation plan from the preliminary platting stage to the construction plan stage for each individual phase of the Honey Rock development.

The Honey Rock development is just under 327 acres, with the preliminary plat consisting of 388 single family residential lots and just under 170 acres set aside for future development to be determined at a later date. The lots shown in the preliminary plat are divided into four phases that are proposed to be completed over the next 5 years. Because of the sheer size of this preliminary plat and the timing of development for each phase, if a tree survey and mitigation plan were to be performed at the preliminary platting stage of development, it would not account for all the changes that would occur by the time each phase is constructed. There are many factors that would affect the tree survey and mitigation plan's accuracy in that time frame, including but not limited to: Acts of God (floods, hurricanes, tornados, drought, etc.), wildfires, death of trees by drought or disease, new growth, smaller trees reaching the surveyable diameter and market downturns.

Disease is a primary concern since the majority (95% or more) of the trees within the project boundary are oak trees that have been devastated by oak wilt. While it is clear to see those trees that are already dying of oak wilt, there is a high possibility that the other oaks, that currently

appear healthy, are already infected but not showing signs or will contract oak wilt within the next few years.

We understand the importance of preserving trees and mitigating the trees that have to be removed, which is why we are only requesting for a postponement of the tree survey and mitigation plan to each individual phase's construction plans. If granted the variance, the developer will follow all ordinances for the tree survey and mitigation plan specified for the preliminary plat at the time of each individual phase's construction plan submittal.

In the Honey Rock Preliminary Plat, Existing Conditions – Sheet 11, current existing trees have been shown utilizing a separate aerial view, as allowed in CH. 98, Article II, Sec. 98-22(2)c. Trees with visible signs of oak wilt are excluded from that map. The Existing Conditions – Sheet 11 is to serve as a baseline for all future tree surveys.

If there are any questions on how we intend to implement these individual tree surveys and mitigation plans at the time of each phase's construction plans, feel free to contact Republic Engineering & Development Services at (512) 665-8910 or jtheriot@RepublicEDS.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Theriot', with a stylized flourish at the end.

Joseph Theriot, P.E.

RESOLUTION NO. R2022-28

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES, SECTION 98-22 – PRELIMINARY PLAT FOR THE PROPOSED PRELIMINARY PLAT OF HONEY ROCK SUBDIVISION

Whereas, Code of Ordinances, Section 98-22(D)3(G), requires the applicant to submit a survey showing significant trees within the subdivision that are to remain and to be removed during construction; and

Whereas, Code of Ordinances, Section 98-22(D)3(H), requires the applicant to submit a mitigation plan for trees that are to be removed; and

Whereas, the applicant has petitioned for a variance to allow the applicant to defer the requirement of showing significant trees to remain and be removed, as well as the mitigation plan, to the time of construction plan submittal of each phase; and

Whereas, the Planning and Zoning Commission has recommended the variance be granted:

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

Section one. Recitals. That the recitals to this Resolution are incorporated herein for all purposes.

Section two. Findings. As required by City Code Sec. 98-82 City Council finds:

- Granting the variance is not contrary to the public interest: **as the applicant would be required to still provide the tree preservation and mitigation plans at the time of construction plan submittal to the code requirement would still be met.**
- The literal enforcement of this chapter would result in unnecessary hardship: **as the amount of acreage and number of trees could change within the proposed timeframe to complete the different phases and approving the variance would allow the applicant sufficient time to preserve healthy trees and meet the intent of the code.**
- The variance observes the spirit of the chapter and concludes that substantial justice is done: **By granting this variance, the spirit of the code is observed, ad substantial justice is done**

Section three. Approval. The variance request is hereby approved and granted.

Section four. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

Section five. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 8th day of March 2022.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary