



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

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

Notice is hereby given that the **Public Hearing and Regular Meeting of the Planning and Zoning Commission** of the City of Burnet, Texas will be held on Monday, **February 6, 2023** 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 December 5, 2022.

4. PUBLIC HEARINGS:

- 4.1) Public Hearing and Consideration of the following: Zoning Classifications presented by Leslie Kimbler, Planning Manager, and Bryce Van Arsdale, Planner.

- (a) 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 805 NORTHINGTON (Legal Description: 0.22-ACRE TRACT LOT NUMBER 3, LUNA PARK). WITH SINGLE-FAMILY RESIDENTIAL "R-1" PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- (1) Staff Presentation – B. Van Arsdale
- (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 LOCATED AT 5409 S US HWY 281 (LEGALLY DESCRIBED AS: BEING 16.72 ACRES OF LAND (INSIDE CITY LIMITS), MORE OR LESS, OUT OF AND PART OF THE FRANCISCO YBARBO SURVEY NO. 39, ABST. NO. 1018, AND THE SUSANO HERNANDEZ SURVEY NO 40, ABST. NO 398) WITH HEAVY COMMERCIAL – DISTRICT "C-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.

5. ACTION ITEMS:

- 5.1) Discuss and consider: A RESOLUTION BY THE BURNET PLANNING AND ZONING COMMISSION DENYING A PRELIMINARY PLAT APPLICATION FOR THE HILLTOP OAKS SUBDIVISION: L. Kimbler
- 5.2) Discuss and consider: Amendments to the Planning and Zoning By-Laws

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 2, 2022 at or before 5 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this the 3rd day of February 2023

Kelly Dix, City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

The City of Burnet Council Chambers 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

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, **December 5, 2022**, at **6:00 p.m.** at the City of Burnet's Council Chambers located at 2402 S Water St., Burnet, Texas 78611 at which time the following subjects will be discussed, to-wit:

1. CALL TO ORDER:

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

2. ROLL CALL:

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

Members absent: None

Guests: Mrs. Lynn, Lance Gunn, Mack and Beckie Webster, Matt Harper

Others present: Habib Erkan- Assistant City Manager, Leslie Kimbler- Planning Manager, Bryce Van Arsdale- Planner

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 November 7, 2022.

There being no objections, Chairman Gaut approved the minutes as presented.

4. PUBLIC HEARINGS:

- 4.1) Public Hearing and Consideration of the following: Adoption and Amendments of the Zoning Ordinance presented by Assistant City Manager, Habib Erkan.

- a) AN ORDINANCE AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF AMENDING THE MUNICIPAL GOLF COURSE VEGETATIVE BUFFER DEFINITIONS AND REQUIREMENTS PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

Habib Erkan presented staff's report regarding the vegetative buffer

Amendment.

Chairman Gaut opened the floor for public comment at 6:04 p.m.

Becky Webster spoke in support of the proposed amendment.

Lance Gunn spoke in support of the proposed amendment.

Bryce Van Arsdale, Planner, read two written responses that were received following the public notices, one in favor, one in opposition.

Chairman Gaut closed the public hearing at 6:12 p.m.

Chairman Gaut requested clarification on verbiage of public notice.

Commissioner Teague requested clarification regarding current restrictions imposed by buffer, as well as location of buffer.

Commissioner Gates made a motion to recommend approval of vegetative buffer amendment as proposed, Commissioner Williams seconded. The motion carried with a vote of 5 to 0.

5. DISCUSS AND REVIEW:

5.1) Review and discuss Planning and Zoning By-Laws for amendment

Chairman Gaut led a discussion surrounding amendments to the Planning & Zoning Commission By-Laws.

Chairman Gaut requested that commissioners submit any comments about current by-laws to city staff by 12/19/2022.

6. STAFF REPORTS:

7. REQUESTS FOR FUTURE AGENDA ITEMS:

ADJOURN: There being no further business, Chairman Gaut adjourned the meeting at 6:39 p.m.

Tommy Gaut, Chair
City of Burnet Planning and Zoning Commission

Attest: _____
Herve Derek Fortin, Secretary



Development Services

ITEM 4.1 (a)

Bryce Van Arsdale
Planner
512-715-3206
bvanarsdale@cityofburnet.com

Agenda Item Brief

- Meeting Date:** Monday, February 6, 2023
- 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 805 NORTHINGTON (Legal Description: 0.22-ACRE TRACT LOT NUMBER 3, LUNA PARK). WITH SINGLE-FAMILY RESIDENTIAL “R-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE
- Background:** Located across from Wallace Riddell Park, the subject property is currently zoned light commercial, “C-1”. The property has previously been existing non-conforming as a residence. After searching through records, staff was unable to determine intent of the initial zoning.
- Information:** The applicant purchased the property intending to live in the existing residence on the property. Sec. 118-45 prohibits this use within light commercial zones.
- 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	“C-1”	“R-3”	“R-2A”	“C-1”
FLUM	Open Space	Residential	Residential	Residential
Land Use	Public Park	Apartments	Duplex	Single-family residence

Commented [LK1]: Mention what these actually are:
Apartments, Park, etc.

- Public Notification:** A Notice of Public Hearing was published in the Burnet Bulletin on January 25, 2023, and written notices were mailed to fifteen (15) 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

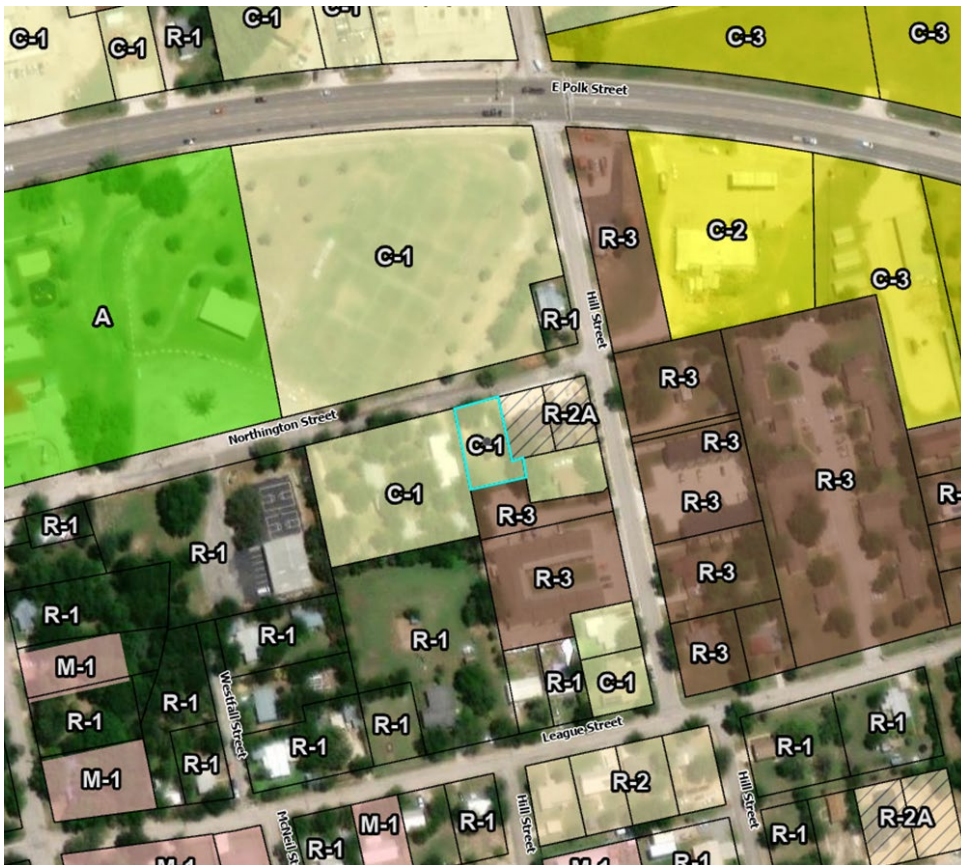
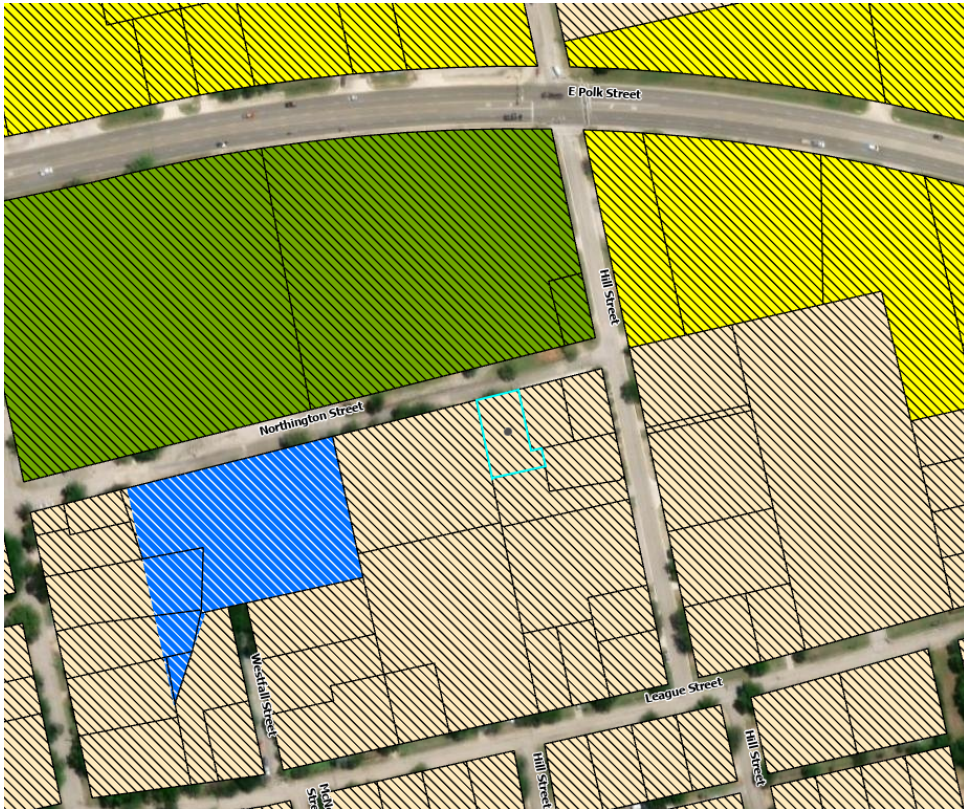


Exhibit "B"
Future Land Use Map



Government



Commercial



Residential



Open Space

ORDINANCE NO. 2023-XX

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 805 NORTINGTON (Legal Description: 0.22-ACRE TRACT LOT NUMBER 3, LUNA PARK). WITH SINGLE-FAMILY RESIDENTIAL “R-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

Commented [LK2]: This number never changes; if you read this section is referring to the ordinance that assigned the zoning to all of the properties

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 located at 805 Northington Street. (Legally Described as: 0.22-ACRE TRACT LOT NUMBER 3, LUNA PARK) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. Single-family residential - District “R-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 14TH day of February, 2023

PASSED AND APPROVED on this the 28th day of February, 2023.

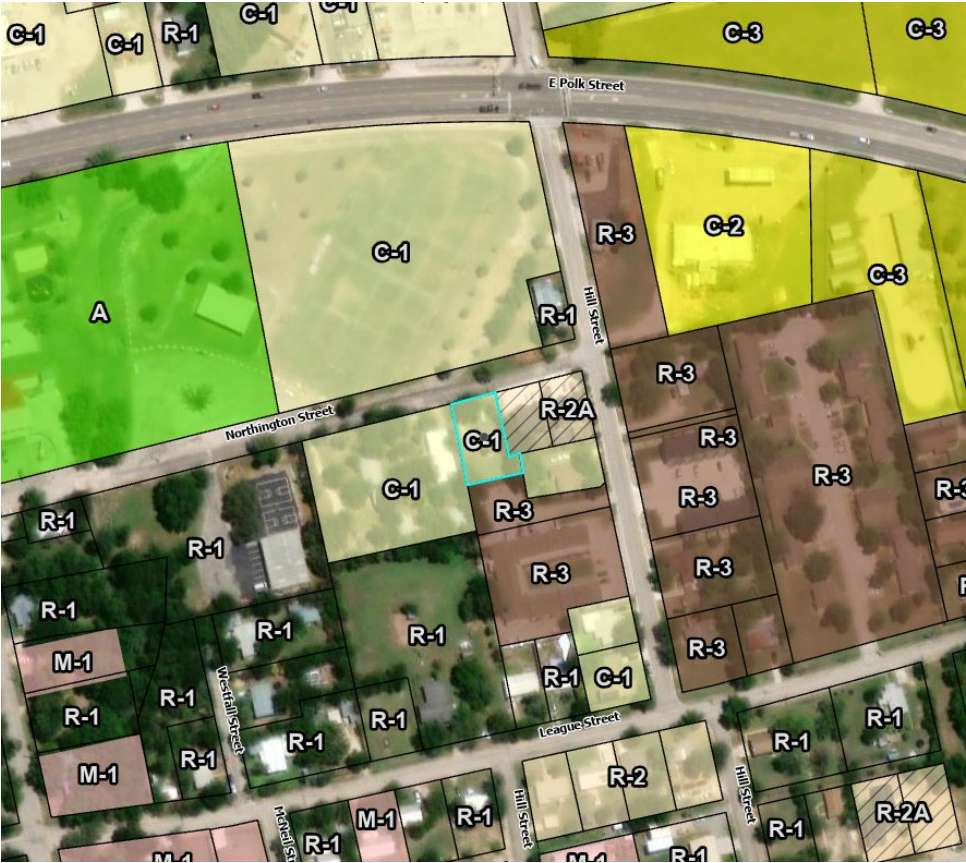
CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

Exhibit A
Location and zoning of Subject Property





Development Services

ITEM 4.1 (b)

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

Agenda Item Brief

Meeting Date: February 6, 2023

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 LOCATED AT 5409 S US HWY 281 (LEGALLY DESCRIBED AS: BEING 16.72 ACRES OF LAND (INSIDE CITY LIMITS), MORE OR LESS, OUT OF AND PART OF THE FRANCISCO YBARBO SURVEY NO. 39, ABST. NO. 1018, AND THE SUSANO HERNANDEZ SURVEY NO 40, ABST. NO 398) WITH HEAVY COMMERCIAL – DISTRICT “C-3” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: The subject property is a total of 28 acres with approximately 16 of those acres within the city limits. The property is located along South Highway 281 just north of Park Road 4 on the east side of the highway (Exhibit A). The property is currently zoned as Light Commercial – District “C-1” and abuts the city limits. Prior to the new owners, the portion of the property within the city limits was vacant of any operating buildings with landscaping material stored on pervious cover.

Information: In 2021, the current property owners purchased the property to develop into a functioning materials and supply yard. The property owners have made considerable improvements to the property and are building a new warehouse on the property within the city limits. During the time of permitting, it was noticed that the property is not properly zoned for the proposed use. All though the property had originally been utilized for a similar use, the site improvements and new building on the property require the property to come into compliance with the zoning code. The applicant is requesting the rezone to obtain a Certificate of Occupancy for the new business.

Staff Analysis: The Future Land Use Map (Exhibit B) designation for the area is Commercial. The request for the Commercial designation is appropriate.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"C-1"	"C-1"	"ETJ"	"C-1"
FLUM	Commercial	Residential	Commercial	Commercial
Land Use	Undeveloped	Undeveloped	Landscape material yard	Undeveloped

Heavy Commercial – District "C-3" is governed by code of ordinances, Sec. 118-47, and allows intense commercial uses and transportation services provided that such use shall be compatible with adjacent and neighboring residential areas and not create unreasonable traffic or land use conflicts. This district also includes those uses permitted in the "NC" Neighborhood Commercial, Light Commercial – District "C-1", and Medium Commercial – District "C-2" zoning districts.

An example of some allowable uses would be:

- Automobile sales (outdoor)
- Carpentry, painting, plumbing or tinsmiths' shops
- Heavy machinery sales, storage and service
- Lumber yards and building materials storage yards
- Uses as determined by the commission and council which are closely related and similar to those listed.

Section 118-20, Chart 1, states properties zoned "C-1" must be a minimum of 15,000 square feet with a minimum lot width of 60 feet. The subject property does exceed both requirements.

Currently, the property is serviced by an existing well and on-site septic facility; it is also serviced by PEC Electric as it is not inside the City of Burnet's electrical service area.

Public Notification: Written notices were mailed to eight (8) surrounding property owners within 200 feet of the subject property within the city limits. There have been zero responses in favor and zero responses in opposition.

Recommendation: **Staff recommends: Denial of the request for Heavy Commercial – District "C-3" and approval of Medium Commercial – District "C-2" which is the maximum zoning level required for proposed use.**

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

[illegible]

ORDINANCE NO. 2023-XX

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 LOCATED AT 5409 S US HWY 281 (LEGALLY DESCRIBED AS: BEING 16.72 ACRES OF LAND (INSIDE CITY LIMITS), MORE OR LESS, OUT OF AND PART OF THE FRANCISCO YBARBO SURVEY NO. 39, ABST. NO. 1018, AND THE SUSANO HERNANDEZ SURVEY NO 40, ABST. NO 398) WITH MEDIUM COMMERCIAL – DISTRICT “C-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 located at 5409 S US HWY 281 (LEGALLY DESCRIBED AS: BEING 16.72 ACRES OF LAND (INSIDE CITY LIMITS), MORE OR LESS, OUT OF AND PART OF THE FRANCISCO YBARBO SURVEY NO. 39, ABST. NO. 1018, AND THE SUSANO HERNANDEZ SURVEY NO 40, ABST. NO 398) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. Medium Commercial – District “C-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 First Reading on the 14TH day of February 2023.

PASSED AND APPROVED on this the 28TH day of February 2023.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
Location





Development Services

ITEM 5.1

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

Agenda Item Brief

Meeting Date: February 6, 2023

Action Item: Discuss and consider: A RESOLUTION BY THE BURNET PLANNING AND ZONING COMMISSION DENYING A PRELIMINARY PLAT APPLICATION FOR THE HILLTOP OAKS SUBDIVISION: L. Kimbler

Information: The proposed subdivision, zoned with a Planned Unit Development/Manufactured Housing, is located south of West Highway 29 at the southern termination of Southland Drive (Exhibit A). The applicant is proposing to subdivide the tract to create 92 residential lots, for manufactured housing, with two detention ponds (Exhibit B).

All lots within the subdivision are a minimum of half-acre. Three private streets will be created to be maintained by the subdivision's POA. The subdivision block lengths do exceed the allowable length in the City of Burnet's code of ordinances, Sec. 98-42, and therefore will require approval of a subdivision variance.

Water service will be provided to the subdivided lots by the extension of the City of Burnet water line which runs adjacent to the property. All lots will be served by On-Site Septic Facilities and will receive electricity with Pedernales Electric Coop.

Staff Analysis: City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 (entitled "Preliminary Plats"). It has been found that the preliminary plat application fails to comply with certain requirements of the City Code and the 2015 International Fire Code.

Sec. 98.48(1)(b) provides: "*[r]esidential blocks shall not exceed 600 feet nor be less than 300 feet in length, except as otherwise provided for herein.*"

Sec. 98-42(b)(1) of the City Code provides: "*any residential subdivision developments shall have a minimum of two means of ingress/egress when servicing more than 30 residential lots. The two means of ingress/egress shall comply with all the regulatory requirements of the city, including floodplain management.*"

Section D107 of the 2015 International Fire Code states: "Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads."

The proposed block length for the streets identified on the preliminary subdivision plat application as SPAULDING LOOP (BLOCK B) is 1103.47 FEET, SPAULDING LOOP (BLOCK C) is 841.83 FEET, BOWEN PASS (BLOCK E) is 822.3 FEET, and RET ROAD (BLOCK F) is 989.34 FEET, which exceeds the maximum length authorized under Sec. 98-48(1)(b).

After exhaustive research by the applicant, city staff and the city attorney, no evidence was found that conclusively shows the status of Hilltop Drive, to which the proposed access road would tie into, and it cannot be determined that it is a public road or a private road that the applicant has a legal right to access. The legal right to ingress and egress across Hilltop Drive is essential to connecting the property to the Highway 29 to meet City Code Sec. 98-42(b)(1) and 2015 IFC Sec. D107.

**Recommended
Motion:**

Approve Resolution P&ZR2023-01 recommending denial of the Preliminary Plat application for the Hilltop Oaks Subdivision.

Exhibit "A"
Tract



**PRELIMINARY WATER PLAN
FOR HILLTOP OAKS SUBDIVISION**
A 76.06-ACRE TRACT OF LAND
DESCRIBED IN DEED
RECORDED UNDER DOCUMENT NUMBER 2071030
OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS
JOHN HAMILTON SURVEY, ABSTRACT NO. 405
CITY OF BURNET, BURNET COUNTY, TEXAS



RESOLUTION NO. P&ZR2023-01

A RESOLUTION BY THE BURNET PLANNING AND ZONING COMMISSION DENYING A PRELIMINARY PLAT APPLICATION FOR THE HILLTOP OAKS SUBDIVISION.

Whereas, at a duly notice public meeting held this date the Commission considered an application for a preliminary plat to establish the Hilltop Oaks Subdivision; and

Whereas, at the public meeting the applicant was given the opportunity to present their application; and

Whereas, at the public meeting the applicant the City Planner presented a recommendation for denial of the application due to the applicant's failure to satisfy the requirements of Sec. 98-42(b)(1) of the City Code and Sec. D107 2015 International Fire Code; as well as Sec. 98-48(1)(b) of the City Code.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF BURNET, TEXAS, THAT:

Section one. Findings. That the recitals to this Resolution are found to true and correct and incorporated herein for all purposes as the findings of the Commission.

Section two. Additional Findings. Upon receipt of the presentation of this application by city staff, the Commission makes additional findings as follows:

- (a) The preliminary plat application proposes the establishment of 92-single family lots on approximately 75.87 acres (hereinafter the acreage shall be referenced as the "property"); and
- (b) Sec. 98-42(b)(1) of the City Code provides: "*any residential subdivision developments shall have a minimum of two means of ingress/egress when servicing more than 30 residential lots. The two means of ingress/egress shall comply with all the regulatory requirements of the city, including floodplain management*"; and
- (c) Sec. D107 of the 2015 International Fire Code provides as follows:

SECTION D107 ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments. *Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.*

Exceptions:

1. *Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.*

2. *The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.*

D107.2 Remoteness. *Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.*

- (d) Sec. 98.48(1)(b) provides: “[r]esidential blocks shall not exceed 600 feet nor be less than 300 feet in length, except as otherwise provided for herein”; and
- (e) The City Planner has opined that the requirements of Sec. 98-42(b)(1) of the City Code and Sec. D107 2015 International Fire Code are applicable to this application; and
- (f) The application makes reference to a forty-foot-wide proposed access road established by two instruments recorded as Document No. 20210389 and Volume 153, Page 795 of the Public Records of Burnet County, as satisfying the requirements of Sec. 98-42(b)(1) of the City Code and Sec. D107 2015 International Fire Code; and
- (g) Upon consultation with the city attorney the City Planner has determined that the easement is shown to terminate near a location known as Hilltop Drive; and
- (h) After exhaustive research by the applicant, city staff and the city attorney no evidence was found that conclusively shows the status of Hilltop Drive and it cannot be determined that it is a public road or a private road that the applicant had a legal right to access; and
- (i) The legal right to ingress and egress across Hilltop Drive is essential to connecting the property to the public road (Texas Hwy 29); and
- (j) The proposed block length for the streets identified on the preliminary subdivision plat application as SPAULDING LOOP (BLOCK B) is 1103.47 FEET, SPAULDING LOOP (BLOCK C) is 841.83 FEET, BOWEN PASS (BLOCK E) is 822.3 FEET, and RET ROAD (BLOCK F) is 989.34 FEET, which exceeds the maximum length authorized under Sec. 98-48(1)(b).

Section two. Recommendation. In accordance with Sec. 212.0091 Local Government Code the Commission recommends the plat application be denied by City Council for the conditions that follow:

- (a) The preliminary plat application fails to comply with the requirements of Sec. 98-42(b)(1) of the City Code and Sec. D107 2015 International Fire Code; and
- (b) The preliminary plat violates Sec. 98-48(1)(b) in that proposed block lengths exceeds 600 feet.

Section three. Cure of conditions. The Commission recommends that in order to cure the conditions for denial the applicant be made to revise the preliminary plat application to show the location of the proposed secondary access connects to a public road and by provision of a plat note showing a legal right of the future residents of the proposed subdivision to ingress and egress across the aforementioned Hilltop Drive or other way. Such evidence shall be made by either:

- (a) Proof of public acceptance of public rights-of-way connecting to a public road by either:
 - (1) order of acceptance of the right-of-way by the Burnet County Commissioner's Court, prior to annexation of the aforementioned Hilltop Drive; or
 - (2) ordinance, resolution or order of acceptance of the right-of-way by the City Council subsequent to annexation of the aforementioned Hilltop Drive;or
- (b) Proof of a private right of ingress and egress to the public road granted by an easement instrument executed by all required interested parties authorized to grant such rights, and which has been recorded in the Official Public Records of Burnet County; or
- (c) Proof of an implied dedication of public right-of-way as determined by final action of a court of appropriate jurisdiction.

The preliminary plat application shall be revised to include, as an exhibit, evidence of compliance with items (a)(1), (a)(2), (b), or (c), as may be applicable; and provide block lengths that comply with Sec. 98-48(1)(b).

Section four. Recordation. The City Planner is hereby authorized and directed to provide a copy of this Resolution to the applicant; include a copy of this Resolution in the official file of the Preliminary Plat Application; and forward the original to the City Secretary for both recordation in the City's Official Public Records and presentation to City Council.

Section 5. 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 Texas Open Meetings Act.

Section 6. Effective Date. That this resolution shall take effect immediately upon its passage, and approval.

PASSED AND APPROVED this the 6th day of February 2023.

**CITY OF BURNET, TEXAS
PLANNING AND ZONING COMMISSION**

ATTEST:

Tommy Gaut, Chairperson

Herve Derek Fortin, Secretary



Planning and Zoning Commission By-Laws

City of Burnet, TX

Article One – Authorization

- A. The Burnet Planning and Zoning Commission was created by Article IX, Section 9.02 of the Home Rule Charter of the City of Burnet under authority granted by the State of Texas.
- B. The official title of the Planning Commission shall be the “Planning and Zoning Commission,” hereinafter referred to as the “Commission.”

Article Two – Purpose

- A. The purposes of the Commission are to:
 - (i) Assist the City Council of the City of Burnet, Texas with planning and zoning matters;
 - (ii) Anticipate and guide future development and change, in and around the City, by preparing plans, ordinances, capital improvements programs, studies, reports and other documents for consideration by the City Council;
 - (iii) Administer the zoning program of the City and prepare recommendations for the City Council; and
 - (iv) Consider, and approve or disapprove, requests for any variance to the subdivision regulations.

Article Three – Membership

- A. The Commission shall consist of no less than five (5) or more than seven (7) members, who are citizens of Burnet and qualified to vote in city elections, and nominated and confirmed by the City Council.
- B. Each member shall serve a term of two (2) years.

- C. Any vacancy in membership shall be filled by appointment by the City Council, and shall be for the remainder of the term of office only.
- D. Any member of the Commission shall be eligible for re-appointment.
- E. Any member of the Commission may be removed by the City Council for inefficiency, neglect of duty or malfeasance in office.
- F. The term of office for an officer of the Commission shall expire immediately prior to the beginning of the regular July meeting, at which meeting the successor's term of office shall begin, even if the officer is re-elected.
- G. Any member of the Commission failing to attend more than three (3) consecutive regular meetings will be considered as resigned from the Commission. Whereupon, the City Council shall name a replacement to complete the term of office. If the resigned member is also an officer, the Commission shall elect a new officer to finish the term, consistent with these By-Laws.
- H. Any member of the Commission failing to attend more than four (4) regular meetings during a twelve (12) consecutive month period will be considered as resigned from the Commission. Whereupon, the City Council shall name a replacement to complete the term of office. If the resigned member is also an officer, the Commission shall elect a new officer to finish the term, consistent with these By-Laws.

Deleted: <#>The Mayor of Burnet and the City Manager shall be ex-officio (non-voting) members of the Commission. Attendance by the Mayor or City Manager shall not be counted toward the required quorum. See Article 7, Sub. A. ¶

Article Four – Selection of Officers

- A. Commission officers shall be the Chair, Vice-Chair, and Secretary. All officers must be appointed members of the Commission except the Secretary who may be a member of City Staff. All officers shall be elected by the membership.
- B. Nomination and election of officers shall be made from the floor at the beginning of the regular July meeting each year, with the Chair, Vice-Chair, and Secretary, considered in turn. A candidate receiving a majority vote of the entire membership for each office shall be declared elected for that office.
- C. Officers of the Commission shall serve for one year or until immediately prior to the beginning of the regular July meeting when a successor shall be elected.

Deleted: Officers of the

Deleted: consist of a

Deleted:

Deleted: shall

Deleted: and

- D. If for any reason the Commission should fail to elect new officers at the regularly scheduled July meeting, they shall attempt to do so at the next regularly scheduled meeting(s) of the Commission, until successful.
- E. Should a vacancy occur in one of the offices of the Commission, a new officer shall be elected by the membership in the same manner as officers are normally elected.

Article Five – Duties of Officers

- A. The Chair shall be a member of the Commission and shall:
- (i) Preside at all meetings of the body.
 - (ii) Appoint all committees and the Chair of all committees.
 - (iii) Rule on all procedural questions, subject to a reversal by a two-thirds (2/3) majority vote of the members present.
 - (iv) Be informed of any official communication and report this information at the following Commission meeting.
 - (v) Certify all official documents involving the authority of the Commission.
 - (vi) Certify all minutes as true and correct copies.
 - (vii) Carry out other duties as assigned by the Commission, and
 - (viii) Act in the absence or inability of the Secretary and Vice-Chair to act, with the full powers of the Secretary, until a successor is elected by the Commission.
- B. The Vice-Chair shall be a member of the Commission and shall:
- (i) Act in the absence or inability of the Chair to act, with the full powers of the Chair; and
 - (ii) Act in the absence or inability of the Secretary to act, with the full powers of the Secretary.
- C. The Secretary may be a member of the Commission or a member of city staff and shall cause the following to be provided:
- (i) A record of attendance at all Commission meetings.
 - (ii) Minutes of the Commission meetings.
 - (iii) Notification of the members of the Commission of all meetings.
 - (iv) A file of all official Commission records and reports in City Hall.
 - (v) A certification of all maps, records, and reports of the Commission.
 - (vi) Notification and publication of all Commission hearings and meetings.
 - (vii) Correspondence as necessary for the execution of the duties and functions of the Commission.

Deleted: shall

Deleted: : §

<#>Act in the absence or inability of the Chair to act, with the full powers of the Chair, provided the Vice-Chair is also absent or unable to assume the duties of the Chair, and §

Cause

Article Six – Ethics

- A. The primary obligation of a member of the Commission is to serve the public interest, particularly of the citizens of Burnet, Texas.
- B. Citizen participation is vital to the success of any city planning commission and each member of the Commission has the obligation and duty to encourage citizen participation in the planning process.
- C. The members of the Commission should be alert for opportunities to expand the choices and plans for the needs of disadvantaged persons.
- D. The members of the Commission shall avoid conflicts of interest and the appearance of conflicts of interest, whether in matters of business, friendship, blood or marriage. The public expects the Commission to be fair and objective in making planning decisions.
- E. The members of the Commission shall neither seek nor offer favors, directly or indirectly solicited, for any service or gift that could be misunderstood as influence or undue compensation.
- F. The members of the Commission shall not disclose or improperly use confidential information for gain or advantage.
- G. Serving on the Commission is a public trust and it is vital for the public to have confidence in the members of the Commission.

Article Seven – Meetings

- A. Three (3) members of the Commission constitute a quorum for the transaction of business. Passage or failure of any motion by a majority vote of the members present during the quorum shall be binding upon the Commission. See Art. 8, Sub. A.
- B. If the ~~Chair and Vice-Chair are absent from the~~ quorum, the first act shall be the selection of a Temporary Chair to preside over the meeting. Should the members fail to select a Temporary Chair, the Commission shall adjourn.
- C. ~~The~~ Chair or Acting Chair shall call the room to order. The roll will be called to determine if a quorum exists. If a quorum exists, the Commission shall be convened to conduct business. If a quorum does not exist, the meeting shall adjourn.

Deleted: none of

Deleted: members constituting a

Deleted: is an officer of the Commission

Deleted: If any of the members constituting a quorum are an officer of the Commission, the...

Deleted: ,

- D. If the Chair of the Commission, or Acting Chair, has been informed that the Commission will fail to meet for lack of a quorum, the same announcement will be made to the public at the expected meeting time and the Commission adjourned.
- E. If a quorum is expected at the meeting, the Chair, or Acting Chair, shall delay calling the room to order until a quorum is possible or a minimum of fifteen (15) minutes, whichever occurs first. The Chair, or Acting Chair, may exceed the waiting time beyond the minimum of fifteen (15) minutes at his/her own discretion.
- F. Regular meetings of the Commission shall be held at the Council Chambers at the Burnet Municipal Airport on the first Monday of each calendar month at 6:00 P.M. local time, unless announced otherwise at least seven (7) days in advance of the meeting.
- G. Special meetings may be called by the Chair of the Commission, as may be required to comply with statutory plat approval timelines or address other important matters. The Secretary may also call a special meeting when notified of a need by at least three (3) members, which may include the Secretary.
- H. The Secretary of the Commission shall have written notice delivered to all other members at least five (5) days prior to a special meeting, giving the time, date, location, purpose, and agenda of the meeting. The Secretary shall likewise serve public notice of the special meeting as required by Texas State Statutes.
- I. Any written statements, documents, maps or other materials to be provided to the Commission must be registered with the City of Burnet and assigned an exhibit number at least ten (10) working days prior to the public hearing for consideration by the Commission.
- J. All meetings of the Commission must be open to the public.
- K. A meeting may be continued at a later date if the continuation is requested by an applicant with the approval of the Commission members in attendance. Any meeting that is continued must be concluded during the same calendar month. No continuation meeting may be further continued at a later date. The Commission's authority to table a motion or to continue a meeting at a later date shall be govern by State or Federal law or Municipal ordinance (such as no subdivision application can be tabled by the Commission).

Deleted: .

Article Eight – Voting

- A. No action of the Commission shall be valid unless authorized by a majority vote of all voting members of the Commission present during a quorum.
- B. Negative votes, and abstentions are all “nay” votes on any motion before the Commission.
- C. Members of the Commission must excuse themselves from voting on any motion if there may be a conflict of interest. The motion shall be tabled if a recusal results in failure to reach a quorum of the Commission.
- D. The Chair shall entertain a motion and a second to the motion, whereupon the Chair shall call for the vote of the members present, with the Chair casting the final vote on the motion.
- E. A tie vote or failure to take action shall be recorded as a recommendation of denial of the matter before the commission. In the case of a tie the Chair shall call for the members to state, for the record, the rationale for casting their vote, which shall be included in the report to Council with the recommendation.

Deleted: is neither a passage

Deleted: of a motion and shall result in no

Deleted: taken by

Deleted: Commission.

Deleted: such an event,

Deleted: .

Article Nine – Order of Business

- A. The order of business for a regular meeting shall be as follows as presided by the Chair:
 - (i) Call to order.
 - (ii) Roll Call.
 - (iii) Determination and announcement of a quorum. See Art. 7 Sub C, D and E.
 - (iv) Consent Agenda Items including acceptance of the minutes of any previous meeting as accurate or changed as needed.
 - (v) Conduct Public Hearings
 - (vi) Consideration and take action on proposed action items and/or discussion topics
 - (vii) City Staff Reports
 - (viii) Introduce new business as a motion approved by majority vote
 - (ix) Request for future agenda items.
 - (x) Adjournment.
- B. Parliamentary procedure in Commission meetings shall be governed by Robert’s Rules of Order (revised edition), unless superseded by State or Federal law, Municipal ordinance, or these By-Laws.

- C. The Secretary of the Commission shall cause to be kept a copy of the minutes of each meeting and these shall be a public record. The Secretary and Chair shall sign all official minutes and certify at the end of the year that all minutes of meetings of the previous year are true and correct copies.

Article Ten – Public Hearings

- A. In addition to those required by law, the Commission may hold public hearings on any planning and zoning matter which it deems to be in the public interest.
- B. The Chair shall summarize the matter before the Commission or introduce another person to make a presentation on the matter before allowing interested parties to address the Commission. The Chair may also accept written statements and other documentation pertinent to the matter before the Commission.
- C. An accurate written record, audio taping or audio-video recording shall be made of the proceedings of each public hearing and maintained as part of the Commission's files.

Article Eleven – Amendments

Amendment of these By-Laws may be initiated by the Commission or by Council. If an amendment is initiated by the Commission the proposed change shall be presented at a prior meeting before acted on, and if approved, sent to Council for confirmation. Such amendments, once adopted by Council, are effective immediately.

Deleted: These

Deleted: amended

Deleted: a majority vote of

Deleted: entire

Deleted: City

Deleted: at a regular meeting, provided

Deleted: was introduced at the previous regular monthly meeting. shall be presented at a prior meeting be

Deleted: changes

Deleted: Commission or City

Deleted: vote