



## 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, **April 3, 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 February 6, 2022.

### 4. PUBLIC HEARINGS:

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

- (a) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CITY CODE OF ORDINANCES CHAPTER 118 (ENTITLED "ZONING") SECTION 118-63 (ENTITLED "MUNICIPAL GOLF COURSE VEGETATIVE BUFFER REQUIREMENTS") BY IMPLEMENTING TREE PRESERVATION REGULATIONS WITHIN THE MUNICIPAL GOLF COURSE VEGETATIVE BUFFER ZONE AND REQUIRING SUBDIVIDERS OF AFFECTED LOTS TO INCLUDE A PLAT NOTE

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

- (b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 302 SOUTH HILL STREET (Legal Description: S6127 LUNA PARK LOT 4) 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.

(c) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 308 SOUTH HILL STREET (Legal Description: S4150 KERR DONATION (5 AC BLOCKS) BLK 8 (PT OF 5 AC) KNOWN AS TR D (70X103) .1655) 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.

(d) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 310 SOUTH HILL STREET (Legal Description: S4150 KERR DONATION (5 AC BLOCKS) BLK 8 (PT OF 5 AC) KNOWN AS TR C (70X103) .1655) 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.

(e) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS THE CORNER LOT OF SOUTH WEST STREET AND WEST LEAGUE STREET (Legal Description: BEING ALL OF LOT NO. 3, BLOCK NO. 1 OF THE PETER KERR PORTION) WITH LIGHT COMMERCIAL “C-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.

4.2) The Planning & Zoning Commission shall conduct a public hearing to receive public testimony and comments on the merits of a proposed Replat of Lot 3 and a Portion of Lot 4, Block 11, Peter Kerr Donation, City of Burnet. The proposed “Replat” will consist of 3 residential lots: L. Kimbler

## **5. ACTION ITEMS:**

- 5.1) A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES, SECTION 118-20, CHART 1, FOR LOT WIDTHS AND SETBACKS FOR THE PROPOSED PRELIMINARY REPLAT OF LOT 3 AND A PORTION OF LOT 4, BLOCK 11, PETER KERR DONATION, CITY OF BURNET: L. Kimbler
- 5.2) RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE REPLAT OF LOT 3 AND A PORTION OF LOT 4, BLOCK 11, PETER KERR DONTATION, CITY OF BURNET: L. Kimbler
- 5.3) A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING SOUTH HWY 281 DELAWARE COMMERCIAL PLAT, CONSISTING OF APPROXIMATELY 3 COMMERCIAL LOTS ON 19.65 ACRES OUT OF ABST A0398 SUSANO HERNANDEZ & ABST 1018 FRANCICO YBARRO, ABST. 29 WASHINGTON TRACT: 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 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 31<sup>st</sup> day of March 2023**

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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](mailto: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, **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:

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: Austin Shell, David Bowen, Hal Ferguson, Travis Spaulding, Rick Lantis, Joseph King, David Beardsley

Others present: Habib Erkan- Assistant City Manager, Carly Kehoe-Pearson- Director of Public Works and Development Services, 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 December 5, 2022.

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

### 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.

Bryce Van Arsdale presented staff's report regarding the draft ordinance.

Chairman Gaut opened the floor for public comment at 6:02 p.m.

There being no comment, Chairman Gaut closed the public hearing at 6:03 p.m.

Commissioner Williams moved to approve the draft ordinance; the motion was seconded by Commissioner Gates. The motion carried with a vote of 5 to 0.

(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.

Leslie Kimbler presented staff's report regarding the draft ordinance.

Chairman Gaut opened the floor for public comment at 6:07 p.m.

David Beardsley, applicant for the request, spoke in favor of the proposed rezone.

There being no further comment, Chairman Gaut closed the public hearing at 6:11 p.m.

Chairman Gaut requested clarification regarding the proposed rezone, recommending C-2 zoning with a CUP, rather than proposed C-3.

Commissioner Williams moved to approve the motion: Medium Commercial - C-2 zoning with a Conditional Use Permit allowing for Landscape and Materials Yard; the motion was seconded by Commissioner Gates. The motion carried with a vote of 5 to 0.

## **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

Leslie Kimbler presented staff's report regarding the proposed resolution.

Chairman Gaut opened the floor for public comment at 6:22 p.m.

David Bowen, Rick Lantis, Austin Shell, and Travis Spaulding spoke against the denial of the preliminary plat application.

Habib Erkan addressed the commission regarding some of the public's questions and comments pertaining to the plat and the reason for the denial.

Chairman Gaut closed the floor at 6:55 p.m.

Chairman Gaut asked for clarification regarding the meaning of the resolution and confirm the path forward for the applicants.

Chairman Gaut moved to approve resolution denying the preliminary plat application for the Hilltop Oaks Subdivision.

Commissioner Teague seconded the motion. The motion passed with a vote of 5 to 0.

5.2) Discuss and consider: Amendments to the Planning and Zoning By-Laws

Chairman Gaut opened the floor for Commissioner comments regarding proposed by-laws.

There being none, Chairman Gaut moved to approve the proposed by-laws.

Commissioner Gates seconded the motion. The motion carried with a vote of 5 to 0.

**6. STAFF REPORTS:**

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

**ADJOURN:**

There being no further business, Chairman Gaut adjourned the meeting at 6:59 p.m.

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Tommy Gaut, Chair  
City of Burnet Planning and Zoning Commission

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



## Development Services

## ITEM 4.1 (a)

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

## Public Hearing and Action

**Meeting Date:** April 3, 2023

**Agenda Item:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CITY CODE OF ORDINANCES CHAPTER 118 (ENTITLED "ZONING") SECTION 118-63 (ENTITLED "MUNICIPAL GOLF COURSE VEGETATIVE BUFFER REQUIREMENTS") BY IMPLEMENTING TREE PRESERVATION REGULATIONS WITHIN THE MUNICIPAL GOLF COURSE VEGETATIVE BUFFER ZONE AND REQUIRING SUBDIVIDERS TO OF AFFECTED LOTS TO INCLUDE A PLAT NOTE; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. (H. Erkan Jr, Assistant City Manager)

**Background:** The municipal golf course vegetative buffer was established by Ordinance No. 2022-12. The ordinance established a 25-foot-wide municipal golf course vegetation buffer on lots abutting the golf course. The ordinance requires the vegetative buffer area to remain in its natural state or be landscaped. The ordinance, as originally adopted prohibited the placement of structures of fences within the vegetative buffer area. The ordinance was amended earlier this year to allow the city manager issue decorative fence waivers for lots not abutting tee boxes, putting greens or irrigation pedestals.

**Information:** This ordinance was proposed at the March 14, 2023, City Council meeting. This ordinance provides protection to all Live Oaks within Municipal Golf Course Vegetative Buffer. This ordinance would allow the removal of such trees upon approval of a tree removal permit. The ordinance authorizes the City Manager to issue such permit when he determines the tree in question is less than 36 caliber inches and located within close proximity to the proposed location of the slab for the house to be constructed on the lot.

**Fiscal Impact** No direct fiscal impact is anticipated.

**Recommendation:** Open the Public Hearing.



**ORDINANCE NO. 2023-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CITY CODE OF ORDINANCES CHAPTER 118 (ENTITLED “ZONING”) SECTION 118-63 (ENTITLED “MUNICIPAL GOLF COURSE VEGETATIVE BUFFER REQUIREMENTS”) BY IMPLEMENTING TREE PRESERVATION REGULATIONS WITHIN THE MUNICIPAL GOLF COURSE VEGETATIVE BUFFER ZONE AND REQUIRING SUBDIVIDERS TO OF AFFECTED LOTS TO INCLUDE A PLAT NOTE; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, pursuant to Ordinance No. 2022-12, City Council established a 25-foot-wide municipal golf course vegetation buffer, (hereinafter sometimes the “buffer”) on properties adjoining the golf course; and

**WHEREAS**, at its regularly scheduled meeting on March 14, 2023, City Council directed the City Manager to bring forward an amendment to Ordinance No. 2022-12 to protect live oak trees within the buffer; and

**WHEREAS**, on April 3, 2023, the Planning and Zoning Commission conducted a public hearing to receive comments and testimony on the merits of the code amendments proposed by this ordinance; and

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

**WHEREAS**, on April 11, 2023, City Council conducted a public hearing; to receive comments and testimony on the merits of the proposed code amendments; and

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

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

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



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

**Section one. Amendment.** The Code of Ordinances, Chapter 118 (entitled “Zoning”) is hereby amended by adding to Section 118-63 (entitled “*Municipal Golf Course Vegetative Buffer Requirements*”) a new subsection (h) (entitled “*Tree Protection*”) and (g) (“*Administration*”) to read as follows:

- (h) *Tree protection.* No live oak trees may be removed from the Municipal Golf Course Vegetative Buffer Zone, without the issuance of a permit by the City Manager authorizing such removal. Issuance of such permit shall be subject to the following:
  - (1) *Criteria:* The City Manager shall only issue a permit after making a finding that the live oak to be removed is located within ten feet of the slab, or proposed slab, of the main structure and is less than 36 caliper inches in diameter.
  - (2) *Administration.* Applications for a permit shall be made on such form as provided by the City Manager and shall be accompanied by the default application fee as referenced in Article VI of the Fee Schedule. The City Manager shall approve or deny the application within ten business days of receipt. The City Manager's failure to timely act on the application shall be deemed a denial.

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

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

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

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

**Section six. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this

Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

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

**Section ten. Effective Date.** This Ordinance shall be effective upon the date of final adoption hereof.

**Passed** on first reading on the 11<sup>th</sup> day of April 2023.

**Passed, Approved and Adopted** on the 25<sup>th</sup> day of April 2023.

**CITY OF BURNET**

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Crista Goble Bromley, Mayor

ATTEST:

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Kelly Dix, City Secretary



## Development Services

### ITEM 4.1 (b)

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

## Agenda Item Brief

**Meeting Date:** April 3, 2023

**Agenda Item:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 302 SOUTH HILL STREET (Legal Description: S6127 LUNA PARK LOT 4) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

**Background:** The property is on the South side of Hill Street. While it is currently zoned as light commercial, "C-1", it has been existing non-conforming as a single-family residence since 1940.

**Information:** This is a city-initiated rezone, amending and updating our zoning map. The requested zoning, "R-1", single-family residential is intended to conserve and protect single-family development. Permitted uses are single-family homes, public buildings, and accessory structures.

**Staff Analysis:** The Future Land Use Map (Exhibit B) designates the area surrounding the properties as residential. The request for single-family residential- "R-1" is appropriate in this instance.

Properties adjacent to the subject property are zoned as follows:

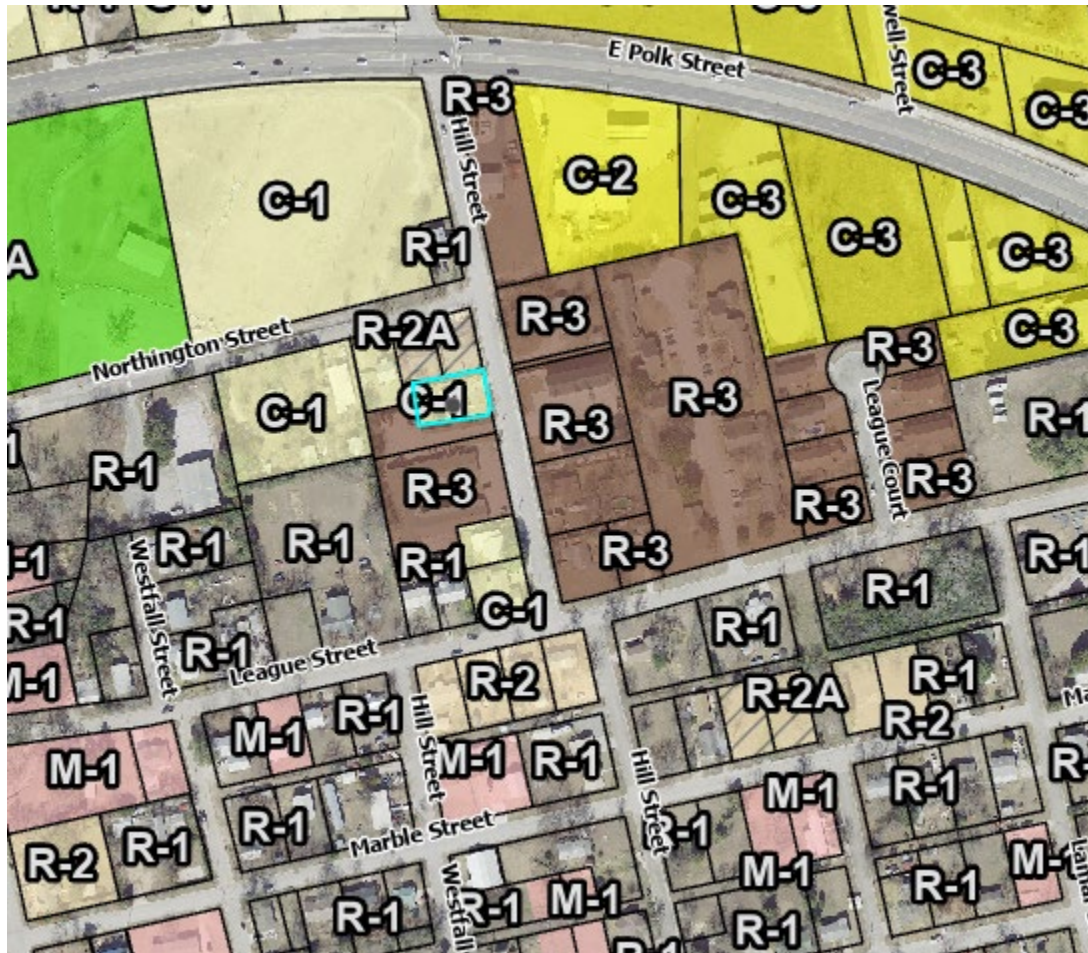
	North	South	East	West
Zoning	"R-2a"	"R-2"	"R-3"	"R-1"
FLUM	Residential	Residential	Residential	Residential
Land Use	Duplex	Single-Family residence	Single-family residence	Single-family residential

**Public Notification:** A Notice of Public Hearing was published in the Burnet Bulletin on March 22, 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.

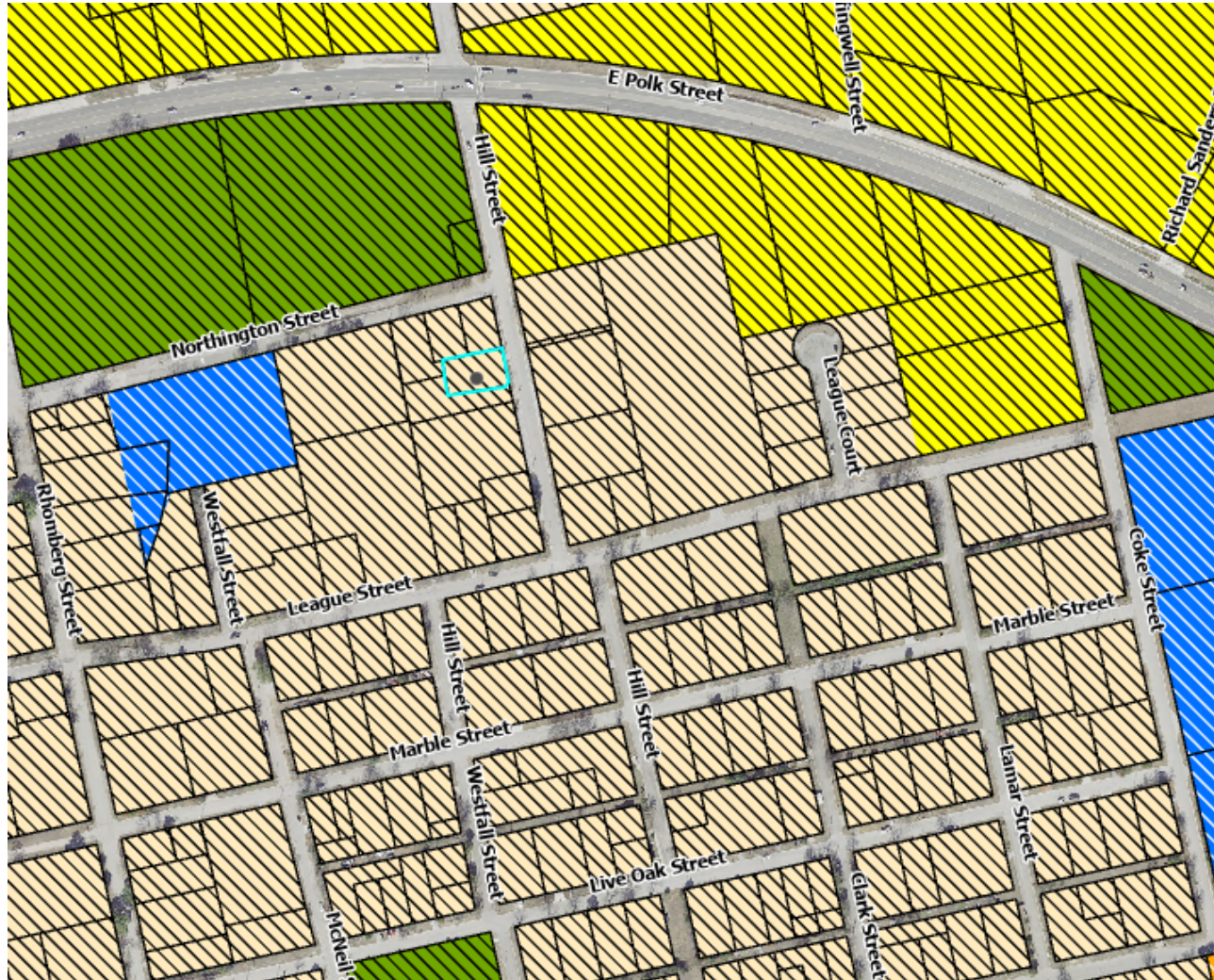
# Exhibit "A"

## 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 THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 302 SOUTH HILL STREET (Legal Description: S6127 LUNA PARK LOT 4). 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

**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 302 SOUTH HILL STREET (Legal Description: S6127 LUNA PARK LOT 4) 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 11<sup>TH</sup> day of April, 2023

**PASSED AND APPROVED** on this the 25<sup>th</sup> day of April, 2023.

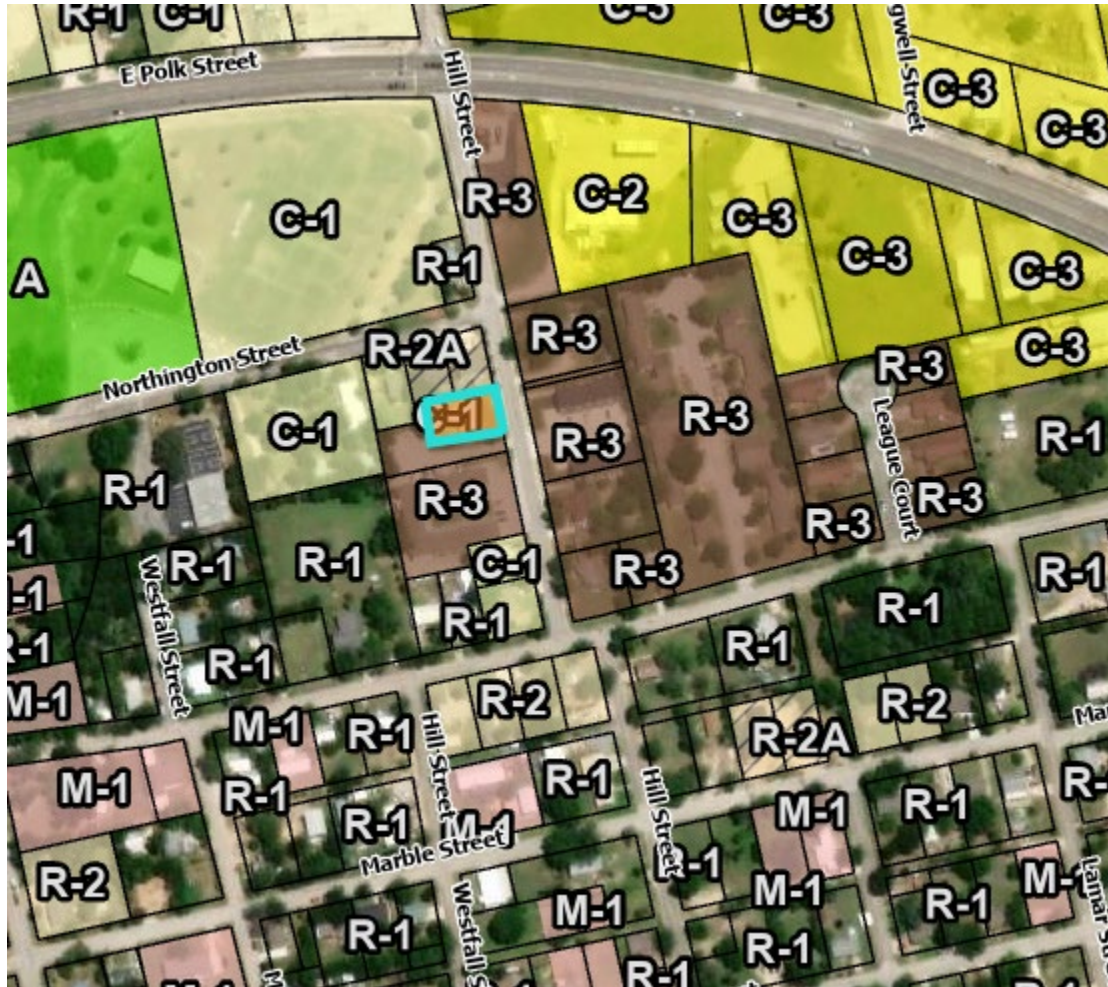
**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Crista Goble Bromley, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

**Exhibit A**  
Location and zoning of Subject Property





## Development Services

### ITEM 4.1 (c)

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

## Agenda Item Brief

**Meeting Date:** April 3, 2023

**Agenda Item:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 308 SOUTH HILL STREET (Legal Description: S4150 KERR DONATION (5 AC BLOCKS) BLK 8 (PT OF 5 AC) KNOWN AS TR D (70X103) 1655) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

**Background:** The property is on the South side of Hill Street. While it is currently zoned as light commercial, "C-1", it has been existing non-conforming as a single-family residence since 1980.

**Information:** This is a city-initiated rezone, amending and updating our zoning map. The requested zoning, "R-1", single-family residential is intended to conserve and protect single-family development. Permitted uses are single-family homes, public buildings, and accessory structures.

**Staff Analysis:** The Future Land Use Map (Exhibit B) designates the area surrounding the properties as residential. The request for single-family residential- "R-1" is appropriate in this instance.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
<b>Zoning</b>	"R-2a"	"R-2"	"R-3"	"R-1"
<b>FLUM</b>	Residential	Residential	Residential	Residential
<b>Land Use</b>	Duplex	Single-Family residence	Single-family residence	Single-family residential

**Public Notification:** A Notice of Public Hearing was published in the Burnet Bulletin on March 22, 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.

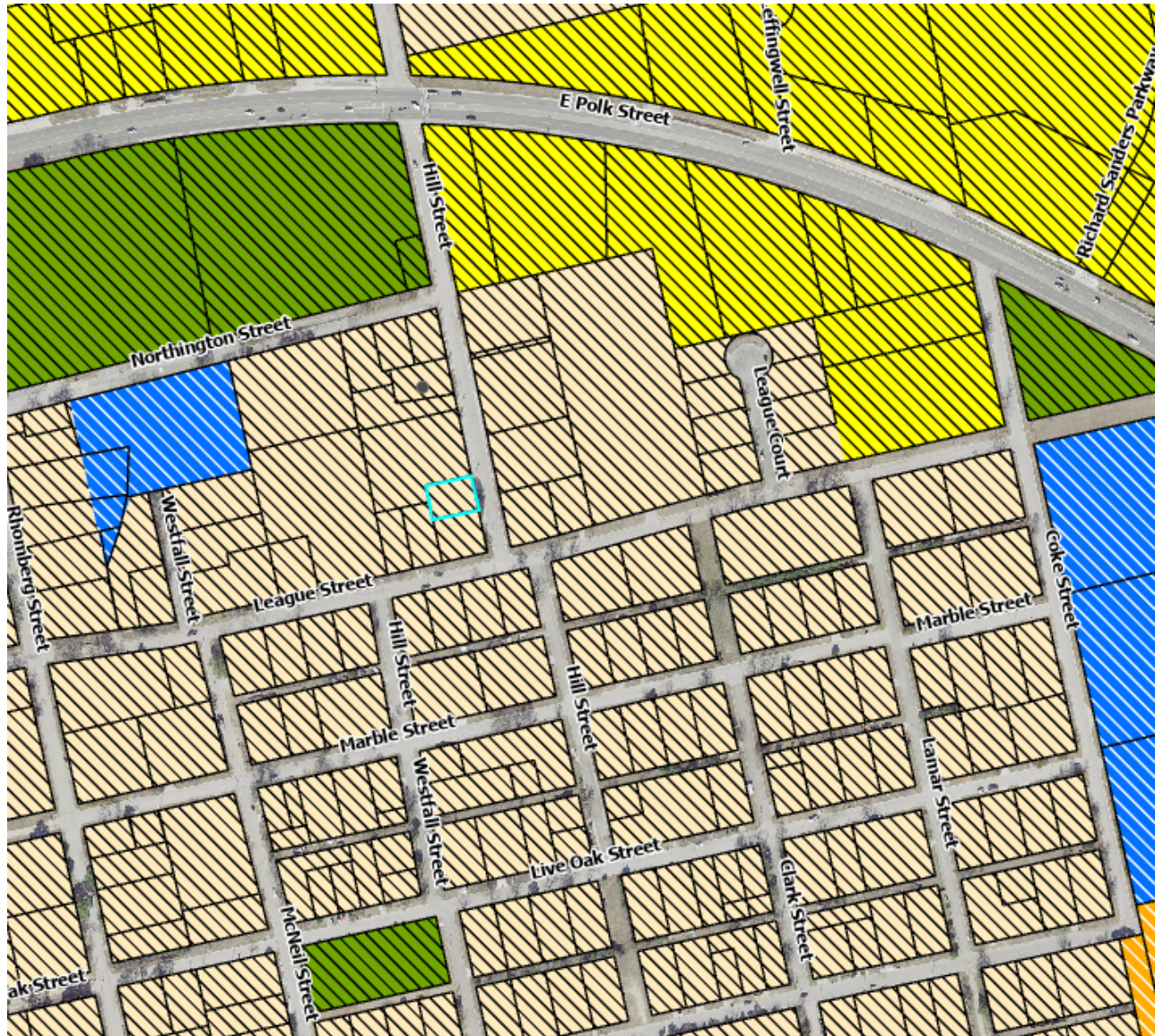
## Exhibit "A"

### 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 THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 308 SOUTH HILL STREET (Legal Description: S4150 KERR DONATION (5 AC BLOCKS) BLK 8 (PT OF 5 AC) KNOWN AS TR D (70X103) 1655). 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

**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 308 SOUTH HILL STREET (Legal Description: S4150 KERR



DONATION (5 AC BLOCKS) BLK 8 (PT OF 5 AC) KNOWN AS TR D (70X103) .1655) 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 11<sup>TH</sup> day of April, 2023

**PASSED AND APPROVED** on this the 25<sup>th</sup> day of April, 2023.

**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Crista Goble Bromley, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

**Exhibit A**  
Location and zoning of Subject Property





## Development Services

### ITEM 4.1 (d)

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

## Agenda Item Brief

**Meeting Date:** April 3, 2023

**Agenda Item:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 310 SOUTH HILL STREET (Legal Description: S4150 KERR DONATION (5 AC BLOCKS) BLK 8 (PT OF 5 AC) KNOWN AS TR C (70X103) .1655) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

**Background:** The property is on the South side of Hill Street. While it is currently zoned as light commercial, "C-1", it has been existing non-conforming as a single-family residence since 1980.

**Information:** This is a city-initiated rezone, amending and updating our zoning map. The requested zoning, "R-1", single-family residential is intended to conserve and protect single-family development. Permitted uses are single-family homes, public buildings, and accessory structures.

**Staff Analysis:** The Future Land Use Map (Exhibit B) designates the area surrounding the properties as residential. The request for single-family residential- "R-1" is appropriate in this instance.

Properties adjacent to the subject property are zoned as follows:

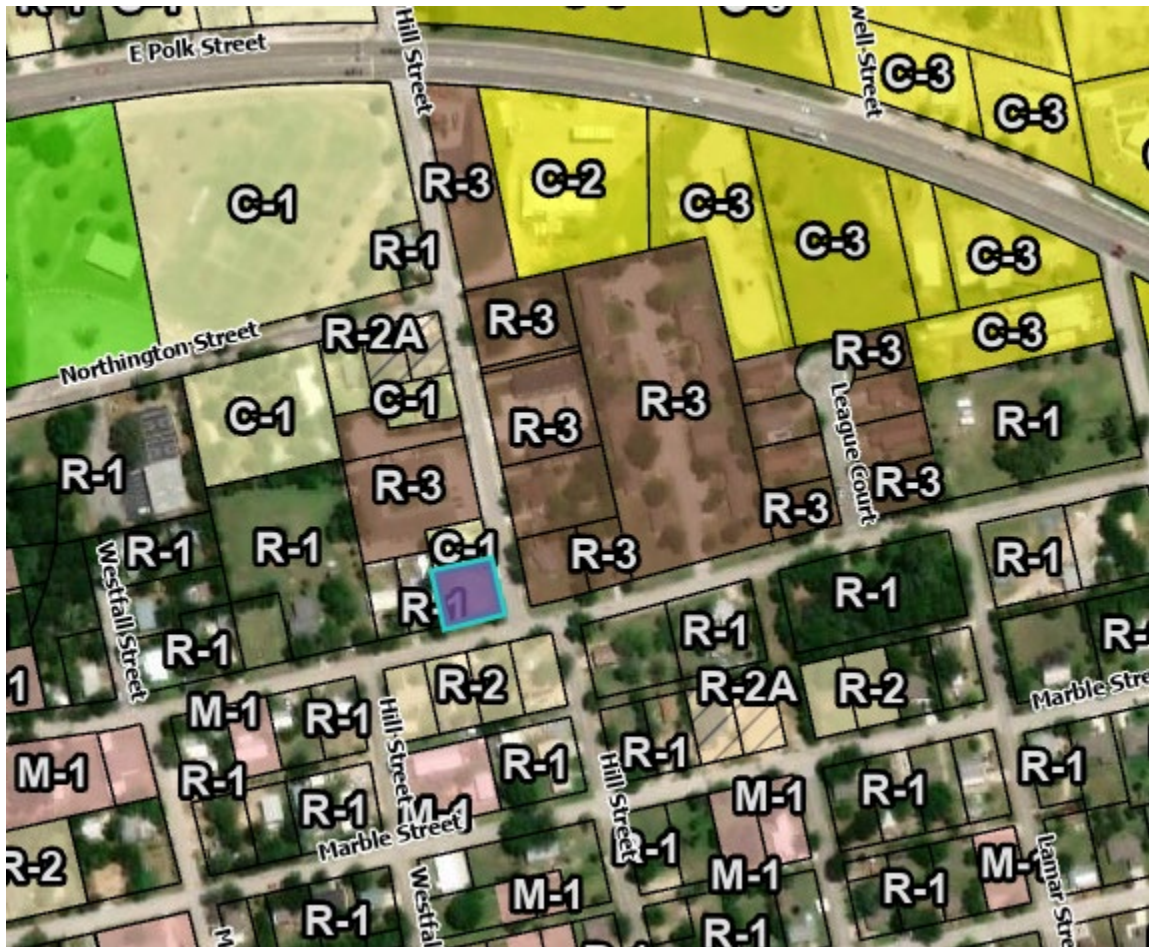
	North	South	East	West
<b>Zoning</b>	"R-2a"	"R-2"	"R-3"	"R-1"
<b>FLUM</b>	Residential	Residential	Residential	Residential
<b>Land Use</b>	Duplex	Single-Family residence	Single-family residence	Single-family residential

**Public Notification:** A Notice of Public Hearing was published in the Burnet Bulletin on March 22, 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.

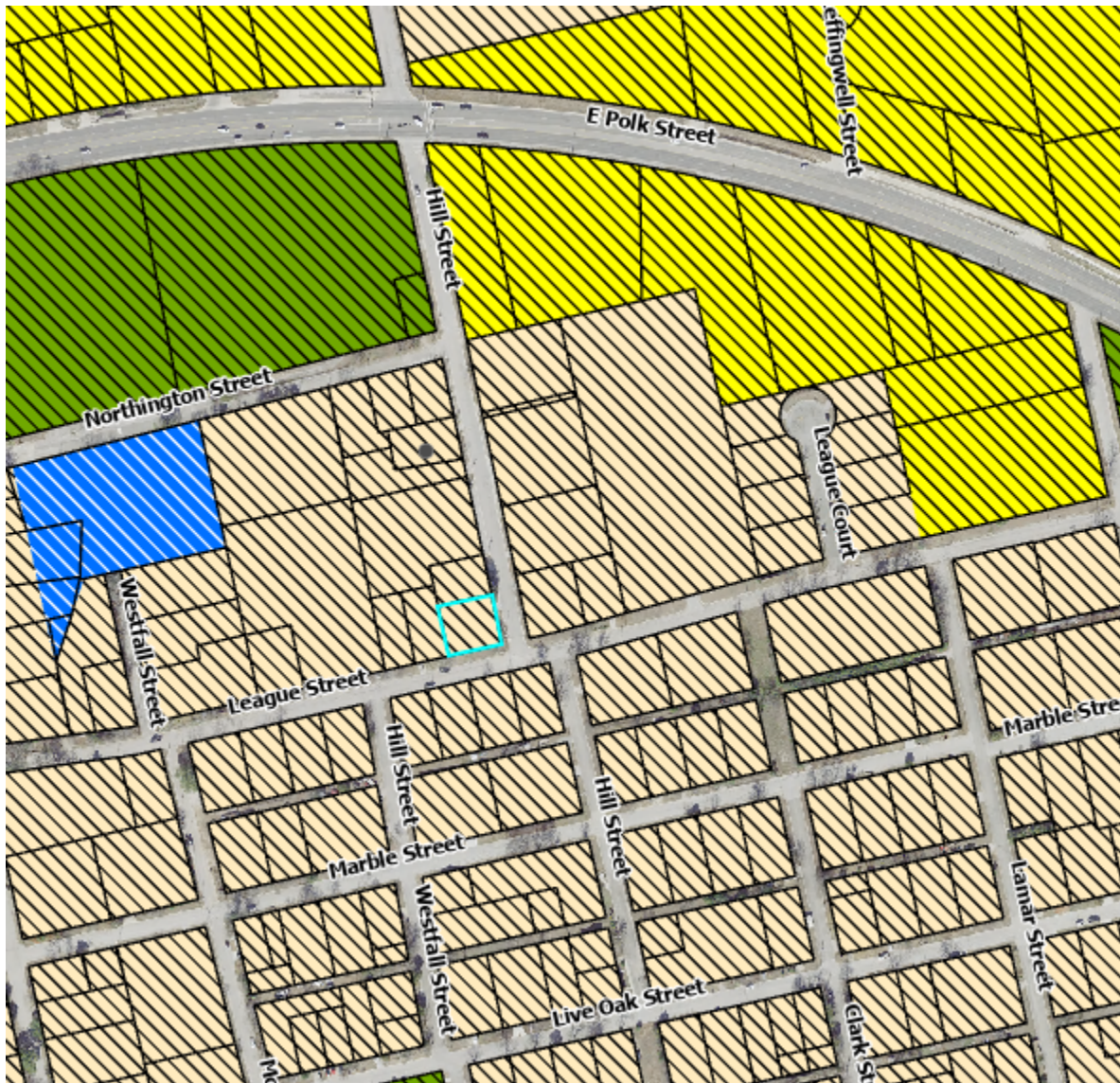
Exhibit "A"

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 310 SOUTH HILL STREET (Legal Description: S4150 KERR DONATION (5 AC BLOCKS) BLK 8 (PT OF 5 AC) KNOWN AS TR C (70X103) .1655). 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

**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 310 SOUTH HILL STREET (Legal Description S4150 KERR DONATION (5 AC BLOCKS) BLK 8 (PT OF 5 AC) KNOWN AS TR C (70X103) .1655). 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 11<sup>TH</sup> day of April, 2023

**PASSED AND APPROVED** on this the 25<sup>th</sup> day of April, 2023.

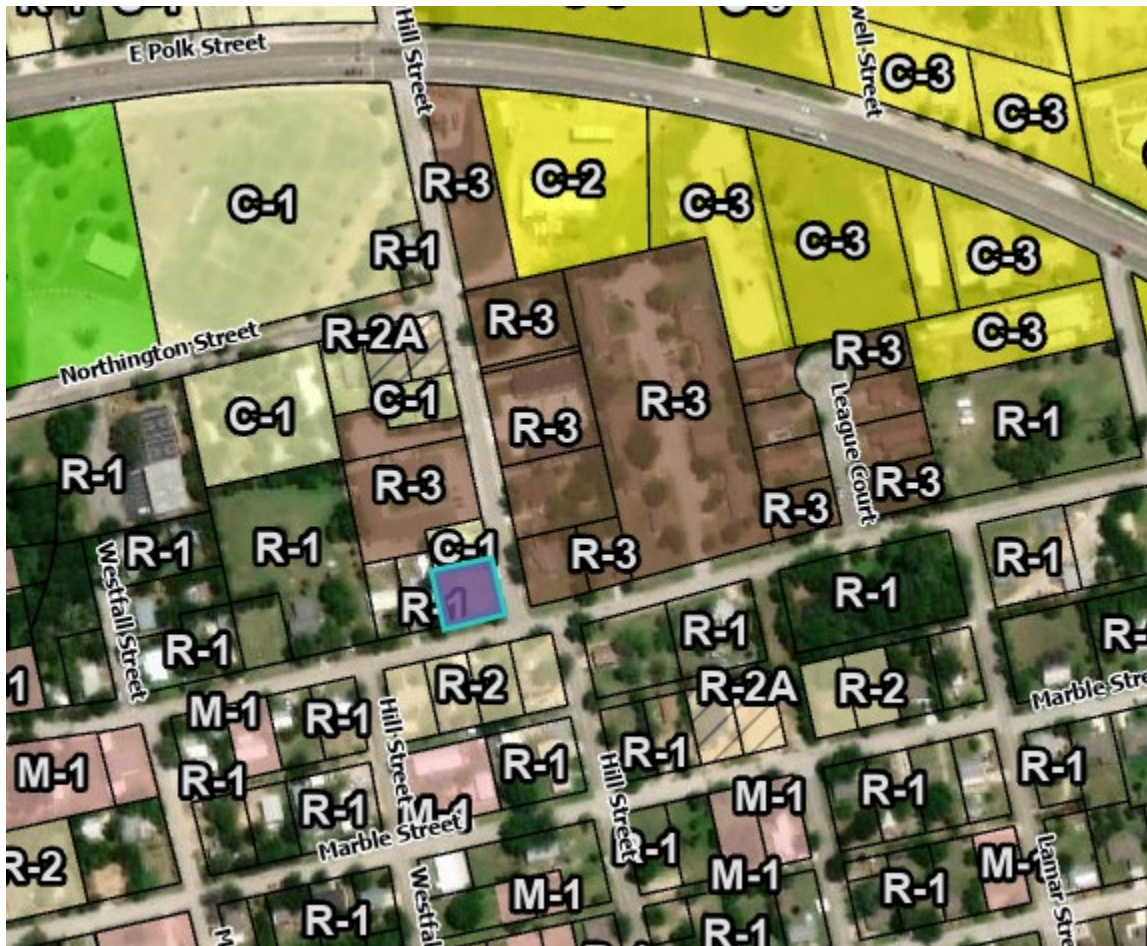
**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Crista Goble Bromley, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

**Exhibit A**  
Location and zoning of Subject Property





## Development Services

### ITEM 4.1 (e)

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

### Agenda Item Brief

**Meeting Date:** April 3, 2023

**Agenda Item:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS THE CORNER LOT OF SOUTH WEST STREET AND WEST LEAGUE STREET (Legal Description: BEING ALL OF LOT NO. 3, BLOCK NO. 1 OF THE PETER KERR PORTION) WITH LIGHT COMMERCIAL “C-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

**Background:** The property is currently an undeveloped property located behind the Hacienda El Charro restaurant. The property is currently zoned Duplex – District “R-2”. The owner of the property is the business operator of the restaurant and has purchased the property to allow for additional parking.

**Information:** Approximately half of the property, to the west closest to Hamilton Creek, is encumbrance by the floodplain. Currently, water and electric are available near the site. Prior to any development of the property, including a parking lot, the owner will be responsible for retaining an engineer to ensure any development of the property properly accommodates the floodplain. The property owner will also be responsible for coordinating with the City Engineer to extend wastewater services to the property when necessary; currently the nearest sewer main is located at W Jackson St and the highway.

The requested Light Commercial – District “C-1” is governed by code of ordinances, Sec. 118-45, and allows for a mix of light commercial uses including retail and office space.

An example of some allowable uses would be:

- Banks
- Personal Services uses including barber shops, beauty parlors, etc.
- Restaurant or other drive-in eating establishment
- Retail sale of goods and products

The use does restrict the property to only these types of commercial uses and does not allow any type of residential use including residential accessory buildings.

**Staff Analysis:** The Future Land Use Map (Exhibit B) designation for the area is commercial; therefore, the requested Light Commercial zoning is appropriate.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"R-1"	"R-1"	"C-1"	"C-1"
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Vacant	Vacant	Restaurant	Vacant

Section 118-20, Chart 1, states properties zoned "C-1" must be a minimum of 10,000 square feet with a minimum lot width of 50 feet. The subject property does exceed both requirements.

**Public Notification:** A Notice of Public Hearing was published in the Burnet Bulletin on March 22, 2023, and written notices were mailed to ten (10) 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.



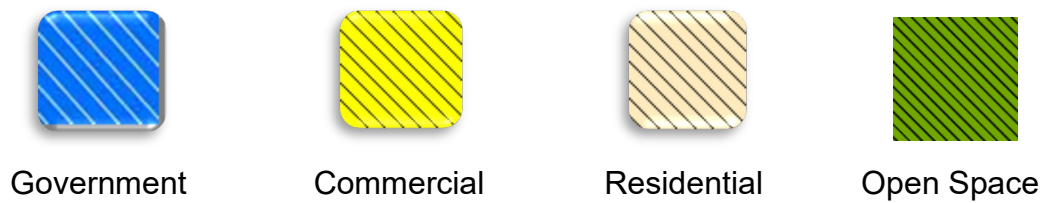
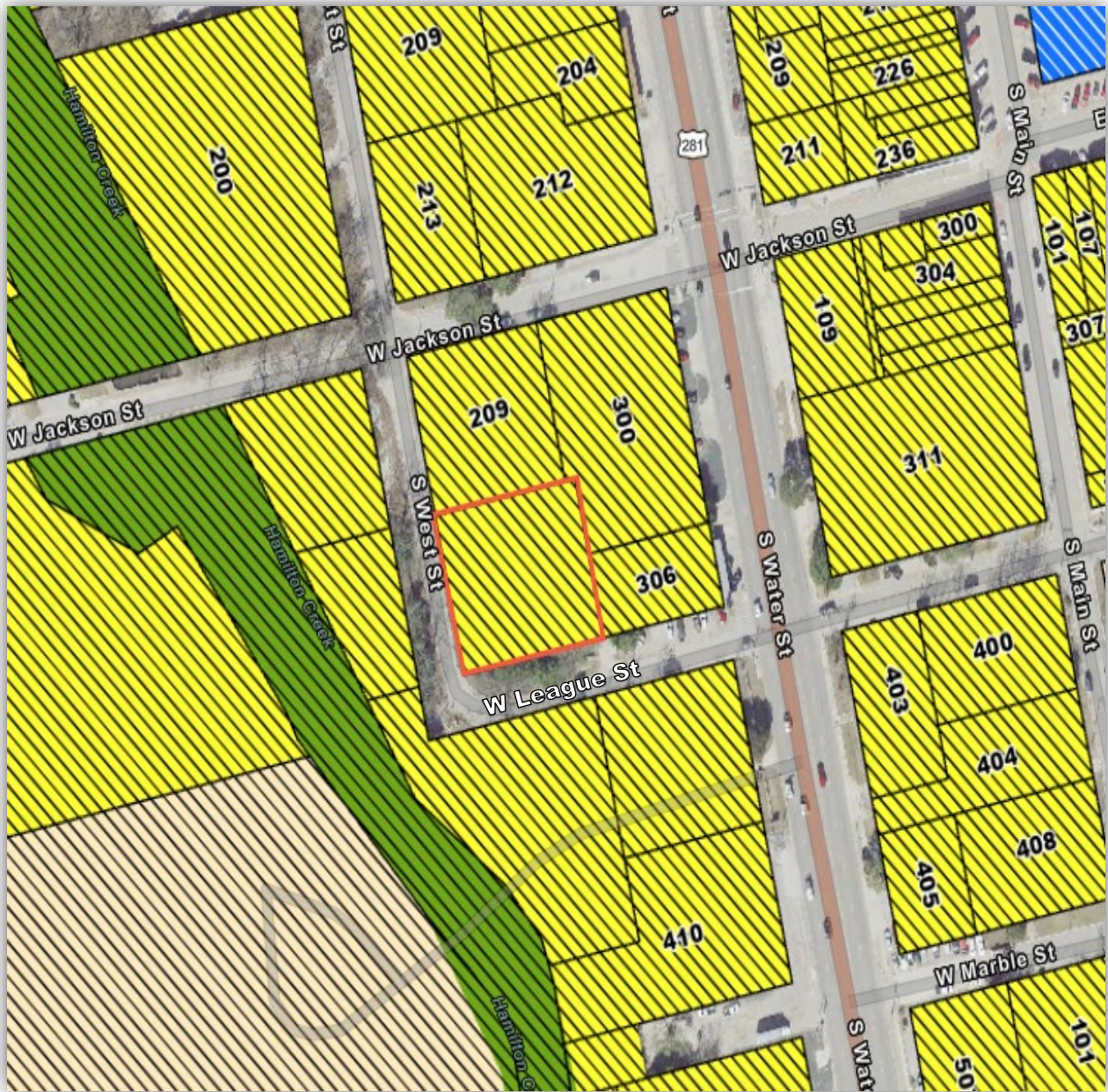
## Exhibit "A"

### Location & Current Zoning Map





Exhibit "B"  
Future Land Use Map



**ORDINANCE NO. 2023-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS THE CORNER LOT OF SOUTH WEST STREET AND WEST LEAGUE STREET (Legal Description: BEING ALL OF LOT NO. 3, BLOCK NO. 1 OF THE PETER KERR PORTION) WITH LIGHT COMMERCIAL “C-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

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

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

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

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

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

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

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

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

**Section two. Property.** The Property that is the subject to this Zoning District Reclassification is located at property generally located at the CORNER OF SOUTH WEST STREET AND WEST LEAGUE STREET (Legal Description: BEING ALL OF LOT NO. 3, BLOCK NO. 1 OF THE PETER KERR PORTION) as shown on **Exhibit “A”** hereto.



**Section three Zoning District Reclassification.** Light Commercial - District “C-1” Zoning District Classification is hereby assigned to the Property described in section two.

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

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

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

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

**PASSED** on First Reading the 11<sup>th</sup> day of April 2023

**PASSED AND APPROVED** on this the 25<sup>th</sup> day of April 2023.

**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Crista Goble Bromley, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

**Exhibit A**  
**SUBJECT PROPERTY**





## Development Services

### ITEM 4.2

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

## Agenda Item Brief

**Meeting Date:** April 3, 2023

**Public Hearing:** The Planning & Zoning Commission shall conduct a public hearing to receive public testimony and comments on the merits of a proposed Replat of Lot 3 and a Portion of Lot 4, Block 11, Peter Kerr Donation, City of Burnet. The proposed "Replat" will consist of 3 residential lots: L. Kimbler

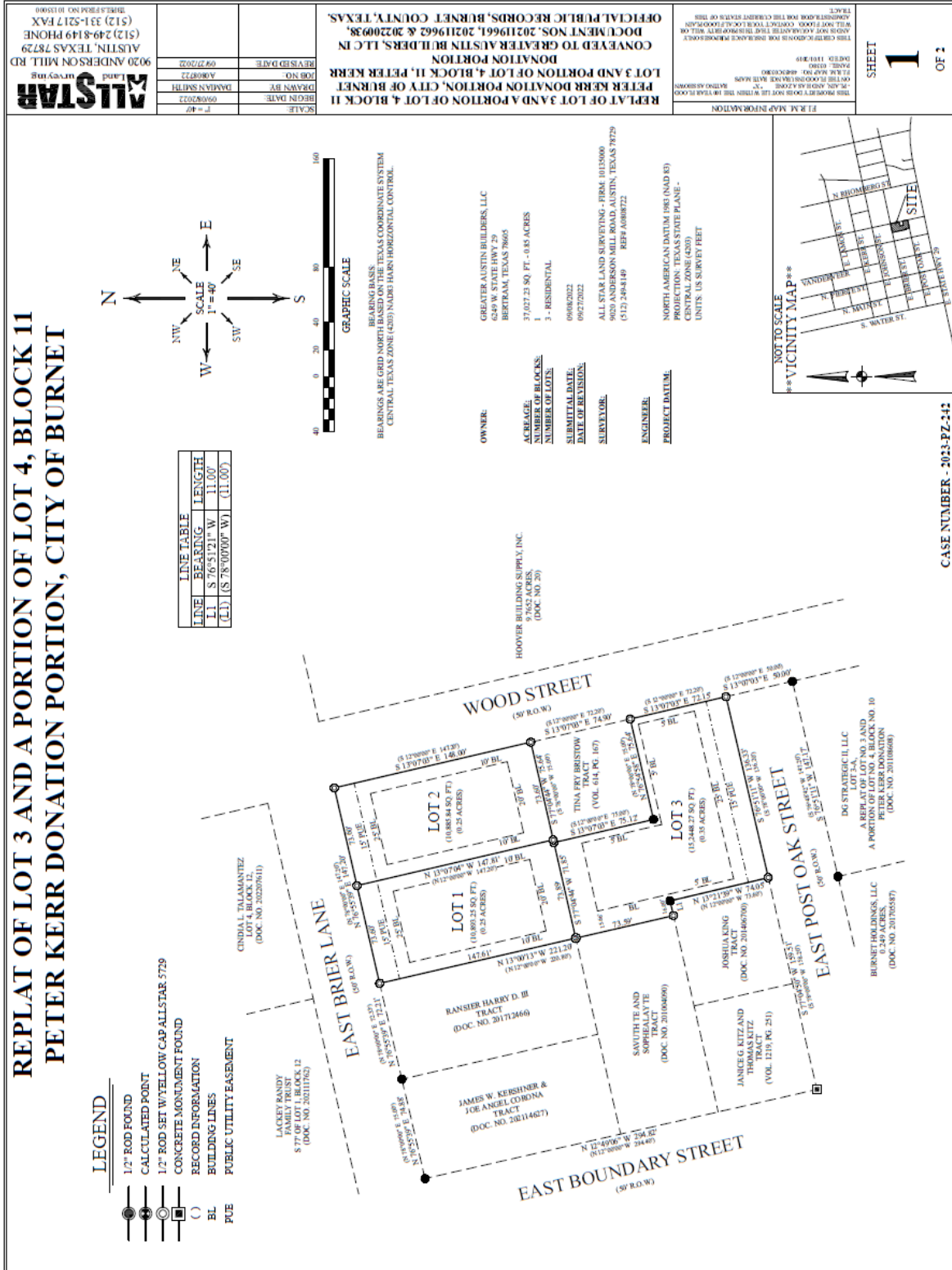
**Information:** The proposed replat (Exhibit A) is a residential subdivision consisting of three lots which are currently zoned Single Family – "R-1" and Duplex – "R-2". The properties are located at the corners of North Wood Street along E Brier Street and E Post Oak Street (Exhibit B). The applicant has submitted the plat as the first step in acquiring building permits to build a duplex on each individual lot.

**Staff Analysis:** City staff have reviewed the plat in accordance with Sec. 98-25 (entitled "Short Form Final Plats and Replats") and have found the plat complies with the requirements relating to form and content with the exception of Sec. 118-20, Chart 1 pertaining to setbacks and lot width.

Sec. 118-20, Chart 1 governs lot size, width and setbacks for each zoning district. Duplex – "R-2" requires the lot to be a minimum of 75 feet wide; the proposed lots 3-A and 3-B are just under this requirement and measure 73.6 feet wide. Additionally, Duplex – "R-2" requires side setbacks to be a minimum of 10 feet and rear setback to be a minimum of 15 feet and the proposed lot 4-A is requesting to reduce the side setbacks to five (5) feet. All three lots will require the approval of a subdivision variance prior to the plat's consideration.

**Recommendation:** Open the public hearing.

Exhibit A - Plat





## Exhibit B – Property Locations







## Development Services

### ITEM 5.1

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

## Agenda Item Brief

**Meeting Date:** April 3, 2023

**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 118-20, CHART 1, FOR LOT WIDTHS AND SETBACKS FOR THE PROPOSED PRELIMINARY REPLAT OF LOT 3 AND A PORTION OF LOT 4, BLOCK 11, PETER KERR DONATION, CITY OF BURNET: L. Kimbler

**Background:** The proposed replat (Exhibit A) is a residential subdivision consisting of three lots which are currently zoned Single Family – “R-1” and Duplex – “R-2”. The properties are located at the corners of North Wood Street along E Brier Street and E Post Oak Street (Exhibit B).

The applicant is requesting a variance to Sec. 118-20, Chart 1 which governs lot size, width and setbacks for each zoning district. Duplex – “R-2” requires the lot to be a minimum of 75 feet wide; the proposed lots 3-A and 3-B are just under this requirement with a measurement of 73.6 feet wide. Additionally, Duplex – “R-2” requires side setbacks to be a minimum of 10 feet and rear setback to be a minimum of 15 feet and the proposed lot 4-A is requesting to reduce the side setbacks to five (5) feet.

**Information:** The requested variances pertain to the requirements outlined in Code of Ordinances Sec. 118-20, Chart 1 lot widths and setbacks for Duplex – “R-2” which establishes side setbacks to a minimum of 10 feet.

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:

- a. The public convenience and welfare will be substantially served;
  - The public convenience and welfare of the community will not be impacted by the requested variances.
- b. The appropriate use of surrounding property will not be substantially or permanently impaired or diminished;
  - Granting the variances keeps the current configuration of the existing lots and therefore will not impair surrounding properties.
- c. The applicant has not created the hardship from which relief is sought;
  - Much of this block consists of existing residential homes built on un-platted, non-conforming lots. The hardship has been created by the surrounding non-conforming lots and was not created by the applicant.
- 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;
  - The requested variance does not confer upon the applicant any special right or privilege. The variance process is available to all property owners.
- e. The hardship from which relief is sought is not solely of an economic nature;

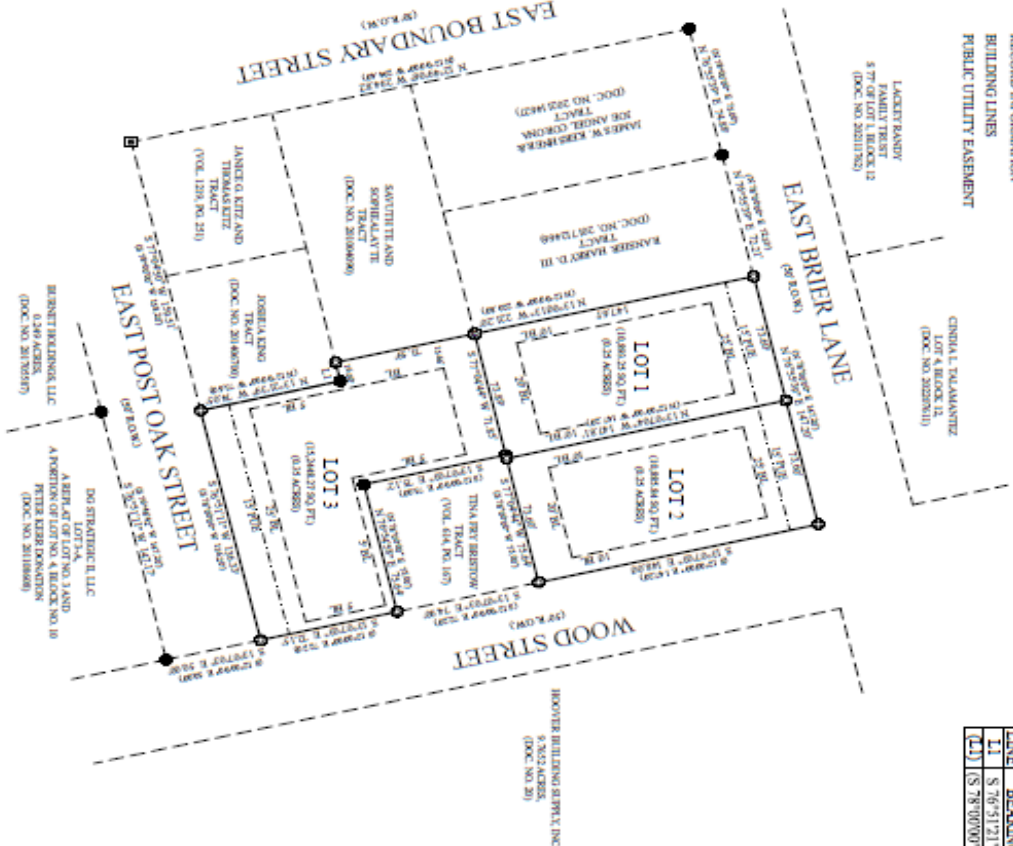
- Staff is of the determination that strict enforcement of the lot width and side setbacks constitutes a hardship that is not solely economic in nature. The applicant is working within the confines of the current lot configurations.
- f. The variance is not contrary to the public interest;
  - The approval of this variance request serves the public interest by allowing the current vacant lots to lots that can become developed.
- g. Due to special conditions, the literal enforcement of this chapter would result in an unnecessary hardship; and
  - Due to the pre-existing, non-conforming surrounding lots, the literal enforcement of this chapter would result in an unnecessary hardship.
- h. In granting the variance the spirit of the ordinance is observed and substantial justice is done.”
  - By granting the variance, 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 98-48 – Blocks and Lots and Section 118-20, Chart 1 as set forth in the draft resolution.

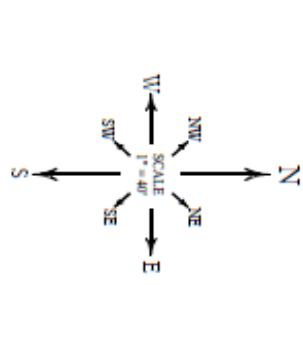
# Exhibit "A" Plat

## REPLAT OF LOT 3 AND A PORTION OF LOT 4, BLOCK 11 PETER KERR DONATION PORTION, CITY OF BURNET

- LEGEND**
- 1/2" ROD FOUND
  - CALCULATED POINT
  - 1/2" ROD SET W/YELLOW CAP ALLSTAR 5729
  - CONCRETE MONUMENT FOUND
  - RECORD INFORMATION
  - B.L. BUILDING LINES
  - PUE PUBLIC UTILITY EASEMENT



LINE	BEARING	LENGTH
L1	S 76°51'21" W	11.00'
L11	(S 78°00'00" W)	(11.00')



BEARINGS ARE GIVEN NORTH BASED ON THE TEXAS COORDINATE SYSTEM  
CENTRAL TEXAS ZONE (43N) NAD83 HORIZONAL CONTROL.

**OWNER:** GREATER AUSTIN BUILDERS, LLC  
640 W. STATE HWY 29  
BURNET, TEXAS 78605

**AGRIAN:** 37,027.23 SQ. FT. - 0.85 ACRES  
1 - RESIDENTIAL

**REPLAT DATE:** 06/08/2022  
06/27/2022

**REPLAT BY:** ALL STAR LAND SURVEYING - JESSA LUTSBAUGH  
9022 ANDERSON MILL ROAD, AUSTIN, TEXAS 78729  
(512) 249-8149 JESSA@ALLSTAR.SURV

**PROJECT DATE:** NORTH AMERICAN DATUM (NAD83)  
PROJECTION: TEXAS STATE PLANE -  
CENTRAL ZONE (43N)  
UNITS: US SURVEY FEET

CASE NUMBER - 2023-PZ-240



**1**  
SHEET  
OF 2

**ALLSTAR**  
Land Surveying  
9022 ANDERSON MILL RD  
AUSTIN, TEXAS 78729  
(512) 249-8149 PHONE  
(512) 331-5217 FAX  
TRIPLE FLOOD (NO. 303) 3000

**REPLAT OF LOT 3 AND A PORTION OF LOT 4, BLOCK 11  
PETER KERR DONATION PORTION, CITY OF BURNET  
LOT 3 AND PORTION OF LOT 4, BLOCK 11, PETER KERR  
DONATION PORTION  
CONVEYED TO GREATER AUSTIN BUILDERS, LLC IN  
DOCUMENT NOS. 202119661, 202119662 & 202200938,  
OFFICIAL PUBLIC RECORDS, BURNET COUNTY, TEXAS.**

## **RESOLUTION NO. R2023-XX**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES, SECTION 118-20, CHART 1, FOR LOT WIDTHS AND SETBACKS FOR THE PROPOSED PRELIMINARY REPLAT OF LOT 3 AND A PORTION OF LOT 4, BLOCK 11, PETER KERR DONATION, CITY OF BURNET**

**Whereas**, Code of Ordinances, Chapter 118-20, Chart 1 sets minimum lot widths for residential lots within a Subdivision; and

**Whereas**, Code of Ordinances, Chapter 118-20, Chart 1 also sets minimum lot setbacks for residential lots within a Subdivision; and

**Whereas**, the applicant has petitioned for a variance to allow to allow for the development two-unit duplexes to be developed on three individually platted lots; and

**Whereas**, the Planning and Zoning Commission has recommended the variances 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 three undeveloped lots to become a more desirable lots for development.**
- The literal enforcement of this chapter would result in unnecessary hardship: **due to the existing pre-existing, non-conforming development which surrounds the lots, the literal enforcement of this chapter would result in unnecessary hardship.**
- 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, and 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 11<sup>th</sup> day of April 2023.

**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:** April 3, 2023
- Public Hearing:** RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE REPLAT OF LOT 3 AND A PORTION OF LOT 4, BLOCK 11, PETER KERR DONTATION, CITY OF BURNET: L. Kimbler
- Information:** The proposed replat (Exhibit A) is a residential subdivision consisting of three lots which are currently zoned Single Family – “R-1” and Duplex – “R-2”. The properties are located at the corners of North Wood Street along E Brier Street and E Post Oak Street (Exhibit B). The applicant has submitted the plat as the first step in acquiring building permits to build a duplex on each individual lot.
- Staff Analysis:** City staff have reviewed the plat in accordance with Sec. 98-25 (entitled “Short Form Final Plats and Replats”) and have found the plat complies with the requirements relating to form and content with the exception of Sec. 118-20, Chart 1 pertaining to setbacks and lot width.
- Sec. 118-20, Chart 1 governs lot size, width and setbacks for each zoning district. Duplex – “R-2” requires the lot to be a minimum of 75 feet wide; the proposed lots 3-A and 3-B are just under this requirement and measure 73.6 feet wide. Additionally, Duplex – “R-2” requires side setbacks to be a minimum of 10 feet and rear setback to be a minimum of 15 feet and the proposed lot 4-A is requesting to reduce the side setbacks to five (5) feet. All three lots will require the approval of a subdivision variance prior to the plat’s consideration.
- Recommendation:** Approve proposed resolution as presented.

# Exhibit A - Plat

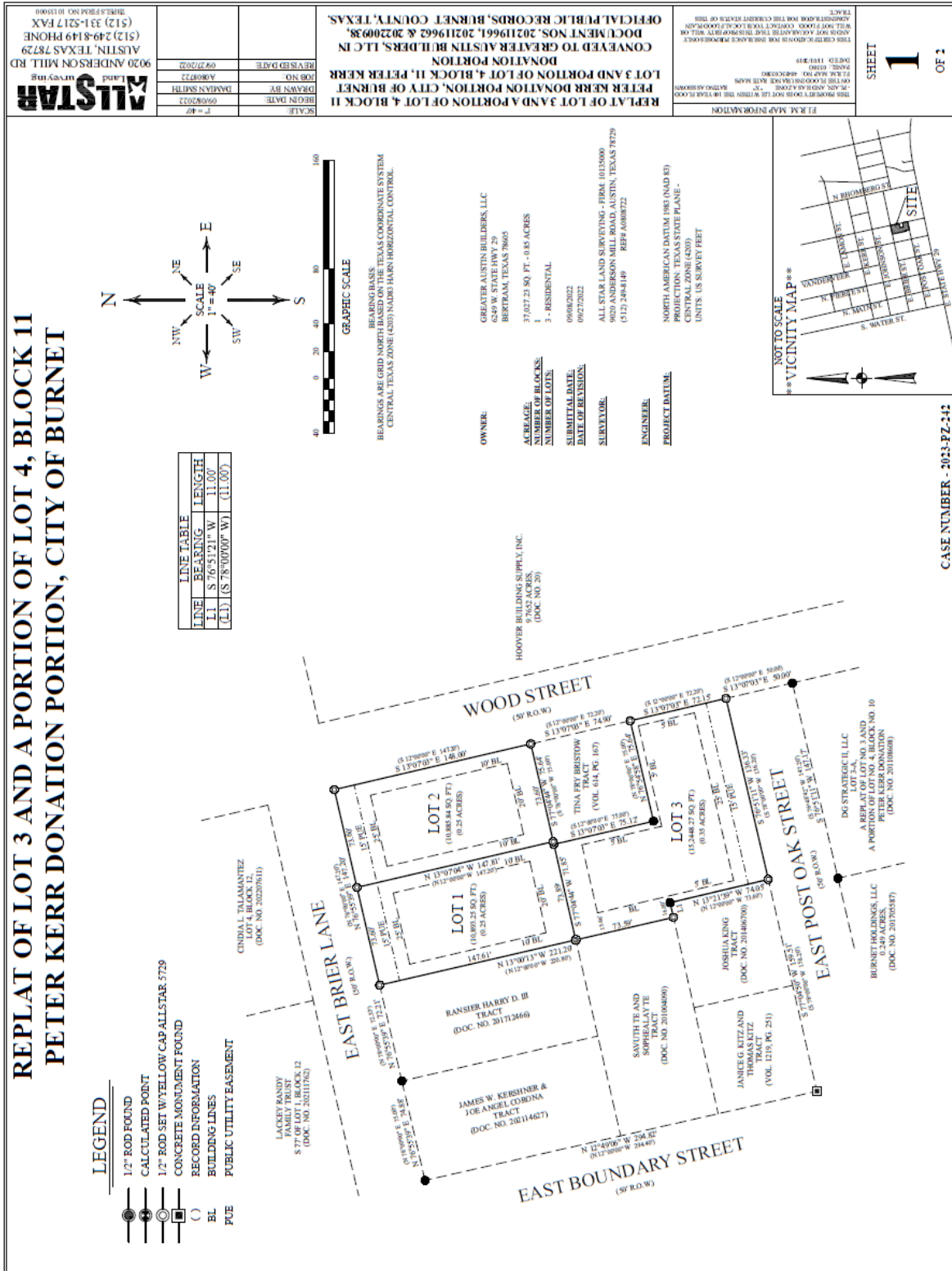
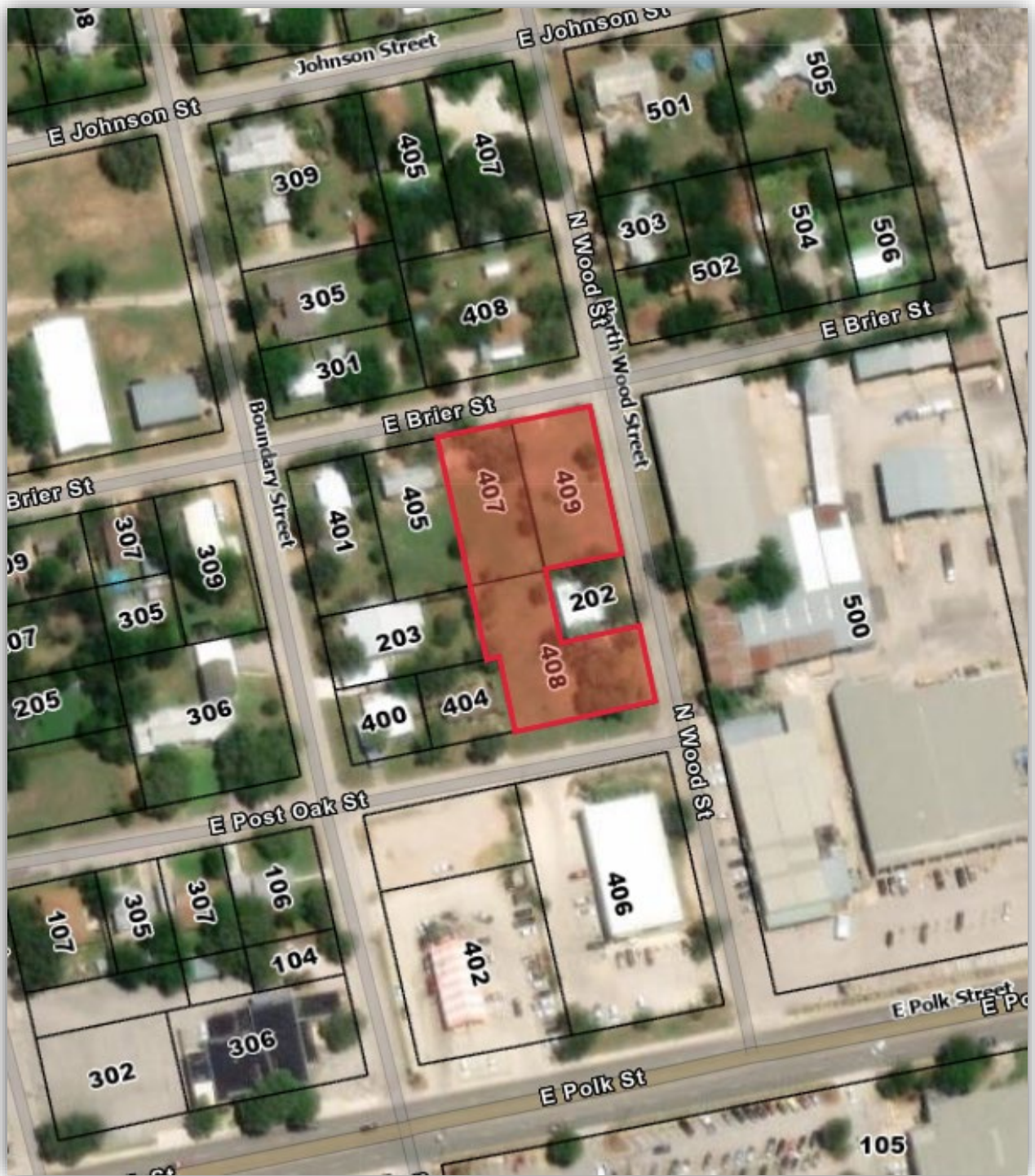


Exhibit B – Property Locations



**RESOLUTION NO. R2023-XX**

**RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET,  
TEXAS, CONDITIONALLY APPROVING THE REPLAT OF LOT 3 AND A  
PORTION OF LOT 4, BLOCK 11, PETER KERR DONTATION, CITY OF  
BURNET**

**Whereas**, the Planning and Zoning Commission conducted a public hearing on this application on April 3, 2023; and

**Whereas**, the Planning and Zoning Commission did recommend approval of the application on April 3, 2023; and

**Whereas**, City Council conducted a public hearing on this application on March 11, 2023.

**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 Replat of Lot 3 and a Portion of Lot 4, Block 11, Peter Kerr Donation, City of Burnet 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 11<sup>th</sup> day of April, 2023.

**CITY OF BURNET, TEXAS**

**ATTEST:**

\_\_\_\_\_  
Crista Goble Bromley, Mayor

\_\_\_\_\_  
Kelly Dix, City Secretary





## Development Services

### ITEM 5.3

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

## Agenda Item Brief

<b>Meeting Date:</b>	April 3, 2023
<b>Action Item:</b>	Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING SOUTH HWY 281 DELAWARE COMMERCIAL PLAT, CONSISTING OF APPROXIMATELY 3 COMMERCIAL LOTS ON 19.65 ACRES OUT OF ABST A0398 SUSANO HERNANDEZ & ABST 1018 FRANCICO YBARRO, ABST. 29 WASHINGTON TRACT: L. Kimbler
<b>Information:</b>	<p>The tract (Exhibit A) is currently zoned Heavy Commercial – “C-3” located just past Sunday Drive, before Ramsey’s Way, along south US Highway 281. The applicant is proposing to subdivide the tract to create a three lot commercial subdivision (Exhibit B).</p> <p>The plat will create one new road, Trailside, which will connect to a residential subdivision.</p> <p>All three commercial tracts are between 5.9 acres and 6.6 acres and have access to water and sewer along Highway 281.</p> <p>The applicant has submitted a phasing plan (Exhibit C), phasing the project into two phases which allows the most northern commercial lot to be developed with the adjacent improvements without the further south improvements.</p>
<b>Staff Analysis:</b>	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.
<b>Recommended Motion:</b>	Staff recommends approval of the Preliminary Plat of South Hwy 281 Delaware Commercial Plat and the draft resolution.

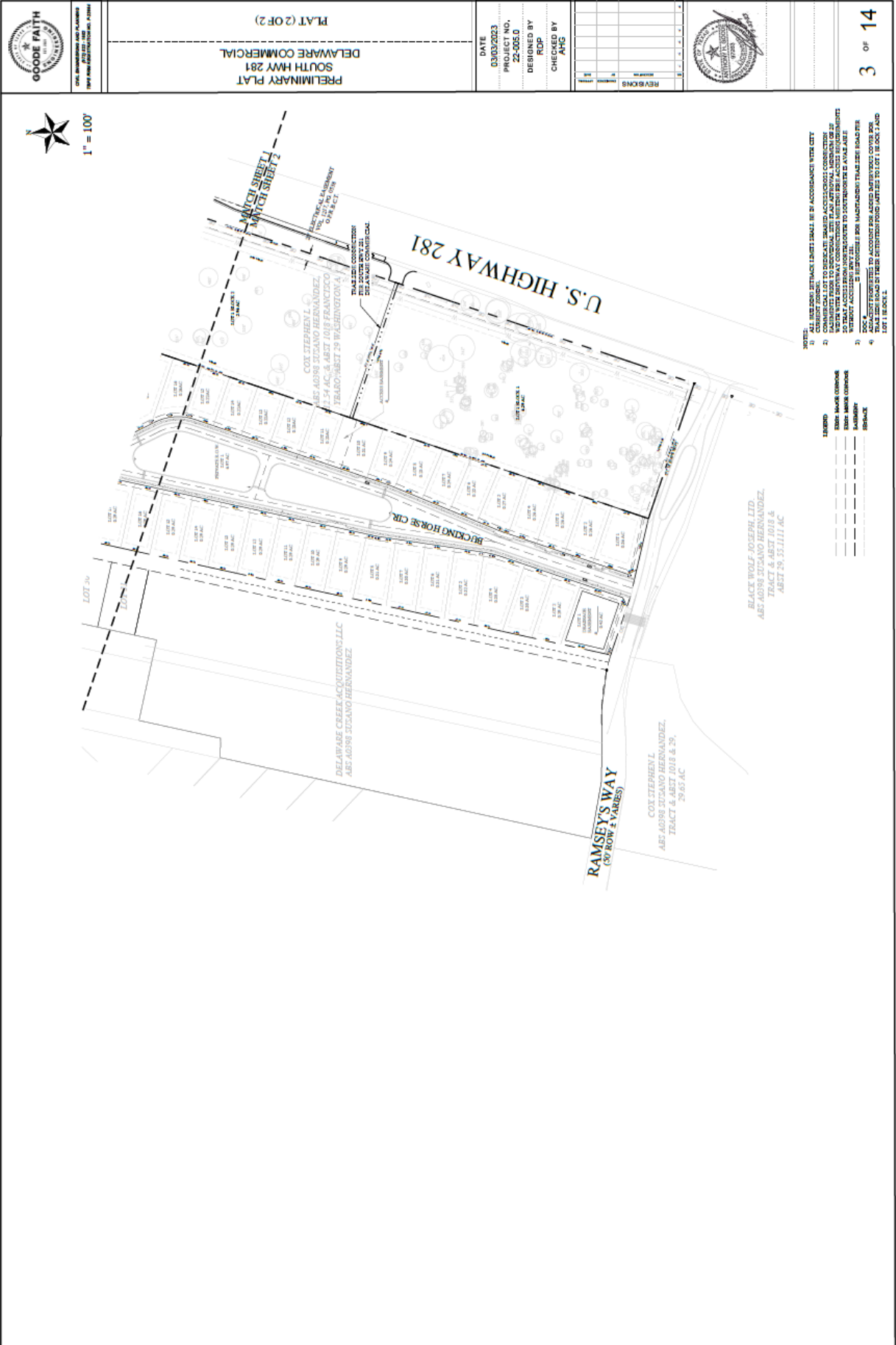
Exhibit "A"  
Tract



COMMERCIAL LOT TO DEDICATE SHARED ACCESS/DRIVE CONNECTION/EASEMENTS PRIOR TO SPECIALTIES SITE PLAN APPROVAL. MINIMUM OF 20' WIDTH WITH DRIVEWAY CONNECTIONS MEETING FIRE ACCESS REQUIREMENTS TO THAT ACCESS FROM SOUTH TO SOUTH ON 20' WIDE DRIVEWAY. DRIVEWAY TO BE AVAILABLE WITHOUT ACCESSING HWY 241.







CIVIL ENGINEER AND PLANNER  
PROFESSIONAL REG. NO. 10000  
STATE OF DELAWARE

PRELIMINARY PLAT  
SOUTH HWY 281  
DELAWARE COMMERCIAL  
PLAT (2 OF 2)

DATE  
03/03/2023  
PROJECT NO.  
22-005.0  
DESIGNED BY  
RDP  
CHECKED BY  
AHG

REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR PERMITTING
2	ISSUED FOR PERMITTING
3	ISSUED FOR PERMITTING
4	ISSUED FOR PERMITTING
5	ISSUED FOR PERMITTING
6	ISSUED FOR PERMITTING
7	ISSUED FOR PERMITTING
8	ISSUED FOR PERMITTING
9	ISSUED FOR PERMITTING
10	ISSUED FOR PERMITTING



- NOTES:
- 1) ALL LOT SETBACK LIMITS SHALL BE IN ACCORDANCE WITH CITY OF DELAWARE ZONING ORDINANCES.
  - 2) CONVEYANCE OF THIS TRACT TO THE STATE OF DELAWARE SHALL BE SUBJECT TO THE APPROVAL OF THE DELAWARE DEPARTMENT OF TRANSPORTATION AND THE DELAWARE DEPARTMENT OF REVENUE.
  - 3) THE STATE OF DELAWARE SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE ROAD PER LOT 100.
  - 4) ALL LOT FRONTAGES TO ACCOUNT FOR ACCESS TO THE ROAD PER LOT 100 SHALL BE IN ACCORDANCE WITH THE CITY OF DELAWARE ZONING ORDINANCES.

LEGEND	
---	STATE ROAD CORNER
---	STATE ROAD CORNER
---	STATE ROAD CORNER
---	STATE ROAD CORNER
---	STATE ROAD CORNER
---	STATE ROAD CORNER
---	STATE ROAD CORNER
---	STATE ROAD CORNER
---	STATE ROAD CORNER
---	STATE ROAD CORNER

BLACK WOLF JOSEPH, LTD.  
ABT 1018 & ABT 1019 & 29  
ABT 29, 20.1111 AC

COX STEPHEN L.  
ABT 1018 & ABT 1019 & 29  
29.65 AC

RAMSEY'S WAY  
(37' ROW + 4' VARIES)

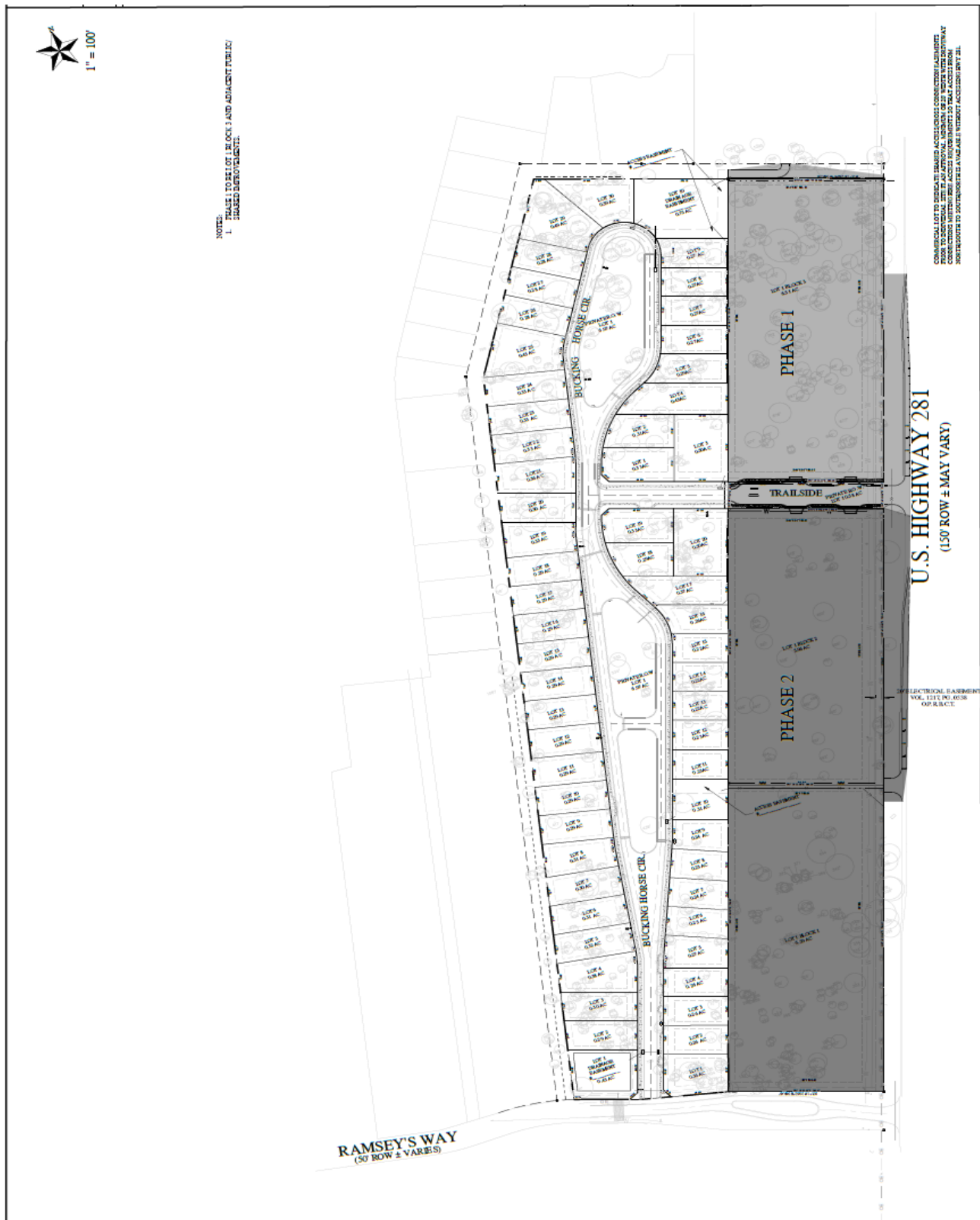
DELAWARE CREEK ACQUISITION, LLC  
ABT 1018 & ABT 1019 & 29

COX STEPHEN L.  
ABT 1018 & ABT 1019 & 29  
29.65 AC

COX STEPHEN L.  
ABT 1018 & ABT 1019 & 29  
29.65 AC

COX STEPHEN L.  
ABT 1018 & ABT 1019 & 29  
29.65 AC

## Exhibit “C” Phasing Plan



## RESOLUTION NO. R2023-XX

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING SOUTH HWY 281 DELAWARE COMMERCIAL PLAT, CONSISTING OF APPROXIMATELY 3 COMMERCIAL LOTS ON 19.65 ACRES OUT OF ABST A0398 SUSANO HERNANDEZ & ABST 1018 FRANCICO YBARRO, ABST. 29 WASHINGTON TRACT**

**Whereas**, the Planning and Zoning Commission conducted a public hearing on this application on April 3, 2023; and

**Whereas**, the Planning and Zoning Commission did recommended approval of the application on April 3, 2023; and

**Whereas**, City Council conducted a public hearing on this application on April 11, 2023.

**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 South Hwy 281 Delaware Commercial Plat 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 11<sup>th</sup> day of April 2023.

**CITY OF BURNET, TEXAS**

**ATTEST:**

\_\_\_\_\_  
Crista Goble Bromley, Mayor

\_\_\_\_\_  
Kelly Dix, City Secretary