



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

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

Notice is hereby given that the **Public Hearing and Regular Meeting of the Planning and Zoning Commission** of the City of Burnet, Texas will be held on **Monday, January 8, 2024, 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 November 6, 2023.

4. PUBLIC HEARINGS:

- 4.1) Public Hearing and Consideration of the following: Plat applications, Zoning Amendments and Zoning Classifications presented by Leslie Kimbler, Planning Manager:

(a) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING"), SECS. 118-5 & 118-68 PROVIDING REGULATIONS FOR SHORT TERM RENTAL USES; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

- (1) Staff Presentation – C. Pearson
- (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 KNOWN AS 506 E LEAGUE ST. AND 410 S SILVER ST. FROM ITS PRESENT DESIGNATION OF LIGHT INDUSTRIAL – "I-1" TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – "NC"; PROPERTY KNOWN AS 801 NORTHINGTON FROM ITS PRESENT

DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – “R-1”; PROPERTY KNOWN AS 303 S BOUNDARY FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 208 S VANDEVEER ST. FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 403 S SILVER ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – “NC”; PROPERTY KNOWN AS THE RANDY LONGORIA PARK FROM ITS PRESENT DESIGNATION OF AGRICULTURE – “A” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 800 AND 802 S VANDEVEER ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF DUPLEX – “R-2”; AND PROPERTY KNOWN AS 808 S BOUNDARY ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – “R-1”.

- (1) Staff Presentation – L. Kimbler
- (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 KNOWN AS 611 S WATER STREET FROM SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO LIGHT COMMERCIAL – DISTRICT “C-1”.

- (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 “Preliminary Plat” for approximately 25.88 acres out of Abstract A0398 Susano Hernandez Tract and Abstract 1018 & 29. The proposed “Preliminary Plat” will establish The Ranch at Delaware Creek, Phase 5, consisting of 52 residential lots: L. Kimbler

5. ACTION ITEMS:

5.1) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING VARIANCES TO THE CODE OF ORDINANCES, SECTION 98-48 – BLOCKS FOR THE PROPOSED PRELIMINARY PLAT OF THE RANCH AT DELAWARE CREEK, PHASE 5 SUBDIVISION: L. Kimbler

- 5.2) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE PRELIMINARY PLAT OF THE RANCH AT DELAWARE CREEK, PHASE 5 SUBDIVISION, A PROPOSED 52-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 25.88 ACRES: L. Kimbler

6. STAFF REPORTS:

7. REQUESTS FOR FUTURE AGENDA ITEMS:

ADJOURN:

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission of the City of Burnet, is a true and correct copy of said notice and that I posted a true and correct copy of said notice on the bulletin board, in the City Hall of said City, Burnet, Texas, a place convenient and readily accessible to the general public at all times, and said notice was posted on January 5, 2024 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 5th day of January 2024

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) 715-3209, FAX (512) 756-8560 or e-mail at kdix@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, **November 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, Calib Williams, Glen Gates, Glean Teague, and Derek Fortin

Guests: Mary Ann and William Plumley, Eric Kjellberg, Ann Hoskins, Larry Hartwell, Taylor Allen, Christine and Larry Rushing, Jim Hendee, Grant Giles, Jim Pringle

Others present: Habib Erkan, Jr., Asst. City Manager, and Leslie Kimbler, Planning Manager

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 October 2, 2023.

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

4. PUBLIC HEARINGS:

4.1) Public Hearing and Consideration of the following: Zoning Amendments and Zoning Classifications presented by David Vaughn, City Manager and Leslie Kimbler, Planning Manager:

- (a) 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 PROPERTY KNOWN AS 111 SHADY GROVE RD., SHADY GROVE ELEMENTARY SCHOOL, FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY KNOWN AS 500 E GRAVES STREET, RJ RICHEY ELEMENTARY SCHOOL, FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY KNOWN AS 1401 N. MAIN STREET, BURNET MIDDLE SCHOOL, FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A

DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY KNOWN AS 1000 GREEN MILE, BURNET HIGH SCHOOL, FROM ITS PRESENT DESIGNATION OF AGRICULTURE – DISTRICT “A” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY KNOWN AS 607 N VANDERVEER, BURNET ELEMENTARY SCHOOL, FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY KNOWN AS 801 N WOOD STREET, BCISD BUS BARN, FROM ITS PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY KNOWN AS 208 E BRIER STREET, BCISD ADMINISTRATION OFFICES, FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; AND PROPERTY KNOWN AS 401 E THIRD STREET, BCISD ATHLETICS COMPLEX, FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”.

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

Planning Manager, Leslie Kimbler, presented staff’s report regarding the proposed request for zoning change. Chairman Gaut opened the public hearing at 6:04 p.m. There being no public comment, Chairman Gaut closed the public hearing at 6:04 p.m. Commissioner Fortin made a motion to approve the proposed request for the zoning change of the BCISD properties to Government – District “G”. The motion was seconded by Commissioner Williams. The motion carried with a vote of 5 to 0.

(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 PROPERTY KNOWN AS 600 DELAWARE SPRINGS BLVD., DELAWARE SPRINGS GOLF COURSE, FROM ITS PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” AND MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”.

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

Chairman Gaut opened the public hearing at 6:06 p.m. Guest, Mary Ann Plumley spoke to the Commission to ensure the zoning request would not affect the residential properties. Jim Pringle spoke regarding what made Government – District “G” the most appropriate zoning for the Golf Course property. Eric Kjellberg spoke to clarify the boundaries of the Golf Course and ensure property abutting his was indeed going to be rezoned appropriately. Jim Hendee requested to ensure this would not affect building on the residential lots. No one present spoke in either favor or opposition of the proposed request. There being no further comments, Chairman Gaut closed the

public hearing at 6:11 p.m. Commissioner Williams made a motion to approve the proposed request for the zoning change of the Delaware Springs Golf Course to Government – District “G”. The motion was seconded by Commissioner Teague. The motion carried with a vote of 5 to 0.

- 4.2) The Planning & Zoning Commission shall conduct a public hearing to receive public testimony and comments on the merits of a proposed “Preliminary Plat” for approximately 42.67 acres out of Eugenio Perez Subdivision, Abs. No. A0672. The proposed “Preliminary Plat” will establish Springside Estates, consisting of 79 residential lots: L. Kimbler

Planning Manager, Leslie Kimbler, presented staff’s report regarding the proposed Preliminary of Springside Estates. There being no further comment, Chairman Gaut opened the public hearing at 6:14 p.m. Guest, Larry Rushing, spoke to the Commission requesting assurance that the plat would not re-configure the existing golf course layout. Eric Kjellberg wanting clarification on who pays for the proposed Lift Station to service the development and what it would look like. WGI Engineer, Taylor Allen, who is the engineer for the proposed subdivision, addressed Mr. Kjellberg. Mr. Allen stated that the Lift Station would be installed and paid for by the developer; he also stated that the Lift Station would be an underground station with only controls on grade. There being no further comments, Commission Gaut closed the public hearing at 6:16 p.m.

5. ACTION ITEMS:

- 5.1) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING VARIANCES TO THE CODE OF ORDINANCES, SECTION 98-48 – BLOCKS FOR THE PROPOSED PRELIMINARY PLAT OF SPRINGSIDE ESTATES SUBDIVISION: L. Kimbler

Planning Manager, Leslie Kimbler, presented staff’s report regarding the proposed variance to Code of Ordinances, Sect. 98-48 - Blocks. Commissioner Teague made a motion to approve the requested variance to Code of Ordinances, Sect. 98-48. The motion was seconded by Commissioner Gates. The motion carried with a vote of 5 to 0.

- 5.2) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE “PRELIMINARY PLAT” OF SPRINGSIDE ESTATES, A PROPOSED 79-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 42.67 ACRES: L. Kimbler

Planning Manager, Leslie Kimbler, presented staff’s report regarding the proposed Preliminary Plat of Springside Estates. Commissioner Gates made a motion to approve. The motion was seconded by Commissioner Teague. The motion carried with a vote of 5 to 0.

- 6. STAFF REPORTS:** Staff informed the Commission of a draft planning calendar and asked for date revisions if necessary. Final copy will be provided at December’s Planning and Zoning meeting.

7. REQUESTS FOR FUTURE AGENDA ITEMS: Commissioner Gaut requested a report on the City's water supply and future obligations as well as considerations for future climate changes.

ADJOURN:

There being no further business, Chairman Gaut adjourned the meeting at 6:26 p.m.

Tommy Gaut, Chair
City of Burnet Planning and Zoning Commission

Attest: _____
Herve Derek Fortin, Secretary



Development Services

ITEM 4.1 (a)

Carly Kehoe Pearson
Director Public Works &
Development Services
(512)756-2402 Ext 3515
ckehoe@cityofburnet.com

Public Hearing and Action

Meeting Date: January 8, 2024

Agenda Item: Discuss and consider action: First Reading of: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING"), SEC.118-5 & 118-68 PROVIDING FOR DEFINITIONS AND REGULATIONS FOR SHORT TERM RENTAL USES; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: C. Kehoe Pearson

Background: The City of Burnet has received numerous and increasing inquiries for short term rental units from companies and agents that specialize in utilizing existing housing stock and building new units to be utilized as commercial hotel alternative businesses. The City of Burnet has identified that the Code does not currently address short term rentals. The proposed amendment would update the current Code to address short term rental units within the jurisdiction of the City of Burnet in order to promote the viability of the community and its housing market while encouraging tourism in a balanced way that allows such uses in the same manner that other bed-and-breakfast/hotel accommodations are required to operate.

Information: Requesting Council to approve amending Chapter 118, Sections 118-5 and 118-68, adding industry standard definition of Short Term Rental and providing a process for Council approval for such uses.

Fiscal Impact: This ordinance has a no fiscal impact.

Recommendation: Open the public hearing.
Discuss and consider the first reading of Ordinance 2023-25.

ORDINANCE NO. 2024-XX

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 118 (ENTITLED ZONING"), SECS. 118-5 & 118-68 PROVIDING REGULATIONS FOR SHORT TERM RENTAL USES; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; 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 Code of Ordinances Ch. 118 (entitled "Zoning") by adding provision for Short Term Rental uses within zoning districts within the jurisdiction of the City of Burnet; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of Ch. 118 (entitled "Zoning") and has made a report and recommendation to City Council; and

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

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

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

Section one. Findings. The City Council finds all matters stated hereinabove are true and correct and are incorporated herein by reference as if copied in their entirety.

Section two. Amendment. The Code of Ordinances, Chapter 118 (entitled "Zoning") Section 118-5 (entitled "Definitions"), is hereby amended by deleting the struck-out language below and adding the underlined language below that follows:

Bed and breakfast means an establishment engaged in providing rooms or groups of rooms in a dwelling unit for temporary lodging for overnight transient guests on a paying basis. Or means a historic or otherwise architecturally unique building where lodging for overnight transient guests is provided by prearrangement for definite periods, for

compensation, for not more than seven rooms to let and where breakfast is included in the rates charged to guests. Lodging of transient guest is generally for periods of less than 30 days.

~~*Boarding House* means a building other than a hotel, occupied as a single housekeeping unit where lodging or meals are provided for three or more persons for compensation, pursuant to previous arrangements for definite periods, but not to the general public or transients.~~

Hotel means a building in which lodging is provided and offered to individual transient guests, but not excluding permanent guests, and may include a cafe, drugstore, clothes, pressing shop, barber shop or other service facilities for guests for compensation, and in which ingress and egress to and from all rooms is made through and inside a lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradiction to a boarding house, a lodging house, or an apartment. To be classified as a hotel an establishment shall contain a minimum of six individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, and the use and upkeep of furniture. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include a hospital, sanitarium, nursing home, or a dormitory as defined in V.T.C.A., Tax Code § 156.001.

~~*Motel* means a building or group of detached, semi-detached or attached buildings containing guest rooms or apartments with automobile storage space provided in connection therewith, which building or group is designed, intended or used primarily for the accommodation of automobile travelers, including groups designated as auto cabins, motor courts, motels and similar designations.~~

Bed and Breakfast means an establishment used by the record owner of the property and who is also a resident of the property, with not more than 7 rooms for let, engaged in providing rooms or groups of rooms, for compensation, for temporary lodging for overnight transient or prearranged guests for definite periods. Where hot meals are provided and served on-site per day and included in the lodging rate charged. Where lodging of guests is for periods of less than 30 days. Bed and Breakfasts shall be classified as a Lodging Facility. Bed and Breakfasts shall not be classified as a home-based business.

Hotel or Motel means a building in which lodging is provided and offered to individual transient guests, and may include a cafe, drugstore, clothes, pressing shop, barber shop or other service facilities for guests for compensation, and in which ingress and egress to and from all rooms is made through a lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradiction to a boarding house or bed and breakfast, a short-term rental unit such as a residential structure or apartment, or a long-term rental unit such as a residential structure or an apartment. To be classified as a hotel an establishment shall contain a minimum of six individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, and the use and

upkeep of furniture. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include a hospital, sanitarium, nursing home, or a dormitory as defined in V.T.C.A., Tax Code § 156.001. Hotels and motels shall be classified as a Lodging Facility.

Lodging Facilities means for-profit facilities where lodging is provided to transient or prearranged visitors and guests for a defined period of time shorter than 30 days for compensation.

Short-term rental (STR) means the rental for compensation of dwellings or accessory dwelling units or portions thereof for the purpose of overnight lodging for a period of not less than one night and not more than 29 consecutive days, other than ongoing month-to-month tenancy granted to the same renter for the same unit as their primary residence. This is not applicable to rentals made for less than thirty days upon the sale of a dwelling when the tenancy is by the former owner. Short-term rentals shall be classified as a Lodging Facility. Short-term rentals shall not be classified as a home-based business. (See STR Overlay, Sec.118-68)

Section three. Amendment. The Code of Ordinances, Chapter 118 (entitled “Zoning”) Section 118-68 (entitled “Overlays”), is hereby replaced in its entirety with the language that follows:

The city hereby establishes the following overlay districts which shall be governed by all of the uniform use and area requirements of this chapter. Within these overlay districts, additional requirements are imposed on certain properties within one or more underlying general or conditional zoning districts. The overlay districts established by this chapter, including the symbol for each type of district is as follows:

- IR- Infill redevelopment overlay
- H- Historical overlay
- MX- Multi-story mixed use overlay
- AH- Airport hazard zoning overlay
- STR- Short Term Rental overlay

- (a) *IR infill redevelopment overlay.* Where there is an existing lot that otherwise conforms to the restrictions of R-1 zoning located in the geographic area if the IR overlay as defined in the city infill ordinance, the city may grant a building permit for a lot that that has less than a 20 feet front setback, 15 feet rear setback or is less than 7,600 square feet. The living area may be less than 1,100 square feet upon submission of a house plan and approval from the planning and zoning commission and the city council. The city will grant the building permit only for those lots that are not adjacent to any collector or arterial streets.
- (b) *H-Historical overlay.* In addition to the requirements of this chapter. The area located in the geographic location of the H overlay will be subject to the city historical district ordinance.
- (c) *MX-Multi-story mixed use.* Those areas zoned commercial that are located in the MX overlay and have more than one story may allow for residential use except in the story or basement abutting street grade.

(d) STR – Short-term rental overlay. Unless authorized by STR Overlay, short-term rentals are prohibited in all zoning districts. Those properties with the STR Overlay may allow for short-term rental use in accordance with the City of Burnet short-term rental ordinance.

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

Section six. 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 7, (entitled “*Repealer*”) shall be controlling.

Section seven. 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 eight. 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 nine. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof.

Passed on first reading on the 9th day of January 2024.

Passed, Approved and Adopted on the 23rd day of January 2024.

CITY OF BURNET

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.1 (b)

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

Public Hearing and Action Item

Meeting Date: January 8, 2024

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 PROPERTY KNOWN 506 E LEAGUE ST. AND 410 S SILVER ST. FROM ITS PRESENT DESIGNATION OF LIGHT INDUSTRIAL – “I-1” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – “NC”; PROPERTY KNOWN AS 801 NORTHINGTON FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – “R-1”; PROPERTY KNOWN AS 303 S BOUNDARY FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 208 S VANDEVEER ST. FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 403 S SILVER ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – “NC”; PROPERTY KNOWN AS THE RANDY LONGORIA PARK FROM ITS PRESENT DESIGNATION OF AGRICULTURE – “A” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 800 AND 802 S VANDEVEER ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF DUPLEX – “R-2”; AND PROPERTY KNOWN AS 808 S BOUNDARY ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – “R-1”: L. Kimbler

Background: This request is a city-initiated request to bring the property into compliance with the current zoning code.

Information: In the continued effort to clean up the zoning map to ensure each property is zoned appropriately for the use as well as the surrounding area, staff is bringing this request forward for consideration.

Public Notification: Written notices were mailed to 120 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 and Current Zoning (cont.)
801 NORTHINGTON ST



Exhibit A – Location and Current Zoning (cont.)
RANDY LONGORIA PARK

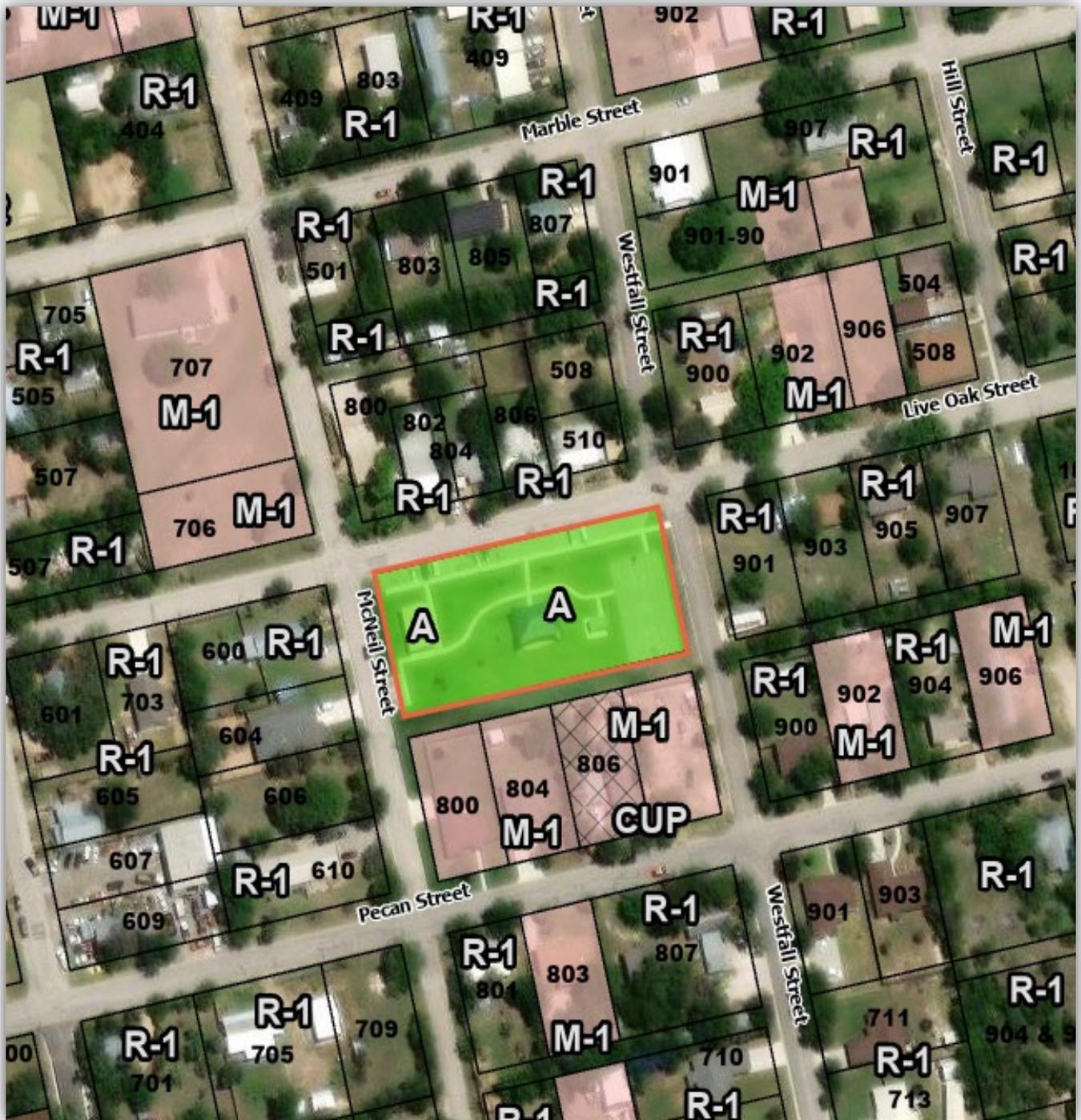


Exhibit A – Location and Current Zoning (cont.)
800 AND 802 S VANDEVEER ST
808 S BOUNDARY ST



ORDINANCE NO. 2024-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 PROPERTY KNOWN 506 E LEAGUE ST. AND 410 S SILVER ST. FROM ITS PRESENT DESIGNATION OF LIGHT INDUSTRIAL – “I-1” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – “NC”; PROPERTY KNOWN AS 801 NORTHINGTON FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – “R-1”; PROPERTY KNOWN AS 303 S BOUNDARY FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 208 S VANDEVEER ST. FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 403 S SILVER ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – “NC”; PROPERTY KNOWN AS THE RANDY LONGORIA PARK FROM ITS PRESENT DESIGNATION OF AGRICULTURE – “A” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 800 AND 802 S VANDEVEER ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF DUPLEX – “R-2”; AND PROPERTY KNOWN AS 808 S BOUNDARY ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – “R-1”

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 known as: 506 E LEAGUE ST (LEGALLY DESCRIBED AS: LOTS 1, 3 AND 4, VANDEVEER/ALEXANDER ADDITION) as shown on **Exhibit “A”** hereto.

Section three. Zoning District Reclassification. NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” Zoning District Classification is hereby assigned to the Property described in section two.

Section four. Property. The Property that is the subject to this Zoning District Reclassification is known as: 410 S SILVER ST (LEGALLY DESCRIBED AS: LOT2 VANDEVEER/ALEXANDER ADDITION) as shown on **Exhibit “B”** hereto.

Section five. Zoning District Reclassification. NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” Zoning District Classification is hereby assigned to the Property described in section four.

Section six. Property. The Property that is the subject to this Zoning District Reclassification is known as 403 S SILVER ST, (LEGALLY DESCRIBED AS: BEING ALL OF LOT THREE AND PART OF LOT FOUR, BLOCK 41, ALEXANDER ADDITION) as shown on **Exhibit “C”** hereto.

Section seven. Zoning District Reclassification. NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” Zoning District Classification is hereby assigned to the Property described in section six.

Section eight. Property. The Property that is the subject to this Zoning District Reclassification is known as: 303 S BOUNDARY ST (LEGALLY DESCRIBED AS: BEING 0.285 ACRES OF LAND, OUT OF JOHN HAMILTON SURVEY NO. 1, ABS. NO. 405, AND BEING A PORTION OF LOT NOS. ONE, TWO, THREE AND FOUR, BLOCK NO. ONE, PETER KERR DONTATION) as shown on **Exhibit “D”** hereto.

Section nine. Zoning District Reclassification. GOVERNMENT – DISTRICT “G” Zoning District Classification is hereby assigned to the Property described in section eight.

Section ten. Property. The Property that is the subject to this Zoning District Reclassification is known as: 208 S VANDEVEER ST, (LEGALLY DESCRIBED AS: PART OF LOT NO. 2, BLK. 4, KERR PORTION) as shown on **Exhibit “E”** hereto.

Section eleven. Zoning District Reclassification. GOVERNMENT – DISTRICT “G” Zoning District Classification is hereby assigned to the Property described in section ten.

Section twelve. Property. The Property that is the subject to this Zoning District Reclassification known as: 801 NORTHINGTON ST, (LEGALLY DESCRIBED AS: BEING 1 ACRE TAKEN FROM THE NORTHWEST CORNER OF FIVE-ACRES BLOCK NO. EIGHT, PETER KERR DONATION) as shown on **Exhibit “F”** hereto.

Section thirteen. Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” Zoning District Classification is hereby assigned to the Property described in section twelve.

Section fourteen. Property. The Property that is the subject to this Zoning District Reclassification is known as: RANDY LONGORIA PARK (LEGALLY DESCRIBED AS: LOT 1A, BLK 3, JOHNSON ADDITION) as shown on **Exhibit “G”** hereto.

Section fifteen. Zoning District Reclassification. GOVERNMENT – DISTRICT “G” Zoning District Classification is hereby assigned to the Property described in section fourteen.

Section sixteen. Property. The Property that is the subject to this Zoning District Reclassification is known as: 800 AND 802 S VANDEVEER ST (LEGALLY DESCRIBED AS: NORTHEAST CORNER OF LOT NO. ONE, BLK. NO. 29, ALEXANDER ADDITION) as shown on **Exhibit “H”** hereto.

Section seventeen. Zoning District Reclassification. DUPLEX – DISTRICT “R-2” Zoning District Classification is hereby assigned to the Property described in section fifteen.

Section eighteen. Property. The Property that is the subject to this Zoning District Reclassification is known as: 808 S BOUNDARY ST (LEGALLY DESCRIBED AS: LOT 2, BLK 26, ALEXANDER ADDITION) as shown on **Exhibit “I”** hereto.

Section nineteen. Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” Zoning District Classification is hereby assigned to the Property described in section eighteen.

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

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

Section twenty-three. Effective Date. This ordinance is effective upon final passage and approval.

PASSED on First Reading the 9th day of January 2024.

PASSED AND APPROVED on this the 23rd day of January 2024.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"

506 E LEAGUE ST (LEGALLY DESCRIBED AS: LOTS 1, 3 AND 4,
VANDEVEER/ALEXANDER ADDITION)



Exhibit "B"
410 S SILVER ST (LEGALLY DESCRIBED AS: LOT2 VANDEVEER/ALEXANDER
ADDITION)



Exhibit "C"

403 S SILVER ST, (LEGALLY DESCRIBED AS: BEING ALL OF LOT THREE AND PART OF LOT FOUR, BLOCK 41, ALEXANDER ADDITION)



Exhibit "D"

303 S BOUNDARY ST (LEGALLY DESCRIBED AS: BEING 0.285 ACRES OF LAND, OUT OF JOHN HAMILTON SURVEY NO. 1, ABS. NO. 405, AND BEING A PORTION OF LOT NOS. ONE, TWO, THREE AND FOUR, BLOCK NO. ONE, PETER KERR DONTATION)



Exhibit "E"
208 S VANDEVEER ST, (LEGALLY DESCRIBED AS: PART OF LOT NO. 2, BLK. 4,
KERR PORTION)



Exhibit "F"

801 NORTHINGTON ST, (LEGALLY DESCRIBED AS: BEING 1 ACRE TAKEN FROM THE NORTHWEST CORNER OF FIVE-ACRES BLOCK NO. EIGHT, PETER KERR DONATION)



Exhibit "G"
RANDY LONGORIA PARK (LEGALLY DESCRIBED AS: LOT 1A, BLK 3, JOHNSON
ADDITION)

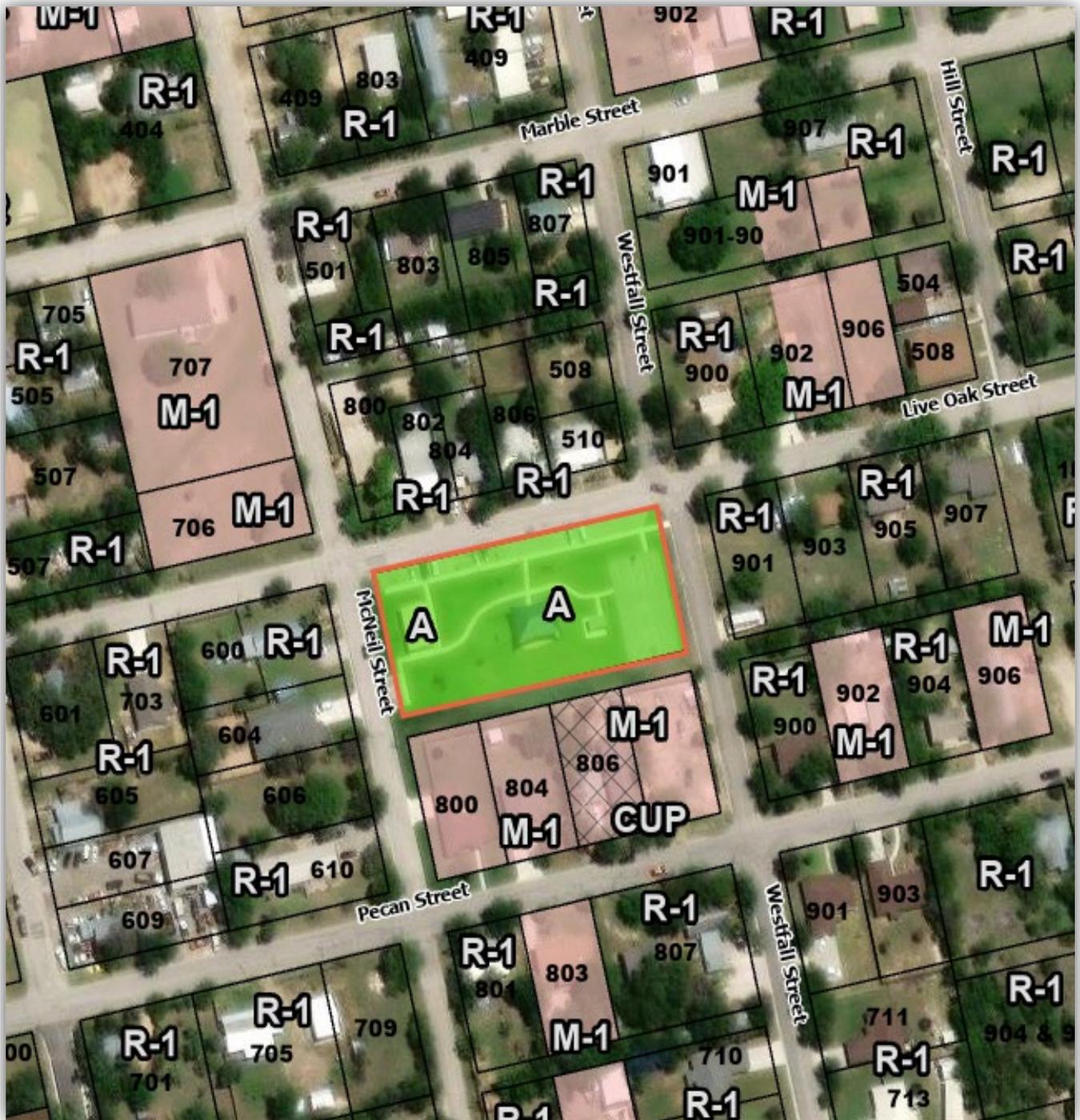


Exhibit "H"

800 AND 802 S VANDEVEER ST (LEGALLY DESCRIBED AS: NORTHEAST CORNER OF LOT NO. ONE, BLK. NO. 29, ALEXANDER ADDITION)



Exhibit "I"
808 S BOUNDARY ST (LEGALLY DESCRIBED AS: LOT 2, BLK 26, ALEXANDER ADDITION)





Development Services

ITEM 4.1 (c)

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

Public Hearing and Action

- Meeting Date:** January 8, 2024
- 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 KNOWN AS 611 S WATER STREET FROM SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO LIGHT COMMERCIAL – DISTRICT “C-1”: L. Kimbler
- Background:** Located along south Highway 281, also known as Water Street, the subject property is currently zoned R-1. The property has previously been pre-existing non-conforming as a commercial business but has been unoccupied since 2019. Recently, the owner applied for utilities to utilize the building for commercial purposes again, when staff noticed it was inappropriately zoned for such use. Although the property had previously been utilized as a non-conforming use, Sec. 118-66 does state that any nonconforming use that is discontinued or abandoned or ceases for a period of 90 days shall terminate.
- Information:** The applicant is requesting to change the zoning district to Light Commercial – District “C-1” to allow the building to be utilized as a small office space.
- Staff Analysis:** Light Commercial – District “C-1” is governed by code of ordinances, Sect. 118-45, and allows for a mix of commercial uses including small retail, offices, and similar uses excluding residential and multifamily. Some examples of these types of uses include banks, convenience stores, barber shops & beauty parlors, legal services, and restaurants.
- Uses in this zoning district must have paved sidewalks, driveways, and parking areas to which this property does already have.
- Public Notification:** Written notices were mailed to 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.

along Exhibit A – Location and Current Zoning



ORDINANCE NO. 2024-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 KNOWN AS 611 S WATER STREET FROM SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO LIGHT COMMERCIAL – DISTRICT “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 property known as: 611 S WATER ST (LEGALLY DESCRIBED AS: S8450 VANDEVEER/ALEXANDER LOT SOUTH PART OF 3, BLK. 3) 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 9th day of January 2024.

PASSED AND APPROVED on this the 23rd day of January 2024.

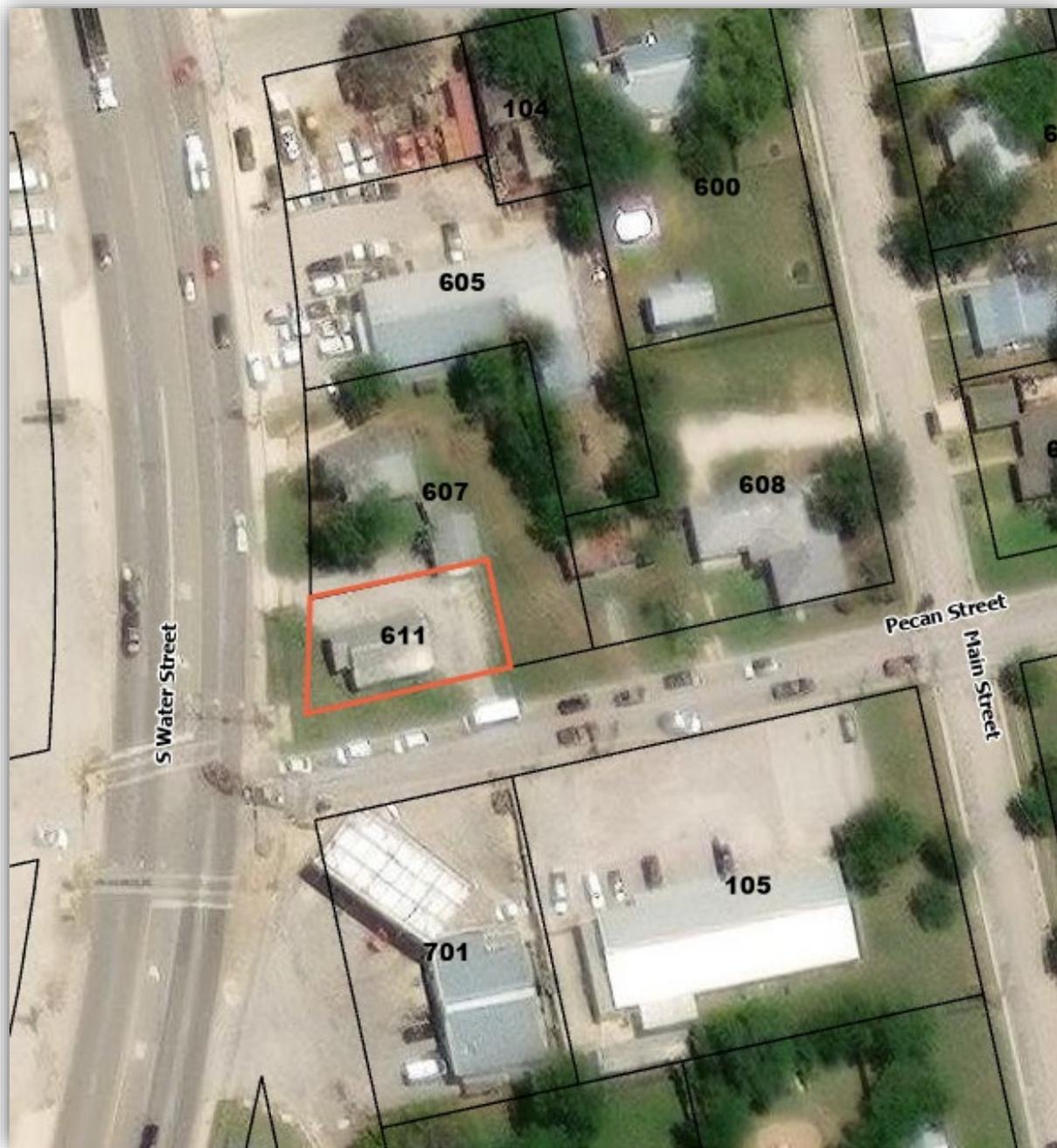
CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
Subject Property





Development Services

ITEM 4.2

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

Public Hearing

Meeting Date: January 8, 2024

Public Hearing: The Planning & Zoning Commission shall conduct a public hearing to receive public testimony and comments on the merits of a proposed "Preliminary Plat" for approximately 25.88 acres out of Abstract A0398 Susano Hernandez Tract and Abstract 1018 & 29. The proposed "Preliminary Plat" will establish The Ranch at Delaware Creek, Phase 5, consisting of 52 residential lots: L. Kimbler

Information: The proposed gated subdivision, zoned R-2, is located on the west side of HWY 281 north of Ramsey's Way, between Sunday Drive and South Hwy 281 Delaware Commercial property (Exhibit A). The applicant is proposing to subdivide the tract to create 52 residential lots, to be developed with duplexes, with four detention ponds, two open space areas and a private road (Exhibit B).

One new road will be created within the subdivision to be named Bucking Horse Circle which will be a private road to be maintained by the subdivision's POA. The subdivision will gain access off Highway 281 along Trailside Drive; secondary ingress will be provided along Ramsey's Way. Bucking Horse Circle does 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.

All lots will be provided with City of Burnet electric, water, and sewer.

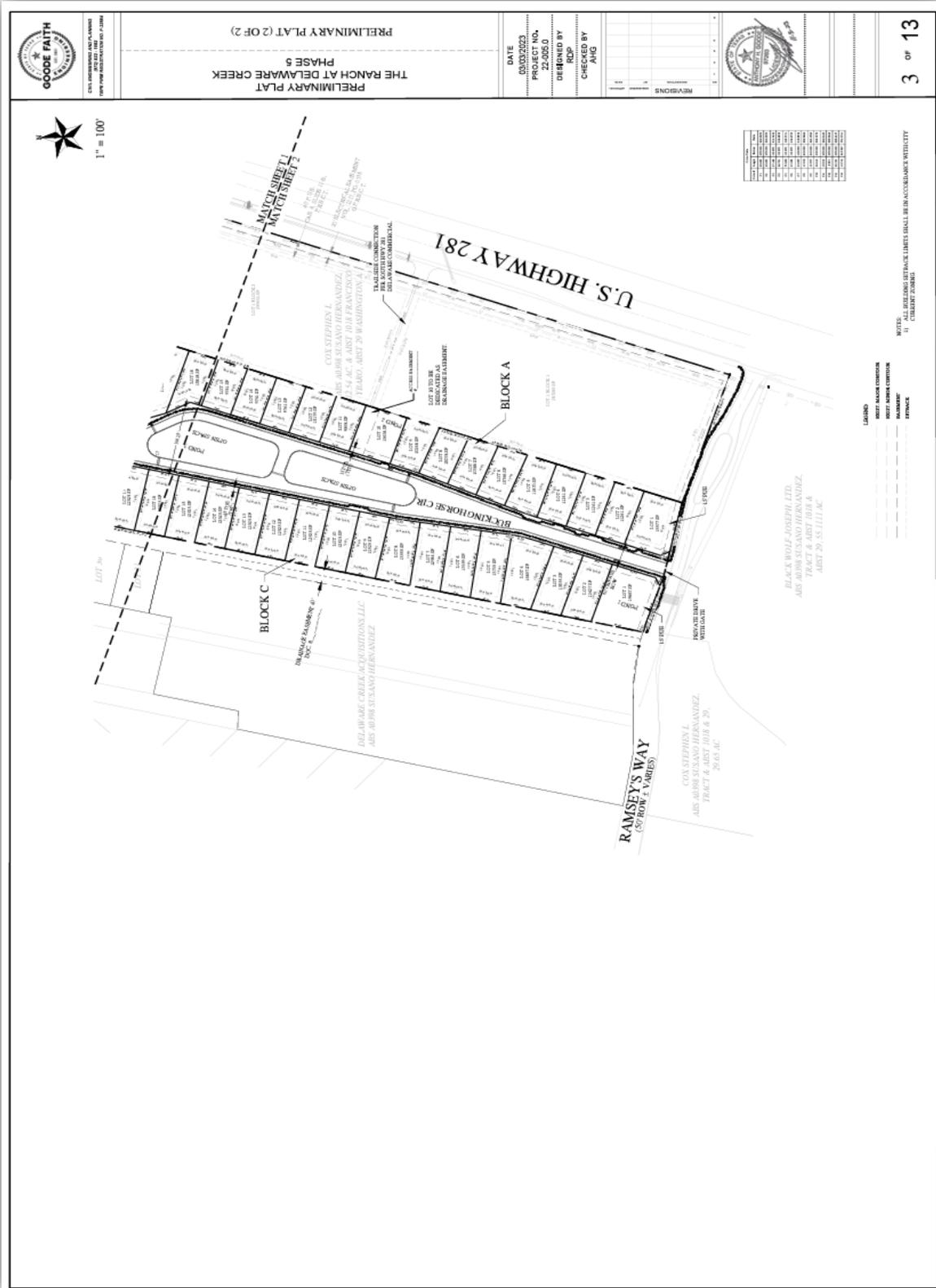
Staff Analysis: City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 (entitled "Preliminary Plats") and have found the plat does generally meet the requirements as outlined in the code.

Recommendation: Open the public hearing.

Exhibit "A"
Tract



Plat Page 3





Development Services

ITEM 5.1

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

Action Item

Meeting Date: January 8, 2024

Action Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING VARIANCES TO THE CODE OF ORDINANCES, SECTION 98-48 – BLOCKS FOR THE PROPOSED PRELIMINARY PLAT OF THE RANCH AT DELAWARE CREEK, PHASE 5 SUBDIVISION: L. Kimbler

Background: The proposed Preliminary Plat of The Ranches at Delaware Creek, Phase 5 Subdivision (Exhibit A) is a residential subdivision on approximately 25 acres. The proposed subdivision will create 52 residential lots which are zoned District R-2. This district allows duplexes, three- and four-unit residences with a minimum of 900 square feet per unit of living area. The proposed subdivision will be a gated subdivision.

One new road will be created within the subdivision to be named Bucking Horse Circle which will be a private road to be maintained by the subdivision's POA. The subdivision will gain access off Highway 281 along Trailside Drive; secondary ingress will be provided along Ramsey's Way. Bucking Horse Circle does exceed the allowable length in the City of Burnet's code of ordinances, Sec. 98-42, which necessitates this requested variance.

The applicant has met the fire code by providing breaks in the development to allow for the fire truck to turn around. This also provides for common spaces that provide areas for traffic calming.

Information: The requested variance (Exhibit B) pertains to the requirements outlined in Code of Ordinances Sec. 98-48(1)(b) which states: "Residential blocks shall not exceed 600 feet nor be less than 300 feet in length." The proposed blocks A and C, along Bucking Horse Circle, do exceed the allowable block length in the City of Burnet's code of ordinances, Sec. 98-42, and therefore will require approval of a subdivision variance.

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 request and has determined that, due to the long linear configuration of the property, the limited access due to existing developments and lack of inner-connectivity, and the drainage channel located to the west of the property, the requested variance would meet the criterion of the code.

Recommendation: Staff recommends approval of the applicant’s request for the variance to the Code of Ordinances, Section 98-48 – Blocks and Lots for the proposed Preliminary Plat of The Ranches at Delaware Creek, Phase 5 Subdivision.

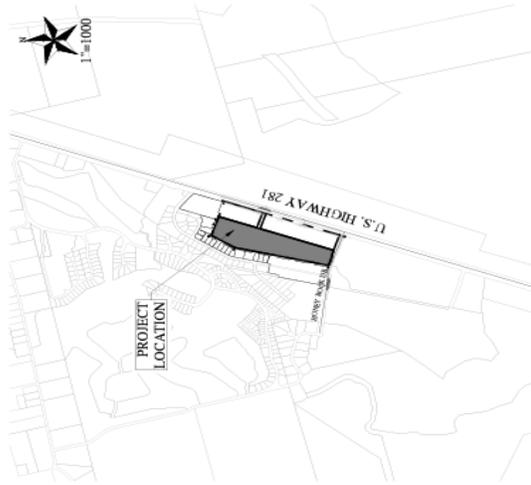
Exhibit "A" Plat Page 1



Sheet List Table

Sheet Number	Sheet Title
1	COVER
2	PRELIMINARY PLAN (1 OF 2)
3	PRELIMINARY PLAN (2 OF 2)
4	EXISTING DRAINAGE AREA MAP
5	PROPOSED DRAINAGE AREA MAP
6	DETENTION & WATER QUALITY PLAN
7	OVERALL WATER PLAN
8	OVERALL WASTEWATER PLAN
9	OVERALL STREET PLAN
10	PAVING PLAN
11	EROSION & SEDIMENTATION CONTROL PLAN
12	TREE PRESERVATION PLAN (1 OF 2)
13	TREE PRESERVATION PLAN (2 OF 2)

THE RANCH AT DELAWARE CREEK PHASE 5 BURNET COUNTY, TX NOVEMBER 2023



APPROVED BY:	DATE:

The undersigned hereby certifies that the information furnished herein is true and correct to the best of their knowledge and belief, and that they are duly qualified to perform the services herein described.

City of Burnet

CIVIL ENGINEER / ARCHITECT / LANDSCAPE DESIGN
 10000 W. STATE ST. SUITE 100
 FORT WORTH, TEXAS 76134
 CONTACT: MICHAEL R. GOODE, P.E.
 P: 817.343.4444
 F: 817.343.4444
 WWW.GOODEFAITHENGINEERS.COM

REGISTERED PROFESSIONAL ENGINEER
 STATE OF TEXAS
 NUMBER: 10000
 EXPIRES: 12/31/2024

REGISTERED PROFESSIONAL ARCHITECT
 STATE OF TEXAS
 NUMBER: 10000
 EXPIRES: 12/31/2024

REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT
 STATE OF TEXAS
 NUMBER: 10000
 EXPIRES: 12/31/2024

REVISIONS

NO.	DATE	DESCRIPTION

REGISTERED PROFESSIONAL ENGINEER
 STATE OF TEXAS
 NUMBER: 10000
 EXPIRES: 12/31/2024

REGISTERED PROFESSIONAL ARCHITECT
 STATE OF TEXAS
 NUMBER: 10000
 EXPIRES: 12/31/2024

REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT
 STATE OF TEXAS
 NUMBER: 10000
 EXPIRES: 12/31/2024

DATE: 11/03/2023
 TIME: 2:00:00
 RDP
 AIG

COVER
 THE RANCH AT DELAWARE CREEK
 PHASE 5
 PRELIMINARY PLAN

Plat Page 2

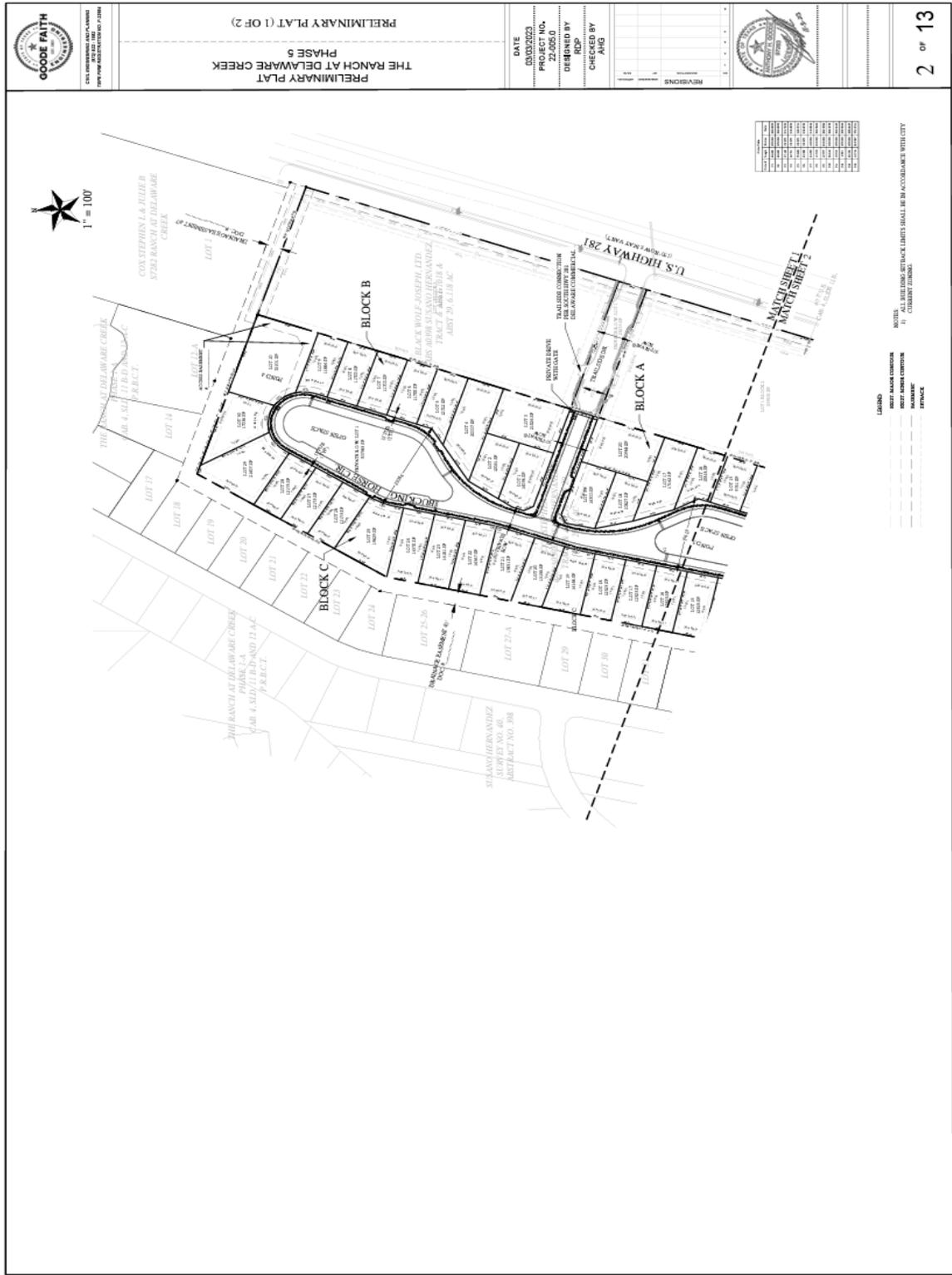


Exhibit "B" – Requested Variance



November 29, 2023

Leslie Kimbler
City of Burnet
1001 Buchanan Drive, Suite 4
Burnet, TX 78611

Permit Number 2023-PZ-245
Job Address: 4800 S US 281, Burnet 78611

Dear Leslie Kimbler,

We are writing to request a variance for residential block lengths within Sec. 98-48.(1)(b).-Blocks: *Residential blocks shall not exceed 600 feet nor be less than 300 feet in length, except as otherwise provided for herein.*

We believe there is a hardship due to the development to the west not stubbing roads, a drainage channel to the west, the zoning of the 30 acres +/- in a long linear configuration and the commercial zoning to the east. All of these factors make intermediate blocks very inefficient providing no common benefits of typical blocks.

We have provided a layout with internal "blocks" calming traffic, providing common open spaces, and visual breaks. We are also providing breaks on the east side due to pond locations and utility easements to help with the formation of "blocks".

Please consider this request for unique "blocks" and extending allowable block length to allow for the submitted preliminary plat configuration.

Sincerely,



Anthony Goode, PE

RESOLUTION NO. R2024-XX

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING VARIANCES TO THE CODE OF ORDINANCES, SECTION 98-48 – BLOCKS FOR THE PROPOSED PRELIMINARY PLAT OF THE RANCHES AT DELAWARE CREEK, PHASE 5 SUBDIVISION

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

Whereas, the applicant has petitioned for a variance to the Code of Ordinances; and

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

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

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

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

- Granting the variance is not contrary to the public interest: **approving the variance allows the property to be developed in the most advantageous way to the existing surrounding developments and is not contrary to the public interest.**
- The literal enforcement of this chapter would result in unnecessary hardship: **due to the existing surrounding developments and the long configuration of the property, the literal enforcement would result in unnecessary hardship.**
- The variance observes the spirit of the ordinance and concludes that substantial justice is done: **staff has determined that all other requirements of the code are adhered to and therefore, the spirit of the ordinance 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 9th day of January 2024.

CITY OF BURNET, TEXAS

ATTEST:

Gary Wideman, Mayor

Kelly Dix, City Secretary



Development Services

ITEM 5.2

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

Action Item

Meeting Date: January 8, 2024

Agenda Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE PRELIMINARY PLAT OF THE RANCH AT DELAWARE CREEK, PHASE 5 SUBDIVISION, A PROPOSED 52-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 25.88 ACRES: L. Kimbler

Information: The proposed gated subdivision, zoned R-2, is located on the west side of Hwy 281 north of Ramsey's Way, between Sunday Drive and South Hwy 281 Delaware Commercial property (Exhibit A). The applicant is proposing to subdivide the tract to create 52 residential lots, to be developed with duplexes, with four detention ponds, two open space areas and a private road (Exhibit B).

One new road will be created within the subdivision to be named Bucking Horse Circle which will be a private road to be maintained by the subdivision's POA. The subdivision will gain access off Highway 281 along Trailside Drive; secondary ingress will be provided along Ramsey's Way. Bucking Horse Circle does 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.

All lots will be provided with City of Burnet electric, water, and sewer.

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

Recommendation: Staff recommend approval of the Preliminary Plat of The Ranch at Delaware Creek, Phase 5 and Resolution R2024-XX.

Exhibit "A"
Tract



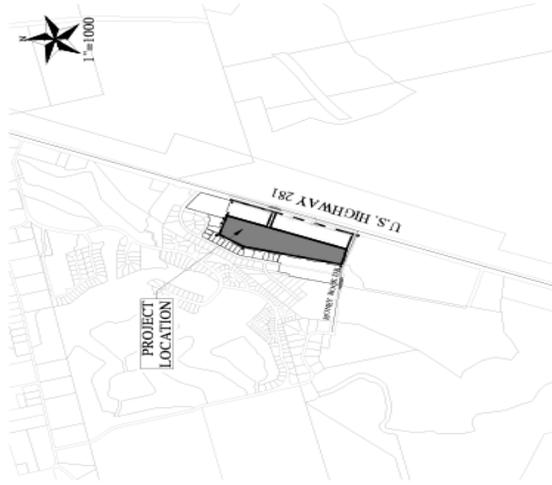
Exhibit "B" Plat Page 1

THE RANCH AT DELAWARE CREEK PHASE 5 BURNET COUNTY, TX NOVEMBER 2023



Sheet List Table

Sheet Number	Sheet Title
1	COVER
2	PRELIMINARY PLAT (1 OF 2)
3	PRELIMINARY PLAT (2 OF 2)
4	EXISTING DRAINAGE AREA MAP
5	PROPOSED DRAINAGE AREA MAP
6	DEFENTION & WATER QUALITY PLAN
7	OVERALL WATER PLAN
8	OVERALL WASTEWATER PLAN
9	OVERALL STREET PLAN
10	PAVING PLAN
11	EROSION & SEDIMENTATION CONTROL PLAN
12	TREE PRESERVATION PLAN (1 OF 2)
13	TREE PRESERVATION PLAN (2 OF 2)



SUBDIVISION: THE RANCH AT DELAWARE CREEK	
TOTAL NUMBER OF LOTS	80
UNRESERVED LOTS	1
TOTAL ACRES	27.38

This plat is preliminary. The plat and all other data hereon are subject to approval by the City Council of the City of Burnet, Texas, and the Board of Commissioners of Burnet County, Texas. The plat is preliminary and is not to be used for construction purposes.

Division of Planning and Development
City of Burnet

CIVIL ENGINEER: AGENT LANDSCAPE DESIGN
GOODE FAITH ENGINEERS, LLC
1501 LA SALLE DRIVE, SUITE 800
AUSTIN, TX 78704
CONTACT: ANTHONY H. GOODE, P.E.
P: 512.453.1100
F: 512.453.1101
E: ANTHONY@GOODEFAITHENGINEERS.COM

CONTRACTOR:
NUTTER COOK
10000 W. 34TH STREET
AUSTIN, TX 78739
P: 512.837.7800
F: 512.837.7801
E: INFO@NUTTERCOOK.COM

ENGINEER:
CENTROTEK SERVICES, LLC
10000 W. 34TH STREET, SUITE 100
AUSTIN, TX 78739
CONTACT:
CODY COOK
512.837.8484
E: INFO@CENTROTEK.COM

PRELIMINARY PLAT
THE RANCH AT DELAWARE CREEK
PHASE 5
COVER

1 of 13

DATE	11/03/2023
SCALE	22.035.0
RDP	
AUG	

REVISIONS

11/3/23
AGENT LANDSCAPE DESIGN
GOODE FAITH ENGINEERS, LLC
1501 LA SALLE DRIVE, SUITE 800
AUSTIN, TX 78704
P: 512.453.1100
F: 512.453.1101
E: ANTHONY@GOODEFAITHENGINEERS.COM



NO.	DATE	DESCRIPTION

RESOLUTION NO. R2024-XX

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE PRELIMINARY PLAT OF THE RANCH AT DELAWARE CREEK, PHASE 5 SUBDIVISION, A PROPOSED 52-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 25.88 ACRES

Whereas, the Planning and Zoning Commission conducted a public hearing on this application on January 8, 2024; and

Whereas, the Planning and Zoning Commission recommended approval of the application on January 8, 2024; and

Whereas, City Council conducted a public hearing on this application on January 9, 2024

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 of the The Ranch at Delaware Creek, Phase 5 Subdivision 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 9th day of January 2024.

CITY OF BURNET, TEXAS

ATTEST:

Gary Wideman, Mayor

Kelly Dix, City Secretary