



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, **July 1, 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 June 3, 2024.

4. PUBLIC HEARINGS and ACTION ITEMS:

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 THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING THE PROPERTY KNOWN AS 400 N WEST STREET FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; 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.

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 205 S HILL ST., 307 S HILL ST., 309 S HILL ST., 1006 E LEAGUE ST., 303 LEAGUE CT., 304 LEAGUE CT., 305 LEAGUE CT., 306 LEAGUE CT., 307 LEAGUE CT., 308 LEAGUE CT., 309 LEAGUE CT., 310 LEAGUE CT., FROM THEIR PRESENT DESIGNATION OF MULTI-

FAMILY RESIDENTIAL – DISTRICT “R-3” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1”; PROPERTY KNOWN AS 1001 E POLK ST FROM THE PRESENT DESIGNATION OF MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” TO A DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2”; PROPERTY KNOWN AS 703 N MAIN ST FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; AND PROPERTY KNOWN AS 400 N WEST ST FROM THE PRESENT DESIGNATIONS OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1”, LIGHT COMMERCIAL – DISTRICT “C-1” AND MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; 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.

- c) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING THE PROPERTY KNOWN AS 104 COUNTY ROAD 108 FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF COMMERCIAL; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

- d) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY OF BURNET BY REZONING PROPERTY KNOWN AS 104 COUNTY ROAD 108 FROM ITS PRESENT DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” WITH A CONDITIONAL USE PERMIT TO ALLOW “ASSISTED RETIREMENT LIVING”; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

5. STAFF REPORTS:

6. 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 June 28, 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 28th day of June 2024

Maria Gonzales, 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 mgonzales@cityofburnet.com for information or assistance.



PLANNING AND ZONING COMMISSION MINUTES

On this the 3rd of June 2024, the Planning and Zoning Commission of the City of Burnet convened in Regular Session, 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 were discussed:

1. CALL TO ORDER:

The meeting was called to order at 6:00 p.m. by Vice-Chairman Calib Williams.

2. ROLL CALL:

Members present: Calib Williams, Glen Teague, Derek Fortin, and Glen Gates

Members absent: None

Guests: None

Others present: David Vaughn, City Manager, Leslie Kimbler, Planning Manager, and Bobbi Havins, Development Services Coordinator

3. CONSENT AGENDA ITEMS:

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

- 3.1) Minutes of the meeting of the Planning and Zoning Commission of the City of Burnet, Texas held on May 7, 2024. There being no objections, Vice-Chairman Calib Williams approved the minutes as presented.

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 THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING PROPERTY KNOWN AS THE CREEK SIDE TOWNHOMES FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” TO A DESIGNATION OF MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3”; PROPERTY KNOWN AS THE RHOMBERG APARTMENTS FROM ITS PRESENT DESIGNATION ON LIGHT COMMERCIAL – DISTRICT “C-1” AND SINGLE-FAMILY RESIDENTIAL “R-1” TO A DESIGNATION OF MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3”; AND PROPERTY KNOWN AS THE HAMILTON CREEK MANOR FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” TO A DESIGNATION OF MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3”; 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.

Planning Manager, Leslie Kimbler, presented staff's report regarding the City initiated request to zone certain properties. Vice-Chairman Williams opened the public hearing at 6:03 p.m. There being no comments, Vice-Chairman Williams closed the public hearing at 6:03 p.m. Commissioner Gates made a motion to approve. The motion was seconded by Commissioner Teague. The motion carried with a vote of 4 to 0.

5. ACTION ITEMS:

5.1) Discuss and consider: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING VARIANCES TO THE CODE OF ORDINANCES, SECTION 98-48 – BLOCKS AND LOTS FOR THE FINAL PLAT OF CREEKFALL PHASE 1 SUBDIVISION: L. Kimbler

Planning Manager, Leslie Kimbler, presented staff's report regarding the proposed variance to Code of Ordinances, Sect. 98-48 – Blocks and lot for the final plat of Creeksfall Phase 1. Commissioner Teague made a motion to approve. The motion was seconded by Commissioner Fortin. The motion carried with a vote of 4 to 0.

5.2) Discuss and consider: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE "FINAL PLAT" OF CREEKFALL PHASE 1 SUBDIVISION, A PROPOSED 84-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 22.27 ACRES: L. Kimbler

Planning Manager, Leslie Kimbler, presented staff's report regarding the proposed conditional approval of the Final Plat of Creeksfall Phase 1. Vice-Chairman Williams made a motion to approve. The motion was seconded by Commissioner Teague. The motion carried with a vote of 4 to 0.

5.3) Discuss and consider: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE "FINAL PLAT" OF CREEKFALL PHASE 2 SUBDIVISION, A PROPOSED 20-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 21.65 ACRES: L. Kimbler

Planning Manager, Leslie Kimbler, presented staff's report regarding the proposed conditional approval of the Final Plat of Creeksfall Phase 2. Commissioner Teague made a motion to approve. The motion was seconded by Commissioner Fortin. The motion carried with a vote of 4 to 0.

5.4) Discuss and consider: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE "FINAL PLAT" OF SOUTH HWY 281 DELAWARE COMMERCIAL, A PROPOSED 3-LOT COMMERCIAL SUBDIVISION CONSISTING OF APPROXIMATELY 19.65 ACRES: L. Kimbler

Planning Manager, Leslie Kimbler, presented staff's report regarding the proposed conditional approval of the Final Plat of South Hwy. 281, Delaware Commercial. Commissioner Fortin made a motion to approve. The motion was seconded by Commissioner Teague. The motion carried with a vote of 4 to 0.

6. STAFF REPORTS:

7. REQUESTS FOR FUTURE AGENDA ITEMS:

- 8. ADJOURN:** There being no further business, Vice-Chairman Williams adjourned the meeting at 6:19 p.m.

Calib Williams, Vice-Chairman
City of Burnet Planning and Zoning Commission

Attest: _____
Herve Derek Fortin, Secretary



Development Services

ITEM 4.1 (a)

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

Public Hearing and Action Item

Meeting Date: July 1, 2024

Agenda Item: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY BY ASSIGNING THE PROPERTY KNOWN AS 400 N WEST STREET FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. KIMBLER

Background: In February, the City of Burnet purchased the property known as 400 N West Street for parkland. The City's Future Land Use Plan for this property is designated as Residential. Now that the City owns the property, it is more appropriate for the FLUM and zoning map to reflect the property as Governmental property. The requested Future Land Use amendment must be approved before the zoning change request can be approved (next item on the agenda).

Public Notice: Notices were mailed to 18 surrounding property owners within 200' of the subject property and staff has received no comments in opposition to the proposed amendment to the City's Future Land Use Plan.

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

Exhibit A – Future Land Use Map

400 N WEST



Government



Commercial



Residential



Open Space

ORDINANCE NO. 2024-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY BY ASSIGNING THE PROPERTY KNOWN AS 400 N WEST STREET FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council, by the passage and approval of Ordinance No. 2012-09, did assign Future Land Use classifications for property located within the city in accordance with the Official Future Land Use Map as approved with said ordinance; and

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

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

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

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

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

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

Section two. Property. The Property that is the subject to this Future Land Use Reclassification is known as: **400 N WEST ST** (LEGALLY DESCRIBED AS: being Lot One Kroger Subdivision) as shown on **Exhibit “A”** hereto.

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

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

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

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

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

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

PASSED AND APPROVED on the 23rd day of July 2024.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

Exhibit "A"
400 N West St





Development Services

ITEM 4.1 (b)

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

Public Hearing and Action Item

Meeting Date: July 1, 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 AS 205 S HILL ST., 307 S HILL ST., 309 S HILL ST., 1006 E LEAGUE ST., 303 LEAGUE CT., 304 LEAGUE CT., 305 LEAGUE CT., 306 LEAGUE CT., 307 LEAGUE CT., 308 LEAGUE CT., 309 LEAGUE CT., 310 LEAGUE CT., FROM THEIR PRESENT DESIGNATION OF MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1”; PROPERTY KNOWN AS 1001 E POLK ST FROM THE PRESENT DESIGNATION OF MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” TO A DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2”; PROPERTY KNOWN AS 703 N MAIN ST FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; AND PROPERTY KNOWN AS 400 N WEST ST FROM THE PRESENT DESIGNATIONS OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1”, LIGHT COMMERCIAL – DISTRICT “C-1” AND MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE : L. Kimbler

Background: This request is a city-initiated request to bring the properties 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 60 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

205 S HILL ST., 307 S HILL ST., 309 S HILL ST., 1006 E LEAGUE ST., 303 LEAGUE CT., 304 LEAGUE CT., 305 LEAGUE CT., 306 LEAGUE CT., 307 LEAGUE CT., 309 LEAGUE CT., 310 LEAGUE CT., AND 1001 E POLK ST

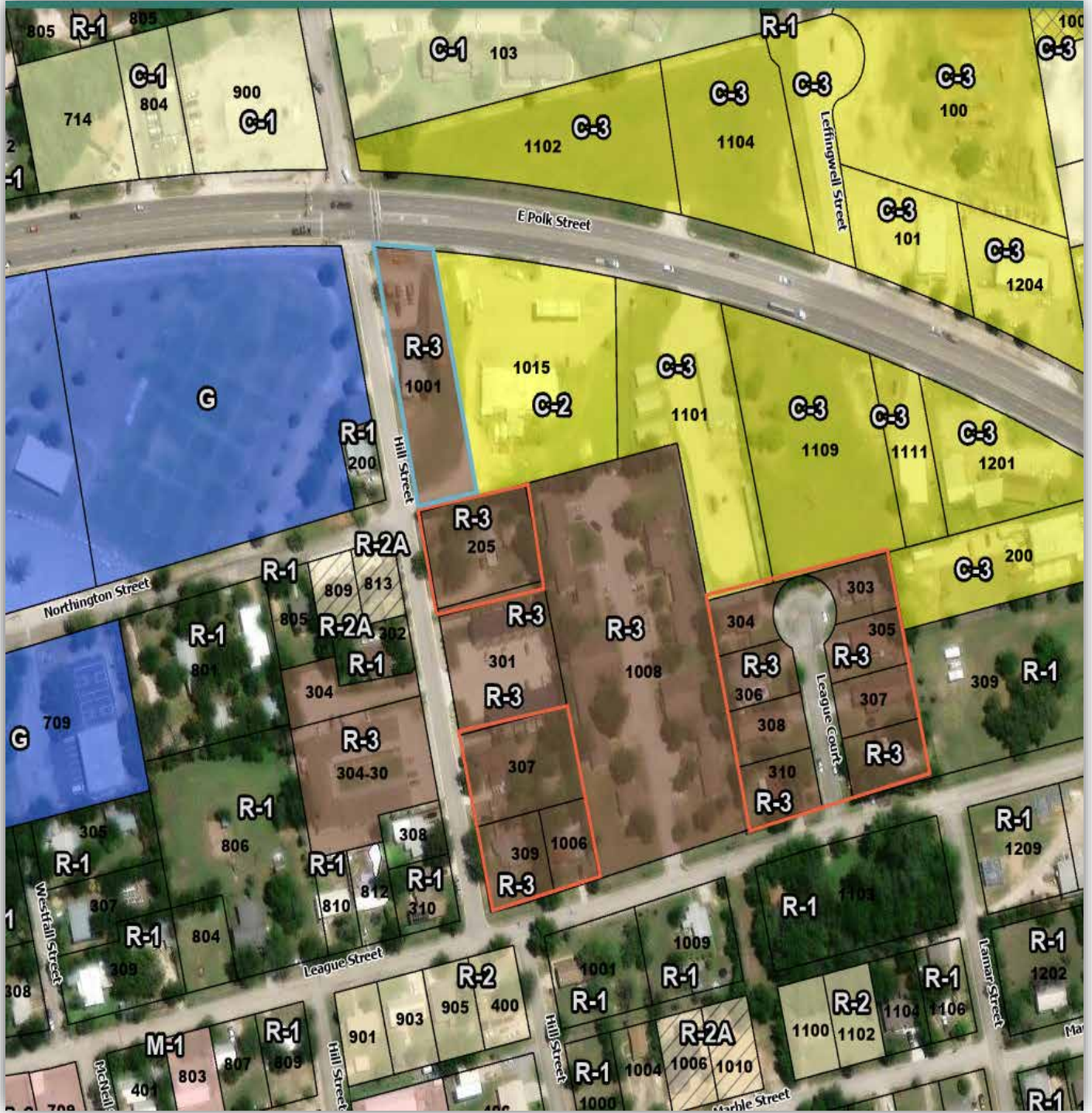


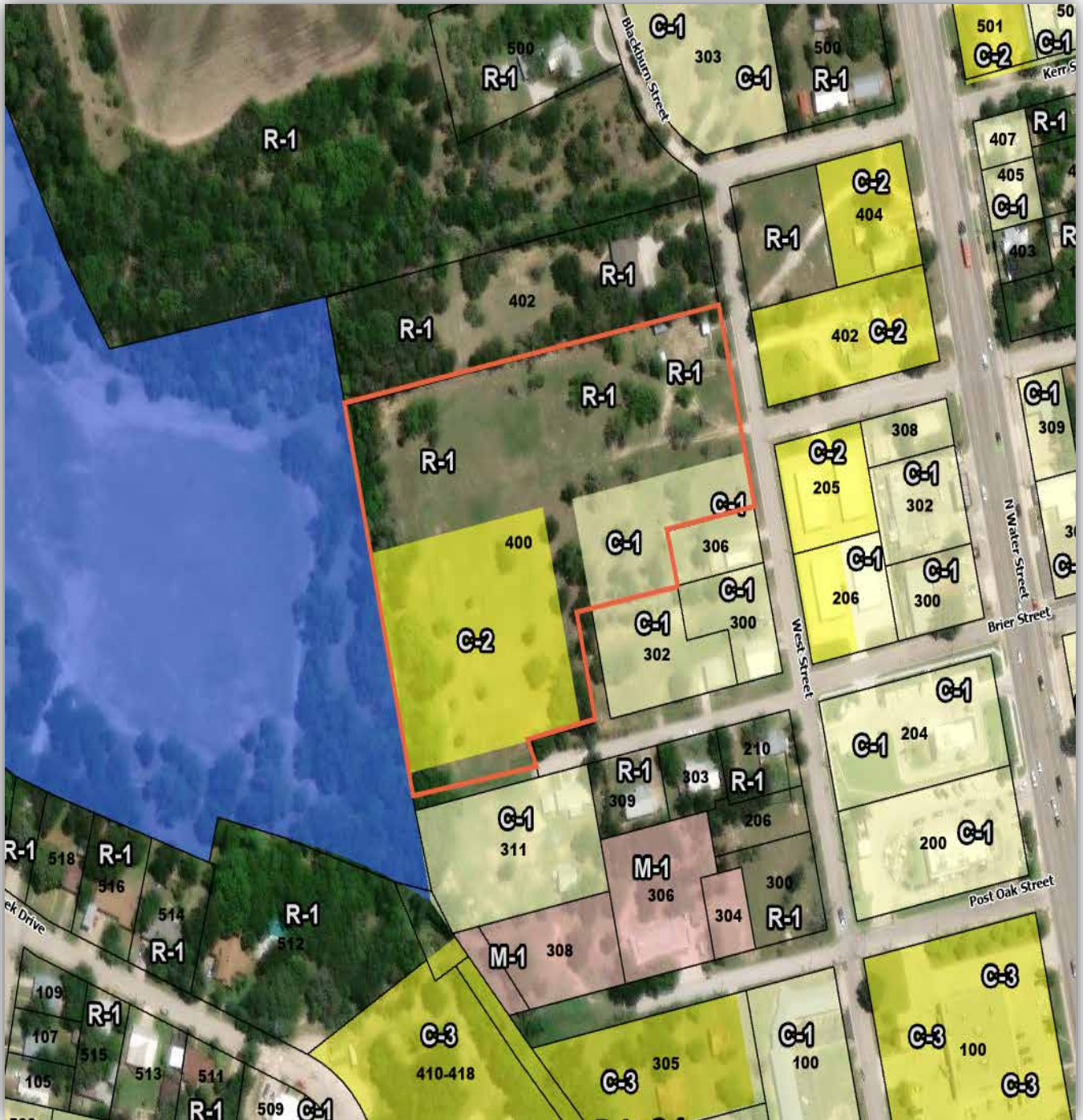
Exhibit A – Location and Current Zoning (cont.)

703 N MAIN ST



Exhibit A – Location and Current Zoning (cont.)

400 N WEST



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 AS 205 S HILL ST., 307 S HILL ST., 309 S HILL ST., 1006 E LEAGUE ST., 303 LEAGUE CT., 304 LEAGUE CT., 305 LEAGUE CT., 306 LEAGUE CT., 307 LEAGUE CT., 308 LEAGUE CT., 309 LEAGUE CT., 310 LEAGUE CT., FROM THEIR PRESENT DESIGNATION OF MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1”; PROPERTY KNOWN AS 1001 E POLK ST FROM THE PRESENT DESIGNATION OF MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” TO A DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2”; PROPERTY KNOWN AS 703 N MAIN ST FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; AND PROPERTY KNOWN AS 400 N WEST ST FROM THE PRESENT DESIGNATIONS OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1”, LIGHT COMMERCIAL – DISTRICT “C-1” AND MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council, by the passage and approval of Ordinance No. 2021-01, 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: **205 S HILL ST.** (LEGALLY DESCRIBED AS: ABS A0405 John Hamilton, Tract 154, 0.0549) 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. Property. The Property that is the subject to this Zoning District Reclassification is known as: **307 S HILL ST.** (LEGALLY DESCRIBED AS: Being 0.290 acre tract out of John Hamilton Survey No. 1, Abs. No. 405) as shown on **Exhibit “B”** hereto.

Section five. Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” 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 **309 S HILL ST.** (LEGALLY DESCRIBED AS: Being 0.211 acre tract out of John Hamilton Survey No. 1, Abs. No. 405) as shown on **Exhibit “C”** hereto.

Section seven. Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” 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: **1006 E LEAGUE ST.** (LEGALLY DESCRIBED AS: Being 0.162 acre tract out of John Hamilton Survey No. 1, Abs. No. 405, Tract 286), as shown on **Exhibit “D”** hereto.

Section nine. Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” 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: **303 LEAGUE CT.** (LEGALLY DESCRIBED AS: Being Lot No. 4, Replat of Green Hill Subdivision), as shown on **Exhibit “E”** hereto.

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

Section twelve. Property. The Property that is the subject to this Zoning District Reclassification is known as: **304 LEAGUE CT.** (LEGALLY DESCRIBED AS: Being Lot No. 5, Replat of Green Hill Subdivision), as shown on **Exhibit “E”** hereto.

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

Section fourteen. Property. The Property that is the subject to this Zoning District Reclassification is known as: **305 LEAGUE CT.** (LEGALLY DESCRIBED AS: Being Lot No. 3, Replat of Green Hill Subdivision), as shown on **Exhibit “E”** hereto.

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

Section sixteen. Property. The Property that is the subject to this Zoning District Reclassification is known as: **306 LEAGUE CT.** (LEGALLY DESCRIBED AS: Being Lot No. 6, Replat of Green Hill Subdivision), as shown on **Exhibit “E”** hereto.

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

Section eighteen. Property. The Property that is the subject to this Zoning District Reclassification is known as: **307 LEAGUE CT** (LEGALLY DESCRIBED AS: Being Lot No. 2, Replat of Green Hill Subdivision), as shown on **Exhibit “E”** hereto.

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

Section twenty. Property. The Property that is the subject to this Zoning District Reclassification is known as: **308 LEAGUE CT.** (LEGALLY DESCRIBED AS: Being Lot No. 7, Replat of Green Hill Subdivision), as shown on **Exhibit “E”** hereto.

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

Section twenty-two. Property. The Property that is the subject to this Zoning District Reclassification is known as: **309 LEAGUE CT.** (LEGALLY DESCRIBED AS: Being Lot No. 1, Replat of Green Hill Subdivision), as shown on **Exhibit “E”** hereto.

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

Section twenty-four. Property. The Property that is the subject to this Zoning District Reclassification is known as: **310 LEAGUE CT.** (LEGALLY DESCRIBED AS: Being Lot No. 8, Replat of Green Hill Subdivision), as shown on **Exhibit “E”** hereto.

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

Section twenty six. Property. The Property that is the subject to this Zoning District Reclassification is known as: **1001 E POLK ST.** (LEGALLY DESCRIBED AS: Being 0.7621 acre tract out of the John Hamilton Survey No. 1, Abs. No. 405, Tract 2 Survey Plat), as shown on **Exhibit “F”** hereto.

Section twenty seven. Zoning District Reclassification. MEDIUM COMMERCIAL – DISTRICT “C-2” Zoning District Classification is hereby assigned to the Property described in section eight.

Section twenty-eight. Property. The Property that is the subject to this Zoning District Reclassification is known as: **703 N MAIN ST.** (LEGALLY DESCRIBED AS: S7200 Phair Addition, Lot Exempt Area, 1.492 acres), as shown on **Exhibit “G”** hereto.

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

Section thirty. Property. The Property that is the subject to this Zoning District Reclassification is known as: **400 N WEST ST.** (LEGALLY DESCRIBED AS: Being Lot One Kroger Subdivision), as shown on **Exhibit “H”** hereto.

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

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

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

Section thirty-five. Effective Date. This ordinance is effective upon final passage and approval.

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

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

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

Exhibit "A"

205 S HILL ST



Exhibit "B"

307 S HILL ST



Exhibit "C"

309 S HILL ST



Exhibit "D"

1006 E LEAGUE ST



Exhibit "E"

303 LEAGUE CT., 304 LEAGUE CT., 305 LEAGUE CT., 306 LEAGUE CT., 307 LEAGUE CT.,
308 LEAGUE CT., 309 LEAGUE CT., 310 LEAGUE CT.



Exhibit "F"

1001 E POLK ST

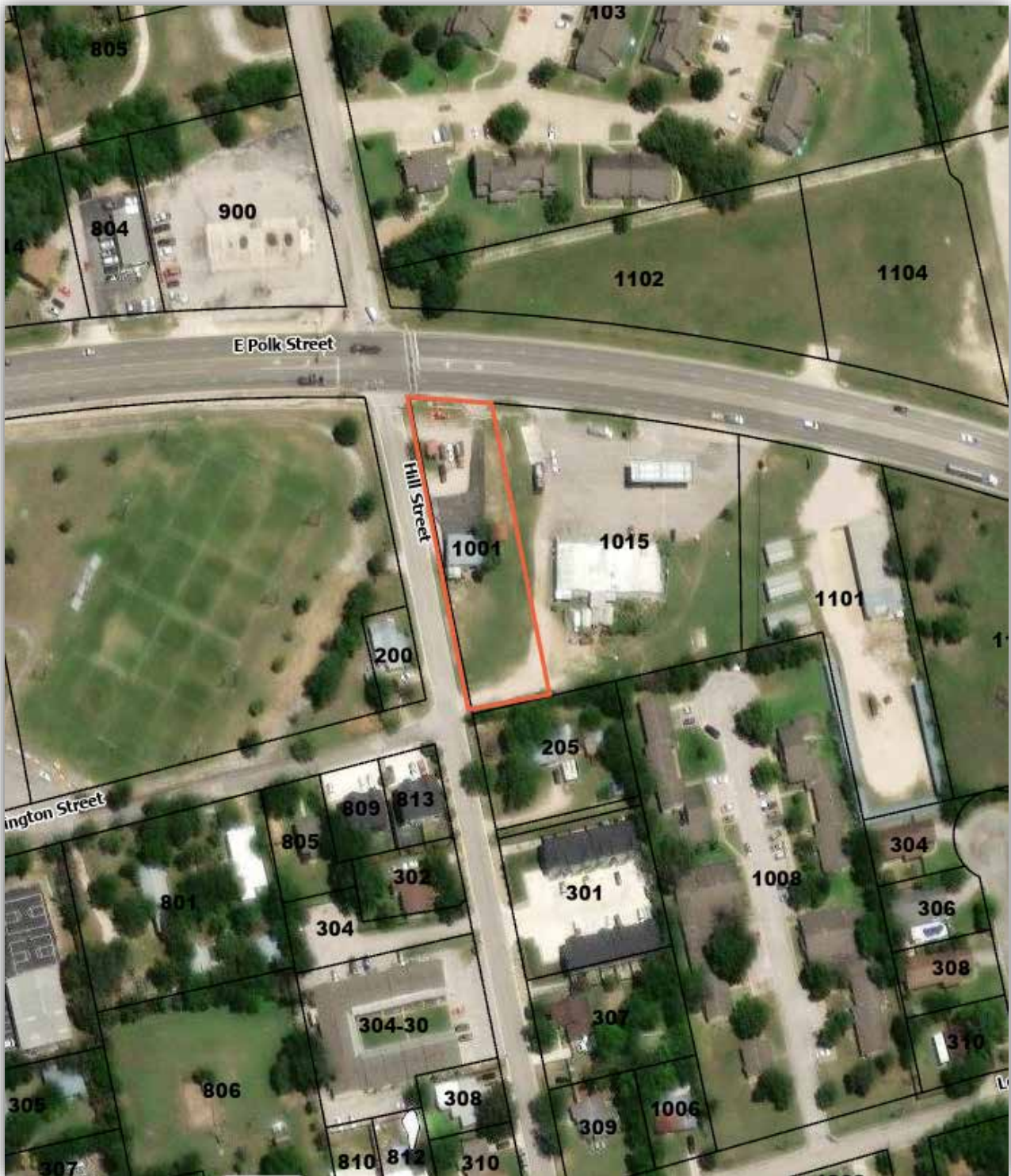


Exhibit "G"

703 N MAIN ST.

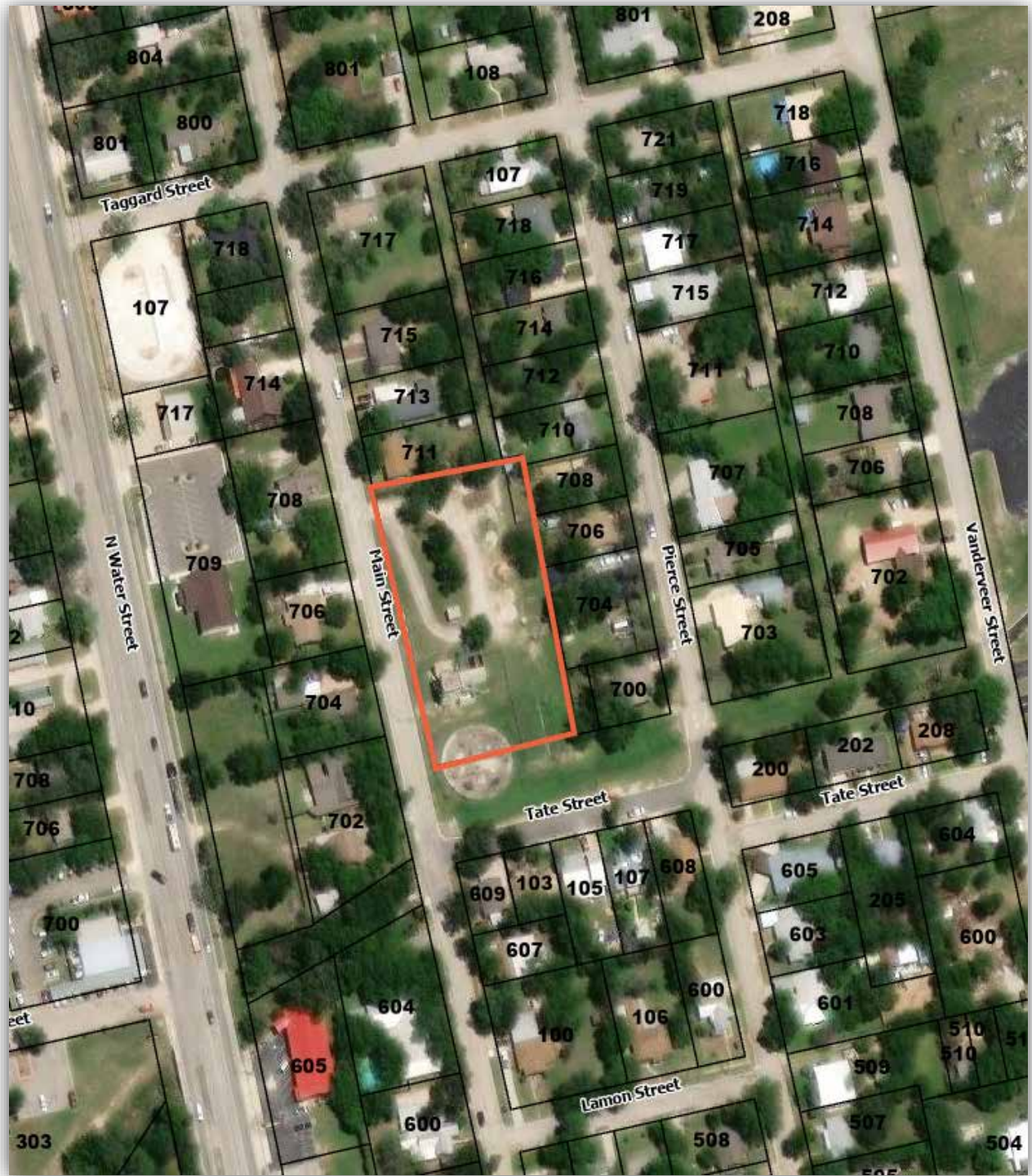


Exhibit "H"

400 N WEST ST.





Development Services

ITEM 4.1 (c)

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

Agenda Item

Meeting Date: July 1, 2024

Agenda Item: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING THE PROPERTY KNOWN AS 104 COUNTY ROAD 108 FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF COMMERCIAL; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: The subject property is located along County Road 108 just west of North Water Street. The current Future Land Use for this property is residential. The property was rezoned from Single-family Residential – District “R-1” to a designation of Neighborhood Commercial - District “NC” in September of 2023. The FLUM was not required to be amended at that time because District “NC” still allows for residential use of the property.

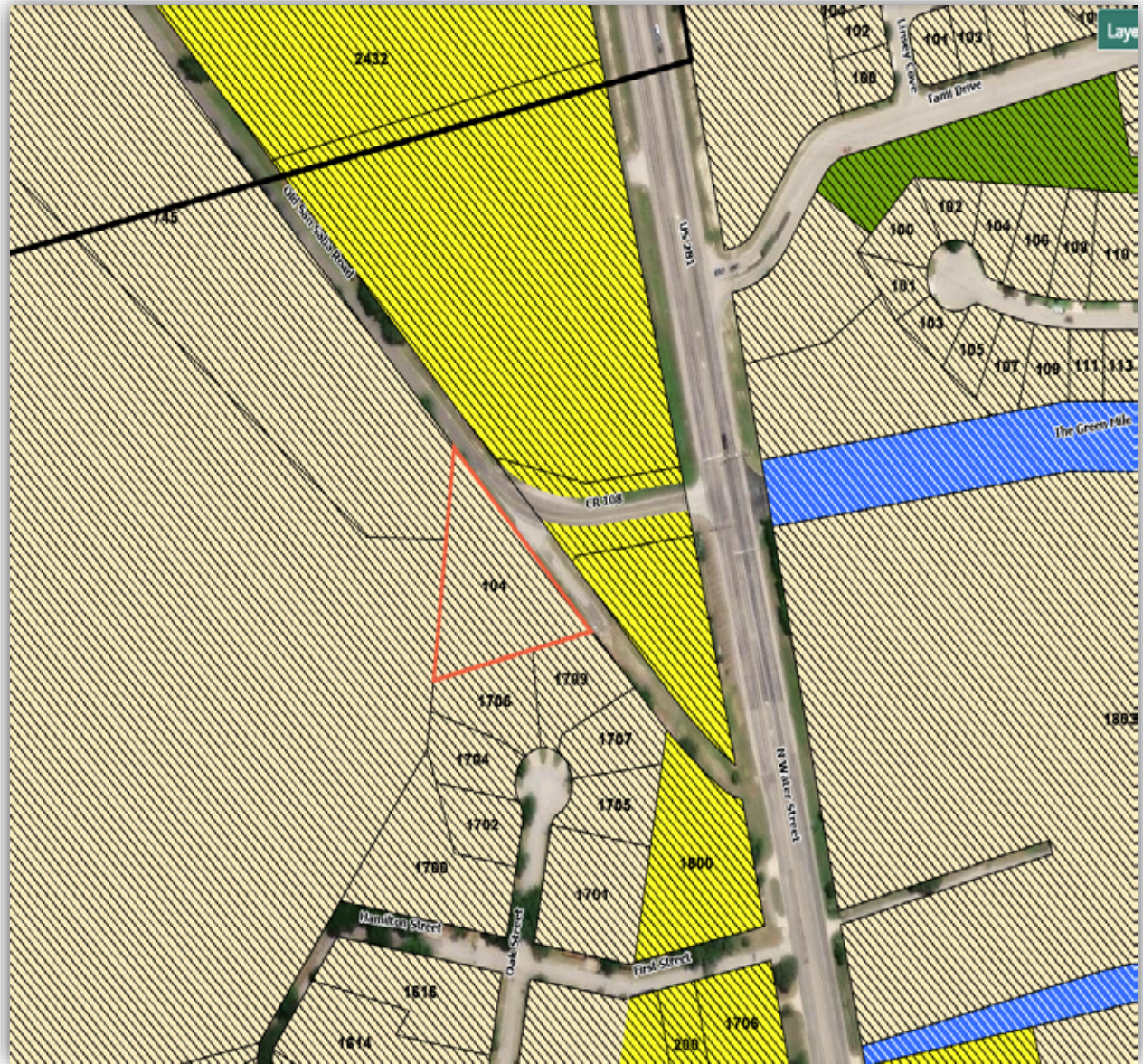
Information: The applicant is requesting to amend the Future Land Use Map to Commercial to be able to consider a rezone of the property from District “NC” to District “C-1” with a CUP for an assisted living facility. The requested Future Land Use amendment must be approved before the zoning change request can be approved (next item on the agenda). The property is just shy of one acre and is currently developed with a single-family residential structure.

Staff Analysis: This property gains access from County Road 108 just west of the highway intersection with a stop light. It abuts the back of residential properties but is not located within a residential neighborhood. When considering future development patterns, commercial development in the area is anticipated; therefore, amending the FLUM to commercial for this property would appear to be consistent with long term development patterns.

Public Notice: Notices were mailed to 14 surrounding property owners within 200’ of the subject property and staff has received no comments in opposition to the proposed amendment to the City’s Future Land Use Plan.

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

Exhibit A – Future Land Use Map




Government


Commercial


Residential


Open Space

ORDINANCE NO. 2024-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING THE PROPERTY KNOWN AS 104 COUNTY ROAD 108 FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF COMMERCIAL; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council, by the passage and approval of Ordinance No. 2012-09, did assign Future Land Use classifications for property located within the city in accordance with the Official Future Land Use Map as approved with said ordinance; and

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

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

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

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

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

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

Section two. Property. The Property that is the subject to this Future Land Use Reclassification is for property known as: **104 COUNTY ROAD 108** (LEGAL DESCRIPTION: Being 0.973 acre tract out of John Hamilton Survey No. 1, Abs. No. 405) as shown on **Exhibit “A”** hereto.

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

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

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

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

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

PASSED on First Reading the 11th day of July 2023.

FINALLY PASSED AND APPROVED on the 25th day of July 2023.

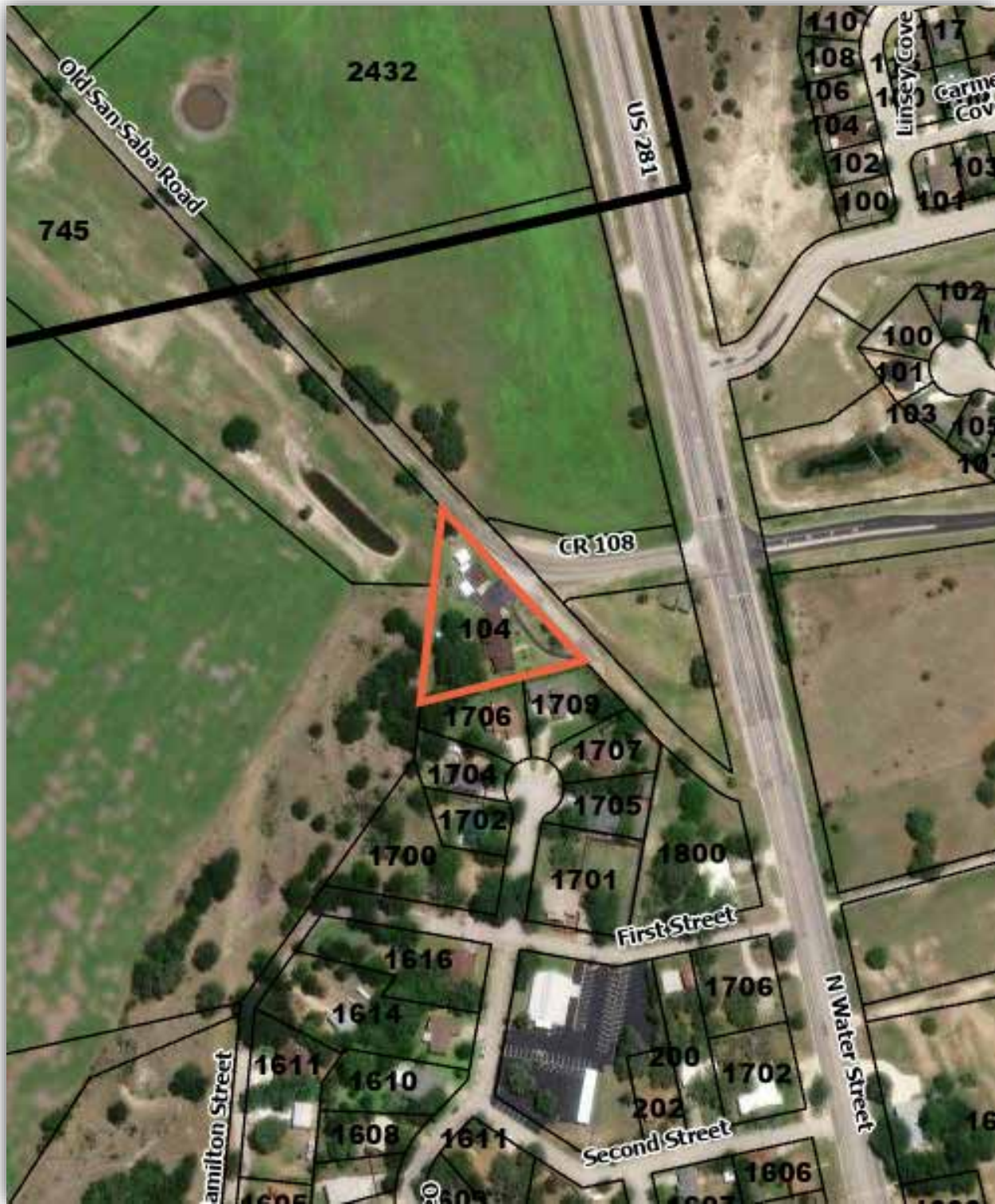
CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

Exhibit "A"
Subject Property





Development Services

ITEM 4.1 (d)

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

Public Hearing and Action

Meeting Date: July 1, 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 OF BURNET BY REZONING PROPERTY KNOWN AS 104 COUNTY ROAD 108 FROM ITS PRESENT DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” WITH A CONDITIONAL USE PERMIT TO ALLOW “ASSISTED RETIREMENT LIVING”; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: Located along County Road 108, just west of North Water Steet, the subject property was recently rezoned to Neighborhood Commercial – District “NC” in September of 2023. The applicant is requesting to rezone the property to Light Commercial – District “C-1” with a Conditional Use Permit to allow for the development of an assisted retirement facility. The property is developed with a single-family residential structure and a large asphalt parking area with carport and garage.

Information: Code of Ordinances, Section 118-5 defines “Assisted Retirement Living” as a facility which provides 24-hour supervision and assisted living for more than 15 residents not requiring regular ongoing medical attention. The applicant is proposing to remodel the existing single-family residential structure into a 16-bed senior living facility.

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

- § **Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;**

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

Staff Analysis: Staff has reviewed the criteria in Sec. 118-64(e) and have made the following observations:

- The applicant proposes to continue to utilize the existing structure and the property in its current state. Renovations will be minor and only to the interior of the building. The appearance and size of the property will continue to be compatible with surrounding properties.
- The proposed use would not adversely affect value of surrounding properties. The property is not located within a residential subdivision and is the only developed property along this section of County Road 108. The senior living facility would provide a buffer between heavier commercial uses, along the highway, and any future residential developments in the area.
- A senior living facility would have low impact on any surrounding properties as the characteristics of the property will remain the same. The proposed use should not create a nuisance nor interfere with neighboring properties enjoyment.
- This property is located in an area with high traffic; since most of the abutting properties are undeveloped, any additional traffic generated by staff or guests would not create congestion or parking problems.

Public Notification: Written notices were mailed to 14 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

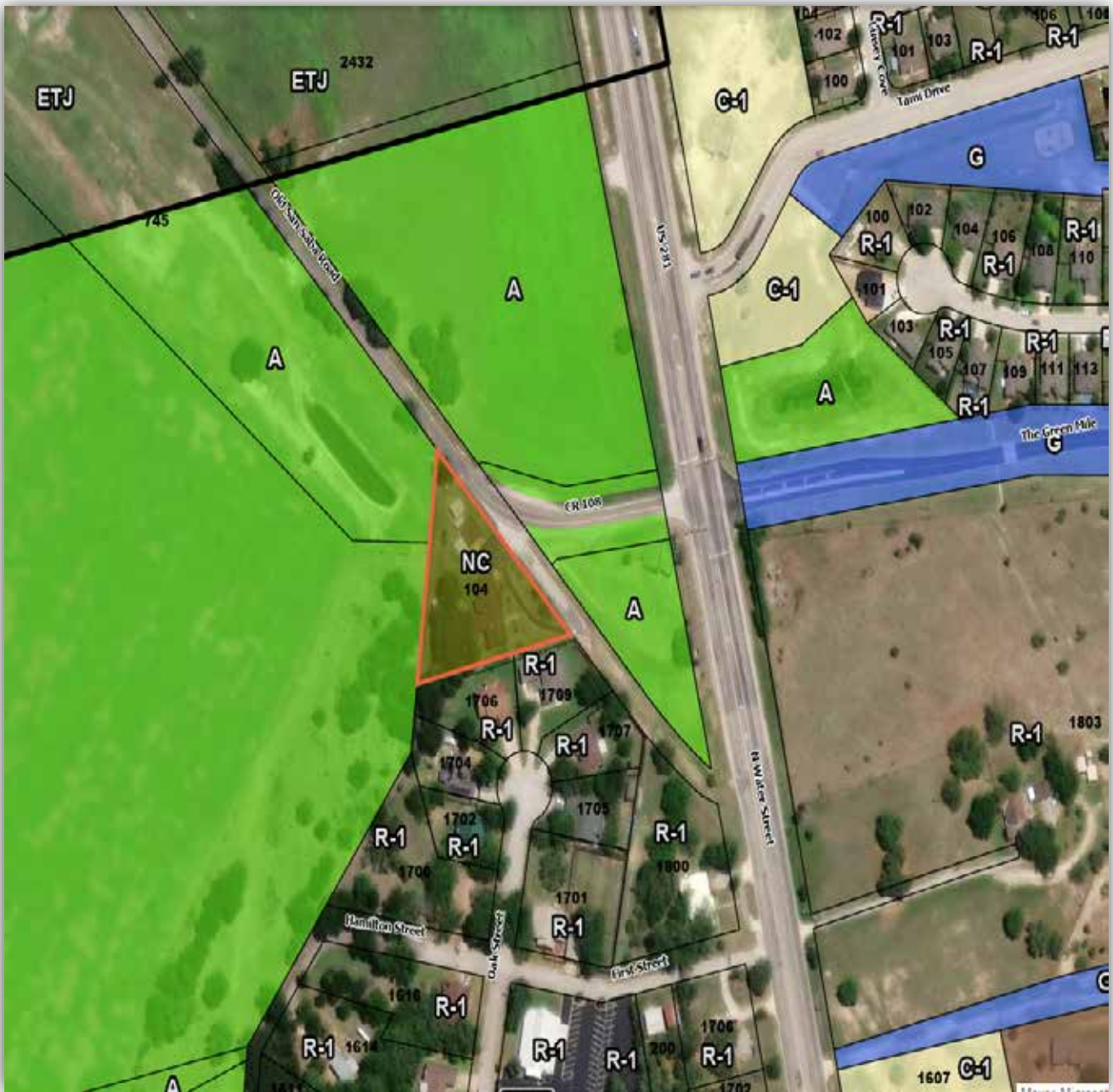


Exhibit B – Applicant’s Request

City of Burnet
Development Services Department
1001 Buchanan Drive, Suite 4
Burnet, TX 78611

June 14, 2024

To whom it may concern,

I, Darrell Sargent, as applicant on the City of Burnet Zoning Change Application executed on June 11, 2024, along with property owner, DJW Burnet, LTD. (the “Owner”), are submitting this request to allow the Owner of the property located at 104 County Road 108, Burnet, TX 78611, being further described on documents included herewith, to be re-zoned as C-1 (with a C.U.P.) to allow for a luxury senior living house to operate.

Currently, the property could be used to operate a senior living facility with up to eight (8) beds. We are currently under contract to sell the property to a highly respected senior living facility operator, who needs the property to be able to operate with sixteen (16) beds. This property is prime for this usage, and we feel that it will greatly benefit this area.

The Owner does not believe that the proposed change would have any negative effect or impact on the surrounding properties, as we the property is not immediately surrounded by any other homeowners, except to the immediate South, which is currently blocked by a fence. This re-zoning would not significantly change the exterior of the property, nor devalue any surrounding properties.

We would like to thank you for your time concerning this matter and would like to extend our availability or our attorney’s, Tyler Rockafellow, time should you have any further questions or concerns with this matter moving forward.

Sincerely,

Darrell Sargent

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 OF BURNET BY REZONING PROPERTY KNOWN AS 104 COUNTY ROAD 108 FROM ITS PRESENT DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” WITH A CONDITIONAL USE PERMIT TO ALLOW “ASSISTED RETIREMENT LIVING”; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

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

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

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

WHEREAS, it is further legislatively found that the required amendment to the Future Land Use Plan was, prior to this action, passed and approved by ordinance of this Council; and

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

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

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

Section two. Property. The Property that is the subject to this Zoning District Reclassification is property known as: **104 County Road 108** (LEGAL DESCRIPTION: 0.973 acres out of the John Hamilton Survey, Section No. 1, Abs. No 405) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. Light Commercial – District “C-1” Zoning District Classification with a Conditional Use Permit for “Assisted Retirement Living” 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 July 2024.

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

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

Exhibit "A"
Subject Property

