



**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, **September 9, 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 August 5, 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. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY KNOWN AS 402 AND 404 NORTH WATER STREET FROM ITS CURRENT DESIGNATIONS OF MEDIUM COMMERCIAL – DISTRICT “C-2” AND SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1”; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

b) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY BY ASSIGNING PROPERTY KNOWN AS 102 E VALLEY STREET FROM ITS PRESENT DESIGNATION OF

RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; 1005 S MAIN STREET FROM THE PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; 904 S MAIN STREET FROM THE PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; PROPERTY DESCRIBED AS ABS. A0187 BB CASTLEBERRY, TRACT IN CREEK BED 3.03 ACRES FROM THE PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; PROPERTY DESCRIBED AS EAST JOHNSON STREET DRAINAGE EASEMENTS FROM THE PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; AND HIGHLAND ACRES EAST LOT PARK, SEC. 3 AND HIGHLAND ACRES EAST SEC. 3 DRAINAGE AND UTILITY EASEMENT FROM THEIR 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.

- 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 REZONING PROPERTY KNOWN AS 102 E VALLEY STREET FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; 1005 S MAIN STREET FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; 904 S MAIN STREET FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY DESCRIBED AS ABS. A0187 BB CASTLEBERRY, TRACT IN CREEK BED 3.03 ACRES FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY DESCRIBED AS EAST SIDE WATER TANK LOT FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G; PROPERTY DESCRIBED AS EAST JOHNSON STREET DRAINAGE EASEMENTS FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; AND HIGHLAND ACRES EAST LOT PARK, SEC. 3 AND HIGHLAND ACRES EAST SEC. 3 DRAINAGE EASEMENT FROM THEIR PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” 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.

d) A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING THE “RE-PLAT” OF PETER KERR PORTION SUBDIVISION, LOT 1-B, BLOCK 17

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

e) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET TEXAS AMENDING CITY CODE OF ORDINANCES SECTION 98-23 (ENTITLED “CONSTRUCTION PLANS”); AND AMENDING CHAPTER 98, APPENDIX “A” TO AMEND THE FEE “CONSTRUCTION PLANS INSPECTION AND TESTING”; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; 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 September 6, 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 6<sup>th</sup> day of September 2024**

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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 [developmentervices@cityofburnet.com](mailto:developmentervices@cityofburnet.com) for information or assistance.



## PLANNING AND ZONING COMMISSION MINUTES

On this the 5<sup>th</sup> of August 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: Guy Slimp, Linda Freitag, Mary Jane Shanes, Bill Foulds, David McGuire, Cynthia Lopez, Debby Collins, Luis Grunillo, Alan Snider, Carol Will, John Will and Courtney Adair

Others present: David Vaughn, City Manager, Keith McBurnett, Assistant to the 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 June 3, 2024. There being no objections, Vice - Chairman 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 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

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

Planning Manager, Leslie Kimbler, presented staff's report regarding the request to amend the Future Land Use Map of the City of Burnet. Before rezoning to Governmental, the FLUM must be amended to allow for Government usage. Vice-Chairman Williams opened the public hearing at 6:02 p.m. There being no comments, Vice-Chairman Williams closed the public hearing at 6:02 p.m. Commissioner Teague made a motion to recommend approval of the proposed request to amend the FLUM. The motion was seconded by Commissioner Gates. The motion carried with a vote of 4 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 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.

In a continued effort to clean up the Zoning map, Planning Manager, Leslie Kimbler, presented staff's report regarding the City initiated request to rezone certain properties. Vice-Chairman Williams opened the public hearing at 6:05 p.m. Guest, Bill Foulds spoke to the Commission in favor of the request for 400 N West in hopes that it will be parkland. There being no further comments, Vice-Chairman Williams closed the public hearing at 6:07 p.m. Commissioner Fortin made a motion to recommend approval of the City initiated request. The motion was seconded by Commissioner Teague. The motion carried with a vote of 4 to 0.

- 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 PROPERTY KNOWN AS 303 BLUEBONNET STREET FROM THE PRESENT DESIGNATIONS OF SINGLE-FAMILY – “R-1” AND LIGHT COMMERCIAL – DISTRICT “C-1” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT “NC”; PROPERTY KNOWN AS 3029 EAST STATE HIGHWAY 29 FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF

GOVERNMENT – DISTRICT “G”; AND PROPERTY KNOWN AS 1958 COUNTY ROAD 340 FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” 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.

In a continued effort to clean up the Zoning map, Planning Manager, Leslie Kimbler, presented staff’s report regarding the City initiated request to rezone certain properties. Vice-Chairman Williams opened the public hearing at 6:09 p.m. Guest, David McGuire spoke in favor of the request for 303 Bluebonnet Street stating that he agrees with the request if there will not be a major business that increases traffic. There being no further comments, Vice-Chairman Williams closed the public hearing at 6:11 p.m. Commissioner Gates made a motion to recommend approval of the City initiated request. The motion was seconded by Commissioner Teague. The motion carried with a vote of 4 to 0.

- d) AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY BY ASSIGNING THE PROPERTY 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.

Planning Manager, Leslie Kimbler, presented staff’s report regarding the request to amend the Future Land Use Map of the City of Burnet. Vice-Chairman Williams opened the public hearing at 6:13 p.m. Guest Alan Snider voiced his concern to the Commission about the sharp curve on County Road 108. There being no further comments, Vice-Chairman Williams closed the public hearing at 6:16 p.m. Commissioner Teague made a motion to recommend approval of the proposed request to amend the FLUM. The motion was seconded by Commissioner Gates. The motion carried with a vote of 4 to 0.

- e) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY KNOWN AS 104 COUNTY ROAD 108 FROM ITS CURRENT DESIGNATION OF NEIGHBORHORD 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.

Planning Manager, Leslie Kimbler, presented staff's report regarding the request to amend the Zoning Map of the City of Burnet with a Conditional Use Permit for property known as 104 County Road 108. Vice-Chairman Williams opened the public hearing at 6:20 p.m. There being no comments, Vice-Chairman Williams closed the public hearing at 6:20 p.m. Commissioner Fortin made a motion to recommend approval of the proposed request to amend the Zoning Map with Conditional Use Permit. The motion was seconded by Commissioner Gates. The motion carried with a vote of 4 to 0.

- f) 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 REZONING PROPERTY LOCATED AT THE NORTH CORNER OF COUNTY ROAD 108 AND NORTH WATER STREET FROM ITS CURRENT DESIGNATION OF AGRICULTURE – DISTRICT "A" TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT "C-1" WITH A CONDITIONAL USE PERMIT TO ALLOW "GASOLINE SALES AND ALCOHOL SALES" AND A CONDITIONAL USE PERMIT TO ALLOW FOR "PACKAGED LIQUOR STORE FOR OFF PREMISE CONSUMPTION SALES"; 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 request to amend the Zoning Map of the City of Burnet for property located at the north corner of County Road 108 and North Water Street with two Conditional Use Permits. Vice-Chairman Williams opened the public hearing at 6:26 p.m. Guest Alan Snider spoke to the Commission about his concerns of access to the convenience store as well as the width and condition of the existing right-of-way. Vice-Chairman Williams closed the public hearing at 6:28 p.m. Commissioner Teague made a motion to recommend approval of the proposed request to amend the Zoning Map and both Conditional Use Permits. The motion was seconded by Commissioner Gates. The motion carried with a vote of 4 to 0.

- g) 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 REZONING PROPERTY KNOWN AS 402 AND 404 NORTH WATER STREET FROM ITS CURRENT DESIGNATIONS OF MEDIUM COMMERCIAL – DISTRICT "C-2" AND SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT "C-1" WITH A CONDITIONAL USE PERMIT TO ALLOW "GASOLINE SALES AND ALCOHOL SALES"; 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 request to amend the Zoning Map of the City of Burnet for property located 402 and 404 North Water Street with a Conditional Use Permit. Vice-Chairman Williams opened the public hearing at 6:37 p.m. Guest Bill Foulds spoke to the Commission in opposition to the request due to the fact it would increase the already congested traffic on Johnson Street. Guest Debbie Collins spoke to the Commission in opposition to the request because of the low water crossing that floods when it rains at Kerr St., Bluebonnett St., and Northwest street. Guest David McGuire spoke to the Commission in opposition to the request because the noise and lights would be inposing on his property. Guest Mary Jane Shanes spoke to the Commission in opposition to the request, because of the fact a park will be across the street and kids would be crossing the street to go to McDonalds, etc. Guy Slimp, Cefco representative, spoke to the Commission to confirm the site plan is the final site plan and there would be no trucks at this Cefco. Vice-Chairman Williams closed the public hearing at 6:55 p.m. After deliberations, Commissioner Teague made a motion to deny the request to amend the zoning map and the Conditional Use Permit. Motion was seconded by Commissioner Williams. Motion failed due to a split vote with Commissioners Teague and Williams in favor of the motion to deny the request and Commissioners Fortin and Gates in opposition of the motion to deny the request. At this time, the Commission went into recess to allow the City Manager time to discuss the next appropriate steps with the City's attorney at 7:07 p.m. Meeting resumed at 7:15 pm. City Manager, David Vaughn, explained to the Commission that their failure to make a recommendation could be the report to the Council with a vote of the Commission. Commissioner Williams then made a motion to report to City Council that the Commission was a split vote neither recommending approval or denial. The motion was seconded by Commissioner Gates. The motion carried with a vote of 4 to 0.

**5. STAFF REPORTS:**

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

**ADJOURN:**

There being no further business, Vice-Chairman Williams adjourned the meeting at 7:17 p.m.

\_\_\_\_\_  
Calib Williams, Vice-Chair  
City of Burnet Planning and Zoning Commission

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





## Public Hearing and Action Item

### ITEM 4.1 A

#### Meeting Date

September 9, 2024

#### Agenda Item

Public hearing and action: 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 REZONING PROPERTY KNOWN AS 402 AND 404 NORTH WATER STREET FROM ITS CURRENT DESIGNATIONS OF MEDIUM COMMERCIAL – DISTRICT “C-2” AND SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1”; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

#### Information

The subject property is the entire block located between West Kerr Street, West Johnson Street, North Water Street and North West Street. The property is currently developed with a small residential house, a barn and a commercial building which was most recently used as a restaurant. The property is three separate lots; two of the lots are zoned Medium Commercial – District “C-2” and the remaining lot is Single-family Residential – District “R-1”.

At last month’s City Council meeting, the subject property was brought for the consideration of rezoning the property to District “C-1” with a Conditional Use Permit for the sale of gasoline and/or alcohol. Due to the proposed use and objections from surrounding property owners, the request was denied. However, it was recognized that, as it is currently zoned, it is not the most suitable zoning for the area nor is it the most advantageous for the future development of the property.

This is a city initiated request to rezone all three lots to Light Commercial – District “C-1”. This zoning would ensure future development of the property is compatible with the surrounding areas, allow all three lots to be developed to their fullest extent, and be consistent with the City’s FLUM.

#### Public Notification

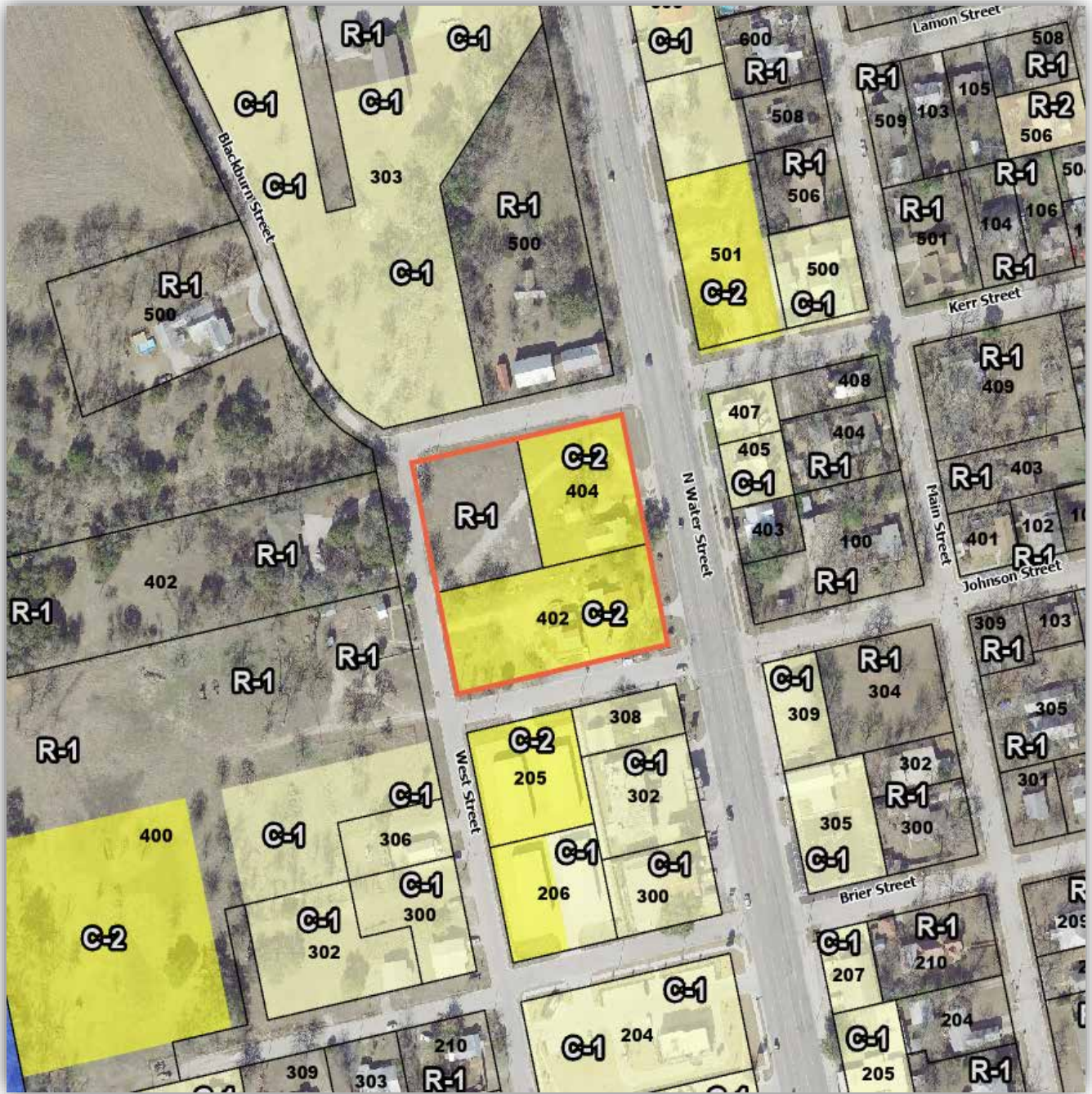
Written notices were mailed to 14 surrounding property owners within 200 feet of the subject property. There has been one response in favor; the response is included in this packet.

## **Recommendation**

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

# Exhibit A – Location and Current Zoning

402 and 404 N WATER STREET



## Letter in Support

**From:** [Bill & Bettye](#)  
**To:** [Development Services Dept.](#)  
**Subject:** Rezoning of 402 and 404 North Water  
**Date:** Tuesday, September 3, 2024 9:45:04 AM

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Caution: External Email

My name is Bettye Foulds and I reside at 402 North West Street. I am in agreement with the rezoning of 402 and 404 North Water Street to C-1. I am still strongly opposed to any conditional overlay. My personal preference would be to keep a portion residential but I understand that C-1 would be the best option for all concerned and for the land use plan for the City of Burnet and its citizens. I am still concerned about the devaluation of my property which extends to 500 Blackburn Lane. Hopefully any developer would consider me and we could arrive at a mutually agreeable solution.

Thank you for your service to the City of Burnet.

Bettye Foulds

Sent from my iPad

**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 402 AND 404 NORTH WATER STREET FROM ITS CURRENT DESIGNATIONS OF MEDIUM COMMERCIAL – DISTRICT “C-2” AND SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1”; 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 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: **402 and 404 NORTH WATER STREET** (LEGAL DESCRIPTION: LOTS 1-4, BLOCK 30, PETER KERR PORTION) as shown on **Exhibit “A”** hereto.

**Section Three. Zoning District Reclassification. LIGHT COMMERCIAL – DISTRICT “C-1”** Zoning District Classification is hereby assigned to the Property described in section two.

**Section 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 AND APPROVED** on this the 10<sup>th</sup> day of September 2024.

**CITY OF BURNET, TEXAS**

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Gary Wideman, Mayor

**ATTEST:**

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Maria Gonzales, City Secretary

**Exhibit "A"**

402 AND 404 N WATER STREET





## Public Hearing and Action Item

### **ITEM 4.1 B**

#### **Meeting Date**

September 9, 2024

#### **Agenda Item**

Public hearing and action: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY BY ASSIGNING PROPERTY KNOWN AS 102 E VALLEY STREET FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; 1005 S MAIN STREET FROM THE PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; 904 S MAIN STREET FROM THE PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; PROPERTY DESCRIBED AS ABS. A0187 BB CASTLEBERRY, TRACT IN CREEK BED 3.03 ACRES FROM THE PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; PROPERTY DESCRIBED AS EAST JOHNSON STREET DRAINAGE EASEMENTS FROM THE PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; AND HIGHLAND ACRES EAST LOT PARK, SEC. 3 AND HIGHLAND ACRES EAST SEC. 3 DRAINAGE AND UTILITY EASEMENT FROM THEIR PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

#### **Information**

The subject properties are all owned by the City of Burnet and, as such, would be better suited as zoned for Government. Prior to rezoning these properties to District "G" for Government, the Future Land Use Map must also be amended for Government. This is a city initiated request to amend the FLUM to Government to allow for the properties to be rezoned to District "G".

#### **Public Notification**

Written notices were mailed to 127 surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

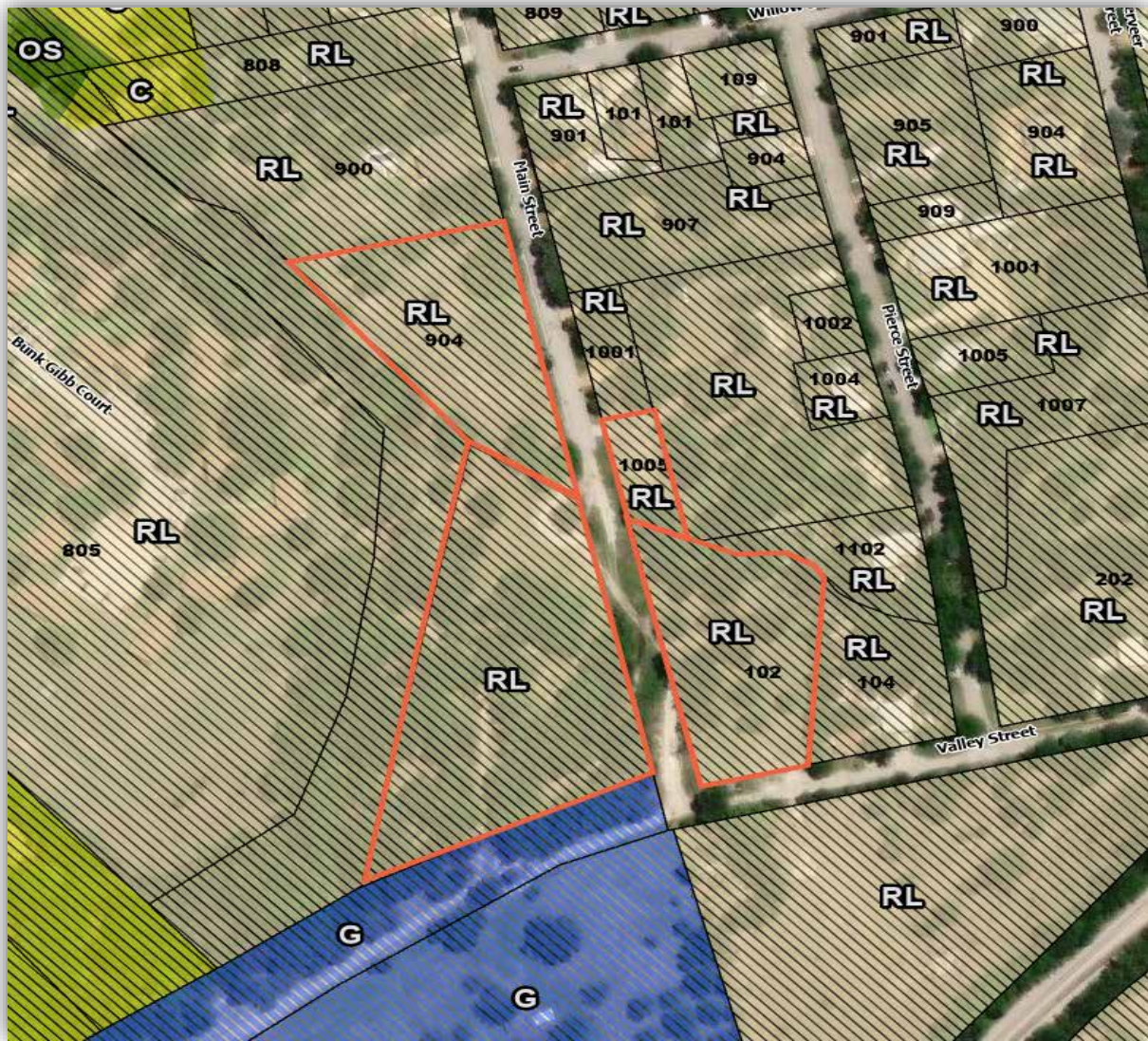
#### **Recommendation**

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



### Exhibit A – Future Land Use Map

102 E VALLEY STREET, 1005 S MAIN STREET, 904 S MAIN STREET, &  
PROPERTY DESCRIBED AS ABS A0187 BB CASTLEBERRY, TRACT IN CREEKBED 3.03 ACRES



Government



Commercial



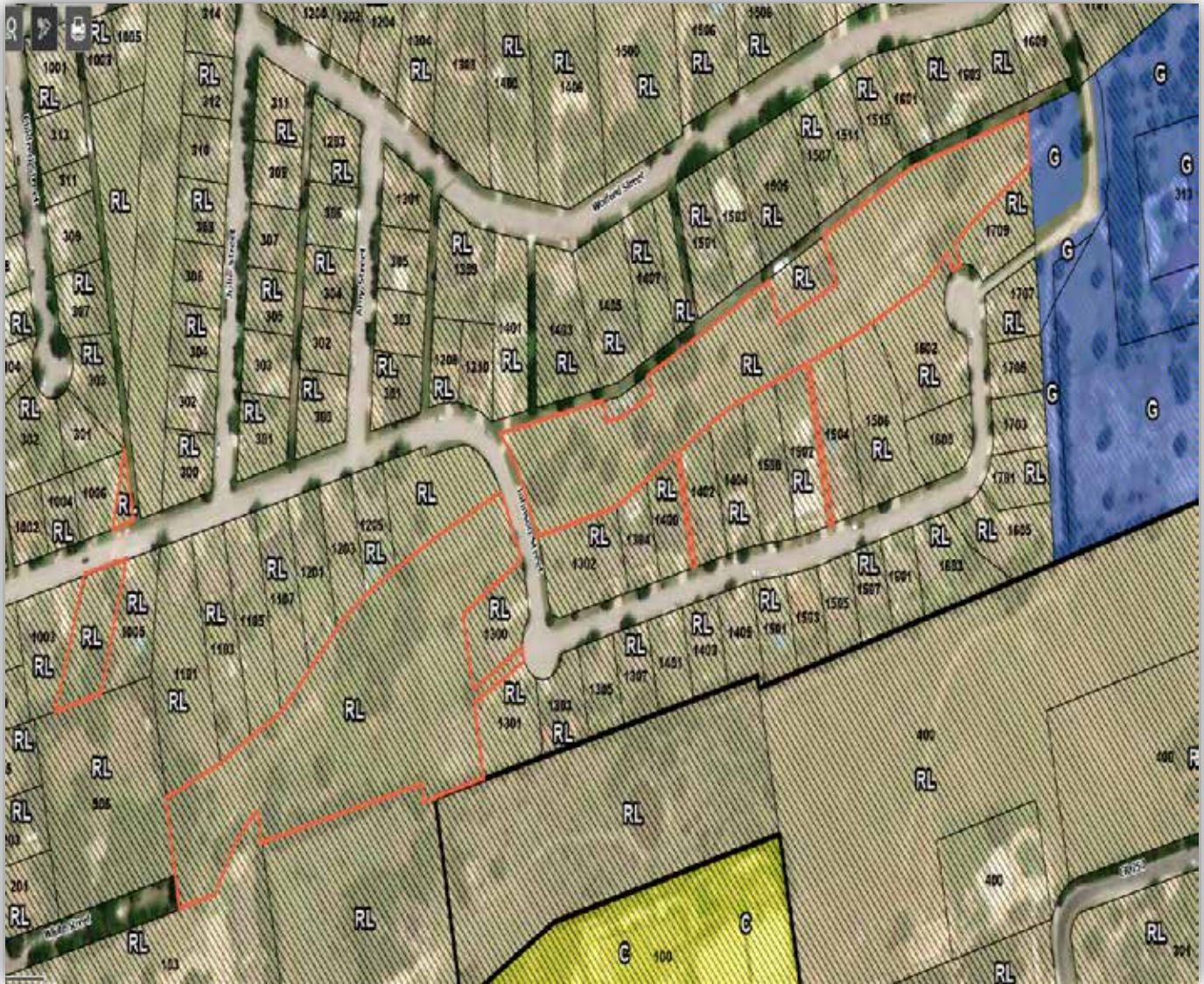
Residential



Open Space

# Exhibit A – Future Land Use Map (cont.)

## EAST JOHNSON STREET DRAINAGE



Government



Commercial



Residential



Open Space

Exhibit A – Future Land Use Map (cont.)

HIGHLAND ACRES EAST LOT PARK, SEC. 3 AND HIGHLAND ACRES EAST SEC. 3 DRAINAGE AND UTILITY EASEMENT



Government



Commercial



Residential



Open Space

**ORDINANCE NO. 2024-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY BY ASSIGNING PROPERTY KNOWN AS 102 E VALLEY STREET FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; 1005 S MAIN STREET FROM THE PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; 904 S MAIN STREET FROM THE PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; PROPERTY DESCRIBED AS ABS. A0187 BB CASTLEBERRY, TRACT IN CREEK BED 3.03 ACRES FROM THE PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; PROPERTY DESCRIBED AS EAST JOHNSON STREET DRAINAGE EASEMENTS FROM THE PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; AND HIGHLAND ACRES EAST LOT PARK, SEC. 3 AND HIGHLAND ACRES EAST SEC. 3 DRAINAGE AND UTILITY EASEMENT FROM THEIR 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 property known as: 102 E VALLEY STREET (LEGAL DESCRIPTION: ABS A0187 B.B. CASTLEBERRY, TRACT 58, 1.394 ACRES) 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. Property.** The Property that is the subject to this Future Land Use Reclassification is property known as: 1005 S MAIN STREET (LEGAL DESCRIPTION: ABS A0187 B.B. CASTLEBERRY, TRACT 7 (150X70X160) S OF CREEK) as shown on **Exhibit “B”** hereto.

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

**Section Six. Property.** The Property that is the subject to this Future Land Use Reclassification is legally described as: 904 S MAIN STREET (LEGAL DESCRIPTION: BEING 1.410 ACRES OUT OF THE B.B. CASTLEBERRY, ABS. NO. 187) as shown on **Exhibit “C”** hereto.

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

**Section Eight. Property.** The Property that is the subject to this Future Land Use Reclassification is legally described as: ABS. A0187 BB CASTLEBERRY, TRACT IN CREEK BED 3.03 ACRES as shown on **Exhibit “D”** hereto.

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

**Section Ten. Property.** The Property that is the subject to this Future Land Use Reclassification is property described as: EAST JOHNSON STREET DRAINAGE

EASEMENTS (LEGAL DESCRIPTION: S6126 MALLET ADDITION LOT DRAINAGE EASEMENTS 4.18, 4.46, 0.43, 0.07 ACRES) as shown on **Exhibit “E”** hereto.

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

**Section Twelve. Property.** The Property that is the subject to this Future Land Use Reclassification is legally described as: HIGHLAND ACRES EAST LOT PARK, SEC. 3 AND HIGHLAND ACRES EAST SEC. 3 DRAINAGE AND UTILITY EASEMENT as shown on **Exhibit “F”** hereto.

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

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

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

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

**PASSED AND APPROVED** on this the 10<sup>th</sup> day of September 2024.

**CITY OF BURNET, TEXAS**

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Gary Wideman, Mayor

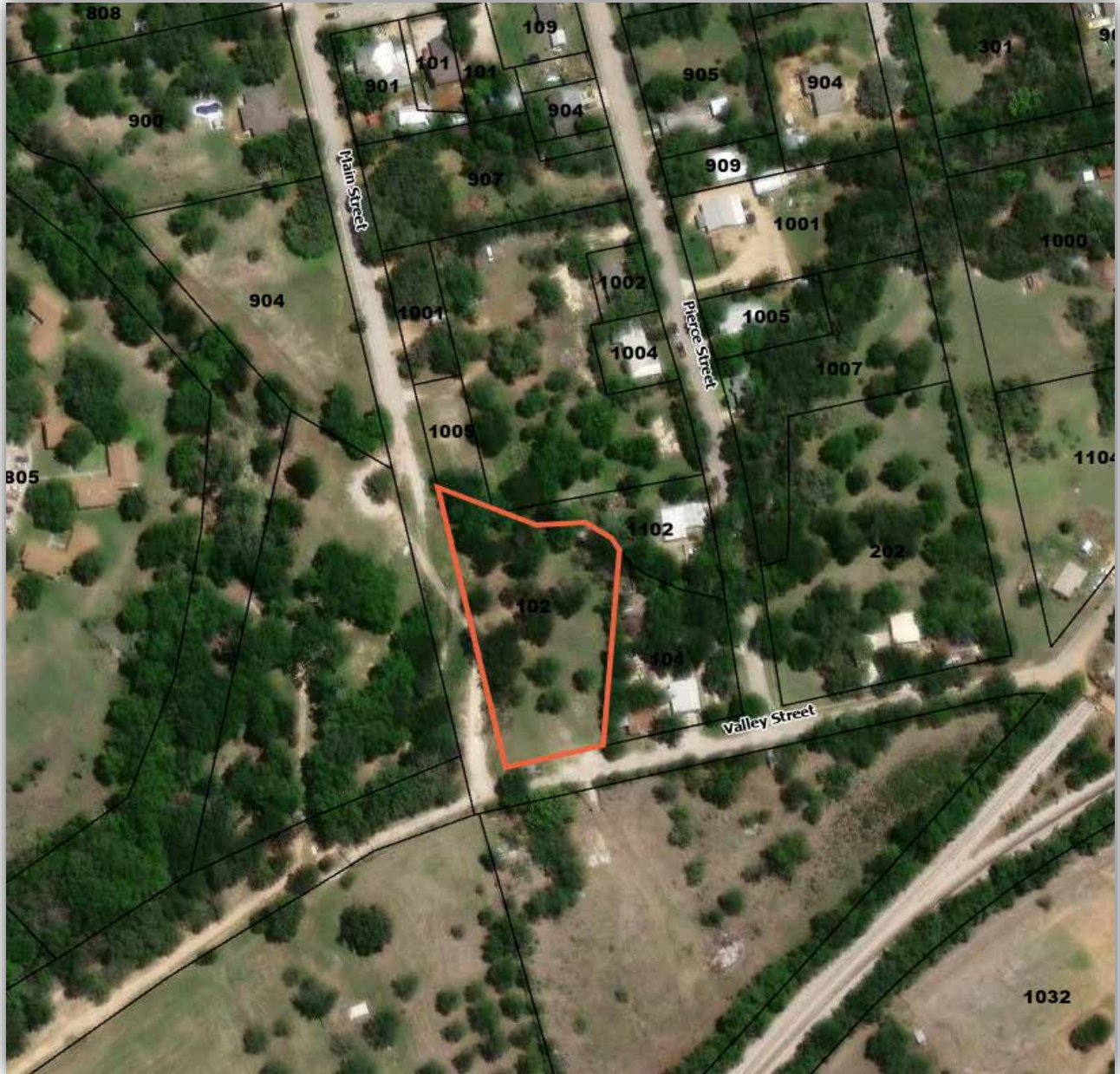
**ATTEST:**

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Maria Gonzales, City Secretary

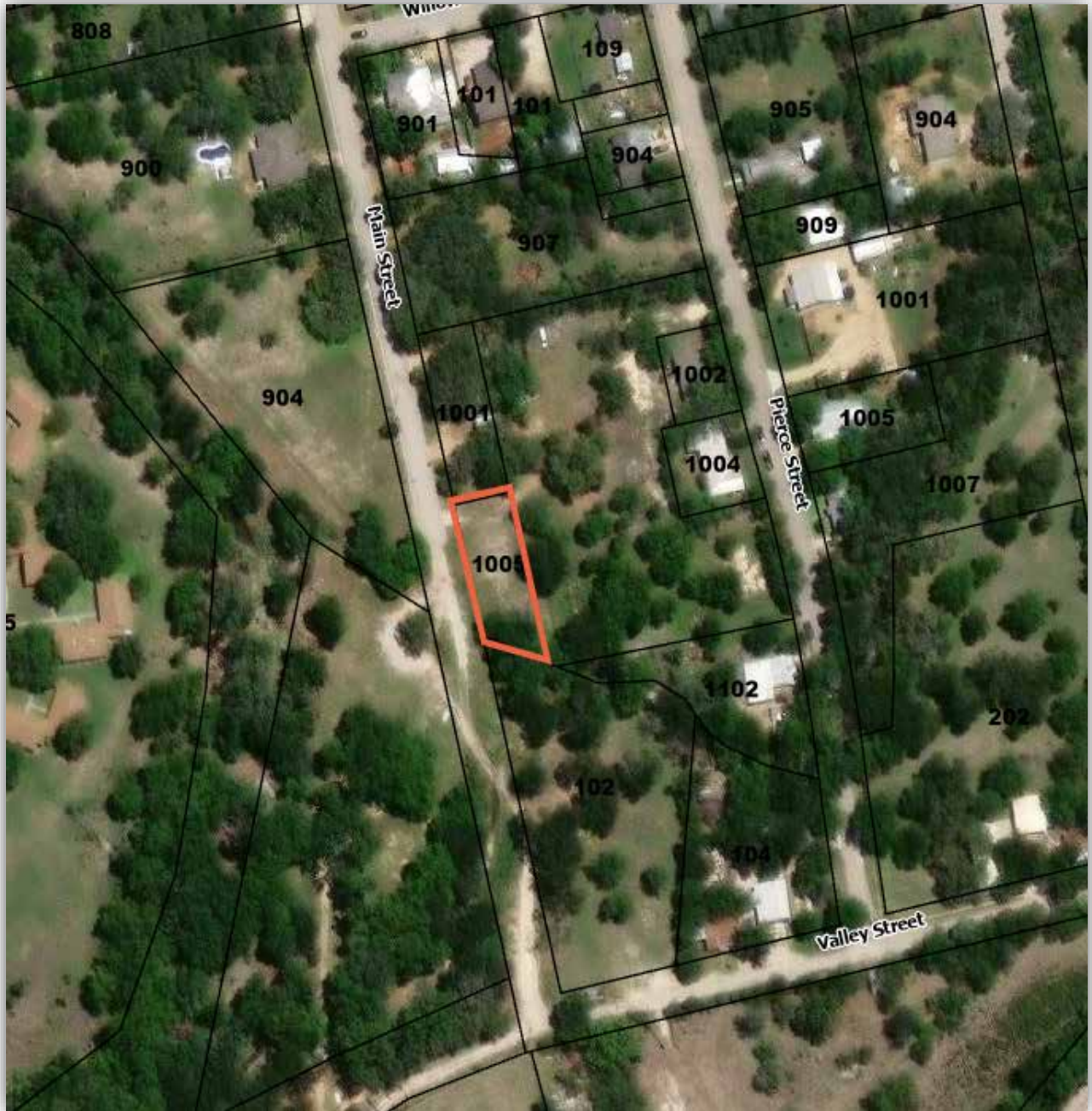
**Exhibit "A"**  
**Location Map**

**102 E VALLEY STREET**



**Exhibit "B"**  
**Location Map**

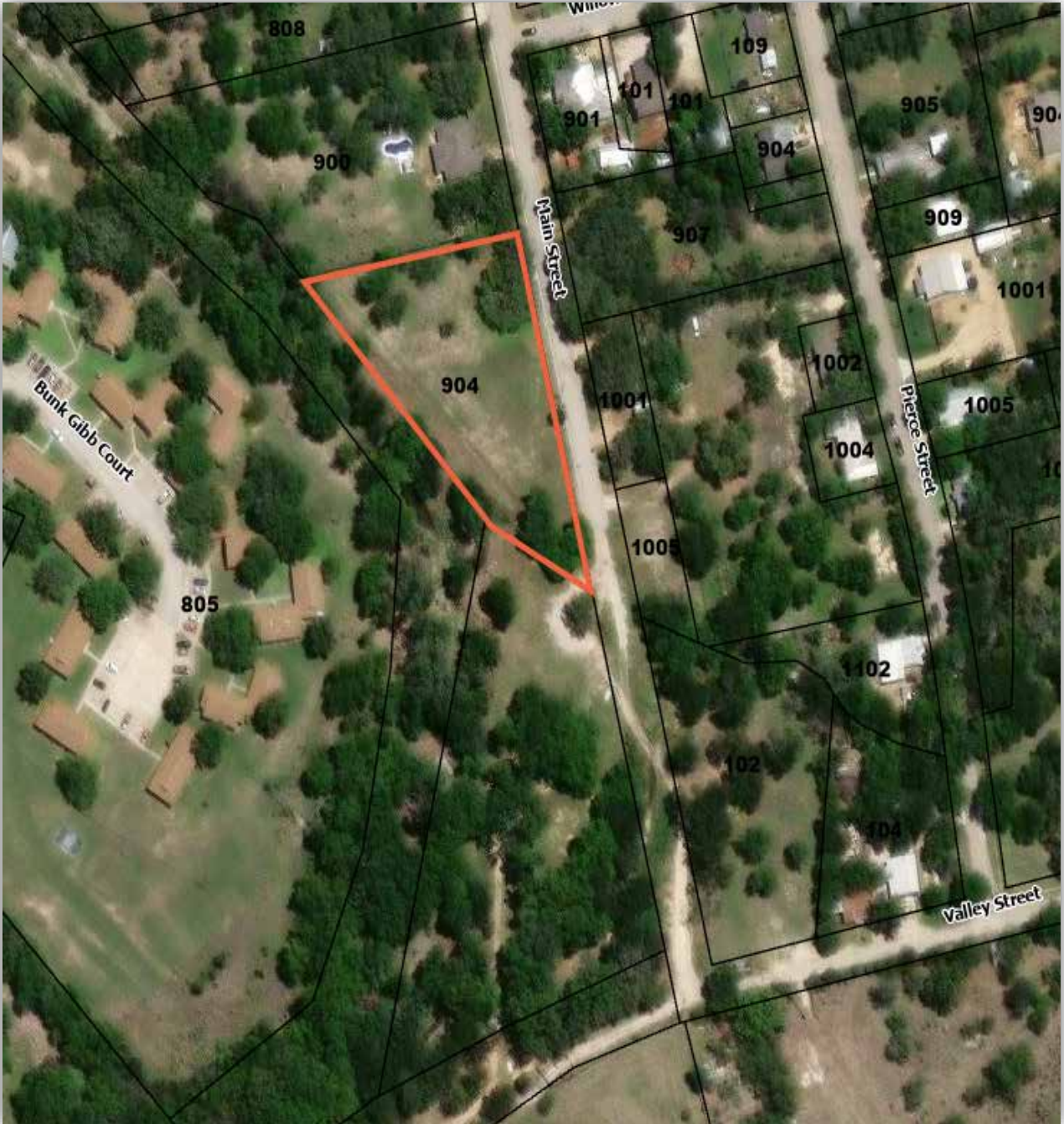
**1005 S MAIN STREET**





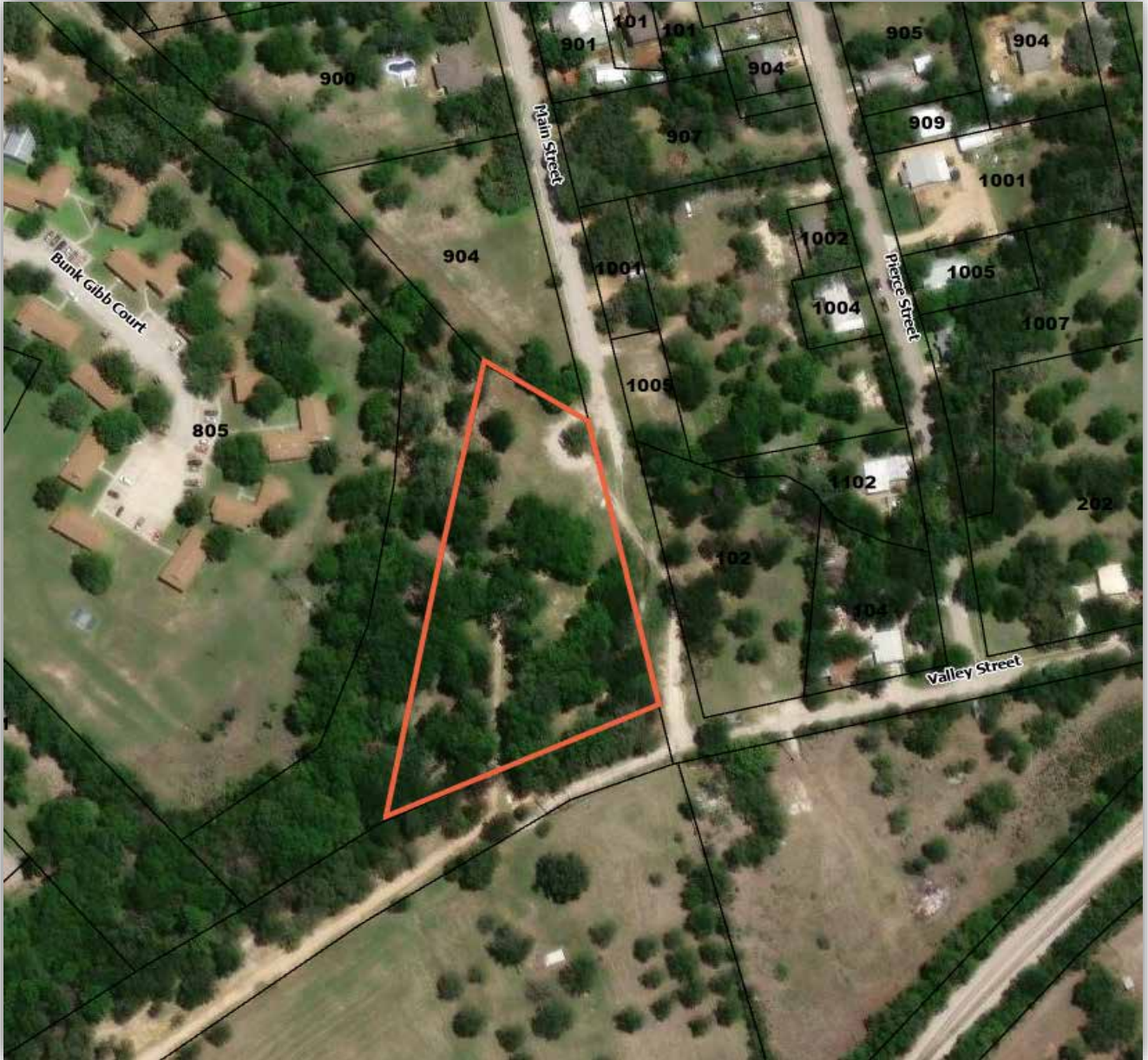
**Exhibit "C"**  
**Location Map**

**904 S MAIN STREET**



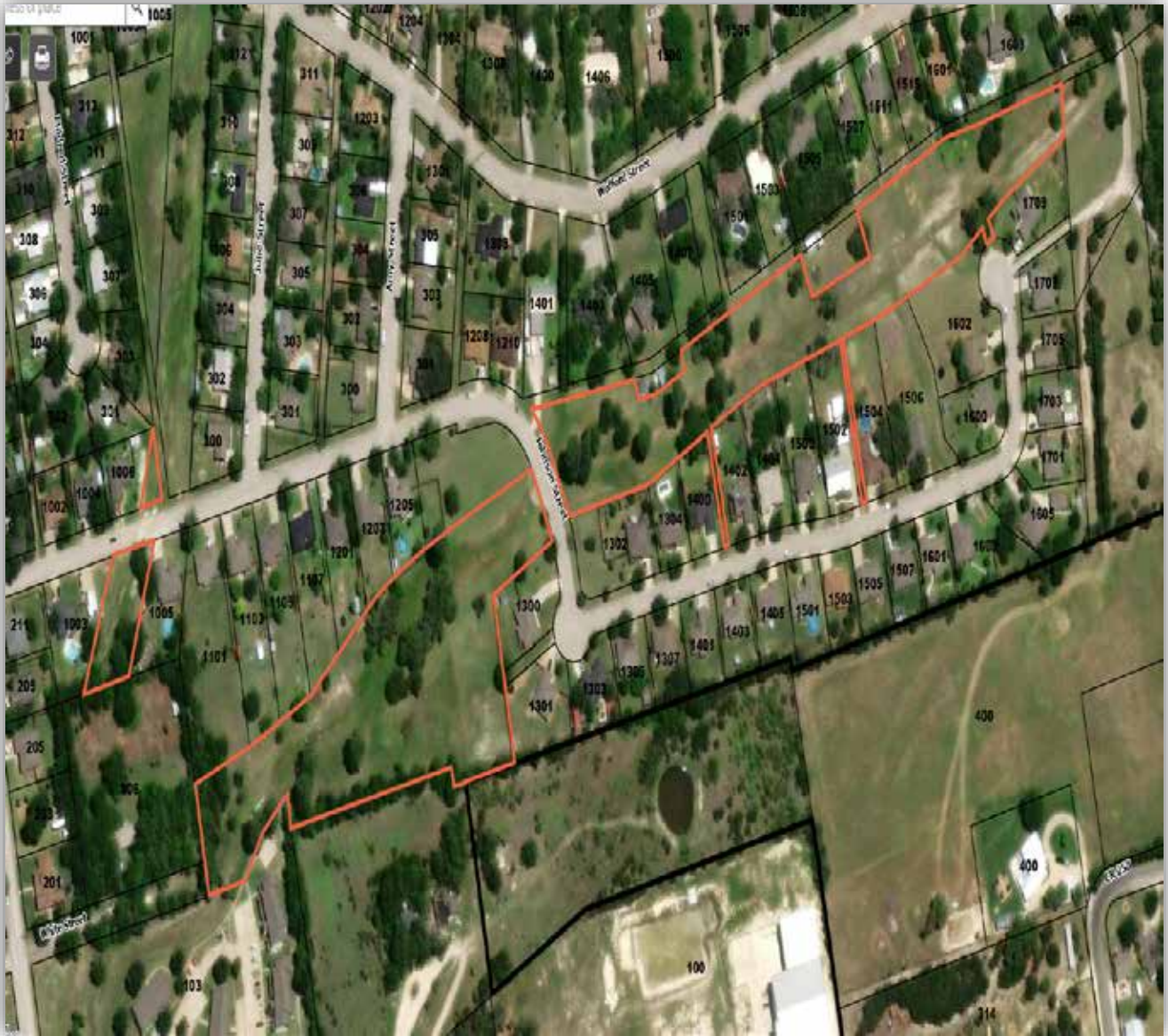
**Exhibit "D"**  
**Location Map**

**ABS. A0187 BB CASTLEBERRY, TRACT IN CREEK BED 3.03 ACRES**



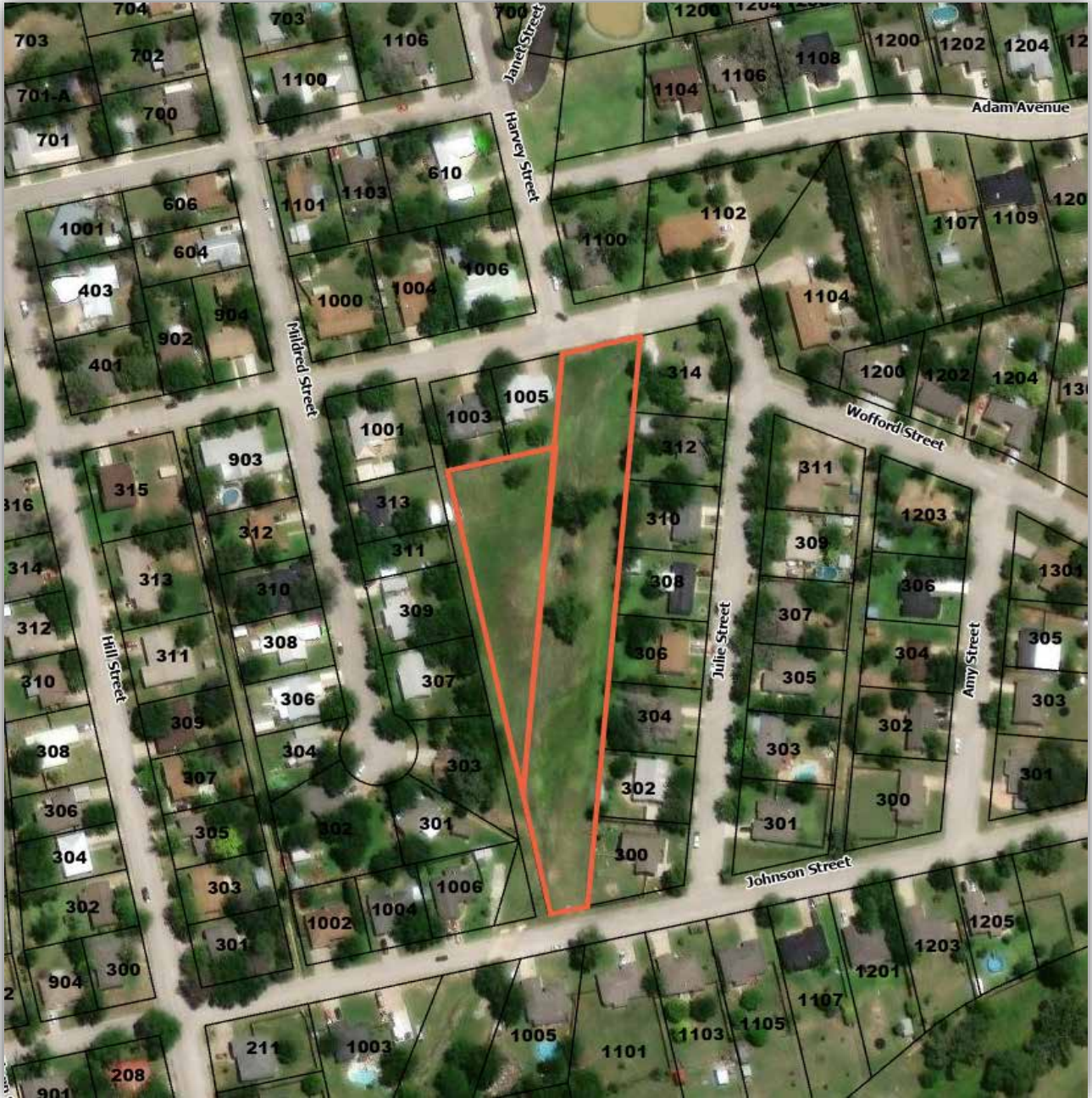
# Exhibit "E" Location Map

## EAST JOHNSON STREET DRAINAGE EASEMENT



**Exhibit "F"**  
**Location Map**

**Highland Acres East Lot Park, Sec. 3 and Highland Acres East Sec. 3 Drainage and Utility Easement**





## Public Hearing and Action Item

### ITEM 4.1 C

#### Meeting Date

September 9, 2024

#### Agenda Item

Public hearing and action: 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 REZONING PROPERTY KNOWN AS 102 E VALLEY STREET FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; 1005 S MAIN STREET FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; 904 S MAIN STREET FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY DESCRIBED AS ABS. A0187 BB CASTLEBERRY, TRACT IN CREEK BED 3.03 ACRES FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY DESCRIBED AS EAST SIDE WATER TANK LOT FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY DESCRIBED AS EAST JOHNSON STREET DRAINAGE EASEMENTS FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; AND HIGHLAND ACRES EAST LOT PARK, SEC. 3 AND HIGHLAND ACRES EAST SEC. 3 DRAINAGE EASEMENT FROM THEIR PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

#### Information

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

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

#### Public Notification

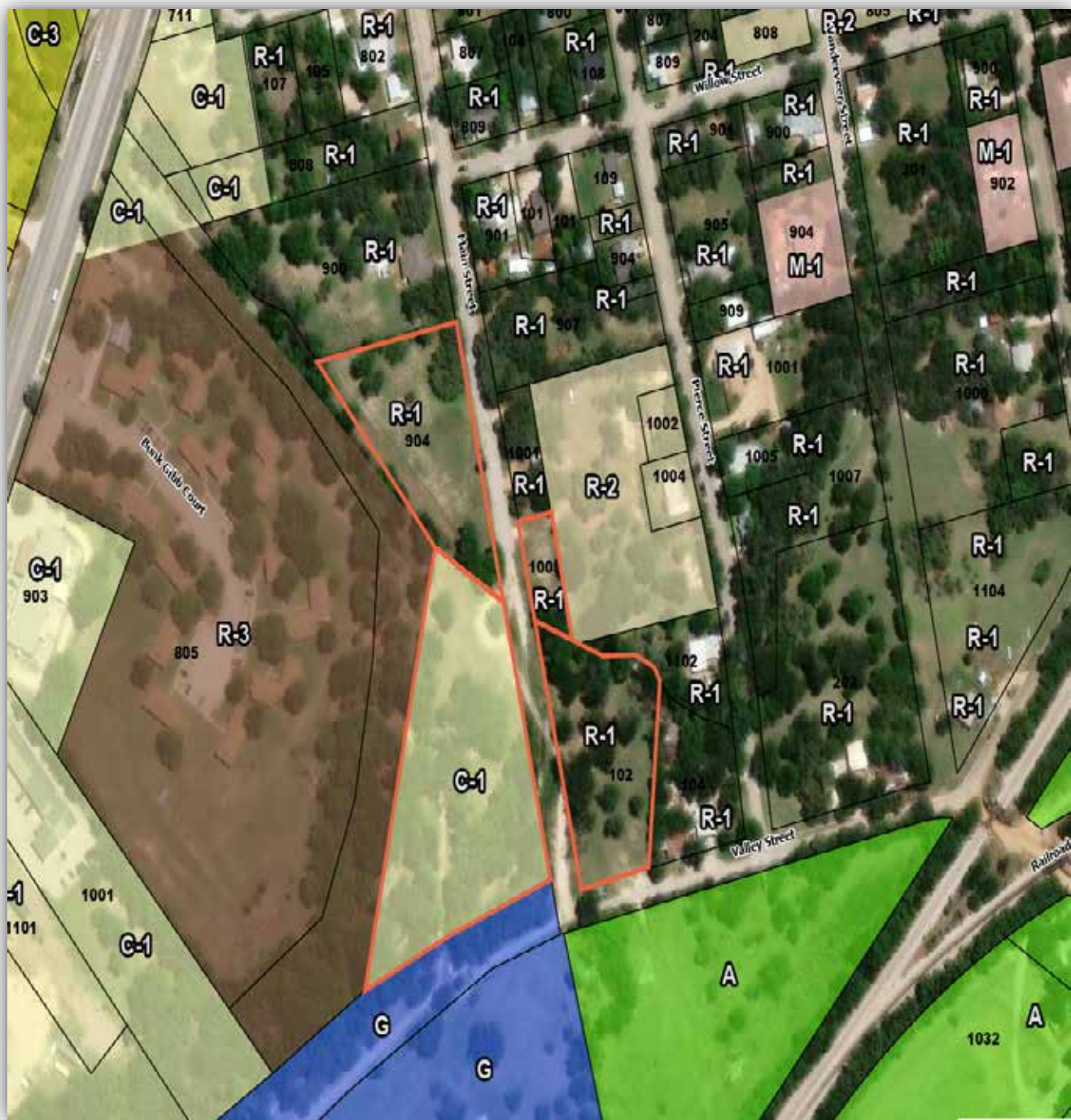
Written notices were mailed to 127 surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

**Recommendation**

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

### Exhibit A – Location and Current Zoning

102 E VALLEY ST., 1005 S MAIN ST., 904 S MAIN ST., &  
PROPERTY DESCRIBED AS ABS A0187 BB CASTLEBERRY, TRACT IN CREEKBED 3.03 ACRES



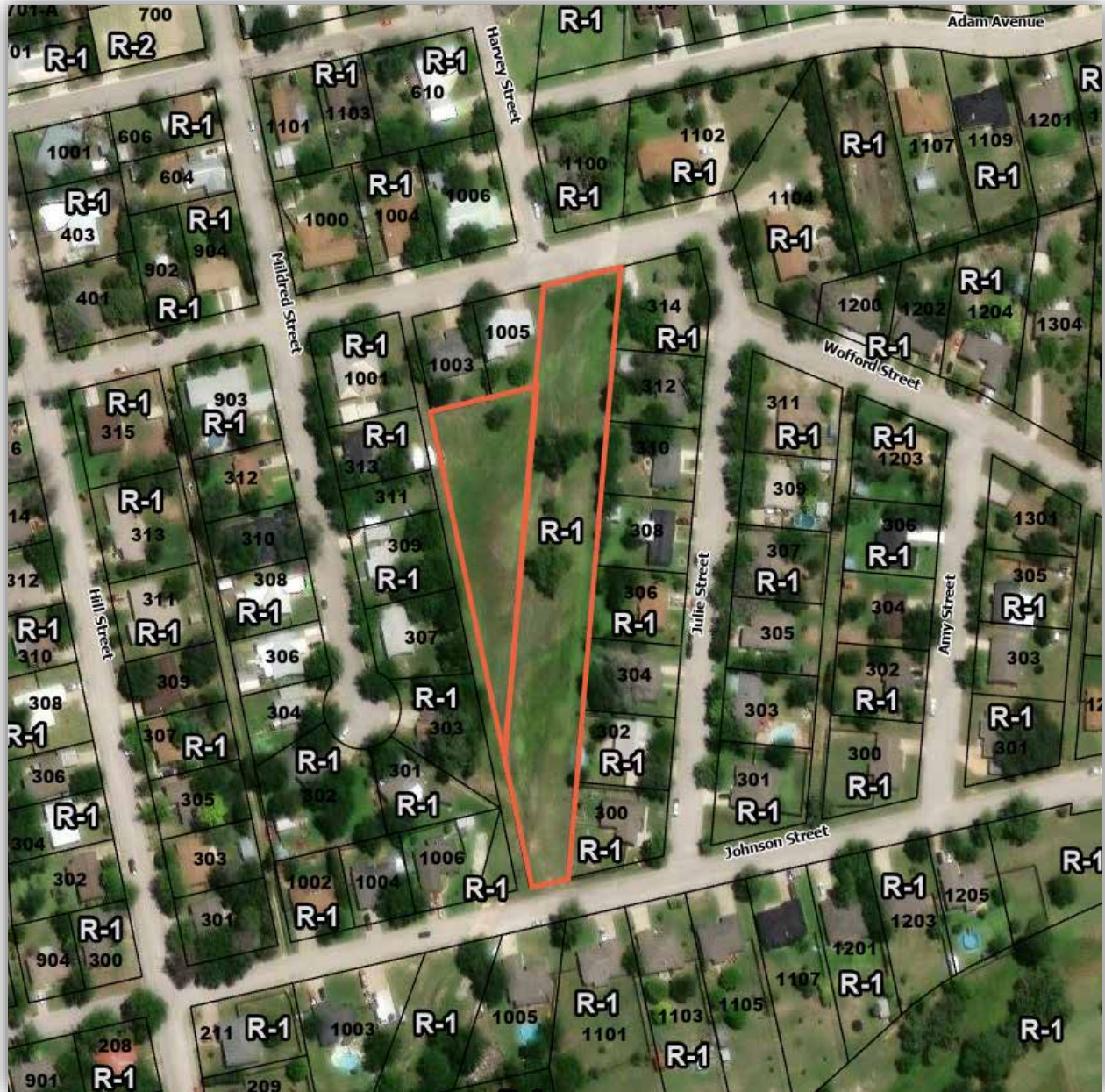
**Exhibit A – Location and Current Zoning**  
**EAST JOHNSON STREET DRAINAGE EASEMENT**





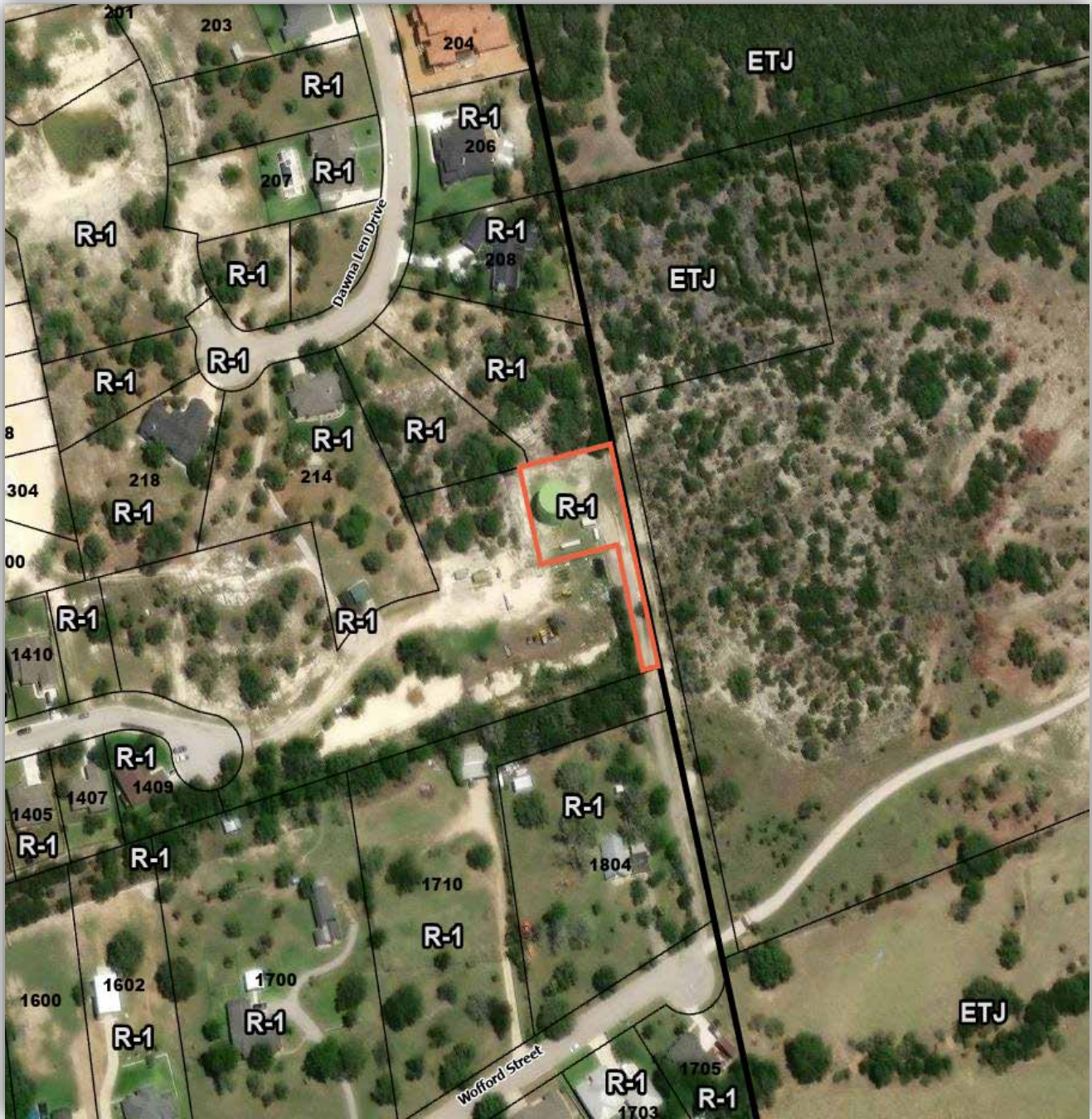
## Exhibit A – Location and Current Zoning

### HIGHLAND ACRES EAST LOT PARK, SEC. 3 AND HIGHLAND ACRES EAST SEC. 3 DRAINAGE AND UTILITY EASEMENT



# Exhibit A – Location and Current Zoning

## EAST SIDE TANK



**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 REZONING PROPERTY KNOWN AS 102 E VALLEY STREET FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; 1005 S MAIN STREET FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; 904 S MAIN STREET FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY DESCRIBED AS ABS. A0187 BB CASTLEBERRY, TRACT IN CREEK BED 3.03 ACRES FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY DESCRIBED AS EAST SIDE WATER TANK LOT FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY DESCRIBED AS EAST JOHNSON STREET DRAINAGE EASEMENTS FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; AND HIGHLAND ACRES EAST LOT PARK, SEC. 3 AND HIGHLAND ACRES EAST SEC. 3 DRAINAGE EASEMENT FROM THEIR PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; 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: 102 E VALLEY STREET (LEGAL DESCRIPTION: ABS A0187 B.B. CASTLEBERRY, TRACT 58, 1.394 ACRES) as shown on **Exhibit “A”** hereto.

**Section Three. Zoning District Reclassification. Government – District “G”.** 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 property known as: 1005 S MAIN STREET (LEGAL DESCRIPTION: ABS A0187 B.B. CASTLEBERRY, TRACT 7 (150X70X160) S OF CREEK) as shown on **Exhibit “B”** hereto.

**Section Five. Zoning District Reclassification. Government – District “G”.** 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 legally described as: 904 S MAIN STREET (LEGAL DESCRIPTION:

BEING 1.410 ACRES OUT OF THE B.B. CASTLEBERRY, ABS. NO. 187) as shown on **Exhibit “C”** hereto.

**Section Seven. Zoning District Reclassification. Government – District “G”.** 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 legally described as: ABS. A0187 BB CASTLEBERRY, TRACT IN CREEK BED 3.03 ACRES 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 property described as: EAST JOHNSON STREET DRAINAGE EASEMENTS (LEGAL DESCRIPTION: S6126 MALLET ADDITION LOT DRAINAGE EASEMENTS 4.18, 4.46, 0.43, 0.07 ACRES) 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 is legally described as: HIGHLAND ACRES EAST LOT PARK, SEC. 3 AND HIGHLAND ACRES EAST SEC. 3 DRAINAGE AND UTILITY EASEMENT as shown on **Exhibit “F”** hereto

**Section Thirteen. Zoning District Reclassification. Government – District “G”.** 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 property known as: EAST SIDE WATER TANK (LEGAL DESCRIPTION: S4233 EAST SIDE WATER TANK LOT BEING 0.02 + 0.07 + 0.461 ACRES, 0.548) 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. 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 Seventeen. Repealer.** Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

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

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

**PASSED AND APPROVED** on this the 10<sup>th</sup> day of September 2024.

**CITY OF BURNET, TEXAS**

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Gary Wideman, Mayor

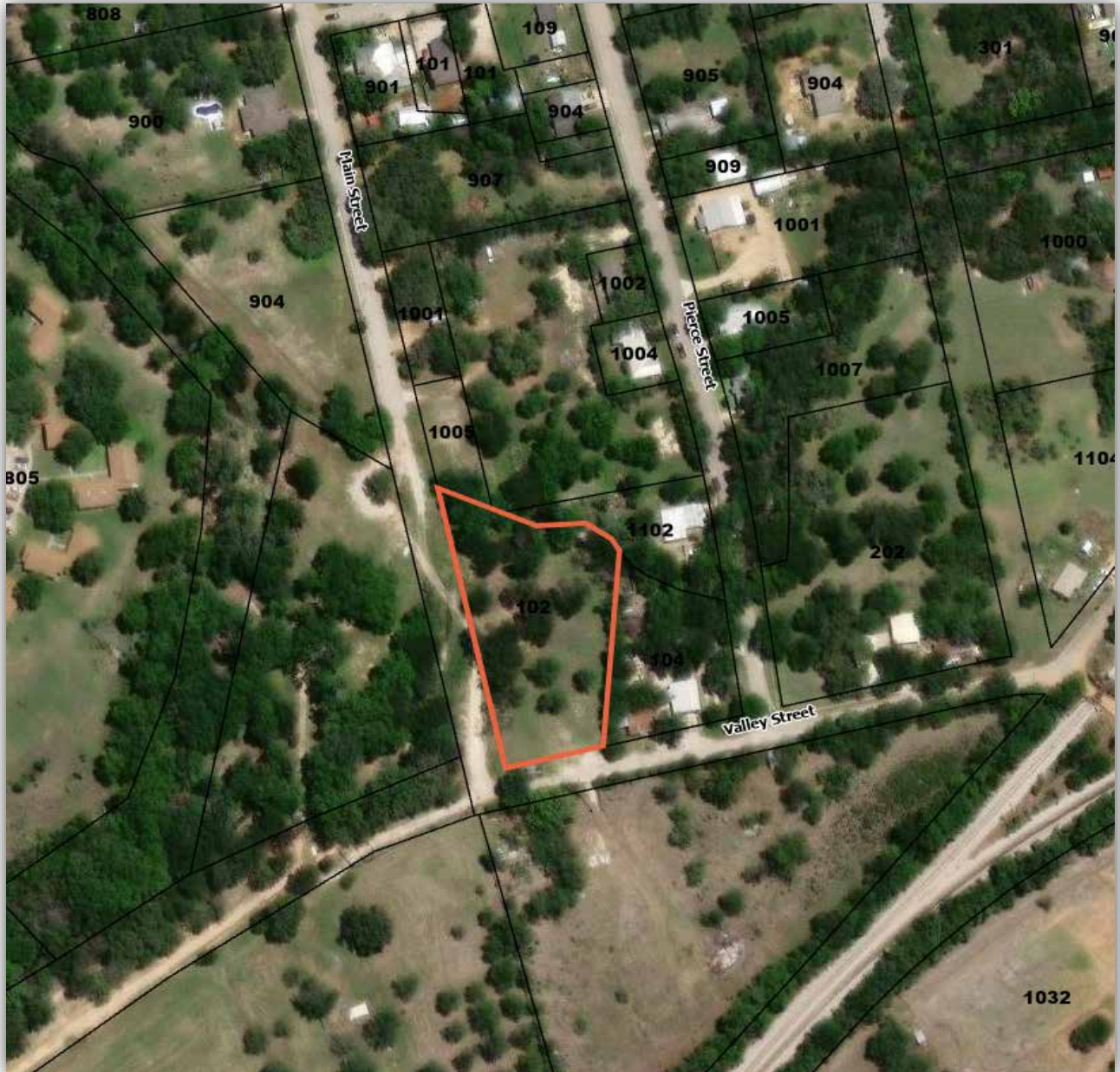
**ATTEST:**

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Maria Gonzales, City Secretary

**Exhibit "A"**  
**Location Map**

**102 E VALLEY STREET**



**Exhibit "B"**  
**Location Map**

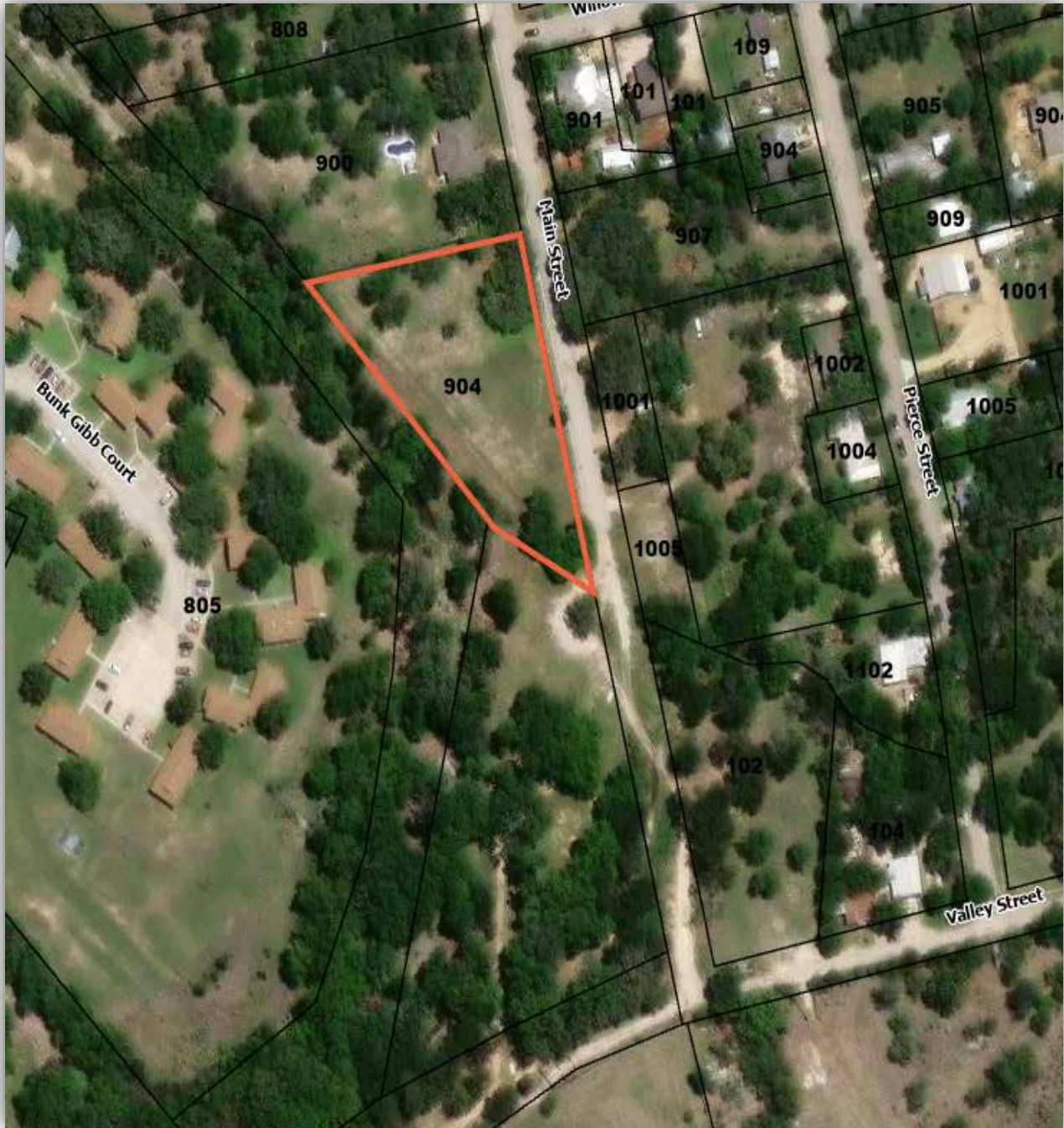
**1005 S MAIN STREET**





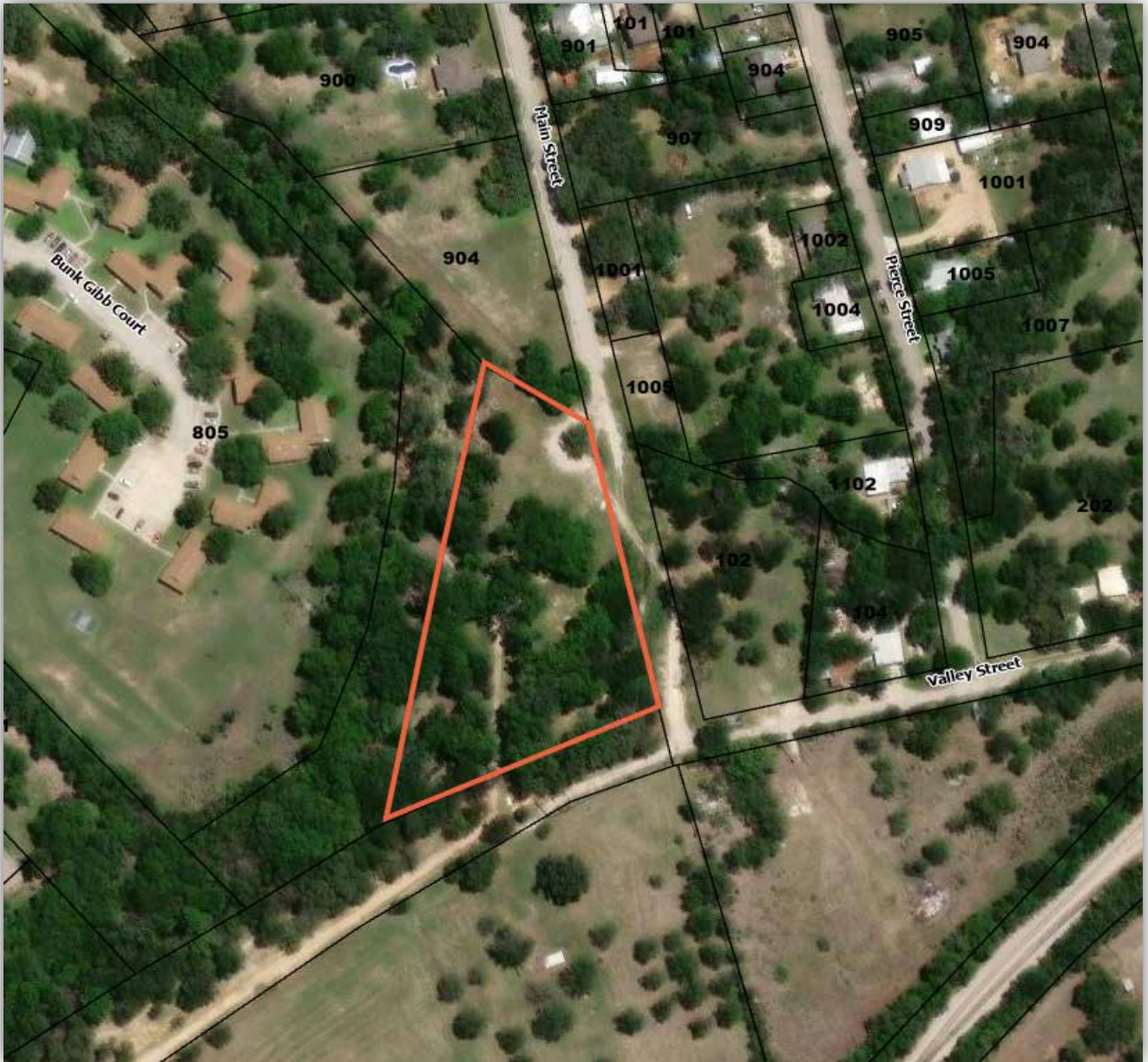
**Exhibit "C"**  
**Location Map**

**904 S MAIN STREET**



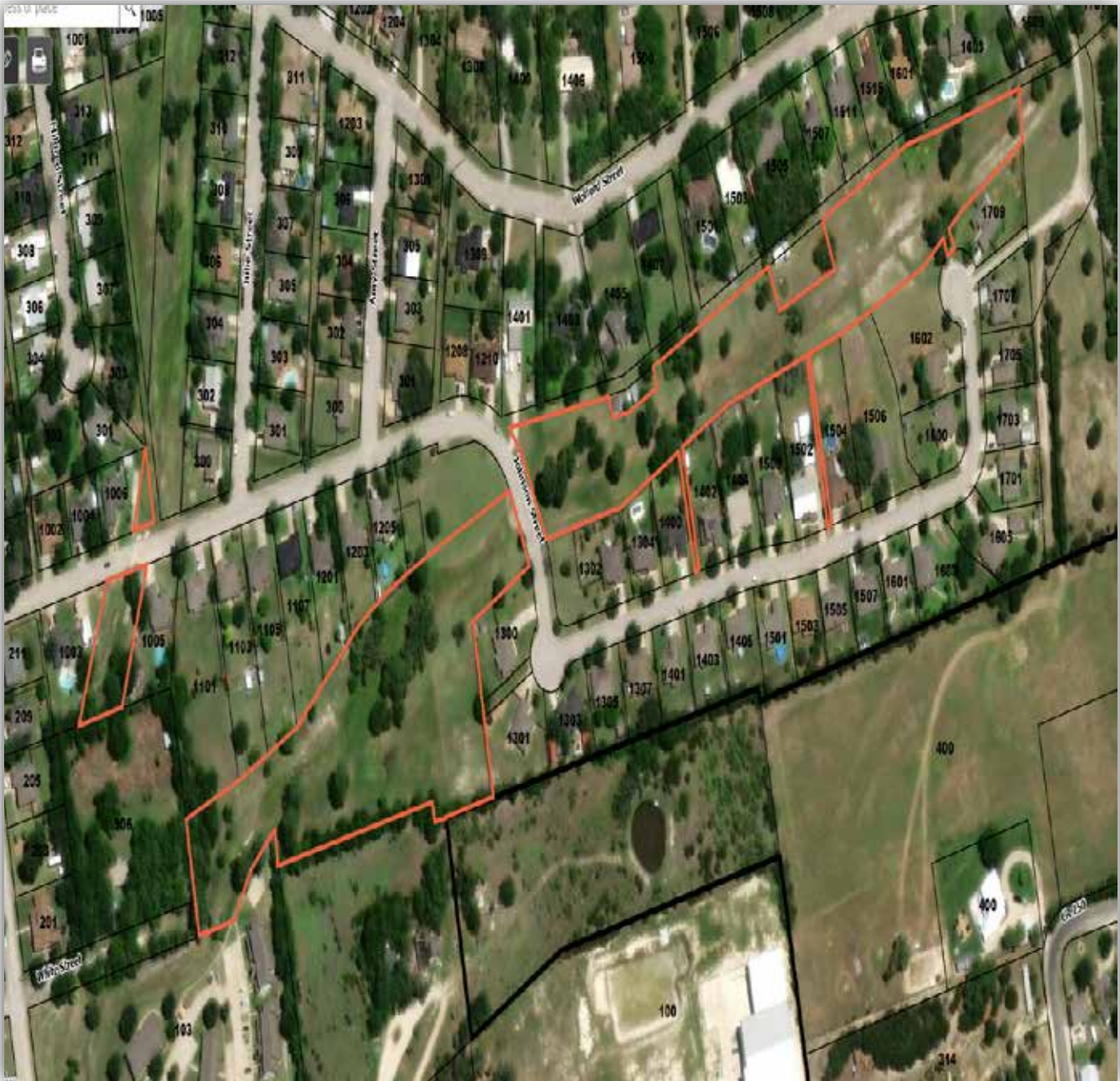
**Exhibit "D"**  
**Location Map**

**ABS. A0187 BB CASTLEBERRY, TRACT IN CREEK BED 3.03 ACRES**



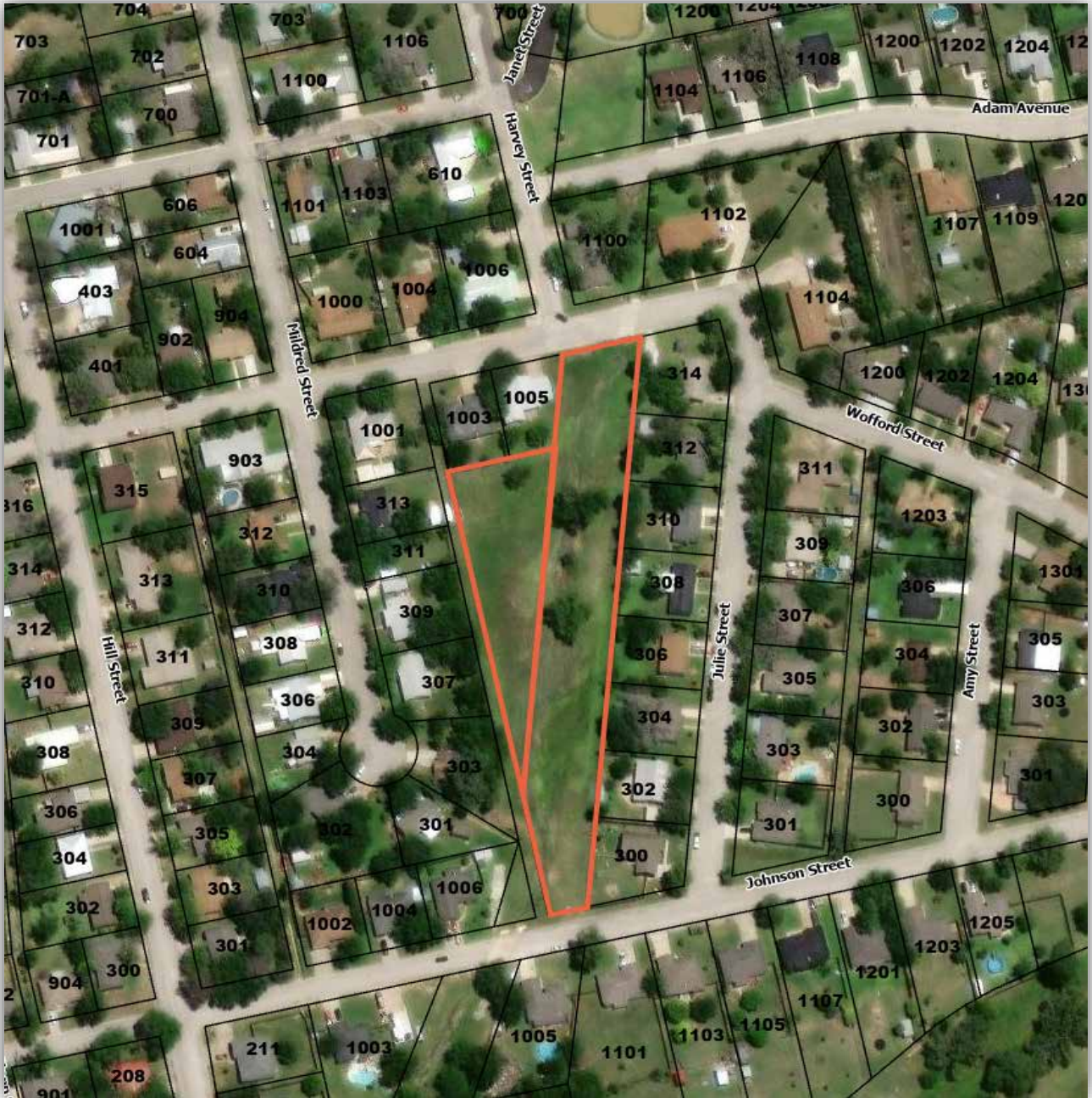
**Exhibit "E"**  
**Location Map**

**EAST JOHNSON STREET DRAINAGE EASEMENT**



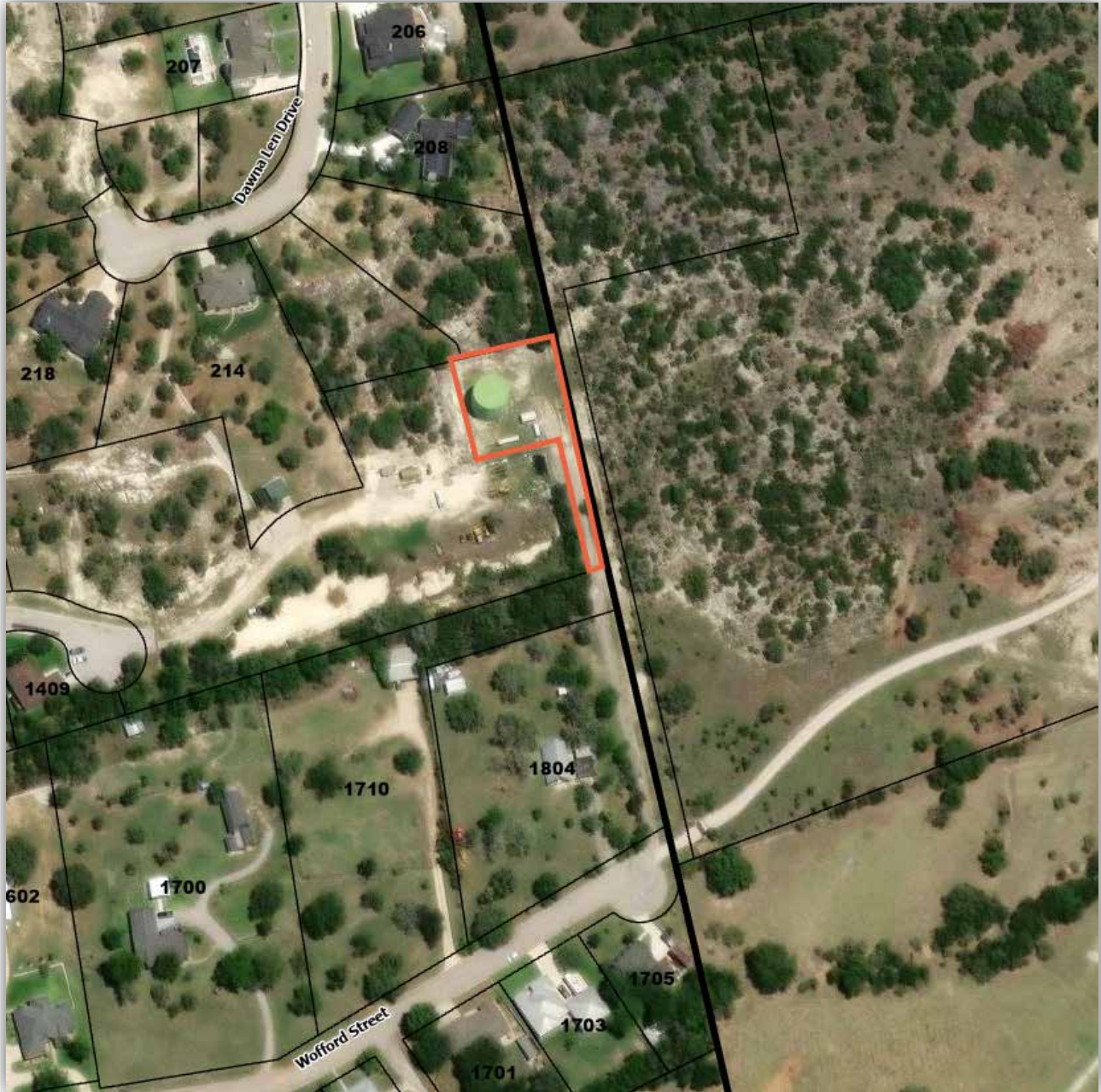
**Exhibit "F"**  
**Location Map**

**Highland Acres East Lot Park, Sec. 3 and Highland Acres East Sec. 3 Drainage and Utility Easement**



**Exhibit "G"**  
**Location Map**

**EAST SIDE WATER TANK**





## Public Hearing and Action Item

### ITEM 4.1 D

#### Meeting Date

September 9, 2024

#### Agenda Item

Public hearing and action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING THE “RE-PLAT” OF PETER KERR PORTION SUBDIVISION, LOT 1-B, BLOCK 17: L. Kimbler

#### Information

The proposed re-plat is a commercial subdivision of approximately 1.55 acres. This lot is owned by the Burnet Economic Development Corporation; this was previously the location of the Bealls building and a two-suite shopping center. Recently, the Burnet EDC has demolished both buildings on the lot to make the lot more desirable for marketing purposes. This re-plat combines the two commercial lots, removes setbacks to ensure new development follows city code, and abandons an electric easement that was necessary to serve the Bealls building. In order to abandon the utility easement appropriately, this plat must be considered and approved by both the Planning and Zoning Commission and City Council.

#### Staff Analysis

The plat has been reviewed using Code of Ordinances Section 98-25 (Short form final plats and replats) as guide. It has been found to comply with ordinance requirements relating to form and content.

#### Recommendation

Discuss and consider the approval of the Replat of Peter Kerr Portion Subdivision, Lot 1-B, Block 17.

**RESOLUTION NO. R2024-XX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET,  
TEXAS APPROVING THE “RE-PLAT” OF PETER KERR PORTION  
SUBDIVISION, LOT 1-B, BLOCK 17**

**WHEREAS**, the Planning and Zoning Commission has made its recommendation on the replat of Peter Kerr Portion Subdivision, Lot 1-B, Block 17; and

**WHEREAS**, the city staff and the city engineer have opined the application substantially complies with the subdivision ordinance; and

**WHEREAS**, the re-plat of Peter Kerr Portion Subdivision, Lot 1-B, Block 17 does abandon the utility easement recorded in the Public Records of the County Clerk of Burnet County, Texas, Cab-3, Slide 72B.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BURNET, TEXAS, AS FOLLOWS:**

**Section One. Findings.** The recitals set out above are hereby approved and incorporated herein for all purposes.

**Section Two. Approval.** The Re-plat of Peter Kerr Portion Subdivision, Lot 1-B, Block 17 is hereby approved.

**Section Three. Recordation.** The Re-plat of Peter Kerr Portion Subdivision, Lot 1-B, Block 17 may be recorded in the Public Records of the County Clerk of Burnet County, Texas upon compliance with the requirements of Subdivision Code Sec. 98-25(h) and related regulations.

**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** on this the 10<sup>th</sup> day of September 2024.

**CITY OF BURNET, TEXAS**

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Gary Wideman, Mayor

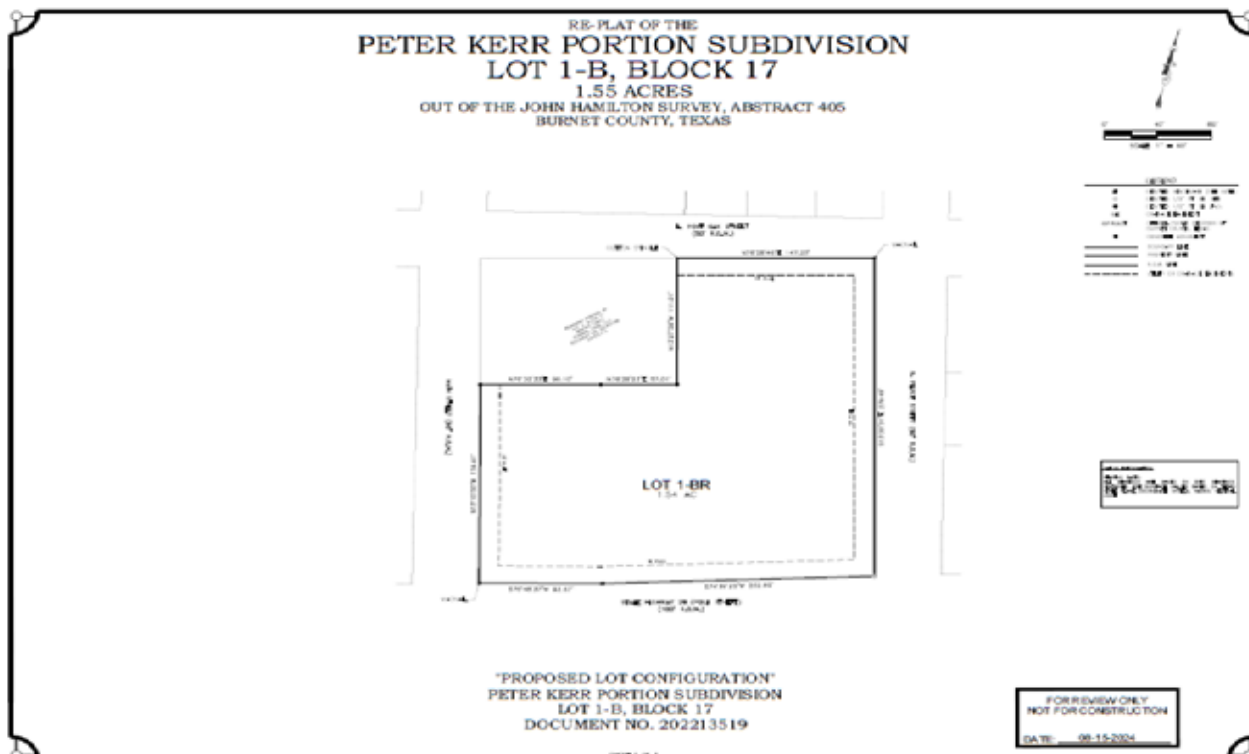
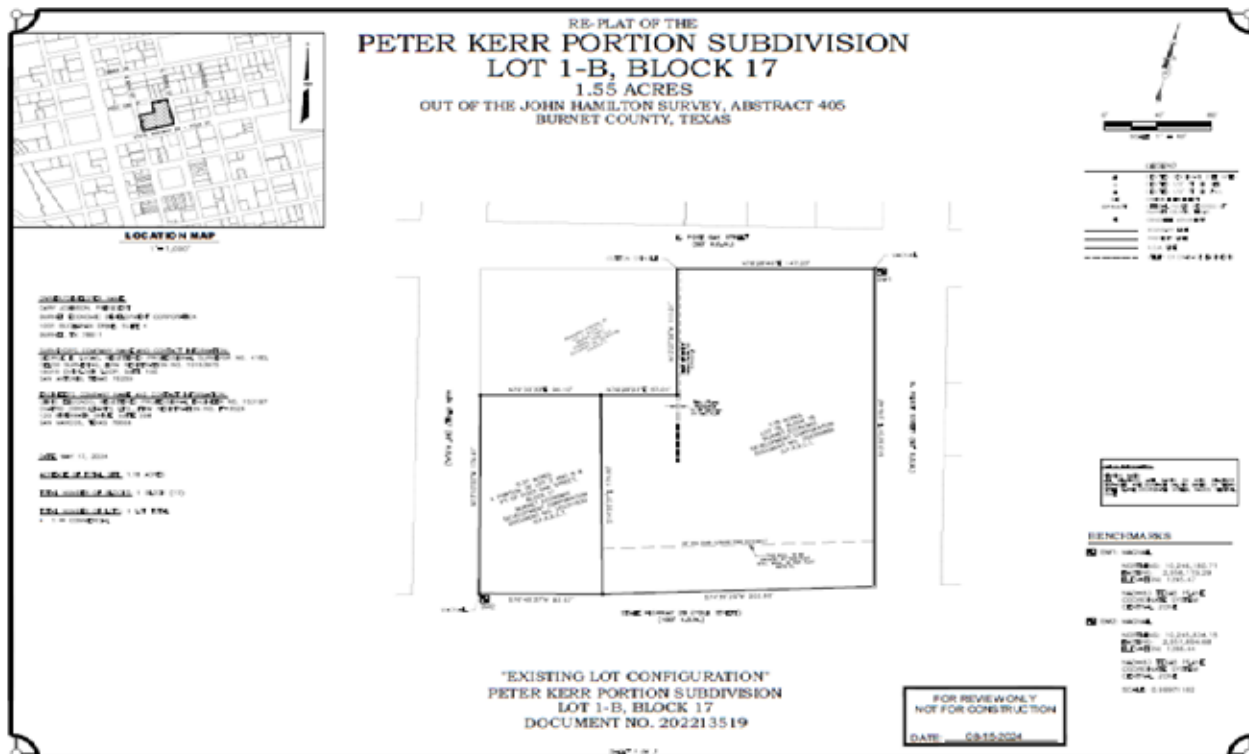
**ATTEST:**

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Maria Gonzales, City Secretary

# Exhibit "A"

## Plat







## Public Hearing and Action Item

### ITEM 4.1 E

#### Meeting Date

September 9, 2024

#### Agenda Item

Public hearing and action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET TEXAS AMENDING CITY CODE OF ORDINANCES SECTION 98-23 (ENTITLED “CONSTRUCTION PLANS”); AND AMENDING CHAPTER 98, APPENDIX “A” TO AMEND THE FEE “CONSTRUCTION PLANS INSPECTION AND TESTING”; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

#### Information

The subdivision of land for residential, commercial, or industrial development in many instances includes the construction of water/wastewater, electric, sidewalks and road infrastructure that the developer will dedicate to the city for maintenance and public use. It is imperative that the infrastructure to be dedicated is designed and built in accordance with the city’s construction standards. Otherwise, the city may incur future maintenance and repair costs to cure design or construction defects.

To ensure such infrastructure is constructed correctly requires periodic on-site inspections. In 2022, City Council adopted an ordinance authorizing the collection of 1.5% of the infrastructure construction costs to cover the city’s onsite inspections expenses. Recent legislative changes have prohibited cities from charging a fee based on the cost of constructing or improving the public infrastructure for a subdivision.

#### Fiscal Impact

The proposed amendment authorizes the collection of \$450.00 per lot to cover the city’s onsite inspection expenses. When determining this rate, staff considered the average amount of time it involves inspecting a subdivision from start to finish along with staff’s average salary, based on an average of the most recent subdivisions (Exhibit A). This will allow the provision of infrastructure inspection services to be more fiscally neutral to the city’s budget while following state law.

#### Recommendation

Discuss and consider the approval of draft Ordinance 2024-XX as presented.

**Exhibit "A"**

**City Updated Projected Inspection Cost**

Project	Lots	Acreage	Time Frame	Total Cost	Cost per Lot
Westfall 3	47	14.68	12-month	\$ 29,009	\$ 617.21
Creekfall 1&2	134	43.92	16-month	\$ 40,416	\$ 301.61
<b>TOTAL</b>	<b>181</b>	<b>58.6</b>	<b>Average</b>		<b>\$ 459.41</b>

Project	Lots	Proposed Fee		Current Fee	Difference
		Per Lot	Total	1.5% of OPC	
Westfall 3	47	\$ 450	\$ 21,150	\$ 34,216	\$ (13,066)
Creekfall 1&2	134	\$ 450	\$ 60,300	\$ 64,676	\$ (4,376)

**ORDINANCE NO. 2024-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET TEXAS AMENDING CITY CODE OF ORDINANCES SECTION 98-23 (ENTITLED “CONSTRUCTION PLANS”); AND AMENDING CHAPTER 98, APPENDIX “A” TO AMEND THE FEE “CONSTRUCTION PLANS INSPECTION AND TESTING”; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, pursuant to Texas Local Government Code Chapter 212, City Code Chapter 98 (entitled “Subdivisions”) was adopted to regulate the subdivision of land within the city’s corporate and extraterritorial jurisdiction to protect the health, safety and welfare of the public; and

**WHEREAS**, in Section 98-23 thereof City Council has adopted procedures for the submission of construction plans for infrastructure supporting a subdivision; and

**WHEREAS**, it is necessary to impose a fee to adequately cover the costs of such inspections; and

**WHEREAS**, Texas Local Government Code Chapter 212.906 sets forth the appropriate measures for imposing such fees; and

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

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

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

**Section One. Code Amendment.** Section 98-23 (entitled “Construction Plans”) of the Code of Ordinances of the City of Burnet, is hereby amended by adding the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) as follows:

- (d) *Procedure.* After all necessary approvals of the preliminary plat have been granted, construction plans, together with a completed application form, administrative fees, and any other federal, state or local permits required prior to construction (L.C.R.A. NPS permit, SWPPP, etc.) shall be submitted to the city engineer for approval subject to the following:
- (1) Construction plans may be submitted for review and approval simultaneously with a final plat, provided however that the final plat shall not be approved until the construction plans have been approved. If the construction plans and the final plat are to be reviewed simultaneously, a complete application for construction plans and a complete application for final plat must be submitted to the city simultaneously.
  - (2) City staff shall review all construction plan submittals for administrative completeness at the time of application. If in the judgment of the city, the construction plan submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review and the construction plan shall be deemed rejected. The developer shall have up to 60 days from the date the construction plan is deemed denied to remedy all deficiencies or the construction plan shall be rejected for filing and new filing fees will be required for subsequent submittals.
  - (3) The City Engineer shall review the construction plans to insure compliance with this chapter, and other applicable city ordinances, codes, standards and specifications, and good engineering practices.
  - ~~(4) Upon approval of the construction plans, the applicant shall pay an inspection fee in the amount of one and one-half percent of the estimated construction cost for the roads, water, sewer and drainage facilities, according to calculations by a registered professional engineer. These calculations must be approved by the city engineer.~~
  - (4) The City Engineer, and/or his/her designee, shall inspect all required improvements to ensure compliance with City requirements and approved construction plans. Inspections mandated under this section shall be at the applicant's expense. An inspection fee, in the amount of \$450.00 per lot, must be paid prior to the approval of the construction plans.

**Section Two. Code Amendment.** Chapter 98, Appendix A (entitled "Fee Schedule") of the Code of Ordinances of the City of Burnet, is hereby amended by adding the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) as follows:

CHAPTER 98—APPENDICES

APPENDIX A

TYPE APPLICATION	FEES	CITY ENGINEER REVIEW COSTS*	CITY CONSULTING ENGINEER REVIEW COSTS**
Preliminary Plat	\$425.00 + \$10.00 per lot + Current USPS costs +Engineer review costs	\$350.00 + \$30.00 per lot***	Amount consulting engineer invoices city + 15%
Construction Plans***	\$400.00 + Engineer review costs + Current USPS costs	Site Plan**** \$2,000.00 Subdivision \$3,000.00	Amount consulting engineer invoices city + 15%
Construction Plans Inspection and testing	1.5% of approved and certified engineer's estimate  \$450.00 per lot		
Final Plat	\$400.00 + \$10.00 per lot + \$75.00 GIS + Current USPS costs + Engineer review costs	\$350.00 + \$50.00 per lot***	Amount consulting engineer invoices city + 15%
Replat or Amended Plat	\$300.00 + \$10.00 per lot + \$75.00 GIS + Current USPS costs + Engineer review costs		Amount consulting engineer invoices city + 15%
Short Form Plat	\$200.00 + \$25.00 per lot + 75.00 GIS + Current USPS costs + Engineer review costs		Amount consulting engineer invoices city + 15%
Plat Vacation	\$100.00 + Estimated recording fees + Current USPS costs + Engineer review costs		Amount consulting engineer invoices city + 15%
Subdivision Variance	\$200.00 Each variance + Current USPS costs + Engineer review costs		Amount consulting engineer invoices city + 15%
Traffic Impact Analysis	\$200.00 + Engineer review fees		Amount consulting engineer invoices city + 15%

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

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

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

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

**PASSED, APPROVED, AND ADOPTED** on this 10<sup>th</sup> day of September 2024.

**CITY OF BURNET, TEXAS**

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Gary Wideman, Mayor

**ATTEST:**

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Maria Gonzales, City Secretary