



# CITY OF BURNET

## PLANNING AND ZONING

### ITEM BRIEF

#### **Meeting Date**

December 1, 2025

#### **Agenda Item**

Public hearing and action: Resolution No. 2025-83: L. Kimbler

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, EXPIRING THE PRELIMINARY PLAT APPLICATION OF EAGLE'S NEST SUBDIVISION, SECTION 3, SUBMITTED OCTOBER 16, 2018, AND APPROVED BY CITY COUNCIL ON FEBRUARY 12, 2019

1. Staff Presentation
2. Public Hearing
3. Discuss and considering action

#### **Information**

In October of 2018, the then-property owner of approximately 17.45 acres of land, located within the Eagle's Nest Subdivision, submitted an application to subdivide the property into a 13-lot, single-family residential large lot subdivision. The Planning and Zoning Commission considered the preliminary plat in February 2019 and recommended approval to the City Council. City Council held a public hearing and approved the preliminary plat on February 12, 2019.

In 2021, a subsequent owner submitted construction plans and began construction activities of the subdivision; however, all progress has been dormant for more than three years. Per City Code, Section 98-22(h), the approval of a preliminary plat shall expire no earlier than the fifth anniversary of the date the first permit application was filed.

The current property owner has submitted a new preliminary plat application, with the same lot and roadway configuration as previously approved, to be able to complete the subdivision construction.

Prior to consideration of the new application, both the Planning and Zoning Commission and City Council should consider expiring the previous preliminary plat application. This

action will ensure clarity in the record and establish the current application as the active plat moving forward.

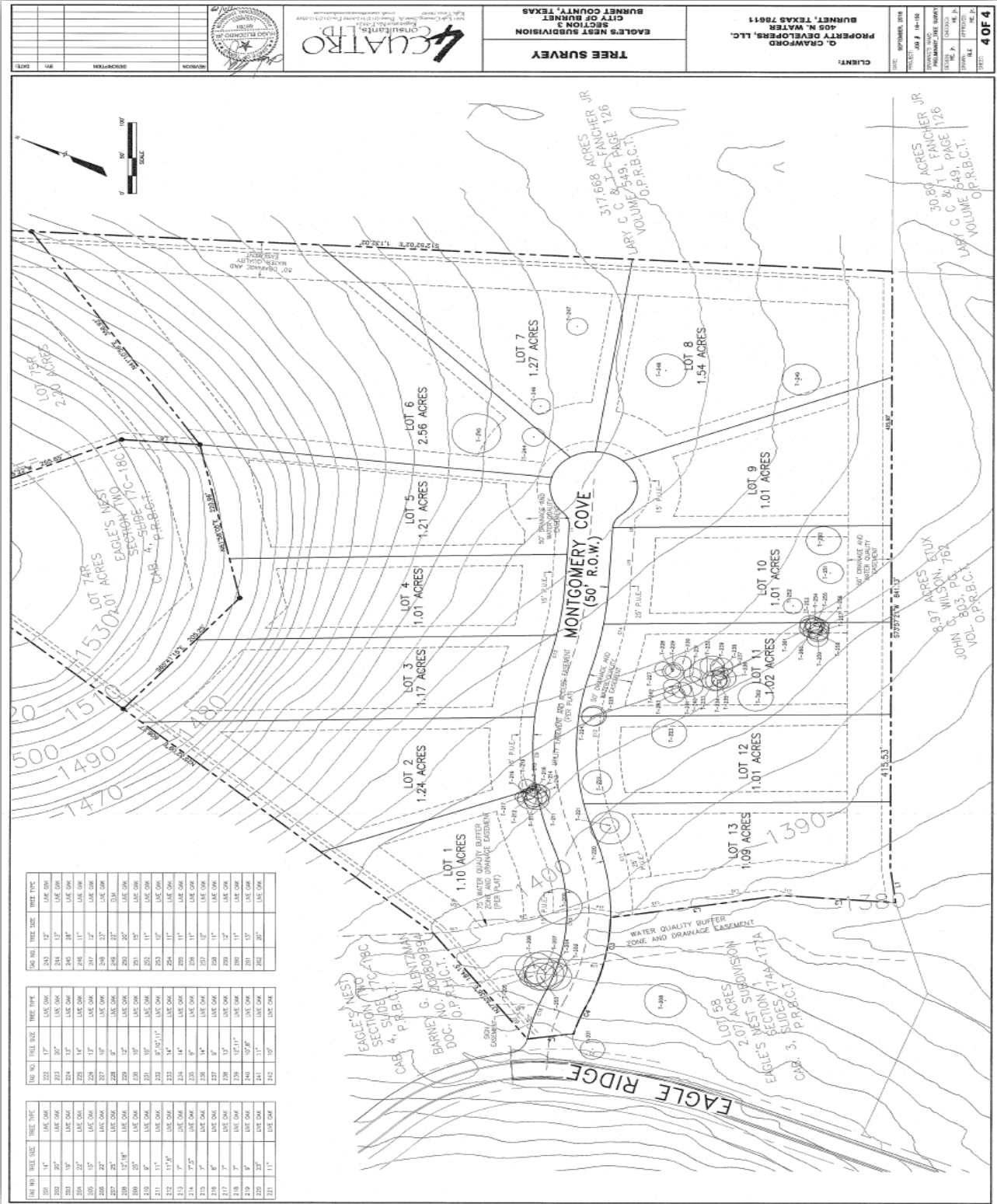
**Recommendation**

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

Exhibit A – Location



# Exhibit B – Previously approved subdivision



SHEET NO. 4 OF 4

**RESOLUTION NO. R2025-83**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, EXPIRING THE PRELIMINARY PLAT APPLICATION OF EAGLE'S NEST SUBDIVISION, SECTION 3, SUBMITTED OCTOBER 16, 2018, AND APPROVED BY CITY COUNCIL ON FEBRUARY 12, 2019**

**WHEREAS**, on February 12, 2019, in accordance with the procedures prescribed in City Code Chapter 98 Article II, City Council approved an application for the Preliminary Plat of Eagle's Nest Subdivision, Section 3, submitted on October 16, 2018; and

**WHEREAS**, City Code Section 98-22(h) provides "*the approval of the preliminary plat or any subsequent plan or plat shall expire no earlier than the 5th anniversary of the date the first permit application was filed for if no progress has been made towards completion of the project*"; and

**WHEREAS**, City Council finds, determines and declares that the fifth anniversary of the date of approval of the above-mentioned Preliminary Plat has transpired and no extension to the expiration date has been granted; and

**WHEREAS**, City Council finds, determines and declares 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.

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

**Section One. Findings.** That the recitals to this Resolution are incorporated herein for all purposes.

**Section Two. Action.** That City Council's approval of the application for the Preliminary Plat of Eagle's Nest Subdivision, Section 3 on February 12, 2019, is hereby found to be expired and is henceforth of no legal effect; and any and all rights inuring said application by such approval are no longer legally valid.

**Section Three. Directive.** That the City Manager is hereby authorized and directed to place notations on said application, and/or take such action as may be reasonably necessary to memorialize such expiration.

**Section Four. Effective Date.** That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

**PASSED AND APPROVED** on this the 9<sup>th</sup> day of December 2025.

**CITY OF BURNET, TEXAS**

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Gary Wideman, Mayor

**ATTEST:**

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Maria Gonzales, City Secretary