



# CITY OF BURNET

## PLANNING AND ZONING

### ITEM BRIEF

#### **Meeting Date**

June 11, 2025

#### **Agenda Item**

Public hearing and action: Resolution No. R2025-48: L. Kimbler

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES, SECTION 98-24 – FINAL PLAT FOR THE PROPOSED MINOR PLAT OF BURNET INDUSTRIAL PARK, BLOCK 3, SUBDIVISION

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

#### **Information**

The proposed minor plat of Burnet Industrial Pak, Block 3 is a 2.985 acre commercial subdivision located at the intersection of John Kelly Drive and Industrial Blvd. No new streets are to be developed. The proposed subdivision is owned by the Highland Lakes Health Fund and is the future location of additional Ascension Seton Burnet Health Center. Plans for the first additional clinic are currently under review.

The requested variance for this development pertains to the requirements outlined in Code of Ordinances, Section 98-24(c)(4)(g) which states: “The proposed location of sidewalks for each street, to be shown as a dotted line inside of the proposed right-of-way lines.” The applicant has submitted a request for a variance to allow the project to be developed with no sidewalks. The applicant has noted that the existing complex, for the Ascension Seton Burnet Health Center, is developed with no public sidewalks. Additionally, other businesses in this area have been allowed to be developed with no sidewalks and enforcing this section of code would create sidewalks that do not connect with other existing sidewalks.

The City of Burnet Code of Ordinances Sec. 98-82 states the following regarding variances to the subdivision standards:

“In granting approval of a request for variance, the Commission and Council shall conclude that the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the variance observes the spirit of this chapter and concludes that substantial justice is done. The Commission and Council shall meet these requirements by making findings that:

- a. The public convenience and welfare will be substantially served;
- b. The appropriate use of surrounding property will not be substantially or permanently impaired or diminished;
- c. The applicant has not created the hardship from which relief is sought;
- d. The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property;
- e. The hardship from which relief is sought is not solely of an economic nature;
- f. The variance is not contrary to the public interest;
- g. Due to special conditions, the literal enforcement of this chapter would result in an unnecessary hardship; and
- h. In granting the variance the spirit of the ordinance is observed, and substantial justice is done.”

### **Staff analysis**

When evaluating the requested variance, staff confirm that sidewalks have not been required for surrounding properties. Therefore, the lack of sidewalks in this case is not a hardship which the applicant has created, nor will the approval of such variance confer upon the applicant a special right not commonly shared with surrounding properties. Additionally, the proposed development includes appropriate internal sidewalks, ensuring safe and adequate pedestrian access within the site itself. Requiring external sidewalks that terminate at the property boundary, without connecting to any existing or planned pedestrian networks and may create confusion for residents and pedestrians, as these sidewalks would not provide meaningful connectivity and could be perceived as incomplete or purposeless. For these reasons, staff believes the requested variance satisfies the applicable criteria outlined in the code and recommends its approval.

### **Recommendation**

Staff recommends approval of the applicant's request for the variance to the Code of Ordinances, Section 98-24 – Final Plat for the proposed Minor Plat of Burnet Industrial Pak, Block 3 Subdivision.

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

## Exhibit "A"

### Location







## Exhibit "C"

### Variance Request



#### City of Burnet Subdivision Variance Application

City of Burnet · Development Services Department · (512) 715-3206  
1001 Buchanan Drive · Suite 4 · Burnet, Texas · 78611

Name of Applicant: Wade Langley  
Current Address: 717 N Water  
City: Burnet State: TX Zip Code: 78611  
Primary Phone: ( 512 ) 734 - 3172 Cell Phone: (        )        -         
Email: wade@langleyhomesinc.com

Name(s) of Property Owner(s): Highland Lakes Health Fund  
Current Address: 717 N Water  
City: Burnet State: TX Zip Code: 78611  
Primary Phone: ( 512 ) 734 - 3172 Cell Phone: (        )        -         
Email: wade@langleyhomesinc.com

Address/ Location of Variance Request: 400 Industrial Blvd

Legal Description: 2.98 acre tract situated in the Memuel Taylor Survey NO 8 Abstract No880 of Burnet County described as HLHF doc NO.200712640

Section from which variance is requested: 118-61 CO2

Reason for Request: This property is a portion of an existing complex that does not have public walks in place.

Further, no other businesses inside of the industrial complex have public walks and literal enforcement of the code  
create a situation where sidewalks lead to "nowhere" as adjoining properties do not have public walks.

Applicant Signature: [Signature] Date: 5 / 27 / 25

Printed Name: Wade Langley

Property Owner Signature: [Signature] Date: 5 / 27 / 25

Printed Name: Wade Langley, VP of the Highland Lakes Health Fund

## **RESOLUTION NO. R2025-48**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES, SECTION 98-24 – FINAL PLAT FOR THE PROPOSED MINOR PLAT OF BURNET INDUSTRIAL PARK, BLOCK 3, SUBDIVISION**

**WHEREAS**, Code of Ordinances, Section 98-24, imposes regulations on what will be shown on each plat for recordation; and

**WHEREAS**, the applicant has petitioned for a variance to the Code of Ordinances, Sec. 98-24, to allow the project to be developed without sidewalks; and

**WHEREAS**, in order to permit the development of the project without sidewalks, a variance from Sec. 98-24 must be granted; and

**WHEREAS**, the Planning and Zoning Commission has recommended the variance be granted.

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

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

**Section Two. Findings.** As required by city Code Sec. 98-82, City Council finds:

- Granting the variance is not contrary to the public interest: **by requiring sidewalks to be constructed may give the false impression of a continuous pedestrian route, potentially encouraging unsafe or unintended use.**
- The literal enforcement of this chapter would result in unnecessary hardship: **the literal enforcement of the requirement to construct sidewalks in this location imposes an unnecessary hardship on the applicant as the sidewalks would not connect to any existing or planned pedestrian infrastructure.**
- The variance observes the spirit of the ordinance and concludes that substantial justice is done: **staff has determined that all other requirements of the code are adhered to and therefore, the spirit of the ordinance is observed and substantial justice is done.**

**Section Three. Approval.** The variance request is hereby approved and granted.

**Section Four. Open Meetings.** It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

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

**PASSED AND APPROVED** on this the 24<sup>th</sup> day of June 2025.

**CITY OF BURNET, TEXAS**

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Gary Wideman, Mayor

**ATTEST:**

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Maria Gonzales, City Secretary