

# 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, **October 7, 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 September 9, 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 GRANTING A CONDITIONAL USE PERMIT TO ALLOW "GASOLINE SALES AND ALCOHOL SALES" IN A LIGHT COMMERCIAL DISTRICT "C-1" FOR PROPERTY KNOWN AS 402 AND 404 NORTH WATER STREET; 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 REZONING PROPERTY KNOWN AS 101 S PIERCE STREET FROM THE PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT "C-2" TO A DESIGNATION OF

LIGHT COMMERCIAL - DISTRICT "C-1"; 102 S VANDEVEER STREET FROM THE PRESENT DESIGNATION OF MEDIUM COMMERCIAL - DISTRICT "C-2" TO A DESIGNATION OF LIGHT COMMERCIAL - DISTRICT "C-1": 108 S VANDEVEER STREET FROM THE PRESENT DESIGNATION OF MEDIUM COMMERCIAL -DISTRICT "C-2" TO A DESIGNATION OF LIGHT COMMERCIAL -DISTRICT "C-1"; 203 E WASHINGTON STREET FROM THE PRESENT DESIGNATION OF MEDIUM COMMERCIAL - DISTRICT "C-2" TO A DESIGNATION OF LIGHT COMMERCIAL - DISTRICT "C-1": 218 E JACKSON STREET FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL - DISTRICT "R-1" TO A DESIGNATION OF LIGHT COMMERCIAL - DISTRICT "C-1": AND 404 E JACKSON STREET FROM THE PRESENT DESIGNATION OF MEDIUM COMMERCIAL - DISTRICT "C-2" 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.
- 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 299.86 (+/-) ACRES OF PROPERTY PREVIOUSLY KNOWN AS THE RANCH AT DELAWARE CREEK SUBDIVISION AND ASSIGNING THE DESIGNATIONS OF SINGLE-FAMILY RESIDENTIAL DISTRICT "R-1", DUPLEX DISTRICT "R-2", AND HEAVY COMMERCIAL DISTRICT "C-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.

#### 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 October 3, 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.

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 citysecretarysecityofburnet.com for information or assistance.		Dated this the 3 <sup>rd</sup> day of October 2024
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		
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# PLANNING AND ZONING COMMISSION MINUTES

On this the **9**<sup>th</sup> **of September 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: Mary Jane Shanes

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 August 5th, 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 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.

Planning Manager, Leslie Kimbler, presented staff's report regarding the request to amend the Zoning Map of the City of Burnet, and reported one response received in favor. Vice-Chairman Williams opened the public hearing at 6:03 p.m. Guest Mary Jane Shanes spoke to the commission, representing a 94-year-old lady that is in favor of the request. There being no further comments, Vice-Chairman Williams closed the public hearing at 6:03 p.m. Commissioner Fortin asked if the request was made by the owner or the city. Planning Manager, Leslie Kimbler responded with City initiated. City Manager, David Vaughn responded that he had spoken with the owner and owner's real estate agent, he did not want to speak for them but after the conversation he believes they agree. Commissioner Gates made a motion to recommend approval of the proposed request. The motion was seconded by Commissioner Fortin. The motion carried with a vote of 4 to 0.

- 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 PRESENT DESIGNATION OF RESIDENTIAL 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 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 amending the Future Land Use Map of the City of Burnet. Vice-Chairman Williams opened the public hearing at 6:07 p.m. There being no comments, Vice-Chairman Williams closed the public hearing at 6:07 p.m. Commissioner Gates asked if this is drainage easements only and Commissioner Teague asked if this is City initiated. Planning Manager, Leslie Kimbler replied yes to both questions. Commissioner Teague made a motion to recommend approval. The motion was seconded by Commissioner Williams. 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 REZONING PROPERTY KNOWN AS 102 E VALLEY STREET FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL - DISTRICT "R-1" 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 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.

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 6:11 p.m. There being no comments, Vice-Chairman Williams closed the public hearing at 6:11 p.m. Commissioner Fortin made a motion to recommend approval. The motion was seconded by Commissioner Gates. The motion carried with a vote of 4 to 0.

- 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.

Planning Manager, Leslie Kimbler, presented staff's report regarding the approval of the "Re-Plat" of Peter Kerr Portion Subdivision, Lot 1-B, Block 17. Vice-Chairman Williams opened the public hearing at 6:14 p.m. There being no comments, Vice-Chairman Williams closed the public hearing at 6:14 p.m. Commissioner Teague made a motion to recommend approval of the "Re-Plat". 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 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.

Planning Manager, Leslie Kimbler, presented staff's report regarding amending the City Code of Ordinances, Section 98-23. Vice-Chairman Williams opened the public hearing at 6:18 p.m. There being no comments, Vice-Chairman Williams closed the public hearing at 6:18 p.m. Commissioner Gates made a motion to recommend approval of the amendment to Sec. 98-23 as presented. 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 6:23 p.m.

Calib Williams, Vice-Chair City of Burnet Planning and Zoning Commission		
Attest:		
Herve Derek Fortin, Secretary		

# **City of Burnet City Council**

#### **Item Brief**



#### **ITEM 4.1 A**

#### **Meeting Date**

October 7, 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 GRANTING A CONDITIONAL USE PERMIT TO ALLOW "GASOLINE SALES AND ALCOHOL SALES" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY KNOWN AS 402 AND 404 NORTH WATER STREET: L. Kimbler

#### <u>Information</u>

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". Last month, City Council approved a city initiated request to rezone all three lots to Light Commercia – District "C-1".

The applicant is proposing to develop a convenience store and is requesting a Conditional Use Permit to allow for "gasoline and/or alcohol sales". Previously, the applicant's request was denied due to the compatibility of the proposed use with surrounding properties, and several concerns from surrounding property owners.

Code of Ordinances, Section 118-45(4) lists "Convenience Store" as an allowable use in district "C-1"; however, "gasoline and/or alcohol sales" are only allowed with the approval of a Conditional Use Permit.

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

- Properties surrounding the subject property are a mix of light commercial uses, residential use, and future parkland use. Surrounding properties zoned commercial are either offices or businesses that have very low impact on surrounding properties; these businesses generally operate within the building, during daytime business hours. The proposed use for consideration would be a larger building, with more outdoor use, higher traffic volume, and operate in the early morning hours and later evening hours.
- Commercial development has different effects on the value and development of surrounding properties. For some properties, this may have a positive effect by encouraging more development in the area; therefore, raising the commercial value of the property. For other properties, it may have an adverse effect. The noise and traffic generated by the proposed use may have negative impacts on the desirability of the residential properties and discourage further residential development.
- The proposed site layout shows outdoor use and vehicular traffic at the business being conducted in the front of the building along the highway frontage, as well as a proposed "screen wall". This could help buffer some of the increased light and noise generated by the proposed use. However, allowing the sale of gasoline is a more intense use of the property than surrounding uses. The likelihood of interfering with the residential neighbor's enjoyment of their property is very high due to the nature of this type of business. With frequent visits at varying times of the day from large delivery trucks and travelers, nuisance noise, light, and trash are to be anticipated.
- Light commercial uses of the property would not significantly increase current traffic patterns. However, allowing the sale of gasoline at this subject property would create a higher traffic volume. The final site design will then determine just how much more traffic this area will see, which could affect the peace and quiet of the surrounding neighborhood.

It should also be noted that this site has significant development constraints. Although the applicant has provided a proposed site layout, due to the elevations of the existing grade, existing utility challenges, ensuring the current city streets are adequate for the increased traffic, and pending TxDOT approved driveway location, the proposed concept plan may not be the plan which gets approved at time of construction.

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 draft ordinance.

**Exhibit A – Location and Current Zoning** 



#### Exhibit B - Applicant's Request



September 12th, 2024

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

RE: Zoning Letter - Zoning Change Application

To Whom It May Concern,

Please accept this letter as part of the zoning change application for the property located at 404 N Water St, Burnet, TX, 78611. The subject site to be rezoned is the entirety of the block bound by SH 281, Kerr Street, Johnson Street, and West Street within the City of Burnet, Burnet County, Texas. There are three (3) existing parcels, totaling 2.01 acres that are part of this zoning request. This zoning request is for all three tracts to be rezoned with a conditional use permit to allow for gasoline and alcohol sales.

Please feel free to contact me at 737-222-7228 if additional information is required.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Jordan Schaefer, P.E. Project Manager

#### 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 GRANTING A CONDITIONAL USE PERMIT TO ALLOW "GASOLINE SALES AND ALCOHOL SALES" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY KNOWN AS 402 AND 404 NORTH WATER STREET; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

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

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

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

**WHEREAS**, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

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

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

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

**Section Two. Property.** The Property that is 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.** Conditional Use Permit to allow "Gasoline Sales and Alcohol Sales" in a Light Commercial – District "C-1" Zoning District Classification is hereby assigned to the Property described in section two.

**Section Four. Zoning Map Revision**. The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

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

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

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

**PASSED AND APPROVED** on this the 22<sup>nd</sup> day of October 2024.

	CITY OF BURNET, TEXAS
ATTEST:	Gary Wideman, Mayor
Maria Gonzales, City Secretary	

Exhibit "A"

Subject Property



### **Development Services**

### **Public Hearing and Action Item**



#### **ITEM 4.1 B**

#### **Meeting Date**

October 7, 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 101 S PIERCE STREET FROM THE PRESENT DESIGNATION OF MEDIUM COMMERCIAL - DISTRICT "C-2" TO A DESIGNATION OF LIGHT COMMERCIAL - DISTRICT "C-1": 102 S VANDEVEER STREET FROM THE PRESENT DESIGNATION OF MEDIUM COMMERCIAL -DISTRICT "C-2" TO A DESIGNATION OF LIGHT COMMERCIAL - DISTRICT "C-1": 108 S VANDEVEER STREET FROM THE PRESENT DESIGNATION OF MEDIUM COMMERCIAL - DISTRICT "C-2" TO A DESIGNATION OF LIGHT COMMERCIAL -DISTRICT "C-1"; 203 E WASHINGTON STREET FROM THE PRESENT DESIGNATION OF MEDIUM COMMERCIAL - DISTRICT "C-2" TO A DESIGNATION OF LIGHT COMMERCIAL - DISTRICT "C-1"; 218 E JACKSON STREET FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL - DISTRICT "R-1" TO A DESIGNATION OF LIGHT COMMERCIAL - DISTRICT "C-1"; AND 404 E JACKSON STREET FROM MEDIUM COMMERCIAL - DISTRICT "C-2" TO A DESIGNATION OF LIGHT COMMERCIAL - DISTRICT "C-1" PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

#### <u>Information</u>

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 20 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

101 S PIERCE ST., 102 S VANDEVEER ST., 108 S VANDEVEER ST., 203 E WASHINGTON ST., 218 E JACKSON ST., and 404 E JACKSON ST



#### ORDINANCE NO. 2024-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY KNOWN AS 101 S PIERCE STREET FROM THE PRESENT DESIGNATION OF MEDIUM COMMERCIAL - DISTRICT "C-2" TO A DESIGNATION OF LIGHT COMMERCIAL - DISTRICT "C-1": 102 S VANDEVEER STREET FROM THE PRESENT DESIGNATION OF MEDIUM COMMERCIAL - DISTRICT "C-2" TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT "C-1": 108 S VANDEVEER STREET FROM THE PRESENT DESIGNATION OF MEDIUM COMMERCIAL - DISTRICT "C-2" TO A DESIGNATION OF LIGHT COMMERCIAL - DISTRICT "C-1"; 203 E WASHINGTON STREET FROM THE PRESENT DESIGNATION OF MEDIUM COMMERCIAL -DISTRICT "C-2" TO A DESIGNATION OF LIGHT COMMERCIAL -DISTRICT "C-1"; 218 E JACKSON STREET FROM THE PRESENT **DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1"** TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT "C-1": AND 404 E JACKSON STREET FROM THE PRESENT DESIGNATION OF MEDIUM COMMERCIAL - DISTRICT "C-2" TO A DESIGNATION OF LIGHT COMMERCIAL - DISTRICT "C-1"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

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

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

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

**WHEREAS**, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

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

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

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

**Section Two. Property.** The Property that is the subject to this Zoning District Reclassification is 101 S PIECE STREET (LEGAL DESCRIPTION: LOT 4, BLK 13, 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 Four. Property.** The Property that is the subject to this Zoning District Reclassification is 102 S VANDEVEER STREET (LEGAL DESCRIPTION: LOT 1, BLK 13, PETER KERR PORTION) as shown on **Exhibit "B"** hereto.

**Section Five. Zoning District Reclassification.** Light Commercial – District "C-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 108 S VANDEVEER STREET (LEGAL DESCRIPTION: LOT 2 AND PART OF LOT 3, BLK 13) as shown on **Exhibit "C"** hereto.

**Section Seven**. **Zoning District Reclassification**. Light Commercial – District "C-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 203 E WASHINTON STREET (LEGAL DESCRIPTION: LOT 1, LESS WEST 10 FEET, BLK 7) as shown on **Exhibit "D"** hereto.

**Section Nine**. **Zoning District Reclassification**. Light Commercial – District "C-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 218 E JACKSON STREET (LEGAL DESCRIPTION: LOT 2, LESS WEST 10 FEET, BLK 7) as shown on **Exhibit "E"** hereto.

**Section Eleven. Zoning District Reclassification.** Light Commercial – District "C-1" 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 404 E JACKSON STREET as shown on **Exhibit "F"** hereto.

**Section Thirteen**. **Zoning District Reclassification**. Light Commercial – District "C-1" Zoning District Classification is hereby assigned to the Property described in section twelve.

**Section Fourteen. 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 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 22<sup>nd</sup> day of October 2024.

	CITY OF BURNET, TEXAS
	Gary Wideman, Mayor
ATTEST:	
Maria Gonzales, City Secretary	

Exhibit "A"

Location Map

101 S PIERCE ST



Exhibit "B"

Location Map

102 S VANDEVEER ST

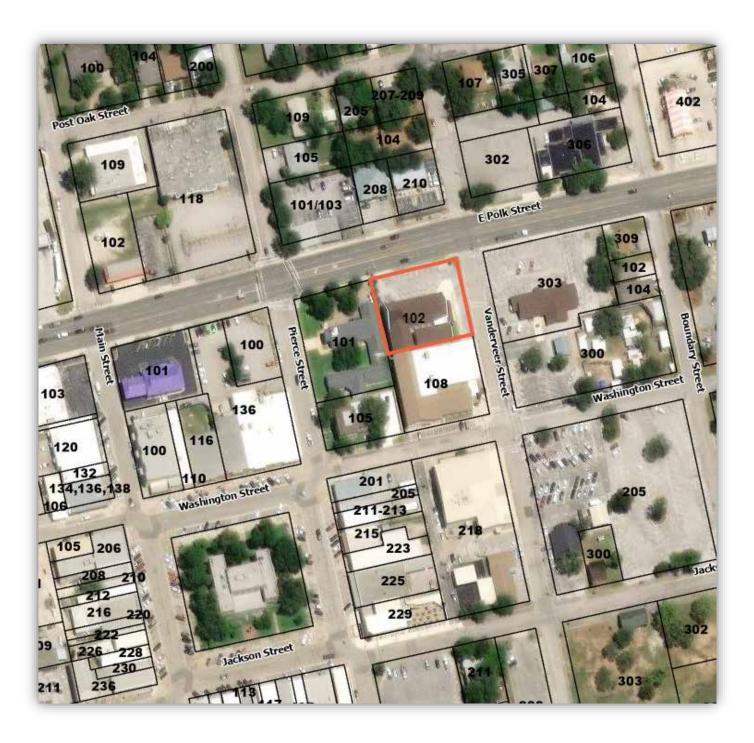


Exhibit "C"

Location Map

108 S VANDEVEER ST

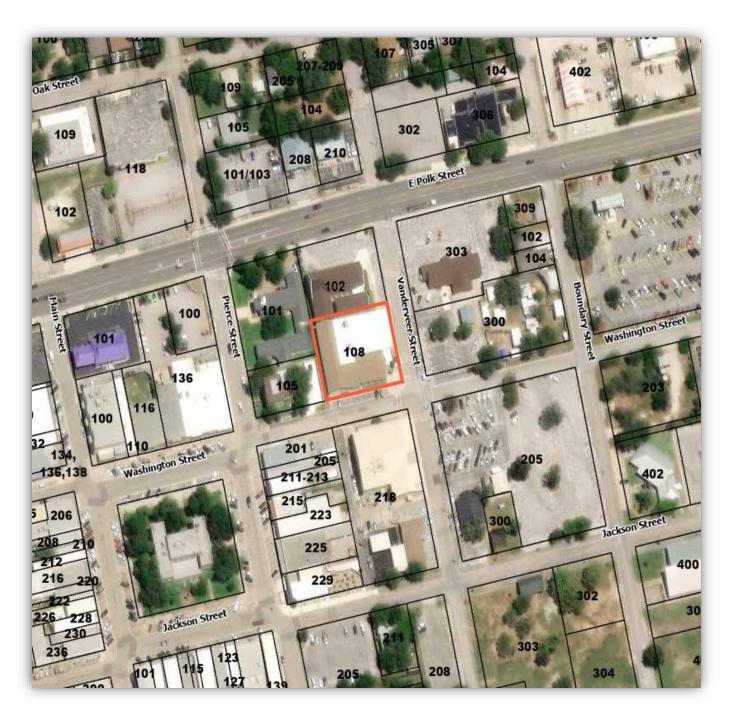


Exhibit "D"

Location Map

203 E WASHINGTON ST



Exhibit "E"

Location Map

218 E JACKSON ST

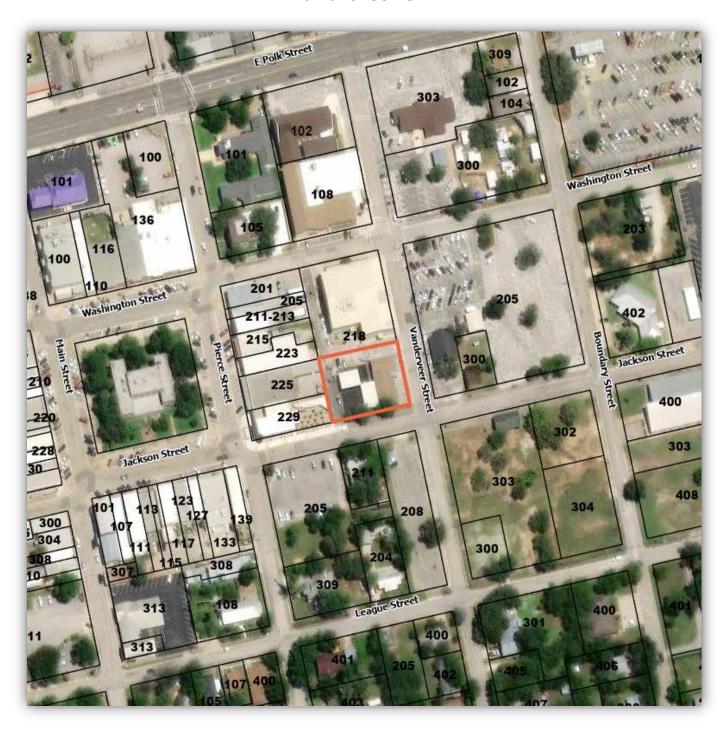
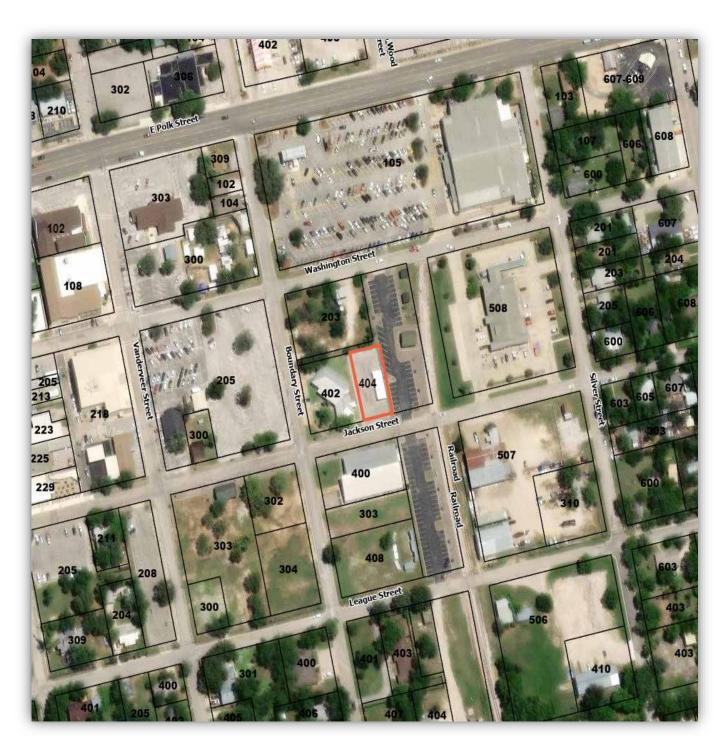


Exhibit "F"

Location Map

404 E JACKSON ST



### **Development Services**

### **Public Hearing and Action Item**



#### **ITEM 4.1 C**

#### **Meeting Date**

October 7, 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 299.86 (+/-) ACRES OF PROPERTY PREVIOUSLY KNOWN AS THE RANCH AT DELAWARE CREEK SUBDIVISION AND ASSIGNING THE DESIGNATIONS OF SINGLE-FAMILY RESIDENTIAL — DISTRICT "R-1", DUPLEX — DISTRICT "R-2", AND HEAVY COMMERCIAL — DISTRICT "C-3"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

#### **Information**

In 2004, a Planned Unit Development to be known as "The Ranch at Delaware Creek Subdivision" was approved by City Council (Exhibit A). The developer proposed a multiphased subdivision with a mixture of single-family lots, multi-family lots, and commercial lots. All though this development was being referred to as a "Planned Unit Development" this expression was being used to boast the multiple zoning features of the proposed development and not as actual "PUD" zoning for the properties. Due to the use of the "PUD" terminology, the city's zoning map ultimately reflected such (Exhibit B). After recent discussions, it was decided that the intent behind the "PUD" was not applied appropriately and therefore should be removed to not create any confusion with property owners and any future development of the property.

This request is a city-initiated request to rezone all the properties within the previously approved "The Ranch at Delaware Creek Subdivision" with the base zoning that was intended for the development at the time of approval.

#### **Public Notification**

Written notices were mailed to 126 surrounding property owners within 200 feet of the subject property. There have been two in opposition to the request.

#### Recommendation

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

Exhibit A – The Ranch at Delaware Creek PUD 2004

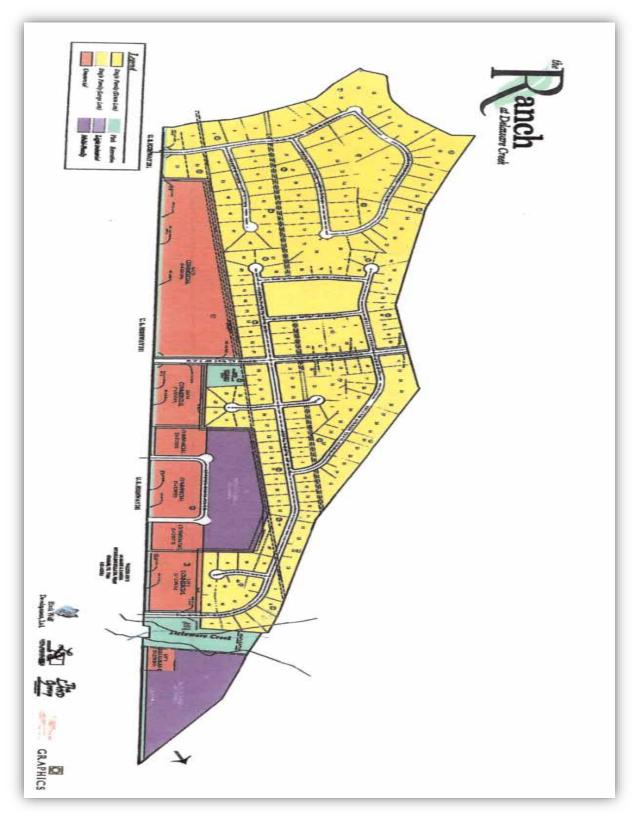
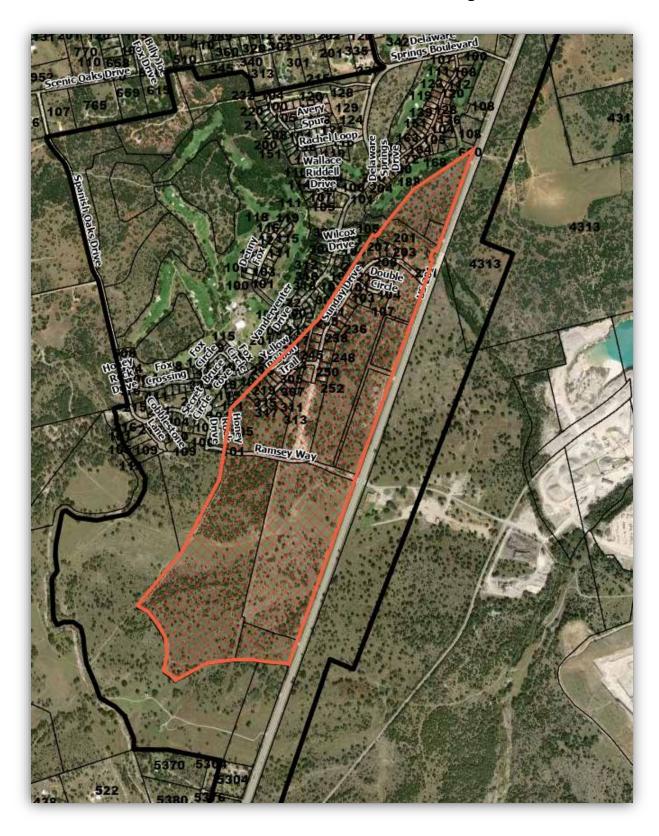


Exhibit B – Location and Current Zoning



#### ORDINANCE NO. 2024-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING 299.86 (+/-) ACRES OF PROPERTY PREVIOUSLY KNOWN AS THE RANCH AT DELAWARE CREEK SUBDIVISION AND ASSIGNING THE DESIGNATIONS OF SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1", DUPLEX – DISTRICT "R-2", AND HEAVY COMMERCIAL – DISTRICT "C-3"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

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

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

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

**WHEREAS**, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

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

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

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

**Section Two. Property.** The Property that is the subject to this Zoning District Reclassification is property known as THE RANCH AT DELAWARE CREEK, PHASE 1-A (Legally Described by Doc. No. 200611051 O.P.R.B.C) shown as **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 property to be known as THE RANCH AT DELAWARE CREEK, PHASE 2 (LEGAL DESCRIPTION: BEING 26.25 ACRES OF LAND OUT OF THE SUSANO HERNANDEZ SURVEY NO. 40, ABS. NO. 398) as shown on **Exhibit "A"** 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 property to be known as THE RANCH AT DELAWARE CREEK, PHASE 3 (LEGAL DESCRIPTION: BEING 11.35 ACRES OF LAND OUT OF THE SUSANO HERNANDEZ SURVEY NO. 40, ABS. NO. 398) as shown on **Exhibit "A"** 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 property legally described as: BEING 82.13 ACRES OF LAND OUT OF THE SUSANO HERNANDEZ SURVEY NO. 40, ABS. NO. 398 AND THE FRANCISCO YBARBO SURVEY NO. 39, ABS. 1018 as shown on **Exhibit "A"** 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 property to be known as: THE RANCH AT DELAWARE CREEK, PHASE 5 (LEGAL DESCRIPTION: BEING 29.65 ACRES OF LAND OUT OF THE

SUSANO HERNANDEZ SURVEY NO. 40, ABS. NO. 398) as shown on **Exhibit "B"** hereto.

**Section Eleven**. **Zoning District Reclassification**. DUPLEX – DISTRICT "R-2" 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 property legally described as: BEING 12.54 ACRES TRACT OUT OF THE SUSANO HERNANDEZ SURVEY NO. 40, ABS. NO. 398 as shown on **Exhibit "C"** hereto.

**Section Thirteen**. **Zoning District Reclassification**. HEAVY COMMERCIAL – DISTRICT "C-3" 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 legally described as: BEING A 6.510 ACRE TRACT IN THE SUSANO HERNANDEZ SURVEY NO. 40, ABS. NO. 398 as shown on **Exhibit "C"** hereto.

**Section Fifteen**. **Zoning District Reclassification**. HEAVY COMMERCIAL – DISTRICT "C-3" Zoning District Classification is hereby assigned to the Property described in section fourteen.

**Section Sixteen. Property.** The Property that is the subject to this Zoning District Reclassification is property legally described as: BEING 9.17 ACRES TRACT OUT OF THE SUSANO HERNANDEZ SURVEY NO. 40, ABS. NO. 398 as shown on **Exhibit "C"** hereto.

**Section Seventeen**. **Zoning District Reclassification**. HEAVY COMMERCIAL – DISTRICT "C-3" Zoning District Classification is hereby assigned to the Property described in section sixteen.

**Section Eighteen. Property.** The Property that is the subject to this Zoning District Reclassification is property legally described as: RANCH AT DELAWARE CREEK LOT 1, BLK B, PHASE 1-A as shown on **Exhibit "C"** hereto.

**Section Nineteen**. **Zoning District Reclassification**. HEAVY COMMERCIAL – DISTRICT "C-3" Zoning District Classification is hereby assigned to the Property described in section eighteen.

**Section Twenty.** Property. The Property that is the subject to this Zoning District Reclassification is property legally described as: RANCH AT DELAWARE CREEK LOT 1, BLK A, PHASE 1-A as shown on **Exhibit "C"** hereto.

**Section Twenty-one**. **Zoning District Reclassification**. HEAVY COMMERCIAL – DISTRICT "C-3" Zoning District Classification is hereby assigned to the Property described in section twenty.

**Section Twenty-two. Property.** The Property that is the subject to this Zoning District Reclassification is property legally described as: RANCH AT DELAWARE CREEK LOT 2, BLK A, PHASE 1-A as shown on **Exhibit "C"** hereto.

**Section Twenty-three**. **Zoning District Reclassification**. HEAVY COMMERCIAL – DISTRICT "C-3" Zoning District Classification is hereby assigned to the Property described in section twenty.

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

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

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

**PASSED AND APPROVED** on this the 22<sup>nd</sup> day of October 2024.

	CITY OF BURNET, TEXAS
	Gary Wideman, Mayor
ATTEST:	
Maria Gonzales, City Secretary	<u> </u>

# Exhibit "A" Location Map

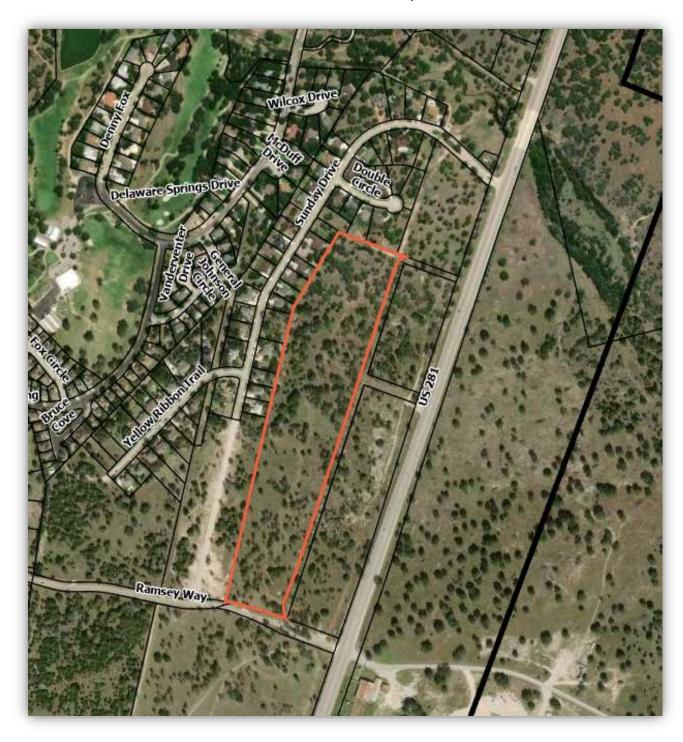
THE RANCH AT DELAWARE CREEK, PHASE 1-A
THE RANCH AT DELAWARE CREEK, PHASE 2
THE RANCH AT DELAWARE CREEK, PHASE 2

BEING 82.13 ACRES OF LAND OUT OF THE SUSANO HERNANDEZ SURVEY NO. 40, ABS. NO. 398 AND THE FRANCISCO YBARBO SURVEY NO. 39, ABS. 1018



# Exhibit "B" Location Map

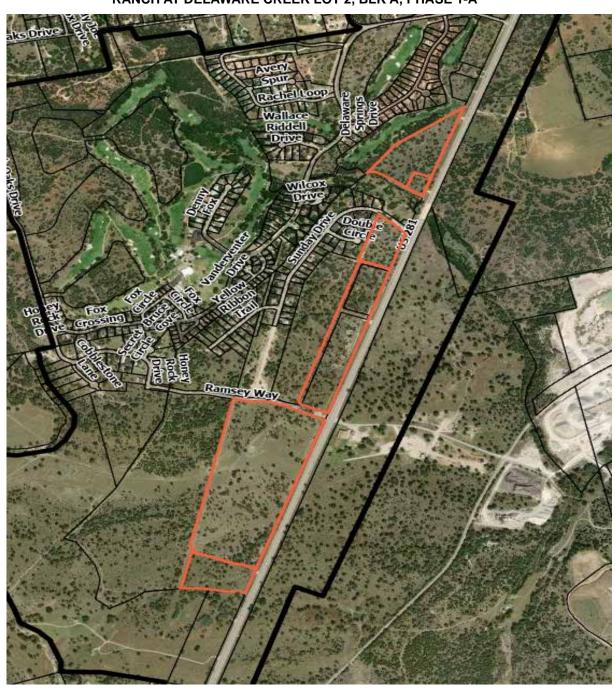
#### THE RANCH AT DELAWARE CREEK, PHASE 5



# Exhibit "C" Location Map

BEING 12.54 ACRES TRACT OUT OF THE SUSANO HERNANDEZ SURVEY NO. 40, ABS. NO. 398
BEING A 6.510 ACRE TRACT IN THE SUSANO HERNANDEZ SURVEY NO. 40, ABS. NO. 398
BEING 9.17 ACRES TRACT OUT OF THE SUSANO HERNANDEZ SURVEY NO. 40, ABS. NO. 398

RANCH AT DELAWARE CREEK LOT 1, BLK B, PHASE 1-A RANCH AT DELAWARE CREEK LOT 1, BLK A, PHASE 1-A RANCH AT DELAWARE CREEK LOT 2, BLK A, PHASE 1-A





From: <u>Julie Francis</u>

To: <u>Development Services Dept.</u>

Subject: Zoning change - The Ranches at Delaware Creek Subdivision

Date: Tuesday, October 1, 2024 4:03:19 PM

You don't often get email from julie.francis64@gmail.com. Learn why this is important

Caution: External Email

I own the property at 102 J B McDuff Cove in Delaware Springs and reside there for about five months of each year. I am strongly opposed to the request to change the Planned Unit Development District (PUD) zoning designation for the Ranches at Delaware Creek Subdivision to C-2(medium commercial), C-3(heavy commercial), R-1 (single family residential) and R-2 (duplex). The present zoning provides for much larger lot sizes and more dispersed residential buildings. The proposed change would likely result in a densely packed residential area (the minimum lot size is not addressed) with unknown commercial development. This is not compatible with the existing nature of both The Ranch and the

Delaware Springs subidivisions - which are somewhat dispersed and rural in character, adjacent to the golf course. The construction of an unknown number of buildings housing a significant number of people would tax already scarce resources (WATER!), as well as require construction of significant new infrastructure. The increase in noise (from unknown commercial establishments) could well be significant. It is also critical to preserve open space around what is one the loveliest subdivisions in the City, with its open rural character.

Thank you for the opportunity to comment and thank you for consideration of my comments.

Sincerely, Julia E Francis From: ML Govaars

To: <u>Development Services Dept.</u>

Subject: Negative vote

Date: Wednesday, October 2, 2024 4:43:23 PM

[You don't often get email from mlggeorgia@outlook.com. Learn why this is important at <a href="https://aka.ms/LearnAboutSenderIdentification">https://aka.ms/LearnAboutSenderIdentification</a>]

Caution: External Email

I oppose the removal of the PUD zoning etc. It will open the door for a rock crushing industry. Marylinda Govaars
658 County Road 100
Burnet, Tx
Sent from my iPhone