



## Item Brief

### **Meeting Date**

March 11, 2025

### **Agenda Item**

Public hearing and action: Ordinance No. 2025-11: L. Kimbler

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 FOR THE TEXAS ALCOHOLIC BEVERAGE CODE PERMIT TYPE "PACKAGE STORE (P)" IN A LIGHT COMMERCIAL – DISTRICT "C-1" ZONING DISTRICT FOR PROPERTY LOCATED AT 600 E POLK STREET; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

### **Information**

The subject property was issued a Package Store Permit back in 2004. A Texas Alcoholic Beverage Commission (TABC) Package Store Permit (P) authorizes the sale of distilled spirits, wine and malt beverages to consumers for off-premise consumption. It also authorizes the package store to transport its inventory between its other licensed locations within the same county, to transport alcoholic beverage orders to its end-consumer customers (certain limitations apply), and to conduct product tastings on the package store premises.

In December 2024, City Council adopted an ordinance specifying the zoning districts where certain TABC permits may operate. Given that the subject property is zoned Light Commercial – District "C-1", a Conditional Use Permit is required in accordance with the City Code.

This is a city-initiated request to ensure the property complies with the updated zoning code.

Written notices were mailed to seven (7) surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

### **P&Z Report**

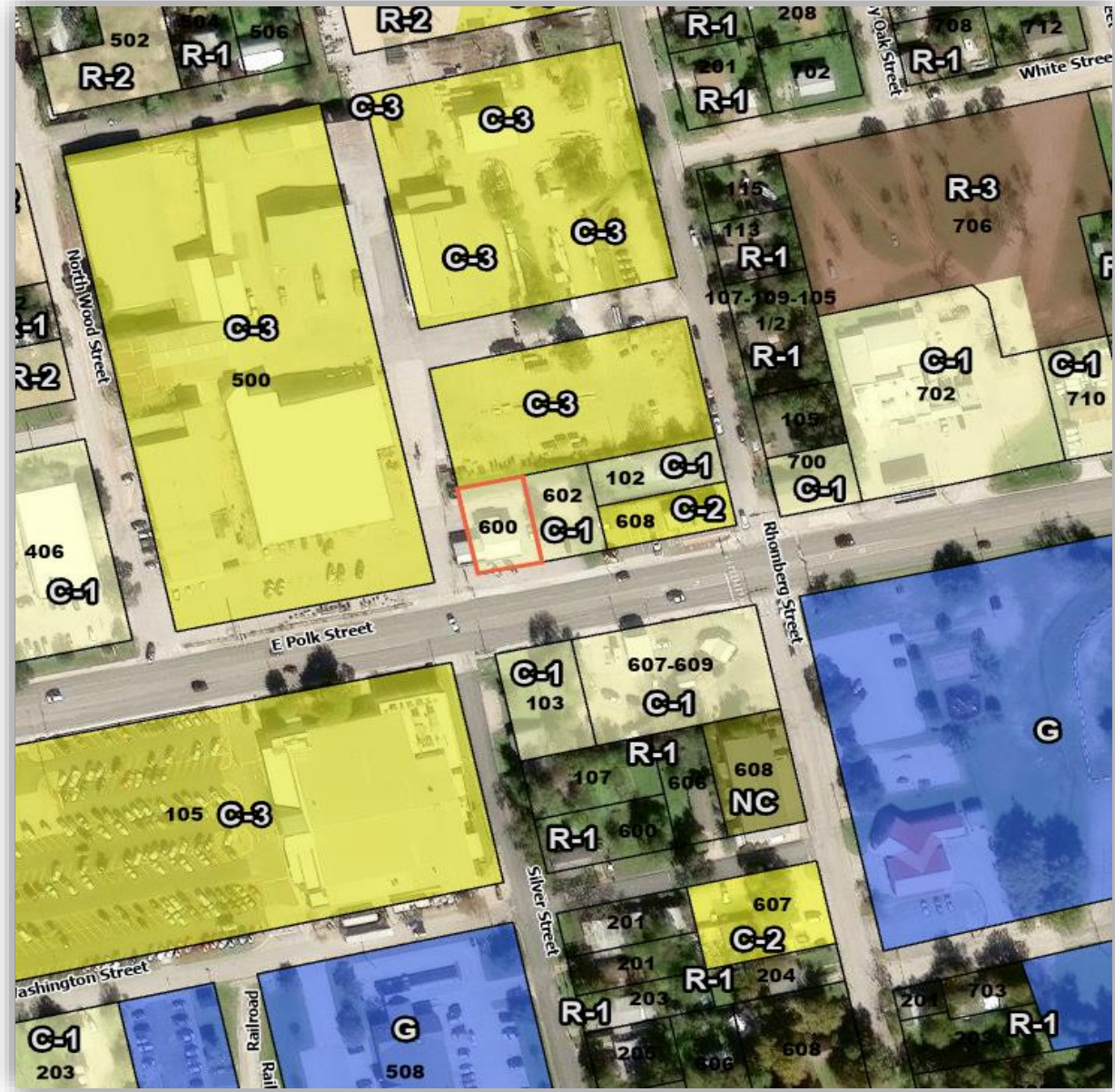
Planning and Zoning met at their regular scheduled meeting on Monday, March 3<sup>rd</sup> and recommended approval of Ordinance 2025-11 as presented.

### **Recommendation**

Open the public hearing.

Discuss and consider Ordinance 2025-11.

### Exhibit A – Location and Current Zoning



**ORDINANCE NO. 2025-11**

**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 FOR A TEXAS ALCOHOLIC BEVERAGE CODE PERMIT OF “PACKAGE STORE (P)” IN A LIGHT COMMERCIAL – DISTRICT “C-1” ZONING DISTRICT FOR PROPERTY DESCRIBED AS 600 E POLK 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 property known as 600 E POLK STREET (LEGALLY DESCRIBED AS: PETER KERR DONATION, WEST ½ OF LOT 1, BLOCK 16 AND PORTION OF SILVER STREET ADJACENT TO LOT 1, BLOCK 16) as shown on **Exhibit “A”** hereto.

**Section Three. Zoning District Reclassification.** Subject to the Provisions of section four below, a Conditional Use Permit to allow for a Texas Alcoholic Beverage Code permit of “Package Store (P)” to be allowed in a Light Commercial – District “C-1” Zoning District Classification is hereby assigned to the Property described in section two.

**Section Four. Conditions.** The Conditional Use Permit shall be subject to conditions as follows:

- (1) Hours of operation: 6am – 12am
- (2) Package Store: Authorizes the sale of distilled spirits, wine and malt beverages to consumers for off-premise consumption. It includes authority for the package store to transport its inventory between its other licensed locations within the same county, to transport alcoholic beverage orders to its end-consumer customers (certain limitations apply), and to conduct product tastings on the package store premises. (As defined by the Texas Alcoholic Beverage Commission)
- (3) General conditions: Use of property that is subject to the Conditional Use Permit authorized by this ordinance shall comply with all applicable provision of state law, including and not limited to the Texas Alcoholic Beverage Code, and the City of Burnet Code of Ordinances.

**Section Five. Expiration.** The Conditional Use Permit to allow for a Texas Alcoholic Beverage Code permit of “Package Store (P)” to be allowed in a Light Commercial – District “C-1” shall expire after 90 days of discontinuation of use at the Property described in section two.

**Section Six. Violations.** Violation of any condition set out in Section Four shall be subject to penalties as prescribed in Secs. 1-6 and 118-80 of the City Code; and upon a determination by City Council that the severity or frequency of violations constitutes a substantial threat to public health, safety, or welfare the termination of the Condition Use Permit.

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

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

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

**PASSED AND APPROVED** on this the 11<sup>th</sup> day of March 2025.

**CITY OF BURNET, TEXAS**

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Gary Wideman, Mayor

**ATTEST:**

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Maria Gonzales, City Secretary



**Exhibit "A"**

Subject Property

