



## Item Brief

### **Meeting Date**

December 10, 2024

### **Agenda Item**

Public hearing and action: Ordinance No. 2024-50: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET ZONING MAP BY RECLASSIFYING THE ENTIRE BLOCK OF LAND LOCATED AT 402 AND 404 NORTH WATER STREET, BURNET, TEXAS, LEGALLY DESCRIBED AS LOTS 1, 2, 3, & 4 OF BLOCK 30 OF THE PETER KERR ADDITION, AS A PLANNED UNIT DEVELOPMENT DISTRICT NO. 2024-01 WITH A BASE ZONING CLASSIFICATION OF LIGHT COMMERCIAL C-1 CUP TO ALLOW CONVENIENCE STORE WITH GASOLINE AND ALCOHOL SALES AS A PERMITTED USE; PROVIDING CUMULATIVE, REPEALER, AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

### **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 made up of three separate lots, which are currently developed with a small residential house, a barn and a commercial building which was most recently used as a restaurant. Recently, to ensure more compatible zoning with surrounding properties, City Council approved a City-initiated request to rezone all three lots to Light Commercial – District “C-1”.

In August, the applicant applied for a rezone with a Conditional Use Permit to allow for a convenience store with “gasoline and/or alcohol sales”. At that time, the applicant’s request was denied. Since then, the applicant has worked with surrounding property owners who had voiced concerns about the development and City staff to develop a proposed Planned Unit Development (PUD) zoning district. The PUD district will allow flexibility in land use regulations and help create a more compatible development with the surrounding area.

The PUD will set forth the following specific standards and regulations:

- 50 foot front yard setback, 50 foot rear yard setback, 25 foot setback from West Johnson Street and 25 foot setback from West Kerr Street.
- Canopy support columns may not be closer than 40 feet from the front property line.
- The North West Street 50 foot, and West Johnson Street 25 foot building setback areas shall be a vegetative buffer.
  - The buffer shall not allow any construction improvements including structures or parking areas.
  - The buffer shall not allow the storage of material, inventory, trash containers, or other matter.
  - No parking of any automobiles, trucks, or trailers shall be allowed within the buffer.
- Monument sign not to exceed 15 feet above grade with a maximum surface area of 84 square feet.
- Exterior lighting shielded or downward facing.
- Trash containers shall be located on the West Johnson Street side of the building and shall be screened from public view in a solid masonry enclosure.
- A privacy fence must be constructed on/between the building setback line and North West Street in a manner to ensure a proper sight visibility triangle at each intersection.

The PUD ordinance will also include the applicant's proposed site plan and sign as guidelines for the project. Only minor changes may be made to the submitted proposals and can only be approved by the City Manager. Engineered plans will still be required and must be reviewed in accordance with the City's development codes.

Written notices were mailed to 14 surrounding property owners within 200 feet of the subject property. There have been zero responses in favor or opposition to the request. One member of the public spoke in opposition at the Planning and Zoning meeting.

### **P&Z Report**

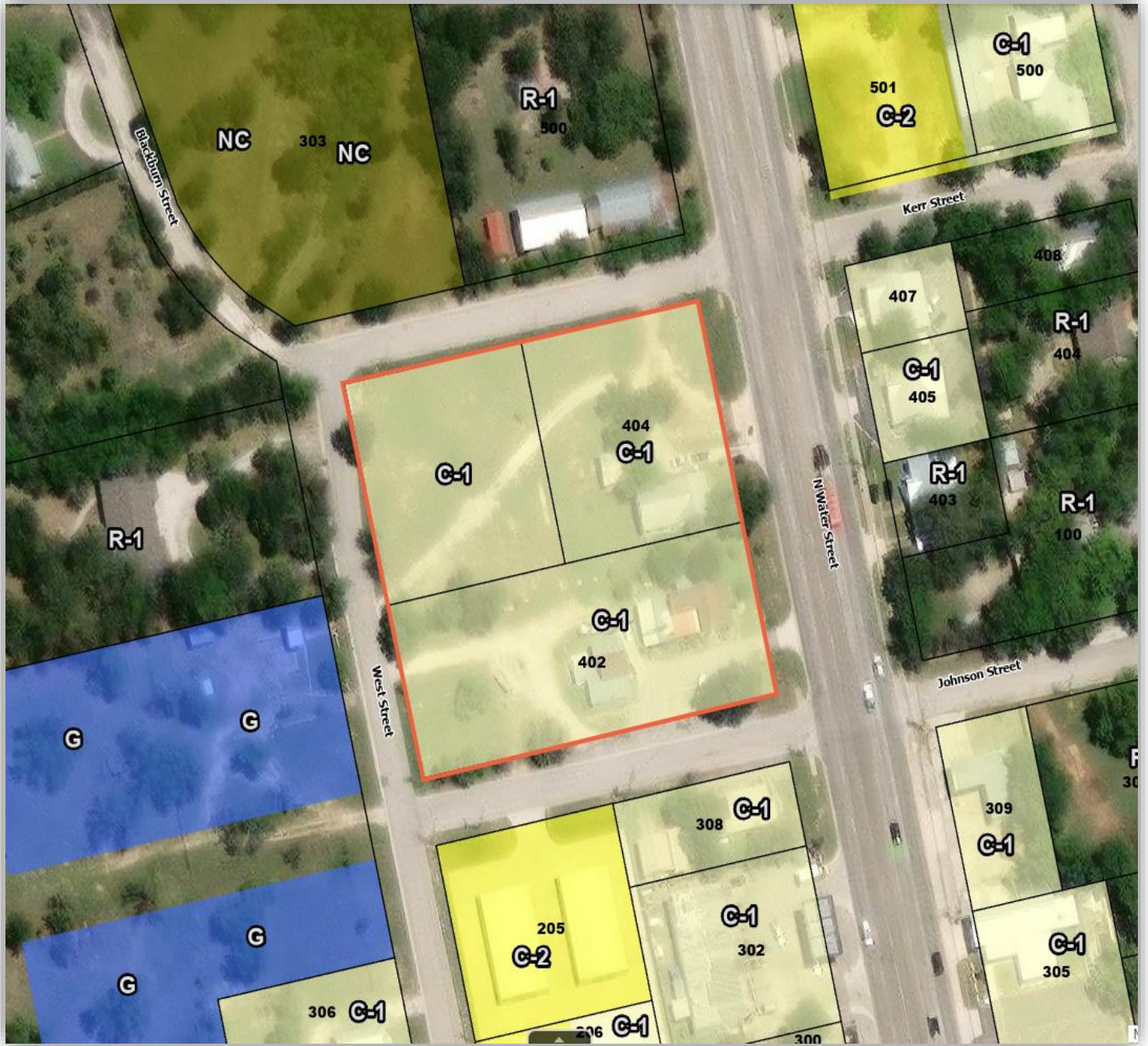
The Planning and Zoning Commission met on Monday, December 2<sup>nd</sup>, and did recommend approval of Ordinance 2024-50 as presented.

### **Recommendation**

Open the public hearing.

Discuss and consider Ordinance No. 2024-50.

Exhibit A – Location and Current Zoning



## ORDINANCE NO. 2024-50

**AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET ZONING MAP BY RECLASSIFYING THE ENTIRE BLOCK OF LAND LOCATED AT 402 AND 404 NORTH WATER STREET, BURNET, TEXAS, LEGALLY DESCRIBED AS LOTS 1, 2, 3, & 4 OF BLOCK 30 OF THE PETER KERR ADDITION, AS A PLANNED UNIT DEVELOPMENT DISTRICT NO. 2024-01 WITH A BASE ZONING CLASSIFICATION OF LIGHT COMMERCIAL C-1 CUP TO ALLOW CONVENIENCE STORE WITH GASOLINE AND ALCOHOL SALES AS A PERMITTED USE; PROVIDING CUMULATIVE, REPEALER, AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, it is hereby found, determined, and declared that this ordinance is adopted pursuant to, and in accordance with the purpose and objective of, Section 118-51 of the City Code; and

**WHEREAS**, it is hereby found, determined, and declared that all exhibits to this ordinance are incorporated herein for all purposes; and

**WHEREAS**, it is hereby found, determined, and declared that Council deliberation and action on this ordinance occurred after the publication of notices, the conducting of public hearings, and receipt of the planning and zoning commission recommendation, in accordance with the requirements of Texas Local Government Code Chapter 211, and City Code Chapter 118; 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 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. Amendment.** The official zoning map is hereby amended by changing the zoning classification of the entire block of land located at 402 and 404 N. Water Street, legally described as Lots 1, 2, 3, & 4 of Block 30 of the Peter Kerr Addition (the “Land”) from Light Commercial C-1 to a Planned Unit Development District classification with the base zoning prescribed in section three below.

**Section Three. Designation.** The aforementioned Planned Unit Development District shall be designated Planned Unit Development District No. 2024-01 and may be referred to as PUD No. 2024-01.

**Section Four. Base Zoning.** In accordance with Section 118-51(d)(2) City Code, and as specified by the zoning location map attached hereto as Exhibit “A” the base zoning classification of the Land shall be Light Commercial “C-1” conditionally permitting convenience store with gasoline and alcohol sales as prescribed by Section 118-45(a)(4) City Code.

**Section Five. Site Plan.** In accordance with Section 118-51(f) City Code, the final site plan attached hereto as Exhibit “A” is hereby adopted; and may only be amended in the manner prescribed in Article VI of the standards set out in Exhibit B to this Ordinance.

**Section Six. Standards.** In accordance with Section 118-51(d)(3), (4), and (5) City Code, the standards by which the use of the Land shall be required to at all times be in compliance with are described in Exhibit “B” hereto.

**Section Seven. 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 8, (entitled “Repealer”) shall be controlling.

**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 10<sup>th</sup> day of December 2024.

**CITY OF BURNET, TEXAS**

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Gary Wideman, Mayor

**ATTEST:**

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Maria Gonzales, City Secretary

# EXHIBIT "A"

N U.S. Hwy 281

W Kerr St

(297.75')

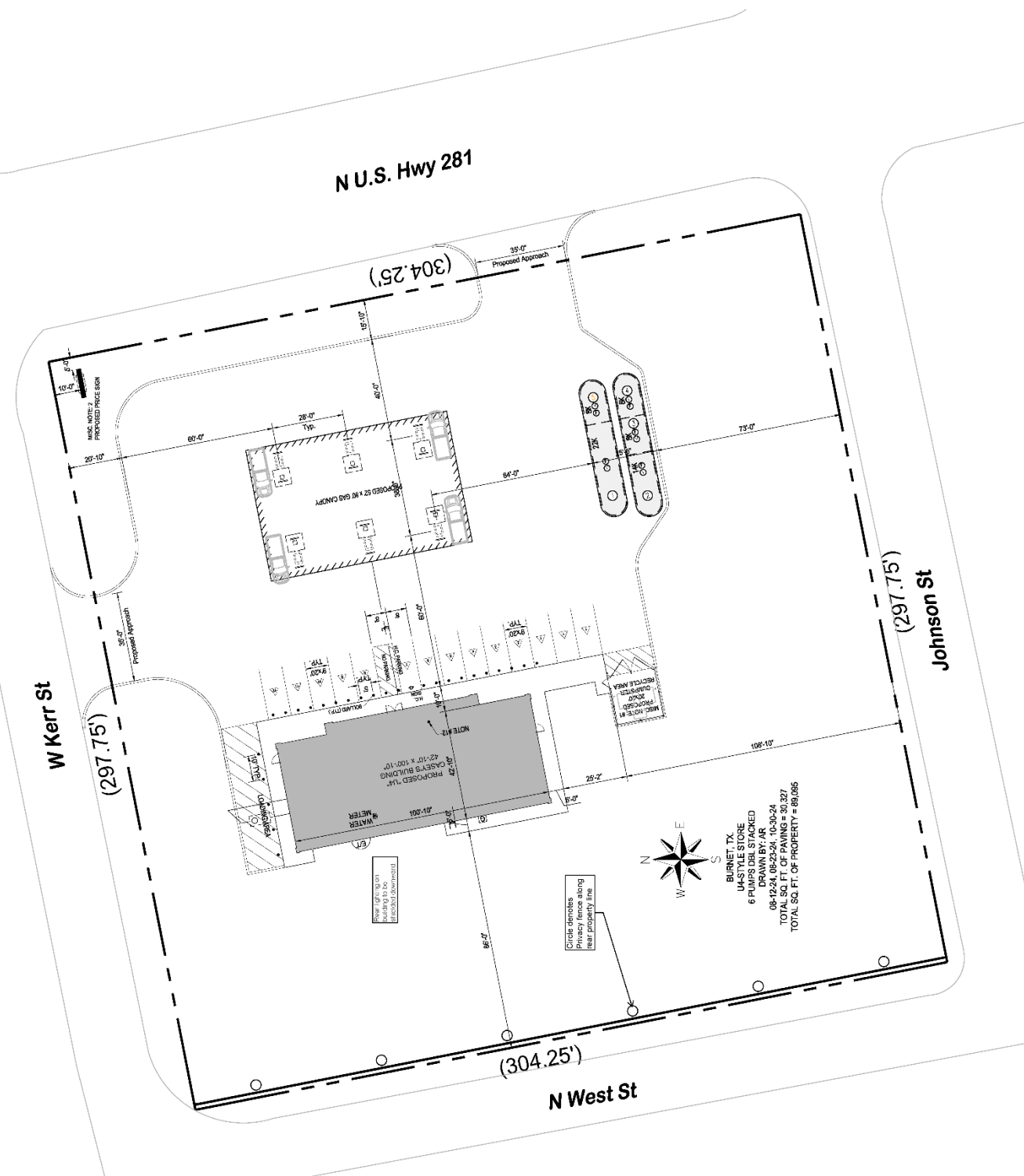
(304.25')

(297.75')

Johnson St

(304.25')

N West St



BURNET TX.  
 UASTYLE STORE  
 6 POUNDS ARE  
 08-12-24, 08-23-24, 10-30-24  
 TOTAL SQ. FT. OF PAVING = 30,327  
 TOTAL SQ. FT. OF PROPERTY = 89,065

Circles denote  
 Privacy fence along  
 rear property line

PROPOSED 22' x 80' OASIS

NOTE #1  
 PROPOSED NEW  
 CASER'S BUILDING  
 42'-10" x 103'-10"  
 WATER METER  
 PROPANE

RECYCLE AREA  
 PROPOSED  
 22' x 80' OASIS

MISC. NOTES:  
 1. PROPOSED APPROACH

## EXHIBIT "B"

### PUD No. 2024-01 DEVELOPMENT STANDARDS

- I. Designation.** The Land designated as Planned Unit Development District No. 2024-01 ("PUD No. 2024-01") shall conform to the development standards contained herein. This planned unit development is intended to allow flexibility in planning and designing a mixed-use development and related uses in order to achieve a higher and better use of the overall property.
- II. Permitted Land Uses.** In accordance with Section 118-51(d)(2) City Code, the base zoning classification of the Land shall be Light Commercial "C-1" conditionally permitting *"Convenience store, retail food store, grocery stores and supermarkets (including gasoline and/or alcohol sales with a conditional use permit)"* as described in Section 118-45(a)(4) of the City Code; and the Land shall not be used for any other purpose without amendment to the Ordinance establishing PUD No. 2024-01.
- III. Standards.** Standards required by the base Light Commercial C-1 classification shall apply; save and except, as prescribed in Section 118-51(d)(3) and Section 118-51(d)(5) City Code. Therefore, the standards prescribed in articles IV and V below shall supersede the standards in the base zoning classifications
- IV.** Pursuant to Section 118-51(d)(3) City Code, the standards specified below shall supersede the standards in the base zoning classifications as follows:
- a) *Front, side and rear setbacks.* The front building setback on N. Water Street shall be 50 feet, the building setback on W. Kerr shall be 25 feet, the building setback on N. West Street shall be 50 feet, and the building setback on W. Johnson Street shall be 25 feet. The canopy over the gas pumps may encroach into the front setback, however in no case shall the support columns be closer than 40 feet from the property line adjacent to N. Water Street.
  - b) *Special district requirements pertaining to the base zoning.* Due to the land's proximity to established residential communities the N. West Street 50 foot, and the W. Johnson Street 25 foot building setback areas shall be established as a vegetative buffer. The vegetative buffer shall be maintained as either a lawn or landscaped area and shall be subject to all of the following:
    1. The construction of any improvements, including, but not limited to structures or parking areas, is prohibited. This prohibition shall not apply to a privacy fence, sidewalk, and/or detention/water quality pond.
    2. The storage of material, inventory, trash containers, or other matter is prohibited.
    3. The parking of any vehicle, including but not limited to, automobiles, trucks, and trailers is prohibited.
  - c) *Sign standards.* A maximum of one sign shall be allowed on the land and shall be located on the U.S Hwy 281 frontage; and said signs shall comply with the following:
    - (1) *Size.* The surface area of the sign shall not exceed 84 square feet, including the sign face, frame, and mounting hardware.
    - (2) *Height.* No part of the sign shall extend above fifteen feet from average grade, including a base which is not less than 48 inches above the average grade.



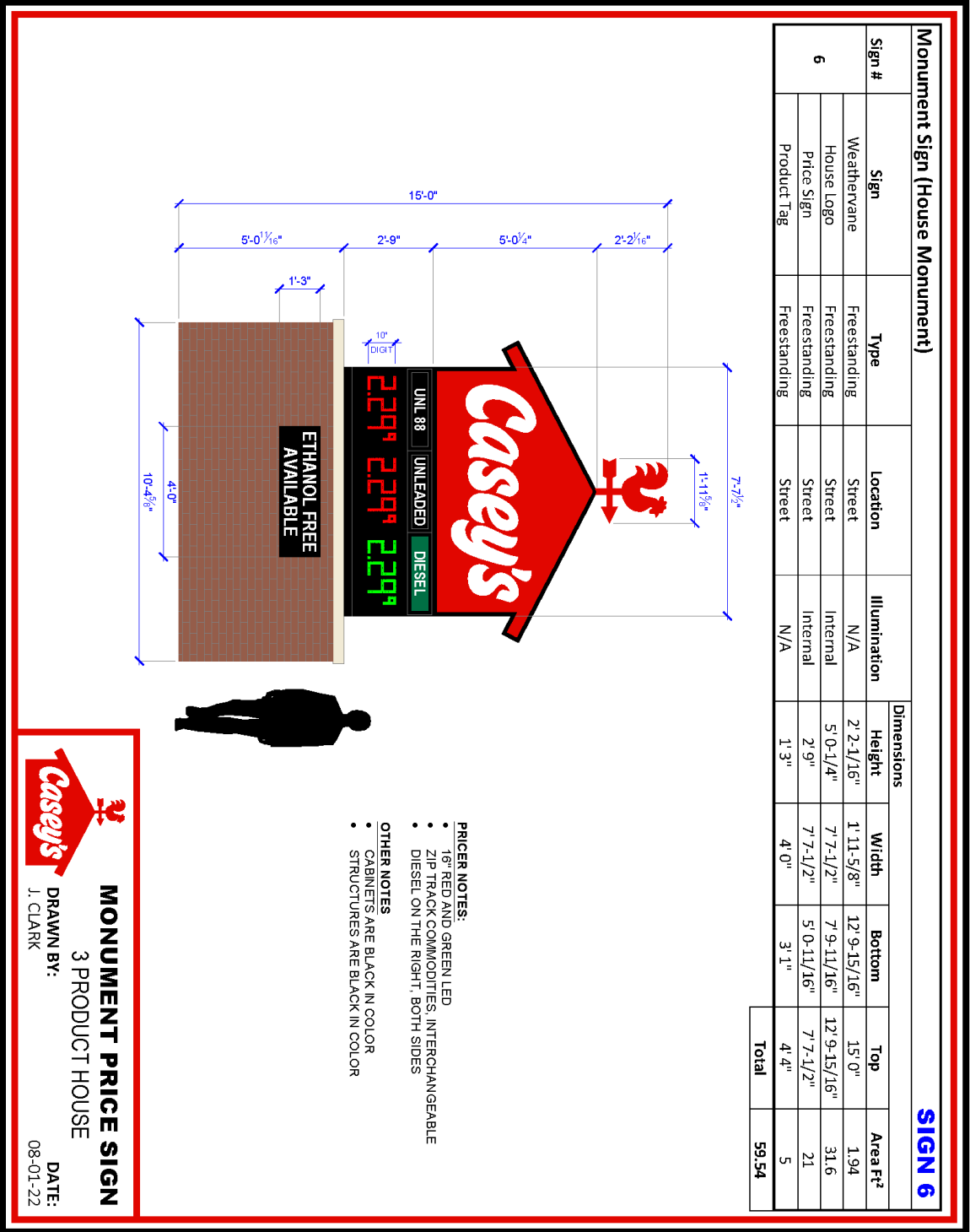
(3) Approval. The sign design attached hereto as **Exhibit "C"** is preapproved. Any deviation from the preapproved sign design shall be required to receive approval by the city manager prior to installation.

**V. Additional Standards.** Section 118-51(d)(5) City Code, additional standards prescribed for this PUD No. 2024-01 are as follows:

- a) *Exterior lighting.* All exterior lighting shall be shielded or downward facing to the greatest extent possible to reduce light pollution and shall aim to emit zero footcandles at the lot line. Exterior lighting shall be indirect or internally illuminated.
- b) *Trash containers.* Trash containers shall be located on the W. Johnson Street side of the building, shall be screened from public view in a solid masonry enclosure and shall not be located within the building setbacks.
- c) *Fences/Screening.* A privacy fence constructed with cedar pickets, steel posts and lateral supports, or masonry shall be constructed on/between the building setback line and N. West Street. Said privacy fence shall be constructed in a manner to ensure a proper sight visibility triangle at each intersection.

**VI. Amendment.** Consideration of amendments to a planned unit development will take into consideration the effect of the proposed development on the remainder of the property, adjacent properties and the neighboring communities. Amendments shall be classified as minor or major. A minor amendment is one that varies a setback or sign height requirement by no more than 10% and may be granted by the city manager. All other amendments are major amendments which shall require public hearings in the manner required for any other zoning change.

EXHIBIT "C"



Monument Sign (House Monument)

**SIGN 6**

Sign #	Sign	Type	Location	Illumination	Dimensions				Area Ft <sup>2</sup>
					Height	Width	Bottom	Top	
6	Weathervane	Freestanding	Street	N/A	2'-2-1/16"	1'-11-5/8"	12'-9-15/16"	15'-0"	1.94
	House Logo	Freestanding	Street	Internal	5'-0-1/4"	7'-7-1/2"	7'-9-11/16"	12'-9-15/16"	31.6
	Price Sign	Freestanding	Street	Internal	2'-9"	7'-7-1/2"	5'-0-11/16"	7'-7-1/2"	21
	Product Tag	Freestanding	Street	N/A	1'-3"	4'-0"	3'-1"	4'-4"	5
<b>Total</b>								<b>59.54</b>	

- PRICER NOTES:**
- 16" RED AND GREEN LED
  - ZIP TRACK COMMODITIES, INTERCHANGEABLE
  - DIESEL ON THE RIGHT, BOTH SIDES
- OTHER NOTES**
- CABINETS ARE BLACK IN COLOR
  - STRUCTURES ARE BLACK IN COLOR

**MONUMENT PRICE SIGN**  
 3 PRODUCT HOUSE

DATE: 08-01-22  
 DRAWN BY: J. CLARK