



Item Brief

Meeting Date

June 10, 2025

Agenda Item

Public hearing and action: Ordinance No. 2025-25: 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 "GASOLINE AND/OR ALCOHOL SALES" IN A LIGHT COMMERCIAL – DISTRICT "C-1" ZONING DISTRICT FOR PROPERTY LOCATED AT 1003 N WATER 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

Located at the intersection of East Graves Street (FM 963) and North Water Street (Exhibit A – location), the subject property consists of two undeveloped tracts that equal 0.892 acres. The applicant is requesting a Conditional Use Permit to allow for the development of a convenience store with gasoline and alcohol sales (Exhibit B – application & intent letter). The submitted concept plan (Exhibit C – concept plan) shows a 3,975 square foot convenience store with three (3) fueling stations and 20 parking spots.

All city utilities will service this tract; electrical infrastructure is located at the site and wastewater runs the length of the rear of the property. Water will need to be extended to bring adequate service to the property. Due to the subject property being two separate tracts, the developer will be responsible for submitting a replat to combine the lots and provide adequate easements for the utilities.

The property has two entrances: one entrance along North Water Street and the other on East Graves Street. The applicant will be required to work with Texas Department of Transportation (TxDOT) to secure driveway permits for both entrances. At this time, there is no guarantee the entrance on East Graves Street will be allowed due to the proximity of the traffic signal.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"R-1"	"C-1"	"R-1"	"C-1"
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Residential	Vacant Commercial Bldg	Residential	Commercial Retail

This property does directly abut several residential properties. Commercial businesses are located across East Graves Street and across North Water Street.

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 section cited in making its recommendation the Commission and City Council 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 analysis

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

- While the subject property is located at the intersection of two TxDOT highways, making it generally appropriate for commercial development, it directly abuts established single-family homes. This close proximity raises compatibility concerns, especially given the nature and intensity of the proposed use. Unlike nearby commercial properties, which are either vacant or operate primarily during regular daytime business hours, a convenience store with fuel sales typically operates early in the morning and late into the evening. This extended operation schedule introduces ongoing activity, lighting, and noise. These impacts are not typical of the existing commercial or residential uses in the area.
- 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, lighting, 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 development site is relatively narrow, and while the concept plan includes a 25-foot setback from the rear property line, this offers only a limited buffer between the commercial use and the adjacent residential properties. Additionally, the concept plan places the fueling stations on the northern portion of the property—closest to the residential lots. This layout encourages vehicle circulation near shared property lines, increasing the likelihood of noise, fumes, and light pollution directly impacting nearby homes. Over time, these factors could diminish the neighbors' ability to enjoy the peace and privacy of their properties, particularly during nighttime hours.
- This intersection already experiences significant congestion during the morning and afternoon hours due to the nearby schools. The addition of a convenience store with fuel sales is expected to increase traffic volume, particularly during peak times. As a result, there are legitimate safety concerns about vehicles entering and exiting the site, especially considering the limited spacing between the existing traffic signal and the entrance to East Graves Street. The applicant will be required to obtain driveway permits from TxDOT for each proposed access point to the property. Importantly, due to the close proximity to the traffic signal and the East Graves Street intersection, approval for a driveway on East Graves Street is not guaranteed. If the applicant is unable to secure this second point of access, it could lead to further issues on-site, including restricted traffic circulation and limited options for emergency vehicle access and egress. This would raise additional safety concerns for both daily operations and emergency response situations.

Public Notification

Written notices were mailed to 21 surrounding property owners within 200 feet of the subject property. There have been two emailed responses in opposition to this request which have been included as an attachment to this item brief.

P&Z Report

Planning and Zoning is met on Monday, June 2nd, and recommended denial of the requested Conditional Use Permit.

All five commissioners unanimously agreed that, due to safety concerns, the traffic congestion, the concerns regarding the ingress and egress, the negative impacts on the surrounding residential neighbors, and the school districts opposition, the request for the development of a convenience store with gasoline and/or alcohol sales was not an appropriate fit for this location.

Recommendation

Open the public hearing.

Discuss and consider Ordinance 2025-25.

Exhibit A – Location and Current Zoning

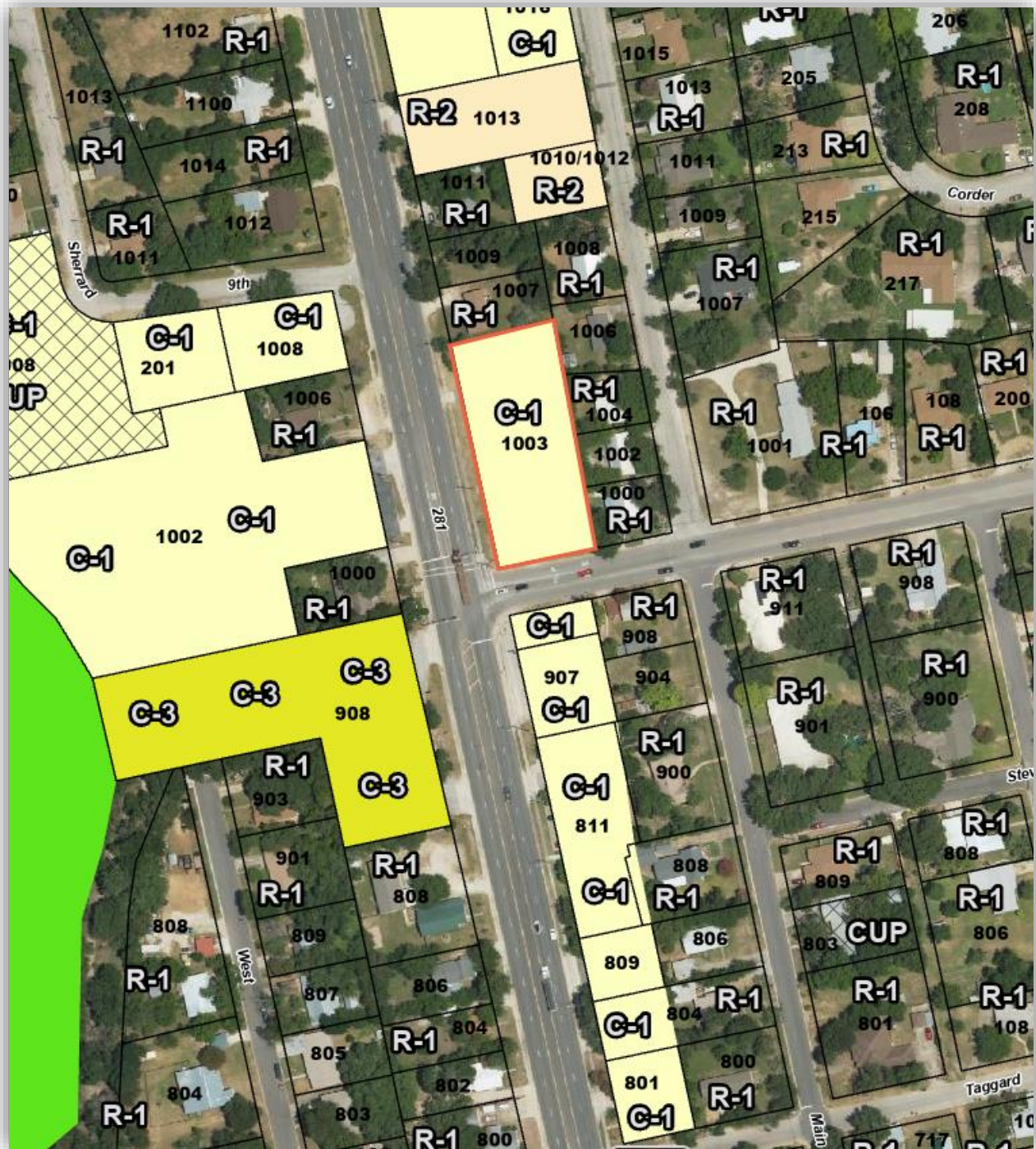


Exhibit A – Location (cont.)



Exhibit B – Application & Letter of Intent



City of Burnet Zoning Change Application

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

☒ Zoning Change Request - \$250

☒ Conditional Use Permit - \$250

Name of Applicant: Prabin KC
Current Address: 1300 White
City: Arlington State: TX Zip Code: 76005
Primary Phone: (409) 225 - 7515 Cell Phone: (409) 225 - 7515
Email: pkc@idcengg.com

Name(s) of Property Owner(s): Debendra Parajuli
Current Address: 209 Jasmine Lane
City: Marble Falls State: TX Zip Code: 78654
Primary Phone: (512) 560 - 0778 Cell Phone: (512) 560 - 0778
Email: parajuli.debendra@gmail.com

Address of Property to be Rezoned: 1003 N Water St, Burnet TX 78611
Legal Description: ABS A0405 JOHN HAMILTON, .892 ACRES
Total Acreage: 0.892 Number of Lots: 1
Present Zoning: Light Commercial C1 Present Use: Empty Lot
Proposed Zoning: Light Commercial C1 Proposed Use: Empty Lot
Conditional Use Permit for: To have a gas canopy

Applicant Signature: _____ Date: 05 / 14 / 2025
Printed Name: Prabin KC

Property Owner Signature: _____ Date: 05 / 14 / 2025
Printed Name: Debendra Parajuli

Intake Date: ____ / ____ / ____	Received by: _____
Amount Paid: \$ _____	Cash/Check \$: _____ Receipt #: _____
Case #: _____ MPN #: _____	P&Z Date: ____ / ____ / ____ CC Date: ____ / ____ / ____

Exhibit B – Application & Letter of Intent (cont.)

To Development Services
1001 Buchanan Dr.
Burnet, TX 78611

Dear Planning & Zoning Officer,

I am writing this letter of intent for property new buyer of 1003 N Water St, Burnet, TX 78611. We would like to request for a use of convenience store with the Gas sales of the detached facility. Currently the property is zoned as Commercial Zone. Please find the attached conceptual site plan 3D renderings. The proposed location is well-suited for a business of this nature, and we are confident that it will positively contribute to the local economy while complying with all relevant regulations.

Business Justification:

1. **Market Demand:** The area surrounding the proposed location has a significant demand for a well-managed Convenience store with gas store. Currently, there are limited options for residents and visitors, which creates an opportunity for a new establishment to serve the community responsibly.
2. **Compliance with Local Regulations:** I am fully aware of the stringent requirements for operating a gas store and we are committed to adhering to all local, state, and federal regulations. I have carefully reviewed the zoning laws and other applicable rules, ensuring that the proposed location meets all criteria for a gas station.
3. **Community Engagement:** I understand the importance of being a responsible business owner and intend to engage with the community to ensure that the shop operates in a manner that aligns with the city's values. I am open to feedback and will work closely with local law enforcement and community organizations to maintain a safe and responsible environment.
4. **Economic Contribution:** The establishment of this gas station and convenience shop will create several new jobs, from retail positions to management roles, thereby contributing to the local economy. Additionally, the shop will support local events and businesses by providing a convenient source for gas purchases.

Commitment to Responsibility:

I am writing to formally request approval for the addition of a gas station to my establishment. As the proprietor, I am deeply committed to ensuring safe and responsible operations while adhering to all local and state regulations.

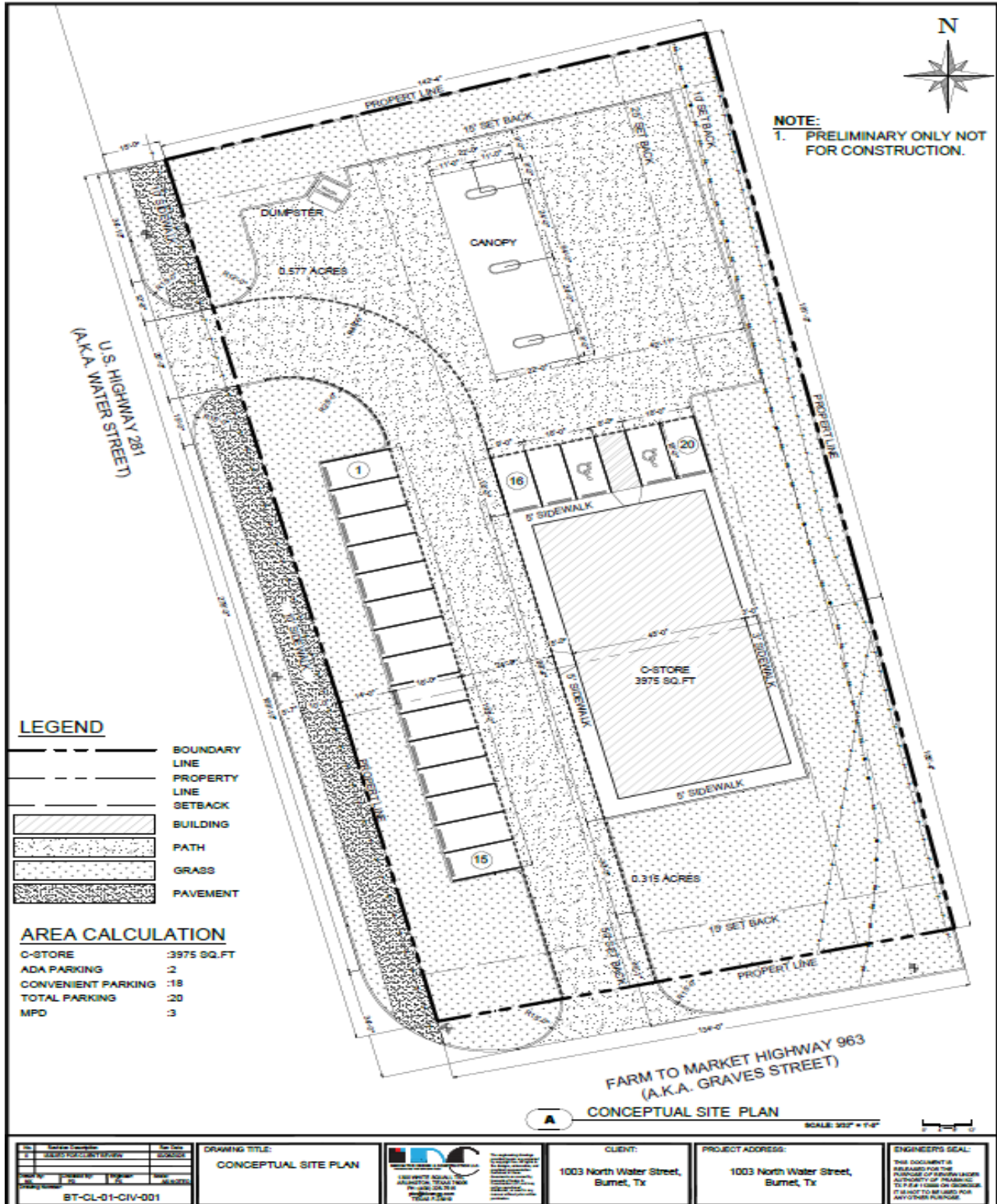
To uphold this commitment, I plan to implement comprehensive training programs for all employees, emphasizing safety protocols, environmental regulations, and excellent customer service. Additionally, I am eager to collaborate with the city to meet all necessary conditions and operate in a manner that positively contributes to the community.

I appreciate your time and consideration of my application and look forward to the opportunity to discuss this further. Please let me know if any additional information is required.

Yours sincerely,


Debendra Parajuli, 209 Jasmine Lane, Marble Falls, Ph 512-560-0778

Exhibit C – Concept Plan



ORDINANCE NO. 2025-25

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 “GASOLINE AND/OR ALCOHOL SALES” IN A LIGHT COMMERCIAL – DISTRICT “C-1” ZONING DISTRICT FOR PROPERTY LOCATED AT 1003 N WATER STREET; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; 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 1003 N WATER STREET (LEGALLY DESCRIBED AS: ABS A0405 JOHN HAMILTON, 0.892 ACRES) as shown on **Exhibit “A”** hereto.

Section Three. Zoning District Reclassification. Conditional Use Permit to allow the use of “Gasoline and/or alcohol sales” in a Light Commercial – District “C-1” Zoning District Classification is hereby assigned to the Property 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 10th day of June 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

Exhibit "A"

Subject Property

