



Item Brief

Meeting Date

October 22, 2024

Agenda Item

Public hearing and action: Ordinance No. 2024-44: 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 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”

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 multi-phased subdivision with a mixture of single-family lots, multi-family lots, and commercial lots. Although this development was being referred to as a “Planned Unit Development” (PUD) this expression was being used to boost 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 avoid creating 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.

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

P&Z Report

The Planning and Zoning Commission met on Monday, October 7th, and did recommend approval of Ordinance 2024-44 as presented.

Recommendation

Open the public hearing.

Discuss and consider Ordinance No. 2024-44.

Exhibit A – The Ranch at Delaware Creek PUD 2004

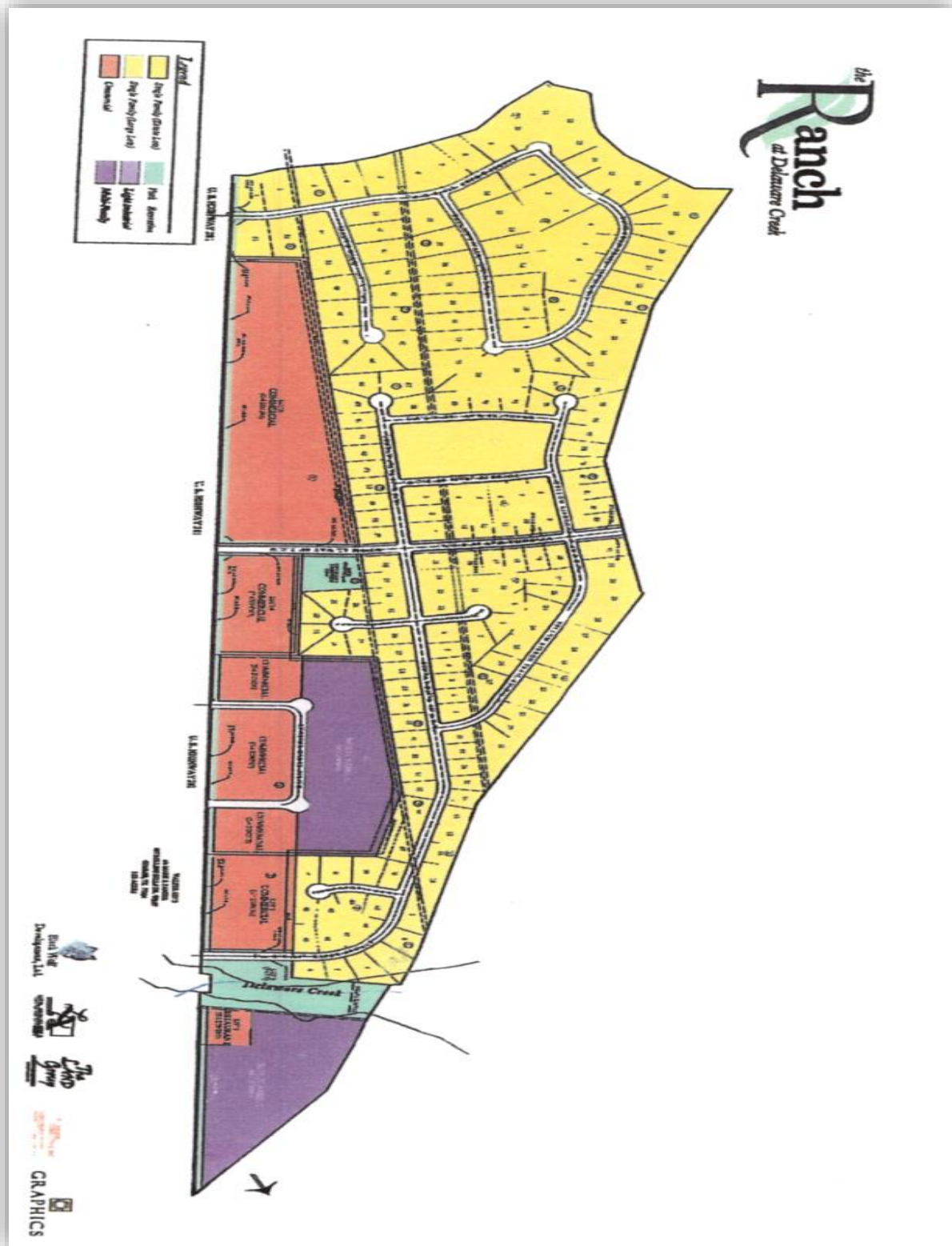
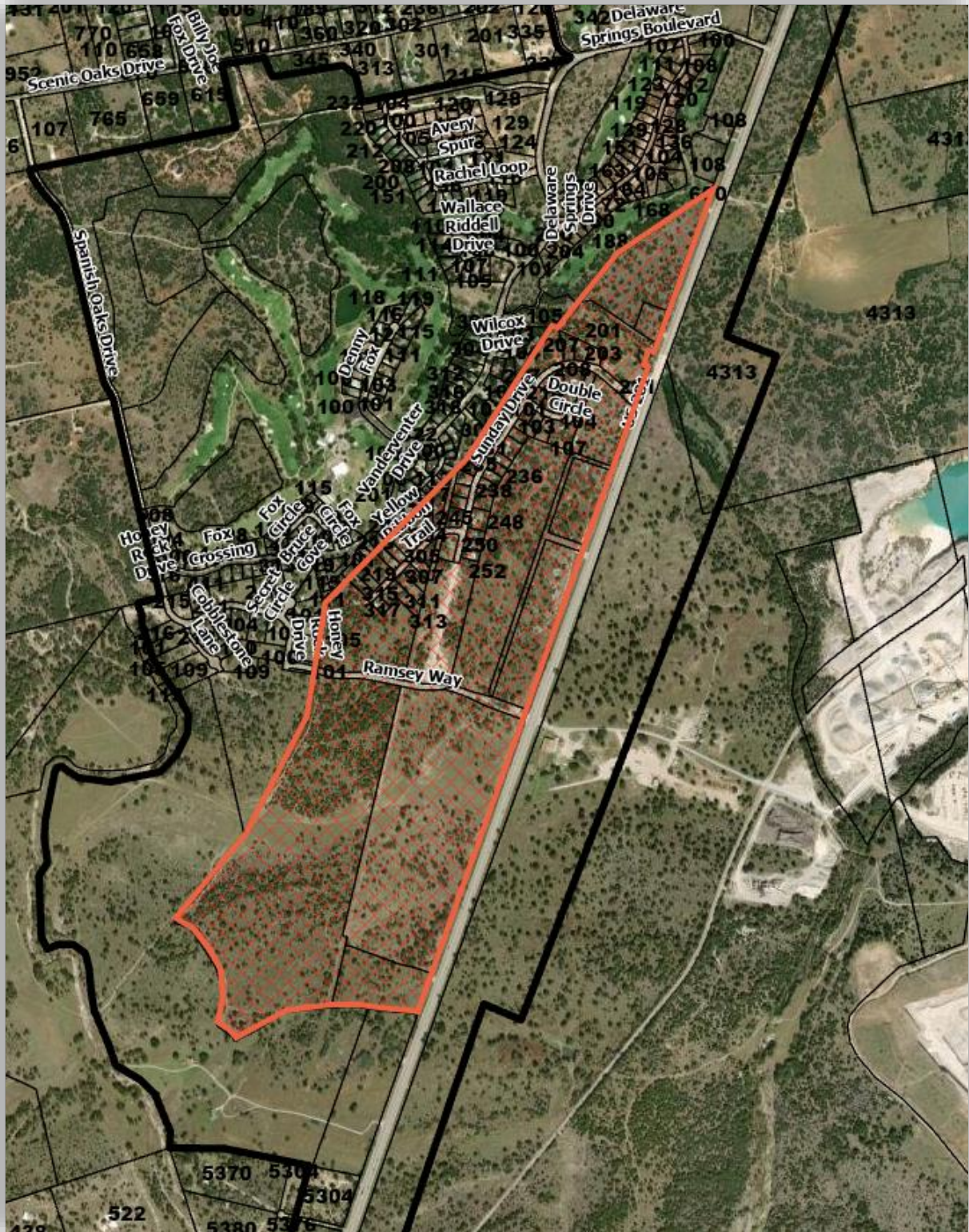


Exhibit B – Location and Current Zoning



ORDINANCE NO. 2024-44

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 22nd day of October 2024.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

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

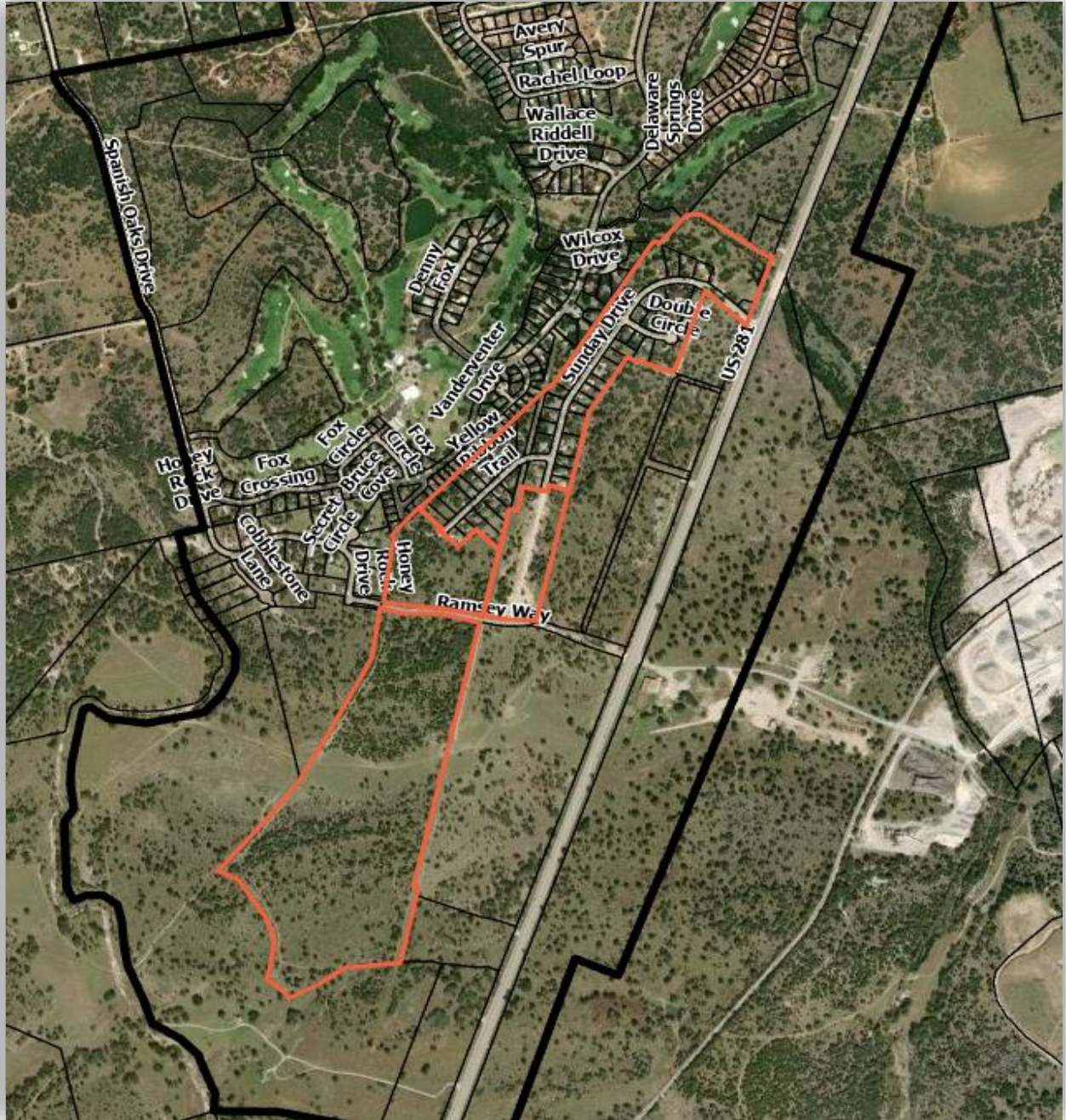


Exhibit "B"
Location Map

THE RANCH AT DELAWARE CREEK, PHASE 5

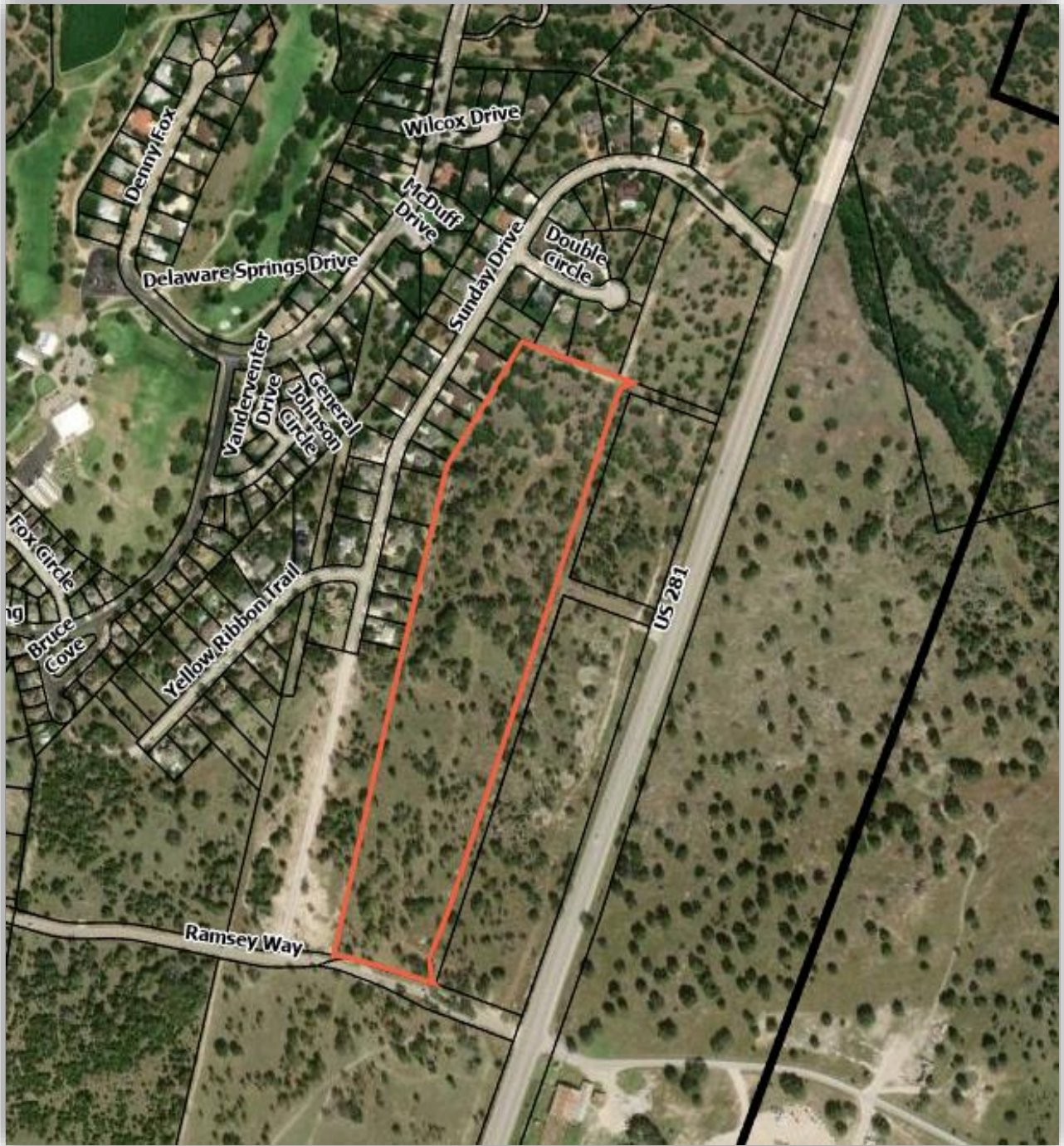
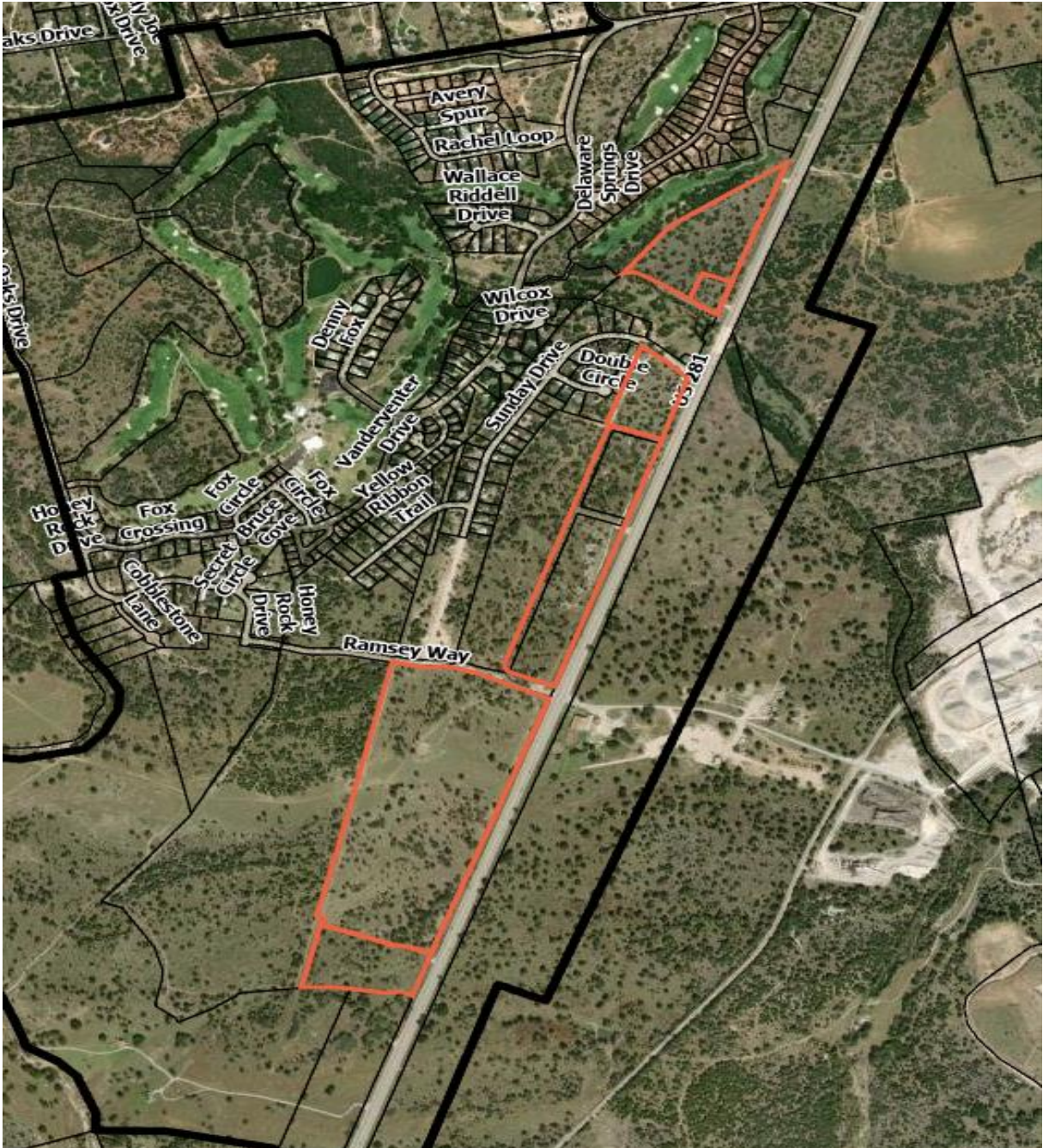


Exhibit "C"
Location Map

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



RESPONSES TO REQUEST

From: [Julie Francis](#)
To: [Development Services Dept.](#)
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 subdivisions - 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: [Development Services Dept.](#)
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 <https://aka.ms/LearnAboutSenderIdentification>]

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