

Burnet City Council
301 E. Jackson Street
Burnet, Texas 78611
March 5, 2026

**Re: Rezoning Request – Hwy 281 & The Green Mile / County Road 108/Burnet City Council Meeting
3/12/26 Item 7 Public Hearings/Action**

Dear Mayor Wideman and Members of the City Council:

We write as residents of County Road 108 to respectfully request that the City Council DENY ANY REZONING THAT WOULD PERMIT FUEL SALES at the northwest corner of Highway 281 and The Green Mile.

At the March 2, 2026 meeting, the Planning and Zoning Commission recommended that the property be rezoned to C-1 commercial with a Conditional Use Permit (CUP) or Planned Unit Development (PUD) that could allow fuel sales. While the Commission rejected the broader C-2 zoning request, the remaining proposal still raises significant concerns in the neighborhood regarding traffic safety, traffic congestion, increased heavy truck traffic, school proximity, youth safety, and flood risk.

Note that this applicant has been denied rezoning twice before. The underlying conditions and infrastructure concerns still remain unaddressed.

Although the City's Future Land Use Map designates this parcel as "Commercial," that designation does not *require* approval of fuel sales at this location. The FLUM is a policy guide, not a zoning entitlement, and "Commercial" encompasses a wide range of uses and intensities.

The relevant question is whether a highway-oriented fuel station – including fast flow diesel pumps - is appropriate for this specific site, given its role as the gateway to Burnet High School through The Green Mile, the limited capacity of County Road 108, flooding concerns, the absence of completed engineering studies or architectural plans, and the well-documented increases in violent crime associated with highway gas stations.

Approving fuel sales *now* would grant a broad entitlement that cannot easily be reversed even if later studies reveal traffic, drainage, or safety problems. The data supports that a more prudent approach would be C-1 zoning with a Planned Unit Development that prohibits fuel sales and requires detailed site-specific plans and mitigation before development rights are exercised.

Burnet ISD Has Not Been Consulted

In a recent meeting with Dr. Peña, Superintendent of Burnet ISD, we confirmed that the district has not been consulted regarding this rezoning proposal, despite the direct impact on The Green Mile serving Burnet High School. We have also confirmed that BCISD Trustees have not been consulted or contacted about this proposed development.

Requested Action from City Council:

We have provided greater detail on major items of concern in the sections below. However for the sake of brevity, we will state here that we respectfully request that the City Council:

1. Deny any rezoning that would permit fuel sales or a gas station at this location.

2. If commercial development is ultimately considered, require C-1 zoning with a Planned Unit Development (PUD) that provides enforceable development conditions, including:

- Prohibition on fuel sales
- Control over types of retail uses permitted
- Site plan and design approval prior to construction
- Consideration of restrictions on alcohol and vape sales due to proximity to the school corridor
- Updated hydrology and drainage studies reflecting the July 2025 flooding event

These conditions would run with the land and provide long-term protection for the surrounding community.

DETAILED EXPLANATION FOR DENIAL OF GAS STATION, FUEL PUMPS AND HEAVY TRUCKS:

1. Gateway to the Burnet High School Campus

The proposed site sits directly along The Green Mile / County Road 108, the primary roadway serving Burnet High School. Students, school buses, parents, and faculty travel this road daily. In practical terms, the intersection of Highway 281 and The Green Mile functions as an entrance to The Green Mile which is a gateway corridor to the Burnet High School campus. There is also a school bus route down the length of County Road 108 every school day.

The proposed development would place a gas station selling alcohol, tobacco, and vape products at the entrance to that corridor, introducing high-volume transient traffic from Highway 281 directly into the school access route and gateway corridor.

The owners/applicants requesting the gas station zoning have stated in public meetings that alcohol sales are 30% of their profit and vape products another 5-10%.

Additionally, a dramatic increase to area traffic congestion, particularly during school drop-off/pick-up is a serious concern that remains entirely unaddressed by owner/applicant. With the removal of the possibility of a gas station and with the implementation of a PUD on the site, the Council could retain control over making sure these issues are appropriately addressed by owner/applicant.

2. Scale and Lack of Oversight of the Proposed Development

The project described to Planning and Zoning includes:

- A gas station with gasoline pumps
- High-flow diesel pumps designed for semi-truck fueling
- Approximately 19,000 square feet of retail space in addition to the large gas station with no description of proposed tenants or architectural plans. That scale is comparable to developments such as Dollar General or Tractor Supply and is substantially larger than what is commonly thought of as neighborhood retail.
- The owner/applicants are also the owners of Miller's Meat Market on Hwy 29. Many people have concerns that the proposed development may be undercapitalized, unsightly, and not represent our community with the kind of development that would bring pride to its citizens. Because no architectural plans have been

submitted, the Council has no way of knowing - or controlling - if this will be a 19,000 sq ft Miller's Market.

3. Increased Crime: Youth Safety and Community Impacts

Convenience stores associated with fuel stations are frequently associated with alcohol sales, tobacco and vape product sales, and transient highway traffic.

- A national county-level study found that greater convenience store availability (which under NAICS classification includes gas stations) was associated with higher violent crime rates.
- This project would place alcohol, vape, and tobacco sales at the gateway to the high school campus, the first commercial location students encounter traveling to and from school.
- Texas Alcoholic Beverage Commission data shows convenience stores are the most common source of illegal alcohol sales to minors.
- Research consistently shows that off-premise alcohol outlets such as convenience stores and gas stations are more strongly correlated with violent crime than on-premise establishments such as bars and restaurants. Studies have found that every ten percent increase in access to off-premise outlets is associated with a thirty-seven percent greater increase in violent crime compared to on-premise outlets.
- A comprehensive study of Dallas County, Texas linked trauma patient data with crime data from twenty local police departments and the Texas Alcoholic Beverage Commission alcohol outlet dataset. The study found that the associations between alcohol retail outlet density and pedestrian injury collisions, car crashes and related injuries, and assaults (including intimate partner violence) have all been well documented.
- The Texas Department of Public Safety and the Texas Attorney General's Human Trafficking Prevention Task Force identify highway fuel locations as environments frequently encountered in trafficking investigations.

TABC underage compliance operations consistently find that off-premise retailers (including convenience stores) account for the majority of sales-to-minors violations. See <https://www.tabc.texas.gov/news/news-releases/tabc-announces-back-to-school-undercover-operations-2017/>

Human-trafficking prevention guidance for the transportation sector recognizes that potential indicators may be encountered at truck stops and while stopping for gas, **one reason communities often scrutinize highway-oriented fuel and truck-service uses near school corridors.** See <https://www.transportation.gov/stop-human-trafficking/trucking>

4. The Shortcut Problem

Residents at the P&Z meeting noted that trucks leaving the development could quickly discover a nine-mile shortcut connecting County Road 108 to County Road 109, allowing drivers to bypass the Highway 281 traffic signal. This creates a strong incentive for trucks to use The Green Mile / County Road 108 as a through route, placing heavy truck traffic directly along the school gateway corridor.

The applicant acknowledged semi-truck traffic cannot be controlled, and the site plan they submitted includes fast-flow diesel pumps designed for truck fueling.

5. Flooding and Environmental Considerations

The site lies near Hamilton Creek, raising potential concerns regarding runoff and groundwater contamination associated with underground fuel tanks. The area also experienced severe flooding in July 2025 that damaged portions of County Road 108. Updated hydrology studies should be required before **any development approval** affecting drainage and stormwater management in this area.

6. Retaining City Control Over Detailed Site Plans

The City has suggested that traffic studies, drainage studies, and other engineering analysis will occur after the zoning decision. That raises a simple question: if those studies later show that the development creates unacceptable impacts—traffic hazards, flooding risks, or safety problems along the school corridor—and the developer fails to bring the property into compliance, **will the City revoke the zoning that allows fuel sales at this site?**

Under Texas law, the practical answer is no. Once zoning is granted, it creates a land-use entitlement that runs with the property. Later engineering review may address site-design details, but it cannot undo the underlying land use the Council has already approved.

This creates a second concern. If the likely studies reveal costly mitigation requirements—road widening, drainage improvements, flood control, or environmental protections—the City is assuming that the developer has both the financial capacity and the willingness to complete those improvements. If the developer lacks the capital to do so or chooses not to commit the resources, the City is left with an entitled property that may never be brought fully into compliance.

For that reason, municipalities typically evaluate the feasibility and impacts of high-intensity uses before granting the zoning entitlement, not after.

7. Spot Zoning

When a zoning change singles out a particular tract for a more intensive commercial entitlement whose impacts fall primarily on surrounding properties, the change may not represent a defensible land-use decision unless the record demonstrates that the use is compatible with surrounding conditions and consistent with the City's obligations to protect public health, safety, and welfare. See Texas Local Government Code §211.004(a)(7); *City of Brookside Village v. Comeau*, 633 S.W.2d 790 (Tex. 1982); *City of Pharr v. Tippitt*, 616 S.W.2d 173 (Tex. 1981). Without completed traffic analysis, drainage studies, architectural plans, or a clear demonstration of compatibility with the school corridor and surrounding neighborhood, the Council currently lacks sufficient information to make that determination.

A Planned Unit Development (PUD) would provide a reasonable and defensible framework for addressing these concerns by requiring submission and approval of architectural plans, site layout, traffic circulation, drainage mitigation, and permitted uses before development rights are granted. Such conditions would run with the land and ensure that any commercial development at this location is evaluated based on the *actual* project and its impacts, rather than an undefined entitlement.

Respectfully submitted,

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