

City of Burnet City Council



Item Brief

Meeting Date

March 10, 2026

Agenda Item

Public hearing and action: Ordinance No. 2026-06: 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 PROPERTY LOCATED AT THE NORTH CORNER OF COUNTY ROAD 108 AND NORTH WATER STREET (PROPERTY ID: 125129) FROM ITS PRESENT DESIGNATION OF AGRICULTURE – DISTRICT “A” TO A DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2”; 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 is an undeveloped 5.8 acre tract located at the intersection of County Road 108 and North Water Street (Exhibit A – location). It is currently zoned as Agriculture – District “A”.

The applicant is requesting to rezone the property to Medium Commercial – District “C-2” to allow for the development of a convenience store, to include the sale of gasoline, and associated retail development (Exhibit B – application and letter of intent).

Surrounding Zoning and Future Land Use

	North	South	East	West
Zoning	ETJ	“A”	“C-1”	“A”
FLUM	Commercial	Commercial	Commercial	Residential
Land Use	Undeveloped	Undeveloped	Undeveloped	Undeveloped

The surrounding properties are largely undeveloped with one property across County Road 108 zoned as District C-1 with a Conditional Use permit to allow for the development of an assisted living facility, which is in the planning stages.

The Future Land Use Map designates the subject property as Commercial. The requested Medium Commercial – District “C-2” zoning is consistent with this designation.

Zoning District Overview

Medium Commercial – District “C-2” allows all permitted uses in District “C-1” and commercial land uses in facilities under 20,000 square feet. Allowable uses include, but are not limited to:

- Automobile service station, gasoline station (full and limited), filling or retail service station
- Car washes
- Child care center (small, intermediate and large) and child development facilities
- Greenhouses and plant nurseries
- Hotels and motels
- Milk and bread distributing stations
- Parking lots and commercial garage
- Recycling collection use
- Heliport

While the requested use is allowable in the requested zoning district, approval of this rezoning would allow any use permitted in the C-2 district, subject to site development regulations.

Properties zoned District “C-2” are subject to the following conditions and limitations:

- Uses must be conducted primarily within an enclosed building or a screened area
- The use must not be objectionable due to odor, light, smoke, dust, noise, or vibration
- Any such impact on the property may not exceed the levels permitted by ordinance.
- Must comply with applicable site development regulations, including the provision of paved sidewalks, driveways, and parking areas
- Screening of loading and storage areas is also required

Utilities

The property has access to adequate water service. Coordination with the City Engineer will be required to ensure wastewater is extended to properly accommodate the proposed project. Electrical services will be provided by Pedernales Electric Cooperative (PEC).

Previous Zoning Requests

There have been two previous attempts to rezone this property.

In the first attempt, the application requested to rezone the property to Light Commercial – District “C-1,” with a Conditional Use Permit to allow for the development of a convenience store including the sale of gasoline. This request was denied. The denial was primarily due to concerns about the current condition of County Road 108 and the potential negative impacts the proposed development could have on that roadway.

In the second attempt, the applicant requested to rezone the property to Medium Commercial – District “C-2” with a Conditional Use Permit to allow for the development of a Truck Stop. This second attempt was also denied. The denial was due to safety concerns regarding large commercial trucks entering and exiting the site as well as potential traffic impacts and compatibility concerns with surrounding properties.

The current request has removed any request for a Conditional Use Permit for the truck stop operation and is only seeking District “C-2” to allow for the convenience store with the sale of gasoline.

Prior to any development of the property, civil engineered site plans, including drainage, traffic circulation, lighting, parking, landscaping and buffering, will be required to be submitted for review to ensure compliance with all City of Burnet regulations.

Public Notification

Written notices were mailed to six (6) surrounding property owners within 200 feet of the subject property. There has been one response in opposition (attached) and no further responses.

P&Z Report

The Planning and Zoning Commission met on Monday, March 2nd and voted to recommend denial of the request to rezone the property to Medium Commercial – District “C-2.” Following discussion and deliberation, the Commission unanimously determined that the C-2 district permits a range of uses that may not be compatible with the surrounding properties. However, the Commission did recommend that City Council consider alternative zoning options, including Light Commercial – District “C-1” with a Conditional Use Permit to allow gasoline sales, or a Planned Unit Development (PUD) zoning designation that would clearly define and limit the permitted uses. The Commission expressed support for commercial zoning of the property, consistent with the Future Land Use Map.

Recommendation

Open the public hearing.

Discuss and consider Ordinance 2026-06.

Exhibit A – Location and Current Zoning



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: Amanda Brown

Current Address: 707 W 34th St

City: Austin State: TX Zip Code: 78705

Primary Phone: (____) _____ - _____ Cell Phone: (214) 695 - 9219

Email: amanda.brown@hdbrownconsulting.com

Name(s) of Property Owner(s): HWY 281 Longhorn LLC

Current Address: 6701 Sangiacomo CV

City: Austin State: TX Zip Code: 78759

Primary Phone: (____) _____ - _____ Cell Phone: (____) _____ - _____

Email: _____

Address of Property to be Rezoned: N HWY 281 Burnet, TX 78611

Legal Description: ABS A0035 Thomas Alley

Total Acreage: 5.84 Number of Lots: 1

Present Zoning: R-Ag Present Use: Undeveloped

Proposed Zoning: C2 Proposed Use: Convenience Store incl. sale of gasoline

Conditional Use Permit for: N/A and associated retail development

Applicant Signature: *Amanda C. Brown* Date: 12 / 1 / 2025

Printed Name: Amanda C. Brown, President, HD Brown Consulting

Property Owner Signature: *Saif Momin* Date: 08 / 25 / 25

Printed Name: Saif Momin

H D | B R O W N

Leslie Kimbler
Planning Manager
City of Burnet
1001 Buchanan Dr
Burnet, TX 78611

Via Electronic Submittal

RE: Rezoning request for a 5.84 acre tract in the John Hamilton Survey No.1, ABS No. 405 in Burnet, Texas 78611; BCAD Parcel 125129 (the "Property")

Dear Ms. Kimbler,

We respectfully submit the attached request to rezone the Property. The Property is located at NW corner of Hwy 281 and CR 108 and is currently undeveloped. The proposed request is from Agriculture (A) to Medium Commercial District (C-2). The purpose of the zoning change application is to allow for the development of a Convenience Store that includes the sale of gasoline. The Property is designated as "Commercial" in the Future Land Use Map, which aligns with the proposed zoning and use.

The Property is suited for the proposed use for several reasons. It is situated along Hwy 281, which is a major 5-lane highway and County Road 108, which provides an appropriate transportation network to accommodate this use. Additionally, the use will provide a much needed commercial amenity to north Burnet, where currently very little exists. Finally, the Property is within the full purpose City limits and will generate significant sales and property tax revenues for the City.

An application for the Property was previously submitted for rezoning of C-2 with an associated Conditional Use Permit (CUP) to allow for a Truck Stop (draft ordinance # 2025-22). After receiving feedback from the community and City Council, we have removed the request to provide a Truck Stop.

Should you have any questions regarding this application, please do not hesitate to contact me. Thank you for your consideration.

Sincerely,



Amanda Couch Brown, Manager
HD Brown Consulting, LLC

Letter of Opposition

Resident Concerns with Applicant Zoning Change Request Ordinance No 2026-06, Parcel of land located at the north corner of County Road 108 and North Water Street

Planning and Zoning Commissioners:

My husband and I are residents of County Road 108 and we, along with other residents, have numerous concerns regarding applicant's request for zoning change at this site to C-2 Commercial.

This is the third rezoning attempt from these applicants (Agriculture to C-2) at CR-108 & N. Water, directly across from the high school.

Prior denials were based on road condition, traffic safety, and compatibility. The key question for decision-makers is what has materially changed since the prior denials.

The concerns raised here are very site-specific to this location, including:

- Underlying issues of site location and related significant traffic impacts, safety and congestion for ingress/egress onto County Road 108; ingress from 281 northbound onto County Road 108. CR 108 already functions as a constrained roadway and emergency access route during flood events.
- The applicant's proposed inclusion of diesel fueling stations specifically sited and sized for tractor trucks and other semi-trucks and large, heavy trucks on the portion of their location that faces County Road 108 will incentivize and intentionally attract those large heavy trucks to either traverse or attempt ingress/egress County Road 108.
- Very close proximity to high school and middle school that applicant proposes to include sales of alcohol, vape products and other paraphernalia.
- Neighborhood compatibility concerns regarding noise, light, and odor also remain unaddressed.
- The entire 5.8 acre lot is on a significant slope, which even with zero pervious cover, contributed to catastrophic flooding in July 2025 of nearby neighborhood homes, agricultural lands and livestock pastures, and large sections of County Road 108 were washed out. Current retention pond/engineering plans from applicant do not address this updated flooding capacity, even by their own acknowledgement.
- Groundwater safety concerns of proposed development since all runoff from property asphalt including industrial chemicals, gasoline and other waste substances would flow into Hamilton Creek, which runs right behind the property across County Road 108.

- The applicant's current proposal is framed as a convenience store with gas and an additional 14,000 sq ft of retail, but approval would grant permanent C-2 commercial entitlement allowing many broader uses.

Given that none of these issues had been addressed or resolved by applicant, the basis for denial still exists.

We have attempted to discuss these concerns in good faith with the applicant and their Austin-based consultant, and attended a community meeting and presentation the aforementioned held on December 2nd, 2025. At that meeting, we were told clearly that the intent of the meeting was to disseminate information to the community regarding their development plans, but *not to take into consideration any community concerns to make potential changes or adjustments.*

The site plan shown to the community in the December 2nd meeting indicates a large fueling area, multiple structures, and significant paved circulation, suggesting a higher-intensity commercial use than described. (Image of that site plan provided by applicant to community attendees attached to this letter.)

The developer also acknowledged that truck traffic cannot be controlled and that diesel pumps will attract heavy vehicles.

Key Admissions from the Developer at the December 2nd, 2025 Meeting:

During the meeting on December 2nd the applicant explicitly acknowledged in their own statements that there are a number of foreseeable risks, but that their proposed plans in no way address those risks. Their statements include the following:

- "This plan does not take into account the flooding from July of this year."
- "We can't control whether truckers will come." [Note: As mentioned above and also visible in the attached site plan, diesel pumps specifically sited and sized for heavy trucks are included in their proposal].
- "Alcohol is about 30 percent of our business, vaping products are about another 5 percent." [Note: Alcohol sales are economically central to the project, despite very close proximity to both middle and high schools and the community's youth].
- "This is conceptual for zoning; engineering comes later." [Note: Traffic, engineering, flooding, groundwater studies have not been conducted].
- "We are not willing to give up the gas station. Retail alone is not economically viable for us".

More specifics provided by applicant at this meeting include the following detail:

A. Floodplain and Drainage

- The floodplain mapping relied upon is from approximately 2019.
- The July 2025 flooding event is not reflected in the current plan.
- Detention facilities are proposed to release runoff at “no more than current conditions,” using an outdated baseline.
- The project does not propose to improve existing flooding conditions.

B. Traffic and Truck Impacts

- Diesel pumps are included in the design.
- The developer acknowledged that truck and semi-truck usage cannot be controlled.
- CR 108 may function as a shortcut route for trucks avoiding US-281 turn movements.
- Final ingress/egress design is subject to TxDOT review and is not fixed.

C. Use Intensity and Economics

- The project is economically dependent on fuel and alcohol sales.
- Retail-only development was expressly rejected as infeasible.
- Prior gas station proposals at this site were denied, and the current proposal represents a renewed attempt.

E. End-of-Life Risk

- Residents raised concerns about abandoned gas stations (there are already 2 such abandoned stations within ½ mile on Hwy 281). Abandoned gas stations are notoriously expensive and difficult sites to redevelop, making them unattractive to future developers.
- The developer acknowledged tank removal obligations (as required by state law) but did not commit to financial assurance or bonding, so end of life remediation obligations are undefined and insufficient.

III. Why These Admissions Matter

- Flood risk is foreseeable and acknowledged but not fully studied.
 - Truck traffic impacts are predictable and unmitigated at this stage.
 - The proposal depends on uses that introduce additional environmental and public-health risk.
 - Zoning approval would precede the technical analysis needed to evaluate actual impacts.
 - Long-term abandonment and remediation risks remain unaddressed.
- Two apparent access points, including one onto CR-108, increase turning and congestion risks.
 - Large fueling apron and internal circulation may cause queue spillback and driveway blockage.
 - Potential cut-through traffic and continued attraction of oversized vehicles even without truck stop labeling.

IV. Requested Relief

None of these conditions have been addressed by applicant between their previous zoning applications and this one.

We believe a zoning change denial is entirely warranted.

In the alternative, the imposition of enforceable conditional use requirements could include the following:

1. Removal of diesel fueling station pumps designed for heavy trucks and tractor trailers. Only allow simple gas/diesel refueling at car/light truck gas pumps.
2. Require A Traffic Impact Analysis and approved engineering plan that includes a model for school peak-hour conditions, driveway spillback prevention onto County Road 108.
3. Prohibit heavy trucks from using the site's County Road 108 ingress/egress to travel northbound on CR 108. Instead, require them to turn left, go to the light at Hwy 281 and use that intersection to turn left or right.
4. The site sits directly across from a high school, raising heightened safety and compatibility concerns. Restrict operating hours to reduce late- night activity near the school and restrict sales of alcohol and vape products.
5. Given the site's location immediately adjacent to Hamilton Creek, a hydrology and drainage modeling and approved engineering plan should be required to assess groundwater vulnerability, including an analysis of whether any known domestic or public supply wells downgradient of this site that could be affected by fuel spills, chronic leakage, or contaminated stormwater.
6. Impose dark-sky compliant lighting, buffering, and noise limits for compatibility.

We thank you very much for your attention to this matter and appreciate your time. If you have any questions for us, we may be reached at nikki@castleclan.com
chris@castleclan.com.

Sincerely,
Nikki and Chris Castle

ORDINANCE NO. 2026-06

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 PROPERTY LOCATED AT THE NORTH CORNER OF COUNTY ROAD 108 AND NORTH WATR STREET (PROPERTY ID: 125129) FROM ITS PRESENT DESIGNATION OF AGRICULTURE – DISTRICT “A” TO A DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2”; 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. 2021-01, 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, 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 ID 125129, legally described as: ABS A0035 THOMAS ALLEY, 5.84 ACRES as shown on **Exhibit “A”** hereto.

Section Three. Zoning District Reclassification. Medium Commercial – District “C-2” Zoning District Classification” is hereby assigned to the Property described 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 March 2026.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

Exhibit "A"

Location Map

