



CITY OF BURNET

PLANNING AND ZONING

ITEM BRIEF

Meeting Date

June 2, 2025

Agenda Item

Public hearing and action: Ordinance No. 2025-22: 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 FROM ITS CURRENT DESIGNATION OF AGRICULTURE – DISTRICT “A” TO A DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” WITH A CONDITIONAL USE PERMIT TO ALLOW FOR “TRUCK STOP, WITH NO REPAIR OR WASH SERVICE”; 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 acres tract located at the intersection of County Road 108 and North Water Street (Exhibit A – location). The applicant is requesting to rezone the property to Medium Commercial – District “C-2” with a Conditional Use Permit to allow for the development of a truck stop (Exhibit B – application & intent letter). The submitted concept plan (Exhibit C – concept plan) shows a 9000 square foot building with five (5) fueling stations and three (3) diesel pumps, with 20 parking spots for the store and 19 proposed semi-truck parking spaces.

The property has access to water service; however, the applicant’s engineer must coordinate with the City Engineer to ensure proper wastewater is accommodated. Electrical services will be provided by PEC.

The site plan proposes three access points: one along North US Highway 281 and two others along County Road 108. A driveway permit from Texas Department of Transportation (TxDOT) will be required for the Highway 281 access.

In a previous attempt to rezone the property to Light Commercial – District “C-1,” along with a Conditional Use Permit to allow for the development of a convenience store including the sale of gasoline and/or alcohol, the 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. Upon submittal of the new rezone application, staff has conducted due diligence and confirmed that, at time of construction plan submittal, the applicant will be required to reconstruct the portion of County Road 108 impacted by the development. This reconstruction must meet all current city design and construction standards.

Properties adjacent to the subject property are zoned as follows:

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

Code of Ordinances, Section 118-45(4) lists “Convenience Store (including the sale of gasoline)” as an allowable use in district “C-2”; however, truck stops are only allowed in the Heavy Commercial – District “C-3” district. Section 118-64 – Conditional Use Permits, allows a use authorized in a Heavy Commercial – District “C-3” to be authorized in a Medium Commercial – District “C-2” with 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 have reviewed the criteria in Sec. 118-64(e) and have made the following observations:

- The only developed property within the surrounding area is a structure being remodeled into an assisted living facility. There is a residential subdivision across the highway from the subject property; however, the undeveloped property in front of the subdivision is zoned commercial and will likely develop with commercial use in the future. The commercial use of this property would be compatible with the future development of surrounding properties.
- Commercial development can raise the property value of nearby commercial properties due to upgrades in roads and utilities and encourage further commercial development. However, higher traffic volumes and noise may impede future residential development. Since this property abuts properties that are undeveloped and have a future land use of commercial, or public rights-of-way, the proposed use should not have a negative impact on abutting properties.
- As previously mentioned, most of the properties directly surrounding the subject property are currently undeveloped; therefore, it should not interfere with those neighboring properties enjoyment or operation of business.
- Any commercial development in this area is going to increase traffic; however, this property is located at an intersection with a stop light. This would be the ideal location for commercial property that may increase traffic. The stop light will help with traffic control as well as provide a safer route for patrons and large trucks to enter and exit the highway. Additionally, the applicant will be required to develop portions of County Road 108 impacted by the development to city standards making this an improvement of the existing right-of-way.

Public Notification

Written notices were mailed to six (6) surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition to the request.

Recommendation

Open the public hearing. At the conclusion of the public hearing, discuss and consider the draft ordinance.

This is an aerial map of a portion of the City of San Jose, California, showing various land use designations and street names. The map includes a large green area labeled 'A' (Agricultural) and a yellow area labeled 'C-1' (Community Center). A red line outlines a specific parcel within the green area. Other labels include 'ETJ' (Employment Transition Zone), 'R-1' (Residential Single-Family), 'CUP' (Community Use Permit), and 'GUP' (General Use Permit). Street names visible include 'Old San Saba Road', 'US 281', 'CR 108', 'N Water Street', and 'Lincey Cove'. A blue area represents a water body.

Exhibit A – Location (cont.)



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

☒ Conditional Use Permit - \$250

MPN #: _____ P&Z Date: ____/____/____ CC Date: ____/____/____

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

City of Burnet Development Services Department
1001 Buchanan Drive, Suite 4
Burnet, TX 78611

Subject: Request for Zoning Change – Old San Saba Rd & N US 281

Dear Development Services Department,

I am submitting this letter in support of our zoning change application for a 5.84-acre tract located at Old San Saba Rd & N US 281, currently zoned as Agricultural. We are requesting a zoning change to Medium Commercial – District “C-2”, along with a Conditional Use Permit to allow for the proposed development.

Reason for Request

The existing Agricultural zoning does not reflect the most appropriate or productive use of this tract given its visibility and access along a major highway corridor. Rezoning the property to C-2 with a Conditional Use Permit would allow for commercial activity better aligned with the area's growth and service needs.

Proposed Use of the Property

We intend to develop a convenience store and truck fueling station that will serve both the local community and regional travelers. The project may also include retail offerings and services typical of modern travel stops. We are additionally requesting a Conditional Use Permit to allow for the sale of alcohol, in accordance with local regulations.

Impact on Surrounding Properties

- **Economic Growth:** The project will generate jobs, sales tax revenue, and help attract complementary businesses to the corridor.
- **Infrastructure Benefits:** Improvements to access, utilities, and site development will benefit not only our property but the broader area.
- **Appropriate Location:** The highway frontage and current lack of nearby services make this site a logical and compatible fit for this type of commercial development. We will work closely with the City to ensure that any concerns from surrounding property owners are addressed appropriately.

Thank you for your consideration of this request. Please feel free to reach out with any questions or if additional information is needed.

Sincerely,

Saif Momin
Manager
HWY 281 Longhorn LLC

GRAPHIC SCALE

0 30 60 120 Feet

RESERVE ROAD TO INCLUDE 2-12' LANES W/ STRIPING FOR CENTERLINE AND SHOULDERS

PROPOSED SEW. PARKING

9000 SF BUILDING

50'

25'

41'

42'

55'

440'

46'

440'

PROPOSED DECEL LANE

C.R. 108

ONLY

U.S. HWY 281

EXHIBIT

Job No. 25-1001 Scale (Hor.): AS SHOWN Scale (Vert.): N/A

Date: 00/00/24 Checked By: VP Drawn By: AM

Rev. No. Date Remarks

1

2

3

on JANUARY 2025

This document is released for the purpose of public review under the authority of Marcus W. Homer, P.E. 96535

It is not to be used for construction, bidding or permit purposes

EXHIBIT GREEN MILE C-STORE BURNET, TEXAS

WILLIAM H ENGINEERING LLC

405 N. WATER ST. BURNET, TEXAS 78611

PH. 512-553-1555

marcus@williamhengineering.com

TEXAS REGISTRATION # 17055

ORDINANCE NO. 2025-22

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 FROM ITS CURRENT DESIGNATION OF AGRICULTURE – DISTRICT “A” TO A DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” WITH A CONDITIONAL USE PERMIT TO ALLOW FOR “TRUCK STOP, WITH NO REPAIR OR WASH SERVICE”; 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 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. Conditional Use Permit. A Conditional Use Permit to allow the use “Truck Stop, with no repair or wash service” is hereby assigned to the Property described in section two.

Section Five. 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 Six. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

Section Seve. Severability. This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

Section Eight. 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

