

**ORDINANCE NO. 2019-09**

**AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 TO REZONE APPROXIMATELY 6.84 ACRES FROM ITS PRESENT DESIGNATION OF HEAVY COMMERCIAL—DISTRICT “C-3” TO A DESIGNATION OF PLANNED UNIT DEVELOPMENT—DISTRICT “PUD,” SAID PROPERTY BEING LEGALLY DESCRIBED AS LOT 7-E OF THE REPLAT OF LOT NO. 7-C EAST SIDE COMMERCIAL PARK, AND GENERALLY LOCATED ON THE NORTH SIDE OF EAST POLK STREET (STATE HWY. 29), IMMEDIATELY EAST OF THE INTERSECTION WITH COKE STREET; ADOPTING A PLANNED UNIT DEVELOPMENT PLAN KNOWN AS EAST SIDE COMMERCIAL PUD NO. 1; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.**

**WHEREAS**, The Planning and Zoning Commission of the City of Burnet, on March 4, 2019, did conduct a public hearing for the purpose of taking public comment regarding the proposal to assign a designation of Planned Unit Development—District “PUD” to approximately 6.84 acres of property being legally described as Lot 7-E of the replat of Lot No. 7-C East Side Commercial Park (“the Property”), said tract being generally located on the north side of East Polk Street (State Hwy. 29), immediately east of the intersection with Coke Street, and being further described in “Exhibit A” being attached hereto and incorporated herein; and

**WHEREAS**, The City Council of the City of Burnet, on March 12, 2019 did conduct its own public hearing for the purpose of taking public comment regarding the proposal to assign a designation of Planned Unit Development—District “PUD” to the Property; and

**WHEREAS**, The City Council, based on due consideration of the Planning and Zoning Commission recommendation, finds that the Planned Unit Development—District “PUD” designation for the Property is consistent with development patterns in the surrounding area and consistent with the best public interest of the City;

**WHEREAS**, The City Council, based on due consideration of the Planning and Zoning Commission recommendation, finds that the Planned Unit Development (PUD) document attached hereto as “Exhibit B” and incorporated herein, to comply with the City’s standards for Planned Unit Developments as prescribed in Sec. 118-51 of the City of Burnet Code of Ordinances;

**WHEREAS**, each and every requirement set forth in Chapter 211 of the Texas Local Government Code concerning public notices, hearings, and other procedural matters has been fully complied with,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Zoning Changed and Planned Unit Development Plan Adopted.** The Property is hereby zoned as East Side Commercial Park PUD Number One as attached hereto as Exhibit "B".

**Section 4. Repealer.** Other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

**Section 5. Severability.** Should any provisions of this ordinance be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

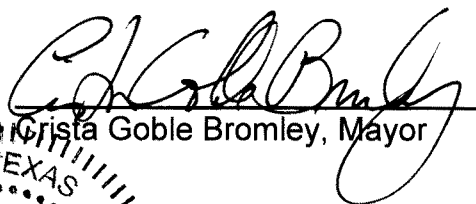
**Section 6. Effective Date.** This ordinance is effective upon final passage and approval.

**Section 7. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by Chapter 551 of the Texas Local Government Code.

**PASSED AND APPROVED** on First Reading this 12<sup>th</sup> day of March, 2019.

**FINALLY PASSED AND APPROVED** on this 26<sup>th</sup> day of March, 2019.

**CITY OF BURNET, TEXAS**

  
Crista Goble Bromley, Mayor

**ATTEST:**

  
Kelly Dix, City Secretary



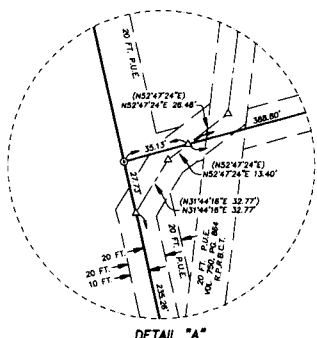
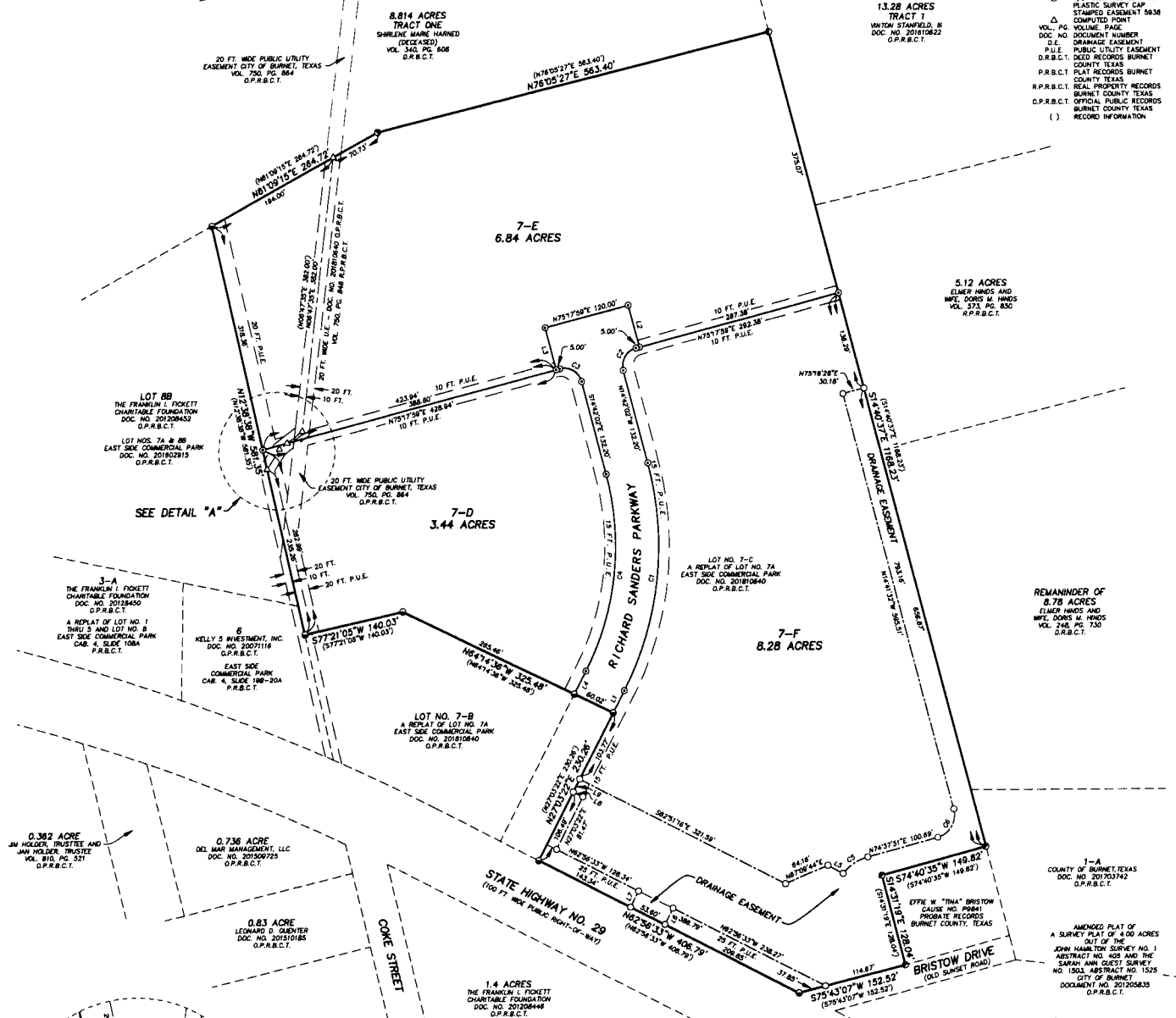
# Exhibit "A"

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	41°43'24"	443.00'	324.31'	N88°10'40"E	372.18'
C2	50°00'00"	25.00'	39.27'	N30°17'59"E	35.36'
C3	50°00'00"	25.00'	39.27'	S59°42'01"E	35.36'
C4	41°43'24"	385.00'	280.58'	S08°10'40"W	274.42'
C5	38°27'29"	66.00'	42.00'	N56°24'08"E	41.29'
C6	89°18'23"	32.00'	46.89'	N29°58'09"E	44.89'

LINE	BEARING	DISTANCE
L1	N27°03'22"E	34.15'
L2	N14°42'02"W	60.00'
L3	S14°42'02"E	60.00'
L4	S27°03'22"W	35.51'
L5	S61°20'22"E	24.01'
L6	S27°03'22"W	25.00'
L7	N27°03'22"E	25.00'
L8	N82°51'18"W	15.00'
L9	N27°03'22"E	20.00'



- LEGEND:**
- 1/2" IRON ROD FOUND WITH PLASTIC SURVEY CAP STAMPED SURIN
  - 1/2" IRON ROD FOUND WITH PLASTIC SURVEY CAP STAMPED IRIS 1877
  - 1" IRON ROD FOUND WITH PLASTIC SURVEY CAP STAMPED SURIN
  - 1/2" IRON ROD SET WITH PLASTIC SURVEY CAP STAMPED SURIN
  - 1/2" IRON ROD SET WITH PLASTIC SURVEY CAP STAMPED CASBENT 5838 COMPUTED POINT
  - △ VOL. PG. VOLUME PAGE
  - DOC. NO. DOCUMENT NUMBER
  - D.E. DRAINAGE EASEMENT
  - P.U.E. PUBLIC UTILITY EASEMENT
  - D.R.B.C.T. DEED RECORDS BURNET COUNTY TEXAS
  - P.R.B.C.T. PLAT RECORDS BURNET COUNTY TEXAS
  - R.P.R.C.T. REAL PROPERTY RECORDS BURNET COUNTY TEXAS
  - O.P.R.B.C.T. OFFICIAL PUBLIC RECORDS BURNET COUNTY TEXAS
  - ( ) RECORD INFORMATION



LOT NO.	PROPERTY OWNERS
4.83 AC.	CITY OF BURNET, TEXAS
17	WEATHER NICHOLE JONES-GATES - 1301 E. JOHNSON ST. BURNET, TX 78611 DOCUMENT NO. 201005335 O.P.R.B.C.T.
18	VICTOR LYNN & MATTIE CULVER - PO BOX 155 BURNET, TX 78611 DOCUMENT NO. 201106049 O.P.R.B.C.T.
19	ELLEN C. TRALEY - 1305 E. JOHNSON ST. BURNET, TX 78611 VOLUME 1286, PAGE 201 O.P.R.B.C.T.
20	PATRICIA ALBRIGHT MOLINA - 1307 E. JOHNSON ST. BURNET, TX 78611 DOCUMENT NO. 201807719 O.P.R.B.C.T.
21	MATTHEW L. GAY - PO BOX 816 BURNET, TX 78611 DOCUMENT NO. 201307805 O.P.R.B.C.T.
22	DAVID LEE & KERRI ANN JONES - 1403 E. JOHNSON ST. BURNET, TX 78611 VOLUME 1315, PAGE 798 O.P.R.B.C.T.
23	SHIRLEY ROBERTSON - 1405 E. JOHNSON ST. BURNET, TX 78611 DOCUMENT NO. 201504218 O.P.R.B.C.T.
24	JAMES A. & MELANIE L. YOUNGER - PO BOX 127 BURNET, TX 78611 VOLUME 1278, PAGE 840 O.P.R.B.C.T.
25	KATHLEEN W. GRIMES - 1503 E. JOHNSON ST. BURNET, TX 78611 VOLUME 1289, PAGE 170 O.P.R.B.C.T.
26	GERALD & DIANNA L. WOLFF - 1505 E. JOHNSON ST. BURNET, TX 78611 DOCUMENT NO. 201810023 O.P.R.B.C.T.

PROJECT NO. 181153  
 PREPARED FOR: THE CITY OF BURNET, TEXAS  
 TECH: B. BURTON  
 APPROVED: DANNY STARK  
 FIELD WORK DATE: 1/11/19  
 PROFESSIONAL FIRM NO. 10124800

1500 OLLIE LANE  
 MARBLE FALLS, TX 78654  
 979.525.5887 FAX 979.504.8115  
 WWW.CTMFNASSOCIATES.COM



SCALE 1" = 100'  
 DATE NO. DESCRIPTION  
 REVISIONS

DATE	NO.	DESCRIPTION
	1	
	2	

2 OF 2 SHEETS  
 A REPLAT OF LOT NO. 7-C  
 EAST SIDE COMMERCIAL PARK  
 19.41 ACRES  
 CITY OF BURNET  
 BURNET COUNTY, TEXAS

Exhibit “B”

East Side Commercial  
Planned Unit Development  
Number One

March 26, 2019

**TABLE OF CONTENTS**

**1. GENERAL PROVISIONS**

1.1 Title ..... 2

1.2 Subject Property ..... 2

1.3 Purpose and Intent ..... 2

1.4 Applicability of City of Burnet Code of Ordinances ..... 2

1.5 Modifications to PUD Document ..... 3

1.6 Definitions ..... 3

**2. DEVELOPMENT PLAN**

2.1 Permitted Uses ..... 3

2.2 Use Specific Standards ..... 6

**3. SITE DESIGN STANDARDS**

3.1 General Standards ..... 6

3.2 Parking ..... 7

3.3 Landscaping ..... 7

3.4 Signage ..... 8

3.5 Site Design ..... 8

## **1. GENERAL PROVISIONS**

### **1.1 Title**

This document shall be known as the “East Side Commercial Planned Unit Development Number One,” and may be referenced herein as “the PUD.”

### **1.2 Subject Property**

This PUD document shall be applicable to approximately 6.84 acres of land legally described as Lot 7-E of the replat of Lot No. 7-C East Side Commercial Park (“the Property”), and being referenced as “Exhibit A” of this ordinance. This PUD document shall be applicable to any future subdivisions of the Property.

### **1.3 Purpose and Intent**

This PUD is intended to allow for flexibility with regard to land use, while also ensuring that adjacent properties are not negatively impacted by development of the Property. This PUD accommodates development with a mixture of uses, and provides for a degree of flexibility in the application of site design standards. This document is generally based upon the existing zoning regulations for the City of Burnet, as outlined in Chapter 118 of the City of Burnet Code of Ordinances.

This ordinance is enacted to promote the following:

1. Orderly land use, while providing for a mixture of commercial and light industrial land uses;
2. Good planning practice and site design;
3. Attractive, high-quality development; and
4. Buffering between the Property and nearby residentially zoned areas to the north.

### **1.4 Applicability of City of Burnet Code of Ordinances**

The Property shall be developed and used in accordance with the development and use regulations of the "C-3"(Heavy Commercial) zoning district as set forth in Chapter 118 of the City of Burnet Code of Ordinances, except as supplemented or modified by this PUD document. All aspects of development which are not specifically covered in this PUD shall be governed by the applicable sections of the City of Burnet Code of Ordinances, as may be amended from time to time. In those cases where in conflict, the PUD standards shall control and supersede.

## 1.5 Modifications to PUD Document

- A. *Minor Modifications.* Technical, site planning, or engineering considerations that meet the intent of this PUD may call for minor deviations from the approved PUD. The City Manager or his or her designee may approve minor deviations if they do not substantially or adversely change the intent of the PUD. Such modifications shall be done in writing and shall be filed with the City Secretary's office.
- B. *Substantial Modifications.* All PUD modifications not permitted under Subsection A above shall be resubmitted following the same procedures required for approval of the original PUD ordinance. A request for an amendment to the PUD Ordinance shall not subject the entire application to public hearing, but only that portion necessary to rule on the specific issue requiring relief.

## 1.6 Definitions

For the purpose of this PUD, certain terms, phrases, words and their derivatives shall be construed as defined in the City of Burnet Code of Ordinances. Where terms are not defined, they shall have their ordinarily accepted meanings within the context in which they are used.

## 2. DEVELOPMENT PLAN

### 2.1 Permitted Uses

Permitted uses within the PUD shall include the uses outlined below, as well as all permitted uses within the "C-3"(Heavy Commercial) zoning district, and any other uses determined by the City Manager or his or her designee to be consistent with the types of uses outlined below.

*Assembly and Light Manufacturing.* Manufacturing, assembly, and packaging of products from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes manufacturing and assembly of: textiles, apparel, clothing, draperies, and bedding; leather, wood, and paper products; candles and soap; household appliances and furniture; sporting and athletic equipment; medical or musical instruments; computers and computer components; brick and tile; office equipment and supplies; personal cosmetics; chemicals; plastic and rubber products; tobacco products; fabricated metal products; sheet metal fabrication; and the like.

*Audio/Video Production Facilities.* Establishments providing audio visual services including motion picture or video production facilities; soundstages and recording

studios; lighting, camera, and sound equipment sales, repairs, or rentals; and the like.

*Auto Repair and Vehicle Service.* Establishments engaged in the repair of automobiles, trucks, motorcycles, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment, parts, lubricants, and accessories. This classification includes quick-service oil changes, tune-ups, brake and muffler shops, engine repair, tire sales and installation, upholstery shops, body and fender work, vehicle painting, towing or repair, but excludes vehicle dismantling or salvaging and tire re-treading or recapping.

*Building and Construction Materials Sales and Services.* Retailing, wholesaling, or rental of building supplies or construction equipment. This classification includes lumber yards, contractors' yards, tool and equipment sales or rental establishments, building contractors' offices, and retail sales of paint and hardware.

*Business Services.* Establishments providing building maintenance, document delivery, mail receiving and boxes, graphic arts, drafting, blueprinting, typesetting, copying, desktop publishing, photographic services, and the like.

*Catering Businesses.* Preparation and delivery of food and beverages for offsite consumption without provision for onsite pickup or consumption.

*Cleaning and Laundry Services.* Establishments providing commercial cleaning services. This classification includes laundromats, dry cleaners, pressing, dye shops, carpet cleaning, and the like.

*Commercial Laboratory.* Medical or dental laboratory services or photographic, analytical, or testing services.

*Food Processing and Distribution.* Facilities engaged in commercial food and beverage processing, packaging, warehousing, wholesaling, or distribution. This classification includes general food processing, dehydrating, commercial bakeries, beverage bottling, frozen food lockers, and the like.

*Large Item Sales and Rental.* Facilities for the sale, rental, lease, or outdoor display of large items, vehicles, and equipment. This classification includes automobiles, heavy equipment or machinery, vans, light trucks, trailers, golf carts, motor cycles, dirt bikes, boats, kayaks, canoes, rowboats recreational vehicles, motor homes, all-terrain vehicles, dune buggies, four-wheelers, home spas, hot tubs, small portable buildings, gazebos, pottery, statues, fountains, and similar items displayed or stored indoors or outdoors.

*Maintenance and Repair Services.* Establishments providing repair services for personal or household goods, such as household appliances, computers, televisions,



audio or video equipment, office machines, furniture, home and garden equipment, footwear, leather goods, or building maintenance services.

*Nurseries and Garden Supply Stores.* Establishments engaged in the retail sale or wholesale of plants, or the sale or rental of garden and landscape materials and equipment. This classification includes greenhouses, grow houses, landscaping facilities, nurseries, florists, and the like.

*Personal Instructional Services.* Establishments providing personal instructional services. This classification includes photography, fine arts, dance or music studios, driving schools, diet centers, martial arts, yoga and fitness studios.

*Personal Services.* Establishments providing services of a personal nature. This classification includes barber shops, beauty shops, nail salons, tanning salons, massage parlors, shoe repair, furniture upholstery, dry cleaners, seamstresses, dressmakers, tailors, and the like.

*Printing and Publishing.* Establishments engaged in commercial printing and publishing operations. This classification includes printing presses, newspaper publishing, book binding, and the like.

*Professional Services.* Establishments providing services of a professional nature. This classification includes offices for lawyers, accountants, insurance sales, financial services, architecture, interior design, real estate services, consulting services, and the like. This classification also includes clinics and offices for physicians, dentists, ophthalmologists, orthodontists, chiropractors, acupuncture, and the like.

*Recycling Collection.* A facility for the deposit of recyclable materials. Recyclable materials are not processed in the facility, except for sorting and batching.

*Research and Development.* Establishments primarily engaged in industrial or scientific research, product development, and controlled production of high technology electronic, industrial or scientific products or commodities for sale. This classification includes biotechnology firms, research laboratories, testing facilities, and manufacturers of nontoxic computer components.

*Retail Sales.* Establishments engaged in sales of goods, including, but not limited to: furniture and home furnishings; electronics and appliances; clothing, shoes, and jewelry; luggage and leather goods; sporting goods and equipment; audio or video equipment; books, periodicals and music; tobacco sales; automobile parts, lubricants, and accessories; flowers and plants; building and construction supplies; propane sales; and miscellaneous goods, such as office supplies, stationary, gifts, novelties, etc. This classification includes the retail sale or rental of merchandise not specifically listed under another use classification.

*Self-Storage.* Establishments offering facilities for personal property storage, including mini-warehouses.

*Trade Shops.* Establishments providing tradesman services. This classification includes carpentry shops, machine shops, commercial painting establishments, sign shops, plumbers, electricians, air conditioning and hearing repair establishments, welding, tinsmith shops, small appliance repair, bicycle repair, and the like.

*Warehousing and Distribution.* Storage of manufactured products and commercial goods for distribution to wholesale or retail outlets.

## **2.2 Use Specific Standards**

- A. *Outdoor Storage.* Outdoor storage areas that are accessory, incidental, and subordinate to the principal use may be located outside an enclosed building, provided that such storage is enclosed by an opaque screening fence or wall at least six (6) feet in height, and is not located between the building and the street property line.
- B. *Indoor Uses.* All permitted manufacturing activities, as well as any painting, sandblasting, welding, or other similar activities shall be conducted primarily within an enclosed building. Incidental outdoor uses shall be conducted within an area that is improved with concrete, asphalt pavement or other all-weather surface, and that is screened or fenced as specified above.
- C. *Nuisances.* No land use within the PUD, including temporary or incidental uses, shall produce or create external noise, dust, vibration, odor, smoke, fumes, excessive light, or other similar nuisances such that an undesirable or objectionable condition is created to affect adjacent property.

## **3. SITE DESIGN STANDARDS**

### **3.1 General Standards**

- A. *Conformance with Heavy Commercial Zoning District.* All development within the PUD shall conform to the site development standards for the "C-3" (Heavy Commercial) zoning district found in Sec. 118-20 of the City of Burnet Code of Ordinances, as amended. This includes, but is not limited to, standards pertaining to minimum lot area, lot width, lot depth, building setbacks, and lot coverage.
- B. *Common Stormwater Management Facilities.* Multiple lots under single or separate ownership that make use of common detention and water quality facilities may be developed in such a manner that results in an aggregate

impervious cover not exceeding eighty percent (80%) of the Property, provided that covenants, conditions, and restrictions governing the development rights and responsibilities for stormwater management are approved by the City Manager, or his or her designee, and recorded in the Office of Burnet County Deed Records. No site development plan shall be approved for any lot subject to such agreement and no building permit shall be issued on such a lot until said covenants, conditions, and restrictions have been recorded.

### **3.2 Parking**

A. Parking spaces within the PUD shall be provided as follows:

1. One space for each 250 square feet of gross floor area for office uses, personal service shops, retail establishments, and similar uses catering to the general public.
2. One space per 1,000 square feet of gross floor area warehouses, manufacturing facilities, and other similar heavy commercial or light industrial establishments not catering to the general public.
3. Parking requirements for buildings containing multiple uses shall be calculated based on the gross floor area of each use.

B. Minimum parking requirements may be achieved through shared parking agreements, as approved by the City Manager or his or her designee.

### **3.3 Landscaping**

- A. A minimum of ten percent (10%) of the area within the PUD shall be devoted to landscape development. For every six hundred (600) square feet of landscape area required, three (3) trees, or two (2) trees and four (4) shrubs, shall be planted. Trees must have a minimum two (2) inch caliper trunk at time of planting.
- B. In addition to the landscaping requirements above, a ten (10) foot wide landscape buffer shall be provided along the entire northern boundary of the Property. Such buffer shall, at minimum, consist of one (1) tree for each twenty-five (25) linear feet of property line to be buffered.
- C. To reduce the thermal impact of unshaded parking lots, additional trees shall be planted, if necessary, so that no parking space is more than fifty (50) feet away from the trunk of a tree.

- D. An automatic sprinkler system shall be incorporated into all required landscape areas, with the exception of xeriscape areas installed in accordance with a City approved landscape plan.

### **3.4 Signage**

- A. Each building within the PUD shall be entitled to one (1) monument sign not to exceed four (4) feet in height and five (5) feet in width. All such monument signs shall be located within thirty (30) feet of the building entrance, and shall comply with all building setback requirements.
- B. One multi-tenant directional monument sign of not more than six (6) feet in height and fifty (50) square feet in area may be permitted at the front of the Property adjacent to Richard Sanders Parkway. Signage on any such multi-tenant directional monument sign shall be limited to those businesses located within the boundaries of this PUD. In the event the Property is subdivided into smaller lots, such directional monument sign may include businesses that are located on a separate lot within the PUD. A business, making use of a monument sign shall not be precluded from also sharing in the use of such common multi-tenant directional monument sign.

### **3.5 Site Design**

- A. *Dumpster Enclosures.* All dumpsters within the PUD shall be fully enclosed by a six (6) foot tall masonry or metal screening wall.
- B. *Outdoor Lighting.* All outdoor site lighting, including parking lot, security, and accent lighting, shall be fully shielded to direct the light downward in order to minimize light pollution and glare.