



AGENDA ITEM SUMMARY

Agenda Date	January 13, 2026
Requested Action	PUBLIC HEARING AND APPROVE ON FIRST READING ORDINANCE NO. 2026-01; AN ORDINANCE RATIFYING THE ZONING DESIGNATION OF C3 - SICO (COMMUNITY COMMERCIAL WITHIN THE SCENIC INTERSTATE CORRIDOR OVERLAY DISTRICT), OF THE UNIFIED DEVELOPMENT CODE, FOR AN APPROXIMATELY 5.155-ACRE PROPERTY LOCATED ON INTERSTATE 10 WEST, KNOWN AS THE IH-10 "SURPLUS NORTH" TRACT, ADJOINING THE FUTURE BUC-EE'S DEVELOPMENT AT 33375 INTERSTATE 10 WEST; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, TO REFLECT SAID RATIFICATION; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.
Contact Person	Nathan Crane, AICP; Planning Director (830) 248-1528, n crane@boerne-tx.gov
Background Information	<p><u>PROPERTY BACKGROUND:</u></p> <p>The property is 5.155 acres in size and is owned by Buc-ee's LTD. This property is part of a larger approximately 29.8 acres that is owned by Buc-ee's LTD. The property is designated as Auto-Oriented Commercial on the Future Land Use Map.</p> <p>The City entered into a 380 Economic Development Agreement with Buc-ee's LTD., effective August 19, 2016. This property (5.155 acres) was included within the Agreement.</p> <p><u>PROPERTY ZONING HISTORY:</u></p> <p>In 2020, Buc-ee's and TxDOT jointly requested that the land be rezoned to B-2 Highway Commercial, consistent with adjacent Buc-ee's-owned parcels. The Council approved the rezoning to B-2 Highway Commercial on June 23, 2020.</p> <p>In July 2021, the City Council adopted the new Unified Development Code, which included the rezoning of properties throughout the City to ensure consistency with the updated regulations. As part of this action the B-2 District was retired. Furthermore, as outlined in State law, all affected property owners were notified by mail of the proposed</p>

rezoning of their parcel(s) of land and the associated public hearing process.

In mid-2025, Buc-ee's informed the city of its intent to utilize the eastern portion of the 5.155-acre tract for expanded parking. During the review of this request, staff discovered that not only had the parcel erroneously not been reassigned a zoning classification under the Unified Development Code (UDC) adopted in July 2021, but the property owner had not been notified of the rezoning as required by State law. As a result, the property retained its existing B-2 (Highway Commercial) zoning designation.

The UDC adoption did include the adoption of the Scenic Interstate Corridor Overlay District, therefore the property is subject to the regulations of the overlay district.

On July 31, 2025, following consultation with the City Attorney, the Planning Director issued a formal zoning determination. The determination concluded that the most appropriate UDC equivalent to the retired B-2 District was C3 (Community Commercial). As a result, the owner may proceed with platting and construction activities under the assumption that the property is zoned C3. While this determination guides immediate development review, it requires ratification through the public process.

Ratifying a zoning district per State guidelines is the formal process of confirming and validating a property's zoning designation. This ensures that district boundaries, permitted uses, and regulations are consistent with the adopted Unified Development Code and applicable State law. Ratification provides clarity and certainty for property owners, developers, and the public by formally affirming the zoning designation. The ratification process follows the same public procedures as a rezoning.

REQUEST:

1. Ratify the legal determination that the zoning of the property is C3 (Community Commercial).

ANALYSIS:

The City Council should consider the following items in their review. Below is a summary of staff analysis.

1. Whether the C3 District is consistent with the Comprehensive Master Plan.

2. Whether the C3 District aligns with the intent, permitted uses, and development standards of the retired B-2 District.
3. Whether the C3 District is compatible with existing and anticipated future land uses.

Comprehensive Master Plan

- The City's Future Land Use Map designates this property as Auto-Oriented Commercial.
- The Auto-Oriented Commercial land use category is intended for areas that will be developed to support local and regional non-residential businesses that rely on higher traffic volumes (e.g., IH-10 and portions of SH 46). These areas are typically comprised of nonresidential uses of varying lot sizes and intensities and configured in a manner that predominantly serves the automobile.
- The two most common zoning districts along the IH-10 Corridor are: C3 (Community Commercial) and C4 (Regional Commercial).
- The C3 (Community Commercial) District is consistent with the Comprehensive Plan.

Proposed Zoning District

- There are four commercial zoning districts within Boerne:
 - C1 – Neighborhood Commercial
 - C2 – Transitional Commercial
 - C3 – Community Commercial
 - C4 – Regional Commercial
- Using the Auto-Oriented Commercial Future Land Use Category and applicable development regulations, staff reviewed the C2, C3, and C4 districts in comparison to the B-2 district. Based on the purposes, permitted uses, and development standards, the B-2 district is most consistent with the C3 and C4 districts. A summary table of these findings is attached.
- In addition, staff also reviewed the citywide rezoning to determine which zoning districts were used to replace the B-2 District along IH-10. Staff found that the C3 and C4 were the most used Districts to replace the B-2 District. Further, the adjacent Buc-ee's-owned parcels were reassigned to the C3 District.

- As a result of these findings, the proposed zoning district aligns with the Community Commercial (C3) category.

Compatibility with Surrounding Land Uses

- The proposed zoning will be compatible with future developments in this area. The properties on the west and south are zoned C-3 (Community Commercial). Properties on the west across IH-10 are zoned I1 (Storage and Transportation), I2 Light Industrial, and C4 (Regional Commercial).
- The nearest single-family subdivision is approximately 880 feet west of the proposed site.

PLANNING AND ZONING COMMISSION ACTION:

The Planning and Zoning Commission held a public hearing on this item at their [September 8, 2025](#), meeting. The Commission voted 6-1 to table this request for 60 days until the November 3, 2025, meeting. At the [November 3, 2025](#), meeting, following a failed motion to recommend that the base zoning be C-2 Community Commercial, the Commission voted 5-1 to table this item until the December 1, 2025, meeting.

On [December 1, 2025](#), the Planning and Zoning Commission voted 6-0 to recommend **APPROVAL** of ratifying the legal determination that the zoning of the property is C3 (Community Commercial).

FINDINGS:

The proposed ratification meets the following findings:

- The proposed C3 District is consistent with the Comprehensive Master Plan and Future Land Use Map.
- The C3 District aligns with the intent, permitted uses, and development standards of the retired B-2 District.
- The proposed C3 District will result in compatible land use relationships.
- The proposed C3 District was used to replace the retired B2 District on surrounding properties.

RECOMMENDATION:

Staff recommend that the City Council receive the recommendation from the Planning and Zoning Commission, hold a public hearing and determine the appropriate zoning district for the property.

	<p><u>MOTIONS FOR CONSIDERATION:</u></p> <p>The following motions are provided to assist the Commission's decision.</p> <p>I move that the City Council accept the findings and APPROVE the zoning ratification.</p> <p>OR</p> <p>I move that the City Council APPROVE an alternative zoning district for the subject property based on the following findings: (The Council will need to state the reasons for their decision).</p>
Strategic Alignment	B2: Advancing master plan recommendations
Financial Considerations	N/A
Citizen Input/Board Review	<p>Notice of the Planning Commission hearing of September 8th was published in the Boerne Star on August 24, 2025. Letters were mailed out to 18 properties (14 unique property owners) within 500 feet on August 20, 2025. A public hearing sign was posted on the subject property on August 21, 2025, to notice the Zoning Ratification request in anticipation of the September 8th P&Z meeting. At that P&Z Meeting, 14 community members spoke to express concern about the Buc-ee's development.</p> <p>One individual outside of the 500 ft. notice area submitted written comments to the case manager in opposition to the request.</p> <p>Notice of the January 13, 2026, City Council meeting was published in the Boerne Star on December 28, 2025. The applicant also updated the public notice sign on December 9, 2025.</p>
Legal Review	This action is needed to meet statutory requirements.
Alternative Options	The City may approve, deny, or approval; approval in part; denial; or denial in part. Each condition or reason for denial must be directly related to the requirements of city regulations and may not be arbitrary.

Supporting Documents	Ordinance No. 2026-01 Public Hearing Notice Aerial Map Future Land Use Map Zoning Map Environmental Constraints Map Public Comments – Written Responses Buc-ee’s 380 Development Agreement Ordinance No. 2020-18 - B-2 Zoning Pre-UDC C3 Zoning Determination Letter Buc-ee’s Project Briefing Commercial Zoning District Comparison
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