



AGENDA ITEM SUMMARY

Agenda Date

June 10, 2025

Requested Action

RECEIVE THE RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION AND APPROVE ON FIRST READING OF ORDINANCE NO. 2025-07; AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2 ZONING MAP, GRANTING A SPECIAL USE PERMIT (SUP) TO ALLOW A DRIVE-THRU IN THE C2 TRANSITIONAL COMMERCIAL ZONING DISTRICT WITHIN THE SOBO – SOUTH BOERNE OVERLAY DISTRICT AT COMMONS AT MENDER CREEK UNIT 11, LOT 11A GENERALLY LOCATED AT THE NORTHEAST CORNER OF GALLANT FOX AND HERFF ROAD; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. *(At the request of Boerne Commons LTD).*

Contact Person

Nathan Crane, Planning Director
(830) 248-1521 ncrane@boerne-tx.gov

Background Information**BACKGROUND:**

The property is one acre in size and is located at the northeast corner of Gallant Fox and Herff Road. It is owned by Boerne Commons, Ltd. The applicant is Mark Santos of LJA Engineering, Inc.

The property is designated Auto-Oriented Commercial on the Future Land Use Map.

The property is located within the city limits, zoned C2 (Transitional Commercial), and falls within the SOBO overlay district (South Boerne).

The SOBO overlay district, as detailed in UDC Chapter 3, Section 3.14, establishes additional use, design, and development standards to promote the unique development of the area. The area is divided into three unique character zones and should include commercial, mixed-use, and residential developments.

A Development Agreement for Commons at Menger Creek was approved by the City Council on March 9, 2009. A Master Development Plan was approved by the Planning and Zoning Commission (Commission) on June

	15, 2017. A revision to the master plan was approved by the Commission on February 12, 2018. The Final Plat for this site, Commons at Menger Unit 11, was approved by the Commission on May 6, 2024, and recorded July 2, 2024. The Commons at Menger is vested to the regulations that were in place as of 2009. Texas Local Government Code Section 245.002(d) states: “Notwithstanding any provision of this chapter to the contrary, a permit holder may take advantage of recorded subdivision plat notes, recorded restrictive covenants required by a regulatory agency, or a change to the laws, rules, regulations, or ordinances of a regulatory agency that enhance or protect the project, including changes that lengthen the effective life of the permit after the date the application for the permit was made, without forfeiting any rights under this chapter.” An accessory drive-thru is allowed in the C-2 zoning district subject to review and approval of a Special Use Permit (SUP) (UDC Chapter 3, Section 3.7). A Boerne Neighborhood Discussion (BND) Meeting was held on April 15, 2025, to gather input from the community. Three community members attended the meeting. REQUEST: 1. The applicant is requesting a Special Use Permit (SUP) to allow an accessory drive-thru to serve a coffeehouse. 2. The site plan includes one multi-tenant building with two suites. The first is a 2,400 square foot suite for the coffeehouse and the second is a 3,900 square foot suite for retail use. 3. The drive-thru includes stacking for eleven vehicles and 36 parking spaces. 4. The hours of operation are 5:00 AM – 9:00 PM seven days a week. ANALYSIS: The City Council must determine whether the proposed use meets the requirements of Section 2.5.D.4 of the UDC (Attachment 7) prior to making a recommendation on the Special Use Permit. The applicant
--	---

bears the responsibility of demonstrating compliance. Below is a summary of staff analysis:

Compatibility and Consistency with Comprehensive Master Plan

- The property is designated as Auto-Oriented Commercial on the Future Land Use Map within the City's Comprehensive Master Plan; this district is intended for commercial developments that rely on higher traffic volumes, serve local and regional areas, and are designed to be auto-oriented. Primary uses include automobile sales/services, brew pubs, convenience stores, daycares, office, retail, and restaurants.
- New developments in this district should have access from arterial roadways or new collectors that are designed for higher traffic volumes. Sites should also be developed with elevated landscaping and incorporate bicycle and pedestrian accessibility. This development will take access from an arterial road (Herff Rd), will exceed minimum landscaping requirements, and have designated bicycle parking.

Compatibility with Zoning District, and UDC

- The proposed accessory drive-thru may be allowed within the C2 zoning district with the approval of a SUP, this allows for an evaluation of compatibility with the surrounding context.
- Surrounding properties are zoned C2 (Transitional Commercial) and R4-L (Low-Density Multi-family Residential); the entire area is within the SOBO overlay district.
- The subject site is located within the SOBO overlay district mixed-use character zone (MU-CZ). This zone is for small to mid-scale commercial development (retail, restaurant, office) uses, mid-scale mixed use buildings, and multi-dwelling structures.

Evaluation of Design, Configuration, and Operation

- The proposed site plan includes one multi-tenant building with two suites. The first is a 2,400 square foot suite for the coffeehouse and the second is a 3,900 S.F. suite for retail use.
- The applicant has submitted plans addressing potential concerns such as visual impacts, noise, and traffic. The landscape plan features large and medium sized trees being planted in the rear of the property and small trees along the drive-thru. This layered vegetated screen appears to mitigate potential impacts of the drive-thru on neighboring properties. The development

will be complying with the Dark Sky Ordinance, ensuring there is no light trespass affecting the rear properties.

Access, Circulation, and Parking

- The site will have one access directly to Herff Rd (an arterial roadway); it will also have cross-access through an ingress-egress easement at the rear of the property. This easement connects through the adjacent properties to Gallant Fox Lane and Belair Stable Road (future development).
- The drive-thru will have stacking for eleven vehicles. The SOBO overlay district has a standard parking requirement of 1 space per 300 SF. Using this ratio, the site requires a minimum of 21 parking spaces including 1 space being ADA compliant. The applicant is proposing 36 parking spaces with 2 ADA spaces. Per the UDC, they are allowed to exceed their minimum parking requirement by 10% without issue but must mitigate any parking spaces over the 10% threshold. They are proposing to do this with a combination of increased landscaping and utilizing a permeable paving system.
- A Peak Hour Traffic (PHT) Generation Worksheet has been reviewed and approved by Engineering and Mobility. The applicant intends to attract a retail use which offsets peak traffic generating times for the coffeehouse to activate the site throughout the day without overburdening the onsite vehicle facilities.

Herff Road Driveway

- The following is a summary of the driveway on Herff Road:
 - Commons at Menger Creek development is vested to the regulations that were in place as of 2009. The regulations at this time did not allow driveway access.
 - In 2018, the Planning and Zoning Commission approved the Master Development Plan for Commons at Menger Creek. The Master Plan included the proposed driveway.
 - In 2022, the UDC modified the access separation standards to include provisions for right-in/right-out driveways specifically on roadways with a raised median. The rules were updated to reflect the current TxDOT standards, which

	in this specific case allowed for access points to be separated by 250’. ○ August 7, 2024, updated construction plans submitted showing the driveway. ○ August 27, 2024, City Council approved an update to the UDC that modified this language to increase the spacing from 250’ to 400’. ○ On April 17, 2025, the public infrastructure plans were approved to include the driveway. ● The Planning and Zoning Commission is recommending a stipulation for a traffic study analyzing the need for a deceleration lane for the driveway to be completed. If the study finds that there is a need, then a deceleration lane would need to be constructed. <u>Environmental Considerations</u> ● The proposed development is expected to maintain approximately 75% impervious cover, below the maximum of 80% allowed by the UDC. ● A landscape plan complies with the SOBO overlay district and UDC. It includes a mix of 31 medium and small trees. ● This property is subject to a LOMR (Letter of Map Revision) and is no longer located with the FEMA floodplain. <u>Utilities</u> ● The recorded plat includes a variable width drainage easement and 30 FT utility easement along Herff Road; these will facilitate drainage and access to water, sewer, and electrical services. The plat also features a 26-foot ingress/egress easement near the rear of the property. CONCLUSION: The request appears to meet the criteria required to grant a SUP listed in Section 2.5.D of the UDC.
--	--

PLANNING AND ZONING COMMISSION ACTION:

The Planning and Zoning Commission considered this request at their June 2, 2025, meeting. The Commission voted 5-2 to recommend approval of the request subject to the following stipulations:

1. The connection to either cul-de-sac to the east or west be established prior to the certificate of occupancy being issued.
2. Hire a third-party consultant (selected by the City) to prepare a traffic study (paid for by the applicant), for both lots 11A +11B, to determine the need for a deceleration lane on Herff Road to the right in, right out access point; the traffic study would assume that the connection to the west was opened but not the connection to the east. If the study determines that there is a need for the deceleration lane it shall be constructed prior to the issuance of a certificate of occupancy.
3. Provide directional signage for individuals to access the drive-thru
4. The landscaping plan and permeable paving system must meet UDC requirements at time of development as determined by the Planning Director.

RECOMMENDATION:

Based on alignment with the Comprehensive Master Plan, compliance with requirements outlined in UDC Sec 2-5.D Special use permits, and the recommendation of the Planning and Zoning Commission, staff recommends that the City Council accept the findings and **APPROVE** the Special Use Permit to allow a drive-thru in the C2 zoning district and SOBO overlay district subject to the four stipulations recommend by the Planning and Zoning Commission.

COUNCIL ACTION:

Upon completion of a public hearing, the Council may: approve; approve with conditions; approve in part; deny; or deny in part the request.

MOTIONS FOR CONSIDERATION:

The following motions are provided to assist the Council's decision.

	I move that the City Council accept the findings and recommend APPROVAL of the request for a Special Use Permit subject to the four stipulations recommended by the Planning and Zoning Commission. OR I move that the City Council DENY the request for a Special Use Permit. (The Council will need to state the reasons for denial, referencing UDC Section 2.5.D of the UDC.)
Strategic Alignment	C1 – Offering quality customer experiences. C3 – Collaborating with community partners to enhance quality of life.
Financial Considerations	N/A
Citizen Input/Board Review	A BND meeting for this request was held on April 15, 2025. Text message notifications were sent to neighbors in a geo-targeted area surrounding the project and three community members attended. Notice of the Planning & Zoning Commission public hearing was published in the Boerne Star on May 18, 2025. Letters were sent to 3 property owners within 500 feet, and public notice was posted on the property on May 18, 2025. No written correspondence was received in response to the request. Notice of the City Council public hearing was published in the Boerne Star on May 25, 2025. A public notice was posted on the property on May 18, 2025. No written correspondence was received in response to the request.
Legal Review	This action is needed to meet statutory requirements.
Alternative Options	The Commission may recommend approval, approval with conditions, extend the review, or disapproval of the SUP.
Supporting Documents	Ordinance No. 2025-07 Public Hearing Notice Aerial Map Future Land Use Map Zoning Map 2018 Approved Project Master Plan Environmental Constraints Project Narrative Site Plan

	UDC Sec. 2-5.D.4 Special Use Permit Approval Criteria
--	---