



AGENDA ITEM SUMMARY

Agenda Date	November 3, 2025
Requested Action	Consideration of a request to ratify the zoning designation of C3 – SICO (Community Commercial within the Scenic Interstate Corridor Overlay District), as determined through legal review of the Unified Development Code, for an approximately 5.155-acre property located on IH-10 West. This tract, known as the IH-10 “Surplus North” tract, adjoins the future Buc-ee’s development at 33375 IH-10 West.
Contact Person	Francesca “Franci” Linder, AICP; Assistant Planning Director (830) 248-1528, flinder@boerne-tx.gov
Background Information	PRIOR REVIEW: 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 until the November 3, 2025, meeting. BACKGROUND: 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 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. On October 27, 2025, City Council authorized City Management to continue negotiating this agreement to strengthen design standards, infrastructure commitments, and community benefits. The property is designated as Auto-Oriented Commercial on the Future Land Use Map. The property was zoned B-2 Highway Commercial on June 23, 2020. 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.

	On 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. 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 the parcel had erroneously not been reassigned a zoning classification under the Unified Development Code (UDC) adopted in July 2021 and, accordingly, 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 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 Planning and Zoning Commission and City Council consider the following items in their review. Below is a summary of staff analysis.
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	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. <u>Comprehensive Master Plan</u> • 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., I-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. <u>Proposed Zoning District</u> • 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
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	most used Districts to replace the B-2 District. Further, the adjacent Buc-ee’s-owned parcels were reassigned the C3 District. • The proposed zoning district aligns with the Community Commercial (C3) category. <u>Compatibility with Surrounding Land Uses</u> • 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. 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: The Planning and Zoning Commission should make a recommendation to the City Council regarding the ratification of the C3 (Community Commercial) District for the subject site. MOTIONS FOR CONSIDERATION: The following motions are provided to assist the Commission’s decision. I move that the Planning and Zoning Commission accept the findings and recommend APPROVAL of the zoning ratification. OR
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	I move that the Planning and Zoning Commission recommend the (alternative zoning district) for the subject property based on the following findings: (The Commission will need to state the reasons for their recommendation).
Strategic Alignment	
Financial Considerations	N/A
Citizen Input/Board Review	A 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. One individual outside of the 500 ft. notice area submitted written comments to the case manager in opposition to the request.
Legal Review	This action is needed to meet statutory requirements.
Alternative Options	The Commission may recommend 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	Attachment #1 - Aerial Map Attachment #2 - Future Land Use Map Attachment #3 - Zoning Map Attachment #4 - Environmental Constraints Map Attachment #5 - Written Responses Attachment #6 - Buc-ee's 380 Development Agreement Attachment #7 - Ordinance No. 2020-18 - B-2 Zoning Pre-UDC Attachment #8 - C3 Zoning Determination Letter Attachment #9 - Buc-ee's Project Briefing Attachment #10 – Commercial Zoning District Comparison