



AGENDA ITEM SUMMARY

Agenda Date	June 2, 2025
Requested Action	Conduct a Public Hearing and consider a request for 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 Common of Menger Unit 11, Lot 11A, generally located near the northeast corner of Gallant Fox and Herff Road.
Contact Person	Francesca Linder, Assistant Planning Director (830) 248-1528 flinder@boerne-tx.gov
Background Information	<p>PRIOR REVIEW:</p> <p>The Planning and Zoning Commission held a public hearing on May 5, 2025, and voted 6-0 to recommend approval of the proposed special use permit subject to the following stipulations:</p> <ol style="list-style-type: none">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.3. Provide directional signage for individuals to access the drive-thru4. The landscaping plan and permeable paving system must meet UDC requirements at time of development as determined by the Planning Director <p>It was later determined that an error in the address used for the public hearing may have caused confusion among the public. To ensure transparency and avoid any potential issues, staff decided it would be prudent to reissue the notice and hold a second public hearing.</p>

	<p>BACKGROUND:</p> <p>The property is located at 84 Herff Road. It is owned by Boerne Commons, Ltd. and the applicant is Mark Santos of LJA Engineering, Inc.</p> <p>The property is designated Auto-Oriented Commercial on the Future Land Use Map.</p> <p>The property is located within the city limits, zoned C2 (Transitional Commercial), and falls within the SOBO overlay district (South Boerne).</p> <p>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.</p> <p>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.</p> <p>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).</p> <p>The Planning and Zoning Commission discussed this proposed development, including the drive-thru and site design, at the March 3, 2025, Commission meeting.</p> <p>A Boerne Neighborhood Discussion (BND) Meeting was held on April 15, 2025, to gather input from the community. Three community members attended the meeting.</p> <p>REQUEST:</p> <ol style="list-style-type: none">1. The applicant is requesting a Special Use Permit (SUP) to allow an accessory drive-thru (coffeehouse).
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	<div data-bbox="641 151 1526 457"><div data-bbox="641 151 1526 231"><p>2. The proposed coffeehouse with the accessory drive-thru is 2,400 S.F. and will have an attached retail space that’s 3,900 S.F.</p></div><div data-bbox="641 268 1526 348"><p>3. The drive-thru includes stacking for 11 vehicles and the site features 36 parking spaces.</p></div><div data-bbox="641 386 1526 457"><p>4. The hours of operation are 5:00 AM – 9:00 PM seven days a week.</p></div></div> <div data-bbox="592 535 730 571"><p>ANALYSIS:</p></div> <div data-bbox="592 613 1526 810"><p>The Planning and Zoning Commission 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:</p></div> <div data-bbox="592 829 1412 865"><p><u><i>Compatibility and Consistency with Comprehensive Master Plan</i></u></p></div> <div data-bbox="641 886 1526 1470"><ul style="list-style-type: none">• 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.</div> <div data-bbox="592 1509 1153 1545"><p><u><i>Compatibility with Zoning District, and UDC</i></u></p></div> <div data-bbox="641 1566 1526 1837"><ul style="list-style-type: none">• 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.</div>
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- 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 design includes 1 multi-tenant building with 2 suites. The first is a 2,400 S.F. suite for the coffeehouse and the second is a 3,900 S.F. suite for retail use. The applicant intends to attract a retail use without offsetting peak traffic generating times then the coffeehouse to activate the site throughout the day without overburdening the onsite vehicle facilities.
- 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 11 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 was submitted, showing 228 Saturday peak trip generation.

Environmental Considerations

	<ul style="list-style-type: none">• 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. <p><u>Utilities</u></p> <ul style="list-style-type: none">• The property plat was recorded on July 2, 2024 and 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 FT ingress/egress easement near the rear of the property. <p>FINDINGS:</p> <ul style="list-style-type: none">• The request to allow a SUP for the drive-thru is consistent with the Comprehensive Master Plan.• The request to allow a SUP for a drive-thru is consistent with the criteria listed in the Unified Development Code 2.5.D. <p>RECOMMENDATION:</p> <p>Based on alignment with the Comprehensive Master Plan and compliance with requirements outlined in UDC Sec 2-5.D Special use permits, staff recommends that the Planning and Zoning Commission accept the findings and recommend APPROVAL of the Special Use Permit to allow a drive-thru in the C2 zoning district and SOBO overlay district subject to the following conditions:</p> <ol style="list-style-type: none">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.3. Provide directional signage for individuals to access the drive-thru
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	<p>4. The landscaping plan and permeable paving system must meet UDC requirements at time of development as determined by the Planning Director</p> <p>MOTIONS FOR CONSIDERATION:</p> <p>The following motions are provided to assist the Commission’s decision.</p> <p>I move that the Planning and Zoning Commission accept the findings and recommend APPROVAL of the request for a Special Use Permit to allow a drive-thru in the C2 zoning district and SOBO overlay district subject to the four stipulations recommended by staff.</p> <p>OR</p> <p>I move that the Planning and Zoning Commission recommend DENIAL of the request for a Special Use Permit to allow a drive-thru in the C2 zoning district and SOBO overlay district. (The Commission will need to state the reasons for denial, referencing specific regulations in the UDC.)</p>
Strategic Alignment	<p>C1 – Offering quality customer experiences.</p> <p>C3 – Collaborating with community partners to enhance quality of life.</p>
Financial Considerations	N/A
Citizen Input/Board Review	<p>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.</p> <p>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 a public notice was posted on the property on May 18, 2025. No written correspondence was received in response to the request.</p>
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	<p>Attachment 1 – Aerial Map</p> <p>Attachment 2 – Future Land Use Map</p> <p>Attachment 3 – Zoning Map</p>

	Attachment 4 – Environmental Constraints Attachment 5 – Project Narrative Attachment 6 – Site Plan Attachment 7 – UDC Sec. 2-5.D.4 Special Use Permit Approval Criteria
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