



AGENDA ITEM SUMMARY

Agenda Date	December 1, 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	Nathan Crane, AICP; Planning Director (830) 248-1528, ncrane@boerne-tx.gov
Background Information	<p>PRIOR REVIEW:</p> <p>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.</p> <p>The Planning and Zoning Commission considered this item 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.</p> <p>BACKGROUND:</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.</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. On October 27, 2025, City Council authorized City Management to continue negotiating the first amendment to this agreement to strengthen design standards, infrastructure commitments, and community benefits.</p> <p>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.</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>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. Furthermore, as outlined in State law, all affected property owners were notified by mail of the proposed rezoning of their parcel(s) of land and the associated public hearing process.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
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FIRST AMENDMENT HIGHLIGHTS:

The original Development Agreement adopted in 2016 included a provision for the parties to enter into a separate agreement to provide for changes relating to utility extensions and other items which staff began drafting in early 2024. As the First Amendment to the Development Agreement moved closer to Council consideration, previous verbal commitments and project enhancements agreed upon by all parties have been memorialized in the document as follows:

- **Utility Changes:** Responsibility for procuring bids and constructing the Sewer Extension and Buc-ee's Way ROW improvements are the responsibility of the Developer with the City reimbursing the cost of the improvements in five equal annual installments. **NOTE:** Originally the City had the responsibility of constructing these improvements. Recent updates to gas and electric relocations were also added.
- **Deletions:** Sections referencing the Supplemental Project, Supplemental Project Economic Development Grant, and Credit Towards City Fees have been deleted.
- **Project Description:** Developer intends to construct a retail development consisting of a Buc-ee's travel center being no more than 54,000 square foot building providing no more than 100 gas and/or diesel fueling positions, serving 100 vehicles, and 26 or more electric charging stations on the property. Within 12 months of opening, the Developer shall create an average, annualized minimum of 200 full-time equivalent jobs at the Project. No tractor-trailer or eighteen-wheeler vehicles shall be permitted to be served at or on the Project, except those vehicles required for delivery and service to the store. **NOTE:** This is an addition of 30 full-time equivalent jobs.
- **Open Space:** Prior to opening the Project to the public, Developer shall dedicate approximately nine (9) acres of open space to the City, the exact acreage and location to be shown on the final plat. The expanse of more than 9 acres of green space (centered on a ravine) dedicated to the City, in addition to another 5 or 6 acres of trees and brush between the fence and the green space is an extraordinary physical barrier.

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| | <ul style="list-style-type: none">• <u>60 Ft. Sign:</u> : Developer shall reduce the height of the planned freestanding sign from the previously permitted seventy-five feet (75') to sixty feet (60') above finished grade per the grading plans as of the date of execution of this Amendment contingent upon: (1) the City's official acceptance of Buc-ee's Way right-of-way by plat, and (2) the inclusion of green exit signs, per TxDOT requirements for guide signs, for Buc-ee's Way at applicable locations in both directions on Interstate 10. The proposed internally illuminated pylon sign meets all our requested details. The sign includes a decorative masonry base, aluminum pole cover and does not exceed 60 ft in total height. Internal illumination will meet their vested sign lighting requirements.• <u>Landscaping:</u> Developer shall provide enhanced landscaping and planting areas that shall incorporate native, drought tolerant plant selections throughout the Property which shall exceed the City's minimum landscaping requirements. Unless utility or drainage conflicts exist, the landscape design should closely represent what was approved by the City of Boerne Design Review Committee during consideration of the creative alternative on 12/9/2021.• <u>Security Fencing:</u> Developer shall install eight-foot security fencing of material complying with City standards along the rear property line of the Property discouraging pedestrian access from Buc-ee's to the city-owned open space along Suggs Creek. An 8 ft. black woven wire fence with a 12 ft. double swing gate is recommended to allow the fence to blend into the hillside and be almost invisible at a distance. <u>NOTE:</u> The City discussed a masonry fence with the Developer, but security and maintenance concerns led to the preference for a see-through fence design.• <u>Site Lighting Plan:</u> Developer shall implement the approved site lighting plan which meets the City's dark sky ordinance referencing the IES Recommended Light Limits Manual for convenience stores with fueling. <u>NOTE:</u> Light poles have been reduced from 27 ft to 20 ft within the property and from 17.5 ft to 10 ft along the perimeter. |
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- **HVAC Condensate Recovery System:** Developer shall install and maintain an HVAC condensate recovery and irrigation system to promote water conservation at the Project, subject to City review authority.
- **Construction Timeline:** Developer shall commence construction of the Project by the date that is later of 18 months from the Amendment Effective Date and 30 days after issuance of all permits required to commence construction of the Project and shall complete construction and open the Project to the public within 36 months of the Commencement Date, subject to *force majeure* provisions.
- **Exhibits:** Updated Exhibits A, B, C, E, G; added Exhibits X, Y, Z

Following completion of the Exhibits, the document may be placed on a Council agenda for final approval.

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.

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-

	<p>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.</p> <ul style="list-style-type: none">• 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. <p><u>Proposed Zoning District</u></p> <ul style="list-style-type: none">• There are four commercial zoning districts within Boerne:<ul style="list-style-type: none">○ 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 the C3 District.• The proposed zoning district aligns with the Community Commercial (C3) category. <p><u>Compatibility with Surrounding Land Uses</u></p> <ul style="list-style-type: none">• 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).
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	<ul style="list-style-type: none"> • The nearest single-family subdivision is approximately 880 feet west of the proposed site. <p>FINDINGS:</p> <p>The proposed ratification meets the following findings:</p> <ul style="list-style-type: none"> • 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. <p>RECOMMENDATION:</p> <p>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.</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 zoning ratification.</p> <p>OR</p> <p>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).</p>
Strategic Alignment	
Financial Considerations	N/A

Citizen Input/Board Review	<p>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.</p> <p>One individual outside of the 500 ft. notice area submitted written comments to the case manager in opposition to the request.</p>
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	<p>Attachment #1 - Aerial Map</p> <p>Attachment #2 - Future Land Use Map</p> <p>Attachment #3 - Zoning Map</p> <p>Attachment #4 - Environmental Constraints Map</p> <p>Attachment #5 - Written Responses</p> <p>Attachment #6 - Buc-ee's 380 Development Agreement</p> <p>Attachment #7 - Ordinance No. 2020-18 - B-2 Zoning Pre-UDC</p> <p>Attachment #8 - C3 Zoning Determination Letter</p> <p>Attachment #9 - Buc-ee's Project Briefing</p> <p>Attachment #10 – Commercial Zoning District Comparison</p>