

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 OF MENDER UNIT 11, LOT 11A, GENERALLY LOCATED NEAR THE NORTHEAST CORNER OF GALLANT FOX AND HERFF ROAD; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE

WHEREAS, under the authority of Chapter 211 of the Texas Local Government Code, the City of Boerne adopts regulations and establishes zoning to control the use of land within the corporate limits of the City; and

WHEREAS, it is the intent of the City Council of the City of Boerne to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City has received an application for a Special Use Permit (SUP) to allow a drive-thru facility within the C2 – Transitional Commercial Zoning District and the SOBO – South Boerne Overlay District, at Commons of Menger Unit 11, Lot 11A, generally located near the northeast corner of Gallant Fox and Herff Road; and

WHEREAS, the Unified Development Code (UDC) requires a Special Use Permit for drive-thru uses in the C2 – Transitional Commercial Zoning District, as outlined in Chapter 3, Section 3.7; and

WHEREAS, the property is located within the South Boerne Overlay District (SOBO), as established in Chapter 3, Section 3.14 of the Unified Development Code (UDC), which provides additional use, design, and development standards to promote the unique development of the area through a mix of commercial, mixed-use, and residential developments; and

WHEREAS, the Planning and Zoning Commission considered the request at its meeting on June 2, 2025, and recommended approval of the Special Use Permit by a vote of 5-2, subject to the following condition: 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; and

WHEREAS, the City Council of the City of Boerne has complied with all requirements of notice of public hearing and such hearing was held on June 10, 2025, at which time interested parties and citizens were given an opportunity to be heard; and

WHEREAS, the City Council finds it in the best interest of the citizens to amend the Zoning Map by granting a Special Use Permit to allow the accessory drive-thru at Commons of Menger Unit 11, Lot 11A, subject to the conditions set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

Section 1.

The foregoing recitals are hereby made a part for all purposes as findings of fact.

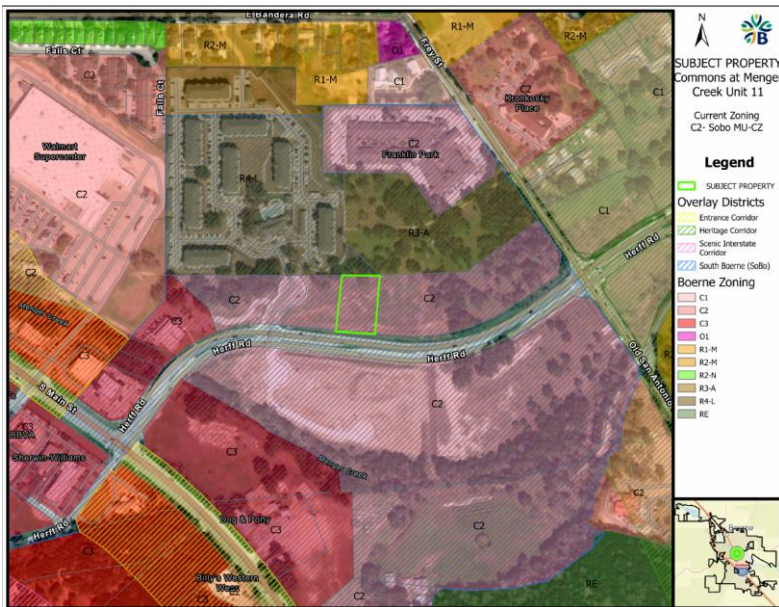
Section 2.

That Chapter 3. Zoning, Section 3.2, Zoning Map, of the City of Boerne Unified Development Code is hereby amended by granting a Special Use Permit to allow a drive-thru at Commons of Menger Unit 11, Lot 11A, located in a C2 – Transitional Commercial Zoning District and SOBO overlay district, subject to the following conditions:

1. Development of the site shall comply with the site plan, landscape plan, and project renderings date stamped June 24, 2025, except as modified by these stipulations.
2. The connection to either cul-de-sac to the east or west shall be established prior to the issuance of a Certificate of Occupancy.
3. A deceleration lane shall be constructed for the driveway on Herff Road prior to the issuance of the Certificate of Occupancy.
4. Provide directional signage for individuals to access the drive-through.
5. The landscaping plan and permeable systems must meet UDC requirements at time of development as determined by the Planning Director.
6. The site shall incorporate systems for both HVAC condensation collection and rainwater harvesting.
7. Enhanced landscaping along Herff Road shall be provided as approved by the Environmental Program Manager.
8. Handicap Parking – An additional two handclapped parking spaces shall be provided on the site.

Section 3.

That the Zoning Maps of the City of Boerne be amended to indicate the previously described change.



Section 4.

That all provisions of the Unified Development Code of the City of Boerne not herein amended or repealed shall remain in full force and effect.

Section 5.

That all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 6.

That if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Section 7.

This ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED on this the first reading the 24 day of June, 2025.

PASSED, APPROVED AND ADOPTED on this the second reading the __ day of _____, 2025.

APPROVED:

ATTEST:

Mayor

City Secretary

APPROVED AS TO FORM:

City Attorney