

## **ORDINANCE NO. 2021-35**

**AN ORDINANCE AMENDING THE 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 FOR A DRIVE-THRU FACILITY TO 7.708 ACRES LOCATED AT 1313 AND 1361 SOUTH MAIN STREET, WAL-MART SHOPPING CENTER BLK 1 LOT 1 AND LOT 2C (KAD NOS. 27528 AND 27529) IN A C3-EC, COMMUNITY COMMERCIAL – ENTRANCE CORRIDOR DISTRICT; 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 Council of the City of Boerne has complied with all requirements of notice of public hearing and such hearing was held on October 26, 2021, at which time interested parties and citizens were given an opportunity to be heard; and

**WHEREAS**, the Planning and Zoning Commission has submitted a recommendation to the City Council regarding this amendment to the Official Zoning Map of the City of Boerne; and

**WHEREAS**, the subject property located at 1313 and 1361 South Main Street is currently zoned C3-EC, Community Commercial – Entrance Corridor District; and

**WHEREAS**, the City has received an application for a special use permit, to allow the Property to have a drive-thru as shown in the site plan attached as “Exhibit A”; and

**WHEREAS**, the Unified Development Code requires a Special Use Permit for the use of all drive-thru’s in the City; 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 for a drive-thru to 7.708 acres located at 1313 and 1361 South Main Street, Wal-Mart Shopping Center Blk 1 Lot 1 and Lot 2C (KAD Nos. 27528 and 27529) in a C3-EC, Community Commercial – Entrance Corridor District.

**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 for a drive-thru, to 7.708 acres located at 1313 and 1361 South Main Street, Wal-Mart Shopping Center Blk 1 Lot 1 and Lot 2C (KAD Nos. 27528 and 27529), as shown in the site plan attached as “Exhibit A”, in a C3-EC, Community Commercial – Entrance Corridor District.

## 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 \_\_\_\_ day of October, 2021.

PASSED, APPROVED AND ADOPTED on this the second reading the \_\_\_\_ day of November, 2021.

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

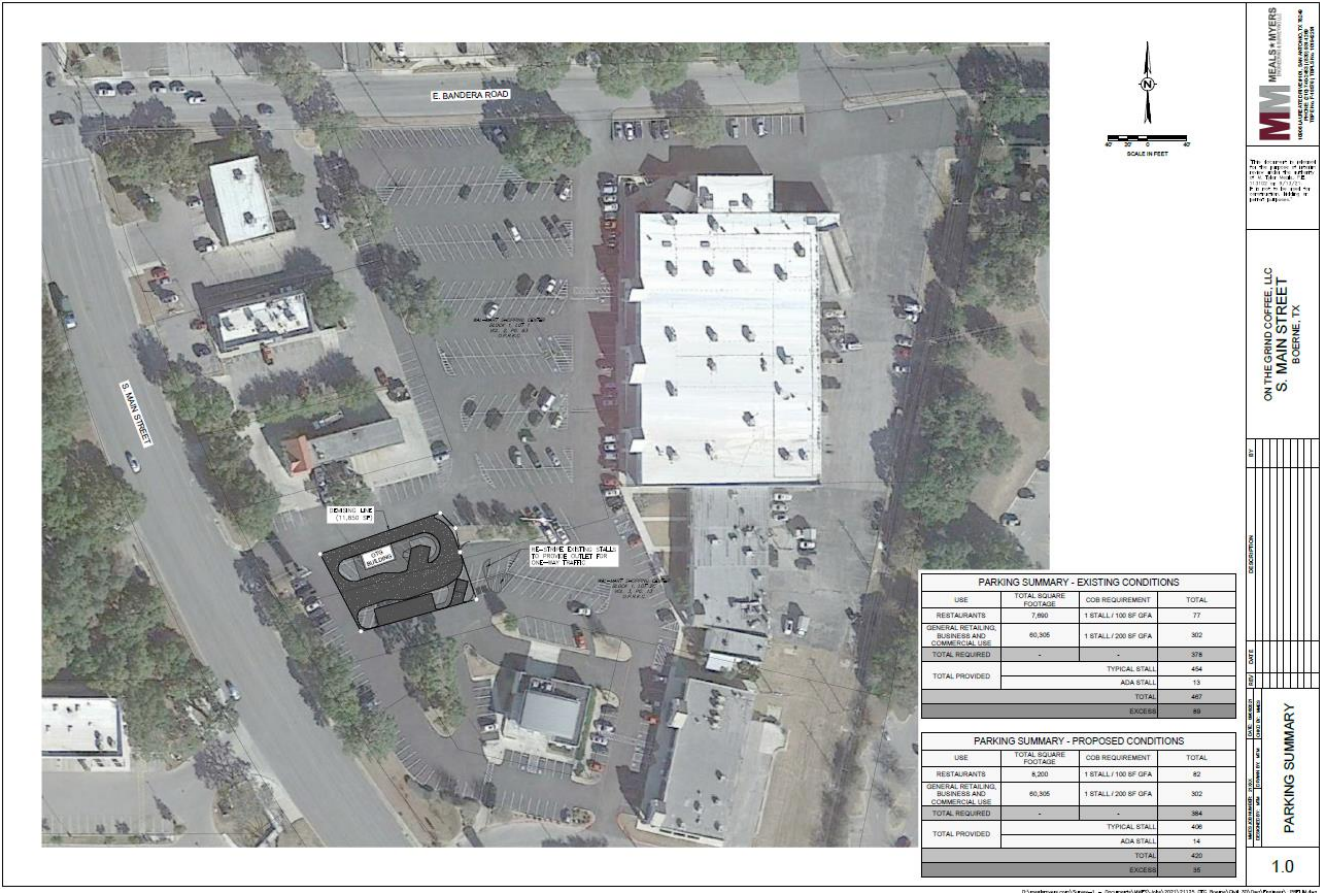
\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Exhibit A

Site Plan



PARKING SUMMARY - EXISTING CONDITIONS			
USE	TOTAL SQUARE FOOTAGE	COB REQUIREMENT	TOTAL
RESTAURANTS	7,890	1 STALL / 100 SF GFA	77
GENERAL RETAILING, BUSINESS AND COMMERCIAL USE	80,306	1 STALL / 200 SF GFA	302
TOTAL REQUIRED	-	-	379
TOTAL PROVIDED	-	TYPICAL STALL	404
		ADA STALL	13
		TOTAL	407
		EXCESS	89

PARKING SUMMARY - PROPOSED CONDITIONS			
USE	TOTAL SQUARE FOOTAGE	COB REQUIREMENT	TOTAL
RESTAURANTS	8,300	1 STALL / 100 SF GFA	82
GENERAL RETAILING, BUSINESS AND COMMERCIAL USE	80,306	1 STALL / 200 SF GFA	302
TOTAL REQUIRED	-	-	384
TOTAL PROVIDED	-	TYPICAL STALL	406
		ADA STALL	14
		TOTAL	420
		EXCESS	36

MEALS + METERS  
COMMERCIAL DEVELOPMENT AND DESIGN, LLC  
10000 N. DALLAS STREET, SUITE 100  
DALLAS, TEXAS 75243  
PHONE: 214.635.1234  
WWW.MEALS+METERS.COM

ON THE GRIND COFFEE, LLC  
S. MAIN STREET  
BOERNE, TX

NO.	DATE	DESCRIPTION	BY
1	10/1/2023	PRELIMINARY	MM
2	10/1/2023	REVISED	MM
3	10/1/2023	REVISED	MM
4	10/1/2023	REVISED	MM
5	10/1/2023	REVISED	MM
6	10/1/2023	REVISED	MM
7	10/1/2023	REVISED	MM
8	10/1/2023	REVISED	MM
9	10/1/2023	REVISED	MM
10	10/1/2023	REVISED	MM
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99	10/1/2023	REVISED	MM
100	10/1/2023	REVISED	MM

PARKING SUMMARY

1.0