



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** December 5, 2023

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 8

**SUBJECT:**

ZONING CASE Z-2023-10700171 ERZD

(Associated Plan Amendment Case PA-2023-11600045 )

**SUMMARY:**

**Current Zoning:** "QD CD UC-1 MLOD-1 MLR-1 AHODERZD" Quarry IH-10/FM 1604 Urban Corridor Overlay Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay Edwards Recharge Zone District with a Conditional Use for Blasting and Asphaltic Concrete and "C-2 UC-1 MLOD-1 MLR-1 AHODERZD" Commercial IH-10/FM 1604 Urban Corridor Overlay Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay Edwards Recharge Zone District

**Requested Zoning:** "ED UC-1 MLOD-1 MLR-1 AHODERZD" Entertainment IH-10/FM 1604 Urban Corridor Overlay Camp Bullis Military Lighting Overlay Military Lighting Region 1 Airport Hazard Overlay Edwards Recharge Zone District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** December 5, 2023

**Case Manager:** Joseph Leos, Zoning Planner

**Property Owner:** Rogers 1604 Commercial, Ltd., by its General Partner, Bitterblue, Inc.

**Applicant:** Rogers 1604 Commercial, Ltd., by its General Partner, Bitterblue, Inc.

**Representative:** Brown & McDonald PLLC

**Location:** Generally located in the 4000 block of West Loop 1604

**Legal Description:** 51.049 acres out of NCB 17700

**Total Acreage:** 51.049 acres

**Notices Mailed**

**Owners of Property within 200 feet:** 27

**Registered Neighborhood Associations within 200 feet:** N/A

**Applicable Agencies:** Military, SAWS

**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 88720, dated October 31, 1998, and zoned "R-1" Temporary Single-Family Residence District. The southern portion of the property was rezoned by Ordinance 88792, dated November 12, 1998, to "QD CC" Quarry with City Council Approval for Blasting And Asphaltic Concrete. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "R-1" Single-Family Residence District and "QD" Quarry were converted to "R-6" Residential Single-Family District and "QD" Quarry District respectively. The northern and eastern portion of the property was rezoned by Ordinance 2011-10-06-0843, dated October 6, 2011, to "C-2" Commercial District.

**Code & Permitting Details:**

There is no code enforcement or permitting history for the subject property.

**Topography:** The property does not include any abnormal physical features such as slope or incursion in a floodplain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "C-2"

**Current Land Uses:** Vacant

**Direction:** East

**Current Base Zoning:** "C-2"

**Current Land Uses:** School

**Direction:** South

**Current Base Zoning:** "C-2"

**Current Land Uses:** Vacant

**Direction:** West

**Current Base Zoning:** "QD S"

**Current Land Uses:** Vacant

**Overlay District Information:**

The "UC-1" IH-10/FM 1604 Urban Corridor overlay was established because there are many roadway corridors which have been and/or will continue to be very significant to the city. The

corridors are important because they have shaped the sense of what individual neighborhoods are in their role as historic entrances to the city. Other corridors are significant because they serve as gateways to the city or because of surrounding natural, historic, cultural, and aesthetic areas. The establishment of "UC" serves to preserve, enhance, and perpetuate the value of specific roadway corridors.

The "MLOD-1" Camp Bullis Military Lighting Overlay District does not restrict permitted uses but does regulate outdoor lighting in an effort to minimize night-time light pollution and its effects on operations at the military installation. The "AHOD" Airport Hazard Overlay District, due to the location of the property and its proximity to an airport or approach path, does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

The "ERZD" Edwards Recharge Zone District does restrict permitted uses, due to the environmentally sensitive nature of the recharge zone. Per Chapter 34 of the City of San Antonio Code of Ordinances, the San Antonio Water System (SAWS) and City of San Antonio departments share regulatory jurisdiction over development within the "ERZD".

**Special District Information:**

The "ED" Entertainment District is a special district which includes a primary use a theme park or destination resort that is developed as a regional tourist entertainment facility.

**Transportation**

**Thoroughfare:** West Loop 1604

**Existing Character:** None

**Proposed Changes:** None Known

**Public Transit:** There is no public transit within walking distance of the subject property.

**Traffic Impact:** A Traffic Impact Worksheet was submitted. Any additional traffic requirements will be reviewed at the build permit phase of the project.

**Parking Information:** The minimum parking requirement for amusement and/or theme park is 1 per 600 sf outdoor recreation area. The maximum parking requirement for amusement and/or theme park is 1 per 500 sf outdoor recreation area.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "QD" Quarry District allows for a quarry and related uses for the extraction of limestone and other raw materials and the processing of those materials into finished projects.

"C-2" Commercial District accommodates community commercial uses, with unlimited building size, and building height limitation of 25 feet. Examples of permitted uses: liquor store, miniature golf and other indoor gaming facilities, small indoor movie theater, pet cemetery, auto & light

truck oil, lube & tune-up, auto glass tinting, tire repair (sale and installation only), gas station, appliance sales & repair, charitable food & clothing banks and dry cleaning. No outdoor storage or display of goods shall be permitted except for outdoor dining.

Proposed Zoning: “ED” Entertainment Districts are zones which include as a primary use a theme park or destination resort that is developed as a regional tourist entertainment facility.

**FISCAL IMPACT:**

None.

**PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:**

Subject property is located within UTSA Regional Center but is not within ½ a mile from the Premium Transit Corridor

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval, pending Plan Amendment.

SAWS recommends no more than 65% impervious cover limitation.

**Criteria for Review: According to Section 35-421, zoning amendments shall be based on approval criteria below.**

1. **Consistency:** The subject property is located within the UTSA Area Regional Center Plan adopted October 3, 2019 and is currently designated as “Urban Mixed Use” in the future land use component of the plan. The requested “ED” base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to “Regional Mixed Use”. Staff recommends Approval. The Planning Commission recommendation is pending the December 13, 2023 hearing.
2. **Adverse Impacts on Neighboring Lands:** Staff does not find evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed use is consistent with the established development pattern of the surrounding area.
3. **Suitability as Presently Zoned:** The existing “QD CD” Quarry District with a Conditional Use for Blasting and Asphaltic Concrete and “C-2” Commercial District are appropriate zoning for the property and surrounding area. The proposed “ED” Entertainment District is also an appropriate zoning for the property and surrounding area. The property is placed and sized to adequately accommodate the proposed development. The applicant is seeking the “ED” Entertainment District to permit a tourist entertainment facility that aligns more with the existing commercial uses along West Loop 1604.
4. **Health, Safety and Welfare:** Staff has not found indication of likely adverse effects on the public health, safety, or welfare.
5. **Public Policy:** The request does not appear to conflict with any public policy objectives. Relevant Goals and Policies of the Comprehensive Plan may include:

- H Goal 2: A variety of housing types (single-family detached, single-family attached, multifamily, as well as ownership and rental opportunities) is available at a variety of price and rent levels.
- JEC Goal 1: Employment is focused in the city's 13 Regional Centers, in site-specific locations in Urban Centers and along mobility corridors, providing easy connectivity for San Antonio's residents and businesses.
- JEC Goal 2: Traditional and targeted growth industries support San Antonio's diversified economy and provide a wide range of job opportunities.

Relevant Goals and Policies of the UTSA Area Regional Center Plan may include:

- Goal 1: Housing: Support diverse, affordable, and abundant housing options with an emphasis on mixed-use development that is safe, comfortable, and attractive for current and future residents of the UTSA Area.
- Goal 4: Recreation: Provide a variety of accessible and connected gathering places, parks, recreation, and entertainment opportunities for all ages.
- Goal 7: Jobs and Economic Development: Support the expansion, development, and retention of an array of businesses, tourism, and entertainment options in order to provide job opportunities and improved quality of life that meets the needs for a growing diverse community.
- Goal 8: Compatibility with Camp Bullis: Promote and encourage compatible land uses in close proximity to Camp Bullis.

- 6. Size of Tract:** The 51.049-acre site is of sufficient size to accommodate the proposed commercial development.
- 7. Other Factors:** The subject property is located within the Camp Bullis Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JB SA was notified of the proposed request. The Military has indicated that there are no objections to this request.

Based on the information provided to SAWS staff, SAWS identifies the subject property as a Category 1 property. SAWS staff recommends approval of the zoning request, provided that the impervious cover shall not exceed 65% on the site. Reference SAWS report dated October 30, 2023.