



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** October 4, 2022

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 9

**SUBJECT:**  
ZONING CASE Z-2022-10700189 CD ERZD

**SUMMARY:**

**Current Zoning:** "C-3 MLOD-1 MLR-1 ERZD" General Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District

**Requested Zoning:** "C-2 CD MLOD-1 MLR-1 ERZD" Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 1 Edwards Recharge Zone District with a Conditional Use Authorization for a Nightclub With Cover Charge 3 or More Days Per Week

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 4, 2022

**Case Manager:** Kellye Sanders, Senior Planner

**Property Owner:** Costa Del Mar, Inc

**Applicant:** Brown & Ortiz, PC

**Representative:** Brown & Ortiz, PC

**Location:** 18326 Tuscany Stone

**Legal Description:** Lot 13, Block 1, NCB 17428

**Total Acreage:** 1.0160

**Notices Mailed****Owners of Property within 200 feet: 9****Registered Neighborhood Associations within 200 feet: N/A****Applicable Agencies: SAWS, Camp Bullis****Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 56134, dated December 21, 1982 and zoned "R-1" Single-Family Residence District. The property was rezoned by Ordinance 56399, dated January 18, 1983 and zoned "B-3" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-3" Business District converted to the current "C-3" General Commercial District.

**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-3****Current Land Uses: Commercial****Direction: South****Current Base Zoning: C-3****Current Land Uses: Commercial****Direction: East****Current Base Zoning: C-3****Current Land Uses: Open Space****Direction: West****Current Base Zoning: C-3****Current Land Uses: Office****Overlay District Information:**

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 "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: N/A**

**Transportation****Thoroughfare:** Tuscany Stone**Existing Character:** Local**Proposed Changes:** None Known**Public Transit:** There is public transit within walking distance.**Routes Served:** 2, 503**Traffic Impact:** The traffic generated by the proposed development does not exceed the threshold requirements. Development generates less than seventy-six (76) PHT Sec. 35-502.

A TIA Report is Not Required.

**Parking Information:** The minimum parking requirement for Alcohol – Bar, Lounge, Tavern, Nightclub or Dance Hall is 1 space per 100sf of Gross Square Footage. The maximum parking limit for Alcohol – Bar, Lounge, Tavern, Nightclub or Dance Hall is 1 space per 75sf of Gross Square Footage.**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: “C-3” General Commercial District is intended to provide for more intensive commercial uses than those located within the NC, C-1 or C-2 zoning districts. C-3 uses are typically characterized as regional shopping centers, power centers, and/or assembly of similar uses into a single complex. There are no building size limitations, and building height is limited to 35 feet. Examples of permitted uses: bar/tavern & nightclub, amusement/theme parks, dance hall, indoor movie theater, auto repair, auto sales, auto glass sales (installation permitted), auto muffler (sales and installation only), hotel, bookbinder, dry cleaning or laundry plant, indoor flea market, home improvement center, body piercing/massage/tattoo parlor. No outdoor storage is permitted. Outdoor operations and display shall be permitted in areas which are screened as provided in 35-510 of the Unified Development Code.

Proposed Zoning: “C-2 CD S” 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.

The “CD” Conditional Use will allow a Nightclub with Cover Charge 3 or More Days per Week.

**FISCAL IMPACT:**

None.

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

Subject property is located within the Stone Oak Regional Center, and not located within ½ a mile from any Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and SAWS recommend Approval.

SAWS recommends 53% 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 North Sector Plan and is currently designated as "Regional Center" in the future land use component of the plan. The requested "C-2" base zoning district is consistent with the future land use designation.
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 "C-3" General Commercial District is an appropriate zoning for the property and surrounding area. The proposed "C-2" Commercial District is also an appropriate and constitutes a downzoning of the property. The proposed "CD" Conditional Use allows the consideration of the continued operation of an existing Nightclub on the property. The property is currently surrounded by other commercial and office uses.
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 of the North Sector Plan.

**Goal ED-1:** Compatible economic development along major transportation routes and existing activity centers that do not interfere with the mission of Camp Bullis.

**Strategy ED-1.3:** Continue to maintain and revitalize the North Sector to retain and expand vibrant retail and commercial uses within the IH-10, IH-35, Loop 410 and Loop 1604 corridors and/or centers

6. **Size of Tract:** The 1.016 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 53% on the site. Reference SAWS report dated August 31, 2022.

The Conditional Use zoning procedure is designed to provide for a land use that is not permitted by the established zoning district, but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions.

The applicant is rezoning to develop a Nightclub with Cover Charge 3 or More Days per Week.