



City of San Antonio

Agenda Memorandum

Agenda Date: October 17, 2023

In Control: Zoning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 7

SUBJECT:

ZONING CASE Z-2023-10700271

(Associated Plan Amendment PA-2023-11600070)

SUMMARY:

Current Zoning: "C-2" Commercial District and "C-3" General Commercial District

Requested Zoning: "C-3" General Commercial District

BACKGROUND INFORMATION:

Zoning Commission Hearing Date: October 17, 2023

Case Manager: Ann Benavidez, Zoning Planner

Property Owner: Silverado SA Realty, LLC

Applicant: John Miller

Representative: John Miller

Location: 11505 West Loop 1604 North

Legal Description: Lot 16, Block 1, NCB 15663

Total Acreage: 10.645 acres

Notices Mailed**Owners of Property within 200 feet:** 14**Registered Neighborhood Associations within 200 feet:** No registered Neighborhood Association within 200'**Applicable Agencies:** Planning Department, Texas Department of Transportation**Property Details**

Property History: The subject property was annexed into the City of San Antonio by Ordinance 79038, dated December 31, 1993, and originally zoned Temporary "R-1" Single-Family Residence District. The property was rezoned by Ordinance 80810, dated September 22, 1994, with the northern portion of the property being rezoned to "B-3" Business District and the southern portion of the property being rezoned to "B-2" Business District. The property was rezoned by the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, converting the "B-3" Business District and "B-2" Business District to the current "C-3" General Commercial District and "C-2" Commercial District respectively.

Code and Permitting details:

REP-MBR-APP23-35010036 (Interior Demolition permit)- September 2023

REP-MBR-APP23-35002614 (Interior Demolition permit)- March 2023

COM-PRJ-APP23-39801154 (Complex Plans to Convert 7 theater auditoriums to family entertainment center)- Under Review

July 16, 2002: Nonconforming use registration to allow the construction of a new movie theater. Use not permitted in the portion of the property zoned "C-2" Commercial District.

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

Adjacent Base Zoning and Land Uses**Direction:** North**Current Base Zoning:** "C-3"**Current Land Uses:** Shopping center**Direction:** South**Current Base Zoning:** "C-3" "C-2 CD"**Current Land Uses:** Shopping center**Direction:** East**Current Base Zoning:** "C-3"**Current Land Uses:** Shopping center**Direction:** West**Current Base Zoning:** OCL**Current Land Uses:** Outside city limits (Residential Dwelling)

Overlay District Information:

No overlay districts.

Special District Information:

No special district information.

Transportation:

Thoroughfare: West Loop 1604 North

Existing Character: Interstate Highway

Proposed Changes: None known

Thoroughfare: Bandera Road

Existing Character: Primary Arterial Type A

Proposed Changes: None known

Public Transit: There are no VIA bus routes in proximity to the subject property.

Routes Served: No routes served.

Traffic Impact: A Traffic Impact Analysis Worksheet was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

Parking Information: The minimum parking requirement for the use “Theater - indoor permitting over 2 screens and/or stages” is 1 parking space per 6 seats. The maximum parking requirement is 1 parking space per 4 seats.

ISSUE:

None.

ALTERNATIVES:

Current Zoning: “C-2” Commercial Districts accommodate 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.

“C-3” General Commercial Districts are 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-3” General Commercial Districts are 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.

FISCAL IMPACT:

None.

PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:

The subject property is not located within a Regional Center or within a ½ mile of a Premium Transit Corridor.

RECOMMENDATION:

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

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 Bandera Road Corridor Plan, adopted in December 2022, and is currently designated as “Urban Mixed Use” in the future land use component of the plan. The requested “C-3” base zoning district is not consistent with the future land use designation. The applicant has requested a Plan Amendment to “Regional Mixed Use”. Staff and Planning Commission recommend Approval.
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 current “C-2” Commercial District and “C-3” General Commercial District are both appropriate for the property and surrounding area. The proposed “C-3” General Commercial District across the entire property is also appropriate. The property is situated at the intersection of an interstate highway and a primary arterial type A, a major intersection that accommodates many high intensity commercial uses. The surrounding area is predominately zoned “C-3” and the change in zoning would provide uniform zoning across the property. Additionally, the change in zoning will bring an existing long time nonconforming business into compliance.
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 Bandera Road Corridor Plan:
 - Focus higher-density uses at intersections of Bandera Road with other roadways and greenways (nodes)
 - Rezone to allow preferred uses by right to the extent that current zoning and the market trends of the corridor are out of step, simply re-zoning land in ways which enable preferred development can incentivize that development.
- 6. Size of Tract:** The subject property is 10.645 acres, which can reasonably accommodate the proposed development.
- 7. Other Factors:** The applicant intends to rezone to “C-3” General Commercial District to allow for renovations to the Santikos Silverado 16 Movie Theater that currently occupies the property.