



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** February 7, 2023

**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-2022-10700283 S ERZD

**SUMMARY:**

**Current Zoning:** "C-3 MLOD-1 MLR-2 ERZD" General Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Aquifer Recharge Zone District

**Requested Zoning:** "C-3 S MLOD-1 MLR-2 ERZD" General Commercial Camp Bullis Military Lighting Overlay Military Lighting Region 2 Edwards Aquifer Recharge Zone District with Specific Use Authorization for a Wireless Communication System

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** February 7, 2023

**Case Manager:** Elizabeth Steward, Zoning Planner

**Property Owner:** One Boerne Tract Ltd c/o Gene Liguori

**Applicant:** Vincent G. Huebinger at Vincent Gerard and Associates

**Representative:** Vincent G. Huebinger at Vincent Gerard and Associates

**Location:** generally located in the 20000 block of North US Highway 281

**Legal Description:** Lot 901, Block 7, NCB 17586

**Total Acreage:** 0.091

**Notices Mailed****Owners of Property within 200 feet:** 8**Registered Neighborhood Associations within 200 feet:** N/A**Applicable Agencies:** Camp Bullis Military Base, San Antonio Water System, Texas Department of Transportation**Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 59768, dated December 30, 1984 and zoned Temporary "R-1" Single-Family Residence District. The property was rezoned by Ordinance 60628, dated May 2, 1985 to "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:** Restaurant**Direction:** South**Current Base Zoning:** C-3**Current Land Uses:** Church**Direction:** East**Current Base Zoning:** C-3**Current Land Uses:** Vacant**Direction:** West**Current Base Zoning:** C-3**Current Land Uses:** Autozone**Overlay District Information:**

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". 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.

**Special District Information:**

N/A

**Transportation**

**Thoroughfare:** US Highway 281 North

**Existing Character:** Highway

**Proposed Changes:** None Known

**Public Transit:** There is public transit within walking distance of the subject property.

**Routes Served:** 999

**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 for a wireless communication system is 1 space per service employee.

**Thoroughfare:** US Highway 281 North

**Existing Character:** Highway

**Proposed Changes:** None Known

**Public Transit:** There is public transit within walking distance of the subject property.

**Routes Served:** 999

**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 for a wireless communication system is 1 space per service employee.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: C-3 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: The "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. The "S" Specific Use Authorization allows for a Wireless Communication System.

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**FISCAL IMPACT:**

None.

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

The subject property is located within the Stone Oak Regional Center but is not located within ½ mile of a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval.

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

1. **Consistency:** The subject property is not located within a Neighborhood, Community, or Sector Plan therefore a finding of consistency is based on existing and surrounding zoning and uses.
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-3 S" General Commercial District with Specific use Authorization for a Wireless Communication System is also an appropriate use, and the small pad site allows the use of a wireless communication system or cell phone tower. The proposed "C-3 S" allows only the uses currently allowed as well as the one additional use of equal intensity that is restricted to a site plan
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.

- **Goal UTI-1:** Utility policies that support land use policies

- o **UTI-1.1:** Promote long-term coordination between service providers, the development community and government entities regarding land use planning and utility easements

**6. Size of Tract:** The 0.091 acre site is of sufficient size to accommodate the proposed utility development.

**7. Other Factors** The applicant intends to construct a cellphone tower.

The subject property is located within the Camp Bullis Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JBSA 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 55% on the site. Reference SAWS report dated January 19, 2023.

The Specific Use Authorization in this case is a requirement of the Code for properties within the Edwards Recharge Zone District, which allows San Antonio Water System (SAWS) to examine the proposed use of the property and its conformity with SAWS requirements.