



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-1648

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 3/2/2017

**Title:** ZONING CASE # Z2017044 CD (Council District 8): An Ordinance amending the Zoning District Boundary from "C-2 MLOD" Commercial Camp Bullis Military Lighting Overlay District to "C-2 CD MLOD" Commercial Camp Bullis Military Lighting Overlay District with Conditional Use for a Nightclub without cover charge 3 or more days a week on Lot 5, Block 13, NCB 15825, located at 5138 UTSA Boulevard. Staff and Zoning Commission recommend Approval with Conditions.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Site Plan, 2. Z2017044 Location Map, 3. Zoning Commission Minutes, 4. Draft Ordinance, 5. Ordinance 2017-03-02-0140

Date	Ver.	Action By	Action	Result
3/2/2017	1	City Council A Session	Motion to Appr w Cond	Pass

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 8

**SUBJECT:**

Zoning Case Z2017044 CD

**SUMMARY:**

**Current Zoning:** "C-2 MLOD" Commercial Military Lighting Overlay District

**Requested Zoning:** "C-2 CD MLOD" Commercial Military Lighting Overlay District with Conditional Use for a Nightclub without cover charge 3 or more days a week

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** February 7, 2017

**Case Manager:** Oscar Aguilera, Planner

**Property Owner:** Galleria Ventures LTD

**Applicant:** Amin Guindi

**Representative:** Brown and Ortiz, PC.

**Location:** 5138 UTSA Boulevard

**Legal Description:** Lot 5, Block 13, NCB 15825

**Total Acreage:** 3.208

**Notices Mailed**

**Owners of Property within 200 feet:** 10

**Registered Neighborhood Associations within 200 feet:** None

**Applicable Agencies:** None

**Property Details**

**Property History:** The subject property is located within the city limits. The property was originally annexed on September 24, 1964 and zoned as Temporary "R-1" Single-Family Residential District. On August 23, 1973 the property was rezoned to "I-1" Light Industrial District (Ordinance # 42694). Upon the adoption of the 2001 Unified Development Code, the previous based zoning district converted to "I-1" General Industrial. On June 01, 2006 the property was rezoned to "MF-50" Multi-Family District. On August 16, 2007, Ordinance # 200904020258 added "MLOD" Military Lighting Overlay District as a zoning overlay. Finally, Ordinance 2015-06-18-0618 rezoned the property to "C-2" Commercial District on June 18, 2015.

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

**Adjacent Base Zoning and Land Uses**

**Direction:** East and South

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

**Current Land Uses:** New Retail Center

**Direction:** West, North

**Current Base Zoning:** "C-3", MF-18", "MF-50"

**Current Land Uses:** vacant, apartments

**Overlay and Special District Information:** All surrounding properties carry the "MLOD-1" Military Lighting Overlay District, due to their proximity to Camp Bullis. The "MLOD-1" 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.

**Transportation**

**Thoroughfare:** Vance Jackson Road

**Existing Character:** Secondary Arterial Type A 86'

**Proposed Changes:** None known

**Thoroughfare:** UTSA Boulevard

**Existing Character:** Secondary Arterial Type A 86'

**Proposed Changes:** None known

**Public Transit:** None.

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required. The traffic generated by the proposed

development does not exceed the threshold requirements.

**Parking Information:**

**Parking Information:** Bar; Minimum vehicle parking spaces 1 per 100 sf of GSG. Maximum vehicle parking spaces 1 per 75 sf of GSF.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the zoning request will result in the subject property retaining the "C-2" Commercial District.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (10-0) recommend Approval with Conditions.

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

**1. Consistency:**

The property is located within the North Sector Plan and is designated as General Urban Tier land use. The requested "C-2" Commercial District base zoning district is consistent with the adopted land use designation.

**2. Adverse Impacts on Neighboring Lands:**

Staff has found no evidence of likely adverse impacts on surrounding properties.

**3. Suitability as Presently Zoned:**

The applicant requests this zoning change in order to have a nightclub. The requested zoning designation is consistent with the existing development pattern. The property is surrounded by other "C-3" uses and it is within walking proximity to high density residential.

**4. Health, Safety and Welfare:**

Staff has found no 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 objective.

**6. Size of Tract:**

The subject property is 3.208 acres in size, which accommodates the proposed development with adequate space for parking.

**7. Other Factors:**

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 subject property is located within the Camp Bullis Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding between Fort Sam and the City of San Antonio, the Military did not review the request because the property is less than 10 acres in size and does not directly abut the installation.

Staff recommends the following conditions:

1. The nightclub use is restricted to no more than 5000 square feet.
2. Hours of Operations shall not start before 5:00 pm.
3. No outdoor seating, outdoor music or outdoor live entertainment.
4. Fencing adjacent to residential uses.
5. Lighting shall be directed away from residential uses.
6. Food Sales shall comprise of 5% of gross revenue.