



City of San Antonio

Agenda Memorandum

File Number:15-5869

Agenda Item Number:

Agenda Date: 11/16/2015

In Control: Board of Adjustment

Case Number: A-16-009
Applicant: Top Golf USA San Antonio LLC
Owner: Top Golf USA San Antonio LLC
Council District: 8
Location: 5539 N. Loop 1604 W
Legal Description: Lot 7, Block 6, NCB 14747
Zoning: "MPCD GC-1 MLOD AHOD ERZD" Master Planned Community Hill Country Gateway Corridor Military Lighting Overlay Airport Hazard Overlay Edwards Aquifer Recharge District
Case Manager: Margaret Pahl AICP, Senior Planner

Request

A request for special exception to alter certain standards of the Military Lighting Overlay District, as described in Section 35-339.04, to allow extended hours of illumination until 2:00 am on January 1 of every year.

Executive Summary

The applicant has recently opened a golf entertainment complex, the seventh in the State. The business plan relies on both day time and evening schedules and includes a restaurant, a lounge, and live entertainment in addition to their open air driving range. The UDC includes standards, detailed in Section 35-339.04, regarding properties designated within the boundaries of the Military Lighting Overlay District. The stated purpose of this overlay is to reduce glare and distractions to night-time military training and to balance the needs of the military, the City and private property owners regarding the responsible use of outdoor lighting in the area. This section also delegates the authority to modify the standards to the Board of Adjustment through a special exception process when a project's design does not meet the strict standards but through alternative methods satisfies the intent.

Section 35-339.04 (b) outlines various performance standards and subsection 6) **Commercial Lighting** details those additional requirements for commercial projects. A detailed lighting plan and the proposed light fixture "cut-sheet" were submitted to determine compliance with the requirements. The proposed golf entertainment facility satisfies each of these standards including:

- All light fixtures have to be full cut-off;
- All trespass lighting shall not exceed 2.5 foot candles at property line;
- Floodlight fixtures must be aimed to prevent light into the open sky.

However, it is in this section where the hours of illumination are restricted for businesses.

With the exception of lighting which is required for security and safety such as parking lot illumination, businesses must turn off outdoor lights emitting illumination levels exceeding two (2) foot-candles (fc) after 11:00 p.m.

The applicant was granted a special exception to extend the hours of illumination until midnight on Sunday through Thursday and 1:00 am on Fridays and Saturdays. They are now requesting that this special exception be modified to include an additional hour of operation for celebration of the New Year.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“MPCD GC-1 MLOD AHOD ERZD” Master Planned Community Hill Country Gateway Corridor Military Lighting Overlay Airport Hazard Overlay Edwards Aquifer Recharge District	Top Golf

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“MPCD GC-1 MLOD AHOD ERZD” Master Planned Community Hill Country Gateway Corridor Military Lighting Overlay Airport Hazard Overlay Edwards Aquifer Recharge District	Vacant
South	“MPCD GC-1 MLOD AHOD ERZD” Master Planned Community Hill Country Gateway Corridor Military Lighting Overlay Airport Hazard Overlay Edwards Aquifer Recharge District	Vacant
East	“MPCD GC-1 MLOD AHOD ERZD” Master Planned Community Hill Country Gateway Corridor Military Lighting Overlay Airport Hazard Overlay Edwards Aquifer Recharge District	Vacant
West	“C-3 GC-1 MLOD AHOD ERZD” General Commercial Hill Country Gateway Corridor Military Lighting Overlay Airport Hazard Overlay Edwards Aquifer Recharge District	Vacant

Comprehensive Plan Consistency/Neighborhood Association

The subject property is located within the North Sector Plan area and identified as Regional Commercial in the future land use component of the Plan. There is no neighborhood association registered in this area. Camp Bullis and Joint Base San Antonio were notified of this application by both the applicant and the City, according to our notification agreement. They indicated that they had no concerns about the requested

modification of the MLOD standards.

Criteria for Review

According to Section 482(h) of the Unified Development Code, in order for a special exception to be granted, the Board of Adjustment must find that the request meets each of the following conditions (in addition to the requirements of Section 35-339.04):

1. *The special exception will be in harmony with the spirit and purpose of the chapter:*

The applicant has selected a light fixture with a very specific directional control, widely used for sports applications. The fixture has no light trespass beyond the property line. **Because the lighting complies with the other performance standards of the overlay district, and the reviewers at Camp Bullis have no concerns, modifying the special exception for one day each year will be in harmony with the spirit and purpose of the section.**

2. *The public welfare and convenience will be substantially served:*

The applicant has shortened their typical hours of operation in order to accommodate the goals of the MLOD. They have incorporated every other mitigation measure available to honor the overlay district intent.

3. *The neighboring property will not be substantially injured by such proposed use:*

Much of the neighboring commercial property is exempt from the provisions of the overlay district, because it was approved as a master development plan prior to the adoption of the district regulations in December of 2008. **Therefore, modifying the special exception for this annual celebration will not injure neighboring property.**

4. *The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought:*

The essential character of the district is created and reinforced by the Rim Shopping and Entertainment enterprises. The golf facility has enhanced this area as a regional entertainment destination. **It does not appear that modifying of the previously approved special exception for this one annual celebration will alter the essential character of the district.**

5. *The special exception will not weaken the general purpose of the district or the regulations herein established for the specified district:*

The MLOD was adopted to protect and promote Camp Bullis as a premier night time training facility for the military. The most critical components of dark sky initiatives are the type and location of light fixtures, not necessarily the hours of illumination. **With the elimination of light-trespass by using the selected fixtures, aimed in the proposed direction, the extended hours of illumination for an annual celebration will not weaken the purpose of the overlay district.**

Alternative to Applicant's Request

The applicant could close the business at 1:00 am as it does every other weekend.

Staff Recommendation

Staff recommends **APPROVAL of A-16-009** based on the following findings of fact:

1. There will not likely be night time training during the New Year's Eve celebration.