



# City of San Antonio

## Agenda Memorandum

**File Number:**19-7942

---

**Agenda Item Number:** Z-24.

**Agenda Date:** 11/7/2019

**In Control:** City Council A Session

---

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 8

**SUBJECT:**

Zoning Case Z-2019-10700231 CD

**SUMMARY:**

**Current Zoning:** "C-2 GC-1 MLOD-1 MLR-1" Commercial Hill Country Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 1 District

**Requested Zoning:** "C-2 CD GC-1 MLOD-1 MLR-1" Commercial Hill Country Gateway Corridor Camp Bullis Military Lighting Overlay Military Lighting Region 1 District with a Conditional Use for a Theater (Indoor, Permitting Over two (2) screens)

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 15, 2019

**Case Manager:** Patricia Franco, Planner

**Property Owner:** Boerne Stage Crossing Limited Partnership

**Applicant:** Michael Schoenbrun

**Representative:** Brown & Ortiz, P.C. (c/o James McKnight)

**Location:** 24515 IH-10 W

**Legal Description:** 7.879 acres out of NCB 16390

**Total Acreage:** 7.879

**Notices Mailed**

**Owners of Property within 200 feet:** 27

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

**Applicable Agencies:** Texas Department of Transportation

### **Property Details**

**Property History:** The subject property was annexed by Ordinance 94499 on October 11, 2001 and originally zoned "DR" Development Reserve and "R-6" Residential Single-Family District to "C-2" Commercial District (53.6 acres NCB 16390) by Ordinance 96046 on June 27, 2002.

**Topography:** The subject property is not located within the 100-year flood plain.

### **Adjacent Base Zoning and Land Uses**

**Direction:** North

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

**Current Land Uses:** Vacant Lot

**Direction:** East

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

**Current Land Uses:** Vacant

**Direction:** South

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

**Current Land Uses:** Vacant Lot

**Direction:** West

**Current Base Zoning:** "DR"

**Current Land Uses:** Single Family Residences

### **Overlay and Special District Information:**

"MLOD-1"

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:** IH-10

**Existing Character:** Interstate Highway

**Proposed Changes:** None

**Public Transit:** VIA bus routes are not within walking distance of the subject property.

Routes Served: none.

**Traffic Impact:** A Traffic Impact Analysis (TIA) is required. IH-10 is TxDOT ROW; TxDOT review and ROW and access is required.

**Parking Information:** The minimum parking requirement for a Theater (indoor permitting over 2 screens and/or stages) is 1 vehicle space per 6 seats.

**ISSUE:**

None.

## **ALTERNATIVES:**

**Current:** Denial of the requested zoning change would result in the subject property retaining the present zoning district designation of “C-2”. These districts accommodate community commercial uses, with unlimited building size. 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, dry cleaning, and pawn shop. No outdoor storage or display of goods shall be permitted except for outdoor dining.

**Proposed:** The proposed “C-2 CD” Commercial District maintains the current base zone district, while the Conditional Use allows consideration of a Theater.

## **FISCAL IMPACT:**

None.

## **Proximity to Regional Center/Premium Transit Corridor**

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

## **RECOMMENDATION:**

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

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

### **1. Consistency:**

The subject property is located within the North Sector Plan and is currently designated as “Suburban Tier” 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 has not found 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.

### **3. Suitability as Presently Zoned:**

The existing “C-2” Commercial base zoning is an appropriate zoning district for the surrounding area. The added Conditional Use allows for consideration of conditioning down a “C-3” use to a “C-2” district. It also allows, where appropriate, for conditions such as: buffering, fencing, hours of operation and restricted temporary signage.

### **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 proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the North Sector Plan:

Goal LU-6: Development of livable, walkable communities is encouraged

Goal LU-3: Higher density/intensity tiers are recommended adjacent or proximate to activity centers.

### **6. Size of Tract:**

The subject property is approximately 7.879 acres, which would adequately support the requested commercial

use.

**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, JBSA was notified of the proposed request.

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 developing a currently vacant lot for the use of a movie theater with more than 2 movie screens.