



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** November 7, 2023

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 3

**SUBJECT:**  
ZONING CASE Z-2023-10700278 CD S

**SUMMARY:**

**Current Zoning:** "R-5 H RIO-4 MPOD AHOD" Residential Single-Family Mission Historic River Improvement Overlay 4 Mission Protection Overlay Airport Hazard Overlay District and "C-3 H RIO-4 MPOD AHOD" General Commercial Mission Historic River Improvement Overlay 4 Mission Protection Overlay Airport Hazard Overlay District

**Requested Zoning:** "C-1 CD S H RIO-4 MPOD AHOD" Light Commercial Mission Historic River Improvement Overlay 4 Mission Protection Overlay Airport Hazard Overlay District with a Conditional Use for a Convenience Store (With Gasoline) and a Specific Use Authorization for a Convenience Store with Gasoline Filling Station and gas tanks having 50,000 gallons or less total tank capacity within 100-feet of single-family zoning and uses

**BACKGROUND INFORMATION:**

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

**Case Manager:** Kellye Sanders, Planning Coordinator

**Property Owner:** Nizari Ventures LLC

**Applicant:** Prime & Paradigm Construction, LLC

**Representative:** Prime & Paradigm Construction, LLC

**Location:** 703 Mission Road

**Legal Description:** 0.634 acres out of NCB 6917

**Total Acreage:** 0.634

**Notices Mailed**

**Owners of Property within 200 feet:** 22

**Registered Neighborhood Associations within 200 feet:** Roosevelt Park

**Applicable Agencies:** Parks Department, Office of Historic Preservation, and World Heritage Office

**Property Details**

**Property History:** The subject property was located within the original 36 square miles of the City of San Antonio and zoned “B” Residence District and “F” Local Retail District. The property was rezoned by Ordinance 61454, dated September 19, 1985 to Historic “R-5” One Family Residence District, Historic “B-2” Business District, and Historic “B-3” Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned “R-5” One Family Residence District, “B-2” Business District, and “B-3” Business District, converted to the current “R-5” Residential Single-Family District, “C-2” Commercial District, and current “C-3” General Commercial District respectively. The property zoned “C-2” Commercial District was rezoned by Ordinance 2018-08-02-0582, dated August 2, 2018, to the current “R-5” Residential Single-Family District.

**Code & Permitting Details:**

There is no code enforcement or permitting history for the subject property.

**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-2

**Current Land Uses:** Office

**Direction:** South

**Current Base Zoning:** R-5, R-6

**Current Land Uses:** Single-Family Residential, Park Space - Mission Concepcion

**Direction:** East

**Current Base Zoning:** MF-33

**Current Land Uses:** Multi-Family Residential Development

**Direction:** West

**Current Base Zoning:** R-5

**Current Land Uses:** Single-Family Residential

**Overlay District Information:**

The Mission Historic District, is an overlay district which was adopted in February 1977. This district does not regulate use of the property, but does enforce building exterior design standards meant to maintain the architectural character or cultural significance of the designated area. Building plans and permit applications will be subject to review by the Office of Historic Preservation and the Historic and Design Review Commission (HDRC) prior to any permits being issued.

The "RIO-4" River Improvement Overlay District is an overlay district to establish regulations to protect, preserve and enhance the San Antonio River and its improvements by establishing design standards and guidelines.

The Mission Concepcion Mission Protection Overlay District is an overlay district that imposes additional height and design regulations in the vicinity of the historic San Antonio missions.

The "AHOD" Airport Hazard Overlay District, due to the location of the property and its proximity to an airport or approach path, does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

**Special District Information:**

N/A

**Transportation**

**Thoroughfare:** Mission Road

**Existing Character:** Collector

**Proposed Changes:** None known.

**Thoroughfare:** East Mitchell Road

**Existing Character:** Collector

**Proposed Changes:** None known.

**Thoroughfare:** Parkview Drive

**Existing Character:** Collector

**Proposed Changes:** None known.

**Public Transit:** There are VIA bus routes within walking distance of the subject property.

**Routes Served:** 42, 242

**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 Service – Gasoline Filling Station without Repair Service is 1 space per 500 square feet GFA including service bays, wash tunnels and retail areas. The maximum parking requirement for Service – Gasoline Filling Station without

Repair Service is 1 space per 375 square feet GFA including service bays, wash tunnels and retail areas.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: “R-5” Residential Single-Family District permits single-family dwelling (detached) with a minimum lot size of 5,000 square feet and a minimum lot width of 45 feet, foster family home, public and private schools.

“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-1 CD S” Light Commercial Districts accommodate neighborhood commercial uses which depend on a greater volume of vehicular traffic than an NC district. C-1 uses are considered appropriate buffers between residential uses and C-2 and C-3 districts and uses. Building size is limited to 5,000 square feet. Examples of permitted uses: arcade, boarding house, noncommercial athletic field, retail furniture sales, grocery store, nursery (retail – no growing of plants on site permitted), retail office equipment and supply, and retail rug or carpet sales. No outdoor storage or display of goods shall be permitted except for outdoor dining.

The Conditional Use is for a Convenience Store (With Gasoline) and the Specific Use Authorization is for a Convenience Store with Gasoline Filling Station and gas tanks having 50,000 gallons or less total tank capacity within 100-feet of single-family zoning and uses.

**FISCAL IMPACT:**

None.

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

The subject property is located within the Downtown Regional Center and is within a ½ mile of the Rockport Subdivision 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 located within the Downtown Area Regional Center Plan, adopted December 2019, and is currently designated as "Neighborhood Mixed Use" in the future land use component of the plan. The requested "C-1" base zoning district is consistent with the future land use designation.
- 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 "R-5" Residential Single-Family District and "C-3" General Commercial District are appropriate zoning districts for the property and surrounding area. The proposed "C-1 CD S" Light Commercial District with a Conditional Use for a Convenience Store (With Gasoline) and a Specific Use Authorization for a Convenience Store with Gasoline Filling Station and gas tanks having 50,000 gallons or less total tank capacity within 100-feet of single-family zoning and uses is also appropriate. The property accommodates an existing gasoline station, but the owners are wanting to expand the use, and convert the entire property to a consistent zoning district. The proposed base zoning district of light commercial is a downzoning from the existing general commercial, permitting less intense uses which are more suitable within proximity of established single-family residential. Both the "CD" Conditional Use and "S" Specific Use Authorization would hold the development to a site plan, and any deviation could warrant potential Council consideration.
- 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.

Relevant Goals and Policies of the Comprehensive Plan may include:

- JEC Goal 1: Employment is focused in the city's 13 Regional Centers, in site-specific locations in Urban Centers and along mobility corridors, providing easy connectivity for San Antonio's residents and businesses.
- HPCD Goal 6: San Antonio strategically incentivizes reinvestment in and reuse of landmark buildings and districts to protect those historic resources in accordance with established zoning and design guidelines.

Relevant Goals and Strategies of the Downtown Area Regional Center Plan may include:

- Goal 1: Preserve and Enhance Downtown's Authenticity
  - o Preserve and protect the World Heritage designated San Antonio Missions and other historical sites by ensuring compatible growth
- Goal 4: Diversify the Mix of Uses in the Downtown Core
  - o Encourage new and renovated buildings to incorporate a mix of uses
  - o Cultivate entrepreneurship, small business, and innovation

6. **Size of Tract:** The 0.634 acre site is of sufficient size to accommodate the proposed commercial development.
7. **Other Factors:** In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation reviews all demolition applications for any property located within the city limits of San Antonio. Approval of a zoning change does not imply approval of or take the place of such demolition review as directed by the UDC. To date, no application for demolition at this address to accommodate the proposed use has been submitted for review to the Office of Historic Preservation. There are historic age structures present on these properties. A 30-day review period is required for demolition.

This property is designated in the RIO-4 district. Any proposed exterior alterations associated with the proposal will require approval from the Office of Historic Preservation. In accordance with the San Antonio City Unified Development Code, the Office of Historic Preservation reviews all demolition applications for any property located within the city limits of San Antonio. Approval of a site plan or renderings submitted as part of a zoning application does not supersede any requirements for design review outlined in Article VI of the Unified Development Code. To date, no application has been made to the Office of Historic Preservation for this project.

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 rezoning to develop a Convenience Store (With Gasoline).

The purpose of the Specific Use Authorization is to provide for certain uses which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right, but may, under the right set of circumstances and conditions be acceptable in certain specific locations. The applicant is rezoning to develop a Convenience Store with Gasoline Filling Station and gas tanks having 50,000 gallons or less total tank capacity within 100-feet of single-family zoning and uses.

The applicant has submitted a site plan in accordance with the requirements of the code. The site plan indicates commercial uses.