



# City of San Antonio

## Legislation Details (With Text)

**File #:** 21-2490

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 4/15/2021

**Title:** ZONING CASE Z-2021-10700008 CD (Council District 1): Ordinance amending the Zoning District Boundary from "RM-4 CD AHOD" Residential Mixed Airport Hazard Overlay District with a Conditional Use for a Daycare to "RM-4 CD AHOD" Residential Mixed Airport Hazard Overlay District with a Conditional Use for Caterers and Catering Shop (No On-Premises Food Services) on Lot 11, NCB 11690, located at 3838 West Avenue and 3900 West Avenue. Staff and Zoning Commission recommend Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Map, 2. Site Plan, 3. Zoning Minutes, 4. Draft Ordinance, 5. Ordinance 2021-04-15-0251

Date	Ver.	Action By	Action	Result
4/15/2021	1	City Council A Session		

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z-2021-10700008 CD

**SUMMARY:**

**Current Zoning:** from "RM-4 CD AHOD" Residential Mixed Airport Hazard Overlay District with a Conditional Use for a Daycare

**Requested Zoning:** "RM-4 CD AHOD" Residential Mixed Airport Hazard Overlay District with a Conditional Use for Caterers and Catering Shop (No On-Premises Food Services)

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** March 16, 2021

**Case Manager:** Michael Pepe, Planner

**Property Owner:** West Avenue Partners LLC

**Applicant:** West Avenue Partners LLC

**Representative:** Patrick Christensen

**Location:** 3838 West Avenue and 3900 West Avenue

**Legal Description:** Lot 11, NCB 11690

**Total Acreage:** 1.529

**Notices Mailed**

**Owners of Property within 200 feet:** 30

**Registered Neighborhood Associations within 200 feet:** Dellview Neighborhood Association, North Central Neighborhood Association

**Applicable Agencies:** None

**Property Details**

**Property History:** The property was annexed into San Antonio Limits by Ordinance 18115, dated September 25, 1952 as "B". The property was then rezoned from "B" to "B-2" Business District by Ordinance 42341 dated June 14, 1973. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-2" converted to "C-2" Commercial District. The property was then rezoned to "RM-4 CD by Ordinance 2009-10-01-0786

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

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "RM-4"

**Current Land Uses:** Church

**Direction:** South

**Current Base Zoning:** "MF-33"

**Current Land Uses:** Multifamily Housing

**Direction:** East

**Current Base Zoning:** "R-4"

**Current Land Uses:** Single Family Housing

**Direction:** West

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

**Current Land Uses:** School

**Overlay and Special District Information:**

"AHOD"

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

**Transportation**

**Thoroughfare:** West Avenue

**Existing Character:** Secondary Arterial B

**Proposed Changes:** None Known

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

**Route Served:** 97

**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:** The minimum parking requirement for a catering shop is 1 space per 300 square foot of gross floor area.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current:** “RM-4” allows a Single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, accessory dwelling, with a minimum lot size of 4,000 square feet and a minimum lot width of 15 feet, public and private schools. The conditional use allows for a day care center.

**Proposed:** “RM-4” allows a Single-family dwelling (detached, attached or townhouse), two-family dwelling, three-family dwelling, four-family dwelling, row-house or zero-lot line dwelling, accessory dwelling, with a minimum lot size of 4,000 square feet and a minimum lot width of 15 feet, public and private schools. The conditional use would allow for a Catering Shop (No On Premises Food Services) pursuant to a site plan.

**FISCAL IMPACT:**

None.

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

The subject property is not within a regional center nor is it located within the 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 Greater Dellview Area Community Plan and is currently designated as “High Density Residential” in the future land use component of the plan. The requested “RM-4” 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 request allows the limit of potential adverse impacts by maintaining the base zoning district and through application of a site plan.

**3. Suitability as Presently Zoned:**

The current “RM-4 CD” is an appropriate zoning for the property. The requested “RM-4 CD” is also an appropriate zoning for the property and the surrounding area. The requested zoning maintains the base “RM-4” Residential Mixed District but allows a change of Conditional Use from “Daycare” to “Caterer and Catering Shop.” The applicant will still be held 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 proposed rezoning does not appear to conflict with the following goals, principles, and objectives of the Greater Dellview Community Plan:

**Objective 2.4: Small Business Development**

Foster an environment that promotes, encourages and supports small business development

**Objective 3.1: New Development** Address new and proposed developments by engaging developers from the onset of proposed projects

**Objective 3.2: Reuse and Retrofit** Promote and facilitate the revitalization of existing commercial strip centers and sites in the planning area

**6. Size of Tract:**

The subject property is 1.529 acres, which could reasonably accommodate the requested Catering Shop use.

**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 following conditions shall apply to the operation of nonresidential uses permitted within any residential district, unless otherwise approved by the City Council:

- A. There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure.
- B. No construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.
- C. Business hours operation shall not be permitted before 7:00 a.m. or after 6:00 p.m.