



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** March 20, 2025

**In Control:** City Council

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 1

**SUBJECT:**

ZONING CASE Z-2025-10700006

(Associated Plan Amendment Case PA-2025-11600001)

**SUMMARY:**

**Current 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)

**Requested Zoning:** C-2 AHOD" Commercial Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** February 18, 2025

**Case Manager:** Bronte Frere, Zoning Planner

**Property Owner:** 3838 West Avenue, LLC

**Applicant:** 3838 West Avenue, LLC

**Representative:** Brown & McDonald, PLLC

**Location:** 3838 and 3900 West Avenue

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

**Total Acreage:** 1.529 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 36

**Registered Neighborhood Associations within 200 feet:** North Central Neighborhood Association, Dellview Area Neighborhood Association, San Antonio Texas District One Resident Association

**City-Wide Community Organizations:** Women in Film & Television San Antonio, Lifeline Overeaters Anonymous

**Applicable Agencies:** Planning Department

### **Property Details**

**Property History:** The property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952, and zoned "B" Residence District. The property was rezoned by Ordinance 42341, dated June 14, 1973, to "B-2" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "B-2" Business District converted to "C-2" General Commercial District. The property was rezoned by Ordinance 2009-10-01-0786, dated October 1, 2009, to "RM-4 CD" Residential Mixed District with a Conditional Use for Daycare. The property was rezoned by Ordinance 2021-04-15-0251, dated April 15, 2021, to "RM-4 CD" Residential Mixed District with a Conditional Use for Caterers and Catering Shop (No On-Premises Food Services).

### **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 inclusion in a floodplain.

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

**Direction:** North

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

**Current Land Uses:** Single-Family Dwellings, Church

**Direction:** South

**Current Base Zoning:** "MF-33," "R-4"

**Current Land Uses:** Single-Family Dwellings, Apartments

**Direction:** East

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

**Current Land Uses:** Apartments, Single-Family Dwellings

**Direction:** West

**Current Base Zoning:** "C-2," "C-2P," "C-2P CD"

**Current Land Uses:** Self-Storage Facility, Multi-Family Dwellings, Preschool

### **Overlay District Information:**

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:** West Avenue

**Existing Character:** Secondary Arterial Type B

**Proposed Changes:** None known.

**Thoroughfare:** Dresden Drive

**Existing Character:** Local

**Proposed Changes:** None known.

**Thoroughfare:** Wayside Drive

**Existing Character:** Local

**Proposed Changes:** None known.

**Public Transit:** There are VIA bus routes within a ½ mile of the subject property.

**Routes Served:** 97, 296.

**Traffic Impact:** A Traffic Impact Analysis Worksheet was submitted. Any further traffic requirements will be evaluated at the Building Permit phase.

**Parking Information:** The parking requirements for commercial uses can be found at Unified Development Code, Table 526-3b.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: “RM-4 CD” Residential Mixed Districts permit 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 “CD” Conditional Use is for Caterers and Catering Shop (No On-Premises Food Services).

Proposed Zoning: “C-2” Commercial Districts accommodate community commercial uses, with unlimited building size, and building height limitation of 25 feet. 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 and dry cleaning. No outdoor storage or display of goods shall be permitted except for outdoor dining.

**FISCAL IMPACT:**

None.

**PROXIMITY TO CURRENT AND/OR PLANNED REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR AS IDENTIFIED IN THE SA TOMORROW COMPREHENSIVE PLAN:**

Subject property is not located within a Regional Center and is not within ½ a mile from a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission recommend Approval, pending Plan Amendment.

**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 Greater Dellview Area Community Plan, adopted September 2005, and is currently designated as “High-Density Residential” in the future land use component of the plan. The requested “C-2” base zoning district is inconsistent with the future land use designation. The applicant has requested a Plan Amendment to “Community Commercial”. Staff and Planning Commission recommend Approval.
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. Surrounding properties are “R-4” Residential Single-Family District, “MF-33” Multi-Family District, “C-2” Commercial District, and “C-2P” Commercial Pedestrian District.
3. **Suitability as Presently Zoned:** The existing “RM-4 CD” Residential Mixed District with a Conditional Use for Caterers and Catering Shop (No On-Premises Food Services) is an appropriate zoning for the property and surrounding area. The proposed “C-2” Commercial District is also appropriate. The subject property is located across existing commercial zoning districts and is appropriately located along a Secondary Arterial Road, which can accommodate commercial traffic. The request is to better align with the existing use of the property.
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 Greater Dellview Area Community Plan may include:
  - **Goal 2:** Promote the growth and development of local businesses and create attractive and viable commercial environments that draw new customers and diverse businesses.
  - **Goal 3:** Proactively promote best urban planning practices and ensure commercial environments that are clean, safe, attractive, compliant with city codes, and respectful of adjacent neighborhood residential uses.

Relevant Goals and Policies of the SA Tomorrow Comprehensive Plan may include:

- **GCF Goal 5:** Growth and city form support improved livability in existing and future neighborhoods.
- **GCF P6:** Align land uses and infrastructure improvements in regional centers with employment uses and jobs best suited for each center's unique assets.

**6. Size of Tract:** The 1.529 acre site is of sufficient size to accommodate the proposed commercial development.

**7. Other Factors:** The proposed zoning is to allow for the current use of the property to better align with the base zoning district.