



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** May 6, 2025

**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-2025-10700079

**SUMMARY:**

**Current Zoning:** “C-3NA MLOD-2 MLR-2 AHOD” General Commercial Nonalcoholic Sales Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**Requested Zoning:** “RM-4 MLOD-2 MLR-2 AHOD” Residential Mixed Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** May 6, 2025

**Case Manager:** Eradio Gomez, Zoning Senior Planner

**Property Owner:** Resendiz Andres Alonso Dehoyos

**Applicant:** Mario T. Garcia

**Representative:** Mario T. Garcia

**Location:** 112 East Theo Avenue

**Legal Description:** on the east 61 feet of Lot 1 and the east 61 feet of north 45 feet of Lot 2, Block 12, NCB 3227

**Total Acreage:** 0.1330 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 26

**Registered Neighborhood Associations within 200 feet:** St Leo's & Lone Star

**City-Wide Community Organizations:** Women in Film & Television San Antonio and San Antonio African American Community Archive and Museum

**Applicable Agencies:** Lackland Air Force Base, Planning Department

### **Property Details**

**Property History:** The property was part of the original 36 square miles of the City of San Antonio, and zoned "J" Commercial District. The property was rezoned by Ordinance 85113, dated November 7, 1996, to "B-3NA" Business, Non-Alcoholic Sales District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 02, 2001, the property zoned "B-3NA" Business, Non-Alcoholic District converted to the current "C-3NA" General Commercial Restrictive Alcoholic Sales District.

### **Code & Permitting History:**

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:** C-3NA, RM-4, C-2NA, C-2NA CD, C-2

**Current Land Uses:** Florist, Funeral Home, Residential Single-Family, Conditional Use Metal Recycling/No Storage/Processing

**Direction:** South

**Current Base Zoning:** C-3NA, R-6

**Current Land Uses:** Used Car Dealer, Residential Single-Family

**Direction:** East

**Current Base Zoning:** R-6

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

**Direction:** West

**Current Base Zoning:** C-3NA

**Current Land Uses:** Auto Repair, Ice Cream Shop, Vacant Commercial Buildings, Animal Feed Store

### **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.

The "MLOD-2" Lackland Military Lighting Overlay District 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.

**Special District Information:**

N/A

**Transportation**

**Thoroughfare:** East Theo Avenue

**Existing Character:** Minor

**Proposed Changes:** None Known

**Thoroughfare:** South Flores Street

**Existing Character:** Minor

**Proposed Changes:** None Known

**Thoroughfare:** Lancaster Street

**Existing Character:** Local

**Proposed Changes:** None Known

**Thoroughfare:** East Malone

**Existing Character:** Minor

**Proposed Changes:** None Known

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

**Routes Served:** 43, 44, 46, 243

**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 Dwelling - 4 Family allowed is 1.5 space per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

Current Zoning: "C-3NA" General Commercial Nonalcoholic Sales District are identical to C-3 districts except that the sale of alcoholic beverages is prohibited.

Proposed Zoning: "RM-4" Residential Mixed District allows 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.

**FISCAL IMPACT:**

None.

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

The subject property is not located within a Regional Center and is not within a ½ mile of a 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 South Central Community Plan, adopted in August 1999, and is currently designated as “Mixed Use” 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 proposed use is consistent with the established development pattern of the surrounding area. Surrounding properties are “R-6” Residential Single-Family District and “RM-4” Residential Mixed District. Multi-family use is present to the north and east of the subject property.
3. **Suitability as Presently Zoned:** The existing “C-3NA” General Commercial Nonalcoholic Sales District is an appropriate zoning for the property and surrounding area. The proposed “RM-4” Residential Mixed District is also appropriate. The requested zoning is to allow for a duplex on the property. The density on the property is consistent with the surrounding area and the subject property is appropriately located at a corner lot. Furthermore, the proposal aligns with the goals of the Strategic Housing Implementation Plan (SHIP), which encourages the development of additional housing stock to accommodate the City’s growing population.
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 public policy. Relevant Goals and Policies of the SA Tomorrow Comprehensive Plan:
  - GCF Goal 5: Growth and city form support improved livability in existing and future neighborhoods.
  - GCF P13: Evaluate commercial and industrial land use and zoning designations in the core of the city, regional centers, urban centers and primary transit corridors to determine areas that could be converted to residential or mixed-use.

- H Goal 2: A variety of housing types (single-family detached, single-family attached, multifamily, as well as ownership and rental opportunities) is available at a variety of price and rent levels.
- H P18: Encourage housing to be built with, near or adjacent to retail uses.

Relevant Goals and Objectives from the South Central Community Plan may include:

- Encourage patterns of development that provide the full range of housing choices and promote a sense of community, urban vitality and the efficient provision of infrastructure.

The subject site is located within the SA Tomorrow South Community Area Plan, which is not yet adopted. The site is designated as Urban Mixed-Use on the preliminary working draft of the Future Land Use Plan. RM-4 is a permitted zoning district for the Urban Mixed-Use land use category. However, since the SA Tomorrow South Community Area Plan is not yet adopted, the adopted South Central Community Plan would apply.

6. **Size of Tract:** The subject property is 0.1330 acres, which can reasonably accommodate the proposed residential development.
7. **Other Factors:** The applicant seeks to develop a duplex.

The subject property is located within the Lackland AFB Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding, JBSA was notified of the proposed request. The Military has indicated that there are no objections to this request.

The proposed rezoning is seeking additional density for use as residential dwelling units. A rezoning application does not allow Short Term Rentals (STRs) as a use by right. Any applicant seeking to operate an STR must follow the appropriate City and Unified Development Code (UDC) processes and is required to apply and qualify for STR permit(s) through those processes. Short Term Rentals are governed by the UDC Section 16.1100. Also see Section 35-374.01 for STR density limitations, Section 35-399 for establishment regulations, and Section 35-482 for procedures regarding consideration of special exceptions.