



# City of San Antonio

## Legislation Details (With Text)

**File #:** 21-3950

**Type:** Zoning Case

**In control:** Zoning Commission

**On agenda:** 6/1/2021

**Title:** ZONING CASE Z-2021-10700048 (Council District 5): A request for a change in zoning from "D H AHOD" Downtown Cattleman Square Historic Airport Hazard Overlay District and "D H HS AHOD" Downtown Cattleman Square Historic Significant Airport Hazard Overlay District to "D AHOD" Downtown Airport Hazard Overlay District, on Lot 10, Lot 12A, Lot 13, Block 25, NCB 285, and 0.6146 acres out of NCB 285, located at 821 West Commerce Street. Staff recommends Denial. (Michael Pepe, Senior Planner, (210) 207-8208, Michael.Pepe@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Map, 2. HDRC Findings

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 5

**SUBJECT:** Zoning Case Z-2021-10700048

**SUMMARY:**

**Current Zoning:** "D H AHOD" Downtown Cattleman Square Historic Airport Hazard Overlay District and "D H HS AHOD" Downtown Cattleman Square Historic Significant Airport Hazard Overlay District

**Requested Zoning:** "D AHOD" Downtown Airport Hazard Overlay

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** June 1, 2021. This case is expedited to June 3, 2021 City Council Meeting.

**Case Manager:** Michael Pepe, Planner

**Property Owner:** Yuen King Lim Family LLC

**Applicant:** Patrick Christensen

**Representative:** Patrick Christensen

**Location:** 821 West Commerce Street

**Legal Description:** Lot 10, Lot 12A, Lot 13, Block 25, NCB 285, and 0.6146 acres out of NCB 285

**Total Acreage:** 1.1287

**Notices Mailed**

**Owners of Property within 200 feet:** 20

**Registered Neighborhood Associations within 200 feet:** Gardendale Neighborhood Association, Historic Westside Residents Association

**Applicable Agencies:** Office of Historic Preservation

**Property Details**

**Property History:** The property is part of the original 36 Square Miles of San Antonio and was originally zoned "L" Manufacturing District. The property was rezoned from "L" to "B-4" Central Business District by Ordinance 60317, on February 28, 1985. The subject property converted from "B-4" to "D" Downtown District with the adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001.

**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:** "D H HS"

**Current Land Uses:** Offices

**Direction:** South

**Current Base Zoning:** "D H HS", "D H HE"

**Current Land Uses:** Small Retail

**Direction:** East

**Current Base Zoning:** "D H HS"

**Current Land Uses:** Vacant Industrial

**Direction:** West

**Current Base Zoning:** "D H HS"

**Current Land Uses:** Small Retail, Offices, Vacant

**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.

"H"

The Cattleman Square Historic District, is an overlay district which was adopted in 1985. 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.

"HS"

A number of surrounding properties carry the "HS" Historic Significant landmark designation, signifying the historic architectural character or cultural significance of the structure or location. Historic Landmark designations do not affect the possible uses of the property but do regulate the exterior aesthetic of the structure. 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.

### **Transportation**

**Thoroughfare:** Frio

**Existing Character:** Secondary Arterial

**Proposed Changes:** None

**Thoroughfare:** West Commerce

**Existing Character:** Primary Arterial

**Proposed Changes:** None

**Thoroughfare:** West Houston

**Existing Character:** Collector

**Proposed Changes:** None

**Thoroughfare:** South Leona

**Existing Character:** Local

**Proposed Changes:** None

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

**Routes Served:** 3, 17, 20, 26, 75, 76, 89, 93, 275, 276, 289

**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:** There is no proposed use, but the minimum parking requirement is unaffected by the removal of a historic designation.

**ISSUE:**

None.

### **ALTERNATIVES:**

**Current:** The "D" zone provides concentrated downtown retail, service, office and mixed uses in the existing central business district. There are no building size or height limitations, and parking requirements are waived. Examples of permitted uses: bar/tavern, indoor theater, taxi & limousine service, residential uses, hotel, art gallery and/or studio, offices (no restrictions on square footage unless otherwise prescribed), and telephone equipment infrastructure.

**Proposed:** The proposed "D" allows all of the above but removes the historic landmark designation and the

historic district designation.

**FISCAL IMPACT:** None.

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

The subject property is located within a Regional Center and is located within a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial.

**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 in the Downtown Regional Center Plan. Removal of a Historic Overlay is not consistent with the goals and objectives of the plan for historic designation.

**2. Adverse Impacts on Neighboring Lands:**

Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The proposed removal of historic overlays removes the requirement for design review for proposed changes to the property along the guidelines of the Cattleman Square Historic District.

**3. Suitability as Presently Zoned:**

The current “D H HS” is an appropriate zoning for the property and surrounding area. All surrounding properties are designated historic.

**4. Health, Safety and Welfare:**

Staff has found indication of likely adverse effects on the public health, safety, or welfare.

**5. Public Policy:**

The proposed rezoning does appear to conflict with the following goals, principles, and objectives of the Downtown Regional Center Plan:

Goal 1: Preserve and Enhance Downtown’s Authenticity

Grow and evolve in meaningful ways that encourage attachment between people and places;

Respect historic and culturally significant places, including significant examples of more contemporary and modern architecture;

Preserve and protect the World Heritage designated San Antonio Missions and other historical sites by ensuring compatible growth; and

Encourage adaptive reuse.

**6. Size of Tract:**

The subject property is 1.1287 acres, which reasonably accommodates a historic landmark designation.

**7. Other Factors:**

The request for the removal of historic designation was initiated by the applicant, Patrick Christensen.

On May 5, 2021, the Historic and Design Review Commission (HDRC) denied the applicants request for removal of the Historic designation based on criteria listed in Section 35-607 (b) of the Unified Development Code. The criteria identified as being applicable to the subject property are specified below.

a) The property at 821 W Commerce (816 W Houston) was designated an historic landmark by Ordinance 68210 on October 27, 1988. The property also falls within the Cattleman Square Historic District which was designated by Ordinance 60317 in 1985.

b) The lot at 821 W Commerce currently features two structures: the Whitt Printing Company building, an individual historic landmark facing north on West Houston, and the Golden Star Café, a non-contributing structure at the southwest corner of the lot. The Whitt Printing Company building was constructed c. 1930 and features its original rectangular footprint as documented on the 1931 Sanborn Fire Insurance map, concrete frame of columns and roof beams with CMU masonry infill walls with cut window openings, a wood framed roof, and slab on grade foundation. The traditional enframed window wall storefront facing W Houston retains its a Mission Revival parapet, stucco texture, tiling, and canopy hooks. The two-story clay block masonry rear addition appears to have been constructed in the early 1950s per aerial photographs. The Whitt Printing Company was founded by Gilberto White after he fled the Mexican Revolution in 1914, and the business operated at this location from its date of construction through 1977. The use of this commercial structure is consistent with other contemporary light industrial uses in the area. The landmark is particularly remarkable for its role printing Spanish language materials and publications; at this time, San Antonio had the most Spanish language publishing houses of any city in the US. The Whitt Printing Company building contributes to the Cattleman Square Historic District.

c) The current property owner wishes to demolish all buildings on the property and has requested for removal of historic designation (demolition has also been requested in separate HDRC Case 2021-212). Consistent with the UDC Sec 35-606(g), the applicant must present new and compelling evidence that the property no longer meets the criteria for landmark designation. The applicant has provided no such evidence to warrant a reversal of the previous decisions to designate the property; the structure located on the site at the time of designation remains.

d) Historic District Designation is not just a tool to provide careful decision making about demolition. It also provides an important design review process to ensure compatible infill development in historically sensitive areas. Other multifamily and commercial projects have had success with design review within the Cattleman Square Historic District including properties in very close proximity to the subject property.