



# City of San Antonio

## Legislation Details (With Text)

**File #:** 18-5346

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 10/4/2018

**Title:** ZONING CASE # Z2018296 HL (Council District 2): Ordinance amending the Zoning District Boundary from "C-3R AHOD" General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District to "C-3R HL AHOD" General Commercial Restrictive Alcoholic Sales Historic Landmark Airport Hazard Overlay District on Lot 13, Lot 14, and Lot 15, NCB 6815, located at 1603 South Hackberry Street. Staff and Zoning Commission recommend Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Z2018296 HL- HDRC Recommendation, 3. Z2018296 HL- HDRC Exhibits, 4. Z2018296 HL- HDRC Memo, 5. Z2018296 HL- Denver Heights Support Letter, 6. Z2018296 HL- Draft Ordinance, 7. Zoning Minutes, 8. Draft Ordinance, 9. Ordinance 2018-10-04-0798

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

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**  
Zoning Case Z2018296 HL

**SUMMARY:**

**Current Zoning:** "C-3R AHOD" General Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District

**Requested Zoning:** "C-3R HL AHOD" General Commercial Restrictive Alcoholic Sales Historic Landmark Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** September 4, 2018

**Case Manager:** Nyliah Acosta, Planner

**Property Owner:** We No Tell Lounge, LLC

**Applicant:** Office of Historic Preservation

**Representative:** Office of Historic Preservation

**Location:** 1603 South Hackberry Street

**Legal Description:** Lot 13, Lot 14, and Lot 15, NCB 6815

**Total Acreage:** 0.3411

**Notices Mailed**

**Owners of Property within 200 feet:** 42

**Registered Neighborhood Associations within 200 feet:** Denver Heights Neighborhood Association

**Applicable Agencies:** Office of Historic Preservation

**Property Details**

**Property History:** The subject property is a part of the original 36 square miles of the city of San Antonio. Ordinance 79329 rezoned the property to “B-3R” Business Restricted Alcohol Sales District. Upon the adoption of the 2001 Unified Development Code the previous “B-3R rezoned the property to the current “C-3R” General Commercial Restricted Alcohol Sales District.

**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-3R, RM-4

**Current Land Uses:** Single-Family Residences, Vacant Lot, Duplex

**Direction:** East

**Current Base Zoning:** C-3R, RM-4

**Current Land Uses:** Retail Shops, Salon, Single-Family Residences

**Direction:** South

**Current Base Zoning:** C-3R, RM-4

**Current Land Uses:** Auto Repair, Parking Lot, Single-Family Residences, Duplex, Single-Family Residences

**Direction:** West

**Current Base Zoning:** RM-4

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

**Overlay and Special District Information:**

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.

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:** South Hackberry St

**Existing Character:** Secondary Arterial

**Proposed Changes:** None Known

**Thoroughfare:** West High Avenue

**Existing Character:** Local Road

**Proposed Changes:** None Known

**Public Transit:** VIA routes 30, 32, 230, and 232 are across the street from the subject property.

**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:** Parking is determined by the use of the property; the lot is currently vacant, and parking is tbd.

**ISSUE:**

None.

**ALTERNATIVES:**

A denial of the request will result in the subject property retaining the current base zoning district. “C-3” 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. C-3R districts are identical to C-3 districts except that the sale of alcoholic beverages for on-premises consumption is prohibited.

**FISCAL IMPACT:**

None.

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

The subject property is not within a Regional Center or a Premium Transit Corridor.

**Staff Analysis and Recommendation:** Staff and Historic & Design Review Commission, and Zoning Commission (9-0) recommend Approval.

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval criteria below.

**1. Consistency:**

The request for “HL” Historic Landmark simply adds an overlay to the base zoning district, therefore a finding of consistency within the plan is not required. The base zoning will remain unchanged.

## 2. Adverse Impacts on Neighboring Lands:

Staff finds no evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The structure on the property was constructed in 1929 and was used to operate a business known as Crystal Ice Co, and by 1867 50% of the ice industry was located in San Antonio. The ice factory located at the subject property illustrates the economic heritage of San Antonio. The construction of the building is noteworthy of early 20<sup>th</sup> century commercial construction. The applicant's request is to place the Historic Landmark designation ("HL") on the property, based on the cultural and architectural significance the structure holds.

## 3. Suitability as Presently Zoned:

The request will not change the "C-3R" base zoning district zoning district, but will add the "HL" designation.

## 4. Health, Safety and Welfare:

Staff has found no indication of likely adverse effects on the public health, safety, or welfare.

## 5. Public Policy:

The rezoning request does not appear to conflict with any public policy objective.

## 6. Size of Tract:

The subject property totals 0.341 acres in size, which reasonably accommodates the uses permitted in "C-3 R" General Commercial Restricted Alcohol Sales District.

## 7. Other Factors:

### 2. Findings

The property at 1603 S Hackberry is a two story brick ice house built c. 1929. It is currently owned by We No Tell Lounge, LLC. The Barnes Terrace Addition No. 2 was subdivided between 1927 and 1928 by Thomas Edison Barnes. i Today this area is included in the Denver Heights Neighborhood Association, but prior to the construction of Interstate 10 it was more closely connected with Highland Park. The blocks subdivided by Barnes were bound between Aberdeen Street and South Hackberry. Just east of Aberdeen Street, the Thomas Nelson Page School was built in 1925 to serve this rapidly growing neighborhood. ii Commercial development along South Hackberry by 1929 included two grocery stores, two filling stations, a department store, cleaners, and plumbing store between just the 1600 and 1800 blocks, underscoring the importance of this retail cluster for Highland Park residents. iii Joe X. Newcomb purchased this property in 1928 from Thomas Edison Barnes, and contracted with Barnes (who also operated a lumber company) to construct the icehouse. iv Newcomb was an experienced ice manufacturer from Ennis, Texas. v Several members of the Newcomb family were involved with the business - Bessie and Gerald were in sales, and Waldo was the secretary-treasure for the company, and they all lived on West Drexel, in the block just west of the factory. vi The Crystal Ice Company remained in operation at this location through 1943, after which it changed hands several times while still producing ice. After a brief vacancy in the late 1950s, the structure became a bar/lounge through the 1960s and 1970s.

### 3. Architectural Description

The two-part commercial block factory sits on a corner triple lot facing South Hackberry. The structure stands two-stories tall along the South Hackberry commercial corridor, and relatively larger massing than its neighboring structures. It's adjacent to a one-and-a-half story historic filling station and to two-story four-plex. Across the street are one-story mid-century commercial structures. The factory's setback, 10 to 15 feet, is consistent with its filling station neighbor while the four-plex sits on the front property line. The factory has a parking area in front and to the side of the building. The factory is a two-part commercial block with a parapet and a decorative cornice. It has plaster siding with its first floor entrances and bays enclosed and boarded up.

There are 3 bays on the two-story portion, and another bay on the one-story north wing. One of the bays has been opened up with no fenestration, altering the original window fenestration. The second story has two small windows in each bay, each with 3-by-3 dividing lights. The one-story wing also has parapet and a matching cornice. On this wing there are awning anchors with the awning missing. The factory has a rear addition, creating an L-plan shape. Originally it was a linear plan.

#### 4. Landmark Criteria

The structure meets landmark criteria 5, 7, and 11, which are outlined in the Unified Development Code (UDC Section 35-607).

5. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials; as an intact example of a 1920s ice house, a well-insulated structure with few windows to minimize heat gain with a small retail outlet attached.

7. Its unique location or singular physical characteristics that make it an established or familiar visual feature; as a highly visible two-story commercial structure located on a prominent corner on South Hackberry with shallow setback of approximately 10 feet.

11. It is distinctive in character, interest or value; strongly exemplifies the cultural, economic, social, ethnic or historical heritage of San Antonio, Texas or the United States; as an excellent example of the ice manufacturing industry which flourished in San Antonio. This was likely one of the last icehouses constructed, as electric refrigerators became more ubiquitous in local households.

#### 5. Outcome of Review

Based on this assessment, 1603 S Hackberry meets three of the sixteen criteria listed in UDC Section 35-607 (b). In order to be eligible for landmark designation, a property must meet at least three of these criteria; thus 1603 S Hackberry is eligible for designation as a local landmark. Additional research may uncover more information about the significance of this property. As noted above, some modifications have been made to the structure over time.