



# City of San Antonio

## Legislation Details (With Text)

**File #:** 20-1891

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 3/5/2020

**Title:** ZONING CASE Z-2019-10700340 HL (Council District 1): Ordinance amending the Zoning District Boundary from "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District to "R-6 HL AHOD" Residential Single-Family Historic Landmark Airport Hazard Overlay District on Lot 11, NCB 863, located at 413 East Mistletoe Avenue. Staff and Zoning Commission recommend Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Map, 2. HDRC Commission Action Letter, 3. HDRC Exhibits, 4. OHP Memo, 5. Zoning Minutes, 6. Draft Ordinance, 7. Ordinance 2020-03-05-0172

Date	Ver.	Action By	Action	Result
3/5/2020	1	City Council A Session	adopted	Pass

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z-2019-10700340 HL

**SUMMARY:**

**Current Zoning:** "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District

**Requested Zoning:** "R-6 HL AHOD" Residential Single-Family Historic Landmark Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** February 2, 219

**Case Manager:** Mercedes Rivas, Senior Planner

**Property Owner:** Yvonne Gonzales

**Applicant:** Office of Historic Preservation

**Representative:** Office of Historic Preservation

**Location:** 413 East Mistletoe Avenue

**Legal Description:** Lot 11, NCB 863

**Total Acreage:** 0.1837

**Notices Mailed**

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

**Registered Neighborhood Associations within 200 feet:** The Tobin Hill Community Association

**Applicable Agencies:** Office of Historic Preservation

**Property Details**

**Property History:** The subject property is part of the original 36 square miles of the City of San Antonio and was originally zoned "R-1" Single Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May, 03, 2001, the property zoned "R-1" Residential Single-Family District converted to the current "R-6" Single-Family Residential District.

**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:** "R-4"

**Current Land Uses:** Residential

**Direction:** South

**Current Base Zoning:** "R-6"

**Current Land Uses:** Residential

**Direction:** East

**Current Base Zoning:** "R-6"

**Current Land Uses:** Residential

**Direction:** West

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

**Current Land Uses:** Residential

**Overlay and Special District Information:**

"HL"

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.

"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:** East Mistletoe Avenue

**Existing Character:** Local

**Proposed Changes:** None

**Public Transit:** There are no VIA bus routes within walking distance of the subject property.

**Routes Served:** None

**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 single-family dwelling is 1 space per unit.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current:** The present zoning district designation of "R-6" Residential Single-Family District provides areas for medium- to high-density, single-family residential uses where adequate public facilities and services exist with capacity to serve development. These districts are composed mainly of areas containing single-family dwellings and open area where similar residential development seems likely to occur. Residential single-family provides minimum lot size and density requirements in order to preserve neighborhood character.

**Proposed:** The proposed "R-6 HL" allows all of the above in addition to adding a Historical Landmark Overlay.

**FISCAL IMPACT:**

None.

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

The subject property is within the Midtown Area Regional Center and is not located within a Premium Transit Corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff and Zoning Commission (8-0) 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 Midtown Area Regional Center. A finding of consistency is not required for an application of a historical overlay.

**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.

**3. Suitability as Presently Zoned:**

The current "R-6" Residential District is an appropriate zoning for the property and surrounding area. The base

zone remains the same. The rezoning establishes the historic overlay.

#### 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 Midtown Area Regional Center:

- Goal 1: Preserve the Midtown Area's Distinct Character
  - Preserve the Midtown Area's essential character-defining elements: the diversity of people and the unique character of individual places and neighborhoods.
  - Maintain buildings with exemplary historic character.
  - Highlight the history and heritage of the area and share stories through urban design, public art, and cultural events.
  - Continue to nurture the Midtown Area's identity as a welcoming place for diverse families.
- Goal 5: Broaden Housing Choices
  - Offer a range of housing types and price-points to meet the diverse needs of residents such as, seniors, students, families, and others.
  - Conserve existing affordable housing and the existing diverse mix of housing types and expand affordable housing options

#### 6. Size of Tract:

The subject property is 0.1837 acres, which reasonably accommodates a single-family dwelling.

#### 7. Other Factors:

The request for landmark designation was initiated by City Council. The owner is in support of the designation.

On December 4, 2019, the Historic and Design Review Commission (HDRC) approved a Finding of Historic Significance, identifying the property as historically significant 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.

HDRC concurred with the applicant that 413 E Mistletoe met UDC criterion [35-607(b)3], [35-607(b)5], [35-607(b)11], and [35-607(b)13] for a finding of historic significance in the process of seeking designation as a local historic landmark. In order to be eligible for landmark designation, a property must meet at least three of the criteria; 413 E Mistletoe meets four.

**3. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or nation;** the house was built for Fred C. and Mary Rodriguez Luna, early Rock Quarry residents who also operated a business in the neighborhood, and remains in the Luna family.

**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;** the structure is an example of the Craftsman style.

**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;** the property, owned by the same family since it was built, contributes to a pattern of multigenerational ownership of homes in San Antonio.

**13. It bears an important and significant relationship to other distinctive structures, sites, or areas, either as an important collection of properties or architectural style or craftsmanship with few intrusions, or by contributing to the overall character of the area according to the plan based on architectural, historic or cultural motif;** the building is located in the Tobin Hill neighborhood in an area not included in the Tobin Hill local historic district but which has been identified by staff as an eligible local historic district. Were the neighborhood to pursue designation, the home would be considered contributing.