



# City of San Antonio

## Legislation Details (With Text)

**File #:** 14-396

**Type:** Zoning Case

**In control:** City Council A Session

**On agenda:** 3/20/2014

**Title:** ZONING CASE # Z2014078 HL (District 1): An Ordinance amending the Zoning District Boundary from "RM-4 NCD-5 AHOD" Residential Mixed Beacon Hill Area Neighborhood Conservation Airport Hazard Overlay District to "RM-4 HL NCD-5 AHOD" Historic Landmark Residential Mixed Beacon Hill Area Neighborhood Conservation Airport Hazard Overlay District on the south 44 feet of Lots 5 and 6, Block 48, NCB 1872 located at 115 Michigan Avenue. Staff and Zoning Commission recommend approval. -- WITHDRAWN --

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Certificate of Appropriateness, 3. Zoning Commission Minutes, 4. Draft Ordinance

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

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** Council District 1

**SUBJECT:**  
Zoning Case Z2014078 HL

**SUMMARY:**

**Current Zoning:** "RM-4 NCD-5 AHOD" Residential Mixed Beacon Hill Area Neighborhood Conservation Airport Hazard Overlay District

**Requested Zoning:** "RM-4 HL NCD-5 AHOD" Historic Landmark Residential Mixed Beacon Hill Area Neighborhood Conservation Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** February 18, 2014

**Case Manager:** Pedro Vega, Planner

**Property Owner:** Jeffrey Dersh

**Applicant:** City of San Antonio Office of Historic Preservation

**Representative:** City of San Antonio Office of Historic Preservation

**Location:** 115 Michigan Avenue

**Legal Description:** The south 44 feet of Lots 5 & 6, Block 48, NCB 1872

**Total Acreage:** 0.0505

**Notices Mailed**

**Owners of Property within 200 feet:** 21

**Registered Neighborhood Associations within 200 feet:** Beacon Hill Neighborhood Association

**Planning Team:** Midtown Neighborhoods Plan - 11

**Applicable Agencies:** Office of Historic Preservation

**Property Details**

**Property History:** The subject property is located within the original city limits as established in 1938, and was originally zoned "D" Apartment District. In a 1997 case, the property was rezoned to "R-2" Two Family Residence District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "RM-4" Residential Mixed District. The property is not platted in its current configuration, but is developed with a commercial structure measuring approximately 2200 square feet in size that was built in 1945.

**Topography:** The property does not include any abnormal physical features such as slope or inclusion in a floodplain.

**Adjacent Zoning and Land Uses**

**Direction:** North and West

**Current Base Zoning:** "RM-4", "R-6" and "C-3NA"

**Current Land Uses:** Apartments, Single-Family Dwellings, Auto Glass Repair, Snack Shop and a Duplex

**Direction:** South

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

**Current Land Uses:** Church

**Direction:** East

**Current Base Zoning:** "C-3NA" and "R-6"

**Current Land Uses:** Retail Center, Single-Family Dwellings and Apartments

**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.

The Beacon Hill Area Neighborhood Conservation District (NCD-5) is an overlay zoning district that contains design guidelines for rehabilitation of existing residential and commercial development. Property owners, together with the Department of Planning and Community Development staff, develop the design guidelines. These guidelines can address building materials, height, size, massing, signage, sidewalk location, etc.

**Transportation**

**Thoroughfare:** Fredericksburg Road

**Existing Character:** Secondary Arterial Type B; two lanes in each direction with sidewalks.

**Proposed Changes:** None known

**Thoroughfare:** Michigan Avenue, West Russell Place and West French Place

**Existing Character:** Local streets; one lane in each direction with partial sidewalks

**Proposed Changes:** None known

**Public Transit:** The nearest VIA bus lines are the 95, 96, 97, 289, and 296 which operate along Fredericksburg Road, west of the subject property.

**Traffic Impact:** A Traffic Impact Analysis (TIA) report is not required. The traffic generated by the proposed development does not exceed the threshold requirements.

**Parking Information:** The subject property is currently developed and being used as a residence. The zoning change request will not affect the range of allowable uses and there is no proposed change in use related to this rezoning request; therefore there is no change in the parking requirement.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the request will result in the subject property not being designated as a Historic Landmark.

**FISCAL IMPACT:**

None. The applicant has paid the required zoning fees.

**RECOMMENDATION:**

Staff 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 property is located within the Midtown Neighborhoods Plan and currently has split land use designations including Low Density Residential and Mixed Use.

Requests for Historic Landmark designations do not change either the existing “RM-4” base zoning district or uses permitted by-right; therefore, a finding of consistency is not required.

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

Granting of the “HL” Historic Landmark designation will not have an adverse impact on the neighborhood. Historic designation does not affect the range of permitted uses, but does regulate the exterior aesthetic of the structure and any new construction. The purpose of the requested zoning change is to protect and preserve the structure and make the property eligible for tax incentives for rehabilitation.

Approval of the “HL” designation will require an additional review process for any future exterior rehabilitation.

**3. Suitability as Presently Zoned:**

The current “RM-4” Residential Mixed District may be appropriate for the subject property; however it is not

consistent with the Low Density Residential land use designation.

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

Staff has found no indication of likely adverse effects on the public health, safety, or welfare. The proposed Historic Landmark designation will not alter the character of the neighborhood.

**5. Public Policy:**

The request does not appear to conflict with any public policy objective. The property is located within the Inner City Reinvestment Policy (ICRIP) area. The purpose of the ICRIP is to promote growth and development in the inner city, specifically in areas that are currently served by public infrastructure and transit, but underserved by residential and commercial real estate markets.

**6. Size of Tract:**

The size of the subject property is not an issue for the consideration of historic landmark designation. The structure was designed in the Mission Revival style with a flat façade, tilework and delicate scrolled Baroque doorways. It represents the proliferation of Spanish influenced Revival style commercial building constructed in the San Antonio area in the years between World War I and World War II.

**7. Other Factors:**

On December 18, 2013, the Historic and Design Review Commission issued a Certificate of Appropriateness identifying the property as historically significant based on criteria listed in Section 35-607 of the Unified Development Code. The three criteria identified as being applicable to the subject property are specified in the attached Certificate of Appropriateness and Statement of Significance.

The subject property owner supports this request for Historic Landmark designation.