



# City of San Antonio

## Legislation Details (With Text)

**File #:** 18-5345

**Type:** Zoning Case

**In control:** City Council A Session

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

**Title:** ZONING CASE # Z2018295 HL (Council District 2): Ordinance amending the Zoning District Boundary from "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District to "RM-4 HL AHOD" Residential Mixed Historic Landmark Airport Hazard Overlay District on Lot 9, Block B, NCB 632, located at 230 Cactus Street. Staff and Zoning Commission recommend Approval.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map, 2. Z2018295 HL- HDRC Recommendation, 3. Z2018295 HL- OHP Exhibits, 4. Z2018295 HL- OHP Memo, 5. Z2018295 HL- OHP Statement of Significance, 6. Zoning Minutes, 7. Draft Ordinance, 8. Ordinance 2018-10-04-0797

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

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**  
Zoning Case Z2018295 HL

**SUMMARY:**  
**Current Zoning:** "RM-4 AHOD" Residential Mixed Airport Hazard Overlay District

**Requested Zoning:** "RM-4 HL AHOD" Residential Mixed Historic Landmark Airport Hazard Overlay District

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

**Case Manager:** Nyliah Acosta, Planner

**Property Owner:** Eugenio & Alam Delia Chavarria

**Applicant:** Office of Historic Preservation

**Representative:** Office of Historic Preservation

**Location:** 230 Cactus Street

**Legal Description:** Lot 9, Block B, NCB 632

**Total Acreage:** 0.0993

**Notices Mailed**

**Owners of Property within 200 feet:** 36

**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 and was zoned "R-2" Two Family Residence District. Upon the adoption of the 2001 Unified Development Code, the previous "R-2" converted to the current "RM-4" Residential Mixed 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:** RM-4

**Current Land Uses:** Single-Family Residences, Vacant Lots

**Direction:** East

**Current Base Zoning:** RM-4

**Current Land Uses:** Single-Family Residences, Vacant Lots

**Direction:** South

**Current Base Zoning:** RM-4

**Current Land Uses:** Single-Family Residences, Vacant Lots

**Direction:** West

**Current Base Zoning:** RM-4, RM-4S, R-6 CD

**Current Land Uses:** Single-Family Residences, Vacant Lots

**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:** Cactus Street

**Existing Character:** Local Road  
**Proposed Changes:** None Known

**Thoroughfare:** Martin Luther King Drive  
**Existing Character:** Secondary Arterial  
**Proposed Changes:** None Known

**Public Transit:** VIA routes 28 is one block south of 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:** Minimum Parking spaces- 1 space, per unit.

**ISSUE:**  
None.

**ALTERNATIVES:**

A denial of the request will result in the subject property retaining the current base zoning district. 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 are allowed within the “RM-4”.

**FISCAL IMPACT:**

Costs associated with this designation include zoning application fees of \$832.10 and would be funded through Office of Historic Preservation FY 2018 budget. However, the Office of Historic Preservation requests a waiver for all related fees.

**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 and Design Review Commission, and the 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:**

A finding of consistency is not required. The proposed rezoning simply adds the “HL” Historic Landmark designation. The base zoning district will remain the same.

**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 subject property is the only Spanish Eclectic residence built in circa 1917 with a concrete carriage step on the block. The zoning request will add the Historic Landmark (“HL”) and will not change the base zoning district. The “HL” designation is adopted to protect and preserve areas of historical, cultural, or architectural importance and significance.

**3. Suitability as Presently Zoned:**

The request will not change the “RM-4” 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 0.0993 acres in size, which reasonably accommodates the uses permitted in “RM-4” Residential Mixed District.

**7. Other Factors:**

On July 6, 2018, the Historic and Design Review Commission 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 three criteria identified as being applicable to the subject property are specified below. The property owner submitted the application for supports Historic Landmark designation.

The Office of Historic Preservation is submitting the rezoning request on behalf of the property owner. The Office of Historic Preservation worked with the applicant on this rezoning request and supports Approval of the added “HL” Historic Landmark designation.<sup>230</sup> Cactus meets three. 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 a fine example of Spanish Eclectic architecture and an early twentieth century commercial storefront. 7. Its unique location or singular physical characteristics that make it an established or familiar visual feature; for its prominent location at the corner of Cactus and Martin Luther King Blvd. 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; for the role of Abernathy Grocery role as a modified residence serving as an important community space operated by Frank Abernathy.