



# City of San Antonio

## Agenda Memorandum

**File Number:**15-5887

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**Agenda Item Number:** 2.

**Agenda Date:** 11/17/2015

**In Control:** Zoning Commission

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Roderick Sanchez

**COUNCIL DISTRICTS IMPACTED:** 2

**SUBJECT:**

Zoning Case Z2016004

**SUMMARY:**

**Current Zoning:** "D HE AHOD" Downtown Historic Exceptional Airport Hazard Overlay District and "D AHOD" Downtown Airport Hazard Overlay District.

**Requested Zoning:** "D AHOD" Downtown Airport Hazard Overlay District, to remove the historic designation status.

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** November 17, 2015. This case is continued from the November 3, 2015 hearing.

**Case Manager:** Ernest Brown, Planner

**Property Owner:** Urban Ice LTD, by Millennium Urban Village, General Partner, John Miller, President/Director

**Applicant:** John Miller

**Representative:** Brown & Ortiz (c/o James McKnight)

**Location:** 1305 East Houston Street and 430 North Cherry Street

**Legal Description:** 3.82 acres of land out of NCB 567

**Total Acreage:** 3.82

**Notices Mailed**

**Owners of Property within 200 feet:** 34

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

**Planning Team:** Dignowity Hill Planning Team-23

**Applicable Agencies:** None

### **Property Details**

**Property History:** The subject property is located within the city limits as established in 1938 and was zoned "L" First Manufacturing District. In 1989 the subject property was rezoned to Historic "B-4" Central Area District. Upon adoption of the 2001 Unified Development Code, the previous base zoning district converted to the current "D HE" Downtown Historic and Landmark District. The subject property was developed between 1909 and 1957 with approximately 153, 851 square feet of Storage Warehouse, Office, Bar, Loading Docks, Cold Storage and Manufacturing structures. The subject property was platted in its current configuration as established in the original 36 square mile subdivision.

**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, South, West

**Current Base Zoning:** D

**Current Land Uses:** Antique Shop, Fire Station #3, Bar, Office Building, Commercial Warehouse.

**Direction:** East

**Current Base Zoning:** R-4 H, RM-4 H, I-1H

**Current Land Uses:** Single Family Residence, HH Ministries, Office Building

**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.

This property was designated a Historic Exceptional property and is listed in the National Register of Historic Places, with architecture dating as far back as 1909. The surrounding properties are located in the Dignowity Hill Historic District, which was adopted in December 3, 2009. Historic districts do not regulate use of the property, but do 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.

### **Transportation**

**Thoroughfare:** Houston Street,

**Existing Character:** Secondary Arterial, Type B; two lanes each direction with sidewalks on both sides.

**Proposed Changes:** None known

**Thoroughfare:** North Cherry Street

**Existing Character:** Collector, two lanes each direction with sidewalks both sides.

**Proposed Changes:** None known

**Thoroughfare:** Dawson Street

**Existing Character:** Local, Type A; one lane each direction with sidewalks on both sides.

**Proposed Changes:** None known

**Public Transit:** The nearest VIA bus route to the subject property is the 24 and 25, which operate along Houston Street.

**Traffic Impact:** A Traffic Impact Analysis (TIA) is not required. "D" Downtown Zoning District requests are exempt from the TIA requirement.

**Parking Information:** Off-street vehicle parking requirements are typically determined by the type of use and building size. The rezoning application is an existing development with parking.

**ISSUE:**

None.

**ALTERNATIVES:**

Denial of the requested zoning change would result in the subject property retaining the present zoning district designation.

**FISCAL IMPACT:**

None.

**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 within the Dignowity Hill Neighborhood Plan and is currently designated as Public/Institutional use in the future land use component of the plan. Requests for the removal of the Historic designations do not change either the existing base zoning district or uses permitted by-right; therefore, a finding of consistency is not required.

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

Staff has found no evidence of likely adverse impacts on neighboring land in relation to this zoning change request.

**3. Suitability as Presently Zoned:**

The existing "D" base zoning district is appropriate for the subject property.

**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 proposed request would fail to meet one of the Plan's goals to enhance the historic character of the neighborhood by removing the Historic Designation of the property.

The subject property is the Merchant's Ice and Cold Storage Company Complex a local historic landmark. In addition it is listed on the National Register of Historic Places in accordance to the office of Historic Preservation.

Historic districts and landmark designation preserve and enhance the city's historic resources pursuant to Goal of the plan.

**6. Size of Tract:**

The subject property is 3.82 acres in size, which accommodates the existing development with existing space for parking.

**7. Other Factors:**

Local historic designation is an important tool which protects historical and community resources from demolition, provides incentives for rehabilitation which spurs economic development, and places design review requirements on the property which ensure quality and compatible construction.

The Office of Historic Preservation staff recommends denial to the removal of the historic zoning overlay from any portion of the subject property.

The Historic Design Review Commission denied the request to remove the designation.