



City of San Antonio

Agenda Memorandum

File Number: 17-4469

Agenda Item Number: 2.

Agenda Date: 8/7/2017

In Control: Board of Adjustment

Case Number: A-17-124
Applicant: Kaufman & Killen, Inc.
Owner: Mission, DG Ltd.
Council District: 3
Location: 222 E. Mitchell Street
Legal Description: Lots 1-4, 6-10, 17-21, 29, N. Irr. 4 ft. of A-29, A-31A, P-100, & Adj. 16 ft. strip, Block 1, NCB 3975
Zoning: "MF-33 H HS RIO-4 MPOD-1 AHOD" Multi-Family
Mission Historic Significant River Improvement Overlay
Mission Protection Overlay Airport Hazard Overlay District
Case Manager: Shepard Beamon, Senior Planner

Request

A request for an 11 foot variance from the MPOD-1 height limitation, as described in Section 35-339.06, to allow a multi-family development with a maximum height of 36.5 feet.

Executive Summary

The subject property is currently vacant and was the home of the St. John's Seminary campus. The proposed development will consist of the adaptive reuse of the existing building from the seminary campus and the construction of six multi-family structures and one community building. The applicant is requesting the variance for four of the new buildings. The buildings are to be located in the Mission Protection Overlay District (MPOD-1). Under the MPOD-1, a protection angle shall originate exactly 5.5 feet above the brass monument disc that defines each Mission Protection District and extend outward 360 degrees and upward at a two-degree angle. The requested variances are necessary as the four buildings in question exceed the protection angle at a maximum of 11 feet. The proposed buildings will be two and three-story. The portions of the buildings that will encroach into the protection angle are primarily the pitched roofs of each building. Not all buildings are not proposed to encroach the full 11 feet; Attachment A identifies the four proposed buildings and the additional height that each encroaches into the protection angle. Building #4 is proposed to encroach into the protection angle 11 inches. Building #5 is proposed to encroach five feet three inches. Building #6 is proposed to encroach 10 feet five inches. Building #7 is proposed to encroach eight feet 1.25 inches.

As the subject property is located within both the River Improvement Overlay District and the Mission Historic District, the request went before the Historic Design and Review Commission (HDRC) on July 19, 2017, where the applicant requested a Certificate of Appropriateness to amend a previously approved design to include

modified roof design, foundation heights, modified site designs and received approval from the Commission.

Subject Property Zoning/Land Use

Existing Zoning	Existing Use
“MF-33 H HS RIO-4 MPOD-1 AHOD” Multi-Family Mission Historic Significant River Improvement Overlay Mission Protection Overlay Airport Hazard Overlay District	Vacant Lot (Proposed Multi-family Development)

Surrounding Zoning/Land Use

Orientation	Existing Zoning District(s)	Existing Use
North	“I-1 H RIO-4 MPOD-1 AHOD” General Industrial Mission Historic River Improvement Overlay Mission Protection Overlay Airport Hazard Overlay District; “C-2 H RIO-4 MPOD-1 AHOD” Commercial Mission Historic River Improvement Overlay Mission Protection Overlay Airport Hazard Overlay District	Juvenile Detention Center, City Public Service
South	“R-6 H RIO-4 MPOD-1 AHOD” Single-Family Mission Historic River Improvement Overlay Mission Protection Overlay Airport Hazard Overlay District; “RM-4 H RIO-4 MPOD-1 AHOD” Single-Family Mission Historic River Improvement Overlay Mission Protection Overlay Airport Hazard Overlay District	Single-Family Residences
East	“R-6 MPOD-1 AHOD” Single-Family Mission Protection Overlay Airport Hazard Overlay District; “C-2 CD MPOD-1 AHOD” Commercial Mission Protection Overlay Airport Hazard Overlay District with Conditional Use for a Bar; “C-2 MPOD-1 AHOD” Commercial Mission Protection Overlay Airport Hazard Overlay District	Single-Family Residences, Bar, Coffee Vender
West	“R-5 H RIO-4 MPOD-1 AHOD” Single-Family Mission Historic River Improvement Overlay Mission Protection Overlay Airport Hazard Overlay District; “MF-33 H HS RIO-4 MPOD-1 AHOD” Multi-Family Mission Historic Significant River Improvement Overlay Mission Protection Overlay Airport Hazard Overlay District; “C-3 H RIO-4 MPOD-1 AHOD” General Commercial Mission Historic River Improvement Overlay Mission Protection Overlay Airport Hazard Overlay District	Mission Concepcion, Single-Family Residence, Gas Station

Comprehensive Plan Consistency/Neighborhood Association

The property is within the boundaries of the South Central Community Plan and currently designated High Density Residential in the future land use component of the plan. The subject property is located within the boundaries of the Roosevelt Park Neighborhood Association. As such, they were notified and asked to comment.

Criteria for Review

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

1. *The variance is not contrary to the public interest.*

The intent of the MPOD-1 overlay is to protect the views of Mission Concepcion and to ensure the viewshed is not obstructed. Although the proposed buildings fall within the protection angle, the HDRC found that the design to be appropriate as the requested building heights are not visible from the Mission and the view of the Mission is not obstructed. Staff finds the request is not contrary to the public interest.

2. *Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

The protection angle is a blanket equation that is applied to all missions within San Antonio. The protection angle does not take into account the surrounding environment of each mission. The buildings are being constructed at the requested heights to address drainage issues on the site. In order to meet the drainage grading requirements, the buildings must be elevated. Without meeting the drainage requirement, the site cannot be developed.

3. *By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

The MPOD-1 was established to preserve the historic integrity of the Mission and to prevent overshadowing over the missions. The request for the design of the new construction was reviewed and approved by the Historic Design and Review Commission. As the HDRC found that the new development will not be visible from the monument marker, the request will not overshadow or disrupt the historic integrity for the Mission.

4. *The variance will not authorize the operation of a use other than those uses specifically authorized in the district in which the request for a variance is located.*

The variance will not authorize the operation of a use other than those uses specifically authorized in the “MF-33 H HS RIO-4 MPOD-1 AHOD” Multi-Family Mission Historic Significant River Improvement Overlay Mission Protection Overlay Airport Hazard Overlay District.

5. *Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

The request should not injure the rights of the neighboring properties as the requested use is consistent with the surrounding land uses, as required by the HDRC. The HDRC found that the essential character of the surrounding neighborhood and the Mission will not be altered and the proposed development is cohesive with surrounding area.

6. *The plight of the owner of the property for which the variance is sought is due to unique circumstances existing*

on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.

The circumstance existing on the property was not created by the owner. The property is historic in nature and has been vacant since 2011. The new construction and rehabilitation of the existing building must meet the standards of the Historic District; the City's building code requirements, and drainage requirements. To adequately address all of these issues, additional infrastructure onsite will require the new structures be elevated beyond the MPOD-1 protection angle requirement.

Alternative to Applicant's Request

Denial of the request would result in the development meeting the required height and possibly losing a story on each building.

Staff Recommendation

Staff recommends **APPROVAL of the of the HDRC's recommendation to allow the 11 foot additional height in the Mission Concepcion Protection Overlay District in A-17-124**, based on the following findings of fact:

1. The additional height will not be visible from Mission Concepcion; and
2. The HDRC previously recommended approval of the request; and
3. The request will not disrupt the historic integrity of the Mission or surrounding properties.