



# City of San Antonio

## Agenda Memorandum

**File Number:**19-8381

---

**Agenda Item Number:** 5.

**Agenda Date:** 12/3/2019

**In Control:** Zoning Commission

---

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z-2019-10700233 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:** December 3, 2019. This case is continued from the October 15, 2019 zoning hearing.

**Case Manager:** Mirko Maravi, Planner

**Property Owner:** Michael Davila

**Applicant:** Office of Historic Preservation (OHP)

**Representative:** Office of Historic Preservation (OHP)

**Location:** 434 East Magnolia Avenue

**Legal Description:** Lot 16 and south 92.28 feet of east 5 feet of 15 excluding north 92.28 feet of west 5 feet of Lot 16, NCB 861

**Total Acreage:** 0.2118

**Notices Mailed**

**Owners of Property within 200 feet:** 25

**Registered Neighborhood Associations within 200 feet:** Tobin Hill Neighborhood Association  
**Applicable Agencies:** Office of Historic Preservation (OHP)

### **Property Details**

**Property History:** The subject property was part of the original 36 square miles of the City of San Antonio and zoned "B" Residence District. The property was rezoned by Ordinance 83331, dated December 14, 1995 from "B" Residence District to "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" Single Family Residence District converted to the current "R-6" Residential Single-Family 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-6"

**Current Land Uses:** Church parking lot

**Direction:** South

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

**Current Land Uses:** Residential Dwelling

**Direction:** East

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

**Current Land Uses:** Residential Dwelling

**Direction:** West

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

**Current Land Uses:** Residential Dwelling

### **Overlay and Special District Information:**

"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 Magnolia

**Existing Character:** Local

**Proposed Changes:** None Known

**Public Transit:** VIA bus routes are within walking distance of the subject property.

**Routes Served:** 5, 204

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

**ISSUE:**

None.

#### **ALTERNATIVES:**

**Current:** The present zoning district designation of “R-6” Residential Single-Family District provide 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 “HL” overlay designations are adopted in order to protect and preserve places and areas of historical, cultural, or architectural importance and significance.

#### **FISCAL IMPACT:**

None.

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

The subject property is within the Midtown Regional Center and located within the Premium Transit Corridor.

#### **RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends 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 Plan and is currently designated as “Urban Low Density Residential” in the future land use component of the plan. The “HL” adds a historic landmark overlay and does not require a finding of consistency.

##### **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 Single-Family District is an appropriate zoning for the property and surrounding area. The proposed rezoning maintains the base zoning district and establishes a 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 Plan:

- Maintain buildings with exemplary historic character.

##### Strategy 1.2 (Regulatory and Policy, Investment)

Support the continued use and rehabilitation of existing commercial structures, and preservation of historic buildings and neighborhood landmarks that define the character of unique places in mixed-use corridors and focus areas.

## 6. Size of Tract:

The subject property is 0.2118 acres, which reasonably accommodates a single-family dwelling.

## 7. Other Factors:

The request for landmark designation was initiated by the owner.

On May 15, 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 434 E Magnolia met UDC criterion [35-607(b)3], [35-607(b)7], 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; 434 E Magnolia meets three.

- **3: Its identification with a person or persons who significantly contributed to the development of the community, county, state, or nation;** 434 E Magnolia was built as an accessory structure to the home of Thomas and Eva Northway, whose early investment in Tobin Hill helped shape the neighborhood.
- **7: Its unique location or singular physical characteristics that make it an established or familiar visual feature;** the structure is part of one of the earliest homesteads built on the 400 block of E Magnolia.
- **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 structure was included in a 2005 survey as part of a proposed third phase of the Tobin Hill historic district. The area was identified by staff as potentially eligible for inclusion in the existing local historic district. Were the neighborhood to pursue designation, the structure would be considered contributing.