



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** October 1, 2024

**In Control:** Zoning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Director

**COUNCIL DISTRICTS IMPACTED:** District 2

**SUBJECT:**  
ZONING CASE Z-2024-10700216 HL

**SUMMARY:**  
**Current Zoning:** "AE-1 AHOD" Arts and Entertainment Airport Hazard Overlay District

**Requested Zoning:** "AE-1 HL AHOD" Arts and Entertainment Historic Landmark Airport Hazard Overlay District

**BACKGROUND INFORMATION:**  
**Zoning Commission Hearing Date:** October 1, 2024

**Case Manager:** Samantha Benavides, Zoning Planner

**Property Owner:** Lawrence Magott

**Applicant:** Office of Historic Preservation

**Representative:** Office of Historic Preservation

**Location:** 1314 East Commerce Street

**Legal Description:** Lot 4 and the east 21.34 feet of Lot 3, Block A, NCB 597

**Total Acreage:** 0.2292 acres

### **Notices Mailed**

**Owners of Property within 200 feet:** 29

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

**Applicable Agencies:** Office of Historic Preservation

### **Property Details**

**Property History:** The subject property is part of the original 36 square miles of the City of San Antonio and was originally zoned "K" Commercial District. The property was rezoned by Ordinance 79329, dated December 16, 1993, to "B-3" Business District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, "B-3" Business District converted to "C-3" General Commercial District. The property was rezoned by Ordinance 2008-12-04-1128, dated December 4, 2008, to the current "AE-1" Arts and Entertainment District.

### **Code & Permitting History:**

There is no code enforcement or permitting history for the subject property.

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

### **Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** "AE-1 S"

**Current Land Uses:** Storage, Hotel

**Direction:** East

**Current Base Zoning:** "AE-1"

**Current Land Uses:** Vacant Land, Vacant Building

**Direction:** South

**Current Base Zoning:** "AE-1", "AE-2"

**Current Land Uses:** Single Family Dwellings, Vacant Land

**Direction:** West

**Current Base Zoning:** "AE-1 S", "D"

**Current Land Uses:** Hotel, Vacant Land

### **Overlay District Information:**

The "AHOD" Airport Hazard Overlay District, due to the location of the property and its proximity to an airport or approach path, 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 "HL" Historic Landmark, "HS" Historic Significant or "HE" Historic Exceptional overlay district designation signifies 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.

**Special District Information:**

None

**Transportation**

**Thoroughfare:** East Commerce Street

**Existing Character:** Principal Primary Arterial B

**Proposed Changes:** None Known

**Thoroughfare:** South Cherry Street

**Existing Character:** Collector

**Proposed Changes:** None Known

**Thorough:** Shadrach Street

**Existing Character:** Local

**Proposed Changes:** None Known

**Public Transit:** There is public transit within walking distance of the subject property.

**Routes Served:** 28, 230, 25, 225, 24, 222

**Traffic Impact:** A Traffic Impact Worksheet was submitted. Any additional traffic requirements will be reviewed at the build permit phase of the project.

**Parking Information:** The minimum parking requirement for a Grocery Store – retail (limited to maximum 3,000 sq. ft. total in “C-1”) is 1 parking space per 300 sf GFA.

**ISSUE:**

None

**ALTERNATIVES:**

Current Zoning: "AE-1" Arts and Entertainment District encourages development patterns that support existing arts and entertainment venues while promoting the creation of additional venues and supporting uses.

Proposed Zoning: "AE-1 HL" Arts and Entertainment District encourages development patterns that support existing arts and entertainment venues while promoting the creation of additional venues and supporting uses.

This request for “HL” adds a Historic Overlay.

**FISCAL IMPACT:**

None

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

Subject property is not located within a Regional Center and is located within ½ a mile from the Commerce-Houston Metro Premium Plus Transit Corridors.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Approval.

**Criteria for Review: According to Section 35-421, zoning amendments shall be based on approval criteria below.**

1. **Consistency:** The subject property is located within the Eastside Area Community Plan, adopted in 2024, and is currently designated as "Regional Mixed Use" in the future land use component of the plan. Application of the historic landmark is consistent with the goals and objectives of the adopted plan.
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. The proposed rezoning is for the application of historic designation and does not change the current use or base zoning designation.
3. **Suitability as Presently Zoned:** The proposed rezoning is for the application of "HL" Historic Landmark Overlay designation and does not change the current base zoning designation.
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 request does not appear to conflict with any public policy. Relevant Goals and Policies of the Eastside Area Community Plan:
  - Goal 3: History, Culture, and Art - The cultural landscape, comprised of buildings, businesses, public spaces, and natural features will be valued and preserved.
6. **Size of Tract:** The 0.2292-acres site is of sufficient size to accommodate the existing uses.
7. **Other Factors** The request for landmark designation was initiated by the owner. The application is for an "HL" Historic Landmark designation for the "AE-1" Arts and Entertainment District.

On August 21, 2024, 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 901 Nogalitos Street met UDC criterion [35-607(b)6], [35-607(b)11], and [35-607(b)12] 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; 1314 East Commerce Street meets three.

3. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or nation; for its association with the family of San Antonio businessman Theodore Magott.

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; as an example of one of the earliest and continuously operating family -owned grocery stores in San Antonio.

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; for its location in the East Commerce Street corridor.