

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2013-0087 1402 West Ave.

**P. C. DATE:** 10/08/13

**ADDRESS:** 1402 West Avenue

**AREA:** 0.882 acres

**APPLICANT:** Saleem Tawil

**AGENT:** Husch Blackwell, L.L.P.  
(Jerry Harris)

**NEIGHBORHOOD PLAN AREA:** Downtown

**CAPITOL VIEW:** Yes

**T.I.A.:** Waived – See the Transportation  
Reviewer's comments.

**HILL COUNTRY ROADWAY:** No

**WATERSHED:** Shoal Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** LO-H, Limited Office, Historic Landmark.

**ZONING TO:** DMU-H – Downtown Mixed Use, Historic Landmark.

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends DMU-H-CO, Downtown Mixed Use, Historic Landmark, Conditional Overlay. The Conditional Overlay would limit the height to forty feet (40') and limit vehicle trips to less than 2,000 per day.

### **DOWNTOWN COMMISSION RECOMMENDATION:**

The Downtown Commission declined to review the case because the applicant's request conforms to the Downtown Austin Plan and no additional entitlements such as CURE are being requested.

### **HISTORIC LANDMARK COMMISSION RECOMMENDATION:**

The Historic Landmark Commission at their regularly scheduled meeting of September 23<sup>rd</sup> voted to approve DMU-H-CO, Downtown Mixed Use, Historic Landmark, Conditional Overlay. The Conditional Overlay would limit the height to forty feet (40'), limit the impervious cover to seventy percent (70%), and establish the following setbacks – twenty five feet (25') in the front yard, five feet (5') on the side yard and five feet (5') in the rear yard and limit vehicle trips to less than 2,000 per day. The vote was 7-0 in favor.

### **PLANNING COMMISSION RECOMMENDATION:**

The motion to approve staff's recommendation for DMU-H-CO zoning with Historic Landmark Commission's recommendations, was approved on the consent agenda by Commissioner Danette Chimenti's motion, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was absent.

## **DEPARTMENT COMMENTS:**

The subject tract is located in the Northwest District in the Downtown Austin Plan. The property is currently developed with a single family residential structure that is being used as an office/commercially. Many of the existing homes in the Northwest District have been restored, but few are currently in residential use including 1402 West Avenue. Most of the existing homes have been rehabilitated for office use, including many law offices, which benefit from their proximity to the County Courthouse and Capitol. One of the goals identified in the Northwest District is to "Preserve the neighborhood's historic residential character". While this dwelling is no longer used as a residence, its "historic" designation will ensure that the structure is maintained as a "residential" structure. The Downtown Austin Plan on page 79 calls for this property to convert from its existing LO-H, Limited Office, Historic Landmark zoning to DMU, Downtown Mixed Use zoning with a height limit of forty feet (40'). This site is located within the "desired development zone" where development is encouraged to locate.

## **BASIS FOR RECOMMENDATION:**

*1. The proposed zoning should be consistent with the goals and objectives of the City Council.*

Granting DMU-H-CO, Downtown Mixed Use, Historic Landmark, Conditional Overlay zoning would be in keeping with recommended zone change as proposed by the adopted Downtown Austin Plan.

## **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<b>SITE</b>	LO-H	Office
<b>NORTH</b>	LO-H	Office
<b>SOUTH</b>	GO-DM-H-CO	Office
<b>EAST</b>	GO	Office
<b>WEST</b>	SF-3	House Park

## **CASE HISTORIES:**

<b>CASE NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2007-0219	From SF-3 to MF-4	Approved MF-4 [Vote: 7-0]	Approved MF-4 [Vote: 7-0]
C14-1995-0004	From SF-3 to GO	Approved GO [Vote: 7-0]	Approved GO [Vote: 5-0]
C14-00-2208	From CBD to CBD-CURE	Approved CBD-CURE [Vote: 6-1-1]	Approved CBD- CURE [Vote: 7-0]

## **SCHOOLS:**

Matthews Elementary School,  
O' Henry Middle School.  
Austin High School.

### **NEIGHBORHOOD ORGANIZATION:**

- Downtown Austin Neighborhood Coalition
- Pecan Street Owner's Association
- Downtown Austin Alliance
- Austin Warehouse District Association
- Old Pecan Street Association
- Sentral Plus East Austin Koalition
- Austin Neighborhood Council
- Downtown Austin Neighborhood Association
- Original Austin Neighborhood Assoc.

### **SITE PLAN:**

SP 1. This site is within the Capitol View Corridor and the maximum height allowed within the view corridor is strictly enforced. For any new development, an application for a Capitol View Corridor Height Determination must be submitted to Intake and demonstrate compliance prior to site plan review. For more information, contact the Development Assistance Center at 974-6370.

SP 2. Any new development is subject to Subchapter E Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

SP 3. FYI – Any new development must be compliance with Green Building standards. Contact the Green Building Program at 482-5300 for further information.

SP 4. The site is subject to compatibility standards.

SP 5. The structure on this site is a designated Historic Landmark. Review by the Historic Preservation Commission may be necessary.

### **TRANSPORTATION:**

TR1. A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

TR2. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Daily Traffic
West Avenue	80'	40'	Collector	Not Available

TR3. There are existing sidewalks along West Avenue.

TR4. According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and recommended along the adjoining streets as follows: West Avenue serves route 131 with an existing and recommended Wide Curb.

- TR5. Additional comments and recommendations may be generated by the Neighborhood Connectivity Division regarding mobility enhancements and facilities.
- TR6. Capital Metro bus service (route no. 18) is available along W. 12<sup>th</sup> Street 0.18 miles south of the site.

**ENVIRONMENTAL:**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

**CITY COUNCIL DATE:** November 7<sup>th</sup>, 2013

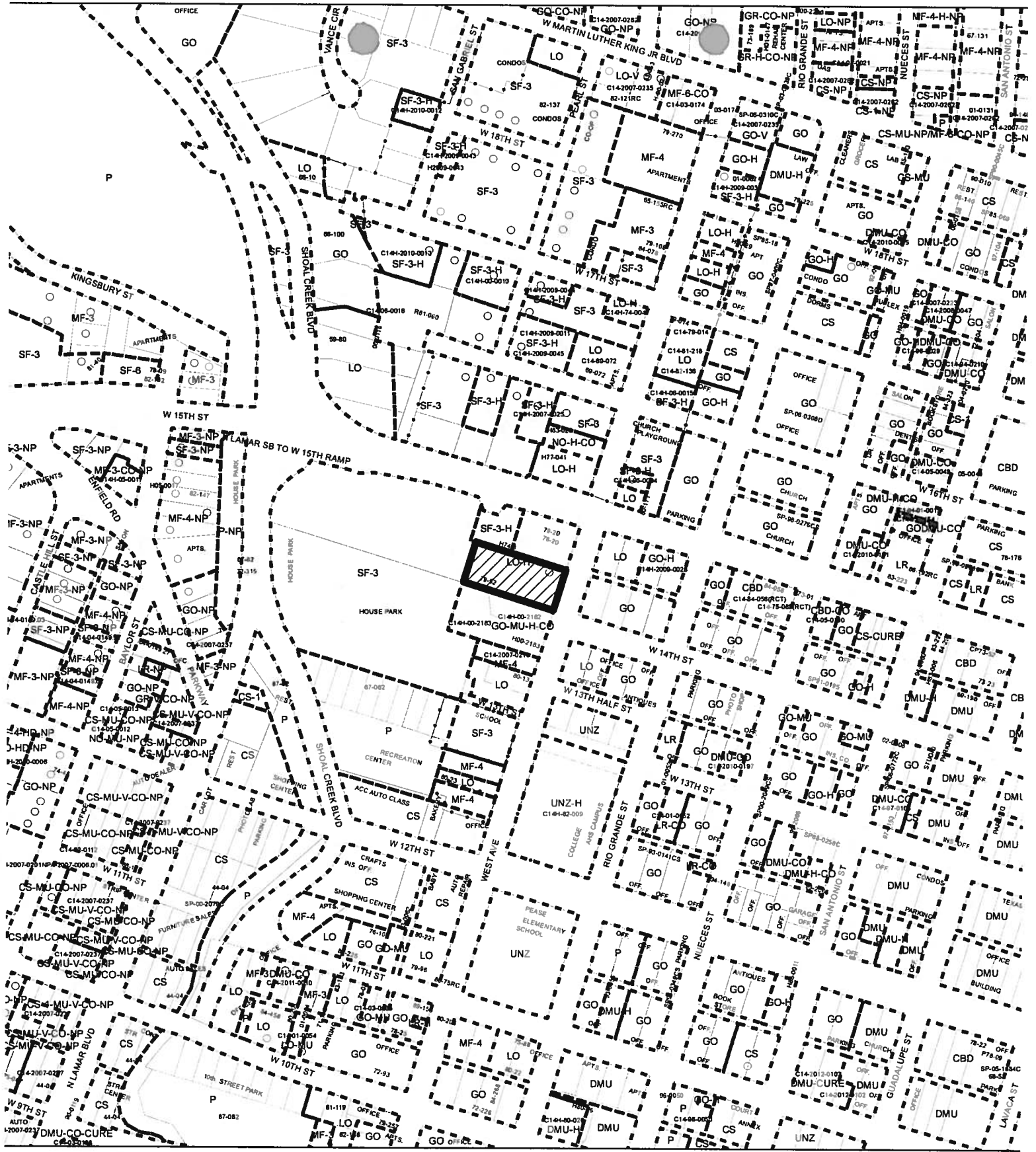
**ACTION:**

**ORDINANCE READINGS:** 1<sup>ST</sup>      2<sup>ND</sup>      3<sup>RD</sup>

**ORDINANCE NUMBER:**




**CASE MANAGER:** Clark Patterson  
[Clark.patterson@ci.austin.tx.us](mailto:Clark.patterson@ci.austin.tx.us)

**PHONE:** 974-7691



# ZONING

ZONING CASE#: C14-2013-0087

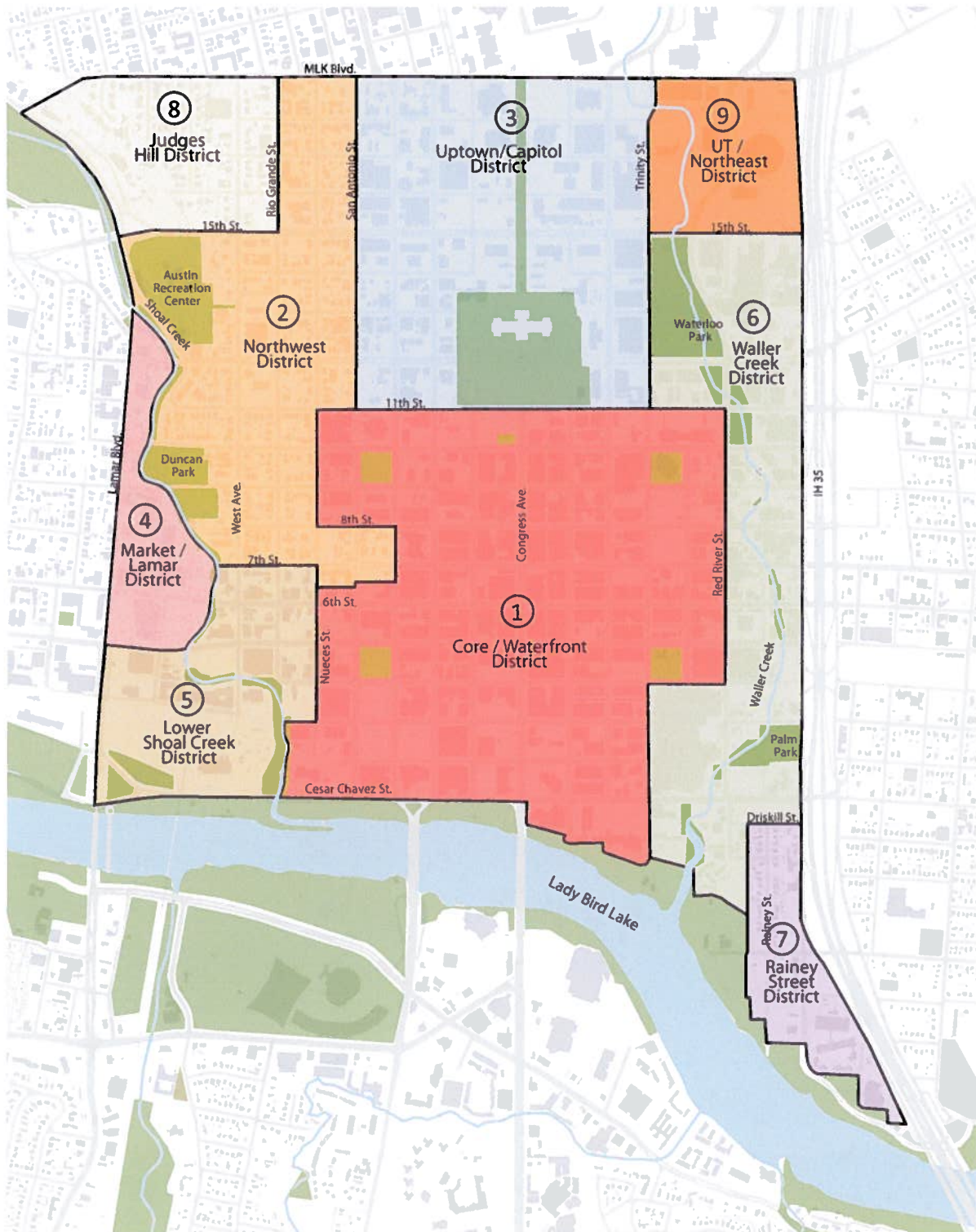
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

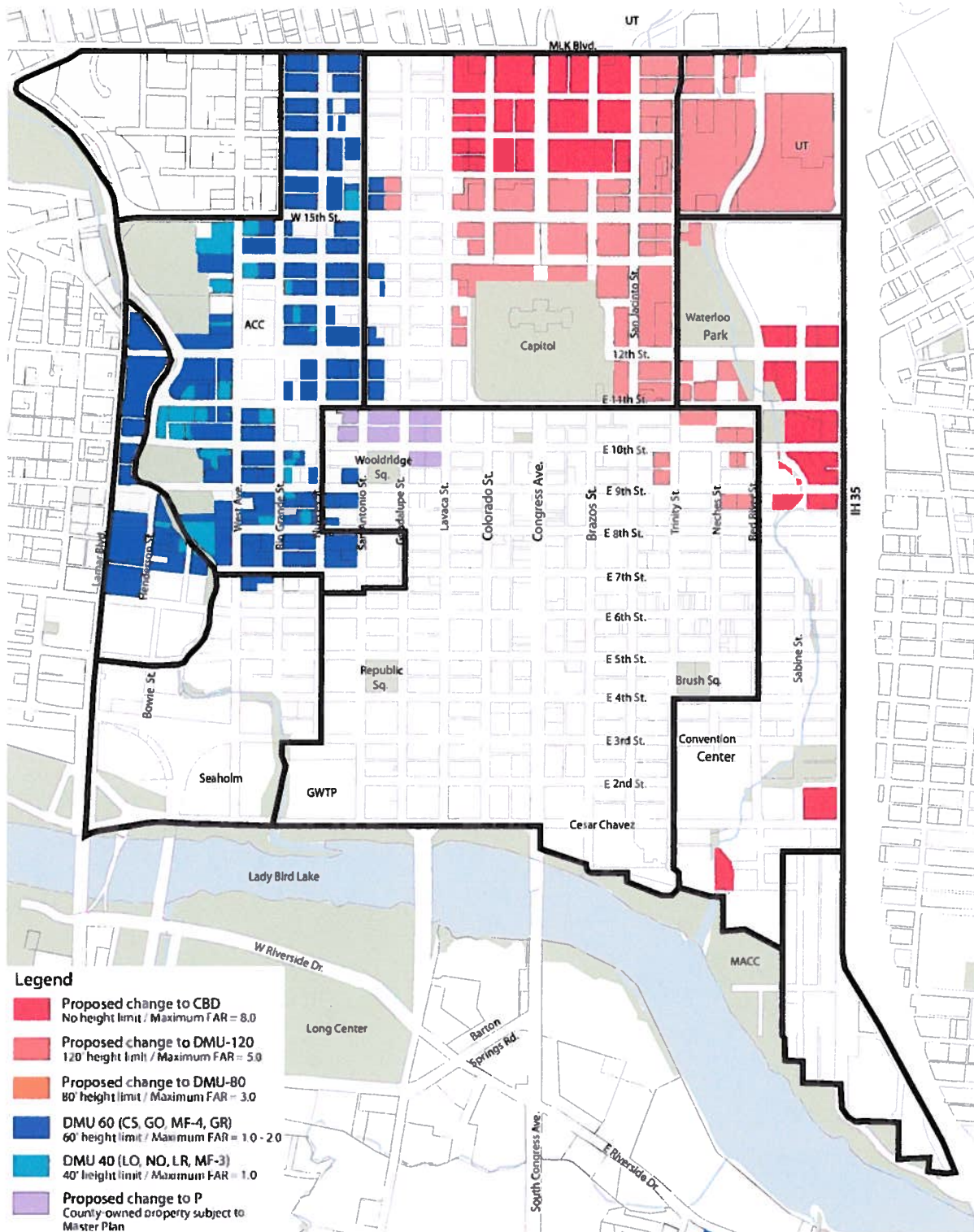
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





**Downtown Districts Map**





## Proposed Downtown Zoning Changes





SUBJECT TRACT

W 16TH ST

W 15TH ST

WEST AVE

W 14TH ST

W 13TH HALF ST

W 13TH ST

W 13TH ST

RIO GRANDE ST

SF-3

CO

GO-H

SF-3

FOE

UN



CAPITOL  
VIEW  
CORRIDOR

SUBJECT  
TRACT







Google earth





## **Application for Zoning Change at 1402 West Avenue**

Applicant: Jerry L. Harris

Owner: Salem Tawil

Case: C14-2013-0087

### **Property Owners (within 500 feet) filing comments:**

Elizabeth & George Christian at 807 W. 16<sup>th</sup> Street (512) 784-3915

### **Comments:**

We are neighbors within 500 feet of this proposed re-zoning and emphatically **oppose** the application requesting to change from LO-H to DMU-CO-H.

For a number of reasons we oppose the change:

- 1) The house next door to the Doggett House, the historic Danforth house, is expecting the third generation of Danforth's to assume residency in the near future. Recently, I spoke with the Danforth house caretaker, whose father maintained the house for the first Danforth family back in the 1920's, and he informed me that he is preparing the house for one of the grandchildren. I doubt the newest Danforth residents are expecting to have a business next to their home.

The Danforth House has PLENTY of history. In the year 1853 – only *eight* years after Texas became a U.S. state – the Glasscock Mansion was built on the property. The owner, George W. Glasscock, ***was a business partner of Abraham Lincoln!***

George Washington Glasscock (April 11 1810-February 28 1868) was an early settler, legislator, and businessman in Texas. He was born in Hardin County, Kentucky. In 1830 he went to St. Louis and from there to Springfield, Illinois, where in 1832 he was a partner of Abraham Lincoln in flatboating on the Sangamon River. He also fought in the Black Hawk War in Illinois. In September 1835 he moved to Texas and settled first at Zavala, where he was in business with Thomas B. Huling and Henry W. Millard. Glasscock was with James Chesshire's company in the Siege of Béxar. In 1840 he moved to Bastrop County, Texas and four years later to Travis County. In 1846 he moved yet again to the Williamson County area, where Glasscock helped to organize the county and donated 172 acres (3.9 km<sup>2</sup>) for the county seat, Georgetown, Texas, which was subsequently named for him. In 1853 he returned to Travis County. He represented Travis and Williamson counties in the Tenth and Eleventh Texas Legislatures and

was one of the managers of the State Lunatic Asylum during the gubernatorial administrations of Sam Houston, Edward Clark, Francis R. Lubbock, and Pendleton Murrah. During the American Civil War, he served with the 33rd Texas Cavalry. As a result of his interest in wheat growing, Glasscock built the first flour mill in what was then western Texas. He continued to make his home in Austin until his death there on 28 February 1868. His son, George Washington Glasscock, Jr. was a State Senator in the Nineteenth, Twentieth, and Twenty-first Texas Legislatures. Glasscock County and Georgetown in Texas are both named in his honor.

According to Austin Landmark information:

The 1853 Glasscock Mansion was at this site (1400 West Avenue) until 1923, when Rudolph Mueller and his wife, Laura Von Boeckmann of the 1874 Von Boeckmann Printing Company, bought the property and razed the "Old Haunted House." Although some believe they retained the cornerstone as part of the foundation for the home they constructed in 1927, family members say that Laura's one condition for purchasing the property was that not one stone of the old haunted house be used. Therefore, to give their future home a solid foundation, Rudolph blasted into the hillside to create a full basement.

Rudolph began working as a shipping clerk in 1901 and worked his way up to become the chairman of the board of Calcasieu Lumber Company, where he worked for 50 years. Mueller managed the Calcasieu Lumber Company while William Drake was in the army during WWII. He was also on the Austin School Board for 17 years.

The Colonial Revival house features Adams style details including a Palladian tripartite front door, Corinthian columns, balustrade above, full-height portico, and symmetrical placement of windows on brick exteriors. Custom ironwork graces the second story windows, and woodcarvings by Peter Mansbendel are in the interior. Ornamental ironwork is by Fritz Weigl.

After Rudolph's death, Mueller's daughter Frances "Sug" Danforth and her husband William Paul Danforth raised their family here. Danforth, an attorney, was an examiner with the Texas Railroad Commission for 31 years. Sug taught journalism classes and was on the staff of the Austin American Statesman. The house has been a residence since it was built, first for Laura and Rudolph Mueller and their two children, Frances Mueller Danforth and R.G. Mueller, Jr and then, Frances and William (Bill) Danforth and their three sons: William P. Danforth, Jr., Douglas Mueller Danforth and



Donald Lee Danforth. The house is now owned by Doug Danforth and thus remains in the Mueller-Danforth family. Robert Mueller Airport was named for Rudolph's brother.

2) The Doggett House sat in decline for many years after the recent owners purchased it. Daily we walked by the house and fretted over its neglect that in evidently would lead to the house's decline. Finally, there was activity. However, that activity was only in the back where the metal warehouse and giant satellites were installed. The metal warehouse is no way congruent to the house and greatly detracts from the historic front house, as do the eyesore satellites. Clearly, there is no architectural integrity at all. House Park sports fans are treated to the satellite view at each game they attend. It almost seems a certainty that any Doggett House changes will use the same aesthetic judgments on the front house as were used when building the metal warehouse and installing the satellites. We do not seek the property being restored (i.e., removing satellites and rebuilding metal warehouse to fit with front house), but we do adamantly wish to stop further zoning change to the property.

3) Zoning changes on West Avenue create a slippery slope to erode Austin's oldest neighborhood, Judge's Hill that was established in 1851. Ironically, the first Judge's Hill's first house was torn down in 1966, as were many other historic homes in the area. One re-zoned or demolished house at time would irreparably change the character of a neighborhood. Judge's Hill strongly combats the current building trend because the neighbors adamantly wish to maintain a residential neighborhood. Rezoning the Doggett House would create a precedent for other houses on West Avenue to receive a similar change. If the Doggett House is given a zoning change, then why would the Sparks House (three houses north of the Doggett House) receive a change? Then my backyard would be touching a commercial property and my children would be swinging on their rope swing amidst various workers and customers of the new commercial venture next to our house. Declining this re-zoning application stops the trend before it creeps to the next house, then the next house, then my house. The west side of West Avenue needs to be kept residential.

Please carefully consider all the facts when making a decision on this re-zoning change, as a change is directly in contrast to the interest of the city and the neighborhood.

### **Application for Zoning Change at 1402 West Avenue**

Applicant: Jerry L. Harris

Owner: Salem Tawil

Case: C14-2013-0087

### **Property Owners (within 500 feet) filing comments:**

Mark Seeger & Jeff Harper at [805 W. 16th Street \(512\) 784-0013](mailto:805.W.16th.Street@cityofaustin.com)

### **Comments:**

As neighbors within 500 feet of the project location, **we are strongly opposed** to the requested re-zoning application from LO-H to DMU-CO-H.

The City of Austin recently invested millions of tax-payer dollars, time and resources in developing a Downtown Austin Plan that included this property and resulted in the current zoning of LO-H. All stakeholders, including the property owner, had many opportunities to bring forward their zoning interests during the many planning meetings and public hearings that resulted.



### **DAILY VIEW OF LLOYD DOGGET'S CHILDHOOD HOME BY THOUSANDS OF DOWNTOWN COMMUTERS DOMINATED BY SATELLITE DISHES FROM HOUSE PARK AND 15<sup>th</sup> STREET**

Despite the review processes in place, the current owner/applicant has been able to significantly compromise the architectural integrity of the property by placement of very large visible satellite TV dishes (several of them - see attached pictures) for the purpose of television media broadcasts. These many dishes are almost two stories in height and are dramatic physical structures detracting from the view of the historic structure from many view corridors when approaching this significant landmark home (when traveling eastbound on 15<sup>th</sup>, when sitting in



House Park facing east, when looking south on 15<sup>th</sup>, etc). Sadly, this compromised property is seen by literally tens of thousands of people daily on their morning commute into our State Capital on Enfield Road from MoPac as they cross the 15<sup>th</sup> street bridge over Lamar Blvd.

The public pays for the maintenance of this historic structure with tax abatements and rezoning will only encourage further abrogation of that duty by adding pressure to alter the building in ways that are irreconcilable with preserving it. The house doesn't lend itself to first-floor (or any) retail. The dishes and barn they built in recent years, inconsistent with the house style, cause one to worry that they'd put in storefront glass on the first floor, arguing that all brick doesn't engage passerby. What this property needs is Landmark Commission enforcement.

Recent buyers appear to be undermining their landmark status over time and as impacted neighbors, we do not want to encourage opportunistic landmark speculators and the destruction they bring. These speculators should alternatively be asked to buy buildings that don't come with a duty to preserve history for public views - and should definitely not be allowed to further destroy this publicly maintained historic landmark through any zoning changes.

Lastly, three Landmark or contributing historic structures on West Avenue have sold within the past several years as Single Family Homes all zoned as SF3 (Sparks House, Herblin-Shoe House, and Shelley House). There is ample evidence pointing to a need to roll back the existing LO-H to a more appropriate SF3 zoning, and remove the satellite dishes in a fashion consistent with the publicly maintained historic home. A West Avenue historic SF-3 home in the next block recently sold for over \$2M as evidence of the zoning's feasibility here and one at the same intersection is for sale at a higher price while zoned SF-3H. In fact, there is a historically compatible new multi-million dollar SF-3 residential home being built at the end of 16<sup>th</sup> street, within 1000 feet of this property.

Residential use (SF-3) is a proven available use for this property that would restore historical integrity (remove satellite dishes) and prevent further deterioration of this publically maintained landmark that is a gateway to Austin's Downtown seen by thousands taxpayers daily.

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.austintexas.gov](http://www.austintexas.gov)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2013-0087

Contact: Clark Patterson, 512-974-7691

Public Hearing: Sep 23, Historic Landmark Commission

Oct 8, 2013, Planning Commission

Nov 7, 2013, City Council

*MICHAEL WARD*

Your Name (please print)

*901 W. 16th St 78701*

Your address(es) affected by this application

*Michael Ward*

Signature

*9-14-13*

Date

Daytime Telephone:

*512-632-9561*

Comments:

☐ I am in favor

☒ I object

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810



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Oct 8, 2013, Planning Commission

Nov 7, 2013, City Council

*Sally Ward*

Your Name (please print)

901 West 16th 78701

Your address(es) affected by this application

*Sally Ward*

Signature

9-14-13

Date

Daytime Telephone: 512-970-0149

Comments:

☐ I am in favor  
☒ I object

\_\_\_\_\_

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Contact: Clark Patterson, 512-974-7691

Public Hearing: Sep 23, Historic Landmark Commission

Oct 8, 2013, Planning Commission

Nov 7, 2013, City Council

MARGARET GOSSELINK

Your Name (please print)

903 W. 16TH ST 78701

Your address(es) affected by this application

Signature

Date

Daytime Telephone:

Comments:

This beautiful historic home is being preserved the spirit of family homes from the 1880s & early 1900s - lighter wood work & long & hard on the lot plan - keep the previous master plan - preserve historic structure - encourage continued residential use -

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Clark Patterson

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