

C8/1

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2013-0040 Commodore Perry Estate

**P. C. DATE:** 09/24/13, 10/08/13

**ADDRESS:** 710 E. 41<sup>ST</sup> St.

**AREA:** 5.69 acres

**APPLICANT:** Perry Estate, L.L.C.  
(Clark Lyda)

**AGENT:** Smith, Robertson, Elliot, Glen,  
Klein & Douglas, L.L.P.  
(David Hartman)

**NEIGHBORHOOD PLAN AREA:** Hancock

**CAPITOL VIEW:** No

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

**HILL COUNTRY ROADWAY:** No

**WATERSHED:** Waller Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**ZONING FROM:** SF-3-CO-NP, Family Residence, Conditional Overlay, Neighborhood Plan for Tracts 1, 2 & 1A.

**ZONING TO:** GR-MU-CO-NP, Community Commercial, Mixed Use, Conditional Overlay, Neighborhood Plan for Tracts 1 & 2 and GR-MU-CO-H-NP, Community Commercial, Mixed Use, Conditional Overlay, Historic Landmark, Neighborhood Plan for Tract 1A.

### **SUMMARY STAFF RECOMMENDATION:**

GR-MU-CO-NP, Community Commercial, Mixed Use, Conditional Overlay, Neighborhood Plan for Tracts 1 & 2 and GR-MU-CO-H-NP, Community Commercial, Mixed Use, Conditional Overlay, Historic Landmark, Neighborhood Plan for Tract 1A.

The Conditional Overlay would limit vehicle trips to less than 2,000 per day for Tracts 1, 2 & 1A combined.

The maximum impervious cover of Tracts 1, 2 & 1A combined shall not exceed forty five percent (45%) of the gross site area.

The maximum height for Tracts 1, 2 & 1A is two (2) stories or thirty feet (30') as defined by Section 25-1-21(47) of the Land Development Code.

Vehicular access to 41st. Street from Tract 1 is prohibited except for pedestrian, bicycle and emergency ingress and egress.

Vehicular access to Red River St. from Tract 2 is prohibited except for pedestrian, bicycle and emergency ingress and egress.

The maximum number of units on Tracts 1 and 2 combined shall not exceed 75, and no more than 55 of those units may be hotel units and no more than 40 hotel units may be located on Tract 2.

Only residential uses are allowed within seventy five feet (75') or the north zoning boundary line except for the eastern most two hundred fifty feet (250') measured from the property line adjacent to Red River Street.

The following uses are prohibited for Tracts 1, 2 & 1A - Duplex Residential, Multifamily Residential, Administrative and Business Offices, Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing (of any type), Bail Bond Services, Business or Trade School, Business Support Services, Commercial Off-Street Parking, Communications Services, Consumer Convenience Services, Consumer Repair Services, Drop off Recycling Collection Facility, Exterminating Services, Financial Services, Food , Preparation, Food Sales, Funeral Services, General Retail Sales (Convenience),

General Retail, Services (General), Indoor Sports and Recreation, Medical Offices (not exceeding 5K sq.ft. gross floor area), Medical Offices (exceeding 5K sq.ft. gross floor area), Off-Site Accessory Parking, Outdoor Sports and Recreation, Pawn Shop Services, Pet Services, Printing and publishing, Professional Office, Research Services, Restaurant (Limited), Service Station, Software Development, Theater, College and University Facilities, Communication Service Facilities, Community Events, Community Recreation (Private), Community Recreation (Public), Counseling Services, Cultural Services, Day Care Services (Commercial), Day Care Services (Limited), Guidance Services, Hospital Services (Limited), Local Utility Services, Public Primary Educational Facilities, Public Secondary Educational Facilities, Residential Treatment and Safety Service.

### **HISTORIC LANDMARK COMMISSION RECOMMEDATION:**

The Historic Landmark Commission at their regularly scheduled meeting of September 23, 2013 voted to add the Historic Landmark (H) Overlay for Tract 1A as staff recommended. The vote was 5-0 in favor with Commissioner's Leary and Myers recused.

### **PLANNING COMMISSION RECOMMENDATION:**

### **DEPARTMENT COMMENTS:**

The property is currently developed with the Commodore Perry Estate which consists of numerous structures, the main building being a circa 1928 Italian Renaissance Revival mansion and associated gardens, a convent building, a chapel, a carriage house, a cottage, a school building and a bowling alley. The applicant is proposing a boutique hotel with bungalow accommodations spread out on the property, a "farm-to-table" restaurant, and single family residential development on the west side of the property.

One of the stated goals of the Central Austin Combined Neighborhood Plan (CACNP) is to "Preserve the historic character and resources of the Central Austin Combined Neighborhood Planning Area neighborhoods". The Perry Estate has been a fixture in the area for over eighty five years. The applicant has agreed to seek Historic Landmark designation on the mansion and associated gardens and has received a favorable recommendation for Historic Landmark from the Historic Landmark Commission on September 23<sup>rd</sup>. The remainder of the property is in a National Register Historic District.

Another stated goal of the (CACNP) is to "Allow mixed-use development along the existing commercial corridors that is pedestrian oriented, neighborhood friendly, neighborhood scaled, and serves neighborhood needs." The Perry Estate property has lengthy frontage on Red River Street which is listed as a "major four lane undivided arterial". The proposed hotel and restaurant will only take access to Red River to discourage vehicular traffic from entering the neighborhood. The proposed residential properties to the west will only take access to 41<sup>st</sup> Street in order to discourage the mix of residential and commercial traffic. The proposed height limit of the entire development is limited to two stories for thirty feet (30') in order to blend in and match the scale of the surround neighborhood. The proposed restaurant will be open to the public and within walking distance of the single family areas to the north. The applicant also proposes to enhance the pedestrian streetscape along Red River and 41<sup>st</sup> Street with street trees and other amenities. This property is located within the "desired development zone" where development is encouraged to locate.

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**BASIS FOR RECOMMENDATION:**

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

Granting the requested zoning would be in keeping with the goals stated in the Central Austin Combined Neighborhood Plan.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<b>SITE</b>	SF-3-CO-NP	Former school
<b>NORTH</b>	SF-3-CO-NP	Single family residence
<b>SOUTH</b>	P	Hancock golf course
<b>EAST</b>	CS-CO	Hancock shopping center
<b>WEST</b>	SF-3-CO	Former school

**CASE HISTORIES:**

<b>CASE NUMBER</b>	<b>REQUEST</b>	<b>PLANNING COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2008-0071	From CS-CO to CS-1-CO	Approved CS-1-CO [Vote: 9-0]	Approved CS-1-CO [Vote: 6-0]
C14-1995-0075	From LR to GR-CO	Approved GR-CO [Vote: 7-0]	Approved GR-CO [Vote: 7-0]

**NEIGHBORHOOD ORGANIZATION:**

- Austin Neighborhood Council
- Hancock Neighborhood Assoc.
- North Austin Neighborhood Alliance
- Perry Neighborhood Assoc.
- Signature Neighborhood Assoc.
- CANPAC

**SCHOOLS:**

Lee Elementary School,  
Kealing Middle School,  
McCallum High School

**SITE PLAN:**

SP 1. 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 2. The site is subject to compatibility standards. Along the north and west property lines, the following standards apply:

- No structure may be built within 25 feet of the property line abutting the SF-3 zoned properties.

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- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
  - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
  - No parking or driveways are allowed within 25 feet of the property line abutting the SF-3 zoned properties.
  - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

#### **ENVIRONMENTAL:**

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller 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 a 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.

#### **TRANSPORTATION:**

No additional right-of-way is needed at this time.

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].

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Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Red River	85	MAU 4	Arterial	Yes	Yes	Yes
41st	65	30	Collector	No	No	No

**CITY COUNCIL DATE:**

**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





C8/7



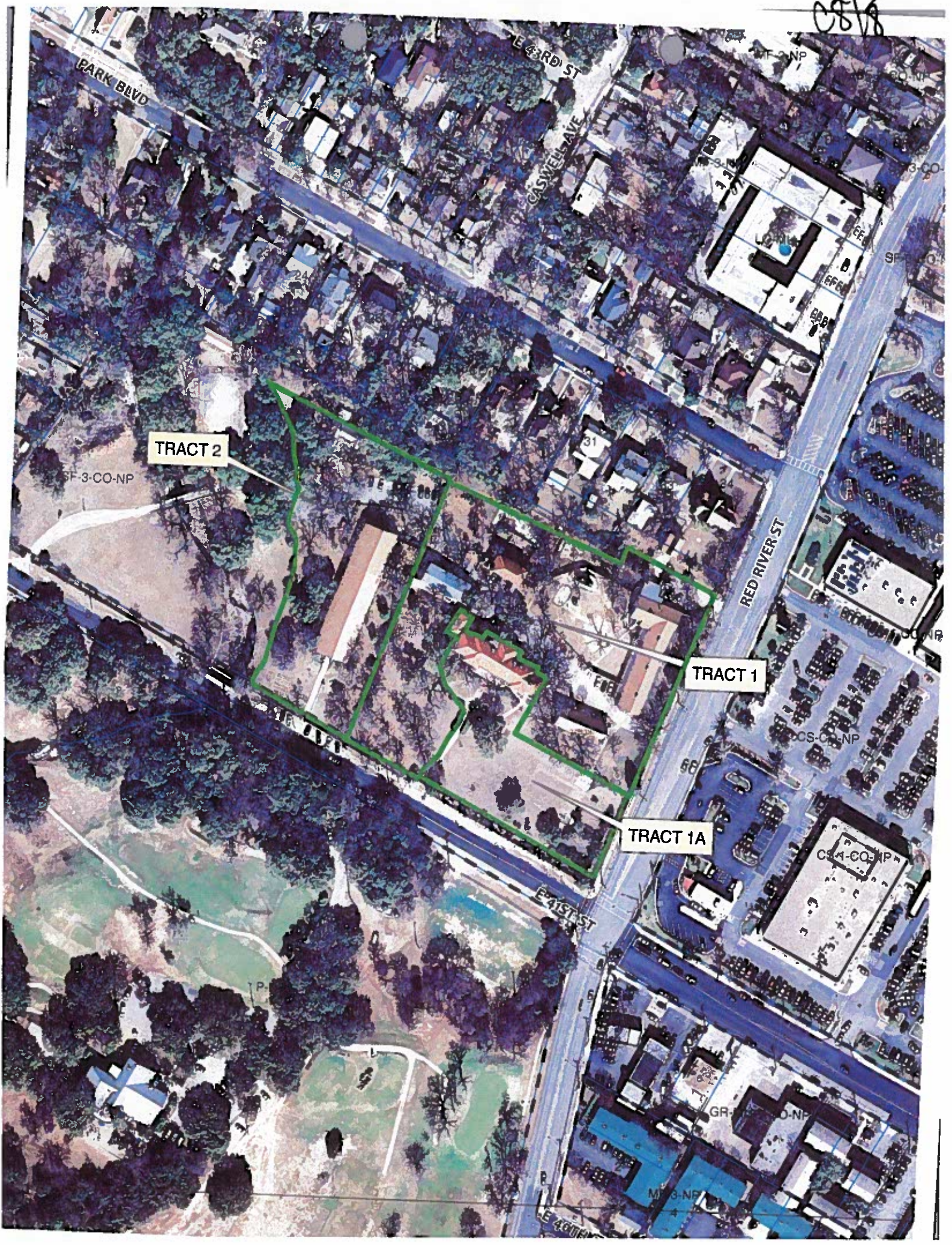
Google earth

feet  
meters





08/18



PARK BLVD

E 43RD ST

CASWELL AVE

RED RIVER ST

EAST ST

TRACT 2

TRACT 1

TRACT 1A

SF-3-CO-NP

CS-4-CO-NP

GR-1-CO-NP

MS-3-NP

CS-CO-NP

CO-NP

3-CO

CO-NP

NP



CS/9



Park Blvd

Red River Street

GR-MU-CO-NP

GR-MU-CO-H-NP

GR-MU-CO-NP

SI-3-NP

E 41st Street



08/10

**EXHIBIT B**

**AREA TO BE REZONED:**

<b>EXISTING ZONING</b>	<b>EXISTING USE</b>	<b>TRACT NO.</b>	<b>ACRES</b>	<b>PROPOSED USE</b>	<b>PROPOSED ZONING</b>
SF-3-CO-NP	School and Religious Assembly	1	2.974	Mixed Use	GR-MU-CO-NP
SF-3-CO-NP	School and Religious Assembly	2	3.491	Mixed Use	GR-MU-CO-NP
SF-3-CO-NP	School and Religious Assembly	1A	1.219 acres of Tract 1	Mixed Use	GR-MU-CO-H-NP



8/11



The Commodore Perry Estate



C8/12

## PETITION

Case Number: **C14-2013-0040**

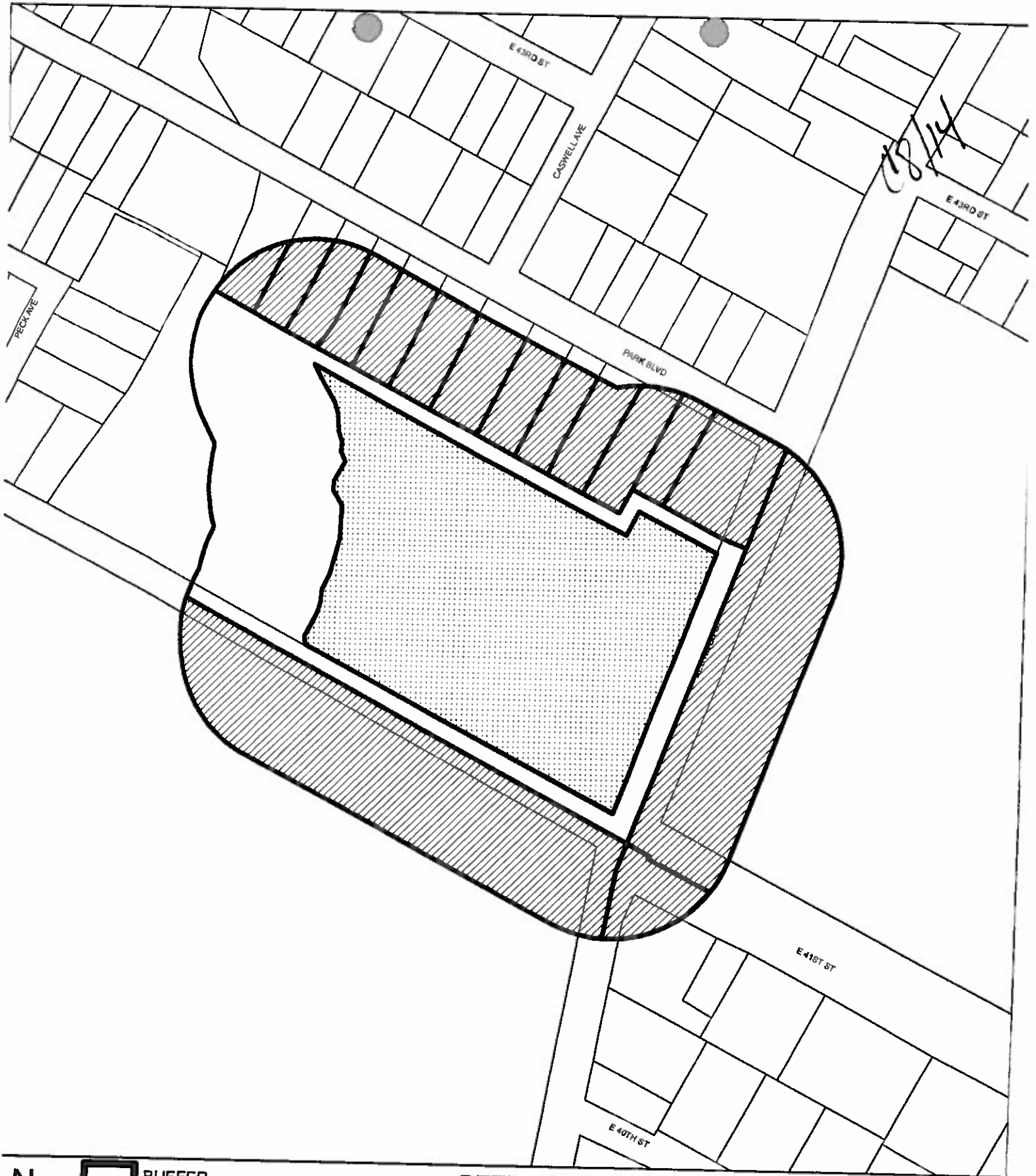
Date: 8/27/2013

Total Square Footage of Buffer:	566645.53
Percentage of Square Footage Owned by Petitioners Within Buffer:	15.47%



Calculation: The total square footage is calculated by taking the sum of the area of all TCAD Parcels with valid signatures including one-half of the adjacent right-of-way that fall within 200 feet of the subject tract. Parcels that do not fall within the 200 foot buffer are not used for calculation. When a parcel intersects the edge of the buffer, only the portion of the parcel that falls within the buffer is used. The area of the buffer does not include the subject tract.





BUFFER

PROPERTY\_OWNER

SUBJECT\_TRACT

## PETITION

CASE#: C14-2013-0040



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.

= 200'



08/15

# PETITION

Date: April 16, 2013

File Number: C14-2013-0040

Address of Rezoning Request: 710 E 41<sup>st</sup> Street

**RECIEVED**

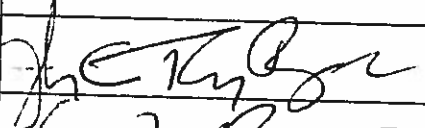

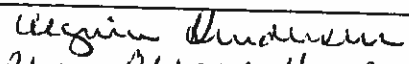
APR 23 2013

To: City of Austin, Austin City Council

Planning & Development Review

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, object to and do hereby protest any change of the Land Development Code that would zone or rezone the property to any classification other than SF-3-CO-NP.

The proposed zoning change is incompatible with existing residential use.

Signature	Owner	Address
	LAMAR VICKI L	605 E 42 ST TX 78751
	TENBARGE JOSEPH C	607 E 42 ST TX 78751
	BIGGS WILLIAM THOMAS	609 E 42 ST TX 78751
	RANDEL REED & RANDY C & SUSAN B RANDEL	4102 PECK AVE TX 78751
	WILSON DEBERA M	608 E 41 ST TX 78751
	YOUNG GLENDA LEE	605 PARK BLVD TX 78751
	DEINERT ERIKA I	607 PARK BLVD TX 78751
	FREE GREGORY & JO LYNN	609 PARK BLVD TX 78751
	FREE GREGORY & JO LYNN	611 PARK BLVD TX 78751
 BY: REBECCA HENDERSON	HENDERSON SURVIVING SPOUSES TRUST	703 PARK BLVD TX 78751

08/16

<i>Bruce H. Fairchild</i>	FAIRCHILD BRUCE H	709 PARK BLVD TX 78751
<i>Elizabeth Rose Elder</i>	ELDER ELIZABETH ROSE	711 PARK BLVD TX 78751
	HENDERSON LAVERNE	713 PARK BLVD TX 78751
<i>Michelle Reed</i>	REED RONALD L & MICHELLE	719 PARK BLVD TX 78751
<i>Holly C. Noelke Leal Miller</i>	NOELKE LEA C & HOLLY C	721 PARK BLVD TX 78751
	HENDERSON PATTYE	723 PARK BLVD TX 78751
<i>Hal F. Morris</i>	MORRIS HAL F & LORIE FRIEND	801 PARK BLVD TX 78751
<i>Tracey M. Cole</i>	COLE ALLAN HUGH JR & TRACEY M	803 PARK BLVD TX 78751
<i>Daniel Lester Smith</i>	SMITH DANIEL LESTER & LAURA SMITH	805 PARK BLVD TX 78751
	HENDERSON MAYRENE	807 PARK BLVD TX 78751
<i>Donald R. Kitley</i>	KITLEY DONALD R & MICHAEL D	809 PARK BLVD TX 78751
	HENDERSON LAVERNE	811 PARK BLVD TX 78751
	HENDERSON LAVERNE	813 PARK BLVD TX 78751
	PERRY ESTATE LLC	710 E 41 ST TX 78751
<i>Karen Killeen</i>	KILLEEN KAREN	702 E 41 ST TX 78751
	JONES SHARON GAYLE	700 E 41 ST TX 78751
<i>Carlos M. Carvalho</i>	CARVALHO CARLOS M	4107 PECK AVE TX 78751
<i>David S. Yager</i>	YAGER DAVID S & MARGARET M	4109 PECK AVE TX 78751
HENDERSON FAMILY TRUST BY: Virginia Henderson	HENDERSON FAMILY TRUST	4111 PECK AVE TX 78751
HENDERSON LIVING TRUST BY: Virginia Henderson	HENDERSON LIVING TRUST	E 42 ST TX 78751
HENDERSON FAMILY TRUST BY: Virginia Henderson	HENDERSON FAMILY TRUST	610 E 42 ST TX 78751
<i>Thomas Wayne Carlisle</i>	CARLISLE THOMAS WAYNE &	608 E 42 ST TX 78751

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**BRUCE H. FAIRCHILD**  
**3907 RED RIVER**  
**AUSTIN, TEXAS 78751**  
**(512) 458-4644      fincap2@texas.net**

September 2, 2013

Mr. Clark Patterson, AICP  
Case Manager  
Planning and Development Review  
City of Austin  
505 Barton Springs Road  
5<sup>th</sup> Floor  
Austin, Texas 78704

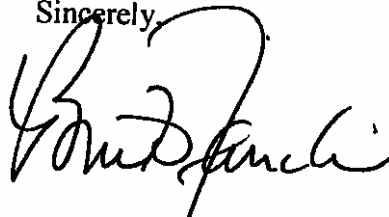
RE:    Case No. C14-2013-0040

Dear Mr. Patterson:

I wanted to make sure that you knew, and included in the case file, the outcome of the vote by the Hancock Neighborhood Association regarding the requested rezoning of the Perry Estate at 710 East 41<sup>st</sup> Street. As evidenced by the attached vote affirmation, the Hancock Neighborhood Association membership overwhelmingly opposed the proposed rezoning, by a vote of 97 Against, 20 For, and 1 Abstention.

We appreciate your consideration of this vote as you make your recommendation to City officials. If I can answer any questions or provide additional information please do not hesitate to contact me.

Sincerely,



Bruce H. Fairchild

Attachment



c8/18

**HANCOCK NEIGHBORHOOD ASSOCIATION VOTE**  
**RE: CHANGE IN FUTURE LAND USE MANAGEMENT PLAN AND ZONING**  
**FOR**  
**COMMODORE PERRY ESTATE**

At the regularly scheduled Hancock Neighborhood Association meeting on March 20, 2013, after discussion the following ballot was distributed to the general membership present:

Zoning change and development standards as represented in the document Commodore Perry Estate — Zoning and Development Standards dated March 2013 and posted to the HNA website for the March 20th HNA vote.	
Circle one:	
*****      For	Against


Results:

- 20 votes "For"
- 97 votes "Against"
- 1 abstention

We, the Officers of the Hancock Neighborhood Association, affirm that the above statements are true and correct.

  
\_\_\_\_\_  
Carolyn Palaima, President

  
\_\_\_\_\_  
David Yeager, Vice President

  
\_\_\_\_\_  
Bruce Fairchild, Treasurer

  
\_\_\_\_\_  
Julia Reynolds, Secretary

**Patterson, Clark**

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CS/19

**From:** karen reifel <[REDACTED]>  
**Sent:** Monday, September 02, 2013 3:41 PM  
**To:** Patterson, Clark  
**Subject:** C14-2013-0040 Perry Estate Zoning change application

Re: C14-2013-0040 Perry Estate Zoning change application

Clark Patterson and other city staff members:

I am adamantly opposed to the developer's zoning change application for the Perry Estate and am writing to urge you to reject his request to upzone the property. For the past twenty years, I have owned my home on East 39<sup>th</sup> St. and resided within a few blocks of the Perry Estate (710 East 41<sup>st</sup> St.). I believe that the developer's proposed change to commercial zoning will erode the established single-family environment in our neighborhood and that the commercial uses, scope, and scale are completely inappropriate for this location.

The developer has provided no evidence that such an upzoning is actually necessary for the survival of his property and its historic assets. Indeed, he has publicly stated that his business model requires the demolition of at least two historic structures listed on the National Register of Historic Places in order to create subterranean parking to meet the requirements of his commercial enterprise. He proposes to build what is essentially a resort with an event center for 350, a restaurant for at least 200, and a hotel with 55 units. The so-called residential component of his development reads more like a short-term rental, time-share, corporate-owned housing playground than a single-family development compatible with our established neighborhood.

In March, my Hancock Neighborhood Association overwhelmingly rejected the developer's proposal by a vote of 97 to 20. In addition, the neighbors closest to the Perry Estate oppose the proposed zoning changes by an overwhelming majority. Our voices should echo as loud and significant ones in any consideration of the developer's proposal for the property. Please understand that an upzoning for the Perry Estate provides no benefit to those of us living near the property or to the larger Hancock neighborhood and City of Austin. Only the developer will benefit, and he should be told "No" at each stage of the City's process.

We have worked hard to protect the existing and thriving single-family enclave that currently exists between Red River and Duval in Hancock. Please help us protect the integrity of our neighborhood by rejecting a developer's proposal that would forever erode and diminish the quality of life for those of us who live here.

Should you have any questions, please feel free to contact me. Thank you.

Karen Reifel

**Patterson, Clark**

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**From:** Mark Burch  
**Sent:** Monday, September 02, 2013 10:36 AM  
**To:** Patterson, Clark  
**Subject:** C14-2013-0040

C8/20

Clark Patterson, AICP  
Zoning Case Manager  
City of Austin  
Case: C14-2013-0040

September 2, 2013

Clark,

I'm writing to express my opposition to the upzoning proposed in case C14-2013-0040 (the Perry Estate). Granting this request would allow a substantial commercial intrusion into an intact residential area and would substantially harm the quality of life in the Hancock neighborhood.

The property owners have provided no evidence that maintaining the historic elements of the property requires commercial zoning, nor have they shown that the business they propose to operate is economically feasible.


Granting commercial upzoning to a historic property based only on the owners' assertions that they need it in order to sustain their investment would set a terrible precedent for Austin's older neighborhoods. Hancock contains many properties in residential use that are older than the Perry Mansion, including my own. Granting commercial zoning to even a portion of these homes would destroy the larger neighborhood.

There are many economically feasible uses for the Perry Estate under its existing base zoning, uses that would complement rather than undermine the surrounding neighborhood. The applicants in this case have stated that they will not consider those alternatives until the Planning Commission and City Council have rejected their "vision" for the Estate. Please help them towards that moment of insight by recommending that the Planning Commission vote against this application.

Feel free to contact me if you have questions or would like further information.

Cordially,

Mark H. Burch  
510 E 39<sup>th</sup>. St.

  
512-452-3981



12/22  
**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: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 22, 2013, Historic Landmark Commission

John Reed Henderson  
Your Name (please print)

4111 Pick Ave. #B  
Your address(es) affected by this application

[Signature]  
Signature

☐ I am in favor  
☒ I object

512-462-1223  
Daytime Telephone

7-15-13  
Date

Comments: The developer has come up with a

re-development plan that violates over 1/2 of the

City's 12 zoning principles. The overwhelming

majority of neighbors have officially taken a

position against Mr. Ceyda's Plan, a plan which

has zero regard for preserving the quality

of life for these residents in the Hancock neighborhood

Mr. Ceyda argues the property needs to produce

income in order to preserve its historical

significant buildings, hence he wants to create

significant buildings, hence he wants to create

a hotel/event center w/outdoor

amplified sound.

What's more important? - The preservation

of a mansion or traditional

neighborhood values. The answer

252/22  
**PUBLIC HEARING INFORMATION**

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Aug 13, 2013, Planning Commission

Your Name (please print)

Ira Henderson

Your address(es) affected by this application

4111 Beck Ave 78751

Signature

Date

Daytime Telephone: 512-762-2140

Comments:

I don't believe that this proposed plan is appropriate for our neighborhood. It will bring too much traffic and noise, among other issues. I think the current zoning is much more appropriate for the quality of the neighborhood. Thanks for your time, Ira Henderson

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

# INFORMACIÓN DE AUDIENCIA PÚBLICA

Esta petición de zonificación / rezonificación será repasada y acción será tomada de acuerdo a dos audiencias públicas: ante la Comisión de Usos Urbanos y el cabildo municipal. Aunque solicitantes y/o sus(s) agente(s) se les requiere atender la audiencia pública, usted no esta bajo requisito de atender. De todos modos, si usted atiende la audiencia pública, tendrá la oportunidad de hablar a FAVOR o EN CONTRA al presupuesto desarrollo urbano o cambio de zonificación. Usted también puede contactar a una organización de protección al medio ambiente u organización de vecinos que haya expresado interés en la aplicación teniendo implicaciones a su propiedad.

Durante la audiencia pública, la comisión podría postergar o continuar audiencia del caso en una fecha futura, o puede evaluar la recomendación de los oficiales municipales y las del público al mismo tiempo mandando su recomendación al cabildo municipal. Si la comisión anuncia una fecha y hora específica para postergar o continuar discusión, y no se extiende más de 60 días, no tendrá obligación de otra notificación pública.

El cabildo municipal, durante su audiencia pública, puede otorgar o negar una petición de zonificación, rezonificar el terreno a una clasificación de zonificación menos intensiva que lo que es pedida. En ningún caso se otorgara una clasificación de zonificación más intensiva de la petición.

Para otorgar un desarrollo de usos urbanos mixtos, el cabildo municipal puede agregar la designación USO MIXTO (MU) DISTRITO COMBINADO, *Mixed-use (MU) Combining District*, a ciertos usos urbanos de comercio. La designación MU- Distrito Combinado simplemente permite usos urbanos residenciales en adición a los usos ya permitidos el los siete distritos con zonificación para comercio. Como resultado, la designación MU- Distrito Combinado, otorga la combinación de oficinas, comercio, y usos urbanos residenciales en el mismo sitio.

Para más información acerca del proceso de desarrollo urbano de la ciudad de Austin, por favor visite nuestra página de la Internet:

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

Comentarios escritos deberán ser sometidos a la comisión (o a la persona designada en la noticia oficial) antes o durante la audiencia pública. Sus comentarios deben incluir el nombre de la comisión, la fecha de la audiencia pública, y el número de caso de la persona designada en la noticia oficial.

Numero de caso: C14-2013-0040

Persona designada: Clark Patterson, 512-974-7691

Audiencia Publica: Aug 13, 2013, Planning Commission

*Sust'n Clemens*

Su nombre (en letra de molde)

711 E. 43<sup>rd</sup> St.

Su domicilio(s) afectado(s) por esta solicitud

*[Signature]*

Firma

Fecha

Daytime Telephone:

512-585-0862

Comments:

☒ I am in favor  
☐ I object

Si usted usa esta forma para proveer comentarios, puede retornarlos a:

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

7/2/13  
**PUBLIC HEARING INFORMATION**

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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: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Sept 9, 2013, Historic Landmark Commission

Elizabeth Rose Elder

Your Name (please print)

711 Park Blvd.

Your address(es) affected by this application

Clayton R. Doe

Signature

9/7/13

Date

Daytime Telephone: 512-454-5498

Comments:

I am opposed to any up-zoning  
from residential to commercial. This is not in keeping with the  
residential character of the neighborhood  
and not in keeping with the  
approved neighborhood plan.

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

☐ I am in favor  
☒ I object



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Case Number: C14-2013-0040  
Contact: Clark Patterson, 512-974-7691  
Public Hearing: Sept 9, 2013, Historic Landmark Commission

*Austin Clemens*  
Your Name (please print)

711 E 43rd St

Your address(es) affected by this application



Signature

Daytime Telephone: 512-545-0862

9/11/13  
Date

Comments: This is an appropriate use of the space and fits nicely with the neighborhood.

☒ 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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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Sept 9, 2013, Historic Landmark Commission

**Blue Fynechre**

Your Name (please print)

**709 Pace Blvd**

Your address(es) affected by this application

**709 Pace Blvd**

Signature

Date

Daytime Telephone:

**512 458-4644**

Comments:

**REMOVED RESIDENCE FROM SPECIFIC TO GENERAL IS INCONSISTENT WITH  
GENERAL RESIDENCE ZONING / NAME OF SUBSEQUENT PROPOSAL AND  
PROPOSED RESIDENCE. PROVIDES A CLARITY AND BOUNDARY  
ALTERNATIVE PLAN. FURTHER, THE PROPOSED PROPOSAL FOR  
PACIFIC BLVD FOR 7000 / AND 2 ARE FOR A RESIDENTIAL OF COMMERCIAL  
AND ACTIVITY SUBSTANTIALLY DIFFERENT FROM SUBSEQUENT  
PROPOSAL. IN SHORT, THE PROPOSED RESIDENCE WOULD BE  
TO A SUBSTANTIAL AND SIGNIFICANT DEGREE IMPACT ON  
THE MAINTENANCE OF THE HISTORIC AND SUBSEQUENT PROPOSAL  
AND SHOULD BE DENIED.**

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

728

# PUBLIC HEARING INFORMATION

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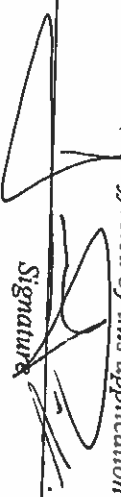
Case Number: C14-2013-0040  
Contact: Clark Patterson, 512-974-7691  
Public Hearing: Sept 9, 2013, Historic Landmark Commission

Joe Rezzi

Your Name (please print)

512 E. 41st Street

Your address(es) affected by this application



Signature

Daytime Telephone: 512-471-4771

9-3-2013  
Date

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

222  
**PUBLIC HEARING INFORMATION**

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Aug 13, 2013, Planning Commission

*Pencelop Davis*  
Your Name (please print)

*S18 E 40th St Austin TX 78705*  
Your address(es) affected by this application

☐ I am in favor  
☒ I object

*[Signature]*  
Signature

Date

Daytime Telephone: *(512) 302-0335*

Comments:

*I am reluctantly opposed to Lyda's proposals. It has shown a blatant disregard for the standard of living of neighbors to the east, even before having a license to use the property. This will be a huge detriment to the neighborhood for there is the vicinity the sound issues alone are a huge problem. PLEASE PROTECT OUR NEIGHBORHOOD.*

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



628  
**PUBLIC HEARING INFORMATION**

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Sept 9, 2013, Historic Landmark Commission

Rebecca Davis  
Your Name (please print)

518 E 40th St. Austin TX 78751  
Your address(es) affected by this application

[Signature]

Signature

9-1-13  
Date

Daytime Telephone: 302-0335

Comments: This project is a catastrophe for

neighboring properties. With the streets  
being held previously (even without a  
standard of living, blasting us out of our  
own houses with noise PLEASE don't  
allow this to be on for every weekend!  
PLEASE PROTECT THIS RESIDENTIAL  
NEIGHBORHOOD! We count on you!

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

☐ I am in favor  
☒ I object

02/28

**PUBLIC HEARING INFORMATION**

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Case Number: C14-2013-0040  
Contact: Clark Patterson, 512-974-7691  
Public Hearing: Aug 13, 2013, Planning Commission

Leanne Davis  
Your Name (please print)

518 E 40th St Austin TX 78751  
Your address(es) affected by this application

[Signature]  
Signature

9-1-13  
Date

Daytime Telephone: 512 302 0335

Comments:

PLEASE PROTECT OUR NEIGHBORHOOD  
(see comments on other petition)

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

☐ I am in favor  
☒ I object



## PUBLIC HEARING INFORMATION

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Aug 13, 2013, Planning Commission

*Real Henderson & Jesse Allen*

Your Name (please print)

*4441 Peak Ave.*

Your address(es) affected by this application

Signature

Date

Daytime Telephone:

*512-452-1223*

Comments:

*1) No benefit to the Neighborhood at all*

*2) Would set a bad precedent for other similar tracts nearby*

*3) The proposed use is entirely incompatible with the existing quality of the & would adversely affect all Hancock Neighbors & be necessary*

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

## PUBLIC HEARING INFORMATION

The proposed amendment will be reviewed and acted upon at two public hearings: first, before the Planning Commission and then before 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 amendment. You may also contact a registered neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a 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 plan amendment request, or approve an alternative to the amendment requested.

If you have any questions concerning this notice, please contact the City of Austin Planning and Development Review Department at the number shown on the first page. If you would like to express your support or opposition to this request, you may do so in several ways:

- by attending the Public Hearing and conveying your concerns at that meeting
- by submitting the Public Hearing Comment Form
- by writing to the city contact listed on the previous page

For additional information on Neighborhood Plans, visit the website: [www.austintexas.gov/planning/](http://www.austintexas.gov/planning/).

## PUBLIC HEARING COMMENT FORM

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

City of Austin  
Planning and Development Review Department  
Maureen Meredith  
P. O. Box 1088  
Austin, TX 78767-8810

If you do not use this form to submit your comments, you must include the name of the body conducting the public hearing, its scheduled date, the Case Number and the contact person listed on the notice in your submission.

Case Number: NPA-2013-0019.01  
Contact: Maureen Meredith, 512-974-2695  
Public Hearing: Aug 13, 2013, Planning Commission

Fred Henderson 64534  
Your Name (please print) 4111 Peck Ave.

☐ I am in favor  
☒ I object

Your address(es) affected by this application

Signature

Date

Comments:



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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Aug 13, 2013, Planning Commission

*MICHAEL D. KITZING*

*DONALD R. KITZING*

*809 PARK BLVD. AUSTIN TX 78757*

*Your address(es) affected by this application*

*Signature*

*Date*

Daytime Telephone: *(512) 914-1708*

Comments:

*We object to any commercial sites. The noise, lights, traffic in area & humans would make it unbearable to continue living a quiet neighborhood life. The surrounding neighborhood would be ruined.*

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

☐ I am in favor  
☒ I object

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 22, 2013, Historic Landmark Commission

*Justin Clemens*

Your Name (please print)

*711 E. 43rd St.*

Your address(es) affected by this application

*[Signature]*

Signature

Date

*7/13/13*

Daytime Telephone: *512-585-0862*

Comments:

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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

*C8/34*

## PUBLIC HEARING INFORMATION

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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: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 22, 2013, Historic Landmark Commission

Karen Kilgus

Your Name (please print)

702 E 41st Street

Your address(es) affected by this application

Karen Kilgus

Signature

Daytime Telephone: (713) 416-4021

Date

7/20/13

Comments: Mr. Lypla has personally broken the law and disturbed and disrupted the neighborhood. The neighborhood voted overwhelmingly against this. I would expect the neighborhood is just waiting to be respected.

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

8/35

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 22, 2013, Historic Landmark Commission

MICHAEL D. KITLEY

DONALD R. KITLEY

Your Name (please print)

809 PARK BLVD. AUSTIN, TX 78751

Your address(es) affected by application

Michael D. Kitley

Donald R. Kitley

Signature

Daytime Telephone: (512) 914-1708

Comments:

LYDA'S PLANS FOR REZONING  
THIS PROPERTY WILL DESTROY THE HISTORIC  
VIEW OF THE PERRY ESTATES. IT WILL  
HAVE A REAL NEGATIVE IMPACT ON THE  
MANCROCK NEIGHBORHOOD, CREATING ADDITIONAL  
PEOPLE TRAFFIC, AUTO TRAFFIC, NOISE, LIGHTS,  
ETC., ETC. ALSO CONSTRUCTION ON THE PERRY ESTATES  
WILL CREATE CONSTRUCTION DUST IN THE AIR & IT WILL  
COVER THE HOMES, CARS & YARDS OF THE NEIGHBORHOOD.

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

CP/26

7/16/13  
Date

☐ I am in favor  
☒ I object



2/2/13

**PUBLIC HEARING INFORMATION**

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Case Number: C14-2013-0040  
Contact: Clark Patterson, 512-974-7691  
Public Hearing: Sept 9, 2013, Historic Landmark Commission

Your Name (please print)

Karen Kileen

702 E 41st St

Your address(es) affected by this application

Karen Kileen

Signature

Daytime Telephone: 713 414 4021 (cell)

Date

9/13/13

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

**Patterson, Clark**

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**From:** [REDACTED]  
**Sent:** Monday, September 30, 2013 11:33 PM  
**To:** Patterson, Clark; Meredith, Maureen  
**Subject:** Rezoning case

C8/38

*I oppose the commercial zoning proposed for the Perry Estate in case number C14-2013-0040 and the associated neighborhood plan amendment (NPA-2013-0019.01). Hotel, restaurant, and indoor and outdoor entertainment are inappropriate uses for this property.*

The Hancock neighborhood has been "an urbane oasis" for many years. It deserves to retain this characterization amid all the noise and tumult of shopping centers, football games, and increasing traffic on its neighborhood streets.

Neighbors alone cannot maintain this peaceful place; we need support from citizens like you.

Regards,  
*marilyn lamping*  
*501 park blvd.*  
*512-467-7712*