NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET

NEIGHORHOOD PLAN: Central Austin Combined Neighborhood Plan

CASE#: NPA-2013-0019.01 **DATE FILED:** February 26, 2013 (In-cycle)

PROJECT NAME: Commodore Perry Estate

PC DATE: November 12, 2013
October 8, 2013
September 24, 2013
September 10, 2013
August 13, 2013

ADDRESS/ES: 710 E. 41st Street

SITE AREA: Approx. 5.692 acres (The area was revised on August 22, 2013 from 9.862 acres to 5.692 acres)

OWNER/APPLICANT: Perry Estate, L.L.C.

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

TYPE OF AMENDMENT:

Change in Future Land Use Designation
From: Civic **To:** Mixed Use

Base District Zoning Change
Related Zoning Case: C14-2013-0040
From: SF-3-CO-NP **To:** GR-MU-CO-NP for Tracts 1 & 2
GR-MU-H-CO-NP for Tract 1a

NEIGHBORHOOD PLAN ADOPTION DATE: August 26, 2004

PLANNING COMMISSION RECOMMENDATION: November 21, 2013, recommended approval (J. Nortey; S. Oliver – 2nd) Vote 8-0-1 (D. Chimenti absent)

Previous Actions:

October 8, 2013 – The motion to postpone to November 12, 2013 by the request of the neighborhood was approved on the consent agenda by Commissioner Chimenti's motion, Commissioner Smith seconded the motion on a vote of 8-0-1; Commissioner Oliver was absent.

September 24, 2013 – The motion to postpone to October 10, 2013 by the request of staff was approved on the consent agenda by Commissioner Steven's motion, Commissioner Oliver seconded the motion on a vote of 6-0-3; Commissioners Chimenti, Roark and Hernandez were absent. Commissioner Hernandez arrived late to the meeting.

September 10, 2013- The motion to postpone to September 24, 2013 by the request of staff was approved on the consent agenda by Commissioner Oliver's motion, Commissioner Stevens seconded the motion on a vote of 7-0-2; Commissioners Hernandez and Nortey were absent.

August 13, 2013 - The motion to postpone to September 10, 2013 by the request of staff was approved on the consent agenda by Commissioner Brian Roark's motion, Commissioner Stephen Oliver seconded the motion on a vote of 5-0; Chair Dave Anderson, Commissioners Danette Chimenti, Myron Smith and Richard Hatfield were absent.

STAFF RECOMMENDATION: Recommended

BASIS FOR STAFF'S RECOMMENDATION: The change in the future land use map from Civic to Mixed Use is appropriate because the property is on a major arterial that currently has access to major bus routes. The property is located north of a golf course, soccer field, and park land and is across the street (to the east) from a shopping center with mixed use land use on the land use map. The proposed changes will help to preserve the historic home and gardens on the site, which appears to one of the major goals of the Central Austin Combined Neighborhood Plan and within the Hancock area of the plan.

Goal One

Preserve the integrity and character of the single-family neighborhoods

Recommendation 2 Identify areas where mixed use would enhance the livability of the neighborhoods and rezone accordingly.

Hancock Neighborhood

Like most others in the Central Austin Combined Neighborhood Planning Area, residents of the Hancock neighborhood strongly desire the preservation of the integrity and quality of life in their existing single-family residential neighborhoods. They recognize that the various parts of Hancock significantly differ in character from one another but feel that the the mixture of historic estate homes with more modest bungalows and cottages is part of what makes Hancock distinctive. Neighbors take pride in the historic sites - the Hancock golf course itself, the Perry mansion at the corner of Red River St. and 41st St., "Inshallah" on 43rd St. at Waller Creek, and the many fine homes along Park Boulevard, Duval, Greenway, 32nd, 35th, and 37th Streets—but they are equally proud of the smaller-scale properties and subdivisions that provide diversity, more affordable housing, and, at times, a more human scale.

Goal Two

Preserve the historic character and resources of the CACNPA neighborhoods

Historic Preservation

The neighborhoods of the Central Austin Combined Neighborhood Planning Area (CACNPA) have hundreds of historic resources. Among these are buildings, bridges, gateways, and other structures. Neighborhood representatives have begun the process of collecting data to apply for historic designation. They recognize that protection of historic resources via nomination to the National Register of Historic Places, listing as a local or state landmark, or future listing as a possible local historic district (when the ordinance enabling the creation of this district is eventually created) is beyond the scope, time frame and expertise available to this planning process. To date, no staff, funding, or program exists in the City of Austin to achieve the levels of protection mentioned above.

Another important goal of the neighborhoods is to establish one or more local historic districts to order to preserve the historic neighborhoods for future generations of Austinites. At the time, there is no provision for the creation of local historic districts, but the neighborhoods would support the creation of such districts.

Objective 2.1: Protect historic resources including buildings, bridges, gateways and other structures.

Recommendation 1	Seek local landmark designation for individual resources that are eligible and meet the intent of the landmark ordinance.
Recommendation 2	Nominate eligible structures and districts to the National Register of Historic Places.
Recommendation 3	The City of Austin should enact an ordinance to create local historic districts to protect and preserve historic neighborhoods through design standards for new construction.
Recommendation 4	Designate historic districts under the City's proposed historic district ordinance.
Recommendation 5	As property owners of property that meets the historic landmark criteria request Landmark or historic designation, the neighborhoods will support the request.

Goal Three
Allow mixed-use development along the existing commercial corridors that is pedestrian oriented, neighborhood friendly, neighborhood scaled, and serves neighborhood needs

Throughout the neighborhood planning process, stakeholders from the different neighborhoods in CACNPA expressed interest in seeing new development and redevelopment along the area's commercial corridors be mixed use.

Objective 3.5: The Hancock Shopping Center and the commercial uses along 41st Street have been developed in a manner that is not pedestrian friendly. When this area is redeveloped, it should be done in a manner that fosters pedestrian activity. Locating retail storefronts closer to 41st Street would assist with this objective while allowing the placement of a buffer on the north side of the Hancock Center, to which single-family homes are adjacent. Neighborhood stakeholders prefer that taller buildings be located near the southeast corner of the site when Hancock Center is redeveloped in order to provide a buffer against interstate noise.

Recommendation 13 Allow the neighborhood mixed-use building and mixed use combining district along the south side of 41st Street.

Recommendation 14 Allow the neighborhood mixed use building and neighborhood urban center special use at the Hancock Shopping Center site.

Recommendation 15 Building massing for any redevelopment of the Hancock Shopping Center should be concentrated toward IH-35 and 41st Street.

Goal Five
Provide a safe environment and opportunities for all modes of transport

Hancock Neighborhood Planning Area
Objective 5.9: Improve the pedestrian environment of 41st Street between Red River and IH-35 when the corridor is redeveloped as a mixed-use corridor.

The segment of 41st Street between Red River Street and the frontage road of IH-35 is a wide, busy street that serves as a major access way to the Hancock Shopping Center. It is also a gateway into the neighborhood. On the north side is the shopping center and on the south is a variety of commercial, residential, and office uses. This corridor has been identified as an area where mixed-use development/ redevelopment is desirable.

Recommendation 19 Investigate the possibility of installing a landscaped median along 41st Street between Red River and IH-35.

Recommendation 20 Add pedestrian amenities such as additional street trees and contiguous sidewalks to both sides of 41st Street.

LAND USE DESCRIPTIONS – EXISTING AND PROPOSED

Existing Land Use

Civic -Any site for public or semi-public facilities, including governmental offices, police and fire facilities, hospitals, and public and private schools. Includes major religious facilities and other religious activities that are of a different type and scale than surrounding uses.

Purpose

1. Allow flexibility in development for major, multi-functional institutional uses that serve the greater community;
2. Manage the expansion of major institutional uses to prevent unnecessary impacts on established neighborhood areas;
3. Preserve the availability of sites for civic facilities to ensure that facilities are adequate for population growth4. Promote Civic uses that are accessible and useable for the neighborhood resident and maintain stability of types of public uses in the neighborhood;
5. May include housing facilities that are accessory to a civic use, such as student dormitories; and
6. Recognize suitable areas for public uses, such as hospitals and schools, that will minimize the impacts to residential areas

Application

1. Any school, whether public or private;
2. Any campus-oriented civic facility, including all hospitals, colleges and universities, and major government administration facilities;
3. Any use that is always public in nature, such as fire and police stations, libraries, and museums; 4. Civic uses in a neighborhood setting that are of a significantly different scale than surrounding non-civic uses;
5. An existing civic use that is likely or encouraged to redevelop into a different land use should NOT be designated as civic; and
6. Civic uses that are permitted throughout the city, such as day care centers and religious assembly, should not be limited to only the civic land use designation.

Proposed Land Use

Mixed Use- An area that is appropriate for a mix of residential and non-residential uses.

Purpose

1. Encourage more retail and commercial services within walking distance of residents;
2. Allow live-work/flex space on existing commercially zoned land in the neighborhood;
3. Allow a mixture of complementary land use types, which may include housing, retail, offices, commercial services, and civic uses (with the exception of government offices) to encourage linking of trips;
4. Create viable development opportunities for underused center city sites;
5. Encourage the transition from non-residential to residential uses;
6. Provide flexibility in land use standards to anticipate changes in the marketplace;
7. Create additional opportunities for the development of residential uses and affordable housing; and
8. Provide on-street activity in commercial areas after 5 p.m. and built-in customers for local businesses.

Application

1. Allow mixed use development along major corridors and intersections;
2. Establish compatible mixed-use corridors along the neighborhood's edge;
3. The neighborhood plan may further specify either the desired intensity of commercial uses (i.e. LR, GR, CS) or specific types of mixed use (i.e. Neighborhood Mixed Use Building, Neighborhood Urban Center, Mixed Use Combining District);
4. Mixed Use is generally not compatible with industrial development, however it may be combined with these uses to encourage an area to transition to a more complementary mix of development types;
5. The Mixed Use (MU) Combining District should be applied to existing residential uses to avoid creating or maintaining a non-conforming use; and
6. Apply to areas where vertical mixed use development is encouraged such as Core Transit Corridors (CTC) and Future Core Transit Corridors.

IMAGINE AUSTIN COMPREHENSIVE PLAN

The proposed land use change from Civic to Mixed Use is to allow the rezoning of the property for a hotel to operate within a historic building. On the property is a proposed urban farm and open space.

ENVIRONMENTAL

CFS P8. Reduce pollution in all creeks from stormwater runoff, overflow, and other non-point sources.

CE P7. Protect and improve the water quality of the city's creeks, lakes, and aquifers for use and the support of aquatic life.

CFS P46. Foster the use of creeks and lakes for public recreation and enjoyment in a manner that maintains their natural character.

LAND USE AND TRANSPORTATION POLICIES

LUT P1. Align land use and transportation planning and decision-making to achieve a compact and connected city in line with the growth concept map.

LUT P3. Promote development in compact centers, communities, or along corridors that are connected by roads and transit that are designed to encourage walking and bicycling, and reduce health care, housing and transportation costs.

LUT P4. Protect neighborhood character by directing growth to areas of change that includes designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

LUT P5. Create healthy and family-friendly communities through development that includes a mix of land uses and housing types and affords realistic opportunities for transit, bicycle, and pedestrian travel and provides both community gathering spaces, parks and safe outdoor play areas for children.

LUT P6. Ensure that neighborhoods of modest means have a mix of local-serving retail, employment opportunities, and residential uses.

LUT P7. Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

LUT P10. Direct housing and employment growth to activity centers and corridors, and preserving and integrating existing affordable housing where possible.

LUT P11. Promote complete street design that includes features such as traffic calming elements, street trees, wide sidewalks, and pedestrian, bicycle, and transit access throughout Austin, considering the safety needs of people of all ages and abilities.

HOUSING POLICIES

H P7. Reuse former brownfields, greyfields (previously developed properties such as strip centers or malls that are not contaminated) and vacant building sites to reduce negative impacts of vacancy and provide new mixed-use and/or housing options.

HN P11. Protect neighborhood character by directing growth to areas of change and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors, and infill sites.

NEIGHBORHOODS POLICIES

N P2. Protect neighborhood character **by directing growth to areas of change** and ensuring context sensitive infill in such locations as designated redevelopment areas, corridors and infill sites

N P5. Strengthen planning processes by recognizing that the Comprehensive Plan and small-area plans, such as neighborhood plans, corridor plans, and station area plans, need to respect, inform, and draw from each other.

ECONOMIC POLICIES

E P1. Promote and measure business entrepreneurship, innovation, and a culture of creativity.

E P2. Implement policies that create, nurture, and retain small and local businesses and minority-and women-owned business.

E P3. Build on the Austin metropolitan area's position as a leader in global trade.

E P4. Continue to strengthen partnerships among Chambers of Commerce, state and local governments, and major employers, and leverage incentives to attract and retain major employers.

E P13. Promote "start-up districts" where new businesses benefit from locating near transportation infrastructure, services, suppliers, mentors, and affordable support facilities

E P18. Develop a sustainable local food system by encouraging all sectors of the local food economy, including production, processing, distribution, consumption, and waste recovery.

CONSERVATION AND ENVIRONMENT POLICIES

CE P3. Expand the city's green infrastructure network to include such elements as preserves and parks, trails, stream corridors, green streets, greenways, and agricultural lands.

CE P4. Maintain and increase Austin's urban forest as a key component of the green infrastructure network.

CE P15. Reduce the overall disposal of solid waste and increase reuse and recycling to conserve environmental resources.

HEALTH AND HUMAN SERVICE POLICIES

HHS P7. Provide broad access to fresh foods, local farmers markets, co-ops, grocery stores, community gardens, and healthy restaurants in neighborhoods.

The above map shows the property location in relation to the Town Center and Regional Center areas shown on the Growth Concept Map.

BACKGROUND: The application was filed on February 26, 2013, which is in-cycle for neighborhood planning areas located on the west side of I.H.-35.

The applicant proposes to change the future land use map from Civic to Mixed use on approximately 5.692 acres of land divided into Tracts 1, 1a, and 2. The balance of the property is not proposed for a future land use map change and will remain Civic.

The applicant proposes to change the zoning on the property from SF-3-CO-NP to GR-MU-CO-NP and GR-MU-H-CO-NP to operate a hotel out of a historic mansion. For more information on the zoning request, please see the zoning case report for the associated zoning case C14-2013-0040.

PUBLIC MEETINGS: The ordinance required plan amendment meeting was held on March 27, 2013. Approximately 413 notices were mailed to property owners, utility account holders located within 500 feet of the property, in addition to neighborhood and environmental organizations registered on the Community Registry for the area. Thirty-five people attended the meeting, in addition to the owner, Clark Lyda and David Hartman his agent.

After staff gave a brief presentation outlining the applicant's future land use map and zoning request, the owner, Clark Lyda made a power point presentation providing details on the property history, the proposed zoning and land use changes, the traffic impact, noise mitigation, and other information. Staff was not given a copy of the presentation so it is not included with this report.

Mr. Lyda said he purchased the property three years ago. The property has a 1920's structure with gardens. Previously the property was a private school which was unable to maintain the property so it fell into disrepair. The entire property is on the National Registry of Historic Districts. He needs a commercial use that will be able to economically maintain the property. He's proposing a boutique, luxury hotel with 100 rooms, like the Bellaire Hotel in Los Angeles, which is located in an expensive part of the city. The western portion of the property is proposed for single family homes designed to be low-maintenance for home

owners. The design will be in scale with the existing homes in the neighborhood. The homes could be senior housing.

The outdoor amplified sound will be used for special events, small groups could gather outside on the terrace. He hired an acoustic consultant to monitor existing conditions and how to contain the music so it will not bother neighbors.

After his presentation, the following questions were asked by attendees:

Q. The band will bring their own equipment. How will you control the level of the sound. We are always calling 311 to report the noise on your property.
A. We can control the level of the amplified music through the special sound board and we can use non-amplified music for events.

Q. Three hundred and fifty people alone make a lot of noise. How can you control the noise of just people talking?
A. Yes, noise is additive in that way. There is no sound system that can control crowd noise.

Q. You are proposing underground parking; will you demolish the building where the parking is proposed?
A. Yes

Q. Where will be entrance be to the residential portion of the property?
A. The entrance will be from 41st Street. People won't be able to drive from the residential portion to the hotel part.

Q. An eight foot fence is proposed. Will you replace the existing fence?
A. Yes, it will match the existing stone wall on 41st Street.

Q. There is an existing historical wall. Is that correct?
A. Yes, but it's not shown on the site plan.

Q. Has your business model for the boutique hotel taken into consideration the 1000 plus hotel rooms that are proposed to be built in Austin?
A. Yes, our financial partners build hotels, but this is a different animal. It's done on a case-by-case basis.

Q. How many employees would you have and where would they park?
A. They will park on-site. Don't hold me to this number, but maybe we would have 50 to 75 employees.

Q. In the existing residential zoning, how many homes could you fit on the property?
A. We haven't looked into that.

Q. You said before that you would not move forward with the zoning case if the neighborhood did not support you. So why are you proceeding even though the neighborhood doesn't support you?
A. We will wait to see what Planning Commission and City Council says.

Q. Will the condos be sold or rented?
A. They will be designed to be owned and maintained by the owners. The maximum square feet of units would be 4,500 sq. feet, with the average being 1,500 sq. ft.

Q. Have you done a TIA for the traffic impact on 41st Street?
A. Only the residential units will have access to 41st Street, which would be less traffic than when the school was fully occupied. No TIA is required.

Q. Would be restaurant and bar have seating outside?
A. We would be OK with limiting outdoor seating and have the bar inside.

Q. How will your development affect the habitat?
A. There will be no environmental impact. We will maintain the wildlife corridor. We have no desire to light up the site. It will be designed to be green to the highest standards.

Comments from attendees at the meeting:

- Just because you're proposing an expensive hotel doesn't mean you'll have better behaving people.

- We're already calling Code Enforcement on your business for the noise and you haven't even been approved for the zoning yet.

A letter from the Hancock Neighborhood Association is provided with this report on pages 16-17. They do not support the proposed changes. At the back of this report is the Hancock Neighborhood Association's 56-page report titled, "Perry Estate Special Committee Report".

An email from the CANPAC Planning Contact Team is on page 15.

A letter of support from Preservation Austin is on pages 30-31.

CITY COUNCIL DATE:

November 21, 2013	**ACTION:** Postponed on consent agenda to December 12, 2013 at the neighborhood's request (B. Spelman's motion; Mayor Leffingwell – 2nd) Vote: 7-0.
December 12, 2013	**ACTION:** Approved 1st Reading (B. Spellman's motion; Mayor Pro Tem Cole – 2nd) Vote: 7-0.

CASE MANAGER: Maureen Meredith **PHONE:** (512) 974-2695

EMAIL: Maureen.meredith@austintexas.gov

Letter from the CANPAC Planning Contact Team

From: Nuria Zaragoza
Sent: Wednesday, October 23, 2013 4:45 PM
To: Meredith, Maureen
Cc: Adam Stephens
Subject: Re: CANPAC Recommendation for Perry Estate?

Hello Maureen,

Please forward this statement as our official position regarding the Perry Estate:

Commissioners:

After several meetings, and hearing from both sides, CANPAC has decided not to make a recommendation at this time.

Sincerely,

Nuria Zaragoza and Adam Stephens
Co-chairs

Letter from the Hancock Neighborhood Assn.

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

September 2, 2013

Rec'd 9/5/13

Ms. Maureen Meredith
Neighborhood Planning and Zoning Department
City of Austin
Post Office Box 1088
Austin, Texas 78767

RE: 2013-018648 NP

Dear Ms. Meredith:

I wanted to make sure that you knew, and included in your files, the outcome of the vote by the Hancock Neighborhood Association regarding the requested rezoning of the Perry Estate at 710 East 41st 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 recommendations and comments 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

HANCOCK NEIGHBORHOOD ASSOCIATION VOTE

RE: CHANGE IN FUTURE LAND USE MANAGEMENT PLAN AND ZONING

FOR

COMMODORE PERRY ESTATE

Rec'd 9/5/13

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

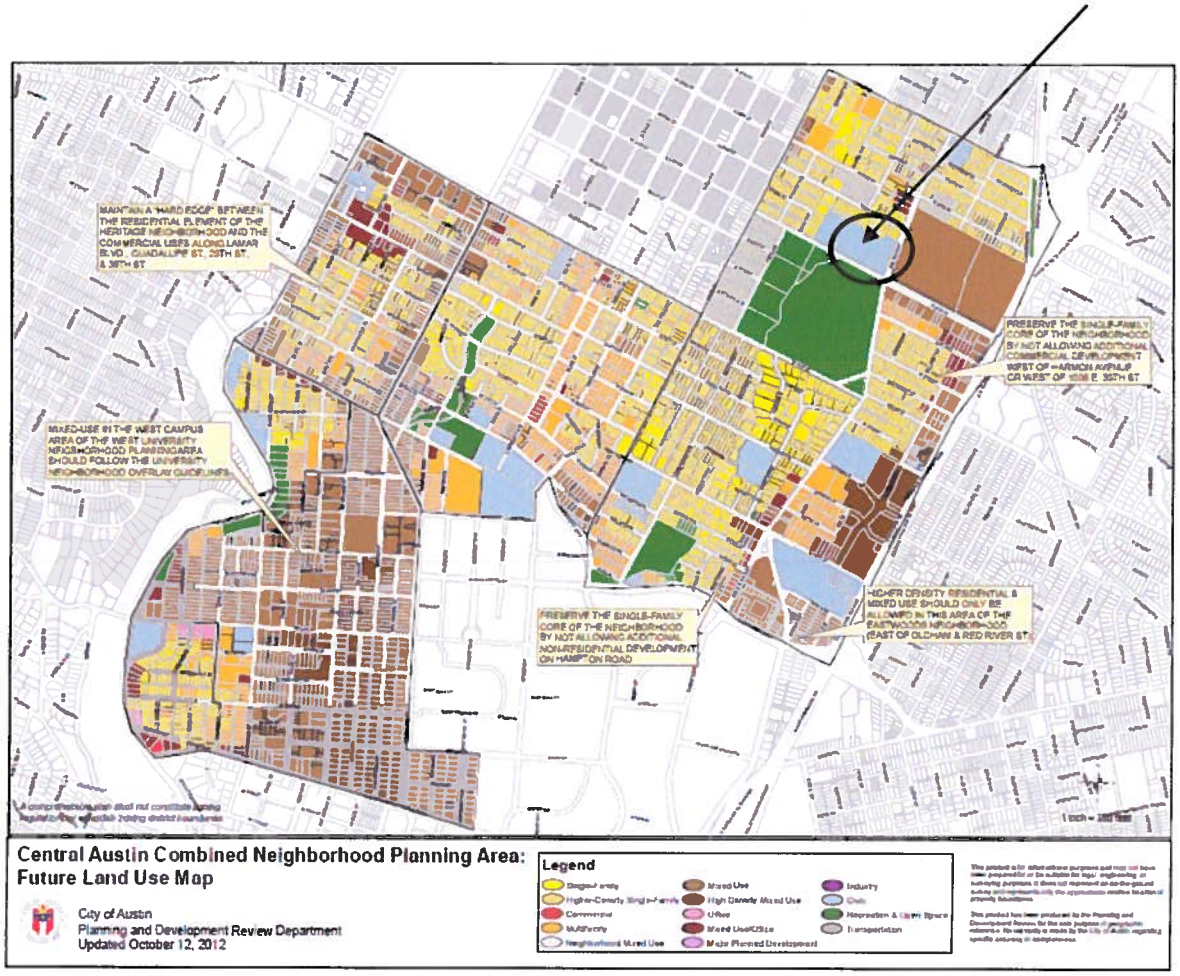
We, the Officers of the Hancock Neighborhood Association, affirm that the above statements are true and correct.

Carolyn Palaima, President

David Yeager, Vice President

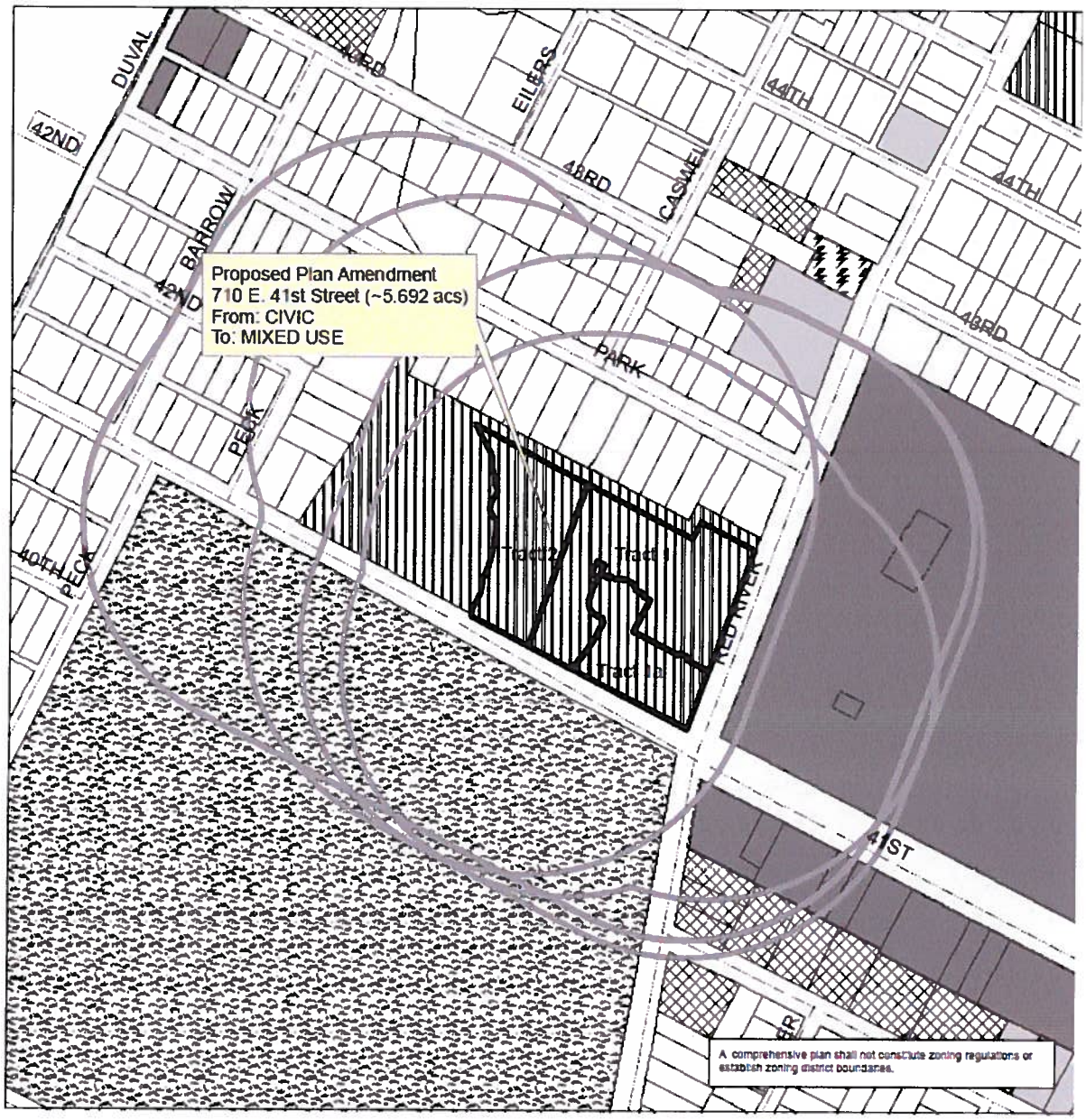
Bruce Fairchild, Treasurer

Julia Reynolds, Secretary


MAINTAIN A "HARD EDGE" BETWEEN THE RESIDENTIAL ELEMENT OF THE HERITAGE NEIGHBORHOOD AND THE COMMERCIAL USES ALONG LAMAR BLVD., GUADALUPE ST., 29TH ST. & 38TH ST.
PRESERVE THE SINGLE-FAMILY CORE OF THE NEIGHBORHOOD BY NOT ALLOWING ADDITIONAL COMMERCIAL DEVELOPMENT WEST OF ARMOR AVENUE OR WEST OF 1006 E. 29TH ST.
MIXED-USE BY THE WEST CAMPUS AREA OF THE WEST UNIVERSITY NEIGHBORHOOD PLANNING AREA SHOULD FOLLOW THE UNIVERSITY NEIGHBORHOOD OVERLAY GUIDELINES.
PRESERVE THE SINGLE-FAMILY CORE OF THE NEIGHBORHOOD BY NOT ALLOWING ADDITIONAL NON-RESIDENTIAL DEVELOPMENT ON HARMON ROAD
HIGHER DENSITY RESIDENTIAL & MIXED USE SHOULD ONLY BE ALLOWED IN THIS AREA OF THE EASTWOODS NEIGHBORHOOD EAST OF OLDHAM & RED RIVER ST.
Central Austin Combined Neighborhood Planning Area: Future Land Use Map
City of Austin
Planning and Development Review Department
Updated October 12, 2012
Legend
Single Family
Mixed Use
Industry
Higher-Density Single-Family
High Density Mixed Use
Civic
Commercial
Office
Recreation & Open Space
Multi-family
Mixed Use/Office
Transportation
Neighborhood Mixed Use
Major Planned Development

CITY OF AUSTIN DEVELOPMENT WEB MAP

CITY OF AUSTIN DEVELOPMENT WEB MAP



Central Austin Combined Neighborhood Plan
NPA-2013-0019.01

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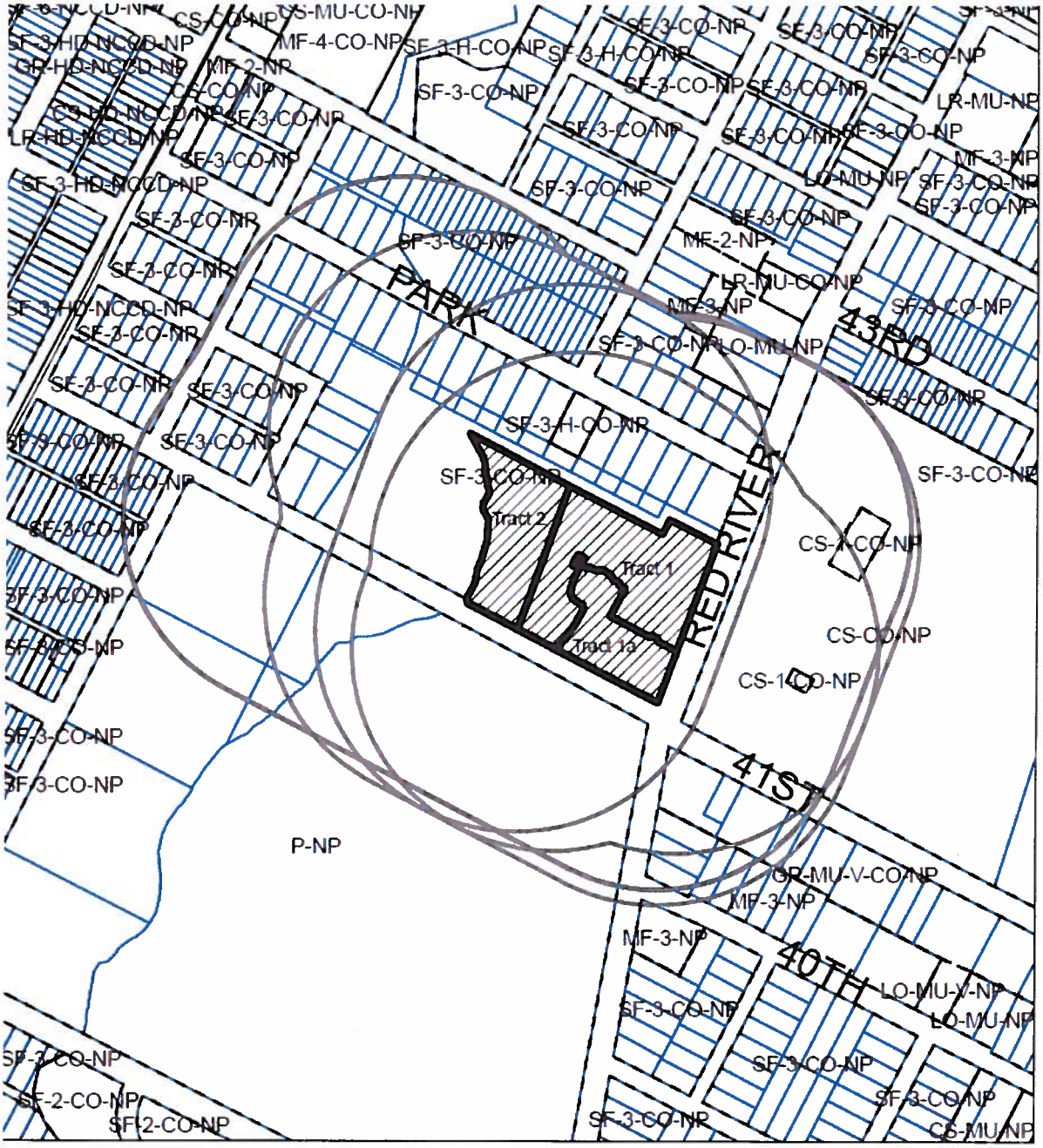
This product has been produced by the Planning and Development Review for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

City of Austin
Planning and Development Review Department
Created on Sept. 26, 2013_M Meredith

N

Legend
- Subject Tract
- Core Transit Corridors
- 500ft notification boundary
- Street Address Centerline
- NPA CASES
- Single-Family
- Multi-Family
- Neighborhood Mixed Use
- Mixed Use
- Mixed Use/Office
- Civic
- Recreation & Open Space



N

SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
500ft Notification Boundary

NEIGHBORHOOD PLAN AMENDMENT
Case Number: NPA-2013-0019.01
Address: 710 E. 41st Street
Approx. 5.692 acres

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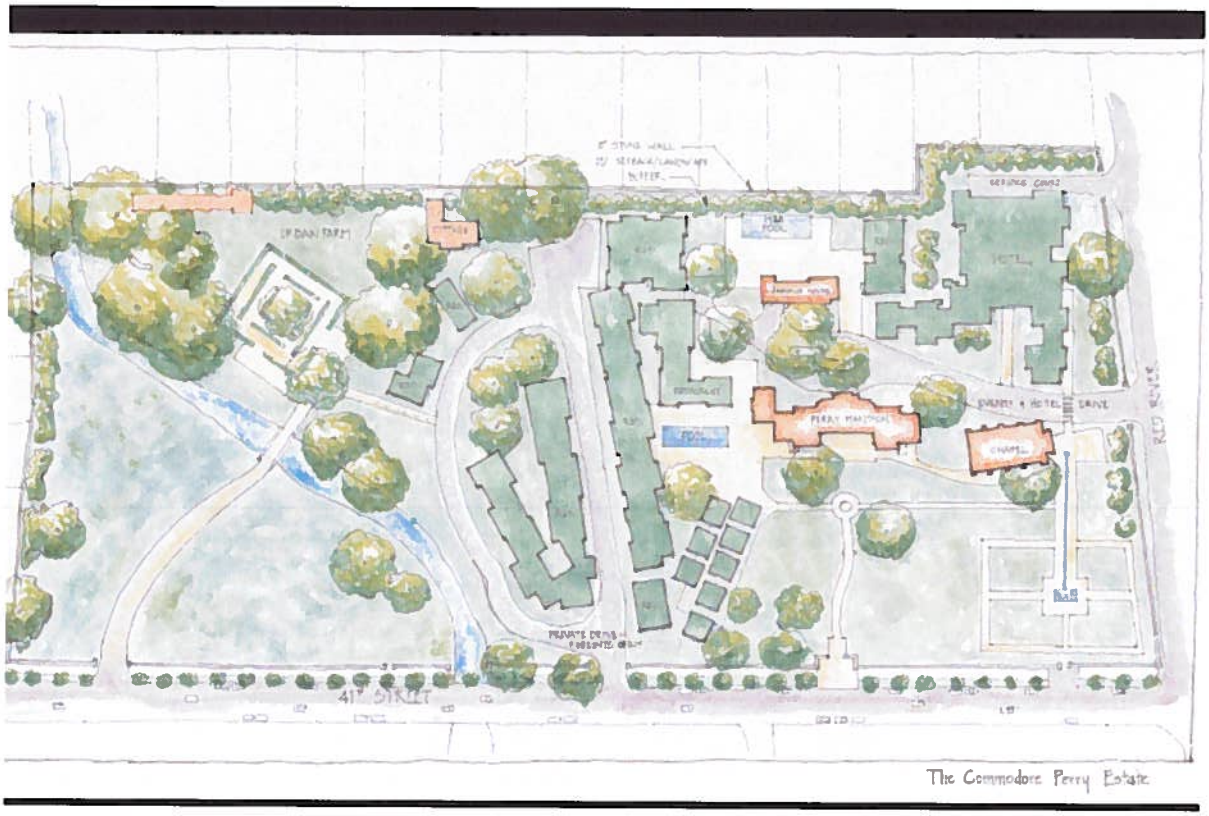

Proposed Conceptual Plan as of September 30, 2013


Site – 710 E. 41st Street (SF-3-CO-NP)


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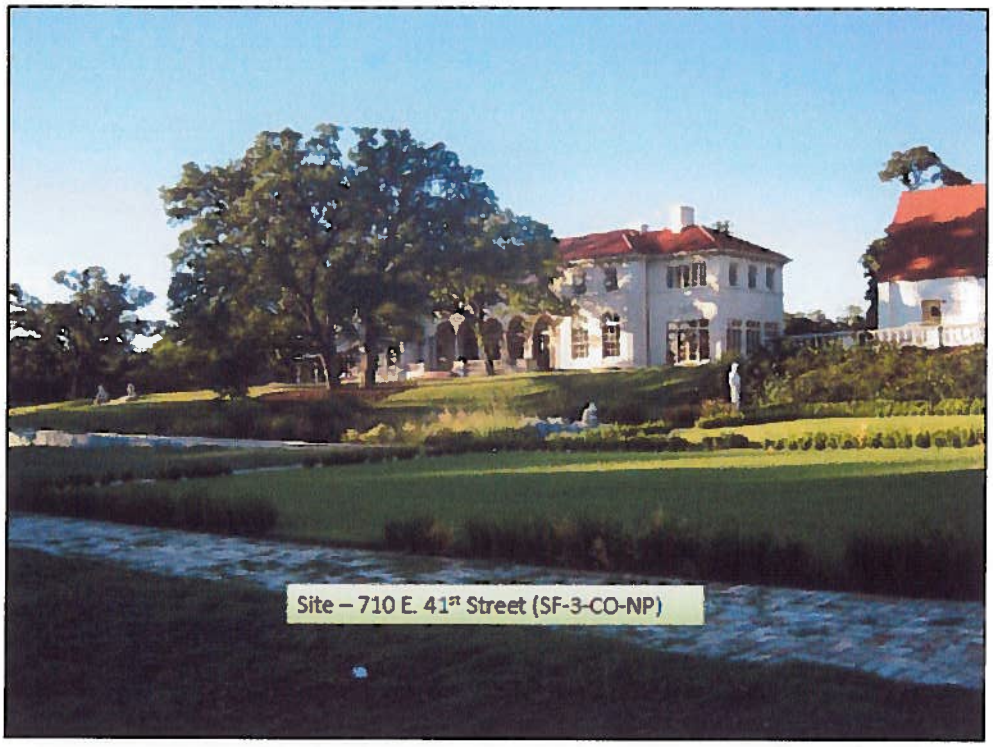
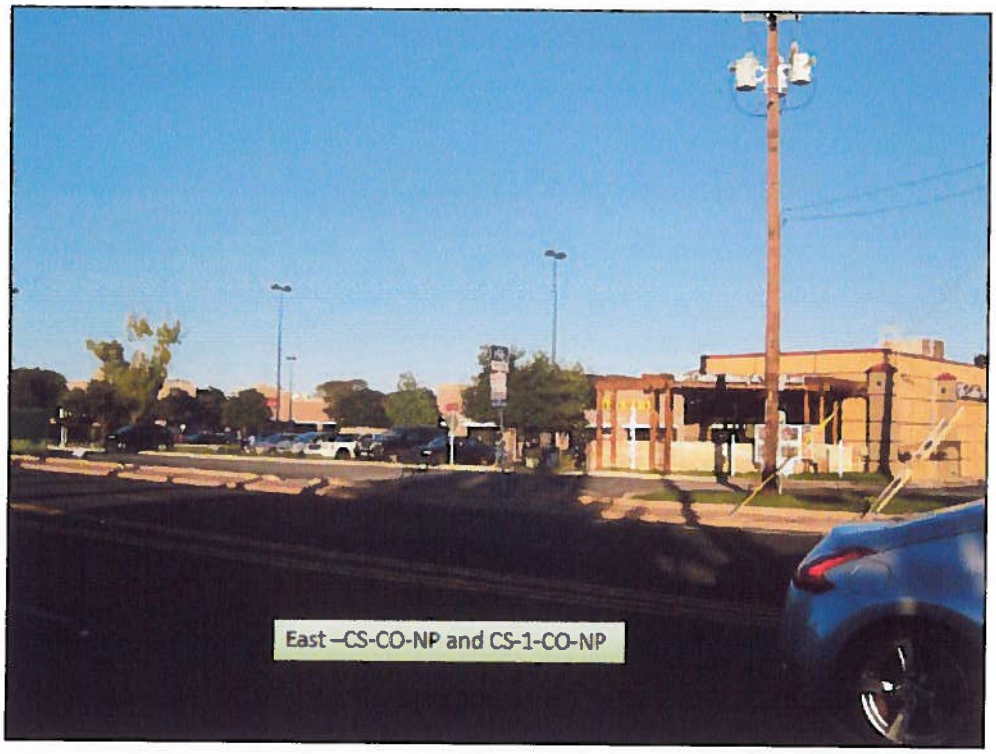
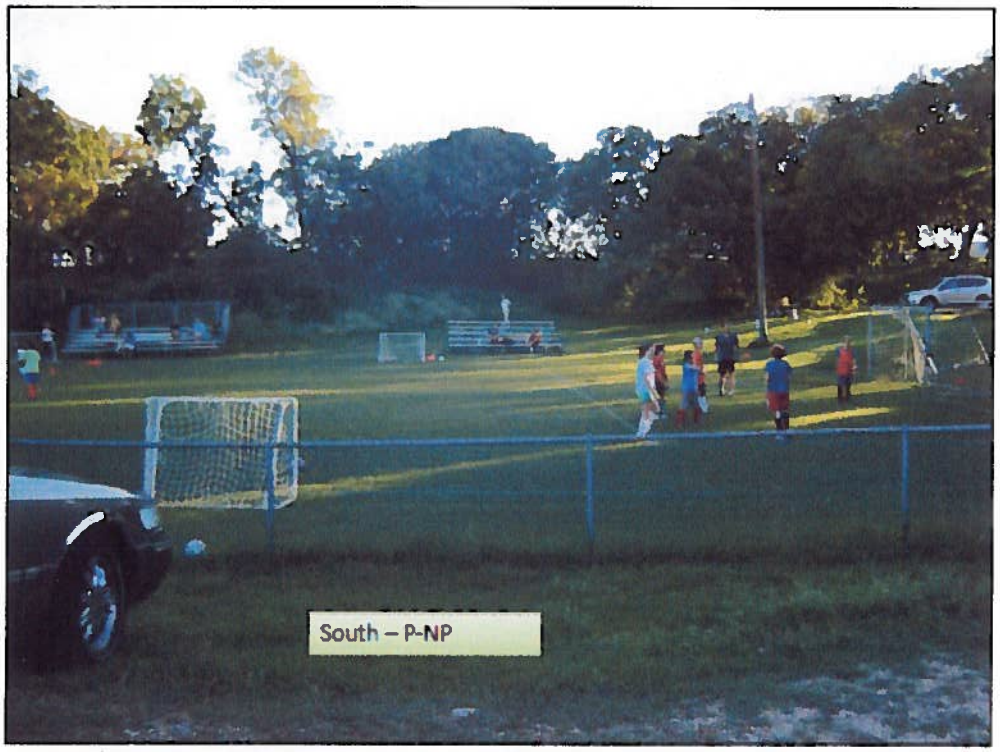
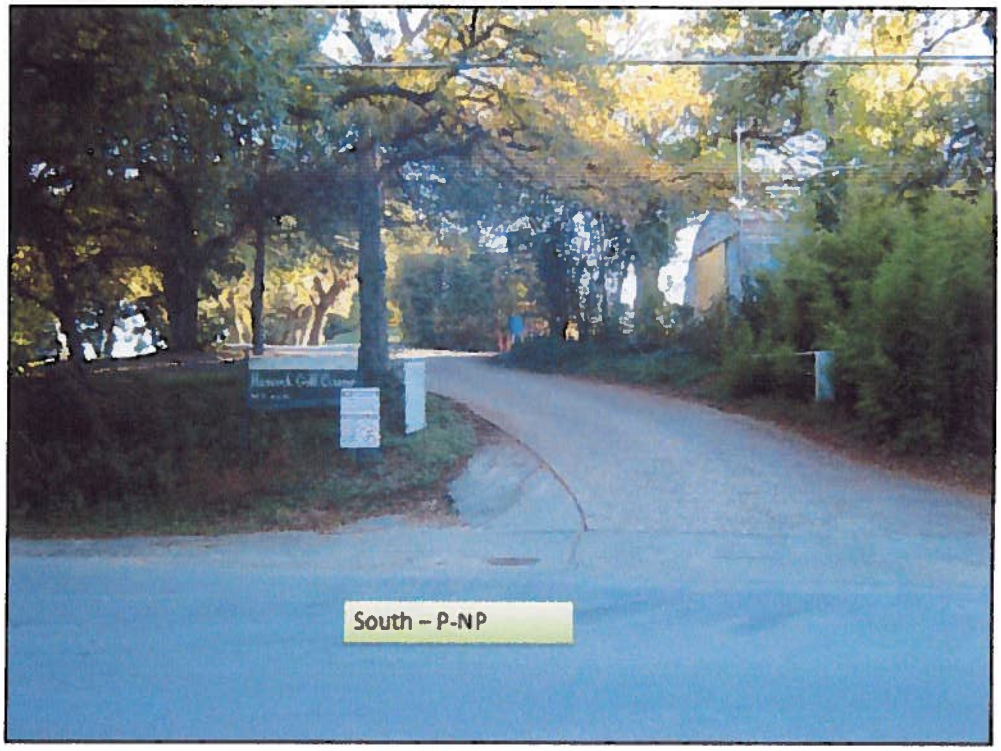

Site – 710 E. 41st Street (SF-3-CO-NP)

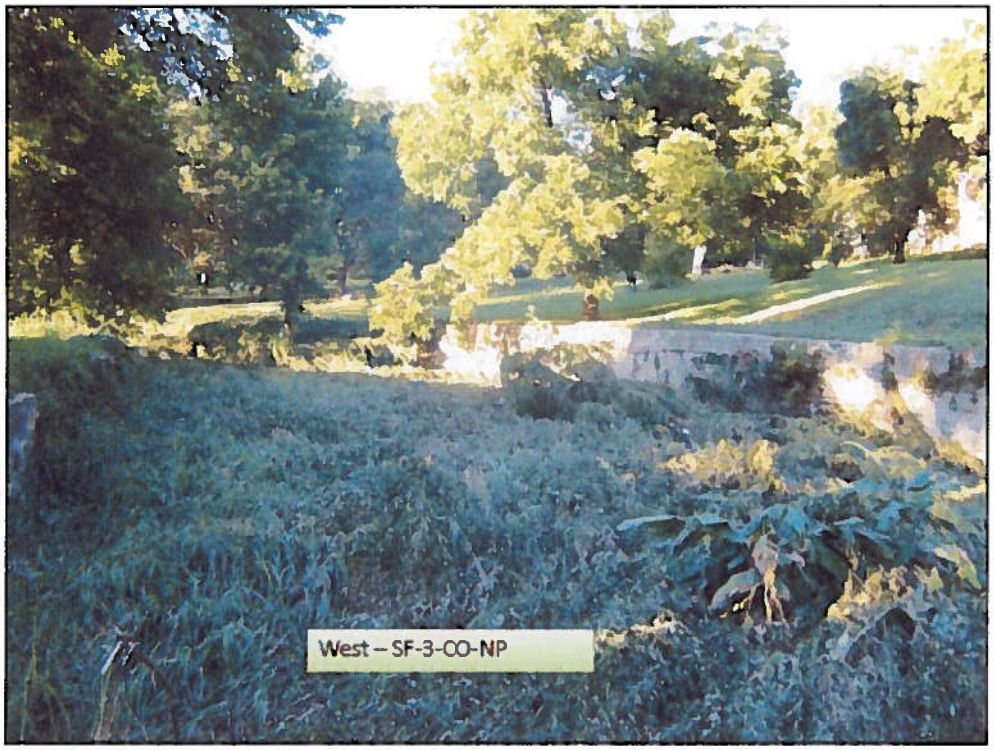

North – Park Street (SF-3-NP)

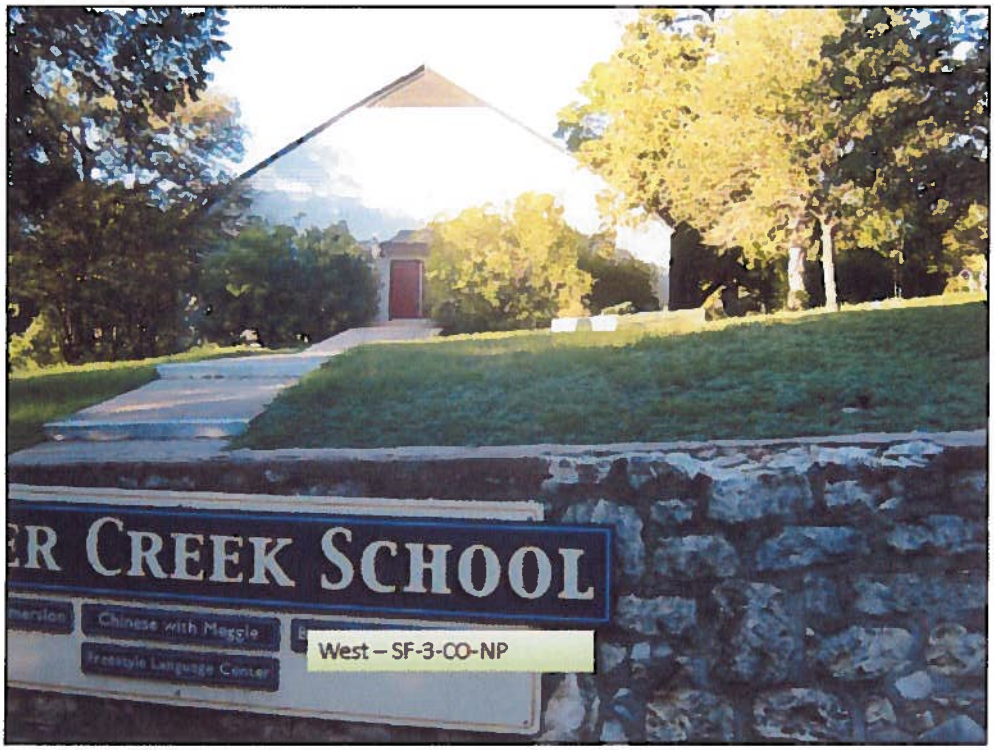

East –CS-CO-NP and CS-1-CO-NP

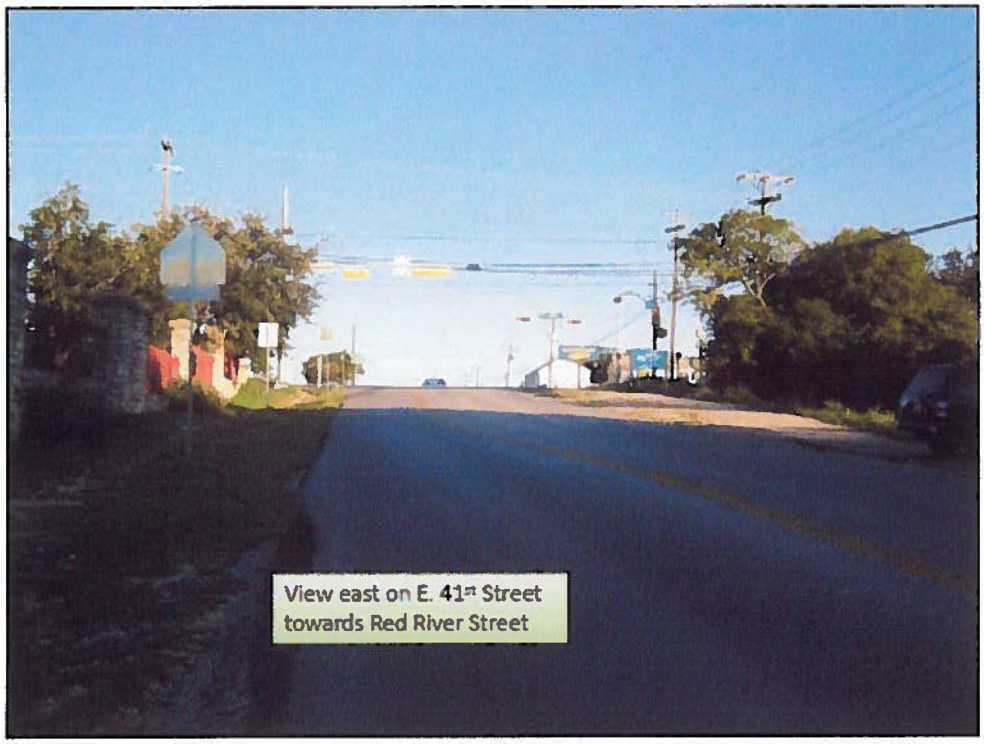

41st
Southeast – GR-MU-V-CO-NP

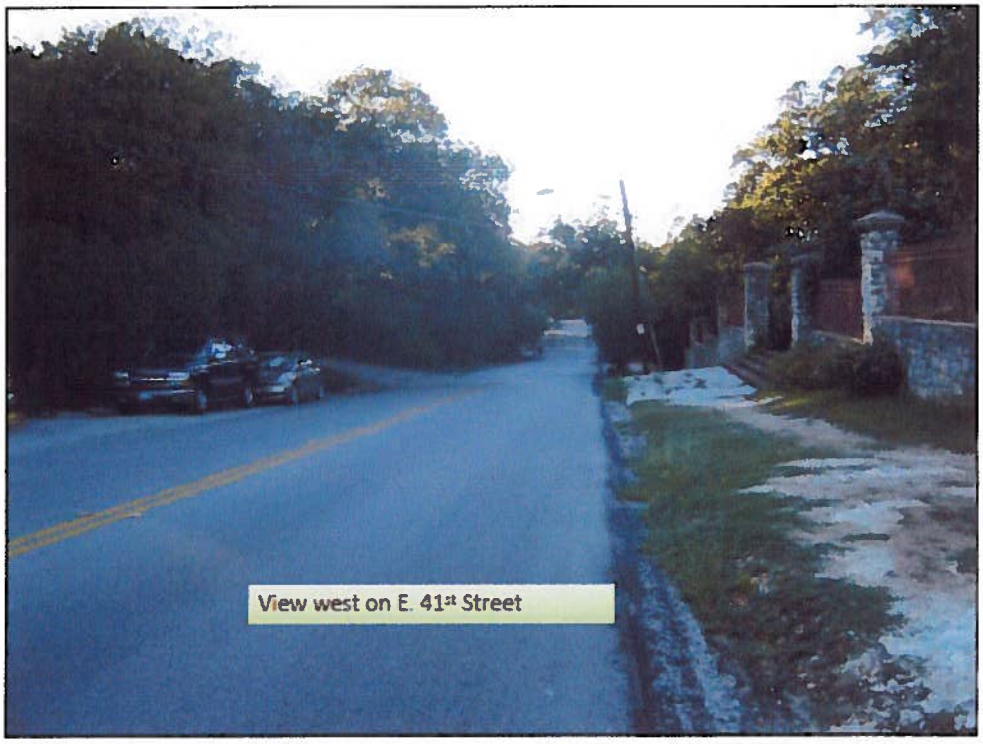

South – P-NP

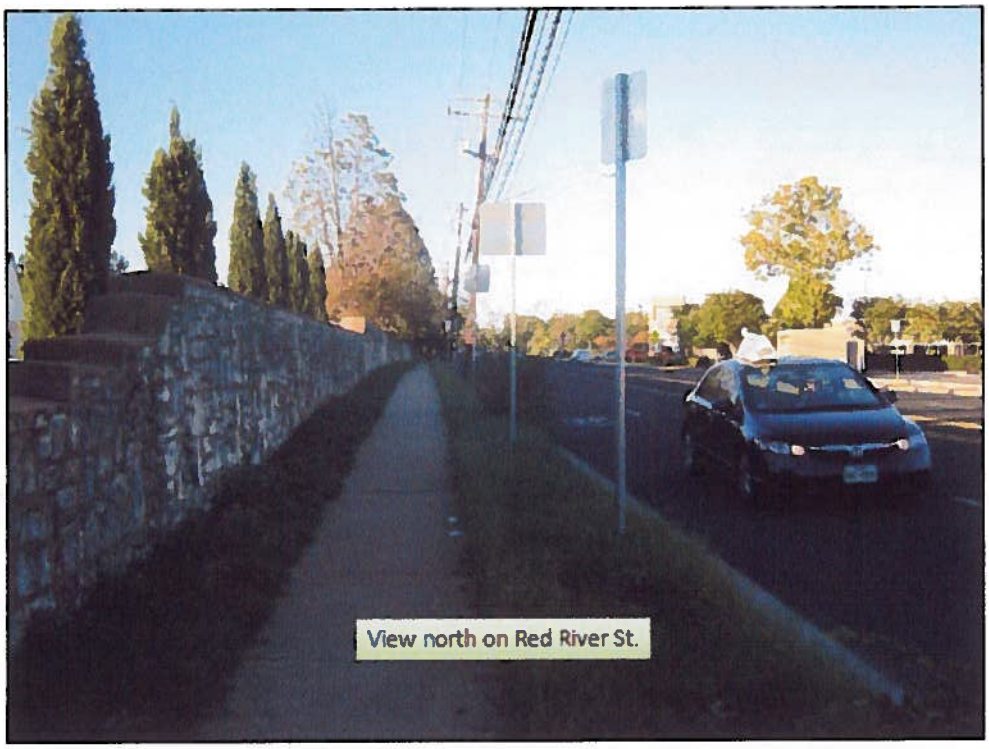

South – P-NP

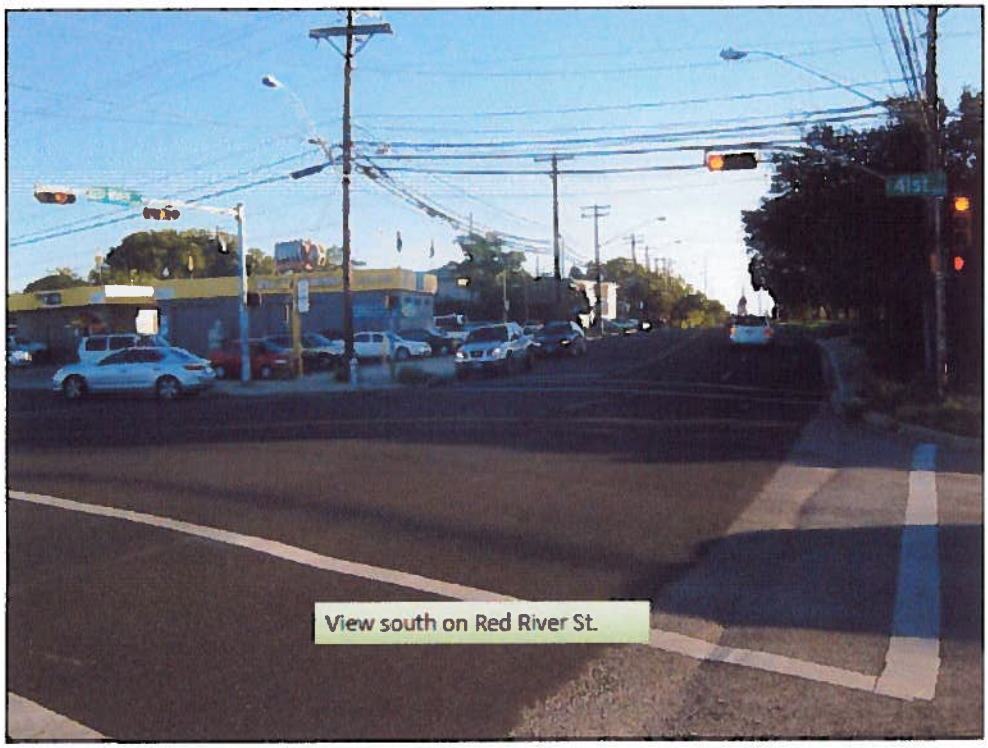

West – SF-3-CO-NP


R CREEK SCHOOL
Chinese with Maggie
West – SF-3-CO-NP


View east on E. 41st Street
towards Red River Street


View west on E. 41st Street


View north on Red River St.


View south on Red River St.

December 9, 2013

Mayor Lee Leffingwell, Mayor Pro Tem Sheryl Cole, and Council Members
City Council
City of Austin
Post Office Box 1088
Austin, TX 78767-8865
Sent via E-mail

Re: Re-zoning and design concept of the Commodore Perry Estate

Dear Chair Anderson and Commissioners:

Preservation Austin expresses our support for the re-zoning and design concept of the Commodore Perry Estate, as presented to our Preservation Committee (attached), located at 41st and Red River Street. Clark Lyda, the owner of the Estate, is to be commended for finding a creative solution to keep this historic asset financially viable, and for planning a design that is sensitive to both historic preservation and to neighborhood issues.

Mr. Lyda recently completed a meticulous restoration of the mansion, chapel and grounds in strict accordance to the Secretary of Interior's Standards for Rehabilitation of historic structures, with the guidance of restoration architects known for their high standards in preservation. Mr. Lyda's concept and design for a luxury, low-density hotel and residences at the Estate illustrate his high regard for maintaining the Estate's historic structures and improving its historic landscape. Further, the design for the Estate demonstrates his commitment to the neighborhood in which the Estate stands: confining scale and style of new construction to that of existing structures in the neighborhood; improving public features such as sidewalks, lighting and landscaping; keeping a minimum 25' set-back from adjacent residential property lines; planting an urban garden for use by both the Estate and neighborhood residents; and implementing state of the art controls to go beyond the requirements of the City of Austin's sound ordinance.

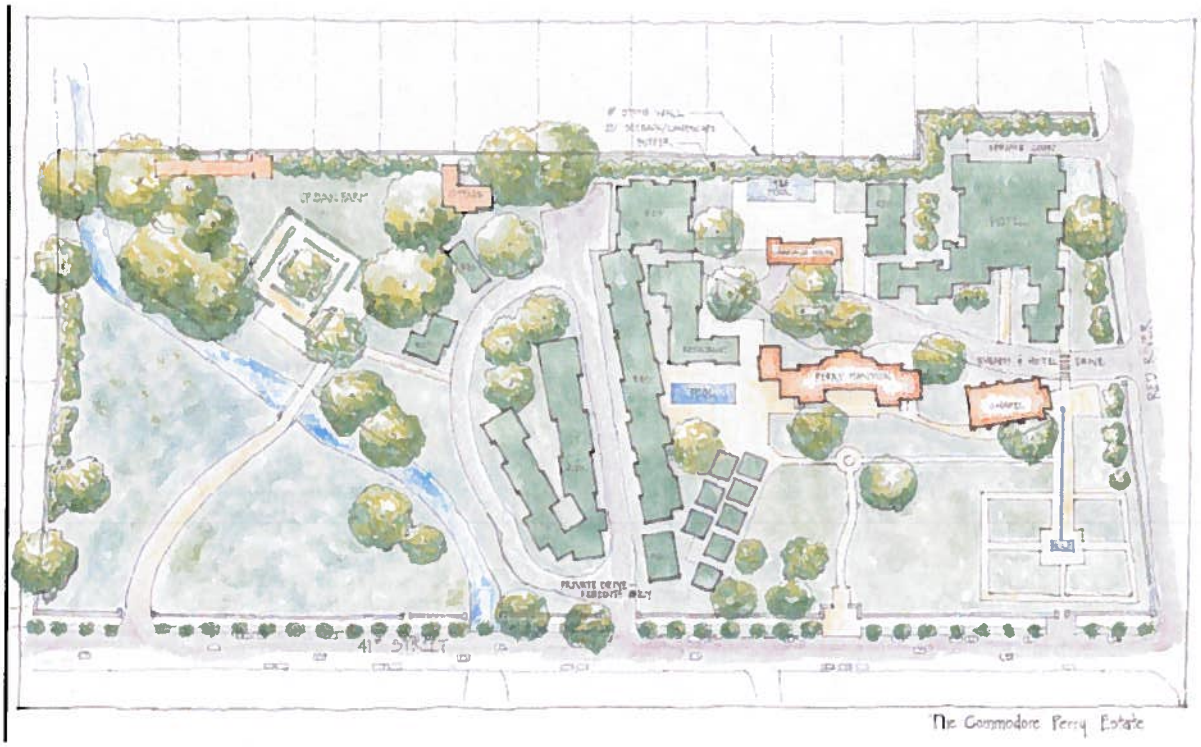
Preservation Austin believes that the re-zoning and design concept for the Commodore Perry Estate will prove a worthwhile investment, providing a means of financing the preservation and maintenance of this historically valuable property. We support the work that Mr. Lyda has completed to date, and urge implementation of his plan for the Estate. Please let us know if there is anything we can do to help foster the successful redevelopment of this property for our City.

Regards,

Tom Stacy
President

Attachment (1): Proposed Schematic

Email info@preservationaustin.org Phone: 512-474-5198 Fax: 512-476-8687 P.O. Box 2113 Austin, Texas 78768-2113



Attachment to Preservation Austin Letter

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

Rec'd 9/3/13

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

SHARON JONES
Your Name *(please print)*

☐ I am in favor
☒ I object

700 E 41st ST
Your address(es) affected by this application

[signature]
Signature

8-27-13
Date

Comments: CONFLICTS WITH NEIGHBORHOOD PLAN. PROPOSED USES INCOMPATIBLE WITH EXISTING. DENSITY POSSIBILITIES INAPPROPRIATE + UNNECESSARY. MORE APPROPRIATE SITES EXIST FOR PROPOSAL MORE APPROPRIATE COMPATIBLE USES POSSIBLE ONSITE.

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

Byron N. Smith
Your Name *(please print)*

☐ I am in favor
☑ I object

516 E. 40th Street
Your address(es) affected by this application

[signature]
Signature

8-6-2013
Date

Comments: I am against this plan. It does not serve a need and completely compromises the entire neighborhood.

BNS

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

RECEIVED 8/7/13

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

MICHAEL D. KITLEY
DONALD R. KITLEY
Your Name *(please print)*

☐ I am in favor
☒ I object

809 PARK BLVD AUSTIN, TX 78751
Your address(es) affected by this application

Michael D. Kitley
Donald R. Kitley
Signature

8/6/13
Date

Comments: We object to mixed use rezoning. This could place non-residential uses in the backyard of neighborhood homes. The surrounding neighborhood would be ruined

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

Rec'd 8/12/13

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

Ira Henderson
Your Name *(please print)*

☐ I am in favor
☒ I object

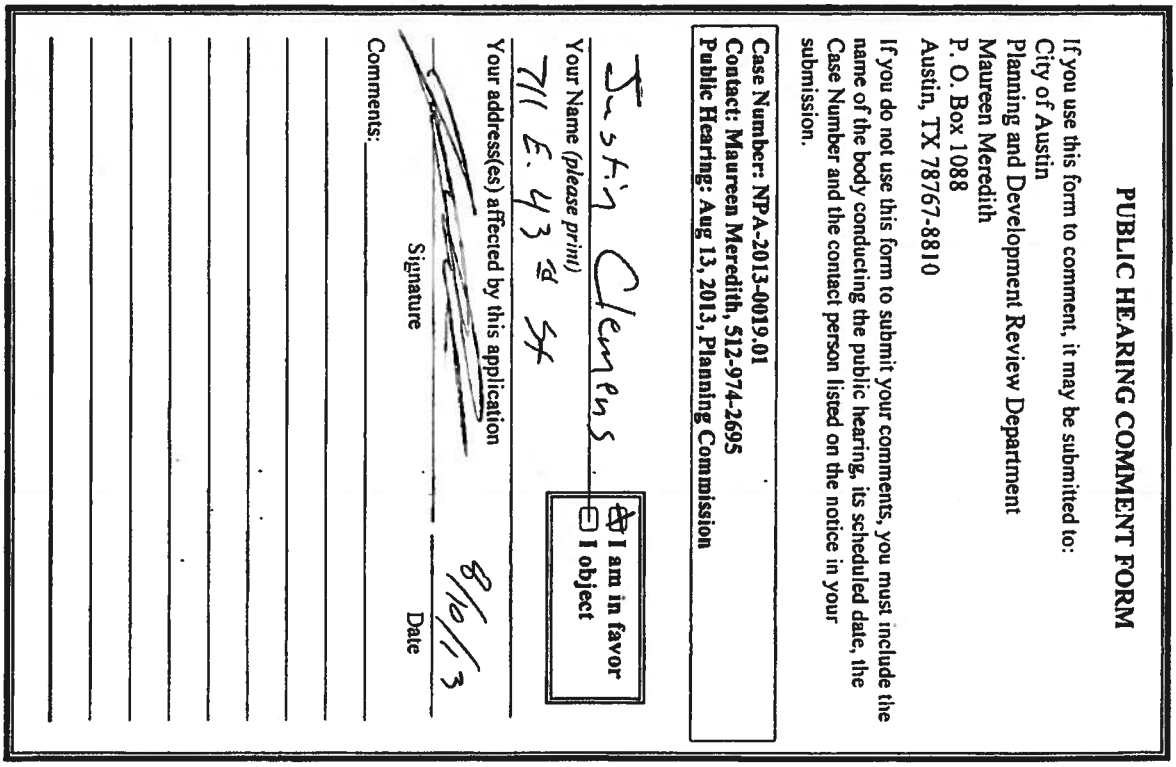
4111 Peck Ave
Your address(es) affected by this application

Ira Henderson
Signature

8/8/13
Date

Comments: I don't agree with this change in the neighborhood plan, for the same reasons I stated on the zoning change request form.

Thank you,
Ira Henderson



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

Justin Clemens

Your Name *(please print)*

☒ I am in favor
☐ I object

711 E. 43rd St

Your address(es) affected by this application

Signature

8/10/13

Date

Comments:

-----Original Message-----
From: Stephen Cox
Sent: Wednesday, March 13, 2013 5:12 PM
To: Meredith, Maureen
Subject: Case # NPA-2013-0019.01

I oppose this application that has been presented to me 100%.

Sincerely,
Stephen Cox

Sent from my iPhone

From: Sharon
Sent: Tuesday, April 02, 2013 3:02 PM
To: Meredith, Maureen
Subject: NPA CASE NUMBER: NPA-2013-0019.01

Ms. Meredith

I understand that you mentioned at the March 27 meeting regarding a request for change to land use at the Perry Estate in Hancock neighborhood that there would be an April 15 meeting of CANPAC to discuss this matter. Please advise me when and where that meeting will take place. Also, please tell me who the "neighborhood contact team" will be that represents me as a stakeholder and specify their responsibilities to me and other stakeholders. I live within 200' of the property, specifically at the NE corner of Peck and 41st (700 E 41st st) in a house that overlooks the estate due to the topography and nature of buildings.

As I mentioned previously, I am adamantly opposed to this unnecessary change to the Future Land Use Map. I feel it is unnecessary and will have disastrous consequences in both the near and long term for the Hancock neighborhood in general and specifically for the residential enclave immediately surrounding the property. In addition, the zoning changes that will result from a change in land use allowances will irreversibly change, if not eradicate, the character of the neighborhood and provide absolutely NO benefit in return. The prosperity of homeowners would be threatened by decreases in property values and increases in taxation. Environmental quality would suffer. The social well-being of residents would be destroyed as any semblance of peace and serenity will be shattered by a continual string of events such as those already hosted by the current owners. Neighboring homeowners have officially voiced opposition to such uses of this property by recording noise, parking, and code compliance complaints AND by voting overwhelmingly at the March meeting of Hancock Neighborhood Association to oppose this change in land use.

This enclave is filled with established single family residences, and several young couples have recently bought and renovated homes here in which they are raising young children who will become the next generation of Austinites. The area is rejuvenating as the economy improves and inner city housing becomes scarce for those who work nearby. It is unlike nearby areas which are being inundated with student housing or targeted for urban renewal due to past neglect or decay.

A change in land use designation for this property and the resultant development (as proposed) will threaten the safety of children, pedestrians, and bicyclists who frequent our narrow, green streets. The activity, construction, noise, and light pollution will eradicate the wildlife (some of it endangered) that use the green space and sensitive creekbed and floodplain on the property as habitat. The influx of non-residential activity on the scale proposed for the purposes of entertaining or housing transients will curtail the ability, long enjoyed by residents, to ensure the security of their property and family members.

The buildings on the property that had been neglected by former owners have already been restored, and remaining ones listed on the national register of historic places appear threatened only by the current owner's stated desire to demolish them

in the interest of pursuing commercial enterprise. There is NO implied or known threat to public health, safety, or welfare associated with the property's current condition or use under its civic designation.

The proposed amendment in inappropriate and is not purported to correct any known error or omission in the FLUM. There have been no known material changes to circumstance regarding the property since the adoption of the land use plan. The applicant cannot be said to be suffering any hardship resulting from city action (or inaction) given the complete availability of information regarding the property and limitations on its usage prior to applicant's purchase of the property.

The scope of proposed development poses equal or greater dangers to the environment (especially the Waller Creek Watershed and the ecologically sensitive natural areas on the property) than would development under existing regulations. Employment on the site would be limited in number and quality to fewer than 100 people, most of whom would require little education and earn only minimum wages. There has been no mention made of any intent to provide SMART or affordable housing in association with the project. In fact, every communication from the developer emphasizes the word 'upscale' when referencing proposed dwelling units (some of which appear to be planned for square footages in excess of 4000 sq ft). This hardly serves to ensure an adequate and diverse supply of housing for all levels of occupants. IN summary, the proposed changes are in no way consistent with sound planning principles.

The proposed changes would be inconsistent with the goals and objectives of the existing neighborhood plan. The following discussion follows the order of land use planning principles in the city's policy guide:

The negative effects between incompatible land uses would be magnified rather than minimized.

An area that has historically proven its suitability for public use (given the numerous schools that have used the property for decades while peacefully coexisting with neighborhood residents) will be removed from the city's inventory of vital civic venues.

The proposed uses will be much more intense than desired by or tolerable to immediately adjacent neighbors, of whom there are (I believe) 23. The nature of the uses bears no relationship to the needs and activities of residential occupants of all adjacent land.

In two years of negotiations with neighborhood residents, the developer has never, to my knowledge, offered to refrain from uses (celebrations, temporary lodging, large-scale restaurant, and commercial exchange of farm products) deemed noxious by neighbors, nor has he offered any alternative to these uses for the vast majority of the property. Despite pleas from neighbors to explore the myriad, appropriate, viable uses allowable under the property's civic designation and SF3 zoning, the developer has steadfastly insisted that he has a vision and our neighborhood will be the site of its realization. The property has no history, infrastructure, or social fabric connecting it to the downtown entertainment district, where the proposed uses might be more appropriate. NONE of the uses proposed by the developer provide services considered vital by existing residents or space utilization that might enhance neighbor enjoyment of the area.

Though actual construction in the floodplain has not been proposed, runoff from construction and byproducts of urban farming up the hill will negatively impact the Waller Creek watershed. Wildlife will abandon the area due to the proximity of noise, light, and traffic. Excavation for underground parking may negatively impact the water table and in a drought stricken area AND destabilize nearby property foundations. Native flora have already been demolished in favor of non-native, water hungry species, a trend which is likely to continue.

There has been no known study of the impact of the development's uses of water, electric, and sewage infrastructure on availability of these to existing neighborhood homeowners.

The existing transition between intense commercial uses and strictly residential ones in this neighborhood has historically been Red River, a four lane, heavily travelled road. That is a logical dividing line. The transition proposed by the developer, should he be granted a change in land use, is largely artificial and extremely abrupt.

The developer proposes to demolish several historically and culturally significant buildings and site elements listed on the national historic register if granted a change in use.

Undesirable precedent will most certainly be established for other large tracts within the neighborhood, of which there are more in this area than anywhere else in the city of Austin, including the property known as Inshallah as well as several large churches, seminaries, and schools (among them Lee elementary and the AISD property at 40th and Ave. B). In addition, another decaying historic property on the Estate's northern boundary is likely to pursue a land use change based on the outcome of this process.

Neighborhood residents acquired their property with expectations that uses of nearby property would be limited to and controlled by the FLUM and zoning in place when they made their purchases. Those expectations will be shattered if a developer, who had the same information and tools at his disposal upon buying this estate, is allowed to dictate future uses of his property contrary to those under current regulations.

In summary, I think it is obvious the request for change in land use designation for the Perry Estate should be denied because it fails to meet the city's criteria for necessitating change and violates virtually all of the city's values and published policies on such changes.

I look forward to meeting you at a future meeting and to your responses to the questions posed at the beginning of this letter.

Sincerely,

Sharon Jones
700 E 41st St.

From: Rachael Biggs
Sent: Monday, September 23, 2013 12:18 PM
To: Meredith, Maureen
Cc: Rachael Biggs
Subject: Neighborhood plan amendment: 2013-018648 NP

Ms. Meredith,

I have previously written to you to express my opposition to the referenced Neighborhood Plan Amendment. I articulated the below comments at the CANPAC meeting last week and would also like to provide them to you. Thank you for your time and please contact me if you have any questions.

Rachael Biggs
609 East 42nd Street
Austin, TX 78751

September 16th CANPAC Meeting Comments:

I am here today to ask you to oppose commercial zoning of the Perry Estate. There are many reasons this proposal is bad for central Austin neighborhoods; I will speak to just a few.

1. This proposal is directly contrary to the Neighborhood Plan, which maintains commercial development east of Red River and lists as its primary goal preserving the integrity and character of the single-family neighborhoods. Granting this spot zoning would represent a massive intrusion of commercial into the residential area. It would be the first but we can only imagine that it won't be the last.

2. This proposal is directly contrary to overwhelming vote of the neighborhood association. On March 20th, the neighborhood association voted 80% to oppose this project. Over the course of the prior year, when the developer and neighborhood association special committee met extensively, multiple other viable options were put on the table. The neighborhood even put together a survey which quantified how many neighbors supported alternative uses for the estate. This survey showed 80% supported continuing school use, among other options. Unfortunately, the developer chose not to alter any material aspects of his proposal.

3. This proposal is directly contrary to the valid petition of the affected neighbors. City procedures require a super majority of the City Council to defeat a valid petition because they want to give a voice to the people who will be impacted by the zoning change. Those neighbors are against commercial zoning.

As I understand it, CANPAC was formed to support the mutual interests of central Austin neighborhoods. We all share a space that is very precious and a quality of life that is important to us and our families. All of us are at risk if the neighborhood plan,

neighborhood association vote and the directly affected neighbor's petition count for nothing. So, ultimately, I am here today to ask you to support your neighbors and tell the developer to work with us on a better solution.

From: phyllisjday@
Sent: Monday, April 01, 2013 1:03 PM
To: Meredith, Maureen; Patterson, Clark
Subject: Perry Estate development plan

Thank you both for holding the meeting with Hancock and other neighbors last week. I was not able to attend the previous HNA meeting in which the vote was taken. I want to take this opportunity to express my support for Clark Lyda and his team.

I have watched this process from the beginning and I feel that our neighborhood is very lucky to have this particular developer and his vision for the mansion. He has been exceedingly sensitive to the concerns of the neighborhood and has built restrictive covenants and a financial mechanism for enforcing them so that the surrounding homes will not suffer from his project.

If this home was in Old West Austin, there might be a hope that it could remain a single family residence. But it is across the street from a shopping center and in a diverse area with many students and less affluent folks. It is not realistic to believe that schools can sustain the property into the future. I am familiar with the Hotel St. Cecilia and its impact in Travis Heights. I think this will be similar in becoming an asset to the neighborhood.

I hope the Planning Commission and the City Council will approve the application.

Phyllis Day
509 Harris Ave.

From: Mark Burch
Sent: Monday, September 02, 2013 10:35 AM
To: Meredith, Maureen
Subject: 2013-018648 NP

Maureen Meredith
City of Austin
Neighborhood Planning & Zoning Dept.
Neighborhood plan amendment: 2013-018648 NP

September 2, 2013

Maureen,

I'm writing to express my opposition to the CANPAC neighborhood plan amendment proposed in case 2013-018648 NP (the Perry Estate). The amendment cannot be reconciled with the existing neighborhood plan, and the property does not meet the circumstances required to justify an amendment.

The third of the CANPAC plan's "Top Ten Priorities" states: "Stop the incursion of new commercial and office uses into residential areas." The area of Hancock between Duval and Red River is almost completely residential. Granting the developers' request would create the largest commercial parcel in this western half of the Hancock area, a parcel larger than all the existing west Hancock commercial

zonings combined. In fact, the resulting commercial portion of the Perry Estate would be the third largest commercial parcel in all of the Hancock neighborhood.

The amendment would also violate the callout specifically added to the Future Land Use Map as a result of negotiations between Hancock neighborhood residents and commercial property owners along the I-35 corridor – "PRESERVE THE SINGLE-FAMILY CORE OF THE NEIGHBORHOOD BY NOT ALLOWING ADDITIONAL COMMERCIAL DEVELOPMENT WEST OF HARMON AVENUE OR WEST OF 1006 E. 39TH ST."

Hancock has always firmly opposed two key commercial uses being requested for the Estate -- indoor and outdoor entertainment. Both were explicitly rejected for Hancock Center, which lies immediately east of the Estate, across Red River.

Hancock has also been extremely careful about expanding entitlements for hotel and restaurant use, two additional commercial categories proposed for the site. In the years immediately after adoption of the plan, Hancock joined with Eastwoods to oppose several hotel proposals for our areas, one of which was a "Game Day" time-share franchise.

More recently, Hancock has supported two rezonings of existing commercial properties on the west side of Red River. In each case HNA has prohibited restaurant use as a condition of that change.

In the past, the developers have argued that the neighborhood plan accomodates their proposal because the Perry Estate is a transitional location where "mixed use would enhance the livability of the neighborhoods." The evidence, however, does not support this assertion.

The area north of Hancock Center and east of Red River is probably the closest thing Hancock has to an enclave of affordable, owner-occupied residences. Allowing this development will isolate it and make the area a target for investor acquisition and "redevelopment."

The areas to the west and southwest of the Estate have undergone significant changes since adoption of the neighborhood plan as rental properties have been converted to owner-occupied residences, advancing Hancock's goal of preserving owner-occupied single-family neighborhoods. At least five families with children occupy homes on the blocks of Peck and E 42nd that lie immediately west of the Estate.

An entertainment complex with a hotel and a 200 (or more)-seat restaurant characterized as a "destination dining location" does not enhance any part of Hancock, particularly not these. I encourage you to recommend that the Planning Commission reject this proposed amendment to the CANPAC plan.

Please let me know if you have questions or would like further information.

Cordially,

Mark H. Burch
510 E 39th. St.
512-452-3981

From: Luce Lila
Sent: Tuesday, March 26, 2013 3:05 PM
To: Meredith, Maureen
Subject: NPA CASE NUMBER: NPA-2013-0019.01

Dear Ms Meredith,

This note concerns the Commodore Perry Estate next to the Hancock Golf Course. I am a neighbor to that estate and am writing about the upcoming zoning-change decision.

My name is Lila Luce. I own the property at 513 E. 41st Street and live here with my young child. I am very strongly opposed to the proposal currently in question for a zoning change. Unfortunately, I will not be able to attend the city meeting tomorrow night (Wednesday, March 27) due to a prior commitment and so wish to voice my concerns here.

Mr. Clark Lyda and his associates wish to bring an up-market boutique hotel, restaurant and event center to the Estate along with single-family homes in the west part of the property. I have met Mr. Lyda on several occasions, and liked him very much. He is a good person who is committed to the neighborhood, and it would be a pleasure to have him as a neighbor of sorts. However, I believe that his vision of how the Perry Estate should go ahead into the future does not agree with that of most of the people who live nearby. It is important to note, also, that Mr. Lyda himself does not live in the neighborhood and would thus be spared the worst of the bad changes this would bring to the neighborhood.

I myself am concerned that once a zoning change is effected towards more commercial activity, it will open a floodgate both (a) to further commercial activities at the Perry Estate in the future (with or without Mr. Lyda being involved, as he might not always be there), and (b) to other properties falling also to commercial zoning due to this precendent. It is important to note that Hyde Park / Hancock is one of the few extant old neighborhoods in the city and it will be indeed a tragedy to the City of Austin to let this neighborhood be eroded away, in the wake of so many others. On the other hand, the current zoning would allow Mr. Lyda to make the property self-sustaining in many other ways which would preserve this lovely neighborhood. One of these would be to create an elegant up-market retirement home complex with the whole ten acres, something that I think the neighborhood might welcome.

I am also very strongly concerned about the noise and traffic problems that will come up as a result of Mr. Lyda's plans. While he has made efforts to address these problems, the fact is that the noise and traffic that would ensue according to his current proposal are not acceptable to those of us in the neighborhood of the Estate. This has been made all the more evident to those of us in the neighborhood who have been inconvenienced to various degrees by the events that Mr. Lyda has already arranged to have at the Estate even before any formal decision has been made as to uses allowed.

I wish you good luck in the up-coming meeting, and if possible, I hope you will voice my concerns to those involved. I am here and will welcome any correspondence.

Kind regards,

Lila Luce
Cell: 619-869-5670
513 East 41st Street
Austin, Texas 78751

From: karen reifel
Sent: Sunday, September 01, 2013 4:14 PM
To: Meredith, Maureen
Subject: NPA-2013-0091.01 Perry Estate FLUM change application

Re: NPA-2013-0019.01 Perry Estate FLUM change application
Maureen Meredith and other city staff members:
For the past twenty years, I have owned my home on E 39th St. and resided within a few blocks of the Perry Estate (710 E. 41st St.). I am adamantly opposed to the developer's FLUM change application and urge you to reject his request for a massive and unnecessary change to our Neighborhood Plan in Hancock. I believe that the proposed change is a fundamental negative for our neighborhood and that the commercial uses, scope, and scale are inappropriate for this location.
Our neighborhood plan clearly indicates that Red River is the absolute western boundary for additional commercial development in Hancock. We have worked hard to protect the existing and thriving single-family enclave that currently exists between Red River and Duval and also protect those single-family areas east of Red River. Allowing the proposed change to our FLUM would set a dangerous precedent for our area and for other areas in central Austin.
The commercial uses – essentially a resort with an event center for 350, restaurant for at least 200, and hotel with 55 units – being proposed for the property are incompatible with an established single-family neighborhood. The developer has provided no evidence that such a change is actually necessary for the survival of his property. Please understand that his proposed changes provide no benefit to those of us living near the Perry Estate nor to the larger Hancock neighborhood and City of Austin. Only the developer will benefit, and

he should be told clearly at each stage of the process that he should find a different business model for his project.
As you are aware, in March, 2013, the Hancock Neighborhood Association overwhelmingly rejected the developer's proposal (both the NPA and Rezoning) by a vote of 97 to 20. In addition, the neighbors closest to the Perry Estate oppose the proposed FLUM and zoning changes by an overwhelming majority. Those voices should echo as loud and significant ones in any consideration of the developer's proposal for the property.
Should you have any questions, please feel free to contact me. Thank you.
Karen Reifel

Maureen Meredith
Case Manager
City of Austin

Case Number:
NPA-2013-0019.1
[Perry Estate proposed FLUM amendment]

Good morning Ms Meredith

I write to express that
my wife and I are also adamantly opposed to this unnecessary change to the Future Land Use Map (FLUM) as proposed for the commercial development of The Perry Estate currently zoned SF3.

As our neighbor Sharon Jones so eloquently articulated in her correspondence with you, we also feel such a change to The FIUM would have disastrous consequences in both the near and long term for the Hancock neighborhood in general and for the homes immediately surrounding the property.

As Ms Jones so clearly pointed out, the zoning changes that will result from a change in land use allowances will irreversibly change, if not eradicate, the character of the Hancock Neighborhood and provide absolutely NO benefit in return.

We agree Environmental quality will undoubtedly suffer if this change in the FLUM were to be approved.

. The peace and serenity of our neighborhood will indeed be shattered by a continual string of events such as those already hosted by the current owners in violation of the existing SF3 zoning.

My family along with other neighboring homeowners have continually voiced opposition to such uses of this property through the submission noise, parking, and

code compliance complaints AND by voting overwhelmingly by a five to one margin at the March meeting of The Hancock Neighborhood Association to oppose this change in land use and proposed change in zoning.

The sentiment of Ms Jones letter further represents our views as she so correctly points out :

" This enclave is filled with established single family residences, and several young couples have recently bought and renovated homes here in which they are raising young children who will become the next generation of Austinites.

The area is rejuvenating as the economy improves and inner city housing becomes scarce for those who work nearby.
A change in land use designation for this property and the resultant development (as proposed) will threaten the safety of children, pedestrians, and bicyclists who frequent our narrow, green streets.
The activity, construction, noise, and light pollution will eradicate the wildlife (some of it no doubt already endangered) that use the green space and sensitive creekbed and floodplain on the property as habitat.
The influx of non-residential activity on the scale proposed for the purposes of entertaining or hotel housing will curtail the ability, long enjoyed by residents, to ensure the security of their property and family members.

The buildings on the property that had been neglected by former owners have already been restored, and remaining ones listed on the national register of historic places appear threatened only by the current owner's publicy stated desire amd intent to demolish them in the interest of pursuing commercial enterprise.

There is NO implied or known threat to public health, safety, or welfare associated with the property's current condition or use under its current civic designation.

The proposed amendment is inappropriate and is not purported to correct any known error or omission in the current FLUM.

There have been no known material changes to circumstance regarding the property since the adoption of the land use plan.

The applicant cannot be said to be suffering any hardship resulting from city action (or inaction) given the complete availability of information regarding the property and limitations on its usage prior to applicant's purchase of the property.
The scope of proposed development poses equal or greater dangers to the environment (especially the Waller Creek Watershed and the ecologically sensitive natural areas on the property) than would development under existing regulations.

Employment on the site would be limited in number and quality by the developers public statements to fewer than 100 people, most of whom would require little

education and earn only minimum wages.
There has been no mention made of any intent to provide SMART or affordable housing in association with the project. In fact, every communication from the developer emphasizes the word 'upscale' when referencing proposed dwelling units (some of which appear to be planned for square footages in excess of 4000 sq ft !). This hardly serves to ensure an adequate and diverse supply of housing for all levels of occupants.
IN summary, the proposed changes are in no way consistent with sound planning principles.

The proposed changes would be inconsistent with the goals and objectives of the existing neighborhood plan.

The following discussion follows the order of land use planning principles in the city's policy guide:

The negative effects between incompatible land uses would be magnified rather than minimized.

An area that has historically proven its suitability for public use (given the numerous schools that have used the property for decades while peacefully coexisting with neighborhood residents) will be removed from the city's inventory of vital civic venues. "

The current owner/ developer was provided written notice [in a letter sent to him PRIOR to his purchase] signed by many of the immediate neighbors to the. estate that they would oppose such a change to commercial zoning as is proposed .
The developer, when he bought the property, publicly repeatedly stated his intention of working WITH the Aeighborhood Association to reach agreement and further repeatedly publicly stated that he would not pursue such commercial development IF the neighborhood opposed it.
After two years of unsuccessful negotiations in an effort to reach agreement with the developer , the Hancock Neighborhood Association (HNA) by a five to one margin ,with one of the largest attendance of members at any HNA meeting in its history , voted to oppose the zoning change and the FLUM Amendment.

Despite his prior promise to abide by the neighborhood association decision, the developer recently publicly announced his intention to go forward with his proposal anyway despite what the Neighborhood Association and the neighbors desired

For all of the above reasons we urge that the FLUM not be amended and the Application to amend be denied.

Thank you for your courtesies in this very important matter.
If I can supply you with any additional information, please do not hesitate to contact me.

Sincerely

Hal F. Morris
801 Park Blvd.
Austin, Tx 78751

From: Greg Atkinson
Sent: Tuesday, March 26, 2013 4:52 PM
To: Meredith, Maureen
Subject: NPA CASE NUMBER: NPA-2013-0019.01

Dear Maureen

I wanted to send a note stating my opposition to the change in FLUM being requested by the Perry Estate applicant. I live at the corner of 41st and Duval (501 E 41st & Duval) with a small child and the current level of traffic is already difficult for the safety of the children, especially across from the Perry Estate where soccer is played. Though the applicant says he will address this concern, he has no legal obligation if the traffic stays under 2000 vehicles a day (or so I am told.) 41st street already does not have consistent sidewalks up and down the entire stretch making walking in the street a requirement... even is he does add sidewalks along his entire new property, it does not solve sidewalks along Hancock golf course or the numerous homes on E 41st Street that also do not have side walks. Any number of increased cars on a street requiring children to walk in the street to navigate to soccer games and Lee Elementary is unfair. And to add to that traffic, this is event center and restaurant traffic where we are guaranteed to have alcohol consumption occurring. Please deny the zoning change for safety of the neighborhood. And please support the 80+% of the neighborhood association that directly rejected this plan in our most recent meeting.

thanks,
Greg Atkinson

September 20, 2013

Ms. Maureen Meredith
City of Austin
Neighborhood Planning & Zoning Department
P O Box 1088
Austin, TX 78767

RE: Neighborhood plan amendment 2013-018648 NP

Dear Ms. Meredith:

As a neighbor of the Commodore Perry Estate, on an angle just across Hancock Golf Course, I want express my deep opposition to the change in the FLUM and the request for a change in zoning for the property that would allow commercial activity.

The development of the Perry Estate represents an incursion of commercial activity across the long-standing boundary of Red River Street, into what has historically been a quiet residential neighborhood. The developer has been making the case that this parcel of land is somehow a "transitional" property between the large commercial space of the Hancock Center and the residential areas of the Hancock neighborhood. That is only true because it abuts the same street as the shopping center. Should the Future Land Use Map be adjusted to allow for the rezoning of the Perry Estate to a commercial standard, particularly in the way that is being proposed, this will only shift the "transitional" areas to properties that now abut the Estate on the West and North sides (not to mention the large open space of the Hancock Golf Course on the South side, which has been coming under threat of development and/or closure, recently, by the City of Austin). The change of standards for the Estate will, in effect, become the first domino to fall in the tumbling change that could be forced upon the entire neighborhood as the next properties in line seek redevelopment.

In addition, the developer has made boundary adjustments to his change request that we, as Hancock neighbors, have not had an opportunity to see nor examine. It's quite obvious that the changes have been made precisely to invalidate an objection petition filed with the City of Austin. This is another in a long line of shifting plans that the developer has refused to discuss with the neighbors who are directly affected. He has once again shown his disregard for the Hancock Neighborhood, despite what he says otherwise in public forums.

I, of course, do not need to tell you that there are specific criteria that the City's Comprehensive Planning Division requires for the approval of an amendment to the FLUM. It is, of course, a requirement that **the amendment must meet <u>one</u> of the following criteria:**

- ***Staff made an error in the plan.***
  There is no apparent error in the long-standing FLUM covering this parcel.

- ***Denial of the application would result in a hardship.***
  The current owner who is making the request for change understood the FLUM status of the parcel at the time of purchase and chose to move forward with no assurance the amendment would be successful.

• ***There has been a material change in circumstances since the adoption of the plan.***
This is not evident.

• ***The development is a S.M.A.R.T Housing project.***
Every presentation that the developer has made to the Hancock Neighborhood (as well as what he presented at the CANPAC meeting on April 15th) indicates this is to be an upscale development with hotel rooms in the $400 per night range and with the proposed "branded residences" selling for something in the range of $400 per square foot. Both of these numbers are what I believe to have heard the developer mention at your April 15th meeting. This hardly meets the "reasonably-priced" standards of the S.M.A.R.T. program and, given the developer's upscale plans, it seems unlikely such lower priced residences would or could be included.

• ***The development meets the goals and objectives of the plan.***
Clearly, it does not. It does not protect the character of the neighborhood by allowing commercial activity in a residential area and by including residences that (using the developer's maximum 4500 sq. ft. allowance) are far out of scale with the rest of the neighborhood. The commercial buildings being proposed also are beyond the scale of current Hancock Neighborhood structures.

• ***The development offers superior environmental protection.***
Development that abuts Waller creek in an area that harbors many species of birds and wildlife as an oasis in central Austin, does not offer environmental protection, let alone meeting a standard of "superior" protection.

• ***The development offers significant employment opportunities.***
Typically, hotel and restaurant–service sector–jobs are not considered "significant" in that they tend to be lower-wage positions that are often part time, as well. The developer has provided no information that would support the idea that this development will offer significant employment opportunities.

Of course, the underlying reasons for the change to the FLUM for this property is the request for the zoning change. Among the twelve zoning principles the City of Austin has established to guide the preservation of the compatibility of land uses that this proposal clearly DOES NOT meet, are:

• ***Zoning should be consistent with the Future Land Use Map (FLUM) or adopted neighborhood plan.***
It does not meet this standard.

• ***Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning.***
There are a multitude of uses available for this land that the developer could have pursued. Upon purchasing the property, the current zoning was known, yet the developer chose to move forward anyway with requests that are, in fact, a grant of a special privilege to himself by putting in place a commercial operation unlike anything in this neighborhood of the city. There is no public need to introduce a lodging/special event venue/entertainment district activity into our quiet residential neighborhood.

• Granting a request for zoning should result in an equal treatment of similarly situated properties.

When the Hancock Center developed in its place directly across Red River Street from the Perry Estate, it was specifically restricted from being used as the kind of event/entertainment venue that is now being requested for the Estate.

• Granting the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.

This precedent-setting change would open the door to a multitude of other change requests in the immediate neighborhood that will ultimately destroy the character of the Hancock Neighborhood.

• Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.

There are many potentially highly detrimental impacts this development holds for our neighborhood, including increased traffic, increased noise, increased street parking and a real reduction in safety for the many pedestrians and bicyclists on our streets. There is nothing similar to this proposed development in our neighborhood. It is completely incompatible with the quiet residential character of our neighborhood. While it does sit adjacent to Red River Street and is across from the Hancock Center, it should be noted that when the Hancock Center was developed, it is my understanding that our neighborhood specifically disallowed exactly the types of activities the developer wants to have on the Commodore Perry Estate property, including an outdoor event/entertainment venue and hotel.

• The request should serve to protect and preserve places and areas of historical and cultural significance.

While the restoration, to date, of the structures on the property are admirable and appreciated, the developer's plans also include the demolition and removal of at least two structures designated as contributing to the historical nature of the site. Additionally, the construction of the proposed hotel, restaurant, service and residential buildings so close as to be virtually "on top" of the historic structures can hardly be seen as a preservation of the estate. There are a multitude of other uses that could be made of the property under the current FLUM/zoning that could still be financially viable for the developer AND preserve the Estate in a much more assertive way. Among them are high-end retirement facilities and/or schools, both of which were deemed acceptable by a majority of Hancock residents in a survey conducted by the Hancock Neighborhood Association in the Fall of 2012.

• Zoning should promote clearly identified community goals such as creating employment opportunities or providing for affordable housing.

As noted above, the developer has not made any indication of how this development would provide significant employment opportunities beyond mostly low-paying, service jobs.

• A change in conditions has occurred within the area indicating that there is a basis for changing the originally established zoning and/or development restrictions for the property.

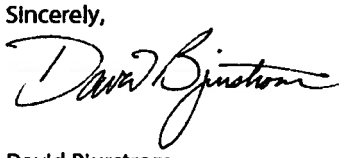
This has not happened.

My neighbors and I in the Hancock Neighborhood Association resoundingly voted against the developer's proposal as was presented to us in March, 2013. That vote was 97 against, 20 for and one abstention. After that vote, the issue was passed on to CANPAC, as is the normal procedure. That group has failed, in several meetings over the past six months, to take a stand nor to support the overwhelming vote of my neighbors and me.

The developer has expressed no apparent public interest in pursuing any of the development possibilities currently allowed which have broader support among residents and which are allowed under the current FLUM and zoning of the property. Two of those uses with wide support are for a high-end retirement living facility or even a school.

I urge you to stand behind the overwhelming vote against this proposal by the Hancock Neighborhood Association and recommend against this development proposal. Do not be swayed by false and distasteful assertions from the developer that the vote against the proposal was somehow the result of lies and coercion. It absolutely was not. The overwhelming vote was a direct result of the dislike of the proposal that was put up for vote and nothing more.

Sincerely,



David Bjurstrom
517A E 40th Street
Austin, TX 78751

From: David Bjurstrom
Sent: Tuesday, March 26, 2013 9:59 AM
To: Meredith, Maureen
Subject: NPA Case Number: NPA-2013-0019.01

Ms. Meredith:

Due to other commitments I cannot change, I am unable to attend the March 27th CANPAC meeting regarding the FLUM change for the Commodore Perry Estate, NPA case number NPA-2013-0019.01. I wanted to be sure to pass on my concerns about this development that would bring so many negatives to our peaceful neighborhood.

As with 82% of those at the Hancock Neighborhood Association meeting who voted against this proposed change at our March 20th meeting, I stand firmly against this action.

I live at 517A East 40th Street, directly across the corner of the Hancock Golf Course from the Estate and stand to be heavily impacted by the proposed commercialization of the property. In fact, I have already been impacted by several commercial events already held on the Estate since last Fall. The increased noise and traffic along with problematic parking issues and the very real reduction in safety on our narrow streets has not been adequately addressed by Mr. Clark Lyda in his development plans. He has made no clear demonstration that changing the FLUM and zoning to a commercial status is the only financially viable way to save the Estate as he has claimed.

Allowing commercialization west of Red River in a long-standing residentially zoned neighborhood would set a precedent for other properties in the local area that are vulnerable to similar development. Making such a change will forever detrimentally impact the Hancock Neighborhood, despite the false "benefits" claimed by Mr. Lyda.

While Mr. Lyda has tried to make a case for his underlying devotion to the property and his desire to save the Perry Estate's historical nature, his plans do little to accomplish that while mostly being at the expense of those of us who live nearest the property.

Having allowed numerous commercial events on the grounds since November, in direct violation of city zoning and noise ordinances, belies his stated compassion for the neighborhood. This display of a lack of good faith

creates great skepticism among my Hancock neighbors that should commercial activity be allowed on the Estate, it would truly be as non-invasive as he claims.

I would urge that this requested FLUM change be denied. Once the Pandora's Box of commercialization is allowed on the Commodore Perry Estate, it will be the end of our quiet residential neighborhood as we have known it.

Sincerely,
David Bjurstrom
517A East 40th Street
Austin

From: craig himel
Sent: Friday, March 22, 2013 3:30 PM
To: Meredith, Maureen
Subject: NPA Case # NPA-2013-0019.01

Ms. Meredith,

I am unable to attend the March 27 meeting as I have out of town commitments. I am adamantly opposed to the FLUM change request by the Perry Estate owner. I live at 700 E41st ST, within the 200 foot zone. Noise, traffic and light pollution are just a few of my concerns. This neighborhood has spoken not only through the FLUM but also by a down vote to this change at the March 20th Hancock Neighborhood Association meeting on this matter.
Please email me if you require more information.

Thank you,
Craig Himel

From: marilyn lamping
Sent: Monday, September 30, 2013 11:33 PM
To: Patterson, Clark; Meredith, Maureen
Subject: Rezoning case

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
****

From: Mary Sanger
Sent: Monday, October 21, 2013 6:34 PM
To: Patterson, Clark; Meredith, Maureen
Subject: Zoning Case C!$-2013-0040; Perry Estate

For the Austin Planning Commission

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.

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 Association studied Mr. Clark Lyda's plan for the Perry Estate for over a year and a half, including many meetings and presentations by Mr. Lyda, the formation of a neighborhood "negotiating team," and a neighborhood opinion survey. At a public meeting, 97 neighborhood residents voted against the proposed commercial zoning; 22

voted for it. The neighborhood took the time to understand this issue and overwhelmingly rejected the idea of commercial zoning.

There are many reasons for the opposition to this plan. I would like to focus on one fact: Mr. Lyda's plans unnecessarily pit the idea of historic preservation against neighborhood values so long protected by this Planning Commission in alliance with the Hancock Neighborhood Association.

1) The developer has said that to maintain the Perry Estate, he has to build hotel, restaurant and entertainment venues. But he has never presented options for maintaining the estate other than to maximize development. Nor has he said how the restaurant and hotel would contribute to the maintenance and staffing of the Mansion and Estate— what is the link? The developer has also not provided, again, to the best of my knowledge, financials that show whether the user fees from renting the Mansion and Chapel and Estate grounds were too little to maintain the Perry Mansion and grounds. We do not know that the city's goal of preserving heritage and historical sites cannot be accomplished without his requested upzoning. The public needs this information, as do you as decision makers.
2) But even if the developer shows there's more money to be made by creating denser development, the preservation of a historic building should not trump the preservation of historic neighborhoods where thousands of families and individuals have chosen to live and invest their money and time. The preservation of the Mansion and Estate should not come at a cost to the quality of life of the surrounding neighborhood. Adding venues will add thousands of vehicle trips, congestion and safety concerns to a long-established neighborhood.
3) We all know that homes build neighborhoods. Under current zoning, the developer has an opportunity to build and to profit from the construction of homes. Yet, the developer's housing ideas have been quite fluid. He has presented ideas ranging from condos to be bought by people who want Austin as a vacation getaway, to high-end 3,000 square foot single-family homes, to small California bungalows. The lack of a firm housing plan leads one to question the developer's commitment to housing in any form.

4) In conclusion, the developer has a "vision" to create a "destination" site; the residents of the neighborhood have another vision: maintaining a wonderful neighborhood environment which is not assaulted, degraded and spoiled by outsized commercial activities. Every corner of Austin should not be like South Congress.

Thank you for your consideration, please vote against changing the zoning to commercial.

Mary Sanger
512.970-4601, cell
512-477-3134
704 Carolyn Avenue
Austin, TX 78705

From: Mike Hebert
Sent: Wednesday, October 23, 2013 8:54 AM
To: Patterson, Clark; Meredith, Maureen
Subject: Fwd: Zoning Case C!$-2013-0040; Perry Estate

For the Austin Planning Commission:

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.

Thank you for your consideration, please vote against changing the zoning to commercial.

P. Michael Hebert

Perry Estate
Special Committee Report

Hancock Neighborhood Association

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Hancock NA – Perry Estate Special Committee Report

1 - Introduction and History of the Perry Estate Special Committee

Formation of the Perry Estate Special Committee:
The Perry Estate Special Committee, or Ad Hoc Committee, was formed on January 18th, 2012. The Committee is comprised of the 5 existing members on the Zoning Committee for the neighborhood association plus three (3) additional Hancock Neighbors who live within 200' of the border of the Perry Estate. These three "200' neighbors" on the Perry Estate Special Committee were approved by a vote of those in attendance at the January 18th, 2012 meeting of the Hancock Neighborhood Association.

Perry Committee Members:
Reed Henderson (Chair & 200' neighbor), Holly Noelke (200' neighbor), Bruce Fairchild (200' neighbor), Rafi Anuar (Zoning Committee), Bart Whatley (Zoning Committee), Carolyn Palaima (Zoning Committee), Gay Ratliff (Zoning Committee), Linda Guerrero (Zoning Committee), Cody Coe (Zoning Committee).

Perry Committee Charge: (from Jan 2012 HNA Meeting)
The charge to the Committee is to negotiate with the Owner for the development and zoning of the Commodore Perry Estate. The Committee shall make recommendations for the satisfactory agreements and safeguards on land use, and shall address the concerns and requirements identified by HNA members. Final adoption of the plan will be voted on by the general membership at a future meeting. The ad hoc Committee will be dissolved the earlier of an affirmative vote on the plan by the general members of the HNA at a regular or special meeting or the third Wednesday of January 2013.

Extension of the Committee's Charge to March 20th, 2013:
At the January 16th meeting of the full membership of the Hancock Neighborhood Association, the Perry Estate Special Committee's charge was extended to **March 20th, 2013**, by majority vote of those in attendance. At the March 20th, 2013 meeting of the full membership of the Hancock Neighborhood Association, which will be held at the Hancock Recreation Center, a vote will be taken on whether or not to approve the Developer's proposed Development and Zoning Standards for the rezoning and redevelopment of the Commodore Perry Estate.

Please Pay Your Association Dues So Your Vote Will Count:
You must be a paying member of the Hancock Neighborhood Association to vote. Dues are $5 per household and are effective for each calendar year. Dues must be renewed each year on or after January 1st and will be effective until December 31st of the year for which they were paid. You can pay your dues online by clicking on the "Join" link on the Neighborhood's website.
https://www.hancockna.org/www/node/6

Hancock NA – Perry Estate Special Committee Report

What to Expect at the Special Called Meeting of the Perry Estate Committee to be held on February 20th, 2013:
It is important to note that one month prior to the March 20th, 2013 meeting, there will be a Special Called Meeting of the Perry Estate Special Committee to be held at the Hancock Recreation Center on **February 20th, 2013**. No vote will be taken at the February 20th meeting. This meeting will be for informative purposes only.

At this meeting on February 20th, 2013, the owner and proposed developer for the Commodore Perry Estate, Mr. Clark Lyda, will present to those in attendance his proposed Development and Zoning Standards for the rezoning and redevelopment of the Commodore Perry Estate. Mr. Lyda's presentation will be a roughly 15 minute summary of his rezoning and redevelopment proposal. Mr. Chad Himmel, the sound engineer for JE Acoustics, whom was procured by Mr. Lyda to analyze both the existing and projected future sound qualities and levels for the Estate, will also be in attendance to provide an executive summary of his report and recommendation for mitigating projected future sound levels on the property. After Mr. Lyda and Mr. Himmel present and answer questions of those in attendance, Mr. Lyda and his team will leave the room and those neighbors in attendance will have the opportunity for a question and answer session with the Committee members in attendance.

History of Special Committee Meetings:
The committee met either amongst themselves, with City of Austin officials, or with the Owner/Developer, Mr. Clark Lyda, and his attorney, Mr. David Hartman, twenty one (21) times between January 15th 2012 and February 5th, 2013.

The early meetings consisted of Mr. Lyda and Mr. Hartman presenting to the committee their initial, proposed re-zoning and re-development guidelines for the Commodore Perry Estate. The committee also spent time in these early months learning the City Processes by which a Change of Use/Zoning for the estate could possibly come to fruition.

More information on a rezoning application and the rezoning process can be found in another section of this report (see Table of Contents). The process for challenging a rezoning application was also studied by the Committee as it may be pertinent for those neighbors in opposition to the developer's plan. The City's guidelines for challenging a re-zoning application can also be found in a later section of this report (see Table of Contents).

Upon gaining a general understanding of Mr. Lyda's proposed re-zoning and re-development guidelines for the Commodore Perry Estate as well as for the City of Austin's method for processing such a request, and/or the City of Austin's method for processing a challenge to such a request, the Committee decided it was time to compile our fellow Hancock Neighbors' feedback as it related to Mr. Lyda's proposed re-zoning and re-development for the Commodore Perry Estate.

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Hancock NA – Perry Estate Special Committee Report

How We Collected Neighborhood Feedback to Present to the Developer:
The committee collected feedback from the Hancock neighbors through a variety of media, including the following:
- Oral Statements made by concerned neighbors at open Neighborhood and Special Committee Meetings
- Oral statements provided at private meetings by concerned neighbors to various committee members
- Hand written letters from concerned neighbors which were given to various committee members
- Email Statements made by concerned neighbors to various committee members
- Written, Signed Position Statements given to the Committee by concerned neighbors living within 200' of the border of the Perry Estate
- A Survey that the committee published to gather feedback from neighbors in October, 2012. The purpose of the survey was to of course present information about the proposed development at the Commodore Perry Estate as well as to provide information on various possible land uses and existing zoning categories as they pertain to the proposed development of the Perry Estate Property. (See Table of Contents for survey results posted in another section of this report).

All feedback which the Committee received from neighbors was clearly presented to Mr. Lyda and/or Mr. David Hartman at our meetings. Any restrictions on the proposed zoning and use of the property which the Committee was able to negotiate with Mr. Lyda were developed as a result of the feedback that the Committee received from the neighbors and which we diligently presented to Mr. Lyda. Ultimately, the neighbors will decide by vote on March 20th, 2013, whether or not Mr. Lyda's Development and Zoning Standards for the rezoning and redevelopment of the Commodore Perry Estate go far enough in protecting the established values and future goals of the Hancock neighborhood.

2 – Existing Zoning and Use Entitlements for the Commodore Perry Estate

When a neighbor casts his or her vote on March 20th, 2013, on whether or not to endorse the proposed Development and Zoning Standards for the re-zoning and re-development of the Commodore Perry Estate, each neighbor should be weighing the proposed changes against the existing zoning and use entitlements for the property. It is important to understand what can be done to the property under its existing zoning and use entitlements so one can make an informed decision on March 20th, 2013.

Hancock NA – Perry Estate Special Committee Report

The Existing Zoning and Use Entitlements for the Commodore Perry Estate are as follows:

- **Current City of Austin Zoning Classification is SF-3-CO-NP**
  - **SF-3:** Family residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3 district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated as an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics.
    - *Source: Section 13-2-45; Ord. 990225-70; Ord. 031211-11*
  - **CO:** The purpose of a conditional overlay (CO) combining district is to modify use and site development regulations to address the specific circumstances presented by a site.
    - **A CO combining district may be used to:**
      - Promote compatibility between competing or potentially incompatible uses
      - Ease the transition from one base district to another
      - Address land uses or sites with special requirements
      - Guide development in unique circumstances
      - *Source: Section 13-2-120; Ord. 990225-70; Ord. 031211-11.*
    - Use and site development regulations imposed by a CO combining district must be more restrictive than the restrictions otherwise applicable to the property.
    - A regulation imposed by a CO combining district may:
      - Prohibit permitted, conditional, and accessory uses otherwise authorized in the base district or make a permitted use a conditional use
      - For a mixed use (MU) combining district, prohibit or make conditional a use that is otherwise permitted by Chapter 25-2, Subchapter E, Section 4.2.1 (*Mixed Use Zoning Districts*);
      - Decrease the number or average density of dwelling units that may be constructed on the property
      - Increase minimum lot size or minimum lot width requirements
      - Decrease maximum floor to area ratio
      - Decrease maximum height
      - Increase minimum yard and setback requirements

- Decrease maximum building or impervious coverage
- Restrict access to abutting and nearby roadways and impose specific design features to ameliorate potentially adverse traffic impacts
- Restrict any other specific site development regulation required or authorized by this title.
- *Source: Section 13-2-121; Ord. 990225-70; Ord. 031211-11; Ord. 20060518-059.*

- **NP:** Neighborhood planning provides an opportunity for citizens to take a proactive role in the planning process and decide how their neighborhoods will move into the future while addressing land use, zoning, transportation and urban design issues. The purpose of a neighborhood plan (NP) combining district is to allow infill development by implementing a neighborhood plan that has been adopted by the council as an amendment to the comprehensive plan.
  - *Source: Ord. 000406-81; Ord. 990225-70; Ord. 031211-11.*
  - The Hancock Neighborhood currently has a Neighborhood Plan Combining District in place. Please reference City of Austin Ordinance #040826-59 to see the Neighborhood Plan Combining District for the Hancock Neighborhood Area.
    - You can find this ordinance on the City's Website: http://www.cityofaustin.org/edims/document.cfm?id=82818

  - **The Conditional Overlays that are currently affecting the Perry Estate property can be found in the aforementioned Ordinance #040826-59, and are as follows:**
    - Part 2, on page 7 of the Ordinance shows the Tract which applies to the Perry Estate Property: **Tract #2058** for the address of record at the City, which is 710 E. 41st St.
    - Part 7, on page 9 of the Ordinance shows the CO's, or Conditional Overlays, that currently exist for Tract #2058, which are as follows:
      - *The maximum height of a building or structure is 30 feet from the ground level*
      - *A building or structure may not exceed a height of two (2) stories*

- **What are the Allowed Uses under the Current Zoning classification for the Perry Estate Property:**
  - The Permitted Residential Uses that fall under the Current Zoning for the Perry Estate Property are as follows:

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- **Bed and Breakfast (Group 1):** use of a residential structure to provide rooms for temporary lodging for overnight guests on a paying basis.
- **Duplex Residential:** use of a site for two dwelling units within a single building, other than a mobile home
- **Retirement Housing (Small Site):** use of a site for 3 to 12 dwelling units designed and marketed specifically for the elderly, the physically handicapped, or both.
- **Single Family Attached Residential:** use of a site for two dwelling units, each located on a separate lot, that are constructed with common or abutting walls or connected by a carport, garage, or other structural element.
- **Single Family Residential:** use of a site for only one dwelling unit, other than a mobile home.
- **Two Family Residential:** use of a lot for two dwelling units, each in a separate building, other than a mobile home.
- *Source: All above definitions of Residential Use were provided via the City of Austin's Land Development Code, 25-2-3, which can be found at the following web link: http://www.amlegal.com/nxt/gateway.dll/Texas/austin/thecodeofthecityofaustintexas?f=templates$fn=default.htm$3.0$vid=amlegal:austin_tx$anc*

- The one Commercial Use that is CONDITIONALLY Allowed under the Current Zoning for the Perry Estate Property is as follows:
  - **Special Use Historic:** use that complies with the requirements of Section 25-2-807 *(Special Use In Historic Districts)*
    - Section 25-2-807 states: This section applies to a site **if**:
      - the structure and land are zoned as a historic landmark (H) or historic area (HD) combining district;
        - **NOTE: The Perry Estate Property is not currently zoned H or HD.**
      - the property is owned and operated by a non-profit entity
      - the property is directly accessible from a street with at least 40 feet of paving

- the site has at least one acre of contiguous land area
- at least 80 percent of the required parking is on site
- a single commercial use does not occupy more than 25 percent of the gross floor area
- civic uses occupy at least 50 percent of the gross floor area
- the property owner does not discriminate on the basis of race, color, religion, sex, national origin, sexual orientation, age, or physical disability in leasing the property.
- *Source: All above definitions of Commercial Use were provided via the City of Austin's Land Development Code, 25-2-3, which can be found at the following web link: http://www.amlegal.com/nxt/gateway.dll/Texas/austin/thecodeofthecityofaustintexas?f=templates$fn=default.htm$3.0$vid=amlegal:austin_tx$anc=*

- If not otherwise permitted in the base district, the following are conditional uses on a site described in the immediately preceding section:
  - administrative and business offices;
  - general retail sales (convenience);
  - indoor entertainment;
  - restaurant (limited) without drive-in service; and
  - cultural services
  - *Source: Sections 13-2-1 and 13-2-234; Ord. 990225-70; Ord. 000309-39; Ord. 031211-11; Ord. 031211-41; Ord. 041202-16.*

- The Agricultural Uses that are Allowed under the Current Zoning for the Perry Estate Property are as follows:
  - **Community Garden**: use of a site for growing or harvesting food crops or ornamental crops on an agricultural basis, by a group of individuals for personal or group use, consumption or donation.

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- **Urban Farm:** use of an urban site for the production and sale of organic agricultural products.
- *Source: All above definitions of Agricultural Use were provided via the City of Austin's Land Development Code, 25-2-3, which can be found at the following web link:* *http://www.amlegal.com/nxt/gateway.dll/Texas/austin/thecodeofthecityofaustintexas?f=templates$fn=default.htm$3.0$vid=amlegal:austin_tx$anc*

- The Civic Uses that are Allowed under the Current Zoning for the Perry Estate Property are as follows:
  - **Communication Service Facilities:** use of a site for the transmission, transfer, or distribution of telephone service and related activities.
  - **Day Care Services (Limited):** use of a site for the provision of daytime care for six persons or less. This use includes nursery schools, preschools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.
  - **Family Home:** use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement with not more than two supervisory personnel and not more than six residents who are suffering from orthopedic, visual, speech, or hearing impairments, Alzheimer's disease, pre-senile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, or emotional illness.
  - **Group Home Class 1 (Limited):** use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement for not more than 6 residents and 2 supervisory personnel. This use includes foster homes, congregate living facilities for persons 60 years of age or older, maternity homes, and homes for persons with physical or mental impairments not listed in the description of family home use. Persons with physical or mental impairments are persons whose impairments substantially limit one or more of the persons' major life activities, who have a record of the impairment, or who are regarded as having the impairment, as defined in the Americans with Disabilities Act.

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- **Public Primary Education Facilities:** use of a site for a public school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the state.
- **Public Secondary Education Facilities:** use of a site for a public school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the state.
- **Religious Assembly:** use is regular organized religious worship or religious education in a permanent or temporary building. The use excludes private primary or secondary educational facilities, community recreational facilities, day care facilities, and parking facilities. A property tax exemption is prima facie evidence of religious assembly use.
- *Source: All above definitions of Civic Use were provided via the City of Austin's Land Development Code. 25-2-3, which can be found at the following web link:* http://www.amlegal.com/nxt/gateway.dll/Texas/austin/thecodeofthecityofaustintexas?f=templates$fn=default.htm$3.0$vid=amlegal:austin_tx$anc=

- The Civic Uses that are CONDITIONALLY Allowed under the Current Zoning for the Perry Estate Property are as follows:
  - **Club or Lodge:** use of a site for provision of meeting, recreational, or social facilities by a private or nonprofit association, primarily for use by members and guests. This use includes private social clubs and fraternal organizations.
  - **College and University Facilities:** use of a site as an educational institution of higher learning that offers a course of study designed to culminate in the issuance of a degree in accordance with the Texas Education Code.
  - **Community Events:** use described in Local Government Code Chapter 334 as permitted for an "approved venue project", except for a hotel, zoological park, museum, or aquarium. The use includes the sale of alcoholic beverages.
  - **Community Recreation (Public):** use of a site for the provision of an indoor or outdoor recreational facility

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for use by the general public, but not for economic gain.

- **Community Recreation (Private):** use of a site for the provision of an indoor or outdoor recreational facility for use by residents or guests of a residential development, planned unit development, church, private primary or secondary educational facility, club or lodge, or non-profit organization.
- **Cultural Services:** use of a site for a library, museum, or similar facility.
- **Day Services (General):** use of a site for the provision of daytime care for more than 6 but not more than 20 persons. This use includes nursery schools, pre-schools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.
- **Day Services (Limited):** use of a site for the provision of daytime care for six persons or less. This use includes nursery schools, preschools, day care centers for children or adults, and similar uses, and excludes public and private primary or secondary educational facilities.
- **Group Home Class 1 (General):** use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement for more than 6 but not more than 15 residents and not more than 3 supervisory personnel. This use includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons 60 years of age or older, maternity homes, emergency shelters for victims of crime, abuse, or neglect, and residential rehabilitation facilities for alcohol and chemical dependence.
- **Local Utility Services:** use of a site for the provision of services that are necessary to support the development in the area and involve only minor structures including lines and poles.
- **Private Primary Education Facilities:** use of a site for a private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the state.
- **Private Secondary Education Facilities:** use of a site for a private or parochial school offering instruction at the junior and senior high school levels

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in the branches of learning and study required to be taught in the public schools of the state.

- **Safety Services**: use of a site for provision of public safety and emergency services, and includes police and fire protection services and emergency medical and ambulance services.
- **Telecommunications Tower**: use of a site for provision of a structure built exclusively to support one or more antennae for receiving or transmitting electronic data or telephone communications.
- Source: All above definitions of Civic Use were provided via the City of Austin's Land Development Code, 25-2-3, which can be found at the following web link: *http://www.amlegal.com/nxt/gateway.dll/Texas/austin/thecodeofthecityofaustintexas?f=templates$fn=default.htm$3.0$vid=amlegal:austin_tx$anc=*

3 – Clark Lyda's Development Narrative for the Commodore Perry Estate

Perry Estate, LLC
P.O. Box 161148
Austin, Texas 78716

February 10, 2013

Dear Neighbors:

As you know, the Perry Estate is one of the few remaining grand estates in Austin. In addition to being the home of "Commodore" Edgar Perry and his family, it was also a second home to many Austin children, including me, during its many lives as a private school, and is remembered fondly by many guests as the home to many weddings and special events since 1928. For these reasons and more, it is one of the centerpieces of Austin's oldest and most vibrant neighborhoods. We believe that the attached development standards for the Estate, which were negotiated and created in conjunction with the HNA Perry Estate Committee, both preserve and honor this history.

When planning the future of the Estate, our main considerations were:

- compatibility with the adjacent neighbors and the larger neighborhood
- preservation of the historic character of the Estate
- sustainability - environmental, economic, and social

The following provisions are common to all proposed uses of site:

- historic zoning of 1928-era structures and sunken garden
- new 8' stone wall and landscape buffer along north and west property lines

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- 25' setback from north and west property lines
- residential use only within 100' of north property line
- residential use only west of Waller Creek
- maximum height of 30'/two stories

We have intentionally preserved some flexibility in our zoning proposal so that our ultimate development can be responsive to the market within the confines of the attached development standards, but in every case our proposed development of the Estate includes use of the upper grounds (including the mansion, chapel, and formal gardens) for special events such as weddings, social and charitable events, meetings, retreats, and conferences. The plan also includes a destination farm-to-table fine dining restaurant that will use produce from the urban farm located on the Estate along Waller Creek. We hope you will find that the development standards both minimize and mitigate any perceived negative effects of these uses, for both our adjacent neighbors and the neighborhood as a whole, through a variety of restrictive measures, including the most-advanced and restrictive sound abatement in use in the City of Austin.

Four additional uses are permitted by our zoning proposal, either as standalone uses or in combination: urban village residential, small luxury lodging, senior housing, and educational. Any of these uses would be designed to completely screen themselves from the existing neighbors to the north and west – both visually and aurally – through a combination of walls, landscaped buffers, transitional uses, and sound.

One possible development plan would include approximately 25 single-family residences clustered around the northern and western perimeter of the Estate surrounding approximately 50 small luxury hotel bungalows – individual buildings clustered around courtyards, fountains, and gardens. Both the residential and hotel units would have access to all hotel facilities and services including the special event spaces, restaurant, grounds, room service, and housekeeping. The goal of this plan would be to create a private and lush enclave – a 10-acre urban oasis for residents and guests – in the center of Austin.

Other possible developments would include senior housing and/or educational components, but in any event the resulting development would be residential in scale and appearance and designed to be unobtrusive and compatible with the existing neighborhood.

We look forward to the opportunity to present and discuss the detailed development standards negotiated with your HNA.

Respectfully,

Perry Estate, LLC

By: Clark Lyda

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4 - The Developer's Zoning and Development Standards Document for the Change of Use and Re-zoning of the Commodore Perry Estate:

The committee has seen multiple revisions of this Zoning and Development Standards Document throughout our more than a year's worth of meetings with Mr. Clark Lyda and his attorney, Mr. David Hartman. The committee has sought to negotiate restrictions for the satisfactory agreements and safeguards on land use for the Commodore Perry Estate, and in doing so, the committee has worked diligently to present to Mr. Lyda and Mr. Hartman the feedback which we have been provided by our fellow neighbors. It is that feedback which has helped to shape this document.

The following Zoning and Development Standards Document is representative of Mr. Lyda's proposal for the re-zoning and re-development of the Perry Estate Property.

COMMODORE PERRY ESTATE – ZONING AND DEVELOPMENT STANDARDS

Tract 1: from east property line to middle wall
Tract 2: from middle wall to centerline of Waller Creek
Tract 3: from centerline of Waller Creek to west property line

Existing Zoning:
SF-3-CO-NP

Proposed Zoning:
Tract 1: GR-CO-MU-H-NP
- COs and Restrictive Covenants specific to Tract 1
- Historic zoning for mansion, carriage house, and sunken garden

Tract 2: GR-CO-MU-H-NP
- COs and Restrictive Covenants specific to Tract 2
- Historic zoning for cottage, bowling alley, and bridge

Tract 3: SF-6-CO-MU-NP
- COs and Restrictive Covenants specific to Tract 3

Existing FLUM:
Civic

Proposed FLUM:
Tract 1: Mixed Use
Tract 2: Mixed Use
Tract 3: Higher Density Single Family

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Uses:

The following chart sets forth permitted uses in each tract pursuant to CO to the rezoning ordinance; all other uses will be prohibited.

PERRY ESTATE -- ZONING USE SUMMARY TABLE

P = Permitted Use C = Conditional Use Permit X = Not Permitted

	TRACT 1	TRACT 2	TRACT 3
Art Gallery	P	P	X
Art Workshop	P	P	X
Bed and Breakfast, Group I & II	P	X	X
Single Family Residential	P	P	P
Condominium Residential	P	P	P
Urban Farm	X	P	C*
Private Primary Educational Facilities	P	P	P
Private Secondary Educational Facilities	P	P	P
Hotel-Motel	P	P	X
Indoor Entertainment	P	X	X
Restaurant (General)	P	X	X
Congregate Living	P**	P**	P**
Group Home, Class I & II	P***	P***	P***
Religious Assembly	P	P	P
Conditional Use Permit for Outdoor Entertainment	C	C	X
Subterranean and Above-Ground Parking	P	P	P

* Code provides that Urban Farm in SF zoning is conditional use.

** Required for senior housing uses.

*** City staff indicates that due to federal law this cannot be restricted via ordinance or public restrictive covenant. Regardless, we will eliminate this use via private restrictive covenant.

The following uses otherwise permitted in GR pursuant to City Code shall be prohibited:

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 Sales (General); Indoor Sports and Recreation; Medical Offices (exceeding 5k sq. ft. gross floor area); Medical Offices (not 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 (General); Day Care Services (Limited); Family Home; Guidance Services; Hospital Services. (Limited); Local Utility Services; Public Primary Educational Facilities; Public Secondary

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Educational Facilities; Residential Treatment; Safety Services; Telecommunication Tower.

Development Standards:

A. **Tracts 1, 2 and 3:**
   1. **Height, number/size, impervious cover.**
      a. Maximum building height of a new building or structure is generally 30 feet from finished grade and two stories (except for existing structures on Tract 1, and except for residential structures similar to those depicted on the Ross Chapin residential concept plan on Tract 2), measured in accordance with typical City of Austin methodology. Subterranean parking is not counted as a story in connection with the foregoing two-story height limit.
      b. Maximum impervious cover of total project shall not exceed 45% of gross site area.
      c. Maximum number of units on Tracts 1 and 2 combined shall be 75, and no more than 55 of those may be hotel units. No more than 40 of those hotel units may be located on Tract 2. *(Applicable to Tracts 1 and 2, only)*
      d. Only residential uses are allowed within 100 feet of the north property line of Tracts 1 and 2, except for the easternmost 250' of Tract 1.
      e. Massing of residential buildings within 100' of the north property line:
         i. Buildings shall be maximum of 2 stories, and shall not exceed 30 feet high from finished grade, measured in accordance with typical City methodology.
         ii. Buildings shall maintain single-family detached, rowhouse or townhouse massing and scale; units may share common walls.
         iii. Buildings shall avoid use of continuous or unbroken wall plane along northern building faces.
         iv. First tier of buildings along north property line must be not more than 80 feet wide, as measured along the side of the buildings that are most parallel to the north property line. Residential buildings within 100' of the northern property line shall not exceed a maximum building size of 10,000 square feet per building and individual buildings shall not contain more than four residential units *(Applicable to Tracts 1 and 2 only)*. See Setbacks Exhibit.
      f. Hotel units shall each contain a minimum of 400 sq. ft. of conditioned space per unit. *(Applicable to Tracts 1 and 2, only)*
      g. Residential units shall contain a maximum of 4,500 square feet of conditioned space per unit. Duplexes and triplexes (defined as two or three units sharing a common wall(s) and intended to be occupied by an owner and one or more tenants) shall be prohibited.
   2. **Buffering and screening.**
      a. A 25 foot setback shall be established along the north and west property line, regardless of use or zoning of the subject tract. See Setbacks Exhibit.
      b. Existing perimeter stone wall will be restored and preserved.

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c. Following issuance of City permits for construction of residential and/or hotel units, a new 8' high stone wall will be constructed along north and west property lines except in the floodplain. A similar wall or fence will be constructed along the portion of the north and west property line that is in the floodplain to the extent allowed by City regulations.

d. Construction of new wall/vegetative buffer will be completed as a construction first phase priority within 180 days following commencement of construction of new hotel and/or residential units.

e. All non-residential mechanical equipment shall be located a minimum of 50' from any off-site single-family lot and ground level mechanical equipment shall be screened by a solid wall at least as tall as the equipment or placed on the opposite side of a building from an adjacent single-family lot. All non-residential roof-mounted/elevated mechanical equipment will be screened from view from any adjacent off-site single-family property.

f. Any roof deck will be oriented so that occupants do not have views to residences along Park Blvd. and Peck.

3. Noise.
   a. Primary demolition and excavation work for new construction will be conducted on an accelerated schedule and completed within 120 days following commencement of construction of new hotel and/or residential units to reduce the period of time that such noise will be generated.
   b. All trash will be picked up during daytime, between the hours of 8:00 a.m. to 8:00 p.m.
4. Signage.
   a. Signs proposed for the areas of the site zoned Historic are subject to review by the Historic Landmark Commission. Subject to further review/modification by that Commission where applicable, signs visible from Red River and/or 41st Street shall be subject to the following limitations and design standards:
      i. The site will be entitled to signs visible from the public streets at the following locations with the corresponding restrictions set forth below:
         1. Red River service entrance – wall sign mounted flush or projecting from wall or pole
         2. Red River main entrance – two wall signs mounted flush or projecting from wall or pole
         3. Corner of 41st Street and Red River – existing pole sign
         4. 41st Street mansion sidewalk entrance – wall sign mounted flush or projecting from wall
         5. 41st Street entrances – two wall signs mounted flush or projecting from wall
      ii. With the exception of the existing pole sign at the corner of 41st Street and Red River, all signs along 41st Street shall be mounted flush or projecting from the wall (i.e., no pole signs). With the exception of the existing pole sign at the corner of 41st Street and

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Red River, no signs along 41st Street shall be illuminated except for the wall sign at the 41st Street mansion pedestrian entrance, which may be illuminated with landscape and/or indirect lighting.

iii. Wall signs shall not exceed 20 square feet each. Projecting signs shall not exceed 16 square feet each. The maximum letter height shall be 20 inches. The top of any pole or wall sign shall not exceed 14 feet above street grade. The bottom of any projecting sign shall be at least 8 feet above the ground and the top of any projecting sign shall not exceed 14 feet above the ground.

iv. Sign color and design shall be moderate and in keeping with the architectural character of the property and the residential neighborhood.

v. Signs shall be constructed of wood, metal, and/or glass – no plastic shall be allowed. No sign shall blink, flash, revolve, move, vary in intensity, or appear to be in motion. Sign illumination shall be evenly distributed and, with the exception of neon tubing, shall be concealed from view.

5. Other.
   a. Total vehicle trips shall not exceed 2,000 vehicle trips/day.
   b. Developer to provide letter of credit (LOC) in the amount of $50,000.00 for the benefit of HNA providing for HNA enforcement costs of private restrictive covenant, and will provide HNA evidence of annual renewal of LOC.
   c. Developer will install a sidewalk, street trees, and landscaping along the west side of Red River St. from 41st Street to the north property line, subject to City approval, prior to issuance of certificate of occupancy for new hotel or residential units. *(Applicable to Tract 1 only).*
   d. Developer will install a sidewalk, street trees, and landscaping along the north side of 41st Street from Red River St. to the west property line of the site, subject to City approval, prior to issuance of certificate of occupancy of new hotel or residential units. Parallel parking may be incorporated along this same area of 41st Street if available public right-of-way will accommodate it, subject to City approval.
   e. Any street trees installed shall be a minimum of 5 caliper inches in diameter measured 4 ½ feet above natural grade, and shall be watered for a minimum two years following installation. Any tree that dies within two years of initial installation will be replaced by tree of minimum 5 caliper inches in diameter measured 4 ½ feet above natural grade.
   f. Developer will seek a license from the City of Austin to allow to irrigate, landscape, and maintain the public right-of-way adjacent to the property on 41st Street and Red River Street.
   g. No pole-mounted parking lot or site lights will be used, and no service lights that project onto adjacent property will be used.
6. Compatibility Restrictions per Land Development Code.
   a. All development will comply with the Compatibility Provisions set forth in Article 10, City of Austin Land Development Code along north and

west property lines adjacent to single family residences, including without limitation:

i. No structure may be built within 25 feet of the SF property line.
ii. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
iii. Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent SF property.
iv. The noise level of mechanical equipment may not exceed 70 db at the property line.
v. Refuse receptacles, including a dumpster, may not be located 20 feet or less from SF property.
vi. The location of and access to a permanently placed refuse receptacle, including a dumpster, must comply with guidelines published by the City. The City shall review and must approve the location of and access to each refuse receptacle on the property.
vii. A highly reflective surface, including reflective glass and a reflective metal roof with a pitch that exceeds a run of seven to a rise of 12, may not be used, unless the reflective surface is a solar panel or copper or painted metal roof.
viii. An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF property.
ix. No parking or driveways are allowed within 25 feet of SF property line.

B. Tract 1:

1. **Height, number/size, impervious cover.**
   a. Maximum indoor seating capacity of restaurant shall be 200.
   b. Maximum number of attendees at an event held at the property will not exceed 350 (including event participants, guests, and employees). Space sufficient for on-site queuing of at least ten vehicles must be provided on site. Adequate on-site parking must be provided to accommodate, or agreements for sufficient overflow off-site parking spaces must be entered into, or other arrangements must be provided (e.g. shuttle van/bus/carpool) to accommodate maximum projected attendees.
2. **Buffering and screening.**
   a. Please see Section A. above for applicable development standards.
3. **Wedding and related outdoor activities, noise.** Outdoor amplified sound and outdoor non-amplified music sound shall be allowed subject to the conditions and restrictions provided below:
   a. Applicant will undertake detailed sound monitoring by a qualified acoustical engineer of all events for a six month period beginning upon issuance of the first certificate of occupancy on Tract 1. Following the initial six month period, the results of the monitoring will be shared with HNA and applicant's use of outdoor amplified sound and outdoor non-amplified music sound shall be reviewed for compliance with standards established hereinbelow, and shall be adjusted and modified if necessary

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to achieve the standards. Applicant and HNA will meet every six months thereafter to review performance during the previous six months for compliance with agreed standards.

b. No outdoor amplified sound or outdoor non-amplified music sound will occur on the property except in the following locations: (1) on the south patio of the Mansion, and (2) in the sunken garden. See outdoor amplified sound location exhibit.

c. All outdoor amplified sound shall be played through a "house" sound system equipped with programmable, automated noise limiting or sound level management capability that monitors and limits A-weighted noise (dBA) and C-weighted noise (dBC) to the levels listed in Table 1.

d. All outdoor non-amplified music sound shall be monitored by a "house" sound monitoring system equipped with sound logging capability that monitors A-weighted noise (dBA) and C-weighted noise (dBC) for comparison with the levels listed in Table 1.

e. Outdoor amplified sound and non-amplified music sound levels shall be measured at two or more different locations, each at a fixed distance from the amplified source(s) and non-amplified stage equaling one or more of the distance values listed in Table 1. Periodic sound data shall be continuously logged over the duration of events to indicate A-weighted noise (dBA) and C-weighted noise (dBC) levels comply with the levels in Table 1. The logging period used for sampling data during continuous monitoring shall be no less than 30 seconds and no greater than 3 minutes. Logged data shall include the recorded levels of LeqA, LmaxA, LeqC and LmaxC, the time of day, the logging period, the averaging time constant (fast/slow), a description of the microphone location, and the distance from microphone to the nearest amplified sound or music sound source. Logged data shall be stored and kept for a minimum of 365 days after it is recorded.

f. Outdoor noise from indoor amplified sound and non-amplified music sound shall be monitored similarly for comparison with outdoor noise limits.

g. Non-amplified music instruments that shall be disallowed include the following: brass instruments (trumpet, trombone, french horn, etc.), drums of all types, cymbals, bagpipes, and other instruments that exceed an average level of 85 dBA or 95 dBC measured at a distance of 3 feet during loud (fortissimo) play.

h. Non-amplified music instruments that are allowed include the following: piano, acoustic guitar, symphonic strings (violin, viola, cello, upright bass), harp, drums played with brushes, woodwinds and brass instruments played with mutes, and other instruments achieving an average noise level of 85 dBA and 95 dBC at a distance of 3 feet during loud (fortissimo) play.

i. The size of ensembles or groups performing non-amplified music shall be no more than five performers at the same time.

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j. Amplified outdoor sound, including voice, and outdoor non-amplified music sound shall not exceed the following noise levels:

Table 1: Allowable Average (Leq) Noise Levels

Distance from loudspeaker or performance source/stage	Day (10:00am-7:00pm)		Evening (7:00pm-10:00pm)	
	LeqA (dBA)	LeqC (dBC)	LeqA (dBA)	LeqC (dBC)
7'	75	85	70	82
17'	70	80	65	77
30'	65	75	60	72
50'	60	70	55	67
100'	55	65	50	62
250'	50	60	45	57

k. Noise levels in Table 1 are intended to be measured as an equivalent average (Leq) with a ANSI Type 1 or Type 2 sound level meter set to "Fast" averaging (a 1/8-second time constant) for a duration of at least 30 seconds, or up to three (3) minutes, as needed to measure sound that accurately represents continuous and recurring event noise in excess of background sounds that may come from off-site. Peak noise levels (Lmax) may be allowed to exceed the Leq levels in Table 1 by no more than 10 dB. If the sound level meter or monitoring device to be used does not have a "Fast" averaging setting and can only be set to "Slow" averaging (a 1-second time constant) the allowable values shall be reduced by 3 dB.

l. Hours for outdoor amplified sound shall be no earlier than 10:00am and no later than the following: 8:00 pm Sunday through Thursday, 10:00 pm on Friday and Saturday.

m. No waivers on restrictions regarding indoor and outdoor amplified sound will be allowed during any music or film festivals held in Travis County, Texas.

4. Signage.
   a. Please see Section A. above for applicable development standards.
5. Other.
   a. Service vehicles will enter/exit exclusively on Red River.
   b. All service functions will occur inside a gated service court and service building that will be located no more than 50' west of Red River Street.
   c. All deliveries and removals will occur inside the gated service court during daytime hours using bob-tail or smaller vehicles and trash containers will be "swapped" rather than dumped.
   d. All trash will be stored inside the air-conditioned service building.
   e. Access to 41st street from Tract 1 shall be limited to a crash gate for secondary emergency access as required by City Code.

C. Tract 2:
1. Height, number/size, impervious cover.
   a. Please see Section A. above for applicable development standards.
2. Buffering and screening.

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a. Please see Section A. above for applicable development standards.

3. **Noise**.
   a. Outdoor amplified sound will be prohibited on Tract 2.
4. **Signage**.
   a. Please see Section A. above for applicable development standards.
5. **Other**.
   a. Service vehicles for hotel uses will enter/exit exclusively on Red River; service vehicles for residential uses will enter/exit from 41st Street.
   b. All service functions for hotel uses will occur inside a gated service court and service building that will be located no more than 50' west of Red River Street.
   c. All deliveries and removals for hotel uses will occur inside the gated service court during daytime hours using bob-tail or smaller vehicles and trash containers will be "swapped" rather than dumped.
   d. All trash for hotel uses will be stored inside the air-conditioned service building.
   e. Access to 41st street from Tract 2 for hotel uses shall be limited to a crash gate for secondary emergency access as required by City Code; access to 41st Street from Tract 2 for residential uses is permitted.
6. **Compatibility Restrictions per Land Development Code**.
   a. Please see Section A. above for applicable development standards.

D. **Tract 3:**
1. **Height, number/size, impervious cover**.
   a. Maximum number of units on Tract 3 shall be nine (9).
   b. No units may share a common wall.
   c. Massing of buildings along western property line:
      i. Buildings shall be maximum of 2 stories, and shall not exceed 30 feet high from finished grade, measured in accordance with typical City methodology.
      ii. Buildings shall maintain single-family massing and scale along west property line comparable to adjacent residences and surrounding neighborhood.
      iii. Buildings shall maintain multiple sight lines from west property line to the east; and shall avoid use of continuous or unbroken wall plane along westernmost building faces.
      iv. First tier of buildings along west property line must be not more than 50 feet wide, as measured along the side of the buildings that are most parallel to the western property line.
      v. Buildings along west property line must be at least 10 feet apart from another building, as measured from wall face to wall face, and shall face easterly.
2. **Buffering and screening**.
   a. Please see Section A. above for applicable development standards.
3. **Noise**.
   a. Outdoor amplified sound will be prohibited on Tract 3.
4. **Signage**.

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a. Please see Section A. above for applicable development standards.

5. Other.
   a. Service vehicles will enter/exit from 41st Street.

This Marks the End of the Developer's Zoning and Development Standards Document

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- **City of Austin Land Use Definitions for the PROPOSED, to-be Permitted Residential Uses on the Perry Estate Property:**

  - **Bed and Breakfast (Groups 1 & 2):** use of a residential structure to provide rooms for temporary lodging for overnight guests on a paying basis.
    - **Note:** Bed and Breakfast Group 1 is currently a permitted use under the property's existing zoning designation. Bed and Breakfast Group 2 is NOT currently permitted under the property's existing zoning classification.
    - **Note:** This use to be permitted on Tract 1 only

  - **Condominium Residential:** use of a site for attached or detached condominiums, as defined in the Texas Property Code.
    - **Note:** Condominium Residential is NOT currently a permitted use under the property's existing zoning designation.
    - **Note:** This use is to be permitted on all 3 tracts

  - **Single Family Residential:** use of a site for only one dwelling unit, other than a mobile home
    - **Note:** Single Family Residential is currently a permitted use under the property's existing zoning designation.
    - **Note:** This use to be permitted on all 3 tracts

- **City of Austin Land Use Definitions for the PROPOSED, to-be Permitted Commercial Uses on the Perry Estate Property. Please see the developer's chart regarding permitted uses for each of the three proposed, distinct tracts :**

  - **Art Gallery:** use of a site for the display or sale of art
    - **Note:** This use is NOT currently a permitted use under the property's existing zoning designation.
    - **Note:** This use to be permitted on Tracts 1 and 2

  - **Art Workshop:** use of a site for the production of art or handcrafted goods, and it includes the incidental sale of the art produced.

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- **Note:** This use is NOT currently a permitted use under the property's existing zoning designation.
- **Note:** This use to be permitted on Tracts 1 and 2

- **Hotel-Motel:** use of a site for the provision of rooms for temporary lodging. This use includes hotels, motels, and transient boarding houses.
  - **Note:** This use is NOT currently a permitted use under the property's existing zoning designation.
  - **Note:** This use to be permitted on Tracts 1 and 2

- **Indoor Entertainment:** use is a predominantly spectator use conducted within an enclosed building. This use includes meeting halls and dance halls.
  - **Note:** This use is NOT currently a permitted use under the property's existing zoning designation.
  - **Note: This use to be permitted on Tract 1 only**

- **Outdoor Entertainment:** use is a predominantly spectator use conducted in open, partially enclosed, or screened facilities. This use includes sports arenas, racing facilities, and amusement parks.
  - **Note:** This use is NOT currently a permitted use under the property's existing zoning designation.
  - **Note:** This is a CONDITIONAL use permit to be applied for on Tracts 1 and 2 only, and that is to be renewed with the City on an annual basis.
  - **Note:** You will find the following restriction in the developer's hand out titled Zoning and Development Standards Document, elsewhere in this report:
    - "No outdoor amplified sound or outdoor non-amplified music sound will occur on the property except in the following locations: (1) on the south patio of the Mansion, and (2) in the sunken garden. See outdoor amplified sound location exhibit."

- **Restaurant (General):** use of a site for the preparation and retail sale of food and beverages and includes the sale and on-premises consumption of alcoholic beverages as an accessory use.
  - **Note:** This use is NOT currently a permitted use under the property's existing zoning designation.
  - **Note:** This will only be applied to Tract 1

City of Austin Land Use Definitions for the PROPOSED, to-be Permitted Agricultural Uses on the Perry Estate Property. Please see the developer's chart regarding permitted uses for each of the three proposed, distinct tracts :

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- **Urban Farm:** use of an urban site for the production and sale of organic agricultural products.
  - **Note:** This use is conditionally permitted under the property's existing zoning designation.
  - **Note:** This use will be Permitted on Tract 2 and will be Conditionally permitted on Tract 3

City of Austin Land Use Definitions for the PROPOSED, to-be Permitted Civic Uses on the Perry Estate Property. Please see the developer's chart regarding permitted uses for each of the three proposed, distinct tracts :

- **Congregate Living:** use of a site for the provision of 24 hour supervision and assisted living for more than 15 residents not needing regular medical attention. This use includes personal care homes for the physically impaired, mentally retarded, developmentally disabled, or persons 60 years of age or older, basic child care homes, maternity homes, and emergency shelters for victims of crime, abuse, or neglect.
  - **Note:** This use is NOT currently a permitted use under the property's existing zoning designation.
  - **Note:** This use will be permitted on all 3 tracts

- **Group Home Class I (General):** use is the use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement for more than 6 but not more than 15 residents and not more than 3 supervisory personnel. This use includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons 60 years of age or older, maternity homes, emergency shelters for victims of crime, abuse, or neglect, and residential rehabilitation facilities for alcohol and chemical dependence.
  - **Note:** This use is conditionally permitted under the property's existing zoning designation.
  - **Note: This use will be prohibited via Private Restrictive Covenant...**"" "City staff indicates that due to federal law this cannot be restricted via ordinance or public restrictive covenant. Regardless, the developer will eliminate this use via private restrictive covenant."

- **Group Home Class I (Limited):** use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement for not more than 6 residents and 2 supervisory personnel. This use includes foster homes, congregate living facilities for persons 60 years of age or older, maternity homes, and homes for persons with physical or mental impairments not listed in the description of family home use. Persons with physical or

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mental impairments are persons whose impairments substantially limit one or more of the persons' major life activities, who have a record of the impairment, or who are regarded as having the impairment, as defined in the Americans with Disabilities Act.

- **Note:** This use is permitted under the property's existing zoning designation.
- **Note:** This use will be prohibited via Private Restrictive Covenant…*** "City staff indicates that due to federal law this cannot be restricted via ordinance or public restrictive covenant. Regardless, the developer will eliminate this use via private restrictive covenant."

- **Group Home Class II:** use of a site for the provision of a family-based facility providing 24 hour care in a protected living arrangement for not more than 15 residents and not more than 3 supervisory personnel. This use includes homes for juvenile delinquents, halfway houses providing residence instead of institutional sentencing, and halfway houses providing residence to those needing correctional and mental institutionalization.
  - **Note:** This use is not permitted under the property's existing zoning designation.
  - **Note: This use will be prohibited via Private Restrictive Covenant…*** "City staff indicates that due to federal law this cannot be restricted via ordinance or public restrictive covenant. Regardless, the developer will eliminate this use via private restrictive covenant."

- **Private Primary Education Facilities:** use of a site for a private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the state.
  - **Note:** This use is conditionally permitted under the property's existing zoning designation.
  - **Note:** This use will be permitted on all 3 tracts

- **Private Secondary Education Facilities:** use of a site for a private or parochial school offering instruction at the junior and senior high school levels in the branches of learning and study required to be taught in the public schools of the state.
  - **Note:** This use is conditionally permitted under the property's existing zoning designation.
  - **Note:** This use will be permitted on all 3 tracts

- **Religious Assembly:** use is regular organized religious worship or religious education in a permanent or temporary building. The use excludes private primary or secondary educational facilities, community recreational facilities, day care facilities, and parking facilities. A property tax exemption is prima facie evidence of religious assembly use.

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- **Note:** This use is permitted under the property's existing zoning designation.
- **Note:** This use will be permitted on all 3 tracts

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II. Zoning Principles

The City of Austin has established twelve Zoning Principles as a guide to preserve the compatibility of land uses. City Staff, stakeholders and property owners should use the following principles to evaluate all zoning requests.

- Zoning should be consistent with the Future Land Use Map (FLUM) or adopted neighborhood plan.
- Zoning should satisfy a public need and not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning.
- Granting a request for zoning should result in an equal treatment of similarly situated properties.
- Granting the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.
- Zoning should allow for a reasonable use of the property.
- Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.
- Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.
- Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.
- The request should serve to protect and preserve places and areas of historical and cultural significance.
- Zoning should promote clearly identified community goals such as creating employment opportunities or providing for affordable housing.
- A change in conditions has occurred within the area indicating that there is a basis for changing the originally established zoning and/or development restrictions for the property.
- The rezoning should be consistent with the policies adopted by the City Council or Planning Commission/Zoning and Platting Commission.

III. Zoning Process

Who can request a rezoning?

A rezoning may be requested by:

- Property owner
- City Council
- Planning Commission/Zoning and Platting Commission
- Historic Landmark Commission—if the property is proposed to be designated as a historic landmark (H) combining district, or a historic area (HD) combining district.
- A petition of at least 60% of the owners of land in a proposed historic district.

What is the rezoning process?

An application for rezoning is reviewed by City staff, and then scheduled before the Land Use Commission. All requests that fall within the boundaries of an adopted neighborhood planning area, or an area with a resolution from City Council to move forward with a plan, are scheduled for a public hearing before the Planning Commission. All other zoning requests are scheduled before the Zoning and Platting Commission. Following a public hearing from one of these Commissions, an additional public hearing is scheduled for City Council. City Council will approve or deny the rezoning request.

What happens if my property is rezoned—can I continue my use?

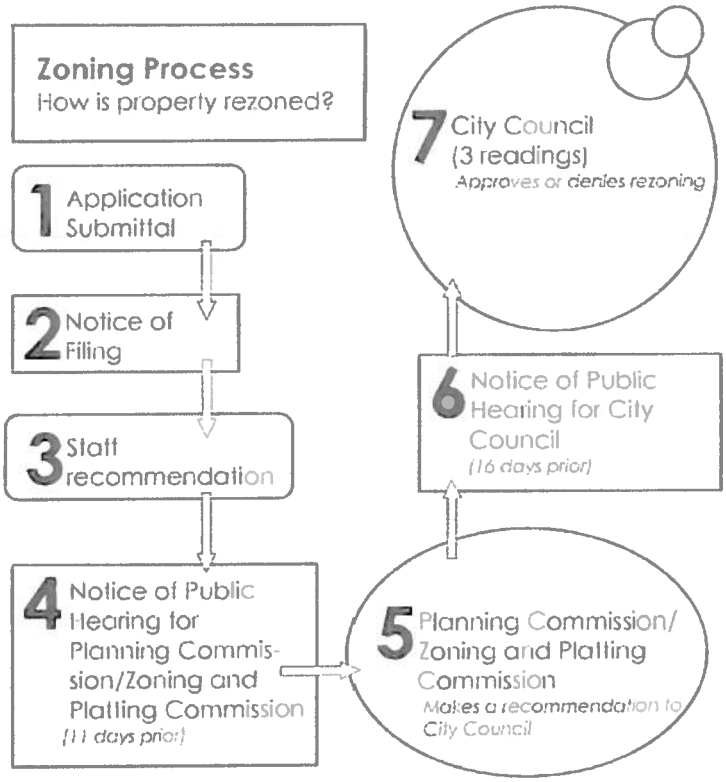
There are cases when a rezoning can result in a nonconforming use. A nonconforming use is the use of any land, building, or structure that does not conform with current applicable regulations, but complied or was not under requirements to comply with regulations at the time the use was established. There are specific code requirements, relating to the discontinuance of a non-conforming use as well as the ability to make any changes to a nonconforming use.

How do I get a copy of an approved zoning ordinance?

Once City Council approves a zoning request, a copy of the approved ordinance can be obtained through the City Clerk's Office. You can either call and request a copy, or you can perform an online Public Records search.

If a property is rezoned with a conditional overlay (CO) attached to the zoning, you can find the specifics of the CO in the zoning ordinance.

Public records can be accessed through the City Clerk's webpage:
http://www.ci.austin.tx.us/cityclerk/default.htm .



Notices (steps 2, 4 and 6) are sent to property owners, registered community associations, and utility account holders within 500 feet of a property that is being rezoned.

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IV. Challenging a Zoning Request

When a property owner requests a zoning change, nearby neighbors are considered to have a stake in the zoning as well and have the opportunity to challenge the zoning request before City Council. Doing so requires that City Council approve the zoning change by a supermajority, which is a vote of at least 6 out of 7 councilmembers. Please note that petition rights do not apply to interim-zoned property.

Steps involved in challenging a zoning request:

a. Work with the property owner or neighborhood to try to reach a compromise, or work through the neighborhood plan process.

b. Send a letter stating opposition to staff, Planning Commission, and City Council.

c. Appear at the public hearings at Planning Commission and City Council.

d. File a zoning petition.

What is a zoning petition?

A petition is one way a person may oppose a proposed rezoning. A petition may be filed (1) by a property owner opposed to a rezoning of his of her own property or (2) by property owners within 200 feet of the proposed change. In order for a petition by nearby property owners to be considered valid, property owners of 20% or more of the land within 200 feet of the proposed rezoning must sign the petition.

What is the effect of a petition?

A supermajority vote by City Council (at least 6 out of 7) is required to overturn a valid petition. Without a valid petition, only four votes are required to approve a zoning on one reading, or five votes if more than one reading is considered at the same meeting.

How to file a petition

A petition should be dated and addressed to the City Council. In order to be legally binding, the first paragraph should read as follows:

> We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than _____.

After this initial statement, briefly state the reasons for the protest.

This statement should be followed by the signatures of the protesters and their addresses. If a protester signs for other than the owner of record, a Power of Attorney should accompany the petition. Signatures should be in black ink to facilitate reproduction.

Property owner information is obtained from the Travis Central Appraisal District. If there has been a recent sale of the property, the current owners may not be shown. A copy of the deed or closing statement must be furnished with the petition to establish ownership.

Please furnish the name and phone number of a contact person in case there are questions about the petition.

File number and zoning information may be obtained from the Neighborhood Planning and Zoning Department, 505 Barton Springs Rd, Fifth Floor. Although not required, it is also suggested that a numeric printout of the property owners and a copy of that portion of the tax plat showing 200 feet around the area proposed for rezoning be obtained.

The nine-digit parcel number for each property within a 200-foot radius must be determined, as follows:

- The first five digits of the parcel number is the tax plat number.
- The next two digits is the block number. This is the large underlined number shown on each block.
- The last two digits is the lot number. This is the small underlined number on each lot.

This parcel number corresponds to the numbers shown on the property owner printout.

Calculating 20% of the property within 200 feet of a rezoning request

A brief description of the process for determining the validity of a petition is as follows:

A. Figure square footage of area within 200-foot radius of property being rezoned, excluding property being considered.

B. Figure each petitioner's area. These areas should include one-half of right-of-way adjacent to the petitioner's property.

C. Figure percentage: Total of petitioners' area (B) divided by Total area within 200' radius (A).

If (C) is greater than or equal to 20%, the petition is valid.

Condominium projects may protest the rezoning if the petition is signed by the appropriate officer of the governing body of the condominium. An individual condominium owner shall not be included when calculating the petition unless the documents governing the condominium clearly establish the right of an individual owner to act with respect to his or her respective undivided interest in the common elements of the condominium.

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What is the deadline to file a petition?

The zoning petition shall be filed no later than noon on the Wednesday prior to the 3rd Reading of the scheduled item at City Council. However, the petition should be furnished to the Neighborhood Planning and Zoning Department as early as possible prior to the Council hearing so the validity may be determined prior to the hearing.

Perry Estate

Austin, Texas

Environmental Noise Study – Summary Report of Environmental Noise Criteria and Recommendations

Report No. 12048-02

February 05, 2013

JEAcoustics
Engineered Vibration Acoustic & Noise Solutions

Hancock NA – Perry Estate Special Committee Report

Perry Estate

Austin, Texas

Environmental Noise Study – Summary Report of Environmental Noise Criteria and Recommendations

Report No. 12048-02

February 05, 2013

Prepared for

Perry Estate, LLC

Submitted by

Chad N. Himmel, PE
Associate, JEAcoustics
TxBPE Reg. No. 90175

TxBPE Firm Reg. No. F-6534

Hancock NA – Perry Estate Special Committee Report

Perry Estate, Austin, Texas

Environmental Noise Study – Summary Report of Environmental Noise Criteria and Recommendations

February 05, 2013

Chad N. Himmel, PE
JEAcoustics
Austin, Texas 78756

Prepared for:
Perry Estate, LLC

Perry Estate, LLC, retained JEAcoustics (JEA) to provide environmental noise analysis and consultation services for The Perry Estate redevelopment in Austin, Texas. Proposed events at Perry Estate are to include acoustic and amplified music and speech announcements. If event noises are loud enough, they have the potential to disturb sensitive receivers, such as residential areas beyond the property boundaries and residential areas planned for the project site. JEA's scope of services includes a noise study to develop design criteria for outdoor music noise, to determine conditions affecting residential uses on and adjacent to the proposed project, plus development of design recommendations for environmental acoustics and noise control. The primary intents of this study are to determine and recommend noise control measures necessary to (a) conform with existing city ordinance and code noise restrictions, (b) prevent unreasonable interior noise intrusions for residential structures on the property and (c) prevent noise annoyance due to sound transmissions across property boundaries from events held on the site.

In this study, JEA reviewed various indoor and outdoor noise limits and noise assessment procedures,[1,2,3,4,5,6,7,8] and low frequency noise criteria[9,10,11] and information[12,13] available from published references. In addition, JEA conducted a series of ambient noise measurements in the vicinity of Perry Estate to be used as a basis for developing allowable outdoor noise criteria for proposed events and music sounds, in order to prevent disturbance of residents with event sounds. JEA found that typical amplified event music and noise may easily achieve existing city ordinance and code noise restrictions, but that event noises must be managed and limited in order to achieve the suggested noise criteria to prevent disturbances. In other words, city code does not provide a reliable basis for preventing disturbance; much stricter limits are needed and recommended for this project. Noise management and limiting methods must also include methods for limiting low-frequency noise to achieve suggested goals. Limits in terms of A-weighted (dBA) and C-weighted (dBC) sound levels were established for the project in **Table 1**.

Table 1: Allowable Average (Leq) Outdoor Event Noise Levels Received at Dwellings

Condition to be prevented most of the time at a dwelling	Day (7am-7pm)		Evening-Night (7pm-7am)	
	LeqA (dBA)	LeqC (dBC)	LeqA (dBA)	LeqC (dBC)
Severe Disturbance	55	65	50	62
Disturbance	50	60	45	57
Audible	40	50	35	47

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A detailed sound propagation model of the Perry Estate site and vicinity was constructed to analyze, develop and validate various noise sources and noise limiting solutions. Preliminary noise limiting solutions have been recommended, including the following, which may be used partially or altogether to achieve project goals. Further evaluation and design will be needed by the owner, planners, architects, engineers, and/or sound system designers to determine how the following measures will be implemented to achieve the goals.

- Limit the scheduled hours to daytime only, or strictly limit evening hours and limit the frequency and duration of events.
- Use an electronic sound level management system to limit amplified noise produced by sound systems to levels indicated in **Table 2**. In the evening (7pm-10pm), achieve the equivalent of 55 dBA / 67 dBC or less at a distance of 50 feet from the amplified sound sources; in the daytime (7am-7pm), 60 dBA / 70 dBC.
- Restrict the use of louder non-amplified musical instruments. Establish a detailed list of approved and disallowed instruments based on typical loudness, such as a limit of 85 dBA / 95 dBC at a distance of 3 feet.
- Limit the size of the performing non-amplified ensembles or groups, for example, no more than five performers at the same time.

Table 2: Allowable Average (Leq) Outdoor Amplified Sound and Non-Amplified Music Noise Levels

Distance from loudspeaker or performance source/stage	Day (7am-7pm)		Evening (7pm-10pm)	
	LeqA (dBA)	LeqC (dBC)	LeqA (dBA)	LeqC (dBC)
7'	75	85	70	82
17'	70	80	65	77
30'	65	75	60	72
50'	60	70	55	67
100'	55	65	50	62
250'	50	60	45	57

Noise levels are intended to be measured as an equivalent average (Leq) with a sound level meter set to "Fast" averaging (a 1/8-second time constant) for a duration of at least 30 seconds, or up to 3 minutes, as needed to measure sound that accurately represents continuous and recurring Perry Estate event noise in excess of background sounds that may come from off-site. Peak noise levels (Lmax) may be allowed to exceed the Leq levels by no more than 10 dB. If the sound level meter or monitoring device to be used does not have a "Fast" averaging setting and can only be set to "Slow" averaging (a 1-second time constant) the allowable values should be reduced by 3 dB.

- Confirm with practice that sound limiting works, that the amplified and non-amplified noise levels can be monitored without interference from off-site noises from traffic, flyovers, etc., that event participants can enjoy the events with limited sound levels, and that noise levels achieve the intended goals. Conduct listening or sound measurement tests on site to validate results with event music presentation, and engage the community to solicit or gauge their reaction. Adjust event schedules, allowed instruments lists, shielding/enclosure, and sound management system settings if necessary.

Other optional noise mitigation solutions recommended in this report include the following, which could be added to the measures listed above, if needed to achieve goals.

- Design the sound system to have minimal wattage, low volume displacement speakers, and other measures to ensure the system is not capable of producing very loud levels of low-frequency (bass) noise.
- Use shielding structures, lightweight shells, or partial enclosures to direct event sounds away from residential receivers, and arrange speaker orientations facing away from residents.

Details regarding this noise study, criteria, analyses, and preliminary recommendations are presented in JEA report 12048-01, December 19, 2012.

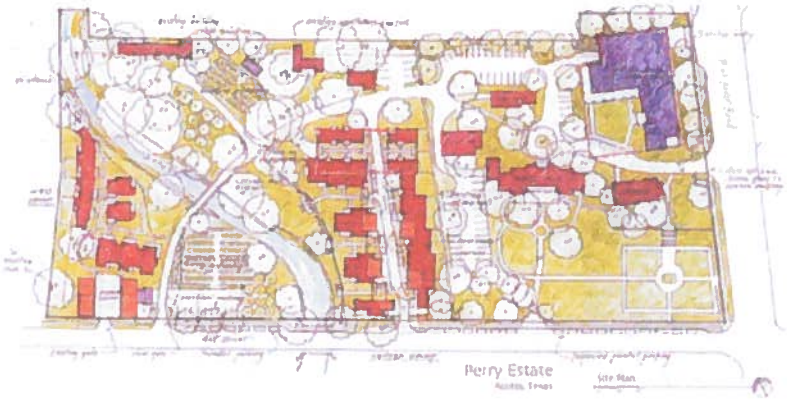

Figure 1: Perry Estate Site Plan

Figure 2: Perry Estate and Vicinity

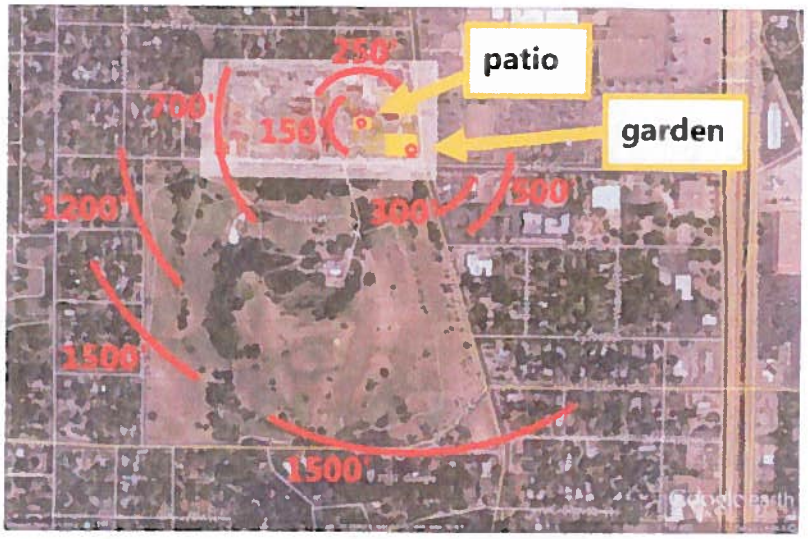

Figure 3: Event Areas and Distances to Nearest Dwellings

Figure 4: SoundPLAN Model Configuration

C-weighted noise contour results (dBC) received at the 2nd floor level for representative amplified and non-amplified events with sound levels limited are shown in the illustrations below. A-weighted (dBA) results exhibit similar propagation, with lower dB values as expected.

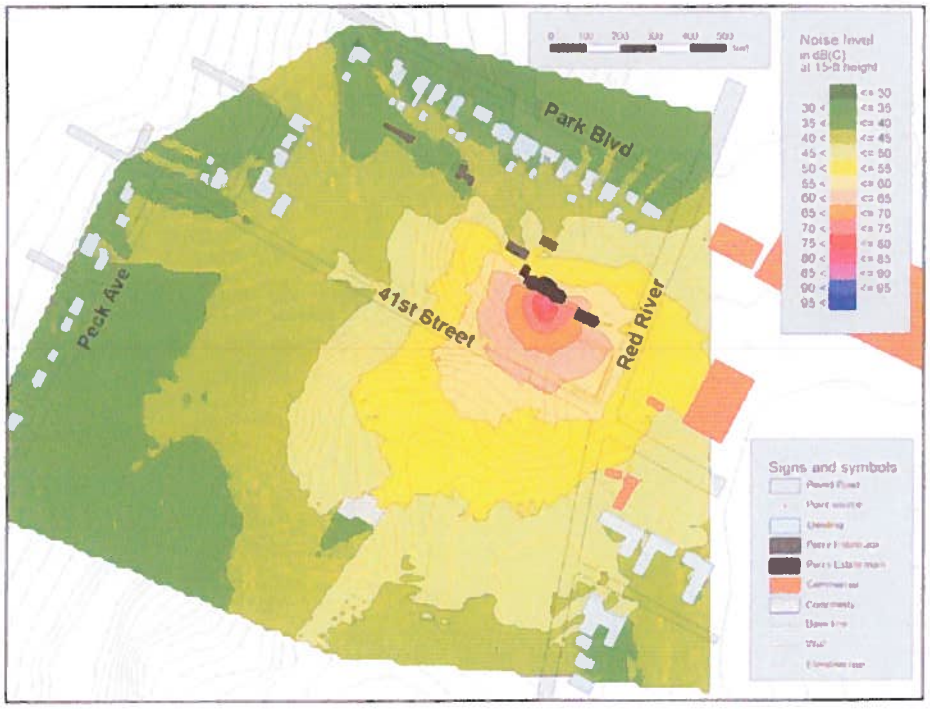

Figure 5: SoundPLAN Model Results with Limited Amplified Music and Average Crowd Noise at Mansion Patio

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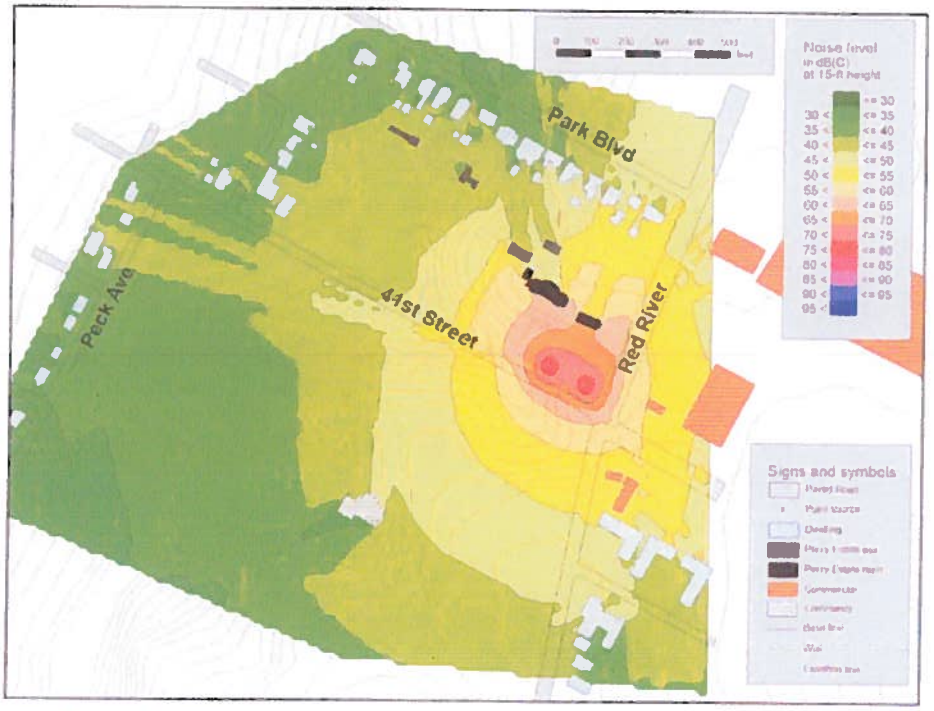

Figure 6: SoundPLAN Model Results with Limited Amplified Music and Average Crowd Noise at Sunken Garden

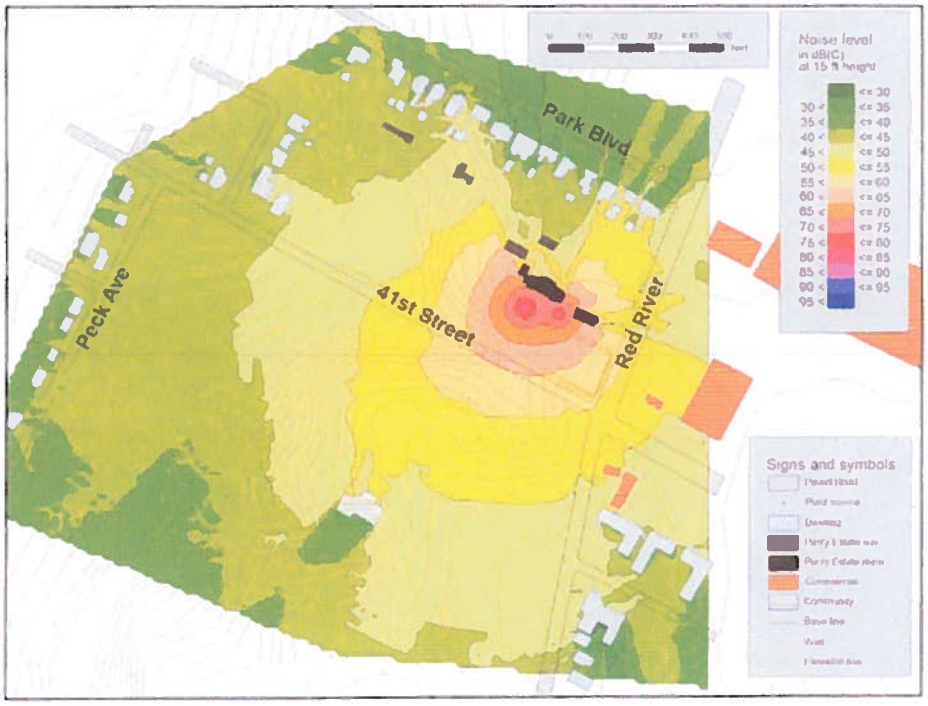

Figure 7: SoundPLAN Model Results with Non-Amplified Music and Average Crowd Noise at Mansion Patio

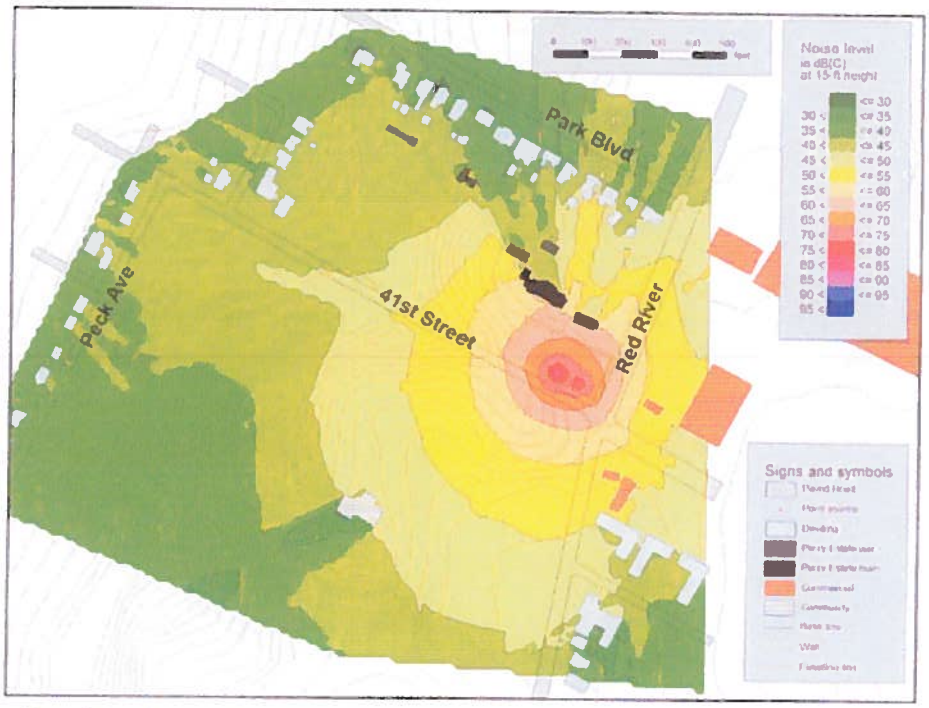

Figure 8: SoundPLAN Model Results with Non-Amplified Music and Average Crowd Noise at Sunken Garden

Audio System Noise Limiters
or Sound Level Management Systems

Supplier Contact Info.

ACO Pacific, Inc.
2604 Read Avenue
Belmont, CA 94002
650.595.8588
www.acopacific.com

Grozier Technical Systems, Inc.
157 Salisbury Road
Brookline MA 02445
617.277.1133
www.grozier.com/AutomaticSPLcontrol.shtml

Scantek, Inc.
6430 #C, Dobbin Rd
Columbia, MD 21045
410.290.7726
www.scantekinc.com

Lime Technologies*
209 Great Preston Road, Ryde, PO33 1AY, UK
08712 233127
www.noiselimiters.co.uk

Sound Limiters*
404 Clipsley Lane
Haydock, St Helens, WA11 0SX, UK
01744 29621
www.soundlimiters.com

*Can configure for 120V and ship to the US

REFERENCES

1 *Geneva Guidelines For Community Noise*. World Health Organization, Ed. Birgitta Berglund, Thomas Lindvall, Dietrich H Schwela. 1999

2 Geoff Leventhall, Peter Pelmear and Dr Stephen Benton. *A Review of Published Research on Low Frequency Noise and its Effects*. Department for Environment, Food and Rural Affairs, London. 2003

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4 N. Broner, Sinclair Knight Merz, *A Simple Outdoor Criterion for Assessment of Low Frequency Noise Emission*. Acoustics Australia, Melbourne. Vol. 39 No. 1-7. 2011

5 Broner, N., and Leventhall, H. G. *Low frequency noise annoyance assessment by Low Frequency Noise Rating (LFNR) Curves*. Journal of Low Frequency Noise and Vibration 2, 20–28. 1983

6 Title 24, Part 51 - *Environmental Criteria and Standards* (24 CFR Subtitle A 4-1-04 Edition 51.101). U.S. Department of Housing and Urban Development, Washington, DC.

7 *The Noise Guidebook*. U.S. Department of Housing and Urban Development, U.S. Government Printing Office, Washington, DC. 1991

8 EPA 550/9-81-423 – *Guidelines for Considering Noise in Land Use Planning and Control*. U.S. Environmental Protection Agency – Federal Interagency Committee on Urban Noise, Washington, DC. 1980

9 Din 45680 – *"Messung und Bewertung tieffrequenter Geräuschimmissionen in der Nachbarschaft" (Measurement and assessment of low-frequency noise emissions in the neighborhood)*. Deutsches Institut Für Normung, Berlin. 1997

10 P. McCullough1 and J. O. Hetherington, *A Practical Evaluation of Objective Noise Criteria used for the Assessment of Disturbance due to Entertainment Music*. The Chartered Institute of Environmental Health, Volume:4 Issue:2. 2005

11 Ian Rushforth, Andy Moorhouse, Peter Styles. *A Case Study of Low Frequency Noise Assessed using DIN 45680 Criteria*. Low Frequency Noise, Vibration and Active Control, Multi Science Brentwood, Essex. Vol. 21, No. 4. 2002

12 Joseph Keefe. *Noise exposure in marching bands*. J. Acoustical Society of America, Volume 118, Issue 3. 2005

13 *An Engineering Approach to the Acoustic Design of Contemporary Entertainment Venues*. Ken Marriott Industrial Commercial & Technical Consultants (ICTC), Croydon, Surrey. Proceedings of the Institute of Acoustics. 2002

Hancock NA – Perry Estate Special Committee Report

HDR ONE COMPANY | *Many Solutions*

October 17, 2012

Mr. Clark Lyda
Manager
Commodore Perry Estate, LLC
P.O. Box 1757
Georgetown, Texas 78627

Mr. Lyda:

The purpose of this letter is to document traffic data collection completed by HDR Engineering, Inc. with regards to the Commodore Perry Estate redevelopment. The following summarizes roadway classification and traffic volume information for 41st Street and Red River Street in Austin, Texas.

- The City of Austin classifies 41st Street as a collector between Duval Street and Red River Street.
- According to HDR counts collected on September 5, 2012, 41st Street has a daily volume of 2,150 vehicles between Duval Street and Red River Street.
- The City of Austin classifies Red River Street as a major arterial.
- According to 2004 City of Austin counts, Red River Street has a daily volume of 17,100 vehicles north of 38½ Street.

Additional details on these traffic volumes are provided in Tables 1-3.

Table 1.
41st Street, East of Duval Street
Source: HDR Counts 9/5/2012

	Daily (vehicles)	AM Peak (vehicles)	PM Peak (vehicles)
Eastbound	810	56	85
Westbound	1,336	75	130
Total	2,146	131	215

HDR Engineering, Inc. | 504 Lavaca Street, # 1175 Austin, Texas 78701 USA | Telephone 512 904 3700 Facsimile 512 904 3773

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Table 2.
41st Street, West of Red River Street
Source: HDR Counts 9/5/2012

	Daily (vehicles)	AM Peak (vehicles)	PM Peak (vehicles)
Eastbound	679	51	78
Westbound	1,335	75	122
Total	1,336	126	200

Table 3.
Red River Street, North of 38½ Street
Source: 2006 HDR Counts (Peak), 2004 City of Austin (Daily)

	Daily (vehicles)	AM Peak (vehicles)	PM Peak (vehicles)
Eastbound	8,484	233	878
Westbound	8,626	494	745
Total	17,110	727	1,623

Please feel free to contact me if you have any questions.

Sincerely,

Leslie D. Pollack, P.E., PTOE
Project Manager

BG

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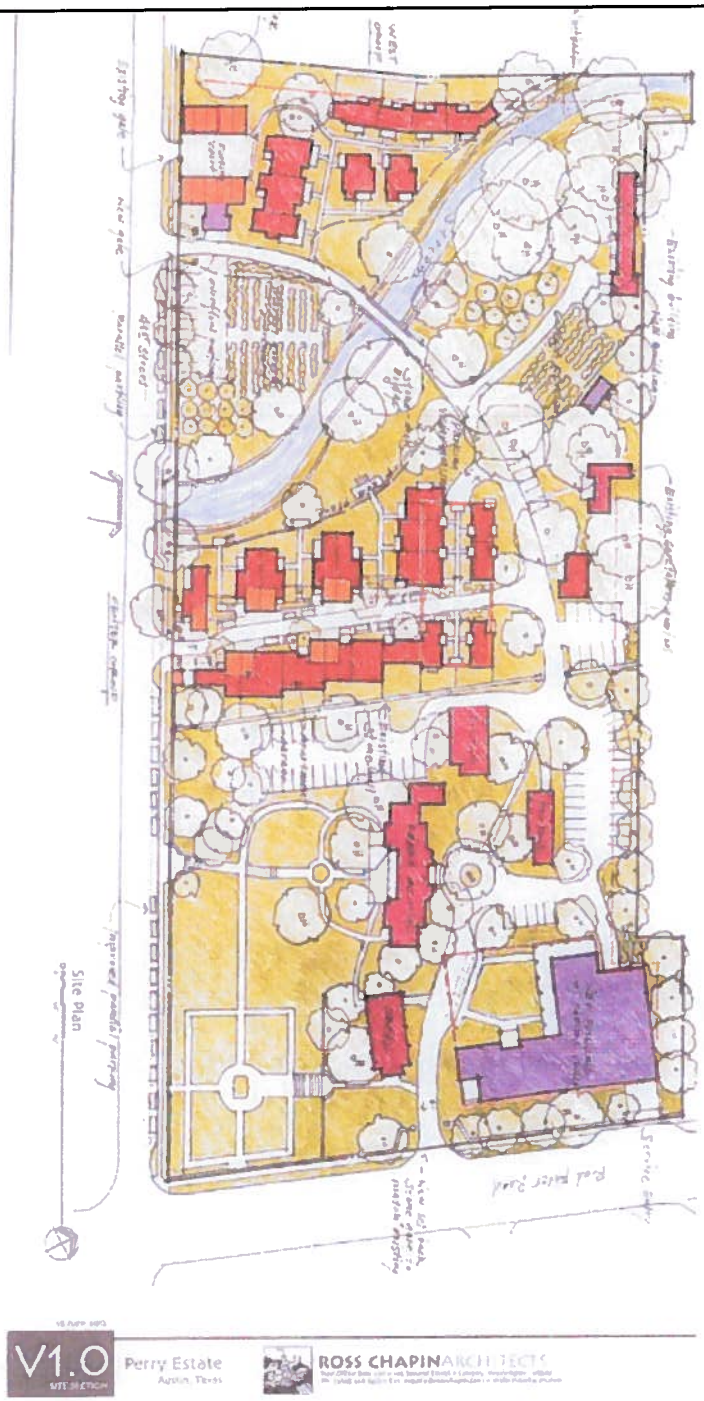

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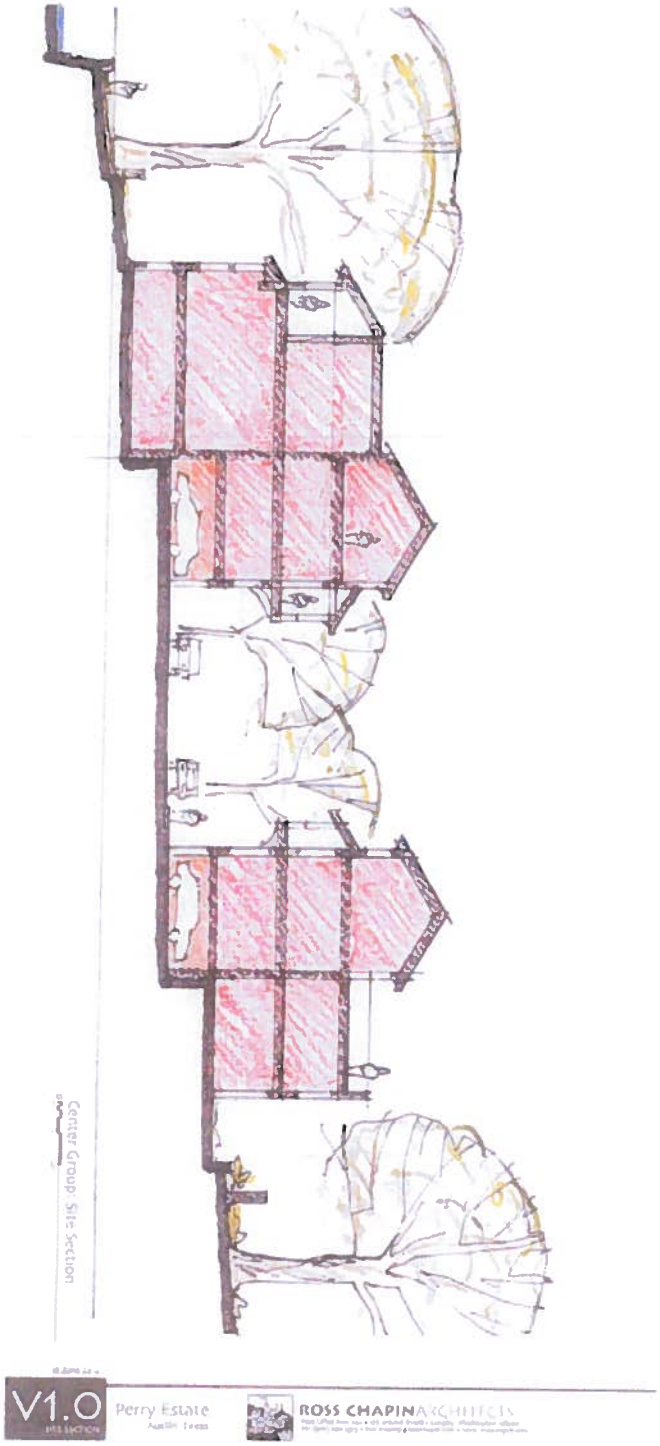

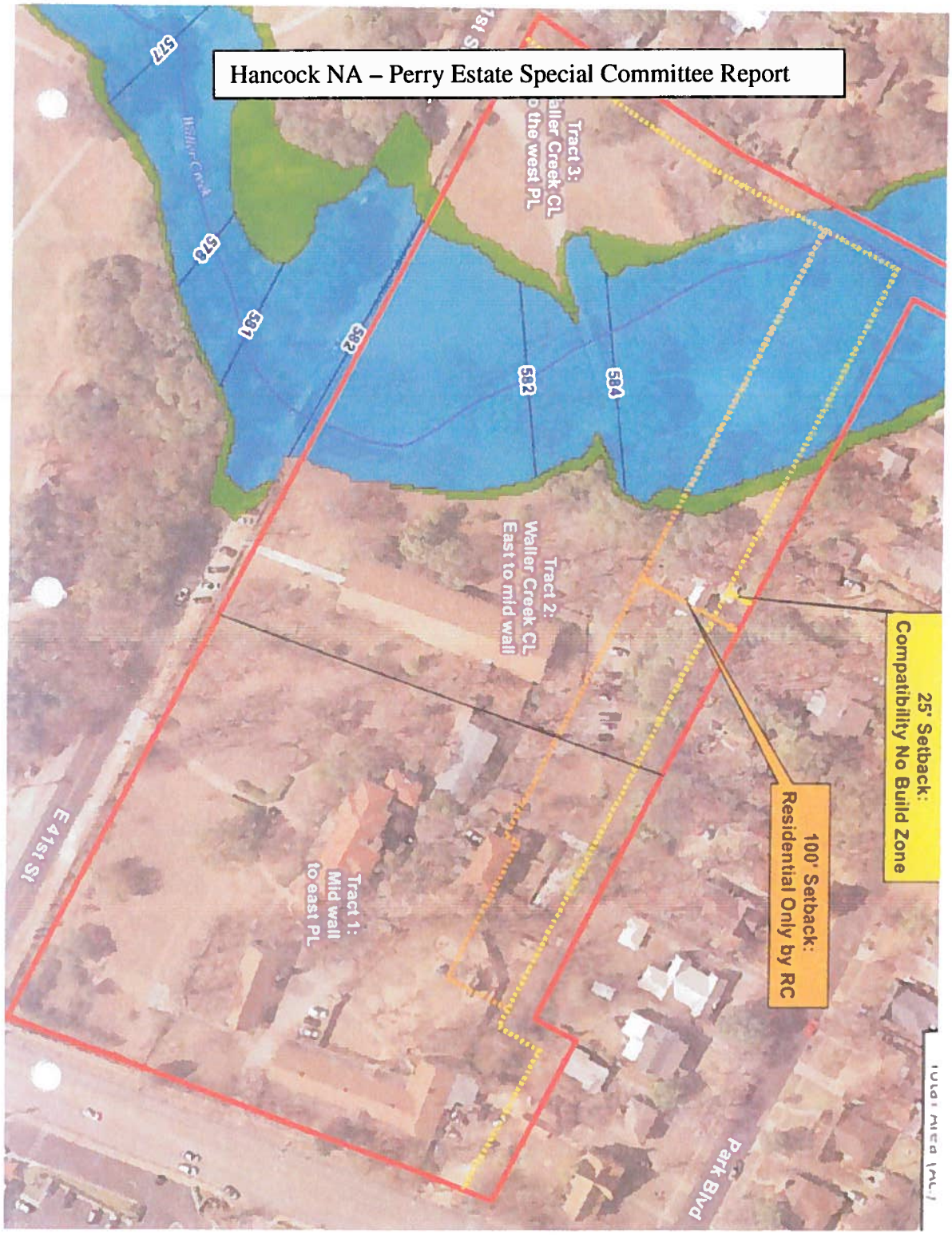
Hancock NA – Perry Estate Special Committee Report
577
570
531
532
583
584
Tract 3:
Waller Creek CL
to the west PL
Tract 2:
Waller Creek CL
East to mid wall
Tract 1:
Mid wall
to east PL
25' Setback:
Compatibility No Build Zone
100' Setback:
Residential Only by RC
E 51st St
Park Blvd

Hancock NA – Perry Estate Special Committee Report

Perry Estate Survey Results Summary

- **These are the COMMERCIAL USES which the majority of area residents (more than 50% of those surveyed) said they would allow:**
  - Art Gallery (Commercial) = 55.3% would allow
  - Art Workshop (Commercial) = 50.5% would allow

  - **Other Notable Results on Commercial Uses Include:**
    - Restaurant (Commercial) = 40.8 % would allow
    - Specific Historic Use (Commercial) = 37.9% would allow
    - Plant Nursery (Commercial) = 31.1% would allow
    - Hotel-Motel (Commercial) = 30.1% would allow
    - Indoor Entertainment (Commercial) = 30.1% would allow
    - Outdoor Entertainment (Commercial) = 12.6% would allow

- **These are the CIVIC USES which the majority of area residents (more than 50% of those surveyed) said they would allow:**
  - Private Primary Educational Facilities = 79.6% would allow
  - Private Secondary Educational Facilities = 73.8% would allow
  - Community Events = 69.9% would allow
  - Religious Assembly = 55.3% would allow
  - Community Recreation (Public) = 55.3% would allow
  - Community Recreation (Private) = 51.5% would allow
  - Family Home = 50.5% would allow

  - **Other Notable Results on Commercial Uses Include:**
    - Public Primary Education Facilities = 46.6% would allow
    - Public Secondary Education Facilities = 41.7% would allow
    - Club or Lodge = 44.7% would allow
    - Cultural Services (Commercial) = 40.8% would allow
    - Day Care Services (Limited) = 38.8% would allow
    - Day Care Services (General) = 31.1% would allow

Other Areas of Concern Noted in the Survey Results

- **Impact on Property Values:**
  - 43.7% of those who took the survey feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will DECREASE the values of residential properties on or near the border of the Perry Estate.
  - 9.7% think the change will increase said property values
  - 16.5% think the change will have no effect on said property values
  - 30.1% are undecided or don't know what the effect will be on the said property values

Hancock NA – Perry Estate Special Committee Report

- **Impact on Traffic:**
  - 89.3% of those who took the survey feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will lead to INCREASED traffic in and around the Perry Estate Property
    - 66% of these people feel that the increased traffic will adversely affect the quality of life for Hancock Neighborhood Residents.
  - 2.9% think the change will not increase said traffic
  - 7.8% are undecided or don't know what the effect will be on said traffic

- **Impact on Parking:**
  - 76.7% of those who took the survey feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will lead to INCREASED parking on neighborhood streets near the Perry Estate Property.
    - 77.4% of these people feel that the increased parking on neighborhood streets will adversely affect the quality of life for residents living on or near the border of the Perry Estate.
  - 14.6% think the change will not increase said parking
  - 8.7% are undecided or don't know what the effect will be on said parking

- **Impact on Noise:**
  - 75.7% of those who took the survey feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will lead to INCREASED Noise in the Hancock Neighborhood.
    - 67% feel that the increased noise will adversely effect the quality of life for Hancock Neighborhood Residents.
  - 12.6% do not think the change will lead to increased noise.
  - 11.7% are undecided or don't know

- **Impact on Trees, Creek, and Wildlife:**
  - 51.5% of those who took the survey feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will adversely affect the trees, creek, and wildlife in and around the Perry Estate.
  - 30.1% feel that the change of zoning will not adversely effect said trees, creek, and wildlife
  - 18.4% are undecided or don't know

- **Impact on Historic Preservation of the Mansion:**
  - 34% of those who took the survey feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will have a positive impact on the Historic Preservation of the Mansion on the Perry Estate.
  - 31.1% feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will have a negative impact on the Historic Preservation of the Mansion on the Perry Estate.
  - 13.6% feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will have NO impact on the Historic Preservation of the Mansion on the Perry Estate.

Hancock NA – Perry Estate Special Committee Report

- 21.4% are undecided or don't know what the impact will be on the Mansion

- **Privacy of Residents on or Near the Border of the Perry Estate Property:**
  - 63.1% of those who took the survey feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will affect the privacy of residents living on or near the border of the Perry Estate.
  - 22.3% feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will NOT adversely affect the privacy of residents living on or near the border of the Perry Estate.
  - 14.6% are Undecided or don't know what the affect will be on the privacy of those residents living on or near the border of the Perry Estate.

- **Quality of Life for Residents Living on or near the Border of the Perry Estate Property:**
  - 59.2% of those who took the survey feel the proposed change of zoning from SF-3 to GR-CO-MP-NP will adversely affect the quality of life for those residents living on or near the border of the Perry Estate property.
  - 22.3% do NOT think the change will adversely affect the quality of life for those residents living on or near the border of the Perry Estate.
  - 18.4% are undecided or don't know

- **Neighborhood Support for a FLUM Amendment**
  - 24.3% of those who took the survey think that HNA SHOULD support the developer's application for an out of cycle filing for an amendment to the FLUM.
  - 53.4% think that HNA SHOULD NOT support the developer's application for an out of cycle filing for an amendment to the FLUM.
  - 22.3% are undecided or don't know whether to support this out of cycle filing for an amendment to the FLUM.

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
512-974-2695
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
Public Hearing: Nov 21, 2013, City Council

☐ I am in favor
☒ I object

Your Name *(please print)*

Your address(es) affected by this application

Signature

Date

Comments.

PUBLIC HEARING COMMENT FORM

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Case Number: NPA-2013-0019.01
Contact: Maureen Meredith
Public Hearing: Nov 21, 2013, City Council

☒ I am in favor
☐ I object

Your Name *(please print)*

Your address(es) affected by this application

Signature

Date

Comments:

From: Jim Kirschner

Sent: Tuesday, November 12, 2013 3:10 PM
To: Patterson, Clark; Meredith, Maureen
Subject: Perry Estate Zoning

Although I will not be able to attend the meeting tonight, I want to go on record that we 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. Thank you

Jim/Ann Kirschner
514 East 39th
Austin, Texas 78751

****

From: Faye Rozmaryn
Sent: Tuesday, November 12, 2013 10:16 AM
To: Patterson, Clark; Meredith, Maureen
Subject: Perry Estate

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.

Respectfully yours,

Faye Rozmaryn
1003 East 44th Street
Austin, Tx. 78751

From: Tim Arndt
Sent: Tuesday, November 12, 2013 9:04 AM
To: Patterson, Clark; Meredith, Maureen
Subject: Zoning case: C14-2013-0040 and Neighborhood plan amendment: 2013-018648 NP

Dear Ms. Maureen Meredith and Mr. Clark Patterson, AICP

I live two blocks from the Perry Estate and do not wish to have live music and increased traffic that will result from the irreversible zoning change you have recommended as city staff for this property. The purchaser of the property was well aware of the zoning when purchased and those property uses should remain in force. It is a false choice that the only way to preserve the estate is a CHANGE to commercial zoning. 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 behind a walled compound are inappropriate uses for this property and adds nothing positive to the neighborhood.

Please retract your staff recommendation for this change that will be irreversible. Help me to preserve the quality of life for me, my family, and my neighbors in Hancock. This is as monumental a decision as the City of Austin selling half of the Hancock Golf Course in 1959. Please think about what your decision will mean to my central Austin neighborhood in 50 years.

Best,
Tim

Tim Arndt
3915 Becker Ave
Austin, TX 78751

From: Kathy Macchi
Sent: Tuesday, November 12, 2013 8:39 AM
To: Patterson, Clark; Meredith, Maureen
Subject: Zoning case: C14-2013-0040, Neighborhood plan amendment: 2013-018648 NP

Mr. Patterson and Ms. Meredith,

I understand the rezoning request for the Perry Estate is this evening. Unfortunately, I cannot be there in person to speak to you about my opposition to the project. However, just because I'm not there to speak to you face-to-face does not mean I am not adamant about my opposition.

I strongly 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 neighborhood association overwhelming rejected the proposal for the commercial zoning. Why would the commission go against what over 80% of the neighborhood has repeatedly said is not an appropriate use. What would be the reason?

Also, it disturbs me to hear that the Planning Commission has made up its mind already before hearing residents speak to them tonight. This is not a neighborhood against all changes and development. Last meeting we voted for some major changes for a local area business. Why? He presented what he wanted to do and why. We asked for a few modifications. He asked for some. Both sides were pleased with the results.

Mr. Lyda, however, has consistently been vague about what he wants to do with property. This demonstrates to me that he just wants a zoning change and then will do whatever he wants. If he truly has the Perry Estate as his utmost concern (as he states), he would have solid plans to show how he is going to build a business there so he maintain the Estate.

I own a business and have for years. There is NO need for a zoning change until Mr. Lyda presents a firm plan for what he intends to build. Until then it can wait. Why does the Planning Commission feel the need to grant a zoning change without any idea of what Mr. Lyda plans to do. No bank would make a loan without more info. When he has a final plan, let's all (Planning Commission and the neighborhood) review it then and decide. This would be a sensible approach.

Also, Mr. Lyda knew the zoning when he bought the property. This is not someone who bought it with one intention and then was surprised. He bought knowing the restrictions and has refused to show any final plans. Fluid and undecided plans is all that has shown. I have a million ideas in my head, too, but I don't expect someone to change rules to accommodate them. Wait until he has finalized plans – then let's see what makes sense.

Please. I live here. Do not give us this headache. Do not override all our votes. It hurts all of us.

Kathy Macchi
1003 E. 44th Street
Austin, TX 78751

From: Meredith Brown
Sent: Monday, November 11, 2013 1:28 PM
To: Patterson, Clark; Meredith, Maureen
Subject: Perry Estate

Good Afternoon,

I own the home on 503 E 41st St.

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.

Regards,
Meredith Brown

From: Kevin McKinney
Sent: Sunday, November 10, 2013 10:35 AM
To: Meredith, Maureen
Subject: Perry estate

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. -----Original Message-----

From: John Nyfeler
Sent: Tuesday, December 03, 2013 11:21 AM
To: Chris Riley; Sheryl Cole; Kathy Tovo; Bill Spellman; Laura Morrison; Mike Martinez; Lee Leffingwell
Cc: Lin Team; David Hartman; Carolyn P Palaima
Subject: Perry Estate/re-zoning

Honorable Mayor and Council Members:

Please excuse the electronic message as I will be out of Austin on the 12th when you will hear this re-zoning case, otherwise I would be with you in person.

Please vote yes.

Your friend and mine, Lin Team would say about this case, and she would be right, because, as you know, Lin is almost always right...she would say this is a matter of property rights. The PROPERTY has rights.

The Perry Estate property has an historic right to be restored and preserved and not left to decay and fall into ruin.

The property has a right to have a new purpose to allow it to make a positive, continuing contribution to the entire community.

The Perry Estate has a right to have a new financial base that will allow it to continue long term, on sound fiscal terms.

The property has a right to further contribute to the economy through staff employment and through increased property taxes.

The Perry Estate has a right to be the stimulus for the further improvement of the Hancock Golf Course and Park and the neighborhood.

...there's more, of course, which you will hear on the 12th.

Thank you for your service.

John Nyfeler, FAIA
Consulting Architect
3215 Hampton Road
Austin, Texas 78705
Twenty year resident of the Hancock Neighborhood.
Member, Hancock Neighborhood Association
512.923.8623

PUBLIC HEARING COMMENT FORM #102

If you use this form to comment, it may be submitted to:
City of Austin
Planning and Development Review Department
Maureen Meredith
512-974-2695
P. O. Box 1088
Austin, TX 78767-8810

Rec'd 12/11/13

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
Public Hearing: Dec 12, 2013, City Council

☐ I am in favor
☑ I object

Your Name (please print)
S. G. Jones
[illegible] Ridge Court
Denver, CO 80206

Your address(es) affected by this application

Signature

12-4-13
Date

Comments:

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
512-974-2695
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
Public Hearing: Dec 12, 2013, City Council

☐ **I am in favor**
☒ **I object**

Penelope Davies
Your Name *(please print)*

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

[signature]
Signature

Dec 2 2013
Date

Comments: I am vehemently opposed to this developer's plan since he plans outdoor amplified music in a residential neighborhood.

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
512-974-2695
P. O. Box 1088
Austin, TX 78767-8810

Rec'd 11/12/13

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
Public Hearing: Nov 21, 2013, City Council

☐ **I am in favor**
☒ **I object**

BRUCE FALCONO
Your Name *(please print)*

709 Park Blvd 78751
Your address(es) affected by this application

[signature]
Signature

11/7/13
Date

Comments: