

THIRD READING SUMMARY SHEET

ZONING CASE NUMBER: C14-2013-0040 – Commodore Perry Estate

REQUEST:

Approve third reading of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 710 East 41st Street (Waller Creek Watershed) from family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning for Tracts 1 and 2, and community commercial-mixed use-conditional overlay-historic landmark-neighborhood plan (GR-MU-CO-H-NP) combining district zoning for Tract 1A. As approved on Second Reading, the Conditional Overlay limits development of the property to: 1) 2,000 trips per day; 2) 45 percent impervious cover; 3) two stories or 30 feet in height. Additional Conditional Overlays restrict vehicular access, establish a set of prohibited uses, limit the number and location of residential and hotel units, and address short-term rental uses.

DEPARTMENT COMMENTS:

The Conditional Overlay incorporates the conditions imposed by the City Council at First and Second Readings.

Please refer to the attached sheet which outlines additional conditions and revisions that were approved on Second Reading.

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

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

DATE OF FIRST READING: December 12, 2013, Approved GR-MU-CO-NP district zoning for Tracts 1 and 2, GR-MU-CO-H-NP district zoning for Tract 1A, on First Reading (7-0).

DATE OF SECOND READING: January 23, 2014, Approved GR-MU-CO-NP district zoning for Tracts 1 and 2, GR-MU-CO-H-NP district zoning for Tract 1A, with amendments, on Second Reading (6-0, Mayor Lee Leffingwell – off the dais).

CITY COUNCIL HEARING DATE: January 30, 2014

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Jerry Rusthoven

e-mail: [REDACTED]

Commodore Perry Estate – Zoning Ordinance Additions/Revisions

C14-2013-0040

January 23, 2014 - Council Agenda Item 78

Tracts 1& 2

1) Current condition in ordinance (Part 3, Page 4, Lines 2-6):

- a. Development of Tracts 1 and 2 may not exceed a total of 75 residential units. No more than 55 of the total units may be hotel units and no more than 40 hotel units may be located on Tract 2.

Revised condition for ordinance:

- a. Development of Tracts 1 and 2 may not exceed a total of 75 residential or hotel units. No more than 55 of the total units may be hotel units and no more than 20 hotel units may be located on Tract 2.

2) Current condition in ordinance (Part 3, Section D, Page 2):

- a. Only residential uses are permitted within 75 feet of the north zoning boundary line except for the eastern most 250 feet, measured from the property line adjacent to Red River Street.

Revised condition for ordinance:

- a. The following applies to Tract 1:

Only residential uses are permitted within 75 feet of the north zoning boundary line except for the eastern most 150 feet, measured from the property line adjacent to Red River Street.

- b. The following applies to Tract 2:

Only residential uses are allowed within 175 feet of the northern zoning boundary line.

3) To be added to ordinance for Tracts 1&2:

- a. Only Type 1 owner-occupied short term rental is allowed. Type 2 non-owner occupied STR and Type 3 STR are prohibited.

ATTACHED TO COUNCIL AGENDA ITEM 78

ZONING CHANGE REVIEW SHEET

CASE: C14-2013-0040 – Commodore Perry Estate **P. C. DATE:** 08/13/2013, 09/10/2013, 09/24/13,
10/08/13, 11/12/13

ADDRESS: 710 E. 41ST St.

AREA: 5.69 acres

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

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

NEIGHBORHOOD PLAN AREA: Hancock

CAPITOL VIEW: No

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

HILL COUNTRY ROADWAY: No

WATERSHED: Waller Creek

DESIRED DEVELOPMENT ZONE: Yes

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

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

SUMMARY STAFF RECOMMENDATION:

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

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

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

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

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

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

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

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

The following uses are prohibited for Tracts 1, 2 & 1A - Duplex Residential, 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 (not exceeding 5K sq.ft. gross floor area), Medical Offices (exceeding 5K sq.ft. gross floor area), Off-Site Accessory Parking, Outdoor Sports and Recreation, Pawn Shop Services, Pet Services, Printing and publishing, Professional Office, Research Services, Restaurant (Limited), Service Station, Software Development, Theater, College and University Facilities, Communication Service Facilities, Community Events, Community Recreation (Private), Community Recreation (Public), Counseling Services, Cultural Services, Day Care Services (Commercial), Day Care Services (Limited), Guidance Services, Hospital Services (Limited), Local Utility Services, Public Primary Educational Facilities, Public Secondary Educational Facilities, Residential Treatment and Safety Service.

HISTORIC LANDMARK COMMISSION RECOMMENDATION:

July 22, 2013: Postponed to August 26, 2013 due to lack of a quorum

August 26, 2013: Meeting cancelled due to posting error

September 9, 2013: Approved a postponement request by the Applicant to September 23, 2013

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

PLANNING COMMISSION RECOMMENDATION:

August 13, 2013: Approved a Postponement request by Staff to September 10, 2013

September 10, 2013: Approved a Postponement request by Staff to September 24, 2013

September 24, 2013: The motion to postpone to October 8, 2013 by the request of staff was approved on the consent agenda by Commissioner Jean Stevens, Commissioner Stephen Oliver seconded the motion on a vote of 6-0; Commissioner Alfonso Hernandez was off the dais, Commissioners Brian Roark and Danette Chimenti were absent.

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 Danette Chimenti, Commissioner Jean Stevens seconded the motion on a vote of 8-0; Commissioner Stephen Oliver was absent.

November 12, 2013: The motion to approve staff's recommendation for GR-MU-CO-NP, Community Commercial, Mixed Use, Conditional Overlay, Neighborhood Plan for Tracts 1 & 2 and GR-MU-CO-H-NP, Community Commercial, Mixed Use, Conditional Overlay, Historic Landmark, Neighborhood Plan for Tract 1A was approved by Commissioner James Nortey's motion, Commissioner Stephen Oliver seconded the motion on a vote of 8-0; Commissioner's Danette Chimenti was absent.

DEPARTMENT COMMENTS:

The property is currently developed with the Commodore Perry Estate which consists of numerous structures, the main building being a circa 1928 Italian Renaissance Revival mansion and associated gardens, a convent building, a chapel, a carriage house, a cottage, a school building and a bowling alley.

The applicant is proposing a boutique hotel with bungalow accommodations spread out on the property, a "farm-to-table" restaurant, and single family residential development on the west side of the property.

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

Another stated goal of the (CACNP) is to "Allow mixed-use development along the existing commercial corridors that is pedestrian oriented, neighborhood friendly, neighborhood scaled, and serves neighborhood needs." The Perry Estate property has lengthy frontage on Red River Street which is listed as a "major four lane undivided arterial". The proposed hotel and restaurant will only take access to Red River to discourage vehicular traffic from entering the neighborhood. The proposed residential properties to the west will only take access to 41st Street in order to discourage the mix of residential and commercial traffic. The proposed height limit of the entire development is limited to two stories for thirty feet (30') in order to blend in and match the scale of the surround neighborhood. The proposed restaurant will be open to the public and within walking distance of the single family areas to the north. The applicant also proposes to enhance the pedestrian streetscape along Red River and 41st Street with street trees and other amenities. This property is located within the "desired development zone" where development is encouraged to locate. There has been a petition submitted against the requested zone change. However, the petition is NOT "valid" at 15.47%.

BASIS FOR RECOMMENDATION:

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

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

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
SITE	SF-3-CO-NP	Former school
NORTH	SF-3-CO-NP	Single family residences
SOUTH	P-NP	Hancock golf course
EAST	CS-CO-NP; CS-1-CO-NP	Hancock shopping center
WEST	SF-3-CO-NP	Former school

CASE HISTORIES:

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

RELATED CASE: NPA-2013-0019.01 – Commodore Perry Estate

NEIGHBORHOOD ORGANIZATIONS:

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

SCHOOLS:

Lee Elementary School Kealing Middle School McCallum High School

SITE PLAN:

SP 1. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.

- SP 2. The site is subject to compatibility standards. Along the north and west property lines, the following standards apply:
- No structure may be built within 25 feet of the property line abutting the SF-3 zoned properties.
 - No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
 - No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
 - No parking or driveways are allowed within 25 feet of the property line abutting the SF-3 zoned properties.
 - In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.

ENVIRONMENTAL:

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps there is a flood plain within the project area.

5. Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection ~~will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.~~

TRANSPORTATION:

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

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

Existing Street Characteristics:

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

CITY COUNCIL DATE: November 21, 2013 **ACTION:** This item was postponed on consent to December 12, 2013 at the neighborhood's request on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.

December 12, 2013

The public hearing was conducted and the motion to leave open the public hearing and adopt the first reading of the ordinance for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning for Tracts 1 and 2, and community commercial-mixed use-conditional overlay-historic landmark-neighborhood plan (GR-MU-CO-H-NP) combining district zoning for Tract 1A was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

January 23, 2014

Approved GR-MU-CO-NP district zoning for Tracts 1 and 2, and GR-MU-CO-H-NP district zoning for Tract

1A, with amendments, on Second Reading (6-0, Mayor
Lee Leffingwell – off the dais).

January 30, 2014

ORDINANCE READINGS: 1ST December 12, 2013 2ND January 23, 2014 3RD

ORDINANCE NUMBER:

CASE MANAGER: Jerry Rusthoven

PHONE: 512-974-3207

PETITION

Date: April 16, 2013

File Number: C14-2013-0040

Address of Rezoning Request: 710 E 41st Street

RECIEVED

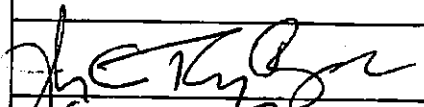

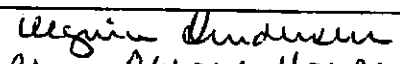
APR 23 2013

Planning & Development Review

To: City of Austin, Austin City Council

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

The proposed zoning change is incompatible with existing residential use.

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

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

BRUCE H. FAIRCHILD
3907 RED RIVER
AUSTIN, TEXAS 78751
(512) 458-4644 ~~hincap2@texas.net~~

September 2, 2013

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

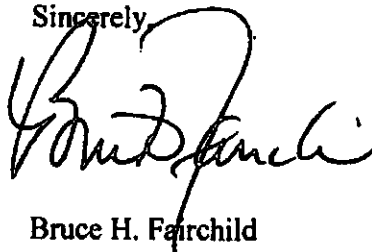
RE: Case No. C14-2013-0040

Dear Mr. Patterson:

I wanted to make sure that you knew, and included in the case file, the outcome of the vote by the Hancock Neighborhood Association regarding the requested rezoning of the Perry Estate at 710 East 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 your recommendation to City officials. If I can answer any questions or provide additional information please do not hesitate to contact me.

Sincerely,



Bruce H. Fairchild

Attachment

HANCOCK NEIGHBORHOOD ASSOCIATION VOTE

RE: CHANGE IN FUTURE LAND USE MANAGEMENT PLAN AND ZONING

FOR

COMMODORE PERRY ESTATE

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

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

Circle one:

For

Against

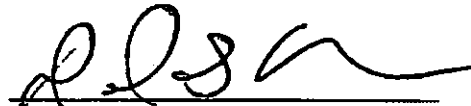
Results:

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

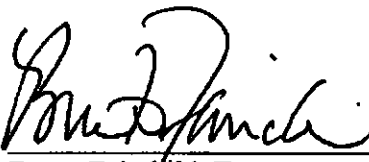
We, the Officers of the Hancock Neighborhood Association, affirm that the above statements are true and correct.



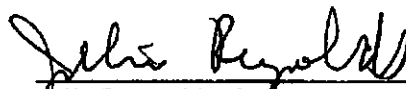
Carolyn Palaima, President



David Yeager, Vice President



Bruce Fairchild, Treasurer



Julia Reynolds, Secretary

Patterson, Clark

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

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

Clark Patterson and other city staff members:

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

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

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

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

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

Karen Reifel

Patterson, Clark

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

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

September 2, 2013

Clark,

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

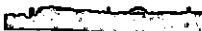
The property owners have provided no evidence that maintaining the historic elements of the property requires commercial zoning, nor have they shown that the business they propose to operate is economically feasible.

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

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

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

Cordially,

Mark H. Burch
510 E 39th. St.

512-452-3981

PUBLIC HEARING INFORMATION

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

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

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

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

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

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

Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 22, 2013, Historic Landmark Commission

John Reed Henderson

Your Name (please print)

4111 Peck Ave. #3

Your address(es) affected by this application

[Signature]

Signature

Daytime Telephone:

512-452-1223

☐ I am in favor
☒ I object

Strongly

7-15-13

Date

Comments: The developer has come up with a re-development plan that violates over 1/2 of the City's 12 zoning principles. The overwhelming majority of neighbors have officially taken a position against Mr. Cyda's Plan, a plan which has zero regard for preserving the quality of life for those residents in the Hancock neighborhood. Mr. Cyda argues the property needs to produce income in order to preserve its historically significant buildings, hence he wants to create a hotel/event center w/outdoor amplified sound. What's more important? The preservation of a mansion or traditional neighborhood values? The answer

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

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Aug 13, 2013, Planning Commission

Ira Henderson

Your Name (please print)

4111 Peck Ave 78751

☐ I am in favor
☒ I object

Your address(es) affected by this application

Ira Henderson

Signature

8/3/13

Date

Daytime Telephone: *512-762-2140*

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

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

INFORMACIÓN DE AUDIENCIA PÚBLICA

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

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

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

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

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

www.austintexas.gov/development

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

Numero de caso: C14-2013-0040

Persona designada: Clark Patterson, 512-974-7691

Audiencia Publica: Aug 13, 2013, Planning Commission

Justin Clemens

Su nombre (en letra de molde)

711 E. 43rd St.

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

[Signature]

Firma

Daytime Telephone: 512-585-0862

☒ I am in favor
☐ I object

8/10/13

Fecha

Comments:

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Sept 9, 2013, Historic Landmark Commission

Elizabeth Rose Elder

Your Name (please print)

☐ I am in favor
☒ I object

711 Park Blvd.

Your address(es) affected by this application

Elizabeth R. Elder

Signature

9/7/13

Date

Daytime Telephone: 512-454-5498

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

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Sept 9, 2013, Historic Landmark Commission

Justin Clemens

Your Name (please print)

711 E 43rd St

☒ I am in favor
☐ I object

Your address(es) affected by this application

[Signature]

Signature

9/1/13
Date

Daytime Telephone: 512-545-0862

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

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Sept 9, 2013, Historic Landmark Commission

BRUCE FAIRCLO

Your Name (please print)

709 PARK BLVD

Your address(es) affected by this application

John D. Fairclough

Signature

☐ I am in favor
☒ I object

9/1/13

Date

Daytime Telephone:

512 458-4644

Comments:

**PROPOSED REZONING FROM SF-3 TO GL-MU IS INCONSISTENT W/
GENERALLY RESIDENTIAL / NAME OF SURROUNDING PROPERTIES AND
VIOLATES FUNDAMENTAL PRINCIPLES OF CENTRAL ADJACENT ZONING
NEIGHBORHOOD PLANS. FURTHER, THE SPECIFIC PROPOSAL FOR
PERMITS FOR TRIPS 1 AND 2 ARE FOR A DENSITY OF RESIDENTIAL
AND ACTIVITY SUBSTANTIALLY GREATER THAN SURROUNDING
PROPERTIES. IN SHORT, THE PROPOSED REZONING WOULD LEAD
TO A SUBSTANTIAL AND SIGNIFICANT NEGATIVE IMPACT ON
THE NEIGHBORHOOD CHARACTER AND SURROUNDING PROPERTIES
AND SHOULD BE DENIED.**

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City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Dec 12, 2013, City Council

Penelope Davies
Your Name (please print)

☐ I am in favor
☒ I object

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

[Signature]
Signature

Dec. 2 2013
Date

Daytime Telephone: 512 302 0335

Comments: I am vehemently opposed to this

developer's plan, since he plans outdoor
amplified music in a residential
neighborhood.

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Clark Patterson
P. O. Box 1088
Austin, TX 78767-8810

Patterson, Clark


From: Faye Rozmaryn [mailto:fayerozm@yandex.com]
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

Patterson, Clark

From: Lizabeth Kelley 
Sent: Monday, November 11, 2013 2:05 PM
To: Patterson, Clark
Subject: Perry Estate

I most definitely oppose neighborhood amendment NPA-2013-0019.01 and rezoning case C14-2013-0040.

Part of Austin's charm is that, despite its size, it is made up of neighborhoods. The neighborhood surrounding the Perry Estate is unique and a valuable residential area near the university with many beautiful homes over 75 years old.

The creation of a large commercial block, and its attendant noise and traffic would be a serious disruption of the neighborhood. Worse, the business plan relies heavily on the conjecture that people will pay >\$300 a night to stay in a "destination" hotel devoid of landmarks, museums, night spots, and other tourist attractions; once the zoning is amended to allow commercial activity, when the hotel plan fails, there is nothing to stop a big block retail business moving in and razing the beautiful and historic Perry estate.

Please, do not allow this amendment and rezoning.

sincerely,

lizabeth kelley
(Happy resident of Hancock Neighborhood)

512 3711291

Patterson, Clark

From: Meredith Brown <[REDACTED]>
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

Patterson, Clark

From: Luce Lila ~~luce@lila.com~~
Sent: Saturday, September 07, 2013 10:02 PM
To: Patterson, Clark
Subject: Perry Estate

Mr. Clark Patterson
Planning & Development Review Department
City of Austin
505 Barton Springs, 5th Floor
Austin, Texas 78704

Re: Edgar and Lutie Perry Estate (C14-2013-0040); Postponement Request

Dear Mr. Guernsey:

In regard to the Perry Estate, I respectfully request a postponement of the September 9, 2013, Historic Landmark Commission hearing. The Applicant recently revised his zoning request, and the Petitioners need additional time to review the new information and confer with City staff and the Applicant.

This is the Petitioners' first request for a postponement.

Thank you for your immediate attention to this matter. Please contact me if you have any questions.

Sincerely,

Lila Luce
513 E 41st Street,

Austin

From: Michele Rogerson Lynch <[REDACTED]>
Sent: Tuesday, November 12, 2013 8:49 AM
To: Patterson, Clark
Subject: FW: IN FAVOR - NPA-2013-0019.01 and C14-2013-0040

Michele Rogerson Lynch
Director of Land Use & Entitlements
Metcalfe Wolff Stuart & Williams, LLP
221 W. 6th Street, Suite 1300
Austin, Texas 78701
(512) 404-2251 ofc
(512) 404-2245 fax

From: Clark Lyda [mailto:clarklyda@gmail.com]
Sent: Monday, November 11, 2013 7:54 PM
To: David Hartman; Michele Rogerson Lynch
Subject: Fwd: IN FAVOR - NPA-2013-0019.01 and C14-2013-0040

Clark Lyda
Cell 512.635.0002
Fax 512.532.0660

From: M Ward <[REDACTED]>
Date: November 11, 2013 at 19:40:01 CST
To: Dave Sullivan <[REDACTED]>, [REDACTED], [REDACTED],
"Jorge Ramirez" <[REDACTED]>, [REDACTED], [REDACTED],
<[REDACTED]>, [REDACTED], [REDACTED], [REDACTED],
"dave.anderson.07@gmail.com" <dave.anderson.07@gmail.com>, [REDACTED],
<[REDACTED]>, [REDACTED], [REDACTED], [REDACTED],
<[REDACTED]>, [REDACTED], [REDACTED], [REDACTED],
<[REDACTED]>, [REDACTED], [REDACTED], [REDACTED],
"jecotere@ecoterareed.com" <jecotere@ecoterareed.com>, [REDACTED],
<[REDACTED]>, [REDACTED], [REDACTED], [REDACTED],
"wintertail@edm.com" <wintertail@edm.com>, [REDACTED],
<[REDACTED]>

IN FAVOR - NPA-2013-0019.01 and C14-2013-0040
Re. ADDRESS-710 E. 41st Street-Commodore Perry Estate

renovated the mansion, chapel and other vintage buildings on the property, applying sustainability features and riparian restoration to Waller Creek, as well. This aligns with the designs for public and commercial use - in line with Green Pastures and Norwood Estate, contributing to both sustaining the history and while adding to the economy of Austin.

Indeed, Lyda's intentions can be roundly applauded for his thoughtful planning, to bring the estate to its optimum use, as a treasured event site, an exquisite small hotel and a discreet number of residences, which will nestle along Waller Creek. His application of quality sustainable green practices, alone, will make this an exemplary site for others to emulate.

This and other regulatory bodies are charged with attending to Austin's economic growth, historic preservation, and appropriate building for occupancy. In the work to date, and in the plans intended, the Perry Estate is premiere in each of these categories, and it will be your legacy to the best Austin has to offer for decades to come.

With appreciation,

Martha Kooch Ward

Alumni member of St. Mary's Academy 1966

Airport Blvd. Advisory Group Appointee

ACC Highland Mall Community Advisory Committee

Ask Martha Ward, LLC, ~~koochward@yahoo.com~~ 512-452-1151

From: Michele Rogerson Lynch <mrogers@nrausa.com>
Sent: Tuesday, November 12, 2013 8:51 AM
To: Patterson, Clark
Subject: FW: IN FAVOR-NPA-2013-0019.01 and C14-2013-0040 Re. ADDRESS-710 E. 41st Street-Commodore Perry Estate

Michele Rogerson Lynch
Director of Land Use & Entitlements
Metcalfe Wolff Stuart & Williams, LLP
221 W. 6th Street, Suite 1300
Austin, Texas 78701
(512) 404-2251 ofc
(512) 404-2245 fax
mrogers@mwswilliams.com

From: Pattye Henderson <[REDACTED]>
Date: Thursday, November 7, 2013 at 11:36 AM
To: "Dana Henderson@texas.gov" <dana.henderson@texas.gov> "Alfred Henderson@texas.gov" <alfred.henderson@texas.gov>, Jean Stevens@texas.gov <jean.stevens@texas.gov>
"Dana Henderson@texas.gov" <dana.henderson@texas.gov> "Jeff Jack@texas.gov" <jeff.jack@texas.gov>
"James Nortey@texas.gov" <james.nortey@texas.gov>, "Stephan Oliver@texas.gov" <stephan.oliver@texas.gov>, "Dana Henderson@texas.gov" <dana.henderson@texas.gov>
"Myron Smith@texas.gov" <myron.smith@texas.gov>
Subject: IN FAVOR-NPA-2013-0019.01 and C14-2013-0040 Re. ADDRESS-710 E. 41st Street-Commodore Perry Estate

Dear Commissioners,

I live at 723 Park Blvd., north of the tract at 710 E. 41st St. known as the Commodore Perry Estate. I am **IN FAVOR of the proposed zoning changes (NPA-2013-0019.01 and C14-2013-0040) on this property.** Earlier this year I sent city staff a letter outlining my support and that of my family. We own five properties immediately adjacent to this tract including three on the east end of Park Blvd., nearest the site of the proposed hotel.

In addition to being a neighbor, I have a 40 year history with the property. My parents owned it for 20 years (1974-1994) and I worked for the school it was sold to from 1995-2011. Unfortunately, the school's mission was to educate, not care for a historic property and the condition of the structures and grounds deteriorated prior to its sale.

Preservation of the mansion was my mother's passion and in 1986, The Heritage Society recognized my parents' efforts to restore it. Having attended school there in the 1970's, the current owner feels the same way my mother did about it and has created a plan to ensure its preservation for many years to come.

In addition to being economically sustainable, this is an unsubsidized, tax-revenue-generating plan. I look forward to the meeting next Tuesday and I hope you will join me in supporting this plan.

1

Dear Planning Commission members,

I am writing in regards to the Perry Estate items, C7 and C8, that are scheduled for the Tuesday meeting. I will speak in support of the items at the meeting, and would like for you to understand the perspective of someone who supports the negotiated development standards of the Perry Estate property. I have lived in Hancock since 2006 and served as HNA Vice President from 2008-2012. I have two young children, 2 and 5 yrs old, and part of the reason we live here rather than in a large suburban house is that we believe in a diverse, walkable community and enjoy the quality of life that comes from interacting with neighbors at local parks, restaurants and shops. Walking to Quack's for a coffee, splashing around at Eastwoods, listening to music at Central Market on a Friday evening, eating ice cream with the kids at Dolce Vita - these are some of the things that make living in Central Austin special.

As the Planning Commission, you play an important role in defining and shaping the future of our city. Your vote should represent not just the interests of impacted neighbors or even the greater Hancock neighborhood, but rather Austin as a whole. You should weigh your decisions on this basis and employ a set of criteria that makes it clear to all of your constituents how you arrived at your decision. Below are the criteria I have considered to arrive at my decision of support:

1. Adherence to the Future Land Use Map

Unfortunately, within Hancock, the FLUM is a tool that is not properly used. It is effectively a guide of current zoning entitlements and (Concordia aside) is not tied to Austin's growth rates and the corresponding need for additional housing, office, and retail space. Additionally, the current FLUM is for Civic, allowing for more density than the proposal, larger events, and higher noise limits. We've all witnessed Hyde Park Baptist and the demolition of homes and erection of a parking garage. As far as I understand, Civic would also allow for ball fields with bleachers, field lights, and noise from loud speakers and fans. So, for me I see Civic on the FLUM and give that very little weight.

2. Adherence to the Neighborhood Plan

Some argue that this development does not comply with the neighborhood plan and should therefore be voted down. I give this criteria minimal weight, it has been 10 years since the focus groups were held in defining the neighborhood plan. I was not involved and neither were any of the residents that have moved here in the past decade. Interestingly, this plan actually does meet the goals of the CANPAC plan - *'Preserve integrity and character of SF'* - no homes are being torn down, in fact historically significant homes are being preserved. *'Preserve Historic Character of the neighborhood'* - Checkbox here. *'Allow mixed used on commercial corridors that is pedestrian oriented, neighborhood friendly, neighborhood scaled, meets neighborhood needs'* - Checkbox here too, I

infrastructure. Of course, there is also the preservation of the mansion, the stabilization of the large trees, utilization of grey water, and restoration of the grounds as well. The use of the restaurant, hotel, and events facility are also benefits to the community.

In summary, The Perry Estate proposal has a lot to like, especially for those of us that enjoy walkable communities with a diversity of uses. Could you imagine Central Austin without the restaurants and shops that we all frequent so much? Many of these are adjacent to or very near single family residents, and we are a better community because of it. If built as proposed, this development would create a very unique place filled with character. This is a special site, and Austin is a special city, and I value what this development would represent for the site, for the neighborhood and for Austin. I hope that you are able to make the difficult decision here; one that points to the future of a growing, walkable community that adds to the vibrancy of Central Austin.

Regards,

Rafi Anuar
704 Harris Avenue

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Nov 21, City Council

Blue Parkway

Your Name (please print)

209 Park Blvd 78751

☐ I am in favor
☒ Object

Your address(es) affected by this application

Clark Patterson
Signature

11/7/13
Date

Daytime Telephone: _____

Comments: _____

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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

Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Nov 21, City Council

HARRY SWINNEY

Your Name (please print)

722 PARK BLVD, 78751

Your address(es) affected by this application

Harry Swinney

Signature

☐ I am in favor
☐ I object

11/8/13

Date

Daytime Telephone:

512-922-1707

Comments:

I oppose commercial zoning proposed for the Perry Estate and the associated neighborhood plan. An entertainment venue is not appropriate for this property.

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Contact: Clark Patterson, 512-974-7691

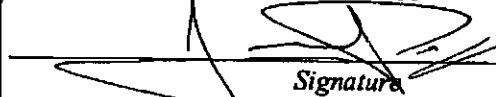
Public Hearing: Sept 9, 2013, Historic Landmark Commission

JOE PROZZI

Your Name (please print)

512 E. 41st Street

Your address(es) affected by this application


Signature

☐ I am in favor
☒ I object

9-3-2013

Date

Daytime Telephone: 512-471-4771

Comments:

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Aug 13, 2013, Planning Commission

Penelope Davies

Your Name (please print)

☐ I am in favor
☒ I object

518 E 40th St Austin TX 78751

Your address(es) affected by this application



Signature

9-1-13
Date

Daytime Telephone: (512) 302-0835

Comments: I am vehemently opposed to Lyda's proposals. He has shown a wanton disregard for the standard of living of neighbors to the estate, even before having a license to use the property. This will be a huge detriment to the neighborhood for those in the vicinity. The sound issues alone are a HUGE problem. PLEASE PROTECT OUR NEIGHBORHOOD.

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Aug 13, 2013, Planning Commission

Renelope Davis
Your Name (please print)

☐ I am in favor
☒ I object

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

[Signature]

Signature

9-1-13
Date

Daytime Telephone: 512 302 0335

Comments:

PLEASE PROTECT OUR NEIGHBORHOOD

(see comments on other petition)

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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www.austintexas.gov/development

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Sept 9, 2013, Historic Landmark Commission

Penelope Davies

Your Name (please print)

☐ I am in favor
☒ I object

518 E 40th St Austin TX 78751

Your address(es) affected by this application

PEDD

Signature

9-1-13
Date

Daytime Telephone: 302-0335

Comments: This project is a catastrophe for
neighboring properties. With the events
held previously (even without a
permit) he showed utter disdain for our
standard of living, blasting us out of our
own houses with music. PLEASE don't
allow this to be on fric every weekend!
PLEASE PROTECT THIS RESIDENTIAL
NEIGHBORHOOD! We count on you!

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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

Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Aug 13, 2013, Planning Commission

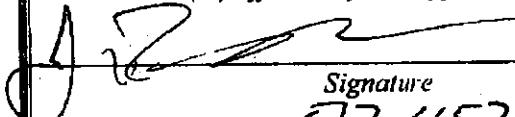
Reed Henderson & Gessa Clifton

Your Name (please print)

☐ I am in favor
☒ I object

4441 Peck Ave.

Your address(es) affected by this application



Signature

8-2-13

Date

Daytime Telephone: 512-452-1223

Comments: No Benefit to the Neighborhood at all

2) Would Set a bad Precedent for other similar tracts nearby

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

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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

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

During its public hearing, the City Council may grant or deny a plan amendment request, or approve an alternative to the amendment requested.

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

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

For additional information on Neighborhood Plans, visit the website: www.austintexas.gov/planning/.

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

Reed Henderson / C. 11/11/13

Your Name (please print)

4111 Peck Ave.

Your address(es) affected by this application

[Signature]

Signature

8.2.13

Date

☐ I am in favor
☒ I object

Comments:

PUBLIC HEARING INFORMATION

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Aug 13, 2013, Planning Commission

MICHAEL D. KITZLEY

DONALD R. KITZLEY

Your Name (please print)

☐ I am in favor
☒ I object

809 PARK BLVD. AUSTIN, TX 78751

Your address(es) affected by this application

Donald R. Kitzley

Signature

8-6-13

Date

Daytime Telephone: (512) 914-1708

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

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Clark Patterson
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

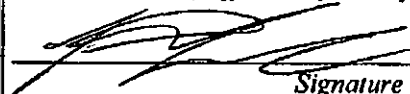
Public Hearing: July 22, 2013, Historic Landmark Commission

Justin Clemens

Your Name (please print)

711 E. 43rd St.

Your address(es) affected by this application



Signature

7/13/13

Date

Daytime Telephone: 512-585-0862

Comments:

If you use this form to comment, it may be returned to:
City of Austin
Planning & Development Review Department
Clark Patterson
P. O. Box 1088
Austin, TX 78767-8810

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 22, 2013, Historic Landmark Commission

Karen Killen

Your Name (please print)

702 E 41ST Street

☐ I am in favor
☒ I object

Your address(es) affected by this application

Karen Killen

Signature

7/20/13
Date

Daytime Telephone: (713) 416-4021

Comments: Mr. Loyola has continually broken the law and disturbed and disrupted the neighborhood. The neighborhood voted overwhelmingly against this. I would expect the neighborhood's vast majority to be respected.

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: July 22, 2013, Historic Landmark Commission

MICHAEL D. KITLEY
DONALD R. KITLEY

Your Name (please print)

☐ 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

7/16/13
Date

Daytime Telephone: (512) 914-1708

Comments: LYDA'S plans for REZONING
this property will destroy the historic
view of the Perry Estates. It will
HAVE A REAL negative impact on the
HANCOCK Neighborhood, creating additional
people traffic, auto traffic, noise, lights,
etc., etc. ALSO, construction on the Perry Estate
will create construction dust in the air & it will
cover the homes, cars, & yards of the neighborhood.

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Sept 9, 2013, Historic Landmark Commission

Karen Killeen

Your Name (please print)

702 E 41st st

Your address(es) affected by this application

Karen Killeen

Signature

☐ I am in favor
☒ I object

9/13/13
Date

Daytime Telephone: 713 416 4021 (cell)

Comments:

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

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Case Number: C14-2013-0040

Contact: Clark Patterson, 512-974-7691

Public Hearing: Dec 12, 2013, City Council

Your Name: A. C. Jones

377 Race Court

Denver, CO 80206

Your address(es) affected by this application

[Signature]
Signature

☐ I am in favor
☒ I object

12/6/13
Date

Daytime Telephone: _____

Comments: _____

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

City of Austin

Planning & Development Review Department

Clark Patterson

P. O. Box 1088

Austin, TX 78767-8810

Patterson, Clark

From: [REDACTED]
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

Patterson, Clark

From: Meredith, Maureen
Sent: Wednesday, October 23, 2013 4:46 PM
To: Patterson, Clark
Subject: FW: CANPAC Recommendation for Perry Estate?

Clark:
FYI. See below.

Maureen

From: Nuria Zaragoza [REDACTED]
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

Sent from my iPhone

On Oct 1, 2013, at 3:20 PM, "Meredith, Maureen" [REDACTED] wrote:

Thanks. I'll add it.

Maureen

From: Adam Stephens [mailto:[REDACTED]]
Sent: Tuesday, October 01, 2013 11:07 AM
To: Meredith, Maureen
Cc: Nuria Zaragoza
Subject: RE: CANPAC Recommendation for Perry Estate?

For your report:

Commissioners,

Patterson, Clark

From: Mary Sanger
Sent: Monday, October 21, 2013 6:34 PM
To: Patterson, Clark; Meredith, Maureen
Subject: Zoning Case C14-2013-0040; 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.

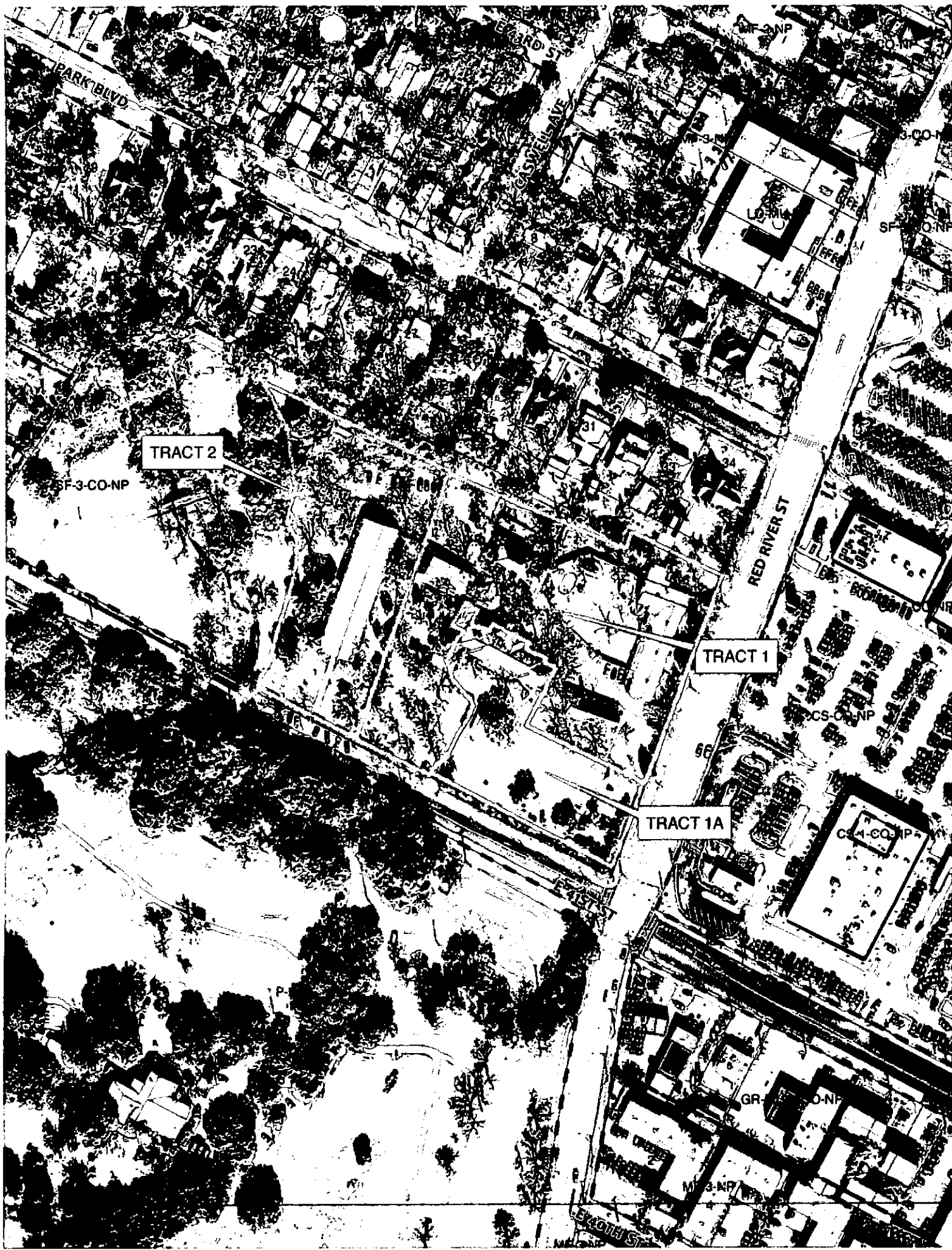
Thank you for your consideration, please vote against changing the zoning to commercial.

Mary Sanger

Mary Sanger
512.970-4601, cell
512-477-3134

~~marysanger@austin.tx.us~~

704 Carolyn Avenue
Austin, TX 78705



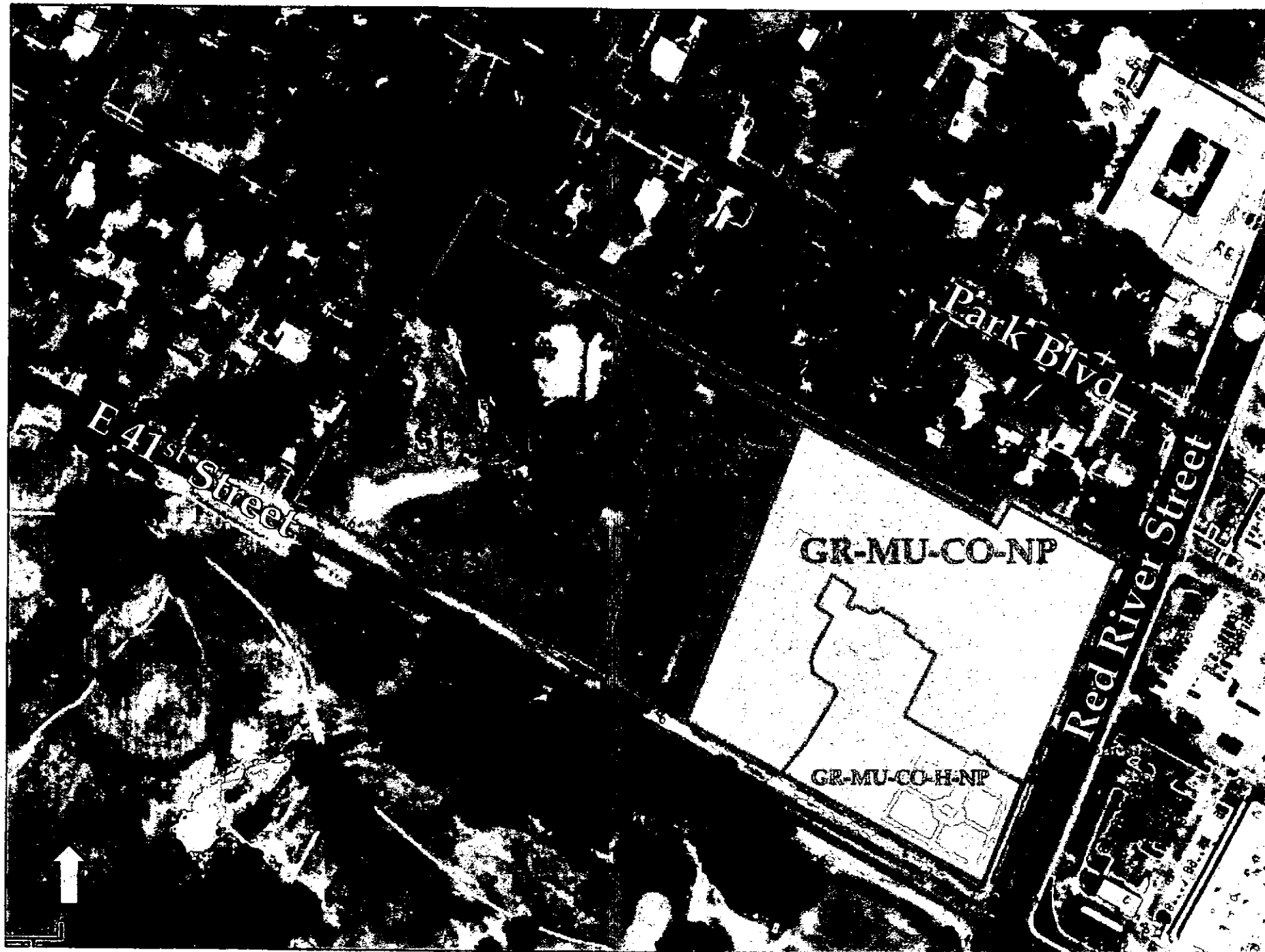
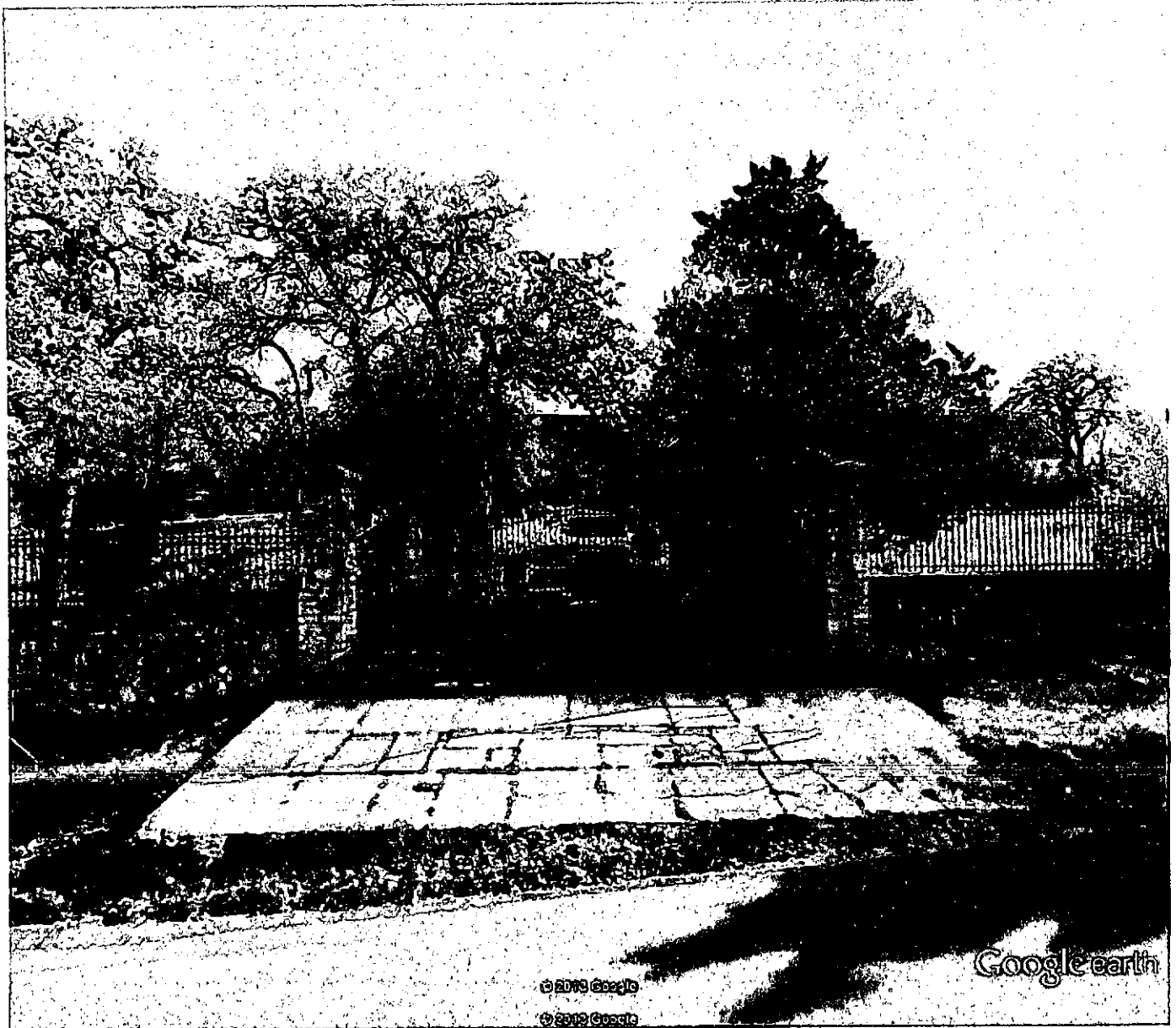


EXHIBIT B

AREA TO BE REZONED:

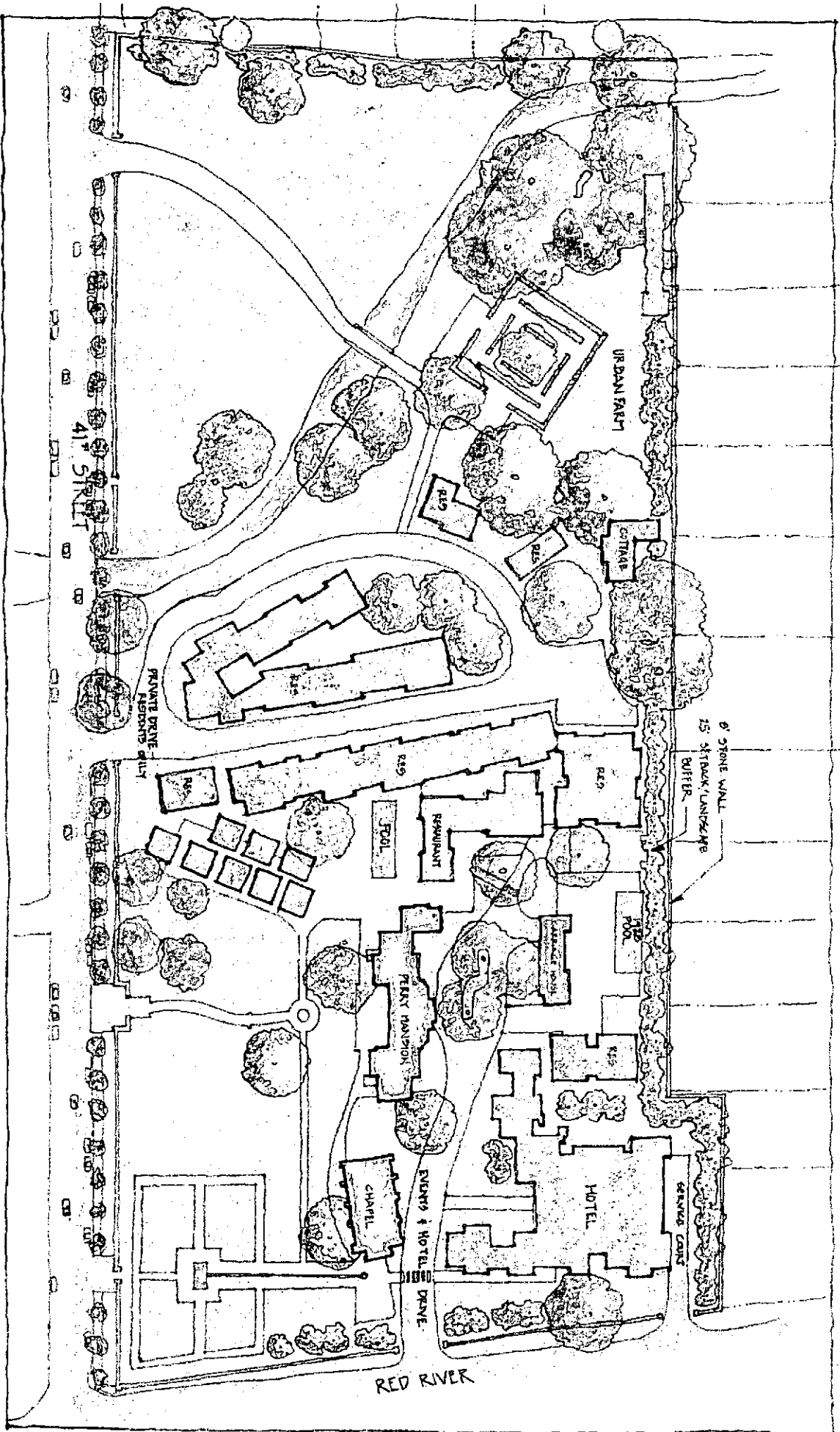
EXISTING ZONING	EXISTING USE	TRACT NO.	ACRES	PROPOSED USE	PROPOSED ZONING
SF-3-CO-NP	School and Religious Assembly	1	2.974	Mixed Use	GR-MU-CO-NP
SF-3-CO-NP	School and Religious Assembly	2	3.491	Mixed Use	GR-MU-CO-NP
SF-3-CO-NP	School and Religious Assembly	1A	1.219 acres of Tract 1	Mixed Use	GR-MU-CO-H-NP



Google earth

feet 10
meters 3





The Commodore Perry Estate

PETITION

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

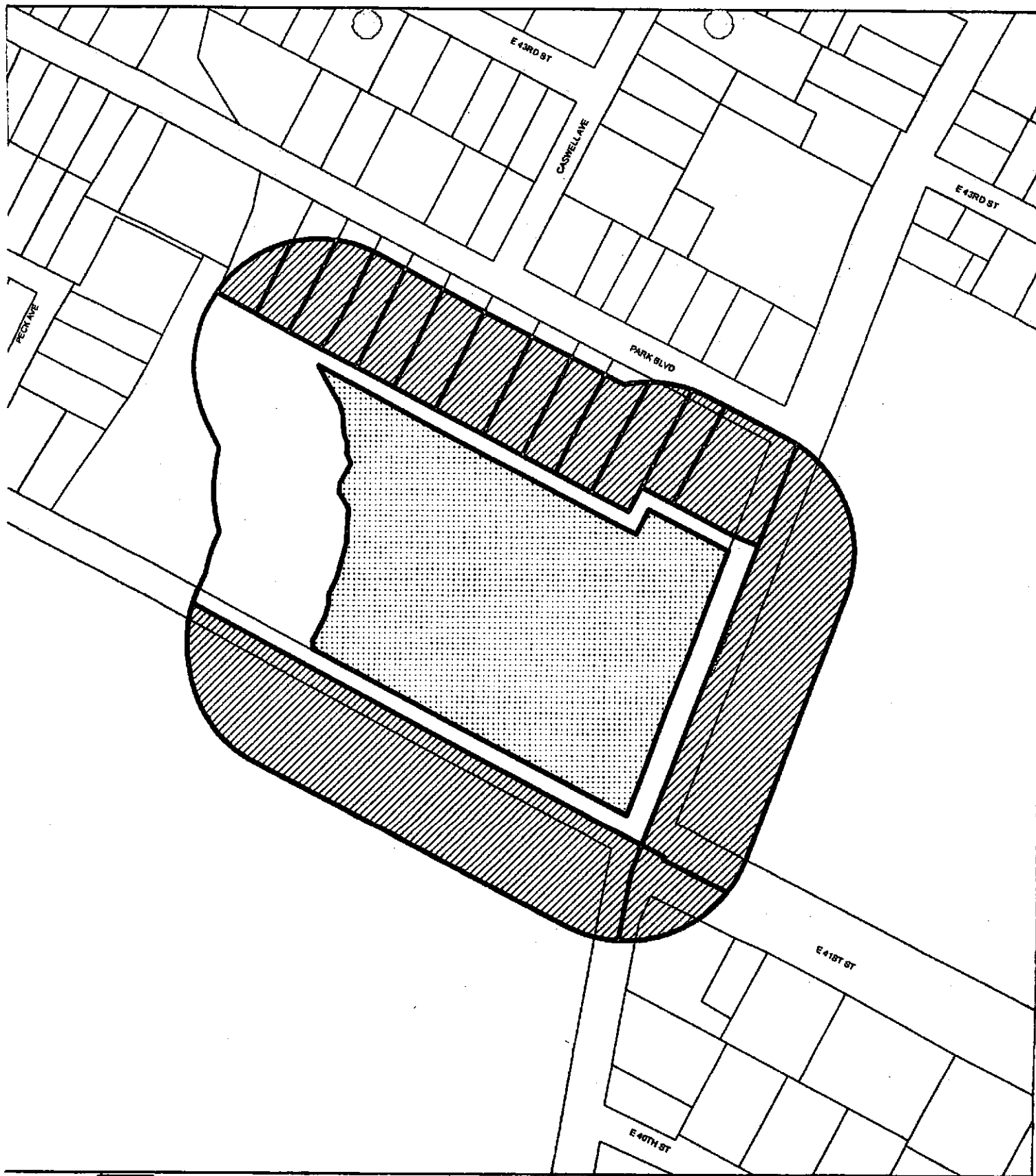
Date: 8/27/2013

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



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

#	TCAD ID	Address	Owner	Signature	Petition Area	Percent
		811 E 41 ST 78751	CITY OF AUSTIN	no	132722.29	0.00%
1	0217080201	803 PARK BLVD 78751	COLE ALLAN HUGH JR & TRACEY M	yes	12123.56	2.14%
2	0219080215	711 PARK BLVD 78751	ELDER ELIZABETH ROSE	yes	9047.38	1.60%
3	0219080209	709 PARK BLVD 78751	FAIRCHILD BRUCE H HENDERSON	yes	5905.51	1.04%
4	0219080208	713 PARK BLVD 78751	LAVERNE	no	10399.05	0.00%
5	0219080210	811 PARK BLVD 78751	HENDERSON LAVERNE	no	9922.26	0.00%
6	0219080219	813 PARK BLVD 78751	HENDERSON LAVERNE	no	24292.83	0.00%
7	0219080220	807 PARK BLVD 78751	HENDERSON MAYRENE	no	11792.43	0.00%
8	0219080217	723 PARK BLVD 78751	HENDERSON PATTYE KITLEY DONALD R & MICHAEL D MICHAEL D & RONALD W KITLEY &	no	12915.86	0.00%
9	0219080213	809 PARK BLVD 78751	MORRIS HAL F & LORIE FRIEND	yes	13518.48	2.39%
10	0219080218	801 PARK BLVD 78751	NOELKE LEA C & HOLLY C	yes	14759.46	2.60%
11	0219080214	721 PARK BLVD 78751	PACIFIC RETAIL TRUST ATTN PROPERTY TAX DEPT	yes	11805.78	2.08%
12	0219080212	N INTERSTATE HY 35 78751	REED RONALD L & MICHELLE	no	101883.71	0.00%
13	0218090130	719 PARK BLVD 78751	SAWYER JULIA J FAMILY LIMITED	yes	10171.32	1.80%
14	0219080211	4011 RED RIVER ST 78751	PARTNERSHIP IV THE SMITH DANIEL LESTER & LAURA SMITH	no	14711.48	0.00%
15	0217090405	805 PARK BLVD 78751		yes	10301.99	1.82%
16	0219080216					Total % 15.47%



BUFFER

PROPERTY_OWNER

SUBJECT_TRACT

PETITION

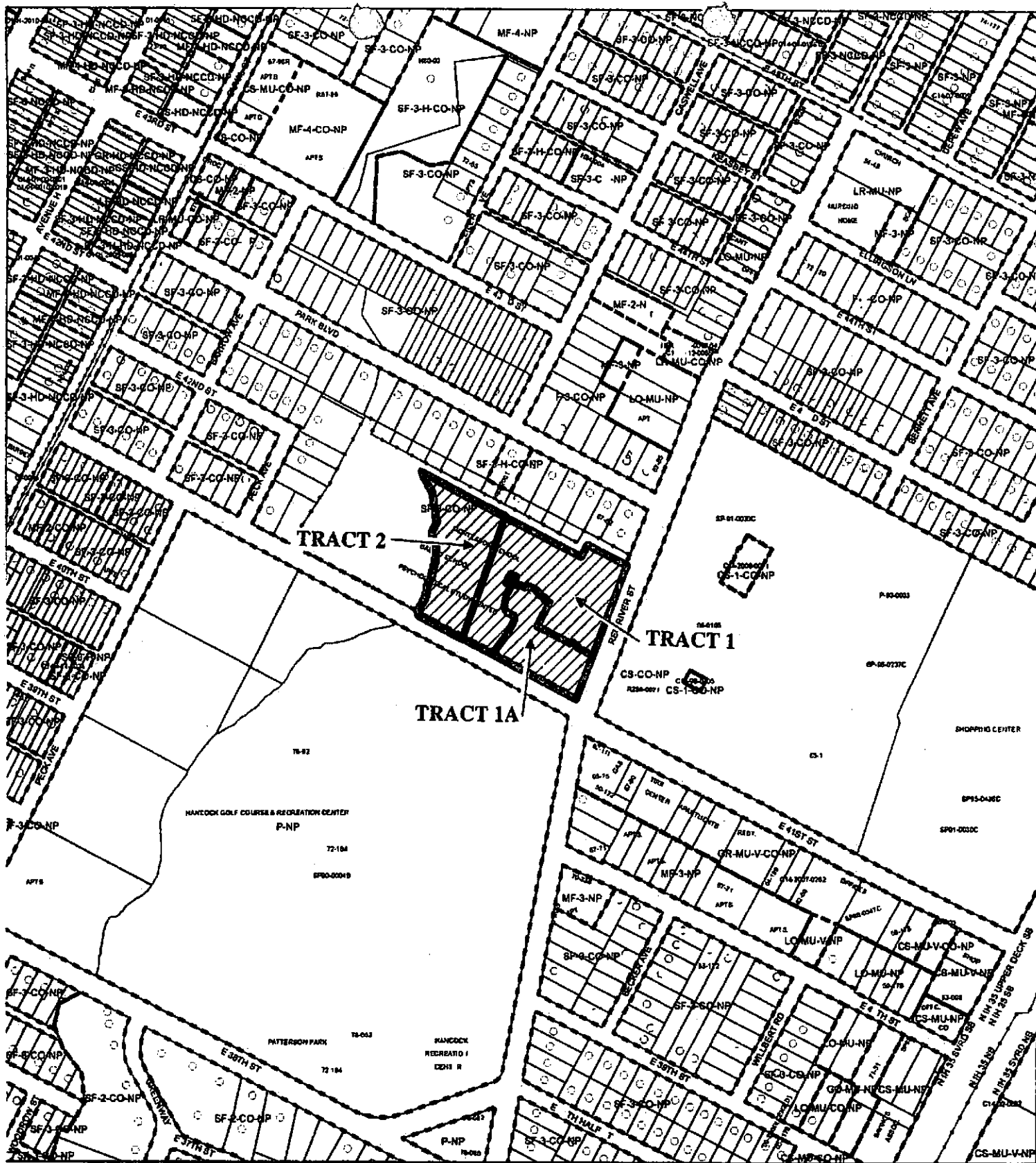
CASE#: C14-2013-0040



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

" = 200'

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ZONING

ZONING CASE#: C14-2013-0040

-  N
-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

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