

**COMMODORE PERRY ESTATE**  
**PROJECT INFORMATION**

**Address:** 710 E. 41<sup>st</sup> Street  
Austin, Texas 78751

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**Existing Zoning:**  
SF-3-CO-NP

**Proposed Zoning:**  
GR-CO-MU-NP  
Historic (Mansion, south garden, carriage house,  
cottage, bridge, and bowling alley)

**Existing FLUM:**  
Civic

**Proposed FLUM:**  
Mixed Use

**Acres:** 9.862

**Description of Project:**

**A. Brief Overview of Project Uses:**

The Upper Grounds (eastern portion of the property) may have the following uses:

1. Event, conference center, catering, lodging, and restaurant (with historic zoning overlay of Mansion, south garden, and carriage house);
2. Surface and/or subterranean structured parking serving lower and upper grounds;
3. Urban village; and
4. Educational.

The Lower Grounds (western portion of the property) may have the following uses:

1. Restaurant;
2. Urban village (with historic zoning overlay of cottage, bridge, and bowling alley);
3. Urban farm;
4. Limited office/administrative;
5. Surface and/or subterranean structured parking serving lower and upper grounds; and
6. Educational.

The 100-Year Floodplain along Waller Creek may have the following uses:

1. Urban farm; and
2. Surface parking serving lower and upper grounds.

**B. Project Description:**

**Event and conference center with restaurant:** This component of the project will utilize the historically significant southeast quadrant of the property, including the 1928 Perry Mansion and sunken gardens, the chapel, the carriage house, LaBelle Hall, and the convent. The Mansion, chapel, gardens, and convent will be adapted and used for select weddings and social events, charitable events, and private meetings, retreats and conferences, along with select educational, community and non-profit events. Overnight lodging up to maximum 15 units for event guests and guests of urban village residents will be offered on the upper grounds. LaBelle Hall will be adapted or re-constructed to accommodate a destination farm-to-table fine dining restaurant using ingredients from the urban farm on the property. The restaurant will overlook the Mansion gardens, the urban village and farm, and Waller Creek. The restaurant will serve the public and will cater food service for events on the Estate. The uses for the convent and carriage house are still being determined, but they will likely involve additional meeting space, storage, and administrative space.

**Urban village:** The urban village is designed to be a high price point single family enclave built in a non-conventional form. The inspiration for these small residences is the bungalow courts of 1920's southern California. The village will contain no more than 50 residences, each of which will be approximately 1000-4000 square feet. The individual units will be clustered around shared common courtyards or green areas and will also include small private outdoor spaces (such as courtyards or roof decks). The units will generally be no higher than 30 feet (except for the structure shown on the attached concept plan labeled "Center Group: Section/Elevation"), and will overlook the urban farm and Waller Creek. Parking will be controlled by both surface parking courts and subterranean structures. The target demographic for these homes will be existing urban dwellers who want to move into a smaller residence for either part-time or full-time use, and who want to avoid taking care of a yard and home exterior. Project residents will also have access to the urban gardens, the restaurant, and the events facilities.

**Urban farm:** The urban farm is intended to be located in the 100-year floodplain of Waller Creek and will be designed with a semi-formal garden structure so that it is not only productive but an aesthetic amenity for residents and guests. The bowling alley will serve as an additional gathering space as well for the gardens and may provide office and administrative space for staff. The urban farm will conduct a market on site and will also include some surface parking courts.

**Conditional Overlay:**

**A. Development Standards.**

1. Maximum building height of a new building or structure is generally 30 feet from ground level, (except for the structure shown on the attached concept plan labeled "Center Group: Section/Elevation").
2. Maximum number of residential units shall be 50.
3. Residential units shall each contain maximum 4,000 sq. ft. of conditioned space.
4. Maximum number of lodging units on upper grounds shall be 15.
5. Maximum seating capacity of restaurant shall be 150.
6. Maximum impervious cover of total project shall not exceed 45% of gross site area.

**B. Uses.** The following uses will be the only permitted GR uses in this area pursuant to CO to the rezoning ordinance, all other GR uses will be prohibited:

1. Single Family Residential
2. Condominium Residential
3. Urban Farm
4. Private Primary Educational Facilities
5. Private Secondary Educational Facilities

6. Bed and Breakfast
7. Bed and Breakfast (Group 2)
8. Hotel-Motel
9. Indoor Entertainment
10. Personal Improvement Services
11. Personal Services
12. Restaurant (General)
13. Congregate Living
14. Group Home, Class I (General): Pending confirmation from City that this use can be “converted” to conditional use as part of rezoning ordinance. Regardless, we will eliminate this use via private restrictive covenant.
15. Group Home, Class I (Limited): Same as set forth immediately above.
16. Group Home, Class II: Same as set forth immediately above.
17. Religious Assembly
18. Conditional Use Permit for Outdoor Entertainment

**C. Development Standards.**

1. Maximum building height of a new building or structure is generally 30 feet from ground level, (except for the structure shown on the attached concept plan labeled “Center Group: Section/Elevation”).
2. Maximum number of residential units shall be 50.
3. Maximum number of lodging units on upper grounds shall be 15.
4. Residential units shall contain maximum of 4,000 sq. ft. of conditioned space.
5. Maximum seating capacity of restaurant shall be 150.
6. Maximum impervious cover of total project shall not exceed 45% of gross site area.
7. Subterranean and above-ground parking are permitted.

**D. Buffering.**

1. Vegetative buffer, screening, and fencing will be constructed along the north and western property line adjacent to single family residences to meet or exceed standards required by City compatibility regulations.
2. Existing perimeter wall will be restored and preserved.
3. Construction of new walls/vegetative buffer will be completed as a construction first phase priority, within 180 days following commencement of initial construction.

**E. Other.**

1. Limit vehicle trips to 2,000 vehicle trips/day.
2. Developer will install a sidewalk, street trees, and landscaping along the north side of 41<sup>st</sup> Street from Red River St. to the west property line of the site. Parallel parking may be incorporated along this same area of 41<sup>st</sup> Street if available public right-of-way will accommodate it, subject to City approval.
3. Developer will install a sidewalk, street trees, and landscaping along the west side of Red River St. from 41<sup>st</sup> Street to the north property line.
4. 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 41<sup>st</sup> Street and Red River Street.
5. Maximum number of attendees at an event held at the property will not exceed 350 people (including event participants and guests, and employees), unless off-site valet parking is provided.
6. Any amplified sound at outdoor events will comply with all sound ordinances at all times.

**Neighborhood Plan:**

**A. Goal One** – Preserve the integrity and character of the single-family neighborhoods.

1. **Objective 1.1:** Rezone property as needed to ensure that new development is compatible with the desired residential character of each neighborhood.

(a) **Recommendation 2:** Identify areas where mixed use would enhance the livability of the neighborhoods and rezone accordingly.

- **Note:** The proposed redevelopment will stabilize the surrounding neighborhood and encourage quality restoration of surrounding single-family homes and redevelopment of existing commercial properties in the area to higher-quality uses. The conditional overlays imposed as part of the rezoning ordinance, development restrictions established as part of any recorded restrictive covenants, historic zoning development regulations, other development regulations applicable to the project, and the unique nature and quality of the development proposed for the estate will all serve to stabilize surrounding land-uses. A sustainable use for the Perry Estate that respects and enhances the historic role of the Estate in the neighborhood and respects the established neighborhood character will increase the desirability of the surrounding area as doubts about the future of the Perry Estate are resolved. The Perry Estate is a unique property (ten acres with historically significant improvements) in the City, and as such requires and justifies zoning appropriate to ensure its stabilization and preservation for existing and future residents of the neighborhood and the City. The addition of a farm-to-table fine dining restaurant, and an urban farm designed with somewhat formal garden structure that is not only productive but is also an aesthetic amenity for residents and guests would enhance the livability of the neighborhood.

2. **Objective 1.2:** New single-family construction in residential areas should complement, reflect, and respect the vernacular building traditions of single-family houses in the area.

(a) **Recommendation 4:** Design tools should be applied where needed to promote new development that is in character with existing single-family houses.

- **Note:** See response set forth immediately above.

**B. Goal Two** – Preserve the historic character and resources of the Central Austin Combined Neighborhood Planning Area neighborhoods.

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

(a) **Recommendation 1:** Seek local landmark designation for individual resources that are eligible and meet the intent of the landmark ordinance.

- **Note:** We will add historic (H) zoning to the mansion, south garden, carriage house, cottage, bowling alley, and bridge at the same time as the community commercial (GR) zoning – this will require City Historic

Landmark Commission review of any modifications to those structures. Additionally, restoration work on the 1928 buildings will be supervised by a restoration architect in coordination with the Texas Historic Commission and the National Parks Service.

- (a) **Recommendation 5:** As property owners of property that meets the historic landmark criteria request landmark or historic designation, the neighborhoods will support the request.

- **Note:** See response set forth immediately above.

C. **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 CANPAC expressed interest in seeing new development and redevelopment along the area’s commercial corridors be mixed use. . . . Stakeholders in the Hancock Neighborhood Planning Area also chose the Mixed-Use Combining District, which allows either commercial, residential (single or multifamily), a commercial and a residential use on the same lot, or a building similar to the Neighborhood Mixed-Use Building.

- 1. **Objective 5.9 (Hancock Neighborhood Planning Area):** 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 41<sup>st</sup> 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. The corridor has been identified as an area where mixed-use development/redevelopment is desirable.

- (a) **Recommendation 20:** Add pedestrian amenities such as additional street trees and contiguous sidewalks to both sides of 41<sup>st</sup> Street.

- **Note:** We will work with the City of Austin and the Parks and Recreation Department to add sidewalks, curbs, bike lanes, and parallel parking along 41<sup>st</sup> Street. We will also explore options to add a raised median and/or crosswalks on Red River Street. We will seek a license from the City of Austin to irrigate, landscape, and maintain the public right-of-way adjacent to the property on 41<sup>st</sup> Street and Red River Street.

D. **Goal Five** – Provide a safe environment and opportunities for all modes of transport.

- 1. **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.

- **Note:** The improvements described in the response set forth immediately above will serve to enhance and support this objective.

- 1. **Objective 5.16:** Limit the volume of non-resident parking in predominantly single-family neighborhoods.

- **Note:** Development of the property will comply with all City parking requirements subject to shared parking arrangements between uses.

1. **Objective 5.17:** Develop parking management strategies that accommodate the needs of neighborhood businesses and keep unwelcome commercial parking out of single-family neighborhoods.

- **Note:** See response set forth immediately above.

**E. Goal Six** – Enhance and preserve existing open space, parks, and the natural environment.

1. **Objective 6.4:** Increase and preserve greenspace—pocket parks/ neighborhood greens, creek beds, public right-of-ways, etc.—in areas where it is needed and desired.

- **Note:** The urban village relies on significant neighborhood pocket parks/neighborhood greens and related greenspace. The urban farm located among the floodplain enhances that open space and provides an attractive amenity for the neighborhood.

**COMMODORE PERRY ESTATE**  
**COMMITTEE FINDINGS**

Below is a list that the Hancock Zoning Committee would seek answers to when considering a zoning and/or plan amendment request. Please find our responses listed as “Note” under each consideration.

1. The existing zoning conflicts with, or is in line with, specific provisions of the Neighborhood Plan and Future Land Use.
  - Note: The existing zoning does not conflict with provisions in the Neighborhood Plan and Future Land Use map.
2. The proposed zoning change conflicts with specific provisions of the Neighborhood Plan and Future Land Use provisions.
  - Note: A neighborhood plan amendment is needed to change the future land use designation to comport with the proposed zoning change. The Commodore Perry Estate Project Information document details how the proposed development fits into the neighborhood and supports Neighborhood Plan Goals and Recommendations.
3. The direct neighbors affected by the variance are in support, neutral or against the request.
  - Note: We will continue meeting with Hancock Neighborhood Association and CANPAC members to discuss the project and address concerns.
4. The impact of the proposal on the quality of life of the immediate neighbors will be higher with the proposed zoning.
  - Note: The proposed redevelopment will increase the quality of life of the immediate neighbors as a result of the proposed rezoning. The development will stabilize the surrounding neighborhood and encourage quality restoration of surrounding single-family homes and redevelopment of existing commercial properties in the area to higher-quality uses. The conditional overlays imposed as part of the rezoning ordinance, development restrictions established as part of any recorded restrictive covenants, historic zoning development regulations, other development regulations applicable to the project, and the unique nature and quality of the development proposed for the estate will all serve to stabilize surrounding land-uses. A sustainable use for the Perry Estate that respects and enhances the historic role of the Estate in the neighborhood and respects the established neighborhood character will increase the desirability of the surrounding area as doubts about the future of the Perry Estate are resolved. The Perry Estate is a unique property (ten acres with historically significant improvements) in the City, and as such requires and justifies zoning appropriate to ensure its stabilization and preservation for existing and future residents of the neighborhood and the City. The addition of a farm-to-table fine dining restaurant, and an urban farm designed with somewhat formal garden structure that is not only productive but is also an aesthetic amenity for residents and guests would enhance the livability of the neighborhood.

5. The proposal has adequately mitigated the impact on the quality of life of the immediate neighbors.
  - Note: See response set forth in #4, above. The proposed development has adequately mitigated the impact on the quality of life of the immediate neighbors. Vegetative buffer, screening, and fencing will be constructed along the north and western property line adjacent to single family residences to meet or exceed standards required by City compatibility regulations. The existing perimeter wall will be restored and preserved. Construction of new walls/vegetative buffer will be completed as a construction first phase priority, within 180 days following commencement of initial construction. The project will comply with compatibility provisions (see summary below) and the sound/noise ordinance provisions set forth in the City of Austin Land Development Code.
6. The proposal has adequately compensated for the impact on the quality of life of the immediate neighbors.
  - Note: See responses set forth in #4 and 5 above. The proposal has adequately compensated for any impact on the quality of life of the immediate neighbors. Numerous improvements will be made to 41<sup>st</sup> Street that will enhance the pedestrian, bicycle, and vehicular mobility for the neighborhood. We will coordinate with the City of Austin and the Parks and Recreation Department to landscape and perform other aesthetic improvements to 41<sup>st</sup> Street and Red River.
7. The overall positive impact of the proposal on the neighborhood significantly outweighs the negative impact on the immediate neighbors.
  - Note: See responses set forth in #4 through 6 above. The overall positive impact of the proposal on the neighborhood significantly outweighs the negative impact on the immediate neighbors.
8. The proposed zoning will not negatively impact a City of Austin designated historic building or structure.
  - Note: We will add historic (H) zoning to the mansion, south garden, carriage house, cottage, bowling alley, and bridge at the same time as the community commercial (GR) zoning – this will require City Historic Landmark Commission review of any modifications to those structures. Additionally, we intend to do the restoration work on the 1928 buildings in coordination with a restoration architect and the Texas Historic Commission and the National Parks Service.
9. Based on information in the request, a change to the Neighborhood Plan or Future Land Use should be considered.
  - Note: As mentioned above, a neighborhood plan amendment is needed to change the future land use designation to comport with the proposed zoning change.

The Commodore Perry Estate Project Information document details how the proposed development fits into the neighborhood and supports Neighborhood Plan Goals and Recommendations.

10. The proposal adequately ensures that the project will not be implemented or used in a different way than intended.

- Note: The rezoning ordinance will eliminate those uses otherwise permitted under GR zoning that are not necessary to the project. Recorded restrictive covenants will burden the property and run with the land, thereby making the restrictive covenants applicable to any successor owner of the property. City Historic Landmark Commission review will be required of any modifications to the structures zoned historic (H).

**Summary Article 10, Austin Land Development Code (Compatibility Standards)**

Development of the Commodore Perry Estate along northern and western property line adjacent to single family residences will follow the compatibility provisions set forth in Article 10, City of Austin Land Development Code summarized below.

1. HEIGHT LIMITATIONS AND SETBACKS

- a. No structure may be built within 25 feet of the SF property line.
- b. No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- c. No structure in excess of three stories or 40 feet in height may be constructed more than 50 feet and not more than 100 feet of the property line.
- d. For structures between 100 to 300 feet from property line, increase 1 foot in height for 10 feet of setback.
- e. For structures between 300 to 540 feet from property line, increase 1 foot in height for 4 feet of setback.

2. SCALE AND CLUSTERING REQUIREMENTS

- a. Except for good cause (massing and scale of buildings in accordance with compatibility standards), the first tier of buildings in a mixed use project must be clustered in a group that is not more than 50 feet wide.
- b. The depth of the first tier of buildings may not exceed 60 feet.
- c. A building must be at least 5 feet apart from another building.
- d. Clustering/scale requirements do not apply to a private or public primary educational facility.

3. SCREENING REQUIREMENTS

- a. Screening comprised of a fence, berm, or vegetation must be provided to screen adjoining SF property from views of off-street parking, mechanical equipment, storage, and refuse collection.
- b. If a fence is provided for screening, the height of the fence may not exceed 6 feet, except as otherwise permitted by fencing accessory use provisions. Accessory use fence regulations provide that 8' solid fence is allowed between commercial and residential, and no height limit on ornamental fencing (defined as fence with an open design and ratio of solid material: open space of no more than 1:4). Coordinate with immediately

adjacent neighbors to specify what sort of buffering they desire – solid fence, ornamental fence, vegetative, combination.

- c. The owner must maintain a fence, berm, or vegetation provided under this section.

#### 4. DESIGN REGULATIONS

- a. Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent SF property.
- b. The noise level of mechanical equipment may not exceed 70 db at the property line.
- c. Refuse receptacle, including a dumpster, may not be located 20 feet or less from SF property.
- d. 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.
- e. 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.
- f. 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.
- g. No parking or driveways are allowed within 25 feet of SF property line.

## COMMODORE PERRY ESTATE

### Summary Overview Rezoning and Related Applications/Restrictions

1. The proposed project requires the following primary applications/procedural steps with the City of Austin:
  - (a) Neighborhood plan amendment requiring approval by Planning Commission and City Council with public hearings.
  - (b) Historic zoning case requiring approval by Historic Landmark Commission, Planning Commission, and City Council with public hearings.
  - (c) Rezoning case requiring approval by Planning Commission and City Council with public hearings.
  - (d) Conditional Use Permit requiring approval by Planning Commission.

Generally speaking, applications will be filed concurrently (except for Conditional Use Permit), and will be reviewed concurrently by the pertinent Commissions and City Council.

2. Rezoning Application with Conditional Overlay (CO) Combining District. The rezoning application will include a number of conditional overlays (CO). The purpose of a CO as part of rezoning ordinance is to modify use and site development regulations (to make them more restrictive, not less restrictive) to address the specific circumstances presented by a site. Per the City Code, a CO is used to:
  - (a) promote compatibility,
  - (b) ease the transition from one base district to another,
  - (c) address land uses or sites with special requirements, and
  - (d) guide development.
3. Development regulations will be contained in private restrictive covenants with the Hancock Neighborhood Association recorded against the property. The project must also comply with many development regulations set forth in the existing Hancock Neighborhood Plan as well as those established by City Code (including compatibility regulations, sound/noise ordinance). The regulations set forth in the CO and private restrictive covenants for the project in many instances are more stringent/exceed the requirements of the City code and of the existing Hancock Neighborhood Plan.