

# **Meeting Minutes for Perry Special Committee Meeting**

**On Wednesday, 11-7-2012**

**Time and Place: 8:00 at the Hancock Rec. Center**

## **Meeting Minutes as Follows:**

### **1. 8:00 - Open communication on any non-agenda items**

- a. Mark Burch asserted that he felt the developer could accomplish his goal by still keeping residential zoning for the area West of the wall, rather than having to classify the entire site as commercial.
  - i. Mark said that “the developer wants flexibility, and I don’t want him to have any flexibility.”
- b. Mark Burch raised a few issues concerning the legality of the event parking on the front lawn of the Perry Estate.
  - i. Mark thinks this constitutes a violation of the Residential Front Yard Parking Ordinance with the City of Austin
    1. <http://www.austintexas.gov/department/front-yard-parking>

### **2. 8:05 – Review of Survey Results**

- a. Reed read off the survey results from the Perry Estate Survey that closed on October 31<sup>st</sup>.
  - i. Mr. David Hartman, Clark Lyda’s attorney, was present at the reading.
  - ii. The survey results are available on the HNA Website.

### **3. 8:25 – Committee’s Open Discussion with David Hartman**

- a. Reed opened the discussion by acknowledging the feedback that the Committee has received from the neighbors so far. Reed mentioned that the committee has received valuable feedback through the following media, which he had previously presented to Mr. Hartman the day before at a meeting between the two of them over coffee:
  - i. Feedback from The Perry Estate Survey
  - ii. Feedback from Statements made by neighbors in emails and past meetings, much of which focused on the issue of Outdoor Amplified Sound and Commercial Zoning for the Property.
  - iii. Position Statements from many of the neighbors who live within 200’ of the border of the Perry Estate, which asked the neighbors to agree or disagree with the following statement: “We oppose any change from single family zoning for the property known as the Perry Estate.”

1. Reed said the responses that were given to him were unanimous in agreeing with the statement, though he did not have responses from all of those residents who fall within the 200' border of the Perry Estate
- b. Carolyn Palaima asked David to indeed clarify that the ultimate plan which could be implemented would not necessarily be the plan that we have been presented with most recently.
  - i. David seemed to think that was an accurate statement, and there was some further discussion about Clark's statement from the Oct. 17<sup>th</sup> meeting in which he said something to the effect of, "the ultimate plan will consist of the Mansion/Events Center on the upper grounds combined with some combination of one or all of the following:
    1. Hotel, Senior Living, Residential
- c. There was some discussion over whether or not Amplified Sound was negotiable
  - i. David Hartman essentially asked the committee to present to Clark some acceptable restrictions on location of the amplified sound and hours of operation for amplified sound that could in fact be more strict than the City Code allows, and which could be enforced by the use of Private Restrictive Covenants
  - ii. There was some brief discussion as to whether or not they would be willing to limit the # of events per month, but no definitive answer was given as conversation ran a little wild.
- d. Some concerned neighbors spoke to a lack of respect when it comes to the "loud" events that had been held at the property each of the preceding two weekends, and the sincerity of the developers desire to mitigate the sound issue for neighbors was called into serious question.
  - i. David Hartman encourage the neighbor to seek recourse through the City of Austin sound ordinance, offering up again the notion that the Private Restrictive Covenants could be a useful tool to further limit the restrictions on sound at these types of events.
- e. Reed asked to David to clarify possible uses the developer may pursue under the current zoning should he not be granted the use/zoning change
  - i. David Hartman said while these uses are only "possible" but not necessarily intentions for a back up plan at this time, he could envision a scenario of maximizing the duplex lots on the property or leasing the property to a Church and School such as Hyde Park Baptist.

**4. 8:50 – Mr. Hartman was thanked for Coming and Left the Meeting, and the Committee began discussions with Maureen Meredith and Carol Gibbs, two employees from the City of Austin.**

- a. Maureen Meredith, a Senior Planner and Plan Amendment Case Manager at the City of Austin, described two neighborhoods which employ two different strategies when it comes to approving out of cycle filings to amend a neighborhood plan or the Future Land Use Map (FLUM).

- i. She described how the Oak Hill Neighborhood Contact Team allows just about all out of cycle filings to move forward. Maureen provided the committee with a sample letter for language that has been used by the Oak Hill Neighborhood Contact Team before, which reads, *“The Oak Hill Neighborhood Planning Contact Team (OHNPCT) held a meeting in accordance with our bylaws to consider a request by the owner of the property located at \_\_\_\_\_ to initiate the plan amendment process with NPZD out of cycle. The request to submit an out of cycle application was approved by the OHNPCT. The requested change was discussed but no vote was taken with respect to the specific change, only the request to submit out of cycle was approved at this meeting.”*
  - ii. Maureen also described the decidedly different approach that the Brentwood Neighborhood planning contact team employs. She said that they don’t allow any out of cycle applications, and that their cases tend to drag out more so than those of Oak Hill.
- b. Maureen Meredith also clarified that the plan amendment application expires 181 days after it has been filed, and that this timeline is the same whether there is any out of cycle application or not.
  - i. So, in other words, whether or not Clark Lyda receives neighborhood support to file a plan amendment before February (out of the regular cycle), OR whether he files in February regardless of neighborhood support (which is the City’s allotted time for doing so), the allotted time for the application will be the same either way, 181 days.
- c. Maureen also said that with a big case, like the Perry Estate, it is advisable to leave the neighborhood as much as time as possible to work out an acceptable deal with the developer.
- d. Maureen and Carol Gibbs further emphasized their point that CANPAC certainly prefer for the developer and the neighborhood to have worked out a deal prior to the Planning Commission Meeting.

**5. Committee discussed whether or not we had a unanimous recommendation regarding a vote on the Out of Cycle Filing by the developer for a Plan Amendment to the Future Land Use Map.**

- a. After discussion, the committee decided it was advisable to remove the Vote from the November 14<sup>th</sup> meeting on whether or not to approve the developer’s request for an out of cycle filing to the FLUM.
  - i. It was decided that there was very little likelihood the neighborhood would approve the out of cycle filing at this time, based on the feedback the committee has received thus far from neighbors.
  - ii. The committee decided that the best course of action moving forward, would be to attempt to negotiate a better plan with the developer for the future use of the Perry Estate.
    - 1. It was noted that, in addition to being charged with the task to “negotiate with the owner for the development and

zoning of the Commodore Perry Estate,” the committee “shall make recommendations for the satisfactory agreements and safeguards on land use, and shall address the concerns and requirements identified by HNA members.”

- a. These concerns and requirements have been presented to the Perry Special Committee by many neighbors via emails, orally at meetings, and through the survey results.
- b. It is also worth noting that “final adoption of the plan will be voted on by the general membership at a future meeting.”

**6. Meeting was adjourned around 9:40 p.m.**