

Meeting Minutes for Perry Special Committee Meeting

On Wednesday, 10-17-2012

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. There was nothing of note communicate here.

- 2. 8:05 - Introduction of Community and Regional Planning Program at UT**
 - a. Mr. Lee spoke about the changing landscape of Austin's central neighborhoods and how to deal with the change/growth. (Mike, or someone, please provide us more specifics here on Mr. Lee and his speech). Mr. Lee mentioned some upcoming workshops:
 - i. Vision Workshop: 10-23-12
 - ii. Design Charade: 11-15-12
 - iii. Open House: 12-6-12

- 3. 8:10 - Review notes and minutes from prior meeting**
 - a. Reed reviewed the notes from the previous meeting on 10-3-12. He went over the preliminary traffic study count, provided to us by David Hartman at Oct. 3rd meeting. The developer has procured the services of HDR Engineering for this study.
 - i. The current results of the HDR Traffic Study are available on the HNA website.
 - b. Reed also recapped the presentation from Chad Hemel, with JE Acoustics, from the Oct. 3rd meeting.

- 4. 8:15 - 20 Minute Presentation of Proposed Plan by Clark Lyda**
 - a. Clark spoke first to his youth and what it was like growing up and playing on the Perry Estate grounds, where he attended school in his youth.
 - b. Clark spoke to the idea of change, and used the Hyde Park Duval Center as an example of a commercial change that was, in its time, a contentious development, but has since become a staple for neighborhood residents.
 - c. He Quickly recapped the previous Hotel Plan from 2010, but ultimately said that this plan was tabled due to 2 major issues amongst neighborhood members:
 - i. Change to Commercial Zoning
 - ii. Service Road along the northern boundary of the property

- d. Clark also noted that there was school in the original hotel plan, but that Sri Atmananda went out of business and as a result, the school idea was removed from the plan.
- e. Clark spoke briefly to the repairs at the mansion, reminding those in attendance of the state of the mansion before he made the repairs to it throughout the 2011 year.
- f. Clark also mentioned that his architect who came up with the design for the current proposed plan, Ross Chapin, came into town "Multiple Times", but did not say how many times exactly.
- g. Clark then spoke to the current proposed plan, but made it clear that the state of the proposed plan is hypothetical at this point, and that they are rather focusing on the general "Use" categories for the property, but that the ultimate plan would be some combination of
 - i. He noted that that there are over 2 acres in the floodplain
 - ii. The buildable area is less than ½ of the total property area
 - iii. He noted that the current plan calls for roughly 60 Single Family Residences, but that they would not be like stand alone houses
 - iv. He noted that the large commercial building ("the purple building") could be a likely spot for the restaurant.
 - v. There would be up to 15 overnight rooms
 - vi. Clark noted that the anticipated total building area of his proposed plan would be about 160,000 sq.ft., but that he could, per code, build up to 350,000 sq.ft.
 - 1. These assertions need to be fact checked.
 - vii. Clark concluded saying that he and his team thought that this current plan was a concession for them with regards to the Hotel Plan, but that they have since discovered that there are many people in the neighborhood who see it as far worse than the hotel plan.
 - viii. Chad Hemel, with JE Acoustics, briefly spoke to the nature and procedure of the sound analysis that he is performing on the property. Chad said the study should be complete in a few weeks time and will be made available to the Perry Estate Special Committee at that time.
 - ix. Clark clarified that he told JE Acoustics, "You're the expert, you tell us how to do this," and that the only criteria he asked JE Acoustics to use when assessing the projected noise levels was to be the noise coming from the anticipated Weddings and Private Events. Clark said this means Chad will be considering noise levels coming from a typical musical group that one might see at a wedding.
 - 1. Clark also said that there would be no music at the restaurant.
 - x. At this time, one of the neighborhood residents asked Clark to explain the amplified rock and roll sound that was coming from the mansion in the hours leading up the meeting that very night. The neighbor said that he lives nearby, and could hear the amplified music from his house, and that it was not a good sign that

something like this was happening now, of all times, despite Clark's seemingly best efforts to prevent such things from happening.

1. Clark responded and said that the noise was coming from the new Terrence Malick film that was being filmed at the mansion that day. Clark said that he signed the contract with the film crew, and that the language specifically included language that prohibited such a thing from occurring.
2. The neighbors seemed dismayed and angry at this, and used this as a prime example of what could become a constant issue for the neighborhood should special events and weddings be held on the mansion property with regularity, much less a film crew with a Residential Film Permit.

5. 8:35 - 30 Minute Q&A with Clark Lyda

- a. The committee provided Clark with a number of questions, many of which were posed by neighborhood residents. Those Questions and Clark Lyda's answers can be found on the website next to these meeting minutes.
- b. Neighborhood Residents also asked a few questions. One resident in attendance asked Clark if he had a plan b for the mansion in the case of a scenario which would NOT allow amplified sound. Clark Lyda said that he had no plan B for the mansion, and that amplified sound is crucial to the business model. The resident who asked the questions was deeply concerned about this.
- c. Bruce Fairchild asked Clark what would happen if, sometime in the future, Clark decided to sell the property. Bruce was essentially wondering if this hypothetical new developer would be able to apply any number of other possible commercial uses to the property, meaning those which Clark might not necessarily pursue but which could be allowed under the zoning change. Clark and David Hartman began discussing overlays with Bruce, and how the overlay restrictions would run with the land, even if a new developer came along. David and Clark essentially said that any new developer would have to go through the same process that they are going through now if the new developer wanted to reach outside the zoning category established under the proposed zoning change or if the new developer wanted to apply certain uses to the property that would conceivably be restricted through the overlays that Clark negotiates with the neighborhood for his current plan.

6. 9:05 – The committee was intending on asking the developer to leave and to have a neighbor who lives within 200' of the property line to give a speech about how the impending redevelopment of the Perry Estate will affect them. The committee was unable to secure a speaker for this part of the meeting, so Reed decided to open up the floor to neighborhood residents who wanted their opinions heard. Reed asked that each person keep their speech to no more than 2 minutes, so everyone would have a turn to speak.

- a. The discussion centered around Amplified Sound for the most part. Multiple area residents spoke to their grave concerns about the anticipated noise coming from the mansion via amplified sound, and there was some discussion that also focused on whether non-amplified sound (e.g. brass or sting instruments) could be just as loud perhaps.
- b. There was more discussion on how we might enforce restrictions. There was talk of PRC's (Private Restrictive Covenants), but there was much concern about the ability to enforce these PRC's, as the neighborhood would have to take the property owner to court every time the covenant is broken. The major concerns over this are the cost and the time it takes to do this. Enforcement could not happen on the spot in other words, but would have to happen long after the offense in a court of law.

7. 9:35 - Meeting was adjourned